

Meeting Date
November 21, 2017



AGENDA	
Section	Consent
Item No.	<i>H. D. 6</i>

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	NAJJAD, Inc.
DEPT/OFFICE:	County Attorney/Scott Knox, Deputy County Attorney/Eden Bentley

Requested Action:

Approve findings of fact upholding approval of the request for rezoning 26.11 acres property from SEU to EU subject to a binding development plan limiting density to 40 residential units on Merritt Island, Florida.

Summary Explanation & Background:

On October 5, 2017, the Board of County Commissioners heard the request to rezone the property from Suburban Estate to Estate Use subject to a binding development plan limiting density to 40 units. The Board of County Commissioners granted the request and to the Board's Resolution 05-332, staff has returned to the Board with findings of fact. The resolution making the findings of fact is attached and includes a clarification of the location of a document referenced during the public hearing.

Contact: Eden Bentley, Deputy County Attorney
 Phone/email: 321-633-2090 / eden.bentley@brevardfl.gov

Clerk to the Board Instructions:

Resolution - MAKE XTRA COPY

Exhibits Attached: Proposed resolution with record attached.

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager Frank Abbate	<i>FBA</i>	Interim Assistant County Manager Jim Liesenfelt				Department Director / Extension		
		Assistant County Manager John Denninghoff				<i>[Signature]</i>		



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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November 22, 2017

MEMORANDUM

TO: Scott Knox, County Attorney Attn: Eden Bentley

RE: Item II.D.6., Resolution for Findings of Fact for Re-Zoning 26.11 Acres of Property from SEU to EU, Subject to Binding Development Plan (BDP), Limiting Density to 40 Residential Units, Merritt Island – NAJJAD, Inc.

The Board of County Commissioners, in regular session on November 21, 2017, adopted Resolution No. 17-232, approving the findings of fact upholding the approval of the request for re-zoning 26.11 acres property from SEU to EU, subject to a BDP limiting density to 40 residential units on Merritt Island, Florida. Enclosed is the fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

RESOLUTION NO. 17-232()

A RESOLUTION SETTING FORTH THE FINDINGS OF FACT AND CONCLUSIONS OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO THE GRANTING OF REQUEST FOR REZONING FROM SEU TO EU WITH AN AMENDED BINDING DEVELOPMENT PLAN ON PROPERTY OWNED BY NAJJAD, INC.

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida as follows:

STATEMENT OF THE CASE AND FACTS

This item came before the North Merritt Island Special Dependent District (NMI) on March 9, 2017. The item came before the Brevard County Board of County Commissioners on August 3, 2017, and was tabled so it could go before the Brevard County Planning and Zoning Board (P&Z) on August 21, 2017. The North Merritt Island Special Dependent District and the Planning and Zoning Board recommended denial. The item went before the Brevard County Board of County Commissioners (Board) again on October 5, 2017. The Board of County Commissioners received the staff reports and zoning file, heard the applicant's presentation and members of the public. The Board of County Commissioners approved an amended request subject to a binding development agreement on a 3-2 vote.

The documentary evidence and record page number for the document is listed below. These documents and transcripts or minutes create the record and will be referred to as R-001 – R - 336.

Description	Page Numbers
Application, Notice to Applicant, Planning & Zoning Staff Comments	R-001 – R-034
Location Map, Zoning Map, Future Land Use Map and Aerial Photo	R-035 – R-038
Affidavit	R-039
Binding Development Plans	R-040 – R-044 R-045 – R-048 R-051 – R-054 R-265 – R-266
P&Z map and aerial submitted by applicant on August 21, 2017	R-055 – R-057
Emails and letters of objections	R-058 – R-162, R-166 – R-257
Emails and letters of support	R-163 – R-165
Disclosures from commissioners	R-258 – R-264

Binding Development Agreement (Old)	R-265 – R-267
Section 62-1339, Code of Ordinances of Brevard County, Florida – EU zoning classification	R-267 – R-268
Section 62-1339, Code of Ordinances of Brevard County, Florida – EU-2 zoning classification	R-267 – R-268
Section 62-1337, Code of Ordinances of Brevard County, Florida – SEU zoning classification	R-269
Section 62-1157, Code of Ordinances of Brevard County, Florida – Binding Development Plans	R-270
Section 62-1255, Code of Ordinances of Brevard County, Florida – Establishment of zoning classifications and consistency with the comprehensive plan.	R-271 – R-275
Administrative Policies of the Future Land Use Plan, Brevard County Comprehensive Plan	R-276 – R-279
Minutes of North Merritt Island Special Dependent District, March 9, 2017	R-280 – R-285
Minutes of Board Meeting August 3, 2017	R-286 – R305
Minutes of Planning and Zoning Board/Local Planning Agency, August 21, 2017	R-306 – R-311
Minutes of Board Meeting, October 5, 2017	R-312 – R-335
Section 163.3194(1)(a), Florida Statutes (2017)	R-336

The applicant, NAJJAD, INC. represented by Noel Droor, requested rezoning from SEU with a 2005 binding development plan limiting density to 18 units an acre to EU-2 with a binding development plan limiting density to 40 single family units on 26.11 acres. R-001 – R-019 Ingress and egress would be limited to Smith Road and one access on to North Courtenay. The property is not adjacent to North Courtenay and the majority of the property does not abut Smith Road. The Residential Land Use Classification is Residential 2 which allows 2 units per acre. With the Amended Binding Development Agreement the request is consistent with the Comprehensive Plan’s Future Land Use Designation. R-028, R-037, and R-271 – R-275. The parcels between Smith Road and the subject property are single family home sites of several acres zoned AU, or Agricultural. To the north, the property was recently rezoning to EU-2 with a binding development agreement limiting the single family units to 56. The staff comments also noted the abutting properties are zoned EU-2 (Estate Use) to the north, AU (Agricultural) to the south and east and RVP (Recreation Vehicle Park) to the west. R-022 – R-038.

The staff noted EU-2 zoning is an estate single family zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet. R-022. AU and SR zoning are located on the south.

The SR classification permits single family residences on minimum half acre lots with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in AU is 750 square feet. The AU zoning classification permits single- family residences and agricultural pursuits on 2 and ½ acre lots. The RVP recreation vehicle park zoning classification encompasses lands devoted for recreational vehicles, tents park trailers and cabin uses. Minimum park size is five acres. The staff noted the Board should evaluation the compatibility of this application within the context of the Administrative Policies 1-8 of the Future Land use Element. R-023.

The staff noted the Binding Development plan limited development to 40 units although 2 units per acre would allow approximately 52 units. The existing SEU zoning on the property with the associated Binding Development agreement limits density to 18 units total and requires all streets to be curbed and guttered, all utilities to be underground, house size a minimum of 3,000 square feet, minimum setbacks of 50 feet in the front, 100 feet in the rear and 20 feet on the side. In addition, all buildings are required to have tile or metal roofs. R-023. The staff noted the proposed amended binding development is a significant departure from the existing binding development plan that requires one acre lots and 3,000 square foot homes. The staff stated the Board might wish to further evaluate this request in the context of the amended binding development plan, sewer connection, underground utilities, roof types and the limit on density. The staff summarized and stated the Board should consider whether the request is consistent with emerging trends in the area, and whether EU-2 is consistent with the Future Land Use Map and noted that the concurrency review did not indicate any findings of deficiency based on adopted levels of service. R-028.

The item went to the North Merritt Island Special Dependent District for review on March 9, 2017. R-280 – R-285. Applicant representative Noel Droor stated the project is like a flag lot with 26 acres and an 85 foot stem that connects to Smith Road with a 66 foot easement through the Moose Lodge to North Courtenay Parkway. R-281 He stated within a one mile radius there is commercial and two units per acre and the only large parcels are the six or seven on Smith Road. R-281. He noted there is adequate right of way to pave Smith Road up to the access point and there is adequate water and sewer available. R-281. He stated the quality of the development will affect the surrounding values, not the size of the lots. R-281. He said there will be a median by Smith Road which would remain the same even with the current zoning. He stated there are two wetlands on the site that will have a 25 foot buffer. R-281.

Several citizens appeared to express concerns at the North Merritt Island Special Dependent District Meeting. R- 281 – R-285. Mr. Ratterman asked about a deceleration lane on Courtenay Parkway at the intersection of Smith Road. R-281. Mr. Droor said he isn't sure why there is a light there. Mr. Droor was asked about connecting to the sewer lines opposite Smith Road, and he said the project would connect. R-282. The lot size was discussed with Mr. Droor stating the lot size would be 15,000 square feet. Catherine Testa stated the agreement stated 2 units per acre and which meant 52 units not 40. The staff pointed out the discussion was that the

amendment be altered to state a 40 unit limitation. R-282. There was a discussion about road construction and maintenance.

Earl McMillan, 150 Smith Road provided a map showing the residences on Smith Road. R-282. He said Mr. Droor's application incorrectly stated the property to north would accommodate 222 homes, but the property would only accommodate 56 homes. Mr. McMillan also stated that once you take out roads and retention "you only get about 40 homes." R-282. He further commented that there is no left turn arrow for Smith Road on Courtenay Parkway. Smith Road currently generates 66.5 vehicles a day, the proposed rezoning would cause a 257% increase with 18 units. And with 40 units there will be a 57% increase. R-282. Further, this parcel could be sold to the developer to the north and then all the development north of the subject parcel could have ingress and egress on Smith Road. R-282. He closed by saying the Smith Road residents are asking that Mr. Droor be held the promises he said he would keep (apparently in reference to the 2005 binding development plan). R-266.

Anita Blasky stated she objects to the rezoning and she enjoys the rural nature, wildlife and serenity of the area. R-282 – R-283. She said Mr. Parrish sold off 2.5 acre lots in the early 2000's and the residents have tried to keep the large lots. R-282.

Tim Rowel, 195 Smith Road stated he doesn't object to the existing zoning, but he does object to half acre lots and the detriment to his property value. R-283. He also complained about the negative impacts to Smith Road because of the traffic. R-283.

Angela Armstrong, 200 Smith Road is a 17 year real estate broker. She stated she bought her 11 acre parcel in 2012 because it was quiet and peaceful, but this proposal puts two of the houses in her backyard. Her assessed value is over \$500,000, It is not possible to get \$300,000 for a 1,500 square foot home. She is fine with the existing binding development agreement, but Mr. Droor should not be allow to change everything he agreed to in 2005. R-283.

Jim Sirois, 170 Smith Road stated he has no issues with one house per acre other than access and drainage and that a driveway is not compatible because run off will come off of it and cause ruts in Smith Road. He said garbage trucks and large vehicles have to back down Smith Road and that traffic already backs up past Smith Road on North Courtenay in the afternoons. R-283.

Mike Hirkala, 4618 Woodstork Drive state densities are not increased for the good of the community. R-283. Development should remain at one unit per acre. R-283.

Doug Jewel, 160 Smith Road stated he expected to have neighbors on one acre lots and 3,000 square foot houses. He strongly objects to half acres houses at 1,500 square feet and mentioned the number of accidents at Smith Road will increase. R-283.

Scott Armstrong, 200 Smith Road, talked about the traffic study and said the counter was put ahead of the left turn lane into the gas station, so the numbers are wrong. Staff noted the counter was part of an annual report prepared by the county and was not intended to focus on Mr. Droor's project. R-283.

Terri Sirois, 170 Smith Road stated she knew about possible development to the north but this item changes the rules and that is not fair. She also mentioned large trucks cannot turn around on Smith Road. R-283.

Chris Cook inquired about turning radius requirements and was told there are requirements for emergency vehicles to turn around. R-284.

Larry Rockliff, 3255 Spartina Avenue, stated concurrency, consistency and compatibility all apply to Florida land developments. He said the citizens have a valid point about grid lock and concurrency. He noted the property should be buffered so the 2.5 acres parcels don't back up to the half acres properties. R-284.

Kim Smith, North Merritt Island Homeowner's Association, said the project is fine with the existing zoning but not with the EU-2. He asked that the property be zoned properly with no binding development plan. R-284.

Ms. Testa asked why the project is not accessing via State Road 3 and Mr. Droor said the county does not allow a public subdivision to access via an easement. R-284.

Mr. Cook mentioned the board is an advisory body and that North Merritt Island is environmentally sensitive and in a flood plain. R-284.

Ms. Lindhorst stated a stepping stone to density is a good thing and there is not stepping stone here. Also, the drainage going east is going to be bad for all properties to the east. R-284.

Mr. Balke stated the Small Area Study needs to be finished and released. R-284.

The North Merritt Island Special Dependent District voted to deny the request. R-285.

The item went to the Board of County Commissioners on August 3, 2017 and was tabled to allow review by the Planning and Zoning Board on August 21, 2017. R-288.

On August 21, 2017 the Planning and Zoning Board heard the item. R-306 – R-311.

Mr. Droor appeared and presented the application again. He added that three out of the five residents on Smith Road have no objection to the development with the binding development plan. R-309.

Ms. Lawandales, a P&Z board member asked about the lot size. Mr. Droor responded approximately one third acre. R-309.

Kim Smith appeared representing the North Merritt Island Homeowner's Association. (HOA) It was stated that the HOA agrees with the existing zoning and the existing binding development plan approved in 2005, but based on the County's Administrative Policies, it cannot support the request for EU and the new binding development plan. R-309.

Mr. Minneboo, a board member referred to a letter from someone under the impression the property would be developed with 94 homes and asked where that number came from. Ms. Smith replied that with EU-2 zoning and no BDP county staff told resident the 26 acre parcel could be developed to allow for 94 residences. She asked why the county staff is allowing a request that is incompatible with the Future Land Use. R-309.

Ms. Lawandales replied it is not incompatible there are several zoning classifications allowed under that land use category.

Bruce Moia, a board member, stated that to get the density requested the applicant has to change the zoning, but he never requested 94 units. Erin Sterk, a staff member, clarified that the maximum number of units without the binding development plan is 56. R-309.

John Schantzen, Briar Oak Drive, spoke in opposition to the request due to runoff concerns. R-309.

Larry Rockliff of Spartina Avenue spoke in opposition and stated whenever there is deviation from the master plan as a result of developers, the long term plan is reduced. R-309.

Earl McMillan of Smith Road opposed the request saying there is no mechanism for alerting neighbors of a request to a change to a binding development agreement. R-309 – R-310. He said the current zoning is AU since the 2005 attempt failed. R-309 – R-310.

Bruce Moia said the 2005 binding development plan was recorded and it was finalized. Ms. Sterk concurred. R-310.

Ms. Lawandales asked the staff to describe SEU zoning which was described as 1 acre lots, with a 125 foot minimum width and 200 feet of depth. R-310.

Ms. Sterk added changes to binding development plans must come before the board. R-310.

Steve Simonich, Rahenkamp Design Group, stated he is a land planner and the FLU offers two units per acre. The subject property should be a transition between the 2.5 acre lots and the lots to the north that were recently rezoned to EU-2. The applicant should justify the reason for the change and the water features do not make good noise buffers. R-310.

Darlene Hunt of Crisafulli Road opposed the request because of incompatibility with the surrounding area, flooding of adjacent property, increase in traffic, the impact to the Indian River Lagoon, and because binding development plans are not regularly honored. R-310.

Nancy McMillan, of Smith Road, opposed the item and stated Mr. Droor's property should not be treated the same as Harvey's Groves because the Smith Road residents were not notified of the Harvey's Groves rezoning; however, seven residents received notice of Mr. Droor's request. R-310.

Mary Hillberg, Chair of the North Merritt Island Special Dependent District Advisory Board, spoke in opposition to the increase in density. R-310.

Mary Sphar opposed the request based on potential negative impact to the Indian River Lagoon, as well as flooding, an increase in density, and incompatibility. R-310.

Leslie Meloni, Palm Bay, representing the Sierra Club, opposed the request due to negative impacts to the Indian River Lagoon, stormwater pollution and possible septic issues. She said the request is in opposition to what the Lagoon Referendum was trying to accomplish. R-310.

Joe Rosenfield, Suntree, opposed the request based on development being built in a densely populated area using septic tanks. R-310.

Tim Smith, Judson Road, opposed the request and stated it seems more appropriate to zone the property properly rather than assign binding development plans. R-311.

Mr. Droor responded that he followed the same procedure in 2005. The development depends on the economy. He said there is a misconception about the density, and Mr. McMillan was the only speaker from Smith Road. R-311.

The Planning and Zoning Board members discussed the issue and recommended denial unanimously. R-311.

When the item came before the Board of County Commissioners on October 5, 2017, a number of citizens appeared regarding the impact of the proposed rezoning. Several petitions were submitted objecting to the project; letters objection and other emails relating to the project were presented in the zoning file. The Board of County Commissioners heard the testimony of the applicant and residents for approximately 2 hours. The applicant amended the request to EU zoning with a binding development plan capping density at 40 units. R-312 – R-314. The speakers repeated many of the comments presented at the prior hearings before the recommending bodies as described above. R-212 – R-335. The comments are summarized below.

Staff announced the item as SEU to EU-2, with a Binding Development Plan limiting the development to a maximum of 40 homes on 26.11 acres noted the recommendation of denial from the North Merritt Island Board and the Planning and Zoning Board along with 48 letters of objection as of 4:15 this afternoon, a petition with 490 signatures against, and three letters in support. R-312.

Commissioners disclosed they had met with Mr. Droor, spoken about the issues and filed disclosures. R-312.

Mr. Droor introduced himself and "it has always been my intention to develop this parcel into something that would be an asset to the community, as my legacy and source of pride for my wife, my sons, and just recently my two grandsons. As the market continues to evolve, as a result of the financial crisis under section we are experiencing since 2008, we have just that our proposed density to be more consistent with the surrounding land use, and the reality of today's real estate market. The proposed scope of development for this project is intended to be a low density, up-scale single-family residential development. The project will feature all up-scale amenities that add value to the community, including large lots, underground utilities services, side walk, curb and gutter, and paver driveways. The proposed density of this project is one and a half unit an acre, which is consistent with the density of the parcel located along the northern project boundary, unapproved by the County Commission in 2016. The density is also far less than the Crisafulli Enterprise Project, located two miles north of proposed parcel, which was approved by the County Commission on the last Zoning meeting in 2017, August of 2017. The request of Zoning is consistent with the historical land use pattern. The requested density is also equivalent to or lower than, more than it does in other communities approximately one-mile of the property, such as Palmetto, Sea Gate, Sea Gate West, River Isle, Sunset Groves, River Oaks, and Sunset Lakes. The proposed density is also consistent with the Comprehensive Plan, existing zoning to the north is EU-2, to the west is Institutional, and to the south on Smith Road is a planned industrial park proposed to use zoning as a transitional zoning from EU-2 to the north, to existing zoning along Smith Road, proposed parcel, sorry. This project will result in a substantial benefit to the community each of the homes is estimated to be valued at approximately \$500,000 each which is significantly increases the neighboring property values. This will also increase County revenue, as the additional units will increase in the tax-base by estimated \$20 million. Each unit will also require the developer to pay County Impact Fees at approximately \$15,000 per unit, a total of \$600,000 to be paid to various County agencies. The development should have no negative impacts to establish residential neighborhoods. To the side will be a large retention pond on the nearest home is approximately 300 feet through the thick, dense woods. Older development in North Merritt Island area historically have had the drainage issues and these areas are drained with pumps during and after heavy storms, however, the proposed parcel is currently draining to the east through the Barge Canal via Sykes Creek, and will continued to do so after development. The proposed development does not aggravate the drainage problem on surrounding properties and will likely, elevate off-site drainage of runoff. The drainage from proposed development should not be an issue, since the County has a Code that sets the standards for all new development to follow, to insure the new development does not aggravate its drainage issue. Majority of the areas having drainage issues currently are older developments and have not followed Brevard County and St. Johns River Water Management rules. Newer developments tend to not have drainage issues, not to mention that based on my conversation with Mr. Mark Crabtree with Brevard County Central Maintenance Division, the only major issue that the surrounding area had was road washing due to their road which is part of a dirt road to the northern property line of the access parcel would be paved. So, it should elevate some other washout problem. The proposed development doesn't avoid any impact to the existing developments with proper buffers. The current traffic volume for the North Courtenay Parkway is 35 percent of the maximum acceptable volume and there are no unknown traffic issues for this area. I understand that there are some people here this evening that are prepared to speak in opposition of this request. Although development is often unpopular in the community, it is important to meet that this one be done right, without cutting corners, or taking shortcuts. It has and that has always been my intention, to be an asset to the Merritt Island community, and to the surrounding neighbors. I have reached out to the immediate neighbors on several locations and I am proud to say that we have come together and worked as a team to start with some development guidelines above and beyond the Brevard County Code through (unclear), and for this community. This guidelines including re-configuration of the site, such as a proposed retention pond is located along the southern boundary, providing additional buffers to the existing homes. Proposed layout also includes a landscape berm along the entrance. Initially, the Zoning request was for EU-2 zoning classification, which will allow a

minimum of 9,000 square foot per lot. I have subsequently amended my request to ask for a less intense zoning classification EU which requires a minimum of 15,000 square feet per lot. This was done in order to alleviate the local residents' concerns regarding the ability to modify the Binding Development Plan at a later date, so limited development to a density we could all agree on. Working together as a Team with a, we have been able to establish a development plan which has been submitted to the Brevard County, and will be included in the conditions of approval for this development as a binding development plan. As it is also our willingness to work together and make accommodations to enhance this development. I have received signed statements from three out of the five resident adjacent property owners to support this development. Although these concessions will ultimately be more costly, but I think it will be worked additional time on effort to add value to community, and be a good neighbor. For the remainder of people who have elected to come and speak against this development, I think that is important to consider, that most of them do not live anywhere close to this proposed development, many living several miles away. It is my hope that these residents take the time to consider our effort to work with the community, to provide something that we can all be proud of. In closing, I'm requesting that the Board of County Commissioners consider and approve my re-zoning request to an EU classification, with a Binding Development Plan to maximum number of lots to 40 lots. As the owner, I've taken several steps to revise the development program above/beyond the Brevard County minimum to add features that will benefit thy neighbors, and incorporate their property values. And I am happy to say it that I have received support from some of the residents. The development is consistent with the Comprehensive Plan. It's consistent with the neighboring density and land use, and will meet all of Brevard County roads, drainage, water, sewer, any environmental requirements for development. The proposed rezoning request will also maintain acceptable level of service on local roads and is consistent with the Future Land Use and the Comprehensive Plan. For this parcel, lastly, the proposed zoning will be consistent with administrative policies in the Future Land Use element which establishes the expertise of Brevard County staff who have approved and supported this project with regards to zoning and land use issues, and criteria for considering increased zoning. I hope it will. It will be our community. I hope that you will see the project as the asset it will be to our community and will grant approval for the rezoning request. Thank you for your time and consideration, and I'd be glad to answer any questions you may have. Thank you." R-312 – R-314.

Tamy Dabu of 170 Grant Road, Merritt Island, Florida spoke in opposition. She said she was located less than a half a mile from Mr. Droor's proposed site. Said she worked for the Florida Department of Environmental Protection, and in addition to that with the U.S. Army Corp of Engineers, specializing in wetland delineation, threatened and endangered species, looking at drainage, and so forth. She said when the plan was created "we looked at the land, we looked at the soil, we looked at hydrology, and we looked at what is the proper land use. Proper land use for this particular parcel, with the amount of wetlands that are on there, and the drainage problems that we all have in this area is not conducive to reduce that zoning to allow more residential use." She said you can't compare this location to the Crisafulli's that was approved because they are entirely different parcels. It was okay for Crisafulli just like it was okay for Gaiche Development. She said this particular location has wetlands, that the system is already inundated with flooding on a regular basis on a good portion of the property. She stated there are numerous accidents at Smith Road and Courtenay Parkway, and discussed the lack of an arrow from the northbound drivers to turn east onto Smith Road. Unfortunately, there is not an arrow for cars that are going southbound to turn east onto Smith. She encouraged the Board to take a strong look at a public health, safety, and welfare. R-314 – R-315.

John Schantzen, 7105 Briar Oak Drive, North Merritt Island spoke and said he lived there since 1980. He discussed the half cent sales tax approved by the voters this past fall to save our Indian River Lagoon. He noted the initiative will invest an estimated \$340 million to clean up the Lagoon, and another \$1.7 million was spent on flood pumps on Pine Island Road to take care of flooding north of East Crisafulli. He discussed more spending for other pumps for the Mosquito Impound adjacent to the

subject property to prevent flooding. He noted we have all experienced flooding since Irma and Pine Island Road is still flooded. He stated, “[T]hat is countering what you are spending here out of our sales tax initiative, because when the flood pumps kick in, it goes right to the river, and everything that’s in those canals, and everything in that swamp land, or in the farm land, goes directly into the river. So, it’s counterproductive. The FEMA flood map for North Merritt Island shows that this property has both the flood plain, AE, and X, and better than half of it is either AE or the floodplain. Every square inch of driveway, of road pavement, of roof or house slab is one square inch that is impervious to water. It runs off to the adjacent land, and then that land is required to absorb that water, which was absorbed by that house plan. It continued to increase the density on North Merritt Island, which is nothing but a bowl, a floodplain in much of it, and it is a barrier island. We’re going to look like Houston before we know it. Thank you. R-315.

Jack Kirschenbaum a lawyer with Gray, Robinson spoke in opposition on behalf of Mr. and Mrs. McMillan. He stated there was a Binding Development Plan that was entered into on March 10th of 2005, and that Binding Development Plan allowed the applicant to have 18 one-acre lots and this application is an attempt to squeeze 40 stuffs into an 18-pound bag. He went on to say, “This is not an appropriate application for this particular property. A land owner seeking to re-zone property has the burden of proving that the proposal is consistent with the Comprehensive Plan and complies with all procedural requirements of the Zoning Ordinance, that’s your famous Snyder case, and your counsel sitting up there with you is very familiar with that case; and the burden of proof lies with the applicant by providing to you substantial, competent evidence that this is an appropriate re-zoning. I submit to you that which you’ve heard fails to meet that burden, and I submit that nothing else you hear this evening will assist in meeting that burden. What one wants to do with one’s property is not unrestricted. A balance is met by the law, by your Comprehensive Land Use Plan, and by the Zoning Ordinances, and the burden, as I said, falls with the applicant to achieve this balance. My clients will present evidence themselves, and so will our planner, that this is neither a consistent nor a compatible use with your Comprehensive Plan. I am not an expert planner, and I have to tell these things to juries all of the time, what I say is not evidence, but what Mr. Semonich will present to you is indeed evidence based upon his expertise. The second point I want to make to you is you as you know are not the first public body or public board to review this application. You have two advisory boards that have met, held public hearings heard testimony, taken evidence, heard from your staff, and each of those boards recommended denial unanimously. There was not one vote on either board to approve this application. I think that says volumes about this application. Next, one thing that citizens want and deserve and land owners expect is consistency and certainty from government. A Binding Development Plan is intended to be just that, and here we are just a few years later unbinding the Binding Development Plan sought by the applicant. As I say, we’re trying to take 40 units and squeeze them into an 18-unit bag. The ingress and egress is a huge issue in this particular case. You’ve seen your staff report, all of the ingress and egress from this proposed development will be on a skinny lot that goes to the south and then west on Smith Road, and you’ve heard the testimony of residents already out there as to the problems that exist and what additional problems will be created. And lastly, maybe most important, this project if approved would significantly change the neighborhood. It would significantly change the lifestyle of the residents on Smith Road and particularly my clients, and as the Snyder Case says, even if the burden was met by the applicant, which is hasn’t been, then it shifts to the government, and the burden would shift to the governmental board to demonstrate that maintaining the existing Zoning Classification.” R-316. He said the board would need to show the rezoning accomplishes a legitimate public interest. He said, referring to the applicant “If he met the burden, then it shifts to you to demonstrate a public interest, and my clients’ property and neighborhood is just that. The application ought to be denied.” R-315 – R-316.

Steve Semonich, 2816 South MacDill Avenue, Tampa, Florida 33629, stated he was retained by Mr. McMillin and Mr. Kirschenbaum to provide my professional assessment of this re-zoning. He stated,

“My expertise is in the field of land planning, I'm an expert witness in court, and I testify on behalf of property owners in trials to determine highest and best use of properties. In addition, I've worked for 13 years with the land planning firm of Rahenkamp Design Group on dealing with projects over 500 acres, 500 unit subdivisions, commercial, industrial, and you name it. So, my assessment of this property is one of, you know obviously I'm an advocate for my client, but it's one of, kind of mediocre nature in general planning. So, let me kind of go over a couple of things that, that I find to be a little troubling with this application. One of the concerns that I have is that the application before you prior to the amendment is previously an EU-2 Zoning, and as the applicant indicated that was 9,000 square foot lots; and he had just testified that, I guess that it's going now a burden on him that he is going to re-zone it to EU, which now has a 15,000 square foot lot requirement. I'd like to remind the Board that, that is not the case. His previous application was binded by a 15,000 square foot lot minimum, and with 40 lots, so he's still getting 40 lots and he's still getting 15,000 square foot lot sizes. So, I don't see any concession on the applicant's part in regards to that. In accordance with Section 62-1255 of the Land Development Code, the Code actually deems this property to be inconsistent of this EU Zoning, inconsistent; and obviously, per the staff's report, it stated that the Board would be allowed to address if there was a substantial decrease in density. So, even the County's Code itself recognizes that the EU, EU-1, and EU-2 Zoning is inconsistent with the Residential 2 Future Land Use, and there's a reason for that; and obviously there's ways to get around that, which I believe the applicant is trying to do today, but I don't believe that there is enough concession on the applicant's part to meet that criteria. The applicant's requesting 40 lots, he currently has an approval for 18. Something around the lines of 25 to 30 would be a little bit more consistent as a transitional use from the northern adjacent property to the properties to the south, which are two and a half acres. Just because the property to the north was re-zoned with EU-2 does not necessarily make this property owners property EU-2 as well. One of the other concerns is that the transition from the EU-2 to my clients property, I don't think EU is enough either. I mean, it's really the density, it's not the lot size. It's the amount of trips that are put on Smith Road, not necessarily Courtenay Parkway, and I believe the staff reports application indicated, you know, what the trips would be on Courtenay Parkway, but there wasn't anything in there for Smith Road. I mean, there's going to be 40 cars at minimum going in and out of there on a daily basis, and I won't testify on that and I'm not a traffic engineer, but, I mean, I do know that if there's a home there's generally a vehicle, and there's people that go to work in the morning and they go home in the evening. So, that's a substantial increase in that road, which is by fact a shell road, it's not even a paved road, and I know the applicant has indicated that he would pave a portion of that road, but I just don't believe that, that is within the character of that neighborhood; and the Policies to the Comprehensive Plan, Policy 3C and 4C, which talk about the compatibility and character of the neighborhood, I don't believe the applicant has met.” R-316 – R-317.

Semonich stated, “The Policy 3C indicates that historical land use patterns, actually development over the immediate proceeding three years, and development approved through the past three years but not yet constructed. I don't believe that, that historical pattern is there to justify that this applicant should get a re-zoning for 40 lots. Thank you.” R-317.

Commissioner Tobia asked: “Is it correct to say you're a landscape architect?” R-317.

Semonich answered, “It is not, I went to school and I graduated from University of Florida with a degree in Landscape Architecture. R-317.

Tobia asked, Okay so, what degrees do you have after Landscape Architecture?” R-317.

Semonich answered, “That is it.” R-317.

Commissioner Tobia stated, “Okay, so, and according to *Wikipedia* Landscape Architecture is the art

and practice of designing the outdoor environment, especially designing parks and gardens. Is that correct?" R-317.

Semonich answered, "That's correct." R-317.

Kim Smith of 5390 Judson Road, Merritt Island, Florida read a letter from DeVoe Moore Professor of Economics. He wrote that, "The accepted wisdom on this among academic economists, which is residential vice commercial development, is that taxes levied by residential development do not cover the costs of providing government services to the development. So, costs are shifted to existing taxpayers. Higher density development pays a lower share of its infrastructure and service costs. In contrast, taxes on commercial development more than pay for the services associated with it. The common sense behind this is that residential development brings with it demands for schools to educate children who live there, police and fire services, and infrastructure associated with development. Meanwhile, property taxes on commercial development are in general higher than for residential development. Multifamily development tends to impose the highest fiscal costs on a municipality, because more residents live in multifamily residences relative to taxes paid. Communities interested in maintaining their fiscal health do best by encouraging commercial development and do worst by encouraging multifamily development. Academic studies on this subject are relatively rare because the conventional wisdom on the issue is generally accepted. Some examples of past studies can give you an idea of the conclusions those who have studied the issue have drawn. Eban v. Fodor, quoted in *The Real Cost of Growth in Oregon, population and environment*, 18, No. 4 (March 1977) at page 373 says, about residential development, "most of these public infrastructure costs are distributed across the entire population of a community through property taxes or general obligation bonds, whereas the benefits of these investments accrue primarily to the new development." Jeffrey H. Dorfman, Professor at the University of Georgia, *The Fiscal Impacts of Land Uses on Local Government* (April 2006) says, "While commercial and industrial development can indeed improve the financial well-being of a local government, residential development worsens it." He goes on to say, "The cost of providing services exceeds the revenue generated by the new houses in every case studied." The conclusion that residential development has a negative fiscal impact on municipal governments whereas commercial development has a positive impact makes sense when you consider that (1) property taxes tend to be higher on commercial development, and (2) that government services are provided to residents, so more residents means higher costs. Because multifamily residences tend to have more people living in them relative to the value of the residence, multifamily has the greatest negative fiscal impact. In short the higher the density of residences per acre, the greater the potential negative fiscal impact." R-318. It was stated that Professor Holcombe has taught public finance courses at Florida State University for 29 years and he is interested in these development issues over that period, not only because of his teaching but because of Florida's experiences with growth management programs going back to the *Growth Management Act of 1985*. Ms. Smith indicated she has presented a notarized copy of what Holcombe sent to North Merritt Island residents. R-318.

Commissioner Isnardi asked, "Now is this your testimony that you agree with this letter or is this because . . ." R-319.

Smith answered, "I'm reading this letter into the record."

The following exchange occurred:

Commissioner Isnardi: Well, the reason why I asked is cause everybody that speaks is supposed to provide testimony either, you know, showing that this is a good project because of 'x' and your evidence, or 'y' and your evidence; and this is written by somebody else, it's why I'm asking, just for the record if this is your position that, because

his position is basically that he doesn't believe that residential development has a positive impact as opposed to commercial. So, if your position is that you prefer commercial development, that you do or don't like residential, I would just like to know your position for the record.

Smith: His conclusion, and what was amazing, the evidence that he presented to us was that, it's the next to the last paragraph in the letter, the higher the density of residences per acre, the greater the potential negative fiscal impact.

Commissioner Isnardi: And I agree, and I appreciate your reading that into the record, but he's not here to testify, and you . . .

Smith: And that's why there's this notarized copy that I have here, and you folks have a copy of that.

Commissioner Isnardi: But this is a letter, this is a letter to somebody else that's either going to speak or a representative, or someone else that has a position. So, again, I just ask that if, if you're reading this on behalf of somebody else, you can't testify on behalf of somebody else.

Smith: Oh, I agree, I agree with what he said.

Commissioner Isnardi: Okay, that's all I needed. R-319.

Commissioner Tobia then asked, "Ma'am, was, was just one quick question, was Dr. Holcombe aware of this property when he composed this letter?" R-319.

Smith answered, "That I'm not sure of. I would say yes, he is. Yes, it was researched. Yes, we were researching whether this would be a good thing or not, and so he was contacted and this was his opinion."

Commissioner Tobia then asked, "So, do you find it kind of unusual that a renowned economist doesn't site the specific property in his analysis, on top of that he mentions as something it looks like a Georgia land use study in here? The reality of the way that revenue is derived from taxable value is different in the State of Georgia than it is in Florida, quite different. Property taxes are different. Georgia has a state income tax, Florida does not. Do you find it's a little bit unusual, again, that, that the very, you know, subject property that you're adamantly opposed to is not mentioned in the strong research that you bring forward?"

Smith said, "It's, municipalities and governments are, are, have general sameness throughout the country and ..." R-320.

Commissioner Tobia commented, "I would just, as a government instructor, I would disagree with on that." R-320.

Smith said, "Okay, he has been teaching these public finance courses at Florida State University, so he's familiar with Florida." R-320.

Commissioner Tobia then queried again, "The subject property is not listed in this that is correct?" R-320.

Smith answered, "It is not stated ..." R-320.

Earl McMillin, 150 Smith Road spoke and said he could answer questions about the letter and he met with Professor Holcombe. He said he showed him (Holcombe) maps of the property, explained to him what the project was, et cetera. McMillin said the bottom line is that every study, whether from Georgia, Pennsylvania, California, Indiana, you name it, none show that residential property generates enough tax income to cover the cost that governments incur. So, this is an expert opinion we're offering for your consideration. McMillin went on to say, "Twelve people who know much more about zoning than I ever will, said no to this application. Those are the six people, excuse me, on the Local Planning Agency and on the Dependent Special District. Mrs. Blasky who's here tonight will tell you how this Commission in 2007 unanimously voted to preserve the Smith Road neighborhood when a former resident wanted to put four houses on five acres. You're a Quasi-Judicial body, you're not bound by the precedent but you have to consider the precedent. The law is, and I can tell you that since 2007 two more beautiful homes have been built on Smith Road, Serious on the north side about \$600,000 and Tim and Kelly Rowell on the south side about \$450,000; and in Brevard County v. Woodham, the court said zoning regulations can be employed to promote the integrity of the neighborhood. My wife will tell you why the NAJJAD property is different than the Harvey Groves property to which the applicant points, and she will explain to you that Florida has rejected the 'me too' argument because 'me too' would destroy the zoning plan. Mr. Kirschenbaum referred to the memorandum of the Planning and Zoning Department that says, "Since the request of the EU Zoning Classification is not consistent with the current residential future land use designation a Binding Development Plan is required so the maximum density allowance in the Florida Land Use Map of two units per acre is met. So, Mr. Droor, the applicant, is hard to pin down. This is the first I heard that he changed his application from EU-2 to EU, and Mr. Semonich, our expert, who has a degree in Landscape Architectural, but who is also worked with many lawyers on zoning issues, has given you his opinion; but you don't have to rely on his opinion, you have your own experts. Rochelle Lawandales is a city planner on the LPA, Bruce Moia is an engineer who does development work, and he's on the LPA, and Henry Minneboo, who you all know, has worked with the County for years, they all said 26 acres, 26 homes. They asked the applicant several times during that hearing, would you consider 26 homes on 26 acres. The applicant refused, and one of his reasons was I can't make money with 26 homes. Well, the law is clear, and again from a Brevard County case, a zoning ordinance is not invalid because it prevents the owner from using the property in the manner which is most economically advantageous. If the rule were otherwise, no zoning would ever stand. Placing a financial burden on taxpayers and making the Smith Road residents bear the impact of 40 homes may be for the applicants good but it's not for the public good, and I go back to the invocation of the priest who gave it today who prayed that you would make a decision in the public good or for the public good. In the past 12 months there have been three developments on North Merritt Island that directly access Courtenay. They will generate in a year, if each residence generates the accepted nine vehicle movements per day, 1,070,000-plus vehicle on Courtenay; and this to go from 18 homes to 40 homes is 122 percent jump. To go from 26 to 40, which the LPA recommended is a 54 percent jump. I told you in May, I have seven seconds left, I have no problem with 24, 25 homes of 2,500 square feet, and I don't have any problem with that today." R-320 - R-321.

Mary Nancy McMillin, of 150 Smith Road, Merritt Island spoke in opposition. She said the applicant has claimed that it should have the same zoning as Harvey Groves' property to the north. She said, "Florida rejected the 'me too' argument years ago when the Supreme Court held, "The fact that the applicant's land is situated across the street from that which commercial enterprises maybe operated is not enough alone to support his position that he should be given the same latitude and use of his property. Were this the case it would be a matter of time before the alterations of the whole scheme by successfully liberalizing the use of abutting property of would result in disintegration and disappearance of the entire planets zoning." At the Local Planning Agency hearing I tried to make a simple point that the evidence shows that Harvey Groves and NAJJAD are different. The list of those notified by the

County of the Harvey Groves re-zoning does not show a single residence. All of those notified were businesses. The NAJJAD list chose four residences, Grivas, McMillin, Jewell, Armstrong. A fifth residence, the Storey residence is next door to the Jewel residence but they have been missed because the property doesn't show up in the Property Appraiser's website. The Rowell and Blasky residences on the south side of Smith Road were omitted because they are both over 500 feet away from NAJJAD's site. Both NAJJAD and Noel Droor received written notice of the re-zoning it was proposing but the Rowell's and Ms. Blasky did not. Obviously as residents on a dead end road they are impacted by the NAJJAD re-zoning. Again, I am not asserting that the NAJJAD list is defective, I have added Serios, Rowell, and Blasky to make the record complete. My point is simple, the two lists are competent substantial evidence that the Harvey Groves and NAJJAD properties are different, zero residences impacted by the Harvey Groves re-zoning, seven residences impacted by the NAJJAD re-zoning. The other proof that Harvey Groves and NAJJAD are different is geographic. Access to Harvey Groves is due west and directly on State Road 3, it has no access to Smith Road. Access to NAJJAD is due south directly onto Smith Road. The applicants 'me too' argument is contrary to the holding of the Florida Supreme Court and the evidence does not support it's 'me too'. Smith Road is a small, unique neighborhood. Please focus on Smith Road and not Harvey's Groves; and I have never been contacted by anybody from NAJJAD to ask me how I thought about what's going on. Thank you." R-321 – R-322.

Chris Minerva from the North Merritt Island Homeowners Association, P. O. Box 542372, Merritt Island, Florida, 32954 spoke next. Minerva stated that Homeowners Association is fine with the existing SEU, one-home per acre zoning in the Binding Development Plan, but cannot support the request for EU based on these. At .34 acres per home is a potential maximum of three per acre, potential, even though it said 40. Minerva went on to say, "Administrative Policy 3, the incompatibility with the existing land use Criteria A, Site Activity, diminishing enjoyment of and quality of life in existing neighborhoods within the area; Criteria B, causing material reduction in value of existing abutting developments; Criteria C, inconsistent with, point one, historical land use patterns, point two, actual development over the preceding three years, and point three development approved within three years but not yet constructed, which we've heard. Administrative Policy 4, uncharacteristic with surrounding neighborhoods and areas; Policy 5e, such change in traffic to exceed design functionality; and then Policy 8.1, negatively impacting character of the land use surrounding property. Policy 8.2, change of the land use and surrounding property; Policy 8.3, negative impacts on available and projected traffic patterns and the established character of the surrounding properties. Factors to consider please, the character of the land use of the surrounding properties, the change in conditions of the land use of the property, impact on traffic, not compatible with existing land use plans, not appropriate based on these conditions. The North Merritt Island Homeowners Association asks the property be zoned appropriately and not require additional binding development restrictions. Thank you for your consideration and for the work you do. R-322.

Jack Ratterman, 568 East Hall Road, spoke in opposition. He asked the board to think back to the last Commissioner meeting when the Board approved Mr. Crisafulli and his application for the 48 units. He said, "And at the end of that, our Commissioner, Mr. Barfield, said it was the law, and almost indicated that was why it was approved, he could do it. So, you approved it. And I'm asking you now to think back when you studied U. S. history, okay? Have the wheels turn way back even to the Revolutionary War to that year, okay? And when you studied that class, do you remember the Stamp Act, the Tea Act, the Empowerable Acts, the Quartering Act? Those are unjust laws, and the citizens, the law enforcement, the government officials, and even government instructors do not follow those laws. They were unjust, and people made their own decisions, they made what was a right decision and justified that by what was right, not was what the law was. And that's what I'm asking you tonight to think about, you know, not so much what was the law, what you can do, almost what you can cram into that short space, but what's right for the community, what's just for that community. You know? What's

your legacy going to be up here on the Board, okay? And I ask you to deny that applicants request for those homes and that acreage. Thank you.” R-322 – R-323.

Mary Hillberg, of 3780 Sierra Drive in Merritt Island. She said she is a board member of the North Merritt Island Homeowners Association, as well as the chair of the North Merritt Island Special Dependent Special Advisory Board. She is a native and life-long resident of Merritt Island. She provided a 1989 FEMA map of the area which was placed on the overhead projector for viewing by the audience. Smith Road, was pointed out she stated that everything is “an X Zone which means there's no flooding there”. R-323. She said “in 1989, the North Merritt Island was designated, almost all of it was, an X Flood Zone, which means there's no danger of flooding. After Tropical Storm Faye in 2008, the low elevations in North Merritt Island were painfully obvious.” R-323. In 2014 the FEMA map was changed and she provided a map. She explained the legend on the map and the differences between copies of the maps she discussed. She said, “ All of this over here is flooding property, these floods, it's in less obviously than this, and this doesn't seem to have any flooding issues on it. The FEMA released their flood maps in 2014, these changes still have not been acted on by the County in the terms of correcting the Future Land Use Map or the Codes from North Merritt Island or the Codes for building, and we wondered why. Now in 2017, FEMA again recognizes there's still an issue.” R-324. She went on to describe FEMA maps as showing no base flood elevation. She said, “Here is the subject property. This is all flood area. This area here, if you look on your legend, it says, it'll flood, it has approximately one foot, 12 inches or less, above flood elevation. That means more than 12 inches, you're going to flood. This area here has less than that, and it's the same as the edges. FEMA recognizes with advanced LIDAR satellite imaging that this area requires further defining and has produced preliminary maps that are more accurate now than ever. From this competent and substantial evidence, it's obvious for the safety of the residents and the protection of the properties we need to correct our Future Land Use Maps before, and our Codes, before we allow inappropriate development in documented flood prone areas.” R-323 – R-324.

Marty Weber, 3450 North Tropical Trail in Merritt Island stated he is three-quarters of a mile of the development. Mr. Weber presented various points stating, “ First, he wanted to relief the BDP, then he wanted an EU-2 zoning, and now he's asking for an EU zoning. So, what makes us even begin to think he will adhere to something that he agrees to today? Secondly, on August the 4th the property north of him was approved for a different zoning; however, approving the EU-2 zoning request with a house would allow, and this is according to your statistic from the EU-2 zoning, would actually allow 126 lots/houses in 26.11 acres, or 1,137,135 square feet, that's what 26 acres is equal to, and therefore would support that number of houses and 1,500 square feet without zoning. Obviously, you have to take out things for infrastructure and so on. My point is, I'm going by law as John mentioned before and zoning request. So, now he's changed and wants to do 1,500 square feet, which would allow 76 homes or lots at 2,000 square feet. The next thing I would question is he gave an estimate of \$550,000 per house/lot combination for this new development. Would any of you pay \$275 a square foot? That's what it amounts to. If he's going to sell a 2,000 square foot house on three-quarters of an acre of land, he's going to be asking \$275 a square foot. I just bought my property a year ago on North Tropical Trail. I have 2.78 acres. I have 2,200 square feet. I paid less than \$400,000, and that's three acres of ground.” Mr. Weber said at the LPA meeting he asked Mr. Droor to limit development to 26 units and he refused. The LPA denied his request. Mr Weber handed out a chart. In regard to the chart he said, “ This shows you that when we look at the Board approved Florida Land Use Plan this property is zoned Residential 2, which prohibits the use of EU, EU-1, and EU-2 on this land.” R-324 – R-325.

Larry Rockliff, of 3255 Spartina Avenue on Merritt Island spoke in opposition. He said he lived in Broward County 24 years, and was president of a homeowners association of a large, rural community. He said the lots were four and one-half acres in the City of Miramar. He said the population was 32,000 people when in 1992, and when he left last year there were 177,000 people. He said, “During the 1990's

there was a euphoria between developers and the Commission and there was also an awful lot of wealth, because the developers were more than happy to pay their impact fees, which made the city and the county flushed with money, but it's a different story today. We discovered in the homeowners association in Miramar, the rural community that we were far more beneficial to the community and to the city to work with the commission versus working against them, and that's exactly why I want to come to you today. We're not within 500 feet of the development we're on the river on the opposite side of North Courtenay. There are three issues here, concurrency, compatibility, and consistency. The issue of concurrency also applies to Broward, and it's a mess in Broward County today, and certainly we want to avoid that here. Concurrency takes a look at the amount of road demand, but it looks at it over long periods of time and it doesn't specifically look at on the micro, it looks at it more on the macros; but in the case of North Courtenay versus Smith and Grant, it needs to be looked on more of a micro basis if you saturate more traffic into that area. Consistency is with the land plan, and that's your expertise not mine, but without a doubt compatibility is an issue that is germane to this topic. The developer to the north of Miramar Parkway in Broward wanted to go from one house net per acre, not gross, one net per acre, which would have been compatible against the two and a half net per acre, but he wanted to change this to what they call RS 4 to RS 7, meaning four to seven houses per acre net, and of course he was more than happy to pay the large impact fees and be on his way elsewhere. We didn't fight it and say we don't want it to happen. We wanted to be reasonable about it, and what we said was we don't want to see it, we don't want to hear it, and we don't want to smell it for all intended purposes, and this is the issue here. The developer in this case has suggested that you have a water buffer, his water retention, which is a requirement of his particular development, which would serve as a buffer. Having moved to on the river here, I know fully well that from the sound point of view, water is not a good buffer. We hear the train on Highway 1. So, if he can hide from the community and essentially be invisible from the community, I suggest that perhaps there's room to work with him. Otherwise, there has to be consistency, some compatibility, and there's no compatibility whatsoever between one house net per two and a half acres and several per acre." R-325 – R-326.

Anita Blasky, of 205 Smith Road, Merritt Island was born in Cocoa. She lived on North Merritt Island since 1972, but, in 1977, she and her husband purchased 40 acres at the end of Smith Road and built a home. She said she isn't included in Mr. Droor's numbers, but she lives there. She said, "I've submitted letters to all of the Commissioners back in March stating my objection. In early 2005, Mr. Noel Droor of NAJJAD tried to re-zone the 26-acre property from AU to SEU. This acreage has ingress and egress to Smith Road. NAJJAD asked to build 18 homes on the 26 acres with a Binding Development Plan. I do not believe my husband and I were notified of the NAJJAD request, but I can say I would not have opposed 18 homes in 2005, and I do not object to 18 homes today. To my knowledge no one on Smith Road oppose the 2005 NAJJAD application. The North Merritt Island Association was in favor. The North Merritt Island Dependent Special District unanimously recommended approval, and the Commission unanimously approved it. In early 2007, the Lynch family who owned two and a half acre lots requested re-zoning from AU to RR-1 for their combined five acres on the north side of Smith Road to allow four to five houses to be built. Gareth Matthews who owns two and one-half acres that abutted the Lynch property opposed the Lynch request, however, the North Merritt Island Dependent Special District recommended approval. I wrote a letter to the Commission, which basically said to allow the Lynch's to break up their two, two and a half acre lots, change the zoning from AU to RR-1 right in the middle of Smith Road, which drastically changed the layout of our neighborhood. The RR-1 would allow them to build at least four, maybe five houses on the five-acre plot. This change in zoning would greatly increase traffic, destroy the quiet enjoyment of our area, and severely impact the peaceful neighborhood. Gareth Matthews spoke against the Lynch application at the Commission meeting. The Commission agreed with Gareth and voted unanimously to reject the Lynch application. Thus, in 2005 and 2007 the Commission recognized the uniqueness of the Smith Road neighborhood. It recognized that plans for half acre lots among and abutting two and a half acre properties on Smith Road were not compatible with the Smith Road neighborhood. Since 2005 and 2007, Smith Road has become more of

a neighborhood. My son, Tim and his wife Kelly, built a new home on a two and one-half acre lot on the south side at 195 Smith Road. Jim and Terri Serios built one on a two and one-half acre lot on the north side, which was previously owned by the Lynch family. Scott and Angela Armstrong made major improvements to their property and bought more land to maintain their tranquility. A few weeks ago the Powers bought the other two and a half acre lot once owned by the Lynch family. Please do not grant the NAJJAD request to change zoning from SEU to EU. Hold NAJJAD to the promise he made in 2005." R-326.

Gina Lindhorst, 5136 Royal Paddock Way has resided in Merritt Island for 23 years and in Brevard County for 48 years. She asked that higher density be denied in this very low area. She said she needed the Board to protect the residents and properties of the citizens in Merritt Island, North Merritt Island; consider the new FEMA designations and to protect our Lagoon. High density development will ultimately destroy the Lagoon she said. She further said, "We need you to recognize the past flooding of North Merritt Island, the issues with heavy traffic on single-access road in a natural low topography in the wetlands that we cannot change, all of this makes high density not appropriate and even hazardous for the residents who live in the low topography areas. Number five, we need to comply with the County Administrative Policies please. What we really need you to do is consider the safety of the people and the health of the Lagoon please. I also want to say that we request a moratorium on any further re-zoning or development in North Merritt Island while the Future Land Use Maps be corrected, may be the safest step to take in order to avoid unsafe zoning and land use in this area; and I want to remind you just very briefly, since I have three minutes left, that the North Merritt Island Special Dependent Special Advisory Board recommended denial of this change and the P&Z recommendation was denial also, as well as North Merritt island Homeowners Association." R-326 – R-327.

Commissioner Tobia asked Lindhorst who she spoke for and she said on her own behalf and all her friends and family, but not the North Merritt Island Board. R-327.

Mary Sphar representing Sierra Club Turtle Coast Group spoke. She said "this is the first time that I remember of a zoning request that was changed when the information on the County site, which we study carefully, all said that the applicant wanted EU-2 zoning, with a maximum of 40 homes, and now, according to what you have on the slide above you, it's EU zoning. I'm not sure how that plays into it. As a matter of fact I got an Agenda in the back and it said change to zoning Res EU to EU-2. Local Planning Agency heard EU-2 zoning. There are two Binding Development Plans. One, proposed in January that stated EU-2 zoning, the one that was submitted and in the package August 8th said EU-2 zoning. So, I think, I don't know when you found this out, but that is rather strange for the Sierra Club to be in the position where we do even know in advance what zoning was requested. I have a couple of other legal considerations for you. The applicant has no legal right to 40 homes on his 26.11 acres just because the property has a Future Land Use of Residential 2. He has no legal right because he has to get zoning that allows such a density, and tonight you will make the decision to approve or deny that zoning change request. The applicant has no legal right to propose zoning changes just because the proposed zoning appears to be compatible with the zoning on the property to the north. The proposed zoning should be compatible with the surrounding zoning in general, and the proposed changes are definitely incompatible to the zoning to the south and east, which is mainly AU. Please note that the current zoning SEU is the compatible zoning. As others stated, this application was rejected unanimously by the North Merritt Island Board and the Planning and Zoning Board, and for good reason. I was at the P&Z board. The board tried to work with the applicant to give a slight increase in the development potential, but the applicant would not budge except to say that he would put in sewer instead of using septic. Please consider that the proposed increase in development potential from 18 homes to 40 homes would adversely affect the Indian River Lagoon. The Citizens Oversight Committee, which is required by the Save Our Indian River Lagoon Project Plan is quite concerned that all the effort that they made to protect the Lagoon could be negated by bad zoning and land use decisions, and they discussed it at their

meeting in August. I was there. So, how does the applicant plan to deal with flooding situation we all know plague North Merritt Island, especially right now? The staff analysis lists mapped flood plains but the BDP does not require compensatory storage in any portion of the property in estuary marine flood plain. We can speculate that the property will have to be raised to meet FEMA requirements, which we all know can cause problems with neighboring properties. Without specific plans to mitigate flooding potential, the re-zoning and developing 40 homes there is sure to aggravate an almost intolerable drainage and flooding situation. Finally, Sierra Club is concerned that the development limitations are dependent on a BDP. We know that all ... which, by the way, says EU-2. So is there another BDP? But if you do have a BDP, we know that it's offering a new owner of the property often requests that it be modified or removed, and it's much better to have a zoning category that's actually appropriate and protects the natural resources and ensure compatibility. So please deny this application." R-327 – R-328.

Mr. Smith spoke and talked about flooding and hurricane history. He said, "We bought our house in the 90s. It was built in the 60s, and when we bought it we had heard nothing about any kind of flooding in that area, throughout the 70s, 80s, 90s, and no flooding through 2000, and we've always, and this is the kind of squeamish part I guess, we've always maintained our septic system by having it pumped out on a regular basis. Flash forward to 2005 and Hurricane Wilma, we got flooded and it stopped our septic for a week; 2008 we got Faye, flooded inside of the house and the property driveway, and we had no septic service for about five weeks; 2011, no name storm, same thing, two weeks of no septic there; 2014 heavy rains; Matthew we lost it for about three weeks; and Hurricane Irma came by and we haven't had any since. Major change on North Merritt Island has been that there are more and more residences built every year there. Tonight we go home, my driveways about 600 feet long, we're going to go home and put on waders because we can't to get to our house anymore. The next steps going to be get a boat, but we're going to put on hip waders, or rain boots and try to get out to the house. There's no evidence, there's no record or evidence our property would have flooded when we bought it back in the 90s. We've researched with the neighbors and the County and the flooding is just not our fault. We're not the only flooded residence up there. There's also quite a few other North Merritt Island families are going through this today, and a huge number just had yard flooding. So, if this kind of high-density housing is allowed to continue as Mr. Schantzen said earlier, there's no place for the water to go and so we're going to see more and more of this kind of thing. So, what we ask is that you approve building in less fragile areas of the County and no more of this dense housing in these flood prone areas. Residents who already live here shouldn't be punished by this high-density kind of housing. I want to thank you all for listening to that, and as a side, I have a degree in Architecture myself, and I just wanted to throw out that there's a lot more to landscaping architecture than you found in Wikipedia. It's a very, and that's not meant to be, you know, I'm not being trite or anything like that, I'm just saying it's a very difficult profession. There's a lot to that. I did one semester of landscaping architecture and decided it wasn't for me. I like buildings. So, anyway, thanks for your time, and I ask you to deny the request." R- 328- R-329.

Darlene Hunt, 125 West Crisafulli Road on North Merritt Island strongly objected to the increase in density requested in the NAJJAD zoning change for four reasons. She said, "First, it's not compatible with the character of the area. I know I'm repeating things but I'm going to repeat them. It will also greatly increase the traffic at a critical road and intersection. It will cause flooding to adjacent properties and the impact on the already stressed Indian River Lagoon by over development. As far as the character, all adjacent properties are large parcels. Many of them are used for agriculture purposes, large rural home sites, or wetlands. It's already been stated. The traffic, to allow an additional density of 40 residences would generate additional 360 trips daily based on the County's formula. This would be insane for this intersection. There's currently a DOT study underway with regard to this intersection. Also keep in mind that this is the only road for people to travel to their homes. It also happens to be a main thoroughfare for Kennedy Space Center employees, Space Center tourists, plus all the new

aerospace businesses that you've heard about this evening. Flooding and the Lagoon, this property is very near the Barge Canal, which is of course part of the Indian River Lagoon. This County and its citizens are currently dedicated to protecting the outfall and clean up the Lagoon. This property is located in a bowl or a basin, which makes up all of North Merritt Island. It has an elevation of about two to four feet above sea level as shown on your County's LIDAR map. The sides of the islands are the highest part of this bowl with an elevation of nine feet above sea level. To alleviate flooding, waters directed from this basin into the Lagoon under the control of the St. Johns River Water Management District. Although developers show plans to contain the water on the property, all stormwater retention areas and ditches are channeled to drain into the Lagoon during heavy rain events like we're going through now. Merritt Island is currently experiencing an unprecedented flooding, and none of the drainage systems are currently able to handle the excess water. As the County spends time and money to elevate flooding, allowing over development is totally unacceptable to the citizens who currently live there and those to come. The current density of 18 houses on 26 acres is as dense as this land can sustain. I respectfully request that you deny NAJJAD's request to change this density just as a Dependent Special District and the County P&Z have advised." R-329.

Mrs. Hodge, 390 Sanders Lane, Merritt Island, Florida said she and her husband strongly oppose the rezoning. They are the victims of the flooding. Her family homesteaded that property in the 1800s. It has historically never flooded. Now they have orange trees under water. She has a friend on East Merritt Island that, on East Crisafulli, she has been flooded since Irma. She had to move her animals yesterday because there's no hope for it draining for any time in the near future. She asked why is this allowed. She asked, "Why are you not listening to your Planning and Zoning Board and the North Merritt Island Homeowners Association? That is not fair. You have to be accountable for this, and I know that you're just doing what you want to do, but if you don't listen to the people it's going to be worse, it's going to get worse every time. And there's nothing I can do to make you do this, but it will get worse if you keep zoning more and more homes in that area that cannot drain." R-329 – R-330.

The applicant addressed the Board again. R-330. He said, "Just a few items I'm listening to that, you know, one and a half units per acre is not a high density, and if that's a high density, I don't know, 10 or 20 units per acre, what is that called? And, again, if part of North Merritt Island is having flooding issues, you sure mistake building (unclear), because part of North Merritt Island is having flooding issues. This area is not having flooding issues, and not only that, none of the newer developments have flooding issues because they're design, they're, you have Codes you have Ordinances to follow; and if you follow them, you shouldn't have issues, and the same thing with St. Johns. As far as saying being incompatible and compatible, you know there are seven, you know, two and a half acre lots there, which the five of them, I guess eight there are five of them that have residences on them. Across Smith Road is a Planned Industrial Park. How is that not being compatible? Where's the compatibility when you have an industrial park in front of you, and you have commercial all along Courtenay, all along within a one-mile radius, it's, everybody, you have two acres and more per acre? So, and as far as the flood, or being in the flood, there are two types of floods in that area. One is the one that is being used for flood storage. One is that if you're in there, if you don't raise your building elevation, you're going to flood. This is not the area that is used for compulsory storage. This is not the area being used for, it is part of, we are part of about 25 percent, it is an area that could flood, but is not being used for flood storage. There is a difference." R-330.

Commissioner Barfield said, "You came before the previous County Commission back in 2005 and you made a change from AU to SEU with a BDP for 18 homes on 26 acres. Now we're at 12 years later and you want to change it to two units per acre, EU-2. What changed?"

Dror answered the economy and that there is no market for large lots.

After a question regarding lot size, Droor responded, "Right now, I am, yes, one acre, and because of again, the recession and the reality of the real estate, and what the demand is." R-330.

The following exchange occurred regarding density. R-331 – R-332.

Commissioner Isnardi: So, for clarification, I saw you look that way to give me the okay, but . . . so, for clarification, what you are asking for a, it would be two units per one and a half acres, is that what it equates to roughly?

Droor: Its one and a half units per acre.

Isnardi: One and a half units per acre, okay.

Droor: Yes, per acre, and the Comp Plan again is at two units per acre, and the reason again, I went to EU from EU-2 because the concern was that later on you can, you know, revise the Binding Development Plan and put more lots because of EU-2 Zoning; but if you're familiar with the development, you know, by the time you put the rules aside, the retention pond aside, you know, there is no way you can put more even if you go.

Isnardi: And I want to ask you a question too. I know with some discussion, and I just want clarification, because I honestly can't remember nor do I know for sure, you had said, you know, several months ago during our meeting that you had the approval of three out of five of those property owners that were right in front of Smith Road.

Droor: I had three out of, there are five residents along Smith Road ...

Isnardi: That live there now, correct?

Droor: Yeah, there are three, the ones that I have approval is the one that is right next to the entrance that gets the most effect, and then the one next to that one is the one that's opposed; and then I have the next house, and one isn't published, I don't know who it is, we can't find any records on it, and Mr. Armstrong who has got the largest lot at the end of the Smith Road.

Isnardi: But what about that property that abuts the entrance, the entrance to this development that you, I guess it would be Lot 290, I thought that we'd discussed that, because that would be the, would probably be the most impacted because the traffic for however many homes are developed there, that would be where it would pass through. I know you talked about a buffer and you talked about that. Is that property owner having an issue, too?

Droor: No, I have his approval. I have the approval of the property owner that is going to get most impacted is at that entrance, and after negotiation, what we did is put a buffer there. I provide a buffer, sand buffer, and have a, it won't, you know, hurt with the noise, or the traffic won't hurt it.

Isnardi: So, I guess, you'd have to look at the map to see it, but those, those houses will not be traveling down Smith Road, they will be stopping before those, before they would hit those residences that were there, that are across from the Industrial Park?

Droor: That, there is no reason for them to go down the road, yes.

Isnardi: Okay.

Droor: Once and a while somebody might get lost and get down the road, but I guess they do that today also.

Commissioner Barfield inquired, "You mentioned while ago, you just said you wanted to change this to EU. Did you mean EU-2, which you submitted here?" R-332.

Droor stated, "No, I wanted to change it to EU. I requested for EU-2, which is 9,000 square foot minimal lots. But again, after listening to all the concerns, I want to change it to EU, which is 15,000 square feet with a Binding Development Plan, which would be 2,500 square foot minimum houses; and Curt Brother, and all, after talking to Commissioner Pritchett it's going to be paver driveways also." R-332.

The discussion continued:

Barfield: Did you float this to the North Merritt Island District and to the P&Z by changing to EU?

Droor: No, no, I did not talk to them changing to EU. That's, EU came after the meeting. After listening to, you know the concerns. After listening to what I, the main concern was that I can change, do away with the BDP. Having EU-2, I can do 80 lots or whatever, it's a lot, I don't know what it would be with numbers, and that's how the EU came. Trying to be again, accommodate the neighborhood, being, trying to be a good neighbor, and so.

Commissioner Pritchett said, "I agree, I don't think this is necessarily high density, and we did make an approval to the north already. These are just things I've listed through the last few days and I've been studying. I like the fact that the upgrade to Smith Drive will occur, and that it's only going to affect the two houses that seem to not have too much trouble with the project as far as traffic going through there and up to Smith. As far as the residential and commercial conversation that went on earlier, I would never just stop residential development from happening just because you think commercial would be better. I'm for both and with that. We can maintain an acceptable level of services. I saw this on the analysis that you gave us. It's in agreement with the FLU, and I think just even you making the compromise of changing it to EU to make the lot sizes bigger, it just, I think it makes it even more palatable. So, that's just my thought on this, and that's all the reasons that I'm going probably vote in favor of this project tonight. I think it's a good fit for the area, and I think it's a nice project." R-332.

Commissioner Isnardi said, "And, you know, since we're coming I guess to a close to this discussion, I just wanted to also say I was excited about the retention, I think that's going to also buffer those neighbors that are concerned about your development having an impact on their neighborhood; and I agree, as soon as you said that, commercial versus residential, I, I mean, we all live in houses and if we stop all development of houses because people think commercial makes more ... I'm not driven by how much money I bring in or generate from revenue from business or individuals, and I, I won't comment on the, you know, expert witnesses and how they're paid by attorneys to come and testify on your behalf. I think, sir, that you did yourself a disservice by not hiring a lobbyist or an attorney in that, and that's okay, however, it's not going to change my mind on seeing where your heart is in this project, what you've tried to do to compromise. The fact that you're willing to sign a BDP and change your zoning to try to accommodate, and I appreciate the people who are cursing in the background, that's really respectful of my time and the gentleman up at the podium. But, I'm going to go ahead and approve this project as well for vote." R-332 – R-333.

Commissioner Barfield stated, "I have a major problem with this in the fact that I think at this point you have an applicant that came before here back in 2005 to change from AU to SEU, 18 homes, and 26 acres. I'm fine with that. I would be fine with 26 homes on 26 acres, that's one per acre. That's, that's, I

can do that, but to come back now and to make this change again knowing that we've had the residents of North Merritt Island, elected officials on the North Merritt Island Dependent District to then go through this. We've had the Planning and Zoning going through this. They're recommending, their recommendations are sound I believe, but a whole another aspect of this is when you go look at the map, okay north of that you have Harvey's Grove, which one of the speakers said it's a totally different situation, and it is, it's EU-2. Then below you have SEU, which is up to one acre. Then you go to AU, and that is a perfect transition. When you have EU-2 and then go straight to AU, it's not a logical transition. So, I'm, I am opposed to this the way it is written. I would be good with 26 homes, but that would be it. I think at one acre is fine, and it ask the question of this Commission, how often are we going to change? Someone comes for a BDP this time, oh, they want to change the BDP and zoning again, or they want to change it again. No, it has to be, there has to be a cutoff, there has to be a point where enough, you've come before us, and that's what it is. So, I'm opposed to this the way it is written."

Commissioner Isnardi said, "And I would agree with you, Commissioner Barfield, but, you know, I would hope that 12 years later, you know, obviously the, either the needs or the community changes and we have lots of development in that area as well; and I think 26 homes as opposed to 40, a 14-home difference over 26 acres, I don't see it being a significant enough of a change. I mean, I'm not going to compare Mr. Crisafulli's development because I don't think that's fair because I wasn't opposed to Crisafulli's development; but side-by-side comparison you can see what Commissioner Tobia passed out, I mean, I've looked at people's addresses when they came up and many of these residents don't even live within a mile of these, of these acreages, and to be told by one Merritt Island resident that we don't care about flooding, I, I point you to my staff where we sat out in the rain storm in the middle of people's floods, in the middle of neighborhoods. So, every one of us has been there and done that. So, I feel very offended that you assume that we sit back here, or we sit in our offices and don't go out to the public and care about flooding in our neighborhoods, because they are in all of our Districts, Indialantic, West Melbourne, to Palm Bay because our area, we do care about our area. So, I'll just leave that at that. That's a non-issue. That really hurt my feelings and it really diminishes the work of my staff because we've worked very hard, along with other County employees to make sure that we are doing what we can to clean out sewers, take care of storm drains, and to take care of our residents. So, while, again, while I appreciate the heckling in the audience and some of the curse words that I'm hearing, it's not going to change my mind. Twenty-six houses, I mean, I would hope that after 12 years you can change your plan for an area based on the needs of the neighborhood, and I think one resident said it well when they really don't want anything in this area, and I don't think that's fair to the home, or to the property owner as well. So, I don't really have a problem with this because I think he's taking care of, again, a lot of our complaints come from higher elevation properties that are built, and for newer development it's because we, we, we build and we develop smarter now in consideration with natural resources, in consideration with utilities and Public Works and growth management, because we make sure that we don't make mistakes that will cause flooding of neighborhoods and that we take care of the water that comes on our property. And we usually have such an impact that it actually helps surrounding neighborhoods." R-333 – R-334.

Barfield stated, "I'll leave it with this, but I'd just like to point out that over that time frame those 12 years, that the flood maps showed substantially more flooding in that area than before, and I think that needs to be in consideration. I think we need to look at this, and I actually think we do need to start looking when we are working on development what the overall impact in the future's going to be in a little different tone. I think that's a whole another issue we need to discuss. At some point I think we need to have a workshop on that, too; but for this, the flooding there, the new maps and everything show even more, and I think it needs to come into play with this.:" R-334.

Commissioner Smith said, "Yeah, I would just like to weigh in because I listened to all this testimony,

and I'm not really familiar with that area, I have driven by it probably three or four months ago. I know we've got the flooding issue, but when I look at the people that are familiar with it, starting with Commissioner Barfield and Merritt Island and the P&Z board, and they're all opposed to this, I have to say that I'm opposed also. But I would like to agree with Commissioner Barfield, if we can split the baby and make it like 26 homes, I think that, that would serve the size, and I think it would be equitable on both sides; so I would be amenable to that as well." R-334.

Commissioner Pritchett stated, "I've got to vote what I believe is a good fit, and I just believe it is. The County is growing, and as far as the flooding, I'll tell you, District 1, you talk about flooding, District 1 is flooded. I have roads underwater with the river. This is a really unusual time and I know different properties have different flooding, but we have to work on ways to mitigate the flooding when we build and what we're going to do with these things. I do care very much about wetlands, and I think it's important that we maintain them, but I just don't think this is a high density project, and with a good conscience, I could not vote to deny this tonight." R-334.

Commissioner Tobia moved in favor of a change of Zoning Classification from SEU to EU.

Commissioner Isnardi asked if that included the BDP and Commissioner Tobia answered yes, with a BDP to 40 units. R-335.

Isnardi stated, "I'll second." R-335.

Pritchett, Tobia, Isnardi voted aye.

Barfield, Smith voted nay.

Pritchett stated, "It passes 3:2, with Commissioner Barfield and Commissioner Smith in objection. R-335.

FINDINGS OF FACT

1. The subject property is designated Residential 2 on the Future Land Use Map of the Comprehensive Plan for Brevard County. R-037.
2. The Residential 2 Land Use Designation allows up to 2 units per acre. R-023, R-272.
3. The subject property is a vacant 26.11 acre site zoned SEU with a binding development plan limiting density to 18 units. R-023, R-036.
4. The requested rezoning to Estate Use 2 (EU-2) with a binding development plan limiting development to 40 units provided a density of less than 2 units per acre on the 26.11 acres. R-028.
5. The requested rezoning subject to the binding development plan limiting density to 40 units was consistent with the Future Land Use Map based on the use of the binding development plan to limit density as authorized by Section 62-1255, Code of Ordinances of Brevard County, Florida. R-271 – R-275.

6. The applicant amended the request to a lower density zoning classification, Estate Use (EU), at the public hearing. The binding development proposed remained at 40 units which does not exceed the Future Land Use Map designation of Residential 2. R-008, R-267 – R-268. EU-2 allows more units per acre than EU, however, with the binding development plan, the proposed density was the same under both the original application and the amended application.
7. The request and the amended request, as limited by the binding development plan, meet the requirements of Section 163.3194(1) (a), Florida Statutes and Section 62-1255, Code of Ordinances of Brevard County, Florida which require consistency with the Future Land Use Map. R-336, R-271 – R-275.
8. The subject property abuts Estate Use 2 (EU-2) zoning, Agricultural Use (AU) zoning and Recreational Vehicle Park (RVP) zoning. R-023, R-036.
9. The traffic analysis indicates there is road capacity available. R- 281.
10. The Administrative Policies of the Comprehensive Plan require review of the historical land use patterns and emerging trends. R-276 – R-279.
11. The historical land use pattern in the area has been Agricultural zoning (AU) with single family large lots on Smith Road.
12. The property to the north was once zoned AU, but is currently zoned EU-2 with a density of 56 units. R-017, R-028, R-036. The EU-2 lot size is 9,000 square feet. R-028, R-267 – R-268.
13. The EU zoning classification, subject to the binding development plan limiting density to 40 lots, provides a minimum lot size of 15,000 square feet adjacent to the EU-2 lots size of 9,000 square feet to the north. R-028, R-267 – R-268.
14. There are larger lots zoned Agricultural on Smith Road.
15. The proposed EU zoning classification, as limited, provides a transition between the existing EU-2 zoning classification and the existing AU zoning classifications.
16. The emerging trend in the area is rezoning of AU zoned areas for single family residential zoning up to 2 units per acre.

CONCLUSION


Based on the foregoing, the Board of County Commissioners hereby finds the rezoning request of EU, subject to a binding development plan limiting density to 40 units, is consistent with compatible with the existing land use designations of the Brevard County Comprehensive Plan. Further, the EU zoning request is compatible with the residential nature of the neighborhoods

to the north and the south and provides a transition between smaller lots to the north and larger lots to the south following an emerging trend and meeting the Administrative Policies of the Brevard County Comprehensive Plan.


DONE AND RESOLVED this 21 day of Nov., 2017.

ATTEST:

By:


Scott Ellis, Clerk

By:


Rita Pritchett, Chairwoman

As approved by the Board on: 11/21/17

Reviewed for legal form and content:

CERTIFICATION

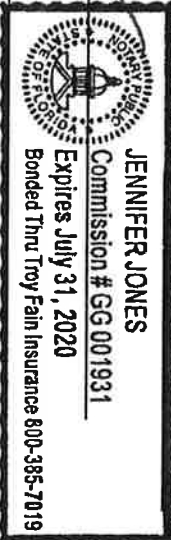
This is to certify that this is a true and correct copy as maintained in the Brevard County Planning and Zoning Office.

Stephen M Swanke Stephen M Swanke, Program Manager, Planning & Development Department, Brevard County, Florida

Sworn to and subscribed before me this 3rd day of November, 2017.

Personally known to me

My Commission Expires: _____



Jennifer Jones
Notary Public State of Florida at Large

North Merritt Road



BREVARD COUNTY PLANNING AND DEVELOPMENT APPLICATION FOR ZONING ACTION, COMPREHENSIVE PLAN AMENDMENT OR VARIANCE

All applications with fees must be submitted in person. Call 321-633-2070 for an appointment at least 24 hours in advance. DO NOT MAIL THE APPLICATION. An approval does not entitle the owner to a development permit.

Existing FLU Residential² Existing Zoning SEU
Proposed FLU Residential² Proposed Zoning EU2

APPLICATION NAME w/ BDP limiting the overall development to 2 units per acre.

- COMBINATION - COMPREHENSIVE PLAN AND REZONING (COCPR)
- COMPREHENSIVE PLAN (CP)
 - Large Scale Amendment
 - Small Scale Amendment
 - Text Amendment - Element
 - Other
- REZONING (Without CUP) (RWOC)
- COMBINATION - ZONING AND CUP (CORC)
- CUP (Without zoning) (CUP)
- VARIANCE(S) (V)
- AA (AA)
 - AA Type: stem
- OTHER (O):

Tax Parcel: T 24 R 36 S 11 S/D _____ Blk/Par _____ Lot _____

Acreage of Request: 26.11
Reason for Request: Rezoning to EU-2 and develop single-family subdivision for 40 homes

COUNTY PLANNER USE ONLY (401.00 Fee)

ACCELA# 17P200005 Fee \$ 1,651.00 (250)

Date filed 1/11/2017 Planner cf

District# _____ Tax Account ID# 2456584 and 2411616 (list all parcels)

Notification radius (feet) 500' Sign Issued of

Meeting(s)	Date	Time
<u>NMI</u>	<u>March 9, 2017</u>	<u>11 a.m.</u>
PSJ Board		
P&Z / LPA		
BCC	<u>April 6, 2017</u>	<u>5 p.m.</u>
BOA		

JPA/MIRA/500' of Palm Bay Extension: Yes or No
If Yes, list which _____

Location: East side N. Courtenay parkway N. Side of Smith road approx. 1/2 mi East of N. Courtenay parkway.

Detailed Description: Rezoning for single family development - 40 homes - draft BDP to amend existing BDP

PROPERTY OWNER:

Name: Noel Droor Company: NAJJAD, Inc.
 Address: 580 N. Wickham Road, Suite E E-Mail: noel@droorassociates.com
 City: Melbourne State: Florida Zip: 32935
 Phone: (321) 253-8233 Fax: () Cell: (321) 258-9139

APPLICANT IF OTHER THAN OWNER (check): Attorney _____ Agent _____ Contract Purchaser _____

Name: _____ Company: _____
 Address: _____ E-Mail: _____
 City: _____ State: _____ Zip: _____
 Phone: () Fax: () Cell: ()

The undersigned understands that this application must be complete and accurate prior to advertising a public hearing: State of Florida County of Brevard | Noel Droor being first duly sworn, depose and say that I hereby certify that the information in this application and all sketches and data attached to and made a part hereof are true and accurate to the best of my knowledge, and:

- I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- I am the legal representative of the owner of the subject property of this application. (Notarized statement attached)

Signature of Property Owner/Authorized Representative [Signature] Date 1/11/17

The foregoing instrument was acknowledged before me this 11 day of January, 2016, by Noel Droor, who is Personally Known by me OR Produced Identification Type of Identification Produced _____

[Signature]
 Notary Public Signature
 DOROTHY PREVOST
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# FF198202
 Expires 3/22/2018

ACCELA # _____

DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form ¹	Recorded Property Deeds	Legal Description of Request ²	Survey 11" x 17" (max. size)	Property Appraisers Map	Concurrency	School Concurrency ³	Wetland Survey ⁴	CUP Worksheet & Sketch ⁵	Comp Plan Information ⁶	Notice to Applicants	Neighbors Affidavit ⁷	Letter to Zoning Official	Variance Hardship Worksheet ⁹	*Additional Documentation	Fees
NUMBER OF COPIES REQUIRED																	
Staff to check indicating receipt																	
Comprehensive Plan Amendment ⁶	1	1	1	2	2	1		1			1					*	Y
Zoning request	1	1	1	1	1 ⁸	1	1	1	1			1				*	Y
Conditional Use Permit (CUP)	1	1	1	1	1 ⁸	1				1		1					Y
AA – Waiver	1	1			1	1							1	1			Y
AA – Easement or Flag lot	1	1	1	1	1	1											Y
Variance	1	1	1	1	1	1									1	*	Y

¹Authorization to Act form is required, if other than the owner of record is making the application. If the property is not owned in entirety, by the applicant, either a Form "A", or a notarized letter must accompany the application giving written consent by all property owners of the subject property.

²Legal Description must be typed on a separate sheet, if not easily described on the deed.

³School Board Concurrency application is required if the request represents an increase of more than one residential unit.

⁴Wetland Survey required on Commercial or Industrial property.

⁵CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

⁷Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸Survey must be submitted if requested by staff.

⁹Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

***Additional information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:**

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.

CALCULATION OF PUBLIC HEARING APPLICATION FEES - ZONING OFFICE

PUBLIC HEARING APPLICATION FEES BASE FEE ACREAGE FEE UNIT FEE SUB-TOTAL

REZONING

Environmental Area	511.00		
Residential Professional	960.00		
General Use and Agricultural Use	849.00 *	(5) x 24 **	1761
Single-Family Residential EU-2	849.00 *	(24) x 24 **	5796
Single-Family Mobile Home	849.00 *	(5) x 24 **	2022
Commercial/Planned Commercial	1,184.00	() x 24	
Tourist Commercial	1,855.00	() x 45	
Industrial/Planned Industrial	1,855.00	() x 45	
Planned Unit Development	5,861.00	() x 45	
Single-Family Attached Residential	960.00	() x 24	
Multiple-Family Residential	960.00	() x 24	
Recreational Vehicle Park	1,408.00	() x 24	
Mobile Home Park/Mobile Home Co-op	1,408.00	() x 24	

CUP's or ROU APPLICATIONS

Fee per request (with rezoning)	447.00
Fee per request (without rezoning)	849.00

OTHER APPLICATION FEES

Consultant Fee Retainer per Tower Application	6,934.00		
Transfer of Development Rights	1,520.00		
Comprehensive Plan Appeals (Vested Rights)			
One (5.0 acres or less) Single family residential	433.00		
All other appeals	1,733.00		
Variance/Appeals of Administrative Interpretation			
Base fee	598.00		
Fee for each additional request	182.00		
Special Hearing Fee for P&Z/LPA	3,692.00		
Special Hearing Fee for BOA	1,872.00		
All Other Unlisted Zoning Applications	849.00		
Miscellaneous			
Office of Natural Resources review fee (if applicable)			
(\$250.00 for rezoning review, \$300.00 for flag lot & easement review)			
Address Assignment review of flag lot & easement	50.00		
Land Development PUD Review Fee (\$100.00)			
SUB-TOTAL		849	
TOTAL			1401.00

BASE FEE ADJUSTMENTS

- * If area for these requests have the potential for only one more lot, fee is.....288.00
- ** Maximum acreage fees for these requests shall be.....2,240.00
- *** Maximum Planned Unit Development Fee shall be.....13,432.00
- **** Maximum fee for all other zoning requests shall be.....

(3)



Planning & Development
Central Cashier
 2725 Judge Fran Jamieson Way
 Building A, Room 114
 Melbourne, FL 32940

RECEIPT OF PAYMENT

Payment Date: 1/11/2017
Receipt #: 434973
Transaction Id# 11788/11789

Payment Method	Payment Reference #	Amount Paid	Comments
Check	11788/11789	\$1,651.00	ck#11788- \$1,401.00 ck#11789- \$250.00
		\$1,651.00	Total

FL

PZ Miscellaneous Fees \$1,651.00

17PZ00005

Fee	Invoice #	Amount
NRMO	464415	\$250.00
Zoning/Variance	464415	\$1,401.00

Grand Total \$1,651.00

Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.
To verify fees please visit the Brevard County Planning & Development Search.

www.brevardcounty.us/PlanningDev

P (321) 633-2068 F (321) 633-2052

Zoning Information Worksheet

Owner(s): NAJJAD, Inc
(Does this match the warranty deed?)

Applicant(s): Noel Dvor
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 2456504 and 2411666
(If more than one parcel, they must share a property line to be on the same application.)

PRESENT ZONING: SEU
• Is there a BDP or a CUP on the property? Yes/No:
• Is this a non-conforming lot of record? Yes/No: Why?
• Is this a substandard lot? Yes/No: Why?

REQUESTED ZONING/CUP: EU-2 w/ Amended BDP

What is the FLU Designation of the property?: Res 2
• Is the requested zoning consistent with the FLU? Yes/No (see compatibility table)
• If no, what is the requested small scale plan amendment? (MUST BE 10.00 ACRES OR LESS.)

BDP Requested? Yes/No: Limiting development to 2 units / acre

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No

PREVIOUSLY APPROVED ZONING ACTIONS: Z-11075 w/ BDP

Most recent zoning change in same section? Z# 116 PZ 000 32

If this is a CUP request, list all CUP's on adjacent properties: NA

Abutting property zoning classifications: N EU-2 S AU E AU W R/P, Moose INC / Lodge
Harvey Groves

JPA/Special Board/Special Section? Yes/No (Circle one and make a note on the application) PSJ, NMI, MIRA ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

REASON FOR REZONING REQUEST: 40 Unit Single family Subdivision

- If proposing single-family or multi-family how many units? 40
- If proposing a CUP for alcohol, how many seats? _____ Bar or Restaurant? _____
 - o Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
 - o Do you have a site plan showing the layout and parking configuration? Yes/No
 - o Do you have a CUP worksheet filled out by the applicant? Yes/No
- If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? Underdeveloped

Describe the character of the area: residential

Did you print out the Property Appraiser's Map for this property?
Did you mark the map?
Did you stamp the deed(s)?

Planner: cb
Checked by: (b) R-006

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

NOTES:

- If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

NOEL@STAL.US.COM or () _____ or U.S. Mail _____
e-mail address fax number

Yes/No

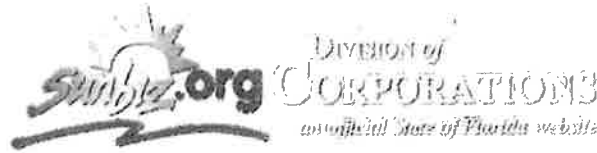
I have received a copy of this notice:

[Signature]
(APPLICANT SIGNATURE)

NOEL@DROORASOCIATES.COM

R-007

(6)



Department of State / Division of Corporations / Search Records / Detail By Document Number /

Detail by Entity Name

Florida Profit Corporation
NAJJAD, INC.

Filing Information

Document Number	P04000172324
FEI/EIN Number	20-2098685
Date Filed	12/27/2004
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	08/28/2013

Principal Address

580 N. WICKHAM RD., #E
MELBOURNE, FL 32935

Mailing Address

580 N. WICKHAM RD., #E
MELBOURNE, FL 32935

Registered Agent Name & Address

DROOR, Noel
7 SHORE VIEW CIRCLE
INDIATLANTIC, FL 32903

Name Changed: 01/13/2015

Address Changed: 08/28/2013

Officer/Director Detail

Name & Address

Title PD

DROOR, NOEL
580 N. WICKHAM RD., #E
MELBOURNE, FL 32935

Title VPD

DROOR, DARLENE

R-008



580 N. WICKHAM RD., #E
MELBOURNE, FL 32935

Title VPDT

DROOR, JONATHAN D
580 N. WICKHAM RD., #E
MELBOURNE, FL 32935

Title VPSD

DROOR, JASON R
580 N. WICKHAM RD., #E
MELBOURNE, FL 32935

Annual Reports

Report Year	Filed Date
2015	01/13/2015
2016	01/15/2016
2017	01/09/2017

Document Images

01/09/2017 -- ANNUAL REPORT	View image in PDF format
01/15/2016 -- ANNUAL REPORT	View image in PDF format
01/13/2015 -- ANNUAL REPORT	View image in PDF format
01/13/2014 -- ANNUAL REPORT	View image in PDF format
08/28/2013 -- REINSTATEMENT	View image in PDF format
02/21/2008 -- ANNUAL REPORT	View image in PDF format
03/26/2007 -- ANNUAL REPORT	View image in PDF format
03/13/2006 -- ANNUAL REPORT	View image in PDF format
04/29/2005 -- ANNUAL REPORT	View image in PDF format
12/27/2004 -- Domestic Profit	View image in PDF format

Prepared by & Return to:
TOM G. BURROWS, ESQ.
Burrows & Jester, P.A.
P.O. Box 541196
Merritt Island, FL 32954-1196



CFN 2005012153 01-12-2005 12:46 pm
OR Book/Page: 5408 / 4794

Parcel ID No(s): 24361100253 and
24361100-00294

Scott Ellis

Clerk Of Courts, Brevard County

QUIT-CLAIM DEED

#Pgs: 2 #Names: 3
Trust: 1.50 Rec: 17.00 Serv: 0.00
Mtg: 0.70 Excise: 0.00
Int Tax: 0.00

REC. IN
Doc. ST. \$.70
\$ 19.20

THIS QUIT-CLAIM DEED, executed this 10th day of January, 2005, by HAZEL H. JAMIR and STEPHEN J. JAMIR, Grantors, to NAJJAD, INC., a Florida Corporation, whose post office address is 453 Bella Camino Way, Indialantic, Florida 33903, Grantee.

WITNESSETH, that Grantors, for and in consideration of the sum of \$10.00 in hand paid by Grantee, the receipt whereof is hereby acknowledged, do hereby remise, release and quit-claim unto Grantee forever, all the right, title, interest, claim and demand which Grantors have in and to the following described lot, piece or parcel of land, situate, lying and being in the County of **Brevard**, State of **Florida**, to-wit:

SEE ATTACHED EXHIBIT 'A'

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee forever.

IN WITNESS WHEREOF, The Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Robert Mueller

(Printed Name of Witness)

Witness Pamela L. Green

(Printed Name of Witness)

HAZEL H. JAMIR
12401 N. 122nd St. D-712
Tampa, FL 33612

WITNESSES

AS TO

BOTH

STEPHEN J. JAMIR
219 South Bradford Avenue
Tampa, FL 33609

STATE OF FLORIDA
COUNTY OF Hillsborough ✓

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally

R-010 (9)

EXHIBIT 'A'

(Jamir Trust s/t NAJJAD, INC.)

PARCEL ONE

All of the SE ¼ of the NW ¼ of Section 11, Township 24 South, Range 36 East, excepting the South 630 feet thereof:

The west 330 feet of the NW ¼ of the SW ¼ of the NE ¼ of Section 11, Township 24 South, Range 36 East, all in Brevard County, Florida; ~~TOGETHER WITH an easement for private roadway purpose over the West 25 feet and the North 40.33 feet of the West 330 feet of the SW ¼ of the SW ¼ of the NE ¼ of Section 11, Township 24 South, Range 36 East;~~ Also an easement for private roadway purposes over the North 66 feet of the SW ¼ of the NW ¼ of Section 11, Township 24 South, Range 36 East, lying East of State Road Number 3, as described in Deed Book 375, Pages 440 and 441, Public Records of Brevard County, Florida. TOGETHER WITH an easement for pumping water in the drainage ditch along the northern boundary line of the east 330 feet of the NW ¼ of the SW ¼ of the NE ¼ of Section 11, Township 24 South, Range 36 East.

TOGETHER WITH:

PARCEL TWO

A parcel of land lying in the Southeast quarter of the Northwest quarter of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of the Northwest quarter and run S.89° 41' 35" W., a distance of 900.00 feet; thence run N.00° 18' 32" W., parallel with the East line of said Southeast quarter of the Northwest quarter, 25.00 feet to a point on the North right of way line of Smith Road; thence run S.89° 41' 35" W. along said right of way line a distance of 183.40 feet to the Point of Beginning; Thence continue S.89° 41' 35" W., a distance of 85.00 feet; thence run N.00° 18' 32" W., a distance of 604.98 feet to a point on the South line of that certain parcel of land as described in Official Records Book 2482, Pages 0999 and 1000, of the Public Records of Brevard County, Florida; thence run N.89° 41' 35" E., along said South line a distance of 85.00 feet; thence run S.00° 18' 32" E., a distance of 604.98 feet to the Point of Beginning. Said parcel containing 1.181 acres more or less. [Which is the same property as conveyed in deed recorded in O.R. Book 4701, Page 2602, Public Records of Brevard County, Florida.]



CFN 2005012153
OR Book/Page: 5408 / 4795

LEGAL DESCRIPTION TRACT A:

All of the SE 1/4 of the NW 1/4 of Section 11, Township 24 South, Range 36 East, excepting the South 630 feet thereof: The west 330 feet of the NW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 24 South, Range 36 East, all in Brevard County, Florida:

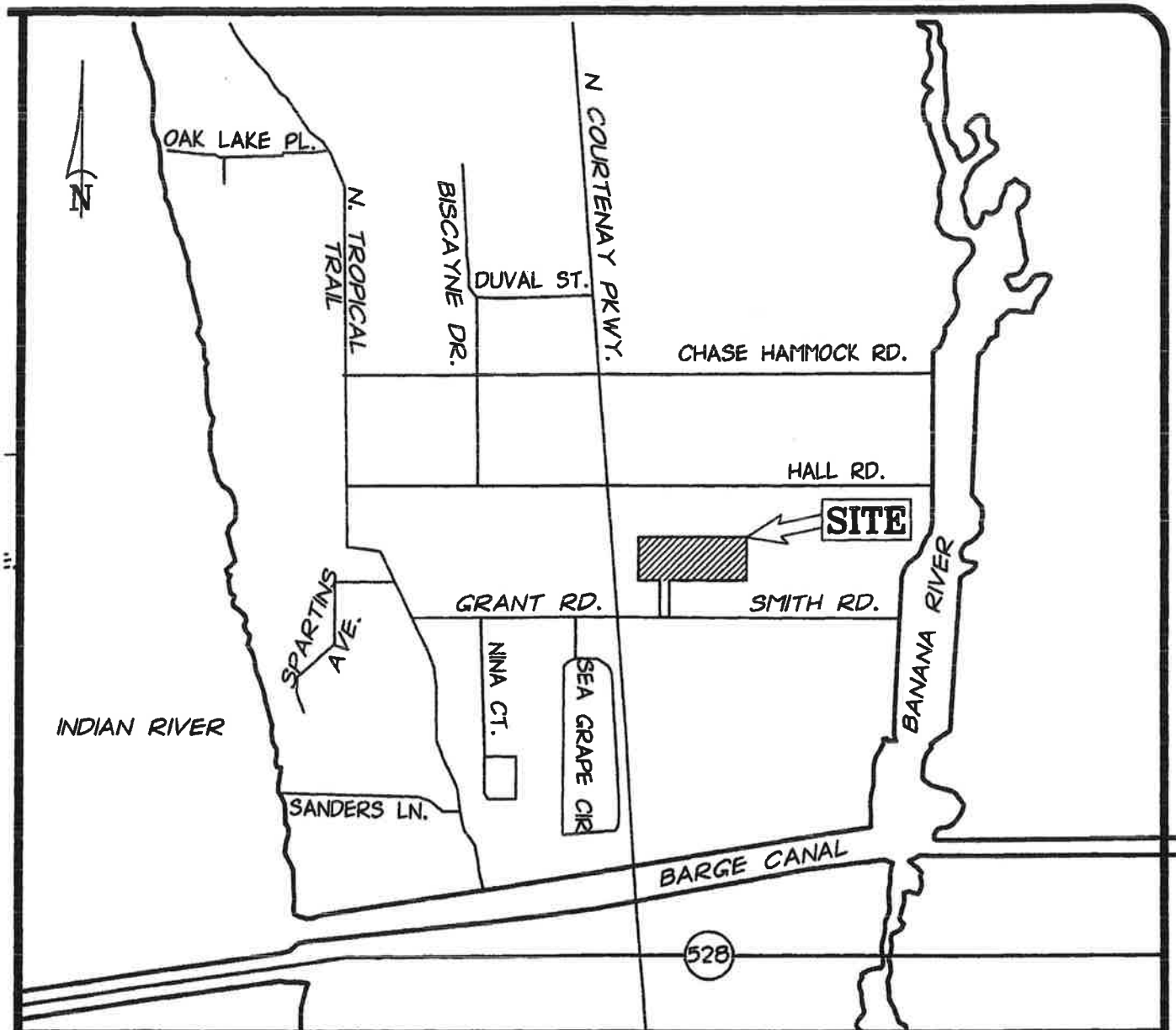
Together with an easement for private roadway purpose over the North 66 feet of the SW 1/4 of the NW 1/4 of Section 11, Township 24 South, Range 36 East, lying East of State Road Number 3, as described in Deed Book 375, Pages 440 and 441, Public Records of Brevard County, Florida.

Together with an easement for pumping water in the drainage ditch along the northern boundary line of the east 330 feet of the NW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 24 South, Range 36 East.

LEGAL DESCRIPTION TRACT B:

A parcel of land lying in the Southeast quarter of the Northwest quarter of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of the Northwest quarter and run S.89°41'35"W., a distance of 900.00 feet; thence run N.00°18'32"W., parallel with the East line of said Southeast quarter of the Northwest quarter, 25.00 feet to a point on the North right of way line of Smith Road; thence run S.89°41'35"W., along said right of way line a distance of 183.40 feet to the Point of Beginning; Thence continue S.89°41'35"W., a distance of 85.00 feet; thence run N.00°18'32"W., a distance of 604.98 feet to a point on the South line of that certain parcel of land as described in Official Records Book 2482, Pages 0999 and 1000, of the Public Records of Brevard County, Florida; thence run N.89°41'35"E., along said South line a distance of 85.00 feet; thence run S.00°18'32"E., a distance of 604.98 feet to the Point of Beginning. Said parcel containing 1.181 acres more or less.



VICINITY MAP

PARCEL ID #24-36-11-00-00253.0-0000.00
 SECTION 11, TOWNSHIP 24 SOUTH, RANGE 36 EAST



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2411616
 Owners Najjad Inc
 Mailing Address 580 N Wickham Rd Ste E Melbourne FL 32935
 Site Address Not Assigned
 Parcel ID 24-36-11-00-253
 Property Use 9909 - Vacant Residential Land (Single-Family, Unplatted)
 Exemptions None
 Taxing District 2200 - Unincorp District 2
 Subdivision N/A
 Total Acres 25.00
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page N/A
 Description Se 1/4 Of NW 1/4 & W 330 Ft Of NW 1/4 Of SW 1/4 Of NE 1/4 Ex S 630 Ft Of SE 1/4 Of NW 1/4

VALUE SUMMARY INFORMATION

Category	2016	2015	2014
Total Market Value	\$235,000	\$235,000	\$235,000
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$235,000	\$235,000	\$235,000
Assessed Value School	\$235,000	\$235,000	\$235,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$235,000	\$235,000	\$235,000
Taxable Value School	\$235,000	\$235,000	\$235,000

SALES/TRANSFERS INFORMATION

Date	Price	Deed	V O R I	Book/Page
01/10/2005	\$100	QC	Vacant	5408/4794
01/10/2005	\$450,000	WD	Vacant	5408/4791
01/22/1991	\$100	QC	Vacant	5365/8303
01/01/1984	\$190,000	WD	--	2482/0999

BUILDING INFORMATION

No Data Found



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account 2456504
 Owners Najjad Inc
 Mailing Address 580 N Wickham Rd Ste E Melbourne FL 32935
 Site Address Not Assigned
 Parcel ID 24-36-11-00-294
 Property Use 0009 - Vacant Residential Land (Single Family, Unplatted)
 Exemptions None
 Taxing District 2200 - Unincorp District 2
 Subdivision N/A
 Total Acres 1.11
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page N/A
 Description Part Of The SE 1/4 Of NW 1/4 As Desc IN Orb 4701 Pg 2602 Exc Rd R/W

VALUE SUMMARY INFORMATION

Category	2016	2015	2014
Total Market Value	\$10,430	\$10,430	\$10,430
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$10,430	\$10,430	\$10,430
Assessed Value School	\$10,430	\$10,430	\$10,430
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$10,430	\$10,430	\$10,430
Taxable Value School	\$10,430	\$10,430	\$10,430

SALES/TRANSFERS INFORMATION

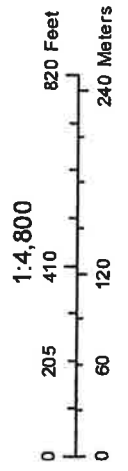
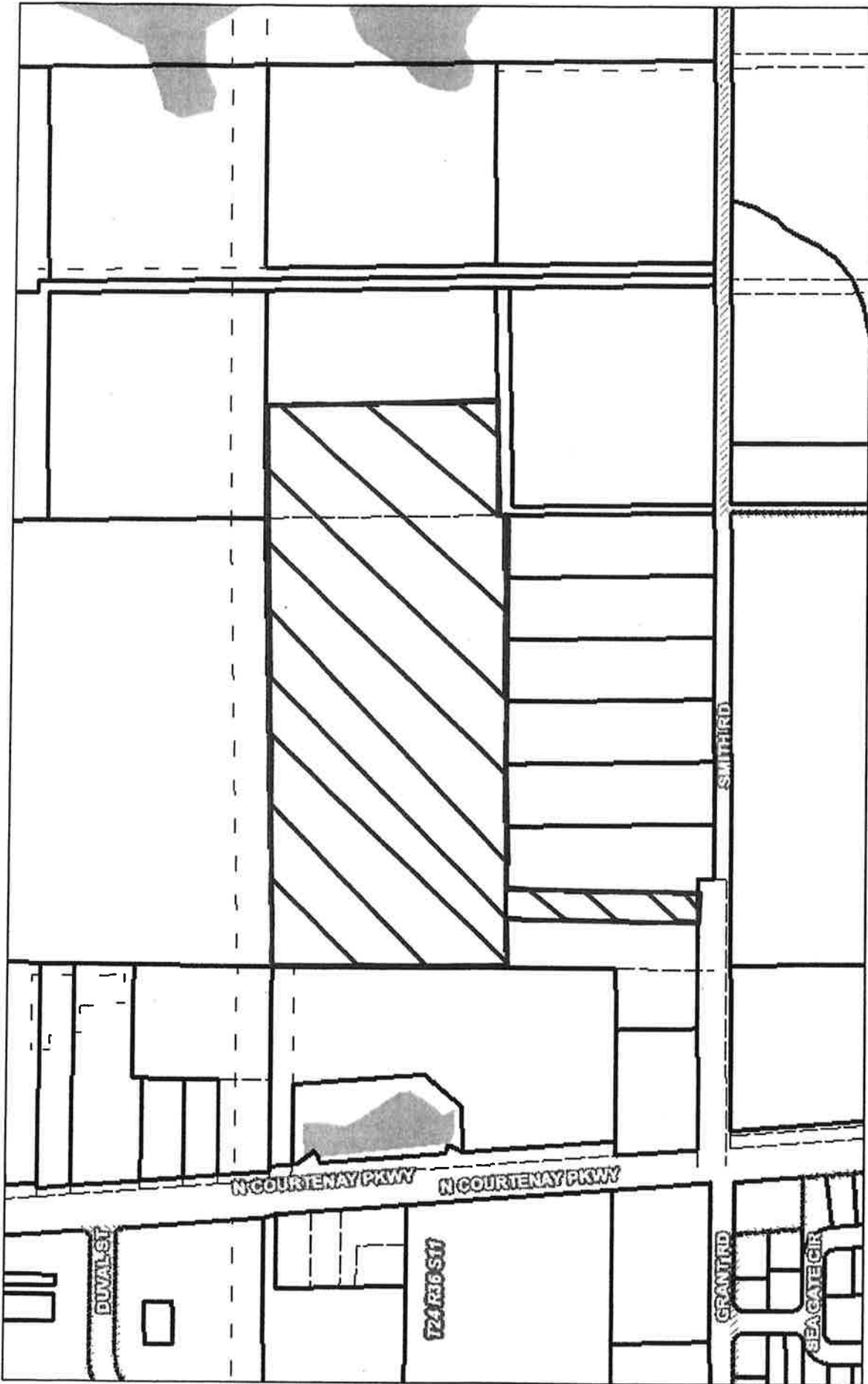
Date	Price	Deed	V O R I	Book/Page
01/10/2005	\$100	QC	Vacant	5408/4794
01/10/2005	\$450,000	WD	Vacant	5408/4791
09/30/2002	\$23,000	WD	Vacant	4701/2602

BUILDING INFORMATION

No Data Found

17PZ00005

R-017



23

17PZ00005 - N.H.S. AD, INC.

TOWNSHIP 24, RANGE 36, SECTION 11

17PZ00005

R-018

SEU with BDP
to
EU-2 with amended BDP

Legend

- Subject Property (Hatched box)
- Twp/Rng_Lines (Dashed line)
- Sections (Numbered box)
- Parcels (Solid line)
- Streets (Double line)
- Zoning Easements (Dashed line with 'Z')
- Zoning Actions (Box with 'Z')
- Municipality (Hatched box)

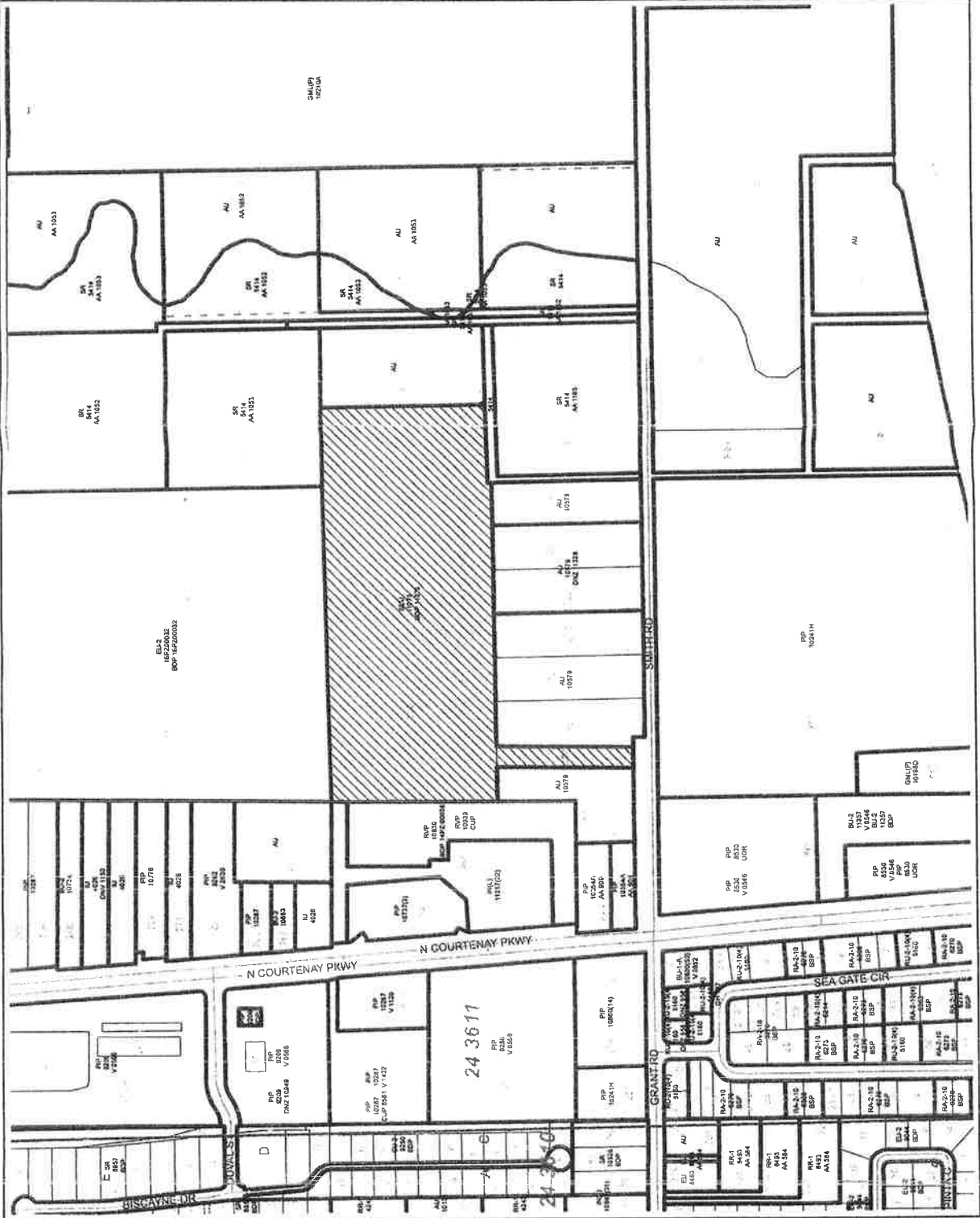
For Brevard County
Planning & Zoning
Office Use Only



0 100200 400 Feet

1 Inch = 400 Feet

Date: 1/24/2017





Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

February 17, 2017

Dear Applicant: NAJJAD, INC.

Your request for a zoning action will be considered by the North Merritt Island Dependent Special District Board at the public hearing scheduled for **THURSDAY, MARCH 9, 2017**, as Item **2**. This hearing will be held at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., 2nd Floor, Merritt Island, Florida, beginning at **6:00 p.m.**, or as soon thereafter as possible.

The final public hearing will be held by the Board of County Commissioners on **THURSDAY, APRIL 06, 2017**, at **5:00 p.m.** This hearing will also be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida. You, as applicant, or your representative, must be present at **all** of these public hearings. If your request is postponed until the following month as a result of **your** request, error, or failure to appear, or to be represented, you will be required to pay a reprocessing fee of 80 percent of the original fee before your request can be heard at a subsequent meeting.

The needs of hearing or visually impaired persons shall be met, if the Planning and Development Department is contacted at least five (5) days prior to the public hearing by any person wishing assistance.

Sincerely,

Robin M. DiFabio, AICP, Director
Planning & Development Department

RMD/jj

Dear Property Owner:

ID# 17PZ000005

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **NAJJAD, INC.**, who is requesting a change of classification on 26.11 acres. The property is located on the north side of Smith Rd., approx. 0.12 mile east of N. Courtenay Pkwy. (No assigned address. In the Merritt Island area.)

Current Zoning: SEU (Suburban Estate Residential Use) with an existing BDP

Request: EU-2 (Estate Use Residential) with a BDP limited to two (2) units per acre

A public hearing will be held by the North Merritt Island Dependent Special District Board at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., 2nd Floor, Merritt Island, Florida, 32953, on **Thursday, March 9, 2017**, beginning at 6:00 p.m. The final public hearing will be held by the Board of County Commissioners on **Thursday, April 6, 2017**, beginning at 5:00 p.m., also at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940.

You are invited to attend these public hearings to voice any comments you may have, or you may also write to the address shown on the front of this card. For the complete agenda, you may visit our internet site at www.brevardcounty.us/PlanningDev/Boards/NMISpecialDistrict, or call the Planning & Development Department at (321) 633-2069. Your correspondence or inquiry should refer to the ID# located in the upper right-hand corner of the card. The needs of hearing or visually impaired persons shall be met if the Planning & Development Department is contacted at least five (5) days prior to the public hearing.

Dear Property Owner:

ID# 17PZ000005

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **NAJJAD, INC.**, who is requesting a change of classification on 26.11 acres. The property is located on the north side of Smith Rd., approx. 0.12 mile east of N. Courtenay Pkwy. (No assigned address. In the Merritt Island area.)

Current Zoning: SEU (Suburban Estate Residential Use) with an existing BDP

Request: EU-2 (Estate Use Residential) with a BDP limited to two (2) units per acre

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Current Zoning: SEU (Suburban Estate Residential Use) with an existing BDP

Request: EU-2 (Estate Use Residential) with a BDP limited to 40 single-family units

A public hearing will be held by the Local Planning Agency (LPA) at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940, on **Monday, August 21, 2017**, beginning at 3:00 p.m. The final public hearing will be held by the Board of County Commissioners on **Thursday, September 7, 2017**, beginning at 5:00 p.m., also at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940.

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IV.A.1.
~~IV.B.2.~~

Commission District # 2 (17PZ00005)
 Initial Hearing Dates: NMI 03/09/17 BCC 04/06/17

REZONING REVIEW WORKSHEET

Applicant Name: NAJJAD, INC.

Request: SEU with a BDP to EU-2 with an amended BDP limited to two (2) units per acre

Subject Property:

Parcel ID#: 24-36-11-00-253 & 24-36-11-00-294
 Tax Acct#: 2411616 & 2456504
 Location: North side of Smith Rd., approx. 0.12 mile east of N. Courtenay Pkwy.
 Address: No assigned address. In the Merritt Island area.)
 Acreage: 26.11 acres

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	SEU with BDP	EU-2 with an amended BDP
Potential*	18 Single-family homes	40 single-family homes
Can be Considered under FLU MAP	YES RESIDENTIAL 2	NO**

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.
 ** Requires a Binding Development Plan, consistent with the Residential 2 Future Land Use Designation.

	ADT	PM PEAK		
Trips from Existing Zoning	182	11	Segment Number	060C
Trips from Proposed Zoning	221	30	Segment Name	N. Courtenay
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	14,650	1,319	Directional Split	0.52
Volume With Proposed Development	14,871	1,349	ITE CODE	
Current Volume / MAV	35.06%	35.06%	210	
Volume / MAV with Proposal	35.59%	35.59%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings			Non-Deficiency	

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet. The surrounding properties are zoned EU-2 and SR to the north, AU and SR to the south, AU to the east and IN(L), RVP and AU to the west. The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet. IN(L) is an institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature. The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

* Does the project appear to meet county use or density restrictions based upon:
 * Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: This request is for the EU-2 zoning classification for the purposes of developing the subject property with a subdivision consisting of approximately 40 homes. With this request, the applicant has submitted an *amended* Binding Development Plan (BDP) that limits the site to no more than 2 units per acre to be consistent with the Residential 2 Future Land Use Designation. At the 2 unit per acre density the property could yield approximately 52 homes however, the developer is limiting the development to a maximum of 40 homes. The *amended* BDP also limits ingress and egress to one access to Smith Road and one access to North Courtenay Parkway. The subject property does not front on North Courtenay Parkway. *easement thru Moose Lodge to the east*

The subject property is currently zoned SEU which requires one acre lots, with an existing Binding Development Plan (BDP). The Binding Development Plan limits the density to eighteen lots (on this 26 acre parcel) with each lot being a minimum of one acre in size. Additionally the *existing* BDP agreed to the following:

- All streets shall be curbed and guttered.
- All utilities shall be underground.
- Each house shall be a minimum of 3,000 s.f. living area.
- All buildings shall have a minimum 50' front, 100' rear, and 20' side setbacks.
- All buildings shall have a tile or metal standing seam roofs.

- Individual driveways shall be constructed with brick pavers.

The *amended* BDP submitted as part of this request for the EU-2 zoning classification, limits the density to two units per acre. Since the requested EU-2 zoning classification is not consistent with the current Residential 2 Future Land Use Designation, and the EU-2 zoning would allow more than two units per acre, the BDP is required so that the maximum density allowance in the Future Land Use Map (FLUM) of 2 units per acre is met. The developer with the Residential 2 Future Land Use could yield 52 homes on the subject property, however, the developer is limiting the development to 40 homes.

The EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet. Meeting the minimum requirements of the requested EU-2 zoning classification is a significant departure from the previously approved *existing* BDP that required one acre lots, 3,000 s.f. of living area and much larger setbacks. The next closest EU-2 zoning abuts the subject property to the north. It was approved for EU-2 with a BDP that limited the development to 2 units per acre similar to the subject request in 2016. However, that request was much larger in scale with approximately 83 homes to be developed.

The access for this property is a 100' strip of land that fronts on Smith Road. This strip of land lies between two developed AU zoned parcels. The Board may wish to consider the impact upon the single-family homes abutting the subject property that also front on Smith Road. Although the developer has stated in the amended BDP that they would limit the access to Smith Road and North Courtenay Parkway, it is not clear where that access would be located since the subject property does not abut North Courtenay Parkway. If the subject property is able to use North Courtenay Parkway as primary access, then the Smith Road access can be for emergency purposes only, thereby limiting the impact to those homes that front on Smith Road.

The Board may wish to further evaluate this request in the context of the *amended* BDP and still require some of the elements such as roof types, placement of the utilities underground and brick paved driveways. Further, given the proximity of the subject property to the Indian River Lagoon, the requirement of a sewer connection to serve the proposed subdivision should be added to the amended BDP along with the self-imposed limit of 40 homes.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 17PZ00005	Applicant: Noel Droor, NAJJAD, Inc.
Zoning Request: SEU to EU2	
NMI Hearing Date: 03/09/17	BCC Hearing Date: 04/06/17

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 24, Rng. 36, Sec. 11;
 Tax ID Nos. 2411616 & 2456504**

The subject parcel contains mapped NWI and SJRWMD wetlands and mapped hydric soils (Anclote sand depressional, St. John sand, Myakka sand, Copeland-Bradenton-Wabasso complex limestone, Chobee mucky loamy fine sand depressional, Quartzipsamments smoothed), indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65-3694(c)(6). The applicant is encouraged to contact NRM prior to any plan or permit submittal. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696.

The eastern portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

IV.E.

Commission District # 2 (17PZ00005)
 Initial Hearing Dates: NMI 03/09/17 LPA 08/21/17 BCC 09/07/17

REZONING REVIEW WORKSHEET
 Revised 08/08/17

Applicant Name: NAJJAD, INC.

Request: SEU with a BDP to EU-2 with an amended BDP limited to two (2) units per acre

Subject Property:

Parcel ID#: 24-36-11-00-253 & 24-36-11-00-294
 Tax Acct#: 2411616 & 2456504
 Location: North side of Smith Rd., approx. 0.12 mile east of N. Courtenay Pkwy.
 Address: No assigned address. In the Merritt Island area.)
 Acreage: 26.11 acres

Consistency with Land Use Regulations

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
YES** Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	SEU with BDP	EU-2 with an amended BDP
Potential*	18 Single-family homes	40 single-family homes
Can be Considered under FLU MAP	YES RESIDENTIAL 2	YES**

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

** Requires a Binding Development Plan, consistent with the Residential 2 Future Land Use Designation.

	ADT	PM PEAK		
Trips from Existing Zoning	172	18	Segment Number	060C
Trips from Proposed Zoning	383	40	Segment Name	N. Courtenay
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	14,650	1,319	Directional Split	0.51
Volume With Proposed Development	15,033	1,359	ITE CODE 210	
Current Volume / MAV	35.06%	35.06%		
Volume / MAV with Proposal	35.97%	35.97%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet. The surrounding properties are zoned EU-2 and SR to the north, AU and SR to the south, AU to the east and IN(L), RVP and AU to the west. The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet. IN(L) is an institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature. The Board should evaluate the compatibility of this application within the context of Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

* Does the project appear to meet county use or density restrictions based upon:
 * Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: The subject property is currently zoned SEU which requires one acre lots, with an existing Binding Development Plan (BDP). The Binding Development Plan limits the density to 18 lots with each lot being a minimum of one acre in size. Additionally the *existing* BDP agreed to the following:

- All streets shall be curbed and guttered.
- All utilities shall be underground.
- Each house shall be a minimum of 3,000 s.f. living area.
- All buildings shall have a minimum 50' front, 100' rear, and 20' side setbacks.
- All buildings shall have a tile or metal standing seam roofs.
- Individual driveways shall be constructed with brick pavers.

This request is for the EU-2 zoning classification with a Binding Development Plan (BDP) for the purposes of limiting the development to a maximum of 40 homes, on a 26.11 acres parcel. The subject site has a Residential 2 Future Land Use designation. At the 2 unit per acre density the property could yield approximately 52 homes. However, the developer is limiting the development to a maximum of 40 homes. Since the requested EU-2 zoning classification is not consistent with the current Residential 2 Future Land Use Designation, and the EU-2

zoning would allow more than two units per acre, the BDP is required so that the maximum density allowance in the Future Land Use Map (FLUM) of 2 units per acre is met. Furthermore, the amended BDP proposes the following:

- Each house shall be a minimum of 2,500 s.f. living area
- Limits ingress and egress to Smith Road only
- Provision of an approximately 200' landscape berm at the eastside of ingress/egress or a 6' high by 200' long wall
- Construction of a retention pond at the southside of the property
- All streets shall be curbed and guttered
- All streets shall have sidewalks
- All utilities shall be underground

*Please see amended draft BDP submitted by the applicant on August 8, 2018.

The changes to the previously proposed BDP seeks to address concerns from residents in the surrounding area. There were concerns regarding access, drainage and minimum house size. The proposed minimum living area is 1,000 s.f. greater than what is required under the requested EU-2 zoning classification and 500 s.f. more than what is required under the existing SEU zoning classification.

The subject parcel does not have access to County sewer service. In order to establish sewer connectivity the applicant would be required to construct a private lift station and approximately 530' of force main that could connect to County owned force main located on N. Courtenay Pkwy. The access for this property is a 100' strip of land that fronts on Smith Road. This strip of land lies between two developed AU zoned parcels. The proposed BDP stipulates the provision of a 200' landscape buffer along the eastside of the ingress/egress. The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency of adopted levels of service.

The subject parcel abuts EU-2 zoning classification to the north (Harvey's Indian River Groves Inc.). The Harvey's Indian River Groves property was granted a Small Scale Amendment from Planned Industrial (PLNIP) to Residential 2, with a companion rezoning from Suburban Estate Use (SEU) and Planned Industrial Park (PIP) to EU-2 with a BDP that limited the number proposed units to 56. The enacted BDP did not stipulate a larger home size than what is required under the EU-2 zoning classification (16PZ00032 & 16S.04).

Summary

- The Board may wish to consider whether this request is consistent with emerging trends in the surrounding area.
- The requested EU-2 zoning with a BDP to limit the development to 40 single family homes is consistent with the Residential 2 Future Land Use designation, since the proposed density on the 26.11 acres parcel is less than 2 units per acre.
- The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency of adopted levels of service.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
 Rezoning Review
 SUMMARY**

Item #: 17PZ00005	Applicant: Noel Droor, NAJJAD, Inc.
Zoning Request: SEU to EU2	BCC Hearing Date: 04/06/17
NMI Hearing Date: 03/09/17	

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 24, Rng. 36, Sec. 11;
 Tax ID Nos. 2411616 & 2456504**

The subject parcel contains mapped NW1 and SJRWMD wetlands and mapped hydric soils (Anclote sand depressional, St. John sand, Myakka sand, Copeland-Bradenton-Wabasso complex limestone, Chobee mucky loamy fine sand depressional, Quartzipsamments smoothed), indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65-3694(c)(6). The applicant is encouraged to contact NRM prior to any plan or permit submittal. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696.

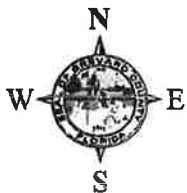
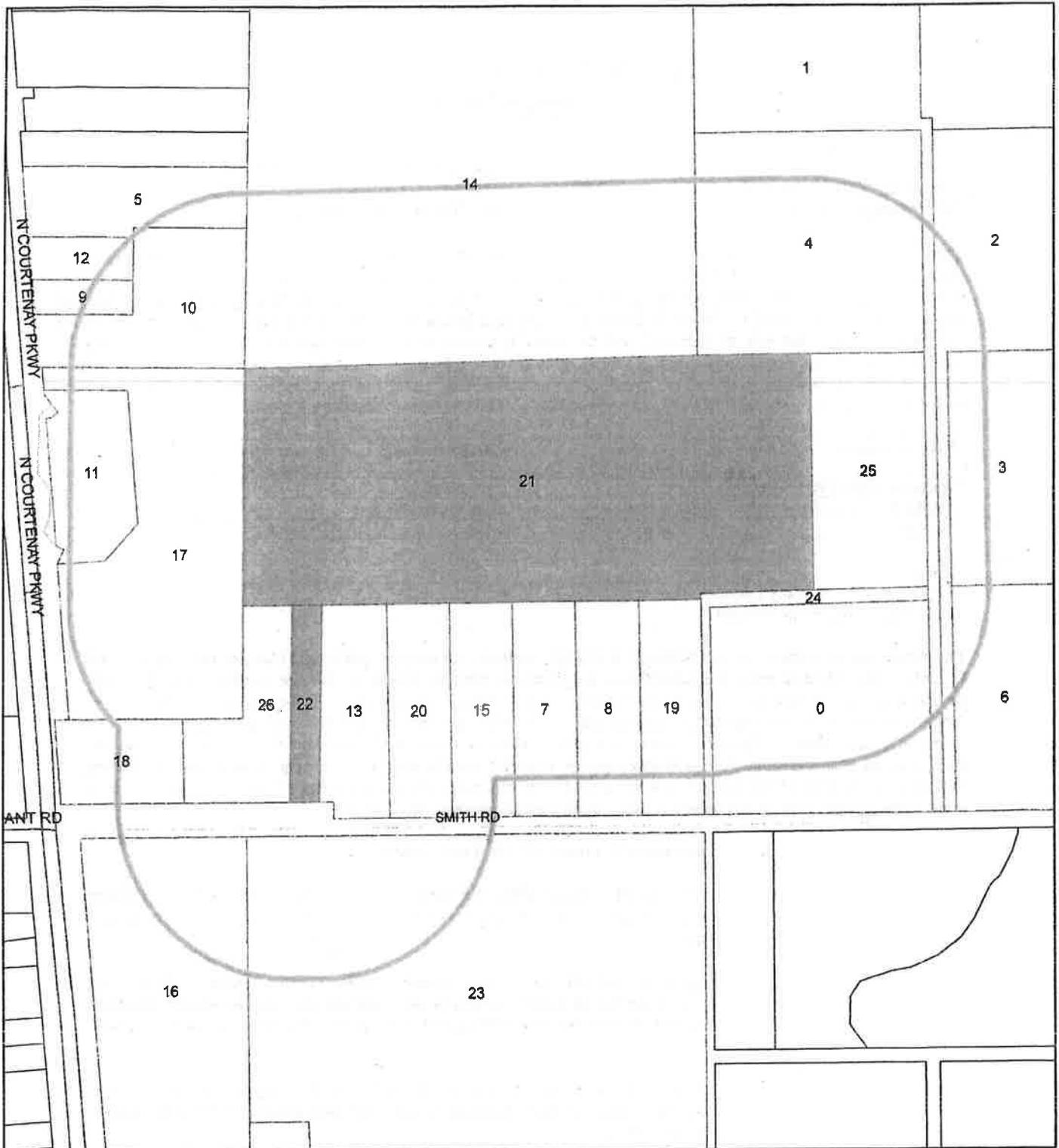
The eastern portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

RADIUS MAP

NAJJAD, Inc.
17PZ00005



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

- Buffer
- Subject Property
- Notify Property
- Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

17PZ00005
Page1

DROOR, Noel
NAJJAD, Inc.
580 N. Wickham Road, Suite E
Melbourne, FL 32935

ARMSTRONG, MICHAEL SCOTT
ARMSTRONG, ANGELIA M
200 SMITH RD
MERRITT ISLAND FL 32953-

BUFFKIN, ROBERT EARL
BUFFKIN, CHRISTINA LEE TRUSTEES
355 E HALL RD
MERRITT ISLAND FL 32953-

CAREY, CHERRY
3662 MCCLEAN AV
ROCKLEDGE FL 32955-4519

CONFIDENTIAL PURSUANT TO
FLORIDA STATUTES
PO BOX 541159
MERRITT ISLAND FL 32954-1159

DUNCAN, SAMUEL JASON
DUNCAN, JENNIFER LYNN
3588 IMPERATA DR
ROCKLEDGE FL 32955-6091

FIEGLE INC
3330 N COURTENAY PKWY
MERRITT ISLAND FL 32953-

FLORIDA POWER & LIGHT CO
PROPERTY TAX - PSX/JB
700 UNIVERSE BLVD
JUNO BEACH FL 33408-

FLORIDA, STATE OF (DOT)
719 S WOODLAND BLVD
DE LAND FL 32720-6834

GAYDAN, MARTIN M
GAYDAN, JEANNIE CO-TRUSTEES
3390 COURTENAY PKWY N #B
MERRITT ISLAND FL 32953-

GRIBAS, KENNETH CHARLES
GRIBAS, JUNE BROWNE
130 SMITH RD
MERRITT ISLAND FL 32953-8326

HARVEY'S INDIAN RIVER GROVES INC
PO BOX 560700
ROCKLEDGE FL 32956-0700

JUUL, DOUGLAS L
KOBZIK-JUUL, BARBARA
160 SMITH RD
MERRITT ISLAND FL 32953-

LEGACY BANK OF FLORIDA
2300 GLADES RD STE 140
BOCA RATON FL 33431-

LOYAL ORDER OF THE MOOSE LODGE
NO 2073 INC
PO BOX 540333
MERRITT ISLAND FL 32954-0333

M & R UNITED INC
402 HIGH POINT DRIVE STE A
COCOA FL 32926-

MATTHEWS, GARETH A
MATTHEWS, FANNY CARMEN
255 MINDY AVE
MERRITT ISLAND FL 32953-

MC MILLIN, EARL R
MC MILLIN, MARY W TRUSTEES
PO BOX 1086
CAPE CANAVERAL FL 32920-1086

NAJJAD INC
580 N WICKHAM RD STE E
MELBOURNE FL 32935-

PINNER GROVES INC
17 S HARDEE CIRCLE
ROCKLEDGE FL 32955-

SCHNABEL, JOHN ALBERT
SCHNABEL, FRANCES ELAINE TRUSTEES
95 BARCELONA BLVD
MERRITT ISLAND FL 32952-

TIDWELL, HARRY
TIDWELL, PAMELA
110 SMITH RD
MERRITT ISLAND FL 32953-8326

OWNER1|OWNER2|MAIL1|MAIL2|CITY_STATE_ZIPS_ZIP4

17PZ00005-m.txt

17PZ00005|Page1|
DROOR, Noel|NAJJAD, Inc. |580 N. Wickham Road, Suite E|Melbourne, FL 32935|
ARMSTRONG, MICHAEL|SCOTT|ARMSTRONG, ANGELIA M|200 SMITH RD|MERRITT ISLAND FL 32953-
BREVARD COUNTY|C/O ASSET MANAGEMENT|700 PARK AVE S|TITUSVILLE FL 32780-
BREVARD COUNTY|C/O ASSET MANAGEMENT|700 PARK AVE S|TITUSVILLE FL 32780-
BREVARD COUNTY|C/O ASSET MANAGEMENT|700 PARK AVE S|TITUSVILLE FL 32780-
BREVARD COUNTY|C/O ASSET MANAGEMENT|700 PARK AVE S|TITUSVILLE FL 32780-
BUEFKIN, ROBERT EARL|BUEFKIN, CHRISTINA LEE TRUSTEES|355 E HALL RD| MERRITT ISLAND FL 32953-
CAREY, CHERRY|3662 MCCLEAN AV|ROCKLEDGE FL 32955-4519
CONFIDENTIAL PURSUANT TO|FLORIDA STATUTES|PO BOX 541159| MERRITT ISLAND FL 32954-1159
DUNCAN, SAMUEL|JASON|DUNCAN, JENNIFER LYNN|3588 IMPERATA DR|ROCKLEDGE FL 32955-6091
FIEGLE, INC|3330 N COURTENAY PKWY| MERRITT ISLAND FL 32953-
FLORIDA POWER & LIGHT CO|PROPERTY TAX - PSX/JR|700 UNIVERSE BLVD|JUNO BEACH FL 33408-
FLORIDA, STATE OF (DOT)|1719 S WOODLAND BLVD|IDE LAND FL 32720-6834
GAYDAN, MARTIN M|GAYDAN, JEANNIE CO-TRUSTEES|3390 COURTENAY PKWY N #8| MERRITT ISLAND FL 32953-
GRIBAS, KENNETH CHARLES|GRIBAS, JUNE BROWNE|130 SMITH RD| MERRITT ISLAND FL 32953-8326
HARVEY S INDIAN RIVER GROVES INC|PO BOX 560700|ROCKLEDGE FL 32956-0700
JUUL, DOUGLAS L|KOBZIK-JUUL, BARBARA|160 SMITH RD| MERRITT ISLAND FL 32953-
LEGACY BANK OF FLORIDA|2300 GLADES RD STE 140|BOCA RATON FL 33431-
LOYAL ORDER OF THE MOOSE LODGE|NO 2073 INC|PO BOX 540333| MERRITT ISLAND FL 32954-0333
M & R UNITED INC|402 HIGH POINT DRIVE STE A|COCOA FL 32926-
MATTHEWS, GARETH A|MATTHEWS, FANNY CARMEN|255 MINDY AVE| MERRITT ISLAND FL 32953-
MC WILLIN, EARLE R|MC WILLIN, MARY W TRUSTEES|PO BOX 1086|CAPE CANAVERAL FL 32920-1086
NAJJAD INC|580 N WICKHAM RD STE E| MELBOURNE FL 32935-
NAJJAD INC|580 N WICKHAM RD STE E| MELBOURNE FL 32935-
PTINNER GROVES INC|117 S HARDEE CIRCLE|ROCKLEDGE FL 32955-
SCHNABEL, JOHN ALBERT|SCHNABEL, FRANCES ELAINE TRUSTEES|95 BARCELONA BLVD| MERRITT ISLAND FL 32952-
SCHNABEL, JOHN ALBERT|SCHNABEL, FRANCES ELAINE TRUSTEES|95 BARCELONA BLVD| MERRITT ISLAND FL 32952-
TIDWELL, HARRY|TIDWELL, PAMELA|110 SMITH RD| MERRITT ISLAND FL 32953-8326

17Pz000005-o.txt

BUFE_ID	TAXID	PARCELID	OWNER1	OWNER2	MAIL1	MAIL2	CITY	STATE	ZIPS	ZIP4
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1	2443798	24	3611-00-8	BREVARD COUNTY	C/O ASSET MANAGEMENT	700 PARK AVE S	TITUSVILLE	FL	32780	
2	2443799	24	3611-00-7	BREVARD COUNTY	C/O ASSET MANAGEMENT	700 PARK AVE S	TITUSVILLE	FL	32780	
3	2443799	24	3611-00-9	BREVARD COUNTY	C/O ASSET MANAGEMENT	700 PARK AVE S	TITUSVILLE	FL	32780	
4	2411610	24	3611-00-4	BREVARD COUNTY	C/O ASSET MANAGEMENT	700 PARK AVE S	TITUSVILLE	FL	32780	
5	2411635	24	3611-00-2/2	BUFFKIN, ROBERT EARL	BUFFKIN, CHRISTINA LEE	TRUSTEES	355 E HALL RD	MERRITT ISLAND	FL	32953
6	2443796	24	3611-00-6	CAREY, CHERYL	13662 MCLEAN AV	ROCKLEDGE	FL	32955	4519	
7	2454836	24	3611-00-292	CONFIDENTIAL PURSUANT TO	FLORIDA STATUTES	PO BOX 541159	MERRITT ISLAND	FL	32954	1159
8	2461848	24	3611-00-295	DUNCAN, SAMUEL JASON	DUNCAN, JENNIFER LYNN	13588 IMPERATA DR	ROCKLEDGE	FL	32955	6091
9	2411631	24	3611-00-258	FIEGLE INC	1330 N COURTENAY PKWY	MERRITT ISLAND	FL	32953		
10	2411615	24	3611-00-252	FLORIDA POWER & LIGHT CO	PROPERTY TAX - PSX/JB	1700 UNIVERSE BLVD	JUNO BEACH	FL	33408	
11	2441474	24	3611-00-260	FLORIDA, STATE OF (DOT)	1719 S WOODLAND BLVD	DE LAND	FL	32720	6834	
12	2411614	24	3611-00-251	GAYDAN, MARTIN M	GAYDAN, JEANNIE CO-TRUSTEES	13390 COURTENAY PKWY N #8	MERRITT ISLAND	FL	32953	
13	2454523	24	3611-00-290	GRIEBS, KENNETH CHARLES	GRIEBS, JUNE BROWN	1130 SMITH RD	MERRITT ISLAND	FL	32953	8326
14	2411613	24	3611-00-250	HARVEY, S INDIAN RIVER GROVES INC	PO BOX 560700	ROCKLEDGE	FL	32956	0700	
15	2411619	24	3611-00-255	JUUL, DOUGLAS L	KOBRZIK-JUUL, BARBARA	160 SMITH RD	MERRITT ISLAND	FL	32953	
16	2411749	24	3611-00-501	LEGACY BANK OF FLORIDA	12300 GLADES RD STE 140	BOCA RATON	FL	33431		
17	2411623	24	3611-00-260	LOYAL ORDER OF THE MOOSE LODGE	INO 2073 INC	PO BOX 540333	MERRITT ISLAND	FL	32954	0333
18	2411618	24	3611-00-254	I M & R UNITED INC	1402 HIGH POINT DRIVE STE A	COCCA	FL	32926		
19	2454522	24	3611-00-289	MATTHEWS, GARETH A	MATTHEWS, FANNY CARMEN	255 MINDY AVE	MERRITT ISLAND	FL	32953	
20	2454837	24	3611-00-293	MC MILLIN, EARL R	MC MILLIN, MARY W TRUSTEES	PO BOX 1086	CAPE CANAVERAL	FL	32920	1086
21	2411616	24	3611-00-253	NAJJAD INC	1580 N WICKHAM RD STE E	MELBOURNE	FL	32935		
22	2456504	24	3611-00-294	NAJJAD INC	1580 N WICKHAM RD STE E	MELBOURNE	FL	32935		
23	2411748	24	3611-00-500	PINNER GROVES INC	17 S HARDEE CIRCLE	ROCKLEDGE	FL	32955		
24	2411609	24	3611-00-3	SCHNABEL, JOHN ALBERT	SCHNABEL, FRANCES ELAINE TRUSTEES	195 BARCELONA BLVD	MERRITT ISLAND	FL	32952	
25	2411608	24	3611-00-2	SCHNABEL, JOHN ALBERT	SCHNABEL, FRANCES ELAINE TRUSTEES	195 BARCELONA BLVD	MERRITT ISLAND	FL	32952	
26	2454835	24	3611-00-291	TIDWELL, HARRY	TIDWELL, PAMELA	110 SMITH RD	MERRITT ISLAND	FL	32953	8326

Existing Zoning of Subject Property(ies) at Time of Application:

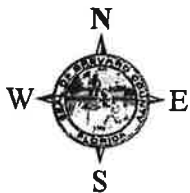
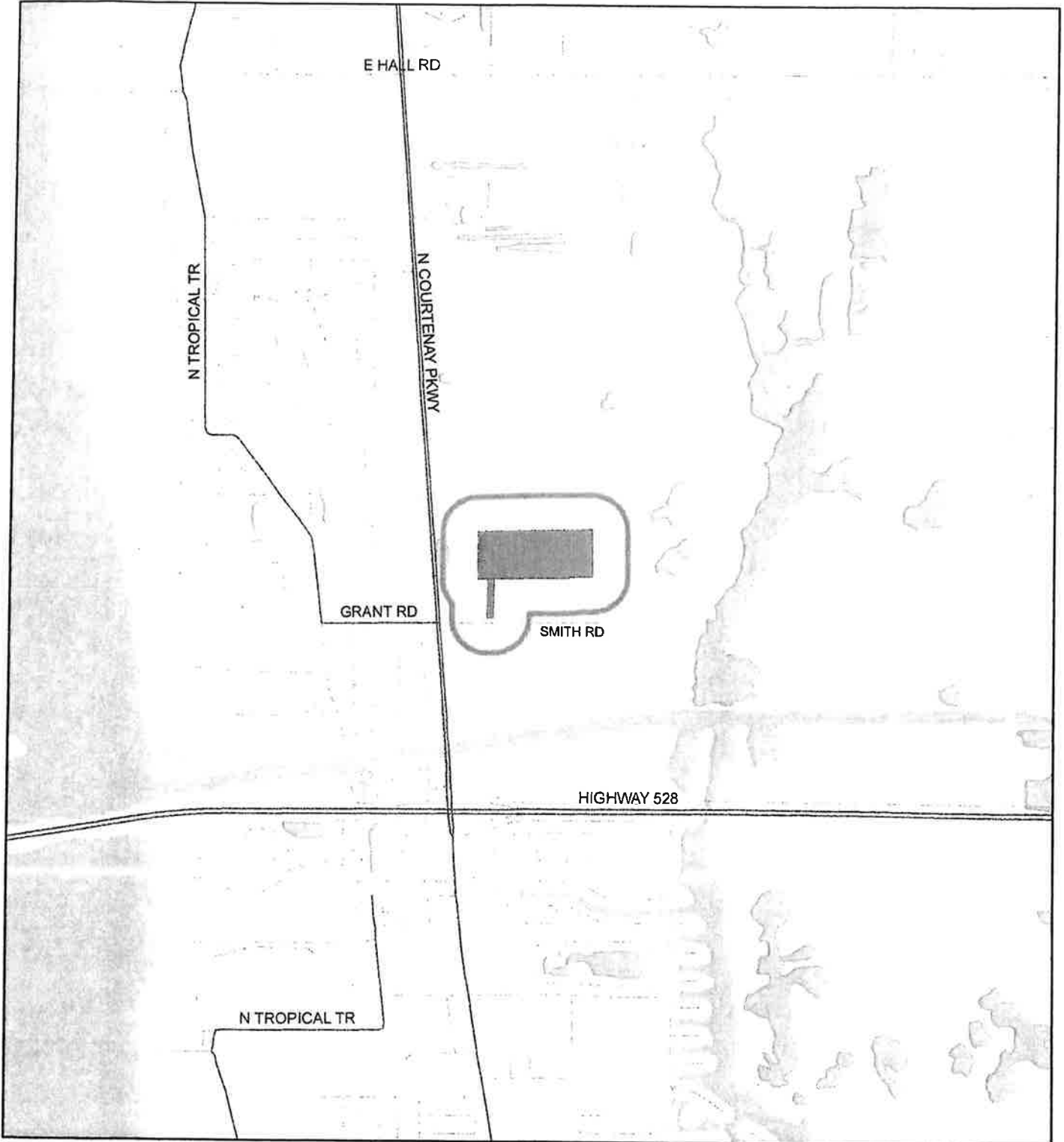
17PZ00005

The screenshot shows a software window titled "Identify". At the top, there is a dropdown menu labeled "Identify from:" with "Zoning Actions" selected. Below this is a tree view showing "Zoning Actions" expanded to "SEU". A "Location:" field displays the coordinates "752,080.042 1,483,977.379 Feet". The main area contains a table of fields and values. At the bottom, it states "Identified 1 feature".

Field	Value
ZONING	SEU
DENSCAP	
ZONINGFILE	11075
ZONINGDATE	5/25/2005
HISTORY	Yes
BLANKETF	
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ACTION	BOP
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ACTIONDATE	5/25/2005
COMMENTS	<null>
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AFILE_NAME	Z11075.PDF
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LOCATION MAP

NAJJAD, Inc.
17PZ00005



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

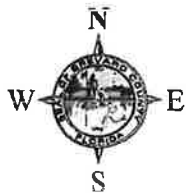
 Buffer

 Subject Property




This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

ZONING MAP

NAJJAD, Inc.
17PZ00005



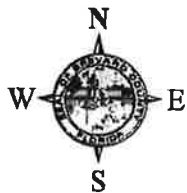
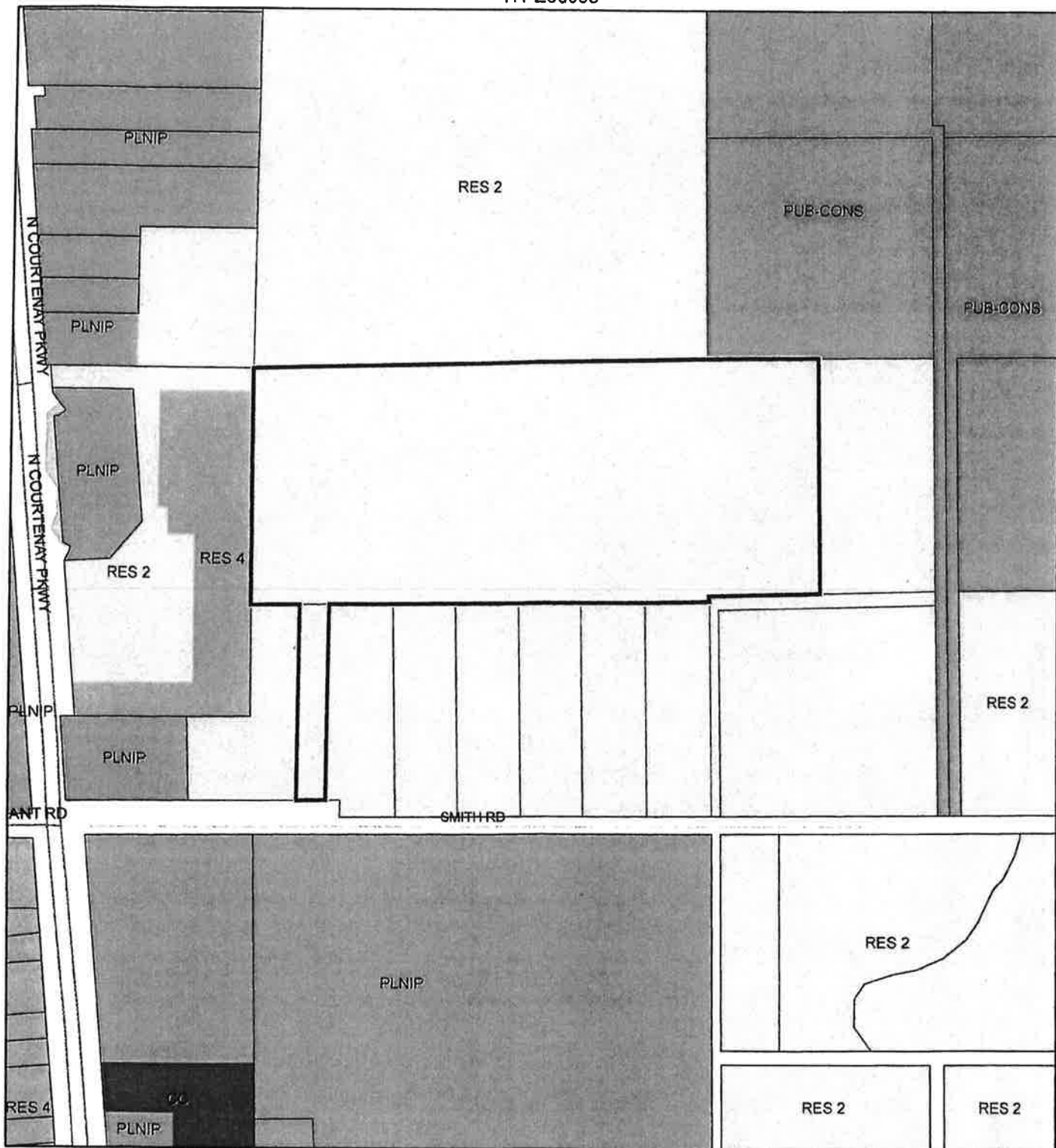
1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

FUTURE LAND USE MAP

NAJJAD, Inc.
17PZ00005



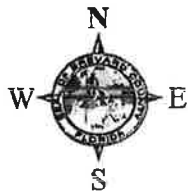
1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

AERIAL MAP

NAJJAD, Inc.
17PZ00005



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2016

— Subject Property

□ Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/24/2017

R-038

17P200505

Owner's Name: Noel Drooc

Hearing Date: March 9, 2017

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, Noel Drooc, to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

[Signature] 3/3/17
 Signature

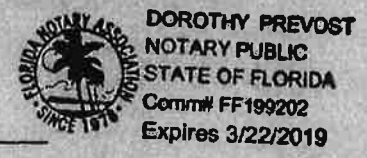
Sworn and Subscribed before me, this 3rd day of March 2017

Dorothy Prevost
(Print, Type, or Stamp Commissioned Name of Notary Public)

[Signature]
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: _____



THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING R-039

Existing BDP
17P200005

LYI
AB2

CFN:2005184043 05-25-2005 09:43 am
OR Book/Page: 5472 / 3426

Prepared by: Droor & Associates, Inc.
580 N. Wickham Road, Suite E
Melbourne, FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered unto this 10th day of March 2005, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the County), and NAJJAD, Inc. as owner of Parcel 1 and Parcel 2 as shown on the attached EXHIBIT "A", (hereinafter referred to as the "owner/developer").

RECITALS

WHEREAS, Developer/owner owns property (hereinafter referred to as property) as more particularly described in EXHIBIT "A" attached hereto and incorporated herein by this reference, and

WHEREAS, as part of its plan for its development, the developer wishes to mitigate negative impact on abutting land owners and affected facilities or services and,

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of any improvements. It is the intent of the parties that the Developer/owner, grantees, successors or assigns in interest or some other association and or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/owner shall limit density to eighteen lots total for both Tracts "A" and "B". Each lot shall be a minimum of one acre in size.
3. The Developer/owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer/owner's agreement to meet additional standards or restrictions in developing the property, and are as follows:
 - All streets shall be curbed and guttered
 - All utilities shall be underground
 - Each house shall be a minimum of 3,000 s.f. living area
 - All buildings shall have a minimum of 50' front setback
 - All buildings shall have a minimum of 100' rear setback
 - All buildings shall have a minimum of 20' side setback
 - All buildings shall have tile or metal standing seam roofs
 - Individual driveways shall be constructed of brick pavers

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 5
Trust: 3.00
Deed: 0.00
Mtg: 0.00

#Names: 2
Rec: 44.00
Serv: 0.00
Exdise: 0.00
Int Tax: 0.00

218075

13

4. This agreement provides no vested rights against changes to the Comprehensive Plan or Land Development Regulations as they may apply to this property.
5. The Developer/owner, upon execution of this Agreement, shall pay the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.
6. This Agreement shall be binding and shall inure to the benefit of the successors or assign of the parties, and shall run with the subject property unless or until rezoned, and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the conditions stated herein. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

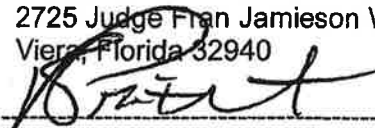
IN WITNESS THEREOF, the parties hereto have caused the presents to the signed all as of the date and year written above.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, Florida 32940



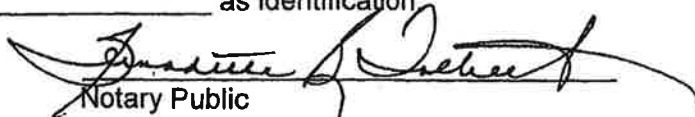
Ron Pritchard, DPA, Chairman

As approved by the Board on May 10, 2005

STATE OF FLORIDA
COUNTY OF BREVARD

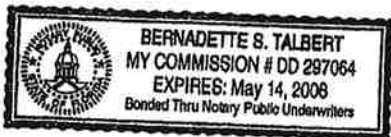
The foregoing instrument was acknowledged before me the 10th day of May, 2005, by Ron Pritchard, DPA, Chairperson of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who produced _____ as identification

My commission expires:



Notary Public

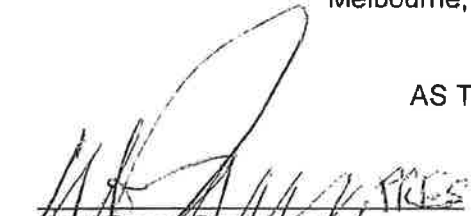
Printed name



(14)
Z11075
R-041

Developer/owner: NAJJAD, Inc.
580 N. Wickham Road, Suite E
Melbourne, Florida 32935

AS TO ALL SIGNATURES


Noel Droor, President
NAJJAD, INC.

Witness: Dorothy Jones

Printed name: Dorothy Jones

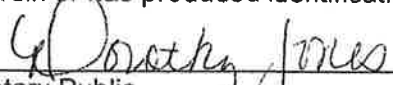
Witness: 

Printed name: Michael V. DESJARDINS

STATE OF FLORIDA
COUNTY OF BREVARD

This forgoing instrument was acknowledged before me on this 18th day of April, 2005, by Noel Droor, President of NAJJAD, Inc., who is personally known to me to be the person described herein or has produced identification.

My commission expires: 3-10-07


Notary Public
Dorothy Jones
Printed name



Dorothy M. Jones
Commission #DD19270
Expires: Mar 10, 2007
Bonded Through
Atlantic Bonding Co., Inc.

15
Z11075 R-042

EXHIBIT "A"

LEGAL DESCRIPTION TRACT A:

All of the SE 1/4 of the NW 1/4 of Section 11, Township 24 South, Range 36 East, excepting the South 630 feet thereof: The west 330 feet of the NW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 24 South, Range 36 East, all in Brevard County, Florida:

Together with an easement for private roadway purpose over the West 25 feet and the North 40.33 feet of the West 330 feet of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 24 South, Range 36 East;

Also an easement for private roadway purpose over the North 66 feet of the SW 1/4 of the NW 1/4 of Section 11, Township 24 South, Range 36 East, lying East of State Road Number 3, as described in Deed Book 375, Pages 440 and 441, Public Records of Brevard County, Florida.

Together with an easement for pumping water in the drainage ditch along the northern boundary line of the east 330 feet of the NW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 24 South, Range 36 East.

LEGAL DESCRIPTION TRACT B:

A parcel of land lying in the Southeast quarter of the Northwest quarter of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commencing at a point on the South line of said Southeast quarter of the Northwest quarter and run S.89°41'35"W., a distance of 900.00 feet; thence run N.00°18'32"W., parallel with the East line of said Southeast quarter of the Northwest quarter, 25.00 feet to a point on the North right of way line of Smith Road; thence run S.89°41'35"W., along said right of way line a distance of 183.40 feet to the Point of Beginning; Thence continue S.89°41'35"W., a distance of 85.00 feet; thence run N.00°18'32"W., a distance of 604.98 feet to a point on the South line of that certain parcel of land as described in Official Records Book 2482, Pages 0999 and 1000, of the Public Records of Brevard County, Florida; thence run N.89°41'35"E., along said South line a distance of 85.00 feet; thence run S.00°18'32"E., a distance of 604.98 feet to the Point of Beginning. Said parcel containing 1.181 acres more or less.

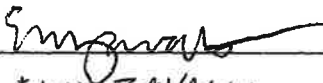
211075
R-043
①6

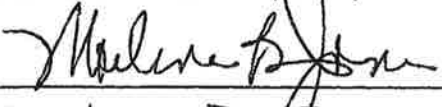
JOINDER IN BINDING DEVELOPMENT PLAN

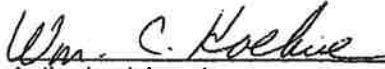
KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated January 14, 2005, given by Florida Business Bank, as mortgagor, in favor of the undersigned, NAJJAD, Inc., as mortgagee, recorded in Official Records Book 5409, page 4220, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE Florida Business Bank
340 N. Harbor City Blvd
Melbourne, FL 32935
(Address)


EINA ZAVALLA
(Witness name typed or printed)


MARLENE B. JONES
(Witness name typed or printed)



Authorized Agent
William C. Koehn, EUP/COO
(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 10th day of March 2005, by William C Koehn who is personally known to me or who has produced _____ as identification.

My commission expires April 5, 2005

SEAL
Commission No.: DD015793


Notary Public
Sharon Kay Muller
(Name typed, printed or stamped)

SHARON KAY MULLER
Notary Public, State of Florida
My comm. exp. Apr. 5, 2005
Comm. No DD 015793

7
711075
R-044

Draft/Amended BDP
Proposed
11/11/17

Prepared by: Noel Droor, NAJJAD, Inc.
Address: 580 N. Wickham Rd. #E, Melbourne, FL 32935

BINDING DEVELOPMENT AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____, 2017, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and NAJJAD, INC. a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the, EU-2 zoning classification(s) and desires to develop the Property as _____ a single family subdivision _____, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements, until such time as the improvements are constructed, approved, and platted as public streets by the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements, lying outside of the proposed public right-of-ways.

2. The Developer/Owner shall limit density to Two (2.0) units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall limit ingress and egress to one access to Smith Road and one access to N. Courtenay if deemed necessary during design.

4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida, including the restrictions and minimum code requirements for the EU-2 zoning category. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

5. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____ . In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

7. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 17 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 JUDGE FRAN JAMIESON WAY
VIERA, FL 32940

Scott Ellis, Clerk
(SEAL)

Chairman
As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

[Signature]
Frank MOAYER
(Witness Name typed or printed)

[Signature]

Dorothy Prevost
(Witness Name typed or printed)

DEVELOPER/OWNER

NAJJAD, INC.
580 N. Wickham Road, Suite E, Melbourne, FL 32935
(Address)

[Signature]
(Managing Member and President)
NOEL DROOR
(Name typed or printed)

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 11 day of January, 2017
by Noel Droor, as Managing Member and President of NAJJAD, INC., a Florida
corporation, who is personally know to me.

My commission expires
SEAL
Commission No.:



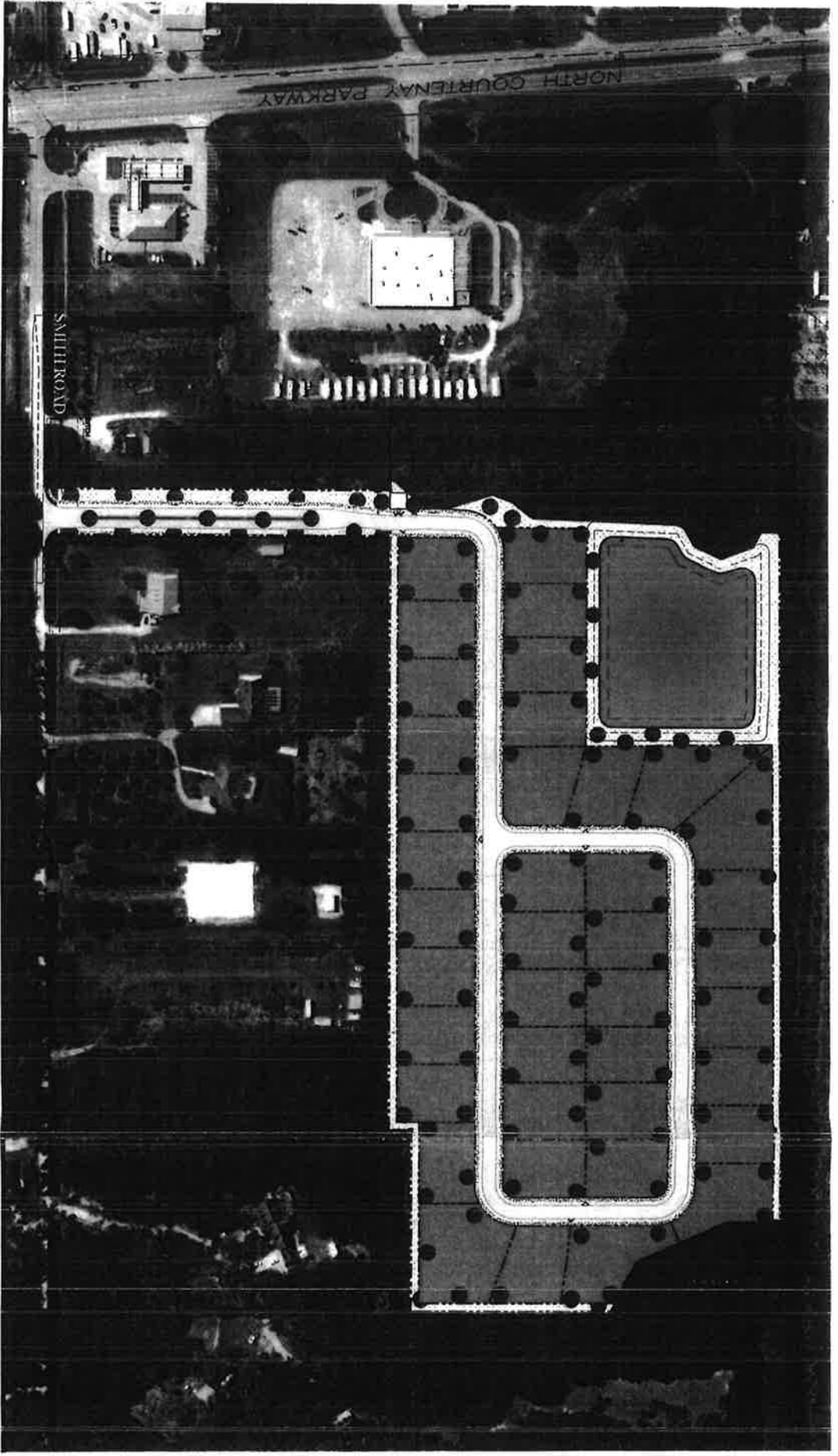
DOROTHY PREVOST
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF199202
Expires 3/22/2019

Dorothy Prevost
Dorothy Prevost
(Name typed, printed, or stamped)

DAI
280 N. WOODLAND ROAD, SUITE 110
PHOENIX, ARIZONA 85028
TELEPHONE: 602.998.1100
WWW.DAIAARCHITECTS.COM

CONCEPTUAL SITE LAYOUT
ARMEN GROVES - SMITH ROAD, MERRITT ISLAND, FLORIDA
SOURCE: LABRIN'S AERIAL DATA 2013, DUNN & ASSOCIATES CAD FILE
DATE: 2/5/2017
JOB NUMBER: -
PREPARED FOR: -

NOODLING
VERTICAL
SCALE
1" = 100'
DATE PLOTTED: 02/07/2017 10:58 AM
FIG 1.0



ARMEN GROVES FY1

Automatic Tabling

NAJJAD, INC
580 N. Wickham Road
Suite "E"
Melbourne, FL 32935
Office 321-253-8233
Email
noel@droorassociates.com

March 27, 2017

Cynthia Fox
Brevard County Planning & Zoning
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Re: NAJJAD #17PZ00005 Rezoning Action

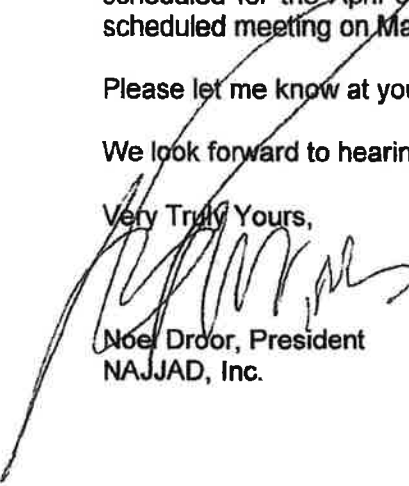
Dear Ms. Fox,

With this letter, we would like to request postponement of Zoning Action Item #17PZ00005 scheduled for the April 6, 2017 Brevard County Commissioners meeting to the next regularly scheduled meeting on May 4, 2017.

Please let me know at your earliest convenience if the requested postponement is acceptable.

We look forward to hearing from you soon. Please call or email if you have any questions

Very Truly Yours,



Noel Droor, President
NAJJAD, Inc.

NAJJAD, INC
580 N. Wickham Road, Suite "E"
Melbourne, FL 32935
Office 321-253-8233
Email: noel@droorassociates.com

May 3, 2017

Cynthia Fox
Brevard County Planning & Zoning
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Re: NAJJAD #17PZ00005 Rezoning Action

Dear Ms. Fox,

With this letter I would like to request tabling the above item scheduled for the May 4th BOCC Zoning meeting to the August 3rd, 2017 meeting. This request is made in order to have the opportunity to work out the Binding Development Plan (BDP) with the adjoining homeowners.

I appreciate the Board of County Commissioners support on tabling this item. Please call or email if you have any questions.

Very Truly Yours,



Noel Droor, President
NAJJAD, Inc.

Prepared by: Noel Droor, NAJJAD, Inc.
Address: 580 N. Wickham Rd, #E, Melbourne. FL 32935

FYI
NAJJAD
Submitted by
Applicant 8/8/17

BINDING DEVELOPMENT AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____, 2017, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and NAJJAD, INC. a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the, EU-2 zoning classification(s) and desires to develop the Property as a single-family subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property. NOW THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements, until such time as the improvements are

constructed, approved, and platted as public streets by the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements, lying outside of the proposed public right-of-ways.

2. The Developer/Owner shall limit density to Forty(40) single family units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall limit ingress and egress to Smith Road.

4. Developer will not share access with the north parcel 24-36-11-00-250 (AKA Harvey's property).

5. Developer shall provide an approximately 200 feet long landscape berm at the east side of the entrance. If constructing a landscape berm is not feasible, 6' high, 200 feet long wall will be constructed instead of the landscape berm.

6. Developer/Owner to construct the retention pond at the South side of the property to provide buffer to the South parcels.

7. Each house constructed shall be minimum of 2,500 square feet.

8. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida, including the restrictions and minimum code requirements for the EU-2 zoning category. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property, and are as follows:

- All streets shall be curbed and guttered.
- All streets shall have sidewalks.
- All utilities shall be underground.

9. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

10. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on . In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

12. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 17 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 JUDGE FRAN JAMIESON WAY
VIERA, FL 32940

NAJJAD BDP

Scott Ellis, Clerk
(SEAL)

Chairman
As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

DEVELOPER/OWNER

NAJJAD, INC. _____

FL 32935
(Witness Name typed or printed)

580 N. Wickham Road, Suite E, Melbourne,
(Address)

(Witness Name typed or printed)

(Managing Member and President)

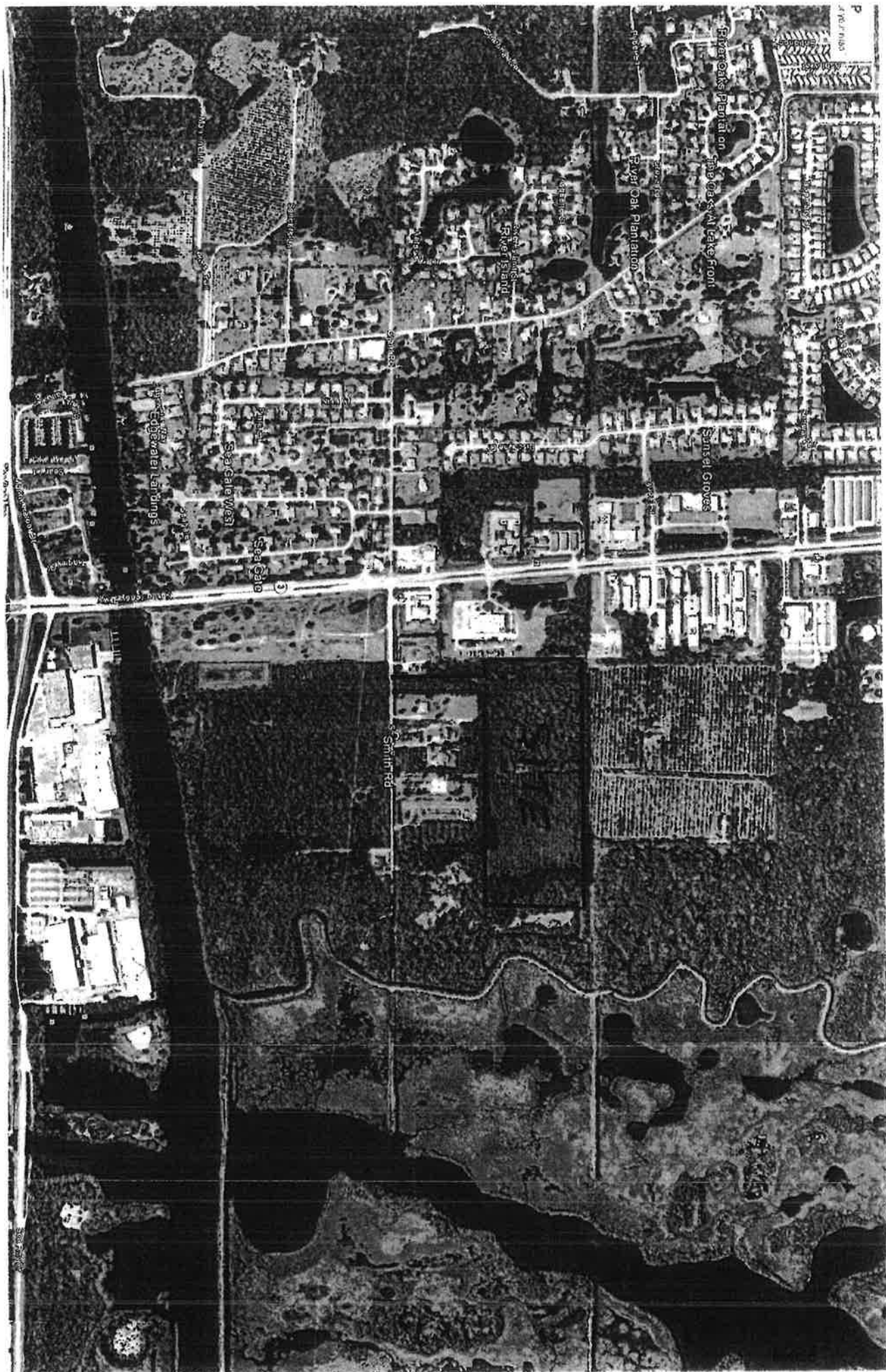
(Name typed or printed)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this ____ day of _____
_____, 20____
by Noel Droor, as Managing Member and President of NAJJAD, INC., a
Florida corporation, who is personally know to me.

My commission expires
SEAL
Commission No.:

(Name typed, printed, or stamped)





580 N. WINDWARD ROAD SUITE 7
PHOENIX, AZ 85024
CERTIFICATE OF AUTHORIZATION # 2718
WWW.DUNNANDASSOCIATES.COM

CONCEPTUAL SITE LAYOUT

ARMEN GROVES - SMITH ROAD, MERRIT ISLAND, FLORIDA

SOURCE: LASERS AERIAL DATA 2013, DUNN & ASSOCIATES CAD FILE

DATE: 2/6/2017
JOB NUMBER: -
PREPARED FOR: -

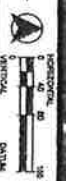
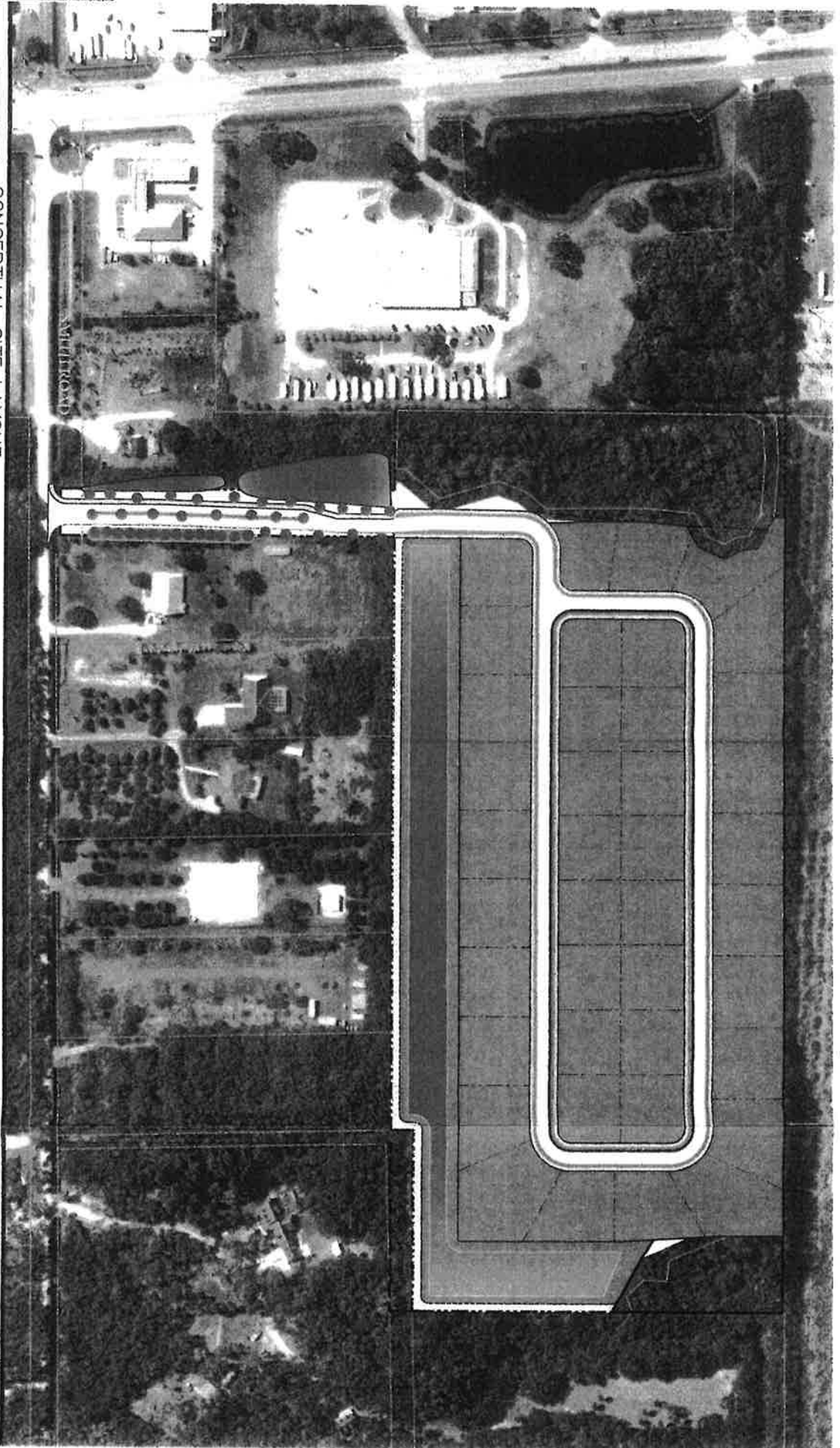


FIG 1.0

CONCEPTUAL DESIGN ONLY



Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

OBJECTION
17PZ00005

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


Signature

KIRK MURPHY
Printed Name

Signature


Printed Name

500 PHASE HAMMOCK RD MERRITT ISLAND
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.


Signature

James M. Whible
Printed Name


Signature


Pamela J. Whible
Printed Name

Residence Address

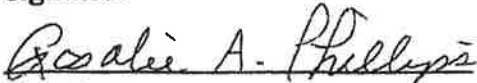
Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


Signature

Steven S. Phillips
Printed Name


Signature

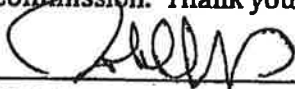
Rosalie A. Phillips
Printed Name

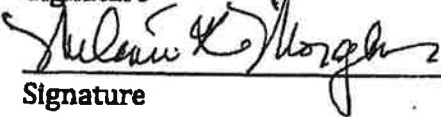
3360 BISCAYNE DR. MERRITT ISL FL 32953
Residence Address

Dear Commissioner Barfield: **WE STRONGLY OPPOSE THIS ZONING CHANGE**

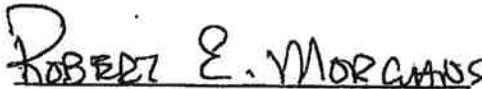
The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

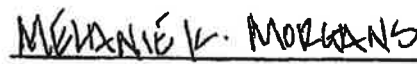
As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.



Signature


Signature



Printed Name


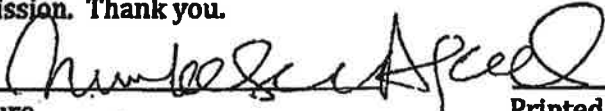
Printed Name

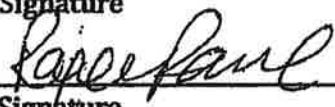
1465 BISHOP ROAD M.I. 32953
Residence Address

Dear Commissioner Barfield:

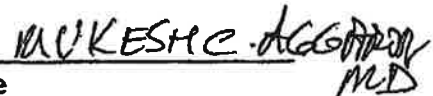
The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.


As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.



Signature


Signature



Printed Name


Printed Name

5227 Royal Paddock Way MI FL
Residence Address 32953

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.



Signature



Printed Name

Signature

Printed Name

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

[Handwritten Signature]
Signature

JOHN SZYMKUC
Printed Name

Signature

Printed Name

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

[Handwritten Signature]
Signature

ROBERT BLAKE
Printed Name

Signature

Printed Name

3980 SANDWAS AVE, M.I., FL. 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

[Handwritten Signature]
Signature

Vickie Hall
Printed Name

[Handwritten Signature]
Signature

James Hall
Printed Name

4006 Dundee Dr., Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


Signature

DAVID A. ZIMMERMAN
Printed Name


Signature

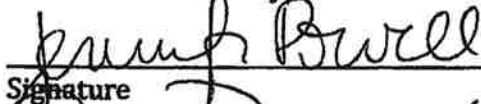
Bonnie S. Zimmerman
Printed Name

5140 MALLARD LAKES CT. MERRITT ISLAND 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


Signature

Jennifer Powell
Printed Name


Signature

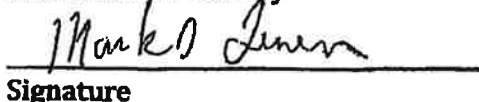
Jim Powell
Printed Name

5183 Winding Way Merritt Island, FL 32953
Residence Address

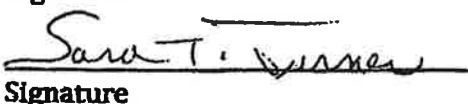
Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


Signature

Mark D. Turner
Printed Name


Signature

Sara T. Turner
Printed Name

4055 Savannahs Trl. Merritt Island FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

[Handwritten Signature]
Signature

Steven Beres
Printed Name

[Handwritten Signature]
Signature

Steven Beres
Printed Name

3371 Biscayne Drive Merritt Isl FL 32952
Residence Address

Dear Commissioner Barfield:

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[Handwritten Signature]
Signature

MICHAEL P. BRADLEY
Printed Name

[Handwritten Signature]
Signature

MARIE B. BRADLEY
Printed Name

3440 Biscayne Dr. Merritt Isl. FL 32953
Residence Address

Dear Commissioner Barfield:

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[Handwritten Signature]
Signature

ALEXANDER E. TERRERO
Printed Name

[Handwritten Signature]
Signature

Alex G Terrero
Printed Name

4003 Dundee Drive, M.I., FL.
Residence Address

Dear Commissioner Barfield:

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Yvonne C. Simmons
Signature
Wayne J. Simmons
Signature
Brandon Simmons
Signature

Yvonne C. Simmons
Printed Name
Wayne J. Simmons
Printed Name
Brandon V. Simmons
Printed Name

795 E. Crisafulli Road, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Sam R. Lewellen
Signature

SAM R. LEWELLEN
Printed Name

Linda F. Lewellen
Signature

LINDA F. LEWELLEN
Printed Name

4040 SAND RIDGE DR., M.I. 32953
Residence Address

Dear Commissioner Barfield:

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Judith Timothy
Signature

Judith Timothy
Printed Name

Earle Timothy
Signature

Earle Timothy
Printed Name

3472 Twelve Oaks Cir., Merritt Isl., FL 32953
Residence Address

Dear Commissioner Barfield:

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Sharolce Huet
Signature

Sharolce Huet
Printed Name

JEFF Huet
Signature

JEFF HUET
Printed Name

735 E. Crisafulli Rd
Residence Address

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Jacalyn Francisco
Signature

Jacalyn Francisco
Printed Name

Marc Lavigne
Signature

Marc Lavigne
Printed Name

825 Woodsey Lane Merritt IS FL 32953
Residence Address

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Billie Jean Purbaugh
Signature

Billie Jean Purbaugh
Printed Name

Billie Jean Purbaugh
Signature

Billie Jean Purbaugh
Printed Name

105 E. Crisafulli Rd., M. I., FL 32953
Residence Address

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Signature

Ghokan Shaykhiari
Printed Name

Signature

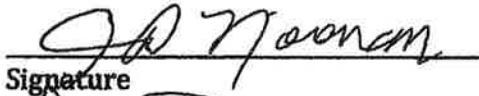
Printed Name

1625 Chase Hammock Merritt Island FL 32953
Residence Address

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Signature

John S. Noonan
Printed Name


Signature

Donna R. Noonan
Printed Name

5335 Broad Acres St. Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

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Signature

Anne McCray
Printed Name

Signature

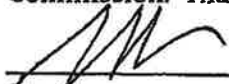
Printed Name

2030 WATER OAK DR. MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

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Signature

Nick Patellis
Printed Name

April Patellis
Signature

April Patellis
Printed Name

3425 Spectator Ave, Merritt Island
Residence Address

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ALBERT ALMEDA
Signature

ALBERT ALMEDA
Printed Name

Denise Almeda
Signature

Denise Almeda
Printed Name

370 Raquette Ct. Merritt Island, FL 32953
Residence Address

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Alison Sonnemann
Signature

ROU SONNEMANN
Printed Name

Alison Sonnemann
Signature

Alison Sonnemann
Printed Name

4643 GOLDFINCH LAKE MERRITT ISLAND FL 32953
Residence Address

Dear Commissioner Barfield:

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Deborah L. Sanders
Signature

DEBORAH L. SANDERS
Printed Name

James T. Stevenson
Signature

JAMES T. STEVENSON
Printed Name

4112 Tradewinds Trail
Residence Address

Dear Commissioner Barfield:

who holds this company?

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Julie Kugelmann
Signature

Julie Kugelmann
Printed Name

Brian Kugelmann
Signature

Brian Kugelmann
Printed Name

5590 Broad Aves St., M.I.
Residence Address

Dear Commissioner Barfield:

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Dennis R. Huff
Signature

Dennis R. Huff
Printed Name

Peggy A. Huff
Signature

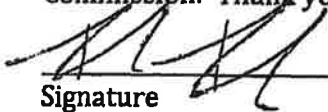
Peggy A. Huff
Printed Name

110 Hacienda Dr. Merritt Is. Fl 32952
Residence Address

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Signature

David Diamond
Printed Name

Signature

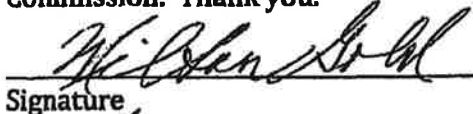
Printed Name

3992 Tradewinds Trl, M.I. FL 32953
Residence Address

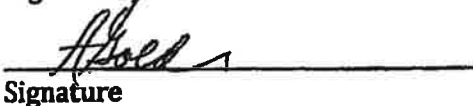
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Signature

MILTON GOLD
Printed Name


Signature

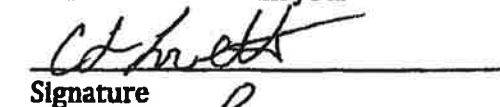
ALICE GOLD
Printed Name

5755 BROAD ACRES ST. MERRITT ISLAND, FLORID. 32953
Residence Address

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Signature

Chester L Lovett
Printed Name


Signature

ANNE MARIE LOVETT
Printed Name

2050 Chase Hammock Rd M.I. FL 32953

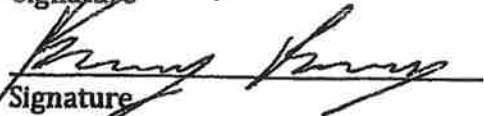
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Signature

Leah Borgie
Printed Name


Signature

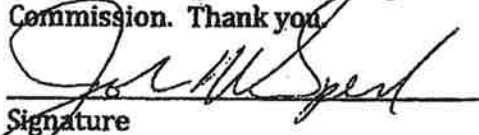
BENJAMIN BORGIE
Printed Name

500 APACHE TRL, MERRITT ISLAND, FL
Residence Address
32953

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Signature

John W. Speck
Printed Name


Signature

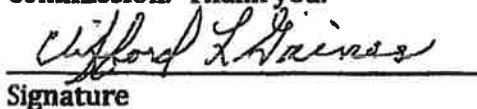
Robin M. Speck
Printed Name

4072 TRADEWINDS TRL, Merritt Isl, FL 32953
Residence Address

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Signature

CLIFFORD L. GAINES
Printed Name


Signature

NORMA L. GAINES
Printed Name

3390 BISLAYNE DR. MI

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Robert V. Scora
Signature

Robert V Scora
Printed Name

Selina G. Scora
Signature

SELINA G SCORA
Printed Name

4950 Ralphs Ln Merritt Isl FL 32953
Residence Address

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Robert Nicholson
Signature

Robert Nicholson
Printed Name

Debra Nicholson
Signature

DEBRA Nicholson
Printed Name

630 Chase Hammock Rd 32953
Residence Address

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Rex L. Hall
Signature

Rex L. HALL
Printed Name

Jackie Y. Hall
Signature

JACKIE Y. HALL
Printed Name

3020 Water Oak Dr. North M.I.
Residence Address

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Lois B. Jenks
Signature

Lois B. Jenks
Printed Name

Signature

Printed Name

320 RAQUETTE COURT, MERRITT ISLAND, FL
Residence Address

Dear Commissioner Barfield:

3-27-2017

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W. E. Perdue Jr
Signature

W. E. Perdue Jr
Printed Name

Jane S. Perdue
Signature

Jane S. Perdue
Printed Name

545 Chase Hammock Rd.
Merritt Isl., Fl. 32953
Residence Address

Thank you!

Dear Commissioner Barfield:

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Joshua Ford
Signature

Joshua Ford
Printed Name

Signature

Printed Name

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Received
MAR 27 2017
District 2 County Commission


Signature


Printed Name

Signature

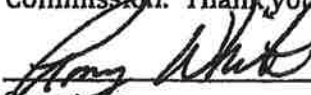
Printed Name

5100 Wildwood Ave Merritt Island, FL 32953
Residence Address

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Signature

Amy White
Printed Name


Signature

Vaughn Willey
Printed Name

480 East hall road Merritt Island FL 32953
Residence Address

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Carolyn L Alvord
Signature

Carolyn L. Alvord
Printed Name


Signature

William T. Alvord
Printed Name

1355 Bishop Rd. Merritt Island, Fl. 32953
Residence Address

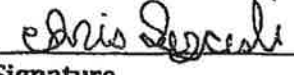
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Signature

Audrey Guzowski
Printed Name


Signature

Chris Guzowski
Printed Name

3622 Twelve Oaks Cr, Merritt Island FL
Residence Address

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Cole H. Smith
Signature

COLE H. SMITH
Printed Name

Ann V. Smith
Signature

ANN V. SMITH
Printed Name

4516 WOOD STICK DR. MERRITT ISLAND FL
Residence Address 32953

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Lauretta Tamsic
Signature

Lauretta Tamsic
Printed Name

Signature

Printed Name

3400 Biscayne Dr. Merritt Island, FL 32953
Residence Address

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Harry Ronaisi
Signature

HARRY RONAIISI
Printed Name

Signature

Printed Name

Residence Address

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Patricia A. Rose
Signature

PATRICIA A. ROSE
Printed Name

Signature

Printed Name

Residence Address

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Lauretta Tomasic
Signature

Lauretta Tomasic
Printed Name

Signature

Printed Name

3400 Biscayne Dr. Merritt Island, Fl. 32953
Residence Address

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Henry Rosinski
Signature

Henry Rosinski
Printed Name

Signature

Printed Name

Residence Address

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Patricia A. Rose
Signature

Patricia A. Rose
Printed Name

Signature

Printed Name

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

Ronald R. Heist
Signature

RONALD R. HEIST
Printed Name

Sandra L. Heist
Signature

Sandra L. Heist
Printed Name

5330 BROAD ACRES ST. MERRITT ISLAND, FL. 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Sara M. Leidig
Signature

SARA M. LEIDIG
Printed Name

Signature

Printed Name

5330 BROAD ACRES ST. MERRITT ISLAND, FL. 32953
Residence Address

Dear Commissioner Barfield:

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Cole H. Smith
Signature

COLE H. SMITH
Printed Name

A. V. Smith
Signature

ANN V. SMITH
Printed Name

4521 WOODSTOCK DR. MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

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[Signature]
Signature

James W Underwood
Printed Name

Katherine Ann Underwood
Signature

Katherine Ann Underwood
Printed Name

4770 Seminole Trail, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Rose Marie Canter
Signature

Rose Marie Canter
Printed Name

Robert J. Canter
Signature

Robert J. Canter
Printed Name

4135 Savannahs Trail Merritt Is. FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Leslie L. Lewis
Signature

LESLIE LEE LEWIS
Printed Name

Signature


Printed Name

1845 Chase Hammock Rd, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Signature

John R. CALHOON
Printed Name

Signature

Printed Name

900 E. CRISAFULLI RD. M.I. FL. 32953
Residence Address

Dear Commissioner Barfield:

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Signature

Harry W. Garton
Printed Name


Signature

M. Pamela Garton
Printed Name

315 RAQUETTE COURT MI 32953
Residence Address

Dear Commissioner Barfield:

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Signature

MARIE S. RAPHAEL
Printed Name


Signature

ANN M. RAPHAEL
Printed Name

4048 SAND RIDGE DRIVE, MERRITT ISLAND, FL 32953-8609
Residence Address

NO TO THE REZONING REQUESTS VOIL
NAJJID INC, 17PZ0005

NO,

ARNANDO Acosta

295 E. CRISAFULLI Rd. M.I. FL 32953

Dear Commissioner Barfield:

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Yolanda Ponce Wilson
Signature

YOLANDA PONCE WILSON
Printed Name

Signature

Printed Name

295 E. CRISAFULLI Rd. Merritt Is. FL 32953
Residence Address

Dear Commissioner Barfield:

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MARIE K. LEZIKINSON
Signature

MARIE K. LEZIKINSON
Printed Name

Susan K. Mistico
Signature

Susan K. Mistico
Printed Name

235 Quail Lane, Merritt Is, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Virginia Brinkman Davis
Signature

VIRGINIA BRINKMAN DAVIS
Printed Name

Charles H. Davis
Signature

CHARLES H. DAVIS
Printed Name

1427 BISHOP RD, M1, FL 32953
Residence Address

Dear Commissioner Barfield:

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Natalie Whitehurst
Signature

Natalie Whitehurst
Printed Name

Ross Whitehurst
Signature

Ross Whitehurst
Printed Name

5635 Broad Acres St. 32953 Merritt Island Fl.
Residence Address

Dear Commissioner Barfield:

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Ramon Rosa
Signature

Ramon Rosa
Printed Name

Lidia Rosa
Signature

LIDIA ROSA
Printed Name

Residence Address 2235 Chase Hammock Rd M.I. R-082

Dear Commissioner Barfield:

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Richard E. Walker
Signature

RICHARD E. WALKER
Printed Name

Grace C. Walker
Signature

GRACE C. WALKER
Printed Name

4627 Wood Stork Drive, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

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Jon E. Revaz
Signature

JON REVAZ
Printed Name

Margaret Revaz
Signature

MARGARET REVAZ
Printed Name

276 Quail Lane, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

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David Mennicke
Signature

David Mennicke
Printed Name

Judith L. Mennicke
Signature

Judith L. Mennicke
Printed Name

228 Quail Lane, Merritt Island
Residence Address

R-083

Dear Commissioner Barfield:

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Signature

Gerald Watkins
Printed Name

Signature

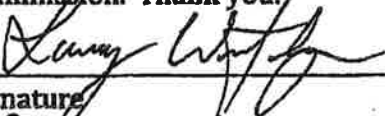
Printed Name

4265 Savannahs Trail, M.I. 32953
Residence Address

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Signature

Larry Wirtzberger
Printed Name


Signature

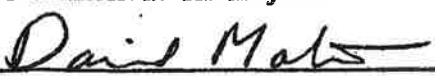
Olga Wirtzberger
Printed Name

5630 Broad Acres St. Merritt Island FL 32953
Residence Address

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Signature

DANIEL MOLINA
Printed Name


Signature

BECKY L. ALLGAIER
Printed Name

5120 MALLARD LAKES CT, MI 32953
Residence Address

Dear Commissioner Barfield:

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Shirley Schoneman
Signature

Shirley Schoneman
Printed Name

Signature

Printed Name

4015 Shuttle Ct Merritt Island FL 32953
Residence Address

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Lucie Ann Moore
Signature

LUCIE ANN MOORE
Printed Name

Glenn E. Moore
Signature

GLENN E. MOORE
Printed Name

4541 Wood Stork Dr Merritt Isl FL 32953
Residence Address

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R. M. Odum
Signature

R. M. ODUM
Printed Name

Gail W. Odum
Signature

Gail W. Odum
Printed Name

215 QUAIL LANE, MT 32953
Residence Address

Dear Commissioner Barfield:

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Shirley Miers
Signature

SHIRLEY MIERS
Printed Name

Signature

Printed Name

4509 WOOD STORK DRIVE
Residence Address

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Edward Kinane
Signature

Edward Kinane
Printed Name

Kyrz Kirana
Signature

Kyrz Kirana
Printed Name

4004 Dundee Dr. M-I
Residence Address

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Bruce Boutlier
Signature

Bruce Boutlier
Printed Name

Debra Boutlier
Signature

Debra Boutlier
Printed Name

5375 BROAD ACRES ST. Merritt Island
Residence Address

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Ray Scarpa
Signature

RAYMOND SCARPA
Printed Name

Pat Scarpa
Signature

PATRICIA SCARPA
Printed Name

3430 BISCAYNE DR. MERRITT ISLAND FLORIDA
Residence Address

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George D. Greear
Signature

George D. Greear
Printed Name

Signature

Printed Name

5690 BROAD AVE. ST MERRITT ISLAND FL 32953
Residence Address

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Signature

Printed Name

Calvin W. Bock
Signature

CALVIN W. BOCK
Printed Name

4532 Wood Stork Dr. Merritt Island, FL 32953
Residence Address

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Steve Ryland
Signature

DAVE F. RYLAND
Printed Name

Helenita A. Ryland
Signature

HELENITA A. RYLAND
Printed Name

4255 SAVANNAS TRAIL N/IS 32953-8608
Residence Address

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R. David Newkirk
Signature

R. David Newkirk
Printed Name

Signature

Printed Name

4075 SHUTTLE C. Merritt Island, FL 32953
Residence Address

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Virginia D. Watson
Signature

VIRGINIA A. WATSON
Printed Name

Donald T. Watson
Signature

DONALD T. WATSON
Printed Name

Residence Address

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[Handwritten Signature]

Signature

Frank C. Galan

Printed Name

[Handwritten Signature]

Signature

Maria G. Galan

Printed Name

Residence Address

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Sherrie Skiles

Signature

Sherrie Skiles

Printed Name

Signature

Printed Name

4080 Shuttle Pt., Merritt Island
Residence Address

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MARALYN E. FOWLER

Signature

MARALYN E FOWLER

Printed Name

Signature

Printed Name

4180 Sawannah Ln. Merritt Isl Fl 32953
Residence Address

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Kathleen Kenney
Signature

Kathleen Kenney
Printed Name

Signature

Printed Name

4618 Mourning Dove Dr. MI FL 32953
Residence Address

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Edward W. Sompayrac
Signature

EDWARD W. SOMPAYRAC
Printed Name

Signature

Printed Name

4676 Mourning Dove Dr. Merritt Island, FL. 32953
Residence Address

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Caitlin Caldwell
Signature

Caitlin Caldwell
Printed Name

Signature

Printed Name

5455 Broad Acres St Merritt Island, FL
Residence Address
R-090
29053

Dear Commissioner Barfield:

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Joe Allen
Signature

JOE ALLEN
Printed Name

[Signature]
Signature

JEN ALLEN
Printed Name

423 Winding Way Merritt Island 32953
Residence Address

Dear Commissioner Barfield:

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Carolyn Wyles
Signature

Carolyn Wyles
Printed Name

Signature

Printed Name

4205 SAVANNAH TR M.I 32953
Residence Address

Dear Commissioner Barfield:

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Randolph Clinton
Signature

RANDOLPH CLINTON
Printed Name

Samona Clinton
Signature

Samona Clinton
Printed Name

6257 ROYAL PADDOCK WAY MERRITT ISLAND, FL 32953
Residence Address

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Parcy Casas
Signature

Parcy Casas
Printed Name

[Signature]
Signature

George Casas
Printed Name

5303 Windingside Merritt Island FL 32953
Residence Address

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[Signature]
Signature

Clavdia Morett
Printed Name

[Signature]
Signature

Shahram Masshnia
Printed Name

3261 Biscayne Dr. Merritt Island, FL
Residence Address

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[Signature]
Signature

Karen E Tournade
Printed Name

[Signature]
Signature

Michael E Tournade
Printed Name

Residence Address

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As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

Kelly Longhofer
Signature

KELLY LONGHOFER
Printed Name

Candace R Longhofer
Signature

Candace R Longhofer
Printed Name

695 CHASE HAMMOCK ROAD
Residence Address

Dear Commissioner Barfield:

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Mava L. Bessette
Signature

Mava L. Bessette
Printed Name

Signature

Printed Name

4657 Morning Dove Dr. Merritt Island, Fl. 32952
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Joy Batterson
Signature

Joy Batterson
Printed Name

[Signature]
Signature

Larry Batterson
Printed Name

9001 Trade winds Trail

Dear Commissioner Barfield:

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Lisa J. Bass
Signature

LISA J. BASS
Printed Name

[Handwritten Signature]
Signature

ROMADL BASS
Printed Name

340 BAQUETTE CT. MERRITT ISL. FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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[Handwritten Signature]
Signature

Antonia Husband
Printed Name

Signature

Printed Name

3395 SPARTINA AVE MI
Residence Address

Dear Commissioner Barfield:

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[Handwritten Signature]
Signature

Kathie Smouton
Printed Name

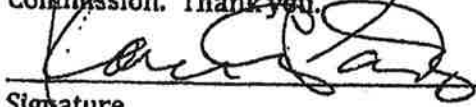
[Handwritten Signature]
Signature

Greg Smouton
Printed Name

Dear Commissioner Barfield:

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Signature

KAREN C. PADDY
Printed Name

Signature

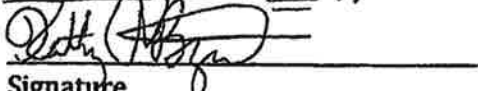
Printed Name

615 Kings Way Merritt Island, FL 32913
Residence Address


Dear Commissioner Barfield:

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Signature

Kathy T. Bryant
Printed Name


Signature

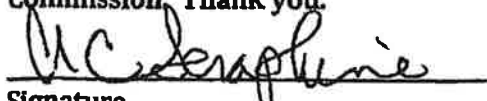
Ben P Bryant
Printed Name

5460 Lovett Drive, Merritt Island, FL 32953
Residence Address

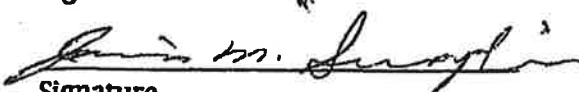
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Signature

Alan C. Seraphine
Printed Name


Signature

Janis M. Seraphine
Printed Name

5417 Daniel Drubel Dr. Merritt Island, FL 32953

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Signature

Carla D. Davis

Signature

Timothy R Davis
Printed Name

Carla D Davis
Printed Name

125 E. Crisafulli Road Merritt Island, FL

Residence Address

32953

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Signature

Hudson Davis

Printed Name

Hudson Davis

Signature

125 E Crisafulli Rd, Merritt Island 32953

Residence Address

Printed Name

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Signature

Carol H. Dixon

Signature

Calvert R. Dixon Jr
Printed Name

Carol H. Dixon
Printed Name

125 E. Crisafulli Rd, Merritt Island, FL

Residence Address

32953

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Gary Keymont
Signature

Gary Keymont
Printed Name

J. Keymont
Signature

Jacqueline Keymont
Printed Name

5247 Royal Paddock Way, Merritt Is, FL 32953
Residence Address

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Stephen Gasecki
Signature

Stephen Gasecki
Printed Name

Donna Gasecki
Signature

Donna Gasecki
Printed Name

2085 & 2299 Tangwood Lane Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

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Shirley G. Franklin
Signature

Shirley G. Franklin
Printed Name

Signature


Printed Name

4664 Mourning Dove Dr. Merritt Island, FL 32953
Residence Address

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Signature


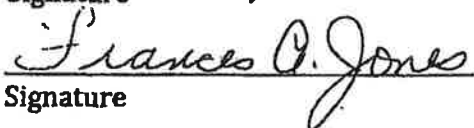
VETTE R GAUGER
Printed Name
RICHARD W GAUGER
Printed Name

2399 CHASE Hammock Rd, MT, FL 32953
Residence Address

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Signature

Signature

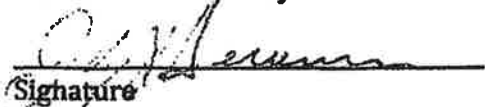

RONALD R. JONES
Printed Name
FRANCES A. JONES
Printed Name

Residence Address

Dear Commissioner Barfield:

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As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005-BDP at the April 6, 2017 meeting of the Commission. Thank you.


Signature

Signature

JEFF HEUMANN
Printed Name
DARLENE HEUMANN
Printed Name

5163 winding way Merritt Island
Residence Address

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Marion Jones
Signature

MARION JONES
Printed Name

Signature

Printed Name

Residence Address

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Tracy Stephens
Signature

Tracy Stephens
Printed Name

Everette
Signature

Everette Stephens
Printed Name

3220 Biscayne Dr. Merritt Island FL 32953
Residence Address

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Walter Masny
Signature

WALTER MASNY
Printed Name

105 GATOR DR NE
Residence Address

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Sheryl Maksymyk
Signature

Sheryl Maksymyk
Printed Name

Signature

Printed Name

550 E. Hall Rd. Merritt Island
Residence Address

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Michael W. Clark
Signature

MICHAEL W. CLARK
Printed Name

Signature

Printed Name

4077 SHUTTLE CT. MERRITT ISLAND FL 32953
Residence Address

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Barbara Newman
Signature

Barbara Newman
Printed Name

Signature

Printed Name

Residence Address

Please help us keep
N. Merritt Island within
reasonable building limit

Dear Commissioner Barfield:

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Colleen Hausman

Signature

Colleen Hausman

Printed Name

Nancy Hausman

Signature

Daniel Hausman

Printed Name

3355 Spontina Ave. Merritt Island, FL 32953

Residence Address

(over)

Dear Commissioner Barfield:

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Walter C. Narkovitz

Signature

Walter C. Narkovitz

Printed Name

Jill R. Narkovitz

Signature

Jill R. Narkovitz

Printed Name

4027 Shuttle Court Merritt Island, FLA 32953

Residence Address

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John A Pratt

Signature

JOHN A PRATT

Printed Name

Maribea S Pratt

Signature

MARIBEA S PRATT

Printed Name

267 QUAIL Lane Merritt Island FL 32953

Residence Address

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Phyllis M McIntyre
Signature

PHYLLIS M MCINTYRE
Printed Name

Signature

Printed Name

104 BLUE JAY LANE
Residence Address M.J. 7132953

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Myrosław Pochyla
Signature

MYROSLOW POCHYLA
Printed Name

Nancy J. Pochyla
Signature

NANCY J. Pochyla
Printed Name

174 Blue Jay Lane, Merritt Is. Fl. 32953
Residence Address

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Christine M. Baranowski
Signature

CHRISTINE M. BARANOWSKI
Printed Name

Signature

Printed Name

107 BLUE JAY LANE Merritt Is FL 32953
Residence Address

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William L. Uttenweiler
Signature

WILLIAM L. UTTEWELLER
Printed Name

Linda L. Uttenweiler

LINDA L. UTTEWELLER
Printed Name

UF Mr. William L. Uttenweiler
4071 Tradewinds Trail
Merritt Island, FL 32953



Linda Uttenweiler
4071 Tradewinds Trl
Merritt Island, FL 32953-8077

Residence Address

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Lynette Clanton
Signature

LYNNETTE CLANTON
Printed Name

Signature

Printed Name

4245 SAVANNAHS TRL., MERRITT ISLAND, FL

Residence Address

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Thomas E. Bruckner
Signature

Thomas E. Bruckner
Printed Name

Signature

Printed Name

840 Hall Rd M.I. Fl 32953

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Carl R Ray
Signature

CARL R. RAY
Printed Name

Katharina Ray
Signature

Katharina Ray
Printed Name

5450 N. Jorly Ct., MI, FL 32953
Residence Address

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Betty M. Ramsey
Signature

Betty M. Ramsey
Printed Name

Donald W. Ramsey
Signature

Donald W. Ramsey
Printed Name

5475 Brook Aves St., Merritt Island, Fla. 32953
Residence Address

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Janet M. Sebastian
Signature

Janet M. Sebastian
Printed Name

Edward Sebastian
Signature


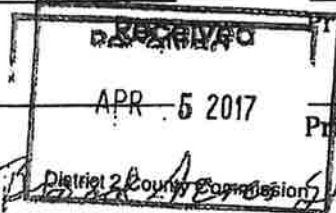
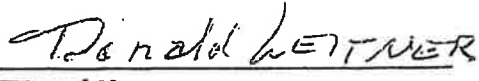
EDWARD SEBASTIAN
Printed Name

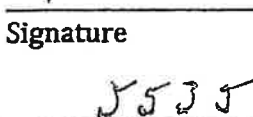
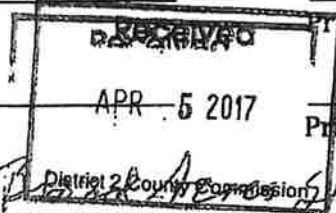
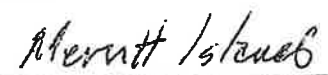
215 E Crisafulli Rd MI FL 32953
Residence Address

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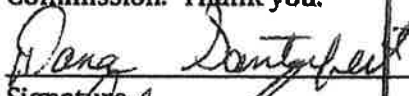
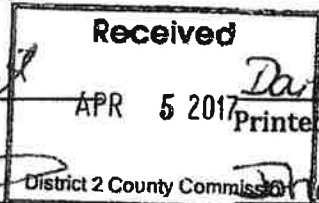
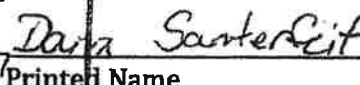





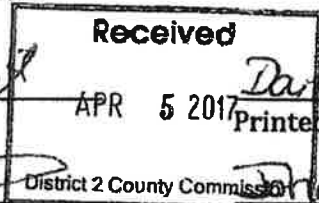
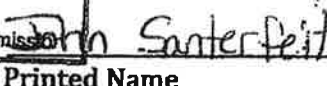
Residence Address

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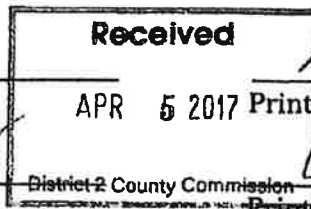
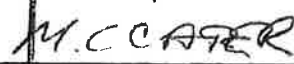
Residence Address


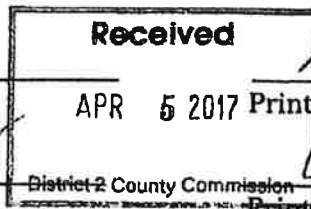
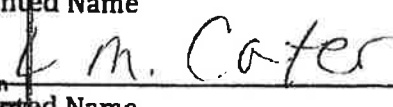
3331 Biscayne Dr. Merritt Island, FL 32953

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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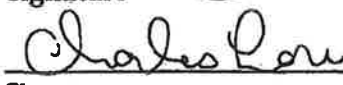
Residence Address

5310 Lovett Dr MI FL 32953

Dear Commissioner Barfield:

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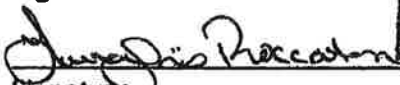
	Received APR 5 2017 District 2 County Commission	<u>Holly Lorenz</u>
Signature		Printed Name
		<u>Charles Lorenz</u>
Signature		Printed Name

4155 Savannahs Trail, Mt., FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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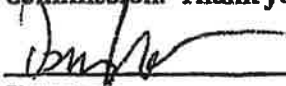
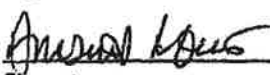
	Received APR 5 2017 District 2 County Commission	<u>Dante Roccatani</u>
Signature		Printed Name
		<u>ANNA ANNA'S ROCCATANI</u>
Signature		Printed Name

920 E. CRISAFULLI RD. MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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	Received APR 5 2017 District 2 County Commission	<u>Danny Morris</u>
Signature		Printed Name
		<u>AMANDA MORRIS</u>
Signature		Printed Name

3370 Broad Access St. Mt., FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Karen Horton Signature
Karen Horton Printed Name
Karen Horton Signature
Karen Horton Printed Name
 Received
 APR 5 2017
 District 2 County Commission
 Residence Address

Dear Commissioner Barfield:

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As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

Marilyn DiBenedetto Signature
MARILYN DiBENEDETO Printed Name
Marilyn DiBenedetto Signature
MARILYN DiBENEDETO Printed Name
 Received
 APR 5 2017
 District 2 County Commission
100 Blue Jay Lane (Salard Lake) Merritt Island, Fla. 32953
 Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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J. J. Kulics Signature
J. J. Kulics Printed Name
Barbara A. Kulics Signature
BARBARA A. KULICS Printed Name
 Received
 APR 5 2017
 District 2 County Commission
170 Blue Jay Lane MERRITT ISLAND FL 32953
 Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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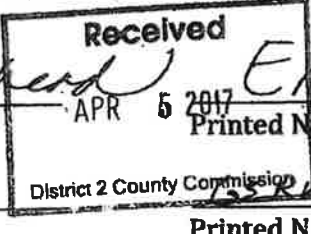
<u><i>Norman D. Fields</i></u> Signature		<u>Norman D. Fields</u> Printed Name
<u><i>Constance H. Fields</i></u> Signature		<u>CONSTANCE H. FIELDS</u> Printed Name

4528 WOOD STORK DR., MERRITT IS., FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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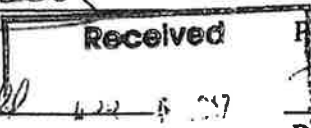
<u><i>Erin Morehead</i></u> Signature		<u>Erin Morehead</u> Printed Name
<u><i>Erin Morehead</i></u> Signature		<u>ERIN MOREHEAD</u> Printed Name

Ms Erin Morehead
6375 Lovett Dr
Merritt Is, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<u><i>John Siddall</i></u> Signature		<u>JOHN SIDDALL</u> Printed Name
<u><i>Betsy Siddall</i></u> Signature		<u>Betsy Siddall</u> Printed Name

3991 Dundee Merritt Island FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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	Received APR 6 2017 <small>District 2 County Commission</small>	Stephen Livermore
Signature		Printed Name
		Margaret Livermore
Signature		Printed Name

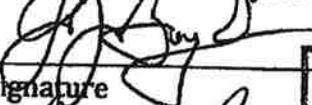
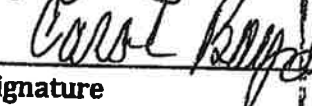
5255 Wildwood Ave. MI

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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	Received APR 6 2017 <small>District 2 County Commission</small>	Lewis Boyd
Signature		Printed Name
		Carol Boyd
Signature		Printed Name


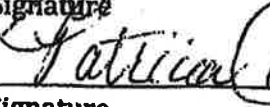
1431 Bishop Rd., Merritt Is., FL 32953

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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	Received APR 6 2017 <small>District 2 County Commission</small>	VINCENT CASSISI
Signature		Printed Name
		PATRICIA CASSISI
Signature		Printed Name

5280 LOVETT DR. MI. FL 32953

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Gary Blaydes
Signature

Received
APR 5 2017
District 2 County Commission

GARY BLAYDES
Printed Name

Signature

4416 SEA GULL DR MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Richard Grimmison
Signature

Received
APR 5 2017
District 2 County Commission

Richard Grimmison
Printed Name

Diana Grimmison
Signature

Diana Grimmison
Printed Name

Signature

1275 Island Dr. Merritt Is. FL 32952
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Ralph Buttaccio
Signature

Received
APR 5 2017
District 2 County Commission

Ralph Buttaccio
Printed Name

Royanne Buttaccio
Signature

Royanne Buttaccio
Printed Name

Signature

3415 Spartina Ave., Merritt Island 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Ken Blackwell</u> Signature	Received APR 5 2017 District 2 County Commission	<u>KENNETH BLACKWELL</u> Printed Name
<u>Melanie Blackwell</u> Signature		<u>Melanie Blackwell</u> Printed Name

5435 ROAD ARES ST MERRITT ISLAND FL 32953
Residence Address

Dear Commissioner Barfield:

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<u>John Faiardi</u> Signature	Received APR 5 2017 District 2 County Commission	<u>JOHN FAIARDI</u> Printed Name
<u>John Faiardi</u> Signature		<u>JOHN FAIARDI</u> Printed Name

430 E. CRISAFULLIA RD. MERRITT IS FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Laurel L. Patrick</u> Signature	Received APR 5 2017 District 2 County Commission	<u>Laurel L. Patrick</u> Printed Name
<u>William M. Patrick</u> Signature		<u>William M. Patrick</u> Printed Name

5315 Lovett Dr Merritt Island, FL 32953
Residence Address

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<u>Kae Gallen</u> Signature	Received APR 5 2017 District 2 County Commission	<u>KAE GALLER</u> Printed Name
_____ Signature		_____ Printed Name

4416 SEA GULL DR MERRITT ISLAND FL 32953
Residence Address

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<u>Edward G. Moore</u> Signature	Received APR 5 2017 District 2 County Commission	<u>EDWARD G. MOORE</u> Printed Name
<u>Sandra Bond Moore</u> Signature		<u>Sandra Bond Moore</u> Printed Name

232 Quail Ln. Merritt Is. FL 32953
Residence Address

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<u>Cheeri S. Ford</u> Signature	Received APR 5 2017 District 2 County Commission	<u>Cheeri S Ford</u> Printed Name
<u>Thomas Ford</u> Signature		<u>THOMAS FORD</u> Printed Name

350 Oak Lake Merritt Island, FL 32953
Residence Address

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Thomas R. Clarke Signature
Thomas R. Clarke Printed Name
 Received
 APR 5 2017
 District 2 County Commission
5266 Royal Paddock Way Merritt Island Residence Address

FL 32953

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Patsy H. Morgan Signature
Patsy H. Morgan Printed Name
Harold D. Frey, Jr. Signature
Harold D. Frey, Jr. Printed Name
 Received
 APR 5 2017
 District 2 County Commission
 _____ Residence Address

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[Signature] Signature
SALWA L. ROBERTS Printed Name
 Received
 APR 5 2017
 District 2 County Commission
 _____ Signature
 _____ Printed Name

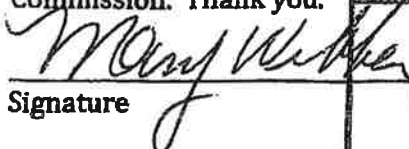
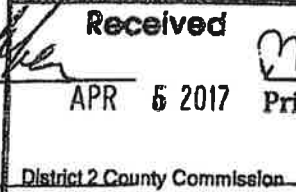


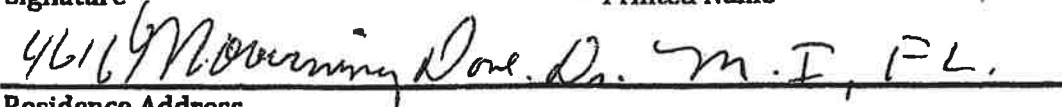
5363 WINDING WAY, MERRITT ISLAND, FL 32953 Residence Address

R-113

Dear Commissioner Barfield:

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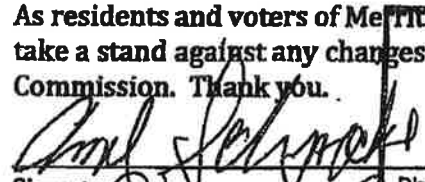
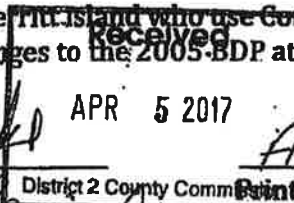
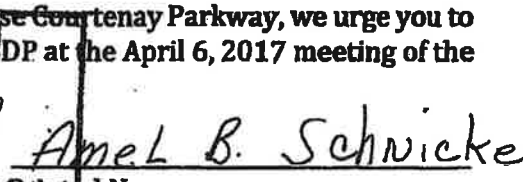
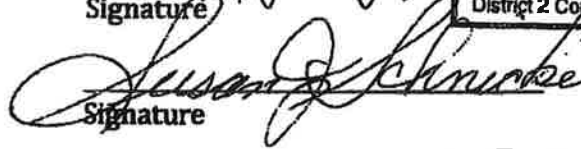
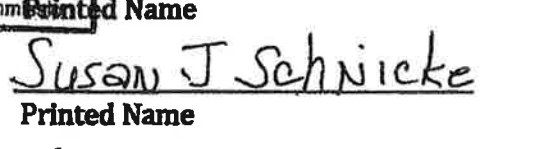
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 Signature _____ Printed Name _____


 Signature _____ Printed Name _____
 Residence Address _____

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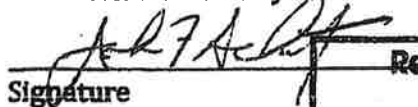
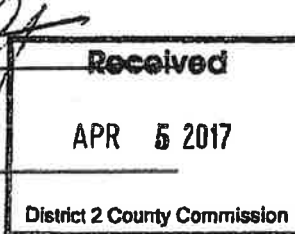
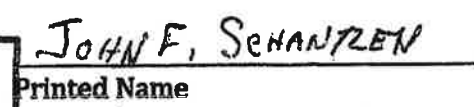
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 Signature _____ Printed Name _____


 Signature _____ Printed Name _____
 Residence Address _____
 4640 Wood Stork Dr.

Dear Commissioner Barfield:

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 Signature _____ Printed Name _____
 Signature _____ Printed Name _____
 Residence Address _____
 7105 BRIAR OAK DRIVE MERRITT ISLAND, FL 32953

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Received

APR 5 2017

District 2 County Commission

Signature

Printed Name

Joan C. Whelan
Signature

JOAN C WHELAN
Printed Name

4352 Sea Hull Drive, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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John Gagne
Signature

JOHN GAGNE
Printed Name

Received
APR 5 2017
District 2 County Commission

Signature

Printed Name

4564 WOODSTOCK DR MERRITT ISLAND, FL
Residence Address

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Ernest Len Adcock Jr
Signature

Printed Name

ERNEST LEN ADCOCK JR

Sylvia Segura
Signature

Printed Name

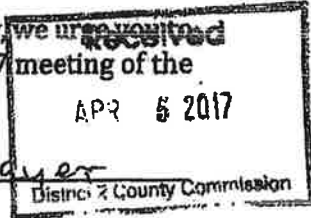
SYLVIA SEGURA

1070 Chase Hammock Rd, M.I. 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.



[Signature]
Signature

Bill Mayer
Printed Name
District 2 County Commission

[Signature]
Signature

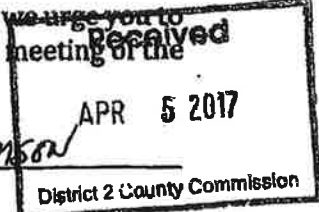
Michael Mayer
Printed Name

4650 Wood Stork Dr. M.I., FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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[Signature]
Signature

KIT WILLIAMSON
Printed Name
District 2 County Commission

[Signature]
Signature

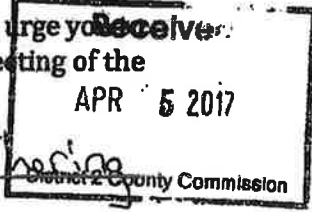
SARA DIANE Williamson
Printed Name

5365 LOVETT DR. MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.



[Signature]
Signature

Thomas W. Thering
Printed Name
District 2 County Commission

[Signature]
Signature

Rebecca A. Thering
Printed Name

3215 Spartina Ave. Merritt Is. R-116

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.


 Signature



Robin G Swain
 Printed Name

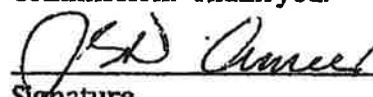
Signature

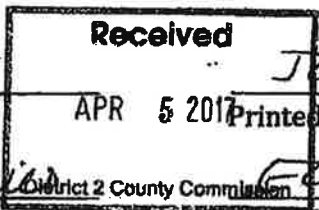
4372 Sea Gull Drive Merritt Island
 Residence Address

Dear Commissioner Barfield:

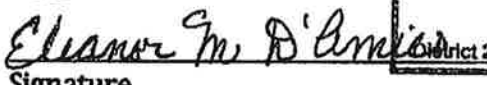
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As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.


 Signature



JOSEPH G. D'AMICO
 Printed Name


 Signature

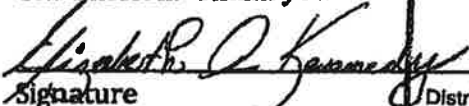
ELEANOR M. D'AMICO
 Printed Name

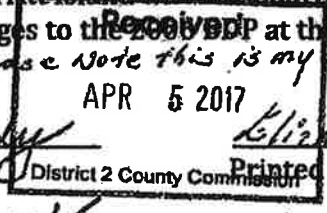
4412 SEAGULL DR. M.I.
 Residence Address

Dear Commissioner Barfield:

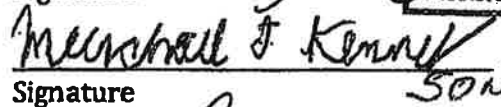
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As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you. Please note this is my adult son


 Signature



Elizabeth A. Kennedy
 Printed Name


 Signature

MICHAEL J KENNEDY
 Printed Name

4692 HAWAIIAN DRIVE Merritt Island, Florida 32953
 Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

Received
APR 8 2017
District 2 County Commission

[Signature]
Signature
[Signature]
Signature

DALE ROTHENBERGER
Printed Name
EMILY S. ROTHENBERGER
Printed Name

Residence Address

Dear Commissioner Barfield:

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Ms. Stella Carroll
4573 Wood Stork Dr
Merritt Island, FL 32953
C

Stella W. Carroll
Signature

Received
APR 5 2017
District 2 County Commission

Stella W. Carroll
Printed Name

Signature

Printed Name

Residence Address

Dear Commissioner Barfield:

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[Signature]
Signature

Received
APR 5 2017
District 2 County Commission

Timmie D. Odom
Printed Name

[Signature]
Signature

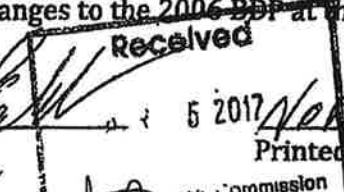
Joseph C. Jenkins
Printed Name

565 Chase Hammock Rd Merritt Isl, FL 32953
Residence Address R-118

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.



 Signature: [Handwritten Signature] Printed Name: NORMAN C. HAUSKNECHT

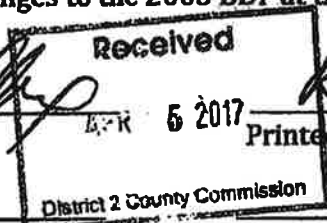
 Signature: [Handwritten Signature] Printed Name: NORMAN C. HAUSKNECHT

4574 WOOD STORK DR MERRITT ISLAND FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.



 Signature: [Handwritten Signature] Printed Name: Robert Wilcox


 Signature: _____ Printed Name: _____

3420 Biscayne Drive, Merritt Island
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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 Signature: [Handwritten Signature] Printed Name: Anthony BRANDO

 Signature: [Handwritten Signature] Printed Name: ARLENE BRANDO

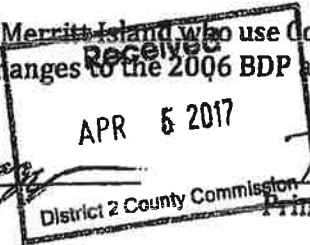
4057 SAND RIDGE DR, MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Ronald P. Bragg
Signature



RONALD P. BRAGG
Printed Name

Signature

Printed Name

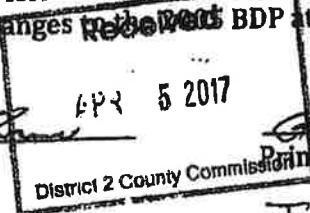
775 E. Crisafulli Rd, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Gary E. Salmon
Signature



GARY E. SALMON
Printed Name

Janet K. Salmon
Signature

Janet K. Salmon
Printed Name

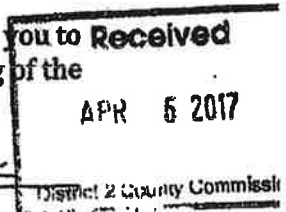
5350 Loretta Drive, Merritt Island FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Garrett Bica
Signature



GARRETT BICA
Printed Name

Signature

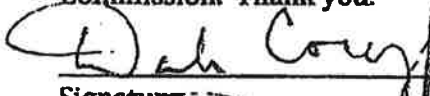
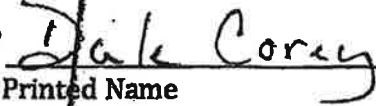

Printed Name

4458 Woodstock Dr M.I. R-120

Dear Commissioner Barfield:

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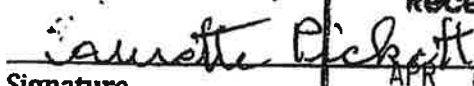

	Received APR 5 2017 District 2 County Commission	
Signature		Printed Name
		<u>TODD R. COREY</u>
Signature		Printed Name

4140 Savannahs Trail, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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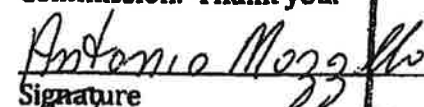

	Received APR 5 2017 District 2 County Commission	<u>LAURETTE PICKETT</u>
Signature		Printed Name
		
Signature		Printed Name

182 BLUE JAY LN. MERRITT ISLAND FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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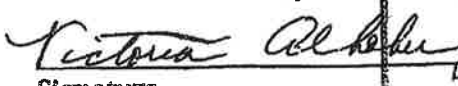
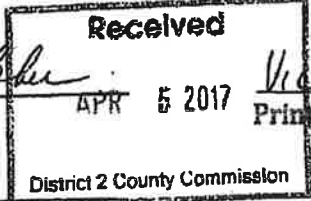

	Received APR 5 2017 District 2 County Commission	<u>ANTONIO MUZZILLO</u>
Signature		Printed Name
		<u>ANNA MUZZILLO</u>
Signature		Printed Name

5475 Lovett Dr MI FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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 Signature Printed Name

Residence Address

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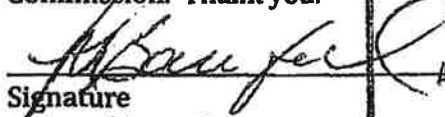
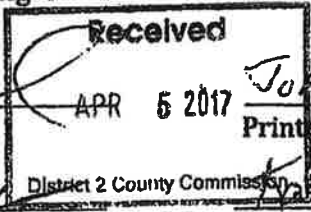
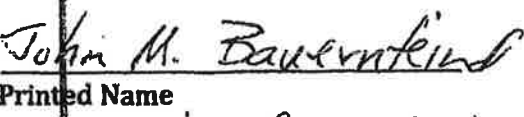

 Signature Printed Name

4348 Loggull Dr. Merritt Island, Fl. 32953
Residence Address

Dear Commissioner Barfield:

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 Signature Printed Name

5295 Lovett Dr. Merritt Island, Fl. 32953
Residence Address

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<u><i>Auroa Whipil</i></u> Signature	Received APR 5 2017 District 2 County Commission	<u>Auroa Whipil</u> Printed Name
<u><i>Wyatt Whipil</i></u> Signature		<u>Wyatt Whipil</u> Printed Name

5495 Lovett Dr Merritt Isl FL 32953
Residence Address

Dear Commissioner Barfield:

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<u><i>William R. Naismith</i></u> Signature	Received APR 5 2017 District 2 County Commission	<u>WILLIAM R. NAISMITH</u> Printed Name
<u><i>Carol R. Naismith</i></u> Signature		<u>CAROL R. NAISMITH</u> Printed Name

575 E HALL RD MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<u><i>Barbara A. Chassee</i></u> Signature	Received APR 5 2017 District 2 County Commission	<u>Barbara A. Chassee</u> Printed Name
---	--	---

Signature Printed Name

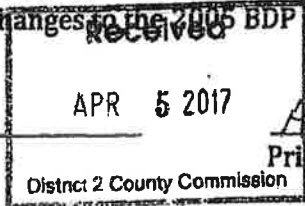
110 E. CRISAFULLI RD. MERRITT ISLAND, FL 32953 R-123

Dear Commissioner Barfield:

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Ann Placher
Signature



ANN PLACHER
Printed Name

Signature

Printed Name

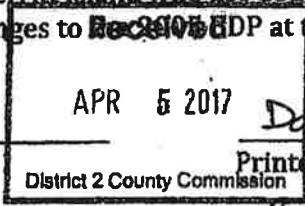
4684 WOOD STORK DR, MERRITT ISLAND, FL 32953
Residence Address

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Daniel Ramon
Signature



Daniel Ramon
Printed Name

Carmen Ramon
Signature

CARMEN RAMON
Printed Name

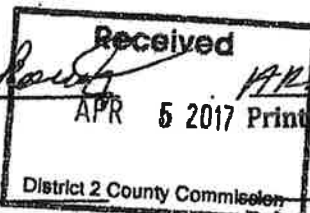
5480 Lovett Dr, Merritt Isl 32953
Residence Address

Dear Commissioner Barfield:

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Arnold Meslowitz
Signature



ARNOLD MESLOWITZ
Printed Name

Signature

Printed Name

4356 SEAGULL DRIVE MF
Residence Address

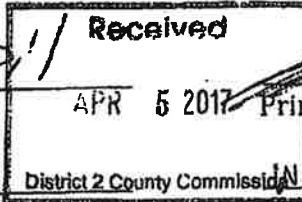
Dear Commissioner Barfield:

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Chris Wtiffel

Signature



APR 5 2017 Printed Name

Wyatt Wtiffel

Signature

District 2 County Commission *Wyatt Wtiffel*

Printed Name

5495 Lovett Dr, Merritt Isl FL 32953

Residence Address

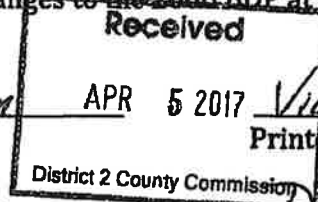
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Vickie Cochran

Signature



APR 5 2017

VICKIE COCHRAN

Printed Name

Don Cochran

Signature

District 2 County Commission

DON COCHRAN

Printed Name

4652 Mourning Dove Dr, M.I. 32953

Residence Address

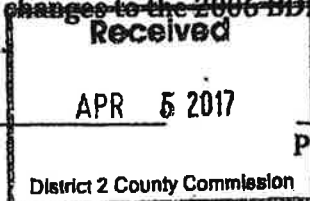
Dear Commissioner Barfield:

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Jane W. Cole

Signature



APR 5 2017

JANE W. COLE

Printed Name

Signature

Printed Name

4607 WOODSTOCK DR. MERRITT ISLAND FL 32952

R-125

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Don L. Ray</u> Signature	Received APR 5 2017 District 2 County Commission	<u>DON L. RAY</u> Printed Name <u>CHERYL RAY</u> Printed Name
	<u>Cheryl Ray</u> Signature	

4235 SAVANNAHS TRAIL, MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<u>Dennis K. Doucette</u> Signature	Received APR 5 2017 District 2 County Commission	<u>DENNIS K. DOUCETTE</u> Printed Name <u>JANET A. WILSON</u> Printed Name
	<u>Janet A. Doucette</u> Signature	

390 OAK LAKE PLACE Merritt Island Florida 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Michael Reufold</u> Signature	Received APR 5 2017 District 2 County Commission	<u>Michael Reufold</u> Printed Name

4055 Shuttle Ct
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Sharon Van Alstine</u> Signature	Received APR 5 2017 District 2 County Commission	<u>Sharon Van Alstine</u> Printed Name
<u>J.H. Van Alstine</u> Signature	Received APR 5 2017 District 2 County Commission	<u>J.H. VANALSTINE</u> Printed Name
<u>5425 Lovett Dr., MI 32953</u> Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<u>John A. Poole</u> Signature	Received APR 5 2017 District 2 County Commission	<u>JOHN A. POOLE</u> Printed Name
<u>Jean A. Poole</u> Signature	Received APR 5 2017 District 2 County Commission	<u>JEAN A. POOLE</u> Printed Name
<u>149 COVE LOOP DR., M.I., FL 32953</u> Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Sandra LaFond</u> Signature	Received APR 5 2017 District 2 County Commission	<u>SANDRA LAFOND</u> Printed Name
<u>Sandra LaFond</u> Signature	Received APR 5 2017 District 2 County Commission	<u>SANDRA LAFOND</u> Printed Name
<u>4376 SEA GULL DR., MERRITT ISLAND, FL 32953</u> Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<i>Stan Troup</i> Signature	Received APR 5 2017 District 2 County Commission	STAN TROUP Printed Name
<i>Letecia Troup</i> Signature		LETECIA TROUP Printed Name
5440 LOVETT DR MI FL 32953 Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<i>Stephen Wasak</i> Signature	Received APR 5 2017 District 2 County Commission	Stephen Wasak Printed Name
<i>Ruth Ann Wasak</i> Signature		Ruth Ann Wasak Printed Name
1340 Seagull Drive, Merritt Island, FL 32953 Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<i>Sharon E. Olson</i> Signature	Received APR 5 2017 District 2 County Commission	Sharon E. Olson Printed Name
<i>R. Olson</i> Signature		Richard Olson Printed Name
5145 Mallard Lakes Dr Merritt Isl, FL Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Gardnar G. Balkisson</u> Signature	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Received APR 5 2017 District 2 County Commission</p> </div>	<u>GARDNAR G. BALKISSON</u> Printed Name
<u>Lonefa A. Balkisson</u> Signature		<u>LONEFA A. BALKISSON</u> Printed Name

5795 Broad Arms St. Merritt Island, FL
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<u>Donna Feller</u> Signature	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Received APR 5 2017 District 2 County Commission</p> </div>	<u>DONNA FELLER</u> Printed Name
<u>Donna Feller</u> Signature		<u>DONNA FELLER</u> Printed Name

4671 Wood Stork Dr, Merritt Isl. 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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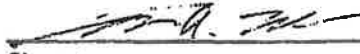

<u>Leonard C. Martin</u> Signature	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Received APR 5 2017 District 2 County Commission</p> </div>	<u>LEONARD C. MARTIN</u> Printed Name
<u>Marianne L. Martin</u> Signature		<u>MARIANNE L. MARTIN</u> Printed Name

Residence Address 5205 10th St Merritt Island FL 32953 R-12000

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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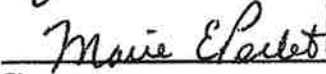
	Received APR 5 2017 District 2 County Commission	Thomas H. Lamb
Signature		Printed Name
		Edith M. Lamb
Signature		Printed Name

4571 Woodstark Dr Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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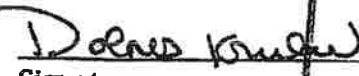

	Received APR 5 2017 District 2 County Commission	Jerrald Perlet
Signature		Printed Name
		Marie E. Perlet
Signature		Printed Name

5127 Royal Paddock Way, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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	Received APR 5 2017 District 2 County Commission	Dolores Kruh
Signature		Printed Name
		David Kruh
Signature		Printed Name

5640 Kruhms Way, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Signature [Handwritten Signature] Received Ronald A. Wanda Printed Name

APR 5 2017

Signature _____ Printed Name _____

District 2 County Commission

2230 Stone Lake Dr.

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Signature [Handwritten Signature] Received Mary J Poulis Printed Name

APR 5 2017

Signature _____ Printed Name _____

District 2 County Commission

272 Quail Lane Merritt Island, Fl. 32953

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Signature [Handwritten Signature] Received Barbara J Moore Printed Name

APR 5 2017

Signature _____ Printed Name _____

District 2 County Commission

135 E. Crawford Rd

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Gregory M. Gove
Signature

Received
APR 5 2017
District 2 County Commission

GREGORY M. GOVE
Printed Name

Signature

Printed Name

3300 SPARTANA AVE MERRITT ISLAND 32993
Residence Address

Dear Commissioner Barfield:

3/2017

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Jean Duduit
Signature

Received
APR 5 2017
District 2 County Commission

JEAN DUDUIT
Printed Name

Signature

Printed Name

380 E HALL Rd Merritt Isl - FL 32953
Residence Address

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Gregory A. Leibel
Signature

Received
APR 5 2017
District 2 County Commission

GREGORY A. LEIBEL
Printed Name

Signature

Printed Name

3492 TWELVE OAKS Circle . MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

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Shedora Agillo
Signature

Received
APR 5 2017
District 2 County Commission

Theodore Agillo
Printed Name

Katherine Agillo
Signature

Katherine Agillo
Printed Name

4285 SAVANNAHs trail - Mailing - P.O. Box 541258 - Merritt Is.
Residence Address 32954

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Carol L. Clarke
Signature

Received
APR 5 2017
District 2 County Commission

Carol L. Clarke
Printed Name

Signature

Printed Name

5206 Royal Paddock Way Merritt Island FL
Residence Address 32953

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Charles Ryan
Signature

Received
APR 5 2017
District 2 County Commission

Charles Ryan
Printed Name

Vergie P. Ryan
Signature

VERGIE P. RYAN
Printed Name

4602 Wood Stork Dr. Merritt Island FL
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<i>Patricia Howell</i> Signature	Received APR 5 2017 District 2 County Commission	Patricia Howell Printed Name
 Signature		 Printed Name
1555 E Crisafulli Rd MI Residence Address		

Dear Commissioner Barfield:

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<i>Denyse Mobercy</i> Signature	Received APR 5 2017 District 2 County Commission	DENYSE MOBERCY Printed Name
 Signature		 DENYSE MOBERCY Printed Name
14358 SW 4th Court Merritt Island, FL 32953 Residence Address		

Dear Commissioner Barfield:

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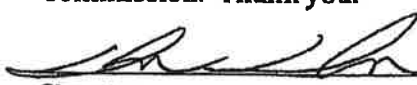
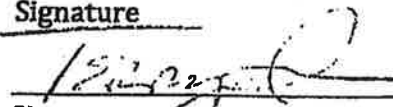
As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<i>R-T Hamilton Jr</i> Signature	Received APR 5 2017 District 2 County Commission	R-T. HAMILTON JR Printed Name
 Signature		 Printed Name
4062 SAVANNAH TRAIL MI Residence Address		

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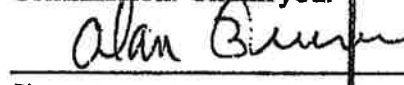
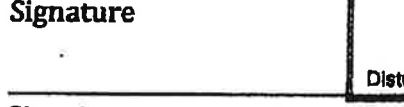
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	Received APR 5 2017 District 2 County Commission	<i>Ivan Inama</i>
Signature		Printed Name
		<i>TERRY INAMA</i>
Signature		Printed Name
<u>3485 Spartina Ave Merritt Island, FL 32953</u>		
Residence Address		

Dear Commissioner Barfield:

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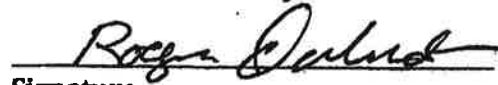


As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

	Received APR 5 2017 District 2 County Commission	<i>ALAN BRUNNER</i>
Signature		Printed Name
		
Signature		Printed Name
<u>4614 WOOD STARK DRIVE, M.I., 32953</u>		
Residence Address		

Dear Commissioner Barfield:

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Signature	Printed Name	
	Received APR 5 2017 District 2 County Commission	<i>Sharon Dulude</i>
Signature		Printed Name

Dear Commissioner Barfield:

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 Signature _____
 District 2 County Commission

Received
 APR 5 2017
 District 2 County Commission

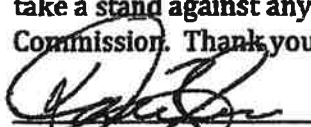
DERRY L. B. BY
 Printed Name
 Melody B. BY
 Printed Name

Residence Address

Dear Commissioner Barfield:

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 APR 5 2017
 District 2 County Commission

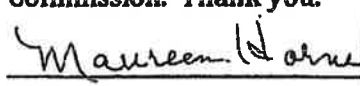
DALE ZIELINSKI
 Printed Name
 SUSAN M. K. ZIELINSKI
 Printed Name

600 CHASE HAMMOCK RD. Merritt Island
Residence Address

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 Signature _____
 District 2 County Commission

Received
 APR 5 2017
 District 2 County Commission

MAUREEN HORNE
 Printed Name

4437 CORMORANT LA. Merritt Is. FL 32837
Signature Printed Name

Dear Commissioner Barfield:

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Gregory T. Clarke
Signature Printed Name
Received
APR 5 2017

Signature Printed Name
Residence Address
5266 Royal Palm Dr Merritt Island FL 32953

Dear Commissioner Barfield: *NO! we do NOT need the overload of services caused by this expansion*
The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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James H. Robertson
Signature Printed Name
Received
APR 5 2017

Signature Printed Name
Residence Address
3240 Biscayne Dr Merritt Island FL

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Patricia Rowan
Signature Printed Name
Received
APR 5 2017

Signature Printed Name
Residence Address

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<i>[Signature]</i>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="text-align: center;">Received</p> <p style="text-align: center;">APR 5 2017</p> <p style="text-align: center;">District 2 County Commission</p> </div>	<i>Suzi Barrett</i>
Signature		Printed Name
<i>[Signature]</i>		<i>James Barrett</i>
Signature		Printed Name

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<i>Shirley N. Young</i>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="text-align: center;">Received</p> <p style="text-align: center;">APR 5 2017</p> <p style="text-align: center;">District 2 County Commission</p> </div>	<i>SHIRLEY N. YOUNG</i>
Signature		Printed Name
<i>(Widow)</i>		<i>spouse</i>
<i>since 1989</i>		<i>deceased 1989</i>
Signature		Printed Name

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<i>Patricia H. Morrison</i>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="text-align: center;">Received</p> <p style="text-align: center;">APR 5 2017</p> <p style="text-align: center;">District 2 County Commission</p> </div>	<i>PATRICIA MORRISON</i>
Signature		Printed Name
<i>Fred E. Morrison</i>		<i>FRED E. MORRISON</i>
Signature		Printed Name

280 GUY L. MERRITT IS. FLORIDA 328138

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<u>[Signature]</u>	Received APR 6 2017 District 2 County Commission	<u>WALLY ROCKLIFT</u>
Signature		Printed Name
<u>[Signature]</u>		<u>Bonnie Rockliff</u>
Signature		Printed Name

3255 SPARTANA AVE MERRITT ISLAND 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>[Signature]</u>	Received APR 6 2017 District 2 County Commission	<u>Maureen Hickey</u>
Signature		Printed Name
<u>[Signature]</u>		
Signature		Printed Name

375 Porcher Rd. Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<u>[Signature]</u>	<u>DONA M. FERGUSON</u>
Signature	Printed Name
<u>[Signature]</u>	<u>DANIEL FERGUSON</u>
Signature	Printed Name

4635 MORNING DOVE MERRITT ISLAND FL
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Thomas A. Kiriazis</u> Signature	Received APR 6 2017 District 2 County Commission	<u>Thomas A. Kiriazis</u> Printed Name
_____ Signature		_____ Printed Name

1035 E. Crisafilli Rd Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Ernest William Mandeville</u> Signature	Received APR 6 2017 District 2 County Commission	<u>Ernest William Mandeville</u> Printed Name
<u>Lizbeth Mandeville</u> Signature		<u>Lizbeth Mandeville</u> Printed Name

5390 Broad acres MI FL 32952
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<u>F. Clay Flinn</u> Signature	Received APR 6 2017 District 2 County Commission	<u>F. CLAY FLINN JR</u> Printed Name
<u>Barbara Flinn</u> Signature		<u>Barbara Flinn</u> Printed Name

305 Raquette Court Merritt Island FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Signature Bonnie Silverio Received
APR 6 2017 BONNIE J. SILVERIO
 Printed Name

Signature _____ District 2 County Commission _____
 Printed Name

4646 WOOD STARK DRIVE MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

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Signature Jane Reutt Received
APR 6 2017 JANE REUTT
 Printed Name

Signature Nels Peron Reutt District 2 County Commission _____
 Printed Name

Residence Address

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Signature B. Barrett Received
APR 6 2017 BEN BARRETT
 Printed Name

Signature _____ District 2 County Commission _____
 Printed Name

4414 CORMORANT LN, MERRITT ISLAND 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<u>N. C. Vitt</u>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Received</p> <p>APR 6 2017</p> </div>	<u>HERBERT C. VITT</u>
Signature		Printed Name
<u>Diane Vitt</u>		<u>Diane Y Vitt</u>
Signature	District 2 County Commission	Printed Name

3040 WATEROAK DR MERRITT ISLAND
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>[Signature]</u>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Received</p> <p>APR 6 2017</p> </div>	<u>ANGELA L WARD</u>
Signature		Printed Name
<u>[Signature]</u>		<u>C. BARRY WARD</u>
Signature	District 2 County Commission	Printed Name

5102 WINDING WAY, MERRITT ISLAND FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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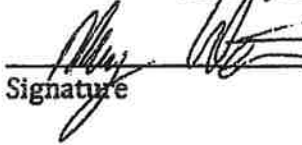
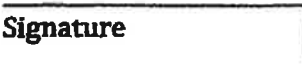
<u>[Signature]</u>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Received</p> <p>APR 6 2017</p> </div>	<u>Patricia Robinson</u>
Signature		Printed Name
<u>[Signature]</u>		<u>Earl K Robinson</u>
Signature	District 2 County Commission	Printed Name

640 Chase Hammock Rd, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

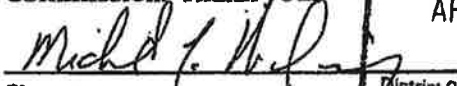
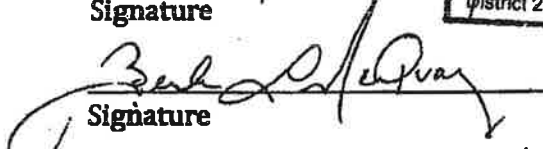
As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

	Received APR 6 2017 District 2 County Commission	MARY WATKINS
Signature		Printed Name
		MARY WATKINS
Signature		Printed Name
5335 Broad Acres		
Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

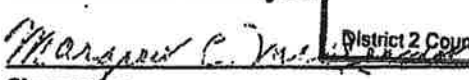
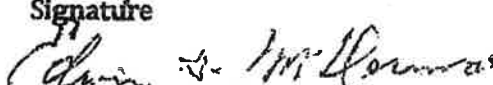
As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

	Received APR 6 2017 District 2 County Commission	Michael T. McQuaig
Signature		Printed Name
		Brenda L. McQuaig
Signature		Printed Name
5470 Broad Acres St. Merritt Island 32953		
Residence Address		

Dear Commissioner Barfield:

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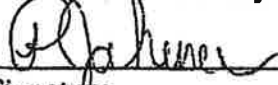
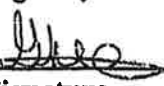
	Received APR 6 2017 District 2 County Commission	Margaret C. McQuaig
Signature		Printed Name
		Kevin T. McQuaig
Signature		Printed Name

Residence Address

Dear Commissioner Bartfield:

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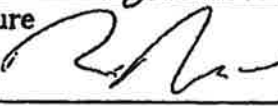
	Received APR 6 2017 District 2 County Commission	<u>Penny Tahvke</u>
Signature		Printed Name
		<u>Greg Tahvke</u>
Signature		Printed Name

5116 Royal Paddock Way, MI FL 32953
Residence Address

Dear Commissioner Barfield:

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	Received APR 6 2017 District 2 County Commission	<u>Lisa Mary Ryals</u>
Signature		Printed Name
		<u>RICHARD RYALS</u>
Signature		Printed Name

4150 Savannahs trail Merritt Island FL 3295
Residence Address

Dear Commissioner Barfield:

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	Received APR 6 2017 District 2 County Commission	<u>DEBORAH H GARTIN</u>
Signature		Printed Name
		<u>RD M. J. FLA</u>
Signature		Printed Name

435 E. ... M. J. FLA
Residence Address

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Signature	Received
	APR 6 2017
Signature	District 2 County Commission

Linn Austin
Printed Name

2315 Chase Hammock Rd 32953
Residence Address

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Signature	Received
	APR 6 2017
Signature	District 2 County Commission

NINA G. HARGROVE
Printed Name

4392 SEA BULL DR.
Residence Address

Dear Commissioner Barfield:

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Signature	Received
	APR 6 2017
Signature	District 2 County Commission

WILLIAM V. BRAGG
Printed Name
Riin Bragg
Printed Name

3972 TRADEWINDS TRAIL MERRITT ISLAND FL 32953
Residence Address

Dear Commissioner Barfield:

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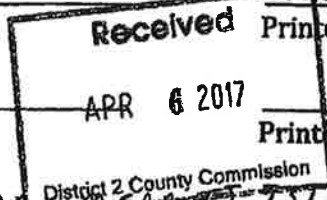
As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

P.S. I'm ALSO CONCERNED ABOUT THE OPENING BRIDGE BACK UP. THANKS

Herb Ramsey
 Signature _____ Printed Name HERB RAMSEY

 Signature _____ Printed Name _____

 Residence Address 4466 WOOD STORK DR. MERRITT ISLAND FL 32953



Dear Commissioner Barfield:

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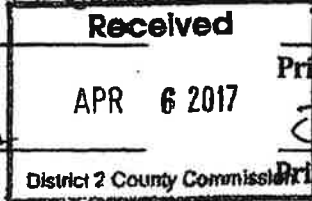
The only reason I bought in this area was for the peace & quiet. Don't change it.

JDS
 Signature _____ Printed Name Julia Bogert

 Signature Joseph Nykos Printed Name Joseph Nykos

 Signature _____ Printed Name _____

 Residence Address 4638 Wood Stork Dr. M.I., FL 32953



Dear Commissioner Barfield:

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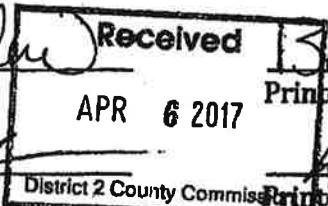
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Brenda B. Allen
 Signature _____ Printed Name Brenda B. Allen

 Signature _____ Printed Name Andrew Ariza

 Signature _____ Printed Name _____

 Residence Address 4151 Tradewinds Trl., M.I., FL 32953



Dear Commissioner Barfield:

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<u>Peter G. Firth</u> Signature	Received APR 6 2017 District 2 County Commission	<u>PETER G. FIRTH</u> Printed Name
_____ Signature		_____ Printed Name

5900 COCHRAN LA MERRITT IS. FL 32953
Residence Address

Dear Commissioner Barfield: *Flooding due to over-development is a serious issue. Currently, water diversion into our area.*

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006. *respect us at significant*

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you. *make for flooding again.*

<u>Theresa L. Curry</u> Signature	Received APR 6 2017 District 2 County Commission	<u>Theresa L. Curry</u> Printed Name
_____ Signature		_____ Printed Name

1365 Bishop Rd, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Dale Ross</u> Signature	Received APR 6 2017 District 2 County Commission	<u>Dale Ross</u> Printed Name
<u>Dale Ross</u> Signature		<u>Dale Ross</u> Printed Name

Residence Address R-148

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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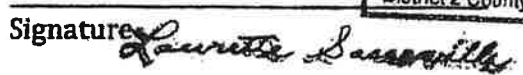
 Signature	<div style="border: 1px solid black; padding: 5px; display: inline-block;">Received APR 6 2017 District 2 County Commission</div>	Anthony J BOURQUE Printed Name
 Signature		Rae A. Bourque Printed Name


2250 Stone Lake Dr. MI, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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 Signature	<div style="border: 1px solid black; padding: 5px; display: inline-block;">Received APR 6 2017 District 2 County Commission</div>	 Printed Name
--	---	------------------

 Ms. Laurette Sasseville
166 Blue Jay Ln.
Merritt Is, FL 32953

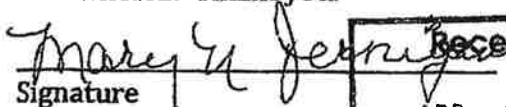
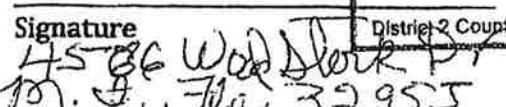
Printed Name

Residence Address

Dear Commissioner Barfield:

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 Signature	<div style="border: 1px solid black; padding: 5px; display: inline-block;">Received APR 6 2017 District 2 County Commission</div>	MARY N. JERNIGAN Printed Name
 Signature		Printed Name

4586 Woodstock Dr
M. I., Fla 32955
Residence Address

Dear Commissioner Barfield:

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B. Coates Watkins
Signature

Received
APR 6 2017
District 2 County Commission

B. COATES WATKINS
Printed Name

Signature

Printed Name

1595 E. Crisafulli Rd
Residence Address

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Mary F. Rounds
Signature

Received
APR 6 2017
District 2 County Commission

MARY F. ROUNDS
Printed Name

Signature

Printed Name

4665 Mankin Dr
Residence Address

DA., ME, FL 329

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005:

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<u><i>[Signature]</i></u> Signature	Received APR 11 2017	<u>Michelle Hosmer</u> Printed Name
<u>5315 Broad Acres Street Merritt Island FL 32953</u> Residence Address	District 2 County Commission	<u>Michelle Hosmer</u> Printed Name

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<u>Wade Black</u> Signature	Received APR 11 2017	<u>WADE BLACK</u> Printed Name
<u>Ramona J. Black</u> Signature	District 2 County Commission	<u>Ramona J. Black</u> Printed Name
<u>610 E. CRISAFULLI RD Merritt Isl. FL 32953</u> Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<u>C.R. Thompson</u> Signature	Received APR 11 2017	<u>C.R. Thompson</u> Printed Name
<u>A.M. Levesque</u> Signature	District 2 County Commission	<u>A.M. Levesque</u> Printed Name
<u>2210 Stone Lake Dr. M.I.</u> Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

Carol Sheer
Signature

Received	<i>CAROL SHEER</i>
APR 10 2017	Printed Name
District 2 County Commission	Printed Name

4601 Manning Place SE Merritt Isl. Fla 32952
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

Louise Mistret
Signature

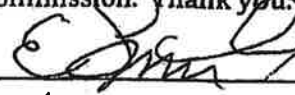
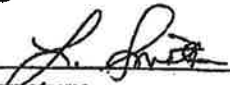
Received	<i>LOUISE MISTRET</i>
APR 10 2017	Printed Name
District 2 County Commission	Printed Name

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

	Received APR 10 2017 District 2 County Commission	EDWARD SMITH
Signature		Printed Name
		LINDA SMITH
Signature		Printed Name

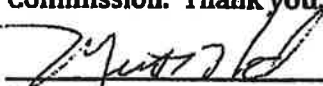
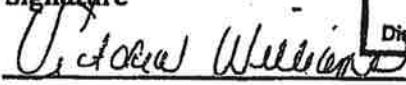
3035 Water Oak Dr.

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

	Received APR 10 2017 District 2 County Commission	MERRITT A. NORD
Signature		Printed Name
		VICTORIA WILLIAMS
Signature		Printed Name

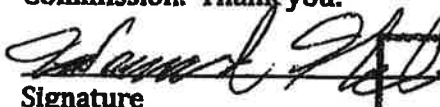
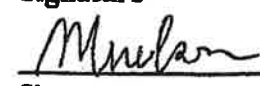
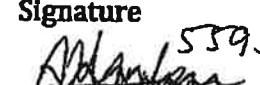
4320 SEA GULL DR MERRITT ISLAND FL 32953

Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

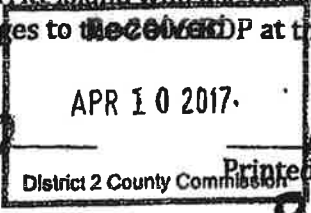
As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

	Received APR 10 2017 District 2 County Commission	HOWARD NELSON
Signature		Printed Name
		MERLENE NELSON
Signature		Printed Name
		MERRITT IS FL 32953
Residence Address		

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the ~~2006~~ BDP at the April 6, 2017 meeting of the Commission. Thank you.

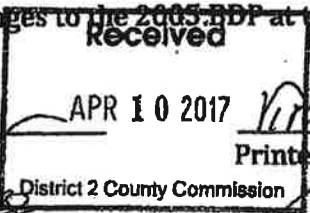


 Signature Kelly Myers Printed Name Kelly Myers
 Signature [Signature] Printed Name Pablo Piguerez
2160 Stone Lake Dr.
 Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the ~~2005~~ BDP at the April 6, 2017 meeting of the Commission. Thank you.



 Signature Virginia Ramsey Printed Name Virginia Ramsey
 Signature [Signature] Printed Name Virginia Ramsey
2295 Chase Hammock RD Merritt Is. FL 32953
 Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.




 Signature Carla Dickinson Printed Name Carla Dickinson
 Signature [Signature] Printed Name Tracey Dickinson
3381 Biscayne Drive, Merritt Is., FL 32953
 Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


 Signature _____

 Signature _____

 Residence Address 6135 Laurel Ave. Merritt Island, FL 32953-1514

Received
APR 10 2017
District 2 County Commission

 Printed Name

 Printed Name

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


 Signature _____

 Signature _____

 Residence Address Sand Ridge Drive Merritt Island 32953

Received
APR 10 2017
District 2 County Commission

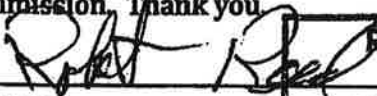
 Printed Name

 Printed Name

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


 Signature _____

 Signature _____

 Residence Address 4008 Sand Ridge Dr

Received
APR 10 2017
District 2 County Commission

 Printed Name

 Printed Name

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<u>Lynn B. Murphy</u> Signature	Received APR 10 2017	<u>LYNN B. MURPHY</u> Printed Name
_____ Signature	District 2 County Commission	_____ Printed Name

5357 ROYAL SADDOCK WAY - MERRITT ISLAND FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

<u>Gail Heynen</u> Signature	Received APR 10 2017	<u>Gail Heynen</u> Printed Name
_____ Signature	District 2 County Commission	_____ Printed Name

4316 Sea Gull Dr 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


<u>Sara B. Hutton</u> Signature	Received APR 10 2017	<u>Sara B Hutton</u> Printed Name
<u>Robert A. Hutton II</u> Signature	District 2 County Commission	<u>Robert A. Hutton II</u> Printed Name


605 Chase Hammock Rd MI 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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	Received APR 10 2017 District 2 County Commission	<u>J. MARTIN</u>
Signature		Printed Name

		<u>L. L. Bunting</u>
Signature		Printed Name

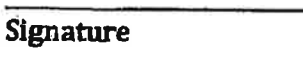
5415 Broad Acre St. Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield: *Too bad you were able to pull a fast one w/ Harvey Groves - C/Ocodile fears/jeasy monkey!*

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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<u>Lisa C. Stood</u>	Received APR 10 2017 District 2 County Commission	<u>Lisa C. Stood</u>
Signature		Printed Name

		<u>Lisa C. Stood</u>
Signature		Printed Name

4405 Casuarina Ln, Merritt Island,
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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<u>Marilyn Russell</u>	Received APR 10 2017 District 2 County Commission	<u>MARILYN RUSSELL</u>
Signature		Printed Name

<u>Melvin Russell</u>		<u>MELVIN RUSSELL</u>
Signature		Printed Name

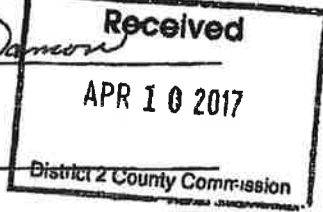
5420 Lowell Dr, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Bonnie Damon
Signature
Signature



Bonnie Damon
Printed Name
Printed Name

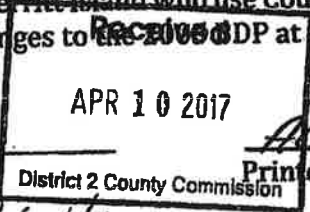
4364 Sea Gull, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Susan Schmidt
Signature
Signature



Susan Schmidt
Printed Name
Printed Name

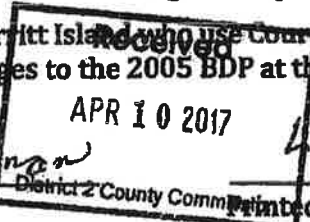
5450 Lovett Dr. M.I. Fl. 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Leroy Bateman
Signature
Signature



L. BATEMAN
Printed Name
F. BATEMAN
Printed Name

Leroy Bateman
259 Quail Ln
Merritt Is, FL 32963
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Carmen Dickinson
Signature

CARMEN DICKINSON
Printed Name

Received
APR 12 2017
District 2 County Commission

Signature

Printed Name

1670 Kings Way, Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Jose Mantilla
Signature

Jose Mantilla
Printed Name

Received
APR 12 2017
District 2 County Commission

Signature

Printed Name

5132 Royal Paddock Way, M.I 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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Marlene Henry
Signature

MARLENE HENRY
Printed Name

Received
APR 18 2017
District 2 County Commission

Signature

Printed Name

4675 Goldfinch Lane Merritt Island FL 32953
Residence Address

Dear Commissioner Barfield:

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Elaine Liston
Signature

Elaine Liston
Printed Name

Tim Liston
Signature

Tim Liston
Printed Name

5810 Broad-Acres St., M.I., FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

Vicki S. Bond
Signature

VICKI S. BOND
Printed Name

Signature

Printed Name

4200 SAVANNAH TRAIL, MERRITT ISLAND, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

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William Burkhardt
Signature

WILLIAM BURKHARDT
Printed Name

Barbara Burkhardt
Signature

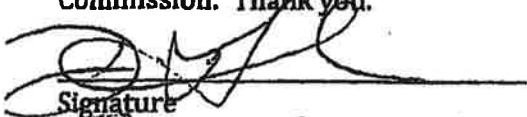
BARBARA BURKHARDT
Printed Name

3205 Spartina Cove Merritt Island, FL 32953
Residence Address

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

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Signature

DAN TADONATH
Printed Name

S. Tadonath
Signature

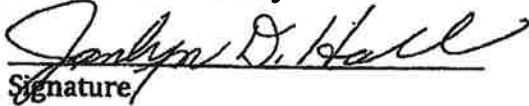
SUE TADONATH
Printed Name

3221 Biscayne DR MI. FL 32953
Residence Address

Dear Commissioner Barfield:

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As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.


Signature

Janlyn D Hall
Printed Name

Signature

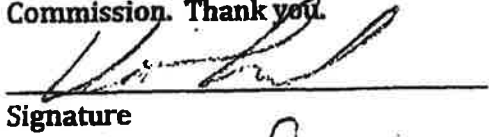
Printed Name

5415 Lovett Drive; Merritt Island, FL 3295.
Residence Address

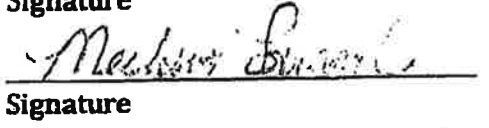
Dear Commissioner Barfield:

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Signature

Tadd Lamond
Printed Name


Signature

MELISSA LAMOND
Printed Name

Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2005.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2005 BDP at the April 6, 2017 meeting of the Commission. Thank you.

Sandra Mozert
Signature

SANDRA MOZERT
Printed Name

Signature

Printed Name

4663 Wood Stork Dr
Residence Address

IN FAVOR

17PZ00005
NAJJAD

July 13, 2017

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

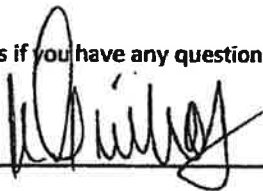
Subject: Rezoning of Parcel ID 24-36-11-00-253 & 24-36-11-00-294, NAJJAD Property Zoning Item 17PZ00005.

Dear Commissioners:

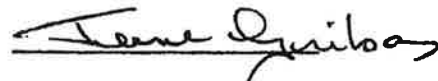
We own the property at 130 Smith Road, Merritt Island, FL 32953 and have no objection to the proposed rezoning of the above referenced property from SEU to EU-2 based on the proposed binding development plan (BDP) which includes the following conditions:

1. The Developer/Owner shall limit density to Forty (40) single family units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
2. The Developer/Owner shall limit ingress and egress to Smith Road.
3. Developer will not share access with the north parcel 24-36-11-00-250 (AKA Harvey's property).
4. Developer shall provide landscaping over a 4' high and approximately 200 feet long landscape berm at the east side of the entrance. The landscape berm to be constructed partially on the 10' wide landscape easement granted by the Owner of Parcel 24-36-11-00-290. The landscape berm shall be maintained by the Owner/Developer and property owner of parcel 24-36-11-00-290.
5. Developer/Owner to construct the retention pond at the South side of the property to provide buffer to the South parcels.
6. Each house constructed shall be minimum of 2,500 square feet.
7. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida, including the restrictions and minimum code requirements for the EU-2 zoning category. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property, and are as follows:
 - All streets shall be curbed and guttered.
 - All streets shall have sidewalks.
 - All utilities shall be underground.

Please contact us if you have any questions or require any clarifications.



Kenneth C. Gribas
130 Smith Road
Merritt Island, FL 32953



June B. Gribas
130 Smith Road
Merritt Island, FL 32953

IN FAVOR

17PZ00005
NAJJAD

July 13, 2017

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Subject: Rezoning of Parcel ID 24-36-11-00-253 & 24-36-11-00-294, NAJJAD Property Zoning Item 17PZ00005.

Dear Commissioners:

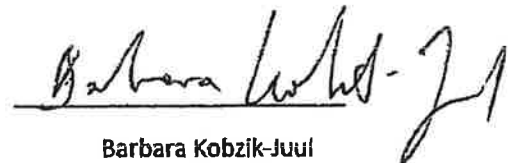
We own the property at 160 Smith Road, Merritt Island, FL 32853 and have no objection to the proposed rezoning of the above referenced property from SEU to EU-2 based on the proposed binding development plan (BDP) which includes the following conditions:

1. The Developer/Owner shall limit density to Forty (40) single family units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
2. The Developer/Owner shall limit ingress and egress to Smith Road.
3. Developer will not share access with the north parcel 24-36-11-00-250 (AKA Harvey's property).
4. Developer shall provide landscaping over a 4' high and approximately 200 feet long landscape berm at the east side of the entrance. The landscape berm to be constructed partially on the 10' wide landscape easement granted by the Owner of Parcel 24-36-11-00-290. The landscape berm shall be maintained by the Owner/Developer and property owner of parcel 24-36-11-00-290.
5. Developer/Owner to construct the retention pond at the South side of the property to provide buffer to the South parcels.
6. Each house constructed shall be minimum of 2,500 square feet.
7. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida, including the restrictions and minimum code requirements for the EU-2 zoning category. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property, and are as follows:
 - All streets shall be curbed and guttered.
 - All streets shall have sidewalks.
 - All utilities shall be underground.

Please contact us if you have any questions or require any clarifications.



Douglas Juul
160 Smith Road
Merritt Island, FL 32853



Barbara Kobzik-Juul
160 Smith Road
Merritt Island, FL 32853

IN FAVOR
17PZ00005
NAJJAD

July 13, 2017

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Subject: Rezoning of Parcel ID 24-36-11-00-253 & 24-36-11-00-294, NAJJAD Property Zoning Item 17PZ00005.

Dear Commissioners:

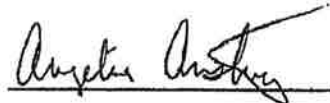
We reside at 200 Smith Road, Merritt Island, FL 32853 and have no objection to the proposed rezoning of the above referenced property from SEU to EU-2 based on the proposed binding development plan (BDP) which includes the following conditions:

1. The Developer/Owner shall limit density to Forty (40) single family units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
2. The Developer/Owner shall limit ingress and egress to Smith Road.
3. Developer will not share access with the north parcel 24-36-11-00-250 (AKA Harvey's property).
4. Developer shall provide landscaping over a 4' high and approximately 200 feet long landscape berm at the east side of the entrance. The landscape berm to be constructed partially on the 10' wide landscape easement granted by the Owner of Parcel 24-36-11-00-290. The landscape berm shall be maintained by the Owner/Developer and property owner of parcel 24-36-11-00-290.
5. Developer/Owner to construct the retention pond at the South side of the property to provide buffer to the South parcels.
6. Each house constructed shall be minimum of 2,500 square feet.
7. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida, including the restrictions and minimum code requirements for the EU-2 zoning category. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property, and are as follows:
 - All streets shall be curbed and guttered.
 - All streets shall have sidewalks.
 - All utilities shall be underground.

Please contact us if you have any questions or require any clarifications.



Scott M. Armstrong
200 Smith Road
Merritt Island, FL 32853



Angella M. Armstrong
200 Smith Road
Merritt Island, FL 32853

17PZ0005
OBJECTION

205 Smith Road
Merritt Island, Florida 32953

March 6, 2017

North Merritt Island Dependent Special District Board

RE: Public Hearing on IV.B.2 (17P00005) NAJJAD, INC.

To Whom It May Concern:

As a property owner, located at 205 Smith Road, for almost 36 years, I would like to object to this Zoning Change from SEU to EU-2 on this 26.11 acre property.

My husband, Michael (deceased), and I purchased this property in 1977, because of the rural nature of the property. We have witnessed various wildlife, i.e. one panther, one fox, one deer, multiple bobcats, hogs, raccoons, armadillos, opossum, hawks, dolphins, manatees, alligators, and miscellaneous water birds.

Our property is surrounded by many varieties of oak trees and palm trees, several pine trees, New Zealand pines, cedars and lush plant life.

I enjoy the serenity of country life, away from the traffic noise of North Courtenay Parkway and Interstate 528. Because Smith Road is a dead end road, traffic is minimal.

Excerpt from April 7, 2005 Brevard County Commission Minutes, Item V.D.1, the Motion to change the zoning from AU to SEU on the Najjad property was carried and ordered unanimously. The Binding Development Plan limits development to 100-foot rear setback, 50-foot front setbacks, 20-foot side setbacks, curbs, gutters, buried utilities and a minimum 3,000 sq. ft. homes, and recommend access from Smith Road. There were no objections from homeowners on Smith Road.

I will be attending the Public Hearing on March 9, 2017 and hereby submit my **Objection** to the requested classification on Noel Droor's property (IV.B.2. (17PZ00005) NAJJAD, INC.). The requested change in zoning from SEU to EU-2 will impact my neighbors on the north side of Smith Road. The increased traffic on Smith Road will impact us all. To allow two (2) units per acre will significantly impact property values of the homes on Smith Road. The increased number of homes, lessor setbacks, more traffic and noise will be detrimental to owners of homes on 2 ½ acre lots on Smith Road.

Please do not recommend this request for a Zoning Change.

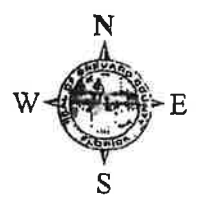
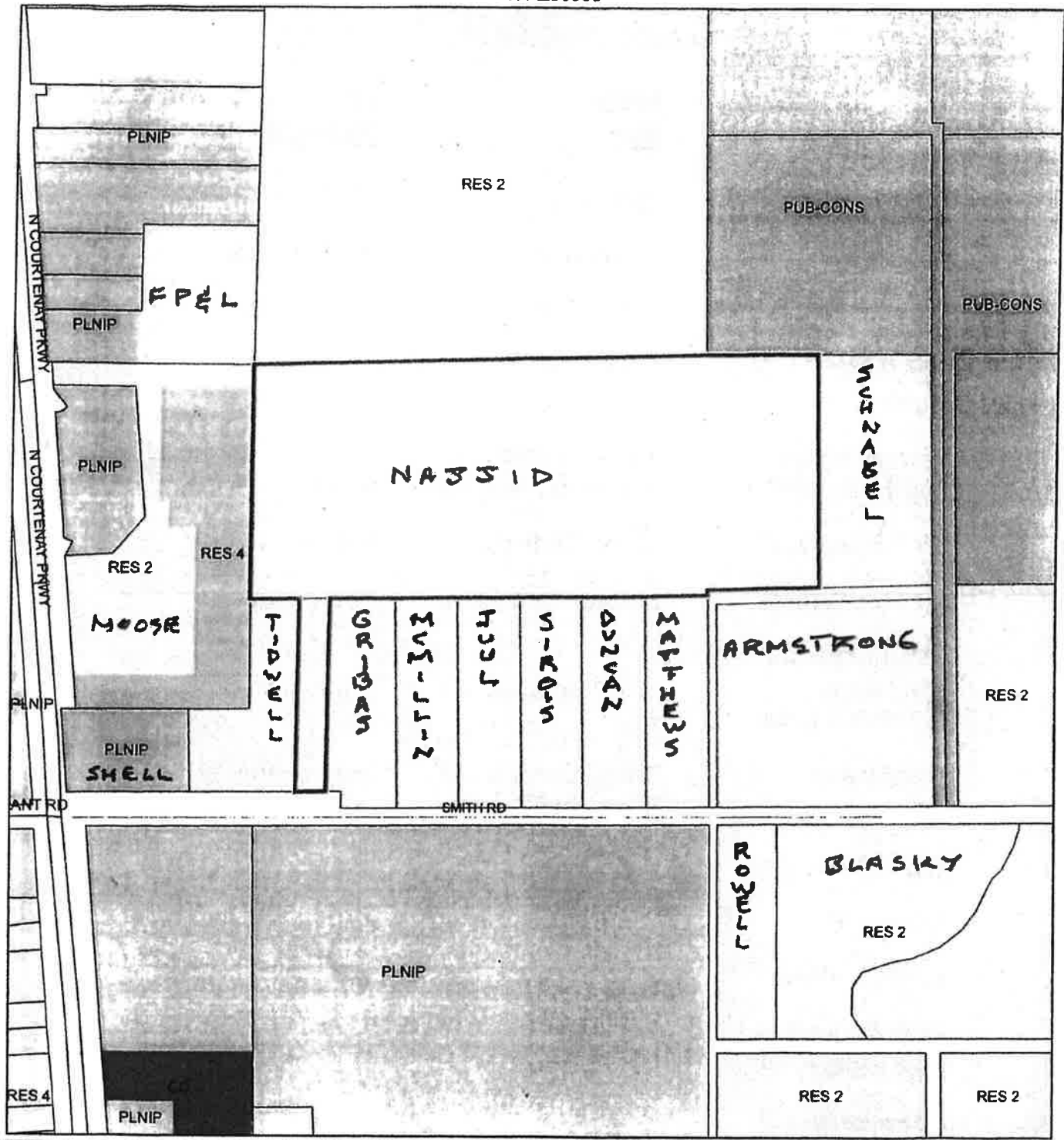
Sincerely yours,

ANITA R. BLASKY
205 Smith Road
Merritt Island Florida 32953

OBJECTION

FUTURE LAND USE MAP

NAJJAD, Inc.
17PZ00005



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/24/2017

OBJECTION

17PZ00005 COMPARISON---PAGE ONE

<u>2005</u> <u>NMIDSDB</u>	<u>2005</u> <u>BDP</u>	<u>2017</u> <u>PROPOSED</u>
18 Homes	18 Homes	40 Homes
1 Acre Lots	1 Acre Lots	0.5 Acre Lots
3,000 sq. ft.	3,000 sq. ft.	1,500 sq. ft.
Tile/Metal Roofs	Tile/Metal Roofs	Not mentioned
Privacy Parcel Southside, 100'	Privacy Parcel Southside, 100'	Gone
50' Frt Setback	50' Frt Setback	Not mentioned
20' Side Setback	20' Side Setback	Not mentioned
\$15,000 per lot Landscape (\$270,000 total)	Not mentioned	Not mentioned
Brick Paver Driveways	Brick Paver Driveways	Not mentioned
Water Retention	Not mentioned	Pond
Sidewalks	Required?	Not mentioned
Curbs/Gutters	Curbs/Gutters	Not mentioned
Underground Utilities	Underground Utilities	Not mentioned
Smith Road Access	Not mentioned	Gone

Prepared By: Earl McMillin, 150 Smith Road, Merritt Island, 32953, emcmillinid@yahoo.com
(321) 453-0429

**17PZ00005 COMPARISON
ITEMS NOT PREVIOUSLY CONSIDERED---PAGE TWO**

SR 3/SMITH ROAD INTERSECTION.

1. There is a traffic signal. There is a left turn LANE for southbound traffic. There is NO left turn ARROW.
2. There is a Shell Station/Subway on the northeast corner i.e. on the north side of Smith Road. Although there is a right turn lane access beyond Smith Road for northbound traffic, most northbound traffic turns onto Smith Road.

Most traffic exiting the Shell Station/Subway comes out onto Smith Road. There are only two car lengths of Smith Road before the Shell Station access.

SMITH ROAD ACCESS---FLAGPOLE.

1. Ditch Bridge Must Support.
 - a. Vehicles & equipment used to develop property.
 - b. Fire engines, garbage trucks and moving vans.
2. STOP sign.
3. Drainage from Flagpole to Smith Road. **DIP.**
4. Buffering to minimize noise and pollution.

PROPERTY LINES.

The 2005 BDP provides for a 100' rear setback. Najjid, Inc. now seeks a much reduced setback. If a much reduced setback is granted, the Smith Road people want privacy walls along the Najjid, Inc. boundaries.

Prepared By: Earl McMillin, 150 Smith Road, Merritt Island, 32953, emcmillinjrd@yahoo.com
(321) 453-0429.

17PZ00005 COMPARISON

ITEMS NOT PREVIOUSLY CONSIDERED---PAGE THREE

FLOODPLAIN.

“The eastern portion of the property is mapped as being within the floodplain” NRM Rezoning Review, Page 17, Pp. 3.

WILDLIFE.

“Information available to NRM [Natural Resources Management] indicates that . . . protected species may be present on the property.” NRM Rezoning Review, Page 17, Pp. 4.

RENTALS.

1. AirBnB and VRBO are ways that property owners cater to short term renters. Brevard County allows property owners to rent for one night at a time. Homes of 1,500 square feet 45 minutes east of Orlando Airport, 15 minutes south of the Space Center and 15 minutes from the beaches and Port Canaveral will prove attractive.
2. Homes of 1,500 square feet will also prove attractive to investors who plan to operate long-term rentals.

16PZ00032
Page1

FULMER, Ken
Titan Properties, Inc.
2281 Lee Road, Suite 204
Winter Park, FL 32789

AAL-CAR TRANSMISSIONS INC
3530 COURTENAY PKWY N STE 101
MERRITT ISLAND FL 32953-8179

BUFFKIN, ROBERT EARL
BUFFKIN, CHRISTINA LEE TRUSTEES
355 E HALL RD
MERRITT ISLAND FL 32953-0000

CALVARY CHAPEL OF MERRITT ISLAND
INC
3500 N COURTENAY PKWY
MERRITT ISLAND FL 32953-0000

CARLSON WAREHOUSES INC
217 MARIAH CT
MERRITT ISLAND FL 32953-0000

CORAPI, APOLLO
177 BAHAMA BLVD
COCOA BCH FL 32931-0000

COURTENAY PARKWAY CORP
P O BOX 541725
MERRITT ISLAND FL 32954-1725

FIEGLE INC
3330 N COURTENAY PKWY
MERRITT ISLAND FL 32953-0000

FLORIDA POWER & LIGHT CO
700 UNIVERSE BLVD
JUNO BEACH FL 33408-0000

FLORIDA, STATE OF (DOT)
719 S WOODLAND BLVD
DE LAND FL 32720-6834

GAYDAN, MARTIN M
GAYDAN, JEANNIE CO-TRUSTEES
3390 COURTENAY PKWY N #B
MERRITT ISLAND FL 32953-0000

GAYDAN, MARTIN MICHAEL
GAYDAN, JEANNIE TRUSTEES
389 CORAL DR
CAPE CANAVERAL FL 32920-0000

HARVEY'S INDIAN RIVER GROVES INC
P O BOX 560700
ROCKLEDGE FL 32956-0700

HARVEY INDIAN RIVER GROVES INC
P O BOX 560700
ROCKLEDGE FL 32956-0700

KABBOORD PROPERTIES INC
3201 N ATLANTIC AVE
COCOA BCH FL 32931-0000

LOYAL ORDER OF THE MOOSE LODGE
NO 2073 INC
P O BOX 540333
MERRITT ISLAND FL 32954-0333

LUKE PROPERTIES LLC
375 COMMERCE PARKWAY SUITE 103
ROCKLEDGE FL 32955-0000

MAFFEO FAMILY PROPERTIES LLC
3400 COURTENAY PKWY N
MERRITT ISLAND FL 32953-0000

MALLARD PARTNERSHIP LLC
1281 COURT ST
CLEARWATER FL 33756-0000

MC MULLIN, KIMBALL R
FORBES, MARIE REGINA TRUSTEES
17 BATTERY PLACE 11TH FLOOR
NEW YORK NY 10004-0000

MERRITT PRECISION TECHNOLOGIES
INC
3425 COURTENAY PKY N
MERRITT ISLAND FL 32953-0000

NAJJAD INC
580 N WICKHAM RD STE E
MELBOURNE FL 32935-0000

NORTH COURTENAY STORAGE INC
3460 N COURTENAY PKWY #2
MERRITT ISLAND FL 32953-0000

SCHNABEL, JOHN ALBERT
SCHNABEL, FRANCES ELAINE TRUSTEES
95 BARCELONA BLVD
MERRITT ISLAND FL 32952-0000

TIAMO HOLDINGS OF BREVARD LLC
3505 N COURTENAY PKWY
MERRITT ISLAND FL 32953-0000

WATKINS, GINA
AHR, LORI
3545 N COURTENAY PKWY
MERRITT ISLAND FL 32953-0000

WEST END 2873 REO LLC
2711 CENTERVILLE RD STE 400
WILMINGTON DE 19808-0000

SUBMITTED BY: EARL McMILLIN
150 SMITH ROAD, MERRITT ISLAND
32953 (321) 453-0429

P2032
FL 171

OBJECTION
17P200005

**NORTH MERRITT ISLAND
DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on Thursday, March 10, 2005, at 6:00 P.M., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island, Florida.

Board members present were: Aneta Ott, Ronald Penn, Tom McFarland, Sean Campbell, and William Huminski.

Staff members present were: Ryan Rusnak, Assistant Zoning Manager, and Jennifer Jones, Operations Specialist I.

Aneta Ott called the meeting to order at 6:00 p.m. and asked everyone to stand for the Pledge of Allegiance. She asked if there were any additions or corrections to the February 10, 2005, minutes. Tom McFarland made a motion to approve the minutes, and Ronald Penn seconded the motion. Aneta Ott called for a vote on the motion, as stated, and it was passed, unanimously.

V. D. 1. (NMI50301) NAJJAD, INC. – (Noel Droor) requests a change of classification from AU (Agricultural Residential) to SEU (Suburban Estate Use Residential) on property described in **Section 11, Township 24 South, Range 36 East** (27.7 acres). Located on the north side of Smith Road, approx. 640 ft. east of North Courtenay Parkway.

Motion by Tom McFarland and seconded by Ronald Penn, to approve the change of classification with a Binding Development Plan, limited to 100-ft. rear setback, 50-ft. front setback, 20-ft. side setbacks, curbs, gutters, buried utilities, and a minimum living area of 3,000 square feet. The vote was unanimous. Motion by Tom McFarland, and seconded by William Huminski, to recommend access from Smith Road. Vote was unanimous.

William Huminski stated that he attended the meeting of the North Merritt Island Homeowners' Association on Monday, along with Ron Pritchard, and heard a presentation by the same applicant. He added that the Homeowners' Association Board took a vote that the members of the North Merritt Island Special District Board abstain from voting, but they have heard the presentation.

Noel Droor said he represents NAJJAD, Inc. He stated that NAJJAD is a family corporation that uses his name, his kids' names and his wife's name. He said he is before the Board to request approval for rezoning of a parcel from AU to SEU. He added that the parcel is 27.6 acres and is located east of North Courtenay and north of Smith Road, right behind the Moose Lodge. He said that access to the parcel is through an 85-foot wide piece that connects to Smith, but there is also a 66-foot non-exclusive easement for access. He said they have had the survey and environmental study done, and there are two small wetland areas on the property; one on the west side and one on the northeast corner. He pointed to the wetland areas on a map. He stated that what he is proposing is a single-family development. He added that they have options to access the property, and one is through the easement, and one is through the piece that connects to Smith Road. He said that he would like to have some restrictions in developing the property, and one of them is that it will be a gated community, and that restriction will be the same if it is accessed from North Courtenay Parkway or from Smith Road. He added that they would like to have a 3,000 square-foot minimum living area, and tile or metal roofs. He stated that they would like to provide privacy for the parcel to the south, so he is requesting a 100-foot setback from the rear, so that the houses

won't be built any closer to the rear of the property. He added that he also has a 50-foot setback proposed for the front, and based on the SEU zoning, only 20 feet is required in the rear and 25 feet in the front. He said that to the north of him is groves and the land that is to the east is owned by the County. He pointed to areas on the map that are zoned SR and AU. Mr. Droor said that another restriction they would like to have is the landscaping, and to provide at least \$15,000 worth of landscaping for every parcel. He added that they will require brick paver driveways for everyone. He stated that they will try to put in more islands so that it will be more calming and so people won't try to speed across the street, and also to add more landscaping to the property. He showed the Board the proposed site plan and pointed to an area on it. He said that any time there is access through an easement, it's going to take the Commissioners' approval for access to a subdivision through an easement. He said that if they use Smith Road, which is not entirely paved, the County will require them to pave it. He said they are trying to have a development that will be an asset to the community, and they would like to limit it to 18 homes. He stated that even though they are requesting SEU zoning, they only want to build 18 single-family homes. He asked if there were any questions.

William Huminski asked why the conditions for the development to have a gated, paved, right of way are listed on the drawing, but not in the binding development plan.

Noel Droor said that those are things that the County cannot enforce, as it will be in the homeowners' association, but if the County can enforce it, he will put it in the Binding Development Plan. He said that the County can't enforce the tile or metal roof.

William Huminski said he is concerned, because they have had developers come to them before and promise buried utilities, and then the next thing they know, the utilities aren't buried. He asked if the County could enforce that or not.

Ryan Rusnak said that if it is written into the binding development plan, it empowers the County, but if it is in a deed restriction, then the County can't enforce it. He said that enforcing them at the beginning stage is very easy to regulate, but over time, it becomes more difficult. He said that if those elements are in the Binding Development Plan, then the County can enforce them.

Noel Droor said he can add items to the binding development plan, such as buried utilities and brick pavers. He said he wanted to make sure that the setbacks are 100 feet in the rear and 20 feet on the sides, and that way, the houses are not crammed in, and they have plenty of space between them. He said that right now, the County only requires a 15-foot in the SEU zoning, and he would like to increase those setbacks. He pointed to an area on the map and stated that it is mostly old orange groves, and the only trees that they have are some Australian Pines around the perimeter. He added that during the development, the County will require that they be cleared. He said that one of the things they will be doing is enhancing the wetlands, and that's by clearing out undesirable species such as the Brazilian peppers and melaleuca's. He told the Board that they will notice a much larger retention pond than what they usually see, and all the water would be collected through the inlets and taken to the retention pond.

Aneta Ott asked if there was anyone in the audience to address the item.

John Schnabel, 95 Barcelona Boulevard, said he owns the property to the east. He added that there are some existing ditches east of the property, and he wanted to ask the developer if he intends to fill those ditches.

Noel Droor said the property is surrounded by ditches. He pointed to the map and said that one of the ditches is not on their property. He said the ditch on the east side will remain as it is, because it is the

wetland area, and they won't even be getting close to it. He said that the ditch on the southeast corner will also remain. He said that if there is a functioning ditch, they will leave it alone. He added that at this point, they only have the boundary survey, because they haven't gone ahead and gotten any kind of topo done, so if there are ditches, they will be left open.

Clinita Lynch said she owns five acres on the south side of the subject property. She asked Mr. Droor if he would be responsible for the cost of paving, if they use the access to Smith Road.

Noel Droor said if they go with the Smith Road option, he thinks the County will make them pave it to where their access is, because that is all that they own. He said that from what he has heard, the right-of-way is not wide enough.

Clinita Lynch said that the Australian Pines that he mentioned earlier are actually on her property. She added that right now, she and her husband are using that land as agricultural. She asked how the rezoning of Mr. Droor's property affects her agricultural zoning.

Aneta Ott said it will not affect her zoning.

Clinita Lynch said her concerns are with the Australian Pines.

Noel Droor said the Australian Pines are something that the County ordinance will make him cut down to his property line, not to her property line. He said that the County will require him to do that, whether he builds one house or 18 houses.

Celia Williams, 5900 North Tropical Trail, said she represents the North Merritt Island Homeowners' Association. She said she would like to thank the applicant for contacting them ahead of their meeting and getting on the agenda to come and present this package, which is exactly what was presented to them at their homeowners' meeting. She said there were 29 people at the meeting, and after the applicant gave his presentation, there were a lot of questions from the residents, and all of those questions seemed to be very well answered to the satisfaction of the residents. She said that they took a vote, and all but two people were in favor of the zoning change. She added that they also discussed it at their Board meeting, after the presentations were completed, and they voted in favor of supporting the zoning change under the restrictions that there be a binding development plan with a limitation of 18 units and the approximate layout that he has shown tonight, with the curbs, and how the drainage will work from those curbs into the retention pond, with the approximate setbacks from the rear and front property lines, and buried utilities. She said that the North Merritt Island Homeowners' Association is in favor of the request, and she would like to thank the applicant for coordinating with them ahead of time, as that helps them a lot.

Noel Droor said he would be willing to put everything that has been mentioned into a binding development plan. He said he is the applicant, and the owner, and it's something that he takes pride in. He added that it is family-oriented, and he would like to eventually give lots to his sons and to his mother-in-law, to try to keep everyone in one place. He added that he has no problem putting everything that he presented into a binding development plan.

Ryan Rusnak asked if there would be deed restrictions.

Noel Droor said yes, but it's too early right now, and he doesn't have a survey.

Ryan Rusnak said he was wondering if the binding development plan could reflect that the developer agrees to put the following things into deed restrictions, such as the tiled roof, or metal roof, and underground utilities.

William Huminski asked if that would make it enforceable by the County.

Aneta Ott said that if it is in the deed, it can't be enforced by the County, but if it's in a binding development plan, they can enforce it.

William Huminski said that his concern is that if it is going to be developed, it should be developed as the applicant said it would.

Noel Droor said he has no problem with a binding development plan, as long as it is doable.

Aneta Ott asked if there was anyone else to address the item, and seeing none, she brought the item back to the Board.

Noel Droor said he can read the items to the Board, one by one.

Ryan Rusnak said he is sometimes hesitant to recommend that they incorporate a drawing into a binding development plan, because conditions may change.

Tom McFarland said they can state the items they are most concerned about in their motion.

Sean Campbell said he thinks it would be advantageous for them to try and enforce it if they can, because there is other property around it that will eventually be sold.

Aneta Ott said it will certainly set a precedent, because AU surrounds it.

Sean Campbell asked if each lot will have a minimum lot size of one acre.

Noel Droor said yes, that is correct. He said that he would like to have the restrictions state that the minimum lot size be one acre, with a maximum of not more than 18 units, with underground utilities and the setbacks that they called for, and a 3,000 square-foot minimum living area. He said that the sidewalks are not his option, but it is the County requirement.

Aneta Ott said she likes the idea of coming in off of Smith Road, rather than using the access, because there is a traffic light at North Courtenay Parkway and Smith Road.

Tom McFarland said he doesn't know why they can't make a recommendation to the Commissioners to say that the access should be through Smith Road, if it's viable.

Aneta Ott said there will be 18 homes, and no schools are planned for North Merritt Island, and the schools are overcrowded right now.

Ryan Rusnak said that at the March 3, 2005, BCC meeting, the Commission instructed staff that they are no longer to look at schools. He told the Board that they will notice that their staff report reflects no school numbers, as it has been taken out. He said that the Board of County Commissioners unanimously approved the position that the school impact fee will not be rescinded, and that covers developments. He stated that even if the schools are overcrowded and density is increased, schools are not an issue.

Aneta Ott said they are also an elected Board, and they need schools. She added that what Mr. Droor is proposing looks very nice, but she has a problem with the fact that the schools are overcrowded. She said it may be a non-issue for the Commissioners, but it is not a non-issue for her.

William Huminski asked if they could make a recommendation for something that they think is better for the overall environment, and add to the recommendation that the school picture must be answered, and ask that the County Commission and the school Board get together and say when they are going to do something about schools in the area.

Ryan Rusnak said that is purely the responsibility of the School Board.

Aneta Ott said there is property on North Merritt Island for a school, but there's no money, and the more that's developed there, the more problems they are going to have. She called for a motion.

Tom McFarland made a motion to approve with a binding development plan to include 100-foot setbacks in the rear, 50-foot setbacks on the front, and 20-foot setbacks on the sides, curbs and gutters on the streets, buried utilities, and 3,000 square-foot minimum living area. He said that separate from that, he would recommend that the access be from Smith Road. He added that he doesn't think they should necessarily put that in the binding development plan, since there could be legal issues with that.

Ronald Penn seconded the motion.

William Huminski asked if they can add the Smith Road stipulation as a recommendation.

Tom McFarland said yes, maybe as a second motion.

Aneta Ott asked if there was any other discussion, and seeing none, she called for a vote on the motion, as stated, and it was passed, unanimously.

Tom McFarland made a motion to recommend to the Commissioners that access be from Smith Road, because there is already a traffic light, and for safety issues.

William Huminski seconded the motion.

Aneta Ott called for a vote on the motion, as stated, and it was passed, unanimously.

William Huminski said that at Monday's Homeowners' Association meeting, they heard that there is a small area plan amendment affecting North Merritt Island from Courtenay west to Tropical to the river. He said those dimensions don't fit into anything, and he asked what the northern and southern dimension was.

Inaudible. Many people speaking at once.

Ryan Rusnak said that basically, the idea of a small area study is that the Board can recommend, as a legislative body, to reduce the Comprehensive Plan. He said that to staff, it doesn't make sense to have a Comprehensive Plan and then deny zoning, when it is quasi judicial.

William Huminski said it is a really small area. He said he would like to make a recommendation to the Commission to take the small area amendment plan and make the boundaries from the Barge Canal north

to the Space Center property, and encompass the entire North Merritt Island area, and do it in one shot, and not come back and do a piece here and a piece there.

Aneta Ott asked when they did the small area plan.

William Huminski said he thought it was about six or seven years ago. He said that a lot has happened since then, and maybe they, as a body, should go back to the Commission and say they need to have it done. He said he would like to make a recommendation to do that.

Tom McFarland said there are issues that he would like to talk about, as well, such as the development of citrus groves, versus virgin wetland territory, which could be addressed in the small area plan. He said it's awkward for them to do it as they sit as this Board.

William Huminski said he thinks that as a Board, they can ask the County Commission, and say that these are things that they need to tackle. He said they tried to do that with the Courtenay corridor study. He said he thinks they should go to the Commission and say that this is what they want to happen.

Aneta Ott said that if they are on the side that is proposing change, and then they are also on an advisory suggestion Board, that is where the problem comes.

William Huminski said he didn't say they would be on the same side. He said he wanted the Commission to institute that planning cycle now for the entire island, not necessarily that they, the North Merritt Island Board, has to do it, and the Commissioners can decide if they want them to do it or not.

Tom McFarland said he thinks there is a precedent for it, because the Commission sits as both. He said he agrees with Mr. Huminski, and he thinks that they should recommend that the small area plan encompass the entire North Merritt Island area, and be reviewed.

William Huminski said he would like to make a motion that they ask the Commission to consider doing a Small Area Plan Amendment for all of North Merritt Island from the Barge Canal to the Space Center property, and that they would be willing to serve on a Board.

Ronald Penn seconded the motion.

Aneta Ott called for a vote on the motion, as stated, and it passed, unanimously.

Ryan Rusnak said staff will facilitate the request.

The meeting was adjourned at approximately 6:50 p.m.

17P200005
OBJECTION

29 March 2017

Mr. Mark J Ruszczyk
5670 Broad Acres Street
Merritt Island, FL 32953

Honorable James Barfield
Brevard County Commissioner
2527 N. Courtenay Parkway
Suite 200
Merritt Island, FL 32953

Honorable Barfield:

It has come to my attention that a the potential for two separate land developments in the vicinity of Smith Road and Courtenay Parkway (State Road 3) are seeking to join and petition for additional rezoning of their combined parcels.

If the developers (Najjid properties and Harvey Groves Properties) petition the County Commissioners meeting for the purpose of rezoning their entire tracks; I urge you to vote against the rezoning of their combined parcels for the following reasons:

1) Traffic Impacts:

- a. The estimated impact to State Route 3(Courtenay Parkway) is approximately 1000 Vehicles per day. This already burdened road is in marginal physical condition, and this additional traffic count will create the following impacts to the surrounding existing communities:
- b. Additional lost time for the working commuters going to and from the Kennedy Space Center due to a longer traffic light requirements for vehicles entering onto Courtenay Parkway from Smith Road
- c. Additional risks of accidents near or at the intersections of State Road 528 and State Road 3 due to the additional vehicles backing up on either side of State Road 528
- d. Additional lost time for the residents spent at traffic lights either going to and from schools, restaurants, and shops / retail outlets due to the durations of the traffic lights during peak traffic hours

2) Environmental Impacts:

- a. Loss of native habitat for the natural filtration of storm water runoff into the Barge Canal
- b. Loss of native habitat for the native flora and fauna
- c. Loss of recharge areas for the Banana River Basin and Sykes Creek
- d. Potential increase in Biological Oxygen Demand and Chemical Oxygen Demand of the native waters found in the Barge Canal and Sykes Creek if the additional homes are allowed to be operated on residential septic systems for any period of time
- e. Additional car idling and for a longer period of time resulting in additional exhaust fumes due to more vehicles waiting on the barge Canal Bridge to be opened, in short more greenhouse gases being emitted

OBJECTION
IV O.
17PZ00005
NAJJAD

Jones, Jennifer

From: Commissioner, D1
Sent: Monday, July 31, 2017 9:18 AM
To: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Cc: Mascellino, Carol; Tagye, Steven; Pritchett, Rita
Subject: FW: Re:(17PZ00005) NAJJAD, INC. – (Noel Droor) [Item IV - O.] [pg.148 in the Commissioner's packet] - bad promises, math

Good morning,

Please see email received in our office regarding agenda item for the August 3, 2017 zoning meeting.

Thanks,

Marcia Newell

Legislative Aide to Commissioner Rita Pritchett
Marcia.newell@brevardcounty.us



District 1 Commission Office
2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: S & K [<mailto:t.square@prodigy.net>]

Sent: Sunday, July 30, 2017 4:16 PM

To: Commissioner, D1

Subject: Re:(17PZ00005) NAJJAD, INC. – (Noel Droor) [Item IV - O.] [pg.148 in the Commissioner's packet] - bad promises, math

Honorable Vice Chairman Prichett -

You will hear this rezoning request on Aug.3. This is the second time Mr. Droor has requested of the Commissioners that more houses be built on his property.

There are a couple of reasons this rezoning should not be fulfilled as requested - broken promises and bad math.

- Broken Promises

In 2005 Mr. Droor promised the Commissioners and the community to limit development on this entire property from 13 to 18 homes with a Binding Development Plan. This is what the Commissioners approved.

Now he is asking again to increase the density.

This new zoning would allow this 26.1 acres, after infrastructure, up to about 94 homes.

Mr. Droor says he will also accept a BDP limiting him to 52 homes.

Both requests are completely uncharacteristic for the area.

When Mr. Droor presented a development plan on March 6th, '17 to the NMI Homeowner's Association board and also to the NMI Dependent Special District board on March 9th his drawing showed - and presentation stated - only 40 houses [see your packet, pg. 161]. Yet his requested binding development plan today actually allows him 52 houses. And if this new binding development plan is in the future again removed, as he is trying to do with the existing BDP, his requested rezoning, EU-2, will allow anyone, after infrastructure, to put around 94 houses on that 26 acres.

He cannot be relied upon to keep his promises, as we've seen in the past.

Bad Math

One of the reasons why this request has been previously denied by the NMIHOA and the NMI Dependent Special District board is because what Mr. Droor is asking for is not what the property north to him actually has.

His reason he has stated to the NMI Homeowners Association, the NMI Dep. Spec. District board and now the Commissioners is that the property north of him was rezoned EU-2, so Mr. Droor's property should be changed to EU-2.

But on Aug. 4, 2016 that property north of him was ultimately approved with a binding development plan for only 52 units on 40 acres.

That is 0.71 houses per acre.

For Mr. Droor's property to equal this, the actual number would be 36 houses max.

That is his 26.11 acres

divided by 0.71 units,

equaling 36.7 houses max.

Mr. Droor should just be asking for the proper equivalent zoning.

He should not be asking for EU-2, which would allow him three times the amount of houses than the neighboring property and then a BDP promise to hold it to 52 homes, almost 1 1/2 times what the Harveys actually have.

And about this latest binding development plan request - please remember that Mr. Droor agreed in 2005 to a binding development plan then. He is now asking you to ignore that agreement between him, the Commissioners and the community and throw that zoning and binding development plan out.

Conclusion

- The closest actual equivalent zoning for Mr. Droor's latest change of request would really be SR, Suburban Residential, which would allow 52 houses on the property.

- What he really should do is [mostly] honor his previous agreement with the county and build no more than 26 nice houses on his property as it is currently zoned.

Please don't allow him to burden the surrounding communities with overpopulated property, flooding and traffic problems that don't echo the existing character of the existing neighborhoods. Thank you, Commissioner.

the Smiths
5390 Judson Rd., Merritt Island

OBJECTION
N.O.

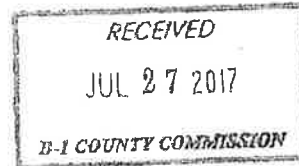
NAJJAD 17PZ00005

Earl McMillin P.O. Box 1086 • Cape Canaveral, FL • 32920 • 321-783-8834 • 321-453-0429 • emcmillinjd@yahoo.com

Master, Oceans, Unlimited (Retired)
Port Canaveral Pilot (Retired)

Attorney-At-Law
Pennsylvania, Admitted 1969
Florida, Admitted 1974

25 July 2017



Honorable Rita Pritchett
County Commissioner
2000 South Washington Avenue
2nd Floor
Titusville, Florida 32780

Re: 17PZ00005, Najjad, Inc. Rezoning Application

Dear Commissioner Pritchett:

My wife and I urge you to vote AGAINST rezoning request 17PZ0005 on August 3.

In 2005 the Najjad property was rezoned and Najjad agreed to a BDP calling for 18 homes of 3,000 square feet on one acre (43,560 square feet) lots. Now Najjad wants EU-2 zoning that would---absent a BDP---allow 94 homes on 9000 square feet lots.

The Minutes of the March 10, 2005, meeting of the North Merritt Island Dependent Special District record that Najjad recognized the impact on the Smith Road.

"[Mr. Droor] stated that they would like to provide privacy for the parcel to the south, so he is requesting a 100-foot setback from the rear so that houses won't be built any closer to the rear of the property." Pages 1 & 2.

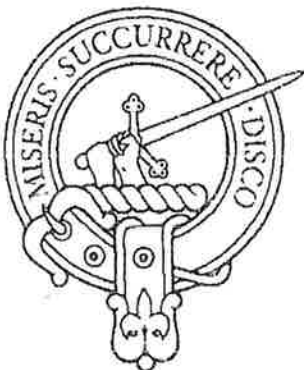
"[Mr. Droor] said he wanted to make sure that the setbacks are 100 feet in the rear and 20 feet on the sides, and that way, the houses are not crammed in, and they have plenty of space between them." Page 2.

In March a mailing asked NMI residents to tell Commissioner Barfield that they opposed the Najjad application. Over 500 sent messages like the sample enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Earl McMillin".

Earl McMillin

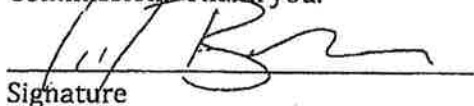


IS. NEED A "BRIDGE-CANAL"
BYPASS TO ALLEVIATE
TRAFFIC CONGESTION.

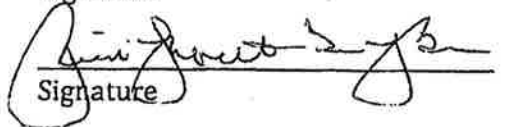
Dear Commissioner Barfield:

The rezoning request of Najjid, Inc., 17PZ0005, will dramatically increase the number of vehicles accessing Courtenay Parkway from Smith Road. Najjid, Inc. wants to build over twice the homes agreed to in a Binding Development Plan (BDP) in 2006.

As residents and voters of Merritt Island who use Courtenay Parkway, we urge you to take a stand against any changes to the 2006 BDP at the April 6, 2017 meeting of the Commission. Thank you.

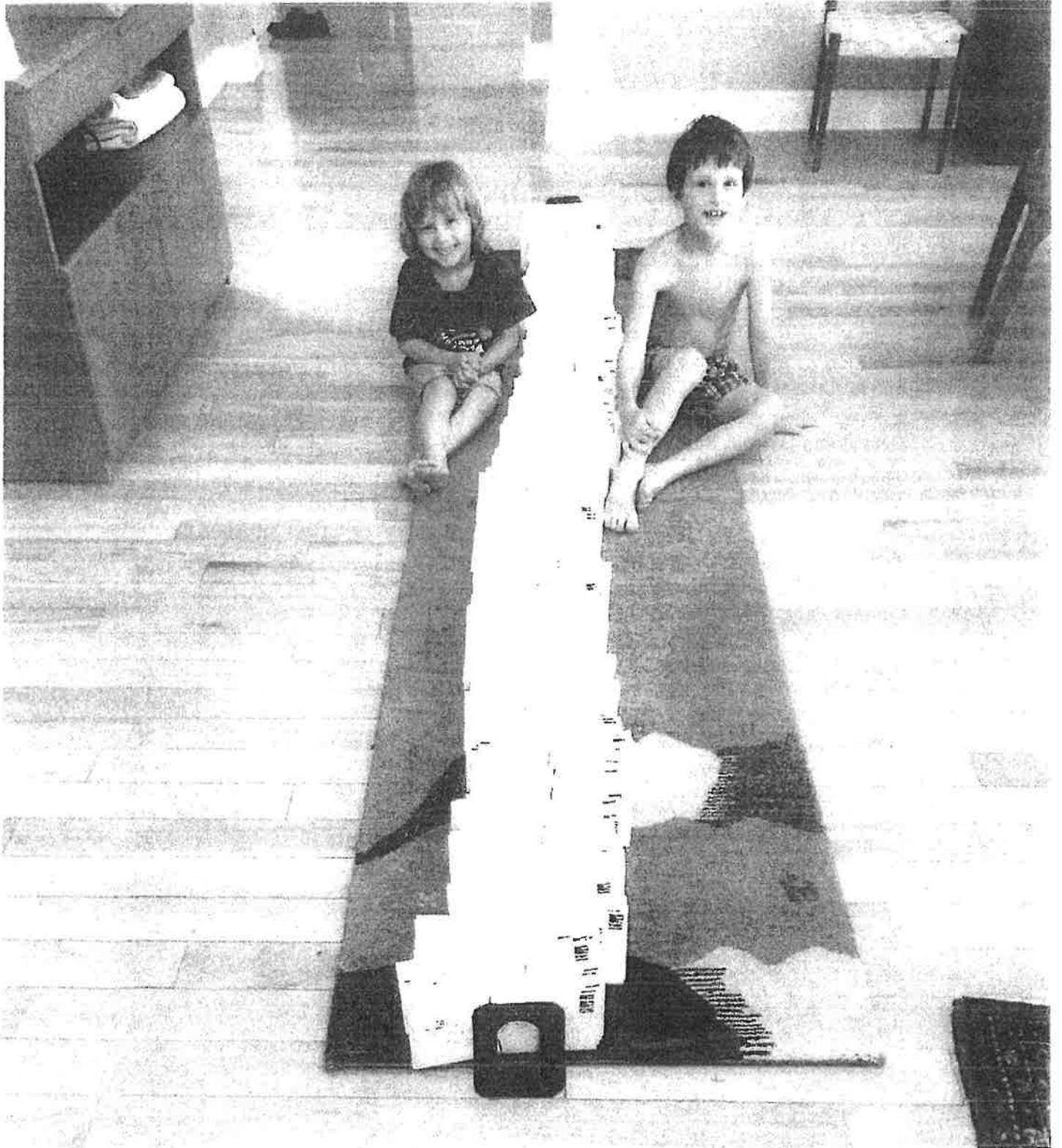

Signature

G. L. Babel
Printed Name


Signature

Lawrence S. Smith
Printed Name

3265 SPARTANA AVE, M.I. 32953
Residence Address



R-184

OBJECTION
17P200005

Jones, Jennifer

From: Jane Perdue <bjperdue@bellsouth.net>
Sent: Sunday, August 20, 2017 9:20 PM
To: Jones, Jennifer
Subject: Fwd: Planning and Zoning issue

Sent from my iPhone

Begin forwarded message:

From: Jane Perdue <bjperdue@bellsouth.net>
Date: August 20, 2017 at 9:14:39 PM
Subject: Fwd: Planning and Zoning issue

Sent from my iPhone

Begin forwarded message:

From: Jane Perdue <bjperdue@bellsouth.net>
Date: August 20, 2017 at 9:07:15 PM
Subject: Planning and Zoning issue

I am a resident of North Merritt Island. I have witnessed the growth and increased traffic since I moved from east Merritt Island in 1980. When going north over the Barge canal bridge then, we would watch the temperature drop a few degrees on our car thermometer. There were many more trees and much, much less "concrete" than today which is due to commercial and residential growth.. (Concrete holds the heat.)

I am not against growth, but feel it needs to be controlled. Therefore the North Merritt Island Homeowners Assoc. was formed in the 1980's.

We (on north M.I.) currently are at a point where the ground is saturated with water. With an afternoon thunderstorm, we have standing in spots in our yard. Needless to say, if we experience a tropical storm/Hurricane we would be in big trouble. Some residents would have their homes flooded.

Yes, the county has tried to help with alleviating the flooding issue with pumps, but the water has no place to go.

With increased density such as requested on Smith Road (up to 94 homes on 26 acres) our current situation with the flooding issue would be magnified. Smith Road is a dirt road and will have to be paved which creates less ground for drainage.

Please deny the request for this high density development. Less building on that property is more logical and makes more sense. Not only is flooding an issue, traffic would be of a much higher volume.

Please pass this on to the P&Z Board/members immediately.

Thank you for your time and assistance on this.

Jane and Bill Perdue
545 Chase Hammock Road
Merritt Island,
Fl. 32953

Sent from my iPhone

OBJECTION
17P200005

Jones, Jennifer

From: Sterk, Erin
Sent: Sunday, August 20, 2017 9:39 PM
To: swampy22@bellsouth.net
Cc: Jones, Jennifer
Subject: Re: Zoning density

Tim,

Thank you for you comments. I will make sure the P&Z board members and Commissioners have a copy.

Regards,
Erin Sterk

On Aug 20, 2017, at 8:03 AM, TIM ANDERSON <swampy22@bellsouth.net> wrote:

Please do allow increased density on North Merritt Island. Protect our Island and Lagoon.

- 1.They need to comply with the County Administrative Policies.
- 2.They need to comply with the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.
3. They need to comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.
- 4.They need to protect our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon; high density development will ultimately destroy it.
- 5.They need to recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, dead end, rural road.

Sent from Yahoo Mail on Android

OBJECTION
17P200000

Jones, Jennifer

From: sarah hodge <hodge_sarah@yahoo.com>
Sent: Sunday, August 20, 2017 11:22 PM
To: Jones, Jennifer
Subject: Proposed density change for Smith Road on North Merritt Island

Please do NOT approve the proposed density change for Smith Road on North Merritt Island!

We are residents of North Merritt Island and are very concerned about the higher density proposals that are being considered and planned for our area. There has been flooding due to increased development and this zoning change will make it worse. Traffic will also be an issue, especially over the Barge Canal draw bridge.

We ask that you do the following:

1. Comply with the County Administrative Policies.
2. Comply with the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.
3. Comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.
4. Please protect our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon. High density development will ultimately destroy it.
5. Please recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, dead end, rural road.

Please forward our message to the P&Z Board Members as soon as possible so that they will get it before today's 3PM meeting! The website with the contact information for the P & Z Members is down, so we could not sent it directly to them.

Thank you for your consideration and assistance in this matter!

William and Sarah Hodge
390 Sanders Lane
Merritt Island, FL. 32953
Phone: 321-452-3340
Email: hodge_sarah@yahoo.com

OBJECTION
IV. O.
MP200005
NAJJAD

Newell, Marcia

From: david botto <dbotto1@cfl.rr.com>
Sent: Tuesday, August 01, 2017 9:32 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Dwane Defreese; Jim Moir; Leesa Souto; Barker, Virginia H; 'Maureen Rupe'
Subject: Proposed Development
Categories: EMAIL - MARCIA

Honorable Commissioners;

Please reference E Mail from Ms. Maureen Rupe. It is well documented that past unsustainable development in the IRL basin is the root cause of the nutrient pollution that is killing our lagoon fishery. It is also well documented that correction at the root cause is the most effective and economic way to deal with problems such as this. To put it plainly, if we don't stop pollution at the cause, we will throw money at it forever. The two development proposals before you Thursday, Aug. 3, are exactly what has caused our problem. I respectfully urge you to disapprove these proposed developments. In addition, I urge you to establish strong restrictive controls on the approval of any future such proposals, by rule or statute. You and your predecessors took decisive action to approve a fertilizer management ordinance. The people you represent made their position clear in the strongest manner when they voted to tax themselves to clean up the lagoon – we want a healthy lagoon. Make us proud by being among the first to attack the problem at the cause where effect is permanent and low cost.

Respectfully,
David C. Botto
275 Poinciana Drive
Indian Harbour Beach, FL
321 773 2327

Newell, Marcia

From: Maureen Rupe <rupe32927@earthlink.net>
Sent: Monday, July 31, 2017 9:25 PM
To: Commissioner, D4; Commissioner, D2; Commissioner, D1; Commissioner, D5;
Commissioner, D3
Subject: August 3rd Planning and Zoning Meeting
Categories: EMAIL - MARCIA

Subject: August 3rd Planning and Zoning Meeting
Honorable Commissioners,

On Thursday August 3rd, the Brevard County Commission is reviewing a number of agenda items that are increasing density on development locations, such as 17PZ00072 Crisafulli Enterprises, Inc. and 17PZ00005 Droor Assoc/NAJJAD, Inc. Why are we spending hundreds of millions to help storm water runoff, while at the same time doubling or tripling the allowed development on an acreage, without mitigation to strengthen storm water requirements for that property? As the residents of our County have recently passed an ordinance to tax ourselves to clean up the lagoon, we should be particularly concerned on whether we are close to the negation threshold the increase in density is having on our total nitrogen or total phosphorus intake to the lagoon.

We already know what we were doing was not sufficient to prevent our lagoon from a slow demise, which is why we are spending over \$300 million on a number of projects to try to correct the situation. Shouldn't we be looking at the county's comprehensive plan to make sure what we are doing is not negating the restoration of the lagoon? I'm sure our county staff can determine the projected runoff for a developed property, and can determine the projected increase in runoff based on doubling or tripling the development of a property would be. We should be able to determine the projected total nitrogen and total phosphorus due to the amount of growth in Brevard County overall, or even part of the county. We must determine at what point we could be impacting all the positive things we are doing to save the lagoon.

Maureen Rupe
7185 Bright Ave
Port St. John, Florida 32927

17P200005
OBJECTION

Jones, Jennifer

From: Dabu <t3ndabu@bellsouth.net>
Sent: Sunday, August 20, 2017 11:36 PM
To: Ted.Calkins@brevardcounty.us; Sterk, Erin; george.ritchie@revardcounty.us; Jones, Jennifer; Commissioner, D2
Cc: Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Appeal to DENY the Smith Road Zoning Change in North Merritt Island

Good morning.

Please allow this email to serve as official notice that we **object** to the proposed rezoning request on Smith Road (east of SR 3 and north of the Barge Canal) in North Merritt Island, Brevard County, Florida.

The property owner is requesting to change the zoning to increase the density with the placement of 94 homes on a mere 26 acres.

Please immediately notify and e-mail the Planning & Zoning Board members that residents like us object to the rezoning of Brevard county lands and in particular this zoning request on Smith Road.

In this instance we object to the rezoning request on Smith Road for the following reasons:

- 1) Smith Road is an extremely narrow dirt road and can't handle a garbage truck without difficulty yet more a new residential subdivision.
- 2) The 26 acre parcel consists primarily of wetlands.
- 3) Our forefathers within Brevard County recognized the fragile ecosystems present off of Smith Road (& North Merritt Island) and properly zoned the property so that this area would remain rural.
- 4) Currently, it is difficult for Brevard County to manage water north of the Barge Canal to prevent flooding of our residences. Brevard County has over the years installed culverts, pumps and pump stations to alleviate flooding concerns, however in peak rain events these improvements can NOT keep up so the addition of 94 residences will only create a more dire situation for Brevard County to manage and for us residents in North Merritt Island.

As our public servants we appeal to you all to listen to us and recognize that such a zoning request is not in the public (nor private) interest of the Brevard County people and respectfully request that you deny this zoning change.

Thank you.

Nelson & Tamy Dabu
170 Grant Road
Merritt Island, FL 32953

OBJECTION
MP200005

Jones, Jennifer

From: Johan Lindquist <johanlindquist@gmail.com>
Sent: Monday, August 21, 2017 9:58 AM
To: Calkins, Tad; Sterk, Erin; Ritchie, George C; Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Objection to zoning changes North Merritt Island

Dear Sirs and Madams,

In the light of the upcoming Planning and Zoning meeting today (Monday, August 21st at 3pm) I would like to signal my strong objection to the proposed planned increases in home densities on North Merritt Island.

The infrastructure on the island is already strained and is not capable of handling the increase in population which would be a result of the proposed changes. The draw bridge over the Barge Canal, the many dirt roads will not handle increases to the population. The low laying nature of the island in combination with current population densities is already putting a strain the drainage ditches and canals. Further increases to the population densities will

Further, it is important to remember that any zoning decisions must comply with:

1. County Administrative Policies
2. County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires
3. The new FEMA designations that were changed due to the increased intensity of events in the last few years

Lastly, protecting our lagoon - thousands of tax dollars throughout the county has been voted on to protect the Indian River Lagoon; high density development will ultimately destroy it.

Please disseminate this email to the appropriate recipients, should I by mistake have sent this to the wrong audience.

Thanks in advance,

Sincerely,

Johan Lindquist
Pine Island Road, Merritt Island

OBJECTION
17P200005

Jones, Jennifer

From: t3ndabu@bellsouth.net
Sent: Monday, August 21, 2017 10:07 AM
To: Calkins, Tad; Commissioner, D2
Cc: Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5; Jones, Jennifer; Sterk, Erin; Ritchie, George C
Subject: Fwd: Appeal to deny Smith Road Zoning

Good morning please see message below
Thank you
Tamy Dabu

Begin forwarded message:

From: Phil Schwartz <philcindee@gmail.com>
Date: August 21, 2017 at 7:00:11 AM EDT
To: Dabu <t3ndabu@bellsouth.net>
Subject: Appeal to deny Smith Road Zoning

Tamy. Can you forward this on to the people for me and phil? My email won't copy and paste email addresses.

Thanks
C

----- Forwarded Message -----

From: Dabu <t3ndabu@bellsouth.net>
To: "Ted.Calkins@brevardcounty.us" <Ted.Calkins@brevardcounty.us>; "Erin.sterk@brevardcounty.us" <Erin.sterk@brevardcounty.us>; "george.ritchie@brevardcounty.us" <george.ritchie@brevardcounty.us>; "jennifer.jones@brevardcounty.us" <jennifer.jones@brevardcounty.us>; "d2.commissioner@brevardcounty.us" <d2.commissioner@brevardcounty.us>
Cc: "d1.commissioner@brevardcounty.us" <d1.commissioner@brevardcounty.us>; "d3.commissioner@brevardcounty.us" <d3.commissioner@brevardcounty.us>; "D4.commissioner@brevardcounty.us" <D4.commissioner@brevardcounty.us>; "d5.commissioner@brevardcounty.us" <d5.commissioner@brevardcounty.us>

Good morning to all of you,
Please allow this email to serve as official notice that we **object** to the proposed rezoning request on Smith Road (east of SR 3 and north of the Barge Canal) in North Merritt Island, Brevard County, Florida.
The property owner is requesting to change the zoning to increase the density with the placement of 94 homes on a mere 26 acres.

Please immediately notify and e-mail the Planning & Zoning Board members that residents like us object to the rezoning of Brevard county lands and in particular this zoning request on Smith Road.

In this instance we object to the rezoning request on Smith Road for the following reasons:

- 1) Smith Road is an extremely narrow dirt road and can't handle a garbage truck without difficulty yet more a new residential subdivision.
- 2) The 26 acre parcel consists primarily of wetlands.
- 3) Our forefathers within Brevard County recognized the fragile ecosystems present off of Smith Road (& North Merritt Island) and properly zoned the property so that this area would remain rural.
- 4) Currently, it is difficult for Brevard County to manage water north of the Barge Canal to prevent flooding of our residences. Brevard County has over the years installed culverts, pumps and pump stations to alleviate flooding concerns, however in peak rain events these improvements can NOT keep up so the addition of 94 residences will only create a more dire situation for Brevard County to manage and for us residents in North Merritt Island.

As our public servants we appeal to you all to listen to us and recognize that such a zoning request is not in the public (nor private) interest of the Brevard County people and respectfully request that you deny this zoning change.

Thank you.

Cindee and Phil Schwartz
810 Sunset Lakes Drive
Merritt Island, FL 32953

OBJECTION
17P2100005

Jones, Jennifer

From: Gina Lindhorst <ginalindhorst.77@gmail.com>
Sent: Monday, August 21, 2017 10:08 AM
To: Jones, Jennifer
Subject: 3pm North Merritt Island Planning

Dear Jennifer Jones,

Please comply with the County Administrative Policies.

Please follow the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.

Please comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.

We want you to **protect** our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon; high density development will ultimately destroy it.

You and all other decision-makers need to recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, dead end, rural road.

Please do not intensify residential planning, at least in North Merritt Island. Thank you for doing the right thing.

Please forward this message to the P&Z Board Members right away so they will get them before the Monday's 3PM meeting!

Very Sincerely,
Gina Lindhorst

OBJECTION
17P200005

Jones, Jennifer

From: Sharon Earl Burrige <sear1@cfl.rr.com>
Sent: Monday, August 21, 2017 10:41 AM
To: Jones, Jennifer
Subject: Smith Road Zoning changes

Dear Ms. Jones,

Please refused the zoning change for Smith Road. I have lived on Pine Island Road for 38 years and twice have had flooding within 10 foot of my home. Please keep North Merritt Island maximum one house per acre They need to comply with the County Administrative Policies.

2.They need to comply with the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.

3. They need to comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.

4.They need to protect our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon; high density development will ultimately destroy it.

5.They need to recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, dead end, rural road.

Please forward this letter to P&Z board members.

Thanks for listening,
Sharon Earl Burrige
1155 Pine Island Road

SEB

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D3
Sent: Monday, August 21, 2017 10:50 AM
To: Jones, Jennifer
Subject: FW: NMI Zoning Issues

Ms. Jones,

This email serves to disclose the below email communication received by the District 3 Commission Office.

Thank you,

Ashley Boatwright
Legislative Aide to Commissioner Tobia
Brevard County, District 3
321.633.2075 Ext. 27725 | Ashley.Boatwright@brevardfl.gov
2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905

From: Jack Selman [<mailto:graddawg@hotmail.com>]
Sent: Sunday, August 20, 2017 11:34 AM
To: Commissioner, D5; Commissioner, D1; Commissioner, D3; Commissioner, D2; Commissioner, D4; Darlene Hunt; Dick Olson; Bob Rodamer
Subject: NMI Zoning Issues

Dear Commissioners,

Along with a huge/likely unanimous majority of current NMI residents, I ask that you reject the current request to increase the density of the Smith Road parcel for 90+ homes on 26 acres. Drive up our way and view the traffic attempting to move each day. Then vote!! That mindset seems to NOT apply to SMI! Why not?

My wife was born at PAFB and has lived here all her life. She and I own 12 acres on NMI, three of which are currently under water. This is a barrier island with a single artery feeding the needs of homeowners and the fine workforce at KSC where I proudly worked for 30 years on Shuttle. What kind of message would this unique community send the American public if our commissioners approved the overpopulation of this sensitive land? **Smart science got us here. Grow it!!**

Do not allow Brevard County to replace wise land management in favor of selfish developers. The land use plan was approved and citizens/voters who built on larger parcels, assuming the commission would not betray them. Put your constituents before your campaign donors and do the right thing: deny the precedent that you might set with your approval of the Smith Road request. Please vote NO on this request. Thank you for your time and service.

Folks, it's a dead-end, dirt road!!

Sincerely,

Jack (and Becky) Selman

OBJECTION
179200003

Jones, Jennifer

From: Calkins, Tad
Sent: Monday, August 21, 2017 11:12 AM
To: Jones, Jennifer
Subject: Fwd: PROTECT OUR SAFETY, PROPERTY AND LAGOON!

Sent from my iPhone

Begin forwarded message:

From: "Barfield, Jim" <Jim.Barfield@brevardfl.gov>
Date: August 21, 2017 at 10:55:06 AM EDT
To: "Sterk, Erin" <Erin.Sterk@brevardfl.gov>
Cc: "Denninghoff, John P" <John.Denninghoff@brevardfl.gov>, "Calkins, Tad" <tad.calkins@brevardfl.gov>, "Sterk, Erin" <Erin.Sterk@brevardfl.gov>
Subject: FW: PROTECT OUR SAFETY, PROPERTY AND LAGOON!

FYI

Thank you,

Liz Alward

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Liz Alward [<mailto:lizalward@hotmail.com>]
Sent: Sunday, August 20, 2017 11:39 AM
To: Barfield, Jim
Subject: Fwd: PROTECT OUR SAFETY, PROPERTY AND LAGOON!

Sent from my iPhone

Begin forwarded message:

From: "Maureen Rupe" <rupe32927@earthlink.net>
Date: August 20, 2017 at 11:33:29 AM EDT
To: "Maureen Rupe" <rupe32927@earthlink.net>
Subject: Fw: PROTECT OUR SAFETY, PROPERTY AND LAGOON!
Reply-To: "Maureen Rupe" <rupe32927@earthlink.net>

From: nmihoa1@earthlink.net [<mailto:nmihoa1@earthlink.net>]
Sent: Sunday, August 20, 2017 2:57 AM

To: 'Hillbergs (hillberg@earthlink.net)' <hillberg@earthlink.net>
Subject: PROTECT OUR SAFETY, PROPERTY AND LAGOON!
Importance: High

NMI Residents,

On Monday, August 21st at 3PM, the Local Planning & Zoning Board (P&Z) will meet to decide if they should recommend to the County Commission that we AGAIN are forced to have INCREASED RESIDENTIAL DENSITY on NMI. This time it is on Smith Road, with the owner requesting the ability to put 94 houses on 26 acres – right next to rural estate homes on 2.5 or more acres. This request was unanimously voted to be denied by your elected NMI Special Dependent Advisory Board, but apparently that was not enough.

If more of the NMI resident don't object to such heavy density at the P&Z meeting, as well as at the commissioners' meeting about this important issue, we all may expect more problems with flooding and traffic issues in other areas on NMI. Our low-lying barrier island area with a drawbridge access to manage business, tourist, resident and emergency traffic for thousands of people living here is not able to handle a massively increased load. The people who built their homes here first will suffer the most.

Weather is getting more intense - regardless of the cause and our drainage ditches are already full. The County is doing what it can by pumping the water in circles, but the water can't go anywhere because the river is also very high and the low NMI ground is saturated. It has been so dramatic a change that FEMA had to change their flood maps and designate areas that were once not, to be flood prone areas. Beyond all that, we have and are spending thousands of dollars to protect and restore the lagoon for our local economy, environment, health, as well as property values. We cannot continue to harden the ground with dense residential developments without hurting the people who already live here and destroying the Lagoon!

If you don't care about the NMI residents at risk, OUR LAGOON HEALTH or all our future property values, ...just delete this note...

If you do care...please read on...We all have a lot going on in our lives and if this seems like it's "not directly affecting you", know that it soon will! Where heavy density comes, it is followed with more and more. Property values decrease with in flood prone areas that have not been zoned with safety in mind.

If attending this P&Z meeting at 3pm in the Viera Commission Chambers on August 21st is not possible, please write to the P&Z Board via email and ask they NOT approve more high density in this very low area. Please don't be shy. SILENCE IS CONSIDERED CONSENT. If they again hear from no one, they may think this is what we want and recommend more and more density on NMI to the commissioners because they will know no better. Please help educate them with some of the following:

- 1.They need to comply with the County Administrative Policies.
- 2.They need to comply with the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.
3. They need to comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.

4. They need to protect our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon; high density development will ultimately destroy it.
5. They need to recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, dead end, rural road.

This P&Z board may already know this, but since they (and the commission) just unanimously recommended another very dense residential development in our *commercial corridor* right next to a very active and critical wetland, they evidently need more help understanding our situation.

Our Brevard County website again has technical issues and is currently unable to provide several pages of county information including contacts for the P&Z Board or their members. So, rather than wait any longer, the best route to take is to send your email opinion tomorrow AM to:

1. **Ted Calkins** – the Director of the entire Department, requesting he disseminate to all P&Z Board members. Tad.Calkins@brevardcounty.us
2. **Erin Sterk** - Assistant Director and Planner for the Department. erin.sterk@brevardcounty.us
3. **George Ritchie** – Assistant Director and Planner for the Department. George.Ritchie@brevardcounty.us
4. **Jennifer Jones**, Planning & Development Specialist in the Planning & Development Department. Jennifer.Jones@brevardcounty.us

When you write to them, please ask each of them to forward your message to the P&Z Board Members right away so they will get them before the Monday's 3PM meeting!

Of course, we all need to send an email to All five the County Commissioners,

to make sure your message is received by the ultimate decision-makers. Even though we vote for only one of them, they all are responsible to make competent decisions about all Brevard citizens' personal and property safety and the protections of our investments in the lagoon preservation.

The five Brevard County Commissioners' contact emails are:

- Kristen Pritchett - D1.Commissioner@brevardcounty.us
- Com. Barfield - D2.Commissioner@brevardcounty.us
- Com. Tobia - D3.Commissioner@brevardcounty.us
- Com. Smith - D4.Commissioner@brevardcounty.us
- Com Isnardi - D5.Commissioner@brevardcounty.us

The County Commission is the board that makes the final decisions. They have a lot on their plates and may still be unaware that high density on NMI is the wrong thing to do for the current or future residents, even though we have tried to explain it to them. They may depend heavily on the P&Z 's recommendation for such requests...so PLEASE help them get the correct information.

As a life-long resident of Merritt Island, wife, mother, grandparent, and 35 year Registered Nurse I am concerned about the people who live on NMI and our priceless lagoon. We all need to protect each other our environment and our investments.

Thank you in advance, for reaching out to support your neighbors and ultimately, us all.

**Mary Hillberg
Merritt Island Native**

OBJECTION
17P200003

Jones, Jennifer

From: Calkins, Tad
Sent: Monday, August 21, 2017 11:16 AM
To: Jones, Jennifer
Subject: Fwd: Please do not approve more high density on North Merritt Island

FYI

Sent from my iPhone

Begin forwarded message:

From: AJ <eyelandfolks@yahoo.com>
Date: August 21, 2017 at 10:59:34 AM EDT
To: <Tad.Calkins@brevardcounty.us>
Subject: Please do not approve more high density on North Merritt Island
Reply-To: AJ <eyelandfolks@yahoo.com>

Dear Tad,

I live on North Merritt Island and have since 2010. Our house was built in 1978.

At your 3pm meeting today with the County Commissioners, PLEASE DO NOT approve more high density in this very low area. Tropical Storm Faye was an eye opener on NMI. My house had 33 inches of rain. Our house was situated on an island with water all around and fish swimming all around us.

Our low-lying barrier island area with a drawbridge access to manage business, tourist, resident and emergency traffic for thousands of people living here is not able to handle a massively increased load.

Right now our drainage ditches are already full. The water can't go anywhere because the river is also very high and the low NMI ground is saturated. It has been so dramatic a change that FEMA had to change their flood maps and designate areas that were once not, to be flood prone areas

We cannot continue to harden the ground with dense residential developments without hurting the people who already live here and destroying the Lagoon!

P&Z Board Members, please adhere to the following;

1. comply with the County Administrative Policies.
2. comply with the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.
3. comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.

4. need to protect our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon; high density development will ultimately destroy it.

5. need to recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, dead end, rural road.

High density on NMI is the wrong thing to do for the current or future residents,

PLEASE PROTECT US FROM HAVING HIGH DENSITY ON NMI DUE TO ALL THE ABOVE. WE ARE COUNTING ON YOU AND DEPERATELY NEED YOUR HELP. PLEASE DO NOT RECOMEND HIGH DENSTIY ON NMI TO THE BOARD OF COUNTY COMMISSIONERS.

Thank you for giving me this opportunity to express my concerns to you.

Sandra Pesce
575 E Crisafulli Rd.
Merritt Island, FL 32953
321-455-6378

OBJECTION
17P200005

Jones, Jennifer

From: Calkins, Tad
Sent: Monday, August 21, 2017 11:16 AM
To: Jones, Jennifer
Subject: Fwd: P&Z vote today

FYI

Sent from my iPhone

Begin forwarded message:

From: Gary Painter <gtpainter9252@yahoo.com>
Date: August 21, 2017 at 11:00:18 AM EDT
To: "Tad.Calkins@brevardcounty.us" <Tad.Calkins@brevardcounty.us>
Subject: P&Z vote today
Reply-To: Gary Painter <gtpainter9252@yahoo.com>

On Monday, August 21st at 3PM, the Local Planning & Zoning Board (P&Z) will meet to decide if they should recommend to the County Commission on Smith Road, with the owner requesting the ability to put 94 houses on 26 acres - right next to rural estate homes on 2.5 or more acres. **Please do not recommend.**

Thank you
Gary Painter

Virus-free. www.avg.com

OBJECTION
17P200005

Jones, Jennifer

From: Calkins, Tad
Sent: Monday, August 21, 2017 11:18 AM
To: Jones, Jennifer
Subject: Fwd: INCREASED RESIDENTIAL DENSITY on NMI. (Smith Rd.)

FYI

Sent from my iPhone

Begin forwarded message:

From: "Russ" <russ.v@earthlink.net>
Date: August 21, 2017 at 9:14:20 AM EDT
To: <Tad.Calkins@brevardcounty.us>
Subject: INCREASED RESIDENTIAL DENSITY on NMI. (Smith Rd.)

The P&Z Board should NOT approve more high density in this very low area.

- 1.They need to comply with the County Administrative Policies.
- 2.They need to comply with the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.
3. They need to comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.
- 4.They need to protect our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon; high density development will ultimately destroy it.
- 5.They need to recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, dead end, rural road.

Virus-free. www.avast.com

OBJECTION
17P200005

Jones, Jennifer

From: Peter Burrige <pburrige1948@gmail.com>
Sent: Monday, August 21, 2017 11:31 AM
To: Jones, Jennifer
Subject: North Merritt Island (NMI) zoning

Dear Ms. Jones,

Please consider saying no to high density planning and zoning applications on NMI. I have lived in NMI for 24 years, having previously travelled the World, and I know of no finer place to live than here.

I, and my neighbors, are extremely concerned that higher density will raise the flood plain level on NMI to intolerable levels leading to loss of existing property. Also, we have limited evacuation routes and with a big increase in traffic, I have safety concerns. Not to mention property values declining.

I sincerely request you limit these new requests to more manageable home footprints of one half to one acre per unit.

Please disseminate to Planning and Zoning employees for Brevard County.

@brevardcounty.usRegards,

Peter E Burrige

1155 Pine Island Road

Merritt Island, FL 32953

Sent from Peter B's ipad

OBJECTION
17PZ00005

Jones, Jennifer

From: Janet Hirkala <janhirk@aol.com>
Sent: Monday, August 21, 2017 11:41 AM
To: Ted.Calkins@brevardcounty.us; Sterk, Erin; Ritchie, George C; Jones, Jennifer; Commissioner, D2
Cc: Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Monday, 8/21/17, 3PM, Local P&Z Meeting

PLEASE do NOT approve more high density on No. Merritt Island. Of course, compliance must be had with:

- . County Administrative Policies;
- . County Code of Ordinances/accepted Future Land Use Map (FLUM) required by the State;
- . New FEMA designations, which were changed due to increased intensity of several years' events;
- . And, of course, protect IRL that was voted thousands of my tax \$'s;
- . Last but not least, PLEASE be cognizant of NMI past flooding issues, NMI's natural low topography & wetlands that cannot be changed.

The ultimate outcome of heavy vehicular traffic on single access roads, most notably, a 2-lane dirt road called Smith Road shall be devastating.

Please disseminate to all necessary parties involved that might not be listed above. Thank you.

Janet Hirkala
janhirk@aol.com

OBJECTION
17P200005

Jones, Jennifer

From: Calkins, Tad
Sent: Monday, August 21, 2017 2:00 PM
To: Jones, Jennifer
Subject: FW: NMI zoning changes

From: Ashley Rose [<mailto:flaflatsfishing@gmail.com>]
Sent: Monday, August 21, 2017 12:38 PM
To: Calkins, Tad
Subject: NMI zoning changes

Dear Tad,

We are not in support of high density zoning in NMI please see the following requests regarding these hearings:

Please comply with the County Administrative Policies.

Please comply with the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.

Please review and comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.

You must protect our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon; high density development will ultimately destroy it.

Recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, roads.

Sincerely,

Ashley Rose
NMI Resident

Gareth & Carmen Matthews
255 Mindy Avenue
Merritt Island, Florida 32953
(321) 453-6308
gmatthews@elinkhome.com

OBJECTION
17PZ00005
Submitted at
8/21 Mtg

21 August 2017

Brevard County
Planning & Zoning
2725 Judge Fran Jamieson Way
Viera, Florida
32940

Re: Najjad, Inc., Rezoning Application, 17PZ00005

Dear Brevard County:

For many years, I have been the owner of a 2.5-acre property on the north side of Smith Road. The Najjad property abuts mine and is directly to the north

In 2007, the Lynch family wanted to rezone 5 acres to the west of mine in order to build 4 or 5 homes a project that would absolutely destroy the unique Smith Road neighborhood. Although the North Merritt Island Dependent Special District recommended **approval** of the rezoning, the County Commission unanimously **rejected** it.

Since 2007 two new homes have been built on Smith Road, the Rowell home on the south side and the Sirois home on the north. So, Smith Road is more of a neighborhood today than it was in 2007.

Zoning should be symmetric. High density zones should abut lesser density zones and so and so on. The property to the north of the Najjad property is zoned EU-2. That is not a reason to zone the Najjad property EU-2. It is a reason NOT to allow high density on the Najjad property to make the area symmetric with Smith Road.

My wife and I object to the Najjad plan to break its 2005 promise to only build 18 homes on 1-acre lots and make a new promise to build 40 homes with EU-2 zoning which opens the door to one day allow over 90 homes.

Even 40 homes, assuming that is the number that would actually be built, are not compatible with Smith Road. We urge you to reject the Najjad rezoning.

Sincerely,


Gareth Matthews

OBJECTION
17P200005
submitted @
8/21 mtg.

Good Evening.

I am Marty Weber and I live at 3450 North Tropical Trail on Merritt Island.

In 2005 Najjad, Inc. entered into a Binding Development Plan for the 26 acre property promising to build 13 to 18 homes. This is what the Commissioners approved. (Refer to Page 2 of the NMIDSD minutes)

Now Najjad Inc. wants rezoning to EU-2. His single reason is to be compatible with the Harvey Groves property to the north, which was rezoned a year ago to EU-2. One of the reasons why this request has been previously denied is because what Najjad Inc. is asking for is NOT what the property has north of him.

On Aug. 4, 2016 that property north of him was ultimately approved with a binding development plan for only 52 units on 40 acres, that is 0.71 houses per acre. The actual equivalent for Najjad Inc. would be 37 houses max. (his 26.11 acres divided by 0.71 units, equaling 36.7) Not the EU-2 zoning which would allow this property, after infrastructure, up to about 94 homes.

When Najjad Inc. presented a development plan on March 6th to the NMI Homeowner's Association board and also to the NMI Dependent Special District board on March 9th he showed only 40 houses. Yet his requested binding development plan today allows 52 houses. Throw out the binding development plan and the EU-2, will allow anyone, after infrastructure, to cram about 94 houses on that 26 acres.

About that binding development plan - Please notice that Najjad Inc. agreed to a binding development plan in 2005. He is now asking you to ignore that agreement between him, the Commissioners and the community and throw that binding development plan out.

Najjad Inc. also wants you to forget about the Smith Road access to his property on the south side. It is zoned AU with a minimum lot size of 2.5 acres. In 2005 Najjad said "we wanted to make sure that... the houses were not crammed in and that they have plenty of space between them." (Page 2 NMIDSD minutes) 18 homes on 26 acres is compatible with Smith Road.

What he really should do is honor his previous agreement with the county and build no more than 26 good houses on his property as it is currently zoned. A nice compromise for all concerned.

Thank you, Commissioners, for making the correct decision.

NAJJAD, Inc.

OBJECTION
17PZ00005

17PZ00005
Page1

DROOR, Noel
NAJJAD, Inc.
580 N. Wickham Road, Suite E
Melbourne, FL 32935

ARMSTRONG, MICHAEL SCOTT
ARMSTRONG, ANGELIA M
200 SMITH RD
MERRITT ISLAND FL 32953-

BUFFKIN, ROBERT EARL
BUFFKIN, CHRISTINA LEE TRUSTEES
355 E HALL RD
MERRITT ISLAND FL 32953-

CAREY, CHERRY
3662 MCCLEAN AV
ROCKLEDGE FL 32955-4519

CONFIDENTIAL PURSUANT TO
FLORIDA STATUTES
PO BOX 541159
MERRITT ISLAND FL 32954-1159

DUNCAN, SAMUEL JASON
DUNCAN, JENNIFER LYNN
3588 IMPERATA DR
ROCKLEDGE FL 32955-6091

FIGLE INC
3330 N COURTENAY PKWY
MERRITT ISLAND FL 32953-

FLORIDA POWER & LIGHT CO
PROPERTY TAX - PSX/JB
700 UNIVERSE BLVD
JUNO BEACH FL 33408-

FLORIDA, STATE OF (DOT)
719 S WOODLAND BLVD
DE LAND FL 32720-6834

GAYDAN, MARTIN M
GAYDAN, JEANNIE CO-TRUSTEES
3390 COURTENAY PKWY N #B
MERRITT ISLAND FL 32953-

GRIBAS, KENNETH CHARLES
GRIBAS, JUNE BROWNE
130 SMITH RD
MERRITT ISLAND FL 32953-8326

HARVEY'S INDIAN RIVER GROVES INC
PO BOX 560700
ROCKLEDGE FL 32956-0700

JUUL, DOUGLAS L
KOBZIK-JUUL, BARBARA
160 SMITH RD
MERRITT ISLAND FL 32953-

LEGACY BANK OF FLORIDA
2300 GLADES RD STE 140
BOCA RATON FL 33431-

LOYAL ORDER OF THE MOOSE LODGE
NO 2073 INC
PO BOX 540333
MERRITT ISLAND FL 32954-0333

M & R UNITED INC
402 HIGH POINT DRIVE STE A
COCOA FL 32926-

MATTHEWS, GARETH A
MATTHEWS, FANNY CARMEN
255 MINDY AVE
MERRITT ISLAND FL 32953-

MC MILLIN, EARL R
MC MILLIN, MARY W TRUSTEES
PO BOX 1086
CAPE CANAVERAL FL 32920-1086

NAJJAD INC
580 N WICKHAM RD STE E
MELBOURNE FL 32935-

PINNER GROVES INC
17 S HARDEE CIRCLE
ROCKLEDGE FL 32955-

SCHNABEL, JOHN ALBERT
SCHNABEL, FRANCES ELAINE TRUSTEES
95 BARCELONA BLVD
MERRITT ISLAND FL 32952-

TIDWELL, HARRY
TIDWELL, PAMELA
110 SMITH RD
MERRITT ISLAND FL 32953-8326

*JIM & TERRI SIROIS
170 SMITH ROAD*

*TIM & KELLY ROWELL
195 SMITH ROAD*

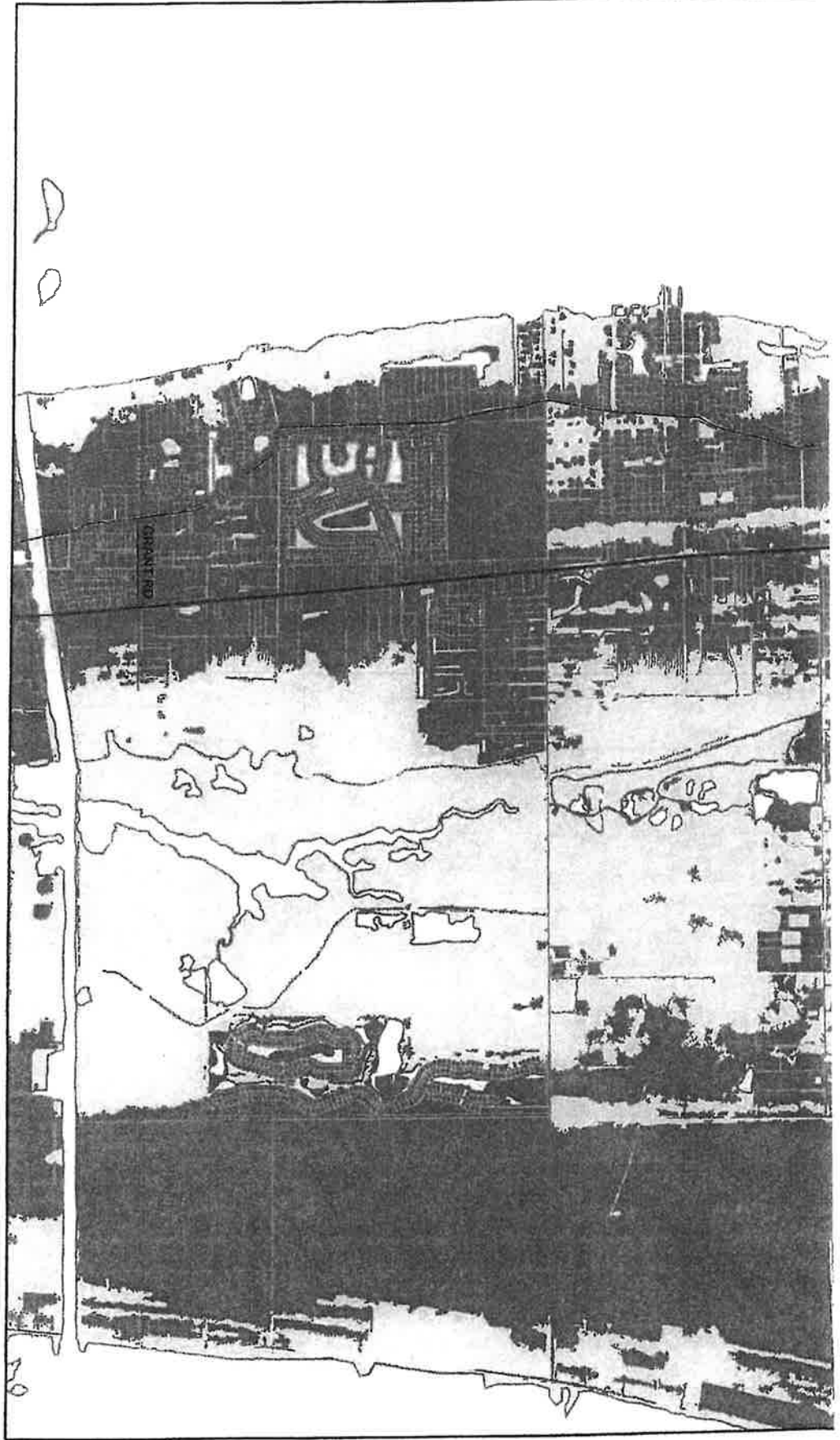
*ANITA BLASKY
205 SMITH ROAD*

*HAND PRINTED NAMES NOT ON ORIGINAL LIST
SUBMITTED BY MARY McMILLIN 21 AUG 2017*

17P200005 OBJECTION

Submitted by Citizen at 8/21 mts.





FEMA Flood Zones

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

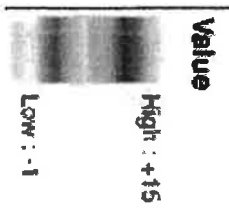
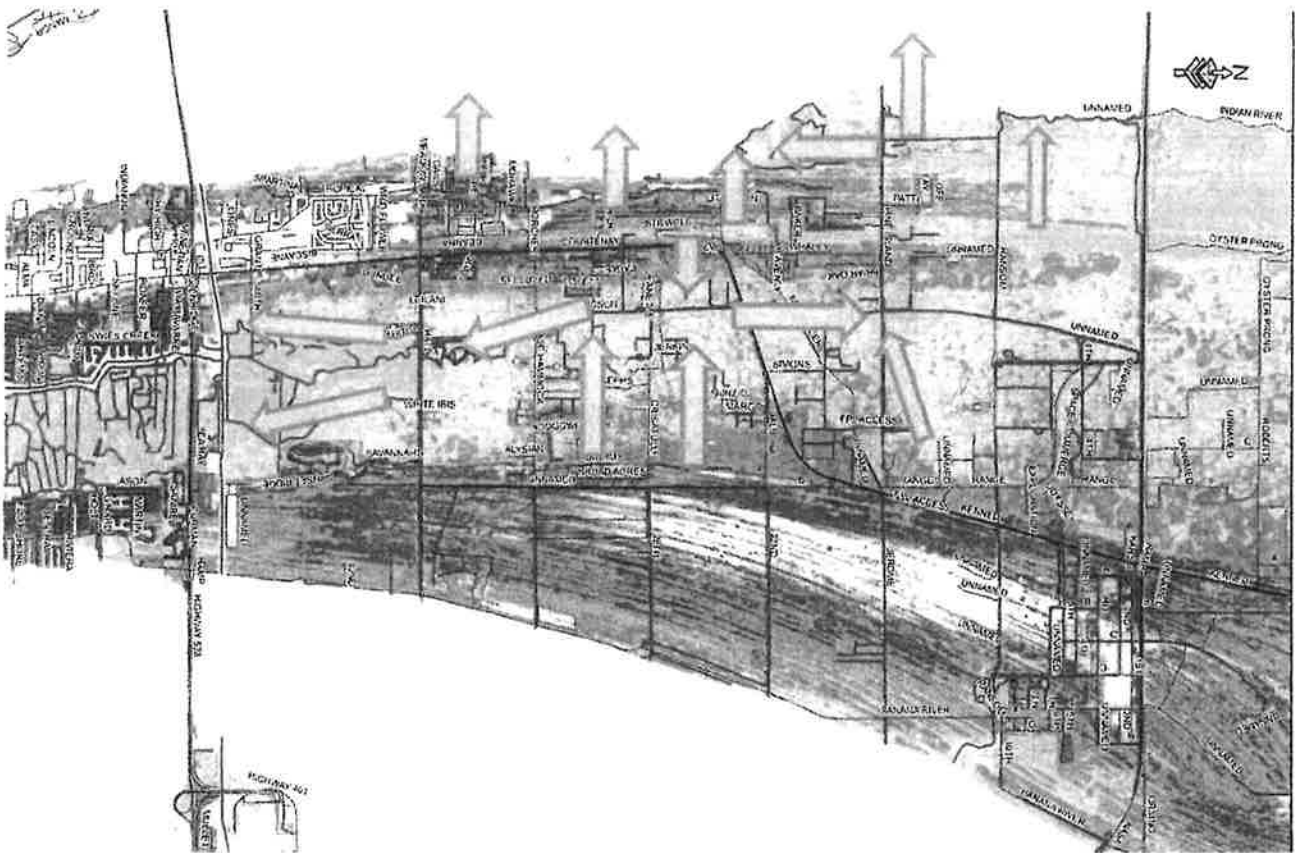
AE
X

Water Bodies

North Merritt Island
Small Area Study



NMI Normal Gravity Flow Drainage



— Ditches

↑ Drainage Flow Direction

ORLANDO, Fla. - For the first time ever, a deadly bacteria has been found in the waters off Florida's coast, and researchers say people need to take precautions.

Vibrio vulnificus lives in brackish waters, increasing in numbers during the spring and summer when the waters are warmest.

Related Headlines Now, scientists from Florida Atlantic University's Harbor Branch Oceanographic Institute have discovered the bacteria living in Florida's lagoons and estuaries, cautioning human development may be making the situation worse.



Photos:
Vibrio found
in Indian
River
Lagoon

In 2015, 43 people became sick due to vibrio, with 15 dying as a result of infection.

Vibrio, which has mistakenly been called "flesh eating," does not eat flesh.

What the bacteria does is enter the body through the consumption of raw and uncooked fish or shellfish or through an open wound on the body.

"If it is caught early enough, it can be treated with antibiotics. In some cases, it needs to be treated with surgical processes," said Dr. Peter McCarthy of Harbor Branch Oceanographic Institute. "I am talking amputation, and if that doesn't work, it's a rapid decline."

Researchers said they have seen fishermen with open wounds on their hands become infected after handling fish.

"These bacteria do live in estuaries throughout the world. However, this was the record of them in this area," said Gabby Barbarite, who led the research team at Harbor Branch Oceanographic Institute. "We don't want to downplay it because it is a very serious bacteria."

The Harbor Branch team stresses it is still safe to enter the water in places like the Indian River Lagoon. However, they say swimmers and fishermen need to be aware of the bacteria and take steps prevent infection such as not entering the water with open wounds and looking for symptoms of infection after a possible exposure. If an area on the body becomes "swollen, hot or very painful" after possible exposure, medical treatment should be sought as quickly as possible.

In 2004, the Centers for Disease Control and Prevention issued a report on cases of *vibrio vulnificus* in Taiwan, concluding that, "exposing open wounds or broken skin to warm salt or brackish water or to raw marine animals harvested from such waters should be avoided. Patients at high risk should wear protective clothing when handling seafood and not eat raw or improperly cooked seafood."

While the bacteria is naturally occurring, there is concern that excess runoff into the lagoon is creating a better breeding ground for vibrio.

Storm water, which would normally be absorbed into the ground, is now flowing at a much greater rate into the lagoon.

Paved areas provide a direct line for freshwater to enter the lagoon, upsetting the balance of the brackish water and giving vibrio more places to thrive.

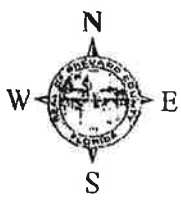
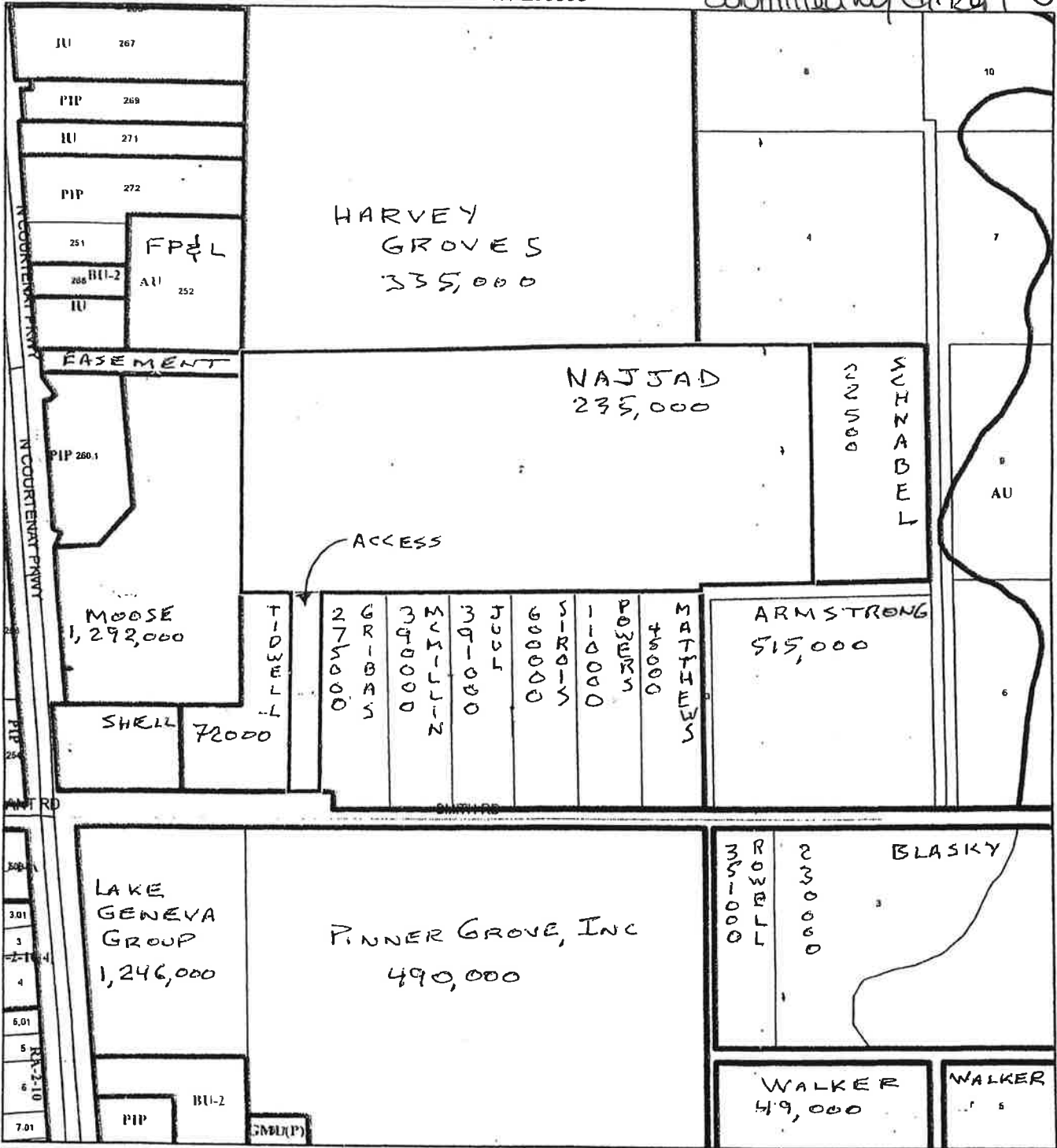
ZONING MAP

NAJJAD, Inc.
17PZ00005

OBJECTION

17PZ00005

Submitted by Citizen 8/21 mtg



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/24/2017

OBJECTION



Randall G. Holcombe, PhD.
DeVoe Moore Professor of Economics
Department of Economics
Florida State University
Tallahassee, Florida 32306

17P200095
Submitted
by Citizen
at 8/21 mtg

31 July 2017

Mr. Larry Rockliff
3255 Spartina Avenue
Merritt Island, Florida
32953

Mr. Earl McMillin
150 Smith Road
Merritt Island, Florida
32953

Dear Mr. Rockliff and Mr. McMillin:

Thanks for getting in touch with me about the fiscal impacts of residential development. The accepted wisdom on this among academic economists is that taxes levied on residential development do not cover the costs of providing government services to the development, so costs are shifted to existing taxpayers. Higher density development pays a lower share of its infrastructure and service costs. In contrast, taxes on commercial development more than pay for the services associated with it. The common sense behind this is that residential development brings with it demands for schools to educate children who live there, police and fire services and infrastructure associated with development. Meanwhile, property taxes on commercial development are in general higher than for residential development.

Multifamily development tends to impose the highest fiscal costs on a municipality, because more residents live in multifamily residences relative to taxes paid. Communities interested in maintaining their fiscal health do best by encouraging commercial development and do worst by encouraging multifamily development.

Academic studies on this subject are relatively rare because the conventional wisdom on the issue is generally accepted. Some examples of past studies can give you an idea of the conclusions those who have studied the issue have drawn.

Eban V. Fodor, "The Real Cost of Growth in Oregon", *Population and Environment*, 18, No.4 (March 1997) at page 373 says, about residential development, "most of these public infrastructure

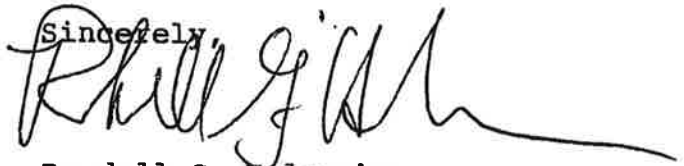
costs are distributed across the entire population of a community through property taxes or general obligation bonds, whereas the benefits of these investments accrue primarily to the new development."

Jeffrey H. Dorfman, professor at the University of Georgia, "The Fiscal Impacts of Land Uses on Local Government" (April 2006) says, "while commercial and industrial development can indeed improve the financial well-being of a local government, residential development worsens it." He goes on to say, "The cost of providing services exceeds the revenue generated by the new houses in every case studied."

The conclusion that residential development has a negative fiscal impact on municipal governments whereas commercial development has a positive impact makes sense when you consider that (1) property taxes tend to be higher on commercial development, and (2) that government services are provided to residents, so more residents means higher costs. Because multifamily residences tend to have more people living in them relative to the value of the residence, multifamily has the greatest negative fiscal impact. In short, the higher the density of residences per acre, the greater the potential negative fiscal impact.

I have taught public finance courses at Florida State University for 29 years and have been interested in these development issues over that period not only because of my teaching but because of Florida's experiences with growth management programs going back to the *Growth Management Act of 1985*. Please feel free to contact me if I can provide any additional information on fiscal impacts of development.

Sincerely,



Randall G. Holcombe
DeVoe Moore Professor
of Economics

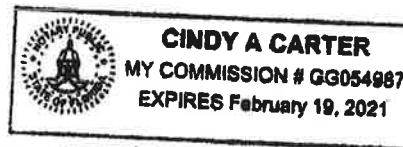
-2-

State of Florida
County of St. Johns

Before me the undersigned authority duly empowered by the State of Florida to administer oaths and authenticate signatures, personally appeared Randall G. Holcombe, a person known to me or properly identified to me by production of

photo identification and signed the foregoing two (2) page document in my presence on this 31 day of July 2017.

Cindy A. Carter
Notary Public



OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D3
Sent: Tuesday, August 22, 2017 10:01 AM
To: Jones, Jennifer
Subject: FW: No NMI re zone

Ms. Jones,

This email serves to disclose the below email communication received by the District 3 Commission Office after the P&Z meeting last night.

Thank you,

Ashley Boatwright
Legislative Aide to Commissioner Tobia
Brevard County, District 3
321.633.2075 Ext. 27725 | Ashley.Boatwright@brevardfl.gov
2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905

-----Original Message-----

From: d.e. Jones [<mailto:davyjonz56@yahoo.com>]
Sent: Monday, August 21, 2017 7:01 PM
To: Commissioner, D3
Subject: No NMI re zone

Sent from my iPhone

171200005
OBJECTION

Jones, Jennifer

From: Commissioner, D1
Sent: Wednesday, September 06, 2017 8:59 AM
To: Jones, Jennifer
Subject: FW: Najjad Rezoning Request--Please Deny

Good morning.

Below is an email received regarding zoning item for September 7, 2017 meeting.

Thanks,

Marcia Newell

Legislative Aide to Commissioner Rita Pritchett
Marcia.newell@brevardcounty.us



District 1 Commission Office
2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

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From: Bob Bishopric [<mailto:bob.bishopric@gmail.com>]
Sent: Sunday, September 03, 2017 4:43 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Najjad Rezoning Request--Please Deny

Dear Commissioners:

I am unable to attend the scheduled Sept. 7 commission meeting wherein this request to rezone a 26-acre parcel off Smith Road is on the table.

Please do not approve this request; it is short-sighted, dangerous for our lagoon environment and inconsistent with with the North Merritt Island quality of life.

Robert Bishopric

325 Mocking Bird Lane
Merritt Island, FL 32953
305-401-8058

17P200005
OBJECTION

Jones, Jennifer

From: Commissioner, D1
Sent: Tuesday, October 03, 2017 8:15 AM
To: Jones, Jennifer
Cc: Mascellino, Carol; Tagye, Steven; Pritchett, Rita
Subject: FW: The Najjad rezoning request

Jennifer,

On behalf of Commissioner Pritchett, please see email below received regarding the zoning meeting October 5, 2017.

Thanks,

Marcia Newell
Legislative Aide to Commissioner Rita Pritchett Marcia.newell@brevardcounty.us

District 1 Commission Office
2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

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-----Original Message-----

From: Jane Perdue [<mailto:bjperdue@bellsouth.net>]
Sent: Monday, October 02, 2017 9:21 PM
To: Commissioner, D1
Subject: The Najjad rezoning request

We are opposed to this rezoning request. Nearly 1/2 of the parcel is in a Special flood hazard area. 54 homes on this type of small size parcel of 26 acres is not feasible. We already have flooding issues and this request is not appropriate for this area.

Please consider opposing this rezoning request as adjacent homes are on 2 1/2 acres to 5 acres of land. Also adjacent conservation land is very low.

Thank you for your time and attention to this matter.

Jane & Bill Perdue
North Merritt island

Sent from my iPhone

17P200005
OBJECTION

Jones, Jennifer

From: Commissioner, D1
Sent: Tuesday, October 03, 2017 8:16 AM
To: Jones, Jennifer
Cc: Mascellino, Carol; Tagye, Steven; Pritchett, Rita
Subject: FW: Gauche/Maun grove partnership request to change of classification from AU To community commercial and BU-1 and BU -1A

Jennifer,

On behalf of Commissioner Pritchett, email below was received in our office regarding item on October 5, 2017 zoning meeting.

Thanks,

Marcia Newell
Legislative Aide to Commissioner Rita Pritchett Marcia.newell@brevardcounty.us

District 1 Commission Office
2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

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-----Original Message-----

From: Jane Perdue [<mailto:bjperdue@bellsouth.net>]
Sent: Monday, October 02, 2017 10:13 PM
To: Commissioner, D1
Subject: Gauche/Maun grove partnership request to change of classification from AU To community commercial and BU-1 and BU -1A

I am concerned this will increase our flooding problem in this area. The concrete for foundations and the paved parking lot will slow our drainage as it will take away the ground that currently helps to drain the water. I live within 500 feet of this property and have more water standing in my yard now than I recall the 37 years. I have lived here. Also, a portion of this property is wetlands. I request you please oppose this until some control/drainage measures are put in place to prevent further flooding. Thank you for your time and attention to this matter.

Jane and Bill Perdue
North Merritt Island

Sent from my iPhone

Jones, Jennifer

OBJECTION
17P200005

From: Commissioner, D2
Sent: Thursday, October 05, 2017 9:19 AM
To: Jones, Jennifer
Subject: FW: Protect North Merritt Island

Thank you,

Liz Alward

Please note:

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From: Phil Schwartz [<mailto:philcindee@gmail.com>]
Sent: Wednesday, October 4, 2017 11:48 PM
To: Commissioner, D2
Subject: Protect North Merritt Island

Dear Commissioner Barfield,

I am writing to urge you to consider the safety of the people and the health of our lagoon and deny increased residential density in the very low area of Smith Road.

Please consider the following:

1. The need to protect the residents and properties of those citizens in NMI.
2. The need to consider the new FEMA designations that were changed due to the increased intensity of events in the last few years and have been newly revised in 2017.
3. The need to protect our LAGOON, as we have voted thousands of tax dollars throughout the county to clean and restore the Indian River Lagoon. high density development will ultimately destroy it.
4. The need to recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the residents who live in topographically low areas.
5. The need to comply with the County Administrative Policies

I am also writing to you to ask that you do not disband the North Merritt Island Dependent Advisory Board.

Thank you for your time and service.

Cindee Schwartz

810 Sunset Lakes Drive
Merritt Island, Florida 32953

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 9:18 AM
To: Jones, Jennifer
Subject: FW: Oppose increased population density in North Merritt Island

FYI

Thank you,

Liz Alward

Please note:

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From: J [mailto:j_kapusta@protonmail.com]
Sent: Thursday, October 5, 2017 8:08 AM
To: Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: bdn98fr
Subject: Oppose increased population density in North Merritt Island

Dear Commissioners:

I understand you'll be voting tonight on whether to allow new densely packed development in North Merritt Island. As a resident here, I strongly oppose such a thing. This idea was recommended to be denied by the NMI Special Dependent Advisory Board, and denied by the Brevard County Planning & Zoning Board, and you should reject it as well. Development like this would add strain to the increasingly congested roads, impact the ability of the land to absorb flood waters, reduce the quality of life for residents in the nearby rural homes, and ultimately drive property values down. Please do the right thing and deny this proposal.

Thank you,
Jason Kapusta
Water Oak Dr
Merritt Island

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 9:19 AM
To: Jones, Jennifer
Subject: FW: Residential Zoning on NMI

Thank you,

Liz Alward

Please note:

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From: April Wagner [<mailto:aprilewagner@yahoo.com>]

Sent: Thursday, October 5, 2017 12:28 AM

To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5

Cc: Jim Wagner

Subject: Residential Zoning on NMI

To:

Rita Pritchett
Jim Barfield
John Tobia
Curt Smith
Kristine Isnardi

My husband and I are residents of NMI in Sunset Lakes. We would like to add our voices in opposition to adding more residential homes on NMI. When we moved to NMI a few years ago, we chose the area for the beautiful natural landscape and abundant animal life. The beauty of this great barrier island and the lagoon would be in jeopardy if more high density communities were allowed. Please deny the high density proposal which is proposed on Smith road on NMI.

Thank you.

April and Jim Wagner

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 9:39 AM
To: Jones, Jennifer
Subject: FW: North Merritt Island - Oct 5 meeting

Thank you,

Liz Alward

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From: Colleen Hausman [<mailto:colleenhausman@gmail.com>]
Sent: Wednesday, October 4, 2017 9:05 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: North Merritt Island - Oct 5 meeting

PLEASE CONSIDER THE SAFETY OF THE PEOPLE ON NORTH MERRITT ISLAND AND HEALTH OF OUR LAGOON.

We have dealt with so much flooding here on N. Merritt Island. High density housing would only increase our flooding and cost us more to deal with the problems. Traffic also - now more accidents than ever as the traffic and intersections over the canal become more dangerous, especially with all the u-turns to get people in the right directions. Please take consideration for this unique area that cannot handle high density housing and more traffic.

1. Please protect the residents and properties of those citizens in NMI.
2. Please consider the new FEMA designations that were changed due to the increased intensity of events in the last few years and have been newly revised in 2017.
3. Please protect our LAGOON, as we have voted thousands of tax dollars throughout the county to clean and restore the Indian River Lagoon. High density development will ultimately destroy it.

4. Please recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the residents who live in topographically low areas.

5. Please comply with the County Administrative Policies

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 9:40 AM
To: Jones, Jennifer
Subject: FW: Increased residential density

Thank you,
Liz Alward

Please note:

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-----Original Message-----

From: scootes@earthlink.net [mailto:scootes@earthlink.net]
Sent: Wednesday, October 4, 2017 8:33 PM
To: Commissioner, D2
Cc: Sheila Cootes
Subject: Increased residential density

Please DENY increased residential density on North Merritt Island.

Thank you,
Sheila Cootes

Sent from my iPhone

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 9:40 AM
To: Jones, Jennifer
Subject: FW: Dear Commissioner Barfield

Thank you,

Liz Alward

Please note:

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From: Ruth Nelligan [<mailto:sunwryze@me.com>]
Sent: Thursday, October 5, 2017 9:28 AM
To: Commissioner, D2
Subject: Dear Commissioner Barfield

Dear Commissioner Barfield,

Please consider the long-term impacts on our fragile North Merritt Island community, when deciding whether or not to approve additional dense development, in tonight's meeting of the Board.

I am a homeowner in the Savannahs at Sykes Creek, and chose to live in this area because of its more rural surroundings, as compared to the rest of Merritt Island. This area is unique in Brevard County, and needs to be maintained as such, for the safety of our lives, and the economic security of the entire Indian River wetlands. An acre of wetlands can hold 325,850 gallons of water, paved developed areas cannot. Restricting development is not a popular decision, but it is necessary in this case. I understand more housing is indicated to keep up with the demands of the Space Coast business growth, but there is plenty of land available for development in nearby Brevard County that is not at such a high risk for flooding impacts as the area north of the canal on Smith Road.

Because I have to work until 7 PM tonight, I cannot attend the meeting, but if I could, I would stand up to object strongly to the proposal for 56 houses on 26 acres. It would be selfish (appeasing the developers, generating tax revenue) and irresponsible (putting long-time residents at risk of flooding injury during storms, further damaging the Indian River Lagoon) and ultimately counter-productive (lowering the property values of all the homeowners north of the Barge Canal, damaging tourism and its associated business ventures that depend on a clean environment).

I think you are capable of standing up to the pressures that you face when making these difficult decisions, and I respect your place in the community. Please remember we depend on you to keep us safe.

Thank you, Sincerely,

Ruth A. Nelligan

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 11:32 AM
To: Jones, Jennifer
Subject: FW: Increased Residential Density on North Merritt Island

Thank you,

Liz Alward

Please note:

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From: Dave Herzfeld [<mailto:dhrz@outlook.com>]
Sent: Thursday, October 5, 2017 11:28 AM
To: Commissioner, D2
Subject: Increased Residential Density on North Merritt Island

Commissioner Barfield,

As a Brevard County Commissioner, we expect you to protect the residents and properties of North Merritt Island (NMI) citizens.

Additional density in this area of low topography and wetlands will further harm a deteriorating Indian River Lagoon, for which we have voted millions of tax dollars to save. Recent storms have underscored MNI's susceptibility to flooding (witness the recently updated FEMA flood map). The loss of additional natural area to development will only increase the likelihood of flooding. In addition, increasing density in an area that has limited (drawbridge) access will multiply problems if evacuation becomes necessary.

For these reasons, I am writing to ask you to deny the request for increased residential density for North Merritt Island at this evening's Zoning meeting.

Sincerely,

David Herzfeld
Sunset Lakes

OBJECTION
17P2 00035

Newell, Marcia

From: sarah hodge <hodge_sarah@yahoo.com>
Sent: Thursday, October 05, 2017 9:34 AM
To: Commissioner, D1
Subject: Proposed density change for Smith Road on North Merritt Island

Dear Commissioner Pritchett,

Please do NOT approve the proposed density change for Smith Road on North Merritt Island!

We are residents of North Merritt Island and are very concerned about the higher density proposals that are being considered and planned for our area. There has been flooding due to increased development and this zoning change will make it worse.. Traffic will also be an issue, especially over the Barge Canal draw bridge..

We ask that you do the following:

1. Comply with the County Administrative Policies.
2. Comply with the County Code of Ordinances, and the already accepted Future Land Use Map (FLUM) the state requires.
3. Comply with the new FEMA designations that were changed due to the increased intensity of events in the last few years.
4. Please protect our lagoon, as we have voted thousands of tax dollars throughout the county to protect the Indian River Lagoon. High density development will ultimately destroy it.
5. Please recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that makes high density NOT APPROPRIATE and even HAZARDOUS for the current residents on Smith Road; a two-lane dirt, dead end, rural road.

Thank you for your consideration and assistance in this matter!

William and Sarah Hodge
390 Sanders Lane
Merritt Island, FL. 32953
Phone: 321-452-3340
Email: hodge_sarah@yahoo.com

OBJECTION
17P200005

Newell, Marcia

From: Tanya Knappman <tanya.knappman@gmail.com>
Sent: Wednesday, October 04, 2017 8:31 PM
To: Commissioner, D1

Categories: EMAIL - MARCIA

Please do not allow an increase in density on North Merritt Island/Smith Road. To allow the building of 56 houses on 26 acres is not what NMI stands for! With flooding becoming a major problem , We cannot understand how this would be allowed! Please vote no! !
Dr. John and Tanya Knappman

OBJECTION
17P2000005

Newell, Marcia

From: TOM PENN <tomandal2@yahoo.com>
Sent: Thursday, October 05, 2017 9:11 AM
To: Commissioner, D1
Subject: Please DENY increased residential bldg on North Merritt Is.

Categories: EMAIL - MARCIA

I understand that you are meeting today and will decide whether additional residential development is acceptable on North Merritt Island. **As a citizen of North Merritt Island, I strongly oppose increased residential density here.**

- * The health of the lagoon is important to the livelihood of the area and additional density will add pressure to an already struggling ecosystem.
- * North Merritt Island already struggles with flooding issues and development in a flood-prone area is unwise for everyone involved.
- * Our water system has proven to be inadequate to handle both storms and its current population. We are currently being advised to conserve water to prevent back-ups in the system that can pollute both our homes and the Indian River Lagoon. Additional residential density would exacerbate the problem and reduce our quality of life and impact the health of its residents and environment.
- * Accommodating the additional residents would impact the area's roads and schools. Merritt Island's traffic is already considered to be a deterrent for potential buyers and vacationers. The schools, which are exemplary schools and a source of pride for the area, would be stretched thin to accommodate the influx of additional students. If the school should decline, property values and the area's quality of life would decline as well.

Please consider these points when you meet tonight and deny additional residential building on North Merritt Island. Thank you for your time,

Alison Penn
3605 Starlight Ave,
Merritt Island

Sent from my iPad

Sent from my iPad

OBJECTION
17P200005

Newell, Marcia

From: Peggy Revaz <pjack@cfl.rr.com>
Sent: Thursday, October 05, 2017 8:44 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Making the Right Decision!
Categories: EMAIL - MARCIA

Dear County Commissioners,

Today, the Brevard County Commission will decide if **INCREASED RESIDENTIAL DENSITY** is appropriate on North Merritt Island. The request is on Smith Road, with the owner requesting the ability to put 56 houses on 26 acres - right next to rural estate homes on 2.5 or more acres. The request was unanimously voted to be recommended denied by North Merritt Island Special Dependent Advisory Board, and denied by the Brevard County Planning & Zoning Board, as well. Now, this *very important decision is up to you.*

As residents of Island Lakes (just north of Hall Road) for the past 22 years, we have seen a large increase in development in the area and, the recent completion of Cape Crossing Resort & Marina at the Barge Canal, has complicated an already-difficult traffic situation. The request for an added 56 houses on Smith Road, is not only absurd but extremely dangerous. It is obvious that the island infrastructure cannot handle it. The present traffic "bottleneck," at various times of the day, presents a problem and is a concern for emergency vehicles answering distress calls (i.e. ambulances, fire rescue vehicles, etc).

We ask you to please review the Smith Road Request with careful scrutiny and, make your decision in good conscience.

Thank you.

Jon and Margaret Revaz
276 Quail Lane
Merritt Island, FL 32953
321-452-2949
Email: pjack@cfl.rr.com

OBSESSION
17PL00005

Newell, Marcia

From: Joseph DeQuarto <jdequarto@gmail.com>
Sent: Thursday, October 05, 2017 12:13 PM
To: Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5;
Commissioner, D2
Subject: Residential Density
Categories: EMAIL - MARCIA

Commissioner ,

As a Brevard County Commissioner, we expect you to protect the residents and properties of North Merritt Island (NMI) citizens. Additional density in this area of low topography and wetlands will further harm a deteriorating Indian River Lagoon, for which we have voted millions of tax dollars to save. Recent storms have underscored NMI's susceptibility to flooding (witness the recently updated FEMA flood map). The loss of additional natural area to development will only increase the likelihood of flooding. In addition, increasing density in an area that has limited (drawbridge) access will multiply problems if evacuation becomes necessary. For these reasons, I am writing to ask you to deny the request for increased residential density for North Merritt Island at this evening's Zoning meeting.

Sincerely,

Joseph DeQuarto
Chase Hammock Lakes
Sent from my iPhone

17P200005
OBJECTION

Newell, Marcia

From: Ken Sayar <ken.sayar@gmail.com>
Sent: Thursday, October 05, 2017 12:17 PM
To: Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4;
Commissioner, D5
Subject: NMI Zoning Critical Issues
Categories: EMAIL - MARCIA

Dear Brevard County Commissioners,

As responsible commissioners of our beautiful Brevard County, the people entrust you all to protect the health, welfare and respective properties of North Merritt Island (NMI) citizens.

Any further residential density increase in the NMI area of low topography and wetlands will further harm a deteriorating Indian River Lagoon system, of which we residents have voted millions of tax dollars to save. The recent storms have underscored MNI's increased susceptibility to flooding (see updated FEMA flood maps). The loss of additional natural drainage area to paved development will increase the likelihood of additional flooding issues. Also, increasing population density in this area with limited (drawbridge) access will multiply evacuation issues as they become increasing necessary.

I respectfully ask you to deny any request for increased residential density at North Merritt Island at the upcoming area Zoning meeting.

Sincerely,
Ken Sayar
Sunset Lakes

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 1:51 PM
To: Jones, Jennifer
Subject: FW: Oct 5 2017 Board Meeting/Decision: Smith Road Development

Thank you,

Liz Alward

Please note:

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From: Ron Gardner [<mailto:rgbuggs@bellsouth.net>]
Sent: Thursday, October 5, 2017 1:18 PM
To: Commissioner, D2
Subject: Oct 5 2017 Board Meeting/Decision: Smith Road Development

Dear Commissioner Barfield,

As a resident of North Merritt Island for more than 10 years, I have watched with concern the progressive decline of the quality of rural life that was the basis of our decision to move to this part of Merritt Island. While some increase in overall population is inevitable, the recent approval of more and more developments that violate the original low density zoning of this area is unacceptable. I implore you to vote NO to the recent request by another developer that the County Board of Commissioners ignore the recommendations of both the NMI Special Dependent Advisory Board and the Brevard County Planning & Zoning Board that the Smith Road development be denied.

There are numerous reasons this and other high-density developments are harmful to Brevard County residents.

- It is a slap in the face to those of us who invested our limited resources in an area promised to remain rural and beautiful.
- With each instance in which existing zoning rules are violated, the concept of "zoning" becomes more laughable. There is little to prevent a terrible mixture of residential and commercial developments if zoning becomes meaningless. It is the very reason we have zoning rules in the first place.
- NMI is already suffering from the increased population we have seen in recent years; needlessly multiplying that problem is the wrong decision. Traffic, drainage, sewage/septic, and impact on the ecosystem NMI is famous for are all existing problems that will be exacerbated by yet more developments that exceed what is permitted.
- At a time when we are fighting and spending fortunes to preserve the badly damaged Indian River lagoon system, overturning existing measures that would limit further damage is unconscionable.

I strongly disagree with any proposal to overrule existing development policies for NMI. I ask you to do your due diligence in support of the best interests of the County in denying the development request for 56 homes on 26 acres, as proposed by the developer of the Smith Road property. Approval of their request will result in long-term, irreversible damage to the County, the lagoon, and the NMI quality of life.

*Ron Gardner
4270 Savannahs Trail
Merritt Island*

OBJECTION
17200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 1:53 PM
To: Jones, Jennifer
Subject: FW: NMI Growth

Thank you,

Liz Alward

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: baran_p@netzero.net [mailto:baran_p@netzero.net]
Sent: Thursday, October 5, 2017 1:24 PM
To: Commissioner, D2
Subject: NMI Growth

Com. Barfield;

Please vote NO to the Smith Road property issue. All this building on NMI has created numerous issues, flooding being one. As a long-time NMI resident, I oppose unchecked density and its associated traffic issues.

Thank you for your support and for doing the right thing in denying this building request.

Pam Baran
Citrus Club, NMI

Actress Tells All: "I Felt Bloated, Tired...Now I Know Why"

Activated You

<http://thirdpartyoffers.netzero.net/TGL3242/59d66b0b244d36b0b4232st02vuc>



OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 1:53 PM
To: Jones, Jennifer
Subject: FW: North Merritt Island -increased density

Thank you,

Liz Alward

Please note:

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From: Mary Galloway [<mailto:chemensa@gmail.com>]
Sent: Thursday, October 5, 2017 1:26 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: North Merritt Island -increased density

I am writing as a resident of Merritt Island who is opposed to increased housing density. The 26 acre property on Smith Road should not be used for 56 homes. We have seen a large increase in flooding this year from storms, and additional building will only make this problem worse. We also have issues with the roads and bridges to handle increased traffic, as well as increased run off into the Indian River Lagoon. I would like to see the 26 acres be developed with 13 to 26 homes at most. Most of the homes near there have 2 + acre lots, and that fits better with the surroundings, as well as minimizing the traffic and impact on the lagoon.

Thank you.

Mary C. Galloway

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 3:46 PM
To: Jones, Jennifer
Subject: FW: STOP development on North Merritt Island PLEASE!!

Thank you,

Liz Alward

Please note:

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From: M. B. [mailto:mymail0033@yahoo.com]
Sent: Thursday, October 5, 2017 3:38 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D4; Commissioner, D3; Commissioner, D5
Subject: Re: STOP development on North Merritt Island PLEASE!!

On Thursday, October 5, 2017 03:35:05 PM, M. B. <mymail0033@yahoo.com> wrote:

PLEASE... stop development and vote no on the INCREASED RESIDENTIAL DENSITY FOR NORTH MERRITT ISLAND ON SMITH ROAD (and others).

Our lands are already flooded, our lagoons are contaminated, and the natural beauty and peacefulness of our paradise is in jeopardy.

SR 3/North Courtenay is a dangerous stretch north of the barge canal with several business (especially landscape companies) that pull out and cross the grassy median (creating their own turn lanes) and adding more people will make this stretch of road even more dangerous. The Dollar General was bad enough with a poor entry/exit design, this stretch of road is only going to get worse if you let more development happen.

Please don't let developer\$ influence your decision, please consider the safety of your current residents, health of our lagoon, our properties, and our way of lives on the quite 'north end' and please stop the development.

I beg you not to allow Merritt Island to become the next Tampa, or the next news stories like Texas has become below:

<http://www.npr.org/2017/08/27/546603361/houstons-explosive-growth-amid-disregard-of-flood-preparedness>
<http://www.nydailynews.com/news/national/houston-development-boom-destroyed-water-absorbing-wetlands-article-1.3454807>

Thank you for keeping your residence best interest at the top of your priority list,
Melissa Busch
4600 Annette Ct.
Merritt Island, FL 32953
321-453-5310

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 3:46 PM
To: Jones, Jennifer
Subject: FW: Question of Increased Residential Density on North Merritt Island

Thank you,

Liz Alward

Please note:

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From: Loretta Chase [<mailto:chaser241997@outlook.com>]
Sent: Thursday, October 5, 2017 3:26 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D4
Subject: Question of Increased Residential Density on North Merritt Island

Dear County Commissioners:

Please consider the following when preparing to vote on a request to build 56 new homes on Smith Road in North Merritt Island:

- the new FEMA designations that were changed due to the increased intensity of events in the last few years which have been revised in 2017
- high density development will ultimately destroy the Indian River Lagoon to which hundreds of thousands of tax dollars have already been allocated in an attempt to restore the lagoon for our local economy, environment, health, as well as maintaining property values
- recognize past flooding of NMI. High density development will only harden the ground in the High Flood Hazard Area ultimately making flooding worse and hurting existing property owners. The natural low topography and wetlands of NMI make high density NOT APPROPRIATE and even HAZARDOUS for the residents who live in topographically low areas.
- issues of heavy traffic on single access roads and especially the flow of traffic over the drawbridge will negatively effect thousands of people manage their daily living
- the need to comply with the County Administrative Policies.

This request was unanimously voted to be recommended denied by your elected NMI Special Dependent Advisory Board, and denied by the Brevard County Planning & Zoning Board, as well. Now it is up to you, our County Commissioners, to do the right thing.

I sincerely hope you consider ALL the effects, both negative and positive, when you place your vote on October 5, 2017.

Loretta and John Chase
Sykes Creek Drive, Merritt Island

OBJECTION
17PL00005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 3:46 PM
To: Jones, Jennifer
Subject: FW: North Merritt Island Zoning

Thank you,

Liz Alward

Please note:

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From: Sue Ford [<mailto:sue.ford@live.com>]
Sent: Thursday, October 5, 2017 3:13 PM
To: Commissioner, D2
Subject: Fw: North Merritt Island Zoning

Commissioner,

As a resident of North Merritt Island, I would like to address the zoning items that you will be addressing today. We all know that North Merritt Island has had its fair share of flooding over the years. I understand that the County has done a lot to help this situation. However, allowing developers to put large homes on small lots will only add to the problem. For days after Hurricane Harvey, I watched the flooding aftermath on TV. What I kept seeing was subdivision after subdivision of large homes on small lots (approximately 1/4 acre) That doesn't leave enough green space for water to seep into the ground. I think that they created their own problems with no zoning in Texas. We do NOT want to be like Texas. Homes cannot take up most of their lots. (at least without large areas of green space to make up for it) I was pleased to here the Texas Governor say that they will have to rethink how they develop in the future. We can take this opportunity to learn from their mistakes before we are in the same boat. Please take the time to check out our new developments in North Merritt Island and other areas of Brevard County before it is too late. We, the people will hold each of you accountable!

Thanks for your attention to this very important matter.

Sincerely,

Sue Ford
Former Port Commissioner and Senior Aide to a Brevard Commissioner

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 3:46 PM
To: Jones, Jennifer
Subject: FW: North Merritt Island Development

Thank you,
Liz Alward

Please note:

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-----Original Message-----

From: Sarah Warner [<mailto:sarah.warner@hotmail.com>]
Sent: Thursday, October 5, 2017 3:00 PM
To: Commissioner, D2
Subject: North Merritt Island Development

Dear Commissioner,

Please vote against overpopulating North Merritt Island with a new, high density development project up for the vote tomorrow night.

1. We need to protect the residents and properties of those citizens in NMI.
2. We need to consider the new FEMA designations that were changed due to the increased intensity of events in the last few years and have been newly revised in 2017.
3. We need to protect our LAGOON, as we have voted thousands of tax dollars throughout the county to clean and restore the Indian River Lagoon. high density development will ultimately destroy it.
4. We need to recognize past flooding of NMI, issues with heavy traffic on single access roads and the natural low topography and wetlands that we cannot change, makes high density NOT APPROPRIATE and even HAZARDOUS for the residents who live in topographically low areas.
5. We need to comply with the County Administrative Policies

Please consider the safety of people and the health of our lagoon.

Sincerely,

Sarah Warner
142 Via Havarre

Merritt Island, FL

Sent from my iPhone

OBJECT ON
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 3:46 PM
To: Jones, Jennifer
Subject: FW: Increased residential density

Thank you,

Liz Alward

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From: Lindsay Richards [<mailto:richards.lindsay1@yahoo.com>]
Sent: Thursday, October 5, 2017 2:51 PM
To: Commissioner, D2
Subject: Increased residential density

Dear County Commissioner,

My name is Lindsay and I've been a resident of North Merritt Island for nineteen years. I am writing to express my opposition to increased residential density. One driving reason behind this is because of how much we all value the Indian River Lagoon - high density development could have devastating effects for it. I also feel that this goes against the interest of North Merritt Island residents because it will create new traffic issues and worsen our already-challenging flooding issues, with serious dangers for those residents living in topographically low areas. Before meeting this evening, please please consider the safety of our residents and the health of our lagoon.

Thank you,

Lindsay Richards



Virus-free. www.avast.com

OBJECTION
17P200095

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 4:00 PM
To: Jones, Jennifer
Subject: FW: Opposition to High Density Housing on North Merritt Island

Thank you,

Liz Alward

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From: Richards,Chelsea J [<mailto:cjrichards1458@ufl.edu>]
Sent: Thursday, October 5, 2017 2:28 PM
Subject: Opposition to High Density Housing on North Merritt Island

Hello,

My name is Chelsea Richards and I have grown up enjoying the beauty Merritt Island. I am strongly opposed to the proposed high density housing on North Merritt Island, not only because it would disturb the beauty and peace of the community, but for a number of other reasons.

I am worried about disturbing the properties of current residents and businesses, the implications of new FEMA designations that have recently changed, the health of the Indian River Lagoon and how detrimental high density housing would be to it, the flooding and heavy traffic on North Merritt Island during events and storms that would be unsafe for residents in low-lying areas, especially with more crowding.

I hope as my representative that you can voice my opinion and take action.

Thanks for all you do,

Chelsea

OBJECTION
17P200005

Jones, Jennifer

From: Commissioner, D2
Sent: Thursday, October 05, 2017 4:00 PM
To: Jones, Jennifer
Subject: FW: increased density North Brevard County

Thank you,

Liz Alward

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From: 2dini4574@gmail.com [<mailto:2dini4574@gmail.com>]
Sent: Thursday, October 5, 2017 2:08 PM
To: Commissioner, D2
Subject: increased density North Brevard County

Strongly against increased density in N. Brevard county due to overcrowded drainage, and exits from Island during emergencies. Flooding will also be a large problem if so many homes are built here.

Please protect our homes and property by voting against at increase in density.

Norman Hausknecht

Island Lakes Fl

Sent from [Mail](#) for Windows 10
us

OBJECTION
17P200005

Good Evening.

I am Marty Weber and I live at 3450 North Tropical Trail on Merritt Island.

In 2005 Najjad, Inc. entered into a Binding Development Plan for the 26 acre property promising to build 13 to 18 homes. This is what the Commissioners approved. (Refer to Page 2 of the NMIDSD minutes)

Now Najjad Inc. wants to rezone the property to EU-2. The reason is to be compatible with the Harvey Groves property to the north, which was rezoned a year ago to EU-2. One of the reasons why this request has been previously denied by the NMI Dependent Special District Board and the Brevard County Local Planning Agency is because what Najjad Inc. is asking for is **NOT** comparable to the property to the north.

On Aug. 4, 2016 that property to the north was ultimately approved with a binding development plan for only 52 units on 40 acres, that is 0.76 houses per acre. The actual equivalent for Najjad Inc. would be 26.11 acres divided by 0.76 units, equaling 34.35 houses max (34). Approving the EU-2 zoning request, would allow 126.37 lots/houses (26.11 acres or 1,137,135.35 sq ft/9000 sq ft) with a house sq ft measurement of 1500 sq ft.

When Najjad Inc. presented a development plan on March 6th to the NMI Homeowner's Association board and also to the NMI Dependent Special District board on March 9th, Najjad showed 40 houses. On August 8th Najjad asked the LPA board to approve EU-2 zoning, but with a binding development plan holding Najjad to 40 houses. Throw out the binding development plan and the EU-2, will allow any future development of 126.37 lots/houses on this property.

Regarding that binding development plan - please note that Najjad Inc. agreed to a binding development plan in 2005. Najjad is now asking you to ignore that agreement between the corporation, the Commissioners and the community.

On August 8th the LPA board asked Najjad about agreeing to 26 houses as suggested by the NMIHOA. The LPA was reluctant to change a decision (the old BDP) to which had previously been agreed. They twice asked Najjad to compromise and agree to put only 26 houses on the property. Najjad refused both times. That's when the LPA denied Najjad's EU-2/40-house request.

Najjad Inc. also wants you to forget about the Smith Road access to the property on the south side. It is zoned AU with a minimum lot size of 2.5 acres. In 2005 Najjad said "we wanted to make sure that... the houses were not crammed in and that they have plenty of space between them." (Page 2 NMIDSD minutes) 18 homes on 26 acres is compatible with current Smith Road home sites.

EXHIBIT A. CONSISTENCY OF ZONING CLASSIFICATIONS WITH FUTURE LAND USE MAP SERIES

Zoning Classifications	Land Use Designations																	
	Agric	Res 1:2.5	Res 1	Res 2	Res 4	Res 6	Res 10	Res 15	Res 30	NC	CC	PI	H/L	PUB	REC	PR	PUB	
GU, PA, AGR, RRMH-5, PUD, RPUD, RVP	Y									Y*								
AU, REU, RRMH-2.5		Y								Y*								
ARR, RR-1, SEU, RRMH-1			Y							Y*								
SR, TR-2				Y						Y*								
EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4					Y					Y*								
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6						Y				Y*								
RU-2-8, RA-2-8, RA-2-10, RU-2-10							Y			Y*								
RU-2-12, RU-2-15								Y		Y*								
RU-2-30									Y	Y*								
BU-1-A, IN	Y**									Y***								
RP					Y**					Y								
BU-1, TU-1, TU-2										N	Y							
BU-2										N	Y	Y***						
PBP										N	Y							
PIP										N	Y							
IU, IU-1										N		N	Y					
EA, GML	Y									Y		Y						

Jones, Jennifer

Disclosure

From: Tobia, John
Sent: Tuesday, September 05, 2017 2:50 PM
To: Jones, Jennifer
Subject: FW: Project Comparison
Attachments: NAJJAD Comp.pdf

Ms. Jones,

Below are communications between my office and Mr. Droor. The attachment was included.

Regards,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

From: Tobia, John
Sent: Tuesday, September 05, 2017 2:49 PM
To: 'noel@droorassociates.com'
Subject: Project Comparison

Mr. Droor,

Attached you will find a comparison between the NAJJAD proposal and a proposal previously approved by the Board of County Commissioners.

Regards,



John Tobia
County Commissioner, District 3

	NAJJAD (Droor)	Crisafulli Enterprises
Size	26.11 acres	12.85 acres
Units	40 (BDP requested to increase beyond the existing 19 units approved in prior BDP)	48 (BDP requested to limit impact)
Units/acre	2	About 4
Min. lot size	9,000 sq. ft	Minimum interior lot size within a site is 1,800 square feet.
Min. Dwelling size	BDP states living area at 2,500 sq. ft. minimum	Minimum floor area for a single-family attached residential unit is 575 square feet for a one-bedroom unit, plus 140 square feet for each additional bedroom.
Consistent with Future Land Use Plan?	YES if approved with associated BDP	YES due to the accompanying Small Scale Plan Amendment that changed density from two units to four units per acre
Protected Species	Possible	Possible (scrub jays)
Proposed Zoning	EU-2 (estate use residential – single-family)	RA-2-4 Single-family attached residential dwelling
Current Zoning	SEU (suburban estate use)	BU-1 (retail) and AU (agricultural/residential)
NMI Recommendation	Denied (unanimous)	Denied (unanimous)
Location	N. Merritt Island	N. Merritt Island (further north)
NMI Issues with Ingress/Egress?	Yes	Yes

Disclosure



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner

400 South Street, Suite 1A

Titusville, FL 32780

(321) 264-6750

www.brevardcounty.us

Planning and Development
Zoning Meeting October 5, 2017
Noel Droor 17PZ00005

Commissioner Rita Pritchett met with Mr. Noel Droor on October 2nd regarding the above zoning item. Mr. Droor regarding his the new proposal of a EU zoning classification, which requires 15,000 Square Foot minimum lots, in lieu of the 9,000 Square Foot minimum lot size which is required by the originally requested EU-2 zoning. Mr. Droor also shared a revised drawing showing the placement of retention pond on the west side of the property.



BOARD OF COUNTY COMMISSIONERS

Disclosure

Rita Pritchett, District 1 Commissioner

400 South Street, Suite 1A

Titusville, FL 32780

(321) 264-6750

www.brevardcounty.us

**Planning and Development
Zoning Meeting August 3, 2017
Noel Droor 17PZ00005**

Commissioner Rita Pritchett met with Mr. Noel Droor on July 31st regarding the above zoning item. Mr. Droor said that he is requesting EU zoning. He has spoken to 3 out of the 4 neighbors and they are okay with the project. He would agree to the following to elevate the neighbors concerns:

2,500 square foot homes

Landscape berm on Smith Road

Will pave the rest of Smith Road

Will put retention pond on the side behind the existing houses that front Smith Road

Jones, Jennifer

DISCLOSURE

From: Ragain, Rebecca
Sent: Thursday, October 05, 2017 2:20 PM
To: Tobia, John
Cc: Jones, Jennifer
Subject: RE: Agenda Item IV E

Thank you, we will place this in the file.

From: Tobia, John
Sent: Thursday, October 05, 2017 1:50 PM
To: Ragain, Rebecca
Subject: Agenda Item IV E

To: Rebecca Ragain, Planning and Development Assistant Director
CC: Tad Calkins, Planning and Development Director
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Dear Ms. Ragain:

In regards to the upcoming agenda item IV E for the Planning & Zoning meeting on Oct. 5, 2017, please be advised in advance regarding a meeting that took place today, Oct. 5, at 10:00 AM at Commissioner Tobia's office, located at:

2539 Palm Bay Rd.
Suite 4
Palm Bay, FL 32905

The parties present were Commissioner Tobia and Noel Droor.

This meeting lasted approximately thirty minutes, during which Mr. Droor provided information on a construction project that would require a change in classification.

Thank you.

Sincerely,

John Tobia

John Tobia
County Commissioner, District 3



Calkins, Tad

FYI

17P200005

From: Tobia, John
Sent: Thursday, March 23, 2017 1:58 PM
To: Fox, Cynthia C; Calkins, Tad
Subject: Agenda Item IV B 2

March 23, 2017

To: Cynthia Fox, Brevard Planning & Zoning Manager
CC: Tad Calkins, Planning and Development Director
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Dear Ms. Fox:

With the upcoming agenda item IV.B.2 for the Planning & Zoning meeting on April 6, 2017, please be advised in advance regarding a meeting that took place on Tuesday, March 22, at 4:00 PM at Commissioner Tobias office, located at:

2725 Judge Fran Jamieson Way
C201
Viera, FL 32940

The parties present were Commissioner Tobia and Noel Droor.

This meeting lasted approximately thirty minutes, during which Mr. Droor provided information on a construction project that would require a change in classification.

Thank you.

Sincerely,



John Tobia

County Commissioner, District 3

Old

Prepared by: Noel Droor, NAJJAD, Inc.
Address: 580 N. Wickham Rd. #E, Melbourne. FL 32935

BINDING DEVELOPMENT AGREEMENT

THIS AGREEMENT, entered into this ___ day of _____, 2017, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and NAJJAD, INC. a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the, EU zoning classification(s) and desires to develop the Property as a single-family subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property. NOW THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements, until such time as the improvements are constructed, approved, and platted as public streets by the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements, lying outside of the proposed public right-of-ways.

2. The Developer/Owner shall limit density to Forty (40) single family units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall limit ingress and egress to Smith Road.

4. Developer will not share access with the north parcel 24-36-11-00-250 (AKA Harvey's property).

5. Developer shall provide a 4' high by approximately 200 feet long landscape berm

at the east side of the entrance. The landscape berm to be constructed partially on the 10' wide landscape easement granted by the Owner of Parcel 24-36-11-00-290. The landscape berm shall be maintained by the Owner/Developer and property owner of parcel 24-36-11-00-290.

6. Developer/Owner to construct the retention pond at the South side of the property to provide buffer to the South parcels.

7. Each house constructed shall be minimum of 2,500 square feet.

8. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida, including the restrictions and minimum code requirements for the EU-2 zoning category. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property, and are as follows:

- All streets shall be curbed and guttered.
- All streets shall have sidewalks.
- All utilities shall be underground.
- Individual driveways shall be constructed of pavers

9. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

10. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in Interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on October 5, 2017. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

12. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 17 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

Sec. 62-1339. - Estate use residential, EU, EU-1 and EU-2.

The EU, EU-1 and EU-2 estate use residential zoning classifications encompass lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) *Permitted uses.*

a. Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3) *Conditional uses.* Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion to a preexisting use.

Wireless telecommunication facilities and broadcast towers.

(4) *Minimum lot criteria.* Minimum lot criteria are as follows:

Classification	Size (square feet)	Width (feet)	Depth (feet)
EU	15,000	100	100

EU-1	12,000	100	100
EU-2	9,000	<u>90</u>	100

(5) *Setbacks.*

- a. Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.
- b. Accessory buildings shall be located to the rear of the front building line of the principal building and no closer than ten feet to the rear and side lot lines, but in no case within the setbacks from a side street and with a minimum spacing of five feet.

(6) *Minimum floor area.* Minimum floor area is as follows:

- a. *EU:* 2,000 square feet of living area.
- b. *EU-1:* 1,800 square feet of living area.
- c. *EU-2:* 1,500 square feet of living area.

(7) *Maximum height of structures.* Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(l); Ord. No. 95-47, §§ 18, 19, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 18, 19, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-03, § 5, 1-11-00; Ord. No. 2002-49, § 11, 9-17-02; Ord. No. 2003-03, § 12, 1-14-03; Ord. No. 04-29, § 12, 8-5-04; Ord. No. 2004-52, § 10, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 15, 12-6-07; Ord. No. 2010-22, § 14, 11-23-10; Ord. No. 2014-30, § 3, 10-2-14)

Sec. 62-1337. - Suburban estate residential use, SEU.

The SEU suburban estate residential use zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

- (1) *Permitted uses.*
 - a. Permitted uses are as follows:
 - One single-family detached residential dwelling.
 - Parks and public recreational facilities.
 - Private golf courses.
 - Foster homes.
 - Sewer lift stations.
 - b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):
 - Group homes, level I, subject to the requirements set forth in section 62-1835.9.
 - Preexisting use.
 - Power substations, telephone exchanges and transmission facilities.
 - Private parks and playgrounds.
 - Resort dwellings.
 - Temporary living quarters during construction of a residence.
- (2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).
- (3) *Conditional uses.* Conditional uses are as follows:
 - Bed and breakfast inn.
 - Change to nonconforming agricultural use.
 - Guesthouses or servants' quarters, without kitchen facilities.
 - Horses, mules, goats and barns.
 - Land alteration (over five acres and up to ten acres).
 - Recreational facilities.
 - Recreational/residential marina.
 - Resort dwellings.
 - Single-family residential second kitchen facility.
 - Skateboard ramps.
 - Substantial expansion of a preexisting use.
 - Wireless telecommunication facilities and broadcast towers.
- (4) *Minimum lot size.* An area of not less than one acre (43,560 square feet) is required, having a width of not less than 125 feet and having a depth of not less than 200 feet.
- (5) *Setbacks.* (Also see special waterfront setbacks.)
 - a. Structures shall be set back not less than 25 feet from the front lot line, not less than 15 feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.
 - b. Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than 15 feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.
- (6) *Minimum floor area.* Minimum floor area is 2,000 square feet of living area.
- (7) *Maximum height of structures.* Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(G); Ord. No. 95-47, §§ 14, 15, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 14, 15, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-03, § 3, 1-11-00; Ord. No. 2002-49, § 9, 9-17-02; Ord. No. 2003-03, § 10, 1-14-03; Ord. No. 04-29, § 10, 8-5-04; Ord. No. 2004-52, § 8, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 13, 12-6-07; Ord. No. 2010-22, § 12, 11-23-10; Ord. No. 2014-30, § 3, 10-2-14)

Sec. 62-1157. - Submission of binding development plan in support of request for change of zoning or conditional use permit.

An applicant for a change of zoning or a conditional use permit may voluntarily submit a binding development plan in support of such change of zoning or conditional use permit.

- (1) Basic requirements for a binding development plan are as follows:
 - a. The plan shall provide a legal description of the land subject to the restriction.
 - b. Where a concurrency issue is addressed by the binding development plan, the plan shall specify a time certain for performance by the property owner.
 - c. The plan shall provide a written description of the particular conditions, restrictions or requirements placed on the property prior to development.
 - d. The binding development plan shall also include a conceptual graphic representation, when applicable, of the proposed development, depicting all restrictions stipulated in subsection (1)c of this section.
 - e. Where a binding development plan is submitted, approval of the zoning action shall be contingent upon the presentation of a final and complete binding development plan and acceptance of the plan by the board of county commissioners.
 - f. If appropriate, the document should state the level of development permitted. The document shall specify that no further development shall be permitted without a waiver or release of the restrictions by the county. Any restriction stipulated in the binding development plan shall not be less restrictive than requirements of existing codes and regulations.
 - g. The document shall be recorded by the applicant in the public records of the county, and a certified copy of the recorded document shall be supplied to the zoning division within 120 days of approval by the board of county commissioners. Approval of the zoning action is not effective until such criteria are satisfied. If the applicant fails to record the binding development plan prior to the expiration of 120 days from the date of approval by the board of county commissioners, then the application will be considered to have been withdrawn.
- (2) Before entering into, amending or revoking a binding development plan, or amending, revoking or removing an existing binding site plan where rezoning is not also under consideration, two public hearings shall be held. The first public hearing shall be held by the local planning agency, and the second public hearing shall be held by the board of county commissioners. The notice requirements for rezoning of property contained in section 62-1151 shall apply. However, the notice shall describe generally the proposed binding development plan or the proposed amendment to the binding development plan rather than the proposed amendment to the official zoning map which is referenced in section 62-1151.
- (3) The public hearings described in subsection (2) of this section shall be conducted and the item considered as required in section 62-1151 and the 1988 county comprehensive plan, as amended. However, the review shall be of the proposed binding development plan or the proposed amendment to the binding development plan rather than the proposed zoning classification referenced in section 62-1151.
- (4) Existing binding site plans shall be treated as binding development plans insofar as they are consistent with the 1988 county comprehensive plan, as amended, and more restrictive ordinances of the county, and the plans shall continue to be binding on the applicant and his assigns, heirs and successors in title or possession of the lot, tract or parcel of land. However, at the time such binding site plans are amended, the plan shall be converted to the form of the binding development plans required under this section.

(Code 1979, § 14-20.23; Ord. No. 98-56, § 1, 11-30-98)

Cross reference— Business tax, § 102-26 et seq.

State Law reference— Florida Local Government Development Agreement Act, F.S. § 163.3220 et seq.

Sec. 62-1255. - Establishment of zoning classifications and consistency with comprehensive plan.

(a) *Zoning classifications established.* Within the unincorporated areas of the county, the following zoning classifications are hereby established, such zoning classifications being created under this article or being zoning classifications incorporated by reference under this article:

- (1) Unimproved, agricultural and residential zoning classifications:
 - a. General use zoning classification, GU.
 - b. Productive agricultural zoning classification, PA.
 - c. Agricultural zoning classification, AGR.
 - d. Agricultural residential zoning classification, AU.
 - e. Rural estate use residential zoning classification, REU.
 - f. Rural residential zoning classification, RR-1.
 - g. Suburban estate residential use zoning classification, SEU.
 - h. Suburban residential zoning classification, SR.
 - i. Estate use residential zoning classifications, EU, EU-1 and EU-2.
 - j. Single-family residential zoning classifications, RU-1-13 and RU-1-11.
 - k. Single-family residential zoning classification, RU-1-9.
 - l. Single-family residential zoning classification, RU-1-7.
 - m. Single-family attached residential zoning classifications, RA-2-4, RA-2-6, RA-2-8 and RA-2-10.
 - n. Residential-professional zoning classification, RP.
- (2) Multiple-family residential zoning classifications:
 - a. Low-density multiple-family residential zoning classifications, RU-2-4, RU-2-6 and RU-2-8.
 - b. Medium-density multiple-family residential zoning classifications, RU-2-10, RU-2-12 and RU-2-15.
 - c. High-density multiple-family residential zoning classification, RU-2-30.
- (3) Mobile home residential and recreational vehicle park zoning classifications:
 - a. Rural residential mobile home zoning classifications, RRMH-1, RRMH-2.5 and RRMH-5.
 - b. Single-family mobile home zoning classifications, TR-1 and TR-1-A.
 - c. Single-family mobile home zoning classification, TR-2.
 - d. Mobile home park zoning classification, TR-3.
 - e. Single-family mobile home cooperative zoning classification, TRC-1.
 - f. Recreational vehicle park zoning classification, RVP.
- (4) Planned unit development zoning classifications:
 - a. Planned unit development zoning classification, PUD.
 - b. Residential planned unit development zoning classification, RPUD.
- (5) Commercial zoning classifications:
 - a. Restricted neighborhood retail commercial zoning classification, BU-1-A.
 - b. General retail commercial zoning classification, BU-1.
 - c. Retail, warehousing and wholesale commercial zoning classification, BU-2.
- (6) Tourist commercial and transient commercial zoning classifications:
 - a. General tourist commercial zoning classification, TU-1.
 - b. Transient tourist commercial zoning classification, TU-2.
- (7) Industrial zoning classifications:
 - a. Planned business park zoning classification, PBP.
 - b. Planned industrial park zoning classification, PIP.
 - c. Light industrial zoning classification, IU.
 - d. Heavy industrial zoning classification, IU-1.
- (8) Special zoning classifications:

- a. Environmental area zoning classification, EA.
- b. Government managed land zoning classification, GML.
- c. Institutional zoning classification, IN.

(b) *Consistency of zoning classifications with comprehensive plan.* The 1988 county comprehensive plan establishes specific future land use designations, which are depicted on the future land use map within the future land use element. The future land use element also has policies and criteria which delineate how the various designations shall be applied. The zoning classifications depicted on the official zoning map of the county shall be consistent with the future land use map and the policies and criteria relating to the application of future land use designations on the future land use map.

(1) *Future land use designations.*

- a. *Residential.* Residential uses include single-family detached, single-family attached, multiple-family, recreational vehicle park and mobile home developments.
 - 1. Residential 30:
 - A. Maximum, unless otherwise provide herein: 30 units per acre.
 - B. Merritt Island redevelopment area: Development containing a mixture of uses: 50 units per acre per policy 1.3(B)(2) of the Future Land Use Element.
 - C. Redevelopment district: 37.5 units per acre per policies 1.3(B)(1) and 11.2(F) of the Future Land Use Element.
 - D. Planned unit development: 37.5 units per acre per policy 1.3(C) of the Future Land Use Element.
 - 2. Residential 15:
 - A. Maximum, unless otherwise provide herein: 15 units per acre.
 - B. Redevelopment district: 18.75 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 18.75 units per acre per policy 1.4(E) of the Future Land Use Element.
 - 3. Residential 10:
 - A. Maximum, unless otherwise provide herein: 10 units per acre.
 - B. Redevelopment district: 12.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 12.5 units per acre per policy 1.5(E) of the Future Land Use Element.
 - 4. Residential 6:
 - A. Maximum, unless otherwise provide herein: 6 units per acre.
 - B. Redevelopment district: 7.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 7.5 units per acre per policy 1.6(D) of the Future Land Use Element.
 - 5. Residential 4:
 - A. Maximum, unless otherwise provide herein: 4 units per acre.
 - B. Redevelopment district: 5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 5 units per acre per policy 1.7(D) of the Future Land Use Element.
 - 6. Residential 2:
 - A. Maximum, unless otherwise provide herein: 2 units per acre.
 - B. Redevelopment district: 2.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 2.5 units per acre per policy 1.8(D) of the Future Land Use Element.
 - 7. Residential 1:
 - A. Maximum, unless otherwise provide herein: 1 unit per acre.
 - B. Redevelopment district: 1.25 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 1.25 units per acre per policy 1.9(D) of the Future Land Use Element.
 - 8. Residential 1:2.5: 1 unit per 2.5 acres.
- b. *Neighborhood commercial.* Appropriate uses within the neighborhood commercial designation are specified in the Future Land Use Element. Residential densities shall be subject to the conditions set forth in the Future Land Use Element.
- c. *Community commercial.* Appropriate uses within the community commercial designation are specified in the Future

- Land Use Element. Residential densities shall be subject to the conditions set forth in the Future Land Use Element.
- d. *Planned industrial.* Appropriate uses within the planned industrial designation are specified in the Future Land Use Element.
 - e. *Heavy/light Industrial.* Appropriate uses within the heavy/light Industrial designation are specified in the Future Land Use Element.
 - f. *Agricultural.* Appropriate uses within the agricultural designation are specified in the Future Land Use Element. Residential densities shall not exceed one dwelling unit per five acres.
 - g. *Public facilities.* Appropriate uses within the public facilities designation are specified in the Future Land Use Element.
 - h. *Recreation.* Recreation uses include all public parks and recreational facilities.
 - i. *Public conservation.* Conservation land uses include lands under the ownership of the county, the St. Johns River Water Management District or other such agencies for the purpose of environmental protection and lands within the environmental area (EA) zoning classification. Residential densities shall not exceed one unit per 50 acres.
 - j. *Private conservation.* Conservation land uses include lands under private ownership and are zoned (EA) zoning classification. Residential densities shall not exceed one unit per ten acres.
 - k. *Developments of Regional Impact (DRI).* DRI land uses include lands that have an adopted Development Order pursuant to the requirements of Chapter 380, Florida Statutes, Chapters 9J-12 and 28-24 Florida Administrative Code and applicable local ordinances.

(2) *Consistency with future land use map.* The following table depicts where the various zoning classifications can be considered based upon the geographic delineation of future land uses on the future land use map and locational criteria defined in the policies of the future land use element of the 1988 county comprehensive plan. Where an application for a change of residential zoning classification is not consistent with the residential future land use map designation as depicted on the following table, the rezoning may be considered if the applicant limits the project to a density equal to or less than the maximum density threshold for the subject property.

EXHIBIT A. CONSISTENCY OF ZONING CLASSIFICATIONS WITH FUTURE LAND USE MAP SERIES

Zoning Classifications	Land Use Designations																			
	Agric	Res 1:2.5	Res 1	Res 2	Res 4	Res 6	Res 10	Res 15	Res 30	NC	CC	PI	H/L	PUB	REC	PR CON	PUB CON			
GU, PA, AGR, RRMH-5, PUD, RPUD, RVP	Y									Y*		N		N						
AU, REU, RRMH-2.5	N	Y									Y*		N		N					
ARR, RR-1, SEU, RRMH-1	N		Y									Y*		N		N				
SR, TR-2	N			Y									Y*		N		N			

EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4	N	Y	Y*	N	N
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6	N	Y	Y*	N	N
RU-2-8, RA-2-8 RA-2-10, RU-2-10	N	Y	Y*	N	N
RU-2-12, RU-2-15	N	Y	Y*	N	N
RU-2-30	N	Y	Y*	N	N
BU-1-A, IN	Y**		Y**	N	N
RP	N	Y**	Y	N	N
BU-1, TU-1, TU-2	N		N	Y	N
BU-2	N		N	Y	Y**
PBP	N		N	Y	Y
PIP	N		N	Y	N
IU, IU-1	N		N	N	Y
EA, GML	Y		Y	Y	Y

Land Use Designations	
Agric—Agriculture	NC—Neighborhood Commercial
Res 1:2.5—Residential (one unit per 2.5 acres)	CC —Community Commercial

Res 1—Residential (one unit per acre)	PI—Planned Industrial
Res 2—Residential (two units per acre)	H/L—Heavy/Light Industrial
Res 4—Residential (four units per acre)	PUB—Public Facilities
Res 6—Residential (six units per acre)	REC—Recreation
Res 10—Residential (ten units per acre)	PR CON—Private Conservation
Res 15—Residential (fifteen units per acre)	PUB CON—Public Conservation
Res 30—Residential (thirty units per acre)	
<i>Explanation of Symbols</i>	
Y—Yes, classification may be considered.	
Y*—Yes, classification may be considered, if permitted by Policy 2.13 of the Future Land Use Element.	
Y**—Yes, classification may be considered if use is transitional, per Policy 2.14 or if permitted by Policy 2.17 of the Future Land Use Element, as applicable.	
N—No, classification may not be considered.	

(Code 1979, § 14-20.07; Ord. No. 99-07, § 8, 1-28-99; Ord. No. 2000-38, § 1, 8-1-00; Ord. No. 2002-01, § 4, 1-8-02; Ord. No. 04-29, § 2, 8-5-04)

ADMINISTRATIVE POLICIES

Administrative Policy 1

The Brevard County zoning official, planners and the director of the planning and zoning staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether

substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of service will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial

review application for development approval presented to the Board including rezoning, conditional use permits and vested rights determinations.

**NORTH MERRITT ISLAND
DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on Thursday, March 9, 2017, at 6:15 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

Board members present were: Jack Ratterman, Chairman, Pro-tem; Catherine Testa; Chris Cook; Gina Lindhorst; and Ted Balke.

Staff members present were: Cindy Fox, Zoning Manager; and Jennifer Jones, Special Projects Coordinator II

APPROVAL OF JANUARY 12, 2017, MINUTES

Motion by Catherine Testa, seconded by Chris Cook, to approve the minutes of January 12, 2017. The vote passed unanimously, with Ted Balke abstaining.

IV.B.1. (17PZ00006) – LUTHERAN CHURCH EXTENSION FUND – MISSOURI SYNOD – (Blain Nelson) – requests a change of classification from IN(L) to BU-1-A on 8 acres, located on the west side of N. Courtenay Pkwy., approx. 200 ft. south of Church Rd. (5455 N. Courtenay Pkwy., Merritt Island)
NMI Recommendation: Balke/Testa – Approved. Vote was unanimous.

Blain Nelson, 5335 North Courtenay Pkwy., Merritt Island, stated he is the potential purchaser of the subject property, and he is the owner of Nelson Engineering, which is on the property just to the south that he rezoned from AU to BU-1-A 12 years ago. He said the church is financially distressed, so the Missouri Extension Fund took control of the property in lieu of foreclosure and then put it up for sale. His company has been expanding and when the church property went up for sale he thought it was a natural fit for him to buy the property, which is approximately 20,000 square feet. He stated he approached the church in October and negotiated a deal that was favorable for everybody, but it was contingent upon rezoning so it could be used as an engineering office instead of a church. He closed by saying he anticipates continuing to be a good neighbor to the North Merritt Island residents.

Ted Balke asked if Mr. Nelson will be re-designing the exterior. Mr. Nelson replied, not for the time being, but ultimately he would like to put in some windows on the south side of the church to allow for more natural light, and replace the doors with hurricane-rated doors that have natural light, but the actual roof/structure portion would not be re-designed.

Gina Lindhorst asked if the use of the church building is the only thing that will change. Mr. Nelson replied, yes, BU-1-A allows for an engineering office. Mr. Balke noted that Mr. Nelson might want to put a connection between the two buildings, such as a sidewalk. Mr. Nelson said yes, he would like to do that. Chris Cook asked if there will be any heavy equipment parked on-premises. Mr. Nelson replied, no. Mr. Balke asked if the empty lot will remain the same. Mr. Nelson replied, yes. Catherine Testa asked if there are plans to develop the empty lot to the north. Mr. Nelson replied, in the future, if it is BU-1-A and the community things it is something good to do, he might consider it, but right now there is no intent.

Ms. Testa asked staff how much they could develop. Cindy Thurman replied BU-1-A has large setbacks and would not allow for retail use, so it would be professional offices.

Mr. Nelson explained that the first floor of the current building is the executive offices and some of the administrative space. Most of the engineering work is upstairs, and about 2,800 square feet is all they have right now, but the church, just in the daycare portion itself, is about 5,400 square feet, so it almost doubles the usable size from an engineering aspect. Inside the church is the gymnasium, and his current plan for that is to leave it exactly like it is, as he doesn't anticipate needing that space at this point, but if the company continues to grow he will look at using portable offices.

Kim Smith, representing the North Merritt Island Homeowners Association, PO Box 542372, Merritt Island, stated the HOA supports the request.

Motion by Ted Balke, seconded by Catherine Testa, to approve the change of classification to BU-1-A. The vote was unanimous.

IV.B.2. (17PZ00005) NAJJAD, INC. – (Noel Droor) – requests a change of classification from SEU with an existing BDP, to EU-2 with an amended BDP limited to two (2) units per acre, on 26.11 acres, located on the north side of Smith Rd., approx. 0.12 mile east of N. Courtenay Pkwy. (No assigned address. In the Merritt Island area.)

NMI Recommendation: Lindhorst/Balke – Denied. Vote was unanimous.

Noel Droor, Droor and Associates, 580 N. Wickham Rad, Melbourne, stated he is requesting rezoning on a parcel off of Smith Road, which is like a flag lot with 26 acres and an 85-ft. stem that connects to Smith Road, and a 66-ft. easement through the Moose Lodge. He noted to the north is a 40-acre property owned by Harvey's Groves that was recently rezoned to EU-2, which is what he is requesting in order to be conforming to what was granted to Harvey's Groves; otherwise, the lots he is proposing are much larger than EU-2 zoning, it is more compatible with EU and larger. He stated that within a one mile radius there is commercial, and two units per acre, and the only large parcels are the six or seven on Smith Road. He continued, the access to the development will be through Smith Road, which has a traffic light onto North Courtenay, and part of Smith Road is paved all the way to the convenience store, so as part of this development the remaining portion of Smith Road will be paved to the development, and there is adequate right-of-way available to pave. He said based on the staff report, the traffic generated will be 221, versus the 182 it is currently, so the Level of Service is only 35% up to what is allowed, so an increase in traffic should not be an issue. He stated he believes he meets all the policies, as there is adequate water and sewer available, and as far as compatibility, it is all commercial or two units per acre, with the exception of the properties on Smith Road, which his development should not affect. He pointed out it is not the size of the lots that determine the value of the property, it is the quality of development that will determine the value, and if done correctly it would keep or increase in value. The proposed subdivision will be curbed and guttered and have sidewalks and anything else required by the County, and the access will be a median boulevard from Smith Road, which would remain the same even with the current zoning. He noted there are two wetlands on the site that will have a 25-foot buffer, so they will be preserved and not encroached.

Cindy Thurman noted with the rezoning Mr. Droor could potentially have 52 homes, but he is limiting himself to 40 homes. Mr. Droor said that is correct, with the existing zoning there is a BDP and what he is proposing is to cap the number of units to 40, on 1/3-acre lots or larger, and reiterated that the reason he is asking for EU-2 and not EU is to be consistent with what was approved to the north. He added that he's attended community meetings and is trying to be a good neighbor.

Jack Ratterman stated for the record that Mr. Cook, Mr. Balke, and himself were at those homeowners' meetings and they all left and were not present during either one of Mr. Droor's discussions. Ms. Testa noted she was not at the meetings at all.

Mr. Droor presented a conceptual plan and demonstrated the following: the dense vegetation is mostly Australian Pines; the access is going to be the median boulevard-type; there are two wetland areas; the property drains to the east; and there is a 66-ft. easement that goes to North Courtenay Parkway that will not be used or needed.

Mr. Ratterman asked if there is going to be a deceleration lane on Courtenay at the intersection of Smith Road, where the traffic light is, as there will be one light for three intersections. Mr. Droor stated he isn't sure why there is a traffic light there, unless it is because of Grant Road, but the number of trips don't warrant a traffic light.

Mr. Balke asked if Mr. Droor is going to connect to the sewage lines that exist on the opposite side of Smith Road. Mr. Droor replied, yes, there will be a pump station.

Jack Ratterman asked how many residents live to the east of where his proposed entrance would be. Mr. Droor replied there are six or seven lots. Mr. Ratterman asked what the projected lot size will be in the development. Mr. Droor replied they will be 15,000 square feet or larger.

Catherine Testa stated the proposed BDP does not limit the development to 40 units, it still says two units per acre, which means it could be 52 units. Ms. Thurman pointed out that the BDP is a draft at this time, and a voluntary agreement, but the staff comments summary discusses adding the 40-lot limitation to the BDP. Ms. Testa stated the proposed BDP says the developer would no longer be responsible for the proposed public rights-of-way, and asked if he is responsible for the road, or if the County will have to pay for the roads within the development. Ms. Thurman advised it is the property owner's option to develop as a subdivision where they dedicate the roads over to the public and the County has no option but to take them, but the other option would be to have a gated community with private roads owned and maintained by the HOA. Ms. Testa asked if the existing BDP was for a gated community. Mr. Droor replied, yes, it was meant to be a gated community. Ms. Testa asked if it is not going to be gated now, will the County have to pay for the roads within. Mr. Droor replied, no, he has to put the roads in per County specification and put a bond on them to maintain them, and after a year the County will pick up the roads as maintenance, because that's where the taxes go, just like any other road or subdivision.

Chris Cook asked if Mr. Droor would be obligated to connect to the sewer line. Mr. Droor replied if sewer is available it makes sense to connect. Ms. Thurman pointed out that larger lots have septic, and some of the new development on North Merritt Island over time will be smaller lots because it is possible now because of sewer.

PUBLIC COMMENT

Earl McMillan, 150 Smith Road, distributed a map showing where the seven residences are on Smith Road. He stated Mr. Droor's application says the property to the north that was rezoned a year ago will accommodate 222 homes, but that is not correct, as it will only accommodate 56 homes. He continued, as for 52 homes on 40 acres, once subtracting for roads and retentions, you only get about 40 homes. He stated there is a left turn lane on Courtenay southbound to get into Smith Road, but there's no left turn arrow; Smith Road is only paved from Courtenay to the border of the Tidwell property and the gas station; from Courtenay, Smith Road goes up, then down past the Tidwell property, and bottoms out where the flag access would be, then goes up again; and whatever water comes down the flag, it will wind up in the declivity. He mentioned the garbage trucks that have to back down Smith Road, and pointed out there will have to be a stop sign for the traffic coming out of the proposed subdivision. He said no one on Smith Road has a problem with Mr. Droor going forward with what he promised in 2005 with 18 homes, as everyone understood there would be development on that property. He noted the residents on Smith Road generate 66.5 vehicles; Mr. Grivas will have traffic from 40 vehicles running up and down beside his property; there would be a 257% increase in traffic with 18 units; and with 40 units there will be a 57% increase. He said he has seen in the past that people rezone their property and then sell it, and if Mr. Droor's property is rezoned to EU-2, the 56 lots to the north can join with Mr. Droor's 40 lots and use the traffic light at Smith Road, and then there will be 96 homes coming down the flag stem. He said the rezoning of the property to the north is not an argument for rezoning the NAJJAD property, it is an argument against it. He closed by saying the Smith Road residents are asking that Mr. Droor be held to the promises he said he would keep.

Anita Blasky, 205 Smith Road, said she objects to the rezoning. She said she bought her property in 1977 because of the rural nature, wildlife, and serenity. She added that in the early 2000's Mr. Parrish broke up his orange groves on the north side of Smith Road and sold 2.5 acre lots. In 2007, there was one owner who

owned two lots, and he wanted to combine his two lots and break it into two houses per acre, but the Smith Road residents fought it and it was denied.

Tim Rowel, 195 Smith Road, stated he doesn't object to the existing zoning of one acre lots for the subject property, but he does object to the proposed rezoning to half-acre lots, and he objects to the detriment of his property value. He noted all the other developments have an entrance that goes straight out to S.R. 3, which would make much more sense because of the zero impact it would have on the Moose Lodge. He said he believes if there are one-acre lots with bigger homes Mr. Droor would make as much money as he would otherwise because of the fill dirt. He concluded by saying the entrance off of Smith Road would impact everyone on Smith Road.

Angela Armstrong, 200 Smith Road, said she has been a real estate broker for over 17 years, and she chose her 11-acre property in 2012 because it was quiet and peaceful, but now two of the houses in the proposed subdivision will be in her backyard. She said she and her husband have made a lot of improvements and now have over 4,000 square feet and the assessed property value is over \$500,000. She stated it is not possible to get \$300,000 for a 1,500 square-foot home because appraisers and price per square foot have to be taken into consideration, and a bank is only going to loan so much at that price point. She urged the board to think the rezoning through, and stated she is fine with the existing BDP, but changing everything Mr. Droor agreed to in 2005 is not going to be in the best interest of the area.

Jim Sirois, 170 Smith Road, stated he has no issues with one house per acre behind him other than the access and drainage, and he doesn't think a median-divided boulevard is compatible to Smith Road because the runoff will come down that road and hit the dirt road and wear it out where the two join together, which will cause ruts and exceed the limits of the culverts. He mentioned the garbage trucks and other large vehicles that have to back down Smith Road, and that traffic backs up getting onto Courtenay in the afternoon because of the bridge. He said it would be more aesthetically pleasing to have the access north of the Moose Lodge and then have a retention pond where the proposed ingress/egress will be. He said he is happy with one house per acre, but a 1,500 square-foot house behind him will diminish the value of his 4,400 square-foot house.

Mike Hirkala, 4618 Woodstork Drive, stated densities are not increased for the good of the community, because increased densities mean lowering the potential of enjoying your home and property, and the more densities you have, the more impacts you develop. He said development in the area should remain at one acre.

Doug Jewel, 160 Smith Road, stated he and his wife moved to North Merritt Island in 2008 and their home is their sanctuary. He said they expected to have neighbors who had one house per acre, with 3,000 square-foot homes, now he finds out there will be 1,500 square-foot homes at two per acre and high traffic on Smith Road, and he strongly objects. He mentioned the number of accidents at the intersection of Smith Road and S.R. 3, and stated if the rezoning is approved there will be an increase in the number of accidents.

Scott Armstrong, 200 Smith Road, talked about the traffic study and stated the counter was put ahead of the turn lane into the gas station, so the numbers are wrong. Ms. Thurman pointed out that the counter he is referring to is not based on Mr. Droor's project, it is an annual count that the County does on all the roads all over the county. Staff does a preliminary analysis based on the current traffic trips through the Space Coast Traffic Transit Authority and through the Metropolitan Planning Organization, and all of those numbers come from FDOT who also creates their own numbers which they get their own counts for and review them.

Terri Sirois, 170 Smith Road, stated she and her husband chose Smith Road knowing about the possible development to the north and they can live with one house per acre behind them, but now the rules have changed and it is not fair. She mentioned the large trucks and emergency vehicles that have to back down Smith Road because they cannot turn around.

Chris Cook asked staff if there is a required turning radius for emergency vehicles. Ms. Thurman replied, yes, land development regulations require if an emergency vehicles have to travel more than 150 feet there has to be a turn radius allowance on the property to get out.

Larry Rockliff, 3255 Spartina Avenue, stated there are three topics that apply to Florida land development regulations: concurrency, consistency, and compatibility. Concurrency deals with transportation, and these residents have a very valid point when they talk about the gridlock that will occur at the traffic light. He said growth should be responsible and fit in with the overall comprehensive plan for North Merritt Island. The proposed property should be buffered or blocked off so there isn't a 2.5-acre property that backs up to a half-acre property. He encouraged the board to have the developer come up with something more compatible and consistent.

Kim Smith, North Merritt Island Homeowners Association, stated the HOA is fine with the current SEU zoning and BDP, but the HOA cannot support the request for EU-2, based on the Administrative Policies, and they ask that the property be zoned appropriately with no additional BDP restrictions.

Mr. Droor clarified that 1,500 square-feet is the minimum house size in EU-2, but he did not say he was going to build 1,500 square-foot homes. He said he would put in a paved road wide enough to meet County standards for large vehicles, but if there's a problem with trucks on Smith Road it is not because of the proposed development.

Ms. Testa asked Mr. Droor why he has not chosen to use the access to the north of the Moose Lodge. Mr. Droor replied the County does not allow a public subdivision from an easement, and also, it is safer to be at a traffic light and not have to make a U-turn.

Mr. Cook reminded everyone that the board is an advisory board that advises the County Commission, so the neighbors need to write the Commissioners to let them know how they feel. He pointed out that the area is a barrier island in a flood plain and very environmentally sensitive. He mentioned heavy traffic in other parts of the County and said the purpose of North Merritt Island board is to look ahead and prevent that from happening on North Merritt Island, but they have guidelines from the County because Mr. Droor can sell his property tomorrow.

Ms. Lindhorst stated having a stepping stone to density is a good thing, but there is no stepping stone process here, and knowing that the water drainage going from the middle of Courtenay to the east is going to be bad for all the properties to the east of the subject property.

Mr. Balke stated the Small Area Study was done on the entire area and it has emphatically shown the growth that should take place on North Merritt Island, and the County needs to finish the study and release it, and until then he is reluctant and resistant to see these continuous changes being made.

Ms. Thurman responded staff has been waiting for the newest data to come out. One staff person started the small area study, and another person finished it, but the study the board will get is the best and most comprehensive study staff has done. She pointed out that the subject property tonight, and the one's the board has seen changed over the last year, would not be affected by the recommended changes in the small area study, as they were already established at lower zonings, and the study focused on large, agricultural, grove areas. She mentioned the current BDP on the subject property and stated the owner now wants to enhance his property and change the BDP, but the problem is that there is EU-2 already on the map, so if the board doesn't want the smaller zonings, it should not entertain BDPs, because BDP's can be changed and removed. She pointed out that BDP's are very specific to the property and often do not even deal with density, so the board should be careful going forward because the zoning ends up on the map and sets a precedent because it is established, with or without a BDP.

Ms. Testa asked how a BDP cannot be binding. Ms. Thurman replied, it is a binding contract between the property owner and the county that is stipulated to run with the land, but it can be amended, changed, or revoked at any time.

Ms. Testa said if the property has already been rezoned it can be rezoned again and again, and that concerns her. She said she doesn't understand why Mr. Droor can't develop 18 beautiful homes and sell them for a lot of money, versus smaller homes on smaller properties.

Motion by Gina Lindhorst, seconded by Ted Balke, to deny the request. The vote was unanimous.

Cindy Thurman mentioned to the audience that the request will go to the County Commission for final hearing on April 6th at 5:00 p.m.

Upon consensus, the meeting was adjourned at 7:48 p.m.



«Back to Main Site

Welcome

Meetings

Discussion

Media

Boards+

Print This Page

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**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA**

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 3, 2017 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

INVOCATION

The invocation was provided by Rabbi Sanford Olshansky, Adjunct Instructor at the University of Central Florida.

PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

ITEM 1.A., RESOLUTION, RE: RECOGNIZING LADONNA A. GRIFFIN FOR HER 30 YEARS OF SERVICE WITH THE BREVARD COUNTY SUPERVISOR OF ELECTIONS

Lori Scott, Brevard County Supervisor of Elections, stated this Resolution is for LaDonna Griffin who has been an employee for the Elections Office for 30 years, and in politics that is like 150 dog years; working in Elections is a tough job and she cannot imagine all that Ms. Griffin has done, the elections she has run, and the changes that she has seen in 30 years; she is here today to be honored as well as her family because she could not have done what she has done for the voters of Brevard County without the love and support of her family; and she is an invaluable asset to the voters of Brevard with her passion.

Chairman Smith presented LaDonna Griffin with the Resolution.

The Board approved Resolution No. 17-132, recognizing LaDonna A. Griffin for her 30 years of service with the Brevard County Supervisor of Elections Office.

RESULT:

ADOPTED [UNANIMOUS]

R-286

MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.1., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARD

The Board appointed/reappointed Cynthia Thurman to the Merritt Island Redevelopment Agency (MIRA), with term expiring December 31, 2020.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM III., PUBLIC COMMENTS

Charles Tovey stated he wrote on property rights, he does not know what is on the Agenda because there is only a brief description of the Items; he wants to express his concern of the property now known as Palm Shores and the environmental condition, it is being destroyed; all the things that he has presented prior to this, and the past Commission, in the eight years; he thanked Commissioner Tobia for his initiative for looking into the Community Redevelopment Agency (CRA) monies and finding \$100,000 that was embezzled from the taxpayers, roads, schools, and everything; and he inquired if there is fire why does the County not look into the smoke, he does not know because he has been deprived of his right to live because of the development in Palm Shores. He continued the County tore out his waterline, murdered all of his pets, and destroyed everything he has; the County took everything he owned three years ago and left him for dead with no way to make a living or sustain himself; he inquired why the County did this and to tell him what he did; he stated all the concerns everybody else has, they have rights and issues but the County does not let him turn around; it makes sure he puts his address on the public speaking card, but it will not look into \$100,000 while it destroys the environment and his property; Palm Shores is an environmental priceless area in Florida and he will, he is working on it, submit the information; and he has witnesses of them filling in the lakes, cementing in the springs, and all the wildlife things. He went on to say he is against, even though he is deprived of going into Palm Shores or going to any other County meeting, he is against it and he wanted to express that whole heartedly; he has books and files of all kinds of information that is being neglected just like the CRA monies that he filed the report on and nobody looked into it except the great Commissioner Tobia; and the County was just going to brush it under the rug and let it continue happening, meanwhile people are being shot because they do not have a light on their bike or did a traffic infraction, but the County is not going to investigate \$100,000. He stated if that is happening what else is happening in that little town of Palm Shores; he was not in Palm Shores and that is why he put on his card, property rights; he inquired what he is allowed to do; and he commented he has to stay outside his house every day since 2009.

Mary Sphar stated she is here because there is an opportunity to improve the health of the Indian River Lagoon (IRL) and this opportunity only rises once every seven years; the IRL project plan, the scientists weighed in on what is needed to be done and she has provided a quote from 5.1 of the project plan; scientists continue to voice concerns about the restoration of the IRL in the absence of regulatory reform needed to prevent new development from adding more septic systems and storm water pollution to the Lagoon; therefore, she believes update regulations are needed as a compliment to the plan to ensure timely and sustained success in restoring the health to the IRL. She noted the County is spending \$302 million on the project plan; but they say that updated regulations are needed to compliment the plan; the opportunity that has arisen is the devaluation appraisal process and the County has a chance to change the Comprehensive Plan to help the IRL; there are several ways for the County to do that; and she wants to know how concerned citizens and groups, such as the Marine Resources Council, the Indian River Lagoon Coalition, the Sierra club, and League of Women Voters at Space Club, can participate in submitting ideas for the Comprehensive Plan and how they can be involved in the discussions before it gets to the local planning agency.

ITEM IV.A., CONTINUE TO 12/7/17 BCC MEETING AT THE REQUEST OF THE APPLICANT; SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, RE: RESIDENTIAL 15 TO COMMUNITY COMMERCIAL - LTM OF FLORIDA HOLDING, LLC (KIM REZANKA) (17PZ00041)

Erin Sterk, Planning and Zoning, stated she is requesting to advance the following Items: IV.A., IV.B., IV.D., and IV.O.; Items A and B have been requested by the applicant to be continued to the December 7, 2017, Board of County Commissioner meeting.

There being no further comments of objections, the Board continued the request by LTM of Florida Holding, LLC for Small Scale Comprehensive Plan Amendment from Residential 15 to Community Commercial to the property located at the north end of Dixie Highway, approximately 0.22 mile west of U.S. Highway 1, in the Palm Shores area, to the December 7, 2017, BOCC meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.B., CONTINUE TO 12/7/17 BCC MEETING AT THE REQUEST OF THE APPLICANT; CHANGE OF ZONING CLASSIFICATION, RE: GU TO BU-2 - LTM OF FLORIDA HOLDING, LLC - (KIM REZANKA) (17PZ00041)

There being no further comments of objections, the Board continued the request by LTM of Florida Holding, LLC for change of a zoning classification from GU to BU-2 to the property located at the north end of Dixie Highway, approximately 0.22 mile west of U.S. Highway 1, in the Palm Shores area, to the December 7, 2017, BOCC meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.D., CONTINUE TO 9/7/17 BCC MEETING; REMOVAL OF BINDING DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT, RE: STEPHEN PROCTOR MANGUM; JULIAN SIDNEY MANGUM, JR.; AND SANDRA E. BAKER - (HARVEY BAKER) (17PZ00059)

Erin Sterk, Planning and Zoning, stated this Item is requested to be continued to the September 7, 2017, Board of County Commissioner meeting; and it is for the removal of a Binding Development Plan (BDP) and Conditional Use Permit (CUP).

There being no further comments or objections, the Board continued the request of Stephen Proctor Mangum, Julian Sidney Mangum, Jr., and Sandra E. Baker, to remove the BDP and CUP for the property located at 1740 West King Street, Cocoa, to the September 7, 2017, Planning and Zoning meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.O., CHANGE OF ZONING CLASSIFICATION, RE: SEU TO EU-2 - NAJJAD, INC (NOEL DROOR) (17PZ00005)

Erin Sterk, Planning and Zoning, stated this is a proposal for a change of zoning classification from SEU to EU-2; there was a procedural defect in that this Item was not scheduled for the Planning and Zoning Board; staff caught this and she is recommending that the Board table the Item back to Planning and Zoning; and the Item can be heard at the LPA meeting on August 21, 2017, and could make it to the September 7, 2017, Board of County Commissioner meeting.

Eden Bentley, Deputy County Attorney, stated the Code does require that this particular Item, because it is an increase in Residential Density, that it go from the North Merritt Island Advisory Board to the Planning and Zoning Board, and then to the Board of County Commissioners; and to keep the procedure clean under the Code it needs to go back to the Planning and Zoning Board.

There being no further comments or objections, the Board tabled a request by NAJJAD, Inc., for a zoning classification change from SEU to EU-2 for the property located on the north side of Smith Road, approximately 0.12 mile east of North Courtenay Parkway, on Merritt Island, to the Planning and Zoning Board LPA meeting on August 21, 2017.

ITEM IV.C., CHANGE OF ZONING CLASSIFICATION, RE: RU-1-11 TO RU-1-9 - RJJAC HOMES, LLC - (ROBERT DONOVAN) (17PZ00051)

Erin Sterk, Planning and Zoning, stated this Item is a proposal for a change of zoning classification from RU-1-11 to RU-1-9; it is a proposal on .576 acre on North Tropical Trail, North Merritt Island, proposing to split one lot into

three; and the applicant is in attendance.

Commissioner Barfield stated for the record, it is consistent with the future land use and with required minor subdivision application.

There being no further comments or objections, the Board approved a request by Robert Donovan for a change in zoning classification from RU-1-11 to RU-1-9 on .576 acre at 1060 North Tropical Trail, North Merritt Island.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobla, Smith, Isnardi

ITEM IV.E., CONDITIONAL USE PERMIT, RE: ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION - I MARKOYIANNIS MANAGEMENT, LLC (LISA FREISMUTH) (17PZ00063)

Erin Sterk, Planning and Zoning, stated this is a proposal for a Conditional Use Permit for Alcoholic beverages for on-premises consumption on .22 acre in Satellite Beach; it is the old Purple Porpoise building; and the proposal is to expand the CUP to allow for the manufacturing of craft beer and spirits on the site. She clarified for the record that the BU-1 zoning classification does not permit the wholesale from the brewery to a customer off-site; it limits the sale from the business to consumer transaction so it must be consumed on-site.

Chairman Smith clarified on-site sales only.

Commissioner Barfield stated he would like to make sure this remains in conjunction with the restaurant.

Lisa Feismuth noted it will be licensed to be an approved Pub, and they will serve food and beer.

There being no further comments or objections, the Board approved the request by I Markoyiannis Management, LLC, for a CUP for alcoholic beverages for on premise consumption for the property located at 1074 East Eau Gallie Boulevard, Satellite Beach..

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.F., SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, RE: PLNIP TO RESIDENTIAL 1 - KENNETH J. AND KIELA R. FRANK (17PZ00067)

Erin Sterk, Planning and Zoning, stated Items F and G are related; this is the proposal for a Small Scale Comprehensive Plan Amendment from Planned Industrial to Residential one on 2.52 acres in North Merritt Island to allow for the development of a single family residence.

There being no further comments or objections, the Board adopted Ordinance No. 17-18, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the eighth Small Scale Plan amendment of 2017, 17S.04, to the future land use map of the Comprehensive Plan; amending Section 62-501 entitled contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the future land use map appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobla, Smith, Isnardi

ITEM IV.G., CHANGE OF ZONING CLASSIFICATION, RE: PIP TO AU - KENNETH J. AND KIELA R. FRANK (17PZ00067)

Erin Sterk, Planning and Zoning, stated this is the companion zoning application to change the zoning classification from Planned Industrial Park to AU for a single family residence.

There being no further comments or objections, the Board approved the request by Kenneth and Klela Frank, to change the zoning classification from PIP to AU on the property located at 1380 D'Albora Road, Merritt Island.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jlm Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.H., CONDITIONAL USE PERMIT, RE: CEMENT, CONCRETE, AND CONCRETE BUILDING PRODUCTS - PREFERRED MATERIALS, INC. (MARK MARINE) (17PZ00068)

Erin Sterk, Planning and Zoning, stated this if for a proposed Conditional Use Permit (CUP) for cement, concrete, and concrete building products by preferred materials on 1.96 acres off of U.S. 1 in Melbourne, to redevelop a concrete ready mix plant.

Robert Schoff stated this proposed plant is behind his property; he knows years ago there used to be a cement plant there and when he built his house it was there originally; at that point in time, it shut down about eight years ago; and now it is being proposed again. He continued his concern is not necessarily really having the plant there because he understands the community needs things like that to build the County, it is the run off of the sand and the water to keep the sand down and not necessarily the machines that they produce it with because obviously there has been some great strides in the quietness of the machines and those types of things and the admissions they put off because they are electric; it is the storage of the sand; currently they have huge piles of asphalt, they use for recycling the asphalt plant, right next to it; now they are going to be putting sand there, and years ago, when it used to be there, he would come out to his black car being totally white in the morning from the sand blowing across; there are no screens or barriers or sound walls currently in place for there, to stop that from happening; and he does deal with some smells from the plant now, which quite honestly he built after the plant was there so he understands it was his responsibility at that point in time. He asked with the environmental issues that the County is having now, with the Lagoon and everything else, adding more runoff from those plants, how that is going to be controlled; he stated part of keeping the dust down is watering it, and that creates the runoff issues; and that is his concern.

Chairman Smith asked staff if anybody could address that with regard to water runoff, and if it is contained on that property.

Ms. Sterk mentioned she thinks in the applicants representative should be able to clarify this; there are County Code requirements that manage that; however, there are also additional Department of Environmental Protection (DEP) requirements that regulates this industry, so perhaps he can add what is above and beyond regulations with DEP.

Chairman Smith noted he knows DEP oversees that particular business.

A representative for the applicant stated what they have learned is the concrete is structured, in the old days it was a little concrete plant on a piece of ground, today it is more tightly regulated; he does a lot of concrete construction plants himself and the sites are set up for drainage; the sites are highly regulated by the DEP; it is monitored and the DEP comes out unannounced and any violations they shut them down; there is nothing anticipated as to runoff, because of the system they do; and he does not see anything else with dust, it would only have to be from airborne products from windy conditions. He pointed out this plant being proposed for a CUP is furthest away from the Roberts' property; he cannot really answer on that because dust storms are dust storms. He added it is highly regulated through the DEP and monitored.

Mark Stahler stated he owns the storage lot directly adjacent to the asphalt plant's property where the cement trucks will be driving; he is approximately 1,000 feet from it, he boards them; there is a dust problem as of right now; he is concerned and would hope they do something to alleviate the dust once they start up because they will have additional piles of probably lime rock, not to mention cement dust which is very corrosive, and some of his tenants have already expressed interest in it because they get covered with lime dust as it is now; he would hope they do something that would wet the piles, and that causes a runoff problem, and not to mention the traffic problem, everyone has probably seen since Grills has opened; everyone makes U-turns right there, which will probably add to the problem; and his main concern is dust and noise.

Bruce Moia stated he is the president of MBG Engineering; being that he is on the Planning and Zoning Board, the Board is probably wondering why he is there speaking since they voted to approve it and bring it to the Board for approval; since then he was hired by some neighboring property owners of it and he also attended the neighborhood meeting the applicant had; upon reviewing the Brevard County Code, he thinks the application is fairly incomplete; it does not address several things in the Code; and specifically this property is not abutting of County or private roadway, it is a landlocked piece of property that its only access is through easement. He continued being the former County Development Engineer for several years for Brevard County, there is a long standing interpretation that commercial and industrial properties cannot access via easement, they have to have direct access onto a roadway; that has not been addressed; another thing he thinks is really important is the performance standards; and he does not believe the applicant has addressed any those. He went on to say those are specific issues, such as smoke, dust matter, vibration, and noise; he does not see anything in their application that addresses any of that whatsoever; as a matter of fact, in their application, they say they will

R-290

operate at the maximum allowable between the hours of 7 a.m. and 10 p.m. but he thinks everybody here knows they will operate outside those hours, because sometimes concrete is made at 3:00 in the morning; he inquired if their operation is at the max during the hours of where it has to be, 75 decibels, then how can they operate where the requirement is 65 decibels, if they are operating outside those hours; and he noted he thinks there is a lot of information they need to present to the Board, it is fairly incomplete, they need time to bring these issues up, and at this time he believes it prudent to table this item until they can bring all that information in a comprehensive manner so everyone can read and understand if they can or cannot meet those standards.

Chairman Smith noted he would like to disclose that he spoke to Mr. Moia on an associated subject, not on this particular subject, but on another subject; and he met in his office on July 31, 2017. He inquired if staff would like to address anything Mr. Moia spoke about.

Ms. Sterk replied they have no indication that any of the performance standards will be violated; the property owner currently has a permit in review right now, above and beyond violating any conditions, to propose a sound barrier around the plant to the north of them, but on the same site; and they are already doing a few things above and beyond violation of Code. She added she does not know how she can speak to something they may do in the future.

Commissioner Isnardi disclosed she also spoke with Mr. Moia on the phone about this matter. She noted he expressed a couple concerns about the dust and that not being addressed in the application.

Commissioner Pritchett stated she received a phone call from Mr. Moia also; he did not share what he was addressing today, but that he was going to bring up tabling an item, but she filed all this before the meeting anyway.

Commissioner Barfield inquired if there is any conflict with Mr. Moia being on the Planning and Zoning Board.

Eden Bentley, Deputy County Attorney, stated he has disclosed his position and he has the ability to come in and represent a person before this Board.

Commissioner Barfield stated that was for his own knowledge.

A representative for the applicant stated as far as the application process, the FDEP is the highest regulating agency in the State of Florida, and they have strict guidelines that they have to follow; he feels in most cases when presenting an FDEP permit to a County, it stipulates the requirements have been met and satisfied through the State of Florida; and 99.9 percent of the time it is recognized by the County stating it is in compliance.

Commissioner Tobia stated this apparently goes back to prior to his tenure on the Commission; he inquired if he could speak to what his position may be on the rezoning of the parcel across the land from the industrial park, the RU-2-15, the 424 units, because it is his understanding that was a point of contention with him and the cement facility when it came before the Planning and Zoning Board; and his question is, if this were to go through, is that objection potentially pulled if it were to come forward, or would he still have that objection.

A representative for the applicant stated he is representing the CB application for the smaller portion of land; Mark Marine is one of the executive owners of the preferred property; and he is here and may be able to offer some assistance in that. He noted it was before his time.

Mark Marine stated Commissioner Tobia is correct; they had a proposal on the property contiguous to him on the west; they obviously went on record being opposed to it, a large apartment complex development that they were opposed to; since then, the developer has spoken to him in his office to talk about potential opportunities; they are still active, he spoke to Mr. Moia on Friday, and they are still very concerned with what it could look like, but somewhere along the way they recognize and acknowledge they do have a right to be able to develop that property, so they would be amenable to some kind of compromise moving forward; he has heard the clerk stating there is a sound curtain being proposed to put up to mitigate some of the dust that has been recognized by some of the property owners; and being a good neighbor, and having an open house to be able to talk to the neighbors, they are being proactive to ensure they can all peacefully coexist. He mentioned yes, they were opposed to the last development but they are amenable to some future opportunities as they recognize they are going to want to develop.

Commissioner Tobia commented he appreciates the answer; he inquired if that were to come forward to the Planning and Zoning meeting, the same 424 units, would he still be opposed if there were no changes to that plan.

Mr. Marine replied assuming there were no changes to that plan, and then his opposition would still be the same.

Commissioner Isnardi stated he had talked about the sound wall; she inquired how effective that is to prevent the dust problem; and she stated it is not just about a dirty car, it is about people breathing in that stuff, and that is a concern for her.

A representative stated for the applicant responded Preferred, as Mark just said, they are just being proactive, they initiated the application process back in April for a proposed sound wall; it is basically a curtain; they have been working with a company trying to put it up; it is not required and there has not been a complaint, they have not been recorded for being outside of their decibels of operation; they are just voluntarily putting it up because they realize it is an industrial owned property, it is adjacent to neighbors; and they are just trying to be neighborly.

Commissioner Isnardi stated many developers make a boat load of concessions, sometimes even to be appeasing the neighbors; but her concern is the dust, not the noise.

A representative for the applicant stated it would assist it, but he thinks what is being proposed is 300 feet long by 20 feet high; it would definitively assist in it; it basically acts as a curtain, because it funnels the wind, the dust is all carried by the wind, and to clarify it is not cement dust its sand being carried, cement is in a closed container; and the curtain would deflect the wind from blowing that way and just stall out.

Commissioner Isnardi stated she hopes he understands her concern because in the beginning with the explanation, it was said that he did not know about the dust problem; and that sounds to her like he was not aware of it or not concerned about it.

A representative for the applicant explained it is highly regulated; anybody can go on any road on a windy day and have a dust problem; there is not a dust problem when there is no wind; there is a dust problem when there is high wind, and chances are higher in an industrial zone versus a non-industrial zone; and that is why there are Industrial zones, so the County can have manufacturing. He noted one good advantage about this, which would minimize to Brevard County, is they have access to the railroad right there, so there is actually a spur that already comes off of there; in conversations with the clients there is a possibility of putting in a drop pit and being able to bring their aggregates in through rail cars, which would minimize trucks in and out and would ultimately minimize dust and airborne products because trucks going down a wet road 50 times becomes dry; and they are looking into those options to enhance it because that is the zone it is in, and it is available.

There being no further comments of objections, the Board approved a CUP request by Mark Marine for cement, concrete, and concrete building products for Preferred Materials, Inc. for the property located at 6212 North U.S. Highway 1, Melbourne.

Commissioner Barfield mentioned staff talked about FDEP and Florida Statutes and he inquired if staff knows if those Statutes cover the same things as the local Code.

Ms. Sterk replied they do and they are above and beyond the County Code.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM IV.I., CHANGE OF ZONING CLASSIFICATION, RE: RU-2-10 TO RU-2-15 - JAMES H. DIXON, JR. (DONNA OR ELBERT MARTIN) (17PZ00069)

Erin Sterk, Planning and Zoning, stated this is for a change of zoning classification from RU-2-10 to RU-2-15 on a .83 acre parcel in the Cocoa Beach area; and they are seeking the RU-2-15 zoning with a Binding Development Plan (BDP) limiting development to 10 units; the existing zoning they have would only allow for eight units.

There being no further comments or objections, the Board approved a request by Donna and Albert Martin for a change of zoning classification from RU-2-10 to RU-2-15 for the property located at 201 Arthur Avenue, Cocoa Beach, with a BDP limiting development to 10 units.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobla, Smith, Isnardi

ITEM IV.J., CONDITIONAL USE PERMITS, RE: ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION - VIERA DEVELOPMENT CORPORATION, AND BREVARD COUNTY (HASSAN KAMAL) (17PZ00073)

Erin Sterk, Planning and Zoning, stated this is a proposal for a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption by The Viera Development Corporation and Brevard County on 85.71 acres on Stadium Parkway.

There being no further comments or objections, the Board approved a CUP request by The Viera Development Corporation and Brevard County, for alcoholic beverages for on-premises consumption for the property located on the west side of Stadium Parkway, approximately 0.27 mile south of Viera Boulevard and Stadium Parkway intersection, in Viera.

RESULT:	ADOPTED [UNANIMOUS]
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R-292

MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.K., SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, RE: RESIDENTIAL 2 TO RESIDENTIAL 4 - CRISAFULLI ENTERPRISES, INC. (KIM REZANKA) (17PZ00072)

Erin Sterk, Planning and Zoning, stated this is a proposal for a Small Scale Comprehensive Plan amendment going from Residential 2 to Residential 4, proposed by Crisafulli Enterprises on 1.385 acres of the parent parcel that is 12.85 acres; this is located on the southwest corner of Porcher Road and North Courtenay Parkway in North Merritt Island; and next will be the associated rezoning Item.

Kim Rezanka stated she is from the Law Firm of Cantwell and Goldman; she is representing Crisafulli Enterprises, L.L.C.; she has given the Board three large sheets that are best looked at with the writing on the top; this is an exciting new townhome project in North Merritt Island; it is located at Porcher Road and North Courtenay Parkway; it is proposed to be on 12.85 acres; and it is a Comprehensive Plan amendment on 1.385 acres of that parcel and the rezoning on the entire 12.85 acres. She continued as seen from the first document, this is proposed to be 48 units, 1,500-1,800 square feet each, units with two car garages and amenities, luxury living; it is backed up to a nature preserve, and likely to sell for the high \$300,000-\$400,000; the access is from Porcher Road and from Courtenay Parkway; this will definitely hook up to sewer, it cannot be built unless it has sewer; and the first page of the document she provided does show the diagram of abutting North Courtenay Parkway and it has trees along North Courtenay Parkway, a water area there for retention, and it has the units as shown with a pool on the southwest corner. She mentioned there has been a lot of questions as to why this is being developed as a townhome project; there are no townhome projects up there as everyone knows; there is no demand for commercial development this far north because there is not enough homes this far north to support substantial commercial development there, unless they can get a Cosco, Trader Joes, or something along those lines; this property has been commercial for over 50 years without being developed; there is no real choice of housing styles in this area as everyone is aware of the all the development going on up at the Space Center, the research park, and there are a lot of workers coming in with high salaries that do not have places to buy homes in that area; this will give many housing options to those coming into Brevard County; the first item before the Board is a Small Scale amendment on the 1.385 acres, which is Residential 4 to Residential 2 and is a tiny portion on the southwest corner; in the packet there are many different copies of it, but on page 110 it shows just that little brown portion of the 1.385 acres; and she has talked with County staff about the best way to go about doing this, and they requested them to do Residential 4 instead of trying to extend the neighborhood commercial to the west, which could be done under the Comprehensive Plan the County has, there are some provisions for allowing extension of neighborhood commercial when it is along Courtney Parkway. She went on to say the staff report for the Small Scale amendment reports that Residential 4 is compatible with adjacent property; on the second page of the document, it is an outline of the existing Comprehensive Plan designations as they are currently; on the east side of North Courtenay Parkway is Residential 2 although some of the zonings are RU-2-30, Residential 4 is almost everywhere to the west behind what is commercial, and most of Courtenay Parkway is commercial, although there is substantial residential development in the commercial land use designations; the small area study from 2005, which is referenced in the staff report, says they should be aware of that study, and they are, however that addresses commercial use, as a corridor study; it was for the commercial corridor of North Courtenay Parkway and it deals with things like outdoor storage areas, bay doors, construction materials, signs, and native tropical vegetative landscape buffers, which they will use in access management; the North Merritt Island District Board recommended denial unanimously although the LPA unanimously recommended approval; and she can do the rezoning if the Board would like, or she can do the rezoning afterwards, whatever the Board prefers.

Ms. Sterk suggested if the Board is going to consider the rezoning now she would like to read into the record what the proposal is because there are some conditions in the BDP as well.

Chairman Smith replied affirmatively. He stated most of these speakers have Items K and L on their cards.

Ms. Sterk stated Item L, is a consideration of the zoning change from BU-1 and AU to RA-2-4; it is for the entire parent parcel of 12.85 acres; and it has an associated BDP limiting the proposal to a maximum of 48 units. She added it also provides for a conservation easement over the wetlands on the western portion of the property; and it limits the ingress and egress to two access points, one on Porcher Road and one on State Road 3.

Ms. Rezanka the rezoning is the more troublesome for the residents because they all want the large lots up in that area and this is something new and different; the only way to get townhomes, was to go to RA-2-4; the recommendations from the North Merritt Island District Board were again unanimously denied, and the Planning and Zoning Board unanimously recommended approval; she believes townhomes are a less intense use than the commercial uses that could be there in a BU-1 zoning category; this rezoning would reduce potential trips from 2,855 to 279 and that is in the staff report; some residents say they would prefer commercial space, specifically a retail use, but the third document in the package she provided shows what commercial could look like on that parcel and it would have the same ingress and egress from Porcher Road and from North Courtenay Parkway, but it could be 69,200 square feet of retail space, literally a concrete jungle; and she does not think that is the best use of that property. She added it would wind up less aesthetically pleasing; that is still using the exact same area where the townhomes would be and still leaving the wetlands and Oak Hammock to the west; that could be a substantially large commercial space with 2,855 estimated trips per day; the staff report for the rezoning states that this rezoning is consistent with the Community Commercial, Neighborhood Commercial, and Residential 4 zoning designations; the developer will be required to donate the right-of-way if the County allows access on Porcher Road, that is a given; there are no school concurrency issues for this project, no road capacity issues for this project; and the North Merritt Island District Board members did raise concern about the

R-293

backup of traffic on Porcher Road, however, the smaller study from 2005, on page 12, recommends to have limited driveway cuts along North Courtenay Parkway and this does that by having access on Porcher Road. She went on to say it is best practices to have two access points for every subdivision for emergency purposes; also that Porcher Road access is 250 feet from North Courtenay Parkway, so there is quite a bit of distance there; she reiterated the North Merritt Island Special District Board recommended denial, Kim Smith of the North Merritt Island Homeowner's Association spoke and cited her reasons; she suggested the Board recognize the North Merritt Island Special District Board is composed of many members of the North Merritt Island Homeowners Association; she has suggested many times that there is a conflict between those that sit on the North Merritt Island Homeowner's Association and on the Special District Board because the North Merritt Island Homeowner's Association has a bylaw that says they shall endeavor to limit the density to no more than one unit to the acre; and that is in the packet on page 112. She stated North Merritt Island Homeowner's concerns are generally stated by Ms. Smith and they had no facts to support them; the first claim was that this rezoning was not consistent with the historical land use patterns, and she is suggesting that it is; just a quarter mile to the south is Sun Island Lake which was built in 1987 with portions of it at four units per acre, which this would be; Sunset Lakes about two miles to the south has some phases as 3.5 units to the acre; claim number two is this is not consistent with actual development, when in fact right next door there are single family homes in the commercial district; there has actually not been a lot of recent development within the past three years; and Savannah Ridge, now Egress Landing, is Residential 2 and it is to the far side of off Hull Road. She continued claim number three was inconsistent with the character of the area and there are single family homes to the south and to the east; claim number four was it would have negative impacts to establish residential neighborhoods, there will be no impacts, the only established residential neighborhoods is Citrus Club to the south and west, and the nearest home is 300 feet through thick dense woods; claim number five is that the townhome development will aggravate the drainage problems on surrounding properties, but that will not happen because County Code will not let it, the County has to retain all its drainage; claim number six is that it will cause significant, adverse, or immitigable on wetlands and again the County Code will not allow that only on very limited circumstances; and those are the concerns of the North Merritt Island Special District Board without any facts. She continued Mr. Mayer can answer any questions concerning engineering, it has not been completed because there has not been a zoning approval, so he does not know what he is designing; they will connect to County sewer water system; FDOT will dictate access points; right now it is intended to coincide with the current median cut on North Courtenay Parkway; in summary, she believes this rezoning is consistent with the Comprehensive Plan, Planning and Development Code, and Administrative Policies; this is less intense than the concrete parking lot or retail, less impervious surfaces than this concrete jungle would have; it would reduce significantly the number of potential trips, being 2,855 with residential trips of 279; and she requested approval of the Comprehensive Plan amendment and the rezoning.

Darleen Hunt stated she support Mr. Crisafull's efforts to develop the North Courtney, Porcher Road acreage into a townhouse complex, but she is opposed to the density of 48 units; there are two important features relating to the character of the area and that is the roads and the environmental issues; State Road 3 or North Courtenay Parkway has a 50 mph speed limit; Porcher Road is a road that goes through an environmentally sensitive are, it is a wetland area or slew; she believes the 50 mph on Courtney will cause a dangerous intersection; and Porcher Road often experiences flooding. She continued a few years ago there was repaving up on North Merritt Island and that road was actually elevated in that particular area; this property is part of that slew, she heard Ms. Rezanka refer to it as a conservation area, but it is a wetland or slew; she would recommend a zoning more like 12 units for that property; therefore, she respectfully request the Board deny Mr. Crisafull's request for this high density change in the Comprehensive Plan and the zoning because traffic, environmental concerns, and too high of a density.

John Schantzen stated the Board was given a packet and his concern here is with the runoff basically; he has lived through a number of rain events out on North Merritt Island and his property is high and dry except for one event where he had walking catfish on his property during tropical storm Faye; Pine Island Road was under water for 10 days and impassible; Porcher Road was under water as well for a while; they have drainage problems on North Merritt Island and they exacerbate that by paving over Paradise; and to look at the drawing, to see how much green space is left with 48 units on that property, he questioned how they will retain the water. He noted not with a tropical storm like Faye, because it is going to run out on the road, it is going to go into that wetland, and then it is going to flow into the river; the beauty of North Merritt Island is the retention area, it has the mosquito impound area, and they are trying to develop right up against that; he has provided some articles, channel nine or the Local ABC affiliate in 2016 ran a program regarding the Vibrio, which is a bacteria that is naturally occurring and the County is spending millions of the County dollars to clean up the Indian River, but it paves over paradise exasperating what it is trying to clean up; in this article it reads, it is naturally found in the Indian River Lagoon, but now scientist from Florida Atlantic University Harbor Branch Oceanographic Institute have discovered the bacteria living in Florida's Indian River Lagoon and estuaries, and they caution human development may be making the situation worse; it goes on to say fisherman have with open wounds, many people die from this, and that information is further on in the reading; and while the bacteria is nationally accruing it is a concern that the excessive runoff into the Lagoon is creating a better breeding ground for the Vibrio. He continued stormwater could normally be absorbed into the ground, is now flowing at a much greater rate into the Lagoon; paved areas provide a direct line into the Lagoon upsetting the balance of the brackish water and giving the Vibrio places to thrive; and he reiterated to look at the drawing and see what 48 units does, there is no green space, it is either townhouse pads, paving, or retention, and the retention is going to overflow.

Chris Minerva stated he is representing the North Merritt Island Homeowner's Association; the Association cannot support these requests because it conflicts within; Administrative Policies number three, incompatible with existing proposed land uses; Policy 3.C., criteria is inconsistent with surrounding patterns of development considering what one historical land use pattern, and actual developments in the last few years; Administrative Policy four is uncharacteristic to surrounding neighborhoods and areas; Policy 5.E changes in traffic as to exceed the design policy; and Policy five is immitigable impacts on significant natural wetlands. He added Policy 8.1, negatively impact the character of the land use and surrounding property; 8.2, changing the land use and surrounding property; 8.3, negative impacts on available projected traffic patterns and the established character of the surrounding property; under the factors to consider, character of the land use of surrounding properties, the change in conditions of the land use of property, impact on traffic, not compatible with existing land use plans, and not appropriate based on these conditions; however, they did support the development along the lines of one house per acre, which would be 12 units. He noted the Homeowner's Association asked that the

property be zoned appropriately and not require additional BDP restrictions; there is going to be a minimum of 48 cars living at that address; looking at the property there is not one parking space for an additional car, visitor, or anyone; and there is no way to get to this location without a car or motorcycle.

Jane Perdue stated she is approximately 400 feet east of this zoning request; she supports what Ms. Hunt said, about the density being too high for the area; also she is concerned about the impact of the wetlands, and since she lives almost across the street she is concerned about the traffic, because the roads are not lined up with each other, Chase Hammock is approximately 50 feet north of Porcher, and she does not understand how they will safely get out of there with the Cape traffic.

William Perdue stated he is against this; it states 48 units on 12.85 acres; half of that land is wetlands, so that means there is no way he can use almost half of that land to put houses on; instead of 48 units on 12 acres, it is approximately seven houses per acre; and if the Board lets that go, any big attorney can come in and say the Board allowed that so they can put anything they want on North Merritt Island. He continued they are having enough rain problems out there right now; last week his property got almost seven inches of rain in three days and it almost put him under water because the land out there is wet; to give the Board an idea, one acre of land to one inch of rain is 20,000 gallons of water, and that means last week he had 140,000 gallons of water on his property that he had a hard time getting rid of; and Monday the weather reports said they were supposed to get five to seven inches of rain that afternoon, and had he gotten that five inches that would have been another 100,000 gallons of water out there and he does not know where it would go. He stated they have big pumps that the County has put in to get rid of the rain; there is only one trouble, a person can only get rid of so much rain out there or it will change the acidity of the salt water; then the County will have all of the fisherman screaming, which they did about 10 or 15 years ago, when the County was talking about getting rid of all this water; and he does not know if his wife commented on the intersection, but Chase Hammock Road dead ends into State Road 3 and there is two miles of houses out there with almost a dozen houses that are originally built to the old specifications, which means the slab of the house is on the ground, it does not have to be built up to the new regulations which is 12 inches above the crown of the road. He noted some of these people have seen a quarter-inch of water getting ready to go into their houses from some of the land out there; and he inquired what they are going to do if the County does not slow up selling property. He went on to say, originally when he moved out there, they had to have two and a half acres to buy it, no one could buy less than two and a half acres; not that is down to about two houses to an acre; and he inquired when it is going to stop. He continued the County has to figure out what to do with this water; they had a high wind from the west and it flooded all the drainage ditches out there, so there is no more places to put water; he does not know how else to put it but something has got to be done; and if the County does not slow down the houses coming out there, the County will start having to issue boats to get out of there.

Jack Ratterman stated he is speaking on this issue because 48 homes is really only going to be put on six acres; there are no townhomes out there because the community really does not want the townhomes; they moved there because it is a rural community and that is why they enjoy it; if they wanted 48 townhomes on six acres, they would move to Miami and get it down there, but they really do not want that; and it is not compatible to the local community. He noted the applicant was asked if they were going to have a gated or ungated community on all of these high dollar homes; he received two answers, one said yes and one said no; the drawings in the plans are not all confirmed as they indicate, the drawing up here, could change tonight because all they are asking for is the zoning, they are not promising what they are going to do here; those promises can be changed; and they all moved to North Merritt Island because it was a rural community and they like that atmosphere and that is what they would like to keep. He continued when the applicant talked about the concrete jungle, there is not a concrete jungle out there, and he took that like a threat that they are going to make it a concrete jungle if the Board does not give it the zoning; there was also a reference to them developing a Cosco, Publix, and Target; right now they are high dollar out there with a Dollar General, and that is all they need; they drive the 15 minutes to town; and the last thing is about the County Code. He stated they keep saying they are going to follow the County Code so there will be no flooding, he explained they are all under County Code now and they have flooding; the ditch on Hull Road has to be pumped out before a big hurricane event comes along; when Faye came in the water backed up and the yards along Hull Road, even with the County running the pump, flooded; and their statements about them not having flooding, they cannot say that.

Mike Hirkala stated he has been before the Board before about densities and he is going to keep talking about density until somebody gets their head out of where he thinks it is; density will kill people in the future, there is no doubt about that, it happens; that is how towns and cities are created; the fact that putting more and more houses than the ground can carry, than the area should be able to carry; there is not only a water problem there, they already have a traffic problem; coming down there this morning he was backed up two or three lights coming past the bridge; he has said in the past to the previous Board, that when that Hull Road Project went in, the County was going to tell the people they would have to go to Titusville to do their shopping; and he does not believe what is said about the cars on State Road 3. He noted the last year and a half the cars have been building up, with a lot more cars coming through there now and eventually it was going to happen because the only way to get off of North Merritt Island is to go north or south; south is the bridge; and there are two main drains, north and south, and people cannot get across that canal, they have to use the bridge; and the bridge gets blocked up sometimes, just look and see how far backed up the cars are both north and south of the barge canal. He went on to say the County cannot do more than what these people are wanting to do with that property; it only makes sense, and he thinks Commissioner Barfield would agree with him, to do what makes sense up there with the water level; behind his place, where they put that development in, they had to put four and a half feet of fill; and he inquired why they have to put four and a half feet of fill in to build a house. He stated the engineer said the drainage is going to flow northeast, but how many trees are they going to take out that will not be there to take in that water; there is no percolation up there now and they want to put more water into a manmade drainage that cannot take it to begin with, it does not make sense; the water level below the surface is not that far away; and he inquired the pumps are going when they need them, but how much more can they take. He continued in his view increasing densities is something that should be disallowed in North Merritt Island, if people want to build in there fine, but use common sense.

Chris Cook stated he is speaking against the 48 units; he would like to address some of the things the attorney representing the applicant stated; she said there was no demand for commercial property, but that is probably because there has not been sewer up there; if the sewer is coming up, there should be demand for commercial, R 205

because they can develop that same piece of property; she also said there is no place for the people who will be moving out there, and he has counted at least six, half completed developments up there and there is plenty of houses for people to buy up there in every price range; she is correct that there are no townhomes, and he thinks there is probably a reason for that because nobody wants to buy them, it is high density in a rural area, and no one wants high density in a rural area; and she kind of dismissed the corridor study, but that is a commercial corridor and it was the whole plan, a long range plan that has been worked on since 2005 working with the County staff trying to get it done. He added other residents that are on there are either grand-fathered in and if they are close to State Road 3 then it is because State Road 3 moved closer to the houses and they were there since the 60s; all the other residents there and the developments are pushed back from the corridor and they cannot be seen; it is just not the right place for a high residency development; and more like 12 units would be a more reasonable proposal. He continued as the Board has heard they have plenty of drainage issues up there; they have heard several times it is all going to be taken care of with these new developments and they never do, but this one will, he is positive of that; it is a barrier island with two draw bridges to get to it; they have to evacuate any time there is a hurricane; and the draw bridges have to go up, they need maintained, they break down, the term the residents use is, "we are bridged". He went on to say it is a convenient excuse to be 20 minutes late to any appointment; with more people on there it is going to be even more; as far as the North Merritt Island Homeowner's Association, he is a proud member; there are over 450 dues paying members of that homeowners association; he is also a member of the North Merritt Island Special Advisory Board, which the County created because it is such a special and unique area in the County; he happens to be a member of both because he cares about the community, that is why they are all here, they do not get paid for this; and he will not apologize for it to anybody. He stated the community knows it is going to get developed, so he thinks it should be done responsibly; if the County allows 48 homes there, it is going to be 48, 52, or 100 down the road; the whole purpose of zoning and planning is to prevent the problems before they occur; and the Board has the opportunity to do that here. He commented he sits on the Zoning Board and he knows it is difficult to make decisions some times, but he does not think this one is a difficult decision.

Mary Sphar stated she is one of the people who actually does not live in Merritt Island, although she did live there for over 30 years; she is kind of looking at this a little bit from the outside and has some concerns; the first one is the applicant said there would be sewer out there and she would like them to know that in the BDP that no development will occur until the sewer hookup is really going to happen; her second concern is with the wetlands; the Agenda Item says the subject site is vacant and is primarily comprised of wetlands, but no map from the applicant, this is really disturbing to her because she has studied the residential wetlands policy since 1995, and she has no clue how they could possibly put 48 units in with this wetlands policy; she really thinks they should have to show some sort of a wetlands map; and her third concern is the flood plain. She noted the Agenda Items says there is a mapped flood plain there, but once again, no map, the people do not know where the flood plain is; the site, part of it may have to be elevated, so people may not feel confident that the development will not affect the neighboring properties; in the BDP there should be a requirement stating that the applicant is going to provide compensatory storage for any flood plain impacts; and her fourth concern is compatibility, she agrees with the residents, 48 units is just not compatible and the solution of 12 units is much more compatible.

Mary Hillberg stated the packet she provided has the pictures in different order, but she would like to start with this one; the outline of this photo, this is the part that is the Comprehensive Plan request, the larger part is not, it is the rezoning; this rectangle is in the Comprehensive Plan and she would like people to note the ribbon of green, it is there for a reason; most all of this Board is new and some of the members were not here when the County did this huge study after Faye, in 2009; nothing has dramatically changed the topography of the area since then; the topography of the area is what is causing these enormous situations eluding to the flooding, the stormwater, and where the water goes; and in the study what they did was take the most dramatic areas of flooding and they did an aerial along Chase Hammock. She explained underneath there is an exact line up with the aerial and it shows the topography of this road; one of the problems in North Merritt Island is the bowl affect; the water goes round and round and round but it does not go anywhere, it has nowhere to go; when it rains a lot the Lagoon is full, the ground is saturated, and the water goes round and round until finally the water starts to eventually absorb or the Lagoon goes down and then the water can get out; otherwise that is all it does; staff does a wonderful job with the pumps, they keep pumping, everybody is happy to see it moving, but that is all it does; the bowl effect is one of the reasons, but nothing can be done about the bowl effect, but she pointed to a square and explained it is the square of the property of the applicant; and to line it up on the diagram, it is about the same height as the Lagoon and therein lies the problem. She went on to request the Board deny this application.

Earl McMillin stated since some of the Board is not as familiar with North Merritt Island as Commissioner Barfield, he made a little sketch; he marked on the sketch numbers 1-10; and he would like to remark what they indicate. He explained number one is southbound traffic with a turn lane to the Shell station and Smith Road, but no arrow so it is Russian Roulette when trying to make a turn there; number two is U-turning, for some reason, people traveling southbound get into the left turn lane and make U-turns around the median and people get into the left turn lane going north where there is an arrow, but make U-turns around the median; number three people make U-turns over the median; the U-turn for getting into Marine Harbor, which is a new condominium, is for northbound traffic but southbound traffic has discovered that is available for U-turns, so there is southbound traffic making illegal U-turns there; the traffic coming out of Marine Harbor goes across three lanes of southbound traffic to get into the left turn lane to line up to go under the Beach Line and gain access to the Beach Line; also to get to Sea Ray Road they make U-turns over the median, which is number six; and number seven they make U-turns around the median. He continued number eight they go under the Beach Line and make a U-turn around the median; he is not just talking cars, he is talking about 18-wheelers; he knows it was said the traffic saturation on North Courtenay is only 35 percent, but he is focused on what the crazy people are doing out there; every time he gets onto Courtenay he sees something different being done; number nine is for some reason, and he has not lived on North Merritt Island long enough, and maybe somebody knows why, there is a cut in the curb and he thinks there must have been something there a long time ago, and now what it is used for are people going in and out to that vacant property to go to the barge canal; northbound traffic entering into the Shell station, although there is a right turn lane north of Smith Road, 99 percent make a right turn on to Smith Road and then an immediate left into the Shell station; however, the 500 pound elephant in the room is that eventually the Beach Line is going to be six lanes. He went on to say he knows the County did not make

this problem, but the residents have to live with this problem and he asked the Board to recognize this problem when it talks about enhanced densities north of the barge canal.

Commissioner Barfield stated he would like to get Mr. Mayer to answer any of these things about the engineering side of it, especially the stormwater, runoff, all traffic implications.

Joe Mayer stated he would be the engineer of record for the project if it proceeds; he concurs with the speakers that there are drainage issues in North Merritt Island, but he disagrees that the new development is causing or exasperating those drainage problems because all new development is required to take care of their stormwater treatment on their property and the applicant intends to do that with a pond; they have to retain a 25 year, 24 hour storm per both the County standards and the St. Johns River Water Management District standards; they have to allow no more water to discharge from the site during post development conditions than discharges in the pre-development condition; and the stormwater ponds hold the water back from the peak of the storm, they do solve the problem for new development because they take care of treating the water on the property before it discharges. He continued he concurs with the speaker who spoke about the wetland corridor, the flat land slew being extremely important to the drainage in North Merritt Island; he pointed to the low point she was talking about, on the diagram, the edge of the clearing is basically at the edge of this development, give or take a few feet, they are not going to be impacting the wetland slew in any way; in fact, the Code will only allow them to impact 1.8 percent maximum of the total area, which is 12.85 acres; and that would be something like a six hundredth of an acre, maximum wetlands impacts, and he is not saying they will do that, that is just a maximum they can do, or they will not gain site plan approval and permit approval through County staff. He noted this slew will remain intact or remain as a buffer to the properties, but they will not impact the drainage that is occurring through there, in fact, they will be attenuating holding back their water in the ponds, keeping it off the peak of the rest of the storm, that ditches are filling up from with all the rain that has been happening; the pond is filling up and all the water that is released is released after the peak of the ditches so they are not increasing the peak stages; and he reiterated new development in general does not increase the peak stages during storm events, in these ditches, the problem is as they indicated, the bowl effect.

Commissioner Barfield inquired if that is a regulatory requirement.

Mr. Mayer replied affirmatively. He comment traffic wise, from his perspective and opinion as an engineer, the Space Center is once again growing and very vibrant with a lot of development going on; as the force main and the sewer is available down this corridor, folks are going to be looking up and down this corridor for development; Ms. Rezanka showed a layout with relative ease, of 59,000 square feet of commercial area that could be built on here; that is way more intense under the existing zoning category, which could be done without coming before this Board; it could be a huge parking lot and building, and it could be two story and he could actually get more than he showed on that layout in his opinion, depending on what the proposed use is; and from an engineering perspective, this is a down zoning, but he does realize the density that they are asking for, but an actual use perspective this is far less than what could occur under a commercial development scenario. He added the trip generation information is accurate based on the ITE trip generation manual, roughly 2,800 trips per day for commercial use could happen on here and what they are proposing is about 10 percent of that.

Commissioner Barfield commented he knows there was an issue about parking too; and he asked Mr. Mayer to address that.

Mr. Mayer stated it has not been decided, but there will be at least a one car garage, if not a two car garage; in front of that will be either a one car or two car driveway; therefore, there would be either two or four spaces per unit minimum; they do have some parking down by the amenities and there will be some room for visitors, etc.; he does not show on the layout at this point any parking areas because they do not really want to, they would rather that be green space; in normal subdivisions and stuff like that this is not an issue when people have a couple folks over, they either park in or near the driveway without a problem; and this will look like any other residential street when someone is having guests over.

Commissioner Barfield asked Mr. Denninghoff to address what they are doing in North Merritt Island for drainage.

John Denninghoff, Interim Assistant County Manager, stated since Tropical Storm Faye occurred, August 19, 2008, the County has completed a great many of the plans that had been placed in their queue as to what they were going to try to implement in North Merritt Island; amongst those are a refurbishment of the Mosquito Control pump on the south side of East Hull Road, they have completed the installation of three permanent pumps at the Pine Island Conservation area, and the installation of various water, and float control structures, which allows them to divert water into the impoundments of Pine Island or pump water into the Mosquito Control impoundment south of Hull Road; they have also installed a couple drainage pipes in other locations which have allowed for water to drain; and particular interest on this one is they do have a pipe that is under West Hull Road which helps drain that slew area that is between Tropical Trail and North Courtenay, that was previously not there. He noted it has proven to help quite a bit during a number of storm events; in addition to all that, they have installed various water level gauges and rain gauges, so they monitor all of those to allow for management of the water flow and to operate the pumps efficiently, not just every time it rains, in a way that it minimizes the wear and tear on the pump, while also maximizing the probability of success; and he mentioned the County does only manage to try to keep homes from flooding, they do not do much about yards or ditches and how deep they are, or even the roads for that matter. He continued there are still some plans that need to be implemented; they have an objective to install a second pump at the Mosquito Control site; they have moved a second portable pump that is available and staged nearby so they can mobilize those to either of two locations to help facilitate pumping; most of that benefit is on the east side of Courtenay, but it does help to some degree with the portion west of Courtenay and east of Tropical Trail, because that area is still a very stressed location; and while they have helped a lot, they have not yet solved all the problems there and they are still looking to help more.

Commissioner Isnardi inquired since she knows the County Code is pretty strict when it comes to wetlands impact, she asked if staff is at all concerned about this having a negative impact or will a development like this manage their water okay; she stated she is not going to ask whether Commercial is more impactful than

Residential, because it obviously is; but she inquired as far as the project itself, does staff see it as having a negative impact on stormwater.

Ms. Sterk stated those are site plan details that the County has not seen any calculations for yet; she does not think they have a full evaluation of what exactly they are going to do and how much they will have to attenuate, but they will.

Commissioner Isnardi stated if staff perceived it to be a negative Impact, it probably would not move forward, or they would let the Board know they believe this to be a negative impact.

Ms. Sterk stated it would be held up in site plan approval, for sure; and just to clarify, the comment about there being primarily wetlands on the property, that is just on the piece proposed for the Comprehensive Plan, not on the entire parcel, the entire parcel is not primarily wetlands.

Commissioner Isnardi commented she appreciates everybody who took the time to speak; she hates to generalize it, but there are people who comment they do not want any development, there are those who comment they are okay with commercial development, then those who comment they want less density, which may be the most rational, but in all reality, the way it is zoned now, it could be more impactful and it could cause more of a water problem for that area; If it was not Planning and Development, it would be five units per acre; at four units per acre it is pretty much a neighborhood; the site plan is still going to come, and decisions will be made accordingly; but she is not going to say no because someone may want a shopping center as opposed to a residential development; and she commented she would be in support of this because if there are problems later on, then the Board will address them or deny if the site is not appropriate.

Commissioner Pritchett stated she was able to speak with Erin earlier and a few things she had questions or concerns on were wetland mitigation and Erin said no it would not really be affecting where he is building; it is actually coming with a stormwater situation and that made her more comfortable; and as far as living in that area, she would rather have residential compared to what would be happening with commercial. She added she will probably support this, but she will wait to hear what Commissioner Barfield has to say.

Commissioner Barfield thanked everybody for showing up; He commented that is one thing about Merritt Island, people show up when there is something important; and that says a lot for that community. He stated with that being said, the Board has to stick to what the law is, this is a Quasi-Judicial Board and what that means is the Board has to make decisions based on specific criteria, and that criteria is very clear; the Board has to look at if it is consistent with the area; looking at the map, it shows there are Residential 2, Residential 4, all around the area, and that means by law it is consistent; the other side is the Board just approved Item IV.G., from a planned industrial area to an agricultural residential and that was just down the road; another thing is whether it impacts traffic, and the numbers do not support that it does; he understands Courtenay, which is an FDOT road, and he thinks that U-turn is one of the most ridiculous things he has ever seen; traffic is reduced from 2,855 trips per day for Commercial down to 175 trips; they have to be compliant with the regulations on stormwater, and what was said is in the site plan that has to be met; and he understands what everyone is saying, however, the Board is bound by law.

Chairman Smith disclosed he had met with Mr. Crisafulli on July 31st in his office.

Commissioner Barfield disclosed he had met with Mr. Crisafulli and Ms. Rezanka.

Commissioner Pritchett disclosed she met with Mr. Crisafulli.

Commissioner Isnardi commented she has not met with anybody, applicant or otherwise.

There being no further comments or objections, the Board adopted Ordinance No. 17-19, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "the 1988 Comprehensive Plan", setting forth the tenth Small Scale Plan amendment of 2017,17S.06, to the future land use map of the Comprehensive Plan; amending Section 62-501 entitled contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the future land use map appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.L., CHANGE OF ZONING CLASSIFICATION, RE: BU-1 AND AU TO RA-2-4 - CRISAFULLI ENTERPRISES, INC. (KIM REZANKA) (17PZ00072)

Erin Sterk, Planning and Zoning, stated this is a consideration of the zoning change from BU-1 and AU to RA-2-4; it is for the entire parent parcel of 12.85 acres; and it has an associated BDP limiting the proposal to a maximum of 48 units. She added it also provides for a conservation easement over the wetlands on the western portion of the property; and it limits the ingress and egress to two access points, one on Porcher Road and one on State Road 3.

There being no further comments or objections, the Board approved a zoning request by Crisafulli Enterprises Inc., for a change in classification from BU-1 and AU to RA-2-4, for the property located on the southwest corner of Porcher Road, and North Courtenay Parkway, on North Merritt Island, with a BDP.

The Board recessed at 6:56 p.m. and reconvened at 7:09 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.M., CHANGE OF ZONING CLASSIFICATION, RE: TR-1 TO TR-1-A - MORRIS AVE MOBILE HOME PARK, LLC (TIM SANDERS) (17PZ00074)

Erin Sterk, Planning and Zoning, stated this is a change of zoning classification request to go from TR-1 to TR-1-A; the subject parcel is on 3.61 acres and it has a proposed Binding Development Plan (BDP) to limit the density to four units per acre; and that would allow for the development of 14 single family lots.

Tim Sanders stated he just wants to address the concern in regards to the possibility of wetlands on that property; he reached out to a recommended environmental specialist and had a determination done; and it was determined that the entire site consist of uplands, and no wetlands are present in that area.

There being no further comments or objections, the Board approved a request by Tim Sanders for a zoning classification change from TR-1 to TR-1-A for the property located on the north side of Smith Road, approximately 0.12 mile east of North Courtenay Parkway, on North Merritt Island, with a BDP.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.N., CHANGE OF ZONING CLASSIFICATION, RE: AU TO RR-1 - PAMELA CHILDERS (17PZ00075)

Erin Sterk, Planning and Zoning, stated this is a request for a change of a zoning classification from AU to RR-1; this is proposed by Pamela Childers on 2.53 acres in the Mims area, east of U.S. 1; the western portion of the property is .91 acre and the eastern side is 1.2 acres.

John Lucier stated he lives on the property directly behind the one in the zoning request; he disapproves of the rezoning change because he would like to keep it rural like the rest of the area; he inquired if the Board disapproves anything; he stated he came to one of these meetings several years ago and it was the same way; and everybody says people have to come to get anything done, but to him it does not seem to be that way.

Chairman Smith explained the Board has to follow the law, so people do not usually come to the meetings unless they already know they are following the law; and so when there is a question, that is where the Board comes in.

Mr. Lucier stated about 12 years ago he bought that property and he split it up; he came to the County and asked what he could do with it, and he was told two and a half acres is what they wanted for that area; in 2009 there was some kind of change and that area was supposed to stay that way; there are a few places that have been changed, one is just two doors down from him and he was not even notified of the change, and he is not sure why; and he did not know it was changed to RR-1 until he started investigating this. He noted he disapproves of building two houses there.

John Savetsky stated what Mr. Lucier was referring to, he also did not receive a notice on that change either and he lives right next to that property that was rezoned; his concern is with the road, it is a dirt road, 30 feet wide and his property has a wetland on one corner about 180 feet from the drainage ditch; three days ago the area had six inches of water and that ditch overflowed, and it remains so; not only did they have the wetland build out, but he had probably three-quarters of an acre totally under water for 24 hours; that happened more than once, it happens on occasion after two or three inches of water; he is concerned of the impact of houses on one-acre lots, if this is approved, and how many other people are going to want to do this in the neighborhood; and he asked what effect that would have on the drainage problems they already have in the area. He mentioned there is already rumbling in the area that other people are wanting to request the same thing; to him if the Board or the County is going to make a change then they not just

change it for everybody; he inquired why the Board makes everybody go through this, and not just change the whole entire area to that zoning, not that he would be in favor of it; but that is his concern at this point. He went on to say he does not think it could handle it; the problems with the road and the maintenance he does not know what would happen if they continue to develop on one acre lots like this.

John Balkey stated he is across the street and up one lot from the property in question; a little more than 20 years ago he came to ask the Board for a waiver and he got it because he was going from a 15 foot setback to a 10 foot setback; at that time the impact was zero; he takes great exception to what was said about following the law; the Board is not following the law, it is following the wishes of people like Crisafulli, people with money, and people who want to build and add and add; he is an attorney and he follows the law; he follows the law and if the law impacts people, then it is incorrect; and what the Board is doing is incorrect. He commented he listened to that whole thing with the Crisafulli's and the people there are getting flooded, they are having all these water problems; the Board just allowed 48 luxury homes of 1,800 square feet, that is not luxury, that is low income and the Board knows it; and they are going to have how many people going up and down that street.

Chairman Smith inquired what subject he is talking about.

Mr. Balkey stated he is talking about changing the zones; he inquired why people go to a place zoned AU and then decide to change it to something different; he stated he has across the street from here, a wildlife sanctuary, and in that they had to have a minimum of five acres; he did not come ask for a waiver, he complied with the law, because the impact would have impacted someone else; this is going to impact people; what is in that wildlife sanctuary is two Siberian Tigers, one Bengal Tiger, a full grown Lion, and a White Wolf, but they follow the law, they have the permits, he gets inspected, but he follows the law; the law says this is AU and he would like it left at AU; and he did not get noticed for either of the two zoning changes, so the County's system is not working.

Chairman Smith inquired if he was talking about the one a few years ago.

Mr. Balkey responded yes, that one and this one too, he only found out about this one from a neighbor; he reiterated the County's system does not work; he requested the Board waive this because the neighbors were not given proper notice, as the law states; and he requests the Board deny the proposal.

Chad Easley stated as far as the notice of the change, it took place back in 2008 or 2009 for Courtney Winstead; there was no notice, he owns two pieces of property adjacent to that as well; they were told it went under an in house change, where it is less than 10 percent, which is inaccurate; future land use maps, generalized maps, derived years and years ago; generic platform overridden by zoning, many deciding factors that are written in every Brevard County study; just because something meets a Future Land Use Map does not make that the best decision; and a small area study performed in 2007 put together a perspective map of 2.5 acre lots north of Grantline Road limited to an agricultural use area to limit density. He continued less than 15 percent of the people in the area are not actively involved in some AG use on their property and that would entail everything from cows, horses, exotic animals, tigers, deer, citrus, hay, and etc.; zoning maps, zoning planning guidelines, guidelines and regulation for growth is based on a study performed; if it is easy to come in and say someone does not like something then why have them, why dedicate the time, effort and meetings to put it on, because if it is not going to stand then why is it there; the problems with rezoning is there are water quality diminishing studies performed by the County and private individuals that also shows Sulfur content gaining on an average of 80 parts per million every year; just in that area, large amounts of money were directed from Brevard County for conservation lands due to saving the aquifer, that was the Robert's ordeal; it was then outlined to limit growth and concentrate more on agricultural use for all surrounding land; and there is a bad problem with drainage there. He added there is a wetland area directly behind that piece they want to re-zone and it is stated wetlands; everything drains from the north, then south, then east, and it does come through there; there is a County listed right-of-way which brings another facet of this rezoning because they are wanting to abandon the right-of-way which is a direct drain for that wetland area and several other adjoining properties. He mentioned the right-of-way, Maebert Road has a 30 foot right-of-way, which encompasses a drainage ditch right now that is currently encroaching property on private property owners, up to 10-12 feet to accommodate the current traffic; and traffic and maintenance cost cannot be sustained. He went on to say, the Board is opening this area up for more development; a man just bought 60 acres right across from him, and he is just waiting to see what the Board is going to do here because when it is allowed to be rezoned, that is what he is going after; they are pushing out agriculture; people like him raise White-tailed Deer and Exotics, they also have horses, dogs, and various other things; they do not have a place if the Board pushes them out; they bought there and live there because that is what they want, it is their lifestyle; then there are people who come to live out here, that do not use agriculture but think the people who live by should change their lifestyle because they want to live there; the developers have to be given the same as everybody else; drainage is a huge problem; the principles of why people seek to live there; and property values will be infringed. He suggested the Board be very cautious as leaders of this community to not allow the request of a few to outweigh the needs of the many.

Jared Kemp stated he and his wife recently purchased six acres on Maebert Road to the west of Ms. Childer's property where they plan to build their home; they strongly object to this rezoning effort; Maebert Road is not a paved road and they believe the additional vehicular traffic created by the small parcels will have a negative impact on the quality of the road and the quality of life in the area; if this classification is

allowed it could lead to a pattern of rezoning in the area; and the property immediately adjacent to theirs is currently for sale and they do not want to see six houses from their front porch. He went on to say if the right-of way is vacated, they will own 2.53 acres of land with AU zoning; he would not take exception to a single parcel with the land and a single home, however, they do take exception to RR-1 and creating two equal lots with a different zoning classification; they are moving to this area of North Brevard to start a family and get away from densely populated housing communities that are typically found within City limits; and they sincerely hope the Board will deny this request to have the property zoning reclassified.

Marcey Sperr she is requesting a rezoning for a parcel of land on Maebert Road in Mims; the rezoning to RR-1 is consistent with the Comprehensive Plan and the Future Land Use for this area; it is also consistent with the zoning in the immediate area; there are five properties zoned RR-1 on Maebert Road, four of them have homes on them; the radius map she provided shows all of the RR-1 in the one-mile area of her parcel of land, there are 63; and what the map does not show, unfortunately is all of the parcels of land that are currently zoned SR, which requires half-acre parcels or small to build homes. She continued the home just on the south corner of Maebert Road and U.S. 1 is zoned SR; these residents drive by three, four, and five homes that are already zoned RR-1 and those homes have been there since the late 80s; she is respectfully requesting this rezoning as a matter of Policy; and some people would ask why she wants to move in a neighborhood where nobody wants her there, however, she still plans to be a good steward of the land and to be a good neighbor. She went on to say as for the water, the parcel of land she owns is 20 feet above sea level; they have checked out the State of Florida Emergency Water Management Settees, they are topographical maps; the land at the end of Maebert where it meets Dixie Way is 10 feet above sea level; the zoning request cannot change that, just like no one can change how water runs down hill; there is a deep ditch on the southerly border of her parcel and they are currently in dialogue with Road and Bridge to find a way to contribute to a solution for this issue; and she did sign an easement deed today giving the County 15 feet of their land to help with this. She reiterated the first three houses on the southern side of Maebert are zoned RR-1 and SR; they are all approximately 1.25 acres; the homes have been there since the 80s; precedence for the zoning was in place before many residents built homes on Maebert Road; all residents on Maebert drive by them as they come and go; and she stated her request is not setting a precedent, but rather it is aligning with the Future Land Use study for this area and the Comprehensive Plan.

Commissioner Pritchett stated she met with Ms. Sperr and Ms. Childers; she inquired as far as the future land use, Planning and Zoning passed this and she would like to know why.

Ms. Sterk stated the future land use has been Residential 1 for many years; when the Mims small area study was completed, there were no proposals, at that time, to change the Future Land Use designation from Residential 1, which allows for one unit per acre; there is kind of a transition in the area as shown on the map, where they are moving away from Highway 1 to the east, and the Future Land Use Map designates that the density shifts from one unit per acre to one unit per two and a half acres; that changes just east of this property; and technically the proposed zoning is consistent with the map.

Commissioner Pritchett stated she had asked Ms. Sterk prior to this meeting, if this was an usual request.

Ms. Sterk commented it really is not an usual request; the most recent precedence is the parcel to the east which was proposed in 2008; and they have more than one acre, but less than two and a half acres, with one single family home on it.

Commissioner Pritchett stated she has looked at it; she thinks it looks like a good fit in the area where it is at; she understands the agricultural areas and she would never make them change what they have on their properties; two and a half acres for a home and a mother-in-law home is very appropriate; it will stay very calm; and she will probably vote to support this, but she would like to hear from the other Commissioners.

Commissioner Isnardi stated that was her question, what the intention of the property was for; at times people look to sub divide property to make money; and she just wanted to know what her intended use for the property was.

Ms. Sperr stated the current surveys show a right-of-way straight up through the middle of this land and they are currently working with Surveying and Mapping and Road and Bridge; the Board will see them again on August 22, about the compromise they have made with Ms. Jackson, Road and Bridge, concerning the Right-of-way; and their intention is pretty noble, her family of four would like to build a home for her mom, who lives alone, to take care of her.

Commissioner Barfield stated looking at the map he sees where there is other RR-1, but seems there is a lot more AU around; and he inquired what the definition of inconsistent is.

Ms. Sterk noted the requirement is to be consistent with the Comprehensive Plan, whether or not the Administrative Policy regulates the word consistent with the existing development in the neighborhood is a judgment call; and legally she thinks the consistency is with the Future Land Use Map.

Eden Bentley, Deputy County Attorney, stated there is not a specific definition of consistency in the Administrative Rules, but it directs to look at the historical land use patterns and actual development approved within the last three years; and it is not overly helpful, but that is what the Code Pas 301

Chairman Smith inquired why Mr. Easley thinks this request would interfere with him raising White-tailed Deer.

Mr. Easley stated it will not interfere with him raising his Deer, but it will interfere with traffic; he owns 16 trailers and when he comes down that road he takes the whole road; there is a huge problem with the right-of-way; the people from Road and Bridge are very familiar with his name, because they are trying to deal with a property line dispute on encroachment of right-of-way on land owners; and on him alone it is 12 feet. He continued if they stop and back up to what is officially owned by the County and what is owned by the people, they have a stated eight foot left once the County takes away its water basin or ditch; once that is pushed forward, what is going to happen is they do not have the infrastructure to accommodate one acre lots; the concern is what happens in the future if this continues to be allowed; outside of Courtney Winstead's house the last rezoning was done way before the property study by about 12 years; with that in mind, they look at what is recent and everything up there from 2008 forward is supposed to be two and a half acres; and that is the way all the land up there was divided at that time. He mentioned the land was divided with everybody knowing that it is two and a half acres; the infrastructure will not hold up; it is dirt roads that require a whole lot of maintenance; he reiterated there are drainage issues that are a constant problem and require constant maintenance; they want to build a house and a mother-in-law suite, however, according to the AU, the square footage requirement on the mother-in-law's house is not going to accommodate the 1,800 - 2,000 square foot they are requesting; and that is the challenge. He outlined right-of-way is the big thing, and drainage is the second; he stated land values, someone just bought 60 acres and someone could throw a rock from his place and hit it; he is going to put 60 homes on it, he is a developer and that is what they do; and the guy right across the street him has 4.2 acres and right now he cannot divide it, but with this he can.

Commissioner Isnardi stated he would not be able to divide it unless he has permission from the Board to do that; and that is a big assumption to make.

Mr. Easley explained if he can get it rezoned he can absolutely divide it.

Commissioner Isnardi responded if this Board was to approve that.

Mr. Easley stated yes, if this continues then yes.

Commissioner Barfield inquired when this property was purchased.

Commissioner Isnardi mentioned each thing comes to the Board for a reason and obviously she would never sit up there and if a guy wants to, with a 60 acre development, she is not going to approve one-acre lots; she does not think anyone on the Board would do that; however, she does feel each circumstance is unique and that is why she will be supporting this.

There being no further comments, or objections, the Board approve the Zoning classification request by Pamela Childers, to change from AU to RR-1 for the property located on the north side of Smith Road, approximately 0.26 mile east of U.S. Highway 1, in Mims.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, John Tobia, Curt Smith, Kristine Isnardi
NAYS:	Jim Barfield

ITEM IV.P., CHANGE OF ZONING CLASSIFICATION, RE: SR TO AU - ERIC AND AMANDA OBLOY (17PZ00045)

Erin Sterk, Planning and Zoning, stated this Item is a proposal for change of zoning classification from SR to AU; it is for the Eric and Amanda Obloy property; and it is 1.06 acres located at 165 Gator Drive, North Merritt Island.

Jack Ratterman stated this issue is a particular interest to him because he has friends who live on Gator Drive, that will be used by this commercial interest; the applicant is trying to place an amusement park in a rural community; this will cause a huge increase in traffic especially when there is only one road in and out; he inquired if the applicant will follow County rules and regulations after they get their zoning because their past history indicates they will not; and he stated his understanding is they have a huge fine that they have not paid. He continued they have been given subpoenas and they have not come to court; the property is not compliant with the local community or residents, if it is then he would like to know how an amusement park, petting zoo, airboat rides, swamp buggy rides, gator farm, vineyard, wedding chapel, zipline, hayrides, kayak and swimming hole fits into this community; and the only thing that is probably not there is a gay nudist colony. He went on to

say he does not see how the Board could say yes to this; there are a lot of little kids that live in this community; and he has been aggressive to the people that are already living there.

Mary Hillberg stated this time she will talk much faster, and be quick; she has been off her feet and away for a while; this request is not compatible with the area; the applicant, when he bought the land, it was zoned SR, it is part of the established community; they have a piece of property that is SR he uses as his driveway, which is fine, but putting other things on it, putting huge billboards signs on it, putting other animals on it, cages, putting anything else on it is not consistent with the law, in the opinion of the North Merritt Island Special Advisory Board, in which she is the chairperson, and she is also a member of North Merritt Island as well; she was elected by the people there to represent the community and that is why they are there; she would respectfully request the Board to deny this request because of the negative impact on the community and the unnecessary aspect of it; and she feels there is no need to change it.

Chris Minerva stated he is representing the North Merritt Island Homeowner's Association; the Association cannot support the request because it conflicts with the Future Land Use elements of Administrative Policies; it is a long list of incompatibility with the Policies with the existing land uses of 3A, criteria A, is hours of operation, noise levels, traffic, site activity, diminishing enjoyment and safety of quality of life in existing neighborhood; and if any of the Board members lived on this cul-de-sac, they would see it is a barrage of, a party, and it is commercial, it is Disneyland, shrunken. He noted Policy 3(B) causing material reduction in value of the existing abutting development: Policy 3(C), historical land use patterns, 3(C)2, actual development over the past or proceeding the past three years; 3(C)3 is development approved within the past three years, but not constructive; Administrative Policy for criteria an adverse impact and an established neighborhood with traffic intensity and commercial activity; Policy 4, criteria B(2), the commercial use of nonconforming to the residential surrounding area; Administrative Policy 5, criteria B, the physical quality of the road system being deteriorated; and Policy 8.1 consideration of the character of the surrounding land. He added Policy 8.3, negative impact of this request on traffic and established character of the surrounding area; Policy 8.4, incompatibility with existing land use; 8.5, inappropriate consideration of public welfare; and under general standards of review 2G, proposed signs interfering with use and enjoyment of adjacent and nearby properties. He mentioned under the factors to consider for rezoning this request, the Homeowners Association has taken the following into consideration: number one, the character of the layout, surrounding the subject property, the impact of the proposed zoning classification on available projected traffic patterns and established character of surrounding property, and before incompatibility with existing land use plans, and number five, inappropriateness and consideration of public safety and welfare. He commented he does not live there, but he can certainly understand that; the Obloys came in way after everyone else was there; and he would appreciate the Board's consideration.

Betsi Siddal stated she is opposed to this rezoning request; when they purchased their home in 2001, they had every reason to expect the only use in the community would be residential; as for the 24 acres, which remains undeveloped behind their home, given that when the subdivision was originally designed it was all part of the same parcel, leaving them no reason to think the remaining property would not eventually be developed into residential parcels; the fact that it was a farm in the past was not an issue, as they have no objection to a quiet farmer, farming for their own sake, however, what they do object to, is inviting the public through their residential community in what is a blatant abuse of the agri-tourism law, a law whose intent was to provide bonafide farmers with supplemental income; it was never intended to be a determining factor of whether they exceed as a farm or not, more as a primary source of income; and the applicants have gone far beyond farm activity turning their property, as the Board has heard, into an amusement attraction, increasing activity ten-fold as depicted in the drawing. She mentioned the Board should have received her original packet in May; she was going to address Administrative Policy 3, but that has been taken care of; she has stated in the past and will state again today, the applicants lack of due diligence should not constitute a consequence for their neighbors; they have dealt with this man for two and a half years and she promises there would be livestock next to their home; since the arrival of the applicants in the neighborhood they have lived with constant disruptions which interfere in ways large and small with their right to quality enjoyment of their property; and her discussions with various staff members in Planning and Zoning, there was a suggestion of a Binding Development Plan. She went on to say she is opposed to this for several reasons; first, it is her understanding that a BDP is not truly binding, and secondly and most importantly, the applicants have a clear history of noncompliance which again, long before they purchased this property, and continues even now despite substantial fines which have been accruing since December of 2015; with these reasons and the reasons stated by others, she respectfully requested the Board to please protect the character of this community by denying the application. She stated one additional thing, Mr. Keith Braun is a neighbor and he intended to be here today to speak but work has prevented that; late in the afternoon he sent the Board an email stating his objection; and she does not know if it has been viewed, so he asked her to please make the Board aware of it.

Patti Laissle stated they live at 3999 Dundee Drive and they also own the property at 3997, next door, undeveloped; she explained previously the Board received a packet and on the first page of this packet in exhibit A, the green portion indicates the location of the proposed rezoning; the areas highlighted in yellow indicate all the residents who either sent a letter objecting to the rezoning, or they signed a petition; the breakdown, there are 24 signatures on the petition and six letters, there may be more that she is unaware of; the areas marked by an X are vacant or unoccupied homes; and she stated notice that directly to the north, west and northwest of the green section are residential homes, all within direct sight of the proposed rezoned area. She continued all the yellow highlighted areas on Dundee Drive and the most easterly section of Gator Drive have line of sight to the rezoned area; clearly the people most affected by that parcel are Gator and Dundee drive; on exhibit B, is a printout of the Facebook post generated by Adventures in Paradise in May and there are no less than 12 amusements/attractions, planned for that location, presumably the reason for the rezoning request; and the applicants wish to erect signage advertising them. She noted two of those activities would likely involve alcohol; based on the number of activities they plan to engage in, one can logically assume that the property they wish to rezone will be used to advertise their business; as proof of this, Exhibit C is a rejected sign application dated 11-22-16 in which the rejection was based on the fact that the proposed sign was on property zoned residential; and to go forward with any sign construction, the applicants would have to apply to rezone it. She went on to say that parcel is in a residential neighborhood and they do not wish to live in the middle of the applicant's theme park aspirations; specific objections based on some of the suggested guidelines are impact on suggested services such as roads and schools, old roads leading to Adventures in Paradise are residential and they were not designed for the type of commercial traffic likely needed to sustain the planned activities. Exhibit B, the

wedding barn website indicates maximum capacity of 200 people, so potentially on a continual basis, 200 cars would be entering and exiting this residential neighborhood, only now those exiting guests have potentially consumed alcohol and that is only referencing the wedding traffic, just one of the 12 activities listed in Exhibit B; the amount of commercial deliveries vehicles that would be likely needed to sustain and deliver goods and services to sustain these 12 activities will be detrimental to the streets as they were not designed for such; and incompatibility with surrounding land use, as indicated in Exhibit C, the purpose of the rezoning request is so the applicants can construct a sign that would not by any stretch of the imagination be incompatible with the existing surrounding land use of that area. She pointed out also consistency with the character of the area, other than the current illegal signage the applicants have installed, there are no commercial signs on Gator or Dundee Drive because they are residential streets; to maintain the consistency of the area, it would not be appropriate to allow a commercial sign; in conclusion, she hopes that the petition signatures and written letters are adequate proof of the objection to this rezoning request; if by some chance the collective thinking leans towards the notion that the property in question is of so little consequence that approval will be forthcoming, please consider the converse notion; and if the property is of so little consequence, consider ruling in favor of the 30 plus people who oppose this rezoning application.

Dennis Wilson stated he is here to speak in opposition of the opposed applicants rezoning paperwork; he lives in a neighborhood where there is no commercial activity; he is not sure if the Board Members have been down the street to see what is going on, but his house is immediately adjacent to the piece of property in question; up until last weekend, there were two signs, that were about equivalent of the dias and maybe twice as high; and his house would be equivalent to the back of the room. He continued when he drives in his driveway every day, he has two monster signs that are on this gentleman's property in a neighborhood; it is his understanding that the original judge's injunction from over two years ago still have not been filled, these fines are accumulating daily, and they have not been paid; he is not sure who is monitoring to try to enforce that, but last weekend the applicant did take down the two signs and in their place he put up a singular sign that is maybe three quarters wide as the dias, but still just as tall; and now instead of two monster signs, there is one semi-monster sign next door to him in his neighborhood. He added it would be nice if the Board Members could ride down North Merritt Island and see what they are all talking about; he is opposed to this for two reasons; number one is, as was said and heard from previous cases tonight, this is a slippery slope if this rezoning is approved, the people that have spoken know what the next step is, it is going to be used as a commercial driveway to the current commercial property that is being operated in their neighborhood; a quick reference, last weekend the owner of the property sponsored a festival; the Board may have heard about it, it was promoted on a couple of billboards, a couple of electronic signs on businesses, and the applicant even parked his swamp buggy, which is about as big as the dias and about as tall, on Courtenay Parkway at the entrance to his neighborhood, promoting the festival; Saturday Morning he mows the yard and he counted no less than 80 cars that passed by his house and turned in at the direction of the two monster signs next door, into the festival; it really would have gotten out of hand, if the rain had not washed it out; and that is 80 cars in one day. He went on to say recently he had spoken with Mr. Obloy, who is the owner and the applicant, and he voiced his concerns directly to him; that the second objection is alcohol because what is happening back there is not an AG farm, what is happening back there is a commercial, as been described, amusement park; he inquired how the applicant is getting these permits; yesterday, as almost every day, two huge Florida Power and Light bucket trucks pulled out of this facility and shook his house as they went by the front yard; there is some overhead transmission work being done down there to support this commercial activity; and all of those in attendance today have presented reams of evidence, including the applicant's own Facebook page. He mentioned he did a Google search, the dumb way to do it; if the Board were to go to his pages Adventures in Paradise or Golf in Paradise Tours, two properties, it states what is happening back there; he stated he does not understand how a commercial property, a commercial event, a money making commercial event, can take place in the middle of his neighborhood; Mr. Minerva said it best when he said the reason for planning boards is not for today, but to avoid disasters in the future; he has witnessed a monster disaster with that Crissafulli case; he should be ashamed for putting a 48 unit development right there, a mile up, and across the street from his neighborhood; and he is not sure what to tell the Board as far as its vote, but anyway, he requested the Board to turn this application down.

Commissioner Barfield asked Ms. Bentley to explain the agri-tourism and what the County's limitations are; and he stated he has to watch his temper on this because it is really amazing how this has been used against the Board so much.

Eden Bentley, Deputy County Attorney, stated Code Enforcement has been out there any number of times, as the Board knows; she is not going to go through the entire litany of events, but basically there is an agri-tourism Statute that provides an exemption for many of these activities; it is probably not the original intention of the Legislature when this went through, but it is a rather large loophole; and although the County has obtained an injunction, the injunction is limited in its scope and it is hoping perhaps someone will change the Statute.

Commissioner Barfield stated before he goes any further he would like to tell everyone from Merritt Island, if they do not like this, to get in touch with the Legislature, go to Tallahassee because there are serious loopholes in this thing; it totally keeps the Board in check where it cannot even go on site to inspect for health concerns; it is totally irresponsible; to look at the picture in here and obviously this is so incompatible with the neighborhood because it is right up next to it; and he offered some background on the subject. He noted the applicant can put a sign up there knowing it was illegal; it is an enforcement action so he knows it was not permitted and could not get permitted, so now he wants to change this so he can put the sign there, in the people's backyard and side yard; and he reiterated this is completely incompatible. He mentioned there is so much he could say; it is just entirely wrong; it is not compatible with the surrounding residential area; it is not at all compatible; and the impacts to this poor neighborhood, is just not acceptable.

Commissioner Isnardi stated her concern is the Board's hands are being tied on this because unfortunately it cannot do a lot as far as County goes, other than cite and see; what is being done obviously is not legal on that property and she thinks if the Board were to pass this it would just perpetuate the activity; it is unfortunate because here is this nice subdivision set with these set of circumstances even though, it is sort of out of the Board's hands with the current zoning of that property; she feels bad for everybody that lives in there, only because she is sure that is not what they signed up for when they bought their property and obviously they were there first; and she agrees with Commissioner Barfield that this is not compatible with that neighborhood.

Chairman Smith inquired if the applicant has to have permits for these signs; and if the County has no recourse, if he is putting up illegal sign.

Tad Calkins, Planning and Development Director, stated he does have to have a permit for the signs; there is a Code Enforcement case open for the signs, but it was put on hold to allow him to come into compliance if he could get the zoning change where the County could do a permit; and with the Board's denial, then he will reactivate the Code Enforcement case and that will be going forward.

Chairman Smith stated for the record that Mr. Obloy is not here; he made this application and he did not even show up, so take that for what it is worth.

Mr. Calkins commented he did receive an email from Mr. Obloy's attorney requesting this to be tabled to this date, so he believes there is a notice that this action was going to be heard by the Board tonight.

There being no further comments or objections, the Board denied the request by Eric and Amanda Obloy for a change of zoning classification from SR to AU for the property located at 165 Gator Drive, Merritt Island.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VIII.G., BOARD REPORTS, RE: CURT SMITH, DISTRICT 4 COMMISSIONER/CHAIRMAN

Chairman Smith stated when the Board was in Washington, D.C., last week, four of the Commissioners were there, he spoke to the Secretary of Labor who really expressed an interest in manufacturing capabilities in the different counties; for those who are not aware, every County Commissioner in the State of Florida was invited to Washington, D.C., last week to hear six hour's worth of directors; President Trump made them available to the Commissioners for the purpose of all politics are local, but in Washington, D.C., that had been forgotten, so he is inviting all the Commissioners from all the states to hear the same presentation this Board heard; and the message was loud and clear that they want to hear from the Commissioners, the grass roots and they will make available to each one of the Commission Offices the appropriate numbers so they can reach out to them. He continued, he told the Secretary of Labor that he would get the manufacturing information he requested, he has worked with the EDC, crafted a letter, and he will be sending that letter out soon. He went on to say Senator Nelson was not available, but they did hear from Senator Rubio, and he is reaching out to the two offices regarding the request for support and funding for the Emergency Operations Center (EOC); that letter has been crafted and will be sent off on Monday; he made note to both of them that the State of Florida and the Florida Governor have acknowledged the need for a new EOC building; and he hopes that will move forward and at some point in time Brevard can get the EOC off the ground because they are behind in the size and quality of EOC needed to provide for the citizens of this County.

ADJOURNED

Upon consensus of the Board, the meeting adjourned at 8:07 p.m.

ATTEST:

SCOTT ELLIS, CLERK

CURT SMITH, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

LOCAL PLANNING AGENCY MINUTES

The Local Planning Agency convened as the Planning and Zoning Board (for Items IV.D. and IV.E. only) and met in regular session on Monday, August 21, 2017, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Ben Glover; Rochelle Lawandales; Robert LaMarr; Bruce Moia; and Ron Bartcher.

Staff members present were: Erin Sterk, Interim Zoning Manager; Diana Yuan, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Henry Minneboo, Chair, announced the Board of County Commissioners will have the final vote on the recommendations made today. Items B, D, and E, will be heard by the County Commission on September 7, 2017, at 5:00 p.m. The Medical Marijuana Treatment Centers ordinance will be heard by the Board on August 22, 2017, at 9:00 a.m.

APPROVAL OF JULY 24, 2017, MINUTES

Motion by Bruce Moia, seconded by Rochelle Lawandales, to approve the minutes of July 24, 2017. The motion passed unanimously.

IV.B. Small Scale Plan Amendment (LPA), Re: NC to CC (6.72 acres) – Gaich/Maun Groves Partnership (17PZ00070) (District 2)

Michael Gaich gave a brief overview of the property's history, and stated in 2005 portions of the property were sold to Nelson Engineering and a church, both of which were rezoned from AU to BU-1-A, and IN(L). He referenced a letter from Brevard County Utilities stating that the Sykes Creek Wastewater Treatment Plant is a 6 million-gallon per day plant and is currently operating at 3.3 million gallons per day. He mentioned the 2005 North Courtenay Parkway Corridor Study, and stated when he sold a portion of his property to Nelson Engineering and the Church, he developed CCR's that covers the types of structures that can be built, along with landscaping; and he will do the same again. He stated he is also seeking a rezoning from AU to BU-1, which is consistent with the requested Community Commercial Future Land Use designation. He mentioned new jobs coming to the area through Exploration Park, the demographics of the area, and the number of new housing developments under construction, or recently approved. He stated currently, there is a population on North Merritt Island in a three-mile radius north of the barge canal of 8,101 people; the total households is 3,200; the average income is \$89,962; and the medium level is \$62,000. He believes the demographics for North Merritt Island will bring retail stores and services to the area, which the area needs. He further stated that now that Exploration Park is on the way, there should be more pride taken by North Merritt Island by those who are not maintaining their properties that front S.R. 3 (N. Courtenay Pkwy.). In addition, there should be some aspect of signage that pays tribute to the entrance to Kennedy Space Center and Exploration Park.

PUBLIC COMMENT

Kim Smith, representing the North Merritt Island Homeowners Association; and Mary Hillberg, representing the North Merritt Island Dependent Special District Board, both reported there are no objections to the request from their respective boards.

Motion by Rochelle Lawandales, seconded by Bruce Moia, to approve rezoning request. The motion passed unanimously.

Ordinance Allowing for Medical Marijuana Treatment Centers

Erin Sterk stated on July 23rd Governor Scott signed into law Senate Bill 8A, which provides additional restrictions relating to the operation of Medical Marijuana Treatment Centers and limits County and home rule power as it relates to them. The only thing left for the County's recommendation is to regulate the facilities equally or less restrictive than pharmacies. Medical Marijuana Treatment Centers are proposed to be incorporated as a permitted use into the BU-1 zoning classification and regulated like pharmacies. It was always interpreted that pharmacies are a permitted use, but it was never called out in the language.

Bruce Moia asked if this will be a concern for people when they want to rezone their property to BU-1. Ms. Sterk stated the guidance from the State is that the facilities be regulated as intensely as pharmacies.

Motion by Rochelle Lawandales, seconded by Ben Glover, to approve the draft ordinance. The vote was unanimous.

IV.D. Removal of Binding Development Plan and Conditional Use Permit, Re: Stephen Proctor Mangum; Julian Sidney Mangum, Jr.; and Sandra E. Baker – (Harvey Baker) (17PZ00059) (District 1)

Harvey Baker, representing the property owners, explained the boundaries of the property and the visibility of the property from the road, of which it is basically hidden from public view. He stated the owners had an agreement to vacate the property by August 10th, and even though they didn't meet that deadline, all business signs have been removed, the business phone has been disconnected, 'closed' signs have been posted, and the majority of the cars have been removed; however, it is still a work in progress to completely remove everything from the yard. He stated the owners hope to be able to maintain the zoning to make the property marketable, and they would like to work with the board today regarding the Code violation.

Henry Minneboo asked how much equipment is still on the property. Mr. Baker replied there is about 10 – 15% to still be removed, but he thinks in another 30 days the property should be completely cleaned. He noted a lot of the equipment can be loaded onto a truck to be hauled away.

Mr. Minneboo asked staff if the owners would be precluded from any further County requirements if the board tells them they have 45 days to get the property completely cleared, and at that time, Code Enforcement can inspect the property to make sure it is cleaned up.

Diana Yuan stated the owners were cited by Code Enforcement for a violation of the BDP, and cleaning up the property is not necessarily going to resolve that, and it will just be a question of whether not fines start to accrue. She further stated the board can eliminate the wall requirement by releasing the BDP, which would comply the Code Case.

Mr. Minneboo asked if the board could legally require the owners to turn in the business license. George Ritchie stated if the property is rezoned, it becomes non-conforming until that business use stops for 180 consecutive days, so they can continue as a non-conforming use on that site. Mr. Ritchie further explained that if the zoning remains in place on the property, the owners could get a new Business Tax Receipt.

Mr. Baker stated leaving the zoning in place would allow the property to be more marketable. He said to have the violation removed, they have to clean the property up. Mr. Minneboo asked if that can be done in 45 days. Mr. Baker answered yes.

Ms. Yuan stated if the property is cleaned up and the BDP is removed, that would comply the Code case.

Stephen Mangum, property owner, stated 45 days is adequate to finish cleaning up the property, but he would like to keep the equipment on the property in a storage trailer, and then have everything completely removed once the property is sold. He said he would like to keep the junk dealers license, as that might make the property more marketable, and the new owners may petition to build a concrete wall.

Ms. Yuan stated the BDP is what required the concrete wall, so if that was removed there would be no requirement for it. Mr. Ritchie stated if the Industrial zoning stays of the property and just the CUP for the metal salvage yard was removed, they can still store things in a regulated storage yard on a defined part of the property, but it would not be a metal salvage yard as far as continuing the business. If an owner ever wants to re-start the metal salvage yard, they would have to apply for a CUP and be in compliance with County Code.

Ben Glover asked how the 45 days would be regulated. Ms. Yuan replied, in terms of Code Enforcement there are inspectors who check for compliance, but because the Code violation specifically relates to the concrete wall required by the BDP, the cleaning up of the property alone is not going to solve Code Enforcement until the BDP is released. The applicant would have to come back to the board and say that he cleaned up the property, and then the BDP can be released, and that would comply the Code Enforcement violation.

Rochelle Lawandales made a motion that to remove the CUP, remove the BDP after the property is cleaned up, and recommend suspension of Code Enforcement actions for 45 days after the Board of County Commission action, and at that time, the Business Tax Receipt for the junkyard be eliminated.

Ms. Yuan clarified that once the BDP is removed from the property, the Code violation will be in compliance. She asked if it is Ms. Lawandales' intent to hold the Code case to the extent that there's anything to hold. Ms. Lawandales said her intent is to suspend Code Enforcement so there is no action against them while they are in the process of cleaning up the property. If there is still a junkyard in operation after the 45-day time limit, Code Enforcement will be sent to inspect.

Mr. Ritchie stated as far as the Business Tax Receipt, once staff approves the zoning for the use, it is up to the applicant to renew the license annually with the Tax Collector's Office. Zoning can't terminate a business license, and as long as the applicant pays the fee, the license can be renewed.

Ms. Lawandales stated the board can remove the CUP immediately; therefore, the allowance for the junkyard goes away.

Mr. Ritchie stated Section 62-1938 reads, "When a metal salvage yard or junkyard abuts any zoning other than IU-1, the use shall be fenced with an 8-ft. high masonry wall." If the board removes the CUP for the wall, they will not meet the conditions of the CUP if they're abutting any other zoning than IU-1. He said it would be best to terminate the CUP.

Ms. Lawandales suggesting removing the CUP immediately, and then remove the BDP 45 days after County Commission action.

Ms. Yuan clarified that the recommendation is for the CUP to be removed immediately, and that the County Commission grant 45 days after their decision, to allow for the rest of the equipment and anything associated with the business to be removed, and then Code Enforcement would make the determination if the business has been cleared up, and then that would remove the BDP at that time. Code Enforcement is the only branch that does active investigations, so Code Enforcement will inspect to insure the business has been removed, and once that determination is made, the BDP is released.

Bruce Moia seconded the motion by Rochelle Lawandales. The motion passed unanimously.

IV.E. Change of Zoning Classification, Re: SEU to EU-2 – NAJJAD, Inc. (Noel Droor) (17PZ00005) (District 2)

Noel Droor, owner/applicant, stated he is requesting rezoning from SEU to EU-2 on approximately 27 acres located off of Smith Road and just north of the barge canal. He explained there are five houses to the south of the subject property; to the north is property that was rezoned from SEU to EU-2 last year; to the west is the Moose Lodge; further to the west is residential; and south of Smith Rd. is industrial. He has tried to work with the neighbors on Smith Rd. to address their concerns, which are privacy, minimum house size, noise, and lighting. He has incorporated into his proposed BDP that there be a lake in the back of the property with a 100-foot setback, the minimum size for the homes will be 2,500 square feet, and he will add a wall or landscape berm to the development's access, adjacent to the Gribas property. He noted that three out of the five residences on Smith Rd. have no objection to the development with the BDP. He concluded by saying the request is compatible with the area and there is no issue with traffic.

Henry Minneboo asked about the BDP that was approved on the property in 2005. Mr. Droor stated that the BDP approved in 2005 was for 18 lots with homes of 3,000 square-foot minimum, and now, he is agreeing to 40 lots with homes of 2,500 square-feet.

Rochelle Lawandales asked what the lot sizes are proposed to be. Mr. Droor replied the lots will be approximately one-third acre each.

PUBLIC COMMENT

Kim Smith – PO BOX 542372, Cocoa, representing the North Merritt Island Homeowners Association, stated the HOA agrees with the existing SEU zoning and BDP that was approved in 2005, but based on the County's Administrative Polices, it cannot support the request for EU-2 and a new Binding Development Plan. She stated the HOA asks that the property be zoned appropriately and not require additional BDP restrictions.

Mr. Minneboo referred to a letter the board received from someone under the impression that the property would be developed with 94 homes, and asked where that number came from. Ms. Smith replied that with EU-2 zoning and no BDP, County staff told residents that the 26-acre parcel could be developed to allow for infrastructure that would allow up to 94 residences. She asked why the County is allowing a request for rezoning that is incompatible with the Future Land Use.

Ms. Lawandales replied it is not incompatible; there's several zoning classifications that are allowed under that land use that are all compatible with that particular land use category.

Bruce Moia stated in order to get the density requested, the applicant has to change the zoning so he could even get close to what the land use allows, and there was never a request for 94 units. Erin Sterk clarified that the maximum number of units, without a BDP, is 56.

John Schantzzen – 7105 Briar Oak Drive, Merritt Island, spoke in opposition of the request because of flooding and the impact of an increase in density to stormwater runoff into the Indian River Lagoon.

Larry Rockliff, 3255 Spartina Ave., Merritt Island spoke in opposition of the request, and detailed his experience with growth via rezoning when he lived in Broward County. He further objected by staying whenever the master plan is deviated from, as a result of developers, the long-term plan is reduced.

Earl McMillan – 150 Smith Road, spoke in opposition of the request, and stated regarding the current BDP on the property, it should not be considered valid because requirements for development agreements have a duration that cannot exceed five years, and there's no mechanism for alerting neighbors to a request to change

a BDP. He further stated that duration was never mentioned in the 2005 BDP, and the present zoning of the property is AU, as the 2005 attempt failed.

Bruce Moia stated the 2005 BDP was recorded, which means the zoning was finalized. Ms. Sterk concurred that the zoning was contingent on the BDP, which hasn't been proposed to be changed up until now.

Ms. Lawandales asked staff to list the requirements of SEU, such as lot size and the minimum square footage for housing. Mr. Ritchie replied, SEU is one acre minimum lot size, with 125 feet of width, and 200 feet of depth.

Marty Weber – 3450 N. Tropical Trail, spoke in opposition to the request, and stated the applicant's reason for the request is because of the approval of rezoning for the property to the north in 2016, with a Binding Development Plan. If rezoned without a BDP, 94 units could be developed on the property. He further objected by saying Mr. Droor should honor his previous BDP and build no more than 26 homes on the property as it is currently zoned. He also mentioned the property being sold and the neighbors not being notified if there was a request for a new BDP.

Ms. Sterk clarified that any revision to an existing BDP would have to come before the board. She further explained that regarding the duration of a BDP, the section of the code Mr. McMillan referenced is for the concurrency analysis, not the BDP duration itself.

Steve Simonich, Rancamp Design Group, stated he is a land planner who has been retained on behalf of Mr. McMillan, and offered the following: the FLU allows two units per acre; the subject property should be a transition between the 2.5 acre lots and the lots to the north that were recently rezoned to EU-2; the applicant should justify why he's requesting EU-2 zoning and not EU zoning; and water features, such as the proposed lake, do not prove to be good noise buffers.

Darlene Hunt – 125 W. Crisafulli Rd., spoke in opposition of the request for the following reasons: incompatibility with the surrounding area; flooding of adjacent properties; the increase in traffic; the impact to the Indian River Lagoon; and because BDP's are not regularly honored.

Nancy McMillan, 150 Smith Rd., spoke in opposition of the request and stated Mr. Droor's property cannot claim the same treatment as the Harvey's Groves property to the north because the residents on Smith Rd. were not notified of the request by Harvey's Groves to rezone; however, seven residences on Smith Rd. were notified of Mr. Droor's request.

Mary Hillberg, 3780 Sierra Drive, Merritt Island, Chair of the North Merritt Island Special District Advisory Board, spoke in opposition of the request and disclosed that those members on the Advisory Board as well as the HOA, left the room when the request was heard at the HOA meeting. The Advisory Board also denied the request. She also objected to further high density in the area.

Mary Sphar – 825 Cliftons Cove Ct., Cocoa, spoke in opposition to the request based on the potential negative impact to the Indian River Lagoon, as well as flooding, an increase in density, and incompatibility.

Leslie Meloni, Palm Bay, representing the Sierra Club, spoke in opposition to the request based on the potential negative impact to the Indian River Lagoon, as well as stormwater pollution caused by an increase in density, and possible septic issues. She further stated approval of the request is in direct opposition to what the Lagoon Referendum is trying to accomplish with the restoration tax.

Joe Rosenfield, Suntree, spoke in opposition of the request based on development being built in a densely populated area using septic tanks; and stated the density should be compatible with the area.

Tim Smith, 5390 Judson Rd., spoke in opposition of the request and stated it seems more appropriate and responsible to properly zone properties rather than assign BDPs, which aren't binding.

Mr. Droor rebutted by saying the property was rezoned in 2005 with a BDP at the board's request, and to change it he has to go through the same process he is today. He further commented on the following: his developing the property as it depends on the economy; there is a misconception on the number of units; Mr. McMillan was the only speaker who lives on Smith Rd.; properties along Grant Rd., on the other side of Courtenay Pkwy., are two and four units per acre.

Mr. Moia asked Mr. Droor if he would be willing to add to the BDP that he will connect to the sewer system. Mr. Droor replied yes, he will, as well as stipulate that there be no access to the property to the north.

Mr. Moia stated there was a lot of mis-information presented; he's concerned about the river, but doesn't agree with the statements made by some speakers about it; stormwater requirements for the property to be residential will far exceed the requirements it has it right now, and development would be an improvement because of the requirements for nitrogen and phosphorus removals. He stated he has concerns about the project, but he will wait to hear from the other board members.

Ms. Lawandales stated the most important issue to her is the number of units, and she thinks the property is more suited to 26 units instead of 40 units, as a compromise. Mr. Droor stated 26 units is not adequate, as it is the same as the SEU zoning, at one unit per acre. Ms. Lawandales pointed out that the BDP limits him to 18 units.

Mr. Minneboo agreed with Ms. Lawandales about-limiting the property to 26 units as a compromise.

Mr. LaMarr asked Mr. Droor, if the board were to approve the request for 40 homes, what would he do about Smith Rd. to accommodate the traffic. He further noted the intersection is the first stop light after the drawbridge, and Smith Rd. can't handle that kind of traffic. Mr. Droor stated it is a signaled intersection, and there aren't that many homes on Smith Rd., so there aren't many trips.

Ms. Lawandales stated she is sorry there was so much mis-information, such as multi-family, the weight of the BDP, and drainage. She clarified that all advertising requirements were met, everybody within 500 feet were notified, and approving the request would not allow 94 units. She cannot approve the project as presented, and stated she would consider approving SEU zoning with a cap of 26 units, and with the 2005 BDP provisions in place.

Mr. Droor stated 26 units will not work because there can't be a retention pond.

Motion by Rochelle Lawandales, seconded by Bruce Moia, to deny the request. The vote passed unanimously.

Upon consensus of the board, the meeting adjourned at 5:20 p.m.

ITEM IV.E., NAJJAD – OCTOBER 5, 2017, ZONING MEETING

Ragain: Okay. The next Item IV.E. is a request by Noel Droor for a change of zoning from SEU to EU-2, with a Binding Development Plan limiting the development to a maximum of 40 homes on 26.11 acres. It's located on the North side of Smith Road just east of North Courtenay Parkway, North Merritt Island, and the Planning and Zoning board both recommended approval of the request. No. I'm sorry, denial. I got the wrong one. Also, we have had 48 letters of objection as of 4:15 this afternoon, a petition with 490 signatures against, and three letters in support.

Pritchett: I want to state also that I have spoken to Mr. Droor and I did send in a letter for public record stating who I spoke to on these Items.

Isnardi: I did as well. That was awhile back. I believe a couple of months ago?

Barfield: And I also spoke with him.

Tobia: I'm on the record that I spoke with you as well.

Pritchett: All right, Mr. Droor.

Smith: And Commissioner Smith spoke to him three or four months ago.

Pritchett: Thank you, Sir.

Pritchett: Mr. Droor, you have the floor, Sir.

Droor: Good evening Madam Chair and Commissioners, my name is Noel Droor. I'm here on behalf of NAJJAD, Inc. My address is 580 N. Wickham Road, Melbourne 32935. First of all I would like to thank all of the Commissioners for their time in meeting with me. I guess with Commissioner Pritchett for meeting more than once and guiding me. I've been a resident of Brevard County since 1975 and I owned and operated a small family business here in town since 1995. NAJJAD is a family-owned company, which drives the namesake. (NAJJAD) is an acronym which presents each of my members of my family name, Noel And Jonathan, Jason are my sons, and Darlene, my wife. Since I purchased the subject parcel in January 2005 it has always been my intention to develop this parcel into something that would be an asset to the community, as my legacy and source of pride for my wife, my sons, and just recently my two grandsons. As the market continues to evolve, as a result of the financial crisis under section we are experiencing since 2008, we have just that our proposed density to be more consistent with the surrounding land use, and the reality of today's real estate market. The proposed scope of development for this project is intended to be a low density, up-scale single-family residential development. The project will feature all up-scale amenities that add value to the community, including large lots, underground utilities services, side walk, curb and gutter, and paver driveways. The proposed density of this project is one and a half unit an acre, which is consistent with the density of the parcel located along the northern project boundary, unapproved by the County Commission in 2016. The density is also far less than the Crisafulli Enterprise Project, located two miles north of proposed parcel, which was approved by the County Commission on the last Zoning meeting in 2017, August of 2017. The request of Zoning is consistent with the historical land use pattern. The requested density is also equivalent to or lower than, more than it does in other communities approximately one-mile of the property, such as Palmetto, Sea Gate, Sea Gate West, River Isle, Sunset Groves, River

Oaks, and Sunset Lakes. The proposed density is also consistent with the Comprehensive Plan, existing zoning to the north is EU-2, to the west is Institutional, and to the south on Smith Road is a planned industrial park proposed to use zoning as a transitional zoning from EU-2 to the north, to existing zoning along Smith Road, proposed parcel, sorry. This project will result in a substantial benefit to the community each of the homes is estimated to be valued at approximately \$500,000 each which significantly increases the neighboring property values. This will also increase County revenue, as the additional units will increase in the tax-base by estimated \$20 million. Each unit will also require the developer to pay County Impact Fees at approximately \$15,000 per unit, a total of \$600,000 to be paid to various County agencies. The development should have no negative impacts to establish residential neighborhoods. To the side will be a large retention pond on the nearest home is approximately 300 feet through the thick, dense woods. Older development in North Merritt Island area historically have had the drainage issues and these areas are drained with pumps during and after heavy storms, however, the proposed parcel is currently draining to the east through the Barge Canal via Sykes Creek, and will continued to do so after development. The proposed development does not aggravate the drainage problem on surrounding properties and will likely, elevate off-site drainage of runoff. The drainage from proposed development should not be an issue, since the County has a Code that sets the standards for all new development to follow, to insure the new development does not aggravate its drainage issue. Majority of the areas having drainage issues currently are older developments and have not followed Brevard County and St. Johns River Water Management rules. Newer developments tend to not have drainage issues, not to mention that based on my conversation with Mr. Mark Crabtree with Brevard County Central Maintenance Division, the only major issue that the surrounding area had was road washing due to their road which is part of a dirt road to the northern property line of the access parcel would be paved. So, it should elevate some other washout problem. The proposed development doesn't avoid any impact to the existing developments with proper buffers. The current traffic volume for the North Courtenay Parkway is 35 percent of the maximum acceptable volume and there are no unknown traffic issues for this area. I understand that there are some people here this evening that are prepared to speak in opposition of this request. Although development is often unpopular in the community, it is important to meet that this one be done right, without cutting corners, or taking shortcuts. It has and that has always been my intention, to be an asset to the Merritt Island community, and to the surrounding neighbors. I have reached out to the immediate neighbors on several locations and I am proud to say that we have come together and worked as a team to start with some development guidelines above and beyond the Brevard County Code through (unclear), and for this community. This guidelines including re-configuration of the site, such as a proposed retention pond is located along the southern boundary, providing additional buffers to the existing homes. Proposed layout also includes a landscape berm along the entrance. Initially, the Zoning request was for EU-2 zoning classification, which will allow a minimum of 9,000 square foot per lot. I have subsequently amended my request to ask for a less intense zoning classification EU which requires a minimum of 15,000 square feet per lot. This was done in order to alleviate the local residents' concerns regarding the ability to modify the Binding Development Plan at a later date, so limited development to a density we could all agree on. Working together as a Team with a, we have been able to establish a development plan which has been submitted to the Brevard County, and will be included in the conditions of approval for this development as a binding development plan. As it is also our willingness to work together and make accommodations to enhance this development. I have received signed statements from three out of the five resident adjacent property owners to support this development. Although these concessions will ultimately be more costly, but I think it will be worked additional time on effort to add value to community, and be a good neighbor. For the remainder of people who have elected to come and speak against this development, I think that is important to

consider, that most of them do not live anywhere close to this proposed development, many living several miles away. It is my hope that these residents take the time to consider our effort to work with the community, to provide something that we can all be proud of. In closing, I'm requesting that the Board of County Commissioners consider and approve my re-zoning request to an EU classification, with a Binding Development Plan to maximum number of lots to 40 lots. As the owner, I've taken several steps to revise the development program above/beyond the Brevard County minimum to add features that will benefit thy neighbors, and incorporate their property values. And I am happy to say it that I have received support from some of the residents. The development is consistent with the Comprehensive Plan. It's consistent with the neighboring density and land use, and will meet all of Brevard County roads, drainage, water, sewer, any environmental requirements for development. The proposed rezoning request will also maintain acceptable level of service on local roads and is consistent with the Future Land Use and the Comprehensive Plan. For this parcel, lastly, the proposed zoning will be consistent with administrative policies in the Future Land Use element which establishes the expertise of Brevard County staff who have approved and supported this project with regards to zoning and land use issues, and criteria for considering increased zoning. I hope it will. It will be our community. I hope that you will see the project as the asset it will be to our community and will grant approval for the rezoning request. Thank you for your time and consideration, and I'd be glad to answer any questions you may have. Thank you.

Pritchett: Okay. We, we have 20 cards for this Item and we have 40 cards all together tonight, so I'm going to call you up, and if you would get ready to come up one after the other. And perhaps if somebody spoken some things that you already agree with, you could say you agree with that speaker maybe to help keep our time a little bit more efficient tonight, but Tamy Dabu, if you would come up first, and John Schantzen if you would get ready to come up next, that would be great. Ma'am if you'd state your name and address for the record.

Dabu: Good evening, Commissioners and staff. My name is Tamy Dabu. My address is 170 Grant Road, Merritt Island, Florida. I am physically located less than a half a mile from Mr. Droor's proposed site, so I am in the immediate vicinity, and have been a resident here for over a decade. I wanted to briefly mention that my background has/is previously for decades working for the Florida Department of Environmental Protection, and in addition to that with the U.S. Army Core of Engineers. My specialty is in wetland delineation, threatened and endangered species, looking at drainage, and so forth. So, I am quite familiar having worked with these two agencies for an excess of 25 years, with the importance of proper zoning, and proper use of land. I personally don't oppose any one doing anything on their land with the right zoning, in the right location. Unfortunately, tonight, Mr. Droor, I don't support you with what you're proposing to do because it's not conducive to what our forefathers thought from the get-go. When we put zoning and Comprehensive Plans together way back when, we did it for a reason. We looked at the land, we looked at the soil, we looked at hydrology, and we looked at what is the proper land use. Proper land use for this particular parcel, with the amount of wetlands that are on there, and the drainage problems that we all have in this area is not conducive to reduce that zoning to allow more residential use. It's not the right place, at the right location. You can't compare this location to the Crisafulli's that we recently approved. They're entirely different parcels. The shoe doesn't fit in this particular spot. It was okay for Crisafulli just like it was okay for Gaich Development. In this particular location the amount of wetlands, the amount of flooding that the system is already inundated on a regular basis on a good portion of the property, and due to other incidences. For instance traffic at Grant, Smith Road, and Courtenay because Grant goes to the west, Smith goes to the east, and Courtenay north/south that intersection has numerous accidents on it. Unfortunately, there is not an arrow for cars that are going southbound to turn east onto Smith. And so, there are accidents at this

intersection. There is no right turn lane for folks to turn going northbound on Courtenay to turn eastbound to Smith. Increasing traffic on this, these roadways will increase accidents, and cause harm to our public health and safety. So, I am here before you as a resident that cares about our environment, that cares about our public health and safety, and I am pushing, or encouraging you to take a strong look at all of our public health, safety, and welfare. That's what you're here to do and not approve this request.

Pritchett: Thank you, ma'am. Mr. Schantzen and Jack Kirshenbaum.

Barfield: Kirshenbaum.

Pritchett: Thank you. What happened to old names like Smith and Jones? Thank you, Sir.

Schantzen: Good evening. Good evening Commissioners. Thank you for this opportunity. I am John Schantzen. I live at 7105 Briar Oak Drive, North Merritt Island, and I've lived there since 1980. Recently, you published the Annual Report 2016 Year in Review, and it says backed by half cent sales tax approved by the voters this past fall to save our Indian River Lagoon. The initiative will invest an estimated \$340 million to clean up the Lagoon, and we spent another \$1.7 million on flood pumps on Pine Island Road to take care of flooding north of East Crisafulli; and of course, we are proposing to spend more flood pump money to the Mosquito Impound, which is directly adjacent to this property, to prevent flooding, which we've all experienced since Irma, even before Irma. As a matter of fact, Pine Island Road is still flooded, but that is countering what you are spending here out of our sales tax initiative, because when the flood pumps kick in, it goes right to the river, and everything that's in those canals, and everything in that swamp land, or in the farm land, goes directly into the river. So, it's counterproductive. The FEMA flood map for North Merritt Island shows that this property has both the flood plain, AE, and X, and better than half of it is either AE or the floodplain. Every square inch of driveway, of road pavement, of roof or house slab is one square inch that is impervious to water. It runs off to the adjacent land, and then that land is required to absorb that water, which was absorbed by that house plan. It continued to increase the density on North Merritt Island, which is nothing but a bowl, a floodplain in much of it, and it is a barrier island. We're going to look like Houston before we know it. Thank you.

Pritchett. Thank you, sir. Mr. Kirschenbaum.

Kirschenbaum: Kirschenbaum.

Pritchett: Thank you so much. Steve Semonich, you're going to be next sir.

Kirschenbaum: Madam Chairman, Board of Commissioners, my name is Jack Kirschenbaum, I'm a lawyer with Gray, Robinson. I live in Cocoa Beach, and my office is in Melbourne. As you know, there was a Binding Development Plan that was entered into on March 10th of 2005, and that Binding Development Plan allowed the applicant to have 18 one-acre lots; and what you'll hear I think from the testimony of my clients, Mr. and Mrs. McMillin, and our expert planner, Mr. Steve Semonich of Rahenkamp Design, is that this application is an attempt to squeeze 40 stuffs into an 18-pound bag. This is not an appropriate application for this particular property. A land owner seeking to re-zone property has the burden of proving that the proposal is consistent with the Comprehensive Plan and complies with all procedural requirements of the Zoning Ordinance, that's your famous Snyder case, and your counsel sitting up there with you is very familiar with that case; and the burden of proof lies with the applicant by providing to you substantial, competent evidence that this is an appropriate re-zoning. I

submit to you that which you've heard fails to meet that burden, and I submit that nothing else you hear this evening will assist in meeting that burden. What one wants to do with one's property is not unrestricted. A balance is met by the law, by your Comprehensive Land Use Plan, and by the Zoning Ordinances, and the burden, as I said, falls with the applicant to achieve this balance. My clients will present evidence themselves, and so will our planner, that this is neither a consistent nor a compatible use with your Comprehensive Plan. I am not an expert planner, and I have to tell these things to juries all of the time, what I say is not evidence, but what Mr. Semonich will present to you is indeed evidence based upon his expertise. The second point I want to make to you is you as you know are not the first public body or public board to review this application. You have two advisory boards that have met, held public hearings heard testimony, taken evidence, heard from your staff, and each of those boards recommended denial unanimously. There was not one vote on either board to approve this application. I think that says volumes about this application. Next, one thing that citizens want and deserve and land owners expect is consistency and certainty from government. A Binding Development Plan is intended to be just that, and here we are just a few years later unbinding the Binding Development Plan sought by the applicant. As I say, we're trying to take 40 units and squeeze them into an 18-unit bag. The ingress and egress is a huge issue in this particular case. You've seen your staff report, all of the ingress and egress from this proposed development will be on a skinny lot that goes to the south and then west on Smith Road, and you've heard the testimony of residents already out there as to the problems that exist and what additional problems will be created. And lastly, maybe most important, this project if approved would significantly change the neighborhood. It would significantly change the lifestyle of the residents on Smith Road and particularly my clients, and as the Snyder Case says, even if the burden was met by the applicant, which is hasn't been, then it shifts to the government, and the burden would shift to the governmental board to demonstrate that maintaining the existing Zoning Classification . . .

Pritchett: Sir, you have 10 seconds.

Kirschenbaum: . . . thank you . . . with respect to the property, accomplishes a legitimate public interest. If he met the burden, then it shifts to you to demonstrate a public interest, and my clients' property and neighborhood is just that. The application ought to be denied.

Pritchett: Thank you, sir. Mr. Semonich. Ken Smith, you'll be next.

Semonich: Good evening, Steve Semonich, 2816 South MacDill Avenue, Tampa, Florida 33629. I was retained by Mr. McMillin and Mr. Kirschenbaum to provide my professional assessment of this re-zoning. My expertise is in the field of land planning, I'm an expert witness in court, and I testify on behalf of property owners in trials to determine highest and best use of properties. In addition, I've worked for 13 years with the land planning firm of Rahenkamp Design Group on dealing with projects over 500 acres, 500 unit subdivisions, commercial, industrial, and you name it. So, my assessment of this property is one of, you know obviously I'm an advocate for my client, but it's one of, kind of mediocre nature in general planning. So, let me kind of go over a couple of things that, that I find to be a little troubling with this application. One of the concerns that I have is that the application before you prior to the amendment is previously an EU-2 Zoning, and as the applicant indicated that was 9,000 square foot lots; and he had just testified that, I guess that it's going now a burden on him that he is going to re-zone it to EU, which now has a 15,000 square foot lot requirement. I'd like to remind the Board that, that is not the case. His previous application was binded by a 15,000 square foot lot minimum, and with 40 lots, so he's still getting 40 lots and he's still getting 15,000 square foot lot sizes. So, I don't see any concession on the applicant's part in regards to that.

In accordance with Section 62-1255 of the Land Development Code, the Code actually deems this property to be inconsistent of this EU Zoning, inconsistent; and obviously, per the staff's report, it stated that the Board would be allowed to address if there was a substantial decrease in density. So, even the County's Code itself recognizes that the EU, EU-1, and EU-2 Zoning is inconsistent with the Residential 2 Future Land Use, and there's a reason for that; and obviously there's ways to get around that, which I believe the applicant is trying to do today, but I don't believe that there is enough concession on the applicant's part to meet that criteria. The applicant's requesting 40 lots, he currently has an approval for 18. Something around the lines of 25 to 30 would be a little bit more consistent as a transitional use from the northern adjacent property to the properties to the south, which are two and a half acres. Just because the property to the north was re-zoned with EU-2 does not necessarily make this property owners property EU-2 as well. One of the other concerns is that the transition from the EU-2 to my clients property, I don't think EU is enough either. I mean, it's really the density, it's not the lot size. It's the amount of trips that are put on Smith Road, not necessarily Courtenay Parkway, and I believe the staff reports application indicated, you know, what the trips would be on Courtenay Parkway, but there wasn't anything in there for Smith Road. I mean, there's going to be 40 cars at minimum going in and out of there on a daily basis, and I won't testify on that and I'm not a traffic engineer, but, I mean, I do know that if there's a home there's generally a vehicle, and there's people that go to work in the morning and they go home in the evening. So, that's a substantial increase in that road, which is by fact a shell road, it's not even a paved road, and I know the applicant has indicated that he would pave a portion of that road, but I just don't believe that, that is within the character of that neighborhood; and the Policies to the Comprehensive Plan, Policy 3C and 4C, which talk about the compatibility and character of the neighborhood, I don't believe the applicant has met.

Pritchett: Sir, you have less than 30 seconds.

Semonich: The Policy 3C indicates that historical land use patterns, actually development over the immediate preceding three years, and development approved through the past three years but not yet constructed. I don't believe that, that historical pattern is there to justify that this applicant should get a re-zoning for 40 lots. Thank you.

Pritchett: Thank you, sir. Certainly.

Tobia: Thank you. You're holding yourself out as an expert. I'm just looking you up. Is it correct to say you're a landscape architect?

Semonich: It is not, I went to school and I graduated from University with Florida with a degree in Landscape Architecture.

Tobia: Okay so, what degrees do you have after Landscape Architecture?

Semonich: That is it.

Tobia: Okay, so, and according to *Wikipedia* Landscape Architecture is the art and practice of designing the outdoor environment, especially designing parks and gardens. Is that correct?

Semonich: That's correct.

Tobia: Thank you.

Pritchett: Ms. Smith. The next name is Earl McMillin, and then Nancy McMillin, you'll be next. Ms. Smith, if you'll give your name and address again.

Smith: Yes, my name is Kim Smith. I live at 5390 Judson Road, Merritt Island, Florida. I have a letter here that was sent to residents of North Merritt Island from Randall Holcombe who is a DeVoe Moore Professor of Economics. He, I'm going to read it to you, it has some fantastic information. He did not accept a fee for this consultation, because as he explains at the end of the letter, he, there's information in here . . . he'll want you guys to know about this, too. He wrote that, "The accepted wisdom on this among academic economists, which is residential vice commercial development, is that taxes levied by residential development do not cover the costs of providing government services to the development. So, costs are shifted to existing taxpayers. Higher density development pays a lower share of its infrastructure and service costs. In contrast, taxes on commercial development more than pay for the services associated with it. The common sense behind this is that residential development brings with it demands for schools to educate children who live there, police and fire services, and infrastructure associated with development. Meanwhile, property taxes on commercial development are in general higher than for residential development. Multifamily development tends to impose the highest fiscal costs on a municipality, because more residents live in multifamily residences relative to taxes paid. Communities interested in maintaining their fiscal health do best by encouraging commercial development and do worst by encouraging multifamily development. Academic studies on this subject are relatively rare because the conventional wisdom on the issue is generally accepted. Some examples of past studies can give you an idea of the conclusions those who have studied the issue have drawn. Eban v. Fodor, quoted in *The Real Cost of Growth in Oregon, population and environment*, 18, No. 4 (March 1977) at page 373 says, about residential development, "most of these public infrastructure costs are distributed across the entire population of a community through property taxes or general obligation bonds, whereas the benefits of these investments accrue primarily to the new development." Jeffrey H. Dorfman, Professor at the University of Georgia, *The Fiscal Impacts of Land Uses on Local Government* (April 2006) says, "While commercial and industrial development can indeed improve the financial well-being of a local government, residential development worsens it." He goes on to say, "The cost of providing services exceeds the revenue generated by the new houses in every case studied." The conclusion that residential development has a negative fiscal impact on municipal governments whereas commercial development has a positive impact makes sense when you consider that (1) property taxes tend to be higher on commercial development, and (2) that government services are provided to residents, so more residents means higher costs. Because multifamily residences tend to have more people living in them relative to the value of the residence, multifamily has the greatest negative fiscal impact. In short the higher the density of residences per acre, the greater the potential negative fiscal impact." He stated, this is Professor Holcombe, he has taught public finance courses at Florida State University for 29 years and he is interested in these development issues over that period, not only because of his teaching but because of Florida's experiences with growth management programs going back to the *Growth Management Act of 1985*. And this is a notarized copy of what he sent them, and you folks have got copies of that. Thank you, very much.

Pritchett: Thank you, ma'am.

Isnardi: I have a question.

Tobia: I do as well.

Pritchett: Commissioner Isnardi.

Isnardi: I'm sorry, I don't know if you, you had your light first. Now is this your testimony that you agree with this letter or is this because . . .

Smith: I'm reading this letter into the record, and reading it to you folks, because it blew me away how much these folks were saying.

Isnardi: Well, the reason why I asked is cause everybody that speaks is supposed to provide testimony either, you know, showing that this is a good project because of 'x' and your evidence, or 'y' and your evidence; and this is written by somebody else, it's why I'm asking, just for the record if this is your position that, because his position is basically that he doesn't believe that residential development has a positive impact as opposed to commercial. So, if your position is that you prefer commercial development, that you do or don't like residential, I would just like to know your position for the record.

Smith: His conclusion, and what was amazing, the evidence that he presented to us was that, it's the next to the last paragraph in the letter, the higher the density of residences per acre, the greater the potential negative fiscal impact.

Isnardi: And I agree, and I appreciate your reading that into the record, but he's not here to testify, and you . . .

Smith: And that's why there's this notarized copy that I have here, and you folks have a copy of that.

Isnardi: But this is a letter, this is a letter to somebody else that's either going to speak or a representative, or someone else that has a position. So, again, I just ask that if, if you're reading this on behalf of somebody else, you can't testify on behalf of somebody else.

Smith: Oh, I agree, I agree with what he said.

Isnardi: Okay, that's all I needed.

Smith: Okay.

Isnardi: Thank you.

Smith: So sorry about that.

Isnardi: That's okay.

Pritchett: Commissioner Tobia.

Tobia: Thank you. Ma'am, was, was just one quick question, was Dr. Holcombe aware of this property when he composed this letter?

Smith: That I'm not sure of. I would say yes, he is. Yes, it was researched. Yes, we were researching whether this would be a good thing or not, and so he was contacted and this was his opinion.

Tobia: So, do you find it kind of unusual that a renowned economist doesn't site the specific property in his analysis, on top of that he mentions it looks like a Georgia land use study in here? The reality of the way that revenue is derived from taxable value is different in the State of Georgia than it is in Florida, quite different. Property taxes are different. Georgia has a state income tax, Florida does not. Do you find it's a little bit unusual, again, that, that the very, you know, subject property that you're adamantly opposed to is not mentioned in the strong research that you bring forward?

Smith: It's, municipalities and governments are, are, have general sameness throughout the country and . . .

Tobia: I would just, as a government instructor, I would disagree with on that.

Smith: Okay, he has been teaching these public finance courses at Florida State University, so he's familiar with Florida.

Tobia: Again, again, he did not mention that in that, and I just want to, and I read it just now, this is the first time I saw it. I wanted to be correct. The subject property is not listed in this that is correct?

Smith: It is not stated . . .

Tobia: Thank you.

Smith: . . . in this opinion.

Tobia: Thank you.

Pritchett: Mr. McMillin, Ms. McMillin if you'd get ready to come up also.

McMillin: The letter's addressed to me, and I met with Professor Holcombe . . .

Pritchett: Sir, if you'd come to the mike and state your name and address for the record.

McMillin: Yeah, my name's Earl McMillin, and I live at 150 Smith Road; and if you have any questions about the letter, I can address them. I met with Professor Holcombe, showed him maps of the property, explained to him what the project was, et cetera, and the bottom line is that every study, whether from Georgia, Pennsylvania, California, Indiana, you name it, none show that residential property generates enough tax income to cover the cost that governments incur. So, this is an expert opinion we're offering for your consideration. Twelve people who know much more about zoning than I ever will, said no to this application. Those are the six people, excuse me, on the Local Planning Agency and on the Dependent Special District. Mrs. Blasky who's here tonight will tell you how this Commission in 2007 unanimously voted to preserve the Smith Road neighborhood when a former resident wanted to put four houses on five acres. You're a Quasi-Judicial body, you're not bound by the precedent but you have to consider the precedent. The law is, and I can tell you that since 2007 two more beautiful homes have been built on Smith Road, Serious on the north side about \$600,000 and Tim and Kelly Rowell on the south side about \$450,000; and in Brevard County v. Woodham, the court said zoning regulations can be employed to promote the integrity of the neighborhood. My wife will tell you why the NAJJAD property is different than the Harvey Groves property to which the applicant points, and she will explain to you that Florida has rejected the 'me too' argument

because 'me too' would destroy the zoning plan. Mr. Kirschenbaum referred to the memorandum of the Planning and Zoning Department that says, "Since the request of the EU Zoning Classification is not consistent with the current residential future land use designation a Binding Development Plan is required so the maximum density allowance in the Florida Land Use Map of two units per acre is met. So, Mr. Droor, the applicant, is hard to pin down. This is the first I heard that he changed his application from EU-2 to EU, and Mr. Semonich, our expert, who has a degree in Landscape Architectural, but who is also worked with many lawyers on zoning issues, has given you his opinion; but you don't have to rely on his opinion, you have your own experts. Rochelle Lawandales is a city planner on the LPA, Bruce Moia is an engineer who does development work, and he's on the LPA, and Henry Minneboo, who you all know, has worked with the County for years, they all said 26 acres, 26 homes. They asked the applicant several times during that hearing, would you consider 26 homes on 26 acres. The applicant refused, and one of his reasons was I can't make money with 26 homes. Well, the law is clear, and again from a Brevard County case, a zoning ordinance is not invalid because it prevents the owner from using the property in the manner which is most economically advantageous. If the rule were otherwise, no zoning would ever stand. Placing a financial burden on taxpayers and making the Smith Road residents bear the impact of 40 homes may be for the applicants good but it's not for the public good, and I go back to the invocation of the priest who gave it today who prayed that you would make a decision in the public good or for the public good. In the past 12 months there have been three developments on North Merritt Island that directly access Courtenay. They will generate in a year, if each residence generates the accepted nine vehicle movements per day, 1,070,000-plus vehicle on Courtenay; and this to go from 18 homes to 40 homes is 122 percent jump. To go from 26 to 40, which the LPA recommended is a 54 percent jump. I told you in May, I have seven seconds left, I have no problem with 24, 25 homes of 2,500 square feet, and I don't have any problem with that today.

Pritchett: Thank you. Ms. McMillin, and Chris Minerva if you'd please come to the front and get ready. Thank you, sir.

McMillin: Good evening, my name is Mary Nancy McMillin, I live at 150 Smith Road, Merritt Island. The applicant has claimed that it should have the same zoning as Harvey Groves' property to the north. The applicant is saying you gave it to Harvey Groves, you should give it to me. Florida rejected the 'me too' argument years ago when the Supreme Court held, "The fact that the applicant's land is situated across the street from that which commercial enterprises maybe operated is not enough alone to support his position that he should be given the same latitude and use of his property. Were this the case it would be a matter of time before the alterations of the whole scheme by successfully liberalizing the use of abutting property of would result in disintegration and disappearance of the entire planets zoning." At the Local Planning Agency hearing I tried to make a simple point that the evidence shows that Harvey Groves and NAJJAD are different. The list of those notified by the County of the Harvey Groves re-zoning does not show a single residence. All of those notified were businesses. The NAJJAD list chose four residences, Grivas, McMillin, Jewell, Armstrong. A fifth residence, the Storey residence is next door to the Jewel residence but they have been missed because the property doesn't show up in the Property Appraiser's website. The Rowell and Blasky residences on the south side of Smith Road were omitted because they are both over 500 feet away from NAJJAD's site. Both NAJJAD and Noel Droor received written notice of the re-zoning it was proposing but the Rowell's and Ms. Blasky did not. Obviously as residents on a dead end road they are impacted by the NAJJAD re-zoning. Again, I am not asserting that the NAJJAD list is defective, I have added Serios, Rowell, and Blasky to make the record complete. My point is simple, the two lists are competent substantial evidence that the Harvey Groves and NAJJAD

properties are different, zero residences impacted by the Harvey Groves re-zoning, seven residences impacted by the NAJJAD re-zoning. The other proof that Harvey Groves and NAJJAD are different is geographic. Access to Harvey Groves is due west and directly on State Road 3, it has no access to Smith Road. Access to NAJJAD is due south directly onto Smith Road. The applicants 'me too' argument is contrary to the holding of the Florida Supreme Court and the evidence does not support it's 'me too'. Smith Road is a small, unique neighborhood. Please focus on Smith Road and not Harvey's Groves; and I have never been contacted by anybody from NAJJAD to ask me how I thought about what's going on. Thank you.

Pritchett: Thank you. Mr. Minerva. Mr. Ratterman, if you'd be prepared next sir.

Minerva: Good evening, County Commissioners. I'm Chris Minerva from the North Merritt Island Homeowners Association, P. O. Box 542372, Merritt Island, Florida 32954. I will try to be brief; a lot of people have covered things that I'm saying. The Homeowners Association is fine with the existing SEU, one-home per acre zoning in the Binding Development Plan, but we cannot support the request for EU based on these. At .34 acres per home is a potential maximum of three per acre, potential, even though it said 40. Administrative Policy 3, the incompatibility with the existing land use Criteria A, Site Activity, diminishing enjoyment of and quality of life in existing neighborhoods within the area; Criteria B, causing material reduction in value of existing abutting developments; Criteria C, inconsistent with, point one, historical land use patterns, point two, actual development over the preceding three years, and point three development approved within three years but not yet constructed, which we've heard. Administrative Policy 4, uncharacteristic with surrounding neighborhoods and areas; Policy 5e, such change in traffic to exceed design functionality; and then Policy 8.1, negatively impacting character of the land use surrounding property. Policy 8.2, change of the land use and surrounding property; Policy 8.3, negative impacts on available and projected traffic patterns and the established character of the surrounding properties. Factors to consider please, the character of the land use of the surrounding properties, the change in conditions of the land use of the property, impact on traffic, not compatible with existing land use plans, not appropriate based on these conditions. The North Merritt Island Homeowners Association ask the property be zoned appropriately and not require additional binding development restrictions. Thank you for your consideration and for the work you do.

Pritchett: Thank you, Mr. Minerva. Mr. Ratterman, Bill and Mary Hillberg are going to be following him; if you all wouldn't mind coming to the front to be ready.

Hillberg: Madam Chair, Bill Hillberg here. I will cede my time and distinctly request that you disapprove this (unclear).

Pritchett: Thank you, sir, for your statement. Mr. Hillberg.

Ratterman: I'm Mr. Ratterman.

Pritchett: Oh, that was Mr. Hillberg that just spoke.

Ratterman: Yes, that was Mr. Hillberg.

Pritchett: Thank you.

Ratterman: My name is Jack Ratterman. I live at 568 East Hall Road, and I'm speaking in

opposition to the applicant, and I'd like to think back to the last Commissioner meeting when this Board approved Mr. Crisafulli and his application for the 48 units. And at the end of that, our Commissioner, Mr. Barfield, said it was the law, and almost indicated that was why it was approved, he could do it. So, you approved it. And I'm asking you now to think back when you studied U. S. history, okay? Have the wheels turn way back even to the Revolutionary War to that year, okay? And when you studied that class, do you remember the Stamp Act, the Tea Act, the Empowerable Acts, the Quartering Act? Those are unjust laws, and the citizens, the law enforcement, the government officials, and even government instructors do not follow those laws. They were unjust, and people made their own decisions, they made what was a right decision and justified that by what was right, not what the law was. And that's what I'm asking you tonight to think about, you know, not so much what was the law, what you can do, almost what you can cram into that short space, but what's right for the community, what's just for that community. You know? What's your legacy going to be up here on the Board, okay? And I ask you to deny that applicants request for those homes and that acreage. Thank you.

Pritchett: Thank you, sir. Mary Hillberg and Mr. Weber you're going to be next.

Weber: Can I go last?

Hillberg: Pardon?

Pritchett: He wants to wait till last. No sir, if you'd come up and get ready. It's going to be a lot to finagle and we've got a lot of cards; Mr. Weber if you'd come up and be ready.

Hillberg: I'm losing seconds, can you move me back?

Pritchett: We are doing that. If you would just hand them up here we'll pass them down so we'll save some time. Thank you, dear.

Hillberg: Good afternoon, I'm Mary Hillberg. I reside at 3780 Sierra Drive in Merritt Island. I'm a board member of the North Merritt Island Homeowners Association, as well as the chair of the North Merritt Island Special Dependent Special Advisory Board. As a native and life-long resident of Merritt Island, I know some members of this Commission have been in Brevard for several years; however, all may not be aware of the situation on the North Merritt Island area and need current and competent, and a substantial evidence to make a wise decision on the Smith Road issue. I'm prepared to provide that for you. First I have a 1989, this is a FEMA map, this is a FEMA map of the area, and as you see, the darken area here, this darkened area here is flood, flood area, and the darkened area over here is flood area. This area right here I've done with little post its, this is the subject area. Now, because that's very small, I've made a bigger copy of it. There is Smith Road, and as you see, everything is an X Zone which means there's no flooding there. In 1989, the North Merritt Island was designated, almost all of it was, an X Flood Zone, which means there's no danger of flooding. After Tropical Storm Faye in 2008, the low elevations in North Merritt Island were painfully obvious. In 2012, the North Merritt Island Homeowners Association invited Frank Scarvales, the Director of Flood Management for Brevard County, to explain the new FEMA designations. He brought maps and answered questions. In 2014 a change happened. This is the FEMA map from 2014. As you see the post it area here shows you this area right here is the subject area, and you see the blue over here on the side. That blue is the same as this blue on the edge over here. As you see, that has something to do with, and it says on the legend if you look on the right, because you have copies of each of these, you look on the right, this says that this is a flood, flooding area where there's these tiny little dots, and they're concentrated to that side; and here,

because it's so small, I made you a bigger copy so you can see. And I've outlined the subject property so you can see exactly what it is. All of this over here is flooding property, these floods, it's in less obviously than this, and this doesn't seem to have any flooding issues on it. The FEMA released their flood maps in 2014, these changes still have not been acted on by the County in the terms of correcting the Future Land Use Map or the Codes from North Merritt Island or the Codes for building, and we wondered why. Now in 2017, FEMA again recognizes there's still an issue. Evidently they keep watching them. So, now we have the FEMA maps, the smaller maps, and as you notice this blue, see this color blue, look at the, you have your schedule, the legend on the bottom, which is a blue with a star, that says that these areas are flooding, have essentially no flood base elevation. That means there's zip on flood elevation. That's all this around here's blue, and see this part of this property is blue. Now I'll give you the enlargement of that. Here is the subject property. This is all flood area. This area here, if you look on your legend, it says, it'll flood, it has approximately one foot, 12 inches or less, above flood elevation. That means more than 12 inches, you're going to flood. This area here has less than that, and it's the same as the edges. FEMA recognizes with advanced LIDAR satellite imaging that this area requires further defining and has produced preliminary maps that are more accurate now than ever. From this competent and substantial evidence, it's obvious for the safety of the residents and the protection of the properties we need to correct our Future Land Use Maps before, and our Codes, before we allow inappropriate development in documented flood prone areas. Brevard County Public Utilities Department continues heroic and creative efforts to protect the structures and residents of North Merritt Island with pre-storm work and multiple surface water pumps that are manned with a significant, when a significant rain event occurs. Mr. Denninghoff and his staff have done a wonderful job.

Pritchett: Ms. Hillberg, times up.

Hillberg: Can I have 30 more seconds, please?

Pritchett: No, ma'am, we've got a lot of people waiting to speak. Mr. Weber.

Hillberg: I respectfully request that you oppose this item for all of the aforesaid reasons. Thank you.

Pritchett: Thank you. Mr. Weber, and Mr. Rockliff if you'd get ready to come up right after Mr. Weber please. If you'd just hand them up sir, we'll pass them out. Thank you.

Weber: Good evening. My name is Marty Weber. I live at 3450 North Tropical Trail in Merritt Island. I am within three-quarters of a mile of the development lay in parcel we're talking about. I go left on Grant Road instead of going right on Smith, at the intersection of Courtenay, Grant, and Smith Road to get to my property. I'm going to summarize a bunch of what I have on this piece of paper for you because of the time. First of all, we don't need to talk about the intricacy of the changes that NAJJAD has asked for. He's asked for three different things. First, he wanted to relief the BDP, then he wanted an EU-2 zoning, and now he's asking for an EU zoning. So, what makes us even begin to think he will adhere to something that he agrees to today? Secondly, on August the 4th the property north of him was approved for a different zoning; however, approving the EU-2 zoning request with a house would allow, and this is according to your statistic from the EU-2 zoning, would actually allow 126 lots/houses in 26.11 acres, or 1,137,135 square feet, that's what 26 acres is equal to, and therefore would support that number of houses and 1,500 square feet without zoning. Obviously, you have to take out things for infrastructure and so on. My point is, I'm going by law as John mentioned before and zoning request. So, now he's changed and wants to do 1,500 square feet, which would allow

76 homes or lots at 2,000 square feet. The next thing I would question is he gave an estimate of \$550,000 per house/lot combination for this new development. Would any of you pay \$275 a square foot? That's what it amounts to. If he's going to sell a 2,000 square foot house on three-quarters of an acre of land, he's going to be asking \$275 a square foot. I just bought my property a year ago on North Tropical Trail. I have 2.78 acres. I have 2,200 square feet. I paid less than \$400,000, and that's three acres of ground. Further, in August the LPA board, which I presented at and so did a number of others who are representing the North Merritt Island Homeowners Association, the board agreed, we suggested that NAJJAD agree to 26 houses. He at that point refused. The LPA was reluctant to change its decision and hold on to the old BDP to which had previously been agreed. They twice asked NAJJAD to agree to this compromise. He refused. That's when the LPA denied his request. Finally, you have a chart as the third page of the handout that I gave you. This shows you that when we look at the Board approved Florida Land Use Plan this property is zoned Residential 2, which prohibits the use of EU, EU-1, and EU-2 on this land. Thank you very much. I appreciate you taking the time to listen to all of us this evening, and I certainly hope that you deny the request on behalf of all of us. Have a good evening.

Pritchett: Thank you, sir. Mr. Rockliff, and Anita Blasky if you'd get ready to come up, ma'am.

Rockliff: Vice Commissioner, Commissioners, and County Manager, my name's Larry Rockliff, I live with my wife at 3255 Spartina Avenue on Merritt Island. Now we've been residents here for one year now this week. We escaped from Broward County after 24 years, and during that time in Broward County I was president of a homeowners association of a large, rural community. We all had four and one-half acre properties in the City of Miramar. There was 32,000 people when we moved there in 1992, our first night was Hurricane Andrew, and when we left there was 177,000 people. During the 1990's there was a euphoria between developers and the Commission and there was also an awful lot of wealth, because the developers were more than happy to pay their impact fees, which made the city and the county flushed with money, but it's a different story today. We discovered in the homeowners association in Miramar, the rural community that we were far more beneficial to the community and to the city to work with the commission versus working against them, and that's exactly why I want to come to you today. We're not within 500 feet of the development we're on the river on the opposite side of North Courtenay. There are three issues here, concurrency, compatibility, and consistency. The issue of concurrency also applies to Broward, and it's a mess in Broward County today, and certainly we want to avoid that here. Concurrency takes a look at the amount of road demand, but it looks at it over long periods of time and it doesn't specifically look at on the micro, it looks at it more on the macros; but in the case of North Courtenay versus Smith and Grant, it needs to be looked on more of a micro basis if you saturate more traffic into that area. Consistency is with the land plan, and that's your expertise not mine, but without a doubt compatibility is an issue that is germane to this topic. The developer to the north of Miramar Parkway in Broward wanted to go from one house net per acre, not gross, one net per acre, which would have been compatible against the two and a half net per acre, but he wanted to change this to what they call RS 4 to RS 7, meaning four to seven houses per acre net, and of course he was more than happy to pay the large impact fees and be on his way elsewhere. We didn't fight it and say we don't want it to happen. We wanted to be reasonable about it, and what we said was we don't want to see it, we don't want to hear it, and we don't want to smell it for all intended purposes, and this is the issue here. The developer in this case has suggested that you have a water buffer, his water retention, which is a requirement of his particular development, which would serve as a buffer. Having moved to on the river here, I know fully well that from the sound point of view, water is not a good buffer. We hear the train on Highway 1. So, if he can hide from the community and essentially be invisible from the

community, I suggest that perhaps there's room to work with him. Otherwise, there has to be consistency, some compatibility, and there's no compatibility whatsoever between one house net per two and a half acres and several per acre. Thank you very much.

Pritchett: Thank you, sir. Ms. Blasky, and Ms. Lindhorst if you'd get ready please.

Blasky: Good evening Commissioners. My name is Anita Blasky, I now live at 205 Smith Road, Merritt Island. I was born in Cocoa. I've lived on North Merritt Island since 1972, but my husband, in 1977, my husband and I purchased 40 acres at the end of Smith Road. We built a new home there, and have lived there since 1981. We lost 32 acres to the Brevard County Mosquito Control in 2006. My husband passed away in 2016. Somehow I'm not included in Mr. Droor's numbers, but I lived there, I was the first house on Smith Road, and I adamantly object to this zoning, re-zoning. I've submitted letters to all of the Commissioners back in March stating my objection. In early 2005, Mr. Noel Droor of NAJJAD tried to re-zone the 26-acre property from AU to SEU. This acreage has ingress and egress to Smith Road. NAJJAD asked to build 18 homes on the 26 acres with a Binding Development Plan. I do not believe my husband and I were notified of the NAJJAD request, but I can say I would not have opposed 18 homes in 2005, and I do not object to 18 homes today. To my knowledge no one on Smith Road oppose the 2005 NAJJAD application. The North Merritt Island Association was in favor. The North Merritt Island Dependent Special District unanimously recommended approval, and the Commission unanimously approved it. In early 2007, the Lynch family who owned two and a half acre lots requested re-zoning from AU to RR-1 for their combined five acres on the north side of Smith Road to allow four to five houses to be built. Gareth Matthews who owns two and one-half acres that abutted the Lynch property opposed the Lynch request, however, the North Merritt Island Dependent Special District recommended approval. I wrote a letter to the Commission, which basically said to allow the Lynch's to break up their two, two and a half acre lots, change the zoning from AU to RR-1 right in the middle of Smith Road, which drastically changed the layout of our neighborhood. The RR-1 would allow them to build at least four, maybe five houses on the five-acre plot. This change in zoning would greatly increase traffic, destroy the quiet enjoyment of our area, and severely impact the peaceful neighborhood. Gareth Matthews spoke against the Lynch application at the Commission meeting. The Commission agreed with Gareth and voted unanimously to reject the Lynch application. Thus, in 2005 and 2007 the Commission recognized the uniqueness of the Smith Road neighborhood. It recognized that plans for half acre lots among and abutting two and a half acre properties on Smith Road were not compatible with the Smith Road neighborhood. Since 2005 and 2007, Smith Road has become more of a neighborhood. My son, Tim and his wife Kelly, built a new home on a two and one-half acre lot on the south side at 195 Smith Road. Jim and Terri Serios built one on a two and one-half acre lot on the north side, which was previously owned by the Lynch family. Scott and Angela Armstrong made major improvements to their property and bought more land to maintain their tranquility. A few weeks ago the Powers bought the other two and a half acre lot once owned by the Lynch family. Please do not grant the NAJJAD request to change zoning from SEU to EU. Hold NAJJAD to the promise he made in 2005. Thank you for your attention.

Pritchett: Thank you. Ms. Lindhorst. Mary Sphar you'll be next please.

Lindhorst: Good evening, Commissioners. My name is Gina Lindhorst. I live in North Merritt Island, 5136 Royal Paddock Way. I'm a resident of Merritt Island for 23 years and in Brevard County for 48 years, and I would like to state that we would like you to please deny more high density in this very low area. Please understand the following very important points for all of us. Number one, we need you to protect the residents and properties of the citizens in Merritt

Island, North Merritt Island, by the way. We need you to consider the new FEMA designations that were changed due to the increased intensity of events in the last few years, and have been newly revised in 2017. We need you to protect our Lagoon as we have voted thousands of tax dollars throughout the County to clean and restore the Indian River Lagoon. High density development will ultimately destroy it. We need you to recognize the past flooding of North Merritt Island, the issues with heavy traffic on single-access road in a natural low topography in the wetlands that we cannot change, all of this makes high density not appropriate and even hazardous for the residents who live in the low topography areas. Number five, we need to comply with the County Administrative Policies please. What we really need you to do is consider the safety of the people and the health of the Lagoon please. I also want to say that we request a moratorium on any further re-zoning or development in North Merritt Island while the Future Land Use Maps be corrected, may be the safest step to take in order to avoid unsafe zoning and land use in this area; and I want to remind you just very briefly, since I have three minutes left, that the North Merritt Island Special Dependent Special Advisory Board recommended denial of this change and the P&Z recommendation was denial also, as well as North Merritt island Homeowners Association. Thank you.

Pritchett: Yes, Commissioner Tobia.

Tobia: Are you speaking on your behalf . . .

Lindhorst: Yes, mine and my family, and all of my friends who have discussed this with me.

Tobia: Okay, not the North Merritt Island board, I didn't know if you sat on the North Merritt Island Board.

Lindhorst: I do, but I'm not referring to them right now. This is my own personal feeling, my family's opinion.

Tobia: Okay, thank you.

Lindhorst: Yes.

Pritchett: Thank you. Ms. Sphar, and Steve Smith if you'd please come to the front.

Sphar: Good evening, Commissioners, I'm Mary Sphar. I'm representing Sierra Club Turtle Coast Group. Now this is a rather interesting Agenda Item for Sierra Club. Sierra Club's been commenting for many, many years, and this is the first time that I remember of a zoning request that was changed when the information on the County site, which we study carefully, all said that the applicant wanted EU-2 zoning, with a maximum of 40 homes, and now, according to what you have on the slide above you, it's EU zoning. I'm not sure how that plays into it. As a matter of fact I got an Agenda in the back and it said change to zoning Res EU to EU-2. Local Planning Agency heard EU-2 zoning. There are two Binding Development Plans. One, proposed in January that stated EU-2 zoning, the one that was submitted and in the package August 8th said EU-2 zoning. So, I think, I don't know when you found this out, but that is rather strange for the Sierra Club to be in the position where we do even know in advance what zoning was requested. I have a couple of other legal considerations for you. The applicant has no legal right to 40 homes on his 26.11 acres just because the property has a Future Land Use of Residential 2. He has no legal right because he has to get zoning that allows such a density, and tonight you will make the decision to approve or deny that zoning change request. The applicant has no legal right to propose zoning changes just because the proposed zoning

appears to be compatible with the zoning on the property to the north. The proposed zoning should be compatible with the surrounding zoning in general, and the proposed changes are definitely incompatible to the zoning to the south and east, which is mainly AU. Please note that the current zoning SEU is the compatible zoning. As others stated, this application was rejected unanimously by the North Merritt Island Board and the Planning and Zoning Board, and for good reason. I was at the P&Z board. The board tried to work with the applicant to give a slight increase in the development potential, but the applicant would not budge except to say that he would put in sewer instead of using septic. Please consider that the proposed increase in development potential from 18 homes to 40 homes would adversely affect the Indian River Lagoon. The Citizens Oversight Committee, which is required by the Save Our Indian River Lagoon Project Plan is quite concerned that all the effort that they made to protect the Lagoon could be negated by bad zoning and land use decisions, and they discussed it at their meeting in August. I was there. So, how does the applicant plan to deal with flooding situation we all know plague North Merritt Island, especially right now? The staff analysis lists mapped flood plains but the BDP does not require compensatory storage in any portion of the property in estuary marine flood plain. We can speculate that the property will have to be raised to meet FEMA requirements, which we all know can cause problems with neighboring properties. Without specific plans to mitigate flooding potential, the re-zoning and developing 40 homes there is sure to aggravate an almost intolerable drainage and flooding situation. Finally, Sierra Club is concerned that the development limitations are dependent on a BDP. We know that all . . . which, by the way, says EU-2. So is there another BDP? But if you do have a BDP, we know that it's offering a new owner of the property often requests that it be modified or removed, and it's much better to have a zoning category that's actually appropriate and protects the natural resources and ensure compatibility. So please deny this application.

Pritchett: Thank you. Mr. Smith, and Darlene Hunt if you'll come to the front please.

Smith: Good evening, Commissioners. How you all doing tonight? First thing I want to say is thank you very much, I don't want to butcher your name, Mr. Abbate and Mr. Denninghoff and your staff for doing such a great job attempting to pump out all of the water that we got after Irma, but I know there's been many phone calls and you all are doing a nice job, so we appreciate that. I'll talk a little bit about flooding and if anybody behind me is squeamish about hurricane history. We bought our house in the 90s. It was built in the 60s, and when we bought it we had heard nothing about any kind of flooding in that area, throughout the 70s, 80s, 90s, and no flooding through 2000, and we've always, and this is the kind of squeamish part I guess, we've always maintained our septic system by having it pumped out on a regular basis. Flash forward to 2005 and Hurricane Wilma, we got flooded and it stopped our septic for a week; 2008 we got Faye, flooded inside of the house and the property driveway, and we had no septic service for about five weeks; 2011, no name storm, same thing, two weeks of no septic there; 2014 heavy rains; Matthew we lost it for about three weeks; and Hurricane Irma came by and we haven't had any since. Major change on North Merritt Island has been that there are more and more residences built every year there. Tonight we go home, my driveways about 600 feet long, we're going to go home and put on waders because we can't to get to our house anymore. The next steps going to be get a boat, but we're going to put on hip waders, or rain boots and try to get out to the house. There's no evidence, there's no record or evidence our property would have flooded when we bought it back in the 90s. We've researched with the neighbors and the County and the flooding is just not our fault. We're not the only flooded residence up there. There's also quite a few other North Merritt Island families are going through this today, and a huge number just had yard flooding. So, if this kind of high-density housing is allowed to continue as Mr. Schantzen said earlier, there's no place for the water to go and so we're going to see more and more of this kind of thing. So, what we ask is that you

approve building in less fragile areas of the County and no more of this dense housing in these flood prone areas. Residents who already live here shouldn't be punished by this high-density kind of housing. I want to thank you all for listening to that, and as a side, I have a degree in Architecture myself, and I just wanted to throw out that there's a lot more to landscaping architecture than you found in Wikipedia. It's a very, and that's not meant to be, you know, I'm not being trite or anything like that, I'm just saying it's a very difficult profession. There's a lot to that. I did one semester of landscaping architecture and decided it wasn't for me. I like buildings. So, anyway, thanks for your time, and I ask you to deny the request.

Pritchett: Thank you, sir. Ms. Hunt. Sarah Hodge if you'd come to the front please.

Hunt: Good evening, Madam Chairman, Commissioners, and all County staff. My name is Darlene Hunt. I reside at 125 West Crisafulli Road on North Merritt Island. I strongly object to the increase in density requested in the NAJJAD zoning change for four reasons. First, it's not compatible with the character of the area. I know I'm repeating things but I'm going to repeat them. It will also greatly increase the traffic at a critical road and intersection. It will cause flooding to adjacent properties and the impact on the already stressed Indian River Lagoon by over development. As far as the character, all adjacent properties are large parcels. Many of them are used for agriculture purposes, large rural home sites, or wetlands. It's already been stated. The traffic, to allow an additional density of 40 residences would generate additional 360 trips daily based on the County's formula. This would be insane for this intersection. There's currently a DOT study underway with regard to this intersection. Also keep in mind that this is the only road for people to travel to their homes. It also happens to be a main thoroughfare for Kennedy Space Center employees, Space Center tourists, plus all the new aerospace businesses that you've heard about this evening. Flooding and the Lagoon, this property is very near the Barge Canal, which is of course part of the Indian River Lagoon. This County and its citizens are currently dedicated to protecting the outfall and clean up the Lagoon. This property is located in a bowl or a basin, which makes up all of North Merritt Island. It has an elevation of about two to four feet above sea level as shown on your County's LIDAR map. The sides of the islands are the highest part of this bowl with an elevation of nine feet above sea level. To alleviate flooding, waters directed from this basin into the Lagoon under the control of the St. Johns River Water Management District. Although developers show plans to contain the water on the property, all stormwater retention areas and ditches are channeled to drain into the Lagoon during heavy rain events like we're going through now. Merritt Island is currently experiencing an unprecedented flooding, and none of the drainage systems are currently able to handle the excess water. As the County spends time and money to elevate flooding, allowing over development is totally unacceptable to the citizens who currently live there and those to come. The current density of 18 houses on 26 acres is as dense as this land can sustain. I respectfully request that you deny NAJJAD's request to change this density just as a Dependent Special District and the County P&Z have advised. Thank you very much.

Pritchett: Thank you, Ms. Hunt. Ms. Hodge. Michael Hirkala, would you please come forward please?

Hodge: I'm going to be brief. I'm one of the victims of this flooding right now in North Merritt Island.

Pritchett: Name and address. I'm sorry.

Hodge: I'm sorry, it's 390 Sanders Lane, Merritt Island, Florida; and my husband and I strongly

oppose this zoning. We are a victim right now of the flooding. My family homesteaded that property in the 1800s. This has historically never flooded. We have orange trees under water. Part of our grove is dying because of this flood, and I know that you people don't think about the people that are suffering right now. I have a friend on East Merritt Island that, on East Crisafulli, she has been flooded since Irma. She had to move her animals yesterday because there's no hope for it draining for any time in the near future, and this is ridiculous. Why are you allowing this? Why are you not listening to your Planning and Zoning Board and the North Merritt Island Homeowners Association? That is not fair. You have to be accountable for this, and I know that you're just doing what you want to do, but if you don't listen to the people it's going to be worse, it's going to get worse every time. And there's nothing I can do to make you do this, but it will get worse if you keep zoning more and more homes in that area that cannot drain, and I don't understand why. Thank you.

Pritchett: Thank you. That's the last of our cards here. County Commissioners, you guys, do you have anything . . .

Isnardi: Usually the applicant (unclear).

Pritchett: Oh, the applicant, thank you. Yes, would you like to come up, sir. You still have five minutes. If you all any questions for him, of course.

Droor: Thank you. Just a few items I'm listening to that, you know, one and a half units per acre is not a high density, and if that's a high density, I don't know, 10 or 20 units per acre, what is that called? And, again, if part of North Merritt Island is having flooding issues, you sure mistake building (unclear), because part of North Merritt Island is having flooding issues. This area is not having flooding issues, and not only that, none of the newer developments have flooding issues because they're design, they're, you have Codes you have Ordinances to follow; and if you follow them, you shouldn't have issues, and the same thing with St. Johns. As far as saying being incompatible and compatible, you know there are seven, you know, two and a half acre lots there, which the five of them, I guess eight there are five of them that have residences on them. Across Smith Road is a Planned Industrial Park. How is that not being compatible? Where's the compatibility when you have an industrial park in front of you, and you have commercial all along Courtenay, all along within a one-mile radius, it's, everybody, you have two acres and more per acre? So, and as far as the flood, or being in the flood, there are two types of floods in that area. One is the one that is being used for flood storage. One is that if you're in there, if you don't raise your building elevation, you're going to flood. This is not the area that is used for compulsory storage. This is not the area being used for, it is part of, we are part of about 25 percent, it is an area that could flood, but is not being used for flood storage. There is a difference. And, so, I don't know, I'll answer any questions you may have, and clarify anything.

Pritchett: Commissioner Barfield.

Barfield: You came before the previous County Commission back in 2005 and you made a change from AU to SEU with a BDP for 18 homes on 26 acres. Now we're at 12 years later and you want to change it to two units per acre, EU-2. What changed?

Droor: Basically the economy. There, there is no need for large lots. The reality of our real estate, you know, our kids don't want lots, big lots, they don't want to maintain yards. You know, the demand is for mid-sized lots, and, and, if you look at what's getting built mostly, do you see may two and one-half acre lots getting built lately? Why is the reason?

Barfield: You're at one acre right now.

Droor: Right now, I am, yes, one acre, and because of again, the recession and the reality of the real estate, and what the demand is.

Isnardi: So, for . . .

Pritchett: Commissioner Isnardi.

Isnardi: Oh, I'm sorry. So, for clarification, I saw you look that way to give me the okay, but . . . so, for clarification, what you are asking for a, it would be two units per one and a half acres, is that what it equates to roughly?

Droor: Its one and a half units per acre.

Isnardi: One and a half units per acre, okay.

Droor: Yes, per acre, and the Comp Plan again is at two units per acre, and the reason again, I went to EU from EU-2 because the concern was that later on you can, you know, revise the Binding Development Plan and put more lots because of EU-2 Zoning; but if you're familiar with the development, you know, by the time you put the rules aside, the retention pond aside, you know, there is no way you can put more even if you go.

Isnardi: And I want to ask you a question too. I know with some discussion, and I just want clarification, because I honestly can't remember nor do I know for sure, you had said, you know, several months ago during our meeting that you had the approval of three out of five of those property owners that were right in front of Smith Road.

Droor: I had three out of, there are five residents along Smith Road . . .

Isnardi: That live there now, correct?

Droor: Yeah, there are three, the ones that I have approval is the one that is right next to the entrance that gets the most effect, and then the one next to that one is the one that's opposed; and then I have the next house, and one isn't published, I don't know who it is, we can't find any records on it, and Mr. Armstrong who has got the largest lot at the end of the Smith Road.

Isnardi: But what about that property that abuts the entrance, the entrance to this development that you, I guess it would be Lot 290, I thought that we'd discussed that, because that would be the, would probably be the most impacted because the traffic for however many homes are developed there, that would be where it would pass through. I know you talked about a buffer and you talked about that. Is that property owner having an issue, too?

Droor: No, I have his approval. I have the approval of the property owner that is going to get most impacted is at that entrance, and after negotiation, what we did is put a buffer there. I provide a buffer, sand buffer, and have a, it won't, you know, hurt with the noise, or the traffic won't hurt it.

Isnardi: So, I guess, you'd have to look at the map to see it, but those, those houses will not be traveling down Smith Road, they will be stopping before those, before they would hit those residences that were there, that are across from the Industrial Park?

Dror: That, there is no reason for them to go down the road, yes.

Isnardi: Okay.

Dror: Once and a while somebody might get lost and get down the road, but I guess they do that today also.

Isnardi: Right.

Pritchett: Commissioner Barfield.

Barfield: You mentioned while ago, you just said you wanted to change this to EU. Did you mean EU-2, which you submitted here?

Dror: No, I wanted to change it to EU. I requested for EU-2, which is 9,000 square foot minimal lots. But again, after listening to all the concerns, I want to change it to EU, which is 15,000 square feet with a Binding Development Plan, which would be 2,500 square foot minimum houses; and Curt Brother, and all, after talking to Commissioner Pritchett it's going to be paver driveways also.

Barfield: Did you float this to the North Merritt Island District and to the P&Z by changing to EU?

Dror: No, no, I did not talk to them changing to EU. That's, EU came after the meeting. After listening to, you know the concerns. After listening to what I, the main concern was that I can change, do away with the BDP. Having EU-2, I can do 80 lots or whatever, it's a lot, I don't know what it would be with numbers, and that's how the EU came. Trying to be again, accommodate the neighborhood, being, trying to be a good neighbor, and so.

Pritchett: Commissioner Isnardi, did you just, flipped off for a minute.

Isnardi: That was earlier.

Pritchett: Okay, Commissioner Tobia, anything? I was just going before you do, let me just weigh in. I agree, I don't think this is necessarily high density, and we did make an approval to the north already. These are just things I've listed through the last few days and I've been studying. I like the fact that the upgrade to Smith Drive will occur, and that it's only going to affect the two houses that seem to not have too much trouble with the project as far as traffic going through there and up to Smith. As far as the residential and commercial conversation that went on earlier, I would never just stop residential development from happening just because you think commercial would be better. I'm for both and with that. We can maintain an acceptable level of services. I saw this on the analysis that you gave us. It's in agreement with the FLU, and I think just even you making the compromise of changing it to EU to make the lot sizes bigger, it just, I think it makes it even more palatable. So, that's just my thought on this, and that's all the reasons that I'm going probably vote in favor of this project tonight. I think it's a good fit for the area, and I think it's a nice project, so.

Isnardi: And, you know, since we're coming I guess to a close to this discussion, I just wanted to also say I was excited about the retention, I think that's going to also buffer those neighbors that are concerned about your development having an impact on their neighborhood; and I agree, as soon as you said that, commercial versus residential, I, I mean, we all live in houses and if we stop all development of houses because people think commercial makes more . . . I'm

not driven by how much money I bring in or generate from revenue from business or individuals, and I, I won't comment on the, you know, expert witnesses and how they're paid by attorneys to come and testify on your behalf. I think, sir, that you did yourself a disservice by not hiring a lobbyist or an attorney in that, and that's okay, however, it's not going to change my mind on seeing where your heart is in this project, what you've tried to do to compromise. The fact that you're willing to sign a BDP and change your zoning to try to accommodate, and I appreciate the people who are cursing in the background, that's really respectful of my time and the gentleman up at the podium. But, I'm going to go ahead and approve this project as well for vote.

Barfield: You can sit down, it's now a discussion. First, I want to tell everybody, I want to tell everybody out there that I truly, truly am sorry that you all are going through this flooding. I've been all over looking at it and I really feel bad about it, and we are making, we've had some meetings and we're making more meetings with you, and we're working to make some changes. That said, I have a major problem with this in the fact that I think at this point you have an applicant that came before here back in 2005 to change from AU to SEU, 18 homes, and 26 acres. I'm fine with that. I would be fine with 26 homes on 26 acres, that's one per acre. That's, that's, I can do that, but to come back now and to make this change again knowing that we've had the residents of North Merritt Island, elected officials on the North Merritt Island Dependent District to then go through this. We've had the Planning and Zoning going through this. They're recommending, their recommendations are sound I believe, but a whole another aspect of this is when you go look at the map, okay north of that you have Harvey's Grove, which one of the speakers said it's a totally different situation, and it is, it's EU-2. Then below you have SEU, which is up to one acre. Then you go to AU, and that is a perfect transition. When you have EU-2 and then go straight to AU, it's not a logical transition. So, I'm, I am opposed to this the way it is written. I would be good with 26 homes, but that would be it. I think at one acre is fine, and it ask the question of this Commission, how often are we going to change? Someone comes for a BDP this time, oh, they want to change the BDP and zoning again, or they want to change it again. No, it has to be, there has to be a cutoff, there has to be a point where enough, you've come before us, and that's what it is. So, I'm opposed to this the way it is written.

Pritchett: Commissioner Isnardi.

Isnardi: And I would agree with you, Commissioner Barfield, but, you know, I would hope that 12 years later, you know, obviously the, either the needs or the community changes and we have lots of development in that area as well; and I think 26 homes as opposed to 40, a 14-home difference over 26 acres, I don't see it being a significant enough of a change. I mean, I'm not going to compare Mr. Crisafulli's development because I don't think that's fair because I wasn't opposed to Crisafulli's development; but side-by-side comparison you can see what Commissioner Tobia passed out, I mean, I've looked at people's addresses when they came up and many of these residents don't even live within a mile of these, of these acreages, and to be told by one Merritt Island resident that we don't care about flooding, I, I point you to my staff where we sat out in the rain storm in the middle of people's floods, in the middle of neighborhoods. So, every one of us has been there and done that. So, I feel very offended that you assume that we sit back here, or we sit in our offices and don't go out to the public and care about flooding in our neighborhoods, because they are in all of our Districts, Indialantic, West Melbourne, to Palm Bay because our area, we do care about our area. So, I'll just leave that at that. That's a non-issue. That really hurt my feelings and it really diminishes the work of my staff because we've worked very hard, along with other County employees to make sure that we are doing what we can to clean out sewers, take care of storm drains, and to take care

of our residents. So, while, again, while I appreciate the heckling in the audience and some of the curse words that I'm hearing, it's not going to change my mind. Twenty-six houses, I mean, I would hope that after 12 years you can change your plan for an area based on the needs of the neighborhood, and I think one resident said it well when they really don't want anything in this area, and I don't think that's fair to the home, or to the property owner as well. So, I don't really have a problem with this because I think he's taking care of, again, a lot of our complaints come from higher elevation properties that are built, and for newer development it's because we, we, we build and we develop smarter now in consideration with natural resources, in consideration with utilities and Public Works and growth management, because we make sure that we don't make mistakes that will cause flooding of neighborhoods and that we take care of the water that comes on our property. And we usually have such an impact that it actually helps surrounding neighborhoods. So, again, I'll stop, I'm good.

Pritchett: Commissioner Barfield.

Barfield: I'll leave it with this, but I'd just like to point out that over that time frame those 12 years, that the flood maps showed substantially more flooding in that area than before, and I think that needs to be in consideration. I think we need to look at this, and I actually think we do need to start looking when we are working on development what the overall impact in the future's going to be in a little different tone. I think that's a whole another issue we need to discuss. At some point I think we need to have a workshop on that, too; but for this, the flooding there, the new maps and everything show even more, and I think it needs to come into play with this. So, I'll leave it at that.

Pritchett: Commissioner Smith, yes sir.

Smith: Yeah, I would just like to weigh in because I listened to all this testimony, and I'm not really familiar with that area, I have driven by it probably three or four months ago. I know we've got the flooding issue, but when I look at the people that are familiar with it, starting with Commissioner Barfield and Merritt Island and the P&Z board, and they're all opposed to this, I have to say that I'm opposed also. But I would like to agree with Commissioner Barfield, if we can split the baby and make it like 26 homes, I think that, that would serve the size, and I think it would be equitable on both sides; so I would be amenable to that as well.

Pritchett: Thank you, sir. I've got no more lights here for you guys. One last comment, I totally respect you, Commissioner Barfield up here and the other Commissioners, and that, that challenges my thoughts and I knew that would be something would have to really think through. So, I spent more time thinking through this process, and I've got to vote what I believe is a good fit, and I just believe it is. The County is growing, and as far as the flooding, I'll tell you, District 1, you talk about flooding, District 1 is flooded. I have roads underwater with the river. This is a really unusual time and I know different properties have different flooding, but we have to work on ways to mitigate the flooding when we build and what we're going to do with these things. I do care very much about wetlands, and I think it's important that we maintain them, but I just don't think this is a high density project, and with a good conscience, I could not vote to deny this tonight. So, would anybody like to make a motion?

Tobia: Madam Chair, I'd like to make a motion for a change of Zoning Classification from SEU to EU.

Pritchett: That's the zoning that puts a little bit more criteria on it to be larger lots.

Isnardi: With the BDP?

Tobia: Yes, with the, sorry, with the BDP, BDP to 40 units.

Pritchett: I have a motion on the floor.

Isnardi: I'll second.

Pritchett: I have a second. All in favor vote Aye.

Pritchett, Tobia, Isnardi: Aye.

Pritchett: Opposed?

Barfield, Smith: Nay.

Pritchett: It passes 3:2, with Commissioner Barfield and Commissioner Smith in objection.
Thank you.

The 2017 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONSChapter 163
INTERGOVERNMENTAL PROGRAMS[View Entire Chapter](#)**163.3194 Legal status of comprehensive plan.—**

(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

(2) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate land development regulation commission created pursuant to local ordinance, or to both, for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(4)(a) A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the comprehensive plan, or element or elements thereof, relating to the issue justiciably raised or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process of law and the payment of just compensation.

(b) It is the intent of this act that the comprehensive plan set general guidelines and principles concerning its purposes and contents and that this act shall be construed broadly to accomplish its stated purposes and objectives.

(5) The tax-exempt status of lands classified as agricultural under s. [193.461](#) shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. [193.461](#).

(6) If a proposed solid waste management facility is permitted by the Department of Environmental Protection to receive materials from the construction or demolition of a road or other transportation facility, a local government may not deny an application for a development approval for a requested land use that would accommodate such a facility, provided the local government previously approved a land use classification change to a local comprehensive plan or approved a rezoning to a category allowing such land use on the parcel, and the requested land use was disclosed during the previous comprehensive plan or rezoning hearing as being an express purpose of the land use changes.

*History.—*s. 12, ch. 75-257; s. 1, ch. 77-174; s. 2, ch. 77-223; s. 12, ch. 80-358; s. 69, ch. 81-259; s. 11, ch. 85-55; s. 33, ch. 2002-296.