




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

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

AGENDA

Regular Council Meeting 2020-34 Thursday

**October 1, 2020 - 7:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Three (3) vacancies on the Disaster Relief Committee.++
2. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++
3. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).+
4. One (1) vacancy on the Code Enforcement Board.+
5. 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 'real estate professional').+

AGENDA REVISIONS:

CONSENT AGENDA:

1. Adoption of Minutes: Special Council Meeting 2020-29; September 9, 2020.
2. Adoption of Minutes: Special Council Meeting 2020-30; September 10, 2020.
3. Adoption of Minutes: Regular Council Meeting 2020-32; September 17, 2020.
4. Award of Bid: Road bond paving, Unit 46 road paving – IFB 77-0-2020 – Public Works Department (Asphalt Paving, Inc. - \$2,306,763).
5. Miscellaneous: 'Other Agency' term contracts utilized for Fiscal Year 2020-

2021 'as needed' purchases of equipment, services and materials – multiple city departments.

6. Resolution 2020-52, amending Resolution 2019-40, by extending the commencement period of the conditional use granted for retail sales of agricultural products in RR (Rural Residential District) zoning (Case CU-20-2019, Anna Hutson).
7. Consideration of amending Council Policies and Procedures by modifying public comments at workshops and special meetings.
8. Consideration of a budget amendment to record additional program income revenue (\$53,086) and the appropriation of funds for the HOME Down Payment Assistance Program for eligible first-time homebuyers (\$53,086 of income revenue; \$5,000 in reserves).
9. Consideration of travel and training for specified City employees (Fire Department).

PUBLIC COMMENTS/RESPONSES:

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

PUBLIC HEARINGS:

1. Ordinance 2020-63, amending the Code of Ordinances, Chapter 37, Growth Management Department, by removing references related to the Building Division, final reading.
2. Ordinance 2020-64, amending the Code of Ordinances, by creating Chapter 40, to be titled "Building Department", final reading.
3. Ordinance 2020-65, vacating a portion of the rear public utility and drainage easement located within Lots 8 and 9, Block 2063, Port Malabar Unit 46 (Case VE-12-2020, Ronald Giscombe), final reading.
4. Ordinance 2020-67, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Planned Unit Development (PUD)', by establishing language that will permit tiny homes on wheels and revising provisions contained therein (Case T-21-2020, City of Palm Bay), first reading. (Deputy Mayor Johnson)
5. Ordinance 2020-68, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of an adjacent to Alegriano Road, in the vicinity east of Jupiter Boulevard, from Recreation and Open Space Use to Single-Family Residential Use (1.55 acres)(Case CP-7-2020, M. David Moallem), only one reading required.
6. Ordinance 2020-69, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located southeast of and adjacent to Firestone Street, in the vicinity north of the Melbourne Tillman Water Control District Drainage Canal 51, from Recreation and Open Space Use to Single-Family Residential Use (1.59 acres)(Case CP-8-2020, Jared and Megan Cooper), only one reading required.
7. Ordinance 2020-70, granting approval of a Final Development Plan for a

proposed single-family residential Planned Unit Development (PUD) to be known as 'Chaparral Phase II' on property located west of and adjacent to Melbourne Tillman Drainage District Canal 9, in the vicinity south of Malabar Road (13.24 acres) (Case FD-10-2020, Chaparral Properties, LLC) (Quasi-Judicial Proceeding), first reading.

8. Request by Rook at Palm Bay, LLC, for Final Subdivision approval of a commercial and multi-family residential subdivision to be known as "Crown Square", with requests for waivers from Section 184.18(B), Palm Bay Code of Ordinances, to allow for the reduction of a proposed road right-of-way width and cul-de-sac radius, 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 FS-1-2020) (Quasi-Judicial Proceeding).
9. Request by Luis and Tammy Sanchez for a variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback (0.46 acres) (V-22-2020) (Quasi-Judicial Proceeding).
10. 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. (WITHDRAWN)

PROCUREMENTS:

1. Award of Proposal: State lobbying services – RFP 67-0-2020 – Community and Economic Department (Sunrise Consulting Group - \$48,000).

COUNCIL REPORTS:

NEW BUSINESS:

1. Resolution 2020-38, providing for the acceptance of real property conveyed to the City by the Brevard County Board of County Commissioners, located at the intersection of the St. Johns Heritage Parkway and Babcock Street.
2. Consideration of request from The House Family Ministries, Incorporated, for the City to co-sponsor its 12th Annual Christmas Extravaganza.
3. Consideration of: a.) providing an exception to Section 4 of the lease agreement for 2230 Washington Street NE with Little Growers, Inc.; and b.) a lease agreement with Little Growers, Inc., for the use of vacant, unimproved City-owned property located at 2230 Washington Street NE (\$12 annually).

ADMINISTRATIVE AND LEGAL REPORTS:

PUBLIC COMMENTS/RESPONSES: Speakers are 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 October 1, 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. 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

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 10/1/2020

RE: One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).+

My office has been advised that one (1) vacancy exists on the above subject board as Alexzander Owens has resigned from the board.

The Youth Advisory Board is comprised of nine (9) high school students and three (3) adult members. Mr. Owens represented the 'at-large student member' position. The individual appointed to the position will complete the remainder of Mr. Owens' term, which expires February 21, 2021.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for vacancy to be announced and applications solicited at tonight's meeting. An appointment will be made at the regular Council meeting to be held on November 5, 2020.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 10/1/2020

RE: One (1) vacancy on the Code Enforcement Board.+

My office has been notified that one (1) vacancy exists on the above subject board as David Wills has resigned from the board.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for vacancy to be announced and applications solicited at tonight's meeting. An appointment will be made at the regular Council meeting to be held on November 5, 2020. The individual appointed to the position will complete the remainder of Mr. Wills' term, which expires February 28, 2022.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 10/1/2020

RE: 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 'real estate professional').+

My office has been advised that one (1) vacancy exists on the above subject board as Kathleen Hogan has been removed due to excessive absences. Ms. Hogan represented the 'real estate professional' position.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for vacancy to be announced and applications solicited at tonight's meeting. An appointment will be made at the regular Council meeting to be held on November 5, 2020. The individual appointed to the position will complete Ms. Hogan's term, which expires on June 15, 2023.



LEGISLATIVE MEMORANDUM

DATE: 10/1/2020

RE: Adoption of Minutes: Special Council Meeting 2020-29; September 9, 2020.

ATTACHMENTS:

Description

Minutes - SCM 2020-29

CITY OF PALM BAY, FLORIDA

SPECIAL COUNCIL MEETING 2020-29

Held on Wednesday, the 9th day of September 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 6:00 P.M.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present (Late)
COUNCILMEMBER:	Brian Anderson	Present
ACTING CITY MANAGER:	Suzanne Sherman	Present
DEPUTY CITY ATTORNEY:	Jennifer Cockcroft	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Angelica Collins, Fiscal Manager.

COMMENTARY BY STAFF:

1. Statement regarding tax rate.

Ms. Sherman stated the proposed tax millage rate was 8.1379, which was a 6.5% increase over the rollback rate. The percentage increase being above the three percent (3%) cap was caused by new construction being excluded from the three percent (3%) cap.

Contributing to the operating millage rate increase over the rollback rate were: actuarial requirements to increased Police and Fire pensions; increased debt service payments; funding of high priority and critical needs, including contractual requirements with Johnson Controls, Honeywell, Florida Power and Light street lights and solar programs, burglar alarm monitoring, septic and sewer pump-outs, and temporary employment

services; one Housing Development full-time employee (FTE) position; Road Maintenance funding; and transfer of personnel service expenditures, including five (5) engineering and administration FTE positions and eight (8) mowing staff FTE positions, along with associated operating expenditures from the Stormwater Utility Fund to the General Fund.

Ms. Sherman advised that the City had adopted a tentative debt millage rate of 0.7516 for the next fiscal year. The debt millage rate would generate estimated revenues of \$3,527,298 based on the gross taxable value certified by the Brevard County Property Appraiser. These revenues were restricted and designated for the payment of the General Obligation Bonds, Series 2019, debt service payment of \$3,527,750 due in the Fiscal Year 2021 budget year.

Councilman Bailey joined the meeting at this time.

PUBLIC HEARINGS:

1. Discussion of the tentative millage rate for tax year 2020 and City Manager's summary of proposed budget for Fiscal Year 2020-2021.

The public hearing was opened.

Ms. Sherman advised that the proposed budget was built on the 3% cap rate of 7.8378 mills. She highlighted areas of the proposed budget and stated that the public could review budget related information on the City's website at www.palmbayflorida.org/fy21budget.

Mr. Bailey asked for confirmation on rollback rate. Mrs. Collins answered that it was 7.6415, which exceeded the advertised tentative millage rate of 8.1379 by 6.5%. The proposed budget was based on a millage rate of 7.8378, which exceeded the rollback rate of 7.6415 by 2.57%. Mr. Bailey said it would be a 2.57% tax increase. Mrs. Collins confirmed same.

Mr. Bailey asked if the monies from previous budgets that exceeded the 3% cap were taken out of post years' budgets. Ms. Sherman answered in the negative. Mr. Bailey did not feel that was the intent of the City Charter. He said that, for example, if the cap was exceeded by \$1 million for hurricanes or other critical needs and those dollars were not spent, then that funding should not be placed in the following year's budget to be spent elsewhere.

The public hearing was closed.

PUBLIC COMMENTS:

Public comments were heard under the items of business.

BUSINESS:

1. Consideration of the tentative millage rate for tax year 2020; re-computation, if needed, and announcement of tentative millage rate and percentage increase over rolled-back rate.

Ms. Sherman said that the tentative millage rate was set at 7.8378, which exceeded the rollback rate by 2.57%. There were no changes; therefore, no re-computation was needed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to set the tentative millage rate at the 3% cap rate at 7.8378.

Mr. Bailey said that he had communicated with other municipalities and they were going with the rollback rate or lower, which he supported. He did not feel that the rollback rate should be exceeded.

Motion carried with members voting as follows:

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

2. Ordinance 2020-59, amending the Code of Ordinances, Chapter 200, Utilities Code, by adjusting the rates, fees, and charges for the City's utilities system and services, first reading.

The Deputy City Attorney read the ordinance in caption only.

Mayor Capote said that the rate increase was typically 4% but was proposed at 2%. Ms. Sherman confirmed same.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-59.

Councilmembers thanked staff for limiting the amount of the rate increases. Mr. Santiago said that due to the circumstances, he had hoped there would be no increase for the next fiscal year, and then continue with the 4% increase thereafter.

Mr. Bailey said that with the expansion of the South Regional Plant, there were millions in debt service payments that had to be paid on borrowed money, yet there was no development. He said that other fees had been implemented over the years and existing fees had been significantly increased. He felt the City should be able to give taxpayers a break and did not support the request.

Motion carried with members voting as follows:

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

3. Ordinance 2020-60, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Miscellaneous Provisions', by adjusting the permit fees and other charges related to the City's utilities wastewater system, first reading.

The Deputy City Attorney read the ordinance in caption only.

Ms. Sherman advised that the recommended rate increase was 5% and staff had proposed a 2.5% increase, which was included in the ordinance.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-60.

Motion carried with members voting as follows:

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

4. Ordinance 2020-61, amending the Code of Ordinances, Chapter 202, Reclaimed Water, by adjusting the rates, fees, and charges for reclaimed water, first reading.

The Deputy City Attorney read the ordinance in caption only.

Ms. Sherman advised that the recommended rate increase was 5% and staff had proposed a 2.5% increase, which was included in the ordinance.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-61.

Motion carried with members voting as follows:

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

5. Ordinance 2020-62, adopting the final budget for Fiscal Year 2020-2021, first reading.

The Deputy City Attorney read the ordinance in caption only.

Ms. Sherman stated that the total budget was \$225,293,423 and was built on the 3% cap rate of 7.8378, which exceeded the rollback rate by 2.57%.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-62.

Mr. Bailey said there were a lot of increases being placed on the taxpayers but there was a healthy Fund Balance. He asked that police vehicle dashboard and body cameras be included in a future budget. Deputy Mayor Johnson supported Mr. Bailey's comment regarding cameras for the Police Department and said that the pilot program for the body cameras was underway. Mr. Bailey thanked staff for including Police Officer training pay in the budget.

Motion carried with members voting as follows:

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

There being no further business, the meeting adjourned at the hour of 6:38 P.M.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK



LEGISLATIVE MEMORANDUM

DATE: 10/1/2020

RE: Adoption of Minutes: Special Council Meeting 2020-30; September 10, 2020.

ATTACHMENTS:

Description

Minutes - SCM 2020-30

CITY OF PALM BAY, FLORIDA
SPECIAL COUNCIL MEETING 2020-30

Held on Thursday, the 10th day of September 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 6:00 P.M.

ROLL CALL:

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

Ms. Sherman announced that the applicant had requested a continuance of Items 1 and 2, under Public Hearings, to Thursday, December 10, 2020, at 6:00 P.M.

Mr. Bailey said the item had been tabled once and three of the councilmembers would no longer be on Council in December. He felt Council owed it to the residents to consider the requests and asked that the applicant state the reasons for the continuance.

Mayor Capote felt that both parties had rights and asked the City Attorney to provide input. Ms. Smith said that due process rights should be afforded as the applicant may have reasons that would prohibit them from presenting their cases, and Council should consider those reasons.

Robert Schwerer, attorney representing the applicant, read the request for continuance letter into the record. He said that an administrative appeal hearing had been filed by Ken Smith seeking to rescind the plat of a minor subdivision recorded by the applicant. He said that although the cases on tonight's agenda and the appeal hearing were independent of each other, there would be unnecessary confusion, distraction and substantial discussion required unless Mr. Smith's appeal was heard first by City Council.

Mr. Schwerer added that the continuance would allow for the applicant's representatives and experts to reconsider matters specifically relating to the rezoning issue with City staff, which discussions were intended to lend clarity and provide the City Council with additional information for consideration when the land use and rezoning matters returned for formal hearing. He said there was nothing being proposed tonight that would prejudice the neighbors. He added that he was not available until December due to various trials.

Ms. Smith said that as Council had heard the reasons for seeking a continuance, it was Council's discretion to grant the continuance. There were three factors to consider to determine if Council abused its discretion: a) whether the movant suffered injustice from denial of the motion; b) whether the underlying cause for the motion was unforeseeable by the movant and whether the motion was based on dilatory tactics, and c) whether the opposing party would suffer prejudice and injustice if the motion was granted.

Mr. Bailey asked if the administrative appeal and tonight's cases were related. Ms. Smith answered in the negative. Mr. Bailey said it was stated by Mr. Schwerer that Council must grant the continuance. Ms. Smith said she could not rule in place of Council's decision, but Council had to consider the three factors as stated. Mr. Bailey said that in his discussions with Ms. Smith, it was stated that it was not mandatory. He said the public needed to be aware that this was not something that Council must do. Council only had to consider the request based on the parameters. Mr. Bailey said he did not feel there was any real prejudice to moving forward, there was no rebuttal from either side, and the appeal hearing, and these cases did not affect one another. He felt it was a delay tactic to hold off until December.

Mr. Santiago asked for clarification on the three factors of abuse of discretion. Ms. Smith explained the factors. Mr. Santiago asked Mr. Schwerer if he was available on any other dates. Mr. Schwerer responded that his availability was extremely limited due to out-of-state trials and depositions. He said that Mr. Smith used the tactic of filing the administrative appeal at the last minute when he had sixty (60) days to do so. The applicant was not made aware of the appeal hearing until September 1st. He said that Mr. Smith was attempting to relate all of the cases and this was one of the circumstances that was unforeseeable. There was no prejudice to the opposition.

Mr. Santiago was inadvertently disconnected from the virtual meeting.

Mr. Anderson said the process had gone on for far too long but understood the legal ramifications if the continuance was not granted. He felt it was unfair to the residents.

Deputy Mayor Johnson said that he understood each councilmember's point of view, but the Charter Officers should not be making the decisions for Council. He said that the affected residents should be kept in the loop and to move forward with the continuance.

Mr. Bailey said that the applicant had every obligation to be prepared to move forward tonight. He said that Mr. Smith's appeal was not related to these cases and he did not agree with tabling the cases for another three months.

Mr. Bailey asked if the public would be allowed to speak. Mayor Capote said it was a request to continue, not to discuss the cases on the agenda. It was Council's decision to permit comments. He did not feel that a continuance would hurt anyone or that there was an issue with the new Council considering the items and making the final decision.

Mr. Santiago rejoined the meeting at this time.

Mr. Bailey called a Point of Order and questioned if public comments were to be heard. He said a public comments agenda heading was reflected on the agenda. Mayor Capote said there would be no public comments as the cases were not being heard. Mr. Bailey appealed the ruling of the Mayor and said that Council had to vote on the appeal.

Deputy Mayor Johnson asked for clarification regarding public comments. Ms. Smith said the request for continuance was a procedural issue and was essentially an agenda revision which had always been considered prior to the actual agenda item. She added that Councilman Bailey's appeal to Mayor Capote's ruling was correct and required a vote from Council, but public comments were not required on a procedural issue.

Motion by Mr. Bailey to reverse the decision of Mayor Capote and allow for public comment. He said that the Mayor and City Attorney were wrong, and this was not an agenda revision. He said the continuance should have been heard under the item, therefore allowing for public comment prior to the agenda items. Ms. Smith clarified that special meetings differed from regular meetings in that public comments could only be heard on the specific agenda item, and as there were no items to be considered, there should be no public comments. The motion died for lack of a second.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to continue Ordinances 2020-47 and 2020-48 to a special meeting on December 10, 2020, at 6:00 P.M.

Mr. Santiago understood why the applicant wanted to continue the cases, but felt it was owed to both parties that the cases be considered by the same governmental body, and not placed on the new Council. However, he supported the request.

Motion carried with members voting as follows:

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

PUBLIC COMMENT(S)/RESPONSE(S): (Speakers are limited to 3 minutes)

Public Comments were addressed under the request to continue above.

PUBLIC HEARING(S):

1. 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. (CONTINUED FROM RCM 08-06-20)

The item was continued to a special meeting on December 10, 2020, at 6:00 P.M.

2. 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). (CONTINUED FROM RCM 08-06-20)

The item was continued to a special meeting on December 10, 2020, at 6:00 P.M.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 6:42 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

DATE: 10/1/2020

RE: Adoption of Minutes: Regular Council Meeting 2020-32; September 17, 2020.

ATTACHMENTS:

Description

Minutes - RCM 2020-32

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-32

Held on Thursday, the 17th day of September 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:

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

CITY STAFF: Present was Joan Junkala-Brown, Director of Community Planning and Economic Development.

ANNOUNCEMENT(S):

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

- 1. Three (3) vacancies on the Disaster Relief Committee.++**
- 2. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++**

AGENDA REVISION(S):

1. Ms. Sherman announced that Item 6, under Public Hearings, relating to establishing a temporary moratorium for conditional use applications in NC zoning, had been withdrawn from the agenda.
2. Mrs. Jones stated that consideration of scheduling a special meeting in October had been added as Item 2, under New Business.

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 3, 5, 6, 13, 14, 15, 16 and 20, 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 2020-27; September 3, 2020.

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

2. Adoption of Minutes: Special Council Meeting 2020-28; September 3, 2020.

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

3. Award of Bid: Road bond paving, Emerson Drive – IFB 70-0-2020 – Public Works Department (Asphalt Paving System, Inc. - \$1,233,308).

Staff Recommendation: Approve the award for road bond paving, Emerson Drive, to Asphalt Paving System, Inc., in the amount of \$1,233,307.82.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the award for road bond paving as requested.

Mr. Bailey expressed concern with repaving parts of Emerson Drive where it was a single lane which would eventually have to be widened. He said it may not be a good time to consider the roadway near Emerson Drive/Minton Road, but the section near Emerson Drive/Malabar Road should be reviewed. He wanted to widen roads utilizing Impact Fees, not Road Bond funding.

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: Clarifier valve replacement – additional expenditure, North Regional Wastewater Treatment Plant (emergency purchase) – Utilities Department (L7 Construction, Inc. - \$5,230).

Staff Recommendation: Approve the appropriation of funds for the additional expenditure for the North Regional Wastewater Treatment Plant clarifier valve replacement to L7 Construction, Inc., in the amount of \$5,230.

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

5. Resolution 2020-39, authorizing the issuance of a Special Obligation Revenue Refunding Note with JPMorgan Chase Bank, N.A., to refund the City's Outstanding Special Obligation Bonds, Series 2010.

The City Attorney read the resolution in caption only.

Bill Battin, resident, said this was good savings for the City.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Resolution 2020-39.

Mr. Bailey added that not only did it save money, but it reduced five (5) years of the debt.

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

6. Resolution 2020-40, supplementing Resolution 98-44, authorizing the issuance of the City Utility System Revenue Note, Series 2020, with JPMorgan Chase Bank, N.A.

The City Attorney read the resolution in caption only.

Bill Battin, resident, asked the percentage of General Fund used for the annual debt service. Ms. Sherman said this was a loan to expand the Utilities Plant and would not affect the General Fund.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Resolution 2020-40.

Motion carried with members voting as follows:

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

7. Resolution 2020-41, amending Resolution 2020-30, which established 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. Resolution 2020-42, amending Resolution 2019-38, adopting the Five-Year Capital Improvements Program for Fiscal Years 2019-2020 through 2023-2024 (fourth amendment).

The City Attorney read the resolution in caption only.

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

9. Ordinance 2020-63, amending the Code of Ordinances, Chapter 37, Growth Management Department, by removing references related to the Building Division, 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 2020-64, amending the Code of Ordinances, by creating Chapter 40, to be titled "Building Department", first reading.

The City Attorney read the ordinance in caption only.

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

11. Consideration of an agreement with Florida Department of Transportation for the Title VI Nondiscrimination Assurance.

Staff Recommendation: Approve the agreement with Florida Department of Transportation for the Title VI Nondiscrimination Assurance.

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

12. Consideration of an interlocal agreement with Brevard County for automatic aid, E-911 dispatch services and facility use.

Staff Recommendation: Approve the interlocal agreement with Brevard County for automatic aid, E-911 dispatch services and facility use.

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

13. Consideration of a technical revision to the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) for Fiscal Years 2017-2018, 2018-2019 and 2019-2020, to include amendments to the purchase assistance with rehabilitation, emergency repair and disaster assistance strategies.

Staff Recommendation: Approve the technical revisions to the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) for Fiscal Years 2017-2018, 2018-2019 and 2019-2020, to include amendments to the purchase assistance with rehabilitation, emergency repair and disaster assistance strategies.

Bill Battin, resident, asked how many applicants could receive assistance based on the maximum draw of funds. Mrs. Junkala-Brown said that under the SHIP Program, it would be dependent upon the individual strategy. For example, if the Down Payment Assistance Program had funding available for \$60,000, with a \$30,000 maximum per household, then only two households would receive funding.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the technical revisions to SHIP LHAP as requested.

Mr. Bailey said that he was concerned with the revision being geared towards repairs as a way of combatting blight in the community. He hoped that staff would review the percentages of what was being given to rehabilitation homes versus regular homes, and that Council would consider adjusting it in the future, if needed.

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

14. Consideration of a lease agreement for off-site office space for the Building Department.

Staff Recommendation: Approve a lease agreement for off-site office space for the Building Department.

Bill Battin, resident, said that if staff could remain as is then the monies to be used for the lease payment could offset the costs for the new building. He asked for information regarding the construction of the new building. Ms. Sherman advised that plans had not been developed as yet but would require final approval from City Council. She said that consultants had been hired to fill the gaps of unfilled positions, but as those positions were filled, more space would be a necessity.

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

15. Consideration of co-sponsorship of the STEAM event to be held at Fred Poppe Regional Park by waiving fees and advertising event (\$150) (Deputy Mayor Johnson).

Staff Recommendation: Approve the co-sponsorship of the STEAM event to be held at Fred Poppe Regional Park by waiving fees and advertising event, in the amount of \$150.

Bill Battin, resident, said he understood the purpose but did not agree with providing tax breaks when it could be revenue to the City.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve co-sponsorship of the event as requested.

Motion carried with members voting as follows:

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

16. Consideration of utilizing Parks Impact Fees (\$997,473), Tourist Development Council grant funds (\$1,700,000), and Fund Balance Reserves (\$558,492) for Phase I construction of the Fred Poppe Regional Park campground.

Staff Recommendation: Approve the utilization of Parks Impact Fees (\$997,473), Tourist Development Council (TDC) grant funds (\$1,700,000), and Fund Balance Reserves (\$558,492) for Phase I construction of the Fred Poppe Regional Park campground.

Bill Battin, resident, asked for information regarding Phase 2 of the project and the funding source for same.

Thomas Gaume, resident, asked if residents had been surveyed as to what amenities they wanted to see in Parks and Recreation. If so, he questioned where campgrounds ranked on the list and how this would be good for business when the City would be taking away from the local hotels and private rentals. Mr. Gaume asked further questions, including if there was a business plan, how security would be addressed, economic sustainability, annual personnel costs, if residents would have priority over tourists, etc. He questioned if the \$1.7 million grant funds were still available.

Randy Foster, resident, said that tourists stay at hotels for various reasons. He said that Air B&Bs and the like were an alternative to a hotel but camping and utilizing recreational vehicles (RV) was a way of life. He said that if tourists traveled to Palm Bay, then their money would be spent in Palm Bay. He added that as a member of the City's Recreation Advisory Board (RAB), the RAB fully supported this project.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to utilize the specified funds as requested.

Mr. Anderson did not feel it would affect hotels and Air B&Bs as it was different subset of consumers. He said the grant funds were still available and if the City did not take advantage of those monies, it would be allocated to another project in Brevard County. He said the connecting road would be paid for with impact fees received from developers.

Deputy Mayor Johnson questioned if the proposed revenue figures were pre- or post-COVID. Ms. Sherman said it was pre-COVID.

Mr. Santiago said this was a great project and was excited to see it move forward. He said that when he had served on the TDC, a survey was performed and one of the items he noted was a rise in the use of RVs. He noted that there would be an expansion of the City's infrastructure for that area as well. He said that the use of RVs, hotels, Air B&Bs, etc. were all different sectors of the tourism industry.

Mr. Bailey had always felt that the money should either be returned or find a better use for the grant funds. He felt that Council was a little negligent in that there should be a complete plan presented and nothing was included in the agenda packet. He received an updated revenue report, but it conflicted with the original proposal to the TDC from three years ago. He said another issue was that personnel costs were not included in the expenses on the income statement. He felt it should be made clear to the public and there should be a presentation prior to Council voting on the item. He would never consider using General Funds for this project and the impact fees in the amount of approximately \$1 million would be wiped out for the zip codes in that area. He would support using the grants for a splash pad at City Hall or construction of an amphitheater.

Deputy Mayor Johnson asked if the motion had to be amended in order to have a presentation. Ms. Sherman answered in the negative. A presentation could be provided at the next regular Council meeting.

Motion carried with members voting as follows:

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

17. Consideration of utilizing Fire Impact Fees to purchase a vehicle for the development of a training division within the Fire Department (\$43,740).

Staff Recommendation: Approve the utilization of Fire Impact Fees to purchase a vehicle for the development of a training division within the Fire Department, in the amount of \$43,740.

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

18. Consideration of utilizing Fire Impact Fees to build a high-water rescue vehicle (\$12,502).

Staff Recommendation: Approve the utilization of Fire Impact Fees to build a high-water rescue vehicle, in the amount of \$12,502.

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

19. Consideration of the appropriation of funds for meter services additional expenditure (\$113,400) and recognition of installation fees revenue (\$189,228), with the remainder funds going into Reserves (\$75,828).

Staff Recommendation: Approve the appropriation of funds for meter services additional expenditure (\$113,400) and recognition of installation fees revenue (\$189,228), with the remainder funds going into Reserves (\$75,828).

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

20. Consideration of a budget amendment from City Manager's Office to Parks and Recreation to cover costs associated with the purchase of bracket kits for the Military Banner Program (\$3,618).

Staff Recommendation: Approve a budget amendment from City Manager's Office to Parks and Recreation to cover costs associated with the purchase of bracket kits for the Military Banner Program, in the amount of \$3,618.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the budget amendment as requested.

Mr. Bailey said there should be an effort to recover the funds. He suggested adding an additional cost to the price of the banner to cover same. He said that after speaking with a representative from Florida Power and Light (FP&L), another option was that FP&L could donate old utility poles to be used by the City for this project.

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

21. Consideration of a budget amendment from City Manager's Office to Public Works to cover costs associated with the City Hall Complex directional signage project (\$769).

Staff Recommendation: Approve a budget amendment from City Manager's Office to Public Works to cover costs associated with the City Hall Complex directional signage project, in the amount of \$769.

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

22. Acknowledgement of the City's monthly financial report for July 2020.

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

PRESENTATION(S):

1. Sarah Kraum, Space Coast Transportation Planning Organization - school routes analysis.

Ms. Kraum and Mr. Aditya Inamdar, of Kittleson & Associates, provided an overview of the Safe Routes to School projects. Major recommendations from the Technical Committee included new sidewalks and the potential for multi-use trails to create safe, walkable paths to Lockmar Elementary School; traffic calming and increased lighting along the sidewalk leading to the back of Riviera Elementary School; maintenance of crosswalk markings, new sidewalks and the potential for multi-use trails to create safe, walkable paths to John F. Turner Elementary and Southwest Middle Schools; and evaluate school zone, adjust speed limit per guidance in Florida Department of Transportation Speed Zoning Manual for Odyssey Charter School, and improve the intersection at Eldron Boulevard and Raleigh Road. Mr. Inamdar advised of the next steps to implement the recommendations.

2. Joanne Stanley, Municipal Service Manager, and Trey Richardson, General Manager, Republic Services - update.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to allow public comments under this item with a three (3) minute time limit. Mayor Capote said that public comments were not heard under presentations. Ms. Smith advised that it was Council's discretion to allow public comments.

Mr. Santiago said it would set a dangerous precedent to open up discussion for any presenter, not only for tonight but in the future, for presenters to answer questions directly

from the public. He said that any presenter was dealing with the City through the governing body and if any members of the public had questions or concerns, it should come through the governing body who would then give to staff for a response. He added that there were two (2) public comment sections on the agenda which allowed more than enough time for questions to be asked.

Deputy Mayor Johnson suggested that residents contact Republic Services directly should they have any questions. He thought that since Republic was on the agenda, it would be the best time for questions from the public.

Mayor Capote said this was not the proper way to handle public comments. If there were questions received by a councilmember from a resident, then the councilmember should ask those questions.

Mr. Anderson had no problem if it was just questions, but he did not want public comments to turn into an attack against Republic Services.

Mr. Bailey felt it was important to have as many questions answered in the public as possible. Allowing comments tonight did not legally bind the Council to have to allow them in the future.

Mr. Santiago called a Point of Order as there was currently a motion on the floor. Deputy Mayor Johnson withdrew his second to the motion. The motion died for lack of a second.

Ms. Stanley provided an update on Republic Services' personnel, equipment and customer notifications. Cart set out instructions had been sent out to residents which reflected the days of the week for trash collection, recycling collection and yard waste/bulk collection. Ms. Stanley reviewed the customer brochure of what should and should not be placed in the recycling container, as well as items that were considered hazardous waste. She advised of how to exchange carts and select cart sizes.

Mr. Bailey asked if customers could change their cart size multiple times during the 90-day period. Mr. Richardson advised that Republic would use the latest date of selection. Mr. Bailey asked if the routes were the same in the transition plan. Mr. Richardson confirmed same. Mr. Bailey questioned the turnaround time for pick-up of bulk waste going from three (3) days to seven (7) days. Mr. Richardson said that trucks would go out and tag large piles, such as move-out piles, which would be picked up within three (3) days after tagging. There was no need for an on-call service as drivers would be sweeping the streets and tagging the piles. Normal sized bulk waste would be picked up according to the customer's regularly scheduled pick-up day.

Deputy Mayor Johnson said that he had received comments and concerns regarding the location of the facility and the odor that may be generated from the site. Mr. Richardson said that Republic would do everything to keep the site clean with no offsite odor and to make sure there were no environmental problems. He said that wind screens would be placed along the north portion of the property so that the facilities would be out of view as well.

Mr. Anderson asked why glass was not being recycled. Mr. Richardson said that analysis had been performed on the City's recycling stream and approximately forty percent (40%) was contaminated, and approximately seventy-five percent (75%) of U.S. glass ended up in a landfill. Once glass was placed in a truck and compacted with other materials, the glass would ruin the other recycled materials.

Mr. Santiago expressed concern about the facility being adjacent to a residential area. He asked why that location was chosen, how long Republic would be located at the site, and if there was any chance of relocating. Ms. Stanley said that many of the Republic sites were next to residential areas. She said that when selecting a site, they would look for the bare minimum area in order to park and repair trucks, have administration offices, etc. She said there were not many options, but they wanted to have the site within the City. The lease was for ten (10) years.

Mr. Bailey said that a County Commissioner had mentioned that Republic would be taking waste outside of Brevard County and paying fees which would contribute to extra costs to the City. He asked if Republic was paying any tipping fees outside of Brevard County. Ms. Stanley answered in the negative.

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

Individuals made general virtual comments.

1. Connie McClary, resident, expressed concern about the location of Republic Services, the potential off-site odor and the close proximity to residential properties.
2. Camille Hadley, resident and Program Director of Little Grower's, Inc., said that Council had approved a lease agreement earlier this year for Little Growers, Inc. and, to date, a lease had yet to be signed. She said that the City had been putting up blocks and preventing them from moving forward. She asked Council to direct staff to execute the agreement and to remove the felony conviction provision under Section 4(1). Numerous individuals spoke in support of the organization and amendment to the lease agreement.

Ms. Sherman advised that the agenda item for Little Growers, Inc. would be presented to Council for consideration on October 1st.

Mr. Bailey said he was not aware of the location for Republic Service and did not believe it came to Council for a vote. He said he did not support the contract as it was presented and he expected a higher level of service under this new contract.

PUBLIC HEARING(S):

1. Ordinance 2020-52, vacating a portion of the rear public utility and drainage easement located within Lot 35, Block 2745, Port Malabar Unit 50 (Case VE-10-2020, Brian and Joellyn Daniels), 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 Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-52. 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 2020-55, amending the Code of Ordinances, Chapter 92, Noise, by repealing the chapter in its entirety, 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 2020-55. 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 2020-56, amending the Code of Ordinances, by creating Chapter 92, to be titled "Noise", 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, asked if police officers would carry decibel meters, if the ordinance would be enforced by Code Compliance and how long would someone have to be in violation before being cited. Ms. Sherman answered that Police Department supervisors

would have the decibel meters and would not be worn by police officers; majority of enforcement would be done by the Police Department; and necessary actions would be taken if someone was found in violation.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-56. 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 2020-57, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (fourth budget amendment), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened.

Bill Battin, resident, expressed concern with moving Unit 49 to Phase 3 of the Road Paving Program. He wanted to ensure there was a funding source ready to start with the stormwater in that area.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-57. 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 2020-65, vacating a portion of the rear public utility and drainage easement located within Lots 8 and 9, Block 2063, Port Malabar Unit 46 (Case VE-12-2020, Ronald Giscombe), first reading.

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-65. 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 2020-66, establishing a temporary moratorium of 180 days prohibiting the acceptance, processing, and consideration of applications for conditional uses within NC (Neighborhood Commercial District) zoning in order to review the current list of uses and requirements, and allow for the development of new regulations, first reading. (Deputy Mayor Johnson)

The item, announced under Agenda Revisions, was withdrawn.

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. Bailey, to appoint Don Jordan 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 Community Development Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Alvin Payne to 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.

3. Appointment of one (1) member to the Disaster Relief Committee.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Susan Lee Walberg to the Disaster Relief Committee. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

COMMITTEE AND COUNCIL REPORT(S):

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

1. Mr. Bailey reiterated his comment regarding Council direction to staff to consider widening portions of Emerson Drive, specifically at the intersection of Malabar Road, and the cost for same. He said that impact fees could be used, along with Road Bond funds for the existing lanes.

Mayor Capote recalled that the Public Works Director had mentioned the widening of Emerson Drive, from Minton Road to Malabar Road, to four lanes. He was unsure of what happened with that plan. Council concurred for Councilman Bailey to research the specifics and advise Council of same.

2. Mr. Bailey requested a detailed business plan of the campground project, as well as a presentation from staff, preferably in October. Council concurred.

3. Mr. Santiago asked that a comparison of other campgrounds be added with the staff presentation, including how others have operated, pros and cons, etc.

NEW BUSINESS:

1. Request to reconsider an amendment to the Code of Ordinances, Chapter 178, Sign Code. (Councilman Bailey)

Councilman Bailey presented the request to Council.

Mayor Capote felt he directly benefited from this item as he was a candidate campaigning in the next election and should abstain from voting. He said this item should have come to Council first for approval prior to any other action being done, such as scheduling a Planning and Zoning Board (P&Z) meeting. He said it was too close to the election to make such a substantial change and it should be presented to the next Council for consideration. Ms. Smith advised there was no legal reason for Mayor Capote to abstain from voting. Mayor Capote concurred.

Deputy Mayor Johnson did not support the request. He said that P&Z was told that staff recommended scheduling the special P&Z meeting, but that was not the case. He said that people needed to adhere to the current ordinance as is.

Mr. Anderson said that the Brevard County site on Cogan Drive was still currently covered in signs. He did not agree with changing the ordinance so close to the election and did not see a reason to change it at all.

Mr. Santiago did not support amendments at this time and felt changes should be presented to new Council.

Mr. Bailey said that when he had brought up the issue under Council Reports, Deputy Mayor Johnson should have voiced his objections at that time. He said the only reason this item was on the agenda was because the proper procedure was caught by staff after he had notified Council of his intent to amend the ordinance. He added that the current ordinance was costing staff time by having to pick up signs daily, and he had no problem doing nothing at all about the ordinance, but it was a burden on staff. However, voters expected to see campaign signs at the polling locations on election day and for early voting.

No action was taken on this item.

2. Consideration of scheduling a special meeting in October 2020.

Council concurred to schedule a special Council meeting to reconsider the second and final hearing of CP-10-2019 and CPZ-10-2019, submitted by MLEF2-1, on Tuesday, October 6, 2020, at 6:00 P.M.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

There were no public comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:09 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



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 and Juliet Misconi, Chief Procurement Officer

DATE: 10/1/2020

RE: Award of Bid: Road bond paving, Unit 46 road paving – IFB 77-0-2020 – Public Works Department (Asphalt Paving, Inc. - \$2,306,763).

The Unit 46 Road Paving Project is part of the Year 2 (Phase 2) Road Bond Paving Program. The Year 2 program was endorsed by the Infrastructure Advisory Oversight Board on January 27, 2020 and then approved by City Council on February 6, 2020. The project consists of milling and paving, thin lift overlay and micro surfacing of existing roadways within Unit 46. The project also includes thermoplastic striping, pavement markers and vehicle detection at the intersection of San Filippo at Eldron Blvd.

The City received four bids. The Procurement Department staff reviewed the four bids for responsiveness and the Engineering Division of Public Works evaluated the bids for qualifications and ability to perform the scope of construction. All bids were responsive and acceptable.

The City Engineer's estimate for the project was \$2,591,723. The lowest bid is \$2,097,058.14. Public Works Engineering staff has reviewed the pay items, proposed subcontractors, equipment list and checked references and is satisfied with the evidence provided by the contractor. Staff recommends Asphalt Paving Solutions, out of Zephyrhills, Florida for award of IFB #77-0-2020/JM – Road Bond Paving – Unit 46.

Local Preference was not applied to this project because all bids exceeded the one million-dollar threshold amount.

Staff is also recommending a 10% contingency fund of \$209,705 to cover any unforeseen change orders which is typical for construction projects. The contingency request is for funding appropriation of the project only. The City's Procurement Ordinance governs the Council approval process for change orders. The Chief Procurement Officer can approve change orders up to a cumulative total of 10%, or individual change orders not to exceed \$100,000, whichever is lower; any change order in excess of \$100,000 or any change orders which cumulatively exceed 10% will be brought before Council for approval. Any funds remaining once the project has been closed will be transferred back to the Road Bond Fund.

REQUESTING DEPARTMENT:

Public Works, Procurement

FISCAL IMPACT:

The total project award of \$2,097,058.14 plus \$209,705 for contingency change orders will result in a total appropriation of \$2,306,763.14 from the GO Road Bond unassigned funds to G/L Account 309-7090-541-6303 project 20GO13 Unit 46 Road Paving.

RECOMMENDATION:

Motion to approve award of IFB #77-0-2020JMB – Road Bond Paving – Unit 46 to Asphalt Paving System, Inc.

ATTACHMENTS:**Description**

77-0-2020 Tabulation

		IFB #77-0-2020/JM Road Bond Paving - Unit 46			Local Preference: N/A		Local Preference: N/A	
					Asphalt Paving Systems, Inc.		Ranger Construction Industries	
					9021 Wire Road		4510 Glades Cutoff Road	
					Zephyrhills FL 33540		Ft Pierce FL 34981	
					813-788-0010		407-749-6266	
					dgannonaps@gmail.com		erik.jensen@rangerconstruction.com	
ITEM	FDOT	ITEM DESCRIPTION	Est. Annual Qty	UOM	Unit Price	Total Price	Unit Price	Total Price
1	101-1	Mobilization	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 57,626.00	\$ 57,626.00
2	102-1	Maintenance of Traffic	1	LS	\$ 59,000.00	\$ 59,000.00	\$ 44,282.00	\$ 44,282.00
3	104-1	Erosion Control	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 574.70	\$ 574.70
4	327-70-5	Milling Existing Asphalt Pavement 2" depth	20,952	SY	\$ 1.89	\$ 39,599.28	\$ 2.60	\$ 54,475.20
5	334-1-53	Superpave asphalt concrete, Traffic C, SP- 9.5, 1.5" Thin Lift	9,102	TN	\$ 109.00	\$ 992,118.00	\$ 114.95	\$ 1,046,274.90
6	334-1-53	Superpave asphalt concrete, Traffic C, SP-9.5, 2" overlay	2,305	TN	\$ 107.00	\$ 246,635.00	\$ 127.35	\$ 293,541.75
7	335-1	Micro-Surface (double application)	165,204	SY	\$ 3.90	\$ 644,295.60	\$ 3.95	\$ 652,555.80
8	570-1-2	Performance Turf Sod	3,451	SY	\$ 3.50	\$ 12,078.50	\$ 3.30	\$ 11,388.30
9		Vehicle Detection System - Grid Smart 2-Camera System	2	EA	\$ 18,500.00	\$ 37,000.00	\$ 2,298.85	\$ 4,597.70
10	706-1-1	Raised pavement marker, Type B	878	EA	\$ 3.10	\$ 2,721.80	\$ 4.60	\$ 4,038.80
11	711-11-125	Thermoplastic Standard White Solid 24" Stop Line	286	LF	\$ 4.80	\$ 1,372.80	\$ 3.45	\$ 986.70
12	711-15-101	Thermoplastic Standard White Solid 6" line	24,544	LF	\$ 0.68	\$ 16,689.92	\$ 1.00	\$ 24,544.00
13	711-15-201	Thermoplastic Standard Yellow Solid 6" line	21,393	LF	\$ 0.68	\$ 14,547.24	\$ 1.00	\$ 21,393.00
TOTAL BASE BID AMOUNT					\$2,097,058.14		\$2,216,278.85	

		IFB #77-0-2020/JM Road Bond Paving - Unit 46			Local Preference: N/A		Local Preference: N/A	
					Preferred Materials, Inc.		Community Asphalt Corp.	
					1806 33rd St. Suite 150		2975 Industrial Blvd.	
					Orlando FL 32839		Vero Beach FL 32967	
					407-343-7445		786-418-3557	
					lonnie.schaub@preferredmaterials.com		Manuel.Aguiar@ohlina.com	
ITEM	FDOT	ITEM DESCRIPTION	Est. Annual Qty	UOM	Unit Price	Total Price	Unit Price	Total Price
1	101-1	Mobilization	1	LS	\$ 81,000.00	\$ 81,000.00	\$ 179,477.73	\$ 179,477.73
2	102-1	Maintenance of Traffic	1	LS	\$ 93,000.00	\$ 93,000.00	\$ 85,478.28	\$ 85,478.28
3	104-1	Erosion Control	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 964.53	\$ 964.53
4	327-70-5	Milling Existing Asphalt Pavement 2" depth	20,952	SY	\$ 2.39	\$ 50,075.28	\$ 1.44	\$ 30,170.88
5	334-1-53	Superpave asphalt concrete, Traffic C, SP- 9.5, 1.5" Thin Lift	9,102	TN	\$ 109.00	\$ 992,118.00	\$ 108.38	\$ 986,474.76
6	334-1-53	Superpave asphalt concrete, Traffic C, SP-9.5, 2" overlay	2,305	TN	\$ 107.00	\$ 246,635.00	\$ 118.43	\$ 272,981.15
7	335-1	Micro-Surface (double application)	165,204	SY	\$ 4.25	\$ 702,117.00	\$ 4.25	\$ 702,117.00
8	570-1-2	Performance Turf Sod	3,451	SY	\$ 5.50	\$ 18,980.50	\$ 3.39	\$ 11,698.89
9		Vehicle Detection System - Grid Smart 2-Camera System	2	EA	\$ 22,000.00	\$ 44,000.00	\$ 20,000.00	\$ 40,000.00
10	706-1-1	Raised pavement marker, Type B	878	EA	\$ 4.00	\$ 3,512.00	\$ 3.70	\$ 3,248.60
11	711-11-125	Thermoplastic Standard White Solid 24" Stop Line	286	LF	\$ 3.00	\$ 858.00	\$ 5.00	\$ 1,430.00
12	711-15-101	Thermoplastic Standard White Solid 6" line	24,544	LF	\$ 0.85	\$ 20,862.40	\$ 0.65	\$ 15,953.60
13	711-15-201	Thermoplastic Standard Yellow Solid 6" line	21,393	LF	\$ 0.85	\$ 18,184.05	\$ 0.65	\$ 13,905.45
TOTAL BASE BID AMOUNT					\$2,273,842.23		\$2,343,900.87	



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Juliet Misconi, Chief Procurement Officer

DATE: 10/1/2020

RE: Miscellaneous: 'Other Agency' term contracts utilized for Fiscal Year 2020-2021 'as needed' purchases of equipment, services and materials – multiple city departments.

The City of Palm Bay currently utilizes "Other Agency Contracts" to purchase equipment, services materials and supplies for various Departments to include Fleet Services Division, Public Works Department, Utilities, Parks & Recreation, Facility Maintenance, Fire, Police & Information Technology. All items are utilized in order to conduct each departments' day-to-day operations. The equipment, materials and supplies are purchased "as needed." All contracts identified on the attached spreadsheet were subject to a competitive solicitation process and were awarded by each agency. Consideration is also requested to continue to utilize these contracts if they are renewed, resolicited, or replaced, which may occur when an existing contract expires. Per the Procurement Manual, cooperative agreements generally expedite procurements and provides competitive pricing for items and services.

Although this request does come before Council annually, the attached list of estimated and budgeted purchases is reviewed and vetted by all departments and compiled by Procurement, who ensures the contract referenced is valid. This year, Staff has added a list of vehicles approved by Council for FY 2021. These vehicles are included in the Other Agency spreadsheet and itemized in a Capital Vehicle 2021 list.

Purchases will only be made if Council has approved the funds and they are appropriated in the applicable account and fiscal year in accordance with City policies. Should the department fail to budget funds, or should the contract referenced become unavailable, or should purchases exceed the budgeted and appropriated amount, additional Council approval may be required.

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.

REQUESTING DEPARTMENT:

Utilities, Public Works, Parks & Recreation, Facilities, Procurement, Police Department, Fire Department, Information Technology

FISCAL IMPACT:

The estimated annual expenditures for FY 2021 are itemized in the list shown on the attached spreadsheet. Because these purchases are "as-needed," estimates are provided but may be less or more based on available budget and need. Purchases will only be made if Council has approved the funds and they are appropriated in the applicable account and fiscal year in accordance with City policies. Should the department fail to budget funds, or should the contract referenced become unavailable, or should purchases exceed the budgeted and appropriated amount, additional Council approval may be required.

RECOMMENDATION:

Motion to approve the FY 2021 annual purchases of the equipment, services, materials and supplies on an "as needed" basis through utilization of the other agency term contracts listed, to include renewals, resolicitations, and replacement contracts when a contract expires, and only if funds are appropriated by Council.

ATTACHMENTS:

Description

Other Agency Contract List- FY 2021

FY21 Capital Requests

**OTHER AGENCY TERM CONTRACTS
COOPERATIVE and PIGGYBACK FOR FY-2021**

Contract Title	Other Agency Name	Term Contract #	Vendor	Location	Exp. Date	Estimated Annual Expenditure	Account Number	City Department-Primary Users
Asphaltic Concrete	Brevard County BOCC	B-6-20-57	Community Asphalt Corporation, Goodson Paving, VA Paving, Preferred Materials, C.W. Roberts Contracting, Inc	Vero Beach, FL Cocoa, FL Lutz, FL	8/21/2021	\$300,000.00	307-7090-541-5301 and 461-7084-541-5302	Public Works
Auto Parts	NCPA	05-42	O'Reilly Auto	Palm Bay, FL	11/30/2022	\$85,000.00	521-7070-519-5207	PW/Fleet
Auto Parts	Sourcewell	062916-GPC	Space Coast Auto Supply (NAPA)	Palm Bay, FL	9/6/2021	\$90,000.00	521-7070-519-5207	PW/Fleet
Contracted Seasonal Recreation Worker Services for Parks & Recreation	Brevard County	P-5-18-19	AUE Staffing, Inc	Altamonte Springs FL	9/30/2022	\$200,000.00	001-4020-572-3407; 001-4032-572-3407; 001-4033-572-3407	Parks & Recreation
Cured in Place Pipe (CIPP) Installation	Polk County	20-577	Hinterland Group, Granite Inliner, Insituform Technologies	Varies	5/31/2023	\$300,000.00	461-7084-541-6309	Public Works
Emergency Equipment for Vehicles	Broward County Sheriff's Office	18006-AG	Strobes R Us	Pompano Beach, FL	5/9/2021	\$90,000.00	521-7070-519-5207 and 521-7070-519-6403	PW / Fleet
Gasoline, Diesel, Fuel Oils	Brevard County School Board, Co-Op Contract	SB-18-B-021	Glover Oil	Melbourne, FL	11/21/2020	\$1,032,000.00	521-707-519-5209	Utilities, Fleet, PW
Grounds Maintenance Equipment, Parts, Accessories, & Supplies	Omnia	2017025	Wesco	Sarasota, FL	3/31/2022	\$24,000.00	various operational	Various to include: Facility Maint., Utilities, Parks, PW, PD, Fire
Installation of Pavement Markers	Seminole County	IFB-603176-18/BJC	Fausnight Stripe & Line, Inc.	Longwood, FL	8/13/2021	\$90,000.00	001-7026-541-4641	PW / Traffic
Mobile Communications	State of Florida	DMS-10/11-008C	Verizon Wireless	Maitland, FL	1/19/2021	\$295,000.00	Various operational	Citywide, managed by IT
MRO Supplies, Industrial Supplies	U.S. Communities	16154	Home Depot	Palm Bay, FL	12/31/2021	\$79,300.00	various operational	Various to include: Facility Maint., Utilities, Parks, PW, PD, Fire
MRO Supplies, Industrial Supplies	Omnia	R192006	Lowe's	Varies	3/31/2021	\$28,800.00	various operational	Various to include: Facility Maint., Utilities, Parks, PW, PD, Fire

**OTHER AGENCY TERM CONTRACTS
COOPERATIVE and PIGGYBACK FOR FY-2021**

Contract Title	Other Agency Name	Term Contract #	Vendor	Location	Exp. Date	Estimated Annual Expenditure	Account Number	City Department-Primary Users
Pavement Reconstruction and Preservation	Volusia County	18-B-161RF	Pavement Technology	Westlake, OH	1/21/2022	\$1,170,735.00	307-7090-541-6304	PW / Ops
Public Safety Radio System Maintenance	Brevard County BOCC	3740 (BOCC Vendor of Record)	Communications International	Rockledge, FL	9/30/2021	\$151,421.00	001-5011-521-4616 001-5012-521-4624 001-6012-522-4616 001-6012-522-4624	Police / Fire
Purchase & Delivery of Polypropylene Pipe & Polyethylene Accessories	Osceola County BOCC	AR-18-10274-PC	Ferguson Waterworks	Orlando, FL	8/30/2021	\$300,000.00	461-7084-541-5302	Public Works
Technology Contracts	State of Florida	43211500-WSCA-15-ACS	Various - Dependent on brand name of equipment	Varies	7/31/2021	\$307,000.00	Various operational accounts (IT purchases on behalf of other departments using those department's budgeted funds for technology purchases)	IT
Technology Contracts	State of Florida	43230000-NASPO-16-ACS-SVAR	Various - Dependent on brand name of equipment	Varies	4/7/2021	\$16,610.00		
Technology Contracts	State of Florida	43220000-WSCA-14-ACS	Various - Dependent on brand name of equipment	Varies	5/31/2021	\$305,000.00		
Technology Contracts	State of Florida	4323000-15-02	SHI INTERNATIONAL CORP	Varies	1/31/2021	\$431,200.00		
Technology Contracts	NCPA	NCPA 01-97	EMPIRE COMPUTING & CONSULTING	Daytona Beach, FL	7/31/2021	\$109,000.00		
Technology Contracts	OMNIA Partners	2018011-02	SHI INTERNATIONAL CORP	Varies	2/21/2021	\$545,000.00		
Technology Contracts	OMNIA Partners	R191902	Vcloud Technology	California	4/30/2021	\$150,000.00		
Tires & Related Services	NASPO	State of Florida Alternative Contract Source #25172500-19-ACS; NASPO Contract #19102	Various - Dependent on brand name of equipment Primary distributors: Gatto's Tire & Auto Service and Boulevard Tire	Varies	3/31/2024	\$190,000.00	521-7070-519-5207	PW / Fleet
Traffic Equipment	FDOT	ITB-20-9034-GH	Multiple Vendors	Varies	11/3/2022	\$42,000.00	001-7026-541-4637	Public Works
Traffic Signal Construction, Rehab, and Maintenance	Brevard County	B4-18-52	Carr Construction	Okeechobee, FL	8/14/2021	\$196,187.00	001-7026-541-4637 and 001-7026-541-4638, 001-7026-541-6315	PW / Ops Emerson/Malabar & Eldron/Malabar per 9/3/2020 Capital Memo; SJHP/Malabar per 11/16/17 TIF Memo General Traffic Purchases

**OTHER AGENCY TERM CONTRACTS
COOPERATIVE and PIGGYBACK FOR FY-2021**

Contract Title	Other Agency Name	Term Contract #	Vendor	Location	Exp. Date	Estimated Annual Expenditure	Account Number	City Department-Primary Users
Vehicles	Florida Sheriff's Association	FSA20-VEL28.0/ FSA20-VEH18.0	Various - Dependent on make & model selected, see Capital Vehicle SS 2021	Varies	9/30/2021	\$506,734.00	521-7070-519-6403	Police
Vehicles	Florida Sheriff's Association	FSA20-VEL28.0/ FSA20-VEH18.0	Eager Beaver B8-DOW flat bed trailer - \$12,000 Nissan NV 200 S w/shelving, vise mount - \$22,850 Caterpillar 430 F2 IT backhoe loader - \$136,000 Dodge Durango 4x4 SXT AWD - \$ 29,000 Chevrolet Colorado 4x2 2 door - \$31,000 Towmaster t-24 deck over trailer - \$22,000	Varies	9/30/2021	\$431,045.00	421-8020-533-6403; 421-8030-535-6404; 421-8014-536-6403	Utilities
Vehicles	Florida Sheriff's Association	FSA20-VEL28.0/ FSA20-VEH18.0	2020 Ford Transit Van with Tri-vision Inspection System - \$177,695	Varies	9/30/2021	\$184,695.00	421-8030-535-6404	Utilities
Vehicles	Florida Sheriff's Association	FSA20-VEL28.0/ FSA20-VEH18.0	Chevrolet Colorado 1/4 ton pick ups, quantity 5	Varies	9/30/2021	\$105,000.00	451-3320-524-6403	Building
Vehicles	Florida Sheriff's Association	FSA20-VEL28.0/ FSA20-VEH18.0	3/4 Ton Pickup - \$24,500 3/4 Ton Pickup - \$24,500 1 Ton Pickup - \$30,000 1 Ton Pickup - \$30,000	Varies	9/30/2021	\$109,000.00	521-7070-519-6403	Parks & Recreation
Vehicles	Florida Sheriff's Association	FSA20-VEL28.0/ FSA20-VEH18.0	Bucket Lift Truck - \$150,000; Rubber Tire Excavator - \$160,000; Tractor w/ side cutter head - \$150,000	Varies	9/30/2021	\$460,000.00	521-7070-519-6404 and 521-7070-519-6401	Public Works
Vehicles	Florida Sheriff's Association	FSA20-VEL28.0/ FSA20-VEH18.0	Ford F350 - \$54,000 Silverado 2500 - \$45,000 Ford F150 - \$39,680	Varies	9/30/2021	\$177,740.00	521-7070-519-6403 and 190-6050-522-6403	Fire

FY 2021 - Capital Vehicle Requests	Estimate	FY 2021 Approved Budget	9/3/2020 Council meeting
Building Vehicles			
Chevrolet Colorado 1/4 ton, Qty. 5	\$ 105,000.00	Y	

Police Vehicles			
K9 Dodge Durango #11	\$ 39,435.04		Y
K9 Dodge Durango #10	\$ 39,435.04		Y
Unmarked Dodge Equinox #6	\$ 26,089.10		Y
Unmarked Dodge Charger #3	\$ 28,176.36		Y
Unmarked Dodge Equinox #7	\$ 26,089.10		Y
Unmarked Dodge Altima #8	\$ 21,105.10		Y
Unmarked Dodge Durango #1	\$ 33,374.28		Y
Unmarked Dodge Durango #2	\$ 33,374.28		Y
Unmarked Dodge Durango #4	\$ 33,374.28		Y
Unmarked Dodge Altima #9	\$ 21,105.10		Y
Unmarked Dodge Charger #5	\$ 28,176.36		Y
Dodge Charger, Cops Hiring Program Grant, Qty. 6	\$ 177,000.00	Y	

Fire Vehicles			
Squad Truck/Ford F350	\$ 54,000.00		Y
District Chief Silverado 2500 Crew Cab	\$ 45,000.00		Y
Brush truck retrofit for wildland fires (Note: May not be purchased under FSA)	\$ 35,000.00		Y
Impact Fees per 9/17/2020 Council meeting			
Training Division Vehicle/ Ford F150	\$ 43,740.00		

Parks Vehicles			
3/4 Ton Pickup 4x2 Crew Cab	\$ 24,500.00		Y
3/4 Ton Pickup 4x2 Crew Cab	\$ 24,500.00		Y
1 Ton Pickup 4x2	\$ 30,000.00		Y
1 Ton Pickup 4x2	\$ 30,000.00		Y

FY 2021 - Capital Vehicle Requests	Estimate	FY 2021 Approved Budget	9/3/2020 Council meeting
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Public Works/Fleet/Traffic Operations			
Bucket Lift Truck for traffic operations	\$	150,000.00	Y
Rubber Tire Excavator CAT 315 for pipe program	\$	160,000.00	Y
Tractor with side cutter head attachment	\$	150,000.00	Y

Utilities Vehicles			
Eager Beaver B8-DOW flat bed trailer		\$12,500.00	Y
Nissan NV 200 S w/shelving, vise mount		\$22,850.00	Y
Caterpillar 430 F2 IT backhoe loader		\$136,000.00	Y
2020 Ford Transit Van with Tri-vision Inspection System		\$177,695.00	Y
Dodge Durango 4x4 SXT AWD		\$29,000.00	Y
Chevrolet Colorado 4x2 2 door		\$31,000.00	Y
Towmaster t-24 deck over trailer		\$22,000.00	Y

Total Capital Vehicle Requests FY 2021:	\$	1,789,519.04	
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LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 10/1/2020

RE: Resolution 2020-52, amending Resolution 2019-40, by extending the commencement period of the conditional use granted for retail sales of agricultural products in RR (Rural Residential District) zoning (Case CU-20-2019, Anna Hutson).

Ms. Anna Hutson has requested an extension to the commencement period of the conditional use granted by Resolution 2019-40. The request is to extend the commencement period to allow for retail sales of agricultural products in RR (Rural Residential District) zoning. This is the applicant's first request for an extension. The reasons for same are stated in the attached letter.

There were no adverse comments from staff.

REQUESTING DEPARTMENT:

Growth Management, Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the resolution for an extension to the conditional use.

ATTACHMENTS:

Description

Applicant Extension Request Letter

Resolution 2019-40 - Initial Conditional Use

Resolution 2020-52

Dear Council members and staff,

We are writing to request your consideration of an extension to the Conditional Use Permit (Resolution 2019-40) so we can ensure that any revisions to our submitted site plan can be addressed.

You may remember the large effort we took to ensure community support for the Conditional Use Permit (CUP) you granted us last year to allow retail sales of Florida native plants from our property at 3835 Hield Road NW in Palm Bay. We received the CUP on October 3rd 2019 and within the CUP there is a provision that the site plan must be approved within 1 year.

We submitted our site development plan for creating our nursery to the office of Growth Management on Monday September 14th. We understand there is a 14 day review process and this falls within the window of the 1 year CUP terms, however we would like to request an extension of our CUP to allow us to make revisions if required by the review board. Patrick Murphy from Growth Management has directed us to write to you for this approval.

Achieving the submitted version of the plan took the entire year because every step in the process took much longer than expected. The planning and designing process was hindered by business delays due to the pandemic which compounded the inevitable delays due to alterations that arose during the planning process. We engaged the services of RKB Engineering LLC to continue the work on this site plan directly after our pre-application meeting with the City of Palm Bay in December of 2019. The unprecedented economic changes during and after the shut-down as we all tried to adapt to the pandemic interrupted this process.

We appreciate your consideration of our request to approve a extension of Resolution 2019-40 and we look forward to bringing our business to Palm Bay.

Sincerely,

Anna Hutson

RESOLUTION 2019-40

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR RETAIL SALES OF AGRICULTURAL PRODUCTS IN RR (RURAL RESIDENTIAL DISTRICT) ZONING, WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO HIELD ROAD, IN THE VICINITY WEST OF POWELL ROAD, AND LEGALLY DESCRIBED HEREIN, GRANTING THE USE AS A CONDITIONAL USE AND PROVIDING CONDITIONS HEREIN, PROVIDING FOR A COMMENCEMENT PERIOD, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, application for a conditional use in RR (Rural Residential District) zoning to permit retail sales of agricultural products on property legally described herein has been made by Babcock LLC and


WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on September 18 2019 which voted to recommend to the City Council approval, with conditions, and

WHEREAS, all provisions applicable to the conditional use under Chapter 185 Zoning Conditional Uses Sections 185.085 and 185.086, and District Regulations, Section 185 031, of the Palm Bay Code of Ordinances, have been addressed by the applicant and

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

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

SECTION 1 The City Council of the City of Palm Bay hereby grants a conditional use for retail sales of agricultural products on property zoned RR (Rural Residential District), which property is legally described as follows


CITY OF PALM BAY
Office of the City Clerk
120 Malabar Road, SE
Palm Bay Florida 32907

Lot 3, Block 3, Melbourne Poultry Colony Addition Number 1, according to the plat thereof as recorded in Plat Book 7, Page 12, of the Public Records of Brevard County, Florida, Section 23, Township 28S, Range 36E, containing 9 16 acres, more or less

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

- 1) Constructing the building in accordance with the site plan which is by reference incorporated herein as Exhibit A
- 2) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit "B"
- 3) Retail hours of operation shall be no earlier than 9 00 a.m and no later than 5 00 p m
- 4) Nursery shall be set back 125 feet from the road with shrubbery blocking view of the nursery area
- 5) Parking and a 400 square foot 'check-out' building shall be located approximately 450 to 500 feet from the road and close to the center of the property
- 6) Privacy fence and/or a vegetative border along the east side of the property shall be constructed and maintained
- 7) A business sign without lighting and not larger than 16 square feet shall be on the property and not in the right-of way
- 8) The business shall be strictly a Florida native plant nursery and farm per conditional use
- 9) The driveway shall be moved further west and will be further evaluated during the administrative site plan review process
- 10) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules regulations and statutes

SECTION 3. The conditional use must be commenced within one (1) year from the effective date of this resolution. Commencement shall mean the issuance of site plan approval. Failure to obtain site plan approval within one (1) year shall void the conditional use.

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

This resolution was duly enacted at Meeting 2019 24 of the City Council of the City of Palm Bay, Brevard County, Florida, held on October 3, 2019.

ATTEST

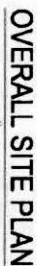
Terese M. Jones

CITY CLERK

Applicant Anna Hutson
Case CU 20-2019

cc 10-04-19 Applicant
Case File
Brevard County Recording

William Capote MAYOR



RKB ENGINEERING LLC C #25112
STRUCTURAL / CIVIL ENGINEERING CONSULTING
304 OAK ST., MELBOURNE BEACH, FL 32951
(321)-725-3888, (321)-984-5482 (Fax)
EMAIL: DORABANTHIA@RKB.COM



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Patrick J. Murphy Assistant Growth Management Director

CASE NUMBER

CU-20 2019

PLANNING & ZONING BOARD HEARING DATE

September 18 2019

APPLICANT/PROPERTY OWNER

Anna Hutson

PROPERTY LOCATION/ADDRESS

North of and adjacent to Hield Road NW approximately 400
west of Powell Road

SUMMARY OF REQUEST

Conditional Use approval for retail sales of agricultural products

Existing Zoning

RR Rural Residential

Existing Land Use

Single Family Residential Use

Site Improvements

Single Family Home

Site Acreage

9.16, more or less

SURROUNDING ZONING & USE OF LAND USE

North

RR Rural Residential Melbourne Tillman Canal No. 65

East

RR Rural Residential Single Family Homes

South

RR, Rural Residential Single Family Homes

West

RR Rural Residential, Single Family Homes

BACKGROUND

The subject property is located north of and adjacent to Hield Road NW approximately 400' west of Powell Road. Specifically, the property is Lot 3, Block 3, of the Melbourne Poultry Colony Addition No. 1 located in Section 23 Township 28 Range 36 Brevard County, Florida. The total property includes 9.16 acres, more or less.

The property contains an existing, single family home of approximately 3,670 square feet and was constructed in 1969. According to the Brevard County Property Appraiser, the property is owned by the Marylou Family Trust. The applicant has provided documentation that she is the rightful trustee and is therefore authorized to submit this application.

The applicant is requesting conditional use approval for retail sales of agricultural products, as required by Section 185.031(D)(2) of the Palm Bay Code of Ordinances. The applicant for this request is Anna Hutson.

ANALYSIS

The applicant proposes to construct a 400 square foot building for the sale of plants that are grown on this property. Included upon the conceptual site plan in addition to the retail display area is a wholesale nursery area. It shall be noted that a wholesale plant nursery is a permitted use in the RR zoning district. According to the submitted plan, the existing driveway will be the sole access point from Hield Road, and an internal driveway will loop the nursery areas.

CODE REQUIREMENTS

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

Item (A) *Adequate ingress and egress may be obtained to and from the property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of emergency.*

According to the conceptual site plan, the site will be accessed from the existing driveway located at the SE corner of the site, which presently serves as the access point for the residence. The City's Public Works Department has reviewed the request and conceptual plan and recommends that the driveway for this operation be moved further west, to avoid conflicts with the existing driveway of the parcel to the east. The two driveways are approximately 90' apart. The new driveway must meet the commercial driveway standards.

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

The City's Land Development Code does not contain minimum parking standard for plant nurseries "General Retail" uses however must provide a minimum of one (1) space for each two hundred (200) square feet of gross floor area. As such, the sales building would require a minimum of two (2) parking spaces, of which at least one of the spaces shall be handicap accessible.

According to the conceptual plan, a total of six (6) spaces are proposed (3 paved and 3 unpaved) adjacent to the sales building. Of the 3 paved spaces, one is proposed to be handicap accessible. A handicapped ramp is provided from the parking area into the sales building and out of the building to the display area.

Five (5) trailer parking spaces are shown adjacent to the wholesale nursery area. These spaces must be relocated as discussed in Section 3 below.

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

Utilities are not readily available to this property. The nearest connection point to the City's water distribution system is a 6 inch water main on Anlow Road, near the intersection of Hield Road (almost one mile to the east). The nearest connection to the City's sewer collection system is a 12 inch force main at the intersection of Palm Bay Road and Minton Road (1.5 miles to the SE).

Therefore, connection to the City's water and sewer system is not required. At the time of site plan submittal, the applicant shall provide the necessary Health Department permit for on-site sewage collection/treatment (septic).

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

The parcel of land for which this development is proposed is a large lot of more than nine (9) acres. Existing vegetation along the front and west sides of the parcel will be preserved to screen the operation from adjacent property lines. The remainder of the site north of the operation is heavily wooded and no clearing has been proposed. An existing residence (3805 Hield Road NW), is located approximately 250' SE of the proposed plant display areas.

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

No signs are shown on the drawing and a lighting plan was not provided. It shall be noted that City codes require any and all lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties. Only one (1) detached sign would be allowed and it must meet all applicable location and dimension criteria.

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

The yards and open space requirements of the Zoning Code have been met with the exception of the trailer parking spaces.

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

As stated above, the City's Public Works Department has recommended moving the access to the site to avoid any conflicts with the neighboring driveway. In addition, on-site drive paths shall be designed to accommodate two-way traffic. This will be further evaluated during the administrative site plan review process.

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

The proposed retail use is permitted (via conditional use) and the wholesale use is permitted 'by right'. The Planning and Zoning Board (Board) and City Council should evaluate the request to determine if the proposed setbacks and buffering are adequate for compatibility. It shall be noted that the Hield Road area generally consists of large acreage lots and that the RR zoning district allows for several uses of a non-residential nature.

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

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

- 2 In addition to the items listed above, a proposed project for retail sales of agricultural products must meet the specific criteria of the RR district. The specific criteria are as follows.

Item (a) *No structure for sale of agricultural products grown on the same lot shall contain a floor area greater than four hundred (400) square feet.*

The proposed sales area is indicated on the submitted plan to meet the maximum permitted sales area of 400 square feet.

Item (b) *The area and structure used for sale of such products shall meet the setbacks established for principal structures*

The minimum setbacks for principal structures in the RR zoning district are 50' from the front property line 20' from the side property lines and 30' from the rear property line. The proposed display area of the retail plants is approximately 300' from the front property line, 85' from the closest side property line, and 850' from the rear property line. The structure used to consummate the sale of plants is located 20' north of the display area.

Item (c) *All parking spaces, loading spaces and drives shall meet the setbacks established for principal uses*

The existing driveway is approximately 25' from the side (east) property line at its closest point. To meet the minimum 20' side setback, all parking areas shall be located west of this driveway. The trailer parking spaces shown on the conceptual plan must therefore be relocated.

3. It shall be noted that if this request is approved by City Council, the applicant is required to submit an engineered site plan for city staff review. All applicable codes must be met prior to issuance of site plan approval and building permits.

STAFF CONCLUSION

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Section 185.087 of the Palm Bay Code of Ordinances.



AERIAL LOCATION MAP CASE CU-20-2019

Subject Property

North of and adjacent to Hield Road NW, in the vicinity west of Powell Road, specifically at 3835 Hield Road NW



Not to Scale

Map for illustrative purposes only, not to be construed as binding or as a survey

REVISED



LEGISLATIVE MEMORANDUM

TO Honorable Mayor and Members of the City Council
FROM Lisa Morrell, City Manager
DATE October 3 2019
RE Conditional Use Request – Anna Hutson

Ms Anna Hutson has applied for conditional use approval for retail sales of agricultural products

REQUESTING DEPARTMENT

Growth Management

CONCLUSION

City Council must determine if the request meets the criteria of Section 185.087 of the Palm Bay Code of Ordinances

At the Planning and Zoning Board meeting, Ms Hutson presented and discussed a list of self-imposed conditions that she created after meeting with the surrounding property owners She offered these six (6) conditions to the Board, to be applied to her conditional use request, to address and alleviate some of the concerns of her neighbors These conditions are attached to the staff report and summarized below

- 1 Retail hours of operation will be no earlier than 9am and no later than 5pm.
- 2 Nursery is set back 125 feet from the road with shrubbery blocking any view of the sales area
- 3 Parking and 400 square foot Check Out building will be located approximately 450 to 500 feet from the road and close to the center of the property
- 4 Construct and maintain a privacy fence and/or a vegetative border along the east side of our property
- 5 Our business sign must be on the property and not in the right of way and within reasonable size limits with no lighting Suggested sign size 6x6 **>>Staff notes that 6X6 is too large for the residential zone. 16 SF is the maximum size permitted in this zone.<<**

6 Strictly a Florida Native Plant nursery and farm per conditional use

Staff recommends the driveway be moved further west and will be further evaluated during the administrative site plan review process

Planning and Zoning Board Recommendation

Approval of the request by a vote of 5 to 1, subject to the applicant's self imposed conditions and the conditions contained in the staff report

- Attachments
- 1) Case CU 20-2019
 - 2) Applicant's Voluntary Restrictions
 - 3) Board minutes excerpt
 - 4) Resolution

PJM/cp/ab

RESOLUTION 2020-52

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-40, SECTION 3, BY EXTENDING THE COMMENCEMENT PERIOD OF THE CONDITIONAL USE GRANTED FOR RETAIL SALES OF AGRICULTURAL PRODUCTS IN RR (RURAL RESIDENTIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO HIELD ROAD, IN THE VICINITY WEST OF POWELL ROAD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 3, 2019, the City of Palm Bay granted a conditional use through Resolution 2019-40 to Anna Hutson for retail sales of agricultural products in RR (Rural Residential District) zoning, and

WHEREAS, an additional one (1) year extension to the commencement period for the conditional use is being requested by Anna Hutson.

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

SECTION 1. The City Council of the City of Palm Bay hereby amends Resolution 2019-08, Section 3, to read as follows:

“Section 3.

The conditional use must be commenced within two (2) years from the effective date of this resolution. Commencement shall mean the issuance of site plan approval. Failure to obtain site plan approval within two (2) years shall void the conditional use.

SECTION 2. The effective date of the commencement period, as amended, for the conditional use shall be determined from the effective date of Resolution 2019-40, enacted on October 3, 2019.

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 10/1/2020

RE: Consideration of amending Council Policies and Procedures by modifying public comments at workshops and special meetings.

Staff has proposed an amendment to Council's Policies and Procedures, Section 8, Public Comments, as it relates to Workshops and Special Meetings.

Section 7.8.5 has been revised to remove public comments as a heading on workshop and special meeting agendas and to provide further clarification on procedures for public comment at said meetings.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the amendment to Council's Policies and Procedures as requested.

ATTACHMENTS:

Description

Section 7.8.5 - Public Comments

CHAPTER 7

Section 8

MEETING RULES AND ORDER

PUBLIC COMMENTS

7.8.5 WORKSHOPS AND SPECIAL MEETINGS

~~A. Public Comments at workshop meetings and special meetings shall be heard at the beginning of the meeting under the heading "PUBLIC COMMENTS".~~

~~B >>A<<.~~ Public comments ~~>>at workshops<<~~ shall be entertained as follows:

1. Public comments shall address only those items specifically listed on the agenda;
2. Individuals wishing to address council will raise their hands at the appropriate time and the presiding officer will call upon the individuals to approach the lectern;
3. The speaker shall be limited to three (3) minutes. Time may not be donated to another speaker;
4. The city council may recall an individual to provide additional information or to answer questions.

~~>>B.~~ Public comments at special meetings shall be entertained as follows:

1. Public comments shall address only those items specifically listed on the agenda;
2. Individuals wishing to address council will raise their hands at the appropriate time and the presiding officer will call upon the individuals to approach the lectern;
3. The speaker shall be limited to three (3) minutes. Time may not be donated to another speaker;
4. The city council may recall an individual to provide additional information or to answer questions;
5. Individuals present to address specific agenda items listed under "Public Hearings" will address city council using the guidelines established for same at the time the item is considered by the city council.<<



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development

DATE: 10/1/2020

RE: Consideration of a budget amendment to record additional program income revenue (\$53,086) and the appropriation of funds for the HOME Down Payment Assistance Program for eligible first-time homebuyers (\$53,086 of income revenue; \$5,000 in reserves).

Staff wishes to allocate a total of \$58,086 to the HOME Down Payment Assistance Program/16CD01 (114-3353-554.38-03) with revenues generated through HOME Investment Grant Fund (114-0000-345-9002). The revenue generated is program income from the repayment of a loan under the Down Payment Assistance Program from a first-time homebuyer.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

Record \$53,086 in additional program income revenue in account 114-0000-345-9002. Appropriate \$53,086 of income revenue, in addition to \$5,000 in reserves (114-3351-593-9901), to the HOME Down Payment Assistance Program/16CD01 in account 114-3353-554-3803 for an eligible first-time homebuyer. Funding to be appropriated on Budget Amendment #5.

RECOMMENDATION:

Motion to Approve a budget amendment to record \$53,086 in additional program income revenue in account 114-0000-345-9002, and appropriate \$53,086 of income revenue, in addition to \$5,000 in reserves (114-3351-593-9901), to the HOME Down Payment Assistance Program/16CD01 in account 114-3353-554-3803 for eligible first-time home buyers.

ATTACHMENTS:

Description

BA Down Payment Assistance \$58,086

City Council Approval Date

Justification for Budget Amendment Request

--

Justification, if "No" →

Budget Office Representative

H.T.E. Entry Date
Entered By
Date Journalized



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Leslie Hoog, Fire Chief

DATE: 10/1/2020

RE: Consideration of travel and training for specified City employees (Fire Department).

The Palm Bay Fire Rescue Department requests authorization to send seven officers/instructors to the National Fire Department Instructor's Conference held in Indianapolis, Indiana April 20-24, 2021. Registration fee includes admission to the General Sessions, critical educational seminars covering firefighter tactics, management/leadership, training practices and legal issues, and entry into the convention center trade show which provides information on apparatus, training & safety equipment and EMS vendors. This convention was scheduled and approved for April 2020 but canceled due to the COVID pandemic. Credits exist for previously paid airfare which will be used for this year's travel. The total estimated cost is \$7252.49.

REQUESTING DEPARTMENT:

Fire Department

FISCAL IMPACT:

001-6012-522-4001 \$2098.49
001-6012-522-4002 \$1374.00
131-6070-552-5501 \$3780.00

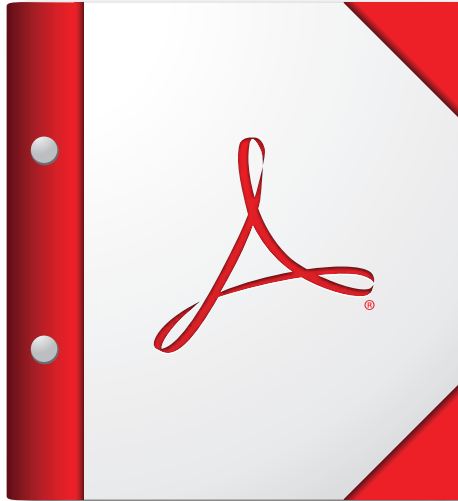
RECOMMENDATION:

Motion to authorize travel for Fire personnel as stated above.

ATTACHMENTS:

Description

Travel Requests



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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: 10/1/2020

RE: Ordinance 2020-63, amending the Code of Ordinances, Chapter 37, Growth Management Department, by removing references related to the Building Division, 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.

In accordance with the City Code of Ordinances, Title III entitled Administration, Chapter 31: City Departments, and section 31.01 Authorized, Item G; the Manager may establish by ordinance other administrative departments. The Acting City Manager recommends the establishment of a Building Department as a stand-alone department. Currently, Building is a division of the Growth Management Department.

Chapter 37 of the Code of Ordinances includes section 37.03 which shows the divisions which make up the Growth Management Department. The proposed ordinance will remove Building Division from Growth Management. A separate corresponding ordinance is being proposed to make Building its own department.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve the removal of the Building Division from the Growth Management Department in Chapter 37 of the Code of Ordinances.

ATTACHMENTS:

Description

Ordinance 2020-63

ORDINANCE 2020-63

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, CHAPTER 37, GROWTH MANAGEMENT DEPARTMENT, BY REMOVING REFERENCES RELATED TO THE BUILDING DIVISION; 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 III, Administration, Chapter 37, Growth Management Department, Section 37.03, Departmental Divisions, is hereby amended and shall henceforth read as follows:

“Section 37.03 DEPARTMENTAL DIVISIONS.

* * *

~~(B) — Building Division.~~

~~(1) — Provides permitting, review, and inspection of construction to ensure compliance with building, electrical, mechanical, and plumbing codes. Staff members of the Division serve as liaison to the Building Board of Adjustment and Appeals Board.~~

(G >>B<<) Code Compliance Division.

(1) Effectively upholds the Palm Bay Code of Ordinances, while making every effort to bring about voluntary compliance of code violations. Staff members of the Division serve as liaison to the Code Enforcement Board.”

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

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~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: Valentino Perez, Building Director

DATE: 10/1/2020

RE: Ordinance 2020-64, amending the Code of Ordinances, by creating Chapter 40, to be titled "Building Department", 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.

In accordance with the City Code of Ordinances, Title III entitled Administration, Chapter 31: City Departments, and section 31.01 Authorized, Item G; the manager may establish by ordinance other administrative departments. The Acting City Manager recommends the establishment The Building Department as Chapter 40.

The Building Department (BD) shall consist of a Director (Chief Building Official) who shall have supervision and control of the department, subject to the City Manager. The establishment of the department and reorganization of duties is designed to improve efficiencies and processes that incorporate a holistic approach to the needs of the City of Palm Bay.

Building Department provides permitting, review, and inspection of construction to ensure compliance with building, electrical, mechanical, and plumbing codes. Staff members of the department serve as liaison to the citizens of Palm Bay.

Future textual amendments to Chapter 31 City Departments, 170 of the Land Development Code, and Chapter 174.001 related to Flood Plain Management will be amended where this code language is applicable, upon approval of the ordinance to creating The Building Department.

REQUESTING DEPARTMENT:

City Manager's Office

FISCAL IMPACT:

No Fiscal Impact.

RECOMMENDATION:

Motion to approve the establishment of the Building Department and creation of Chapter 40 of the Code of Ordinances.

ATTACHMENTS:**Description**

Ordinance 2020-64

ORDINANCE 2020-64

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, BY CREATING CHAPTER 40, TO BE TITLED “BUILDING DEPARTMENT”; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title III, Administration, is hereby amended by creating Chapter 40, to be titled “Building Department”, which shall read as follows:

>>“CHAPTER 40: BUILDING DEPARTMENT

Section 40.01 AUTHORITY.

The provisions of this ordinance are based upon the authority granted to the City Council of the City of Palm Bay, Florida (the City), by the Florida Constitution, Florida Statutes, and the Charter of the City of Palm Bay, Florida.

Section 40.02 COMPOSITION.

The Building Department shall consist of a Director (Chief Building Official) who shall have supervision and control of the department, subject to the City Manager.

Section 40.03 DUTIES AND RESPONSIBILITIES.

The Building Department is responsible for the review and issuance of permits for new and existing buildings in accordance with the Florida Building Code to ensure construction meets the requirements of all state, city and fire prevention codes for the safety and welfare of the citizens.”<<

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

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

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: Frank Watanabe, Public Works Director

DATE: 10/1/2020

RE: Ordinance 2020-65, vacating a portion of the rear public utility and drainage easement located within Lots 8 and 9, Block 2063, Port Malabar Unit 46 (Case VE-12-2020, Ronald Giscombe), 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.

Ronald Giscombe has submitted an application to vacate the Northeasterly 8 feet of the Southwesterly 20 foot Public Utility and Drainage Easement, less and except the Easterly and Westerly 6 foot Public Utility and Drainage Easements, thereof containing 1264 square feet, more or less of Lots 8 & 9, Block 2063, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for an inground pool and screen enclosure.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve the request to vacate per the recommendation section on the Staff Report.

ATTACHMENTS:

Description

Staff Report

Ordinance 2020-65

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: To vacate the Northeasterly 8 feet of the Southwesterly 20 foot Public Utility and Drainage Easement, less and except the Easterly and Westerly 6 foot Public Utility and Drainage Easement, thereof containing 1264 square feet more or less of Lots 8 & 9, Block 2063, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for an inground pool and screen enclosure.

LOCATION: 2926 & 2938 Grant Avenue SE
(Lots 8 & 9, Block 2063, Port Malabar Unit 46)

APPLICANT: Ronald Giscombe

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 1264 square feet, more or less

ADJACENT ZONING	N	RS-2 – Single-Family Residential
& LAND USE:	E	RS-2 – Single-Family Residential
	S	RS-2 – Single-Family Residential
	W	50' wide Drainage Right of Way

STAFF ANALYSIS:

To vacate the Northeasterly 8 feet of the Southwesterly 20 foot Public Utility and Drainage Easement, less and except the Easterly and Westerly 6 foot Public Utility and Drainage Easement, thereof containing 1264 square feet more or less of Lots 8 & 9, Block 2063, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for an inground pool and screen enclosure.

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

The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 5 feet, along city owned canals, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Northeasterly 8 feet of the Southwesterly 20 foot Public Utility and Drainage Easement, less and except the Easterly and Westerly 6 foot Public Utility and Drainage Easement, thereof containing 1264 square feet more or less of Lots 8 & 9, Block 2063, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for such an endeavor.

STAFF RECOMMENDATION:

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

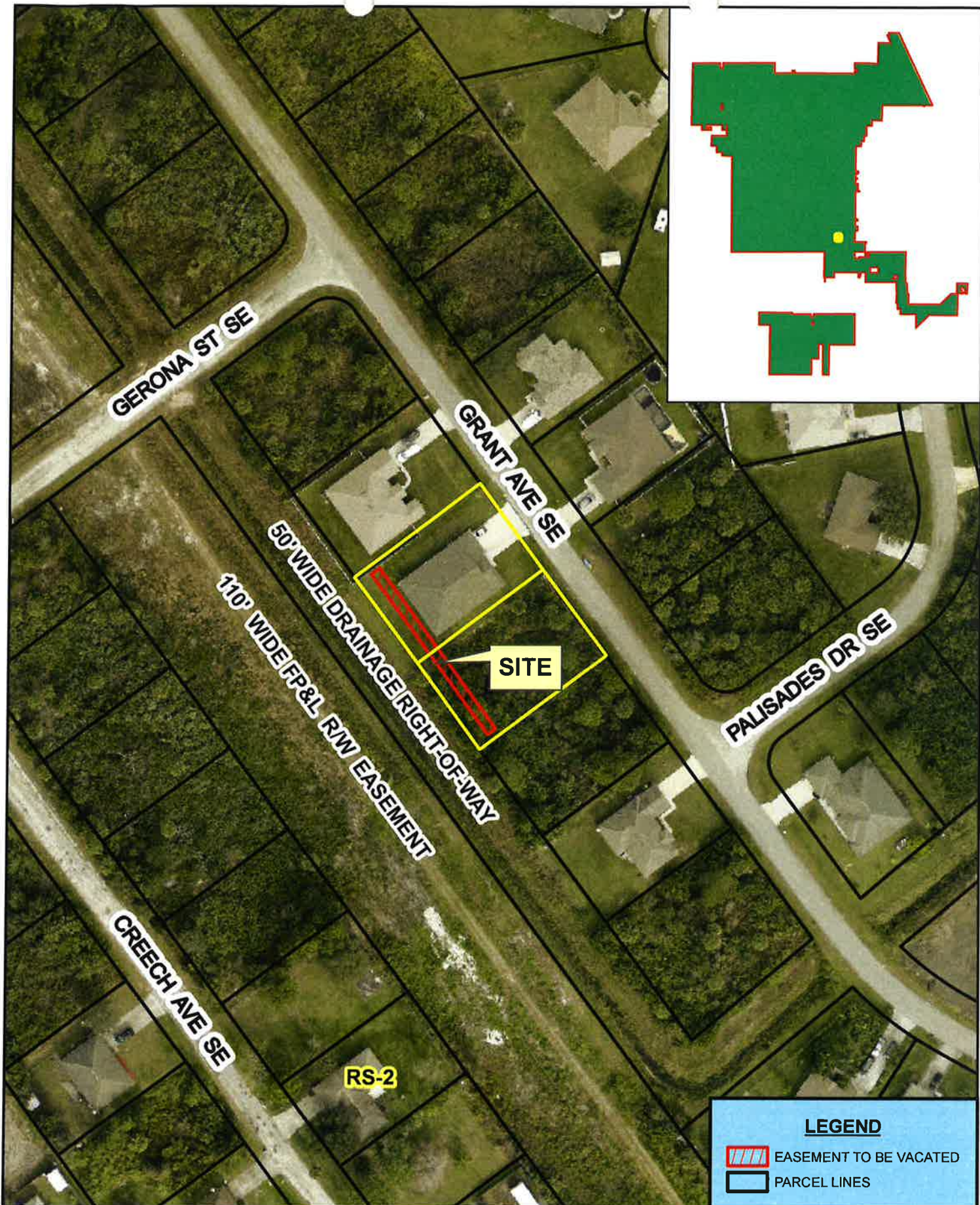
LOCATION MAP



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on August 18, 2020.

VE-12-2020

0 12.5 25 50
Feet
1 inch = 50 feet

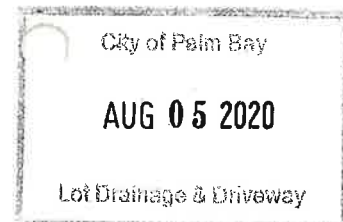


Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on August 19, 2020.

LOCATION MAP
VE-12-2020

0 25 50 100
Feet
1 inch = 100 feet

Public Works Department
1050 Malabar Road SW
Palm Bay, Florida 32907
321-952-3403
PWPermitting@palmabayflorida.org



VE-12-20

REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY

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

NAME OF APPLICANT Ronald Giscoombe

ADDRESS: 2926 GRANT AVE SE / 2938 GRANT AVE SE

CITY Palm Bay

PHONE (703) 209-2726 BUSINESS PHONE N/A

FAX _____ EMAIL ADDRESS rongiscoombe@gmail.com

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

Lot 8 & Lot 9 Block 2063, Port Malabar UNIT Forty six, According to the PLAT thereof, Recorded in PLAT BOOK 22, Pages 58 through 74, inclusive, of the Public Records of BREVARD County, Florida.

SECTION 33 TOWNSHIP 29 Range 37

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

Zoning classification at present: RS-2

Which action applying for (easement, drainage) vacate of EASEMENT

Reason for requesting vacation and intended use: to Add a Pool & and Fence w/ Lanai
inground pool w/ screen enclosure

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

The following enclosures are needed to complete this application

1. \$182.00 Application Fee. Make check payable to "City of Palm Bay".
2. List of names and addresses of property owners abutting the lot or parcel within which the Easement or drainage right-of-way is located;
3. Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
4. Original notarized letters from the following utility and service companies are required stating Whether or not they object to or if there is no interest in the vacating of the easement or Drainage right-of-way. If equipment lies within the easement or drainage right-of-way Requested for vacation, the applicant shall be responsible for any expenses incurred for Relocating same, unless other arrangements have been made with the company.
5. See contacts listed below:

Are you the property owner of record? X Yes _____ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

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

_____ Required X Not Required

Land Development Division Christopher Butler Date 7/30/2020

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

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

Signature of Applicant  Date 7/30/2020

Printed Name of Applicant Ronald Guy Giscombe

ORDINANCE 2020-65

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOTS 8 AND 9, BLOCK 2063, PORT MALABAR UNIT 46, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lots 8 and 9, Block 2063, Port Malabar Unit 46, according to the plat thereof as recorded in Plat Book 22, Page 74, of the Public Records of Brevard County, Florida, Section 33, Township 29S, Range 37E, being more particularly described as follows:

A portion of a 20.0 foot-wide public utility and drainage easement lying within Lots 8 and 9, Block 2063, Port Malabar Unit 46, according to the plat thereof, as recorded in Plat Book 22, Pages 58-74, of the public records of Brevard County, Florida.

Being more particularly described as follows: the northeasterly 8.0 feet of the southwesterly 20.0 feet except the east 6.0 feet and west 6.0 feet, there of lying within said of Lots 8 and 9, Block 2063; containing 1264 square feet, more or less.

SECTION 2. 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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Ronald Giscombe
Case: VE-12-2020

cc: (date) Applicant
Case File
Brevard County Recording



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: 10/1/2020

RE: Ordinance 2020-67, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Planned Unit Development (PUD)', by establishing language that will permit tiny homes on wheels and revising provisions contained therein (Case T-21-2020, City of Palm Bay), first reading. (Deputy Mayor Johnson)

The City of Palm Bay (Deputy Mayor Kenny Johnson) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 (Definitions), to modify the definitions of mobile home dwellings and single-family dwellings; and to create a new definition for a Tiny Home on Wheels (THOW). The amendment seeks to modify Section 185.060 (Definitions) to permit THOWs within Small Planned Unit Developments (SPUDs) and modifies Section 185.062 by deleting the words "prior to the effective date of this section." The rationale provided for the subject proposal was to create more housing choices and potentially make housing more affordable by allowing THOWs in the City of Palm Bay. The minimum living area for a THOW is 120 square feet.

A THOW will only be allowed to locate in a SPUD, which had a Multiple-Family Residential (MFR) land use. THOWs shall be anchored to the ground or placed on a foundation, skirted, and connected to utilities. All construction will comply with the American National Standards Institute (ANSI) or the Code of Federal Regulations (CFR), based on square footage.

Given the potentially wide variety of THOWs, City Council may want to consider additional architectural standards that would allow for more resemblance to conventional homes.

Further, the amendment will allow SPUDs to locate on future Multiple-Family Residential land use sites.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:

Request for City Council consideration to allow of Tiny Homes on Wheels (THOWs) is a policy decision that needs to be addressed. The City Council should consider the definitional changes that are required to make the use permissible, and could also adopt additional requirements as noted on page 3 of the staff report, if so desired, to enhance the appearance of the units and the communities where they will locate.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:

Description

Case T-21-2020

Board minutes

Ordinance 2020-67



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-21-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish language that will permit tiny homes on wheels and modification to the small planned unit developments.

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

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 (Definitions), to modify the definition of Dwelling, Mobile Home; to modify the definition of Dwelling, Single-Family; and to create a new definition for a Tiny Home on Wheels (THOW). Also, the amendment seeks to modify Section 185.060 (Definitions) to modify the definition of Small Planned Unit Development (SPUD) to allow THOWs, and further to modify Section 185.062 to delete the words “prior to the effective date of this section.”

The Growth Management Department, acting upon a request by a member of the City Council, has submitted this proposed text amendment. This proposed text amendment will allow Tiny Homes on Wheels (THOWs) to be developed as part of Small Planned Unit Developments (SPUDs)

The rationale provided for this amendment is to create more housing choices and potentially make housing more affordable by allowing THOWs in the City of Palm Bay.

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

ANALYSIS:

The first change in this amendment is a modification to the definition of Dwelling, Mobile Home. This change is being made to recognize that the Department of Transportation does not license Mobile Homes. Rather than call out a specific department, which could change in the future, the proposed wording using “State of Florida” acknowledges that Mobile Homes are licensed by the state but not the Department of Transportation.

The second change is a modification to the definition Dwelling, Single-Family to allow Tiny Homes on Wheels (THOWs) which are anchored to the ground or placed on a foundation with skirting and connected to City of Palm Bay water and sewer. This type of home may be considered a Single-Family Dwelling. While this may seem contrary to certain definitions in Florida State Statutes, which consider this to be a Mobile Home, based upon discussions and documents reviewed by the City Attorney’s office, the City Council has the ability to define locally what is or is not a Single-Family Dwelling. It should be noted that for a THOW to be considered as a Single-Family Dwelling it must meet the definitional criteria. If a THOW was not anchored to the ground or placed on a foundation, and not skirted, it would be considered a Mobile Home. Plus, for a THOW to be considered as a Single-Family Dwelling it must be connected to City water and sewer.

The minimum living area is 120 square feet for a THOW. THOWs which are 400 square feet or less must be constructed to the American National Standards Institute (ANSI) Sec. A119.5. THOWs over 400 square feet must comply with the Code of Federal Regulations (CFR) – 24 CFR Part 3280 – Manufactured Home Construction and Safety

The first change in this amendment is a modification to the definition of Dwelling, Mobile Home. This change is being made to recognize that the Department of Transportation does not license Mobile Homes. Rather than call out a specific department, which could change in the future, the proposed wording using “State of Florida” acknowledges that Mobile Homes are licensed by the state but not the Department of Transportation.

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The minimum living area is 120 square feet for a THOW. THOWs which are 400 square feet or less must be constructed to the American National Standards Institute (ANSI) Sec. A119.5. THOWs over 400 square feet must comply with the Code of Federal Regulations (CFR) – 24 CFR Part 3280 – Manufactured Home Construction and Safety Standards. 24 CFR 2380 is administered by the Department of Housing and Urban Development (HUD). It should be further noted the proposed definition only allows THOWs to be located in Small Planned Unit Developments (SPUDs).

Small Planned Unit Developments (SPUDs) are a subset of Planned Unit Developments. A change in the definition of a SPUD will allow THOWs to be used with a SPUD. It should be noted that some of the requirements of a SPUD are different than a regular PUD. Some of the key differences are that SPUDs can be developed with just 1 acre of land, while PUDs require a minimum of 5 acres. Also, SPUDs have a maximum dwelling unit size of 800 square feet and PUDs have an 800 square foot minimum living area for single-family units. SPUDs have reduced parking and open space requirements, but they must be connected to City water and sewer. One final requirement is that a SPUD must have a designation on the Future Land Use (FLU) map of Multiple-Family Residential (MFR). MFR has a maximum density of 20 units per acre. Also, MFR allows for both Single-Family and Multi-Family dwellings.

The last text change in this application is a deletion of the words “prior to the effective date of this section.” This wording was originally added to the SPUD to identify that SPUDs could only be located on parcels with a pre-existing FLU of MFR. Since SPUDs were first adopted in January 2020, it has been determined that the City Council should have the ability to change the FLU designation to MFR, which would allow SPUDs in areas which currently are not designated as MFR.

The basic effect of this amendment is to allow THOWs in SPUDs. As written, THOWs would only be allowed in SPUDs which are created through same process as all Planned Unit Developments (PUDs).

Other than tie-downs, foundations and utility connections, THOWs will not be regulated by the Florida Building Code, but rather through ANSI and HUD standards. These units will still need to be registered as motor vehicles. As written their placement would be limited to SPUDs. Future expansion of THOWs beyond SPUDs is something that should be carefully considered should there be requests to allow these units in other areas. Allowing THOWs in the middle of single-family neighborhoods has the potential to create additional concerns for city residents about aesthetics and property values.

Given the potentially wide variety of THOWs that could be utilized. The Council may want to consider additional architectural standards for THOWs that would allow them to more resemble conventional built homes. Such standards could include: requirements for exterior finishes other than metal, such as wood siding or other materials; pitched roofs and porches could also be considered. THOW developments could also have additional open space or landscaping requirements to enhance community character. Shared parking areas could also be considered.

Locally, both Brevard County and the City of Rockledge have adopted regulations which allow for THOWs. However, based upon recent contacts with these agencies to date neither of them have seen any THOWs in their respective jurisdictions.

STAFF RECOMMENDATION:

THOWs in the City is a policy decision that the City Council will need to address. The Council should consider the definitional changes that are required to make this use permissible. Also, the Council could adopt additional requirements, if so desired, to enhance the appearance of these units and the communities where they will be located.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

GENERAL PROVISIONS

§ 185.006 DEFINITIONS.

DWELLING, MOBILE HOME. A detached residential dwelling unit over eight (8) feet in width, licensed by the >>State of Florida<< ~~Department of Transportation~~, designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A “travel trailer” is not to be considered as a mobile home.

DWELLING, SINGLE-FAMILY. A detached dwelling unit other than a mobile home, designed for and occupied by one (1) family only. >>A Tiny Home on Wheels (THOW) that is anchored to the ground or placed on a foundation with skirting and connected to the City of Palm Bay water and sewer distribution system may be considered as a Single-Family Dwelling.<<

MOBILE HOME. See dwelling, mobile home.

>>**TINY HOME ON WHEELS (THOW).** A dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation. A Tiny Home on Wheels (THOW) is considered a Single-Family residential structure when anchored to the ground or placed on a foundation with skirting and connected to the City of Palm Bay water and sewer distribution system. A THOW must have a minimum living area of one hundred and twenty (120) square feet. A THOW must be certified to meet ANSI A119.5 standards. A THOW exceeding 400 square feet shall meet the Federal Manufactured Home Construction and Safety Standards and shall have a United States Department of Housing and Urban Development label. A THOW shall only be permitted in a Small Planned Unit Development (SPUD).<<

TRAVEL TRAILER or MOBILE CAMPER. A self-powered or nonself-powered vehicle eight (8) feet or under in width and no more than thirty-five (35) feet in length capable of being towed by an ordinary vehicle upon which it is constructed, whose primary use is temporary lodging while traveling or camping and is not used for habitation except in designated areas while within the corporate limits of the city.

PLANNED UNIT DEVELOPMENT (PUD)

§ 185.060 DEFINITIONS.

SMALL PLANNED UNIT DEVELOPMENT (SPUD). An area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is master planned to provide for smaller sized (under 800 square feet) single or two-family structures and common open space. >>A SPUD may include Tiny Homes on Wheels (THOW), as defined in §185.006.<< Connection to public sanitary sewer and public water required.

§ 185.062 PERMITTED USES.

(D) *Small developments.* A SPUD consists of single-family or two-family structures in collective land ownership, such as a condominium or on individual-owned lots. Each dwelling unit shall not exceed 800 square feet of finished living area. SPUDs shall only be located in areas that have future land use designation of multiple family residential use ~~prior to the effective date of this section~~. SPUDs shall not be developed using Mobile Homes. SPUDs must be connected to the City of Palm Bay water and sewer distribution system.



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@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 185.006, 185.060 and 185.062

PROPOSED LANGUAGE (attach addendum if necessary):

See attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Per City Council direction, to establish language that will permit tiny homes on wheels and modification to the small planned unit developments.

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: 2020.08.25 10:08:20 -0400 Date _____

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 2020-10

Held on Wednesday, September 2, 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.

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

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

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

ROLL CALL:

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

Mr. Warner's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

A vote was called on the motion by Mr. Hill, seconded by Mr. Boerema to submit Case CP-8-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-8-2020 for approval, subject to the staff comments. The motion carried with members voting unanimously.

5. **T-21-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish language that will permit tiny homes on wheels and modification to the small planned unit developments. Tiny Homes on Wheels (THOWs) was a policy decision that the board and City Council will need to address. The board and City Council should consider the definitional changes to make the use permissible, and could also adopt additional requirements, if so desired, to enhance the appearance of the units and the communities where they will locate. The subject proposal was at the request of City Council.

Ms. Maragh inquired whether the proposed amendment was based on best practices or other municipalities that had implemented THOWs. Mr. Bradley explained that the amendments were the minimum necessary to permit THOWs within Small Unit Developments (SPUDs).

Ms. Jordan questioned whether the proposal would permit SPUDs to occur throughout the City. Mr. Bradley explained that SPUDs were currently restricted to properties with an existing future land use designation of Multiple Family Residential Use. The subject amendment would allow SPUDs to locate on properties where the land use designations were changed through the public hearing process in the future to Multiple Family Residential Use.

Ms. Jordan asked if THOWs must hook into water and sewer, and if one unit would be permitted on a single-family lot. Mr. Bradley confirmed that the units would be required to hook up to water and sewer, and that a single THOW could locate on a single-family lot if the site was within a SPUD.

Ms. Maragh asked about the staff report's reference to Brevard County and the City of Rockledge and if other municipalities were researched. Mr. Bradley stated that the two municipalities were the only communities in the region that had THOW ordinances, but neither had received any THOW requests.

The floor was opened for public comments.

Mr. Bruce Moia, P.E. (president of MBV Engineering, Inc.) spoke in favor of the request. He stated that he was instrumental in getting the amendment brought forward. He had an upscale THOW project that was ready for submittal. The amendment was well written, and the SPUD designations would permit the board and City Council to review the developments. Ms. Maragh inquired if the mentioned THOW development would entirely be on wheels. Mr. Moia said that wheels, skirting, landscaping, and other options would be considered for a proposed well-done community with amenities.

Mr. Weinberg noted that THOWs were required to have tie-downs, foundations, and utility connections.

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

Mr. Weinberg stated that he had no problem with the ordinance because of the required tie-downs, foundations, and utility connections. The City could determine architectural standards.

Motion by Mr. Hill, seconded by Ms. Maragh to submit Case T-21-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish language that will permit tiny homes on wheels and modification to the small planned unit developments. The motion carried with members voting unanimously.

ORDINANCE 2020-67

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 'PLANNED UNIT DEVELOPMENT (PUD)', BY ESTABLISHING LANGUAGE THAT WILL PERMIT TINY HOMES ON WHEELS AND REVISING PROVISIONS CONTAINED THEREIN; 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.

* * *

DWELLING, MOBILE HOME. A detached residential dwelling unit over eight (8) feet in width, licensed by the >>State of Florida<<Department of Transportation, designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A "travel trailer" is not to be considered as a mobile home.

* * *

DWELLING, SINGLE-FAMILY. A detached dwelling unit other than a mobile home, designed for and occupied by one (1) family only. >>A Tiny Home

on Wheels (THOW) that is anchored to the ground or placed on a foundation with skirting and connected to the City of Palm Bay water and sewer distribution system may be considered as a Single-Family Dwelling.<<

* * *

TERRACE. A hard, semi-hard, or improved surfaced area directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.

>>**TINY HOME ON WHEELS (THOW).** A dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation. A Tiny Home on Wheels (THOW) is considered a Single-Family residential structure when anchored to the ground or placed on a foundation with skirting and connected to the City of Palm Bay water and sewer distribution system. A THOW must have a minimum living area of one hundred and twenty (120) square feet. A THOW must be certified to meet ANSI A119.5 standards. A THOW exceeding 400 square feet shall meet the Federal Manufactured Home Construction and Safety Standards and shall have a United States Department of Housing and Urban Development label. A THOW shall only be permitted in a Small Planned Unit Development (SPUD).<<

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', Section 185.060, Definitions, is hereby amended and shall henceforth read as follows:

"Section 185.060 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

SMALL PLANNED UNIT DEVELOPMENT (SPUD). An area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is master planned to provide for smaller sized (under 800 square feet) single or two-family structures and common open space. >>A SPUD may include Tiny Homes

on Wheels (THOW), as defined in Section 185.006.<< Connection to public sanitary sewer and public water required.

* * *

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', Section 185.062, Permitted Uses, is hereby amended and shall henceforth read as follows:

"Section 185.062 PERMITTED USES.

Uses permitted in the planned unit development may include and shall be limited to the following and contain a minimum of five (5) acres, except for a Small Planned Unit Development (SPUD) which shall contain a minimum of one (1) acre:

* * *

(D) *Small developments.* A SPUD consists of single-family or two-family structures in collective land ownership, such as a condominium or on individual-owned lots. Each dwelling unit shall not exceed 800 square feet of finished living area. SPUDs shall only be located in areas that had a future land use designation of multiple family residential use, ~~prior to the effective date of this section.~~ SPUDs shall not be developed using Mobile Homes. SPUDs must be connected to the City of Palm Bay water and sewer distribution system."

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. 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 6. 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 7. 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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-21-2020

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: 10/1/2020

RE: Ordinance 2020-68, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of an adjacent to Alegriano Road, in the vicinity east of Jupiter Boulevard, from Recreation and Open Space Use to Single-Family Residential Use (1.55 acres)(Case CP-7-2020, M. David Moallem), only one reading required.

The subject property is under contract by Mr. Lehem and Ms. Brandi Berrios, Reps. The applicants have asked for a small-scale Comprehensive Plan Future Land Use Map Amendment to change 1.55 acres of Recreation and Open Space Use (ROS) to Single-Family Residential Use (SFR). The property is located south of and adjacent to Alegriano Road NW, in the vicinity south of Americana Boulevard NW. The applicants intend to construct a single-family home on the site, but it should be noted that the parcel can only be split one time to create two properties without having to adhere to the City's subdivision ordinance.

The subject parcel is not located within any of the Florida scrub-jay polygons identified on the City's Habitat Conservation Plan (HCP); however, any listed species identified on the subject parcel would need to be mitigated as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to to approve Case CP-7-2020, subject to the staff comments.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the staff comments.

ATTACHMENTS:

Description

Case CP-7-2020

Board minutes

Ordinance 2020-68



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CP-7-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

M. David Moallem
(Rep. Lehem Berrios)

PROPERTY LOCATION/ADDRESS

Tract C, Port Malabar Unit 14, Section 35, Township 28,
Range 36, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 1.55 acres of Recreation and Open Space Use (ROS) to Single-Family Residential Use (SFR).

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Recreation and Open Space Use

Site Improvements

Undeveloped Land

Site Acreage

1.55 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single-Family Residential; Alegriano Road NW

East

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

South

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

West

RS-2, Single-Family Residential; Undeveloped Land

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.

The Single Family Residential (SFR) Use FLU category allows for a maximum residential density of 5 units per acre, with a range of 0-5 units per acre. Typical uses permitted include single-family homes, recreational uses, and institutional uses such as schools, churches, and utilities

The applicant intends to construct one (1) single-family home. It shall be noted that the parcel may only be split one time (to create two properties) without having the follow to the City's subdivision ordinance. Any further splits will require compliance and legislative review.

2. COASTAL MANAGEMENT ELEMENT

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

3. CONSERVATION ELEMENT

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

The subject parcel is not located within any of the Florida scrub-jay polygons identified on the City's Habitat Conservation Plan (HCP). No additional listed species are known to inhabit the subject property. Any listed species identified on the subject parcel would need to be mitigated for as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

Recreation: Single-Family Residential Use does have more of a demand upon the parks & recreation level of service (LOS) standards than Recreation and Open Space Use. However, the number of homes that could be constructed upon the property would have a De minimis effect on the recreation LOS. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets a LOS Standard of 2 acres per 1,000 residents. The

city maintains public ownership of park-designated lands that far exceed this requirement. Furthermore, privately-owned land with a Recreation and Open Space Land Use designation may not be used to meet this LOS.

4. HOUSING ELEMENT

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

5. INFRASTRUCTURE ELEMENT

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

Utilities: The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water facilities are not available at the site. If developed, the owner/developer will be responsible for extending services to the site in accordance with current City and State regulations.

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

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

6. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment requested is to allow the site to be used for a single-family home. The property use will have no adverse impacts on the public-school system.

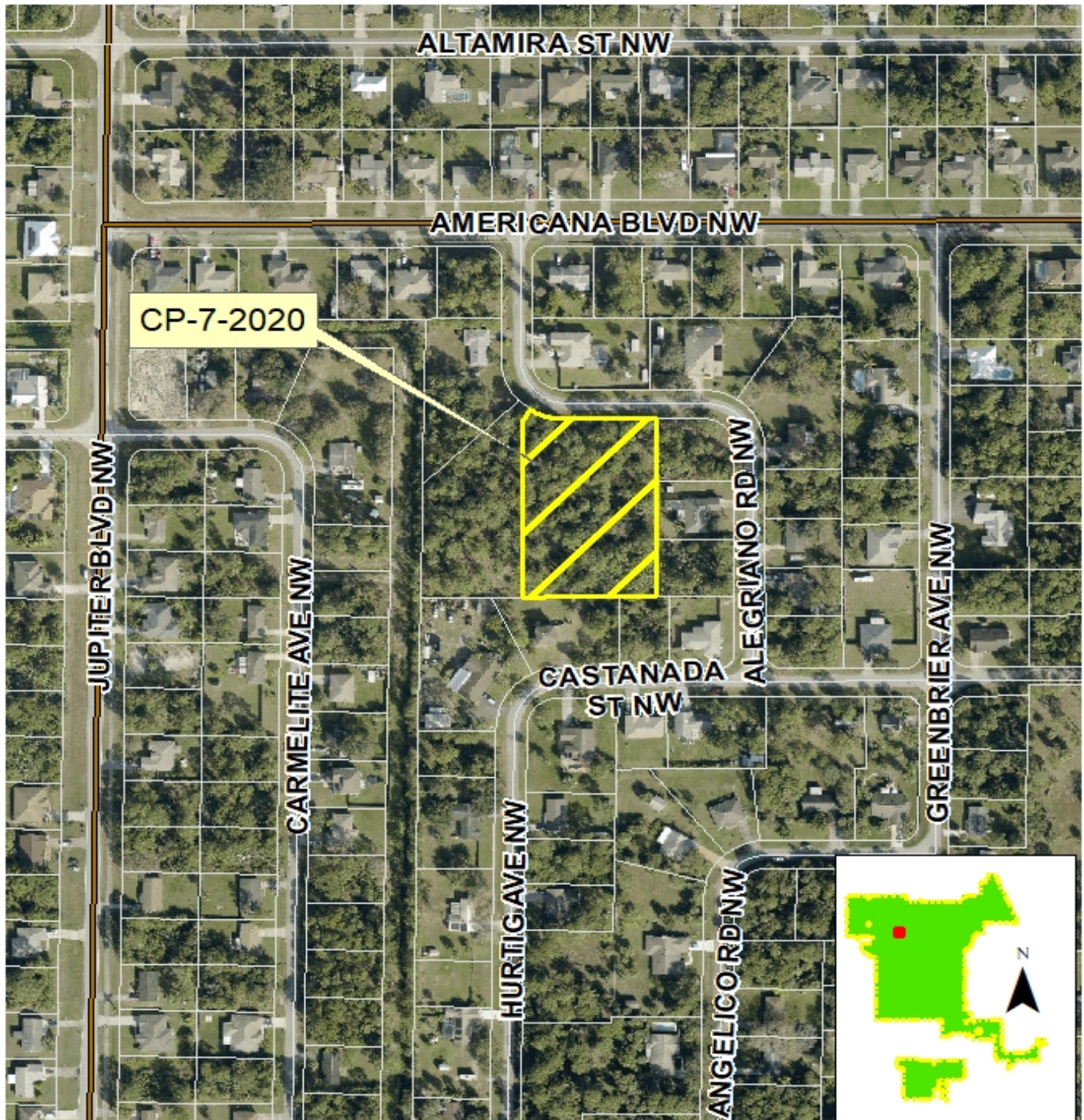
7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element is to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.

STAFF RECOMMENDATION:

Case CP-7-2020 is recommended for approval subject to the staff comments.

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



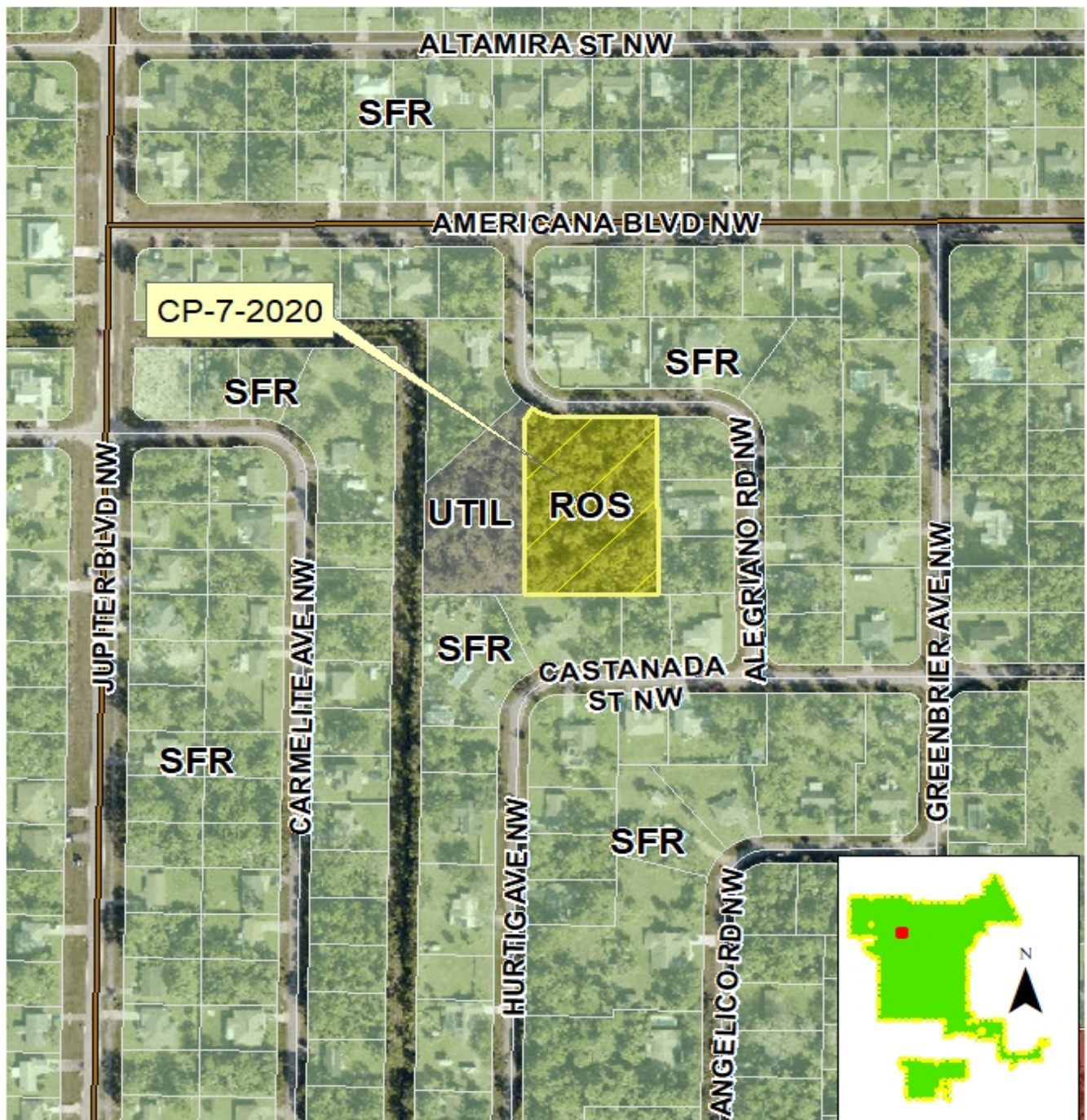
AERIAL LOCATION MAP CASE CP-7-2020

Subject Property

South of and adjacent to Alegriano Road NW, in the vicinity south of Americana Boulevard NW



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



FUTURE LAND USE MAP

CASE CP-7-2020

Subject Property

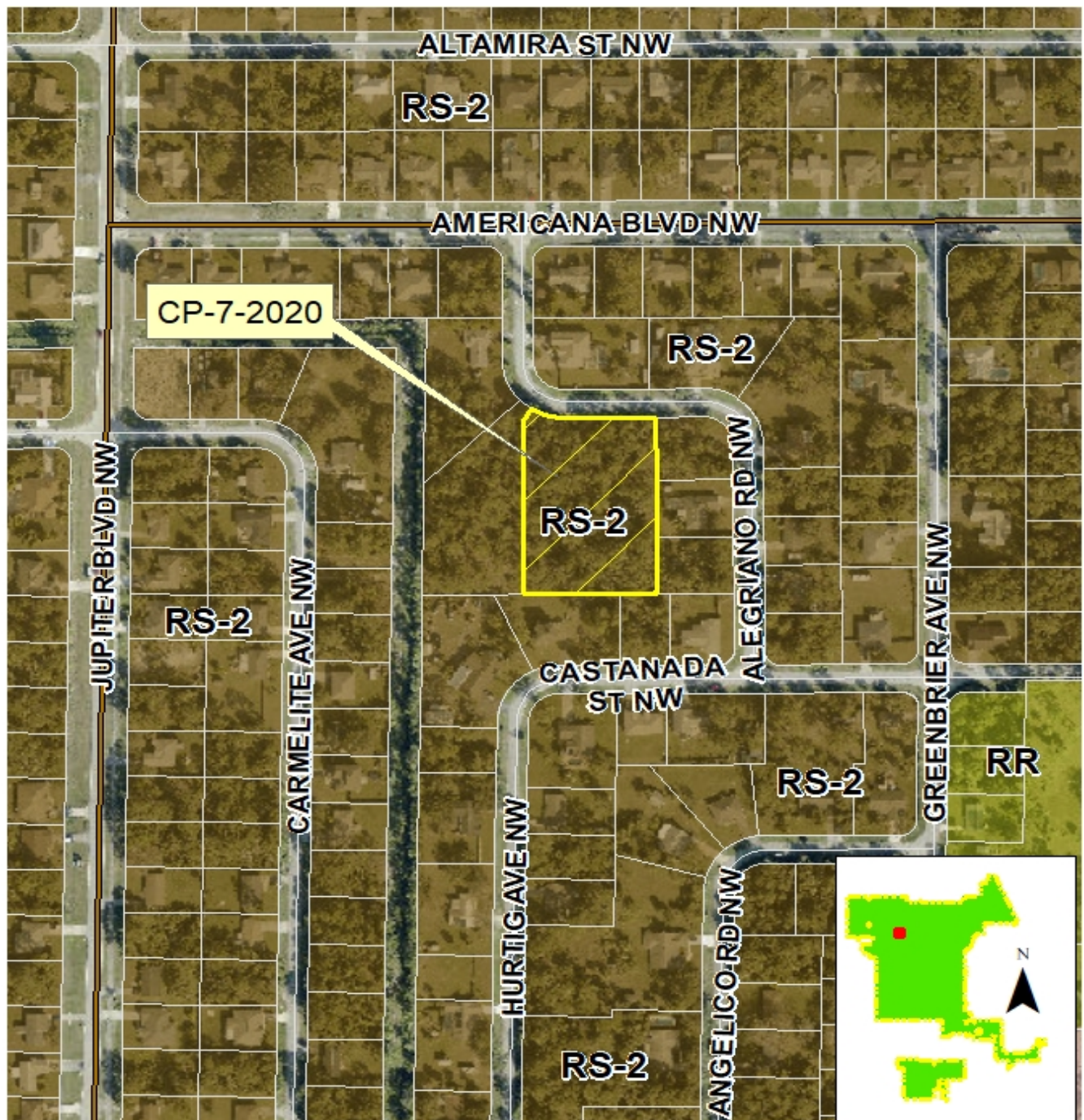
South of and adjacent to Alegriano Road NW, in the vicinity south of Americana Boulevard NW

Future Land Use Classification

ROS – Recreation Open Space Use



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



ZONING MAP

CASE CP-7-2020

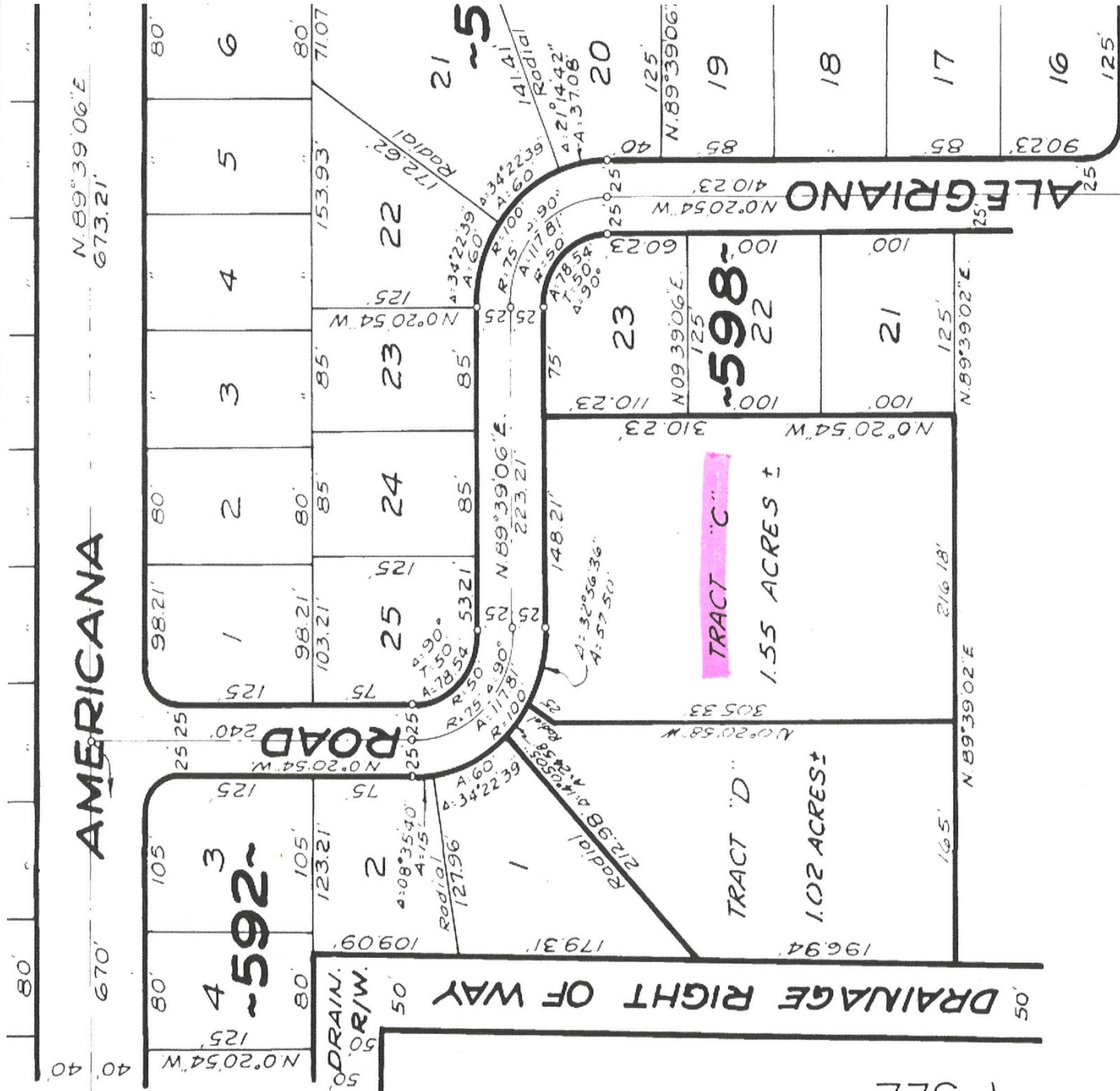
Subject Property

South of and adjacent to Alegriano Road NW, in the vicinity south of Americana Boulevard NW

Current Zoning Classification

RS-2 – Single Family Residential District

(SEE





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 28-36-35-EY-C

TAX ACCOUNT NUMBER 2814144

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Port Malabar unit 14 ; tract C

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

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

ROS

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

SFR

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

PRESENT USE OF PROPERTY Vacant

STRUCTURES LOCATED ON THE PROPERTY none

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION

N/A

JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary)

We would like to use the land for residential use. single family home.

SPECIFIC USE INTENDED FOR PROPERTY

We want to build a single family home on the property.

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)



Boundary Survey for land use amendments.



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 Lehem Berrios

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 M. D. Moalle - [Signature] Date 7/9/2020
Printed Name M. David Moallen
Full Address 1663 GEORGIA ST. NE PALM BAY, FL 32907
Telephone 321-724-2424 Email Palmbayland@gmail.com

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

CITY OF PALM BAY
RECEIVED

JUL 13 2020

LAND DEVELOPMENT

07/09

, 20 20

Re: Letter of Authorization

As the property owner of the site legally described as:

PMU 14 TRACT C

272 ALEGRIANO RD NW PALM BAY, FL. 32907

I, Owner Name: M. DAVID MUALLEM

Address: 1643 GEORGIA ST. NE #200 PALM BAY, FL 32907

Telephone: 321-724-2424

Email: Palmbayland@gmail.com

hereby authorize:

Representative: LEHEM D BERRIOS OR BRANDI L BERRIOS

Address: 480 HIGGS AVE NW PALM BAY, FL 32907

Telephone: 321-614-5655

Email: LBERRIOS@yahoo.com

to represent the request(s) for:

APPLYING FOR CHANGE OF LAND USE FROM PARKSITE TO RESIDENTIAL

M. David Muallem - [Signature]
(Property Owner Signature)

STATE OF

Florida

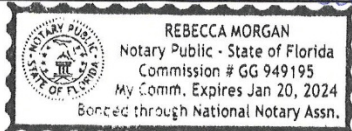
COUNTY OF

Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10 day of July, 20 20 by

M. David Muallem

, property owner.



[Signature]

Rebecca Morgan

, Notary Public

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

ENVIRONMENTAL ASSESSMENT

Presented by applicant at September 2, 2020 Planning and Zoning Board Meeting

August 6, 2020

Mr. Lehem Berrios
Via email: ldberrios@yahoo.com

Re: Environmental Assessment
~1.55-Acre Portion of Tax Account No. 2814144
Alegriano Road NW, Palm Bay

Dear Mr. Berrios:

Atlantic Environmental of Florida, LLC. (Atlantic Environmental) is pleased to provide the following proposal for requested services, consisting of an Environmental Assessment, on the above-referenced parcel. Following is our proposed scope of services. Unsigned, the terms of this proposal are valid until October 1, 2020.

SCOPE OF SERVICE

ENVIRONMENTAL ASSESSMENT

- A. Preparatory Research: Prior to conducting the site visit, preliminary site information will be obtained from any or all of the following resources: aerial site photographs, regional soils maps, wetlands inventory maps, and habitat/land use maps.
- B. Site Assessment: The site will be traversed on foot, and all constituent habitat types, vegetation, vegetative structure, soil conditions, hydrologic indicators, and signs of listed species occupation will be noted.
- C. Wetland Determination: Using the wetland delineation methodologies of Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (USACE), Atlantic Environmental will delineate the on-site wetlands if present.
- D. Written Report: Using the data obtained from the preparatory research and site assessment, a written report will be generated identifying and mapping constituent habitat types (i.e. FLUCFCS Categories), uplands, wetlands, surface waters, and, if applicable, identified listed species. All potential environmental permitting and mitigation issues related to potential wetland impacts will be discussed in this written report.

PROFESSIONAL FEE: \$600.00

DELIVERY

The fieldwork and report will be completed within 15 business days of receiving the signed and accepted contract.

TERMS AND CONDITIONS

Please refer to the attached list of Atlantic Environmental's standard terms and conditions.

To verify your agreement with the above scope of services and professional fees, as well as the attached terms and conditions, and to authorize Atlantic Environmental to commence the scope of service, please sign below and return to our office. If you have any questions regarding this proposal, please do not hesitate to contact us. We look forward to working with you!

Sincerely,



David G. Purkerson, MS, PWS
Senior Ecologist

Client's Name (please print): Lehem Berrios

Client's Signature:  Date: 8/6/20

CLIENT CONTACT INFORMATION:

Mailing Address 480 Higgs Ave NW
Palm Bay FL 32907

Phone numbers: Home _____

Business _____

Cell (321) 614-5655

Email Address LDBERRIOS@yahoo.com

TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES BETWEEN
ATLANTIC ENVIRONMENTAL OF FLORIDA, LLC. AND CLIENT

1. Services performed by Atlantic Environmental of Florida, LLC. (Atlantic Environmental) for Client, under this agreement, will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, expressed or implied, and no warranty is included or intended in this agreement, or in any report, opinion, document or otherwise.
2. Atlantic Environmental's services shall be performed as expeditiously as is consistent with professional skill and care and the orderly progress of the work. Atlantic Environmental shall not be responsible for damages or delays caused by any factor outside of Atlantic Environmental's control, including, but not limited to, Client's review and decision process, permitting/approval activities, man-made or natural alterations to site conditions subsequent to our field review, and Acts of God.
3. Additional services consist of any service not specifically listed as "Scope of Service" contained herein. Such services shall include revisions due to Client changes or adjustments in scope, budget or quality of the project, and any other services not customarily furnished in accordance with generally accepted environmental consulting practice. Additional services will be billed on a mutually agreed upon hourly or fixed fee basis and shall not be commenced until a written agreement concerning the additional services is executed by all parties hereto.
4. Any opinion of permitting and mitigation cost prepared by Atlantic Environmental represents Atlantic Environmental's best judgment as an environmental professional and is supplied for the general guidance of the Client. Because Atlantic Environmental has no control over the cost of permitting and mitigation, Atlantic Environmental does not guarantee the accuracy of such opinions as compared to actual cost to the Client.
5. Atlantic Environmental may provide services to process applications for various permits for the project. Atlantic Environmental does not guarantee a permit will be issued. The standard of professional skill and care listed above will be applied to permit processing.
6. By signing this contract, the Client agrees that Atlantic Environmental's liability in association with this project shall be limited to the lesser of any actual damages which may have been caused by Atlantic Environmental's acts or omissions or the amount of the fees which the Client pays for these services under this contract.
7. Drawings, sketches, reports, and other documents produced by Atlantic Environmental are instruments of service with respect to the project and all rights of copyright thereof are retained by Atlantic Environmental. Atlantic Environmental shall have no liability in the event any changes are made to the documents by Client or others engaged by Client.
8. If the Client fails to make payment when due to Atlantic Environmental for services and expenses, Client shall be in default of this agreement, which shall entitle Atlantic Environmental to immediately cease all services as described under this or any other agreement between the parties. In the event of such suspension, Atlantic Environmental shall have no liability to the Client for delay or damages caused the Client because of such suspension of services.
9. Invoices for services and expenses will be billed upon completion of the scope of work, or upon completion of a distinct phase of the scope of work. Payment is due upon receipt of invoice. Payment will be considered past due if not received within 30 days from date of invoice. Interest will accrue on amounts past due at a rate of 2% per month. Past due payments will be, at Atlantic Environmental's option, cause for Atlantic Environmental to collect through any legal means. Client shall pay any attorney's fees, and other associated costs, incurred in collecting a delinquent payment.
10. In the event of any action arising out of or relating to this Agreement, Atlantic Environmental shall be entitled to recover its costs and expenses, including reasonable attorney's fees, incurred in connection with such action should they prevail on the matter and or issue.
11. Should the client desire to pay the agreed upon fees by credit card, the total fee amount will be increased by 3.75 percent of the total contract amount listed on the contract.

CORRESPONDENCE

Chandra Powell

From: Kenneth Muck <kmmuck@mac.com>
Sent: Monday, August 31, 2020 1:48 PM
To: Virtual Planning and Zoning Meetings
Subject: Fwd: Ref Case CP-7-2020 Tortoises

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.

Begin forwarded message:

From: Kenneth Muck <kmmuck@mac.com>
Date: August 28, 2020 at 4:09:48 PM EDT
To: pandzcomments@palmbayflorida.com
Subject: Ref Case CP-7-2020 Tortoises

[Download Attachment](#)
[Available until Sep 27, 2020](#)

Ref Case CP-7-2020 Tortoises

This is a 15 second clip of a video showing Gopher tortoises within 25 feet of the property mentioned above. I saw the tortoises go into the palmetto bushes on that property.

I have heard that there is a Red Tailed hawk that frequents this open space. Of course there are other birds and animals that use this space.

Click to Download

IMG_1291.MOV
0 bytes



Chandra Powell

From: Kenneth Muck <kmmuck@mac.com>
Sent: Tuesday, September 1, 2020 6:51 PM
To: Virtual Planning and Zoning Meetings
Subject: Ref. Case CP-7-2020

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.

Ref. Case CP-7-2020

My name is Marilyn Campbell-Muck and I am at 881 Castanada St. NW. Palm Bay

I'd like to be there in person; however, my health is compromised and I'm on extra medication.

With Palmbay growing so fast there is a need to hang on to our open spaces. They are part of the ambience of Palmbay and with the virus closing gyms we need our outdoor spaces. A while back I was recuperating from a long illness and found the natural space with its trees and wildlife especially healing.

The area has intrinsic value for many of us here and a small natural park would be in keeping with the neighborhood.

We like our "pets" as seen on the video and don't want them disturbed. That region contains a variety of wildlife, including Gopher tortoises, red-tailed hawks, raccoons, squirrels, and more.

Thank you for this opportunity to speak to this issue.

Chandra Powell

From: Kenneth Muck <kmmuck@mac.com>
Sent: Monday, August 31, 2020 1:47 PM
To: Virtual Planning and Zoning Meetings
Subject: Fwd: Reference case CP-7-2020 Poll
Attachments: Poll.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.

Begin forwarded message:

From: Kenneth Muck <kmmuck@mac.com>
Date: August 28, 2020 at 2:47:15 PM EDT
To: pandzcomments@palmbayflorida.com
Subject: Reference case CP-7-2020 Poll

Reference case CP-7-2020 Poll

I asked my neighbors that I could find at home what they thought of this rezoning idea. We are against it.

My neighborhood wants to keep the open space as it was when we moved here.

Kenneth Muck
321-626-9055

In reference to case CP-7-2020 Amendment to the City of Palm Bay Comprehensive Plan.

We feel the possible residential neighborhood (six houses) that could be built on that property and the one adjacent to it would increase the noise level in our quiet neighborhood. It would also increase the traffic on Alegriano Road, Castanada Street, Hurtig Ave. and Greenbrier Ave. making them less safe for our evening walks or for our children to ride bikes. They would tear down the beautiful trees and create an eyesore. Packing another neighborhood in that space would also reduce our security. The property in question and surrounding areas has a wildlife habitat including a group of endangered Gopher tortoises with a complex network of tortoise nests and tunnels.

The introduction to the City of Palm Bay Comprehensive Plan states "As the fastest growing city in the County, and one of the fastest growing municipalities in Florida, the City of Palm Bay is experiencing increasing demands for services such as fire protection, police protection, road improvements and maintenance, **recreation facilities**, and utilities." We need to hang on to our dwindling Recreation and Open Space. Especially those lands that aren't too wet to easily become a neighborhood park.

Page 55 "FLU-12.7A Activity based open space provides for and is defined as recreational opportunities which includes such areas as walkways, bike paths, trails, picnic areas, playgrounds, lakes, and parks. They shall be located within walking distance of residential neighborhoods and be accessible to the public." This would be an excellent place for a picnic table and playground for our children and grandchildren. The closest such park is Lynbrook, two miles to the north. Having small neighborhood parks where our kids can get out and play just might become very necessary if this coronavirus keeps coming back.

"FLU-12.7B Resource based open space are defined as areas designated for conservation or wetlands or uplands preservation and are intended to protect and enhance environmental systems. Not all resource based areas will be open to the public." There are endangered tortoises on this property.

On page 65 under Capital Improvements and page 110 under Recreation and Open Space the plan requires "Neighborhood Parks: 2 acres/1000 population". This plot and the one adjacent to it will meet that guideline for the residents nearest to them.

Many of us bought our property in part because there is land zoned Recreation and Open Space with it's quiet and natural beauty. We request that the property in question not be granted the amendment.

1 Kenneth Muck

Printed name

Kenneth Muck

Signed

881 Castaneda St. NW Palm Bay, FL 32907

Address

321-626-9055

Phone (optional)

KMuck@mac.com

Email address (optional)

2 Marilyn Campbell-Muck

Printed name

Marilyn C Muck

Signed

881 Castaneda St. N.W. Palm Bay, FL 32907

Address

Phone (optional)

Email address (optional)

3 B. Gayle DeBlasio

Printed name

B. Gayle DeBlasio

Signed

817 Manhattan St NW Palm Bay FL 32907

Address

Phone (optional)

Email address (optional)

4 James Coleman

Printed name

James Coleman

Signed

115 HURTI G AVE NW PALM BAY, FL

Address

Phone (optional)

Email address (optional)

5 Geneva Coleman
Printed name

Geneva Coleman
Signed

175 Hurtig Ave. NW
Address

Phone (optional)

Email address (optional)

6 Joseph Guarino
Printed name

Joseph Guarino
Signed

163 Hurtig Ave NW
Address

321 225 69 64
Phone (optional)

Email address (optional)

7 Carl Guarino
Printed name

Carl Guarino
Signed

163 Hurtig Avenue
Address

Phone (optional)

Email address (optional)

8 Thomas Becker
Printed name

Thomas Becker
Signed

162 Hurtig Ave NW Palm Bay FL 32907
Address

Phone (optional)

Email address (optional)

9 Antande Campbell
Printed name

Signed

854 Castanda ST NW Palm Bay FL 32907
Address

Phone (optional)

Email address (optional)

10 Walter Alianelli
Printed name

Signed

840 Castanada St NW Palm Bay, FL 32907
Address

Phone (optional)

Email address (optional)

11 Beverly Zimmerman
Printed name

Signed

839 Castanada St NW
Address

Phone (optional)

Email address (optional)

12 Sunshine Bove
Printed name

Signed

220 Aleguano Rd NW Palm Bay FL 32976
Address

Phone (optional)

Email address (optional)

13 CARL Quilitzsch
Printed name

Signed [Signature]

Address 286 ALLEGRIANO RD NW

Phone (optional) 321 951 8612

Email address (optional) SEAGUIL@ATT.NET

14 Marie and PATRICK TOUSSAINT
Printed name

Signed [Signature]

Address 868 NW AMERICAN ABL PD FL 32907

Phone (optional) 321-2196395

Email address (optional)

15 ROTH Quilitzsch
Printed name

Signed [Signature]

Address 846 AMERICAN BLVD NW PALM BAY FL 32907

Phone (optional)

Email address (optional)

16 DAVID KILBURN
Printed name

Signed [Signature]

Address 846 AMERICAN BLVD NW PALM BAY FL 32907

Phone (optional)

Email address (optional)

17 Rich Thompson
Printed name

Signed

Address

Phone (optional)

Email address (optional)

18 Lori Thompson
Printed name

Signed

Address

Phone (optional)

Email address (optional)

19 Jordan Woods
Printed name

Signed

Address

Phone (optional)

Email address (optional)

20 Nancy Brunner
Printed name

Signed

Address

Phone (optional)

Email address (optional)

21 GEORGE GONZALEZ
Printed name

George Gonzalez
Signed

867 AMERICANA BLVD N.W.
Address

(321) 724-4016
Phone (optional) Email address (optional)

22 Robert Sowandy
Printed name

[Signature]
Signed
855 AMERICA BLVD NW

Address

Phone (optional) Email address (optional)

23 Orlando Cardenas
Printed name

[Signature]
Signed
805 Castanada st

Address

Phone (optional) ~~Castanada~~ Cardenas30@yahoo
Email address (optional)

24 Robert Hemingway
Printed name

Robert Hemingway
Signed
191 Greenbriar Ave NW

Address

Phone (optional) Email address (optional)

25 MARK R. CARON

Printed name

Mark R. Caron

Signed

207 GREENBRIER AVE NW

Address

321 872-5179

Phone (optional)

Email address (optional)

26 PATRICIA A BELL

Printed name

Patricia A Bell

Signed

823 Angelica Rd NW Palm Bay FL 32907

Address

Phone (optional)

Email address (optional)

27 Alex Troisi

Printed name

Alex Troisi

Signed

811 Angelico

Address

Phone (optional)

Email address (optional)

28 WILLIAM B PERKS

Printed name

William B Perks

Signed

805 Angelico B. NW

Address

Phone (optional)

Email address (optional)

29 JAMES GRIVES
Printed name
James Grives
Signed
805 Anachico Rd, NW
Address
973-714-3095
Phone (optional) Email address (optional)

30 MARVIN L. DEBEQUE
Printed name
Marvin L. DeBeque
Signed
270 Greenbrier Ave NW Palm Bay
Address
me@mdbg
Phone (optional) Email address (optional)

31 Paula J. DeBeque
Printed name
Paula J. DeBeque
Signed
270 Greenbrier Ave. NW Palm Bay
Address
321 729-6336
Phone (optional) paula@mdbg.net
Email address (optional)

32 Jeremy Begisto
Printed name
[Signature]
Signed
279 Greenbrier Ave
Address
321 614-7465
Phone (optional) Email address (optional)

33 Clarence Davis

Printed name

Signed

824 Americana

Address

Phone (optional)

Email address (optional)

34

Hilton X. Morales

Printed name

Signed

818 Americana Blvd near Palm Bay FL

Address

Phone (optional)

Email address (optional)

35

Robert R. Rasmussen

Printed name

Signed

824 Americana

Address

Phone (optional)

Email address (optional)

36

Printed name

Signed

Address

Phone (optional)

Email address (optional)

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-10

Held on Wednesday, September 2, 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.

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

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

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

ROLL CALL:

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

Mr. Warner's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

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

Motion by Mr. Hill, seconded by Ms. Maragh to submit Case V-22-2020 to City Council for approval of a variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances, subject to the screen room enclosure obtaining a building permit. The motion carried with members voting unanimously.

3. **CP-7-2020 – M. DAVID MOALLEM**
(LEHEM D. AND BRANDI L. BERRIOS, REPS.)

Mr. Balter presented the staff report for Case CP-7-2020. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-7-2020 for approval, subject to the staff comments.

Mr. Lehem Berrios (representative for the applicant) stated that he had searched for a large property for a while to build his future home.

Ms. Jordan asked if there was a contract pending on the subject site. Mr. Berrios confirmed that he had a contract on the property.

The floor was opened and closed for public comments; there were no comments from the audience and there was a 35-signature petition in the file in opposition to the request.

Motion by Mr. Boerema, seconded by Mr. Felix to submit Case CP-7-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use, subject to the staff comments.

The floor was reopened to allow for virtual public comments.

A virtual comment and video clip were received in opposition to the request from Mr. Kenneth Muck (resident at Castanada Street NW). His concern was regarding gopher tortoises, which he had recorded on the subject property. He also believed the site was frequented by a red-tail hawk. In response, Mr. Berrios informed the board that an environmental assessment was prepared by Atlantic Environmental of Florida, LLC and a full gopher tortoise survey had been scheduled to determine the best option to address the tortoises on the property. The assessment was submitted to the file.

A virtual comment was received in opposition to the request from Ms. Marilyn Campbell-Muck (resident at Castanada Street NW). She felt that the open space properties were part of the ambiance of Palm Bay and were especially needed during the pandemic. There was also wildlife on the property that should not be disturbed. In response, Mr. Berrios noted that there was undeveloped property to the west of the site, and he would also be willing to leave a portion of the subject site undeveloped for the wildlife after consulting with Atlantic Environmental.

The floor was reclosed for public comments.

Motion restated by Mr. Boerema, seconded by Mr. Felix to submit Case CP-7-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use, subject to the staff comments. The motion carried with members voting unanimously.

4. CP-8-2020 – JARED K. AND MEGAN L. COOPER

Mr. Balter presented the staff report for Case CP-8-2020. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-8-2020 for approval, subject to the staff comments.

Mr. Jared Cooper (applicant) stated that he planned to build a single-family home on the subject site, and he commented on the difficulty in finding a large property. He noted that there was currently five acres to the northeast of the site that was City-owned Recreation and Open Space Use land.

ORDINANCE 2020-68

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 September 2, 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 October 1, 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 Recreation and Open Space Use to Single-Family Residential Use, which property is legally described as follows:

Tract "C", Port Malabar Unit 14, according to the plat thereof as recorded in Plat Book 15, Page 70, of the Public Records of Brevard County, Florida; Section 35, Township 28S, Range 36E; containing 1.55 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:

Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: M. David Moallem
Case: CP-7-2020

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: 10/1/2020

RE: Ordinance 2020-69, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located southeast of and adjacent to Firestone Street, in the vicinity north of the Melbourne Tillman Water Control District Drainage Canal 51, from Recreation and Open Space Use to Single-Family Residential Use (1.59 acres)(Case CP-8-2020, Jared and Megan Cooper), only one reading required.

Mr. Jared and Ms. Megan Cooper have asked for a small-scale Comprehensive Plan Future Land Use Map Amendment to change 1.59 acres of Recreation and Open Space Use (ROS) to Single-Family Residential Use (SFR). The property is located east of and south of Firestone Street NE, and west of the Houston Texas Gas and Oil Corporation Right-of-Way Easement. The applicants intend to construct a single-family home on the site, but it should be noted that the parcel can only be split one time to create two properties without having to adhere to the City's subdivision ordinance.

The subject parcel is not located within any of the Florida scrub-jay polygons identified on the City's Habitat Conservation Plan (HCP); however, any listed species identified on the subject parcel would need to be mitigated as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CP-8-2020, subject to the staff comments.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the staff comments.

ATTACHMENTS:

Description

Case CP-8-2020

Board minutes

Ordinance 2020-69



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CP-8-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

Jared and Megan Cooper

PROPERTY LOCATION/ADDRESS

Tract D, Port Malabar Unit 8, Section 32, Township 28
Range 3, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 1.59 acres of Recreation and Open Space (ROS) to Single-Family Residential Use (SFR).

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Recreation and Open Space Use

Site Improvements

Undeveloped Land

Site Acreage

1.59 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single-Family Residential; Firestone Street NE

East

RS-2, Single-Family Residential; Undeveloped Land

South

RS-2, Single-Family Residential; Melbourne-Tillman Canal No 51

West

RS-2, Single-Family Residential; Undeveloped Land

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.

The Single Family Residential (SFR) Use FLU category allows for a maximum residential density of 5 units per acre, with a range of 0-5 units per acre. Typical uses permitted include single-family homes, recreational uses, and institutional uses such as schools, churches, and utilities

The applicant intends to construct one (1) single-family home. It shall be noted that the parcel may only be split one time (to create two properties) without having the follow to the City's subdivision ordinance. Any further splits will require compliance and legislative review.

2. COASTAL MANAGEMENT ELEMENT

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

3. CONSERVATION ELEMENT

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

The subject parcel is not located within any of the Florida scrub-jay polygons identified on the City's Habitat Conservation Plan (HCP). No additional listed species are known to inhabit the subject property. Any listed species identified on the subject parcel would need to be mitigated for as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

Recreation: Single-Family Residential Use does have more of a demand upon the parks & recreation level of service (LOS) standards than Recreation and Open Space Use. However, the number of homes that could be constructed upon the property would have a De minimis effect on the recreation LOS. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets a LOS Standard of 2 acres per 1,000 residents. The

city maintains public ownership of park-designated lands that far exceed this requirement. Furthermore, privately-owned land with a Recreation and Open Space Land Use designation may not be used to meet this LOS.

4. HOUSING ELEMENT

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

5. INFRASTRUCTURE ELEMENT

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

Utilities: The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewer are available. If developed, the owner/developer will be responsible for extending services to the site in accordance with current City and State regulations.

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

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

6. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment requested is to allow the site to be used for a single-family home. The property use will have no adverse impacts on the public-school system.

7. TRANSPORTATION ELEMENT

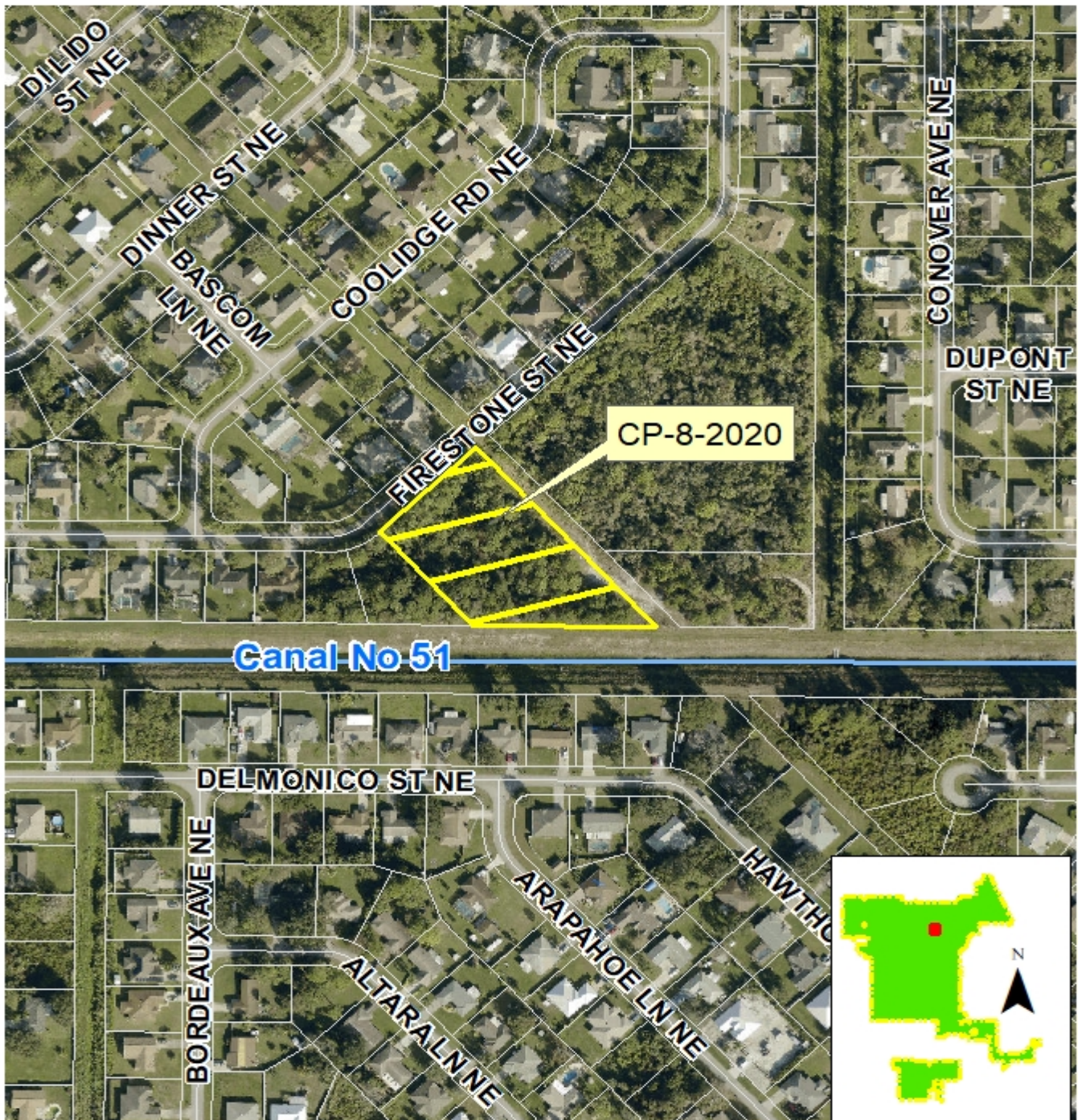
The objectives of the Comprehensive Plan's Transportation Element is to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.

STAFF RECOMMENDATION:

Case CP-8-2020 is recommended for approval subject to the staff comments.



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

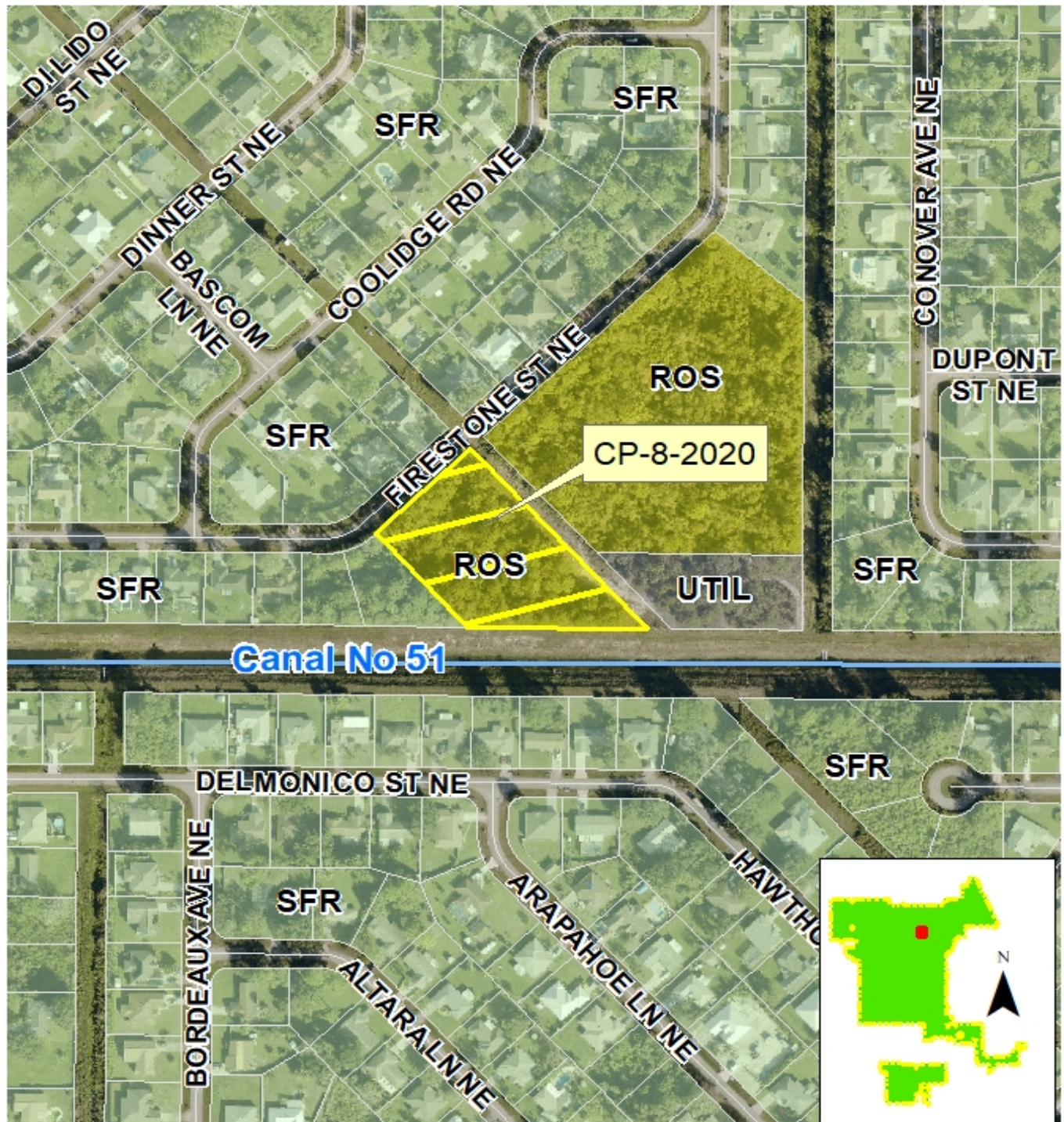


AERIAL LOCATION MAP CASE CP-8-2020

Subject Property

East of and south of Firestone Street NE, and west of the Houston Texas Gas and Oil Corporation Right-of-Way Easement

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-8-2020

Subject Property

East of and south of Firestone Street NE, and west of the Houston Texas Gas and Oil Corporation Right-of-Way Easement

Future Land Use Classification

ROS – Recreation Open Space Use



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



ZONING MAP

CASE CP-8-2020

Subject Property

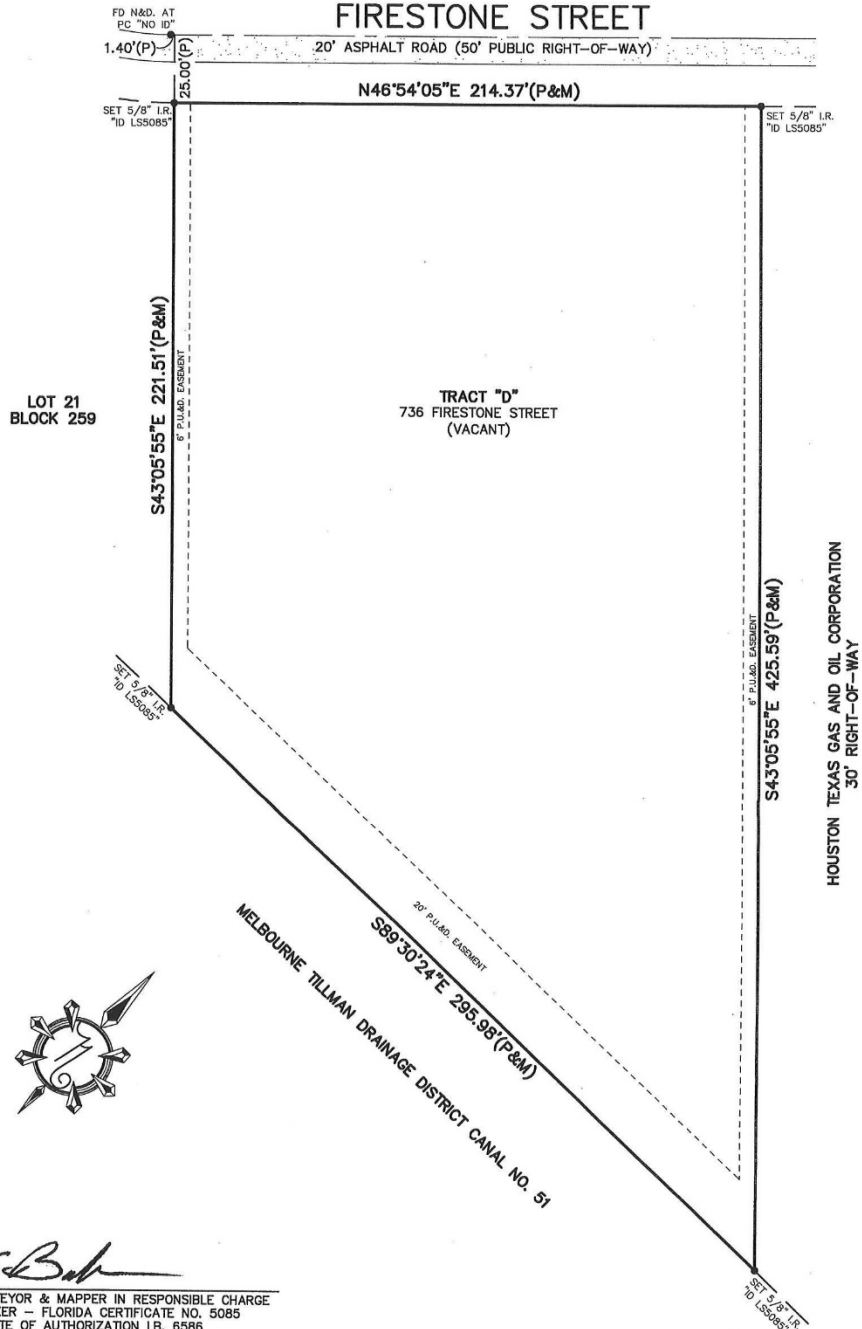
East of and south of Firestone Street NE, and west of the Houston Texas Gas and Oil Corporation Right-of-Way Easement

Current Zoning Classification

RS-2 – Single Family Residential District

BOUNDARY SURVEY OF:
TRACT D AS SHOWN ON THE PLAT OF PORT MALABAR UNIT EIGHT
AS RECORDED IN PLAT BOOK 14, PAGES 142-150 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

FIRESTONE STREET



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

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

SURVEYOR'S NOTES:

- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF S.x°x'xx"E, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF FIRESTONE STREET.
- 2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0594 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
- 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
- 4) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
- 5) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION, AGREEMENT AND/OR EASEMENTS OF RECORD. SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.
- 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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

CERTIFIED TO:
MEGAN COOPER

TYPE OF SURVEY:
BOUNDARY SURVEY

PROJECT:
20-1349

SCALE: 1" = 40'
DATE: 03/30/2020
CAD FILE: 20-1349.DWG
F.B. NUMBER:
REVISION:



LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmabayflorida.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 28-37-32-FS-*D

TAX ACCOUNT NUMBER 2841236

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Tax ID 2841236 Parcel ID 28-37-32-FS-*D
Owners Megan and Jared Cooper

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.59

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

Zoning: RS-2 - Single Family Residential
Future Land Use: ROS - Recreation Open Space

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

Zoning: RS-2 - Single Family Residential
Future Land Uses: SFR - Single Family Residential

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

PRESENT USE OF PROPERTY Vacant

STRUCTURES LOCATED ON THE PROPERTY None

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION

N/A

JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary)

Build a house

SPECIFIC USE INTENDED FOR PROPERTY

Build a single family house

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)

☒ Boundary Survey for land use amendments.

☒ 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.)

MA ☒ 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 _____

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 Jared K. Looper / Megan Cooper Date 7-24-2020
Printed Name Jared K. Looper / Megan Cooper
Full Address 886 Autumn St. SE Palm Bay, FL 32909
Telephone 321-831-7345 Email grovudczero@windspring.com

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

CITY OF PALM BAY
RECEIVED
JUL 24 2020
LAND DEVELOPMENT

CORRESPONDENCE

Chandra Powell

From: Theresa Grimes <theresajgrimes@gmail.com>
Sent: Sunday, August 16, 2020 6:05 PM
To: Virtual Planning and Zoning Meetings
Subject: Case CP-8-2020

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.

My name is Theresa J Grimes. I live at 426 Coolidge Rd NE Palm Bay, FL, & I can be reached on my cellphone at 321-544-3678.

Case# CP-8-2020.

Concerning the property located at Tract D in PMU unit 8 Block 259 on Firestone St: I welcome Jared & Megan Cooper & their family to the neighborhood and have no objections to having the zoning amended from Recreation & Open Space to Single Family Residential.

My only concern is the gopher tortoise burrows that border the referenced property & the C-51 Easement. I, along with other neighbors, have monitored the active burrows for a number of years & have noted their locations with FWC. I am hoping that building on the property will not affect the gopher tortoises & both the tortoises & the Coopers can happily coexist. Is there a plan to protect the tortoises?

Respectively,
Theresa J Grimes

Sent from my iPad

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-10

Held on Wednesday, September 2, 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.

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

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

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

ROLL CALL:

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

Mr. Warner's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

A virtual comment and video clip were received in opposition to the request from Mr. Kenneth Muck (resident at Castanada Street NW). His concern was regarding gopher tortoises, which he had recorded on the subject property. He also believed the site was frequented by a red-tail hawk. In response, Mr. Berrios informed the board that an environmental assessment was prepared by Atlantic Environmental of Florida, LLC and a full gopher tortoise survey had been scheduled to determine the best option to address the tortoises on the property. The assessment was submitted to the file.

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The floor was reclosed for public comments.

Motion restated by Mr. Boerema, seconded by Mr. Felix to submit Case CP-7-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use, subject to the staff comments. The motion carried with members voting unanimously.

4. **CP-8-2020 – JARED K. AND MEGAN L. COOPER**

Mr. Balter presented the staff report for Case CP-8-2020. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-8-2020 for approval, subject to the staff comments.

Mr. Jared Cooper (applicant) stated that he planned to build a single-family home on the subject site, and he commented on the difficulty in finding a large property. He noted that there was currently five acres to the northeast of the site that was City-owned Recreation and Open Space Use land.

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

Ms. Theresa Grimes (resident at Coolidge Road NE) spoke in concern of the gopher tortoises and other endangered native species on the subject property which needed to be addressed. She had documented seven active gopher burrows with the Florida Wildlife Commission. She welcomed the Cooper family as a neighbor and in working around the wildlife.

Mr. Robert Llewellyn (resident at Firestone Street NE) spoke in concern of the gopher tortoises on the site and in the area, and he suggested that a horticultural natural park be created on a portion of the northeast City-owned property. The land could be reserved for native Florida plant species and wildlife. There was a need for open spaces in the City.

Mr. Weinberg stated that the suggestion for the horticultural natural park would have to be addressed to City Council.

A virtual public comment was received in support of the request from Mr. Michael Wademan (resident at Firestone Street NE). The property had undergone two fires, a suicide, homeless inhabitants, junk, rodents, and his wife had concerns for her safety.

In response to comments from the audience, Mr. Cooper confirmed that there were between five and seven tortoise burrows on the back perimeter of the property. His intent was to fence the back quarter acre of the property so that the tortoise burrows could remain undisturbed.

The floor was closed for public comments.

Motion by Mr. Hill, seconded by Mr. Boerema to submit Case CP-8-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-8-2020 for approval, subject to the staff comments.

Ms. Jordan asked if the environmental issues would be addressed at the building permit stage. Mr. Balter stated that this was correct.

A vote was called on the motion by Mr. Hill, seconded by Mr. Boerema to submit Case CP-8-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-8-2020 for approval, subject to the staff comments. The motion carried with members voting unanimously.

5. T-21-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Bradley presented the staff report for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish language that will permit tiny homes on wheels and modification to the small planned unit developments. Tiny Homes on Wheels (THOWs) was a policy decision that the board and City Council will need to address. The board and City Council should consider the definitional changes to make the use permissible, and could also adopt additional requirements, if so desired, to enhance the appearance of the units and the communities where they will locate. The subject proposal was at the request of City Council.

Ms. Maragh inquired whether the proposed amendment was based on best practices or other municipalities that had implemented THOWs. Mr. Bradley explained that the amendments were the minimum necessary to permit THOWs within Small Unit Developments (SPUDs).

Ms. Jordan questioned whether the proposal would permit SPUDs to occur throughout the City. Mr. Bradley explained that SPUDs were currently restricted to properties with an existing future land use designation of Multiple Family Residential Use. The subject amendment would allow SPUDs to locate on properties where the land use designations were changed through the public hearing process in the future to Multiple Family Residential Use.

Ms. Jordan asked if THOWs must hook into water and sewer, and if one unit would be permitted on a single-family lot. Mr. Bradley confirmed that the units would be required to hook up to water and sewer, and that a single THOW could locate on a single-family lot if the site was within a SPUD.

ORDINANCE 2020-69

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 September 2, 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 October 1, 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 Recreation and Open Space Use to Single-Family Residential Use, which property is legally described as follows:

Tract "D", Port Malabar Unit 8, according to the plat thereof as recorded in Plat Book 14, Page 145, of the Public Records of Brevard County, Florida; Section 32, Township 28S, Range 37E; containing 1.59 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:

Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: Jared and Megan Cooper
Case: CP-8-2020

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: 10/1/2020

RE: Ordinance 2020-70, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as 'Chaparral Phase II' on property located west of and adjacent to Melbourne Tillman Drainage District Canal 9, in the vicinity south of Malabar Road (13.24 acres) (Case FD-10-2020, Chaparral Properties, LLC) (Quasi-Judicial Proceeding), first reading.

Chaparral Properties, LLC (Jake Wise, P.E., CEG, LLC, Representing) has asked for Final Development Plan approval for a 27-lot single-family residential subdivision to be known as Chaparral Phase II. This 13.24-acre phase of development is located south of and adjacent to Malabar Road SW, and west of and adjacent to the Brentwood Lakes PUD. In 2005, the subject property was part of a larger 250-acre project that was granted Preliminary PUD approval and has since progressed through various modifications. The overall Chaparral PUD will contain multiple phases of development, and the Chaparral of Palm Bay Community Development District (CDD) approved by City Council (Ordinance 2019-08) will deliver the community development services and facilities to the overall project area. No City funds will be used to provide the basic infrastructure needed to support the development.

Upon review, the proposal appears to be in conformance with the applicable requirements of Section 185.067 of the Palm Bay Code of Ordinances, subject to the items listed in the staff report.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:

Motion to approve Case FD-10-2020, subject to the staff comments contained in the staff report being addressed prior to approval of the construction plans and recordation of the plat as follows:

- A. The boundary and title opinion shall be approved by the City Surveyor.
- B. Deed restrictions governing development standards shall be submitted for city staff review.

- C. All applicable outside agency permits must be obtained (St. Johns, Melbourne-Tillman, Florida Department of Environmental Protection, Brevard County, etc.).
- D. A Concurrency Determination shall be obtained from the School Board of Brevard County.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the items contained in the staff report.

ATTACHMENTS:

Description

Case FD-10-2020

Board minutes

Ordinance 2020-70



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

FD-10-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

Chaparral Properties, LLC.
Represented by Jake Wise, P.E. of CEG
Engineering Group, LLC.

PROPERTY LOCATION/ADDRESS

The project will be located south of and adjacent to
Malabar Road SW, and west of and adjacent to the
Brentwood Lakes PUD

SUMMARY OF REQUEST

Final Planned Unit Development approval for a 27-lot single-family residential subdivision to be known as Chaparral Phase 2.

Existing Zoning

PUD, Planned Unit Development

Existing Land Use

Undeveloped Land

Site Improvements

None; Cleared Land

Site Acreage

13.24 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

PUD, Planned Unit Development (Chaparral Phase 1)

East

PUD, Planned Unit Development; Brentwood Lakes PUD

South

RR-1, Rural Residential (Brevard County); Undeveloped Land

West

PUD, Planned Unit Development (Chaparral Phase 1)

COMPREHENSIVE PLAN COMPATIBILITY

Yes: The Future Land Use designation of the subject property is Single-Family Residential Use (SFR). This request is for the development of single-family homes.

BACKGROUND:

The project will be located south of and adjacent to Malabar Road SE, and west of and adjacent to the Brentwood Lakes PUD. Specifically, the property is a portion of Tax Parcel 1, Section 4, Township 29, Range 36, Brevard County, Florida. This phase of development includes approximately 13.24 acres of land.

Back in 2005 the subject property was part of a larger project (250 acres) that was granted Preliminary PUD approval, with conditions, to consist of 730 residential units (PUD-13-2005). The applicant also requested an amendment of the Comprehensive Plan Future Land Use Map to assign the designation of Single-Family Residential Use. The land use request was approved via Ordinance No. 2006-93. The future land use approval has no expiration date.

The Chaparral project was then modified in 2007 to increase the overall residential count to 850 units (PUD-5-2007). The developer had one (1) year by which to receive Final PUD approval. A series of House Bill, Senate Bill, and City Council extensions were granted over the years, but ultimately, the Preliminary PUD status expired on June 5, 2017.

On October 3, 2017 City Council approved the Final PUD for Chaparral Phase One (Ordinance 2017-63) at RCM 2017-27. The approval applied PUD zoning to the north 28.75 acres of the overall property. In the SE portion of this phase of development was a future development tract (Tract A). The current request, Phase 2, is the development of that tract into 27 single-family home sites and a stormwater management tract.

Thus, the current zoning of the property is PUD, Planned Unit Development. The applicant for Final PUD for Chaparral Phase 2 is Chaparral Properties, LLC. They are represented by their Civil Engineer, Mr. Jake Wise P.E. of CEG Engineering Group, LLC.

ANALYSIS:

Chaparral PUD will eventually contain multiple "PODs" or phases of development, within an overall PUD. Vehicular access to the subdivision(s) will be from Malabar Road only, with the new entrance to align with Wisteria Avenue NW. Phase 1 has been designed to stand on its own and is currently under construction. Right-of-way dedication for the widening of Malabar Road was accounted for in the Phase 1 design.

Phase 2 will be an extension of phase one by continuing Diablo Circle SW and connecting it to Abilene Drive SW, which is the main road that will run north-south thru the overall project. The 27 lots will be constructed on either side of this southern extension of Diablo Circle SW. Sanitary sewer is gravity-fed to an existing lift station in Phase 1 (Tract LS-1), which was designed to provide service for the Phase 2 lots. Public water will be provided to each lot and looped back into the Phase 1 water lines within Abilene Drive SW.

Interconnected wet detention ponds will serve as stormwater treatment for both phase 1 and 2, with an overflow structure that discharges to Melbourne-Tillman Canal No. 9. The stormwater treatment system design for this phase is consistent with the previously permitted (by the City and St. Johns) and partially constructed master system for the overall project.

The internal road network will be designed to meet city standards but will be maintained by the Homeowner's Association (HOA). Construction drawings for this project are currently under administrative review. The Chaparral of Palm Bay Community Development District (CDD) was approved by City Council on February 7, 2019 (Ordinance 2019-08). The CDD will deliver the community development services and facilities to the overall project area. No City funds will be used to provide the basic infrastructure needed to support the development.

CONDITIONS:

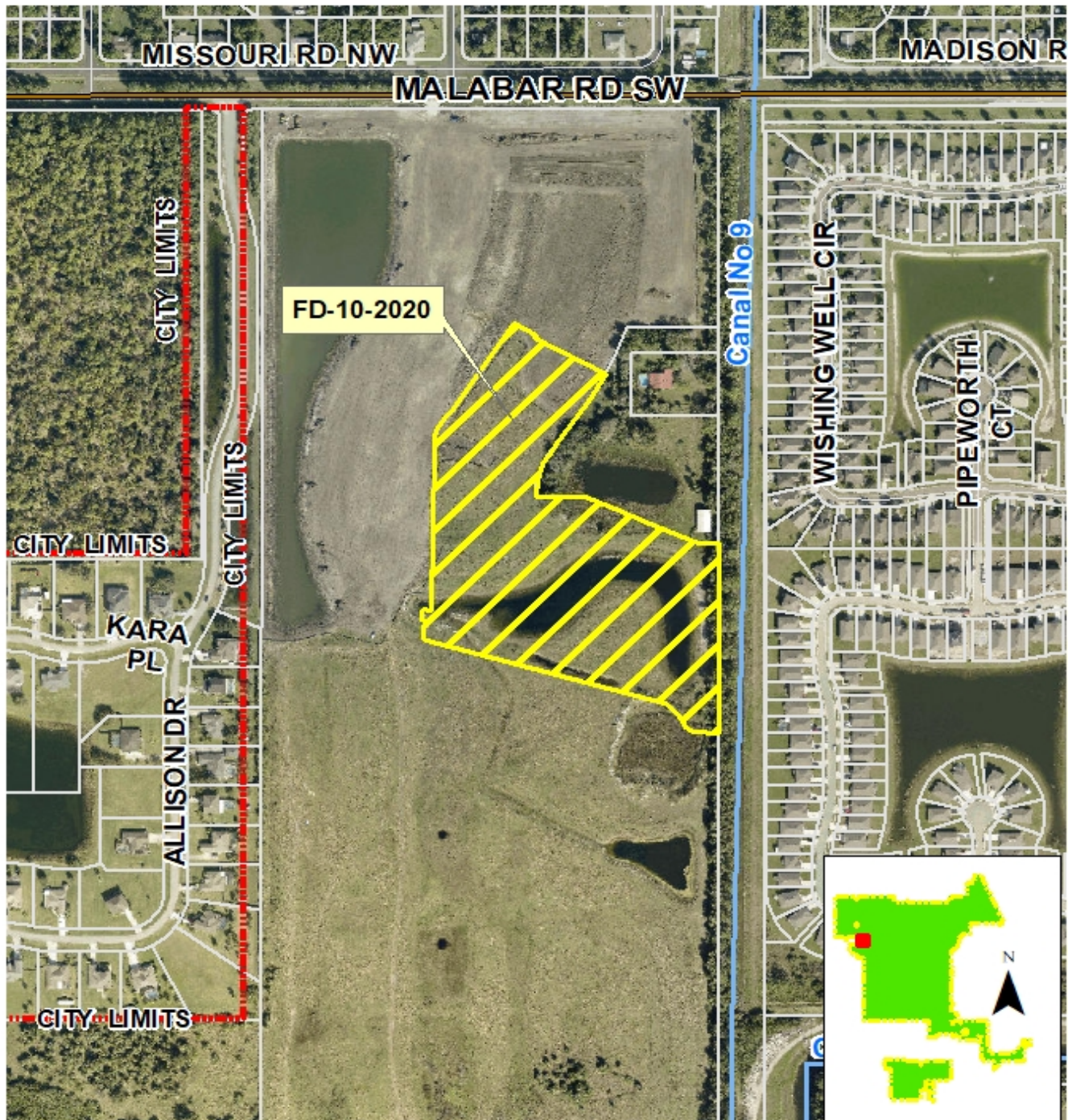
In order to receive Final Planned Unit Development approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items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

- A. The boundary and title opinion shall be approved by the City Surveyor.
- B. Deed restrictions governing development standards shall be submitted for city staff review.
- C. All applicable outside agency permits must be obtained (St. Johns, Melbourne-Tillman, Florida Department of Environmental Protection, Brevard County, etc.).
- D. A Concurrency Determination shall be obtained from the School Board of Brevard County.

STAFF RECOMMENDATION:

Case FD-10-2020 is recommended for approval, subject to the staff comments contained in this report.

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

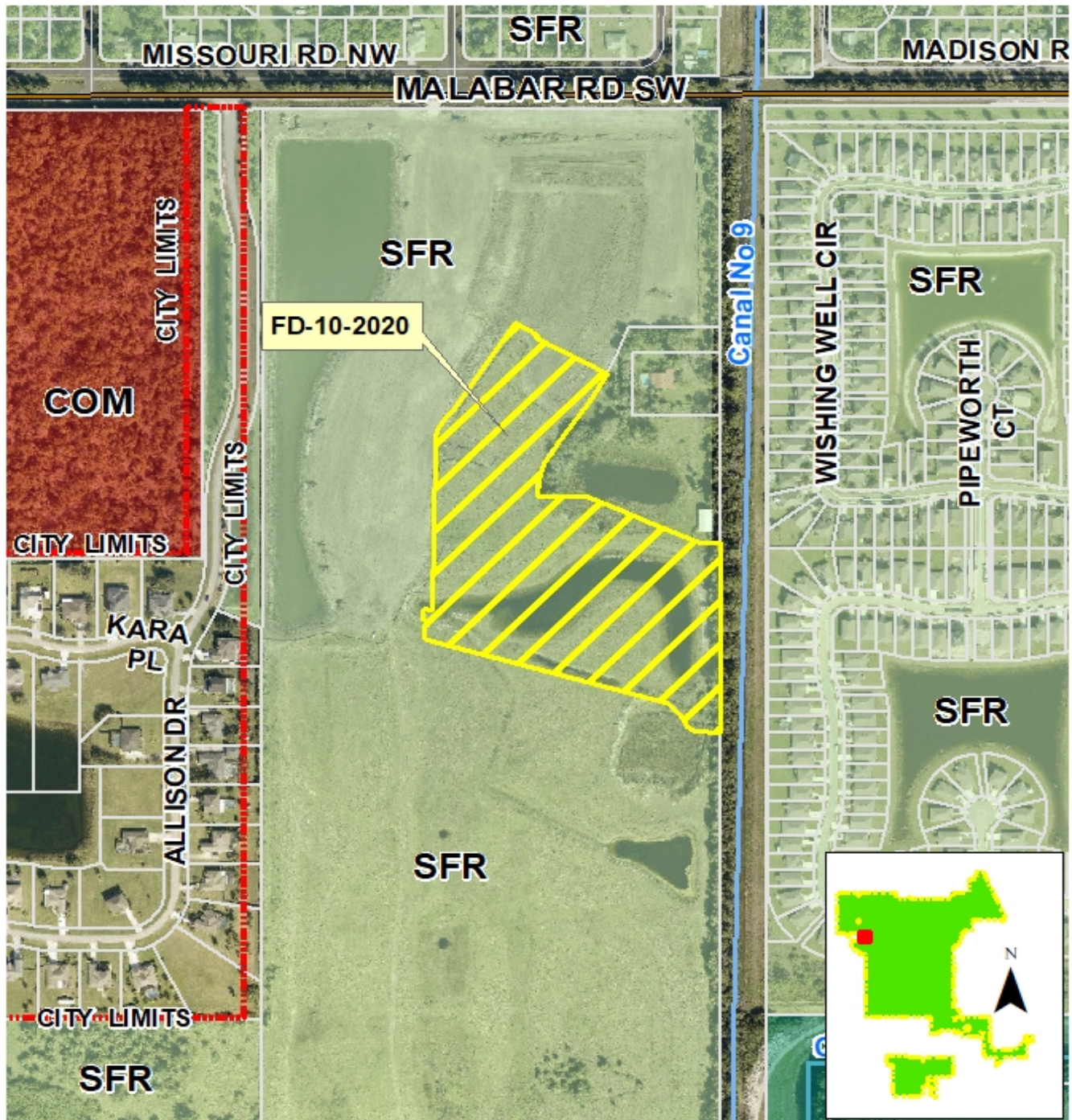


AERIAL LOCATION MAP CASE FD-10-2020

Subject Property

South of Malabar Road SW and west of Brentwood Lakes Subdivision

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



FUTURE LAND USE MAP CASE FD-10-2020

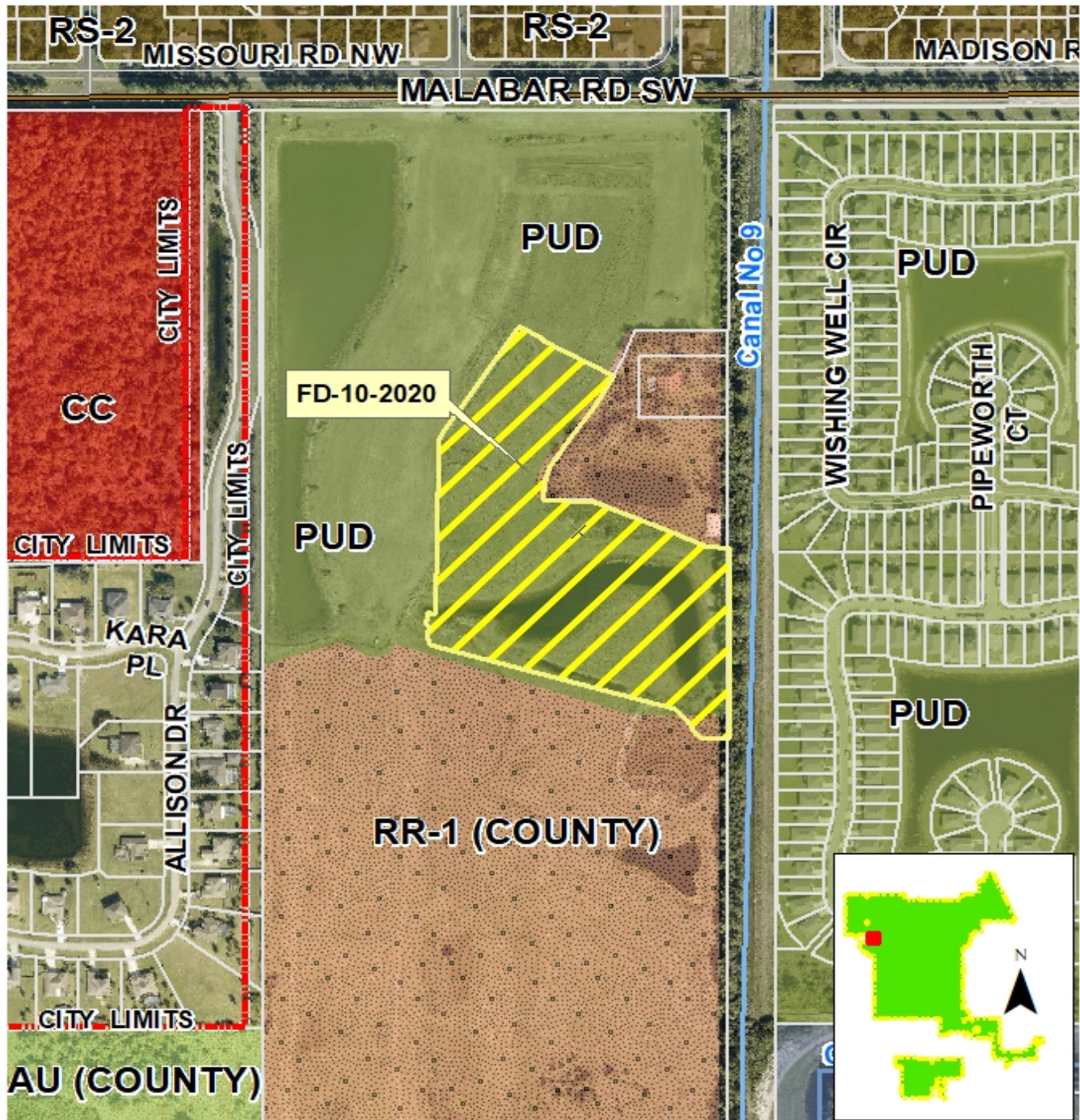
Subject Property

South of Malabar Road SW and west of Brentwood Lakes Subdivision

Future Land Use Classification

SFR – Single Family Residential Use

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



ZONING MAP

CASE FD-10-2020

Subject Property

South of Malabar Road SW and west of Brentwood Lakes Subdivision

Current Zoning Classification

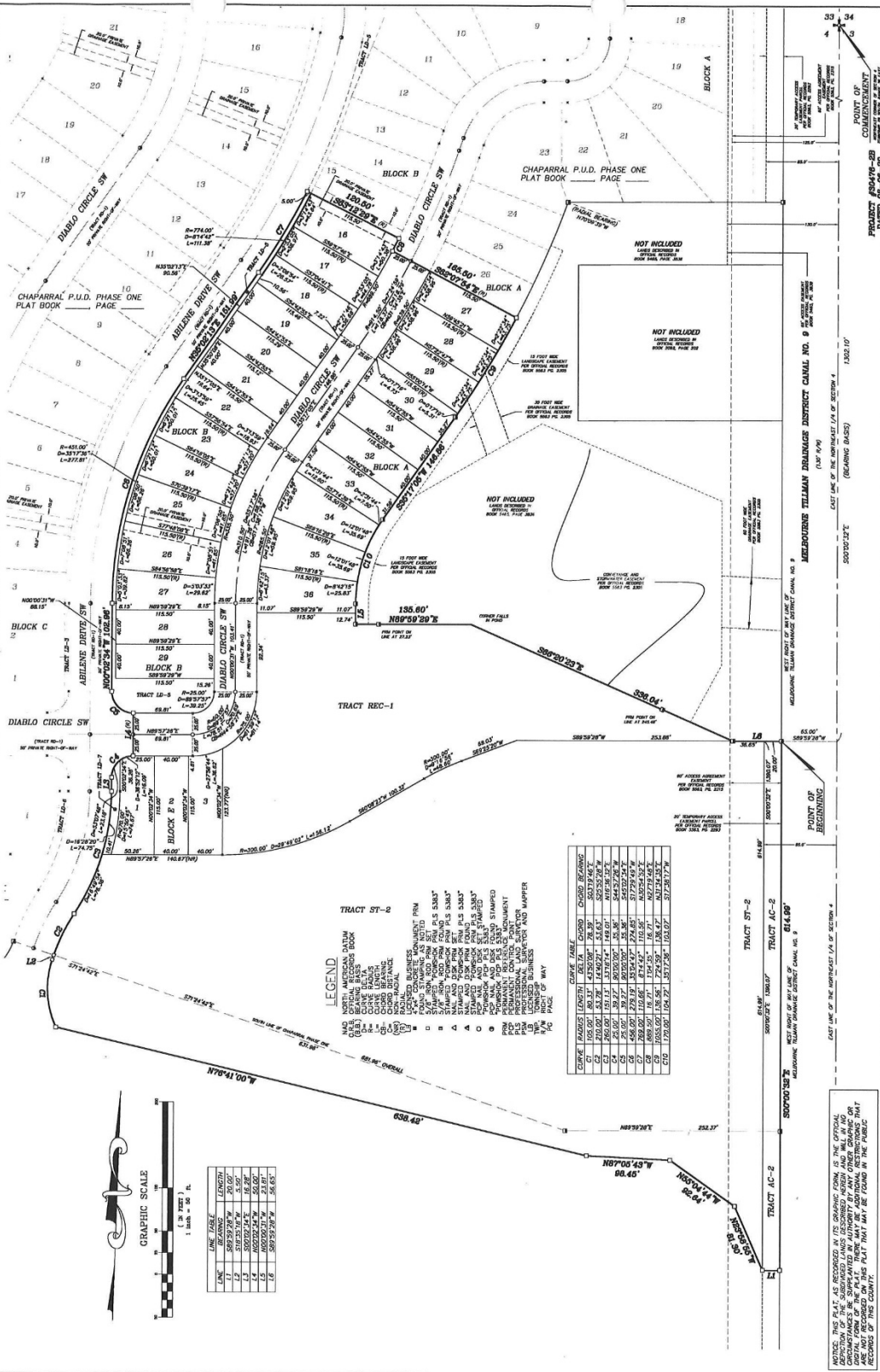
PUD – Planned Unit Development

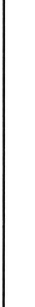
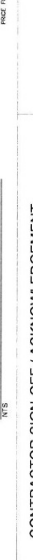
CHAPARRAL P.U.D. PHASE ONE
PLAT BOOK PAGE

CHAPARRAL P.U.D. PHASE TWO

A PORTION BEING A REPLAT OF CHAPARRAL P.U.D. PHASE ONE, PLAT BOOK PAGE
LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BEACH, BREVARD COUNTY, FLORIDA

PLAT PREPARED BY -
AAL LAND SURVEYING SERVICES, INC.
WEST PALM BEACH, FLORIDA 33404
(407) 766-0076







G-3

DATE: 7-04-20

SCALE: 1"=80'

PROJECT NO: 180257

DESIGNED BY: JLN

CHECKED BY: SMB

APPROVED BY: JTW

PROJECT NAME: CHAPARRAL SUBDIVISION - PHASE II

PROJECT LOCATION: MALABAR ROAD AND ASLENE DRIVE, PALM BAY, FLORIDA

DRAWING TITLE: CHAPARRAL SUBDIVISION - PHASE II

OWNER: CHAPARRAL PROPERTIES, LLC

CONSULTING ENGINEER: GROUP ENGINEERING

DATE: 7-04-20

SCALE: 1"=80'

PROJECT NO: 180257

DESIGNED BY: JLN

CHECKED BY: SMB

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CONSULTING ENGINEER: GROUP ENGINEERING

DATE: 7-04-20

SCALE: 1"=80'

PROJECT NO: 180257

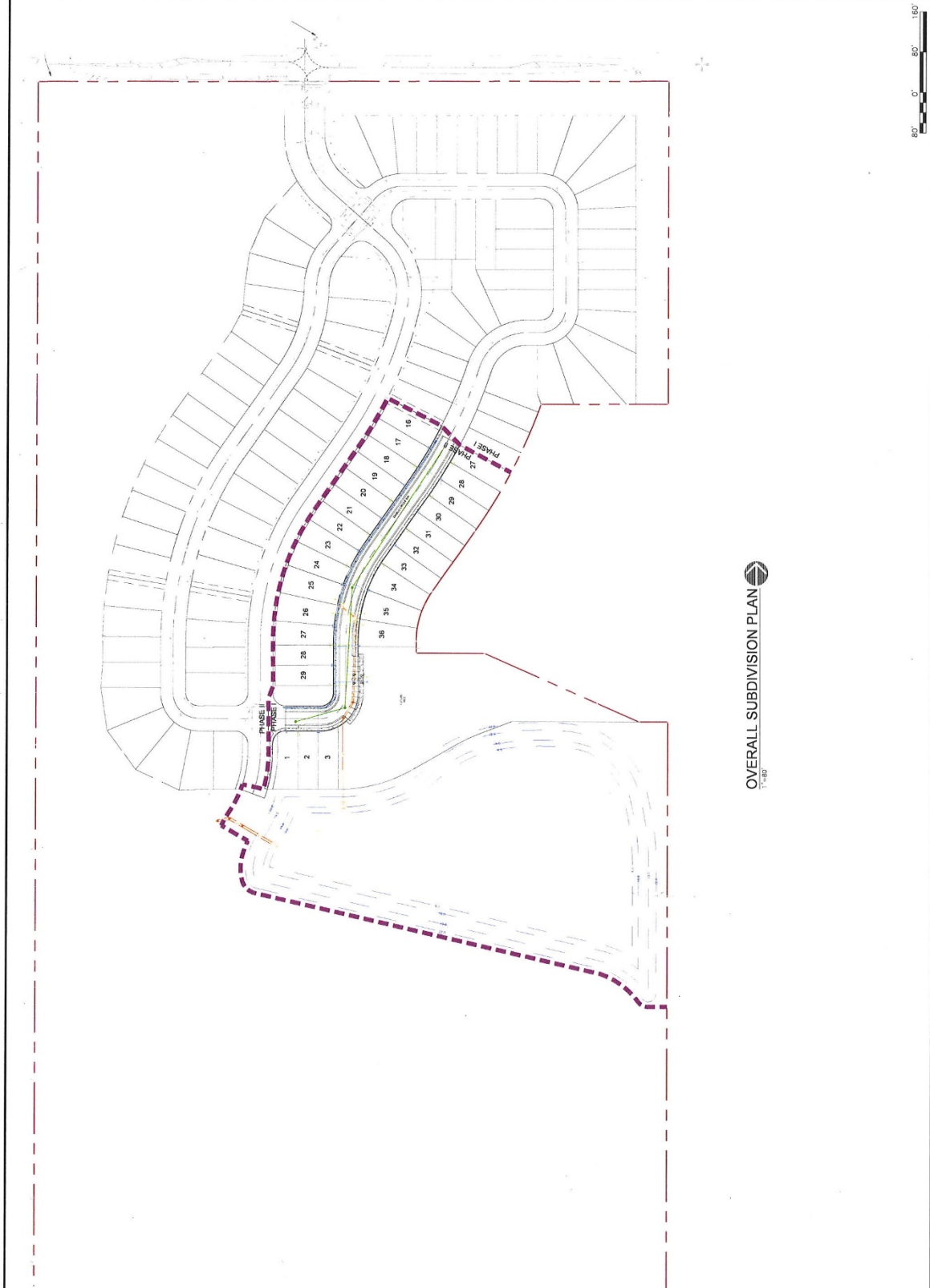
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CHECKED BY: SMB

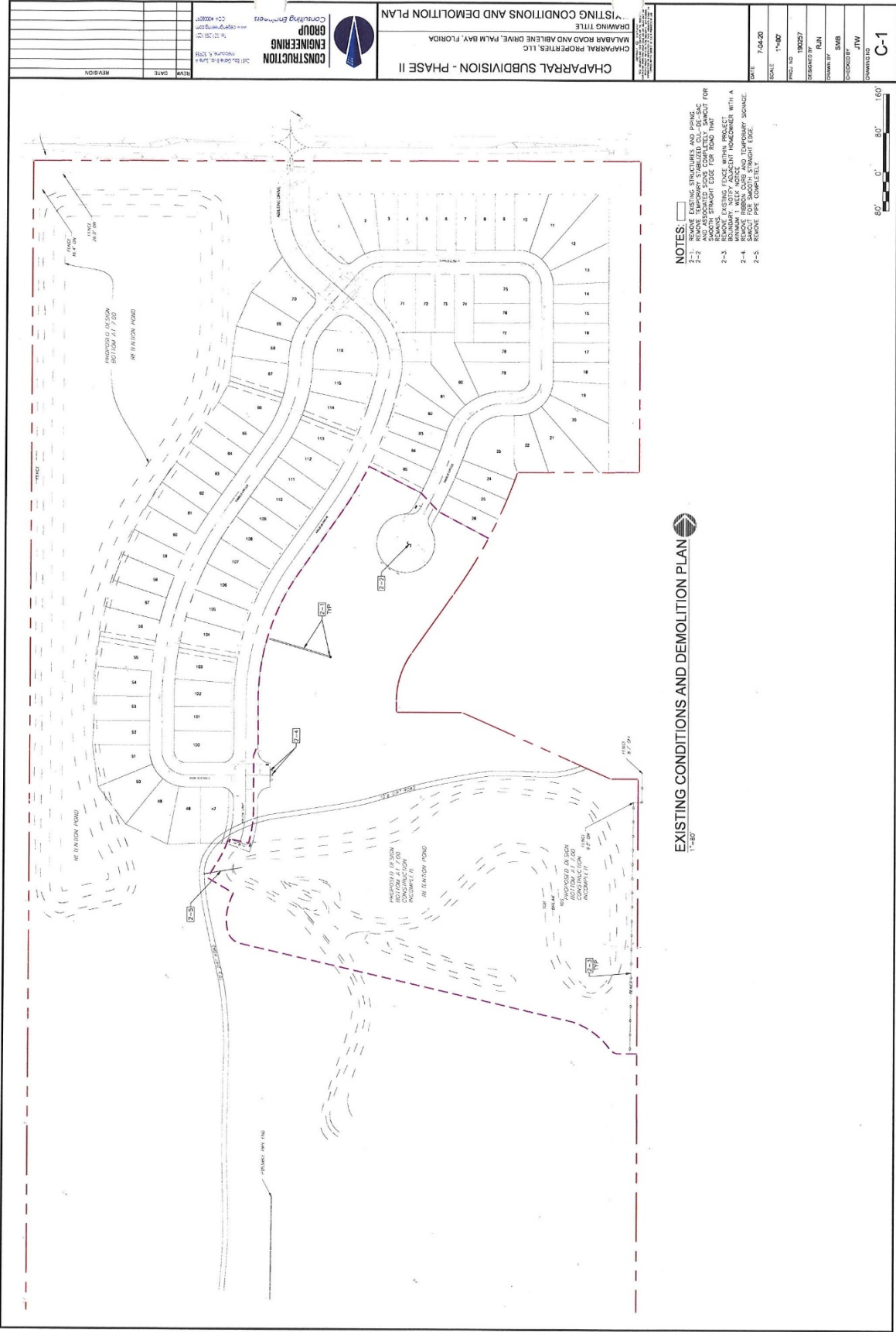
APPROVED BY: JTW

PROJECT NAME: CHAPARRAL SUBDIVISION - PHASE II

PROJECT LOCATION: MALABAR ROAD AND ASLENE DRIVE, PALM BAY, FLORIDA



OVERALL SUBDIVISION PLAN
1"=80'

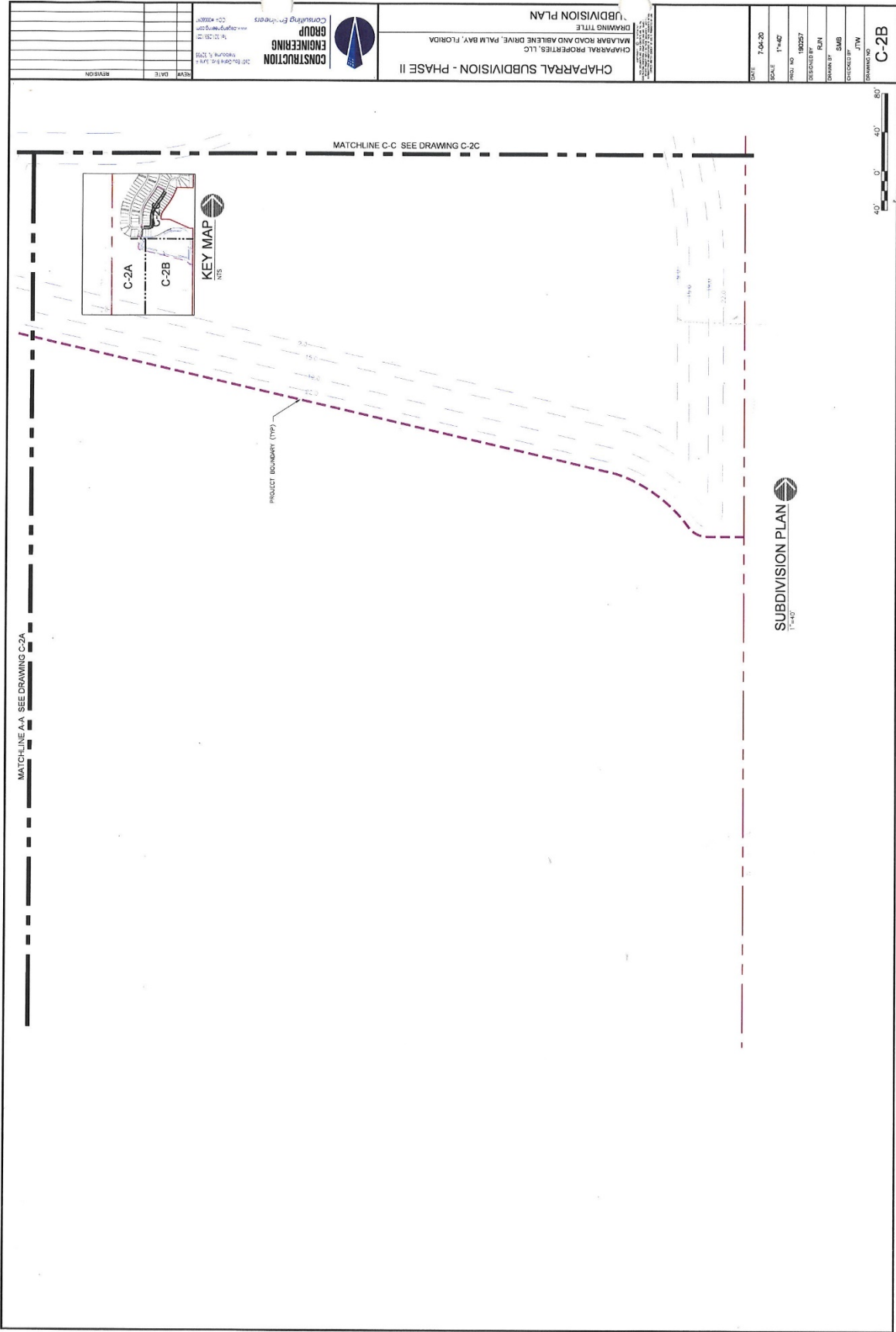


EXISTING CONDITIONS AND DEMOLITION PLAN

- NOTES:
- 2-1 REMOVE EXISTING STRUCTURES AND PIPING.
 - 2-2 REMOVE EXISTING DRIVEWAYS, SIDEWALKS, AND ASSOCIATED EDGE COMPLETELY. SMOOTH FOR ROAD.
 - 2-3 REMOVE EXISTING DRIVEWAYS, SIDEWALKS, AND ASSOCIATED EDGE COMPLETELY. SMOOTH FOR ROAD.
 - 2-4 REMOVE EXISTING DRIVEWAYS, SIDEWALKS, AND ASSOCIATED EDGE COMPLETELY. SMOOTH FOR ROAD.
 - 2-5 REMOVE EXISTING DRIVEWAYS, SIDEWALKS, AND ASSOCIATED EDGE COMPLETELY. SMOOTH FOR ROAD.

CHAPARRAL SUBDIVISION - PHASE II
DRAWING TITLE
CHAPARRAL PROPERTIES, LLC
PALM BAY, FLORIDA
CONSULTING ENGINEERS
GROUP
ENGINEERING
CONSULTING ENGINEERS
GROUP
ENGINEERING
CONSULTING ENGINEERS
GROUP
ENGINEERING

DATE	7-04-20
SCALE	1"=80'
PLANT NO.	1900287
DESIGNED BY	CTH
CHECKED BY	BMB
APPROVED BY	JTW
CONTRACT NO.	
SHEET NO.	C-1



DATE	7-04-20
SCALE	1"=40'
ROLL NO	180257
DESIGNED BY	JTW
DRAWN BY	SMB
CHECKED BY	JTW
DATE	7-04-20
REVISION	

CHAPARRAL SUBDIVISION - PHASE II
CHAPARRAL ROAD AND ADJACENT DRIVE, PALM BAY, FLORIDA
CONSTRUCTION ENGINEERING GROUP
CONSULTING ENGINEERS
DATE: 7-04-20
SCALE: 1"=40'
ROLL NO: 180257
DESIGNED BY: JTW
DRAWN BY: SMB
CHECKED BY: JTW
DATE: 7-04-20

CHAPARRAL SUBDIVISION - PHASE II
 PARARAL PROPERTIES, LLC
 PARAR ROAD AND ABILENE DRIVE, PALM BAY, FLORIDA
 DIVISION PLAN

DIVISION PLAN

PARAKAL PROPERTIES, LLC
ABAR ROAD AND ABILENE DRIVE, PALM BAY, FLORIDA

CONSTRUCTION
ENGINEERING

[illegible]

REVISION	DATE	BY
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C-2C

E	7-04-20
LE	PER PLAN
J NO	190257
IGNED BY	RJN
OWN BY	SMB
OKED BY	JTW

KEY MAP
NTS

PARKING SITE PLAN
1" = 20'

NOTES	<input type="checkbox"/>	CONCRETE SIDEWALK. SEE TYPICAL DETAILS.
2-1	PROVIDE	CONCRETE SIDEWALK. SEE TYPICAL DETAILS.
2-2	PROVIDE	ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
2-3	PROVIDE	ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
2-4	PROVIDE	HANDICAP ACCESS. SEE TYPICAL DETAILS.
2-5	PROVIDE	PAVEMENT. SEE TYPICAL DETAILS.
2-6	PROVIDE	PAVEMENT. SEE TYPICAL DETAILS.
		FOOT INLET. NO. 2 WITH THERMOPLASTIC PARALLEL CHOKWALK STRIP. PER
		FOOT INLET. NO. 2 WITH THERMOPLASTIC PARALLEL CHOKWALK STRIP. PER
		PROVIDE "25 MPH" SPEED LIMIT SIGN PER MUTCD R9-1.
2-7	PROVIDE	WHITE PAINTED STRIPE.
2-8	PROVIDE	WHITE PAINTED STRIPE.
2-9	PROVIDE	HANDICAP ACCESSIBLE PARKING SPACE AND SIGNAGE. SEE TYPICAL
2-10	PROVIDE	FOOT TYPE "D" CURB. SEE TYPICAL DETAILS.

MATCHLINE B-B
SEE DRAWING C-2A

MATCHLINE C-C SEE DRAWING C-28

SUBDIVISION PLAN
1"=40'



CHAPARRAL SUBDIVISION - PHASE II

GRADING AND DRAINAGE PLAN

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

ENGINEERING GROUP
Consulting Engineers

DATE: 07/20/2015
BY: J. W. B. / J. W. B.
CHECKED BY: J. W. B.
DESIGNED BY: J. W. B.
DRAWN BY: J. W. B.
SCALE: 1"=40'

C-3A

DATE: 7-24-20

SCALE: 1"=40'

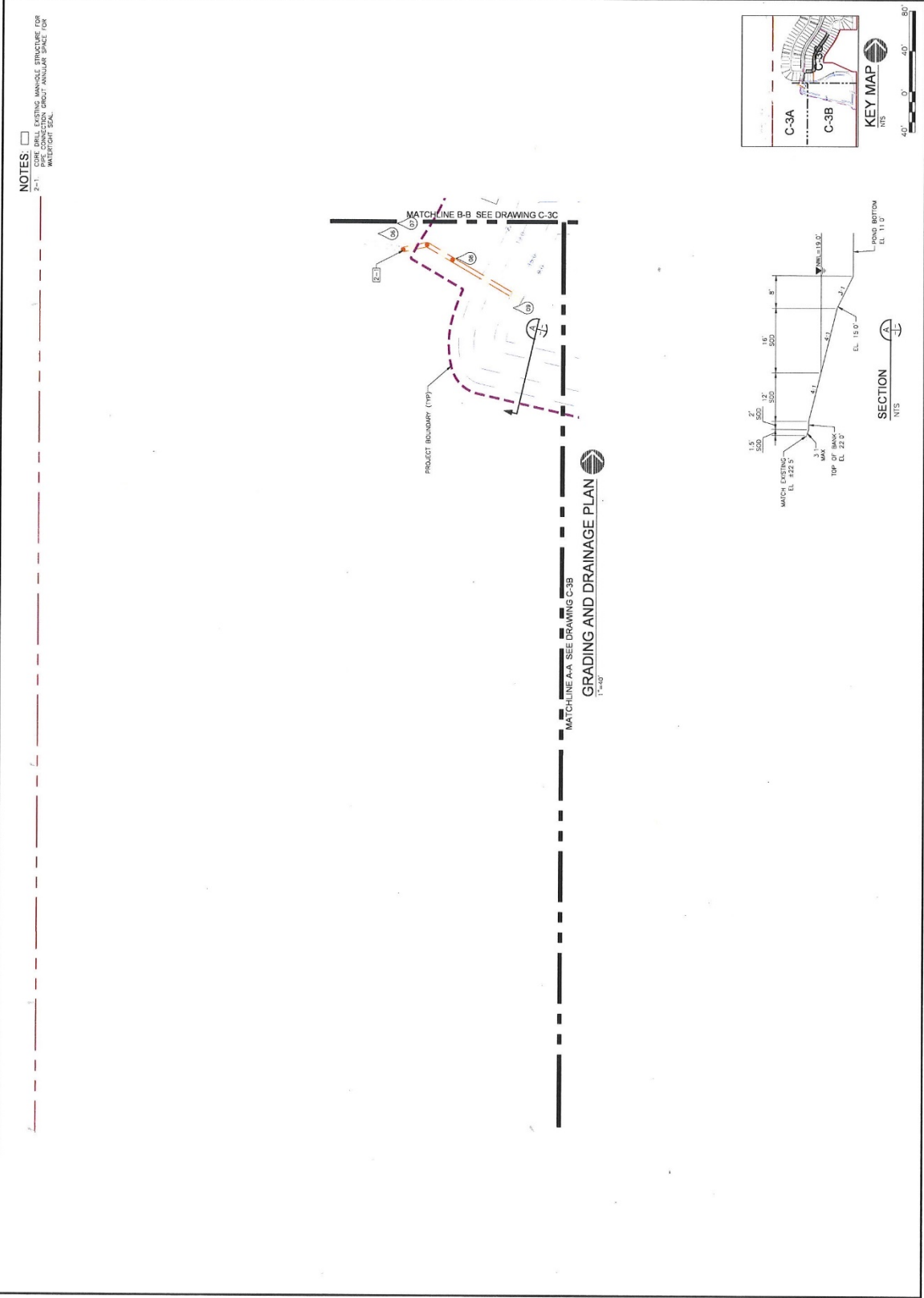
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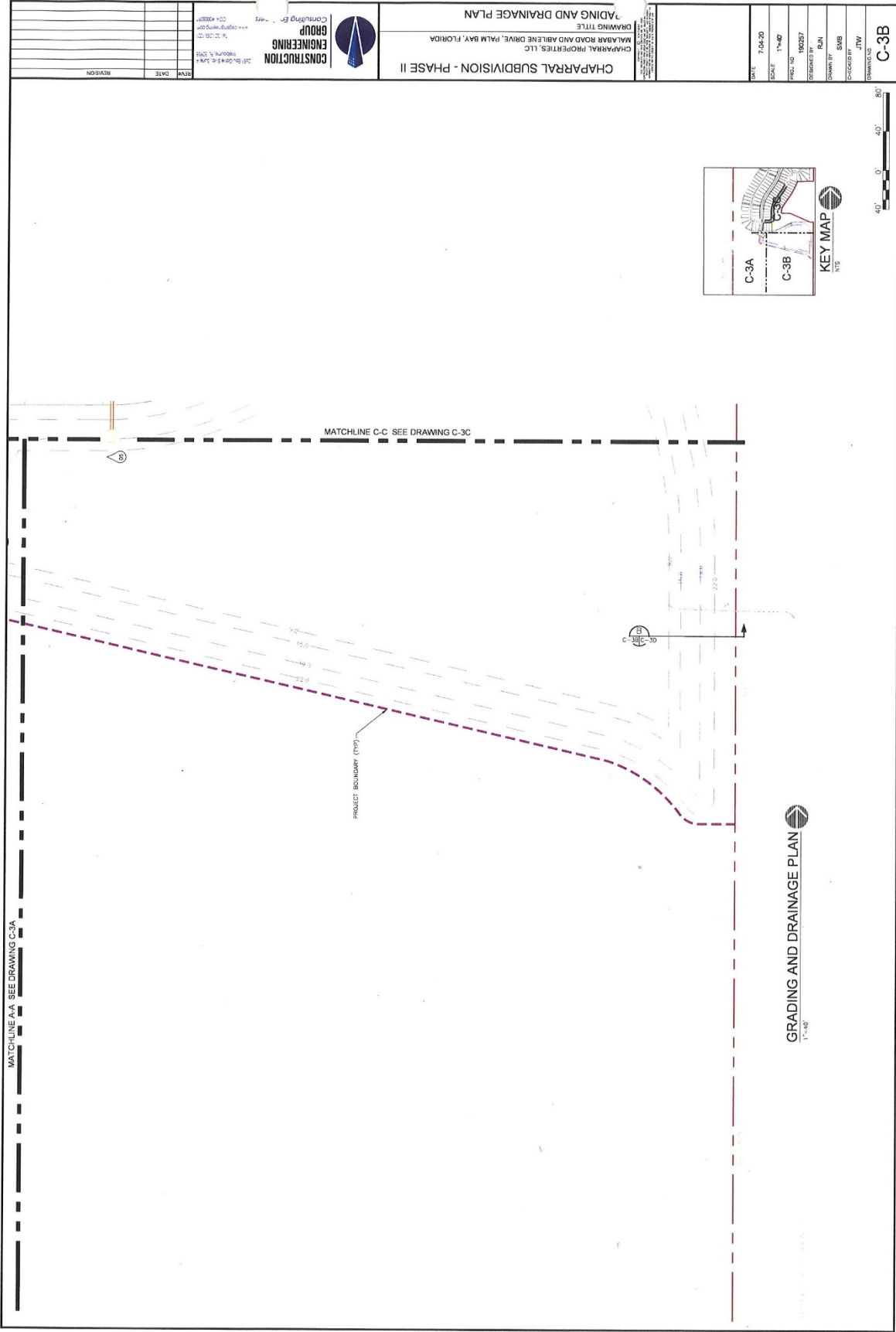
DESIGNED BY: J. W. B.

DRAWN BY: J. W. B.

CHECKED BY: J. W. B.

DATE: 7-24-20








CHAPARRAL SUBDIVISION - PHASE II

CHAPARRAL PROPERTIES, LLC

ALABAMA ROAD AND ADELLE DRIVE, PALM BAY, FLORIDA

AN AND PROFILE STA: 75+00 THRU 82+08.23



CHAPARRAL PROPERTIES, LLC

ALABAMA ROAD AND ADELLE DRIVE, PALM BAY, FLORIDA

CONSTRUCTION ENGINEERING GROUP

Consulting Engineers

201 D. DAVIS, JR.

1000 S. MILITARY AVE., SUITE 100

MIAMI, FL 33130

TEL: 305.375.1234

FAX: 305.375.1235

WWW.CEGROUP.COM

DATE: 10/02/20

SCALE: H: 1"=40' V: 1"=4'

PROJECT NO: 1900297

DESIGNED BY: RJN

CHECKED BY: BMB

CHAPARRAL SUBDIVISION - PHASE II

C-5

CHAPARRAL SUBDIVISION - PHASE II

DATE: 10/02/20

SCALE: H: 1"=40' V: 1"=4'

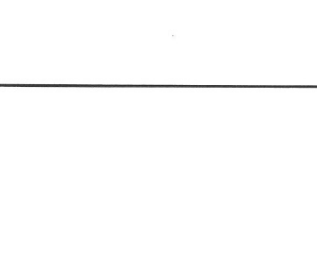
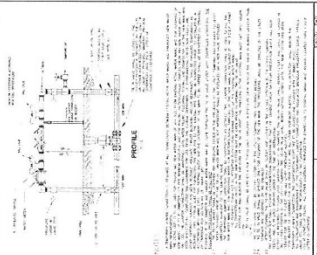
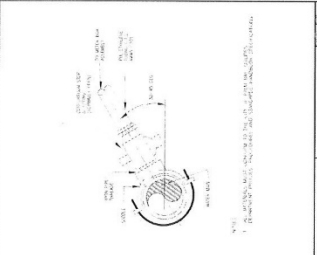
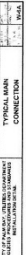
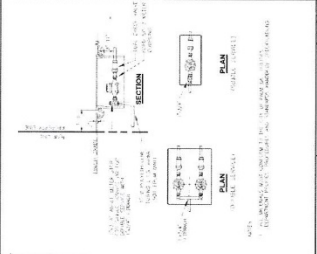
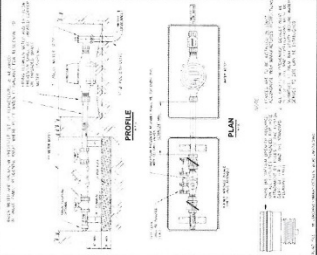
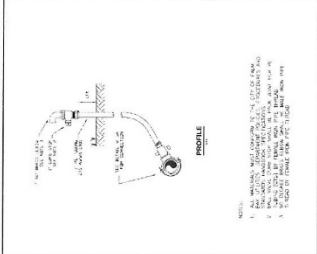
PROJECT NO: 1900297

DESIGNED BY: RJN

CHECKED BY: BMB

CHAPARRAL SUBDIVISION - PHASE II





PROJECT REPRESENTATIVE REFERRED TO IN THE FOLLOWING SPECIFICATIONS INCLUDE OWNER OR DESIGNATED REPRESENTATIVE, ENGINEER OR MUNICIPALITY OF JURISDICTION FOR UNFINISHED WORK.

CONTRACTOR SHALL BECOME FAMILIAR WITH AND ADHERE TO ALL PROJECT SITE PERMITS AND THEIR CONDITIONS AND POST ON-SITE DURING ENTIRE CONSTRUCTION PROJECT UNTIL FINAL CLEARANCE.

PROTECTION OF EXISTING TREES AND VEGETATION. PROTECT EXISTING TREES AND OTHER VEGETATION INDICATED TO REMAIN IN PLACE AGAINST UNNECESSARY CUTTING, BREAKING OR SKIPPING OF ROOTS, SKIPPING OR BRUISING OF BARK, SMOOTHING OF TRUNKS BY STOCKPILING CONSTRUCTION MATERIALS OR EXCAVATED MATERIALS WITHIN DRIP LINE. EXCESS FOOT OR VEHICULAR TRAFFIC OR PARKING OF VEHICLES WITHIN DRIP LINE PROVIDE TEMPORARY GUARDS AT THE DRIP LINE TO PROTECT TREES AND VEGETATION TO

- EARTHWORK**
SURFHADE EXCAVATION, BACKFILL, AND PREPARATION SHALL BE DONE IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEERING REPORT FOR THIS SITE AS IDENTIFIED ON DWG. C-2, MICRODOTS CORP. TO BE SUBMITTED TO THE AGENCY PRIOR TO THE START OF THE PROJECT.

6. SATISFACTORY SOIL MATERIALS. ASTM 2487 SOIL CLASSIFICATION GROUPS ON CH. 5A, 5B, 5C, AND 5M, FREE OF ROCK OR GAVEL LARGER THAN 2 INCHES IN ANY DIMENSION, DEBRIS, WASTE, FROZEN MATERIALS, VEGETATION AND OTHER DELICIOUS MATTER.

6. APPARENT GRADING SIZE (ASIM 9 4731) #100 U.S. STANDARD SIZE
7. FINELINE (ASTM D 4491) # 150 STANDARD SIZE
8. COMPLY WITH LOCAL CODES, ORDINANCES, AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION TO MAINTAIN STABLE EXCAVATIONS. CONTRACTOR SHALL COMPLY WITH THE FRENCH SAFETY ACT

UTTERED FROM STRUCTURES FOR PLACING, REMOVING, OR FOR CONCRETE INSTALLING SERVICES AND OTHER CONSTRUCTION, AND FOR INSPECTING EXCAVATIONS FOR FOOTINGS AND FOUNDATIONS DO NOT DISTURB BOTTOM OF EXCAVATION BY HAND TO FINAL GRADE JUST BEFORE PLACING CONCRETE REINFORCEMENT TRIM BOTTOMS TO REQUIRED LINES AND GRADES TO LEAVE SOLID BASE TO RECEIVE OTHER MATERIAL.

- c. WHERE ENCOUNTERING ROCK OR ANOTHER UNYIELDING BEARING SURFACE, CARRY TRENCH EXCAVATION 6 INCHES BELOW INVERT ELEVATION TO RECEIVE BIDDING TRENCH
5. RECONSTRUCT SUBSIDENCES DAMAGED BY RAIN, ACCUMULATED WATER, OR CONSTRUCTION

7. INTERVIEW PLANT, GRADE AND SHAPE SUGGESTS TO DRAIN SURFACE WATER COVER TO PREVENT WIND-BLOWN DUST. IF DIRECTED BY PROJECT REPRESENTATIVE, CONTRACTOR SHALL PROVIDE DETECTABLE WARNING TAPE MADE FROM ACID AND ALKALI RESISTANT POLYETHYLENE FILM TO MARK AND IDENTIFY UNDERGROUND UTILITIES. TAPE SHALL BE 3 INCHES WIDE AND A 5/8 INCH THICK CONTINUOUSLY INSCRIBED WITH A

- 21 REMOVE VEGETATION, TOPSOIL, DEBRIS, WEI, AND UNSATISFACTORY SOIL MATERIALS,
22 OBSTRUCTIONS, AND DELETERIOUS MATERIALS FROM GROUND SURFACE PRIOR TO PLACING
FILLS.

BELOW

- a. UNDER GRADE, USE SATISFACTORY EXCAVATED OR BORROW SOIL MATERIAL.
- b. UNDER RAILS AND FREIGHTS, USE SUBGRADE OR BASE MATERIAL, OR SATISFACTORY EXCAVATED OR BORROW SOIL MATERIAL.
- c. UNDER BUILDING SLABS, USE SATISFACTORY FILL MATERIAL.

- c. STOCKPILE ON SHIELD AND JAW REMOVED WET SATURATED SOIL MATERIAL.

- PLACE BACKFILL AND FILL MATERIALS IN LAYERS NOT MORE THAN 8 INCHES IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTOR EQUIPMENT, AND NOT MORE THAN 4 INCHES IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HAND-OPERATED TAMPLERS.

- MATERIAL IN ACCORDANCE WITH SECTIONS 60 AND 200 OF THE FOOT STANDARDS SPECIFICATIONS.

PLACE MATERIALS IN A SINGLE LAYER.
PAVEMENT SHOULDERS, PLACE SHOULDERS ALONG EDGES OF SUBBASE AND BASE COURSES
TO PREVENT LATERAL MOVEMENT. CONSTRUCT SHOULDERS OF ACCEPTABLE MATERIALS
AND COMPACT SIMULTANEOUSLY WITH EACH SUBBASE AND BASE LAYER.
UNDER SLABS-ON-GRADE, PLACE [ENGINEER FILL OR PREPARED] SUBGRADE.

15. PAVED AND BUILDING SLAB AREAS AT SURFACE AND AT EACH COMPACTED FILL AND BACKFILL LAYER, PERFORM AT LEAST ONE FIELD IN-PLACE DENSITY TEST FOR EVERY 2,000 SQ. FT. OR LESS OF PAVED AREA OR BUILDING SLAB, BUT IN NO CASE FEWER THAN TWO TESTS.

WHEN TESTING AGENCY REPORTS THAT SUBSANCES, FILLS, OR BACKFILLS ARE BELOW SPECIFIED DENSITY, SCARCITY AND MOISTEN OR AGGREGATE OR REPLACE SOIL TO THE DEPTH REQUIRED, RECOMPACT AND RETEST UNTIL REQUIRED DENSITY IS OBTAINED EXISTING UTILITIES DO NOT INTERRUPT UTILITIES SERVING FACILITIES OCCUPIED BY OWNER

- STORM SEWER SYSTEM**
EXCEPT AS OTHERWISE PROVIDED, ALL STORM SEWER MATERIALS SHALL COMPLY WITH THE ACCUMULATED WATER, OR CONSTRUCTION ACTIVITIES, AS DIRECTED BY ARCHITECT

FOR PIPES SMALLER THAN 12" SELECTION OF MATERIALS SPECIFIED BELOW IS AT THE REFERENCE

- GENERAL: ALL PVC SEWER SHALL BE INSTALLED IN ACCORDANCE WITH UNI-BELL, UNI-BELL PIPE PREPARATION AND HANDLING, INSPECT ALL PIPE AND FITTINGS PRIOR TO LOWERING INTO TRENCH TO ENSURE NOT CRACKED, BROKEN, OR OTHERWISE DEFECTIVE MATERIALS

PIPE FROM THE JOBSITE. ALL
SEWER LINES SHALL BE ABSOLUTELY
STRAIGHT AND TRUE. NO CURVATURE SHALL BE TOLERATED. DO NOT DEVIATE FROM LINE
OR GRADE, AS ESTABLISHED BY THE ENGINEER, MORE THAN 1/2" FOR LINE AND 1/4" FOR
GRADE. PROVIDED THAT SUCH VARIATION DOES NOT RESULT IN A LEVEL OR REVERSE

- © WHEN CUTTING AND/OR MACHINING THE PIPE IS NECESSARY, USE ONLY TOOLS AND METHODS RECOMMENDED BY THE PIPE MANUFACTURER.

b. MANHOLE JOINT SEALS: CAREFULLY INSPECT PRECAST MANHOLE SECTIONS TO BE JOINED. SECTIONS WITH CHIPS OR CRACKS IN THE TONGUE SHALL NOT BE USED. JOINT SEALS SHALL BE INSTALLED IN STRICT CONFORMANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. GUY PIPE PRIMER FURNISHED BY THE JOINT MANUFACTURER.

-

3. FOLLOWING VISUAL INSPECTION, THE SEWER SYSTEM INCLUDING SERVICE LINES SHALL BE TESTED IN THE PRESENCE OF THE ENGINEER AND LOCAL AUTHORITIES HAVING JURISDICTION.

- DUCTILE IRON PIPE DUCTILE IRON PIPE SHALL BE CEMENT-MORTAR LINED, CLASS 150. MECHANICAL OR PUSH-ON JOINT AND SHALL MEET ALL THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS FOR DUCTILE IRON PIPE AND FITTINGS, 1993 EDITION, ASADOPTED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, CHAPTER 6S, PART 2, DIVISION 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25, 2.26, 2.27, 2.28, 2.29, 2.30, 2.31, 2.32, 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41, 2.42, 2.43, 2.44, 2.45, 2.46, 2.47, 2.48, 2.49, 2.50, 2.51, 2.52, 2.53, 2.54, 2.55, 2.56, 2.57, 2.58, 2.59, 2.60, 2.61, 2.62, 2.63, 2.64, 2.65, 2.66, 2.67, 2.68, 2.69, 2.70, 2.71, 2.72, 2.73, 2.74, 2.75, 2.76, 2.77, 2.78, 2.79, 2.80, 2.81, 2.82, 2.83, 2.84, 2.85, 2.86, 2.87, 2.88, 2.89, 2.90, 2.91, 2.92, 2.93, 2.94, 2.95, 2.96, 2.97, 2.98, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.26, 3.27, 3.28, 3.29, 3.30, 3.31, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.39, 3.40, 3.41, 3.42, 3.43, 3.44, 3.45, 3.46, 3.47, 3.48, 3.49, 3.50, 3.51, 3.52, 3.53, 3.54, 3.55, 3.56, 3.57, 3.58, 3.59, 3.60, 3.61, 3.62, 3.63, 3.64, 3.65, 3.66, 3.67, 3.68, 3.69, 3.70, 3.71, 3.72, 3.73, 3.74, 3.75, 3.76, 3.77, 3.78, 3.79, 3.80, 3.81, 3.82, 3.83, 3.84, 3.85, 3.86, 3.87, 3.88, 3.89, 3.90, 3.91, 3.92, 3.93, 3.94, 3.95, 3.96, 3.97, 3.98, 3.99, 4.00, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.09, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30, 4.31, 4.32, 4.33, 4.34, 4.35, 4.36, 4.37, 4.38, 4.39, 4.40, 4.41, 4.42, 4.43, 4.44, 4.45, 4.46, 4.47, 4.48, 4.49, 4.50, 4.51, 4.52, 4.53, 4.54, 4.55, 4.56, 4.57, 4.58, 4.59, 4.60, 4.61, 4.62, 4.63, 4.64, 4.65, 4.66, 4.67, 4.68, 4.69, 4.70, 4.71, 4.72, 4.73, 4.74, 4.75, 4.76, 4.77, 4.78, 4.79, 4.80, 4.81, 4.82, 4.83, 4.84, 4.85, 4.86, 4.87, 4.88, 4.89, 4.90, 4.91, 4.92, 4.93, 4.94, 4.95, 4.96, 4.97, 4.98, 4.99, 5.00, 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.22, 5.23, 5.24, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, 5.42, 5.43, 5.44, 5.45, 5.46, 5.47, 5.48, 5.49, 5.50, 5.51, 5.52, 5.53, 5.54, 5.55, 5.56, 5.57, 5.58, 5.59, 5.60, 5.61, 5.62, 5.63, 5.64, 5.65, 5.66, 5.67, 5.68, 5.69, 5.70, 5.71, 5.72, 5.73, 5.74, 5.75, 5.76, 5.77, 5.78, 5.79, 5.80, 5.81, 5.82, 5.83, 5.84, 5.85, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.95, 5.96, 5.97, 5.98, 5.99, 6.00, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50, 6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.57, 6.58, 6.59, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65, 6.66, 6.67, 6.68, 6.69, 6.70, 6.71, 6.72, 6.73, 6.74, 6.75, 6.76, 6.77, 6.78, 6.79, 6.80, 6.81, 6.82, 6.83, 6.84, 6.85, 6.86, 6.87, 6.88, 6.89, 6.90, 6.91, 6.92, 6.93, 6.94, 6.95, 6.96, 6.97, 6.98, 6.99, 7.00, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29, 7.30, 7.31, 7.32, 7.33, 7.34, 7.35, 7.36, 7.37, 7.38, 7.39, 7.40, 7.41, 7.42, 7.43, 7.44, 7.45, 7.46, 7.47, 7.48, 7.49, 7.50, 7.51, 7.52, 7.53, 7.54, 7.55, 7.56, 7.57, 7.58, 7.59, 7.60, 7.61, 7.62, 7.63, 7.64, 7.65, 7.66, 7.67, 7.68, 7.69, 7.70, 7.71, 7.72, 7.73, 7.74, 7.75, 7.76, 7.77, 7.78, 7.79, 7.80, 7.81, 7.82, 7.83, 7.84, 7.85, 7.86, 7.87, 7.88, 7.89, 7.90, 7.91, 7.92, 7.93, 7.94, 7.95, 7.96, 7.97, 7.98, 7.99, 8.00, 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, 8.20, 8.21, 8.22, 8.23, 8.24, 8.25, 8.26, 8.27, 8.28, 8.29, 8.30, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.38, 8.39, 8.40, 8.41, 8.42, 8.43, 8.44, 8.45, 8.46, 8.47, 8.48, 8.49, 8.50, 8.51, 8.52, 8.53, 8.54, 8.55, 8.56, 8.57, 8.58, 8.59, 8.60, 8.61, 8.62, 8.63, 8.64,

C-151/A-21.31 (FOR D.I.P. MOLDS).
LINING: ALL DUCTILE IRON PIPE AND FITTINGS SHALL BE CEMENT-MORTAR LINED AND SEAL COATED IN CONFORMANCE WITH ANSI A-21.4
POLYVINYL CHLORIDE (PVC) PIPE: AWWA C900, CLASSES 150 AND 200, WITH BELL END AND ELASTOMERIC GASKET, WITH PLAIN END FOR CAST-IRON OR DUCTILE-IRON FITTINGS.

- TESTED AND APPROVED FOR PORTABLE WELL SERVICE. NO LOGS/LOGS. SMALL OR USED THAT WILL HARBOR BACTERIA OR DAMAGE THE CASSETS. POLYIMIDE, CHLORIDE(PVC) PRESSURE PIPE UNDER 4" SHALL BE MINIMUM PRESSURE CLASS OF 200 PSI SCHEDULE 40 CONFORMING TO ASTM D-1785 OR SDR 21 CONFORMING TO ASTM D-2241 WITH CEMENT-SOLVENT WELD JOINTS OR PUSH ON ELASTOMERIC JOINTS.

a. MINIMUM WORKING PRESSURE, 200 PSI UNLESS OTHERWISE INDICATED
b. GATE VALVES ("4" AND LARGER) RESILIENT SEAT TYPE WITH NON-RISEING STEM, CAST IRON BODY AND BRONZE FITTINGS CONFORMING TO ANSI C-500 GATE VALVES LOCATED ON FIRE PROTECTION MAINS MUST BE FM APPROVED.

- OTHER DAMAGE HAS OCCURRED
IF THE INSPECTION INDICATES POOR ALIGNMENT, DEBRIS, DISPLACED PIPE, INFILTRATION OR
OTHER DEFECTS, CORRECT SUCH DEFECTS TO SATISFACTION OF ENGINEER AND PERMITTING
AGENCIES HAVING JURISDICTION
CLEANING CONDUIT CLEAR INTERIOR OF CONDUIT OF DIRT AND OTHER SUPERFLUOUS

PLACES PLUGS IN END OF UNCOMPLETED CONDUIT AT END OF DAY OR WHENEVER WORK STOPS.

- ### ASPHALT CONCRETE PAVEMENT

OF ASTM T-112

13. TEST COMPACTOR TESTING FOR LIME ROCK THE FULL DEPTH AT A FREQUENCY OF ONE TEST PER 10,500 SQUARE FOOT, OR AT A MINIMUM OF TWO TEST LOCATIONS, WHICHEVER IS GREATER.

CONCRETE
ALL CONCRETE STRENGTHS SHALL BE AS FOLLOWS WITH BROOM FINISH UNLESS IDENTIFIED OTHERWISE.
FOUNDATIONS & SLABS ON GRADE _____ 3000 PSI

- SLABS (IN CONTACT WITH EARTH) _____ 2 INCHES

- | | | | | | |
|---|--|---|--|--|--|
| 6-C
DRAWING NO.
ALL
BIMS
DRAWING BY
NTR
DATE
12/10/2015
SCALE
1/8" = 1'-0"
DATE
12/10/2015 | | CHAPARRAL SUBDIVISION - PHASE II
CHAPARRAL PROPERTIES, LLC
10000 PALMAR ROAD AND BAYLENE DRIVE, PALM BAY, FLORIDA
DRAWING TITLE
SPECIFICATIONS
CONSULTING
GROUP
ENGINEERING
CONSTRUCTION
221 E. OLIVE ST., SUITE 100
MIAMI, FL 33139
TEL: 305.251.2021
WWW.CONSULTINGGROUP.COM
CIG-0000007 | | DATE
12/10/2015
REVISION
DATE | |
|---|--|---|--|--|--|

[illegible]



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042

Landdevelopmentweb@palmbayflorida.org

FINAL DEVELOPMENT PLAN 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.

APPLICATION TYPE:



PUD
Planned Unit Development
(Section 185.067)



PMU
Parkway Mixed Use District
(Final Design Plan)
(Section 185.057(C))



PCRD
Planned Community
Redevelopment District
(Section 185.055(L))



RAC
Regional Activity Center District
(Section 185.056(C))

PROPOSED DEVELOPMENT NAME Chaparral Subdivision- Phase II

PARCEL ID 29-36-04-00-1

TAX ACCOUNT NO. 2903859

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See attached

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 13.24

TOTAL LOTS PROPOSED (list by use): 27 Single Family Residential

DEVELOPER Chaparral Properties, LLC

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

Telephone 813-288-8178 Email Marc@metrodevelopmentgroup.com

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

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

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

SURVEYOR AAL Land Surveying Services, Inc

Full Address 3970 Minton Road; West Melbourne, FL 32904

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

FINAL DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

- 1) TWO (2) COPIES OF THE FINAL DEVELOPMENT PLAN AND SUPPORTING DOCUMENTATION SHALL BE ATTACHED TO THE APPLICATION. THE FINAL PLAN AND SUPPORTING DOCUMENTATION MUST ALSO BE PROVIDED ON MEMORY DRIVE.
- 2) LAYOUT OF THE DEVELOPMENT PLAN SHALL BE IN PLAT FORM THAT MEETS THE REQUIREMENTS OF FLORIDA STATUTE CHAPTER 177.
- 3) THE FINAL DEVELOPMENT PLAN SHALL CONTAIN THE INFORMATION REQUIRED PER THE CITY OF PALM BAY LAND DEVELOPMENT CODE SECTION FOR A PUD, PMU, PCRD, OR RAC. **ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC).** THE ADDITIONAL CRITERIA IS LISTED IN THE CODE OF ORDINANCES AND AVAILABLE FROM STAFF.

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

- ☒ *A \$1,500.00 application fee shall accompany the Final Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."
- ☒ Final Development Plan (see above Final Development Plan Criteria for Submittal).
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- ☒ Citizen Participation Plan. Required when a preliminary development plan application was not submitted. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☒ School Board of Brevard County [School Impact Analysis Application](#) (if applicable).
- ☒ 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 apply for the final development plan.**

I, THE UNDERSIGNED UNDERSTAND THAT THIS FINAL DEVELOPMENT PLAN 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 FINAL DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant  Date 3.13.20

Printed Name of Applicant Jake Wise, PE- Construction Engineering Group, LLC

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

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

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

November 20th, 2019

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 29-36-04-00-1

I, John Ryan- Chaparral Properties, LLC, hereby authorize to represent my
Final Development Plan _____ request(s):

Rep. Name: Jake Wise, PE- Construction Engineering Group, LLC

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

Telephone: 321-610-1760

Email: jwise@cegengineering.com

[Signature]
(Property Owner Signature)

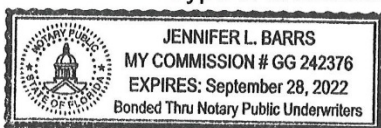
STATE OF FL
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 20th day of
November, 2019 by John Ryan,

(SEAL)

[Signature], Notary Public

☒ Personally Known or
☐ Produced Identification
Type of Identification Produced: _____



CORRESPONDENCE

Chandra Powell

From: milad chieki <miladbrenda@msn.com>
Sent: Tuesday, September 1, 2020 4:51 PM
To: Virtual Planning and Zoning Meetings
Subject: Palm Bay Planning & Zoning Meeting, Sept. 2, 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.

Hello Council Members,

Our names are Milad and Brenda Chieki and we live in Malabar Lakes West, which is adjacent to the location of Chapparral.

We were at the community meeting with Jake Wise and we believe you should know our concerns and those of many of our neighbors, both in our community and in the neighborhood across Malabar Road.

We informed Mr. Wise that better irrigation needs to be in place for their neighborhood. When it rains, the water rolls off of their much higher land right into our back yards, often flooding them. We realize that they do not intend to build homes right now on this part of the land (it is considered Phase III), but it is still their land which causes our lawns to flood. Mr. Wise said he will look into it, but we need this fixed as soon as possible.

Mr. Wise also told us that Chapparral will be gated, but they do not intend to put up a wall between our two neighborhoods. We have no idea how this will work when there is nothing between our neighborhood and theirs. People, dogs and cats can just walk from Chapparral into Malabar Lakes West. And without anything between our neighborhoods, the dirt flies directly into our backyards and pools. We hope this land will be covered soon, especially since new pool filters are expensive.

We also learned that the homes which will be built directly behind our homes on Allison Drive may not necessarily be single-story homes. If multi level homes are built there, the people living in those homes will be able to look directly into our backyards and our pools. That is not a very appealing thought to us or many of our neighbors, and we were told in a council meeting about two years ago that they would make those homes single level.

We want to be friendly neighbors, but this new development will directly change our way of life through the added traffic, the new spotlight, the noise, and the reduction in wildlife. We hope the builders of Chapparral will also treat us with respect and kindness, and that they will take a moment to realize how drastically they will be affecting our way of life.

Thank You,

Milad and Brenda Chrieki
miladbrenda@msn.com

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-10

Held on Wednesday, September 2, 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.

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

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

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

ROLL CALL:

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

Mr. Warner's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

Announcements were heard at this time.

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

The meeting was joined at this point by Mr. Felix.

Old Business was heard at this time.

☞ 1. **♣FD-10-2020 – CHAPARRAL SUBDIVISION PHASE II -
CHAPARRAL PROPERTIES, LLC (JAKE WISE, P.E., REP.)**

Mr. Murphy presented the staff report for Case FD-10-2020. The applicant had requested a Final Development Plan for a PUD, Planned Unit Development to allow a proposed 27-lot, single-family residential development called Chaparral Phase II. Staff recommended Case FD-10-2020 for approval, subject to the staff comments contained in the staff report.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (civil engineer for the project and representative for the applicant) stated that Phase I of the Chaparral development was currently under construction, and that the subject request was the extension of an internal loop road that would include 27 lots. He commented that the Citizen Participation Plan (CPP) meeting was mostly attended by Malabar Lakes West residents to the west. There were no concerns regarding the subject phase as it was not as close in proximity as Phase I. He noted that a traffic light was approved for the site, and the access would align with Wisteria Lane NW on the north side of Malabar Road.

Ms. Maragh asked if the applicant was in agreement with staff conditions. Mr. Wise stated his agreement with the conditions by staff.

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

A virtual comment was received in opposition to the request from Mr. Milad Chrieki and Ms. Brenda Chrieki (residents of Malabar Lakes West). They wanted better irrigation to be put in place to address flooding; a wall to be erected to separate the two developments; and single-story homes instead of multi-level homes to abut the rear Allison Drive properties for privacy. In response, Mr. Wise remarked that their concerns were in relation to Phase III and would be addressed during that phase of development. He noted that 50 feet of right-of-way to the south had been donated for the future widening of Malabar Road.

The floor was closed for public comments.

Mr. Weinberg reminded the board that only Phase II was under consideration.

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case FD-10-2020 to City Council for approval of a Final Development Plan for a PUD, Planned Unit Development to allow a proposed 27-lot, single-family residential development called Chaparral Phase II, subject to the staff comments contained in the staff report. The motion carried with members voting unanimously.

The board resumed consideration of items in the order shown on the agenda.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-09; August 5, 2020. Motion by Ms. Jordan, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

Announcements were heard following Roll Call.

OLD BUSINESS:

1. **♣FD-10-2020 – CHAPARRAL SUBDIVISION PHASE II –
CHAPARRAL PROPERTIES, LLC (JAKE WISE, P.E., REP.)**

Case FD-10-2020 was discussed prior to Announcements.

ORDINANCE 2020-70

A ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS 'CHAPARRAL PHASE II' IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL 9, IN THE VICINITY SOUTH OF MALABAR ROAD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 17, 2005, the City of Palm Bay granted a preliminary Planned Unit Development (PUD) to be known as 'Chaparral PUD' to Lennar Homes, Inc., and

WHEREAS, application for Final Development Plan approval in PUD (Planned Unit Development) zoning to permit a 27-lot single-family residential subdivision to be known as 'Chaparral Phase II' on property legally described herein, has been made by Chaparral Properties, LLC, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on September 2, 2020, which voted to recommend to the City Council approval of the application, and

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

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

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

SECTION 1. The City Council of the City of Palm Bay hereby grants final development plan approval for 'Chaparral' on property zoned PUD (Planned Unit Development), which property is legally described as follows:

Commence at the northeast corner of said Section 4, and run S 00°00'32" E along the east line of said Section 4, a distance of 1302.10 feet; thence S 89°59'28" W, a distance of 65.00 feet to the point of beginning of the herein described parcel; thence S 00°00'32" E along the west right of way line of the Melbourne Tillman Drainage District Canal 9, a distance of 514.99 feet; thence S 89°59'28" W, a distance of 20.00 feet; thence N 23°58'55" W, a distance of 81.30 feet; thence N 55°04'44" W, a distance of 92.64 feet; thence N 87°05'43" W, a distance of 98.45 feet; thence N 76°41'00" W, a distance of 638.42 to a point; said point being on a curve concave northeasterly, having a radius of 105.00 feet, a central angle of 43°50'08", and a radial bearing of N 64°45'09" E, thence northwesterly along the arc a distance of 80.33 feet to the point of tangency; thence N 18°35'18" E, a distance of 5.50 feet to a point being the southwest corner of said Tract A; thence run along the west, north and east lines of said Tract A, Chaparral PUD Phase One for the following twenty (20) calls; said point being on a curve concave southeasterly, having a radius of 210.00 feet, a central angle of 14°40'21", and a radial bearing of S 71°24'42" E, thence northeasterly along the arc a distance of 53.78 feet to the point of reverse curvature of a curve concave northwesterly, having a radius of 260.00 feet, a central angle of 33°18'14", thence northeasterly along the arc a distance of 151.13 feet to the point of tangency; thence N 00°02'34" W, a distance of 16.28 feet to the point of curvature of a curve concave southeasterly, having a radius of 25.00 feet, a central angle of 90°00'00", thence northeasterly along the arc a distance of 39.27 feet to a point; thence N 00°02'34" W, a distance of 50.00 feet to a point; said point being on a curve concave northeasterly, having a radius of 25.00 feet, a central angle of 90°00'00", and a radial bearing of N 00°02'34" W, thence northwesterly along the arc a distance of 39.27 feet; thence N 00°02'34" W, a distance of 102.96 feet to the point of curvature of a curve concave southeasterly, having a radius of 456.00 feet, a central angle of 35°04'47", thence northeasterly along the arc a distance of 279.19 feet to the point of tangency; thence N 35°02'13" E, a distance of 151.99 feet to the point of curvature of a curve concave

northwesterly, having a radius of 796.00 feet, a central angle of 08°14'42", thence northeasterly along the arc a distance of 110.66 feet; thence S 63°12'29" E, a distance of 120.50 feet to a point; said point being on a curve concave northwesterly, having a radius of 889.50 feet, a central angle of 01°04'35", and a radial bearing of N 63°12'29" W, thence southwesterly along the arc a distance of 16.71 feet; thence S 62°07'54" E, a distance of 165.50 feet to a point on the west line of lands described in Official Records Book 5465, Page 3836, of said public records of Brevard County; thence run along the westerly and southerly line of said Official Records Book 5465, Page 3836, for the following seven (7) calls; said point being on a curve concave northwesterly, having a radius of 1055.00 feet, a central angle of 07°24'59"; and a radial bearing of N 52°07'54" W, thence southwesterly along the arc a distance of 136.56 feet to the point of tangency; thence S 35°17'05" W, a distance of 146.85 feet to the point of curvature of a curve concave southeasterly, having a radius of 170.00 feet, a central angle of 35°17'36", thence southwesterly along the arc a distance of 104.72 feet to the point of tangency; thence S 00°00'31" E, a distance of 23.81 feet; thence N 89°59'29" E, a distance of 135.60 feet; thence S 66°20'23" E, a distance of 336.04 feet; thence N 89°59'28" E, a distance of 56.65 feet to the point of beginning; containing 13.24 acres, more or less.

SECTION 2. The final development plan is granted subject to the staff comments contained in the Staff Report prior to approval of the construction plans and recordation of the plat as follows:

- A.) The boundary and title opinion shall be approved by the City Surveyor;
- B.) Deed restrictions governing development standards shall be submitted for City Staff review;
- C.) All applicable outside agency permits must be obtained (St. Johns, Melbourne-Tillman, Florida Department of Environmental Protection, Brevard County, etc.);
- D.) A Concurrence Determination shall be obtained from the School Board of Brevard County; and
- E.) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

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

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

ATTEST:

William Capote, MAYOR

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Chaparral Properties, LLC

Case: FD-10-2020

cc: (date) Brevard County Recording
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: 10/1/2020

RE: Request by Rook at Palm Bay, LLC, for Final Subdivision approval of a commercial and multi-family residential subdivision to be known as "Crown Square", with requests for waivers from Section 184.18(B), Palm Bay Code of Ordinances, to allow for the reduction of a proposed road right-of-way width and cul-de-sac radius, 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 FS-1-2020) (Quasi-Judicial Proceeding).

Rook at Palm Bay, LLC (Jake Wise, P.E., CEG, LLC, Representing) has asked for Final Development Plan approval for a 5-lot commercial and multi-family residential subdivision called Crown Square, with requests for waivers from Section 184.18(B) of the Palm Bay Code of Ordinances to allow for the reduction of a proposed road right-of-way width and cul-de-sac radius. This 21-acre development is vacant land located south of and adjacent to Malabar Road, between Emerson Drive SE and the Palm Bay Wal-Mart. A grocery store, retail establishment, and two restaurants are proposed for the site.

On July 16, 2020, City Council approved the preliminary subdivision with specific design waivers and a variance request for building and parking encroachments. Upon review of the submitted materials, the Final Plat is in substantial conformance with the preliminary approval and with the applicable requirements of the Subdivision Code, subject to the items contained in the staff report.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case FS-1-2020, subject to the following items being completed/approved during the administrative site plan review:

A. Construction plan (site plans) shall meet all applicable codes;

- B. Full review of the Declaration of Covenants, Conditions, and Restrictions;
- C. Issuance of a School Concurrency Determination Letter; and
- D. The following Waivers:
 - 1. Reduction of the minimum ROW width from 50' to 32'
 - 2. Reduction of the minimum cul-de-sac radius from 50' to 40'

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to Items A through D of the staff report being completed/approved during the administrative site plan review.

ATTACHMENTS:

Description

Case FS-1-2020

Board minutes



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

FS-1-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

Rook at Palm Bay, LLC (Jake Wise, Civil Engineer from CEG, Representing)

PROPERTY LOCATION/ADDRESS

Located south of and adjacent to Malabar Road; between Emerson Drive SE and the Palm Bay Wal-Mart

SUMMARY OF REQUEST

The applicant requests Final Subdivision approval for a proposed development consisting of four (4) commercial lots and one (1) multi-family residential lot.

Existing Zoning

CC, Community Commercial and RM-20, Multiple-Family Residential

Existing Land Use

Commercial Use and Multiple Family Residential Use

Site Improvements

Vacant, Undeveloped Land

Site Acreage

21 acres, more or less

DENSITY

20 UPA Allowed on the Residential Lot–16.88 UPA Proposed

COMPREHENSIVE PLAN

COMPATIBILITY

Yes

BACKGROUND:

The property is located south of and adjacent to Malabar Road; between Emerson Drive SE and the Palm Bay Wal-Mart. The site is vacant, undeveloped land. Specifically, the subject property is Tax Parcels 4-6 and Tax Parcel 9, all lying within Section 5, Township 29 south and Range 37 east. The north 6.08 acres of land is zoned CC, Community Commercial. The remaining 14.92 acres are zoned RM-20, Multiple Family Residential.

The CC-zoned portion of the project is bordered by Malabar Road to the north, CC and HC zoning to the east and west, and by the remainder of the project to the south. The RM-20 zoned property abuts CC zoned lands to the north; RR, Rural Residential zoned lands to the south and west, containing undeveloped land (south) and the American Legion Post 117 (west); and to the east lies the Wal-Mart and a drainage ditch.

The Applicant, Rook at Palm Bay, LLC, received Preliminary Subdivision approval from City Council, with specific design waivers, on July 16, 2020 (Case PS-2-2020) at RCM 2020-04. Also approved at RCM 2020-04 was a Variance request for building and parking setback encroachments (Case V-12-2020). The applicant is now requesting Final Subdivision approval to create a 5-lot subdivision on approximately 21 acres of land. Representing the applicant in this request is Jake Wise, Civil Engineer from Construction Engineering Group, LLC.

ANALYSIS:

In order to be granted Final Subdivision approval, the request must meet the basic design standards of Sections 184.16 through 184.25 of the Code of Ordinances. These design requirements are to be illustrated via construction plans and accompanied by a final subdivision plat. The above subsections include the design of Lots & Blocks; Roadway width, length, and arrangement; Stormwater Treatment; Potable Water and Sewerage Facilities; Sidewalks/Pedestrian Ways; Public Uses; Preservation of Natural or Historic Features; and the buffering of adjacent residentially zoned lands for Nonresidential Subdivisions.

Lots and Blocks: The minimum lot size required within the CC zoning district is 100' wide by 125' deep, and the minimum lot size for the RM-20 zoning district is 100' x 100'. All 4 of the commercial lots in this subdivision exceed the minimum requirements, and the lone residential lot (Lot 3) is approximately 256' wide by 423' deep. There are no blocks being proposed in this subdivision.

Road Design: The overall property, consisting of 21 acres, only has 400' of frontage on Malabar Road. In order to create the five (5) lots for conveyance, a new road must be established providing each lot with the minimum code-required frontage upon a legally created road right-of-way (ROW). The road itself must have a minimum 50' of ROW width, a maximum dead-end length of 1,000' and a minimum cul-de-sac ROW radius of 50'.

Valor Drive SE is proposed within the middle of the project's frontage on Malabar Road and will align with an existing median opening. Traffic signalization plans have recently been approved with signal mast arms and a painted crosswalk meeting ADA standards. Included in the design are dedicated WB left turn and EB right turn lanes. The newly created ROW (Valor Drive) extends approximately 720' from Malabar Road and terminates into a cul-de-sac for access to a future apartment complex. The road does not connect to any other roadways, existing or proposed. The minimum width of this new road ROW is only 32' and the cul-de-sac radius is only 40'. Thus, the applicant has provided a Summary Request for "Waivers" from these two (2) requirements, per Section 184.14.

This section allows the City Council to defer or waive, at the time of final approval, the provisions of any or all such design improvements, that in the Council's judgment are deemed not requisite in the interests of public health and safety, or inappropriate because of inadequacy or lack of connecting facilities (i.e. utilities). It should be noted that these specific "waivers" were included in the Preliminary Subdivision approval and are the same waivers as currently requested.

An engineered site plan (Site Plan #1370) is currently under administrative review. The plans propose development upon each of the five (5) lots. The reduced ROW width is the result of the overall width of the subject properties and the intended development of the commercial lots. A grocery store, retail establishment and two (2) restaurants are proposed. Siting of the buildings' required parking areas, drive aisles, and landscaping have necessitated the narrowing of the ROW width. Reduction of the cul-de-sac radius is to accommodate parking spaces for the clubhouse of the apartment complex that is located at the terminus of Valor Drive SE. It shall be noted that ample pavement has been designed to accommodate the maneuverability of delivery and service vehicles.

Stormwater Treatment: The project includes a master stormwater treatment system that is inter-connected with wet and dry treatment ponds. These ponds transfer stormwater runoff from the impervious development to a master wet pond located in the center of the apartment complex. This pond will be contained within a 2.91-acre easement dedicated for such use in Plat note #5. Deed restrictions submitted with the Final subdivision request identify the Crown Square Property Owner's Association Inc. for maintenance responsibility of the overall system.

Potable Water and Sewerage Facilities: The developer is required to extend service from the on-site facilities to the existing water and sewer connection points. Presently, the nearest connection point to the mainline water distribution system is a 16" water main on the north side of Malabar Road. The nearest connection point to the mainline wastewater collection system is a 16" forced sewer main, on the south side of Malabar Road. Sheet C-4A of the site plans currently under review propose a direct wet tap connection to the force main and connection to the water main via directional bore (under Malabar). Upon the subdivision plat is a sanitary sewer lift station easement (straddling lots 3 and 4).

Sidewalks/Pedestrian Ways: Handicap accessible sidewalks shall be provided throughout the development, providing access to all public buildings from their respective parking areas. A connection from the apartment complex shall be included to allow for pedestrian access to the commercial area. Additionally, the sidewalk system of this development must connect to the existing sidewalk running along the south side of Malabar Road.

Public Uses and Easements: This code sections provides the following; “Where deemed essential by the City Council upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Comprehensive Plan, the City Council may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for parks and other public purposes”. This dedication of land is not applicable to this subdivision.

Preservation of Natural or Historic Features: Located in the far NW corner of Lot 3, which is the proposed multi-family residential lot, lies an existing wetland area of approximately 1.41 acres. This area is covered on the subdivision plat by a conservation easement that is to be dedicated to the St. Johns River Water Management District. Said dedication will follow the provisions of Florida Statute 705.06 (see Plat Note #4).

An environmental site assessment of the subject property was conducted by Atlantic Environmental of Florida, LLC. It was determined that the property contains gopher tortoises and St. Johns (SJRMD) jurisdictional wetlands. The current site plans have been designed to avoid and preserve the natural resource (wetlands). Additionally, Atlantic Environmental has obtained a Fish & Wildlife Commission gopher tortoise relocation permit.

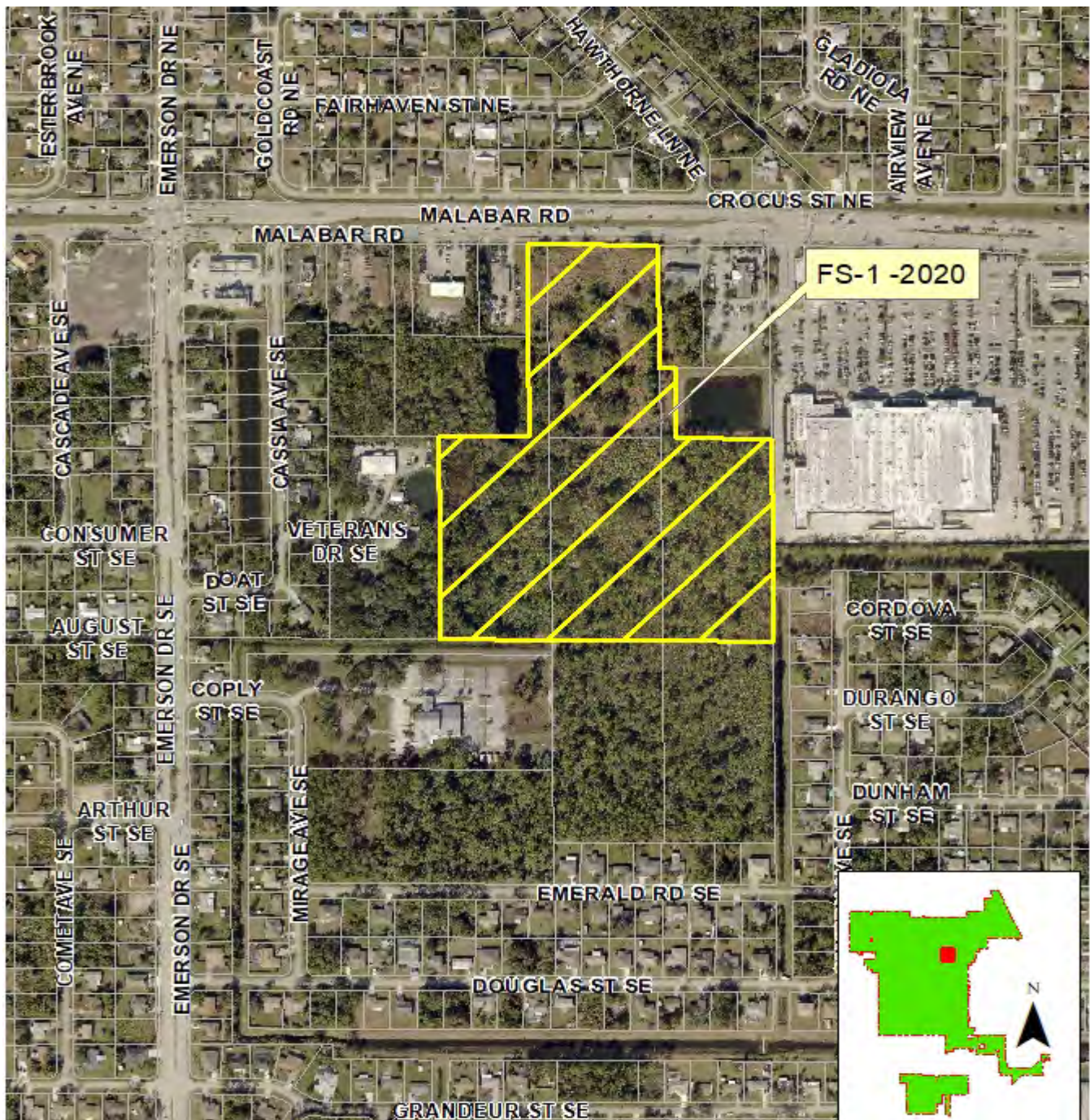
The Applicant submitted a School Facility Planning & Concurrency Application for this project to the School Board of Brevard County. A determination letter from the Facilities Services Department indicated that there is enough capacity (within Turner Elementary, Southwest Middle, and Palm Bay Magnet High Schools) for the total projected student membership to accommodate the multi-family residential development. However, the letter is a non-binding review; a Concurrency Determination must be performed by the School District prior to issuance of a Final Development Order.

STAFF RECOMMENDATION:

Upon review of the submitted materials, the Final Subdivision request is in substantial conformance with the Preliminary subdivision approval and with the applicable requirements of the Subdivision Code. Therefore, Staff recommends approval of Case FS-1-2020, subject to the following items being completed/approved during the administrative site plan review:

- A. Construction plan (site plans) shall meet all applicable codes;
- B. Full review of the Declaration of Covenants, Conditions, and Restrictions;
- C. Issuance of a School Concurrency Determination Letter; and
- D. The following Waivers:
 - 1. Reduction of the minimum ROW width from 50' to 32'
 - 2. Reduction of the minimum cul-de-sac radius from 50' to 40'

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



AERIAL LOCATION MAP

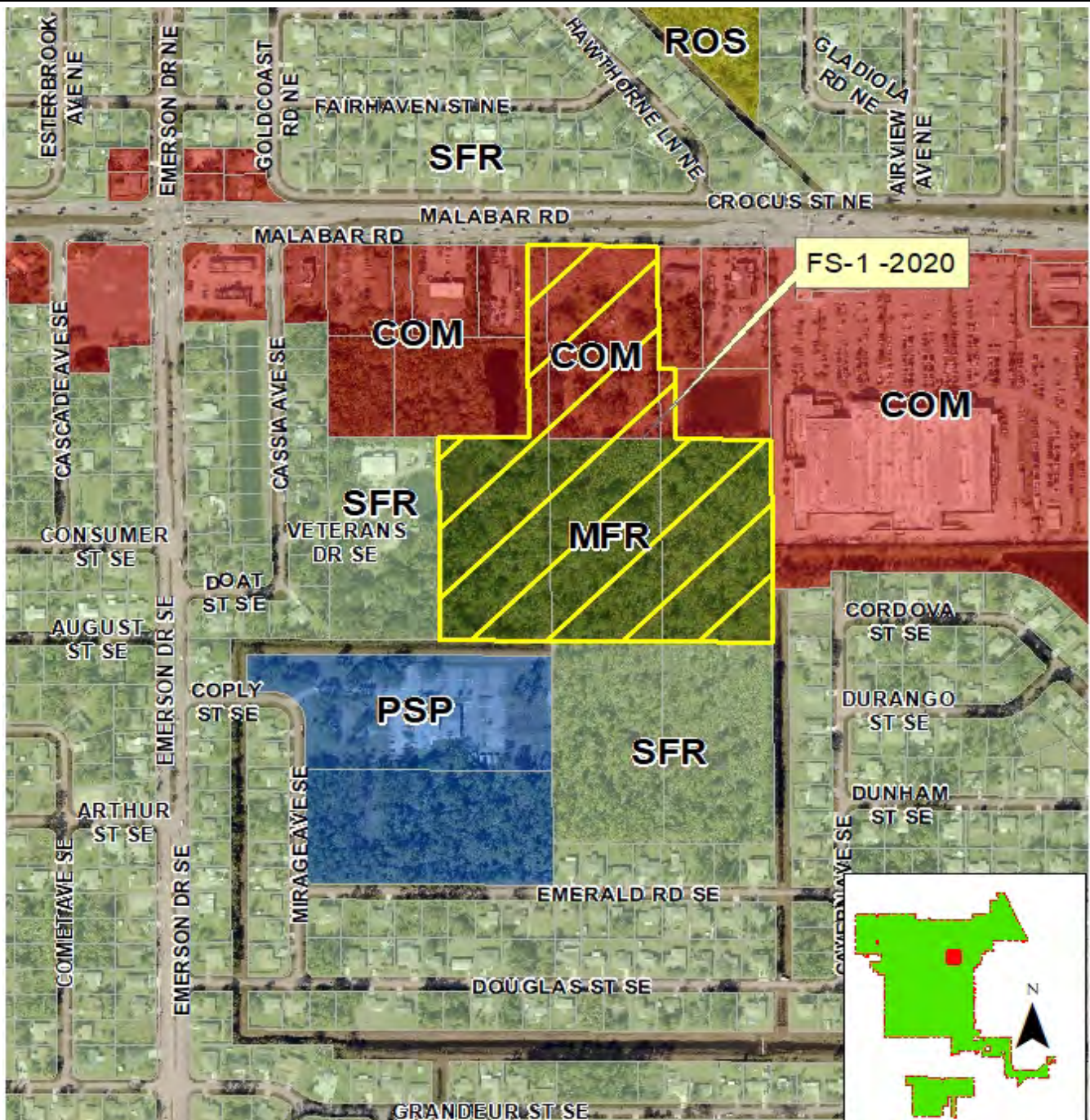
CASE FS-1-2020

Subject Property

South of and adjacent to Malabar Road SE, in the vicinity east of Cassia Avenue 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 FS-1-2020

Subject Property

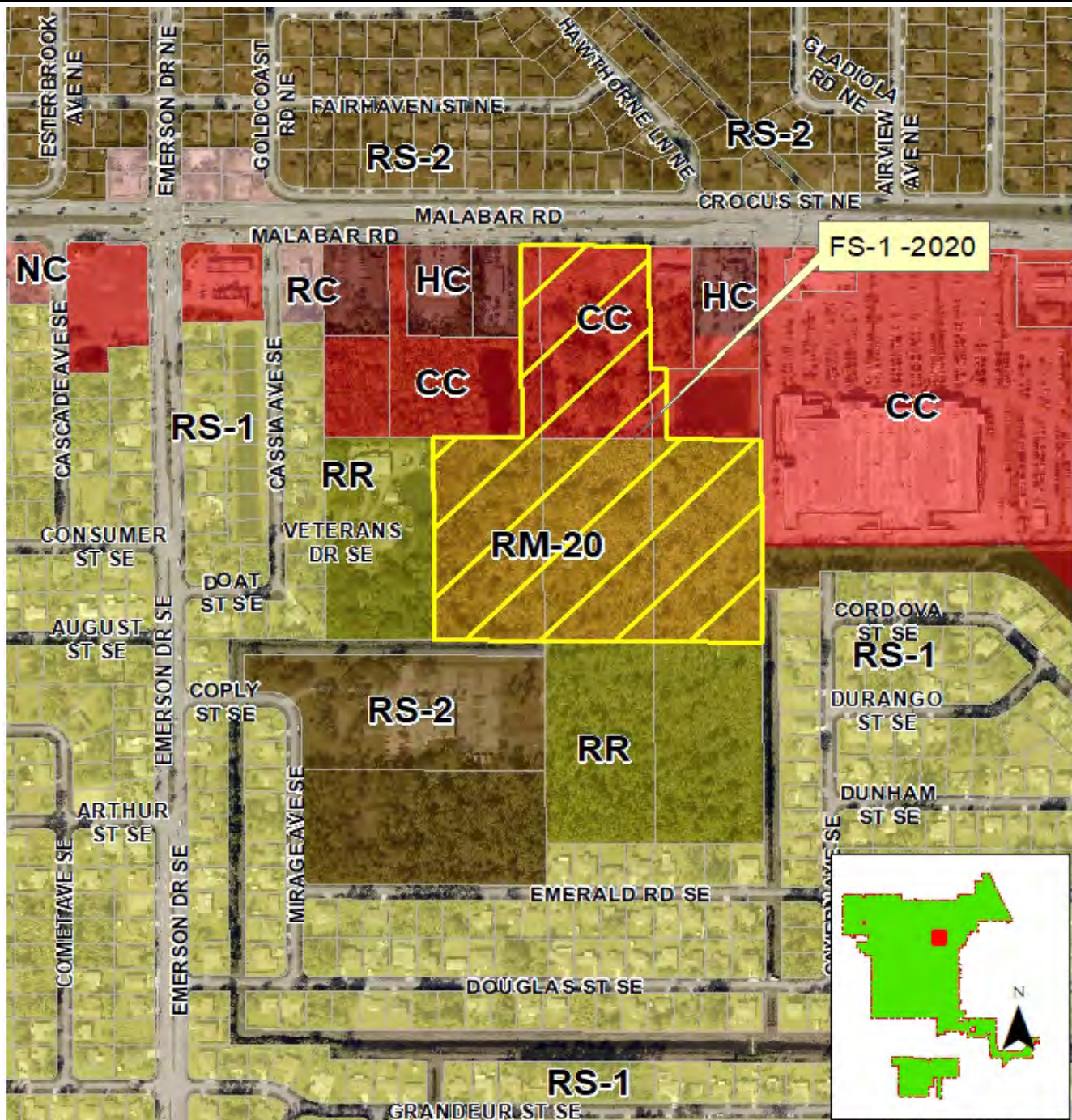
South of and adjacent to Malabar Road SE, in the vicinity east of Cassia Avenue SE

Future Land Use Classification

MFR – Multi Family Residential Use and COM – Commercial Use



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



ZONING MAP

CASE FS-1-2020

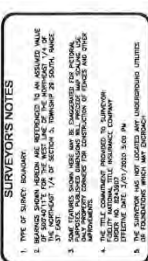
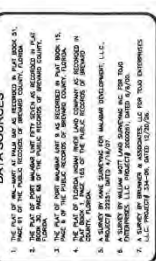
Subject Property

South of and adjacent to Malabar Road SE, in the vicinity east of Cassia Avenue SE

Current Zoning Classification

RM-20 – Multi-Family Residential District and CC – Community Commercial District

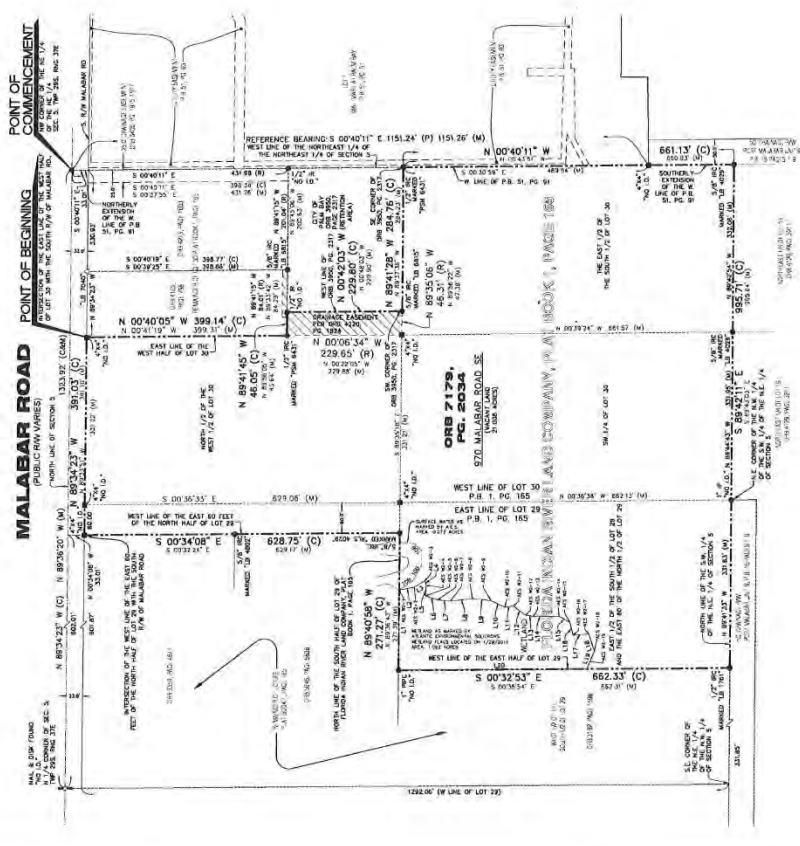
A PORTION OF LOTS 29 & 30, FLORIDA INDIAN RIVER LAND COMPANY, PLAT BOOK 1, PAGE 165
SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST
CITY OF PALM BAY - BREVARD COUNTY, FLORIDA



PROPERTY INFORMATION REPORT
 FORD MOTOR CREDIT ASSURANCE COMPANY
 CH009 00 30-03927
 EFFECTIVE DATE: 3/01/2000 5:00 PM

A. THE PLANT OF FORD MOTOR CREDIT COMPANY RECORDED IN PLAT 100, PAGE 10, OF THE 1998-1999 EDITION OF THE PUBLIC RECORDS OF OKLAHOMA, AFFECTS THE SUBJECT PROPERTY, AS PORTABLE MACHINERY OF SAID PLANT ARE MAPPED AND SHOWN HEREIN.

B. THE CASUALTY AGREEMENT FOR INDEMNITY, UPGRADES AND ACCESS, SURFACE WATER AND UNDERGROUND DRAINAGE, AND STORM-WATER DRAINAGE AND UTILITIES RECORDED IN OFFICIAL RECORDS BOOK 100, PAGE 10, OF THE 1998-1999 EDITION OF THE PUBLIC RECORDS OF OKLAHOMA, AFFECTS THE SUBJECT PROPERTY, AND IS MAPPED AND SHOWN HEREIN.

[illegible]

CERTIFIED TO:
CROWN HOLDINGS GROUP

DATE	TIME	LOCATION	WETLAND USE TABLE	DATE
5/22/2020			REMOVED TITLE COMMENT	5/22/2020
3/17/2020			MISC COMMENTS	3/17/2020
2/28/2020				2/28/2020
2/26/2020			LEGAL DESCRIPTION	2/26/2020
2/25/2020			LEGAL DESCRIPTION	2/25/2020
1/30/2019			WETLANDS ADDED FOR AER PLACING	1/30/2019
1/30/2019			ADDED HARRY	1/30/2019
1/30/2018			Completed DB	1/30/2018

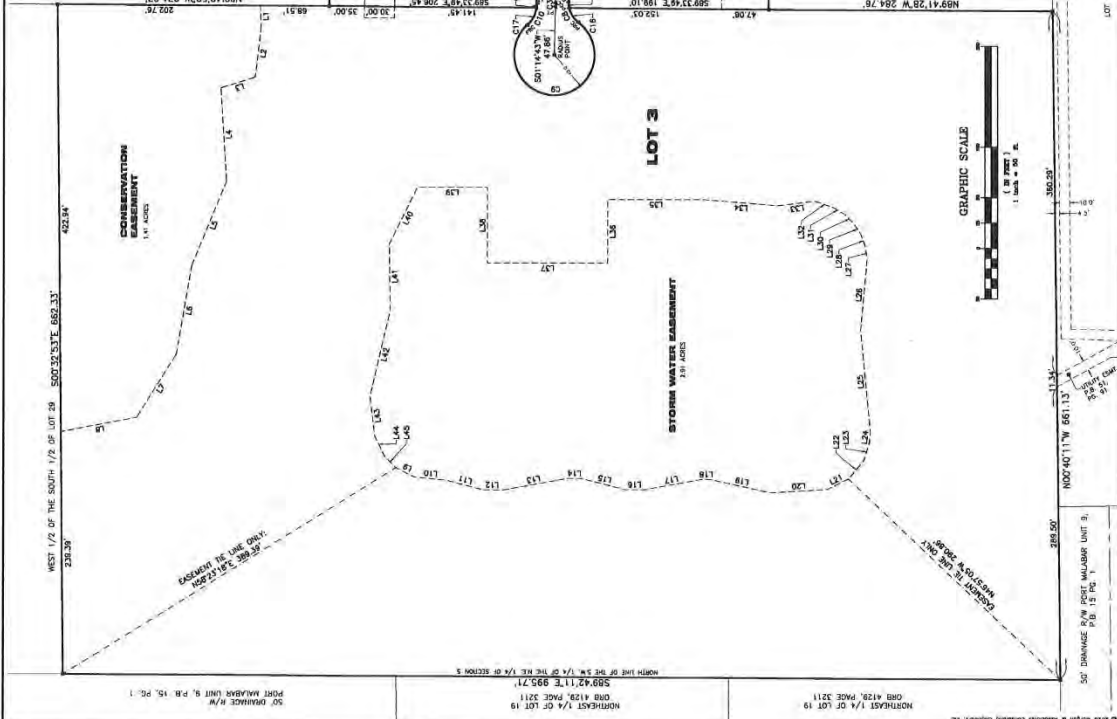
MORGAN & Associates
Consulting Engineers, Inc.
Civil Engineers and Land Surveyors - E.R. # 1903 / L.R. #7940
504 N. Harris City Blvd. - Melbourne, FL 32935
Phone (321) 251-6088 Fax (321) 251-6089

Christopher S. Bowers, Professional Land Surveyor & Mapper
Florida Certification No. 5990

CROWN SQUARE

A REPLAT OF A PORTION OF LOTS 28 & 34, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION,
AS RECORDED IN PLAT BOOK 1, PAGE 185, LYING IN SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST,
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

CURVE NO.	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA	BEARING	DELTA	BEARING	CHORD BEARING	CHORD LENGTH
C1	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'
C2	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'
C3	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'
C4	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'
C5	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'
C6	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'
C7	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'
C8	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'
C9	150.00'	270°14'	5.32'	50°25'18"	270°14'	5.32'	50°25'18"	270°14'	5.32'




LINE NO.	BEARING	DISTANCE
L1	S07°30'32"E	25.47'
L2	S07°49'21"W	46.82'
L3	S77°54'29"W	25.86'
L4	S52°34'27"E	26.67'
L5	S52°34'27"E	26.67'
L6	S52°34'27"E	26.67'
L7	S52°34'27"E	26.67'
L8	S52°34'27"E	26.67'
L9	S52°34'27"E	26.67'
L10	S52°34'27"E	26.67'
L11	S52°34'27"E	26.67'
L12	S52°34'27"E	26.67'
L13	S52°34'27"E	26.67'
L14	S52°34'27"E	26.67'
L15	S52°34'27"E	26.67'
L16	S52°34'27"E	26.67'
L17	S52°34'27"E	26.67'
L18	S52°34'27"E	26.67'
L19	S52°34'27"E	26.67'
L20	S52°34'27"E	26.67'
L21	S52°34'27"E	26.67'
L22	S52°34'27"E	26.67'
L23	S52°34'27"E	26.67'
L24	S52°34'27"E	26.67'
L25	S52°34'27"E	26.67'
L26	S52°34'27"E	26.67'
L27	S52°34'27"E	26.67'
L28	S52°34'27"E	26.67'
L29	S52°34'27"E	26.67'
L30	S52°34'27"E	26.67'
L31	S52°34'27"E	26.67'
L32	S52°34'27"E	26.67'
L33	S52°34'27"E	26.67'
L34	S52°34'27"E	26.67'
L35	S52°34'27"E	26.67'
L36	S52°34'27"E	26.67'
L37	S52°34'27"E	26.67'
L38	S52°34'27"E	26.67'
L39	S52°34'27"E	26.67'
L40	S52°34'27"E	26.67'

Prepared By
MORGAN & ASSOCIATES
Consulting Engineers, Inc.
5000 Highway 1, Suite 200
Palm Bay, FL 32909
Phone (321) 21-6888 Fax (321) 21-6889
E-Mail: info@morgan-assoc.com
Checked By: Christopher S. Bower

DATE	5/12/2017
REVISION	0
SYNOPSIS, DTA, AND COMMENTS	06/04/2017
CITY COMMENTS	6/7/2017
CITY COMMENTS	6/7/2017

[illegible][illegible]

ZONING CLASSIFICATION: RM-20 AND CC
FUTURE LAND USE: RES AND COM
FLOOD ZONE: "X" PER FEMA FLOOD MAP
BUILDING HEIGHT: 70'
MAX. PERMITTED *

	CROWN SQUARE	CROWN HOLDINGS MALABAR ROAD PALM BAY, FLORIDA
	DRAWING TITLE	CIVIL COVER SHEET

SHOPPING CENTERS: FOR COMMERCIALLY ZONED DEVELOPMENTS WITH TWENTY-FIVE THOUSAND (25,000) GROSS SQUARE FEET OR GREATER, OFF-STREET PARKING SHALL BE PROVIDED ACCORDING TO THE FOLLOWING SCHEDULE: 75,000 TO 400,000 SQ. FT. = 4 SPACES PER 1,000 SQ. FT.

RETAIL AND MANUFACTURING PARKING SPACES = 134 PARKING SPACES PER 100,000 SQ. FT. X (4 SPACES/1000 SQ. FT.)

MULTI-FAMILY DWELLINGS: MINIMUM TWO (2) PARKING SPACES PER TWO (2) OR MORE BEDROOM DWELLING UNIT AND ONE AND ONE-HALF (1-1/2) PARKING SPACE PER MORE

MULTI-FAMILY TOTAL REQUIRED = 147 PARKING SPACES INCLUDING 9 HANDICAP SPACES	2
AT ONE RESIDUAL UNIT = 1.72 = 7.6 SPACES	
COMMERCIAL TOTAL REQUIRED = 147 PARKING SPACES INCLUDING 9 HANDICAP SPACES	2
MULTI-FAMILY TOTAL REQUIRED = 147 PARKING SPACES INCLUDING 9 HANDICAP SPACES	2
AT ONE RESIDUAL UNIT = 1.72 = 7.6 SPACES	
FIRE FIGHTING CALCULATIONS	
CONSTRUCTION TYPE III, 40000	
BASE FLOOR AREA = 12000 SQ. FT.	
TOTAL EXPOSURE HEIGHT = 14' (BASE 14' + 2' PERKIN INCREASE) = 22'0" DN	
BASE AREA PER SQUARE FOOT = 1.72	
TOTAL EXPOSURE HEIGHT = 14' (BASE 14' + 2' PERKIN INCREASE) = 22'0" DN	
TOTAL MINIMUM FIRE FLOW = 1720 GPM	
DURATION REQUIREMENTS = 2 HOURS (FROM TABLE)	
NUMBER OF HYDRANTS REQUIRED	2
NUMBER OF EXISTING HYDRANTS	2

CROWN SQUARE
BAY, FLORIDA
SHEET

DESCRIPTION	
BUILDING OR STRUCTURE	
CONCRETE SIDEWALK OR DRIVEWAY	
ON-SITE ASPHALTIC PAVEMENT	
MULASH ROAD ASPHALTIC PAVEMENT	
HEAVY DUTY ASPHALTIC PAVEMENT	
DEMOLITION	
SMALL OR POND CONTOUR	
SPLIT RAIL FENCE WITH COORDINATION SIGNS	
FENCE PER OWNER WITH LOGICALLY POSITIONING GATE	
BUILT FENCE OR UNBUILT BARRIER	
SANITARY SEWER LINE WITH MANHOLE	
FIRE WATER MAIN WITH VALVE	
WATERLINE WITH VALVE	
STORM DRAIN WITH INLET	
SPOT ELEVATION	
SMALL OR FLOW DIRECTION	
PRESUMED HILL	

[illegible]

CROWN SQUARE
BAY, FLORIDA
SHEET

DESCRIPTION	
BUILDING OR STRUCTURE	
CONCRETE SIDEWALK OR DRIVEWAY	
ON-SITE ASPHALTIC PAVEMENT	
MULASH ROAD ASPHALTIC PAVEMENT	
HEAVY DUTY ASPHALTIC PAVEMENT	
DEMOLITION	
SMALL OR POND CONTOUR	
SPLIT RAIL FENCE WITH COORDINATION SIGNS	
FENCE PER OWNER WITH LOGICALLY POSITIONING GATE	
BUILT FENCE OR UNBUILT BARRIER	
SANITARY SEWER LINE WITH MANHOLE	
FIRE WATER MAIN WITH VALVE	
WATERLINE WITH VALVE	
STORM DRAIN WITH INLET	
SPOT ELEVATION	
SMALL OR FLOW DIRECTION	
PRESSURED PIPE	

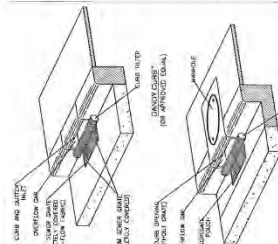
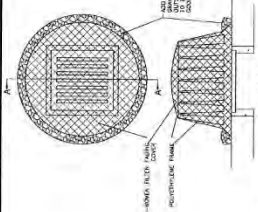
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THE LAD-OSTURRING ACTIVITY SHALL CONSIDER TO LISTING TOPOGRAPHY AND
GAIL THIS TO AS TO CREATE THE LOWEST PRACTICAL DESIGN POTENTIAL.
LAD-OSTURRING ACTIVITIES SHALL BE CONDUCTED IN A MANNER MINIMIZING
CROWD

- DEWATERING PLAN:

- CURB INLET SEDIMENT CONTROL

TYPICAL FRAME AND FILTER BARRIER FOR AREA DRAINS DETAIL



DEWATERING SPECIFICATIONS:

- and the fact that the *Journal of the American Medical Association* (JAMA) is the most widely read medical journal in the United States, the authors of the study concluded that the "most important" factor in the decision to publish a study was the journal's reputation. The authors also found that the journal's reputation was the most important factor in the decision to publish a study, followed by the journal's impact factor, the journal's prestige, and the journal's reputation for publishing high-quality research. The authors also found that the journal's reputation was the most important factor in the decision to publish a study, followed by the journal's impact factor, the journal's prestige, and the journal's reputation for publishing high-quality research.

NOTES FOR SILT FENCES

- [illegible]

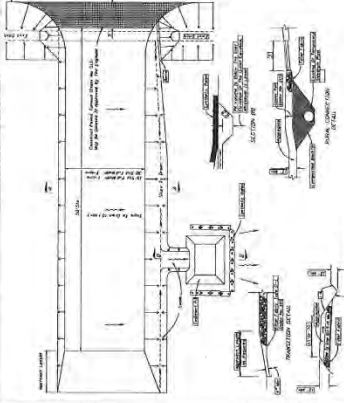
TYPICAL FDOT SILT FENCE DETAIL

CONTRACTOR SIGN-OFF / ACKNOWLEDGEMENT:

TO THE BEST OF MY KNOWLEDGE, CREDIT UNDER FINANCIAL LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY PRECISE OR REASONABLE SUPERVISION, AND I AM NOT PROVIDING ANY INFORMATION OBTAINED FROM ANOTHER PERSON OR PERSONS WITHOUT FIRST OBTAINING WRITTEN CONSENT ON MY BEHALF OF THE PERSON OR PERSONS MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING

PRINTER'S NAME	TITLE	DATE
<p>CERTIFICATE OF CERTIFICATION</p> <p>I HEREBY CERTIFY UNDER PENALTY OF LAW THAT I UNDERSTAND THE TERMS AND CONDITIONS OF THE CONTRACT AND HAVE READ AND APPROVED THE STIPULATIONS THEREIN. I HAVE ALSO REVIEWED THE PROPOSAL FOR THIS PROJECT AND I AM SURE THAT THE PRICING IS ACCURATE AND COMPLETE.</p> <p>THE SITE IDENTIFIED AS PART OF THIS CERTIFICATION:</p>		
SIGNATURE	COMPANY NAME AND ADDRESS	RESPONSIBLE FOR
	CONTACT PERSON	
	PHONE	
	COMPANY	GENERAL CONTRACTOR
	PHONE	
	ADDRESS	PERMANENT ESTABLISHMENT
	PHONE	STABILIZED CONSTRUCTION
		TEMPERATURE BASED

SOIL TRACKING PREVENTION DEVICE



CONTRACTOR RESPONSIBILITIES FOR NPDES (SWPPP)

- [illegible]

SEE DRAWING G-2B FOR EROSION CONTROL PLAN

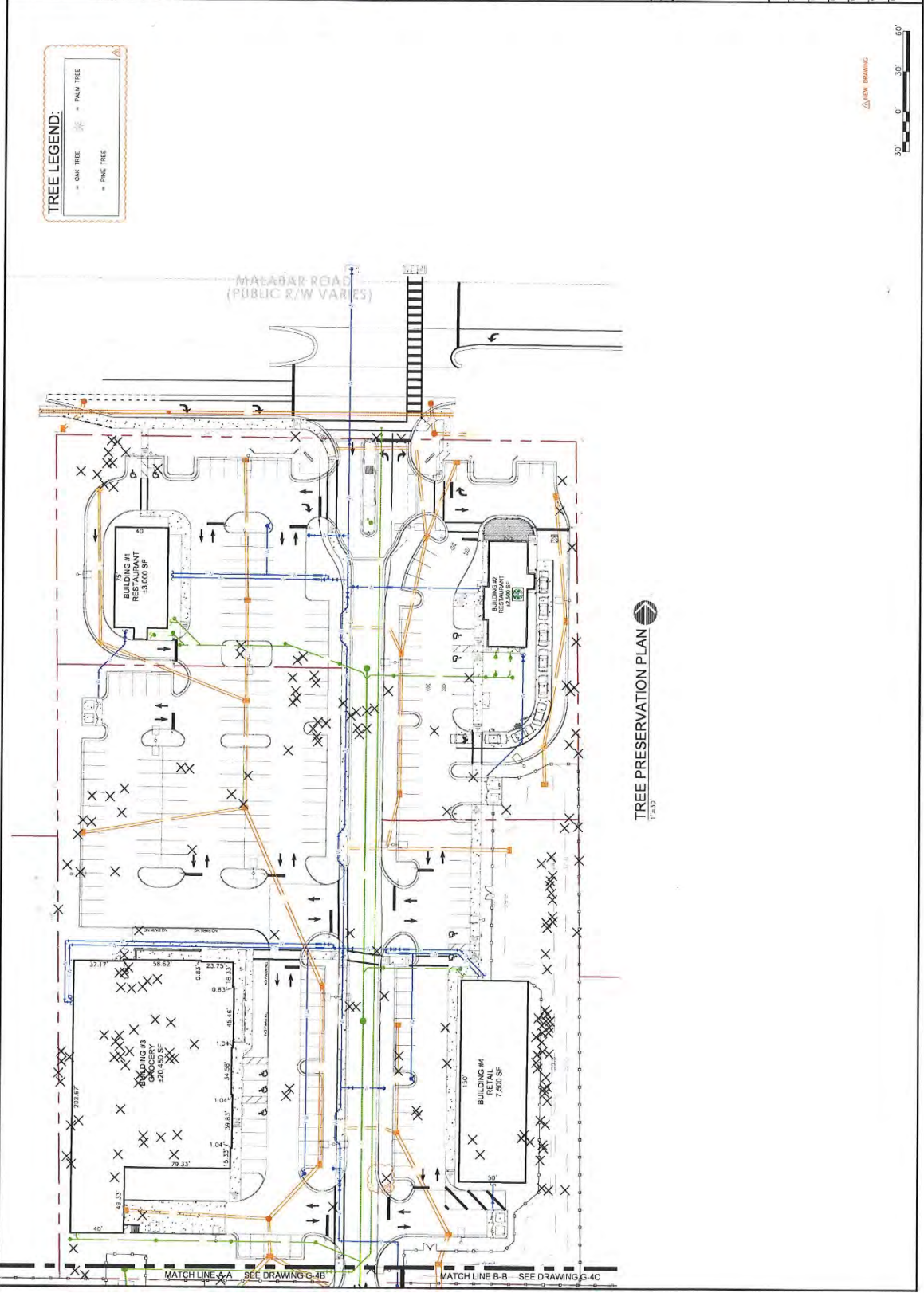


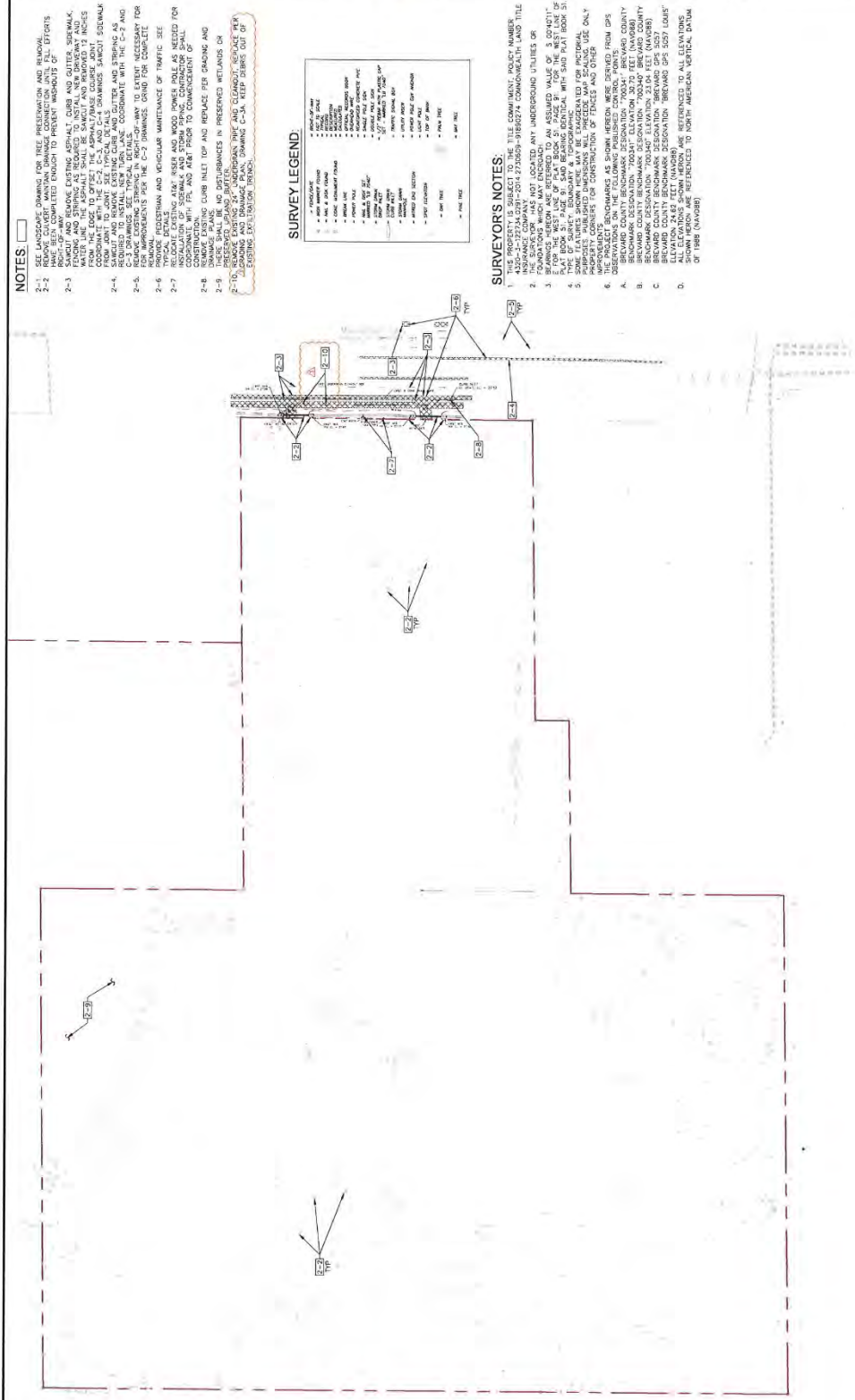
CONSTRUCTION ENGINEERING GROUP
CONSULTING ENGINEERS
10000 W. BOULEVARD, SUITE 100
MIRAGE, FL 33559
TEL: 813.400.0000
WWW.CEGROUP.COM

CROWN SQUARE
MALABAR ROAD PALM BAY, FLORIDA
DRAWING TITLE
TREE PRESERVATION PLAN

G-4A

DATE	3-25-20
SCALE	1"=30'
PROJECT NO.	16029B
DESIGNED BY	CCM
CHECKED BY	CCM
DATE	3-25-20
DESIGNED BY	CCM
CHECKED BY	CCM
DATE	3-25-20
DESIGNED BY	CCM
CHECKED BY	CCM



NOTES: ☐

- | | |
|------|---|
| 2-1 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-2 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-3 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-4 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-5 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-6 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-7 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-8 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-9 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |
| 2-10 | MAKE CLOSURE DRAWING FOR TREE PRESERVATION AND REMOVAL. |

SURVEY LEGEND:

- [illegible]

SURVEYOR'S NOTES:

- [illegible]

CROWN SQUARE	CROWN HOLDINGS PALABAR ROAD PALM BAY, FLORIDA	DRAWING TITLE
EXISTING CONDITIONS AND DEMOLITION PLAN		

CROWN SQUARE

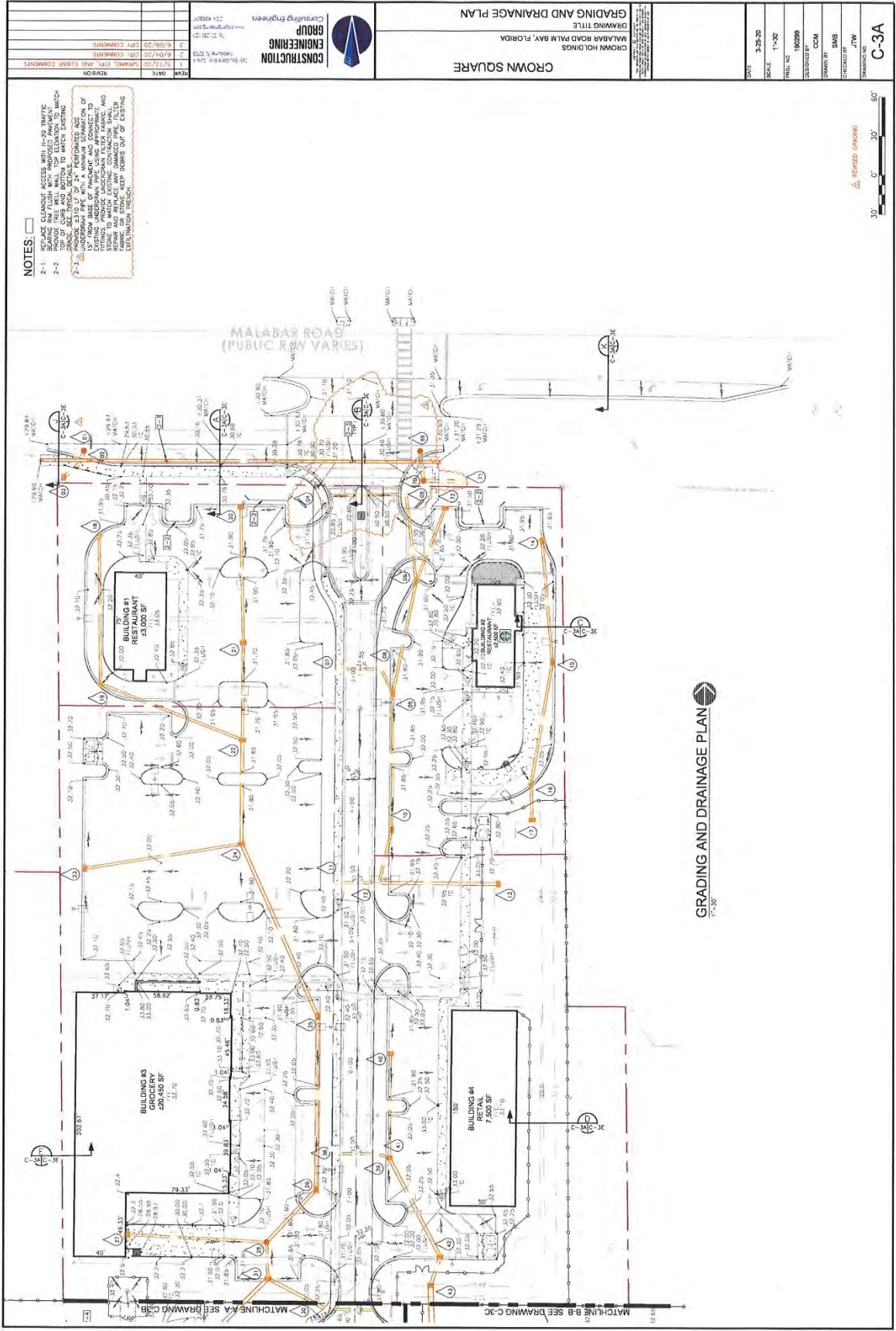
INGS
O PALM BAY, FLORIDA



**CONSTRUCTION
ENGINEERING
GROUP**
Consulting Engineers

1. 2000年10月
 2. 2000年10月
 3. 2000年10月

REVISION	DATE	REASON
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NOTES:

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 2. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 3. THE PROPOSED DRAINAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 4. THE PROPOSED INFRASTRUCTURE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 5. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 6. THE PROPOSED DRAINAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 7. THE PROPOSED INFRASTRUCTURE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 8. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 9. THE PROPOSED DRAINAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- 10. THE PROPOSED INFRASTRUCTURE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.

GRADING AND DRAINAGE PLAN
1"=30'

C-3A

REVISIONS

DATE

BY

CHKD

APP'D

DATE

BY

CHKD

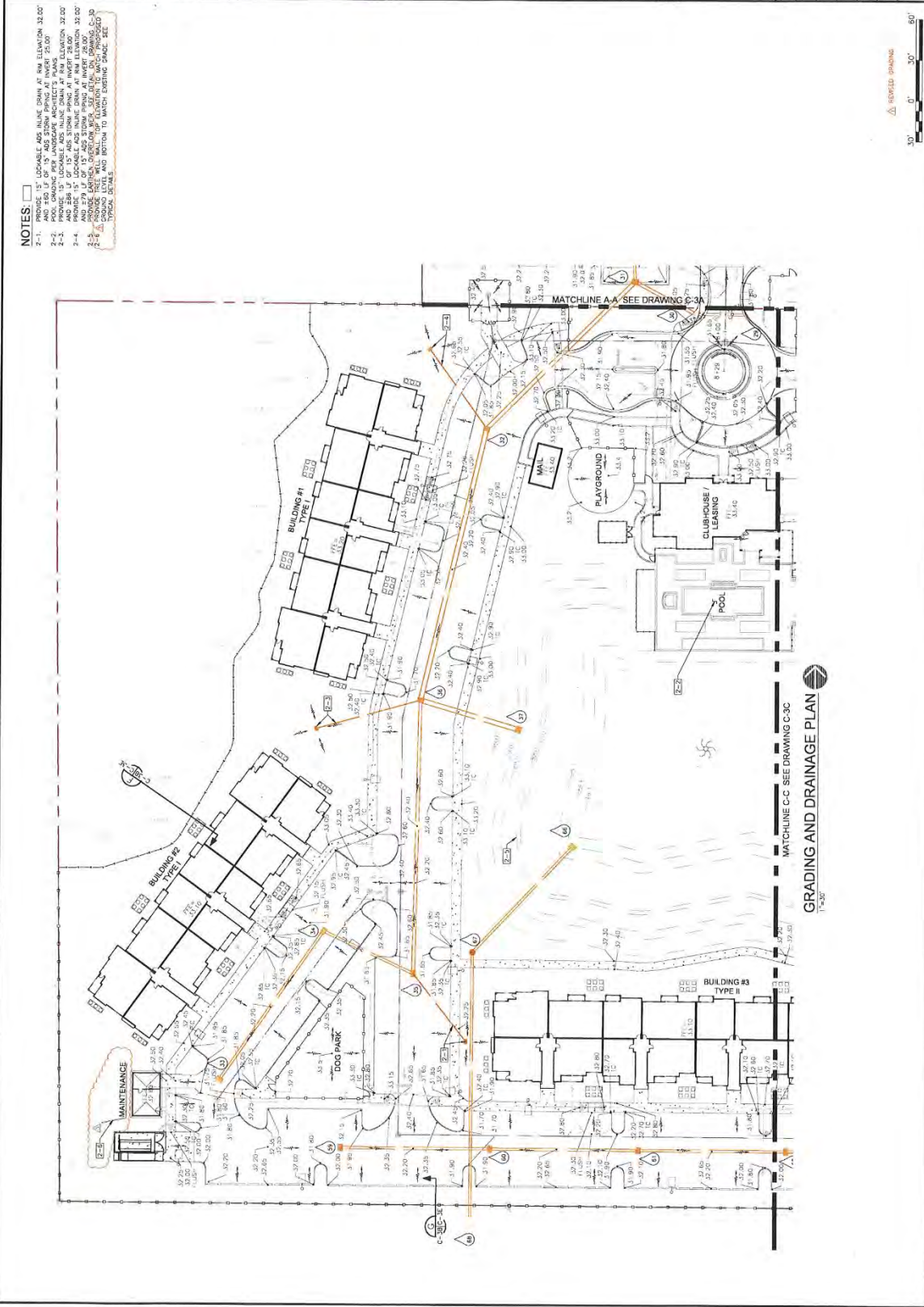
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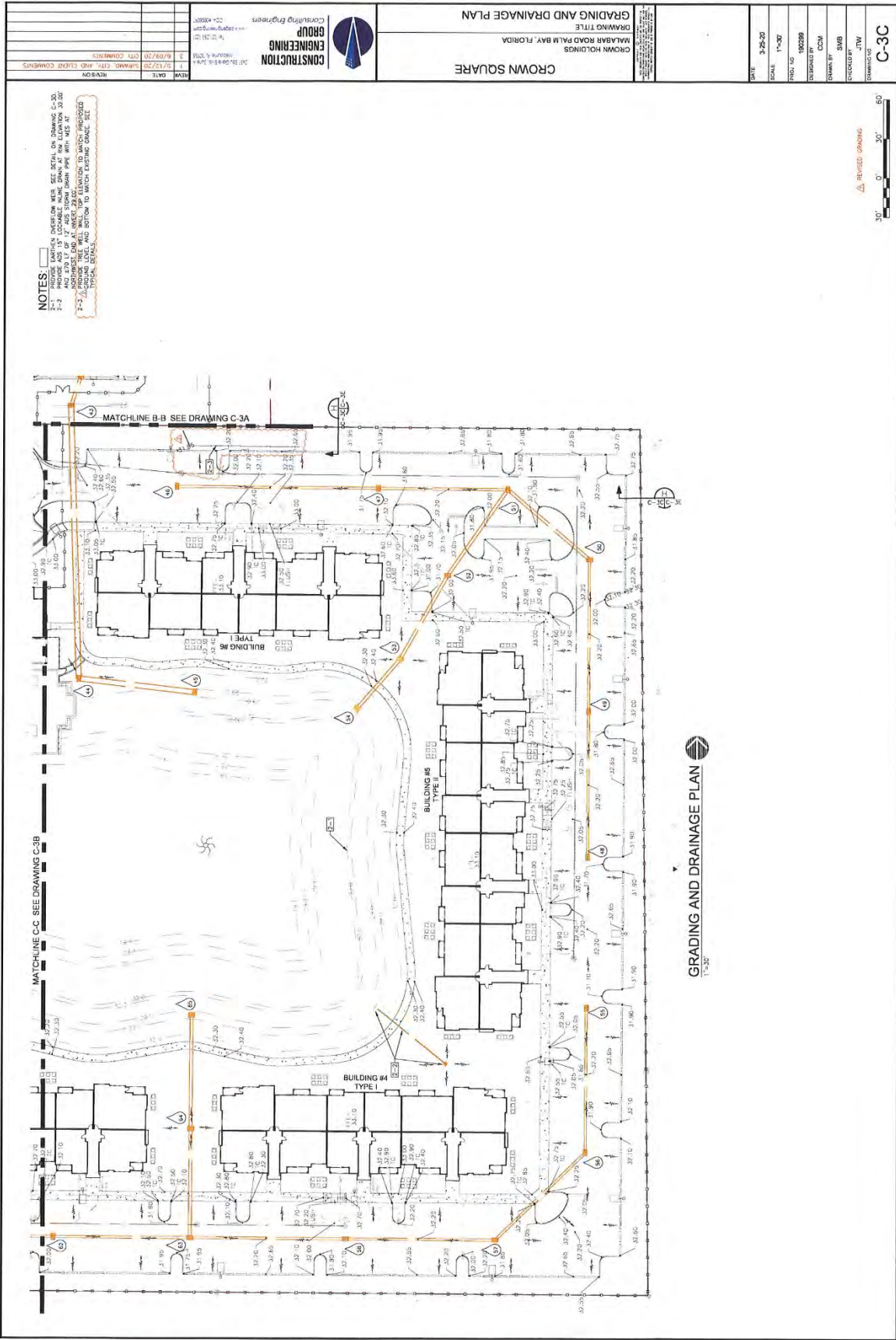
CROWN SQUARE
MALABAR ROAD PALM BEACH, FLORIDA
GRADING AND DRAINAGE PLAN

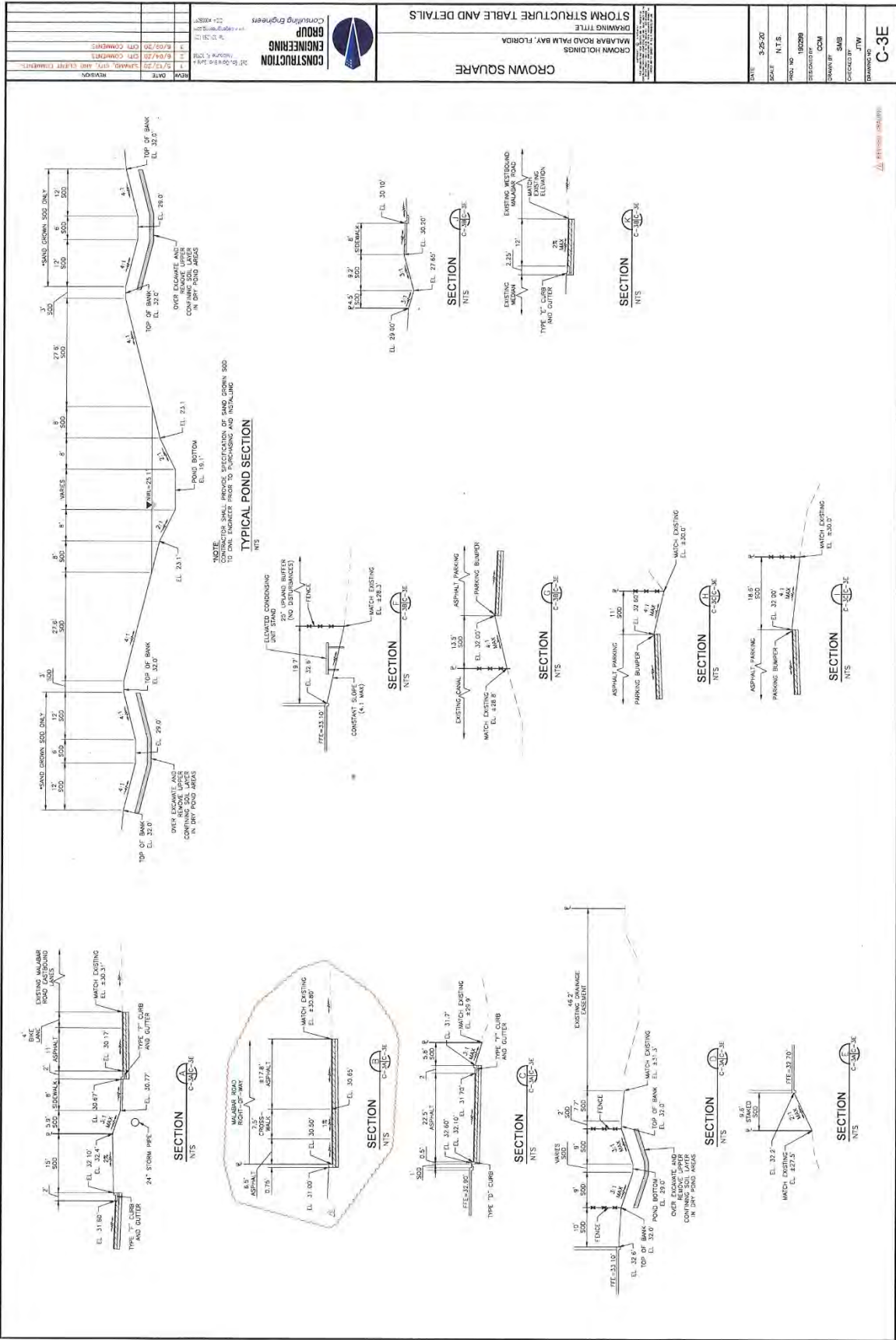


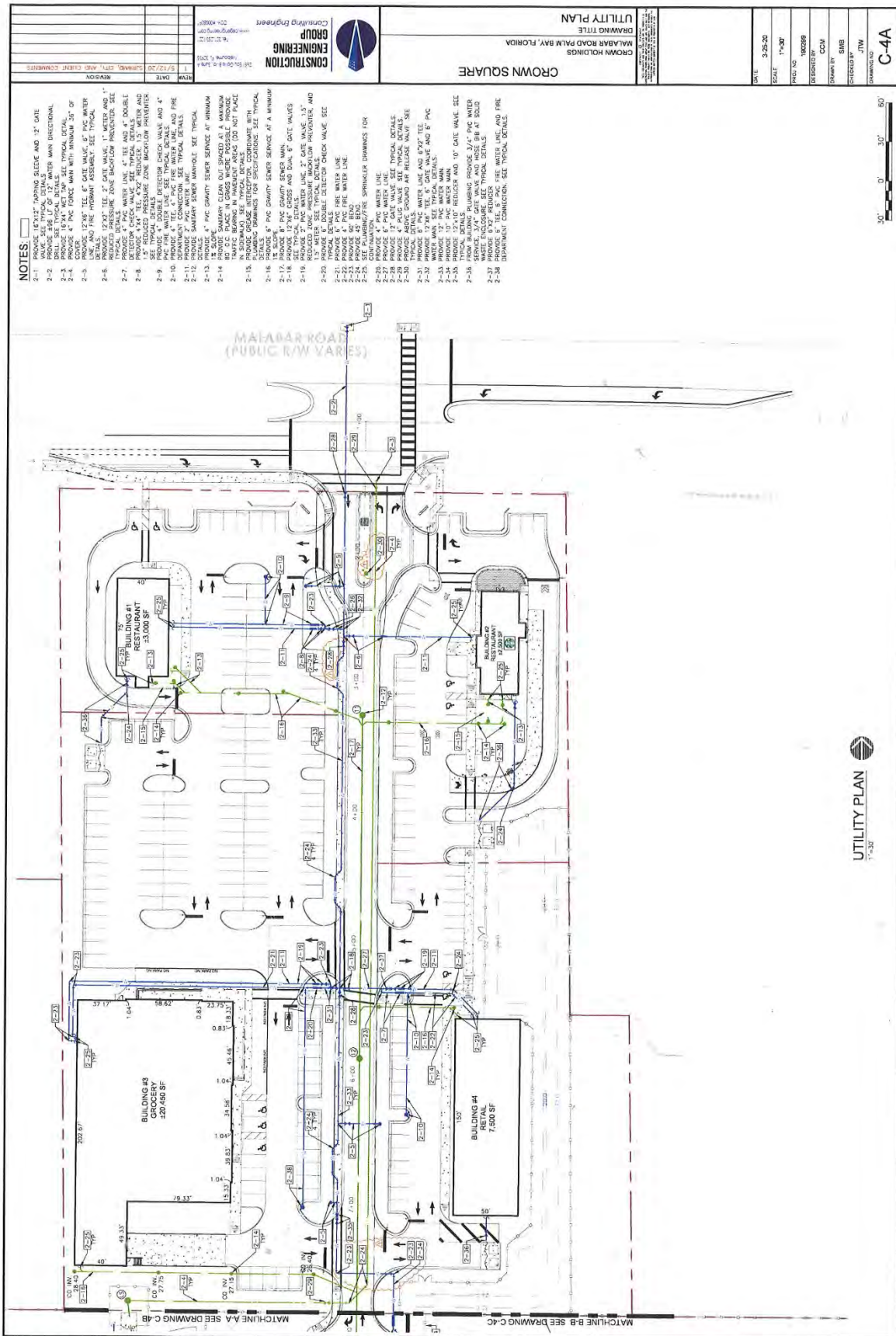
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CONSULTING ENGINEERS
301 S.W. 8th Street, Suite 200
Fort Lauderdale, FL 33301
TEL: (954) 571-1111
FAX: (954) 571-1112
WWW.CEGROUP.COM

<p>CROWN SQUARE</p> <p>CROWN HOLDINGS</p> <p>MAJABANG ROAD AND PULAU BAY, FLORIDA</p> <p>DRAINAGE PLAN</p>		<p>CONSULTING ENGINEERS</p> <p>GROUP</p> <p>ENGINEERING</p> <p>2015, 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, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26</p>	
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C-5

DATE: 3-25-20

SCALE: 1"=40'

PROJECT NO: 1902096

DESIGNED BY: J. COON

DRAWN BY: J. COON

CHECKED BY: S.M.B.

IN CHARGE: J. COON

PROJECT: MALABAR ROAD PALM BAY, FLORIDA

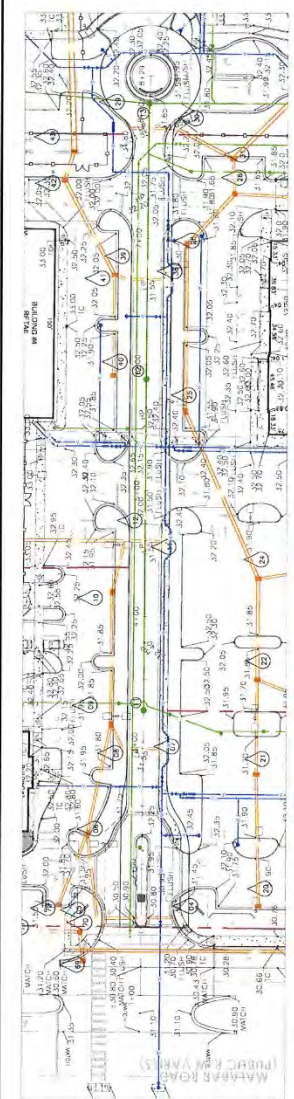
DRAWING TITLE: CROWN HOLDINGS

PLAN AND PROFILE STA. 1+00 THRU 8+26

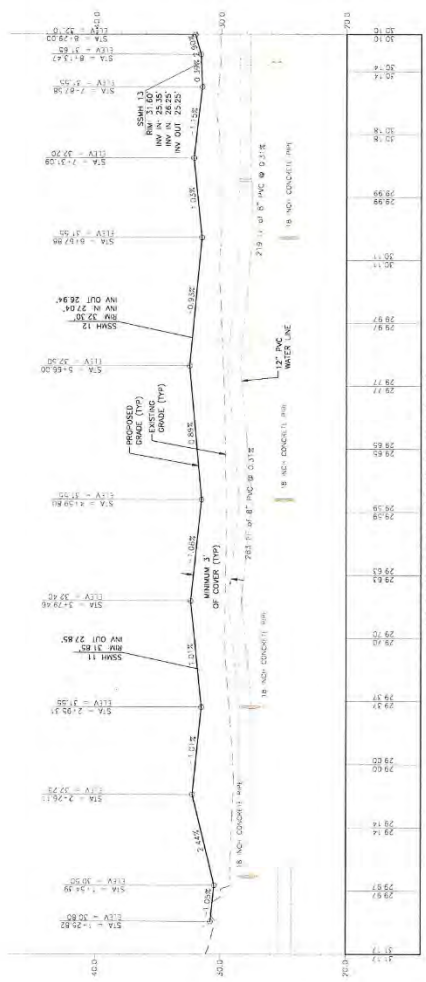


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Consulting Engineers
307 E. BAYVIEW BLVD.
PALM BEACH, FL 33480
TEL: 561-833-1100
FAX: 561-833-1101
WWW.CECONSTRUCTION.COM

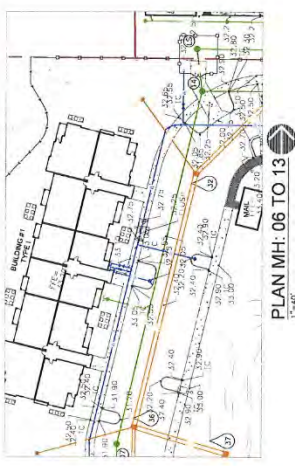
DATE	BY
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3-25-20	J. COON
3-25-20	J. COON
3-25-20	J. COON
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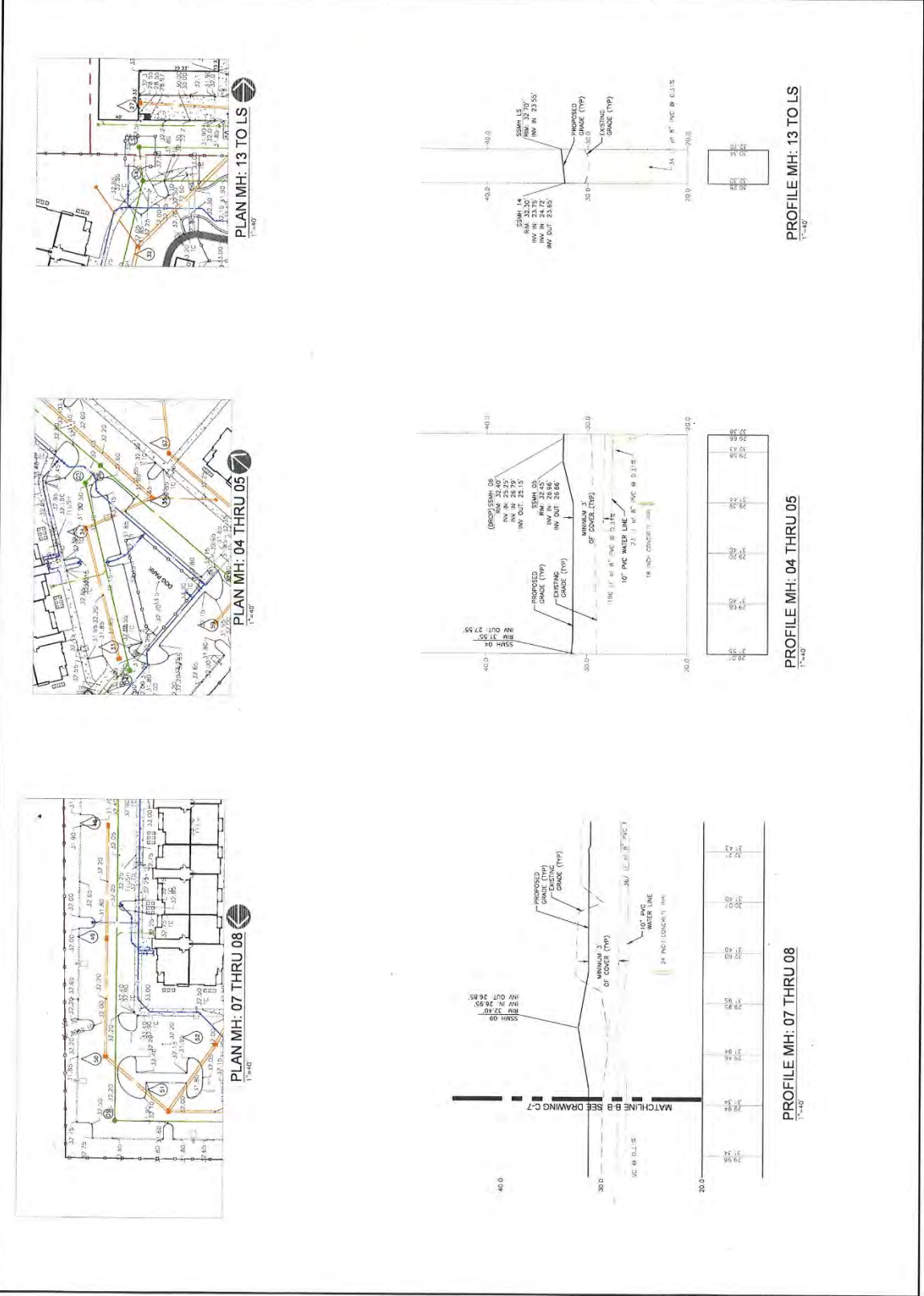


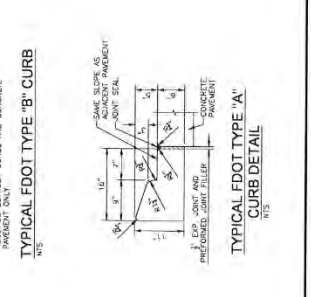
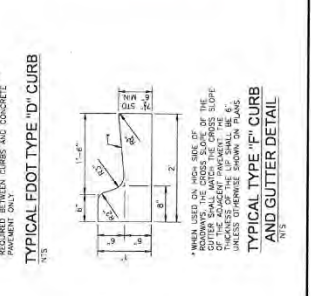
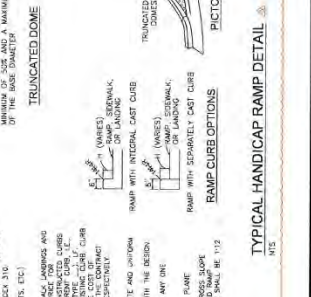
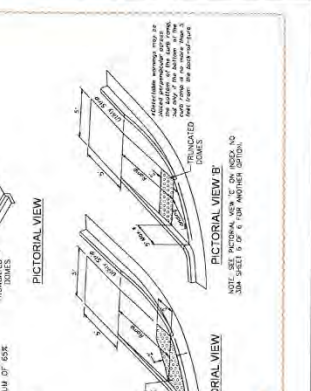
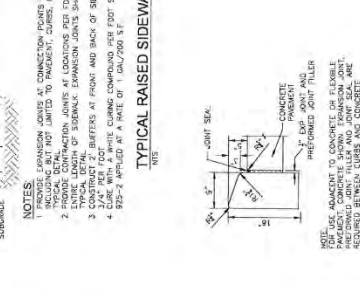
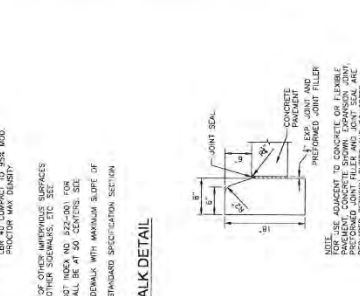
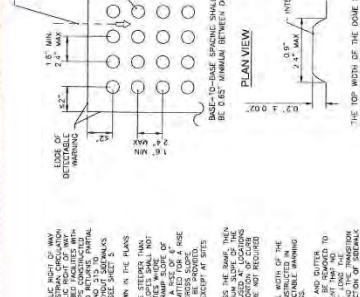
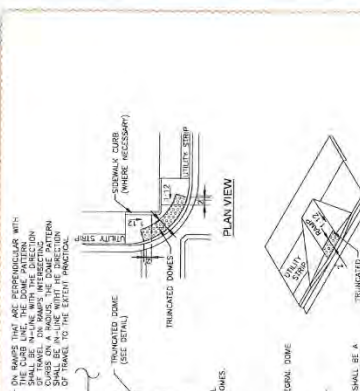
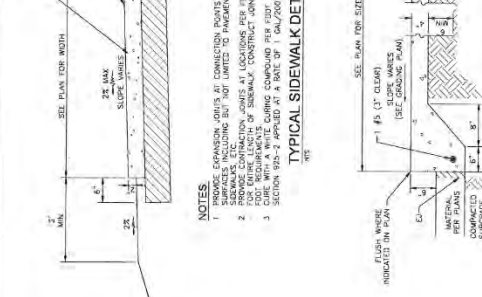
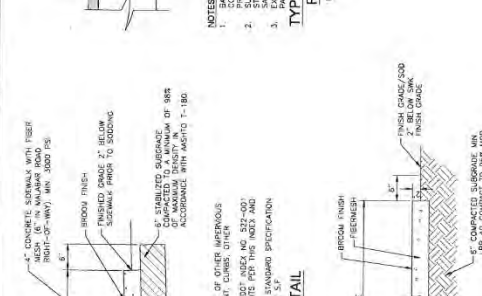
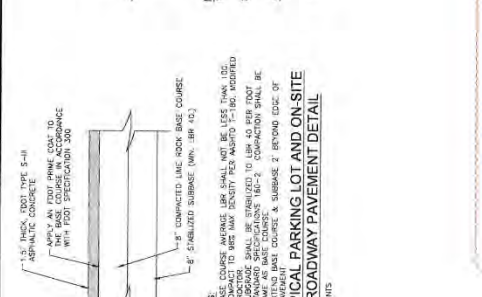
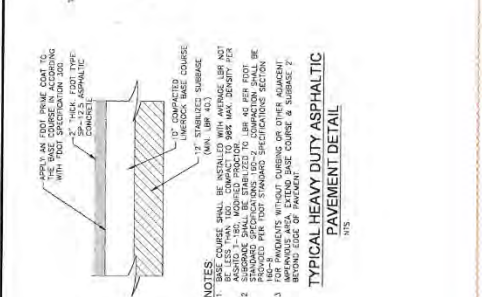
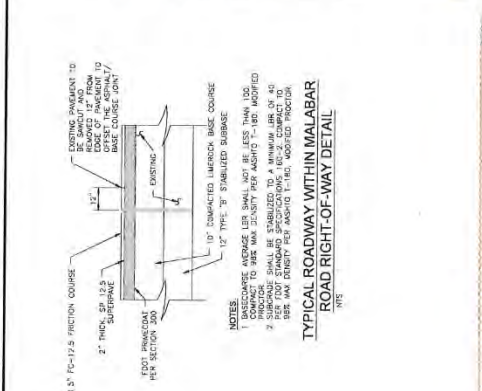
PLAN STA: 1+00 THRU 8+29
1"=40'

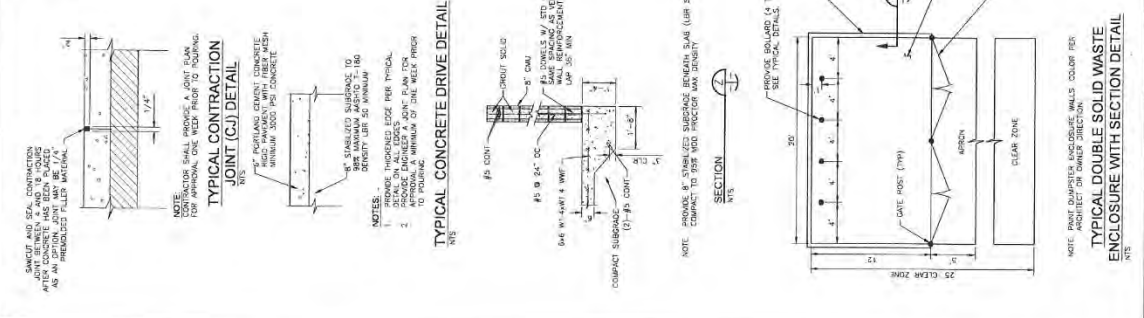
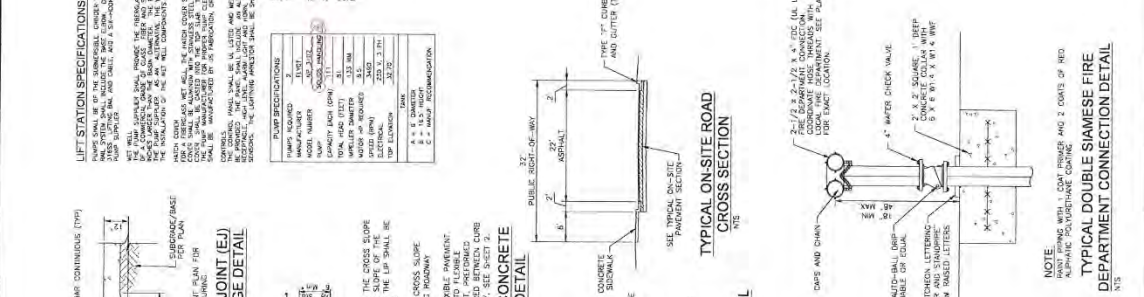


PROFILE STA: 1+00 THRU 8+29
1"=40'









MIL

BMS

DRAWN BY

190299

NTS

DATE _____

CROWN SQUARE

DETAIL SHEET

DETAIL SHEET

**CONSTRUCTION
ENGINEERING
GROUP**
Consulting Engineers

[illegible]

NO. 117M	3
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Figure 1 consists of three diagrams illustrating a typical quality installation for a road work area. The top diagram is a plan view of a road intersection, showing a 'ROAD WORK' area with a 'ROAD WORK' sign and a 'ROAD WORK' barrier. The middle diagram is a 'SECTION A-A' view of a road cross-section, showing a 'ROAD WORK' area with a 'ROAD WORK' sign and a 'ROAD WORK' barrier. The bottom diagram is a 'DETAIL' view of a road surface, showing a 'ROAD WORK' area with a 'ROAD WORK' sign and a 'ROAD WORK' barrier.

[illegible][illegible][illegible]

1000mm x 1000mm x 100mm

Ø10 100mm

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-10

Held on Wednesday, September 2, 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.

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

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

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

ROLL CALL:

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

Mr. Warner's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

NEW BUSINESS:

1. **♣FS-1-2020 – CROWN SQUARE - ROOK AT PALM BAY, LLC
(JAKE WISE, P.E., REP.)**

Mr. Murphy presented the staff report for Case FS-1-2020. The applicant had requested Final Plat approval for a 5-lot commercial and multi-family residential subdivision called Crown Square, with requests for waivers from Section 184.18(B) of the Palm Bay Code of Ordinances to allow for the reduction of a proposed road right-of-way width and cul-de-sac radius. Staff recommended Case FS-1-2020 for approval, subject Items A through D of the staff report being completed/approved during the administrative site plan review.

Ms. Maragh wanted to know the impact of reducing the road right-of-way width from 50 feet to 32 feet. Mr. Murphy stated that the Public Works Department had no concerns with the reduction. The road would be constructed to meet City standards and would be privately owned and maintained.

Mr. Boerema inquired whether a traffic study had been done since the preliminary review. He was concerned about west traffic from the subdivision crossing eastbound Malabar Road traffic to make U-turns. Mr. Murphy stated that the traffic analysis and a traffic signal analysis had necessitated a proposed traffic signal with median and turn lane improvements for the development.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (civil engineer for the project and representative for the applicant) stated that the project was substantially the same as the preliminary submittal previously reviewed by the board. The reduced road right-of-way width was needed to accommodate the unusual shape of the property with under 400 feet of frontage along Malabar Road. The width reduction would allow for commercial development to occur. The cul-de-sac portion that was right-of-way would be reduced in width and constructed to City standards. He said that the traffic signal was for safety purposes and would work in conjunction with the Wal-Mart traffic signal to the east. He confirmed that Certificates of Occupancy would not be

issued until the traffic signal was in place. He commented that the majority of concerns at the Citizen Participation Plan (CPP) meeting were alleviated based on the proposed development being gated, the Class A apartments, and the complete fencing. Area residents were pleased that the homeless on the site would be disbanded, and there were neighborhood hopes for a nice restaurant. The wetland and upland buffer on the west side of the property would be preserved, and American Legion Post 117 to the west no longer had objections to the development. He stated his agreement with the staff report.

Mr. Hill inquired about the Soil Tracking Prevention Device (STPD) to handle the construction traffic on Malabar Road. Mr. Wise explained that an old concrete access drive from Malabar Road onto the site would be used for stabilization, and that daily sweeping of the streets and ongoing inspections would keep Malabar Road clean.

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

A virtual comment was received in opposition to the request from Mr. Bryan Lang (resident at Cassia Avenue SE). His concerns were regarding access and drainage onto his property. In response, Mr. Wise stated that the only access point for the subdivision would be at the Malabar Road traffic signal, and the proposed drainage system would improve area drainage by reducing the flow into the canal system and by maintaining water onsite.

The floor was closed for public comments.

Motion by Ms. Maragh, seconded by Mr. Hill to submit Case FS-1-2020 to City Council for Final Plat approval of a 5-lot commercial and multi-family residential subdivision called Crown Square, with requests for waivers from Section 184.18(B) of the Palm Bay Code of Ordinances to allow for the reduction of a proposed road right-of-way width and cul-de-sac radius, subject to Items A through D of the staff report being completed/approved during the administrative site plan review. The motion carried with members voting unanimously.



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: 10/1/2020

RE: Request by Luis and Tammy Sanchez for a variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback (0.46 acres) (V-22-2020) (Quasi-Judicial Proceeding).

Mr. Luis E. Sanchez and Ms. Tammy M. Sanchez have asked for a variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances. The .46-acre property is located west of and adjacent to Barbados Avenue SE, in the vicinity south of Crosspoint Street SE and north of District Street SE, specifically at 1094 Barbados Street SE. The applicant has stated that the space provided by the original plans did not provide enough area for a family of five and pets.

The applicant illegally constructed the screen room enclosure after receiving a zoning deficiency letter from the Building Division stating the enclosure did not meet setbacks. The building permit was then voided at the applicant's request. Literal interpretation and enforcement of the Land Development Code would require the applicant to remove the portions of the screen room enclosure that do not meet the zoning setbacks. Staff has not identified any detrimental effects to the public welfare.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for City Council to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the screen room enclosure obtaining a building permit.

ATTACHMENTS:

Description

Case V-22-2020

Board minutes



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

V-22-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

Luis and Tammy Sanchez

PROPERTY LOCATION/ADDRESS

Lots 38 and 39, Port Malabar Unit 12, Section 07,
Township 29, Range 37, Brevard County, Florida.

SUMMARY OF REQUEST

A variance is requesting a variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances.

Existing Zoning

RS-2, Single-Family Residential District

Existing Land Use

Single-Family Residential Use

Site Improvements

Single-Family Home

Site Acreage

0.46 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

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

East

RS-2, Single-Family Residential; Barbados Ave SE

South

RS-2, Single-Family Residential; Undeveloped Land

West

RS-2, Single-Family Residential; Melbourne-Tillman Canal No. 37

ANALYSIS:

Variances from the terms of the Land Development Code may be granted when special conditions exist that would result in unnecessary hardship if the provisions of the Land Development Code were enforced. However, a variance may not be granted when the public health and safety would be compromised as a result of the variance. An application must demonstrate that items 1 through 7 of Section 169.009 of the Code of Ordinances have been met. A review of these items is as follows.

Item 1 - *"Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures in the same land use category, zoning district or situation."*

The applicant states that, "the space provided by the original plans did not provide enough space for a family of five and pets." The applicant illegally constructed the screen room enclosure after receiving a zoning deficiency letter for the Building Division stating the enclosure did not meet the setbacks. Upon receiving the letter, the applicant then requested that their Building Permit be voided, which it was.

Item 2 - *"The special conditions and circumstances identified in Item 1 above are not the result of the actions of the applicant."*

There does not appear to be any special circumstances.

Item 3 - *"Literal interpretation and enforcement of the Land Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation under the terms of the Land Development Code, and would work unnecessary and undue hardship on the applicant."*

Literal interpretation and enforcement of the Land Development Code would require the applicant to remove the portions of the screen room enclosure that does not meet the zoning setbacks.

Item 4 - *"The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building, or structure."*

A maximum of 4.17 feet into the 25-foot rear building setback would be needed to meet the applicant's request.

Item 5 - *"Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same land use category, zoning district or situation."*

Granting of the variance would confer upon the applicant a special privilege for the setback relief, as the same development standards apply to other properties in this community.

Item 6 - *"The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare."*

Staff has not identified any detrimental effect to public welfare.

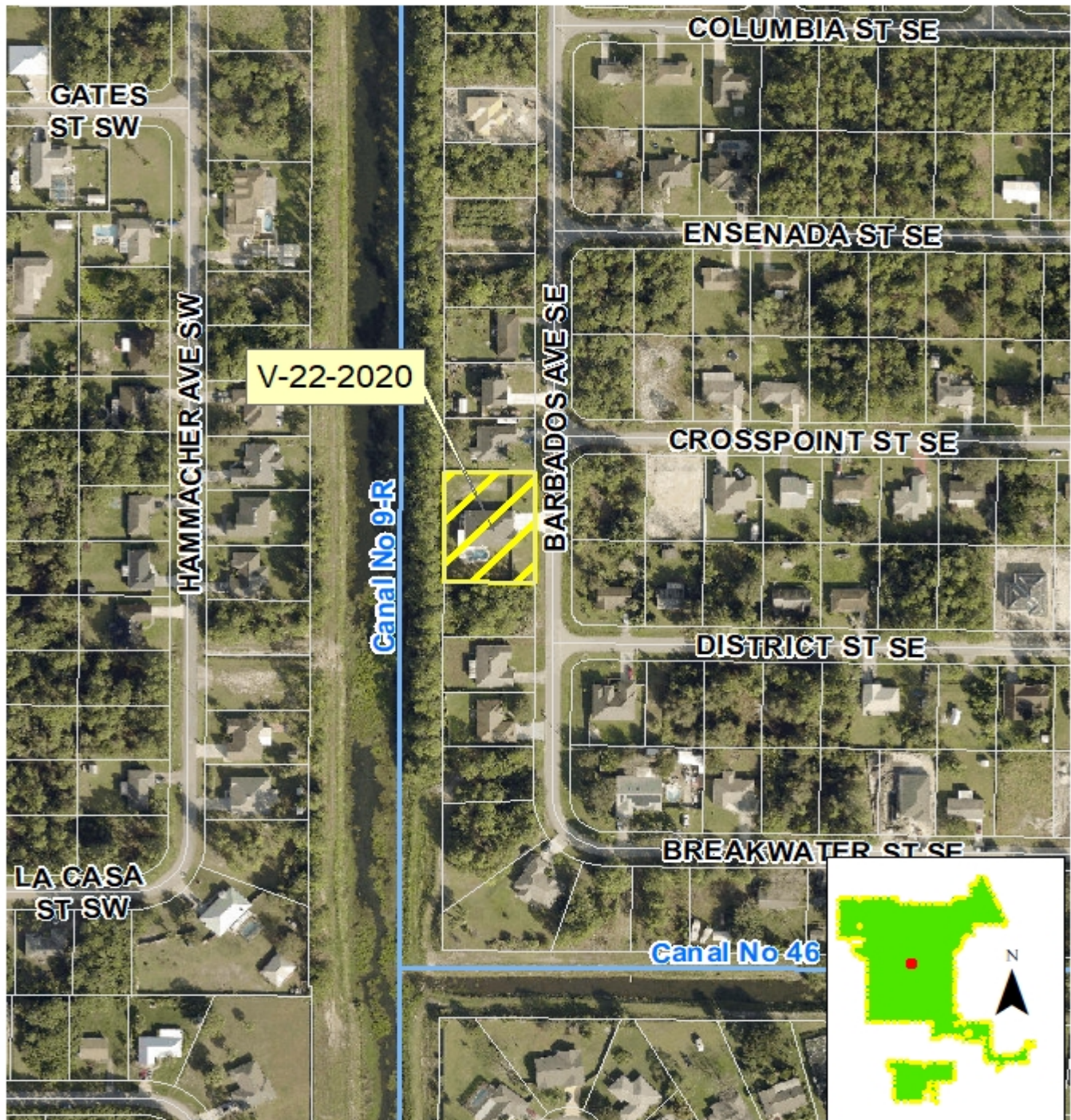
Item 7 - *"The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has reasonably burdened the applicant's property, based on the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act."*

Staff has not received a claim made upon this property, with respect to the "Bert J. Harris Act," or any development order, as indicated above. Therefore, Item 7 is not applicable to the variance request.

STAFF RECOMMENDATION:

The Planning and Zoning Board must determine, based on the facts presented, to what degree, if any, of minimal relief, is required to meet the needs of the variance being requested, as required under Section 169.009 of the City of Palm Bay Code of Ordinances and make recommendations to City Council for a final review. Under 59.05(A)(14) City of Palm Bay Code of Ordinances, "The quasi-judicial body shall direct the clerk or [city] attorney acting as the body's legal counsel to prepare the necessary and appropriate written order in accordance with the purpose of the hearing and findings of the quasi-judicial body. Pursuant to Florida Statutes, in the event relief is denied to the applicant, the specific provision of statute or code that was deficient shall be stated for record."

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

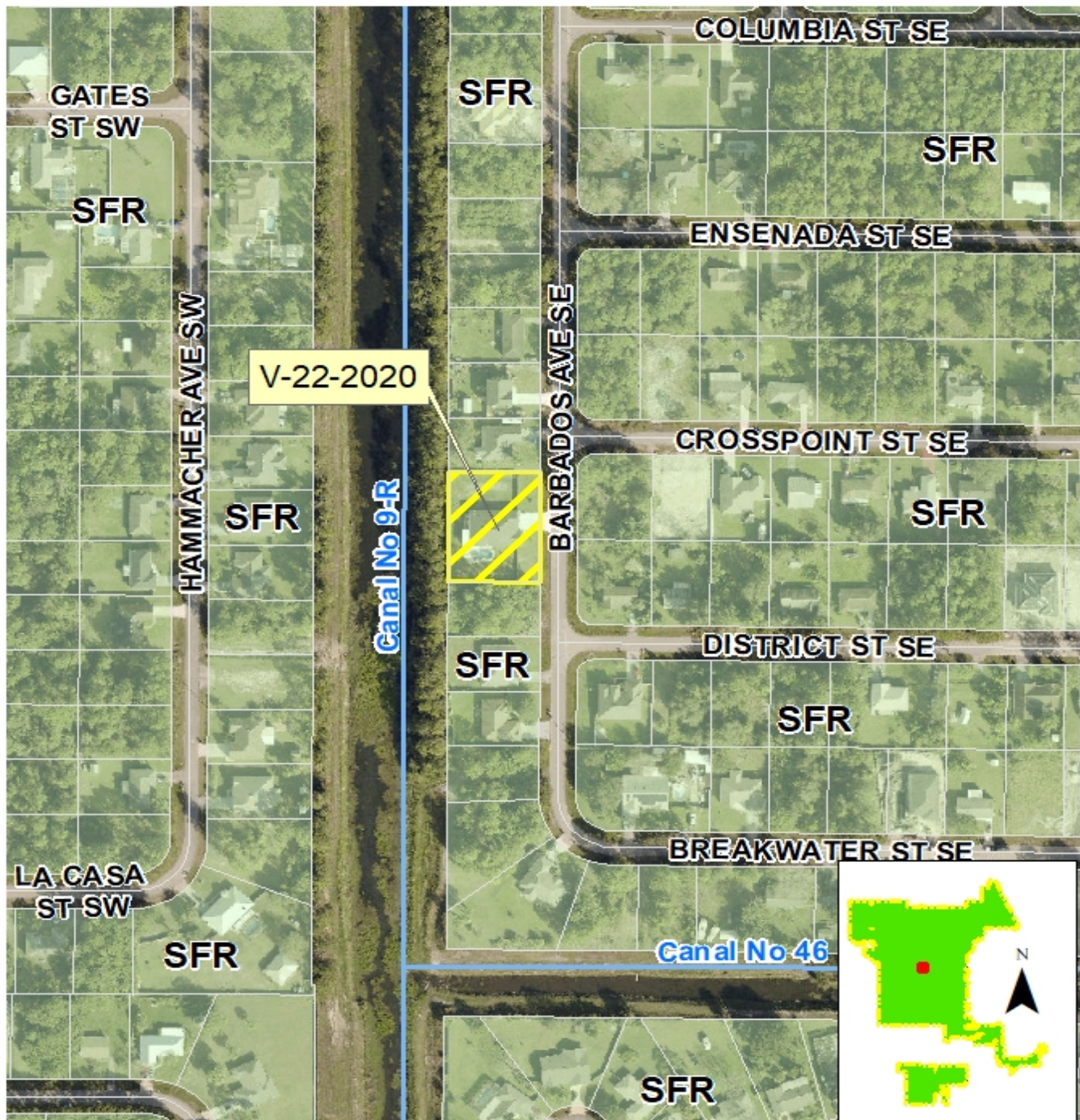


AERIAL LOCATION MAP CASE V-22-2020

Subject Property

West of and adjacent to Barbados Avenue SE, in the vicinity south of Crosspoint Street SE and north of District Street SE, Specifically at 1094 Barbados Street 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 V-22-2020

Subject Property

West of and adjacent to Barbados Avenue SE, in the vicinity south of Crosspoint Street SE and north of District Street SE, Specifically at 1094 Barbados Street 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 V-22-2020

Subject Property

West of and adjacent to Barbados Avenue SE, in the vicinity south of Crosspoint Street SE and north of District Street SE, Specifically at 1094 Barbados Street SE

Current Zoning Classification

RS-2 – Single Family Residential District



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

VARIANCE APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

PARCEL ID 293 707 GN 509 38

TAX ACCOUNT NUMBER 2927192

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Single Family Residence

STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:

1094 Barbados ave SE. Palm Bay Fl 32909

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): .46

EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.) RS-2

ARE THERE ANY STRUCTURES ON THE PROPERTY NOW? ☒ YES ☐ NO

HAS A VARIANCE APPLICATION PREVIOUSLY BEEN FILED FOR THIS PROPERTY?
☐ YES ☒ NO

IF SO, STATE THE NATURE OF THE PREVIOUS APPLICATION, WHETHER THE REQUEST WAS APPROVED OR DENIED, AND DATE OF ACTION:

DESCRIBE THE EXTENT OF THE VARIANCE REQUESTED AND THE INTENDED USE OF THE PROPERTY IF THE VARIANCE IS GRANTED (SPECIFY NUMBER OF INCHES/FEET ENCROACHING INTO SPECIFIC REQUIRED YARD SETBACK OR HEIGHT RESTRICTIONS):

4.17' into the
25' Build setback

CITE THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE AND ITS REQUIREMENT FROM WHICH VARIANCE IS REQUESTED (ex.: 185.034(f)(7)):

Section 185.181(A)
185.034 (F) (7) (d)

GIVE WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE FOLLOWING CONDITIONS PER :

- (a) That special conditions and circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same land use category, zoning district, or situation.
- (b) That special conditions and circumstances referred to above do not result from the actions of the applicant.
- (c) That literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district, or situation under the terms of the development code, and would work unnecessary and undue hardship on the applicant.
- (d) That if granted, the variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure.
- (e) That granting the variance requested will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings, or structures in the same land use category, zoning district, or situation.
- (f) That granting the requested variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.

- We own approx 1/2 acre pike Canal behind us. so no one will be affected.
- the space provided by original plans does not provide enough space for a family of 5 + pets, let alone for any company. One adults suffer from chronic pain and the space is utilize for relaxation + meditation to cope with pain. the other adult uses space as relaxation and peace due to PTSD from 24 years of Active Service in the ARMY.
- IT Lines up with Pool deck that was submitted with pool permit
- Have no desire to add any further Roofed structures
- there is no one to the south and west of the property and the neighbors to the north are a good distance away due to the porch been located in the middle of the two lots.

CITY OF PALM BAY, FLORIDA
VARIANCE APPLICATION
PAGE 3 OF 4

EVIDENCE MUST BE PROVIDED TO CONSIDER VARIANCES BASED ON THE FOLLOWING CLAIMS:

- ☐ **BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT**, Chapter 95-181, Laws of Florida. Provide a copy of one of the following:
- ☐ Special master appointed in accordance with the act.
 - ☐ Court order as described in the act.
- ☐ **AMERICANS WITH DISABILITIES ACT**. Cite the section of the act from which the variance request will provide relief: _____

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

- ☒ ***\$350.00 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.)
- ☐ A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. The site plan shall also be provided on Memory Drive.
- ☐ Site plan data may be shown on a copy of the survey and must also be provided on Memory Drive.
- ☐ A survey prepared by a registered surveyor showing all property lines and structures. The survey shall also be provided on Memory Drive.
- ☐ Sign(s) posted on the subject property. Refer to _____ of the Legislative Code for guideline.
- ☐ Where the property owner is not the representative for the request, a _____ must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative

Luis E Sanchez

CITY OF PALM BAY, FLORIDA
VARIANCE APPLICATION
PAGE 4 OF 4

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 Variance application and that the facts stated in it are true.

Owner Signature [Signature] Date 7-7-2020

Printed Name Luis E. Sanchez

Full Address 1094 Barbados ave se Palm Bay 32909

Telephone (321)634-2054 Email luis.sanchez1003@yahoo.com

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



CITY OF PALM BAY, FLORIDA
VARIANCE APPLICATION
PAGE 4 OF 4

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 Variance application and that the facts stated in it are true.

Owner Signature Tammy Sanchez Date 8/5/2020
Printed Name Tammy M. Sanchez
Full Address 1094 Barbados ave SE Palm Bay FL 32909
Telephone 321-266-4510 Email stjulp@yahoo.com

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

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-10

Held on Wednesday, September 2, 2020, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

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

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

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

ROLL CALL:

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

Mr. Warner's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

2. **♣V-22-2020 – LUIS E. AND TAMMY M. SANCHEZ**

Mr. Balter presented the staff report for Case V-22-2020. The applicant had requested a variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Weinberg questioned whether the applicant could apply for a new permit if the variance was granted since the original permit was voided. Mr. Balter explained how a screen enclosure company had applied for the original permit that was voided. The screen room was built by the applicant without a permit or submittal of the required engineer drawings. Mr. Weinberg remarked that obtaining the permit could be a condition of the variance.

Mr. Luis Sanchez (applicant) explained how a permit was obtained by the screen enclosure company for his swimming pool and a covered patio before the plans to screen the patio were eliminated to fund the pool. The error occurred when he added the screening himself based on the original permit that had included the screen enclosure. He commented on the hardship of relocating the septic system from the rear of the property to allow for the pool and patio, which still encroached the setback. He believed his property was surveyed incorrectly and resulted in the rear easement encroachments. He agreed to provide new engineering drawings and apply for a new building permit for the screen enclosure.

Ms. Jordan asked for clarification on whether the engineering drawings would be the same as the original plan. Mr. Balter explained that the applicant would be submitting new drawings for the screen enclosure that he had built himself. A pool permit and a screen enclosure permit were originally applied for; however, because the enclosure encroached the setbacks, only the pool and the patio slab were issued permits.

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

Motion by Mr. Hill, seconded by Ms. Maragh to submit Case V-22-2020 to City Council for approval of a variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances, subject to the screen room enclosure obtaining a building permit. The motion carried with members voting unanimously.

3. **CP-7-2020 – M. DAVID MOALLEM
(LEHEM D. AND BRANDI L. BERRIOS, REPS.)**

Mr. Balter presented the staff report for Case CP-7-2020. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-7-2020 for approval, subject to the staff comments.

Mr. Lehem Berrios (representative for the applicant) stated that he had searched for a large property for a while to build his future home.

Ms. Jordan asked if there was a contract pending on the subject site. Mr. Berrios confirmed that he had a contract on the property.

The floor was opened and closed for public comments; there were no comments from the audience and there was a 35-signature petition in the file in opposition to the request.

Motion by Mr. Boerema, seconded by Mr. Felix to submit Case CP-7-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use, subject to the staff comments.

The floor was reopened to allow for virtual public comments.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan A. Junkala-Brown, Community & Economic Development

DATE: 10/1/2020

RE: Award of Proposal: State lobbying services – RFP 67-0-2020 – Community and Economic Department (Sunrise Consulting Group - \$48,000).

At the request of the City Council and Community and Economic Development Department, the Procurement Department solicited proposals on behalf of the City for State Lobbying Services. The intent of this solicitation was to seek firms with a successful track-record of providing lobbying services, evidenced by the ability to secure State legislation and appropriations for local municipal government entities.

Three (3) proposals were received. The Procurement Department staff reviewed the proposals for responsiveness. The proposals were evaluated by a committee consisting of the Acting City Manager, Deputy Mayor and the Director of Community and Economic Development who assigned points for non-price factors such as Summary of Qualifications and Technical Response. Points for cost were determined by the Procurement Department. See attached Scoring-Ranking form. The final ranking for the top two firms, Ronald L. Book, P.A. and Sunrise Consulting Group were so close in points that the Evaluation Team felt it necessary to request a presentation followed by a question and answer session. Following oral presentations, the Evaluation Team recommended Sunrise Consulting Group out of New Port Richey, Florida for award of RFP 67-0-2020/SZ – State Lobbyist Services as the top-ranked vendor.

The Evaluation Team recommended Sunrise Consulting Group as their top ranked firm due to their high rate of success with advocating for legislation and funding appropriations, the firm's approach to advocating for the City's legislative priorities, their commitment to level of service as well as their established relationships with State and local legislators. Sunrise Consulting Group (SCG) demonstrated the ability to successfully lobby for state legislation and funding appropriations in excess of \$100 million since 2013. The firm's understanding of the legislative process and strong relationships with state and local legislators position them for success; however, the firm's ability to differentiate the roles and responsibilities of both the City and the lobbying firm in securing funding appropriations and legislation was a key component in the ranking. Components of SCG's service offerings include:

- Representation before legislative and executive branches of the state of Florida on behalf of the City
- Develop and identify the legislative and appropriations objectives, priorities and long-term

outcomes for the City

- Advise, explain, prepare and submit all grant and appropriations project requests
- Arrange meetings with State legislators, legislative and committee staff, and executive branch members
- Coordinate with Brevard County's Delegation to procure sponsors in both the House and Senate for the City's legislative priorities
- Advocate on behalf of the City's interests on specific projects, priorities, funding and policy issues

SCG has integrated the coordination with City staff, leadership and City Council into each phase to ensure that the City's priorities are adequately communicated, and that the City remains aware and involved in the process.

Local Preference was not applied to this project because none of the submittals were local.

REQUESTING DEPARTMENT:

Community & Economic Development, Procurement

FISCAL IMPACT:

The budget for this project was \$75,000.00. Total project award will be \$48,000.00. Funds are available in account 001-3410-552-3141 / Other Professional Services for Fiscal Year 2021.

RECOMMENDATION:

Motion to approve award of RFP #67-0-2020/SZ – State Lobbyist Services to Sunrise Consulting Group. Council approval is requested to establish a one-year term contract, renewable by the Procurement Department for four (4) additional one-year terms.

ATTACHMENTS:

Description

Scoring and Ranking Form

Tabulation

CRITERIA - TOTAL 100 POINTS

Summary of Qualifications = 40 points

Technical Response = 25 points

Cost = 35 points

Short List - Oral Presentations = 10 points

RFP # 67-0-2020 STATE LOBBYING SERVICES - FINAL RANKING**Local Preference**

Class "A" Vendor	10%
Class "B" Vendor	7.5%
Class "C" Vendor	5%
Class "D" Vendor	0%

BUDGETED FUNDING AVAILABLE: \$75,000.00

		Class "D" Vendor	Class "D" Vendor	Class "D" Vendor
		Floridian Partners LLC	Ronald L. Book, PA	Sunrise Consulting Group
		108 S. Monroe St.	18851 NE 29th Ave, Ste 1010	5957 Riviera Lane
		Tallahassee, FL 32301	Aventura, FL 33180	New Port Richey, FL 34655
EVALUATION CRITERIA		850-681-0024/850-681-0354	305-935-1866/305-935-9737	727-808-4131
POSSIBLE		Melissa@flapartners.com	Ron@rlbookpa.com	foster@scgroup.us
POINTS				
Summary of Qualifications	40	21.33	40.00	32.00
Technical Response	25	8.33	23.33	23.33
SUBTOTAL (1) NON-PRICE FACTORS	65	29.67	63.33	55.33
Cost	35	28.00	28.00	35.00
SUBTOTAL (2) POINTS	100	57.67	91.33	90.33
Location		0%	0%	0%
Additional Points		0.00	0.00	0.00
SUBTOTAL (3) POINTS		57.67	91.33	90.33
		<i>Did Not Advance</i>		
SHORT LIST - ORAL PRESENTATIONS	10		6.00	8.67
TOTAL SCORE	110	57.67	97.33	99.00

Final Ranking

Sunrise Consulting Group

Ronald L. Book, PA

Floridian Partners LLC

67-0-2020
State Lobbying Services
Score After Oral Presentations

Orals = max 5 points x 2 = max 10 total						
	Suzanne	Joan	Kenny	Average	Multiplier	TOTAL
COMPANY NAME	Sherman	Junkala-Brown	Johnson			POINTS
Ronald L. Book PA	2	3	4	3.00	2	6.00
Sunrise Consulting Group	5	4	4	4.33	2	8.67

RFP #67-0-2020/SZ
State Lobbying Services
Cost Calculations

Budgeted Funding Available - \$75,000.00

COMPANY NAME	UOM	Qty.	Per month	PROPOSAL ANNUAL COST	LOWEST COST PROPOSED	% OF LOW	MULTIPLIER	TOTAL POINTS ASSIGNED
Floridian Partners LLC	Month	12	\$5,000.00	\$60,000.00	\$48,000.00	80.0%	35	28.00
Ronald L Book PA	Month	12	\$5,000.00	\$60,000.00	\$48,000.00	80.0%	35	28.00
Sunrise Consulting Group	Month	12	\$4,000.00	\$48,000.00	\$48,000.00	100.0%	35	35.00

COMPANY NAME				Total Points
Floridian Partners LLC				28.00
Ronald L Book PA				28.00
Sunrise Consulting Group				35.00

RFP #67-0-2020/SZ
State Lobbying Services
Initial Scoring

Summary of Qualifications = max 5 points x 8 = max 40 total						
	Suzanne	Joan	Kenny	Average	Multiplier	TOTAL
COMPANY NAME	Sherman	Junkala-Brown	Johnson			POINTS
Floridian Partners LLC	3	2	3	2.67	8	21.33
Ronald L Book PA	5	5	5	5.00	8	40.00
Sunrise Consulting Group	4	4	4	4.00	8	32.00
Technical Response = max 5 points x 5 = max 25 total						
	Suzanne	Joan	Kenny	Average	Multiplier	TOTAL
COMPANY NAME	Sherman	Junkala-Brown	Johnson			POINTS
Floridian Partners LLC	3	1	1	1.67	5	8.33
Ronald L Book PA	5	5	4	4.67	5	23.33
Sunrise Consulting Group	4	5	5	4.67	5	23.33
TOTALS COMBINED						Ranking
Floridian Partners LLC						29.67
Ronald L Book PA						63.33
Sunrise Consulting Group						55.33

RFP# 67-0-2020/SZ State Lobbying Services Opening Date: 8/5/2020			Sunrise Consulting Group 5957 Riviera Lane New Port Richey, FL 34655 727-808-4131 foster@scgroup.us		Floridian Partners LLC 108 S. Monroe St. Tallahassee, FL 32301 850-681-0024/850-681-0354 Melissa@flapartners.com		Ronald L. Book, PA 18851 NE 29th Ave, Ste 1010 Aventura, FL 33180 305-935-1866/305-935-9737 Ron@rlbookpa.com	
ITEM DESCRIPTION	QTY.	U/M	Per Month	Yearly Total	Per Month	Yearly Total	Per Month	Yearly Total
Monthly Fee	12	EA	\$4,000.00	\$48,000.00	\$5,000.00	\$60,000.00	\$5,000.00	\$60,000.00
Total				\$48,000.00		\$60,000.00		\$60,000.00



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: 10/1/2020

RE: Resolution 2020-38, providing for the acceptance of real property conveyed to the City by the Brevard County Board of County Commissioners, located at the intersection of the St. Johns Heritage Parkway and Babcock Street.

On April 23, 2020, at the City Council Special meeting, Council approved the Interlocal Agreement (ILA) with Brevard County for the St. Johns Heritage Parkway and Babcock Street Intersection. At that time, staff prepared the Phase 1 design plans for the SJHP connection to Babcock Street and the temporary opening condition with a span wire traffic signal. Staff also prepared the Phase 2 design plans for the single southbound left turn lane portion of the intersection project.

Staff combined the Phases 1 and 2 into one bid document to ensure the most efficient and competitive bid. At the June 18, 2020, Regular Council Meeting, Council awarded the contract to MJC Land Development, LLC. On August 11, 2020, the Phase 1 and 2 intersection construction reached substantial completion and the City opened the St. John Heritage Parkway at the I-95 interchange.

In accordance with Section 7 of the ILA, the City is responsible for accepting ownership and maintenance responsibilities of the Intersection Project area. On August 25, 2020, the Board of County Commissioners approved the transfer of the deed of ownership and maintenance of the intersection to the City of Palm Bay. Attached is the County agenda item for the transfer of the County Deed.

Staff has reviewed the County deed documents and finds the legal description, sketches and design plans for the Phase 3 Babcock Street at St. Johns Heritage Parkway intersection to be accurate and consistent with the ILA. The project limits for the transfer of the Babcock Street intersection is per the City's design plans for Phase 3 of the Babcock at Parkway intersection, and consistent with the ILA. Staff is working with the County to value engineer the construction cost which may reduce the costs of the final Phase 3 intersection construction.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

No Fiscal Impact.

RECOMMENDATION:

Motion to approve and accept Resolution for the County Deed on the St. Johns Heritage Parkway intersection and Babcock Street Transfer to the City of Palm Bay.

ATTACHMENTS:

Description

SJHP Babcock Intersection Transfer to City of Palm Bay

Resolution 2020-38

Resolution 2020-38, Exhibit A

Resolution 2020-38, Exhibit B

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: County Deed and Resolution for the St. Johns Heritage Parkway Intersection and Babcock Street Transfer to the City of Palm Bay – Districts 3 and 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 (58336)

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>LA</u>	<u> </u>	<u>8-11-2020</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>CMS</u>	<u> </u>	<u>8-12-2020</u>

AGENDA DUE DATE: August 18, 2020 for the August 25, 2020 Board meeting

AGENDA DRAFT

Meeting Date:

August 25, 2020

Section:

Consent

Subject:

Approval, Re: County Deed and Resolution for the St. Johns Heritage Parkway Intersection and Babcock Street Transfer to the City of Palm Bay – Districts 3 and 5.

Fiscal Impact:

FY: 2019-2020 None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached County Deed and Resolution.

Summary Explanation and Background:

The subject property is located in Sections 3 and 10, Township 30 South, Range 37 East, the intersection of St. Johns Heritage Parkway and Babcock Street.

The Board of County Commissioners, in regular session on April 21, 2020, Item I.1, authorized the Chair to execute the Interlocal Agreement with the City of Palm Bay for the St. Johns Heritage Parkway Intersection and Babcock Street, defined below as Intersection Project. Provisions in the agreement require transfer by the County and acceptance by the City for maintenance and ownership of the Intersection Project, including all retention/detention ponds and off-site acquisitions, and all associated improvements within the limits of the Intersection Project to the City. The attached County Deed conveys ownership and maintenance to the City of Palm Bay. The attached Resolution is pursuant to Section 125.38, Florida Statute authorizing the conveyance of County property.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

Upon execution by the Chair, please contact Public Works Department (321-617-7202) to make delivery arrangements for the original executed County Deed with Exhibit and Resolution with Exhibit.

Prepared by and return to:
Office of the County Attorney
2725 Judge Fran Jamieson Way, Building C
Viera, Florida 32940

COUNTY DEED
(STATUTORY FORM - SECTION 125.411, Florida Statute)

THIS DEED, made this ____ day of _____, 2020, between Brevard County, Florida, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, party of the first part, and the City of Palm Bay, a Municipal Corporation of the State of Florida, whose address is 120 Malabar Road, Palm Bay, Florida 32907, party of the second part,

(Whenever used herein the terms "party of the first part" and "party of the second part" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "Party of the first part" and "party of the second part" are used for singular and plural, as the context requires and the use of any gender shall include all genders)

WITNESSETH that the party of the first part, for and in consideration of the sum of Ten Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, any interest it holds in the following described land lying and being in Brevard County, Florida, to wit:

See Exhibit "A" attached and incorporated by this reference, together with all riparian and littoral rights appertaining thereto, and all interests in subsurface oil, gas, and minerals pursuant to section 270.11(3), Florida Statute. In the event the property is not used, maintained or ceases to be used and maintained for a public roadway with associated retention and detention ponds, the COUNTY does not retain any right to reenter and repossess the property.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair of said board, the day and year aforesaid.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis

By: _____
Bryan Andrew Lober, Chair
(As approved by the Board _____)

LEGAL DESCRIPTION

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE

PURPOSE: RIGHT OF WAY DEDICATION

EXHIBIT "A"

SHEET 1 OF 6

NOT VALID WITHOUT SHEET 2-5 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: RIGHT OF WAY DEDICATION, BABCOCK STREET PARCEL AT THE ST. JOHNS HERITAGE
PARKWAY INTERSECTION (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN RIGHT OF WAY DEED AS RECORDED IN
OFFICIAL RECORDS BOOK 2304, PAGE 544, AND ALL OF BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS
ESTABLISHED BY THE PLOT OF CAPE KENNEDY GROVE ACCORDING TO THE PLAT THEREOF AS RECORD IN PLAT
BOOK 21, PAGE 77, AND A PORTION OF BABCOCK ROAD, ALSO NOW KNOWN AS BABCOCK STREET, AS
ESTABLISHED BY THE PLOT PLANS OF SUNSHINE GROVE ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 21, PAGE 78, ALL OF THE ABOVE AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY,
FLORIDA, AND LYING WITHIN SECTION 3 AND 10, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY,
FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

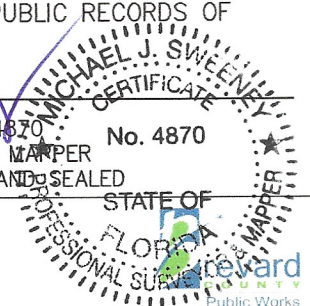
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 89° 42' 39" EAST ALONG THE SOUTH
LINE OF SAID SECTION 3 FOR A DISTANCE OF 128.91 FEET TO THE SOUTHWEST CORNER OF SAID LANDS
DESCRIBED IN OFFICIAL RECORDS BOOK 2304, PAGE 544, SAID POINT BEING THE POINT OF BEGINNING OF THE
HEREIN DESCRIBED PARCEL; THENCE NORTH 00° 45' 16" EAST ALONG THE WEST RIGHT OF WAY LINE OF THE
AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 1970.65 FEET TO THE POINT OF CURVATURE OF TANGENTIAL
CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 5264.29 FEET, AN INCLUDED ANGLE OF 08° 36' 32", AND
WHOSE LONG CHORD BEARS NORTH 03° 33' 00" WEST; THENCE ALONG THE ARC OF SAID CURVE AND ALONG
SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 790.98 FEET; THENCE NORTH 07° 40' 29" WEST ALONG SAID
WEST RIGHT OF WAY LINE FOR A DISTANCE OF 178.06 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE,
RUN NORTH 82° 19' 31" EAST FOR A DISTANCE OF 100.0 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF
THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 07° 40' 29" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR
A DISTANCE OF 178.06 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE WEST,
HAVING A RADIUS OF 5364.29 FEET, AN INCLUDED ANGLE OF 08° 36' 32" AND WHOSE LONG CHORD BEARS
SOUTH 03° 33' 00" EAST; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE
FOR A DISTANCE OF 806.00 FEET; THENCE SOUTH 00° 45' 16" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR
A DISTANCE OF 1969.84 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3; THENCE SOUTH 89° 42' 39"
EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 18.25 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE
OF BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 77;
THENCE SOUTH 00° 43' 11" WEST ALONG SAID EAST LINE AND ALONG THE EAST RIGHT OF WAY LINE OF
BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 78 FOR A
DISTANCE OF 2474.66 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN NORTH 89° 16' 49" WEST
FOR A DISTANCE OF 100.00 FEET TO A POINT THE WEST RIGHT OF WAY LINE OF SAID BABCOCK ROAD, NOW
KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 78; THENCE NORTH 00° 43' 11"
EAST ALONG THE SAID WEST RIGHT OF WAY LINE AND ALONG THE WEST RIGHT OF WAY LINE OF SAID BABCOCK
ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 77 FOR A DISTANCE
OF 2473.90 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3; THENCE NORTH 89° 42' 39" WEST ALONG
SAID SOUTH LINE FOR A DISTANCE OF 18.25 FEET TO THE POINT OF BEGINNING, CONTAINING 12.44 ACRES
(541,957 SQUARE FEET), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. A TITLE OPINION OR REPORT WAS NOT PROVIDED
TO THE SURVEYOR. ONLY RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED
IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN
RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA

PREPARED FOR AND CERTIFIED TO::

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
CITY OF PALM BAY

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED



PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080

DRAWN BY: R HENNING	CHECKED BY: M SEEENEY	PROJECT NO. 20-07-CMO-01			SECTION 3 & 10 TOWNSHIP 30 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION CORRECT TYPOGRAPHIC ERRORS ON SHEET 1 AND 4	
DATE: 8/10/2020	SHEET: 1 OF 6		8/12/2020		

SURVEYOR'S NOTES & ABBREVIATIONS

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

EXHIBIT "A"

SHEET 2 OF 6

NOT VALID WITHOUT SHEET 1 & 3-6 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE SOUTH LINE OF SAID SECTION 3, AS BEING SOUTH 89° 42' 39" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. DATA SOURCES AND REFERENCES:
 - A. ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON.
 - B. ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS, PREPARED FOR THE CITY OF PALM BAY, PREPARED BY THE CITY OF PALM BAY PUBLIC WORKS DEPARTMENT, PROJECT MO. 19-29, DATED OCT 2019
 - C. BOUNDARY SURVEY FOR FLORIDA BANK OF COMMERCE, BABCOCK STREET, PREPARED FOR BREVARD COUNTY, PREPARED BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING DIVISION, PROJECT NO. 16-12-003, DATED 12/15/2015.
4. WITHIN THE NORTH HALF OF SAID SECTION 10, THE ROADWAY WAS ESTABLISHED AS BABCOCK ROAD PER PLAT BOOK 21, PAGE 77 AND PLAT BOOK 21, PAGE 78. THE ROADWAY IS NOW COMMONLY NOW AS BABCOCK STREET. NO DOCUMENT RENAMING THIS PORTION OF THE ROADWAY WAS FOUND OR PROVIDED.

ABBREVIATIONS:

AKA = ALSO KNOWN AS
BRG = BEARING
COR = CORNER
L = ARC LENGTH
ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PC = POINT OF CURVATURE
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PT = POINT OF TANGENCY
R = RANGE OR RADIUS
R/W = RIGHT OF WAY
SECT = SECTION
SJHP = ST. JOHNS HERITAGE PARKWAY
T = TOWNSHIP
TP = TAX PARCEL



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
NOT APPLICABLE
PROJECT NO.:
20-07-CAO-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

AERIAL OVERLAY AND KEY SHEET

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

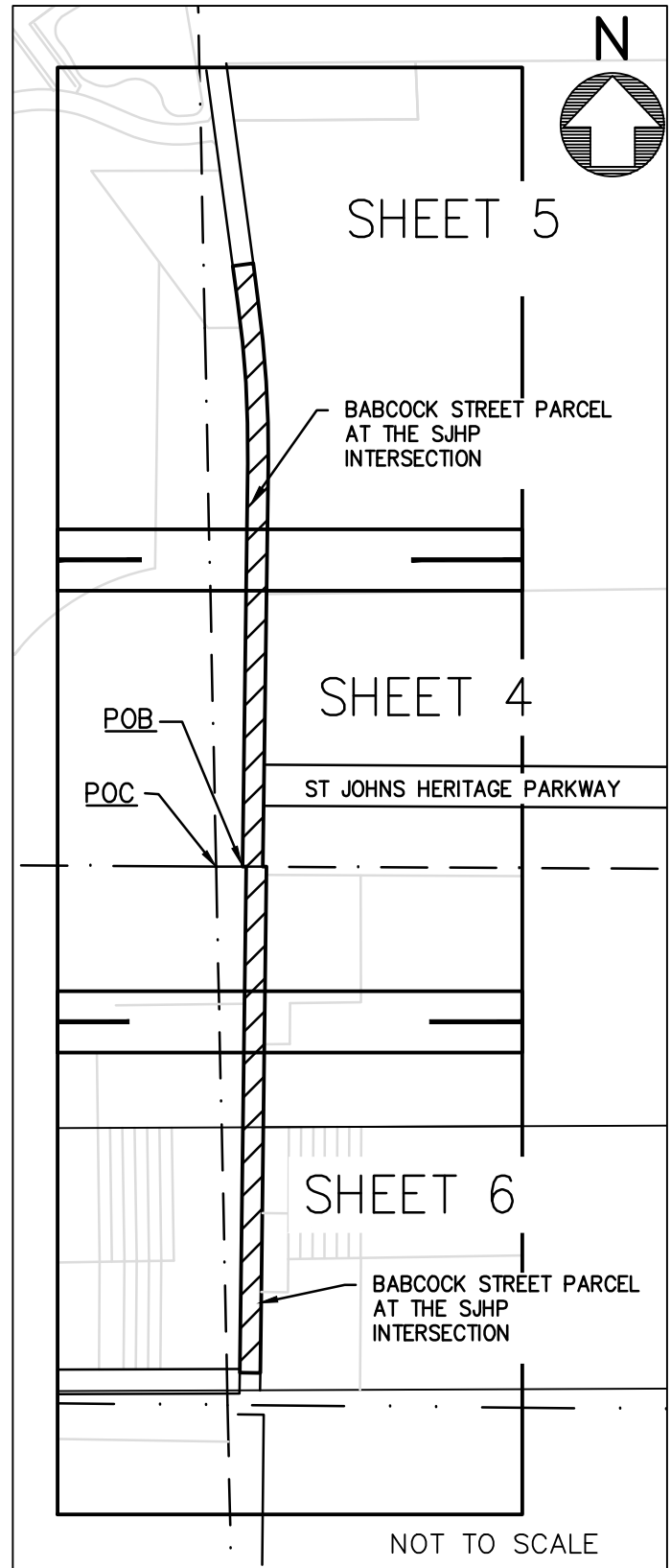
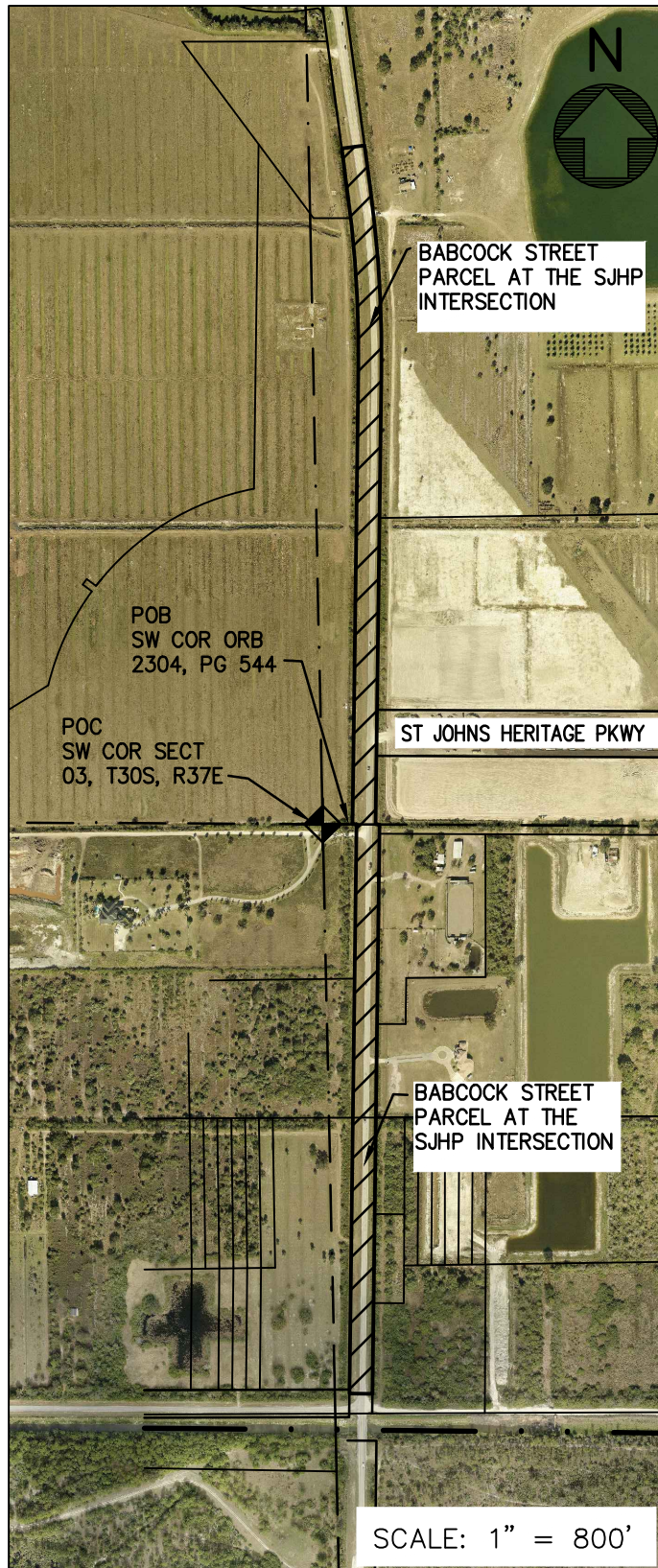
EXHIBIT "A"

SHEET 3 OF 6

NOT VALID WITHOUT SHEET 1-2, & 4-6 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
AS NOTED

PROJECT NO.:
20-07-CA0-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

EXHIBIT "A"

SHEET 4 OF 6

NOT VALID WITHOUT SHEET 1-3 & 5-6 OF 6

THIS IS NOT A SURVEY

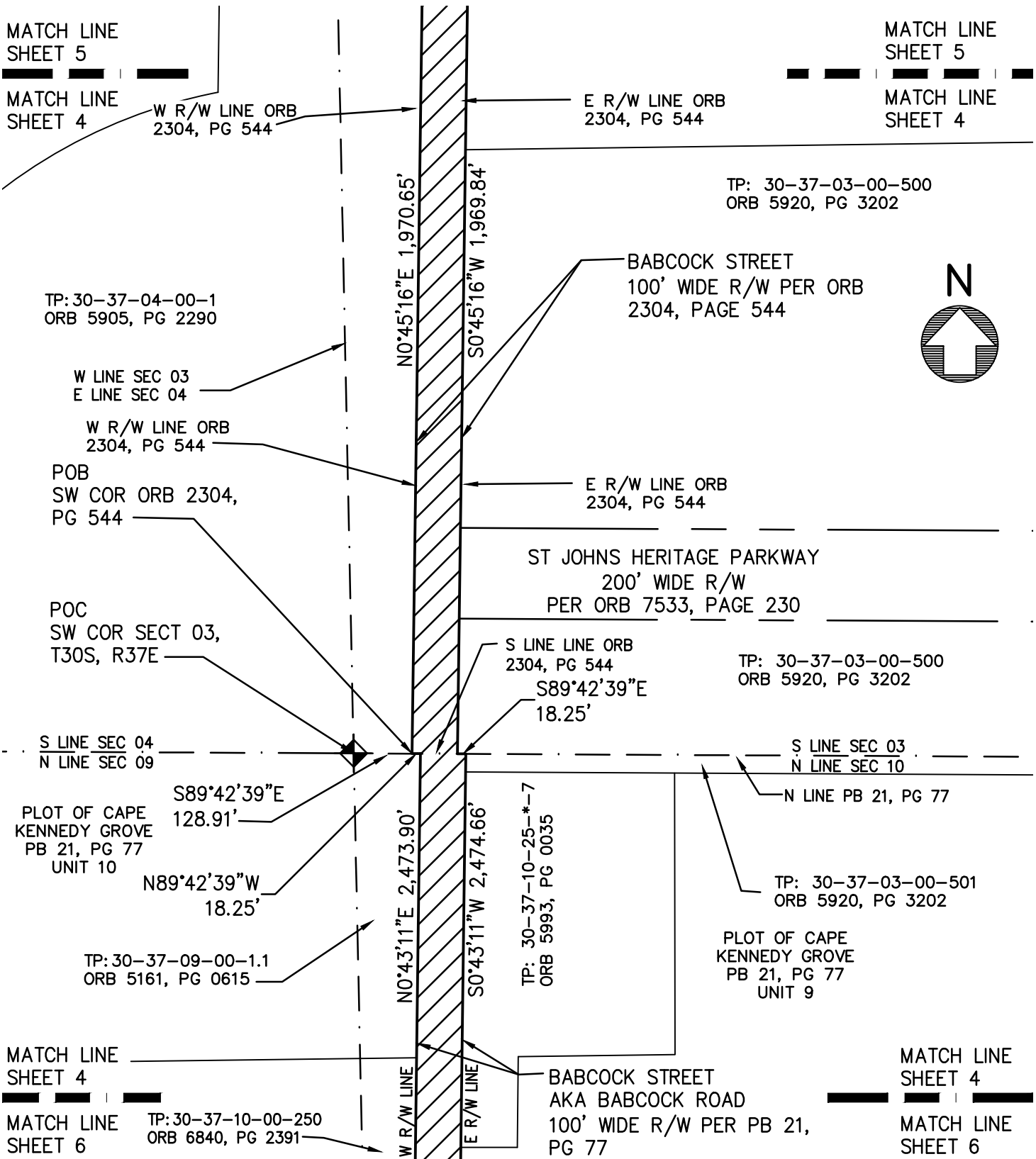
SEE SURVEYORS NOTE #1

MATCH LINE
SHEET 5

MATCH LINE
SHEET 5

MATCH LINE
SHEET 4

MATCH LINE
SHEET 4



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
1" = 300'
PROJECT NO.:
20-07-CA0-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

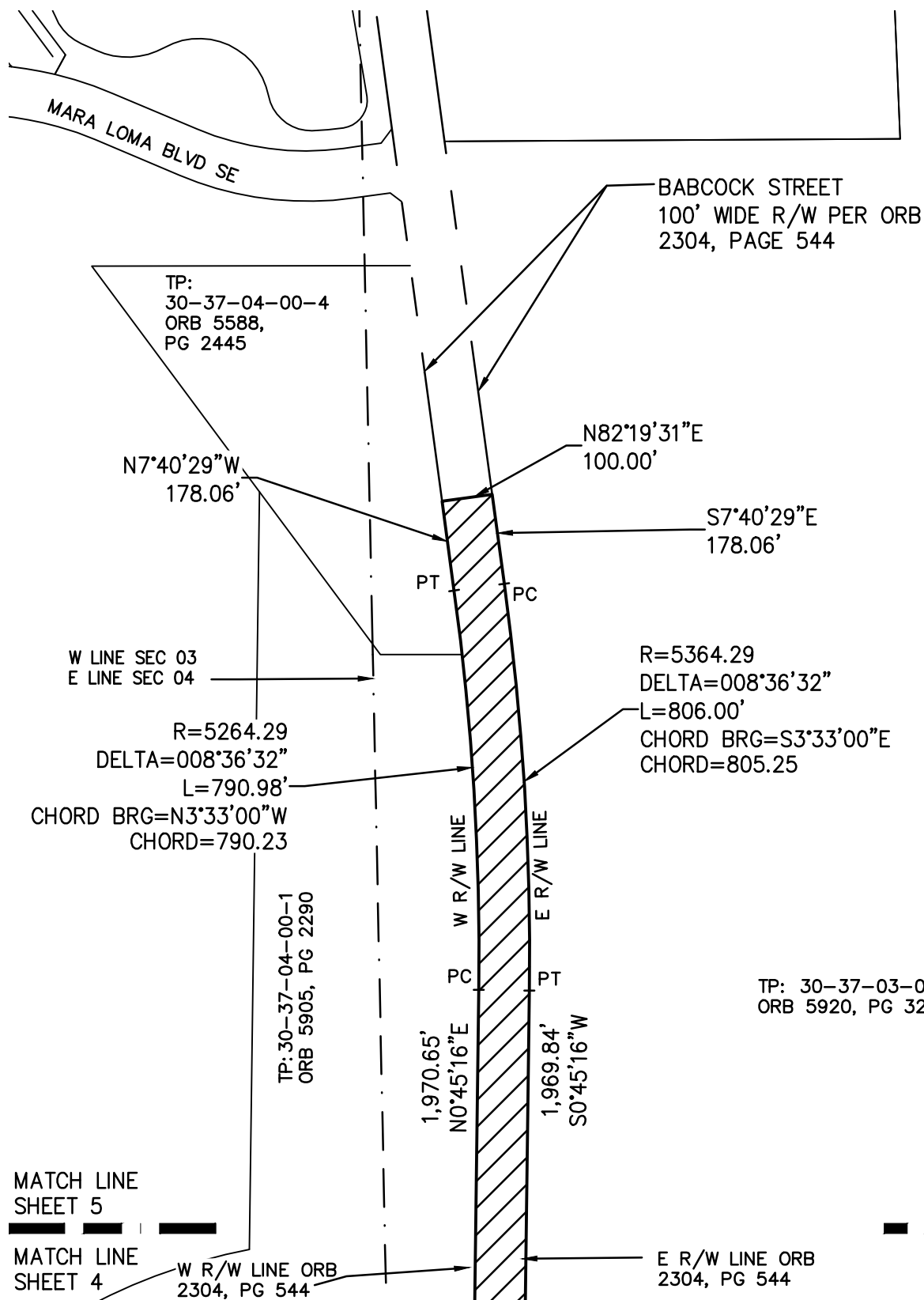
EXHIBIT "A"

SHEET 5 OF 6

NOT VALID WITHOUT SHEET 1-4 & 6 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
1" = 300'
PROJECT NO.:
20-07-CA0-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

EXHIBIT "A"

SHEET 6 OF 6

NOT VALID WITHOUT SHEET 1-5 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

MATCH LINE
SHEET 4

MATCH LINE
SHEET 6

TP: 30-37-10-00-250
ORB 6840, PG 2391

PLOT OF CAPE
KENNEDY GROVE
PB 21, PG 77
UNIT 10

TP: 30-37-10-25-*-3
ORB 6979, PG 0718

PLOT OF CAPE
KENNEDY GROVE
PB 21, PG 77
UNIT 9

S LINE PB 21, PG 77
N LINE PB 21, PG 78

TP: 30-37-10-26-*-1,
ORB 5244, PG 3781

TP: 30-37-10-26-*-2,
ORB 5920, PG 3202

PLOT PLANS OF
SUNSHINE GROVE
PB 21, PG 78
UNIT 1

PLOT PLANS OF
SUNSHINE GROVE
PB 21, PG 78
UNIT 3

W LINE SECT 10
E LINE SECT 09

BABCOCK STREET
AKA BABCOCK ROAD
100' WIDE R/W PER PB 21,
PG 78

TP: 30-37-10-26-*-3,
ORB 7524, PG 1895

S LINE PB 21, PG 78

WILLOWBROOK STREET
120' WIDE R/W PER ORB 3124, PG 2689

TP: 30-37-09-00-501,
ORB 2237, PG 0362

TP: 30-37-09-00-3,
ORB 2606, PG 0724

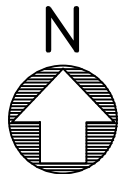
N89°16'49"W
100.00'

TP: 30-37-10-26-*-41,
ORB 5069, PG 1247

S LINE N 1/2 SECT 10

BABCOCK ST PER
MAINTAINED R/W PER ORB
4039, PG 2121

TP: 30-37-10-00-500,
ORB 4039, PG 2121



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
1"=300'

PROJECT NO.:
20-07-CA0-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

RESOLUTION NO. 2020- _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PURSUANT TO SECTION 125.37, FLORIDA STATUTES, AND SECTION 2-247, BREVARD COUNTY CODE OF ORDINANCES, AUTHORIZING THE CONVEYANCE OF COUNTY PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brevard County, Florida, a political sub-division of the State of Florida (hereinafter the COUNTY), owns certain rights-of-way and easements for a public road right of way within the City of Palm Bay, a municipality incorporated under the laws of Florida (hereinafter the CITY), and

WHEREAS, the rights-of-way and easements for said public road are referred to as the St. Johns Heritage Parkway Intersection and Babcock Street (hereinafter the Babcock Project), which is further described in Exhibit "A"; and

WHEREAS, the Board of County Commissioners, in regular session on April 21, 2020, approved the execution of an Interlocal Agreement with the CITY regarding the Babcock Project, as described by the CITY in Exhibit "C"; and

WHEREAS, paragraph 7(a) of the Interlocal Agreement states the COUNTY and CITY agree the CITY will assume ownership and maintenance responsibilities of the Babcock Project (including all retention/detention ponds and off-site acquisitions related to the Babcock Project); and

WHEREAS, the CITY has constructed the traffic signals and associated equipment for the Babcock Project and owns the same; and

WHEREAS, the CITY has applied for a conveyance of the Babcock Project via the Interlocal, which shall promote the community interest and welfare of the CITY; and

WHEREAS, the COUNTY finds that the CITY's proposed use of the Property for roadway purposes will promote public health, safety or welfare, will serve the public interest, will serve a public purpose; and the COUNTY has determined that said property is not needed for COUNTY purposes, and desires to cooperate with and assist the CITY by conveying the property; and

WHEREAS, pursuant to paragraph 7(b) of the Interlocal Agreement, the COUNTY shall prepare a county deed and resolution and any other documents necessary to effectuate the conveyance and transfer of the Babcock Project; and the CITY agrees to pass a resolution accepting transfer of ownership and maintenance from the COUNTY within sixty days of the effective date of the interlocal; and

WHEREAS, the County Deed with the attached Exhibit "A" will effectuate the transfer and complete the terms of the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that:

1. The foregoing recitals are true and correct and incorporated to this Resolution by this reference.
2. The Babcock Project is fully described at Exhibit "A", which is attached and incorporated by this reference. Exhibit "A" is based on the City's Exhibit "C," which is also attached and incorporated by this reference. The Babcock Project is located within the boundary of the CITY, and is not needed for COUNTY purposes.
3. The CITY will use and maintain the Babcock Project as a public roadway within the boundaries of the CITY to provide safe and well-kept roadways for its citizens.
4. The COUNTY authorizes the Chair, Board of County Commissioners, to execute all necessary documents to transfer the Babcock Project as described in Exhibit "A" to the CITY by County Deed at nominal consideration pursuant to the terms of the interlocal agreement.
5. In the event the Babcock Project is not used, maintained or ceases to be used and maintained for a public roadway, the COUNTY does not retain any right to reenter and repossess the property.
6. This Resolution shall take effect immediately.

This Resolution is **DONE, ORDERED AND ADOPTED** in Regular Session, this ___ day of __, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk to the Board

Bryan Andrew Lober, Chair

Reviewed for legal form and content:

C. Achwerak 8/12/2020
Assistant County Attorney

LEGAL DESCRIPTION

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE

PURPOSE: RIGHT OF WAY DEDICATION

EXHIBIT "A"

SHEET 1 OF 6

NOT VALID WITHOUT SHEET 2-5 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: RIGHT OF WAY DEDICATION, BABCOCK STREET PARCEL AT THE ST. JOHNS HERITAGE
PARKWAY INTERSECTION (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN RIGHT OF WAY DEED AS RECORDED IN
OFFICIAL RECORDS BOOK 2304, PAGE 544, AND ALL OF BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS
ESTABLISHED BY THE PLOT OF CAPE KENNEDY GROVE ACCORDING TO THE PLAT THEREOF AS RECORD IN PLAT
BOOK 21, PAGE 77, AND A PORTION OF BABCOCK ROAD, ALSO NOW KNOWN AS BABCOCK STREET, AS
ESTABLISHED BY THE PLOT PLANS OF SUNSHINE GROVE ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 21, PAGE 78, ALL OF THE ABOVE AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY,
FLORIDA, AND LYING WITHIN SECTION 3 AND 10, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY,
FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

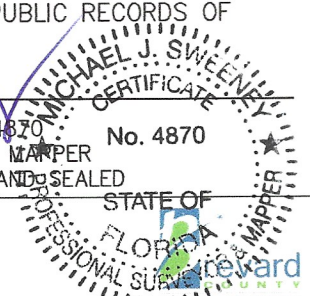
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 89° 42' 39" EAST ALONG THE SOUTH
LINE OF SAID SECTION 3 FOR A DISTANCE OF 128.91 FEET TO THE SOUTHWEST CORNER OF SAID LANDS
DESCRIBED IN OFFICIAL RECORDS BOOK 2304, PAGE 544, SAID POINT BEING THE POINT OF BEGINNING OF THE
HEREIN DESCRIBED PARCEL; THENCE NORTH 00° 45' 16" EAST ALONG THE WEST RIGHT OF WAY LINE OF THE
AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 1970.65 FEET TO THE POINT OF CURVATURE OF TANGENTIAL
CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 5264.29 FEET, AN INCLUDED ANGLE OF 08° 36' 32", AND
WHOSE LONG CHORD BEARS NORTH 03° 33' 00" WEST; THENCE ALONG THE ARC OF SAID CURVE AND ALONG
SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 790.98 FEET; THENCE NORTH 07° 40' 29" WEST ALONG SAID
WEST RIGHT OF WAY LINE FOR A DISTANCE OF 178.06 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE,
RUN NORTH 82° 19' 31" EAST FOR A DISTANCE OF 100.0 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF
THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 07° 40' 29" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR
A DISTANCE OF 178.06 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE WEST,
HAVING A RADIUS OF 5364.29 FEET, AN INCLUDED ANGLE OF 08° 36' 32" AND WHOSE LONG CHORD BEARS
SOUTH 03° 33' 00" EAST; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE
FOR A DISTANCE OF 806.00 FEET; THENCE SOUTH 00° 45' 16" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR
A DISTANCE OF 1969.84 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3; THENCE SOUTH 89° 42' 39"
EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 18.25 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE
OF BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 77;
THENCE SOUTH 00° 43' 11" WEST ALONG SAID EAST LINE AND ALONG THE EAST RIGHT OF WAY LINE OF
BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 78 FOR A
DISTANCE OF 2474.66 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN NORTH 89° 16' 49" WEST
FOR A DISTANCE OF 100.00 FEET TO A POINT THE WEST RIGHT OF WAY LINE OF SAID BABCOCK ROAD, NOW
KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 78; THENCE NORTH 00° 43' 11"
EAST ALONG THE SAID WEST RIGHT OF WAY LINE AND ALONG THE WEST RIGHT OF WAY LINE OF SAID BABCOCK
ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 77 FOR A DISTANCE
OF 2473.90 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3; THENCE NORTH 89° 42' 39" WEST ALONG
SAID SOUTH LINE FOR A DISTANCE OF 18.25 FEET TO THE POINT OF BEGINNING, CONTAINING 12.44 ACRES
(541,957 SQUARE FEET), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. A TITLE OPINION OR REPORT WAS NOT PROVIDED
TO THE SURVEYOR. ONLY RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED
IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN
RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA

PREPARED FOR AND CERTIFIED TO::

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
CITY OF PALM BAY

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED



PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080

DRAWN BY: R HENNING

CHECKED BY: M SEEENEY

PROJECT NO. 20-07-CMO-01

REVISIONS

DATE
8/12/2020

DESCRIPTION
CORRECT TYPOGRAPHIC
ERRORS ON SHEET 1 AND 4

SECTION 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

DATE: 8/10/2020

SHEET: 1 OF 6

SURVEYOR'S NOTES & ABBREVIATIONS

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

EXHIBIT "A"

SHEET 2 OF 6

NOT VALID WITHOUT SHEET 1 & 3-6 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE SOUTH LINE OF SAID SECTION 3, AS BEING SOUTH 89° 42' 39" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. DATA SOURCES AND REFERENCES:
 - A. ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON.
 - B. ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS, PREPARED FOR THE CITY OF PALM BAY, PREPARED BY THE CITY OF PALM BAY PUBLIC WORKS DEPARTMENT, PROJECT MO. 19-29, DATED OCT 2019
 - C. BOUNDARY SURVEY FOR FLORIDA BANK OF COMMERCE, BABCOCK STREET, PREPARED FOR BREVARD COUNTY, PREPARED BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING DIVISION, PROJECT NO. 16-12-003, DATED 12/15/2015.
4. WITHIN THE NORTH HALF OF SAID SECTION 10, THE ROADWAY WAS ESTABLISHED AS BABCOCK ROAD PER PLAT BOOK 21, PAGE 77 AND PLAT BOOK 21, PAGE 78. THE ROADWAY IS NOW COMMONLY NOW AS BABCOCK STREET. NO DOCUMENT RENAMING THIS PORTION OF THE ROADWAY WAS FOUND OR PROVIDED.

ABBREVIATIONS:

AKA = ALSO KNOWN AS
BRG = BEARING
COR = CORNER
L = ARC LENGTH
ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PC = POINT OF CURVATURE
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PT = POINT OF TANGENCY
R = RANGE OR RADIUS
R/W = RIGHT OF WAY
SECT = SECTION
SJHP = ST. JOHNS HERITAGE PARKWAY
T = TOWNSHIP
TP = TAX PARCEL



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
NOT APPLICABLE
PROJECT NO.:
20-07-CAO-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

AERIAL OVERLAY AND KEY SHEET

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

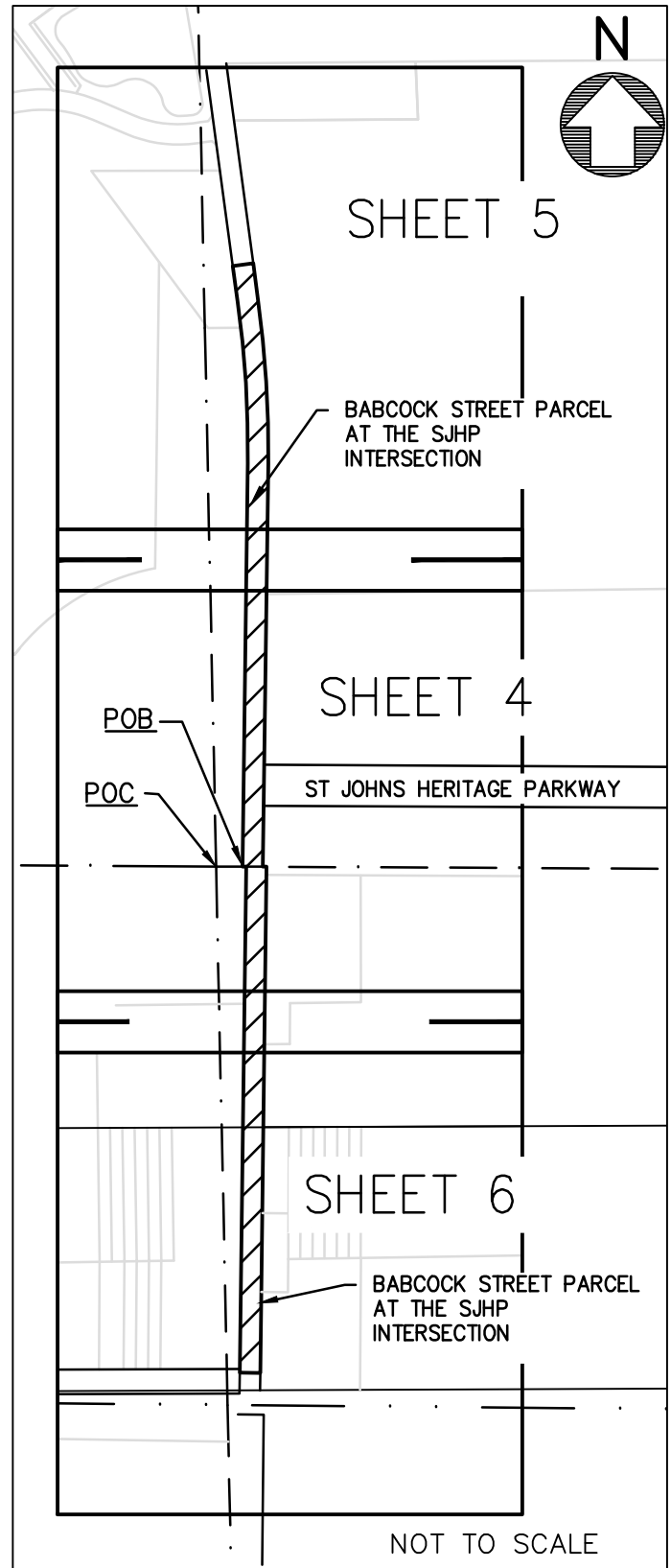
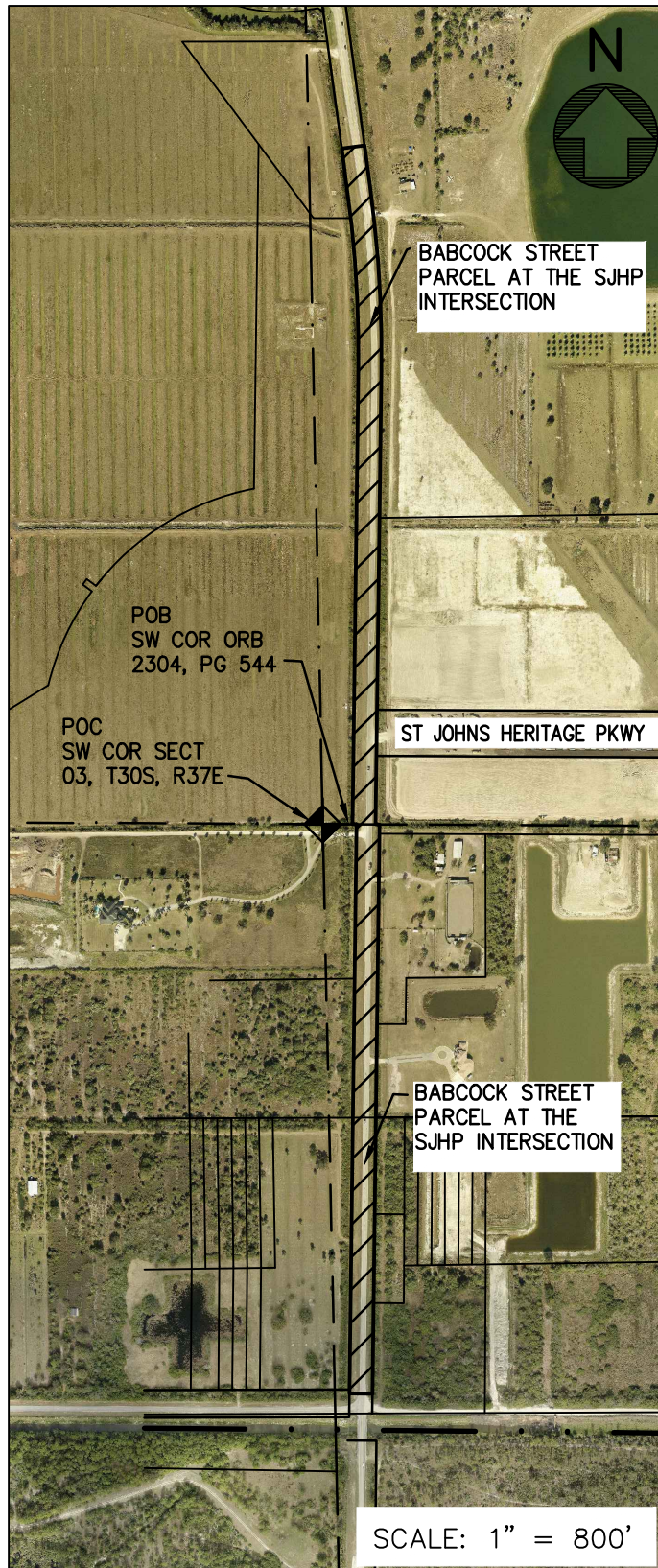
EXHIBIT "A"

SHEET 3 OF 6

NOT VALID WITHOUT SHEET 1-2, & 4-6 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
AS NOTED

PROJECT NO.:
20-07-CA0-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

EXHIBIT "A"

SHEET 4 OF 6

NOT VALID WITHOUT SHEET 1-3 & 5-6 OF 6

THIS IS NOT A SURVEY

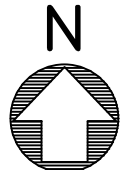
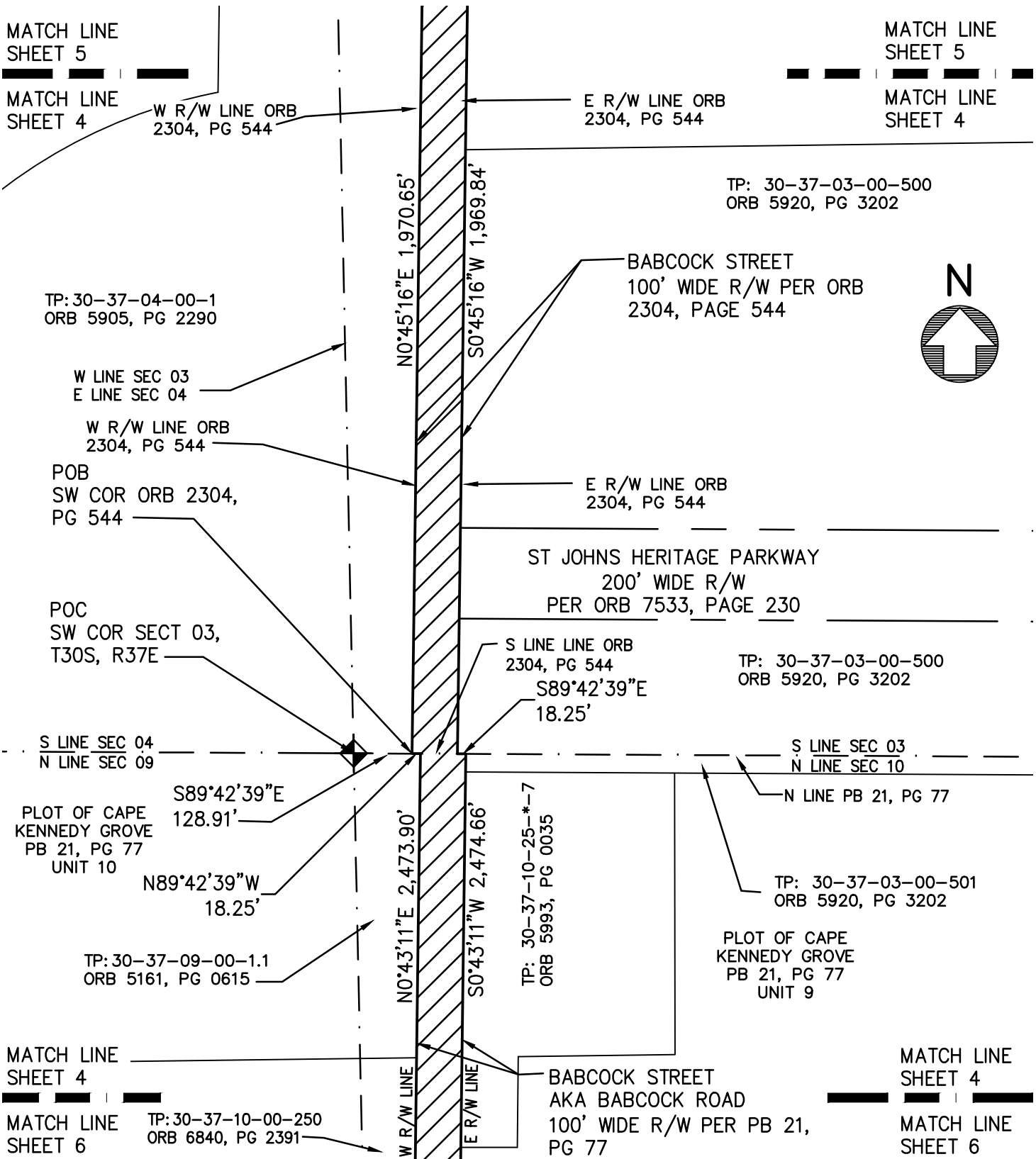
SEE SURVEYORS NOTE #1

MATCH LINE
SHEET 5

MATCH LINE
SHEET 5

MATCH LINE
SHEET 4

MATCH LINE
SHEET 4



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
1" = 300'
PROJECT NO.:
20-07-CA0-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

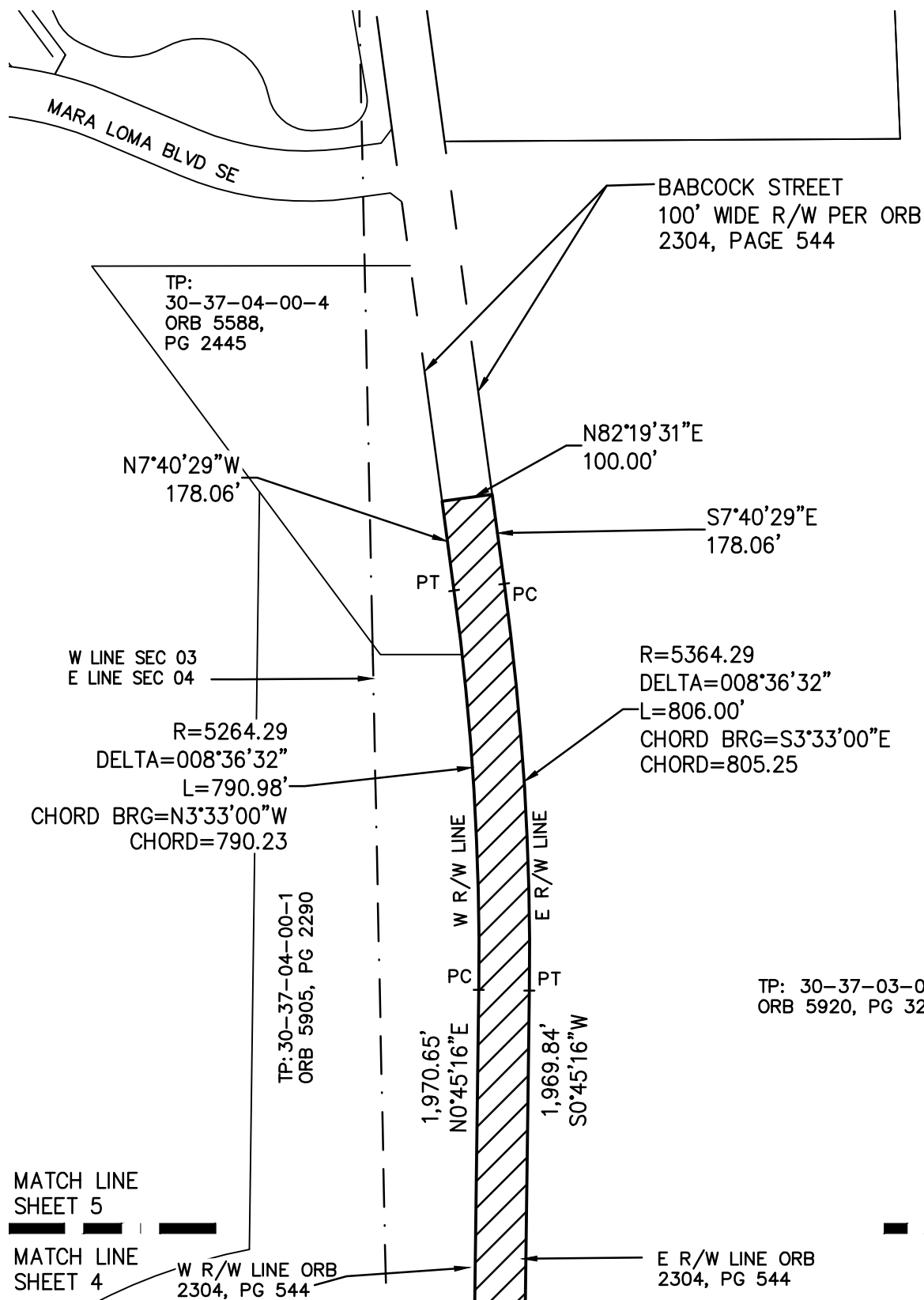
EXHIBIT "A"

SHEET 5 OF 6

NOT VALID WITHOUT SHEET 1-4 & 6 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
1" = 300'
PROJECT NO.:
20-07-CA0-01

SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

BABCOCK STREET PARCEL AT THE ST. JOHNS
HERITAGE PARKWAY INTERSECTION

PARENT PARCEL ID#: NOT APPLICABLE
PURPOSE: RIGHT OF WAY DEDICATION

EXHIBIT "A"

SHEET 6 OF 6

NOT VALID WITHOUT SHEET 1-5 OF 6

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

MATCH LINE
SHEET 4

MATCH LINE
SHEET 6

TP: 30-37-10-00-250
ORB 6840, PG 2391

PLOT OF CAPE
KENNEDY GROVE
PB 21, PG 77
UNIT 10

TP: 30-37-10-25-*-3
ORB 6979, PG 0718

PLOT OF CAPE
KENNEDY GROVE
PB 21, PG 77
UNIT 9

S LINE PB 21, PG 77
N LINE PB 21, PG 78

TP: 30-37-10-26-*-1,
ORB 5244, PG 3781

TP: 30-37-10-26-*-2,
ORB 5920, PG 3202

PLOT PLANS OF
SUNSHINE GROVE
PB 21, PG 78
UNIT 1

PLOT PLANS OF
SUNSHINE GROVE
PB 21, PG 78
UNIT 3

W LINE SECT 10
E LINE SECT 09

BABCOCK STREET
AKA BABCOCK ROAD
100' WIDE R/W PER PB 21,
PG 78

TP: 30-37-10-26-*-3,
ORB 7524, PG 1895

S LINE PB 21, PG 78

WILLOWBROOK STREET
120' WIDE R/W PER ORB 3124, PG 2689

TP: 30-37-09-00-501,
ORB 2237, PG 0362

TP: 30-37-09-00-3,
ORB 2606, PG 0724

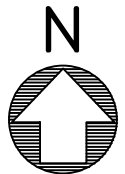
N89°16'49"W
100.00'

TP: 30-37-10-26-*-41,
ORB 5069, PG 1247

S LINE N 1/2 SECT 10

BABCOCK ST PER
MAINTAINED R/W PER ORB
4039, PG 2121

TP: 30-37-10-00-500,
ORB 4039, PG 2121



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
1"=300'

PROJECT NO.:
20-07-CA0-01

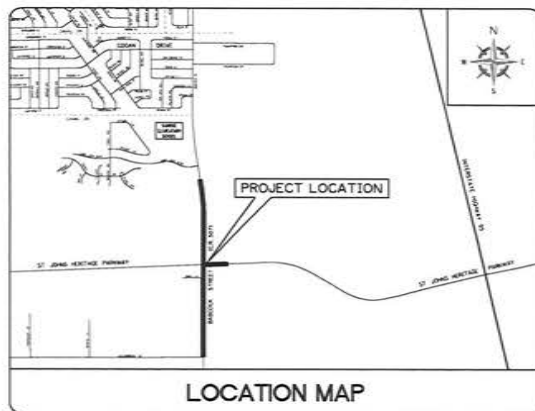
SECTIONS 3 & 10
TOWNSHIP 30 SOUTH
RANGE 37 EAST

Exhibit C

ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS



VICINITY MAP



LOCATION MAP

OCTOBER 2019



OWNER: CITY OF PALM BAY
120 MALABAR ROAD SE
PALM BAY, FLORIDA 32907

SITE ADDRESS: ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET
PALM BAY, FLORIDA 32909

LOCATION: SECTIONS 3 & 10, TOWNSHIP 30 SOUTH, RANGE 37 EAST

ZONING: N/A

F.L.U.C.C.S.: 1900 OPEN LAND

DESCRIPTION OF WORK: ROAD CONSTRUCTION, PAVING AND TRAFFIC SIGNAL
AT BABCOCK STREET, APPROXIMATELY 2,875 L.F.
SOUTH OF AND 2,550 L.F. NORTH OF ST. JOHNS
HERITAGE PARKWAY, ALONG WITH DRAINAGE
IMPROVEMENTS AND FINAL STRIPING.
(5,425 L.F. / 1.03 MILES)

UTILITIES ENCOUNTERED

FLORIDA POWER AND LIGHT	(POWER)	(321) 726-4864
SPECTRUM	(CABLE)	(321) 757-6451
A T & T	(TELEPHONE)	(321) 258-9244
PALM BAY C & I T	(F.O.C)	(321) 952-3475
PALM BAY UTILITY DEPARTMENT	(WATER & SEWER)	(321) 952-3410

INDEX OF SHEETS

1	COVER SHEET
2	GENERAL NOTES
3	STORMWATER POLLUTION PREVENTION PLAN
4	TYPICAL ROADWAY SECTIONS
5	PLAN & PROFILE - STA. 21+00 THRU STA. 27+00
6	PLAN & PROFILE - STA. 27+00 THRU STA. 33+00
7	PLAN & PROFILE - STA. 33+00 THRU STA. 39+00
8	PLAN & PROFILE - STA. 39+00 THRU STA. 45+00
9	PLAN & PROFILE - STA. 45+00 THRU STA. 51+00
10	PLAN & PROFILE - STA. 51+00 THRU STA. 57+00
11	PLAN & PROFILE - STA. 57+00 THRU STA. 63+00
12	PLAN & PROFILE - STA. 63+00 THRU STA. 69+00
13	PLAN & PROFILE - STA. 69+00 THRU STA. 74+00
14	PLAN & PROFILE - STA. 74+00 THRU STA. 76+00
15	DETAIL SHEET
16	CROSS SECTIONS - 1 THRU 4 (STA. 21+15 THRU STA. 27+00)
17	CROSS SECTIONS - 5 THRU 8 (STA. 29+00 THRU STA. 35+00)
18	CROSS SECTIONS - 9 THRU 12 (STA. 37+00 THRU STA. 42+50)
19	CROSS SECTIONS - 13 THRU 16 (STA. 45+00 THRU STA. 51+00)
20	CROSS SECTIONS - 17 THRU 20 (STA. 52+50 THRU STA. 60+00)
21	CROSS SECTIONS - 21 THRU 24 (STA. 62+18 THRU STA. 68+18)
22	CROSS SECTIONS - 25 THRU 28 (STA. 70+18 THRU STA. 76+28)
23	MAINTENANCE OF TRAFFIC - PHASE 1
24	MAINTENANCE OF TRAFFIC - PHASE 1
25	MAINTENANCE OF TRAFFIC - PHASE 2
26	MAINTENANCE OF TRAFFIC - PHASE 2
27	MARKING & SIGNING - STA. 21+00 THRU STA. 33+00
28	MARKING & SIGNING - STA. 33+00 THRU STA. 45+00
29	MARKING & SIGNING - STA. 45+00 THRU STA. 57+00
30	MARKING & SIGNING - STA. 57+00 THRU STA. 69+00
31	MARKING & SIGNING - STA. 69+00 THRU STA. 76+00
32	SIGNALIZATION - PLAN VIEW
33	SIGNALIZATION - MAST ARM TABULATION
34	SIGNALIZATION - MAST ARM ASSEMBLIES
35	TYPICAL ROADWAY SECTIONS (SJHP)
36	PLAN & PROFILE - STA. 13001+00 THRU STA. 13007+00 (SJHP)
37	PLAN VIEW - OFF SITE DRAINAGE (SJHP)
38	MARKING & SIGNING - STA. 13001+38.3 THRU STA. 13006+50 (SJHP)

REV. NO.	DATE	BY	REVISION



CITY OF PALM BAY
PUBLIC WORKS DEPARTMENT
1050 MALABAR ROAD S.W.
PALM BAY, FLORIDA 32907
(321) 953-8996

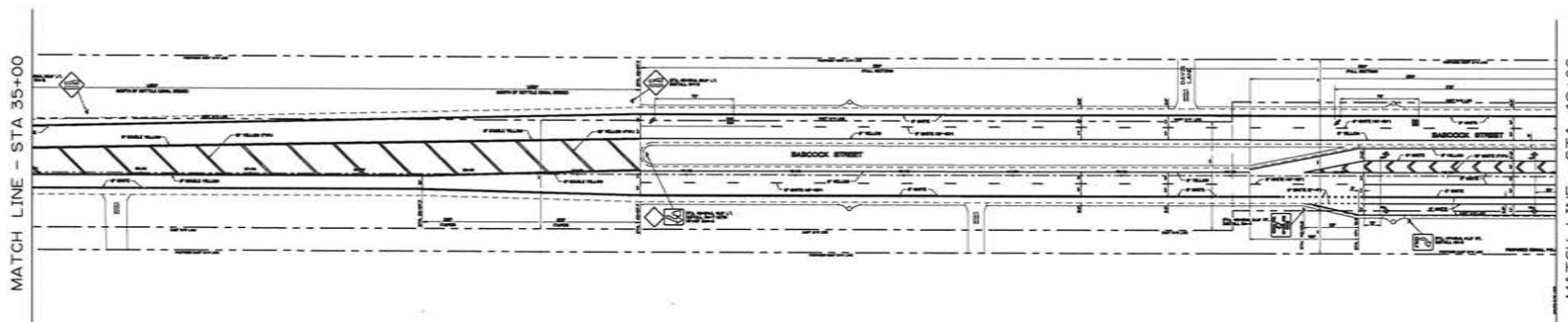
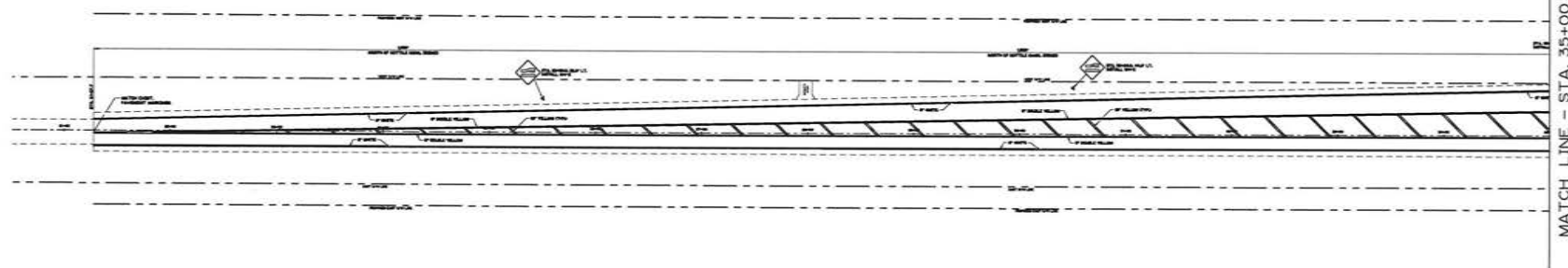
ST. JOHNS HERITAGE PARKWAY
AT BABCOCK STREET

INTERSECTION IMPROVEMENTS
PHASE 3 - FOUR LANE SECTION WITH MAST ARM SIGNAL


DATE	OCT 2019
SCALE	N/A
NO. 1	N/A
NO. 2	N/A

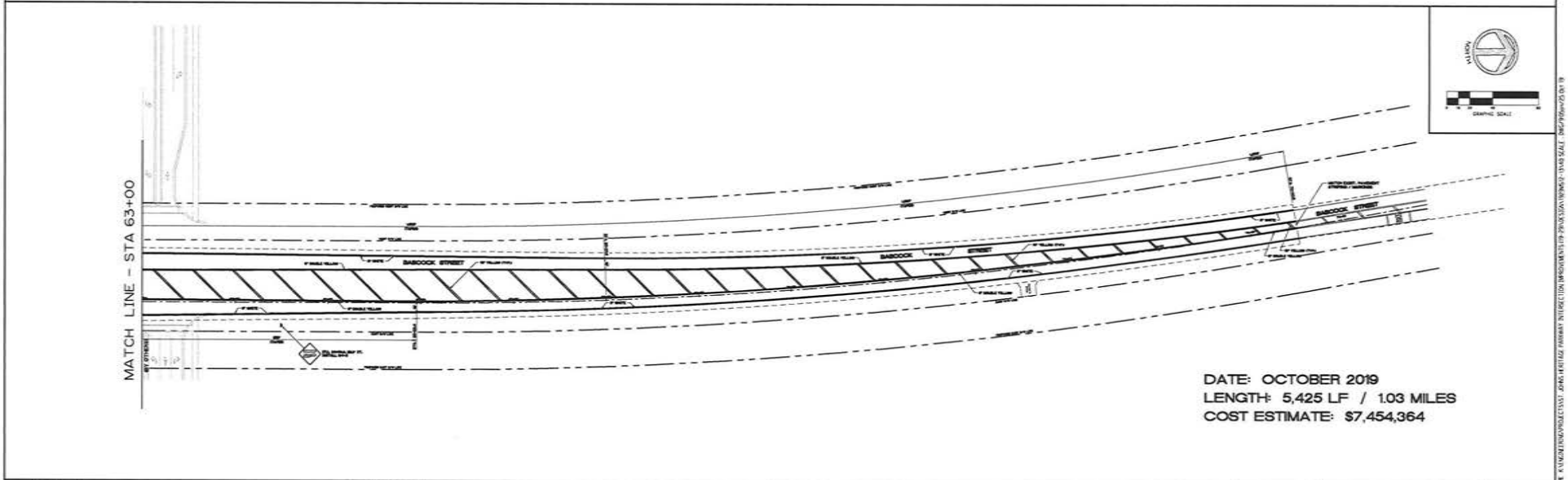
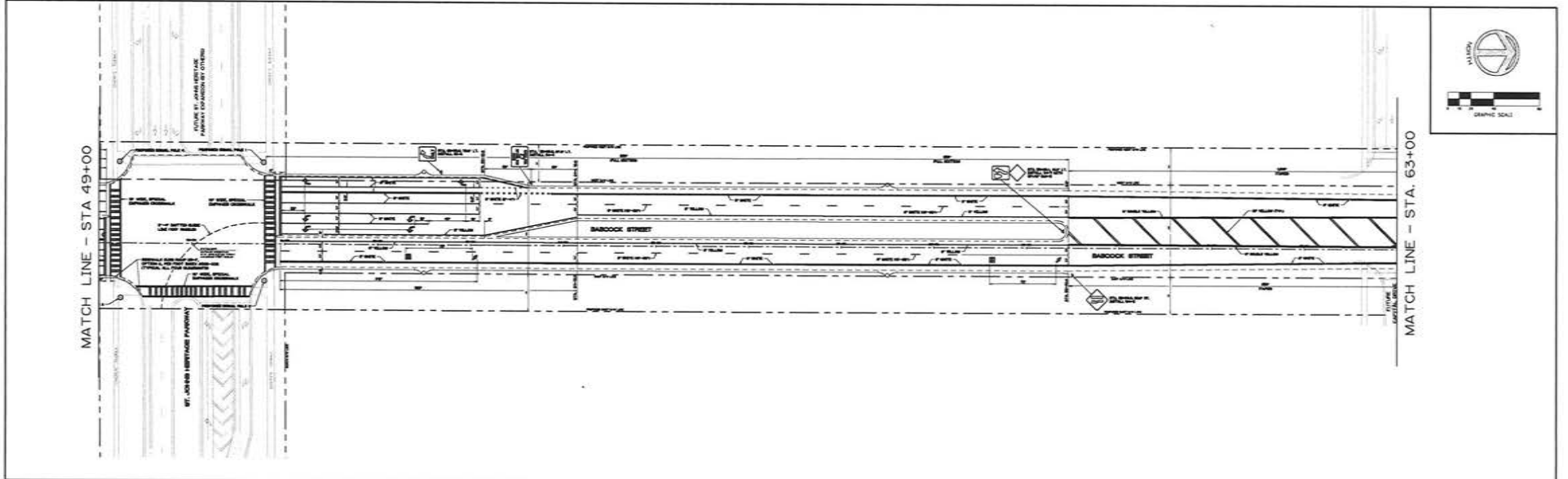
FRANK T. WATANABE
P.E. NO. 6878
DATE

PROJECT NUMBER	19-29
SHEET	1 OF 5




DATE: OCTOBER 2019
LENGTH: 5,425 LF / 1.03 MILES
COST ESTIMATE: \$7,454,364

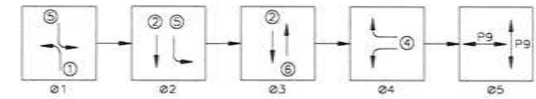
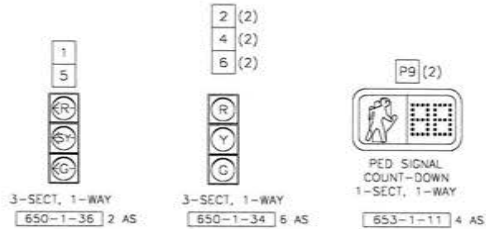
				DESIGN BY FTW	 CITY OF PALM BAY PUBLIC WORKS DEPARTMENT 12500 MULHARBAR ROAD S.W. PALM BAY, FLORIDA 32909 (321) 933-8996	ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET		DATE MAR 2019	FRANK T. WATANABE P.E. NO. 66726	PROJECT NUMBER 19-29
				DRAWN BY MH		INTERSECTION IMPROVEMENTS PHASE 3 - FOUR LANE SECTION WITH MAST ARM SIGNAL		SCALE 1" = 50'		SHEET 3 of 5
REV.	NO.	DATE	BY	REVISION						



DATE: OCTOBER 2019
 LENGTH: 5,425 LF / 1.03 MILES
 COST ESTIMATE: \$7,454,364

DESIGNED BY FTW DRAWN BY MH CHECKED BY FTW		CITY OF PALM BAY PUBLIC WORKS DEPARTMENT 1000 MALABAR ROAD S.W. PALM BAY, FLORIDA 32907 (321) 953-8996	ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS PHASE 3 - FOUR LANE SECTION WITH MAST ARM SIGNAL	DATE MAR 2019 SCALE HORIZ: 1" = 50' VERT: N/A	FRANK T. WATANABE P.E. NO. 54725 DATE	PROJECT NUMBER 19-29 SHEET 4 of 5
---	---	--	--	---	---	--

FILE NAME: C:\VOLUME\PROJECTS\19-29 ST. JOHNS HERITAGE PARKWAY INTERSECTION IMPROVEMENTS\19-29 ST. JOHNS HERITAGE PARKWAY INTERSECTION IMPROVEMENTS.dwg DATE: 03/11/2019



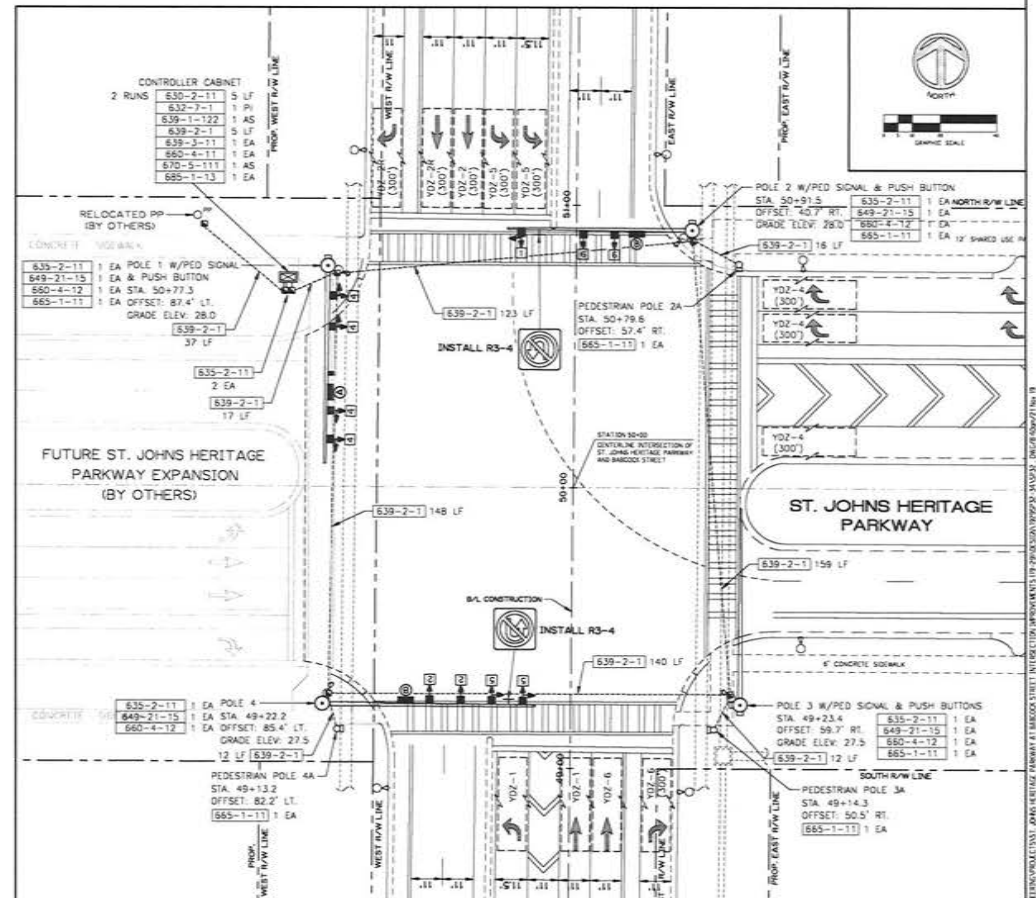
SIGNAL OPERATIONS PLAN
SOP 9

CONTROLLER OPERATIONS:

- THE MAJOR STREET IS BABCOCK STREET (MOVEMENTS 1, 2, 5 AND 6). THE MINOR STREET IS ST. JOHNS HERITAGE PARKWAY (MOVEMENT 4).
- SIGNAL OPERATING PLAN (SOP 9), AS SHOWN ON THIS SHEET WITH THE FOLLOWING FEATURES:
 - CONCURRENT PEDESTRIAN MOVEMENTS TO BE DISPLAYED UPON ACTUATION ONLY FOR ALL PEDESTRIAN MOVEMENTS.
 - PEDESTRIAN MOVEMENT WILL BE A SEPARATE PHASE 9 WITH 7 SECOND WALK AND 36 SECOND CLEARANCE.

CONTROLLER TIMINGS								
TIMING FUNCTION	1	2	3	4	5	6	7	8
MOVEMENT NUMBER	1	2	3	4	5	6	7	8
MINIMUM GREEN	8	8		8	8	8		
EXTENSION	2	2		2	2	2		
MAXIMUM GREEN 1	60	30		60	60	30		
MAXIMUM GREEN 2								
YELLOW CLEARANCE	4.8	4.8		4.8	4.8	4.8		
ALL RED	3	3		3	3	3		
PEDESTRIAN WALK								
PED CLEARANCE								
RECALL		MIN				MIN		
DETECTOR FUNCTION	NL	NL		NL	NL	NL		

DETECTOR CONFIGURATION CHART				
ZONE	DETECTOR NO.	COVERAGE AREA	DETECTOR OPERATIONS	DELAY TIME (SEC)
YDZ1	YC-1	10 x 300	NORMAL	5
YDZ2	YC-2	10 x 300	NORMAL	5
YDZ2R	YC-2	10 x 300	NORMAL	5
YDZ4	YC-3	10 x 300	NORMAL	5
YDZ5	YC-2	10 x 300	NORMAL	5
YDZ6	YC-1	10 x 300	NORMAL	5



REV. NO.	DATE	BY	REVISION

DESIGNED BY FTW
DRAWN BY MH
CHECKED BY FTW

CITY OF PALM BAY
PUBLIC WORKS DEPARTMENT
1050 MALABAR ROAD S.W.
PALM BAY, FLORIDA 32909
(321) 933-8996

ST. JOHNS HERITAGE PARKWAY
AT BABCOCK STREET
INTERSECTION IMPROVEMENTS
PHASE 3 - FOUR LANE SECTION WITH MAST ARM SIGNAL

DATE OCT 2019
SCALE AS SHOWN
VERT. N/A

FRANK T. WATANABE P.E. NO. 84735
DATE

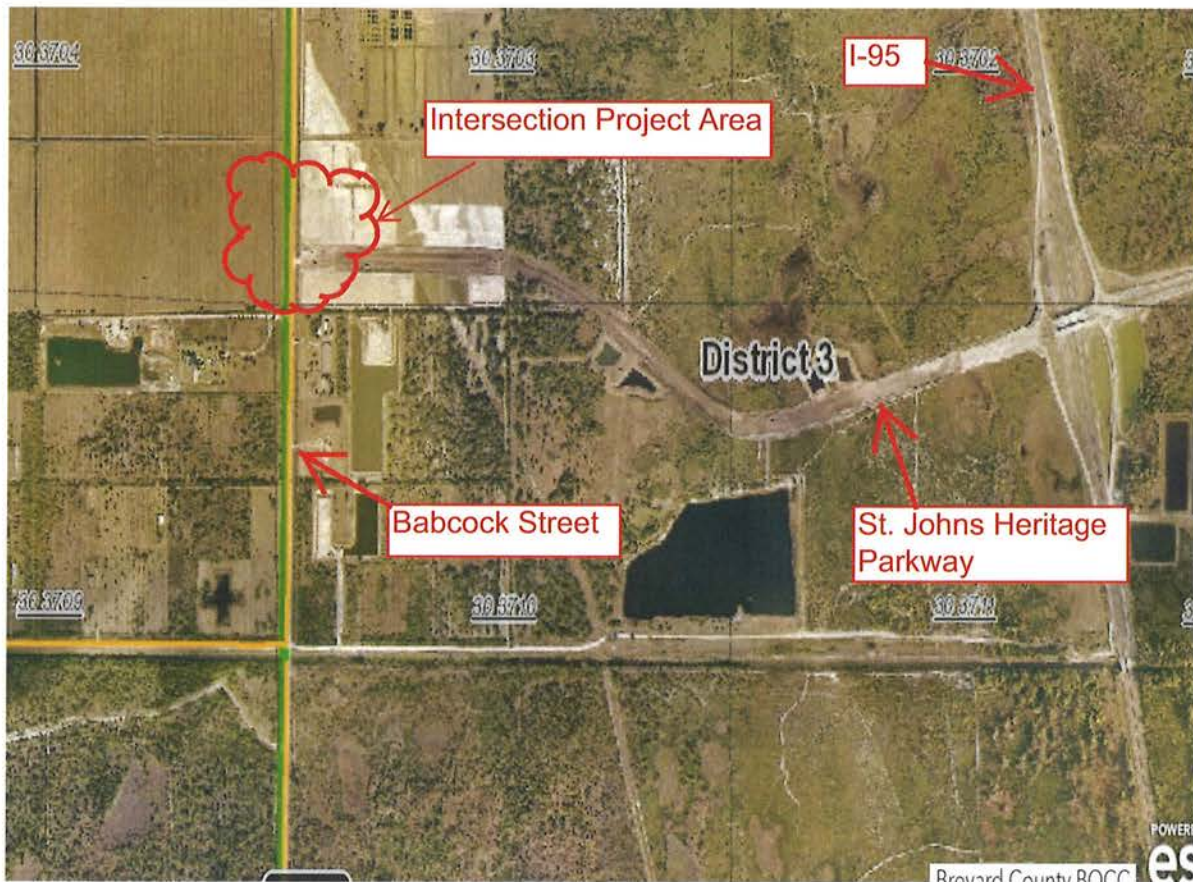
PROJECT NUMBER 19-29
SHEET 5 OF 5

LOCATION MAP

Sections 3 & 10, Township 30 South, Range 37 East - Districts 3 & 5

PROPERTY LOCATION: The intersection of St. Johns Heritage Parkway and Babcock Street

OWNERS NAME: Brevard County



RESOLUTION 2020-38

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ACCEPTANCE OF REAL PROPERTY CONVEYED TO THE CITY BY THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, LOCATED AT THE INTERSECTION OF THE ST. JOHNS HERITAGE PARKWAY AND BABCOCK STREET, FOR THE PURPOSE OF IMPROVEMENTS TO THE RIGHTS-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brevard County, Florida (COUNTY), owns certain rights-of-way and easement rights for public road right-of-way within the City of Palm Bay known as St. Johns Heritage Parkway Intersection and Babcock Street, and

WHEREAS, the City of Palm Bay entered into an Interlocal Agreement, incorporated herein as Exhibit 'A', with the Brevard County Board of County Commissioners for the City to accept the property subject to specific conditions contained therein, and

WHEREAS, the City Council desires to formally accept the property so conveyed for the purpose of improvements to the rights-of-way.

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 formally accepts the property legally described herein as Exhibit 'B'.

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

City of Palm Bay, Florida
Resolution 2020-38
Page 2 of 2

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

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

INTERLOCAL AGREEMENT

ST JOHNS HERITAGE PARKWAY INTERSECTION AND BABCOCK STREET

This Agreement, made and entered into by and between the Brevard County, Florida, a political subdivision of the State of Florida hereinafter referred to as "County" and the City of Palm Bay, Brevard County, Florida, hereinafter referred to as "City"

Recitals

WHEREAS the City desires to complete intersection improvements at Babcock Street and the newly constructed St Johns Heritage Parkway, defined below as Intersection Project and

WHEREAS the County and City jointly agree that the success of the future widening of Babcock Street south of Malabar Road will require joint partnership, planning and resource allocations to complete the project for the benefit of the public and

WHEREAS, the County and the City have entered into a Joint Planning Agreement dated July 26 2016 and as recorded in ORB 8514, PG 1709 of the Official Records of Brevard County, Florida which includes as part of Exhibit C of the Joint Planning Agreement an agreement that the City will accept maintenance responsibility for segments of Babcock Street within six months after four laning is complete and

WHEREAS, the County and the City have agreed that it is in the best interest of both parties that the City will take ownership of the portion of Babcock Street necessary for the Intersection Project.

NOW THEREFORE, the County and City covenant and agree that they have full power and authority to enter into this Agreement and bind their respective governmental entities as follows

1 Recitals

The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this Agreement

2 Statutory Authority

This Agreement shall be considered an Interlocal Agreement pursuant to authority of Florida Statutes Chapter 163 Part 1 2013

3 Existing Joint Planning Agreement

This Agreement is not intended to replace the Joint Planning Agreement (J P A.) between the County and the City, dated July 26, 2016 and as recorded in ORB 8514, PG 1709 of the Official Records of Brevard County Florida. Pursuant to Article III Section 9 of the J P.A future transfers of right-of-way require a separate agreement This Agreement shall fulfill the requirements of the J P.A in regards to maintenance and ownership transfers of Babcock Street from the County to the City

Definitions

4 Development

Shall be defined as set forth in Sections 163.3164(13), Florida Statutes (2002), as amended or superseded from time to time

5 Future Project

Widening of Babcock Street from south of Micco Road (Deer Run Road) to Malabar Road from the current two lane roadway to a four lane roadway, a distance of approximately nine miles as shown in Exhibit E and included for illustrative purposes only, to include associated improvements such as identified in the Florida Department of Transportation (F D O T) Project Development and Environment Study (P D.& E.) Study and as amended Financial Project No 437204 1

- a This Agreement does not address ownership and maintenance of the Interstate 95 bridge overpass on Babcock Street currently owned and maintained by F D O T There are no commitments made by the City and County to assume ownership and maintenance responsibility for the Interstate 95 bridge overpass

6 Intersection Project

Means those intersection improvements that the City shall construct at the St Johns Heritage Parkway (S.J H P) and its intersection with Babcock Street and further defined in this Section as Phases 1, 2 and 3

Phase 1

Means the first phase of the Intersection Project The City shall construct and maintain an at grade three leg intersection to allow for the temporary opening of the St. Johns Heritage Parkway to traffic Improvements to include the installation of a span wire traffic signal at said intersection in substantial conformance with the 100% plans approved in County Right-of-Way/Easement Permit No 19RW00460 attached hereto as Exhibit A No additional right-of-way or stormwater infrastructure are necessary for this phase

Phase 2

Means the second phase of the Intersection Project. The City shall construct and maintain southbound left turn lane improvements and associated tapers at said intersection, to meet opening year geometry recommendations on Babcock Street in substantial conformance with the 100% plans approved in County Right-of-Way/Easement Permit No. 20RW00080, attached hereto as Exhibit B. No additional right-of-way or stormwater infrastructure are necessary for this phase.

Phase 3

Means the third phase of the Intersection Project. The City shall construct and maintain an improved intersection and widen Babcock Street to include turn lanes, deceleration lanes, sidewalks, drainage, and the installation of a mast arm traffic signal system at said intersection in substantial conformance with the 100% plans approved in County Right-of-Way/Easement Permit No. 20RW00081, attached hereto as Exhibit C. The intersection will be at final raised grade of the new roadways and generally comply with the typical sections as preliminarily identified in the Florida Department of Transportation (F.D.O.T.) Project Development and Environment Study (P.D.&E.) Study Financial Project No. 437204.1 and build out geometry recommendations. Additional right-of-way acquisition is needed for this phase.

Intersection Project

7 Maintenance and Ownership Transfer

- a. The County and the City agree that upon the Effective Date of this Agreement, the City shall accept ownership and maintenance responsibilities of the Intersection Project area (including all retention/detention ponds and off-site acquisitions related to the Intersection Project) and all associated improvements within the limits of the Intersection Project as shown in Exhibit C, and as revised in accordance with Section 31, in accordance with state statute.
- b. The County shall prepare a county deed and resolution and any other documents necessary to effectuate the conveyance and transfer of the roadway for the portion of the Intersection Project as described above in Section 7 a. The City agrees to pass a resolution accepting transfer of ownership and maintenance from the County. The transfer of the property shall be completed within sixty days of the Effective Date of this Agreement.
- c. The City agrees to annex all areas for the portion of the Intersection Project as described above in Section 7 a within one hundred and twenty days of the Effective Date.
- d. The County shall retain permit authority over right-of-way permits.

19RW00460 20RW00080 and 20RW00081 as part of the Intersection Project until such time as Intersection Project is complete and the associated right of way permits are closed and certificates of completions have been issued. The City shall assume all other permitting authority associated with Intersection Project area.

8 Right of Way for Intersection Project Phase 3

The City shall be responsible for acquisition of all right-of-way within City limits that may be necessary for Phase 3 of the Intersection Project. All acquisitions of right of-way by the City, whether voluntary or involuntary, shall conform to Federal Highway Administration and F D O T rules, procedures, and standards. Failure to follow applicable rules, procedures, and standards may require the City to re-acquire right-of-way at its own expense.

9 Permitting and Stormwater

The City shall be required to secure any permits required by any other permitting agencies with jurisdiction necessary to support the Intersection Project and will coordinate with Developers and the County regarding any joint permit applications as needed.

- a. The City shall be required to demonstrate that the rights to discharge Intersection Project stormwater off-site by agreement or easement has been obtained. The County shall extend all approved right-of-way permit expirations to comply with the timelines as outlined in Section 12 of this Agreement.

10 Construction Plans

The City agrees to construct the Intersection Project in substantial conformance with the permitted plans conceptually shown in Exhibits A through C. The Intersection Project design shall meet or exceed F D O T and County standards. The County acknowledges the City is conducting further review of Exhibit C plans to achieve value engineering changes to reduce the cost of Phase 3. The County commits that it will work with the City to value engineer Phase 3 of the Intersection Project to try and reduce the overall cost of Phase 3. Any design changes needed or proposed shall meet or exceed F D O T and County standards and be approved by the Engineer of Record and County via a revision to the permit. Failure of the City to construct per the approved plans, or failure to seek County Public Works Department approval of any substantial changes in the approved plans through a formal permit modification, shall constitute a breach of this Agreement.

11 Construction

Both parties agree that the City shall be the lead agency to perform all work on the Intersection Project. County shall not be a party to the contract with contractor selected.

by City to build any phase of the Intersection Project. Nothing in this Agreement shall be in any way construed to constitute the County or any of its agents or employees, to be an agent, employee or representative of the City. Construction completion shall be in accordance with the project timeline as defined in Section 12 of this Agreement.

12 Project Timeline

Within five days of the effective date of this Agreement, the County shall issue the Right of Way/Easement Permit No. 19RW00460 to the City for the construction of Phase 1. The City agrees to the following timeline for completion of the Intersection Project:

- a. December 31, 2020: The City shall fund and complete construction of Phase 1. Upon joint final inspection of constructed improvements and subsequent County approval, the County shall allow the intersection to be opened to traffic.
- b. December 31, 2020: The City shall obtain all permits, fund and complete construction of Phase 2. The City shall be required to closeout all applicable permits. Upon joint final inspection of constructed improvements, receipt of all closeout documentation, and subsequent County approval, the County shall closeout the right-of-way permits for Phases 1 and 2.
- c. December 31, 2021: The City shall complete acquisition of all right-of-way for Phase 3.
- d. July 31, 2023: The City shall fund and obtain all permits for the construction of Phase 3.
- e. December 31, 2023: The City shall complete utility relocation and construction of Phase 3 improvements. The City shall be required to closeout all applicable permits. Upon joint final inspection of constructed improvements, receipt of all closeout documentation, and subsequent County approval, the County shall closeout the right-of-way permit for Phase 3.

Timeline dates agreed to herein may be extended by written agreement of both parties at least ninety days prior to the date of the specific item. Additionally, the City may submit an independent traffic analysis, funded by the City or a third party and signed and sealed by a Professional Engineer licensed in the State of Florida, to demonstrate that the improvements contemplated in Phase 3 of the Intersection Project are not necessary by the deadlines in this Section and could be delayed. The County shall review the submitted traffic analysis and provide a response within 60 days. Should the County agree with the traffic analysis and agree to delay Phase 3 of the Intersection Project, a written amendment shall be required as outlined in Section 31 of this Agreement.

13 Bond

The City shall provide a copy of the Public Construction Bond obtained by the City from the chosen contractor to the County before the start of Phases 2 and 3 of the Intersection Project.

Project Failure to provide proof of said bond shall result in revocation of intent to issue Right-of-Way/Easement Permits for said phase. The City shall not release any Public Construction Bond until all County and other jurisdictional permits have been completed and/or closed out. The County shall be named additional Obligee on all Public Construction Bonds with the authority to call the Public Construction Bond and direct Surety to complete construction.

14 Construction Review Meetings

The County shall have the right to have a representative present at any construction related meetings such as preconstruction conference, site meetings, and progress meetings. The City shall promptly provide advance notice of date, time and location of any construction related meeting unless an emergency meeting is required in which case all best efforts shall be made to contact the County's Representative or designee.

The County shall be conducting inspections during the Intersection Project and shall report any findings to the City. If at any time any defects shall be found prior to final completion of the Intersection Project, the County shall provide notice to the City giving the City a cure period to correct such defects. Prior to the release of any Public Construction Bond, the County and the City shall conduct a joint final inspection.

Future Project

15 Transportation Impact Fees

Upon the Effective Date of this Agreement and until completion of the Future Project, the County and the City further agree to set aside transportation impact fees for the future widening and improvements of Babcock Street south of Malabar Road as follows:

- a. The City agrees, following payment of existing debt and impact fee credit obligations in effect at the Effective Date of this Agreement paid for out of the transportation impact fee fund, to set aside 50% of the transportation impact fees received for any new development in the area south of Eldron Boulevard SE and San Filippo Drive, and south of San Filippo Drive to Lowry Boulevard SE as shown in Exhibit D as well as any other property annexed by the City south of Malabar Road. The City shall not provide impact fee credits for the portion of set aside required by this Agreement, except for the following:
 - i. Donations of right-of-way along Babcock Street needed for the Future Project as determined by the P.D.&E. or final design of Future Project as defined in Section 5 (Definitions).
 - ii. Purchase of right-of-way needed for Future Project as determined by the P.D.&E. or final design of Future Project as defined in Section 5 (Definitions).

- iii Design and construction on Babcock Street resulting in widening to a minimum of a 4 lane configuration to match the typical sections and recommendations as found in the P D.&E or final design of Future Project as defined in Section 5 (Definitions)
 - iv Purchase of stormwater retention area necessary for Future Project as determined by the P D.&E or final design of Future Project as defined in Section 5 (Definitions),
 - v Floodplain compensation area and/or Wetland Mitigation as necessary for Future Project as determined by the P D.&E or final design of Future Project as defined in Section 5 (Definitions) with agreement of all Parties
- b The County agrees to set aside 50% of the transportation impact fees received for any new development in the unincorporated area in that portion of the south mainland benefit district located south of Grant Road and west of the Florida East Coast Railway right-of-way The County shall not provide impact fee credits for the portion of set aside required by this Agreement except for the following
 - i Donations of right-of way along Babcock Street needed for the Future Project as determined by the P D.&E or final design of Future Project as defined in Section 5 (Definitions),
 - ii Purchase of right-of-way needed for Future Project as determined by the P D.&E or final design of Future Project as defined in Section 5 (Definitions)
 - iii Design and construction on Babcock Street resulting in widening to a minimum of a 4-lane configuration to match the typical sections and recommendations as found in the P D.&E or final design of Future Project as defined in Section 5 (Definitions)
 - iv Purchase of stormwater retention area necessary for Future Project as determined by the P D.&E or final design of Future Project as defined in Section 5 (Definitions),
 - v Floodplain compensation area and/or Wetland Mitigation as necessary for Future Project as determined by the P D.&E or final design of Future Project as defined in Section 5 (Definitions) with agreement of all Parties
- c The County will seek separate agreement of the Towns of Malabar and Grant Valkaria to set aside any transportation impact fees collected within the town limits, or any designated portion thereof of the Towns of Malabar and Grant Valkaria up to the percentage allocated by the Towns

- d The County and the City shall provide each other an itemized accounting of all impact fee collections and expenditures in the affected areas referenced in (a) and (b) of this Section at a minimum annually due not later than January 31 of each year hereafter. The itemized accounting shall include the date of collection of the impact fees. The County and the City shall disclose any existing debt and impact fee credit agreements or any other impact fee arrangements with any developers that would impact the amount of impact fees collected pursuant to this Agreement, in effect at the Effective Date of this Agreement. Such disclosure shall occur within 30 days of the Effective Date of this Agreement. Any proposed impact fee credit agreements shall be disclosed prior to legislative action by either body.
- e The impact fees collected for Future Project shall be expended in accordance with applicable City, County, and State laws and ordinances. The County and the City will work diligently to ensure transportation impact fees collected for Future Project are used as outlined in this Section in a timely manner. The Parties agree to send notice to each other one year prior to the expiration of any transportation impact fees collected for Future Project so that the parties may coordinate and identify a manner to expend transportation impact fees collected for Future Project consistent with this Section. The time periods prescribed in the County and City ordinances may be extended for an identified use so long as they will be used in the reasonably immediate future which is defined as no more than one year.
- f All parties acknowledge that F D O T is currently conducting a P D & E Study under Financial Project No. 437204.1 on the Babcock Street corridor from south of Micco Road (Deer Run Road) to Malabar Road. Should F D O T complete all phases of Future Project using state and/or federal funds, any retained transportation impact fees shall be refunded to all parties respectively.
- g Nothing in this Section shall be interpreted to prohibit the County, City, and other governmental agencies from jointly acquiring right-of-way needed for Future Project from other funding sources, so long as all other provisions of the Agreement and applicable laws are followed.

16 Right-of-Way for Future Project

The City and the County agree, as a condition of future development along Babcock Street in the Future Project area, to acquire right-of-way along Babcock Street to be held for the future widening project, and to be transferred to the lead agency for the Future Project. All acquisitions of right-of-way by either the City or the County, will occur within each party's respective jurisdiction, and whether voluntary or involuntary, shall conform to Federal Highway Administration and F D O T rules, procedures, and

standards Failure to follow applicable rules procedures and standards may require the City or the County to re-acquire right-of-way at its own expense

17 Joint Planning and Concurrency for Future Project

- a The City and the County agree that coordination regarding future development, as further described in the Joint Planning Agreement (J.P.A.) dated July 26 2016 and as recorded in ORB 8514, PG 1709 of the Official Records of Brevard County, Florida, is necessary to support concurrency for Babcock Street. The parties further agree to coordinate through the Joint Planning Agreement process on mitigation strategies if a transportation assessment determines that a proposed development project will potentially result in a deficiency in the Level of Service for Babcock Street.
- b The City and County agree that termination of the aforementioned J.P.A. will not remove the obligations of both parties to follow the Development Order Application process outlined in Article II, Paragraph 13 and Article III of the aforementioned J.P.A. as it applies to Babcock Street which sections shall be incorporated herein by reference with the same force and effect as though fully set forth herein

18 Construction of Future Project Widening

Each party shall have the right to have a representative present at any construction-related meetings, such as preconstruction conferences, site meetings, and progress meetings which shall be set at such time and place as the parties deem appropriate Prompt notice shall be provided in advance of the date, time and location of any construction-related meeting unless an emergency meeting is required in which case all best efforts shall be made to contact each party's designated representative

Each party shall have the opportunity to conduct inspections during the construction and report any findings to the lead agency If at any time any defects shall be found prior to final completion of the project, the party shall provide written notice to the lead agency giving the lead agency a cure period to correct such defects Prior to the release of any Public Construction Bonds, the County and the City shall conduct a final inspection

19 Ownership and Maintenance After Future Project Widening

- a The City hereby reaffirms its prior commitment as stated in the J.P.A. and further agrees to take over ownership and maintenance of any portion of any segment(s) of Babcock Street from the south City limit to Malabar Road after reconstruction and widening to four lanes of travel The City and County consistent with state and local law, agree to take appropriate action to annex sections of Babcock Street into the City after reconstruction and widening to four lanes of travel within one hundred and twenty days of final completion

- b The County shall prepare a county deed and resolution and any other documents necessary to effectuate the conveyance and transfer of the roadway after reconstruction and widening to four lanes of travel. The City agrees to pass a resolution accepting transfer of ownership and maintenance from the County. The transfer of the property shall be completed within sixty days of final completion of any reconstruction and widening to four lanes of travel on Babcock Street from the south City limit to Malabar road.
- c Each party agrees to cooperate in enforcing the construction contracts including but not limited to assignment of contract rights to enforce Public Construction Bonds, claims, warranties and guarantees to the extent requested by the other party.
- d If the County is the lead agency, the County shall deliver to the City all of the following:
 - (i) Plans. Construction plans for any portion of the widened Babcock Street including certified As Built Survey Drawings and Engineer of Record project completion certifications.
 - (ii) Permits. Assignment of and copies of authorizations and permits issued to the County for the construction of the future widening of Babcock Street.

20 Permitting

The City and County jointly agree the parties shall not unreasonably withhold any permits required to be issued for Future Project.

Transfer Upon Over Capacity

21 Segments

The City and County agree that Babcock Street capacity status shall be evaluated in segments as defined and monitored by the Space Coast Transportation Planning Organization (T P O.) and as may be amended from time to time by the T P O. The City and County agree that the traffic count program that is managed by the T P O shall be used to determine the current traffic volume in relation to the Maximum Acceptable Volume (M.A.V.) The M.A.V. of 17,700 is considered the capacity of the road for the purpose of this Agreement.

Notwithstanding the forgoing, the parties agree to the below modification to the T P O defined segments. As the Intersection Project will bisect a current segment (Micco Rd to Grant Rd) as defined by the T P O, upon completion of Phase 1 of the Intersection Project, the City and County agree that the portion of Babcock Street from St. Johns Heritage Parkway to Grant Road will become a new segment for purposes of this

Agreement regardless of whether the TPO changes the segment evaluation of Babcock Street

22 Ownership Transfer Once Capacity Reached

The City agrees that should the Annual Average Daily Traffic (A.A.D T) as determined by the T P O exceed the Maximum Acceptable Volume (M.A V) for any segment of Babcock Street south of Malabar Road, excluding the F.D.O T Interstate 95 bridge area to the southern terminus of the Intersection Project the City shall take over maintenance and ownership of said segment of Babcock Street prior to reconstruction and widening to 4 lanes

- a The County shall prepare a county deed and resolution and any other documents necessary to effectuate the conveyance and transfer of the roadway The City agrees to pass a resolution accepting transfer of ownership and maintenance from the County The transfer of the property shall be completed within 60 days from a determination by the T P O that the A.A.D T exceeds the M.A V
- b The City and County consistent with state and local law agree to take appropriate action to annex segments of Babcock Street into the City once the T P O determines that the A.A.D T exceeds the M.A V if the City has not previously annexed the section of Babcock Street right-of-way

Should any segments of Babcock Street already exceed the M.A V for that segment on the Effective Date of this Agreement the City shall assume ownership and maintenance pursuant to this Section upon reconstruction of the existing two lane configuration by the County or two years from the Effective Date whichever is later

23. Reconstruction Efforts

The County agrees to make reasonable effort to fund and reconstruct existing Babcock Street in its current two lane configuration south of Malabar Road one time notwithstanding ownership transfer in Section 22 (excluding Intersection Project area) The reconstruction may occur in portions over time as funding becomes available and as determined by the County Reconstruction limits methods and specifications shall be at the sole discretion of the County, subject to the treatment activities described further The appropriate treatment activity has been determined, at this time, for the following segments of Babcock Street to be reconstructed by Brevard County as follows

- a. Babcock Street from Malabar Road to Saint Street is to be milled and overlaid with 2 SP 12.5 fiber reinforced superpave asphalt concrete plus 1 5" FC 12.5 fiber reinforced asphalt concrete friction course
- b Babcock Street from Saint Street to Micco Road (excluding the limits of the Intersection Project) is to receive full-depth reclamation of the existing asphalt

and base material, and 2" SP 12.5 fiber reinforced superpave asphalt concrete plus 1.5 FC 12.5 fiber reinforced asphalt concrete friction course

- c. The Babcock Street and Wyoming Drive/Valkaria Road Intersection Improvement project that is currently under construction is to receive both of the above mentioned activities as designed and in accordance with the existing plans and contract

The assessment and evaluations are performed in accordance with national standards. Should the assessment or evaluation change or new methodologies become available the County shall have the discretion to alter the appropriate activity. However, Pavement Preservation treatments such as rejuvenators or micro-surfacing, will not be used.

Standard Conditions

24 Notices

All notices required pursuant to the terms hereof may be sent by first class United States Mail, facsimile transmission, hand delivery, express mail or electronic mail (e-mail) and shall be deemed to have been received by the end of five business days from the proper sending thereof unless proof of prior actual receipt is provided. Each party hereto shall have the continuing obligation to notify each other of the appropriate persons for notices to be sent to pursuant to the terms of this Agreement.

- a. General Notices Unless otherwise notified in writing, general notices shall be sent to the following:

- i. City Representative

Lisa Morrell
City Manager
120 Malabar Rd SE
Palm Bay, FL 32907

- ii. County Representative

John Denninghoff
Assistant County Manager
2725 Judge Fran Jamieson Way, Suite C 301
Viera, FL 32940

With a copy to

Tammy Thomas Wood
Support Services Manager
2725 Judge Fran Jamieson Way Suite A 201
Viera, Florida 32940

b All notices related to design, construction, construction meetings, permitting or engineering shall be sent to the following

i City Representative

City of Palm Bay Public Works Department
Frank Watanabe P E City Engineer
1050 Malabar Rd
Palm Bay Florida 32907

ii County Representative

Brevard County Public Works Engineering
Attn Rachel Gerena P E Engineering Program Manager
2725 Judge Fran Jamieson Way, Suite A 204
Viera Florida 32940

With a copy to.

John Denninghoff
Assistant County Manager
2725 Judge Fran Jamieson Way, Suite C-301
Viera FL 32940

25 Indemnification

To the extent allowed by law and subject to the provisions set forth in Sec 768.28 Florida Statutes, each party is responsible for the negligent or wrongful acts or omissions of its own employees agents or other representatives while acting within the scope of their employment or otherwise within their authorized capacity, arising from the activities encompassed by this Agreement. Nothing contained within this Agreement requires either party to indemnify the other party for any losses, damages or injuries caused by or otherwise arising from the negligent or wrongful act or omission of its employees agents or representatives. Neither party by execution of this Agreement will be deemed to have waived its statutory right/defense of sovereign immunity, or to have increased its limits of liability under Sec 768.28, Florida Statutes as may be amended from time to time. Each party shall retain all rights, defenses, and remedies under Florida law in the event of any claims, suits or other disputes arising from its performance of the obligations under this Agreement. Nothing in this Agreement shall be interpreted to create any causes of action for any third parties not a party to this Agreement.

26 Insurance

The City shall require the contractor to name Brevard County as additional insured for all work associated with Phases 2 and 3. In any contract for the construction of any Phase of Intersection Project in this Agreement the City shall require contractor to indemnify and defend County.

27 Public Records

The County and the City shall comply with Florida's Public Records Laws and agree to keep and maintain public records in accordance with Florida law and records retention schedules. Further the parties will ensure that records which are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

28 Attorney's Fees

In the event of any legal action to enforce the terms of this Agreement, each party shall bear its own attorney's fees and costs.

29 Default

Either party to this Agreement, in the event of any act of default by the other, shall have all remedies available to it under the laws of the State of Florida.

30 Severability

If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can still be accomplished.

31 Entirety

This Agreement represents the understanding and agreement of the parties in its entirety. There shall be no amendments to the Agreement unless such amendments are in writing and signed by both parties. The County and the City acknowledge and agree that this Agreement was mutually negotiated and drafted and, if an ambiguity requires judicial interpretation, the terms of this Agreement shall not be more harshly construed against one party over the other party. The construction plans as shown in Exhibits A through C are conceptual in nature. The parties agree that Exhibits A through C may be modified through the County permit approval process.

32 Recording

Upon execution of the Agreement, the County shall record a fully executed original of this Agreement in the Public Records of Brevard County, Florida, and shall return a recorded Agreement to the City Representative listed in Section 24.

33 Effective Date

Pursuant to Chapter 163, Florida Statutes, the effective date of this Agreement shall be the date on which it is recorded with the Clerk of the Circuit Court in and for Brevard County.

34 Applicable Law

This Agreement and the provisions herein shall be construed controlled and interpreted according to the laws of Florida

35 Venue and Non-Jury Trial

Venue for any action brought by any party to this agreement to interpret, construe or enforce this agreement shall be in a court of competent jurisdiction in and for Brevard County Florida and any trial shall be non jury

36 Breach

If the County or the City shall allege or otherwise assert the other party has failed to perform any of its material obligations under this Agreement, the non defaulting party shall provide written notice of such breach specifying in reasonable detail the nature of such breach or failure of condition. The party alleged to have breached the Agreement shall have forty five days after receipt of such notice to cure such breach. Failure to timely begin any Phase of construction or failure to complete any Phase shall be a breach of this Agreement. The failure to issue Right-of-Way/Easement permit number 19RW00460 within five days by the County shall be a breach of this Agreement. Either party may extend the time to cure any breach beyond forty five days provided the defaulting party commences reasonable action to cure within the forty-five-day cure period and continuously pursues the cure to completion

37 Termination

This Agreement will terminate upon the completion of the Future Project and all fees set aside in accordance with Section 15 will no longer be set aside

38 Binding Effect

Each party represents to the other it has undertaken all necessary actions to execute this Agreement and has the legal authority to enter this Agreement and to undertake all obligations imposed on it

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY—SIGNATURES ON FOLLOWING PAGES]

In witness whereof we have set our hands and seals on the day and year written below

Attest

City of Palm Bay



City Clerk

By William Capote
William Capote, Mayor

04 24 20
Date

Attest

Board of County Commissioners
of Brevard County Florida

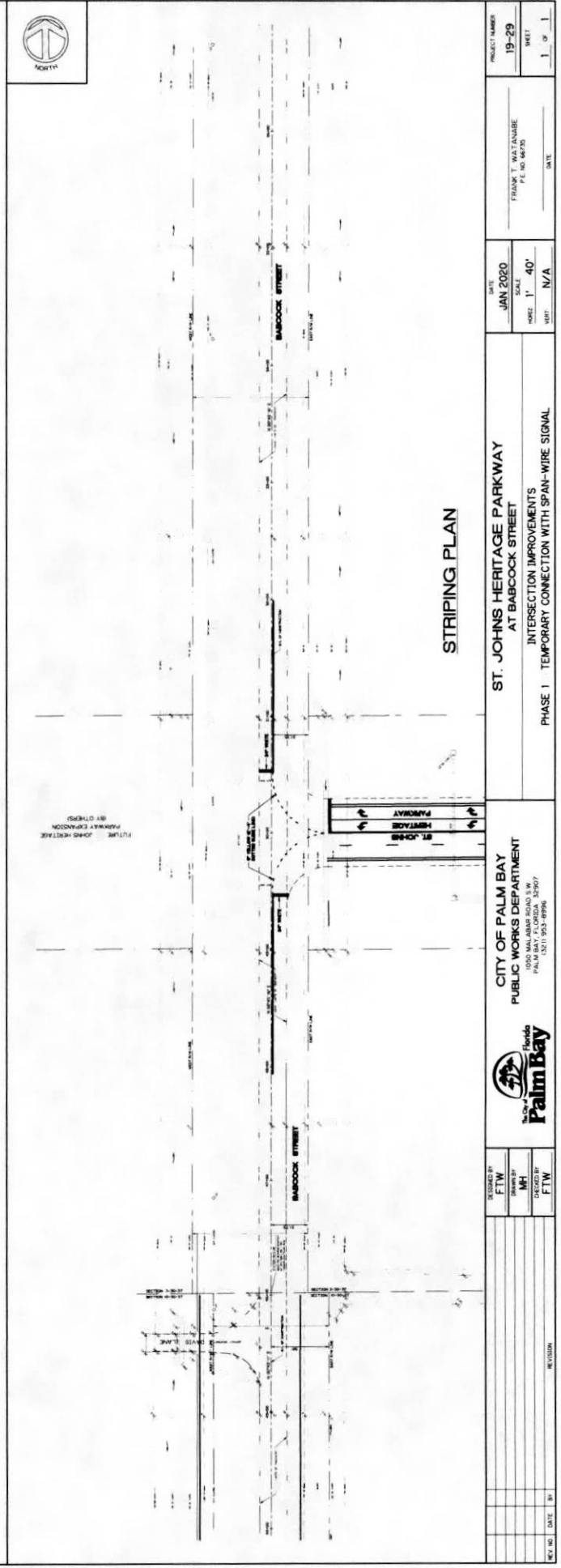
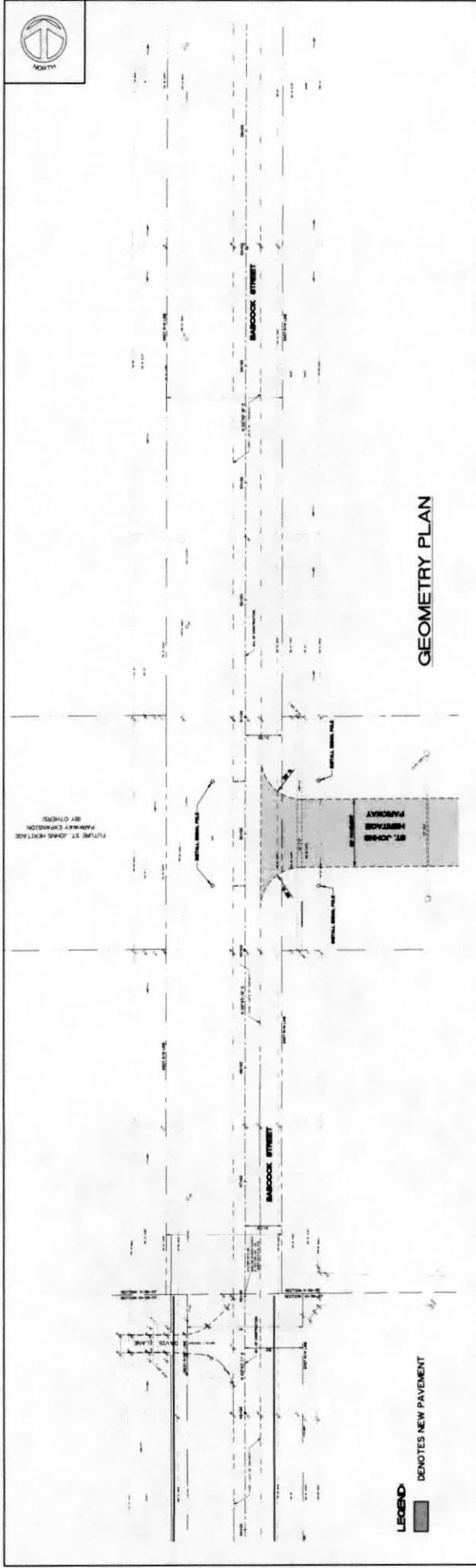
Scott Ellis, Clerk

By _____
Bryan Lober, Chair
As approved by the Board on _____

Reviewed for Legal Form and Content

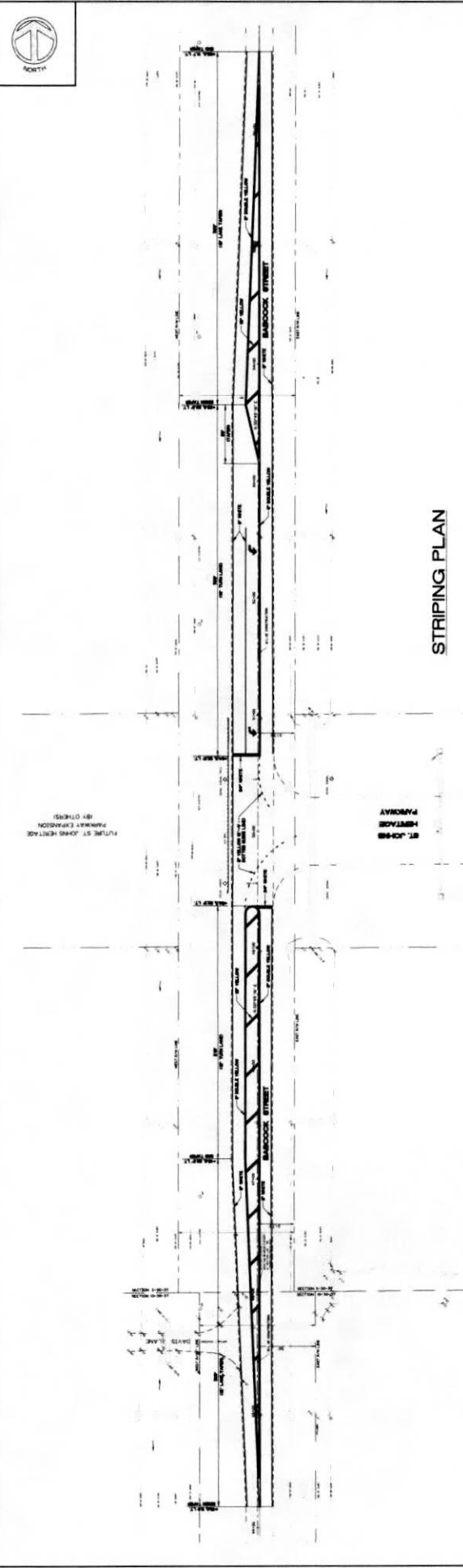
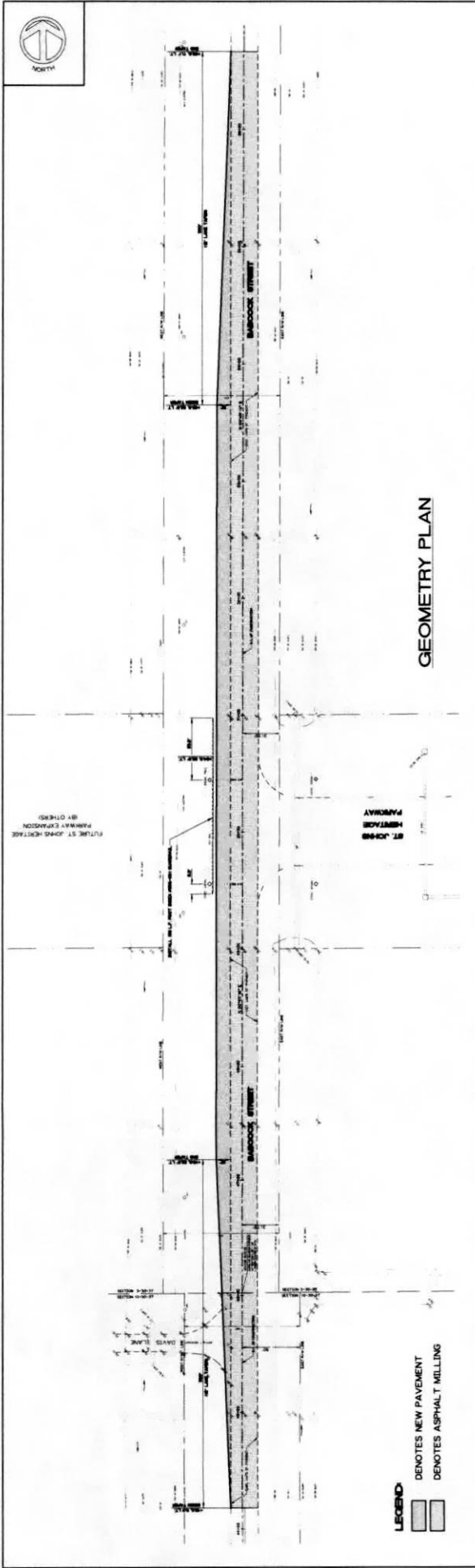
Assistant County Attorney

Exhibit A



CITY OF PALM BEACH PUBLIC WORKS DEPARTMENT 1000 PALM BEACH BOULEVARD, SUITE 300 PALM BEACH, FL 33480		PROJECT NUMBER 19-29	
DESIGNED BY FTW		DATE JAN 2020	
DRAWN BY MTH		SCALE HORIZ 1" = 40' VERT N/A	
CHECKED BY FTW		PROJECT NAME ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET	
REVISION		INTERSECTION IMPROVEMENTS PHASE 1 TEMPORARY CONNECTION WITH SPAN-WIRE SIGNAL	
DATE		SHEET 1 OF 1	

Exhibit B



ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS PHASE 2 LEFT TURN LANE		CITY OF PALM BAY PUBLIC WORKS DEPARTMENT 1000 MALABAR ROAD, S.W. PALM BAY, FL 32909	DESIGNED BY FTW	DRAWN BY FTW	CHECKED BY FTW
PROJECT NUMBER 19-29	DATE JAN 2020	SCALE HORIZ: 1" = 40' VERT: N/A	FRANK A. TANABE E. NO. 40725 DATE		
SHEET 1 OF 1		PLANT 1: 1" = 40'			

ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS



OCTOBER 2019



OWNER: CITY OF PALM BAY
120 MALABAR ROAD SE
PALM BAY, FLORIDA 32907

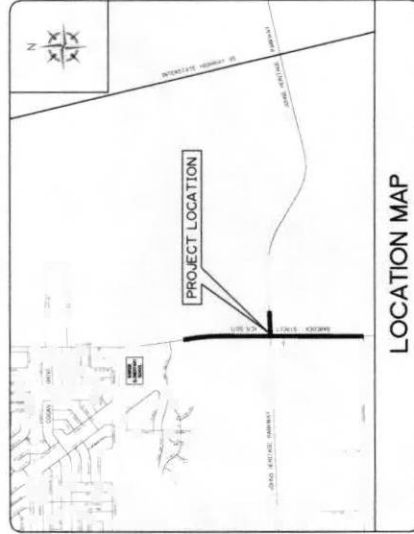
SITE ADDRESS: ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET
PALM BAY, FLORIDA 32909

LOCATION: SECTIONS 3 & 10, TOWNSHIP 30 SOUTH, RANGE 37 EAST

ZONING: N/A

F.L.U.C.C.S.: 1900 OPEN LAND

DESCRIPTION OF WORK: ROAD CONSTRUCTION, PAVING AND TRAFFIC SIGNAL
AT BABCOCK STREET APPROXIMATELY 2,875 L.F.
SOUTH OF AND 2,550 L.F. NORTH OF ST. JOHNS
HERITAGE PARKWAY, ALONG WITH DRAINAGE
IMPROVEMENTS AND FINAL STRIPING.
(5.425 L.F. / 1.03 MILES)

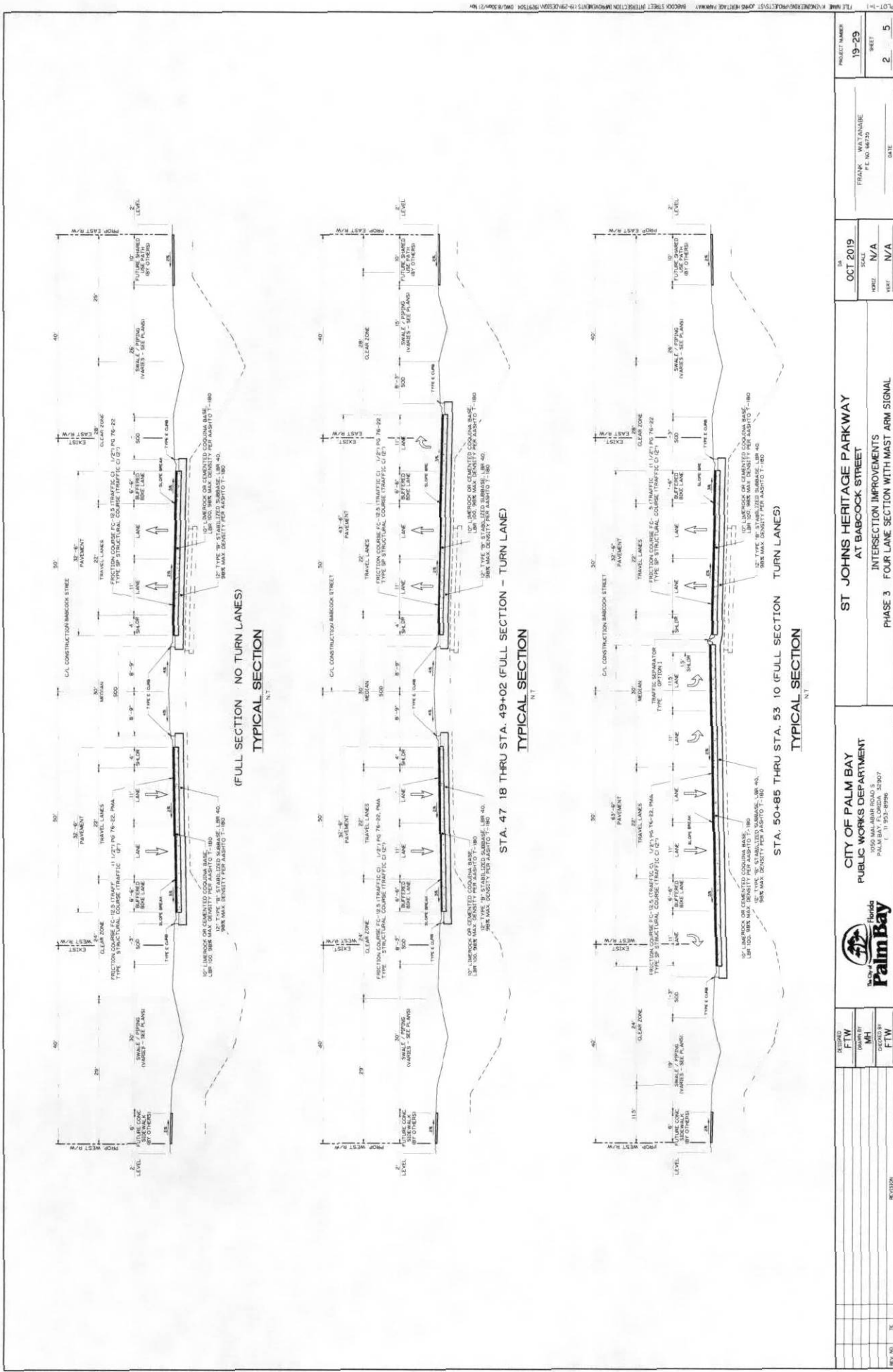


UTILITIES ENCOUNTERED	
FLORIDA POWER AND LIGHT (POWER)	(321) 726-4864
SPECTRUM (CABLE)	(321) 757-8451
A & (TELEPHONE)	(321) 258-9244
PALM BAY C & I T (F.O.C)	(321) 952-3475
PALM BAY UTILITY DEPARTMENT (WATER & SEWER)	(321) 952-3410

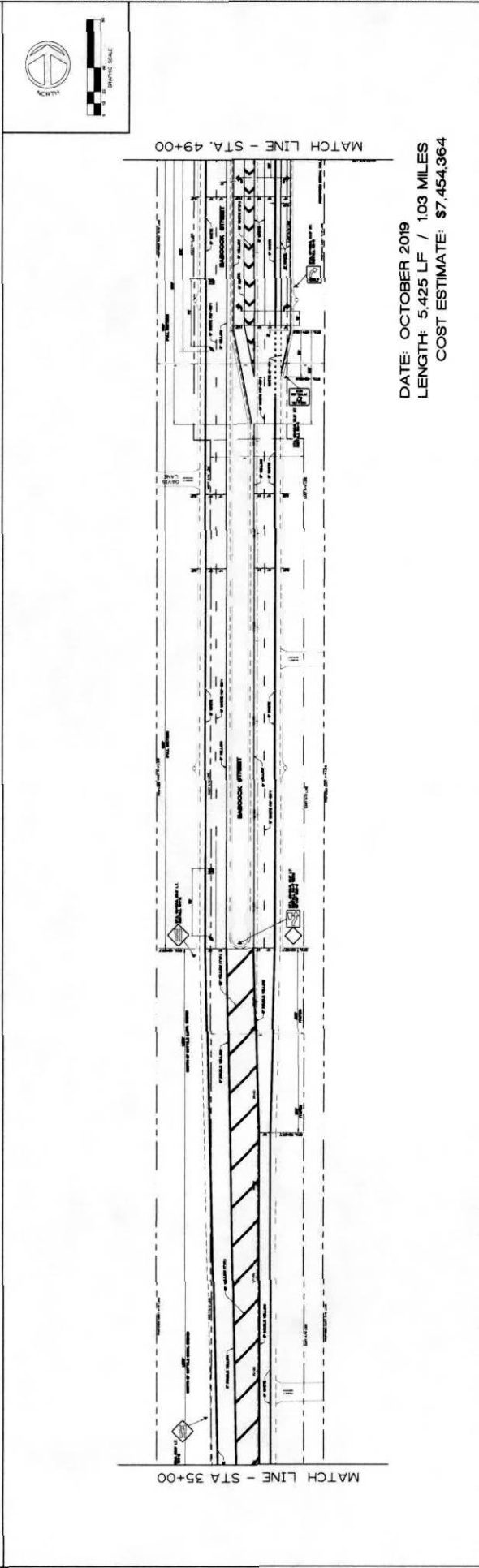
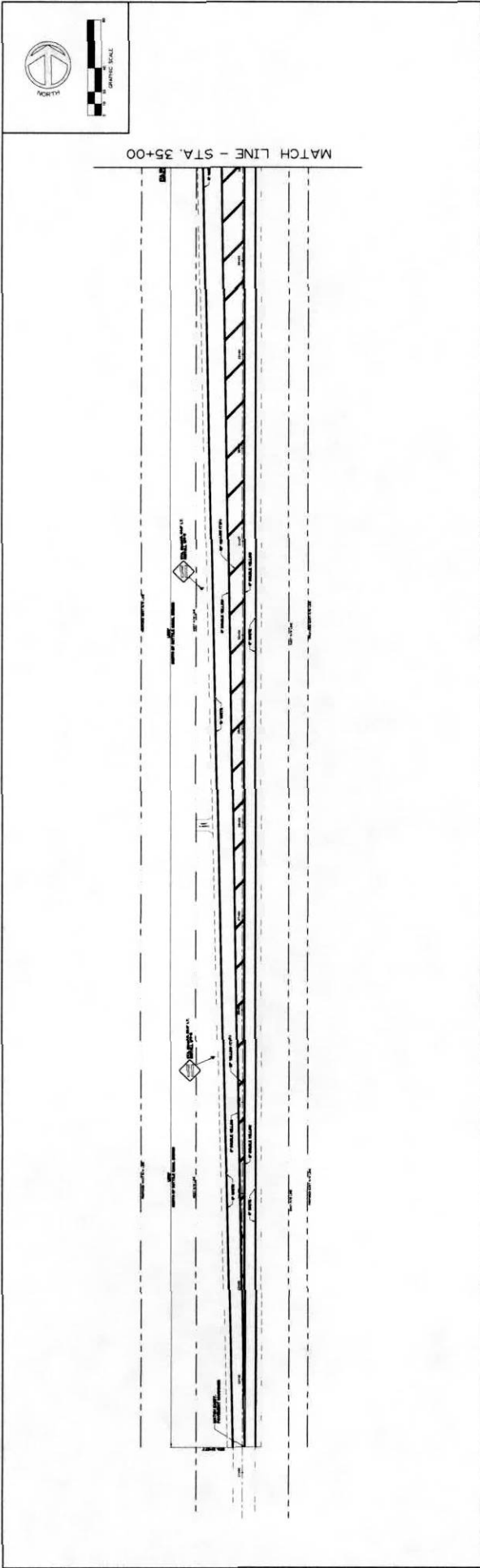
INDEX OF SHEETS

1	COVER SHEET
2	GENERAL NOTES
3	STORMWATER POLLUTION PREVENTION PLAN
4	TYPICAL ROADWAY SECTIONS
5	PLAN & PROFILE STA. 21+00 THRU STA. 27+00
6	PLAN & PROFILE STA. 27+00 THRU STA. 33+00
7	PLAN & PROFILE STA. 33+00 THRU STA. 39+00
8	PLAN & PROFILE STA. 39+00 THRU STA. 45+00
9	PLAN & PROFILE STA. 45+00 THRU STA. 51+00
10	PLAN & PROFILE STA. 51+00 THRU STA. 57+00
11	PLAN & PROFILE STA. 57+00 THRU STA. 63+00
12	PLAN & PROFILE STA. 63+00 THRU STA. 69+00
13	PLAN & PROFILE STA. 69+00 THRU STA. 74+00
14	PLAN & PROFILE STA. 74+00 THRU STA. 76+00
15	DETAIL SHEET
16	CROSS SECTIONS - 1 THRU 4 (STA. 21+15 THRU STA. 27+00)
17	CROSS SECTIONS - 5 THRU 8 (STA. 29+00 THRU STA. 35+00)
18	CROSS SECTIONS - 9 THRU 12 (STA. 37+00 THRU STA. 42+50)
19	CROSS SECTIONS - 13 THRU 16 (STA. 45+00 THRU STA. 51+00)
20	CROSS SECTIONS - 17 THRU 20 (STA. 52+50 THRU STA. 60+00)
21	CROSS SECTIONS - 21 THRU 24 (STA. 62 18 THRU STA. 68+18)
22	CROSS SECTIONS - 25 THRU 28 (STA. 70+18 THRU STA. 76+28)
23	MAINTENANCE OF TRAFFIC - PHASE 1
24	MAINTENANCE OF TRAFFIC - PHASE 2
25	MAINTENANCE OF TRAFFIC - PHASE 2
26	MARKING & SIGNING STA. 21+00 THRU STA. 33+00
27	MARKING & SIGNING STA. 33+00 THRU STA. 45+00
28	MARKING & SIGNING STA. 45+00 THRU STA. 57+00
29	MARKING & SIGNING STA. 57+00 THRU STA. 69+00
30	MARKING & SIGNING STA. 69+00 THRU STA. 76+00
31	MARKING & SIGNING STA. 69+00 THRU STA. 76+00
32	SIGNALIZATION - PLAN VIEW
33	SIGNALIZATION - MAST ARM TABULATION
34	SIGNALIZATION - MAST ARM ASSEMBLIES
35	TYPICAL ROADWAY SECTIONS (SJHP)
36	PLAN & PROFILE STA. 13001+00 THRU STA. 13007+00 (SJHP)
37	PLAN VIEW OFF SITE DRAINAGE (SJHP)
38	MARKING & SIGNING STA. 13001+38.3 THRU STA. 13006+50 (SJHP)

DESIGNED BY FTW	CITY OF PALM BAY PUBLIC WORKS DEPARTMENT 50 MALABAR ROAD SE PALM BAY, FLORIDA 32907	ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS PHASE 3: FOUR LANE SECTION WITH MAST ARM SIGNAL	DATE OCT 2019	PROJECT NUMBER 19-29
DRAWN BY FTW	SCALE N/A	DATE N/A	DATE N/A	SHEET 1 OF 5

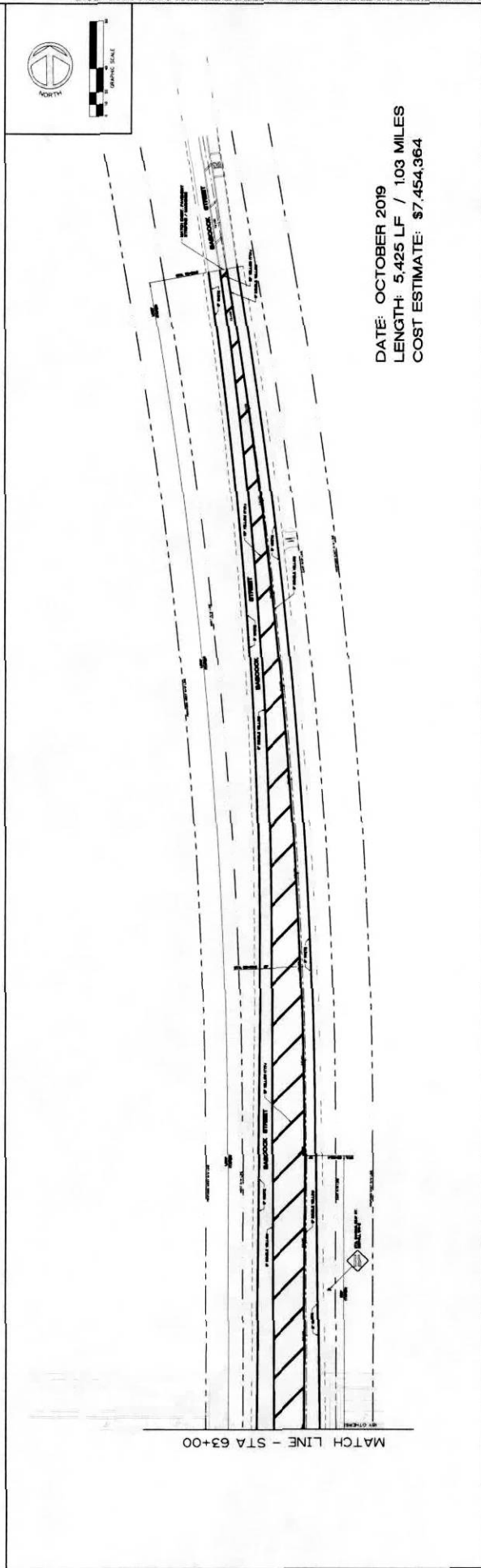
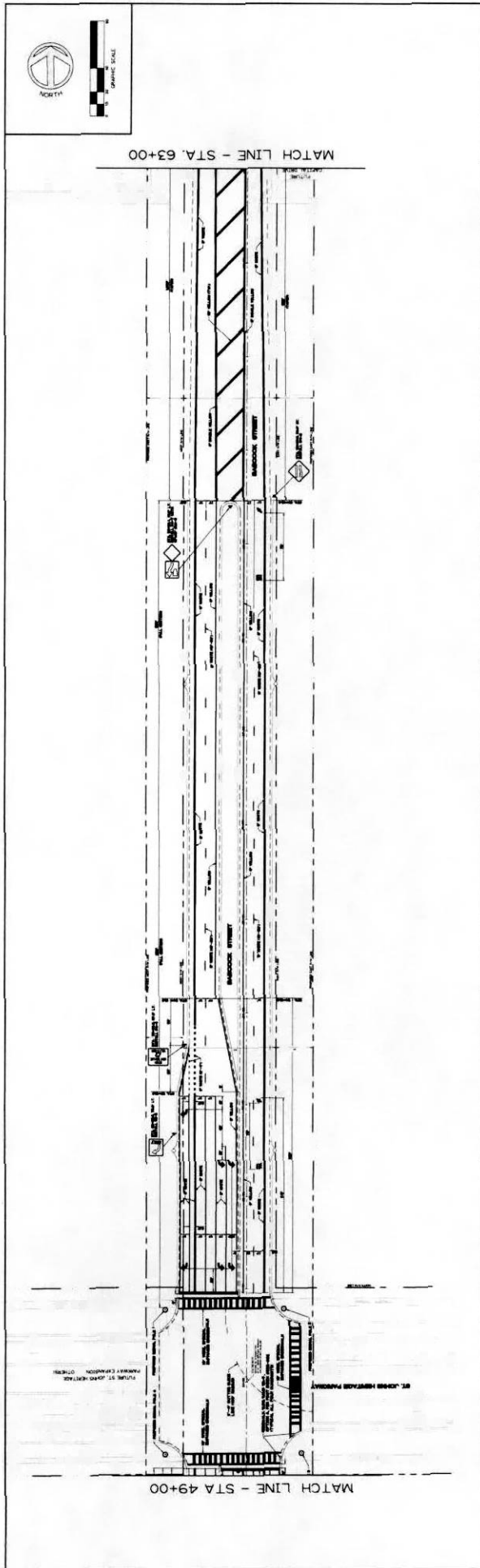


DESIGNED BY FTW	APPROVED BY FTW	CITY OF PALM BEACH PUBLIC WORKS DEPARTMENT 1050 MAX BEAR ROAD S. PALM BEACH, FL 33407 PALM BEACH COUNTY 11/13/2018	ST. JOHNS HERITAGE PARKWAY AT BARBECUE STREET INTERSECTION IMPROVEMENTS PHASE 3 FOUR LANE SECTION WITH WEST ARM SIGNAL	DATE OCT 2019	SCALE N/A	PROJECT NUMBER 19-29	SHEET 2	TOTAL SHEETS 5
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DATE: OCTOBER 2019
 LENGTH: 5,425 LF / 1.03 MILES
 COST ESTIMATE: \$7,454,364

<div> City of Palm Beach PUBLIC WORKS DEPARTMENT 1000 PALM BEACH ROAD, SUITE 200 PALM BEACH, FL 33480-3996 </div>	ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS PHASE 3 - FOUR LANE SECTION WITH MAST ARM SIGNAL		DATE MAR 2019	PROJECT NUMBER 19-29
	DRAWN BY FTW	CHECKED BY FTW	SCALE HORIZ 1" = 50' VERT N/A	SHEET 3 OF 5



DATE: OCTOBER 2019
LENGTH: 5,425 LF / 1.03 MILES
COST ESTIMATE: \$7,454,364

DESIGNED BY FTW	CITY OF PALM BAY PUBLIC WORKS DEPARTMENT 1000 MAJASAR ROAD, S.W. PALM BAY, FL 32909	ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET INTERSECTION IMPROVEMENTS PHASE 3 - FOUR LANE SECTION WITH MAST ARM SIGNAL	SHEET 4 OF 5	PROJECT NAME 19-29
DRAWN BY MH				FRANK T. WATANABE PE NO 64735
CHECKED BY FTW				DATE 04
DATE 07				

1 5

3-SECT. 1-WAY AS 650-1-36
 3-SECT. 1-WAY AS 650-1-34
 3-SECT. 1-WAY AS 653-1-1

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 4 (2)
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CONTROLLER OPERATIONS:
 1. THE MAJOR STREET (BABCOCK STREET) MOVEMENTS 1, 2, AND 6. THE MINOR STREET (ST. JOHNS HERITAGE PARKWAY) MOVEMENT 4.
 2. SIGNAL OPERATING PLAN (SOP 9), AS SHOWN ON THIS SHEET WITH THE FOLLOWING FEATURES:
 A) CONCURRENT PEDESTRIAN MOVEMENTS TO BE DISPLAYED UPON ACTUATION ONLY FOR ALL PEDESTRIAN MOVEMENTS.
 B) PEDESTRIAN MOVEMENT WILL BE A SEPARATE PHASE WITH 7 SECOND WALK AND 36 SECOND CLEARANCE.

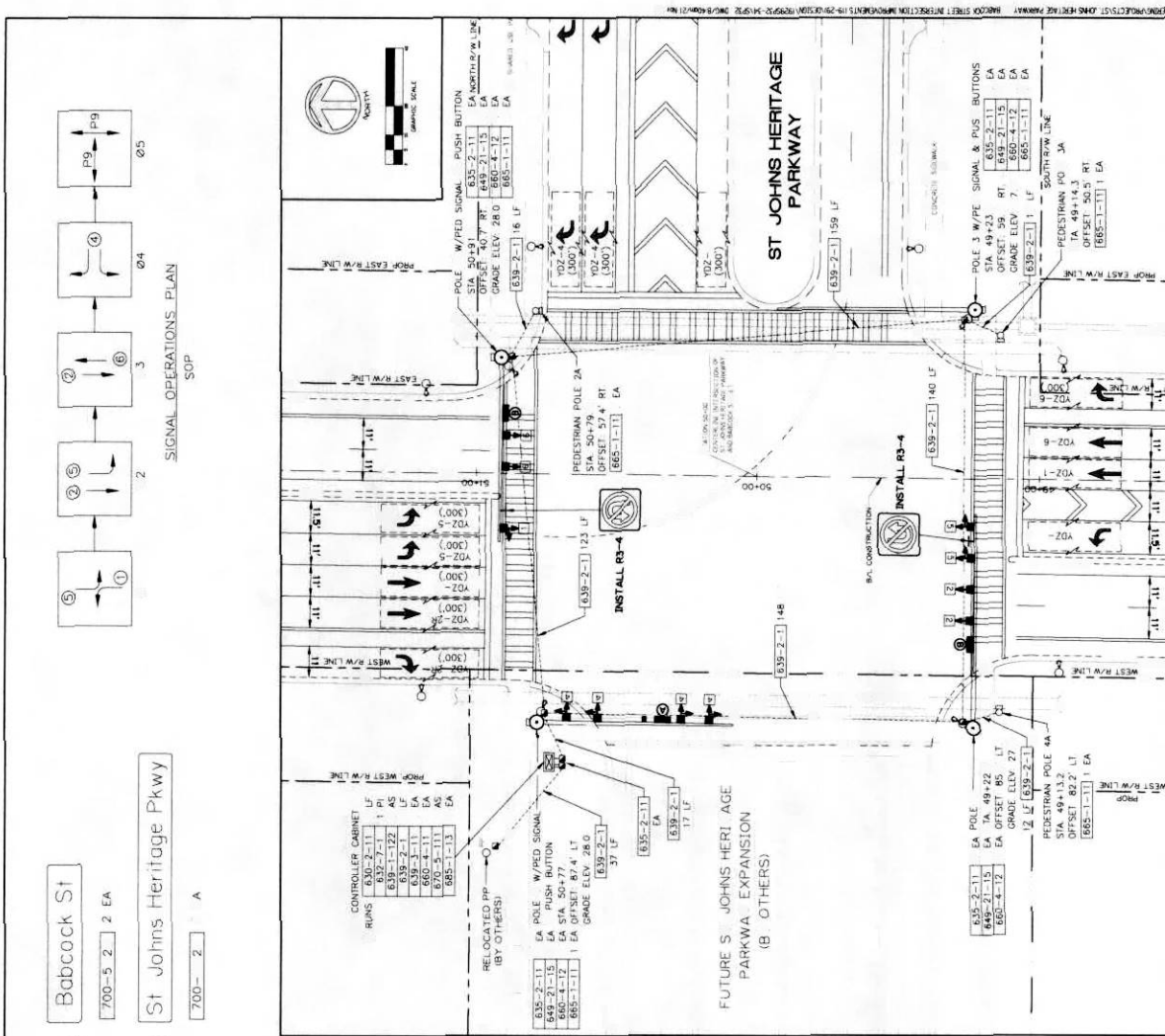
CONTROLLER TIMINGS									
MOVEMENT NUMBER	1	2	3	4	5	6	7	8	9
MINIMUM GREEN	8	8	8	8	8	8	8	8	8
EXTENSION	2	2	2	2	2	2	2	2	2
MAXIMUM GREEN	60	30	60	30	60	30	60	30	60
YELLOW CLEARANCE	4	4	4	4	4	4	4	4	4
ALL RED									
PEDESTRIAN WALK									
PEDESTRIAN CLEARANCE									
RECALL									
DETECTOR FUNCTION	NL	L	L	L	L	L	L	L	NL

DETECTOR CONFIGURATION CHART				
ZONE	DETECTOR NO.	COVERAGE AREA	DETECTOR OPERATIONS	DELAY TIME (SEC)
DZ1	YC 1	10 300	ORMAL	5
DZ2	YC-2	10 300	ORMAL	5
YDZ2	YC	10 300	NORMAL	
YDZ4	YC	10 300	NORMAL	
YDZ5	YC	10 300	ORMAL	
DZ6	YC	0 300	ORMAL	

CITY OF PALM BEAY
 PUBLIC WORKS DEPARTMENT
 1000 PALM BEAY BOULEVARD, SUITE 300
 PALM BEAY, FL 32909

ST. JOHNS HERITAGE PARKWAY
 AT BABCOCK STREET
 INTERSECTION IMPROVEMENTS
 PHASE 3: FOUR LANE SECTION WITH WEST ARM SIGNAL

PROJECT NUMBER: 19-29
 SHEET: 5 OF 5
 DATE: OCT 2019
 SCALE: AS SHOWN
 DESIGNED BY: FRANK T. WATANABE
 CHECKED BY: N/A
 PROJECT LOCATION: ST. JOHNS HERITAGE PARKWAY AT BABCOCK STREET



Babcock St
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 St Johns Heritage Pkwy
 700-2 A

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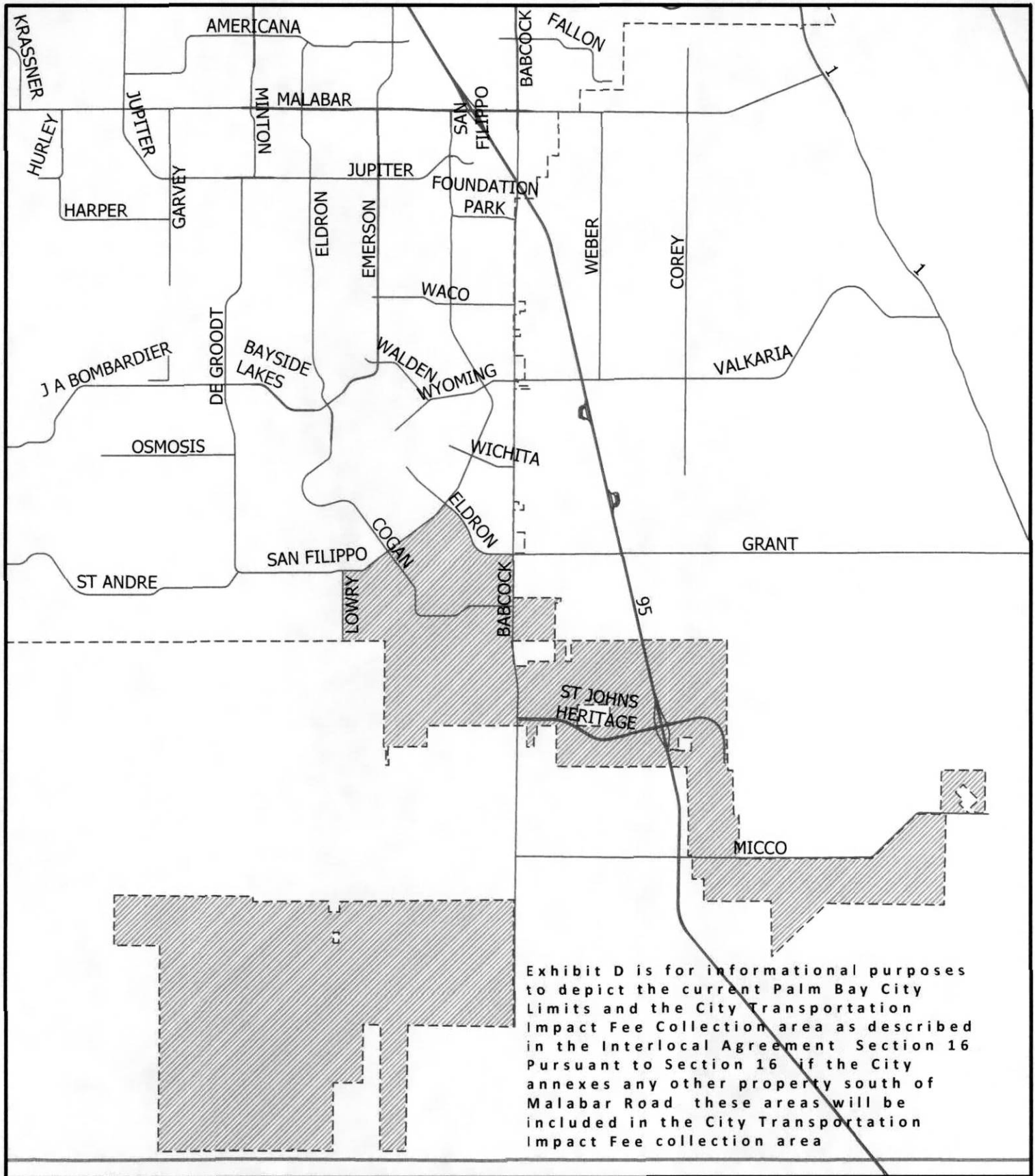


Exhibit D

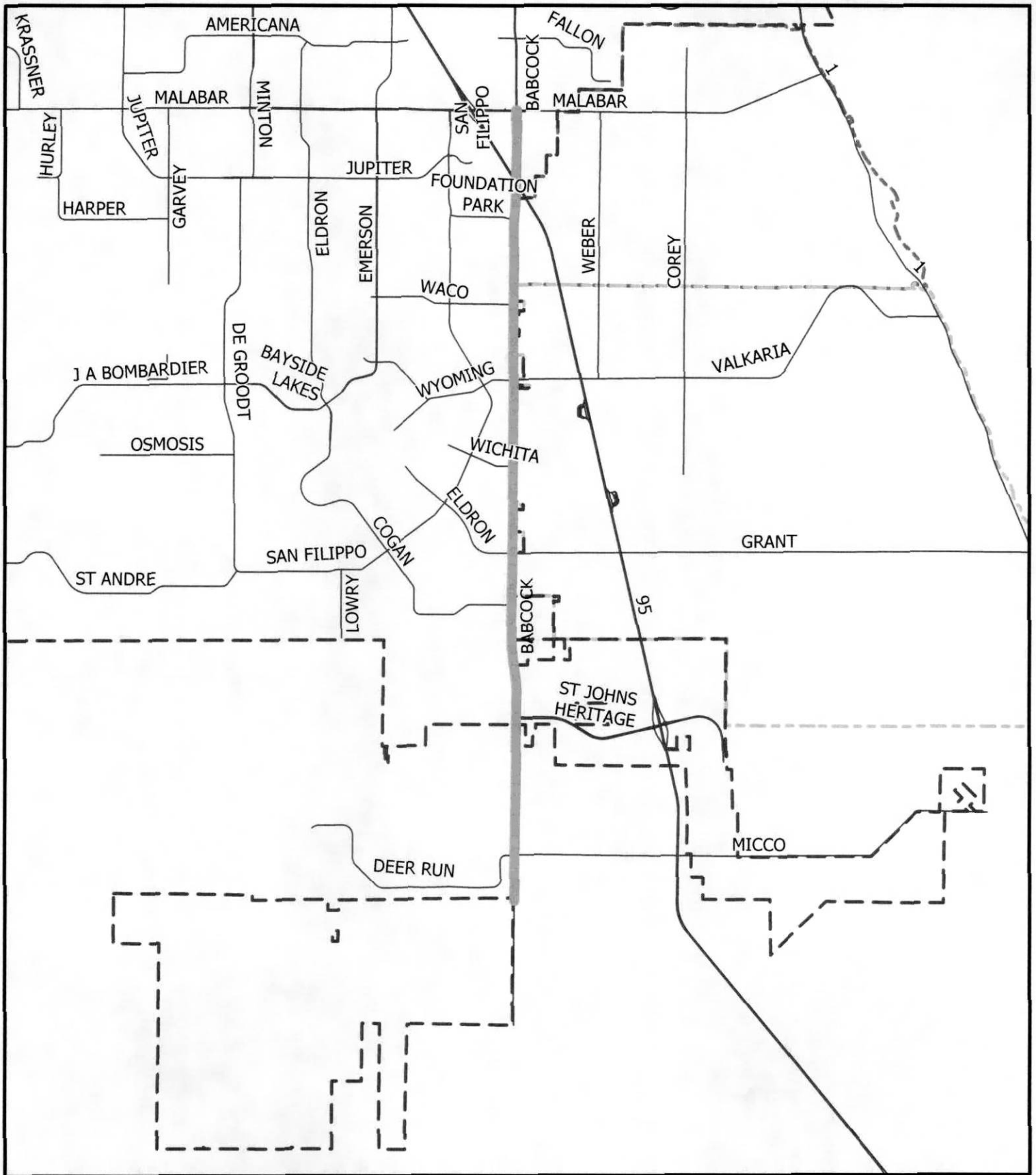


Exhibit E



LEGISLATIVE MEMORANDUM

TO Honorable Mayor and Members of the City Council

FROM Lisa Morrell, City Manager

DATE April 23, 2020

RE Interlocal Agreement with Brevard County for St Johns Heritage Parkway and Babcock Street Intersection

Summary

Pertinent Background

When the Notice to Proceed was issued to Community Asphalt on March 19, 2018 for the construction of the St Johns Heritage Parkway (SJHP) connection to I 95 previous City staff had not secured a Brevard County Right-of-Way (ROW) access permit also known as a driveway permit, to connect to Babcock Street, a county-owned road This permit is necessary for the completion of the SJHP and provides the authority for the City to build in County right-of way and open the road to traffic

In early 2019 the new City leadership team began working to resolve multiple issues with the SJHP project In addition to the lack of a County permit additional issues included incomplete designs for the roadway and the intersection coordination issues with developers, and the discovery that former staff in September 2018 had removed 500 feet from the project connection to Babcock Coordination efforts took the forefront as City staff began working with all involved parties to resolve these issues Progress included finalizing the roadway design so that construction could be completed approval by City Council of Community Asphalt Change Order No 2 on September 19 2019 to add the 500 feet back into the project and the conceptual approval by County staff for the intersection designs

City staff also began working with County staff on an Interlocal Agreement (ILA) to document the conditions Brevard County wanted tied to the permit so that the connection to Babcock Street could

be completed Both the City Council and County Commission have discussed various concepts and draft versions of the ILA at meetings since October 2019 The City Council meetings that included agenda items for discussion of the ILA were held on October 21, 2019, and February 6, 2020

Since that time City and County staff have continued to meet and discuss ILA draft terms connected to the goals of both the City Council and the County Commissioners. The attached ILA represents the results of these discussions, and staff representing both agencies is ready to present this for consideration, County staff has scheduled the item for their Board to consider on April 21, 2020

Proposed Interlocal Agreement

The attached ILA includes the following key deal points

- **Permit Issuance** Within five days of the effective date of the Agreement the County will issue the permit to the City to allow the City to complete construction of Phase 1 of the SJHP connection to Babcock Street
- **Intersection Phasing** The City will fund construct and maintain the intersection in three Phases
 - Phase 1 is a temporary opening condition with a span wire traffic signal with no turn lanes and no additional right-of way or stormwater retention needed
 - Phase 2 is to be completed by December 31, 2020 and includes a single southbound left turn lane
 - Phase 3 is to be completed by December 31 2023 and includes a fully widened four lane intersection with turn lanes and a mast arm traffic signal system The City is responsible for all necessary right-of-way acquisition, permits, and utilities relocation necessary for the project
 - All dates established in Phases 2 and 3 may be extended by written agreement of both parties Phase 3 construction could also be delayed if an independent traffic analysis is submitted in the future to demonstrate that the Phase 3 improvements are not yet necessary and could be further delayed

- As the north and south terminus of the intersection will connect to county-owned Babcock Street, the County retains permit authority over the right of-way permits for the future phases
- **City Ownership of Babcock/SJHP Intersection** Upon the effective date of the Agreement the City will take ownership and maintenance responsibilities for the Intersection Project area Procedurally the agreement provides for sixty days to transfer the property to the City and up to one hundred and twenty days for the City to annex the roadway
- **City Construction of Intersection Outside of City Limits** The entire project length is 1.03 miles or 5,425 linear feet and extends roughly a half mile north and a half-mile south of the SJHP intersection with Babcock From the centerline of the SJHP the southern portion of the intersection is 2,872 feet, however City limits only extend 398 feet the remaining 2,474 feet are located in unincorporated Brevard County The length of the intersection is expected to decrease as a result of value engineering efforts that are presently underway
- **Future Project** The Agreement also includes criteria related to the Future Project which is the future widening of Babcock Street to four lanes south of Malabar Road The 2016 Joint Planning Agreement between the City and County provides that the City takes over responsibility for segments of Babcock within 6 months after any four-laning project is completed The ILA provides for additional parameters related to the timing of transfer of segments to the City, specifically
 - After a segment is widened to four lanes,
 - After a segment exceeds maximum acceptable volume (MAV) or traffic capacity
 - For segments that have already exceeded traffic capacity transfer would occur following reconstruction of the existing two lane segments by the County or two years from the Effective Date of the Agreement whichever is later Based on the Space Coast Transportation Organization's 2018 Maximum Acceptable Volumes and Level of Service table, the Babcock Street segments included in this ILA are as follows

	Volume	MAV	Capacity
Micco to Grant.	5,483	14,200	39%
Grant to Valkaria	9,083	17,700	51%
Valkaria to Waco	13,513	17,700	76%
Waco to Foundation	18,836	17,700	106% (over MAV)

Foundation to Malabar 23,531 17,700 133% (over MAV)

- **County Reconstruction Efforts** The County has agreed to make reasonable efforts to fund and reconstruct existing portions of Babcock Street one time regardless of whether ownership has already been transferred to the City Road reconstruction activities that are appropriate to achieve an industry standard repair based on the current condition of segments has also been stipulated Rejuvenators and micro surfacing have been specifically excluded
- **Set Aside of Future Transportation Impact Fees** For the Future Project, the City and County both agree to set aside 50% of the transportation impact fees received for any new development in the south part of their respective jurisdictions Impact fee credits for this set aside portion can be used for future Babcock widening needs including right-of-way design and construction, stormwater retention, floodplain compensation, and environmental mitigation The City set aside of transportation impact fees will only occur following the payment of existing debt and impact fee obligations
- **Disclosure of Impact Fee Agreements** The County and the City will disclose any existing debt or agreements that would impact the amount of impact fees collected under this Agreement The County and City will provide each other an itemized accounting of all collections and expenditures and agree to disclose any pertinent future impact fee credit agreements, prior to legislative action by either body
- **Participation of Other Agencies** The County will work with the towns of Malabar and Grant-Valkaria to negotiate a similar arrangement regarding their transportation impact fees for the Future Project

REQUESTING DEPARTMENTS

City Manager's Office/Public Works Department

FISCAL IMPACT

- **Temporary Traffic Signal** The opening day design requires the installation of a span wire traffic signal At the November 7, 2019 meeting City Council previously authorized staff to procure the signal at a project cost of \$49,746 12

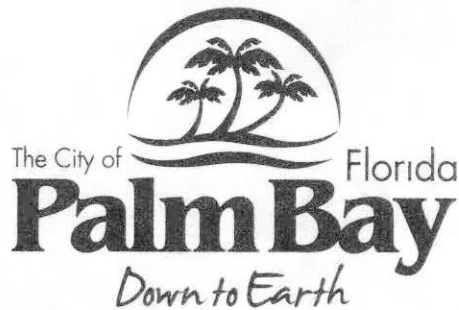
- **Finishing the Connection to Babcock** Completing the unfinished portion (96 feet) of the SJHP to connect to Babcock is estimated at \$80 000 Funding will need to be appropriated from Transportation Impact Fees, Nexus 32909 to cover the cost The previous estimate for this was based on pricing for Community Asphalt to finish the project, this scenario is no longer an option
- **Phase 2 Southbound Left Turn Lane** The engineer's estimate of the construction of the turn lane is \$193,900 Per the ILA, completion is due by December 31, 2020
- **Phase 3 Full Intersection** The County-approved design to construct a 1.03 mile four-lane intersection has an initial estimated construction cost of over \$7 million Additional value engineering is expected to reduce this amount Other costs related to permitting and mitigation are likely but not estimated at this time This phase is to be completed by December 31 2023
- **Right-of Way Acquisition** The right-of-way needed for the Intersection is estimated by staff to cost approximately \$100 000 for the 1.03 mile segment. A professional appraisal service will be obtained to perform the fair market valuation of the ROW properties with formal executed agreements with property owners
- **Intersection Maintenance Costs** As the roadway will have been improved and newly constructed the level of service (LOS) of maintenance of mowing to include but not limited to edging, weed-eating trash removal tree trimming street sweeping is estimated by city staff to cost \$40,000 \$50,000 annually Future pavement rejuvenation is estimated cost \$13 000 for the segment, which will be necessary within the first few years after initial construction

RECOMMENDATION

Motion for Council approval of 1) the St Johns Heritage Parkway and Babcock Interlocal Agreement and 2) authorization to budget and appropriate \$80,0000 in Transportation Impact Fees Nexus 32909 to complete the paving of the last 96 feet of the SJHP

Attachments (available upon request)

- 1) Interlocal Agreement
- 2) 2016 Joint Planning Agreement



April 24 2020

The Honorable Bryan Lober Chair
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Dear Chairman Lober

Enclosed please find one (1) original of each of the following Interlocal Agreements between the City of Palm Bay and Brevard County

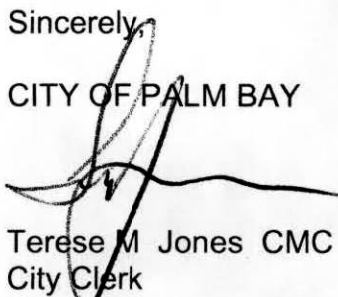
- St Johns Heritage Parkway Intersection and Babcock Street
- First Extension for Automatic Aid, Dispatch Services and Facility Use

The Parkway Intersection and Babcock Street agreement was approved by City Council at Special Council Meeting 2020-15, held on April 23, 2020. The Automatic Aid agreement was approved administratively pursuant to the provisions under the City's State of Local Emergency.

Once the contracts have been executed and recorded, please email a copy to terese.jones@pbfl.org. If you should have any questions, please contact my office at 321 952 3414.

Sincerely,

CITY OF PALM BAY



Terese M. Jones CMC
City Clerk

/tmj
Enclosures (2)

Legislative Department

EXHIBIT 'B'
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN RIGHT OF WAY DEED AS RECORDED IN OFFICIAL RECORDS BOOK 2304, PAGE 544, AND ALL OF BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY THE PLOT OF CAPE KENNEDY GROVE ACCORDING TO THE PLAT THEREOF AS RECORD IN PLAT BOOK 21, PAGE 77, AND A PORTION OF BABCOCK ROAD, ALSO NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY THE PLOT PLANS OF SUNSHINE GROVE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 78, ALL OF THE ABOVE AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LYING WITHIN SECTION 3 AND 10, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 89°42'39" EAST ALONG THE SOUTH LINE OF SAID SECTION 3 FOR A DISTANCE OF 128.91 FEET TO THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2304, PAGE 544, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°45'16" EAST ALONG THE WEST RIGHT OF WAY LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 1970.65 FEET TO THE POINT OF CURVATURE OF TANGENTIAL CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 5264.29 FEET, AN INCLUDED ANGLE OF 08°36'32", AND WHOSE LONG CHORD BEARS NORTH 03°33'00" WEST; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 790.98 FEET; THENCE NORTH 07°40'29" WEST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 178.06 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN NORTH 82°19'31" EAST FOR A DISTANCE OF 100.0 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 07°40'29" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 178.06 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 5364.29 FEET, AN INCLUDED ANGLE OF 08°36'32" AND WHOSE LONG CHORD BEARS SOUTH 03°33'00" EAST; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 806.00 FEET; THENCE SOUTH 00°45'16" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1969.84 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3; THENCE SOUTH 89°42'39" EAST ALONG SAID

SOUTH LINE FOR A DISTANCE OF 18.25 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 77; THENCE SOUTH 00°43'11" WEST ALONG SAID EAST LINE AND ALONG THE EAST RIGHT OF WAY LINE OF BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 78 FOR A DISTANCE OF 2474.66 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN NORTH 89°16'49" WEST FOR A DISTANCE OF 100.00 FEET TO A POINT THE WEST RIGHT OF WAY LINE OF SAID BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 78; THENCE NORTH 00°43'11" EAST ALONG THE SAID WEST RIGHT OF WAY LINE AND ALONG THE WEST RIGHT OF WAY LINE OF SAID BABCOCK ROAD, NOW KNOWN AS BABCOCK STREET, AS ESTABLISHED BY SAID PLAT BOOK 21, PAGE 77 FOR A DISTANCE OF 2473.90 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3; THENCE NORTH 89°42'39" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 18.25 FEET TO THE POINT OF BEGINNING, CONTAINING 12.44 ACRES (541,957 SQUARE FEET), MORE OR LESS.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Fred Poppe, Director of Parks and Recreation, Police Chief Nelson Moya, Fire Chief Leslie Hoog

DATE: 10/1/2020

RE: Consideration of request from The House Family Ministries, Incorporated, for the City to co-sponsor its 12th Annual Christmas Extravaganza.

The 12th Annual Christmas Extravaganza, a special event presented by The House Family Ministries, Incorporated, a registered and active Florida Not for Profit Corporation, located at 1520 Bottlebrush Drive NE, Palm Bay FL 32905, will be held at Fred Poppe Regional Park, a city facility, on December 19, 2020 from 11:00 a.m. until 4:30 p.m. The House presents this free public event to the community through collaborations, sponsorships and in-kind services. The House uses over 300 community volunteers and has demonstrated the success and impact on the community for over 11 years. The Christmas Extravaganza event has an annual attendance of over 15,000 members of the public each year; a majority from Palm Bay. The House is requesting the City to co-sponsor the event, as in previous years, and waive fees associated with staffing and resources. The value of the waived resource fees provided for this co-sponsorship is \$8,486.

Parks and Recreation - \$5,621

- Rental of the Ted Whitlock Center & Greenspace, \$2,365

- Mobile Stage, \$500

- Bleachers, \$600

- Dumpster Fee, \$288

- Porta-Let Rental \$1,015

- Parks and Recreation (4) Event Staff, \$445

- Parks and Recreation (3) Maintenance Staff, Litter control, Sanitary Services and Supplies, overtime, \$408

Facilities - Electrician for the event to include setup and breakdown, \$590

Police Department staffing is \$1,400

- SWAT officers and the MRAP.

- 1 Officer and Autism awareness patrol car.

- 4-6 Honor Guard Officers Michael Smith (LT) for general security/presence and traffic assistance at the exit.

- If approved, it would be a total of 4 officers for 7 hours and 4-6 (Honor Guard officers) for 2 hours. Projected costs are based on a recent analysis of overtime averages. 4 officers

for 7 hours, and 4 Honor Guard officer for 2 hours, approximately \$1,400.00

Fire Department staffing is \$875

1 BLS Squad (Type 6 Brush Unit) for 5.5 hours, \$412

2 Firefighters providing BLS level medical care for 5.5 hours = \$463

Units on site have immediate communication to on-duty District Chiefs and Brevard Dispatch for further assistance. This crew will also be identifying a potential safe landing zone for the medical helicopter, if necessary.

The House has provided a total value of services for this event of \$37,738 which includes inflatables, sound, security, parking assistance, horse rides and petting zoo, concessions, TLC Film, barriers, tent, costumes, decorations, green room expenses and prize giveaways.

The Family Christmas Extravaganza Team is working towards a successful 12th Annual event with the goal of providing a safe and fun environment for our residents while following CDC guidelines. The plans currently in place are as follows, however as the event draws closer there may be additional implementations:

- Temperature Checks for all who wish to enter the event.
- Hand sanitizer stations throughout the event.
- Temperature Checks, Mask, hand sanitizer requirement for entry into inflatables and throughout the event.
- Inflatables to be disinfected on an hourly basis.
- Face Shields for face painting Volunteers.
- Face Shields for Volunteers expected to be in close contact with residents.
- Maintaining safe distance near the stage
- If toys are available, they will be distributed based on availability and one on one.
- There will be no toys distributed from the stage to prevent close gatherings.

REQUESTING DEPARTMENT:

Parks & Recreation, Police Department, Fire Department

FISCAL IMPACT:

Funds to pay for the costs incurred by the City for this annual event are budgeted in the individual departments.

RECOMMENDATION:

Motion to approve the co-sponsorship of the 12th Annual Christmas Extravaganza and waive fees associated with the event for City resources in the absence of an improved administrative code regarding special events for accountability.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development

DATE: 10/1/2020

RE: Consideration of: a.) providing an exception to Section 4 of the lease agreement for 2230 Washington Street NE with Little Growers, Inc.; and b.) a lease agreement with Little Growers, Inc., for the use of vacant, unimproved City-owned property located at 2230 Washington Street NE (\$12 annually).

Little Growers Inc., based in Palm Bay, has requested the use of a vacant, unimproved City-owned lot, approximately 0.16 acres located at 2230 Washington Street NE in the Driskell Heights subdivision.

Little Growers proposes to use the property as a community garden for a youth-centered urban agriculture project that promotes community food security, sustainability and serve as a gateway to leadership development opportunities for at-risk youth. The program will also serve to improve nutrition and decrease the risk of food insecurity by teaching children lessons on where food comes from, the importance of eating fruits and vegetables and how to grow food through fun, hands-on activities.

Little Growers' community garden program will provide public recreation opportunities by serving children of low- to moderate-income families between the ages of 5-15 years old who reside within a one-mile radius of the community garden site. Little Growers intends to serve approximately 12 children in its first year of operation, selected through an application review process administered by its advisory board. The community garden will also serve to provide fresh produce to the community through a membership program. Subsidized memberships will be made available through fundraising efforts such as events, donations, sponsorships and grants.

Little Growers is currently in the process of obtaining a 501(c)3 tax-exempt/charitable organization status and will seek to secure funds through individual donations and grants. The company is comprised of one full-time Executive Director and one part-time Garden Coordinator. Its community partners include Lipscomb Park Association, Evans Center, Inc., Palm Bay Police Department, Melbourne Police Department, The Education Network, Inc. and Youth Keepin It 100 Magazine.

A core component of mission of Little Growers, Inc. is to help residents of the community grow

into healthy contributing members of the community by providing resources and employment opportunities, to include felons who have served their time and repaid their debt to society. The company's Articles of Incorporation indicates the company's Treasurer is Rondy Hadley, Jr., who has had no known felony charges since 2007. Mr. Hadley is a co-founder of Little Growers, Inc. and serves as a representative of the company's mission. While Section 4 of the attached lease agreement states, "Further, Tenant agrees that it has an obligation to ensure all employees, contractors, subcontractors and assigns employed by Tenant or working under the direction of Tenant have no felony convictions, unless without the prior written consent of City is obtained", staff is requesting consideration by Council to provide an exception to Section 4 for Little Growers, Inc.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

The fiscal impact of this item will result in revenue of \$12 annually.

RECOMMENDATION:

Motion to authorize an exception for Little Growers, Inc. related to section 4 of the lease agreement and authorize the Mayor to execute a lease agreement with Little Growers, Inc. for property located at 2230 Washington Street NE.

ATTACHMENTS:

Description

Proposal for Little Growers Community Garden

Letter to City Council requesting exception

Lease Agmt 2230 Washington St NE (Little Growers Inc)

Proposal for

Little Growers Community Garden



LITTLE GROWERS INC.

BREVARD COUNTY, FL

(321) 307-7386

[HTTPS://WWW.FACEBOOK.COM/LITTLEGROWERSINC](https://www.facebook.com/littlegrowersinc)

[HTTPS://WWW.INSTAGRAM.COM/LITTLEGROWERSINC](https://www.instagram.com/littlegrowersinc)

WHAT IS LITTLE GROWERS?

LITTLE GROWERS INC. IS A YOUTH-CENTERED URBAN AGRICULTURE PROJECT THAT WILL PROMOTE COMMUNITY FOOD SECURITY, SUSTAINABILITY, AND SERVE AS GATEWAYS TO LEADERSHIP DEVELOPMENT OPPORTUNITIES FOR AT-RISK YOUTH IN A POSITIVE, FRIENDLY, AND PRODUCTIVE ATMOSPHERE.

OUR PROGRAMS WILL IMPROVE NUTRITION AND DECREASE THE RISK OF FOOD INSECURITY BY TEACHING CHILDREN LESSONS IN WHERE FOOD COMES FROM, THE IMPORTANCE OF EATING FRUITS AND VEGETABLES AND HOW TO GROW FOOD THROUGH FUN HANDS-ON ACTIVITIES.

WHY ARE WE NEEDED?

- In Brevard County the number of children in the free and reduced-price meal program exceeds 50%. Some elementary schools have 80% or more of their kids on the free and reduced-price meal program with many of them at risk of childhood hunger and malnutrition.
- Childhood hunger leads to a weaker immune system, difficulty in learning, paying attention in class and behaving properly to retain what they learn. Hungry kids are sick more often and have lower academic achievement.
- A qualitative study conducted at the Brooklyn Botanic Garden (BBG) Children's Garden provides supporting evidence for the claim that growing vegetables can improve the nutrition behavior of young gardeners. It finds that positive social interaction during gardening, harvesting, sharing, preparing, and eating produce may influence young people's food consciousness and eating habits.
- Community gardens provide access to nutritionally rich foods that may otherwise be unavailable to low-income families and individuals.
- Little Growers Gardens will serve a community of 5000+ persons living in a one mile radius. Fifty-five percent (55%) of these households are low-moderate income, earning less than \$24,999 annually. Additionally 68% of the families in the community own one or no vehicle, having the garden in this area would prove to be an asset, practically for the youth and elderly who are most likely to suffer from the adverse effects of food insecurity.

MISSION STATEMENT

To empower our youth to be in control of their own future through community food security, sustainability, and leadership development.

BUSINESS PLAN

LITTLE GROWERS INC. is in the process of obtaining a 501©(3) tax exempt/charitable organization status. As we await approval of our 501©(3) we are seeking a fiscal sponsor that would allow us to receive funding from a variety of sources. These include corporate and individual donations of money, grants, and food donations appropriate for our efforts.

LITTLE GROWERS INC. is building an independent, volunteer Board of Directors and Community Advisory Board drawn from all walks of life.

LITTLE GROWERS INC knows Knowledge is Power. If you fix a child a meal they will eat for today if you teach a child to grow they will eat healthy for a lifetime.

PRINCIPLES

- We will teach our youth the value of community ownership and stewardship.
- We will build community leaders
- We will promote environmental sustainability
- We will add beauty to the community and heighten people's awareness and appreciation for living things.
- We will empower our youth to practice our core values

CORE VALUES

RESPECT

- Respect of self
- Respect of community
- Respect of others

RESPONSIBILITY

- You sow it You grow it!
- Education Matters

HUMILITY

"There is nothing noble in being superior to your fellow man; true nobility is being superior to your former self."

— Ernest Hemingway

- Good Behavior Counts
- To be kind and gentle even under provocation.
- "True humility is not thinking less of yourself; it is thinking of yourself less."
- — C.S. Lewis, Mere Christianity

HUMANITY

"Whoever saves one life, saves the world entire."

— Thomas Keneally, Schindler's List

- Be compassionate, sympathetic, and generous
- You are your neighbor's keeper

TARGET POPULATION

Little Growers Inc. Community garden programs will serve children of low to moderate income families between the ages of 5-15 years old. Children must live within a one mile radius of the community garden site. Due to staffing constraints Little Growers will serve approximately 12 children in its first year of operation. These children will be selected through an application process that will be reviewed by Little Growers advisory board.

Other residents living within a one mile radius of the garden may purchase garden shares through a membership program. Little Growers Inc. will put an emphasis on ensuring that all members of the community have access to fresh produce. Subsidized shares and payment plans will be made available through fundraising efforts such as events, donations, sponsorships, and grant funds.

Goals/Objectives

- Address issues of food insecurity in the community through garden production, continuous garden education, community unification and participation.
- Provide positive social interaction during gardening, harvesting, sharing, preparing, and eating produce that may influence young people's food consciousness and eating habits.
- Reduce the dependency on social programs such as Women, Infants and Children (WIC) and Food Stamps
- Offer unique opportunities to teach youth about:
 - Where food comes from
 - Practical math skills
 - Basic business principles
 - The importance of community and stewardship
 - Issues of environmental sustainability
 - Job and life skills

Location

I.Site Map

II. The following map indicates the open green spaces that currently exist in the area of the Powell/Driskell Subdivision. The 6,969 sqft space located at, 2230 Washington St. NE Palm Bay, FL 32905 (Site #9) is our preferred garden option, as indicated on the following map

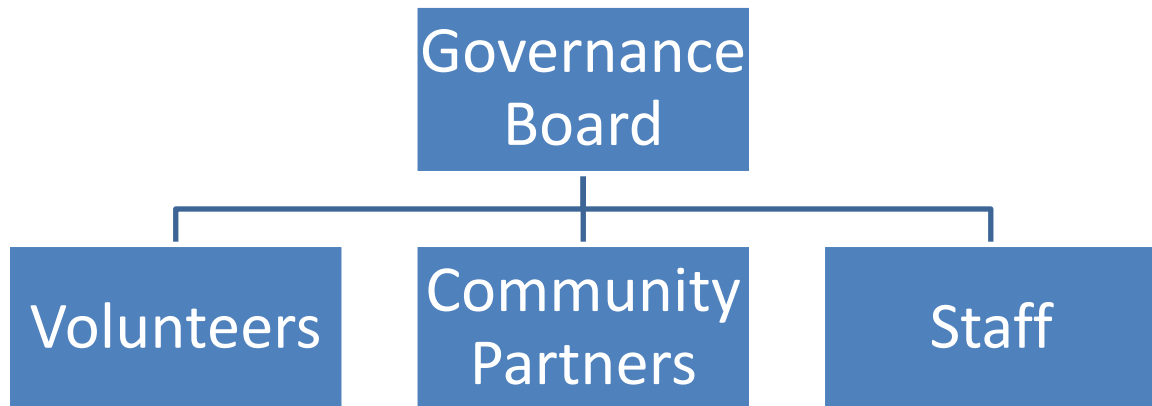


EXHIBIT A: POWELL/DRISKELL SUBDIVISION



Exhibit B: 2230 Washington St, NE Palm Bay, FL 32905

Key Personnel



Governance Board

Little Growers governance board consist of local community residents and leaders

Camille Hadley- Board Chair

- Resident of the Powell/ Driskell Subdivision
- Powell/ Driskell Subdivision Neighborhood Watch Block Captain
- Farmers Market Manager for Evans Center Farmers Market

Josey Baker – Vice Chair

- Brevard County Public School Teacher
- Youth mental health professional
- Former Resident of the Powell/ Driskell Subdivision

Valeta Cameron- Treasurer

- Staff Attorney for Brevard County Legal Aid
- Executive Director of THE EDUCATION NETWORK, INC a Florida nonprofit organization dedicated to helping disadvantaged students overcome any obstacles hindering their academic achievement or educational goals.
- Ms. Cameron is an advocate, volunteer, and supporter of many causes including community matters, family matters, civil rights, human rights, and education.
- "I believe that it is paramount for our children's future to understand their value and appreciate who they are. Little growers will not just show them the powers they hold to invest in themselves, but will also cultivate and encourage healthy living in every aspect of their lives."

Suebrina Calhoun- Secretary

- Executive Director of Youth Keeping it 100 magazine operated by editorial staff and youth ranging from ages 13-19. Youth KeepN' It 100 believes in featuring youth that are setting positive goals, excelling academically, spiritually, as well as physically.
- Medical Laboratory Professor at Keiser University

Mary Baker

- Resident of the Powell/ Driskell Subdivision
- Powell/ Driskell Subdivision Neighborhood Watch Block Captain
- Member of Lipscomb Park Association
- Board Member for Evans Center Inc.

Joshua Gee

- Resident of the Powell/ Driskell Subdivision
- Former Director of Drug and Alcohol recovery housing located in the Powell/ Driskell Subdivision

Rondy L. Hadley Jr.

- Resident of the Powell/ Driskell Subdivision
- Little Growers Garden Coordinator
- Studying with UF Extension to become a Master Gardener
- Primary visionary behind the Little Growers project

Community Partners

- Lipscomb Park Association
- Evans Center Inc
- Palm Bay Police Department
- Melbourne Police Department
- THE EDUCATION NETWORK, INC.
- Youth Keepin It 100 Magazine

Staff

Little Growers will feature one full time and one part time staff members.

- Executive Director – Full time
- Garden Coordinator- Part time

Volunteers

Many upstanding community members have expressed interest in volunteering in Little Growers community garden, including friends and neighbors.



Date September 8, 2020

Name of Business City of Palm Bay

Address of Business 120 Malabar Rd.

City, State Zip Code Palm Bay Fl 32907

Dear Esteemed Council and Residents of the City of Palm Bay's Powell Driskol Subdivision,

My name is Camille I am a concerned resident of Palm Bay and the Executive Director of Little Growers Inc. Little Growers, Inc seeks to build a localized green economy that provides green jobs and ownership opportunities to local residents that restore the environment, while investing in building the health, wealth and resilience of communities most impacted by climate change and food insecurity.

Little Growers Inc is also a chapter of the [Higher Ground Network](#) , the largest flood survivor network in the country and a member of the [Sierra Clubs Women's Earth Alliance](#). As well as the only UF Extension 4H Garden Club between Wickham Park and Grant/Valkaria. Little Growers is seeking to lease property from the City of Palm Bay with an option to purchase in order to preserve our natural watersheds by planting permaculture type community gardens that are specifically designed to reduce nutrients entering the Indian River Lagoon.

Little Growers, Inc gardens also serves as an outdoor classrooms where youth can learn valuable skills, like those involving practical math, communication, responsibility and cooperation. The garden also provides the opportunity to learn about the importance of community, stewardship and environmental responsibility.

Urban green spaces are unevenly distributed and access is extremely limited near low-income neighborhoods populated by minorities. As the need for engaging urban youth and communities through; community food security, sustainability, and leadership development grows: We humbly request The City of Palm Bay City Council consideration of an exception from the following language listed in our lease;

Section 4 (1) TENANT OBLIGATIONS of the lease agreement states, "Further, Tenant agrees that it has an obligation to ensure all employees, contractors, subcontractors and assigns employed by Tenant or working under the direction of Tenant have no felony convictions, unless without the prior written consent of City is obtained."

The City of Palm Bay hires felons which means the City believes in second chances. We are a Non-Profit organization whose mission, vision, and purpose is to help residents of this community grow into healthy contributing members of the community providing resources and employment opportunities for community members, even felons who have served their time and repaid their debt to society.

It is unjust and unreasonable to request that an organization whose primary goal is to support a stable healthy happy community would exclude those members of our community who most need our support and opportunities for reform.

Rondy Lee Hadley Jr. is one of the founders of Little Growers Inc. he is also a registered voter, property owner and taxpaying resident of Palm Bay Florida who has not had contact with the police since 2007 that is over 12 years. Lynn Brookwell Carey the director for BNDC and Evans Center whom the city previously leased property to once told me they hire and accept volunteers who are felons because they did a study with the police department stating that if the individual had not made contact with the police in more than I believe 3 years they were likely not going to be involved in anything illegal. We have purchased and paid in full for the year the required insurance needed to lease property from the city. Also we can easily access resources such as the Rise program, through Career Source. The rise program not only prepares ex-felons for reentry into the workforce it also offers the additional benefit of insurance to cover employers who take on the risk of hiring these individuals.

Additionally, the Lot we initially choose at 2230 Washington st was the very location where Rondy was charged with the felony that is now being used to block us from supporting his reformation. Not just a reformation of his own being but a desire to prevent the youth that are currently growing in this community from following his former path. Whom is better equipped to support change than that of the person who has pursued change such as Little Growers Founder Rondy Hadley and other former felons like him. Rondy is a felon, but he's also a father, husband, community advocate and a contributing member of society who has served his time.

Thanks to a 70k grant awarded to Little Growers Inc. by the National Fish and Wildlife Foundation we are prepared to execute this green infrastructure project expeditiously. We would like to thank you for taking the time to review our request for exception and we invite you to ask any further questions with regard to our request. Your support allows us to extend a great opportunity for you to reach our; 5,000+ neighbors, 2,000 plus social media followers as well as a large group of local consumers while supporting sustainability in our community. Please consider how you can support this very worthwhile project.

Respectfully Yours,

Camille T. Hadley
Executive Director
Little Growers Inc.
<https://www.facebook.com/LittleGrowersInc>

Little Growers, Inc is fiscally sponsored by the California Center For Economic Initiatives (CCFEI) an exempt organization as described in Section 501(c)(3) of the Internal Revenue Code; EIN #80-0317823. This letter will serve as your receipt.

[\(321\)-330-7916](#) (c)

LEASE AGREEMENT BETWEEN CITY OF PALM BAY AND LITTLE GROWERS, INC

This Lease Agreement (Agreement) is entered into as of this ____ day of _____, 2020 (Commencement Date), between the **LITTLE GROWERS, INC.**, a limited liability company of the State of Florida (Tenant) and the **CITY OF PALM BAY, FLORIDA**, (Landlord).

WITNESSETH:

Section 1. Premises. Subject to the terms hereof, and to zoning and restrictions of record, and in consideration of the mutual benefits and obligations set forth hereafter, Landlord leases to Tenant and Tenant leases from Landlord the Premises located in Brevard County, Florida, more particularly described as follows (the “Premises”):

Approximately 0.16 acres located at 2230 Washington Street NE, Palm Bay, located in Brevard County, Florida.

Section 2. Term. This Agreement shall be for a twelve-month term commencing upon the final execution by all parties (Commencement Date) and continuing month to month thereafter until terminated by notice of the Landlord or Tenant within the terms of this Agreement.

Section 3. Rent. Tenant shall pay to Landlord during the term of this Agreement, an annual rent amount of \$12.00 (twelve dollars) in advance, without demand, reduction or set-off (the “Rent”).

Section 4. Use, Obligations and Maintenance.

(1) TENANT OBLIGATIONS:

Tenant shall use and occupy the Premises only for community gardening and activities normally related thereto. Tenant shall not use the Premises in a disreputable, ultra-hazardous or unlawful manner, or in any manner that would constitute a public or private nuisance. Tenant shall provide all of its own office and other equipment, furniture and furnishings and shall insure such other equipment, furniture and furnishings, as it deems desirable, but, in no event, shall make a claim against the Landlord for any losses. Tenant shall not perform any acts on the Premises that would generate noxious odors or annoying noises. Further, Tenant agrees that it has an obligation to ensure all employees, contractors, subcontractors and assigns employed by Tenant or working under the direction of Tenant have no felony convictions, unless without the prior written consent of City is obtained. Tenant shall be responsible for all utility expenses at the location. Tenant shall be responsible for all landscaping maintenance, to include regular mowing and maintenance of all landscape improvements, provided that City is given advance notice and consents in writing to any significant changes of same.

Section 5. Hazardous Substances. Tenant shall not use, store, generate, dispose of, release or otherwise handle or possess any hazardous substance on or about the Premises. Should Tenant violate this provision, then Tenant shall indemnify, defend, and hold Landlord harmless from all claims, charges, penalties, fines, liabilities, costs (including clean-up costs), and all other obligations and expenses arising directly or indirectly from such violation.

Section 6. Quiet Enjoyment. Upon paying the Rent and performing all other covenants and obligations under this Agreement, Tenant shall hold the Premises free from disturbance.

Section 7. Redelivery. Tenant covenants that at the termination of this Agreement, whether by expiration, default or otherwise, Tenant shall promptly re-deliver the Premises to Landlord free from sub-tenancies and in the condition the Premises are presently in, reasonable use and wear excepted. Any personal property or trade fixtures remaining on the Premises three days after termination shall be deemed abandoned by Tenant and may be disposed of as Landlord deems fit at Tenant's expense. All personal property or fixtures located in the Premises on the Commencement Date shall be redelivered in good condition with the Premises.

Section 8. Acceptance of Premises. Tenant acknowledges that Landlord has made no representation or warranty that the Premises are fit for Tenant's intended use. Tenant has inspected the Premises, and Tenant accepts the Premises "as is".

Section 9. Indemnification/Liability/Loss. The Tenant shall indemnify, defend and save and hold the Landlord harmless, from and against all claims, demands, obligations, liabilities, penalties, fines, charges, costs and expenses, including attorney's fees, costs and expenses for the defense thereof, arising from occurrences on or about the Premises or from the Tenant's or any of Tenant's invitees', agents' or assigns' negligent activities thereon.

The Tenant recognizes that the City of Palm Bay is protected by sovereign immunity to the extent and limits permitted by law including, but not limited to, Section 768.28, *Florida Statutes* and recognizes that nothing contained herein shall be construed as a waiver of same nor an admission of liability by Landlord.

Section 10. No Assignment without Consent. Tenant shall not assign this Agreement or any of Tenant's rights hereunder, nor sublet the Premises or any portion thereof, without first obtaining the written consent of Landlord.

Section 11. Default. Landlord, at its option, may terminate this Agreement on three days' notice to the Tenant: (a) if any Rent due hereunder is not paid when due; or (b) if the Premises are abandoned by Tenant or otherwise become and remain vacant or deserted for a period of 10 days or more; or (c) if the Premises are used for some purpose

other than the use authorized herein; or (d) if Tenant shall have failed to cure a default in the performance of any other provision of this Agreement or any rule or regulation set forth herein within ten 10 days after written notice thereof to Tenant from Landlord, or if such default cannot be completely cured in such time, if Tenant shall not promptly proceed in good faith to cure such default within said ten 10 days, or shall not complete the curing of such default with due diligence. In the event that Landlord elects to terminate this Agreement, then, upon the expiration of the aforesaid three-day notice period, Tenant shall remain liable for damages to the maximum extent provided herein or permitted by law.

Section 12. Destruction of Premises. In the event that the Premises or a portion thereof is destroyed or damaged by fire or other casualty, then Landlord may or may not elect to repair or rebuild the Premises or to terminate this Agreement. If Landlord elects to repair or rebuild, this Agreement shall remain in force, and Landlord shall complete all repairs or rebuilding after such election. If Landlord elects to terminate this Agreement rather than to repair or rebuild, Tenant shall promptly surrender possession of the Premises to Landlord and neither Landlord nor Tenant shall have any remaining obligations hereunder, except any obligations owed by Tenant that accrued before the casualty, which obligations Tenant shall forthwith settle. Landlord shall not be liable for any damages, inconvenience, or annoyance to Tenant resulting from any damage to the Premises or from the repair or replacement thereof and shall not be liable for any delay in restoring the Premises unless arising from the Landlord's negligent or wrongful action. If Tenant's negligence or the negligence of Tenant's agents, employees or invitees results in damage or destruction to the Premises, then notwithstanding any other provision of this Agreement, Tenant shall be obligated to pay the cost or repair, replacement or restoration that exceeds any available insurance proceeds therefore, and Rent shall not abate during the period of repair or restoration.

Section 13. Liability for Loss of Personal Property. All personal property placed or moved in the Premises shall be at the risk of Tenant. Landlord shall not be liable for any damage to person or to property occurring on the Premises or related to Tenant's use thereof including, but not limited to, damages arising from the bursting or leaking of water pipes.

Section 14. Alterations. Tenant shall not make any alterations to the Premises without first obtaining the written consent of Landlord. Any alterations so approved by Landlord shall (a) be made in a good and workmanlike manner; (b) be paid for in full by Tenant; (c) be made with materials of comparable or better quality than are already in place; and (d) not weaken the Premises or cause a reduction in fair market value of the Premises. Any work done on the premises must be done by a licensed and insured contractor with appropriate permits processed through appropriate governmental entities and receive final inspection of same.

Section 15. Access to Premises. Landlord may enter the Premises at any time without notice for the protection or preservation of the Premises.

Section 16. Waiver of Jury Trial and Recovery of Fees. In the event of legal proceedings between the parties, the parties agree to waive any right to trial by jury. Further, each party agrees to bear its costs and attorneys' fees, including all costs and attorneys' fees up to and including appellate proceedings.

Section 17. Liens/Code Enforcement Violations. Tenant agrees to keep the Premises free and clear of any lien or encumbrance of any kind whatsoever created by Tenant's acts or omissions and Tenant shall indemnify and defend, to the extent and limits permitted by law, Landlord against any claim or action brought to enforce any lien imposed on the Premises because of Tenant's negligent act or omission. Except as specifically provided otherwise herein, Tenant shall have 10 days after receiving notice of any such lien or encumbrance to have such removed. If Tenant fails to have such removed within that time, Tenant shall be in default.

Tenant agrees to maintain the property in accordance with all laws and ordinances, including local City of Palm Bay ordinance and codes. Tenant agrees to maintain the property free of any code enforcement violations and to promptly remedy any upon notice. Further, Tenant warrants that there are currently no outstanding such violations on the location.

Section 18. Waiver. No act of a party shall be deemed a waiver of any of the party's rights hereunder, unless such waiver is specifically made in writing. A party's forbearance to enforce any rights hereunder or to exercise any available remedy, or to insist upon strict compliance herewith, shall not be deemed a waiver or forfeiture of such rights, remedies or strict compliance, nor shall such forbearance stop the party from exercising any available rights or remedies or from requiring strict compliance in the future. Landlord's acceptance of any late or inadequate performance including, but not limited to, late or insufficient payments of Rent, shall not constitute a waiver or forfeiture of Landlord's right to treat such performance as an event of default or to require timely and adequate performance in the future.

Section 19. Notices. All notices or other communication required or permitted to be given pursuant to this Agreement shall be in writing and shall be construed as properly given if mailed by registered or certified mail with return receipt requested. It is agreed that notice so mailed shall be reasonable and effective upon the expiration of three business days after its deposit. Notice given in any other manner shall be effective only if and when received by the addressee. For purposes of notice, the addresses of the parties shall be the address as follows:

Camille Hadley, Program Director
Little Growers, Inc.

Palm Bay, FL _____

City Manager
City of Palm Bay
120 Malabar Road
Palm Bay, FL 32907

Section 20. Construction. Whenever the context permits or requires the use of the singular in this Agreement shall include the plural and the plural shall include the singular. Any reference herein to one gender shall likewise apply to the other gender and to the neuter; and any reference herein to the neuter shall refer likewise to one or both genders. Any reference herein to a person shall include trusts, partnerships, corporations, and other entity, as appropriate.

Section 21. Captions. The captions to the provisions of this Agreement are for convenience and reference only and in no way define, limit or describe the scope or intent of this Agreement nor in any way effect the substance of this Agreement.

Section 22. Applicable Law/Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue shall be in the Eighteenth Judicial Circuit Court in and for Brevard County, Florida

Section 23. Survivability. The parties agree that all of Tenant's indemnities, representations and warranties made herein, shall, to the extent and limits permitted by law, survive the termination or expiration of this Agreement and that the termination or expiration hereof shall not release Tenant from any accrued, unfulfilled or unsatisfied liabilities or obligations.

Section 24. Merger. No prior or present agreements or representations shall be binding upon the parties hereto unless incorporated in this Agreement. No modification or change in this Agreement shall be valid or binding upon the parties unless a writing is executed by the parties to be bound thereby.

Section 25. Parties Bound. This Agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, successors and assigns of the parties. In the event Landlord or any successor-owner of the Premises shall convey or otherwise dispose of the Premises, all liabilities and obligations of Landlord, or any successor-owner as Landlord, to Tenant under this Agreement shall terminate upon such conveyance or disposal and the giving of written notice thereof to Tenant.

Section 26. Severability. If any provision of this Agreement should be determined to conflict with any public policy, statute or rule of law, or is otherwise determined to be invalid or unenforceable, then such provision shall be deemed null and void to the extent of such conflict, but without invalidating the remaining provisions.

Section 27. Accord and Satisfaction. No payment by Tenant or receipt by Landlord of a lesser amount than the Rent herein stipulated shall be deemed to be other than on account of the earlier Rent, nor shall any endorsement or statement on any check or any letter accompanying any check or Rent payment be deemed an accord and satisfaction. Landlord may accept such check or payment without prejudice to Landlord's right to recover the balance of such Rent or pursue any other remedy provided in this Agreement.

Section 28. Time Periods. Time is of the essence in this Agreement. Any reference herein to time periods of less than six days shall exclude Saturdays, Sundays and legal holidays; and any time period provided for herein that ends on a Saturday, Sunday or legal holiday shall extend to 5:00 PM of the next full business day.

Section 29. Recording. This Agreement shall not be recorded in the Land Records of Brevard County.

Section 30. Insurance. Tenant agrees to maintain insurance in the following minimum amounts:

- A. **Commercial General Liability:** Minimum limits of \$1,000,000.00 each occurrence, \$2,000,000.00 annual aggregate combined single limit for bodily injury and property damage liability. This shall include premises/operations, independent contractors, products, completed operations, broad form property damage, personal and advertising injury, and contractual liability, specifically confirming and insuring the indemnification and hold harmless clause of the contract. This policy of insurance shall be considered primary to and not contributing with any insurance maintained by the City of Palm Bay and shall name the City of Palm Bay as an additional insured. The policy of insurance shall be written on an “occurrence” form.
- B. **Automobile:** Tenant shall provide minimum limits of liability of \$1,000,000.00 each accident, combined single limit for bodily injury and property damage. This shall include coverage for:
- Owned Automobiles
 - Hired Automobiles
 - Non-Owned Automobiles
- C. **Umbrella/ Excess Liability:** Tenant shall provide umbrella/excess coverage with limits of no less than \$1,000,000.00 excess of Commercial General Liability, Automobile Liability and Employers Liability. [OPTIONAL COVERAGE IF COMMERCIAL GENERAL LIABILITY IN AMOUNTS ABOVE PROVIDED.]
- D. **Workers' Compensation:** Tenant shall provide and maintain workers' compensation insurance for all employees in the full amount required by statute and full compliance with the applicable laws of the State of Florida. Said policy must include Employers' Liability insurance with limits of no less than statutory limits:
- | | |
|-------------------------|---------------|
| Each Accident | \$ 100,000.00 |
| Disease – Policy Limit | \$ 100,000.00 |
| Disease – Each Employee | \$ 500,000.00 |

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the date stated.

TENANT
LITTLE GROWERS, INC.

By: Camille Hadley, Program Director

STATE OF FLORIDA
COUNTY OF BREVARD

SWORN AND SUBSCRIBED before me this ____ day of _____, 2020
☐ electronically or ☐ personally by _____ as the
_____ of and who is personally known to me or produced
_____ as identification; and who did ____ or did not ____ take an oath.

NOTARY SEAL/STAMP:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES ON: _____

LANDLORD
CITY OF PALM BAY, FLORIDA

William Capote, Mayor
City of Palm Bay, Florida
Date: _____

ATTEST:

CITY CLERK

By: _____