

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2021-12

Held on Wednesday, November 3, 2021, 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. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	James Boothroyd	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

CITY STAFF: Present were Mr. Patrick Murphy, Acting Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-11 October 6, 2021.**

Motion to approve the minutes as presented.

Motion by Mr. Warner, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.
2. Mr. Weinberg announced that Items 5 and 6 under Old/Unfinished Business, Cases CP-11-2021 and CPZ-11-2021 (Andrew Steel, NSD Palm Bay IV, LLC - Ana Saunders, P.E. and Miguel Reynaldos, Reps.) were continued to the December 1, 2021 Planning and Zoning Board meeting to meet public notification requirements. Board action was not required to continue the cases. The cases will be heard by City Council on December 16, 2021.
3. Mr. Weinberg announced that Items 1 and 2 under New Business, Cases CP-14-2021 and PD-49-2021 (Greg Pettibon, Lennar Homes, LLC - Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc, Rep.) were continued to the November 15, 2021 Planning and Zoning Board meeting at 6:00 p.m. Board action was not required to continue Case CP-14-2021. Board action was required to continue Case PD-49-2021 to meet public notification requirements.

Motion to continue Case PD-49-2021 to the November 15, 2021 Planning and Zoning Board meeting at 6:00 p.m.

Motion by Ms. Jordan, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

Cases CP-14-2021 and PD-49-2021 will be heard by City Council on December 16, 2021

OLD/UNFINISHED BUSINESS:

1. **CP-9-2021 - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW**

Mr. Murphy presented the staff report for Case CP-9-2021. Staff recommended Case CP-9-2021 for approval.

Ms. Ana Saunders, P.E. with BSE Consultants, Inc. (representative for the applicant) stated that the north end of the subject site was being slightly modified to allow for villas and townhomes adjacent to Emerson Drive NW. She would work with staff to clarify in the City traffic calculations that the maximum residential units were for 840 proposed units.

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 to submit Case CP-9-2021 to City Council for approval.

Motion by Mr. Hill, seconded by Mr. Boothroyd. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

Case CP-9-2021 will be heard by City Council on November 18, 2021.

2. **PD-21-2021 - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A Preliminary Development Plan for a PUD to allow a development with a mixture of townhomes and single-family lots called Medley at Everlands. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 291.11 acres. Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW**

Mr. Balter presented the staff report for Case PD-21-2021. Staff recommended Case PD-21-2021 for approval, subject to the staff comments contained in the staff report.

Ms. Ana Saunders, P.E. with BSE Consultants, Inc. (representative for the applicant) stated that the applicant did not have any problems with the conditions of the staff report. She would work with staff to reconcile the stormwater calculations in the technical comments by the Public Works Department.

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 to submit Case PD-21-2021 to City Council for approval, subject to the staff comments contained in the staff report.

Motion by Mr. Boerema, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

Case PD-21-2021 will be heard by City Council on November 18, 2021.

3. **CP-10-2021 - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Agricultural (Brevard County), R1:2.5 (Brevard County), and Centerlane Use (City) to Utilities Use. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard**

County, Florida, containing approximately 3,266.49 acres. Two miles west of Babcock Street, in the vicinity north of the Indian River County line

Mr. Murphy presented the staff report for Case CP-10-2021. Staff recommended Case CP-10-2021 for approval.

Mr. Boothroyd questioned whether the subject 3,266.49-acre site would only be servicing 15,000 homes.

Mr. Bart Gaetjens, external affairs manager with Florida Power & Light Company (FP&L) (applicant) introduced the Ibis Solar Energy Center as a solar facility project that would generate clean emission-free energy while keeping reliability high and customer bills well below the national average. The project would advance sustainability with a reduced carbon footprint.

Mr. Geoffrey West (project director for Florida Power & Light Company and project manager for the proposal) gave a presentation on the subject request and how FP&L was making Florida a leader in clean energy and sustainability. FP&L currently operated four solar energy centers in Brevard County, including an existing facility in Palm Bay. The proposed solar energy center would be similar to their existing Palm Bay facility located east of the subject site. The new facility would not take up the entire property, and the remaining land would be held for future solar energy use. The project would create local jobs, training, and educational opportunities. It would provide approximately \$7 million in tax revenue, and power 15,000 homes. Construction was anticipated late 2023 or early 2024.

Ms. Maragh was pleased that the Audubon Society would be working with the applicant regarding vegetation. She inquired about the 500 acres to be developed on the 3,266.49-acre site. Mr. West explained that the proposed facility would be located on approximately 500 acres and reiterated that the remaining land would be developed in the future.

Mr. Boothroyd asked if the 500 acres would be servicing the 15,000 homes. Mr. West confirmed that this was correct. Development on the remaining portion of land would require administrative site plan approval, and each future 74.50-megawatt project would service 15,000 homes.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that solar energy fields had demonstrated their capabilities. However, the City had not received tax revenue from the property since 2014, the land use change would result in a loss of conservation land, and there would be a loss of potential tax revenue in the future. He stated that the applicant was accomplishing something positive and should also make their presentation to the Sustainability Advisory Board.

In response to public comments, Mr. West stated that solar energy sites paid taxes. Even with the tax exemption on the solar infrastructure, approximately \$250,000 was paid a year in taxes, equating to \$7 million in tangible property taxes over the life of the project. He was willing to make a presentation to the Sustainability Advisory Board. Mr. Gaetjens added his agreement regarding a presentation to the Sustainability Advisory Board. Mr. Weinberg suggested that the applicant make arrangements through the City Manager.

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

Motion to submit Case CP-10-2021 to City Council for approval.

Motion by Mr. Jordan, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

Case CP-10-2021 will be heard by City Council on November 18, 2021.

4. **CPZ-10-2021 - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A zoning amendment from General Use (Brevard County) to a GU, General Use Holding District. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County,**

Florida, containing approximately 3,266.49 acres. Two miles west of Babcock Street, in the vicinity north of the Indian River County line

Mr. Murphy presented the staff report for Case CPZ-10-2021. Staff recommended Case CPZ-10-2021 for approval, pursuant to all applicable City ordinances.

Mr. Weinberg noted that the site was located two miles west of Babcock Street.

Mr. Bart Gaetjens, external affairs manager with Florida Power & Light Company (FP&L) (applicant) and Mr. Geoffrey West (project director for Florida Power & Light Company and project manager for the subject proposal) were present.

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 to submit Case CPZ-10-2021 to City Council for approval, pursuant to all applicable City ordinances.

Motion by Mr. Hill, seconded by Ms. Jordan. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

Case CPZ-10-2021 will be heard by City Council on November 18, 2021.

5. **CP-11-2021 - CONTINUED TO 12/01 P&Z - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A small- scale Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE**

Case CP-11-2021 was discussed under Announcements, Item 2.

6. **CPZ-11-2021 - CONTINUED TO 12/01 P&Z - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A zoning amendment from an LI, Light Industrial and Warehousing District to a BMU, Bayfront Mixed Use District. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE**

Case CPZ-11-2021 was discussed under Announcements, Item 2.

NEW BUSINESS:

1. **CP-14-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use and Single-Family Residential Use. Part of Tax Parcel 1 and Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 26.67 acres. In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW**

Case CP-14-2021 was discussed under Announcements, Item 3.

2. **PD-49-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - Preliminary Development Plan for a PUD to allow a 638-unit residential development called Palm Vista at Everlands Phase II. Part of Tax Parcel 1 and Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 26.67 acres. In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW**

Case PD-49-2021 was discussed under Announcements, Item 3.

3. **CP-16-2021 - Hossein Rezvani (Alexander M. Fundora, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single-Family Residential Use. Tract A, Port Malabar Unit 11,**

Section 8, Township 29, Range 37, Brevard County, Florida, containing approximately 11.91 acres. South of and adjacent to Coconut Street SE, in the vicinity west of Emerson Drive SE

Mr. Murphy presented the staff report for Case CP-16-2021. Staff recommended Case CP-16-2021 for approval subject to staff comments.

Mr. Alexander Fundora, chief operating officer with Black Stallion Enterprises, Inc. (representative for the applicant) stated that he was currently under contract to purchase the subject property. His plan was to develop a maximum 40-unit residential subdivision based on the RS-2, Single-Family Residential zoning district. An initial environmental study had been done, sewer would be brought from Emerson Drive to the site, and all other requirements would be met. The project was previously approved for Single-Family Residential Use but was never submitted to the State.

Mr. Boerema asked if the development would be a fenced and gated community. Mr. Fundora stated that he had not anticipated the one-loop road subdivision as a fenced and gated community. He planned to give the road back to the City.

Ms. Maragh asked whether a Citizen Participation Plan (CPP) meeting had been required. Mr. Murphy stated that a CPP meeting would be required if a Planned Unit Development was proposed, but a conventional subdivision under the RS-2 designation would not require a CPP meeting. However, a future plan submittal would be discussed with staff.

The floor was opened for public comments.

Ms. Donna O'Connor (resident at Coconut Street SE) spoke against the request. She stated that there was already a drainage problem in the area. The sole access onto Coconut Street, which was a single lane, was a concern as there was also a traffic problem in the area.

Ms. Sheryl Smith (resident at Coconut Street SE) spoke against the request. There was too much traffic on Coconut Street and a problem with speeders. The proposed lots would be smaller than the current lots in the surrounding area, scrub jay and

tortoise habitat would likely be affected, and 59 more homes would impact school capacity. She was concerned about emergency responses with the single access.

Mr. Benny Woodley (resident at Campina Avenue SE) spoke against the request. He was concerned about a single-access development generating approximately 150 cars. He did not want smaller lots in the area.

In response to public comments, Mr. Fundora stated that a traffic study would be done for the project. Sewer would be brought to the site and the pump station to be installed should help with area drainage. He explained that approximately 38 units would likely be approved under the RS-2 district. There was also a back access to the site off Starland Street SE. He noted that an additional environmental study was required; however, no endangered species had been determined by the initial environmental analysis.

Mr. Murphy explained that the requested land use category allowed for a maximum 5 units per acre for a higher density planned unit development; however, with acreage set aside for roads and stormwater, development would typically be 3 to 3.5 units per acre. The surrounding area was zoned RS-2 with quarter-acre lots at 4 units per acre. New developments must also meet onsite retention requirements.

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

Mr. Warner wanted to know if the land use request would have to be submitted to the State. Mr. Murphy stated that the case was now considered a small-scale amendment under new State regulations and would not have to go through State review.

Motion to submit Case CP-16-2021 to City Council for approval subject to staff comments.

Motion by Mr. Hill, seconded by Mr. Boothroyd. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

Case CP-16-2021 will be heard by City Council on December 2, 2021.

OTHER BUSINESS:

1. The board was reminded that a special Planning and Zoning Board meeting was scheduled for Monday, November 15, 2021, at 6:00 p.m.

ADJOURNMENT:

The meeting was adjourned at approximately 8:04 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**