

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 24, 2018 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

ZONING STATEMENT

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

MOMENT OF SILENCE

Chair Pritchett called for a moment of silence.

PLEDGE OF ALLEGIANCE

Chair Pritchett led the assembly in the Pledge of Allegiance.

ITEM I.A., RESOLUTION, RE: RECOGNIZING BOB KAMM

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-081, recognizing and commending Bob Kamm for his distinguished career and as a valued and respected transportation planning professional with a passion for public service.

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Bob Kamm stated it has been a pleasure working with the Board most of the time; he has been pleased and satisfied with his career; and he has had a wonderful career with the County.

Chair Pritchett stated Mr. Kamm has done a great job.

Commissioner Isnardi stated he has fought for the roads and the County.

Mr. Kamm stated often people hear about the things that do not go right, and it is nice to hear when things do go right.

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

ITEM III. PUBLIC COMMENT

Charles Tovey wished the Board a nice June vacation. He stated four years ago this week is when they came and stripped his property, destroyed, took everything he had, and he is still here; his mom took ill; then they went on vacation after giving him a week; and he told them he would be packed up and ready to go on Monday. He went on to say they came and took it anyway. He stated drainage and the Lagoon; his property on Roberts Road in Melbourne is not pleasing to everyone's eyes; they have their own purposes for him and his life; after the destruction from other people from the last aggression, he has used it as a drainage area; and if a person would notice, the property across the street has this big ole lake that is full and his property is dry. He advised he receives more water on his property, which gets filtered out back into the springs; he has a semantic of the area and stuff; and he has not had time to provide it yet. He pointed out there are springs back there; and now there is going to be more development. He stated his place gets a foot of water and drains pretty quickly; but it all discharges into the Lagoon; and the lake and retention ponds are full. He noted now is the time that the County needs to drain these areas providing areas where they can filter out like his property, and he will give the Board the semantics where he used the destruction in positive ways. He stated if the County leaves the retention ponds the way they are now, in June there is more rain that month than in the whole year; yet all of the ponds are already filled up; and he asked when this rain is received where it is going to go. He stated it will wash into the Lagoon; he does not believe in Natural Resources science; he has videos of what he has done and the evidence thereof; and it is instantaneous almost. He noted he pulled the boat out today from the wreckage that was taken; they took his boat inadvertently and charged him a \$25,000 fine; and he asked to address the liens against his property and the fines.

Phil Koechlein stated he is here tonight because he did not have the time to talk about the funding of Community Based Organizations (CBO) from the earlier meeting this week; it is on tonight's Agenda; but he is not sure with all that is on the Agenda that it will ever get discussed. He went on to say seniors are the fastest growing population in the County; right now they represent over five percent of the household; and that is compared to 20 percent in the rest of Florida, so Brevard is well ahead of that in growth. He advised there is an increasing need for home and community services throughout, and that is very important to AARP; affordable housing and other things for this group is increasing with the aging population; many more are outlasting their savings; and that is creating a bigger problem. He added right now there is over 15,000 people living below the poverty, and over 17,000 seniors are also involved with the Alzheimer's and Dementia at this time; and again, that is

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something that is growing. He stated for example one of the people he knows going through this problem where his wife got very ill and got Dementia, and he began to run out of funds and what he could do; he ended up full time trying to take care of her, to a point where he never got a break; and now there are two people who need help. He stated he watched his mother go through the same procedure, but at least she had the finances. He stated the County needs to recognize the dynamic that is going on; funding is going to be a bigger problem to the County; community based services are critical to the senior population; and it is growing well beyond what can be done to recover if something is not done to at least maintain the existing position. He stated elder voters do represent over 34 percent of the existing voters in Brevard County, and they do reliably vote; and there is a strong base if anything would be needed in that area.

ITEM V.A., SETTLEMENT, RE: PRICE V. BREVARD COUNTY, CASE NO. 6:18-CV-428-ORL-22-DCI AND GIL V. BREVARD COUNTY, CASE NO. 6:18-CV-642-ORL-28-DCI

Eden Bentley, County Attorney, stated these are the same two settlement proposals the Board saw at the Executive Session; the Board has copies of the proposed settlements in a bullet format; if the Board approves these settlement concepts, it will need to be converted to a formal settlement format; and staff would like to ask permission for the Chair to execute those documents when they are completed. She pointed out the Clerk has a copy of both of these proposals.

The Board approved execution of the necessary documents to effectuate the settlement with plaintiffs in Price v. Brevard County, Case No. 6:18-CV-428-Orl-22-DCI and Gil v. Brevard County, Case No. 6:18-CV-642-Orl-28-DCI.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.F.1., RESOLUTION, RE: ALLOWING A REFERENDUM TO BE HELD IN THE GENERAL ELECTION ON NOVEMBER 6, 2018, SEEKING APPROVAL OF THE ELECTORATE TO APPROVE AUTHORITY FOR THE CHILDREN'S SERVICES COUNCIL TO ANNUALLY LEVY UP TO A .33 MIL OF ASSESSED VALUATION OF PROPERTY IN BREVARD COUNTY, SUBJECT TO AD VALOREM TAXATION TO FUND THE ACTIVITIES OF THE COUNCIL

Judge Kelly McKibben, Chair of the Children's Services Council of Brevard County, stated on behalf of the Council, they are requesting to table the referendum proposal on tonight's Agenda until the July 24, 2018, County Commission meeting; in recent discussions with the Board, they recognize that more information is needed for it to make a more informed decision; and the Council is committed to build an enhanced presentation in the hopes of securing County Commission approval at the July meeting. She went on to say as the Board may know, there are 10 other funded councils throughout the State of Florida that are providing significant additional services to children in meeting their needs in those communities; and they look forward to making a more enhanced presentation to the Board in July.

The Board tabled consideration of a resolution to allow a referendum seeking approval of the electorate to approve authority for the Children's Services Council to annually levy up to a .33 mil of assessed valuation of properties, to the July 24, 2018, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.A., PUBLIC HEARING, RE: WATERMARK INVESTORS, LLC, AND DIOCESE OF ORLANDO, JOHN G. NOONAN, BISHOP (BRUCE MOIA) REQUEST A CHANGE OF ZONING CLASSIFICATION FROM GU, BU-1, BU-2, IU, AND IU-1 TO PUD, AND WAIVERS FOR 40-FOOT LOT WIDTH AND 4,800 SQUARE FOOT LOT SIZE (18PZ00014)

Chair Pritchett called for a public hearing to consider Watermark Investors, LLC, and Diocese of Orlando, John G. Noonan, Bishop's request for a change of Zoning Classification from GU, BU-1, BU-2, IU, and IU-1 to PUD, waivers for 40-foot lot width, and 4,800 square feet lot size for 129 ± acres, located on the west side of U.S. Highway 1, south of Broadway Boulevard, Cocoa.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Watermark Investors and the Diocese of Orlando represented by Bruce Moia requesting a change of Zoning Classification from GU, BU-1, BU-2, IU, and IU-1 to PUD, and requesting waivers for 40-foot lot width and 4,800 square foot lot area; and the property is approximately 129 acres in size located on the west side of Highway 1, just north of Camp Road.

Bruce Moia, MBB Engineering representing the applicant, stated the Board might be familiar with this piece; they came forward and received a land use amendment a while ago; and then they had a re-zoning for single-family residential and with a Binding Development Plan (BDP). He pointed out because of the contractual obligations, the BDP expired, so they did not receive the zoning. He went on to say based on further research and the final closing of the property from the applicant, they have discovered issues with the land that makes it less developable; what they are requesting is to go to PUD so the development can be clustered in those areas where they do not want to disturb wetlands; there is a very large lime rock deposit there that they will not be able to dig through to put sewer in; and they are going to create a vast open space with a lot of recreation, club house, and recreation facilities for the development. He pointed out being that there is now a demand for a 40-foot product; it is located north of Camp Road in the Cocoa area, it lends itself very well to this product; and they are asking for the PUD for the smaller lots so they can cluster them, protect the wetlands, stay away from that area, put in the recreation facilities for the development, and go ahead and develop the property.

Chair Pritchett stated she talked to Tad Calkins, Planning and Development Director, about it earlier that her heartburn is the Board changes this and all of the industrial people when they decide to expand or build they will have to put walls up; she has an idea she will discuss with the Board later; but there are a lot of undeveloped property there. She advised she does not want to stop the development there, she thinks it is a good one, so she is in favor of approving this. She stated she thinks there needs to be a motion to approve the preliminary plan approval with conditions and request for the waiver for lot size and width.

There being no further comments, the Board approved the change of Zoning Classification from General Use (GU), General Retail Commercial (BU-1), Retail, Warehousing, and Wholesale Commercial (BU-2), Light Industrial (IU), and Heavy Industrial (IU-1) to Planning Unit Development (PUD); and approved waivers for 40-foot lot width and 4,800 square-foot lot size, for property located on the west side of U. S. Highway 1, south of Broadway Boulevard, Cocoa.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.B., PUBLIC HEARING, RE: MICHAEL N. MALEGIANNAKIS (STEVE AND PENNY DEPHILLIPS) REQUESTS A CUP FOR A PRIVATE BOAT DOCK ACCESSORY TO A SINGLE-FAMILY RESIDENTIAL LOT (18PZ00016)

Chair Pritchett called for a public hearing to consider a request by Michael N. Malegiannakis for a Conditional Use Permit (CUP) for a private boat dock accessory to a single-family residential lot in RU-1-13 for 0.03 acre, associated with 300 Ross Avenue, Melbourne Beach, west of Lakeview Drive.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a request by Michael Malegiannakis, represented by Steve and Penny DeFillips, for a CUP for a private dock accessory to a single-family residential lot in RU-1-13 Zoning; the property is .03 acre in size; and it is associated with 300 Ross Avenue in Melbourne Beach.

Steve DeFillips, East Coast Docks, stated they are seeking approval to put a dock in on this guy's property; he has one of these properties that the house is not attached to the waterfront, but he has waterfront access; they have CUPs for most of the docks in this neighborhood; and they are going through the motion of trying to get one built, which will meet all of the County's setbacks and projected square footage.

There being no further comments or objections, the Board approved the request for a Conditional Use Permit (CUP) for a Private Boat Dock Accessory to a single-family residence, for 0.3 acre, associated with 300 Rose Avenue, west of Lakeview Drive, Melbourne Beach.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.C., PUBLIC HEARING, RE: PANORAMA MOBILE HOME PARK, INC. (COLE OLIVER/JOE MAYER) REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM NC TO CC (18PZ00017)

Chair Pritchett called for a public hearing to consider a request by Panorama Mobile Home Park, Inc. for a Small Scale Plan Comprehensive Plan Amendment from NC to CC for 5.94 acres, located at 225 South Courtenay Parkway, Merritt Island.

Erin Sterk, Interim Planning and Zoning Manager, stated she will read Items IV.C. and IV.D. into the record, and then ask that the Board take separate actions. She went on to say Item IV.C. is a proposal by Panorama Mobile Home Park, represented by Cole Oliver and Joe Mayer, for a Small Scale Comprehensive Plan Amendment from Neighborhood Commercial (NC) to Community Commercial (CC) on a property that is 5.94 acres in size, located on South Courtenay Parkway in Merritt Island; and Item IV.D. is an associated Zoning request for a change of Zoning Classification from Single-Family Attached Residential (RA-2-10) and General

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Retail Commercial (BU-1) to all BU-1, on a property just a little bit larger in size, 7.16 acres, at the same location.

Joe Mayer, President and Owner of Bussen-Mayer Engineering Group, representing the property owner, stated they believe this request is pretty straight forward; they believe the property is extremely compatible with the surrounding uses; after the initial submittal of the zoning request, they submitted a BDP to address staff's concern with traffic on South Courtenay Parkway; and this BDP essentially guarantees the Board and commits them to building a self-storage, mini-warehouse facility. He went on to add that facility is about the least traffic impact facility they could possibly provide at this location; they are drastically reducing the traffic impacts from the current zoning; and that was the purpose of submitting the BDP.

Gil Ramirez stated he is the traffic engineer on the project; and he is present in case there are questions from the Board regarding traffic.

Commissioner Barfield advised he met with Cole Oliver and Joe Mayer; he has no problem with this; they have gone over and above what is needed; instead of a 15-foot buffer, they are putting a 25-foot buffer in; and in addition to that, they are going to grant an easement for the sidewalk, which is not required.

Commissioner Smith advised he spoke to Cole Oliver on this issue by telephone.

There being no further comments, the Board approved request of Panorama Mobile Home Park, Inc. to amend the Future Land Use designation from NC to CC on 5.94 acres of property located at 225 South Courtenay Parkway, Merritt Island; and adopted Ordinance No. 18-14, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Second Small Scale Plan Amendment of 2018, 18S.01, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 Entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(d), entitled The Future Land Use map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.D., PUBLIC HEARING, RE: PANORAMA MOBILE HOME PARK (COLE OLIVER/JOE MAYER) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM RA-2-10 AND BU-1 TO ALL BU-1 (18PZ00032)

Chair Pritchett called for a public hearing to consider a request by Panorama Mobile Home Park for a change of Zoning Classification from RA-2-10 and BU-1 to all BU-1 on 7.16 acres, located at 225 South Courtenay Parkway, Merritt Island.

There being no comments or objections, the Board approved request of Panorama Mobile Home Park for a change of Zoning Classification from RA-2-10 and BU-1 to all BU-1 on 7.16 acres of property located at 225 South Courtenay Parkway, Merritt Island.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.E., PUBLIC HEARING, RE: PRAXAIR, INC. (KIM REZANKA) REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM RES 2 AND RES 1:2.5 TO PI (18PZ00019)

Chair Pritchett called for a public hearing to consider a request by Praxair, Inc. for a Small Scale Comprehensive Plan Amendment from Res 2 and Res 1:2.5 to Planned Industrial (PI) on 7.76 acres located at 2801 Hammock Road, Mims.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Praxair, represented by Kim Rezanka, requesting a Small Scale Comprehensive Plan Amendment from Residential 2 (RES 2) and Residential 1:2.5 (RES 1:2.5) to Planned Industrial (PI), on 7.76 acres of property located at the end of Hammock Road in the Mims area; and for Item IV.F. it is an associated change of Zoning Classification from Agricultural Residential (AU) to Planned Industrial Park (PIP) on a property 9.48 acres in size at the same location.

Kim Rezanka, Cantwell and Goldman, representing Praxair, Inc., stated with her is Benjamin Vasquez, the local facilities manager, Lisa Murray, Corporate Real Estate, and Dave McGlusky, Director of Capital Projects; they are seeking a Small Scale Amendment of 7.76 acres and re-zoning of 4.48 acres; the sole reason for these land changes is to allow Praxair to build a 126-foot cold box to increase production at the plant; the production facilities the Board has seen, how it looks today; and she pointed out the cold box to the Board. She noted it is in the northern boundary portion of the property. She stated before she gets into her presentation, she would like Mr. Vasquez to speak to why this expansion is necessary.

Benjamin Vasquez, Praxair, Inc., stated in addition to himself, the facility is staffed with five technicians and 14 delivery drivers. He went on to say Praxair is a U.S. corporation with 26,000 employees in more than 50 countries working together to make the planet more productive; Praxair is the leading industrial gas manufacturer in North and South American; for more than 100 years Praxair has taken something as fundamental as air and turned it into ways to make industrial plants operate cleaner and more productively; and food tastes better, breathing is made easier, manufacturing process more efficient, and the ability to drive rockets into space. He advised their facility produces liquid oxygen, liquid nitrogen, and liquid argon at the Mims facility, by the process of physical separation of air; it does not produce nor does it consume any chemicals; Praxair is a safety conscious and consistently a top safety performer; and it is five times better than the industrial average and three times better than the U.S. Chemical Industry average. He pointed out their Mims facility is regulated by the Department of Homeland Security; this site is secured at all times with enclosed fencing, controlled access by gating, and secure gating; Praxair follows and complies with all relevant Environmental Protection Agency (EPA) and Federal Department of Environmental Protection (FDEP) regulations; and they have a number of permits they have to comply with on a regular basis. He stated the original Mims, Florida, air separation plant was built and conditioned in 1966, so they have been there a long time; the plant was primarily built to supply oxygen to NASA missions, including Mercury, Apollo, and the Space Shuttle; and today the missions they supply include SLS, Delta 4, Atlas 5, and Cape Kennedy. He stated in addition to supplying the NASA, they supply to private companies such as SpaceX and Blue Origin. He stated he is proud of their safety record; they have never had a safety incident in all of the time they have been there, which is 50 some odd

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years; in addition to supporting the space industry, their Mims facility supplies oxygen to Gerdau Steel, Baldwin, Florida; they supply medical grade nitrogen and oxygen to several medical facilities in the State of Florida; and they also produce and supply food processing industries, such as freezing seafood in the State. He added wastewater treatment, electronic applications, and a number of metal works applications throughout the State; SpaceX, Blue Origin, Gerdau, Nexair, and the North Brevard Economic Development Zone has all submitted letters in support of their plan expansion; with the growing demand for oxygen for the space industry, Praxair Mims Facility is undersize and requires expansion; Praxair is proposing to install new equipment to increase the production of oxygen, nitrogen, and argon, the products produced there; Praxair plans to invest approximately \$40 million over the next few years to construct this new plant; and the expansion itself will increase staff by approximately 25 percent over time. He noted when completed, a new plan will more than double the production capacity enabling them to meet the growing product needs.

Ms. Rezanka stated Praxair is located in rural Mims, east of U.S. 1, off Hammock Road, and on the Indian River; they own 7.76 acres of submerged lands that was deeded by the State of Florida to Union Carbide in 1966; the 24-plus acres of uplands is a mixture of land uses and Zoning Classifications as shown by the maps; in order for Praxair to install 126-foot cold box, it has to be 252 feet from the nearest residentially zoned property; the property east of the railroad tracks is zoned residential, and that is why they have to re-zone it; and that puts them into the river, almost on the spoil island. She pointed out that is why they are re-zoning just the east side and needing a comp plan to do so. She stated Praxair has provided a BDP to alleviate any concerns that it will build on the new PIP zoned land; paragraph 2 states, "The developer/owner shall preserve the property in its natural state;" and the property to be preserved is the 9.48 acres that is being re-zoned. She went on by saying although the maps and requests are a mix of land uses and zoning, it just boils down to the fact that they need to expand, and in order to do so, they have to have land zoned something other than residential adjacent to it; they are requesting a residential Future Land Use change to Planned Industrial next to land already zoned Industrial in use for an industrial purpose; and to request to change the zoning on the AU land to Planned Industrial Park.

Tom Altif stated he initially had some concerns about the expansion of the plant and the doubling of the production; his main concerns are regarding safety; and he has had an opportunity to talk with Mr. Vasquez. He stated at the time he drew up the questions, he did not have information available to him. He explained he will not go through all of those questions as some have been answered already; he appreciates the employees of the Planning and Zoning Department and their assistance in getting him the information he needed; when he appeared at the Planning and Zoning meeting, he did not have all of the information at that time; and he drew up the questions because he did not know if they would be needed or not. He stated there are areas that need to be looked at closely; he does have safety concerns for the residents out there; and also he worries about the First Responders. He noted after talking with Praxair representatives, they do training with the First Responders, and they intend to do additional training; he has been given the opportunity to tour the plant; the only other concern was the drainage ditch on the north side of the property and runoff going into that; the property is located on the Lagoon; and he would be much happier if it were not there. He stated he contacted Praxair about purchasing some of their property on the east side of the railroad and use it as a facility for kayak launches and tours; when they did not want to sell any property, he purchased property to the north of theirs on the other side of Jones Road; and he thought he may build a house and ask for additional zoning on it for kayak launching and tours.

Chair Pritchett stated Mr. Altif is a respected person in the community, and he has always been an advocate for the Indian River Lagoon and neighboring businesses; and she expressed her appreciation that he took the time for getting the information. She advised this is in her District and she is fine with it.

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Commissioner Barfield stated he met with Ms. Rezanka on this project; Praxair has been around for a long time; he knows the safety requirements and all that goes into it; and they are much respected in the community.

Motion by Commissioner Barfield, seconded by Commissioner Isnardi, to approve Small Scale Comprehensive Plan Amendment from Res 2 ad Res 1:2.5 to PI on 7.76 acres of property located at 2801 Hammock Road, Mims.

Commissioner Isnardi stated she met with Ms. Rezanka and they discussed the scope of the project, and she was able to address many questions she had; she concurred with Commissioner Barfield, this is exciting, it shows the growth in the space industry; and it is exciting they can expand and support the local economy.

Chair Pritchett called for a vote on the motion. There being no further comments, the Board approved a Small Scale Comprehensive Plan Amendment from Res 2 and Res 1:2.5 to PI on 7.76 acres of property located at 2801 Hammock Road, Mims; and adopted Ordinance No. 18-15, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Second Small Scale Plan Amendment of 2018, 18S.02, to the Future land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

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

ITEM IV.F., PUBLIC HEARING, RE: PRAXAIR, INC. (KIM REZANKA) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO PIP (18PZ00020)

Chair Pritchett called for a public hearing to consider a request from Praxair, Inc. for a change of Zoning Classification from Agriculture Residential (AU) to Planned Industrial Park (PIP) on 9.48 acres, located at 2801 Hammock Road, Mims.

There being no objections, the Board approved a request from Praxair, Inc. for a change of Zoning Classification from AU to PIP on 9.48 acres of property located at 2801 Hammock Road, Mims, with a Binding Development Plan (BDP) that seeks to preserve the property it its natural state in perpetuity.

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

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ITEM IV.G., PUBLIC HEARING, RE: INDIAN RIVER BEHAVIORAL HEALTH (SCOTT GLAUBITZ) REQUESTS A BINDING DEVELOPMENT PLAN TO ALLOW FOR A WALL 12 FOOT IN HEIGHT IN A BU-1 ZONING CLASSIFICATION (18PZ00025)

Chair Pritchett called for a public hearing to consider a request by Indian River Behavioral Health for a Binding Development Plan (BDP) to allow for a wall 12-foot in height in a BU-1 Zoning Classification on 10.11 acres, located at 2355 Truman Scarborough Way, Titusville.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Indian River Behavioral Health, represented by Scott Glaubitz, requesting a Binding Development Plan (BDP) to allow for a 12-foot wall or fence in a BU-1 Zoning Classification, for 10.11 acres of property located at 2355 Truman Scarborough Way, Titusville; Tad Calkins, Planning and Development Director, is passing out a revised Planning and Zoning Board recommendation; the County Attorney's office finessed the language of the way the motion read, it was very specific regarding landscaping requests that they incorporated into the BDP; and the board has the revised language in front of it now.

Ken Ludwa, BSE Consultants, stated he is present to represent Mr. Glaubitz. He stated the request is to allow a 12-foot security fence in a place where normally there would be a 10-foot fence allowed by Code; the project is already under construction with the 10-foot fence allowed; the additional two feet is needed for patient security; and it would require additional landscaping facing U.S. Highway 1. He pointed out facing the mobile home park to the south there is already a 12-foot type A buffer between the fenced area and the mobile home park; and to emphasize the 12-foot fence they are requesting it is internal to the site, so it would not be facing any of the external parts of the site facing the mobile home park.

Ron Bartcher stated the Planning and Zoning Board recommended approval of this with a stipulation that some small trees be added to the landscape plan to obscure the view of this 12-foot high chain link fence; and he hopes the Board will concur with this recommendation. He went on to say he drives by this place every day and he knows what it looks like; he does not find it attractive right now; and he does not think the residents or tourists would find a 12-foot fence attractive to look at.

There being no further comments, the Board approved Indian River Behavioral Health's request for a BDP to allow for a wall 12-foot in height including small trees to obscure the fence with the applicant to submit an engineering revision to the approved Site Plan to incorporate the fence into the current construction project, in a BU-1 Zoning Classification on 10.11 acres, on property located at 2355 Truman Scarborough Way, Titusville

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.H., PUBLIC HEARING, RE: SCHACHT FAMILY HOLDING COMPANY, LLC (HASSAN KAMAL) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM PUD TO BU-2 (18PZ00031)

Chair Pritchett called for a public hearing to consider a request from Schacht Family Holding Company, LLC for a change of Zoning Classification from PUD to BU-2 on 2.34 ± acres, for property located on the south side of Viera Boulevard, west of Murrell Road.

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Erin Sterk, Interim Planning and Zoning Manager, stated the next Item is by Schacht Family Holding, represented by Hassan Kamal, requesting a change of Zoning Classification from PUD to BU-2; and the property is 2.34 acres in size, located on the south side of Viera Boulevard, west of Murrell Road.

Kim Rezanka, Law Firm Cantwell and Goldman, stated she is present representing the Schacht Family Holding Company, LLC; with her is Mike Renfro, Representative for Matthew Development LLC, which has the property under contract and intends to build the smart storage units; Hassan Kamal, the project engineer BSE Consultants, is also here; and he was the PUD engineer of record for The Viera Company where this matter is being re-zoned. She went on to say Matthew Development seeks to develop a quality climate controlled three-story, self-storage facility on Viera Boulevard; in order to build to three stories, the parcel must be taken out of the PUD and zoned BU-2; the Planning and Zoning Board recommended approval of this unanimously; and this will be called Cubed Smart. She advised it will meet the requirements for mini-storages of the Brevard County Code; the property is located southwest of the intersection of Viera Boulevard and Murrell Road, next to Florida Eye Associates and a home loan company; it is 2.34 acres of the Viera North PUD; and it was approved in 1990. She advised it is across Viera Boulevard to the north as is Long Doggers, the commercial strip center with Richard's Paint and other businesses, and a vacant commercial parcel and the Mobile gas station just to give the Board an idea of where this is and what is around it. She stated the reason for the re-zoning is because the Viera North PUD has a plat note that says all the uses must be BU-1, and mini-storages are BU-1 but they also can be in BU-2; if it is in BU-1, the mini-warehouse Code section requires it can only be as tall as the building next to it; and the building next to this property is one story, the Florida Eye Associates. She pointed out if they did not want to put in mini-storage, it could go to 45 feet and have a four story building, but because it is next to a one story building, according to Code Section 62-18375, it says it can only be as tall as what is next to it. She stated Cube Smart will be required to comply with the architectural guidelines of Viera East as she mentioned; and the County Code has very specific design standards and requirements for self-storage, mini-warehouses. She noted the owner Schacht Family Holding Company, LLC and Matthew Development have offered a BDP to limit the use to just mini-warehouses and any other uses in BU-1, so it is not giving them anything other than what they already had except the ability to go to three stories, which will not be even 45 feet; this request is consistent with the Future Land Use designation, will maintain acceptable levels of service, and will reduce potential trips from existing zoning of 2,084 trips to 71 average daily trips; Matthew Development contacted the neighbors and they were all supportive; and they requested the approval of the re-zoning of the 2.34 acres from PUD to BU-2 with a BDP. She noted Hassan Kamal is present if the Board has any questions.

Commissioner Smith stated it will be a great addition to the area.

There being no further comments, the Board approved the request of Schacht Family Holding Company, LLC for a change of Zoning Classification from PUD to BU-2, with a Binding Development Plan (BDP) on 2.34 ± acres of property located on the south side of Viera Boulevard, west of Murrell Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

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ITEM VI.A.1., BINDING DEVELOPMENT PLAN, RE: SCHACHT FAMILY HOLDING COMPANY, LLC

The Board executed Binding Development Plan with Schacht Family Holding Company, LLC, for a portion of Lot 1, Viera North PUD-Parcel P.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.I., PUBLIC HEARING, RE: CARMINE FERRARO, TRUSTEE, REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM BU-1-A TO IN(L) ON 1.6 ACRES, LOCATED ON THE SOUTH SIDE OF FAY BOULEVARD, EAST OF ADAMS PLACE

Chair Pritchett called for a public hearing to consider a request from Carmine Ferraro, Trustee, for a change of Zoning Classification from BU-1-A to IN(L) on 1.6 acres, for property located on the south side of Fay Boulevard, east of Adams Place.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal that needs to go through the Port St. John Dependent Special District Advisory Board, and they failed to have a quorum at their recent meeting; because of advertising requirements, staff had to bring this forward to the Board today, and ask for this to be tabled. She asked the Item be tabled to the July 10, 2018, Board meeting. She pointed out the Port St. John Dependent Special District Advisory Board will be holding a special meeting on June 30, 2018, to get this to the Board at its very next meeting.

There being no further discussion, the Board tabled consideration of the request by Carmine Ferraro, Trustee, for a change of Zoning Classification from BU-1-A to IN(L) on 1.6 acres of property located on the south side of Fay Boulevard, east of Adams Place, to the July 10, 2018, Board meeting.

Commissioner Isnardi asked if there is anything in the future that can be done in regards to that Special District considering that a project is on hold because they did not have a quorum; it seems unfair to any applicant trying to do something if they cannot get the people together to hold a meeting.

Eden Bentley, County Attorney, replied staff can take a look at the Code; there is a Statute that does require the recommending bodies to have 60 days; but they could maybe create an alternative path if there is a lack of quorum if the regulations are changed.

Commissioner Isnardi stated if this was something that was vital to get done, and if they are just not going to meetings, she sees a problem there.

Chair Pritchett stated on this Item they made a lot of phone calls; it does not happen with this board typically; and the applicant was fine with it.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.J., PUBLIC HEARING, RE: CRISAFULLI ENTERPRISES, INC. REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO EU FOR PROPERTY LOCATED ON THE NORTH SIDE OF EAST HALL ROAD, EAST OF NORTH COURTENAY PARKWAY

Chair Pritchett called for a public hearing to consider a request by Crisafulli Enterprises, Inc. for a change of Zoning Classification from AU to EU for property located on the north side of East Hall Road, east of North Courtenay Parkway.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a request by Crisafulli Enterprises, represented by Kim Rezanka, requesting a change of Zoning Classification from AU to EU on a property located on the north side of Hall Road, at the very east end almost, just east of Courtenay Parkway; being passed out now is an Agenda revision which eliminated some maps along the way; and the Natural Resources Management maps are being passed out for this Item and for the next Item as well.

Kim Rezanka, Law Firm of Cantwell and Goldman, representing Crisafulli Enterprises, Inc., stated she has with her Bud Crisafulli, the owners representative, and Joe Mayer, the engineer of record; she provided the Board a diagram that shows what this property is intended to be; they are asking for 34 total units on 62 acres, and would be a change in Zoning Classification from AU to EU; the parcel to be re-zoned is 70.46 acres; and this is a larger parcel, which will leave 8.34 acres on Hall Road that will not be touched or is not part of the project. She went on to say part of the reason that is not to be part of this project is the Crisafulli's did not want anyone to think they were looking for another access on Hall Road; Hall Road has had flooding problems, and there are other issues with some of the drainage ditches; and she reiterated they did not want to put another access onto that road. She pointed out this is EU Zoning and it is larger than Egret's Landing to the west, which has EU 2, which could be as small as 9,000 square feet; these have to be a minimum of 15,000 square feet in lot size; there are two land uses on this property, they are not asking for a change of the land use; to the north is Residential 1, about 20 acres; and there will be six units on that portion. She added it is one unit for every three and one-third acre; the RES 2 is a little over 42 acres, they are asking for 28 units, and that is one unit per about every one and one-half acres; the overall density is one unit to every 1.83 acres, almost one unit to every two acres; and this is a 70 percent reduction over the maximum density the Comprehensive Plan said it would allow; and by staff's report it could allow 104 units on the property. She noted this is intended to be called the Preserve at Egret's Landing; the access will be through Egret's Landing, which goes onto Courtenay and to Hall Road; this project will have very large stormwater ponds that will buffer the north and the south portions of this property; those ponds are designed to the 25-year storm, about eight acres; also there is some darker blue on the plan to the west, and those will actually enlarge the ponds of Egret's Landing to help any perceived or actual flooding occurrences; and that is an extra four acres of ponds that is not needed to comply with the 25-year storm. She stated the minimum depth by EU by Code is 100-foot deep; these will be 150 feet deep; the previous Zoning on this property at one time was SR, which was two units to the acre; as mentioned, Egret's Landing, approved in 2014 as EU-2; and that is the Zoning to the west. She went on by saying the property to the west is EU-1 but it is not egress; the traffic will be an additional 129 trips per day in addition to what is existing; staff report states the additional traffic will not cause a level of service decrease or deficiency; school concurrency is sufficient to accommodate these homes

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as well; a BDP has been submitted to limit the number of units to a maximum of 34 units; and this BDP makes the re-zoning to EU consistent with the Residential 1 and Residential 2 Future Land Use because the units will not exceed those allowed by the Future Land Use designation. She stated this is clearly allowed by Section 62-1255(b)(2) of the Code; there is consistency between the Future Land Use and the Zoning because of the BDP; and she requested the Board re-zone the property from AU to EU with the BDP.

Darlene Hillers stated she was surprised when she saw Egret's Landing; she did not realize it had been developed; she has driven through that area; and she does not know why developers completely level the land before they start building and remove all those trees. She went on to say she heard a lot of these new homes are built on property that has a lot of wetland area; she thought the wetlands were supposed to be protected by the Clean Water Act passed in 1972; as the Board knows, wetlands are valuable because they absorb floodwater, they filter out pollution, and divide habitat for important species of wildlife; another concern she has is because this property, as the Board can see on the maps, is located in a flood zone according to the revised FEMA insurance rate map which was published in 2014; and the special flood hazard area now encompasses substantial areas north of Hall Road and east of North Courtenay Parkway. She stated when land use changes from Agricultural lands to Residential areas it puts other real property at risk; the traditional mitigation approach for filling land for the development to elevate the areas above anticipated flood levels may result in diverting flood waters to adjacent properties; she knows she heard from people who live in that area after Irma went through there was considerable flooding; it sounds like they are addressing those issues; but she is concerned it may create more flooding issues; and because the storms seem to be increasing in intensity, this is something that will need to be planned for in the future.

Terry White stated he has been told before there would be no additional large developments on North Merritt Island until something is done about the water; he has met with County officials; the Assistant County Manager and he spent a day last year driving around looking at all of the proposed plans to handle all of the water on North Merritt Island; and it is still not being done. He added he knows it is not a quick project; there are a lot of issues out there; and he is against any additional development there until something is done about the water on North Merritt Island from these storms. He stated something needs to be done about the new developments regarding schools; the elementary schools in this area are already overloaded; tax dollars will be spent to bus them to additional schools; there are impact fees, but that could not be covering the bussing for 20 or 30 years; and he expressed his appreciation to the Board for allowing him to speak.

Phil Bennardo stated he agrees with the last two speakers regarding concerns about flooding; he lives on North Tropical Trail, it is a natural ridge, and their home never floods; but he is still concerned about property values and the perception that North Merritt Island is flood prone; it is a wetland they are proposing to do the development on; it is the surrounding properties that are flooded for weeks on end every rainy season; and he wants to make sure that is taken into consideration. He went on to add little by little what he has seen over the years is it is getting more built up; it was more agricultural when he first moved there; and now there are 1,000 cruise ship parking spaces that have been approved, subdivisions that keep coming and coming, the Barge Canal is now two lanes, and he is not sure it will be enough in the future. He stated there are townhouse where it used to be Tingley's Marina; the only way in or out of the property is making a U-Turn over the Barge Canal; what used to be Sea Ray Boats, and the bridge east of that has not been repaired since Hurricane Irma; he does not know what the answer to the traffic problem is; and maybe there is a pool all of the developers put money into, and at some point a bigger bridge could be built.

Cathy Testa stated she is a member of the North Merritt Dependent Special District Advisor Board, and she is speaking on their behalf and on her behalf. She went on to say the advisory

board requests the Board deny this approval for many reasons; a few of them happens to be for the surrounding neighbors, their homes on the south end of this particular property, they are going to be surrounded on three sides by the retention ponds; she realizes the retention ponds have been over-built, which is a good thing; but based on Hurricane Irma and other storms in the recent past, these retention ponds do tend to overflow; and these people's homes are surrounded on three sides by water. She pointed out in deference to people who already live here, before the County starts allowing new homes, it should take care of the people who already live here, and maybe to redesign where those retention ponds are located; the other consideration is just density in general; it would be taking away a lot of wetlands, and there is already flooding; from her own personal experience, the water got into her house; it took about three months for her land to dry out; and in the last week and one-half, they have had about eight inches of rain on North Merritt Island, on her particular block. She advised their canals on North Merritt Island are almost at capacity; the canal that is behind her house is only about four inches below the ground level of her back yard; and when this rain comes next week, she knows they are going to flood again. She noted their concern is for the neighbors; she thinks there is a responsibility to those people who already live here over people who are going to live here; and the people who are going to be surrounded by these retention ponds have a right not to be surrounded by the retention ponds and not to be flooded on three sides.

Philip Stasik expressed his appreciation to the Board for allowing him to speak to it; he stated Tropical Storm Alberto may be coming to visit the County; and it brings to mind the risk of flooding. He stated he is speaking on behalf of the Sunset Lakes Homeowners Association; there are 469 homes; he is also a member of the North Merritt Island Homeowners Association; and they are all very concerned about flooding on North Merritt Island, it is a problem. He asked the Board not to approve the development until the plans provide for at least, cup-for-cup, compensatory drainage in their estuarial watershed environment; in other words, the County should compensate for every bit of watershed that is paved over or has a home built on it; and he encouraged the Board to insist on more than cup-for-cup. He noted they believe this proposal does not accurately address those concerns; North Merritt Island already suffers from chronic flooding that endangers the lives and properties of the residents; and further, unrestricted development without the utmost care for proper drainage and respect for the natural flow of water in the Indian River Lagoon Estuary System will result in property damage to existing residents and businesses on North Merritt Island. He added they appreciate the tremendous work that has been done to already mitigate flooding risks, they know a lot of money has been spent to work on this for the citizens' benefit; but much more needs to be done; every hurricane, tropical storm, or summer downpours fill the existing ditches and pushes the current drainage system to its limits and beyond; and adding new development to this precarious environment is dangerous to life and property. He pointed out he can speak from personal experience when Tropical Storm Fay came through; their development was engineered to withstand intense rain, it was intended to drain into the Indian River Lagoon system; he was thinking of that when he was watching the water level rise around his home, and it came right up to his front door; if it would have continued to rain, it would have been a problem; this was a system that was engineered to withstand tropical storm drains supposedly; and when someone tells a person they have adequate engineering to allocate for intense rain, please be skeptical. He asked the Board to hold the project until there is absolute assurance that there will be cup-for-cup compensatory drainage for this project.

Michael Maxwell stated his house abuts some of this property; by looking at the map, that property has already drained into his ditch, which retains the water in his low lying area; he went almost two months with his yard flooded after Hurricane Irma; Egret's Landing has been approved and he is worried; last year his house was surrounded by water; and his neighbors were surrounded by water. He went on to say this has been a growing problem; the impact Egret's Landing has already caused needs to be looked at; those retention ponds flooded; the storm drains were covered to keep the debris from coming into the storm drains; but water still

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got down and they all got flooded. He named several neighbors who also got flooded who abut the property being discussed; Mr. Crisafulli's property is leeching into his ditch when they receive heavy rains; and then he has to wait for his property to start draining into his, and he has to wait for the whole load to go down before his property will drain. He added he is concerned about the height of the development; they are talking three feet for the road above Hall Road, and another 18-24 inches above that; water runs downhill; and that is another concern that it will force water out and around. He stated he was told going east to west the water always ran into the wetlands; but now it is coming west to east back to him. He noted when the pumps were running the water was still draining into his property, going down the ditch back to Hall Road, and coming around like a big circle. He pointed out there is only one exit for this new development into Egret's Landing; there are 222 homes and another 34 homes, all this traffic, and in an emergency, a person has to go out to State Road 3; if the density of the development requires a change of zoning for the schools; the children already in school now might have to be displaced in order to make room for the new people coming in; and those children have been in the same schools for six or seven years. He stated traffic and safety is a concern; if the bridge is up, a person is there eight, 10, 12 minutes going out towards State Road 528; and coming in from SR 528, traffic is backed up. He stated this development needs to be slowed down and to solve some of the flooding issues first, and to come back and address this issue in the future.

Daniel Woodward stated when his family came to the County it was in part because of the unique value of Merritt Island as a place to live; although it is easily accessible, it still has priceless elements of natural environment; in his yard they found in years past Gopher Tortoise, Indigo Snakes; one morning they were eating breakfast, and out in the mist they saw a family of otters running across their yard; this is part of the value of their environment; and as the density of the environment of Merritt Island has increased, most of these animals have disappeared. He went on to say they fought years ago to keep King's Lake from being turned into a stormwater drainage pond; they recognize the influence real estate development has in the community; all he asks is that the Board was elected to represent the residents of the County, the people who make up the community; they do not have anything approaching the development and power of the development industry; but they have something priceless, the environment, which has slowly disappeared as traffic, pavement, and development continues. He noted these things may have value to some people, but they also have a cost, they are destroying the very reason he came here; and he asked the Board to think about the people who elected it, and to help maintain their environment.

Charles Tovey stated he likes to talk about things, but there is one thing that has not been discussed and that is the mosquitoes; there is already an issue with mosquitoes; mosquitoes breed diseases; and if the Board Members would give him a couple of hours of his or her time, he could give a brief description of his programs and how they can affect things in a positive, beneficial way. He went on to say there was an officer that was downed on his motorcycle, he hit some sort of animal on the road, which also causes safety factors.

Joe Mayer, engineer for the project, stated he wants to explain a little bit about the sketch the Board sees about the compensatory storage ponds; the dark blue on the sketch is the additional compensatory storage pond that would be added to the ponds established in Egret's Landing; folks do not understand the compensatory storage ponds, those are not required; frankly, in the beginning for Egret's Landing, County staff came to them and asked them to work on doing something as a part of the community that would help the drainage; and the compensatory storage ponds have nothing to do with the drainage of the subdivision, there are other lakes that take care of that. He pointed out the compensatory storage ponds allow water to back up from the estuarial flood plain as it rises in a major storm; it rises into those ponds and they create storage areas that allows a place for the water to go; this does not solve Hall Road's drainage problems; but they were asked to do this so they could help. He noted when people say the

ponds were flooded, yes, they were because they are compensatory storage ponds; the estuarial flood plain was backing up into them, so they were doing their job; this project they are going to add to those ponds; they do not have to do that, it is not part of the Code; and there are other types of flood plains that require estuary floods storage. He stated they are doing it because they think it is the right thing to do; in addition, they have oversized stormwater ponds for their own drainage, a good 35-50 percent larger than typical stormwater ponds that would meet typical requirements; and that is the lighter blue areas at the end of each cul-de-sac. He advised they are trying to go the extra mile; they understand the drainage issues in this area; he disagrees that the Egret's Landing Project or this project is the cause or a cause of the problem, they actually think they are helping and being good neighbors. He added they are not impacting wetlands; the County would not allow that more than 1.8 percent; and 98.2 percent of the wetlands on this site, no matter where they end up being, only 1.8 percent will be impacted. He stated this project is on sewer, there are no septic tanks proposed for this.

Ms. Rezanka stated there are at least 29 acres of wetlands that are going to be preserved on this project that will be a conservation easement; if there are any, it can only be 1.8 percent that is impacted; and at least 29 acres will be preserved. She asked the Board for approval of this request.

Chair Pritchett stated she is impressed with doing the extra water storage; and she wishes more projects would do this, especially in the Merritt Island area.

Commissioner Isnardi stated she met with Ms. Rezanka and they talked about the project; she thinks that compensatory storage is pretty amazing, because not only are they taking care of their own storage with the project, they are helping with additional storage on the other side of it; and she is in favor of this.

Commissioner Barfield stated the Future Land Use will allow 104 homes; they are offering a 70 unit reduction; it is one unit to almost two acres; and that is 34 homes. He stated his concern is always about the flooding and sewer, however, what they have done in the compensatory storage is much more than he has seen anywhere else in Merritt Island; it is more than is requested of them; this is consistent with his voting record; and he wants to move to approve this Item.

There being no further comments, the Board approved request of Crisafulli Enterprises, Inc. for a change of Zoning Classification from AU to EU on property located on the north side of East Hall Road, east of North Courtenay Parkway, with a Binding Development Plan (BDP) limiting development to 34 single-family lots and to limit the ingress and egress to one access point.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.K., PUBLIC HEARING, RE: GRAND LAKE ESTATES REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM RR-1 TO SR FOR 40.42 ACRES, LOCATED ON THE NORTH SIDE OF CHASE HAMMOCK ROAD, EAST OF NORTH COURTENAY PARKWAY

Chair Pritchett called for a public hearing to consider request from Grand Lake Estates for a change of Zoning Classification on 40.42 acres, for property located on the north side of Chase Hammock Road, east of North Courtenay Parkway.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a request from Grand Lake Estates, represented by Kim Rezanka, for a change of Zoning Classification from RR-1 to SR on a property that is 40.42 acres in size located on the north side of Chase Hammock Road, east of North Courtenay Parkway; and again, between the Agenda revisions, a couple of Natural Resources maps were omitted from the package, and they are being passed out to the Board.

Kim Rezanka, Law Firm of Cantwell and Goldman, representing Homes by Town and Grand Lake Estates, LLC; Grand Lake Estates, LLC is the owner and Homes by Town is the potential purchaser under contract; and with her is Ken Ward the developer's representative with Homes by Town and Rodney Honeycutt the engineer of record now and during the earlier development in 2006. She went on to state the history of the property is somewhat of a sad story; this was owned by a group out of Pittsburgh, Pennsylvania; it was re-zoned in 2006, and a BDP was issued in 2006, approved by the Board, and then the property went into bankruptcy; and they did a lot of the site work, could not afford the bonding, and went into bankruptcy. She added it came out of bankruptcy in 2010, was purchased by Grand Lakes Estates; and the final plat was approved in 2010 for 28 lots on 40 acres. She stated there is a Homeowners Association in place; there is a private road already installed and in place; there is drainage at the 100-year storm event level already in place; there is a maintenance service road around the edges of the plat to allow service of the drainage facilities, Tract A, maintained by the Homeowners Association, and maintained at the developer at this point; and there is water service in place. She noted there is a sign in the entrance way, a sidewalk in front of the development, all of the lots are owned by Grand Lake Estates, LLC, and none have sold since 2010, they are one-acre lots. She stated there is a new development plan, which she has provided to the Board with 40 proposed lots, which would be one unit to the acre in Residential-1; the smallest lots, three of them, are .6 of an acre; over half of the lots are three-quarter acre or larger; two are 1.37 acres; and the largest is 2.78 acres and 3.07 acres. She pointed out these lot acre sizes are larger than those in Otter Trace to the west, which adjacent to this development to the west are .5 acre or up to .6 acre; and these are larger than the lot sizes of those in Stone Lake, which is zoned SR. She advised both Otter Trace and Stone Lake on Chase Hammock Road are zoned SR. She stated as she mentioned there are private drainage already built to the 100-year storm event; the County Code only requires building to the 25-year storm; all lots will have the septic system as a sewer line of approximately 2.5 miles away on the other side of Courtney Parkway; the septic system will be as required by the County Code Chapter 46 Article 2, which provides standards for the onsite sewage treatment; and the Comprehensive Plan Sanitary Sewer element Policy 1.4 provides that Brevard County shall permit the use of onsite storage treatment disposal systems. She pointed out they do have a BDP revision at Planning and Zoning board which approved them 7:2, asked for a new condition that all septic systems be at the 65 percent nitrogen reduction, which the developer has agreed to do or whatever standards are in place when it is developed, so if it is higher than that, they will have to do that as well; there are nominal impacts to traffic, this is an addition of 12 units on 40 acres; and there is a traffic study that has been submitted, and Gil Ramirez will review it with the Board. She stated the reasons for the re-zoning is essentially nothing has sold since 2010; the market conditions have changed since this was first re-zoned in 2006; the recession in 2006 caused housing prices in Florida to drop 50 percent; there is an article in your Agenda Packet entitled *Evaluating the Housing Market Since the Great Recession* that supports the 50 percent reduction in house values in

2006; Homes by Town as well as other developers have seen the market demand for smaller lots; and these smaller lots are 160 feet wide, they were already cleared as they are now developable lots with pads ready to go in, so it is all brass. She added these are large lots that have to be mowed, and developers are finding that people do not want large lots. She went on to say there is an article in the Agenda Packet entitled *The Shrinking of the American Lawn* that supports this; she does not know if the Board has had the chance to review it; but it does state as homes have grown larger, the lots they are built on have actually gotten smaller; the average area is down 13 percent since 1978; and home builders are keeping prices affordable by cutting off lawn acreage, so there is support this happening in the market. She stated the homes proposed to be built are 2,300 square feet up to 3,400 square feet in size, they will be one acre and two stories; the prices starting will be in the mid-400s for one story homes, and more than \$700,000 for two-story homes; and this is compatible with the recent two-year sales in Otter Trace to the west, Chase Hammock Lakes directly to the east, and Stone Lake one development over to the east. She noted property sales information for 2017 and 2018 were presented to the North Merritt Island Special District Board and are in the Agenda Packet; sales started at \$275,000 at Otter Trace and went as high as \$600,000 in Chase Hammock, with four in the \$400,000 range and two in the \$500,000 range; and these house sizes and prices will be compatible with what is there. She remarked the concerns of the residents to date is what the Board has already heard, flooding, impact on property values, also in this particular one they are concerned about the size of the lots; North Merritt Island Special District Board opposes any increase in density and they voted against this project; Catherine Lukens has spoken in opposition many times, she lives directly to the west at Otter Trace on a .52 acre lot; her lot has substantial tree buffering and a berm and lake that buffers her from any development in this development of Grand Lakes Estates; and the old and the proposed BDP requires a minimum building setback from the west subdivision boundary of 100 feet, so there will be a very large buffer between Ms. Lukens and anything built in Grant Lake Estates. She advised several residents of Otter Trace have sent emails to the County, which is in the Board's packet; nearly all state the same objections of concern of their drainage problems and their unsupported beliefs that Grand Lake Estates pond will drain onto their lands and their homes will be devalued; and Rodney Honeycutt will address this. She mentioned one neighbor has complained that the lots will ruin the rural charm; of those who provided their addresses to the Board, the Randall's, the Greenway's, Ms. Human, and Ms. Casas, the Homeowners President, their lot sizes are .5 for two of them, .55, and .6 acre; their lots are the same size or smaller than those proposed in Grand Lakes Estates; and she has the Property Appraiser's information to provide in the package as evidence. She stated they are requesting a change to the BDP, partly because the BDP requires 28 units at a minimum of .9 acre, and they are asking for 40 units at a minimum of .5 acre; there were some other technical changes, because some things have already been installed, and it has been changed to say they will be maintained that way; and also they are asking the 25,000 square foot housing size to be reduced to 23,000 square feet, as the developer has a marketable product of that size and it is their choice. She pointed out the SR zoning which they are requesting only requires homes of 1,300 square feet, so they will be at least 1,000 square feet larger than the zoning requires. She stated P&Z approved the new requirement of septic tanks, and Homes by Town has agreed to that; nothing else has changed in the BDP; to spite general opposition, this plan is compatible with existing subdivisions in Chase Hammock, North Merritt Island, and with recent re-zonings in North Merritt Island; compatibility is not defined in the Ordinances, but this is compatible because it has the same SR zoning and lot sizes in two subdivisions on this road of Chase Hammock; the only new development in North Merritt Island over the past three years has been Egret's Landing, zoned at BU-2, limited to two units to the acre; Phase 2 has just been approved with lots as small as 9,600 square feet in size; and the Crisafulli townhomes were approved of 48 units on 12.5 acres. She added density in North Merritt Island is not much more than one unit to the acre; there is a density chart in the Board's package, but he does have one that is highlighted so the Board can see what she is seeing what has been approved and what is in the area. She continued by saying the County has Otter Trace and Stone Lake Estates at SR

Zoning and the development that has been approved since 2014 in North Merritt Island, which is only four, it is not overly extensive as people in the audience will probably believe. She stated the Administrative Policy 3C states the compatibilities to be evaluated in relationship to the historical land use patterns, the actual development in past three years, and development approved in the past three years and not yet constructed; Egret's Landing is about a .7 mile an acre away as the crow flies; and clearly lots at .6 and .75 acres and larger are compatible with the .5 acres lots to the direct west in the subdivision Stone Lakes, one subdivision over from Chase Hammock to the east. She pointed out Ken Ward is here and will discuss Homes by Town and his development plan; Gil Ramirez will discuss the increase in traffic; and Rodney Honeycutt can answer any questions about design and stormwater retention. She advised the Board that Mr. Honeycutt's resume is included in the package as well and he will testify as an expert, he is the one that designed the 100-year storm and will testify that it will remain the 100-year storm even with 12 units. She asked the Board to approve the zoning change from RR-1 to SR with the revised BDP.

Ken Ward, Director of Acquisition for Homes by Town, stated Homes by Town is considered a regional building because they also operate divisions in California, Arizona, Texas, Wisconsin, and Illinois; they operate two divisions in Florida, the east division which he is part of and the west division which he also manages; the west division is in the Lakewood Ranch, Sarasota, Bradenton area, a large development going on for the last 22 years; in Brevard County they have been here for 35 years; and they have successfully developed in Titusville, Cocoa, Merritt Island, Cocoa Beach, Cape Canaveral, and Melbourne. He went on to say Homes by Town internally manages their projects from the beginning to the end; they acquire the land, they plan the land, they do all of the due diligence, as well as securing the permitting and entitlements; to facilitate that, they have full-time staff of attorneys and accountants who manage all of those things; and they are successful at doing that. He stated they have a good reputation, and they stand behind their products. He advised they see Grand Lake Estates as a project that they can be successful, and they anticipate mid to \$400,000 starting prices on their homes up into the \$700,000s; they intend to offer at least six different floor plans; they may not be a custom home builder, but they are a semi-custom home builder; they think the re-zoning request is very compatible, particularly with the property next door; they are 40 acres, and are asking for 40 lots; and their neighbors are 35 acres and they have 37 lots. He noted their homes range from 6/10 of an acre up to two or two and one-half acres; their neighbors to the west have one-half acre lots to two and one-half acres; the neighbors to the west are zoned SR; and they are asking for SR zoning. He pointed out their stormwater system was constructed to retain 100-year event, and their neighbors to the west require a 25-year event; they have presented the traffic studies; and in a nutshell, it is minimum impact if at all. He noted they meet all concurrency requirements for schools; their roadway is a private roadway, as is the drainage system, so they are not impacting County maintenance or facilities on this; they estimate the general revenue going back to the County on build out is going to be over \$300,000 a year annual recurring income to the County; and perhaps some of those dollars can be used to purchase some land with compensatory storage and address some of the issues on North Merritt Island. He stated stopping development is not helping anyone.

Gil Ramirez, Lassiter Transportation Group, Inc., stated he stated he wants to supplement what was done by staff; they reviewed the numbers staff provided, and they did their own analysis, which was very similar; one thing they did not do is provide traffic counts along Chase Hammock Road; they did that and obtained a total existing volume of 168 vehicles on Chase Hammock; and when adding two percent growth and the project trips, it comes to 204 total trips at build out, which would account for 16 percent of the total capacity of Chase Hammock Road. He went on to say if Florida Department of Transportation (FDOT) still allowed arterial roads to be evaluated from an ADF scale, this would definitely be an A; this is minor impact; and he does not think there is much more he can add to it.

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Rodney Honeycutt, Honeycutt and Associates, Inc., stated they were involved in the re-zoning and design of this project in 2006, and received the permits; as previously stated, due to concerns about drainage during that time, they agreed to handle the 100-year storm in their project versus the 25-year storm, which was the surrounding neighbors; and when Homes by Town came to them, it was one of the first questions they asked if they could meet this. He went on to add they reviewed their calculations and with the additional 12 lots, they will still be able to meet the 100-year storm and store that for this project; and therefore, it is still in the BDP. He pointed out that means when they submit for the plans to be approved, Brevard County staff will be reviewing it to make sure they are doing that.

Catherine Lukens asked if her husband could stand up with her. She stated she used all of her computer ink to make copies, but she did not have enough for everyone on the Board. She stated they live in Otter Trace Subdivision on Merritt Island. She went on to say she has been before the Board before; in 2005 or 2006 the property in question was two and one-half acres; it was an orange grove, and they wanted it to go to two and one-half acres; and it ended up going to one acre. She noted a lot of the same arguments were presented just as they are being presented now; they are trying to tell the Board that this developer is saying there is a trend to buy smaller lots; she did some reading on that, and they are telling the Board the truth, there is a trend; but these articles are coming from construction resources; she read the one that was presented to the Board tonight; and it is a little bit of a misnomer that people want smaller lot sizes because they do not want a big yard, it was also cited that it is more advantageous to a builder, which affects cost production there. She stated people hear there is an article, but by not taking the article as a whole, a person may miss something. She stated there was some conversation going on that one acre lots cannot be sold; the community is padlocked, overgrown, and it has weeds; and at one point, their pineapple fell off of their sign. She stated there is a big fence in front of it and it has been that way for years; she does not know if there was any effort to even try to sell that property at one acre; and she wanted to point out those few things. She added as far as them being one acre, they bought the property because it is on one-half of an acre; they have a large home on a one-half acre because it has a guest suite, because they were taking in her mother; and the problem is, they are on septic because it is not big enough for the size house they have one there. She stated she does not know if smaller lots are going to handle the septic, because they are struggling with it themselves. She stated there is one small picture that shows their back yard, and it also shows Grand Lakes Estates; a person can see their retention pond is already at maximum; and it flows into that canal. She stated these 100-year storms are happening more and more frequently; their retention ponds cannot hold their water as it is now; and there is no development on that. She advised they are regular people who are counting on the Board to stick up for them; and they are looking for heroes to stick up for the common people. She asked the Board to vote not against the re-zoning.

Darlene Hillers stated the people who live in that area know a lot more about it than she does; she drove into the area yesterday to try to find where this is actually located; it is a rural area; she noticed there were a lot of drainage ditches to help with the overflow of water from tropical storms and hurricanes; and as the Board saw in the maps she gave it, it is in a flood zone, and she would be curious to know if these homeowners are required to purchase flood insurance. She pointed out Ms. Rezanka mentioned they are going to install septic systems; it would be nice to hook up to the sewer as the lines are available to them; and it would be beneficial in helping the Lagoon. She stated it was mentioned because of the cost of these new homes, it will generate more tax revenue to address the problems the other residents are facing with flooding.

Claes Gardling stated he was here in 2006 when it was approved for the one acre; at the time they said there would be no problem whatsoever with a retention pond, it could hold a 100-year storm, and they who live there can attest to the fact it cannot hold one storm. He went on to say

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the water is gushing out; part of the approval was there was to be drainage into Lake George, which was built; but the canals are still full; Kings Lake was flooded over the road; and if they go down to one-half acre lots, part of the half acre will be water. He stated in Otter Trace all of the one-half acre lots are only land; there is no water portion of the lot.

Darcy Casas stated everyone has said the same thing; there are a lot of problems in North Merritt Island with flooding; she has been there for 20 years; since the development went in with no homes on it, her backyard year round has standing water; she does not know if that is because of the ponds filling up or what; but they have a lot of problems already. She went on to add in 2007 they agreed to a BDP for 28 homes; that was fine and the residents thought it would be good; but now with 40 more, additional fill will have to come in; and it creates more water going onto the surrounding properties, which are already flooded. She pointed out every year it gets more and more; the canals are full mostly year round with no storms; and with the Lagoon issues, moratorium on the septic tanks, it must be critical. She noted to add more and not control the growth, it will add more to it. She asked the Board limit the growth in the area, and to honor the agreement to keep the property at one acre.

Terry White stated he has the same issues about increasing the density as he discussed with previous items; the number of homes will continue to overburden the schools; Chase Hammock is a two-lane road, so adding additional houses will result in additional traffic on the road; and there is currently no good remedy available for handling the existing water and flooding issues on North Merritt Island. He advised additional building should be postponed until something can be done about the water; this property does border his property; the properties bordering the north of the property is three-plus acres per resident or seven-plus acres per resident; and he guesses in the last 10 years, there have been two 100-year events because this property has overflowed their retention ponds onto his property. He pointed out County officials came out in 2008 and looked at it when it overflowed; they said their property was not up to finished grade; he used to be a surveyor; and he showed them it was the finished grade. He stated this property was not always in a bowl, but because of Grand Lakes and the other developments around there the water raised; now it will be 40 house pads in there that will increase the amount of fill, which will push that water into a retention system; and regardless of what is said, it will not hold the water. He noted he has hunted in North Merritt Island for many years, and the water is not going where it is supposed to go. He stated there were seven pumps around him on North Merritt Island, now there are two; he participates in the operation of one of those pumps; and that is the only thing that gets the water out of 700 acres out there. He went on to say these are privately owned and run pumps; the County does not participate in that; and they are moving water for a lot more than just the people the property is sitting on. He asked the Board to take a hard look at the water these new projects are creating and pushing off on their neighbors.

Mercedes Carlson stated the real experts on the flooding, traffic, and mosquitoes are not the people who just spoke; the real experts are the residents who live on North Merritt Island; Chase Hammock Road is a two-lane road that only goes east and west, straight across; they do not have the room for more cars coming down their street; they certainly do not have the room for more water retention; and the stormwater management plan, part of it is right next to her house. She went on by saying it is a new canal dug with a culvert under the road to collect the stormwater and take it to a lake in the back; the Indian River Lagoon is another concern; and if the County is trying to protect the IRL, the development needs to slow down so the water can be managed. She pointed out the schools are already overcrowded; a few years ago she heard about a school being built on North Merritt Island; they never got it; but they did get a Dollar General. She noted they have one exit off of the Island, the Barge Canal; when there is a hurricane and people evacuate, she does not see how it could be good for North Merritt Island to have more development; the flooding is not fixed yet; and they have a real major flooding problem. She stated their house is surrounded by water; it was built in 1980; every house built

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after theirs is higher and higher; and she is afraid that the next hurricane is going to flood their house. She pointed out that is all they have is their home; they hope it is worth something in the future; it looks like the flood plan may change in the future; and it may be very difficult to sell her house in the future. She asked how this is good for the residents.

Phil Bennardo stated a lot of what he wanted to say has been said; he added, as far as stormwater, he understands the stormwater systems are in place; there is a road that goes through there that has been there for a while; it is designed for a 100-year event; and if a person drives through during the rainy season, some of the surrounding properties are built on mounds or pads, and they have standing water for weeks at a time. He noted the neighborhoods are all connected and the water is coming from somewhere; he understands it is 12 additional homes versus 40; there is one way off of the Island; and nine times out of 10 people are going to go over the Barge Canal. He pointed out in Central Merritt Island, there are eight ways to get off of the Island; and he asked by adding and adding homes, what that will do to the traffic.

Cathy Testa stated during the meeting of the North Merritt Island Dependent Special District Advisory Board they asked the applicant if he would consider connecting to the sewers; Brevard County spent a lot of tax money inputting the new sewer on North Courtenay Parkway; and they feel they should be able to hook up. She advised if they are increasing the amount of homes by 42 percent from the original approved plan, they should be able to afford to connect to the sewer system; and she inquired as the land is developed, if people do not hook into the sewer system just put in for the purpose of helping clean up the Lagoon and development, why was the money spent. She noted new developments should be required to hook up to sewer; it will save money in putting in expensive septic systems; and it will help the new homeowners because the septic systems will need to be checked every year. She stated this is a community, and it should be hooked up to the new sewer system.

Mary Sphar, Turtle Club Sierra Club, stated they strongly oppose the re-zoning for Grand Lake Estates; this subdivision is on septic tank; the applicant intends to follow the NSF 245 standard; however, all septic tanks must be maintained properly; and often homeowners fail to do that. She stated in addition, when properties are flooding no septic tank will work properly. She advised this property was approved in 2006 for 28 homes with one acre lots; however, this zoning proposal involves re-platting subdivisions to accommodate 40 homes with a minimum of one-half acre lots; and Sierra Club considers this to be in the category of a new subdivision on septic systems because of the re-platting. She noted their organization believes Brevard County should say no to all new subdivisions on septic systems; new subdivisions should be required to connect to sewer; the Indian River Lagoon is really suffering from the nutrient pollution of septic tanks; in fact, the Natural Resources Management Department estimates that 32.7 percent of the new nitrogen loading sources to the Indian River Lagoon comes from septic systems; and what needs to be done now is to make sure no new subdivisions add to the problem. She stated the BDP for 28 homes on septic approved in 2006 is the applicants legal right; she asked that the property not be re-zoned to allow a new plat configuration that would allow 12 more homes on septic to the Indian River Lagoon watershed.

Philip Stasik, speaking for Sunset Lakes Homeowners Association, stated they are asking the Board to say no to this development. He went on to say he has spent many hours on many days as the Board has defended the Indian River Lagoon; it has tried to do the right thing by reducing septic waste by improving the sewers; and by looking at this development, it is just going in the wrong direction. He stated they do not need more homes on septic on North Merritt Island; they flood all of the time; when looking at the health of the Lagoon, they know one of the major factors is population growth; and the County has struggled to help North Merritt Island. He stated North Merritt Island and the Indian River Lagoon are being killed by death from 1,000 cuts, they are bleeding to death because more homes are being put in here and there; the more this is paved over, the water has to go somewhere; and he asked if the Board wants that on

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North Merritt Island to poison the Indian River Lagoon. He noted this is the wrong project at the wrong place at the wrong time; and he asked the Board not approve the development until plans provide for at least cup-for-cup compensatory drainage in the estuarial watershed environment. He pointed out the sea level is rising about three cymometers per decade, and that affects North Merritt Island residents as much or more than anyone else in the County; NASA is concerned about the encroachment of the beach on the LC39; Launch Pad A and B are being threatened by rising sea level; and it can be seen by satellite images over the past 20 or 30 years.

Dawn Doyle stated she sent each Commissioner a communication expressing more details. She added this has been a real education for her; she is different than others who have spoken; she has only lived here two years; the one thing obviously noticeable when she moved here, and she investigated before buying property, was the lack of overall urban planning and development of Merritt Island in general; and that is what happens in unincorporated places. She went on to say these subdivisions are about a mile and one-half from each other; a person would think those retention ponds would be enough; she has been here for two hurricanes; and the last one almost bridged her house completely. She stated she was surprised by this conversation this evening; she had to have the President of the Association explain it to her, because she thought it made good sense; it is a 42 percent increase; and the County is going to have a major traffic problem. She mentioned there is one light at Hall Road. She stated she realizes it is getting late and people are really disengaged at this point; she is sorry for that; but people are looking down and talking; and she finds that a little bit disrespectful. She noted as was shared by her neighbor, when a person builds on one-half of an acre, it can cause issues; they are trying to tell a benefit to other people who will be their future neighbors that it should be done within the right proportion and within consideration for the land; and there will probably by a need for more schools, and traffic will be coming down due to growth.

Chair Pritchett stated the Board is listening; sometimes it has an amount of time it has to digest all of this information; and she knows the Commissioners take notes and try to listen to what people are saying. She stated she thinks there is a great Board up here, and it does listen.

Wayne Nicholson, board member of the Homeowners Association of Otter Trace, stated he would like to read a statement into the record. "So this letter is to express my strong concerns regarding the above mentioned re-zoning request. In 2005 in response to a request to change the Zoning Classification in Grand Lakes from AU to RR-1, residents of Otter Trace repeatedly voiced legitimate concerns that improper development immediately to the east will exacerbate already critical drainage problems, dangerously increase local traffic, accelerate deterioration of Chase Hammock Road, and lower the aesthetics in resulting property values in one of the premier neighborhoods on North Merritt Island. Residents have repeatedly gone on public record stating they are not opposed to development, but they are strong advocates of responsible development. Here we are 13 years later and we are faced with another re-zoning classification of this same lot from RR-1 to SR, thus increasing the housing density and ground lakes by around 50 percent. So, we're here again to renew our concerns in the years since 2005, the drainage, traffic, safety, and road deterioration issues have only worsened due to ongoing development in attendant increasing population density along Chase Hammock Road. So the three main issues, we've heard them before, they were addressed quite effectively by the paid consultants of the developer, and now I am talking about as a resident of the neighborhood." He stated the first issue is drainage, as the attached aerial photograph here will show; this was downloaded by Google Maps today; about half of this 40-acre Grand Lakes lot is unusable for building, because it contains retention pond around the building site; and this photo was taken during the wet season, and a person can clearly see that all of the retention ponds in the surrounding developments are at full capacity before development. He stated building of high density housing on the remaining strip of land will place further demands on an already overburdened local drainage field resulting in increased local flooding in adjacent neighborhoods. He stated the second one is traffic safety; Chase Hammock Road is a narrow

two-lane road with no shoulders in many areas due to it being bounded by drainage canals; when they last visited this issue in 2005 it was a very busy thoroughfare inadequate for the existing traffic at the time; not surprisingly in the intervening 13 years this situation has only worsened; proximity to local neighborhoods to King Park, coupled with the absence of sidewalks or paved shoulders means that children that play, waiting for the school bus, pedestrians, joggers, horseback riders, fishermen, and bicyclists already compete with high speed vehicle traffic along Chase Hammock Road; and this unsafe situation is already exasperated by local ongoing infill and construction, which adds numerous dump trucks, cement mixers, and 18-wheelers to the traffic mix. He pointed out traffic transit by heavy equipment is only the beginning; the average household owns two to three vehicles, and an occupancy of 40 proposed new homes in Grand Lakes would add another 18 to 120 vehicles leaving and entering the neighborhood via Chase Hammock, which is the only route of egress onto Courtenay; in the 15 years he has lived here he can relate numerous traffic incidents on Chase Hammock Road, including a fatal collision involving his next door neighbor, cars sliding off the non-existent shoulders into canals, and near accidents between construction vehicles, cars, and pedestrians; and third he wants to address road deterioration. He stated there will be 100s to 1,000s of heavy vehicle transits surrounding Chase Hammock to build these lots, which will accelerate deterioration of the road and further jeopardize the safety of the inhabitants; and at the present time the rutting and settling of Chase Hammock Road makes it so that during heavy rain events it is essentially a one-lane road in places because of flooding of the road itself. He concluded by saying by voting the Commissioners onto the Board, the people entrusted it with the responsibility to oversee proper and responsible development in Merritt Island; at this time, he would like to urge the Board to vote no on the request for a zoning change; and he expressed his appreciation to the Board for its consideration.

Chris Minerva stated he appreciates the Board; there were many other zoning issues he was against; and this is not really one of them. He pointed out the capacity of North Merritt Island as it stands and what is happening and with the incoming landfill from everything coming in, plus the septic tanks, if the sewer system were capable of handling the existing 3,600 homes on North Merritt Island, but he has never seen such small piping for a sewer system in his life, it would reduce the demand for the land to absorb the existing water if it were hooked up to the septic system. He stated there should be a way to handle the existing issues. He stated North Merritt Island has already met the saturation point.

Nancy Minerva asked the Board to consider the huge picture is elected officials to please start an initiative; instead of being reactive to all of these requests to be proactive and ask what the big picture solution is for flooding in North Merritt Island; before this needs to be gone over and over again, try to find what will work for the future so people who currently live here are not going to be afraid they cannot sell their houses or stay in their houses; and people who built houses before 1986 are getting flooded.

Ms. Rezanka stated she would like to see Ms. Lukens photos and Ms. Doyle's email; it was not in the Agenda Packet. She stated she would like for Mr. Honeycutt to look at the photos and explain why the lakes look like they look; she believes because that is what they are supposed to do; but Mr. Honeycutt is the engineer of record.

Mr. Honeycutt stated the lakes in that picture look exactly like they are supposed to; that is what they are, they are lakes that hold the 100-year storm; but when there is no 100-year storm, they still perform their function; and after listening to everyone he wants to make sure the Board understands that this area is already developed, the lots are at grade, and there is no more fill required on these lots. He went on to say someone said it may cause flooding, but it is already built, and it will not impact the flood area at all; the ditch sits on Chase Hammock; there is always water in it because it is a deep ditch; the roads are elevation three; and the ditch elevation is one and one-half or two normally. He stated the 100-year flood is elevation two or

2.5 or something like that, so there will always be water there. He stated Otter Trace Subdivision is a little different from other subdivisions in that area; by looking at the picture, the Board will see more trees on it; when that subdivision was developed, they built the roads and that is it; and when a home was built in there, they just put fill where they put the home, and septic tank he hopes. He noted by going down the roads in Grand Lake Estates, the drainage is in culverts or inlets like on normal roads, that takes it over to the stormwater ponds; that is not how it is in Otter Trace; and they have flumes in the curve that takes the water to the lots. He pointed out the house is built up, the water goes around the lots in the rear, and there is a large area in the rear of those lots that takes the water around to the stormwater. He stated looking at the stormwater in Otter Trace and compare it to Grand Lakes, there will be a lot more stormwater area in Grand Lakes because they are holding the 100-year storm and they are not draining around the lots to get to it, that is where they are holding a lot of their stormwater during a big rain; and that is not how it is designed in Grand Lakes.

Ms. Rezanka stated this is asking to go from 28 units to 40 units, an increase of 12; there are no sewer lines available, they are 1.25 miles away; and the new BDP will include the enhanced systems as they currently are in the moratorium or whatever is required by a current Code. She explained Otter Trace does have a drainage easement, so all of the lots in Otter Trace have similar drainage ponds; and in fact, the back two lots, two-thirds of them are ponds. She advised they are not bringing in more dirt, the lots are pad ready; as to the 2008 issue raised by Terry White, that was Tropical Storm Fay, which some would say was a 500-year storm event, but suddenly over 100-year storm event; and this was not accepted by the County yet, it was not accepted until 2010. She stated at the P&Z board, many of these same things were heard; one engineer on the P&Z board stated perhaps Otter Trace needs to contact St. Johns River Water Management District and maintain its drainage easement because they do have maintenance requirements as well. She stated regarding Ms. Testa's claim that they should hook up to sewer, the Land Development Code and the Comprehensive Plan does not mandate hooking up to sewer when it is not available. She mentioned as to septic tanks, these particular septic tanks are on power; they will have to have yearly inspections; and she believes the Health Department will require either a maintenance or operating agreement, which are better than Otter Trace's and much better for the environment. She stated to summarize that 2008 was a different time, it was done just before the crash, so there is no telling what the developer wanted; one acre lots were compatible with Chase Hammock to the east, but half acre lots were also compatible; it may have been they thought people wanted to spend more back then because they were; and it is not clear. She advised 40 units at one unit to the acre is consistent with the Comprehensive Plan, it is consistent with Otter Trace and Stone Lake, it is consistent with the density chart; this request would have been consistent in 2006 as well; the re-zoning request is compatible; it will not impact traffic, stormwater, or schools per the experts heard and expert County staff; it is consistent with emerging trends and development; and she requested the re-zoning be approved to SR with the revised BDP.

Commissioner Barfield stated first he wants to thank everyone for being here; this makes a big difference; and he reiterated he really does appreciate it. He advised he will not support a density increase at all without hooking up to sewer, bottom line; this was approved in 2006 for 28 homes and they want to go to 12 homes; the Board cannot do anything about the 28 homes, they will have to go to the more efficient septic tank systems; but he will not support density increases without hooking to sewer; and looking at what is being done to the Lagoon, it does not make sense. He noted it is 1.2 miles away, but the only way he would ever approve it is if they build the sewer; and that is where he stands on it. He pointed out they bought this property knowing there is a BDP for 28 homes; now they want to do 12 more homes; the Agreement should be honored; and he wants to deny the request unless the applicant agrees to hook to the sewer.

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Commissioner Isnardi stated she would agree with Commissioner Barfield if it was not a mile and one-half away; she understands, he is the biggest advocate for getting sewer all over the County, but 12 homes on that much acreage does not seem to be that monumental in the grand scheme of things; she thinks the 100 year storm retention is more than what was asked for; and she would disagree that 12 units on that much acreage is going to be that impactful, especially because it is already platted for development. She explained she understands no one wants a septic system in their backyard, she is one that does in Palm Bay; if it was not a mile and a half away, she would be with Commissioner Barfield asking them to hook up to sewer; and it is so unattainable or a reasonable request.

Commissioner Smith asked how far the Indian River Lagoon is from the development; he stated it has been documented several times over the past six months, and many more times over the past few years that if a person lives beyond 50 meters, the septic system has minimal if any effect on any tributary; septic systems do not work well when there is flooding; and he asked what the height elevation of this platted development.

Ms. Rezanka replied 6.5 in consensus with the engineering and developer.

Commissioner Smith stated unless there was six to seven feet of water, it would not flood those septic systems.

Mr. Honeycutt advised according to the flood map, the 100-year flood is around elevation 2 or 2.2, it varies across the site; the house pads will be 6.5; the septic will be 2 1/2 feet below that; and he would say elevation four.

Commissioner Smith stated with the 100-year storm the drain field system would still be roughly a foot to a foot and a half above that. He stated he does not live in North Merritt Island; he knows the arguments are the same arguments the Board hears every time there is an issue; these developments are growing and coming, and allowances are being made for the situation; he knows there are standards in the County that new developments cannot affect surrounding developments; and he would hope that is the case here. He stated Commissioner Barfield feels strongly it should be limited to 28, he does not want the extra 12; as District 4 Commissioner, he would like to listen to the Commissioner whose properties are in their District, but at the same time he is concerned about the homeowners and the development; they have spent a lot of money and time; they have done their research; seems to him they have exceeded the requirements; and he asked if Commissioner Barfield would reconsider it since it is so far away from the Indian River Lagoon that these septic systems would not affect the Lagoon.

Commissioner Barfield replied absolutely not, and here is why; looking out the door where that house is going to be there is water; he inquired where that water flows to; and he advised it eventually gets to the Lagoon. He stated when he pushed for the moratorium, he wanted all of the barrier islands included, because the fact the water is close to wherever a person is, and it is close to the Lagoon; the water table is high; a line has to be drawn somewhere, and that is his line in the sand; and now is the time to do that.

Commissioner Smith stated he is a champion of the Indian River Lagoon and he does not want it damaged; if there is that much water, it has to flow somewhere; but that is only during the times there is those kinds of storms; the impact is minimal, but it is there; and he reiterated he is err on the side of caution and go with Commissioner Barfield.

Chair Pritchett asked how long it will be before there is sewer capability in that area; and what would be the cost.

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John Denninghoff, Assistant County Manager, stated currently there are no plans that he knows of to extend the sewer collection system to the east on Chase Hammock Road; the cost to complete he has not considered what that is; and it will be extremely high. He pointed out part of that would be the necessity to build a gravity sewage collection system as part of the subdivision as well as a lift station that would be capable of pumping to the main sewage treatment plant through the existing force main system, as well as the new portion of the force main system; and that would be substantial size lift station, which by itself would cost a minimum of \$200,000.

Chair Pritchett asked if there is a potential of more development in that area that may drive having this sewer hookup in the area any time in the future.

Mr. Denninghoff responded if more force main is built, two things would happen; the connection of new development would be supported to the new development system more easily; and assuming the force main system that was built between where it exists now and this location, it was oversized, if it were sized for this project, it would not be much benefit to anything but this project. He stated if it is oversized, existing properties could be connected to it that could be retrofit and have septic to sewer capability; but it would also have the ability to support a new development that would potentially be available that currently would not be supported without septic systems.

Chair Pritchett inquired if this could be an Indian River Lagoon project if they would be able to convert septic to sewer in this area on the barrier islands; she stated if it is only a mile and a half away and this barrier island it could be something that is possible in the future.

Mr. Denninghoff advised it could be considered; currently the way the Program works is what is being funded is associated with the things which would most cost effectively remove nitrogen and phosphorus from the Lagoon; and that evaluation is done on a project by project basis.

Commissioner Barfield stated he understands if it is a bigger sized pipe, there is an offset; if the County is putting a pipe out just to extend it for capability, when the person hooks up he or she pay a portion of that; there is a different charge that goes to that, because the current rate payers do not pay for putting the pipe out; and it is paid back by the people who sign up for it.

Mr. Denninghoff explained staff has the ability to create refunding agreements but those are complex and are not done very often; they are difficult to enforce and they have time limitations associated with them; and it is about seven years. He went on to say if someone waits until after the seven years, he or she does not pay; and everyone that connects will pay a connection charge, which is otherwise known as an impact fee.

Ms. Rezanka asked Mr. Denninghoff if he would agree that the sewer line would go under Chase Hammock Road, and that is the only place it can go with the drainages on each side, which would be cost prohibitive to do.

Mr. Denninghoff replied he has not looked where one would go, but he designed the force main that went on Hall Road, and it was right next to the edge of the shoulder of the existing road, and they were barely able to install it; there is a possibility the roadway would need to be torn up to construct a force main; but he has not really looked at it to know the answer to that question.

Commissioner Isnardi stated her comment was on something else; the one thing the Board must keep in mind is this is already platted, so the drainage is there, no dirt is being brought in, and no magic water is coming in from somewhere else as it is already designed; the 12 additional lots will not change the plat of the property; and they are already allowed to do 28 homes. She pointed out it is responsible development; no one wants development in Merritt

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Island, and that is very clear, it is the message the Board gets over and over again; and as each Item comes before it, he or she has to decide. She stated if this was in her District she would support it as well, otherwise the District Commissioner would be referred to for everything; she looks at this all thoughtfully; and this is borderline, not a perfect thing, but at the same time it must be considered that this is already in place. She noted the Board just approved something that was much denser.

Chair Pritchett stated if this was not the septic issue, she would have no problem with it; everything is just so wet; the County is creating a little bit more density with the septic; if there is anyway it can be put on sewer; and she would then be comfortable with this Item. She stated she does not have all of these islands with all this water in her District; the water levels are beginning to rise; and it is just happening. She stated putting in future property may cause more leakage into the Lagoon. She stated maybe bigger lot sizes can be negotiated; and she is struggling with this right now.

Commissioner Tobia stated it sounds like this may not be a positive vote for the applicant; Commissioner Smith has brought up some valid points concerning the septic; he pointed out there is no research that septic tanks at tremendous distances from the water have any impact on the Lagoon; there is a 150-day moratorium to find out if that is true; and Commissioner Smith is wise in erring on the side of caution. He went on to say he is concerned that if in 150 days from now Virginia Barker, Natural Resources Management Director, comes back and says the claim cannot be substantiated and there is no evidence that there is phosphorus that is leaking into the Lagoon at any measurable rate from a development that is miles and miles away from the Lagoon; and the Board has just taken away this gentleman's ability to build on a false premise. He pointed out that is why the moratorium is dangerous; he understands it was passed; he does not want to limit this individual; and he asked at this point that this be tabled until the Board gets conclusive evidence one way or another if in fact septic tanks are agreed to. He stated it sounds like Commissioner Smith with that added information one way or another would have a more informed decision given more information to potentially give thumbs up on that; and he would like to make a motion to wait for the moratorium, find the results, and give the applicant the ability to come back at that time.

Commissioner Smith stated it is already documented that septic systems have little to no effect beyond 50 meters; the numbers are within 50 meters, the typical septic system yields nine pounds of nitrogen and 12 pounds of phosphorus per year; beyond that 50 meters, it drops off to the point at 100 to 200 meters it has no measurable impact at all. He stated the moratorium is designed to give builders and people a chance to adjust what they are doing accordingly.

Commissioner Tobia asked if there is a tributary on this Item within 50 meters that leads directly to the Lagoon.

Ms. Rezanka responded it is self-contained; according to the engineer, there is no tributary, and it is all self-contained at the 100-year storm; if there is over 100-year storm where someone is dumping something into their lots, maybe there is an issue that it go into the drainage ditch in the front; and their concern is septic tanks are permitted by Code, they have agreed to the moratorium, five months is a long time to wait for a development order, and it is not fair to the developer.

Commissioner Barfield inquired if there would be any leakage at all from the retention outside the ditch going to the Lagoon or anywhere else.

Mr. Denninghoff asked if it is leakage as in groundwater.

Commissioner Barfield replied is there pipes, drains, or anything.

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Mr. Denninghoff responded he is not intensely familiar with the design of that system, but he is confident the groundwater would drain through the ground from the pond into the existing drainage system that prevails within North Merritt Island in Chase Hammock Road; and from there it would go to the Indian River Lagoon.

Commissioner Barfield stated they knew from the beginning that the BDP was limited to 28 houses; they knew it was septic tanks; and now they want to add 12. He went on to say he believes they should not add anymore to density unless there is sewer.

Motion by Commissioner Barfield to deny the request unless the applicant agrees to hook to sewer.

Motion dies due to lack of a second.

Commissioner Smith stated he is torn because it is a long way to the tributary; by the time the septic winds its way to the Lagoon, it would be so diluted he does not know if it could even be measured, if it ever got to that point. He asked Commissioner Barfield to reconsider; he knows it would be virtually impossible to measure; and he inquired if there was a storm and received all of that water, how much of that material could find its way undiluted all the way down to the Lagoon.

Commissioner Barfield replied exactly like it has for 40 years; he is putting his stake in the ground; if the Board does not make a stand now, it will just keep going and going like it was done with the moratorium; and it is just a time to do that. He advised the most critical thing the Board can do is make this stand.

Commissioner Isnardi stated the Board collectively decided not to address much of the sewer problems; the County is dumping hundreds of millions of gallons of raw sewage into the Lagoon; and now the Board is talking about the difference between 28 high speed septic systems that will remove 65 percent of nitrogen versus 12, which they already have the BDP for the 28. She stated Commissioner Barfield is being noble, he is doing his job by looking out for his District, but this is about 12 septic systems, 12 modified septic systems that are what the Board said is responsible for the Lagoon. She stated she thinks the Board should allow the additional 12 homes so the developer can make it more marketable; and the County needs good, affordable housing.

Commissioner Smith stated the developer has done his homework, gone beyond requirements, and this is why the Board gets paid the big bucks. He explained he supports Commissioner Barfield and the idea of him looking out for his constituents.

Commissioner Barfield pointed out he is looking out for the entire County.

Commissioner Smith noted he agrees with Commissioner Isnardi, and 12 septic systems will not be measureable over the course of 10 years or 100 years no matter how many storms.

Chair Pritchett stated she wants to like this project; she is a pro-growth person; but she is struggling to throw in more septic tanks in a wet area. She stated more money needs to be put into septic and sewer; the Board Members are passionate about this; and he or she have different opinions. She advised she cannot vote for this tonight.

There being no further comments, the Board approved the request of Grand Lake Estates for a Binding Development Plan for a change of Zoning Classification from RR-1 to SR on 40.42 acres, with a Binding Development Plan (BDP) limiting the lot size to one-half acre in size, the maximum number of lots shall be limited to 40 lots, with a minimum home size not less than

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2,300 square feet, with the advanced septic systems, on property located on the north side of Chase Hammock Road, east of North Courtenay Parkway.

RESULT:	ADOPTED [3 TO 2]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	John Tobia, Curt Smith, Kristine Isnardi
NAYS:	Rita Pritchett, Jim Barfield

The Board recessed at 8:06 p.m. and reconvened at 8:14 p.m.

ITEM IV.L., PUBLIC HEARING, RE: HORIZON TITLE COMPANY, INC. REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO PUD ON 221.51 ACRES, LOCATED AT 890 EAST HALL ROAD, MERRITT ISLAND

Chair Pritchett called for a public hearing to consider a request from Horizon Title Company, Inc. for a change of Zoning Classification from AU to PUD on 221.51 acres, for property located at 890 East Hall Road, Merritt Island.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Horizon Title Company, represented by Kim Rezanka, requesting a change of Zoning Classification from AU to PUD; the property is 221.51 acres in size, and located at 890 East Hall Road, Merritt Island; the Board tabled this Item on May 3, 2018 at the request of the applicant; and the applicant since then has submitted a revised preliminary development plan at the request of the Planning and Zoning Board.

Kim Rezanka, Law Firm of Cantwell and Goldman, presenting Horizon Title Company, Inc., stated with her is Matthew McClain, Gil Ramirez, and Joe Mayer; this is a redevelopment of the site that is formerly known as Mission Estates; what she has provided to the Board is the revised PDP for 182 lots; the first one that came before the Board was 219; and the property is 221.5 acres. She went on to say this is due north of Savannahs PUD across Hall Road next to Kars Park in North Merritt Island; the preliminary plat for Mission Estates was approved in 2005 where 81 acre lots and 221 acre parcels; these were planned for septic; and these will be on sewer. She noted some infrastructure was built but the final plat was never approved and no lots were ever sold; the property went into foreclosure, the land sat vacant, and apparently used by trespassers for fishing and hunting as learned by some of the public meetings; Horizon Title became the owner in 2012 after the foreclosure; future land use is Residential 1; and the request is for one unit to the acre. She pointed out this is a preliminary development plan for a PUD Zoning; it is currently AU zoned, there is AU to the north and a portion to the west; most of the west is zoned SR; and then PUD for the Savannahs is to the south. She continued by saying Brevard County owns the land to the west; there is a 20-acre parcel on the southwest that almost looks like an outparcel, and actually it is; it is used for tree farming and animal grazing; and it does have a small house in the middle, 160 feet from the western boundary of the subject parcel. She stated this is a new plan for development where the County has the PDP; her client desires to re-build up the land with a variety of housing types, sizes, and many amenities; the total of 182 lots are at a density of .82 houses per acre; there are 93 lots of 80x130, 22 lots of 100x150, and 67 lots of 130x50; and those 67 lots were where the townhomes used to be, because Planning and Zoning clearly stated they do not want more townhomes in North Merritt Island, and Horizon Title was willing to change the PDP based upon the recommendation of the P&Z Board. She explained this is down from the original request of 219 units, and there were 102 townhomes, so that has been reduced as well; another change to

this PDP is the road is made more curvy to stop more travelers from using it as a one-half mile racetrack; the staff report shows the PUD is consistent with the Future Land Use designation of Residential 1, and that it would maintain acceptable levels of surface under the County Code; and Gil Ramirez will testify as to the traffic counts. She noted these houses will be approximately 2,000 square feet or more, prices in the \$350,000 range; all houses will be on sewer and city water; and there is also reclaimed water available. She added a 50-foot right-of-way along Hall Road will be dedicated to the public to assist with the insufficient right-of-way that currently exists; the amenities of a cabana, pool, playground, park, tennis courts, three gazebos, and a walking sized trail near the eastern border near Kars Park; it will be gated with private streets and a sidewalk along Hall Road; and an upscale community is intended. She stated it is designed to preserve the wetlands and the trees; the development is clustered so homes will hardly be seen from Hall Road; the closest home to East Hall Road is about 160 feet, which is nearly eight times the required setback per County Code; the closest residential lot to neighbors to the north is 313 feet away; and this will be three phases with one-quarter acre lots nearest to Hall Road to be developed first, the one-third acre lots to the northern portion will be phase 2, and the smaller lots will be in the middle. She stated each phase will be platted separately and each will have the common open recreation and open space required for each phase, both active and passive. She added concerns raised by the residents are flooding, traffic, FEMA, flood zones, and wetlands; and Mr. Mayer, the engineer of record, will testify as will Gil Ramirez. She pointed out there are no school concurrency problems as have been discussed; and each home will pay \$5,096.50 per each educational impact fee for a total of \$927,563 in school impact fees for this development. She explained concerns raised as to degradation of Hall Road due to construction traffic; they contacted the County Engineer, a cash maintenance bond will be required prior to permits being issued for the project to fix all damage that may be caused on Hall Road due to construction traffic; as an information point, each home will pay \$4,353 in transportation impact fees, for a total of \$792,246 in transportation impact fees; and they are asking the Board to approve the preliminary development plan, which will bind the 221.5 acres to the phasing plans, the amenities, and the open spaces. She noted if the owner desires to make any changes, the Board must approve them if they are substantial; there are 11 criteria for the Code to review; they submitted those criteria with the comments and why they believe they make them so she does not have to repeat them all to the Board; staff has also provided comments to those 11 criteria Exhibit B in the Board's package; and County staff has said in response to A, the development is consistent with the character of development in the area. She stated in K staff states the primary single-family residential product conforms with the surrounding development; Staff Exhibit C, or staff comments to the revised PDP, they go far beyond what was given to them the first time, which were emails that said none of the departments had any concerns; what is in Exhibit C is more a kin to reviewing a site plan; they deal with asphalt, soil borings, and architects names, and all of those will be taken care of in the final development plan; and any typographical errors will be corrected as well. She advised the character of the area, the PDP is consistent with the only nearby residential neighborhood, the Savannahs PUD; that was platted at one unit to the acre, with the lot sizes anywhere from .14 acre to .29 acre; they have proposed 182 units, where the Savannahs has 288; and the 288 are only on about 98 acres because of the transfer of the Golf Course to the County, so the character of the Savannahs PUD is three to four units to the acre where this is one unit to the acre. She commented the only other PUD close to this is Sunset Lakes, which has an overall density of a little over two units to the acre, with lots as small as 1.3 acre, or 5,700 square feet; and she provided the Board previously the density chart; and she will provide that same density chart with different highlighting this time. She went on by saying again, as the Board recalls, Administrative Policy C states the compatibility is to be evaluated in relationship to the historical land use patterns, the actual development from the past three years, and the development approved in the past three years but not yet constructed; the only new actual constructed development in North Merritt Island in the past three years has been Egret's Landing, zoned at EU-2, limited to two units to the acre; and they are asking for one unit to the acre. She stated Crisafulli townhomes approved at 48 units on 12.85; the recent re-zonings from tonight; density

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in North Merritt Island is usually much more than one unit to the acre in subdivisions; this re-zoning is clearly compatible with Egret's Landing, Crisafulli Townhomes, Harvey's Groves, and Najjad, Inc., which all have been approved since 2014; and the PDP is consistent with the Comprehensive Plan Policies regarding residential lands uses, open space, higher densities to the interior portions of the PUD tract, choice in housing types, conservation of interconnected open spaces, and clustering of residential lots to preserve vegetative corridors. She noted there are over 100 acres of wetlands that would be preserved in conservation easements; all of these Comprehensive Plan Codes are in the Board's packet and are highlighted; Mr. Ramirez will speak regarding the traffic counts of the project, and traffic of the subject subdivision; and Mr. Mayer will provide more detail about the preliminary development plan, including the stormwater and drainage. She summarized by saying the PUDs objectives includes significant areas of usable open spaces for preservation of natural amenities, flexibility and design to take advantage of the natural land, variety of housing types to give buyers great choice, and sufficient use of land; the PDP has provided for all of these things; there are many new jobs coming to the area; Blue Origin has 300 coming, One Web has 250, Lockheed has 300, all to the Space Center; and new and various housing options are needed in North Brevard. She added this PDP is a viable plan for developing the property, turning an abandoned development into an attractive subdivision; and she requested approval of the PDP as presented.

Joe Mayer, Bussen-Mayer Engineering Group, stated they would serve as engineer of record for the project; for this particular project, stormwater ponds, they have about 96 acres of actual developed area; as Ms. Rezanka said, a lot of this area, or the additional area, is going to be preserved as a wetlands area; 96 acres of development, out of that they have 32 acres roughly of ponds; and with those stormwater ponds they would be meeting or exceeding all of the County's stormwater requirements per the Code. He went on to say as opposed to some of the other project the Board has considered, this parcel is not in the classic bowl being talked about in North Merritt Island; this is on the east side of that bowl, kind of on the hill next to the Space Center property; the 100-year flood elevation for this particular area is about 2.1; the elevation for the vast majority of the area that will be developing is well above that; and whatever fill they are doing they cannot impact the 2.1 flood plain elevation because they are starting out above it and working higher than that. He pointed out they will not cause impacts to the flood plain because frankly, they are substantially out of the flood plain, not 100 percent, but about 85 percent out of the flood plain and well above the established flood plain elevations. He advised he has photographs and topographic surveys if the Board would like to look at them.

Gil Ramirez, LTG, Inc., stated similar to the previous projects, they agree with staff's analysis of the impacts of the changes; they did a supplemental count on Hall Road since counts were not available; and based on that information, they know the capacity of the road is about 1,400 per day. He added the existing traffic is about 325; with the project trips, it would be right at 509, which is 30 percent of the available capacity along Hall Road; and they are showing no deference on State Road 3.

Darlene Hillers stated she feels like she can almost call the Board Members by his or her first names now. She stated she has a question for Ms. Rezanka, as she talks very fast; and she asked what is the total number of homes.

Chair Pritchett advised Ms. Hillers she must direct the questions to the Board; and she can ask, and the Board will try to get the information.

Ms. Hillers stated she went to the Planning and Zoning meeting when it was presented, and she remembers Henry Minneboo, Chairman of the P&Z Board, recommending the townhomes, and he also recommended reducing the number of homes to 110; she was pleased to hear they have removed the townhomes; but she was surprised to hear it was going to be 182 homes. She went on by saying they are concerned about the flooding on North Merritt Island; she went

to Kars Park and she spoke to a gentleman who works there, and he told her when Hurricane Irma came to town, their campground was flooded; in fact, the rain that came after the eye of the storm actually flooded their baseball field as well; but the waters did go down quickly. She stated she knows the people who live in the Savannahs experienced extreme flooding; one man told a story about canoeing down one of the streets in their subdivision because the water was so deep; and she also heard portions of the golf course were so flooded it took several months before that water finally receded. She advised she knows the developers have a plan, but a lot of people in the area are concerned with flooding. She asked if this is still a gated community; she knows in the initial plan they were saying it was going to be a gated community; and they indicated the reason for that is the people living there would be responsible for the maintenance of their own roads so it would not be a burden on the County. She noted it would be interesting to know if it is still planned. She mentioned the amount of traffic on Hall Road is one lane going in and one lane going out; they were told at the meeting it is something that can be addressed down the road; but she knows it will increase the amount of traffic on Courtenay Parkway; there is a park and ride being developed, and it will be 700 cars right next to the Barge Canal, and with the number of people going into the new developments, it will create a lot of traffic on Courtenay Parkway.

Richard Barber, Teen Missions International, stated they have the same concerns; they knew when they bought the property what the property was zoned for; they want to increase that; the flooding problems on North Merritt Island and on their property is tremendous; after Hurricane Irma they had water on their property for a better part of two months; and they are concerned about the traffic. He pointed out the amount of traffic on Hall Road has drastically been reduced from what they were originally told; he asked how that was arrived at; they reduced the number of homes from 219 to 180; but they have reduced the amount of traffic by 60 percent; and he does not quite understand how it can be reduced that much. He noted Hall Road is a two lane road with very little berm; there are people who ride bicycles and walk; there is no place for them to go; if he is going down Hall Road and there is a bicyclist on either side, he stops or the other traffic stops to let those folks continue; and those are all of the concerns the residents have.

Philip Stasik, Sunset Lakes Homeowners Association, stated they are asking the Board to vote no on this; he knows how hard it is for the Board to say no to a developer; most of the Board Members would rather chew his or her arms off; and this is one of those cases where they ask to say no to the developer. He noted the most important reason for that is the flooding; it is an issue; he asked the Board not to approve the development until the plans for at least cup-for-cup compensatory drainage in the estuary watershed environment; and this development does not provide that protection. He commented this weekend it is going to be interesting; they think there will be a tropical storm as the weekend approaches; and it will give the County a demonstration receiving a lot of rain in North Merritt Island. He stated these lucky folks who will buy these homes will all receive waterfront property, and it is something they are not looking forward to.

Mary Sphar, Turtle Coast Sierra Club, stated they oppose the proposed re-zoning to PUD for this property; they would like the zoning to remain AU, which would still allow significant development; the applicant now wants 182 units; and the North Merritt Island Board voted unanimously against it. She advised the P&Z Board also realized the zoning request would allow just too many units; and the P&Z Board wanted one unit per two acres, which would allow 110 or 111 units. She stated every unit adds impervious surface; that is where the water cannot drain into the ground; and it potentially adds to North Merritt Island problems. She advised she was taken aback to see the plans, because the developed area sends the stormwater runoff into an existing lake and stormwater lakes; the lakes discharge to a huge area of onsite wetlands on the west; from there the drainage is to the west and then south into Sykes Creek, in other words, the Indian River Lagoon; according to P&Z minutes, the applicant stated the property

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has a wetlands actuary; there is over 130 acres of wetlands and they do drain, and that is where the water will go; it is not draining directly into the Indian River Lagoon; and that sure must be a lot of water. She stated while it may be legally correct to say that 130 acres of wetlands and lakes do not drain directly into the Indian River Lagoon, the water simply needs to flow to the west and then to the south, and it will get to the Indian River Lagoon at Sykes Creek; and all of this means that the health of the Indian River Lagoon must be considered in evaluating this application for increased density. She added the Indian River Lagoon does not need any more stress than it already has; for the developed portion of the project, the water table is about one foot below what the developer said; that is a shallow water table; they said they will be building that ground up significantly four to six feet above where it is now; and the applicant said they can take care of their own water. She stated personally she would be worried about this. She closed by saying the Turtle Coast Sierra Club would like the Board to deny this re-zoning request; and she stated the North Merritt Island and Indian River Lagoon do not need more problems than they already have.

Chris Minerva asked what the feasibility is of a stormwater drainage system for North Merritt Island to have the drainage taken away from North Merritt Island; and he stated this would not be an issue. He stated he does not know what the capacity, but there is not much; he does not know what can be done about that; a stormwater drainage system is a positive motion to eradicate the problem; and he asked how far away from the Banana River is this property. He stated North Merritt Island is very low, and it is between the two rivers that represent a giant portion of the Indian River Lagoon; the comparison with the people with existing homes in the area that are of similar size is unjust because they have grandfather rights because they were there first; it does not mean more should be put there; and he expressed his appreciation to the Board for listening.

Ms. Rezanka reminded the Board by saying this will be on sewer; the location to the Indian River Lagoon is not as important as in the last Item discussed; this is going to be a gated community; and they will build and maintain the roads. She stated her client did not buy this property, they received it back in foreclosure as a mortgage holder; Mr. Mayer has stated that most of this property is above the flood plain; the wetland estuary will be preserved as required by Code; and it will be a conservation easement. She stated the applicant will take care of his own water; the County Code requires it; the engineer of record said he will do that; and it will be maintained and there is additional stormwater capacity on this property based on the 32 acres of ponds. She asked the Board approve the PUD as presented.

Commissioner Smith asked what is in the existing wetland.

Mr. Mayer replied most of the wetlands are dominated by Brazilian Pepper Trees at this point; there are some better quality wetlands here and there; but the majority is Brazilian Pepper Trees.

Commissioner Barfield stated he appreciates working with Ms. Rezanka and Mr. Mayer on taking care of many things he was interested in; he likes the stormwater retention; this is what a PUD should be; it has green space, stormwater retention, and is across from the Savannahs; and he thinks it enhances the area. He stated it meets the spirit of a PUD offering different sized homes, all of the amenities, and open spaces; if they had not taken the townhomes out, he would have an issue with the compatibility; and it meets the intent of a PUD.

Commissioner Isnardi stated this is a great plan, and she likes the way the roads were done; and it is responsible development. She went on by saying Mr. Stasik is one of the most polite people she has ever disagreed with in any forum; and she enjoys the dialogue. She stated she does not know the developer; it is harder to say yes to the developer because in North Merritt Island especially, people do not want any development, especially if it is in a persons backyard;

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and she and the other Board Members look at everything in researching Items to make sure they are compatible.

Chair Pritchett advised she appreciates the extra stormwater capacity, and just the work put into making this an easy project to vote for.

There being no further comments, the Board approved request of Horizon Title Company, Inc. for a change of Zoning Classification from AU to PUD, and approval of Preliminary Development Plan (PDP), consisting of 182 single-family home lots, including those with 100' x 150', 80' x 130', and 50' x 130' lot size dimensions and various amenities, on property located at 890 East Hall Road, Merritt Island.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.M., PUBLIC HEARING, RE: MARTIN POOLS & SPAS - PUBLIC INTEREST DETERMINATION FOR WETLAND IMPACTS FOR COMMERCIAL DEVELOPMENT

Chair Pritchett called for a public hearing to consider a Public Interest Determination for wetland impacts for the business offices of Martin Pools, in accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b.

Darcie McGee, Natural Resources Management Office, stated Martin Pools is requesting a public interest determination to impact some wetlands on U.S. Highway 1 of their commercial facility, their business offices; they proposed to impact 93 square feet of wetlands on the western parameter of the onsite wetland; the applicants environmental consultant Andy Conklin completed the County's wetland assessment methodology to determine if it was high functioning or landscape level wetland; and the wetland was determined to be a landscape level due to its eventual connection to the Indian River Lagoon. She went on to say the projects design minimizes wetland impacts by locating all of their development as far west as they can and meet the County criteria; they are providing no net loss mitigation; and they will be getting their St. Johns River Water Management District and Army Corps of Engineers permits as well.

Commissioner Smith stated they jumped through an awful lot of hoops and made a lot of environmental people happy; and he thinks this is good to go.

There being no further comments, the Board considered wetland impacts for the business offices of Martin Pools to be in the Public Interest; and this action only addresses the wetland components of the development and does not convey any approvals or assurances with regard to site plan approval or building permits.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

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ITEM VI.B.1., DISCUSSION AND APPROVAL, RE: FY 18-19 COMMUNITY BASED ORGANIZATIONS (CBO) FUNDING CATEGORIES, PROCESS, RFP, AND COMMITMENT OF FUNDS

Ian Golden, Housing and Human Services Director, stated the Item before the Board is regarding the Community Based Organization (CBO) funding process; they are bringing this Item back to the Board because when the contracts from the current years process came before it at the end of October, beginning of November, it was clear to staff there was input needed from the Board before moving forward with the next Request for Proposals (RFP) process; and they have four actions they are asking the Board to move on. He went on to say the first one has to do with the actual Priorities section itself; the Board has a list of what the funding categories are currently in the RFP; and then a list of three options for the Board. He noted the first one is to give, based upon the discussion of the Board the last time this was brought to it, 25 bonus of preference points for any applicant that proposes to serve basic needs being, feeding, shelter, and those types of things; the second option would be no change; the third option is then obviously any other direction given by the Board; and that is the first Item staff is requesting input from the Board on.

Commissioner Isnardi stated in order to take some of the subjectivity out of choosing and pitting different agencies against one another, Option 1 should be the choice; it takes a lot of drama out of it by just addressing basic needs, food, shelter, and that sort of thing; and she advised that would be her suggestion.

Chair Pritchett asked if that is prioritization; and does Commissioner Isnardi have an option for the Process.

Commissioner Isnardi responded ideally she would like to be the one who reviews it, but it could be arduous; it would depend on what the priority is; if the Board went with Basic Needs she does not think the number of agencies would be as many; the Board could hear from those agencies to decide how to distribute or allocate those funds; but if it goes with an open process, there will be a lot of agencies coming forward; and she is not sure if the Board wants to be involved with that.

Mr. Golden stated he was taking the four actions separately, but Process is the next item they were going to look at for direction from the Board; there are four options under that; the first option is to leave it the same; the second option would be designating another group to do that review; the third option would be the Commissioners doing it; and the fourth option would be any other direction as given by the Board. He explained they were hoping to get direction on the priorities areas as to whether the Board wants to go with an option, get closure on that, and then move to process.

Commissioner Tobia stated some of these may be mutually exclusive, a decision may not be made on one as opposed to going to Option 3 on Process, that would be the Board reviews; and that could be up to every Board Member how he or she decided to prioritize. He stated he would not want to handcuff the Board's decision by going with prioritizing basic needs and then leaving it up to the Board to make the determination; and he would see if the Board did go with Option 3 on the Process, it would leave it up to each Commissioner to decide his or her own prioritization.

Commissioner Barfield stated he likes going with the basic needs, food and shelter, but he is not sure if it is called healthcare; that picks up the elderly and children.

Chair Pritchett stated it will be her priorities, elderly and children, as well.

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Mr. Golden asked if the Board wants to define Basic Needs as feeding, sheltering, and health services.

Commissioner Barfield replied affirmatively.

Commissioner Smith stated he likes the basic needs idea.

Commissioner Isnardi inquired exactly what Commissioner Barfield means by healthcare, because there is mental health and physical health.

Commissioner Barfield advised mental health is included in that; the reason he says just healthcare is because Medicaid and Medicare picks up a lot; sometimes with the children there are gaps; and there are gaps in it.

Commissioner Isnardi stated the only concern she would have, and she agrees, but she thinks either physical or mental; talking about healthcare, especially under that mental component, it may get into one of those other categories the Board used to cover, counseling and such.

Mr. Golden stated Option 1 was actually to continue those funding categories but to give bonus points for anyone who met the definition of 'Basic Needs'; and he stated hearing the Board's discussion that it would like to do away with those other funding categories and just have basic needs as the funding category.

Commissioners Isnardi and Barfield replied affirmatively.

Mr. Golden advised that would actually fall under Option 3.

The Board approved Option 3, Prioritization, for basic needs to include food, shelter, and healthcare.

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

Mr. Golden pointed out the second request staff has for direction has to do with the Process itself; this is review of the applications that will be coming in; the first option is no change, the Community Action Board will continue to review CBO applications and make funding recommendation to the Board per Resolution No. 02-82; the second option is where the Board designates another group, whether new or existing, to review the applications and bring them back to the Board; the next option is where the Board itself review the applications; and four is another option as defined by the Board.

Commissioner Smith stated he personally would prefer Option 1; these are the folks who have been doing it; they understand and know the people who have been applying; and he would give them the first nod.

Chair Pritchett agreed with Commissioner Smith; she stated it will take a lot of work and time; and the Board does not have the time to do it. She noted it will take a lot of work for people to interview everyone, listen to the pleas, and go through all of the paperwork.

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Commissioner Barfield stated he would like to see the Criteria portion brought back to the Board; with Aging Matters, there is a lot of emotion; he would like to see a separate category; he knows the County does a return on investment, he hates that term in this case; but when talking about Meals on Wheels, how many they keep out of going into extended healthcare by visiting them and providing a meal; and each one of those is over \$110,000 a year that would go under Medicaid, which is a savings. He stated he would like to see more emphasis on that where it is carried out more often. He pointed out it is saving the taxpayers money, that does not make it a charity; it makes it something done well for the community.

Mr. Golden stated he is hearing Commissioner Barfield say he would like to see the section of the RFP that speaks to the leveraging of funds, the enhanced, so there is more definition and description of that from the agencies when they submit.

Commissioner Barfield advised he would be happy to sit down and lay out criteria for that.

Frank Abbate, County Manager, asked if that would be leveraging of funds in terms of dollars or the return on the investment for what is being put in there as well.

Commissioner Barfield responded it would have to be walked through as well.

Chair Pritchett inquired if Commissioner Barfield is still fine with the CBO going through the applications.

Commissioner Barfield replied yes.

Jim Liesenfelt, Assistant County Manager, commented they can adjust the RFP to make sure some kind of form or something along that line is done to make it easier for the Board to see the benefits and the leveraging.

Mr. Golden noted the next portion after the Process was to talk about the RFP.

Becky Lemstrom, Women's Center, stated they have offices in Melbourne, Titusville, safe housing in Palm Bay and Melbourne, and emergency safe houses in West Melbourne and Titusville; they have been lucky recipients of CBO funding for several years; and she wanted to express her appreciation to the Board for its continued cooperation. She wants to give the Housing and Human Services staff a shout out; they have done great RFPs; it is one of the more rigorous ones she does; and she wants to make sure the Board is aware of that, and everyone in the County should be proud of staff.

The Board approved Option 1 for the Process, for no change, the Community Action Board will continue to review CBO applications and make funding recommendations to the Board per Resolution.

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

Mr. Golden stated the third action staff is asking is for approval of the RFP to incorporate the changes the Board just made; the Board has a draft RFP in the Agenda Item itself; staff will

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make the change to remove the existing funding categories, switch them to those basic needs, adjust the score sheet appropriately, and then incorporate additional questions and direction and focus onto the leveraging portion; and with the Board's permission, they will get with Commissioner Barfield to get more focused questions for that area.

The Board approved the Request for Proposal (RFP) to incorporate the changes the Board made to remove the existing funding categories, switch them to those basic needs, adjust the score sheet appropriately, incorporate additional questions, direction, and focus onto the leveraging portion, and staff to work with Commissioner Barfield to get more focused questions for that area.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

Mr. Golden advised the Board the final action staff is asking for, part of the reflection of the effort that goes into this as part of the Agenda Item is the draft timeline so the Board can see the amount of effort the CAB puts into review, and the agencies themselves, is commitment of \$306,120 for next Fiscal Year.

Commissioner Isnardi stated she did not support funding these before, because she would have liked the Board to have gotten away from the charity business, so she will be in opposition, although she understands and respects the Board's decision.

The Board approved committing the funds for Fiscal Year 18-19 to the Community Based Organization.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Rita Pritchett, Jim Barfield, Curt Smith
NAYS:	John Tobia, Kristine Isnardi

REPORTS, RE: COMMISSIONER JIM BARFIELD, DISTRICT 2

Commissioner Barfield expressed his appreciation for its indulgence Tuesday; he was feeling terrible; and the Board got him through it.

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Upon consensus of the Board, the meeting adjourned at 9:11 p.m.

ATTEST:



Scott Ellis
SCOTT ELLIS, CLERK

Rita Pritchett
RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board 7-10-18.