

**INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M**

**PUBLIC HEARING
SPECIAL EXCEPTION USE
(QUASI-JUDICIAL)**

TO: Jason E. Brown; County Administrator

THROUGH: Phillip J. Matson, AICP; Community Development Director

THROUGH: Ryan Sweeney; Chief, Current Development

FROM: John Stoll; Senior Planner, Current Development

DATE: April 9, 2021

SUBJECT: **Florida Power & Light Company's Request for Major Site Plan and Special Exception Use Approval for a Private Heavy Utility (FPL Grove Solar Energy Center) [SP-SE-21-02-04 / 2020090097-88553]**

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of April 20, 2021.

DESCRIPTION & CONDITIONS

Lucido & Associates, on behalf of Florida Power & Light Company (FPL), have submitted an application for major site plan and special exception use approval to construct a private heavy utility (FPL Grove Solar Energy Center). The subject site is approximately 579.68 acres in size and is located at the southwest corner of Oslo Road (9th Street SW) and 162nd Avenue SW (see attachment 1). The site is zoned A-2, Agricultural-2 (up to 1 unit per 10 acres), a zoning district in which special exception use approval is required for private heavy utilities (including solar energy centers). The proposed solar energy center will consist of solar panel arrays, stabilized access pathways, and a collector yard (see attachment 4).

Planning and Zoning Commission (PZC) Recommendation:

This item was originally scheduled for a public hearing by the PZC on April 8, 2021. Due to a lack of a quorum, the public hearing was opened and continued to a special call meeting on April 15, 2021. Staff will provide the PZC's recommendation to the Board of County Commissioners (BCC) during the public hearing scheduled for the regular BCC meeting of April 20, 2021.

Board of County Commissioners (BCC) Review:

The BCC now needs to consider the special exception use request for the proposed private heavy utility (solar energy center), conduct a public hearing, and make a recommendation to approve, approve with conditions, or deny the request. Pursuant to Section 971.05 of the LDRs, the BCC is to consider the appropriateness of the requested use for the subject site and compatibility of the use with the surrounding area. The BCC may recommend reasonable conditions and safeguards necessary to mitigate impacts and to ensure compatibility of the use with the surrounding area.

ANALYSIS

1. **Size of Development:** 579.68 acres
2. **Zoning Classification:** A-2, Agricultural-2 (up to 1 unit per 10 acres)
3. **Land Use Designation:** AG-2, Agricultural-2 (up to 1 unit per 10 acres)
4. **Impervious Area:** Proposed: 1,217,375 square feet or 27.95 acres
5. **Open Space:**

Required:	80%
Proposed:	95%

Note: The solar arrays are post-mounted above the existing grade (i.e. the existing ground level), which will remain unaltered underneath the arrays. The open ground underneath the arrays is considered open space.

6. **Traffic Circulation:** The project site is split into two equal halves by the north/south St. Johns Improvement District (SJID) canal #S-8, and that canal will remain in place (see attachment 4). Therefore, access to the eastern half of the project site will be provided via an existing driveway connection to Oslo Road immediately east of canal #S-8, and access to the western half will be provided via an existing driveway connection immediately west of canal #S-8. The proposed site layout includes a modified grid network of 16' to 20' wide stabilized access pathways to allow maintenance vehicles access throughout the site.

Based on the project's low traffic generation, a traffic impact study was not required. However, a County right-of-way (ROW) permit will be required for any heavy loads utilizing County ROW during project construction. Also, based on the project location and the status/ownership of the adjacent rights-of-way, right-of-way dedications are not required for the subject project. None of the adjacent rights-of-way are owned or maintained by the County. The project's driveway locations, design, and internal circulation plan have been reviewed and approved by Traffic Engineering and Fire Prevention.

7. **Off-Street Parking:** The subject site will be an unmanned, restricted access solar energy center, and will be accessed only by authorized maintenance crews on an infrequent basis. The LDRs do not require permanent off-street parking spaces for such uses. The proposed site layout provides adequate space for maintenance vehicles to maneuver and park within the site. Therefore, the project site plan provides sufficient parking area on-site.
8. **Landscape Requirements:** Based on the site's location, the project layout, and the type of proposed improvements, the Community Development Director has agreed to reduce most of the project's landscape requirements per Section 926.05(8) of the County LDRs. However, the project is required to provide a total of 30 drought-tolerant canopy trees along the east, west and south perimeters of the collector yard. The project's landscape plan shows the required landscape improvements, and those landscape improvements shall be installed prior to the issuance of a project certificate of occupancy (C.O.).
9. **Environmental Issues:** During recent environmental surveying of the project site, a crested caracara nest was located immediately south of the project site. Therefore, the site has been designed to accommodate a 985-foot buffer around the caracara nest (see attachment 4). No

solar panels, collector yard improvements, or battery storage will be located within the 985-foot caracara nest buffer, and the applicant will be required to obtain all required environmental agency permits (e.g. USFWS), prior to site plan release. No other environmental issues exist on the project site.

10. **Stormwater Management:** The applicant submitted a preliminary stormwater management plan that has been reviewed and approved by Public Works. That plan proposes to utilize the existing grove furrows/ditches to convey and treat the minimal amount of stormwater runoff that will be generated by the project. Prior to site plan release, the applicant must obtain a County Type “B” Stormwater Permit pursuant to Chapter 930 of the County LDRs.
11. **Utilities:** The project will be an unmanned facility, and does not include any proposed restroom facilities at this time. Therefore, no well or septic permits are required or proposed at this time, and any future restroom facilities would require well and septic permits from the Department of Health and a minor staff-level amendment to the site plan. The County Department of Utility Services and the Department of Health have reviewed and approved the proposed site plan.
12. **Extended Roadway Grid Network:** Per Policy 3.8 of the Transportation Element of the County Comprehensive Plan, the County must consider protection of the extended roadway grid network during the site plan review and approval process. The applicant has provided an extended roadway grid network exhibit showing all potential extended roads that may cross the site at some time in the future (9th Street SW/Oslo Road, 13th Street SW, 17th Street SW, and 162nd Avenue SW). Please see attachment #2. The provided exhibit shows an alternate corridor alignment for two potential extended road locations (13th Street SW and 17th Street SW). That alternate alignment corresponds with the proposed on-site stabilized access paths, and is clear of proposed solar panel arrays. Staff has reviewed the proposed alternate corridor alignment and has confirmed that the alignment provides adequate protection for the extended roadway grid network, as shown on the project site plan.
13. **Specific Land Use Criteria:** Pursuant to LDR section 971.44(2), the following criteria for private heavy utilities apply to this project:

1. *Per Chapter 901, the definition of utilities, public and private – heavy includes “all major electrical generation plants (generating fifty (50) megawatts or more), major sewage treatment and disposal facilities, and major water purification plants;”*

Note: The proposed use (FPL Grove Solar Energy Center) will generate 74.5 megawatts of power and meets the definition of a private heavy utility.

2. *Any power generation facility shall be consistent with the provisions of the Florida Electrical Power Plan Citing Act, Chapter 23, Section 23.09191 F.S.;*

Note: The proposed solar energy center will have a maximum gross capacity of 74.5 megawatts which is less than the 75 megawatt threshold. The proposed facility is therefore exempt from the Florida Electrical Power Plant Siting Act.

3. *All below-ground high voltage cables within a utility right-of-way shall be made known to the public through the use of signs posted therein;*

Note: There are no proposed below-ground high voltage cables within a utility right-of-way. Therefore, the above referenced signage criteria do not apply to the subject project. It should be noted that “high voltage” warning signs will be provided in English and Spanish along the perimeter security fence of the collector yard.

4. *The disposal of all waste, gaseous, liquid or solid, shall comply with all federal, state and local laws;*

Note: It is anticipated that no hazardous or toxic waste will be generated by the proposed project. The applicant has acknowledged that if there is any disposal of waste, gaseous, liquid, or solid, such disposal will comply with all federal, state, and local laws.

5. *Between all above-ground facilities, (except distribution and collection facilities) and adjacent properties having a residential land use designation, a Type "A" buffer (reduce to "B" buffer where abutting a local roadway, reduce to "C" buffer where abutting a Thoroughfare Plan roadway) (with six-foot opaque screening) as specified in Chapter 926, Landscaping shall be provided;*

Note: All of the adjacent properties have an AG-2, Agricultural-2 (up to 1 unit per 10 acres) agricultural land use designation, and no adjacent property has a residential land use designation. Therefore, the above referenced landscape buffer requirements do not apply to the subject project.

6. *In all zoning districts except the industrial districts, all equipment, machinery, and facilities which cannot, by their size or nature, be located within an enclosed building shall be separated from adjacent properties having a residential land use designation by a Type "C" buffer (with six-foot opaque screening) as specified in Chapter 926, Landscaping;*

Note: As described in item 5 above, all of the adjacent properties have an AG-2, Agricultural-2 (up to 1 unit per 10 acres) agricultural land use designation, not a residential land use designation. Therefore, the above referenced landscape buffer requirements do not apply to the subject project.

7. *Driveways located in close proximity to adjacent properties having a residential land use designation shall provide a six-foot opaque screening between the driveway and adjacent property. An eight-foot opaque screen may be required if deemed necessary to mitigate noise and visual impacts.*

Note: As described in item 5 above, all of the adjacent properties have an AG-2, Agricultural-2 (up to 1 unit per 10 acres) agricultural land use designation, not a residential land use designation. Therefore, the above referenced driveway screening requirements do not apply to the subject project.

14. Surrounding Land Use and Zoning:

North: Oslo RD/ SJID Canal, Citrus Groves / A-2
East: SJID Canal/Citrus Groves / A-2
South: 17th Street SW, Citrus Groves / A-2
West: Vacant / A-2

All conditions recommended by staff have been accepted by the applicant.

RECOMMENDATION

Staff recommends that the BCC grant major site plan and special exception use approval for a private heavy utility facility (solar energy center) to be known as FPL Grove Solar Energy Center with the following conditions:

1. Prior to site plan release, the applicant shall obtain all required environmental agency permits related to the nearby crested caracara nest.
2. The applicant shall obtain a County right-of-way (ROW) permit for any heavy loads utilizing County ROW during project construction.
3. Prior to issuance of a project certificate of occupancy (C.O.), the applicant shall install all required landscape improvements as shown on the approved project landscape plan.

ATTACHMENTS

1. Location Map
2. Extended Roadway Grid Network Exhibit
3. Aerial
4. Site Plan