



**AGENDA REPORT**  
**December 6, 2018**

**Public Hearing, Re: W.K.&R. Groves, Inc. (Chad Genoni) requests a change of zoning classification from AU to SR with a Binding Development Plan. (17PZ00158) (District 2)**

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**SUBJECT:**

Public Hearing, Re: W.K.&R. Groves, Inc. (Chad Genoni) requests a change of zoning classification from AU to SR with a Binding Development Plan. The property is 110.97 acres, located on the north side of East Crisafulli Road, approximately 320 feet west of Broad Acres Street. (No assigned address. In the North Merritt Island area) (17PZ00158) (District 2)

**FISCAL IMPACT:**

None.

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of zoning classification from AU to SR with a Binding Development Plan.

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is seeking a change of zoning classification from AU to SR with a BDP on 110.97 acres for the purpose of developing a single family subdivision. This request will increase the lot yield from 36 lots to 110 lots, or the maximum potential lot yield consistent with the Residential 1 Future Land Use designation.

The applicant submitted a Binding Development Plan (BDP), which includes the following conditions:

- The Developer/Owner shall limit development to 110 units.
- The Developer/Owner shall not use septic systems and will extend the sewer line from the intersection of North Courtenay Parkway and East Crisafulli Road to the project.

The Board may wish to consider whether the application proposal for Rezoning is consistent and compatible with the surrounding land use.

On October 11, 2018, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended denial.

On October 22, 2018, the Planning and Zoning Board heard the request and unanimously recommended denial.

It was brought to staff's attention, on October 25, 2018, that the property had not been noticed properly with the revised request. The applicant was able to post a sign on October 25th, but was required by Code to go back to the North Merritt Island Dependent Special District Board and the Planning and Zoning Board.

On November 8, 2018, the North Merritt Island Dependent Special District Board re-heard the request and unanimously recommended denial. The applicant, Chad Genoni, opted not to attend the North Merritt Island meeting.

On November 19, 2018, the Planning and Zoning Board re-heard the request and unanimously recommended denial.

Staff Contact: Erin Sterk, Planning & Zoning Manager, ext. 52640

**ATTACHMENTS:**

- Description**
- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **Maps**
- ▢ **Draft BDP**
- ▢ **School Concurrency**
- ▢ **Concept Plan 10-16-18**
- ▢ **Applicant Submittal 10-22-18**
- ▢ **Proof of Posting**
- ▢ **Applicant Letter to NMI Board**
- ▢ **Clarification of Applicant Letter to NMI Board**
- ▢ **NMI Minutes - October 11, 2018**
- ▢ **P&Z Minutes - October 22, 2018**
- ▢ **NMI Minutes - November 8, 2018**
- ▢ **Public Comment**
- ▢ **P&Z Minutes - November 19, 2018**
- ▢ **Road Maintenance Maps 11-19-18**
- ▢ **Revised BDP 11-21-18**
- ▢ **Disclosure**

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

The Brevard County zoning official, planners and the director of the planning and development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception and variance applications.

### **Administrative Policy 2**

Upon Board request, members of the Brevard County planning and development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

#### **Criteria:**

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

### **Administrative Policy 3**

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in

existing neighborhoods within the area which could foreseeably be affected by the proposed use;

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
  - 1. historical land use patterns;
  - 2. actual development over the immediately preceding three years; and
  - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
  - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
  - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
  - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

**Criteria:**

- A. Whether adopted levels of service will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

### **Administrative Policy 6**

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

### **Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

### **Administrative Policy 8**

These policies, the staff analysis based upon these policies and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits and vested rights determinations."

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

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

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

### **CONDITIONAL USE PERMITS (CUPs)**

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

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

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

(c) *General standards of review.*

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in section 62-1151(c) plus a determination that the following general standards are satisfied. The Board shall make the determination whether an application meets the intent of this section.
  - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
  - a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the

numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

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

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

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

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

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

### **DEFINITIONS OF CONCURRENCY TERMS**

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

**Current Volume:** Building permit related trips added to the latest MPO traffic counts.

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

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

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

**Acceptable Level of Service (ALOS):** Acceptable Level of Service currently adopted by the County.

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

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



**Bryan A. Lober, Commissioner, District 2**  
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Planning and Development  
Zoning Meeting December 6, 2018

**W.K.&R. Groves, Inc. (17PZ00158)**

- On November 28, 2018, Commissioner Lober and staff met with Chad Genoni, applicant's representative. The applicant envisions 110 housing units on the subject property. The discussion included the following: density; sewers/septic; traffic; land preservation; and drainage.

**District 2 Includes**

Cocoa • Kennedy Space Center • Merritt Island • Port Canaveral • Cape Canaveral • Avon by the Sea • Cocoa Beach • Snug Harbor • Patrick AFB • Rockledge

## REZONING REVIEW WORKSHEET

**17PZ00158**

**Commission District # 2**

**Hearing Dates: NMI 10/11/18 & 11/8/18 P&Z 11/19/18 BCC 12/06/18**

**Applicant Name: W.K. & R. GROVES, INC.**

**Request: AU to SR with BDP**

**Subject Property:**

Parcel ID# 23-36-24-00-750; 23-36-24-00-752; 23-36-24-00-754

Tax Acct.# 2316619; 2316620; 2316622

Location: North side of E. Crisafulli Rd., approx. 320 ft. west of Broad Acres St.

Address: Tax Parcel 750 = No assigned address. Tax Parcel 752 = 1430 E. Crisafulli Rd., Merritt Island. Tax Parcel 754 = No assigned address.

Acreage: 110.97 acres +/-

**Consistency with Land Use Regulations**

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

	CURRENT	PROPOSED
<b>Zoning</b>	AU	SR with BDP for 110 lots
<b>Potential*</b>	36 SF lots	110 SF lots
<b>Can be Considered under FLU MAP</b>	YES RES 1	YES RES 1

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

	ADT	PM PEAK		
Trips from Existing Zoning	0	0	Segment Number	060C
Trips from Proposed Zoning	1,047	110	Segment Name	SR #3 Hall Rd - N. Tropical
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	15,219	1,370	Directional Split	0.5
Volume With Proposed Development	16,266	1,480	ITE CODE	
Current Volume / MAV	36.42%	36.42%	210	
Volume / MAV with Proposal	38.92%	39.34%		
Current LOS	C	C		
OS With Proposal	C	C		
<b>Findings</b>	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

## Background & Purpose of Request

The applicant is seeking a change of zoning classification from Agricultural Residential (AU) to Suburban Residential (SR) with a Binding Development Plan (BDP) on 110.97 acres for the purpose of developing a single family subdivision. This request will increase the lot yield from 36 lots to 110 lots, or the maximum potential lot yield consistent with the Residential 1 Future Land Use designation.

After being recommended for denial by both the North Merritt Island Dependent Special District Board and the Planning and Zoning Board earlier this year, the applicant has amended their request and resubmitted a Binding Development Plan (BDP), which includes the following conditions:

- The Developer/Owner shall limit development to 110 units.
- The Developer/Owner shall not use septic systems and will extend the sewer line from the intersection of North Courtenay Parkway and East Crisafulli Road to the project.

## Land Use Compatibility

**FLUE Policy 1.9** allows residential development with a maximum density of up to one (1) unit per acre.

Within North Merritt Island, there is a history of density reductions, especially at the north end. A previous North Merritt Island Small Area Study Plan drafted June 1, 1992 proposed the reduction of residential densities from two (2) units to one (1) unit per acre, which applied to 65% of the NMI study area. Future Land Use Map Amendment 92B.5.13 changed the Residential Density designation from Suburban 2 to Suburban 1 on 6500 +/- acres, which included the subject property. After the first EAR Amendment to the Comprehensive Plan in 2001, the Residential Density and Future Land Use maps were combined, and the Future Land Use designation was renamed from Suburban 1 to Residential 1 (Res1). This Res 1 FLU designation remains today.

A new North Merritt Island Small Area Study is currently underway, which includes a draft recommendation proposed by the Citizen's Committee, proposing to reduce densities even further. The draft recommendation asks the Board to consider changing the Future Land Use designation of all properties with an existing Residential 1 Future Land Use designation and with an Agricultural Residential (AU) Zoning classification from Residential 1 (up to 1 dwelling unit per acre) to Residential 1:2.5 (up to 1 dwelling unit per 2.5 acres).

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

## Transportation Analysis

The subject parcel has direct access from E. Crisafulli Road. Current 2017 Space Coast TPO Traffic Counts do not include analysis of E. Crisafulli Road and the closest roadway segment included within the dataset is N. Courtenay Parkway (SR 3) between Hall Road and North Tropical Trail. This nearby segment of SR 3 was used for the preliminary trip generation and impact analysis within the Staff Report.

A preliminary review of the impact of trips anticipated to be generated by the increase in development potential of the property does not demonstrate that the impact on nearby N. Courtenay Parkway (SR 3) creates a deficiency in Level of Service and that the corridor still remains significantly under capacity within the segment between Hall Road and North Tropical Trail. Should the proposal for rezoning to SR with BDP be approved by the Board, and the property then subdivided, the applicant will be responsible for conducting traffic counts on E. Crisafulli Road in order to demonstrate whether concurrency failure is indicated or whether a significant change in trip generation has occurred.

## Environmental Constraints

As depicted on maps in the NRM Rezoning Review Summary in the addendum to this report, the subject parcel contains mapped NWI and SJRWMD wetlands, and hydric soils. Federally and/or state protected species such as FL scrub jays and gopher tortoises may be present on the property. Prior to any plan or permit submittal, the applicant will be required to provide an Environmental Assessment Report completed by a qualified environmental consultant to determine the existence and extent of the aforementioned environmental parameters.

Portions of the property are mapped as being within Federal Emergency Management Agency (FEMA) floodplain and are subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. The parcel also contains mapped aquifer recharge soils and is subject to the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance. If you have any questions, please contact NRM at (321) 633-2016.

## Applicable Land Use Policies

The AU zoning classification permits one single-family residence and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The parcels under this zoning action abut properties also zoned AU to the North, West and East. Zoning classifications to the south across E. Crisafulli Road are a mixture of AU and RR-1 zonings. The RR-1 classification permits single-family residential land uses on minimum one acre lots, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. The keeping of horses and agricultural pursuits are accessory to a principle residence within the RR-1, rural residential zoning classification. The applicant's request to utilize SR zoning further reduces the minimum lot area below one acre. The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

Prior zoning actions on this site date back to November, 1977 and earlier. Zoning actions were for temporary security trailer approvals dating back to March, 1967 under **Z-4361**, **Z-4323** and **Z-2059**. Recent zoning actions within the same section, but on surrounding properties, are a part of Zoning action **17PZ00105** (rezoning from RR-1 to AU) on November 2, 2017; **17PZ00067** (rezoning from PIP to AU) on August 3, 2017 and **16PZ00030** (rezoning from RR-1 to AU) on August 4, 2016.

## For Board Consideration

The applicant is seeking a change of zoning classification from AU to SR with a BDP on 110.97 acres for the purpose of developing a single family subdivision. This request will increase the lot yield from 36 lots to 110 lots, or the maximum potential lot yield consistent with the Residential 1 Future Land Use designation.

The applicant submitted a Binding Development Plan (BDP), which includes the following conditions:

- The Developer/Owner shall limit development to 110 units.
- The Developer/Owner shall not use septic systems and will extend the sewer line from the intersection of North Courtenay Parkway and East Crisafulli Road to the project.

The Board may wish to consider whether the application proposal for Rezoning is consistent and compatible with the surrounding land use.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Rezoning Review**  
**SUMMARY**

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

<b>Natural Resource</b>	<b>Preliminary Assessment</b>	<b>Natural Resource</b>	<b>Preliminary Assessment</b>
Hydric Soils/Wetlands	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 23, Rng. 36, Sec. 24; Tax ID No3. 2316619, 2316620, and 2316622**

The subject parcel contains mapped NWI and SJRWMD wetlands and hydric soils (Bradenton fine sand-limestone substratum and Copeland-Bradenton-Wabasso complex lime) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Pomello sand) as shown on the USDA Conservation Service Soils Survey Map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Portions of the property are mapped as being within the floodplain as identified by the Federal Emergency Management Agency (FEMA), and as shown on the attached FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area, often associated with increased density, increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Information available to NRM indicates that federally and/or state protected species may be present on

Staff Comments: Page 5

IV.A. (17PZ00158)

10/11/18 NMI; 10/22/18 PZ; 11/01/18 BCC

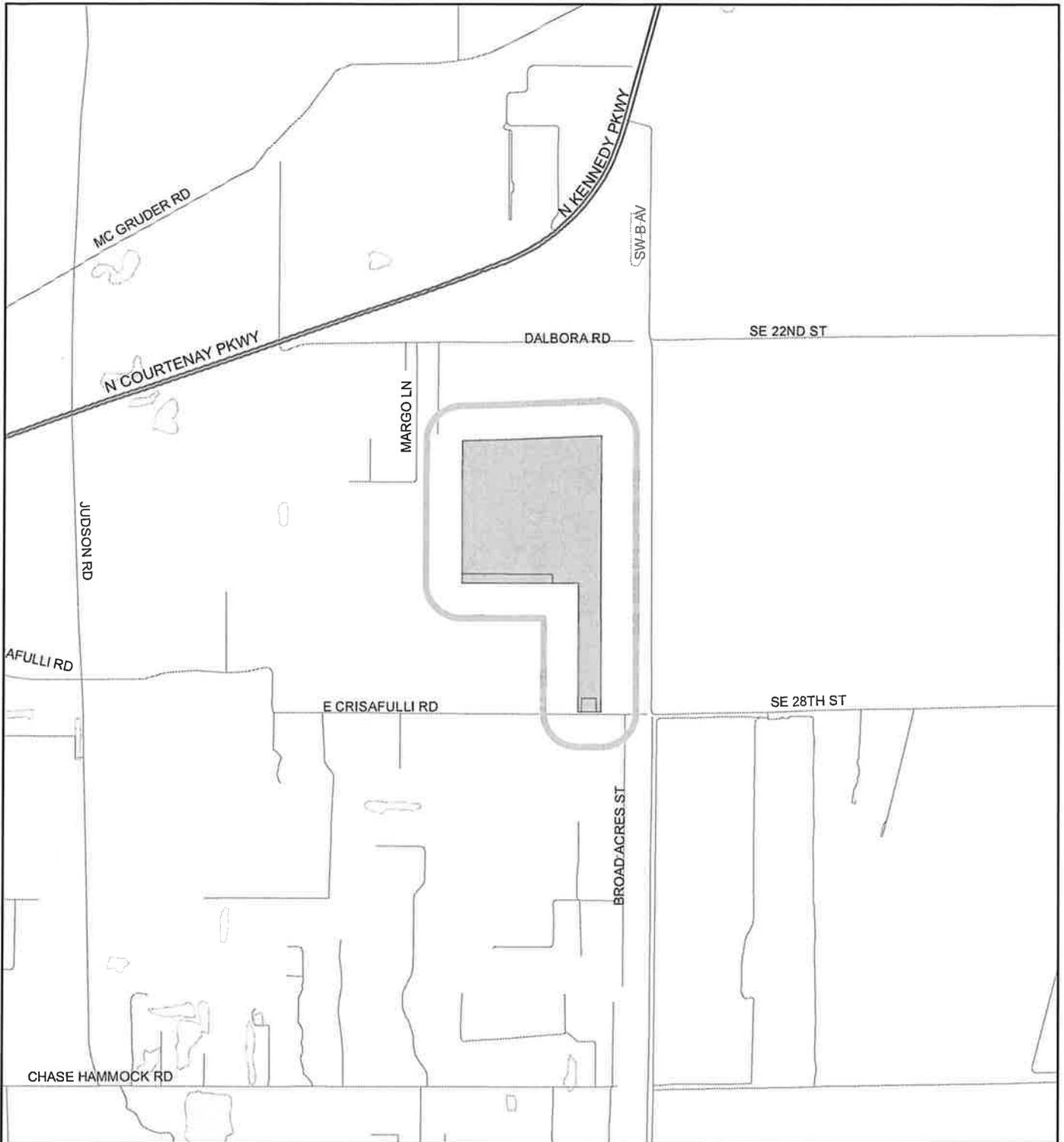
the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. In addition, a Florida Scrub Jay polygon is located on the east portion of the property; an indicator that Scrub Jays may be present. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. The Board may wish to request additional information regarding the presence of Specimen Trees prior to approval of the final development plan in order to explore options to preserve Specimen Trees to the Greatest Extent Feasible. The proposed project contains mapped polygons of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees. Heritage Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and likely reside in the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

# LOCATION MAP

W.K. & R. GROVES

17PZ00158



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

Buffer Distance: 500 feet

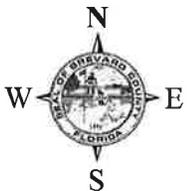
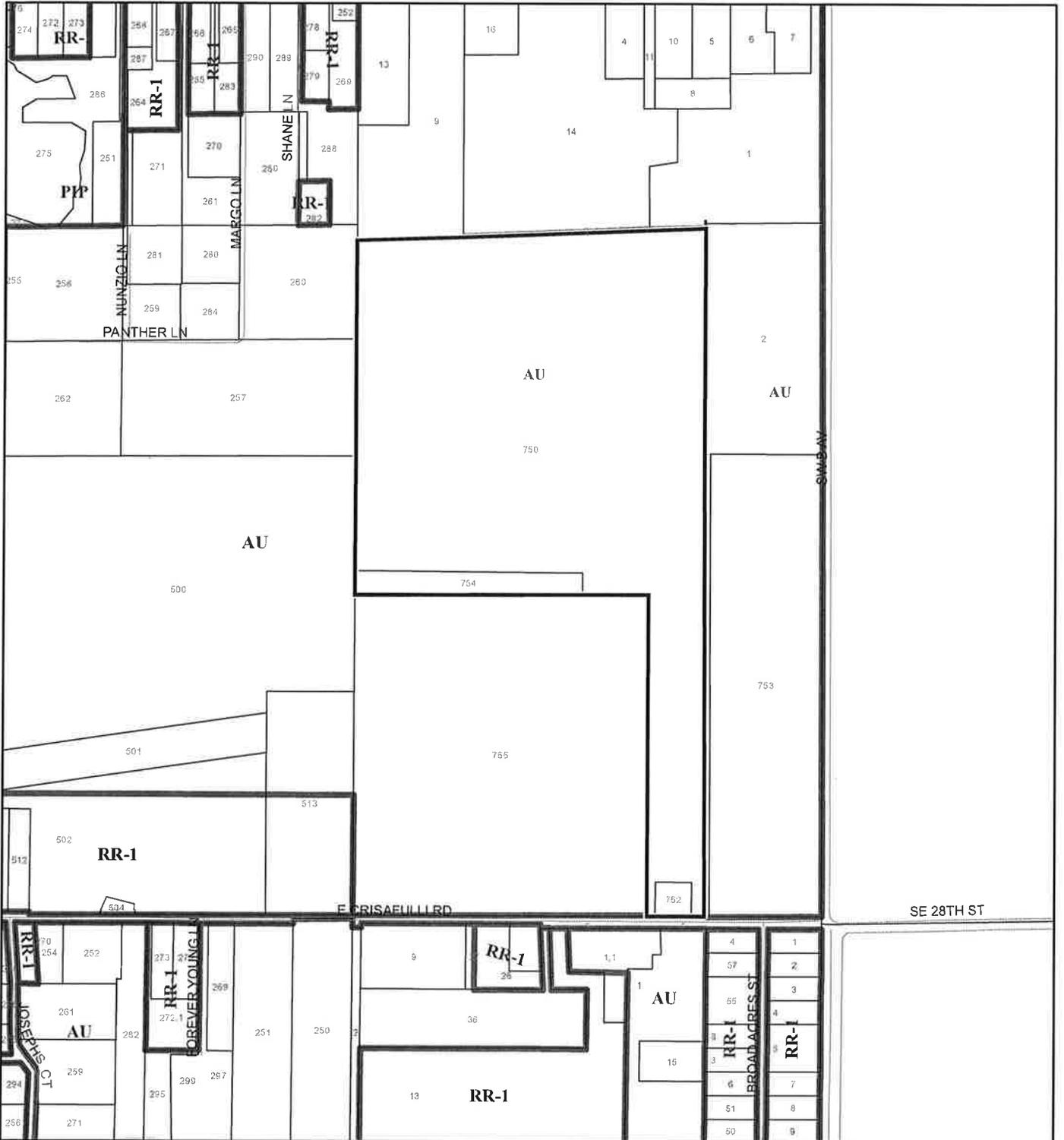
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/30/2018

-  Buffer
-  Subject Property

# ZONING MAP

W.K. & R. GROVES  
17PZ00158



1:9,600 or 1 inch = 800 feet

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

Produced by BoCC - GIS Date: 8/30/2018

-  Subject Property
-  Parcels
-  Zoning



# AERIAL MAP

W.K. & R. GROVES

17PZ00158



1:9,600 or 1 inch = 800 feet

PHOTO YEAR: 2018

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

Produced by BoCC - GIS Date: 8/30/2018

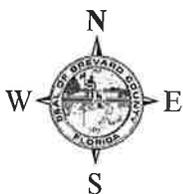
 Subject Property

 Parcels

# NWI WETLANDS MAP

W.K. & R. GROVES

17PZ00158



1:9,600 or 1 inch = 800 feet

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

Produced by BoCC - GIS Date: 8/30/2018

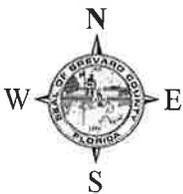
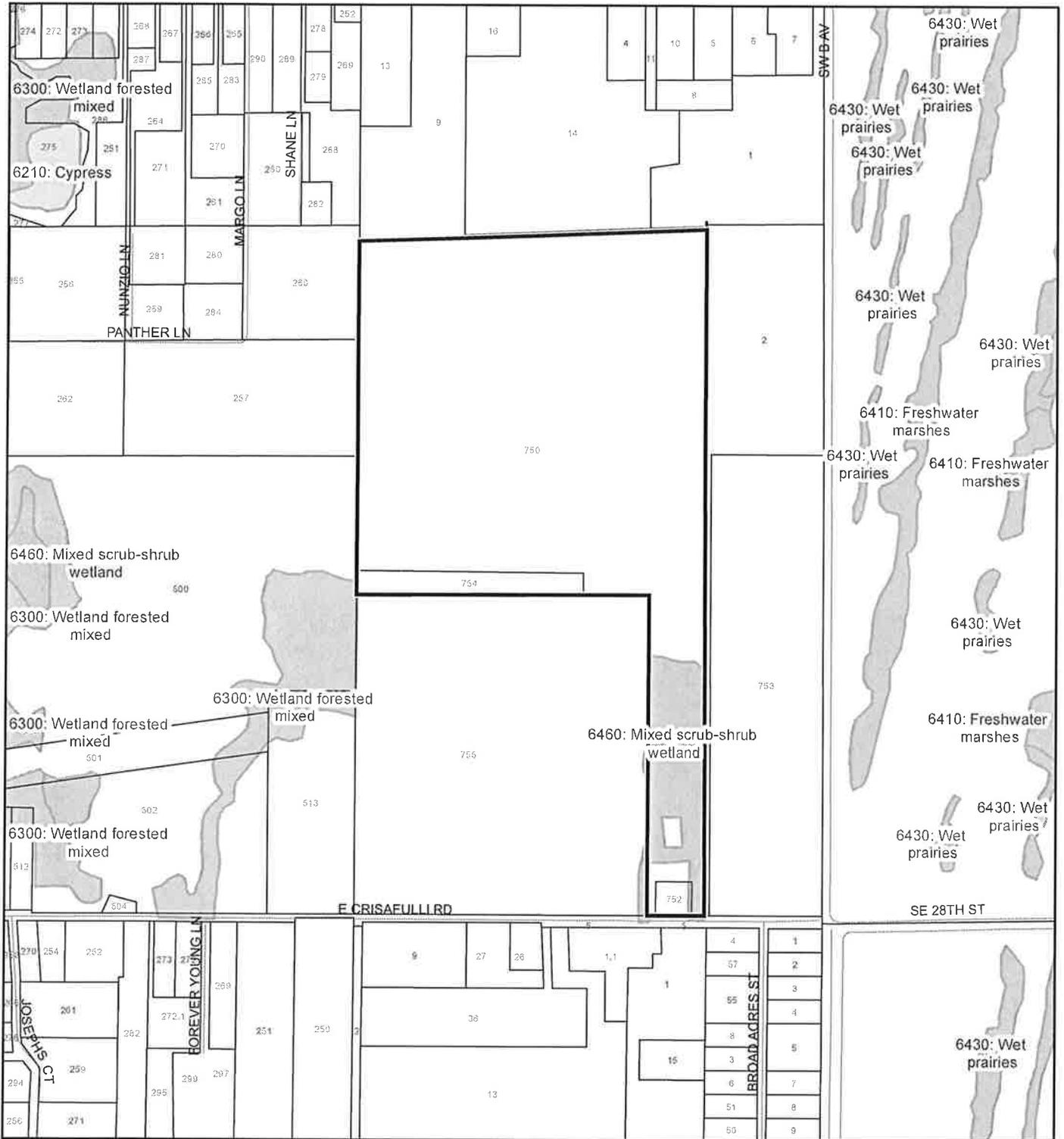
### National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

W.K. & R. GROVES

17PZ00158



1:9,600 or 1 inch = 800 feet

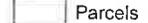
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/30/2018

## SJRWMD FLUCCS WETLANDS

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

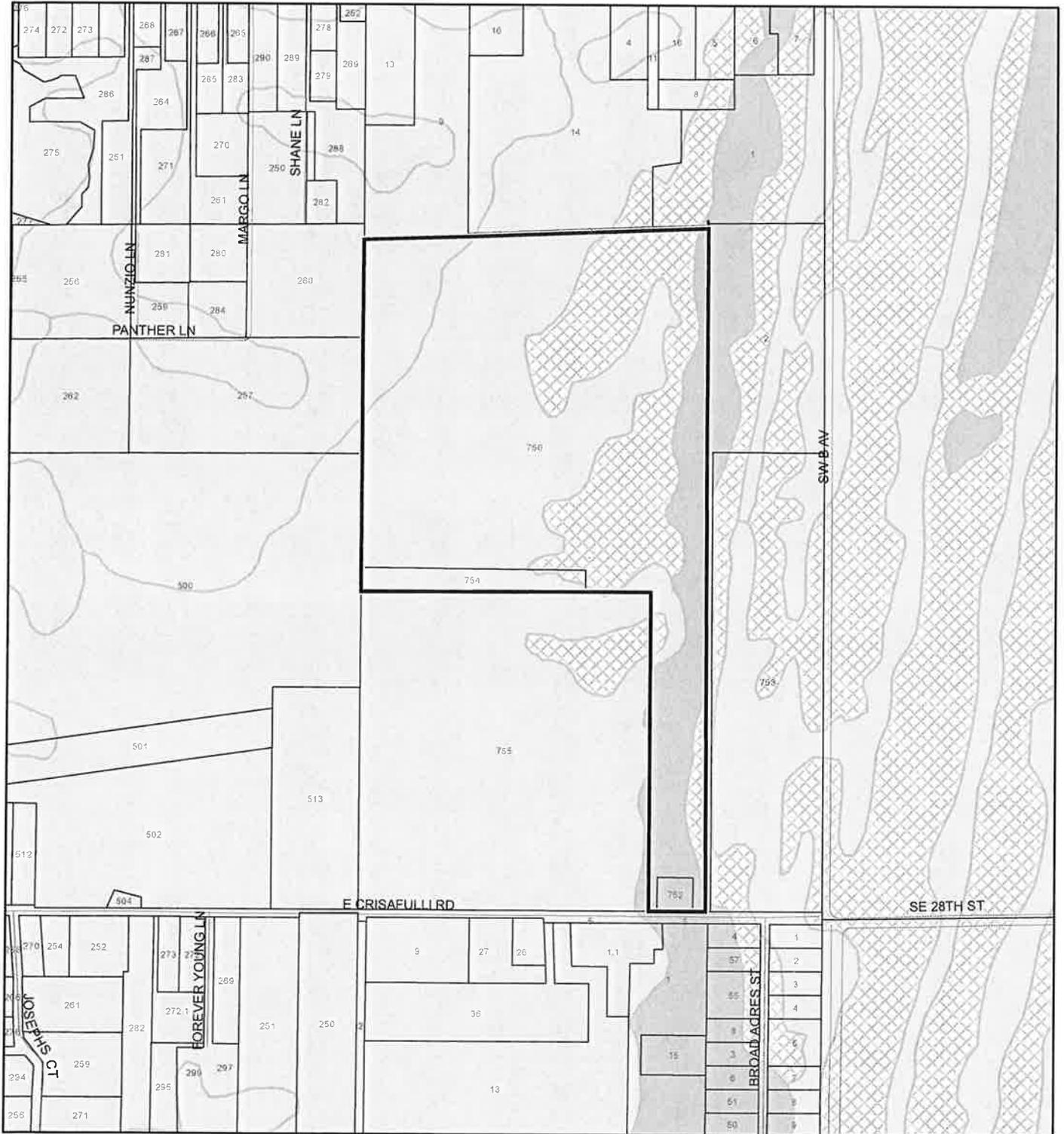
 Subject Property

 Parcels

# USDA SCSSS SOILS MAP

W.K. & R. GROVES

17PZ00158



1:9,600 or 1 inch = 800 feet

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

Produced by BoCC - GIS Date: 8/30/2018

### USDA SCSSS Soils

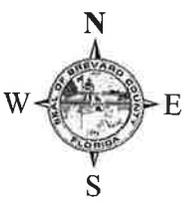
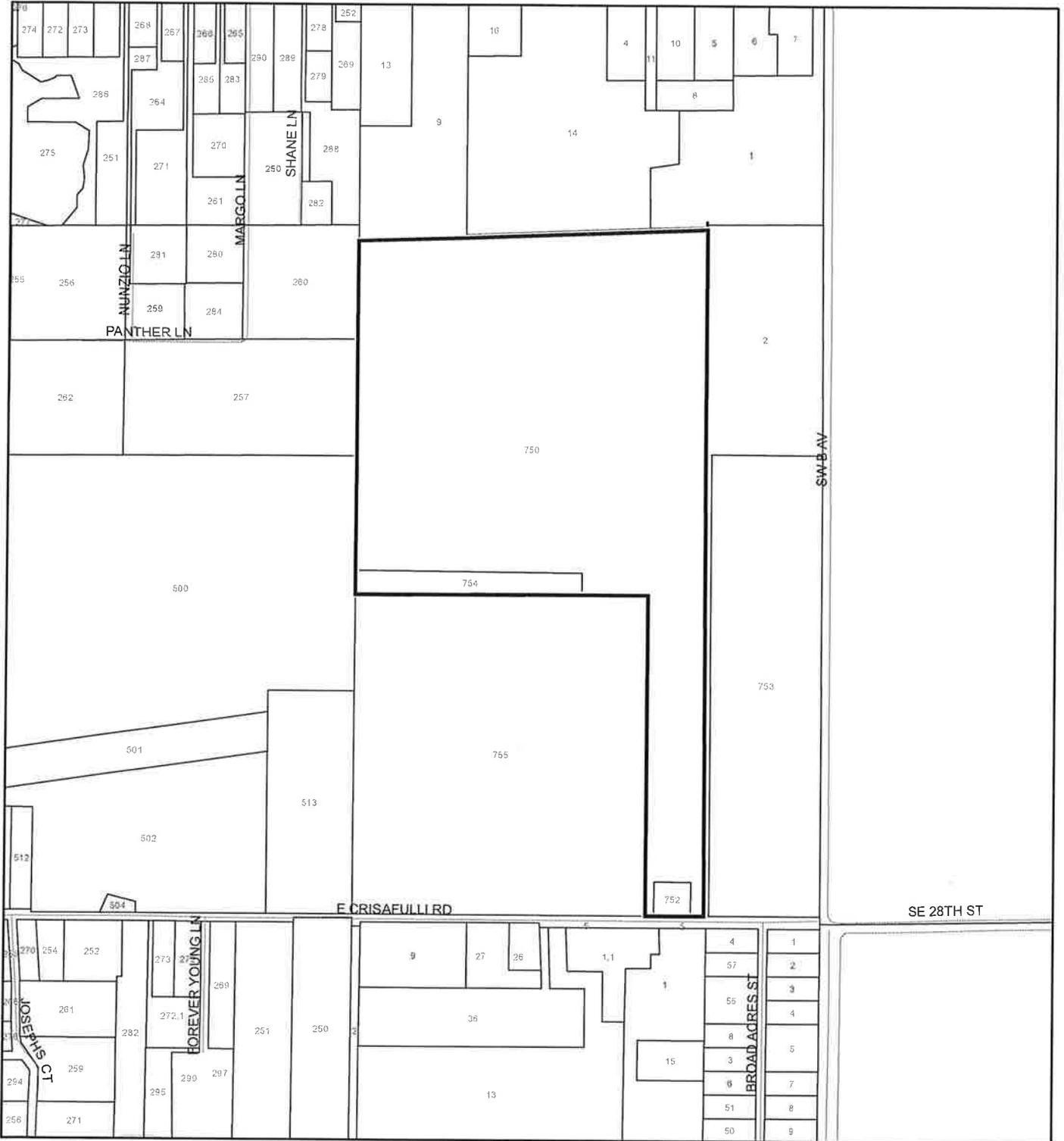
-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  Subject Property
-  Parcels



# EAGLE NESTS MAP

W.K. & R. GROVES

17PZ00158



1:9,600 or 1 inch = 800 feet

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

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

Produced by BoCC - GIS Date: 8/30/2018

# SCRUB JAY OCCUPANCY MAP

W.K. & R. GROVES

17PZ00158



1:9,600 or 1 inch = 800 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

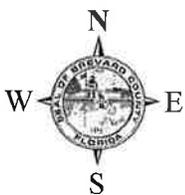
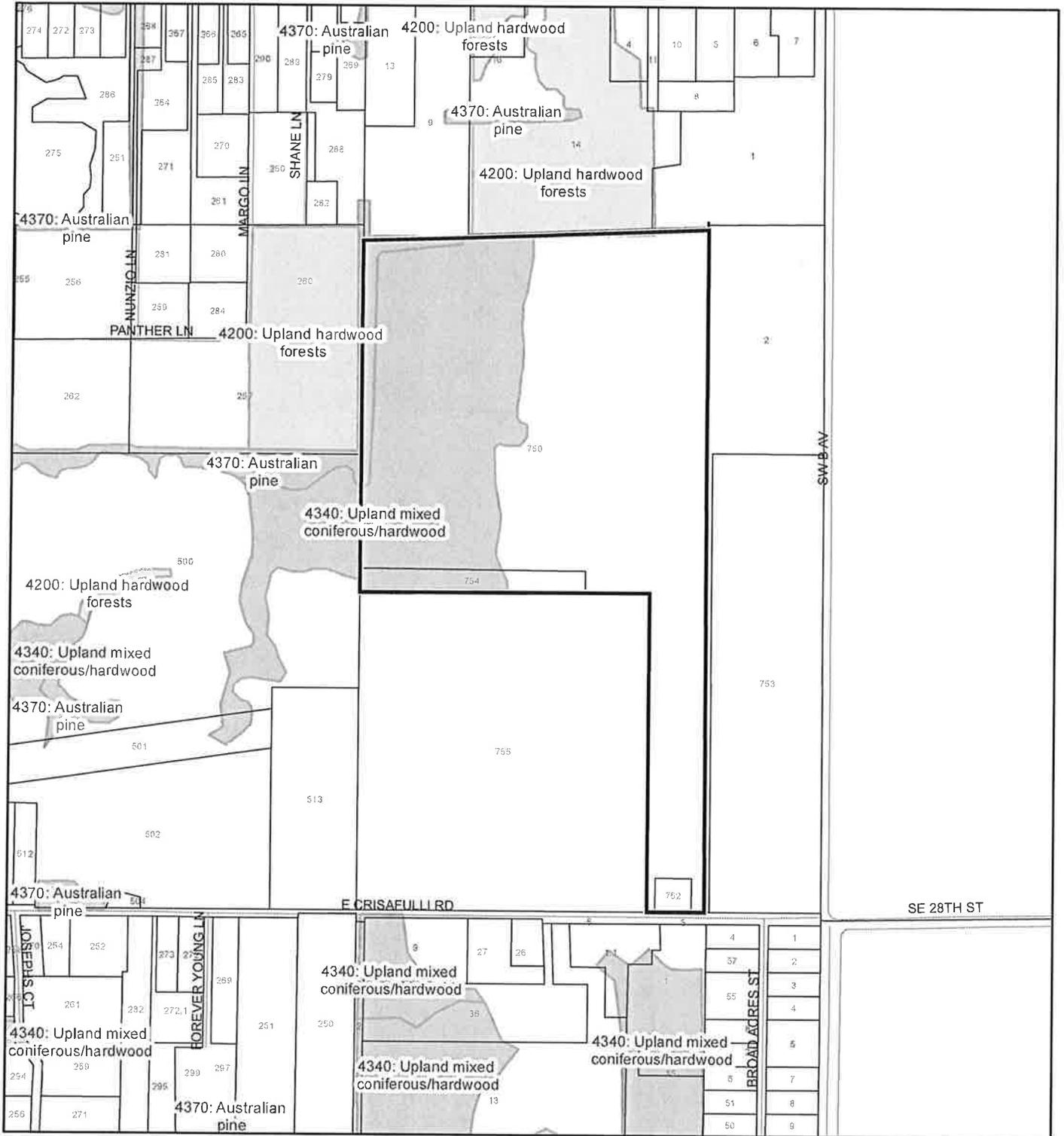
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/30/2018

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

W.K. & R. GROVES

17PZ00158



1:9,600 or 1 inch = 800 feet

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

Produced by BoCC - GIS Date: 8/30/2018

## SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels

Prepared by: Charles B. Genoni  
Beachland Managers, LLC  
4760 N. US1 #201  
Melbourne FL 32935

**BINDING  
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of October, 2018 between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Beachland Managers, LLC, a Florida Limited Liability company (hereinafter referred to as "Developer/Owner").

**RECITALS**

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

WHEREAS, Developer/Owner has requested the SR zoning classification(s) and desire to develop the Property as a Single Family Subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

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

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

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit the project to 110 units and may be further restricted by any changes to the comprehensive plan or the Land Development Regulations.
3. The Developer/Owner shall not use septic systems. Developer shall extend the Sewer line from the intersection of North Courtenay Parkway and East Crisafulli Rd. to the project.

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

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

6. This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_, 2018. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

7. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

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

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamison Way  
Viera, FL 32940

\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

\_\_\_\_\_  
Rita Pritchett, Chair  
As approved by the Board on \_\_\_\_\_

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

WITNESSES:

DEVELOPER/OWNER

Beachland Managers, LLC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Witness Name typed or printed)

4760 N. US1 Suite 201 Melbourne, FL 32935

\_\_\_\_\_

As Manager Member

\_\_\_\_\_  
(Witness Name typed or Printed)

Charles B. Genoni

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,

by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_,

who is personally known or produced \_\_\_\_\_ as identification.

My commission expires \_\_\_\_\_  
Commission no \_\_\_\_\_  
SEAL

\_\_\_\_\_  
Notary Public  
(Name typed, printed or stamped)

## Exhibit "A"

### Legal Description:

Begin at the Southwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 24, Township 23 South, Range 36 East, Brevard County, Florida; thence run N.  $0^{\circ}46'15''$  E, along the West lines of the Southeast  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of said Section 24, a distance of 3897.81 ft., to a point; thence run N.  $88^{\circ}26'15''$  East, a distance of 2000.24 ft., to a point on the East line of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 24; thence run S  $0^{\circ}36'53''$  W., along said East line of West  $\frac{1}{2}$  of Southeast  $\frac{1}{4}$  of Northeast  $\frac{1}{4}$  of said Section 24, a distance of 1300.61 ft., to a point on the East-West Center Line of said Section 24; thence run S.  $0^{\circ}31'38''$  West, along the East line of the West  $\frac{1}{2}$ , East  $\frac{1}{2}$ , Southeast  $\frac{1}{4}$ , Section 24, a distance of 2669.25 feet to a point on the South line of Section 24; thence run N.  $89^{\circ}29'49''$  West along said South line, Section 24, a distance of 2013.48 ft., to a point of Beginning. (Containing 181.10 Acres, more or less)

### Less and Except

Commence at the Southwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 24, Township 23 South, Range 36 East, Brevard County, Florida: Thence run North  $0^{\circ}46'15''$  East along the West line of the Southeast  $\frac{1}{4}$  of said Section 24 a distance of 25.00 feet to the point of Beginning of the following herein described parcel: thence continue North  $0^{\circ}46'15''$  E along said West line of the Southeast  $\frac{1}{4}$  a distance of 1,835.29 feet; thence run South  $89^{\circ}29'49''$  E parallel with the South line of the Southeast  $\frac{1}{4}$  a distance of 1678.77 feet; thence run South  $0^{\circ}46'15''$  West parallel with the West line of the Southeast  $\frac{1}{4}$  a distance of 1835.29 feet; thence run North  $89^{\circ}29'49''$  West parallel with the South line of the Southeast  $\frac{1}{4}$  a distance of 1678.77 feet to the point of beginning and being subject to any and all easements, deed restrictions and rights-of-way of record.

### Also Described as

#### Legal Description:

PARCEL ID 23-36-24-00-750 TA# 2316619 105.05 ACRES  
W  $\frac{3}{4}$  OF SE  $\frac{1}{4}$  & W  $\frac{3}{4}$  OF S  $\frac{1}{2}$  OF NE  $\frac{1}{4}$  AS DESC IN ORB 1204 PG 358, EXC S 2000  
FT OF W 1300 FT ORB 2838 PG 2885

PARCEL ID 23-36-24-00-752 TA# 2316620 1.00 ACRES  
E 210 FT OF W 1938.48 FT OF N 210 FT OF S 255 FT OF SE  $\frac{1}{4}$

PARCEL ID 23-36-24-00-754 TA# 2316622 4.92 ACRES  
2000 FT OF W 1300 FT OF SE  $\frac{1}{4}$  EXC ORB 2838 PG 2885

# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699  
Desmond K. Blackburn, Ph.D., Superintendent

17 PZ00158

FYI School Concurrency  
17PZ00158  
W.K.&R. Groves



January 22, 2018

Mr. George Ritchie  
Planning & Development Department  
Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940

**RE: Proposed Island Forest Preserve Rezoning  
School Impact Analysis – Capacity Determination CD-2018-02**

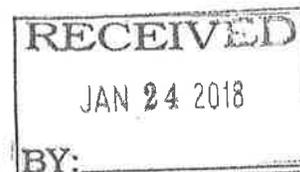
Dear Mr. Ritchie,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on January 9, 2018. The subject property consists of three parcels, tax account numbers 2316619, 2316620, 2316622 containing approximately 110 acres in Brevard County, Florida. The proposed Rezoning would result in an increase in the number of residential units permitted by 66 dwelling units. The School Concurrency Determination of this proposed development has been undertaken based on the maximum proposed development of 110 single family homes. The following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2017-18 to 2021-22 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2016-2017 to 2021-22* which is attached for reference.

Single Family	110		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	30.8	31
Middle	0.08	8.8	9
High	0.16	17.6	18
<b>Total</b>	<b>0.52</b>		<b>58</b>

Planning & Project Management  
Facilities Services  
Phone: (321) 633-1000 x450 • FAX: (321) 633-4646



**FISH Capacity (including relocatables) from the  
Financially Feasible Plan Data and Analysis for School Years 2017-18 to 2021-22**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	751	751	751	751	751
Jefferson	854	854	854	854	854
Merritt Island	1,915	1,915	1,915	1,915	1,915

**Projected Student Membership**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	641	629	634	652	632
Jefferson	610	669	711	733	735
Merritt Island	1,575	1,516	1,583	1,646	1,739

**Students Generated by Previously Issued SCADL Reservations**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	85	93	101	101	101
Jefferson	28	37	45	45	45
Merritt Island	54	72	88	88	88

**Cumulative Students Generated by  
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	-	3	8	12	31
Jefferson	-	1	2	3	9
Merritt Island	-	2	4	7	18

**Total Projected Student Membership (includes  
Cumulative Impact of Proposed Development)**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	726	725	743	765	764
Jefferson	638	707	758	781	789
Merritt Island	1,629	1,590	1,675	1,741	1,845

**Projected Available Capacity =  
FISH Capacity - Total Projected Student Membership**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	25	26	8	(14)	(13)
Jefferson	216	147	96	73	65
Merritt Island	286	325	240	174	70

At this time, the concurrency service area for the elementary school level is projected to have insufficient capacity to accommodate the maximum potential residential development resulting from the Island Forest Preserve rezoning.

Because there is a shortfall of available capacity in the concurrency service area of the Island Forest Preserve, the capacity of adjacent concurrency service areas must be considered, per

Interlocal Agreement Section 13.2(e). The adjacent Elementary School Concurrency Service Areas are those of Audubon Elementary and MILA Elementary. A table of capacities of the *Adjacent School Concurrency Service Areas* that could accommodate the impact of the Island Forest Preserve is shown below:

**FISH Capacity (including relocatables) from the  
Financially Feasible Plan Data and Analysis for School Years 2017-18 to 2021-22**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	707	707	707	707	707

**Projected Student Membership**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	538	554	563	571	596

**Students Generated by Previously Issued SCADL Reservations**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	-	3	8	12	31

**Total Projected Student Membership (includes  
Cumulative Impact of Proposed Development)**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	538	557	571	583	627

**Projected Available Capacity =  
FISH Capacity - Total Projected Student Membership**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	169	150	136	124	80

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Island Forest Preserve rezoning.

This is a **non-binding** review; a *Concurrency Determination* must to be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,  


David G. Lindemann, AICP  
 Manager Facilities Planning & Intergovernmental Relations

Enclosure: *Brevard County Public Schools Utilization 2016-17 to 2021-22*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management  
 File CD-2018-02



# Brevard County Public Schools

## Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service

### Data and Analysis for School Years 2016-17 to 2021-22

Summary		2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Highest Utilization Elementary Schools		90%	93%	100%	100%	99%	100%
Highest Utilization Middle Schools		87%	87%	91%	87%	100%	100%
Highest Utilization Jr / Sr High Schools		85%	90%	97%	100%	100%	100%
Highest Utilization High Schools		95%	99%	100%	100%	100%	100%

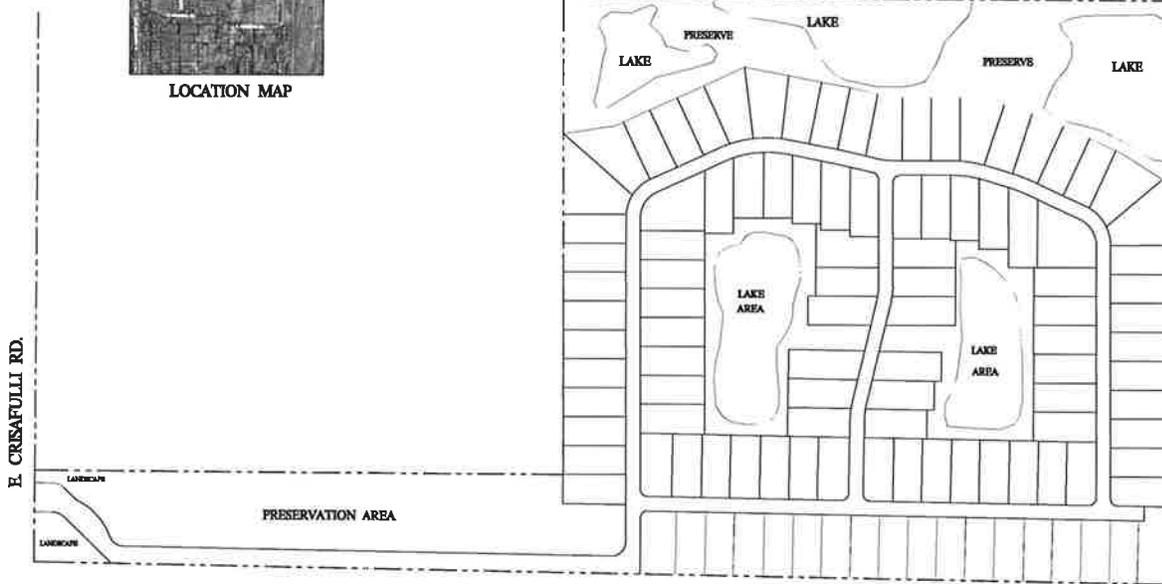
School	Type	Grades	Utilization Factor	School Year 2016-17			School Year 2017-18			School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22		
				FISH Capacity	10/7/16 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Aren	Elementary	PK-6	100%	751	632	84%	751	838	111%	751	667	89%	751	686	91%	751	707	94%	751	694	92%
Anderson	Elementary	K-6	100%	884	701	79%	884	704	80%	884	715	81%	884	726	82%	884	713	81%	884	694	78%
Apple	Elementary	PK-6	100%	902	815	90%	902	805	89%	902	815	90%	902	850	94%	902	837	93%	902	841	93%
Atlanta	Elementary	PK-6	100%	703	646	92%	703	661	94%	703	694	99%	703	690	98%	703	692	99%	703	692	99%
Audubon	Elementary	PK-6	100%	761	598	79%	761	583	77%	761	583	77%	761	598	79%	761	590	78%	761	589	77%
Candlelight	Elementary	PK-6	100%	785	840	107%	785	658	84%	785	674	86%	785	694	89%	785	717	91%	785	705	89%
Cape View	Elementary	PK-6	100%	548	428	78%	548	421	77%	548	421	77%	548	413	75%	548	420	77%	548	422	77%
Carroll	Elementary	PK-6	100%	751	680	91%	751	641	85%	751	620	83%	751	634	84%	751	652	87%	751	632	84%
Challenger 7	Elementary	PK-6	100%	573	525	92%	573	507	88%	573	554	97%	573	570	99%	573	560	98%	573	563	98%
Coquina	Elementary	PK-6	100%	751	544	72%	751	507	68%	751	539	72%	751	539	72%	751	524	70%	751	540	72%
Croft	Elementary	PK-6	100%	699	523	75%	699	531	76%	699	543	78%	699	543	78%	699	545	78%	699	551	80%
DeLeon	Elementary	PK-6	100%	1,154	940	81%	1,154	938	81%	1,154	874	76%	1,154	1,001	87%	1,154	1,029	89%	1,154	1,056	92%
Discovery	Elementary	PK-6	100%	795	615	77%	795	619	78%	795	646	81%	795	689	87%	795	694	87%	795	694	88%
Enterprise	Elementary	PK-6	100%	990	890	90%	990	892	90%	990	911	92%	990	900	91%	990	900	91%	990	918	93%
Enterprise	Elementary	PK-6	100%	729	543	74%	729	530	73%	729	493	68%	729	473	65%	729	450	62%	729	441	60%
Fairfax	Elementary	PK-6	100%	753	703	93%	753	707	94%	753	755	100%	753	729	98%	753	729	98%	753	729	98%
Fairfax	Elementary	PK-6	100%	753	703	93%	753	707	94%	753	755	100%	753	729	98%	753	729	98%	753	729	98%
Gambel	Elementary	PK-6	100%	711	451	63%	711	418	59%	711	407	57%	711	384	54%	711	377	53%	711	377	53%
Golfway	Elementary	PK-6	100%	629	401	64%	629	429	68%	629	452	72%	629	452	72%	629	452	72%	629	452	72%
Harbor City	Elementary	PK-6	100%	605	466	77%	605	450	74%	605	462	76%	605	462	76%	605	462	76%	605	462	76%
Herndon	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
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Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
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Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729	729	100%	729	729	100%
Imperial Estates	Elementary	PK-6	100%	729	716	98%	729	677	93%	729	729	100%	729	729	100%	729					



FYI Concept Plan  
 17PZ00158  
 W.K.&R. Groves  
 (Submitted 10/16/18)



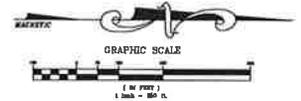
LOCATION MAP



111 AC

PROPOSED ZONING: SR

110 LOTS  
 DENSITY 110 LOTS / 111 AC = 1 UN/ACRE  
 SUBDIVISION WOULD BE ON COUNTY SEWER



DATE: 11-18 DRAWN BY: [blank] CHECKED BY: [blank] SCALE: [blank]	R.K. ENGINEERING AND ASSOCIATES OF BREVARD, INC. CONSULTING ENGINEERING AND LAND PLANNING 5600 WILLABAY AVE. GIBCOIA, FL 32927 PHONE: (352) 633-9166	ISLAND FOREST PRESERVE MERRITT ISLAND, FLORIDA	CONCEPTUAL SUBDIVISION PLAN	<table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> <td>BY</td> </tr> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> </table>	NO.	DATE	DESCRIPTION	BY	1			
NO.	DATE	DESCRIPTION	BY									
1												

FYI Applicant Submittal  
17PZ00158  
W.K.&R. Groves, Inc.  
(Submitted 10/22/18)

## **Brevard County P&Z/LPA Meeting**

October 22, 2018

- PRESENTED ON BEHALF OF -

### **W.K. & R. Groves, Inc. (Chad Genoni)**

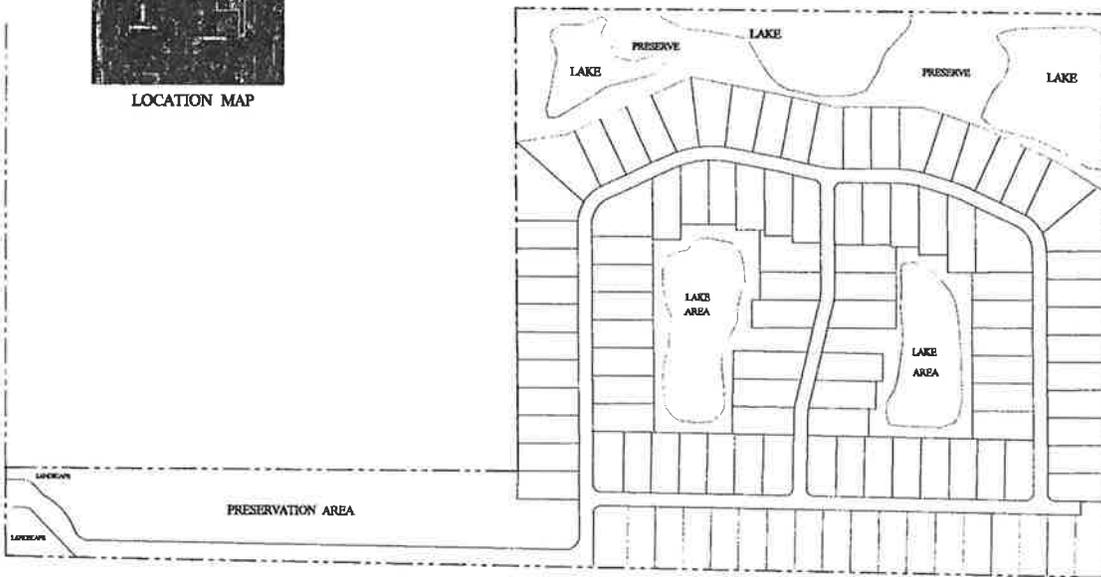
**Item # 4. W.K. & R. Groves, Inc. - (Chad Genoni) – requests a change of classification from AU (Agricultural Residential) to SR (Suburban Residential) with a BDP (Binding Development Plan) limited to 110 units. The property is 110.97 acres, located on the north side of E. Crisafulli Road, approximately 320 feet west of Broad Acres Street. (Tax Parcel 750 = No assigned address.) (17PZ00158) (District 2)**

**KIMBERLY BONDER REZANKA, ESQ.**  
**Cantwell & Goldman, P.A.**  
96 Willard Street, Suite 302  
Cocoa, FL 32922



LOCATION MAP

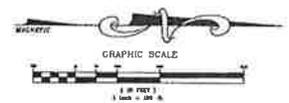
E. CRISAFULLI RD.



111 AC

PROPOSED ZONING: SR

110 LOTS  
 DENSITY 110 LOTS / 111 AC = 1 UN/ACRE  
 SUBDIVISION WOULD BE ON COUNTY SEWER



DATE	11-11-18
BY	
APP'D	
SCALE	
AC	

R.E. ENGINEERING AND ASSOCIATES OF HOWARD, INC.  
 CONSULTING ENGINEERING AND LAND PLANNING  
 1580 WILLOWDALE AVE.  
 COCOA, FL 32909  
 PHONE (321) 850-8665

ISLAND FOREST PRESERVE  
 MERRITT ISLAND, FLORIDA

CONCEPTUAL SUBDIVISION  
 PLAN

NO.	1	1
DATE		
BY		
APP'D		

See ORD 777 p. 74-124 45  
770 p. 348 100025

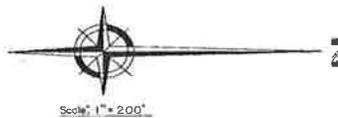
# BROAD ACRES

A Subdivision in Section 25, Twp. 23 S., Rge. 36 E.  
BREVARD COUNTY, FLA.

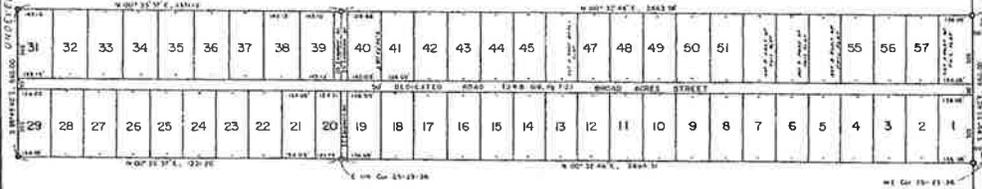
**-DESCRIPTION-**

The East 660 feet of the Northeast 1/4 and the East 660 feet of the Northeast 1/4 of the Southeast 1/4 of Section 25, Township 23 South, Range 36 East, Brevard County, Florida.

IN ACCEPTANCE OF THIS PLAT, BREVARD COUNTY ASSUMES NO RESPONSIBILITY FOR CONSTRUCTING, ALTERING, MAINTAINING OR REPAIRING THE STREETS SHOWN HEREON



UNDEVELOPED



N A S A

**NOTES:**

A Strip of land 5 feet wide along all rear and side lot lines shall be reserved for the installation and maintenance of drainage and/or public utilities unless otherwise noted. This is a permanent easement (See indicata permanent reference monuments).

**GIVENS, HUROLE & QUICK, Inc. - Civil Engineers**  
MERRITT ISLAND, FLORIDA  
326 E. N. 1. Cassway P.O. Box 217 Tel 834-1001

**PLAT BOOK 19 AND PAGE 127**

**DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS, that the Corporation named herein, being the owner in fee simple of the lands described in the foregoing portion of this plat, hereby dedicates said lands and plot for the use and purposes therein expressed and indicates the location, after, thoroughness, grade, lands and drainage easements shown hereon for the benefit and use of the public, see BREVARD COUNTY, FLA. IN WITNESS WHEREOF, the named donor presents to be signed and attested to by the person named herein, by separate act to be attested to on August 18, 1966.

By *A. D. Burderson* President  
*Abner M. Burderson* Secretary

Signed and attested in the presence of  
*John W. Wilson*  
*George H. Boyce*

STATE OF *Florida* County of *Brevard*  
I HEREBY CERTIFY, that an *correct* copy of this plat, before me, an officer duly authorized in this behalf, is in the State and County aforesaid, properly approved by the Board of Commissioners and *Abner M. Burderson* President and *Abner M. Burderson* Secretary of the above named corporation, is filed under the title of the State of *Florida* and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such officers lawfully authorized, that the official seal of said corporation is duly affixed thereto and that the said plat copies in the act and deed of said corporation.

IN WITNESS WHEREOF, I hereunto set my hand and seal on the above date.  
*George H. Boyce*  
Notary Public  
My Commission Expires *July 8, 1966*

**CERTIFICATE OF SURVEYOR**  
KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered land surveyor, does hereby certify that the foregoing plat is a true and correct copy of the original plat on file in the office of the Surveyor of the State of Florida, and that the same is a true and correct representation of the land therein described and shown thereon, and that no other information has been placed on said plat, as required by Chapter 177, Florida Statutes, and that said land is located in Brevard County, Florida. Dated *August 18, 1966*.

**CERTIFICATE OF APPROVAL BY MUNICIPALITY**  
THIS IS TO CERTIFY, that on \_\_\_\_\_ the \_\_\_\_\_ approved the foregoing plat.  
MAYOR \_\_\_\_\_  
CITY CLERK \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS**  
THIS IS TO CERTIFY, that on *August 18, 1966* the Board of County Commissioners of Brevard County, Florida, approved the foregoing plat as shown by the Board of County Commissioners of Brevard County, Florida.  
*George H. Boyce*  
Chairman of the Board  
*George H. Boyce*  
County Engineer

**CERTIFICATE OF APPROVAL BY ZONING COMMISSION**  
THIS IS TO CERTIFY, that on *August 18, 1966* the Zoning Commission of the above Municipality approved the foregoing plat.  
*George H. Boyce*  
Zoning Director

**CERTIFICATE OF CLERK**  
I HEREBY CERTIFY, that I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on *August 18, 1966* at *9:13 AM* in the \_\_\_\_\_  
\_\_\_\_\_ Clerk of the Circuit Court in and for Brevard County, Fla.

For Mortgage Dedication See O.R.B. Page \_\_\_\_\_ COUNTY ROAD \_\_\_\_\_

**NORTH MERRITT ISLAND DENSITY COMPARISON CHART**

PLAT NAME/OWNER	PLAT BOOK/ PAGE	TOTAL ACREAGE	TOTAL LOTS	LOT SIZES	DENSITY (upa)	ZONING	FLUM	YEAR
Chase Hammock Lakes	50/43	122.71	61	1 acre	0.50	AU	RES 1	
Citrus Isle	41/48	19.83	51	1/4 to 1/3 ac	2.57	EU-2	RES 4	
Citrus River Groves 1-4	25/133, 28/89,	69.81	94	1/2+/- ac	1.35	SR	RES 4	
Crisafulli Townhomes		12.85	48		3.74	RA-2-4	CC, NC, RES 4	2017
Harvey's Groves/ Copp II, LLC		41.95	56		1.33	EU-2	RES 2	2016
The Groves	32/26	13.96	20	1/4 to 1/2 ac	1.43	RA-2-10 (4)	RES 2	
The Groves Phase 2	39/73	12.91	16	1/2 ac	1.24	SR	RES 2	
Indian Bay Phase 1	26/34	47.1	89	1/3 to 1/2 ac	1.89	EU-2	RES 4	
Indian Bay Phase 2/1	36/41	11.27	21	1/3 ac	1.86	EU-2	RES 4	
Indian Bay 2/2	36/81	30.78	37	1/3 ac	1.20	EU-2	RES 4	
Najjad, Inc.		26.11	40		1.59	EU	RES 2	2017
North Grove	36/82	20.65	41	1/3 ac	1.99	EU-2	RES 4	
Otter Trace	38/28	35.77	37	1/2 to 1-1/2 ac	1.03	SR	RES 1	
Savannahs PUD**	35/56	97	288	0.26-0.29 ac	2.97	PUD	RES 1	
Sun Island Lakes	Mobile Home Pk	71.35	298+/-		4.18	TR-3	RES 2	
Stone Lake Estates	43/33	31.45	20	0.50 -0.53 ac	.93	SR	RES 1	
Sunset Lakes 1A	38/58	34.15	41	0.20 ac	1.20	PUD	RES 4	
Sunset Lakes 1B	39/21	21.76	61	0.20 ac	2.80	PUD	RES 4	
Sunset Lakes 2	41/14	14.07	45	0.20-0.28 ac	3.20	PUD	RES 4	
Sunset Lakes 4A	44/19	6.14	20	0.20-0.25 ac	3.26	PUD	RES 4	
Sunset Lakes 4B	44/22	5.04	16	0.20-0.31 ac	3.17	PUD	RES 4	
Sunset Lakes 5	44/93	7.37	26	0.14-0.17 ac	3.53	PUD	RES 4	
Sunset Lakes 6	45/41	8.98	32	0.13-0.15 ac	3.56	PUD	RES 4	
Sunset Lakes 7	46/1	28.21	39	0.14-0.29 ac	1.38	PUD	RES 4	
Sunset Lakes 8	46/43	12.28	31	0.17-0.30 ac	2.52	PUD	RES 4	
Sunset Lakes 9	47/26	29.33	44	0.17-0.19 ac	1.50	PUD	RES 4	
Sunset Lakes 11	50/27	4.37	5	0.51-0.71 ac	1.14	PUD	RES 4	
Egrets's Landing	Phase I & Phase 2	111.0	222	0.25 ac avg.	2.00	EU-2	RES 2	2014

\*\*Excluding Public Golf Course Area

RESOLUTION NO. 18PZ00009

On motion by Commissioner Barfield, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote:

**WHEREAS, HORIZON TITLE COMPANY, INC.** – (Kim Rezanka) – requests a change of classification from AU (Agricultural Residential) to PUD (Planned Unit Development), on property described as: **SEE ATTACHED**

**Section 36, Township 23 S, Range 36 E, and,**

**WHEREAS,** a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be denied; and,

**WHEREAS,** the Planning and Zoning Board, after considering said application and the North Merritt Island Dependent Special District Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, recommended that the application should be approved with the condition that density is restricted to one unit per two acres, and that no townhouses be proposed; now therefore,

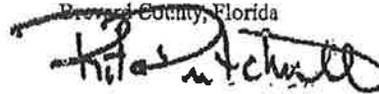
**WHEREAS,** the Board, after considering said application and the North Merritt Island Dependent Special District Board's and the Planning and Zoning Board's recommendations, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application be Approved; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU to PUD be APPROVED, and the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of May 24, 2018.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida



by Rita Pritchett, Chair  
Brevard County Commission

As approved by Brevard County Commission on May 24, 2018.



(NMI Hearing – April 12, 2018)  
(P&Z Hearing – April 23, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

Resolution 18PZ00009 (Continued)

Legal Description:

The south ½ of the NE ¼ together with a portion of the SE ¼ of Section 36, Township 23S, Range 36E, Brevard County, Florida; said subject parcel being more fully described as follows: Begin at the NE corner of said SE ¼ as marked by a four (4) inch square concrete monument stamped "Bussen Engineering Group" as shown on FDEP CCR document No. 0023182; thence S00deg50'39"W, along the east line of said SE ¼ a distance of 2,649.73 ft. to the SE corner of said SE ¼ as monumented by an unstamped 3/8 inch rebar as shown on FDEP CCR Document No. 0013854; thence S89deg47'47"W, along the south line of said SE ¼, a distance of 1,817.96 ft.; thence departing said south line N00deg28'24"E, parallel with the west line of said SE ¼ a distance of 861.59 ft.; thence N42deg48'07"W, a distance of 404.30 ft.; thence N89deg31'36"W, a distance of 547.79 ft. to said west of the SE ¼; thence N00deg28'24"E, along said west line of the SE ¼ and along the west line of said South ½ of the NE ¼ a distance of 2,817.24 ft. to the NW corner of said S ½ of the NE ¼; thence N89deg59'18"E, along the north line of said S ½ of the NE ¼, a distance of 2,668.95 ft. to the NE corner of said S ½ of the NE ¼; thence S00deg51'34"W, along the east line of said S ½ of the NE ¼, a distance of 1,324.67 ft. to the point of beginning. Containing 221.51 acres, more or less; being subject to any restrictions, covenants, easements, and/or rights-of-way of record. Located on the north side of Hall Rd., approx. 0.23 mile east of Wood Duck Lane. (890 E. Hall Rd., Merritt Island)

**RESOLUTION NO. 18PZ00018**

On motion by Commissioner Smith, seconded by Commissioner Barfield, the following resolution was adopted by a unanimous vote:

**WHEREAS, CRISAFULLI ENTERPRISES, INC.** has requested a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential), on property described as: SEE ATTACHED

Section 35, Township 23 S, Range 36 E, and,

**WHEREAS,** a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be denied; and,

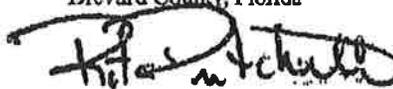
**WHEREAS,** a public hearing of the Planning and Zoning Board was advertised and held, as required by law, and after considering said application and the North Merritt Island Dependent Special District Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, recommended that the application should be approved with a BDP (Binding Development Plan) limiting density to a total of 34 units, and limiting ingress and egress to one access point; now therefore,

**WHEREAS,** the Board, after considering said application and the North Merritt Island Dependent Special District Board's and the Planning and Zoning Board's recommendations, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application be Approved as recommended by the Planning and Zoning Board; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU to EU be APPROVED, with a BDP recorded in ORB 8222, Pages 98 – 101, dated July 26, 2018, stipulating a conservation easement over the wetlands on the eastern portion of the property, limiting density to a maximum of 34 units, and limiting ingress and egress to one (1) access point. The Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of July 26, 2018.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



by Rita Pritchett, Chair  
Brevard County Commission

As approved by Brevard County Commission on July 24, 2018.

ATTEST



SCOTT ELLIS, CLERK  
(SEAL)

(NMI Hearing – May 10, 2018)  
(P&Z Hearing – May 21, 2018)  
(BCC Zoning Hearing – May 24, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years. THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

Resolution 18PZ00018 (Continued)

Legal Description:

A parcel of land lying in Section 35, Township 23S, Range 36E, Brevard County, Florida, and being a portion of lands as described in ORB 4760, Page 3807, of the Public Records of Brevard County, Florida, less and except lands as recorded in ORB 7936, Page 2585, of said Public Records and being more particularly described as follows: Commence at the south  $\frac{1}{4}$  corner of said Section 35; thence N00deg12'24"E, along the west line of the SE  $\frac{1}{4}$  of said Section 35, a distance of 750 ft. to the point of beginning; thence continue N00deg12'24"E, along said west line, a distance of 584.12 ft. to the SW corner of said lands as described in ORB 7936, Page 2585; thence along said parcel the following four (4) courses to wit: thence N45deg12'24"E, a distance of 62.93 ft.; thence N00deg12'24"E, a distance of 60.10 ft.; thence N14deg13'24"E, a distance of 265.75 ft.; thence N89deg47'36"W, a distance of 108.87 ft. to said west line; thence N00deg12'24"E, along said line, a distance of 971.69 ft.; thence N00deg14'42"E, along the west line of the NE  $\frac{1}{4}$  of said Section 35, a distance of 1,331 ft. to the north line of the west  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 35; thence S89deg55'45"E, along said north line, a distance of 666.03 ft. to the east line of said west  $\frac{1}{2}$ ; thence S89deg55'45"E, along said north line, a distance of 333.27 ft. to the east line of said west  $\frac{3}{4}$ ; thence S00deg13'31"W, along said east line, a distance of 1,767.05 ft.; thence N89deg59'53"W, parallel with and 900 ft. north, by right angle measure, of the south line of the SE  $\frac{1}{4}$  of Section 35, a distance of 495 ft.; thence S00deg13'31"W, a distance of 150 ft.; thence N89deg59'53"W, parallel with and 750 ft. north, by right angle measure, of said south line, a distance of 504.18 ft. to the point of beginning. Containing 62.12 acres, more or less, and being subject to any easements and/or rights-of-ways of record. (62.12 +/- acres) Located on the north side of E. Hall Rd., approx. 0.45 mile east of N. Courtenay Pkwy. (No assigned address. In the Merritt Island area)

RESOLUTION NO. 18PZ00022

On motion by Commissioner Barfield, seconded by Commissioner Tobia, the following resolution was adopted by a 4:1 vote, with Commissioner Barfield voting nay:

WHEREAS, GRAND LAKE ESTATES, LLC has requested a change of zoning classification from RR-1 (Rural Residential) to SR (Suburban Residential), on property described as: SEE ATTACHED

Section 25, Township 23 S, Range 36 E, and,

WHEREAS, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be denied; and,

WHEREAS, a public hearing of the Planning and Zoning Board was advertised and held, as required by law, and after considering said application and the North Merritt Island Dependent Special District Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, recommended that the application should be approved with a BDP (Binding Development Plan) requiring the developer/owner to install higher-functioning septic systems at a minimum of 65% total nitrogen reduction, or per adoption of a septic system ordinance, whichever is more restrictive; now therefore,

WHEREAS, the Board, after considering said application and the North Merritt Island Dependent Special District Board's and the Planning and Zoning Board's recommendations, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application be Approved as recommended by the Planning and Zoning Board; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from RR-1 to SR be APPROVED, with a BDP recorded in ORB 8239, Pages 1713 - 1718, dated August 16, 2018, requiring the developer/owner to install higher-functioning septic systems at a minimum of 65% total nitrogen reduction, or per adoption of a septic system ordinance, whichever is more restrictive. The Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of August 16, 2018.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



by Rita Pritchett, Chair  
Brevard County Commission

As approved by Brevard County Commission on August 14, 2018.

ATTEST:



SCOTT ELLIS, CLERK  
(SEAL)

(NMI Hearing - May 10, 2018)  
(P&Z Hearing - May 21, 2018)  
(BCC Zoning Hearing - May 24, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years. THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

Resolution 18PZ00022 (Continued)

Legal Description:

A parcel of land lying in the east ½ of the west ½ of the SW ¼ of Section 25, Township 23S, Range 36E, Brevard County, Florida, being more particularly described as follows: Beginning at the SW corner of Tract C as shown on the Plat of Otter Trace as recorded in Plat Book 38, Page 28, of the Public Records of Brevard County, Florida, thence N00deg10'55"W, along the east line of said Plat of Otter Trace and the west line of the east ½ of the west ½ of the SW ¼ of said Section 25, a distance of 2,628.90 ft. to the NW corner of said east ½ of the west ½ of the SW ¼ of Section 25; thence N89deg33'42"E, along the north line of said east ½ of the west ½ of the SW ¼ of Section 25, a distance of 669.77 ft. to a point lying on the west line of Chase Hammock Lakes, as recorded in Plat Book 50, Page 43, of the Public Records of Brevard County, Florida, as monumented and occupied; thence S00deg10'35"E, along said line, 2,629.75 ft. to a point lying on the north right-of-way line of Chase Hammock Rd., said right-of-way line lying parallel with and 30 ft. north of the south line of said east ½ of the west ½ of the SW ¼ of Section 25; thence 89deg38'01"W, along said right-of-way line, 669.51 ft. to the point of beginning. (40.42 acres) Located on the north side of Chase Hammock Rd., approx. 1.14 mile east of N. Courtenay Pkwy. (No assigned address. In the Merritt Island area.)

RESOLUTION NO. 18PZ00054

On motion by Commissioner Barfield, seconded by Commissioner Tobia, the following resolution was adopted by a unanimous vote:

WHEREAS, RONALD E. DIMENNA has requested a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential), with a BDP (Binding Development Plan) limited to one unit per acre, and ingress and egress limited to one access on N. Tropical Trail, on property described as follows: (1.) Tax Parcel 2, as recorded in ORB 6615, Pages 2399 – 2400; (2.) Tax Parcel 3, as recorded in ORB 2337, Page 1854; (3.) Tax Parcel 18, as recorded in ORB 4623, Pages 1735 – 1736 (portion north of North Tropical Trail only); (4.) Tax Parcel 28, as recorded in ORB 6091, Pages 1514 – 1515; (5.) Tax Parcel 251, as recorded in ORB 2438, Pages 1359 – 1360; (6.) Tax Parcel 501, as recorded in ORB 3210, Pages 3128 – 3129; (7.) Tax Parcel 752, as recorded in ORB 2514, Pages 2770 – 2771; (8.) Tax Parcel 752.1, as recorded in ORB 2376, Pages 323 – 324, all of the Public Records of Brevard County, Florida. (163.33 acres) Located on the north side of North Tropical Trail, approx. 0.11 mile west of North Courtenay Pkwy. (No assigned address. In the Merritt Island area)

Sections 15 & 22, Township 23 S, Range 36 E, and,

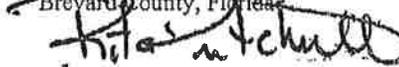
WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved with a BDP limited to one unit per acre; ingress and egress limited to one access on N. Tropical Trail; and stipulating that the owner will work with the County and all permitting agencies prior to the final subdivision approval, including right-of-entry, to enhance and improve the historical drainage outfall, and grant a maintenance easement to the County for the purpose of maintenance of the drainage facility.

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU to EU, be APPROVED with a BDP, recorded in ORB 8261, Pages 2243 - 2249, dated September 13, 2018, limited to one unit per acre; ingress and egress limited to one access on N. Tropical Trail; and stipulating that the owner will work with the County and all permitting agencies prior to the final subdivision approval, including right-of-entry, to enhance and improve the historical drainage outfall, and grant a maintenance easement to the County for the purpose of maintenance of the drainage facility. The Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of September 13, 2018.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



by Rita Pritchett, Chair  
Brevard County Commission

As approved by Brevard County Commission on September 6, 2018.

ATTEST



SCOTT ELLIS, CLERK  
(SEAL)

(NMI Hearing – July 12, 2018)  
(P&Z Hearing – July 23, 2018)  
(BCC Zoning Hearing – August 2, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years. THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

Map Subject Property (📍) (🗨️) Open Map in New Window (🗨️)

📍 MapView (🗨️)

📍 EagleView (🗨️)

📍 StreetView (🗨️)

Account (1234567) 2018

Account: 2316619 Parcel ID: 03-262-00430  
Sale: 5/27/19 : \$600,000  
BCPAO Market Value: \$1,120,000  
Owners: W & C CPA 6/19/19  
Address: Not Assigned

No Photo

Details | Zoom | Clear | Hide Disclaimer

INSTRUCTIONS (/Docs/misc/Instructions\_MapSearch.pdf)

FYI Proof of Posting  
17PZ00158  
W.K.&R. Groves

**From:** C. Genoni  
**To:** [Kimberly Rezanka](#); [Calkins, Tad](#); [Brewer, Jad](#); [Jones, Jennifer](#); [Bentley, Eden](#)  
**Cc:** [Patty Clark](#)  
**Subject:** RE: WK & R Groves (Chad Genoni)  
**Date:** Thursday, October 25, 2018 3:41:20 PM  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)  
[image017.png](#)

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Sign posted

**Chad Genoni**

Franchise Owner

Beachland Homes Corporation  
An Independent Franchise of Arthur Rutenberg Homes  
321-508-5052 (cell)  
321-473-6225 (office)  
[chad@gendev.us](mailto:chad@gendev.us)

<http://www.arthurrutenberghomes.com/builders/beachlandhomes>

Arthur  Rutenberg Homes



The largest family of luxury-home builders in the United States, with independently owned and operated franchises in Florida, South Carolina, North Carolina, and Tennessee.

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**From:** Kimberly Rezanka <[kim@cfglawoffice.com](mailto:kim@cfglawoffice.com)>  
**Sent:** Thursday, October 25, 2018 2:22 PM  
**To:** [Calkins, Tad](mailto:tad.calkins@brevardfl.gov) <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; [Brewer, Jad](mailto:Jad.Brewer@brevardfl.gov) <[Jad.Brewer@brevardfl.gov](mailto:Jad.Brewer@brevardfl.gov)>; [Jones, Jennifer](mailto:jennifer.jones@brevardfl.gov) <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>; [Bentley, Eden](mailto:Eden.Bentley@brevardfl.gov) <[Eden.Bentley@brevardfl.gov](mailto:Eden.Bentley@brevardfl.gov)>  
**Cc:** C. Genoni <[chad@gendev.us](mailto:chad@gendev.us)>; [Patty Clark](mailto:patty@cfglawoffice.com) <[patty@cfglawoffice.com](mailto:patty@cfglawoffice.com)>  
**Subject:** WK & R Groves (Chad Genoni)

I spoke with Chad and he is on his way to the P & Z office to pick up a sign and to post it today, taking a photo to prove posting.

We are available for the Nov. 8th NMISDB meeting, Nov. 19th P & Z and Dec. 6th County Commission.

Thank you,

**Kimberly Bonder Rezanka, Esq.**



*96 Willard Street, Suite 302  
Cocoa, FL 32922  
321-639-1320 ext. 123  
Fax 321-639-9950*

*[Kim@cfglawoffice.com](mailto:Kim@cfglawoffice.com)  
[www.cfglawoffice.com](http://www.cfglawoffice.com)*



**IMPORTANT:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are, by this, on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to Cantwell & Goldman, PA., 96 Willard St., Ste. 302, Cocoa, FL. 32922. Thank you.

# FOR SALE

## REZONING NOTICE

The North Merritt Island Dependent Special District Board will hold a public hearing at 5:00 P.M. on November 5, 2018, at the Brevard County Service Complex, 2578 N. Courtenay Place, Merritt Island, FL. The Planning and Zoning Board will hold a public hearing at 2:00 P.M. on November 19, 2018, at the Government Center, 2725 Judge Fran Jamieson Way, Viera, to consider the proposed zoning action on this property as indicated below:

Owner: W. S. S. GROVES, INC.

Present Zoning: AU - Acreage: 110.97 +/-

Requested Action: SR with Single Development Plan

The recommendations from the aforementioned public hearing will be presented to the County Commission at 3:00 P.M. on December 5, 2018, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera. All interested parties are invited to appear and be heard. Written comments filed with the Brevard County Zoning Official, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32946 will be considered. Removal of this sign prior to December 5, 2018, is illegal and subject to prosecution.

ROSES REALTY  
SERVICES, INC.

CALL

Ed Kosiec

## BEACHLAND MANAGERS, LLC

November 6, 2018

North Merritt Island Special District Board  
VIA Email [Jennifer.jones@brevardfl.gov](mailto:Jennifer.jones@brevardfl.gov)

Dear Board Members:

This letter shall serve as notification that we will not be attending the North Merritt Island Special District Board meeting on November 8<sup>th</sup>. We do not believe it is necessary for you to have to hear our proposal again, as it has not changed from the last meeting we attended.

There was an error in the posting of the notices on the property, therefore, this second meeting is a formality to satisfy the requirements.

Please let me know if you object to our non-participation in the meeting, if so, we will try our best to accommodate you.

Sincerely,

Chad Genoni  
Beachland Managers, LLC  
[chad@gendev.us](mailto:chad@gendev.us)  
321-473-6625

**From:** [C. Genoni](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Kimberly Rezanka](#)  
**Subject:** W K & R Groves  
**Date:** Tuesday, November 6, 2018 2:26:54 PM

---

Jennifer

please let this email serve as formal notification that we have no objections with the board voting on our request without our presence at the November 8th meeting.

Sincerely,  
Chad Genoni  
Beachland Managers LLC

Sent from my iPhone

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

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, October 11, 2018**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

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

**Planning and Development staff present were:** Erin Sterk, Planning and Zoning Manager; Cheryl Campbell, Planner III; Rebecca Ragain, Assistant Director; and Jennifer Jones, Special Projects Coordinator II.

**Approval of August 9, 2018, Minutes**

Motion by Jim Carbonneau, seconded by Gina Lindhorst, to approve the minutes from August 9, 2018. The motion passed unanimously.

Chair Hillberg explained the board procedures to the audience.

Excerpt of complete agenda.

**W.K.&R. Groves, Inc.** (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to SR (Suburban Residential) with a BDP (Binding Development Plan). The property is 110.97 acres, located on the north side of East Crisafulli Road, approximately 320 feet west of Broad Acres Street (No assigned address. In the North Merritt Island Area) (17PZ00158)

Rick Kern – I'm Rick Kern, the Civil Engineer for the project, representing the applicant. We read the staff report and we concur with everything in there. The proposal is for 110 single-family home units, and access will be on Crisafulli Road. With our new binding development plan it would be limited to 110 units and would be on sewer. The project would be extending a sewer line all the way to North Courtenay Parkway, so it will not be on septic tanks. We currently have not done a topographic survey of the property, nor a wetlands survey, but there are a large number of wetlands on the property. If the board has any questions, I will try and answer them.

Ted Balke – You mentioned you are going to try to run sewer to North Courtenay Parkway?

Rick Kern – Yes.

Ted Balke – Sewer doesn't come up that far. The sewer ends at Church Road, so in here it says your binding development plan is from North Courtenay Parkway to East Crisafulli Road.

Rick Kern – We would extend until it's able to connect to the county system.

Ted Balke – And you have permission from all the tenants and residents to put sewer in front of their homes?

Rick Kern – If it's in the public right-of-way, permission from the property owners is not required.

Jack Ratterman – But you're sure that the homeowners don't own all the way to the center of the road like some old homesteads?

Rick Kern – We have not researched that yet; we have not done a survey.

Jack Ratterman – You're not sure?

Rick Kern – No.

Ted Balke – You've done all this work and you haven't surveyed or done any background on.....

Rick Kern – We're not asking for a permit yet, we're simply asking for a rezoning.

Catherine Testa – Are you going to put it on the north side or the south side of East Crisafulli?

Rick Kern – We don't know yet.

Catherine Testa – How are homeowners going to get on and off their property if you're going to dig holes for sewers? How are people going to get in and out?

Rick Kern – Whenever we cross a driveway.....

Catherine Testa – There are also culverts there.

Rick Kern – Probably we would either open-cut them for a short time, or we can always bore under the driveway as well.

Catherine Testa – And what if you damage their culvert or driveway?

Rick Kern – Anything our contractor damages, our contractor has to fix.

Catherine Testa – Back to its original condition?

Rick Kern – Absolutely, yes.

Catherine Testa – What if there is an emergency during this time and people can't exit because you haven't finished doing what you need to do, since there is only one way in and out of most homes, and only one way in and out of East Crisafulli?

Rick Kern – As I said, we would coordinate with the property owner. If we were to open-cut it would be for a fairly short time. If a property owner objects to it.....

Catherine Testa – It doesn't take much time for a heart attack, and if a police or rescue people can't get there to save people.....

Rick Kern – If there's any objection to it we will bore under the driveway and have it fully operational.

Ted Balke – And your vehicles are going to be blocking the streets during the course of this time? As it is now, it's only a very skimpy two-lane road in both directions, and we've already had loss of life there; there's been seven deaths on the street, and people turning over into the canals. You can't block the street while you cut.

Rick Kern – In the design process, if it looks like access is too limited, we have the ability to directional bore the entire length because directional bores can go a very long distance. If doing open-cut is not practical, then we will do it in that manner.

Ted Balke – Yet another condition you haven't even evaluated.

Rick Kern – That's correct.

Erin Sterk – One of the reasons we didn't ask a lot of questions in the staff report, didn't going to that level of detail, was kind of like access to a property, or these kinds of factors, are really not evaluated at the zoning level. If they determine that they can't put the project in then they don't meet the conditions of the BDP and they wouldn't be able to construct the development.

Catherine Testa – But binding development plans can be changed and we know that, so just because it's part of this binding development plan doesn't mean that they'll say they will just do 110 with septic.

Erin Sterk – We hope that you guys elect good people to maintain.....

Catherine Testa – We only elect one person; the other four we don't.

Mary Hillberg – This property is currently zoned AU and the steps that the zoning goes up is AU, RR-1, then to SR. Why are you skipping the RR-1?

Rick Kern – We looked at that. In order for us to bring in sewer and bear that cost, we need to get the density to around one unit per acre, which would be 110 homes out there and that would not be possible with the RR-1 zoning because that's a full one-acre lot, and that would not be possible at all.

Mary Hillberg – So, you're saying that you wouldn't make as much money.

Rick Kern – The project would not be financially feasible.

Ted Balke – And the small area study that I'm privileged to know about, at this point is calling for 2.5 acres, everything that used to be AU. And you've just changed AU property up there from what it was before because it was a restricted property.

Mary Hillberg – The RR-1 is the correct next step, and to leap a step is a problem because even the binding development plan, which we know, as has been said, isn't really binding. We don't look at that like we look at zoning. Moving a step up, even though that wouldn't be in line with the small area study, would be one thing, but moving two steps up seems like a far reach.

Ted Balke – You already applied for RR-1. This is an ongoing request.

Mary Hillberg – When did you apply?

Rick Kern – You might want Kim to address those issues.

Ted Balke – About three meetings ago. This is not the first time. The last time it was for RR-1.

Kim Rezanka – It was RR-1 with 80 units.

Mary Hillberg – That's right.

Kim Rezanka – I'm Kim Rezanka, representing the applicant, and I was not involved at that time. Because of the need to get rid of septic tanks Mr. Genoni went and met with the Utilities Department, and the idea is we're going to expand sewer for the County, for everyone along the lines, and in order to do that it is probably going to be close to \$200 million, and that's why they want 110 units, which is one unit per acre. Because there's substantial wetlands on there, there's some floodplains on there – very little in the developable area, but there are many wetlands – the only way to get the density that would allow them to extend the sewer line is to have 110 units, to financially help the County by bringing the sewer line.

Mary Hillberg – Is Mr. Kern finished?

Rick Kern – Yes.

Kim Rezanka – He's here as the Engineer of Record, if you have drainage questions, or questions about the directional boring that I wouldn't know anything about.

Jim Carbonneau – This is a flag lot, for all intents and purposes, where is the proposed entrance?

Rick Kern – It would be on Crisafulli Road.

Jack Ratterman – When you're talking about the sewer, I believe Dimenna is going to run it out there to his property, so all you have to do is make it to S.R. 3. You're acting like it's a whole bunch of money you're going to put in there, but that sewer is coming out that way and he's paying for it.

Kim Rezanka – Dimenna is going up North Tropical Trail.

Jack Ratterman – But it has to come down S.R. 3.

Jim Carbonneau – Dimenna is going up S.R. 3, according to the presentation that was presented.

Ted Balke – This ends right at Ramsey's. It's going to get all the sewage from 300 people.

Jack Ratterman – You're going to have 110 homes, 2,750 people, and you're going to have all those people coming out of East Crisafulli Road. Are you going to do anything to help that traffic, or are you going to let that go, too?

Rick Kern – A preliminary look at this by the County is showing that the level of service on the road is C, and adding our additional trips to it would not make it go below; however, we need to do a traffic study on Crisafulli Road itself.

Ted Balke – There's a major S-turn in the middle of this, between S.R. 3 and where you're proposing to put this, that everybody has gone into at one point in time and drowned. It is a horrendous, ugly road, and people speed down it constantly because it has two straight stretches of road, and we already have conditions on that street that cause concern for everybody. It doesn't warrant more than the traffic that's currently there. Your future traffic study and this requirement for 110 homes seems to be vastly different than the reality of what is physical there.

Gina Lindhorst – What is the threshold for requiring a second entrance and exit?

Erin Sterk – It's 250 or 200.

Rebecca Ragain – It's 200.

Ted Balke – And there is no secondary option at this point other than going up through D'Albora and somebody else's property.

Mary Hillberg – Along with the traffic, I'd like to know what your plan is for drainage in this community so that it won't affect the surrounding communities with all the wetlands that you have.

Rick Kern – We are required by the Comprehensive Plan, as well as County and State laws, to not create in our development any situation that would make the drainage any worse than it currently is, so we cannot cause

any adverse drainage situations. We will be excavating somewhat large ponds on the property and it will be our intent to design those in such a way that would provide some additional floodplain storage for the surrounding area.

Mary Hillberg – What is the elevation of your property?

Rick Kern – We don't have a survey yet, but the elevation we've gotten from the LiDAR map indicate about half of the elevation about 3 feet, and the other half is about 4 feet.

Mary Hillberg – So you think large ponds.....it can't be deep because you're going to run into water.

Rick Kern – These would be ponds that would provide some additional floodplain storage, basically between what the water table is and what the existing ground is.

Ted Balke – The existing ground is already under water.

Gina Lindhorst – That's a lot of houses in there with not a lot of room for large, shallow ponds.

Mary Hillberg – Has your applicant considered the open space development? He wouldn't have to go through zoning and could protect more of the natural areas.

Rick Kern – We've not really looked at that in detail yet, so I cannot answer that yet.

Jack Ratterman – Getting back to the traffic, would you be prepared to help fund a traffic light at Crisafulli Road?

Rick Kern – At Crisafulli Road and Courtenay Parkway?

Jack Ratterman – Yes.

Rick Kern – I'm not authorized to make that statement.

Jack Ratterman – So everything would remain as-is right now?

Rick Kern – North Courtenay is a DOT road, I believe, and we have to pass a warrant study. It's not a situation where we think a traffic signal is good there, so DOT will not allow one to be there, even if it was funded and everybody wanted it.

Catherine Testa – What about stop signs along the way to slow traffic down, especially before and after the bend? I live between Judson and the bend and I know that there are mornings that I get almost hit – I go out five days a week, and four of those days there are cars that almost hit me because there's a lot of traffic trying to get out, and because it's around the bend they can't see and they're going too fast. If there are another 1,000 trips per day coming out, I'm at greater risk, and so is everybody else that lives on the road. The further you get in either direction the more at risk you are because there are more people coming from both directions.

Rick Kern – Any kind of traffic calming device that the County is okay with we'd be very helpful to add.

Catherine Testa – Would you request it?

Rick Kern – I think we probably would.

Jim Carbonneau – I live on the west side of Crisafulli Road, and getting out of Crisafulli Road to go north to the Space Center, that left-hand turn in the morning is miserable now, and adding additional traffic with the density that you're talking about, something is going to have to be done at that intersection. It's either going to be an impact to the County, cost-wise, or to the developer of the project.

Ted Balke – People are just going to cut up Judson Road, that dirt road, and create a nightmare there, because that's going to be a quick short-cut to get out onto S.R. 3, because that takes you all the way up to Pine Island.

Jim Carbonneau – If they do that, the deterioration of the dirt road.....

Ted Balke – The roadway doesn't warrant it as it is now, and now you're talking about all these people and you're not even considering that they're going to be driving their kids back and forth from school and they're going to be returning home, or whatever, and all the juveniles that are going to be moving into this development that are going to have a new car.

Catherine Testa – There will be more dead people on our street.

Ted Balke – Yes, there will be more dead people on our street. As I said, there are already statistics that show seven of them, and someone died recently on the S-turn.

Jack Ratterman – I have a question about how you're going to get out of there. Looking at your maps, you've got scrub jays, and because it's a flag lot the whole pole to get onto Crisafulli is scrub jays, and when you look at the FEMA flood map, you've got a lot of that. When you look at the wetlands survey, how are you going to mitigate all that? What are you going to do? Are you going to mitigate a road through there? Are you going to put any houses in that flag pole area?

Rick Kern – I don't think we'll be putting in any homes there.

Jack Ratterman – How wide is that?

Jim Carbonneau – He'd have to take the calculation off of the square footage to then re-calculate the houses that are going on the flag portion of the lot.

Jack Ratterman – Everybody on the other side is KSC, right?

Ted Balke – No, that's the.....

Jack Ratterman – No, right here.

Ted Balke – That's KSC, correct.

Jack Ratterman – Because you've got Broad Acres and then on the other side of Broad Acres it's KSC.

Ted Balke – That's the KSC property behind the fence, and that area is always under water. You're saying you're not to do further damage to existing.....I think that was your statement.

Rick Kern – Yes, that's County and State law.

Jack Ratterman – And then you guys sent out letters to all the property owners within 500 feet?

Erin Sterk – We do that.

Jack Ratterman – To the Carew's who own the large piece of land there?

Ted Balke – The people up on D'Albora that back into it didn't get letters.

Jack Ratterman – I can't imagine Billy Carew not being here.

Ted Balke – I don't think anybody has because I've spoken to the residents on East Crisafulli and they are all upset, to say the least.

Erin Sterk – William Carew got a notice.

Jack Ratterman – He did?

Erin Sterk – Yes.

Kim Rezanka – Erin, is that for this meeting, or P&Z?

Ted Balke – That wasn't for this meeting.

Jack Ratterman – Was that for this meeting or the second meeting?

Jennifer Jones – The most recent courtesy notice was for this meeting.

Jack Ratterman – So you sent all new letters out again?

Jennifer Jones – Yes.

Mary Hillberg – Does anyone have any more questions for Mr. Kern? Is there anyone in the audience who would like to speak?

Phil Bernardo – Phil Bernardo, North Merritt Island resident. I wasn't at any of the previous meetings on this, but I reviewed the materials and as a resident of North Merritt Island I don't agree with changing the recommendation from last time, which was for 80 homes and now 110 homes. We're getting ready to finish the small area study, which recommends no less than one acre per home.

Ted Balke – Two and a half acres.

Phil Bernardo – That's even worse. Drainage is an issue. A lot of this was already mentioned, but I figured I'd reiterate it, and some of it is in the FEMA floodplain, and as the small area study said, let's re-do these FEMA maps because it seems it's getting worse, not better. I heard the engineer say they were going to build retention ponds, and if you dig down so many feet deep you're going to hit water, so the retention ponds are really borrow pits, and that's where they're getting fill dirt to raise everything else up and now it's going to runoff somewhere. You're not going to have the entire depth of that to runoff, you're only going to have until you hit the water table. I looked at the over-capacity situation with Lewis Carroll Elementary, and I don't know if a lot of that was mentioned, but it involves re-districting and busing, and there's a cost associated with that, so I hope that's being considered. There is some kind of traffic study in the package that says there's a non-deficiency, but it didn't look at Crisafulli Road, it only looks at S.R. 3. I'm kind of new to the HOA, but I keep seeing the same thing over and over again and each development is like an island, it's isolated, and there's no cumulative effect, and somebody needs to do some kind of study that looks at the combined effect of all of this, and the cruise ship parking and all of that. I don't see that being done because one day you go across the Barge Canal and it's gridlock, it's not moving. I heard stuff about sewer, and I think sewer is good. Septic...the Lagoon is

as nasty as I've ever seen it, and to say it's not in an area of concern and they can use low-nitrogen septic, how do you know that until you have a major hurricane or you have a tropical storm that stalls and now there's all this water, and here's an area of concern, but we're not in an area of concern. It's not going to mix? I just don't agree with making it more dense than it already is.

Mary Watkins – Mary Watkins, 1595 East Crisafulli Road. I have sent Erin Sterk photos of the summer storm that occurred in June of this year, of the property in question, taken from Crisafulli Road on my way to work, and the flooding that is occurring there. My house was built in 1974 and until about two years ago I had no flooding problem. Since then, any significant rain is going to cause problems. I was working for Planning and Development during Irma, and in my email to Erin I stated that I waded in and out of my house for over two months following Irma. I've had the elevation run on my property and to bring the elevation of this adjoining property that we're talking about developing to code, which is 3 feet above the elevation of Crisafulli Road, will significantly impact my property and other property in Broad Acres Subdivision. I would like to go on record forewarning the County, that even as a County employee I will certainly look to a Class Action lawsuit if this is allowed and property drainage causes problems to existing homes that have been there for over 30 years. Aside from that there is the traffic problem, my son included, young son, and although he had been driving for over eight years he still put a Honda in a ditch, and he walked away, he was one of the lucky ones. It is a significant problem. That road will not handle that kind of traffic. Just this week, while leaving for work, checking traffic both ways, turning to go left, I pulled out in the middle to wait and I almost got hit by a car driving in the rain without their lights on. Less than two years ago my son, crossing from West Crisafulli to East Crisafulli, was T-boned by a car going north, driving without their lights on. This is a significant and serious problem. This is one person, twice in three years. On record, too many houses too much; one house per two and a half acres I'll agree with; one house per acre, no, that's too much, and certainly to impact it with even more than one house per acre I certainly object to it. Thank you.

Don Wagner – My name is Don Wagner, my home address is 5535 Broad Acres Street. I've only been here for four or five years, but I've been in Florida since 1952 and I've been through a whole bunch of what we're going through today. I'm not going sit here and pick out technical items, because it's not my job, it's his job. Everything I've heard this evening has been prefaced with 'we will'. We have a saying for that called PTSOP, Put That Stuff On Paper. I've been through too many of these, and I've been through much larger developments than this and beat them, and you can beat them, but you can't beat them sitting there. This thing, the way I heard it this evening, is a development of regional impact, which talks about sewage, parks, schools, roads, access, drainage, and if that's not a regional impact then I don't know what the hell makes one. There are certain laws governing developments of regional impact. I don't know if any of you know about them, but he knows about them, believe me. He's sitting there quivering because he doesn't want to fill out the paperwork necessary, and it comes in a book about that thick, and he has to get it through here, plus he has to get it through the State, and if that don't work he's got to take it to the Federal, and that's what you're going to have to do to control this mess. You aren't going to control it through the commissioners, they could give a damn less. How many commissioners have you ever seen drive down S.R. 3 at 2:00 or 3:00 in the afternoon when people are going home, or at 8:00 in the morning? They only time you'll ever see them is on a Sunday afternoon taking their kids out south of the bridge and get them some ice cream. They don't come up here to see you people. The people that are doing this development, have any of them walked up to any of their neighbors and said, "Hey, I'm thinking about putting another 200 houses over here, does that bother you?" Has anyone come up to you folks and said that? I couldn't get out of my house until about the first of October in last year's floods; I had to go borrow a truck to get to town and buy groceries. They will put a culvert under Bishop, and that's in writing, from September last year, and it will all be done before September this year. Like hell it is; there isn't a culvert there now and there isn't going to be; it's going to flood me again. Folks, I'm not going to get into the technical end of this, of what's high, what's low, and what's middle; I'm not going to get into how many cars and how many children, and how many folks are going to get killed, but there's going to be some. We've had two of them killed on Crisafulli last year, and that wasn't even trying to get across S.R. 3. The only salvation you've got is to kick this thing a hell of a lot higher than what it is right now. (inaudible) You're getting paid to do this (inaudible).

Mary Hillberg – We need your comments to us, please.

Don Wagner – They've prefaced everything with 'we will'. I've been against developments a hell of a lot larger than this one, a lot larger, and I took them to the Governor and I got them stopped, at least as long as I lived there. You can stop this one, but you aren't going to stop it sitting in these chairs. Get yourself a copy of a regional impact and see what's required and make this guy, or whoever is paying him, comply to it, and he's got to comply to it, not to what the commission here says, but what the State says and what the Federal government says, and that's the only way you're going to beat this. Everybody else says, "I have 100 acres and I can make myself \$100,000 profit". And he don't give a damn if it floods your property and you have no access, you can't get out onto the highway, and your kids can't get to school. This place is suicidal; you've got the bridge over the Barge Canal, and that's the only access out of this place without going all the way to damn near Titusville. That's ridiculous. You've got hundreds of people in here and a flood like we just had to the north of us, then what are you going to do? I'll tell you what you do, you go out and buy SCUBA gear. I can sit here and ramble; I've told you how to do it, I've been there, I've done it, and I know how to do it, and I'm not going to do it for you. I've only been here three or four years and I'm over 80 years old, and I'm not going through this trash again; I don't have to, but you guys do, you don't have the versatility that I've got, and I can utilize it, but I don't want to, I came here because I wanted to come here, it's a very nice area with nice people, and a great place to live; you can have your animals and let your kids walk and play on the streets, and you can't do that in many places in Florida. I told you how to get there; go get yourself a copy of a development of regional impact and drive this guy crazy and all those developers crazy, and all those big bucks aren't going to come flying out if they meet the requirements, and the requirements are many. Thanks for the time.

Kim Smith – Thank you for your time. I'm Kim Smith and I'm reading for the North Merritt Island Homeowners Association, Post Office Box 542372, Merritt Island, Florida, 32954-2372. The North Merritt Island Homeowners Association represents over 8,000 residents of North Merritt Island. While the North Merritt Island Homeowners Association appreciated the applicant re-looking at their request again, and attempting to accommodate sewer hook-up instead of just septic tanks, they were not pleased to see that the density was being requested to increase dramatically from the first request. The first request was seen by this board and the LPA board in March. This board recommended denying it due to density impacts adversely affecting drainage, traffic, the sewage – now they've addressed the sewage – and the historic zoning. The LPA board denied this request. Their comment was there was that there was nothing presented in this request that would induce a favorable vote, and they unanimously denied the request. That was to change it to RR-1, and now they're looking at SR and an increase in density. Based on that, the North Merritt Island Homeowners Association has concerns about the environmental impacts, such as the scrub jays and endangered species habitat, the overcrowding/over-capacity schools, the existing wetland protection on the property is considered under the Administrative Policies, so they were looking at Administrative Policies 3(C); 4, character of the neighborhood – it's not supposed to be materially or adversely affected by the proposed zoning; 4(A) the proposed use must not materially or adversely impact an established residential neighborhood by introducing types of, or intensity of, traffic; 6, the negative impacts with coastal management, the conservation element, the surface water element, and the transportation elements of the comprehensive plan; 7, the proposed use shall not cause or substantially aggravate any (a) substantial drainage problems on surrounding properties, or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species; 8, consideration of (1) the character of the land use of the property surrounding the property being considered, (3) the impact of the proposed zoning classification on available and projected traffic patterns, the established character of the surrounding property, (4) the compatibility of the proposed zoning classification with existing land use plans for the affected area, and (5) the appropriateness based on consideration of applicable provisions and conditions contained in these laws, ordinances, and regulations, and based on consideration of public health, safety, and welfare. Under Factors to Consider, (1), the HOA is very concerned about this negatively impacting the character of the land use of the property surrounding the property being considered; (3) the impact of this rezoning on projected traffic patterns and established character of the surrounding property; (4) incompatibility of this with existing land use patterns for the affected area, and (5) it being not appropriate based on consideration and conditions contained in these laws, ordinances, regulations,

and based on consideration of public health, safety, and welfare. The HOA is recommending, certainly with this increase in density – I understand that the applicant is now trying to offset the cost of running a sewer hook-up up there, but how does that outweigh the consideration of public, health, safety and welfare? The North Merritt Island Homeowners Association recommends denial. Thank you.

Kim Rezanka – Kim Rezanka, Cantwell & Goldman, Cocoa, representing the applicant. There is a binding development plan in your packet and it does require sewer to be installed. I believe the new County ordinance is going to require all sewer to be installed on the barrier island as well, although not final yet. A full traffic study will be required, and if they require improvements, even if it's not standard, they do sometimes require improvements to roadways – I know they did on South Banana River Drive years ago. There will be a large stormwater pond and there will be additional storage. The small area study is not adopted yet, it's aspirational at this point; it would require future changes through ordinances to the Future Land Use Map and through the Comprehensive Plan changes. Mr. Wagner says to put the stuff on paper, and everything will have to be on paper. As you know, this is zoning, it's not site plan, it's not construction drawings, so everything will be required to be up to code. A DRI is something like Viera, it's not 110 acres.

Catherine Testa – What's a DRI?

Kim Rezanka – Development of Regional Impact, that's what Viera is, just to give you a perspective. The environmental impacts that are of concern, building can only be allowed if those environmental concerns are mitigated or allowed by law, including the scrub jays. With that, we would ask approval of this request.

Mary Hillberg – With that, we are closing now to the audience and to the applicant, and opening to the board. What's the pleasure of the board?

Ted Balke – I'd just add one other comment that you need to be aware of is that the remaining properties that are adjacent to that are all vacant AU properties that will be developed and which were just recently sold and this is just the onset of major area development in the back of that East Crisafulli Road. All of these properties here from the S-turn on the street all the way to the back will ultimately try to be changed.

Gina Lindhorst – I'm concerned about the cumulative effects of a multi-hundred home development in the small area of North Merritt Island, because we've had more than 500 lots, or homes, projected to be built very soon, including Egrets Landing, just in an even smaller area than North Merritt Island, so I think this would be adding to the burden of all of the traffic pattern on the road and stormwater drainage issues. And that would negatively affect the homes in the surrounding areas from this property in a significant way.

Jim Carbonneau – I didn't support the project in March of this year, and I don't see anything that really changed. I would make a motion to deny this as well.

Mary Hillberg – There's a motion on the floor. Is there a second?

Catherine Testa – Do you want to go through all the Administrative Policies as to why?

Jim Carbonneau – I can rattle them off, because it has to be in the record, right?

Catherine Testa – Yes.

Jim Carbonneau – Administrative Policies 3(A), 3(C), 4(A), (5)(C)(D)(F), 6, 7(a) and (b); and 8 (1) (3) (4), and (5), and under General Standards review, at least B. Under Factors to be Considered, 1, 2, 3, 4, and 5.

Mary Hillberg – That's the motion. Is there a second?

Jack Ratterman – Second.

Mary Hillberg – Jack seconds it. Discussion?

Catherine Testa – Yes, because I also wanted to add a few things. Things I don't know if we discussed all that much was what the neighborhood is right now, and the neighborhood right now is agricultural, very sparse density. I'm sure 90% of us bought there for a reason, and I say that because I actually live on the road. If I wanted to live in Manhattan or New York City I would move there, but instead I moved away because I wanted a place that was sparse. To have 100 homes on 100 acres is not where I wanted to move; that's not what I planned on living the rest of my life at; I planned on living in an agricultural rural area and that's the tone of the neighborhood. The history, which was pointed out in our paperwork, the history of zoning changes has been to lessen density, not increase density. They cited three items where the zoning actually went from RR-1 to AU, so that's been the current history of this particular vicinity. This is not a block like Viera where you're just putting in a whole new neighborhood. This is an established neighborhood, it's rural, you walk out of your house and you hear the cows, the hawks dive-bomb you, and it's all part of living there; there are alligators – hopefully they don't come to your front door, but they are certainly in your front yard many days. We've had hogs, and yes, we've had flooding, and we've had fish in our front lawn because of the flooding from last year. This is a neighborhood that if you put 100 homes here, then you're going to have 100 homes here, and 100 homes here; the road can't handle it, it's one lane in each direction and it's narrow, and it's curvy, and it's curvy in many places, not just the S-curve. There's still a curve near my house and past my house because when I look to the left I can't see past my neighbor's house because of the curve. This type of development doesn't fit in this neighborhood, it's like putting Manhattan on Crisafulli Road, and you can't do it.

Ted Balke – North Merritt Island is going to become the new Palm Bay.

Jack Ratterman – I would like to add that the secretary for our homeowners association, Mr. McMillan, resigned from our homeowners association and moved from Merritt Island because of this same thing. This same development pushed him out from Grant Road; he's got an attorney, and we've mounted an effort, and his solution was that the County ran him out, so now he's moved from North Merritt Island. The developer made him move from North Merritt Island, so in my opinion the property rights are the people that are already here being brushed aside.

Jim Carbonneau – And not as a member of this board, but as a member of the North Merritt Island Homeowners Association I have an inquiry in to Pam Bondi's Office, our State Attorney General, and the law offices of Morgan & Morgan, on a potential Class Action suit, should flooding continue at the approval rate that we're going from the County Commissioners.

Mary Hillberg – That would be something you'd probably want to discuss at a later time.

Jim Carbonneau – That's why I said it's not as a member of this board, but as a private homeowner.

Chris Cook – A couple of things I didn't hear mentioned is the DRI, the Development of Regional Impact, Steve Crisafulli got rid of that in 2015, so the government has said we don't need to do that anymore. It's a very streamlined process now.

Mary Hillberg – It's a timely effort.

Chris Cook – The other thing I didn't hear also is about this being a barrier island. I mean, look at what happened in Mexico Beach; this whole area is going to be under water and we have existing flooding, known flooding issues, and you're going to increase the density on a barrier island with known flooding. It just doesn't make sense to me, but then again, I'm an engineer. The other problem is they do traffic studies and look at S.R. 3, they don't look at the issues, they don't look at the intersections. Look at the intersection of S.R. 3 and S.R. 528, it's not the roads that are the problems, it's the intersections. The roads are a problem trying to get

on and off, but they can just stick a traffic light on there and say they solved that. Digging shallow retention ponds that are already filled with water when it storms, and piling up thousands of cubic yards of dirt to build islands to put houses on does not help the residents, it cannot help flooding, it just can't. It's just common sense. The small area study should be considered because it is coming, and this is kind of rushing to get in underneath it, which I think is not right. I was listening real hard, and how is this going to benefit North Merritt Island? The applicant said it's going to help the County because they're going to extend the sewer. The County is trying to get people off of septic and they're trying to extend the sewer, and that's great, that will help, except that it's going to bring all these people and open up that whole road to development, and these people are going to need schools, hospitals, infrastructure, roads, who's going to pay for that, how's that going to help us, and how is this good for the residents who live there who have lived there for years? That's what I'm looking to hear.

Kim Rezanka – Impact fees.

Chris Cook – Those are going to pay for everything?

Kim Rezanka – They'll pay for schools.

Chris Cook – If impact fees worked, I think that (inaudible) would be nice and smooth.

Kim Rezanka – Only if the City and the County can get along.

Mary Hillberg – Please, no back and forth.

Chris Cook – By the way, I think the CRA paid for most of that, which everyone is against anyway. Anyway, that's what I'm looking for, how's this going to be good for our area? I haven't been convinced yet.

Mary Hillberg – I'd like to say a couple of things also. I agree with what everyone has said, but one of the issues that I find is I kept hearing repeatedly that 'we haven't studied this, we haven't done that, we're not sure of this, we don't know about the other'. There seems to be very little information that was asked for that there has been anticipated and has been worked on, and the issues that we know are going to happen are the issues of drainage, the issues of traffic. When we talk about a traffic study it needs to be on Crisafulli, the traffic on Crisafulli, not as it goes out, but on the road, and that hasn't been done yet, so I really don't think there's enough information to make an intelligent, educated, decision on anything like this. Secondly, I agree with Chris that I don't know if it will benefit the people who would live there because I don't know if they would be aware that they are going to have different options, develop different methods of transportation if it rains hard. I think that they think that as we all think that no one will allow this to happen unless it's okay; they wouldn't approve it if it wasn't okay; if it didn't meet code it wouldn't be built. Well, it can be, and it's not the County's fault, and it's not the people's fault who live there; essentially, it's the fault of us because we keep electing people who keep allowing it to happen, and we have to stop doing that; otherwise, there doesn't seem to be enough information, the drainage seems very under-developed, there has not been a study done on traffic, and it doesn't seem to be any benefit at all to the community.

Gina Lindhorst – I think that, once again, the cumulative effects of this multi-hundred home development in this small area would lead me to question the emergency services capacity, as well as the traffic concerns, public schools overcrowding, and all those major issues that are, once again, not included in any of the discussion here from the applicant, missing information, and it is unseemly to rush this prior to the substantial small area study changes.

Catherine Testa – I have another comment regarding the sewer. I think the sewer only benefits the developer because I live on Crisafulli and my house is 500 feet from the roadway, and I'm certainly not going to pay to hook up to the sewer, I couldn't afford that if I wanted to. I don't even know how many tens of thousands of

dollars it would cost to re-plumb everything into the sewer. Again, I think the people that are existing are not going to pay to hook up to the sewer, so it's not going to benefit anybody. If you're paying to have my house hooked up, that's nice, but now I have to pay the monthly sewer fee, which I'm not willing to pay; that's why I bought a house with a septic system, because I don't want to have to pay for all these extra things. I maintain my septic system, I take care not to put things in it that shouldn't be that will cause it to overflow. We've been there about six years and we've already had it pumped. The drainfield was done a few years before we bought the house, so everything is in fine working order; we don't over use it; we are two people and we use less than 1,000 gallons of water a month; and we're doing what we need to do to maintain a good environment. Again, the sewer doesn't do anything for me, I think it only helps the builder, because without the sewer he can't build.

Mary Hillberg – The special tanks that they talk about, the advanced tanks, they're better than the old tanks because the older tanks that are there are problematic, of course, but to say that the advanced tanks are great, 65%, that sounds like 35% more stuff in the Lagoon, doesn't it?

Catherine Testa – The sewers back-up and over-flow into the Lagoon, unprocessed sewage, right into the Lagoon. At least with septic systems you've got a chance of not going into the Lagoon.

Gina Lindhorst – Well, this development would promote more development on this road, without a doubt.

Catherine Testa – What happens when the sewer line breaks in front of my house and I have sewage all over the place from 1,000 homes because if you add up all of those acres, I guarantee you there are 1,000 homes out there just waiting to be built.

Mary Hillberg – What is the pleasure of the board? We have a motion and a second.

Jack Ratterman – I call for a vote.

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

Mary Hillberg – It's unanimous that we denied this application.

Ted Balke – A second time.

Mary Hillberg – Thank you for coming.

## LOCAL PLANNING AGENCY MINUTES

The Local Planning Agency/Planning and Zoning Board met in regular session on Monday, October 22, 2018, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Ron Bartcher; Rochelle Lawandales; Ben Glover; Brian Hodgers; Robert Solito (alternate); Ron McLellan; Scott Langston; Mark Wadsworth (alternate); Bruce Moia; Robert LaMarr (Vice Chair); and Dane Theodore, School Board appointee.

The nine regular members and the School Board member voted throughout the meeting.

Staff members present were: Jad Brewer, Assistant County Attorney; Rebecca Ragain, Assistant Director; Erin Sterk, Planning and Zoning Manager; Cheryl Campbell, Planner III; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator II.

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Excerpt of complete agenda.

**W.K.&R. Groves, Inc.** (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to SR (Suburban Residential) with a BDP (Binding Development Plan). The property is 110.97 acres, located on the north side of East Crisafulli Road, approximately 320 feet west of Broad Acres Street (No assigned address. In the North Merritt Island Area) (17PZ00158)

[Exhibits presented to the board during discussion of the request can be found in file 17PZ00158, located in the Planning and Development Department]

Chad Genoni, applicant, Beachland Managers, stated the previous request was for RR-1 with septic tanks, but after discussion and research, the request has been modified to bring sewer from S.R. 3, down East Crisafulli Road, and the rezoning request has been revised to SR zoning, with a maximum of 110 units.

Rick Kern, 5963 Stillwater Avenue, Cocoa, Engineer of Record, stated a force main will be run down East Crisafulli Road, which is about two miles long, and will connect to the County sewer system. He said they are required by State and County regulations not to make flooding issues any worse in the area, and they will have to abide by that.

Henry Minneboo asked how the sewer line will be run down East Crisafulli Road when there are prescriptive rights and the County doesn't have all of the right-of-way.

Kim Rezanka, Cantwell and Goldman, attorney for the applicant, replied she has spoken to Assistant County Manager John Denninghoff who advised that the right-of-way on East Crisafulli Road has been maintained by the County for over seven years, so they have rights to it. She said Mr. Denninghoff did advise there could be direct boring on the south side, and he said there will be parts of the road that would have to be repaired, but the way to protect the Lagoon is to bring sewer down there to give others the opportunity to hook up, and it would be a six-inch line, so there would be opportunities. She stated once Mr. Dimenna decided to bring the water up S.R. 3 it made more sense for this applicant to go ahead and take it down the two miles of East Crisafulli Road. She noted there are still large parcels that owners may want to develop and hook up to the sewer.

Ms. Rezanka stated the staff report talks about land use compatibility and that there's been a history of density reductions, but since 2014 there have been eight rezonings in North Merritt Island. She said there is a new North Merritt Island Small Area Study underway since 2014, and it has been her position that their request to change the Future Land Use Map is completely without evidence to support, and she asks that it not be an issue in this matter at this time. She noted Mr. Genoni has been in this process for at least nine months, so he is not trying to sneak in under the Study. She stated regarding the transportation analysis, the last page of the

staff report shows all of East Crisafulli Road, which is not an over-developed road; there is approximately 165 parcels along those two miles that have access to East Crisafulli Road. She stated the board will hear from people who are concerned about traffic, but it's not the traffic, it's the speed at which people drive down the road, and that's not something her client can control. She noted the applicant will be required to do a traffic impact analysis before they can do any building, but that is a site plan issue, not a zoning issue, so it has not been done yet on East Crisafulli Road. She stated regarding the environmental constraints, there are very few wetlands on the subject property and they are in the preservation area and the access stem, which is approximately 400 feet wide and 1,900 feet long, and will be developed as an access-way. She stated they do not believe there are scrub jays on the property. The flood zone is on the west side of the property, and most of that is going to be conserved. The applicant has asked for one unit per acre, but whether or not he can get it is a site plan issue. She said the request is for SR, the minimum house size is 1,300 square feet, which is larger than AU or RR-1. She referred to the submitted concept plan with 111 acres, and one unit per acre, with the SR zoning. The only other subdivision in the area is Broad Acres, at the end of East Crisafulli Road, which was platted in 1964, and most of the properties are less than one acre. She stated she gave the board a North Merritt Island density comparison chart, which shows there have been numerous rezonings since 2016, such as EU and EU-2. She pointed out that the chart hasn't been updated, but she has given the board four zoning resolutions of properties that have been rezoned in 2018, all of which were rezoned to EU, PUD, or SR. She said the trend in North Merritt Island is for rezoning these large parcels. She noted there is also a proposed binding development plan that indicates the project will be connected to sewer.

#### Public Comment

Mary Watkins stated she is a County employee and she took annual leave to attend the meeting. She said she has been a resident of North Merritt Island since 1984, and since then she has been through storms, and the photos she has given to the board is what occurred over the summer, which show the subject property and the flooding on it, and the flooding that has happened on Broad Acres Street as a result of too much water, too much construction, and promises of controlling the flooding, but so far nothing has occurred on East Crisafulli Road. She stated she is a former employee of Planning and Development and this property cannot withstand that kind of construction without flooding houses that have been there for over 30 years. She stated during Hurricane Irma she had to wade in and out of her property for over two months. She said there is also a traffic problem. She concluded by saying the area does not need the proposed development.

Jack Ratterman stated he is President of the North Merritt Island Homeowners Association, and Vice Chair of the North Merritt Island Dependent Special District Board, and both groups unanimously denied the request the first time it was before the Planning and Zoning Board, and the current request was also denied. He said the only thing that has changed is the number of units they want to develop. He said for them to say that it's a six-inch sewer, he doesn't think a whole community can be pumped down a six-inch pipe. He stated they have yet to do a traffic study and East Crisafulli Road is dangerous, with deep ditches on both sides, and they are proposing 110 homes at the end, and across from Broad Acres Street, which is still a dirt road. He said they are trying to create a subdivision in a rural area, and North Merritt Island is getting inundated, and no one is paying attention to the flooding and to the impact to the rural community. He asked the board to deny the request, like it denied the previous request.

Mr. Minneboo stated Mr. Kern will have to cross a couple of sections of the road that are 90-degree turns, and asked if he knows what the cost would be to add the force main with the lift station. Mr. Kern replied the lift station is approximately \$200,000, and the force main for about 12,000 linear feet, with a fair amount of directional boring, could be approximately \$40 per foot, and all totaled it could be approximately \$600,000. Mr. Minneboo asked if meant \$600,000 to go two miles. Mr. Kern replied that's correct.

Rochelle Lawandales stated it looks like there is a subdivision to the southwest of the subject property, and asked if that's on Ms. Rezanka's chart, because it looks like it has stormwater; it doesn't look like Broad Acres

has any retention, as it was probably built before it was required. She asked if the applicant has looked at the open space subdivision. Mr. Kern replied they have not done any studies on that yet. Ms. Lawandales stated there would be more flexibility in terms of design and working around some of the pristine areas on the site.

Ron McLellan stated he doesn't understand how they are going to get the stormwater out of the property. Mr. Kern replied they will have to get a full topographic study done of the entire site, including around the edges of the site, plus any canals, and in addition, they will have to do soil borings. He stated there will be some very large ponds on the property to hold most of the water, but as of this time they don't have a drainage design. He noted most of the project will not be in the floodplain. He advised they will be required by State and County law that the discharge is no greater than what it is currently. Mr. McLellan stated the area doesn't percolate.

Dane Theodore thanked staff for including the school concurrency report in the agenda packages, and he would like to state for the record that the proposed development will generate 31 elementary students, which will eventually, in 2022, put Lewis Carrol 14 students over its capacity of 100%. That is not enough to generate a rezoning so that those students will be in a portable. He said he doesn't have any objections, per se, to the development, he just wants the record to reflect that.

Ron Bartcher stated this is the fifth project the board has heard, and each one has had a school impact, and yet it appears those impacts are not added together, they're treated independently. Before this subdivision gets built, Lewis Carrol will be over capacity, as well as Audubon, and students will be transported to MILA. He said it seem to him that it is an unfair process for the developers who have to sell this property to their clients and convince their clients that they're going to go to a good school, when in fact they won't. He asked if there is some way in the process that the School Board can give their counts and include the developments that have recently been approved.

Mr. Theodore stated the school concurrency process, as it's defined in the statutes, interlocal agreement, and ordinance, doesn't allow the School Board to include in their counts anything that is not actually at a permit level, they are informal concurrency reviews at the Planning and Zoning stages. He said he can ask the School Board Planner to put together an aggregation of those informal approvals that have come before the board. The School Board tracks them as an aggregate and continues to track them until they are built out. Every year the School Board gets a report of how many of those homes have actually been built and then they are taken off, because then they become part of the background. He said they cannot be officially counted until they get to the actual building permit level, at which time the concurrency actually goes into effect. He said it is a true problem. When they talk about the number of students exceeding the 100% capacity of that school, requiring either portables or rezoning to another school, those only reflect the actual permitted and concurrency-eligible units that have been approved previously. The real story is there are more approved units out there, and as they come online they will affect the concurrency.

Robert LaMarr asked why a traffic study has not been done on East Crisafulli Road. Ms. Sterk replied the Transportation Planning Organization doesn't count East Crisafulli Road, so staff's default is to use the next closest segment available.

Ms. Rezanka stated she is not aware of the School Board's process, because she has been told something different by Mr. Lindeman [School Board Planner] because there is a preliminary review for developments and then there's a final review, and she thought a final review was added to the School Board's capacity. Mr. Theodore stated that is correct, but this is a rezoning, so those are informal. He further stated when someone comes in for a PUD, or the actual permits, those will be added to the capacity.

Ms. Rezanka stated regarding Ms. Watkins' statement that there's flooding due to too much construction, there's no evidence on the record to support that, and she doesn't believe there's been any rezonings on East Crisafulli Road for some time that would add to construction. She said there is no requirement for a traffic study

until site plan and platting, and that is why one hasn't been done. She said regarding the stormwater, only a portion of the property is in a flood zone, and they will look at the open space subdivision, but if the applicant can't do the engineering to retain his water, he can't build. She stated the request is for 110 units at one unit per acre, but he may not be able to get that, and that will be determined at site plan stage and engineering stage, not the zoning stage. She said regarding the school capacity, they may have to go to different schools, or they may have to have portables, but there's no telling who the buyers would be, as they could be 50-year old engineers at the Space Center who don't have children, or they may be people who want to home school their children. She noted there will be an increase in school impact fees, which will help pay for some expansion. She stated the request is consistent with zoning trends in the neighborhood, it's consistent with the Future Land Use Map, and includes a binding development plan.

Mark Wadsworth asked for clarification on the prescriptive easements. Ms. Rezanka stated by Florida Statute, if the County has maintained the ditch and the right-of-way they have rights to that. She said it is a county-owned right-of-way because they've maintained it for seven years, but if the applicant can't put in sewer, then he can't build, because it's a condition of the binding development plan, which is a condition of the rezoning.

Mr. Minneboo stated a section of road is built over a period of time, and on South Tropical Trail, the last two miles of that road was put in for those people to get to their houses, but the County can only get to the edge of the pavement, so it's an 18 to 19-foot road, and in some places it's 20 feet; theoretically, you can't go in there and make a decision that that's where going to put their sewer line, if they wanted to put that on the last two miles of the road without the consent of every homeowner through there, it's not an easy case to litigate. Ms. Rezanka stated there is a water line along the south side of East Crisafulli Road that's been there and maintained. Mr. Minneboo stated there's a water line on the last two miles of South Tropical, but to go in there with a sewer line is a whole new experience. Ms. Rezanka stated in her research there's only two properties that go to the centerline.

Ms. Lawandales asked if the plot will be made part of the binding development plan. Ms. Rezanka replied no, it's a concept plan, and the applicant hasn't done any engineering yet.

Ms. Lawandales asked if the applicant is willing to stipulate that the area is going stay preserved and there will be upland preservation in the back. Ms. Rezanka replied yes, they can put that in the binding development plan. She pointed out that the subdivision Ms. Lawandales mentioned earlier is Chase Hammock Lakes, on Chase Hammock Road, one-acre lots with tons of retention, but it doesn't access off of East Crisafulli Road.

Mr. Minneboo stated the area is very close to land that NASA has acquired for many years, and the degree of difficulty that he sees is the fact that if the board approves this today with sewer, and a year from now they can't get that accomplished, or if two years from now they come back and say they have 100 units they want to put in but they are unable to because they can't meet the sewer requirements; the expensive sewer outweighs the number of units. He said all of a sudden they are trying to change the character of a road that's got two, 90-degree turns in it. The people out there are not ready for a subdivision of this magnitude. Logically, 36 units, or whatever they're allowed to build today without board approval would have been fine. The North Merritt Island Homeowners Association has expressed concerns that something like this should be on two and a half acres; a lot of property owners on East Crisafulli Road are on two and a half acres or more; it's not conducive to North Merritt Island. He said he knows other developments have been approved there, but maybe it's time the board stop approving them. He stated North Merritt Island is quiet and peaceful, and not a place to expand development.

Motion by Ron McLellan, seconded by Rochelle Lawandales, to deny the request for a change of zoning classification from AU to SR with a Binding Development Plan.

Ms. Lawandales stated she would encourage the applicant to look at an open space subdivision where they can cluster their homes and still potentially get a development that is feasible, appropriate, and compatible with the area. She said Mr. Langston ran some calculations and came up with \$3.5 million to install a sewer line. She asked if everybody would have to connect to the sewer line. Mr. Minneboo replied no.

Ms. Rezanka stated evidence has been put in the record and she needs to know the basis of \$3.5 million. Ms. Lawandales clarified that the basis was an estimate on a telephone calculator of \$40 per foot for two miles.

Mr. Minneboo called for a vote on the motion as stated, and it passed unanimously.

Ms. Sterk stated staff has had a discussion about the conglomerate School Board analysis. She said she would not be comfortable bringing that forward when there is an item being heard by this board that may be subject to the findings of that report. There are no such items scheduled for next month's meeting, so if staff were to ask the School Board to do that analysis, it would be a good time to bring that forward for this board, and staff can make a presentation.

Mr. Minneboo stated Mr. Theodore was just making a suggestion. Ms. Sterk stated she thinks it is a good idea, but she doesn't want it to be mis-construed as evidence for another item. Mr. Minneboo said he doesn't want to put a lot on the School Board. He stated staff can sit down with the School Board and see what their feelings are. He said Dane's suggestion was well taken, but staff needs to work that out and let the board know. Ms. Sterk stated staff will follow up with the School Board, and if there isn't another item next month, staff will bring it forward to the board.

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

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

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

**Planning and Development staff present were:** Erin Sterk, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator II.

Excerpt from complete agenda.

**8. W.K.&R. Groves, Inc.** (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to SR (Suburban Residential) with a BDP (Binding Development Plan). The property is 110.97 acres, located on the north side of East Crisafulli Road, approximately 320 feet west of Broad Acres Street (No assigned address. In the North Merritt Island Area) (17PZ00158)

Erin Sterk – This proposal was heard October 11<sup>th</sup>, at the last North Merritt Island Board meeting. The applicant did not properly notice the property, so they took the County Attorney's advice on sending it back through the advisory boards, so we've subjected them to this, and everybody's at fault here, so you're hearing the item again, but because they did not change anything with the proposal since you heard it last, their attorney submitted the document you received recently requesting not to have to come and go through the process now. We could always review, if you feel like it, the verbatim minutes of the last time it was heard, to have you be able to take action again, but we recommend that you take action at this meeting just to cover the procedural due process, at the recommendation of the County Attorney's Office.

Ted Balke – I propose we stand on the last...

Catherine Testa – I just want to add a few things to our comments. The property is up for sale, so he, himself, isn't going to develop; he, himself, is not going to put in the sewer.....I'm assuming he's not putting in sewer before he sells the property, which leads me to really question if that sewer will actually ever get put in, considering it's probably a multi-million dollar sewer in order to go down all those bends and curves in the road, and interrupting everybody's life along the way. I just wanted to put it out there that I physically saw the For Sale sign, even before he posted the meeting, in the most recent document that I received, it had the posting of the zoning request notice on the For Sale sign. It was in the package that was sent.

Ted Balke – And they're continuing to fill that property in spite of not having any approvals from anybody. The construction continues, the clearing continues, so along with the rest of it....Bud Crisafulli just bought....

Jack Ratterman – Can he legally do that?

Erin Sterk – That's a Natural Resources question.

Ted Balke – They're not legally doing it, I don't think.

Erin Sterk – You can call Natural Resources. If they have land clearing permits on file, I don't know.

Gina Lindhorst – How can they have a permit if they weren't.....

Erin Sterk – Permits for land clearing, that's what I mean; they have their own permits that are not building permits.

Ted Balke – They've been removing trees. They've been burning without fire notification, and I know that hasn't come up.

Erin Sterk – So, we did the same thing when we sent this back through the process; we re-courtesy noticed everyone, which is why the folks are probably here today to speak again.

Gina Lindhorst - No, they didn't write their names down, so they must not want to speak.

Catherine Testa – Or they changed their minds.

Ted Balke – She wrote it over here.

Erin Sterk – We also re-advertised in the paper, so all those bases are covered, and we would ask that even though we aren't hearing any new evidence, that you go through the process and ask if anyone wants to speak.

Chris Cook – Can we tell them first that we're just going to keep our recommendation?

Gina Lindhorst – No, if somebody wants to speak.....

Erin Sterk – I don't know if you want to talk again, but there's nothing new presented by the applicant, but it's certainly up to you all if you want to.

Catherine Testa – I think they should still voice their opinions if they're here.

Mary Watkins – I'm not bashful, I'll come up and say something.

Gina Lindhorst – Please tell us who you are and where you live.

Mary Watkins – Mary Watkins. One of the houses is at 1595 East Crisafulli Road. There is currently three new piles of dirt on the access road that they're talking about. The posted sign is a little over 300 feet from that access road that is actually in the proposal. Granted, the For Sale sign that the notice is posted on is attached to that property from what I can see on the Property Appraiser's website. Having been in Planning and Development and having had to, in Permitting, look at a lot of that type of stuff, yes, it is posted, but why wasn't it posted before? I don't think that was an oversight on somebody's thought process. He's rezoned properties before, and I know that from working in Planning and Development also. I think he's waiting for a new commissioner. From the flooding issues with my property, the flooding issues with the second piece of property that I am co-owner on, which is over a half-mile away, but still close enough to deal with that issue. We have the other issues of the traffic and damage to the road with all that heavy equipment coming down there. The filling of the road that he's currently been doing has been going on on Sundays, which tells me that he does not have a permit for that.

Jack Ratterman – Have you called anybody?

Mary Watkins – No, I have not.

Ted Balke – Nobody to call.

Mary Watkins – Who do you call on Sunday? I do have some phone numbers....

Gina Lindhorst – It doesn't have to be Sunday.

Jack Ratterman – It doesn't have to be Sunday, you can call them on any day.

Erin Sterk – You can take a photo on a Sunday and call us on Monday.

Ted Balke – During the week there were trucks going down every day, dumping dirt there, and there was still nobody who cared. They did send a helicopter up there on a Sunday the week after I wrote a letter to Mr. Abbate, and the helicopter flew over and the work stopped the next day, so that had an action, but beyond that, there was no comments to me, there was no comments from Mr. Denninghoff, because he was one that was copied-in from Mr. Abbate, and it went no further than that. It didn't go to the Commissioners; it was supposed to come up at the Small Area Study, the letter that I wrote, because it responded to the request from Crisafulli to exclude him from any future development criteria that may be put into effect. And that never even came into the minutes. So, I have no idea where that memo went.

Erin Sterk – It was in the Board package, it was in their hands, but what they choose to discuss....

Ted Balke – The Commissioner was asked personally to read that, because he called me and spoke about the commemorative coin that he was going to provide that I told him I wasn't coming for. I guess he decided not to read it himself.

Jack Ratterman – The only thing I can think, if that's going on, and it was me living out there, I'd call them and if I didn't get the right response I'd be in Viera in their office.

Gina Lindhorst – I'd call daily, yes.

Jack Ratterman – That's what I would do.

Ted Balke – It doesn't matter. I've sent photographs of the flood zones there, I've sent them copies of the sea level height along East Crisafulli Road where it's one foot and all those houses that are flooded. Petrie's house is at one-foot sea level in front, the street itself. It makes no difference to anybody. And they haven't pumped the canals, they haven't done anything there.

Mary Watkins – They haven't dredged the canals.

Ted Balke – They haven't dredged anything, they haven't cleaned out anything. They did come and they did clean out the canals once this year, but they're not prepared for any kind of flood. The last hurricane that went through North Carolina and Virginia was initially going to come here, and they had not pumped the canal down. The pumps on Pine Island Road – I go out there every day – they don't run. They put in a new unit and it's undersized, that's the problem, and then they put in a new generator outside, and that ran for a couple of days to make sure it was working, and the canals went way down. Now, all of a sudden they're right back to where they were. Absolutely nobody cares about that area. The only one that ever cared was Stuart Buchanan, and he actually came out there after the storms three years ago, and we went around and looked at all the areas that were flooded. The four commissioners came, but the other two didn't bother. It's a problem.

Gina Lindhorst – It has to be a lot of people that make a difference, the volume of people complaining, not just.....

Ted Balke – 175 people went to Egrets Landing and it made no difference at all, they still voted it acceptable for the ratio, and again, that is a problem that can't go on on North Merritt Island; you can't do a ratio for housing, they're supposed to have two and a half acres per house; that was where it all started. I don't know where they came up with this new configuration now, it's a commercial thing and it should not apply to residences.

Mary Watkins – I happen to work full-time and don't have a lot of opportunity to call, despite being on the facility. I am in Human Resources now for two more days before I go to septic tank inspections, so I look

forward to seeing you all soon. With regard to that, I do know that my husband has called multiple times to numbers that he has been given from me, direct contacts to John Denninghoff, and John Denninghoff's secretary is very good at shoving people away. I know John Denninghoff personally. As far as that's concerned, yes, the complaints have been made from Broad Acres multiple times, to the County about not cleaning the ditches. With regard to this, he can build one house per two and a half acres out there and still make a lot of money. Putting in one house per acre is going to put too much traffic up there, too much damage, and everything else.

Ted Balke – They have the other 140 acres there now.

Jack Ratterman – Any other comments?

Mary Watkins – I'm going on record still objecting to it and I certainly, because it is my residence and has been my residence for over 22 years now, and I am a lifelong resident of Brevard County, and I'm not above suing the County for allowing this kind of construction to go on in what has been known as a flood area, for years. Thank you.

Jack Ratterman – Any other public comment?

Kim Smith – Kim Smith again for the North Merritt Island Homeowners Association. This went before the North Merritt Island Homeowners Association board again, and again they had the same conclusions to this request. While W.K.&R. Groves of Boynton Beach, Florida, and Chad Genoni, had proposed sewer hook-ups on this property, building this many houses at this location of the property still raises great concerns of negative impacts. Do I need to go over the Administrative Policies again? I'm going to be reading what was stated at the last meeting.

Gina Lindhorst – I think you should.

Kim Smith – Some of the areas of concern are the large scrub jay habitat on the property and the environmental impacts, and the existing wetlands there, too. Concerning impacts are under Administrative Policies 3(C); 4, character of the neighborhood – it's not supposed to be materially or adversely affected by the proposed zoning; 4(A) the proposed use must not materially or adversely impact an established residential neighborhood by introducing types of, or intensity of, traffic; 6, the negative impacts with coastal management, the conservation element, the surface water element, and the transportation elements of the comprehensive plan; 7, the proposed use shall not cause or substantially aggravate any (a) substantial drainage problems on surrounding properties, or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species; 8, consideration of (1) the character of the land use of the property surrounding the property being considered, (3) the impact of the proposed zoning classification on available and projected traffic patterns, the established character of the surrounding property, (4) the compatibility of the proposed zoning classification with existing land use plans for the affected area, and (5) the appropriateness based on consideration of applicable provisions and conditions contained in these laws, ordinances, and regulations, and based on consideration of public health, safety, and welfare. Under Factors to Consider, (1), the HOA is very concerned about this negatively impacting the character of the land use of the property surrounding the property being considered; (3) the impact of this rezoning on projected traffic patterns and established character of the surrounding property; (4) incompatibility of this with existing land use patterns for the affected area, and (5) it being not appropriate based on consideration and conditions contained in these laws, ordinances, regulations, and based on consideration of public health, safety, and welfare. The argument that others have been approved, so this should be approved, is not a valid, legal reason for approval in Brevard County, in the State of Florida. As more houses are approved in this flood-prone area, that brings in with each new house approved, more negative impacts. To date, in 2018, now here we are in November, on North Merritt Island there have been 422 new houses approved up there. That's too much, it's too much

negative impact on the existing residents. The North Merritt Island Homeowners Association board asks that you please deny this latest request again. Thank you.

Erin Sterk – Kim, you said that 422 number was in what period?

Kim Smith – 2018.

Erin Sterk – Thank you.

Kim Smith – I can't remember how many was in 2017.

Erin Sterk – You counted permits?

Kim Smith – The houses.

Erin Sterk – Building permits, or the zoning to allow for them? Just, so I can follow-up.

Kim Smith – It included....it was the numbers that were approved, it was the number of units that were approved. I can't remember if it was around 100 for the prior year; I'd have to go back and look at that again.

Erin Sterk – Thank you.

Gina Lindhorst – I'd like to say something. I'm very concerned with the cumulative effect of this multi-hundred home development that's proposed in the small area of North Merritt Island, because we've had more than, or up to 500 homes projected to be built pretty soon, including Egrets Landing in a smaller area of North Merritt Island, so I think this will be adding to the burden of the traffic pattern, to the road that we're discussing, and stormwater drainage issues to all the residents that currently live there now, and that would negatively affect the homes in the surrounding areas from this property in a significant way. That's all I need to say right now, but we can move to make a motion.

Jack Ratterman – Any other comment? What's the pleasure of the board?

Gina Lindhorst – I move to deny, based on Administrative Policies 3(A), 3(C), 4(A), (5)(C)(D)(F), 6, 7(a) and (b); and 8 (1) (3) (4), and (5), and under General Standards review, at least B. Under 'Factors to be Considered', 1, 2, 3, 4, and 5.

Jim Carbonneau – Second.

Jack Ratterman – Any discussion? All in favor say aye.

Gina Lindhorst, Chris Cook, Ted Balke, Catherine Testa, Jim Carbonneau, and Jack Ratterman – Aye.

The vote passed unanimously.

Jack Ratterman – Any other business?

Objection  
17PZ00158  
W.K.&R. Groves

**From:** [Sterk, Erin](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: W.K&R Groves  
**Date:** Thursday, October 11, 2018 7:06:32 PM  
**Attachments:** [On North Merritt Island 2018email.docx](#)

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We need to add this to the package as public comment for 17PZ00158.

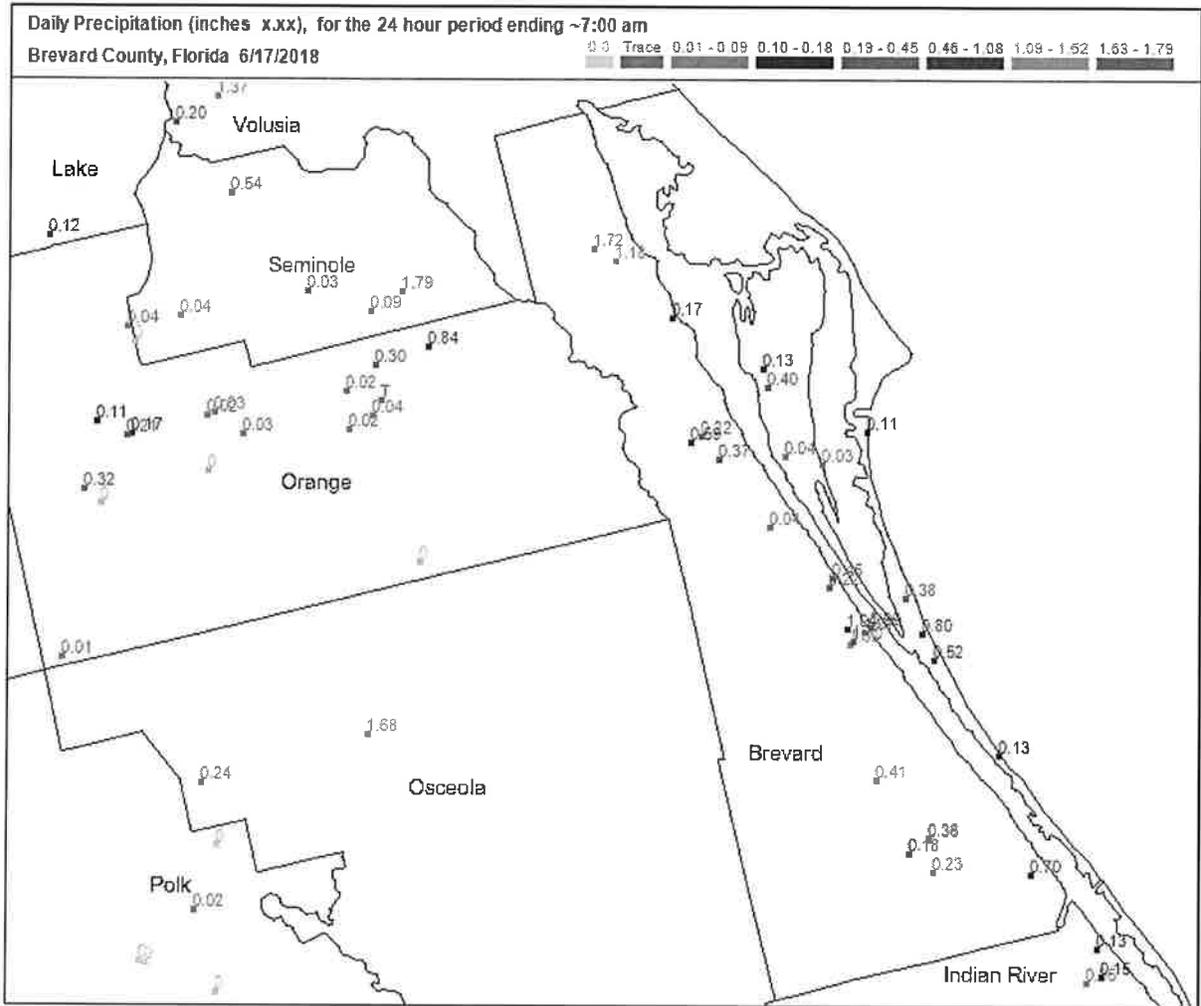
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**From:** Watkins, Mary  
**Sent:** Thursday, September 27, 2018 9:33 AM  
**To:** Sterk, Erin  
**Subject:** W.K&R Groves

Erin,  
Photos from flooding this year on subject property and nearby property.  
Mary

Mary Watkins, MPA  
Secretary  
Human Resources  
[www.brevardfl.gov](http://www.brevardfl.gov)

On North Merritt Island A total of 3.98" of rain fell in a three day period ending 06/08/18 according to Community Collaborative Rain, Hail & Snow Network  
<https://www.cocorahs.org/Maps/ViewMap.aspx?state=usa>



My personal rain gauge registered 4.02" in the same three day period.

Following are photos taken of the property up for rezoning taken from East Crisafulli Road on the morning of June 08<sup>th</sup>, 2018.



The property immediately east of W.K. & R. Groves proposed zoning change(06/08/18):



The ditch at 5535 Broad Acres St, approx. ½ mile from proposed zoning change property (06/08/18):



Photo taken from the gate looking west towards the house on October 24<sup>th</sup> 2017, five weeks after Hurricane Irma on September 9<sup>th</sup> 2017:



1595 East Crisafulli Rd October 24<sup>th</sup> 2017 from the front door (10/24/17):



Tool shed at 1595 East Crisafulli Road taken October 24<sup>th</sup> 2017:



Water level inside door of shed at 1595 East Crisafulli Road taken Nov 18<sup>th</sup>, 2017



Objection  
17PZ00158  
W.K.&R Groves

**From:** [tekakatahi](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** WKR-Crisafulli Road-zoning meeting  
**Date:** Sunday, November 18, 2018 10:25:56 AM

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Mary Watkins, 1595 East Crisafulli Rd.

Due to starting a new job I am unable to attend this meeting.

My objections to the development of the WKR property at the recommended rate of one house per acre remain the same as the previous meeting.

The complications of sewer, flooding and impact to the road and traffic are far too excessive for this kind of density.

Mary Watkins, MPA  
321 446-3127

Sent from my Verizon, Samsung Galaxy smartphone

## LOCAL PLANNING AGENCY MINUTES

The Local Planning Agency/Planning and Zoning Board met in regular session on Monday, November 19, 2018, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Ron Bartcher; Rochelle Lawandales; Scott Langston; Mark Wadsworth (alternate); Bruce Moia; and Robert LaMarr (Vice Chair).

All members present voted throughout the meeting.

Staff members present were: Jad Brewer, Assistant County Attorney; Erin Sterk, Planning and Zoning Manager; Mike McCaughin, Building Official; and Jennifer Jones, Special Projects Coordinator II.

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Excerpt of complete agenda.

**W.K.&R. GROVES, INC.** – (Chad Genoni) requests a change of classification from AU (Agricultural Residential) to SR (Suburban Residential) with a BDP (Binding Development Plan) limited to 110 units. The property is 110.97 acres, located on the north side of E. Crisafulli Road, approximately 320 feet west of Broad Acres Street. (Tax Parcel 750 = No assigned address. Tax Parcel 752 = 1430 E. Crisafulli Rd., Merritt Island. Tax Parcel 754 = No assigned address.) (17PZ00158) (District 2)

[Exhibits presented to the board during the meeting can be found in file 17PZ00158, located in the Planning and Development Department]

Erin Sterk – Due to procedural issues, we did not properly notice the property. We amended this application and staff failed to re-issue a sign, so we recommended they go back through the advisory board process just for procedural steps.

Henry Minneboo – Since that doesn't happen much, is that what may occur in the future, or we'll never make a mistake?

Erin Sterk – I don't know how many times we've ever amended an application in the way that we did here, so we don't anticipate this happening again.

Kim Rezanka – Good afternoon, Chairman and members of the Planning and Zoning Board, my name is Kim Rezanka, I'm with the law firm of Cantwell & Goldman in Cocoa, Florida, and I'm here representing W.K.&R. Groves, Inc., also Chad Genoni. Chad Genoni is the purchaser of the property; he could not be here; I'm also here with Rick Kern, the Engineer. Nothing has changed since we were here October 22<sup>nd</sup>, and I'd ask that the minutes of October 22<sup>nd</sup> be included in this item. I did want to reiterate that we meet the Land Development consistency requirements, we meet school concurrency, there's no traffic deficiencies on State Road 3, the issues that were raised in the staff report here and on October 22<sup>nd</sup> are site plan issues. The sewer is a big issue, and that's really why I think you denied it, because you couldn't figure out how he could do it. Mr. Langston made the comment that it would cost \$3.5 million dollars, which when you do the math it's just under \$700,000, at \$680,000, which makes sense when you're looking at 100 units at \$15,000 to \$20,000 for the advanced septic system. So, that's why Mr. Genoni is agreeable to doing the sewer line. I did, again, check the Road Maintenance Maps that's maintained by Brevard County, even the areas that are owned by other people are maintained by the County. The Small Area Study that was referenced in the staff report was not adopted by the County Commission at the last County Commission meeting; they acknowledged it and asked for more information waiting for the drainage study. The environmental constraints that have been raised are site plan issues, and Mr. Genoni assures you that there are no scrub jays, and if there are he will take appropriate measures, but again, that is a site plan measure. As to school concurrency, there is room in the elementary schools in the area, so that is not an issue. I would again repeat that the only platted subdivision in the area is Broad Acres, to the east, and that's platted at less than one unit to the acre. Mr. Genoni is asking for one unit to the acre, so this is consistent with the only other development in the area, and as I've mentioned, there is not a pattern of decrease of densities in North Merritt Island; there's been a pattern of increased in density based upon the eight rezonings in the past four years on North Merritt Island. There have been some decreases in density for agricultural purposes, in my opinion. With that, I ask that you reconsider your last vote of denial and move to approve this rezoning as requested with a binding development plan.

Henry Minneboo – Thank you. Is there anybody in the audience who would like to speak for or against this? Seeing none, I bring it back. Do you have anything to add, Ms. Rezanka?

Kim Rezanka – I do not, sir.

Henry Minneboo – Rochelle, were you hear when we had this last?

Rochelle Lawandales – Yes.

Henry Minneboo – I guess Ms. Rezanka has certainly clarified issues, but I think this is more of a logistics issue than lack of signing, et cetera, and some other issues. Short of us going through another dissertation, it's up to the board to decide, but don't forget we were unanimous with 16 members here.

Rochelle Lawandales – Was the binding development plan changed to add the sewer? I saw it in this one.

Erin Sterk – Yes, it was, and that's what triggered the change for an amended zoning classification, which is what started the amendment to the application itself.

Rochelle Lawandales – I would also ask, has there been any discussion with the applicant about the open space subdivision opportunities within our Code?

Erin Sterk – There has been, and that may or may not be deployed later in site planning. We're not sure of whether or not they'd even meet the criteria. The one major thing that we look for is if they're in the coastal high hazard area on any portion of the property, then they're not eligible, and this property is not, so it could qualify.

Henry Minneboo – What's the pleasure of the board?

Mark Wadsworth – I have a question for the engineer. Is this the one where we were talking about the sewer?

Henry Minneboo – All the way down East Crisafulli.

Mark Wadsworth – Didn't we have issues there with properties there going out into, or property lines....have we resolved that?

Henry Minneboo – No. I'm going to answer that one, because one of those properties is mine. I answered you, I didn't need to ask Mr. Kern. They're not all resolved down there. The assumption is that the County has maintained, and they've paved, and et cetera, but that can be from edge of pavement to edge of pavement.

Mark Wadsworth – Is there an easement for this sewer?

Henry Minneboo – No.

Kim Rezanka – There is a utility easement along East Crisafulli Road, the entire path, that could be used.

Erin Sterk – Do you have a record of that, that we can put in the package for the board?

Bruce Moia – It would be nice to have.

Kim Rezanka – I do, but you can't read it, it's small.

Henry Minneboo – Which easement is that?

Kim Rezanka – It's on the Road Maintenance Map from the County; it does define all the utilities that are on here, so I can submit that for the record, it's just very hard to read. Again, if he can't put in a sewer line, he can't build, and he would have to come back with a smaller zoning classification request.

Henry Minneboo – He can do 33 right now with 100 acres.

Kim Rezanka – Right, but that's not 110, it's not one per acre.

Henry Minneboo – There is a little difference in the math, yes.

Bruce Moia – I don't see a utilities easement.

Erin Sterk – If that came from us, we'll try to get it clean copy.

Bruce Moia – I was looking at it and I don't see any reference to a utility easement anywhere on here.

Kim Rezanka – I may be mistaking that with the Cocoa Water Easement.

Bruce Moia – It seems like a lot of information to try to figure out in five seconds. The last thing I want to do is make a condition that's unattainable. It's kind of hard to make a decision when we don't have all the information.

Kim Rezanka – I would say it's a site plan issue.

Henry Minneboo – What's the pleasure of the board?

Bruce Moia – I really don't see anything that's changed since our first discussion, except the sewer. I think, if I remember right, there was more to it than that. I really don't see anything that's changed, so I make motion that we continue to deny the request.

Mark Wadsworth – I'll second.

Henry Minneboo called for a vote on the motion to deny the request, and it passed unanimously.





Prepared by: Charles B. Genoni  
Beachland Managers, LLC  
4760 N. US1 #201  
Melbourne FL 32935

**BINDING  
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of October, 2018 between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Beachland Managers, LLC, a Florida Limited Liability company (hereinafter referred to as "Developer/Owner").

**RECITALS**

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

WHEREAS, Developer/Owner has requested the SR zoning classification(s) and desire to develop the Property as a Single Family Subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

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

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

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit the project to 110 units and may be further restricted by any changes to the comprehensive plan or the Land Development Regulations.
3. The Developer/Owner shall not use septic systems. Developer shall extend the Sewer line from the nearest connection point to the project.

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

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

6. This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_, 2018. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

7. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

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

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamison Way  
Viera, FL 32940

\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

\_\_\_\_\_  
Rita Pritchett, Chair  
As approved by the Board on \_\_\_\_\_

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

WITNESSES:

DEVELOPER/OWNER

Beachland Managers, LLC

\_\_\_\_\_  
\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
4760 N. US1 Suite 201 Melbourne, FL 32935

\_\_\_\_\_  
\_\_\_\_\_  
(Witness Name typed or Printed)

As Manager Member

Charles B. Genoni

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_,  
who is personally known or produced \_\_\_\_\_ as identification.

My commission expires \_\_\_\_\_  
Commission no \_\_\_\_\_  
SEAL

\_\_\_\_\_  
Notary Public  
(Name typed, printed or stamped)

### Exhibit "A"

#### Legal Description:

Begin at the Southwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 24, Township 23 South, Range 36 East, Brevard County, Florida; thence run N.  $0^{\circ}46'15''$  E, along the West lines of the Southeast  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of said Section 24, a distance of 3897.81 ft., to a point; thence run N.  $88^{\circ}26'15''$  East, a distance of 2000.24 ft., to a point on the East line of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 24; thence run S  $0^{\circ}36'53''$  W., along said East line of West  $\frac{1}{2}$  of Southeast  $\frac{1}{4}$  of Northeast  $\frac{1}{4}$  of said Section 24, a distance of 1300.61 ft., to a point on the East-West Center Line of said Section 24; thence run S.  $0^{\circ}31'38''$  West, along the East line of the West  $\frac{1}{2}$ , East  $\frac{1}{2}$ , Southeast  $\frac{1}{4}$ , Section 24, a distance of 2669.25 feet to a point on the South line of Section 24; thence run N.  $89^{\circ}29'49''$  West along said South line, Section 24, a distance of 2013.48 ft., to a point of Beginning. (Containing 181.10 Acres, more or less)

#### Less and Except

Commence at the Southwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 24, Township 23 South, Range 36 East, Brevard County, Florida: Thence run North  $0^{\circ}46'15''$  East along the West line of the Southeast  $\frac{1}{4}$  of said Section 24 a distance of 25.00 feet to the point of Beginning of the following herein described parcel: thence continue North  $0^{\circ}46'15''$  E along said West line of the Southeast  $\frac{1}{4}$  a distance of 1,835.29 feet; thence run South  $89^{\circ}29'49''$  E parallel with the South line of the Southeast  $\frac{1}{4}$  a distance of 1678.77 feet; thence run South  $0^{\circ}46'15''$  West parallel with the West line of the Southeast  $\frac{1}{4}$  a distance of 1835.29 feet; thence run North  $89^{\circ}29'49''$  West parallel with the South line of the Southeast  $\frac{1}{4}$  a distance of 1678.77 feet to the point of beginning and being subject to any and all easements, deed restrictions and rights-of-way of record.

#### Also Described as

#### Legal Description:

PARCEL ID 23-36-24-00-750 TA# 2316619 105.05 ACRES  
W  $\frac{3}{4}$  OF SE  $\frac{1}{4}$  & W  $\frac{3}{4}$  OF S  $\frac{1}{2}$  OF NE  $\frac{1}{4}$  AS DESC IN ORB 1204 PG 358, EXC S 2000  
FT OF W 1300 FT ORB 2838 PG 2885

PARCEL ID 23-36-24-00-752 TA# 2316620 1.00 ACRES  
E 210 FT OF W 1938.48 FT OF N 210 FT OF S 255 FT OF SE  $\frac{1}{4}$

PARCEL ID 23-36-24-00-754 TA# 2316622 4.92 ACRES  
2000 FT OF W 1300 FT OF SE  $\frac{1}{4}$  EXC ORB 2838 PG 2885



**Bryan A. Lober, Commissioner, District 2**  
2575 N. Courtenay Pkwy, Suite 200  
Merritt Island, FL 32953

Telephone: (321) 454-6601  
Fax: (321) 454-6602  
www.brevardcounty.us  
D2.commissioner@brevardfl.gov

Planning and Development  
Zoning Meeting December 6, 2018

**W.K.&R. Groves, Inc. (17PZ00158)**

- On November 28, 2018, Commissioner Lober and staff met with Chad Genoni, applicant's representative. The applicant envisions 110 housing units on the subject property. The discussion included the following: density; sewers/septic; traffic; land preservation; and drainage.

**District 2 Includes**

Cocoa ♦ Kennedy Space Center ♦ Merritt Island ♦ Port Canaveral ♦ Cape Canaveral ♦ Avon by the Sea ♦ Cocoa Beach ♦ Snug Harbor ♦ Patrick AFB ♦ Rockledge

H(8) CHAD BENON I  
Aq-SR  
12/6/18  
W.K.R. Groves, Inc.

West's Florida Statutes Annotated
Title XXIX. Public Health (Chapters 381-408)
Chapter 381. Public Health: General Provisions (Refs & Annos)

West's F.S.A. § 381.00655

381.00655. Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements

Effective: July 1, 2006

Currentness

*Force main*

(1)(a) The owner of a properly functioning onsite sewage treatment and disposal system, excluding an approved onsite graywater system, must connect the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system. No less than 1 year prior to the date the sewerage system will become available, the publicly owned or investor-owned sewerage system shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within 1 year of the actual availability. The owner shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed 2 years from the date of the initial notification of anticipated availability. Nothing in this section shall operate to impair contracts or other binding obligations relating to payment schedules in existence as of October 1, 1993. Nothing in this paragraph limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(b) The owner of an onsite sewage treatment and disposal system that needs repair or modification to function in a sanitary manner or to comply with the requirements of ss. 381.0065-381.0067 or rules adopted under those sections must connect to an available publicly owned or investor-owned sewerage system within 90 days after written notification from the department. In hardship cases, upon request of the owner, the department may approve an extension of not more than 90 days for sewerage connection. The department may approve only one extension. This paragraph does not authorize the owner of the onsite sewage treatment and disposal system to create or maintain a sanitary nuisance.

(2) The provisions of subsection (1) or any other provision of law to the contrary notwithstanding:

(a) The local governing body of the jurisdiction in which the owner of the onsite sewage treatment and disposal system resides may provide that any connection fee charged under this section by an investor-owned sewerage system may be paid without interest in monthly installments, over a period of time not to exceed 5 years from the date the sewerage system becomes available if it determines that the owner has demonstrated a financial hardship. The local governing body shall establish criteria for making this determination which take into account the owner's net worth, income, and financial needs.

(b) A publicly owned or investor-owned sewerage system may, with the approval of the department, waive the requirement of mandatory onsite sewage disposal connection if it determines that such connection is not required in the public interest due to public health considerations.

(c) A local government or water and sewer district responsible for the operation of a centralized sewer system under s. 153.62 may grant a variance to an owner of a performance-based onsite sewage treatment and disposal system permitted by the department as long as the onsite system is functioning properly and satisfying the conditions of the operating permit. Nothing in this paragraph shall be construed to require a local government or water and sewer district to issue a variance under any circumstance. Nothing in this paragraph shall be construed as limiting local government authority to enact ordinances under s. 4, chapter 99-395, Laws of Florida. A local government or water and sewer district located in any of the following areas shall not be required to issue a variance under any circumstance:

1. An area of critical state concern.
  
2. An area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation.
  
3. An area in the South Florida Water Management District west C-11 basin that discharges through the S-9 pump into the Everglades.
  
4. An area designated by the Lake Okeechobee Protection Act.

#### **Credits**

Laws 1993, c. 93-151, § 2. Amended by Laws 2006, c. 2006-252, § 5, eff. July 1, 2006.

Notes of Decisions (5)

West's F. S. A. § 381.00655, FL ST § 381.00655

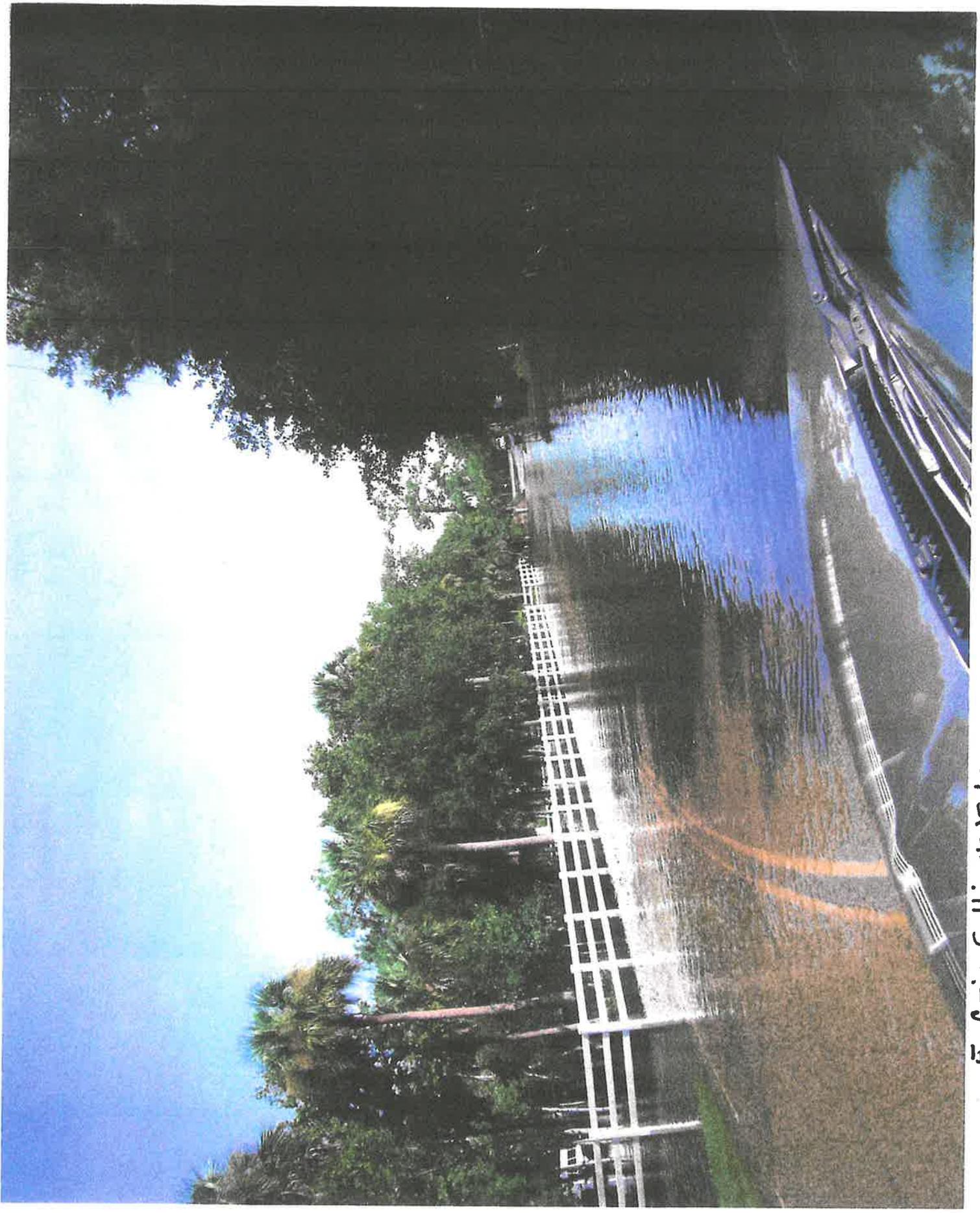
Current through the 2018 Second Regular Session of the 25th Legislature.

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East Crisafulli at Joseph Court

H(8) 12/6/18 AM+SR  
C.A.M.O. (SENONI)



E. Crisafulli at 'S' turn



E. Crisafulli toward Judson







**NORTH MERRITT ISLAND DENSITY COMPARISON CHART**

PLAT NAME/OWNER	PLAT BOOK/ PAGE	TOTAL ACREAGE	TOTAL LOTS	LOT SIZES	DENSITY (upa)	ZONING	FLUM	YEAR
Chase Hammock Lakes	50/43	122.71	61	1 acre	0.50	AU	RES 1	
Citrus Isle	41/48	19.83	51	1/4 to 1/3 ac	2.57	EU-2	RES 4	
Citrus River Groves 1-4	25/133, 28/89,	69.81	94	1/2+/- ac	1.35	SR	RES 4	
Crisafulli Townhomes		12.85	48		3.74	RA-2-4	CC, NC, RES 4	2017
Harvey's Groves/ Copp II, LLC		41.95	56		1.33	EU-2	RES 2	2016
The Groves	32/26	13.96	20	1/4 to 1/2 ac	1.43	RA-2-10 (4)	RES 2	
The Groves Phase 2	39/73	12.91	16	1/2 ac	1.24	SR	RES 2	
Indian Bay Phase 1	26/34	47.1	89	1/3 to 1/2 ac	1.89	EU-2	RES 4	
Indian Bay Phase 2/1	36/41	11.27	21	1/3 ac	1.86	EU-2	RES 4	
Indian Bay 2/2	36/81	30.78	37	1/3 ac	1.20	EU-2	RES 4	
Najjad, Inc.		26.11	40		1.59	EU	RES 2	2017
North Grove	36/82	20.65	41	1/3 ac	1.99	EU-2	RES 4	
Otter Trace	38/28	35.77	37	1/2 to 1-1/2 ac	1.03	SR	RES 1	
Savannahs PUD**	35/56	97	288	0.26-0.29 ac	2.97	PUD	RES 1	
Sun Island Lakes	Mobile Home Pk	71.35	298+/-		4.18	TR-3	RES 2	
Stone Lake Estates	43/33	31.45	20	0.50 -0.53 ac	.93	SR	RES 1	
Sunset Lakes 1A	38/58	34.15	41	0.20 ac	1.20	PUD	RES 4	
Sunset Lakes 1B	39/21	21.76	61	0.20 ac	2.80	PUD	RES 4	
Sunset Lakes 2	41/14	14.07	45	0.20-0.28 ac	3.20	PUD	RES 4	
Sunset Lakes 4A	44/19	6.14	20	0.20-0.25 ac	3.26	PUD	RES 4	
Sunset Lakes 4B	44/22	5.04	16	0.20-0.31 ac	3.17	PUD	RES 4	
Sunset Lakes 5	44/93	7.37	26	0.14-0.17 ac	3.53	PUD	RES 4	
Sunset Lakes 6	45/41	8.98	32	0.13-0.15 ac	3.56	PUD	RES 4	
Sunset Lakes 7	46/1	28.21	39	0.14-0.29 ac	1.38	PUD	RES 4	
Sunset Lakes 8	46/43	12.28	31	0.17-0.30 ac	2.52	PUD	RES 4	
Sunset Lakes 9	47/26	29.33	44	0.17-0.19 ac	1.50	PUD	RES 4	
Sunset Lakes 11	50/27	4.37	5	0.51-0.71 ac	1.14	PUD	RES 4	
Egret's Landing	Phase I & Phase 2	111.0	222	0.25 ac avg.	2.00	EU-2	RES 2	2014
** Excluding Public Golf Course Area								