

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING NO. 2019-02

Held on Wednesday, February 6, 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.

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

ROLL CALL:

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

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

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-01. Mr. Warner noted that the third paragraph on page 3 should reflect that Mr. Warner seconded the motion to reopen the floor for public comments. Motion by Mr. Weinberg, seconded by Mr. Warner to approve the minutes as corrected. 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.

OLD BUSINESS:

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

Mr. Balter presented the staff report for Case CU-2-2019. The applicant had requested a conditional use to allow proposed retail automotive gas/fuel sales in a CC, Community Commercial District. The board had to determine if the request met the criteria of Sections 185.087 and 185.034(D)(2) of the Palm Bay Code of Ordinances.

Mr. Carmine Ferraro (representative for the applicant) stated that the conditional use granted for the subject site in 2016 had expired; however, the project was now ready to move forward.

Mr. Stroderd asked if the property was owned by Southeast Petroleum Distributors. Mr. Ferraro confirmed that this was correct.

Mr. Stroderd read the two letters in the file in opposition to the request from Mr. Brian West and from Mr. David Triana and Ms. Mary Triana.

The floor was opened for public comments.

Mr. John McCall (representing his parents who owned property at Valkaria Road, Town of Grant-Valkaria) spoke against the request. He commented about the heavy traffic and accidents that had occurred over the years at the Babcock Street SE and Valkaria Road intersection. To avoid vehicular and pedestrian traffic problems, he wanted the road realignment and traffic signal planned for the area to be in place before proceeding with the gas station proposal.

In response to the comments from the audience, Mr. Ferraro stated that the subject property was commercially zoned and would eventually be commercially developed. A required traffic study would be done to determine how to safely manage the traffic for the project and at the intersection.

Mr. Warner asked about other commercial uses that could locate at the site. Mr. Ferraro noted that when the applicant had initially purchased the property there was a commercial concept development plan and a shared cost access agreement. He was not privy to whether the plans were still in effect.

Mr. Pezzillo inquired whether enough right-of-way buffer had been set aside for the Babcock Street widening. Mr. Ferraro stated that the engineer for the project would address the right-of-way buffer during the administrative site plan review process. The project would not proceed if the site plan requirements could not be addressed.

Ms. Jordan asked if the proposed site plan would be in accordance with the projected road and traffic enhancements and the straightening of Valkaria Road and Wyoming Drive SE. Mr. Balter explained that the traffic study would evaluate all factors of the roadway and traffic signalization improvements. Driveway permits had to be obtained from both Brevard County and the Town of Grant-Valkaria. He was not aware of the timeframe for the straightening of Valkaria Road and Wyoming Drive, but construction plans had been completed. The subject proposal could speed up the process for the signalization if the signal was warranted.

The floor was closed for public comments.

Motion by Ms. Maragh, seconded by Mr. Weinberg to submit Case CU-2-2019 to City Council for approval of a conditional use to allow proposed retail automotive gas/fuel sales in a CC, Community Commercial District subject to staff recommendations.

Mr. Weinberg disclosed that the company he owned did business with Southeast Petroleum Distributors, and he recused himself from voting on the request. Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers would be completed and filed with the meeting minutes.

A vote was called on the motion by Ms. Maragh, seconded by Mr. Weinberg to submit Case CU-2-2019 to City Council for approval of a conditional use to allow proposed retail automotive gas/fuel sales in a CC, Community Commercial District subject to staff recommendations. The motion carried with members voting as follows:

Mr. Stroder	Abstained
Mr. Weinberg	Aye
Ms. Jordan	Aye
Ms. Maragh	Aye
Mr. Pezzillo	Aye
Mr. Warner	Aye
Mr. Woodrum	Aye

City Council will hear Case CU-2-2019 on March 21, 2019.

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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Mr. Balter presented the staff report for Case CP-1-2019. The applicant had requested a large scale Comprehensive Plan Future Land Use Map amendment from Residential 1:2.5 (Brevard County) to Utility Use. Staff recommended Case CP-1-2019 for approval, pursuant to Chapter 163, Florida Statutes.

Mr. Stroderd asked how the location of the subject site would fit with the proposed St. Johns Heritage Parkway alignment. Mr. Balter explained that the Parkway alignment would not be determined until the Project Development and Environmental (PD&E) Study was completed.

Mr. Bart Gaetjens, External Affairs Manager with Florida Power & Light (FP&L) Company (co-applicant) noted that there were currently two solar plants in Brevard County. Solar sites provided cost-effective and reliable clean energy.

Mr. Geoffrey West (representative for the applicant) gave an overview of the subject proposal and described FP&L plans for a more cleaner and renewable portfolio of energy use. The subject project would be named Palm Bay Solar Energy Center. The entire facility would be fenced in on undisturbed, maintained grounds. Wetlands and natural resources would be avoided, and stormwater management would be worked out with the Florida Department of Environmental Protection. The unmanned, virtually silent facility would be a great neighbor with zero emissions, no night lighting, no increase in traffic, and no required water and sewer to burden City services. The project would be accessed from Centerlane Road SE. He noted that there were no citizen or property owner attendees at the Citizen Participation Plan (CPP) meeting.

Ms. Maragh wanted to know how much of the subject 484.69-acre site would be utilized; if trees needed to be surveyed; and if the project would be impacted by its floodzone location. Mr. West explained that solar panels would encumber 427 acres of the site; a tree survey would be required during site plan review; and since solar panels were raised off the ground, floodzone areas were good locations for the facilities. There was also a process to handle flooding, and no combustible materials would be used at the site.

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

Motion by Ms. Maragh, seconded by Ms. Jordan to submit Case CP-1-2019 to City Council for approval of a large scale Comprehensive Plan Future Land Use Map amendment from Residential 1:2.5 (Brevard County) to Utility Use, pursuant to Chapter 163, Florida Statutes. The motion carried with members voting unanimously.

If approved by City Council, Case CP-1-2019 will be submitted for transmittal to the Florida Department of Economic Opportunity.

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

Mr. Balter presented the staff report for Case CPZ-1-2019. The applicant had requested a zoning amendment from a GU, General Use District (Brevard County) to a GU, General Use Holding District. Case CPZ-1-2019 was recommended for approval, pursuant to all applicable City ordinances.

Mr. Geoffrey West (representative for the applicant) stated his agreement with staff's recommendations.

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

Motion by Ms. Jordan, seconded by Mr. Weinberg to submit Case CPZ-1-2019 to City Council for approval of a zoning amendment from a GU, General Use District (Brevard County) to a GU, General Use Holding District, pursuant to all applicable City ordinances. The motion carried with members voting unanimously.

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

Mr. Balter presented the staff report for Case T-5-2019. The applicant had requested 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. Staff recommended Case T-5-2019 for approval.

Mr. Robert Robb, PE with Robb & Taylor Engineering (representative for the applicant) stated that the applicant wanted an event hall on his GC district property to rent for family reunions, birthday parties, business events and similar uses.

Ms. Jordan asked whether the halls would be multi-purpose for uses besides events. Mr. Robb stated that the rental halls would be for events like graduation parties, Super Bowl parties, and similar functions.

Ms. Jordan and Mr. Warner asked about the applicant's property. Mr. Murphy clarified that the subject request was for an amendment to the GC district and was not site specific. If the amendment was approved by City Council, the applicant would have to submit a conditional use application for consideration.

Mr. Balter noted that nonprofit clubs and lodges were presently allowable uses by code that could currently hold events at their venues.

Mr. Warner commented on the subject proposal's similarity to the new wedding venue ordinance. The applicant for the wedding venue had provided site information. Mr. Robb remarked on how wedding venues were allowed in a residential district whereas event halls were more of a commercial use to be appropriately allowed within the GC district.

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

Mr. Weinberg stated that he did not have a problem with the proposal since applicants would have to apply for a conditional use to operate an event hall in a GC district.

Motion by Mr. Weinberg, seconded by Ms. Maragh to submit Case T-5-2019 to City Council for approval of 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. The motion carried with members voting unanimously.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:06 p.m.

Wendall Stroderd, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.