



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

Special Council Meeting 2020-35 Tuesday

October 6, 2020 - 6:00 PM

Council Chambers - 120 Malabar Road SE, Palm Bay FL 32907

CALL TO ORDER:

ROLL CALL:

PUBLIC HEARINGS:

1. Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading. (REHEARING)
2. Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heaving Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading. (Quasi-Judicial Proceeding) (REHEARING)

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 6, 2020, beginning at 6:00 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: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP Growth Management Director

DATE: 10/6/2020

RE: Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading. (REHEARING)

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.

MLEF2-1, LLC (Jake Wise, P.E., Representing) has applied for a large-scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 21.83 acres of Industrial Use (IND) and Commercial Use (COM) to Bayfront Mixed Use (BMU).

City Council approval of the large scale amendment was transmitted to the Florida Department of Economic Opportunity (DEO) for review, pursuant to Chapter 163, Florida Statutes. On March 13, 2020, DEO informed the City that their review had been completed.

Staff recommends approval with the following conditions:

1. Future development will be restricted to a right-in right-out driveway connection to R.J. Conlan.
2. A Traffic Study will be required and will be reviewed during the administrative staff approval process to determine any impacts to the adjacent road network and any improvements necessary to mitigate such impacts with emphasis on access management.
3. A Phase One environmental study will be required at the time of any development proposal.
4. No residential structures shall be placed within 100 feet of the existing businesses that front Rowena Drive.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:

Motion to approve Case CP-10-2019 subject to the conditions contained in the staff report.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 5 to 1, subject to the staff comments contained in the staff report.

ATTACHMENTS:**Description**

Case CP-10-2019

Ordinance 2019-43

DEO Review Letter

10/03/19 Regular Council Meeting Minutes

02/06/20 Regular Council Meeting Minutes

Florida Today Display Ad

Posted Property Sign

Evidence Submitted by MLEF2-1 LLC (available upon request)



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Christopher Balter, Planner II

CASE NUMBER

CP-10-2019

PLANNING & ZONING BOARD HEARING DATE

September 18, 2019

APPLICANT/PROPERTY OWNER

MLEF2-1, LLC
Jake Wise, P.E. (Representing)

PROPERTY LOCATION/ADDRESS

Parcels 28-37-14-00-10, 28-37-14-00-22, 28-37-14-00-1,
28-37-11-78-C-1, 28-37-11-78-A-1
North of and adjacent to Robert J. Conlan Boulevard NE, in
the vicinity east of the Florida East Coast Railroad

SUMMARY OF REQUEST

The applicant is requesting a large-scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 21.83 acres of Industrial Use (IND) and Commercial Use (COM) to Bayfront Mixed Use (BMU).

Existing Zoning

HC, Highway Commercial; HI, Heavy Industrial

Existing Land Use

Commercial Use and Industrial Use

Site Improvements

Abandoned Cement Plant and Hotel

Site Acreage

21.83 acres, more or less

SURROUNDING ZONING & USE OF LAND USE

North

HC, Highway Commercial and HI, Heavy Industrial; Restaurant, Single-Family Homes, and Manufacturing Businesses

East

HC, Highway Commercial; U.S.1, and the Indian River Lagoon

South

HC, Highway Commercial and HI, Heavy Industrial; (Across R.J. Conlan) Raytheon Technologies

West

HI, Heavy Industrial; Florida East Coast Railroad

COMPREHENSIVE PLAN COMPATIBILITY

The current nature of the future land use designations surrounding the subject parcel is Commercial and Industrial. The proposed land use amendment would be considered compatible with the surrounding land uses by providing a transition between the Commercial and Industrial land uses by providing a mix of land uses.

ANALYSIS:

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

1. FUTURE LAND USE ELEMENT

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

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

The Comprehensive Plan (Plan) FLU Element Goal FLU-3 is to provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents

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

The Comprehensive Plan (Plan) FLU Element Goal FLU-9 is to create large scale, sustainable mixed-use communities.

The subject parcels are located within an existing industrial and commercial area. The intended use for the 21.83-acre parcels is a mix of a Multi-Family Residential development and commercial uses. The proposed land use amendment would be considered compatible with the surrounding land uses by providing a transition between the Commercial and Industrial land uses by, providing a high-quality diversified living environment. The development will further these goals by providing a mix of allowable uses, on a property that has been unused and blighted for many years. The City currently has 1,920.66 acres of land designated as Industrial Uses on the Comprehensive Plan Future Land Use Map. Approximately half of the designated land is undeveloped or vacant.

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

Recreation: The proposed FLU amendment would not exceed the existing park land or recreational level of service standards for the planning area.

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. Instead, it will serve to create additional multifamily housing opportunities needed in Palm Bay.

5. INFRASTRUCTURE/CAPITAL IMPROVEMENTS ELEMENTS

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

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

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

Any development of the subject property will alter the present natural site conditions as the property is partially undeveloped and therefore, would have some impact. The property is located within Flood Zone X, which is an area of minimal flood hazard outside the Special Flood Hazard Area (100-year flood) and the 500-year flood zone.

6. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Bayfront Mixed Use for a large parcel (21.83 acres) will add housing units. Some impacts to the public-school system area are anticipated and will require concurrency from the Brevard County School Board.

7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will

be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the Site Plan review/approval process.

CONDITIONS:

1. Future development will be restricted to a right-in right-out driveway connection to R.J. Conlan.
2. A Traffic Study will be required and will be reviewed during the administrative staff approval process to determine any impacts to the adjacent road network and any improvements necessary to mitigate such impacts with emphasis on access management.
3. A Phase One environmental study will be required at the time of any development proposal.
4. No residential structures shall be placed within 100 feet of the existing businesses that front Rowena Drive.

STAFF RECOMMENDATION:

Case CP-10-2019 is recommended for approval subject to the staff comments contained in this report.



AERIAL LOCATION MAP CASE CP-10-2019 & CPZ-10-2019

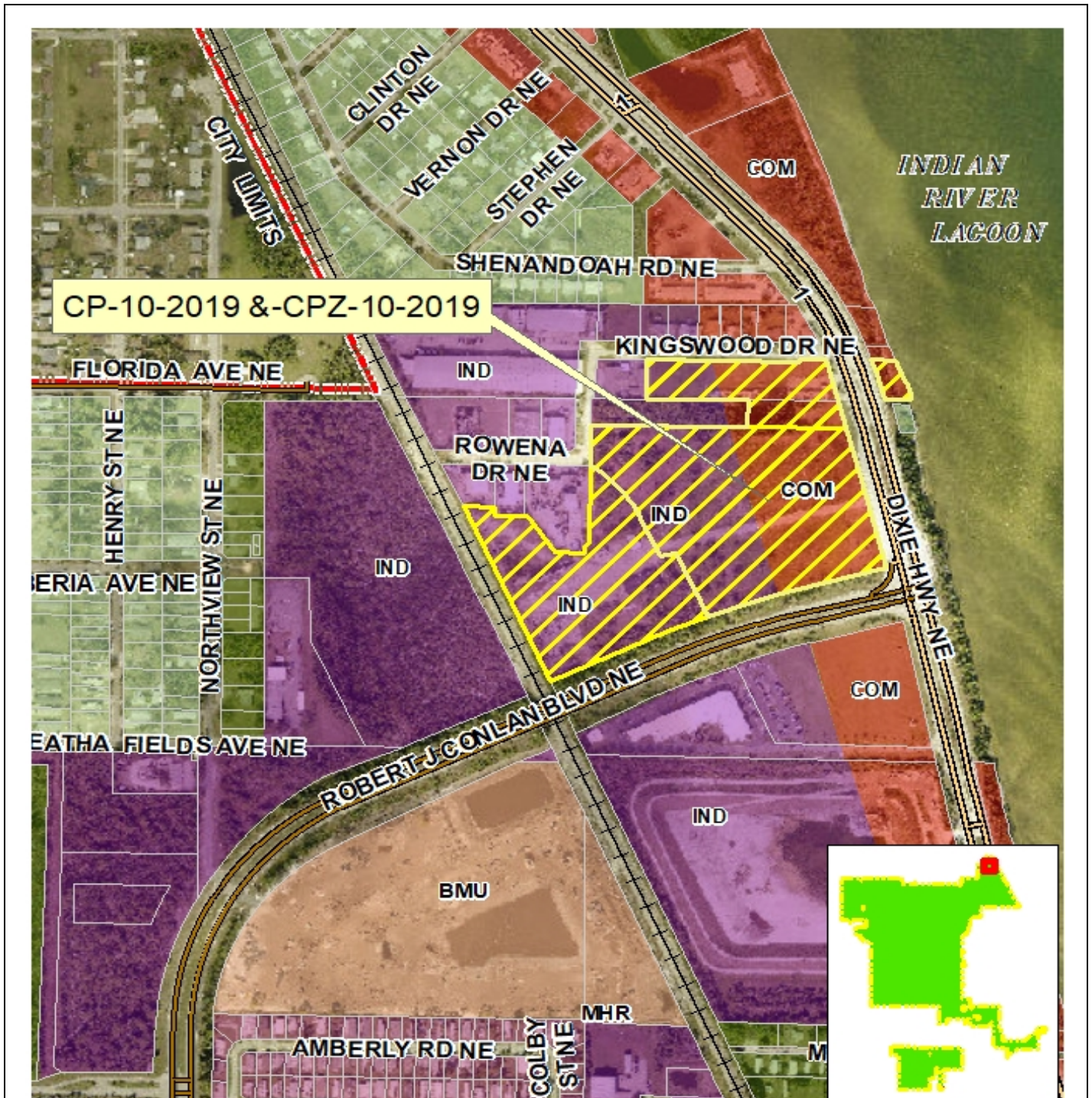
Subject Property

Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE



Not to Scale

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



FUTURE LAND USE MAP CASE CP-10-2019 & CPZ-10-2019

Subject Property

Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE

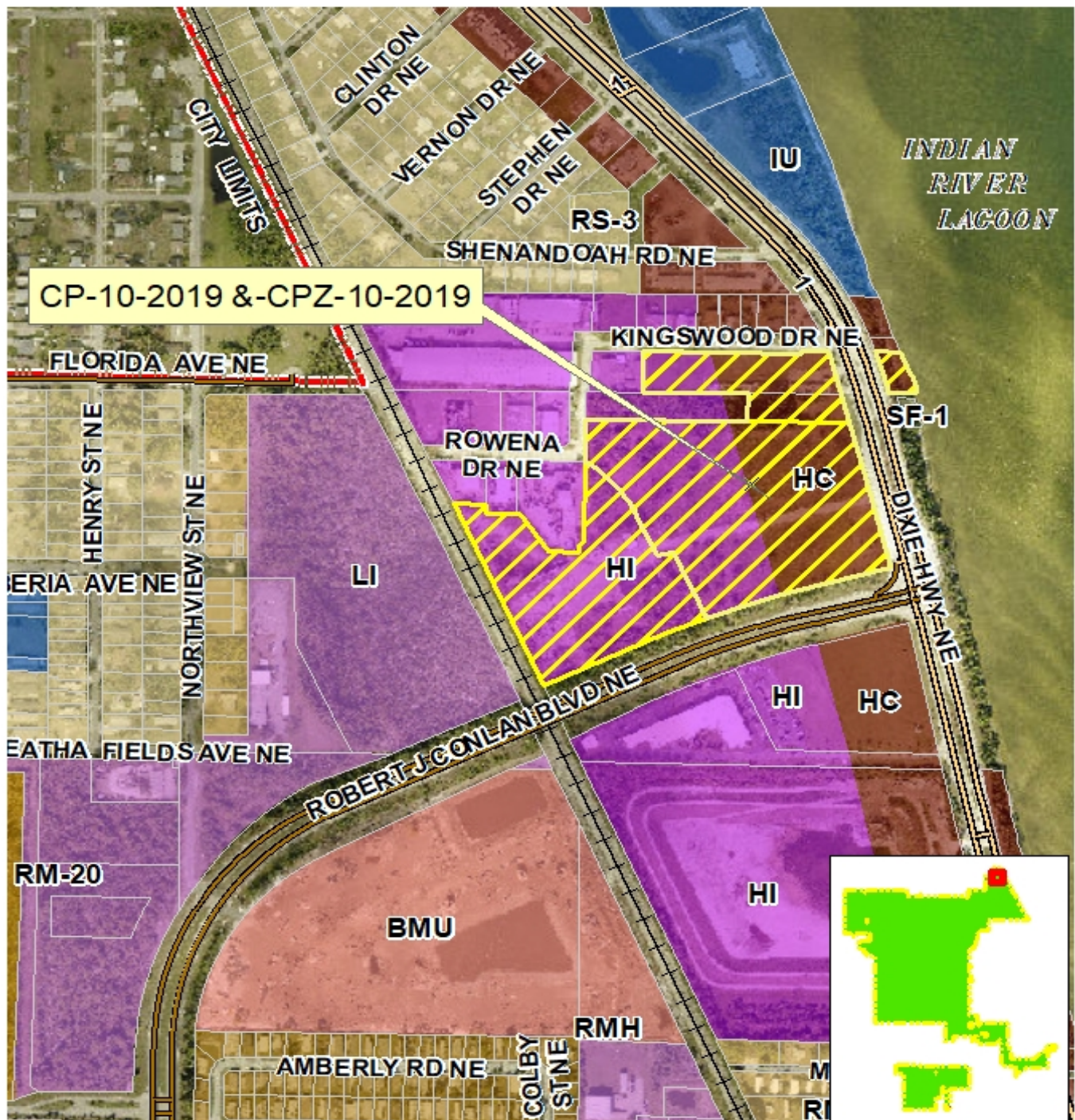
Future Land Use Classification

IND – Industrial Use and
COM – Commercial Use



Not to Scale

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



ZONING MAP

CASE CP-10-2019 & CPZ-10-2019

Subject Property

Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE

Current Zoning Classification

HC – Highway Commercial District and
HI – Heavy Industrial District



Not to Scale

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



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

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT 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 AMENDMENT TYPE:

☐ **Small Scale** (Less than 10 acres) ☒ **Large Scale** (10 acres or more) ☐ **Text Amendment** (Comp. Plan)

PARCEL ID 28-37-14-00-10 / 28-37-14-00-22 / 28-37-14-00-1 / 28-37-11-78-C-1 / 28-37-11-78-A-1

TAX ACCOUNT NO. 2826097/ 2861830/ 2826089/ 2825825/ 2825813

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Multiple parcels. See additional sheets for property information

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 21.83 acres

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

Industrial and Commercial

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

BMU

PRESENT USE OF THE PROPERTY: Hotel and former cement plant

STRUCTURES NOW LOCATED ON THE PROPERTY: Hotel and former cement plant

HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:
Yes

(Impacts to transportation facilities, water and sewer facilities, drainage, recreation facilities, and solid waste must be examined and justified before acceptance by the Florida Department of Economic Opportunity and the City of Palm Bay.)

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

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

The current land uses on the property is split between industrial and commercial uses. This site is located at the far north reaches of the City with commercial and residential use to the north, existing industrial to the west, recently approved Bayfront mixed use property to the south and a developed, tech center to the southeast (industrial/ commercial split land use). The proposed BMU land use allows for commercial uses on the subject property as currently allowed, but also provides a transitional land use between the residential, commercial, and BMU adjacent to the site. The site is large enough to provide significant buffering to the industrial uses and railroad tracks to the west. Granting the FLU change to BMU will provide the framework to develop this highly visible property into a more aesthetically pleasing development with greater potential for increased revenue and tax base for the City of Palm Bay.

SPECIFIC USE INTENDED FOR PROPERTY:

The intended use for the property is predominantly multifamily residential use as required by City Code, with the remainder of the site developed as potential commercial use as allowed by the City Code. No uses are proposed at this time that would require a conditional use or any of those uses specifically forbidden as listed in the City of Palm Bay Code of Ordinances.

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP:

- ☒ *Application Fee. Make check payable to "City of Palm Bay."
- ☐ **Small Scale Map** \$1,200.00
(Less than 10 acres)
- ☒ **Large Scale Map** \$2,000.00
(10 acres or more)
- ☐ **Text Amendment** \$2,000.00
(Comp. Plan)
- ☒ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- ☒ School Board of Brevard County [School Impact Analysis Application](#) (if applicable).
- ☒ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines.
- ☒ **Where property is not owned by the applicant, a [letter](#) must be attached giving the notarized consent of the owner to the applicant to request the comprehensive plan or future land use map amendment.**

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

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

5-29-19

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**

LEGAL DESCRIPTION:

TRACT "A"
A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 100.00 FEET; THENCE S. 88 DEGREES 24'42" E., PARALLEL WITH AND 100.00 FEET DISTANT SOUTH, BY RIGHT ANGLE MEASUREMENT, FROM THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 885.35 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 332.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 205.32 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROBERT J. CONLAN BOULEVARD (A 200 FOOT WIDE RIGHT OF WAY); THENCE S. 75 DEGREES 57'10" W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 317.20 FEET TO THE POINT OF CURVATURE OF A 2964.79 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 14'56" A DISTANCE OF 323.35 FEET; THENCE DEPARTING SAID CURVE AND RIGHT OF WAY LINE, RUN N. 25 DEGREES 19'03" W., A DISTANCE OF 261.57 FEET; THENCE N. 76 DEGREES 41'26" E., A DISTANCE OF 666.47 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 89 DEGREES 16'54" A DISTANCE OF 38.96 FEET TO THE POINT OF BEGINNING.


TRACT "B"
A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN S. 88 DEGREES 24'42" E., PARALLEL WITH AND 100 FEET DISTANT SOUTH, BY RIGHT ANGLE MEASUREMENT, FROM THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 885.35 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 202.60 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 90 DEGREES 43'06" A DISTANCE OF 39.58 FEET TO A POINT OF TANGENCY; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 645.53 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 83 DEGREES 20'01" A DISTANCE OF 87.27 FEET TO A POINT OF REVERSE CURVATURE OF A 490.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 36 DEGREES 40'31" A DISTANCE OF 313.65 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 57 DEGREES 25'02" A DISTANCE OF 60.13 FEET TO A POINT OF TANGENCY ON THE AFORESAID WEST LINE OF GOVERNMENT LOT 1; THENCE N. 00 DEGREES 45'58" E., ALONG SAID WEST LINE, A DISTANCE OF 69.36 FEET TO THE POINT OF BEGINNING.

TRACT "C"
A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 69.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 45'58" W. ALONG SAID WEST LINE, A DISTANCE OF 83.07 FEET TO A POINT ON A 60.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A TANGENT BEARING OF S. 17 DEGREES 53'18" W.; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 16 DEGREES 57'18" A DISTANCE OF 17.76 FEET TO A POINT OF COMPOUND CURVATURE OF A 450.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 33 DEGREES 16'41" A DISTANCE OF 261.41 FEET TO A POINT OF TANGENCY; THENCE S. 25 DEGREES 19'03" E., A DISTANCE OF 146.41 FEET; THENCE N. 76 DEGREES 41'26" E., A DISTANCE OF 718.00 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 89 DEGREES 16'54" A DISTANCE OF 38.96 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N. 14 DEGREES 01'40" W., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 130.01 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A RADIAL BEARING OF S. 75 DEGREES 58'20" W.; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 90 DEGREES 43'06" A DISTANCE OF 38.58 FEET TO A POINT OF TANGENCY; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 645.53 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 83 DEGREES 20'01" A DISTANCE OF 87.27 FEET TO A POINT OF REVERSE CURVATURE OF A 490.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 36 DEGREES 40'31" A DISTANCE OF 313.65 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 57 DEGREES 25'02" A DISTANCE OF 60.13 FEET TO THE POINT OF BEGINNING.

TRACT "D"
A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, AND RUN S. 00 DEGREES 45'48" W., ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 252.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 45'48" W., ALONG SAID EAST LINE, A DISTANCE OF 292.20 FEET; THENCE S. 65 DEGREES 26'11" W., A DISTANCE OF 16.59 FEET TO A POINT ON THE WEST LINE OF A 15 FOOT WIDE RIGHT OF WAY RECORDED IN DEED BOX 191, PAGE 315 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S. 00 DEGREES 45'48" W., A DISTANCE OF 27.67 FEET; THENCE N. 89 DEGREES 14'02" W., A DISTANCE OF 104.04 FEET; THENCE N. 34 DEGREES 10'56" W., A DISTANCE OF 47.76 FEET; THENCE N. 36 DEGREES 11'36" W., A DISTANCE OF 117.79 FEET; THENCE N. 88 DEGREES 23'32" W., A DISTANCE OF 112.66 FEET; THENCE N. 00 DEGREES 45'48" E., A DISTANCE OF 32.46 FEET; THENCE N. 88 DEGREES 23'32" W. A DISTANCE OF 110.52 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY (A 100 FOOT WIDE RIGHT OF WAY); THENCE S. 24 DEGREES 38'41" E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 718.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROBERT J. CONLAN BOULEVARD (A 200 FOOT WIDE RIGHT OF WAY); THENCE N. 65 DEGREES 23'47" E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 371.41 FEET TO THE POINT OF CURVATURE OF A 2964.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 04 DEGREES 18'27" A DISTANCE OF 222.90 FEET; THENCE N. 25 DEGREES 19'03" W., A DISTANCE OF 261.57 FEET; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 51.53 FEET; THENCE N. 25 DEGREES 19'03" W., A DISTANCE OF 146.41 FEET TO THE POINT OF CURVATURE OF A 450.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 33 DEGREES 16'41" A DISTANCE OF 261.41 FEET TO A POINT OF COMPOUND CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 16 DEGREES 57'18" A DISTANCE OF 17.76 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE SUBJECT PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1434, PAGE 733, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE SUBJECT PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1921, PAGE 988, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



CONSTRUCTION
ENGINEERING
GROUP

Consulting Engineers

2651 Eau Gallie Blvd., Suite A
Melbourne, FL 32935

Tel. 321.253.1221
www.cegroupengineering.com
COA #0000077

HARBOR POINTE

PALM BAY, FL

LOCATION MAP AND LEGAL DESCRIPTION

DATE
05/28/2019

COUNTY
BREVARD

SCALE
NTS

APPROVED BY
JTW

THIS SHEET
FIG. 1

_____, May 20, 2019

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-14-00-10 / 28-37-14-00-22 / 28-37-14-00-1 / 28-37-11-78-C-1 / 28-37-11-78-A-1

I, Alan Benenson - MLEF2-1, LLC, hereby authorize to represent my
Rezoning 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


(Property Owner Signature)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 20 day of
May, 2019 by ALAN BENENSON

(SEAL)



Alexandra Nussenbaum
Commission # GG181887
Expires: February 1, 2022
Bonded thru Aaron Notary


Alexandra Nussenbaum, Notary Public

☒ Personally Known or

☐ Produced Identification

Type of Identification Produced: _____

**PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
RECOMMENDATION
September 18, 2019**

As the Planning and Zoning Board minutes are not fully transcribed at this time, an excerpt of the minutes is being provided.

CP-10-2019 – MLEF2-1, LLC (JAKE WISE, P.E., REPRESENTING)

Staff Recommendation:

Motion to approve Case CP-10-2019 subject to the conditions contained in the staff report.

Planning and Zoning Board Recommendation:

Motion by Ms. Maragh, seconded by Ms. Jordan to submit Case CP-10-2019 to City Council for approval of a large scale Comprehensive Plan Future Land Use Map amendment from Industrial Use and Commercial Use to Bayfront Mixed Use. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Ms. Domonousky	Nay
Ms. Maragh	Aye

City Council approval of the large scale amendment will require a transmittal of the proposal to the Florida Department of Economic Opportunity for review, pursuant to Chapter 163, Florida Statutes.

ORDINANCE 2019-43

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on September 18, 2019, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on October 3, 2019, after public notice, and

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

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

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

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on January 2, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said amendment to the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Industrial Use and Commercial Use to Bayfront Mixed Use, which property is legally described herein as Exhibit "A".

SECTION 2. The Future Land Use Map is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan. Specifically:

- 1) Future development shall be restricted to a right-in right-out driveway connection to Robert J. Conlan Boulevard;
- 2) A Traffic Study shall be required and shall be reviewed during the administrative staff approval process to determine any impacts to the adjacent road network and any improvements necessary to mitigate such impacts, with emphasis on access management;
- 3) A Phase One environmental study shall be required at the time of any development proposal; and
- 4) No residential structures shall be placed within 100 feet of the existing businesses that front Rowena Drive.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. This ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

Read in title only at Meeting 2019-24, held on October 3, 2019; and read in title only and duly enacted at Meeting 2019-___, held on _____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: MLEF2-1, LLC

Case: CP-10-2019

cc: (date) Applicant
Case File

LEGAL DESCRIPTION:

TRACT "A"

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 100.00 FEET; THENCE S. 88 DEGREES 24'42" E., PARALLEL WITH AND 100.00 FEET DISTANT SOUTH, BY RIGHT ANGLE MEASUREMENT, FROM THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 885.35 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 332.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 205.32 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROBERT J. CONLAN BOULEVARD (A 200 FOOT WIDE RIGHT OF WAY); THENCE S. 75 DEGREES 57'10" W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 317.20 FEET TO THE POINT OF CURVATURE OF A 2964.79 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 14'56" A DISTANCE OF 323.35 FEET; THENCE DEPARTING SAID CURVE AND RIGHT OF WAY LINE, RUN N. 25 DEGREES 19'03" W., A DISTANCE OF 261.57 FEET; THENCE N. 76 DEGREES 41'26" E., A DISTANCE OF 666.47 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 89 DEGREES 16'54" A DISTANCE OF 38.96 FEET TO THE POINT OF BEGINNING.

TRACT "B"

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN S. 88 DEGREES 24'42" E., PARALLEL WITH AND 100 FEET DISTANT SOUTH, BY RIGHT ANGLE MEASUREMENT, FROM THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 885.35 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 202.60 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 90 DEGREES 43'06" A DISTANCE OF 39.58 FEET TO A POINT OF TANGENCY; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 645.53 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 83 DEGREES 20'01" A DISTANCE OF 87.27 FEET TO A POINT OF REVERSE CURVATURE OF A 490.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 36 DEGREES 40'31" A DISTANCE OF 313.65 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 57 DEGREES 25'02" A DISTANCE OF 60.13 FEET TO A POINT OF TANGENCY ON THE AFORESAID WEST LINE OF GOVERNMENT LOT 1; THENCE N. 00 DEGREES 45'58" E., ALONG SAID WEST LINE, A DISTANCE OF 69.36 FEET TO THE POINT OF BEGINNING.

TRACT "C"

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 69.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 45'58" W. ALONG SAID WEST LINE, A DISTANCE OF 83.07 FEET TO A POINT ON A 60.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A TANGENT BEARING OF S. 17 DEGREES 53'18" W.; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 16 DEGREES 57'18" A DISTANCE OF 17.76 FEET TO A POINT OF COMPOUND CURVATURE OF A 450.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 33 DEGREES 16'41" A DISTANCE OF 261.41 FEET TO A POINT OF TANGENCY; THENCE S. 25 DEGREES 19'03" E., A DISTANCE OF 146.41 FEET; THENCE N. 76 DEGREES 41'26" E., A DISTANCE OF 718.00 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 89 DEGREES 16'54" A DISTANCE OF 38.96 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N. 14 DEGREES 01'40" W., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 130.01 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A RADIAL BEARING OF S. 75 DEGREES 58'20" W.; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 90 DEGREES 43'06" A DISTANCE OF 38.58 FEET TO A POINT OF TANGENCY; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 645.53 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 83 DEGREES 20'01" A DISTANCE OF 87.27 FEET TO A POINT OF REVERSE CURVATURE OF A 490.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 36 DEGREES 40'31" A DISTANCE OF 313.65 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 57 DEGREES 25'02" A DISTANCE OF 60.13 FEET TO THE POINT OF BEGINNING.

TRACT "D"

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, AND RUN S. 00 DEGREES 45'48" W., ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 252.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 45'48" W., ALONG SAID EAST LINE, A DISTANCE OF 292.20 FEET; THENCE S. 65 DEGREES 26'11" W., A DISTANCE OF 16.59 FEET TO A POINT ON THE WEST LINE OF A 15 FOOT WIDE RIGHT OF WAY RECORDED IN DEED BOX 191, PAGE 315 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S. 00 DEGREES 45'48" W., A DISTANCE OF 27.67 FEET; THENCE N. 89 DEGREES 14'02" W., A DISTANCE OF 104.04 FEET; THENCE N. 34 DEGREES 10'56" W., A DISTANCE OF 47.76 FEET; THENCE N. 36 DEGREES 11'36" W., A DISTANCE OF 117.79 FEET; THENCE N. 88 DEGREES 23'32" W., A DISTANCE OF 112.66 FEET; THENCE N. 00 DEGREES 45'48" E., A DISTANCE OF 32.46 FEET; THENCE N. 88 DEGREES 23'32" W. A DISTANCE OF 110.52 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY (A 100 FOOT WIDE RIGHT OF WAY); THENCE S. 24 DEGREES 38'41" E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 718.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROBERT J. CONLAN BOULEVARD (A 200 FOOT WIDE RIGHT OF WAY); THENCE N. 65 DEGREES 23'47" E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 371.41 FEET TO THE POINT OF CURVATURE OF A 2964.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 04 DEGREES 18'27" A DISTANCE OF 222.90 FEET; THENCE N. 25 DEGREES 19'03" W., A DISTANCE OF 261.57 FEET; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 51.53 FEET; THENCE N. 25 DEGREES 19'03" W., A DISTANCE OF 146.41 FEET TO THE POINT OF CURVATURE OF A 450.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 33 DEGREES 16'41" A DISTANCE OF 261.41 FEET TO A POINT OF COMPOUND CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 16 DEGREES 57'18" A DISTANCE OF 17.76 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE SUBJECT PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1434, PAGE 733, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE SUBJECT PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1921, PAGE 988, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



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HARBOR POINTE

PALM BAY, FL

LOCATION MAP AND LEGAL DESCRIPTION

DATE 05/28/2019	
COUNTY BREVARD	APPROVED BY JTW
SCALE NTS	THIS SHEET FIG. 1

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

March 13, 2020

The Honorable William Capote
Mayor, City of Palm Bay
120 Malabar Road
Palm Bay, Florida 32907

Dear Mayor Capote:

The Department of Economic Opportunity ("Department") has completed its review of the comprehensive plan amendment adopted by the City of Palm Bay (Amendment No. 19-05ESR) by Ordinance No. 2019-43 on February 6, 2020. We have reviewed the amendment in accordance with the expedited state review process set forth in Section 163.3184(2) and (3), Florida Statutes, and identified no provision that necessitates a challenge of the Ordinance adopting the amendment.

If the plan amendment is not challenged by an affected person, the amendment will become effective 31 days after the Department notified the local government that the plan amendment package was complete. If the plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be "In Compliance."

If you have any questions concerning this review, please contact Wisnerson Benoit, Planning Analyst, by telephone at (850) 717-8524 or by email at Wisnerson.Benoit@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, reading "James D. Stansbury".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/wb

cc: Christopher Balter, Planner II, City of Palm Bay
Hugh Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2019-24

Held on Thursday, the 3rd day of October 2019, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 6:59 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:	Brian Anderson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Kenny Johnson	Present
DEPUTY CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Laurence Bradley, Growth Management Director.

ANNOUNCEMENTS:

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

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. Two (2) vacancies on the Business Improvement District (must be located within the District) representing 'institution of higher education (college or university)' and 'major employer'.++**

AGENDA REVISIONS:

1. Mayor Capote advised of the following:

a) Items 1 and 2, Award of Bid, under Procurements, were inadvertently left off the Consent Agenda. Council concurred to add the items.

b) A Legislative Memorandum was added to the agenda as Item 10, under New Business, relating to Councilmember attendance at the preliminary exit interview of the State Audit. He requested that Council consider the request prior to Item 1, under New Business. Council concurred.

2. Ms. Sherman announced that the Legislative Memorandum and Resolution 2019-40 for Item 9, under Public Hearings, had been revised to include a notation by staff referencing the maximum sign size permitted in the conditions.

CONSENT AGENDA:

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

Motion by Deputy Mayor Anderson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Item 3, under New Business, from consent; and the inclusion of Items 1 and 2, Award of Bids, under Procurements, to the Consent Agenda. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

PRESENTATION:

1. **Michael Kahn, P.A. – opioid litigation presentation.** Mr. Kahn advised that two (2) counties were set for trial on October 21, 2019. The Purdue Pharma lawsuit had been settled. He predicted that there would be other settlements, if not a full global settlement on or before October 21st. Mr. Kahn stated that he had filed lawsuit on behalf of Palm Bay on June 14, 2019, which allowed the City to receive an additional 10%-15% in settlement funds that could be used to offset expenses. He explained that any settlement would require Council's approval, but Council first had to approve to remain in the negotiating class of the settlement. Mrs. Smith advised that she would prepare an agenda item for an upcoming Council meeting.

ADOPTION OF MINUTES:

***1. Special Council Meeting 2019-21; September 11, 2019.**

***2. Regular Council Meeting 2019-22; September 19, 2019.**

***3. Special Council Meeting 2019-23, September 26, 2019.**

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

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

There were no public comments.

PUBLIC HEARINGS:

1. Ordinance 2019-46, vacating a portion of the rear public utility and drainage easement located within Lots 21 and 22, Block 854, Port Malabar Unit 17 (Case VE-4-2019, Laura Gullo), 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 Mr. Santiago, to adopt Ordinance 2019-46. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

2. Ordinance 2019-56, amending the Fiscal Year 2018-2019 budget by appropriating and allocating certain monies (fourth budget amendment), final reading.

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt Ordinance 2019-56. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

3. Ordinance 2019-57, amending the Code of Ordinances, Chapter 33, Fire Department, Subchapter 'Fire Prevention; General Provisions', by removing provisions related to fire protection and alarm system permit and inspection fees, (Case T-21-2019, City of Palm Bay), final reading.

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

Motion by Deputy Mayor Anderson, seconded by Mr. Bailey, to adopt Ordinance 2019-57. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

4. Ordinance 2019-58, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, by including provisions related to fire protection and alarm system permit and inspection fees, (Case T-21-2019, City of Palm Bay), final reading.

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt Ordinance 2019-58. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

5. Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), first reading. (CONTINUED FROM SCM – 09/09/19 and RCM – 08/01/19)

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

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise and Brenda Yates, representatives for the applicant, presented the request to Council.

Jack Spira, attorney and representative for FAR Chemical Inc. (FAR), spoke in opposition to the request. He said that FAR had been in operation in Palm Bay since 1983. It planned to increase its employment by fifty percent (50%) within the next year and would be moving to a 24/7 production schedule. The company dealt with highly hazardous chemicals that reacted with air and water. Mr. Spira said that placing a residential development next to an industrial company was hazardous. Residential ventilation systems would be limited even though FAR used an industrial ventilation system. There would be negative effects on cars and personal property stored outside. Due to prevailing

winds, residents close to the facility would be exposed to hazardous air emissions. He said that residents should be informed of the potential of chronic, low-level chemical exposure and, at a minimum, the developer should be required to include language in leases advising of the potential exposure.

Conroy Jacobs, certified planner and representative for FAR, reviewed pedestrian fatalities. He said that a traffic study had not been completed; proposed driveways were inconsistent with the transportation element of the City's Comprehensive Plan; and the estimated trips generated by the proposed development and roadway geometrics would increase the likelihood of crashes.

Carmen Rasnick, certified planner and representative for FAR, provided additional information on adjacency, prevailing winds, notices of evacuation, and the unfavorable view of the FAR facility from the higher floors of the apartment complex. She suggested a transitional use type zoning to be located next to Heavy Industrial zoning, such as Light Industrial and Commercial. Ms. Rasnick commented that emergency services would not be able to handle the capacity of the development.

Cecelia Bonifay, attorney and representative for FAR, explained that the request was incompatible, non-conforming and inconsistent with the Florida Statutes, the City's Comprehensive Plan and the Land Development regulations. The maximum density and yield were not included in the Staff Report and state agencies would find it difficult to properly review the application.

Mr. Wise responded to the comments by FAR representatives. He advised that site specific plans were not done before receiving land use and rezoning approval. The applicant had agreed to the conditions from the Planning and Zoning Board (P&Z) and it was not part of the plan to have one way in and one way out. Ms. Yates said that site plan review was part of the next stage. Gil Ramirez, licensed traffic engineer, said that comments made from the opposing party were not by licensed individuals. He said that the traffic engineering study would be done in the future.

Mr. Bailey asked if the applicant agreed with all conditions. Mr. Wise confirmed same.

Mr. Johnson asked if the applicant would be open to notifying neighboring residents. Mr. Wise answered that it would not be agreeable at this time, but if it was still a concern during the site plan process, it would be addressed with staff. Mr. Wise answered further questions from councilmembers.

Bill Battin, resident, found it odd that this issue had come up now when the property owners had the same zoning for decades. He did not want Council to repeat history by approving residential and if the developer backed out of the project, then Council rezones the property again because it would be a better fit for commercial. Mr. Johnson said that multi-family developments were taxed as commercial and had no homestead exemptions. Mr. Wise confirmed same.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Anderson, to approve Ordinance 2019-43, subject to the conditions contained in the Legislative Memorandum.

Mr. Santiago said he would approve the request based on the land use change only.

Deputy Mayor Anderson asked if Council would review the site plan or if it was handled administratively. Mr. Bradley answered that it would be reviewed administratively. Deputy Mayor Anderson asked if Council could place a condition that the site plan come before Council for consideration. Mrs. Smith said modifying the process should have occurred prior to the requests being considered tonight. However, by the time the final reading of the rezoning ordinance came back to Council, the applicant should have a better idea of the design. Deputy Mayor Anderson wanted to make sure that Council had its thumbprint on the site plan to ensure that it was what Council desired for the area. Mr. Bailey said that staff only provided the approval based on whether the applicant adhered to the regulations as defined in the Palm Bay Code of Ordinances. Mr. Bradley advised that the administrative review was not a public process. Staff did not consider comments from the public or other developers.

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

♣6. Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), first reading. (CONTINUED FROM SCM – 09/09/19 and RCM – 08/01/19)

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

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

Jake Wise, representative for the applicant, presented the request to Council. He asked that all testimony from Case CP-10-2019 be included for this item.

Jack Spira, attorney and representative for FAR, asked that all testimony from Case CP-10-2019 be reiterated for this item. He said that FAR did not have an objection to the rezoning or the comprehensive plan amendment. The concern was based on the future impact to the future residents of the City. He asked that those residents be made aware that they would be living next to a place that may be toxic, smelly, noisy, etc.

Mr. Bailey asked if FAR would be able to post signs on their property to notify the neighbors. Mr. Spira did not feel it would be effective. He said it came down to the fact that it was not the right development for the area.

Ms. Rasnick asked that her comments from CP-10-2019 be applied to this item.

Joe Beatty, Vice President and General Manager for FAR, said it would be different if there was a daycare, hospital, etc. located near the plant. They either operated during daytime hours only in which everyone was awake, or they had personnel that could handle emergency situations. In the case of hundreds of apartment units, if there was a spill during the night while people were sleeping, there was a potential of an acidic cloud. He just wanted people to be aware that they were living next to a chemical plant. Mr. Johnson asked how many chemical spills had occurred since 1984. Mr. Beatty said there had never been a catastrophic chemical spill at the site. The plant was inspected regularly by state and federal agencies but that did not mean that accidents could not occur.

Ms. Bonifay asked that her comments from CP-10-2019 be applied to this item.

Individuals commented on the request. An affected property owner said she was never given notice from the chemical plant that they were initially building in the area. Mr. Wise responded to the comments.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Johnson, to approve Ordinance 2019-44, subject to the staff comments contained in the Staff Report.

Mayor Capote supported the request and stated his reasons for same.

Mr. Bailey said there was a lot of discussion and comments on prevailing winds. Although there were a lot of variables, he did not feel that Council could use the risk presented by

one project to prohibit the development of another. He said there was not enough evidence to deny the request.

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

7. Ordinance 2019-59, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Australian Road, in the vicinity south of Bougainvillea Street, from Recreation and Open Space Use to Single Family Residential Use (3.19 acres)(Case CP-12-2019, City of Palm Bay), only one reading required.

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

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt Ordinance 2019-59. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

♣8. Ordinance 2019-60, vacating a portion of the road right-of-way known as San Sebastian Road and portions of three (3) un-named roads located within San Sebastian Farms Subdivision and Hayward's Prosperity Farms (30.0 acres)(Case VRW-1-2019, Babcock LLC), first reading.

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

Motion by Mr. Bailey, seconded by Deputy Mayor Anderson, to approve Ordinance 2019-60 subject to the recommendation section of the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

♣9. Resolution 2019-40, granting a conditional use for retail sales of agricultural products in RR (Rural Residential District) zoning (9.16 acres)(Case CU-20-2019, Anna Hutson).

The Planning and Zoning Board recommended that the request be approved, subject to the applicant's self-imposed conditions and the conditions contained in the Staff Report.

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

Numerous individuals spoke in favor of the request. Those that spoke against the request cited various issues including safety of children going to and from school, effect on school bus routes, lack of sidewalks and bike lanes, traffic concerns and large trucks on the roadway due to deliveries to the nursery.

Mr. Bailey asked if the applicant would be willing to consider adjusting the times according to school schedules, such as 10:00 A.M. to 2:00 P.M. Ms. Hutson said she would be flexible but was not willing to cut down the hours to four (4) hours. Mrs. Smith cautioned Council that it could not mandate that the applicant agree to the condition as part of the approval of the request. Council must base its decision on the conditions as presented.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Johnson, to adopt Resolution 2019-40, subject to the conditions contained in the Legislative Memorandum.

Mr. Santiago felt that the applicant went above and beyond by communicating and meeting with the neighbors. He understood the concerns but said those issues had to be addressed through other avenues. He did not feel that this request seemed as impactful as other commercial businesses and supported the request.

Deputy Mayor Anderson agreed with Councilman Santiago. He did not feel the request met the criteria of affecting the health, safety or wellbeing of the neighborhood and supported the request.

Mr. Bailey said that the safety of the children was a legitimate concern. He felt the applicant was genuine in their presentation and what they would be doing on their property. He did not agree with the additional traffic where school buses already had issues.

Motion by Mr. Santiago, seconded by Mr. Johnson, to adopt Resolution 2019-40, subject to the conditions contained in the Legislative Memorandum, and the inclusion of the following conditions: a) maximum size permitted for signs shall be sixteen (16) square

feet, b) the driveway shall be moved further west and would be further evaluated during the administrative site plan review process.

Motion carried with members voting as follows:

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

PROCUREMENTS:

Award of Bid:

***1. Culvert pipe replacement, Units 11 and 15 – IFB 68-0-2019 – Public Works Department (Florida Site Contracting – \$277,114).**

Staff Recommendation: Approve the award of IFB 68-0-2019 for culvert pipe replacement in Units 11 and 15 to Florida Site Contracting (Vero Beach), in the amount of \$277,114.

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

***2. Bulk pebble quicklime – IFB 70-0-2019 – Utilities Department (Carmeuse Lime and Stone – \$372,876).**

Staff Recommendation: Approve the award of IFB 70-0-2019 for bulk pebble quicklime to Carmeuse Lime and Stone (Pittsburg, Pennsylvania), in the estimated annual amount of \$372,876.

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

Miscellaneous:

***1. Caterpillar equipment; parts, services and new equipment – Public Works Department (Ring Power Corporation - \$120,000 (sole source)).**

Staff Recommendation: Approve the sole source annual purchases of ‘as needed’ parts, services and new equipment for Caterpillar heavy equipment to Ring Power Corporation (Palm Bay), in the estimated annual amount of \$120,000.

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

***2. ‘Other Agency’ term contracts utilized for Fiscal Year 2019-2020 ‘as needed’ purchases of equipment, materials and supplies – multiple city departments.**

Staff Recommendation: Approve the Fiscal Year 2019/2020 annual purchases of ‘as needed’ equipment, services, materials and supplies utilizing other agency term contracts, renewals, re-solicitations and replacement contracts for expired contracts.

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

UNFINISHED AND OLD BUSINESS:

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to appoint Tara Marie Pariso to the “adult member” position on the Youth Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Mr. Johnson said that with the recent breach with Palm Bay Utilities, he had done some research into possible solutions and noticed that many companies were using blockchain. He asked that staff look for that option or something similar.

2. Mr. Bailey reported on the following:

a) Asked if Council would be open to shutting down the Bayfront Community Redevelopment Agency de facto by cutting off any new spending in the plan. This would be beyond a few points as presented to staff by Commissioner Tobia. Then the remaining operations could be rolled over to the Business Improvement District. Mayor Capote advised that he and the Deputy City Manager met with Commissioner Tobia and

communications were currently continuing with staff. Mr. Bailey encouraged staff to move forward with that option and to possibly pay off some of the obligations early or move over to other entity;

b) Advised that he had been meeting with staff regarding the Building Codes. One of the issues was the requirements for garages which he felt was a little onerous as written. He said that some of the zoning districts required two-car garages which he felt was an excessive requirement. Another issue was to move the setbacks to the easement lines.

3. Mr. Santiago reported on the following:

a) Announced that Joan Junkala, Director of Community and Economic Development, would serve as his replacement on the Economic Development Commission's Ad Valorem Tax Abatement Council.

b) Asked that staff research other vendors for the utility online payments, especially due to the breach occurring twice. Mr. Bailey asked if those affected had been contacted by the City. Ms. Sherman said that a list of approximately 5,400 customers had been received from the vendor whose accounts may have been compromised. Official notification from the vendor would be sent out this week but staff was waiting to review the final draft of the letter to be sent. The vendor would be offering twelve (12) months of free credit monitoring as well.

NEW BUSINESS:

☛ 10. Discussion of selecting a Councilmember to attend the State's preliminary exit interview regarding the City's operational audit on October 8, 2019, at 9:00 a.m. (Mayor Capote).

Mayor Capote advised that the State's preliminary exit interview regarding the City's operational audit was scheduled for October 8, 2019, at 9:00 a.m. He felt that a member of Council should be present.

Deputy Mayor Anderson and Councilman Bailey said they were available.

Motion by Mr. Johnson, seconded by Mr. Santiago, to select Councilman Bailey to attend the exit interview. Mr. Santiago said that the invitation was extended, but it did not mean that a councilmember had to attend. He felt that only the City Manager should be in attendance and then she could relay the information to Council via individual meetings.

Mayor Capote said that Council was responsible for staff. There were forty (40) items to be presented by the auditors, then Council would receive a “cliff note” size of information. Mr. Santiago said it did not make sense for one councilmember to be there if all of Council could not be there. Mayor Capote felt it was important to have a councilmember in the room to hear the discussion first-hand. Mr. Santiago preferred that Deputy Mayor Anderson attend as he supported the audit in the first place. He withdrew his second to the motion. Mayor Capote seconded the motion.

Deputy Mayor Anderson said that any councilmember would see what they want to see out of the audit if they attended the meeting. He felt that the waters would get muddied and said that only the City Manager should attend, but if any councilmembers attended, it should be the Mayor or himself. Mr. Santiago agreed.

Mr. Bailey said it was not necessary or required, but it was customary for a member of the governing body to attend these exit interviews. He fully supported the audit from the beginning and reiterated that he always wanted a financial audit as well. He said that if a councilmember was to attend, it should be Councilman Johnson as he was not here from the inception of the audit.

Mayor Capote explained that he was extended an invitation from the Auditor General's Office, through the City Manager, to attend the exit interview. He received a calendar invite for same from the City Manager's Office and then an email was sent the following day from the City Manager to Council which caused some confusion. Mr. Bailey said that although he wanted to attend, he would agree to having no councilmembers present. Mayor Capote withdrew his second to the motion.

Motion by Mr. Santiago, seconded by Deputy Mayor Anderson, to select Councilman Johnson to attend the State's preliminary exit interview. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

1. Resolution No. 2019-41, amending Resolution 2019-35, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171, Fair Share Impact Fees.

The City Attorney read the resolution in caption only.

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt the Fire Impact Fees, with an effective date of January 1, 2020.

Motion carried with members voting as follows:

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

Motion by Deputy Mayor Anderson, seconded by Mr. Johnson, to adopt the Police Impact Fees, with an effective date of January 1, 2020.

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt the Parks Impact Fees, with an effective date of January 1, 2020.

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

***2. Consideration of utilizing Recreation Impact Fees for the construction of a basketball court with amenities at Wake Forest Park (\$200,000).**

Staff Recommendation: Authorize the use of Recreation Impact Fees to pay for the construction of a basketball court, driveway, parking lot and Americans with Disabilities Act (ADA) compliant sidewalk at Wake Forest Park, in the amount of \$200,000.

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

3. Consideration of utilizing Transportation Impact Fees for the acquisition of right-of-way on Malabar Road (\$82,700).

Staff Recommendation: Authorize the use of Transportation Impact Fees to acquire six vacant lots for additional right-of-way related to the future expansion of Malabar Road, in the amount of \$82,700.

Motion by Mr. Bailey, seconded by Deputy Mayor Anderson, to approve use of Transportation Impact Fees as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

***4. Acknowledgement of the City's monthly financial report for August 2019.**

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

***5. Consideration of applying for the United States Environmental Protection Agency's Brownsfield Program for the 2020 grant cycle.**

Staff Recommendation: Authorize staff to apply to the United States Environmental Protection Agency's Brownsfield Program for the 2020 grant cycle.

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

***6. Consideration of a Memorandum of Understanding for the East Central Florida Regional Resilience Collaborative.**

Staff Recommendation: Authorize the Mayor to execute the Memorandum of Understanding for the East Central Florida Regional Resilience Collaborative.

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

***7. Consideration of travel and training for specified City employees.**

Staff Recommendation: Approve the travel and training as specified.

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

8. Consideration of councilmembers attending the 59th Annual Florida League of Cities Legislative Conference, November 13-15, 2019, in Lake Buena Vista.

Mayor Capote, Deputy Mayor Anderson and Councilman Johnson announced that they would attend the conference. Council concurred.

9. Consideration of scheduling a workshop for October 2019.

Council concurred to schedule a workshop to discuss Utilities fees for Thursday, October 10, 2019, at 7:00 P.M.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman provided a general report.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 12:02 A.M., Friday, October 4, 2019.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK

* Identifies items considered under the heading of Consent Agenda.

♣ Indicates quasi-judicial proceeding.

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

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-03

Held on Thursday, the 6th day of February 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.

The meeting was called to order at the hour of 6:59 P.M.

Pastor Rob Medina 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
CITY MANAGER:	Lisa Morrell	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Suzanne Sherman, Deputy City Manager; Larry Bradley, Growth Management Director; Patrick Murphy, Assistant Growth Management Director; Valerie Carter, Code Compliance Supervisor; Frank Watanabe, Public Works Engineering Division Manager.

ANNOUNCEMENT(S):

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

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. Two (2) terms expiring on the Youth Advisory Board (represents youth board members 'at-large' positions).++**
- 3. Two (2) terms expiring on the Youth Advisory Board (represents 'adult over 30 years of age' positions).++**

4. One (1) vacancy on the Community Development Advisory Board (represents 'real estate' position).+

AGENDA REVISION(S):

1. Mrs. Morrell advised that a revised Legislative Memorandum, with accompanying documents and the Interlocal Agreement for the St. Johns Heritage Parkway and Babcock Street intersection had been provided for Item 2, under New Business.

CONSENT AGENDA:

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Item 5, under New Business, 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.

ADOPTION OF MINUTES:

***1. Regular Council Meeting 2020-02; January 16, 2020.**

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

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

There were no public comments.

PUBLIC HEARING(S):

1. Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading. (CONTINUED FROM RCM – 01/02/20)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering, and Brenda Yates, Yates and Company, representatives for the applicant, presented the request to Council.

Attorney Samuel Miller, Akerman LLP and representative for Far Research, said that all of the public records were not made available as requested. He felt that the lack of public records made it impossible for the hearing to be transparent and proper. He did not agree with Council moving forward and said that the case should be denied until the records were made available.

Attorney Cecilia Bonifay, Akerman LLP, spoke against the request. She said the project did not comply and was not compatible with the City's Comprehensive Plan or Land Development Code. She further stated her reasons of opposition to the request.

Janice Crisp, resident, spoke against the request due to lack of response on public records. A gentleman spoke against the request as his company, which was zoned industrial, was located near this project and did not agree with a high-rise residential unit being constructed next to heavy industrial zoning.

Mr. Bailey asked if Akerman LLP was stating that their client, Far Research, was a danger to the surrounding community. Ms. Bonifay answered in the negative but said that their client engaged in the manufacture of hazardous chemicals. All state and federal requirements were met, but with anything of this nature, there could be an accident. The concern was that Council would be putting the population in harm's way. Mr. Bailey asked if Council could ever take away their client's right to operate. Ms. Bonifay felt that anything could be done by local government.

Mr. Wise said no new evidence had been presented regarding the case. There were existing single-family residential units, a motel and duplexes prior to this project. There were no objections to the Northshore project which was in the area. Mr. Wise and his associates responded to other comments.

Attorney Cole Oliver, representing the applicant, advised that the City had responded to the records requests and he had received a letter from Akerman LLP that records had been received. There was not a total non-responsiveness to the records requests. He felt the City should not continue to delay the case because the opposition submits records requests and then claim the City had not responded to same.

Mr. Bailey asked for clarification regarding the public records requests. Mrs. Smith said the records requests were not part of what was being considered by Council.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2019-43.

Mayor Capote supported the request. He said if there was an issue with public records, FAR Research should have come to Council.

Mr. Anderson said that the opposition did not clarify what records were missing and why it was prudent to the hearing. He felt that if records were missing, they should have notified Council prior to tonight's hearing. He supported the request.

Mr. Bailey said there was already existing residential, and this project was for mixed use. The question was whether Council wanted to grow that area and he felt this was a great project for growth. He was happy the applicant was not asking for money as was done with other projects. He supported the request.

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

♣2. Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading. (CONTINUED FROM RCM – 01/02/20)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council. Mr. Wise asked that the testimony for the previous item be entered into the record for this item.

Attorney Samuel Miller, Akerman LLP, asked that previous testimony be considered for this item. He mentioned that the public records from January 15th contained inaccessible documents and was advised that they would be provided with accessible documents which have not been received to date. Cecilia Bonifay, Akerman LLP, spoke against the request and asked that the item be tabled or denied.

Attorney Oliver read comments from a letter received by Akerman LLP on October 17, 2019, in which the firm confirms that it had received responses to numerous records requests from the City.

Mrs. Morrell responded to Mr. Miller's comment that the records were inaccessible. She said the City was only required to provide the records in the format as retained by the City. The records sent to Akerman LLP were in an Outlook format.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2019-44. 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 2020-09, vacating portions of the rear and side public utility and drainage easements located within Lot 5, Block 2200, Port Malabar Unit 28 (Case VE-9-2019, Christine Stevens and Juan Delgado), first reading.

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

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-09. 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 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), first reading.

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

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

Bill Battin, resident, asked how the amendment affected homestead exemption for residents. He added that RR (Rural Residential District) zoning was not listed in the ordinance. Mr. Bradley said this request was to amend the Comprehensive Plan. The zoning amendment would include RR zoning. Mrs. Morrell would notify Mr. Battin about the homestead exemption status.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-10.

Mr. Bailey said that in the zoning portion, there were minimum and maximum limits regarding the accessory dwelling units (ADU) in single family areas. He had met with staff to make various changes to the Land Development Code and he was pleased to see it moving forward.

Mr. Santiago said there needed to be other types of housing as well. There could be more affordability if there was more quantity and diversity in the types of housing. Mr. Bailey felt it added more flexibility. Mr. Anderson wanted the residents to have options as well as affordability.

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 2020-11, amending the Code of Ordinances, Chapter 169, Land Development Code, to revise the provisions for administrative variances (Case T-1-2020, City of Palm Bay), first reading.

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

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

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Ordinance 2020-11.

Mr. Bailey said the amendment streamlined the process for smaller variance requests instead of having to go through the Planning and Zoning Board in addition to Council. It also reduced costs for the applicants.

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 2020-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters ‘District Regulations’, ‘Planned Unit Development (PUD)’, and ‘Off-Street Parking and Loading Requirements’ by including provisions related to “tiny homes” (Case T-2-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to an exception of the minimum living areas being changed to “none” for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts), BMU (Bayfront Mixed Use District), and BMUV (Bayfront Mixed Use Village District).

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

Lynda Hauser, resident, gave a presentation in support of tiny homes. She said that homes should be affordable in relationship to one's income. Higher density meant greater tax revenue.

Mike Cheatham was a manufacturer of tiny homes and stated his reasons for supporting the amendment.

Kim Hiltbrant, Cornerstone Tiny Homes in Longwood, supported the ordinance. She said affordable housing was crucial.

Jinky Eckles, Braveheart Properties of Brevard, believed in smaller/tiny homes for what they provided in affordability. Maintenance costs were reduced, and it gave people a safe and secure home.

Bill Battin, resident, supported tiny homes but said it was a way a life, and not necessarily a financial benefit for those who did not have means. He said it would not solve the homeless problem because tiny homes were quite expensive.

Mary Netler spoke in favor of the ordinance. She said that tiny homes could be expensive when building with a foundation, but financing could be obtained. If there was no foundation, you could not get financing as it would be considered similar to a recreational vehicle. There would also be significant cost for well and septic if there were no City utilities available.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board.

Deputy Mayor Johnson agreed that a tiny home was not for everybody, but smaller families could purchase same. He was excited about the proposed ordinance.

Mr. Bailey said it was more about practicality. He said there were limits and you could not pack a large family into a tiny home. He said the areas in which tiny homes were permitted was very small. He wanted to see more areas but was okay with the areas presented at this time. He felt it was a great start. Mr. Anderson and Mr. Santiago supported the request. Mr. Santiago said that tiny homes were a component of bringing affordability but was one component of many and provided housing diversity.

Mr. Bailey asked about the current level of density. Mr. Bradley said that the density was based on the underlying land use. In RM-10 or RM-15 zoning, it was ten (10) units or twenty (20) units per acre, respectively. Mr. Bailey wanted to see the maximum square footage of eight hundred (800) increased in order to provide more variety. He suggested one thousand (1,000) square feet.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to amend the motion adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board, and to increase the square footage limit from eight hundred (800) square feet to one thousand (1,000) square feet.

Mr. Murphy clarified that staff had set the maximum at eight hundred (800) square feet because the minimum home size in a regular PUD was eight hundred (800) square feet. If Council concurred to exceed the eight hundred (800) square feet, then it would no longer be considered a small PUD. This was a way to distinguish between a small PUD and regular PUD. Mr. Bailey felt that an amendment to the regular PUD could be brought forth in the future.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, as is, subject to the conditions as recommended by the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations' by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), first reading.

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

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

Individuals spoke in favor of the request. Phil Weinberg, resident, spoke against the request. He said that decreasing from a two-car garage to a single car garage in certain zoning districts would not make housing more affordable. He said difference in cost was minimal.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13.

Mr. Bailey did not feel it was a necessary requirement to have a two-car garage on a 1,200 square foot home. He would not be opposed to having no garages in certain zoning districts or just having carport. He did not agree with the maximum build of seven hundred fifty (750) square feet for the ADU and said it should be (800) square feet or higher.

Mr. Santiago had no problem with a one-car garage, but there could be consequences. The homeowner would be limited to a single car driveway and limited to the number of vehicles parked on an impervious area. He suggested that the minimum square footage be decreased from three hundred (300) to two hundred (200).

Mr. Anderson withdrew his second.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13, with the condition of increasing the maximum to eight hundred (800) square feet and the minimum to two hundred (200) square feet. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCUREMENT(S):

Award of Bid(s):

***1. Brass fittings, Ford brand only – IFB 17-0-2020 – Utilities Department (Ferguson Waterworks - \$150,000, as needed).**

Staff Recommendation: Approve the award for brass fittings (Ford brand only) to Ferguson Waterworks (Melbourne), in the amount of \$150,000, as needed.

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

***2. Lift Station 93 Rehabilitation – IFB 18-0-2020 – Utilities Department (Danus Utilities - \$106,966).**

Staff Recommendation: Approve the award for Lift Station 93 rehabilitation to Danus Utilities (Sanford), in the amount of \$106,966.

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

Waive of Bid Process and Award:

***1. Vacuum and pump truck services, Lift Station 42 (emergency purchase) – Utilities Department (Meeks Plumbing - \$95,355); and sewer pipe and manhole repair, Danr Drive (emergency purchase) – Utilities Department (Gregori Construction - \$42,750).**

Staff Recommendation: Approve, for the record, the emergency purchase of vacuum and pump truck services, Lift Station 42, to Meeks Plumbing (Vero Beach), in the amount of \$95,355; and repair of damaged sewer pipe and manhole to Gregori Construction (Titusville), in the amount of \$42,750.

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

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Bayfront Community Redevelopment Agency.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to appoint Peter Filiberto to the 'at-large' position on the Bayfront Community Redevelopment Agency. 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 two (2) student members to Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to re-appoint Alexander Owens and Linval Maragh to the 'at-large student' positions on the Youth 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) adult member to the Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to re-appoint Denise Bowes-Valcin to the 'adult member' position on the Youth 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.

Councilmembers made the following appointments:

Mayor Capote re-appointed Kristi Howell to the Youth Advisory Board.

Deputy Mayor Johnson re-appointed Ronald Reagan to the Youth Advisory Board.

Mr. Bailey re-appointed Joseph Stokes to the Youth Advisory Board.

Mr. Santiago re-appointed Abigail Perez to the Youth Advisory Board.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Mr. Anderson appointed Carlos Santiago to the Youth Advisory Board.
2. Mr. Santiago wanted to work with staff regarding small residential income properties by decreasing the regulations and encouraging more development of those types of properties in the area. They were defined as two to four family homes. Council concurred.

NEW BUSINESS: (Ordinance is for first reading.)

- 1. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein. (CONTINUED FROM RCM – 01/16/20)**

The City Attorney read the ordinance in caption only.

Bill Battin, resident, said there were conflicts with the language related to vegetation within fifteen (15) feet of an improved lot. All vegetation would have to be cut down within that footage limit and other ordinances state you cannot remove trees. Also, as he owned a farm, this ordinance would place him in violation due to parking his tractors and trucks all over his property which was all grass. He said a simple fix would be to exclude RR (Rural Residential District) zoning from the ordinance.

Phil Weinberg, resident, felt the ordinance would adversely affect the value of his property. He did not feel the parking regulations should be amended.

Sherry Hanselman, resident, participated in preparing the ordinance two years ago. She said that a homemade parking lot was unsightly, unkept, destroyed grass growth, compromised the swale drainage, and devalued neighboring properties.

James Boothroyd, resident, initially asked for this ordinance to be considered by Council in order to reduce the blight caused by excessive parking. He said there was some confusion with ordinances because one ordinance stated you could park a camper on the side of your property, but another stated you could not park vehicles on your property. He felt vehicles should not be parked in front of the front door and there should not be a junk yard in the yard.

Mr. Bradley advised of the definition of “automotive vehicle” in the Code of Ordinances: Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance. The phrase shall include passenger cars, trucks, buses, motorcycles, scooters and station wagons, but shall not include tractors, construction equipment or machinery or any device used for performing a job except as stated above. Farms were a permitted use within certain zoning districts and the City would not enforce against a permitted use.

Mr. Bradley provided a parking ordinance presentation. Approved parking areas included the driveway, alongside the driveway on an improved surface, on the side of the home on an improved surface, and the rear yard with a six foot (6') opaque fence enclosing the rear yard. An exception was that one inoperable vehicle may be parked in the rear yard.

Mr. Bailey asked if recreational vehicles (RVs), trailers and boats could be parked on the side of the home without an improved surface. Mr. Bradley confirmed same. Mr. Bailey said that cars required an improved surface on the side of the home which caused a conflict of the ordinances in Chapters 93 and 185.

Mr. Santiago asked if there would be an issue with making the vehicles consistent with the RV's and not having an improved surface. Mr. Bradley felt that an improved surface was a good idea as it prevented erosion and drainage issues on the side of the home. It did not have to be paved, but could be gravel as well.

Mr. Bailey asked if any other properties in the area of Craftsland Lane had been cited during routine patrol or when responding to a complaint at the unsightly residence on Craftsland Lane. Ms. Carter answered that no other properties except for 1234 Craftsland had received complaints or had been cited.

Motion by Mr. Santiago, seconded by Mr. Anderson, to adopt Ordinance 2020-06.

Mr. Santiago said the ordinance was enforceable, measurable and had a positive impact to the community.

Mr. Bailey said that what he was hearing was that this was a very successful program. However, there needed to be a definition of “complied”. He said that going out to a property and checking that a car was no longer there did not mean it was in compliance. Vehicles moved on a regular basis. The ordinance was overbearing on the people who simply parked one vehicle in a reasonable spot on their property but did not address the people who were egregious.

Mr. Santiago did not agree with Mr. Bailey and felt the ordinance was a success. If someone came into compliance and then a complaint was filed sometime later for the same issue, then Code Compliance would go out to the property and cite the property again. If properties did not come into compliance, then liens were placed on the property. He said the ordinance worked as designed.

Mr. Anderson said the only issue he had was with the side lot and it having to be an improved area. He did not want to place strain on the residents if they could not afford pavers, gravel or concrete. He wanted to see a variety of improvements for the side yard.

Mayor Capote suggested that the conflicts between the two chapters be addressed before Council makes it final decision. Mr. Santiago was not opposed to tabling the item and meeting with staff to fix the language and discuss additional options for improved surfaces.

Mr. Anderson withdrew his second. Mr. Santiago withdrew his original motion.

Motion by Mr. Santiago, seconded by Mr. Anderson, to table Ordinance 2020-06.

Motion carried with members voting as follows:

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

2. Consideration of interlocal agreement with Brevard County for St. Johns Heritage Parkway and Babcock Street intersection.

Staff Recommendation: Approve the St. Johns Heritage Parkway (SJHP) and Babcock Interlocal Agreement and authorization to budget and appropriate \$50,0000 in Transportation Impact Fees (Nexus 32909) to complete the paving of the last 96 feet of the SJHP upon acceptance of the agreement by the Brevard County Commissioners.

Mrs. Morrell presented the item to Council. She said the agreement contained a three-phase approach: Phase 1 was an opening day permit for the maintenance of operations scenario within five (5) days of execution of the agreement with a span wire signalization;

Phase 2 improved the maintenance of traffic permit with an intersection to include a single southbound left turn lane; and Phase 3 was a fully widened four lane intersection with two turn lanes and permanent traffic signal system. Upon the effective date of the agreement, the City would take ownership of the Intersection portion of the project within City limits necessary to complete the project and would take responsibility for maintenance of the portion outside of City limits.

Ms. Sherman provided further details of the agreement. One issue that was still under consideration between both parties was the timing of the ownership transfer. For the intersection itself, the County's expectation was that the City build the intersection, fully widened, by 2023 and the City would take over ownership of that section. Staff preferred to take ownership at the start of the project. Ms. Sherman explained the reasons for same. Other discussions within the agreement included City ownership of the Babcock Street/SJHP intersection; City construction of the intersection outside of City limits; setting aside of future Transportation Impact Fees (TIF); disclosure of impact fee agreements; and participation of other agencies for the future project. Ms. Sherman said the two major issues that had not been agreed upon as yet was the timing of the ownership of the intersection and when it would get transferred, and how the Joint Planning Agreement (JPA) and Interlocal Agreement (ILA) connect together.

Ms. Smith said there was no language within the JPA that noted taking ownership of Babcock Street. The issue was that the JPA could only be amended or terminated. Her concern was also based on the State's audit findings in which the City did not seek contributions from other agencies that benefited from certain roadways.

Deputy Mayor Johnson said that City Council and the Brevard County Commissioners should meet and discuss the agreement. Mr. Anderson said that the City did not agree to take ownership of the intersection and transfer of Babcock Street as noted in the ILA, this issue would not be considered by the County at their upcoming meeting and it would continue to delay. Mayor Capote said he wished that staff would have engaged Council sooner so that both parties could have met prior to getting to this point. He wanted the

City and County to have a joint meeting. He said it was unacceptable to have a road that did not have an intersection. Mr. Anderson said that Council could approve two changes to the agreement right now and have an open intersection.

Mr. Bailey said his major concern was having to complete Phase 3 by 2023. If there was no development and no impact fees, then the taxpayers would be paying for the roadway. This was not just a Palm Bay project. He said there should have been a City version of the agreement presented tonight which the Council would stand behind, send it to the County and have the County explain why the agreement was not good enough. Mayor Capote said the governing bodies needed to meet. Mr. Bailey said he would not support the agreement as written.

Mr. Santiago said he was not opposed to having staff continue negotiations. He asked if the County Commissioners would be obligated to meet if the City asked to do so. Mayor Capote said the County could deny the meeting. Ms. Smith said there was a provision in the JPA that if the parties could not come to an agreement, then either party could request a meeting to discuss the objections. Mr. Santiago did not feel comfortable having a meeting with the County until Council and staff figured out exactly what was wanted in the agreement first.

Mr. Anderson suggested having the joint meeting. If the County denied the invitation, then Council would have a meeting and decide on an agreement to resubmit to the County.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to request a meeting with the County to discuss the ILA as soon as possible. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Mr. Bailey asked if Council would consider a workshop to discuss the agreement. Mayor Capote suggested waiting for a response from the County. Council concurred.

3. Consideration of the Road Bond Phase 2 Paving Program.

Staff Recommendation: Approve the GO Road Bond Phase 2 Paving Program.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the GO Road Bond Phase 2 Paving Program. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***4. Consideration of Addendum 1 to the Development Agreement between Palm City Investments, F.H., LLC, and City of Palm Bay.**

Staff Recommendation: Approve Addendum 1 to the Development Agreement between Palm City Investments, F.H., LLC and City of Palm Bay.

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

5. Consideration of utilizing Transportation Impact Fees for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive (\$29,150).

Staff Recommendation: Approve utilization of Transportation Impact Fees (Nexus 32908) for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive in the amount of \$29,150.

Motion by Mr. Anderson, seconded by Mr. Santiago, to utilize Transportation Impact Fees for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive in the amount of \$29,150. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***6. Consideration of utilizing Fire Impact Fees towards the Fire Station #5 Rebuild for a generator (\$70,090).**

Staff Recommendation: Approve appropriation from Fire Impact Fees Fund 190 Balance totaling \$70,090 towards project 18FD01, Fire Station #5 Rebuild, for a generator.

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

***7. Consideration of appropriating funds for payment of Florida Department of Environmental Protection permit fee and legal ad for the South Regional Water Treatment Facility Expansion project (\$10,425).**

Staff Recommendation: Approve the appropriation of \$10,425 on the next scheduled budget amendment for the payment of the Florida Department of Environmental Protection permit application fee and legal ad for the South Regional Water Treatment Facility Expansion Project #18WS04.

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

***8. Consideration of travel and training for specified City employees.**

Staff Recommendation: Approve the travel and training as specified.

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

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:20 p.m.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK

- * Identifies items considered under the heading of Consent Agenda.
- ♣ Indicates quasi-judicial proceeding.

A Daily Publication By:



CITY OF PALM BAY
120 MALABAR RD SE
PALM BAY, FL 32907
ATTN TERRI LEFLER

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY** a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE

as published in **FLORIDA TODAY** in the issue(s) of

9/25/2020

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 25th day of September 2020, by legal clerk who is personally known to me

A handwritten signature in black ink, appearing to be "Nancy Heyrman", written over a horizontal line.

Affiant

A handwritten signature in black ink, appearing to be "Nancy Heyrman", written over a horizontal line.

Notary State of Wisconsin County of Brown

My commission expires

Ad No: GCI0499034
Publication Cost: \$638.00
Customer No: CITY OF PALM BAY
PO#: PUBLIC HEARING

NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING AND FINAL READING FOR COMPREHENSIVE PLAN AMENDMENT AND REZONING

The City of Palm Bay, Florida, proposes to adopt the following ordinances: 2019-43 and 2019-44.

The Palm Bay City Council will hold public hearings on the ordinances on October 6, 2020, at 6:00 P.M., at City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.



ORDINANCE 2019-43 (CP-10-2019; MLEF2-1, LLC)

(A large-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use and Commercial Use to Bayfront Mixed Use.)

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Tax Parcels 10, 22, and 1, Section 14, Township 28, Range 37 along with Lot 1 of Block C and Lot 1 of Block A, Huntington Terrace Subdivision, Section 11, Township 28, Range 37, Brevard County, Florida, containing 21.83 acres, more or less. (Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE)

***ORDINANCE 2019-44 (CPZ-10-2019; MLEF2-1, LLC)**

(A zoning amendment from HC (Highway Commercial District) zoning and HI (Heavy Industrial District) zoning to BMU (Bayfront Mixed Use District) zoning.)

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM HC (HIGHWAY COMMERCIAL DISTRICT) AND HI (HEAVY INDUSTRIAL DISTRICT) TO BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO DIXIE HIGHWAY, IN THE VICINITY BETWEEN KINGSWOOD DRIVE AND ROBERT J. CONLAN BOULEVARD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

Tax Parcels 10, 22, and 1, Section 14, Township 28, Range 37 along with Lot 1 of Block C and Lot 1 of Block A, Huntington Terrace Subdivision, Section 11, Township 28, Range 37, Brevard County, Florida, containing 21.83 acres, more or less. (Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE)

*Indicates quasi-judicial request(s).

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 5:00 p.m., before the hearing (Section 59.03, Palm Bay Code of Ordinances).

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.

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 6, 2020, beginning at 6:00 P.M. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/video conference).

Interested parties are invited to submit written or oral communication on the aforementioned ordinances. Interested parties may appear in person, subject to legal and social distancing measures. Information regarding the virtual City Council meeting format can be found at www.palmbayflorida.org/agenda, or contact the Office of the City Clerk at (321) 952-3414.

Full legal descriptions of properties are available from the Land Development Division. Please contact the City of Palm Bay's Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Terese M. Jones, CMC
City Clerk

FT-GC0459034-01

COVID-19 roundtable offers voices against lockdowns

Angie DiMichele
Sarasota Herald-Tribune
USA TODAY NETWORK

As coronavirus cases spike on Florida college campuses, Gov. Ron DeSantis' moved a virtual roundtable discussion Thursday to highlight a medical expert who believes colleges should proceed "almost normally" with students on campus continuing to attend in-person classes.

The roundtable included three health experts who have expressed dissenting viewpoints from the mainstream scientific community about combating the virus' spread. They largely echoed DeSantis' reopening policies for schools and the economy during the discussion.

The two-hour discussion with Dr. Jayanta Bhattacharya, a medical professor at Stanford University, Dr. Martin Kullerhoff, a medical professor at Harvard University and Michael Levitt, a structural biology professor at Stanford University, revolved around the effectiveness of statewide and local government mask and social distancing mandates, testing and the role of "herd immunity" in the community.

In recent articles and editorials, Kullerhoff has expressed his views on an "age-targeted strategy" to protect those most vulnerable to contracting the virus and has supported the idea that reaching herd immunity, through infections or a vaccine, is the answer to ending the pandemic. Kullerhoff has also stated that schools could reopen without enforcing mask-wearing, citing schools in Sweden that remained open during the pandemic without masks in a recently published editorial in the Wall Street Journal, co-authored by Bhattacharya.

Bhattacharya has also been vocal about lockdowns and mandates being ineffective in combating the virus' spread and recently came under fire for his participation in an antibody study that estimated the number of COVID-19 infections is significantly higher than numbers show, Buzzfeed News reported.

Levitt, who received the 2013 Nobel Prize in chemistry, has been quoted in news outlets across the country for predicting back in March that the pandemic would not result in millions of deaths and months of shutdowns, the L.A. Times reported.

A central question DeSantis posed to each was whether another statewide lockdown should no longer be an option. The three experts agreed that another lockdown would cause more damage than good.

Bhattacharya answered DeSantis by saying another lockdown in Florida "would be disastrous."

"At this point, we know that the benefits of a lockdown are small. ... All they do is push cases off into the future; it doesn't actually prevent the disease from happening. And the costs are absolutely catastrophic, enormous," Bhattacharya said.

Kullerhoff said elected officials should be doing as

much as possible to protect the elderly while still allowing children and young adults to go about life normally, albeit with more frequent hand-washing.

"These sort of general lockdowns for closing schools, for closing restaurants, for closing beaches or whatever, that actually has a detrimental effect on public health ...," he said. "We are protecting very low-risk college students and professionals who can work from home while we are putting all the working-class people at risk because they have to work."

The assessments drew criticism from Democrats and other public health experts.

Senate Democratic Leader Audrey Gibson and Democratic state Sen. Lori Berman responded to DeSantis' roundtable discussion with strongly-worded statements, calling it a public relations roundtable rather than a public health discussion.

"No one is advocating for a full-scale lockdown in Florida. But we have been and continue to ask for common sense prevention measures such as face masks which are essential to preventing further spread. Without that, the virus remains a threat, the elderly will remain in isolation, and those who do contract the disease will live with the ongoing uncertainty of possible long-term health damages scientists are only now beginning to document," Gibson said in a prepared statement.

Berman, mentioning recent virus outbreaks on college campuses and in schools across the state, said these hotspots are results of DeSantis pushing to quickly reopen these facilities.

"The governor's roundtable today was little more than a collection of like-minded individuals echoing the governor's push for herd immunity policies. There would be no need for lockdowns had he endorsed mandatory masks and widespread, more robust testing," Berman said.

Jay Wolfson, a professor of public health, medicine and pharmacy at the University of South Florida, said experts who advocate against mandates and closures and for the reopening of the state are not presenting public health arguments but rather "pragmatic, economic and political statements."

Wolfson said "we have every reason to believe that deaths will stabilize as we have learned to manage the disease itself much better," but that it is crucial to remember 40% of all COVID-19 cases are asymptomatic and may not know they are shedding the virus.

DeSantis said during the discussion that there have been "significant interventions" with college students on campuses that have enforced "mandatory testing, aggressive quarantining" and have sent students home who test positive for the virus.

Kullerhoff said universities should operate "almost normally" and that students should be on campus attending in-person classes and that there does not need to be testing at colleges and universities.

NOTICE OF PUBLIC HEARING AND FINAL READING FOR COMPREHENSIVE PLAN AMENDMENT AND ZONING

The City of Palm Bay, Florida, proposes to adopt the following Ordinance: 2019-43 and 2019-44.

The Palm Bay City Council will hold a public hearing on the Ordinance on October 6, 2020, at 6:00 P.M., at City Hall Council Chambers, 120 Mabry Road SE, Palm Bay, Florida.



ORDINANCE 2019-43
(ICP-16-2019, MLEP2-1, LLC)
(A zoning amendment that allows for a change in land use and the use of the property for the purpose of the Ordinance.)

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVI, LAND DEVELOPMENT CODE, CHAPTER 16A, COMPREHENSIVE PLAN REGULATIONS, SECTION 16A.01, COMPREHENSIVE PLAN, SUBSECTION 16A.01.01, ADJUDICATING THE FUTURE LAND USE MAP BY AMENDING THE FUTURE LAND USE MAP, PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, PROVIDING FOR AN EFFECTIVE DATE.

Tax Parcel 10, 22, and 1, Section 14, Township 28, Range 37, along with Lot 1 of Block C and Lot 1 of Block A, Huntington Terrace Subdivision, Section 11, Township 28, Range 37, Brevard County, Florida, containing 21.83 acres, more or less. (Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Corliss Boulevard NE, and south of Kingswood Drive NE)

ORDINANCE 2019-44
(ICP-16-2019, MLEP2-1, LLC)
(A zoning amendment that allows for a change in land use and the use of the property for the purpose of the Ordinance.)

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM HC (HIGHWAY COMMERCIAL DISTRICT) AND RE (RECREATION) DISTRICT TO RMU (RECREATION MEDIUM DENSITY) DISTRICT, WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO DUNE HIGHWAY, IN THE VICINITY BETWEEN KINGSWOOD DRIVE AND ROBERT J. CORLISS BOULEVARD, AND LEGALLY DESCRIBED HEREIN, PROVIDING FOR A CHANGE OF THE ZONING MAP, PROVIDING FOR AN EFFECTIVE DATE.

Tax Parcel 10, 22, and 1, Section 14, Township 28, Range 37, along with Lot 1 of Block C and Lot 1 of Block A, Huntington Terrace Subdivision, Section 11, Township 28, Range 37, Brevard County, Florida, containing 21.83 acres, more or less. (Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Corliss Boulevard NE, and south of Kingswood Drive NE)

(Indicates quasi-judicial review.)

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 City Clerk no later than five (5) business days after the date of the hearing, which is 5:00 p.m., before the hearing (Section 59.03, Palm Bay Code of Ordinances).

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 arrange for a verbatim transcript of the proceedings to be made, which will include 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.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-85, notice is hereby given that the City of Palm Bay shall hold the above public meeting on October 6, 2020, beginning at 6:00 P.M. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/Video conference).

Interested parties are invited to submit written or oral communication on the aforementioned ordinances. Interested parties may appear in person, subject to legal and social distancing measures. Information regarding the virtual City Council meeting format can be found at www.palmbayflorida.org/agenda, or contact the Office of the City Clerk at (321) 937-3414.

Full legal descriptions of properties are available from the Land Development Division. Please contact the City of Palm Bay's Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

TERRA M. JONES, CMC
City Clerk

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presented by **Flammio Financial Group**

SATURDAY, SEPT. 26 6 - 8 PM

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Racing Legend Tony Stewart
& Conservation Icon Jack Hanna

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Shelter

Dr. Natalie Golden

WT

STUFF

SKY

ISLAND

Barbara Wall Group

Bonnie and Jack Miller

florida today

Sep 23, 2020 at 5:37:15 PM
2686-2698 Kingswood Dr NE
Palm Bay FL 32905
United States



P U B L I C N O T I C E

CASE NO. CP-10-2019 & CPZ-10-2019

The Public Hearings will be conducted at:
City of Palm Bay Council Chambers
120 Malabar Road SE

Planning and Zoning Board Meeting:
Wednesday, September 18, 2019 @ 7:00 pm

City Council Meeting:

Tuesday, October 6, 2020 @ 6:00 pm

APPLICANT: MLEF 2-1, LLC.

REQUEST: Amend the Comprehensive Plan Future Land Use Map from Industrial use and Commercial Use, to Bayfront Mixed Use, AND Rezone the Property from HC, Highway Commercial and HH, Heavy Industrial Zoning, to the BMD, Bayfront Mixed Use Zoning District.

**FOR MORE INFORMATION
CONTACT THE LAND DEVELOPMENT DIVISION
AT (321) 733-3042**

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Richard J. Dewitt

Phone: 954.713.7652

Richard.dewitt@saul.com

www.saul.com

October 1, 2020

Received

OCT 02 2020

Office of City Attorney

VIA Fedex

Patricia D. Smith
City Attorney
City of Palm Bay
120 Malabar Road SE
Palm Bay, Florida 32907

Re: **MLEF2-1, LLC – Comprehensive Plan Amendment & Zoning Amendment
CP-10-2019 & CPZ-10-2019**

Ms. Smith:

Enclosed please find a digital copy of our evidence for the Harbor Point hearing being held on October 6, 2020. We will be sending hard copies of the evidence out, for receipt on Monday.

Sincerely,


Richard Dewitt

Enclosure

114434290.1

AVAILABLE
UPON
REQUEST

200 E. Las Olas Blvd. ♦ Suite 1000 ♦ Fort Lauderdale, FL 33301

Phone: (954) 713-7600 ♦ Fax: (954) 713-7700

DELAWARE FLORIDA ILLINOIS MARYLAND MASSACHUSETTS NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON, DC

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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: 10/6/2020

RE: Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading. (Quasi-Judicial Proceeding) (REHEARING)

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.

MLEF2-1, LLC (Jake Wise, P.E., Representing) has applied for a rezoning of the subject parcels from HC, Highway Commercial District and HI, Heavy Industrial District, to the BMU, Bayfront Mixed Use District.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case CPZ-10-2019 subject to the staff comments contained in the staff report.

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

ATTACHMENTS:**Description**

Case CPZ-10-2019

Ordinance 2019-44

10/03/19 Regular Council Meeting Minutes

02/06/20 Regular Council Meeting Minutes

Florida Today Display Ad

Posted Property Sign

Evidence Submitted by MLEF2-1 LLC (available upon request)



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Christopher Balter, Planner II

CASE NUMBER

CPZ-10-2019

PLANNING & ZONING BOARD HEARING DATE

September 18, 2019

APPLICANT/PROPERTY OWNER

MLEF2-1, LLC
Jake Wise, P.E. (Representing)

PROPERTY LOCATION/ADDRESS

Parcels 28-37-14-00-10, 28-37-14-00-22, 28-37-14-00-1,
28-37-11-78-C-1, 28-37-11-78-A-1
North of and adjacent to Robert J. Conlan Boulevard NE, in
the vicinity east of the Florida East Coast Railroad

SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject parcels from HC, Highway Commercial District and HI, Heavy Industrial District, to the BMU, Bayfront Mixed Use District.

Existing Zoning

HC, Highway Commercial; HI, Heavy Industrial

Existing Land Use

Commercial Use and Industrial Use

Site Improvements

Abandoned Cement Plant and Hotel

Site Acreage

21.83 acres, more or less

SURROUNDING ZONING & USE OF LAND USE

North

HC, Highway Commercial and HI, Heavy Industrial; Restaurant, Single-Family Homes, and Manufacturing Businesses

East

HC, Highway Commercial; U.S.1, and the Indian River Lagoon

South

HC, Highway Commercial and HI, Heavy Industrial; (Across R.J. Conlan) Raytheon Technologies

West

HI, Heavy Industrial; Florida East Coast Railroad

COMPREHENSIVE PLAN COMPATIBILITY

The applicant has applied for an amendment of the City's Comprehensive Plan Future Land Use Map to Bayfront Mixed Use, simultaneously with this request. If approved the Bayfront Mixed Use zoning designation will be consistent with the City's Comprehensive Plan.

ANALYSIS:

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

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

The applicant states the justification for change is “to change the zoning district to allow for a true Bayfront development on U.S.1 overlooking the Indian River.” The Bayfront Mixed Zoning District will allow for a mix of commercial and multifamily uses. The change in zoning will allow for a transition between the existing single-family homes and the existing businesses and help to revitalize the Bayfront Community Redevelopment District.

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

The designation of BMU zoning district for the subject properties is compatible with the surrounding area, and is consistent with the City’s desire and plan for redevelopment in the Riverview District.

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

Approximately 24.13 acres of BMU, Bayfront Mixed Use zoned land is within the City limits. Which is the Northshore project currently under construction.

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

The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan and the Bayfront Community Redevelopment Agency’s plan for the Riverview District. The plan is to become a beautiful and multi-functional riverfront boulevard lined with pedestrian/bicycle facilities supported by higher intensity residential and mixed land uses.

STAFF RECOMMENDATION:

Case CPZ-10-2019 is recommended for approval subject to the staff comments contained in this report.



AERIAL LOCATION MAP CASE CP-10-2019 & CPZ-10-2019

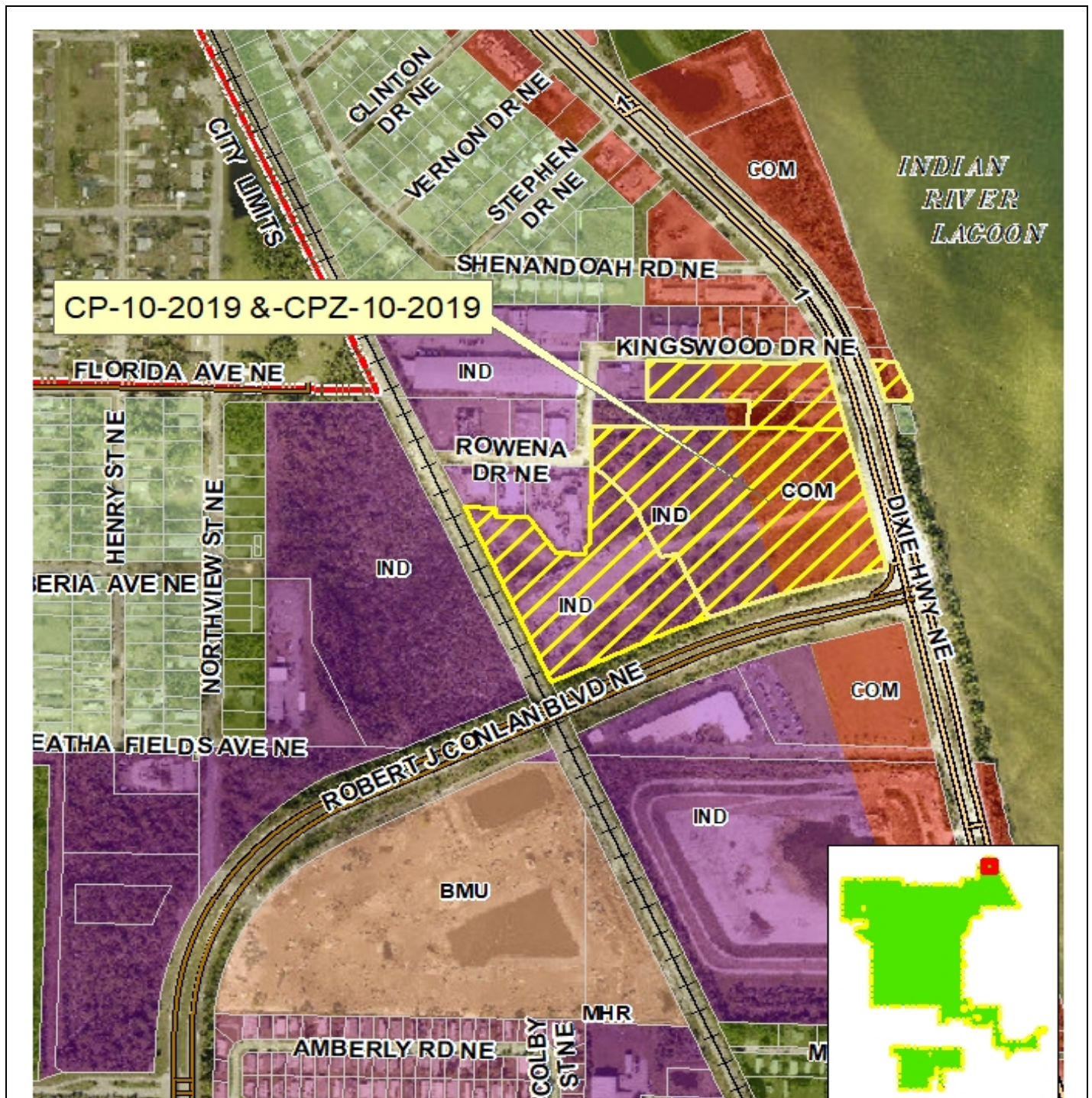
Subject Property

Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE



Not to Scale

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



FUTURE LAND USE MAP CASE CP-10-2019 & CPZ-10-2019

Subject Property

Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE

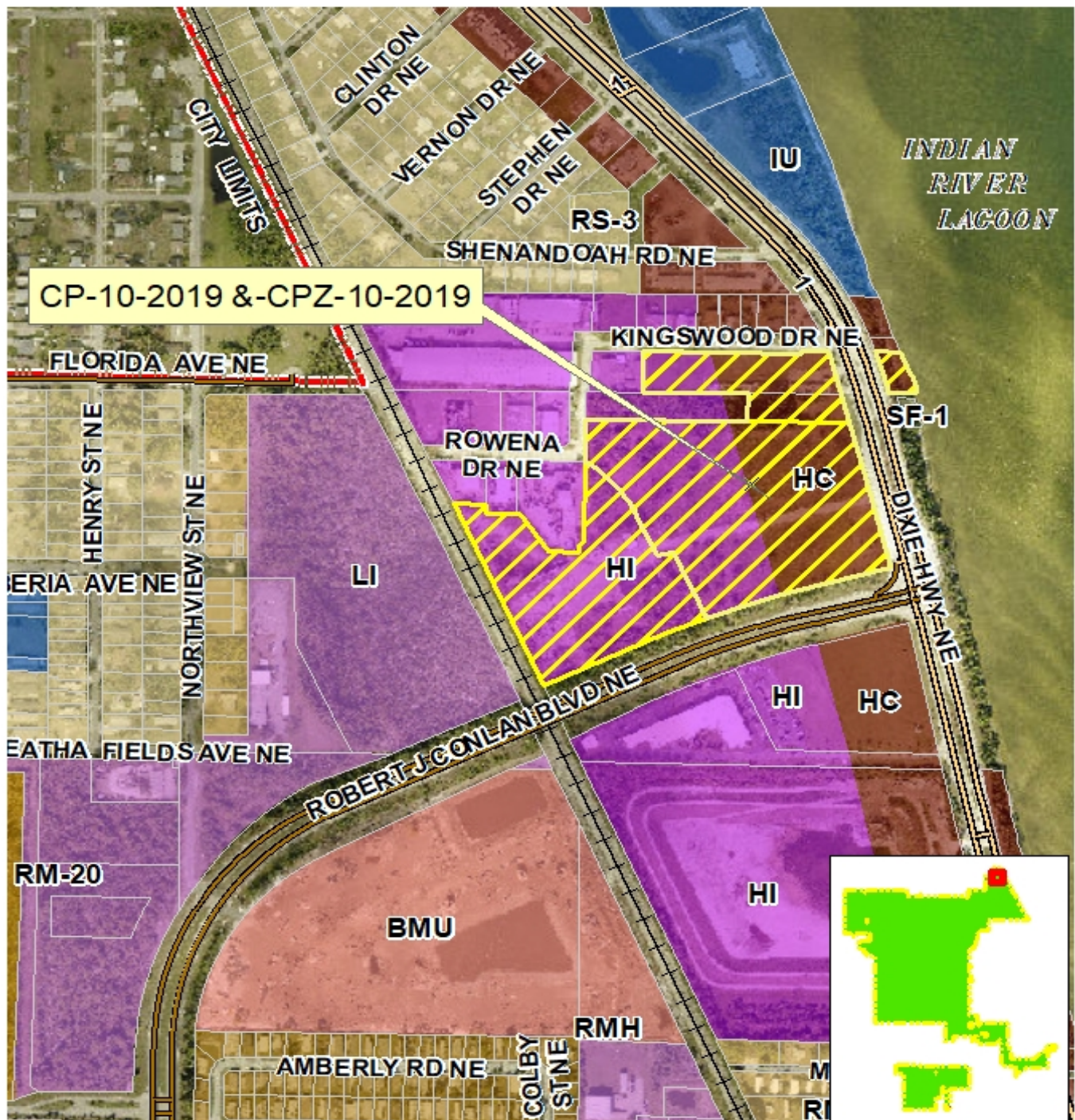
Future Land Use Classification

IND – Industrial Use and
COM – Commercial Use



Not to Scale

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



ZONING MAP

CASE CP-10-2019 & CPZ-10-2019

Subject Property

Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE

Current Zoning Classification

HC – Highway Commercial District and
HI – Heavy Industrial District



Not to Scale

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



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

REZONING APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

PARCEL ID 28-37-14-00-10 / 28-37-14-00-22 / 28-37-14-00-1 / 28-37-11-78-C-1 / 28-37-11-78-A-1

TAX ACCOUNT NO. 2826097/ 2861830/ 2826089/ 2825825/ 2825813

GENERAL LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Multiple parcels. See additional sheets for property information

SECTION 14, 11 TOWNSHIP 28 RANGE 37

PROPERTY ADDRESS (If assigned): Approx 3370 Dixie Hwy NE + adjoining parcels, Palm Bay, FL 32905

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 21.83 acres

ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): HC - Highway Commercial and HI - Heavy Industrial

ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): BMU - Bayfront Mixed Use

STRUCTURES NOW LOCATED ON THE PROPERTY: Hotel and former cement plant

REZONING REQUIREMENTS FOR SUBMITTAL PER SECTION 185.201(C) (attach additional sheet if necessary):

THE NEED AND JUSTIFICATION FOR THE CHANGE:

We are requesting a zoning change for the assemblage of the 21.83 acres to BMU-Bayfront Mixed Use to allow a true bayfront development on US 1 overlooking the Indian River to include a multifamily component, as well as the potential to add commercial uses as allowed by City Code for BMU zoning as well as the current zoning on the site. The proposed BMU zoning also provides a transitional land use between the residential, commercial, and BMU adjacent to the site. The site is large enough to provide significant buffering to the industrial uses and railroad tracks to the west.

EFFECT OF THE ZONING CHANGE, IF ANY, ON THE PROPOSED PROPERTY AND SURROUNDING PROPERTIES:

The effect of this zoning change is that it will allow the property (abandoned hotel & abandoned former cement plant) to be revitalized into an aesthetically pleasing development, and benefit the City's plan and the Bayfront Community Redevelopment Agency's plans of making this the new downtown-style corridor of Palm Bay. It will create short-term and long-term jobs and increase the City's tax base. It will bring market rate units and new residents that will shop and dine in Palm Bay.

AMOUNT OF UNDEVELOPED LAND WITH THE SAME REQUESTED CLASSIFICATION:

0 in the general area

 in the City

The only property in the general area with the BMU zoning is the Aqua Apartments site which also successfully changed to BMU, and is currently under construction.

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 2

EXPLAIN THE RELATIONSHIP OF THE PROPOSED REQUEST WITH THE PURPOSE OF THE CITY PLAN FOR DEVELOPMENT, WITH CONSIDERATION AS TO WHETHER THE CHANGE WILL FURTHER THE PURPOSES OF CHAPTER 185.201(C) AND THE CITY PLAN:

This assemblage of properties falls within the city's BCRA (Bayfront Community Redevelopment Agency) boundaries. Currently, this area has a lot of industrial buildings, as well as many vacant and undeveloped land or buildings that pose for dumping, trespassing, and all the harmful things that come with that. At this moment, there is a project called Aqua that also changed their zoning from Heavy/Light Industrial to BMU, and the project is currently under construction. The BCRA and the City of Palm Bay are striving to make the Robert J. Conlan Blvd corridor and Dixie Hwy (US-1) corridor a more developed and active area of the city to generate more modern living options. Our desire would be to bring multifamily as well as the potential for commercial uses to support the City's and the BCRA's vision and desires for this area.

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

- ☒ **X** \$650.00 Application Fee. Make check payable to "City of Palm Bay."
- ☒ **X** List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- ☒ **X** School Board of Brevard County [School Impact Analysis Application](#) (if applicable).
- ☒ **X** Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines.
- ☒ **X** **Where property is not owned by the applicant, a [letter](#) must be attached giving the notarized consent of the owner to the applicant to request the rezoning.**

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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

Signature of Applicant  Date 5-29-19

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

LEGAL DESCRIPTION:

TRACT "A"
A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 100.00 FEET; THENCE S. 88 DEGREES 24'42" E., PARALLEL WITH AND 100.00 FEET DISTANT SOUTH, BY RIGHT ANGLE MEASUREMENT, FROM THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 885.35 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 332.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 205.32 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROBERT J. CONLAN BOULEVARD (A 200 FOOT WIDE RIGHT OF WAY); THENCE S. 75 DEGREES 57'10" W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 317.20 FEET TO THE POINT OF CURVATURE OF A 2964.79 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 14'56" A DISTANCE OF 323.35 FEET; THENCE DEPARTING SAID CURVE AND RIGHT OF WAY LINE, RUN N. 25 DEGREES 19'03" W., A DISTANCE OF 261.57 FEET; THENCE N. 76 DEGREES 41'26" E., A DISTANCE OF 666.47 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 89 DEGREES 16'54" A DISTANCE OF 38.96 FEET TO THE POINT OF BEGINNING.


TRACT "B"
A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN S. 88 DEGREES 24'42" E., PARALLEL WITH AND 100 FEET DISTANT SOUTH, BY RIGHT ANGLE MEASUREMENT, FROM THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 885.35 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 202.60 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 90 DEGREES 43'06" A DISTANCE OF 39.58 FEET TO A POINT OF TANGENCY; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 645.53 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 83 DEGREES 20'01" A DISTANCE OF 87.27 FEET TO A POINT OF REVERSE CURVATURE OF A 490.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 36 DEGREES 40'31" A DISTANCE OF 313.65 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 57 DEGREES 25'02" A DISTANCE OF 60.13 FEET TO A POINT OF TANGENCY ON THE AFORESAID WEST LINE OF GOVERNMENT LOT 1; THENCE N. 00 DEGREES 45'58" E., ALONG SAID WEST LINE, A DISTANCE OF 69.36 FEET TO THE POINT OF BEGINNING.

TRACT "C"
A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 69.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 45'58" W. ALONG SAID WEST LINE, A DISTANCE OF 83.07 FEET TO A POINT ON A 60.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A TANGENT BEARING OF S. 17 DEGREES 53'18" W.; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 16 DEGREES 57'18" A DISTANCE OF 17.76 FEET TO A POINT OF COMPOUND CURVATURE OF A 450.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 33 DEGREES 16'41" A DISTANCE OF 261.41 FEET TO A POINT OF TANGENCY; THENCE S. 25 DEGREES 19'03" E., A DISTANCE OF 146.41 FEET; THENCE N. 76 DEGREES 41'26" E., A DISTANCE OF 718.00 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 89 DEGREES 16'54" A DISTANCE OF 38.96 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N. 14 DEGREES 01'40" W., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 130.01 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A RADIAL BEARING OF S. 75 DEGREES 58'20" W.; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 90 DEGREES 43'06" A DISTANCE OF 38.58 FEET TO A POINT OF TANGENCY; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 645.53 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 83 DEGREES 20'01" A DISTANCE OF 87.27 FEET TO A POINT OF REVERSE CURVATURE OF A 490.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 36 DEGREES 40'31" A DISTANCE OF 313.65 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 57 DEGREES 25'02" A DISTANCE OF 60.13 FEET TO THE POINT OF BEGINNING.

TRACT "D"
A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, AND RUN S. 00 DEGREES 45'48" W., ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 252.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 45'48" W., ALONG SAID EAST LINE, A DISTANCE OF 292.20 FEET; THENCE S. 65 DEGREES 26'11" W., A DISTANCE OF 16.59 FEET TO A POINT ON THE WEST LINE OF A 15 FOOT WIDE RIGHT OF WAY RECORDED IN DEED BOX 191, PAGE 315 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S. 00 DEGREES 45'48" W., A DISTANCE OF 27.67 FEET; THENCE N. 89 DEGREES 14'02" W., A DISTANCE OF 104.04 FEET; THENCE N. 34 DEGREES 10'56" W., A DISTANCE OF 47.76 FEET; THENCE N. 36 DEGREES 11'36" W., A DISTANCE OF 117.79 FEET; THENCE N. 88 DEGREES 23'32" W., A DISTANCE OF 112.66 FEET; THENCE N. 00 DEGREES 45'48" E., A DISTANCE OF 32.46 FEET; THENCE N. 88 DEGREES 23'32" W. A DISTANCE OF 110.52 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY (A 100 FOOT WIDE RIGHT OF WAY); THENCE S. 24 DEGREES 38'41" E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 718.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROBERT J. CONLAN BOULEVARD (A 200 FOOT WIDE RIGHT OF WAY); THENCE N. 65 DEGREES 23'47" E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 371.41 FEET TO THE POINT OF CURVATURE OF A 2964.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 04 DEGREES 18'27" A DISTANCE OF 222.90 FEET; THENCE N. 25 DEGREES 19'03" W., A DISTANCE OF 261.57 FEET; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 51.53 FEET; THENCE N. 25 DEGREES 19'03" W., A DISTANCE OF 146.41 FEET TO THE POINT OF CURVATURE OF A 450.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 33 DEGREES 16'41" A DISTANCE OF 261.41 FEET TO A POINT OF COMPOUND CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 16 DEGREES 57'18" A DISTANCE OF 17.76 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE SUBJECT PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1434, PAGE 733, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE SUBJECT PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1921, PAGE 988, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



CONSTRUCTION
ENGINEERING
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COA #0000097

HARBOR POINTE

PALM BAY, FL

LOCATION MAP AND LEGAL DESCRIPTION

DATE
05/28/2019

COUNTY
BREVARD

SCALE
NTS

APPROVED BY
JTW

THIS SHEET
FIG. 1

_____, May 20, 2019

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-14-00-10 / 28-37-14-00-22 / 28-37-14-00-1 / 28-37-11-78-C-1 / 28-37-11-78-A-1

I, Alan Benenson - MLEF2-1, LLC, hereby authorize to represent my
Rezoning 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


(Property Owner Signature)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 20 day of
May, 2019 by ALAN BENENSON

(SEAL)



Alexandra Nussenbaum
Commission # GG181887
Expires: February 1, 2022
Bonded thru Aaron Notary


Alexandra Nussenbaum, Notary Public

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

**PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
RECOMMENDATION
September 18, 2019**

As the Planning and Zoning Board minutes are not fully transcribed at this time, an excerpt of the minutes is being provided.

♣CPZ-10-2019 – MLEF2-1, LLC (JAKE WISE, P.E., REPRESENTING)

Staff Recommendation:

Motion to approve Case CPZ-10-2019.

Planning and Zoning Board Recommendation:

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case CPZ-10-2019 to City Council for approval of a zoning amendment from an HC, Highway Commercial District and an HI, Heavy Industrial District to a BMU, Bayfront Mixed Use District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Ms. Domonousky	Nay
Ms. Maragh	Aye

♣ Quasi-Judicial Proceeding

ORDINANCE 2019-44

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM HC (HIGHWAY COMMERCIAL DISTRICT) AND HI (HEAVY INDUSTRIAL DISTRICT) TO BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO DIXIE HIGHWAY, IN THE VICINITY BETWEEN KINGSWOOD DRIVE AND ROBERT J. CONLAN BOULEVARD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District), being legally described herein as Exhibit "A".

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

SECTION 3. The provisions within this ordinance shall take effect immediately upon adoption, pending the enactment of Ordinance 2019-43.

Read in title only at Meeting 2019-24, held on October 3, 2019; and read in title only and duly enacted at Meeting 2019-___, held on _____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

LEGAL DESCRIPTION:

TRACT "A"

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 100.00 FEET; THENCE S. 88 DEGREES 24'42" E., PARALLEL WITH AND 100.00 FEET DISTANT SOUTH, BY RIGHT ANGLE MEASUREMENT, FROM THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 885.35 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 332.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 205.32 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROBERT J. CONLAN BOULEVARD (A 200 FOOT WIDE RIGHT OF WAY); THENCE S. 75 DEGREES 57'10" W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 317.20 FEET TO THE POINT OF CURVATURE OF A 2964.79 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 14'56" A DISTANCE OF 323.35 FEET; THENCE DEPARTING SAID CURVE AND RIGHT OF WAY LINE, RUN N. 25 DEGREES 19'03" W., A DISTANCE OF 261.57 FEET; THENCE N. 76 DEGREES 41'26" E., A DISTANCE OF 666.47 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 89 DEGREES 16'54" A DISTANCE OF 38.96 FEET TO THE POINT OF BEGINNING.

TRACT "B"

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN S. 88 DEGREES 24'42" E., PARALLEL WITH AND 100 FEET DISTANT SOUTH, BY RIGHT ANGLE MEASUREMENT, FROM THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 885.35 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S. 14 DEGREES 01'40" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 202.60 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 90 DEGREES 43'06" A DISTANCE OF 39.58 FEET TO A POINT OF TANGENCY; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 645.53 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 83 DEGREES 20'01" A DISTANCE OF 87.27 FEET TO A POINT OF REVERSE CURVATURE OF A 490.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 36 DEGREES 40'31" A DISTANCE OF 313.65 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 57 DEGREES 25'02" A DISTANCE OF 60.13 FEET TO A POINT OF TANGENCY ON THE AFORESAID WEST LINE OF GOVERNMENT LOT 1; THENCE N. 00 DEGREES 45'58" E., ALONG SAID WEST LINE, A DISTANCE OF 69.36 FEET TO THE POINT OF BEGINNING.

TRACT "C"

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 OF SECTION 14, AND RUN S. 00 DEGREES 45'58" W., ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 69.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 45'58" W. ALONG SAID WEST LINE, A DISTANCE OF 83.07 FEET TO A POINT ON A 60.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A TANGENT BEARING OF S. 17 DEGREES 53'18" W.; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 16 DEGREES 57'18" A DISTANCE OF 17.76 FEET TO A POINT OF COMPOUND CURVATURE OF A 450.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 33 DEGREES 16'41" A DISTANCE OF 261.41 FEET TO A POINT OF TANGENCY; THENCE S. 25 DEGREES 19'03" E., A DISTANCE OF 146.41 FEET; THENCE N. 76 DEGREES 41'26" E., A DISTANCE OF 718.00 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 89 DEGREES 16'54" A DISTANCE OF 38.96 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N. 14 DEGREES 01'40" W., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 130.01 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A RADIAL BEARING OF S. 75 DEGREES 58'20" W.; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 90 DEGREES 43'06" A DISTANCE OF 38.58 FEET TO A POINT OF TANGENCY; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 645.53 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 83 DEGREES 20'01" A DISTANCE OF 87.27 FEET TO A POINT OF REVERSE CURVATURE OF A 490.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 36 DEGREES 40'31" A DISTANCE OF 313.65 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 57 DEGREES 25'02" A DISTANCE OF 60.13 FEET TO THE POINT OF BEGINNING.

TRACT "D"

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COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$, AND RUN S. 00 DEGREES 45'48" W., ALONG THE EAST LINE OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$, A DISTANCE OF 252.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 45'48" W., ALONG SAID EAST LINE, A DISTANCE OF 292.20 FEET; THENCE S. 65 DEGREES 26'11" W., A DISTANCE OF 16.59 FEET TO A POINT ON THE WEST LINE OF A 15 FOOT WIDE RIGHT OF WAY RECORDED IN DEED BOX 191, PAGE 315 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S. 00 DEGREES 45'48" W., A DISTANCE OF 27.67 FEET; THENCE N. 89 DEGREES 14'02" W., A DISTANCE OF 104.04 FEET; THENCE N. 34 DEGREES 10'56" W., A DISTANCE OF 47.76 FEET; THENCE N. 36 DEGREES 11'36" W., A DISTANCE OF 117.79 FEET; THENCE N. 88 DEGREES 23'32" W., A DISTANCE OF 112.66 FEET; THENCE N. 00 DEGREES 45'48" E., A DISTANCE OF 32.46 FEET; THENCE N. 88 DEGREES 23'32" W. A DISTANCE OF 110.52 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY (A 100 FOOT WIDE RIGHT OF WAY); THENCE S. 24 DEGREES 38'41" E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 718.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROBERT J. CONLAN BOULEVARD (A 200 FOOT WIDE RIGHT OF WAY); THENCE N. 65 DEGREES 23'47" E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 371.41 FEET TO THE POINT OF CURVATURE OF A 2964.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 04 DEGREES 18'27" A DISTANCE OF 222.90 FEET; THENCE N. 25 DEGREES 19'03" W., A DISTANCE OF 261.57 FEET; THENCE S. 76 DEGREES 41'26" W., A DISTANCE OF 51.53 FEET; THENCE N. 25 DEGREES 19'03" W., A DISTANCE OF 146.41 FEET TO THE POINT OF CURVATURE OF A 450.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 33 DEGREES 16'41" A DISTANCE OF 261.41 FEET TO A POINT OF COMPOUND CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 16 DEGREES 57'18" A DISTANCE OF 17.76 FEET TO THE POINT OF BEGINNING.

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HARBOR POINTE

PALM BAY, FL

LOCATION MAP AND LEGAL DESCRIPTION

DATE 05/28/2019	
COUNTY BREVARD	APPROVED BY JTW
SCALE NTS	THIS SHEET FIG. 1

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2019-24

Held on Thursday, the 3rd day of October 2019, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 6:59 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:	Brian Anderson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Kenny Johnson	Present
DEPUTY CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Laurence Bradley, Growth Management Director.

ANNOUNCEMENTS:

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

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. Two (2) vacancies on the Business Improvement District (must be located within the District) representing 'institution of higher education (college or university)' and 'major employer'.++**

AGENDA REVISIONS:

1. Mayor Capote advised of the following:

a) Items 1 and 2, Award of Bid, under Procurements, were inadvertently left off the Consent Agenda. Council concurred to add the items.

b) A Legislative Memorandum was added to the agenda as Item 10, under New Business, relating to Councilmember attendance at the preliminary exit interview of the State Audit. He requested that Council consider the request prior to Item 1, under New Business. Council concurred.

2. Ms. Sherman announced that the Legislative Memorandum and Resolution 2019-40 for Item 9, under Public Hearings, had been revised to include a notation by staff referencing the maximum sign size permitted in the conditions.

CONSENT AGENDA:

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

Motion by Deputy Mayor Anderson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Item 3, under New Business, from consent; and the inclusion of Items 1 and 2, Award of Bids, under Procurements, to the Consent Agenda. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

PRESENTATION:

1. **Michael Kahn, P.A. – opioid litigation presentation.** Mr. Kahn advised that two (2) counties were set for trial on October 21, 2019. The Purdue Pharma lawsuit had been settled. He predicted that there would be other settlements, if not a full global settlement on or before October 21st. Mr. Kahn stated that he had filed lawsuit on behalf of Palm Bay on June 14, 2019, which allowed the City to receive an additional 10%-15% in settlement funds that could be used to offset expenses. He explained that any settlement would require Council's approval, but Council first had to approve to remain in the negotiating class of the settlement. Mrs. Smith advised that she would prepare an agenda item for an upcoming Council meeting.

ADOPTION OF MINUTES:

***1. Special Council Meeting 2019-21; September 11, 2019.**

***2. Regular Council Meeting 2019-22; September 19, 2019.**

***3. Special Council Meeting 2019-23, September 26, 2019.**

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

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

There were no public comments.

PUBLIC HEARINGS:

1. Ordinance 2019-46, vacating a portion of the rear public utility and drainage easement located within Lots 21 and 22, Block 854, Port Malabar Unit 17 (Case VE-4-2019, Laura Gullo), 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 Mr. Santiago, to adopt Ordinance 2019-46. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

2. Ordinance 2019-56, amending the Fiscal Year 2018-2019 budget by appropriating and allocating certain monies (fourth budget amendment), final reading.

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt Ordinance 2019-56. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

3. Ordinance 2019-57, amending the Code of Ordinances, Chapter 33, Fire Department, Subchapter 'Fire Prevention; General Provisions', by removing provisions related to fire protection and alarm system permit and inspection fees, (Case T-21-2019, City of Palm Bay), final reading.

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

Motion by Deputy Mayor Anderson, seconded by Mr. Bailey, to adopt Ordinance 2019-57. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

4. Ordinance 2019-58, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, by including provisions related to fire protection and alarm system permit and inspection fees, (Case T-21-2019, City of Palm Bay), final reading.

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt Ordinance 2019-58. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

5. Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), first reading. (CONTINUED FROM SCM – 09/09/19 and RCM – 08/01/19)

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

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise and Brenda Yates, representatives for the applicant, presented the request to Council.

Jack Spira, attorney and representative for FAR Chemical Inc. (FAR), spoke in opposition to the request. He said that FAR had been in operation in Palm Bay since 1983. It planned to increase its employment by fifty percent (50%) within the next year and would be moving to a 24/7 production schedule. The company dealt with highly hazardous chemicals that reacted with air and water. Mr. Spira said that placing a residential development next to an industrial company was hazardous. Residential ventilation systems would be limited even though FAR used an industrial ventilation system. There would be negative effects on cars and personal property stored outside. Due to prevailing

winds, residents close to the facility would be exposed to hazardous air emissions. He said that residents should be informed of the potential of chronic, low-level chemical exposure and, at a minimum, the developer should be required to include language in leases advising of the potential exposure.

Conroy Jacobs, certified planner and representative for FAR, reviewed pedestrian fatalities. He said that a traffic study had not been completed; proposed driveways were inconsistent with the transportation element of the City's Comprehensive Plan; and the estimated trips generated by the proposed development and roadway geometrics would increase the likelihood of crashes.

Carmen Rasnick, certified planner and representative for FAR, provided additional information on adjacency, prevailing winds, notices of evacuation, and the unfavorable view of the FAR facility from the higher floors of the apartment complex. She suggested a transitional use type zoning to be located next to Heavy Industrial zoning, such as Light Industrial and Commercial. Ms. Rasnick commented that emergency services would not be able to handle the capacity of the development.

Cecelia Bonifay, attorney and representative for FAR, explained that the request was incompatible, non-conforming and inconsistent with the Florida Statutes, the City's Comprehensive Plan and the Land Development regulations. The maximum density and yield were not included in the Staff Report and state agencies would find it difficult to properly review the application.

Mr. Wise responded to the comments by FAR representatives. He advised that site specific plans were not done before receiving land use and rezoning approval. The applicant had agreed to the conditions from the Planning and Zoning Board (P&Z) and it was not part of the plan to have one way in and one way out. Ms. Yates said that site plan review was part of the next stage. Gil Ramirez, licensed traffic engineer, said that comments made from the opposing party were not by licensed individuals. He said that the traffic engineering study would be done in the future.

Mr. Bailey asked if the applicant agreed with all conditions. Mr. Wise confirmed same.

Mr. Johnson asked if the applicant would be open to notifying neighboring residents. Mr. Wise answered that it would not be agreeable at this time, but if it was still a concern during the site plan process, it would be addressed with staff. Mr. Wise answered further questions from councilmembers.

Bill Battin, resident, found it odd that this issue had come up now when the property owners had the same zoning for decades. He did not want Council to repeat history by approving residential and if the developer backed out of the project, then Council rezones the property again because it would be a better fit for commercial. Mr. Johnson said that multi-family developments were taxed as commercial and had no homestead exemptions. Mr. Wise confirmed same.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Anderson, to approve Ordinance 2019-43, subject to the conditions contained in the Legislative Memorandum.

Mr. Santiago said he would approve the request based on the land use change only.

Deputy Mayor Anderson asked if Council would review the site plan or if it was handled administratively. Mr. Bradley answered that it would be reviewed administratively. Deputy Mayor Anderson asked if Council could place a condition that the site plan come before Council for consideration. Mrs. Smith said modifying the process should have occurred prior to the requests being considered tonight. However, by the time the final reading of the rezoning ordinance came back to Council, the applicant should have a better idea of the design. Deputy Mayor Anderson wanted to make sure that Council had its thumbprint on the site plan to ensure that it was what Council desired for the area. Mr. Bailey said that staff only provided the approval based on whether the applicant adhered to the regulations as defined in the Palm Bay Code of Ordinances. Mr. Bradley advised that the administrative review was not a public process. Staff did not consider comments from the public or other developers.

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

♣6. Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), first reading. (CONTINUED FROM SCM – 09/09/19 and RCM – 08/01/19)

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

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

Jake Wise, representative for the applicant, presented the request to Council. He asked that all testimony from Case CP-10-2019 be included for this item.

Jack Spira, attorney and representative for FAR, asked that all testimony from Case CP-10-2019 be reiterated for this item. He said that FAR did not have an objection to the rezoning or the comprehensive plan amendment. The concern was based on the future impact to the future residents of the City. He asked that those residents be made aware that they would be living next to a place that may be toxic, smelly, noisy, etc.

Mr. Bailey asked if FAR would be able to post signs on their property to notify the neighbors. Mr. Spira did not feel it would be effective. He said it came down to the fact that it was not the right development for the area.

Ms. Rasnick asked that her comments from CP-10-2019 be applied to this item.

Joe Beatty, Vice President and General Manager for FAR, said it would be different if there was a daycare, hospital, etc. located near the plant. They either operated during daytime hours only in which everyone was awake, or they had personnel that could handle emergency situations. In the case of hundreds of apartment units, if there was a spill during the night while people were sleeping, there was a potential of an acidic cloud. He just wanted people to be aware that they were living next to a chemical plant. Mr. Johnson asked how many chemical spills had occurred since 1984. Mr. Beatty said there had never been a catastrophic chemical spill at the site. The plant was inspected regularly by state and federal agencies but that did not mean that accidents could not occur.

Ms. Bonifay asked that her comments from CP-10-2019 be applied to this item.

Individuals commented on the request. An affected property owner said she was never given notice from the chemical plant that they were initially building in the area. Mr. Wise responded to the comments.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Johnson, to approve Ordinance 2019-44, subject to the staff comments contained in the Staff Report.

Mayor Capote supported the request and stated his reasons for same.

Mr. Bailey said there was a lot of discussion and comments on prevailing winds. Although there were a lot of variables, he did not feel that Council could use the risk presented by

one project to prohibit the development of another. He said there was not enough evidence to deny the request.

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

7. Ordinance 2019-59, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Australian Road, in the vicinity south of Bougainvillea Street, from Recreation and Open Space Use to Single Family Residential Use (3.19 acres)(Case CP-12-2019, City of Palm Bay), only one reading required.

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

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt Ordinance 2019-59. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

♣8. Ordinance 2019-60, vacating a portion of the road right-of-way known as San Sebastian Road and portions of three (3) un-named roads located within San Sebastian Farms Subdivision and Hayward's Prosperity Farms (30.0 acres)(Case VRW-1-2019, Babcock LLC), first reading.

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

Motion by Mr. Bailey, seconded by Deputy Mayor Anderson, to approve Ordinance 2019-60 subject to the recommendation section of the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

♣9. Resolution 2019-40, granting a conditional use for retail sales of agricultural products in RR (Rural Residential District) zoning (9.16 acres)(Case CU-20-2019, Anna Hutson).

The Planning and Zoning Board recommended that the request be approved, subject to the applicant's self-imposed conditions and the conditions contained in the Staff Report.

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

Numerous individuals spoke in favor of the request. Those that spoke against the request cited various issues including safety of children going to and from school, effect on school bus routes, lack of sidewalks and bike lanes, traffic concerns and large trucks on the roadway due to deliveries to the nursery.

Mr. Bailey asked if the applicant would be willing to consider adjusting the times according to school schedules, such as 10:00 A.M. to 2:00 P.M. Ms. Hutson said she would be flexible but was not willing to cut down the hours to four (4) hours. Mrs. Smith cautioned Council that it could not mandate that the applicant agree to the condition as part of the approval of the request. Council must base its decision on the conditions as presented.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Johnson, to adopt Resolution 2019-40, subject to the conditions contained in the Legislative Memorandum.

Mr. Santiago felt that the applicant went above and beyond by communicating and meeting with the neighbors. He understood the concerns but said those issues had to be addressed through other avenues. He did not feel that this request seemed as impactful as other commercial businesses and supported the request.

Deputy Mayor Anderson agreed with Councilman Santiago. He did not feel the request met the criteria of affecting the health, safety or wellbeing of the neighborhood and supported the request.

Mr. Bailey said that the safety of the children was a legitimate concern. He felt the applicant was genuine in their presentation and what they would be doing on their property. He did not agree with the additional traffic where school buses already had issues.

Motion by Mr. Santiago, seconded by Mr. Johnson, to adopt Resolution 2019-40, subject to the conditions contained in the Legislative Memorandum, and the inclusion of the following conditions: a) maximum size permitted for signs shall be sixteen (16) square

feet, b) the driveway shall be moved further west and would be further evaluated during the administrative site plan review process.

Motion carried with members voting as follows:

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

PROCUREMENTS:

Award of Bid:

***1. Culvert pipe replacement, Units 11 and 15 – IFB 68-0-2019 – Public Works Department (Florida Site Contracting – \$277,114).**

Staff Recommendation: Approve the award of IFB 68-0-2019 for culvert pipe replacement in Units 11 and 15 to Florida Site Contracting (Vero Beach), in the amount of \$277,114.

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

***2. Bulk pebble quicklime – IFB 70-0-2019 – Utilities Department (Carmeuse Lime and Stone – \$372,876).**

Staff Recommendation: Approve the award of IFB 70-0-2019 for bulk pebble quicklime to Carmeuse Lime and Stone (Pittsburg, Pennsylvania), in the estimated annual amount of \$372,876.

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

Miscellaneous:

***1. Caterpillar equipment; parts, services and new equipment – Public Works Department (Ring Power Corporation - \$120,000 (sole source)).**

Staff Recommendation: Approve the sole source annual purchases of ‘as needed’ parts, services and new equipment for Caterpillar heavy equipment to Ring Power Corporation (Palm Bay), in the estimated annual amount of \$120,000.

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

***2. ‘Other Agency’ term contracts utilized for Fiscal Year 2019-2020 ‘as needed’ purchases of equipment, materials and supplies – multiple city departments.**

Staff Recommendation: Approve the Fiscal Year 2019/2020 annual purchases of ‘as needed’ equipment, services, materials and supplies utilizing other agency term contracts, renewals, re-solicitations and replacement contracts for expired contracts.

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

UNFINISHED AND OLD BUSINESS:

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to appoint Tara Marie Pariso to the “adult member” position on the Youth Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Mr. Johnson said that with the recent breach with Palm Bay Utilities, he had done some research into possible solutions and noticed that many companies were using blockchain. He asked that staff look for that option or something similar.

2. Mr. Bailey reported on the following:

a) Asked if Council would be open to shutting down the Bayfront Community Redevelopment Agency de facto by cutting off any new spending in the plan. This would be beyond a few points as presented to staff by Commissioner Tobia. Then the remaining operations could be rolled over to the Business Improvement District. Mayor Capote advised that he and the Deputy City Manager met with Commissioner Tobia and

communications were currently continuing with staff. Mr. Bailey encouraged staff to move forward with that option and to possibly pay off some of the obligations early or move over to other entity;

b) Advised that he had been meeting with staff regarding the Building Codes. One of the issues was the requirements for garages which he felt was a little onerous as written. He said that some of the zoning districts required two-car garages which he felt was an excessive requirement. Another issue was to move the setbacks to the easement lines.

3. Mr. Santiago reported on the following:

a) Announced that Joan Junkala, Director of Community and Economic Development, would serve as his replacement on the Economic Development Commission's Ad Valorem Tax Abatement Council.

b) Asked that staff research other vendors for the utility online payments, especially due to the breach occurring twice. Mr. Bailey asked if those affected had been contacted by the City. Ms. Sherman said that a list of approximately 5,400 customers had been received from the vendor whose accounts may have been compromised. Official notification from the vendor would be sent out this week but staff was waiting to review the final draft of the letter to be sent. The vendor would be offering twelve (12) months of free credit monitoring as well.

NEW BUSINESS:

☛ 10. Discussion of selecting a Councilmember to attend the State's preliminary exit interview regarding the City's operational audit on October 8, 2019, at 9:00 a.m. (Mayor Capote).

Mayor Capote advised that the State's preliminary exit interview regarding the City's operational audit was scheduled for October 8, 2019, at 9:00 a.m. He felt that a member of Council should be present.

Deputy Mayor Anderson and Councilman Bailey said they were available.

Motion by Mr. Johnson, seconded by Mr. Santiago, to select Councilman Bailey to attend the exit interview. Mr. Santiago said that the invitation was extended, but it did not mean that a councilmember had to attend. He felt that only the City Manager should be in attendance and then she could relay the information to Council via individual meetings.

Mayor Capote said that Council was responsible for staff. There were forty (40) items to be presented by the auditors, then Council would receive a “cliff note” size of information. Mr. Santiago said it did not make sense for one councilmember to be there if all of Council could not be there. Mayor Capote felt it was important to have a councilmember in the room to hear the discussion first-hand. Mr. Santiago preferred that Deputy Mayor Anderson attend as he supported the audit in the first place. He withdrew his second to the motion. Mayor Capote seconded the motion.

Deputy Mayor Anderson said that any councilmember would see what they want to see out of the audit if they attended the meeting. He felt that the waters would get muddied and said that only the City Manager should attend, but if any councilmembers attended, it should be the Mayor or himself. Mr. Santiago agreed.

Mr. Bailey said it was not necessary or required, but it was customary for a member of the governing body to attend these exit interviews. He fully supported the audit from the beginning and reiterated that he always wanted a financial audit as well. He said that if a councilmember was to attend, it should be Councilman Johnson as he was not here from the inception of the audit.

Mayor Capote explained that he was extended an invitation from the Auditor General's Office, through the City Manager, to attend the exit interview. He received a calendar invite for same from the City Manager's Office and then an email was sent the following day from the City Manager to Council which caused some confusion. Mr. Bailey said that although he wanted to attend, he would agree to having no councilmembers present. Mayor Capote withdrew his second to the motion.

Motion by Mr. Santiago, seconded by Deputy Mayor Anderson, to select Councilman Johnson to attend the State's preliminary exit interview. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

1. Resolution No. 2019-41, amending Resolution 2019-35, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171, Fair Share Impact Fees.

The City Attorney read the resolution in caption only.

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt the Fire Impact Fees, with an effective date of January 1, 2020.

Motion carried with members voting as follows:

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

Motion by Deputy Mayor Anderson, seconded by Mr. Johnson, to adopt the Police Impact Fees, with an effective date of January 1, 2020.

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

Motion by Deputy Mayor Anderson, seconded by Mr. Santiago, to adopt the Parks Impact Fees, with an effective date of January 1, 2020.

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

***2. Consideration of utilizing Recreation Impact Fees for the construction of a basketball court with amenities at Wake Forest Park (\$200,000).**

Staff Recommendation: Authorize the use of Recreation Impact Fees to pay for the construction of a basketball court, driveway, parking lot and Americans with Disabilities Act (ADA) compliant sidewalk at Wake Forest Park, in the amount of \$200,000.

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

3. Consideration of utilizing Transportation Impact Fees for the acquisition of right-of-way on Malabar Road (\$82,700).

Staff Recommendation: Authorize the use of Transportation Impact Fees to acquire six vacant lots for additional right-of-way related to the future expansion of Malabar Road, in the amount of \$82,700.

Motion by Mr. Bailey, seconded by Deputy Mayor Anderson, to approve use of Transportation Impact Fees as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

***4. Acknowledgement of the City's monthly financial report for August 2019.**

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

***5. Consideration of applying for the United States Environmental Protection Agency's Brownsfield Program for the 2020 grant cycle.**

Staff Recommendation: Authorize staff to apply to the United States Environmental Protection Agency's Brownsfield Program for the 2020 grant cycle.

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

***6. Consideration of a Memorandum of Understanding for the East Central Florida Regional Resilience Collaborative.**

Staff Recommendation: Authorize the Mayor to execute the Memorandum of Understanding for the East Central Florida Regional Resilience Collaborative.

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

***7. Consideration of travel and training for specified City employees.**

Staff Recommendation: Approve the travel and training as specified.

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

8. Consideration of councilmembers attending the 59th Annual Florida League of Cities Legislative Conference, November 13-15, 2019, in Lake Buena Vista.

Mayor Capote, Deputy Mayor Anderson and Councilman Johnson announced that they would attend the conference. Council concurred.

9. Consideration of scheduling a workshop for October 2019.

Council concurred to schedule a workshop to discuss Utilities fees for Thursday, October 10, 2019, at 7:00 P.M.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman provided a general report.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 12:02 A.M., Friday, October 4, 2019.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK

* Identifies items considered under the heading of Consent Agenda.

♣ Indicates quasi-judicial proceeding.

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

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-03

Held on Thursday, the 6th day of February 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.

The meeting was called to order at the hour of 6:59 P.M.

Pastor Rob Medina 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
CITY MANAGER:	Lisa Morrell	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Suzanne Sherman, Deputy City Manager; Larry Bradley, Growth Management Director; Patrick Murphy, Assistant Growth Management Director; Valerie Carter, Code Compliance Supervisor; Frank Watanabe, Public Works Engineering Division Manager.

ANNOUNCEMENT(S):

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

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. Two (2) terms expiring on the Youth Advisory Board (represents youth board members 'at-large' positions).++**
- 3. Two (2) terms expiring on the Youth Advisory Board (represents 'adult over 30 years of age' positions).++**

4. One (1) vacancy on the Community Development Advisory Board (represents 'real estate' position).+

AGENDA REVISION(S):

1. Mrs. Morrell advised that a revised Legislative Memorandum, with accompanying documents and the Interlocal Agreement for the St. Johns Heritage Parkway and Babcock Street intersection had been provided for Item 2, under New Business.

CONSENT AGENDA:

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Item 5, under New Business, 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.

ADOPTION OF MINUTES:

***1. Regular Council Meeting 2020-02; January 16, 2020.**

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

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

There were no public comments.

PUBLIC HEARING(S):

1. Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading. (CONTINUED FROM RCM – 01/02/20)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering, and Brenda Yates, Yates and Company, representatives for the applicant, presented the request to Council.

Attorney Samuel Miller, Akerman LLP and representative for Far Research, said that all of the public records were not made available as requested. He felt that the lack of public records made it impossible for the hearing to be transparent and proper. He did not agree with Council moving forward and said that the case should be denied until the records were made available.

Attorney Cecilia Bonifay, Akerman LLP, spoke against the request. She said the project did not comply and was not compatible with the City's Comprehensive Plan or Land Development Code. She further stated her reasons of opposition to the request.

Janice Crisp, resident, spoke against the request due to lack of response on public records. A gentleman spoke against the request as his company, which was zoned industrial, was located near this project and did not agree with a high-rise residential unit being constructed next to heavy industrial zoning.

Mr. Bailey asked if Akerman LLP was stating that their client, Far Research, was a danger to the surrounding community. Ms. Bonifay answered in the negative but said that their client engaged in the manufacture of hazardous chemicals. All state and federal requirements were met, but with anything of this nature, there could be an accident. The concern was that Council would be putting the population in harm's way. Mr. Bailey asked if Council could ever take away their client's right to operate. Ms. Bonifay felt that anything could be done by local government.

Mr. Wise said no new evidence had been presented regarding the case. There were existing single-family residential units, a motel and duplexes prior to this project. There were no objections to the Northshore project which was in the area. Mr. Wise and his associates responded to other comments.

Attorney Cole Oliver, representing the applicant, advised that the City had responded to the records requests and he had received a letter from Akerman LLP that records had been received. There was not a total non-responsiveness to the records requests. He felt the City should not continue to delay the case because the opposition submits records requests and then claim the City had not responded to same.

Mr. Bailey asked for clarification regarding the public records requests. Mrs. Smith said the records requests were not part of what was being considered by Council.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2019-43.

Mayor Capote supported the request. He said if there was an issue with public records, FAR Research should have come to Council.

Mr. Anderson said that the opposition did not clarify what records were missing and why it was prudent to the hearing. He felt that if records were missing, they should have notified Council prior to tonight's hearing. He supported the request.

Mr. Bailey said there was already existing residential, and this project was for mixed use. The question was whether Council wanted to grow that area and he felt this was a great project for growth. He was happy the applicant was not asking for money as was done with other projects. He supported the request.

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

♣2. Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading. (CONTINUED FROM RCM – 01/02/20)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council. Mr. Wise asked that the testimony for the previous item be entered into the record for this item.

Attorney Samuel Miller, Akerman LLP, asked that previous testimony be considered for this item. He mentioned that the public records from January 15th contained inaccessible documents and was advised that they would be provided with accessible documents which have not been received to date. Cecilia Bonifay, Akerman LLP, spoke against the request and asked that the item be tabled or denied.

Attorney Oliver read comments from a letter received by Akerman LLP on October 17, 2019, in which the firm confirms that it had received responses to numerous records requests from the City.

Mrs. Morrell responded to Mr. Miller's comment that the records were inaccessible. She said the City was only required to provide the records in the format as retained by the City. The records sent to Akerman LLP were in an Outlook format.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2019-44. 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 2020-09, vacating portions of the rear and side public utility and drainage easements located within Lot 5, Block 2200, Port Malabar Unit 28 (Case VE-9-2019, Christine Stevens and Juan Delgado), first reading.

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

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-09. 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 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), first reading.

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

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

Bill Battin, resident, asked how the amendment affected homestead exemption for residents. He added that RR (Rural Residential District) zoning was not listed in the ordinance. Mr. Bradley said this request was to amend the Comprehensive Plan. The zoning amendment would include RR zoning. Mrs. Morrell would notify Mr. Battin about the homestead exemption status.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-10.

Mr. Bailey said that in the zoning portion, there were minimum and maximum limits regarding the accessory dwelling units (ADU) in single family areas. He had met with staff to make various changes to the Land Development Code and he was pleased to see it moving forward.

Mr. Santiago said there needed to be other types of housing as well. There could be more affordability if there was more quantity and diversity in the types of housing. Mr. Bailey felt it added more flexibility. Mr. Anderson wanted the residents to have options as well as affordability.

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 2020-11, amending the Code of Ordinances, Chapter 169, Land Development Code, to revise the provisions for administrative variances (Case T-1-2020, City of Palm Bay), first reading.

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

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

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Ordinance 2020-11.

Mr. Bailey said the amendment streamlined the process for smaller variance requests instead of having to go through the Planning and Zoning Board in addition to Council. It also reduced costs for the applicants.

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 2020-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters ‘District Regulations’, ‘Planned Unit Development (PUD)’, and ‘Off-Street Parking and Loading Requirements’ by including provisions related to “tiny homes” (Case T-2-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to an exception of the minimum living areas being changed to “none” for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts), BMU (Bayfront Mixed Use District), and BMUV (Bayfront Mixed Use Village District).

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

Lynda Hauser, resident, gave a presentation in support of tiny homes. She said that homes should be affordable in relationship to one's income. Higher density meant greater tax revenue.

Mike Cheatham was a manufacturer of tiny homes and stated his reasons for supporting the amendment.

Kim Hiltbrant, Cornerstone Tiny Homes in Longwood, supported the ordinance. She said affordable housing was crucial.

Jinky Eckles, Braveheart Properties of Brevard, believed in smaller/tiny homes for what they provided in affordability. Maintenance costs were reduced, and it gave people a safe and secure home.

Bill Battin, resident, supported tiny homes but said it was a way a life, and not necessarily a financial benefit for those who did not have means. He said it would not solve the homeless problem because tiny homes were quite expensive.

Mary Netler spoke in favor of the ordinance. She said that tiny homes could be expensive when building with a foundation, but financing could be obtained. If there was no foundation, you could not get financing as it would be considered similar to a recreational vehicle. There would also be significant cost for well and septic if there were no City utilities available.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board.

Deputy Mayor Johnson agreed that a tiny home was not for everybody, but smaller families could purchase same. He was excited about the proposed ordinance.

Mr. Bailey said it was more about practicality. He said there were limits and you could not pack a large family into a tiny home. He said the areas in which tiny homes were permitted was very small. He wanted to see more areas but was okay with the areas presented at this time. He felt it was a great start. Mr. Anderson and Mr. Santiago supported the request. Mr. Santiago said that tiny homes were a component of bringing affordability but was one component of many and provided housing diversity.

Mr. Bailey asked about the current level of density. Mr. Bradley said that the density was based on the underlying land use. In RM-10 or RM-15 zoning, it was ten (10) units or twenty (20) units per acre, respectively. Mr. Bailey wanted to see the maximum square footage of eight hundred (800) increased in order to provide more variety. He suggested one thousand (1,000) square feet.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to amend the motion adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board, and to increase the square footage limit from eight hundred (800) square feet to one thousand (1,000) square feet.

Mr. Murphy clarified that staff had set the maximum at eight hundred (800) square feet because the minimum home size in a regular PUD was eight hundred (800) square feet. If Council concurred to exceed the eight hundred (800) square feet, then it would no longer be considered a small PUD. This was a way to distinguish between a small PUD and regular PUD. Mr. Bailey felt that an amendment to the regular PUD could be brought forth in the future.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, as is, subject to the conditions as recommended by the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations' by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), first reading.

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

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

Individuals spoke in favor of the request. Phil Weinberg, resident, spoke against the request. He said that decreasing from a two-car garage to a single car garage in certain zoning districts would not make housing more affordable. He said difference in cost was minimal.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13.

Mr. Bailey did not feel it was a necessary requirement to have a two-car garage on a 1,200 square foot home. He would not be opposed to having no garages in certain zoning districts or just having carport. He did not agree with the maximum build of seven hundred fifty (750) square feet for the ADU and said it should be (800) square feet or higher.

Mr. Santiago had no problem with a one-car garage, but there could be consequences. The homeowner would be limited to a single car driveway and limited to the number of vehicles parked on an impervious area. He suggested that the minimum square footage be decreased from three hundred (300) to two hundred (200).

Mr. Anderson withdrew his second.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13, with the condition of increasing the maximum to eight hundred (800) square feet and the minimum to two hundred (200) square feet. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCUREMENT(S):

Award of Bid(s):

***1. Brass fittings, Ford brand only – IFB 17-0-2020 – Utilities Department (Ferguson Waterworks - \$150,000, as needed).**

Staff Recommendation: Approve the award for brass fittings (Ford brand only) to Ferguson Waterworks (Melbourne), in the amount of \$150,000, as needed.

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

***2. Lift Station 93 Rehabilitation – IFB 18-0-2020 – Utilities Department (Danus Utilities - \$106,966).**

Staff Recommendation: Approve the award for Lift Station 93 rehabilitation to Danus Utilities (Sanford), in the amount of \$106,966.

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

Waive of Bid Process and Award:

***1. Vacuum and pump truck services, Lift Station 42 (emergency purchase) – Utilities Department (Meeks Plumbing - \$95,355); and sewer pipe and manhole repair, Danr Drive (emergency purchase) – Utilities Department (Gregori Construction - \$42,750).**

Staff Recommendation: Approve, for the record, the emergency purchase of vacuum and pump truck services, Lift Station 42, to Meeks Plumbing (Vero Beach), in the amount of \$95,355; and repair of damaged sewer pipe and manhole to Gregori Construction (Titusville), in the amount of \$42,750.

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

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Bayfront Community Redevelopment Agency.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to appoint Peter Filiberto to the 'at-large' position on the Bayfront Community Redevelopment Agency. 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 two (2) student members to Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to re-appoint Alexander Owens and Linval Maragh to the 'at-large student' positions on the Youth 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) adult member to the Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to re-appoint Denise Bowes-Valcin to the 'adult member' position on the Youth 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.

Councilmembers made the following appointments:

Mayor Capote re-appointed Kristi Howell to the Youth Advisory Board.

Deputy Mayor Johnson re-appointed Ronald Reagan to the Youth Advisory Board.

Mr. Bailey re-appointed Joseph Stokes to the Youth Advisory Board.

Mr. Santiago re-appointed Abigail Perez to the Youth Advisory Board.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Mr. Anderson appointed Carlos Santiago to the Youth Advisory Board.
2. Mr. Santiago wanted to work with staff regarding small residential income properties by decreasing the regulations and encouraging more development of those types of properties in the area. They were defined as two to four family homes. Council concurred.

NEW BUSINESS: (Ordinance is for first reading.)

- 1. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein. (CONTINUED FROM RCM – 01/16/20)**

The City Attorney read the ordinance in caption only.

Bill Battin, resident, said there were conflicts with the language related to vegetation within fifteen (15) feet of an improved lot. All vegetation would have to be cut down within that footage limit and other ordinances state you cannot remove trees. Also, as he owned a farm, this ordinance would place him in violation due to parking his tractors and trucks all over his property which was all grass. He said a simple fix would be to exclude RR (Rural Residential District) zoning from the ordinance.

Phil Weinberg, resident, felt the ordinance would adversely affect the value of his property. He did not feel the parking regulations should be amended.

Sherry Hanselman, resident, participated in preparing the ordinance two years ago. She said that a homemade parking lot was unsightly, unkept, destroyed grass growth, compromised the swale drainage, and devalued neighboring properties.

James Boothroyd, resident, initially asked for this ordinance to be considered by Council in order to reduce the blight caused by excessive parking. He said there was some confusion with ordinances because one ordinance stated you could park a camper on the side of your property, but another stated you could not park vehicles on your property. He felt vehicles should not be parked in front of the front door and there should not be a junk yard in the yard.

Mr. Bradley advised of the definition of “automotive vehicle” in the Code of Ordinances: Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance. The phrase shall include passenger cars, trucks, buses, motorcycles, scooters and station wagons, but shall not include tractors, construction equipment or machinery or any device used for performing a job except as stated above. Farms were a permitted use within certain zoning districts and the City would not enforce against a permitted use.

Mr. Bradley provided a parking ordinance presentation. Approved parking areas included the driveway, alongside the driveway on an improved surface, on the side of the home on an improved surface, and the rear yard with a six foot (6') opaque fence enclosing the rear yard. An exception was that one inoperable vehicle may be parked in the rear yard.

Mr. Bailey asked if recreational vehicles (RVs), trailers and boats could be parked on the side of the home without an improved surface. Mr. Bradley confirmed same. Mr. Bailey said that cars required an improved surface on the side of the home which caused a conflict of the ordinances in Chapters 93 and 185.

Mr. Santiago asked if there would be an issue with making the vehicles consistent with the RV's and not having an improved surface. Mr. Bradley felt that an improved surface was a good idea as it prevented erosion and drainage issues on the side of the home. It did not have to be paved, but could be gravel as well.

Mr. Bailey asked if any other properties in the area of Craftsland Lane had been cited during routine patrol or when responding to a complaint at the unsightly residence on Craftsland Lane. Ms. Carter answered that no other properties except for 1234 Craftsland had received complaints or had been cited.

Motion by Mr. Santiago, seconded by Mr. Anderson, to adopt Ordinance 2020-06.

Mr. Santiago said the ordinance was enforceable, measurable and had a positive impact to the community.

Mr. Bailey said that what he was hearing was that this was a very successful program. However, there needed to be a definition of “complied”. He said that going out to a property and checking that a car was no longer there did not mean it was in compliance. Vehicles moved on a regular basis. The ordinance was overbearing on the people who simply parked one vehicle in a reasonable spot on their property but did not address the people who were egregious.

Mr. Santiago did not agree with Mr. Bailey and felt the ordinance was a success. If someone came into compliance and then a complaint was filed sometime later for the same issue, then Code Compliance would go out to the property and cite the property again. If properties did not come into compliance, then liens were placed on the property. He said the ordinance worked as designed.

Mr. Anderson said the only issue he had was with the side lot and it having to be an improved area. He did not want to place strain on the residents if they could not afford pavers, gravel or concrete. He wanted to see a variety of improvements for the side yard.

Mayor Capote suggested that the conflicts between the two chapters be addressed before Council makes it final decision. Mr. Santiago was not opposed to tabling the item and meeting with staff to fix the language and discuss additional options for improved surfaces.

Mr. Anderson withdrew his second. Mr. Santiago withdrew his original motion.

Motion by Mr. Santiago, seconded by Mr. Anderson, to table Ordinance 2020-06.

Motion carried with members voting as follows:

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

2. Consideration of interlocal agreement with Brevard County for St. Johns Heritage Parkway and Babcock Street intersection.

Staff Recommendation: Approve the St. Johns Heritage Parkway (SJHP) and Babcock Interlocal Agreement and authorization to budget and appropriate \$50,0000 in Transportation Impact Fees (Nexus 32909) to complete the paving of the last 96 feet of the SJHP upon acceptance of the agreement by the Brevard County Commissioners.

Mrs. Morrell presented the item to Council. She said the agreement contained a three-phase approach: Phase 1 was an opening day permit for the maintenance of operations scenario within five (5) days of execution of the agreement with a span wire signalization;

Phase 2 improved the maintenance of traffic permit with an intersection to include a single southbound left turn lane; and Phase 3 was a fully widened four lane intersection with two turn lanes and permanent traffic signal system. Upon the effective date of the agreement, the City would take ownership of the Intersection portion of the project within City limits necessary to complete the project and would take responsibility for maintenance of the portion outside of City limits.

Ms. Sherman provided further details of the agreement. One issue that was still under consideration between both parties was the timing of the ownership transfer. For the intersection itself, the County's expectation was that the City build the intersection, fully widened, by 2023 and the City would take over ownership of that section. Staff preferred to take ownership at the start of the project. Ms. Sherman explained the reasons for same. Other discussions within the agreement included City ownership of the Babcock Street/SJHP intersection; City construction of the intersection outside of City limits; setting aside of future Transportation Impact Fees (TIF); disclosure of impact fee agreements; and participation of other agencies for the future project. Ms. Sherman said the two major issues that had not been agreed upon as yet was the timing of the ownership of the intersection and when it would get transferred, and how the Joint Planning Agreement (JPA) and Interlocal Agreement (ILA) connect together.

Ms. Smith said there was no language within the JPA that noted taking ownership of Babcock Street. The issue was that the JPA could only be amended or terminated. Her concern was also based on the State's audit findings in which the City did not seek contributions from other agencies that benefited from certain roadways.

Deputy Mayor Johnson said that City Council and the Brevard County Commissioners should meet and discuss the agreement. Mr. Anderson said that the City did not agree to take ownership of the intersection and transfer of Babcock Street as noted in the ILA, this issue would not be considered by the County at their upcoming meeting and it would continue to delay. Mayor Capote said he wished that staff would have engaged Council sooner so that both parties could have met prior to getting to this point. He wanted the

City and County to have a joint meeting. He said it was unacceptable to have a road that did not have an intersection. Mr. Anderson said that Council could approve two changes to the agreement right now and have an open intersection.

Mr. Bailey said his major concern was having to complete Phase 3 by 2023. If there was no development and no impact fees, then the taxpayers would be paying for the roadway. This was not just a Palm Bay project. He said there should have been a City version of the agreement presented tonight which the Council would stand behind, send it to the County and have the County explain why the agreement was not good enough. Mayor Capote said the governing bodies needed to meet. Mr. Bailey said he would not support the agreement as written.

Mr. Santiago said he was not opposed to having staff continue negotiations. He asked if the County Commissioners would be obligated to meet if the City asked to do so. Mayor Capote said the County could deny the meeting. Ms. Smith said there was a provision in the JPA that if the parties could not come to an agreement, then either party could request a meeting to discuss the objections. Mr. Santiago did not feel comfortable having a meeting with the County until Council and staff figured out exactly what was wanted in the agreement first.

Mr. Anderson suggested having the joint meeting. If the County denied the invitation, then Council would have a meeting and decide on an agreement to resubmit to the County.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to request a meeting with the County to discuss the ILA as soon as possible. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Mr. Bailey asked if Council would consider a workshop to discuss the agreement. Mayor Capote suggested waiting for a response from the County. Council concurred.

3. Consideration of the Road Bond Phase 2 Paving Program.

Staff Recommendation: Approve the GO Road Bond Phase 2 Paving Program.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the GO Road Bond Phase 2 Paving Program. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***4. Consideration of Addendum 1 to the Development Agreement between Palm City Investments, F.H., LLC, and City of Palm Bay.**

Staff Recommendation: Approve Addendum 1 to the Development Agreement between Palm City Investments, F.H., LLC and City of Palm Bay.

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

5. Consideration of utilizing Transportation Impact Fees for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive (\$29,150).

Staff Recommendation: Approve utilization of Transportation Impact Fees (Nexus 32908) for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive in the amount of \$29,150.

Motion by Mr. Anderson, seconded by Mr. Santiago, to utilize Transportation Impact Fees for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive in the amount of \$29,150. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***6. Consideration of utilizing Fire Impact Fees towards the Fire Station #5 Rebuild for a generator (\$70,090).**

Staff Recommendation: Approve appropriation from Fire Impact Fees Fund 190 Balance totaling \$70,090 towards project 18FD01, Fire Station #5 Rebuild, for a generator.

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

***7. Consideration of appropriating funds for payment of Florida Department of Environmental Protection permit fee and legal ad for the South Regional Water Treatment Facility Expansion project (\$10,425).**

Staff Recommendation: Approve the appropriation of \$10,425 on the next scheduled budget amendment for the payment of the Florida Department of Environmental Protection permit application fee and legal ad for the South Regional Water Treatment Facility Expansion Project #18WS04.

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

***8. Consideration of travel and training for specified City employees.**

Staff Recommendation: Approve the travel and training as specified.

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

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:20 p.m.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK

- * Identifies items considered under the heading of Consent Agenda.
- ♣ Indicates quasi-judicial proceeding.

A Daily Publication By:



CITY OF PALM BAY
120 MALABAR RD SE
PALM BAY, FL 32907
ATTN TERRI LEFLER

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY** a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE

as published in **FLORIDA TODAY** in the issue(s) of

9/25/2020

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 25th day of September 2020, by legal clerk who is personally known to me

A handwritten signature in black ink, appearing to be "Nancy Heyrman", written over a horizontal line.

Affiant

A handwritten signature in black ink, appearing to be "Nancy Heyrman", written over a horizontal line.

Notary State of Wisconsin County of Brown

My commission expires

Ad No: GCI0499034
Publication Cost: \$638.00
Customer No: CITY OF PALM BAY
PO#: PUBLIC HEARING

NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING AND FINAL READING FOR COMPREHENSIVE PLAN AMENDMENT AND REZONING

The City of Palm Bay, Florida, proposes to adopt the following ordinances: 2019-43 and 2019-44.

The Palm Bay City Council will hold public hearings on the ordinances on October 6, 2020, at 6:00 P.M., at City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.



ORDINANCE 2019-43 (CP-10-2019; MLEF2-1, LLC)

(A large-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use and Commercial Use to Bayfront Mixed Use.)

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Tax Parcels 10, 22, and 1, Section 14, Township 28, Range 37 along with Lot 1 of Block C and Lot 1 of Block A, Huntington Terrace Subdivision, Section 11, Township 28, Range 37, Brevard County, Florida, containing 21.83 acres, more or less. (Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE)

***ORDINANCE 2019-44 (CPZ-10-2019; MLEF2-1, LLC)**

(A zoning amendment from HC (Highway Commercial District) zoning and HI (Heavy Industrial District) zoning to BMU (Bayfront Mixed Use District) zoning.)

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM HC (HIGHWAY COMMERCIAL DISTRICT) AND HI (HEAVY INDUSTRIAL DISTRICT) TO BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO DIXIE HIGHWAY, IN THE VICINITY BETWEEN KINGSWOOD DRIVE AND ROBERT J. CONLAN BOULEVARD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

Tax Parcels 10, 22, and 1, Section 14, Township 28, Range 37 along with Lot 1 of Block C and Lot 1 of Block A, Huntington Terrace Subdivision, Section 11, Township 28, Range 37, Brevard County, Florida, containing 21.83 acres, more or less. (Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Conlan Boulevard NE, and south of Kingswood Drive NE)

*Indicates quasi-judicial request(s).

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 5:00 p.m., before the hearing (Section 59.03, Palm Bay Code of Ordinances).

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.

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 6, 2020, beginning at 6:00 P.M. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/video conference).

Interested parties are invited to submit written or oral communication on the aforementioned ordinances. Interested parties may appear in person, subject to legal and social distancing measures. Information regarding the virtual City Council meeting format can be found at www.palmbayflorida.org/agenda, or contact the Office of the City Clerk at (321) 952-3414.

Full legal descriptions of properties are available from the Land Development Division. Please contact the City of Palm Bay's Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Terese M. Jones, CMC
City Clerk

FT-GC0459034-01

COVID-19 roundtable offers voices against lockdowns

Angie DiMichele
Sarasota Herald-Tribune
USA TODAY NETWORK

As coronavirus cases spike on Florida college campuses, Gov. Ron DeSantis' moved a virtual roundtable discussion Thursday to highlight a medical expert who believes colleges should proceed "almost normally" with students on campus continuing to attend in-person classes.

The roundtable included three health experts who have expressed dissenting viewpoints from the mainstream scientific community about combating the virus' spread. They largely echoed DeSantis' reopening policies for schools and the economy during the discussion.

The two-hour discussion with Dr. Jayanta Bhattacharya, a medical professor at Stanford University, Dr. Martin Kulldorf, a medical professor at Harvard University and Michael Levitt, a structural biology professor at Stanford University, revolved around the effectiveness of statewide and local government mask and social distancing mandates, testing and the role of "herd immunity" in the community.

In recent articles and editorials, Kulldorf has expressed his views on an "age-targeted strategy" to protect those most vulnerable to contracting the virus and has supported the idea that reaching herd immunity, through infections or a vaccine, is the answer to ending the pandemic. Kulldorf has also stated that schools could reopen without enforcing mask-wearing, citing schools in Sweden that remained open during the pandemic without masks in a recently published editorial in the Wall Street Journal, co-authored by Bhattacharya.

Bhattacharya has also been vocal about lockdowns and mandates being ineffective in combating the virus' spread and recently came under fire for his participation in an antibody study that estimated the number of COVID-19 infections is significantly higher than numbers show, Buzzfeed News reported.

Levitt, who received the 2013 Nobel Prize in chemistry, has been quoted in news outlets across the country for predicting back in March that the pandemic would not result in millions of deaths and months of shutdowns, the L.A. Times reported.

A central question DeSantis posed to each was whether another statewide lockdown should no longer be an option. The three experts agreed that another lockdown would cause more damage than good.

Bhattacharya answered DeSantis by saying another lockdown in Florida "would be disastrous."

"At this point, we know that the benefits of a lockdown are small. ... All they do is push cases off into the future; it doesn't actually prevent the disease from happening. And the costs are absolutely catastrophic, enormous," Bhattacharya said.

Kulldorf said elected officials should be doing as

much as possible to protect the elderly while still allowing children and young adults to go about life normally, albeit with more frequent hand-washing.

"These sort of general lockdowns for closing schools, for closing restaurants, for closing beaches or whatever, that actually has a detrimental effect on public health ...," he said. "We are protecting very low-risk college students and professionals who can work from home while we are putting all the working-class people at risk because they have to work."

The assessments drew criticism from Democrats and other public health experts.

Senate Democratic Leader Audrey Gibson and Democratic state Sen. Lori Berman responded to DeSantis' roundtable discussion with strongly-worded statements, calling it a public relations roundtable rather than a public health discussion.

"No one is advocating for a full-scale lockdown in Florida. But we have been and continue to ask for common sense prevention measures such as face masks which are essential to preventing further spread. Without that, the virus remains a threat, the elderly will remain in isolation, and those who do contract the disease will live with the ongoing uncertainty of possible long-term health damages scientists are only now beginning to document," Gibson said in a prepared statement.

Berman, mentioning recent virus outbreaks on college campuses and in schools across the state, said these hotspots are results of DeSantis pushing to quickly reopen these facilities.

"The governor's roundtable today was little more than a collection of like-minded individuals echoing the governor's push for herd immunity policies. There would be no need for lockdowns had he endorsed mandatory masks and widespread, more robust testing," Berman said.

Jay Wolfson, a professor of public health, medicine and pharmacy at the University of South Florida, said experts who advocate against mandates and closures and for the reopening of the state are not presenting public health arguments but rather "pragmatic, economic and political statements."

Wolfson said "we have every reason to believe that deaths will stabilize as we have learned to manage the disease itself much better," but that it is crucial to remember 40% of all COVID-19 cases are asymptomatic and may not know they are shedding the virus.

DeSantis said during the discussion that there have been "significant interventions" with college students on campuses that have enforced "mandatory testing, aggressive quarantining" and have sent students home who test positive for the virus.

Kulldorf said universities should operate "almost normally" and that students should be on campus attending in-person classes and that there does not need to be testing at colleges and universities.

NOTICE OF PUBLIC HEARING AND FINAL READING FOR COMPREHENSIVE PLAN AMENDMENT AND ZONING

The City of Palm Bay, Florida, proposes to adopt the following Ordinance: 2019-43 and 2019-44.

The Palm Bay City Council will hold a public hearing on the Ordinance on October 6, 2020, at 6:00 P.M., at City Hall Council Chambers, 120 Mabey Road SE, Palm Bay, Florida.



ORDINANCE 2019-43
(ICP-16-2019, MLEP2-1, LLC)
(A zoning amendment that allows for a change in land use from its current use to a higher use and the use of the site to a higher use than the current use.)

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVI, LAND DEVELOPMENT CODE, CHAPTER 16A, COMPREHENSIVE PLAN REGULATIONS, SECTION 16A.01, COMPREHENSIVE PLAN, SUBSECTION 16A.01.01, ADJUDICATING THE FUTURE LAND USE MAP BY AMENDING THE FUTURE LAND USE MAP, PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, PROVIDING FOR AN EFFECTIVE DATE.

Tax Parcel 10, 22, and 1, Section 14, Township 28, Range 37, along with Lot 1 of Block C and Lot 1 of Block A, Huntington Terrace Subdivision, Section 11, Township 28, Range 37, Brevard County, Florida, containing 21.83 acres, more or less. (Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Corliss Boulevard NE, and south of Kingswood Drive NE)

ORDINANCE 2019-44
(ICP-16-2019, MLEP2-1, LLC)
(A zoning amendment that allows for a change in land use from its current use to a higher use and the use of the site to a higher use than the current use.)

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM HC (HIGHWAY COMMERCIAL DISTRICT) AND RE (RECREATION) DISTRICT TO RMU (BAYFRONT MARINE USE DISTRICT), WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO DUNE HIGHWAY, IN THE VICINITY BETWEEN KINGSWOOD DRIVE AND ROBERT J. CORLISS BOULEVARD, AND LEGALLY DESCRIBED HEREIN, PROVIDING FOR A CHANGE OF THE ZONING MAP, PROVIDING FOR AN EFFECTIVE DATE.

Tax Parcel 10, 22, and 1, Section 14, Township 28, Range 37, along with Lot 1 of Block C and Lot 1 of Block A, Huntington Terrace Subdivision, Section 11, Township 28, Range 37, Brevard County, Florida, containing 21.83 acres, more or less. (Located in the vicinity east of the Florida East Coast Railway, north of Robert J. Corliss Boulevard NE, and south of Kingswood Drive NE)

(Indicates quasi-judicial review.)

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 City Clerk no later than five (5) business days after the date of the hearing, which is 5:00 p.m., before the hearing (Section 59.03, Palm Bay Code of Ordinances).

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 arrange for a verbatim transcript of the proceedings to be made, which will include 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.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-85, notice is hereby given that the City of Palm Bay shall hold the above public meeting on October 6, 2020, beginning at 6:00 P.M. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/Video conference).

Interested parties are invited to submit written or oral communication on the aforementioned ordinances. Interested parties may appear in person, subject to legal and social distancing measures. Information regarding the virtual City Council meeting format can be found at www.palmabayflorida.org/agenda, or contact the Office of the City Clerk at (321) 937-3414.

Full legal descriptions of properties are available from the Land Development Division. Please contact the City of Palm Bay's Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

TERRA M. JONES, CMC
City Clerk

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Dr. Natalie Golden

WT

STUFF

SKY

ISLAND

Barbara Wall Group

Bonnie and Jack Miller

florida today

Sep 23, 2020 at 5:37:15 PM
2686-2698 Kingswood Dr NE
Palm Bay FL 32905
United States



P U B L I C N O T I C E

CASE NO. CP-10-2019 & CPZ-10-2019
The Public Hearings will be conducted at:
City of Palm Bay Council Chambers
120 Malabar Road SE

Planning and Zoning Board Meeting:
Wednesday, September 18, 2019 @ 7:00 pm

City Council Meeting:

Tuesday, October 6, 2020 @ 6:00 pm

APPLICANT: MLEF 2-1, LLC

REQUEST: Amend the Comprehensive Plan Future Land Use Map from Industrial use and Commercial Use, to Bayfront Mixed Use, AND Rezone the Property from HC, Highway Commercial and HH, Heavy Industrial Zoning, to the BMD, Bayfront Mixed Use Zoning District.

FOR MORE INFORMATION
CONTACT THE LAND DEVELOPMENT DIVISION
AT (321) 733-3042

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Richard J. Dewitt

Phone: 954.713.7652

Richard.dewitt@saul.com

www.saul.com

October 1, 2020

Received

OCT 02 2020

Office of City Attorney

VIA Fedex

Patricia D. Smith
City Attorney
City of Palm Bay
120 Malabar Road SE
Palm Bay, Florida 32907

Re: **MLEF2-1, LLC – Comprehensive Plan Amendment & Zoning Amendment
CP-10-2019 & CPZ-10-2019**

Ms. Smith:

Enclosed please find a digital copy of our evidence for the Harbor Point hearing being held on October 6, 2020. We will be sending hard copies of the evidence out, for receipt on Monday.

Sincerely,


Richard Dewitt

Enclosure

114434290.1

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REQUEST

200 E. Las Olas Blvd. ♦ Suite 1000 ♦ Fort Lauderdale, FL 33301

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