

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 3, 2017 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

**ZONING STATEMENT**

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

**INVOCATION**

The invocation was provided by Rabbi Sanford Olshansky, Adjunct Instructor at the University of Central Florida.

**PLEDGE OF ALLEGIANCE**

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

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**ITEM I.A., RESOLUTION, RE: RECOGNIZING LADONNA A. GRIFFIN FOR HER 30 YEARS OF SERVICE WITH THE BREVARD COUNTY SUPERVISOR OF ELECTIONS**

Lori Scott, Brevard County Supervisor of Elections, stated this Resolution is for LaDonna Griffin who has been an employee for the Elections Office for 30 years, and in politics that is like 150 dog years; working in Elections is a tough job and she cannot imagine all that Ms. Griffin has done, the elections she has run, and the changes that she has seen in 30 years; she is here today to be honored as well as her family because she could not have done what she has done for the voters of Brevard County without the love and support of her family; and she is an invaluable asset to the voters of Brevard with her passion.

Chairman Smith presented LaDonna Griffin with the Resolution.

The Board approved Resolution No. 17-132, recognizing LaDonna A. Griffin for her 30 years of service with the Brevard County Supervisor of Elections Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Commissioner District 5
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.D.1., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARD**

The Board appointed/reappointed Cynthia Thurman to the **Merritt Island Redevelopment Agency (MIRA)**, with term expiring December 31, 2020.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM III., PUBLIC COMMENTS**

Charles Tovey stated he wrote on property rights, he does not know what is on the Agenda because there is only a brief description of the Items; he wants to express his concern of the property now known as Palm Shores and the environmental condition, it is being destroyed; all the things that he has presented prior to this, and the past Commission, in the eight years; he thanked Commissioner Tobia for his initiative for looking into the Community Redevelopment Agency (CRA) monies and finding \$100,000 that was embezzled from the taxpayers, roads, schools, and everything; and he inquired if there is fire why does the County not look into the smoke, he does not know because he has been deprived of his right to live because of the development in Palm Shores. He continued the County tore out his waterline, murdered all of his pets, and destroyed everything he has; the County took everything he owned three years ago and left him for dead with no way to make a living or sustain himself; he inquired why the County did this and to tell him what he did; he stated all the concerns everybody else has, they have rights and issues but the County does not let him turn around; it makes sure he puts his

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address on the public speaking card, but it will not look into \$100,000 while it destroys the environment and his property; Palm Shores is an environmental priceless area in Florida and he will, he is working on it, submit the information; and he has witnesses of them filling in the lakes, cementing in the springs, and all the wildlife things. He went on to say he is against, even though he is deprived of going into Palm Shores or going to any other County meeting, he is against it and he wanted to express that whole heartedly; he has books and files of all kinds of information that is being neglected just like the CRA monies that he filed the report on and nobody looked into it except the great Commissioner Tobia; and the County was just going to brush it under the rug and let it continue happening, meanwhile people are being shot because they do not have a light on their bike or did a traffic infraction, but the County is not going to investigate \$100,000. He stated if that is happening what else is happening in that little town of Palm Shores; he was not in Palm Shores and that is why he put on his card, property rights; he inquired what he is allowed to do; and he commented he has to stay outside his house every day since 2009.

Mary Sphar stated she is here because there is an opportunity to improve the health of the Indian River Lagoon (IRL) and this opportunity only rises once every seven years; the IRL project plan, the scientists weighed in on what is needed to be done and she has provided a quote from 5.1 of the project plan; scientists continue to voice concerns about the restoration of the IRL in the absence of regulatory reform needed to prevent new development from adding more septic systems and storm water pollution to the Lagoon; therefore, she believes update regulations are needed as a compliment to the plan to ensure timely and sustained success in restoring the health to the IRL. She noted the County is spending \$302 million on the project plan; but they say that updated regulations are needed to compliment the plan; the opportunity that has arisen is the devaluation appraisal process and the County has a chance to change the Comprehensive Plan to help the IRL; there are several ways for the County to do that; and she wants to know how concerned citizens and groups, such as the Marine Resources Council, the Indian River Lagoon Coalition, the Sierra club, and League of Women Voters at Space Club, can participate in submitting ideas for the Comprehensive Plan and how they can be involved in the discussions before it gets to the local planning agency.

**ITEM IV.A., CONTINUE TO 12/7/17 BCC MEETING AT THE REQUEST OF THE APPLICANT; SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, RE: RESIDENTIAL 15 TO COMMUNITY COMMERCIAL - LTM OF FLORIDA HOLDING, LLC (KIM REZANKA) (17PZ00041)**

Erin Sterk, Planning and Zoning, stated she is requesting to advance the following Items: IV.A., IV.B., IV.D., and IV.O.; Items A and B have been requested by the applicant to be continued to the December 7, 2017, Board of County Commissioner meeting.

There being no further comments of objections, the Board continued the request by LTM of Florida Holding, LLC for Small Scale Comprehensive Plan Amendment from Residential 15 to Community Commercial to the property located at the north end of Dixie Highway, approximately 0.22 mile west of U.S. Highway 1, in the Palm Shores area, to the December 7, 2017, BOCC meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.B., CONTINUE TO 12/7/17 BCC MEETING AT THE REQUEST OF THE APPLICANT; CHANGE OF ZONING CLASSIFICATION, RE: GU TO BU-2 - LTM OF FLORIDA HOLDING, LLC - (KIM REZANKA) (17PZ00041)**

There being no further comments or objections, the Board continued the request by LTM of Florida Holding, LLC for change of a zoning classification from GU to BU-2 to the property located at the north end of Dixie Highway, approximately 0.22 mile west of U.S. Highway 1, in the Palm Shores area, to the December 7, 2017, BOCC meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.D., CONTINUE TO 9/7/17 BCC MEETING; REMOVAL OF BINDING DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT, RE: STEPHEN PROCTOR MANGUM; JULIAN SIDNEY MANGUM, JR.; AND SANDRA E. BAKER - (HARVEY BAKER) (17PZ00059)**

Erin Sterk, Planning and Zoning, stated this Item is requested to be continued to the September 7, 2017, Board of County Commissioner meeting; and it is for the removal of a Binding Development Plan (BDP) and Conditional Use Permit (CUP).

There being no further comments or objections, the Board continued the request of Stephen Proctor Mangum, Julian Sidney Mangum, Jr., and Sandra E. Baker, to remove the BDP and CUP for the property located at 1740 West King Street, Cocoa, to the September 7, 2017, Planning and Zoning meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.O., CHANGE OF ZONING CLASSIFICATION, RE: SEU TO EU-2 - NAJJAD, INC (NOEL DROOR) (17PZ00005)**

Erin Sterk, Planning and Zoning, stated this is a proposal for a change of zoning classification from SEU to EU-2; there was a procedural defect in that this Item was not scheduled for the Planning and Zoning Board; staff caught this and she is recommending that the Board table the Item back to Planning and Zoning; and the Item can be heard at the LPA meeting on August 21, 2017, and could make it to the September 7, 2017, Board of County Commissioner meeting.

Eden Bentley, Deputy County Attorney, stated the Code does require that this particular Item, because it is an increase in Residential Density, that it go from the North Merritt Island Advisory Board to the Planning and Zoning Board, and then to the Board of County Commissioners; and to keep the procedure clean under the Code it needs to go back to the Planning and Zoning Board.

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There being no further comments or objections, the Board tabled a request by NAJJAD, Inc., for a zoning classification change from SEU to EU-2 for the property located on the north side of Smith Road, approximately 0.12 mile east of North Courtenay Parkway, on Merritt Island, to the Planning and Zoning Board LPA meeting on August 21, 2017.

**ITEM IV.C., CHANGE OF ZONING CLASSIFICATION, RE: RU-1-11 TO RU-1-9 - RJJAC HOMES, LLC - (ROBERT DONOVAN) (17PZ00051)**

Erin Sterk, Planning and Zoning, stated this Item is a proposal for a change of zoning classification from RU-1-11 to RU-1-9; it is a proposal on .576 acre on North Tropical Trail, North Merritt Island, proposing to split one lot into three; and the applicant is in attendance.

Commissioner Barfield stated for the record, it is consistent with the future land use and with required minor subdivision application.

There being no further comments or objections, the Board approved a request by Robert Donovan for a change in zoning classification from RU-1-11 to RU-1-9 on .576 acre at 1060 North Tropical Trail, North Merritt Island.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.E., CONDITIONAL USE PERMIT, RE: ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION - I MARKOYIANNIS MANAGEMENT, LLC (LISA FREISMUTH) (17PZ00063)**

Erin Sterk, Planning and Zoning, stated this is a proposal for a Conditional Use Permit for Alcoholic beverages for on-premises consumption on .22 acre in Satellite Beach; it is the old Purple Porpoise building; and the proposal is to expand the CUP to allow for the manufacturing of craft beer and spirits on the site. She clarified for the record that the BU-1 zoning classification does not permit the wholesale from the brewery to a customer off-site; it limits the sale from the business to consumer transaction so it must be consumed on-site.

Chairman Smith clarified on-site sales only.

Commissioner Barfield stated he would like to make sure this remains in conjunction with the restaurant.

Lisa Feismuth noted it will be licensed to be an approved Pub, and they will serve food and beer.

There being no further comments or objections, the Board approved the request by I Markoyiannis Management, LLC, for a CUP for alcoholic beverages for on premise consumption for the property located at 1074 East Eau Gallie Boulevard, Satellite Beach..

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Kristine Isnardi, Commissioner District 5  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.F., SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, RE: PLNIP TO RESIDENTIAL 1 - KENNETH J. AND KIELA R. FRANK (17PZ00067)**

Erin Sterk, Planning and Zoning, stated Items F and G are related; this is the proposal for a Small Scale Comprehensive Plan Amendment from Planned Industrial to Residential one on 2.52 acres in North Merritt Island to allow for the development of a single family residence.

There being no further comments or objections, the Board adopted Ordinance No. 17-18, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the eighth Small Scale Plan amendment of 2017, 17S.04, to the future land use map of the Comprehensive Plan; amending Section 62-501 entitled contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the future land use map appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Barfield, Commissioner District 2  
**SECONDER:** Kristine Isnardi, Commissioner District 5  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.G., CHANGE OF ZONING CLASSIFICATION, RE: PIP TO AU - KENNETH J. AND KIELA R. FRANK (17PZ00067)**

Erin Sterk, Planning and Zoning, stated this is the companion zoning application to change the zoning classification from Planned Industrial Park to AU for a single family residence.

There being no further comments or objections, the Board approved the request by Kenneth and Kiela Frank, to change the zoning classification from PIP to AU on the property located at 1380 D'Albora Road, Merritt Island.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Barfield, Commissioner District 2  
**SECONDER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.H., CONDITIONAL USE PERMIT, RE: CEMENT, CONCRETE, AND CONCRETE BUILDING PRODUCTS - PREFERRED MATERIALS, INC. (MARK MARINE) (17PZ00068)**

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Erin Sterk, Planning and Zoning, stated this if for a proposed Conditional Use Permit (CUP) for cement, concrete, and concrete building products by preferred materials on 1.96 acres off of U.S. 1 in Melbourne, to redevelop a concrete ready mix plant.

Robert Schoff stated this proposed plant is behind his property; he knows years ago there used to be a cement plant there and when he built his house it was there originally; at that point in time, it shut down about eight years ago; and now it is being proposed again. He continued his concern is not necessarily really having the plant there because he understands the community needs things like that to build the County, it is the run off of the sand and the water to keep the sand down and not necessarily the machines that they produce it with because obviously there has been some great strides in the quietness of the machines and those types of things and the admissions they put off because they are electric; it is the storage of the sand; currently they have huge piles of asphalt, they use for recycling the asphalt plant, right next to it; now they are going to be putting sand there, and years ago, when it used to be there, he would come out to his black car being totally white in the morning from the sand blowing across; there are no screens or barriers or sound walls currently in place for there, to stop that from happening; and he does deal with some smells from the plant now, which quite honestly he built after the plant was there so he understands it was his responsibility at that point in time. He asked with the environmental issues that the County is having now, with the Lagoon and everything else, adding more runoff from those plants, how that is going to be controlled; he stated part of keeping the dust down is watering it, and that creates the runoff issues; and that is his concern.

Chairman Smith asked staff if anybody could address that with regard to water runoff, and if it is contained on that property.

Ms. Sterk mentioned she thinks in the applicants representative should be able to clarify this; there are County Code requirements that manage that; however, there are also additional Department of Environmental Protection (DEP) requirements that regulates this industry, so perhaps he can add what is above and beyond regulations with DEP.

Chairman Smith noted he knows DEP oversees that particular business.

A representative for the applicant stated what they have learned is the concrete is structured, in the old days it was a little concrete plant on a piece of ground, today it is more tightly regulated; he does a lot of concrete construction plants himself and the sites are set up for drainage; the sites are highly regulated by the DEP; it is monitored and the DEP comes out unannounced and any violations they shut them down; there is nothing anticipated as to runoff, because of the system they do; and he does not see anything else with dust, it would only have to be from airborne products from windy conditions. He pointed out this plant being proposed for a CUP is furthest away from the Roberts' property; he cannot really answer on that because dust storms are dust storms. He added it is highly regulated through the DEP and monitored.

Mark Stahler stated he owns the storage lot directly adjacent to the asphalt plant's property where the cement trucks will be driving; he is approximately 1,000 feet from it, he boards them; there is a dust problem as of right now; he is concerned and would hope they do something to alleviate the dust once they start up because they will have additional piles of probably lime rock, not to mention cement dust which is very corrosive, and some of his tenants have already expressed interest in it because they get covered with lime dust as it is now; he would hope they do something that would wet the piles, and that causes a runoff problem, and not to mention the traffic problem, everyone has probably seen since Grills has opened; everyone makes U-turns right there, which will probably add to the problem; and his main concern is dust and noise.

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Bruce Moia stated he is the president of MBG Engineering; being that he is on the Planning and Zoning Board, the Board is probably wondering why he is there speaking since they voted to approve it and bring it to the Board for approval; since then he was hired by some neighboring property owners of it and he also attended the neighborhood meeting the applicant had; upon reviewing the Brevard County Code, he thinks the application is fairly incomplete; it does not address several things in the Code; and specifically this property is not abutting of County or private roadway, it is a landlocked piece of property that its only access is through easement. He continued being the former County Development Engineer for several years for Brevard County, there is a long standing interpretation that commercial and industrial properties cannot access via easement, they have to have direct access onto a roadway; that has not been addressed; another thing he thinks is really important is the performance standards; and he does not believe the applicant has addressed any those. He went on to say those are specific issues, such as smoke, dust matter, vibration, and noise; he does not see anything in their application that addresses any of that whatsoever; as a matter of fact, in their application, they say they will operate at the maximum allowable between the hours of 7 a.m. and 10 p.m. but he thinks everybody here knows they will operate outside those hours, because sometimes concrete is made at 3:00 in the morning; he inquired if their operation is at the max during the hours of where it has to be, 75 decibels, then how can they operate where the requirement is 65 decibels, it they are operating outside those hours; and he noted he thinks there is a lot of information they need to present to the Board, it is fairly incomplete, they need time to bring these issues up, and at this time he believes it prudent to table this Item until they can bring all that information in a Comprehensive manner so everyone can read and understand if they can or cannot meet those standards.

Chairman Smith noted he would like to disclose that he spoke to Mr. Moia on an associated subject, not on this particular subject, but on another subject; and he met in his office on July 31, 2017. He inquired if staff would like to address anything Mr. Moia spoke about.

Ms. Sterk replied they have no indication that any of the performance standards will be violated; the property owner currently has a permit in review right now, above and beyond violating any conditions, to propose a sound barrier around the plant to the north of them, but on the same site; and they are already doing a few things above and beyond violation of Code. She added she does not know how she can speak to something they may do in the future.

Commissioner Isnardi disclosed she also spoke with Mr. Moia on the phone about this matter. She noted he expressed a couple concerns about the dust and that not being addressed in the application.

Commissioner Pritchett stated she received a phone call from Mr. Moia also; he did not share what he was addressing today, but that he was going to bring up tabling an Item, but she filed all this before the meeting anyway.

Commissioner Barfield inquired if there is any conflict with Mr. Moia being on the Planning and Zoning Board.

Eden Bentley, Deputy County Attorney, stated he has disclosed his position and he has the ability to come in and represent a person before this Board.

Commissioner Barfield stated that was for his own knowledge.

A representative for the applicant stated as far as the application process, the FDEP is the highest regulating agency in the State of Florida, and they have strict guidelines that they have to follow; he feels in most cases when presenting an FDEP permit to a County, it stipulates the

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requirements have been met and satisfied through the State of Florida; and 99.9 percent of the time it is recognized by the County stating it is in compliance.

Commissioner Tobia stated this apparently goes back to prior to his tenure on the Commission; he inquired if he could speak to what his position may be on the rezoning of the parcel across the land from the industrial park, the RU-2-15, the 424 units, because it is his understanding that was a point of contention with him and the cement facility when it came before the Planning and Zoning Board; and his question is, if this were to go through, is that objection potentially pulled if it were to come forward, or would be still have that objection.

A representative for the applicant stated he is representing the CB application for the smaller portion of land; Mark Marine is one of the executive owners of the preferred property; and he is here and may be able to offer some assistance in that. He noted it was before his time.

Mark Marine stated Commissioner Tobia is correct; they had a proposal on the property contiguous to him on the west; they obviously went on record being opposed to it, a large apartment complex development that they were opposed to; since then, the developer has spoken to him in his office to talk about potential opportunities; they are still active, he spoke to Mr. Moia on Friday, and they are still very concerned with what it could look like, but somewhere along the way they recognize and acknowledge they do have a right to be able to develop that property, so they would be amenable to some kind of compromise moving forward; he has heard the clerk stating there is a sound curtain being proposed to put up to mitigate some of the dust that has been recognized by some of the property owners; and being a good neighbor, and having an open house to be able to talk to the neighbors, they are being proactive to ensure they can all peacefully coexist. He mentioned yes, they were opposed to the last development but they are amenable to some future opportunities as they recognize they are going to want to develop.

Commissioner Tobia commented he appreciates the answer; he inquired if that were to come forward to the Planning and Zoning meeting, the same 424 units, would he still be opposed if there were no changes to that plan.

Mr. Marine replied assuming there were no changes to that plan, and then his opposition would still be the same.

Commissioner Isnardi stated he had talked about the sound wall; she inquired how effective that is to prevent the dust problem; and she stated it is not just about a dirty car, it is about people breathing in that stuff, and that is a concern for her.

A representative stated for the applicant responded Preferred, as Mark just said, they are just being proactive, they initiated the application process back in April for a proposed sound wall; it is basically a curtain; they have been working with a company trying to put it up; it is not required and there has not been a complaint, they have not been recorded for being outside of their decibels of operation; they are just voluntarily putting it up because they realize it is an industrial owned property, it is adjacent to neighbors; and they are just trying to be neighborly.

Commissioner Isnardi stated many developers make a boat load of concessions, sometimes even to be appeasing the neighbors; but her concern is the dust, not the noise.

A representative for the applicant stated it would assist it, but he thinks what is being proposed is 300 feet long by 20 feet high; it would definitely assist in it; it basically acts as a curtain, because it funnels the wind, the dust is all carried by the wind, and to clarify it is not cement dust its sand being carried, cement is in a closed container; and the curtain would deflect the wind from blowing that way and just stall out.

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Commissioner Isnardi stated she hopes he understands her concern because in the beginning with the explanation, it was said that he did not know about the dust problem; and that sounds to her like he was not aware of it or not concerned about it.

A representative for the applicant explained it is highly regulated; anybody can go on any road on a windy day and have a dust problem; there is not a dust problem when there is no wind; there is a dust problem when there is high wind, and chances are higher in an industrial zone versus a non-industrial zone; and that is why there are industrial zones, so the County can have manufacturing. He noted one good advantage about this, which would minimize to Brevard County, is they have access to the railroad right there, so there is actually a spur that already comes off of there; in conversations with the clients there is a possibility of putting in a drop pit and being able to bring their aggregates in through rail cars, which would minimize trucks in and out and would ultimately minimize dust and airborne products because trucks going down a wet road 50 times becomes dry; and they are looking into those options to enhance it because that is the zone it is in, and it is available.

There being no further comments of objections, the Board approved a CUP request by Mark Marine for cement, concrete, and concrete building products for Preferred Materials, Inc. for the property located at 6212 North U.S. Highway 1, Melbourne.

Commissioner Barfield mentioned staff talked about FDEP and Florida Statutes and he inquired if staff knows if those Statutes cover the same things as the local Code.

Ms. Sterk replied they do and they are above and beyond the County Code.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

**ITEM IV.I., CHANGE OF ZONING CLASSIFICATION, RE: RU-2-10 TO RU-2-15 - JAMES H. DIXON, JR. (DONNA OR ELBERT MARTIN) (17PZ00069)**

Erin Sterk, Planning and Zoning, stated this is for a change of zoning classification from RU-2-10 to RU-2-15 on a .83 acre parcel in the Cocoa Beach area; and they are seeking the RU-2-15 zoning with a Binding Development Plan (BDP) limiting development to 10 units; the existing zoning they have would only allow for eight units.

There being no further comments or objections, the Board approved a request by Donna and Albert Martin for a change of zoning classification from RU-2-10 to RU-2-15 for the property located at 201 Arthur Avenue, Cocoa Beach, with a BDP limiting development to 10 units.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.J., CONDITIONAL USE PERMITS, RE: ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION - VIERA DEVELOPMENT CORPORATION, AND BREVARD COUNTY (HASSAN KAMAL) (17PZ00073)**

Erin Sterk, Planning and Zoning, stated this is a proposal for a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption by The Viera Development Corporation and Brevard County on 85.71 acres on Stadium Parkway.

There being no further comments or objections, the Board approved a CUP request by The Viera Development Corporation and Brevard County, for alcoholic beverages for on-premises consumption for the property located on the west side of Stadium Parkway, approximately 0.27 mile south of Viera Boulevard and Stadium Parkway intersection, in Viera.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.K., SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, RE: RESIDENTIAL 2 TO RESIDENTIAL 4 - CRISAFULLI ENTERPRISES, INC. (KIM REZANKA) (17PZ00072)**

Erin Sterk, Planning and Zoning, stated this is a proposal for a Small Scale Comprehensive Plan amendment going from Residential 2 to Residential 4, proposed by Crisafulli Enterprises on 1.385 acres of the parent parcel that is 12.85 acres; this is located on the southwest corner of Porcher Road and North Courtenay Parkway in North Merritt Island; and next will be the associated rezoning item.

Kim Rezanka stated she is from the Law Firm of Cantwell and Goldman; she is representing Crisafulli Enterprises, LLC.; she has given the Board three large sheets that are best looked at with the writing on the top; this is an exciting new townhome project in North Merritt Island; it is located at Porcher Road and North Courtenay Parkway; it is proposed to be on 12.85 acres; and it is a Comprehensive Plan amendment on 1.385 acres of that parcel and the rezoning on the entire 12.85 acres. She continued as seen from the first document, this is proposed to be 48 units, 1,500-1,800 square feet each, units with two car garages and amenities, luxury living; it is backed up to a nature preserve, and likely to sell for the high \$300,000-\$400,000; the access is from Porcher Road and from Courtenay Parkway; this will definitely hook up to sewer, it cannot be built unless it has sewer; and the first page of the document she provided does show the diagram of abutting North Courtenay Parkway and it has trees along North Courtenay Parkway, a water area there for retention, and it has the units as shown with a pool on the southwest corner. She mentioned there has been a lot of questions as to why this is being developed as a townhome project; there are no townhome projects up there as everyone knows; there is no demand for commercial development this far north because there is not enough homes this far

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north to support substantial commercial development there, unless they can get a Cosco, Trader Joes, or something along those lines; this property has been commercial for over 50 years without being developed; there is no real choice of housing styles in this area as everyone is aware of the all the development going on up at the Space Center, the research park, and there are a lot of workers coming in with high salaries that do not have places to buy homes in that area; this will give many housing options to those coming into Brevard County; the first item before the Board is a Small Scale amendment on the 1.385 acres, which is Residential 4 to Residential 2 and is a tiny portion on the southwest corner; in the packet there are many different copies of it, but on page 110 it shows just that little brown portion of the 1.385 acres; and she has talked with County staff about the best way to go about doing this, and they requested them to do Residential 4 instead of trying to extend the neighborhood commercial to the west, which could be done under the Comprehensive Plan the County has, there are some provisions for allowing extension of neighborhood commercial when it is along Courtney Parkway. She went on to say the staff report for the Small Scale amendment reports that Residential 4 is compatible with adjacent property; on the second page of the document, it is an outline of the existing Comprehensive Plan designations as they are currently; on the east side of North Courtenay Parkway is Residential 2 although some of the zonings are RU-2-30, Residential 4 is almost everywhere to the west behind what is commercial, and most of Courtenay Parkway is commercial, although there is substantial residential development in the commercial land use designations; the small area study from 2005, which is referenced in the staff report, says they should be aware of that study, and they are, however that addresses commercial use, as a corridor study; it was for the commercial corridor of North Courtenay Parkway and it deals with things like outdoor storage areas, bay doors, construction materials, signs, and native tropical vegetative landscape buffers, which they will use in access management; the North Merritt Island District Board recommended denial unanimously although the LPA unanimously recommended approval; and she can do the rezoning if the Board would like, or she can do the rezoning afterwards, whatever the Board prefers.

Ms. Sterk suggested if the Board is going to consider the rezoning now she would like to read into the record what the proposal is because there are some conditions in the BDP as well.

Chairman Smith replied affirmatively. He stated most of these speakers have Items K and L on their cards.

Ms. Sterk stated Item L, is a consideration of the zoning change from BU-1 and AU to RA-2-4; it is for the entire parent parcel of 12.85 acres; and it has an associated BDP limiting the proposal to a maximum of 48 units. She added it also provides for a conservation easement over the wetlands on the western portion of the property; and it limits the ingress and egress to two access points, one on Porcher Road and one on State Road 3.

Ms. Rezanka the rezoning is the more troublesome for the residents because they all want the large lots up in that area and this is something new and different; the only way to get townhomes, was to go to RA-2-4; the recommendations from the North Merritt Island District Board were again unanimously denied, and the Planning and Zoning Board unanimously recommended approval; she believes townhomes are a less intense use than the commercial uses that could be there in a BU-1 zoning category; this rezoning would reduce potential trips from 2,855 to 279 and that is in the staff report; some residents say they would prefer commercial space, specifically a retail use, but the third document in the package she provided shows what commercial could look like on that parcel and it would have the same ingress and egress from Porcher Road and from North Courtenay Parkway, but it could be 69,200 square feet of retail space, literally a concrete jungle; and she does not think that is the best use of that property. She added it would wind up less aesthetically pleasing; that is still using the exact same area where the townhomes would be and still leaving the wetlands and Oak Hammock to the west; that could be a substantially large commercial space with 2,855 estimated trips per

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day; the staff report for the rezoning states that this rezoning is consistent with the Community Commercial, Neighborhood Commercial, and Residential 4 zoning designations; the developer will be required to donate the right-of-way if the County allows access on Porcher Road, that is a given; there are no school concurrency issues for this project, no road capacity issues for this project; and the North Merritt Island District Board members did raise concern about the backup of traffic on Porcher Road, however, the smaller study from 2005, on page 12, recommends to have limited driveway cuts along North Courtenay Parkway and this does that by having access on Porcher Road. She went on to say it is best practices to have two access points for every subdivision for emergency purposes; also that Porcher Road access is 250 feet from North Courtenay Parkway, so there is quite a bit of distance there; she reiterated the North Merritt Island Special District Board recommended denial, Kim Smith of the North Merritt Island Homeowner's Association spoke and cited her reasons; she suggested the Board recognize the North Merritt Island Special District Board is composed of many members of the North Merritt Island Homeowners Association; she has suggested many times that there is a conflict between those that sit on the North Merritt Island Homeowner's Association and on the Special District Board because the North Merritt Island Homeowner's Association has a bylaw that says they shall endeavor to limit the density to no more than one unit to the acre; and that is in the packet on page 112. She stated North Merritt Island Homeowner's concerns are generally stated by Ms. Smith and they had no facts to support them; the first claim was that this rezoning was not consistent with the historical land use patterns, and she is suggesting that it is; just a quarter mile to the south is Sun Island Lake which was built in 1987 with portions of it at four units per acre, which this would be; Sunset Lakes about two miles to the south has some phases as 3.5 units to the acre; claim number two is this is not consistent with actual development, when in fact right next door there are single family homes in the commercial district; there has actually not been a lot of recent development within the past three years; and Savannah Ridge, now Egress Landing, is Residential 2 and it is to the far side of off Hull Road. She continued claim number three was inconsistent with the character of the area and there are single family homes to the south and to the east; claim number four was it would have negative impacts to establish residential neighborhoods, there will be no impacts, the only established residential neighborhoods is Citrus Club to the south and west, and the nearest home is 300 feet through thick dense woods; claim number five is that the townhome development will aggravate the drainage problems on surrounding properties, but that will not happen because County Code will not let it, the County has to retain all its drainage; claim number six is that it will cause significant, adverse, or immitigable on wetlands and again the County Code will not allow that only on very limited circumstances; and those are the concerns of the North Merritt Island Special District Board without any facts. She continued Mr. Mayer can answer any questions concerning engineering, it has not been completed because there has not been a zoning approval, so he does not know what he is designing; they will connect to County sewer water system; FDOT will dictate access points; right now it is intended to coincide with the current median cut on North Courtenay Parkway; in summary, she believes this rezoning is consistent with the Comprehensive Plan, Planning and Development Code, and Administrative Policies; this is less intense than the concrete parking lot or retail, less impervious surfaces than this concrete jungle would have; it would reduce significantly the number of potential trips, being 2,855 with residential trips of 279; and she requested approval of the Comprehensive Plan amendment and the rezoning.

Darleen Hunt stated she support Mr. Crisafulli's efforts to develop the North Courtney, Porcher Road acreage into a townhouse complex, but she is opposed to the density of 48 units; there are two important features relating to the character of the area and that is the roads and the environmental issues; State Road 3 or North Courtenay Parkway has a 50 mph speed limit; Porcher Road is a road that goes through an environmentally sensitive are, it is a wetland area or slew; she believes the 50 mph on Courtney will cause a dangerous intersection; and Porcher Road often experiences flooding. She continued a few years ago there was repaving up on North Merritt Island and that road was actually elevated in that particular area; this property is

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part of that slew, she heard Ms. Rezanka refer to it as a conservation area, but it is a wetland or slew; she would recommend a zoning more like 12 units for that property; therefore, she respectfully request the Board deny Mr. Crisafulli's request for this high density change in the Comprehensive Plan and the zoning because traffic, environmental concerns, and too high of a density.

John Schantzen stated the Board was given a packet and his concern here is with the runoff basically; he has lived through a number of rain events out on North Merritt Island and his property is high and dry except for one event where he had walking catfish on his property during tropical storm Faye; Pine Island Road was under water for 10 days and impassible; Porcher Road was under water as well for a while; they have drainage problems on North Merritt Island and they exacerbate that by paving over Paradise; and to look at the drawing, to see how much green space is left with 48 units on that property, he questioned how they will retain the water. He noted not with a tropical storm like Faye, because it is going to run out on the road, it is going to go into that wetland, and then it is going to flow into the river; the beauty of North Merritt Island is the retention area, it has the mosquito impound area, and they are trying to develop right up against that; he has provided some articles, channel nine or the Local ABC affiliate in 2016 ran a program regarding the Vibrio, which is a bacteria that is naturally occurring and the County is spending millions of the County dollars to clean up the Indian River, but it paves over paradise exasperating what it is trying to clean up; in this article it reads, it is naturally found in the Indian River Lagoon, but now scientist from Florida Atlantic University Harbor Branch Oceanographic Institute have discovered the bacteria living in Florida's Indian River Lagoon and estuaries, and they caution human development may be making the situation worse; it goes on to say fisherman have with open wounds, many people die from this, and that information is further on in the reading; and while the bacteria is nationally accruing it is a concern that the excessive runoff into the Lagoon is creating a better breeding ground for the Vibrio. He continued stormwater could normally be absorbed into the ground, is now flowing at a much greater rate into the Lagoon; paved areas provide a direct line into the Lagoon upsetting the balance of the brackish water and giving the Vibrio places to thrive; and he reiterated to look at the drawing and see what 48 units does, there is no green space, it is either townhouse pads, paving, or retention, and the retention is going to overflow.

Chris Minerva stated he is representing the North Merritt Island Homeowner's Association; the Association cannot support these requests because it conflicts within; Administrative Policies number three, incompatible with existing proposed land uses; Policy 3.C., criteria is inconsistent with surrounding patterns of development considering what one historical land use pattern, and actual developments in the last few years; Administrative Policy four is uncharacteristic to surrounding neighborhoods and areas; Policy 5.E changes in traffic as to exceed the design policy; and Policy five is immitigable impacts on significant natural wetlands. He added Policy 8.1, negatively impact the character of the land use and surrounding property; 8.2, changing the land use and surrounding property; 8.3, negative impacts on available projected traffic patterns and the established character of the surrounding property; under the factors to consider, character of the land use of surrounding properties, the change in conditions of the land use of property, impact on traffic, not compatible with existing land use plans, and not appropriate based on these conditions; however, they did support the development along the lines of one house per acre, which would be 12 units. He noted the Homeowner's Association asked that the property be zoned appropriately and not require additional BDP restrictions; there is going to be a minimum of 48 cars living at that address; looking at the property there is not one parking space for an additional car, visitor, or anyone; and there is no way to get to this location without a car or motorcycle.

Jane Perdue stated she is approximately 400 feet east of this zoning request; she supports what Ms. Hunt said, about the density being too high for the area; also she is concerned about the impact of the wetlands, and since she lives almost across the street she is concerned about

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the traffic, because the roads are not lined up with each other, Chase Hammock is approximately 50 feet north of Porcher, and she does not understand how they will safely get out of there with the Cape traffic.

William Perdue stated he is against this; it states 48 units on 12.85 acres; half of that land is wetlands, so that means there is no way he can use almost half of that land to put houses on; instead of 48 units on 12 acres, it is approximately seven houses per acre; and if the Board lets that go, any big attorney can come in and say the Board allowed that so they can put anything they want on North Merritt Island. He continued they are having enough rain problems out there right now; last week his property got almost seven inches of rain in three days and it almost put him under water because the land out there is wet; to give the Board an idea, one acre of land to one inch of rain is 20,000 gallons of water, and that means last week he had 140,000 gallons of water on his property that he had a hard time getting rid of; and Monday the weather reports said they were supposed to get five to seven inches of rain that afternoon, and had he gotten that five inches that would have been another 100,000 gallons of water out there and he does not know where it would go. He stated they have big pumps that the County has put in to get rid of the rain; there is only one trouble, a person can only get rid of so much rain out there or it will change the acidity of the salt water; then the County will have all of the fisherman screaming, which they did about 10 or 15 years ago, when the County was talking about getting rid of all this water; and he does not know if his wife commented on the intersection, but Chase Hammock Road dead ends into State Road 3 and there is two miles of houses out there with almost a dozen houses that are originally built to the old specifications, which means the slab of the house is on the ground, it does not have to be built up to the new regulations which is 12 inches above the crown of the road. He noted some of these people have seen a quarter-inch of water getting ready to go into their houses from some of the land out there; and he inquired what they are going to do if the County does not slow up selling property. He went on to say, originally when he moved out there, they had to have two and a half acres to buy it, no one could buy less than two and a half acres; not that is down to about two houses to an acre; and he inquired when it is going to stop. He continued the County has to figure out what to do with this water; they had a high wind from the west and it flooded all the drainage ditches out there, so there is no more places to put water; he does not know how else to put it but something has got to be done; and if the County does not slow down the houses coming out there, the County will start having to issue boats to get out of there.

Jack Ratterman stated he is speaking on this issue because 48 homes is really only going to be put on six acres; there are no townhomes out there because the community really does not want the townhomes; they moved there because it is a rural community and that is why they enjoy it; if they wanted 48 townhomes on six acres, they would move to Miami and get it down there, but they really do not want that; and it is not compatible to the local community. He noted the applicant was asked if they were going to have a gated or ungated community on all of these high dollar homes; he received two answers, one said yes and one said no; the drawings in the plans are not all confirmed as they indicate, the drawing up here, could change tonight because all they are asking for is the zoning, they are not promising what they are going to do here; those promises can be changed; and they all moved to North Merritt Island because it was a rural community and they like that atmosphere and that is what they would like to keep. He continued when the applicant talked about the concrete jungle, there is not a concrete jungle out there, and he took that like a threat that they are going to make it a concrete jungle if the Board does not give it the zoning; there was also a reference to them developing a Cosco, Publix, and Target; right now they are high dollar out there with a Dollar General, and that is all they need; they drive the 15 minutes to town; and the last thing is about the County Code. He stated they keep saying they are going to follow the County Code so there will be no flooding, he explained they are all under County Code now and they have flooding; the ditch on Hull Road has to be pumped out before a big hurricane event comes along; when Faye came in the water backed up

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and the yards along Hull Road, even with the County running the pump, flooded; and their statements about them not having flooding, they cannot say that.

Mike Hirkala stated he has been before the Board before about densities and he is going to keep talking about density until somebody gets their head out of where he thinks it is; density will kill people in the future, there is no doubt about that, it happens; that is how towns and cities are created; the fact that putting more and more houses than the ground can carry, than the area should be able to carry; there is not only a water problem there, they already have a traffic problem; coming down there this morning he was backed up two or three lights coming past the bridge; he has said in the past to the previous Board, that when that Hull Road Project went in, the County was going to tell the people they would have to go to Titusville to do their shopping; and he does not believe what is said about the cars on State Road 3. He noted the last year and a half the cars have been building up, with a lot more cars coming through there now and eventually it was going to happen because the only way to get off of North Merritt Island is to go north or south; south is the bridge; and there are two main drains, north and south, and people cannot get across that canal, they have to use the bridge; and the bridge gets blocked up sometimes, just look and see how far backed up the cars are both north and south of the barge canal. He went on to say the County cannot do more than what these people are wanting to do with that property; it only makes sense, and he thinks Commissioner Barfield would agree with him, to do what makes sense up there with the water level; behind his place, where they put that development in, they had to put four and a half feet of fill; and he inquired why they have to put four and a half feet of fill in to build a house. He stated the engineer said the drainage is going to flow northeast, but how many trees are they going to take out that will not be there to take in that water; there is no percolation up there now and they want to put more water into a manmade drainage that cannot take it to begin with, it does not make sense; the water level below the surface is not that far away; and he inquired the pumps are going when they need them, but how much more can they take. He continued in his view increasing densities is something that should be disallowed in North Merritt Island, if people want to build in there fine, but use common sense.

Chris Cook stated he is speaking against the 48 units; he would like to address some of the things the attorney representing the applicant stated; she said there was no demand for commercial property, but that is probably because there has not been sewer up there; if the sewer is coming up, there should be demand for commercial, because they can develop that same piece of property; she also said there is no place for the people who will be moving out there, and he has counted at least six, half completed developments up there and there is plenty of houses for people to buy up there in every price range; she is correct that there are no townhomes, and he thinks there is probably a reason for that because nobody wants to buy them, it is high density in a rural area, and no one wants high density in a rural area; and she kind of dismissed the corridor study, but that is a commercial corridor and it was the whole plan, a long range plan that has been worked on since 2005 working with the County staff trying to get it done. He added other residents that are on there are either grand-fathered in and if they are close to State Road 3 then it is because State Road 3 moved closer to the houses and they were there since the 60s; all the other residents there and the developments are pushed back from the corridor and they cannot be seen; it is just not the right place for a high residency development; and more like 12 units would be a more reasonable proposal. He continued as the Board has heard they have plenty of drainage issues up there; they have heard several times it is all going to be taken care of with these new developments and they never do, but this one will, he is positive of that; it is a barrier island with two draw bridges to get to it; they have to evacuate any time there is a hurricane; and the draw bridges have go up, they need maintained, they break down, the term the residents use is, "we are bridged". He went on to say it is a convenient excuse to be 20 minutes late to any appointment; with more people on there it is going to be even more; as far as the North Merritt Island Homeowner's Association, he is a proud member; there are over 450 dues paying members of that homeowners association; he is

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also a member of the North Merritt Island Special Advisory Board, which the County created because it is such a special and unique area in the County; he happens to be a member of both because he cares about the community, that is why they are all here, they do not get paid for this; and he will not apologize for it to anybody. He stated the community knows it is going to get developed, so he thinks it should be done responsibly; if the County allows 48 homes there, it is going to be 48, 52, or 100 down the road; the whole purpose of zoning and planning is to prevent the problems before they occur; and the Board has the opportunity to do that here. He commented he sits on the Zoning Board and he knows it is difficult to make decisions some times, but he does not think this one is a difficult decision.

Mary Sphar stated she is one of the people who actually does not live in Merritt Island, although she did live there for over 30 years; she is kind of looking at this a little bit from the outside and has some concerns; the first one is the applicant said there would be sewer out there and she would like them to know that in the BDP that no development will occur until the sewer hookup is really going to happen; her second concern is with the wetlands; the Agenda Item says the subject site is vacant and is primarily comprised of wetlands, but no map from the applicant, this is really disturbing to her because she has studied the residential wetlands policy since 1995, and she has no clue how they could possibly put 48 units in with this wetlands policy; she really thinks they should have to show some sort of a wetlands map; and her third concern is the flood plain. She noted the Agenda Items says there is a mapped flood plain there, but once again, no map, the people do not know where the flood plain is; the site, part of it may have to be elevated, so people may not feel confident that the development will not affect the neighboring properties; in the BDP there should be a requirement stating that the applicant is going to provide compensatory storage for any flood plain impacts; and her fourth concern is compatibility, she agrees with the residents, 48 units is just not compatible and the solution of 12 units is much more compatible.

Mary Hillberg stated the packet she provided has the pictures in different order, but she would like to start with this one; the outline of this photo, this is the part that is the Comprehensive Plan request, the larger part is not, it is the rezoning; this rectangle is in the Comprehensive Plan and she would like people to note the ribbon of green, it is there for a reason; most all of this Board is new and some of the members were not here when the County did this huge study after Faye, in 2009; nothing has dramatically changed the topography of the area since then; the topography of the area is what is causing these enormous situations eluding to the flooding, the stormwater, and where the water goes; and in the study what they did was take the most dramatic areas of flooding and they did an aerial along Chase Hammock. She explained underneath there is an exact line up with the aerial and it shows the topography of this road; one of the problems in North Merritt Island is the bowl affect; the water goes round and round and round but it does not go anywhere, it has nowhere to go; when it rains a lot the Lagoon is full, the ground is saturated, and the water goes round and round and round until finally the water starts to eventually absorb or the Lagoon goes down and then the water can get out; otherwise that is all it does; staff does a wonderful job with the pumps, they keep pumping, everybody is happy to see it moving, but that is all it does; the bowl effect is one of the reasons, but nothing can be done about the bowl effect, but she pointed to a square and explained it is the square of the property of the applicant; and to line it up on the diagram, it is about the same height as the Lagoon and therein lies the problem. She went on to request the Board deny this application.

Earl McMillin stated since some of the Board is not as familiar with North Merritt Island as Commissioner Barfield, he made a little sketch; he marked on the sketch numbers 1-10; and he would like to remark what they indicate. He explained number one is southbound traffic with a turn lane to the Shell station and Smith Road, but no arrow so it is Russian Roulette when trying to make a turn there; number two is U-turning, for some reason, people traveling southbound get into the left turn lane and make U-turns around the median and people get into the left turn

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lane going north where there is an arrow, but make U-turns around the median; number three people make U-turns over the median; the U-turn for getting into Marine Harbor, which is a new condominium, is for northbound traffic but southbound traffic has discovered that is available for U-turns, so there is southbound traffic making illegal U-turns there; the traffic coming out of Marine Harbor goes across three lanes of southbound traffic to get into the left turn lane to line up to go under the Beach Line and gain access to the Beach Line; also to get to Sea Ray Road they make U-turns over the median, which is number six; and number seven they make U-turns around the median. He continued number eight they go under the Beach Line and make a U-turns around the median; he is not just talking cars, he is talking about 18-wheelers; he knows it was said the traffic saturation on North Courtenay is only 35 percent, but he is focused on what the crazy people are doing out there; every time he gets onto Courtenay he sees something different being done; number nine is for some reason, and he has not lived on North Merritt Island long enough, and maybe somebody knows why, there is a cut in the curb and he thinks there must have been something there a long time ago, and now what it is used for are people going in and out to that vacant property to go to the barge canal; northbound traffic entering into the Shell station, although there is a right turn lane north of Smith Road, 99 percent make a right turn on to Smith Road and then an immediate left into the Shell station; however, the 500 pound elephant in the room is that eventually the Beach Line is going to be six lanes. He went on to say he knows the County did not make this problem, but the residents have to live with this problem and he asked the Board to recognize this problem when it talks about enhanced densities north of the barge canal.

Commissioner Barfield stated he would like to get Mr. Mayer to answer any of these things about the engineering side of it, especially the stormwater, runoff, all traffic implications.

Joe Mayer stated he would be the engineer of record for the project if it proceeds; he concurs with the speakers that there are drainage issues in North Merritt Island, but he disagrees that the new development is causing or exasperating those drainage problems because all new development is required to take care of their stormwater treatment on their property and the applicant intends to do that with a pond; they have to retain a 25 year, 24 hour storm per both the County standards and the St. Johns River Water Management District standards; they have to allow no more water to discharge from the site during post development conditions than discharges in the pre-development condition; and the stormwater ponds hold the water back from the peak of the storm, they do solve the problem for new development because they take care of treating the water on the property before it discharges. He continued he concurs with the speaker who spoke about the wetland corridor, the flat land slew being extremely important to the drainage in North Merritt Island; he pointed to the low point she was talking about, on the diagram, the edge of the clearing is basically at the edge of this development, give or take a few feet, they are not going to be impacting the wetland slew in any way; in fact, the Code will only allow them to impact 1.8 percent maximum of the total area, which is 12.85 acres; and that would be something like a six hundredth of an acre, maximum wetlands impacts, and he is not saying they will do that, that is just a maximum they can do, or they will not gain site plan approval and permit approval through County staff. He noted this slew will remain intact or remain as a buffer to the properties, but they will not impact the drainage that is occurring through there, in fact, they will be attenuating holding back their water in the ponds, keeping it off the peak of the rest of the storm, that ditches are filling up from with all the rain that has been happening; the pond is filling up and all the water that is released is released after the peak of the ditches so they are not increasing the peak stages; and he reiterated new development in general does not increase the peak stages during storm events, in these ditches, the problem is as they indicated, the bowl effect.

Commissioner Barfield inquired if that is a regulatory requirement.

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Mr. Mayer replied affirmatively. He comment traffic wise, from his perspective and opinion as an engineer, the Space Center is once again growing and very vibrant with a lot of development going on; as the force main and the sewer is available down this corridor, folks are going to be looking up and down this corridor for development; Ms. Rezanka showed a layout with relative ease, of 59,000 square feet of commercial area that could be built on here; that is way more intense under the existing zoning category, which could be done without coming before this Board; it could be a huge parking lot and building, and it could be two story and he could actually get more than he showed on that layout in his opinion, depending on what the proposed use is; and from an engineering perspective, this is a down zoning, but he does realize the density that they are asking for, but an actual use perspective this is far less than what could occur under a commercial development scenario. He added the trip generation information is accurate based on the ITE trip generation manual, roughly 2,800 trips per day for commercial use could happen on here and what they are proposing is about 10 percent of that.

Commissioner Barfield commented he knows there was an issue about parking too; and he asked Mr. Mayer to address that.

Mr. Mayer stated it has not been decided, but there will be at least a one car garage, if not a two car garage; in front of that will be either a one car or two car driveway; therefore, there would be either two or four spaces per unit minimum; they do have some parking down by the amenities and there will be some room for visitors, etc.; he does not show on the layout at this point any parking areas because they do not really want to, they would rather that be green space; in normal subdivisions and stuff like that this is not an issue when people have a couple folks over, they either park in or near the driveway without a problem; and this will look like any other residential street when someone is having guests over.

Commissioner Barfield asked Mr. Denninghoff to address what they are doing in North Merritt Island for drainage.

John Denninghoff, Interim Assistant County Manager, stated since Tropical Storm Faye occurred, August 19, 2008, the County has completed a great many of the plans that had been placed in their queue as to what they were going to try to implement in North Merritt Island; amongst those are a refurbishment of the Mosquito Control pump on the south side of East Hull Road, they have completed the installation of three permanent pumps at the Pine Island Conservation area, and the installation of various water, and float control structures, which allows them to divert water into the impoundments of Pine Island or pump water into the Mosquito Control impoundment south of Hull Road; they have also installed a couple drainage pipes in other locations which have allowed for water to drain; and particular interest on this one is they do have a pipe that is under West Hull Road which helps drain that slew area that is between Tropical Trail and North Courtenay, that was previously not there. He noted it has proven to help quite a bit during a number of storm events; in addition to all that, they have installed various water level gauges and rain gauges, so they monitor all of those to allow for management of the water flow and to operate the pumps efficiently, not just every time it rains, in a way that it minimizes the wear and tear on the pump, while also maximizing the probability of success; and he mentioned the County does only manage to try to keep homes from flooding, they do not do much about yards or ditches and how deep they are, or even the roads for that matter. He continued there are still some plans that need to be implemented; they have an objective to install a second pump at the Mosquito Control site; they have moved a second portable pump that is available and staged nearby so they can mobilize those to either of two locations to help facilitate pumping; most of that benefit is on the east side of Courtenay, but it does help to some degree with the portion west of Courtenay and east of Tropical Trail, because that area is still a very stressed location; and while they have helped a lot, they have not yet solved all the problems there and they are still looking to help more.

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Commissioner Isnardi inquired since she knows the County Code is pretty strict when it comes to wetlands impact, she asked if staff is at all concerned about this having a negative impact or will a development like this manage their water okay; she stated she is not going to ask whether Commercial is more impactful than Residential, because it obviously is; but she inquired as far as the project itself, does staff see it as having a negative impact on stormwater.

Ms. Sterk stated those are site plan details that the County has not seen any calculations for yet; she does not think they have a full evaluation of what exactly they are going to do and how much they will have to attenuate, but they will.

Commissioner Isnardi stated if staff perceived it to be a negative impact, it probably would not move forward, or they would let the Board know they believe this to be a negative impact.

Ms. Sterk stated it would be held up in site plan approval, for sure; and just to clarify, the comment about there being primarily wetlands on the property, that is just on the piece proposed for the Comprehensive Plan, not on the entire parcel, the entire parcel is not primarily wetlands.

Commissioner Isnardi commented she appreciates everybody who took the time to speak; she hates to generalize it, but there are people who comment they do not want any development, there are those who comment they are okay with commercial development, then those who comment they want less density, which may be the most rational, but in all reality, the way it is zoned now, it could be more impactful and it could cause more of a water problem for that area; if it was not Planning and Development, it would be five units per acre; at four units per acre it is pretty much a neighborhood; the site plan is still going to come, and decisions will be made accordingly; but she is not going to say no because someone may want a shopping center as opposed to a residential development; and she commented she would be in support of this because if there are problems later on, then the Board will address them or deny if the site is not appropriate.

Commissioner Pritchett stated she was able to speak with Erin earlier and a few things she had questions or concerns on were wetland mitigation and Erin said no it would not really be affecting where he is building; it is actually coming with a stormwater situation and that made her more comfortable; and as far as living in that area, she would rather have residential compared to what would be happening with commercial. She added she will probably support this, but she will wait to hear what Commissioner Barfield has to say.

Commissioner Barfield thanked everybody for showing up; He commented that is one thing about Merritt Island, people show up when there is something important; and that says a lot for that community. He stated with that being said, the Board has to stick to what the law is, this is a Quasi-Judicial Board and what that means is the Board has to make decisions based on specific criteria, and that criteria is very clear; the Board has to look at if it is consistent with the area; looking at the map, it shows there are Residential 2, Residential 4, all around the area, and that means by law it is consistent; the other side is the Board just approved Item IV.G., from a planned industrial area to an agricultural residential and that was just down the road; another thing is whether it impacts traffic, and the numbers do not support that it does; he understands Courtenay, which is an FDOT road, and he thinks that U-turn is one of the most ridiculous things he has ever seen; traffic is reduced from 2,855 trips per day for Commercial down to 175 trips; they have to be compliant with the regulations on stormwater, and what was said is in the site plan that has to be met; and he understands what everyone is saying, however, the Board is bound by law.

Chairman Smith disclosed he had met with Mr. Crisafulli on July 31st in his office.

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Commissioner Barfield disclosed he had met with Mr. Crisafulli and Ms. Rezanka.

Commissioner Pritchett disclosed she met with Mr. Crisafulli.

Commissioner Isnardi commented she has not met with anybody, applicant or otherwise.

There being no further comments or objections, the Board adopted Ordinance No. 17-19, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "the 1988 Comprehensive Plan", setting forth the tenth Small Scale Plan amendment of 2017, 17S.06, to the future land use map of the Comprehensive Plan; amending Section 62-501 entitled contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the future land use map appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.L., CHANGE OF ZONING CLASSIFICATION, RE: BU-1 AND AU TO RA-2-4 - CRISAFULLI ENTERPRISES, INC. (KIM REZANKA) (17PZ00072)**

Erin Sterk, Planning and Zoning, stated this is a consideration of the zoning change from BU-1 and AU to RA-2-4; it is for the entire parent parcel of 12.85 acres; and it has an associated BDP limiting the proposal to a maximum of 48 units. She added it also provides for a conservation easement over the wetlands on the western portion of the property; and it limits the ingress and egress to two access points, one on Porcher Road and one on State Road 3.

There being no further comments or objections, the Board approved a zoning request by Crisafulli Enterprises Inc., for a change in classification from BU-1 and AU to RA-2-4, for the property located on the southwest corner of Porcher Road, and North Courtenay Parkway, on North Merritt Island, with a BDP.

The Board recessed at 6:56 p.m. and reconvened at 7:09 p.m.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.M., CHANGE OF ZONING CLASSIFICATION, RE: TR-1 TO TR-1-A - MORRIS AVE MOBILE HOME PARK, LLC (TIM SANDERS) (17PZ00074)**

Erin Sterk, Planning and Zoning, stated this is a change of zoning classification request to go from TR-1 to TR-1-A; the subject parcel is on 3.61 acres and it has a proposed Binding

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Development Plan (BDP) to limit the density to four units per acre; and that would allow for the development of 14 single family lots.

Tim Sanders stated he just wants to address the concern in regards to the possibility of wetlands on that property; he reached out to a recommended environmental specialist and had a determination done; and it was determined that the entire site consist of uplands, and no wetlands are present in that area.

There being no further comments or objections, the Board approved a request by Tim Sanders for a zoning classification change from TR-1 to TR-1-A for the property located on the north side of Smith Road, approximately 0.12 mile east of North Courtenay Parkway, on North Merritt Island, with a BDP.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.N., CHANGE OF ZONING CLASSIFICATION, RE: AU TO RR-1 - PAMELA CHILDERS (17PZ00075)**

Erin Sterk, Planning and Zoning, stated this is a request for a change of a zoning classification from AU to RR-1; this is proposed by Pamela Childers on 2.53 acres in the Mims area, east of U.S. 1; the western portion of the property is .91 acre and the eastern side is 1.2 acres.

John Lucier stated he lives on the property directly behind the one in the zoning request; he disapproves of the rezoning change because he would like to keep it rural like the rest of the area; he inquired if the Board disapproves anything; he stated he came to one of these meetings several years ago and it was the same way; and everybody says people have to come to get anything done, but to him it does not seem to be that way.

Chairman Smith explained the Board has to follow the law, so people do not usually come to the meetings unless they already know they are following the law; and so when there is a question, that is where the Board comes in.

Mr. Lucier stated about 12 years ago he bought that property and he split it up; he came to the County and asked what he could do with it, and he was told two and a half acres is what they wanted for that area; in 2009 there was some kind of change and that area was supposed to stay that way; there are a few places that have been changed, one is just two doors down from him and he was not even notified of the change, and he is not sure why; and he did not know it was changed to RR-1 until he started investigating this. He noted he disapproves of building two houses there.

John Savetsky stated what Mr. Lucier was referring to, he also did not receive a notice on that change either and he lives right next to that property that was rezoned; his concern is with the road, it is a dirt road, 30 feet wide and his property has a wetland on one corner about 180 feet from the drainage ditch; three days ago the area had six inches of water and that ditch overflowed, and it remains so; not only did they have the wetland build out, but he had probably three-quarters of an acre totally under water for 24 hours; that happened more

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than once, it happens on occasion after two or three inches of water; he is concerned of the impact of houses on one-acre lots, if this is approved, and how many other people are going to want to do this in the neighborhood; and he asked what effect that would have on the drainage problems they already have in the area. He mentioned there is already rumbling in the area that other people are wanting to request the same thing; to him if the Board or the County is going to make a change then, why not just change it for everybody; he inquired why the Board makes everybody go through this, and not just change the whole entire area to that zoning, not that he would be in favor of it; but that is his concern at this point. He went on to say he does not think it could handle it; the problems with the road and the maintenance he does not know what would happen if they continue to develop on one acre lots like this.

John Balkey stated he is across the street and up one lot from the property in question; a little more than 20 years ago he came to ask the Board for a waiver and he got it because he was going from a 15 foot setback to a 10 foot setback; at that time the impact was zero; he takes great exception to what was said about following the law; the Board is not following the law, it is following the wishes of people like Crisafulli, people with money, and people who want to build and add and add; he is an attorney and he follows the law; he follows the law and if the law impacts people, then it is incorrect; and what the Board is doing is incorrect. He commented he listened to that whole thing with the Crisafulli's and the people there are getting flooded, they are having all these water problems; the Board just allowed 48 luxury homes of 1,800 square feet, that is not luxury, that is low income and the Board knows it; and they are going to have how many people going up and down that street.

Chairman Smith inquired what subject he is talking about.

Mr. Balkey stated he is talking about changing the zones; he inquired why people go to a place zoned AU and then decide to change it to something different; he stated he has across the street from here, a wildlife sanctuary, and in that they had to have a minimum of five acres; he did not come ask for a waiver, he complied with the law, because the impact would have impacted someone else; this is going to impact people; what is in that wildlife sanctuary is two Siberian Tigers, one Bengal Tiger, a full grown Lion, and a White Wolf, but they follow the law, they have the permits, he gets inspected, but he follows the law; the law says this is AU and he would like it left at AU; and he did not get noticed for either of the two zoning changes, so the County's system is not working.

Chairman Smith inquired if he was talking about the one a few years ago.

Mr. Balkey responded yes, that one and this one too, he only found out about this one from a neighbor; he reiterated the County's system does not work; he requested the Board waive this because the neighbors were not given proper notice, as the law states; and he requests the Board deny the proposal.

Chad Easley stated as far as the notice of the change, it took place back in 2008 or 2009 for Courtney Winstead; there was no notice, he owns two pieces of property adjacent to that as well; they were told it went under an in house change, where it is less than 10 percent, which is inaccurate; future land use maps, generalized maps, derived years and years ago; generic platform overridden by zoning, many deciding factors that are written in every Brevard County study; just because something meets a Future Land Use Map does not make that the best decision; and a small area study performed in 2007 put together a perspective map of 2.5 acre lots north of Grantline Road limited to an agricultural use area

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to limit density. He continued less than 15 percent of the people in the area are not actively involved in some AG use on their property and that would entail everything from cows, horses, exotic animals, tigers, deer, citrus, hay, and etc.; zoning maps, zoning planning guidelines, guidelines and regulation for growth is based on a study performed; if it is easy to come in and say someone does not like something then why have them, why dedicate the time, effort and meetings to put it on, because if it is not going to stand then why is it there; the problems with rezoning is there are water quality diminishing studies performed by the County and private individuals that also shows Sulfur content gaining on an average of 80 parts per million every year; just in that area, large amounts of money were directed from Brevard County for conservation lands due to saving the aquifer, that was the Robert's ordeal; it was then outlined to limit growth and concentrate more on agricultural use for all surrounding land; and there is a bad problem with drainage there. He added there is a wetland area directly behind that piece they want to re-zone and it is stated wetlands; everything drains from the north, then south, then east, and it does come through there; there is a County listed right-of-way which brings another facet of this rezoning because they are wanting to abandon the right-of-way which is a direct drain for that wetland area and several other adjoining properties. He mentioned the right-of-way, Maebert Road has a 30 foot right-of-way, which encompasses a drainage ditch right now that is currently encroaching property on private property owners, up to 10-12 feet to accommodate the current traffic; and traffic and maintenance cost cannot be sustained. He went on to say, the Board is opening this area up for more development; a man just bought 60 acres right across from him, and he is just waiting to see what the Board is going to do here because when it is allowed to be rezoned, that is what he is going after; they are pushing out agriculture; people like him raise White-tailed Deer and Exotics, they also have horses, dogs, and various other things; they do not have a place if the Board pushes them out; they bought there and live there because that is what they want, it is their lifestyle; then there are people who come to live out here, that do not use agriculture but think the people who live by should change their lifestyle because they want to live there; the developers have to be given the same as everybody else; drainage is a huge problem; the principles of why people seek to live there; and property values will be infringed. He suggested the Board be very cautious as leaders of this community to not allow the request of a few to outweigh the needs of the many.

Jared Kemp stated he and his wife recently purchased six acres on Maebert Road to the west of Ms. Childer's property where they plan to build their home; they strongly object to this rezoning effort; Maebert Road is not a paved road and they believe the additional vehicular traffic created by the small parcels will have a negative impact on the quality of the road and the quality of life in the area; if this classification is allowed it could lead to a pattern of rezoning in the area; and the property immediately adjacent to theirs is currently for sale and they do not want to see six houses from their front porch. He went on to say if the right-of way is vacated, they will own 2.53 acres of land with AU zoning; he would not take exception to a single parcel with the land and a single home, however, they do take exception to RR-1 and creating two equal lots with a different zoning classification; they are moving to this area of North Brevard to start a family and get away from densely populated housing communities that are typically found within City limits; and they sincerely hope the Board will deny this request to have the property zoning reclassified.

Marcey Sperr she is requesting a rezoning for a parcel of land on Maebert Road in Mims; the rezoning to RR-1 is consistent with the Comprehensive Plan and the Future Land Use for this area; it is also consistent with the zoning in the immediate area; there are five properties zoned RR-1 on Maebert Road, four of them have homes on them; the radius

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map she provided shows all of the RR-1 in the one-mile area of her parcel of land, there are 63; and what the map does not show, unfortunately is all of the parcels of land that are currently zoned SR, which requires half-acre parcels or small to build homes. She continued the home just on the south corner of Maebert Road and U.S. 1 is zoned SR; these residents drive by three, four, and five homes that are already zoned RR-1 and those homes have been there since the late 80s; she is respectfully requesting this rezoning as a matter of Policy; and some people would ask why she wants to move in a neighborhood where nobody wants her there, however, she still plans to be a good steward of the land and to be a good neighbor. She went on to say as for the water, the parcel of land she owns is 20 feet above sea level; they have checked out the State of Florida Emergency Water Management Settees, they are topographical maps; the land at the end of Maebert where it meets Dixie Way is 10 feet above sea level; the zoning request cannot change that, just like no one can change how water runs down hill; there is a deep ditch on the southerly border of her parcel and they are currently in dialogue with Road and Bridge to find a way to contribute to a solution for this issue; and she did sign an easement deed today giving the County 15 feet of their land to help with this. She reiterated the first three houses on the southern side of Maebert are zoned RR-1 and SR; they are all approximately 1.25 acres; the homes have been there since the 80s; precedence for the zoning was in place before many residents built homes on Maebert Road; all residents on Maebert drive by them as they come and go; and she stated her request is not setting a precedent, but rather it is aligning with the Future Land Use study for this area and the Comprehensive Plan.

Commissioner Pritchett stated she met with Ms. Sperr and Ms. Childers; she inquired as far as the future land use, Planning and Zoning passed this and she would like to know why.

Ms. Sterk stated the future land use has been Residential 1 for many years; when the Mims small area study was completed, there were no proposals, at that time, to change the Future Land Use designation from Residential 1, which allows for one unit per acre; there is kind of a transition in the area as shown on the map, where they are moving away from Highway 1 to the east, and the Future Land Use Map designates that the density shifts from one unit per acre to one unit per two and a half acres; that changes just east of this property; and technically the proposed zoning is consistent with the map.

Commissioner Pritchett stated she had asked Ms. Sterk prior to this meeting, if this was an usual request.

Ms. Sterk commented it really is not an usual request; the most recent precedence is the parcel to the east which was proposed in 2008; and they have more than one acre, but less than two and a half acres, with one single family home on it.

Commissioner Pritchett stated she has looked at it; she thinks it looks like a good fit in the area where it is at; she understands the agricultural areas and she would never make them change what they have on their properties; two and a half acres for a home and a mother-in-law home is very appropriate; it will stay very calm; and she will probably vote to support this, but she would like to hear from the other Commissioners.

Commissioner Isnardi stated that was her question, what the intention of the property was for; at times people look to sub divide property to make money; and she just wanted to know what her intended use for the property was.

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Ms. Sperr stated the current surveys show a right-of-way straight up through the middle of this land and they are currently working with Surveying and Mapping and Road and Bridge; the Board will see them again on August 22, about the compromise they have made with Ms. Jackson, Road and Bridge, concerning the Right-of-way; and their intention is pretty noble, her family of four would like to build a home for her mom, who lives alone, to take care of her.

Commissioner Barfield stated looking at the map he sees where there is other RR-1, but seems there is a lot more AU around; and he inquired what the definition of inconsistent is.

Ms. Sterk noted the requirement is to be consistent with the Comprehensive Plan, whether or not the Administrative Policy regulates the word consistent with the existing development in the neighborhood is a judgment call; and legally she thinks the consistency is with the Future Land Use Map.

Eden Bentley, Deputy County Attorney, stated there is not a specific definition of consistency in the Administrative Rules, but it directs to look at the historical land use patterns and actual development approved within the last three years; and it is not overly helpful, but that is what the Code has.

Chairman Smith inquired why Mr. Easley thinks this request would interfere with him raising White-tailed Deer.

Mr. Easley stated it will not interfere with him raising his Deer, but it will interfere with traffic; he owns 16 trailers and when he comes down that road he takes the whole road; there is a huge problem with the right-of-way; the people from Road and Bridge are very familiar with his name, because they are trying to deal with a property line dispute on encroachment of right-of-way on land owners; and on him alone it is 12 feet. He continued if they stop and back up to what is officially owned by the County and what is owned by the people, they have a stated eight foot left once the County takes away its water basin or ditch; once that is pushed forward, what is going to happen is they do not have the infrastructure to accommodate one acre lots; the concern is what happens in the future if this continues to be allowed; outside of Courtney Winstead's house the last rezoning was done way before the property study by about 12 years; with that in mind, they look at what is recent and everything up there from 2008 forward is supposed to be two and a half acres; and that is the way all the land up there was divided at that time. He mentioned the land was divided with everybody knowing that it is two and a half acres; the infrastructure will not hold up; it is dirt roads that require a whole lot of maintenance; he reiterated there are drainage issues that are a constant problem and require constant maintenance; they want to build a house and a mother-in-law suite, however, according to the AU, the square footage requirement on the mother-in-law's house is not going to accommodate the 1,800 - 2,000 square foot they are requesting; and that is the challenge. He outlined right-of-way is the big thing, and drainage is the second; he stated land values, someone just bought 60 acres and someone could throw a rock from his place and hit it; he is going to put 60 homes on it, he is a developer and that is what they do; and the guy right across the street him has 4.2 acres and right now he cannot divide it, but with this he can.

Commissioner Isnardi stated he would not be able to divide it unless he has permission from the Board to do that; and that is a big assumption to make.

Mr. Easley explained if he can get it rezoned he can absolutely divide it.

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Commissioner Isnardi responded if this Board was to approve that.

Mr. Easley stated yes, if this continues then yes.

Commissioner Barfield inquired when this property was purchased.

Commissioner Isnardi mentioned each thing comes to the Board for a reason and obviously she would never sit up there and if a guy wants to, with a 60 acre development, she is not going to approve one-acre lots; she does not think anyone on the Board would do that; however, she does feel each circumstance is unique and that is why she will be supporting this.

There being no further comments, or objections, the Board approve the Zoning classification request by Pamela Childers, to change from AU to RR-1 for the property located on the north side of Smith Road, approximately 0.26 mile east of U.S. Highway 1, in Mims.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Rita Pritchett, John Tobia, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	Jim Barfield

**ITEM IV.P., CHANGE OF ZONING CLASSIFICATION, RE: SR TO AU - ERIC AND AMANDA OBLOY (17PZ00045)**

Erin Sterk, Planning and Zoning, stated this Item is a proposal for change of zoning classification from SR to AU; it is for the Eric and Amanda Obloy property; and it is 1.06 acres located at 165 Gator Drive, North Merritt Island.

Jack Ratterman stated this issue is a particular interest to him because he has friends who live on Gator Drive, that will be used by this commercial interest; the applicant is trying to place an amusement park in a rural community; this will cause a huge increase in traffic especially when there is only one road in and out; he inquired if the applicant will follow County rules and regulations after they get their zoning because their past history indicates they will not; and he stated his understanding is they have a huge fine that they have not paid. He continued they have been given subpoenas and they have not come to court; the property is not compliant with the local community or residents, if it is then he would like to know how an amusement park, petting zoo, airboat rides, swamp buggy rides, gator farm, vineyard, wedding chapel, zipline, hayrides, kayak and swimming hole fits into this community; and the only thing that is probably not there is a gay nudist colony. He went on to say he does not see how the Board could say yes to this; there are a lot of little kids that live in this community; and he has been aggressive to the people that are already living there.

Mary Hillberg stated this time she will talk much faster, and be quick; she has been off her feet and away for a while; this request is not compatible with the area; the applicant, when he bought the land, it was zoned SR, it is part of the established community; they have a piece of property that is SR he uses as his driveway, which is fine, but putting other things on it, putting huge

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billboards signs on it, putting other animals on it, cages, putting anything else on it is not consistent with the law, in the opinion of the North Merritt Island Special Advisory Board, in which she is the chairperson, and she is also a member of North Merritt Island as well; she was elected by the people there to represent the community and that is why they are there; she would respectfully request the Board to deny this request because of the negative impact on the community and the unnecessary aspect of it; and she feels there is no need to change it.

Chris Minerva stated he is representing the North Merritt Island Homeowner's Association; the Association cannot support the request because it conflicts with the Future Land Use elements of Administrative Policies; it is a long list of incompatibility with the Policies with the existing land uses of 3A, criteria A, is hours of operation, noise levels, traffic, site activity, diminishing enjoyment and safety of quality of life in existing neighborhood; and if any of the Board members lived on this cul-de-sac, they would see it is a barrage of, a party, and it is commercial, it is Disneyland, shrunken. He noted Policy 3(B) causing material reduction in value of the existing abutting development: Policy 3(C), historical land use patterns, 3(C)2, actual development over the past or proceeding the past three years; 3(C)3 is development approved within the past three years, but not constructive; Administrative Policy for criteria an adverse impact and an established neighborhood with traffic intensity and commercial activity; Policy 4, criteria B(2), the commercial use of nonconforming to the residential surrounding area; Administrative Policy 5, criteria B, the physical quality of the road system being deteriorated; and Policy 8.1 consideration of the character of the surrounding land. He added Policy 8.3, negative impact of this request on traffic and established character of the surrounding area; Policy 8.4, incompatibility with existing land use; 8.5, inappropriate consideration of public welfare; and under general standards of review 2G, proposed signs interfering with use and enjoyment of adjacent and nearby properties. He mentioned under the factors to consider for rezoning this request, the Homeowners Association has taken the following into consideration: number one, the character of the layout, surrounding the subject property, the impact of the proposed zoning classification on available projected traffic patterns and established character of surrounding property, and before incompatibility with existing land use plans, and number five, inappropriateness and consideration of public safety and welfare. He commented he does not live there, but he can certainly understand that; the Obloys came in way after everyone else was there; and he would appreciate the Board's consideration.

Betsi Siddal stated she is opposed to this rezoning request; when they purchased their home in 2001, they had every reason to expect the only use in the community would be residential; as for the 24 acres, which remains undeveloped behind their home, given that when the subdivision was originally designed it was all part of the same parcel, leaving them no reason to think the remaining property would not eventually be developed into residential parcels; the fact that it was a farm in the past was not an issue, as they have no objection to a quiet farmer, farming for their own sake, however, what they do object to, is inviting the public through their residential community in what is a blatant abuse of the agri-tourism law, a law whose intent was to provide bonafide farmers with supplemental income; it was never intended to be a determining factor of whether they exceed as a farm or not, more as a primary source of income; and the applicants have gone far beyond farm activity turning their property, as the Board has heard, into an amusement attraction, increasing activity ten-fold as depicted in the drawing. She mentioned the Board should have received her original packet in May; she was going to address Administrative Policy 3, but that has been taken care of; she has stated in the past and will state again today, the applicants lack of due diligence should not constitute a consequence for their neighbors; they have dealt with this man for two and a half years and she promises there would be livestock next to their home; since the arrival of the applicants in the neighborhood they have lived with constant disruptions which interfere in ways large and small with their right to quality enjoyment of their property; and her discussions with various staff members in Planning and Zoning, there was a suggestion of a Binding Development Plan. She went on to say she is opposed to this for several reasons; first, it is her understanding that a

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BDP is not truly binding, and secondly and most importantly, the applicants have a clear history of noncompliance which again, long before they purchased this property, and continues even now despite substantial fines which have been accruing since December of 2015; with these reasons and the reasons stated by others, she respectfully requested the Board to please protect the character of this community by denying the application. She stated one additional thing, Mr. Keith Braun is a neighbor and he intended to be here today to speak but work has prevented that; late in the afternoon he sent the Board an email stating his objection; and she does not know if it has been viewed, so he asked her to please make the Board aware of it.

Patti Laissle stated they live at 3999 Dundee Drive and they also own the property at 3997, next door, undeveloped; she explained previously the Board received a packet and on the first page of this packet in exhibit A, the green portion indicates the location of the proposed rezoning; the areas highlighted in yellow indicate all the residents who either sent a letter objecting to the rezoning, or they signed a petition; the breakdown, there are 24 signatures on the petition and six letters, there may be more that she is unaware of; the areas marked by an X are vacant or unoccupied homes; and she stated notice that directly to the north, west and northwest of the green section are residential homes, all within direct sight of the proposed rezone area. She continued all the yellow highlighted areas on Dundee Drive and the most easterly section of Gator Drive have line of sight to the rezone area; clearly the people most affected by that parcel are Gator and Dundee drive; on exhibit B, is a printout of the Facebook post generated by Adventures in Paradise in May and there are no less than 12 amusements/attractions, planned for that location, presumably the reason for the rezoning request; and the applicants wish to erect signage advertising them. She noted two of those activities would likely involve alcohol; based on the number of activities they plan to engage in, one can logically assume that the property they wish to rezone will be used to advertise their business; as proof of this, Exhibit C is a rejected sign application dated 11-22-16 in which the rejection was based on the fact that the proposed sign was on property zoned residential; and to go forward with any sign construction, the applicants would have to apply to rezone it. She went on to say that parcel is in a residential neighborhood and they do not wish to live in the middle of the applicant's theme park aspirations; specific objections based on some of the suggested guidelines are impact on suggested services such as roads and schools, old roads leading to Adventures in Paradise are residential and they were not designed for the type of commercial traffic likely needed to sustain the planned activities; in Exhibit B, the wedding barn website indicates maximum capacity of 200 people, so potentially on a continual basis, 200 cars would be entering and exiting this residential neighborhood, only now those exiting guests have potentially consumed alcohol and that is only referencing the wedding traffic, just one of the 12 activities listed in Exhibit B; the amount of commercial deliveries vehicles that would be likely needed to sustain and deliver goods and services to sustain these 12 activities will be detrimental to the streets as they were not designed for such; and incompatibility with surrounding land use, as indicated in Exhibit C, the purpose of the rezoning request is so the applicants can construct a sign that would not by any stretch of the imagination be incompatible with the existing surrounding land use of that area. She pointed out also consistency with the character of the area, other than the current illegal signage the applicants have installed, there are no commercial signs on Gator or Dundee Drive because they are residential streets; to maintain the consistency of the area, it would not be appropriate to allow a commercial sign; in conclusion, she hopes that the petition signatures and written letters are adequate proof of the objection to this rezoning request; if by some chance the collective thinking leans towards the notion that the property in question is of so little consequence that approval will be forthcoming, please consider the converse notion; and if the property is of so little consequence, consider ruling in favor of the 30 plus people who oppose this rezoning application.

Dennis Wilson stated he is here to speak in opposition of the opposed applicants rezoning paperwork; he lives in a neighborhood where there is no commercial activity; he is not sure if the Board Members have been down the street to see what is going on, but his house is

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immediately adjacent to the piece of property in question; up until last weekend, there were two signs, that were about equivalent of the dias and maybe twice as high; and his house would be equivalent to the back of the room. He continued when he drives in his driveway every day, he has two monster signs that are on this gentleman's property in a neighborhood; it is his understanding that the original judge's injunction from over two years ago still have not been filled, these fines are accumulating daily, and they have not been paid; he is not sure who is monitoring to try to enforce that, but last weekend the applicant did take down the two signs and in their place he put up a singular sign that is maybe three quarters wide as the dias, but still just as tall; and now instead of two monster signs, there is one semi-monster sign next door to him in his neighborhood. He added it would be nice if the Board Members could ride down North Merritt Island and see what they are all talking about; he is opposed to this for two reasons; number one is, as was said and heard from previous cases tonight, this is a slippery slope if this rezoning is approved, the people that have spoken know what the next step is, it is going to be used as a commercial driveway to the current commercial property that is being operated in their neighborhood; a quick reference, last weekend the owner of the property sponsored a festival; the Board may have heard about it, it was promoted on a couple of billboards, a couple of electronic signs on businesses, and the applicant even parked his swamp buggy, which is about as big as the dias and about as tall, on Courtenay Parkway at the entrance to his neighborhood, promoting the festival; Saturday Morning he mows the yard and he counted no less than 80 cars that passed by his house and turned in at the direction of the two monster signs next door, into the festival; it really would have gotten out of hand, if the rain had not washed it out; and that is 80 cars in one day. He went on to say recently he had spoken with Mr. Obloy, who is the owner and the applicant, and he voiced his concerns directly to him; that the second objection is alcohol because what is happening back there is not an AG farm, what is happening back there is a commercial, as been described, amusement park; he inquired how the applicant is getting these permits; yesterday, as almost every day, two huge Florida Power and Light bucket trucks pulled out of this facility and shook his house as they went by the front yard; there is some overhead transmission work being done down there to support this commercial activity; and all of those in attendance today have presented reams of evidence, including the applicant's own Facebook page. He mentioned he did a Google search, the dumb way to do it; if the Board were to go to his pages Adventures in Paradise or Golf in Paradise Tours, two properties, it states what is happening back there; he stated he does not understand how a commercial property, a commercial event, a money making commercial event, can take place in the middle of his neighborhood; Mr. Minerva said it best when he said the reason for planning boards is not for today, but to avoid disasters in the future; he has witnessed a monster disaster with that Crissafulli case; he should be ashamed for putting a 48 unit development right there, a mile up, and across the street from his neighborhood; and he is not sure what to tell the Board as far as its vote, but anyway, he requested the Board to turn this application down.

Commissioner Barfield asked Ms. Bentley to explain the agri-tourism and what the County's limitations are; and he stated he has to watch his temper on this because it is really amazing how this has been used against the Board so much.

Eden Bentley, Deputy County Attorney, stated Code Enforcement has been out there any number of times, as the Board knows; she is not going to go through the entire litany of events, but basically there is an agri-tourism Statute that provides an exemption for many of these activities; it is probably not the original intention of the Legislature when this went through, but it is a rather large loophole; and although the County has obtained an injunction, the injunction is limited in its scope and it is hoping perhaps someone will change the Statute.

Commissioner Barfield stated before he goes any further he would like to tell everyone from Merritt Island, if they do not like this, to get in touch with the Legislature, go to Tallahassee because there are serious loopholes in this thing; it totally keeps the Board in check where it cannot even go on site to inspect for health concerns; it is totally irresponsible; to look at the

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picture in here and obviously this is so incompatible with the neighborhood because it is right up next to it; and he offered some background on the subject. He noted the applicant can put a sign up there knowing it was illegal; it is an enforcement action so he knows it was not permitted and could not get permitted, so now he wants to change this so he can put the sign there, in the people's backyard and side yard; and he reiterated this is completely incompatible. He mentioned there is so much he could say; it is just entirely wrong; it is not compatible with the surrounding residential area; it is not at all compatible; and the impacts to this poor neighborhood, is just not acceptable.

Commissioner Isnardi stated her concern is the Board's hands are being tied on this because unfortunately it cannot do a lot as far as County goes, other than cite and see; what is being done obviously is not legal on that property and she thinks if the Board were to pass this it would just perpetuate the activity; it is unfortunate because here is this nice subdivision set with these set of circumstances even though, it is sort of out of the Board's hands with the current zoning of that property; she feels bad for everybody that lives in there, only because she is sure that is not what they signed up for when they bought their property and obviously they were there first; and she agrees with Commissioner Barfield that this is not compatible with that neighborhood.

Chairman Smith inquired if the applicant has to have permits for these signs; and if the County has no recourse, if he is putting up illegal sign.

Tad Calkins, Planning and Development Director, stated he does have to have a permit for the signs; there is a Code Enforcement case open for the signs, but it was put on hold to allow him to come into compliance if he could get the zoning change where the County could do a permit; and with the Board's denial, then he will reactivate the Code Enforcement case and that will be going forward.

Chairman Smith stated for the record that Mr. Obloy is not here; he made this application and he did not even show up, so take that for what it is worth.

Mr. Calkins commented he did receive an email from Mr. Obloy's attorney requesting this to be tabled to this date, so he believes there is a notice that this action was going to be heard by the Board tonight.

There being no further comments or objections, the Board denied the request by Eric and Amanda Obloy for a change of zoning classification from SR to AU for the property located at 165 Gator Drive, Merritt Island.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VIII.G., BOARD REPORTS, RE: CURT SMITH, DISTRICT 4 COMMISSIONER/CHAIRMAN**

Chairman Smith stated when the Board was in Washington, D.C., last week, four of the Commissioners were there, he spoke to the Secretary of Labor who really expressed an interest

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in manufacturing capabilities in the different counties; for those who are not aware, every County Commissioner in the State of Florida was invited to Washington, D.C., last week to hear six hour's worth of directors; President Trump made them available to the Commissioners for the purpose of all politics are local, but in Washington, D.C., that had been forgotten, so he is inviting all the Commissioners from all the states to hear the same presentation this Board heard; and the message was loud and clear that they want to hear from the Commissioners, the grass roots and they will make available to each one of the Commission Offices the appropriate numbers so they can reach out to them. He continued, he told the Secretary of Labor that he would get the manufacturing information he requested, he has worked with the EDC, crafted a letter, and he will be sending that letter out soon. He went on to say Senator Nelson was not available, but they did hear from Senator Rubio, and he is reaching out to the two offices regarding the request for support and funding for the Emergency Operations Center (EOC); that letter has been crafted and will be sent off on Monday; he made note to both of them that the State of Florida and the Florida Governor have acknowledged the need for a new EOC building; and he hopes that will move forward and at some point in time Brevard can get the EOC off the ground because they are behind in the size and quality of EOC needed to provide for the citizens of this County.

**ADJOURNED**

Upon consensus of the Board, the meeting adjourned at 8:07 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

\_\_\_\_\_  
CURT SMITH, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA