



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

Mayor
WILLIAM CAPOTE

Deputy Mayor
JEFF BAILEY

Councilmembers
MICHELE PACCIONE
HARRY SANTIAGO, JR.
TRES HOLTON

AGENDA

REGULAR COUNCIL MEETING NO. 2016-31 THURSDAY

November 17, 2016 - 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. One (1) vacancy on the Enterprise Zone Development Agency (represents 'local business' position).++
2. One (1) term expiring on the Enterprise Zone Development Agency (represents 'at-large' position).+

AGENDA REVISIONS:

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(*)). They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.

PRESENTATION:

1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – update.

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

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

PUBLIC HEARINGS:

1. Ordinance No. 2016-71, vacating a portion of the rear public utility and drainage easement located within Lots 6 and 7, Block 55, Port Malabar Unit 4 (Case No. VE-7-2016, Julie Bauer), final reading.

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND
TELEVIEWED ON THE SPACE COAST GOVERNMENT TV CHANNEL.

2. Ordinance No. 2016-72, vacating a portion of the rear public utility and drainage easement located within Lot 14, Block 1845, Port Malabar Unit 39 (Case No. VE-8-2016, Craig Kratzer), final reading.
3. Ordinance No. 2016-73, amending the Code of Ordinances, Chapter 202, Reclaimed Water, in order to revise procedures (Case No. T-34-2016, City of Palm Bay), final reading.
4. Ordinance No. 2016-74, amending the Code of Ordinances, Chapter 184, Subdivisions, in order to revise certain procedures (Case No. T-35-2016, City of Palm Bay), final reading.
5. Ordinance No. 2016-75, amending the Code of Ordinances, Chapter 185, Zoning Code, in order to provide for Regional Transportation Centers and revise certain provisions (Case No. T-36-2016, City of Palm Bay), final reading.
6. Ordinance No. 2016-76, amending the Code of Ordinances, Chapter 185, Zoning Code, in order to revise certain standards related to architectural style requirements (Case No. T-37-2016, City of Palm Bay), final reading.
- ♣7. Ordinance No. 2016-78, rezoning property located in the vicinity southwest of the intersection of Jupiter Boulevard and San Filippo Drive from RM-10 (Single-, Two-, and Multiple-Family Residential District) to RM-20 (Multiple-Family Residential District) (18.94 acres)(Case No. CPZ-24-2016, San Filippo Cove, Inc.), final reading.
- ♣8. Ordinance No. 2016-80, rezoning property located north of and adjacent to Jaslo Street, in the vicinity between Bloke Avenue and San Filippo Drive from RM-10 (Single-, Two-, and Multiple-Family Residential District) to RM-20 (Multiple-Family Residential District) (9.63 acres)(Case No. Z-40-2016, Alliance Palm Bay, LLC), final reading.
9. Ordinance No. 2016-82, amending the Fiscal Year 2015-2016 budget by appropriating and allocating certain monies (fifth budget amendment), final reading.
10. Ordinance No. 2016-53, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northwest corner of Mariposa Drive and Port Malabar Boulevard, from Recreation and Open Space Use and Single Family Residential Use to Commercial Use (1.00 acre)(Case No. CP-20-2016, City of Palm Bay), only one reading required **(CONTINUED FROM RCM – 09/15/16)**.
- ♣11. Ordinance No. 2016-54, rezoning property located at the northwest corner of Mariposa Drive and Port Malabar Boulevard, from RS-2 (Single-Family Residential District) to CC (Community Commercial District) (1.00 acre)(Case No. CPZ-20-2016, City of Palm Bay), first reading **(CONTINUED FROM RCM – 09/15/16)**.
- ♣12. Resolution No. 2016-47, granting a conditional use for a planned industrial development (business park) in LI (Light Industrial and Warehousing District) zoning (5.20 acres)(Case No. CU-28-2016, The Hady Family Limited Partnership) **(CONTINUED FROM RCM – 11/03/16)**.

PROCUREMENT:

Award of Proposal:

- * 1. Deep injection well pump replacement, North Regional Wastewater Treatment Plant, RFP No. 77-0-2016 – Utilities Department (L7 Construction, Inc. - \$469,500).

COMMITTEE AND COUNCIL REPORTS:

THIS MEETING IS TELEvised ON THE SPACE COAST GOVERNMENT TV CHANNEL AND IS BROADCAST LIVE ON THE CITY'S WEBSITE.

NEW BUSINESS:

- * 1. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$5,600).
- 2. Consideration of:
 - a) Councilmembers attending the 56th Annual Legislative Conference in Kissimmee, Florida, December 7-9, 2016; and
 - b) Mayor Capote attending the 85th Winter Meeting of the United States Conference of Mayors, Washington, D.C., January 17-19, 2017.
- 3. Consideration of scheduling a special Council meeting to certify the November 8, 2016, regular municipal election results; administering oath of office to elected officials.

ADMINISTRATIVE AND LEGAL REPORTS:

PUBLIC COMMENTS/RESPONSES: Speakers are limited to 3 minutes.

ADJOURNMENT:

♣Quasi-judicial proceeding.

Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.

If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the Clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (§ 59.03, Palm Bay Code of Ordinances).

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk

DATE: November 17, 2016

SUBJECT: One (1) Term Expiring – Enterprise Zone Development Agency

The term of Adam Facciobene on the above subject board will expire on December 31, 2016.

The Enterprise Zone Development Agency is comprised of members in various fields within the enterprise zone area. Mr. Facciobene represents the "at-large" position.


The position needs to be announced and applications solicited at tonight's meeting. An appointment will be made at the regular Council meeting to be held on December 15, 2016.

If you should have any questions, please advise.

/jcd



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk 

DATE: November 3, 2016

SUBJECT: Ordinance Nos. 2016-71, 2016-72, 2016-73, 2016-74, 2016-75, 2016-76, 2016-78, 2016-80 and 2016-82

Public hearings are to be held on the above subject ordinances and the captions of each read for the second and final time at tonight's Council meeting.

If you should have any questions or desire additional information, please advise.

/tjl

Attachments

ORDINANCE NO. 2016-71

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOTS 6 AND 7, BLOCK 55, PORT MALABAR UNIT 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 21, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lots 6 and 7, Block 55, Port Malabar Unit 4, according to the plat thereof as recorded in Plat Book 14, Page 21, of the Public Records of Brevard County, Florida, Section 25, Township 28S, Range 37E, being more particularly described as follows:

Commence at the southwest corner of said Lot 6; thence N 33°54'00" W along the westerly line of said Lot 6, a distance of 105.00 feet; thence N 56°06'00" E parallel with the north line of said Lot 6, a distance of 20.00 feet to the easterly line of a 20 foot public utilities and drainage easement, said point also being the Point of Beginning of the herein described parcel; thence N 33°54'00" W along said easterly line 10.00 feet; thence N 56°06'00" E parallel with the north line of said Lot 6, a distance of 64.00 feet to the westerly line of a 6 foot public utilities and drainage easement; thence S 33°54'00" E along said westerly line 10.00 feet; thence S 56°06'00" W parallel with the said north line of Lot 6, a distance of 64.00 feet to the Point of Beginning; containing 640.00 square feet, more or less.

SECTION 2. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2016-30, held on November 3, 2016, and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Julie Bauer
Case No.: VE-7-2016

cc: (date) Applicant
Case File
Brevard County Recording

ORDINANCE NO. 2016-72

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 14, BLOCK 1845, PORT MALABAR UNIT 39, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 25, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 14, Block 1845, Port Malabar Unit 39, according to the plat thereof as recorded in Plat Book 21, Page 25, of the Public Records of Brevard County, Florida, Section 34, Township 28S, Range 36E, being more particularly described as follows:

Commence at the southwest corner of Lot 14, Block 1845, Port Malabar Unit 39; thence run S 44°54'09" E along the northerly right-of-way line of White Cap Court, a distance of 8.49 feet; thence run N 00°05'51" E along with westerly line of a 6' public utility and drainage easement of Lot 14, a distance of 85.44'; then run N 89°34'21" E along the southerly line of a 20' public utility and drainage easement, a distance of 31.92 to the Point of Beginning.

Thence run N 41°19'25" E for a distance of 10.72'; thence run N 89°34'21" E, a distance of 4.33'; thence run S 48°40'35" E, a distance of 12.01; then run S 89°34'21" W, along the southerly line of the 20' public utility and drainage easement 20.43' to the Point of Beginning; containing 99.00 square feet, more or less.

SECTION 2. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2016-30, held on November 3, 2016, and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Craig Kratzer
Case No.: VE-8-2016

cc: (date) Applicant
Case File
Brevard County Recording

ORDINANCE NO. 2016-73

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 202, RECLAIMED WATER, IN ORDER TO REVISE CERTAIN PROCEDURES CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XX, Utilities Code, Chapter 202, Reclaimed Water, Section 202.03, Purpose and Intent, is hereby amended and shall henceforth read as follows:

“Section 202.03 PURPOSE AND INTENT.

The Department recommended and the City Council determined that the use of reclaimed water is necessary and in the best interest of the citizens of the City. It is intended that this chapter will accomplish the objectives of providing for the safe and beneficial use of reclaimed water to protect the environment and conserve Florida's limited potable water supplies, [conditions for mandatory connection to the reclaimed water system and standards for the installation of master irrigation systems to conserve and protect the City's water resources.](#)”

SECTION 2. The City of Palm Bay Code of Ordinances, Title XX, Utilities Code, Chapter 202, Reclaimed Water, Section 202.08, Design and Construction of New Reclaimed Water Facilities, is hereby amended and shall henceforth read as follows:

“Section 202.08 DESIGN AND CONSTRUCTION OF NEW RECLAIMED WATER FACILITIES.

* * *

[\(D\) All new development with property boundaries within two hundred fifty \(250\) feet of reclaimed water service lines shall be required to connect to reclaimed water service.](#)

(E) All new residential subdivisions of seven (7) platted lots or greater; multi-family development of twenty-five (25) dwelling units or greater; planned unit developments; and planned commercial developments shall include master irrigation systems for common areas to allow for the future connection to reclaimed water. The master irrigation well shall be placed within two hundred fifty (250) feet of the public rights-of-way to facilitate the future connection to reclaimed water. Should the property be located on two (2) public roadways, the master irrigation well shall be located within two hundred fifty (250) feet of the roadway with the greater level of service unless otherwise directed by the Palm Bay Utilities Department Director or designee."

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 4. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 5. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2016-30, held on November 3, 2016; and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case No.: T-34-2016

Words ~~stricken~~ through shall be deleted; underscored words shall be included. Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

ORDINANCE NO. 2016-74

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 184, SUBDIVISIONS, IN ORDER TO REVISE CERTAIN PROCEDURES CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 184, Subdivisions, Section 184.11, Improvements and Performance and Maintenance Bonds, is hereby amended and shall henceforth read as follows:

“184.11 IMPROVEMENTS AND PERFORMANCE AND MAINTENANCE BONDS.

(A) *Performance bond.* As a condition for approval of a final plat by the City Council, the subdivider may be required to deposit with the City Clerk a bond or other security binding the subdivider to payment to the city to assure completion of all streets, drainage and other public improvements both on site and off site as may be required. The bond or other security will be in the amount of one hundred twenty-five percent (125%) of value of all Public Improvements. The City Council may conditionally approve the final plat to become effective at such time as the required bond or other security shall be deposited with the City Clerk within a time fixed by the City Council. The bond shall be executed by the subdivider as principal and may have at least one (1) good and sufficient surety approved by the city. It is the purpose and intent of this section that the subdivider provide such security as the city shall deem to be reasonably necessary to assure completion. The requirement of a surety on the bond shall be at the discretion of the City Council; however, before the City Council accepts a bond or other security, it must first obtain approval from the City Engineer as to the amount and approval from the City Attorney as to the form of the bond or other security.

* * *

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2016-30, held on November 3, 2016; and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case No.: T-35-2016

cc: (date) Case File

ORDINANCE NO. 2016-75

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS', 'DISTRICT REGULATIONS', AND 'PLANNED UNIT DEVELOPMENT (PUD)', IN ORDER TO PROVIDE FOR REGIONAL TRANSPORTATION CENTERS AND REVISE CERTAIN PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions, is hereby amended and shall henceforth read as follows:

"Section 185.006 DEFINITIONS.

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

* * *

REGIONAL TRANSPORTATION CENTER. [Public transportation facilities including bus stations, railway stations, or a multi-model combination of both uses.](#)

* * *"

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.059, PCD – Planned Commercial Development District, is hereby amended and shall henceforth read as follows:

"Section 185.059 PCD – PLANNED COMMERCIAL DEVELOPMENT DISTRICT.

* * *

(D) *Conditional uses:*

* * *

(9) Regional Transportation Centers.

* * *

(G) *Design requirements.*

(3) The maximum height of any structure shall not exceed one hundred (100) feet.

* * *

(I) The development standards of this district may be waived by the City Council, upon the recommendation of the Planning and Zoning Board.”

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter ‘Planned Unit Development (PUD)’, Section 185.066, Procedure for Approval of a Preliminary Development Plan and Tentative Zoning, and Section 185.067, Procedure for Securing Approval of a Final Development Plan, are hereby amended and shall henceforth read as follows:

“Section 185.066 PROCEDURE FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN AND TENTATIVE ZONING.

The following procedures, applications, and exhibits shall be required when applying for tentative zoning approval of a preliminary plan:

* * *

(B) *Preliminary development plan application.*

* * *

(2) Exhibits. The following exhibits shall be attached to the preliminary application:

~~(a) Vicinity map indicating the relationship between the planned unit development and its surrounding area including adjacent streets and thoroughfares.~~

(a) Development plan that shall contain, but not be limited to, the following information:

* * *

~~4. Names and locations of adjoining developments and subdivisions.~~

~~4 5.~~ Proposed parks, school sites or other public or private open space.

~~5 6. Vehicular and pedestrian circulation systems including off-street parking, and loading areas, driveways and access points.~~

~~6 7.~~ Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary nonresidential uses, and the total number of dwelling units, the maximum height of all structures, the minimum setbacks of all structures (and parking areas) and the total area of pervious and impervious surfaces.

~~8. Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percentage of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.~~

~~7 9.~~ Delineation of ~~specific areas designated as a proposed stage~~ phased development, if applicable.

~~8 10. General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity.~~

~~11. General location within site of each primary residential and secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.~~

(b) ~~12.~~ Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.

~~13. The proposed method of dedication and administration of proposed common open space.~~

(c) ~~Topographic data map drawn to scale of two hundred (200) feet to one (1) inch or larger by a registered surveyor and/or engineer showing:~~

~~1. The location of existing property lines both for private property and public property, streets, building, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains and any public utility easements.~~

~~2. Wooded areas, streams, lakes, marshes and any physical conditions affecting the site.~~

~~3. Existing contours based on current U.S. Coast and Geodetic data with a contour interval of two (2) feet, and proposed finished elevations.~~

* * *

(5) Review criteria. The decision of the Planning and Zoning Board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the Planning and Zoning Board shall consider the following facts:

* * *

(f) The feasibility and compatibility of the development plan to ~~exist~~ function as an independent development.

* * *

Section 185.067 PROCEDURE FOR SECURING APPROVAL OF A FINAL DEVELOPMENT PLAN.

* * *

(A) *Required exhibits.* The ~~following~~ exhibits identified in § 185.066(B)(2)(a) shall be attached to the final development plan application:

(1) In addition to the requirements of (A) above, a boundary and topographic map shall be submitted and shall include the location, size and type of all trees (per the standards identified in Chapter 180).

~~(1) Engineering plans.~~

~~(a) Engineering plans showing:~~

~~1. Existing ground surfaces and proposed elevations in the planned unit development.~~

~~2. If deemed necessary by the Council, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and groundwater, and the existing depth of groundwater.~~

~~3. Typical cross-sections of proposed grading, streets and sidewalks, canals and waterways.~~

~~4. Proposed type of pavement in accordance with city specifications.~~

~~5. Layout of water distribution, sanitary sewers and storm drainage systems, with grades and sizes indicated.~~

~~6. Final engineering drawing of water, sanitary sewer and storm drainage systems and sidewalks, streets, bulkheads, street name signs and adequate lighting.~~

~~(b) The engineering plans shall be in conformity with the requirements and specifications of the city subdivision regulations set forth in Chapter 184 of this code of ordinances for all improvements to be dedicated to the public.~~

~~(2) Final development plan:~~

~~(a) A final development plan containing, in addition to those items specified in § 185.066(B)(2)(b), the following information:~~

~~1. Dedication by owner and completion of certificate of surveyor.~~

~~2. The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary nonresidential areas and structures, recreational areas and structures, and common open space areas.~~

~~3. Proposed lot lines (if any), lot and block numbers and dimensions of all primary nonresidential uses, and common open space.~~

~~4. The proposed architectural and landscape design of all structures and common open space that clearly reflects the compatibility of the variety primary and secondary uses proposed.~~

~~5. Location and width of canals and waterways.~~

~~6. Reservations, easements, alleys and any areas to be dedicated to public uses or sites for other than residential use with notes stating their purpose and any limitations.~~

~~7. Sufficient data to determine readily and reproduce on the site the location, bearing and length of every street, line, lot line, boundary line and block line, whether curved or straight.~~

~~8. The radius, central angle, point of tangent, tangent distance and arcs and chords of all curved property lines.~~

~~9. A legal description of the planned unit development boundaries with bearings, distances and tie point.~~

~~10. Accurate location and descriptions of all monuments and markers.~~

~~(b) An original Mylar of the final development plan drawn in India ink shall be filed, plus five (5) black or blue line prints.~~

~~(c) All dimensions should be to the nearest one two-hundredth (1/200) of a foot, and angles to the nearest second.~~

~~(d) The final development plan shall be properly signed and executed by the developer as required for recording.~~

~~(e) The final development shall meet the platting requirements of Fla. Stat. Ch. 177. In case of a large plan that may require two (2) or more sheets, the sheets are to be numbered and the numbers of the sheets are, to be indicated on the first sheet below the title.~~

~~(2 3)~~ Development schedule. The development schedule shall contain the following information:

* * *

~~(3 4)~~ Deed restrictions. Deed restriction proposals to preserve the character of the common open space as set forth in § 185.064. The deed restrictions shall include a prohibition against partition by any residential property owner.

~~(5) Association or nonprofit corporation. If the developer elects this method of administering common open space, the proposed bylaws of the association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the city.~~

~~(4 6)~~ Instruments. Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons having any interest in the land.

~~(7) Bill of sale. A bill of sale, conveying to the city water and sewer utility lines, mains, lift stations and other personal property required to be installed by this chapter.~~

~~(8) Instrument. Indicating that all necessary off-site easements or dedications have been acquired. In lieu of originals, "certified true copies" will be accepted if the recording information from the public records of the county is included thereon.~~

~~(5 9)~~ Title opinion. A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.

~~(10) Tax receipts. Paid receipts from the county indicating taxes have been paid in full up to and including the current period.~~

(B) *Procedure.*

(1) A fee as established by resolution pursuant to § 169.004 shall accompany the final development plan application for the purpose of administration, additionally, engineering, plat filing, necessary copies and travel fees will be incurred.

(2) The Planning and Zoning Board, ~~upon consultation with the City Planner,~~ shall recommend the approval, approval subject to conditions, or disapproval of the final development plan with the preliminary development plan, the sufficiency and accurateness of the required exhibits, and the requirements and purposes of this subchapter and any other applicable provision of this code of ordinances and any other regulation of the city. The Planning and Zoning Board shall recommend the approval, approval subject to change, or denial of the final development plan.

* * *

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

SECTION 5. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 6. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 7. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2016-30, held on November 3, 2016; and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case No.: T-36-2016

Words ~~stricken~~ through shall be deleted; underscored words shall be included. Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

ORDINANCE NO. 2016-76

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'SUPPLEMENTARY DISTRICT REGULATIONS' IN ORDER TO REVISE CERTAIN STANDARDS RELATED TO ARCHITECTURAL STYLE REQUIREMENTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions, is hereby amended and shall henceforth read as follows:

"Section 185.006 DEFINITIONS.

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

* * *

BLANK WALL AREA. An exterior wall of a commercial structure that is unadorned with any architectural features.

* * *

"C" CHANNEL. A structural element made from light-gauge metal used as conventional framing member.

* * *

GIRDER. A structural element used to support the sides or roof of a structure.

* * *

PUBLIC OUTDOOR SPACE. An area dedicated for the use of passive outdoor activity.

* * *")

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', Section 185.134, Architectural Style Requirements, is hereby amended and shall henceforth read as follows:

"Section 185.134 ARCHITECTURAL STYLE REQUIREMENTS.

* * *

(B) Structures must adhere to one (1) of the following Architectural Styles for architectural elevations facing public rights-of-way within the NC, CC, HC, RC, and OP zoning districts, and for structures constructed on a lot fronting any arterial or collector roadways in the GC zoning district, located outside of the Bayfront Community Redevelopment District. All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site equivalent to five percent (5%) for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping. Structures in excess of fifty thousand (50,000) square feet of area on the main floor shall provide an area on the site equivalent to three percent (3%) dedicated for an outdoor public space.

(1) ~~Bayfront~~ Florida Vernacular Architectural Style.

~~(a) Pursuant to subsection (A) above.~~

(a) Masonry or frame construction.

(b) Stuck stucco or lap siding finish.

(c) Brick wainscot.

(d) Architectural shingles or galvalume metal roof acceptable.

(e) Exposed lookouts at truss ends, dentil molding, operable shutters that match the window width, period style lighting.

(f) Limited color palette to pastel colors or white.

(g) A front porch or overhang that has a minimum of sixty inches (60") width and encompasses a minimum of fifty percent (50%) of the main building façade.

(h) No blank wall area to exceed four hundred (400) square feet of area.

(i) No singular façade shall exceed one hundred (100) lineal feet of run without a minimum sixteen inch (16") break, by utilizing a directional or material change.

(j) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(k) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site equivalent to five percent (5%) of the main floor shall be utilized for the creating on an outdoor public space – these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.

(2) Mediterranean/Spanish Colonial.

* * *

(g) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(h) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site equivalent to five percent (5%) of the main floor shall be utilized for the creating on an outdoor public space – these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.

(3) Spanish Revival.

* * *

(h) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(i) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site equivalent to five percent (5%) of the main floor shall be utilized for the creating on an outdoor public space – these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.

(4) Commercial American.

* * *

(i) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(j) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site equivalent to five percent (5%) of the main floor shall be utilized for the creating on an outdoor public space – these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.

(5) Bungalow.

* * *

(i) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(j) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site equivalent to five percent (5%) of the main floor shall be utilized for the creating on an outdoor public space – these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.

* * *

(E) The design requirements listed in subsections (A) and (B) above shall be applicable to all accessory buildings also. Any accessory structure not meeting this requirement shall be screened so as to not be visible from the public right-of-way. Mechanical equipment such as gasoline pumps, air and vacuum machines, drive-through menu boards and speaker stations, drive-through teller stations, ATM's, and similar appliances which require direct access by the public shall be exempt from the design review requirements of this subsection. All HVAC, wireless communication devices, Fire Suppression, Solar Panels, wind generation devices and similar equipment placed on any roof or above the roof line of any commercial structure shall be effectively screened as to not be seen by the public.

* * *

(H) The Sign Code shall be adhered to with the following exceptions:

* * *

(3) Freestanding signs shall have landscaping at the base that is a minimum width of the sign above.

(4) Freestanding signs over twenty-five (25) feet in height shall be exempt from the design review requirements of this subsection but will require landscaping at the base of each sign that is a minimum width of the sign above.

* * *"

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 4. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 5. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2016-30, held on November 3, 2016; and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

ATTEST:

William Capote, MAYOR

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case No.: T-37-2016

ORDINANCE NO. 2016-78

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 RM-10 (SINGLE-, TWO-, AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO RM-20 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED IN THE VICINITY SOUTHWEST OF THE INTERSECTION OF JUPITER BOULEVARD AND SAN FILIPPO DRIVE, 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 RM-10 (Single-, Two-, and Multiple-Family Residential District) to RM-20 (Multiple-Family Residential District), being legally described as follows:

Tax Parcels 510, G1-1, G1-2, G-2, G2-1, G2-2, G2-3, G2-4, and G2-5, of the Public Records of Brevard County, Florida; Section 4, Township 29S, Range 37E; containing 18.94 acres, more or less.

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

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance No. 2016-77.

Read in title only at Meeting No. 2016-30, held on November 3, 2016; and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance No. 2016-78

Reviewed by CAO: _____

Applicant: San Filippo Cove, Inc.
Case No.: CPZ-24-2016

cc: (date) Applicant
Case File

ORDINANCE NO. 2016-80

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 RM-10 (SINGLE-, TWO-, AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO RM-20 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO JASLO STREET, IN THE VICINITY BETWEEN BLOKE AVENUE AND SAN FILIPPO DRIVE, 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 RM-10 (Single-, Two-, and Multiple-Family Residential District) to RM-20 (Multiple-Family Residential District), being legally described as follows:

Tax Parcel 251, of the Public Records of Brevard County, Florida; Section 9, Township 29S, Range 37E; containing 9.63 acres, more or less.

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

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2016-30, held on November 3, 2016; and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

ATTEST:

William Capote, MAYOR

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

ORDINANCE NO. 2016-82

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2016 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS AS FOLLOWS: GENERAL FUND; STATE HOUSING GRANT FUND; COMMUNITY DEVELOPMENT BLOCK GRANT FUND; NSP FUND; PARKS IMPACT FEES FUND; TRANSPORTATION IMPACT FEE FUND; BAYFRONT CRA FUND; COMMUNITY INVESTMENT PROGRAM FUND; ASSESSMENT USA 1 FUND; ASSESSMENT UNIT 31 FUND; STORMWATER UTILITY FUND; SOLID WASTE FUND; RECOGNIZING REVENUE FOR CITY OWNED PROPERTY SALES; RECOGNIZING REVENUE FOR JAG GRANT FOR PD RADIOS; TRANSFERS FROM GENERAL FUND TO ROAD MAINTENANCE CIP FUND; NSP FUND; 2010 PST REVENUE FUND; AND TO BCRA FUND; TRANSFER FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO STORMWATER UTILITY FUND; TRANSFER FROM STORMWATER UTILITY FUND TO BCRA FUND; TRANSFER FROM EMPLOYEE HEALTH INSURANCE FUND TO GENERAL FUND; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay recognizes that non-budgeted items must be appropriated and that such appropriation must be allocated by Ordinance, and

WHEREAS, transfers between funds and departments must be approved by City Council, and

WHEREAS, Chapter 35, Finance, Budget, Section 35.035, of the City of Palm Bay, Code of Ordinances provides for the transfer of funds and appropriation of unbudgeted funds.

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

SECTION 1. The City Council, in accordance with the City of Palm Bay, Code of Ordinances, Chapter 35, Finance, Budget, Section 35.035, hereby appropriates the following funds:

	Revenues	Expenditures
<u>General Fund</u>		
Utilize Prior Year Fund Bal to bal City Attorney		42,000
Utilize Prior Year Fund Bal to bal Human Resources		7,000
Utilize Prior Year Fund Bal to bal Growth Management		4,400
Utilize Prior Year Fund Bal to bal Parks		31,000
Utilize Prior Year Fund Bal to bal Facilities		44,035
Trf from Parks to Facilities for AC Unit Captain House		(2,856)
Trf from Fire to Facilities for Fire Shed		(4,020)
Trf from PW to Facilities for Gates		(9,600)
Trf from CIT 16IT01 to Facilities for CIT HVAC		(40,000)
Trf to Facilities from Fire,Parks, PW depts		16,476
CIT HVAC 16FM02		90,000
Trf from CIT 16IT01 to close project		(4,629)
Addtl funding for Engineering Services Growth Mgmt		31,755
JAG Grant award	41,345	
Radios replacements JAG award 16PD02		41,345
Trf from Emp Health Ins Fund (511) for HR office repairs	4,000	
Reimb for HR office repairs GF HR trfd to Facilities		4,000
Trf to NSP Fund (123) to cover PY cash transactions		1,954
Trf to 2010 PST Revenue Fund (219) for Paying Agent Fee		130
Trf to BCRA Fund (181) for loan 25% cap		31,003
Fire Defibrillators Lease Agreement		250,920
Record Qtrly City Property Sales	409,500	
Trf City Property Sales 90% Road Maint CIP (307)		347,779
Addtl Fire Pension contribution requirement		30,293
Undesignated Fund Balance	458,140	
Fund Subtotal	912,985	912,985
<u>State Housing Grant Fund (111)</u>		
Add P/R Sep allocations from NSP Fund (123) s/b SHIP		1,396
Undesignated Fund Balance	1,396	
Fund Subtotal	1,396	1,396

Community Development Block Grant Fund (112)

Addtl funding training and scanner		19,120
Trf to SWU Fund (461) for PY trfs correction		355
Undesignated Fund Balance	19,475	
Fund Subtotal	19,475	19,475

NSP Fund (123)

Trf from General Fund for PY cash transactions	1,954	
Remove Sep P/R allocations from NSP to SHIP (111)		(1,396)
Undesignated Fund Balance	(3,350)	
Fund Subtotal	(1,396)	(1,396)

Parks Impact Fee Fund (154)

Close Project 16PK05 Knecht Park Tball Field		(13,814)
Close Project 16PK06 Vets Park Lighting		(11,028)
Close Project 16PK07 West Oaks Batting Cages		(4,007)
Undesignated Fund Balance	(28,849)	
Fund Subtotal	(28,849)	(28,849)

Transportation Impact Fee Fund (155)

Close Project 10PW18 Parkway		(149,090)
Addtl Funding St John Heritage Pkwy North Ext 16PW12		2,824
Undesignated Fund Balance	(146,266)	
Fund Subtotal	(146,266)	(146,266)

Bayfront Comm. Redevelopment Fund (181)

Trf from SWU Fund (461) for PY trfs corrections	355	
Trf from General Fund for 25% cap FY 15 loan	31,003	
Undesignated Fund Balance	(31,358)	
Fund Subtotal	-	-

2010 PST Revenue Bond Fund (219)

Trf from General Fund for Paying Agent Fees	130	
Paying Agent Fee		130
Fund Subtotal	130	130

Road Maintenance CIP Fund (307)

Trf from GF for 90% use of City Property Sales	347,779	
FY 16 Road Maintenance Program 16PW06		347,779
Fund Subtotal	347,779	347,779

Assessment USA 1 Fund (431)

Addtl funding Brevard Cty Fees		20
Undesignated Fund Balance	20	
Fund Subtotal	20	20

Assessment Unit 31 Fund (432)

Addtl funding Brevard Cty Fees		254
Undesignated Fund Balance	254	
Fund Subtotal	254	254

Stormwater Utility Fund (461)

Trf from CDBG Fund (112) for PY trfs corrections	355	
Trf to BCRA Fund (181) for PY trfs corrections		355
Utilize Personnel Svgs to bal SWU		(59,000)
Addtl funding Road Drainage Materials, Equipment Rental		68,000
Undesignated Fund Balance	9,000	
Fund Subtotal	9,355	9,355

Solid Waste Fund (471)

Addtl Funding Waste Management		114,500
Undesignated Fund Balance	114,500	
Fund Subtotal	114,500	114,500

Employee Health Insurance Fund (511)

Trf to GF HR to cover HR office repairs		4,000
Use Operating Svgs to trf to GF HR		(4,000)
Fund Subtotal	-	-

Total	1,229,383	1,229,383
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SECTION 2. The City Council adopts, ratifies, and approves the appropriations as listed above.

SECTION 3. The provisions within this Ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2016-30, held on November 3, 2016; and read
in title only and duly enacted at Meeting No. 2016- , held on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk

DATE: November 17, 2016

SUBJECT: Comprehensive Plan Amendment – City of Palm Bay

As you may recall, the above request was scheduled for the September 15th regular Council meeting. Council voted to continue the item at the request of staff.

The City of Palm Bay has submitted a request for a change to the Comprehensive Plan Future Land Use Map from Recreation and Open Space Use and Single Family Residential Use to Commercial Use on property located at the northwest intersection of Mariposa Drive and Port Malabar Boulevard, and contains 1.00 acre, more or less.

Staff Conclusion:

Approval of the requested Future Land Use amendment as a small scale amendment pursuant to Chapter 163, Florida Statutes.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Ordinance No. 2016-53 has been prepared for consideration at tonight's meeting. If you should have any questions, please advise.

tjl

Attachments

Case No. CP-20-2016



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, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

1) NAME OF APPLICANT (Type or print) City of Palm Bay (Growth Management Department)

ADDRESS 120 Malabar Road SE

CITY Palm Bay STATE FL ZIP 32907

PHONE # (321) 733-3041 FAX # (321) 953-8920

E-MAIL ADDRESS stuart.buchanan@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION _____

A portion of Tract A and all of Tract A.01, Port Malabar Country Club Unit 6

SECTION 21 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1 acre

4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): Recreation and Open Space Use and Single Family Residential Use

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: _____

Commercial Use

6) PRESENT USE OF THE PROPERTY: Undeveloped land

7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: No

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:

Case CPZ-20-2016

(If no rezoning application is filed, the City must assume the maximum impact permissible by the land use classification desired. 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

- 9) JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary): Current land use designation does not permit the intended use.

- 10) SPECIFIC USE INTENDED FOR PROPERTY: Commercial use.

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

N/A *Application Fee. Make check payable to "City of Palm Bay."

- | | |
|---|---|
| <input type="checkbox"/> Large Scale Map Amendment (10 acres or more) \$1,600.00 | <input type="checkbox"/> Text Amendment (Comp. Plan) \$1,600.00 |
| <input checked="" type="checkbox"/> Small Scale Map Amendment (Less than 10 acres) \$1,000.00 | <input type="checkbox"/> Special Amendment Cycle \$4,000.00 |

X Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

X A listing of legal descriptions (for land use amendments) 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 from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.bcpao.us/paohome.asp). List shall be legible and the source of that information stated here: Brevard County Property Appraiser website

X Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines.

N/A Citizen Participation Plan (for land use amendments of more than five acres in size). Refer to [Section 169.005](#) of the Land Development Code for guidelines.

N/A WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT.

N/A IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

**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 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

June 1, 2016

Printed Name of Applicant

Stuart Buchanan, Growth Management Director

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



DATE: July 6, 2016
CASE #: CP-20-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

COMPREHENSIVE PLAN AMENDMENT APPLICATION

- PROPOSAL:** A Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use and Single Family Residential Use to Commercial Use.
- LOCATION:** A portion of Tract A and all of Tract A.01, Port Malabar Country Club Unit 6, Section 21, Township 28, Range 37, Brevard County, Florida. (Located at the northwest intersection of Mariposa Drive NE and Port Malabar Boulevard NE)
- APPLICANT:** City of Palm Bay (Growth Management Department)

SITE DATA

- PRESENT ZONING:** RS-2 Single Family Residential
- FUTURE LAND USE DESIGNATION:** Recreation Open Space & Single Family Residential
- ACREAGE:** 1 acre, more or less
- ADJACENT ZONING & USE OF LAND:**
- N** -- City of Melbourne; Multifamily Apartment Complex
 - E** -- Community Commercial; Shopping Plaza
 - S** -- RS-2 Single Family Residential; Single Family Residential Dwellings
 - W** -- RS-2 Single Family Residential; Single Family Residential Dwellings

BACKGROUND:

The subject parcel is surplus by the City to fund road maintenance.

ANALYSIS:

The subject parcel is approximately 1 acre with an existing utility lift station.

Availability of Public Facilities and Services:

Potable Water:

The subject property is located in the City of Palm Bay Service Area. City Utilities reports that it has excess capacity available for future commercial use.

Sanitary Sewer:

The subject property is located within City of Palm Bay's sanitary sewer service area. City Utilities reports that it has excess capacity available for future commercial use.

Solid Waste:

Waste Management provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

Parks & Recreation:

Not Applicable for non-residential uses

Drainage:

The site is presently vacant and in its natural state. All necessary drainage and storm water management facilities must be provided on-site by the developer and approved during the site plan and land development review process.

Transportation:

Access to the site will be from Palm Bay Road, a urban principal arterial roadway. The proposed future land use and zoning allows for several uses, such as a Shopping Plaza which would generate approximately 512 average daily trips (ADT) based upon a conservative use of 12,000 sq. ft. per acre of principle structure. (ITE Code 820) Palm Bay Road segment 468 Dairy to Port Malabar has a current average adjusted daily trip count of 37,600 trips with a maximum allowable vehicle rating of 51,800 trips. The proposed amendment and rezoning with increase the current level of service from 72.6% to 73.5% of capacity.

Public Schools:

Not Applicable for Community Commercial Use.

Environmental Resources:

Any future use will require review and compliance with all relevant City regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the original Coastal High Hazard Zone nor the current surge area.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

COMPREHENSIVE PLAN REQUIREMENTS:

For surplus sale to private individuals, it is required to remove the public Future Land Use categories of Recreation and Open Space and of Single Family Residential and assign a Commercial Future Land Use for consistency with the proposed zoning district of CC, Community Commercial.

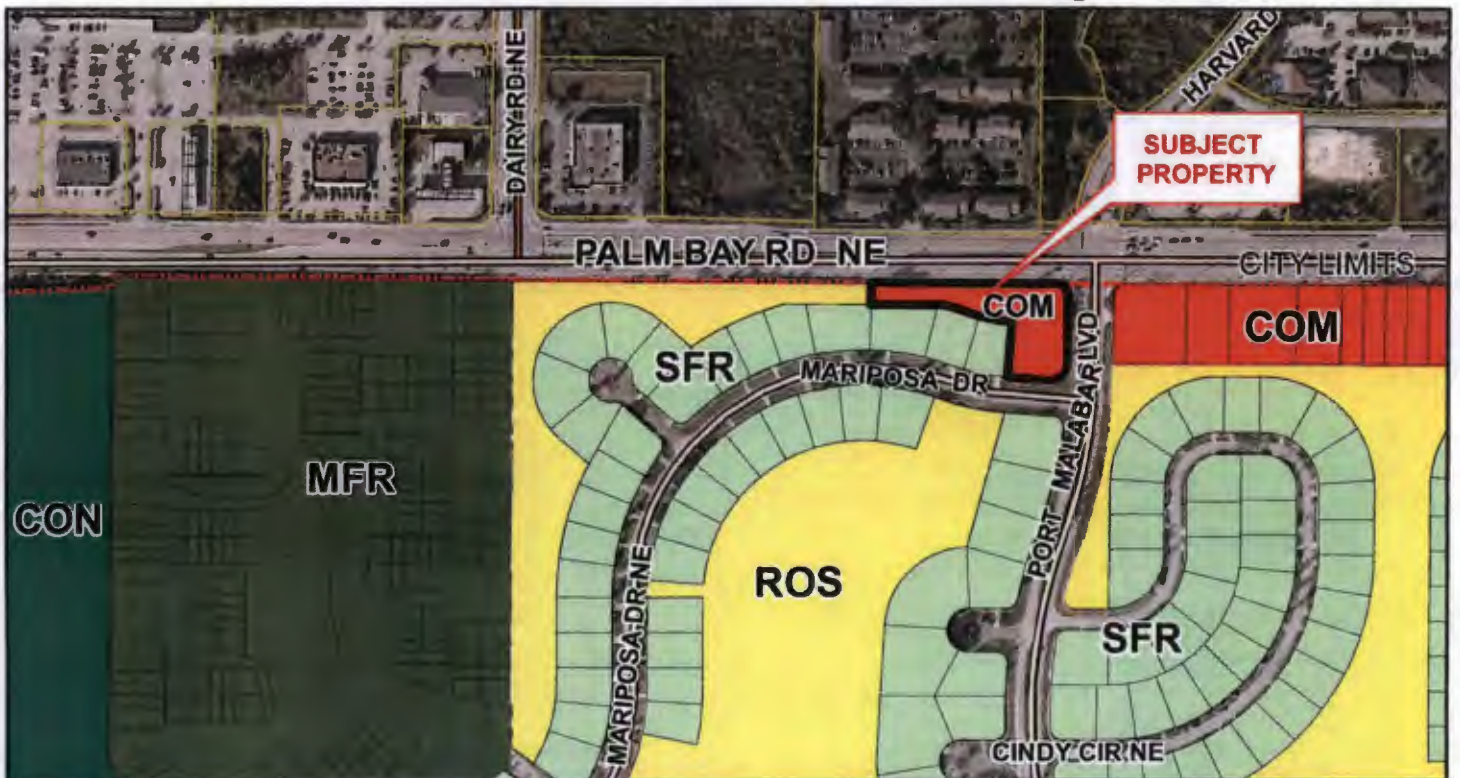
STAFF CONCLUSION:

Recommend the proposed Small Scale Future Land Use amendment from Recreational Open Space and Single Family Residential to Commercial to the City Council for adoption.

Future Land Use Map



PROPOSED Future Land Use Map



CP - 20 - 2016



CP- 20 - 2016 / CPZ- 20 - 2016

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING NO. 2016-07

Held on Wednesday, July 6, 2016, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

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

Ms. Khalilah Maragh led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Wendall Stroder	Absent (Excused)
MEMBER:	Leeta Jordan	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	William Pezzillo	Present
MEMBER:	Rainer Warner	Present
MEMBER:	Thomas "Woody" Woodrum	Present
MEMBER:	Michele Quinn (School Board Appointee)	Present

CITY STAFF: Present were Mr. Stuart Buchanan, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Robert Loring, Planner; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2016-07. Motion by Ms. Maragh, seconded by Ms. Jordan to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

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

City Council will hear Case CP-19-2016 on August 4, 2016.

8. CPZ-19-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case CPZ-19-2016. The applicant had requested a zoning amendment from an FC, Floodway Conservation District to a CC, Community Commercial District. The board must determine if the requested zoning category was compatible with the requested land use category identified in Case CPZ-19-2016.

The floor was opened and closed for public comments and there were no letters in the file.

Ms. Maragh wanted to confirm that just the 5 acres of the 31-acre parcel would be rezoned. Mr. Buchanan confirmed that this was correct.

Motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CPZ-19-2016 to City Council for approval of a zoning amendment from an FC, Floodway Conservation District to a CC, Community Commercial District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Ms. Maragh	Nay
Mr. Pezzillo	Aye
Mr. Warner	Aye
Mr. Woodrum	Aye

City Council will hear Case CPZ-19-2016 on August 4, 2016.

A revision to the vote for Case CPZ-19-2016 occurred under Other Business, Item 1.

9. CP-20-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case CP-20-2016. The applicant had requested a Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use and Single Family Residential Use to Commercial Use. Staff recommended Case CP-20-2016 for approval.

The sale of City surplus properties was to fund road improvements.

Mr. Buchanan noted that the east portion of the site would be developed commercially, and a right-in deceleration lane would be constructed on the narrow, west portion of the property. The contracted purchaser would be responsible for constructing the deceleration lane.

Mr. Weinberg inquired about the intended use of the site. Mr. Buchanan stated that an office or a convenience store were under consideration.

The floor was opened and closed for public comments and there was one letter of opposition in the file.

Motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CP-20-2016 to City Council for approval of a Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use and Single Family Residential Use to Commercial Use. The motion carried with members voting unanimously.

City Council will hear Case CP-20-2016 on August 4, 2016.

10. CPZ-20-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case CPZ-20-2016. The applicant had requested a zoning amendment from an RS-2, Single Family Residential District to a CC, Community Commercial District. Staff recommended Case CP-20-2016 for approval.

The floor was opened and closed for public comments and there was one letter of opposition in the file.

Motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CPZ-20-2016 to City Council for approval of a zoning amendment from an RS-2, Single Family Residential District to a CC, Community Commercial District. The motion carried with members voting unanimously.

City Council will hear Case CPZ-20-2016 on August 4, 2016.

CORRESPONDENCE

To: Robert Loring
City Council and Mayor of Palm Bay City

I Luis and Tammara Rodriguez, property owners of 1498 Mariposa Dr. NE Palm Bay, FL. 32905 want to voice our concerns about a letter we received on Monday June 26, 2010, from City of Palm Bay. The letter was a Comprehensive Plan Amendment and Zoning Amendment that was filed with the Planning and Zoning Board/Local Planning and the City Council, for a portion of Tract A and all of Tract A.01 Port Malabar Country Club Unit 6, section 21, Township 28, Range 37 Brevard County FL.

We do not want the above said property sold for commercial use. This will impact our property taxes, lower the value of our home, bring unwanted vagrants, more traffic and nefarious activity. Also the commercial property that will be built so close to our property, we will have to endure all of the noise from heavy equipment, trash, thru traffic and pollution, while they are building. Also will have to endure issues with parking.

When we first purchased our home we accepted the fact that there was a sewer substation and overcame the smell, then we were told the city was going to improve the curb appeal of the substation with white rose and flower bushes and this never happened. We were also told that because the said property belong to the City, no one would be able

to build to the left of our property or behind our property (on said property) and this is what appealed to us and was the deciding factor to purchase our home. When we first purchased our property, we inquired about purchasing said property and was told the city would not sell the said property due to the fact the city needed this property to park city vehicles there to maintain the substation, and to maintain the surrounding city properties. If the City wants to sell the said property we ask for our property to be sold with the said property. We do not want to live next to commercial property, and have to endure the troubles that come with commercial property like traffic, parking, foreclosures, graffiti and nefarious activity.

Sincerely,

Ann Rodriguez
Ann Rodriguez
1498 Manupose Dr. NE
Palm Bay, FL. 32905
321-537-8318

ORDINANCE NO. 2016-53

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP SERIES NO. 2; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on July 6, 2016, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on November 17, 2016, after public notice, and

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

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Recreation and Open Space Use and Single Family Residential Use to Commercial Use, which property is legally described as follows:

A portion of Tract "A" and all of Tract A.01, Port Malabar Country Club Unit 6, as recorded in Plat Book 25, Page 49, of the Public Records of Brevard County, Florida; Section 21, Township 28S, Range 37E; containing 1.00 acre, more or less.

SECTION 2. The Future Land Use Map Series Map No. 2 is hereby changed to reflect this amendment.

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

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

SECTION 5. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

Read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

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

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case No.: CP-20-2016

cc: (date) Applicant
Case File



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk

DATE: November 17, 2016

SUBJECT: Rezoning Request – City of Palm Bay

As you may recall, the above request was scheduled for the September 15th regular Council meeting. Council voted to continue the item at the request of staff.

The City of Palm Bay has submitted an application to rezone property from RS-2 (Single-Family Residential District) to CC (Community Commercial District). The property is located at the northwest intersection of Mariposa Drive and Port Malabar Boulevard, and contains 1.00 acre, more or less.

Staff Conclusion:

The Board and City Council must determine if the requested zoning category is compatible with the requested Future Land Use category identified in Case No. CP-20-2016.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Ordinance No. 2016-54 has been prepared for consideration at tonight's meeting. If you should have any questions, please advise.

/tjl

Attachments

Case No. CPZ-20-2016



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmabayflorida.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, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

1) NAME OF APPLICANT (Type or print) City of Palm Bay (Growth Management Department)

ADDRESS 120 Malabar Road SE

CITY Palm Bay STATE FL ZIP 32907

PHONE # (321) 733-3041 FAX # (321) 953-8920

E-MAIL ADDRESS stuart.buchanan@palmabayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

A portion of Tract A and all of Tract A.01, Port Malabar Country Club Unit 6

SECTION 21 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1 acre

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

5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): CC, Community Commercial District

6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? No

7) JUSTIFICATION FOR REZONING: For compatibility with the companion land use request (Case CP-20-2016)

8) PRESENT USE OF THE PROPERTY: Undeveloped land

9) INTENDED USE OF PROPERTY: Private commercial development

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


N/A *\$600.00 Application Fee. Make check payable to "City of Palm Bay."

X Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). Provide in PDF format if larger than 11" x 14".

- X A listing 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 from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at <https://www.bcpao.us/paohome.asp>) List shall be legible and the source of that information stated here: Brevard County Property Appraiser website
- X Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- N/A WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE REZONING.
- N/A IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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 June 1, 2016

Printed Name of Applicant Stuart Buchanan, Growth Management Director

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



DATE: July 6, 2016
CASE #: CPZ-20-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: Rezoning from an RS-2, Single Family Residential District to a CC, Community Commercial District.

LOCATION: A portion of Tract A and all of Tract A.01, Port Malabar Country Club Unit 6, Section 21, Township 28, Range 37, Brevard County, Florida. (Located at the northwest intersection of Mariposa Drive NE and Port Malabar Boulevard NE)

APPLICANT: City of Palm Bay (Growth Management Department)

SITE DATA

PRESENT ZONING: RS-2, Single Family Residential District

ACREAGE: 1 acre, more or less

DENSITY: Not applicable

ADJACENT ZONING

& USE OF LAND:

- N** -- City of Melbourne; Multifamily Apartment Complex
- E** -- Community Commercial; Shopping Plaza
- S** -- RS-2 Single Family Residential; Single Family Residential Dwellings
- W** -- RS-2 Single Family Residential; Single Family Residential Dwellings

WATER & SEWER: Both are available

TRAFFIC COUNTS: Palm Bay Road segment 468 Dairy to Port Malabar has a current average adjusted daily trip count of 37,600 trips.

FLOOD ZONE: X

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Yes, subject to approval of CP-20-2016

BACKGROUND:

The subject parcel is surplus by the City to fund road maintenance.

ANALYSIS:

The subject parcel is approximately 1 acre with an existing utility lift station.

Availability of Public Facilities and Services:

Potable Water:

The subject property is located in the City of Palm Bay Service Area. City Utilities reports that it has excess capacity available for future commercial use.

Sanitary Sewer:

The subject property is located within City of Palm Bay's sanitary sewer service area. City Utilities reports that it has excess capacity available for future commercial use.

Solid Waste:

Waste Management provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

Parks & Recreation:

Not Applicable for non-residential uses.

Drainage:

The site is presently vacant and in its natural state. All necessary drainage and storm water management facilities must be provided on-site by the developer and approved during the site plan and land development review process.

Transportation:

Access to the site will be from Palm Bay Road, a urban principal arterial roadway. The proposed future land use and zoning allows for several uses, such as a Shopping Plaza which would generate approximately 512 average daily trips (ADT) based upon a conservative use of 12,000 sq. ft. per acre of principle structure. (ITE Code 820) Palm Bay Road segment 468 Dairy to Port Malabar has a current average adjusted daily trip count of 37,600 trips with a maximum allowable vehicle rating of 51,800 trips. The proposed amendment and rezoning with increase the current level of service from 72.6% to 73.5% of capacity.

Public Schools:

Not Applicable for Community Commercial Use.

Environmental Resources:

Any future use will require review and compliance with all relevant City regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the original Coastal High Hazard Zone nor the current surge area.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

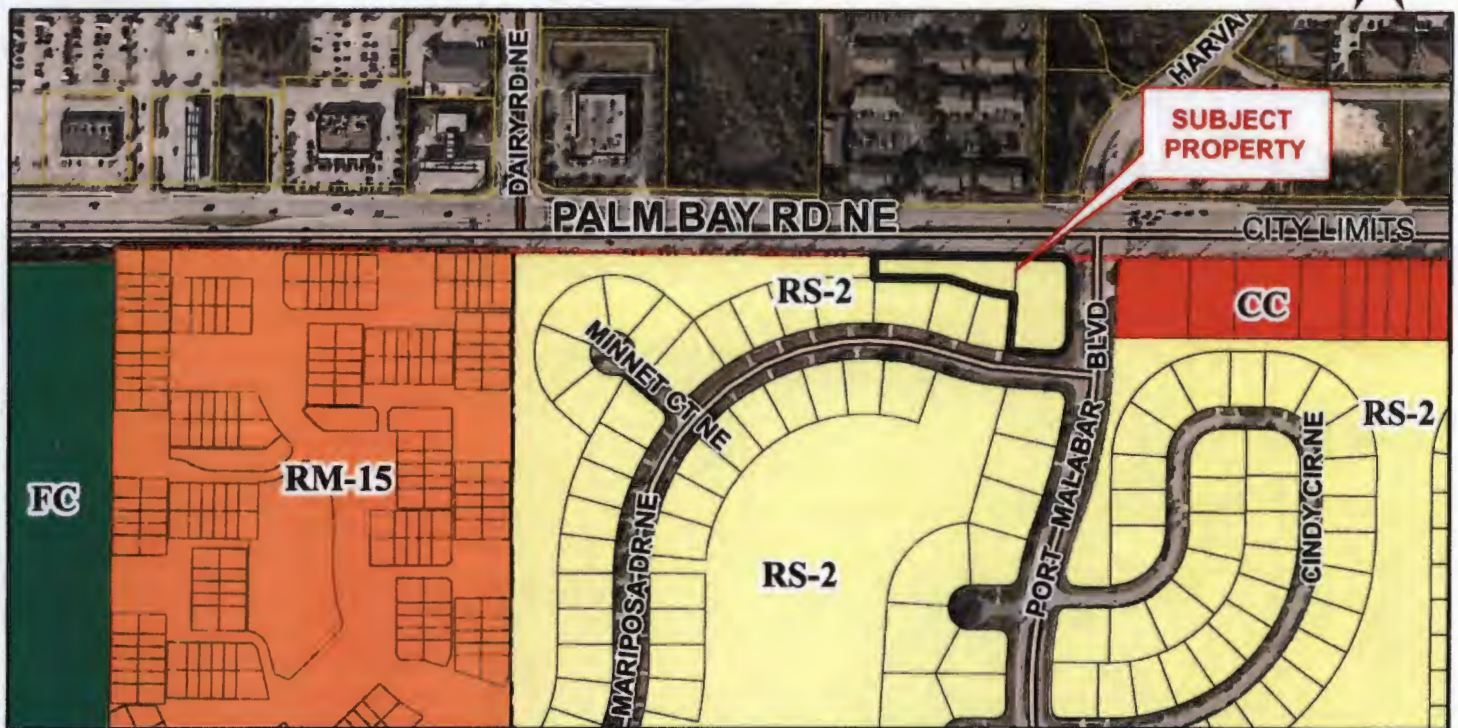
CODE REQUIREMENTS:

The subject property proposed for rezoning to community commercial district is located in an established commercial corridor on an arterial roadway and within 6,132 lineal feet of the Interstate 95 interchange. It exceeds the minimum frontage and lot size required by the Community Commercial zoning district. The subject property may be considered an infill site in a highly urbanized area.

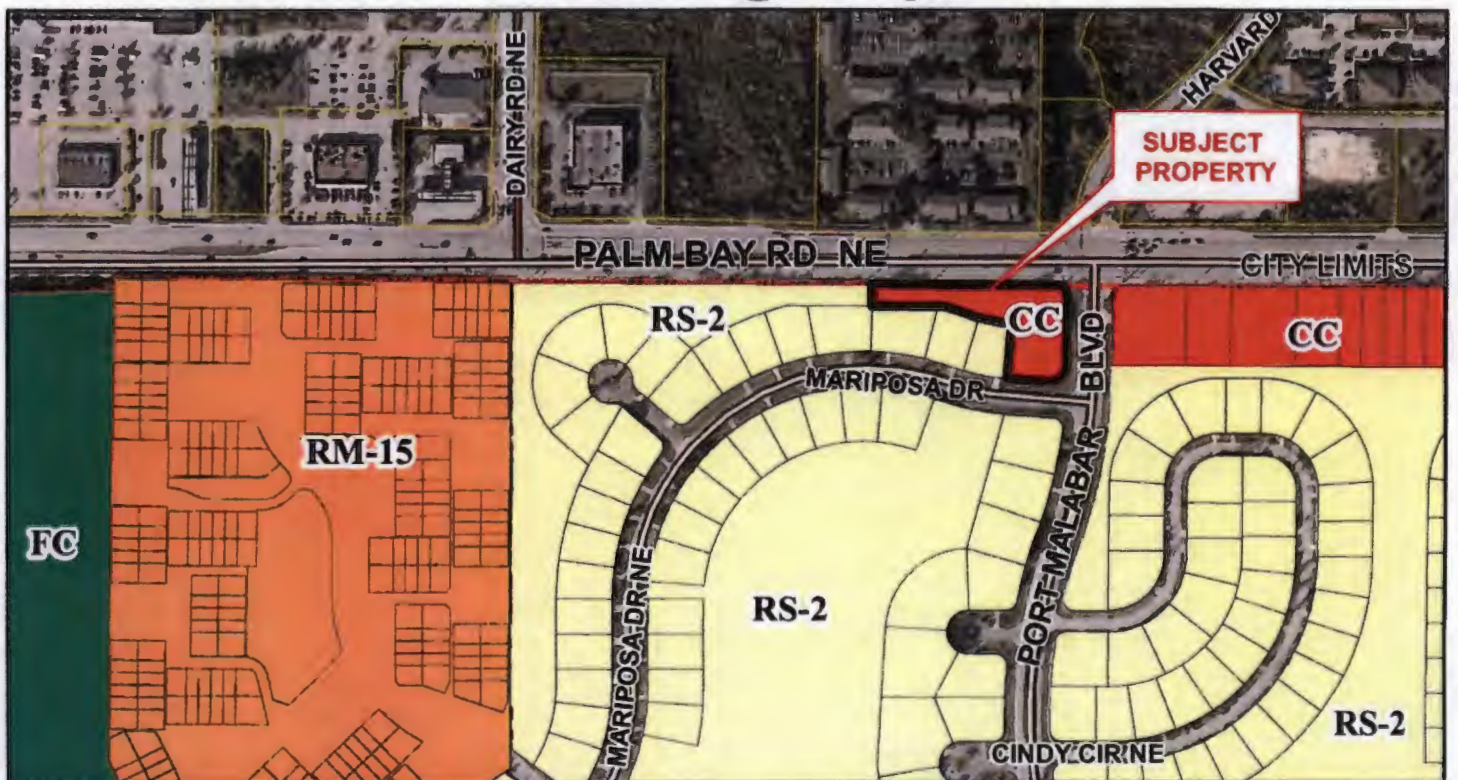
STAFF CONCLUSION:

The Board and Council must determine if the requested zoning category is compatible with the requested Future Land Use category identified in Case No. CP-20-2016.

Zoning Map



PROPOSED Zoning Map



CPZ - 20 - 2016



CP- 20 - 2016 / CPZ- 20 - 2016

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING NO. 2016-07

Held on Wednesday, July 6, 2016, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

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

Ms. Khalilah Maragh led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Wendall Stroder	Absent (Excused)
MEMBER:	Leeta Jordan	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	William Pezzillo	Present
MEMBER:	Rainer Warner	Present
MEMBER:	Thomas "Woody" Woodrum	Present
MEMBER:	Michele Quinn (School Board Appointee)	Present

CITY STAFF: Present were Mr. Stuart Buchanan, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Robert Loring, Planner; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2016-07. Motion by Ms. Maragh, seconded by Ms. Jordan to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

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

The sale of City surplus properties was to fund road improvements.

Mr. Buchanan noted that the east portion of the site would be developed commercially, and a right-in deceleration lane would be constructed on the narrow, west portion of the property. The contracted purchaser would be responsible for constructing the deceleration lane.

Mr. Weinberg inquired about the intended use of the site. Mr. Buchanan stated that an office or a convenience store were under consideration.

The floor was opened and closed for public comments and there was one letter of opposition in the file.

Motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CP-20-2016 to City Council for approval of a Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use and Single Family Residential Use to Commercial Use. The motion carried with members voting unanimously.

City Council will hear Case CP-20-2016 on August 4, 2016.

10. CPZ-20-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case CPZ-20-2016. The applicant had requested a zoning amendment from an RS-2, Single Family Residential District to a CC, Community Commercial District. Staff recommended Case CP-20-2016 for approval.

The floor was opened and closed for public comments and there was one letter of opposition in the file.

Motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CPZ-20-2016 to City Council for approval of a zoning amendment from an RS-2, Single Family Residential District to a CC, Community Commercial District. The motion carried with members voting unanimously.

City Council will hear Case CPZ-20-2016 on August 4, 2016.

CORRESPONDENCE

TO: Robert Loring
City Council and Mayor of Palm Bay City

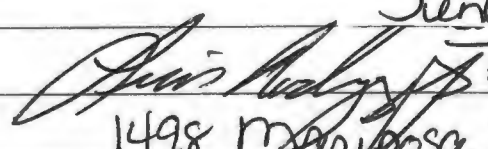
I Luis and Tammara Rodriguez, property owners of 1498 Mariposa Dr. NE Palm Bay, FL. 32905 want to voice our concerns about a letter we received on Monday June 24, 2014, from City of Palm Bay.

The letter was a Comprehensive Plan Amendment and Zoning Amendment that was filed with the Planning and Zoning Board/Local Planning and the City Council, for a portion of Tract A and all of Tract A.01 Port Malabar Country Club Unit 6, section 21, Township 28, Range 37 Brevard County FL.

We do not want the above said property sold for commercial use. This will impact our property taxes, lower the value of our home, bring unwanted vagrants, more traffic and nefarious activity. Also the commercial property that will be built so close to our property, we will have to endure all of the noise from heavy equipment, trash, thru traffic and pollution while they are building. Also will have to endure issues with parking.

When we first purchased our home we accepted the fact that there was a sewer substation and overcame the smell, then we were told the city was going to improve the curb appeal of the substation with white neck and flower bushes and this never happened. We were also told that because the said property belong to the City, no one would be able

to build to the left of our property or behind our property (on said property) and this is what appealed to us and was the deciding factor to purchase our home. When we first purchased our property, we inquired about purchasing said property and was told the city would not sell the said property due to the fact the city needed this property to park city vehicles there to maintain the substation, and to maintain the surrounding city properties. If the City wants to sell the said property we ask for our property to be sold with the said property. We do not want to live next to commercial property, and have to endure the troubles that come with commercial property like traffic, parking, foreclosures, graffiti and noxious activity.

Sincerely,
 Juan Rodriguez
1498 Manassas Dr. NE
Palm Bay, FL. 32905
321-537-8318

ORDINANCE NO. 2016-54

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO CC (COMMUNITY COMMERCIAL DISTRICT); WHICH PROPERTY IS LOCATED AT THE NORTHWEST INTERSECTION OF MARIPOSA DRIVE AND PORT MALABAR BOULEVARD, AND CONTAINS 1.00 ACRE, MORE OR LESS, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from RS-2 (Single-Family Residential District) to CC (Community Commercial District), being legally described as follows:

A portion of Tract "A" and all of Tract A.01, Port Malabar Country Club Unit 6, as recorded in Plat Book 25, Page 49, of the Public Records of Brevard County, Florida; Section 21, Township 28S, Range 37E; containing 1.00 acre, more or less.

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

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance No. 2016-53.

Read in title only at Meeting No. 2016- , held on , 2016; and read in title only and duly enacted at Meeting No. 2016- , held on , 2016.

ATTEST:

William Capote, MAYOR

Terese M. Jones, CITY CLERK



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk

DATE: November 17, 2016

SUBJECT: Conditional Use Request, Planned Industrial Development (Business Park) – The Hady Family Limited Partnership

As you may recall, the above request was scheduled for the last regular Council meeting. Council voted to table the request as the applicant was not present.

The Hady Family Limited Partnership (Ahmed El-Mahdawy, representative) has submitted an application for a conditional use for a planned industrial development (business park) in LI (Light Industrial and Warehousing District) zoning. The property is located at the northwest and southwest corners of Clearmont Street and Gunpowder Drive, and contains 5.20 acres, more or less.

Staff Conclusion:

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Section 185.087 and 185.088(D) of the Palm Bay Code of Ordinances.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Resolution No. 2016-47 has been prepared for consideration at tonight's meeting. If you should have any questions, please advise.

/tjl

Attachments

Case No. CU-28-2016



CONDITIONAL USE APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

- 1) NAME OF APPLICANT (Type or print) THE HADY FAMILY LIMITED Partnership
ADDRESS PM 127 4421 SW 85th WAY
CITY Gainesville STATE FL ZIP 32608
PHONE # 352 256 0040 FAX # 352-336 1529
E-MAIL ADDRESS 321 223 2047 aelmahdawy@gmail.com 321-729 9512
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION
1240 clearmont st & 1270 Clearmont st
SECTION 22 TOWNSHIP 28 RANGE 37 PM
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 5.2 +/- PM
- 4) CONDITIONAL USE SOUGHT: P.I.D. (R/L)
- 5) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): L.I. (R/L)
- 6) APPLICANT MUST PROVIDE A SITE PLAN SKETCH IN PDF FORMAT SHOWING THE FOLLOWING WHERE APPLICABLE:
 - (a) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
 - (b) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
 - (c) Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
 - (d) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
 - (e) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
 - (f) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
 - (g) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

- (h) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents or workers in the City.
- (i) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.
- (j) The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.
- (k) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

7) ADDITIONAL CONDITIONS MUST BE MET FOR THE FOLLOWING CONDITIONAL USES. LISTINGS OF THE ADDED CRITERIA ARE AVAILABLE FROM STAFF AND MUST BE INCORPORATED INTO THE SITE PLAN (Check all that apply).

☐ Planned Commercial Development (site is commercially zoned and over three acres in size).

☒ Planned Industrial Development (site is industrially zoned and over five acres in size).

☐ Planned Residential Development (site is zoned multi-family and proposes 100 or more units).

☐ Church

☐ Communication tower and facilities

☐ Club or Lodge

☐ Arcade amusement center

☐ Commercial dog kennel

☐ Electronic gaming establishment

☐ Public or private school

☐ Dance club (Sec. 185.088(J))

☐ Self-storage facility

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

☒ *\$600.00 Application Fee. Make check payable to "City of Palm Bay."

☒ A listing 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 from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: _____

☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

☐ Property map showing properties within 500 foot radius, and clearly outlining the subject parcel.

☐ Location map showing properties adjacent uses, zoning, streets, driveways, canals, and utilities.

☐ Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.

☐ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE CONDITIONAL USE.

____ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE 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 CONDITIONAL USE APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant

Ahmed M. El-Mahdawy

Date 8/30/16

Printed Name of Applicant

Ahmed M. EL-MAHDAWY

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



DATE: October 5, 2016
CASE #: CU-28-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: Conditional Use approval for a Business Park in an LI, Light Industrial and Warehousing District, per Section 185.045 (D (3) of the Code of Ordinances.

LOCATION: The subject property is located west of and adjacent to Clearmont Street NE. Specifically, the subject property is Tracts B and C of the Sleepy Hollow subdivision plat, which is located in Section 22, Township 28 South, and Range 37 East, Brevard County, Florida.

APPLICANT: The Hady Family Limited Partnership (Ahmed El-Mahdawy)

SITE DATA

PRESENT ZONING: LI, Light Industrial and Warehousing District

ACREAGE: 5.2 acres (+)

DENSITY: Not applicable

ADJACENT ZONING

& LAND USE:

- N** -- LI, Light Industrial and Warehousing District; Industrial Businesses
- E** -- LI, Light Industrial and Warehousing District; Clearmont Street NE
- S** -- FC, Floodway Conservation District; Vacant Land
- W** -- LI, Light Industrial and Warehousing District; City Drainage Ditch

WATER & SEWER: City Water & Sewer Available

FLOOD ZONE: X, Area outside the 500 Year Flood Zone

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Yes

BACKGROUND:

1. The subject property is located west of and adjacent to Clearmont Street NE. Specifically, the subject property is Tracts B and C of the Sleepy Hollow subdivision plat, which is located in Section 22, Township 28 South, and Range 37 East, Brevard County, Florida.
2. The current zoning is LI, Light Industrial and Warehousing District. Tract B is bordered by roads on three (3) sides and by a city-maintained drainage ditch to the west. Tract is bordered by roads to the north and east, by conservation land to the south, and by a city ditch to the west.
3. The Hady Family Limited Partnership is seeking conditional use approval for a Business Park, per Section 185.045 (D) (3) of the Palm Bay Code of Ordinances. The applicant has owned and operated the existing buildings since mid-1980's.

ANALYSIS:

The north building (Tract B) is approximately 48,728 square feet and was built in 1983. It presently contains various Light Industrial Uses. Parking areas are located in both the front and rear of the building. The building is located between Sleepy Hollow Drive NE and Gunpowder Drive NE and fronts Clearmont Street NE.

The south building (Tract C) is approximately 23,800 square feet and was built in 1985. It presently contains various Light Industrial Uses. Parking areas are located in both the front and rear of the building. The building is located at the SW corner of Clearmont Street NE and Gunpowder Drive NE.

CODE REQUIREMENTS:

1. In order to be granted conditional use approval, a request is evaluated upon items (A) through (I) of the General Requirements and Conditions listed in Section 185.087 of the Code of Ordinances. A review of these items is as follows:

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

The properties contain existing driveway connections to Clearmont, Sleepy Hollow and Gunpowder. No driveway modifications are proposed by this request. The allowance of additional non-industrial uses is not expected to affect site access.

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

There currently exists an abundance of parking on-site and will be more than enough to accommodate and increase in vehicles that may frequent the site.

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

All necessary utilities are available to the property.

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

The subject properties front Clearmont Street, with property east of Clearmont being owned and operated by the Harris Corporation. Existing Industrial businesses are located to the north and undeveloped conservation lands lie south. The residential properties of the Sleepy Hollow Subdivision (located to the west) are separated by a city drainage ditch, which is located within a 75-foot wide right-of-way. Industrial Uses have operated from the two (2) buildings for 30+ years. Additional screening and/or buffering does not appear warranted.

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

There are no new signs and light poles proposed with this request.

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

The yards and open space requirements were met under previous review. No expansion of the site is proposed, nor anticipated at this time

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

Staff was unable to determine any concerns with respect to this item.

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

As stated above, the subject properties have contained Industrial-tenant buildings for over 30 years. Staff could find no evidence that non-industrial uses operating from either building would create an incompatibility with adjacent properties.

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

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

2. In addition to the General Requirements above, a Planned Industrial Development Approval for a Business Park shall adhere to the Special Conditions and Requirements of Section 185.088 (D).

The criteria within this section require all owners of the subject property(s) to consent to the conditional use request; compliance with the applicable zoning provisions contained in the Land Development Code; submission of a proposed site plan; adherence to the tree regulations of Chapter 180; and submission of a list of permitted and prohibited uses within the Business Park.

Since the site is presently developed the attached survey takes the place of the site plan. The applicable provisions of the zoning code have been met by this plan and no expansion of the site is proposed, nor is there a request to remove any existing trees. The following list of uses, provided by the applicant, shall be in addition to those uses allowed by the LI, Light Industrial and Warehousing District.

PERMITTED USES:

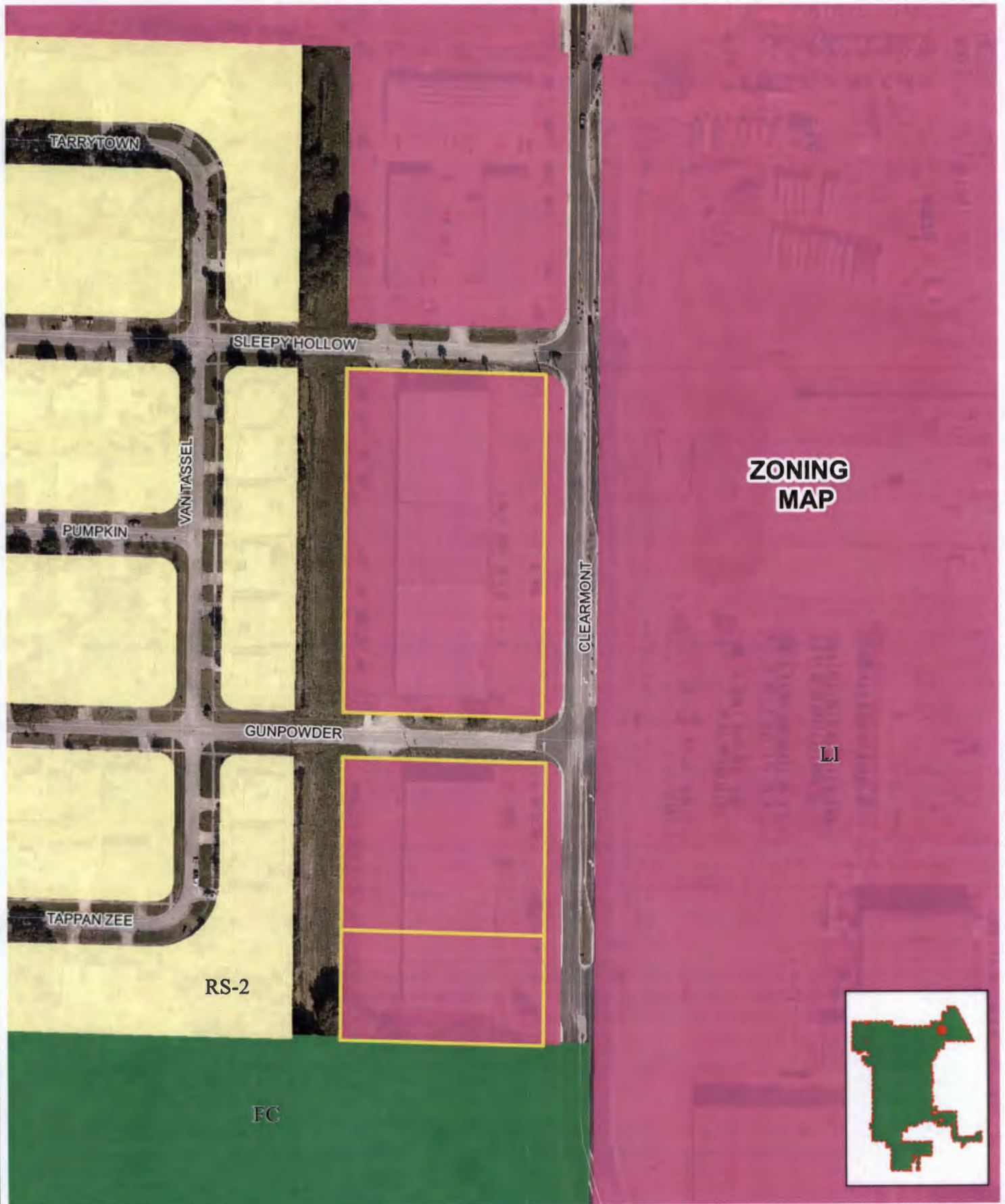
Professional Offices (Lawyer, Accountant, Real Estate, Insurance, etc.);
Contractors Offices (Plumbing, Electrical, Air Conditioning, Landscape, etc.);
Retail Use; Food Banks; Restaurants; and Solar Energy Development (including design, assembly and installation)

PROHIBITED USES:

Drinking Establishments and Gambling

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Section 185.087 and 185.088 (D), of the Palm Bay Code of Ordinances.



Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division



CASE NO. CU-28-2016



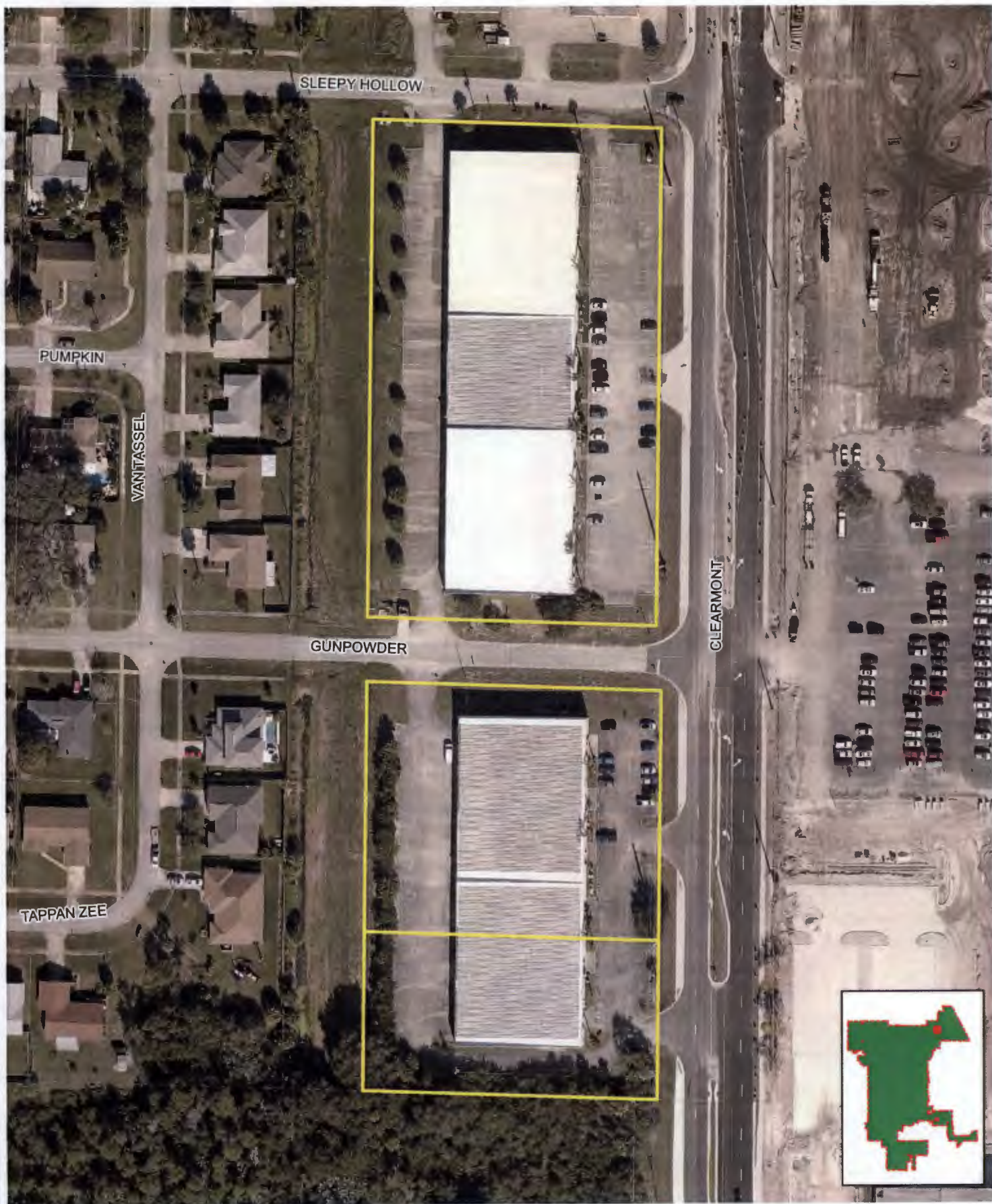


Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. CU-28-2016

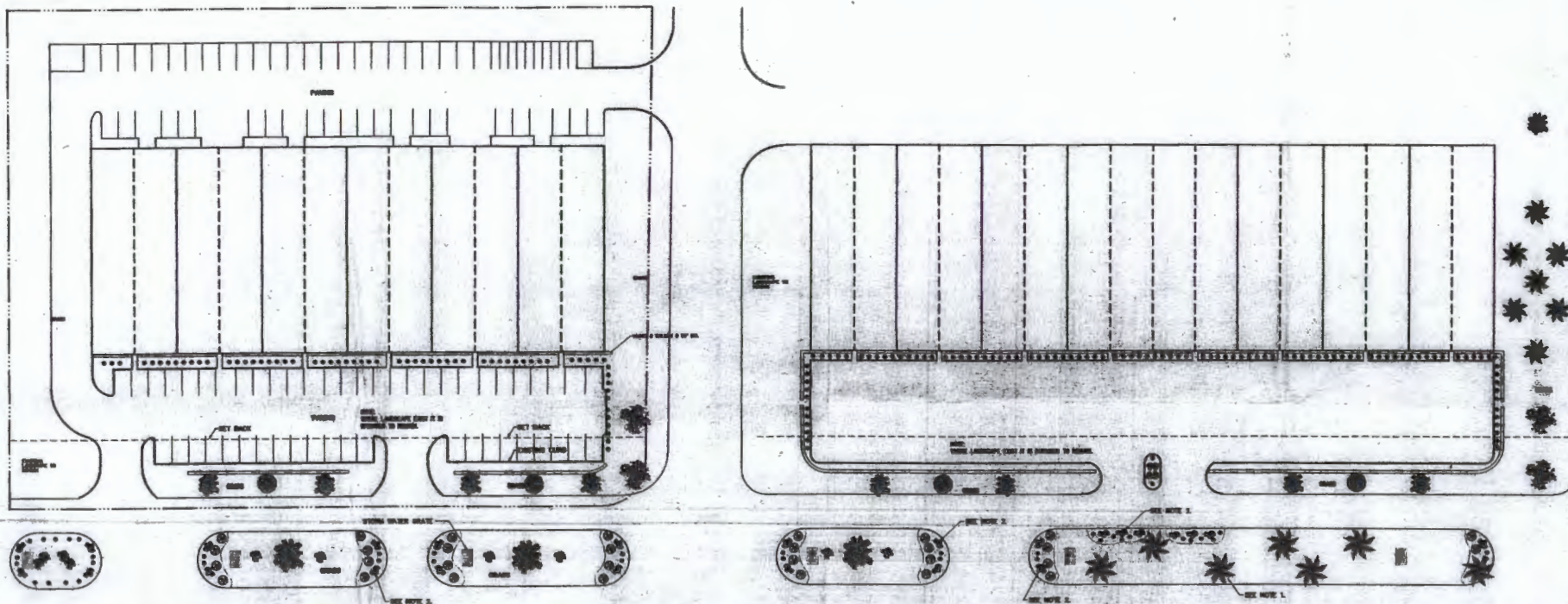


Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division



CASE NO. CU-28-2016



LANDSCAPE PLAN

SCALE: 1/4" = 1'-0"

LANDSCAPE LEGEND

SMALL CORDON ROSE

DAWF KELLY - YAPON LILY
VICTORIA "MAMA" AS INDICATED

CABBAGE PALM - SABAL
PALMETTO 8' - 10' HIGH

LIVE OAK - QUERCUS VERMILIONA
1 1/2" TRUNK IS GALLON MIN. (12)
QTY.

NOYAL, PUNCIANA - BELOXEX
1 1/2" TRUNK IS GALLON MIN.

GRAPE MYRTLE
12" GALLON (4) QTY.

LIVORPE 1 GALLON
2" - 3" D.C.

LANDSCAPE NOTES

1. PALM TREES IN PUBLIC RIGHT OF WAY ARE EXISTING TO REMAIN AND ARE NOT A PART OF THIS WORK.
2. OWNER TO PROVIDE ONE OF THE FOLLOWING TO ENCOURAGE TRAFFIC TO STAY ON PAVING: SMALL LANDSCAPE ROCK, WHEEL STOP, CURBING, REFLECTOR ON POST, ETC.
3. OWNER WARRANTS PLANTS IN PUBLIC RIGHT OF WAY WILL PLANTS ARE ESTABLISHED OR A MAXIMUM OF SIX MONTHS.
4. OWNER WILL WATER PLANTS TILL THEY ARE ESTABLISHED OR FOR A MAXIMUM OF SIX MONTHS.
5. EXISTING GRASS TO REMAIN. WHERE REQUIRED NEW GRASS SHALL BE SEEDING.
6. LANDSCAPE PLAN COMPLES WITH FLORIDA'S LANDSCAPE PLANTING.
7. LANDSCAPING IN PUBLIC NEIGHAN DRIVER SAFETY SHOULD TAKE PRECEDENTS.



LIC. No. JA0007489
3816 NW 13th Street
Ocala, FL 32608
Phone (352) 372-6477
Fax (352) 338-4476

**EUGENE
RUSSELL
DAVIS**
architect inc.

EXISTING OFFICE/WAREHOUSE
12401/1270 CLEARMONT STREET
PALM BAY, FLORIDA
MR. AHMED EL-MAHDAWY

PROJ. NO. 0579
SHEET NO. 01
DATE: 1-2-07

LANDSCAPE PLAN

LS1.0

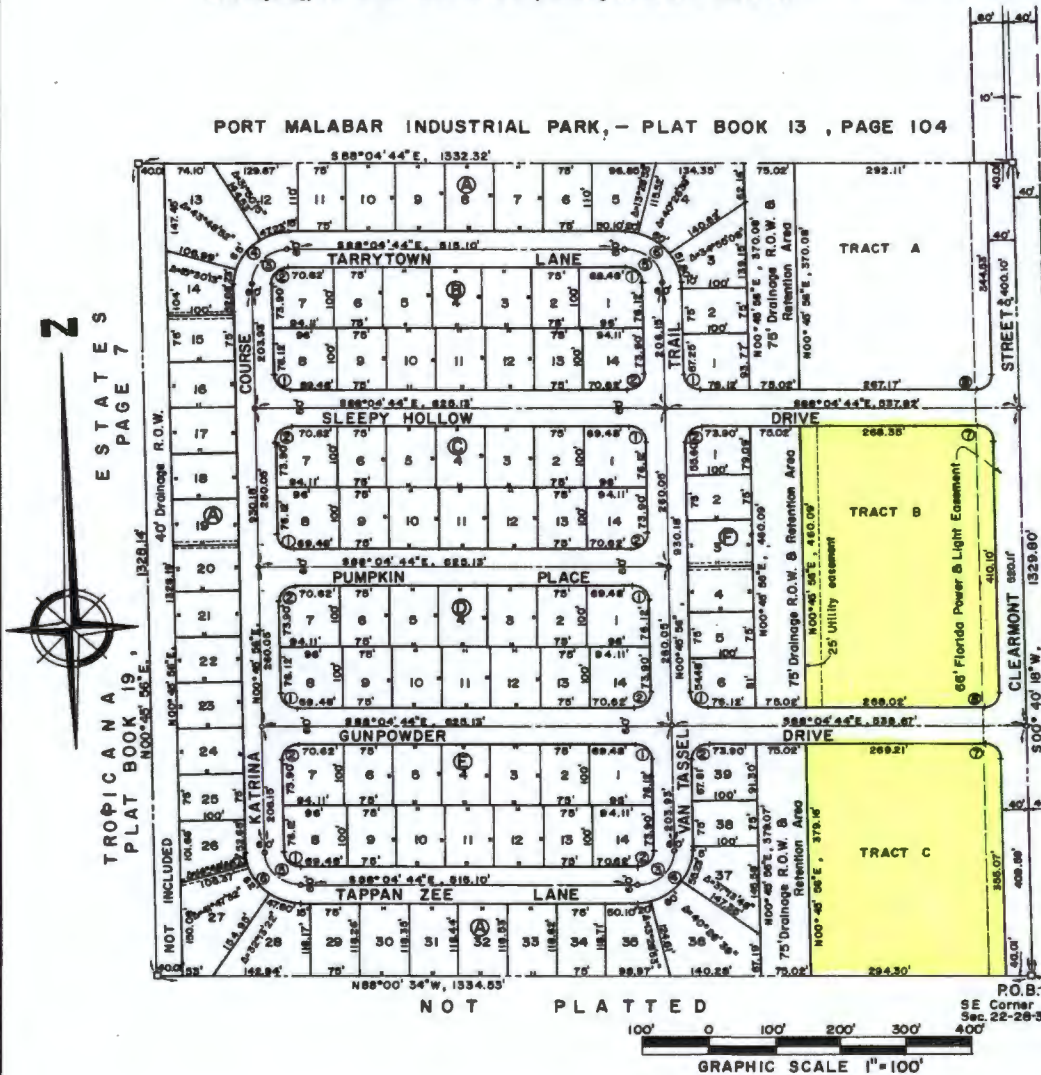
SLEEPY HOLLOW

A SUBDIVISION IN SECTION 22, T28 S, R37 E, PALM BAY, BREVARD COUNTY, FLORIDA

DESCRIPTION

The Southeast 1/4 of the Southeast 1/4 of Section 22, Township 28 South, Range 37 East, Brevard County, Florida further described as follows:
Beginning at the Southeast corner of the said Section 22; thence run N88°00'34"W along the South line thereof 1334.53 feet; thence S00°40'16"E, 1329.80 feet; thence S00°40'16"E, 1329.82 feet to the East line of the said Section 22; thence S00°40'16"E along the said East line 1329.80 feet to the Point of Beginning; less the West 40.00 feet thereof, containing 39.452 acres more or less.

PORT MALABAR INDUSTRIAL PARK, - PLAT BOOK 13, PAGE 104



PORT MALABAR INDUSTRIAL PARK
PLAT BOOK 13, PAGE 103

see 2021/102
KARIN IN PLAT

NOTES
Indicates Permanent Reference Monuments.
Indicates Principle Control Points.
Denotes 12' drainage easement.

A strip of land 6' wide along all front, rear and side lot lines is hereby reserved for the installation and maintenance of public utilities. This is a permanent easement. All side lot lines are perpendicular or parallel to the street right of ways.

CURVE DATA					
NO	Δ	R	T	L	L.C.
1	88° 50' 40"	25'	24.90'	38.77'	35.00'
2	91° 09' 20"	25'	25.51'	39.77'	35.71'
3	91° 09' 20"	65'	66.12'	87.90'	78.56'
4	91° 09' 20"	85'	86.73'	155.23'	121.41'
5	88° 50' 40"	85'	85.90'	85.25'	78.99'
6	88° 50' 40"	85'	83.30'	131.80'	118.99'
7	88° 45' 02"	25'	24.48'	38.72'	34.87'
8	91° 14' 58"	25'	25.55'	39.82'	35.74'

PLAT BOOK 25
AND PAGE 116

DEDICATION
KNOW ALL MEN BY THESE PRESENTS, That the Trustee named below, being the owner in fee simple of the land described in
SLEEPY HOLLOW
hereby dedicates said lands and plot for the use and purposes therein expressed and dedicates the streets, alleys, thoroughfares, parks, canals and drainage easements shown hereon to the perpetual use of the public, and
IN WITNESS WHEREOF, I have caused these presents to be signed and attested to by the Trustee
By [Signature]
Attest [Signature]
Signed and attested in the presence of [Signature]
SLEEPY HOLLOW DEVELOPMENT CORP.
STATE OF FLORIDA, COUNTY OF BREVARD
THIS IS TO CERTIFY, That on OCTOBER 25, 1978
before me, an officer authorized to take acknowledgments in the State and County aforesaid, personally appeared
PAUL J. COVE and JAMES H. DUFF
known to me to be the individuals described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed.
In WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.
Vanessa J. McBride
NOTARY PUBLIC
My Commission Expires October 25, 1980

CERTIFICATE OF SURVEYOR
KNOW ALL MEN BY THESE PRESENTS, That I, [Signature], being a Licensed and registered land surveyor, do hereby certify that on August 16, 1978
I have surveyed the land described in the foregoing Dedication and the same is shown in the foregoing plat and that I am a duly qualified and licensed surveyor in the State and County aforesaid, and I have caused these presents to be signed and attested to by the Trustee
By [Signature]
Attest [Signature]
CITY OF PALM BAY
THIS IS TO CERTIFY, That on August 16, 1978
before me, an officer authorized to take acknowledgments in the State and County aforesaid, personally appeared
James H. Duff
known to me to be the individuals described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed.
In WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.
Vanessa J. McBride
NOTARY PUBLIC
My Commission Expires October 25, 1980

CERTIFICATE OF ACCEPTANCE OF DEDICATION BY BOARD OF COUNTY COMMISSIONERS
THIS IS TO CERTIFY That the Board of County Commissioners hereby accept of roads, streets, alleys, thoroughfares, parks, canals, drainage easements, utility easements, lakes, pathways, open spaces and other rights of way, easements and areas dedicated for public use on this plat.
Chairman of the Board
ATTEST:
Clerk of the Board
CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS
THIS IS TO CERTIFY, That on August 16, 1978
before me, an officer authorized to take acknowledgments in the State and County aforesaid, personally appeared
James H. Duff
known to me to be the individuals described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed.
In WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.
Vanessa J. McBride
NOTARY PUBLIC
My Commission Expires October 25, 1980

CERTIFICATE OF APPROVAL BY PLANNING AND ZONING COMMISSION
THIS IS TO CERTIFY, That on August 16, 1978
before me, an officer authorized to take acknowledgments in the State and County aforesaid, personally appeared
James H. Duff
known to me to be the individuals described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed.
In WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.
Vanessa J. McBride
NOTARY PUBLIC
My Commission Expires October 25, 1980

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING NO. 2016-10

Held on Wednesday, October 5, 2016, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

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

Mr. Wendall Stroder led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Wendall Stroder	Present
MEMBER:	Leeta Jordan	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	William Pezzillo	Present
MEMBER:	Rainer Warner	Absent (Excused)
MEMBER:	Thomas "Woody" Woodrum	Present
MEMBER:	Michele Quinn (School Board Appointee)	Absent (Excused)

The absence of Ms. Quinn and Mr. Warner were excused.

CITY STAFF: Present were Mr. Stuart Buchanan, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. James Stokes, Board Attorney.

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.
2. Mr. Murphy announced that the applicant for Cases CU-23-2016 and CP-22-2016 (Ganesh of Titusville, LLC) had withdrawn the requests. Board action was not required for the withdrawals.

Mr. Woodrum remarked on the location of water lines on the property. Mr. Prophete stated that the shed would be relocated and anchored by professionals.

The floor was opened and closed for public comments, and there were no letters in the file.

Motion by Mr. Stroderd, seconded by Mr. Pezzillo to submit Case V-24-2016 to City Council for approval of a variance to allow a proposed shed to encroach 15 feet into the 25-foot side corner setback in an RS-2, Single Family Residential District as established by Section 185.034(F)(7)(c) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously.

2. ♣CU-28-2016 – THE HADY FAMILY LIMITED PARTNERSHIP
(AHMED M. EL-MAHDAWY, REP.)

Mr. Murphy presented the staff report for Case CU-28-2016. The applicant had requested a conditional use for a Planned Industrial Development in an LI, Light Industrial and Warehousing District. The board had to carefully consider the guidelines and standards of Sections 185.087 and 185.088(D) of the City of Palm Bay Code of Ordinances.

Mr. Stroderd inquired whether the proposed change to over 50,000 square feet of industrial land would have an impact on the amount of available industrial land in the City. Mr. Murphy explained that the subject property would remain light industrial, and that the conditional use request was in order to allow commercial uses at the property.

Mr. Waseem El Hady (co-owner representing the partnership) stated that allowing retail businesses to operate out of the existing buildings would make the properties more competitive. Potential occupants had been turned away while taxes were being paid on the half-empty buildings. He said that the 17 residents from the area who attended the Citizen Participation Plan (CPP) Meeting had no problem with the request.

Ms. Maragh wanted to know how the proposed change would impact the light industrial businesses currently at the property. Mr. El Hady answered that the commercial uses would have no impact on the existing businesses as the north building was a 20,000 square foot facility.

The floor was opened and closed for public comments, and there were no letters in the file.

Mr. Murphy remarked that with the recent transition of Clearmont Street NE into a main thoroughfare, allowing commercial uses into the area made sense from a zoning perspective.

Motion by Mr. Stroderd, seconded by Ms. Maragh to submit Case CU-28-2016 to City Council for approval of a conditional use for a Planned Industrial Development in an LI, Light Industrial and Warehousing District. The motion carried with members voting unanimously.

3. ♣CU-29-2016 – SUNSHINE PETRO, INC. (BRUCE MOIA, REP.)

Mr. Murphy presented the staff report for Case CU-29-2016. The applicant had requested a conditional use to allow proposed retail automotive fuel sales in a CC, Community Commercial District. The board had to carefully consider the guidelines and standards of Sections 185.087 and 185.043(D)(2) of the City of Palm Bay Code of Ordinances.

Mr. Pezzillo asked whether the subject site would require an additional setback to accommodate the future widening of Babcock Street. Mr. Murphy said that there was sufficient right-of-way to widen Babcock Street.

Ms. Tainy Casta with MBV Engineering (representative for the applicant) stated that the three area residents who attended the Citizen Participation Plan (CPP) Meeting had no objection to the request.

Ms. Maragh noted that signage was not shown on the site plan. Ms. Casta replied that the sign location had not been determined, but sign setbacks would be met.

The floor was opened and closed for public comments, and there were no letters in the file.

Mr. Weinberg disclosed that Mr. Stroderd had a conflict of interest with the request and would be abstaining from the vote. Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers was submitted into the record.

RESOLUTION NO. 2016-47

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR A PLANNED INDUSTRIAL DEVELOPMENT (BUSINESS PARK) IN LI (LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT) ZONING; WHICH PROPERTY IS LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF CLEARMONT STREET AND GUNPOWDER DRIVE, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR CONSTRUCTION TO BE IN COMPLIANCE WITH THE SITE PLAN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for a conditional use in LI (Light Industrial and Warehouse District) zoning to permit a planned industrial development (business park) has been made by The Hady Family Limited Partnership, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on October 5, 2016, which voted to recommend to the City Council approval of the application, and

WHEREAS, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.085 and 185.086, and District Regulations, Section 185.045, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

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

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

SECTION 1. The City Council of the City of Palm Bay hereby grants a conditional use for a planned industrial development (business park) on property zoned LI (Light Industrial and Warehousing District), which property is legally described as follows:

Tracts "B" and "C", Sleepy Hollow Subdivision, according to the plat thereof as recorded in Plat Book 25, Page 116, of the Public Records of Brevard County, Florida; Section 22, Township 28S, Range 37E; containing 5.20 acres, more or less.

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

- 1) Constructing the planned industrial development in accordance with the site plan which is, by reference, incorporated herein as Exhibit "A".
- 2) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit "B".
- 3) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 3. The conditional use must be commenced within one (1) year from the effective date of this resolution. Commencement shall mean the issuance of a building permit which must remain active. Failure to commence such construction within one (1) year shall void the conditional use.

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

This resolution was duly enacted at Meeting No. 2016- , of the City Council of the City of Palm Bay, Brevard County, Florida, on , 2016.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Gregg Lynk, City Manager

DATE: November 17, 2016

RE: RFP #77-0-2016/JM, North Regional Deep Injection Well Pump Replacement Installation

City of Palm Bay Utilities Department solicited proposals for the installation of three (3) vertical turbine pumps in the deep injection well at the North Regional Wastewater Treatment Plant (NRWWTP). The awarded vendor will provide installation services and all other appurtenances necessary for complete installation per specifications. The RFP included a platform improvement project as an add-alternate. The three (3) vertical turbine pumps are being purchased by the City.

Four (4) proposals were received in response to the City's solicitation. The proposals were evaluated by a committee consisting of members representing the Utilities Department; with assistance from the City's Consulting Engineer (Wade Trim), acting as a non-voting member and subject matter expert (SME). Staff evaluated submittals based on qualifications, experience, technical, capabilities, history and completeness of proposals. Purchasing staff completed the calculations for cost.

Staff recommends L7 Construction Inc. as the vendor to install the three (3) vertical turbine pumps and to include the add-alternate platform improvement project at the NRWWTP deep injection well.

Local preference was not applied to this project as contractors are located outside of the local area.

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department, Finance Department

FISCAL IMPACT:

Total project award will be \$469,500.00. A budget amendment will be required to appropriate fund balance in the Utilities renewal and replacement account 424-8032-535-6325, project 15WS09.

RECOMMENDATION:

Motion to approve award of RFP #77-0-2016/JM, North Regional Deep Injection Well Pump Replacement Installation procurement to L7 Construction Inc., located in Sanford, Florida.

Attachments: 1) Ranking Form
2) Tabulation Sheet

BM/ab

RFP #77-0-2016/JM
North Regional Deep Injection Well Pump Replacement Installation
Initial Ranking

Qualifications & Experience, Technical Response, History of Firm, Demonstrated Capabilities = max 4 points X 4.5 = max 18 total						
	Tim	Edward	Bob	AVERAGE	Multiplier	TOTAL
COMPANY NAME	Bailey	Fontanin	Hinkel			POINTS
Close Construction	2.00	3.00	3.00	2.67	4.50	12.00
Florida Design Contractors	3.00	4.00	3.50	3.50	4.50	15.75
Florida Design Drilling	4.00	4.00	3.80	3.93	4.50	17.70
L7 Construction	3.00	4.00	4.00	3.67	4.50	16.50

Completeness of Proposal=max 4 points X 1 = max 4 total						
	Tim	Edward	Bob	AVERAGE	Multiplier	TOTAL
COMPANY NAME	Bailey	Fontanin	Hinkel			POINTS
Close Construction	3.00	4.00	4.00	3.67	1.00	3.67
Florida Design Contractors	3.00	4.00	3.80	3.60	1.00	3.60
Florida Design Drilling	4.00	4.00	4.00	4.00	1.00	4.00
L7 Construction	4.00	4.00	4.00	4.00	1.00	4.00

				TOTALS COMBINED	
Close Construction					15.67
Florida Design Contractors					19.35
Florida Design Drilling					21.70
L7 Construction					20.50

Ranking:

- 1) Florida Design Drilling
- 2) L7 Construction
- 3) Florida Design Contractors
- 4) Close Construction

Statement of No Proposal: Southeast Drilling Services

RFP #77-0-2016/JM

North Regional Deep Injection Well Pump Replacement Installation

Final Calculations

CRITERIA - TOTAL 100 POINTS

Qualifications and Experience, Technical, History, and Capabilities = 18 points
Completeness of Proposal = 4 points
Cost = 78 points

Short List - Oral Presentations = 10 points

Estimated Budget Range: \$345,000.00

		CLASS "D" VENDOR	CLASS "D" VENDOR	CLASS "D" VENDOR	CLASS "D" VENDOR
		\$466,681.00	\$453,000.00	\$449,000.00	\$435,700.00
		Close Construction 301 NW 4th Avenue Okeechobee, FL 34972 863-467-0831 danny@closeconstruction.us	Florida Design Contractors 1326 So. Killian Dr. Lake Park, FL 33403 561-245-1233 tclarke@floridadesigncontractors.com	Florida Design Drilling Corp. 7733 Hooper Road West Palm Beach, FL 33411 561-844-2966 jeff@floridadrilling.com	L7 Construction, Inc. 4380 Saint Johns Parkway Suite 140 Sanford, FL 32771 321-972-9325 blefever@L7constructs.com
EVALUATION					
CRITERIA					
	POSSIBLE				
	POINTS				
Qualifications and Experience, Technical, History, Capabilities	18	12.00	15.75	17.70	16.50
Completeness of Proposal	4	3.67	3.60	4.00	4.00
SUBTOTAL (1) NON-PRICE FACTORS		15.67	19.35	21.70	20.50
Cost	78	72.82	75.02	75.69	78
SUBTOTAL (2) POINTS	100	88.49	94.37	97.39	98.5
SHORT LIST - ORAL PRESENTATIONS	10	0.00	0.00	0.00	0.00
SUBTOTAL (3) POINTS	110	88.49	94.37	97.39	98.50
Local Preference	N/A	0.0%	0.0%	0.0%	0.0%
Additional Points	N/A	0.00	0.00	0.00	0.00
TOTAL SCORE		88.49	94.37	97.39	98.50

Final Ranking

- 1) L7 Construction
- 2) Florida Design Drilling Corp.
- 3) Florida Design Contractors
- 4) Close Construction

RFP #77-0-2016/JM
North Regional Deep Injection Well Pump Replacement Installation
Cost Multiplier

Estimated Budget Range: \$345,000.00

COMPANY NAME	PROPOSAL COST	LOWEST COST PROPOSED	% OF LOW	MULTIPLIER	TOTAL POINTS ASSIGNED
Close Construction	\$466,681.00	\$435,700.00	93.4%	78	72.82
Florida Design Contractors	\$453,000.00	\$435,700.00	96.2%	78	75.02
Florida Design Drilling	\$449,000.00	\$435,700.00	97.0%	78	75.69
L7 Construction	\$435,700.00	\$435,700.00	100.0%	78	78.00

	RFP #77-0-2016/JM North Regional Deep Injection Well Pump Replacement Install			Close Construction	Florida Design Contractors	Florida Design Drilling Corp.	L7 Construction, Inc.
				301 NW 4th Avenue	1326 So. Killian Dr.	7733 Hooper Road	4380 Saint Johns Parkway Suite 140
				Okeechobee, FL 34972	Lake Park, FL 33403	West Palm Beach, FL 33411	Sanford, FL 32771
				863-467-0831	561-845-1233	561-844-2966	321-972-9325
				danny@closeconstruction.us	tclarke@floridadesigncontractors.com	jeff@floridadrilling.com	blefever@L7constructs.com
ITEM	ITEM DESCRIPTION	Qty	UOM	Total Price	Total Price	Total Price	Total Price
1	Mobilization and Demobilization	1	LS	\$ 35,000.00	\$ 16,000.00	\$ 40,000.00	\$ 30,000.00
2	Install Vertical Turbine Pumps	1	LS	\$ 49,178.00	\$ 39,000.00	\$ 40,000.00	\$ 33,000.00
3	Furnish and Install Pump Station Manifold Piping, Valves and Accessories	1	LS	\$ 106,287.00	\$ 142,000.00	\$ 154,000.00	\$ 115,000.00
4	Rehabilitation of Hydropneumatic Tank and Air Compressor System	1	LS	\$ 65,992.00	\$ 51,000.00	\$ 40,000.00	\$ 65,000.00
5	Furnish and Install Variable Frequency Drives	1	LS	\$ 117,575.00	\$ 52,000.00	\$ 90,000.00	\$ 110,000.00
6	Furnish and Install Air Conditioning Unit	1	LS	\$ 12,650.00	\$ 7,000.00	\$ 10,000.00	\$ 10,000.00
7	Instrumentation and Controls	1	LS	\$ 15,000.00	\$ 7,000.00	\$ 5,000.00	\$ 8,000.00
8	Electrical	1	LS	\$ 52,096.00	\$ 122,000.00	\$ 50,000.00	\$ 50,000.00
9	PLC and Graphical Screen Programming	1	LS	\$ 12,903.00	\$ 17,000.00	\$ 20,000.00	\$ 14,700.00
TOTAL BASE PROPOSAL AMOUNT				\$ 466,681.00	\$ 453,000.00	\$ 449,000.00	\$ 435,700.00
ADD ALTERNATE							
10	Platform Improvement Project	1	LS	\$ 55,000.00	\$ 30,000.00	\$ 66,000.00	\$ 33,800.00
TOTAL BASE PROPOSAL AMOUNT WITH ADD ALTERNATE ELECTED				\$ 521,681.00	\$ 483,000.00	\$ 515,000.00	\$ 469,500.00
Statement of No Proposal: Southeast Drilling Services							



COMMITTEE AND COUNCIL REPORTS

- **Florida Puerto Rican Hispanic Chamber of Commerce**

Committee Reports

- **Space Coast Transportation Planning Organization**
- **Space Coast League of Cities**
- **Tourist Development Council**
- **Palm Bay Hospital Board**

Council Reports



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Gregg Lynk, City Manager

DATE: November 17, 2016

RE: LETF 17-03

A handwritten signature in blue ink, appearing to read "Gregg Lynk".

In accordance with Florida law, funding in the amount of \$5,600.00 is being requested from the Law Enforcement Trust Fund (LETF) designated fund balance for fiscal year 2016/2017.

The Police Department will be hosting the annual Shop with a Cop Program called "Cops and Friends Reindeer Run". The event is tentatively scheduled for December 15th at the Walmart on Palm Bay Road as it has been for over the past decade. A committee of volunteers from the Police Department will prepare for the event and with the help from Walmart and the Palm Bay elementary schools, approximately 100 underprivileged children will be escorted by a police employee to purchase holiday gifts from themselves. \$5,000.00 is being requested for the purchase of gift cards to be added to the \$2,500.00 grant request (awaiting approval) through Walmart.

The School Resource Officer from Southwest Middle School has been successful in forming an Anti-Bully Club. This club is comprised of several students and school staff. It is requested to purchase t-shirts that reflects anti-bully awareness to be distributed to club members to be worn one day a week. The cost for 34 t-shirts will not exceed \$600.00.

Both of these allocations will be part of the required 25% contribution towards crime prevention.

The LETF authorization will be included on the next FY 17 budget amendment.

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

There is a designated fund balance of \$211,453.56 as of November 4th, 2016.

RECOMMENDATION:

Motion to approve expenditure of LETF as described herein up to \$5,600.00.


Attachment: 1) Certification of Statement

MR/ab



CERTIFICATION STATEMENT

TO: Honorable Mayor and Members of the City Council

FROM: Mark Renkens, Police Chief 

DATE: November 17, 2016

SUBJECT: Law Enforcement Trust Fund (LEFT) Forfeiture Expenditures

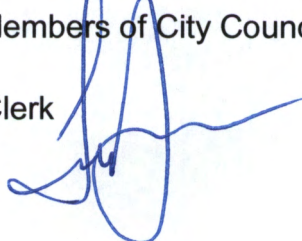
I certify that the request for the use of the Law Enforcement Trust funds will be used for an authorized purpose pursuant to the provisions of Section 932.7055 of the Florida Statutes.

The following details the usage of the requested expenditures:

VENDOR/ORGANIZATION	ITEM DESCRIPTION	COST
Walmart	"Cops & Kids" donation-gift cards	\$5,000
Scott's Sporting Goods	Anti-bullying T-shirts	\$600
TOTAL		\$5,600



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk 

DATE: November 17, 2016

SUBJECT: 56th Annual Legislative Conference
December 7-9, 2016

The Florida League of Cities 56th Annual Legislative Conference will be held at the Embassy Suites – Lake Buena Vista South in Kissimmee, Florida, from December 7-9, 2016.

Councilmembers interested in attending need to announce same at tonight's meeting. If you are attending, you will be given a registration form to complete. Please return it to Rosemarie by Friday, November 18th, so all travel arrangements can be made and hotel accommodations secured.

The cost per person will be approximately \$570.00.

Council has a balance of \$12,000.00 in its travel account.

ras
attachment



2016 LEGISLATIVE CONFERENCE REGISTRATION FORM

Return completed form via mail to Florida League of Cities, P.O. Box 1757, Tallahassee, FL 32302-1757; or visit the League website, www.floridaleagueofcities.com, to access online registration. Please type or print information requested. **Fill out a separate form for each registrant.**

Name: _____
first middle last

First Name or Nickname: _____
(as you wish it to appear on badge)

Title: _____ Affiliation: _____
(city, county or company)

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

First-Time Attendee? ☐ Yes ☐ No Office Contact Person: _____

ADDITIONAL ACTIVITIES

Please indicate if you will be attending any of the following additional events. NOTE: Do not check either box unless you are sure you will be attending the event.

☐ **Wednesday, December 7 -**
Research Symposium

☐ **Friday, December 9 -**
Continuing Education in Ethics

REMINDERS

- **Registration fee:** \$225. Covers admission to all conference sessions, continental breakfasts, refreshment breaks and Thursday's luncheon and networking event.
- Make checks payable to the **Florida League of Cities**.
- **The advance registration deadline is November 18.** After that date, please register on-site.

- Complete a separate Conference Registration Form for each delegate. Duplicate this form as needed. Full payment must accompany each registration.
- Cancellations must be received and confirmed in writing by **5:00 p.m., Friday, November 18** to receive a refund of registration fees. Refunds will not be issued until after the conference. No refunds will be issued for early departure. **Note: An administrative fee of \$25.00 will be deducted from all refunds.**
- **Special Needs:** If you are physically challenged and require special services, or if you have special dietary needs, please attach a written description of those needs to your registration form.



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk

DATE: November 17, 2016

SUBJECT: U.S. Conference of Mayors 85th Winter meeting
January 17-19, 2017

The 85th Winter Meeting of the U.S. Conference of Mayors will take place in Washington, DC, from January 17-19, 2017.

Mayor Capote has expressed an interest in attending.

The cost for this conference is approximately \$1,930.00 per person. Council has a balance of \$12,000.00 in its travel account.

ras
Attachment

The United States Conference of Mayors
85th Winter Meeting
Conference Registration and Hotel Reservations
January 17-19, 2017
Capital Hilton Hotel
Washington, DC

MAYORS REGISTRATION FORM

You may also register online at <http://usmayors.org/registration>

Name _____ Title: **MAYOR**
Preferred Name on Badge _____
Organization _____
Street Address _____
City _____ State _____ Zip _____
Telephone (_____) _____ Fax (_____) _____
Email _____

Please make sure that this is a valid email account. Your receipt for payment and hotel request will be sent here.

**If you would like a second confirmation sent to a different email address, please list second email address below:

Newly Elected:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
First Time Attendee:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
Attendee(s) has special needs:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	(If yes, USCM will contact)
Special Dietary Needs:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	

(Specify: _____)

Name of Accompanying Spouse/ Partner _____
(There is no additional registration fee for spouses/partners.)

CONFERENCE REGISTRATION INFORMATION

(No registrations will be processed without accompanying payment)

Registration Fees:

	<u>MEMBER</u>	<u>NON-MEMBER</u>
Early Registration Fee: (Payable by December 16, 2016)	\$650	\$1200
Advance/On-Site Registration Fee: (After December 16, 2016)	\$850	\$1450

Checks or purchase orders for payment of registration fees should be made payable to: **The United States Conference of Mayors**. Refunds will be made for cancellations received in writing by December 16 (less a \$100.00 service fee). **NO REFUNDS will be made for cancellations received after December 16, 2016.**

CREDIT CARD AUTHORIZATION: Please note by submitting your card information, you are authorizing USCM Meetings Department to use the card below to pay your registration fee.

Please circle Credit Card Type: VISA MC Amex Other (Specify) _____

Credit Card No. _____ Exp. Date _____


Signature _____

PLEASE RETURN THIS FORM WITH YOUR REGISTRATION PAYMENT TO:

The United States Conference of Mayors
Attention: Meetings Department
1620 Eye Street, NW
Washington, DC 20006
Telephone (202)293-7330 Fax (202) 223-9540



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk 

DATE: November 17, 2016

SUBJECT: Special Council Meeting - Certification of Election Results

A special Council meeting needs to be scheduled to certify the November 8th Municipal Election results and to swear in the elected officials.

It is recommended that the meeting be scheduled for:

MONDAY

NOVEMBER 21, 2016

6:30 P.M.

The official results will not be received by the City until at least 10 days after the election as additional days are provided to receive and count absentee ballots cast for federal offices.

Councilmembers will continue to serve in their current positions through the November 21st meeting.

The matter is presented to Council for consideration at tonight's meeting. If you should have any questions, please advise.

/tmj