



## **AGENDA**

### **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**

Regular Meeting No. 2019-02  
February 6, 2019 – 7:00 P.M.  
City Hall Council Chambers

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

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

#### **ROLL CALL:**

#### **ADOPTION OF MINUTES:**

1. Special Meeting No. 2019-01; January 9, 2019

#### **ANNOUNCEMENTS:**

#### **OLD BUSINESS:**

1. ♣ CU-2-2019 – CARMEL DEVELOPMENT (CARMINE FERRARO, REP.)

A conditional use to allow proposed retail automotive gas/fuel sales in a CC, Community Commercial District.

Tax Parcel 603, Section 15, Township 29, Range 37, Brevard County, Florida, containing 1.5 acres, more or less. (Located at the northeast corner of Babcock Street SE and Valkaria Road)

#### **NEW BUSINESS:**

1. CP-1-2019 - CONSTRUCTION ENGINEERING GROUP, LLC AND  
FLORIDA POWER & LIGHT COMPANY (JAKE WISE AND  
GEOFFREY WEST, REPS.)  
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A large scale Comprehensive Plan Future Land Use Map amendment from Residential 1:2.5 (Brevard County) to Utility Use.

Part of Tract 1, Amoniate Products Corp, Section 24, Township 30, Range 36, Brevard County, Florida, containing 484.69 acres, more or less. (Located north of and adjacent to Centerlane Road SW, in the vicinity west of Babcock Street)

2. ♣CPZ-1-2019 - CONSTRUCTION ENGINEERING GROUP, LLC AND  
FLORIDA POWER & LIGHT COMPANY (JAKE WISE AND  
GEOFFREY WEST, REPS.)

A zoning amendment from a GU, General Use District (Brevard County) to a GU, General Use Holding District.

Part of Tract 1, Amoniate Products Corp, Section 24, Township 30, Range 36, Brevard County, Florida, containing 484.69 acres, more or less. (Located north of and adjacent to Centerlane Road SW, in the vicinity west of Babcock Street)

3. T-5-2019 – RAYMOND FISCHER (ROBERT ROBB, PE, REP.)

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.054 and 185.088, in order to allow event hall venues within the GC, General Commercial District by conditional use.

**OTHER BUSINESS:**

**ADJOURNMENT:**

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency 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 Land Development Division at (321) 733-3042 or Florida Relay System at 711.

♣ Quasi-Judicial Proceeding.

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**SPECIAL MEETING NO. 2019-01**

Held on Wednesday, January 9, 2019, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

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

Mr. Wendall Stroderd called the meeting to order at approximately 7:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Wendall Stroderd	Present
<b>VICE CHAIRPERSON:</b>	Philip Weinberg	Present
<b>MEMBER:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	William Pezzillo	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>MEMBER:</b>	Thomas "Woody" Woodrum	Absent (Excused)
<b>MEMBER:</b>	Donny Felix (School Board Appointee)	Present

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

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2018-12. Motion by Mr. Weinberg, seconded by Ms. Maragh to approve the minutes as presented. The motion carried with members voting unanimously.

**ANNOUNCEMENTS:**

1. Mr. Stroderd 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 was welcomed back to the City of Palm Bay.

**OLD BUSINESS:**

1. ♣V-27-2018 – DEVLIN MUNION (BRUCE MOIA, REP.)

Mr. Balter presented the staff report for Case V-27-2018. The applicant had requested a variance to allow an existing dumpster enclosure and parking area to encroach 5-feet into the 10-foot front setback as established by Section 185.036(H)(7)(b) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Weinberg questioned whether Waste Management had a problem with the initial dumpster location. Mr. Balter stated that the current dumpster location was approved by Waste Management during site plan review.

Mr. Bruce Moia, president of MBV Engineering, Inc. (representative for the applicant), explained that a fraternity house had existed on the subject site since 1964. He described how the property was unique because of its odd-shape; the Florida Department of Transportation creek that crossed the south end of the site; and the property fence that sat outside the property line. He explained how the problem with the dumpster location was not caused by the applicant but was the direct result of miscommunication between MBV Engineering, the contractor, Waste Management, and the City. A revision to the site plan by Waste Management was missed, which resulted in the dumpster encroachment, and the parking lot encroachment was inches into the 10-foot setback. During construction, the location of the old fraternity home and grade changes in the yard had prevented the dumpster from locating farther south.

Mr. Weinberg asked about the letter from Waste Management requesting the location change for the dumpster. Mr. Moia indicated that the letter would be provided to staff.

The floor was opened for public comments.

Mr. Devlin Munion, president of Pi Kappa Alpha House Foundation of Melbourne, Inc. (applicant), spoke in favor of the request. He stated that the new dumpster location should not cause issues with the neighboring property due to multiple fences and the three-foot high grass berm. The site looked its best in 54 years.

Ms. Linda Hufnagel (resident at Riverview Drive NE) spoke against the request. She commented on the difficulty the garbage truck would have maneuvering the parking lot to reach the new dumpster location, and she suggested moving the dumpster near the road for easier access.

The floor was closed for public comments.

Motion by Mr. Weinberg, seconded by Mr. Rainer to reopen the floor for public comments. The motion carried with members voting unanimously.

Mr. Brent Campbell (resident at Riverview Drive NE) spoke against the request. He commented that the dumpster location was originally near the street, and that the current location was within 10 to 15 feet to the closest residential neighbor. His issues were with the noise from the 5:00 a.m. garbage pickup; the swarms of flies present with the dumpster relocation; trash outside the dumpster, and an increase in possums and raccoons. He also objected to the variance submittal after the dumpster was moved.

In response to comments from the audience, Mr. Moia explained that the dumpster was purposely placed away from the street as the structure was unsightly, and it was dangerous for the garbage truck to back into the street for the pickup. Waste Management designed the turnaround area for the new dumpster location to permit easier truck access without having to back into the street. Noise during pick up might sound louder since the dumpster now sat on a concrete pad as required by code. The presence of flies, possums, and raccoons should be less at the current location since the trash disposed by the fraternity home remained the same, and the new dumpster location was enclosed.

Ms. Maragh wanted to know the impact of not granting the variance. Mr. Moia responded that it would be a financial burden on the applicant to tear down and rebuild the dumpster structure, pads and poles, walls, fences, and back out area.

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

Mr. Weinberg commented that the code was not meant to be punitive, and the cost of relocating the dumpster and parking area would be punitive.

Motion by Mr. Weinberg, seconded by Ms. Jordan to submit Case V-27-2018 to City Council for approval of a variance request to allow an existing dumpster enclosure and parking area to encroach 5-feet into the 10-foot front setback as established by Section 185.036(H)(7)(b) of the Palm Bay Code of Ordinances, subject to the condition that the applicant provide the City with a copy of the letter from Waste Management, Inc. requesting the dumpster change. The motion carried with members voting as follows:

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

City Council will hear Case V-27-2018 on January 17, 2019.

Case CU-2-2019, New Business Item No. 2, was discussed at this time.

**2. ♣CU-2-2019 – CARMEL DEVELOPMENT (CARMINE FERRARO, REP.)**

For the benefit of the audience, Mr. Stroderd announced that Case CU-2-2019 was continued to the February 6, 2019 Planning and Zoning Board meeting. No board action was required to continue the request as Public Notification requirements had not been met.

The board resumed consideration of items in the order that was set by the agenda.

**NEW BUSINESS:**

**1. ♣CU-1-2019 – BABCOCK, LLC (DAVID AGEE AND  
ROBERT SCHWERER, REPS.)**

Mr. Balter presented the staff report for Case CU-1-2019. The applicant had requested a conditional use to allow proposed mining excavation of 60 acres of borrow pits by phases in a GU, General Use Holding District. Staff recommended Case CU-1-2019 for approval, subject to the conditions contained within the staff report.

Mr. Weinberg inquired whether the subject site was located south of the Yates property and the Deer Run development. Mr. Balter noted that this was correct, and at a mile away, the Yates residence was the closest residential property.

Mr. Robert Schwerer with Hayskar, Walker, Schwerer, Dundas & McCain P.A. (co-representative for the applicant) indicated a diagram of the subject property as the southernmost point in the City, a mile from the Yates residence and mining operation, and over a mile from the southern boundary line of Deer Run. He surmised how the proposed mining operation's distance from residential land alleviated any impact from sound, sight, and smells; and how agriculture, cattle, and trees abutted the property. He agreed, however, that all mining limitations and conditions within the staff report would be met, and a St. Johns River Water Management District permit would be obtained for consumptive use.

Mr. Stroderd questioned whether blasting and the use of crushers and grinders would occur during the mining operation. Mr. Schwerer stated that no blasting would occur at the site. A mining operator had not been selected for the site to determine the use of crushers and grinders, but the project would comply with the City's noise ordinance and Deer Run was over a mile away. There was no objection regarding the proposal from the president of the Deer Run Property Association and there were no Deer Run residents at the Citizen Participation Plan (CPP) meeting.

The floor was opened for public comments.

Mr. Ron Davis (Yates Mine partner) spoke against the request. He felt that in fairness, the proposed mine should be required to abide by the same rules as the Yates Mine since the two sites were adjacent.

In response to comments from the audience, Mr. Schwerer commented that Mr. David Agee with Agee Consulting, LLC (co-representative for the applicant) had confirmed that crushers would be used at the mining site. He explained that the proposed mine was different from the Yates mine. Some of the conditions placed on the Yates mine were site specific to protect the bordering Deer Run residents.

Mr. Stroderd wanted to know if the restriction to daylight hours would include all aspects of the mining operation. Mr. Davis confirmed that all activity, including hauling, loading, excavation, and crushing, would only occur during daylight hours. However, dewatering might need to occur earlier.

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

Mr. Weinberg spoke in favor of the request. The additional conditions on the Yates mine was due to its proximity to Deer Run, and there were no other residential parcels within close proximity.

Motion by Mr. Weinberg, seconded by Ms. Maragh to submit Case CU-1-2019 to City Council for approval of a conditional use to allow proposed mining excavation of 60 acres of borrow pits by phases in a GU, General Use Holding District, subject to the conditions contained within the staff report. The motion carried with members voting unanimously.

2. ♣CU-2-2019 – CARMEL DEVELOPMENT (CARMINE FERRARO, REP.)

Case CU-2-2019 was discussed prior to New Business.

3. ♣V-3-2019 - DAVID KITA

Mr. Balter presented the staff report for Case V-3-2019. The applicant had requested a variance to allow a proposed detached pole sign to encroach 5 feet into the 10-foot front setback, as established by Section 178.14, Appendix A, Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Ms. Jordan questioned whether the detached sign would meet the sign code with the exception of its placement. Mr. Balter stated that this was correct.

Mr. David Kita (applicant) explained that the proposed change in the sign location would allow for more visibility, and that the proposed sign modifications in its current location would cause the loss of a needed parking space.

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



Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case V-3-2019 to City Council for approval of a variance to allow a proposed detached pole sign to encroach 5 feet into the 10-foot front setback, as established by Section 178.14, Appendix A, Palm Bay Code of Ordinances. The motion carried with members voting unanimously.

4. ♣FD-4-2019 - CONSTRUCTION ENGINEERING GROUP, LLC (JAKE WISE)

Mr. Balter presented the staff report for Case FD-4-2019. The applicant had requested final development plan approval for a proposed Planned Unit Development (PUD) to allow a 98-lot, single-family residential development called Brentwood Lakes South Phase III. Staff recommended Case FD-4-2019 for approval, subject to the staff comments contained within the staff report.

Mr. Weinberg asked for clarification on the acreage of the proposed development. Mr. Balter confirmed that the development was 31.20 acres in size.

Mr. Jake Wise, P.E. of Construction Engineering Group, LLC (applicant) provided the board with an exhibit of the Brentwood Lakes development as approved in 2004-2005 with 75-foot wide lots and of the current proposal for Phase III to include a mix of 50-foot wide lots. Fourteen lots would be gained with the smaller lots, which would be less than a 4-percent increase for the overall project. He explained that the development had been put on hold for 7 to 8 years due to a downturn in the market. He addressed concerns from correspondence received from current Brentwood residents. The central mailbox location was a new standard imposed by the U.S. Postal Service. Traffic patterns had changed with the construction of the St. Johns Heritage Parkway and Heritage High School to necessitate the need for a new traffic signal, and no homes would be constructed until the traffic signal was installed by the development. The concern regarding stormwater had been resolved with the installation of a missing pipe connection, and the faulty stormwater pond in Phase I would be fixed during the permitting of Phase III. He planned to re-establish the agreement for the construction access down the eastern side of the development. The issue with Internet service was addressed by the installation of new fiber optics throughout the subdivision. He stated his agreement with all the conditions of the staff report.

The floor was opened for public comments.

There were three letters in the file in opposition to the request.

Mr. Steve Bewley (resident at Brentwood Lakes Estates) spoke against the request. His letter of opposition to the request was in the file. He commented on the design of the retention ponds in each of the four quadrants of the development and submitted pictures of the broken drainage system and eroded grounds that would eventually cause flooding and affect home foundations. The steep pond slopes were non-compliant with the St. Johns River Water Management District (SJRWMD). He noted that the park that was planned within the center of the development was no longer shown on the plans. He asked the board to deny the request until the existing problems with the drainage system were fixed.

Mr. Thomas Farrell (resident at Brentwood Lakes Estates) spoke against the request. His letter in opposition was in the file. He stated that an impartial impact study had not been done to determine the negative effect the reduced lot sizes would have on infrastructure, traffic, pollution, or current home values. Current residents were led to believe Phase III would be built similar to the previous phases. As the present residents could not renegotiate the terms in which their homes were purchased, the developer should not be permitted to do otherwise.

Mr. Jeffrey Mortenson (secretary/treasurer of Brentwood Lakes Homeowners Association) spoke against the request. He stated that the homeowner's association and homeowners had not been reimbursed for the elimination of the centralized park or made aware of the recent proposal. The two-story homes proposed at the back of Phase III would be across from the two firing ranges in the area and should require a safety barrier. He wanted the request to be tabled or building permits held until the existing SJRWMD problems were corrected.

Mr. Stan Swist (resident at Brentwood Lakes Estates) spoke against the request. He purchased his home in 2008 based on promises by the developer. He asked the board and City Council to protect current homeowners by requiring the development to be built as originally approved. The SJRWMD drainage issues had been going on for many years, and further development should be stopped until the faulty retention ponds were fixed.

Mr. Christopher West (resident at Brentwood Lakes Estates) spoke against the request. He indicated how the changes in the area since 2007-2008 with the construction of the St. Johns Heritage Parkway and Heritage High School were reasons to keep the larger-sized lots as originally approved. He was concerned about a decrease in house values, additional traffic, and the walking path that remained unpaved.

Mr. Wayne Crabtree (resident at Brentwood Lakes Estates) spoke against the request. He stated that the developer had ignored requests for information about the subject proposal. Existing homes were purchased in good faith based on advertisements and site plans from the developer depicting an exclusive development that did not include smaller lots. Home values would drop if adjacent, low-end track homes were allowed to be built. The developer was not taking care of the existing homeowners who had trusted and purchased based on developer promises.

The floor was closed for public comments.

In response to comments from the audience, Mr. Wise stated that he was not aware of any flooding in the development, and that the dramatic drop in the pond levels would allow for excess storage capacity. As previously mentioned, all washouts and broken structures would be addressed at one time during Phase III, including modifications to pond slopes. He explained that separate parks with amenities were built in two quadrants of Brentwood Lakes; however, the central area was designated for a lift station and the walkway was for lift station access. A recent, conservative traffic study had been done; the 50-foot wide lots would only back up to 50-foot wide lots; and the traffic signal and erosion and structure repairs were voluntarily being done prior to any building permits being issued for the subject phase of development. The current market supported smaller lots as substantiated by the built-out southwest quadrant with approved 50-foot wide lots.

Ms. Jordan noted that the proposed request would not exceed the 429 residential lots originally approved for the overall development. Mr. Wise confirmed that the subject request was in compliance with the original density for the overall development.

Mr. Pezzillo emphasized the wisdom of correcting the ponds before any other phases were constructed. Mr. Wise concurred that this was the plan for the project.

Ms. Maragh stated that the subject change was unconscionable. Property owners had bought into the initial idea, and there was nothing in their contracts to stipulate that their community was subject to change. Developers should responsibly keep their promises.

Mr. Weinberg commented that the subject change would not surpass the original 429 units approved for the overall development, and the project was in compliance with Future Land Use Element 8.3H.

Motion by Mr. Weinberg, seconded by Ms. Jordan to submit Case FD-4-2019 to City Council for final development plan approval for a proposed Planned Unit Development (PUD) to allow a 98-lot, single-family residential development called Brentwood Lakes South Phase III.

Mr. Stroderd commented that the developer should keep the promises made to the Brentwood Lakes community.

Motion amended by Mr. Weinberg, seconded by Ms. Jordan to submit Case FD-4-2019 to City Council for final development plan approval for a proposed Planned Unit Development (PUD) to allow a 98-lot, single-family residential development called Brentwood Lakes South Phase III, subject to the staff comments contained within the staff report with the condition that existing drainage issues were corrected prior to development. The motion failed with members voting as follows:

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

#### **OTHER BUSINESS:**

1. Correspondence submitted from Mr. Woodrum was discussed regarding the Northrup meetings held with the individual board members and City staff.
2. Board members were reminded about the process for upcoming reappointments and selections to the board.

#### **ADJOURNMENT:**

The meeting was adjourned at approximately 9:00 p.m.

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Wendall Stroderd, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.

☒ Indicates item was considered out of sequence.



LAND DEVELOPMENT DIVISION  
120 MALABAR ROAD SE  
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STAFF REPORT  
PREPARED BY:  
Christopher Balter  
Planner II

CASE NUMBER  
CU-2-2019

APPLICANT/PROPERTY OWNER  
Carmel Development LLC (Carmine Ferraro, Representative)

PLANNING & ZONING BOARD HEARING DATE  
February 6, 2019

PROPERTY LOCATION/ADDRESS  
The subject property is located at the NE corner of the intersection of Babcock Street SE and Valkaria Road. Specifically, the property is Tax Parcel 603, Section 15, Township 29 South, and Range 37 East, Brevard County, Florida.

**SUMMARY OF REQUEST**

The applicant is requesting conditional use approval for retail automotive fuel sales upon a property zoned CC, Community Commercial District.

EXISTING ZONING	EXISTING FUTURE LAND USE	SITE IMPROVEMENTS	SITE ACREAGE	SURROUNDING ZONING & FUTURE LAND USE
CC, Community Commercial District	Commercial Use	Undeveloped; Vacant Land	1.5 +/-	N: CC, Community Commercial; Vacant Land E: CC, Community Commercial; Vacant S: NC, Neighborhood Commercial (across Valkaria); Single Family Home W: RS-2, Single Family Residential; (across Babcock Street) Single Family Homes

**PROPERTY HISTORY**

The subject property is currently undeveloped land situated at the northeast corner of the intersection of Babcock Street SE and Valkaria Road.

**COMPATIBILITY with the COMPREHENSIVE PLAN**

The land use would be considered compatible with the surrounding land uses.

**COMPATIBILITY with the CODE OF ORDINANCES**

Development of the subject property is subject to the requirements of the City's Land Development Code.

**ANALYSIS:**

The property is presently a vacant, commercially-zoned parcel of land of approximately 1.50 acres. The conceptual site plan proposes to construct a convenience store (C-Store) of 3,300 square feet, with an adjacent tenant space of approximately 1,200 square feet. The C-Store will retail automotive fuel and contain eight (8) pump islands, for a total of 16 fueling stations.

**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 site will be accessed from both Babcock Street and Valkaria Road. A shared driveway adjacent to the site will be provided to allow access to the facility and future commercial ventures north and east of the site. The applicant will be required, during administrative site plan review to enter into cross access easements with the adjacent property owners to the north and south. As this parcel is located at the intersection of an arterial and major collector roadway a traffic study shall be submitted during the administrative site plan review process. In addition to possible roadway safety improvements, it is anticipated that a portion of the SW corner of the site will be needed for future signal equipment and to accommodate a possible, northbound right turn lane. A "corner clip" may need to be dedicated to Brevard County for these improvements.

**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.*

Based upon the use and total size of the building (4,500 square feet), a minimum of 23 parking spaces are required, of which at least one (1) space shall be designated for handicapped parking. The conceptual plan proposes 26 regular spaces and two (2) handicapped parking stalls.

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

The building is required to connect to the city's potable water and sewer system.

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

The parcel of land for which this development is proposed is a vacant, wooded lot, with undeveloped land to the north and east. The site is bordered by roadways on the south and west. The building is approximately 270 feet from the home located on the west side of Babcock Street and approximately 230 feet from the home on the south side of Valkaria Road. The standard landscape code and the width of the abutting roadways appear sufficient buffering from existing development.

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

No signs are shown on the drawing and a lighting plan was not provided. It shall be noted that City codes require any and all lighting to be shielded and/or directed downward so as to not create a nuisance to adjacent properties. During the administrative site plan review a lighting and photometric plan will be required.

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

The yards and open space requirements of the Zoning Code have been met.

**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.*

The project has been designed with wide drive aisles and ample on-site maneuverability. Moreover, the external driveways that channel traffic adjacent to the site will provide for safe off-street movement of vehicles and fuel delivery. The traffic study will determine any necessary off-site roadway improvements.

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

The proposed "uses" are permitted (via conditional use) and the site is bordered by commercial land to the north and east, and by roads to the south and west.

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



The 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 and Conditions of Section 185.087, the request shall successfully address items (a) through (h) of the conditional use requirements for automotive fuel sales, as provided in the guidelines of the CC District {Section 185.043 (D) (2)}. A review of these items is as follows:

**Item (a) Access:**

Retail automotive gas/fuel sales establishments shall be located on arterial roadways or on corner lots at the intersection of collector streets or higher functional classification, as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.

The Palm Bay Comprehensive Plan designates Babcock Street as an Arterial Roadway. Furthermore, Valkaria Road is designated by the Space Coast Transportation Planning Organization (TPO) as a Major Collector Roadway, on its Roadway Functional Classification Map. There are currently no fueling stations at this intersection; this would be the first.

**Item (b) Minimum Frontage:**

One hundred and fifty (150) feet on each abutting street.

The shortest frontage (Valkaria Road) is approximately 242 feet

**Item (c) Location of Facilities:**

Gasoline, fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

The underground fuel storage tanks are not indicated on the submitted plan. This item will be addressed during the official review of the site plans. The closest property line is more than 50 feet from the fueling islands and the islands are 55 feet from the convenience store. They are located more than 200 feet from the nearest residentially-zoned property. The closest municipal or public supply well is approximately 4.2 miles to the north.

**Item (d) Tank Storage:**

Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.

The fuel storage tanks shall be located underground.

**Item (e) Proposed Use:**

The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.

This was previously addressed under Item (G) of the general requirements.

**Item (f) Signs:**

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

This was previously addressed under Item (E) of the general requirements.

**Item (g) Operation:**

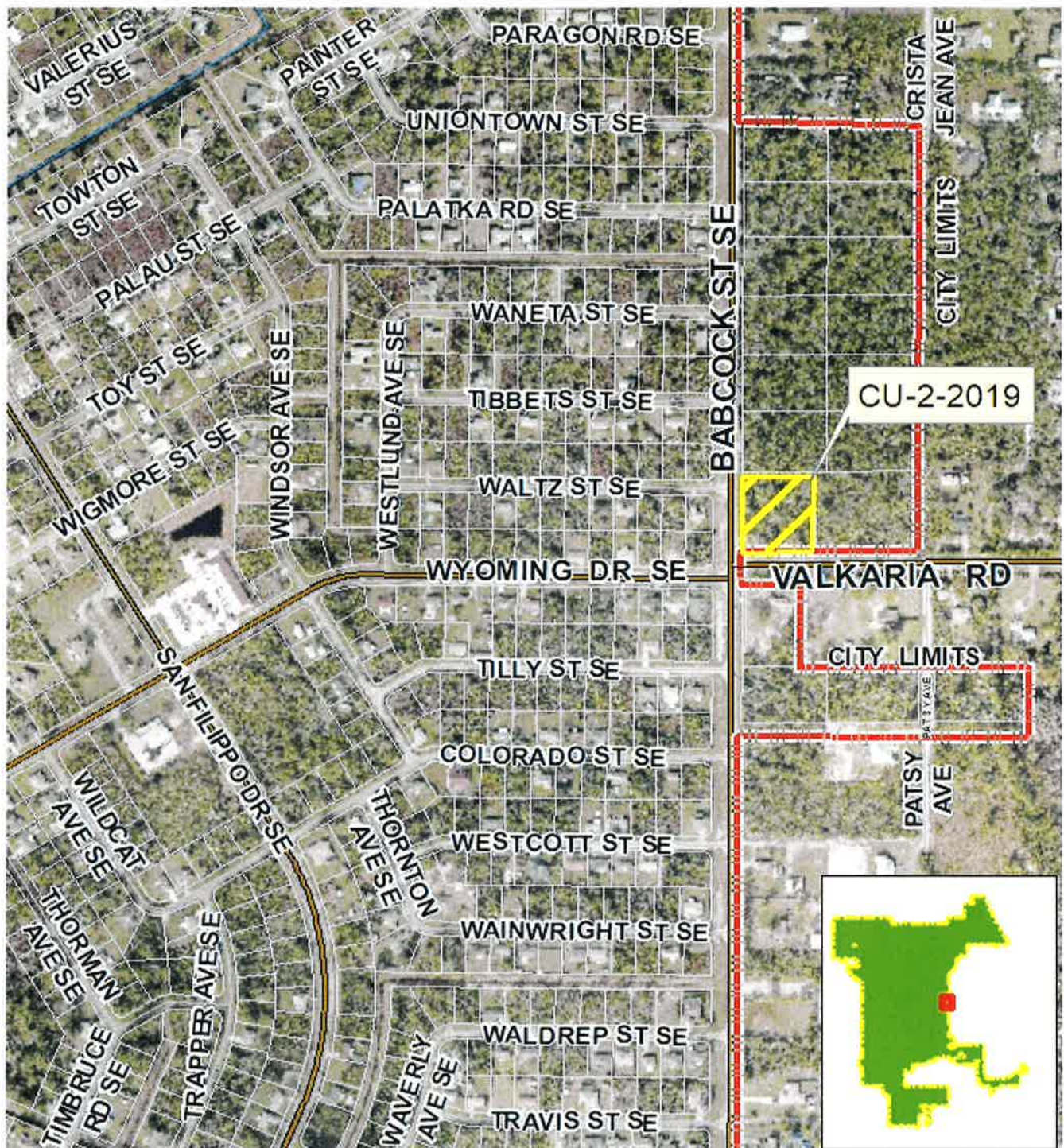
Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with Section 176.01 et seq. of the City of Palm Bay's Code of Ordinances.

This is a code requirement dealing with the installation of this equipment and must be met during the administrative site plan review process.

**STAFF CONCLUSION:**

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Sections 185.087 and 185.043(D)(2), of the Palm Bay Code of Ordinances.





## AERIAL LOCATION MAP

CASE NO. CU-2-2019

### Subject Property

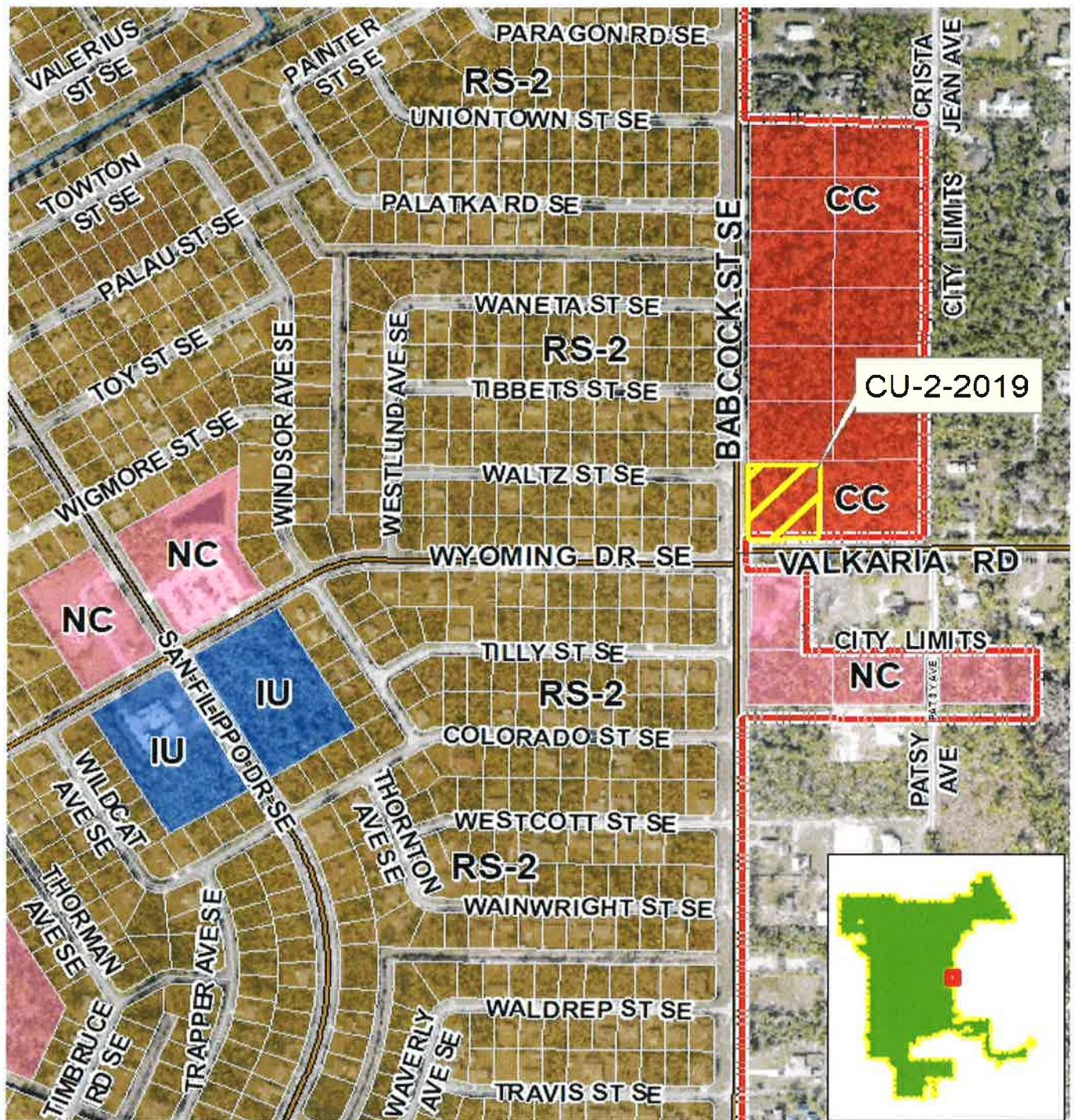
Northeast corner of Babcock Street SE and Valkaria Road, Palm Bay, Florida



Not to Scale

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





## ZONING MAP

CASE NO. CU-2-2019

### Subject Property

Northeast corner of Babcock Street SE and Valkaria Road, Palm Bay, Florida

### Current Zoning Classification

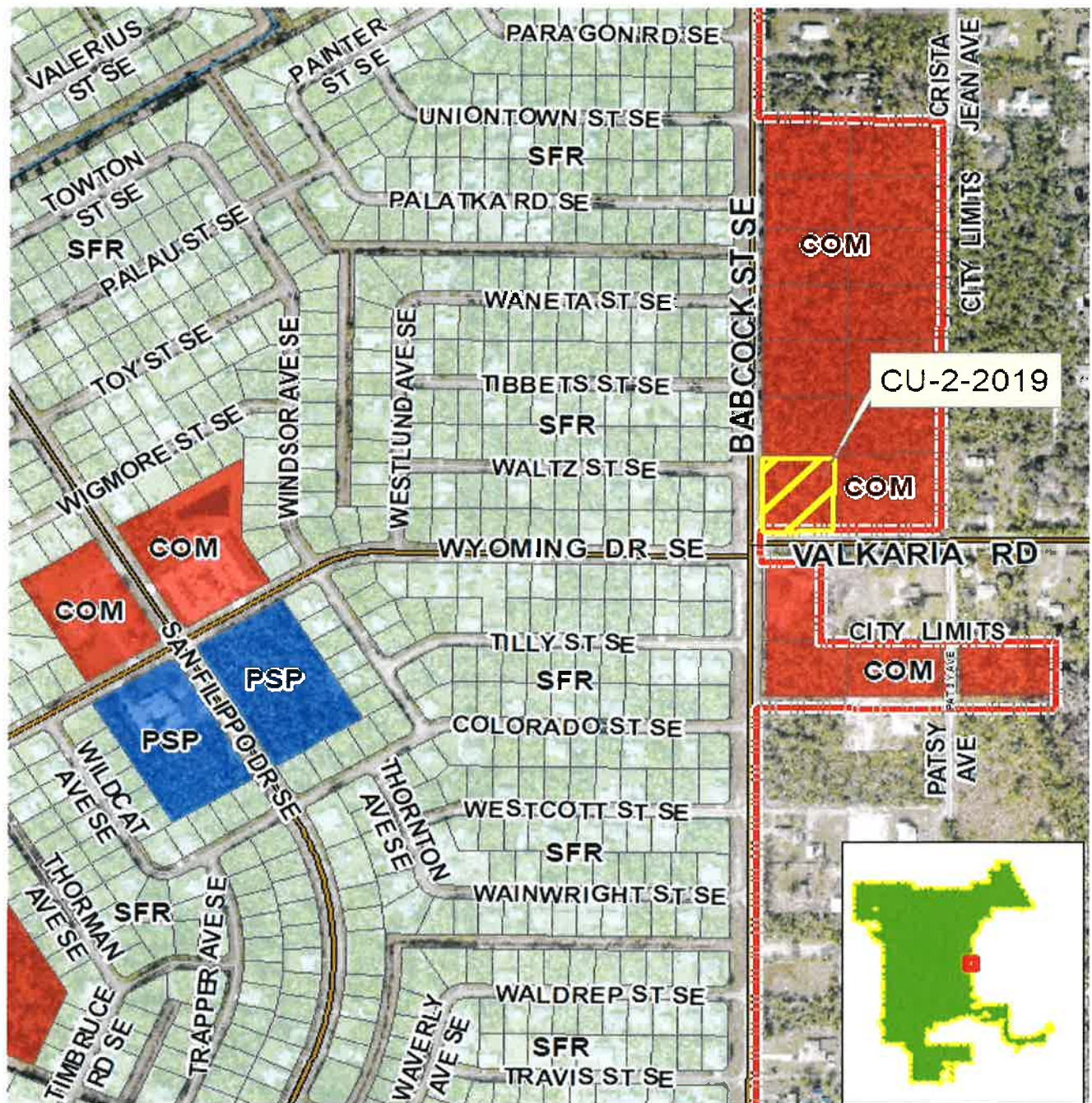
CC - Community Commercial District



Not to Scale

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





## FUTURE LAND USE MAP

CASE NO. CU-2-2019

### Subject Property

Northeast corner of Babcock Street SE and Valkaria Road, Palm Bay, Florida

### Future Land Use Classification

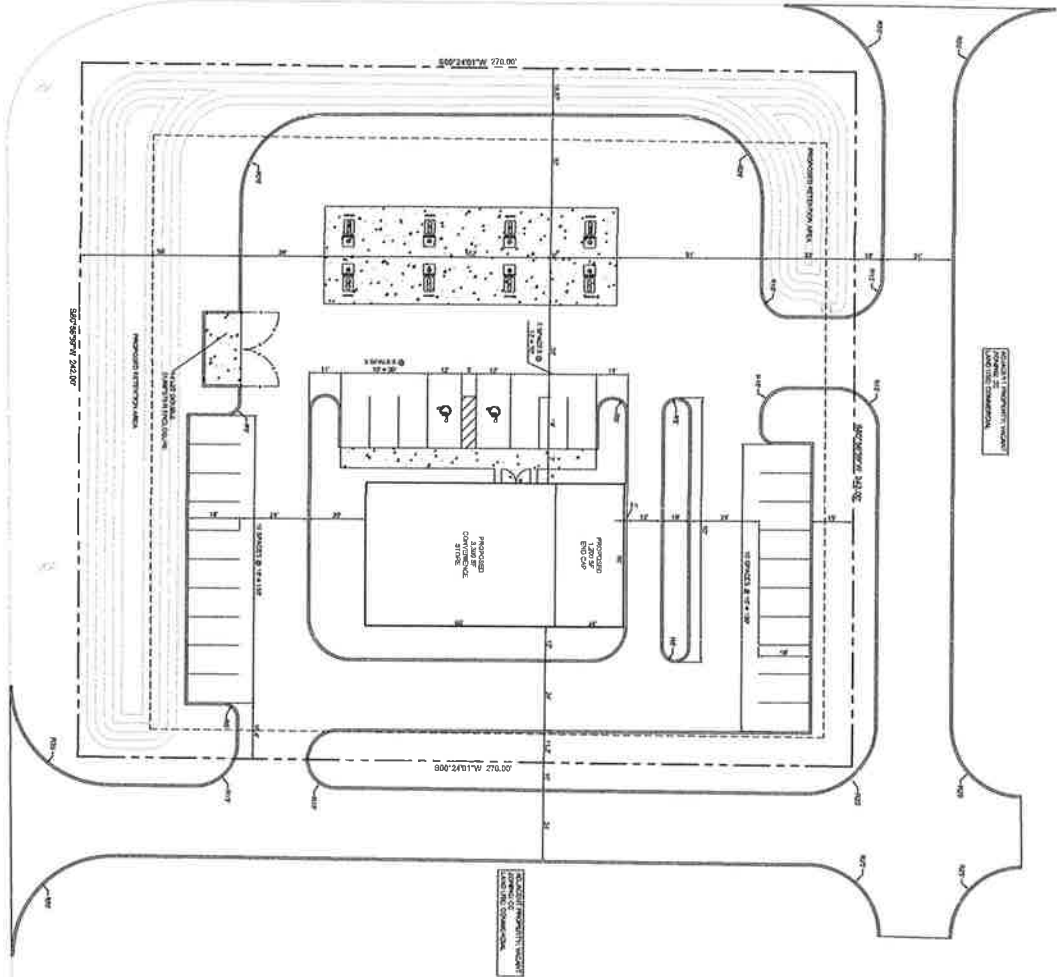
COM – Commercial Use

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



Not to Scale

## VALKAPPA ROAD - 100' FROM



GRAPHIC SCALE (IN FEET)  
1 inch = 20 ft.

REVISIONS	DATE

BABCOCK ST/VALKARIA RD  
GAS STATION AND  
CONVENIENCE STORE

## CONCEPT PLAN



**MBV**  
ENGINEERING, INC.  
MOYA BOWLES VILLAMIZAR & ASSOCIATES

1250 - W. EAU GALLIE BLVD  
UNIT L  
MELBOURNE, FL 32935  
PH. (321) 253-1510  
FX. (321) 253-0911  
VERO BEACH, FL - PH (772) 569-8854

BRUCE A. MOYA  
P. 5. 64 1205  
DATE: \_\_\_\_\_  
SHEET  
CP1  
OF 1  
16-1040



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

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

PARCEL ID 29-37-15-00-603

TAX ACCOUNT NO. 3014008

### GENERAL LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See Exhibit A

SECTION 15 TOWNSHIP 29 RANGE 37

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 1.5 Acres

CONDITIONAL USE SOUGHT: Retail Automotive Gas/Fuel Sales

ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): CC

### CONDITIONAL USE REQUIREMENTS FOR SUBMITTAL (Section 185.087):

The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties per Section 185.085.

### APPLICANT MUST PROVIDE A SITE SKETCH TO SCALE OF THE FOLLOWING AND MUST ALSO PROVIDE THE SKETCH ON MEMORY DRIVE:

- 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.
- Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
- Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
- Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
- 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.
- Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- 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.
- 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.



CITY OF PALM BAY, FLORIDA  
CONDITIONAL USE APPLICATION  
PAGE 2 OF 2

**ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE SKETCH FOR THE SPECIFIC CONDITIONAL USE.**

Additional criteria is listed in Section 185.088 and available from staff (check all that apply):

- |                                                                            |                                                                                         |                                                                            |                                                                                                                               |                                                                               |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> <b>Church</b><br>(Sec. 185.088(A))                | <input type="checkbox"/> <b>Club or Lodge</b><br>(Sec. 185.088(B))                      | <input type="checkbox"/> <b>Commercial dog kennel</b><br>(Sec. 185.088(C)) | <input type="checkbox"/> <b>Planned Industrial Development</b><br>(industrially zoned site over 5 acres)<br>(Sec. 185.088(D)) | <input type="checkbox"/> <b>Public or private school</b><br>(Sec. 185.088(E)) |
| <input type="checkbox"/> <b>Self-storage facility</b><br>(Sec. 185.088(F)) | <input type="checkbox"/> <b>Communication tower and facilities</b><br>(Sec. 185.088(G)) | <input type="checkbox"/> <b>Dance club</b><br>(Sec. 185.088(H))            | <input type="checkbox"/> <b>Security dwelling unit</b><br>(Sec. 185.088(I))                                                   | <input type="checkbox"/> <b>Wedding venue</b><br>(Sec. 185.088(J))            |

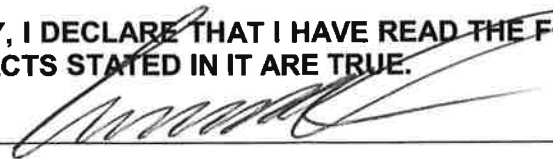
**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**

- ☒ \*\$650.00 Application Fee. Make check payable to "City of Palm Bay."
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- ☒ Site Sketch (See page 1 for requirements).
- ☒ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- ☒ 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 to the applicant to request the conditional use.**

I, THE UNDERSIGNED UNDERSTAND THAT THIS CONDITIONAL USE 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 CONDITIONAL USE APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Applicant



Date

11/13/18

Printed Name of Applicant

Carmine Ferraro, MGMR, Carmel Development LLC

Full Address

3860 Curtis Blvd, Suite 636, Cocoa, FL 32927

Telephone

(321) 536-5200

Email

carmel32927@gmail.com

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



**EXHIBIT "A"**

**PROPERTY**

A parcel of land being a portion of Lot 8, Section 15, Township 29 South, Range 37 East, plat pf Florida Indian River Land Company, according to the Plat thereof recorded in Plat Book 1, Page 165 of the Public Records of Brevard County, Florida and being more particularly described as follows:

Commence at the Southwest corner of said Section 15 and run N 89° 56'39" E along the South line of said Section 15, a distance of 50.00 feet to the East right-of-way of Babcock Street, a 100 foot wide public right-of-way as presently occupied; thence N 0024'01" E along East right-of-way line 50.00 feet to the intersection with the North right-of-way line of Valkaria Road, a 100 foot wide public right-of-way as presently occupied and to the Point of Beginning of the herein described parcel; thence continue N 00 24'01" E along said East right-of-way line 270.00 feet; thence N 8956'39" E 242.00 feet; thence S 0024'01" W 270.00 feet to the said North right-of-way line of Valkaria Road; thence S 8956'39" W along said North right-of-way line 242.00 feet to the Point of Beginning.

A  
S  
,

2

October 31, \_\_\_\_\_, 20 18

Re: Letter of Authorization

As the property owner of the site legally described as Babcock/Valkaria  
S 1/4 of Lot 8 of PB 1, Pg 165 Ex S 50 Ft, W 50 Ft & E 25 Ft as Des ORB 1885, Pg 14,  
I hereby authorize Carmine Feraro - Carmel Development, LLC  
to represent my Conditional Use application for said property.



(Signature)

STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 31<sup>st</sup> of October, 20 18  
by Summit Shah, who is personally known by me or  
who has produced \_\_\_\_\_ as identification,  
and who did not take an oath.

(SEAL)



L. SMEDLEY, Notary Public  
Serial No. GG 130644  
My commission expires 08-02-2021

# **CASE CU-2-2019**

**CORRESPONDENCE: 2**

Brian G West

---

1151 SW 30<sup>th</sup> St, Suite D  
Palm City, FL 34990  
TEL 772-221-8500 FAX 772-221-8502  
EMAIL: [westcodev@comcast.net](mailto:westcodev@comcast.net)

Date: December 27, 2018

To: City of Palm Bay / Planning and Zoning Board  
City Council

Via Email & Certified Mail #7016 3010 0000 2657 8215

From: Brian West

Re: Case # CU-2-2019 / Public Hearing / January 9, 2019

We are in receipt of the December 12, 2018 "Notice to Interested Property Owners".

Please be advised, we support the proposed use. However, the aerial depicting the site shows a 3.5 acre site, not a 1.5 acre site. Also, please note, this site is subject to a Master Development Plan that was negotiated between the Seller and the Buyer several years ago that shows the entire development and where the proposed curb cuts are.

DAVID & MARY TRIANA  
145 Valkaria Road  
Palm Bay, Florida 32909

January 1, 2019

Planning and Zoning Board  
City Council  
c/o Land Development Division  
City of Palm Bay  
120 Malabar Road SE  
Palm Bay, Florida 32907

Re: Case No. CU-2-2019

To Whom It May Concern:

We know that it is probably a futile effort to write this letter but we would like to express our views on this matter. Due to illness and age we cannot be there in person.

To put a retail, automotive gas station on that corner is so unnecessary. This would just cause more traffic and disruption on an already very, very busy corner. Traffic, especially during rush hours, is terrible, you cannot get out in the four way confusion. There is a gas, retail station one block up Wyoming and going north on Babcock Street, approximately a mile or so, are two gas, retail stations. How many do we need??

We, as we're sure many others, buy our gas and groceries at B.J.'s where everything is less expensive. We shop at Publix, which is less than five minutes from our home, and now on Babcock we have a Dollar General. We will not be utilizing this new station at all.

Valkaria Road when we moved here was a nice and quiet road. We expect residential growth, but do not need a retail, gas shop to cause more traffic, debris and accidents.

Very truly yours,

*David Triana Mary Triana*

David Triana

Mary Triana



LAND DEVELOPMENT DIVISION  
120 MALABAR ROAD SE  
PALM BAY, FL 32907  
T: 321-733-3042 F: 321-953-8920

STAFF REPORT  
PREPARED BY:  
Christopher Balter  
Planner II

CASE NUMBER  
CP-1-2019

APPLICANT/PROPERTY OWNER  
Geoff West, FPL & Jake Wise, CEG (Co-Applicants)

PLANNING & ZONING BOARD HEARING DATE  
February 6, 2019

PROPERTY LOCATION/ADDRESS  
Located in South Palm Bay, south of Deer Run Road, West of Babcock Street SE

#### SUMMARY OF REQUEST

The applicant is requesting a large scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 484.69 acres of vacant land from County R1:2.5 Use to City Utilities Use for Florida Power and Light to develop the property with a 74.5-Megawatt solar electrical generating facility to be known as FPL KJZ Solar Energy Center.

EXISTING ZONING	EXISTING FUTURE LAND USE	SITE IMPROVEMENTS	SITE ACREAGE	SURROUNDING ZONING & LAND USE
GU (County)	R1:2.5	Undeveloped; Vacant Land	484.69	N: AU, Agricultural Residential County, Single-Family Residential; Deer Run Neighborhood E: GU (County), Vacant Residential (Calumet Farms) S: GU (County), Vacant agricultural land W: GU (County), Vacant agricultural land

#### PROPERTY HISTORY

The subject tract is currently undeveloped land located off Centerland Road. Formerly, the site was used for citrus farming.

#### COMPATIBILITY with the COMPREHENSIVE PLAN

The future land use designation to the west is AGR, Agricultural Residential (County) to the east is CF, Calumet Farms (City); and to the south is R1:2.5 (County). Directly to the north of the site is County property containing single family residential lots within the Deer Run neighborhood, which are separated from the subject site by a 100-foot wide drainage and access right-of-way. The proposed amendment is compatible with the City's Comprehensive Plan, as explained in the following analysis.

#### COMPATIBILITY with the CODE OF ORDINANCES

A zoning amendment is necessary to change the current County designated zoning of GU, to the City's GU, General Use Holding District, to be consistent with the City's Zoning Ordinance. The applicant has submitted an application for re-zoning to accompany this request.

STAFF RECOMMENDATION:

TRANSMIT ☒

APPROVE ☒

APPROVE WITH CONDITIONS ☐

DENY ☐

**ANALYSIS:**

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

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Policy FLU-1F is to *ensure energy efficient development through enforcement of the "Energy Conservation" section of the Florida Building Code.*

The Comprehensive Plan (Plan) FLU Element Policy FLU-697-1C is to *provide incentives for development design techniques that promote energy efficiency including [...] Solar access and renewable energy access provisions.*

The Comprehensive Plan (Plan) FLU Element Objective FLU-697-3 is to *establish Energy Conservation Areas on the Future Land Use Map and within the Future Land Use Element to retrofit existing energy inefficient land use patterns and transportation systems in order to increase energy efficiency and conservation of energy resources.*

The Comprehensive Plan (Plan) FLU Element Policy FLU-697-3B is to *retrofit strategies within Energy Conservation areas to include actions to [...] accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.*

The proposed Comprehensive Plan Future Land Use amendment will be compatible with the City's objectives and policies listed above by designating land to Utilities Use. If approved, the site will be used to develop an energy efficient solar electrical generating facility capable of providing power to approximately 15,000 homes. The proposed solar farm will have zero emissions and the operation is virtually silent.

**2. COASTAL MANAGEMENT ELEMENT**

The subject property is not located within the Coastal High Hazard Area.

**3. CONSERVATION ELEMENT**

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

Its appears that the subject property is not located within any of the Florida scrub jay polygons identified in the City's Habitat Conservation Plan (HCP). No other protected species are known to inhabit the subject property. Any protected species that would be

found on the subject property would need to be mitigated for, as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

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

#### 4. HOUSING ELEMENT

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

#### 5. INFRASTRUCTURE/CAPITAL IMPROVEMENTS ELEMENTS

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

Utilities: The FLU change will not cause level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. The intended use as a solar electrical generating facility will not require water or sewerage facilities to operate. No connections to the City's service are planned.

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

Any development of the subject property would alter the present natural site conditions as the property is currently undeveloped, and therefore, would have some impact. The property is located within Flood Zone AE, a Special Flood Hazard Area (100-year flood) and the 500-year flood zone.

#### 6. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Utilities Use, for a large (484.69 acres) parcel, will not add housing units. No adverse impacts to the public-school system are anticipated.

#### 7. TRANSPORTATION ELEMENT

The objectives of the Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains roadway level of service and adequately serves the needs of the community. The development of the solar electrical generating facility will not increase traffic, once installed, no negative impacts to the surrounding transportation system are expected.

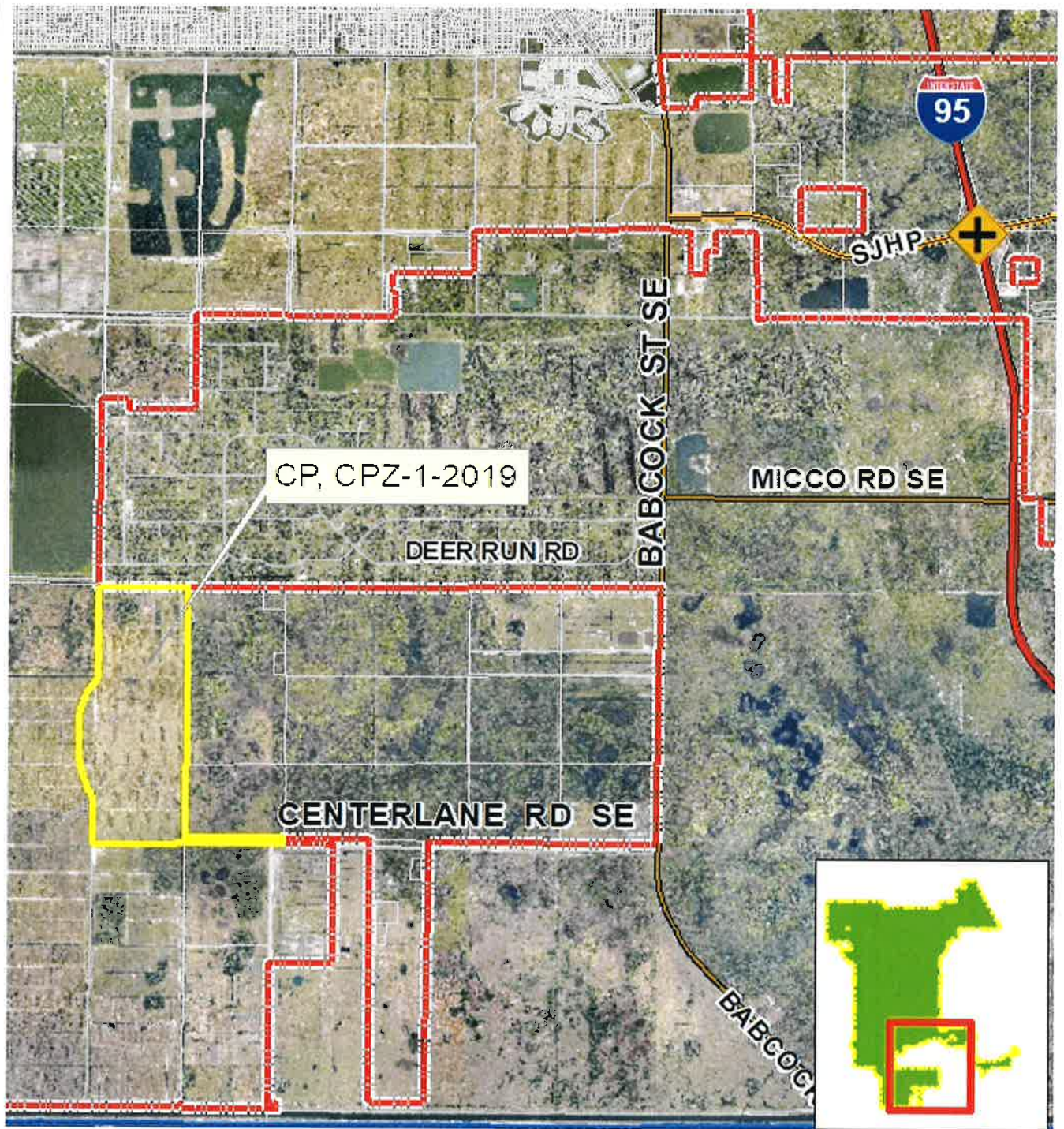


**SUMMARY:**

The information contained in this report should provide the Board and Council information to determine the need and justification for the change, the effect of the change on the subject and surrounding properties, and the relationship of the proposed amendment to furthering the purposes of the Plan.

**STAFF RECOMMENDATION:**

Motion to approve Case CP-1-2019, pursuant to Chapter 163, Florida Statutes.



## AERIAL LOCATION MAP

CASE NO. CP-1-2019 & CPZ-1-2019

### Subject Property

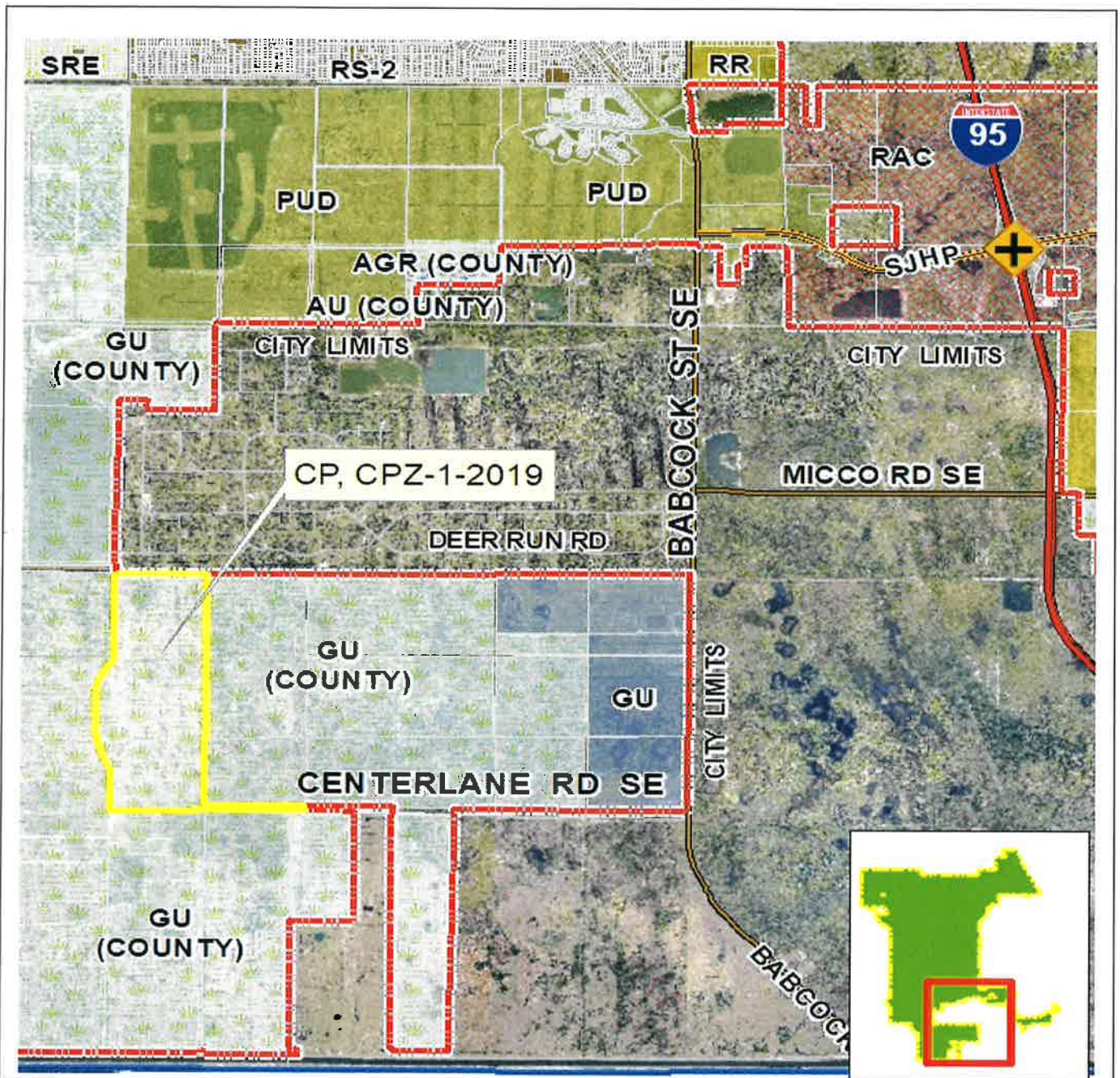
North of and adjacent to Centerlane Road SW, in the vicinity west of Babcock Street, Palm Bay, Florida



Not to Scale

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





## ZONING MAP CASE NO. CP-1-2019 & CPZ-1-2019

### Subject Property

North of and adjacent to Centerlane Road SW, in the vicinity west of Babcock Street, Palm Bay, Florida

### Current Zoning Classification

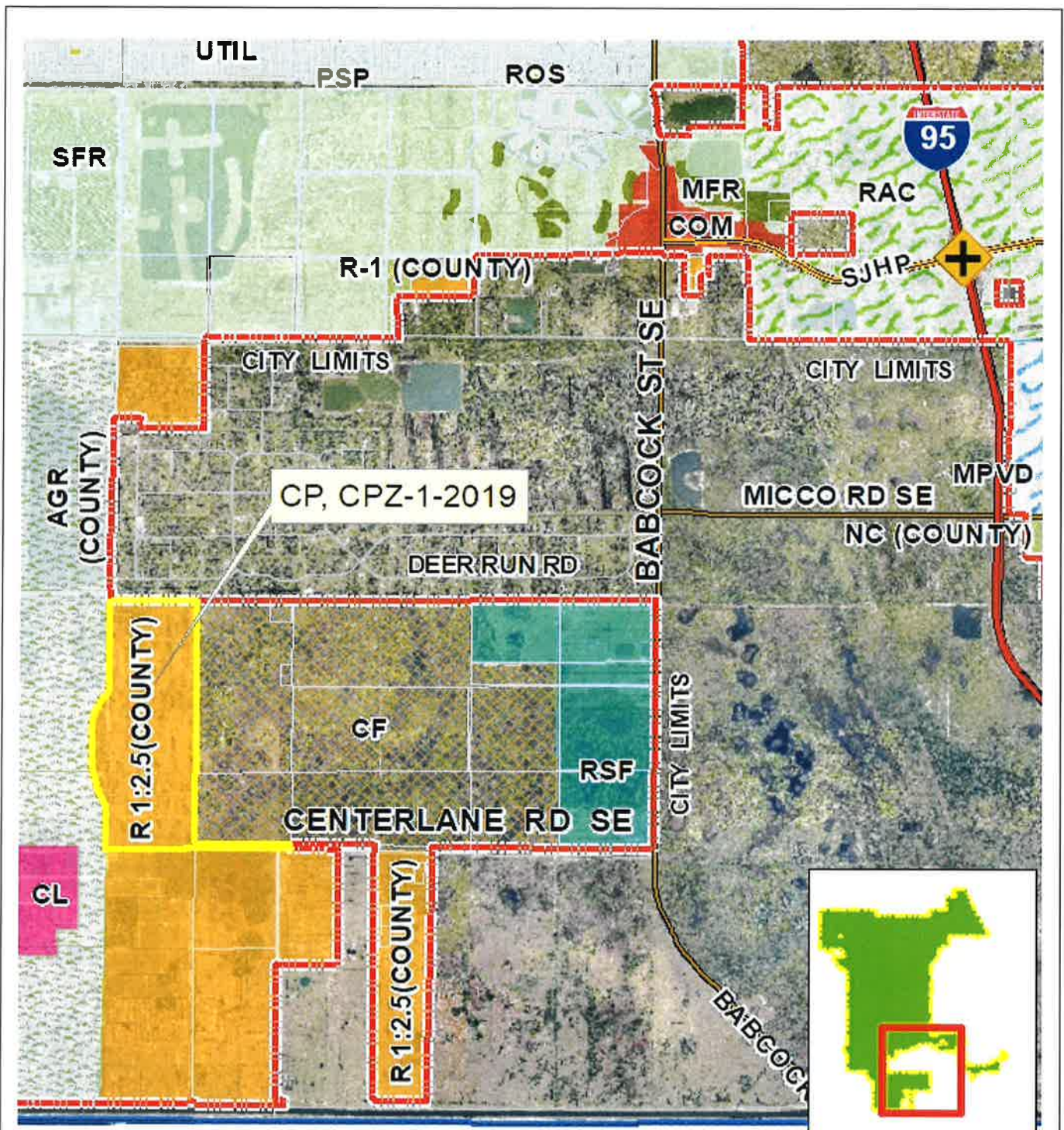
GU (COUNTY) – General Use

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



Not to Scale





## FUTURE LAND USE MAP CASE NO. CP-1-2019 & CPZ-1-2019

### Subject Property

North of and adjacent to Centerlane Road SW, in the vicinity west of Babcock Street, Palm Bay, Florida

### Future Land Use Classification

R 1:2.5 (COUNTY) – Residential 1 unit per 2.5 acres

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



Not to Scale

## **FPL'S PROPOSED KJZ SOLAR ENERGY CENTER EXECUTIVE SUMMARY**

Florida Power & Light Company (FPL) is under contract for approximately 484.69 acres of land located in southeast Palm Bay, Florida. See Exhibit EX-1 for a Location Map. FPL proposes to develop the Property with a state of the art 74.5 MegaWatt (MW) photovoltaic solar electrical generating facility to be known as the FPL KJZ Solar Energy Center.

The City of Palm Bay proposed development of the project will be accomplished by the amendment of the City Comprehensive Plan and Future Land Use Map to change the property's present agriculture future land use designation to utilities. The applicant will follow the text and map amendments with an application for rezoning from Brevard County General Use (GU) to City of Palm Bay GU.

This submittal includes the completed application forms and supporting documentation to amend the City Comprehensive Plan and Future Land Use Map as follows:

### **1. APPLICATION 1 – COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT**

The purpose of the amendment is to change the future land use designation for the Property from Agriculture to City of Palm Bay Utilities.

### **2. APPLICATION 2 – REZONING**

The purpose of the rezoning is to change the current Brevard County General Use (GU) to City of Palm Bay GU.

### **COMPREHENSIVE PLAN AND FUTURE LAND USE COMPATIBILITY**

The proposed comprehensive plan amendment/future land use change is compatible with the city's comprehensive plan. Specifically, it meets the following criteria:

1. FLU – 1.1F: Ensure energy efficient development through enforcement of the "Energy Conservation" section of the Florida Building Code.
2. FLU – 4: Provide sufficient area for growth and development of clean industry to provide employment opportunities and expand the City's economic base.
3. FLU – 697 – 1: Establish standards and requirements to promote energy efficient land use patterns consistent with the following policies no later than July 2011.
4. FLU – 697 – 1C: Require and/or provide incentives for development design techniques that promote energy efficiency including, but not limited to:
  - Solar access and renewable energy access provisions.
  - Accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.



5. FLU – 697 – 3B: Retrofit strategies within Energy Conservation Areas shall include actions to promote the following:
  - Accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.
6. FLU 11.1: Promote innovative approaches to development on lands that were formerly designated for solely agricultural or rural residential single purpose developments prior to annexation into the city.
7. FLU 11.1A: Centerlane Land Use District classification:
  - Protects and enhances the natural environment,
  - Promotes energy efficiency through innovative planning and on-site job creation alternative energy and green business, and
  - Provides job creation activities.

## **EXISTING CONDITIONS**

The property is located off of Centerlane Road to the south of the property and that is the only accessible roadway. Centerlane Road connects to Babcock Street to the east. The site is currently vacant with virtually no trees as being formerly utilized for citrus fields. Exhibit EX-2 provides an aerial of the site. There are multiple wetlands on-site proposed to be preserved as part of the solar energy center. There are no adjacent residential developments to the east, west or south. To the north is the Deer Run Subdivision, located in unincorporated Brevard County with large single family lots. Exhibit EX-3 provides a proposed solar array site plan.

## **PROPOSED USE**

Solar energy centers are typically quiet neighbors once in use. They are zero emission generators and this proposed project provides the following:

- Powers approximately 15,000 homes.
- Creates between approximately 200 to 250 jobs during construction which supports local businesses.
- They are a virtually silent neighbor with no increase in traffic and no lights at night.
- No water or fuel is needed.
- Solar panels generate virtually no stormwater runoff, site low to the existing grade.



LOCATION MAP

NTS

EX-1 10-22-18

 CONSTRUCTION  
ENGINEERING  
GROUP  
16115 125 125  
www.constructioneng.com  
consulting engineers - 800.387.1234





**EXISTING CONDITIONS AERIAL**  
NTS

EX-2	10-22-18
------	----------



**CONSTRUCTION  
ENGINEERING  
GROUP**

**ENGINEERING GROUP**  
 100, 120, 150, 180  
 200, 250, 300, 350, 400  
 450, 500, 550, 600, 650, 700, 750, 800, 850, 900, 950, 1000



LEGEND

- PROPERTY LINE
- FENCE LINE
- ROAD
- OVERHEAD ELECTRICAL
- SETBACK: WATERS
- RIGHT OF WAY (ROW)
- SETBACK FOR TREE SHADING
- WETLANDS, 35 FT SETBACK (TYP)
- TRANSMISSION STRUCTURE



EX-3 10-22-18

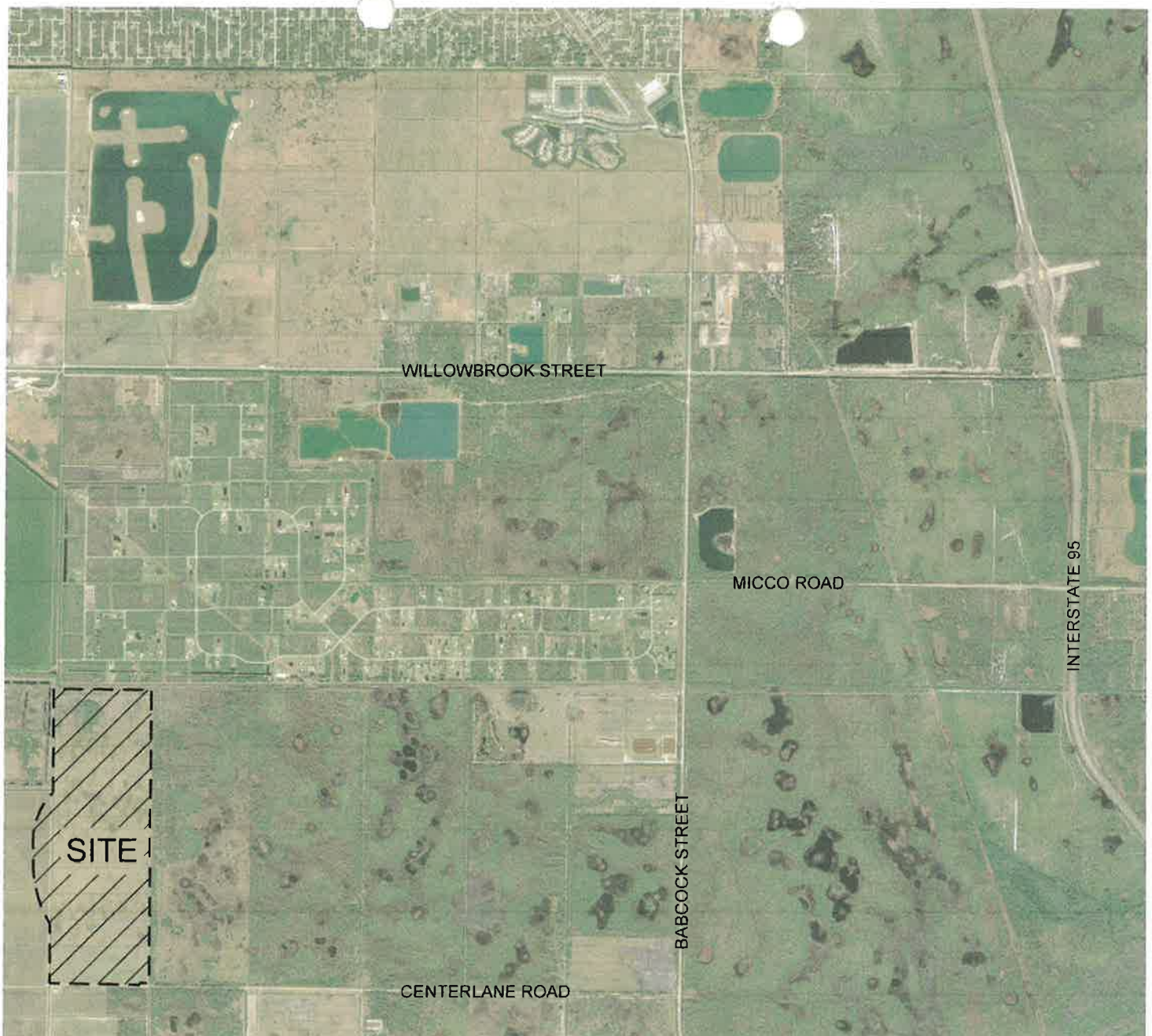
CONSTRUCTION  
ENGINEERING  
GROUP



www.constructioneng.com  
consulting engineers since 1925

SITE PLAN  
NTS





## LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF DEER RUN SUBDIVISION AS SHOWN ON THE PLAT THEREOF AND RECORDED IN PLAT BOOK 27, PAGES 11 THROUGH 18 INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN NORTH  $89^{\circ}36'32''$  EAST ALONG THE SOUTH LINE OF SAID PLAT OF DEER RUN 2,530.83 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF A DRAINAGE CANAL RUNNING SOUTHERLY THEREFROM; THENCE RUN SOUTH  $00^{\circ}26'04''$  WEST ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL A DISTANCE OF 7,636.38 FEET TO A POINT ON THE CENTERLINE OF CENTERLANE ROAD; SAID POINT BEING THE WESTERLY TERMINUS OF THE CENTERLINE OF ROADWAY AS CONVEYED BY CHARLES M. CAMPBELL TO BREVARD COUNTY, FLORIDA, AS DESCRIBED IN RIGHT- OF-WAY DEED AND RECORDED IN OFFICIAL RECORDS BOOK 3112, PAGES 568 THROUGH 570, INCLUSIVE, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING OF THE CENTERLINE OF THE INGRESS AND EGRESS EASEMENT HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING RUN NORTH  $89^{\circ}08'10''$  WEST A DISTANCE OF 300.00 FEET TO THE POINT OF TERMINUS.



**CONSTRUCTION  
ENGINEERING  
GROUP**

consulting engineers

2651 W. Douglas Blvd., Suite A  
Melbourne, FL 32935

tel. 321.253.1221  
fax. 321.253.3123  
www.ceengineering.com  
license #0009097

**KJZ SOLAR ENERGY CENTER  
PALM BAY, FL**

**LOCATION MAP**

DATE 10/24/18

COUNTY BREVARD APPROVED BY JTJW

SCALE NTS THIS SHEET FIG-1



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

## COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

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

### APPLICATION AMENDMENT TYPE:

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

PARCEL ID 30-36-24-01-1

TAX ACCOUNT NO. 3000185

### GENERAL LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See attached

SECTION 24 TOWNSHIP 30 RANGE 36

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 484.69

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

Agricultural

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

Utilities

PRESENT USE OF THE PROPERTY: Vacant

STRUCTURES NOW LOCATED ON THE PROPERTY: None

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

Yes

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

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

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

See attached Executive Summary

SPECIFIC USE INTENDED FOR PROPERTY:

Proposed Solar Energy Center

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

X \*Application Fee. Make check payable to "City of Palm Bay."

☐ **Small Scale Map** \$1,200.00  
(Less than 10 acres)

☒ **Large Scale Map** \$2,000.00  
(10 acres or more)

☐ **Text Amendment** \$2,000.00  
(Comp. Plan)

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

X List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

N/A School Board of Brevard County School Impact Analysis Application (if applicable).

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

X **Where property is not owned by the applicant**, a letter must be attached giving the notarized consent of the owner to the applicant to request the comprehensive plan or future land use map amendment.

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

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

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

**Signature of Applicant**



**Date** 11-7-18

**Printed Name of Applicant**

Jake Wise (Co- Applicant) - Construction Engineering Group, LLC

**Full Address**

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

**Telephone**

321-610-1760

**Email**

jwise@cegengineering.com

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

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

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**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**

11/1/13

**Printed Name of Applicant**

Geoffrey West (Co-Applicant) - Florida Power & Light Company

**Full Address**

700 Universe Blvd.; Juno Beach, FL 33408

**Telephone**

561-694-4861

**Email**

Geoffrey.West@fpl.com

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



November 2, 2018

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 30-36-24-01-1

I, PAUL PALOZZI, hereby authorize to represent my  
CPA and Rezoning request(s):

Rep. Name: Jake Wise, PE- Construction Engineering Group, LLC or  
Geoffrey West- Florida Power & Light Company

Address: 2651 W Eau Gallie Blvd, Suite A; Melbourne, FL 32935/ 700 Universe Blvd, Juno Beach, FL 33408

Telephone: 321-610-1760/ 561-694-4861

Email: jwise@cegengineering.com/ Geoffrey.West@fpl.com

(Property Owner Signature)

STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 2 day of  
November, 20 18 by Paul Palozzi

(SEAL)



Sabrina M. Ammon, Notary Public

☒ Personally Known or

☐ Produced Identification

Type of Identification Produced: \_\_\_\_\_



LAND DEVELOPMENT DIVISION  
120 MALABAR ROAD SE  
PALM BAY, FL 32907  
T: 321-733-3042 F: 321-953-8920

STAFF REPORT  
PREPARED BY:  
Christopher Balter  
Planner II

CASE NUMBER  
CPZ-1-2019

APPLICANT/PROPERTY OWNER  
Geoff West, FPL & Jake Wise, CEG (Co-Applicants)

PLANNING & ZONING BOARD HEARING DATE  
February 6, 2019

PROPERTY LOCATION/ADDRESS  
Located in South Palm Bay, south of Deer Run Road, West of Babcock Street SE

#### SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject parcel of vacant land from GU, General Use District (County) to the City's GU, General Use District.

EXISTING ZONING	EXISTING FUTURE LAND USE	SITE IMPROVEMENTS	SITE ACREAGE	SURROUNDING ZONING & LAND USE
GU (County)	R1:2.5 (County)	Undeveloped Vacant Land	484.69 +/-	N: AU, Agricultural Residential County, Single-Family Residential; Deer Run Neighborhood E: GU (County), Agricultural Land (Calumet Farms) S: GU (County), Vacant agricultural land W: GU (County), Vacant agricultural land

#### PROPERTY HISTORY

The subject property is currently undeveloped land situated south of the Deer Run Neighborhood, off Centerland Road. Formerly, the site was used for citrus farming.

#### COMPATIBILITY with the COMPREHENSIVE PLAN

The applicant has applied for an amendment of the City's Comprehensive Plan Future Land Use to Utilities Use, simultaneously with this request. If approved, the land use designation will be consistent with the City's Comprehensive Plan objective FLU-697-3, to establish Energy Conservation Areas on the Future Land Use Map, with the intended use to be a solar electrical generating facility.

#### COMPATIBILITY with the CODE OF ORDINANCES

Development of the subject property is subject to the requirements of the City's Land Development Code.

STAFF RECOMMENDATION:

TRANSMIT ☐

APPROVE ☒

APPROVE WITH CONDITIONS ☐

DENY ☐



**ANALYSIS:**

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

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

The applicant states the justification for change is "to change the current Brevard County General Use (GU) to City of Palm Bay GU Zoning District."

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

The applicant notes that Florida Power and Light Company (FPL) proposed to develop the property with a state of the art 74.5-Megawatt photovoltaic solar electrical generating facility to be known as the FPL KJZ Solar Energy Center. The proposed rezoning of the land is consistent with this use. The site is currently vacant land, which was formerly used in citrus farming. Existing wetlands on the site will be preserved as part of the solar energy center development. There are no residential districts adjoining the subject property. To the north, the Deer Run neighborhood, located in unincorporated Brevard County with large single family lots, is separated from the subject site by a 100-foot wide drainage and access right-of-way.

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

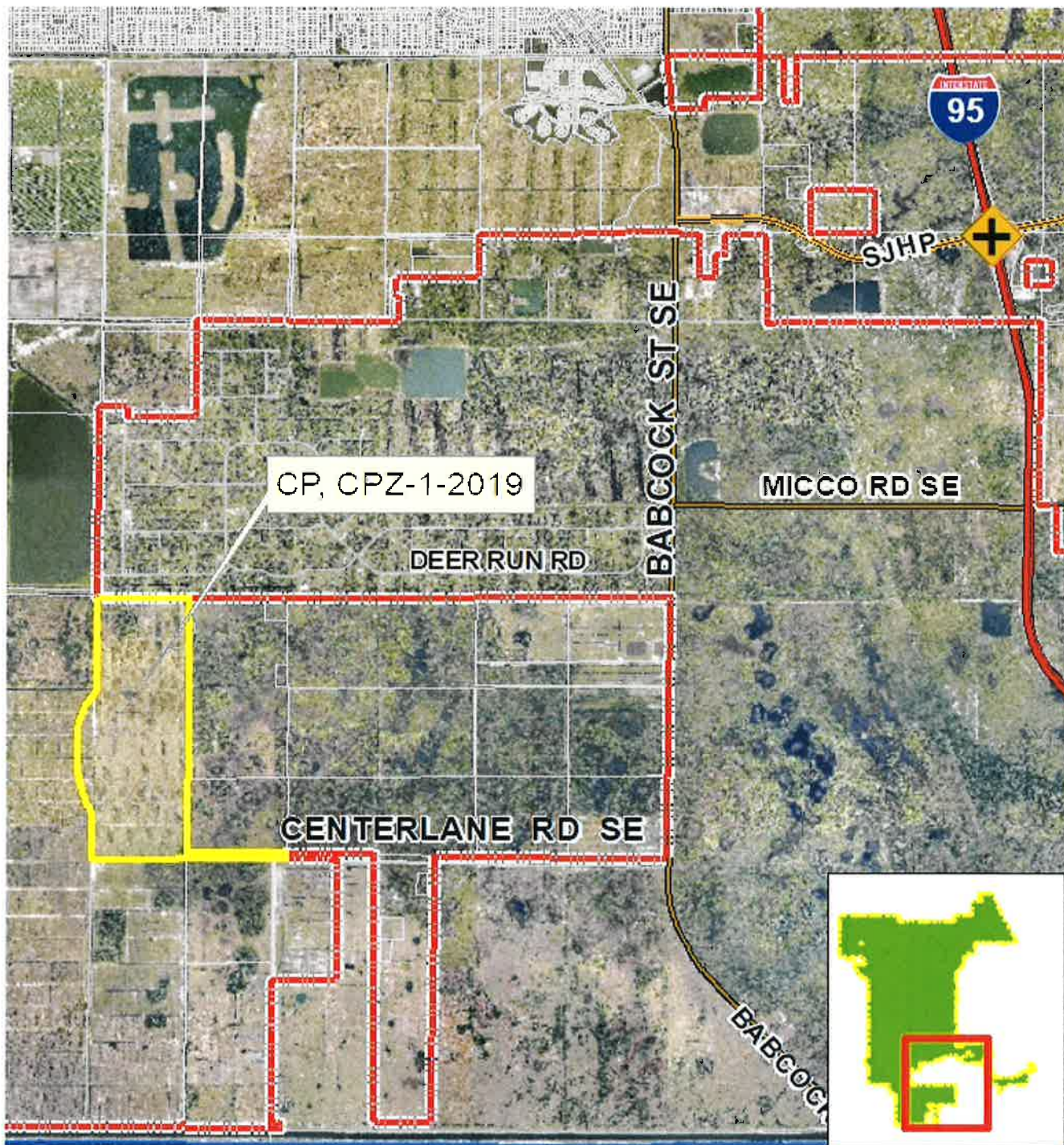
The surrounding area is comprised of vacant agricultural lands zoned, GU (County), previously annexed into the City of Palm Bay, which have not yet been assigned City Zoning designations. This request is to change the existing designation from GU (County) to GU (City), and therefore applying the City Code of Ordinances to the subject parcel.

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

The proposed amendment will further the purposes of Chapter 185 and the Comprehensive Plan by accommodating future power generation using an alternative energy facility and promoting innovative approaches to the development of lands that were solely agricultural prior to their annexation into the City.

**STAFF RECOMMENDATION:**

Case CPZ-1-2018 is recommended for approval, pursuant to all applicable city ordinances.



## AERIAL LOCATION MAP

CASE NO. CP-1-2019 & CPZ-1-2019

### Subject Property

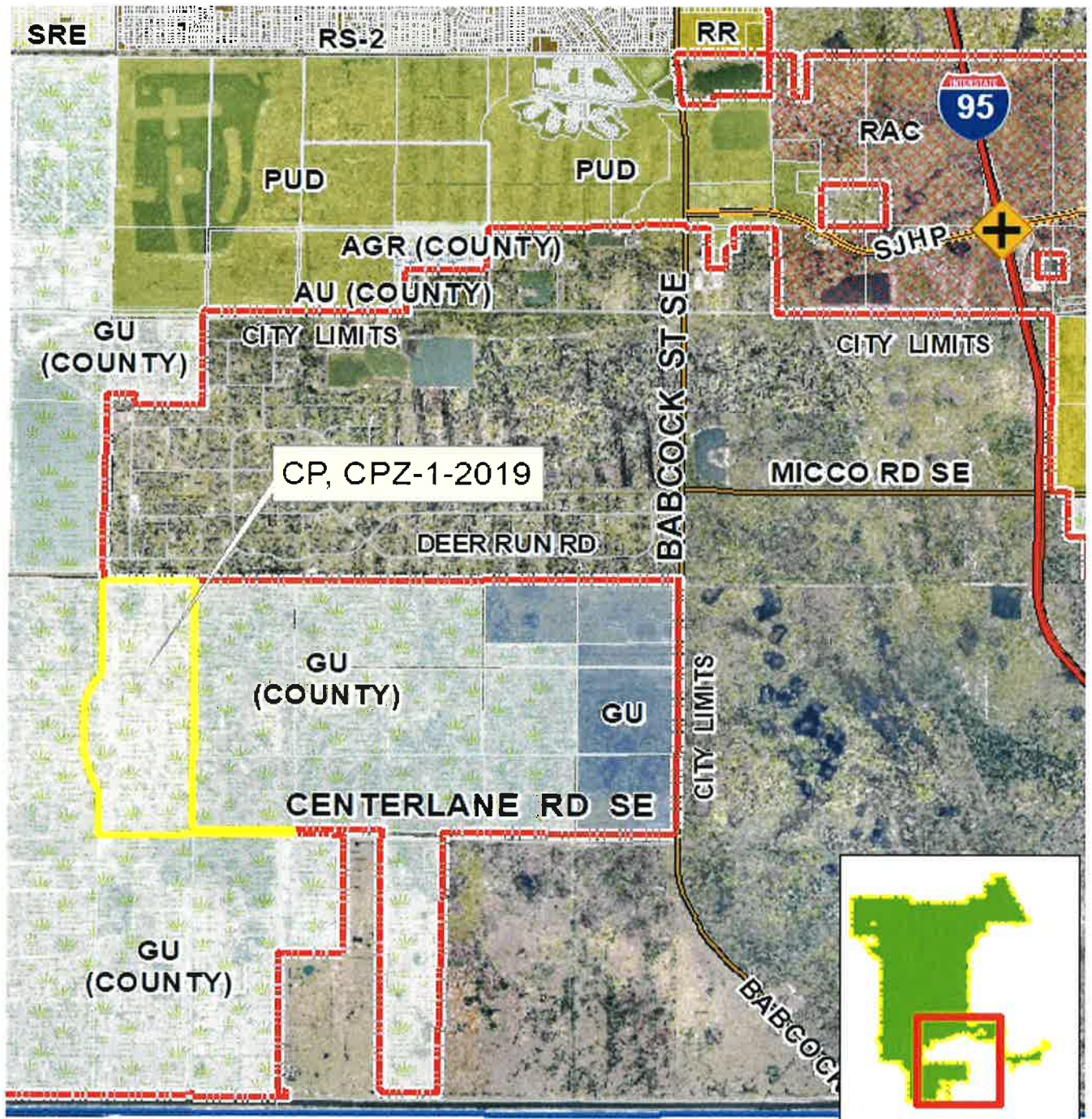
North of and adjacent to Centerlane Road SW, in the vicinity west of Babcock Street, Palm Bay, Florida



Not to Scale

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





## ZONING MAP CASE NO. CP-1-2019 & CPZ-1-2019

### Subject Property

North of and adjacent to Centerlane Road SW, in the vicinity west of Babcock Street, Palm Bay, Florida

### Current Zoning Classification

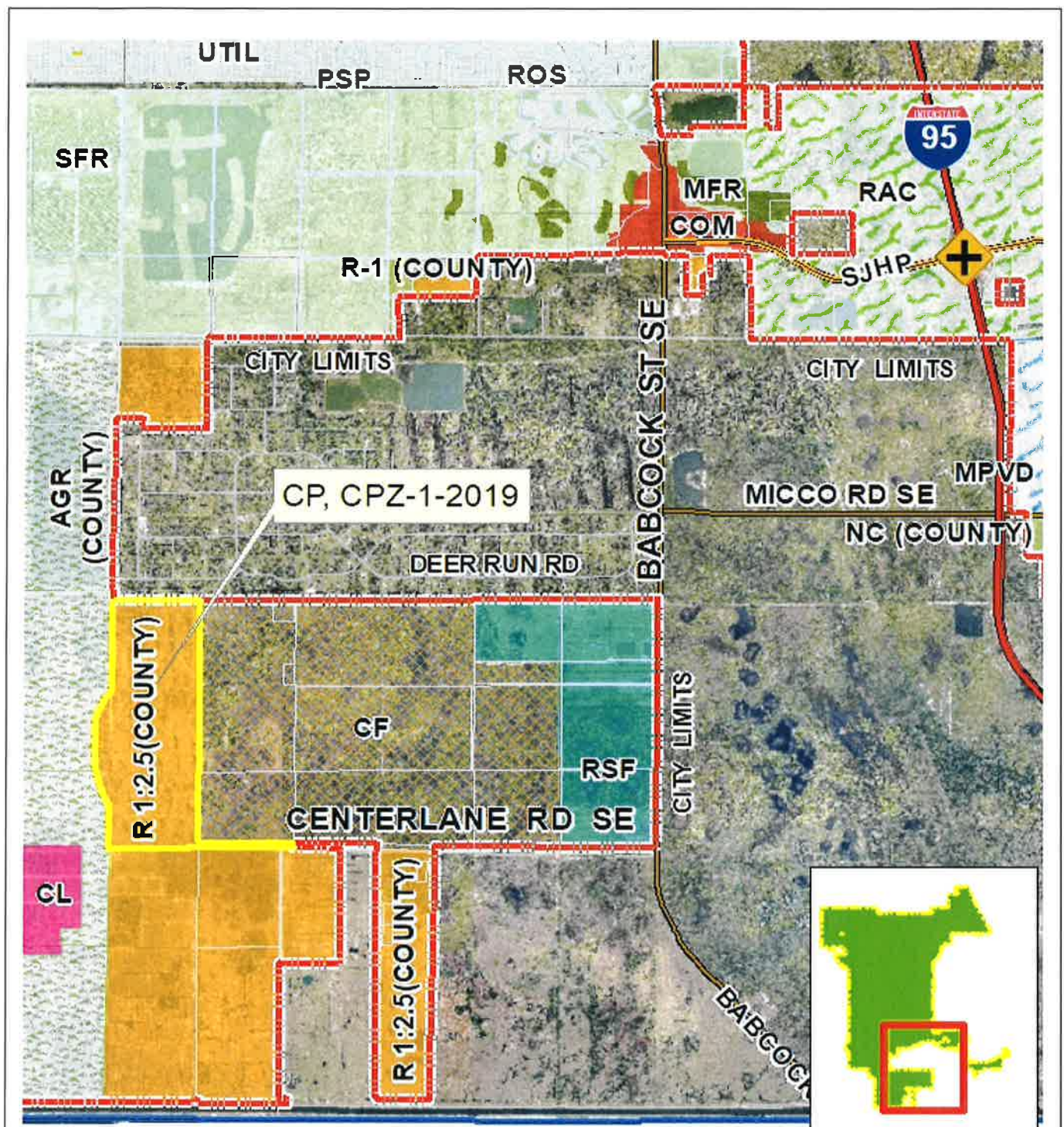
GU (COUNTY) – General Use



Not to Scale

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





## FUTURE LAND USE MAP CASE NO. CP-1-2019 & CPZ-1-2019

### Subject Property

North of and adjacent to Centerlane Road SW, in the vicinity west of Babcock Street, Palm Bay, Florida

### Future Land Use Classification

R 1:2.5 (COUNTY) – Residential 1 unit per 2.5 acres

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



Not to Scale

## **FPL'S PROPOSED KJZ SOLAR ENERGY CENTER EXECUTIVE SUMMARY**

Florida Power & Light Company (FPL) is under contract for approximately 484.69 acres of land located in southeast Palm Bay, Florida. See Exhibit EX-1 for a Location Map. FPL proposes to develop the Property with a state of the art 74.5 MegaWatt (MW) photovoltaic solar electrical generating facility to be known as the FPL KJZ Solar Energy Center.

The City of Palm Bay proposed development of the project will be accomplished by the amendment of the City Comprehensive Plan and Future Land Use Map to change the property's present agriculture future land use designation to utilities. The applicant will follow the text and map amendments with an application for rezoning from Brevard County General Use (GU) to City of Palm Bay GU.

This submittal includes the completed application forms and supporting documentation to amend the City Comprehensive Plan and Future Land Use Map as follows:

### **1. APPLICATION 1 – COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT**

The purpose of the amendment is to change the future land use designation for the Property from Agriculture to City of Palm Bay Utilities.

### **2. APPLICATION 2 – REZONING**

The purpose of the rezoning is to change the current Brevard County General Use (GU) to City of Palm Bay GU.

### **COMPREHENSIVE PLAN AND FUTURE LAND USE COMPATIBILITY**

The proposed comprehensive plan amendment/future land use change is compatible with the city's comprehensive plan. Specifically, it meets the following criteria:

1. FLU – 1.1F: Ensure energy efficient development through enforcement of the "Energy Conservation" section of the Florida Building Code.
2. FLU – 4: Provide sufficient area for growth and development of clean industry to provide employment opportunities and expand the City's economic base.
3. FLU – 697 – 1: Establish standards and requirements to promote energy efficient land use patterns consistent with the following policies no later than July 2011.
4. FLU – 697 – 1C: Require and/or provide incentives for development design techniques that promote energy efficiency including, but not limited to:
  - Solar access and renewable energy access provisions.
  - Accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.

5. FLU – 697 – 3B: Retrofit strategies within Energy Conservation Areas shall include actions to promote the following:
  - Accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.
6. FLU 11.1: Promote innovative approaches to development on lands that were formerly designated for solely agricultural or rural residential single purpose developments prior to annexation into the city.
7. FLU 11.1A: Centerlane Land Use District classification:
  - Protects and enhances the natural environment,
  - Promotes energy efficiency through innovative planning and on-site job creation alternative energy and green business, and
  - Provides job creation activities.

## **EXISTING CONDITIONS**

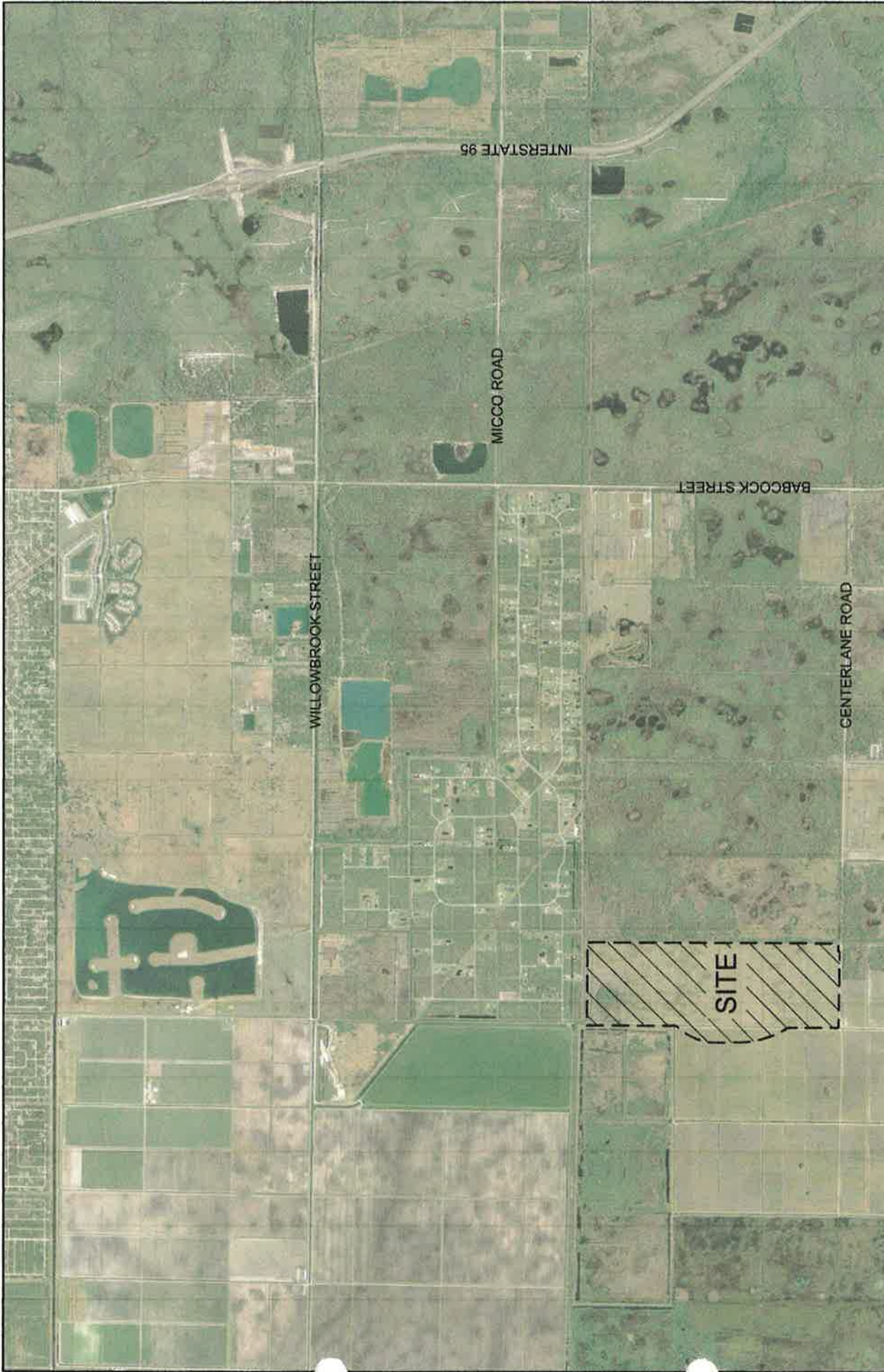
The property is located off of Centerlane Road to the south of the property and that is the only accessible roadway. Centerlane Road connects to Babcock Street to the east. The site is currently vacant with virtually no trees as being formerly utilized for citrus fields. Exhibit EX-2 provides an aerial of the site. There are multiple wetlands on-site proposed to be preserved as part of the solar energy center. There are no adjacent residential developments to the east, west or south. To the north is the Deer Run Subdivision, located in unincorporated Brevard County with large single family lots. Exhibit EX-3 provides a proposed solar array site plan.

## **PROPOSED USE**

Solar energy centers are typically quiet neighbors once in use. They are zero emission generators and this proposed project provides the following:

- Powers approximately 15,000 homes.
- Creates between approximately 200 to 250 jobs during construction which supports local businesses.
- They are a virtually silent neighbor with no increase in traffic and no lights at night.
- No water or fuel is needed.
- Solar panels generate virtually no stormwater runoff, site low to the existing grade.





LOCATION MAP

NTS

EX-1 10-22-18

CONSTRUCTION  
ENGINEERING  
GROUP



10-22-18  
www.cegroup.com  
consulting engineers since 1958





SITE BOUNDARY

## EXISTING CONDITIONS AERIAL

NTS

EX-2 | 10-22-18

  
CONSTRUCTION  
ENGINEERING  
GROUP

18 221231.22  
www.cegroup.com  
consulting engineers license #003337



LEGEND

- PROPERTY LINE
- FENCE LINE
- ROAD
- OVERHEAD ELECTRICAL
- SETBACK / WATERS
- RIGHT OF WAY (ROW)
- SETBACK FOR TREE SHADING
- WETLANDS, 35 FT SETBACK (TYP)
- TRANSMISSION STRUCTURE



EX-3 10-22-18

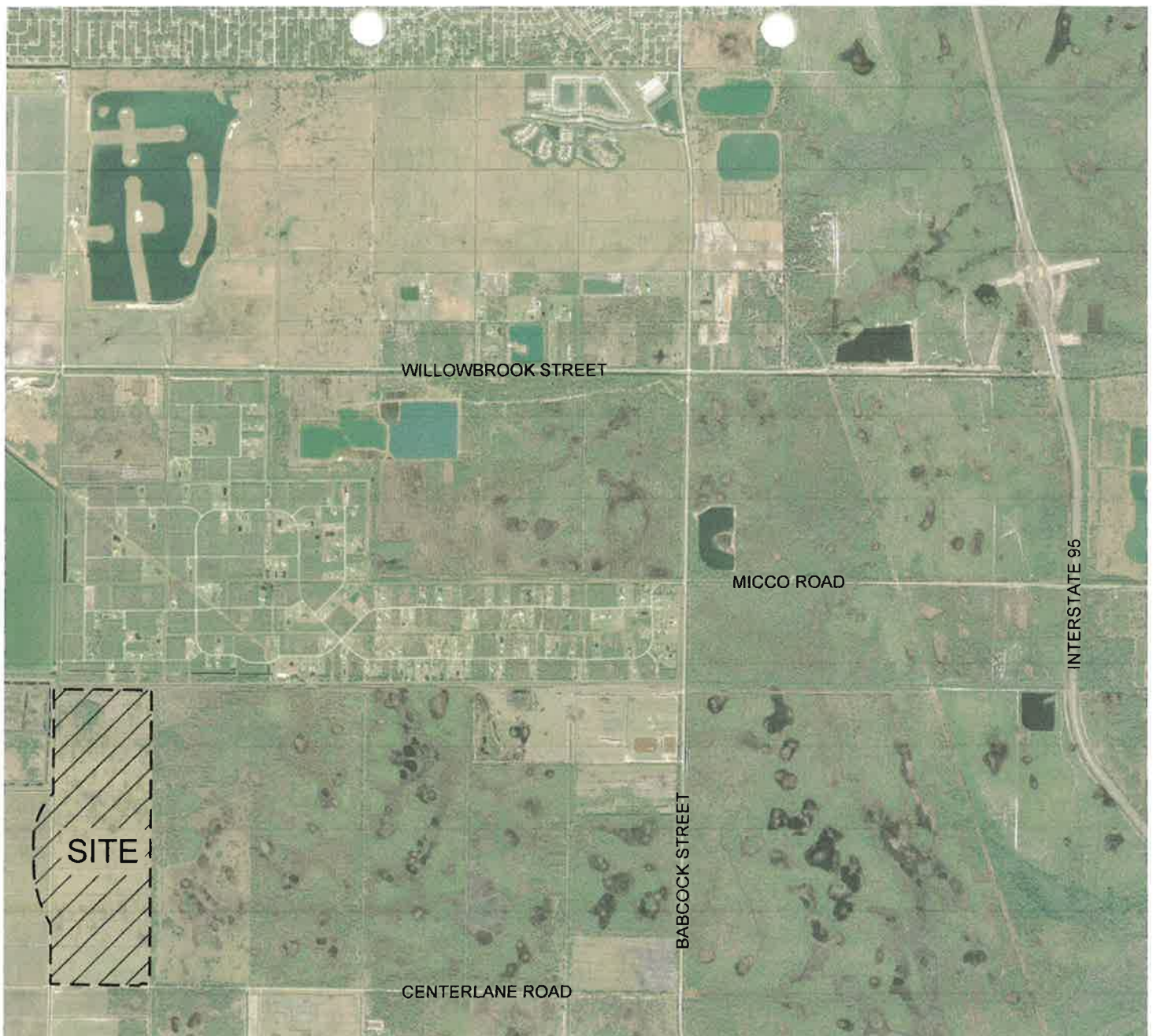
**CONSTRUCTION  
ENGINEERING  
GROUP**

317.253.1327  
www.construction-engineering-group.com  
consulting engineers since 1988

**SITE PLAN**

NTS





## LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF DEER RUN SUBDIVISION AS SHOWN ON THE PLAT THEREOF AND RECORDED IN PLAT BOOK 27, PAGES 11 THROUGH 18 INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN NORTH 89°36'32" EAST ALONG THE SOUTH LINE OF SAID PLAT OF DEER RUN 2,530.83 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF A DRAINAGE CANAL RUNNING SOUTHERLY THEREFROM; THENCE RUN SOUTH 00°26'04" WEST ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL A DISTANCE OF 7,636.38 FEET TO A POINT ON THE CENTERLINE OF CENTERLANE ROAD; SAID POINT BEING THE WESTERLY TERMINUS OF THE CENTERLINE OF ROADWAY AS CONVEYED BY CHARLES M. CAMPBELL TO BREVARD COUNTY, FLORIDA, AS DESCRIBED IN RIGHT- OF-WAY DEED AND RECORDED IN OFFICIAL RECORDS BOOK 3112, PAGES 568 THROUGH 570, INCLUSIVE, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING OF THE CENTERLINE OF THE INGRESS AND EGRESS EASEMENT HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING RUN NORTH 89°08' 10" WEST A DISTANCE OF 300.00 FEET TO THE POINT OF TERMINUS.



**CONSTRUCTION  
ENGINEERING  
GROUP**

consulting engineers

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

Tel. 321.253.1221  
Fax. 321.253.3123  
www.ceengineering.com  
License #0008097

**KJZ SOLAR ENERGY CENTER  
PALM BAY, FL**

**LOCATION MAP**

DATE 10/24/18

COUNTY  
BREVARD

APPROVED BY  
JTW

SCALE

NTS

THIS SHEET

FIG-1



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

## REZONING APPLICATION

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

PARCEL ID 30-36-24-01-1

TAX ACCOUNT NO. 3000185

GENERAL LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See attached

SECTION 24 TOWNSHIP 30 RANGE 36

PROPERTY ADDRESS (If assigned): \_\_\_\_\_

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 484.69

ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): GU (County)

ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): GU (City)

STRUCTURES NOW LOCATED ON THE PROPERTY: None

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

THE NEED AND JUSTIFICATION FOR THE CHANGE:

See attached executive summary

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

See attached executive summary

AMOUNT OF UNDEVELOPED LAND WITH THE SAME REQUESTED CLASSIFICATION:

0

in the general area

                     in the City

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

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

See attached Executive Summary

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

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

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

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

Signature of Applicant

Date 11-7-18

Printed Name of Applicant

Jake Wise (Co- Applicant) - Construction Engineering Group

Full Address

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

Telephone

321-610-1760

Email

jwise@cegengineering.com

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



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

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

See attached Executive Summary

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

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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

11/1/18

Printed Name of Applicant

Geoff West (Co-Applicant) - Florida Power & Light Company

Full Address

700 Universe Blvd.; Juno Beach, FL 33408

Telephone

561-694-4861

Email

Geoffrey.West@fpl.com

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



November 2, 2018

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 30-36-24-01-1

I, PAUL PALUZZI, hereby authorize to represent my  
CPA and Rezoning request(s):

Rep. Name: Jake Wise, PE- Construction Engineering Group, LLC or  
Geoffrey West- Florida Power & Light Company

Address: 2651 W Eau Gallie Blvd, Suite A; Melbourne, FL 32935/ 700 Universe Blvd, Juno Beach, FL 33408

Telephone: 321-610-1760/ 561-694-4861

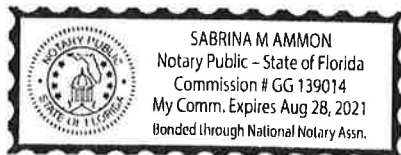
Email: jwise@cegengineering.com/ Geoffrey.West@fpl.com

(Property Owner Signature)

STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 2 day of  
November, 20 18 by Paul Paluzzi,

(SEAL)



Sabrina M. Ammon, Notary Public

☒ Personally Known or  
☐ Produced Identification

Type of Identification Produced: \_\_\_\_\_



LAND DEVELOPMENT DIVISION  
120 MALABAR ROAD SE  
PALM BAY, FL 32907  
T: 321-733-3042 F: 321-953-8920

STAFF REPORT  
PREPARED BY:  
Christopher Balter  
Planner II

CASE NUMBER  
T-5-2019

APPLICANT/PROPERTY OWNER  
Raymond Fischer (Robert Robb Representative)

PLANNING & ZONING BOARD HEARING DATE  
February 6, 2019

PROPERTY LOCATION/ADDRESS  
Applies Citywide

#### SUMMARY OF REQUEST

The applicant is seeking a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.054(D) Conditional Uses, to allow for event halls on properties zoned GC, General Commercial District; and an amendment to Section 185.088 Special Requirements and Conditions, to include criteria for regulating event halls.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE	SURROUNDING ZONING & LAND USE
N/A	N/A	N/A	N/A	N: N/A E: N/A S: N/A W: N/A

#### PROPERTY HISTORY

Revisions to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Section 185.54, last revised in Ordinance number 2016-17, on 04-21-16.

COMPATIBILITY with the COMPREHENSIVE PLAN  
Not specifically addressed.

COMPATIBILITY with the CODE OF ORDINANCES  
An event hall is not currently permitted in the GU District.

STAFF RECOMMENDATION:

TRANSMIT ☐

APPROVE ☒

APPROVE WITH CONDITIONS ☐

DENY ☐

**ANALYSIS:**

The provisions of the GC District apply to areas which are uniquely suited for heavy commercial development. These areas are to be developed in an intensive manner and are designed to provide opportunities for small businesses of a variety of types. The uses and development standards included in the district are intended to provide a mix of services, warehousing, wholesaling, storage, commercial uses and similar businesses.

1. The GC District was adopted in 2004 and has had several minor amendments to date.
2. The purpose of this amendment is to allow for event halls as a Conditional Use in the areas of the city that are zoned General Commercial. The minimum property size of an event hall shall be 5 acres to allow for compliance with the development regulations of the Code of Ordinances, and to curtail the proliferation of these venues throughout the City. This amendment, if approved, will permit event halls by Conditional Use in the GC zoning district.
3. Proposed language for this amendment is attached in legislative style with additions underlined in blue and deletions in red in ~~strikethrough~~ format.

**STAFF RECOMMENDATION:**

Case T-5-2019 is recommended for approval.

**§ 185.054 GC — GENERAL COMMERCIAL DISTRICT.**

(D) *Conditional uses.*

(6) Event Halls subject to the provisions established in § 185.088(J).

**§ 185.088 SPECIAL REQUIREMENTS AND CONDITIONS.**

(K) Event Halls

(1) The minimum size of a property for an event hall shall be five (5) acres.

(2) The subject property shall have direct access to a collector roadway or higher classification roadway.

(3) The structure used for event hall and the associated parking areas shall meet the setbacks established for the GC District.

(4) The hours of operation shall be from sunrise to 12:00 A.M. not including venue setup and breakdown.

(5) Parking surfaces shall utilize stabilized materials and shall meet the provisions established in §185.140(B)(1).

(6) A two-way driveway must be a minimum of twenty four (24) feet in width at the right-of-way line and shall be paved from the right-of-way line to the edge of pavement of the roadway that the driveway connects to.

(7) A one-way driveway must be a minimum of fifteen (15) feet in width at the right-of-way line and shall be paved from the right-of-way line to the edge of pavement of the roadway that the driveway connects to

(8) All site lighting is subject to the provisions established in §185.143.

(9) All site noise is subject to the provisions established in §92.0.





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

## CODE TEXTUAL AMENDMENT APPLICATION

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

### ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

185.054 GC - General Commercial

185.088 Special Requirements and Conditions

### PROPOSED LANGUAGE (attach addendum if necessary):

185.054 GC - General Commercial

(D) Conditional Uses

add: (6) Event Halls

185.088 Special Requirements and Conditions

add: K. Event Halls

See additional Exhibit 1 for specific language

### JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary):

The current code does not allow for a Event Hall use. An event hall is a commercial building used for daily rental to hold special events such as graduation parties, birthday parties, weddings, business meetings, family reunions, and other short term rentals.

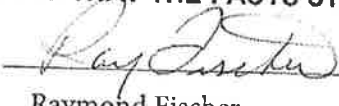
### THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

  x   \*\$1,500.00 Application Fee. Make check payable to "City of Palm Bay."

CITY OF PALM BAY, FLORIDA  
CODE TEXTUAL AMENDMENT APPLICATION  
PAGE 2 OF 2

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 CODE TEXTUAL AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant  Date 12.6.18  
Printed Name of Applicant Raymond Fischer  
Full Address 6852 Babcock St. SE, Palm Bay, FL 32909  
Telephone 321-288-0937 Email fischerfisher220@bellsouth.net

PERSON TO BE NOTIFIED (If different from above):

Printed Name Robert Robb, Robb & Taylor Engineering  
Full Address 4685 Hidden Lakes Pl, Melbourne FL 32934  
Telephone 321-302-2313 Email r-t-engineering@cfl.rr.com

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