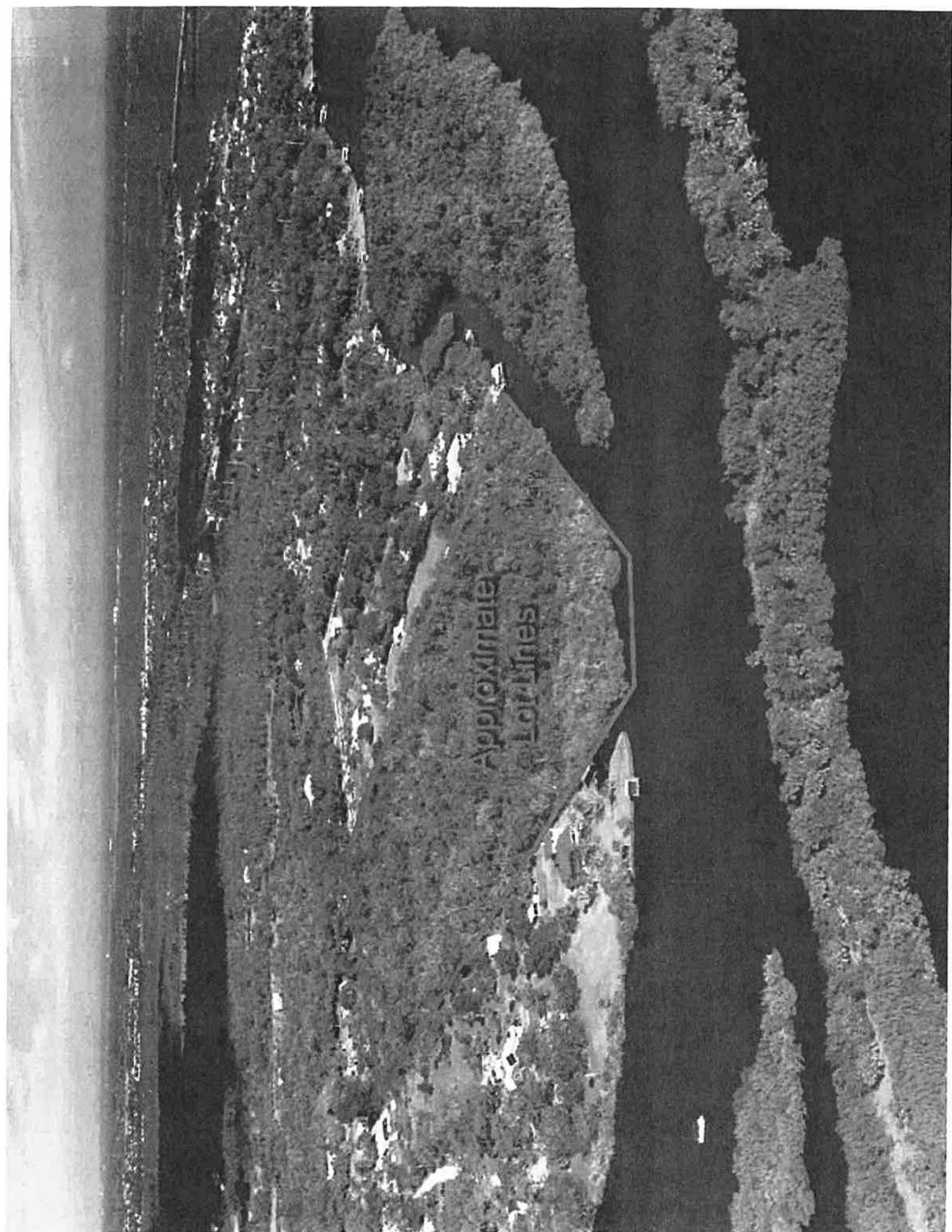
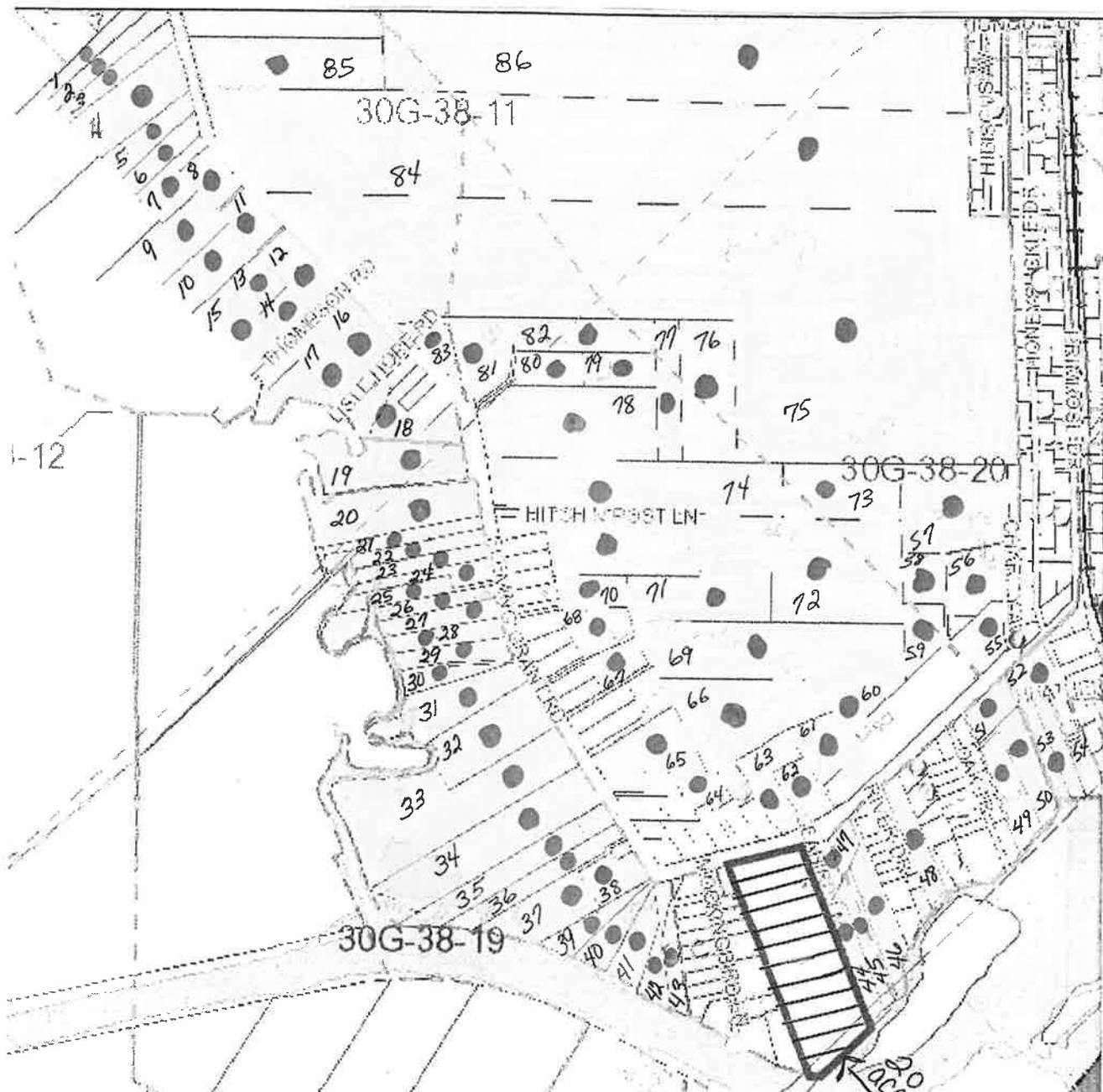


ACREAGE OWNERS FLEMING GRANT ROAD- MICCO- FLORIDA

Objection
18PZ00166 & 167
Robertson
(Submitted 05/20/19)

1.	3.33	Harlan	42.	2.50	Thompson
2.	3.44	Pellizzze	43.	2.60	Kramer
3.	3.33	Greene	44.	3.10	Bistarkey
4.	6.94	Smythe Ross	45.	3.80	Kaplan
5.	2.50	Hecksel	46.	4.48	Keller
6.	2.50	Atwell	47.	2.48	Craig
7.	3.00	Mariel	48.	3.32	Romano
8.	2.50	Nichols	49.	3.88	Gilbert
9.	5.12	Chapin	50.	3.83	Currier
10.	5.08	Swayze	51.	2.70	Stricker
11.	2.50	Nichols	52.	2.50	Garceau
12.	4.32	Clapp	53.	2.56	Mangold
13.	2.57	Royal	54.	2.55	Ricketts
14.	2.09	Reilly	55.	2.50	Leroux
15.	4.83	Olah	56.	4.60	Kolmel
16.	8.76	Gaddis	57.	12.00	H & H
17.	2.15	Peters	58.	3.00	Lienesch
18.	3.36	Holm	59.	3.26	Lehman
19.	8.70	Davidson	60.	4.55	Beck
20.	8.65	Maher	61.	5.23	Combs
21.	2.05	Davis	62.	2.76	Brannan
22.	3.11	Toth	63.	4.04	Johnson
23.	2.55	Howee	64.	2.48	Livezey
24.	2.50	Carpenter	65.	5.46	Greene
25.	3.20	Carpenter	66.	12.05	Johnson
26.	2.20	Decoulos	67.	2.66	Currier
27.	2.89	Gaddis	68.	3.63	Fonvielle
28.	2.70	Walker	69.	20.19	Helton
29.	2.53	Glover	70.	3.10	Garrett
30.	2.50	Svatik	71.	9.12	Hughes
31.	7.00	Kent	72.	22.34	Thelin
32.	8.97	Baggs	73.	7.77	Hughes
33.	21.10	Moussaoui	74.	20.25	Lyles
34.	12.90	Moussaoui	75.	150.0	Overseas Holding
35.	4.04	Crisp	76.	10.00	Meek
36.	2.72	Marshak	77.	5.00	Timaul
37.	4.77	Dobson	78.	15.43	Moussaoui
38.	2.50	Ebbutt	79.	2.59	Taylor
39.	2.50	Guice	80.	3.14	Taylor
40.	2.50	Travis	81.	4.10	Hanson
41.	2.50	Beladi	82.	6.33	Calhoun
			83.	2.67	Future Ent.
			84.	96.00	Tully
			85.	12.00	Tully
			86.	75.08	TULLY





Parcel ID: 30G-38-19
 0.00 - Improved
 \$732,960
 Douglas, Robertson, Cindy



Objection
18PZ00166 & 167
Robertson
(Submitted 05/20/19)

LOCAL PLANNING AGENCY (PLANNING AND ZONING BOARD) MINUTES

The Brevard County Local Planning Agency (Planning & Zoning Board) met in regular session on Monday, May 20, 2019, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodgers; Ben Glover; Ron McLellan; Scott Langston, Vice Chair; Mark Wadsworth; Peter Filiberto; and Dane Theodore.

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

Excerpt of complete minutes.

Douglas and Cindy Robertson

An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", setting forth the adoption of Plan Amendment Cycle 2019-1.1; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date. a. Plan Amendment 2019-1.1 – a proposal initiated by Douglas and Cindy Robertson to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Residential 1:2.5 to Residential 1 on 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane. (18PZ00166) (District 3)

Douglas and Cindy Robertson (Bruce Moia) request a BDP (Binding Development Plan) for consistency with the Future Land Use designation of Residential 1. The property is 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane. (18PZ00167) (District 3)

Erin Sterk – This is the adoption hearing, and it was recommended for approval for transmittal. Some State agency comments have come back, and you all have a table of analyses in front of you with some County responses to those comments and we'd be willing to answer any questions you have. Item 5 is a proposal by the same applicant for a BDP to be consistent with Residential 1 on the same property.

Bruce Moia – Bruce Moia, President of MBV Engineering, representing the applicant. What we have here is a 20.39-acre vacant tract of land on Fleming Grant Road. It is zoned RU-1-13 (Single-Family Residential) and has a land use of Residential 1:2.5 acres. Currently, the zoning allows for a 7,500 square-foot lot, which is a little less than 0.18 acres; it allows for a 1,300-foot home, and it has a density of 1 unit to 2.5 acres, which would currently result in eight lots. We're requesting to change this to Residential 1, which would allow one unit per acre, which is the exact same land use existing across the street. It is a unique zoning in this type of rural setting, but it is consistent with all of the zoning adjacent to it, for the most part, on that side of Fleming Grant Road. The site does front Fleming Grant Road, which is defined by the County as an urban major collector that operates at only 12.2% of the capacity of that roadway, so it doesn't have nearly the traffic it can hold. We recently had a tree survey done of all the specimen trees, and there are approximately 15 specimen trees, consisting of 14 oaks and one pine. It does have some isolated wetlands on the south area of the project and a small fringe of wetlands along the shoreline. The total wetlands is 5.57 acres, per the environmental study that was done by Florida Environmental Consultants. There are gopher tortoises present on the site, but I don't know how many, as that study has not been done yet, but it will be

done closer to the development permitting of the site. There are no scrub jays on the property. The site is approximately 1,600 feet deep from road to river, and the southernmost 400 feet is in the current flood plain, per the FEMA (Federal Emergency Management Agency) flood maps. There is no water or sewer to the site, or anywhere in the existing area; all of the residences are on well and septic, as this would be proposed. The site drains from the roadway to the river, and it drops about 15 feet from the roadway to the waterline. There is no public stormwater conveyance system through this property or adjacent to this property. What we're proposing is to develop this into 20 single-family residential lots. There are some things we would like to do over and above the code; we would provide a restriction to a minimum floor area of 2,000 square feet; we would limit the lot size to 0.5 acres, which is very consistent with most of the existing developed lots on that side of the street; and we would limit the size to one acre along the river, so anything past a certain point would be one acre minimum. We would retain all of the existing specimen oaks, with the condition that the amount of fill required to develop it, based on some input from the rising flood levels, that is something we would meet if at all possible. We would do a stormwater management system that would meet all current requirements. Currently, there is not a single lot that I know of on that side of the road that has a system. We would allow for advanced septic tanks on all 20 lots, not just the ones that would be in the setback of the river. We would limit our wetland impact to 0.37 acres; we would provide a 15-foot perimeter buffer tract around the subdivision; and we would also create a homeowners association with an architectural review board. Those are some of the things we're here to offer. I'll let the public speak and then I'll be back to answer any questions.

Mark Wadsworth – How many lots are you asking for?

Bruce Moia – Twenty. That's the most we're going to get. I don't know if we'll get that many once we add roads and stormwater.

Ron McLellan – Do you have a site plan of how you're going to lay this out?

Bruce Moia – No.

Ron McLellan – Do you have any idea if you're going to run down the center of it?

Bruce Moia – We would have one access point to the road.

Rochelle Lawandales – You said you'd limit the lots on the river to one acre, how many of those would there be?

Bruce Moia – I don't know, but anything south of the north line of Lot 10 on the adjacent property to the west, anything south of that line would be a one-acre lot.

Rochelle Lawandales – How many non-one acre lots would you have?

Bruce Moia – I don't know, but we're willing to make sure any lot that goes from that point to the river will be one-acre minimum. We haven't laid this out, we have a lot of hurdles to jump before we spend that kind of money.

Peter Filiberto – Do you plan on building 20 homes, or is that the goal?

Bruce Moia – That’s the goal. It could be 15 once we start having required stormwater, the required roads, setbacks, wetland impacts, and flood zone impacts.

Public comment.

Everything submitted to the board under public comment can be found in the Planning and Development Department, under Zoning Files 18PZ00166 and 18PZ00167.

Linda Brannon – [submitted a handout to the board] My name is Linda Brannon, 9675 Fleming Grant Road, and Micco has been my home since 1961. In 1988 when comprehensive land use plan was adopted, everything between Fleming Grant Road and the river was to be one unit to two and a half acres to protect the river. In front of you is a map, and everything you see marked and highlighted is two and a half acres. On the river side, those lots are two and a half acres, and they’ve all been developed since 1988, and not one time has the County let them have property in the comprehensive land use plan of less than two and a half acres. If you look at the property directly adjoining this 20 acres, there are four parcels there that were developed in 2001 with the RR-1 (Rural Residential) zoning, but with a binding site plan that required they be two and a half acres minimum. They keep saying they are asking for the same zoning, but they are not; it is not a subdivision-type of area. We respect our spaces and the wildlife that live there. They want to keep RU-1-13 (Single-Family Residential) so they can have half-acre homesites. According to the State, since 1971 you cannot develop property and build with septic on less than a half-acre. They can’t go below that, but they can make all of their properties be a half-acre as long as they only put 20 of them on there if you would agree to what they want to do. We’re asking that you not amend the comprehensive plan. If you do, we have hundreds of acres of rural land to the north of this. If you amend it for one person, what’s to stop other developers? We want to keep our area rural; we love it the way it is; and if we wanted to live in a subdivision we would have moved to one. Almost all of my neighbors are seniors and we all live on large parcels of land. To allow this there is to change our whole area that we live in. We don’t care if they build eight houses, that’s what they are allowed to build, but to build 20 houses on some lots as small as a half-acre and put them on septic tanks, I don’t have to be an engineer to know that 20 septic tanks will be more invasive to the river than eight. The technical assistance comments from the State, read, “The County is spending approximately \$68 million to remove or upgrade 3,734 septic systems over the 10-year life of the Save Our Indian River Lagoon half-cent surtax while continuing to approve development that will add septic to the impaired area. By increasing the density and thus the number of septic to serve the proposed units on this site, cumulatively with other septic system impacts to the Saint Sebastian River and the Indian River Lagoon. The amendment will impact these resources. The current adopted land use density should be maintained until central sewer is available. As the site has notable suitability limitations to increase septic usage”. If you’re going to put sewer in our area it might be different, but there is no provision for water or sewer to ever go in. We are a rural community and that’s how it’s going to stay. We’re just asking that you keep the comprehensive plan at one unit per two and a half acres between the road and the river, like it was established 31 years ago. Why would you give this one developer something you’ve never given anybody else?

Shelly Woods – Shelly Woods, 9912 Riverview Drive, Micco. I represent the Micco Homeowner’s Association (HOA), and I’m the President. The HOA is violently opposed to this proposed amendment, we do not want any change, we want everything to stay one unit per two and a half acres. We also are violently opposed to the BDP (Binding Development Plan) which allows them to do one unit per acre, and now I hear half-acres. This is absolutely unacceptable. Twenty septic tanks

are not going to work. This property has direct access to the Saint Sebastian River that flows directly into the Indian River, and that's the biggest problem we have. Taxpayers voted to spend millions of dollars to un-do the damage that development has already done to the Indian River Lagoon. We have nitrogens going in there; we have phosphorous problems and seagrass problems. Density increases, stormwater runoff, pesticides, and fertilizers have all hurt the Indian River Lagoon. The Fleming Grant Road area has no sewers, we have to rely on septic and wells. Who is going to monitor the septic systems? If we get the best septic systems in the world, who will monitor them and make sure they are maintained over the years? This density proposal is not compatible with the area; most of the homes are 2.5 acres for one unit. There have been no density increases since 1998, and we don't want it to happen now. We want to preserve the Saint Sebastian River and the Indian River Lagoon, we don't want to stress them to see how much they can handle.

Robin Carroll – Robin Carroll, 9575 Fleming Grant Road, Micco. [submitted photos to the board] You may have read my emails addressing current issues, such as stormwater runoff, the number of septic tanks, the number of wells, and how this development is going to affect current wells in the older neighborhoods that have smaller lots, but I want to keep this about quality of life. I have some pictures for you that show the dry side and wet side. We, my husband and myself, along with friends, purchased our properties in 1994; we looked at lots all over South Brevard. When I saw the quaint treelined street with a marina in Micco, I knew this was going to be my new home; the ride through little Hollywood showed an older community with modest homes that are well maintained. Following Fleming Grant Road, the properties opened up into larger homes on acreage, and it was just what we were looking for. We found two side-by-side one acre lots and bought them, and for eight years we would come up on the weekends and work on the property to match the flavor and characteristic of the community. We enjoyed our trips from Palm Beach County. It was in 2002 that my husband and I had reached our goal that we could build. It was hard to find a builder to allow us to make architectural changes to the outside and the floor plan so our new home would match the community. Our home has lap siding, a large front porch, and rectangle windows. We are in our 17th year and cannot be happier to get out of Palm Beach County; the quality of our lives changed due to the rural flavor of our community. Our friends have not built yet, but they keep a horse on their property, so we are the caretakers. The pictures will show you the flavor and character of the neighborhood, the space, tranquility, the abundance of nature with horses, turkeys, turtles, hawks, osprey, and an occasional bobcat or two. All of this nature rounds out the large old oak trees that flourish in the area. The riverside has large homes on lots over two and a half acres. The other side has large homes on one-acre lots. Our forgotten corner of Brevard County is paradise. We are happy where we are and with finding our piece of paradise. Please do not change the comprehensive plan to facilitate the few who just want to make money on an investment and knew the restrictions were there when they purchased the lot.

Ken Chapin – Ken Chapin, I live 300 - 400 yards from this property, and I've been there for over 40 years. [submitted photos to the board] Here is what the river looks like today. I developed a piece of property next to the subject property, and knew when I bought it that the comprehensive plan called for two and a half acres and that's the direction County staff has been recommending. I developed two and a half acre lots on 10 acres. Ten years later I developed another 23 acres close to this property, and at the time, staff said we'd have to go to two and a half acres. When I got the letter about this change, I called Cheryl Campbell and she started talking about compatibility. That was beyond belief to me, to compare to the 1950s and '60s when we hardly even knew what the environment was back then. Since 1988, the County has enforced two and a half acres to protect the Sebastian River, and Brevard County was ahead of the curve to figure that out, because today we are

spending millions of dollars to help the Indian River. There should be eight homes on this property with wooded lots, but to over-develop this property is wrong. Please help us to deny the application. Small lots are not right with our neighborhood. Why over-develop this when the precedent is set at two and a half acres?

David Motto – David Motto, Indian Harbor Beach, and I serve as a volunteer member of the board for the Marine Resources Council, and we object to this change in density. We launched a massive effort to bring the Lagoon back to health. The people of Brevard have pledged up to \$500 million, and the cost will probably be close to \$1 billion when finished. To add to the problem, 50 years of neglect of the Lagoon, 50 years of land use and development decisions made without regarding the impact on the Lagoon. To add to the problem while we're trying to fix the results is not common sense. We have indicated this in previous attempts to increase density, and in our letters we have recommended that the County shelve any requests for density increases until we've completed a study of their impact on the Lagoon. We suggest that when you're faced with this kind of a decision, considering the condition we're in, and the effort we are embarked on, your first question should be, if this is approved, will it harm the Lagoon? The answer is yes. There is no need for any additional discussion. We urgently ask you to deny this request.

Lou Kontnik – My name is Lou Kontnik, and I live at 3208 Bird Song Court, Melbourne. [submitted a handout to the board] Please don't change the comprehensive plan, we are all in the process of funding the remediation of what we already have. I'd like to share with you some environmental support that explains what we can do to help the Lagoon. I'm personally involved with the environmental efforts around the Lagoon, and I've gone down to see the property. The thing that becomes clear, both from the work that we're doing to restore the Lagoon and from looking at the property and the plats, is that allowing increased density with septics in an area with frequent flooding is contrary to what we're trying to do. I noticed that many of the State agencies suggest the same things. The response that they are a high-grade septic is really an empty response if you have flooding. The second point is a point of fairness, there have been developers who have asked to abandon the two and a half acre comprehensive plan in that area, and have been told officially, or unofficially, to forget it because it's not fair to go back on the requirements that have existed since 1988. The final point I want to make is sure enough, if you endorse, and if the Board authorizes this, we are going to see a lot more development with the abandonment of the two and a half acre requirement. I respectfully ask you honor the Lagoon, honor our community, and honor the money you are paying to restore the Lagoon and vote no. Thank you.

Henry Minneboo – Are you fairly knowledgeable about septic tanks?

Lou Kontnik – I have some knowledge, but I am by no means an expert.

Henry Minneboo – Are you convinced that septic tanks are the highest priority with all of the Lagoon's negative impact?

Lou Kontnik – The Save Our Indian River Lagoon report goes through the contributors, and septics are one of the top contributors with the nutrients going into the Lagoon, which causes the algae blooms and fish kills. It's not necessarily number 1, but it's up there.

Mark Loyacano – Mark Loyacano, 1061 Sebastian Road, Micco. Fleming Grant Road runs behind my house. In the letter I sent there is a link to a lecture given by Dr. Brain LaPoint of Harbor Branch, and it is about the Indian River Lagoon as a bio-reactor and septic tanks is the subject of that lecture. I

sent the same thing to the State. Dr. LaPoint has studied the Lagoon for more than 40 years, and in the world of science he is well known and well respected. He calls septic tanks for the Indian River Lagoon the smoking gun. His lecture points out that the rain washes the drainfield down to the aquifer. The most modern, efficient, septic tank is still unsuited for our soil; it isn't the tank, it's the soil, it lets it go straight to the aquifer. They have proven this because they can identify phosphorous and nitrogen as to whether it came from farms or humans, and it's humans. It migrates through the water system. I check the water every week on the Indian River Lagoon and in two locations on the Saint Sebastian River. I'm a volunteer for the Marine Resource Council and I'm a water quality monitor. I collect samples and FedEx them every day to the Fish and Wildlife Research Institute in St. Petersburg and they are analyzed for harmful algae blooms. Last fall, I had 20 sites between Wabasso and Grant, and 19 were positive hits for a toxic algae bloom responsible for the respiratory issues and the fish kills last fall. These septic tanks are feeding the algae blooms. These algae blooms in the Sykes Creek area have not dissipated since 2012, and we are helping.

Lou Kontnik – As he said, even the best septic tanks, by design, are only 65% efficient in removing nitrogen. In practice they are 50%, and that's based on frequent and careful inspection. I can't give you any more detail, but Sarasota County has been declared no longer impaired waters, Sarasota Bay now meets the requirements. Tampa Bay has also been declared no longer impaired and it meets water quality standards. The new rule on septic tanks in Sarasota is 900 meters from surface water, and anything closer than that must be on sewer.

Mary Sphar – Mary Sphar, I live in Cocoa and I represent the Sierra Club. The Sierra Club asks you to recommend denial of these requests. If the amendment is passed it will be the first exception to the 1988 requirement for large lots that help protect the Saint Sebastian River and the Indian River Lagoon. Considering the challenges of maintaining the health of our precious surface waters, should Brevard County approve a precedent setting increase in density that might have been reasonable in 1955, but seemed inappropriate as early as 1988? The Sierra Club did some analysis of the property and concludes that the subject property appears to be the most vulnerable to sea level rise and storm surge in the area between Fleming Grant Road and the river. You received a handout from staff addressing the County's response to the State agencies. I agree with the comments. The comment that I have a question about has to do with the base flood elevation (BFE), the FEMA (Federal Emergency Management Agency) based flood elevation, and the comment states, "The FEMA determined base flood elevation be revised in 2019 or early 2020, the BFE will increase from 4.5 feet NAVD (North American Vertical Datum), to 5.3 feet NAVD. Brevard County anticipates this BFE revision be used for future planning and development purposes". It is unclear what base elevation was used. We used a lower elevation of 4 feet in our letter. If you increase that to 5.3 feet, that increases the flood zone on this property. Of course, it's a fact that as the sea marches toward the land, that area now will be changed because the starting point of land is higher up than it was. All of the State agencies are urging caution. The comment from the East Central Florida Regional Planning Council urges the Board of County Commissioners to reconsider the prospect of rezoning these 20 acres to allow for increased densities in an area without sanitary sewer services, an area that will experience additional flooding issues with the advent of sea level rise, and an area that is vulnerable to surge from hurricanes. The Saint Johns River Water Management District-(SJRWMD) says the Indian River Lagoon is designated as an estuary of national significance and provides important environmental and economic benefits to the Lagoon's state. As part of the analysis of the proposed amendment, the County should consider whether the potential increase in allowable density would result in adverse impacts to the Indian River Lagoon. The DEO (Department of Economic Opportunity) says, "The current adopted land use density shall be maintained until central sewer is

available, as the site has notable suitability limitations to increase septic system use". They also say the current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise. The DEP (Department of Environmental Protection) said the subject property is adjacent to the Indian River/Malabar/Vero Beach aquatic preserve, which is 28 miles and accounts for 29 acres of the Indian River Lagoon system. The County should consider that the potential increased density will result in adverse impacts to the Indian River Lagoon, and explore ways to offset these potential impacts. I know there is going to be some pressure on you to start slicing and dicing, how many lots and how big should the lots be, but please don't go there, and stop right now. This amendment should be denied, just like the amendment for the Scottsmoor area that you had a split vote on. The Sierra Club and the Marine Council is looking at stopping these density increases along the entire Indian River Lagoon, which is really in a critical state. We don't mind giving someone the amount of houses they are legally entitled to, but let's not increase that one little bit. Thank you.

Diane Grant – Diane Grant, 9675 Mockingbird Lane, Micco. Our house was built in 1954 and we are on almost two acres that back directly up to the 20 acres we're talking about. Whenever we get rain a good amount of the property is under water for days; it does not drain well at all. I had it tested last year and the water table by use is two and a half feet. If you put more homes onto the property behind us, it is my concern that we will have a problem with further drainage with septic, and the homes on our street were designed to have the septic in the back and wells in the front, so we would be at a disadvantage. I hope you give consideration to the affect it would have on Mockingbird Lane.

Bruce Moia – I think I have some answers and I hope you're willing to listen to them. When the comprehensive plan was done in 1988, back then density was the only way they had to protect things. We know now that that's not really the answer. There are a lot of things we can do to protect our environment and protect what's out there. I'll start with the river and pollution, because that's my biggest concern also. I don't disagree with everybody here on what they said. Everything that has happened in the last 50 years is because of development over the last 50 years. They say development is the cause, but unregulated development is the cause, it isn't the subdivision that was built last year with a state of the art drainage system and septic system, it's the unregulated development that has happened over the last 50 years, especially along the shore line. This is the only 20-acre parcel on the south side of that road along the river in this area, so it's not going to set a precedent because there is no more property. Everybody across the street can do the exact same thing we're doing by coming before the board and asking for the same thing we are asking. They all have Residential 1 and if they have a 20-acre piece they can build a 20-acre subdivision today without coming to this board. Our zoning is RU-1-13 (Single-Family Residential), 7,500 square-foot lots, and there's plenty of half-acre lots in this area, adjacent to this property, from the west to the east there are tons of them. We could build eight lots one-half acre right now without coming to this board, we could do it today, eight lots with regular septic tanks, minimum stormwater requirements, minimum buffer requirements, minimum house sizes, but I don't that's what this board wants. I think they want something better and I think they deserve better. The new septic tanks, on average, treat the effluent over three times better than the current, old, septic systems. We could have 24 lots and not pollute the river as much as we're proposing by saying all 20 of our lots will have advanced septic systems. He said they treat 50%, but the worst case for a normal septic system is 10%, which is what everybody here has who abuts the river, they've been polluting it for the last several years. By allowing us to develop this, with current regulations and by proposing additional restrictions, we will lessen the impact. I know the math doesn't seem to add up, but it does. The County put out the information, and that's what they sold everyone to get the tax increase. We won't pollute it as much

with septic because we're going to an up-to-date stormwater management system that no one else on this side of the road has; we're going to treat all of the stormwater on our property that currently goes directly to the river untreated. There is a 15-foot slope from the road to the river with no treatment whatsoever. We will take all of the runoff and treat it before it ever discharges to the river. We will decrease the impact to the river, and it's a fact. We are offering all of these things. Our options are to make it worse or keep it the same, so by allowing us to do something by today's standards and upgrading everything we will lessen the impact on the environment. We're tied to all of the other regulations as far as flood zone protection and finished floor elevations, coastal high hazard, and wetland protection. All of that is part of the Code and not only are we going to be in compliance with that, we're offering in addition to that. We could do four lots right now, clear cut the entire property with no stormwater or upgraded septic systems, but I don't think that's what you guys want. I believe by allowing us to do this development we will lessen the impact.

Mark Wadsworth – As we speak, without having this meeting, you can develop eight lots with no septic restrictions?

Bruce Moia – Right, half-acre lots. We can have eight half-acre lots, yes, with septic.

Mark Wadsworth – With septic, but not the new septic systems?

Bruce Moia – Without the advanced treatment, yes.

Erin Sterk – In order to use the zoning classification that is in place today, it's inconsistent with the comprehensive plan designation on the property, so there would need to be a BDP (Binding Development Plan) to limit the property to eight units total. This board has the authority, if you were to choose to deny the large scale comprehensive plan amendment for Residential 1, to convert the zoning request into something that would make eight lots developable under the current zoning. Technically, right now, they can't do anything except two houses on the two lots that exist today.

Bruce Moia – We have one unit to two and a half acres, and we have 20 acres, we can do eight lots.

Erin Sterk – The lot size is inconsistent with the zoning classification at face value without a BDP. We would just need to memorialize the commitment as part of the zoning action.

Bruce Moia – The lot size is based on the zoning.

Erin Sterk – Right. The other assertions about getting four, there's two lots today, so without going for a subdivision process, which would trip all of the extra criteria and codes for stormwater and things like that, they could split each of those two lots into one more each and get four units without ever going through a subdivision process, which I think is part of what Mr. Moia is saying, is that they don't have to build a stormwater system to increase the lots today.

Mark Wadsworth – We don't know how many lots you're going to get, and I believe you don't know either because of your wetlands, streets, retention areas, stormwater, so you might only have 10 lots left. Without a huge cost to the land owner, what about a concept plan and then we re-address this?

Henry Minneboo – The problem is you'll spend as much money on a concept plan if you go into full blown engineering. There's so much data that has to be extracted.

Mark Wadsworth – I know he wants 20 lots, and I know they want eight lots. We don't know how many lots there are going to be.

Bruce Moia – There are a lot of regulations we will have to comply with.

Mark Wadsworth – If everyone understood what actually had to happen just to get to a development point, it would ease a lot of the tension and a lot of people here.

Henry Minneboo – But you can't ask everybody at this level to go through the entire process and produce that information.

Mark Wadsworth – Hypothetically, how many lots do you think you're going to get?

Bruce Moia – I don't know, we haven't done any soil testing, I don't know what the water table is, and there are many factors involved. I can draw a concept plan and get 20 lots. Without knowing we can get the number of lots we'd like, I don't see why he'd want to spend that much money just to find out.

Rochelle Lawandales – I agree with Mark, and I think it would help everyone if we had a concept plan. A concept plan is not as costly as actually doing the full engineering. Normally, it's 25% off the top for stormwater and roads, so that's five acres off the top. Then when you look the CCHA (Coastal High Hazard Area) estimates, the flood zone, and acreage estimates, that's another five-plus acres, so that leaves about 10 acres to work with legitimately. And to look at 20 homes on those 10 acres, to me, is a lot. A 7,500 square-foot lot is less than a quarter-acre, so if you have to have a half-acre you have to have two of those, so including a septic tank, that's a lot more than 7,500 square feet. There is so much unknown here, and to me, I am struggling with this. I know half of the problem is that what's out there is not built to current standards. When we apply current standards today we fix the problem because we know so much more today than we did before. The new stormwater management systems are going to be light years better than what is out there now. I'm struggling with the minimum lots. To me, it's very incompatible with what you have in existence out there. Even though I would rather see this piece of property developed holistically and developed in a way that plans for the environment and for up-to-date systems, I can't support the number of lots.

Bruce Moia – What number of lots do you think is realistic? Eight is not realistic.

Rochelle Lawandales – I'm not in a position to negotiate, but I would say that if you're looking at 8 – 10 homes, with the right amount of buffers, the right amount of environmental standards, preservation of the high hazard area, the wetlands and the flood area, if that's put in conservation, with a private road and a homeowners association, then we might be in better compliance with the comprehensive plan. Right now, I think we have some inconsistency issues. I don't know how to resolve it without seeing something.

Bruce Moia – We don't have a problem with a private road, but 10 units is not a viable project. No one is going to spend that much money to get 10 lots. It's going to stay vacant.

Brian Hodgers – If we approve this as requested, he comes to you and finds out he can do 10 or 12 lots, does he have to come back to this board?

Erin Sterk – No.

Brian Hodgers – Why didn't the Saint Johns River Water Management District issue a response? I don't see their response.

Rochelle Lawandales – They provided a technical assistance comment.

Brian Hodgers – But no formal comment.

Erin Sterk – There are two different levels of comments defined by Florida Statute. One requires a response, and that could mean that the County could respond or the applicant could respond. The technical assistance comments don't form a basis for a challenge as they are advisory notes, tracking the trends of where we are going, and they are commenting on that. The County response was to provide context about what has been memorialized in our comprehensive plan thus far. We are working on some of the things that the State agencies are commenting on, but why SJRWMD (Saint Johns River Water Management District) didn't have a formal comment, many of agencies that do have a formal comment, the comment is that they don't have a formal comment. They didn't structure their letter that way, and the one comment that they did provide was the technical assistance comment.

Brian Hodgers – Of the seven that answered, SJRWMD did not make a formal comment, and the East Central Florida Regional Planning Council is the only one who had what I would view as a negative comment to this whole project. I was curious because I think SJRWMD is probably one of the bigger ones that we'd be looking at, their approval or denial, or their comments, and I didn't see anything other than they would have to meet certain standards, and from what I'm hearing they do meet the standards. That's just my opinion I wanted to put out there. I look at Mockingbird Lane, and it looks like 21 lots; Riverview Drive is 14 lots; and it looks like Oak Trace 15 lots. Some of those are well in excess of two and a half acres, and some of them are less than a half-acre, have you looked at the mixture of lot sizes?

Bruce Moia – Yes, and provided that at the last meeting. I didn't bring it again because I knew it was in the record, but it was substantial. I think it was a 1,000-foot radius around the property, and 47 were under a half-acre.

Brian Hodgers – The documents we have, we can't see lot sizes for each one of these, we can eyeball it, and I see a lot of lots that are less than a half-acre. I'm just curious if you could give us any feedback, would it be 10 lots that are less than a half-acre. Of the existing lots that are nearby, how many of them are less than a half-acre?

Erin Sterk – Within a half-mile of the subject property, there are 180 lots on the Property Appraiser map, at least four are smaller than could be developed, they don't meet any minimum zoning classification standard; 54 of the lots are two and a half acres or larger; 51 are between one acre and two and a half acres; 53 are between a 0.5 and 0.99 acre; and less than 30 of them are less than a half-acre. Thirty is still a significant number out of 189.

Mark Wadsworth – You've probably done the numbers with the owner, how many lots would make it work?

Bruce Moia – We'd like to have all 20. I don't know if we can get eight and not have objection. We can look at that and if there is a number that is palatable, we can reach that.

Mark Wadsworth – You said something interesting, and I'm a big fan of the Lagoon, as are you. The septic tanks we would be putting in there, the advanced systems, and then regulate the runoff, is going to make the Lagoon better than that land is today.

Dane Theodore – Currently, because the comprehensive plan is not compatible with the zoning, what are their allowable development rights?

Erin Sterk – When the zoning is inconsistent with the comprehensive plan it retains the rights of what it had before the plan came into the place, so if the lot was in existence with that zoning classification before the comprehensive plan, it could be developed with one single-family house. There are two lots that make up this 20 acres, so there could be two houses today. This board has the authority, even if the comprehensive plan amendment were not approved today, to convert the zoning request into the existing zoning classification with 20 units in a BDP to the existing zoning classification with eight units, and then that would make it developable up to the limitation of what the Residential 1:2.5 would allow.

Dane Theodore – My question was, what are his current development rights?

Erin Sterk – Two homes. He still could not split the lots; the lot split that would allow for the four homes is only with a BDP (Binding Development Plan) limiting it to the density consistent with the comprehensive plan, but that would be just a different development procedure, so the four lots is not something the comprehensive plan regulates, it's just that would exempt them from the subdivision process.

Dane Theodore – Currently, their development rights are two homes, not eight. They are going from two homes to 20. At what point do they have to comply with the runoff requirements? Is it two lots, four lots, or eight lots?

Erin Sterk – When they subdivide and get to the subdivision process, when one lot becomes three, that's when they trip the stormwater criteria for having to manage all of the other runoff coming onto their property. What the individual building permit governs is that they can't drain off of the property onto someone else's property, so they're not really retaining the runoff coming onto the site, they're just ensuring that they're not running off onto adjacent lots. By subdividing, they trip additional criteria to capture that runoff and treat it.

Dane Theodore – Anything more than two, they're going to do that anyway, correct?

Erin Sterk – Anything more than four, I would say. If they split either of those lots into more than two.

Dane Theodore – They don't have rights for that yet, because we could deny the applications, so currently they can develop two lots and they don't have to drain the runoff, but if they do anything more than that, they would have to do runoff mitigation, correct?

Erin Sterk – Yes.

Dane Theodore – Giving them a BDP (Binding Development Plan), and they're offering to do that, improving the situation, they have to do that anyway, correct?

Erin Sterk – They have to do a BDP to get to eight lots.

Dane Theodore – I'm not at eight lots yet. Through whatever means, they develop two houses there, they are going to have to do stormwater mitigation.

Erin Sterk – If they go through the subdivision process.

Dane Theodore – Relative to the enhanced septic systems, there is an overlay; how many feet does that extend from the water surface?

Erin Sterk – I think it's 60 meters in this area. My understanding is that that buffer area is smaller than some of the other environmental layers on the property, such as the coastal high hazard area.

Dane Theodore – Those overlay districts encompass about one-third of that lot.

Bruce Moia – It's about one-tenth. It's 1,600 feet deep, the whole property, and the 60 meters is about 180 feet, so that's about 10%.

Dane Theodore – There are deeper overlays that require enhanced septic systems?

Erin Sterk – No, there are other environmental layers on the property, such as the coastal high hazard area, or flood plain, that encompass more of the property than the distance for the septic overlay. So, there are other limitations, and they can't even get to that septic overlay distance because of other regulations.

Dane Theodore – They would be putting in normal systems on two homes. As a comment as the School Board representative, the School Board's analysis shows that Sunrise Elementary is over-capacity. This would exacerbate that situation. I find the technical assistance comments compelling.

Scott Langston – I'm all about the Lagoon. It's hard for me to support 20 units without the data to show there can be 20 units. I agree with what Mark was saying. It would be hard for me to support that because this number, to me, is thrown out there without really having an idea of how many really can be put on there that meet all of the requirements. I know it's going to cost more money, but hopefully there is some kind of medium ground you guys can come to. That's a lot of units, in my opinion, on that 20 acres.

Ron Bartcher – I went through the County's data that they had when they put in the septic overlay, and their general comments were that the high performance tanks are twice as effective as a regular conventional septic tank. If you put in 20 homes and your tank is twice as effective, you're looking at 1.25 times as much as you would. So, 20 homes is too much. The septic tank alone is going to increase the pollution, even the high-performance septic tanks. We have a BDP (Binding Development Plan) that doesn't say anything about high-performance septic tanks. I was very disappointed when I saw the BDP.

Henry Minneboo – The septic tanks are not something that I'm as enamored with as the Indian River Lagoon people. There's only one Lagoon, and that's the Mosquito Lagoon and no one lives there, and it's as nasty there as it is anywhere else. It's hard for me to understand that. I've always said, especially up there where the ocean is only 150 feet at different portions of the Mosquito Lagoon, why don't you flush it like a toilet and maybe we'll see what's happening. One of the scientists that I'm very close to, when I told him that five years ago he thought I'd lost it, but now he says I'm making a

comeback. So, that may be an interesting thing in the future. Bruce, is there a compromise here? We have a few that are not excited about 20 lots. Is there a number that's suitable?

Bruce Moia – I'd like to hear what Peter has to say before I come up with a number.

Henry Minneboo – The improvements you make are going to be tremendous and will have a positive impact.

Peter Filiberto – I heard a 15-foot buffer and taking Rochelle's count of 25% rule of thumb for retention, utilities, and road, realistically, I see that you can maybe fit 12 – 13 houses. I think what you're shooting for is not eight, but more than eight and less than 15.

Bruce Moia – No, but close.

Peter Filiberto – I can't see any other way with a 15-foot buffer, but I do like the advanced septic system, and the stormwater management system, I think those are excellent things to put on the property.

Bruce Moia – We don't want to pollute the river any more than it is already being polluted. It's polluting the river in the way it sits now, and Saint Johns River Water Management District will tell you that. Right now, this vacant piece of property is polluting the river to a certain point, and we would reduce that by developing it. Even just 10 years ago it was completely different. As far as the numbers, it's not that simple. This project will not get off the ground with less than 16 lots. We can get eight lots with the existing land use, and we would still be reducing the pollutant level based on the septic system alone.

Brian Hodgers – If we were to approve the project for 12 lots, and they do their site planning, and they come back and say that can fit 15 lots, can we make it binding upon them to come back in front of us to get it increased to 15?

Bruce Moia – We want to ask for the maximum possible, and if we can't get there we don't have to come back, but we can't increase it. If we get 16 we would not be allowed to do more than that. I apologize for the BDP, we came here to see what the board had to say so that we could offer what we would offer, because we didn't know all of the information that would come out of the audience, so we waited and now we've told you all the things that we're going to do, and in addition to everything we've already said we'd do, we will limit it to 16 lots. That's really all we can do.

Brian Hodgers – If we approve for 20 lots, but you can only get 12 lots, you're going to walk away from the project, from what I'm hearing, but if we don't approve it at all you walk away today, but if we approve it for 12 or 13 and say you have to come back in front of us if you can get 15, 16, or 17, would that be something you'd be willing to do?

Bruce Moia – Not really. That would be really unusual. That's going through the entire design process and spending hundreds of thousands of dollars and then coming back to you to say we can get 18 lots. Are you going to approve that?

Rochelle Lawandales – It would require another comprehensive plan amendment.

Erin Sterk – If the comprehensive plan amendment was approved today, which would be necessary to get to 12 lots, because you can't get there with Residential 1, then that would be in place regardless of the number of lots limited by the BDP (Binding Development Plan). If that was limited by the BDP there would be another zoning action to come back before you to demonstrate the change. It's still another procedure, and it's still all based on what the engineering would allow. Yes, you can put that limitation in the BDP, and there would be a procedure to amend the BDP, but the applicant will have to agree to that limitation.

Henry Minneboo – My final suggestion is we let Bruce sit down and we decide how many lots, and forward that to the Commission.

Rochelle Lawandales – Your lot sizes would not be less than one acre?

Bruce Moia – No, we would be no less than a half-acre, and no less than one acre from a certain point to the river.

Rochelle Lawandales – Would you consider a minimum of one-acre lots?

Bruce Moia – No, because we would definitely not get 16 lots. We have to have some lots under an acre to get 16 lots.

Ben Glover – What is the difference in what is being requested today and the several subdivisions we have approved on North Merritt Island?

Ron Bartcher – The big difference is sewer. On Merritt Island they are putting in sewer, not dealing with septic tanks, and that's why most of them were approved recently. If there was sewer down here there would be no problem.

Rochelle Lawandales – There were also several on North Merritt Island that were not on the river.

Ben Glover – They are all close to the river and we know how wet it is up there, so it's running straight to the river. On one subdivision, we required them to put in the advanced septic system.

Erin Sterk – Many of the proposals in North Merritt Island were not proposing to change the comprehensive plan. They were developing with the smaller lot sizes and coming to you for a zoning classification consistent with the plan that was in place.

Rochelle Lawandales – Most of them were Residential 1.

Brian Rodgers – Mr. Chairman, I support what you said about flushing the Lagoon. Anybody who has been up in a small airplane in this area, it's brown ugly water when you look at the entire Lagoon, but in the New Smyrna outlet or the Sebastian outlet, the water is blue. To your point about Mosquito Lagoon, there are very few houses up there and I think we should support this project but figure out the limitation as to how many units. If they're doing stormwater runoff, it's going to benefit the existing homeowners. From that perspective, with all the development around there, the number of lots that are less than half an acre being 30, and there are 53 between a half-acre and an acre, I'll make a motion to approve it, but I need guidance as to how we come to the number of lots. Just from looking at it, there's no way they're going to get 20 lots. If they can't make the numbers work, and he says 16 is the number, and if we approved 16 lots and they go to planning and it falls apart on them, that's on

them at that point. If we have to agree to 16 lots, make it 14 lots, I just think the project is something we should approve, but how do we come to that number.

Henry Minneboo – We have an obligation to provide the commission with a number and they have the authority to change that, or have some additional information that maybe we didn't have. I've been calculating and I'm near 14 lots. I don't want to debate Bruce, but 14 lots seems to be a manageable number. I don't know if that's acceptable to them, but it's a number we have to come up with for the Commission.

Rochelle Lawandales – Brian, I agree with most of what you say, except for the fact that over 55% of the lots in the area are greater than one acre, and I think we have to decide that there is a line in the sand. For me, I know I've been involved in a lot of resiliency studies and sustainability studies, and the rise is happening in the river, it's not happening in the ocean. When you have a coastal high hazard area that says to limit densities, and a FEMA (Federal Emergency Management Agency) flood program that has this area as one of the worst, when there's wetlands down here, and when all that does help to support a natural filtration system and limit the impacts of financial expenditures, both public and private, protecting life and property, and retreating from that the area, there is no way I can support 16 lots. I might support 14 lots, but I think the lot sizes need to be a minimum of one acre.

Brian Hodgers – The wetlands are by the water, so developing the property is not going to change the wetlands at all. I think we should remove that from the table because he's not going to affect the wetlands. With regards to the flood and the FEMA levels, changing the maps at the end of the year, the majority of the property is in an X zone, and part of it in an AE zone. That's going to force them to have to build at a higher elevation, which will cost them more money, but they are also going to have to do stormwater management as a result of the density, so that's going to help that whole area, whether it not just be this street, but the surrounding properties on both sides, and I think that's another benefit to the project. I think it's up to them to figure out what makes it work. A few meetings ago, Henry mentioned the cost to come to these meetings is getting so high, and for them to have to do a site plan before they come back here, that might get excessive. If they think they can do it with 16 lots, we approve 16 lots, they come back after going through all the requirements and they find out they can only do 14 lots maybe they walk away from the project. I don't personally care if you want 14, 15, or 16 lots, but I think everybody on the board should give their vote as to what they think the appropriate number should be.

Erin Sterk – Just to clarify, you have to come up with your number and have the applicant agree to it and voluntarily commit to a BDP (Binding Development Plan). If he is saying he can't agree to 14, this board can't just put that on there.

Rochelle Lawandales – I need to understand if we are going to consider a BDP (Binding Development Plan), what all of the stipulations are that would go into a BDP.

Jad Brewer – Once again, it has to be voluntary. If the applicant doesn't agree to the number that the board recommends, you could deny it and provide a recommendation to the Board that had it been limited to a certain number you might have approved it.

Rochelle Lawandales – Do we have a list of what has been proffered?

Erin Sterk – Bruce, could you come up so we're not speaking on your behalf?

Bruce Moia – What would you like us to agree to? 16 lots?

Erin Sterk – And all of the other commitments, such as the 2,000 square feet.

Bruce Moia – We're going to modify the 20 residential unit request to 16, a minimum floor area of 2,000 square feet from 1,300 square feet, a minimum lot size of 0.5 acres north of the north line of Lot 10 of the adjacent subdivision to the west, and anything south of that would be one-acre minimum, retain all the existing specimen oaks, which are 24 inches and over, which is 14 total, provide a stormwater management system that meets County and Saint Johns River Water Management District requirements, provide advanced septic systems for all lots within the subdivision, no more than 0.37 acres of impact to the isolated wetland only, with no impact to the wetland along the shoreline; provide a 15-foot perimeter vegetative buffer tract; and create a homeowners association with an architectural review board.

Henry Minneboo – If someone would make a motion to that.

Rochelle Lawandales – Is there a willingness to stay out of the coastal high hazard area in addition to the wetlands?

Bruce Moia – I don't know exactly where that is. The houses will be built to today's standards, which is better than any other home that's there that was built, unless it was built five years ago. If it has to be built to certain standards we would meet those, but I don't know about staying out of it all together.

Rochelle Lawandales – This would be a private road or a public road?

Bruce Moia – Private road.

Rochelle Lawandales – Are you looking at having any water-related activities, such as a dock?

Bruce Moia – Possibly, but it would be up to whoever purchases the riverfront lots.

Rochelle Lawandales – And that would be solely for the residents of the community?

Bruce Moia – We abut a right-of-way on the east side that has access to the river, and we will only do what the Department of Environmental Protection will allow in that area and that would probably be for the individual residences.

Erin Sterk – Bruce, I thought earlier in the conversation we mentioned one access to Fleming Grant Road.

Bruce Moia – Yes, one access to Fleming Grant Road.

Rochelle Lawandales – You are going to preserve the 0.37 acres of wetlands?

Bruce Moia – No more than 0.37 acres of impact to any wetlands on the property, and we would have no impact to the existing wetland on the shoreline.

Henry Minneboo – Would anyone like to make that motion?

Brian Hodggers – I'll motion to approve

Erin Sterk – You have to vote on the comp plan amendment before you memorialize the conditions.

Ben Glover – How many lots?

Bruce Moia – 16 lots.

Ben Glover – I'll get behind 16 lots.

Henry Minneboo – We're going to do the first part for the comp plan amendment.

Brian Hodgers – Motion to approve.

Ben Glover – I'll second.

Henry Minneboo called for a vote on the motion as sated and it passed 7:3, with Bartcher, Theodore, and Lawandales voting nay.

Brian Hodgers – Motion to approve the request for a BDP (Binding Development Plan) limited to the following: a.) a maximum of 16 lots; b.) single-family residences shall be a minimum of 2,000 square feet living area; c.) all lots within the front 1,000 feet of the property, from the road right-of-way line, shall be a minimum of one-half acre; d.) all specimen oak trees shall be preserved; e.) all lots shall be required to install advanced septic systems; f.) a maximum wetland impact to existing on-site wetlands shall be 0.37 acres, with no impact to the existing mangrove wetland shoreline fringe allowed; g.) only one access connection shall be allowed to Fleming Grant Road and shall be a private road meeting County requirements; h.) a 15-foot buffer tract shall be provided along the road right-of-way and the east and west property lines; i.) a HOA shall be created, which shall consist of an architectural review committee.

Peter Filiberto – Second.

Henry Minneboo called for a vote on the motion as sated and it passed 7:3, with Bartcher, Theodore, and Lawandales voting nay.

Adjournment:

Upon consensus of the board, the meeting adjourned at 5:05 p.m.

H.9 3 H.10

From: [Bellak, Christine](#)
To: [Woodard, Patrick](#)
Cc: [Bellak, Christine](#)
Subject: Janice Zynko, rezone mico against
Date: Thursday, May 30, 2019 8:15:49 AM

Pat,

Janice called after 3 pm but I took the call to put in this morning. She said please document a NO, against rezone. Please tell the Commissioner Thank you for speaking up at the meeting, he is the only one who is behaving proper and please ask him to vote against rezoning . No follow up needed.

Janice Zynko, rezone Mico against

Call Date and Time	5/29/2019 4:00 PM
Caller First Name	Janice
Caller Last Name	Zynko
Company or Organization	Resident
Phone Number	321-345-5030
Address	600 Desoto Lane IHB- 32937
City	New property- 570 Sherman Palm Bay 32909
Zip Code	
Constituent	Yes
District	District 4
Reason for Call	Document vote- No / against Rezone mico Thank you for all you do, no follow up needed.
Action Taken	
Year	2019
Month	05 - May

Thank you,

Christine Bellak



Christine Bellak
Administrative Assistant
Brevard County, District 4
[321 633 2044](tel:3216332044) | Christine.Bellak@brevardfl.gov
2725 Judge Fran Jamieson Way,
Bldg. C – Suite 214
Viera, FL 32940

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: [Lorraine Kay](#)
To: [Commissioner, D4](#)
Subject: Increased zoning density vote
Date: Wednesday, May 29, 2019 9:33:00 PM

Commissioner Smith,

Please say NO to rampant unplanned growth, self-serving density increases and irrational rezoning requests.

Lorraine Kay
203-641-4326
32937

Sent from my iPad

From: [Bellak, Christine](#)
To: [Woodard, Patrick](#)
Cc: [Bellak, Christine](#)
Subject: Helen Stamatacos, mico rezone
Date: Wednesday, May 29, 2019 10:45:58 AM

Pat,

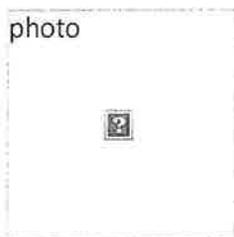
No follow up needed, Helen just wanted us to tell Commissioner she is strongly against the Mico rezone issue.

Helen Stamatacos, mico rezone No

Call Date and Time	5/29/2019 11:00 AM
Caller First Name	Helen
Caller Last Name	Stamatacos
Company or Organization	Resident
Phone Number	321-728-8876
Address	9010 Highway A1A Melbourne Beach - 32951
City	
Zip Code	
Constituent	Yes
District	District 4
Reason for Call	Please document - strongly against Mico rezone
Action Taken	
Year	2019
Month	05 - May

Thank you,

Christine Bellak



Christine Bellak
Administrative Assistant
Brevard County, District 4
[321.633.2044](tel:321.633.2044) | Christine.Bellak@brevardfl.gov
2725 Judge Fran Jamieson Way,
Bldg. C – Suite 214
Viera, FL 32940

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From: [greenefie](#)
To: [Commissioner, D4](#)
Subject: Zoning Density
Date: Thursday, May 30, 2019 12:19:21 AM

This is a critical decision-making moment that will set the tone for future development. **Please say "NO" to rampant, unplanned growth, self-serving density increases, and irrational rezoning requests.**

Why is this rezoning bad?

- This property drains directly into the St. Sebastian River where it meets the Indian River Lagoon at the aquatic preserve.
- More septic tanks will be installed, meaning more wastewater pollution entering the river.
- More impervious surfaces like roofs, roads, driveways, and sidewalks means less water infiltration and more storm water run-off.
- More run-off means more muck-forming pollutants and sediments.

Thank you.
Elfrieda Tullar
Indian Harbour Beach, 32937
Tel: 321=777=3727

From: [Veronica Isaksen](#)
To: [Commissioner, D4](#)
Subject: Increased Zoning Density
Date: Wednesday, May 29, 2019 5:55:08 PM

Veronica D. Isaksen

954.644.9270

32951

I am writing to tell you that I am wholeheartedly against allowing increased zoning density.

From: [Bellak, Christine](#)
To: [Woodard, Patrick](#)
Cc: [Bellak, Christine](#)
Subject: Lewis Kontnik Item H 9 & 10 PZ
Date: Wednesday, May 29, 2019 10:26:12 AM

Pat,

MR. Kontnik states he sent an email last week, and wanted to call & have us pass his view to Commissioner. No follow up needed.

Lewis Kontnik, Item H 9
& 10 PZ

Call Date and Time	5/29/2019 10:00 AM
Caller First Name	Lewis
Caller Last Name	Kontnik
Company or Organization	Resident
Phone Number	321-775-3327
Address	3208 Bird Song - 32934
City	Melbourne
Zip Code	
Constituent	Yes
District	District 4
Reason for Call	No return call needed. Sent D4 an email last week, and now follow up call to note : PLEASE Vote - Against shrinking lots , increase density. Result is septic tanks leak out into our water ways. Item- H 9 & 10 upcoming PZ meeting.
Action Taken	
Year	2019
Month	05 - May

Thank you,

Christine Bellak



Christine Bellak
Administrative Assistant
Brevard County, District 4
[321.633.2044](tel:3216332044) | Christine.Bellak@brevardfl.gov
2725 Judge Fran Jamieson Way,
Bldg. C – Suite 214
Viera, FL 32940

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: [Robin Carroll](#)
To: [Commissioner, D4](#)
Subject: Amendment 2019-1.1 (19-01ESR)
Date: Tuesday, May 7, 2019 2:27:54 PM
Attachments: [20 acres.pdf](#)

Curt, I just wanted you to have the attached letter, it contains photos of some of the issues at you May30th meeting. I am planning on speaking to these issues.

Robin Carroll
9575 Fleming Grant Rd
Micco, Fl 32976

TO: Curt Smith
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 7, 2019

Dear Curt Smith

My husband and I are resident taxpayers, we do not support any development that changes the current Comprehensive Land Use Plan established in 1988. Any increase in density will be detrimental to the fragile environment and will set a bad precedent on future development. This area is rural and we have no utilities such as municipal water and wastewater, we depend on well and septic systems for these needs. Our community is located directly on the North Fork of the St Sebastian River, which feeds the Indian River Lagoon.

The developer is using earlier development from the mid 50's as a comparison for his future development wants as an argument. This rational is flawed and does not consider current environmental issues of our waterways today. State Senator Debbie Mayfield has just filed SB 1758 to curtail the number of septic systems on our waterways, the city of Sebastian has received grant money to assist homeowners on their side of the St. Sebastian River to switch from well and septic to municipal water and wastewater conversions and Mr Robertson just wants to disregard these issues and increase density on this 20 acre parcel from 8 homes to 20 homes. This increase in density will negatively affect the water quality of the St. Sebastian River and Indian River Lagoon. We need to keep to the current Land use plan to control and minimize impact of additional septic systems and storm water run off.

With about 160 properties in the immediate area, about 66% are on the river side of Fleming Grant Rd, with the remaining 34% on the dry side. Of the river side properties, 48% was developed in the 50's prior to the 1988 Comprehensive land use plan and are smaller than 2.5 acres, 52% of these properties are 2.5 acres or more. These smaller properties should not be considered in comparison of current and future development. Communities have learned a lot about development since, environmental issues are topping priority lists due to lagoon health.



Total properties in area 157

Red dots are on properties 2.5 acres or more
85

River side 54 Non-river 31

Acre size lots on non-river side 22

1/2 acre lots developed in the 1050's 3
streets 50

With the health of our lagoon, the current septic and well conversions in the area, and the new legislation proposed, why would any prudent government office or agency increase density on our waterways where basic water and wastewater utilities are not available?

Storm water runoff is another local issue that has been ignored. Our current storm water basin is inadequate to handle storm run off at present. The new Wheeler Storm Water Park on the north end of Fleming Grant Rd near Micco Rd is to far away to help our area. The following photos show the amount of water flowing into the storm water basin located off Turtle Ln and Fleming Grant Rd.

The water from storms travels south down Fleming Grant Rd, and is not managed well.



RAIN EVENT WEST SIDE OF ROAD



RAIN EVENT EAST SIDE OF ROAD

The next pictures show a prolong rain event and amount of water flowing down the street to the storm basin.



STORM RUN OFF



STORM RUN OFF

In a prolonged rain event there is so much water flowing down Fleming Grant that my driveway culvert is too small to handle it. This is routine pooling of stormwater happens frequently in a prolonged rain event.

The storm water basin just off Fleming Grant Rd is inadequate to hold the amount of water that flows south and west into the basin. These next pictures shows the storm water basin as it is today.

These next pictures shows the aftermath of the storm basin flooding in neighboring yards.



STORM BASIN FLOODING

STORM BASIN FLEMING GRANT RD



STORM BASIN FLEMING GRANT RD



STORM BASIN FLOODING



SUNK DRIVEWAY BULKHEAD



DRIVEWAY DAMAGE



DRIVEWAYS

These pictures show how inadequate the current storm water run off management is failing in our neighborhood. Increasing density in the area will only exacerbate the situation. If changes are granted to the Comprehensive Land Use Plan, how many homes can be jammed into half acre lots on the thousands of undeveloped land on Fleming Grant. This is a rural community and not Palm Bay. We can not have Palm Bay development in an area that has no municipal water or wastewater systems to handle the density of a normal city.

We have tried to show how important this decision is to the character of our community when some of us presented to both the Planning meeting on Feb. 25th and the Commission meeting on March 7. Both meetings allowed this proposal to move forward to the state for comment rather than defeating it. The developer want to maximize his profits by increasing the density based on 1955 standards, this is a mistake and we can not go backward in land use. If you change the land use plan for this developer, what president will that create in future development?

Our neighbor wants to change the character of our rural community by reverting to policies from the 1950's. I would like to think our community has grown smarter over the last 30 or so years since the comprehensive used plan went into effect. Please consider these points in making your decisions about this change in the Brevard County Comprehensive Land Use plan. Our future, the future of the lagoon are based on this important decision.

Robin & Charles Carroll
9575 Fleming Grant Rd
Micco, FL 32976

From: [Linda McLain](#)
To: [Campbell, Cheryl](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D5](#)
Subject: 20 acres in Micco
Date: Saturday, May 4, 2019 6:50:58 AM
Attachments: [Scan0001.pdf](#)

Here is a letter asking you to vote against this petition for comp change.

May 1, 2019

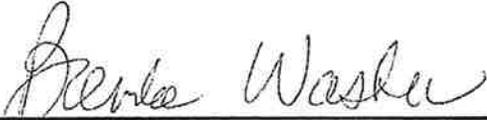
To: Planning and Zoning and Brevard County Commissioners

Re: Application 19-01ESR Robertson

I am writing this letter to ask that you deny the above application to amend the comprehensive land use plan on this property in Micco. I live across from this 20 acres. All of my neighbors are on large tracts of land and allowing smaller lots on this property is not compatible with where we live. I am very concerned that this will hurt my property values and the very nature of our community.

Since this property fronts on the Sebastian River and it is environmentally sensitive, I am opposed to increasing the density on this land as it will have a negative impact on our river. The comp plan has required 1 home per 2.5 acres for 31 years. Why would you change it now and go backward?

I am unable to attend the meeting but am writing to voice our concerns. Thank you.


Brenda Washer

Fleming Grant Rd, Micco FL

9659

From: [Jodi Lemaster](#)
To: [Commissioner, D4](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Friday, May 3, 2019 9:19:08 AM

Commissioner,

I am writing regarding the proposed zoning change to increase home density to 1 unit per acre, resulting in 20 homes on the riverfront side of Micco versus 8.

My family just purchased a home in Micco this January. The reason we chose this area was because of the careful planning, large lot sizes around us, and the rural feel of the area. As a citizen of the area, I am very concerned about what 20 homes in this area will do in terms of waste, pollution, and affects to the water quality of the area. Homes in this area on the riverfront side are currently 1 unit per 2.5 acre. This is what truly drew us to this area.

It is a shame that an individual can try to change policy to benefit them financially and have a total disregard for nature and the environment. We come from an area in Ohio where developers have ruined entire communities by working with the local government to bring about what they call a beneficial change-bringing more tax payers to an area. Unfortunately, they do not consider the impact that more homes causes. While driving through areas such as Palm Bay and Viera, it is clear that big development is a push in Brevard county. I feel that leaving a small percentage of the county, such as Micco, to have a more rural feel benefits the county as a whole. It allows for wildlife to thrive, helps to keep our waterways cleaner, and brings a green space to the area.

I hope you will consider voting against this amendment and allow Micco to stay a place of rural beauty.

Thank you,
Jodi Lemaster
9580 Fleming Grant Road
Micco, FL 32976

From: outlook_25A6D5C119A5D113@outlook.com
To: [Commissioner, D4](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Sunday, May 5, 2019 10:39:22 AM

I am in opposition to any density increase on Fleming Grant Rd due to the impact this would have to the St. Sebastian and Indian River Lagoon due to storm water runoff. Taxpayers have already voted to spend millions to improve the health of the river due to overdevelopment. This reversal to the Comprehensive Plan for Fleming Grant Rd would cause surrounding flooding to residents land and destruction to animal natural habitats. The development of land to be able to increase to 20 homes from 8 would increase traffic, and reduce a beautiful part of Brevard County that is cherished by its current residents who chose to live here because of the nature of this rural paradise.

Sent from [Mail](#) for Windows 10

From: [Georgia Combs](#)
To: [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Commissioner, D5](#)
Cc: [Georgia Combs](#)
Subject: 20 Acre Development proposed on Fleming Grant Road
Date: Friday, May 3, 2019 3:25:20 PM

We own 5+ acres across from the proposed building site. The county commissioners determined that 2.5 acres per homesite was appropriate to protect the wet lands, animal habitat and protect the Sebastian River from pollution. To allow 20 houses to be built where 8 should be would increase the potential by more than 3 times. Please vote NO ... do not allow the builders to destroy our neighborhood, we enjoy the rural areas and want to preserve them. Protect our river, wetlands and wildlife.

Sincerely,
Bill and Georgia Combs

Sent from [Outlook](#)

From: Ted Beck
To: Commissioner, D4
Subject: Brevard Proposed Amendment 2019-1.1
Date: Thursday, May 2, 2019 9:27:54 PM

My name is Henry Beck, my wife and I live at 9735 Fleming Grant Rd, a quarter mile east of the 20 acres in question. We bought our house in 2011, it had been vacant and neglected for 3 years. We renovated the house and grounds ourselves and took pleasure exploring our new neighborhood, cycling the local streets and kayaking the beautiful waterways. We were so impressed by the diversity of wildlife we made an offer to buy an additional 3+ acres of vacant land north of us in order to protect the habitat of the creatures we admire every day in our backyard.

I am **opposed** changing the Comprehensive Land Use Plan for Parcel # 18PZ00166 Robertson 20 Acre. If allowed, it will set a precedent for further subdivisions in the area. Increasing population density will have a negative effect on the waterways that feed into the Indian River Lagoon and will destroy habitat for existing wildlife. I have no problem with the buying and selling of land for profit, but if this change to the Comprehensive Plan is approved, it will be counterproductive to the county's expensive efforts to clean up the Lagoon.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise."

The Central Florida Regional Planning Council reviewed the proposed amendment had these observations: "The area does not have sanitary sewer so the units would be on septic tanks. This change would more than double the impacts from septic tanks on the river and lagoon. As you are well aware, the lagoon has experience algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue."

There is serious concern about stormwater flooding on the north side of this property on Fleming Grant Rd. In October 2017 water rose around our house, well beyond the area indicated on the FEMA flood zone map. We feared the water level would reach our back door and into our home. Many neighbors shared our experience. I observed and photographed the residential property east and west of the 20 acres in question having major flooding in 2017 as well. Attached are two photos of the flooding.

The FEMA flood zone maps are prone to error. This 20-acre parcel is in an AE flood zone. I have serious doubts that storm water run-off could be 100 percent contained, despite what the engineer says. If wrong, the error would endanger the surrounding homes and the St. Sebastian River itself.

The 'Old Florida' feel that attracts visitors and brings joy to our neighbors is delicately balanced. Increased density will erode what is magical about Fleming Grant Rd. Once our Old Florida is gone, there will be no getting it back. **I urge you not to consider this amendment.**

Henry Beck

9735 Fleming Grant Rd.

Micco, Fl. 32976

Flooding at 9760 Fleming Grant Road
Robertson Property behind far fence.
October 2017



**Flooding around 9735 Fleming Grant Road
1/4 mile Northeast of Robertson Property
October 2017**



From: [Mark Loyacano](#)
To: [Commissioner, D4](#)
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Date: Friday, May 3, 2019 2:14:11 PM
Attachments: [Brevard County Proposed Amendment 2019-1.1 \(19-01ESR\).pdf](#)
[ATT00001.htm](#)

Dear Commissioner Smith.

Please find attached, in PDF format, our letter to the Brevard County Planning and Zoning Agency and your office regarding Brevard County Proposed Amendment 2019-1.1 (19-01ESR).

Brevard County Proposed Amendment 2019-1.1(19-01ESR) for a 20.39 acre parcel on Fleming Grant Rd. is troubling; from a business standpoint, for its added environmental impact, and because it would adversely affect the neighborhood's present character.

When these acres were advertised for sale, we believe that RES 1:2.5 (density) was a matter of public record, and that anyone planning to buy this land, and to build houses there, could have known about it. Would this request for increased density have been timed better had it been made prior to, or contingent upon approval, before completing the purchase?

Current builders have adhered to RES 1:2.5 since it was initiated in 1988. Respectfully, we hope that the good faith builders have shown so far, there, will be honored in the future, here, tonight.

RES 1:2.5 helps protect our local waters. Toxic brews forming in our estuary, the Indian River Lagoon, and in the St. Sebastian River, are largely of our own making. The St. Sebastian River's water flows continuously into the Indian River Lagoon carrying our pollutants along with it. Scientific research points to septic systems as environmental threats, generally being unsuited for our soil types, no matter how modern those systems may be.

An FAU-Harbor Branch presentation given to the general public (Feb. 12, 2014) by Dr. Brian Lapointe and Marie Tarnowski explains it in ways we can understand and, hopefully, appreciate.

"The Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution"

<https://youtu.be/xEHmhNHRq6M>

While it's likely that legacy septic systems already existing in this area form a significant part of an overall environmental impact issue. There is a saying that, for the moment, may be both timely and apropos: ...”when digging a deep hole, and unable to climb out, just quit digging”.

When driving a motor vehicle, riding a bike or hiking through the Fleming Grant area, one gets a distinct, old-world feeling for its peaceful Florida-natural ambiance. It is difficult not to notice being in a special place where residents have worked hard (and together) to create a quiet, peaceful neighborhood. It isn't a bucolic place though. It is an active, dynamic, spirited place where much time, work and effort is invested to make its unique character beautiful too. They're outside, working in their yards, waving at folks passing by, while they plant, trim and care for their landscape creations.

Please consider:

During this property's acquisition; was the transaction completed while land use was designated RES 1:2.5?

Is there any added environmental impact to wetlands resulting from this proposed, higher residential density?

Will Brevard County Proposed Amendment 2019-1.1 (19-01ESR), if approved, significantly alter the character of this area?

Respectfully,

Mark and Susan Loyacano
1061 Sebastian Rd.
Barefoot Bay, Fl. 32976

From: Linda McLain
To: Jones, Jennifer; Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Application 19-01ESR Robertson
Date: Thursday, May 2, 2019 4:20:01 PM

Dear County Representatives:

I am writing to request that you **VOTE AGAINST** the above application to amend the Comprehensive Land Use Plan for the 20 acres in Micco. I am enclosing a map that clearly shows 86 parcels of land all in the immediate area of this 20 acres that contain 2.5 acres or MORE. This includes the properties immediately adjoining the 20 acres on the east side. On the west side of this property, all the parcels on the river include 2.5 acres or more. In fact, in the 31 years since 1988 when the comp plan was adopted to protect the Sebastian River, no parcel has been created smaller than 2.5 acres on the river side of Fleming Grant Rd. Apparently the county has not looked at a map and realized this.

Allowing a greater density on this 20 acres is a direct violation of protecting the river. Now that you are taking our tax dollars to clean up the over development of the Indian River Lagoon, we know that we must stand up and speak out to protect our Sebastian River.

Increasing the density to allow smaller lots is **NOT** compatible with the surrounding area. The majority of residents in this area have properties in excess of 2.5 acres with open spaces.

The owner of this land wants to build 20 homes on this land but 20 septic tanks, even with a new design to limit chemicals will still be much more harmful to the river than the 8 he can currently put in will be. The run off from 20 homes will be so much greater than the run off from 8 homes. The impact on wildlife living there will be much greater with 20 homes than it will be with 8 homes. You do not have to be an engineer to know those facts are accurate!

The enclosed letter from the state of Florida review clearly outlines issues with the flood plain and wetlands on this property and it recommends that the density be maintained at 1 unit per 2.5 acres until such time as sewer is available to protect the area.

I sincerely believe that as responsible representatives for our county you will see that this application should be denied to protect the river, the wildlife and the residents of the Fleming Grant Rd area. Thank you for your time and attention of this letter.

Sincerely,

Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976



Technical Assistance Comments

Proposed Comprehensive Plan Amendment

Brevard County 19-01ESR

Amendment Summary

The proposed Future Land Use Map amendment would increase residential density from Residential 1:2.5 to Residential 1:1 more than doubling the allowed number of dwelling units on the 20.39-acre site. The property is not currently served by central sewer or potable water services and septic systems are envisioned for wastewater infrastructure.

1.) Technical Assistance Comment

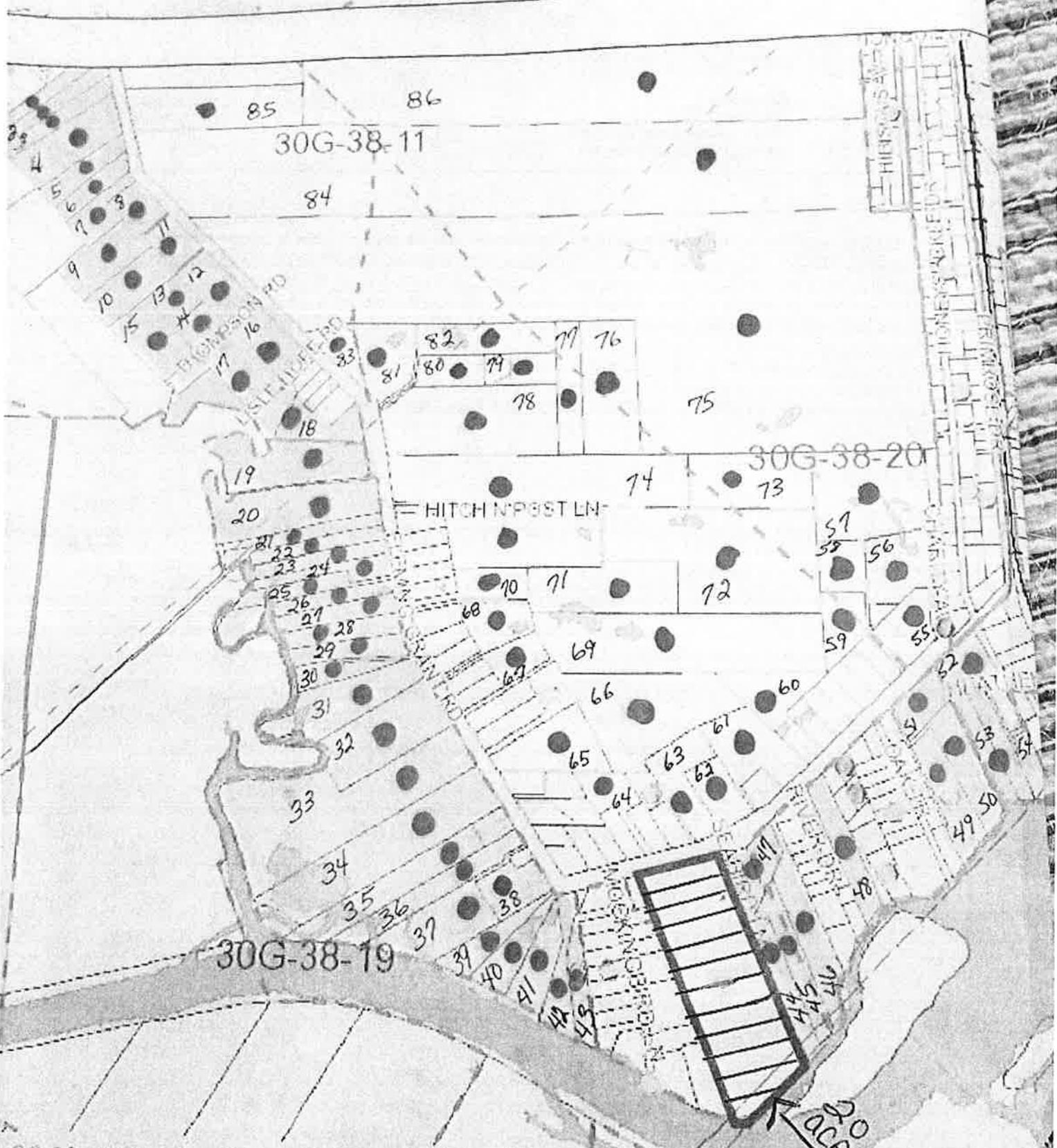
The proposed 20.39-acre site is located near the confluence of the north and south prongs of the St. Sebastian River, just prior to discharge into the Indian River Lagoon (IRL). The Indian River Lagoon is an important state resource that has been identified as seriously impaired due to high nutrient loading from septic systems and other discharges from surrounding land uses. These bodies of water are designated as aquatic preserves and Outstanding Florida Waterways (OFWs). In addition, the soils on the amendment property are of a type that has severe limitations for septic systems. The County is spending approximately \$68 million to remove or upgrade 3,734 septic systems over the 10-year life of the Save Our Indian River Lagoon Half-Cent Surtax while continuing to approve development that will add septic systems to the impaired area.

By increasing density and thus the number of septic systems to serve the proposed units on site, cumulatively with other septic system impacts to the St. Sebastian River and the IRL, the amendment will impact these resources. The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use.

2.) Technical Assistance Comment

A portion of the proposed amendment site is in the designated Coastal High Hazard Area (CHHA). Storm surge and flooding impacts to the site may be expected from a category one storm as well as impacts further landward from storms in the categories 2-5 range. Increased impacts to the site can be predicted over time due to rising sea levels. Additionally, part of the 20 acres is within the flood zone A and X.

The proposed amendment would more than double the allowable land use density. Increasing allowable land use density in an at-risk coastal area increases flood risk resulting from high-tide events, storm surge, flash floods, stormwater runoff, and over time, the related impacts of sea-level rise. The 2015 Peril of Flood legislation in section 163.3178(2)(f), Florida Statutes, directs local governments to seek opportunities to include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas when opportunities arise. Maintaining existing lower density land uses in at-risk coastal areas is one such strategy for addressing inappropriate and unsafe development in coastal areas. The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise.



Properties with red dots are 2.5 acres or more.
 Yellow highlighted properties are on River side.

38-19-HP-10
 ved
 erson, Cindy

From: Ralph E Jones
To: Commissioner, D4
Subject: Brevard proposed amendment 2019-1.1
Date: Saturday, May 4, 2019 1:03:36 PM

This letter is concerning new homes being built off of Fleming Grant Rd., Micco FL. Brevard proposed amendment 2019-1.1 Our opinions of each of our neighbors in the area matters more than the money that will be made of breaking the existing rule of one house per 2 1/2 acres ,, in our opinion in my household is that it's all about the money and profit to wreck our community to build more homes than the law requires, dollars over rules the law since 1988 of that agreement. I moved from Delray, worked daily in Miami, and if I wanted more traffic and more people to live around, We'd have just stayed in south Florida, but moved here for our bike and walking privileges without getting killed. And if you don't live in our community, you should have no rights to vote to destroy it,, and set a president to follow suit in the future. It reads simple enough, more homes, more money, get changed a existing rule over dollars of profit. Sincerely Ralph E Jones, 9730 Fleming Grant rd, Micco fl.

Ed

Ed

Ed

From: [Carol Decker](#)
To: [Commissioner, D4](#)
Subject: Amendment 19-01ESR; 20 acres in Micco, FL
Date: Friday, May 3, 2019 9:54:14 AM

Dear Commissioner:

We understand a developer wants to change the current allowed use of this land from one home per 2.5 acres to 1 home per acre. This land sits between Fleming Grant Road (a country 2-land road) and the north prong of the Sebastian River. This would mean 20 septic tanks rather than 8 in this environmentally fragile land that is not only in a flood plain, but also contains wetlands. We respectfully ask that you do not approve this change.

George and Carol Decker
9745 Fleming Grant Road
Micco, Florida 32976

772-663-0039

cdecker411@yahoo.com

From: [Joan Legue](#)
To: D2.commissioner@brefavefl.gov; [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D1](#)
Subject: Fw: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.
Date: Thursday, May 2, 2019 2:26:15 PM

Subject: Re: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.

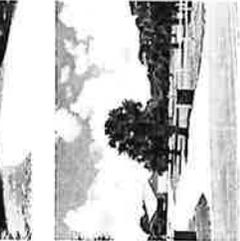
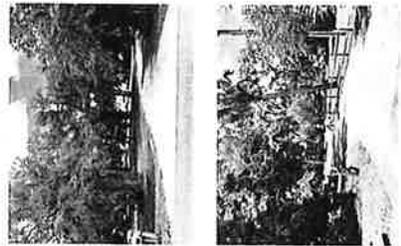
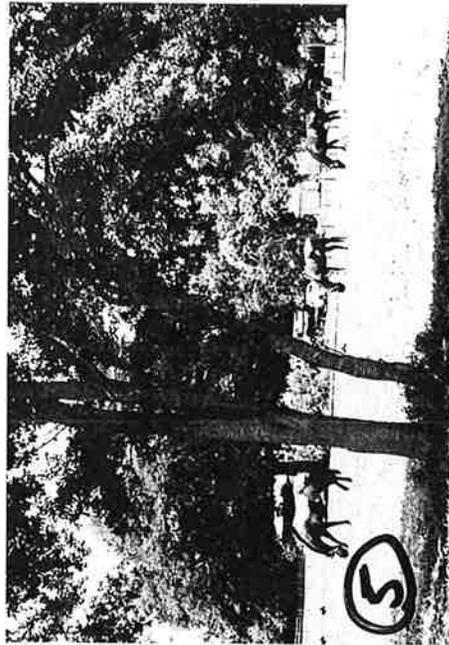
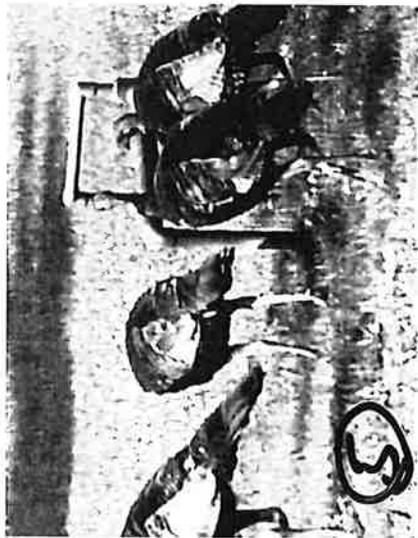
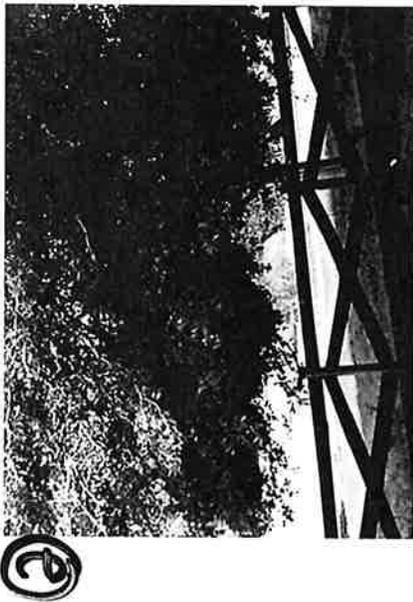
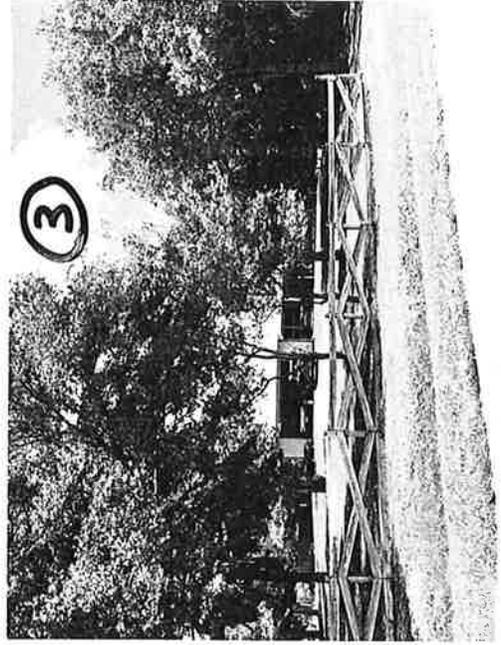
On Thursday, May 2, 2019, 2:15:51 PM EDT, Joan Legue <datadocmicco@att.net> wrote:

I am asking you to deny the passage of this amendment. There are many reasons and you have been given all of them. I live in Brevard county and want the density to stay as it is. Any changes to the southern part of the county will be negative to everyone who lives here and to future families as well.

Thank You

Joan Legue
1133 Barefoor Cir.
Micco, Fl. 32976-772-664-2630

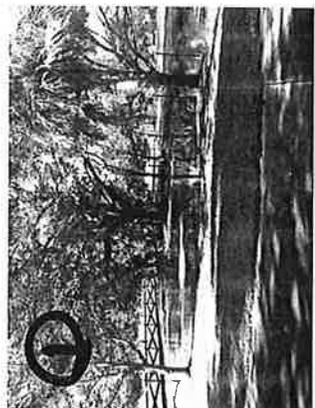
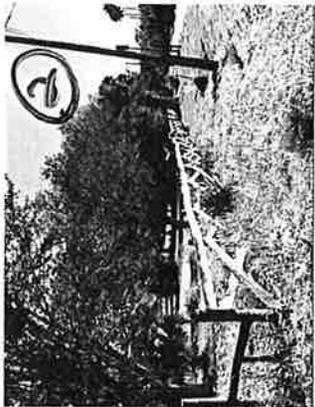
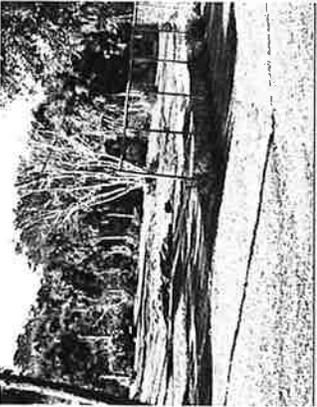
Box 5130, 119 H-4 + 10
Deering and Cindy Robertson
1982



4



2009



From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, March 27, 2019 1:49:27 PM

Please disregard if this is a duplicate forward. I just want to make sure that all of these are getting to you.

Thanks

From: Robin Carroll [mailto:RH20Bug@aol.com]
Sent: Wednesday, March 27, 2019 9:20 AM
To: Campbell, Cheryl
Subject: Re: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Cheryl, yes I have a further concern. I have just been made aware of a conflict of interest issue, Mr. Moia the engineer on this development project is a member of your commission. Is this true and how can we as a neighborhood being impacted by this development fight this with a friend and colleague so close to the decision? I am very concerned that a bias may exist to aid Mr. Moia in getting this project to move forward.

Robin and Charlie Carroll
9575 Fleming Grant Rd
Micco, FL 32976

Sent from Robin's iPad

On Mar 25, 2019, at 1:46 PM, Campbell, Cheryl <Cheryl.Campbell@brevardfl.gov> wrote:

Dear Robin and Charlie:

I have forwarded your letter to Jennifer Jones to add to the Adoption Public Hearing packets for the 5/20/2019 Local Planning Agency Meeting and the 5/30/2019 Board of County Commission Meeting. If you have any questions, please do not hesitate to contact me.

Sincerely,

Cheryl W. Campbell, RLA, APA

Planner III
Planning & Development
Brevard County
(321)633-2070 ext. 52660

From: Robin Carroll [<mailto:RH20Bug@aol.com>]
Sent: Friday, March 22, 2019 11:15 AM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Dear Cheryl

My husband and I are resident taxpayers, we do not support any development that changes the current Comprehensive Land Use Plan established in 1988. Any increase in density will be detrimental to the fragile environment and will set a bad precedent on future development. This area is rural and we have no utilities such as municipal water and wastewater, we depend on well and septic systems. Our community is located directly on the North Fork of the St Sebastian River, which feeds the Indian River Lagoon.

The developer is using earlier development from the mid 50's as a comparison for his future development wants as an argument. This rational is flawed and does not consider current environmental issues of our waterways today. State Senator Debbie Mayfield has just filed SB 1758 to curtail the number of septic systems on our waterways, the city of Sebastian has received grant money to assist homeowners on their side of the St. Sebastian River to switch from well and septic to municipal water and wastewater conversions and Mr Robertson just wants to disregard these issues and increase density on this 20 acre parcel from 8 homes to 20 homes. This increase in density will negatively affect the water quality of the St. Sebastian River and Indian River Lagoon. We need to keep to the current Land use plan to control and minimize impact of additional septic systems and storm water run off. With about 160 properties in the immediate area, about 65% are on the river side of Fleming Grant Rd, with the remaining 35% on the dry side. Of the river side properties, 53% was developed in the 50's prior to the 1988 Comprehensive land use plan and are smaller than 2.5 acres, 47% of these properties are 2.5 acres or more. These smaller properties should not be considered in comparison of current and future development.

<image001.png>

With the health of our lagoon, the current septic and well conversions in the area, and the new legislation proposed, why would any prudent government office or agency increase density on our waterways where basic water and wastewater utilities are not available?

Storm water runoff is another local issue that has been ignored. Our current storm water basin is inadequate to handle storm run off at present. The new Wheeler Storm Water Park on the north end of Fleming Grant Rd near Micco Rd is to far away to help our area. The following photos show the amount of water flowing into the storm water basin located off Turtle Ln and Fleming Grant Rd.

The water from storms travels south down Fleming Grant Rd, and is not managed well.

<image002.png>

<image003.png>

The next pictures show a prolong rain event and amount of water flowing down the street to the storm basin. In a prolonged rain event there is so much water flowing

down Fleming Grant that my driveway culvert is too small to handle it. This is routine pooling of stormwater happens frequently in a prolonged rain event.

<image004.png>

<image005.png>

The storm water basin just off Fleming Grant Rd is inadequate to hold the amount of water that flows south and west into the basin. These next pictures show the storm water basin as it is today. The basin has not been maintained.

<image006.png>

<image007.png>

These next pictures show the aftermath of the storm basin flooding in neighboring yards.

<image008.png>

<image009.png>

These pictures show how inadequate the current storm water run off management is failing in our neighborhood. Increasing density in the area will only exacerbate the situation. If changes are granted to the Comprehensive Land Use Plan, how many homes can be named into half acre lots on the thousands of undeveloped land on Fleming Grant. This is a rural community and not Palm Bay. We cannot have Palm Bay development in an area that has no municipal water or wastewater systems to handle the density of a normal city. Please consider these points in making your decisions about this change in the Brevard County Comprehensive Land Use plan. Understand we are not against development, we want responsible development that mitigates harm to the environment and fits the community in general.

Sincerely,

Robin and Charlie Carroll

9575 Fleming Grant Rd
Micco, FL 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Cc: [Sterk, Erin](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, March 27, 2019 1:51:31 PM

From: Mark Loyacano [mailto:mark_loyacano@hotmail.com]
Sent: Wednesday, March 27, 2019 10:09 AM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Dear Ms. Campbell.

The proposed Future Land Use Map revision for a 20.39 acre parcel on Fleming Grant Rd. is troubles me from a business standpoint as well as it adding an environmental impact.

When advertised for sale, density restrictions were a matter of public record. Anyone planning to build there could have known about the RES 1:2.5 FLU designation. Please honor current zoning restrictions as well as the good faith already shown by developers in that area. They have dutifully adhered to this code since it was initiated in 1988.

Zoning restrictions help protect our local waters. Toxic brews in our estuary, the Indian River Lagoon, and in the St. Sebastian River, are largely of our own making. The St. Sebastian River water's flow continuously into the Indian River Lagoon while carrying our pollutants too. Science research points to septic systems being unsuited for our soil types, no matter how modern the system.

This Feb. 12, 2014 FAU-Harbor Branch presentation, by Dr. Brian Lapointe and Marie Tarnowski explains it in ways all of us can understand and appreciate.

"The Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution"

<https://youtu.be/xEHmhNHRq6M>



[Dr. Brian LAPOINTE and Marie TARNOWSKI 02 12 14 : IRL as Bioreactor](#)

Delivery of land-based nutrients (nitrogen and phosphorus) to continental shelf waters is controlled by estuaries, which function as natural bioreactors that...

youtube

It's true, many legacy septic systems already exist in our area. But, as the saying goes: ...if we're trapped at the bottom of a hole - just quit digging.

Please do not approve Brevard County Proposed Amendment 2019-1.1 (19-01ESR).

Respectfully,

Mark Loyacano
1061 Sebastian Rd.
Barefoot Bay, Fl. 32976



Friends of St. Sebastian River

P. O. Box 284 • Roseland, Florida 32957

www.fssr.org – info@fssr.org

Facebook.com/FriendsofStSebastianRiver

March 28, 2019

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1924-2017

Director Emeritus

Frank Wegel

To: Cheryl Campbell, Brevard County Planning and Development

Re.: Brevard County Proposed Comprehensive Plan Amendment 2019-1.1 (19-01ESR)

Dear Ms. Campbell:

The Friends of St. Sebastian River is aware of the referenced proposed Comprehensive Plan Amendment for a parcel of land in Micco, Florida, on the St. Sebastian River.

The St. Sebastian River is the largest tributary to the Indian River Lagoon which is suffering from the greatest threat to its health in modern history. The St. Sebastian River itself is listed as “impaired,” by the EPA, for low dissolved oxygen as a result of nutrient impacts from stormwater runoff and septic sewer systems. The impairment of the Lagoon and the St. Sebastian River are directly attributable to the impacts of human development within the now greatly-altered watersheds of these waterbodies.

Brevard County had the foresight to decrease the density of development in the Micco area in 1988, and voters approved a sales tax increase in the last few years for projects to help reverse the detrimental effects of impacts from development. It is antithetical to consider the proposed plan amendment, for land on an already-impaired waterbody, when taxpayers are paying to reverse impacts from such inappropriate past development.

The St. Sebastian River is important habitat for many species, including some rare and endemic fish species which Dr. Grant Gilmore has attempted to have listed as endangered. Our waterways should be protected for the enjoyment of everyone, and for the benefit of all species that depend on it for habitat.

We are therefore opposed to the proposed Plan Amendment and request that you not support this proposed change.

Sincerely,

Tim Glover, President
Friends of St. Sebastian River

From: [Campbell, Cheryl](mailto:Campbell,Cheryl)
To: [Jones, Jennifer](mailto:Jones,Jennifer); [Sterk, Erin](mailto:Sterk,Erin)
Subject: FW: Change to the Comprehensive Land Use Plan
Date: Wednesday, May 1, 2019 8:24:01 AM

From: Barbara Reisert [mailto:babsnearl@aol.com]
Sent: Tuesday, April 30, 2019 9:46 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; D3.commissioner@aol.com;
D4.commissioner@brevard.gov
Subject: Change to the Comprehensive Land Use Plan

Dear Commissioner:

We live at 9471 Fleming Grant Rd, Micco and we are writing to voice our objection to the petition to change the Comprehensive Land Use Plan on a 20 acre parcel on our road. The plan was adopted by Brevard County in 1988 to preserve the area from over development due to it's proximity to the river. We do not live on the river side but were still required to have 1 acre parcels for the same purpose. For the nearly 20 years we have lived here no exceptions have been made.

We are a rural area with wells and septic systems and ditches. The size of the parcels allow us to keep safe distances between our water supply and our septic systems and keeps septic waste from draining into the river.

The ditches are not adequate to move water in heavy rains and most of our properties have some flooding. I can't believe that it is possible to put 20 homes on a 20 acre parcel and build roads and still allow space for wells, septic systems and water retention.

Our governor has made clean water and cleaning up the river his priorities and millions of taxpayer dollars have been designated for these projects. The over development of this parcel would further contribute to the pollution we are trying to clear up. Granting this change to the Comprehensive Land Use Plan would further stress the river as well as the wildlife that we enjoy and try to protect everyday.

I realize the developer who file the petition has a right to build and make a profit but that was the risk he took when he purchased the property knowing full well what the building requirements are. The interests of one individual should not trump what we all know is the right thing to do. Please do not grant this change.

Emil & Barbara Reisert

From: [lyn greene](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 1, 2019 4:43:13 PM

To Whom it May Concern:

I am a resident on Fleming Grant Rd, close to the area where the proposed development and variance request is being requested. I am completely opposed to the variance. The parcels in this area were originally set to 2.5 acres for a reason. There are already enough issues because of the development up to this point in just the 21 years since I purchased my property.

The county doesn't, apparently, have enough public service folks to supply the needed services to this area already. I've had brush and debris in a pile, as designated by the contract, left in front of my home for a month or more at a time, we're currently going for a record evidently. Not to mention the call we made to 911 in 1988 which, to this point, we have still not gotten a response. Then, of course, there was the variance already granted to let somebody fill in the retention pond that all the runoff used to go to, so they could build their home.

When I purchased, I had NO wetlands, but because of development around my home, I now have a strip across my property, that divides my land. So unless I am on and "access road" to one side or the other, I can't legally get to the rear part of my property. This was caused by development.

During storms, we have water in our ditches for weeks because your county folks can't seem to make sure the ditches and culverts are not blocked. If there is enough rain, with or without a major storm, we often have water encroaching on our lawns because of lack of drainage. We have had to have residents who had tractors, who have lived here since the property limits were even larger, clear them out.

There are already enough folks using pesticides and fertilizers on their lawns and plants, which will be washed into Indian River Lagoon and poisoning the water supply. We don't need the addition folks poisoning the supply. This is an issue that we're possibly going to be paying taxes to clean up, we don't need to have additional offenders in our area.

Please let's use some common sense, take the possibility of increased revenue off the table, and not make more harmful changes for more tax dollars. You've already done enough by the poor decisions to destroy this part of the county that have been made to this point, we all moved here because of its space, beauty and serenity.

Carolyn Greene

9525 Fleming Grant Rd
Micco, FL 32976



Virus-free. www.avg.com

From: [James Linder](#)
To: bill@irjcouncil.org; [Commissioner_D1](#); [Commissioner_D2](#); [Commissioner_D3](#); [Commissioner_D4](#); [Commissioner_D5](#); [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 1, 2019 5:49:04 PM



I am writing you to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My husband and I are residents of scenic Fleming Grant Road. We have lived here for 5 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River, which is the border between Brevard and Indian River counties. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, pastoral scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in approximately 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NWI wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and stormwater into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development. Brevard County is part of the Indian River National Lagoon Council (IRNLC) and the Council's publicly stated purpose is to sponsor and be responsible for the Indian River Lagoon National Estuary Program, whose goals are: 1. To attain and maintain water and sediment of sufficient quality to support a healthy estuarine lagoon ecosystem; 2. To attain and maintain a functioning, healthy ecosystem which supports endangered and threatened species, fisheries, commerce and recreation; 3. To achieve heightened public awareness and coordinated interagency management of the Indian River Lagoon ecosystem; and 4. To identify and develop long-term funding sources for prioritized projects and programs to preserve, protect, restore and enhance the Indian River Lagoon. Placing twenty homes in this area certainly is not agreement with the mission statement of the IRNLC.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise." Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

Thank you for your consideration.

Sincerely,

Beverly Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

From: [Joan Legue](#)
To: [Jones, Jennifer](#)
Cc: [Commissioner, D1](#); D2.commissioner@brevareffl.gov; [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.
Date: Thursday, May 2, 2019 2:15:59 PM

I am asking you to deny the passage of this amendment. There are many reasons and you have been given all of them. I live in Brevard county and want the density to stay as it is. Any changes to the southern part of the county will be negative to everyone who lives here and to future families as well.

Thank You

Joan Legue
1133 Barefoor Cir.
Micco, Fl. 32976

From: [Douglas and Mary Sphar](#)
To: [Jones, Jennifer](#)
Cc: [Campbell, Cheryl](#); [Sterk, Erin](#)
Subject: Document for LPA - P&Z package CPA 2019-1.1
Date: Thursday, May 2, 2019 3:29:55 PM
Attachments: [Quotes from State Agency Comments.pdf](#)

Dear Ms. Jones,

If possible, please include the attached document, Quotes from State Agency Comments, in the LPA/P&Z package for May 20th. For the record, I extracted these quotes from the original letters/technical assistance comments.

I believe you already have the March 24th letter to Ray Eubanks from Sierra Club regarding Comprehensive Plan Amendment 2019-1.1. If not, please let me know.

Thank you,

Mary Sphar

Quotes from State Agency Comments

Comprehensive Plan Amendment 2019-1.1

1. East Central Florida Regional Planning Council

As you are well aware, the lagoon has experienced algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue.

Additionally, sea level rise in the area has not been addressed in this application. Projections from the National Oceanic and Atmospheric Administration currently predict nearly a two foot rise by 2040

In light of the ECFRPC Strategic Regional Policy Plan and the adoption of the Regional Resiliency Action Plan by Brevard County, **we would urge the Brevard County Board of County Commissioners to reconsider the prospect of rezoning these 20 acres to allow for increased densities in an area without sanitary sewer services , an area that will experience additional flooding issues with the advent of sea level rise, and in an area that is vulnerable to surge from hurricanes.**

2. Department of Economic Opportunity – Technical Assistance Comments

The County is spending approximately \$68 million to remove or upgrade 3,734 septic systems over the 10-year life of the Save Our Indian River Lagoon Half-Cent Surtax while continuing to approve development that will add septic systems to the impaired area.

By increasing density and thus the number of septic systems to serve the proposed units on site, cumulatively with other septic system impacts to the St. Sebastian River and the IRL, the amendment will impact these resources. **The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use.**

Increasing allowable land use density in an at-risk coastal area increases flood risk resulting from high-tide events, storm surge, flash floods, stormwater runoff, and over time, the related impacts of sea-level rise.

The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise.

3. St. Johns River Water Management District

The proposed amendment consists of a future land use map change for a 20.39-acre parcel. The parcel, located on the north prong of the St. Sebastian River, is not within a public potable water or sanitary sewer service area.

The Indian River Lagoon (IRL), which is designated as an estuary of national significance, provides important environmental and economic benefits to the region and state.

As part of the analysis of the proposed amendment, the County should consider whether the potential increase in allowable density would result in adverse impacts to the IRL and whether there are ways to mitigate those potential impacts.

4. Florida Fish and Wildlife Conservation Commission (FWC)

No wildlife-related survey information was provided with the amendment materials. However, FWC staff conducted a geographic information system (GIS) analysis of the project area and found that it is located near, within, or adjacent to:

- One or more wood stork (*Mycteria americana*, Federally Threatened [FT]) nesting colony core foraging areas (CFA). The CFA constitutes a 15-mile radius around the nesting colony.
- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:
 - o Red-cockaded woodpecker (*Picoides borealis*, Federally Endangered [FE])
 - o Florida grasshopper sparrow (*Ammodramus savannarum floridanus*, FE)
 - o Audubon's crested caracara (*Polyborus plancus audubonii*, FT)
 - o Florida scrub-jay (*Aphelocoma coerulescens*, FT)
- Potential habitat for state- and federally listed species:
 - o Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST])
 - o Smalltooth sawfish (*Pristis pectinata*, FE)
 - o Florida manatee (*Trichechus manatus latirostris*, FT)
 - o Eastern indigo snake (*Drymarchon corais couperi*, FT)
- Florida Natural Area Inventory Managed Areas: o St. Sebastian River Preserve State Park (managed by the Florida Department of Environmental Protection)

5. Department of Environmental Protection

The IRL is a nationally renowned estuary that supports both remarkable biological diversity and recreational resources. The subject property is adjacent to the Indian River-Malabar to Vero Beach Aquatic Preserve, which encompasses 28 miles and accounts for 29,000 acres of the IRL system.

The IRL has been identified as biologically impaired due to nutrients, particularly nitrogen and phosphorus.

If adopted, the County and applicant will need to ensure that water quality within the Aquatic Preserve is not adversely impacted by the proposed development. . . . The County should consider whether the potential increased density in development will result in adverse impacts to the IRL and to explore ways to offset these potential impacts.

Excess nitrogen and phosphorus feed undesirable algae growth (sometimes toxic) which can dominate an ecosystem like the IRL and eventually lead to fish kills. Conventional septic systems near coastal estuaries remain a significant contributor of nitrogen and phosphorus to these waterbodies. In order to avoid **the exorbitant cost of restoring nitrogen and phosphorus pollution problems in the future**, any new nearby septic systems, especially those clustered on small lots (1 acre or less), should be built to remove nitrogen before discharge.

From: [Linda McLain](#)
To: [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Application 19-01ESR Robertson
Date: Thursday, May 2, 2019 4:20:00 PM

Dear County Representatives:

I am writing to request that you VOTE AGAINST the above application to amend the Comprehensive Land Use Plan for the 20 acres in Micco. I am enclosing a map that clearly shows 86 parcels of land all in the immediate area of this 20 acres that contain 2.5 acres or MORE. This includes the properties immediately adjoining the 20 acres on the east side. On the west side of this property, all the parcels on the river include 2.5 acres or more. In fact, in the 31 years since 1988 when the comp plan was adopted to protect the Sebastian River, no parcel has been created smaller than 2.5 acres on the river side of Fleming Grant Rd. Apparently the county has not looked at a map and realized this.

Allowing a greater density on this 20 acres is a direct violation of protecting the river. Now that you are taking our tax dollars to clean up the over development of the Indian River Lagoon, we know that we must stand up and speak out to protect our Sebastian River.

Increasing the density to allow smaller lots is NOT compatible with the surrounding area. The majority of residents in this area have properties in excess of 2.5 acres with open spaces.

The owner of this land wants to build 20 homes on this land but 20 septic tanks, even with a new design to limit chemicals will still be much more harmful to the river than the 8 he can currently put in will be. The run off from 20 homes will be so much greater than the run off from 8 homes. The impact on wildlife living there will be much greater with 20 homes than it will be with 8 homes. You do not have to be an engineer to know those facts are accurate!

The enclosed letter from the state of Florida review clearly outlines issues with the flood plain and wetlands on this property and it recommends that the density be maintained at 1 unit per 2.5 acres until such time as sewer is available to protect the area.

I sincerely believe that as responsible representatives for our county you will see that this application should be denied to protect the river, the wildlife and the residents of the Fleming Grant Rd area. Thank you for your time and attention of this letter.

Sincerely,

**Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976**



4G LTE



40%



6:57 PM

Technical Assistance Comments

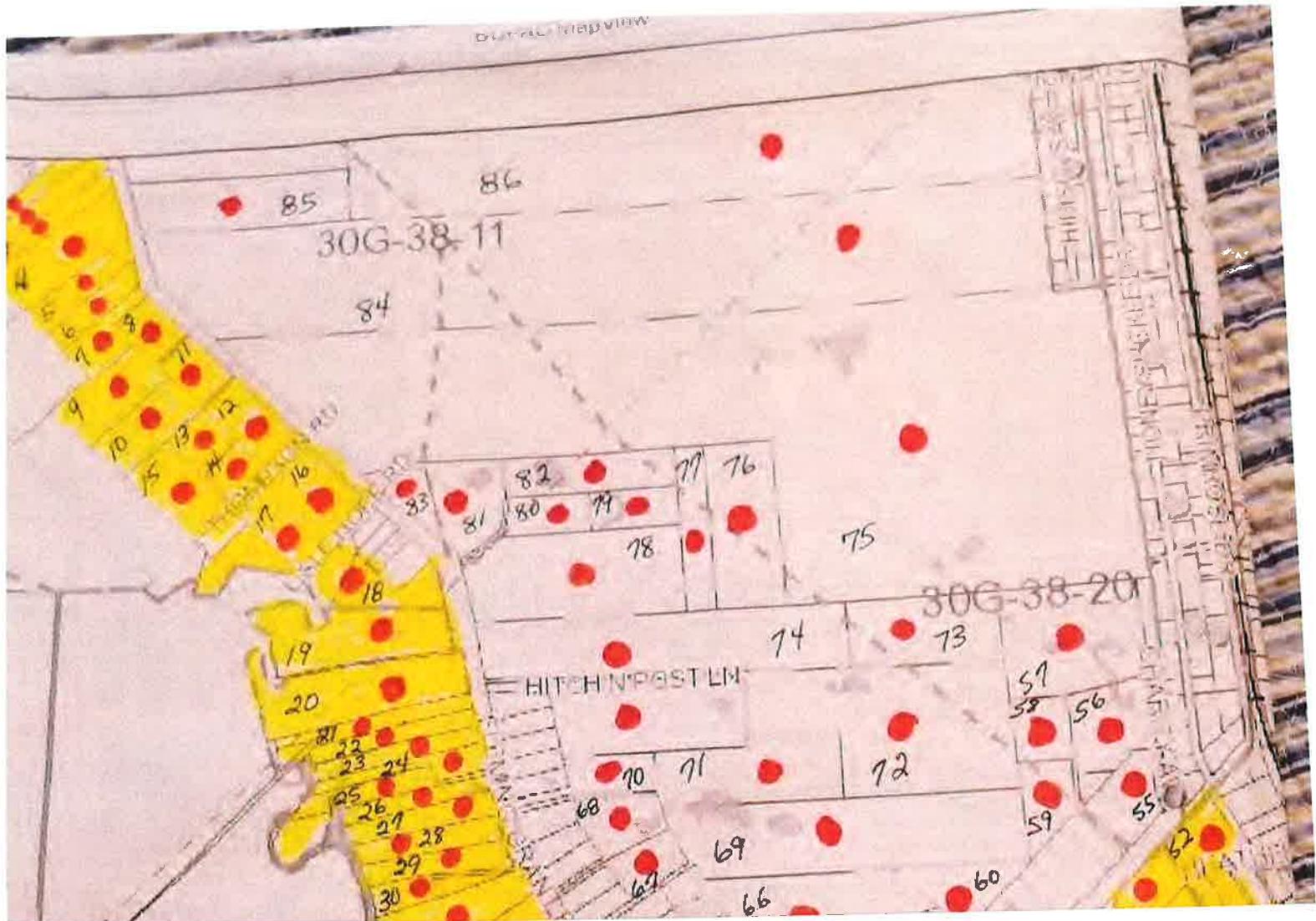
Proposed Comprehensive Plan Amendment

Brevard County 19-01ESR

Amendment Summary

The proposed Future Land Use Map amendment would increase residential density from Residential 1:2.5 to Residential 1:1 more than doubling the allowed number of dwelling units on the 20.39-acre site. The property is not currently served by central sewer or potable water services and septic systems are envisioned for wastewater infrastructure.

Digital Mapview



From: [Ted Beck](#)
To: [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Thursday, May 2, 2019 9:08:58 PM

My name is Henry Beck, my wife and I live at 9735 Fleming Grant Rd, a quarter mile east of the 20 acres in question. We bought our house in 2011, it had been vacant and neglected for 3 years. We renovated the house and grounds ourselves and took pleasure exploring our new neighborhood, cycling the local streets and kayaking the beautiful waterways. We were so impressed by the diversity of wildlife we made an offer to buy an additional 3+ acres of vacant land north of us in order to protect the habitat of the creatures we admire every day in our backyard.

I am **opposed** changing the Comprehensive Land Use Plan for Parcel # 18PZ00166 Robertson 20 Acre. If allowed, it will set a precedent for further subdivisions in the area. Increasing population density will have a negative effect on the waterways that feed into the Indian River Lagoon and will destroy habitat for existing wildlife. I have no problem with the buying and selling of land for profit, but if this change to the Comprehensive Plan is approved, it will be counterproductive to the county's expensive efforts to clean up the Lagoon.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise."

The Central Florida Regional Planning Council reviewed the proposed amendment had these observations: "The area does not have sanitary sewer so the units would be on septic tanks. This change would more than double the impacts from septic tanks on the river and lagoon. As you are well aware, the lagoon has experience algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue."

There is serious concern about stormwater flooding on the north side of this property on Fleming Grant Rd. In October 2017 water rose around our house, well beyond the area indicated on the FEMA flood zone map. We feared the water level would reach our back door and into our home. Many neighbors shared our experience. I observed and photographed the residential property east and west of the 20 acres in question having major flooding in 2017 as well. Attached are two photos of the flooding.

The FEMA flood zone maps are prone to error. This 20-acre parcel is in an AE flood zone. I have serious doubts that storm water run-off could be 100 percent contained, despite what the engineer says. If wrong, the error would endanger the surrounding homes and the St. Sebastian River itself. The engineer doesn't have a stake in our community like area residents do.

The 'Old Florida' feel that attracts visitors and brings joy to our neighbors is delicately balanced. Increased density will erode what is magical about Fleming Grant Rd. Once our Old Florida is gone, there will be no getting it back. **I urge you not to consider this amendment.**

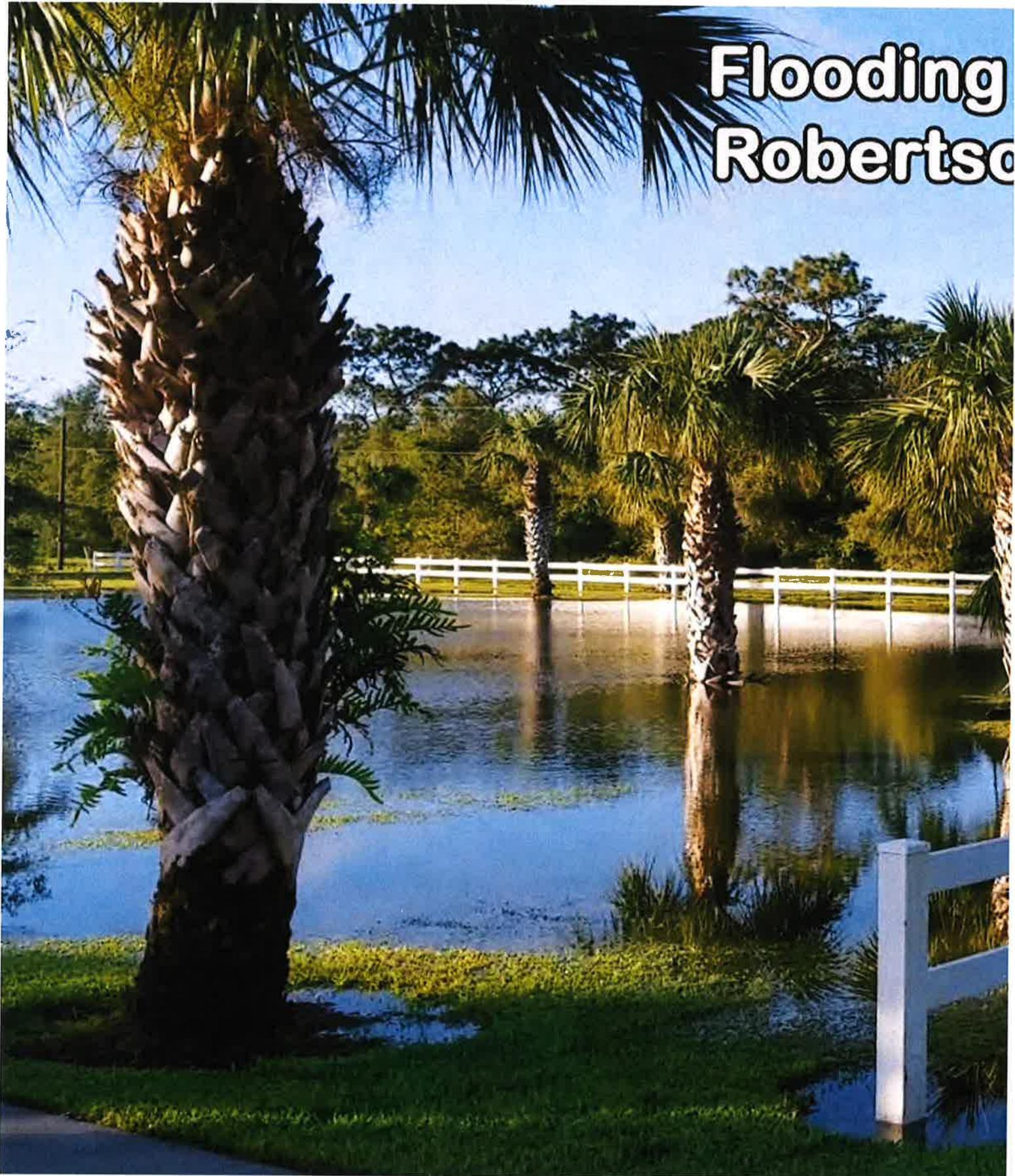
Henry Beck
9735 Fleming Grant Rd.

Micco, Fl. 32976

**Flooding around 9
1/4 mile Northeast
Oct**



Flooding Robertso



From: miccohomeowners@aol.com
To: [Campbell, Cheryl](#); [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Thursday, May 2, 2019 11:17:24 PM
Attachments: [MHOA-Letter BC Isnardi.pdf](#)
[MHOA-Letter BC Smith.pdf](#)
[MHOA-Letter BC Lober.pdf](#)
[MHOA-Letter BC Pritchett.pdf](#)
[MHOA-Letter BC Tobia.pdf](#)

Cheryl and Jennifer,

Attached are individual letters from Micco Homeowners Association to each commissioner on the Proposed Amendment 2019-1.1.

Please add these letters to the package for the LPA meeting on May 20 and the County Commission meeting on May 30.

We thank you both.

Challe Woods, President MHOA

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan League
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

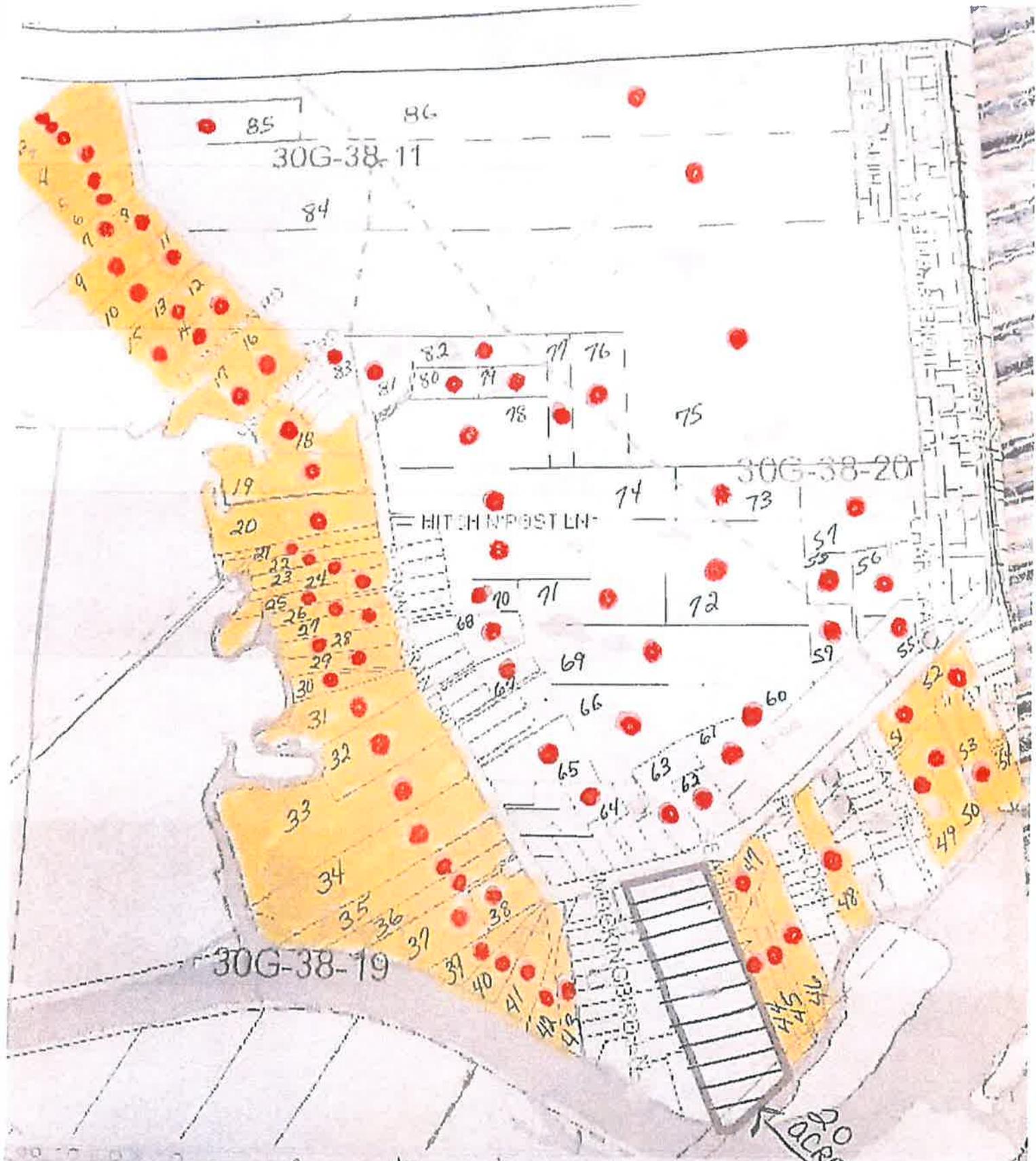
TO: Commissioner Smith
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

Micco Homeowners Association opposes any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. **Specifically, we oppose the request to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase density to 1 unit per acre.** The reasons for our opposition are:

- **Subject property has direct access to the St Sebastian River which flows into the Indian River Lagoon.** Taxpayers are spending millions of dollars every year to undo the damage development has done to the delicate ecosystems in the Indian River Lagoon.
- **Density increases will increase storm water runoff, septic drain field leakage, pesticides and fertilizer contamination into the St Sebastian River** damaging its ecological balance and further injuring the Indian River Lagoon.
- Robertson's subject property on Fleming Grant Road is in an AE FLOOD ZONE on the river portion with high probability of FREQUENT FLOOD WATERS carrying the above mentioned contaminants and runoff materials directly into the St Sebastian River.
- The Robertson property requested increase in density is **NOT COMPATIBLE with the current FLUM designations for this area.** Development in 1955 on Mockingbird Lane should NOT be used as a standard of density allowance today. The majority of properties on Fleming Grant Road are built at 1 unit per 2.5 acres. **This is a rural area.**
- The Brevard County Comprehensive Land Use Plan was set in 1988. **There have been no density increases approved in this rural area since 1988.** Density increases allowed now will set a precedent for every future developer on Fleming Grant Road.

Please do not approve any change to the Brevard County Comprehensive Land Use Plan or the FLUM for this property.

Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



- Properties with red dots are 2.5 acres or more.
- Yellow highlighted properties are on River side.

son, Cindy

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

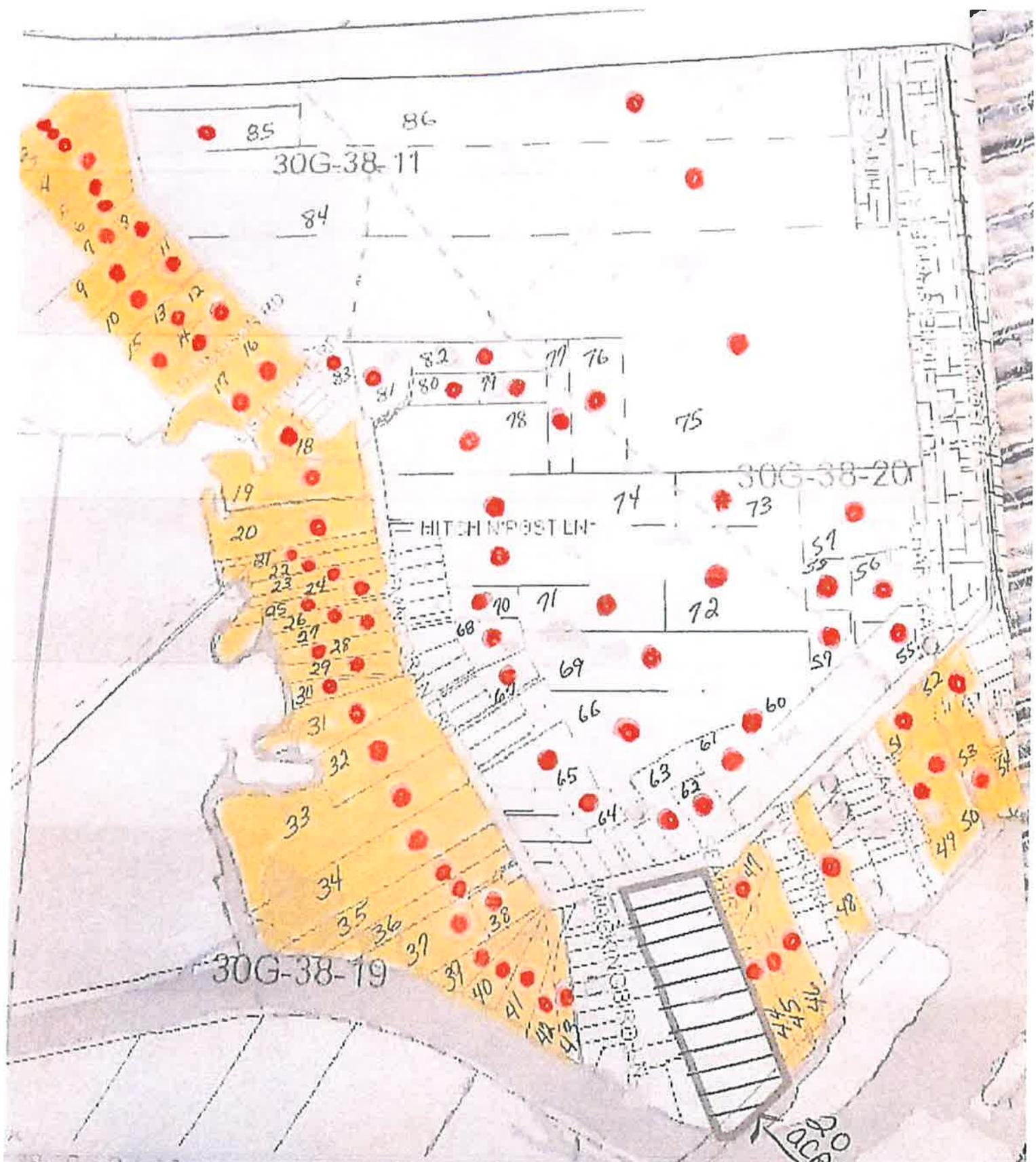
TO: Commissioner Isnardi
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

Micco Homeowners Association opposes any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. **Specifically, we oppose the request to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase density to 1 unit per acre.** The reasons for our opposition are:

- **Subject property has direct access to the St Sebastian River which flows into the Indian River Lagoon.** Taxpayers are spending millions of dollars every year to undo the damage development has done to the delicate ecosystems in the Indian River Lagoon.
- **Density increases will increase storm water runoff, septic drain field leakage, pesticides and fertilizer contamination into the St Sebastian River** damaging its ecological balance and further injuring the Indian River Lagoon.
- Robertson's subject property on Fleming Grant Road is in an AE FLOOD ZONE on the river portion with high probability of FREQUENT FLOOD WATERS carrying the above mentioned contaminants and runoff materials directly into the St Sebastian River.
- The Robertson property requested increase in density is **NOT COMPATIBLE with the current FLUM designations for this area.** Development in 1955 on Mockingbird Lane should NOT be used as a standard of density allowance today. The majority of properties on Fleming Grant Road are built at 1 unit per 2.5 acres. This is a rural area.
- The Brevard County Comprehensive Land Use Plan was set in 1988. **There have been no density increases approved in this rural area since 1988.** Density increases allowed now will set a precedent for every future developer on Fleming Grant Road.

Please do not approve any change to the Brevard County Comprehensive Land Use Plan or the FLUM for this property.

Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



● Properties with red dots are
 2.5 acres or more.
 Yellow highlighted properties are on
 River side.

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MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

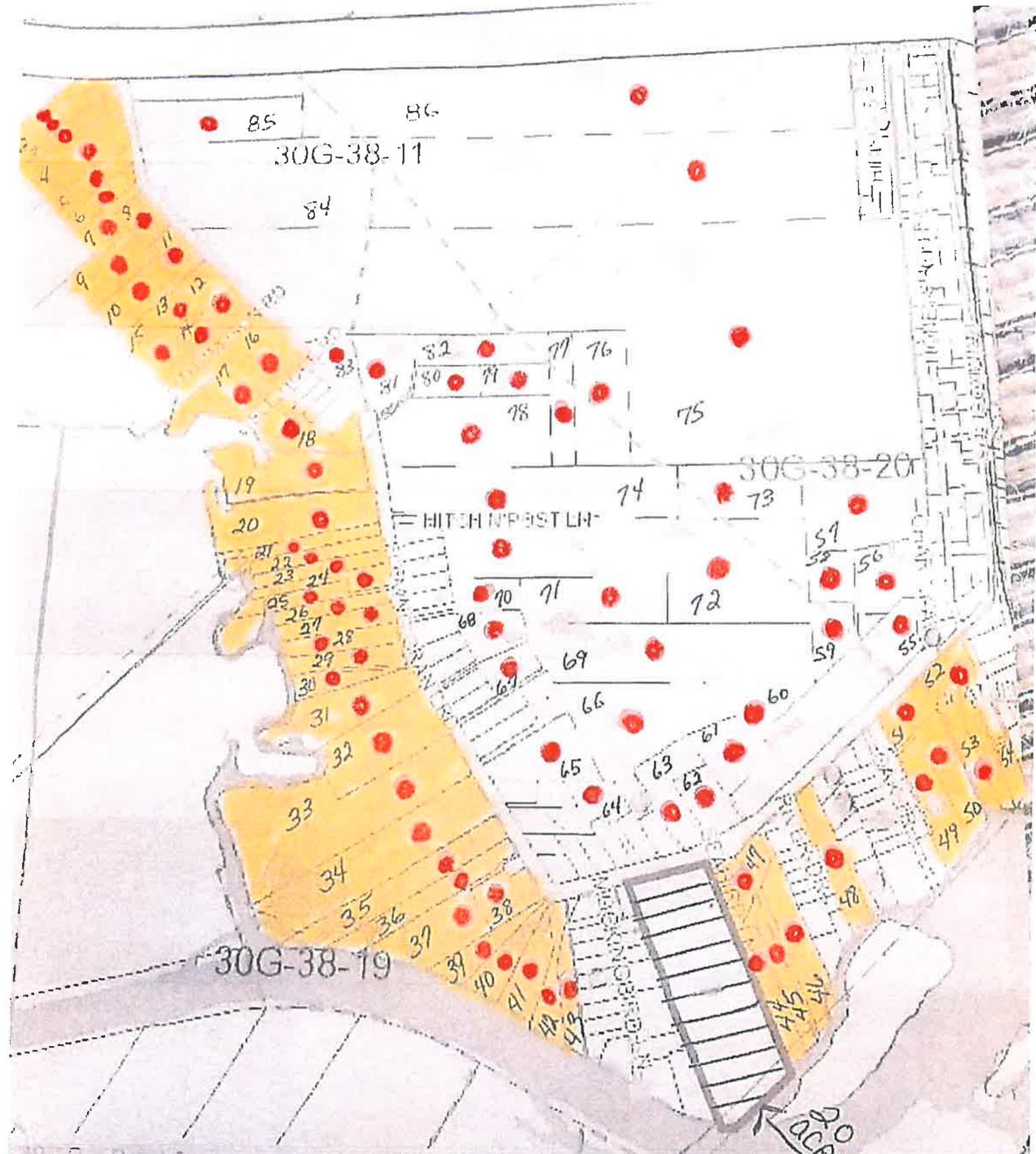
TO: Commissioner Lober
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

Micco Homeowners Association opposes any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. **Specifically, we oppose the request to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase density to 1 unit per acre.** The reasons for our opposition are:

- **Subject property has direct access to the St Sebastian River which flows into the Indian River Lagoon.** Taxpayers are spending millions of dollars every year to undo the damage development has done to the delicate ecosystems in the Indian River Lagoon.
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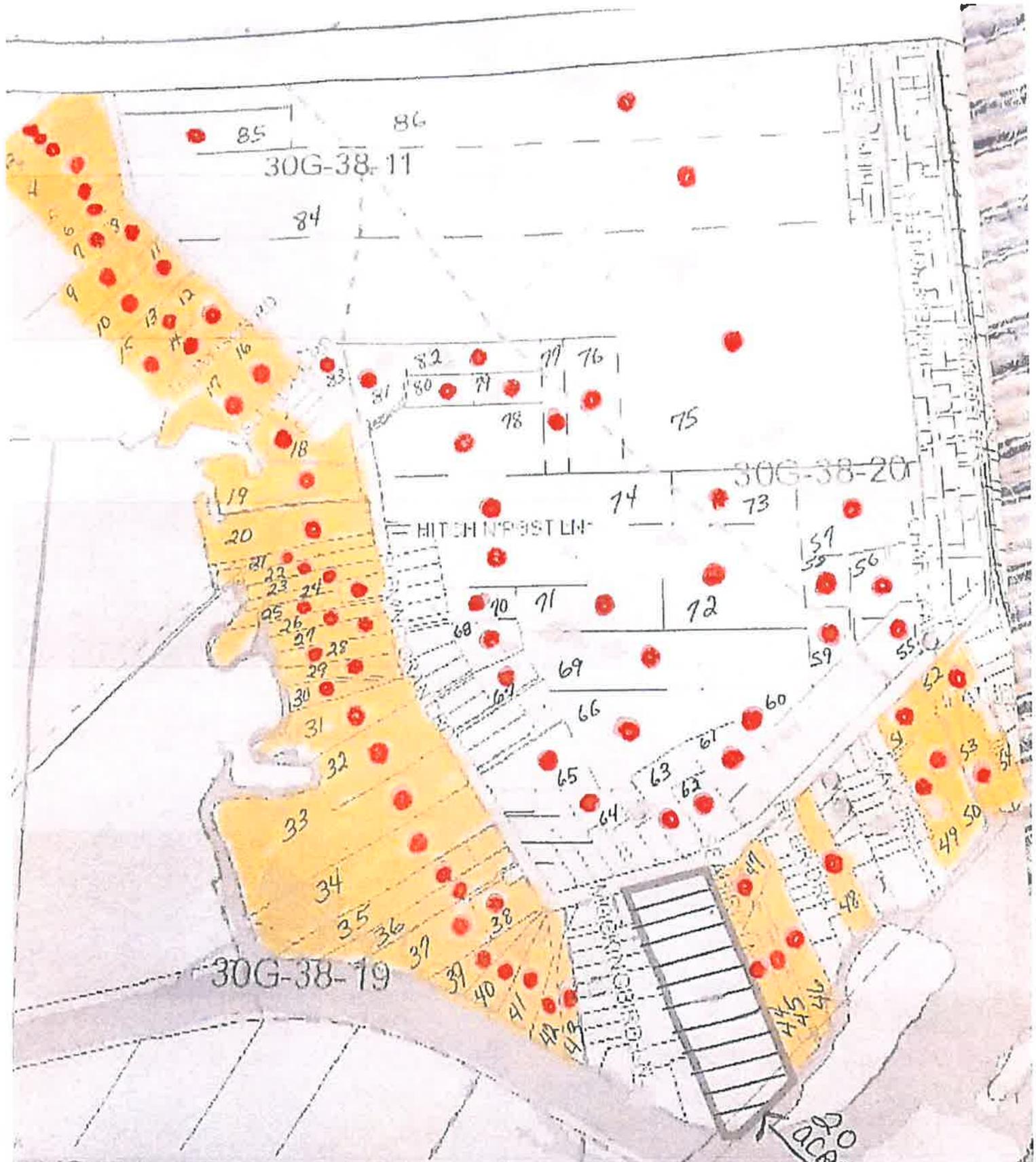
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Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



● Properties with red dots are
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 River side.

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MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

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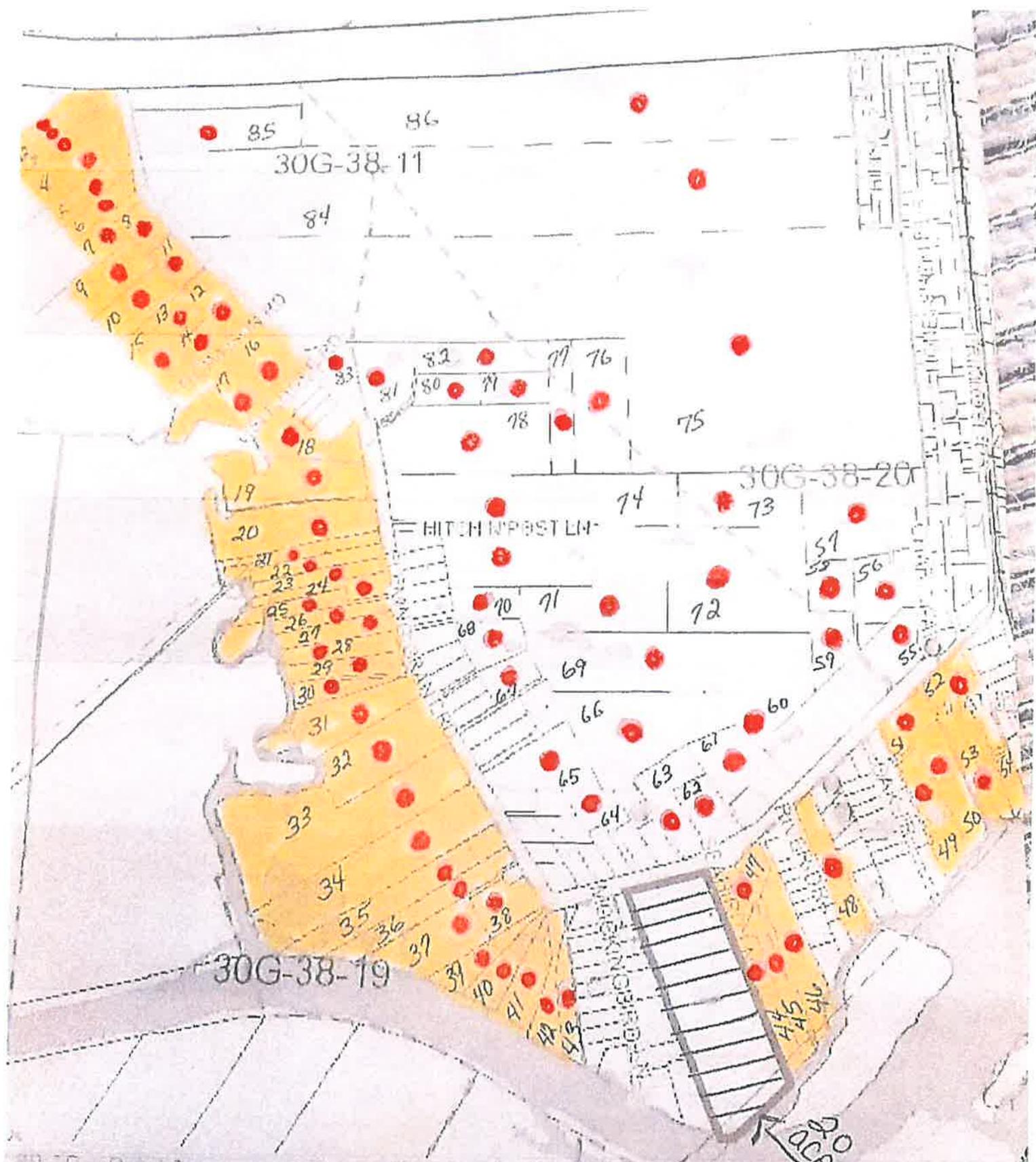
TO: Commissioner Tobia
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

Micco Homeowners Association opposes any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. **Specifically, we oppose the request to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase density to 1 unit per acre.** The reasons for our opposition are:

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Please do not approve any change to the Brevard County Comprehensive Land Use Plan or the FLUM for this property.

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Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



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 Yellow highlighted properties are on
 River side.

30G-38-19
 30G-38-20
 Cindy

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Brevard Proposed Amendment 2019-1.1
Date: Friday, May 3, 2019 8:17:26 AM

From: Anne Briggs [mailto:annebriggs@yahoo.com]
Sent: Thursday, May 2, 2019 6:57 PM
To: Campbell, Cheryl
Subject: Brevard Proposed Amendment 2019-1.1

Dear Ms. Campbell,

I am writing you to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My husband and I are residents of scenic Fleming Grant Road. We have lived here for 8 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, bucolic scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in some 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NWI wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and stormwater into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to

increased septic systems use,” and “The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise.” Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

Thank you for your consideration.

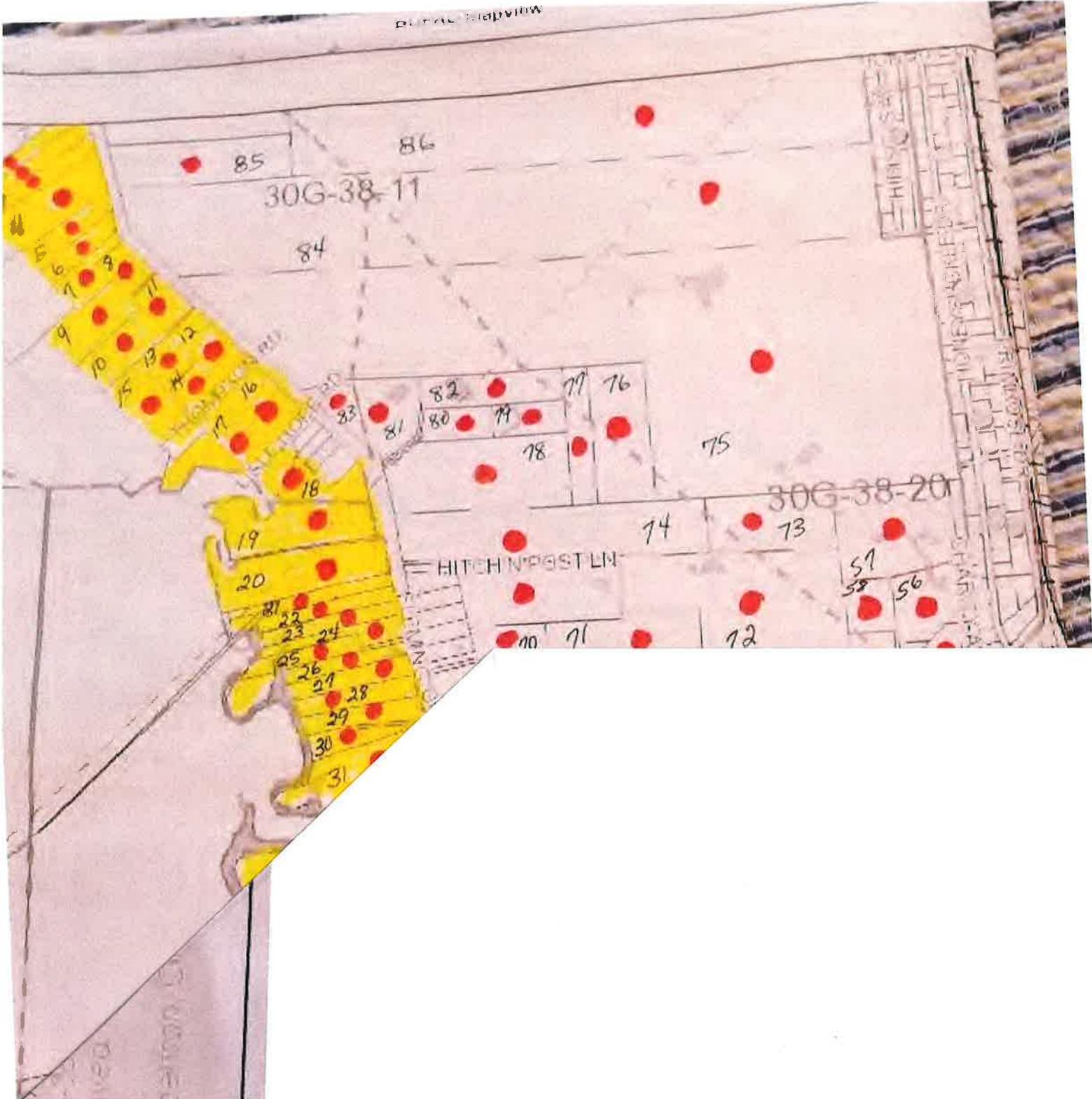
Sincerely,

Anne Briggs

9735 Fleming Grant Road, Micco FL 32976

772 925 9200

plan view



From: [Jodi Lemaster](#)
To: [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Friday, May 3, 2019 9:15:32 AM

Jennifer,

I am writing regarding the proposed zoning change to increase home density to 1 unit per acre, resulting in 20 homes on the riverfront side of Micco versus 8.

My family just purchased a home in Micco this January. The reason we chose this area was because of the careful planning, large lot sizes around us, and the rural feel of the area. As a citizen of the area, I am very concerned about what 20 homes in this area will do in terms of waste, pollution, and affects to the water quality of the area. Homes in this area on the riverfront side are currently 1 unit per 2.5 acre. This is what truly drew us to this area.

It is a shame that an individual can try to change policy to benefit them financially and have a total disregard for nature and the environment. We come from an area in Ohio where developers have ruined entire communities by working with the local government to bring about what they call a beneficial change-bringing more tax payers to an area. Unfortunately, they do not consider the impact that more homes causes. While driving through areas such as Palm Bay and Viera, it is clear that big development is a push in Brevard county. I feel that leaving a small percentage of the county, such as Micco, to have a more rural feel benefits the county as a whole. It allows for wildlife to thrive, helps to keep our waterways cleaner, and brings a green space to the area.

I hope you will consider voting against this amendment and allow Micco to stay a place of rural beauty.

Thank you,
Jodi Lemaster
9580 Fleming Grant Road
Micco, FL 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Amendment 19-01ESR; 20 acres in Micco, FL
Date: Friday, May 3, 2019 11:07:28 AM

From: Carol Decker [mailto:cdecker411@yahoo.com]
Sent: Friday, May 3, 2019 10:06 AM
To: Campbell, Cheryl
Subject: Amendment 19-01ESR; 20 acres in Micco, FL

Dear Ms. Campbell:

We understand a developer wants to change the current allowed use of this land from one home per 2.5 acres to 1 home per acre. This land sits between Fleming Grant Road (a country 2-land road) and the north prong of the Sebastian River. This would mean 20 septic tanks rather than 8 in this environmentally fragile land that is not only in a flood plain, but also contains wetlands. I respectfully ask that you do not approve this change.

George and Carol Decker
9745 Fleming Grant Road
Micco, FL 32976

772-663-0039

cdecker411@yahoo.com

Brevard County Proposed Amendment 2019-1.1(19-01ESR) for a 20.39 acre parcel on Fleming Grant Rd. is troubling; from a business standpoint, for its added environmental impact, and because it would adversely affect the neighborhood's present character.

When these acres were advertised for sale, we believe that RES 1:2.5 (density) was a matter of public record, and that anyone planning to buy this land, and to build houses there, could have known about it. Would this request for increased density have been timed better had it been made prior to, or contingent upon approval, before completing the purchase?

Current builders have adhered to RES 1:2.5 since it was initiated in 1988. Respectfully, we hope that the good faith builders have shown so far, there, will be honored in the future, here, tonight.

RES 1:2.5 helps protect our local waters. Toxic brews forming in our estuary, the Indian River Lagoon, and in the St. Sebastian River, are largely of our own making. The St. Sebastian River's water flows continuously into the Indian River Lagoon carrying our pollutants along with it. Scientific research points to septic systems as environmental threats, generally being unsuited for our soil types, no matter how modern those systems may be.

An FAU-Harbor Branch presentation given to the general public (Feb. 12, 2014) by Dr. Brian Lapointe and Marie Tarnowski explains it in ways we can understand and, hopefully, appreciate.

"The Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution"

<https://youtu.be/xEHmhNHRq6M>

While it's likely that legacy septic systems already existing in this area form a significant part of an overall environmental impact issue. There is a saying that, for the moment, may be both timely and apropos: ... "when digging a deep hole, and unable to climb out, just quit digging".

When driving a motor vehicle, riding a bike or hiking through the Fleming Grant area, one gets a distinct, old-world feeling for its peaceful Florida-natural ambiance. It is difficult not to notice being in a special place where residents have worked hard (and together) to create a quiet, peaceful neighborhood. It isn't a bucolic place though. It is an active, dynamic, spirited place where much time, work and effort is invested to make its unique character beautiful too. They're outside, working in their yards, waving at folks passing by, while they plant, trim and care for their landscape creations.

Please consider:

During this property's acquisition; was the transaction completed while land use was designated RES 1:2.5?

Is there any added environmental impact to wetlands resulting from this proposed, higher residential density?

Will Brevard County Proposed Amendment 2019-1.1 (19-01ESR), if approved, significantly alter the character of this area?

Respectfully,

Mark and Susan Loyacano
1061 Sebastian Rd.
Barefoot Bay, Fl. 32976

From: [Ralph E Jones](#)
To: [Jones, Jennifer](#)
Subject: Brevard proposed amendment 2019-1.1
Date: Saturday, May 4, 2019 12:52:26 PM

I This letter is concerning new homes being built off of Fleming Grant Rd., Micco FL. Brevard proposed amendment 2019-1.1 Our opinions of each of our neighbors in the area matters more than the money that will be made of breaking the existing rule of one house per 2 1/2 acres ,, in our opinion in my household is that it's all about the money and profit to wreck our community to build more homes than the law requires, dollars over rules the law since 1988 of that agreement. I moved from Delray, worked daily in Miami, and if I wanted more traffic and more people to live around, We'd have just stayed in south Florida, but moved here for our bike and walking privileges without getting killed. And if you don't live in our community, you should have no rights to vote to destroy it,, and set a president to follow suit in the future. It reads simple enough, more homes, more money, get changed a existing rule over dollars of profit. Sincerely Ralph E Jones, 9730 Fleming Grant rd, Micco fl.
Ed

From: [pirrungair](#)
To: [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Sunday, May 5, 2019 10:48:04 AM

I am in opposition to any density increase on Fleming Grant Rd due to the impact this would have to the St. Sebastian and Indian River Lagoon due to storm water runoff .Taxpayers have already voted to spend millions to improve the health of the river due to over development. This reversal to the Comprehensive Plan for Fleming Grant Rd would cause surrounding flooding to residents land and destruction to animal natural habitats. The development of land to be able to increase to 20 homes from 8 would increase traffic, and reduce a beautiful part of Brevard County that is cherished by its current residents who chose to live here because of the nature of this rural paradise.

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: 20 ACRE DEVELOPEMENT ON FLEMING GRANT ROAD
Date: Monday, May 6, 2019 8:12:01 AM

From: Georgia Combs [<mailto:georgiacombs2@live.com>]
Sent: Friday, May 3, 2019 3:14 PM
To: [Linda McLain](#); [Anne Briggs](#); [squeezermom](#); [Campbell, Cheryl](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [d4.Commissoner@Br](#); [d5.Commissioner@Br](#)
Subject: 20 ACRE DEVELOPEMENT ON FLEMING GRANT ROAD

We own 5+ acres across from the potential development site. The county commissioners have determined that 2.5 acres of land would support growth but protect the wetlands, animal habitat and

Sent from [Outlook](#) Sebastian river from pollution. To add 20 more wells and septic tanks would have the potential increased by almost three times the amount they felt the land could accommodate. Please vote NO .. do not let this happen to our neighborhood. We enjoy the rural areas and are trying tp preserve it.

Sincerely,
Bill and Georgia Combs

 Virus-free. www.avast.com

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: 20 acres in Micco
Date: Monday, May 6, 2019 8:15:28 AM
Attachments: [Scan0001.pdf](#)

From: Linda McLain [mailto:lmclain45@yahoo.com]
Sent: Saturday, May 4, 2019 6:51 AM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D4; Commissioner, D3; Commissioner, D5
Subject: 20 acres in Micco

Here is a letter asking you to vote against this petition for comp change.

May 1, 2019

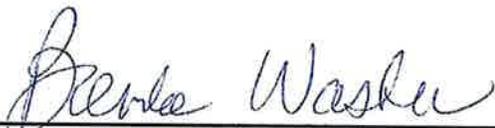
To: Planning and Zoning and Brevard County Commissioners

Re: Application 19-01ESR Robertson

I am writing this letter to ask that you deny the above application to amend the comprehensive land use plan on this property in Micco. I live across from this 20 acres. All of my neighbors are on large tracts of land and allowing smaller lots on this property is not compatible with where we live. I am very concerned that this will hurt my property values and the very nature of our community.

Since this property fronts on the Sebastian River and it is environmentally sensitive, I am opposed to increasing the density on this land as it will have a negative impact on our river. The comp plan has required 1 home per 2.5 acres for 31 years. Why would you change it now and go backward?

I am unable to attend the meeting but am writing to voice our concerns. Thank you.


Brenda Washer

Fleming Grant Rd, Micco FL

9659

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: AMENDMENT 19-01ESR
Date: Monday, May 6, 2019 4:38:42 PM

From: CALHOUN, STEPHEN T [mailto:sc0171@att.com]
Sent: Monday, May 6, 2019 4:27 PM
To: Campbell, Cheryl
Subject: AMENDMENT 19-01ESR

Ms. Campbell

Good evening

The purpose of this correspondence is to request that you deny the above amendment. I am a homeowner with a flag lot off of Fleming Grant Road about a half mile from the property in question. The Comprehensive Land Use Plan on the river side of Fleming Grant Road was created to protect the river. Allowing increased density with septic tanks will only do harm to the river.

Development of this size will threaten the fragile balance of the environment on the property. Subdivision type development is not compatible with our community.

Thank you

Stephen T Calhoun

Commissioner, D1

From: outlook_25A6D5C119A5D113@outlook.com on behalf of outlook_25A6D5C119A5D113@outlook.com <pirrungair@bellsouth.net>
Sent: Sunday, May 05, 2019 10:35 AM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS

I am in opposition to any density increase on Fleming Grant Rd due to the impact this would have to the St. Sebastian and Indian River Lagoon due to storm water runoff .Taxpayers have already voted to spend millions to improve the health of the river due to overdevelopment. This reversal to the Comprehensive Plan for Fleming Grant Rd would cause surrounding flooding to residents land and destruction to animal natural habitats. The development of land to be able to increase to 20 homes from 8 would increase traffic, and reduce a beautiful part of Brevard County that is cherished by its current residents who chose to live here because of the nature of this rural paradise.

Sent from Mail for Windows 10

Commissioner, D1

From: Ralph E Jones <edj0nes01@yahoo.com>
Sent: Saturday, May 04, 2019 12:55 PM
To: Commissioner, D1
Subject: Brevard proposed amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

I This letter is concerning new homes being built off of Fleming Grant Rd., Micco FL. Brevard proposed amendment 2019-1.1 Our opinions of each of our neighbors in the area matters more than the money that will be made of breaking the existing rule of one house per 2 1/2 acres,,, in our opinion in my household is that it's all about the money and profit to wreck our community to build more homes than the law requires, dollars over rules the law since 1988 of that agreement. I moved from Delray, worked daily in Miami, and if I wanted more traffic and more people to live around, We'd have just stayed in south Florida, but moved here for our bike and walking privileges without getting killed. And if you don't live in our community, you should have no rights to vote to destroy it,,, and set a president to follow suit in the future. It reads simple enough, more homes, more money, get changed a existing rule over dollars of profit. Sincerely Ralph E Jones, 9730 Fleming Grant rd, Micco fl.

Commissioner, D1

From: Linda McLain <lmclain45@yahoo.com>
Sent: Saturday, May 04, 2019 6:51 AM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D4; Commissioner, D3; Commissioner, D5
Subject: 20 acres in Micco
Attachments: Scan0001.pdf
Categories: EMAIL CAMPAIGNS

Here is a letter asking you to vote against this petition for comp change.

May 1, 2019

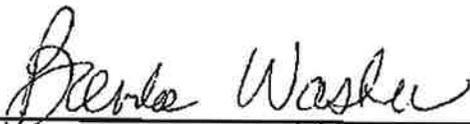
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I am unable to attend the meeting but am writing to voice our concerns. Thank you.



Brenda Washer

Fleming Grant Rd, Micco FL

9659

Commissioner, D1

From: Georgia Combs <georgiacombs2@live.com>
Sent: Friday, May 03, 2019 3:14 PM
To: Linda McLain; Anne Briggs; squeezermom; Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3; d4.Commissoner@Br; d5.Commissioner@Br
Subject: 20 ACRE DEVELOPEMENT ON FLEMING GRANT ROAD
Categories: EMAIL CAMPAIGNS

We own 5+ acres across from the potential development site. The county commissioners have determined that 2.5 acres of land would support growth but protect the wetlands, animal habitat and Sent from Outlook Sebastian river from pollution. To add 20 more wells and septic tanks would have the potential increased by almost three times the amount they felt the land could accommodate. Please vote NO .. do not let this happen to our neighborhood. We enjoy the rural areas and are trying tp preserve it.

Sincerely,

Bill and Georgia Combs



Virus-free. www.avast.com

Commissioner, D1

From: Mark Loyacano <mark_loyacano@hotmail.com>
Sent: Friday, May 03, 2019 2:07 PM
To: Commissioner, D1
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Attachments: Brevard County Proposed Amendment 2019-1.1 (19-01ESR).pdf; ATT00001.htm

Dear Commissioner Pritchett.

Please find attached, in PDF format, our letter to the Brevard County Planning and Zoning Agency and your office regarding Brevard County Proposed Amendment 2019-1.1 (19-01ESR).

Brevard County Proposed Amendment 2019-1.1(19-01ESR) for a 20.39 acre parcel on Fleming Grant Rd. is troubling; from a business standpoint, for its added environmental impact, and because it would adversely affect the neighborhood's present character.

When these acres were advertised for sale, we believe that RES 1:2.5 (density) was a matter of public record, and that anyone planning to buy this land, and to build houses there, could have known about it. Would this request for increased density have been timed better had it been made prior to, or contingent upon approval, before completing the purchase?

Current builders have adhered to RES 1:2.5 since it was initiated in 1988. Respectfully, we hope that the good faith builders have shown so far, there, will be honored in the future, here, tonight.

RES 1:2.5 helps protect our local waters. Toxic brews forming in our estuary, the Indian River Lagoon, and in the St. Sebastian River, are largely of our own making. The St. Sebastian River's water flows continuously into the Indian River Lagoon carrying our pollutants along with it. Scientific research points to septic systems as environmental threats, generally being unsuited for our soil types, no matter how modern those systems may be.

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Please consider:

During this property's acquisition; was the transaction completed while land use was designated RES 1:2.5?

Is there any added environmental impact to wetlands resulting from this proposed, higher residential density?

Will Brevard County Proposed Amendment 2019-1.1 (19-01ESR), if approved, significantly alter the character of this area?

Respectfully,

Mark and Susan Loyacano
1061 Sebastian Rd.
Barefoot Bay, Fl. 32976

Thanking you respectfully,

Mark and Susan Loyacano
1061 Sebastian Rd.
Barefoot Bay, Fl 32976

Commissioner, D1

From: Carol Decker <cdecker411@yahoo.com>
Sent: Friday, May 03, 2019 9:38 AM
To: Commissioner, D1
Subject: Amendment 19-01ESR

Categories: EMAIL CAMPAIGNS

Dear Commissioner:

I understand a developer wants to change the current allowed use of this land from one home per 2.5 acres to 1 home per acre. This land sits between Fleming Grant Road (a country 2-lane road) and the north prong of the Sebastian River. This would mean 20 septic tanks rather than 8 in this environmentally fragile land that is not only in a flood plain, but also contains wetlands. I respectfully ask that you do not approve this change.

George and Carol Decker
9745 Fleming Grant Road
Micco, Florida 32976

772-663-0039

cdecker411@yahoo.com

Commissioner, D1

From: Jodi Lemaster <jodilemaster@att.net>
Sent: Friday, May 03, 2019 9:16 AM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

Commissioner,

I am writing regarding the proposed zoning change to increase home density to 1 unit per acre, resulting in 20 homes on the riverfront side of Micco versus 8.

My family just purchased a home in Micco this January. The reason we chose this area was because of the careful planning, large lot sizes around us, and the rural feel of the area. As a citizen of the area, I am very concerned about what 20 homes in this area will do in terms of waste, pollution, and affects to the water quality of the area. Homes in this area on the riverfront side are currently 1 unit per 2.5 acre. This is what truly drew us to this area.

It is a shame that an individual can try to change policy to benefit them financially and have a total disregard for nature and the environment. We come from an area in Ohio where developers have ruined entire communities by working with the local government to bring about what they call a beneficial change-bringing more tax payers to an area. Unfortunately, they do not consider the impact that more homes causes. While driving through areas such as Palm Bay and Viera, it is clear that big development is a push in Brevard county. I feel that leaving a small percentage of the county, such as Micco, to have a more rural feel benefits the county as a whole. It allows for wildlife to thrive, helps to keep our waterways cleaner, and brings a green space to the area.

I hope you will consider voting against this amendment and allow Micco to stay a place of rural beauty.

Thank you,
Jodi Lemaster
9580 Fleming Grant Road
Micco, FL 32976

Commissioner, D1

From: Ted Beck <scubadore@gmail.com>
Sent: Thursday, May 02, 2019 9:23 PM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: 9735.jpg; 9760.jpg

Categories: EMAIL CAMPAIGNS

My name is Henry Beck, my wife and I live at 9735 Fleming Grant Rd, a quarter mile east of the 20 acres in question. We bought our house in 2011, it had been vacant and neglected for 3 years. We renovated the house and grounds ourselves and took pleasure exploring our new neighborhood, cycling the local streets and kayaking the beautiful waterways. We were so impressed by the diversity of wildlife we made an offer to buy an additional 3+ acres of vacant land north of us in order to protect the habitat of the creatures we admire every day in our backyard.

I am **opposed** changing the Comprehensive Land Use Plan for Parcel # 18PZ00166 Robertson 20 Acre. If allowed, it will set a precedent for further subdivisions in the area. Increasing population density will have a negative effect on the waterways that feed into the Indian River Lagoon and will destroy habitat for existing wildlife. I have no problem with the buying and selling of land for profit, but if this change to the Comprehensive Plan is approved, it will be counterproductive to the county's expensive efforts to clean up the Lagoon.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise."

The Central Florida Regional Planning Council reviewed the proposed amendment had these observations: "The area does not have sanitary sewer so the units would be on septic tanks. This change would more than double the impacts from septic tanks on the river and lagoon. As you are well aware, the lagoon has experience algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue."

There is serious concern about stormwater flooding on the north side of this property on Fleming Grant Rd. In October 2017 water rose around our house, well beyond the area indicated on the FEMA flood zone map. We feared the water level would reach our back door and into our home. Many neighbors shared our experience. I observed and photographed the

residential property east and west of the 20 acres in question having major flooding in 2017 as well. Attached are two photos of the flooding.

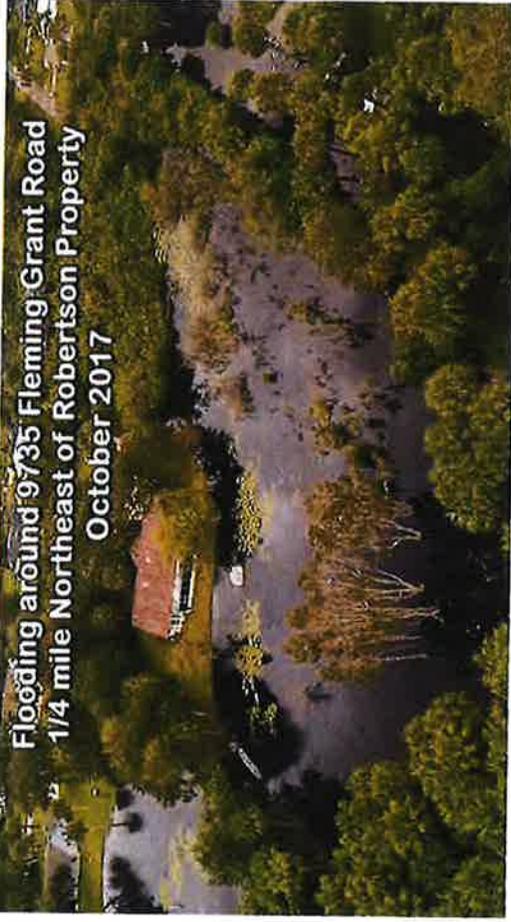
The FEMA flood zone maps are prone to error. This 20-acre parcel is in an AE flood zone. I have serious doubts that storm water run-off could be 100 percent contained, despite what the engineer says. If wrong, the error would endanger the surrounding homes and the St. Sebastian River itself.

The 'Old Florida' feel that attracts visitors and brings joy to our neighbors is delicately balanced. Increased density will erode what is magical about Fleming Grant Rd. Once our Old Florida is gone, there will be no getting it back. **I urge you not to consider this amendment.**

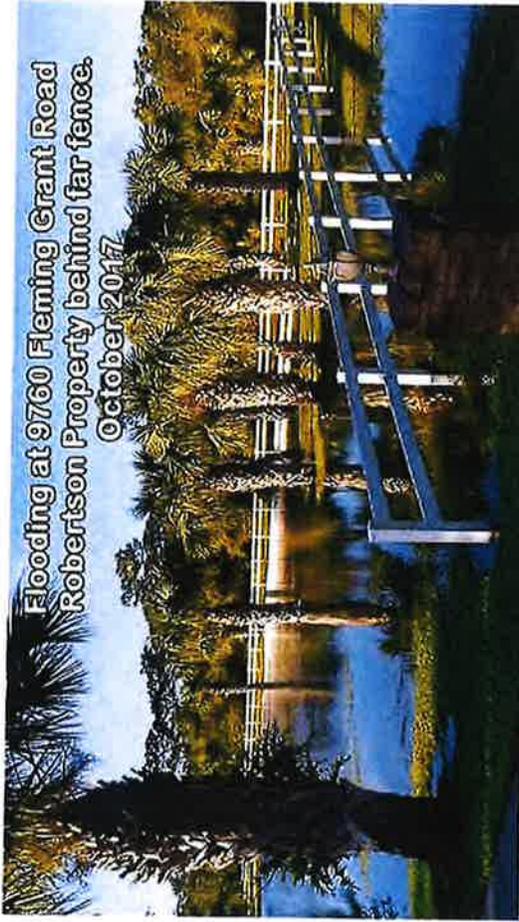
Henry Beck

9735 Fleming Grant Rd.

Micco, Fl. 32976



Flooding around 9735 Fleming Grant Road
1/4 mile Northeast of Robertson Property
October 2017



Had disclosure D2

D2 Disclosures for 05/30/19 BOCC Meeting (P&Z agenda items)

Public Hearing Item H.1 (change of zoning classification, Parcel#18PZ00130, Simms, Merritt Island)

- 3/20/19 - Commissioner Lober met with Susan Johnson & husband, who have concerns regarding the rezoning request.
- 5/12/19 – D2 received an e-mail from Ronald Bartcher supporting the rezoning request (bartcher@cfl.rr.com).
- 5/14/19 – Commissioner Lober met with John Mason, who has concerns regarding the rezoning request.
- 5/23/19 – Chief of Staff Fritz VanVolkenbourgh spoke with Bill Heink, who has concerns regarding the rezoning request.
- 5/23/19 – Commissioner Lober met at the Viera Government Center with Patricia Simms, Tad Calkins and Erin Sterk, to discuss rezoning request.
- 5/28/19 – Commissioner Lober met with Bill Heink, who has concerns regarding the rezoning request.

Public Hearing Item H.9 (change of zoning classification, Parcel#18PZ00166, Robertson, 20 Acres, Fleming Grant Rd, Micco)

- D2 received e-mails expressing opposition or concerns about the proposed rezoning from the following:
 - 4/30/19 – Barbara Reisert, babsnearl@aol.com
 - 5/1/19 – Carolyn Greene, cgreene@hotmail.com
 - 5/1/19 – Anne Briggs, annebriggs@yahoo.com
 - 5/1/19 – James Linder, jebdlinder@gmail.com
 - 5/2/19 – Linda McLain, lmclain45@yahoo.com
 - 5/2/19 – Ted Beck, scubadore@gmail.com
 - 5/3/19 – Jodi Lemaster, jodilemaster@att.net
 - 5/3/19 – Carol Decker, cdecker411@yahoo.com
 - 5/3/19 – Georgia Combs, georgiacombs2@live.com
 - 5/3/19 – Mark Locayano, mark_locayano@hotmail.com
 - 5/4/19 – Linda McLain, lmclain45@yahoo.com
 - 5/4/19 – Ralph Jones, edj0nes01@yahoo.com
 - 5/5/19 – Unknown, pirrungair@bellsouth.net
 - 5/7/19 – Stephen Calhoun, sc0171@att.com
 - 5/7/19 – Robin Carroll, rh20bug@aol.com
 - 5/7/19 – Diane Acker, dianeack1@bellsouth.net

- 5/8/19 – Connie Blair, cblair2020@gmail.com
- 5/8/19 – Jeffrey Davis, davis1427@bellsouth.net
- 5/8/19 – Susan Courtney, suz.courtney@icloud.com
- 5/8/19 – Diane Cathey, dcathey123@gmail.com
- 5/8/19 – Richard & Susan Currier, mangobw1@aol.com
- 5/9/19 – Lew Kontnik, lewkontnik@gmail.com
- 5/9/19 – Vicky & John Romano, jvjc321@bellsouth.net
- 5/13/19 – Chelle Woods, Micco HOA, miccohomeowners@aol.com
- 5/14/19 – Jane Schnee, sunwrent@aol.com
- 5/14/19 – Richard & Linda Morris, lsteuss@yahoo.com
- 5/15/19 – Tim Glover, Friends of St Sebastian River, fssr@comcast.net
- 5/15/19 – Mary Sphar, canoe2@digital.net
- 5/15/19 – Chris Davis, cdavis8683@gmail.com
- 5/19/19 – Richard & Catherine Mozzetta, richmz@comcast.net
- 5/21/19 – Leesa Souto, leesa@mrcirl.org
- 5/24/19 – Patricia Shelton, therealpatshelton@yahoo.com
- 5/24/19 – Jeff Eble, jebble@fit.edu
- 5/24/19 – Sylvana Strawn, sstrawn3@gmail.com
- 5/24/19 – Carl & Claudia Sullivan Jr, carlsullivanjr@live.com
- 5/24/19 – Ted Moorehead, snookcatcher49@yahoo.com
- 5/26/19 – Ronald Bartcher, bartcher@cfl.rr.com
- 5/27/19 – Catherine Johnson, cathyandjessy@gmail.com
- 5/27/19 – Ryan Dadds, ryan_dadds@icloud.com
- 5/28/19 – Steve & Gwen Heake, steveheake789@gmail.com
- 5/28/19 – Mitzi & Gene Plunkett, mitziplunkett@hotmail.com
- 5/28/19 – Debi Raymond, debi@laddassociatesinc.com
- 5/28/19 – Dennis Porter, dpporter@cfl.rr.com
- 5/28/19 – Robert Anderson, randerson@absaccounting.com
- 5/28/19 – Lisa Sitek, lisamsitek@gmail.com
- 5/29/19 – Liz Neapolitan, liztommy1@gmail.com
- 5/29/19 – Helen Stamatacos, hnstamatacos@yahoo.com
- 5/30/19 – Elfrieda Tullar, elfriedatullar@gmail.com
- 5/30/19 – Terry Casto, terry.l.casto@gmail.com

Commissioner, D1

From: Linda McLain <lmclain45@yahoo.com>
Sent: Thursday, May 02, 2019 4:20 PM
To: Jones, Jennifer; Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Application 19-01ESR Robertson
Attachments: deo letter.jpg; map of 2.5 acre parcels.jpg
Categories: EMAIL CAMPAIGNS

Dear County Representatives:

I am writing to request that you VOTE AGAINST the above application to amend the Comprehensive Land Use Plan for the 20 acres in Micco. I am enclosing a map that clearly shows 86 parcels of land all in the immediate area of this 20 acres that contain 2.5 acres or MORE. This includes the properties immediately adjoining the 20 acres on the east side. On the west side of this property, all the parcels on the river include 2.5 acres or more. In fact, in the 31 years since 1988 when the comp plan was adopted to protect the Sebastian River, no parcel has been created smaller than 2.5 acres on the river side of Fleming Grant Rd. Apparently the county has not looked at a map and realized this.

Allowing a greater density on this 20 acres is a direct violation of protecting the river. Now that you are taking our tax dollars to clean up the over development of the Indian River Lagoon, we know that we must stand up and speak out to protect our Sebastian River.

Increasing the density to allow smaller lots is NOT compatible with the surrounding area. The majority of residents in this area have properties in excess of 2.5 acres with open spaces.

The owner of this land wants to build 20 homes on this land but 20 septic tanks, even with a new design to limit chemicals will still be much more harmful to the river than the 8 he can currently put in will be. The run off from 20 homes will be so much greater than the run off from 8 homes. The impact on wildlife living there will be much greater with 20 homes than it will be with 8 homes. You do not have to be an engineer to know those facts are accurate!

The enclosed letter from the state of Florida review clearly outlines issues with the flood plain and wetlands on this property and it recommends that the density be maintained at I unit per 2.5 acres until such time as sewer is available to protect the area.

I sincerely believe that as responsible representatives for our county you will see that this application should be denied to protect the river, the wildlife and the residents of the Fleming Grant Rd area. Thank you for your time and attention of this letter.

Sincerely,

**Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976**

Technical Assistance Comments
Proposed Commercial PDU Area
Trevard County ID-225R

Development Summary
The proposed future land use map indicates that the subject property is zoned for residential use. The property is currently zoned for residential use. The property is not currently zoned for commercial use. The property is not currently zoned for commercial use.

1.1 Technical Assistance Comments

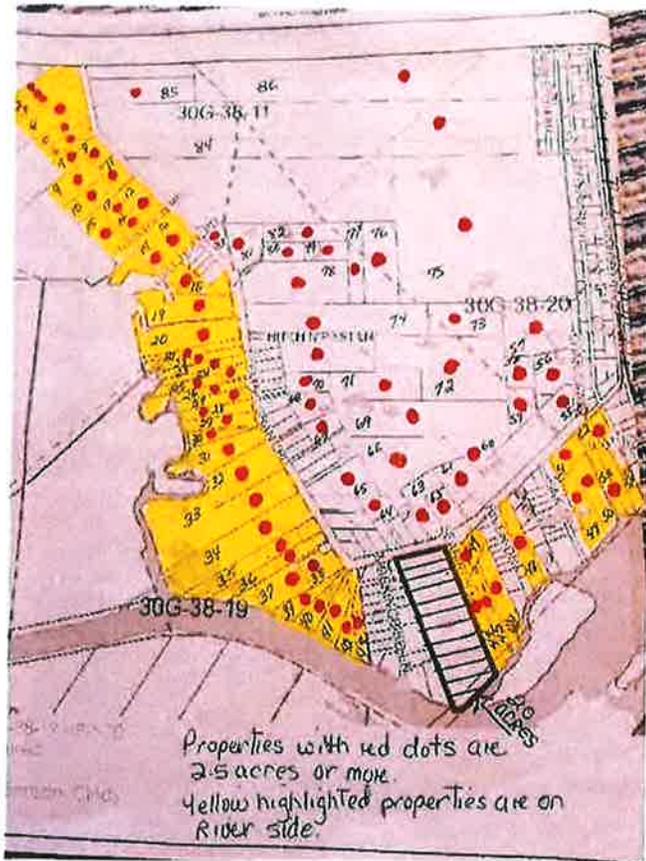
The proposed 20.19 acre site is located in the community of the north half south part of the 1st Section 18, T12N, R10E, S12E, which is zoned for residential use. The subject site is an important site because it has been identified as a priority site due to high current and future water system and other discharge from surrounding land uses. These bodies of water are important as they provide water and discharge from the site. In addition, the site is an important property and is a site that has been identified for water systems. The County is spending approximately \$88 million to improve its water system over the 10 year life of the State that will be required to meet the water system while continuing to improve development that will add water systems to the region.

In reviewing the site and the number of water systems to serve the property, the site is not currently zoned for commercial use. The current zoning is residential use. The site is not currently zoned for commercial use. The site is not currently zoned for commercial use.

1.2 Technical Assistance Comments

A portion of the proposed development site is in the designated (Designated Area) zone. The site is not currently zoned for commercial use. The site is not currently zoned for commercial use.

The proposed development would have a significant impact on the site. The site is not currently zoned for commercial use. The site is not currently zoned for commercial use.



Commissioner, D1

From: Joan Legue <datadocmicco@att.net>
Sent: Thursday, May 02, 2019 2:26 PM
To: D2.commissioner@brefavefl.gov; Commissioner, D3; Commissioner, D4; Commissioner, D1
Subject: Fw: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.
Categories: EMAIL CAMPAIGNS

Subject: Re: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.

On Thursday, May 2, 2019, 2:15:51 PM EDT, Joan Legue <datadocmicco@att.net> wrote:

I am asking you to deny the passage of this amendment. There are many reasons and you have been given all of them. I live in Brevard county and want the density to stay as it is. Any changes to the southern part of the county will be negative to everyone who lives here and to future families as well.

Thank You

Joan Legue
1133 Barefoot Cir.
Micco, Fl. 32976-772-664-2630

Commissioner, D1

From: Joan Legue <datadocmicco@att.net>
Sent: Thursday, May 02, 2019 2:16 PM
To: Jones, Jennifer
Cc: Commissioner, D1; D2.commissioner@brefavefl.gov; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.
Categories: EMAIL CAMPAIGNS

I am asking you to deny the passage of this amendment. There are many reasons and you have been given all of them. I live in Brevard county and want the density to stay as it is. Any changes to the southern part of the county will be negative to everyone who lives here and to future families as well.

Thank You

Joan Legue
1133 Barefoor Cir.
Micco, Fl. 32976

Commissioner, D1

From: James Linder <jebdlinder@gmail.com>
Sent: Wednesday, May 01, 2019 5:54 PM
To: ; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Jones, Jennifer
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS

Subject: Brevard Proposed Amendment 2019-1.1



I am writing you to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My wife and I are residents of scenic Fleming Grant Road. We have lived here for 5 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River, which is the border between Brevard and Indian River counties. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, pastoral scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in approximately 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NWI wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and stormwater into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development. Brevard County is part of the Indian River National Lagoon Council (IRNLC) and the Council's publicly stated purpose is to sponsor and be responsible for the Indian River Lagoon National Estuary Program, whose goals are: 1. To attain and maintain water and sediment of sufficient quality to support a healthy estuarine lagoon ecosystem; 2. To attain and maintain a functioning, healthy ecosystem which supports endangered and threatened species, fisheries, commerce and recreation; 3. To achieve heightened public awareness and coordinated interagency management of the Indian River Lagoon ecosystem; and 4. To identify and develop long-term funding sources for prioritized projects and programs to preserve, protect, restore and enhance the Indian River Lagoon. Placing twenty homes in this area certainly is not agreement with the mission statement of the IRNLC.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See

attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise." Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

Thank you for your consideration.

Sincerely,

James Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

Commissioner, D1

From: James Linder <jebdlinder@gmail.com>
Sent: Wednesday, May 01, 2019 5:49 PM
To: hill@ircouncil.org; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Jones, Jennifer
Subject: Brevard Proposed Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS



I am writing you to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My husband and I are residents of scenic Fleming Grant Road. We have lived here for 5 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River, which is the border between Brevard and Indian River counties. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, pastoral scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in approximately 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NW1 wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and stormwater into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development. Brevard County is part of the Indian River National Lagoon Council (IRNLC) and the Council's publicly stated purpose is to sponsor and be responsible for the Indian River Lagoon National Estuary Program, whose goals are: 1. To attain and maintain water and sediment of sufficient quality to support a healthy estuarine lagoon ecosystem; 2. To attain and maintain a functioning, healthy ecosystem which supports endangered and threatened species, fisheries, commerce and recreation; 3. To achieve heightened public awareness and coordinated interagency management of the Indian River Lagoon ecosystem; and 4. To identify and develop long-term funding sources for prioritized projects and programs to preserve, protect, restore and enhance the Indian River Lagoon. Placing twenty homes in this area certainly is not agreement with the mission statement of the IRNLC.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise." Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

Thank you for your consideration.

Sincerely,

Beverly Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

Commissioner, D1

From: lyn greene <cgreene@hotmail.com>
Sent: Wednesday, May 01, 2019 4:43 PM
Subject: Brevard Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

To Whom it May Concern:

I am a resident on Fleming Grant Rd, close to the area where the proposed development and variance request is being requested. I am completely opposed to the variance. The parcels in this area were originally set to 2.5 acres for a reason. There are already enough issues because of the development up to this point in just the 21 years since I purchased my property.

The county doesn't, apparently, have enough public service folks to supply the needed services to this area already. I've had brush and debris in a pile, as designated by the contract, left in front of my home for a month or more at a time, we're currently going for a record evidently. Not to mention the call we made to 911 in 1988 which, to this point, we have still not gotten a response. Then, of course, there was the variance already granted to let somebody fill in the retention pond that all the runoff used to go to, so they could build their home.

When I purchased, I had NO wetlands, but because of development around my home, I now have a strip across my property, that divides my land. So unless I am on and "access road" to one side or the other, I can't legally get to the rear part of my property. This was caused by development.

During storms, we have water in our ditches for weeks because your county folks can't seem to make sure the ditches and culverts are not blocked. If there is enough rain, with or without a major storm, we often have water encroaching on our lawns because of lack of drainage. We have had to have residents who had tractors, who have lived here since the property limits were even larger, clear them out.

There are already enough folks using pesticides and fertilizers on their lawns and plants, which will be washed into Indian River Lagoon and poisoning the water supply. We don't need the addition folks poisoning the supply. This is an issue that we're possibly going to be paying taxes to clean up, we don't need to have additional offenders in our area.

Please let's use some common sense, take the possibility of increased revenue off the table, and not make more harmful changes for more tax dollars. You've already done enough by the poor decisions to destroy this part of the county that have been made to this point, we all moved here because of its space, beauty and serenity.

Carolyn Greene
9525 Fleming Grant Rd
Micco, FL 32976

} }
} }