

**NORTH MERRITT ISLAND  
DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, March 8, 2018**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

**Board members present were:** Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Jim Carbonneau; Chris Cook; Ted Balke; and Catherine Testa.

Staff present were: Erin Sterk, Interim Zoning Manager; and Jennifer Jones.

Mary Hillberg – We only have one topic, and I'll let the County introduce the topic for us after we approve the minutes from the January meeting.

**APPROVAL OF JANUARY 11, 2018, MINUTES**

Mary Hillberg – Has everyone read the minutes? Are there any changes or corrections? Do we have a motion?

Gina Lindhorst – I move to approve the minutes.

Jim Carbonneau – Second.

Mary Hillberg called for a vote on the motion and it passed unanimously.

**THE MINUTES OF MARCH 8, 2018, ARE AS FOLLOWS:**

IV.A. W.K.&R. Groves, Inc. (Chad Genoni) requests a change of classification from AU to RR-1. The property is 110.97 acres +/- acres, located on the north side of E. Crisafulli Rd., approx. 320 ft. west of Broad Acres St. (17PZ00158) (District 2)

Chad Genoni – Good evening, my name is Chad Genoni with Beachland Managers and I'm here today to ask your approval for our rezoning request to RR-1. We've got approximately 110 acres on the north side of E. Crisafulli Road. I don't really have a big presentation, I'm just here to answer any questions you may have, or to address any concerns. I know that generally speaking you're not for pro-development in the North Merritt Island area, so I'm just here to answer anything I can.

Mary Hillberg – I would say that you picked a good place to go; RR-1 is a good start. Anyone have any questions? I have a couple. RR-1 would be a little bit difficult to completely do here, I would imagine, with some of the wetland constraints and some of the hydric soils. Are you planning on doing a lot of fill-in?

Chad Genoni – One good thing about our site is that unlike a lot of the sites around there, most of it is in Flood Zone X, so the idea would be to stay out of the areas that are, for the most part. ....AE would be the next flood zone, so we would have to do some fill-in to those areas where the development would be.

Mary Hillberg – Have you considered using the open space ordinance for that?

Chad Genoni – It's a possibility. Is that something that everybody is favorable to?

Mary Hillberg – No, I'm just asking because if you only did RR-1 this would be a lot of little Ranchettes in a big square, which would be not as easy on the land and it would also cut the corridor for the wildlife and cut off that part of the Island for some of the greenspace.

Chad Genoni – It's absolutely something we would consider if it makes sense. Our idea would be to preserve as much as we can, and I think that might be a way to do it. I mean, we know we're not going to get the absolute lot yield the way the land is.

Mary Hillberg – For instance, this is your piece here, this is your uplands here, and here you have your wetter areas, and here you have some wetland areas.

Chad Genoni – There's some wetlands there, correct. That's a forested area, so that would be nice to be able to preserve that area.

Mary Hillberg – Yes, this would be something that perhaps you could.....if you were going to do that, and then you have an area over here to work with.

Chad Genoni – I think that makes sense, yes.

Ted Balke – You may not be absolutely familiar with that particular area, but that is completely under water. That wetland topography map that's in there is not accurate.

Chad Genoni – So, you say it's wetlands?

Ted Balke – It's all wetlands. The water stands there all the way out, there's no drainage at all; the canal stops at Joseph's, it doesn't even go all the way down. According to the tax assessor you're two years behind in tax payments.

Chad Genoni – I'm not the owner.

Ted Balke – I'm just making that comment. I don't know why we're entertaining changes if it's two years behind.

Catherine Testa – Them paying taxes has nothing to do with zoning; they don't care.

Ted Balke – I understand that, but I'm just saying it's going up for auction.

Chad Genoni – This is not the one that is, though.

Ted Balke – The water stands there and has no place to go; the street completely floods when you go around that bend, and that was completely under water for a month and all the homes there had water up to their porches. It's a real issue in that area, and again, there's no place for that water to go except onto the local properties, especially if you build it up. Have you been out there when it has rained?

Chad Genoni – Yes, it was shortly after.....

Ted Balke – It wasn't the hurricane, it was actually the three-day storm that followed. Whenever it rains there's standing water. There's cattle that's grazing in front and they're standing in the water.

Chad Genoni – Obviously, if the rezoning request is approved there's a tremendous amount of work before we could do anything.

Ted Balke – Somebody's dumping tremendous amounts of dirt down there.

Chad Genoni – On this site?

Ted Balke – Every day there are truck loads going down our street. I mean, they're constantly going down.

Mary Hillberg – Where is the dirt going?

Catherine Testa – On E. Crisafulli.

Chad Genoni – Do we know what site it's going to?

Ted Balke – I can't tell you which site it's going to because of the fact you've got that (unclear) coming up on the lot next to you, and that's another 135 acres that they're going to want to put homes on. This is amazing, considering they have not cleared the canals. I sent a letter to the Commissioner last week that the canals have not been cleared since the storm; we have palm trees growing in the canals, coming out into the street; and the response from the County is when they finish they'll look at it. It's a problem area, very much so. It's a condition where the cattle and dogs have gotten exposed because the septic systems are all under water, and that standing water is caustic and.....the veterinarian was treating a lot of the animals because they all came down with infections.

Mary Hillberg – In keeping hold of this particular topic, does anybody else have any input or questions for this gentleman?

Chris Cook – Are you going to connect up to the sewer?

Ted Balke – There's no sewer there.

Chris Cook – It's going all the way up to the bend.

Chad Genoni – I thought it was Church.

Jim Carbonneau – Porcher.

Gina Lindhorst – It's going past that.

Chad Genoni – That's what I heard from the.....it's a long way.

Chris Cook – I thought it was going up to the bend.

Chad Genoni – I heard that, too, but then when I called the Utilities Department that's what I heard, that it was Church.

Jim Carbonneau – I talked to the project guys the day before yesterday and they said it was going to Church.

Mary Hillberg – So it won't be on sewer? It will all be septic?

Chad Genoni – I mean, it looks like that's what it would be. The thing is, what we're looking into, are some of these septic systems that are pretty advanced.

Mary Hillberg – The advanced septic systems are extremely expensive, like \$20,000 each; they're very expensive, but they would be okay right next to the water, but they're very expensive.

Gina Lindhorst – They would be under water almost, if they're in that lot.

Mary Hillberg – Then these would be the only things you could use, probably.

Ted Balke – And they're not going to have a drain field that's going to be functional either because of the fact that even with the super septic system it still requires a drain field, and if it's under water from the rain, withstanding water itself, it's not functional.

Mary Hillberg – Does the County have any elevations for this?

Ted Balke – It's 1.3 to 1.5.

Mary Hillberg – 1.3 to 1.5 feet above sea level. That's really low.

Erin Sterk – I'm not 100% sure about that. I've seen LiDAR maps in the past, and from what I recall this side is closer to the ridge, but I'm not sure how the elevation is, the actual numbers.

Mary Hillberg – You seen it Ted, and you remember it?

Ted Balke – Yes, that's what I've investigated and found it to be.

Mary Hillberg – I couldn't get to the maps.

Erin Sterk – I can find out and be sure to have that information for the Planning and Zoning Board, and I can distribute a copy if I can.

Ted Balke – Plus, you're more than 1,000 feet away from water services, so there's not water back there.

Chad Genoni – There's water along E. Crisafulli.

Ted Balke – There's water on E. Crisafulli, but they only run a 1,000-ft. line. That's a limitation that the water department has. I have flag lots behind me that have the same issue and they can't get down to run water. I don't know whether that's an extra charge.

Chad Genoni – For me to connect?

Ted Balke – For you to connect to that you would have to pay for that or you'd have to do wells.

Mary Hillberg – What we're talking about is the above sea level. We're talking about the elevation of the land itself.

Ted Balke – The water table there is very high and the soil is only Class II, so it's a non-drain type of soil, which is why that whole property is called grassland and Class II soils. It's not even AU, it's specifically taxed.....

Mary Hillberg – They have here on Page 8 of our summary, it has the different soil types of fine sand, limestone, wabasso complex, and there's some aquifer recharge soils along the long flag part, and that's where the supposed.....

Ted Balke – The tax assessor's office calls all of that area, that entire section in there, as Class II grasslands, and it's taxed accordingly. According to Cornell University it's a non-drain type of sand soil.

Mary Hillberg – This is the FEMA map and as you see, all this blue part.....

Chad Genoni – That's the flood zone area, correct.

Mary Hillberg – And all this part over here is very.....this is the flood zone here, so you really basically have the upland areas here and that's about.....

Chad Genoni – That's, for the most part, what we were hoping to avoid, the flood zone areas.

Mary Hillberg – What would you do for access?

Chad Genoni – There would be an access road off of E. Crisafulli coming down between that area there.....

Catherine Testa – Where the flood line is.

Chad Genoni – There's 30 – 40 feet of upland area.

Mary Hillberg – Who else has a question? I'm sorry, I should have explained the order of things. First, the applicant speaks and we discuss it with him, and then the audience comes up one at a time and speaks, and then the applicant comes back and does any rebutting, then it's closed, and then the board confers. Chris, did you have something? No?

Jack Ratterman – On this map, the long road right there, is that Joseph's Court? You've got Judson.....

Mary Hillberg – Judson is this long road right here.

Jack Ratterman – Can you look at this map and tell me if that's Joseph's Court or not? The other one's don't have any streets mapped. There's Judson, is that Joseph's Court?

Ted Balke – No, this property is all the way beyond Broad Acres.

Jack Ratterman – Yes, that's Joseph's Court right there, and the road that's going east to west at the end of Joseph's Court is Good Hope Road.

Mary Hillberg – This one down here?

Jack Ratterman – Yes, that's Good Hope.

Mary Hillberg –What about them?

Jack Ratterman – That's where the dump is.

Mary Hillberg – Are you aware, just to let you know, are you aware that this part here on the map, and over here, are you aware that there's a plan to pump muck from the Indian River Lagoon right there?

Jack Ratterman – 60 acres to a height of 10 – 15 feet they are telling us.

Chad Genoni – They're going to stockpile it there?

Jack Ratterman – And leave it. That's their current plan.

Mary Hillberg – We would like them to take it to the landfill, but we're coming up against someone with a big pipe that wants to go through from Kiwanis, through Ulumay, through the river, through North Merritt Island.

Chad Genoni – Whose land is it going to be on?

Mary Hillberg – There are a couple of different people that have land there.

Chad Genoni – And they want to have it put there?

Mary Hillberg – Evidently, they seem to be amenable to it. This is not cut in stone, this is just what we understand is the plan, so your owner probably needs to be aware of that and maybe wants to investigate some of that before he does any investing.

Chad Genoni – What was the name of the road that it was going to go off of?

Jack Ratterman – The north boundary is E. Crisafulli, the west boundary is Judson, the east boundary is Joseph's Court, and the south boundary is Good Hope Road. If you've never been there, Good Hope Road is a trip because all it is, is a sign and there's a gate there, and the property owner that lives right there owns the gate and the road and the only people he lets down the road are FP&L.

Catherine Testa – Is that the Crisafulli property?

Jack Ratterman – No, it's his property. He won't even let the County down it.

Mary Hillberg – She means the property it's going on.

Catherine Testa – It's going to be on Crisafulli's property?

Jack Ratterman – The dump?

Catherine Testa – Yes.

Jack Ratterman – Part of it's going to be on Crisafulli's property and part of it's going to be on Henry Minneboo's.

Catherine Testa – The reason I'm asking is it sounds like it backs up to my property.

Mary Hillberg – I think it might.

Jack Ratterman – That property in there has a layer of rock going across there.

Mary Hillberg – We just wanted you to be aware.

Chad Genoni – That's good to know, and I made a note to look into it.

Mary Hillberg – Does anybody have any questions of this fellow for about what he's planning to do on this piece of land?

Ted Balke – 81 homes?

Chad Genoni – 86, I think.

Erin Sterk – Let me clarify how the staff report evaluates that. There's a potential under RR-1 to do 110, but when we calculate the impact on the potential lot yield we're looking at taking roads out, stormwater, so we have an algorithm that takes the acreage down. In reality, if they were to do one-acre lots they'd get about 86 of them once you take the roads out, but the zoning will allow for 110, almost 111.

Ted Balke – Where is that water supposed to go?

Erin Sterk – That is not something that we evaluate.

Ted Balke – Every home there has some kind retention pond in its own back yard, so you're talking about one-acre lots that are not going to be able to put a big enough retention pond in to hold any of that water.

Chad Genoni – There would be some community retention.

Ted Balke – That's going to cut in on your 80-plus homes.

Chad Genoni – That's factored into the.....

Ted Balke – That's factored into the 110 acres?

Mary Hillberg – Yes, it is. Does anyone else have any more questions for this gentleman, now that we've cheered him up?

Chad Genoni – I wasn't expecting this.

Mary Hillberg – Well, people know about land here. We're just fact-finding, we're not.....no ulterior motive, and if your owner doesn't know.....

Chad Genoni – Yes, than you for letting me know.

Ted Balke – The environmental people have to come in and tell you how many potential homes you can have and how much property you can actually develop.

Mary Hillberg – If you're finished you can have a seat, but you can come back up and rebut if you want to make a note of any of the items that people speak about at the end of their talk. Who else would like to speak?

Mary Watkins – I'm Mary Watkins and I'm in the corner of Broad Acres and Crisafulli, less than 300 ft. from [the subject property]. I have lived out there since 1996, Erin. It was not until 2005, after they started developing to the south of Broad Acres Street, that my property started flooding. For those of you that don't know, I worked with Erin for a number of years. This year, I spent over two months unable to get in and out of my house in less than waist-deep water. My house, the elevation certificate, is 6.98 feet above sea level. That is a registered elevation certificate. We need to look seriously hard about where this water is going to go. Having grown up on Merritt Island the water flows from Sykes Creek, it comes up around Pine Island Road south, and typically west. Where is the water going to go? I honestly think that it's a shame that you're not looking at water retention in your Planning and Development Office. You just made a statement that you weren't; I was not aware that you weren't. Please start considering that, because my house is not the lowest house, I had others on the street that could not get a 4x4 Ford F-150 out of their driveway for over two months. Thank you.

Mary Hillberg – Thank you, Mary. The next person?

Terry White – Terry White, I'm the guy that Jack doesn't like.

Mary Hillberg – What is your address?

Terry White – 5595 Joseph's Court. I'm the last house he's referencing on Joseph's Court.

Mary Hillberg – You're the one who has the gate.

Terry White – I have a lot of issues. To add to what she said, there is so much development on North Merritt Island that the existing County plans cannot get the water out. I've lived here for over 50 years; Jack and I went to high school together the day Merritt Island opened. In spite of all the things the deputy county manager, or assistant county manager took me around and showed me, all the new plans, still the County cannot control all the extra water we get. Retention is only planned for 1 – 2 inches from an afternoon storm. That doesn't cover the 4, 6, 8, inches that we routinely get out of some of these storms, or the 24, 26, 28, inches of rain that I've seen fall on North Merritt Island in two days. Something else has to be done about the water before we add a bunch more homes. When Chuck Nelson was County Commissioner he stood at a meeting at the church one night and told us they were not....the County was not going to approve the development of any more subdivisions like this gentleman is talking about until they get a school north of the barge [canal], until they had something to get the people evacuated in the event of a hurricane. I haven't seen either one of those approved yet. So we're constantly adding north of Hall Road, adding a bunch more, and the County is continuing to approve these developments without taking care of the existing population that's here on the Island. I'll listen to the rest of them and maybe step back up.

Mary Hillberg – This is your chance. Does anybody have any questions of this gentleman?

Ted Balke – You flooded where you are, right?

Terry White – Yes, sir.

Ted Balke – Could you get out around the bend to get out of E. Crisafulli?

Terry White – Because I have a raised 4-wheel drive truck and a John Deere tractor, I could get out. My wife could not get out in her car.

Ted Balke – The street was completely filled with water?

Terry White – Yes, sir.

Ted Balke – And the white stick....the level of that was way up and the mail trucks are getting stuck.

Terry White – The mail trucks refused to come down Joseph's Court, they weren't even getting stuck, they refused.

Ted Balke – I pulled a mail truck out up on D'Albora because the water was that deep.

Terry White – They refused to come down Joseph's Court.

Ted Balke – You couldn't get around that bend to get to this property, or to Joseph's, or to.....

Terry White – Yes, sir, and the houses just past Judson had wakes coming in because of people driving down the flooded E. Crisafulli.

Ted Balke – They had a 'no wake' sign out there, didn't they?

Terry White – Yes, a very large one. As a matter of fact, I had to run the pump two weeks, 24 hours a day to move the water to drain the County road.

Mary Hillberg – Thank you very much for doing that. Who else would like to speak? Sir?

Bob Curry – I'm Bob Curry, I live down on Bishop Road, off of Broad Acres, and our elevation is certified at 5.4. During Irma our house was completely flooded, our property was completely flooded, so if you've got property that's below me, the only way they can build is they're going to have to build it up. And as I had two big developments to the back and to the west of me, they have built up and now there's sewer. When the water comes up it goes across our land – there's four of us who live back there – and north into Ron Jon's land, then out to the Judson canal through that canal. Again, where are we going to put the water? The properties that they developed behind us, they raised the water level by building retention lakes so all that did was raise our ground water to the point that it's 2 feet below the surface. And how do I know that? Because I just had a company come out and test bore behind my house, and that's where the water table was. It used to be 6 feet down, and I've got pictures with my tractor and a backhoe.

Mary Hillberg – I think that's the problem with some of the septic, too, because a while back they were 4 inches from the water table, but the table has risen.

Jack Ratterman - You said the water table now is what?

Bob Curry – The water table at my property is 2 feet below the ground level.

Mary Hillberg – What is your address?

Bob Curry – 1365 Bishop Road.

Mary Hillberg – Have you seen the LiDAR maps that they did after the big Fay storm?

Bob Curry - And they changed our flood zoning to AE, magically from X.

Mary Hillberg – For whatever reason we were all X north of the Barge Canal. Everybody was X and it didn't matter what it was. Even though you knew it wasn't, you see marshes and wetlands, it was all X. Then, after Fay, because of all the flooding they did the LiDAR study and all of a sudden FEMA said we weren't X at all. There's a basin, so the water that comes in just goes into this basin. Water knows gravity and there's nothing you can do other than completely fill the basin, but the people living down here is a problem. You'd have to elevate everybody up.

Bob Curry – Again, during Fay, we were flooded and lost everything in our house, so I can look forward to every year being flooded now. My only option is to sell it and don't tell the people it's now in a flood zone or at the bottom of a lake.

Mary Hillberg – Thank you, Mr. Curry. Does anyone want to speak to him? Next?

Pete Scabarozi – My name is Pete Scabarozi, I live at 5775 Joseph's Court and I have two issues. One is Crisafulli Road. Once you pass Judson it is a dead-end, sub-standard road that can't handle the traffic, and it needs to be brought up to standard. Plus, with all that property to the north of me wanting to be developed, these land owners should get together and they need to cut another road, either D'Albora or to Chase Hammock so we have a loop. We had a traffic accident a couple of years ago where a couple of kids got killed at nighttime and I couldn't get out of my house for 15 hours. Somebody has a heart attack down there, you can't get nobody to them. At worst case scenario, because of all these storms, we've got tree limbs and dead trees and vegetation through all that vacant land. If a fire starts at Chase Hammock, or actually at Judson, and the wind is blowing like it is now, blowing at us, nobody can evacuate; we can't go nowhere, we are trapped. When Roger Dobson was a commissioner, when Tommy Austin built that PUD down off of Bishop he tried to get a road cut in there, that way Judson can come around, we could go around. I mean, we're landlocked.

Mary Hillberg – I understand that you're landlocked, but that isn't exactly what we're going to be.....

Pete Scabarozi – Still, when you start putting more and more people in harm's way.....right now we've got all that land in the northwest where we can cut a road to D'Albora. These big property owners should have foreseen this years ago, not put it on the taxpayers afterwards. The County Commission could go after NASA because Crisafulli Road goes down to Telefor, it used to go in there until they cut a ditch through and put a fence up. Well, that Telefor Road comes back around S.R. 3. There should be a gate there for emergencies so worst case scenario we can get the hell out of there.

Mary Hillberg – That's a good plan, but it doesn't specifically address this property.

Pete Scabarozi – You're still putting homes in there and we've got two more lots that they're going to be asking for this. And we've got property there that negotiated with them, might be able to put a road in. Secondly, with the flooding, alright, I've been out there 32 years and I've lived through the 5-year flood, I've lived through the 10-year flood, then I lived through the 20-year flood, and then I hit the 50-year flood, and last year, not this one, was the 100-year flood, and now I'm told by our County Commissioner, "Damn, you guys live in a bowl". Well, no shit. And every time they put a development in, the bowl keeps getting smaller and smaller. Plus, nobody realizes, everything from NASA Causeway drains south to us. They just filled all that land in up there by Blue Origin.....Google Map it, they're in a canal going out to the river from NASA, and everything comes to Pine Island, alright? That development that we approved on Hall Road, right after the storm, that hurricane, first thing, 6:00 in the morning, I got in my truck because I knew it was going to be wet out, went and got my neighbor so we could go look for the power poles down so we can mark them and call FPL. When I got to Crisafulli Road, my land, my pond, was up, but my driveway was dry. When I got to Matt's house and got onto Crisafulli Road, I said, "Oh shit, look at the road". The canal was coming up and the water was coming across the road, alright? It was the big toilet flush from all the high land around us. Four hours later I'm sitting 2.5 feet under water in my yard, alright? I went down, I have a house on Hall Road that I rent, and when I got to Hall Road, that development there that Mercedes Homes is developing, there was so much water coming off that, and I've never seen this before, but all the driveways to the south, the water was hitting their culvert and coming up over the top and rushing to the Kabboord Reserve. When you got to Osprey Village there, if you would have stepped out of your car you would have been sucked away. That's how much water was moving to the bowl that morning.

Mary Hillberg – That was an unusual storm, wasn't that the Fay storm you're talking about?

Pete Scabarozi – No, that was this year's storm.

Mary Hillberg – Oh, that was this year's 100-year storm?

Pete Scabarozi – This year. Every year, every storm....Fay dumped more rain than Matthew did by 10 inches, but we didn't have the height of the water, alright? With Matthew we had more water because the land is getting higher around us. Plus, Blue Origin filled that 500-600 acres and all that water rushed to us. If you look at Google Earth you'll see the pump stations up at NASA, and they're pumping water at us, alright? And them little dinky pumps we got out on Pine Island....it's a joke, and that pump you put on Hall Road, I can use a sippy straw in my pool and drain it faster, okay? I know they look massive, but do the calculations, every inch of water on an acre is 4,400 gallons, so when you get 10 inches of rain and you've got 3-6 inches higher property than anybody else, that's all coming at you fast. We flooded, like, 20-some homes last fall, and with Fay we only flooded, like, three. It's getting worse.

Mary Hillberg – Yes, it is.

Pete Scabarozi – It's getting worse and it's getting worse. First, we have to fix the flood problem, and that's where the County engineers have got to get their heads out of their duffle bags and start doing their job, okay?

I mean, these little pumps....one pump broke because it sucked in a stump. What happens when there's a power failure? They're all electric motors.....after a hurricane they're not running, we don't have generators to run them.

Mary Hillberg – Yes, they do, they bring generators in and they bring.....

Pete Scabarozi – If they're running, but pumps

Mary Hillberg – They bring generators in.

Pete Scabarozi – Okay, they have them.

Mary Hillberg – They do. We took a tour of it and they actually do. To your point, yes, you're right that as the ground rises in the different developments.....

Pete Scabarozi – My house is way off the ground, it's going to take another 5 feet of water to get to me, okay? But the houses around me aren't. All the houses that were built in the '70s or before are in jeopardy of flooding. And if the County allows to keep going up with the real estate, the County should buy those people out and tear those homes down and let somebody else develop high on that land. We just can't allow those people that have 6 inches of water coming into their homes every two years, okay?

Mary Hillberg – You're right.

Pete Scabarozi – Technically, all those homes should come with a warning from these people selling them that these homes have been flooded. We've got one right now that went up for sale two weeks ago and they want \$300,000 for it, and it's been flooded three times. Buyer beware. And that's a pretty piss-poor attitude that we take that we don't warn people coming to this area about where they're buying. It's horrible. First, we have to fix the problem. You drive down Crisafulli Road and you see steel plates on peoples' culverts, alright? Underneath the plate there is a big hole because the culverts have caved in. Them culverts are blocked and there isn't water coming to Judson right now at all. The County came out there and dropped plates on top so the person could get to their house, but they said they're not fixing the culvert.

Mary Hillberg – Is it the property owner's responsibility?

Pete Scabarozi – Yes, but does the property owner do their responsibility? Some of the culverts are so small they're not standard anymore and they all need to be ripped out and put up to Code so you get the flow.

Mary Hillberg – I'm not making excuses, but I'm just saying the County can do so much, but they can't come in and take someone's property and do things to it. There has to be some sort of....

Pete Scabarozi – There has to be give and take, but you can't sit there and start destroying....

Jim Carbonneau – All you've got to do is ask and they will say to go ahead and do it.

Ted Balke – The County hasn't even come and cleaned the canals. That's his problem. I mean, the debris and.....acknowledgement from the County Commissioner....

Pete Scabarozi – Even with the debris they were.....

Ted Balke – There were trees growing out onto the street there.

Pete Scabarozi – If they were perfectly clean it wouldn't....

Ted Balke – Well, I think they didn't run the pumps in advance of the storm.

Mary Hillberg – We're on this property here.....

Pete Scabarozi – But this is part of the problem, everything is part of the problem. That new development on Hall Road is part of the problem, okay? Even when somebody builds one little lot it becomes part of the problem. Everybody around us, we raised our driveways. I raised mine another foot and a half and that pushed 1,000 gallons of water someplace else.

Mary Hillberg – Mr. Scabarozi, you bring up a lot of very good points. This item is coming before the P&Z, and if we could ask you to please go to the P&Z.

Pete Scabarozi – I will be there.

Mary Hillberg – And then it goes before the Commission, and if we could beg you to please go to the Commission.

Pete Scabarozi – I will be there, too. But it scares me that Crisafulli Road and Judson Road are dead-ends. It doesn't make sense. All these big property owners that own that land should have looked beyond their nose and said, "Well, we got this greening disease coming and we're not going to be able to claim Ag, so we're going to lose our shirt in taxes, so we have to sell". Well, somebody should have planned out the road grid, not just keep putting little cul de sacs in and building houses; all we're doing is we're quilting Merritt Island out, kind of like what Cape Canaveral did back in the '60s and they quilted their city out to what it is today: condos, houses, condos.

Jim Carbonneau – And trailer parks.

Pete Scabarozi – And trailer parks, alright? So, there was no foresight, and it's our time now to have a little foresight to plan North Merritt Island. RR-1 is great, as long as it's planned properly. The County says for the developer that he only has to hold the first 1 inch.

Mary Hillberg – We've heard.....

Pete Scabarozi – My question to the County is, is that 1 inch an hour, 1 inch a day, 1 inch a week, 1 inch a month?

Mary Hillberg – We've heard that they will hold their own water.....

Pete Scabarozi – They can't....

Mary Hillberg – But it's very difficult.

Pete Scabarozi – They can't, there's no way.

Mary Hillberg – I know.

Pete Scabarozi – It's all marrow rock out there and it ain't going nowhere but seeking the lowest level.

Mary Hillberg – Thank you, very much, Mr. Scabarozi, and we'll look for you at the meetings.

Pete Scabarozi – I'll be there.

Mary Hillberg – Another person? Everybody bear in mind that the other people need to speak, too.

Mike Hirkala – My name is Mike Hirkala and I've talked to this group before, and the simplest thing I can say is, "What he said."

Mary Hillberg – They need your address.

Mike Hirkala – 4618 Wood Stork Drive. I live at the trailer park he was talking about. It's a mobile home park, by the way. We're not causing any problem, but for your information, that ditch behind my house, that land used to be below my back yard; now, they put 4.5 feet of fill in there and raised everything up, so we look up at the houses now, and that ditch still has water in it. We never had it before. I mean, it would go down and drain, but now it doesn't drain. So, I'm sure there's a problem. I seem to remember at a North Merritt Island Homeowner's Association meeting where the representatives from the County who had to do with the pumps and everything, they flat out said, "We can't handle it".

Mary Hillberg – The water keeps moving around in a circle until it absorbs.

Mike Hirkala – If you can't fix it, and if you can't fix it then don't develop to it. Get the development down where it belongs.

Mary Hillberg – Thank you.

Mike Hirkala – And the same with the roads, you're going to have 8 lanes out here on Courtenay pretty soon if this keeps up.

Mary Hillberg – Thank you, so much, Mike, we appreciate it. Who else would like to speak?

Dave Henry – I'm Dave Henry, 5660 Joseph's Court. Like probably many of the others that spoke just recently, most of the items were kind of covered, but one of the things Pete brought up was the, you know, what happens in a major catastrophe and how do we get out, but the other problem is getting in and out anyway. I mean, Crisafulli is a death trap, it's windy and everything else. My wife, just a couple of weeks ago or so was almost hit head-on; she was in her lane, but these people, when they go around a curve, they don't want to go around a curve because that takes too much time, so they cut over into the other lane and they knocked her right off of the edge of the road and she almost went in the ditch. This is what goes on every frigging day up there, going and coming, morning and evening, it doesn't make any difference. It's a narrow road, it's very windy, and it's got a 90 degree turn twice, but after that you're straight all the way down. The number of houses that may be built in that area, you're looking at almost 200 more cars possibly, going down that same road that's killing people right now, and there have been some getting run off the road and everything else. That's one of the things I wanted to bring up. I mean, there's so many other things that were already brought up, like I'm on the same street as Pete and the water was up and we couldn't get out, except if you had one of those trucks with the big wheels. Seriously, I think one of you said one of these things isn't an issue for zoning and all that, but the trouble is that it's an issue.

Mary Hillberg – It isn't that it's not an issue, it's that this particular.....in Zoning, they've taken away the stormwater portion of it out of the Zoning realm. It used to be in.....

Dave Henry – How can you make a choice if you don't have all the pieces?

Mary Hillberg – That's true. We can consider it and hear it, but the County is saying that they don't plan the stormwater issues in their notes, they don't plan it.

Dave Henry – Because that way they can zone more property and get more taxes?

Mary Hillberg – No, the County isn't doing that, but what they're trying to do is, they have big departments, and the Zoning department is a big one, and Stormwater is a big one, so they have separate departments and issues. But you're right, it's heavy traffic and the water is very difficult.

Erin Sterk – The challenge that we have at this level is that a lot of times with zoning proposals we don't have the level of detail to assess that, and they're not required to provide that. So, the policy that we have, at the zoning level, that allows us to look at drainage, is Administrative Policy 7 that you have in the beginning of your packet, and that says that essentially, at this level there would have to be substantial competent evidence that there's a drainage issue that cannot be overcome through the site plan process. Now, I feel like you guys are expressing concerns about that, but there would have to be a very valuable, you know, thorough assessment that this cannot be overcome with stormwater treatment, but they are not required to submit that information to us to propose a zoning change. So, that's kind of....unless somebody is out there calling in their own environmental assessment team, we usually don't receive that level of information opposing that location.

Dave Henry – So, they don't listen to us like you listen to us, they just do what they want to do, basically.

Erin Sterk – They, is that...you mean, the applicant or the engineer?

Dave Henry – The engineering people.

Erin Sterk – Right now we have a Small Area Study that's underway and there are a lot of folks that are getting their heads together, and I guess maybe at the end of the public comment I can speak to that separate process that's outside of this particular request. At the zoning level, that's the level of evidence that we would need to.....that the Board would need to deny a proposal at the zoning level, is that it cannot be overcome. And at this point we don't have any information that would allow us to make this determination. They're not required to submit that at this level, but it is assessed at site plan.

Mary Hillberg – What she's saying is correct and these are the Administrative Policies, and we do refer to these quite often, and they cover all kinds of things, from historical land uses to the character of the land, and the impact of the zoning on the projected traffic patterns, and that sort of thing. Administrative Policy 7 says, "Proposed uses 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." So, what she's saying is you need competent and substantial evidence to press on that, to use for that. So, what you're saying here is historical information and this is good, and I appreciate it.

Dave Henry – By the way, something came up about the pumps, and NASA does have two pumps: a 36-inch and a 24-inch that pumps the water down into Pine Island.

Mary Hillberg – Thank you.

Catherine Testa – Are they new pumps?

Dave Henry – No, they've been there for years.

Catherine Testa – But they're just pumping more water at this point?

Pete Scabarozzi – Blue Origin filled the big swamp, okay? I don't know how many hundreds of acres....

Mary Hillberg – We can't talk here, we've got to go by the rules.

Catherine Testa – I asked a question about the pump, because this gentleman mentioned the pump, the 36 and 24-inch pump.

Dave Henry – They are relatively new and the Assistant County Manager is aware of them because he told me both pumps are pushing the water out.

Catherine Testa – Thank you.

Mary Hillberg – Do you want to say something, Chris?

Chris Cook – I want to, but I think I'll wait to the end, but I just want to say that we're here to look at the zoning.

Mary Hillberg – That's what we're looking at.

Chris Cook – These guys are kind of preaching to the choir here. We're all very much aware of the flooding issues because we live here, we know it. The problem is, in a kinder and gentler age the County Commissioners are the ones that approve these zonings; it's not us. We can recommend, "Absolutely no, hell no, don't do it", and they'll say, "Yeah, let's do it". And there's nothing we can do about it. In a kinder, gentler age the Commissioners down south would always just say, "Hey, it's your district, you're responsible for those boards, and I'll just vote with whatever you do with that, Commissioner, you've got to face those people, because I don't live there and I don't know it." But these days, it's not like that anymore. They see tax revenue coming in from property values going up, and they get campaign contributions from people who don't even live in their districts, and it's a whole different ball game, so you need to be heard and seen at those County Commission meetings. The other thing that's horrible that people don't want to think about is that it may be time to start thinking about incorporating, and that would protect us that way, too. I know there's a lot of negatives to that, but we're being held hostage by the Commissioners down south.

Gina Lindhorst – They don't care about us.

Mary Hillberg – That's kind of a different issue, but I agree with you, thank you. Is there anybody else who would like to speak to this zoning issue? Sir, come on up.

Don Wagner – My name is Don Wagner, I live at 5535 Broad Acres.

Mary Hillberg – 5535?

Don Wagner – Right. At the very end of September I finally got my Ford F-150 out of the garage and out to the road. What I'm here to talk about is, the first thing you've got to do is identify the problem, and the problems here have been thoroughly identified, okay? Once you find the problem you fix things, and there are ways to fix things. It's going to make some people unhappy, it's going to make some people happy, but it can damn sure solve the problems, okay? I would like to make a suggestion to start with: identify every property owner north of the Barge Canal and up to the NASA line, property owner. I don't give a damn if he owns 150,000 acres, or he owns 150 feet, the owner. Identify those and list them. Identify the owners, identify the presently approved zoning and how many people that's going to involve. Identify the potentials, how many that's going to involve. Make a list of these things and get them out. It's going to be one hell of a number. It's going to be up in the 1,000's. Now, can you fight it? Sure. Can you fight it alone? No. I've fought these big people before, and done a pretty good job of winning, but there are times I never drove to work the same way twice, and I never go home the same way twice.

Mary Hillberg – Are you for, or.....do you recommend approving this or not doing it?

Don Wagner – I'm recommending let's fix it. It's a problem, let's fix it.

Mary Hillberg – But this particular property, this zoning property, this item.

Don Wagner – I'm saying all the property from the Barge Canal to the NASA line, identify by owner, not by how many acres he owns, not how big his house is, whether it's a pasture or whether it's a castle, identify the owners. Once you've done that and make up that list, somebody around here ought to go and find out what a Development of Regional Impact is. You ever heard of it? Do you know what it is? Do you know what it takes to do it? By damn, I know what it takes to do it and it's a book about that thick. What you're talking about, these people here, when you make up that list, there's folks who are going to be very unhappy. You're not fighting individual owners, you're not fighting a few thousand dollars, you're fighting millions and millions, and I know it because I've been there, and I shut some of them down. I'm not here for shutting down, I'm too damn old to do this.

Mary Hillberg – Thank you, very much, for coming.

Don Wagner – You haven't take the action item yet. All I did was identify. There's two things: I identify problems and I fix things, that's how I made a living. I'm through fixing things, I'm too old for that. And I'm living here by choice, not because I have to. But if you do the things that I just mentioned and identify these owners, make a list of them, identify the Development of Regional Impact, and that involves schools and roads, and churches, and it identifies children, it identifies access....access from this Island, this place is suicidal, take a look at it, you're going to lose a bunch of people one of these days. And then who is going to own up to it? The Commission? Hell no. Get the Development of Regional Impact and you'll shut that Commission down. If it don't shut them down, it will sure hit the slow button. Approving these developments is just another 100 acres. You ain't going to win it that way. You're going to win it when you cover the whole damn thing from that Barge Canal up to the NASA line, and that's what you got to take on, and if you can't handle that, give up. But if you do handle it, there are probably....it's been identified here....if you stopped the development yesterday, every problem that's been identified here today, these people will work together and they will solve their problems on their own properties, and everybody will live happy, and you ain't going to get run over. You know what it's going to take to get off of Crisafulli Road onto S.R. 3 when these developments are passed, and try to cross that bridge? You ain't going to get out of here for an hour and a half. You can't even get to the grocery store. That's what you're looking at, and you better look at it. Has anybody got a copy of the Development of Regional Impact? Have you read it?

Mary Hillberg – We know what that's about.

Don Wagner – Yes, I know what it's about.

Mary Hillberg – That's not what we're in charge of.

Don Wagner – Yes, well, that's what you get in charge of. That's what you're sitting here to do now.

Mary Hillberg – We are recommending approval or denial to the Planning and Zoning Board. The Planning and Zoning Board then subsequently hears everything and they recommend to the Commission. This is the system we have now. I agree with you that the DRI is a good idea.

Don Wagner – What you've got to do is go tell the Commission, "Here is the Development of Regional Impact" and they'll follow it. And that stops this nonsense. Otherwise, you're going to get run plumb off this Island. I don't have to live here; I'm here by choice.

Ted Balke – That's all part of the Small Area Study that's continuing.

Mary Hillberg – That's supposed to be part of it.

Don Wagner – That's what I'm saying.

Ted Balke – We've done the Small Area Study twice now, and the impact is identified there, and.....

Don Wagner – The Development of Regional Impact?

Ted Balke – The entire North Merritt Island impact.

Don Wagner – No, it hasn't, you haven't heard a one of these people talking.

Ted Balke – I've heard all of those people.

Don Wagner – You haven't heard a one of them.

Ted Balke – A different group meets about that.

Mary Hillberg – The County is going to be speaking to the Small Area Study afterward.

Don Wagner – Shove it under the table if that's what you want to do, but I'm sure that's not what these people came here to do.

Mary Hillberg – We don't want to do that, sir. Mr. Don, we don't want to do that. What we want to do is listen to everybody and address what we're obliged to address as this particular zoning request right now. That's our job.

Jack Ratterman – That's all we can do tonight.

Erin Sterk – I can speak to some other processes.

Don Wagner - But you can start a change tonight, and if you don't, it will be next week before you start, or a month after that.

Mary Hillberg – Don, thank you.

Don Wagner – There's people that aren't going to be happy to hear me.

Mary Hillberg – Our Zoning representative, Erin, would be glad to speak to the Small Area Study and some of your ideas. You can come to the meetings and tell them. They're the ones who will be doing that. We are unable to do that. We're only allowed to do this.

Erin Sterk – But don't leave, because that's underway and we're meeting soon.

Don Wagner – The word, 'can't' doesn't belong in my vocabulary.

Mary Hillberg – Good for you.

Jack Ratterman – Good.

Don Wagner – I'm too damn old, I ain't taking this on. I'm in my 80's, I'm ready to sit back.

Mary Hillberg – I'm right close to you.

Don Wagner – But do something about it. You've got the people here; you've got the knowledge. All you've got to do is use it.

Mary Hillberg – Okay.

Don Wagner – I do two things: I identify problems and I fix things, and I made a damn good living at it.

Mary Hillberg – Well, you've spoken well, and I thank you.

Don Wagner – And I told you how to fix this. Are you going to do it, or are you going to sit around and let it flow?

Jack Ratterman – Okay.

Don Wagner – Thanks for your time.

Mary Hillberg – Thank you, very much.

Jack Ratterman – Thank you.

Mary Hillberg – Is there somebody else that needs to speak?

Kim Smith – I'm here representing the North Merritt Island Homeowners Association. My name is Kim Smith and I'm going to present a recommendation of their board voting on this particular issue. Their mailing address is PO Box 542372, Merritt Island. Regarding this W.K.& R. zoning request from AU to RR-1, the North Merritt Island Homeowners Association has concerns of environmental impacts, such as Scrub Jay endangered species habitat, and existing wetlands protection on the property as considered under Admin Policy 3.C.1., historical land use; Admin Policy 4, characteristics of the area; Admin Policy 6, conservation element; Admin Policy 7, aggravation of un-mitigatable impact on significant natural wetlands or listed species habitat; Admin Policy 8(1), land use character; 8(3), impact of rezoning on the established character or surroundings. In Factors to Consider, (1), the character of the surrounding land use; (3), the impact on the established character; (4), the compatibility with the existing land use; and (5), the appropriateness based on land use regulations. They are also concerned about other environmental constraints regarding past excessive flooding in the general area of the property, considered in Admin Policy 4, rezoning adversely affecting the area's character; Admin Policy 6, consistency with coastal management and conservation in surface water elements; Admin Policy 7, aggravation of drainage problems on surrounding properties; Admin Policy 8, consideration of (1) land use character; (3), impact on established character of surrounding properties; (4), compatibility with existing land use; (5), appropriateness based on consideration of public health, safety, and welfare. Therefore, the North Merritt Island Homeowners Association board recommends a CUP [sic] limiting development to no more than 80 residences and requiring sewer hook-up.

Mary Hillberg – Does anyone have any questions? Are there any further questions from anyone? Okay, we close this down now to the audience and it stays closed. Okay, it's back to the board. Would the applicant like to come up.

Chad Genoni – I'd just like to say I heard all the concerns this evening and we're going to continue to ask for this rezoning request, and I just don't want to let everybody think that we're not listening to the concerns, they will be addressed at a later date. We wouldn't be able to develop this if we were impacting or creating drainage issues. We just wouldn't be able to do it, but what allows us to move forward is if we know we had the zoning request. I've listened this evening and we're very sensitive to the concerns.

Mary Hillberg – Thank you. Okay, it comes back to the board. What is your pleasure? Don't everybody speak at once.

Ted Balke – I think based on the conditions that exist in the area and some of the notes that Kim brought forward about health and welfare, and those issues pertaining to that, water levels, I would reject the application.

Mary Hillberg – You recommend a denial?

Ted Balke – Denial, yes.

Mary Hillberg – Is that a motion?

Ted Balke – That's my motion.

Jim Carbonneau – I second.

Gina Lindhorst – I'd like to add more. I'd like to recommend denial of this submission according to the Administrative Policies 3.A., road compatibility that would cause significant adverse safety issues; Administrative Policy 3.B., would cause reduction of adjacent, and the entire Crisafulli Road property value degradation; Administrative Policy 7(a), substantial diminished drainage and surrounding properties would be significant and quite adverse; and Administrative Policy 8(3), regarding the impact of the increased traffic pattern and water sewage systems that would be significantly, adversely, affecting the whole area.

Mary Hillberg – Ted, are you.....?

Ted Balke – You can incorporate all those elements into that denial because those are the factors that we use for zoning.

Jim Carbonneau – I concur.

Mary Hillberg – So, this is a revised motion. Discussion?

Chris Cook – Madam Chairman, I have a couple of things here that I want to get into the record that wasn't really brought up. One, from the notes and a little bit of research of my own, I found out that since '77 all the zonings in this area have gone the other direction to AU from RR-1 and from PIP, so the area, I think, has been designated as it's not going to be a heavily....just by looking at that. Two, I think it's really important that the Small Area Study be done before we do any major rezonings like this, because it's supposed to come out in a couple of months. I think people can wait a couple of months before that comes out, and I think it will make things a little clearer about the issues that are involved. I thought there were really good issues brought about the rising water table and I'd really like to see some data on that, because I really think that's an issue, because I've noticed that, too. Things just stay wet now, they don't dry out. We haven't had rain in a long time and if you stick your foot in the ground it's not dry. I had to bury something and I only had to go down a couple of feet. Again, the Small Area Study, and the area going to AU in the past years.

Mary Hillberg – You said from RU-1 [sic].

Chris Cook – To AU, and PIP to AU. The trending is going to AU, it's not going the other way in this area, according to the staff notes.

Ted Balke – The problem is there are lots of things that will not grow on this particular type of soil, including oranges, and that's another issue even with the AU. The avocado growers won't go into the area. It's cattle grassland, that's all it is.

Jack Ratterman – Crisafulli cows.

Ted Balke – Yes, cattle grassland, that's all it is, and this was all his property to begin with until '67 and they haven't been able to do anything with it since.

Mary Hillberg – Ted, if you're saying it should go to cattle, cattle aren't happy with wading in water.

Ted Balke – The cattle on the north side of East Crisafulli are standing in water every time it rains.

Gina Lindhorst – All the sewage.....

Ted Balke – Correct, it's all sewage water because people couldn't flush their toilets because septic tanks were below water level on their lawns.

Catherine Testa – Cattle don't mind water, if you ever take any airboat rides on the St. Johns River, while you're in the middle of the river, so are the cows.

Gina Lindhorst – They don't have litter boxes, so their poop goes everywhere, too, and that's all floating around everywhere.

Ted Balke – I have cattle that go into the canal at night to get away from mosquitoes. The water does not bother them.

Mary Hillberg – I think I was thinking of hooved horses, that they don't like water.

Ted Balke – Horses have a major problem with their hooves.

Mary Hillberg – Okay, back to the subject. We have a motion and a second, and now Chris has added this.

Ted Balke – You can incorporate Chris's comment.

Mary Hillberg – Ok.

Chris Cook – Just the Small Area Study and the.....

Mary Hillberg – We recommend denial.....can we say this over again? Recommend denial on these issues that Gina mentioned, and until a Small Area Study is finished, and because of rezonings, so that's three items.

Gina Lindhorst – Historic zoning trends and these Administrative Policies.

The Chair called for a vote on the motion and it passed unanimously.

Mary Hillberg – So we recommended denial for those three points. The next meeting for this is coming up at the Planning and Zoning Board on Monday, March 19<sup>th</sup>, at 3:00 in the afternoon. If you care, if this is important to you at all, you really need to try to come to this Planning and Zoning meeting, which is a much larger group than ours, they time your talks, so you'll have three minutes, I think, so it can't be a ramble-on. There won't be anyone allowed to speak up or talk, or interject, or anything; it's much more formal than we are. We're kind of relaxed here, but it's much more formal, and it's in the same chambers that the County Commission meets, in

Building C, in the Commission Chambers, and it's on March 19<sup>th</sup> at 3:00 p.m., the P&Z Board, and it's a large board, okay? So, if you come to that and you speak the way you've spoken tonight, only shorter, and get your point across, then the P&Z will hear that and then they look at our recommendation, and then they consider that along with what you say, and then they recommend to the Commission. Then after that – nothing is easy here – then after that, April 5<sup>th</sup> is when the County Commission decides on this issue. There are five commissioners; we only have one commissioner from this district, district 2, one commissioner, one commissioner does not a decision make, right? You need at least three commissioners to make a decision like this, so it's a majority vote on the Commission. The idea is to reach out to your commissioners prior to this meeting and send your emails and your letters, and your pictures and your cards, and whatnot, and call on the phone, and leave messages.....however you deem that is your way of communicating, and then also come to the meeting. You can do it more than once at each of those so they understand, all of them understand, your district 2 commissioner is the only one from this district, but the other commissioners don't know, they don't live here, they don't know about it, so they need to understand what the difficulties are. This is where the rubber meets the road and this is where you need to really show your stuff here to convince them. We're recommending to deny for very good reasons, and if you present this well to the P&Z, perhaps they will as well. I don't know what they'll do, they make their own decision, but the one who makes the final decision will be the Commission, so I urge everyone to contact your commissioners, and contact the P&Z if you want to, beforehand, but certainly be there because if they have a recommendation to deny from us, and a recommendation to approve from the P&Z, it's unlikely that the former will beat the latter, if you know what I'm trying to say. The P&Z needs to be your focus next, and then after that, April 5<sup>th</sup> is the County Commission meeting.

Erin Sterk – If you send your public comment to us in writing we can convey that to both of those boards, and they do specifically review all of the written public comment as well.

Mary Hillberg – Where would they send this?

Erin Sterk – They can send it to me.

Jennifer Jones – To Erin or myself.

Erin Sterk – I'll give you a card. My email address is [erin.sterk@brevardfl.gov](mailto:erin.sterk@brevardfl.gov). All of those get to be flagged items that are in the record that everyone else looks at the item sees as well. If we're done with the item I can speak to the Study.

Jim Carbonneau – I'd like to make one comment to the audience about the importance of attending these meetings. It's a personal comment made by, I believe, Commissioner Isnardi is out of Palm Bay, and made a comment in a meeting last year dealing with the rezoning of a piece of property at the end of.....the east side of Smith Road, whatever that is....Smith Road. Her comment was, "We know what's best for the people". That's all I'm going to say, and that's stuck in my craw. It was a developer from the south part of the county. Your voices need to be unified, need to go forward as a team.

Gina Lindhorst – You all need to write letters; handwritten is good, and emails are nice. The more you write and the more you contact frequently, they get it that way.

Jennifer Jones - Please try to get your letters in before the day of the meeting.

Mary Hillberg – They probably won't be read if you email the day of the meeting or the day before.

Jennifer Jones – It's hard to get them to the board members the day of the meeting.

Mary Hillberg – You've got to get them in early enough so that there's a big volume, so the Commission says, "look at all these". It can't be, like, 12 people, it has to be a lot, so get your friends and your neighbors, everybody work up how you're going to.....you can call, and email, and send a letter, so that there's nothing missed and your point gets across. Now, Erin wants to speak to everybody about the Small Area Study.

Erin Sterk – Currently, the Planning and Development Department is spearheading a Small Area Study at the direction of the County Commission for North Merritt Island, so that's everywhere north of the Barge Canal, all of the County only, outside of the Federal land, and we're examining that. A couple of the board members here are also on the appointed citizens committee; it's a public process, just like this board is, and all other items are, and the assessment is reviewing all of the factors in the area: environmental factors, infrastructure availability, soils, wetlands. We're looking at everything from a factual basis. The other thing that we are doing that Don, you spoke to, is we are looking at every property owner that is there, every parcel that is there, every acre that is there, and we're looking at the build-out potential that's in the area, and we're trying to present those facts to the Commission so that they can determine whether or not the infrastructure or the land can support the land use that's proposed. The way we're evaluating that and use is, most of you are so familiar with this because you're such an involved citizens group, but not a lot of folks are.....there's two layers to land use planning, and that's the Comprehensive Plan, the Future Land Use Map, and then the Zoning. The way that the Board evaluates zoning proposals, which actually dictates the lot size, the house size, and those types of details, is it has to be consistent with the Comprehensive Plan and the Future Land Use Map, which regulates the density. The real impact that you can make is changing the Comprehensive Plan and the Future Land Use Map, and that's one of the recommendations that the committee members have made. They are looking at suggesting and recommending to the Commission that any property that is Residential 1 today and has AU zoning.....AU zoning allows you to have a 2.5-acre lot; Residential 1 Future Land Use allows you to have one-acre lots. The Comprehensive Plan, the way that it is now, in line with those AU zoned properties, would allow a proposal like this to come forward and seek a zoning classification that allows for denser development, up to one-acre lots, which is exactly what came before you today. If the Comprehensive Plan were to be changed, a proposal like this would not be allowed to be heard, because it would be inconsistent with that Comprehensive Plan and Future. What we're evaluating and trying to present factually to the Board is whether or not the density at the build-out that is currently dictated by the Comprehensive Plan is appropriate, and they will make those decisions. Some of the things that we're doing.....we're evaluating even platted lands that are not yet built on, we're evaluating those as if they could be built on more densely than they're platted today, but up to what the Comp Plan would allow them to do, because they could come back in, they have already platted, and they haven't sold their lots, and they could re-plat and become smaller, so we're even looking at those kind of defunct type subdivisions that came through the process before the recession, so we're really in the weeds with it right now. We have gotten through, I guess, the first part of the report that we've brought through the committee is looking at the population, the demographics and things like that. The second part that we've gone through is we're getting to the point where we're evaluating the build-out potential and we're going to bring that through the committee shortly. We just met this past Tuesday; those meetings are in this room, and we're almost done. The next critical point that you all have to be able to participate is on April 3<sup>rd</sup>, down at the County Commission Chambers, excuse me, not in the chambers, but on the second floor of the same building that the commission chambers are in, we are bringing together some staff from Natural Resources, Public Works, Flood Plain Management, and they're all coming to present information and to hear the public on the matter, so that will be incorporated into the report, which will then go to the Commission and then they'll make some decisions about whether or not they want to change the Comprehensive Plan, which really could ultimately make an impact. That is already underway, many of the folks here are participating in that, so I'd encourage you to come on April 3<sup>rd</sup>, which is before April 5<sup>th</sup> that coincidentally that this item goes before the Commission, and you can be heard there.

Mary Hillberg – 1:00 p.m.

Erin Sterk – 1:00 p.m. to 4:00 p.m.

Mary Hillberg – If you can come to the April 3<sup>rd</sup> meeting.....I know this seems like a lot of pressure, but this is how it gets done.

Erin Sterk – And really, we are at an impasse with the direction of North Merritt Island, and it's really a critical point that you chime in and we encourage you to do that.

Mary Hillberg – Getting done is showing up, that's the first thing.

Jack Ratterman – And this has not been a quick process. How long has this been going on?

Mary Hillberg – This is the 2015 Small Area Study that's still continuing.

Jack Ratterman – You come to one board meeting here, we've been coming to the Small Area Study board meetings all along since 2015, up until now. If you're interested in your homes and your community, you have to put some time in, too, just like we do. It's not going to be solved in one night.

Erin Sterk – We are committed. Your current Commissioner has elected not to re-run, and the citizens committee, along with other residents that aren't on the committee, have requested that the Study be completed before he leaves office, and that we allow enough time for the land use recommendation to be considered before he leaves office as well, and that is the goal. We expect to have the Study to the Commission in May, so we're very close to the completion of it, and for you all to hear about what Public Works and Natural Resources is doing, which is the level beyond what we in Zoning manage, April 3<sup>rd</sup> is a really good time to be there. Although I don't want you to show up with pitchforks.

Ted Balke – This meeting is supposedly open for comments.....

Jack Ratterman – Every meeting.

Ted Balke – To add to what the Small Area Study has put together to date, before it's released to the Commission.

Erin Sterk – I can tell you that I would encourage you to allow them the time to present information to you, because they are very well aware of the concerns that you have, and they are aware of the conditions that you're experiencing, and they are aware of the parameters that government has to work in, and the impacts we can make. I'm hoping of that 1:00 to 4:00 meeting that we don't have two hours of public comment and only one hour for the experts to speak. I'm hoping we can allow them to present information and then when the study comes forward we can debate whether or not it's sufficient, because ultimately the Commission will make that decision.

Mary Hillberg – Know, too, that these people on the Small Area Study are not just people that are picked from different areas, these are people that live here in North Merritt Island that have for 30, 40, and 50 years.

Gina Lindhorst – Volunteers, right?

Mary Hillberg – They're all volunteers, like Jack here, Jack's on it.

Ted Balke – And me.

Mary Hillberg – And Ted's on it. They're all volunteers, but they're part of the community and they know, they've been here most of their lives and they know.

Jack Ratterman – One last comment, I think we're very fortunate to have a wonderful County staff that puts up with all of North Merritt Island, through all these meetings, never complains, and drives up.

Mary Hillberg – We're pretty good, aren't we good?

Jack Ratterman – And we have a brand new.....what's your new title?

Erin Sterk – Almost, not quite yet, May.....well, I don't want to jinx it. I've been interviewed to be the Planning and Zoning Manager, but I don't know how it will go. Nobody ran against me, so I've got to be doing something really wrong if I don't make it.

Mary Hillberg – Well, that's all that we have for tonight.

Erin Sterk – And I'm willing to stay and answer any questions you have for me about that.

Unidentified speaker – Do you know if these developments are required to do a soil bore analysis like I just had to do for an addition to my house? You'd be amazed at what's 30 feet under your property.

Erin Sterk – I'm not sure what happens at that engineering level, but I do know that solutions like compensatory storage are difficult.

Unidentified speaker – Beware of development when they say highest and best use.

Mary Hillberg - Yes, we got that. Okay, we're adjourned, thank you so much for coming.

The meeting adjourned at 7:31 p.m.

**NORTH MERRITT ISLAND  
DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, April 12, 2018**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

**Board members present were:** Mary Hillberg, Chairman; Jack Ratterman, Vice Chairman; Gina Lindhorst; Ted Balke; Catherine Testa; and Jim Carbonneau.

Chair Hillberg explained the board procedures to the audience.

**APPROVAL OF MARCH 8, 2018, MINUTES**

Motion by Gina Lindhorst, seconded by Catherine Testa, to approve the March 8, 2018, minutes. The motion passed unanimously.

Chair Hillberg advised the first item the board will hear will be Item IV.E.

**IV.E.** Justin and Lillian Youney request a change of classification from AU to RR-1. The property is 2.64 acres, located at 1500 D'albora Rd., Merritt Island. (18PZ00010)

**NMI Action: Hillberg/Lindhorst – Approved. The vote was 5:1, with Balke voting nay.**

Justin Youney – 2140 Windsor Drive, Merritt Island. Currently, I own a piece of property that is 2.64 acres on D'albora Road. I've looked at the Comprehensive Plan and I'm currently zoned AU. The Future Land Use is Residential 1. I talked to Paul Body and Peter Martin to submit my application for rezoning and they suggested RR-1. All of the properties adjacent to me, north, south, east, and west, are all already zoned RR-1, except for Kennedy Space Center that borders to my east. I brought a survey to show how I would like to divide it up. I want RR-1 to be able to give half of the property to my daughter and her husband, and keep the other one for my wife and myself.

Mary Hillberg – If you're handing that in, you need to give it to staff.

Erin Sterk – We have to add it to your file.

Justin Youney – I looked at what RR-1 requires and I have the proper frontage to give 125 feet to each piece of property, and the proper depth. I already have driveway permits that have been approved.

Jim Carbonneau – For both pieces?

Jim Youney – For both pieces. I was going to put in two driveways no matter what, whether this got approved or not, so I already know the culvert size and have the proper drainage and everything.

Mary Hillberg – You're an optimistic fellow. Does anyone have any questions?

Ted Balke – You do know how wet that area becomes during rainstorms?

Justin Youney – Yes, and my environmental survey shows that it's all uplands on my property.

Jack Ratterman – The access is through D'albora, right?

Justin Youney – Correct.

Jack Ratterman – How long have you had the property?

Justin Youney – A year and a couple of months.

Jack Ratterman – Do you like it out there?

Justin Youney – Yes, but Air Liquide is loud. Are you familiar with Air Liquide? I'm a customer of theirs, I use their product where I work. I talked to a few of my neighbors and they all complain about how loud it is. On Easter morning.....

Mary Hillberg – I'm sorry, what is Air Liquide?

Justin Youney – It's where they make liquid nitrogen for the Kennedy Space Center, across from D'albora.

Mary Hillberg – Ok, I'm familiar now.

Justin Youney – It's really loud. Like I said, I'm a customer of theirs. I have spoken to the plant manager to ask if there's anything they can do, and he said 15 years ago when they put the plant in, the County said they only had to put a few trees out front. It's loud. I didn't know if anything can be done. I spoke with the property owner behind my property and he said in 2006 it wasn't as loud as it is now, and he said they did something there that made it louder. I didn't know if there's anything that.....I asked the plant manager if they planned to put up a cement wall or something. I brought a decibel meter out to the area to check it out, but it wasn't loud when I went out there, so I need to take it out there again. I mean, it's loud and annoying as hell. A simple fix would be a tall brick wall, for when they run the compressors.

Ted Balke – It's an aerial sound and unfortunately, on the flat surfaces of this area, and because we're in a basin, that's going to resonate no matter what. Even if you had a sound barrier like they have up north on most of the highways, that whistle is going to be there. You'll actually be able to hear your neighbors across the street having a conversation. That's how flat it is.

Mary Hillberg – Does anyone have any questions of this applicant? You may have a seat, thank you. Does anyone in the audience want to speak to this item?

Kim Smith – I'm here to speak the decision of the North Merritt Island Homeowners Association, and their board voted on both of these requests. The HOA address is PO Box 542372, Merritt Island. Regarding this request, the North Merritt Island Homeowners Association objects to this change of zoning citing that this parcel's zoning was already changed in March 2004 from RR-1 to AU, which was recommended by the North Merritt Island Dependent Special District Board and it was approved unanimously by the Board of County Commissioners. Noted by Planning and Development staff, the prior zoning trends in this area go from more to less dense, as in a nearby property in 2013 from PIP to RR-1, and another in 2017 from PIP to AU. Under Admin Policy 3.A.C, this is inconsistent with emerging and existing patterns of surrounding development regarding C.1., historical land use patterns, so the North Merritt Island HOA objected to this zoning request change. Thank you.

Mary Hillberg – Thank you. No one else would like to speak to this item? Ok, it's closed to the audience now. Would the applicant like to speak again?

Justin Youney – Sure. As I stated before, this goes with the Future Land Use Comprehensive Plan, so when I looked at the property I knew what the Plan was, so I purchased it thinking that that's what should be done if this is what the Future Land Use is supposed to be. That's all I'm saying.

Mary Hillberg – Anyone have any more questions of him? Thank you, you can have a seat. The board's pleasure is what? I guess the Small Area Study is not finished yet?

Erin Sterk – No, it's not finished yet, and the Board has not put a moratorium in place for proposals in North Merritt Island, so there is a statement in the staff comments that this change would be affected by that Future

Land Use change recommendation, but until that's in effect, they are eligible to apply for rezoning. Ultimately, if this were not approved, that would revert to Residential 1 per 2.5 and this proposal could not be heard again in the future, if that were to be supported.

Mary Hillberg – If what were to be supported?

Erin Sterk – The small area study has a recommendation to change any property with Residential 1 Future Land Use in AU zoning, subject to a few conditions like if it's vacant and greater than 2.5 acres in size and doesn't have a binding development plan on it, then the recommendation is to change the Comp Plan, so if the Comp Plan was changed on this property, then this proposal could not be heard. RR-1 would be inconsistent with Res 1:2.5. But that's a lot of 'if's' and those aren't in place yet.

Mary Hillberg – And what is the difference – for everyone – between Res 1 and RR-1?

Erin Sterk – I think what you're asking is the difference between Res 1 and Res 1:2.5?

Mary Hillberg – Yes.

Erin Sterk – The change would allow one unit per acre, or one unit per two and a half acres. Since the AU zoning allows for 2.5 acre lots, then the recommendation is to bring the Comp Plan into the same density threshold that the zoning currently allows for. That's where they are headed with the recommendation, but it has not come before the Board yet.

Gina Lindhorst – And this is 2.64 acres, a little more than 2.5.

Mary Hillberg – What is the pleasure of the board?

Ted Balke – Knowing the area, I have a problem with putting one acre homes in there, because the small area study is requesting 2.5 acres for any future AU changes. That particular area was completely inundated with water, there's nothing moving, D'albora is a dirt road, there was potholes, and the water level was unpassable. It's not conducive to putting two more homes there. That's a major issue at this point. That's my opinion at this point.

Erin Sterk – Although I'm making that statement today at the meeting, consistency with the Comp Plan that's currently in place, this request is consistent with that.

Mary Hillberg – So, it is consistent with what we have in place now?

Erin Sterk – Absolutely.

Mary Hillberg – Is there a motion? This is not a – and correct me if I'm wrong – this request would end up making this property two different properties?

Erin Sterk – This request would just allow for the property to be subdivided. If it was changed to RR-1 it could be subdivided because then there would be two lots that could be created out of this.

Gina Lindhorst – But only two lots.

Erin Sterk – Yes.

Mary Hillberg – There would be two lots.

Gina Lindhorst – A maximum of two lots.

Mary Hillberg – South of this property.....

Erin Sterk – If he had three acres I suppose he could.....

Mary Hillberg – But he doesn't have three, he has 2.5, so it would have to be 1 ¼ lots, right, for each house? South of that is currently RR-1, is that right?

Erin Sterk – Yes, and the entire blocks surrounding him on the same side of the road is also RR-1.

Mary Hillberg – Is nobody going to make a motion?

Catherine Testa – It's a tough one because the trend is to decrease density with increased lot size of the 2.5 acres, and that's what the trend has been. He's surrounded on three sides with RR-1, but on diagonals, he's AU – the southeast and southwest corners are AU.

Ted Balke – And the south side of the street is all still AU and farms, where someone just put in a hazelnut grove.

Mary Hillberg – I'm not uncomfortable with seeing RR-1 here.

Catherine Testa – And it used to be RR-1.

Mary Hillberg – Yes, and it was changed to AU.

Catherine Testa – Probably for tax purposes.

Mary Hillberg – Which is fine, but this is all RR-1, one unit per acre, and these would even be – I would guess, if using all the property – a little bit larger than one-acre lots for houses, and it wouldn't be inconsistent with what's to the west and the south. The Space Center isn't really something you can compare it to, it's not among us. I don't really see that it's terribly inconsistent, and it's compatible with what we have right now. We can want to have more, but we can only go by what we have now unless it's something really very large and we know it's going to be continuing and growing, but this is just one property. I don't know if it really meets my feeling about recommending to not approve it.

Gina Lindhorst – I don't oppose it myself. We're once again causing more density, but it is similar to some of the one's around it.

Mary Hillberg – It's not like it's going to be an EU-10 [sic] or something, which is a lot of houses. I'm going to pass this gavel and I'm going to make a motion that we approve the request, that we recommend approval as requested for only the RR-1 and for only the two residences as has been requested.

Gina Lindhorst – Are there any seconds?

Jack Ratterman – I'll second.

Jennifer Jones – I'm sorry, aren't you the vice chair?

Jack Ratterman – Yes.

Gina Lindhorst – You should do it, then.

Jennifer Jones – Then you have to call the question.

Mary Hillberg – You have to call the question.

Jack Ratterman – Is there a second?

Gina Lindhorst – I second it.

Jack Ratterman – All in favor?

Mary Hillberg, Gina Lindhorst, Catherine Testa, Jim Carbonneau, and Jack Ratterman – Aye.

Ted Balke – Nay.

The motion passed 5:1, with Ted Balke voting nay.

Mary Hillberg – We are recommending that the P&Z approve your request and now you have to go to their meeting, and after that you go to the Board of County Commissioners. Thank you.

Justin Youney – Thank you.

**IV.D. Horizon Title Company, Inc. (Kim Rezanka) requests a change of classification from AU to PUD. The property is 221.51 acres, located at 890 E. Hall Rd., Merritt Island. (18PZ00009) (District 2)**

**NMI Action: Ratterman/Balke – Denied. The vote was unanimous.**

Erin Sterk – I just want to clarify what we're really here to review and approve, because this particular zoning classification we don't see very frequently, certainly you guys haven't seen one in some time. I want to clarify what your recommendation should be, because it's different than just approving the standard zoning classification. I printed a copy of the PUD code that you guys have in front of you. Although the pages are not numbered, it would be on Page 11. I'll call your attention to Section 1449(2)(b), it says – now this reflects that the Planning and Zoning board would do this, but you guys are doing the same thing as the Planning and Zoning board, right? So, it says, "The Planning and Zoning board shall recommend to the Board of County Commissioners approval, approval subject to conditions, or disapproval, of the Preliminary Development Plan." Below that, the review criteria that you're assessing the plan for today is.....

Board members and staff had brief misunderstanding of the section numbers and page numbers of the provided PUD Code.

Erin Sterk – Section 1448(4)(b), on the top of the 10<sup>th</sup> page, you are reviewing the preliminary development plan and recommending the preliminary development plan be approved, approved subject to conditions, or be denied. And the approval of the preliminary development plan is an approval of the tentative zoning for PUD. You're not saying whether or not PUD zoning should be approved, the PUD zoning is subject to approval of the preliminary development plan. Normally, with a typical zoning classification you're reviewing the zoning and they come in with a plan later, and that's an administrative process subject to its own code, the PUD zoning classification is a flexible zoning classification where they can do things above and beyond what the standard code allows for, and it allows for flexibility. That's what you're assessing today, and you can make recommendations that something be changed, or shifted, and your recommendation is considered by the Board, who will do the same thing. Your motion should really be on the approval of the preliminary development plan.

Mary Hillberg – And this is the plan?

Erin Sterk – Yes, there's several pages in your package, and then they will present the plan to you. Every preliminary development plan looks different, so what's in this one.....this is a flexible process.

Mary Hillberg – What do you mean, every plan looks different?

Erin Sterk – There's a minimum set of things that they need to include in the plan, but some developers include additional information sooner, and some developers meet the minimum criteria and leave all that extra information out.

Mary Hillberg – Is this the minimum, or is this the maximum?

Erin Sterk – This may be above and beyond the minimum in some ways, but it definitely meets the minimum criteria to be heard by you today. On that note, I think we'll let the applicant present the item.

Kim Rezanka – Good evening, Chairman Hillberg, members of the South Merritt Island Special Dependent District Board.

Jack Ratterman – North Merritt Island.

Kim Rezanka – Sorry about that, it's the 'dependent board' that gets me confused, that's why I was focusing on that. I'm Kim Rezanka, I represent Horizon Title Company, Inc., and with me is Joe Mayer, from Bussen-Mayer Engineering, he is the engineer of record who has designed all these plans and will be able to answer fully any specific questions, if you have questions if things can be moved this way or that way, he can say 'yes, that can happen' or 'no, that can't happen', and 'why' for both of those. This is redevelopment of a site that has been vacant for a long time. There was a preliminary plat approved in 2005, 79 or 80 units, depending on which old plan you look at. It's a 221.5-acre parcel and was planned for one-acre lots. This particular piece of property has over half of wetlands, so it is a difficult site to develop. There was some infrastructure built, and if you've been down Hall Road you've seen the road that goes down there, there was some drainage and utilities put in, but it was never developed permanently, they only did the preliminary plat and never had the final plat approved. It went into foreclosure, went into litigation, and my client bought the property in 2012. There was still litigation after that and it took them a while to get through that to come forward to try to redevelop the site. These are one-acre lots and they didn't sell back then. The trend has not been for one-acre lots to sell when people want to be in a subdivision. You have the maps in front of you, you know where the location is; to the east is the KSC park; to the west is conservation land owned by the County; to the north are larger lots, which are generally zoned AU, some vacant and some with houses; to the south is Hall Road; and further to the south is the Savannah's PUD. The current zoning is AU; it was previously Institutional, I'm assuming because it was owned by Teen Missions. There is a cutout in the corner of AU that was mostly used for a tree farm and for some animals. It is Residential 1, so we're not seeking a change to the comprehensive plan; everything around it is Residential 1. The Savannah's across the street is a PUD that was developed in 1989, and I know you're all very familiar with that development. A Planned Unit Development, as stated in the Code that you were just provided by Ms. Sterk, means an area of land developed as a single entity or in approved stages in conformity with the final development plan by the developer, which is totally planned to provide for a variety of residential and compatible uses, and common open space. The PUD ordinance does provide a requirement for quite a bit of common space, both passive and active recreational space. This proposal has 95 lots of 80x130 dimensions, which is about a .24-acre lot, and 22 lots of 100x150, which is about a .34-acre lot, and 102 townhomes. The houses will be 2,000 square feet and above, and we believe the prices will be in the range of \$350,000. The townhomes will be of luxury quality with prices comparable because of the finishes and the amenities; the amenities include a clubhouse, pool, tennis court, volleyball court, three gazebo's, RV and boat storage, a sports field, a grass activity field, and a walking trail. It will be gated with private streets; it will have a sidewalk along Hall Road; it will be an upscale community, and hopefully many people there will use the Savannah's golf club and the restaurant that's proposed there. This has been designed to preserve the wetlands and the trees; Natural Resources walked the site on January 23<sup>rd</sup> of this year, and this plan was

actually changed to preserve clusters of trees; Darcie McGee went out on site. All of the development is clustered, so the buildings will not be seen from Hall Road; the townhomes are in the center and should not be seen at all. The closest home to E. Hall Road is about 160 feet, which is nearly eight times the required setback in the PUD ordinance. The 160 feet includes a 50-foot right-of-way that's going to be dedicated along the north edge of Hall Road. As you know, Hall Road is a small road and you have ditches that aren't even in the right-of-way, so this will cure some of that to allow the proper maintenance should that be necessary. The closest residential lots to neighbors to the north, where there are some AU lots and some developed, is 313 feet away from their property line. This will be in three phases; the quarter-acre lots that will be nearest Hall Road will be Phase 1; the one-third-acre lots at the northern portion will be Phase 2; and the townhomes in the center of the property will be Phase 3. Each phase will be platted separately and will have the required common recreation open space required for each phase, both active and passive. As I said, Joe Mayer will provide more details about the preliminary development plan, turn lanes, stormwater, and storm drainage, and other questions you might have about that. We held a neighborhood meeting in this very room on March 22<sup>nd</sup>, and I'll pass out the notice to you because I have supplied it to Ms. Sterk. This has become a pattern that I've been using now because Planning and Zoning likes us to meet with the neighbors; we had hoped to do it in the Savannah's clubhouse, but we weren't able to do that so we did it here. We did notify the Savannah's homeowners association, and we notified everyone within 500 feet of the property. That's just to let you know we had a meeting here on March 22<sup>nd</sup> and six people attended, including the president of the HOA of the Savannah's. Questions were asked about drainage, additional traffic on Hall Road, and the impact on property values. Attached are the labels we sent them so you can see how many people were notified. The preliminary development plan is what needs to be approved, as Ms. Sterk had indicated. It was a large package that was provided to the County on February 1<sup>st</sup> along with a check for \$13,432.00, so this isn't something entered into lightly. The developer is committed to doing this project and seeing it through. This plan, if approved, will bind the owner of all of the 221.5 acres to the phasing plan, to the amenities, to the open space, to the road, et cetera. If the owner desires to make any changes, the County must approve any changes to the preliminary development plan and any final development plan. If the changes are substantial, the County Commissioners have to approve it. You have the review criteria, Section 62-1448. Supposedly, there is supposed to be finding of fact for this, but I'm not familiar with this process, this is my first PUD and PDP, but what I've done is I've gone through them to tell you what supports each of these elements. Again, it's fact-based. 62-1448(5)(a), "The degree of departure of the proposed Planned Unit Development from surrounding residential areas in terms of character and density." The Future Land Use density is one unit to the acre and this PDP is consistent with the future land use. Additionally, this PDP is consistent with the only nearby neighborhood of the Savannah's, which was platted at one unit to the acre. It was platted that way before the golf course came out, so now it's almost three units to the acre because the golf course is now a public golf course and has been separated from that plat. The Savannah's has lot sizes of approximately 1.26, 1.29, or three to four units to the acre, just as we're asking for this PDP. We have named this, Tranquility Estates, it has 219 proposed units; the Savannah's has 288 units. "(b), compatibility with the Planned Unit Development and relationship with surrounding neighborhoods". This internal phasing is compatible because it keeps the townhomes centralized with larger homes and lots to the north, the larger residential parcels exist. "(c), prevention of erosion and degrading of surrounding area." All the construction on this property, the site development, everything will be per County Code, all approved by the County. There will be substantial buffering along the boundaries of the property, so there will not be any erosion or degradation of the surrounding areas. "(d), the provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan." This development will pay substantial impact fees, including school impact fees. There is no concurrency problem with the schools. I think you're all aware of how they do that; they look at the schools that's closest to the development and see if there's room there for the schools, and if there's not, they look at the surrounding area. While they say the elementary school closest to this development is at capacity, there's capacity in the other elementary schools in Merritt Island. Also, what's interesting in school concurrency is they don't address Stevenson at all, which also pulls children from these developments. So, school concurrency is not an issue. There is a potential for a walking trail for the public along the eastern border; there will be a 10-foot trail that we would like to hook up to the public trails, and we have been in discussion about that. This PDP has provided for recreation,

transportation, water, sewer, drainage, flood control, and soil conservation to the extent required at the stage of the process. This will be further defined during the final development plan, site plan, and construction drawings. “(e), the nature, intent, and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.” There’s substantial open space provided in the PDP, and all of the common open space will be maintained by an HOA. Most, if not all, the wetlands will be put in conservation easements, which will be required by both the County and St. Johns, and those will define further maintenance responsibilities. “(f), the feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.” Again, each phase will stand on its own, each phase will be site planned, final plats, things like that, and they will all have the required open space and recreational facilities, so each phase can stand on its own. “(g), the availability and adequacy of water and sewer service to support the proposed planned unit development.” Both are available and adequate, and are part of the PDP. The Utilities Services Director, Jim Helmer, provided this information in response to a request for comments, which are in your packet. “(h), the availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.” Also, in your packet, the County Transportation Department responded and said that it had no concerns. The Transportation Concurrency Analysis that’s in your packet opined that the trips generated by this change of zoning does not demonstrate that the impact on Courtenay Parkway creates a deficiency in the level of service and the corridor still remains under capacity. “(i), the benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a planned unit development classification.” This PDP does not request a departure from the land use requirements. It is consistent with the Future Land Use and with the PDP land regulations. “(j), the conformity and compatibility of the planned unit development with any adopted development plan of the county.” Again, this PDP and PUD conforms to the Future Land Use of the County and is consistent with the Savannah’s PUD to the south. “(k), the conformity and compatibility of the proposed common open space, primary residential and secondary non-residential uses with the proposed planned unit development.” To be honest, I’m not really sure what that’s asking, but the open space and residential uses are appropriate for the proposed PUD. It meets the land regulations for PUD and provides a variety of housing options and recreation as anticipated by the PUD ordinances. With that, we would request approval of the PDP. It is a viable plan for developing the property. It is at one unit to the acre or a little bit less. It will have substantial amenities, it protects the wetlands, it protects the trees, and it turns this somewhat of an eyesore into an attractive subdivision. If you have any questions for me I’ll take them now, but Joe is going to go through more of the specifics of this.

Joe Mayer – Good evening, madam Chairman, members of the board, my name is Joe Mayer, I’m the President and owner of Bussen-Mayer Engineering Group, 100 Parnell Street, Merritt Island. I’m not sure Kim left me too many specifics to speak to, but I’ll speak to just a couple that I know always concern this board. First of all, drainage, I’m well aware that North Merritt Island has drainage issues and concerns, but what I would say to you is that our drainage is going to be wholly contained, we have some very large lakes here that comprise roughly 33% of the developed portion of the project. Normal retention lakes and normal stormwater, when you look at a typical subdivision in Brevard County, that number is about 15 – 20% of the developed portion of property. So, we’re close to double the normal requirement for stormwater ponds to take care of our water. Also, basically, any discharge that would occur would discharge through the wetlands as it does now, towards the estuary, it’s not going to go to Hall Road, and there’s going to be no pipes from our development towards Hall Road, and we understand Hall Road is a hot-spot for drainage issues and we’re not going to impact that in any way. I know also that traffic is a concern. I’m not going to lie to you, there’s some trips that are going to be generated from this subdivision; however, the traffic numbers show that the road is at 50.7% capacity and that this project would take it to 54.7%, so really, effectively, a 4% increase over what you see now on a day-to-day basis is what the ITE manual and all the trip generation manuals show would be the impact on Hall Road from this particular project. The only other thing I’d offer is just a reiteration of what Kim said, we’re trying to be good stewards and preserve more of the wetlands. There will be no more than 1.8% impacts to the wetlands areas, maximum, maybe less, but no more than that. We’re also preserving this very nice ecological corridor, an environmentally pertinent piece of property here along the edge of the NASA property, the government property there on the east side. There’s Gopher Tortoises, etc. in there and a lot of

environmental diversity, so we're going to preserve that with the exception of the – as she mentioned – the 10-foot trail, probably a concrete trail, that winds through there for the benefit of the community, the residents, and perhaps, also, if we can tie it to the regional trail system, it would actually form a part of the regional trail system if we can work that out, and we're willing and open to discussing that if it happens.

Erin Sterk – There's a lot of challenges in getting to there.

Joe Mayer – Either way, the bottom line is we're trying to preserve the most environmentally sensitive portions of the property as-is. We will pull our units in towards the middle, keep large buffers along the perimeter so that we're not impacting in any way our neighbors.

Jack Ratterman – How many total units are out there, of townhomes and others?

Joe Mayer – Total units proposed is 219; 102 of those would be townhomes; 22 of them would be third-acre lots, 10 at 100'x150'.

Catherine Testa – Can you repeat that?

Joe Mayer – Yes, 219 total units to go on 221 total acres, just a hair under one unit per acre; of the 219, that breaks down to 102 townhomes clustered in the very center of the property; 22, 100x150-foot one-third acre lots at the north end of the property; and then 95, 80x130-foot lots that are toward the Hall Road portion of the property.

Erin Sterk – If you look on map 33 in your package it's actually on the right-hand side, a little table under 'Site Data'.

Ted Balke – So, they are quarter-acre homes that are going into Phase 1, and the half-acre homes going into Phase 2?

Joe Mayer – Third-acre.

Ted Balke – Third-acre?

Joe Mayer – Yes, sir.

Jack Ratterman – But this is the old Teen Mission development, right? Are all those lakes natural? Or are any of those man-made?

Joe Mayer – The one's you see on the aerial right now, some of it was natural, but most of it was manmade when they started the other project.

Jack Ratterman – That's right, because that one, as you're looking at the map on the east, the southwest side, they dug a hole down in there and were burning everything out there in that hole, and I believe they did that in the other one on the southwest [sic] side, they dug a huge hole, and I mean it was deep, I'm talking about two stories. I don't know what's in there now. They were burning everything. The one in the back, I'd like to see if that was natural or not. I'd be worried about....

Gina Lindhorst – What were they burning?

Jack Ratterman – They took everything from out there, all the trees, all the oak trees, everything, and the Savannah's were raising cane about it for a long time. They took it all down there and lit it and burned it. What's going to be between you and NASA? There's a chain link fence there now, right?

Joe Mayer – Yes, sir, and then.....

Jack Ratterman – No, on the actual NASA border, what's going to be there?

Joe Mayer – Nothing, we're preserving a 368-foot strip and then walkway would be closer to the lot side – you can see it on the drawing here – so literally nothing for the first 200 – 300 feet next to NASA.

Jack Ratterman – The only way they would know they were on NASA property would be if they crossed that sand road, right?

Joe Mayer – Yes, I think there is a maintenance road that NASA uses for their fence, and we're not proposing any impacts to any of that.

Jack Ratterman – How about your trips? How many trips did you say you calculate a day?

Joe Mayer – It wasn't my calculation. County staff issued a report, the Traffic Engineering Department, and the trips per day is 1,708. Is that right, Erin?

Jack Ratterman – How many?

Erin Sterk – 1,708, it's in the table on page 3 of the packet.

Jack Ratterman - 1,708?

Erin Sterk – Per day.

Joe Mayer – Correct.

Ted Balke – And that's before Egrets Landing.

Joe Mayer – No, I disagree with that.

Ted Balke – This count, 1,708, is the same number that was used for Egrets Landing.

Erin Sterk – 1,708 is their impact by the number of units they have. If Egrets Landing had a similar number of units and resulted in the same thing.....

Ted Balke – Egrets Landing has 400 units that are also going out to Hall Road.

Erin Sterk – The one thing I do want to clarify in the concurrency analysis, just to correct one thing that Joe said, is we don't have counts on Hall Road, we have counts on S.R. 3, so the impact that we assessed was on S.R. 3. There's a note in the staff comments that clarifies that before they come in and do a site plan they're going to have to do a traffic impact analysis of the impact on Hall Road itself, because in North Merritt Island we have counts in only a handful of places, we don't have counts on every local road.

Joe Mayer – I stand corrected on that.

Erin Sterk – It's no big deal, but that's the corridor that's only at 50% capacity, and we don't have figures on Hall Road. The Space Coast TPO has never historically conducted counts on that corridor, so the staff comments outlines that they would be responsible for doing that when they come in with each of their phases and make improvements to intersections, or whatever, as a result.

Jim Carbonneau – So, Joe, the 1,708 count was for S.R. 3?

Joe Mayer – That's the projected trips for this project that's before you.

Jim Carbonneau – On Hall Road, or S.R. 3?

Erin Sterk – That's the number of trips that the development is proposed to create. The impact, where you see in the table on Page 3 of the staff comments, the volume and the volume with the proposed development, is showing on S.R. 3. You'll see in the segment name, S.R. 3 from the Barge Canal to Hall Road, that's where we measured the impact because we can't measure the impact on Hall because we have no data to.....that's why they have to do that analysis.

Mary Hillberg – On this chart it says, "Trips from proposed zoning, 1,708".

Erin Sterk – Yes.

Jack Ratterman – Per day.

Mary Hillberg – Per day.

Erin Sterk – Per day.

Mary Hillberg – So, that's from this proposed.....

Erin Sterk – That's from this project, no matter where they go when they leave this project that's how many there are going to be, and when they do the traffic impact analysis, they will determine where those trips go. They can only go one way, we know that.

Joe Mayer – And it is safe to say, and correct me if I'm wrong, that since the Savannah's enters and exits the same roadway, they have 288 units as opposed to our 219, that their projected trips are actually higher, and they'll have more than the 1,708.

Mary Hillberg – That's right, but if you add yours and theirs together you can have a huge party.

Gina Lindhorst – And then the 400 extra coming up, too.

Jack Ratterman – But Hall Road is, I would say, not narrow, but there's no shoulder, and on one side where it doesn't have a ditch it's the Kabboord Reserve, and where it does have a ditch, if you go off in that ditch you're not getting out. I can tell you already that it's a straight shot, there's no curves, no anything. The speed limit is 45 mph, and they don't go 45. To generate that amount of traffic on that narrow road, I'm not comfortable with that. What can you do to relieve the pressure?

Ted Balke – There is no other exit from there, and there is no way for you to have entrances for emergency vehicles to get into there. There's no evacuation provisions considered at this point either.

Jack Ratterman – During the last hurricane, Hall Road was breached by water, both sides were breached.

Ted Balke – I expect that the six people that attended the meeting told you the same thing.

Jack Ratterman – Fish were going from the south side of the road to the north side. And, down there at Teen Mission, their Australian Pines fell across the road to the point that nobody could enter or leave the Savannah's. And there was a power line across the road.

Ted Balke – They were stuck in there for three days.

Jack Ratterman – And do you know who cleaned it out? Local citizens.

Joe Mayer – I understand your traffic concerns. Hurricanes are hurricanes, they cause untold.....

Ted Balke – It's not hurricanes, it's rain events, not hurricanes, hurricanes are worse.

Joe Mayer – The only other thing I can point to is that the Traffic Engineering folks at Brevard County, who are experts, indicated they did not have a concern.

Catherine Testa – That's because they don't have any numbers for that particular street.

Jack Ratterman – They don't live on the road.

Ted Balke – They haven't really looked into it either. And they haven't looked into the wetland conditions that exist all around this property, including the government property that's behind it.

Jim Carbonneau – This is going to be a gated community?

Joe Mayer – Yes, sir.

Jim Carbonneau – With that amount of traffic, what's your provisions for backup, assuming that you have a guard gate there at the road.

Joe Mayer – The final design is likely to include a left-turn lane for storage, as well as storage inside the property. We'll have to design the gates so that they are set back a distance to provide proper storage. I don't have that designed yet, we're not to that level, but I understand your point.

Jim Carbonneau – It's a two-lane road.....

Gina Lindhorst – It probably won't be gated.

Joe Mayer – (inaudible) to this project, as well as the roadway, if we were backing up cars in the street, and are not going to be able to let that happen, and County staff is not going to let that happen in the final design.

Mary Hillberg – We're asked to recommend approval or disapproval for the plan, and the plan doesn't have any provisions for the egress and ingress.

Joe Mayer – I would say it does have, I mean, it's very tiny on this plan, but it does have the outline of some islands that would serve as the gated project.

Catherine Testa – Where would the gate be, at this point?

Joe Mayer – I can't tell you exactly where the gate would be, but it will have to be in a location that allows for sufficient stacking so that we don't back traffic out into Hall Road. The preliminary development plan, as Erin said, we're looking at a plan, but there's a full final development plan process that goes through all the technical details to physically design.....

Diana Yuan – Board members, can you make sure your comments are on the record? The audience needs to be able to hear you. Sorry for the interruption.

Mary Hillberg – I understand what you're saying, but we normally don't recommend approval for plans, so we're looking at this as a new.....

Ted Balke – For a PUD that we have to approve.....

Mary Hillberg – Yes, I understand. We normally.....

Ted Balke – This proposed plan.

Mary Hillberg – We normally look at the zoning, and then we're told the plans are way over here and we have nothing to do with the plans, just the zoning, so we focus on that. Now that we're looking at the plan, can you understand when we say, "We're looking at this plan and it doesn't look like there's enough space to get in and out without blocking the Savannah's evacuation, and not blocking the road and so forth", but then you say the plan will go on and be changed. So, it's hard to recommend approval for something that we can't tell.

Joe Mayer – I fully understand, and it's a little weird for all of us, including me, because it is a PUD and they're not done that often, but what I would say, again, it's just further fleshed out, detail-wise, but what this board could do if it didn't have issues otherwise, is you could make a recommendation for approval subject to verification by County staff or whatever other expert you deem appropriate, that stacking does not cause an issue. Stacking, if they had a private entrance, does not cause an issue with Hall Road, or the Savannah's entrance. In other words, you can approve with conditions like that that would help to assure that that issue is taken care of.

Mary Hillberg – That's true, except we won't know if they are stacking until after it's built, will we?

Ted Balke – And our purpose here is to approve the proposed primary development plan, not the final plan, just what is here now. If we have an issue with the preliminary plan, then that's what our vote is.

Mary Hillberg – I understand that. This cement walkway that you're going to put next to the wildlife refuge, why were you going to do that, again?

Joe Mayer – Because we think it would be a nice amenity to the community in particular, and perhaps the public if we can work out an arrangement for the regional trail system.

Catherine Testa – In the meantime, the residents, couldn't they just walk on their sidewalks?

Gina Lindhorst – Do they have sidewalks planned? I didn't hear you say that.

Joe Mayer – Sidewalks are planned.

Gina Lindhorst – All the way through?

Joe Mayer – Yes, both sides of the streets.....

Mary Hillberg – So, they have sidewalks in here, they wouldn't need this sidewalk on the outside.

Joe Mayer – Five-foot sidewalks on both sides of the street will be required and is planned.

Ted Balke – Is that included in the lot size?

Joe Mayer – No, that's included in the right-of-way. Of the 50-foot right-of-way, each edge of the 50 feet would contain a 5-foot sidewalk.

Ted Balke – Is there curbing?

Joe Mayer – Yes.

Jack Ratterman – I'm sure you realize that we're always concerned about the flooding and density, and density uses procrastinates flooding, and I'm reading from this document right here, Brevard County says, "Compliments of Brevard County Soil and Water Conservation District, Brevard County Commission, United States Department of Agricultural Soil and Conservation in cooperation with the University of Florida Agricultural Extension Service." This is the map they produced in 1974, and where you are, it says, "Copeland Wabasso Association" – I don't know that type of land – "nearly level, very poorly drained soil sand to the depth of less than 40". That's part of yours, and the other part that might touch it says, "Tidal marshy swamp association nearly level, poorly drained, saline-to-brackish soil of various textures".

Kim Rezanka – I need to object to the evidence being brought in by a board member, for the record.

Jack Ratterman – Do you want to look at it?

Diana Yuan – I think Gina was looking at it, so if you want to pass it around. Kim has objected on the record, but if two or more of you have seen it then the rest of you need to see it.

Mary Hillberg – I'd like to see it, too.

Ted Balke – Part of the EPA study that was just done that was given to you should have also been part of this conditional presentation.

Erin Sterk – The Natural Resources Department assesses all of the criteria that was met for the small area study and they comment on all of that in the Natural Resources comments, which I think is two pages of the packet.

Ted Balke – Which shows the basin area that's there, and the elevations. The topography.....

Erin Sterk – They talk about the wetlands and the hydric soil.

Ted Balke – The topography of the entire area there.

Erin Sterk – It says the subject parcel contains mapped off recharge soils

Mary Hillberg – Mr. Mayer, it says in our staff comments that a portion of the property is mapped as being within floodplains. Can you show me on the map where the floodplains are?

Joe Mayer – I don't have the flood map with me, but I can tell you in general that it's the wetland areas here, on this side. I don't believe this area up through here where the road and this aqua-recharge soils.....can't be aqua-recharge soils and floodplain, typically, so I believe in general it's the western side of the property, or the western half of the property, but I don't have the map with me.

Ted Balke – It's also, on the eastern side on the government property, is all wetland, too.

Joe Mayer – The wetlands go further than the floodplain. The FEMA floodplain is, I think, what you're asking me about.

Mary Hillberg – Yes, so you think that's in the southern part of your.....

Joe Mayer – No, ma'am, the western half.

Mary Hillberg – This western half of your property?

Joe Mayer – That's what I think.

Erin Sterk – I can pull up our mapper and confirm that.

Ted Balke – You were going to talk about the drainage, other than the creation of that reserve lake? Where is that coming to once that's full?

Joe Mayer – There's a couple of large lakes that we propose on the property.

Ted Balke – And when they overflow, where do they go?

Joe Mayer – Into the wetlands that are on the property.

Ted Balke – Into the wetlands that doesn't drain.

Gina Lindhorst – Mr. Mayer, I'm concerned, and I'll say out loud that these houses are going to be flooded with any kind of storms because they are really close to the little ponds you have designated there.

Joe Mayer – I understand.

Gina Lindhorst – We get terrible flooding, just the stuff that's built way back that's supposed to handle these properties now.

Joe Mayer – I understand. The only thing I can say to that is that new developments are built to a completely different standard than most of the houses along Hall Road. From a drainage engineer's perspective, that's very unfortunate, and I wish that all of the houses were built to the new standards. The new standards will require us to be – with the finished floors – a couple of feet above the 100-year flood elevation, a couple of feet above the street. If you drive through Egrets Landing, it's just a fact that it's a lot higher than anything else.....

Mary Hillberg – Is it two feet above the street crown?

Joe Mayer – Yes, ma'am, the finished floor of the house is now, per County Code, is now two feet above the crown of the road. That just didn't exist when many of the houses on Hall Road were built, and frankly, that's unfortunate.

Gina Lindhorst – My house was built in 2004/2005 and it's not two feet above the crown of the road.

Joe Mayer – I understand.

Gina Lindhorst – Because there's a serious problem with drainage, and that's been shown to be the case, that it's really exacerbated by all the building of all the other houses.

Joe Mayer – I understand you live there, and I always hesitate to make this argument, but that's where I would tell you that my opinion, as a drainage engineer, these newer subdivisions are taking care of their water in these large stormwater lakes. Now, if you disagree, then we can respectfully disagree.

Gina Lindhorst – I hope they are. I'm just saying it looks like they're really close to all the water, so I'm in danger.

Joe Mayer – The newer regulations are forcing developers and engineers to do this. In this particular one, we are proposing almost double what the typical standard works out to be, which is about 15-20% of the developed area. I'm telling you, we're going to have lots of storage in these lakes to take care of our own stormwater. I respect that that doesn't solve your problem, and I respect that you may disagree with me on that, but that's the fact.

Jack Ratterman – I can tell you, with Egrets Landing, because they're still under construction, they've taken these black, spongy things and put them over all the storm drains in Egrets Landing. And when Irma came through, or before that, I went in there and asked them, "Why are you putting those things over the storm drains? No water can go down and get to your lakes". They replied, "We're afraid of construction debris getting into the storm drains, so that's why we put that over there." When Irma came through that water didn't go into the storm drains and into the lake, it came out of their subdivision and across Hall Road.

Joe Mayer – I understand your point and I....

Jack Ratterman – How long is that going to happen in your subdivision?

Joe Mayer – I agree with what you said, that should not have happened. The material you're talking about that goes in front of the storm drains is intended, during construction, to catch silt and debris so that it does not go into pipes and clog them up, but during a hurricane event those should have been pulled away from the inlets. At that point, it's a hurricane, it's an all-hands-on-deck situation. That was a mistake by somebody – the builder, the contractor, whatever – to not take those things away during a hurricane, and it should not have happened.

Mary Hillberg – Mr. Mayer, I live in Sunset Lakes, and as you know, that's a PUD. We have 10 detention ponds and they are connected; one flows into the other; and it's a smorgasbord of pipes and ins and outs and water levels. We have had some issues because we were built before they wrapped the joints, but they were supposed to wrap the joints, but otherwise it hasn't really shown to be a big problem. There are a few areas that did flood, a few homes that did flood. Even with all that grading, with all those lakes, and that's in a high area if you look at that on the flood map you'll see the entire area is not considered a flood zone. Where you're going to be proposing this is partially a flood zone. I'm trying to explain to you the concern that we have for our potential neighbors. It's not that we're against a PUD, and it's not that we're thinking you don't know how to build, it's because it is right in the middle of a very, very, low, wet area. As much as you would provide the ponds, some of these areas have a water table that's one-foot from the top of the soil. Digging a pond.....it's going to be full before it ever gets any drainage from the homes, you know what I mean?

Joe Mayer – Yes, ma'am, I understand your concern, you've lived it for a long time. I've been before this board plenty of times and I understand your drainage concerns, but for the developed portion of our project, I agree with you the water table is about one foot below; however, we're going to be building that ground up significantly, four, five, or six feet above what it is now.

Mary Hillberg – You don't feel that a displacement would affect anything else around?

Joe Mayer – I'm a drainage engineer and I believe I can design this project to where the homes in this project will not flood.

Ted Balke – The issue you're referring to is that your houses may not be the ones that are going to be affected by water. It's everybody else around you, and everybody else that precedes you, because you are at end of

Hall Road, so that means that whatever water out there is going to accumulate and block Hall Road so that there will not be (inaudible) exit; it will either be you or the Savannah's, and they've already experienced that. Hall Road continuously floods because of the water, and your entrance is going to be all the way at the end, and you're going to put houses that are five or seven feet above the level, and the only thing that's going to happen is the area around you is going to be inundated.

Joe Mayer – Again, I believe we're going to take care of our own water.

Ted Balke – You'll take care of your own water. It's the same thing Egrets Landing does, they're taking care of their own properties, but god forbid everybody around it. It's consistent, everything that's going on on North Merritt Island is falling into the same scenario of, "Well, we took care of the flood conditions for ourselves, and everybody else has the problem.

Joe Mayer – I believe I've answered the question as best I can.

Mary Hillberg – Do you have any other items to add, Mr. Mayer?

Joe Mayer – No.

Gina Lindhorst – I have one last question. Are you the designer/engineer for the other properties east of this?

Joe Mayer – Egrets Landing? Yes, ma'am.

Jack Ratterman – Is there a culvert underneath Hall Road that empties Egrets Landing? Underneath Hall Road to the south side?

Joe Mayer – There's a culvert under the entrance, and there are culverts along Hall Road.

Jack Ratterman – Right, but is there one at Egrets Landing?

Joe Mayer – I do not believe so.

Mary Hillberg – Anyone else have any questions?

Ted Balke – It just runs into Webb's property.

Catherine Testa – In one of the townhomes, almost the entire grouping is wetland.

Ted Balke – Is in wetlands.

Catherine Testa – Is there any reason that you need to have the home right on the wetlands?

Joe Mayer – I understand, and I think it's the back portion of the townhomes.....

Catherine Testa – There's a few places on the townhomes, actually. There's the middle portion and then.....

Ted Balke – The middle of them.....

Catherine Testa – Then the entire right-hand side.

Jim Carbonneau – It's on Page 36 of the packet.

Joe Mayer – I'm not saying that we can't shift things around a little bit. The perimeter of those wetlands is effectively a Brazilian Pepper mess on the perimeter. As you go more into the core that might change in some areas, but the perimeters that we're talking about impacting, we will not impact more than 1% of the total area of our property – that's County Code anyway – I guess what I'm saying to you is that even though we're showing it as an impact, it's an impact of Brazilian Pepper, it's not a pristine wetland that we're impacting, there's not an abundance of wildlife there, et cetera, it's a Brazilian Pepper mess, to be frank.

Catherine Testa – Are you going to take out Brazilian Peppers (inaudible), are you required to?

Joe Mayer – I don't want to tell you we're going to 100% eradicate, because that's virtually impossible, but I believe that part of our mitigation for wetlands impacts will be removing Brazilian Peppers in the wetlands that we're preserving so that we can then try to enhance their quality.

Gina Lindhorst – Ms. Rezanka said something about St. Johns will maintain some parts of the property. Do you know what parts they will be?

Joe Mayer – What she was talking about was that these wetland areas here, as part of the project, each phase, they will be put into a conservation easement. The conservation easement will likely be to both the St. Johns River Water Management District and perhaps Brevard County as well, but at least the St. Johns River Water Management District. Her point was that you're assured by that that these are forever preserved. I believe that was her point. With this up here, with the exception of the trail part, this will be in a conservation easement as well so that somebody won't come along in 10-20 years and want to build houses in there. It will be forever preserved as part of our agreement, part of our final plan that's approved to do this project.

Ted Balke – You're adjoining property right now to the west, where your map stops, is a Brevard County preserve.

Joe Mayer – Correct, and it will extend the preserve area from the estuary that's already preserved as Brevard County property now.

Mary Hillberg – In the St. Johns, when they do a conservation easement, they have strict guidelines as to what you can and cannot do there, and one of the things they say you cannot do is to remove plants and to improve the area.

Joe Mayer – The St. Johns permit would address that. For instance, if they say to remove Brazilian Peppers in this area, it would be done as part of the project, and then a conservation easement would be placed over it after that.

Mary Hillberg – What I'm saying is that – just to make it clear to everyone – is that you don't just go in and say you're going to take out all the pepper trees, and just go into the conservation easement and take them out. They have to ok each one and they even mark them sometimes, whichever plants you can take in and take out, and make you add plants sometimes if they want. The sidewalk on the top part, I can't understand how that can be part of this plan; I don't see how it attaches.....how it has anything really to do with your plan, and I'm still concerned about your traffic. You're having a gated community without any real leeway for the cars for this many homes. In Sunset Lakes we have a small entrance area and the cars pile up, and we do have a turn lane, but with little two-lane Hall Road there won't be a turn lane because there's no place to put it, so this isn't going to work for after-work, you know what I mean?

Joe Mayer – I understand your concern, and I think there will be a turn lane on Hall Road that we will either shift the ditch over or move the ditch; we've got a 50-foot strip dedicated to additional right-of-way.

Mary Hillberg – You're going to move the ditch?

Joe Mayer – Shift it over or pipe it, just move it over 12 feet for another lane is what I'm talking about so that there is a left-turn lane in so that it's protected, and if people are going by to Savannah's, et cetera, then they aren't impacted if there's two cars in the turn lane or whatever. I'm just saying I think there will be a turn lane, ultimately, into the entrance. You were saying you didn't think we'd have one?

Mary Hillberg – Well, you don't have it here, and this is what we're approving, and it's not here.

Joe Mayer – I understand.

Mary Hillberg – Moving a ditch is very impressive, a big ditch like that.

Ted Balke – It's impractical.

Mary Hillberg – It's a big ditch.

Gina Lindhorst – That's going to have to be done before they actually start building because I live in a property that's got one road that is gated, and they are one-acre lots, so it's not highly unusual. We pay for a gated community, which most people don't want to anymore, and there are 80 – 90 lots altogether in it, and there's a pile-up frequently and it's almost too much for this tiny front area that you have allocated here, for us. This, what you have on the drawing here is totally inadequate for 200 + property owners and their friends. You really need to review that, because that's a significant problem for traffic.

Joe Mayer – I understand your concern and we'll take a look at it.

Mary Hillberg – What we're looking at is the plan, we're not looking at the zoning, just the plan, so this is the plan.

Joe Mayer – The preliminary development plan, yes.

Jim Carbonneau – You have a second emergency entrance?

Joe Mayer – Yes.

Jim Carbonneau – To the west?

Joe Mayer – Yes.

Jim Carbonneau – Is that not (inaudible) because of cost?

Joe Mayer – No, not because of cost. The idea behind it at this point is to have controlled access through the main entrance, but also in the event there's an issue with the main entrance emergency vehicles could get through that gate with a standard siren system, or clicker system, or whatever system is set up to get through the gate. If a fire truck or an ambulance needs to get through there, and for some reason the entrance is blocked, there's another access in and out.

Erin Sterk – And that was a revision they made to the preliminary development plan before it got to you all, because of some County feedback at our pre-application meetings. When they trip the threshold for 200 units that second access – or emergency access – is required.

Jack Ratterman – On the townhomes, is that going to be, I'm assuming a two-story townhome?

Joe Mayer – I believe so, yes. They haven't been designed yet, but I believe that it would be a two-story.

Jack Ratterman – So they would park underneath there?

Joe Mayer – I believe they will have garages.

Jack Ratterman – I'm just wondering about, you know, most people have two cars and then where is your visitor going to park? Out on the street, I guess.

Joe Mayer – I believe they will have a driveway and a garage, just like any other single-family house.

Jack Ratterman – I have a question for staff. If I build a house, to get my CO, don't I have to remove all the exotics on my property before I can get the Certificate of Occupancy?

George Ritchie – It's not a zoning question, so I don't know.

Erin Sterk – It's a Natural Resources question.

Gina Lindhorst – St. Johns requires the removals.....

Jack Ratterman – I could not get one until I certified that, but beyond me, they're going to have all those houses and they should be responsible for a good portion of that Brazilian Pepper removal. And just so you know, that's correct about St. Johns, and whatever is in that easement stays in the easement. If you eradicate the pepper you don't take the pepper out, you do whatever you've got to do to the pepper and you leave it right there. If you're going to chip it, you chip it; if you're going to do something else – stack it – that's what you do; but it never leaves and it never comes out, never. I can tell you that.

Ted Balke – But you know that's not what they do.

Mary Hillberg – Are there any more questions of Mr. Mayer?

Catherine Testa – On the map that's labeled 34, on the streets it has 'LP' and 'HP', what does that stand for?

Joe Mayer – Low Point and High Point of the roadway. We've got a conceptual drainage design, and so road curbing on the east side, the curb has to slope or the water won't flow, so there's a low point and a high point.

Mary Hillberg – Where is that located?

Catherine Testa – On all the streets.

Ted Balke – Just so the water on the street flows in one direction or the other.

Joe Mayer – At each low point there's going to be drainage inlets on either side of the road to catch the water.

Gina Lindhorst – Does anybody know what the zoning is – I know it's not a zoning decision here, but do you know the zoning of the area to the northwest corner of this property?

Ted Balke – It's all wetlands.

Erin Sterk – It looks like everything north of this is AU.

Gina Lindhorst – That's AU, those houses?

Erin Sterk – Yes.

Mary Hillberg – Are there any more questions of Mr. Mayer?

Catherine Testa – Did you ever find the flood information?

Erin Sterk – I found that, surprisingly, I only see wetlands on the east side of the property, I don't see.....

Catherine Testa – Not the wetlands, the flood zone.

Erin Sterk – The wetlands are delineated everywhere you have them, but that's not accurate; those are generic estimates. It's a FEMA flood zone map.....it's hard to say exactly, comparing this to the plan, but they're primarily along the eastern property line and cover the pond that's at the north end of the road, the current pond that's there, that's probably an artificial pond from the previous infrastructure improvements. And then they generally follow what he has delineated as the wetlands, if not being further west of where the wetland delineation on their maps are.

Joe Mayer – What she just said is up here in this area where the existing pond is, and then along this area right here where I mentioned before. Correct, Erin?

Erin Sterk – Yes, and on the east side where the bike path is, the east property line as well. They are consistently along the east property line, but nowhere that I see them proposing development. I don't see any.....

Ted Balke – That's the FEMA map you're looking at?

Erin Sterk – Yes.

Ted Balke – That can't be right because the elevation is not that high.

Erin Sterk – It's actually showing, which is.....and I'm not a Natural Resources employee, so this cannot be conceived as fact, it's just me, but I see that the elevation in some places is delineated as 5.5 feet is floodplain, and some of the places where it's 2 feet is not designated. Again, I'm not a professional and I don't know how they draw these (inaudible)

Ted Balke – So, it's controversial as to.....

Erin Sterk – I don't know if it's controversial, I just can't.....

Ted Balke – If it's 5 feet and not a flood plain, and 2 feet is a floodplain, something is in error.

Erin Sterk – They might be showing the 2 feet where the points are on the low part of the pond.....

Ted Balke – It may be .5.

Erin Sterk – No, I see 5.5 feet designated as floodplain on the eastern property line, and 5.3 feet.....

Ted Balke – Because that's all coming in from the government property and it's flooding into that low land area now. The government floods into there.

Erin Sterk – But when they build the property up, the floodplain may change.

Ted Balke – Then the water is just going to continue down Hall Road further west.

Jack Ratterman – Down to my house.

Catherine Testa – That water has to go somewhere.

Ted Balke – Or south into Savannah's.

Erin Sterk – Technically, the water needs to be retained onsite.

Mary Hillberg – Mr. Mayer, were you at the meeting with the Savannah's?

Joe Mayer – Yes.

Mary Hillberg – How did they feel about the traffic?

Joe Mayer – There was only a few people that came.

Ted Balke – You said there were six people.

Mary Hillberg – How did the people feel?

Joe Mayer – I believe traffic was raised as an issue, but it was just one of their concerns and we answered their questions. They didn't jump up and down. I believe they were concerned just like you are.

Gina Lindhorst – Why were only 34 people informed of the meeting?

Mary Hillberg – Because of the 500 feet.

Ted Balke – 500-foot radius.

Joe Mayer – That's the requirement. As Ms. Rezanka said, the president of the Savannah's HOA was notified with the understanding that they were going to send out a notice to the Savannah's folks.

Mary Hillberg – They were concerned about this as well, did you say? About traffic and their entrance and exist?

Joe Mayer – I think it's safe to say that the folks that showed up were concerned about similar things as you.

Kim Rezanka – I can address exactly what was raised. The traffic issue was, one gentleman asked, "What will be the length of time to get down Hall Road and get out onto Courtenay?" That was the question that was asked.

Mary Hillberg – Thank you.

Kim Rezanka – And that was really the only question.

Mary Hillberg – Thank you. Does anyone in the audience have something?

Darlene Hillers – My name is Darlene Hillers and I live at 4645 Seminole Trail, in Indian Bay Estates, which is north of the Barge Canal. I'm all new to this, it's been very informative. While everybody has been talking, I've

been jotting down some questions that came into my mind. I know you just posed the question about the homeowners in the Savannah's and what were their concerns, and why were there only six people in attendance. It would be interesting to find out what the rest of the community's feelings are about this development. You were talking about concerns because Hall Road is just a small road, and when people are going into this community, being that it's a gated community, what impact is that going to have, and are people going to be backed up and so forth, and I was curious if it were not a gated community, would that make the flow of traffic go more smoothly in and out of there? Is there a reason why it needs to be a gated community? Do people feel safer? In talking about putting in a turn lane, you said there is a ditch on either side, and where would you put that turn lane, and my question is if those ditches are part of the (inaudible) drainage? When we have a large rainfall, or a hurricane, does that have anything to do with where the water goes? Should I continue or should I wait for answers?

Mary Hillberg – I don't know if we can answer all your questions, but you're presenting your concerns.

Darlene Hillers – Okay. Then, I think it was brought up about what the impact of traffic was going to be on Hall Road, and the number of 17.08 trips per day. I'm assuming that means that's how many trips coming out of the subdivision and back into the subdivision, 17.08 trips per day?

Ted Balke – One thousand, seven-hundred eight.

Darlene Hillers – Okay, I thought that didn't sound right. I know in households there's usually at least two cars per household. Well, I don't know how many bedrooms will be accommodated in these homes, but it's very plausible that you could have three or four cars per household if you have children. Of course, a lot of people have more than one vehicle anyway because they have to have a car and then they have to have a sport utility vehicle, and that sort of thing, so to me, that sounds like a lot of vehicles going in and out. As you said, Hall Road is just a two-lane road, one lane going each direction. Another question that I thought about, and as you can tell from my t-shirt, we have a lot of concerns about our Lagoon and the rivers and what we're trying to do to clean them up, and I'm assuming since they put in all of those new sewer lines that all these homes will be connected to the new sewer lines and there won't be any septic tanks?

Ted Balke – No.

Darlene Hillers – No, what?

Ted Balke – They will not be connected to the sewer; the sewer is only going to connect to 500 feet off of S.R. 3.

Kim Rezanka – That's not correct.

Several speakers at once were inaudible.

Mary Hillberg – Ted, we need to have just one person talking at a time. They won't be able to figure out our minutes if we all talk at once from different areas. Let her go ahead with her comments, and when she finishes we can ask Mr. Mayer to come back up and explain.

Darlene Hillers – I was curious, I know that there have been new sewer lines put in, and I'm not familiar as to exactly where, but I heard there are certain areas of Courtenay that don't have the new sewer lines, so are all of these homes going to be put on septic tanks? I've heard that there are upgraded septic tanks, and that septic tanks aren't necessarily a bad thing. If they were connected to the new sewer lines, will the water treatment plant.....I'm not exactly sure where that is located, for North Merritt Island, and if they were connected to the new sewer lines, would the water treatment plant be able to hold the load that's going to be coming out of this new development? I know my other half got a Masters in environmental engineering and he

ended up studying wetlands, and we came from Gainesville, where he did a lot of his research up in Waldo and that's where they had a large water treatment plant. For the most part they did pretty good, but when we had these huge rainfalls, like Tropical Storm Fay that landed on top of us for three days, they had a serious problem up there with the amount of water that was flowing into them. For a little place, it was pretty well designed, but still, they had a lot of problems. Bob Knight, I don't know if you're familiar with him, but he's done a lot, he's connected with U.F. and his passion were the springs and the condition of the springs up in our area, and what was happening with them. They finally put in, in the City of Gainesville they had an area of the City that there was nothing there, and they were actually able to restore it to a wetland state, which made a huge impact and took a great load. I don't know, I'm not really that familiar with this area, I just recently moved here in 2014, and I remember when I came here, going to Viera it was all wooded, and now it's just flat.

Mary Hillberg – Darlene, I appreciate your history, but.....

Darlene Hillers – My concern is that we need more wetlands, but then our water treatment plants need to be operated, and we need more of them.

Mary Hillberg – Thank you.

Erin Sterk – I'll interrupt, because they really don't get to respond until everyone else speaks, and I know septic is a big concern. I'll direct your attention to sheet 35 of the package, which shows the proposed water lines, re-use line, sewer line, and force main.

Catherine Testa – Can you explain this page again?

Erin Sterk – You'll see on there that they do have plans to connect to both re-use water, sewer, and water lines.

Catherine Testa – Everything that's blacked-out, is there a reason for it being blacked-out?

Mary Hillberg – That's the phase.

Erin Sterk – The phasing? The gray?

Catherine Testa – See all the black lines on my paper? You can't read anything that's underneath of them.

Erin Sterk – That must be a copying error with the way that our.....

Catherine Testa – Also, on page 34, you see the big, black blotch? Can't read any of that either.

Erin Sterk – Let me find the original document and tell you what that says. I don't believe it's blacked-out because it's confidential.

Catherine Testa – Somebody should look at the copies before they are sent out next time? If there's another plan like this, whoever does it.

(Several speakers at once – inaudible)

Mary Hillberg – It says 'proposed drainage' on these.

Catherine Testa – Mine's all blacked-out.

Erin Sterk – It says, “proposed water line and proposed re-use line”, which is what the legend clarifies, but I can pass these bigger plans around.

Mary Hillberg – I have page 34 that’s not redacted.

George Ritchie – It’s not redacted, it’s just that the font is not displaying on that smaller print.

Mary Hillberg – Would the next speaker like to come up?

Terry White – I don’t like your policy that when I ask a question I don’t get to get an answer until I sit down and then I have no chance to stand back up. It still isn’t clear, is there sewer service to this? You talked about water and re-claimed water.

Erin Sterk – I see water, re-claimed water, and sewer line proposed on the plan.

Jack Ratterman – Terry, tell them your name.

Mary Hillberg – Mr. White, what is your name?

Terry White – Terry White, 5595 Joseph’s Court, Merritt Island. Some of the things we could not hear very well back there, what is the property to the north of this?

Mary Hillberg – The Space Center.

Terry White – Is it the homes that are on the south side of Chase Hammock?

Mary Hillberg – I’m sorry, yes, it’s AU.

Terry White – Is it houses, or is it just agriculture?

Mary Hillberg – What is it he’s looking at? He’s looking at the aerial map?

Ted Balke – That’s the bottom of Chase Hammock Road coming back in.

Terry White – That’s what I thought, I just wanted to clarify.

Ted Balke – And the septic system, and sewer system, is internal to the development.

Terry White – Thank you for clarifying the traffic survey is for S.R. 3 and not Hall Road. They mentioned the school, when they did the survey, is at capacity. Before, I had meetings with the County Commissioners and they sat in the meeting and told me they would not approve any developments like this on North Merritt Island in the future until we had a school. That’s not the first time they told me an untrue fact, but still, and something to do with the emergency evacuation. All I heard so far is how tough it was going to be to get off of Hall Road at certain times, but a lot of people don’t understand the emergency evacuation for a hurricane, from North Merritt Island, is not clear. I was part of the team for Kennedy Space Center for many years that handled KSC and evacuations on North Merritt Island, and I didn’t hear any proposal in there. Also, they talked about the excess stormwater, rain water, hurricane water, will be stored in their wetlands, and was going to the estuary. I need to know what estuary, because I don’t know of any estuary that contacts that other than the County property that is a system of canals and wetlands, so there is no estuary there, by definition. And the trail system, I don’t know what trail system their trail system in there is linking to, so I don’t understand that; it’s not my first day on North Merritt Island, I’ve only lived here for 55 years, and I’ve hunted every bit of that property, up to the KSC fence. What does the buffering accomplish? They talked on the east side, toward the Space

Center, that they're going to have 300 feet of buffering. Are they building a dyke all the way around their property to contain everything inside that? I don't think so, but just creating a buffer zone where you don't do anything, that doesn't mitigate any of the property around there. The reason I have an issue with that is because the County approved two developments next to my property and the people in there did exactly what they're talking about, they raised it, and they also pulled out the existing agriculture pumps, and now I get all kinds of flooding that I never got before; last hurricane, and then within two weeks of the hurricane we had the 25 inches of rain, and my seven acres were totally under water; my house was not, because I built it 48 inches above the crown of the road, not 24 inches. We could not get out of Joseph's Court, we could not get out of E. Crisafulli to get to S.R. 3. Also, the developments next to me created retention ponds, or lakes, around their property, and then I complained that they were flooding onto me, and it turns out they gave the property to the County. When the County came out to look at it they said it didn't belong to the homeowners anymore and that it is now County property and the County can't be sued for flooding. The left-turn lane they talk about on Hall Road, who is going to pay for that? You and me, or is that a cost to the development to put in a left-turn lane? That pretty much is my questions, I'll sit back and wait for the answers.

Mary Hillberg – Mr. Mayer, would you have the answers to Mr. White's questions?

Kim Rezanka – I do.

Mary Hillberg – Does anybody else have any questions?

Catherine Testa – Or comments.

Mary Hillberg – Kim, you haven't spoken, come on up.

Phil Bernardo – I could say something because I'm here.

Mary Hillberg – What is your name?

Phil Bernardo – Phil Bernardo, I live at 440 N. Tropical Trail, and I've been there for 30 years. I'm just starting to get involved in the homeowners association. I try to think of what the benefits are as a resident of North Merritt Island, and I see no benefits; it would raise more property taxes, but I don't think the property taxes are going to be equally spent on North Merritt Island. I disagree that it's an eyesore, I've been out there with my son, and there's places we catch Snook after a storm when brackish water gets in there; I like the area, but I see a lot of negatives and the biggest one is all the flooding. Where I live it never floods; I'm right off of Tropical Trail and I'm a little bit higher than Tropical; it's a natural ridge; but when there is increased flooding it's a negative perception of all of North Merritt Island and it's going to affect everybody's property taxes. People will say they don't want to live there because it floods. I think the traffic thing is worse, too, not just Hall Road. Essentially, there are two ways on and off North Merritt Island; on Central Merritt Island there are eight ways on and off; and 80% of the time, people are going to be going over the Barge Canal to go to the store, school, doctor, or whatever. Unless you go to work at the Space Center, or you have to go to Titusville for some reason, most of the traffic is that way. And what used to be Sea Ray, Arnett, or whatever, when those people get off work they can't go east anymore because that bridge is out, so they've got to go over the Barge Canal, make a U-turn, and then that new development they made where it used to be Tingley's Marina, it's the same thing, they have to make a U-turn. We're adding 219 homes on 220 acres, but that's artificial numbers. The reality is that most of that is unbuildable anyway; it's all flood-prone. If you had a bunch of one-acre lots in there you couldn't get to it because there would be no roads. I don't see any benefits, I see negatives, and those are probably the two biggest ones.

Mary Hillberg – Thank you. Kim?

Kim Smith - Kim Smith, I'm here reading for the North Merritt Island Homeowners Association board. The North Merritt Island Homeowners Association board sees that the proposed uses conflict with Admin Policy 3, compatibility. (a), traffic that will significantly diminish the enjoyment of safety and quality of life of existing neighborhoods within the area. (b), this and other following concerns, causing material reductions in value of existing abutting lands and developments. Admin Policy 4, character of the area and existing neighborhoods adversely affected by, (a), intensity in traffic and trip generation. Admin Policy 5, compromise of adopted levels of service – that's (a). (b), the quality of Hall Road to continue to serve the existing neighborhoods without significant deterioration. (c) construction quality of Hall Road being able to serve the increase of traffic generated by the projected doubling of trips on Hall Road. (d) construction posing potential for material danger to public safety with the traffic increase. (f), physical deterioration likely of the surrounding road system. (g) the traffic impacts materially and adversely impacting the safety and welfare of residents in existing neighborhoods. Admin Policy 6, inconsistent with sanitary sewer septic element and surface water element. Admin Policy 7, it will cause and/or substantially aggravate substantial drainage problems on surrounding properties. The commissioners should deny this density based on Admin Policy 8(3), negative impacts of proposed zoning on available and projected traffic patterns, sewer/septic facilities, other utilities, and (5), inappropriateness based on consideration of regulations relating to consideration of public health, safety, and welfare. Under Factors to Consider, the commissioners should deny this density based on considerations of (3), the impact of this proposal on available and projected traffic patterns, and sewer/septic systems, and other public utilities. (5), the inappropriateness of this proposal based on consideration of public health, safety, and welfare. Yes, the traffic volume is calculated for Courtenay Parkway, not Hall Road, which is the main road in and out of this planned subdivision. With the obvious increase of surface water and flooding on North Merritt Island, and in this specific area of North Merritt Island over the last decade, the argument of developers for the requirement of all current and new development here to retain their surface and flood water is no proof that they actually do it. Perhaps this is a failure in current County requirements; regardless, this flooding is evidence itself that stormwater retention cannot be currently met by North Merritt Island developers and developments, and the addition of more neighborhoods is adding to the flooding of current residents. In the nearby Savannah's an example is the 13<sup>th</sup> fairway, which is still flooded since September 2017. These longer periods of high water contribute to the earlier failure of community roadways, which will, again, much more damage if this proposal passes. This will more than double the projected traffic volume in and out; therefore, the North Merritt Island Homeowners Association asks all boards to reject this proposal, as it is high numbers and impacts on this land and the surrounding communities. Also, I'd just like to say I just looked up the County FEMA flood zone map on my phone, if you want me to try to point.

Mary Hillberg – Didn't Erin just find that?

Erin Sterk – Have you something different? I'm not an expert.

Kim Smith – I'm not an expert, I was just looking it up on my phone.

Mary Hillberg – That's okay, because we can't really record what you're showing people.

Kim Smith – It looks like there's rough road that goes through the property right now, and that area is in Flood Zone X, but on the sides of it, the east side and especially the west side, a lot of it was zoned AE, which requires that people carry flood insurance. There was one strip in the middle that was zoned X. Thank you.

Mary Hillberg – Is there anyone else who would like to speak tonight? Would the applicant like to come back up?

Kim Rezanka – I'm not a drainage expert and I don't know how to address the drainage issues, but that's why we have Joe Mayer, who is an expert at what he does. I know there are water problems on Hall Road and in North Merritt Island, but that's why the County reviews and the County has codes, and those are all site plan issues. We have done what the County has asked for the PDP, with drainage, with using sewer, with re-

claimed water. As to the turn lane, that likely will be...it's not on the plan, but if you choose to approve it you can say they must show a turn lane on their plan, and that turn lane could be as much as 650 feet from the Savannah's entrance, up to the east. That's a good stacking distance. That is something they likely will have to do, and it's very common for developers to come in and put in those turn lanes, they pay for them as part of the development, and they will also likely culvert the road because they're going to have to put in a sidewalk as well, but they are dedicating 50 feet of right-of-way for all these improvements. Regarding the increase in traffic, Ms. Smith said it is going to double the volume. I'm not sure what she means, but if you look at the chart in your staff comments, the current trips from that property could be 762; the increase would be 946, so if that's what she is talking about, she is correct. Otherwise, there's no traffic counts on Hall Road, so she can't say this would double the traffic counts. (inaudible – background noise)...traffic from KSC park, and there's no way to capture that, so that was one of the issues that was raised. As the HOA president said, "When we have launches, it's very difficult to get out of there", so that was an issue that was raised. I had forgotten that launch traffic concerns was brought up. Regarding the walkway, Ms. Hillberg, that's an amenity; the County requires that there be common space, and open and passive recreation, and that walkway was intended to be for exercise, recreation, and also the thought was that it can be used for golf carts to go to the Savannah's. If it needs to be mulched or something that you think is more environmentally friendly, that's also something you can recommend, if you did want to recommend approval with conditions. There was a question as to why there were only six people that were at our meeting; there's only seven people here, and we mailed the exact same list, and these are different people than were at our meeting.

Ted Balke – Yes, but there are only 13 people that you invited that actually live there in the area.

Kim Rezanka – We got the County's list, we mailed the exact same list.

Ted Balke – I saw your list here, and it's the banks and people that own property adjacent that don't even live on Merritt Island.

Kim Rezanka – But it's a 500-foot radius.

Ted Balke – It's a 500-foot radius, but there's a pool of 13 people, which is probably why you only had six.

Kim Rezanka – But it's the same list the County mails, the exact same list.

Erin Sterk – Kind of in the same way Kim [Smith] is here representing the whole HOA, and a lot of times, the HOA's do that, they send a voice.

Kim Rezanka – Regarding the question of why it is a gated community, the gated community is to remove some of the cost from the community at-large because they pay for the roads, they pay for the maintenance of the roads, they pay for the maintenance of everything in there, so that's why it's determined to be a gated community. Also, too, because of all the traffic to and from KSC park. My son and husband were Indian guides forever and they were there four times a year with tons of little kids there, so you don't want the kids to be able to wander in, and that's another reason they want it a gated community, for safety with the public park next door.

Jim Carbonneau – Is there going to be a homeowners association?

Kim Rezanka – Yes, sir, there must be, and they will be responsible for the maintenance of all the amenities and the roads.

Catherine Testa – When you say 'gated', it's just gated at the.....

Kim Rezanka – It's going to be fenced.

Catherine Testa – The entire property is fenced?

Kim Rezanka – Well, it probably won't be through the wetlands, but it will be along Hall Road. I actually didn't know they were putting up a fence along the eastern border.

Catherine Testa – So the comment that the kids can't come in.....but the kids can come in because they can come in around.

Kim Rezanka – But they won't be able to come into the roads.

Catherine Testa – That never stopped a kid before.

Kim Rezanka – If people are driving to KSC and they think it looks like a nice neighborhood and want to go see what it looks like, that happens frequently, but the idea is they pay for their own roads, and that seems to be an issue with the County, in making sure they don't have to pay for anymore roads. Sewer is available, they're going to bring sewer there.

Ted Balke – Internal sewer, it's not connected to the county sewer.

Joe Mayer – There is a force main that will tie to, right at the entrance.

Catherine Testa – It says 'proposed' on this paper.

Kim Rezanka – That means they have to build it and pay for it. They have to bring it.

Ted Balke – But it's not to the County sewer.

Kim Rezanka – It is the County sewer.

Catherine Testa – Where is the County sewer in relationship to the property?

Mary Hillberg – Savannah's.

Joe Mayer – The Savannah's community put in their own sewer system when they built 20 years ago and they've included a force main that comes out their entrance and along the north side of Hall Road, all the way down to Courtenay, and then down Courtenay to the Sykes Creek Plant. We will tie into that force main and then, in turn, create our gravity sewer system, we'll have a lift station that pumps into our force main, so there will be no septic tanks, you're absolutely assured of that, and we'll be tying to the County system, paying the impact fees, et cetera.

Catherine Testa – And is that capable of handling the additional?

Joe Mayer – Yes.

Catherine Testa – In its current size? It doesn't have to be adjusted?

Joe Mayer – Yes, and if the Utilities Department agrees with me, then it will be our responsibility to up-size it, but in my opinion it's capable of handling our flow together with the Savannah's flow.

Catherine Testa – And the flow of everybody else that's down the line?

Joe Mayer – No one else is hooked onto it.....well, I won't say that.

Several speakers at once – Egrets Landing.

Joe Mayer – Egrets Landing, down toward the end is hooked up, yes.

Catherine Testa – There's 200 homes there, almost 300 in Savannah's, your 200, and everybody in between?

Ted Balke – The original evaluation done by the County on the uses of the system did not include Egrets Landing and any other developments going on now.

Catherine Testa – If the County determines that the line is not sufficient?

Joe Mayer – Then it would be our responsibility to.....

Catherine Testa – To change the entire line all the way down to Courtenay?

Joe Mayer – As far as it takes to where they determine it's insufficient. It gets bigger as it goes down toward the Sykes Creek Plant. The way lift stations work, the Savannah's lift station kicks on, cleans out their system, pumps it all down the line, and then our lift station kicks on, it's a cyclical thing so that all the lift stations typically don't work against each other. That's why there's plenty of capacity in the line.

Mary Hillberg – About sewers, we have such a problem with incompetent sewer systems in Brevard. Our overflow was going into the Lagoon. We've heard of millions of gallons of raw sewage going here and there so that it doesn't back-up into homes, and I think that's probably what people are feeling, that septic tanks are almost out of the question if your water table is one-foot from the top of the ground you'll have no drainage, you have no drain field. The sewer doesn't make you feel warm and fuzzy either because we already know that the sewer systems are strained as well, so North Merritt Island is still within the range of being okay, but adding on, I think that's the concern.

Joe Mayer – I'll say two things to that, if I may. First of all, the treatment plant itself, on Courtenay, has plenty of capacity, it's barely over 50% of its allowable capacity right now; it's somewhere around three million gallons a day is what's going into it right now and it has capacity up to six. Secondly, I'm not familiar with every single line break that's happening, but most of those line breaks that are happening are happening with variable pipes that are either asbestos cement, or another type of pipe that was used as opposed to PVC which is what is used today.

Mary Hillberg – They're not breaks, it's just that the sewer is overwhelmed and they can't manage it because of the.....

Gina Lindhorst – You're talking about the County pumping it into the Lagoon?

Mary Hillberg – Yes.

Joe Mayer – I think there's some of each that's occurring, but this system won't get overwhelmed because the plant has plenty of capacity and it is a PVC line going down Hall Road, so it should not have a breakage issue. I can't guarantee you of that, but it's a newer, more modern type of material that's used now as opposed to the old asbestos cement and those types of things.

Jack Ratterman – But the Sykes Creek facility, that facility has a 2000-foot well, is that right? They have a 2,000-foot well and whatever they can't take out, they pump down below our aquifer, so the lady that's

concerned about going into the Indian River Lagoon, don't worry about it, it's going to come up there in Gainesville someplace.

Ted Balke – (inaudible – several speakers at once) .....one lift station is going to overwhelm the other one, whichever one is selected, because they can't pump at the same time, and we have the same (inaudible) condition in both this development and passive recreation, and Savannah's. They have the same amount of water. You're cleaning out your development, but you're not cleaning out anything that's in your retention pond. That's just going to overflow into the ditch, which is going to (inaudible – background noise)

Mary Hillberg – That's not the sewer part, that's just groundwater.

Ted Balke – The retention pond is just going to overflow and go into the canal that goes up the.....on the north side it's all surface water that will be running up into everybody's property going up Hall Road, and closing off Hall Road.

Kim Rezanka – Mr. White had several other questions. The first was the school capacity, and Mr. White, it's odd the way they do the school capacity analysis, but the staff comments say the surface area for the elementary school is projected to have insufficient capacity, but there is sufficient capacity for the total projected student membership based on Audubon Elementary and MILA elementary, so that's the way they do the school concurrency. I don't remember if this is Lewis Carrol, so if Lewis Carrol is full, there's still room at MILA and Audubon, so there is no school concurrency issue according to the School Board.

Gina Lindhorst – They all flow into Audubon, Cape View, MILA, and practically.....

Mary Hillberg – Isn't MILA a special school for disabled.....

Gina Lindhorst – Partial.

Kim Rezanka – But there's also Stevenson.

Gina Lindhorst – Stevenson is a school of choice and it's totally different.

Kim Rezanka – They don't even accommodate for it in this.

Gina Lindhorst – They shouldn't.

Kim Rezanka – I believe they should.

Gina Lindhorst – It's a school of choice, so people from Palm Bay could be the only ones getting the lottery for that.

Ted Balke – Then you have the congregation of school buses coming into this area to pick up all these kids, too. So, that's in conjunction with all the other traffic that you're accumulating.

Mary Hillberg – Will the school buses be coming down here, too, Kim?

Kim Rezanka – I have no idea. I had to walk a half-mile to get to my school bus.

Mary Hillberg – I had to walk up hill both ways, in the snow.

Gina Lindhorst – In Merritt Island.

Kim Rezanka – I don't know, we haven't gotten to school buses yet. Regarding an evacuation plan, we don't have an evacuation plan; I didn't know one was required; I've not done one in 17 years; and that's not part of the PDP plan. Obviously, there would be some plan at some point for the people that live there, probably the HOA will develop a plan. Regarding the pond discharges, I believe what Mr. Mayer said was that it would discharge into the wetland on the property. Everyone knows all the water from that property has to stay on that property. I understand the concern that it now may stop the drainage from other peoples' property that used to come onto their property, but I don't think that's going to happen because this wetland is so large; 139 acres of this property is wetlands.

Ted Balke – You haven't been there during one of the events. That's the problem, nobody has been out there. The Commissioners haven't been out there, they don't even know. The last time they were invited, only the four of the six [sic] of them actually showed up to look at the conditions in the area.

Kim Rezanka – A lot of these storm events are unanticipated storm events. John Denninghoff [Assistant County Manager, Development and Community Services] will tell you Fay was a 500-year storm event. You can't anticipate that.

Ted Balke – That's what you're supposedly building for.

Kim Rezanka – Not a 500-year storm event, no one requires that. Regarding the buffering, the buffering we keep mentioning because the idea is that we don't impact residential views, residential impact, so people don't want to see other houses, they want to see vacant land. The buffering is to keep it non-descript so people don't know there's houses there, so that's what the buffering is about. Buffering is a very important concept in land development because people want to feel like they are in their own home and not next to each other on top of their neighbors. That's why we talk about the buffering. Other than that, this is something I'm going through for the first time, I don't think any of you have gone through this, I don't think Mr. Mayer has gone through it for a long time. This is a process, and if you like the concept, or if you believe there needs to be more conditions, that's something you can do, but we would ask that you consider approval of this.

Mary Hillberg – Thank you. Is there anyone else that needs to speak? We're going to close it to the audience now and it comes back to the board.

The board recessed from 8:12 p.m. to 8:20 p.m.

Mary Hillberg – We've closed it to the audience, and the applicant has spoken, and now it's open to the board. Who has comments? I'll start. This Section 62-1448(b)(5), these (a) through (k), is this the criteria that we're supposed to be using for PUD?

Erin Sterk – Yes, ma'am, (a) through (k), and that's also in the staff comments.

Mary Hillberg – Does that mean that we are not to use any of the criteria that we normally use for zoning? Or does that mean we just use this criteria for this?

Erin Sterk – Do you mean the Administrative Policies?

Mary Hillberg – Yes, those are applicable, right, as well as these?

Erin Sterk – Yes, this just gives you additional reviewing authority beyond what zoning would normally afford.

Mary Hillberg – The ones that I'm looking at in this, (a) and (b), I don't know about. (a) doesn't seem to be compatible because it's not, in terms of character and density; there's not density like this except for that across the street, the Savannah's, otherwise there's none, but if you say Savannah's is compatible, I guess

you could say that. Compatibility with the relationship to the surrounding areas, that's, I mean, (b), so the Savannah's would be the only one. In (d), it says "Provision for future public education and recreation facilities, transportation, water supply, surface drainage, flood control, and so forth, it's a very difficult thing for me to assess. Can you help us with any of that?"

Erin Sterk – Most of these things are typically evaluated at site plan.

Mary Hillberg – That's what we're doing, the plan.

Erin Sterk – Exactly, so because this preliminary development plan includes some of the details that aren't normally seen at this point you can make a recommendation that they evaluate those before the final development plan is approved rather than waiting until site plan to do so. Typically, one of the things that would come at site plan that you could recommend to address these concerns sooner is something like a traffic impact analysis that is evaluated at site plan, and that could be done sooner. That's an example. How you interpret this language is really, you know, subjective. You can ask me what some of the things, if you have a concern about a typical piece of infrastructure, or part of the site planning process, you can ask me to clarify what the recommendations are at that later date. I'm willing to answer those types of questions.

Mary Hillberg – The access, the primary street that is the access, is Hall Road, and the flooding on Hall Road was already discussed as an issue, and so where would that be on these criteria? Where would you put the traffic sections, specifically?

Erin Sterk – I'd say it's under provision (d). If you're talking about transportation and drainage, they are both incorporated in (d).

Mary Hillberg – And (h) also has traffic generation within the proposed PUD. So, (d) and (h) would have that. The benefits within the proposed development to the general public to justify the classification, I don't know how much benefit.....someone mentioned the property taxes, that we're unincorporated, so our property taxes are not staying here, they go to the County, so I guess that's considered the general public, but that certainly isn't the area that is directly affected. I'm having a hard time with the traffic impact, and also with the idea that a gated community means you take care of your own roads. It kind of can mean that if the gates are closed.

Gina Lindhorst – No, it doesn't. If you have a gated community and you have an HOA, which you must, then you are responsible for all the property inside, including the roads. You have reserve funds to re-pave them and that sort of thing.

Mary Hillberg – That's true, but if you have a private community you're also responsible for all the roads and you have to re-pave them and so forth, so the concept is the privacy, the gate, it's not the gate. Can somebody help me with that? My understanding was it's the private community that is the requirement for doing your own roads and taking care of your own utilities.

Erin Sterk – I believe they can keep the streets privately maintained without gating the community, but there is generally a nexus between if there's a gate its private.

Mary Hillberg – Yes, that isn't a requirement for having to maintain your own roads, having a gate. It's the requirement of the private community that requires that you take care of your own roads.

Catherine Testa – Can that change, where the County would have to take over these roads?

Mary Hillberg – The County can decide.....

Gina Lindhorst – The homeowners can say they don't want to do it anymore, and then.....

Mary Hillberg – The County will look at them and say if the roads are new it might take them.

Erin Sterk – The County might tell them to give the roads a fresh coat of pavement.

Mary Hillberg – The County isn't going to take old roads that need a lot of work. Roads can go to the County, but don't usually. Does anyone else have thoughts?

Gina Lindhorst – The gated community thing, I think frequently a selling point for developments, such as a gated community that has a lot of amenities, may not come to fruition when it comes down to actually building it, don't cross your fingers on that. I have a major concern about 5(h), the traffic, which is compromised traffic conditions that cause adverse safety for the wellbeing of all residents, and for the majority of homeowners or stakeholders on that street in that area in general because Hall Road has a relatively quite small intersection, though it is certainly busier. That's my major issue there, and then the highly questionable mitigation of water flooding and runoff from the hardened land onto current wetlands. It's currently taking care of what it needs to take care of, but if you harden all the land, all the water that was there in that marshy wetland area is going to have to go somewhere else and I'm concerned about that for all the residents around, not just this little community, but all the residents around it as well. I think the volume of new property homeowners by more than 50 or 100 is excessive for that area. That's my opinion.

Jack Ratterman – I have a real problem with the townhomes. It says, 'character and density', and the only other townhomes are the proposed townhomes by Mr. Crisafulli, and there's going to be 102 townhomes, correct? You're just packing them in and I don't see how they're going to park, and I think that's going to be a real problem. And the other thing that's not addressed.....when they were first trying to develop this property they did a lot of things out there that the County was not aware of; they buried stuff, they dug holes instead of burning it, they stuck it in holes, they tore the trees down and put them everywhere. Whoever goes out there, they're going to have some surprises. I'll let them figure out where the surprises are, but they're going to have some surprises and it's not going to be like they want to here, because the other developers did anything they wanted, and they're under water. I cannot do this, plus the traffic. I live on Hall Road, so I know what it's like. We don't even have Egrets Landing yet. One street down from me, Mr. Crisafulli is back in there day and night clearing and cutting 80 acres.

Mary Hillberg – Does anybody have anything else?

Catherine Testa – I know traffic has been talked about, but I'm also thinking about the people leaving Savannah's. When the people are already on the road from this development and they're now going to have to cross over traffic with traffic going in both directions. It's going to be a lot harder for them to leave. Coming in shouldn't be an issue other than being backed up with traffic. I also don't understand why the walkway has to be concrete.

Mary Hillberg – I think she said.....

Catherine Testa – They said a 10-foot sidewalk.

Mary Hillberg – And I think she said they could mulch it or whatever. I wouldn't care for concrete either, that's not.....

Ted Balke – There's a defining line as to where they can cut the lawn to.

Mary Hillberg – I wouldn't want that either because that's infringing on that area.

Catherine Testa – It's just that much more concrete and that much more land that isn't absorbing any water.

Ted Balke – It doesn't absorb the water anyway.

Catherine Testa – It can absorb some.....

Ted Balke - Not if he's building the houses five feet higher, that's where (inaudible – interrupted) it's all wetlands. I have issues with everything on there except (e), (f), (g), and (k), particularly with respect to North Merritt Island.

Mary Hillberg – You said you have issues with.....

Ted Balke – Everything else, (a), (b), (c), (d), (h), (i), and (j). I have issues with accepting the preliminary plan.

Mary Hillberg – How about you, Jim, what do you think?

Jim Carbonneau – I have significant issues with the traffic and I have significant issues with the flooding. We heard discussion on the sewer capability, and I'd like to see some calculations on the cyclical nature of working with Savannah's to get everybody pumped out and how that works.

Catherine Testa – Also, with evacuation, in case there is a brush fire, I don't know how 200 homes can evacuate through just two driveways.

Ted Balke – On a single-lane road.

Catherine Testa – Even if the brush fire was around here. I know it's wetlands, but you still have brush fires in wetlands.

Ted Balke – You have to remember also that the government does controlled burns in there all the time, and that's potential cause for a problem. That's probably why this didn't go anywhere the last time they tried to develop.

Catherine Testa – I think the density for the safety of the people there is an issue; there are just too many homes and not enough roads to get out.

Gina Lindhorst – I recommend that prior to site plan approval there is a traffic impact analysis, including other prior approved developments other than this property, so I recommend they have a traffic impact analysis before the final site plan approval is done.

Mary Hillberg – One more item I'd like to mention is there's a small area study going on for North Merritt Island; it has been going on since 2015; we're still studying and we're getting near the end, I think one more meeting. The last meeting is for public input, is that right?

Erin Sterk – I think we're going to have one more after that.

Mary Hillberg – I would hope so because the very end.....

Erin Sterk – To allow time to.....

Mary Hillberg – You can say what you want to add.

Erin Sterk – We want to be sure we have time to incorporate the public input and have that blessed by the board members.

Mary Hillberg – Still, the small area study isn't completed yet, and I think in the spirit in the study itself and what we're doing, it's important for the whole area, not just for any one area. This is such a significant development. With the others that have already been approved, this one is even more so on the wetlands and the land, and where it's located it's almost like it's at the end of the line, actually it is the end of the line. I know that in Sunset Lakes, we have the two-lane roads and we say no parking on the streets because it's not safe, but like somebody here said, you have families with kids and pretty soon they grow up and soon you've got five cars in each family and they don't have any place to put their vehicles, so they have to park on the street. Then what do you do? It becomes a hazard.

Jim Carbonneau – Jack mentioned his concern about the townhouses; all the townhouses are clustered around one road coming into that area. To the southeast is the clubhouse, the pool, the tennis courts, and parking issues there. That's going to be a very congested entrance into a very densely populated area. I have concerns with that as well.

Mary Hillberg – Do we have a motion? This is now for the preliminary development plan, this isn't for zoning, this is for this plan.

Erin Sterk – I heard some concerns, and it's been a while since we had this type of vote, but just to clarify, you have three options available to you, which is to approve, approve with conditions, or to deny. If you're recommending having a conversation about how to get to the whatever consensus, if you have concern that you want to turn into a condition, you need to be very clear on what that condition is, so everybody knows what they are voting on. Gina made a recommendation regarding a traffic impact analysis at a sooner date, so we need to be clear that that's a condition that we're making a recommendation for if that's the purview of the board. If you have flooding issues, if you don't have a solution for them it's not a condition of approval of the plan.

Mary Hillberg – That would be a reason to recommend not approval.

Erin Sterk – Or a reason to ask staff what they recommend could be applied if you are.....

Mary Hillberg – The traffic issue is not just.....it's not just the traffic study, because I think we all know what the traffic issues are going to be at the entrance going in and out.

Erin Sterk – One of the things that I think doing a study in advance of when a site plan would allow for is if this is a phased development, the analysis required with the site plan will be for the phase. If you were to condition this plan with that, that would assess the impact across-the-board, not by phase, and it would allow for those.....

Mary Hillberg – The whole thing to be looked at.

Erin Sterk – .....that assessment to be more comprehensive.

Mary Hillberg – Without just doing phase 1.

Erin Sterk – That's one part of the value of doing it as a part of the comprehensive planning rather than at site plan, because if there was a need for a turn lane that may only be required in phase 3, so phase 1 and 2 could.....so that's the difference between assessing it on a piecemeal basis versus comprehensively.

Mary Hillberg – We wouldn't want to assess it comprehensively, would we?

Gina Lindhorst – Everything is comprehensive.

Mary Hillberg – Is there a motion?

Jack Ratterman – I make a motion that we deny it.

Ted Balke – Second.

Mary Hillberg – Let's have some discussion. What are you recommending it based on?

Jack Ratterman – Well, if we do it with conditions, and they do a traffic study, they can do a traffic study and say they're going to have a bus run up and down Hall Road so they can eliminate some of those cars. I don't care what kind of traffic study you do, it's not going to eliminate the problem.

Mary Hillberg – Your recommendation is due to traffic issues?

Jack Ratterman – Flooding, what are they going to do for flooding? Are they really going to do something for flooding? Really, all that stuff in that big fat package is in our zoning package, it's in there, so I would say.....

Mary Hillberg – Traffic issues and flooding.

Jack Ratterman – Traffic issues, flooding, compatibility, high-density. You know, 5(a), (d), all the way down, except for the one's that Ted said not to use.

Mary Hillberg – Is that a clear enough?

Gina Lindhorst – I don't think so.

Jennifer Jones – The motion was to deny.

Mary Hillberg – Based on.....

Jennifer Jones – Yes, and that will be in the minutes.

Mary Hillberg – And there was a second. A denial from Jack and the second was Ted.

Catherine Testa – Can you add to the denial some of the Administrative Policies?

Ted Balke – All the reasons Kim noted, too.

Mary Hillberg – All those that Kim was talking about?

Jack Ratterman – Yes.

Catherine Testa – The deterioration of the roadways based on the additional traffic was also part of.....besides just traffic in general, too much traffic, not being able to get safely on the road or off the road because of the back-up, and we all know that people don't follow the laws and don't follow the speed limit, they pass on the solid double yellow lines. It's not just the quantity of traffic, it's also the safety.

Gina Lindhorst – Mainly safety issues.

Mary Hillberg – Safety issues as well as the Administrative Policies that Kim mentioned?

Jack Ratterman – Yes.

Catherine Testa – Do we need to reiterate all the one's.....

Mary Hillberg – I don't think we need to re-do them, she has them on the recording. So, you're amending his motion to add the Administrative Policies that Kim Smith.....

Catherine Testa – The traffic, the reduction in property values along that road.

Gina Lindhorst – And compatibility.

Mary Hillberg – Is that okay for you to amend that?

Jack Ratterman – Sure.

Mary Hillberg – Is the second okay with you.

Ted Balke – It's included, yes.

Mary Hillberg – Does anyone else want to add anything?

Ted Balke – We should add the emergency disaster, waste management, and all that. That's all part of the package in the small area study that hasn't come out yet but is not part of the draft that was released. Those elements weren't in there, but the flooding and the other issues were covered.

Mary Hillberg – Can you make that into one motion?

Erin Sterk – The motion was to deny.

Mary Hillberg called for a vote on the motion to deny, and it passed unanimously.

The meeting adjourned at 8:47 p.m.