



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

1/14/2025

Subject:

Resolution setting forth the findings and conclusions of the Board of County Commissioners re: the denial of a request for a change of zoning classification from BU-1 to RA-2-4 on property owned by Schwa Inc.

Fiscal Impact:

N/A

Dept/Office:

County Attorney's Office

Requested Action:

Approve the proposed resolution setting forth the findings of fact and conclusions of the Board pertaining to the denial of a request for a change of zoning classification from BU-1 to RA-2-4 on property owned by Schwa Inc.

Summary Explanation and Background:

On December 12, 2024, the Board of County Commissioners held a public hearing and considered a request for a change of zoning classification from BU-1 to RA-2-4 on property owned by Schwa Inc., application number 24Z000051. The Board voted to deny the request by a 3-2 vote and directed the County Attorney's Office to prepare findings of fact. The requested Resolution setting forth proposed findings of fact, conclusions of law, and the action taken is attached.

Pursuant to BCC-51, when the Board directs the County Attorney to develop a resolution setting forth proposed findings of fact, the resolution is to be scheduled for approval as a consent agenda item at a subsequent regular meeting of the Board. If the Board removes the resolution and findings of fact from the consent agenda for discussion at a regular meeting, the discussion shall not constitute a reopening of the public hearing, nor shall the Board hear any new evidence from the public. However, nothing in this section shall be construed to prevent the Board from continuing a public hearing to a time-certain and reopening the public hearing at that time. In the event the Board wishes to reopen the public hearing, the item shall be readvertised.

Clerk to the Board Instructions:

Return a signed copy of the resolution to the County Attorney's Office, and file the resolution in the records of the Board of County Commissioners maintained by the Clerk to the Board, noting such filing as the date of rendition of the Board action.



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January 15, 2025

M E M O R A N D U M

TO: Morris Richardson, County Attorney

RE: Item F.10., Resolution Setting Forth the Findings and Conclusions of the Board of County Commissioners for the Denial of a Request for a Change of Zoning Classification from BU-1 to RA-2-4 on Property Owned by Schwa Inc.

The Board of County Commissioners, in regular session on January 14, 2025, approved and adopted Resolution No. 25-004, setting forth the findings of fact and conclusions of the Board pertaining to the denial of a change of zoning classification from BU-1 to RA-2-4 on property owned by Schwa Inc. Enclosed is a fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/tr

Encl. (1)

cc: County Manager
Planning and Development

RESOLUTION NO. 25-004

A RESOLUTION SETTING FORTH THE FINDINGS OF FACT AND CONCLUSIONS OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO THE DENIAL OF THE REQUEST FOR A CHANGE OF ZONING FROM BU-1 (GENERAL RETAIL COMMERCIAL) TO RA-2-4 (SINGLE-FAMILY ATTACHED RESIDENTIAL) ON PROPERTY OWNED BY SCHWA 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 Dependent Special District Board (“NMIDSD Board”) on November 14, 2024, which voted unanimously to recommend denial of the request. On November 18, 2024, the Brevard County Planning and Zoning Board (“P&Z Board”) had a split vote of 5-5, failing to provide a recommendation in favor or against the request. The item then came before the Board of County Commissioners of Brevard County, Florida, on December 12, 2024, and the Board voted 3-2 to deny the request after a public hearing.

The record is attached as Exhibit “A.” It consists of documents maintained by the Brevard County Planning and Development Department as part of the official application file and provided to the P&Z Board and the Board of County Commissioners, relevant sections and provisions of the Brevard County Code of Ordinances and Comprehensive Plan, and minutes from the public hearings. The pages will be referred to as R-_____.

Description	Page Numbers
Application for Zoning Action	R-1
Staff Comments	R-23
Administrative Policies of Future Land Use Element	R-33
Supplemental Information from Applicant	R-41
Survey of Property	R-54
Minutes of the NMIDSD Board, November 14, 2024	R-55
Minutes of P&Z Board, November 18, 2024	R-63
Public Comment	R-71
GIS Maps	R-77
Agenda Report, Board of County Commissioners December 12, 2024	R-90

The applicant, Schwa Inc., has owned the subject property since 2005. (R-11 – 13; R-20). The property is a total of 2.47 acres. (R-14; R-20). The Future Land Use (FLU) designation for the property is community commercial, or CC. (R-23). In 1990, the subject property's zoning classification was changed from Agricultural Residential (AU) to General Retail Commercial (BU-1), which is the subject property's current zoning. (R-24). The subject property's current BU-1 zoning classification can be considered consistent with the CC Future Land Use designation. (R-23; R-25). The applicant requested a rezoning from BU-1 to RA-2-4. (R-1). RA-2-4 is also consistent with the CC Future Land Use designation. (R-23; R-25).

At the P&Z Board Meeting on November 18, 2024, the P&Z Board considered the applicant's request, public comment, and the documents and evidence that made up the record. The P&Z Board had a split vote of 5-5, failing to provide a recommendation in favor or against the request. (R-90 – 91).

On December 12, 2024, the Board of County Commissioners considered the applicant's request during a public hearing. (R-90 – 91). As part of the information presented to the Board, staff with the Brevard County Planning and Development Department provided staff comments on the rezoning application request for the Board of County Commissioners to consider. (R-23 – 40). The Staff Report referenced applicable provisions of the Brevard County Code, as well as administrative policies and objectives located in the Brevard County Comprehensive Plan – Future Land Use Element (Chapter XI). (R-23 – 40). The ultimate decision-making authority as it pertains to reviewing and applying these regulations to the particular application rests with the Board of County Commissioners. The Board considered the applicant's request, public comment, and the documents and evidence that made up the record and voted 3-2 to deny the request after a public hearing. (R-114 – 115).

Staff provided a general description of the surrounding properties as follows:

North of the subject property are 2 parcels, one parcel is 1.36 acres, vacant with BU-1 zoning designation and the second is 2.52 acres developed with a single-family residence with AU zoning designation.

South of the subject property is Egrets Landing buffer tract and Egrets Landing right of way, Norwich St., a County maintained roadway.

East of the subject property is Egrets Landing, a platted subdivision, per PB 67, PG 30 of Brevard County records.

West of the subject property is 1 parcel located across N. Courtenay Pkwy. and is 3.09 acres developed with a single-family residence, and zoning designation BU-1.

(R-24).

The Staff Report generally explained the differences in the development potential between the existing zoning classification (BU-1) and the requested zoning classification (RA-2-4).

The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The proposed RA-2-4 classification is a four unit per acre multiple-family attached residential zoning classification. It permits multi-family residential development or single-family residences at a density of up to four units per acre on 7,500 square foot lots. RA-2-4 classification does not permit apartments.

(R-24).

The Staff Report goes on to reference various provisions of the Brevard County Code and Comprehensive Plan that the Board of County Commissioners is to consider when evaluating a rezoning application. (R-25 – 30). For example, the Staff Report incorporated Policy 2.10 of the Future Land Use Element (Chapter XI) of the Brevard County Comprehensive Plan entitled “Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations.” (R-25). This Policy applies to the requested rezoning because the community commercial future land use designation allows the owner of the subject property to effectively utilize a density bonus to permit additional units of development. In this particular case, the subject property could be rated up to four (4) units per acre as the closest residential future land use designation is RES 2 and the CC future land use allows for one density higher than the closest residential density. (R-25 – 26). This density bonus, however, is subject to certain restrictions and limitations. Specifically, Policy 2.10 of the Future Land Use Element of the Comprehensive Plan provides, in pertinent part, as follows:

Residential development . . . shall be permitted in the . . . Community Commercial land use designations, provided that the scale and intensity of the residential . . . development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is

on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. . . . Such residential development, as described above, shall be allowed to utilize the following characteristics:

Criteria:

- A. Residential uses within . . . Community Commercial designation[] shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.
- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within . . . Community Commercial designation[] as an incentive for redevelopment and gentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors and meets the concurrency requirements of this Comprehensive Plan.

(R-25 – 26).

The Staff Report also referenced Administrative Policies 2 through 8 of the Future Land Use Element (providing specific analysis pertaining to Administrative Policies 3 and 4 identified in ***bold and italics***) and the agenda packet provided to the Board of County Commissioners included these Administrative Policies. (R-26).

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:

The applicant intends to build nine attached residential townhomes on the subject parcel. The request would be a down zoning to the intensity of the current commercially zoned use for the parcel. The request is not anticipated to diminish the enjoyment of, safety or quality of life in the existing commercial and residential area.

- 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.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- 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;

The historical land use patterns of the surrounding development can be characterized as a commercial and residential area located along N. Courtenay Pkwy. The developed character of the surrounding area on the East side of N. Courtenay Pkwy. to the North is vacant land zoned commercial with CC FLUM, single-family residence on agriculturally zoned land with NC FLUM. South on N. Courtenay Pkwy is a professional office on commercially zoned land with CC FLUM. Further South along N. Courtenay Pkwy. is a parcel developed as a mobile home park with RES 2 FLUM. Abutting the subject property to the East is a subdivision of single-family residences that has RES 2 FLUM. West side of N. Courtenay Pkwy. is a single-family residence on commercial land with CC FLUM.

The prominent FLU designations in this area include Neighborhood Commercial (NC), Community Commercial (CC), and Residential 4 (RES 4).

2. actual development over the immediately preceding three years; and

In Egrets Landing which abuts the subject parcel, 33 single-family residences were developed which completed the subdivision's Phase I, II and III portions.

North Island Villas located North of the subject property along N. Courtenay Pkwy., currently has 48 townhomes being constructed.

3. development approved within the past three years but not yet constructed.

There has been no development approved and not constructed within the past three years. There have been multiple zoning actions.

Zoning actions within one-half mile within the past three years:

- 22Z00033: Approximately 0.5 miles from the subject property on N. Tropical Trail is RU-1-13 zoning which was rezoned from AU to RU-1-13 with Binding Development Plan (BDP) to limit the maximum density to two lots with one house on each lot, on 10/12/2022.***
- 23Z00030: South of the subject property on the West side of N. Courtenay Pkwy. is GML zoning which was rezoned on 07/13/2023 from AU to GML to build a new fire station for Brevard County Fire Rescue.***
- 21Z00047: Approximately 0.17 miles (directly North of the subject property N. Courtney Pkwy. is RU-2-4 zoning which was rezoned on 03/03/2022 from BU-1 and RU-2-30 to RU-2-4.***
- 21Z00042: Approximately 0.17 miles South of the subject property on the West side of N. Courtenay Pkwy. is RU-2-4 zoning which was rezoned on 05/31/2022 from AU to RU-2-4 with BDP.***

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

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.

Staff analysis indicates the request is located along a commercial and residential area of character along N. Courtenay Pkwy. Since 1990, the subject property has had a commercial zoning designation, BU-1. BU-1 can be considered the predominant zoning classification in the area.

Per Section 62-1343 of Brevard County Code, RA-2-4 is intended to provide a transition between single-family detached zoning classifications and multiple-family zoning classifications, permitting fee simple ownership of individual attached units. RA-2-4 does not permit apartments. Under RA-2-4 zoning designation, the parcel will be required to be platted and have a site plan.

The parcels current BU-1 zoning classification permits the use of short-term rentals and is also permissible under RA-2-4. Short-term rentals are categorized under Resort Dwellings, per Section 62-1102 of Brevard County Code. Generally, Resort Dwellings means any single-family dwelling or multifamily dwelling unit which is rented for periods of less than 90 days or three calendar months.

Within the search radius, there are no additional RA-2-4 properties, however just outside the search radius approximately 1 mile to the South of the subject property on the same side of N. Courtenay Pkwy at Gator Dr. is a property with RA-2-10(4) zoning that is capped at 4 units to the acre.

The request is not anticipated to impact the surrounding established area of commercial and residential uses materially or adversely.

At the time of the submitted request, the applicant has not provided a concept plan.

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.

The property is located within an established corridor of commercial and residential uses along with vacant land situated along N. Courtenay Pkwy. There are clearly established roads and lot boundaries.

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.

The adjacent area is both commercial and residential uses along with vacant land along N. Courtenay Pkwy.

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.

The subject parcel is located along a commercial, residential with vacant land corridor. The subject parcel is proposed to be rezoned from BU-1 to RA-2-4 which is considered a transitional zoning. The proposed use provides a buffer from high intensity to low intensity uses.

The closest parcel with RA-2-4 zoning is North of the subject property and West across N. Courtenay Pkwy. approximately 0.23 miles from the subject property.

There is one residential subdivision, Egrets Landing, that abuts the subject property to the East and a mobile home park, Sun Island Lakes which is located South of the subject property on the same side of N. Courtenay Pkwy.

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:

- 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.

Section 62-1151, Brevard County Code, establishes the requirements for property owner-requested amendments to the County's official zoning map. (R-36). Pursuant to Section 62-1151(d), Brevard County Code, the Board of County Commissioners is to consider the following factors enumerated in Section 62-1151(c):

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The meeting minutes from the P&Z Board and the NMIDSD Board were both provided in the agenda packet for the Board of County Commissioners' meeting on December 12, 2024. The following concerns were raised before the NMIDSD Board and the P&Z Board, respectively, regarding the potential impacts of the requested zoning change:

NMIDSD Board (11/14/24)

S. Alvonellos: "We live by that lake or pond. All the storm water from the Egrets Landing houses comes to that pond. We have to pump 10 to 12 days every time we have rainfall or a storm. What's going to happen now if all that drainage is going to go toward the right side of my property, going toward the pond. We're going to get flooded even more. . . . [W]e pump [the water] to the street drainage. My neighbors and I have to get out hoses and pumps, and man them day and night. If we don't do that before a hurricane comes, we're done. . . ." (R-55 – 56).

Volland: ". . . The roads on North Courtenay are becoming worse with all the space traffic. . . . The roads are a concern. We have U-turns, right across the street the townhomes, it's getting dangerous by the day for those of us that live on North Courtenay to try to make a left to go south with all the [C]ape traffic coming. . . . Storm runoff, flooding to the lower properties, it's not just us, the people across the street from us, the people on either side of us that are built low are suffering. . . ." (R-56).

W. Alvonellos: ". . . First year we were here the flooding wasn't too bad. Then Egrets Landing developed behind our pond, that year we had alligators at our back door. We have to spend our own money on hoses and pumps, it's a joint effort, we all have to get out there and pump this out every time we know a storm's coming. It's irritating. I always have to hear this thing running. . . ." (R-57).

Smith: ". . . [The rezoning request] would diminish enjoyment of and quality of life of existing neighborhoods. Why should buyers pay the same for properties next to the apartment complex when they can go somewhere else. . . . More traffic impacting road safety and road services. . . . Higher density exacerbates flooding. Contributes to traffic problems. . . . Developers are required to hold all their stormwater on the property as they develop it. They'll have retention[] ponds, and they have requirements by the [C]ounty to hold the stormwater there. Typical summer and fall rains, and one big storm after that all these requirements go out the window and the water starts overflowing. It doesn't stay in these retention areas, it floods onto the surrounding properties, especially the older properties and lower properties. . . . The runoff from these types of buildings, the hardening of the area, this is not a good place to have apartments and townhouses." (R-57).

The NMIDSD Board unanimously recommended denial of the rezoning request based on Administrative Policies 3a, 3b, 3c, 4a, and 5c. (R-61).

P&Z Board (11/18/24)

Ratterman: “. . . What we’re looking at administrative policy 3A diminished quality of life, administrative policy 3B diminished property values, and administrative policy 3C which is noncompatible with the local land use. . . .” (R-65 – 66).

Burns: “. . . Basically, they’re going to dig a hole, all the water slopes down from Courtenay, right to my house. I have an embankment. That water’s going to go in that hold, and it doesn’t go anywhere. . . . The other thing is . . . my neighbors, they’re not in Egrets Landing, they’re constantly pumping water before a hurricane, they have to pump down their lake probably for about a week. It’s so noisy. All you hear is that water pump. And that’s all they need is more flooding going into there. They have some real problems right there and they drain it up to the street. . . . They don’t need anymore water coming down that hill, filling up their ponds. The traffic was already mentioned. . . .” (R-65 – 66).

The P&Z Board had a split vote of 5-5 with no recommendation in favor or against the rezoning request. (R-70).

During the Board of County Commissioners Zoning Meeting, citizens raised concerns regarding the rezoning request:

Ratterman: “. . . Island Lakes are an example [of a development] right there next to [the applicant]. Egret’s Landing moved in. Now all these folks in Island Lakes they’re looking at the bottom of the house pads of Egret’s Landing. So, every time it rains just a little bit, they flood, and these people, they’re going to do the same thing. . . .” (R-97).

S. Alvenellos: “. . . the reality is, all of that Egret’s Landing building, before that we had no flooding, especially not like that. We had to pump out, and we currently pump out, every single time that there’s rain, and also, if there’s a hurricane, and we don’t pump out of that pond . . . then we’re going to flood. And the flooding comes nearly 15 yards to the pool, to our home, so all of that water from Egret’s is coming, all of that water is coming right down here, and it floods this whole . . . tree area over here, and whatever overflows then goes into the pond, and then that goes into our property. . . . And, um, this will aggravate it even more because there’s two retention ponds, I believe, put there, and you got to wonder, those ponds are not that big, where’s all that water going to go? . . . We will not be able to walk out of our garage . . . door by the time this is over. So, we don’t really know if we can survive the elevation. . . . I live with flooding. . . .” (R-98).

Hillberg: “. . . I speak for the North Merritt Island special advisory board, which is an elected . . . zoning advisory board specifically for the North Merritt Island area concerning this rezoning request by Schwa Inc. . . . All were very concerned that an increased residential density . . . would negatively impact them in terms of stormwater flooding, traffic congestion also in their main entrance and reduction of property values. . . . I would also like to ask you if you’re aware of the latter. . . study that was done in 2008, 2009 after Tropical Storm Fay, because we used to be all X, which is designated X, which is non-flood zone, you never get a flood. Well, obviously, that was an incorrect designation for North Merritt Island. So, um, they did a study. The light green is a trough that goes through the middle, and they don’t want to call it a trough, they like to call it a bowl, but it’s really a trough. And this goes all the way down here. This property is on the edge of that. That’s why everybody there is going to flood. If it’s overdeveloped, it will flood. . . .” (R-100 – 101).

Burns: “. . . The last two meetings I argued how the rezoning and proposed development would affect me and my neighbors. This included flooding, traffic, wildlife, to name a few. I realized that all of these issues are important, especially the increased water drainage that will affect me and my neighbors to the north. . . .” (R-101).

W. Alvonellos: “. . . We had no idea, just as, as normal citizens to go to the building department and find out how high they’re going to build these houses on this other street. Because we are right there in the center of that. . . we have the pond and the two houses on the piece of property, his property connects to ours, too. Those pictures of my yard when it rains hard. That’s not a hurricane. They first come in with Egret’s Landing, this way to my house. Okay, these houses are built up here. Mine’s here. Got a little bit of flood, not much. They finished that last L going across going across the back side. That’s what it looked like when it rains. If we have a hard rain or all day rain, that’s what it looks like . . . but every time we’re going to have a hard rain we have to watch that pond, along with our other neighbors, there’s two houses on five acre tract there, and all of us have to get out there and haul this heavy pump down to the lake, hook up fireman hoses to a ditch that runs up their side all the way to the road to that ditch, and we have to pump this pond down in order to have it not flood our house. . . .” (R-103).

Volland: “. . . I’m here this evening to voice my opposition to the building of the townhome complex, which would be located front, the front left side . . . of our residence, and I’d like to touch on some key points. I think we’ve talked about the flooding quite a bit, but the opening of Egret’s Landing was the first issue that significantly flooded the residents nearby. . . . As we spoke, most residential properties in this vicinity sit lower. Ours are lower than Egret’s, thereby causing a

lot of issues with water placement. . . . The other topic I want to talk about is infrastructure. At the last meeting that I attended where this topic was presented, they stated that there was a traffic study that was done in 2021. Well, we're almost at 2025, and I can attest, the traffic flow is significantly increased. This is not due to just the residents that live in this area. . . . So, in closing, I understand and appreciate that the individual who owns this land desires to utilize it. However, townhome complex is not fit or appropriate for this small lot, which is embedded in primarily single-family homes. I believe a townhome dwelling such as this would potentially cause more flooding to our house, traffic congestion, disruption in privacy, noise levels, visual obstruction, and potential devaluation of our property value. Therefore, I oppose it. . . ." (R-104 – 105).

Murphy: ". . . I'm primarily concerned about the traffic. . . . I'm a little concerned about crashes. There've been a lot of crashes on Courtenay recently, some deadly, and it's really, really scary. . . . So, I'm really freaked out driving every day on Courtenay with my kids going to the Kennedy Space Center daycare, and I'm worried about the additional . . . number of folks living here, and not just for us, but for the people who could potentially live in those condos or townhomes. . . . It's not safe for the folks that are exiting from our neighborhood. Um, a lot of folks have to turn north and then do a U-turn, which is incredibly dangerous. . . . And if the driveway is right next to ours, I'm worried about . . . visibility, cars pulling out right in front of you. . . ." (R-107).

N. Minerva: ". . . So much history of flooding, and any time there . . . we've had tours of the flooding areas, we've had tours of how the water flows, we've had people from Public Works come up and work with us . . . I know that all the residents would show you all the flooding that's happened. We've . . . collected photos, we've done all kinds of stuff. So again I just want to ask you to please make good decisions, and if I'm asking for a Policy, . . . Administrative Policy 7, that the proposed use shall not cause, or substantially aggravate any substantial drainage problem. . . ." (R-108).

C. Minerva: ". . . That's right, well, the North Merritt Island Homeowners position on this rezoning is to object the request because under these Brevard County Administrative Policies, this rezoning would . . . I mean, it's a little 3A diminishing enjoyment of quality of life surrounding existing neighborhoods . . . picture putting apartments next to your home. Um 3B cause and material reduction in existing, abutting properties. Why should future buyers pay the same amount of property next to an apartment complex? Just common sense. Uh, Section 3C, inconsistent with the local land use patterns. Section 4, inconsistent with decades of rural character of the surrounding areas; and, . . . 5G, generally cause more traffic impacting road safety and road services. . . . Merritt Island is also being as low as

it is, is already flood prone, as everyone said, is much more environmentally-sensitive and not the place for apartments and townhouses. We keep hearing the argument from developers that their stormwater will be, by law, fall, held on their property more and more when experience out typical summer and fall rains and then big storms come in, all those promises go out of the retention areas and flood our streets and our properties while new developments sit up higher and runs more water onto us.” (R-108 – 109).

As it pertains to comments by the Board, flooding was a key consideration when the rezoning request was denied:

Commissioner Delaney: “This is for staff. . . . Did Egret’s Landing have a . . . civil . . . plan to make sure that water stayed on their property. . .?” (R-100).

Commissioner Goodson: “Chair . . . [during] a hurricane we all suffer flooding because the ponds fill up and overflow, and then water finds the lowest point to go to. Would you agree to that?” (R-100).

Commissioner Goodson: “. . . A lot of times in Florida people don’t want to spend money for dirt to raise their house, but then as things change and laws change, and other developments have to raise up by law, it causes problems for everybody. So, I’m sorry. . . .” (R-103).

Commissioner Delaney: “. . . [M]y biggest concern is that . . . Egret’s Landing, the engineers had to certify that there would be no flooding, and here we go . . . well, regardless, they had to . . . basically give the County plans that said that there would be no flooding . . . and we see this time and time again in our County. It’s part of the reason why I’m up here is because developers get to come in and they get to do whatever they please on their property because of their own property rights, and it doesn’t matter what happens to the existing homeowners. And we can’t continue to, to do this. . . .” (R-114).

The Board of County Commissioners then voted 3-2 against the requested rezoning.

FINDINGS

The Board of County Commissioners finds:

1. The subject property was purchased by the applicant in 2005 per the Trustee's Deed recorded in Brevard County Official Records at Book 5500, Page 8201.
2. The subject property totals 2.47 acres.
3. The subject property is currently zoned General Retail Commercial, or BU-1.
4. The applicant requested a zoning change from BU-1 to Single-Family Attached Residential, or RA-2-4.
5. The subject property has a Future Land Use designation of community commercial, or CC.
6. The CC Future Land Use designation is compatible with both the BU-1 and RA-2-4 zoning classifications.
7. The surrounding area is characterized as a mix of both commercial and residential, with residences being located within 500 feet of the subject property.
8. Applicable provisions of the Brevard County Code require certain factors be considered by the Board when determining the appropriateness of a rezoning request, including, but not limited to, Section 62-1151, Brevard County Code, and Administrative Policies 2 – 8 of the Brevard County Comprehensive Plan.
9. Section 62-1151(c), Brevard County Code, identifies the following relevant factors to be considered by the Board when evaluating a rezoning request:
 - (1) The character of the land use of the property surrounding the property being considered;
 - (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use;
 - (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property;
 - (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
 - (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable

provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.


10. The requested rezoning, combined with the density bonus of the CC Future Land Use designation, would create incompatibility with the nature and condition of the surrounding area as it would significantly increase the number of single-family attached residences that could be developed on the property.
11. While the surrounding development can be characterized as a commercial and residential area, the developed character of the surrounding area does not exist at the level or density that the requested rezoning would allow on the subject property. Specifically, the developed character of the surrounding area on the east side of N. Courtenay Parkway to the north are two single-family residences (one on BU-1 zoned property with CC Future Land Use designation and one on AU zoned property with NC Future Land Use designation); to the south is a spite strip and Norwich Street, a County maintained ROW; to the east is the Egrets Landing subdivision with 33 single-family residences for Phase I, II, and III portions on EU-2 zoned property with RES 2 Future Land Use designation; and, on the west side of N. Courtenay Parkway is a single-family residence on BU-1 zoned property with CC Future Land Use designation.
12. Administrative Policy 5 (5c and 5d) of the Comprehensive Plan requires a determination be made as to the substantial and adverse transportation impacts that are likely to result if the requested rezoning is granted. Testimony presented relating to increased traffic impacts and potential safety conditions support the denial of the requested rezoning.
13. The proposed rezoning to RA-2-4 would allow for additional units and additional development impacts in an area already subject to drainage issues. Administrative Policy 7 of the Brevard County Comprehensive Plan provides that a proposed use "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." Based on the testimony provided, drainage concerns exist and will likely be exacerbated by the granting of the requested rezoning based on the increasing number of development units.


CONCLUSION

Based on the foregoing, the Board of County Commissioners hereby finds the request to rezone the subject property from BU-1 to RA-2-4 is incompatible and inconsistent with the Future Land Use Element of the Brevard County Comprehensive Plan and the Land Development Regulations located in the Brevard County Code of Ordinances. Accordingly, the requested rezoning is denied.


DONE AND RESOLVED this 14th day of January, 2025.

ATTEST:




Rachel Sadoff, Clerk

BOARD OF COUNTY
COMMISSIONERS OF BREVARD
COUNTY, FLORIDA


Rob Feltner, Chair
As approved by the Board on: 01/14/2025.



BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
321-633-2070

Application for Zoning Action, Comprehensive Plan Amendment, or Variance

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 2420051

Existing FLU: Community Commercial (CC) Existing Zoning: General Retail Commercial (BU-1)

Proposed FLU: n/a Proposed Zoning: Single-Family Attached Residential (RA-2-4)

PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

Schwa Inc

Name(s) Company
1625 Yount Drive Merritt Island FL 32952
Street City State Zip Code
dvorakdj@gmail.com (321) 795-3196
Email Phone Cell

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

[X] Attorney [] Agent [] Contract Purchaser [] Other

Kimberly B. Rezanka Lacey Lyons Rezanka
Name(s) Company
1290 US Hwy 1, Suite 103 Rockledge FL 32955
Street City State Zip Code
krezanka@llr.law; tgaspar@llr.law (321) 608-0892 (321) 608-0891
Email Phone Cell

APPLICATION NAME

- Large Scale Comprehensive Plan Amendment (CP) (greater than 50 acres)
- Small Scale Comprehensive Plan Amendment (CP) (less than 50 acres)
- Text Amendment (CP): Element _____
- Other Amendment (CP): Name _____
- Rezoning Without CUP (RWOC)
- Combination Rezoning and CUP (CORC)
- Conditional Use Permit (CUP)
- Binding Development Plan (BDP)
- Binding Development Plan (BDP) (Amendment)
- Binding Development Plan (BDP) (Removal)
- Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- Administrative Approval of Flag Lot or Easement
- Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- Other Action: Name _____

Acreeage of Request: 2.47

Reason for Request:

The Applicant seeks a change in zoning from General Retail Commercial (BU-1) to Single-Family Attached Residential (RA-2-4), which permits the use of attached dwelling units 4 units to the acre. The Applicant intends to develop single-family town homes on the Property.

The current Future Land Use designation is Community Commercial (CC).

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- 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 Authorization to Act must be submitted with application)
- An approval of this application does not entitle the owner to a development permit.
- For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

Kimberly B. Rezancka
Signature of Property Owner or Authorized Representative

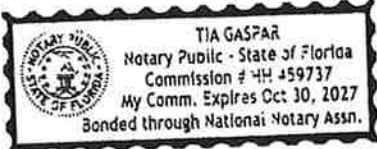
9/4/24
Date

State of Florida
County of Brevard

Subscribed and sworn before me, by physical presence or _____ online notarization, this 4 day of September, 20 24, personally appeared Kimberly B. Rezancka, who is personally known to me or produced _____ as identification, and who did / did not take an oath.

Tia Gaspar
Notary Public Signature

Seal



Office Use Only:

Accela No. 2420051 Fee: 1501.00 Date Filed: 9-4-24 District No. 2 NMI

Tax Account No. (list all that apply) 2318721

Parcel I.D. No.

29 36 35 00 276
Twp Rng Sec Sub Block Lot/Parcel

Planner: HC Sign Issued to: _____ Notification Radius: 500

MEETINGS	DATE	TIME
P&Z	<u>11-18</u>	<u>3:00</u>
PSJ Board	_____	_____
NMI Board	<u>11-14</u>	<u>6:00</u>
LPA	_____	_____
BOA	_____	_____
BCC	<u>12-12</u>	<u>5:00</u>

Wetland survey required by Natural Resources Yes No Initials HC

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?
Yes No If yes, list _____

Location of subject property: N.E CORNER OF COURTENAY PKWY + NORWICH ST.

Description of Request: REQUEST BUI TO RA-2-4 FOR THE BUILDING OF 9 TRS.

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**		
Single-Family Residential	849.00*	(-5) x 24**		
Single-Family Mobile Home	849.00*	(-5) x 24**		
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	5,661.00	() x 45		969
Single-Family Attached Residential	960.00	\$ 960 (9) x 24		216
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				
COMPREHENSIVE PLAN AMENDMENTS				
Small Scale Amendment	919.00			
Large Scale Amendment	1,785.00	\$43 per acre		
Maximum Fee on a Single Application	17,334.00			
FEES COLLECTED FOR ADMINISTRATIVE ACTIONS				SUB-TOTAL ****/*****
Office of Natural Resources zoning review (if applicable)	300.00			1176.00
flag lot &/or easement review	360.00			300.00
Land Development PUD review	100.00			
flag lot &/or easement review	150.00			
Address Assignment review of flag lot &/or easement	100.00			
Zoning fee	277.00			25.00
BASE FEE ADJUSTMENTS				
* If area for these requests have the potential for only one more lot, the 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	8,955.00			
TOTAL				1,501.00

Zoning Information Worksheet

Owner(s): SCHWA INC (DANIEL DVORAK)
(Does this match the warranty deed?)

Applicant(s): KIMBERLY REZANKA YES
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 2318721
(If more than one parcel, they must share a property line to be on the same application.)

Present Zoning: AU-1

Is there a BDP or a CUP on the property? Yes/No: No (If yes, attach BDP)

Existing BDP states: _____

Requested Zoning/CUP: RA-2-4

BDP Requested? Yes/No: No

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

Previously Approved Zoning Actions on lot:
No

Is this a non-conforming lot of record? Yes/No: No Why?
Non-Conforming to: _____

Is this a substandard lot? Yes/No: No Why?

What is the FLU Designation of the property?: CC NEAREST RESIDENTIAL (RES 4)
• Is the requested zoning consistent with the FLU? Yes (See compatibility table) ALLOWS RES 6 INTENDING 9
• If no, what is the requested small scale plan amendment? (Must be 10 acres or less)

Character of the Area – List the recent zoning changes in same section? (Last 3 years)

Action #, Date of action and State what changed?	NO STR'S
Z# <u>21200042</u> <u>5/31/22</u> <u>ODP AU TO AU-2-4 2 DUPLEXES - SEWER - 160' NATURAL SURF</u>	
<u>21200047</u> <u>3/3/22</u> <u>AU-1 + AU-2-30 TO AU-2-4</u>	
<u>21200049</u> <u>1/19/22</u> <u>✓ GRANTES 25' OF 75' WIDTH</u>	
<u>23200030</u> <u>7/13/23</u> <u>AUT GML-</u>	
<u>27200033</u> <u>10-12-22</u> <u>ODP AU TO AU-1-19 2 LOTS 2318242</u>	

If this is a CUP request, list all CUP's on adjacent properties: N/A

Abutting property zoning: N SF RES S VACANT CA LAND E SUBDIVISION W DU-1

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: TO DEVELOP 9 TR'S of 2.47 ACRES

- If proposing single-family or multi-family how many units? 9
- If proposing a CUP for alcohol, how many seats? — Bar or Restaurant? —
 - Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
 - Do you have a site plan showing the layout and parking configuration? Yes/No
 - 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? VACANT

Describe the character of the area based upon Administration Policy 3 of FLUE (attached):

THE SUBJECT WILL HAVE AN INCREASE IN TRAFFIC - THE AREA IS MOSTLY SINGLE FAMILY WITH AN RA ZONE 800' N. THIS WOULD BE A FRINGE TYPE WITH SF ON THE NORTH & EAST & COMM. TO THE SOUTH.

Concerns raised as part of request: WATER & SEWER CAPACITY AND AVAILABILITY

WATER & SEWER CAPACITY AND AVAILABILITY

Other options discussed with applicant: NONE

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

[Signature]

Planner Signature

9.9.24

Date

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 percent 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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
 Building A, Room 114
 Viera, Florida 32940
 Phone 321-633-2070

NOTICE TO APPLICANTS FOR CHANGE OF LAND USE

The Planning and Development Department staff will be preparing written comments concerning your request. These comments will be provided to the Planning and Zoning Board/Local Planning Agency 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 Brevard 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 on these items into the record. Up to two typewritten pages can be included in the package if received at least 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.

Note:

If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, et cetera, you are advised to meet with concerned parties in an effort to resolve the differences prior to the Board of County Commission (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 and 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 Planning and Zoning Board / Local Planning Agency 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

Revised 09/2021

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 and Development Department.

Brevard County Board of County Commissioners 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.

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 email address, or indicate if you wish to receive the comments by U.S. mail.

Krezanka@l/r.law
E-mail address

Receipt of Comments by U.S. Mail

Yes

No

Kimberly B. Rezancka
Applicant Signature

THIS INSTRUMENT CONTAINS THE OFFICIAL
RECORD BOOK AND PAGE NUMBERS DESCRIBING
THE PARCELS TO BE ADVERTISED. R-11

Prepared By: Donna Harris
INTERNATIONAL TITLE AND ESCROW CORP.
226 N. Atlantic Ave.
Cocoa Beach, FL 32931
incidental to the issuance of a title insurance policy.
File Number: 05-2348

CFN 2005262993 07-18-2005 09:28 am
SUNCOAST TITLE
OR Book/Page 5500 / 8201

TRUSTEE'S DEED

THIS INDENTURE, made this 12th Day of July, 2005, between
PATRICK J. COSTELLO, INDIVIDUALLY AND as TRUSTEE OF THE PATRICK J. COSTELLO TRUST
DATED NOVEMBER 19, 1997

party of the first part, and
Schwarz, Inc., a Florida Corporation
whose post office address is:
1625 YOUNT DRIVE, MERRITT ISLAND, FL 32952
party of the second part:

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 3 #Names: 3
Trust: 2.00 Rec: 25.00 Serv: 0.00
Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, released, remised and conveyed, and by these presents does grant, bargain, sell, alien, release, remise and convey unto the said party of the second part and their heirs and assigns forever, all that certain parcel of land lying and being in the Brevard County of State of FL, more particularly described as follows:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

THIS PROPERTY IS VACANT AND UNIMPROVED

SUBJECT TO: Taxes for 2005 and subsequent years; restrictions attached hereto and made a part hereof; reservations and easements of record; and county zoning regulations.

TOGETHER WITH all the tenements, hereditaments and appurtenances, with every privilege, right, title and interest which the said party of the first part, as Trustee, has in and to said property herein described.

TO HAVE AND TO HOLD the same in fee simple forever.

THE PARTY of the first part does hereby covenant with the party of the second part that the party of the first part has not made, done or suffered any act, matter or thing whatsoever since becoming Trustee as aforesaid whereby the above-granted premises or any part thereof now or at any time hereinafter shall be impeached, charged or encumbered in any manner whatsoever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed as Trustee, as aforesaid, the day and year first above written.

SIGNED, SEALED and delivered in our presence:

Witness Donna Harris

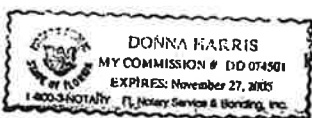
By: Patrick J. Costello
PATRICK J. COSTELLO, Individually and as Trustee

Witness Michelle Daignault-Ives

State of Florida County of Brevard

I HEREBY CERTIFY that on this 12th Day of July, 2005 before me PATRICK J. COSTELLO, INDIVIDUALLY AND as TRUSTEE OF THE PATRICK J. COSTELLO TRUST DATED NOVEMBER 19, 1997 personally known to me to be the person described and who executed the foregoing conveyance or who produced drivers license as identification and who did take an oath, and they acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned and the said instrument is the act and deed of said Trustee aforesaid.

WITNESS my hand and official seal in the County and State last aforesaid the day and year above written.



Notary Seal

Signature: Donna Harris
Print Name: Donna Harris

EXHIBIT "A" PAGE 1 OF 2

A parcel of land lying in Section 35, Township 23 South, Range 36 East, Brevard County, Florida, being further described as follows: For a point of reference commence at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 35; thence South 89 degrees, 56 minutes, 20 seconds East, 2.07 feet to the Easterly right-of-way of State Road A-1-A; thence South 01 degrees, 51 minutes, 00 seconds East, along said Easterly right-of-way, 763.04 feet to the POINT OF BEGINNING; thence North 89 degrees, 59 minutes, 50 seconds East, 738.24 feet; thence South 00 degrees, 14 minutes, 28 seconds West, 220.0 feet; thence South 89 degrees, 59 minutes, 50 seconds West, 732.09 feet; thence North 02 degrees, 30 minutes, 33 seconds West, along the Easterly right-of-way of State Road A-1-A, 162.25 feet; thence North 01 degrees, 51 minutes, 00 seconds West, along said right-of-way 56.83 feet to the POINT OF BEGINNING, LESS AND EXCEPT the following described parcel:

EXHIBIT A, PAGE 2 OF 2

A parcel of land lying in the Southwest Quarter of the Northwest Quarter of Section 35, Township 23 South, Range 36 East, Brevard County, Florida being more particularly described as follows: Commence at the Northwest corner of said Southwest Quarter of the Northwest Quarter, and run South 89 degrees, 52 minutes, 07 seconds East, along the North line of said Southwest Quarter of the Northwest Quarter, a distance of 2.07 feet to a point on the East right-of-way line State Road No. 3, (a 100 foot right-of-way); thence South .01 degrees, 46 minutes, 47 seconds East, along said East right-of-way line, a distance of 820.88 feet; thence South 02 degrees, 26 minutes, 20 seconds East, along said East right-of-way line, a distance of 97.29 feet to the POINT OF BEGINNING; thence continue South 02 degrees, 26 minutes, 20 seconds East, along said right-of-way line, a distance of 66.06 feet; thence South 89 degrees, 55 minutes, 38 seconds East, along the South line of lands per Official Records Book 2285, Page 2277, a distance of 725.49 feet; thence North 00 degrees, 20 minutes, 07 seconds East, parallel to and 570 feet distant from the East line of said Southwest Quarter of the Northwest Quarter a distance of 66.0 feet; thence North 89 degrees, 55 minutes 38 seconds West, parallel to said South line, a distance of 728.68 feet to the POINT OF BEGINNING.

And less and except those lands as described in Official Records Book 3076, page 305, Public Records of Brevard County, Florida.



R-14
School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)

Instructions: Submit one copy of completed application, location map, and applicable fee for each project with a residential component requiring a review by the School Board to each affected Local Government.

The School Board requires this information for student generation to be calculated, school capacity evaluated, and potential mitigation addressed. For information regarding this application process, please contact the Planning and Project Management Department of the School Board of Brevard County at 321.633.1000 x463.

Local Government to determine the type of Application:

FEES: See Brevard County Public School Concurrency Review Fee Schedule. Make check payable to School Board of Brevard County

I. Project Information

Project Name: North Merritt Island Townhomes County / Municipality: Brevard County
Parcel ID / Tax Account #. (attach separate sheet for multiple parcels): 23-36-35-00-276 / 2318721
Location / Address of subject property: N Courtenay Pkwy and Norwich Street (Attach location map)
Acreage: 2.47 Type of Request at Local Government Rezoning

II. Ownership / Agent Information

Owner/Contract Purchaser Name(s): Schwa Inc.
Agent / Contact Person: Kimberly B. Rezanka
(Please note that if agent or contact information is completed, the District will forward all information to that person.)
Mailing Address: 1290 US HWY 1 Suite 103, Rockledge, FL 32955
Telephone: 321-608-0892 Fax: 321-608-0891

I hereby certify the statements and/or information contained in this application with any attachments submitted herewith are true and correct to the best of my knowledge.

[Signature] president

9/3/24

Owner or Agent Signature

Date

If applicant is not the owner of record, the "Agent for Owner" form (see page 4 of this application form) must be completed and included with this application at time of application submittal. If owner is a company/corporation, please submit documentation that signatory is an authorized officer of the company/corporation.

State of Florida, County of Brevard
Sworn and subscribed to before me

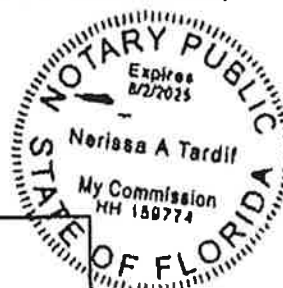
This 3rd day of September, 2024

[Signature]

(Form of Identification)

[Signature]
Notary Public

Commission Expires: 8/2/2025



SCHOOL BOARD USE ONLY
Date / Time Stamp: _____



**School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)**

III. Development Information

Current Land Use Designation	Community Commercial (CC)	Proposed Land Use Designation	N/A	
Current Zoning	General Retail Commercial (BU-1)	Proposed Zoning	Single-Family Attached Residential (RA-2-4)	
Project Acreage	2.47			
Total Dwelling Units Proposed	9			
Dwelling Unit Breakdown (Qty)	Single Family or Town Homes: 9	Multi-Family or Apartments:	Condo:	Mobile Home / Manufactured:

Year of Project or Phase Completion: Total Dwelling Units by Type / Year

Year End 20XX	2025				
Unit Type	Year 1	Year 2	Year 3	Year 4	Year 5+
Single Family / Town Homes	9				
Multi-Family / Apartments					
Condominium					
Mobile Home / Manufactured					
Totals by Year	9				

NOTE: This application will not be deemed complete until all required information has been submitted to the School Board of Brevard County. Submittal requirements include completed application, phasing information, review fee(s), agent authorization (if applicable) and location map. Please be advised that additional documentation/information may be requested during the review process.

SCHOOL BOARD USE ONLY Date / Time Stamp: _____



**School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)**

Local Government Agency

This section is to be completed by the Local Government and submitted to the School Board of Brevard County. The Local Government is responsible for verifying the number of units currently vested under the existing Comprehensive Plan and Zoning or a previously issued School Concurrency Availability Determination Letter.

Local Government Case #: _____

Please check [✓] type of application request (check only one; as defined by Interlocal Agreement):

- | | |
|---|---|
| <input type="checkbox"/> School Capacity Determination (Preliminary Development Requests) | <input type="checkbox"/> Exemption Review |
| <input type="checkbox"/> Capacity Determination Conversion to Concurrency Determination | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Concurrency Determination (Final Development Requests) | |

Preliminary Development Requests (examples: Rezoning and Comp Plan Amendments):

Number of Units by Type	Maximum Permitted by Proposal	Currently Permitted (Vested)	Difference
Single Family / Town Homes			
Multi-Family / Apartments			
Condominium			
Mobile Home / Manufactured			
Totals:			

Note: The Total Difference will determine if this meets the De Minimis Impact per the Interlocal Agreement.

Final Development Requests requesting a Concurrency Determination:

Number of Units by Type	Proposed
Single Family / Town Homes	
Multi-Family / Apartments	
Condominium	
Mobile Home / Manufactured	

Local Government Reviewer's Signature / Title

Date

Other Affected Local Governments: _____

Comments: _____

SCHOOL BOARD USE ONLY Date / Time Stamp: _____



BOARD OF COUNTY COMMISSIONERS

R-17

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

AUTHORIZATION TO ACT ON BEHALF OF OWNER

Daniel Dvorak, President & Registered Agent of Schwa, Inc.,

authorize Kimberly B. Rezanka, Esq. & Lacey Lyons Rezanka

to act on my behalf, which may include representing me in public hearings pertaining to the
submittal of the attached application.

Choose the applicable application type. More than one may apply.

- Administrative Action
Development Plan
Variance
Comprehensive Plan Amendment
Rezoning

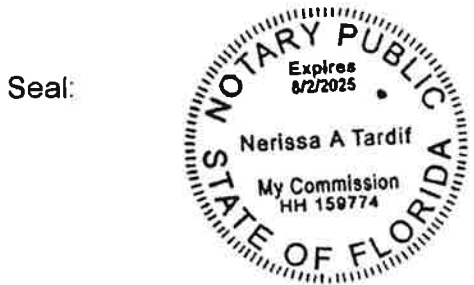
Signature [Handwritten Signature]

Date 8/26/24

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 26 day of Aug, 20 24
by Dan Dvorak, who is personally known to me or has produced
FL I.D. as identification, and who did or did not take an oath.

Signature of Notary [Handwritten Signature]



School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)

AUTHORIZATION TO ACT AS AGENT

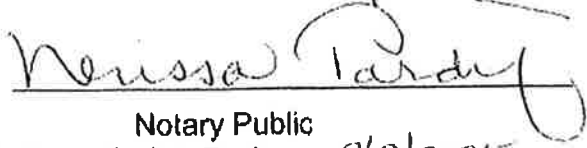
I, Daniel Dvorak, President & Registered Agent of Schwa, Inc. authorize Kimberly B. Rezanka and Lacey Lyons Rezanka
(Owner) (Agent)
to act as applicant, representing me in Public Hearings before Brevard County
(Local Government)
pertaining to Preliminary and Final Development Requests, and other matters pertaining to
School Concurrency.



Owner Signature

State of Florida, County of Brevard
Sworn and subscribed to before me

This 3rd day of September, 2024 FL Lic.
(Form of Identification)



Notary Public
My Commission Expires: 8/2/2025



SCHOOL BOARD USE ONLY
Date / Time Stamp: _____

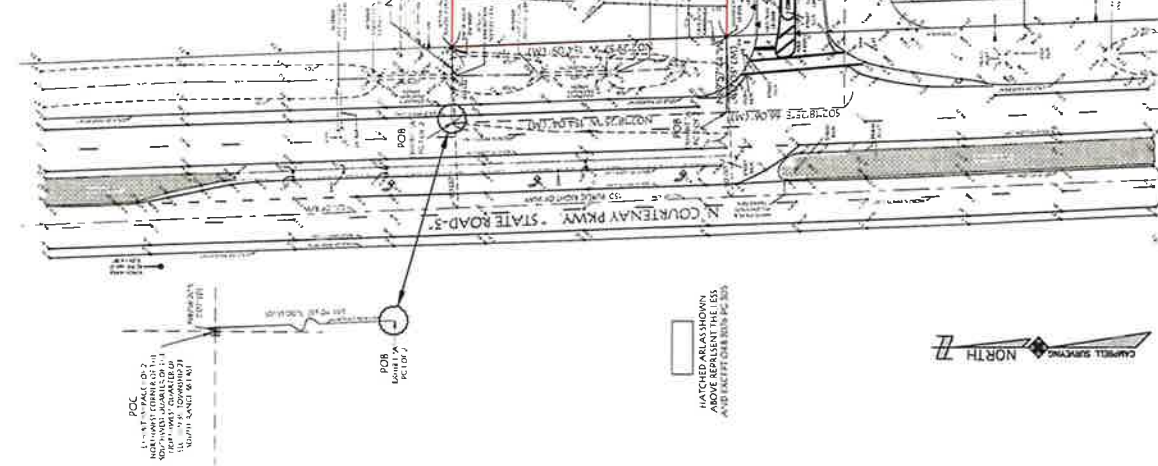
R-19



BOUNDARY SURVEY
IN A PORTION OF SECTION 01, TOWNSHIP 29, SOUTH, RANGE 37, EAST, BREVARD COUNTY, FLORIDA

1. The property owner, as shown on the plat, is the property owner or the agent of the property owner. The plat is a true and correct copy of the original plat on file with the county clerk's office. This plat was prepared in accordance with the provisions of Chapter 119, Florida Statutes, and the rules and regulations of the Florida Board of Survey, and the rules and regulations of the Florida Board of Professional Engineering, and the rules and regulations of the Florida Board of Professional Land Surveyors. The plat is a true and correct copy of the original plat on file with the county clerk's office.
2. The plat is a true and correct copy of the original plat on file with the county clerk's office.
3. The plat is a true and correct copy of the original plat on file with the county clerk's office.
4. The plat is a true and correct copy of the original plat on file with the county clerk's office.
5. The plat is a true and correct copy of the original plat on file with the county clerk's office.
6. The plat is a true and correct copy of the original plat on file with the county clerk's office.
7. The plat is a true and correct copy of the original plat on file with the county clerk's office.
8. The plat is a true and correct copy of the original plat on file with the county clerk's office.
9. The plat is a true and correct copy of the original plat on file with the county clerk's office.
10. The plat is a true and correct copy of the original plat on file with the county clerk's office.

LEGAL DESCRIPTION: A certain parcel of land, to-wit: Parcel 1 of the 1st Subdivision of Land for the proposed development of the site shown on the plat. The parcel is situated in a portion of Section 01, Township 29, South, Range 37, East, Brevard County, Florida. The parcel is bounded on the north by the line of the North 30' of the 1st Subdivision of Land for the proposed development of the site shown on the plat. The parcel is bounded on the south by the line of the 1st Subdivision of Land for the proposed development of the site shown on the plat. The parcel is bounded on the east by the line of the 1st Subdivision of Land for the proposed development of the site shown on the plat. The parcel is bounded on the west by the line of the 1st Subdivision of Land for the proposed development of the site shown on the plat.



BOUNDARY SURVEY

PREPARED AND DELIVERED BY

Jimi Campbell Surveying, Inc.

REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 15008
ISSUED 07/15/18

REGISTERED PROFESSIONAL ENGINEER
NO. 12008
ISSUED 07/15/18

REGISTERED PROFESSIONAL SURVEYOR
NO. 12008
ISSUED 07/15/18

REGISTERED PROFESSIONAL ENGINEER
NO. 12008
ISSUED 07/15/18

LEGEND AND ABBREVIATIONS

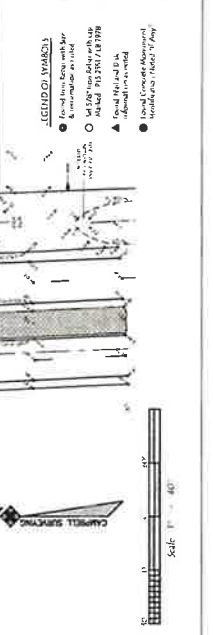
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Dana Blickley, CFA, Brevard County Property Appraiser
 Titusville • Viera • Melbourne • Palm Bay

R-20
 (321) 264-6700
 www.BCPAO.us
 Disclaimer

REAL PROPERTY DETAILS
 Account 2318721 - Roll Year 2024

Owners SCHWA INC
 Mailing Address 1625 YOUNT DR MERRITT ISLAND FL 32952
 Site Address NONE
 Parcel ID 23-36-35-00-276
 Taxing District 2200 - UNINCORP DISTRICT 2
 Exemptions NONE
 Property Use 1000 - VACANT COMMERCIAL LAND
 Total Acres 2.47
 Site Code 0370 - N COURTENAY
 Plat Book/Page 0000/0000
 Subdivision --
 Land Description PART OF S 1/2 OF SW 1/4 OF NW 1/4 AS DESC INORB
 2482 PG 2741 EXC ORB 3076 PG 305



VALUE SUMMARY

Category	2024	2023	2022
Market Value	\$215,600	\$215,600	\$215,600
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$215,600	\$208,690	\$189,720
Assessed Value School	\$215,600	\$215,600	\$215,600
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$215,600	\$208,690	\$189,720
Taxable Value School	\$215,600	\$215,600	\$215,600

SALES / TRANSFERS

Date	Price	Type	Instrument
07/12/2005	\$235,000	TD	5500/8201
12/01/1997	--	TD	3755/0921
05/10/1989	\$55,000	WD	3014/3462
12/11/1987	\$40,000	WD	2871/1120
06/10/1987	\$60,000	WD	2811/0412

No Data Found



NWI Wetlands

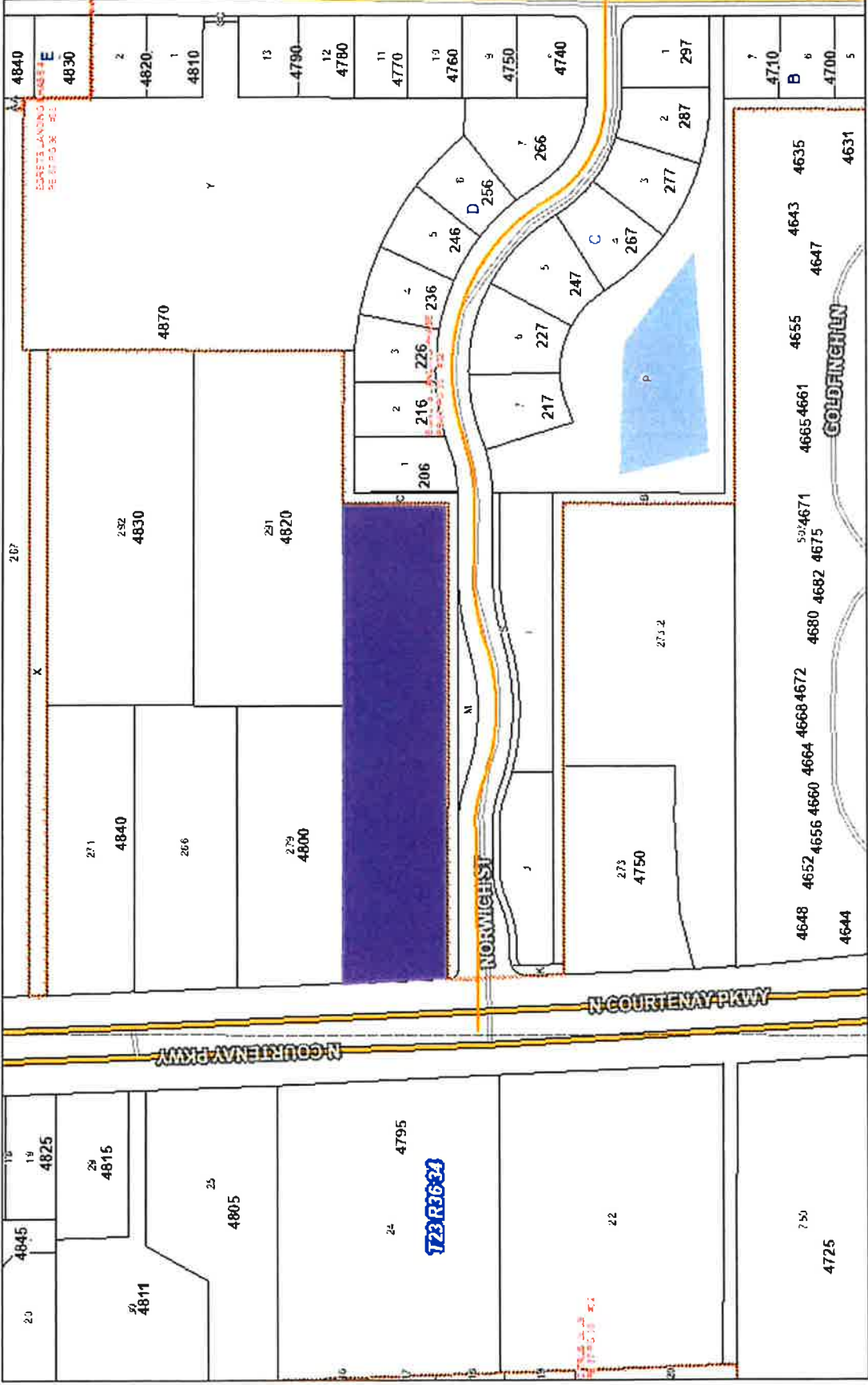
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

1:1,200

0 0.01 0.015 0.02 0.03 0.04 mi

0 0.015 0.03 0.06 km

2318721



Search Results: Parcel (Tax Account) Public Works - Roadway Street Label
 County Section
 Address

Override 1

1:2,400
 0 0.02 0.04 0.08 mi
 0 0.0325 0.065 0.13 km



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
https://www.brevardfl.gov/PlanningDev

STAFF COMMENTS

24Z000051

Schwa Inc.

BU-1 (General Retail Commercial) to RA-2-4(Single-Family Attached Residential)

Tax Account Number: 2318721
Parcel I.D.: 23-36-35-00-276
Location: Northeast corner of North Courtenay Parkway and Norwich Street (NMI Special District and District 2)
Acreage: 2.47 acre
NMI Board: 11/14/2024
Planning & Zoning Board: 11/18/2024
Board of County Commissioners: 12/12/2024

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
The request can be considered under the Future Land Use Designation, Section 62-1255.
The request would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

Table with 3 columns: Zoning, CURRENT, PROPOSED. Rows include Zoning (BU-1 vs RA-2-4), Potential* (1 Single-Family vs 4 dwelling units per acre), and Can be Considered under the Future Land Use Map (YES/CC vs YES/CC).

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) to RA-2-4 (Single-family Attached Residential) to allow single-family townhomes to be developed on the property.

The property is directly East of N. Courtenay Pkwy., which is a State maintained highway, and would be pursuant to Florida Department of Transportation (FDOT) requirements and Brevard

County Code. The property would have no access to Norwich St., which is South of the subject property, due to a spite strip.

On January 8, 1990, an approved rezoning from AU to BU-1 was done under zoning action Z-8548.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant Land and Single-family residence	BU-1, AU	CC
South	Entrance to Egrets Landing Subdivision	EU-2	CC
East	Single-family residence that is part of Egrets Landing Subdivision	EU-2	RES 2
West	Single-family residence across N. Courtenay Pkwy.	BU-1	CC

North of the subject property are 2 parcels, one parcel is 1.36 acres, vacant with BU-1 zoning designation and the second parcel is 2.52 acres developed with a single-family residence with AU zoning designation.

South of the subject property is Egrets Landing buffer tract and Egrets Landing right of way, Norwich St., a County maintained roadway.

East of the subject property is Egrets Landing, a platted subdivision, per PB 67, PG 30 of Brevard County records.

West of the subject property is 1 parcel located across N. Courtenay Pkwy. and is 3.09 acres developed with a single-family residence, and zoning designation BU-1.

The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The proposed RA-2-4 classification is a four unit per acre multiple-family attached residential zoning classification. It permits multi-family residential development or single-family residences at a density of up to four units per acre on 7,500 square foot lots. RA-2-4 classification does not permit apartments.

Future Land Use

The subject property is currently designated as Community Commercial (CC) FLUM designation. The current BU-1 zoning and the proposed RA-2-4 zoning are consistent with the existing CC FLUM designation.

FLUE Policy 2.10 Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

Criteria:

A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

Single-family attached residential zoning can be used as a transition to buffer from the higher intensity impacts along N. Courtenay Pkwy. to lower intensity impacts, which the abutting residential use to the East of the subject parcel can be considered.

B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

With the parcel located within the Community Commercial FLU designation, residential density could be rated up to 4 units per acre as the closest residential FLUM is RES 2 and the parcels FLUM of CC, allows for one density higher than closest residential density. The applicant wishes to utilize a zoning consistent with RA-2-4 for a residential density of 4 units per acre. The requested rezoning can be considered a transition from high and low intensity uses.

The applicant's request can be considered consistent with the proposed Future Land Use. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area:

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 foreseeably be affected by the proposed use:

The applicant intends to build nine attached residential townhomes on the subject parcel. The request would be a down zoning to the intensity of the current commercially zoned use for the parcel. The request is not anticipated to diminish the enjoyment of, safety or quality of life in the existing commercial and residential area.

- 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.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- 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:

The historical land use patterns of the surrounding development can be characterized as a commercial and residential area located along N. Courtenay Pkwy. The developed character of the surrounding area on the East side of N. Courtenay Pkwy. to the North is vacant land zoned commercial with CC FLUM, single-family residence on agriculturally zoned land with NC FLUM. South on N. Courtenay Pkwy is a professional office on commercially zoned land with CC FLUM. Further South along N. Courtenay Pkwy. is a parcel developed as a mobile home park with RES 2 FLUM. Abutting the subject property to the East is a subdivision of single-family residences that has RES 2 FLUM. West side of N. Courtenay Pkwy. is a single-family residence on commercial land with CC FLUM.

The prominent FLU designations in this area include Neighborhood Commercial (NC), Community Commercial (CC), and Residential 4 (RES 4).

2. actual development over the immediately preceding three years; and

In Egrets Landing which abuts the subject parcel, 33 single-family residences were developed which completed the subdivision's Phase I, II and III portions.

North Island Villas located North of the subject property along N. Courtenay Pkwy., currently has 48 townhomes being constructed.

3. development approved within the past three years but not yet constructed.

There has been no development approved and not constructed within the past three years. There have been multiple zoning actions.

Zoning actions within one-half mile within the past three years:

• 22Z00033: Approximately 0.5 miles from the subject property on N. Tropical Trail is RU-1-13 zoning which was rezoned from AU to RU-1-13 with Binding Development Plan (BDP) to limit the maximum density to two lots with one house on each lot, on 10/12/2022.

• 23Z00030: South of the subject property on the West side of N. Courtenay Pkwy. is GML zoning which was rezoned on 07/13/2023 from AU to GML to build a new fire station for Brevard County Fire Rescue.

• 21Z00047: Approximately 0.17 miles (directly North of the subject property N. Courtney Pkwy. is RU-2-4 zoning which was rezoned on 03/03/2022 from BU-1 and RU-2-30 to RU-2-4.

• 21Z00042: Approximately 0.17 miles South of the subject property on the West side of N. Courtenay Pkwy. is RU-2-4 zoning which was rezoned on 05/31/2022 from AU to RU-2-4 with BDP.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

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.

Staff analysis indicates the request is located along a commercial and residential area of character along N. Courtenay Pkwy. Since 1990, the subject property has had a commercial zoning designation, BU-1. BU-1 can be considered the predominant zoning classification in the area.

Per Section 62-1343 of Brevard County Code, RA-2-4 is intended to provide a transition between single-family detached zoning classifications and multiple-family zoning classifications, permitting fee simple ownership of individual attached units. RA-2-4 does not permit apartments. Under RA-2-4 zoning designation, the parcel will be required to be platted and have a site plan.

The parcels current BU-1 zoning classification permits the use of short-term rentals and is also permissible under RA-2-4. Short-term rentals are categorized under Resort Dwellings, per Section 62-1102 of Brevard County Code. Generally, Resort Dwellings means any single-family dwelling or multifamily dwelling unit which is rented for periods of less than 90 days or three calendar months.

Within the search radius, there are no additional RA-2-4 properties, however just outside the search radius approximately 1 mile to the South of the subject property on the same side of N. Courtenay Pkwy at Gator Dr. is a property with RA-2-10(4) zoning that is capped at 4 units to the acre.

The request is not anticipated to impact the surrounding established area of commercial and residential uses materially or adversely.

At the time of the submitted request, the applicant has not provided a concept plan.

- 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.

The property is located within an established corridor of commercial and residential uses along with vacant land situated along N. Courtenay Pkwy. There are clearly established roads and lot boundaries.

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.

The adjacent area is both commercial and residential uses along with vacant land along N. Courtenay Pkwy.

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.

The subject parcel is located along a commercial, residential with vacant land corridor. The subject parcel is proposed to be rezoned from BU-1 to RA-2-4 which is considered a transitional zoning. The proposed use provides a buffer from high intensity to low intensity uses.

The closest parcel with RA-2-4 zoning is North of the subject property and West across N. Courtenay Pkwy. approximately 0.23 miles from the subject property.

There is one residential subdivision, Egrets Landing, that abuts the subject property to the East and a mobile home park, Sun Island Lakes which is located South of the subject property on the same side of N. Courtenay Pkwy.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Pkwy., from Hall Rd. to N. Tropical Trail which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 36.83% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.21%. The corridor is anticipated to operate at 37.03% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

School concurrency indicates there is enough capacity at Carroll Elementary School, Jefferson Middle School, and Merritt Island High School for the total of projected and potential students from this development.

The parcel is within public potable water and sewer lines. The proposed townhomes will connect to public water and sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

It should be noted that the property's configuration and proximity to existing driveways may present site design challenges with complying all applicable land development regulations and code. This may affect the unit yield for the property.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00051

Applicant: Kimberley Rezanka (Owner: Schwa, Inc.)
Zoning Request: BU-1 to RA-2-4
Note: to develop 9 townhomes
Zoning Hearing: 11/18/2024; **BCC Hearing:** 12/12/2024
Tax ID Nos.: 2318721

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Basinger sand); an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

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. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696.

The applicant is encouraged to contact NRM at 321 633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

This property contains Basinger sand that may also function as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. 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.**

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. The property is mapped within a large area of Florida Scrub Jay habitat / occupancy. Additionally, there is potential for existence of Gopher Tortoises on site. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, 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 amendments, 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 development 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 foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent 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 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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), 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:

- A. Whether adopted levels of services 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.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

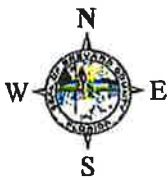
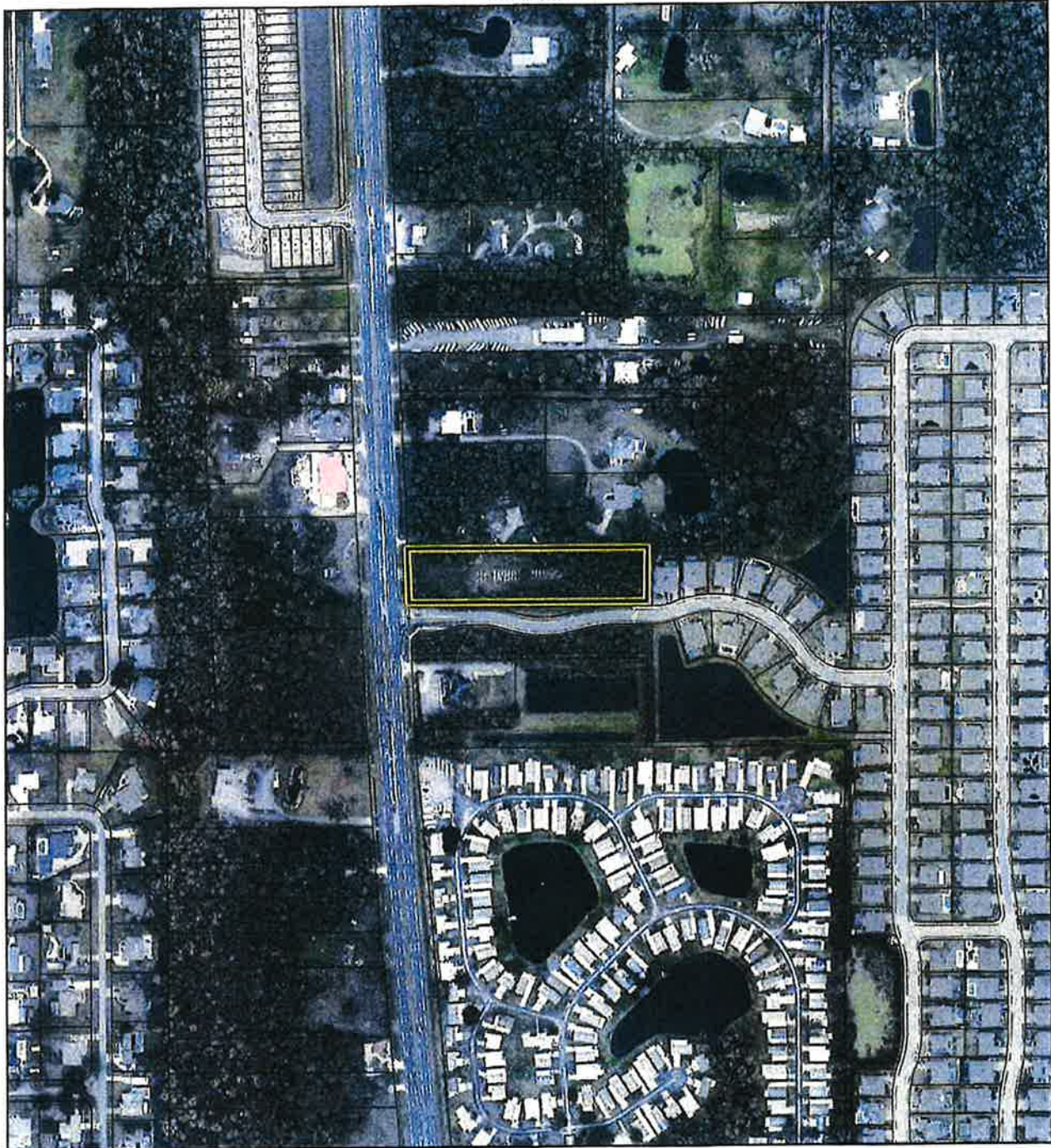
Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.

AERIAL MAP

SCHWA INC
24Z00051




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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 BoCC - GIS Date: 9/11/2024

 Subject Property

 Parcels

1

R-42



Dana Blickley, CFA, Brevard County Property Appraiser
Titusville • Viera • Melbourne • Palm Bay



REAL PROPERTY DETAILS
Account 2318735 - Roll Year 2024

Owners

Mailing Address

- SUN ISLAND LAKES LLC
- THE AMERICAN CENTER 27777 FRANKLIN RD
- SOUTHFIELD MI 48034
- 100 BLUE JAY LN UNIT K-11 MERRITT ISLAND FL 32953
- 103 BLUE JAY LN UNIT K-12 MERRITT ISLAND FL 32953
- 104 BLUE JAY LN UNIT K-10 MERRITT ISLAND FL 32953
- 107 BLUE JAY LN UNIT K-13 MERRITT ISLAND FL 32953
- 108 BLUE JAY LN UNIT K-9 MERRITT ISLAND FL 32953
- 112 BLUE JAY LN UNIT K-8 MERRITT ISLAND FL 32953
- 115 BLUE JAY LN UNIT K-14 MERRITT ISLAND FL 32953
- 116 BLUE JAY LN UNIT K-7 MERRITT ISLAND FL 32953
- 120 BLUE JAY LN UNIT K-6 MERRITT ISLAND FL 32953
- 124 BLUE JAY LN UNIT K-5 MERRITT ISLAND FL 32953
- 128 BLUE JAY LN UNIT K-4 MERRITT ISLAND FL 32953
- 131 BLUE JAY LN UNIT K-15 MERRITT ISLAND FL 32953
- 132 BLUE JAY LN UNIT K-3 MERRITT ISLAND FL 32953
- 135 BLUE JAY LN UNIT K-16 MERRITT ISLAND FL 32953
- 136 BLUE JAY LN UNIT K-2 MERRITT ISLAND FL 32953
- 139 BLUE JAY LN UNIT K-17 MERRITT ISLAND FL 32953
- 147 BLUE JAY LN UNIT L-6 MERRITT ISLAND FL 32953
- 150 BLUE JAY LN UNIT M-1 MERRITT ISLAND FL 32953
- 151 BLUE JAY LN UNIT L-7 MERRITT ISLAND FL 32953
- 154 BLUE JAY LN UNIT M-2 MERRITT ISLAND FL 32953
- 158 BLUE JAY LN UNIT M-3 MERRITT ISLAND FL 32953
- 159 BLUE JAY LN UNIT L-8 MERRITT ISLAND FL 32953
- 162 BLUE JAY LN UNIT M-4 MERRITT ISLAND FL 32953
- 165 BLUE JAY LN UNIT L-9 MERRITT ISLAND FL 32953
- 166 BLUE JAY LN UNIT M-5 MERRITT ISLAND FL 32953
- 169 BLUE JAY LN UNIT L-10 MERRITT ISLAND FL 32953
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- 174 BLUE JAY LN UNIT M-7 MERRITT ISLAND FL 32953
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- 181 BLUE JAY LN UNIT L-12 MERRITT ISLAND FL 32953
- 182 BLUE JAY LN UNIT M-9 MERRITT ISLAND FL 32953
- 185 BLUE JAY LN MERRITT ISLAND FL 32953
- 211 QUAIL LN UNIT B-8 MERRITT ISLAND FL 32953
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- 271 QUAIL LN UNIT N-8 MERRITT ISLAND FL 32953
- 272 QUAIL LN UNIT N-4 MERRITT ISLAND FL 32953
- 275 QUAIL LN UNIT N-7 MERRITT ISLAND FL 32953
- 276 QUAIL LN UNIT N-5 MERRITT ISLAND FL 32953
- 280 QUAIL LN UNIT N-6 MERRITT ISLAND FL 32953
- 4316 SEA GULL DR UNIT G-17 MERRITT ISLAND FL 32953
- 4317 SEA GULL DR UNIT J-2 MERRITT ISLAND FL 32953
- 4320 SEA GULL DR UNIT G-18 MERRITT ISLAND FL 32953

Site Address



3

Category	VALUE SUMMARY		2022
	2024	2023	
Market Value	\$6,951,000	\$6,380,000	\$6,132,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$6,951,000	\$6,380,000	\$6,132,000
Assessed Value School	\$6,951,000	\$6,380,000	\$0
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$6,951,000	\$6,380,000	\$6,132,000
Taxable Value School	\$6,951,000	\$6,380,000	\$6,132,000

Date	SALES / TRANSFERS		Type	Instrument
	Price			
05/20/2004	\$9,504,000		WD	5325/8803
06/01/1995	\$7,000,000		99	3483/4020
05/01/1991	\$1,815,000		NN	3128/4820
01/18/1990	\$2,388,200		CT	3039/0946
09/17/1986	\$1,100,000		WD	2732/1416
05/07/1982			WD	2370/0761

BUILDINGS
PROPERTY DATA CARD #1

Building Use: 3820 - COUNTRY CLUB / SUPPORT FACILITIES

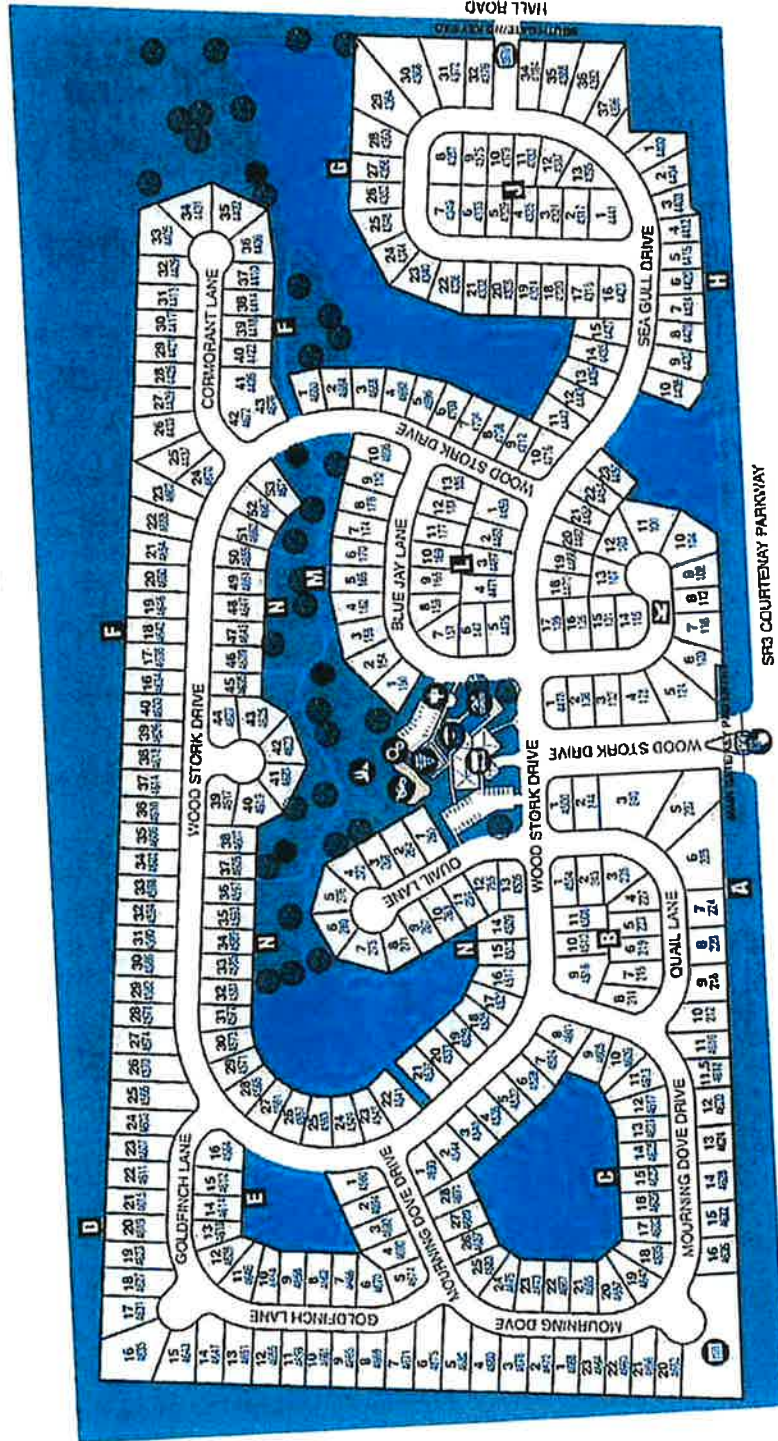
Materials	Details	1987
Exterior Wall: STUCCO	Year Built	9
Frame: MASNRYCONC	Story Height	1
Roof: ASPH/ASB SHNGL	Floors	
Roof Structure: WOOD TRUSS	Residential Units	1
	Commercial Units	
Sub-Areas	Extra Features	
Base Area (1st)	Spa - Motel/Apartment	1
Open Porch	Dock	750
Total Base Area	Paving - Asphalt	20,000
Total Sub Area	Lift Station	1
	Fence - Vinyl 4'	1,020
	Covered Patio	750
	Dock	478
	Covered Patio	1
	Park Owned Mobile Homes	6
	Shuffleboard - Commercial	1,800
	Pool - Commercial	12,720
	Paving - Concrete	164
	Paving - Concrete	478
	Gazebo	56
	Outbuilding	304
	RV/Mh Space	18,240
	Wall - Concrete - Block	660
	Garage Detached	247
	Fence - Wood 6'	2,228
	Pool Deck	600
	Canopy	21
	Light Poles	288
	Outbuilding	240
	Covered Patio	396
	Covered Patio	385
	Fence - Chain Link 6'	

4



Amenity Legend

- Clubhouse/Office
- Entrance/Main Gate
- Exit
- Mail Kiosk
- Maintenance Garage
- Outdoor Patio
- Pool & Spa
- RC Car Track
- Recreation Area
- RV/Boat Storage
- Shuffleboard Courts



4499 Wood Stork Drive Merritt Island, FL 32953
 (321) 453-4600 • 4islandlakes.com

Dana Blickley, CFA, Brevard County Property Appraiser
Titusville • Viera • Melbourne • Palm Bay



REAL PROPERTY DETAILS
Account 3020368 - Roll Year 2024



Owners BURNS, MARK WESLEY; BURNS, OLIVE SISON
Mailing Address 206 NORWICH ST MERRITT ISLAND FL 32953
Site Address 206 NORWICH ST MERRITT ISLAND FL 32953
Parcel ID 23-36-35-52-D-1
Taxing District 2200 - UNINCORP DISTRICT 2
Exemptions TPML - TOTAL & PERMANENT - MILITARY
Property Use 0110 - SINGLE FAMILY RESIDENCE
Total Acres 0.27
Site Code 0001 - NO OTHER CODE APPL.
Plat Book/Page 0067/0030
Subdivision EGRETS LANDING PHASE 3
Land Description EGRETS LANDING PHASE 3 LOT 1 BLK D

Category	VALUE SUMMARY		2022
	2024	2023	
Market Value	\$675,210	\$586,590	\$462,320
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$477,350	\$463,450	\$396,370
Assessed Value School	\$477,350	\$463,450	\$396,370
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$477,350	\$463,450	\$396,370
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

Date	SALES / TRANSFERS		Type	Instrument
	Price			
09/11/2020	\$487,800		WD	8879/0186
02/10/2020	\$75,000		WD	8673/1191
07/16/2019	\$2,665,000		WD	8498/0454

BUILDINGS
PROPERTY DATA CARD #1

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials		Details	
Exterior Wall:	STUCCO	Year Built	2020
Frame:	MASNRYCONC	Story Height	9
Roof:	ASPH/ASB SHNGL	Floors	1
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	
Sub-Areas		Extra Features	
Base Area (1st)	3,272	Pool Deck	536
Garage	570	Patio - Concrete	440
Open Porch	250	All Screen - 1 Story	880
Open Porch	134	Paving - Stone	371
Total Base Area	3,272	Pool - Residential	1
Total Sub Area	4,226		

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)
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Created: 2024-11-01 14:42:36 [EST]

EU	15,000	100	100
EU-1	12,000	100	100
EU-2	9,000	90	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)



Account: Parcel:
 Subd:
 Owner:
 Address:
 Date: 11-28-1963

9

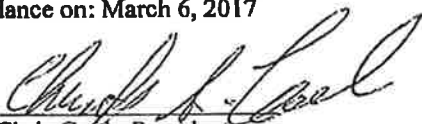
Account: 112241507

REVISED BY-LAWS
OF
THE NORTH MERRITT ISLAND HOMEOWNERS ASSOCIATION, INC.

Submitted by: ByLaws Review Committee
Tanya Knappman, Chairperson
Jack Ratterman
Mary Hillberg
Darleen Hunt

Approved by Board of Directors on: February 6, 2017

Approved by general membership
In attendance on: March 6, 2017

Signed: 
Chris Cook, President


David Bobbitt, Secretary

Paragraph I – Preamble

SECTION 1 – Name and Authority

These By-Laws shall be part of the articles of incorporation of the North Merritt Island Homeowners Association, Incorporated, herein referred to as "The Association". In the event of a basic contradiction between these By-Laws and Articles of Incorporation, the Articles of Incorporation shall be the governing authority.

For purpose of simplification, any reference to gender wherever used shall be construed to include both sexes.

SECTION 2 – Purpose

The purpose of this Association is to protect the interests of property owners who reside on North Merritt Island (north of the Barge Canal up to Kennedy Space Center) with particular emphasis on: growth, life style of residents, ecology, area appearance and property values. The Association will endeavor to limit density on all future zoning to no more than one unit per acre.

SECTION 3 – Political Restrictions

The Association shall be non-partisan and at no time shall politics and party affiliations affect decisions or actions under consideration. If an officer, director or committee chairperson files as a candidate for public office and pays the required filing fees, then he must resign from the position held. This restriction does not apply in cases of election or appointment within a political party or as a member of a civic board, commission or committee.

SECTION 4 – Association Year

The association Year is from July 1 through June 30.

Paragraph II – Membership

SECTION 1 – Full Membership

1.1 A full member is an individual who resides and owns a residence on North Merritt Island and who pays the Association annual dues. (Note: individual pertains to a natural person only, not a corporation).

1.2 Each individual who pays the annual Association dues is eligible to vote.

1.3 Members who have belonged to the Association for six months may hold office.

11

SECTION 2 -- Associate Membership

- 2.1 An associate member is an individual who resides or owns residential property on North Merritt Island but does not qualify for full membership privileges.
- 2.2 Associate members may not vote or hold office except under a special limited exception.

SECTION 3 -- Honorary Membership

- 3.1 Honorary membership may be granted upon the approval of the board and general membership to persons of distinction and high position who are homeowners in Brevard County and endorse the principles of the Association.
- 3.2 Honorary members are not charged dues.
- 3.3 Honorary members may not vote or hold office in the Association.

Paragraph III -- Dues

- 1.1 The membership dues of the Association shall be ten dollars per voting member payable annually, June 30. New members who pay dues after March 1st will be considered paid members through June 30 of the following year.
- 1.2 The dues are not refundable in the event of resignation or departure of a member for any reason.
- 1.3 Members whose dues are not current will be considered inactive and are no longer eligible to vote.
- 1.4 Dues/memberships are not transferable in the event a member sells his property.

Paragraph IV -- Voting and Quorums

SECTION 1 -- Voting

- 1.1 Each dues paying full member of the Association shall be allowed one vote at general meetings or the Association.
- 1.2 A majority of qualified members present shall carry any motion presented to the general meeting. A majority shall consist of one-half plus one of the members present.
- 1.3 Proxy votes will be admitted only on approval of the Board of Directors in advance (at least four days prior to the scheduled meeting). The proxy must bear the signature of the member and must be on the proxy ballot form provided by the nominating committee. (See Paragraph IX Sec. 2.3).
- 1.4 The method of voting on motions presented at general meetings will be by show of hands or ballot at the discretion of the President.
- 1.5 Election of officers/directors at the general meeting in June shall be by secret ballot (See Paragraph IX Sec. 2.4).
- 1.6 In the event that there is no more than one candidate for each position, the slate may be elected by motion and vote of members present by a show of hands.

NORTH MERRITT ISLAND ISLAND TOWNHOMES

MERRITT ISLAND, FLORIDA

DATE: MARCH 14, 2023

PREPARED FOR:
SCHWA, INC

R-53

DATE	3/14/2023
TOWNSHIP	28
RANGE	35
SECTION	25
SCALE	1" = 40'
PROJECT	EX-2
DRAWN BY	MM
CHECKED BY	MM

TR UGER CONSULTING ENGINEERS
2222 N. W. 10th Street, Suite 100, Ft. Lauderdale, FL 33304
Phone: (954) 561-1234

NORTH MERRITT ISLAND TOWNHOMES PRELIMINARY SITE PLAN



VICINITY MAP

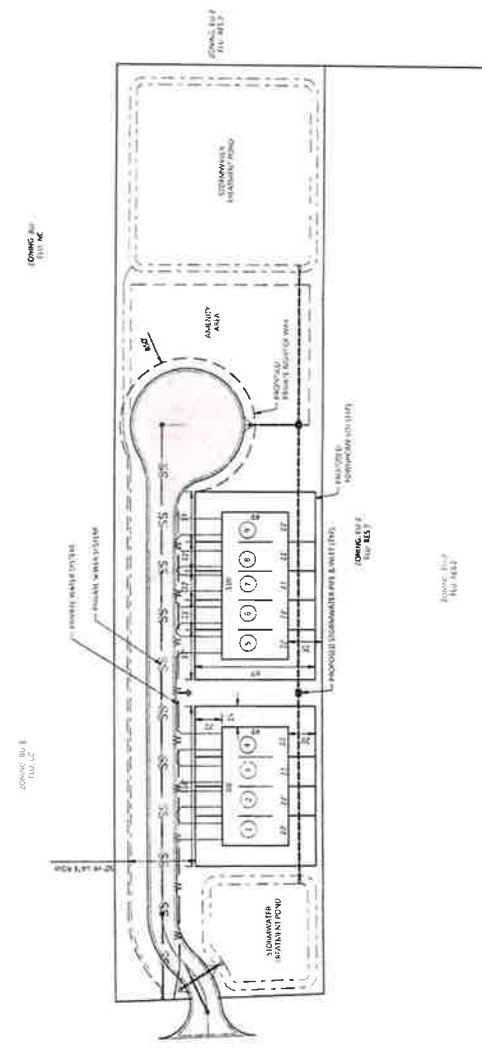
GENERAL STATEMENT
THIS PLAN IS PREPARED FOR THE PROPOSED DEVELOPMENT OF 10 TOWNHOMES WITH 10 UNITS. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

CONTACT INFORMATION
SCHWA, INC.
1000 N. W. 10th Street, Suite 100
Fort Lauderdale, FL 33304
Phone: (954) 561-1234

SITE DATA
PROJECT NO.: 23-0001
DATE: 03/14/2023
SCALE: 1" = 40'

BUILDING DATA
TOTAL AREA: 10,000 SQ. FT.
TOTAL UNITS: 10
TOTAL GARAGES: 10

LEGEND:
PROPERTY LINE
PROPOSED BUILDING
ASPHALT PAVEMENT
STORMWATER CONTOUR



PRELIMINARY SITE PLAN

- SURVEY LEGEND:**
- PCP PERMANENT CONTROL POINT
 - PRM PERMANENT REFERENCE MONUMENT
 - RCR REINFORCED CONCRETE PVI
 - GRS OFFICIAL RECORDS
 - LB LICENSE BOUNDARY
 - LS LICENSE SURVEY
 - PC POINT OF CORNER
 - GP LOG OF GRADE
 - PAI PROPOSED IMPROVEMENTS DURING SURVEY
 - FD FIELD
 - OD OBSERVATION STARTED BY USER
 - CD CALCULATED DURING SURVEY (NO MONUMENT SET)

North Merritt Island Dependent Special District Board

The North Merritt Island Dependent Special District Board met on Thursday, November 14, 2024, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., Second Floor, Merritt Island, Florida.

The meeting was called to order at 6:00 p.m.

Board members present were: Mary E. Hilberg (Group??), Chris Cook, Gina Lindhorst, Jack Ratterman, and Jim Carbonneau.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Derrick Hughes, Planner; Desirée Jackson, Planner; and Alice Webber, Operations Support Specialist.

Approval of the June 8, 2023, and August 10, 2023, NMI Minutes

Motion by Gina Lindhorst, seconded by Jim Carbonneau, to approve the NMI Dependent Special District Board minutes of June 8, 2023, and August 10, 2023. The motion passed unanimously.

Item H.1.

The application was read by Jeffrey Ball.

Kim Rezanka, here on behalf of the applicant Dan Dvorak. Passed out documents (looks like site plan). Problem is there is no interest in commercial here. She referenced another application. Wants 9 single family townhomes. She explained the proposal. She noted it is similar to Egrets Landing. It is engineeringly feasible but nobody at the county has reviewed the conceptual plans yet. If this is approved the applicant will have to plat this project. The townhomes will generate approximately 5.81 trips per unit. She feels this will be less intensive. There is just no need for commercial in this area but a need for residential. This is an opportunity for home ownership.

Mary Hilberg - So there's no RES 4 around here.

Jeffrey Ball – There is on the west side of North Courtenay behind the commercial. It's the brown shaded area. It's in the commercial node, that lines the North Courtenay corridor.

Kim Rezanka – In that commercial node are single family homes. Just to the north of this property. We're seeking RA-2-4 the same as the villas up there.

Public Comment

Spyro Alvonellos – We live by that lake or pond. All the storm water from the Egrets Landing houses comes to that pond. We have to pump 10 to 12 days every time we have rainfall or a storm. What's going to happen now is all that drainage is going to go toward the right side of my property, going toward the pond. We're going to get flooded even more. Nobody's out here helping us pump out the water. It costs us a lot of money every time that we have a storm. Nobody is helping with the ditches in front of Courtenay to dig that out and allow for better drainage. We see this as an adverse impact. We don't appreciate the short notice. We got the card 2 days ago. Urge you to vote against this. Have nothing against development, development is great, but as long as Brevard County is not helping us pump out these ponds, I don't see how we can go forward with this.

Chris Cook – Where do you pump the water to?

Spyro Alvonellos – we pump it to the street drainage. My neighbors and I have to get out hoses and pumps, and man them day and night. If we don't do that before a hurricane comes, we're done. With Ian it came within 10 yards of our pool and the house.

Mary Hilberg – How long have you been here?

Spyro Alvonellos – we've lived here since January 2021. Before Egrets Landing we had some problems, but not like this.

Marie Volland – we are neighbors next to Spyro and Wendy and lived in our home for 22 years. The roads on North Courtenay are becoming worse with all the space traffic. New development of the townhomes across from us were listed to be sold then rezoned for rent. I'm hearing these are to be for sale, they may become rentals as well. The roads are a concern. We have U-turns, right across the street the townhomes, it's getting dangerous by the day for those of us that live on North Courtenay to try to make a left to go south with all the cape traffic coming. Emailed our commissioners numerous times since we went through the 4 hurricanes in 2004 and never got a response. They came and cleaned the ditches a year or 2 ago all the way from Courtenay and they stopped at Hall Road. Went down Hall Road and cleared all the ditches and never went any further. Then we go through Irma, Ian, and Milton. Our ditches from where we live at Hall Road all the way north on north and south Courtenay have not been touched. I again emailed the next agency I thought would be responsible, which is Road and Ditches, and inquired if anyone is responsible in the county to clear out ditches north of Hall Road on Courtenay. Again, I received no response back. Storm runoff, flooding to the lower properties, it's not just us, the people across the street from us, the people on either side of us that are built low are suffering. Many are older seniors, and we try to do what we can to help them as well. We pay \$5,400 a year in property taxes, we're not getting clean ditches yet we're continuing to let people build around us and destroy our property that we've worked so hard to have. So, I oppose this project.

Mark Burns – I'm the house that is east and borders the proposed water treatment area, map says stormwater treatment pond. My property is about 20 feet away from that pond. Paid a premium for that lot. I love walking my dogs, and I walk down that road with the nice, beautiful trees. The beauty of the area with all the old pine trees, I have a nice corner lot. I have a lot of fruit trees and we garden. Now I'll walk out and see the new hole in the ground that's going to be the new stormwater runoff. Noise abatement issue – he's got to pump the ponds out. The last hurricane the water was all the way up to his pool. There was a gator out there that they're chasing out of their backyard because it won't drain off. He was at it for about 5 days. All we here is hmmmmmm and I don't blame him, but that's not privacy and not what I signed up for. My wife and I love it there. There's a lot of wildlife there. There're bobcats, rabbits, eagles, birds, and those trees are going to go. We'll walk our dogs and see new construction. Privacy, noise, lighting. Worry about where all this parking is going to be and these units and renting possibly. Worried about who's going to be living here.

Short notice is ridiculous, and I feel completely unprepared. I contacted Egrets Landing HOA president; I contacted the senior advisor to Leland Group who takes care of our properties. We're all busy, just like you all are very busy, but you don't give someone...24 hours to prepare for this very important meeting. About 2 months ago someone started surveying this area. I called the town, I called everywhere. There are stakes in the ground that are 20 feet from my property. I urge you to vote against this for all of these reasons.

Wendy Alvonellos – the property we're talking about will butt up to my property. We bought here and paid top dollar to live here because it was not so overcrowded. How can developments come in around houses that are already there, since the '90's, and build them way up here when they know these people are down here. First year we were here the flooding wasn't too bad. Then Egrets Landing developed behind our pond, that year we had alligators at our back door. We have to spend our own money on hoses and pumps, it's a joint effort, we all have to get out there and pump this out every time we know a storm's coming. It's irritating. I always have to hear this thing running. We pay for the gas; it has to be filled back up. Then we're paying \$6,000 worth of taxes. We can't pull out of our driveway because they won't come cut the bushes in the ditch. It's too much. Something needs to be addressed with the Building Department about raising these lots up above all the houses that are around them.

Kim Smith – representing NMI HOA – this group is very interested in keeping the rural aspect of North Merritt Island. This is why almost everybody moved up here. This rezoning is going to be opposed by them. It would diminish enjoyment of and quality of life of existing neighborhoods. Why should buyers pay the same for properties next to the apartment complex when they can go somewhere else. Would be inconsistent with decades of land use patterns in the area. Would be inconsistent with the decades of the rural character of the surrounding areas. More traffic impacting road safety and road services. This opposition to this request is primarily because the proposal is not consistent with emerging or existing patterns of the surrounding development. We have seen one high-density development on North Merritt Island, but this was forced upon us. We have consistently opposed these changes. Higher density exacerbates flooding. Contributes to traffic problems. Significant amount of our area is still zoned agricultural or estate use with larger lots. This is our opposition to this zoning change. Developers are required to hold all their stormwater on the property as they develop it. They'll have retention ponds, and they have requirements by the county to hold the stormwater there. Typical summer and fall rains, and one big storm after that all these requirements go out the window and the water starts overflowing. It doesn't stay in these retention areas, it floods onto the surrounding properties, especially the older properties and lower properties. Streets flood that haven't flooded in past history. This change is in the North Merritt Island commercial corridor. This was where the county came in and said that it would be a good idea to have commercial development along the road, and there is a need for commercial development. This piece of property it hasn't been working out for it, there are needs up here, and you can't do that in a residential area, to have stores and services for the people who are moving up here and the people who live here. To change this commercial to residential, especially a higher density, is much too environmentally sensitive. The runoff from these types of buildings, the hardening of the area, this is not a good place to have apartments and townhouses.

Public comment closed.

Kim Rezanka – These are single-family townhomes. Mr. Dvorak is not a big-time developer. The commercial corridor does allow for residential. You could have an 18,000 sq ft shopping center here that could be level, with all concrete and underground retention. This is a less intense use to have 9 single-family homes here. The emerging development trend in this area is single-family homes. It's not commercial. The most recent residential is townhomes. Concerns about lighting and parties are performance standard issues regulated by code enforcement. The development is not allowed to impact other developments. This will have a nominal impact on traffic, it's less than what would be if there was a commercial center of 18,000 sq ft. They will have to connect to water and sewer. We request that you recommend approval of this rezoning as it is a less intense use and will meet all the design requirements of the county code and not impact other residents in the area.

Gina Lindhorst – Townhomes aren't single-family homes. They're townhome apartments.

Mary Hilberg – Attached homes that are attached to each other aren't really considered single-family.

Jeffrey Ball – RA-2-4 is a single-family attached product, which is townhomes. The difference between an apartment is that you have one owner and people rent from that. Townhomes is a bit different where you have a platted piece of property that each has a different ownership. That's the difference. Condos is another ball of wax. RA-2-4 does not allow for apartments, they have to be platted as single-family attached dwellings.

Chris Cook – But they can do rentals.

Jeffrey Ball – Yes, it does allow for that use, but the existing B-1 already allows for that too.

Jim Carbonneau – So, technically the townhomes that were built, the 48 north of this piece of property, now that they are combined, are they considered townhomes or apartments?

Jeffrey Ball – They are all individually owned properties, but individually there's one owner, so it's platted. Yes, those are all platted lots.

Jim Carbonneau – they were sold to the board and the county as individual townhomes, now they're individual rentals. Big difference.

Mary Hilberg – are they attached to each other?

Jeffrey Ball – Yes, that's what a townhome is. It is attached.

Gina Lindhorst – so they're sort of like an offspring of a townhome and an apartment.

Jack Ratterman – Norwich Road, entrance into Egrets Landing, is that a county road or does it belong to Egrets Landing?

Jim Carbonneau – on page 2 it's called a spite strip.

Jeffrey Ball – this property does not have access to that road. There is a spite strip that prevents access. In order to get access through that they would have to go through the homeowners association to get permission from them to get access through there.

Jack Ratterman – what's the setback from the property to Norwich? 25 feet?

Gina Lindhorst – in the rear of the property to the lot line.

Jack Ratterman – from the rear that has to be 25 feet or less?

Jeffrey Ball – 20 feet front setback, 20 feet rear setback, and 5 feet from the side setback.

Jim Carboneau – The way that these homes are oriented the side toward Norwich would be considered the front.

Jeffrey Ball – That can change as far as orientation.

Jim Carbonneau – well it has to do with our decision.

Mary Hilberg – you're saying this drawing is not accurate.

Jeffrey Ball – it's a concept plan as Ms. Rezanka stated. Staff has not reviewed it. It probably will and can change.

Jack Carbonneau – it says the site plan and plan requirements shall be submitted. How tall are the townhomes going to be?

Jeffrey Ball – They're allowed to go up to 35 feet.

Jack Ratterman – If I don't know the height, I don't think you're going to get my vote. And then what's the requirement for sending out the postcards?

Jeffrey Ball – We do not have a requirement to send out notices. They were sent out as a courtesy.

Gina Lindhorst – approximately 10 days in advance of the hearing a courtesy notice is sent to all property owners within 500 feet.

Mary Hilberg – in as many years as I've been doing this the person in planning and zoning, which is the position that Desiree and Alice have now, had sent to our zoning person in North Merritt Island the information about the application when it was made. The application deadline was September 9th, so all this time it was moving along and there was no notice to anyone. Not to the HOA, not to the North Merritt Island Zoning Board, not to anyone.

Jeffrey Ball – I will tell you that there has been some staff turnover and I don't know what was done in the past.

Mary Hilberg – In the future as soon as someone does an application, because it becomes a public document, the application is immediately sent to the zoning person for North Merritt Island or whomever we designate.

Jeffrey Ball – I can't promise you anything. I will go back to speak with my boss and let him know.

Mary Hilberg – You can send it just to me. We don't discuss ever anything about what we have to vote on ever. We can discuss it after the meeting and after we voted, but we never discuss it before.

Jeffrey Ball – Let me speak with him.

Gina Lindhorst – Has anyone seen a sign that was supposed to be posted at the subject property? It's supposed to be there no later than 15 days prior to the public hearing.

Mary Hilberg – does everybody feel there are enough people here aware of this now or do you think that we should....

Jack Ratterman – I don't know what our options are. Can we delay it and go again, I don't know.

Mary Hilberg – we can table something if we feel that enough of the community hasn't spoken or heard about it. We haven't heard from a lot of these other areas here.

Jim Carbonneau – but we heard from the HOA.

Mary Hilberg – we heard from North Merritt Island HOA, yes.

Jack Ratterman – Kim Smith, how many people do you represent?

Kim Smith – it depends on the census figures, but it's thousands.

Jack Ratterman – Kim Rezanka said we could put a shopping center out there, well you could put a shopping center out there, but who would go to it. The flooding issue for sure. Once it's done, it's a done deal. The townhomes north of here nobody wanted those. So, it's not an emerging trend. The trend was forced on us.

Chris Cook – no one would ever build an 18,000 sq ft commercial facility there. Retention ponds, that doesn't work. You have a problem here. Digging and filling up, building property up, it's just going to run downhill. In addition to that it disturbs the ground water flow. You need a buffer. Maybe only put 4 units. 100% scrub jay area. There are only 3 units occupied at this time in that 45 units. I agree with Jack, that was kind of forced on us by some influential people. I'll second that there was not enough notice given for everybody to provide their input on this.

Gina Lindhorst – We might have more people giving their opinion if we have more notice.

Jeffrey Ball – My recommendation to you is that this has been advertised and you have a quorum that you would make a recommendation either to approve or deny the application.

Chris Cook – it was stated the roads are at 33% capacity. Driving up here I had to wait in a mile long backup, and it took me 20 minutes to get from the G&L storage to get into this building. And that happens for like 4 hours a day. It's going to get worse.

Chris Cook made a motion to deny the application based on Admin. Policy 3a, 4a, 5c, 3b, and 3c. Or put 4 residential units on there.

Jim Carbonneau seconded the motion. Motion passed unanimously to recommend denial.

Jeffrey Ball – The application will go to the P&Z November 18th at 3:00 p.m. and BCC December 12th at 5:00 p.m.

The meeting adjourned at 7:04 p.m.

DRAFT

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 18, 2024, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5); Debbie Thomas (D4); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Tad Calkins, Director (Planning and Development); Alex Esseeese, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; Derrick Hughey, Planner; Sandra Collins, Planner; and Alice Webber, Operations Support Specialist.

Excerpt of complete agenda.

Item H.3. Schwa Inc. (Kimberly Rezanka) requests a change in zoning classification from BU-1 to RA-2-4 (24Z00051) (District 2)

Jeffrey Ball read the application into the record.

This item went to the North Merritt Island Dependent Special District Board hearing last Thursday with a recommendation of denial. At the meeting the applicant provided a concept plan. The concept plan has not been reviewed for compliance with our code and regulations.

Kim Rezanka on behalf of the applicant stated this is an application solely for a zoning RA-2-4 to allow the building of 9 townhomes on Courtenay Parkway. This is adjacent to Courtenay Parkway, as you can see from page 1 of what I provided to you. Egrets Landing is to the east. They are allowed to be 9,000 sq ft lots, but they are usually for the most part half acre lots. That was the first rezoning that was done in North Merritt Island for quite some time. Also, up to the north you'll see the townhomes, the Villas up there. Those were townhomes that were rezoned, approved through here approximately 4 years ago. They have been built; they are single family ownership. I understand they might be rental properties, but they are single family fee simple title ownership just as the townhomes we're proposing would be. The property has a current future land use of CC and a zoning of BU-1. Mr. Dvorak, back in 2008, had a site plan approved for this to have 4 buildings of almost 18,000 sq ft of retail. There's been no demand for retail in this area, so he's not been able to do anything with this property despite owning it since July of 2005. The parcel is 2.47 acres. Right now, with the community commercial and the BU-1 he could put 4 townhomes on but as you know costs have been driven up substantially and he wouldn't be able to do it financially. That's why he's asking for the change to RA-2-4 which is the same as the villas on the west side of Courtenay. Page 2 of the packet I provided you are the villas that I referenced. To the south just 3 parcels away that is Sun Island Lakes. Granted it's been there since the 1980's, but it currently despite the TR-3 zoning and the future land use which is RES 2, it is currently at 4 units to the acre, just to let you know that's from the site plan that's on their website, that's on page 5. So, it is more dense, the same density that we're looking at for this proposed project. I provided to you a page 6; Mark Burns spoke at South Merritt Island Special Dependent District Board. He was not in favor of it. His would be the closest to this property. I did want to show you that this zoning of EU-2, if this project were zoned EU-2, the side setbacks would be 15'. Currently, although we do have a concept plan, the intent is to leave a good 25' to 40' in its natural state between the strip that's owned by the HOA and the townhomes. This was just to show you that the EU-2 could be a 9,000 sq ft lot as the zoning which is 5 units to the acre even though it's RES 2. Page 9 is that strip of land that would be between Mr. Burns house and the

P&Z Minutes
November 18, 2024
Page 2

Schwa property. It's approximately 15' in width so there's that extra buffer as well, so you have Mr. Burns 15' plus the 15' of the side setback of the HOA property. Then you would have at least a 25' setback, but the intent is to have a larger setback and to have the retention pond in the back there. We can put this in a BDP if that's the choice of the board. I also put in here the North Merritt Island bylaws, I'm sure you're all very familiar with this group. They did speak in opposition on Thursday night, and I did want you to know that they really had no option because the purpose, on page 11 is to endeavor all future zonings no more than 1 unit per acres. So, they do show up at all North Merritt Island zonings and oppose it and it's basically they have no choice. They do not represent 10,000 acres or 10,000 people as they state. It's a volunteer organization. The last page is just a concept plan. There have been other concept plans since this time, and it's not been reviewed by staff. It's not binding, it's just to show you what the intent is as to have the townhomes closer to the road, with a cul-de-sac, then you're looking at having an amenity area and stormwater pond. And as much as possible it's going to be left in this natural state. So, there will be a large size buffer. If you are inclined to approve this zoning and you want additional conditions, we can certainly look at those. As the staff report indicated there's no anticipated material reduction, material, or adverse impacts on the surrounding area. There's no level of service issues regarding traffic. The corridor is anticipated to operate at 37% of capacity daily with this proposal. This proposal with 9 units only generates 9 trips per those 9 units per day. However, that commercial property, at 18,000 sq ft would have 55 parking spaces, so it would be a concrete jungle, it would not have any green space per se. And this is a less intense use than what could be built there currently in BU-1. Business uses are not in demand. That was the intent originally. Mr. Dvorak was telling me he was driving home from the space center where he worked and there was no place to stop and get a bottle of wine. So that's why he initially bought the property, but there's just no demand up there. So, he's trying to do something with the property, providing another alternative of housing other than 9,000 sq ft lots or 1/4 acre lots. And with all the activity at the space center additional housing in this area is needed. It is not going to be rentals; it is not intended to be rentals by Mr. Dvorak or his company. It is intended to be sold. With that we are here to answer any questions and we would ask a recommendation of approval for the RA-2-4 to allow the construction of 9 single family-owned townhomes.

Mark Wadsworth asked if there were any questions for the applicant from the board.

Robert Sullivan stated he had a question, but it was primarily for staff. This is in the North Merritt Island Dependent Special District. Is that correct?

Jeffrey Ball answered yes.

Robert Sullivan asked are they the authority having jurisdiction over planning and zoning.

Jeffrey Ball responded the way that it's set up is that they are an advisory board to this advisory board. So, they make a recommendation along with the recommendation from you all and that gets forwarded on to the Board for their ultimate approval or denial of the application.

Robert Sullivan commented in the opening statements I think you said that Thursday they rejected it out right.

Jeffrey Ball responded no; their recommendation was for denial.

Robert Sullivan commented, and they've already voted on it.

Jeffrey Ball answered yes.

Robert Sullivan then stated I'm looking at the notice of hearing that I got off the public records and it's dated October 31st, they voted on the 14th, is that 2 weeks?

Jeffrey Ball stated that the meeting that they made their recommendation was last Thursday, which was the 14th, yes sir.

Robert Sullivan went on to say that the publication, the notice of the hearing was issued on the 31st of October. That's only 14 days. Is that correct?

Jeffrey Ball stated if you give me a minute I can check to see when the notice was.

Robert Sullivan said, "I'm looking at it." So, who issues the notice?

Jeffrey Ball responded our agenda staff.

Robert Sullivan commented so it may have been just an error, but Florida Statute requires 30 days notice.

Alex Esseesse asked what statute he was referring to.

Robert Sullivan responded 166.041 section 1. If you want, I can read it. It's the notice shall state that the substance of the proposed ordinance as it affects the property owner and shall set a time and a place for one or more public hearings on such an ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing. So, apparently and a copy of the notice shall be kept available for public inspection during the regular business hours for the office of the clerk of the governing body. So that's Florida Statute 166.041 called Procedures for adoption of ordinances and resolutions.

Alex Esseesse responded yes sir, for a point of clarification that is the process for municipalities to adopt ordinances and resolutions. We're a county. Technically we follow 125 with respect to the processes for ordinance adoptions and resolutions. This is an administrative or I guess and advisory determination in this case.

Robert Sullivan responded with alright, fair enough. The key is their board recommended denial, is that correct?

Jeffrey Ball replied yes, they did.

Erika Orriss stated to clarify further their board, it was unanimous, if I'm correct.

Jeffrey Ball confirmed it was unanimous.

Jack Ratterman stated he's on the North Merritt Island Special District Board, I'm the co-chair. I've been on the North Merritt Island HOA, past president 7 years, past vice-president 7 years. And both groups unanimously denied this application. There were several reasons why, but since I have 3 minutes, I'll get to it here. What we're looking at administrative policy 3A diminished quality of life, administrative policy 3B diminished property values, and administrative policy 3C which is

noncompatible with the local land use. And the attorney pointed out that there's some townhomes north of here, the Cristofoli townhomes, and they were forced down upon us. The board and the community voted against them. We were told they were going to be sold, and they're not sold. They're all for rent. So now we're faced with a rental neighborhood. Only 2 have been rented so far, as far as I know. That's it, so for them to say yea this is compatible with other things in the neighborhood, this was compatible with something we didn't want in the first place. If you had a Bessemer furnace zoned up there and they wanted to put another one in that wouldn't be quite right. Those apartments that set a president. And I don't know if you have your packet or not, do you have this packet that they sent? You have that map? Okay. How about on page 29, it says up at the top U S Soil Hydrology Map, I was surprised, I went online and looked up the first one aquifer anhydrate soil, both of those are referenced to wetlands. So, they go right through the property there. But it doesn't say wetlands, but if you look on google and see what it says it tells you that. So, in a round about way they're skirting around that wetland. And then the height restriction is 35 feet. Which one of you would want to have a townhome 35 feet next to your house with a 20-foot setback. That's unreasonable. And then for them to say oh we're going to give a 25-foot setback along that one entry street right there, that's a spite strip. Correct? Okay. I'm going to ask who knows what a spite strip is. Probably nobody. A spite strip means they can't do anything with it. They can't sell it, they can't ingress/egress, anything. That's why they had to put in a road themselves and they can't come off that. So, this whole thing is ill conceived, and I ask you to deny it.

Mark Burns stated I am that property that they were talking about that they mentioned my name earlier. Simply I represent my wife, my parrot, and my 4 dogs. That's about it right now. I did 30 years in the air force; this is my final house. This is where I plan on retiring. I love the community, I love all my neighbors, this, and that. I just real briefly brought up the wetlands. As I was walking the dogs yesterday there were a couple of owls sitting right up there in the tree where they plan on taking them down. There are bobcats that run through there, there's lots of turtles, and everything else. But that's not really my subject matter. The thing that I wanted to talk about is, they talk about the setback, I'm about 15 feet away from where they want to build the retainer pond. Basically, they're going to dig a hole, all the water slopes down from Courtenay, right to my house. I have an embankment. That water's going to go in that hole, and it doesn't go anywhere. It stays there until it's evaporated. And all you that lived in Florida this long you understand that means a lot of mosquitoes for me, my wife, and all our fruit trees and our enjoyment out in our backyard. Not to mention for my one-year-old granddaughter there's a hole out there the size of whatever, I don't know. Are they going to put a chain link fence next to it to keep access away? I haven't heard anything about that. The other thing is, and I don't think Spyro is here, but my neighbors, they're not in Egrets Landing, they're constantly pumping water before a hurricane, they have to pump down their lake probably for about a week. It's so noisy. All you hear is that water pump. And that's all they need is more flooding going into there. They have some real problems right there and they drain it up to the street. They spend a lot of money on gas, and they don't need anymore flooding in that area. They don't need anymore water coming down that hill, filling up their ponds. The traffic was already mentioned. My biggest issue really is how would you like to have a big hole, right in front of where these beautiful trees used to be, with a whole bunch of mosquitoes and the smell. When the foliage dies it sits there and it rots, and it smells. That's basically what I want to tell you. This is how it affects me. Obviously, it affects a lot of other people. But this is my retirement home and I have to look at how these mosquitoes bite me, and smell that in front of all my trees, well maybe I'll find another retirement home. But I don't know how I'm going to do that because I spent all my money after retirement buying this house. I'm not going to get as much for this house when I sell it with that hole next to my yard. And, by the way, I paid

P&Z Minutes
November 18, 2024
Page 5

\$25,000.00 lot premium for this lot because it's such a beautiful lot, was and hopefully it will stay a beautiful lot.

End of public comment

Kim Rezanka stated regarding the North Merritt Island Dependent Special District board, as you heard Mr. Ratterman sits on that board. He also sits on the NMIHOA board, and he's been in this area a long time, and he didn't want the other townhomes. He sits on the NMIHOA board he has to support their bylaws that says no less than one unit to acre. So obviously his opinion is based upon those guiding principles. The board heard, there were a dozen people in the audience, they heard from 4 or 5 people, they just don't want any change. They don't want that lot developed. That lot is currently BU-1, they could have a dozen different things there 25 feet from the property line. This is a less intense use and is compatible because it's single family. They didn't give any reasons other than we don't want townhomes, we don't want apartments; these aren't apartments. These are single family ownership. Just the listing of the policies without evidence is insufficient to deny this request. Again, he's owned it for 20 years, he hasn't been able to develop it. He would like to develop it for single family homes which the comprehensive plan says we should have single family homes in a variety of opportunities for people to have single family ownership. Regarding the Cristofoli's, the forced upon us, that was mentioned several times at the special dependent district board, again they didn't want it, the County Commission approved it because it is single family ownership, and it is compatible with the 4 units to the acre that is in this area and other locations including the mobile home park. If there is a wetland, they will have to abide by all the rules and regulations, and won't be able to impact it, except for a nominal amount. They could impact it all right now in commercial but if it's residential they'll have to abide by the 1.8%. Regarding a height restriction the EU-2 is 35 feet as well, so townhomes RA-2-4 35 feet, EU-2 35 feet, the height restrictions are the same. Regarding that spite strip it's really owned by the HOA, it's a buffer, and it's intended to be a buffer. As to the flooding this area of Merritt Island has special restrictions on compensatory storage that was adopted 4 years ago because of the flooding and an engineer who designs something in this area must basically certify with their life that it's not going to impact others. And this property would be subject to those strict requirements and the whatever it is, something you push numbers in, and it pushes numbers out, I don't remember what you call it because I don't know that many people have used it up here. As to fencing, whatever the requirements are for fencing will be done. Frankly most people prefer a retention pond next to there home versus a 25- or 30-foot townhome. So that retention pond will act as a buffer. And again, there can be a condition to leave the natural buffer as much as possible, that's been done several times by this board and county commission. Finally, there is no evidence of devalued property. Right now, there's no evidence to support that and that requires an appraiser to do so. In conclusion, this requested zoning of RA-2-4 is consistent and compatible with the existing and immerging development in the surrounding area, and keeping to the character of the predominantly single-family homes which is mentioned in the staff report. So, this is a less intense development, and we request your approval with any conditions that you deem appropriate.

Henry Minneboo commented I've been there a long time. I was on the committee then when Cristofoli, I'm not sure if there's any alignment to the Cristofolis. They might have owned it then, but they certainly don't own it now.

Kim Rezanka stated they owned it at the time. I did the zoning for them.

Henry Minneboo added I took the position; I was fairly supportive of that project because I was hoping that would be the end of it. And I took that position, I said you know we can live with it on North Merritt Island just a little bit. But then I watched today, state road 524. And now everybody says but Henry they've got one across the street. Now they've got 6,000 units on 524. North Courtenay doesn't need nothing more. We need more retail up there, etc. And I'm just against anything other than something retail up there. Because our place is beginning to be a hodge podge up there. So, I can't support it no matter what you do. I'm holding hard on what I've done in the past and I'm holding hard now. So, I'm not going to push it.

Kim Rezanka stated the only issue, you may remember Goport coming before you, was the only multi-use plaza up there. It had a gym, it had an ice cream shop, it's now a park and ride for the port because it couldn't sustain itself. It had a sports bar at one point. You've got the 3,700 commerce, which is mini-warehouses, warehouse units. It is not full. You've got right across from these townhome villas is a restaurant that's defunct. So, there is no support for commercial development up there, especially after covid, everyone's going Amazon, or Walmart, or home delivery. So, I understand everyone wants commercial up there, but there's no call for it. You have a Dollar General, that may be all that goes up there. Again, this is North Merritt Island, this is we believe a good use of the property. And I understand Mr. Minneboo.

Ron Bartcher commented that the North Merritt Board voted against it. The North Merritt Island Board I believe are actually elected. Is that correct.

Jeffrey Ball indicated yes.

Ron Bartcher went on to say as opposed to be appointed like we are. So, they have a much more personal interest in it than we do. I think if they voted against it, I should support them.

Brian Hodgers asked if this is planned to be a 3-story building.

Kim Rezanka answered no, it's planned to be 2-story.

Ana Saunders asked if it were to be developed as commercial where would the retention area be located. Just for comparison purposes. On the eastern end of the lot as well?

Kim Rezanka responded it's in a similar location. It would be toward the east.

Ana Saunders asked Jeffrey is there a requirement that if they were to develop under B-1 to come in front of any of these boards to ask for any kind of approval, or just the site plan approval.

Jeffrey Ball answered that he is not an engineer he's a planner, so my understanding of how stormwater works is that you put it on the lowest part of the property.

Ana Saunders went on with no I mean in general if they were coming forward and they had just a site plan for any commercial property would that have to go in front of a public board. It would just go through the regular route of site plan approval and go through the normal process.

Jeff Ball responded correct, if they were proposing a retail commercial use on property it would be CC land use and BU-1 zoning currently it would go through staff review under the site plan process. That's it. Public hearing.

P&Z Minutes
November 18, 2024
Page 7

Ana Saunders then stated there's several BU-1 parcels as I look at the zoning map surrounding the area that are not developed and typically haven't been developed ever.

Kim Rezanka said there's homes on BU-1 currently.

Ana Saunders went on to say so from a property rights perspective which you know that was passed a year or 2 ago, I would support this from the respect that it sounds like they tried to go to BU-1. It's been BU-1 for decades and obviously it hasn't developed. To force somebody to keep a zoning category because that's sort of what they want, I think is it consistent with the property rights component of the state and I do see it as a consistent use. It's transitional between the BU-1 zonings and single-family to the rear to be all the same requirements that would have to be met through engineering, Brevard County, and all the different outside agencies that would manage the wetlands species, stormwater, flooding components. So, because of those reasons I would support this request.

Robert Sullivan stated he is a professional engineer, former drainage district engineer and designer, and he's done land development in Broward County, and Miami-Dade and Palm Beach and there's literally a thousand different ways you can do a retention pond. You can do storage vaults, you can do cast filtration, you can raise this thing up, so saying that it needs to be at this location or that location it's really up to the engineer of record and how creative they are. So as far as keeping people from developing their property, it was purchased at this location, the overall planning is to make the main corridors business and beyond those corridors make them residential. So, people obviously have spoken on how they feel on what they wanted and how they invested their money in their property. We are an advisory board and I've advised many clients on many things. Sometimes they like my advice, sometimes they don't, but I do respect the people who are the property owners, and they appear to have spoken. So, I'm not in favor of this particular request.

Robert Brothers stated I've been sitting on the West Melbourne board for about 10 years now and on this board for about 2 years, and lately every project that comes up has neighbors going we don't want this here. Not in my backyard. I've already got mine, nobody else can have theirs. What I'm finding is people are still coming to Florida. They're not going to stop coming to Florida. If we do not give them well planned affordable places to live...the same people who are going not in my backyard are saying we need affordable housing. Not in my backyard though, but we need affordable housing. One of the worst reasons that we do not have affordable housing is A) because of regulation, B) because of just the cost of construction, and C) because it's harder and harder to find some place to build it. People are not going to stop coming to Florida. If we do not give them good places to live then we're going to end up just like New York, and just like San Francisco where you've got people living on the streets. They're going to be here. They get here and they don't have any way to get anywhere else. And when people want to do things with their property, I notice none of these people ever come up here and go well we got the money together and we're going to buy the property that we want to tell people what to do with. This person owns this property and obviously I'm looking at that area and there's nowhere to put anything business there. And there's all these big houses. My neighborhood I live in, I live in an old neighborhood, by neighborhood was built in the 60's and 70's, yet we have right across the fence there's commercial, there's a hotel, and then there's apartments. And there's assisted living. And this is all right where I can see it from my backyard. It doesn't bother me. These are my neighbors, and we have a great neighborhood. My neighborhood has become so desirable that because I have all this other stuff around me that I couldn't afford to live there if I didn't

P&Z Minutes
November 18, 2024
Page 8

already have a house. So, like I said, it becomes a little gnawing to constantly hear people going not in my back yard. Not in my back yard. That's all I've got to say about that.

Mark Wadsworth commented I see we've got some up here that seem to be for and some to be against, so I need a motion.

Motion to recommend denial of Item H.3. by Henry Minneboo, seconded by Ron Bartcher. The vote was 5 to 5, so the motion fails. Motion to recommend approval of Item H.3. by Robert Brothers, seconded by Debbie Thomas. The vote was 5 to 5. The motion failed.

Alex Esseesse advised you can either table it or either motion will be brought to the board with no motion in favor or against.

Kim Rezanka stated we're fine with the tie vote. We'll go to the county commission. We also would consider conditions if that would change anyone's mind if they wanted to put conditions in a BDP. But I haven't heard that from anyone. That would be the other option.

DRAFT

Jackson, Desiree

From: Jones, Jennifer
Sent: Thursday, November 14, 2024 4:53 PM
To: Jackson, Desiree; Webber, Alice
Subject: FW: Rezoning Request 24Z000051

FYI

From: slackcindy <slackcindy@aol.com>
Sent: Thursday, November 14, 2024 4:33 PM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: Re: Rezoning Request 24Z000051

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

This email is to voice my opposition to the rezoning request, # 24Z000051.

As a homeowner within Egrets Landing subdivision, I feel that building a row of townhomes right at the entrance to our neighborhood will decrease property values. Townhomes will not fit into our neighborhood and will look very out of place. Homeowners who built beautiful large homes next to those parcels will not benefit from having townhomes built right next to their properties. Please deny this request for rezoning. I strongly oppose this request for rezoning.

Thank you,

Cindy Slack
5160 Hebron Drive, Merritt Island. Phone 321-208-2607.

Sent from my Galaxy

Jackson, Desiree

From: AdministrativeServices
Sent: Friday, November 15, 2024 11:32 AM
To: AdministrativeServices
Subject: RE: Rezoning Request 24Z000051

From: slackcindy <slackcindy@aol.com>
Sent: Thursday, November 14, 2024 4:33 PM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: Re: Rezoning Request 24Z000051

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This email is to voice my opposition to the rezoning request, # 24Z000051.

As a homeowner within Egrets Landing subdivision, I feel that building a row of townhomes right at the entrance to our neighborhood will decrease property values. Townhomes will not fit into our neighborhood and will look very out of place. Homeowners who built beautiful large homes next to those parcels will not benefit from having townhomes built right next to their properties. Please deny this request for rezoning. I strongly oppose this request for rezoning.

Thank you,

Cindy Slack
5160 Hebron Drive, Merritt Island. Phone 321-208-2607.

Sent from my Galaxy

Jackson, Desiree

From: Stefani Maduskuie <stefani220@gmail.com>
Sent: Thursday, November 14, 2024 12:17 PM
To: AdministrativeServices
Subject: Re: Rezoning Request 24Z000051
Attachments: Staff Comments.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

Please see my comment below about the attached request for rezoning. Jennifer Jones's email is listed on the NMI Dependent Special District website, which is why I sent it to her in an attempt to get it to the board. Who else should I contact to get my comment to the NMIDSD board?

Thank you,
Stefani

On Thu, Nov 14, 2024, 11:43 AM AdministrativeServices <administrativeservices@brevardfl.gov> wrote:

Aloha,

Please see response below noted in blue:

I live in Egrets Landing on north Merritt Island, and I just saw that there is a proposed rezoning for property 2318721, a parcel the lies within the neighborhood. I'm curious if a notice was sent out to notify those who live close to the parcel. This is a development I'm sure they'd want to be made aware of. My initial thought is that the proposal doesn't fit with the character of the neighborhood being that townhomes are not single family homes like the rest of the neighborhood. Would the developer consider single family homes that meet the style and layout of the rest of the community? I defer to the developer to respond. There may be zoning or future land use restrictions that apply to the property. To find out more please contact the Zoning Office at 321-633-2070. Would these new residents fall within the same HOA as Egrets Landing? I do not have the answer. The Planning and Development Department does not regulate HOAs. I'm concerned that adding townhomes to the entrance would reduce the value of the neighboring properties, and if any new properties go on that parcel, it would be crucial to integrate them into the HOA to ensure they are meeting the same standards that the rest of the neighborhood must follow to achieve the nice character that we all invested in. Good questions.

I am personally opposed to this rezone until the neighbors and Egrets Landing HOA have had the opportunity to ask the developers questions and work out these details. Understood. Which application is this for? Please respond to administrativeservices@brevardfl.gov by referencing the application number in the subject line of the email and reiterating your public comment to whichever application it applies to.

Thank you



Main: (321) 724-1230

Brevard County Planning & Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, FL 32940

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Thursday, November 14, 2024 10:41 AM
To: Stefani Maduskuie <stefani220@gmail.com>

Cc: Jackson, Desiree <Desiree.Jackson@brevardfl.gov>; King, Jeff <Jeff.King@brevardfl.gov>
Subject: RE: Rezoning Request

Hi, Stefani! I hope you are also doing well.

I no longer work in Planning & Development, but I am forwarding your email to the new POC for the NMI Dependent Special District, Desiree Jackson.

Regards,

Jennifer

From: Stefani Maduskuie <stefani220@gmail.com>
Sent: Thursday, November 14, 2024 10:33 AM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: Rezoning Request

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Jennifer! I hope you are doing well.

I wonder if you can help me with something. Your email was listed as the POC for the NMI Dependent Special District.

I live in Egrets Landing on north Merritt Island, and I just saw that there is a proposed rezoning for property 2318721, a parcel the lies within the neighborhood. I'm curious if a notice was sent out to notify those who live close to the parcel. This is a development I'm sure they'd want to be made aware of. My initial thought is that the proposal doesn't fit with the character of the neighborhood being that townhomes are not single family homes like the rest of the neighborhood. Would the developer consider single family homes that meet the style and layout of the rest of the community? Would these new residents fall within the same HOA as Egrets Landing? I'm concerned that adding

R-76

townhomes to the entrance would reduce the value of the neighboring properties, and if any new properties go on that parcel, it would be crucial to integrate them into the HOA to ensure they are meeting the same standards that the rest of the neighborhood must follow to achieve the nice character that we all invested in.

I am personally opposed to this rezone until the neighbors and Egrets Landing HOA have had the opportunity to ask the developers questions and work out these details.

I appreciate any help you can provide!

Kind regards,

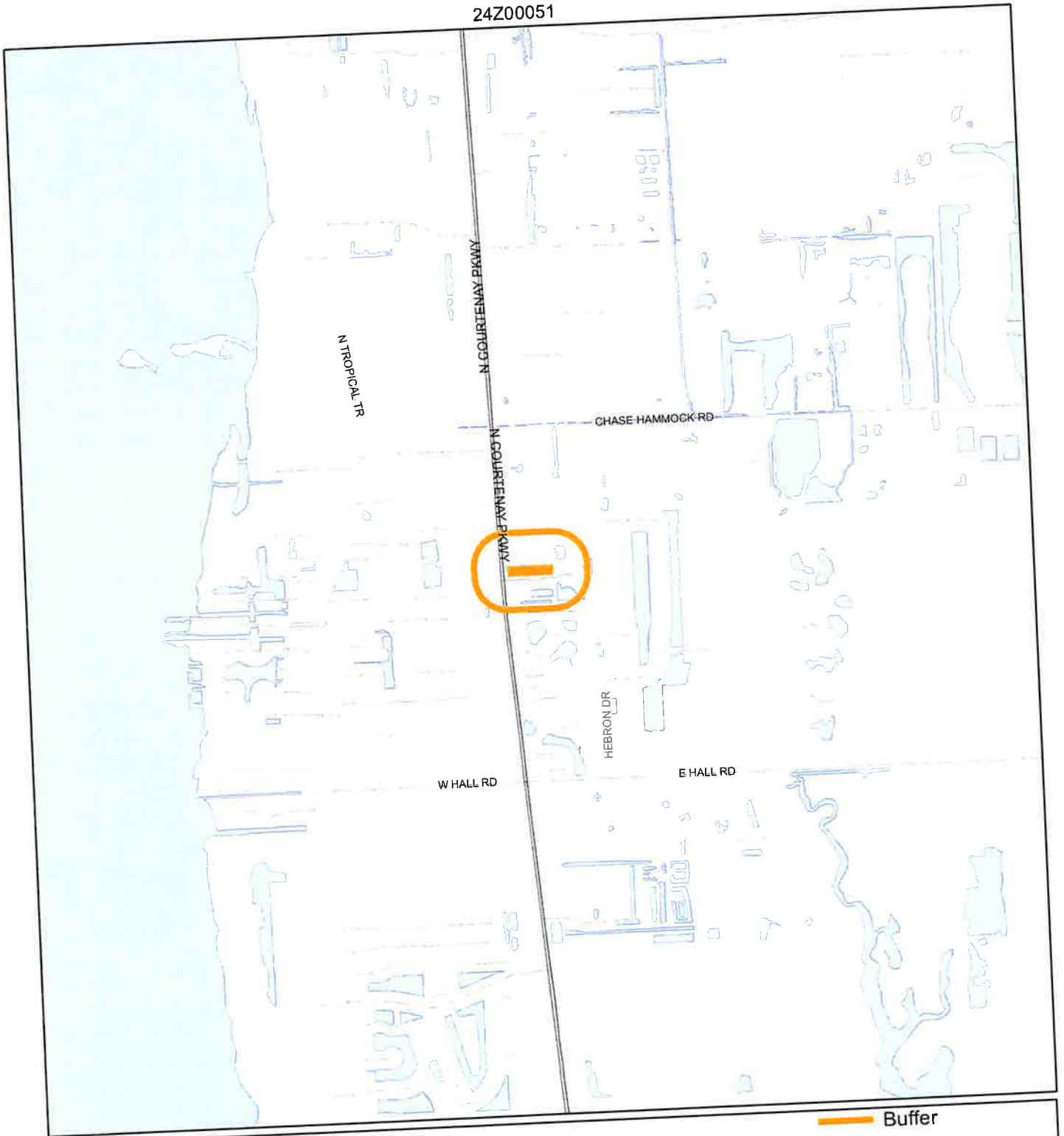
Stefani Maduskuie

Stefani Maduskuie

LOCATION MAP

R-77

SCHWA INC
24Z00051





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

Buffer Distance: 500 feet

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.

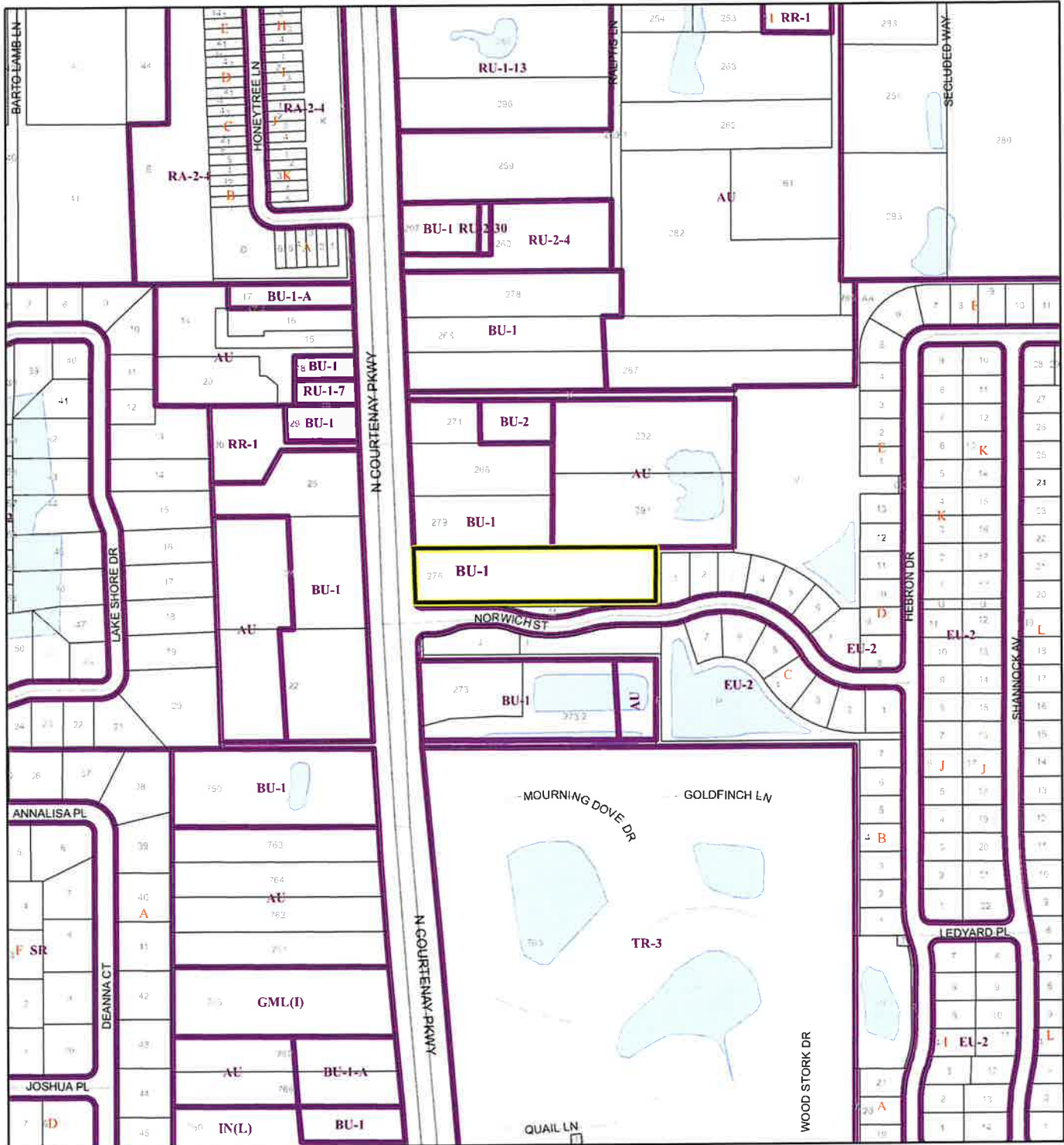
Produced by BoCC - GIS Date: 9/11/2024

-  Buffer
-  Subject Property

ZONING MAP

R-78




SCHWA INC
24Z00051



1:4,800 or 1 inch = 400 feet

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.

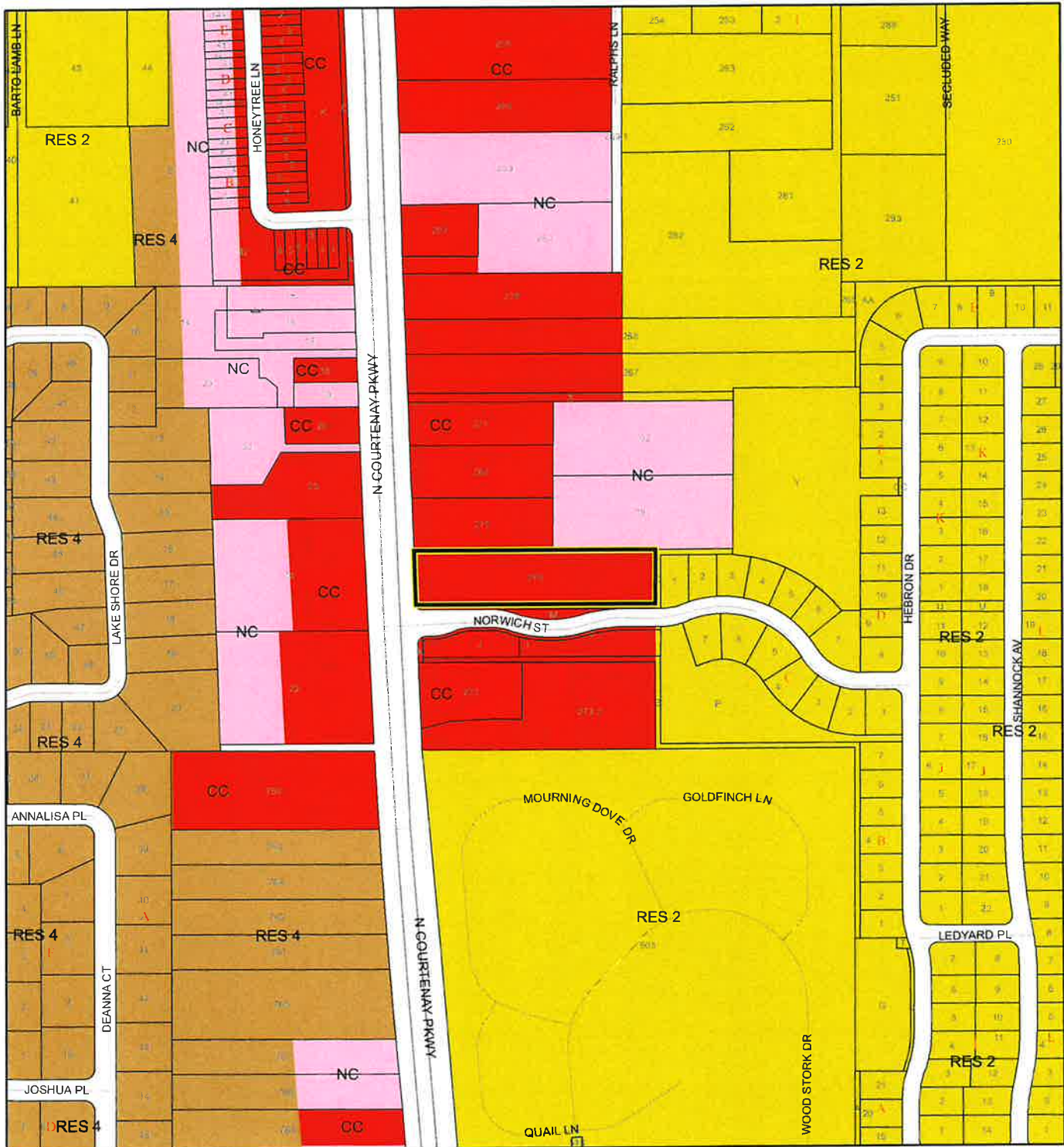
Produced by BoCC - GIS Date: 9/11/2024

-  Subject Property
-  Parcels
-  Zoning



FUTURE LAND USE MAP

R-79

SCHWA INC
24Z00051



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 BoCC - GIS Date: 9/11/2024

AERIAL MAP

R-80

SCHWA INC
24Z00051





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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.

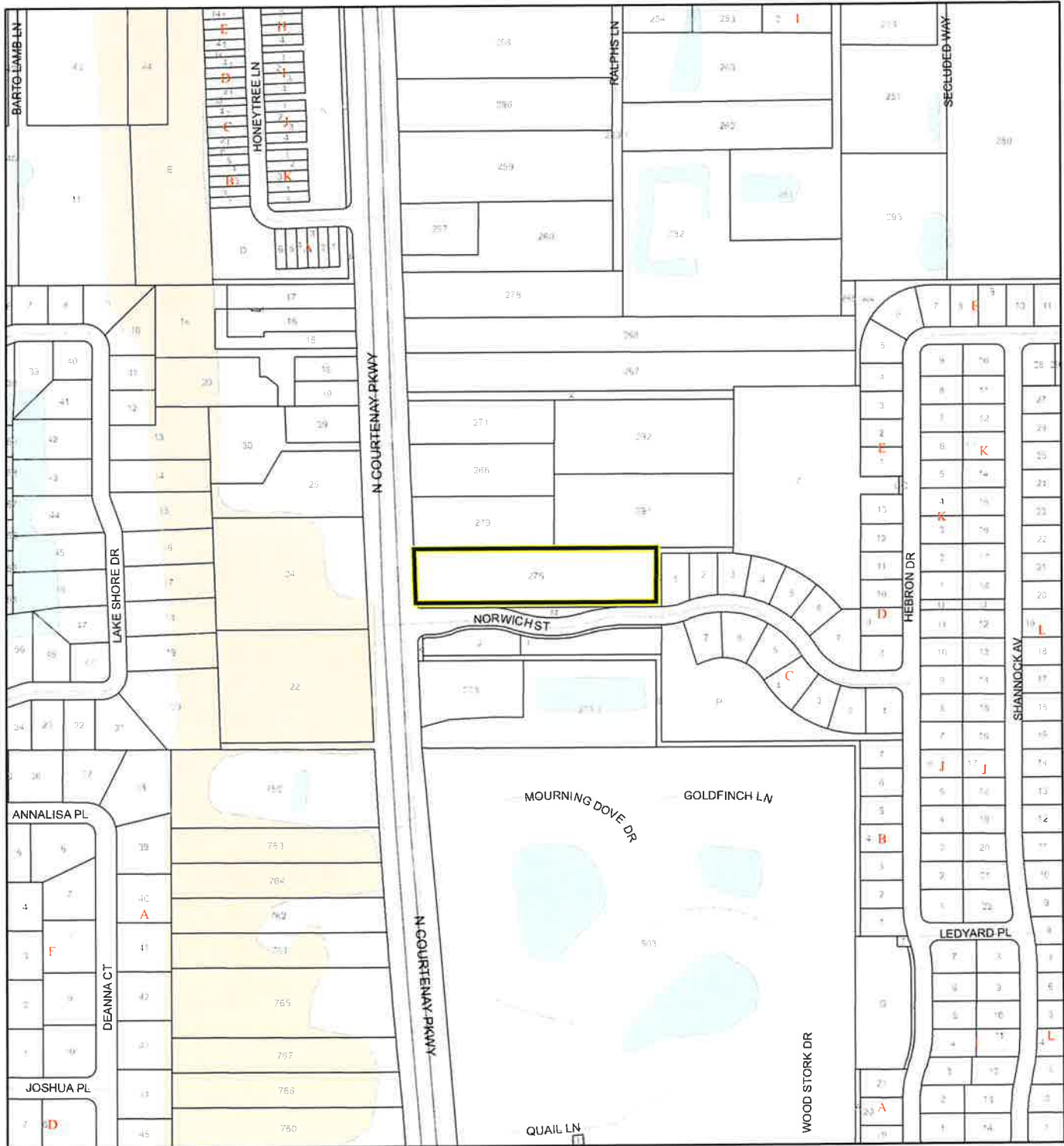
Produced by BoCC - GIS Date: 9/11/2024

-  Subject Property
-  Parcels

NWI WETLANDS MAP

R-81

SCHWA INC
24Z00051







1:4,800 or 1 inch = 400 feet

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 BoCC - GIS Date: 9/11/2024

National Wetlands Inventory (NWI)

- | | |
|---|---|
|  Estuarine and Marine Deepwater |  Freshwater Pond |
|  Estuarine and Marine Wetland |  Lake |
|  Freshwater Emergent Wetland |  Other |
|  Freshwater Forested/Shrub Wetland |  Riverine |
|  Subject Property | |
|  Parcels | |

SJRWMD FLUCCS WETLANDS - 6000 Series ~~MR~~82

SCHWA INC
24Z00051



1:4,800 or 1 inch = 400 feet

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 herein.

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SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

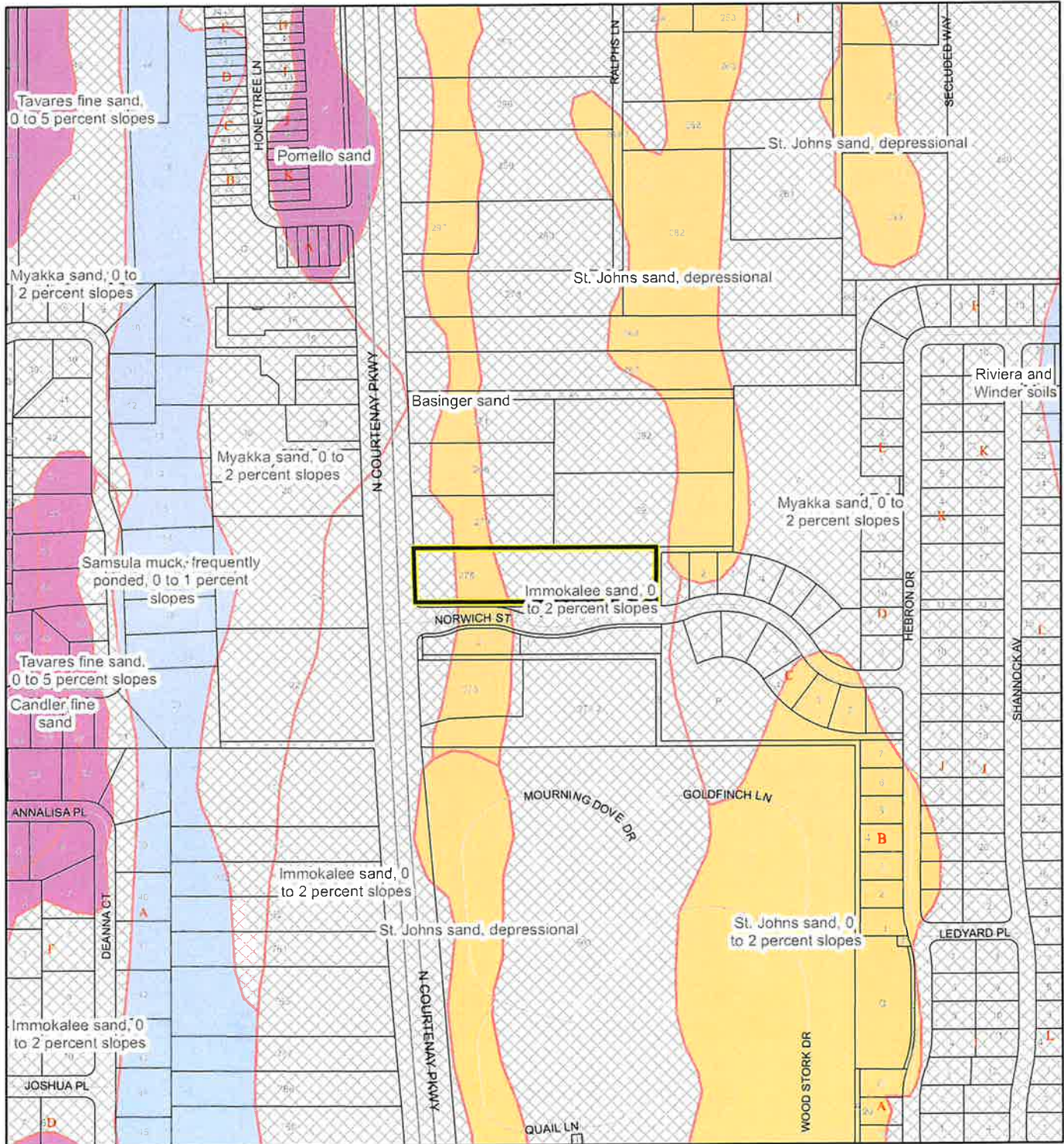
Subject Property

Parcels

USDA SCSSS SOILS MAP

R-83

SCHWA INC
24Z00051



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

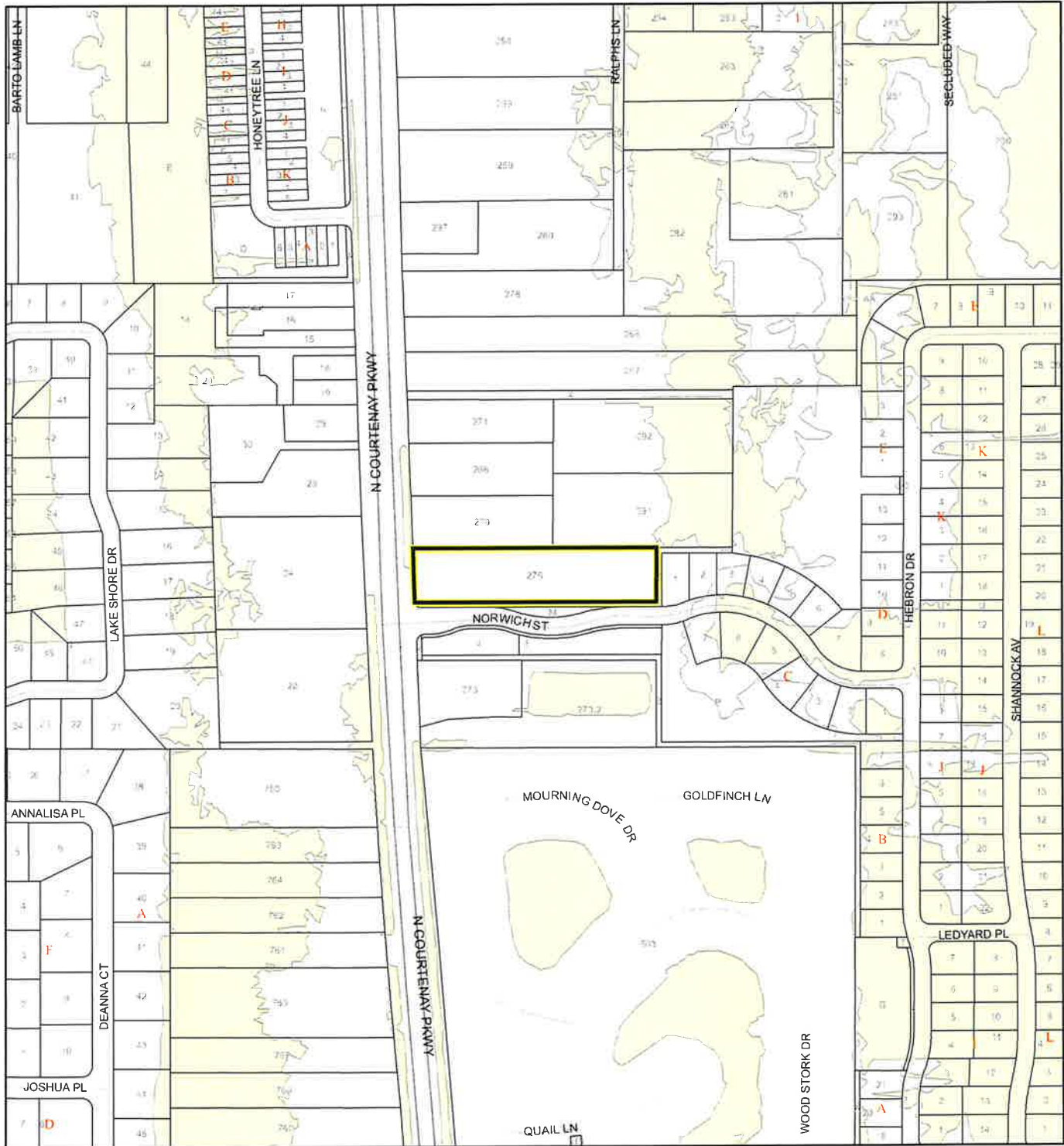
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

R-84









SCHWA INC
24Z00051



1:4,800 or 1 inch = 400 feet

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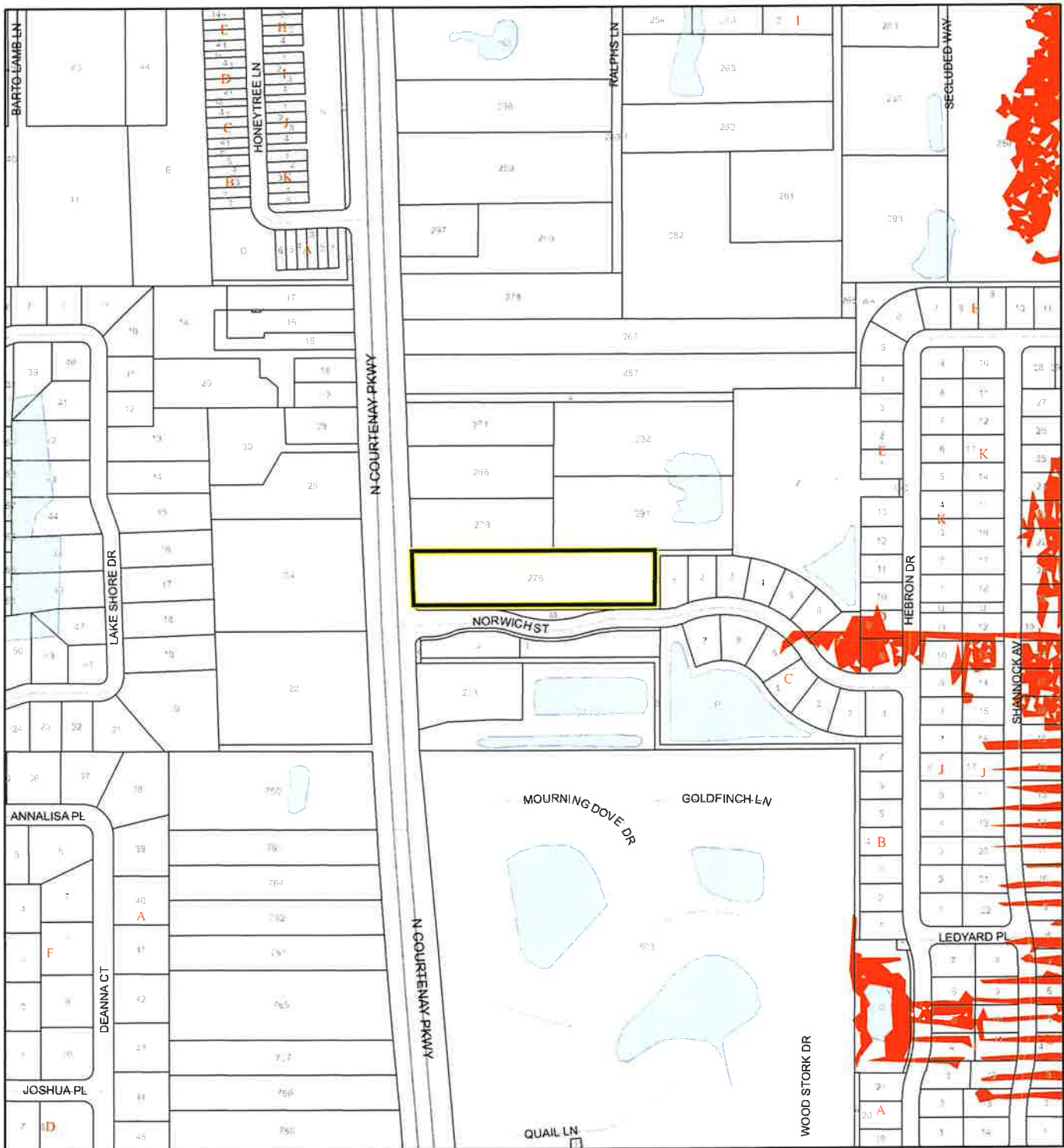
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FEMA Flood Zones		
	A	
	AO	X
	AE	
	Open Water	
	AH	
	VE	
	Subject Property	
	Parcels	

COASTAL HIGH HAZARD AREA MAP

R-85

SCHWA INC
24Z00051



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 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP #86

SCHWA INC
24Z00051



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

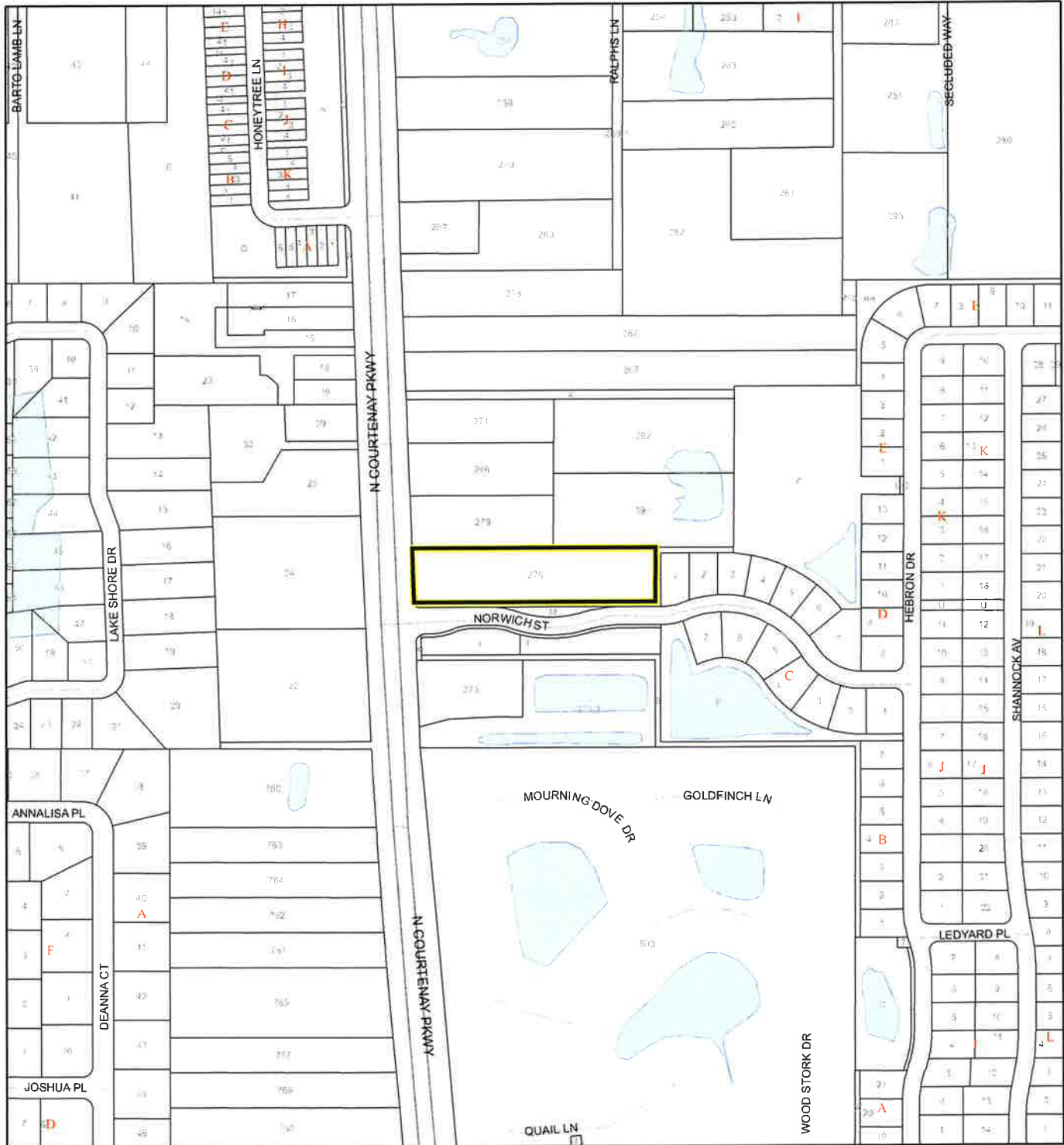
 60 Meters

 All Distances

EAGLE NESTS MAP

R-87

SCHWA INC
24Z00051



1:4,800 or 1 inch = 400 feet

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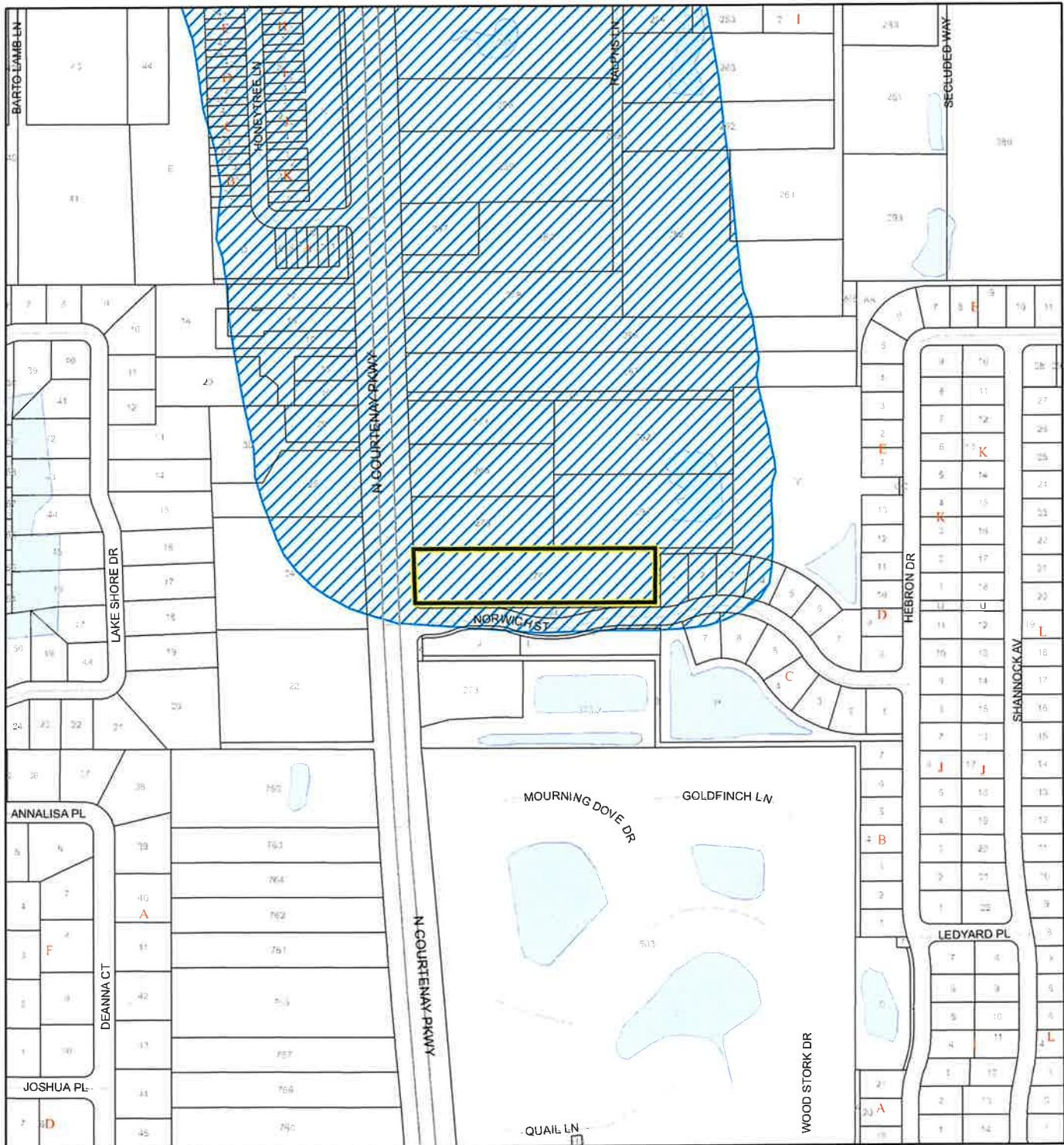
Produced by BoCC - GIS Date: 9/11/2024

-  Subject Property
-  Parcels
-  Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

R-88




SCHWA INC
24Z00051



1:4,800 or 1 inch = 400 feet

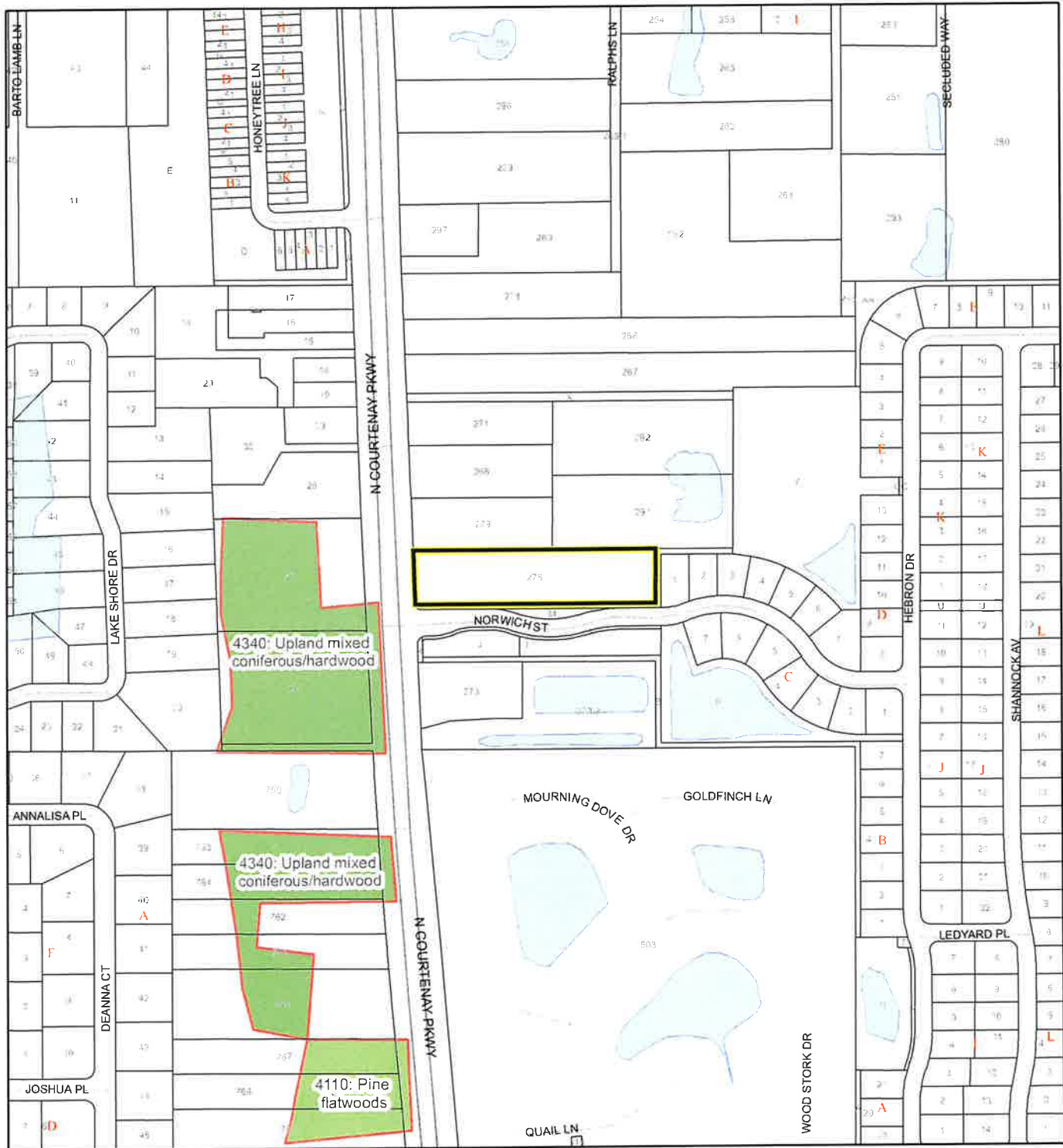
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/11/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series **R-89** MAP

SCHWA INC
24Z00051



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/11/2024

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels



Space Coast Florida
Nature | Beaches | Space

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File #: 7599

Type: Public Hearing Status: Agenda Ready

File created: 11/18/2024 In control: Planning and Development

On agenda: 12/12/2024 Final action:

Title: Schwa Inc. (Kimberly Rezanka) requests a change in zoning classification from BU-1 to RA-2-4. (24Z00051) (District 2)

Attachments: [1. Administrative Policies of the Future Land Use Element](#), [2. Staff Comments](#), [3. Survey.pdf](#), [4. Applicant Provided Supporting Documents and Concept Plan](#), [5. 11/14/2024 NMI Minutes](#), [6. 11/18/2024 P&D/LPA Minutes](#), [7. Public Comment](#), [8. GIS Maps](#)

[History \(0\)](#) [Text](#)

Subject:

Schwa Inc. (Kimberly Rezanka) requests a change in zoning classification from BU-1 to RA-2-4. (24Z00051) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) to RA-2-4 (Single-Family Attached Residential).

Summary Explanation and Background:

The Applicant is requesting to rezone from BU-1 (general retail commercial) to RA-2-4 (single-family attached residential), which would permit single-family attached dwellings up to 4 units per acre.

North of the subject property are 2 parcels, one parcel is 1.36 acres, vacant with BU-1 zoning designation and the second parcel is 2.52 acres developed with a single-family residence with AU zoning designation. South of the subject property is the Egrets Landing buffer tract and Egrets Landing subdivision entrance, zoned EU-2. West of the subject property is 1 parcel located across N. Courtenay Pkwy. and is 3.09 acres developed with a single-family residence, and zoning designation BU-1.

The proposed RA-2-4 classification is a four unit per acre multiple-family attached residential zoning classification. It permits multi-family residential development or single-family residences at a density of up to four units per acre on 7,500 square foot lots. RA-2-4 classification does not permit apartments.

Single-family attached residential zoning can be used as a transition to buffer from the higher intensity impacts along N. Courtenay Pkwy.

The applicant has provided a concept plan with 9 townhomes. **Please note, this plan is not required, nor has it been reviewed by county staff for code compliance.**

On November 14, 2024, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended to deny the request citing drainage and compatibility issues.

On November 18, 2024, the Planning and Zoning Board heard the request. The vote was split 5 to 5, with no majority recommendation for approval or denial.

The Board may wish to consider if the request is consistent and compatible with the surrounding area and the comprehensive plan.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy to Planning and Development.

Verbatim Transcript of Item H.3. – December 12, 2024, Zoning Meeting

Feltner: Okay, Commissioners, we're going to go back to H.3.

Ball: Thank you, Mr. Chair. Item H.3. is Schwa Inc. requesting a change of zoning classification from BU-1 to RA-2-4. Application number is 24Z00051, located in District 2.

Feltner: You're recognized.

Rezanka: Good evening Chairman Feltner, members of the County Commission. I am Kim Rezanka, Lacey Lyons Rezanka, 1290 US 1, Rockledge, Florida. I am here on behalf of Schwa Inc. I'm requesting a rezoning from BU-1 to RA-2-4. With me is Dan Dvorak the representative, and he will also speak during my 15 minutes of time. As you are aware, the RA-2-4 would allow for, would allow townhomes. Because this is a Community Commercial next to a Residential 2 Future Land Use, density is already four units to the acre, so what we're just asking is to define how those four units of an acre will be done, how it will be developed. If there's concerns about setbacks, then that can be addressed in a BDP if that's something that the Commission would like to do. We have not proposed it. They're two-story townhomes. We have a sample concept plan that shows a good distance. If you want more specifics in the Binding Development Plan, we are happy to consider that, and Mr. Dvorak can make those decisions. This is a commercial area, but it's all residential. Staff report says everything that's around it is pretty much residential. If you know the area, there's very little commercial up there, there's nothing to support the commercial up there. I did a rezoning here not too long ago to the south of the commercial center that had ice cream shop, a billiards hall, and a fitness center. Those all went out of business. It's now a park and ride for cruise ships. The 3,000 commercial building which has small units and a diner, there's many vacant units in there, too. Mr. Dvorak will explain why he bought this in 2005, and what he hoped to do with it and it just hasn't been able to work, so he would like to do nine townhomes on this project. The packet I gave you is a little bit different than the one that was presented to P&Z. Part of that is because I learned new information talking to staff recently. First, on page one that is the property. You'll see to the east is Egrets Landing. To the south is the, um, manufactured home Island Lakes. You'll see up to the northwest of Courtenay is the, uh, townhomes that recently had been purchased. They are single-family platted. My understanding is they are indeed being used for rental, but they are brand new and they are single-family, and I did not look up the rent but I presume they are not cheap. They're certainly not affordable housing by any stretch. The residents are concerned about having rental property, but any of these residents could also rent their houses, it is not prohibited by law. Page two is the concept plan. It hasn't been engineered, it hasn't been reviewed by staff. It's just an idea of what he could do. When he came to me I said go talk to an engineer to see what you could do to make sure it even makes sense to try for this rezoning, and that's what he did. And so, Jim Trotter has indeed drafted something that my client likes and would like to build. Page three is Island Lakes. As you know from the zoning map, it's a TR-3, but it also says it's Residential 2. It is actually four units to the acre. There's over 300 units in this 71-acre parcel. Page four is the Zoning Code for EU-2, which is Egrets Landing. I just provide that to you because they are 9,000-square foot lots, and their structure are

allowed to be 35 feet just as this BU-1 property would be allowed to be. I'm not saying it would be. It's going to be two-story townhomes, but the BU-1 does allow 35 feet height as well. Page seven, I believe, is also reference in your . . . excuse me, page six. That is a little strip owned by the HOA that you'll hear some people will call it a spite strip. It's an HOA property, it's allowed to be done that way. They wanted to buffer from any other uses I presume. Actually, I know, I zoned that property. And they didn't want anyone accessing the road, so that's why that strip, uh, that strip of land is there. Page seven, um, is the Future Land Use Policy 2-10, which again I studied, I stated is in the staff report. This states residential development is permissible in commercial land uses as a density of up to one category higher than the closest residentially-designated area on the FLUM at the same side of the street. That's RES 2. That makes this RES 4, four units to the acre. Again, we're just trying to define what's in and how it's going to be developed at four units to the acre, because commercial is not something he, Mr. Dvorak's interested in doing. Page eight, uh, this is an often forgotten, rarely used if ever. Mr. Ball can't remember it ever being used since he's been here. It is Section 62-2106 Mixed Use Commercial and Residential use. This allows, um, a commercial . . . allows residential uses in commercial at a higher density, and so, in theory, not quite certain, this could be done if there's a commercial 300-square foot building on this property. Again, then you'd have commercial uses next to residential, which is less practical, less, uh, friendly, less transitional than single-family homes next to single-family homes. Um, and because it does say the total residential flare area of each residence shall adhere to the minimum plural area requirements of the RU-2-10, so 62-1372 is the RU-2-10, just to give you an idea of how these Codes all play together. So, again, this is, um, this is a request for four units to the acre for R . . . well, it is four units to the acre, RA-2-4. Otherwise, with the BU-1, there could be a litany of things that aren't as, as compatible with, uh, with single-family homes. There could be a bed and breakfast. There could coin laundry mat. There would be a funeral home. There could be a hospital. Uh, but it does indeed allow single-family residences. It allows tobacco stores, dry cleaning plants, tourist efficiencies and motel. A motel could go here. That's certainly something the residents wouldn't want. A treatment and recovery facility. Uh, may or may not like that, but it's something that could go there. I also . . . the setbacks for BU-1, the rear setbacks shall be 15 feet from the rear lot line. If you're not comfortable with that, the RU-2-4, that setback . . . I just had it . . . there's a perimeter setback, so that's going to be 25 feet from the property line, and then there's going to be, uh, interior setbacks and spacing between the buildings. Setbacks not to be less than 20 feet, so there is going to be much more of a distance of separation from a setback to the rear with RA-2-4 than there would be with motels or residences in a BU-1. As stated in the staff report, a single-family attached dwelling residences can be used as a tradition, a transitional buffer from higher intensity impacts to the lower intensity of the 9,000-square foot units. The predominant Future Land Use is commercial in this area. This request is consistent and compatible with the existing and emerging development in the surrounding area, as stated in the staff report. Staff report supports this rezoning based upon all the analysis of the Comprehensive Plan and the Zoning Code. This will generate less traffic. Mr., um, Dvorak did indeed have a commercial site plan developed with six . . . 17,000 square feet. It required 88 parking spaces, and that's not feasible. It's not usable up there, and that would be much more intense than nine single-family homes. With that, I'd ask Mr. Dvorak to speak. Um, happy to take questions, but don't want to eat into

my 15 minutes with the questions, so Mr. Dvorak will speak and then we can take questions.

Dvorak: Good evening. I'm Dan Dvorak, I'm the owner of the property on North Courtney and the applicant for rezoning. In 2005 . . . and you'll have to pardon me, I wrote this down so I would not get too nervous and get off track. In 2005, as a young father of three and an engineer at KSC, I was driving home from work one day and thought of stopping somewhere to buy a bottle of wine for dinner. The only problem was that there were very few retail stores north of the Barge Canal, and none were in the wine business. It seemed like a great opportunity to create a retail plaza and attract businesses, so my wife and I bought this lot. It had already been mostly cleared of trees and was being used to store commercial trailers and industrial tools. If you look at an aerial picture closely, you can see a series of, uh, light colored rectangles near the center part of the lot. Those are actually concrete slabs over a foot-thick each put there by a previous owner to make a good working surface for his construction business. It really was an industrial site. The first thing we did was pay to have the industrial trailers and tools hauled away, then we started working on design and permitting. We ended up taking out a second mortgage on our home to pay for the surveying, engineering, design, and permitting and had a completely approved site plan and permits needed for construction, but during that permit process we watched the Commerce Plaza get built just south of us and sit mostly empty for a long time. The same thing happened with Go Port Plaza, which is now a cruise parking lot. It turns out there just isn't enough traffic on SR 3 north, the residents north of the Barge Canal to support a healthy retail environment there. Fortunately, we didn't build the commercial plaza because it would have bankrupted us. We've put out a lot of money onto that lot from the purchase price, hauling off the junk, permitting and for the commercial plaza, and almost \$48,000 in property tax over the 20 years, and we intend to develop something on it. Our intent is to build nine homes. The thought is that 1,200 people moving to Brevard County, uh, or Florida every day need places to live, and building nine homes provides more of a solution than building fewer. There's opposition to our plan, and some of it is coming from people that live in brand new homes on what used to be the orange grove, right behind our lot. I think that's ironic. Some of the opposition believes the choice is rezoning or leaving it as it is. They are mistaken, we will develop something. We could pursue a wide variety of uses, including a hotel, but I believe that single-family housing is the most compatible with the neighborhood, and the best option. Other opponents believe we should put detached homes on the site, and I've studied that option and my calculations show that we'd lose an awful lot of money doing that. And I appreciate your consideration for our rezoning request with an eye towards our property rights. Thank you.

Feltner: Thank you, sir. Are there questions for the applicant? Commissioner Delaney.

Delaney: I'm not sure who can answer this for me, but, um, do we know how wide the property is from that, uh, line that Ms. Rezanka had mentioned to the other side of the property? The, um, I'm sorry, on page six. Yeah, like . . .

Rezanka: That, that little . . . it's about 15 feet.

Delaney: The rest of the property, like the buildable area, what . . .

- Rezanka: Oh, his property.
- Delaney: Right.
- Rezanka: Oh, 155 feet.
- Delaney: Okay, thank you.
- Feltner: Commissioner Goodson.
- Goodson: Question. Um, if it's 155 feet, it looks like to me that, let's say your driveway is 75 feet from the spite strip headed north, are you going to be able to get a . . . have you even thought about getting a DOT permit to access State Road 3, because usually driveways right beside each other they do not like?
- Dvorak: We've considered that. Um, I think the engineer that drew that just feels that we could get that.
- Goodson: Huh, okay. Now, you would like to build nine units, correct?
- Dvorak: Yes, sir.
- Goodson: The Comp Plan is, you know, one per acre, which would be four. At least that's my understanding. I know that she's shaking her head. That's fine.
- Dvorak: I think the Comp Plan is four per unit.
- Goodson: The North Merritt Island Homeowners Association would agree to four, but you want nine, correct?
- Dvorak: Well, economics dictates that with the price we paid for the lot, and the engineering that it'll take to do it, and everything else that . . .
- Goodson: That was in place when you bought it. Were you not aware of that then?
- Dvorak: We were intending to build commercial plaza, sir, when we bought it, and then . . .
- Goodson: Now you switched totally 180 degrees to residential, correct?
- Dvorak: Right, but the reason for that is because the commercial just, you know . . .
- Goodson: I hear you.
- Dvorak: Commercial goes to die north of the Barge Canal.
- Goodson: And how did the plan, the Planning and Zoning, the staff voted unanimously for this?
- Delaney: No.

Feltner: No, its 5:5.

Goodson: Yeah, they had two votes, correct?

Ball: Yes, but the final vote was 5:5, so there was, there was no, um, motion for approval or denial of the application.

Goodson: Right, okay. Thank you. Thank you, Chair. Thank you, sir.

Feltner: Any other questions for the applicant? I have one question, then we'll go to the cards, okay?

Dvorak: Okay.

Feltner: And Commissioners, we have about 10 cards. Um, when you say homes, we're talking about townhomes though, just to, just to clarify?

Dvorak: Yes, sir.

Feltner: Okay, and, um, uh, now will you be the owner of those and then you'll rent these to folks, or who will hold title to those?

Dvorak: My intent is to sell most of them to homeowners. I believe in homeownership. I think it's . . .

Feltner: Okay.

Dvorak: . . . part of the American dream to own your own home.

Feltner: Okay, so you, you may, you may sell five and there'll be five separate titles, and then you'll hold on to four, something to that . . .

Dvorak: It's more like seven and two.

Feltner: Okay, okay.

Dvorak: I don't have the money to float this for the rest of my life.

Feltner: I understand. I understand.

Goodson: Chair.

Feltner: Commissioner Goodson.

Goodson: You know, we will all understand that selling something doesn't necessarily mean that it will not be a rental, correct?

Dvorak: That's true, sir.

Goodson: Right. Thank you.

- Dvorak: Like any, like any home, right?
- Goodson: That's correct.
- Dvorak: But . . .
- Feltner: Sorry, go ahead.
- Dvorak: But I don't want to be a landlord for the rest of my life.
- Feltner: I, I don't aspire to be one either. Um, could . . . a quick question for the staff before we go to the cards. Would, would, with the current, with, would this zoning change allow for short-term rental of those, um?
- Ball: Yes, sir, it would.
- Feltner: Okay. All right.
- Goodson: It would?
- Feltner: It would. Okay, okay, uh, sir, thank you. We'll reserve the rest of Kim's time at least, and um, we'll go to the cards. Okay, Jack Ratterman.
- Ratterman: Jack Ratterman, North Merritt Island, 568 East Hall Road. When I got ready to come to this Commissioner meeting, I looked in the mirror and thought, man, there's the big, fat guy in the mirror, and I wanted to let the Board know that I always didn't look like this. I went to university on a cross country and track scholarship, ran for four years, and at one time had enough athletic ability to run a two-mile, I mean, sorry, run a half-mile in one minute 58.8 seconds. So, at one time I was thin, I didn't look like this, but over time, age makes, makes a difference. The townhomes that they're proposing, they always reference the ones just north of this, you know, the 88 units. Well those 88 townhomes that were just north of here, they were, uh, unanimously, um, voted against by the HOA and the special district board both. They did not want them. And when we were first told about them, they were for sale. Oh, we want homeowners, we want people just like this. We want, we want everybody to have the American dream. There's not a single one in there for sale, they're all for rent, and I've been told only two have been rented so far, so the idea of renting them and letting them, uh, go that way is, is not the way. And he's talked about property rights. It's like anybody's rights. You have as much rights as long as they don't infringe on mine. You know, it goes back to you can't say I have freedom of speech and jump up in a theatre and yell fire, that's my freedom of speech. You can't do that. He has his property rights, but there's other people already around him. Island Lakes are an example right there next to him. Egret's Landing moved in. Now all those folks in Island Lakes they're looking at the bottom of the house pads of Egret's Landing. So, every time it rains just a little bit, they flood, and these people, they're going to do the same thing. He suggested nine units. He wants to make a killing on this, and if he makes a bad decision on the commercial, that's not the community's fault. You know, maybe my decision on what I do with my property was not the right thing, but I'm not going to punish the community. He can get four units and, and, and be compatible with the

neighborhood, but I don't think he really wants to do that, he didn't want to be compatible with the neighborhood. And whether he makes good or bad decisions financially, it's not up to us to make the bad turn into a good.

Feltner: Thank you, sir. Spyros Alvonellos.

Adkinson: Spyros.

Feltner: Sprynos, well I had a 50 percent chance of that.

Alvonellos: Good afternoon, Commissioners. My name is Sprynos Alvonellos. I live at 4820 North Courtenay Parkway. If, um, I believe you all have these, these exhibits. Um, our house is right here. Right here. This lake right there, or this pond, that's where we live. Our neighbor's here, they live next to us. We live next to them right here. So, um, I appreciate the time, uh, to speak, and, um, I don't begrudge anybody for trying to take their property, make it better. The only problem is that we are already flooded. Jack talked about that. My wife will come up here and hopefully she'll talk about the flooding. She's got some pictures to show you. But the reality is, all of that Egret's Landing building, before that we had no flooding, especially not like that. We had to pump out, and we currently pump out, every single time that there's rain, and also, if there's a hurricane, and we don't pump out of that pond that's in front of you, then we're going to flood. And the flooding comes nearly 15 yards to the pool, to our home, so all of that water from Egret's is coming, all of that water is coming right down here, and it floods this whole, uh, tree area over here, and whatever overflows then goes into the pond, and then that goes into our property. That's what happens every time. Um, and I, I appreciate, you know, that this is a difficult decision for you, but we live here, and we're out here, and honestly, we hope that our presence here makes a difference, because, um, we have to live with whatever your decision is and his plans are. And, you know, whatever happens after he leaves, and we don't think it's fair to us who live here. I served 24 years in the Air Force. This is our forever home. We're not leaving anywhere. They're going to carry me out of here. I'm not going to sell, I'm staying here. I live here, so I would like for you to consider what we're talking about. You'll have plenty of people here, um, that'll, that'll talk to you, uh, about their feelings about this, but my feeling is, um, anything else built there, no problem, but as long as it doesn't have, um, raised homes that then, uh, will allow rainwater to come towards us. And, um, this will aggravate it even more because there's two retention ponds, I believe, put there, and you got to wonder, those ponds are not that big, where's all that water going to go? Well, it's going to come to us, except it won't come from this side, it'll come literally from this side. We will not be able to walk out of our garage, uh, door by the time this is over. So, we don't really know if we can survive the elevation. So, that's what I wanted to talk to you about, and I appreciate your time and your consideration with your decision. It's going to impact us.

Feltner: Thank you, sir. Commissioner Goodson, I think, has a question.

Goodson: Question. You made a comment that you didn't care what they build there as long as it's not nine townhomes, correct?

Alvonellos: I'm concerned more about whatever's built there not causing flooding.

- Goodson: Okay, but wouldn't you agree that if you build townhomes or a strip center, they're going to raise the elevation of the land?
- Alvonellos: Well, then that'll cause flooding. That'll be a problem for us.
- Goodson: Would you also agree that they have to have a plan that shows where the water's going, and it can't adamantly just be all funneled to you? Would you agree to that?
- Alvonellos: I would agree to that, too.
- Goodson: I would, too.
- Alvonellos: And I would like to have some help pumping out this water.
- Goodson: Okay, but . . .
- Alvonellos: Thank you.
- Goodson: But of course, um, I understand your concerns and I hear you, but at the same token, I wanted to make sure you understood that there's civil site plans that have to be done whether it's an out-house . . .
- Alvonellos: Yes.
- Goodson: . . . or a home. Thank you, sir.
- Alvonellos: Thank you.
- Feltner: Thank you, sir. Any other questions?
- Goodson: I've got one more.
- Feltner: Okay, yes, sir.
- Goodson: Would you agree to four units? The Comp Plan is one per acre. Excuse me, Kim, would you like to come up and answer that? No, I wouldn't like for you to, okay. You're distracting my good thoughts about you. Would you agree to four units?
- Alvonellos: I'm not sure. I haven't seen the plans. I don't know anything like . . .
- Goodson: Well, nobody's seen the plans, because if you heard them, it's all conceptual.
- Alvonellos: Yes.
- Goodson: It sounds pretty, but usually conceptual plans are not what you get at the end of the ballgame.
- Alvonellos: Well, I would say no, I wouldn't agree to that.
- Goodson: Okay, now you know you're North Merritt Island Homeowners agreed to that.

- Alvonellos: They may have, but we live where we live, and they don't live where I live.
- Goodson: I understand. Okay. Thank you, sir.
- Alvonellos: I live with flooding. Thank you.
- Feltner: Okay.
- Delaney: I have a question.
- Feltner: Uh, okay, Commissioner Delaney. Sir, there might be another question for you here.
- Delaney: This if for staff. Um, it's pertaining to his ques . . . his comments. Did Egret's Landing have a, um, civil, uh, a plan to make sure that water stayed on their property and all that good stuff?
- Calkins: Yes, the, uh, Egret's Landing was done with a subdivision plan just as all developments would be.
- Delaney: Thank you.
- Feltner: Okay, Mary . . . sir?
- Goodson: Chair, but would you Tad, during uh, um, a hurricane we all suffer flooding because the ponds fill up and overflow, and then water finds the lowest point to go to. Would you agree to that?
- Calkins: There is . . . yes, water gets collected. I'm not, I'm not sure if there's been water in any particular homes out there.
- Goodson: I hear you. I agree with you. Thank you, sir.
- Feltner: Okay, Mary Hillberg.
- Hillberg: Hi, good afternoon and welcome, and to the new members of the Board. Um, I'm Mary Hillberg. I live at 3780 Sierra Drive in North Merritt Island. I speak for the North Merritt Island special advisory board, which is an elected, uh, zoning advisory board specifically for the North Merritt Island area concerning this rezoning request by Schwa Inc. Our board was first to hear this Item and several residents spoke. All were very concerned that an increased residential density on 2.45 or 2.47, whichever it is, acres would negatively impact them in terms of stormwater flooding, traffic congestion also in their main entrance and reduction of property values. Administrative Policy 7 states that proposed uses shall not cause States, "Proposed uses shall not cause or substantially aggravate any a) substantial drainage problem for surrounding properties, or b) significant adverse effects on natural wetlands, water bodies, or habitat for listed species." This proposal . . . proposed development would likely violate Policy on both counts. This property was rezoned from AU to BU-1 in 1990 when the commercial corridor was established. The FLU is Community Commercial in a designated commercial corridor. This BU-1 classification does not allow warehousing or

wholesaling. The North Merritt Island advisory board unanimously recommended denial of this request suggesting four unit's total, which is two units per acre as most of the surrounding area, uh, reflects, and would be an acceptable density increase. We did that not asking the residents whether they approved or not. We did that because the property owner has a right to develop his property, and, and, um, efficiently and competently, and so forth. So, we, we respect all of the property owners whether we, the developers or not. So, we would try to find a compromise that is adequate and that will cause the least amount of problems. Planning and Zoning board weighed in all aspects and voted 5:5, which is a tie, which it means no. Keeping the property's family values and safety of our residents is our primary goal. We are not about keeping property owners from fully-utilizing their property, but it cannot happen at the detriment of the people who already live here. I would also like to ask you if you're aware of the latter, I'm sure you all are, of the latter study that was done in 2008, 2009 after Tropical Storm Fay, because we used to be all X, which is designated X, which is non-flood zone, you never get a flood. Well, obviously, that was an incorrect designation for North Merritt Island. So, um, they did a study. The light green is a trough that goes through the middle, and they don't want to call it a trough, they like to call it a bowl, but it's really a trough. And this goes all the way down here. This property is on the edge of that. That's why everybody there is going to flood. If it's overdeveloped, it will flood. It doesn't mean that, that nothing can be built, but it does mean that the properties that are already there shouldn't be hurt. Are there any questions? Sir? No, yes? Thank you.

Feltner: Thank you, ma'am. Uh, Mark Burns

Burns: Hello there. Do I have a PowerPoint ready to pull up? Okay, never mind. Uh, these are my well-prepared notes. Good afternoon everyone, ladies, and gentlemen. Thank you for allowing me to speak today. My name is Mark Burns. My wife, Olive, and I we live in the property located at 206 Norwood Street, which borders the proposed rezoning. We are the house on that map that is the east, okay. Uh, I'm a retired, disabled veteran. Served 28 years in the Air Force with Spyros, Spyros and I moved 15 times before finally settling in Merritt Island. I also care for my one year-old granddaughter Rosie, and my 101 year-old Aunt Judy. And an issue came up just prior to the meeting, which took priority, so I'm glad I was able to make it here on time, because my dear Aunt needed me to buy her some Klondike Bars and some Devil Dogs. Well, she gets whatever she wants. So, you almost missed me but I'm here, and I'm blessed. Nonetheless, uh, so here's what I have to say. Am I going to start the clock now? You ready to start the clock? Oh, you already started the clock. Okay. The last two meetings I argued how the rezoning and proposed development would affect me and my neighbors. This included flooding, traffic, wildlife, to name a few. I realize that all of these issues are important, especially the increased water drainage that will affect me and my neighbors to the north. However, since I only have a few minutes left, um, I'm going to be a little bit greedy here and I want to focus on my comments on what affects me and my family. My primary concern can be spelled out in the following questions. First one is what is the exact setback for the proposed stormwater treatment pond? Will the hole far enough from me, uh, be far enough from me where it won't propose a danger to my granddaughter, or me, or my family? Second question, will there be a fence constructed along the property line that I continue to have, or will there continue to be a natural barrier

with shrubs and trees like there are now? Uh, what kind of material would be used if they did construct the fence? Would it be a chain-link fence? Would it be the white, you know, fence that I have, or the picket, black picket fence? How many trees will be removed? What will be my new view from the east? Will I still have some semblance of privacy, or will I be able to look straight out to Courtenay and watch the traffic go by? Finally, will the proposed development change the overall look of the community in Egret's Landing? Uh, sorry. So, some of the guidelines that the HOA enforces on me, you know are like unbelievable. The irony would be getting cited by my HOA for a weed growing through my sidewalk, and 20 feet to my right there will be no enforceable restrictions. So, my hope is that you'll make your decision today contingent with answering some of these questions that I don't think have been brought up. A couple of them have with the setbacks, but not really. You know, this pond troubles me. You know, when this pond fills up and then goes away, the vegetation dies and it starts to stink. My wife and I we have a bunch of apple trees back there. She's from the Philippines. She enjoys her gardening, and we've seen the water come in. We've seen the water dissipate, and we've, we've seen all of the shrubbery and everything die, and it stinks, and it's, it's not very enjoyable. So, in closing, of course, I'm very concerned about all of the other issues like that Spyros brought up, especially the water runoff and the potential flooding, but at the end of the day I just want to be happy, safe, and reside in a community that my family and I can be proud of. Any questions for me? Nope.

Feltner: Thank you, sir.

Burns: Thank you.

Feltner: Here, I'll try to help you out here. Wendy Alvonellos. I didn't say that right.

W. Alvonellos: Alvonellos.

Feltner: Alvonellos, I'm sorry, ma'am.

W. Alvonellos: I belong to Spyros.

Feltner: I thought it would be earlier with the switch there.

W. Alvonellos: I just have three photos here.

Feltner: Okay.

W. Alvonellos: Now, I have nothing against this man who bought this property. I mean, you know, we all at times in life set out to have endeavors to better our quality of life. That, that is . . . and I feel for him in my heart, I really do. But my problem is not with him as much as it is with the building commissioners in Brevard County. Obviously, somebody . . . he said he's never seen any of the houses flood. You haven't come out there, obviously, because, you know, we're paying right at \$6,000 a year in taxes. You know, we bought a over \$500,000 house, and we worked hard. My husband sacrificed his family for 24 years to serve our country, and then, you know, we finally get to the, the opus, our retirement. This is where we're going to go. And we looked and we searched, and we checked out those

stats of where a hurricane would hit right there. We had no idea, just as, as normal citizens to go to the building department and find out how high they're going to build these houses on this other street. Because we are right there in the center of that . . . you know, we have the pond and the two houses on the piece of property, his property connects to ours, too. Those are pictures of my yard when it rains hard. That's not a hurricane. They first come in with Egret's Landing, this way to my house. Okay, these houses are built up here. Mine's here. Got a little bit of flood, not much. They finished that last L going across going across the back side. That's what it looked like when it rains. If we have a hard rain or all day rain, that's what it looks like. Now, my husband's in his 60's, I'm closely approaching behind him, but every time we're going to have a hard rain we have to watch that pond, along with our other neighbors, there's two houses on five acre tract there, and all of us have to get out there and haul this heavy pump down to the lake, hook up fireman hoses to a ditch that runs up their side all the way to the road to that ditch, and we have to pump this pond down in order to have it not flood our house. We had alligators no further from me or you. Big alligators. We had a 13-foot alligator out there, because the water come that far to our door. And, as Mark said, if, when the water goes away, oh, the stink, and I'm allergic to leaf mold, so I'm just staying stopped up all the time with all the stuff because it floods and it takes so long to go down, that it is just a rotten, stinky mess. It really is. And, you know, to think that we have put our entire life savings, this is where we live, not invest in. This is not an investment property, this is where our home is, and because of the, the Planning Department building so much higher, you know, we didn't know they were going to do that. So, here we are. So, that's all I wanted to say. I'm not against him. I'm not against what he's doing. I'm against the fact that nobody's paying attention to us that we're already there.

Feltner: I think Commissioner Goodson's got a question for you, ma'am.

Goodson: Question, question, madam.

W. Alvonellos: Yes, sir.

Goodson: When was your home built?

W. Alvonellos: '95.

Goodson: Okay, and you built it, right? You built it from new?

W. Alvonellos: No, we bought it.

Goodson: Bought it, okay. A lot of times in Florida people don't want to spend money for dirt to raise their house, but then as things change and laws change, and other developments have to raise up by law, it causes problems for everybody. So, I'm sorry. Thank you, madam.

Feltner: Thank you, ma'am. Mark Volland.

Volland: Marie.

Feltner: Marie. I didn't put my glasses on that fast. I'm sorry.

Volland: If permissible, I would just like to provide these four photos.

Feltner: Sure.

Volland: Good evening, my name is Marie Volland, and my husband Robert and I reside at 4830 North Courtenay Parkway, Merritt Island, where we've lived for the past 20 years. We live next door to Spyros and Wendy who just previously spoke. I'm here this evening to voice my opposition to the building of the townhome complex, which would be located front, the front left side, um, of our residence, and I'd like to touch on some key points. I think we've talked about the flooding quite a bit, but the opening of Egret's Landing was the first issue that significantly flooded the residents nearby. Hurricane Irma in 2022 was when we incurred the worst once that development was fully-completed. The pictures that I've showed you will show you my backyard on a normal day, and it will show you what it looked like post-Irma. Those aren't even the worst of the pictures that I could be bringing. As we spoke, most residential properties in this vicinity sit lower. Ours are lower than Egret's, thereby causing a lot of issues with water placement. Many senior citizens in the area are on a fixed income. They cannot afford re-engineering their landscape with fill dirt or other modifications to try to build up their land to protect from the flooding. Fill dirt is very expensive. I happen to know. We have had some experience, and you are talking \$50,000 to \$60,000 if you want to build up a property of two acres. The ditches in our area is another issue that I would like to talk on. So, in 2004 when we went through the four hurricanes, I recall that the County came and cleared many of the ditches. They dredged, they did a wonderful job, all down North Courtenay, north of Hall Road. Hasn't been done since. Now, the past two years, my husband and I observed, which I assume was the County, doing a beautiful job clearing ditches north and south on Courtenay up to Hall Road and down Hall Road. They stopped there and no activity has ever been done north of Hall Road on Courtenay. Overgrown and clogged ditches prevent water flow, retention ponds are overflowing, additional building is just placing more strain. The other topic I want to talk about is infrastructure. At the last meeting that I attended where this topic was presented, they stated that there was a traffic study that was done in 2021. Well, we're almost at 2025, and I can attest, the traffic flow is significantly increased. This is not due to just the residents that live in this area. There is new properties, the townhomes directly across from me, they are not even fully-occupied yet, and there are other developments, I believe, down Crisafulli that are not fully-occupied, so we're not even at full-capacity of the residential properties. Additionally, it's not just residential traffic, there are commuters on Courtenay for the space programs. It is significantly busier. I personally know people that commute from Orlando. I retired from Lockheed Martin and I had co-workers who left the company to go work on the space programs, and they are commuting from Orlando, so there's other traffic on that road. The other thing is all the U-turns are becoming very dangerous. The townhomes across from us, for us to come out. We've got to go out and then do a U-turn, and they're coming straight across from us, so the U-turns that we're incurring on the Parkway is also becoming dangerous and causing more accidents. So, in closing, I understand and I appreciate that the individual who owns this land desires to utilize it. However, townhome complex is not fit or appropriate for this small lot, which is

embedded in primarily single-family homes. I believe a townhome dwelling such as this would potentially cause more flooding to our house, traffic congestion, disruption in privacy, noise levels, visual obstruction, and potential devaluation of our property value. Therefore, I oppose it. Thank you for your time.

Feltner: Thank you, ma'am. Sandra Sullivan.

Sullivan: Good evening, Sandra Sullivan. So, just a couple of things. First and foremost in the County Ordinances you cannot put fill on properties and raise it if it floods your neighbors. Check your Ordinances. Um, so, I'm at a loss on Egret. Um, okay, so the other thing I wanted to talk about is North Merritt Island Special District formed by referendum, by the people. They are elected officials. When you read that Ordinance that replaces P&Z, uh, the board that meets, that's in place of. So, I have a question that your attorney needs to review that Ordinance, because this is, this should not have gone from North Merritt Island Special District Board zoning board, and then go to P&Z board, and then come here. And then, by the way, so the North Merritt Island board was a no vote, the P&Z was a tie vote, which is a no vote, and that should have been stated by Planning and Zoning Department that just clear up that ambiguity. I also want to be clear there has been a number of small area studies and studies done in North Merritt Island. The studies talked about the zoning was one unit per one acre. The issue was with that zoning it was causing more flooding as the properties were getting developed. So, when Bryan Lober was in office, he did an additional study in 2018, and that study made the recommendation to change the zoning in North Merritt Island from one-unit to two and a half acres. This room was filled more times than any other issue, by the people of North Merritt Island because of the increased flooding. In response to that study that was done with the recommendation of rezoning to one unit per two and a half acres, Mr. Crisafulli hired Ms. Rezanka's firm to push back on that and, and successfully stopped it. So, what we have here is that you're going to even a further density, and the problem with North Merritt Island is Mr. Lober did a study, a half a million dollar study, that this County, a, a very comprehensive study that found that it is in the 10-year flood plain, and that there is huge flooding issues. And in response to that, you, this Commission recently, well, not the new, new people, but passed a Comprehensive Plan changes to remove the density cap on the flood plain. Now, I don't know about you guys but we have an insurance crisis in Florida, and if we don't protect the flood plain, we're never going to be able to get insurance under control. There's a bigger issue here. Not to mention, you know, people who have existing property have property rights, too, and that property rights is that their, that their homes should not flood because of being irresponsible development. So, we need growth management. The bottom line is this, North Merritt Island is a giant bowl that floods, and in the fall when the river level is high, which just happens to coincide with, coincide with hurricane time. You get a very high river, and when we have storm events, we have no place to pump the water to, so you have a problem. You have a problem and you need to really take a look at this, and I would say it starts with this. But it also starts with, you know, read, read your Ordinances that you have for the County, and at least follow the Ordinances, which are the law. Okay, when you have an Ordinance that says North Merritt Island Special District does the zoning for North Merritt Island, and then it comes to you to decide, you don't send it to P&Z. And let's just start respecting the Ordinances we have, and you spent a lot of money to understand

this flooding problem in North Merritt Island. Please make the responsible decision today. Thank you.

Feltner: Commissioner Goodson.

Goodson: Morris, was there any, uh . . . can you elaborate on all of that, and tell me, please?

Richardson: Sure. The North Merritt Island, uh, Dependent Special District has the power and duty to review and provide the Planning and Zoning Board with an advisory recommendation upon rezoning applications made for property located within the District. When such application, if approved, would increase residential density on the property that is the subject of the application. So, Section 98-145, the Ordinance specifically provides for North Merritt Island recommendations to go to the Planning and Zoning Board and then come to this County Commission when there's an application that would increase density, such as the one before you. So, we, we do have an Ordinance. You have to read the Ordinance.

Goodson: Now, explain to me, may I Chair? Explain to me the Community Commercial Comp Plan in reference to this piece of property.

Richardson: So, that, that may be a better question for Jeff, but generally Community Commercial Future Land Use, when you're looking at residential uses, the potential density is based on surrounding areas, and it's up to one category above the, uh, nearest . . . is it adjacent residential, or what is the standard for determining?

Calkins: It's on the same side of the street.

Richardson: Same side of the street.

Calkins: And I think here we have RES 2, which is why we've utilized RES 4 for their proposed density.

Richardson: So, with Community Commercial under the same Comp Plan designation, the maximum they can get is RES 4, which is four units to the acre, but the density in a Community Commercial is going to be driven by the zoning that they have. So, currently they have BU-1 which would only allow one single-family residential if they did the residential use. Um, the proposed use would allow up to four units per acre. The Board could determine something in between as more appropriate.

Goodson: Now, Chair, question. South of that at Egret's Landing, can you tell me units per acre?

Calkins: Their Future Land Use is RES 2, but I don't know what the yield would be on, on their development. I'd have to look at that and see. I'd have to look at their plans and see.

Goodson: Thank you, sir.

Feltner: Okay, we'll continue with the cars, cards. Excuse me. Michaela Murphy.

Murphy: (Unclear)

Feltner: We don't mind at all.

Murphy: Hi everyone, good evening. To the Chair, to the Board . . .

Feltner: If you'll bring the mic down to you for us.

Murphy: Oh, I'm sorry. Is that better? So, I just, I don't want to come here as a hypocrite . . . first of all, my name is Michaela Murphy. I'm a resident of Egret's Landing. So, I certainly don't want to come here as a hypocrite. I understand that Egret's Landing may cause, or have been the cause, of some of these issues that these residents are facing. I'm like a lot of the other young families that built a house in that neighborhood looking for a safe place to raise our kids. I'm primarily concerned about the traffic. Um, I think you mentioned something about DOT, but right now you can only turn north to go to the Space Center, which is where my kids go to daycare. We drive them every single day. I'm a little concerned about crashes. There've been a lot of crashes on Courtenay recently, some deadly, and it's really, really scary. Sorry for getting choked up, but I was rocked by the 95 crash that just happened a couple of days ago, um, that killed somebody. So, I'm really freaked out driving every day on Courtenay with my kids going to the Kennedy Space Center daycare, and I'm worried about the additional, um, the additional number of folks living here, and not just for us, but for the people who could potentially live in those condos or townhomes. If there's not a true study done on the traffic, and especially how you would enter and exit that property. I don't think that we could possibly in good conscience move forward. It's not safe for the folks that are exiting from our neighborhood. Um, a lot of folks have to turn north and then do a U-turn, which is incredibly dangerous. There are thousands of folks that use Courtenay to get to Kennedy Space Center every single day, and frankly, they're just trying to work and back home every day. Unfortunately, some of them seem to treat it like a racetrack, and it's really scary knowing that's right outside your neighborhood, and I really don't think we can, in good conscience, add more people driving right there. And if the driveway is right next to ours, I'm worried about, um, visibility, cars pulling out right in front of you. Again, the U-turns, and they would have to look at how to redo the, the intersection, or create a stop light, or something, but from what I can see, that hasn't been part of the plan, or that hasn't been studied. I don't know what the requirements are there, but I really think that's something that has to be looked at. Additionally, hearing that you guys have said that there's potential with this new zoning that it could be, um, that this could be utilized as short-term rentals, a lot of North Merritt Island has been turned into long-term parking . . . not long-term, short-term parking for the cruise lines, I would be very concerned that if this is allowed to be short-term rentals, um, folks would use that who are rowdy and people we don't want right next to a single-family, or single-home community, um, utilizing that right next to the long-term cruise parking. It would make sense if they did that. So, that's another concern. Additionally, and again, I don't want to sound like a hypocrite, but truly the flooding is a problem, even for the folks in Egret's Landing. So, that's another huge concern. I've got two kids. I'm scared that during a hurricane, or even during a bad rain storm, that we could have significantly flooding, and that's, that's really scary. Um, that's all I have. Thank you.

Feltner: Thank you very much. Nancy Minerva, then it'll be Chris after you, so . . . he was looking disappointed there for a second.

N. Minerva: Um, I'm Nancy Minerva. I live at 5385 Lovett Drive, North Merritt Island, so I'm speaking as a resident, and I wanted to welcome you all to being new Commissioners, and I haven't been here in a while. So, thank you for your service, and I think most of the stuff that people have said . . . I mean, I agree with just about everything that was said, so I won't repeat that. What I just wanted to say is that I believe that you all took office to help the residents of this community, and I know that you don't all represent District 2, but you do represent our community. And I would like to ask that you would think about the good of the people who are living in the community, not only in this decision but in all of the decisions, because past Commissioners did not pay attention to the residents and all the things that people said. So much history of flooding, and anytime there . . . we've had tours of the flooding areas, we've had tours of how the water flows, we've had people from Public Works come up and work with us, we've . . . years. I've been there since 2012, and so, I've seen how it's changed. And you're welcome to come. I know that all the residents would show you all the flooding that's happened. We've, we've collected photos, we've done all kinds of stuff. So again I just want to ask you to please make good decisions, and if I'm asking for a Policy, Administrative Policy, which Mary Hillberg already said, was Administrative Policy 7, that the proposed use shall not cause, or substantially aggravate any substantial drainage problem. And I . . . again, I'm sympathetic for Mr. Dvorak, but please think about the people who live in North Merritt Island and their property rights, and don't make them leave and then have property that they can't sell, because you're not going to sell flooded property to somebody else. So, thank you very much for your attention, and please make a good decision for everybody.

Feltner: Thank you, ma'am. Uh, Mr. Minerva.

C. Minerva: Good evening honorable Commissioners. My name is Chris Minerva, and I'm here to represent North Merritt Island Homeowners Association. Now, we've heard everything already, but I just will say, oh, we're at Homeowners Association Box 542372, Merritt Isl . . . Merritt Island, Florida 32954. That's right, well, the North Merritt Island Homeowners position on this rezoning is to object the request because under these Brevard County Administration Policies, this rezoning would . . . and then I just have some . . . I mean, it's a little 3A diminishing enjoyment of quality of life surrounding existing neighborhoods . . . picture putting apartments next to your home. Um, 3B cause and material reduction in existing, abutting properties. Why should future buyers pay the same amount of property next to an apartment complex? Just common sense. Uh, Section 3C, inconsistent with the local land use patterns. Section 4, inconsistent with decades of rural character of the surrounding areas; and, uh, 5G, generally cause more traffic impacting road safety and road services. Requesting inside North Merritt Island commercial corridor and area for commercial buildings and development, which is designated to not have residential development, especially not high-density residential. There have been several successful commercial developments over the past two years on North Merritt Island, so commercial is possible if reasonably priced, and we see that commercial

development has overall less impact on surrounding properties than high-density housing. Okay, so, in the end you know the nine. Merritt Island is also being as low as it is, is already flood prone, as everyone said, is much more environmentally-sensitive and not the place for apartments and townhouses. We keep hearing the argument from developers that their stormwater will be, by law, fall, held on their property more and more when we experience our typical summer and fall rains and then big storms come in, all those promises go out of the retention areas and flood our streets and our properties while new developments sit up higher and runs more water onto us. Every big storm now. Okay, so, I don't want to keep saying this, but I'll just the last, last, um, paragraph. This property is currently zoned so that it could have four residences built on it to lower their harmful impact on the surrounding residents. Houses and people who have invested their life and savings. We request that the applicants honor the current zoning and put their commercial, or four residents on that as they can. And we have, you know, again, we, I, um, I think, I'm not sure if I said it already, but we have um, we have requested to this object completely. So, that's about it. I thank you very much for your time, consideration, and uh, thank you very much for considering . . .

Goodson: I have a question.

C. Minerva: Yes, sir.

Goodson: You said, if I'm not mistaken, you would agree to four. Correct?

C. Minerva: Yes, that is the agree . . . yes, that we agreed to . . .

Goodson: Of the Homeowners Association.

C. Minerva: That's correct, four on the property.

Goodson: Thank you. Thank you, sir.

C. Minerva: Remember before it was North Merritt Island, it was Mosquito Island. Thank you very much, and enjoy your Christmas.

Feltner: Thank you, sir.

C. Minerva: Whatever holiday you celebrate.

Feltner: You, too, sir. Thank you very much. Is there anyone else who wants to speak on the Item that we didn't have a card for? No, okay. Commissioners, are there any other questions for staff? I, I think I have one. Uh, I asked about short-term rental, um, there so, I'm just going to assume that the nearby neighborhood, uh, their HOA wouldn't allow that, but their zoning, would that allow Egret's Landing, um . . .

Calkins: Egret's Land is, uh, residentially-zoned, which does not allow, um the zoning classification for that is EU-2 I believe, and so it does not allow for short-term rentals as a permitted use.

- Feltner: Right, understood, so, but the, but this parcel would allow for that though that we're considering.
- Calkins: The proposed, the, both the proposed zoning and current zoning . . .
- Feltner: Okay.
- Calkins: . . . would allow for short-term rentals.
- Feltner: Yes, sir.
- Calkins: And, Mr. Chair, if I may just to go back to Mr. Goodson's question, or Commissioner Goodson's question. It appears that, uh, Egret's Landing is about 1.5 units to the acre development.
- Feltner: Okay, Commissioners, any other discussion? Uh, Kim, you're recognized to . . . I think we have seven minutes left for you.
- Rezanka: Uh, thank you, uh Chairman Feltner. Uh, again, I do want to clarify it's not Residential 1, its Residential 2, but it's, um, in the area. Everything yellow is Residential 2. The Small Area Study did want to change everything that was undeveloped to Residential 1. I was indeed hired by about 15 property owners to keep their properties out of the Small Area Study, not to fight the Small Area Study. So, um, there is a distinction there. They just wanted to be kept out as has been done in prior Small Area Studies. So, this is 2.47 acres seeking nine townhomes under RA-2-4. Again, because it is Community Commercial, Future Land Use Policy 2.10 allows for one density bump, so it's technically four units to the acre. Um, looking at the staff report, it states that clearly on page three, four units to the acre, um, is potential. The other issue in the staff report, um, on page five, is that there's no material violation of relevant policies have been identified. That's all the Administrative Policies that you've heard in conlusionary fashion that this project will violate. There's no evidence that any of these will be violated. In fact, we do meet by staff's report, there's no adversity to those Policies. Um, regarding traffic on page seven of the staff report, I'm not sure where the 2021 traffic study information came from, but this does say that the max val . . . the, um, maximum acceptable valume, volume is 41,790. This currently operates at 36.83 percent, so it's not even at 40 percent of capacity, and this would only increase the utilization by .21 percent, so there are only nine units, and usually townhomes have about seven trips per day. So, this is not going to be a substantial impact. We can't help the traffic design with the U-turns. Um, the lady that's concerned about the U-turns says they have to, but that's not something this development is necessarily going to cure nor would it warrant a traffic study with only nine units. It may be an issue for Brevard Traffic to look at in the future. This is, um, nine units. According to the Future Land Use it is permissible. Uh, they're not apartment, they're townhomes. BU-1 currently allows resort rentals. BU-1 currently allows hotels and motels, and by the mixed use Ordinance that I cited to you earlier, we believe that it can be more, because it says residence is plural. Um, it's something that hasn't been used, but if this is denied, we'll certainly look at doing that and having a mixed use facility there with townhomes. That's not what he wants to do, because then BU-1 setbacks would apply. BU-1 setbacks are only 15 feet. If you have the RA-2-4, you have setbacks of a

perimeter of 25 feet, and we're willing to agree to a BDP to increase the buffers to leave natural buffers, if possible, to present, you know, prevent the proximity to, um, the residence in egress. The flooding comes up every time a new development comes. Uh, North Merritt Island is actually very special because of flooding, and about three years ago, maybe four years ago, there was that massive study; and there's now additional compensatory storage required in North Merritt Island. I don't know that it's been used yet, because it's a model that all of this data has to go into, and so, it ensures that there's not going to be flooding from new development. Uh, an engineer has to certify, basically, based upon his license, this is not going to impact, and there have been engineers that have been very concerned about that. So, there are stricter requirements in the past four years for North Merritt Island than there have been in the past. Uh, this is single-family townhomes to single-family townhomes, they are not apartments. Uh, regarding the current setback from Egret's Landing, um, the most, the, the person closest to this property, his side setback is only 10 feet. Then there's that 10 to 15 foot strip of HOA property, then you'd have a perimeter setback of 25 feet, so you're looking at 45 feet from that person's property. And again, the perimeter setback for RA-2-4 is greater than BU-1. Um, circumstances change. He bought this in 2005. The space shuttle was up and running. The space shuttle closed down in 2011. Things change. That traffic has diminished from the space shuttle traffic. Um, circumstances change, property that you built might not be able to build what you wanted to. Uh, he shouldn't be faulted for wanting to do something then not being able to do it because of change of circumstances. The property hasn't been developed. Uh, I am not aware of any successful commercial area in North Merritt Island other than Dollar General. Um, Mr. Minerva didn't give any, any indications of what that was, but again, the commercial that's up there is not thriving, and in fact, has been repurposed. Again, they weren't faulted for that, and we had a lot of people come out against that rezoning for the cruise parking. There is four units to the acre already at Island Lakes, as I have mentioned, the mobile home community. And I did want to briefly discuss the Administrative Policies, because the Administrative Policies do indeed support this rezoning. Uh, Policy 3 talks about, um, the use, the use is single-family. 3C talks about emerging or existing patterns of development. Actual development over the preceding three years is the townhomes to the north. Adopted levels of service will not be compromised. Your staff report has said that. This is consistent with the written Land Development Policies and the Future Land Use Element. It will not cause substantial draining problems. It's not allowed to by your Code. It's not going to have an adverse impact on wetlands, natural bodies, or habitats. Uh, the character of the land use surrounding is single-family, this is single-family. The change of the conditions of the land use being considered, it, it's not being developed as commercial because it's not feasible to do so. You'd have more vacant land, more vacant buildings, as they are already vacant, commercial buildings up there. With that, we believe that this is compatible with the area. It is a transition from the, uh, substantial, uh, parkway. So, you've got residential, and then you have more residential, uh, further to the east, and it does meet your Comp Plan, and it does meet the conditions of your Code. Most of those issues raised are site plan issues that your staff will address, as well as FDOT. Thank you.

Feltner: Commissioner Altman.

- Altman: Trying to figure this mic. Thank you. Um, have you looked at the size of the lots in Herring's Landing?
- Rezanka: Egret's Landing?
- Altman: Egret's Landing. Yeah, Egret, wrong bird.
- Rezanka: Right, it's single-family plotted.
- Altman: But the size of those lots.
- Rezanka: Um, they can be 9,000 square feet. I don't know what they all are.
- Altman: I was just looking and the first one I looked at was .23 of an acre, which is greater than four units per acre. If I do the math on your proposed, your client's proposal, the total acres divided by the number of units, it's 3.6 acres.
- Rezanka: Yes, sir.
- Altman: It's less dense than the subdivision to the back, and I, um, I was, just wonder if you had looked at that. How did you get that number of lots at a lower density than Egret's Landing? Is it because of the buffer areas that you're providing?
- Rezanka: It, it's just the way that the subdivisions have to work. You take a third of a subdivision and it's generally used for drainage and infrastructure, and things like that.
- Altman: Right. I know when you look at the other, the drainage and the infrastructure, Egret's Landings density is lower, but the act . . . it's interesting when you look at the actual size of the lots how comparable they are, and I was just curious how that was. Um, are you, are you willing to agree to the site plan you submitted in terms of the number of units?
- Rezanka: To the number units, yes, and he is willing to agree to additional buffers on the, on the east side, if that's a requirement or a request of this Commission.
- Altman: Okay.
- Feltner: Commissioners, any other questions or discussion on the Item?
- Rezanka: Thank you.
- Feltner: Okay. Uh, Commissioner Goodson, sir.
- Goodson: Um, if they would agree to a Binding Development Plan of four units, I'd be all for it. You've heard the homeowners in North Merritt Island say they would accept four. So, if that's the case, fine, I will vote for it. If not, I'm a no.
- Feltner: Okay.
- Goodson: And if that's the case . . .

- Feltner: Do you want, do you want to take five minutes?
- Rezanka: No.
- Feltner: Okay.
- Goodson: If that's the case I'd like to make a motion to deny it, because I don't hear an offering of Binding Development Plan.
- Rezanka: We could, no, he, he can't do that feasibility.
- Feltner: Okay, sir, for the record I think the owner said no. Correct?
- Rezanka: Yes, sir.
- Goodson: I have a motion on the table.
- Delaney: I'd like to second that.
- Feltner: Okay, we have a motion for a denial by Commissioner Goodson. We have a second by Commissioner Delaney. The Clerk will call the roll.
- Altman: I have a . . .
- Feltner: Sir, okay.
- Altman: I'm going to vote against that motion. Uh, and I just wanted to state why. I certainly appreciate the neighbors concern but I, I'm not a fan of strip commercial, and, uh, when you look at this corridor going up to the Cape, I'd hate to see it just become another corridor like we see throughout the County that are tic tacky strip commercial, lights. You know, we haven't even talked about the impact of a BU zoning could have on the neighborhood in terms of the lighting at night, not to mention some of the heavy, uh, uses the applicants attorney has brought to our attention. Um, I think it is reasonable, and I think what we're hearing is economically it's going to be developed as BU-1 eventually, because the four units per, for the total site, the size of the site is not feasible. The actual impact of the proposal is very similar to Egret's Landing in terms, when you look at the terms of the land that's used and the number of lots on the land, because those lots in Egret's Landing are less than a quarter of an acre. So, I think it's a good request. I think it's better for the community. I think that housing is always, single-family housing, always is much more compatible with the existing housing, and can provide a nice buffer between the housing and, uh, and Egret's, uh, Landing. So, I, I'm going to vote against it, because I, I, I support the applicant's request.
- Goodson: That's great.
- Altman: Huh?
- Goodson: I said that's great.

- Altman: Yeah.
- Goodson: Unclear.
- Feltner: Thank you. Commissioner, uh, Commissioner Delaney.
- Delaney: I, um, I, my biggest concern is that, um, Egret's Landing, the engineers had to certify that there would be no flooding, and here we go . . . well, regardless, they had to, um, they had to basically give the County plans that said that there would be no flooding, um, and we see this time and time again in our County. It's part of the reason why I'm up here is because developers get to come in and they get to do whatever they please on their property because of their own property rights, and it doesn't matter what happens to the existing homeowners. And we can't continue to, to do this. People, um . . . my heart breaks for your situation, and I'm, I'm so sorry the, the situation you're in, and I truly mean that, um, but, we, we can't continue doing this. Thank you.
- Feltner: Okay, Morris.
- Richardson: Thank you, sir. Commissioner Goodson can I just ask that in the event your motion passes, can we include in your motion, that, uh, you direct the County Attorney to develop a resolution setting forth proposed findings of fact, conclusions of law, and the action taken to be returned to the Board uh, for, at a future regular Board meeting as a Consent Agenda Item?
- Goodson: Yes, by all means.
- Richardson: Thank you, sir.
- Feltner: Okay, he, he, amend, so Commissioner Goodson's motion is amended with what Morris just said. Okay, Commissioner Delaney, you're still a second on that?
- Delaney: Yes.
- Feltner: Okay, any other debate on the, on the motion? No? All right, we have a vote. We have a motion by Commissioner Goodson. We have a second by Commissioner Delaney. Clerk will call the roll.
- Summers: Commissioner Delaney?
- Delaney: Yes.
- Summers: Vice Chair Goodson?
- Goodson: Yes.
- Summers: Commissioner Adkinson?
- Adkinson: No.
- Summers: Commissioner Altman?

Altman: No.

Summers: Chair Feltner?

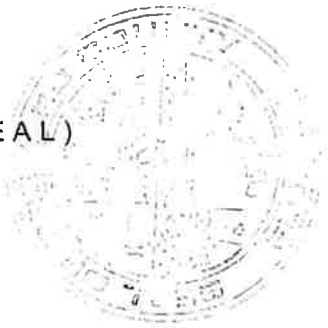
Feltner: Yes. All right, we'll show that one approved. We're going to take a five-minute break, and then we'll come back, uh, we're going to come to J.1. in Public Comment.

STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the attached is a true and correct verbatim of Item H.3., Schwa Inc. (Kimberly Rezanka) Requests a Change in Zoning Classification from BU-1 to RA-2-4 (24Z00051), held at the December 12, 2024, Zoning meeting, to the best of my knowledge.

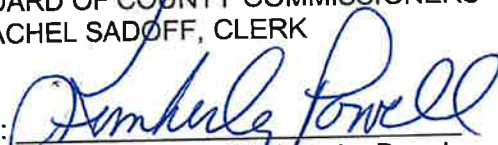
Witness my hand and the seal of said Board of County Commissioners, this 30th day of December 2024.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
RACHEL SADOFF, CLERK

By:


Kimberly Powell, Clerk to the Board