



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

5/21/2024

Subject:

Temporary Use Agreement to Provide Temporary Office Space & Equipment Storage for County-wide Vegetative Harvesting Program

Fiscal Impact:

None

Dept/Office:

Natural Resources Management Department (NRM)

Requested Action:

Approve the Temporary Use Agreement for county-owned property at 1800 Lake Drive, Cocoa, Tax Account 2423199 (District 2)

Summary Explanation and Background:

Section 62-2131 Brevard County Code allows the Board of County Commissioners to consider a temporary use of property, where such temporary use results in a direct public benefit and meets criteria specified in Section 62-2131 (1-9). The purpose of this agreement is to provide temporary office space and equipment storage for NRM personnel to fulfill the County's obligation to conduct vegetative harvesting and maintenance of County stormwater ponds to reduce nutrients discharging to the Indian River Lagoon and St. Johns River. It is anticipated that over 7 million pounds of vegetation will be removed in the current fiscal year. Two modular offices will be relocated from the Titusville Airport to 1800 Lake Drive, Cocoa, FL to provide office space. The area immediately surrounding the modular building will be fenced for employee parking and equipment storage.

A six (6) foot vinyl fence will be constructed and a vegetative buffer established along the western boundary of the use area and will serve as a buffer between this site and the neighboring subdivision. Additionally, native trees and vegetation will be preserved on-site. The duration of the agreement is one (1) year with the option to request additional time extensions.

Clerk to the Board Instructions:

Two certified copies back to NRM.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Kimberly.Powell@brevardclerk.us

May 22, 2024

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item F.3., Temporary Use Agreement (TUA) to Provide Temporary Office Space and Equipment Storage for Countywide Vegetative Harvesting Program

The Board of County Commissioners, in regular session on May 21, 2024, approved the TUA for County-owned property at 1800 Lake Drive, Cocoa, Tax Account 2423199 to provide temporary office space and equipment storage for Countywide Vegetative Harvesting Program. Enclosed is two fully-executed TUA's.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

TEMPORARY USE AGREEMENT
BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY

THIS ACKNOWLEDGEMENT, Made this 21st day of, May 2024, by the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY ("County")**, **FLORIDA**, a political subdivision of the State of Florida, as follows:

1. TEMPORARY FIELD OFFICE

a) In connection with the county-wide vegetative harvesting program, the County shall utilize a portion of the County's property located at 1800 Lake Drive, Cocoa in the Agricultural Use (AU) zoning classification to temporarily allow the construction and operation of county modular offices in conjunction with temporary parking for county personnel.

b) The purpose is to provide temporary office space for Natural Resources Management Department (NRMD) personnel to fulfill the County's obligation to conduct vegetative harvesting and maintenance of county stormwater ponds to reduce nutrients discharging to the Indian River Lagoon and to the St. Johns River.

c) The project is a direct public benefit by providing a logistical center supporting lagoon restoration by removing nutrients from stormwater systems which contribute to algal blooms which can result in low dissolved oxygen levels, fish kills, and detrimental shading of seagrass beds.

d) Two office modules were transferred from the Parks and Recreation Department to the NRMD. The two office modules are currently located at the Arthur Dunn Airpark (X21) on property leased from the Titusville-Cocoa Airport Authority. These modules will be transported from the airport to 1800 Lake Drive, Cocoa (Parcel ID: 24-36-30-00-753 and Tax Account Number 2423199), as shown on Exhibit 1.

e) The 17.67-acre lot was purchased by the County in 2012 and is owned and maintained by NRMD. A commercial nursery located on the property at the time of acquisition was previously demolished. Approximately 4.4 of the 17.67 acres will be utilized under this temporary use agreement (See Exhibit 2). Exhibit 2 also shows the approximate location of the modular offices.

f) The temporary field office use will include normal field office activities and parking for county personnel. The two modules will provide 2,900 square feet of office space. Parking facilities will be constructed for staff vehicles.

g) The conversion of this site will include clearing of non-native vegetation, site grading, and installation of utilities.

h) A six (6) foot vinyl fence will be constructed within 3 months of approval and a type A buffer will be established, within six (6) months of approval, along the western boundary of the use area and will serve as a buffer between this site and the neighboring subdivision. Existing vegetation north and east of the facility that is sufficient to meet buffer requirements will remain.

i) This temporary use by the County is for a period of *one (1) year*, effective upon execution. The County shall have the option to request additional time extensions to the Temporary Use Agreement pursuant to Section 62-2131 (2) of the Brevard County Land Development Code.

2. INDEMNIFICATION

The County and its employees shall be indemnified and held harmless from any and all liability, claims, damages, expenses, including attorney's fee, court costs, proceedings, and causes of action of every kind and nature, arising out of or in connection with use, occupation, management or control of the subject area or any improvements thereon, or any furniture, furnishings, equipment or fixtures utilized in connection therewith.

BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS

2725 Judge Fran Jamieson Way
Viera, Florida, 32940

ATTEST:

By: 

Jason Steele, Chair


Rachel M. Sadoff, Clerk

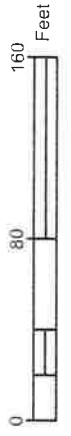
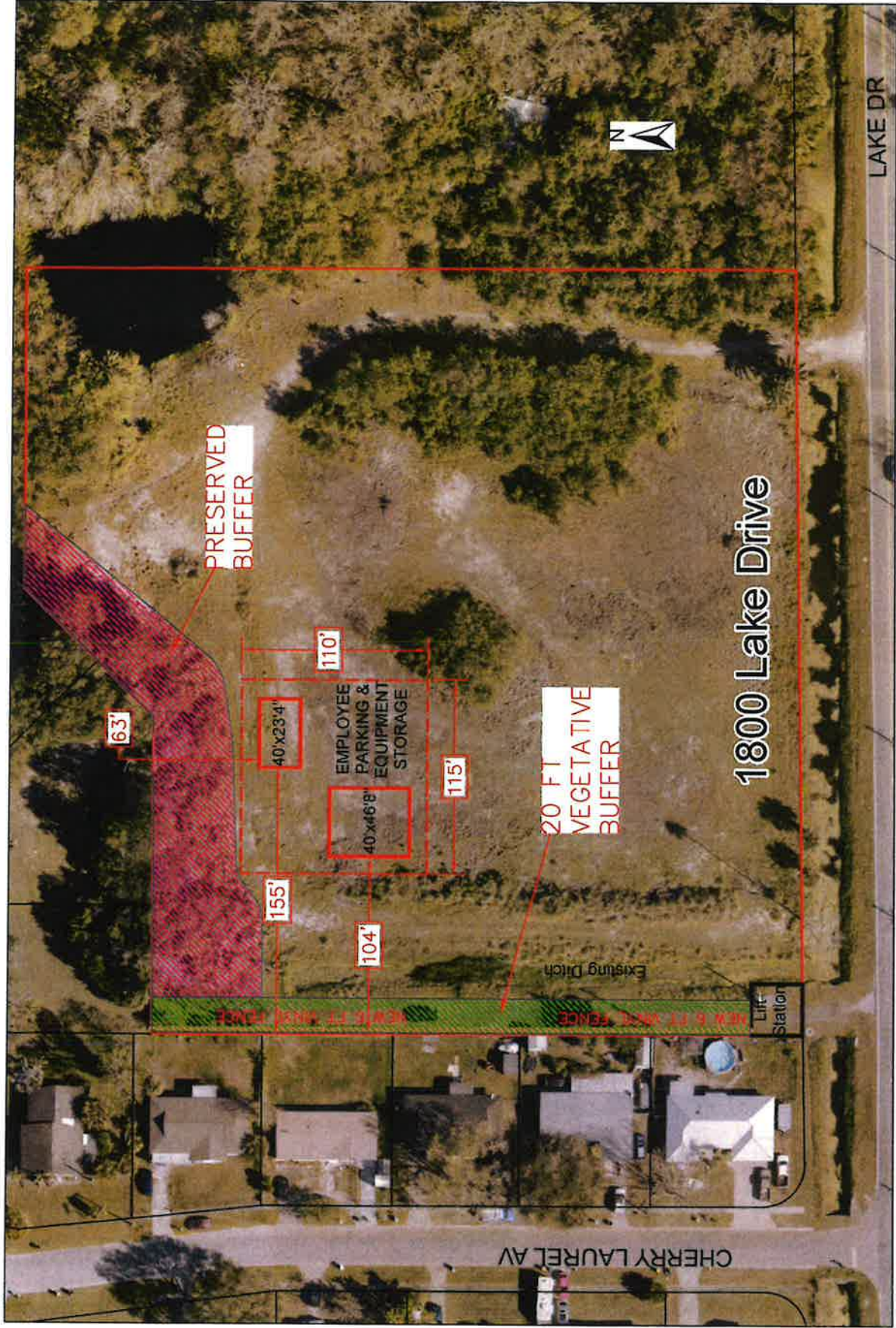
As approved by the Board on May 21, 2024

Exhibit 1



1800 Lake Drive

Exhibit 2



Brevard County Attorney
Temporary Use Agreement Approval Sheet

SECTION I

The following information must be completed on all ordinances submitted to the Board:

Temporary Use Agreement for Brevard County – 1800 Lake Drive, Cocoa		Ordinance Author: Amanda Elmore
Division Name: Natural Resources	Mail Stop:	Review Deadline: 5/10/24
Sent by: Amanda Elmore		
Dept./Office Director: Virginia Barker		
Meeting Date:	(BCC) May 21, 2024	Advertising Deadline: N/A

SECTION II

COUNTY OFFICE

APPROVAL
Yes No

INITIALS DATE

County Attorney's Office

HE

5/13/24

SECTION III

Sent for Review

Planning & Dev

HE

Y ___ N ___ N/A 5/13/2024

NRM

AE

Y ___ N ___ N/A 5/10/2024

Other Dept./Office

___ Y ___ N ___ XX ___ N/A

Comments:

Sec. 62-2131. - Temporary use agreements.

The board of county commissioners may consider a temporary use agreement for the temporary use of property, regardless of the zoning of the property, where such temporary use results in a direct public benefit. The purpose of the temporary use agreement is to acknowledge the need and public advantage to locate temporary uses, such as equipment storage, materials storage, portable asphalt plants, etc. in locations that are convenient to public improvement projects in such a manner that the temporary location would result in a savings to the public, but which would not necessarily be appropriate as a permanent use according to the comprehensive plan designation and zoning of the property. Temporary use agreements shall meet the following conditions:

- (1) Such temporary use agreement shall be approved only in those situations where the request is necessary to fulfill the obligations of a federal, state or local government agency contract to construct, maintain or improve a public facility.
- (2) Such temporary use agreement shall specify the duration of the use, which shall not exceed one year; except lagoon restoration projects managed by the county or a public entity in partnership with the county may be approved for the anticipated project duration, up to five years. Any extension shall be processed as a new agreement.
- (3) Such temporary use agreement shall contain a hold harmless stipulation indemnifying the county against liability.
- (4) No building permits shall be issued for any permanent structure. All equipment shall be portable and easily moveable.
- (5) All temporary equipment, supplies, etc. shall be removed from the property prior to the expiration of the temporary use agreement.
- (6) The temporary use agreement shall specify the location of all equipment storage areas and material storage areas, relative to the property lines.
- (7) The temporary use agreement shall locate all storage areas such that adjacent developed properties are best protected from the impacts of the temporary use.
- (8) The county shall provide written, individual notice to each property owner with 1,000 feet of the site of the proposed temporary use.
- (9) The temporary use agreement shall be considered by the board of county commissioners in public meeting.

(Ord. No. 96-02, § 1, 2-6-96; Ord. No. 2019-19, § 1, 8-20-19)