

IV.E

ITEM IV.E., NAJJAD – OCTOBER 5, 2017, ZONING MEETING

Ragain: Okay. The next Item IV.E. is a request by Noel Droor for a change of zoning from SEU to EU-2, with a Binding Development Plan limiting the development to a maximum of 40 homes on 26.11 acres. It's located on the North side of Smith Road just east of North Courtenay Parkway, North Merritt Island, and the Planning and Zoning board both recommended approval of the request. No. I'm sorry, denial. I got the wrong one. Also, we have had 48 letters of objection as of 4:15 this afternoon, a petition with 490 signatures against, and three letters in support.

Pritchett: I want to state also that I have spoken to Mr. Droor and I did send in a letter for public record stating who I spoke to on these Items.

Isnardi: I did as well. That was awhile back. I believe a couple of months ago?

Barfield: And I also spoke with him.

Tobia: I'm on the record that I spoke with you as well.

Pritchett: All right, Mr. Droor.

Smith: And Commissioner Smith spoke to him three or four months ago.

Pritchett: Thank you, Sir.

Pritchett: Mr. Droor, you have the floor, Sir.

Droor: Good evening Madam Chair and Commissioners, my name is Noel Droor. I'm here on behalf of NAJJAD, Inc. My address is 580 N. Wickham Road, Melbourne 32935. First of all I would like to thank all of the Commissioners for their time in meeting with me. I guess with Commissioner Pritchett for meeting more than once and guiding me. I've been a resident of Brevard County since 1975 and I owned and operated a small family business here in town since 1995. NAJJAD is a family-owned company, which drives the namesake. (NAJJAD) is an acronym which presents each of my members of my family name, Noel And Jonathan, Jason are my sons, and Darlene, my wife. Since I purchased the subject parcel in January 2005 it has always been my intention to develop this parcel into something that would be an asset to the community, as my legacy and source of pride for my wife, my sons, and just recently my two grandsons. As the market continues to evolve, as a result of the financial crisis under section we are experiencing since 2008, we have just that our proposed density to be more consistent with the surrounding land use, and the reality of today's real estate market. The proposed scope of development for this project is intended to be a low density, up-scale single-family residential development. The project will feature all up-scale amenities that add value to the community, including large lots, underground utilities services, side walk, curb and gutter, and paver driveways. The proposed density of this project is one and a half unit an acre, which is consistent with the density of the parcel located along the northern project boundary, unapproved by the County Commission in 2016. The density is also far less than the Crisafulli Enterprise Project, located two miles north of proposed parcel, which was approved by the County Commission on the last Zoning meeting in 2017, August of 2017. The request of Zoning is consistent with the historical land use pattern. The requested density is also equivalent to or lower than, more than it does in other communities approximately one-mile of the property, such as Palmetto, Sea Gate, Sea Gate West, River Isle, Sunset Groves, River

Oaks, and Sunset Lakes. The proposed density is also consistent with the Comprehensive Plan, existing zoning to the north is EU-2, to the west is Institutional, and to the south on Smith Road is a planned industrial park proposed to use zoning as a transitional zoning from EU-2 to the north, to existing zoning along Smith Road, proposed parcel, sorry. This project will result in a substantial benefit to the community each of the homes is estimated to be valued at approximately \$500,000 each which is significantly increases the neighboring property values. This will also increase County revenue, as the additional units will increase in the tax-base by estimated \$20 million. Each unit will also require the developer to pay County Impact Fees at approximately \$15,000 per unit, a total of \$600,000 to be paid to various County agencies. The development should have no negative impacts to establish residential neighborhoods. To the side will be a large retention pond on the nearest home is approximately 300 feet through the thick, dense woods. Older development in North Merritt Island area historically have had the drainage issues and these areas are drained with pumps during and after heavy storms, however, the proposed parcel is currently draining to the east through the Barge Canal via Sykes Creek, and will continued to do so after development. The proposed development does not aggravate the drainage problem on surrounding properties and will likely, elevate off-site drainage of runoff. The drainage from proposed development should not be an issue, since the County has a Code that sets the standards for all new development to follow, to insure the new development does not aggravate its drainage issue. Majority of the areas having drainage issues currently are older developments and have not followed Brevard County and St. Johns River Water Management rules. Newer developments tend to not have drainage issues, not to mention that based on my conversation with Mr. Mark Crabtree with Brevard County Central Maintenance Division, the only major issue that the surrounding area had was road washing due to their road which is part of a dirt road to the northern property line of the access parcel would be paved. So, it should elevate some other washout problem. The proposed development doesn't avoid any impact to the existing developments with proper buffers. The current traffic volume for the North Courtenay Parkway is 35 percent of the maximum acceptable volume and there are no unknown traffic issues for this area. I understand that there are some people here this evening that are prepared to speak in opposition of this request. Although development is often unpopular in the community, it is important to meet that this one be done right, without cutting corners, or taking shortcuts. It has and that has always been my intention, to be an asset to the Merritt Island community, and to the surrounding neighbors. I have reached out to the immediate neighbors on several locations and I am proud to say that we have come together and worked as a team to start with some development guidelines above and beyond the Brevard County Code through (unclear), and for this community. This guidelines including re-configuration of the site, such as a proposed retention pond is located along the southern boundary, providing additional buffers to the existing homes. Proposed layout also includes a landscape berm along the entrance. Initially, the Zoning request was for EU-2 zoning classification, which will allow a minimum of 9,000 square foot per lot. I have subsequently amended my request to ask for a less intense zoning classification EU which requires a minimum of 15,000 square feet per lot. This was done in order to alleviate the local residents' concerns regarding the ability to modify the Binding Development Plan at a later date, so limited development to a density we could all agree on. Working together as a Team with a, we have been able to establish a development plan which has been submitted to the Brevard County, and will be included in the conditions of approval for this development as a binding development plan. As it is also our willingness to work together and make accommodations to enhance this development. I have received signed statements from three out of the five resident adjacent property owners to support this development. Although these concessions will ultimately be more costly, but I think it will be worked additional time on effort to add value to community, and be a good neighbor. For the remainder of people who have elected to come and speak against this development, I think that is important to

consider, that most of them do not live anywhere close to this proposed development, many living several miles away. It is my hope that these residents take the time to consider our effort to work with the community, to provide something that we can all be proud of. In closing, I'm requesting that the Board of County Commissioners consider and approve my re-zoning request to an EU classification, with a Binding Development Plan to maximum number of lots to 40 lots. As the owner, I've taken several steps to revise the development program above/beyond the Brevard County minimum to add features that will benefit thy neighbors, and incorporate their property values. And I am happy to say it that I have received support from some of the residents. The development is consistent with the Comprehensive Plan. It's consistent with the neighboring density and land use, and will meet all of Brevard County roads, drainage, water, sewer, any environmental requirements for development. The proposed rezoning request will also maintain acceptable level of service on local roads and is consistent with the Future Land Use and the Comprehensive Plan. For this parcel, lastly, the proposed zoning will be consistent with administrative policies in the Future Land Use element which establishes the expertise of Brevard County staff who have approved and supported this project with regards to zoning and land use issues, and criteria for considering increased zoning. I hope it will. It will be our community. I hope that you will see the project as the asset it will be to our community and will grant approval for the rezoning request. Thank you for your time and consideration, and I'd be glad to answer any questions you may have. Thank you.

Pritchett: Okay. We, we have 20 cards for this Item and we have 40 cards all together tonight, so I'm going to call you up, and if you would get ready to come up one after the other. And perhaps if somebody spoken some things that you already agree with, you could say you agree with that speaker maybe to help keep our time a little bit more efficient tonight, but Tamy Dabu, if you would come up first, and John Schantzen if you would get ready to come up next, that would be great. Ma'am if you'd state your name and address for the record.

Dabu: Good evening, Commissioners and staff. My name is Tamy Dabu. My address is 170 Grant Road, Merritt Island, Florida. I am physically located less than a half a mile from Mr. Droor's proposed site, so I am in the immediate vicinity, and have been a resident here for over a decade. I wanted to briefly mention that my background has/is previously for decades working for the Florida Department of Environmental Protection, and in addition to that with the U.S. Army Core of Engineers. My specialty is in wetland delineation, threatened and endangered species, looking at drainage, and so forth. So, I am quite familiar having worked with these two agencies for an excess of 25 years, with the importance of proper zoning, and proper use of land. I personally don't oppose any one doing anything on their land with the right zoning, in the right location. Unfortunately, tonight, Mr. Droor, I don't support you with what you're proposing to do because it's not conducive to what our forefathers thought from the get-go. When we put zoning and Comprehensive Plans together way back when, we did it for a reason. We looked at the land, we looked at the soil, we looked at hydrology, and we looked at what is the proper land use. Proper land use for this particular parcel, with the amount of wetlands that are on there, and the drainage problems that we all have in this area is not conducive to reduce that zoning to allow more residential use. It's not the right place, at the right location. You can't compare this location to the Crisafulli's that we recently approved. They're entirely different parcels. The shoe doesn't fit in this particular spot. It was okay for Crisafulli just like it was okay for Gaich Development. In this particular location the amount of wetlands, the amount of flooding that the system is already inundated on a regular basis on a good portion of the property, and due to other incidences. For instance traffic at Grant, Smith Road, and Courtenay because Grant goes to the west, Smith goes to the east, and Courtenay north/south that intersection has numerous accidents on it. Unfortunately, there is not an arrow for cars that are going southbound to turn east onto Smith. And so, there are accidents at this

intersection. There is no right turn lane for folks to turn going northbound on Courtenay to turn eastbound to Smith. Increasing traffic on this, these roadways will increase accidents, and cause harm to our public health and safety. So, I am here before you as a resident that cares about our environment, that cares about our public health and safety, and I am pushing, or encouraging you to take a strong look at all of our public health, safety, and welfare. That's what you're here to do and not approve this request.

Pritchett: Thank you, ma'am. Mr. Schantzen and Jack Kirshenbaum.

Barfield: Kirshenbaum.

Pritchett: Thank you. What happened to old names like Smith and Jones? Thank you, Sir.

Schantzen: Good evening. Good evening Commissioners. Thank you for this opportunity. I am John Schantzen. I live at 7105 Briar Oak Drive, North Merritt Island, and I've lived there since 1980. Recently, you published the Annual Report 2016 Year in Review, and it says backed by half cent sales tax approved by the voters this past fall to save our Indian River Lagoon. The initiative will invest an estimated \$340 million to clean up the Lagoon, and we spent another \$1.7 million on flood pumps on Pine Island Road to take care of flooding north of East Crisafulli; and of course, we are proposing to spend more flood pump money to the Mosquito Impound, which is directly adjacent to this property, to prevent flooding, which we've all experienced since Irma, even before Irma. As a matter of fact, Pine Island Road is still flooded, but that is countering what you are spending here out of our sales tax initiative, because when the flood pumps kick in, it goes right to the river, and everything that's in those canals, and everything in that swamp land, or in the farm land, goes directly into the river. So, it's counterproductive. The FEMA flood map for North Merritt Island shows that this property has both the flood plain, AE, and X, and better than half of it is either AE or the floodplain. Every square inch of driveway, of road pavement, of roof or house slab is one square inch that is impervious to water. It runs off to the adjacent land, and then that land is required to absorb that water, which was absorbed by that house plan. It continued to increase the density on North Merritt Island, which is nothing but a bowl, a floodplain in much of it, and it is a barrier island. We're going to look like Houston before we know it. Thank you.

Pritchett. Thank you, sir. Mr. Kirschenbaum.

Kirschenbaum: Kirschenbaum.

Pritchett: Thank you so much. Steve Semonich, you're going to be next sir.

Kirschenbaum: Madam Chairman, Board of Commissioners, my name is Jack Kirschenbaum, I'm a lawyer with Gray, Robinson. I live in Cocoa Beach, and my office is in Melbourne. As you know, there was a Binding Development Plan that was entered into on March 10th of 2005, and that Binding Development Plan allowed the applicant to have 18 one-acre lots; and what you'll hear I think from the testimony of my clients, Mr. and Mrs. McMillin, and our expert planner, Mr. Steve Semonich of Rahenkamp Design, is that this application is an attempt to squeeze 40 stuffs into an 18-pound bag. This is not an appropriate application for this particular property. A land owner seeking to re-zone property has the burden of proving that the proposal is consistent with the Comprehensive Plan and complies with all procedural requirements of the Zoning Ordinance, that's your famous Snyder case, and your counsel sitting up there with you is very familiar with that case; and the burden of proof lies with the applicant by providing to you substantial, competent evidence that this is an appropriate re-zoning. I

submit to you that which you've heard fails to meet that burden, and I submit that nothing else you hear this evening will assist in meeting that burden. What one wants to do with one's property is not unrestricted. A balance is met by the law, by your Comprehensive Land Use Plan, and by the Zoning Ordinances, and the burden, as I said, falls with the applicant to achieve this balance. My clients will present evidence themselves, and so will our planner, that this is neither a consistent nor a compatible use with your Comprehensive Plan. I am not an expert planner, and I have to tell these things to juries all of the time, what I say is not evidence, but what Mr. Semonich will present to you is indeed evidence based upon his expertise. The second point I want to make to you is you as you know are not the first public body or public board to review this application. You have two advisory boards that have met, held public hearings heard testimony, taken evidence, heard from your staff, and each of those boards recommended denial unanimously. There was not one vote on either board to approve this application. I think that says volumes about this application. Next, one thing that citizens want and deserve and land owners expect is consistency and certainty from government. A Binding Development Plan is intended to be just that, and here we are just a few years later unbinding the Binding Development Plan sought by the applicant. As I say, we're trying to take 40 units and squeeze them into an 18-unit bag. The ingress and egress is a huge issue in this particular case. You've seen your staff report, all of the ingress and egress from this proposed development will be on a skinny lot that goes to the south and then west on Smith Road, and you've heard the testimony of residents already out there as to the problems that exist and what additional problems will be created. And lastly, maybe most important, this project if approved would significantly change the neighborhood. It would significantly change the lifestyle of the residents on Smith Road and particularly my clients, and as the Snyder Case says, even if the burden was met by the applicant, which is hasn't been, then it shifts to the government, and the burden would shift to the governmental board to demonstrate that maintaining the existing Zoning Classification . . .

Pritchett: Sir, you have 10 seconds.

Kirschenbaum: . . . thank you . . . with respect to the property, accomplishes a legitimate public interest. If he met the burden, then it shifts to you to demonstrate a public interest, and my clients' property and neighborhood is just that. The application ought to be denied.

Pritchett: Thank you, sir. Mr. Semonich. Ken Smith, you'll be next.

Semonich: Good evening, Steve Semonich, 2816 South MacDill Avenue, Tampa, Florida 33629. I was retained by Mr. McMillin and Mr. Kirschenbaum to provide my professional assessment of this re-zoning. My expertise is in the field of land planning, I'm an expert witness in court, and I testify on behalf of property owners in trials to determine highest and best use of properties. In addition, I've worked for 13 years with the land planning firm of Rahenkamp Design Group on dealing with projects over 500 acres, 500 unit subdivisions, commercial, industrial, and you name it. So, my assessment of this property is one of, you know obviously I'm an advocate for my client, but it's one of, kind of mediocre nature in general planning. So, let me kind of go over a couple of things that, that I find to be a little troubling with this application. One of the concerns that I have is that the application before you prior to the amendment is previously an EU-2 Zoning, and as the applicant indicated that was 9,000 square foot lots; and he had just testified that, I guess that it's going now a burden on him that he is going to re-zone it to EU, which now has a 15,000 square foot lot requirement. I'd like to remind the Board that, that is not the case. His previous application was binded by a 15,000 square foot lot minimum, and with 40 lots, so he's still getting 40 lots and he's still getting 15,000 square foot lot sizes. So, I don't see any concession on the applicant's part in regards to that.

In accordance with Section 62-1255 of the Land Development Code, the Code actually deems this property to be inconsistent of this EU Zoning, inconsistent; and obviously, per the staff's report, it stated that the Board would be allowed to address if there was a substantial decrease in density. So, even the County's Code itself recognizes that the EU, EU-1, and EU-2 Zoning is inconsistent with the Residential 2 Future Land Use, and there's a reason for that; and obviously there's ways to get around that, which I believe the applicant is trying to do today, but I don't believe that there is enough concession on the applicant's part to meet that criteria. The applicant's requesting 40 lots, he currently has an approval for 18. Something around the lines of 25 to 30 would be a little bit more consistent as a transitional use from the northern adjacent property to the properties to the south, which are two and a half acres. Just because the property to the north was re-zoned with EU-2 does not necessarily make this property owners property EU-2 as well. One of the other concerns is that the transition from the EU-2 to my clients property, I don't think EU is enough either. I mean, it's really the density, it's not the lot size. It's the amount of trips that are put on Smith Road, not necessarily Courtenay Parkway, and I believe the staff reports application indicated, you know, what the trips would be on Courtenay Parkway, but there wasn't anything in there for Smith Road. I mean, there's going to be 40 cars at minimum going in and out of there on a daily basis, and I won't testify on that and I'm not a traffic engineer, but, I mean, I do know that if there's a home there's generally a vehicle, and there's people that go to work in the morning and they go home in the evening. So, that's a substantial increase in that road, which is by fact a shell road, it's not even a paved road, and I know the applicant has indicated that he would pave a portion of that road, but I just don't believe that, that is within the character of that neighborhood; and the Policies to the Comprehensive Plan, Policy 3C and 4C, which talk about the compatibility and character of the neighborhood, I don't believe the applicant has met.

Pritchett: Sir, you have less than 30 seconds.

Semonich: The Policy 3C indicates that historical land use patterns, actually development over the immediate preceding three years, and development approved through the past three years but not yet constructed. I don't believe that, that historical pattern is there to justify that this applicant should get a re-zoning for 40 lots. Thank you.

Pritchett: Thank you, sir. Certainly.

Tobia: Thank you. You're holding yourself out as an expert. I'm just looking you up. Is it correct to say you're a landscape architect?

Semonich: It is not, I went to school and I graduated from University with Florida with a degree in Landscape Architecture.

Tobia: Okay so, what degrees do you have after Landscape Architecture?

Semonich: That is it.

Tobia: Okay, so, and according to *Wikipedia* Landscape Architecture is the art and practice of designing the outdoor environment, especially designing parks and gardens. Is that correct?

Semonich: That's correct.

Tobia: Thank you.

Pritchett: Ms. Smith. The next name is Earl McMillin, and then Nancy McMillin, you'll be next. Ms. Smith, if you'll give your name and address again.

Smith: Yes, my name is Kim Smith. I live at 5390 Judson Road, Merritt Island, Florida. I have a letter here that was sent to residents of North Merritt Island from Randall Holcombe who is a DeVoe Moore Professor of Economics. He, I'm going to read it to you, it has some fantastic information. He did not accept a fee for this consultation, because as he explains at the end of the letter, he, there's information in here . . . he'll want you guys to know about this, too. He wrote that, "The accepted wisdom on this among academic economists, which is residential vice commercial development, is that taxes levied by residential development do not cover the costs of providing government services to the development. So, costs are shifted to existing taxpayers. Higher density development pays a lower share of its infrastructure and service costs. In contrast, taxes on commercial development more than pay for the services associated with it. The common sense behind this is that residential development brings with it demands for schools to educate children who live there, police and fire services, and infrastructure associated with development. Meanwhile, property taxes on commercial development are in general higher than for residential development. Multifamily development tends to impose the highest fiscal costs on a municipality, because more residents live in multifamily residences relative to taxes paid. Communities interested in maintaining their fiscal health do best by encouraging commercial development and do worst by encouraging multifamily development. Academic studies on this subject are relatively rare because the conventional wisdom on the issue is generally accepted. Some examples of past studies can give you an idea of the conclusions those who have studied the issue have drawn. Eban v. Fodor, quoted in *The Real Cost of Growth in Oregon, population and environment*, 18, No. 4 (March 1977) at page 373 says, about residential development, "most of these public infrastructure costs are distributed across the entire population of a community through property taxes or general obligation bonds, whereas the benefits of these investments accrue primarily to the new development." Jeffrey H. Dorfman, Professor at the University of Georgia, *The Fiscal Impacts of Land Uses on Local Government* (April 2006) says, "While commercial and industrial development can indeed improve the financial well-being of a local government, residential development worsens it." He goes on to say, "The cost of providing services exceeds the revenue generated by the new houses in every case studied." The conclusion that residential development has a negative fiscal impact on municipal governments whereas commercial development has a positive impact makes sense when you consider that (1) property taxes tend to be higher on commercial development, and (2) that government services are provided to residents, so more residents means higher costs. Because multifamily residences tend to have more people living in them relative to the value of the residence, multifamily has the greatest negative fiscal impact. In short the higher the density of residences per acre, the greater the potential negative fiscal impact." He stated, this is Professor Holcombe, he has taught public finance courses at Florida State University for 29 years and he is interested in these development issues over that period, not only because of his teaching but because of Florida's experiences with growth management programs going back to the *Growth Management Act of 1985*. And this is a notarized copy of what he sent them, and you folks have got copies of that. Thank you, very much.

Pritchett: Thank you, ma'am.

Isnardi: I have a question.

Tobia: I do as well.

Pritchett: Commissioner Isnardi.

Isnardi: I'm sorry, I don't know if you, you had your light first. Now is this your testimony that you agree with this letter or is this because . . .

Smith: I'm reading this letter into the record, and reading it to you folks, because it blew me away how much these folks were saying.

Isnardi: Well, the reason why I asked is cause everybody that speaks is supposed to provide testimony either, you know, showing that this is a good project because of 'x' and your evidence, or 'y' and your evidence; and this is written by somebody else, it's why I'm asking, just for the record if this is your position that, because his position is basically that he doesn't believe that residential development has a positive impact as opposed to commercial. So, if your position is that you prefer commercial development, that you do or don't like residential, I would just like to know your position for the record.

Smith: His conclusion, and what was amazing, the evidence that he presented to us was that, it's the next to the last paragraph in the letter, the higher the density of residences per acre, the greater the potential negative fiscal impact.

Isnardi: And I agree, and I appreciate your reading that into the record, but he's not here to testify, and you . . .

Smith: And that's why there's this notarized copy that I have here, and you folks have a copy of that.

Isnardi: But this is a letter, this is a letter to somebody else that's either going to speak or a representative, or someone else that has a position. So, again, I just ask that if, if you're reading this on behalf of somebody else, you can't testify on behalf of somebody else.

Smith: Oh, I agree, I agree with what he said.

Isnardi: Okay, that's all I needed.

Smith: Okay.

Isnardi: Thank you.

Smith: So sorry about that.

Isnardi: That's okay.

Pritchett: Commissioner Tobia.

Tobia: Thank you. Ma'am, was, was just one quick question, was Dr. Holcombe aware of this property when he composed this letter?

Smith: That I'm not sure of. I would say yes, he is. Yes, it was researched. Yes, we were researching whether this would be a good thing or not, and so he was contacted and this was his opinion.

Tobia: So, do you find it kind of unusual that a renowned economist doesn't site the specific property in his analysis, on top of that he mentions as something it looks like a Georgia land use study in here? The reality of the way that revenue is derived from taxable value is different in the State of Georgia than it is in Florida, quite different. Property taxes are different. Georgia has a state income tax, Florida does not. Do you find it's a little bit unusual, again, that, that the very, you know, subject property that you're adamantly opposed to is not mentioned in the strong research that you bring forward?

Smith: It's, municipalities and governments are, are, have general sameness throughout the country and . . .

Tobia: I would just, as a government instructor, I would disagree with on that.

Smith: Okay, he has been teaching these public finance courses at Florida State University, so he's familiar with Florida.

Tobia: Again, again, he did not mention that in that, and I just want to, and I read it just now, this is the first time I saw it. I wanted to be correct. The subject property is not listed in this that is correct?

Smith: It is not stated . . .

Tobia: Thank you.

Smith: . . . in this opinion.

Tobia: Thank you.

Pritchett: Mr. McMillin, Ms. McMillin if you'd get ready to come up also.

McMillin: The letter's addressed to me, and I met with Professor Holcombe . . .

Pritchett: Sir, if you'd come to the mike and state your name and address for the record.

McMillin: Yeah, my name's Earl McMillin, and I live at 150 Smith Road; and if you have any questions about the letter, I can address them. I met with Professor Holcombe, showed him maps of the property, explained to him what the project was, et cetera, and the bottom line is that every study, whether from Georgia, Pennsylvania, California, Indiana, you name it, none show that residential property generates enough tax income to cover the cost that governments incur. So, this is an expert opinion we're offering for your consideration. Twelve people who know much more about zoning than I ever will, said no to this application. Those are the six people, excuse me, on the Local Planning Agency and on the Dependent Special District. Mrs. Blasky who's here tonight will tell you how this Commission in 2007 unanimously voted to preserve the Smith Road neighborhood when a former resident wanted to put four houses on five acres. You're a Quasi-Judicial body, you're not bound by the precedent but you have to consider the precedent. The law is, and I can tell you that since 2007 two more beautiful homes have been built on Smith Road, Serios on the north side about \$600,000 and Tim and Kelly Rowell on the south side about \$450,000; and in Brevard County v. Woodham, the court said zoning regulations can be employed to promote the integrity of the neighborhood. My wife will tell you why the NAJJAD property is different than the Harvey Groves property to which the applicant points, and she will explain to you that Florida has rejected the 'me too' argument

because 'me too' would destroy the zoning plan. Mr. Kirschenbaum referred to the memorandum of the Planning and Zoning Department that says, "Since the request of the EU Zoning Classification is not consistent with the current residential future land use designation a Binding Development Plan is required so the maximum density allowance in the Florida Land Use Map of two units per acre is met. So, Mr. Droor, the applicant, is hard to pin down. This is the first I heard that he changed his application from EU-2 to EU, and Mr. Semonich, our expert, who has a degree in Landscape Architectural, but who is also worked with many lawyers on zoning issues, has given you his opinion; but you don't have to rely on his opinion, you have your own experts. Rochelle Lawandales is a city planner on the LPA, Bruce Moia is an engineer who does development work, and he's on the LPA, and Henry Minneboo, who you all know, has worked with the County for years, they all said 26 acres, 26 homes. They asked the applicant several times during that hearing, would you consider 26 homes on 26 acres. The applicant refused, and one of his reasons was I can't make money with 26 homes. Well, the law is clear, and again from a Brevard County case, a zoning ordinance is not invalid because it prevents the owner from using the property in the manner which is most economically advantageous. If the rule were otherwise, no zoning would ever stand. Placing a financial burden on taxpayers and making the Smith Road residents bear the impact of 40 homes may be for the applicants good but it's not for the public good, and I go back to the invocation of the priest who gave it today who prayed that you would make a decision in the public good or for the public good. In the past 12 months there have been three developments on North Merritt Island that directly access Courtenay. They will generate in a year, if each residence generates the accepted nine vehicle movements per day, 1,070,000-plus vehicle on Courtenay; and this to go from 18 homes to 40 homes is 122 percent jump. To go from 26 to 40, which the LPA recommended is a 54 percent jump. I told you in May, I have seven seconds left, I have no problem with 24, 25 homes of 2,500 square feet, and I don't have any problem with that today.

Pritchett: Thank you. Ms. McMillin, and Chris Minerva if you'd please come to the front and get ready. Thank you, sir.

McMillin: Good evening, my name is Mary Nancy McMillin, I live at 150 Smith Road, Merritt Island. The applicant has claimed that it should have the same zoning as Harvey Groves' property to the north. The applicant is saying you gave it to Harvey Groves, you should give it to me. Florida rejected the 'me too' argument years ago when the Supreme Court held, "The fact that the applicant's land is situated across the street from that which commercial enterprises maybe operated is not enough alone to support his position that he should be given the same latitude and use of his property. Were this the case it would be a matter of time before the alterations of the whole scheme by successfully liberalizing the use of abutting property of would result in disintegration and disappearance of the entire planets zoning." At the Local Planning Agency hearing I tried to make a simple point that the evidence shows that Harvey Groves and NAJJAD are different. The list of those notified by the County of the Harvey Groves re-zoning does not show a single residence. All of those notified were businesses. The NAJJAD list chose four residences, Grivas, McMillin, Jewell, Armstrong. A fifth residence, the Storey residence is next door to the Jewel residence but they have been missed because the property doesn't show up in the Property Appraiser's website. The Rowell and Blasky residences on the south side of Smith Road were omitted because they are both over 500 feet away from NAJJAD's site. Both NAJJAD and Noel Droor received written notice of the re-zoning it was proposing but the Rowell's and Ms. Blasky did not. Obviously as residents on a dead end road they are impacted by the NAJJAD re-zoning. Again, I am not asserting that the NAJJAD list is defective, I have added Serios, Rowell, and Blasky to make the record complete. My point is simple, the two lists are competent substantial evidence that the Harvey Groves and NAJJAD

properties are different, zero residences impacted by the Harvey Groves re-zoning, seven residences impacted by the NAJJAD re-zoning. The other proof that Harvey Groves and NAJJAD are different is geographic. Access to Harvey Groves is due west and directly on State Road 3, it has no access to Smith Road. Access to NAJJAD is due south directly onto Smith Road. The applicants 'me too' argument is contrary to the holding of the Florida Supreme Court and the evidence does not support it's 'me too'. Smith Road is a small, unique neighborhood. Please focus on Smith Road and not Harvey's Groves; and I have never been contacted by anybody from NAJJAD to ask me how I thought about what's going on. Thank you.

Pritchett: Thank you. Mr. Minerva. Mr. Ratterman, if you'd be prepared next sir.

Minerva: Good evening, County Commissioners. I'm Chris Minerva from the North Merritt Island Homeowners Association, P. O. Box 542372, Merritt Island, Florida 32954. I will try to be brief; a lot of people have covered things that I'm saying. The Homeowners Association is fine with the existing SEU, one-home per acre zoning in the Binding Development Plan, but we cannot support the request for EU based on these. At .34 acres per home is a potential maximum of three per acre, potential, even though it said 40. Administrative Policy 3, the incompatibility with the existing land use Criteria A, Site Activity, diminishing enjoyment of and quality of life in existing neighborhoods within the area; Criteria B, causing material reduction in value of existing abutting developments; Criteria C, inconsistent with, point one, historical land use patterns, point two, actual development over the preceding three years, and point three development approved within three years but not yet constructed, which we've heard. Administrative Policy 4, uncharacteristic with surrounding neighborhoods and areas; Policy 5e, such change in traffic to exceed design functionality; and then Policy 8.1, negatively impacting character of the land use surrounding property. Policy 8.2, change of the land use and surrounding property; Policy 8.3, negative impacts on available and projected traffic patterns and the established character of the surrounding properties. Factors to consider please, the character of the land use of the surrounding properties, the change in conditions of the land use of the property, impact on traffic, not compatible with existing land use plans, not appropriate based on these conditions. The North Merritt Island Homeowners Association ask the property be zoned appropriately and not require additional binding development restrictions. Thank you for your consideration and for the work you do.

Pritchett: Thank you, Mr. Minerva. Mr. Ratterman, Bill and Mary Hillberg are going to be following him; if you all wouldn't mind coming to the front to be ready.

Hillberg: Madam Chair, Bill Hillberg here. I will cede my time and distinctly request that you disapprove this (unclear).

Pritchett: Thank you, sir, for your statement. Mr. Hillberg.

Ratterman: I'm Mr. Ratterman.

Pritchett: Oh, that was Mr. Hillberg that just spoke.

Ratterman: Yes, that was Mr. Hillberg.

Pritchett: Thank you.

Ratterman: My name is Jack Ratterman. I live at 568 East Hall Road, and I'm speaking in

opposition to the applicant, and I'd like to think back to the last Commissioner meeting when this Board approved Mr. Crisafulli and his application for the 48 units. And at the end of that, our Commissioner, Mr. Barfield, said it was the law, and almost indicated that was why it was approved, he could do it. So, you approved it. And I'm asking you now to think back when you studied U. S. history, okay? Have the wheels turn way back even to the Revolutionary War to that year, okay? And when you studied that class, do you remember the Stamp Act, the Tea Act, the Empowerable Acts, the Quartering Act? Those are unjust laws, and the citizens, the law enforcement, the government officials, and even government instructors do not follow those laws. They were unjust, and people made their own decisions, they made what was a right decision and justified that by what was right, not what the law was. And that's what I'm asking you tonight to think about, you know, not so much what was the law, what you can do, almost what you can cram into that short space, but what's right for the community, what's just for that community. You know? What's your legacy going to be up here on the Board, okay? And I ask you to deny that applicants request for those homes and that acreage. Thank you.

Pritchett: Thank you, sir. Mary Hillberg and Mr. Weber you're going to be next.

Weber: Can I go last?

Hillberg: Pardon?

Pritchett: He wants to wait till last. No sir, if you'd come up and get ready. It's going to be a lot to finagle and we've got a lot of cards; Mr. Weber if you'd come up and be ready.

Hillberg: I'm losing seconds, can you move me back?

Pritchett: We are doing that. If you would just hand them up here we'll pass them down so we'll save some time. Thank you, dear.

Hillberg: Good afternoon, I'm Mary Hillberg. I reside at 3780 Sierra Drive in Merritt Island. I'm a board member of the North Merritt Island Homeowners Association, as well as the chair of the North Merritt Island Special Dependent Special Advisory Board. As a native and life-long resident of Merritt Island, I know some members of this Commission have been in Brevard for several years; however, all may not be aware of the situation on the North Merritt Island area and need current and competent, and a substantial evidence to make a wise decision on the Smith Road issue. I'm prepared to provide that for you. First I have a 1989, this is a FEMA map, this is a FEMA map of the area, and as you see, the darken area here, this darkened area here is flood, flood area, and the darkened area over here is flood area. This area right here I've done with little post its, this is the subject area. Now, because that's very small, I've made a bigger copy of it. There is Smith Road, and as you see, everything is an X Zone which means there's no flooding there. In 1989, the North Merritt Island was designated, almost all of it was, an X Flood Zone, which means there's no danger of flooding. After Tropical Storm Faye in 2008, the low elevations in North Merritt Island were painfully obvious. In 2012, the North Merritt Island Homeowners Association invited Frank Scarvales, the Director of Flood Management for Brevard County, to explain the new FEMA designations. He brought maps and answered questions. In 2014 a change happened. This is the FEMA map from 2014. As you see the post it area here shows you this area right here is the subject area, and you see the blue over here on the side. That blue is the same as this blue on the edge over here. As you see, that has something to do with, and it says on the legend if you look on the right, because you have copies of each of these, you look on the right, this says that this is a flood, flooding area where there's these tiny little dots, and they're concentrated to that side; and here,

because it's so small, I made you a bigger copy so you can see. And I've outlined the subject property so you can see exactly what it is. All of this over here is flooding property, these floods, it's in less obviously than this, and this doesn't seem to have any flooding issues on it. The FEMA released their flood maps in 2014, these changes still have not been acted on by the County in the terms of correcting the Future Land Use Map or the Codes from North Merritt Island or the Codes for building, and we wondered why. Now in 2017, FEMA again recognizes there's still an issue. Evidently they keep watching them. So, now we have the FEMA maps, the smaller maps, and as you notice this blue, see this color blue, look at the, you have your schedule, the legend on the bottom, which is a blue with a star, that says that these areas are flooding, have essentially no flood base elevation. That means there's zip on flood elevation. That's all this around here's blue, and see this part of this property is blue. Now I'll give you the enlargement of that. Here is the subject property. This is all flood area. This area here, if you look on your legend, it says, it'll flood, it has approximately one foot, 12 inches or less, above flood elevation. That means more than 12 inches, you're going to flood. This area here has less than that, and it's the same as the edges. FEMA recognizes with advanced LIDAR satellite imaging that this area requires further defining and has produced preliminary maps that are more accurate now than ever. From this competent and substantial evidence, it's obvious for the safety of the residents and the protection of the properties we need to correct our Future Land Use Maps before, and our Codes, before we allow inappropriate development in documented flood prone areas. Brevard County Public Utilities Department continues heroic and creative efforts to protect the structures and residents of North Merritt Island with pre-storm work and multiple surface water pumps that are manned with a significant, when a significant rain event occurs. Mr. Denninghoff and his staff have done a wonderful job.

Pritchett: Ms. Hillberg, times up.

Hillberg: Can I have 30 more seconds, please?

Pritchett: No, ma'am, we've got a lot of people waiting to speak. Mr. Weber.

Hillberg: I respectfully request that you oppose this item for all of the aforesaid reasons. Thank you.

Pritchett: Thank you. Mr. Weber, and Mr. Rockliff if you'd get ready to come up right after Mr. Weber please. If you'd just hand them up sir, we'll pass them out. Thank you.

Weber: Good evening. My name is Marty Weber. I live at 3450 North Tropical Trail in Merritt Island. I am within three-quarters of a mile of the development lay in parcel we're talking about. I go left on Grant Road instead of going right on Smith, at the intersection of Courtenay, Grant, and Smith Road to get to my property. I'm going to summarize a bunch of what I have on this piece of paper for you because of the time. First of all, we don't need to talk about the intricacy of the changes that NAJJAD has asked for. He's asked for three different things. First, he wanted to relief the BDP, then he wanted an EU-2 zoning, and now he's asking for an EU zoning. So, what makes us even begin to think he will adhere to something that he agrees to today? Secondly, on August the 4th the property north of him was approved for a different zoning; however, approving the EU-2 zoning request with a house would allow, and this is according to your statistic from the EU-2 zoning, would actually allow 126 lots/houses in 26.11 acres, or 1,137,135 square feet, that's what 26 acres is equal to, and therefore would support that number of houses and 1,500 square feet without zoning. Obviously, you have to take out things for infrastructure and so on. My point is, I'm going by law as John mentioned before and zoning request. So, now he's changed and wants to do 1,500 square feet, which would allow

76 homes or lots at 2,000 square feet. The next thing I would question is he gave an estimate of \$550,000 per house/lot combination for this new development. Would any of you pay \$275 a square foot? That's what it amounts to. If he's going to sell a 2,000 square foot house on three-quarters of an acre of land, he's going to be asking \$275 a square foot. I just bought my property a year ago on North Tropical Trail. I have 2.78 acres. I have 2,200 square feet. I paid less than \$400,000, and that's three acres of ground. Further, in August the LPA board, which I presented at and so did a number of others who are representing the North Merritt Island Homeowners Association, the board agreed, we suggested that NAJJAD agree to 26 houses. He at that point refused. The LPA was reluctant to change its decision and hold on to the old BDP to which had previously been agreed. They twice asked NAJJAD to agree to this compromise. He refused. That's when the LPA denied his request. Finally, you have a chart as the third page of the handout that I gave you. This shows you that when we look at the Board approved Florida Land Use Plan this property is zoned Residential 2, which prohibits the use of EU, EU-1, and EU-2 on this land. Thank you very much. I appreciate you taking the time to listen to all of us this evening, and I certainly hope that you deny the request on behalf of all of us. Have a good evening.

Pritchett: Thank you, sir. Mr. Rockliff, and Anita Blasky if you'd get ready to come up, ma'am.

Rockliff: Vice Commissioner, Commissioners, and County Manager, my name's Larry Rockliff, I live with my wife at 3255 Spartina Avenue on Merritt Island. Now we've been residents here for one year now this week. We escaped from Broward County after 24 years, and during that time in Broward County I was president of a homeowners association of a large, rural community. We all had four and one-half acre properties in the City of Miramar. There was 32,000 people when we moved there in 1992, our first night was Hurricane Andrew, and when we left there was 177,000 people. During the 1990's there was a euphoria between developers and the Commission and there was also an awful lot of wealth, because the developers were more than happy to pay their impact fees, which made the city and the county flushed with money, but it's a different story today. We discovered in the homeowners association in Miramar, the rural community that we were far more beneficial to the community and to the city to work with the commission versus working against them, and that's exactly why I want to come to you today. We're not within 500 feet of the development we're on the river on the opposite side of North Courtenay. There are three issues here, concurrency, compatibility, and consistency. The issue of concurrency also applies to Broward, and it's a mess in Broward County today, and certainly we want to avoid that here. Concurrency takes a look at the amount of road demand, but it looks at it over long periods of time and it doesn't specifically look at on the micro, it looks at it more on the macros; but in the case of North Courtenay versus Smith and Grant, it needs to be looked on more of a micro basis if you saturate more traffic into that area. Consistency is with the land plan, and that's your expertise not mine, but without a doubt compatibility is an issue that is germane to this topic. The developer to the north of Miramar Parkway in Broward wanted to go from one house net per acre, not gross, one net per acre, which would have been compatible against the two and a half net per acre, but he wanted to change this to what they call RS 4 to RS 7, meaning four to seven houses per acre net, and of course he was more than happy to pay the large impact fees and be on his way elsewhere. We didn't fight it and say we don't want it to happen. We wanted to be reasonable about it, and what we said was we don't want to see it, we don't want to hear it, and we don't want to smell it for all intended purposes, and this is the issue here. The developer in this case has suggested that you have a water buffer, his water retention, which is a requirement of his particular development, which would serve as a buffer. Having moved to on the river here, I know fully well that from the sound point of view, water is not a good buffer. We hear the train on Highway 1. So, if he can hide from the community and essentially be invisible from the

community, I suggest that perhaps there's room to work with him. Otherwise, there has to be consistency, some compatibility, and there's no compatibility whatsoever between one house net per two and a half acres and several per acre. Thank you very much.

Pritchett: Thank you, sir. Ms. Blasky, and Ms. Lindhorst if you'd get ready please.

Blasky: Good evening Commissioners. My name is Anita Blasky, I now live at 205 Smith Road, Merritt Island. I was born in Cocoa. I've lived on North Merritt Island since 1972, but my husband, in 1977, my husband and I purchased 40 acres at the end of Smith Road. We built a new home there, and have lived there since 1981. We lost 32 acres to the Brevard County Mosquito Control in 2006. My husband passed away in 2016. Somehow I'm not included in Mr. Droor's numbers, but I lived there, I was the first house on Smith Road, and I adamantly object to this zoning, re-zoning. I've submitted letters to all of the Commissioners back in March stating my objection. In early 2005, Mr. Noel Droor of NAJJAD tried to re-zone the 26-acre property from AU to SEU. This acreage has ingress and egress to Smith Road. NAJJAD asked to build 18 homes on the 26 acres with a Binding Development Plan. I do not believe my husband and I were notified of the NAJJAD request, but I can say I would not have opposed 18 homes in 2005, and I do not object to 18 homes today. To my knowledge no one on Smith Road oppose the 2005 NAJJAD application. The North Merritt Island Association was in favor. The North Merritt Island Dependent Special District unanimously recommended approval, and the Commission unanimously approved it. In early 2007, the Lynch family who owned two and a half acre lots requested re-zoning from AU to RR-1 for their combined five acres on the north side of Smith Road to allow four to five houses to be built. Gareth Matthews who owns two and one-half acres that abutted the Lynch property opposed the Lynch request, however, the North Merritt Island Dependent Special District recommended approval. I wrote a letter to the Commission, which basically said to allow the Lynch's to break up their two, two and a half acre lots, change the zoning from AU to RR-1 right in the middle of Smith Road, which drastically changed the layout of our neighborhood. The RR-1 would allow them to build at least four, maybe five houses on the five-acre plot. This change in zoning would greatly increase traffic, destroy the quiet enjoyment of our area, and severely impact the peaceful neighborhood. Gareth Matthews spoke against the Lynch application at the Commission meeting. The Commission agreed with Gareth and voted unanimously to reject the Lynch application. Thus, in 2005 and 2007 the Commission recognized the uniqueness of the Smith Road neighborhood. It recognized that plans for half acre lots among and abutting two and a half acre properties on Smith Road were not compatible with the Smith Road neighborhood. Since 2005 and 2007, Smith Road has become more of a neighborhood. My son, Tim and his wife Kelly, built a new home on a two and one-half acre lot on the south side at 195 Smith Road. Jim and Terri Serious built one on a two and one-half acre lot on the north side, which was previously owned by the Lynch family. Scott and Angela Armstrong made major improvements to their property and bought more land to maintain their tranquility. A few weeks ago the Powers bought the other two and a half acre lot once owned by the Lynch family. Please do not grant the NAJJAD request to change zoning from SEU to EU. Hold NAJJAD to the promise he made in 2005. Thank you for your attention.

Pritchett: Thank you. Ms. Lindhorst. Mary Sphar you'll be next please.

Lindhorst: Good evening, Commissioners. My name is Gina Lindhorst. I live in North Merritt Island, 5136 Royal Paddock Way. I'm a resident of Merritt Island for 23 years and in Brevard County for 48 years, and I would like to state that we would like you to please deny more high density in this very low area. Please understand the following very important points for all of us. Number one, we need you to protect the residents and properties of the citizens in Merritt

Island, North Merritt Island, by the way. We need you to consider the new FEMA designations that were changed due to the increased intensity of events in the last few years, and have been newly revised in 2017. We need you to protect our Lagoon as we have voted thousands of tax dollars throughout the County to clean and restore the Indian River Lagoon. High density development will ultimately destroy it. We need you to recognize the past flooding of North Merritt Island, the issues with heavy traffic on single-access road in a natural low topography in the wetlands that we cannot change, all of this makes high density not appropriate and even hazardous for the residents who live in the low topography areas. Number five, we need to comply with the County Administrative Policies please. What we really need you to do is consider the safety of the people and the health of the Lagoon please. I also want to say that we request a moratorium on any further re-zoning or development in North Merritt Island while the Future Land Use Maps be corrected, may be the safest step to take in order to avoid unsafe zoning and land use in this area; and I want to remind you just very briefly, since I have three minutes left, that the North Merritt Island Special Dependent Special Advisory Board recommended denial of this change and the P&Z recommendation was denial also, as well as North Merritt island Homeowners Association. Thank you.

Pritchett: Yes, Commissioner Tobia.

Tobia: Are you speaking on your behalf . . .

Lindhorst: Yes, mine and my family, and all of my friends who have discussed this with me.

Tobia: Okay, not the North Merritt Island board, I didn't know if you sat on the North Merritt Island Board.

Lindhorst: I do, but I'm not referring to them right now. This is my own personal feeling, my family's opinion.

Tobia: Okay, thank you.

Lindhorst: Yes.

Pritchett: Thank you. Ms. Sphar, and Steve Smith if you'd please come to the front.

Sphar: Good evening, Commissioners, I'm Mary Sphar. I'm representing Sierra Club Turtle Coast Group. Now this is a rather interesting Agenda Item for Sierra Club. Sierra Club's been commenting for many, many years, and this is the first time that I remember of a zoning request that was changed when the information on the County site, which we study carefully, all said that the applicant wanted EU-2 zoning, with a maximum of 40 homes, and now, according to what you have on the slide above you, it's EU zoning. I'm not sure how that plays into it. As a matter of fact I got an Agenda in the back and it said change to zoning Res EU to EU-2. Local Planning Agency heard EU-2 zoning. There are two Binding Development Plans. One, proposed in January that stated EU-2 zoning, the one that was submitted and in the package August 8th said EU-2 zoning. So, I think, I don't know when you found this out, but that is rather strange for the Sierra Club to be in the position where we do even know in advance what zoning was requested. I have a couple of other legal considerations for you. The applicant has no legal right to 40 homes on his 26.11 acres just because the property has a Future Land Use of Residential 2. He has no legal right because he has to get zoning that allows such a density, and tonight you will make the decision to approve or deny that zoning change request. The applicant has no legal right to propose zoning changes just because the proposed zoning

appears to be compatible with the zoning on the property to the north. The proposed zoning should be compatible with the surrounding zoning in general, and the proposed changes are definitely incompatible to the zoning to the south and east, which is mainly AU. Please note that the current zoning SEU is the compatible zoning. As others stated, this application was rejected unanimously by the North Merritt Island Board and the Planning and Zoning Board, and for good reason. I was at the P&Z board. The board tried to work with the applicant to give a slight increase in the development potential, but the applicant would not budge except to say that he would put in sewer instead of using septic. Please consider that the proposed increase in development potential from 18 homes to 40 homes would adversely affect the Indian River Lagoon. The Citizens Oversight Committee, which is required by the Save Our Indian River Lagoon Project Plan is quite concerned that all the effort that they made to protect the Lagoon could be negated by bad zoning and land use decisions, and they discussed it at their meeting in August. I was there. So, how does the applicant plan to deal with flooding situation we all know plague North Merritt Island, especially right now? The staff analysis lists mapped flood plains but the BDP does not require compensatory storage in any portion of the property in estuary marine flood plain. We can speculate that the property will have to be raised to meet FEMA requirements, which we all know can cause problems with neighboring properties. Without specific plans to mitigate flooding potential, the re-zoning and developing 40 homes there is sure to aggravate an almost intolerable drainage and flooding situation. Finally, Sierra Club is concerned that the development limitations are dependent on a BDP. We know that all . . . which, by the way, says EU-2. So is there another BDP? But if you do have a BDP, we know that it's offering a new owner of the property often requests that it be modified or removed, and it's much better to have a zoning category that's actually appropriate and protects the natural resources and ensure compatibility. So please deny this application.

Pritchett: Thank you. Mr. Smith, and Darlene Hunt if you'll come to the front please.

Smith: Good evening, Commissioners. How you all doing tonight? First thing I want to say is thank you very much, I don't want to butcher your name, Mr. Abbate and Mr. Denninghoff and your staff for doing such a great job attempting to pump out all of the water that we got after Irma, but I know there's been many phone calls and you all are doing a nice job, so we appreciate that. I'll talk a little bit about flooding and if anybody behind me is squeamish about hurricane history. We bought our house in the 90s. It was built in the 60s, and when we bought it we had heard nothing about any kind of flooding in that area, throughout the 70s, 80s, 90s, and no flooding through 2000, and we've always, and this is the kind of squeamish part I guess, we've always maintained our septic system by having it pumped out on a regular basis. Flash forward to 2005 and Hurricane Wilma, we got flooded and it stopped our septic for a week; 2008 we got Faye, flooded inside of the house and the property driveway, and we had no septic service for about five weeks; 2011, no name storm, same thing, two weeks of no septic there; 2014 heavy rains; Matthew we lost it for about three weeks; and Hurricane Irma came by and we haven't had any since. Major change on North Merritt Island has been that there are more and more residences built every year there. Tonight we go home, my driveways about 600 feet long, we're going to go home and put on waders because we can't to get to our house anymore. The next steps going to be get a boat, but we're going to put on hip waders, or rain boots and try to get out to the house. There's no evidence, there's no record or evidence our property would have flooded when we bought it back in the 90s. We've researched with the neighbors and the County and the flooding is just not our fault. We're not the only flooded residence up there. There's also quite a few other North Merritt Island families are going through this today, and a huge number just had yard flooding. So, if this kind of high-density housing is allowed to continue as Mr. Schantzen said earlier, there's no place for the water to go and so we're going to see more and more of this kind of thing. So, what we ask is that you

approve building in less fragile areas of the County and no more of this dense housing in these flood prone areas. Residents who already live here shouldn't be punished by this high-density kind of housing. I want to thank you all for listening to that, and as a side, I have a degree in Architecture myself, and I just wanted to throw out that there's a lot more to landscaping architecture than you found in Wikipedia. It's a very, and that's not meant to be, you know, I'm not being trite or anything like that, I'm just saying it's a very difficult profession. There's a lot to that. I did one semester of landscaping architecture and decided it wasn't for me. I like buildings. So, anyway, thanks for your time, and I ask you to deny the request.

Pritchett: Thank you, sir. Ms. Hunt. Sarah Hodge if you'd come to the front please.

Hunt: Good evening, Madam Chairman, Commissioners, and all County staff. My name is Darlene Hunt. I reside at 125 West Crisafulli Road on North Merritt Island. I strongly object to the increase in density requested in the NAJJAD zoning change for four reasons. First, it's not compatible with the character of the area. I know I'm repeating things but I'm going to repeat them. It will also greatly increase the traffic at a critical road and intersection. It will cause flooding to adjacent properties and the impact on the already stressed Indian River Lagoon by over development. As far as the character, all adjacent properties are large parcels. Many of them are used for agriculture purposes, large rural home sites, or wetlands. It's already been stated. The traffic, to allow an additional density of 40 residences would generate additional 360 trips daily based on the County's formula. This would be insane for this intersection. There's currently a DOT study underway with regard to this intersection. Also keep in mind that this is the only road for people to travel to their homes. It also happens to be a main thoroughfare for Kennedy Space Center employees, Space Center tourists, plus all the new aerospace businesses that you've heard about this evening. Flooding and the Lagoon, this property is very near the Barge Canal, which is of course part of the Indian River Lagoon. This County and its citizens are currently dedicated to protecting the outfall and clean up the Lagoon. This property is located in a bowl or a basin, which makes up all of North Merritt Island. It has an elevation of about two to four feet above sea level as shown on your County's LIDAR map. The sides of the islands are the highest part of this bowl with an elevation of nine feet above sea level. To alleviate flooding, waters directed from this basin into the Lagoon under the control of the St. Johns River Water Management District. Although developers show plans to contain the water on the property, all stormwater retention areas and ditches are channeled to drain into the Lagoon during heavy rain events like we're going through now. Merritt Island is currently experiencing an unprecedented flooding, and none of the drainage systems are currently able to handle the excess water. As the County spends time and money to elevate flooding, allowing over development is totally unacceptable to the citizens who currently live there and those to come. The current density of 18 houses on 26 acres is as dense as this land can sustain. I respectfully request that you deny NAJJAD's request to change this density just as a Dependent Special District and the County P&Z have advised. Thank you very much.

Pritchett: Thank you, Ms. Hunt. Ms. Hodge. Michael Hirkala, would you please come forward please?

Hodge: I'm going to be brief. I'm one of the victims of this flooding right now in North Merritt Island.

Pritchett: Name and address. I'm sorry.

Hodge: I'm sorry, it's 390 Sanders Lane, Merritt Island, Florida; and my husband and I strongly

oppose this zoning. We are a victim right now of the flooding. My family homesteaded that property in the 1800s. This has historically never flooded. We have orange trees under water. Part of our grove is dying because of this flood, and I know that you people don't think about the people that are suffering right now. I have a friend on East Merritt Island that, on East Crisafulli, she has been flooded since Irma. She had to move her animals yesterday because there's no hope for it draining for any time in the near future, and this is ridiculous. Why are you allowing this? Why are you not listening to your Planning and Zoning Board and the North Merritt Island Homeowners Association? That is not fair. You have to be accountable for this, and I know that you're just doing what you want to do, but if you don't listen to the people it's going to be worse, it's going to get worse every time. And there's nothing I can do to make you do this, but it will get worse if you keep zoning more and more homes in that area that cannot drain, and I don't understand why. Thank you.

Pritchett: Thank you. That's the last of our cards here. County Commissioners, you guys, do you have anything . . .

Isnardi: Usually the applicant (unclear).

Pritchett: Oh, the applicant, thank you. Yes, would you like to come up, sir. You still have five minutes. If you all any questions for him, of course.

Droor: Thank you. Just a few items I'm listening to that, you know, one and a half units per acre is not a high density, and if that's a high density, I don't know, 10 or 20 units per acre, what is that called? And, again, if part of North Merritt Island is having flooding issues, you sure mistake building (unclear), because part of North Merritt Island is having flooding issues. This area is not having flooding issues, and not only that, none of the newer developments have flooding issues because they're design, they're, you have Codes you have Ordinances to follow; and if you follow them, you shouldn't have issues, and the same thing with St. Johns. As far as saying being incompatible and compatible, you know there are seven, you know, two and a half acre lots there, which the five of them, I guess eight there are five of them that have residences on them. Across Smith Road is a Planned Industrial Park. How is that not being compatible? Where's the compatibility when you have an industrial park in front of you, and you have commercial all along Courtenay, all along within a one-mile radius, it's, everybody, you have two acres and more per acre? So, and as far as the flood, or being in the flood, there are two types of floods in that area. One is the one that is being used for flood storage. One is that if you're in there, if you don't raise your building elevation, you're going to flood. This is not the area that is used for compulsory storage. This is not the area being used for, it is part of, we are part of about 25 percent, it is an area that could flood, but is not being used for flood storage. There is a difference. And, so, I don't know, I'll answer any questions you may have, and clarify anything.

Pritchett: Commissioner Barfield.

Barfield: You came before the previous County Commission back in 2005 and you made a change from AU to SEU with a BDP for 18 homes on 26 acres. Now we're at 12 years later and you want to change it to two units per acre, EU-2. What changed?

Droor: Basically the economy. There, there is no need for large lots. The reality of our real estate, you know, our kids don't want lots, big lots, they don't want to maintain yards. You know, the demand is for mid-sized lots, and, and, if you look at what's getting built mostly, do you see may two and one-half acre lots getting built lately? Why is the reason?

Barfield: You're at one acre right now.

Droor: Right now, I am, yes, one acre, and because of again, the recession and the reality of the real estate, and what the demand is.

Isnardi: So, for . . .

Pritchett: Commissioner Isnardi.

Isnardi: Oh, I'm sorry. So, for clarification, I saw you look that way to give me the okay, but . . . so, for clarification, what you are asking for a, it would be two units per one and a half acres, is that what it equates to roughly?

Droor: Its one and a half units per acre.

Isnardi: One and a half units per acre, okay.

Droor: Yes, per acre, and the Comp Plan again is at two units per acre, and the reason again, I went to EU from EU-2 because the concern was that later on you can, you know, revise the Binding Development Plan and put more lots because of EU-2 Zoning; but if you're familiar with the development, you know, by the time you put the rules aside, the retention pond aside, you know, there is no way you can put more even if you go.

Isnardi: And I want to ask you a question too. I know with some discussion, and I just want clarification, because I honestly can't remember nor do I know for sure, you had said, you know, several months ago during our meeting that you had the approval of three out of five of those property owners that were right in front of Smith Road.

Droor: I had three out of, there are five residents along Smith Road . . .

Isnardi: That live there now, correct?

Droor: Yeah, there are three, the ones that I have approval is the one that is right next to the entrance that gets the most effect, and then the one next to that one is the one that's opposed; and then I have the next house, and one isn't published, I don't know who it is, we can't find any records on it, and Mr. Armstrong who has got the largest lot at the end of the Smith Road.

Isnardi: But what about that property that abuts the entrance, the entrance to this development that you, I guess it would be Lot 290, I thought that we'd discussed that, because that would be the, would probably be the most impacted because the traffic for however many homes are developed there, that would be where it would pass through. I know you talked about a buffer and you talked about that. Is that property owner having an issue, too?

Droor: No, I have his approval. I have the approval of the property owner that is going to get most impacted is at that entrance, and after negotiation, what we did is put a buffer there. I provide a buffer, sand buffer, and have a, it won't, you know, hurt with the noise, or the traffic won't hurt it.

Isnardi: So, I guess, you'd have to look at the map to see it, but those, those houses will not be traveling down Smith Road, they will be stopping before those, before they would hit those residences that were there, that are across from the Industrial Park?

Dror: That, there is no reason for them to go down the road, yes.

Isnardi: Okay.

Dror: Once and a while somebody might get lost and get down the road, but I guess they do that today also.

Isnardi: Right.

Pritchett: Commissioner Barfield.

Barfield: You mentioned while ago, you just said you wanted to change this to EU. Did you mean EU-2, which you submitted here?

Dror: No, I wanted to change it to EU. I requested for EU-2, which is 9,000 square foot minimal lots. But again, after listening to all the concerns, I want to change it to EU, which is 15,000 square feet with a Binding Development Plan, which would be 2,500 square foot minimum houses; and Curt Brother, and all, after talking to Commissioner Pritchett it's going to be paver driveways also.

Barfield: Did you float this to the North Merritt Island District and to the P&Z by changing to EU?

Dror: No, no, I did not talk to them changing to EU. That's, EU came after the meeting. After listening to, you know the concerns. After listening to what I, the main concern was that I can change, do away with the BDP. Having EU-2, I can do 80 lots or whatever, it's a lot, I don't know what it would be with numbers, and that's how the EU came. Trying to be again, accommodate the neighborhood, being, trying to be a good neighbor, and so.

Pritchett: Commissioner Isnardi, did you just, flipped off for a minute.

Isnardi: That was earlier.

Pritchett: Okay, Commissioner Tobia, anything? I was just going before you do, let me just weigh in. I agree, I don't think this is necessarily high density, and we did make an approval to the north already. These are just things I've listed through the last few days and I've been studying. I like the fact that the upgrade to Smith Drive will occur, and that it's only going to affect the two houses that seem to not have too much trouble with the project as far as traffic going through there and up to Smith. As far as the residential and commercial conversation that went on earlier, I would never just stop residential development from happening just because you think commercial would be better. I'm for both and with that. We can maintain an acceptable level of services. I saw this on the analysis that you gave us. It's in agreement with the FLU, and I think just even you making the compromise of changing it to EU to make the lot sizes bigger, it just, I think it makes it even more palatable. So, that's just my thought on this, and that's all the reasons that I'm going probably vote in favor of this project tonight. I think it's a good fit for the area, and I think it's a nice project, so.

Isnardi: And, you know, since we're coming I guess to a close to this discussion, I just wanted to also say I was excited about the retention, I think that's going to also buffer those neighbors that are concerned about your development having an impact on their neighborhood; and I agree, as soon as you said that, commercial versus residential, I, I mean, we all live in houses and if we stop all development of houses because people think commercial makes more . . . I'm

not driven by how much money I bring in or generate from revenue from business or individuals, and I, I won't comment on the, you know, expert witnesses and how they're paid by attorneys to come and testify on your behalf. I think, sir, that you did yourself a disservice by not hiring a lobbyist or an attorney in that, and that's okay, however, it's not going to change my mind on seeing where your heart is in this project, what you've tried to do to compromise. The fact that you're willing to sign a BDP and change your zoning to try to accommodate, and I appreciate the people who are cursing in the background, that's really respectful of my time and the gentleman up at the podium. But, I'm going to go ahead and approve this project as well for vote.

Barfield: You can sit down, it's now a discussion. First, I want to tell everybody, I want to tell everybody out there that I truly, truly am sorry that you all are going through this flooding. I've been all over looking at it and I really feel bad about it, and we are making, we've had some meetings and we're making more meetings with you, and we're working to make some changes. That said, I have a major problem with this in the fact that I think at this point you have an applicant that came before here back in 2005 to change from AU to SEU, 18 homes, and 26 acres. I'm fine with that. I would be fine with 26 homes on 26 acres, that's one per acre. That's, that's, I can do that, but to come back now and to make this change again knowing that we've had the residents of North Merritt Island, elected officials on the North Merritt Island Dependent District to then go through this. We've had the Planning and Zoning going through this. They're recommending, their recommendations are sound I believe, but a whole another aspect of this is when you go look at the map, okay north of that you have Harvey's Grove, which one of the speakers said it's a totally different situation, and it is, it's EU-2. Then below you have SEU, which is up to one acre. Then you go to AU, and that is a perfect transition. When you have EU-2 and then go straight to AU, it's not a logical transition. So, I'm, I am opposed to this the way it is written. I would be good with 26 homes, but that would be it. I think at one acre is fine, and it ask the question of this Commission, how often are we going to change? Someone comes for a BDP this time, oh, they want to change the BDP and zoning again, or they want to change it again. No, it has to be, there has to be a cutoff, there has to be a point where enough, you've come before us, and that's what it is. So, I'm opposed to this the way it is written.

Pritchett: Commissioner Isnardi.

Isnardi: And I would agree with you, Commissioner Barfield, but, you know, I would hope that 12 years later, you know, obviously the, either the needs or the community changes and we have lots of development in that area as well; and I think 26 homes as opposed to 40, a 14-home difference over 26 acres, I don't see it being a significant enough of a change. I mean, I'm not going to compare Mr. Crisafulli's development because I don't think that's fair because I wasn't opposed to Crisafulli's development; but side-by-side comparison you can see what Commissioner Tobia passed out, I mean, I've looked at people's addresses when they came up and many of these residents don't even live within a mile of these, of these acreages, and to be told by one Merritt Island resident that we don't care about flooding, I, I point you to my staff where we sat out in the rain storm in the middle of people's floods, in the middle of neighborhoods. So, every one of us has been there and done that. So, I feel very offended that you assume that we sit back here, or we sit in our offices and don't go out to the public and care about flooding in our neighborhoods, because they are in all of our Districts, Indialantic, West Melbourne, to Palm Bay because our area, we do care about our area. So, I'll just leave that at that. That's a non-issue. That really hurt my feelings and it really diminishes the work of my staff because we've worked very hard, along with other County employees to make sure that we are doing what we can to clean out sewers, take care of storm drains, and to take care

of our residents. So, while, again, while I appreciate the heckling in the audience and some of the curse words that I'm hearing, it's not going to change my mind. Twenty-six houses, I mean, I would hope that after 12 years you can change your plan for an area based on the needs of the neighborhood, and I think one resident said it well when they really don't want anything in this area, and I don't think that's fair to the home, or to the property owner as well. So, I don't really have a problem with this because I think he's taking care of, again, a lot of our complaints come from higher elevation properties that are built, and for newer development it's because we, we, we build and we develop smarter now in consideration with natural resources, in consideration with utilities and Public Works and growth management, because we make sure that we don't make mistakes that will cause flooding of neighborhoods and that we take care of the water that comes on our property. And we usually have such an impact that it actually helps surrounding neighborhoods. So, again, I'll stop, I'm good.

Pritchett: Commissioner Barfield.

Barfield: I'll leave it with this, but I'd just like to point out that over that time frame those 12 years, that the flood maps showed substantially more flooding in that area than before, and I think that needs to be in consideration. I think we need to look at this, and I actually think we do need to start looking when we are working on development what the overall impact in the future's going to be in a little different tone. I think that's a whole another issue we need to discuss. At some point I think we need to have a workshop on that, too; but for this, the flooding there, the new maps and everything show even more, and I think it needs to come into play with this. So, I'll leave it at that.

Pritchett: Commissioner Smith, yes sir.

Smith: Yeah, I would just like to weigh in because I listened to all this testimony, and I'm not really familiar with that area, I have driven by it probably three or four months ago. I know we've got the flooding issue, but when I look at the people that are familiar with it, starting with Commissioner Barfield and Merritt Island and the P&Z board, and they're all opposed to this, I have to say that I'm opposed also. But I would like to agree with Commissioner Barfield, if we can split the baby and make it like 26 homes, I think that, that would serve the size, and I think it would be equitable on both sides; so I would be amenable to that as well.

Pritchett: Thank you, sir. I've got no more lights here for you guys. One last comment, I totally respect you, Commissioner Barfield up here and the other Commissioners, and that, that challenges my thoughts and I knew that would be something would have to really think through. So, I spent more time thinking through this process, and I've got to vote what I believe is a good fit, and I just believe it is. The County is growing, and as far as the flooding, I'll tell you, District 1, you talk about flooding, District 1 is flooded. I have roads underwater with the river. This is a really unusual time and I know different properties have different flooding, but we have to work on ways to mitigate the flooding when we build and what we're going to do with these things. I do care very much about wetlands, and I think it's important that we maintain them, but I just don't think this is a high density project, and with a good conscience, I could not vote to deny this tonight. So, would anybody like to make a motion?

Tobia: Madam Chair, I'd like to make a motion for a change of Zoning Classification from SEU to EU.

Pritchett: That's the zoning that puts a little bit more criteria on it to be larger lots.

Isnardi: With the BDP?

Tobia: Yes, with the, sorry, with the BDP, BDP to 40 units.

Pritchett: I have a motion on the floor.

Isnardi: I'll second.

Pritchett: I have a second. All in favor vote Aye.

Pritchett, Tobia, Isnardi: Aye.

Pritchett: Opposed?

Barfield, Smith: Nay.

Pritchett: It passes 3:2, with Commissioner Barfield and Commissioner Smith in objection.
Thank you.

14(E) NAJJAD
10/5/17 ZONING

Good Evening.

I am Marty Weber and I live at 3450 North Tropical Trail on Merritt Island.

In 2005 Najjad, Inc. entered into a Binding Development Plan for the 26 acre property promising to build 13 to 18 homes. This is what the Commissioners approved. (Refer to Page 2 of the NMIDSD minutes)

Now Najjad Inc. wants to rezone the property to EU-2. The reason is to be compatible with the Harvey Groves property to the north, which was rezoned a year ago to EU-2. One of the reasons why this request has been previously denied by the NMI Dependent Special District Board and the Brevard County Local Planning Agency is because what Najjad Inc. is asking for is **NOT** comparable to the property to the north.

On Aug. 4, 2016 that property to the north was ultimately approved with a binding development plan for only 52 units on 40 acres, that is 0.76 houses per acre. The actual equivalent for Najjad Inc. would be 26.11 acres divided by 0.76 units, equaling 34.35 houses max (34). Approving the EU-2 zoning request, would allow 126.37 lots/houses (26.11 acres or 1,137,135.35 sq ft/9000 sq ft) with a house sq ft measurement of 1500 sq ft.

When Najjad Inc. presented a development plan on March 6th to the NMI Homeowner's Association board and also to the NMI Dependent Special District board on March 9th, Najjad showed 40 houses. On August 8th Najjad asked the LPA board to approve EU-2 zoning, but with a binding development plan holding Najjad to 40 houses. Throw out the binding development plan and the EU-2, will allow any future development of 126.37 lots/houses on this property.

Regarding that binding development plan - please note that Najjad Inc. agreed to a binding development plan in 2005. Najjad is now asking you to ignore that agreement between the corporation, the Commissioners and the community.

On August 8th the LPA board asked Najjad about agreeing to 26 houses as suggested by the NMIHOA. The LPA was reluctant to change a decision (the old BDP) to which had previously been agreed. They twice asked Najjad to compromise and agree to put only 26 houses on the property. Najjad refused both times. That's when the LPA denied Najjad's EU-2/40-house request.

Najjad Inc. also wants you to forget about the Smith Road access to the property on the south side. It is zoned AU with a minimum lot size of 2.5 acres. In 2005 Najjad said "we wanted to make sure that... the houses were not crammed in and that they have plenty of space between them." (Page 2 NMIDSD minutes) 18 homes on 26 acres is compatible with current Smith Road home sites.

EXHIBIT A. CONSISTENCY OF ZONING CLASSIFICATIONS WITH FUTURE LAND USE MAP SERIES

Zoning Classifications	Land Use Designations																						
	Agric	Res	NC	CC	PI	H/L	PUB	REC	PR	PUB	CON	CON											
																							1:2.5
GU, PA, AGR, RRMH-5, PUD, RPUD, RVP	Y												Y*	N	N		N						
AU, REU, RRMH-2.5	N	Y											Y*	N	N		N						
ARR, RR-1, SEU, RRMH-1	N		Y										Y*	N	N		N						
SR, TR-2	N			Y									Y*	N	N		N						
EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4	N			Y									Y*	N	N		N						
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6	N				Y								Y*	N	N		N						
RU-2-8, RA-2-8 RA-2-10, RU-2-10	N					Y							Y*	N	N		N						
RU-2-12, RU-2-15	N						Y						Y*	N	N		N						
RU-2-30	N							Y					Y*	N	N		N						
BU-1-A, IN	Y**												Y**	N	N		N						
RP	N						Y**						Y	N	N		N						
BU-1, TU-1, TU-2	N												N	Y	N		N						
BU-2	N												N	Y	Y**		N						
PBP	N												N	Y	Y		N						
PIP	N												N	Y	Y		N						
IU, IU-1	N												N	N	Y		N						
EA, GML	Y												Y	Y	Y		Y						

10/5/17
 IVE NAJJAD, INC
 SEU to EU2

	NAJJAD (Droor)	Crisafulli Enterprises
Size	26.11 acres	12.85 acres
Units	40 (BDP requested to increase beyond the existing 19 units approved in prior BDP)	48 (BDP requested to limit impact)
Units/acre	2	About 4
Min. lot size	9,000 sq. ft	Minimum interior lot size within a site is 1,800 square feet.
Min. Dwelling size	BDP states living area at 2,500 sq. ft. minimum	Minimum floor area for a single-family attached residential unit is 575 square feet for a one-bedroom unit, plus 140 square feet for each additional bedroom.
Consistent with Future Land Use Plan?	YES if approved with associated BDP	YES due to the accompanying Small Scale Plan Amendment that changed density from two units to four units per acre
Protected Species	Possible	Possible (scrub jays)
Proposed Zoning	EU-2 (estate use residential – single-family)	RA-2-4 Single-family attached residential dwelling
Current Zoning	SEU (suburban estate use)	BU-1 (retail) and AU (agricultural/residential)
NMI Recommendation	Denied (unanimous)	Denied (unanimous)
Location	N. Merritt Island	N. Merritt Island (further north)
NMI Issues with Ingress/Egress?	Yes	Yes

IVLE NAJJAD
SMITH



Randall G. Holcombe, Ph.D.
DeVoe Moore Professor of Economics
Department of Economics
Florida State University
Tallahassee, Florida 32306

31 July 2017

Mr. Larry Rockliff
3255 Spartina Avenue
Merritt Island, Florida
32953

Mr. Earl McMillin
150 Smith Road
Merritt Island, Florida
32953

Dear Mr. Rockliff and Mr. McMillin:

Thanks for getting in touch with me about the fiscal impacts of residential development. The accepted wisdom on this among academic economists is that taxes levied on residential development do not cover the costs of providing government services to the development, so costs are shifted to existing taxpayers. Higher density development pays a lower share of its infrastructure and service costs. In contrast, taxes on commercial development more than pay for the services associated with it. The common sense behind this is that residential development brings with it demands for schools to educate children who live there, police and fire services and infrastructure associated with development. Meanwhile, property taxes on commercial development are in general higher than for residential development.

Multifamily development tends to impose the highest fiscal costs on a municipality, because more residents live in multifamily residences relative to taxes paid. Communities interested in maintaining their fiscal health do best by encouraging commercial development and do worst by encouraging multifamily development.

Academic studies on this subject are relatively rare because the conventional wisdom on the issue is generally accepted. Some examples of past studies can give you an idea of the conclusions those who have studied the issue have drawn.

Eban V. Fodor, "The Real Cost of Growth in Oregon", *Population and Environment*, 18, No.4 (March 1997) at page 373 says, about residential development, "most of these public infrastructure

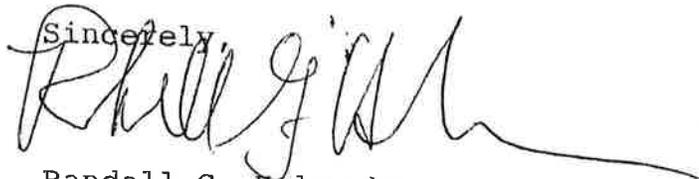
costs are distributed across the entire population of a community through property taxes or general obligation bonds, whereas the benefits of these investments accrue primarily to the new development."

Jeffrey H. Dorfman, professor at the University of Georgia, "The Fiscal Impacts of Land Uses on Local Government" (April 2006) says, "while commercial and industrial development can indeed improve the financial well-being of a local government, residential development worsens it!" He goes on to say, "The cost of providing services exceeds the revenue generated by the new houses in every case studied."

The conclusion that residential development has a negative fiscal impact on municipal governments whereas commercial development has a positive impact makes sense when you consider that (1) property taxes tend to be higher on commercial development, and (2) that government services are provided to residents, so more residents means higher costs. Because multifamily residences tend to have more people living in them relative to the value of the residence, multifamily has the greatest negative fiscal impact. In short, the higher the density of residences per acre, the greater the potential negative fiscal impact. }

I have taught public finance courses at Florida State University for 29 years and have been interested in these development issues over that period not only because of my teaching but because of Florida's experiences with growth management programs going back to the *Growth Management Act of 1985*. Please feel free to contact me if I can provide any additional information on fiscal impacts of development.

Sincerely,



Randall G. Holcombe
DeVoe Moore Professor
of Economics

-2-

State of Florida
County of St. Johns

Before me the undersigned authority duly empowered by the State of Florida to administer oaths and authenticate signatures, personally appeared Randall G. Holcombe, a person known to me or properly identified to me by production of

photo identification and signed the foregoing two (2) page document in my presence on this 31 day of July 2017.

Cindy A. Carter
Notary Public



Good afternoon. I am Mary Hillberg and reside at 3780 Sierra Drive in NMI. As a native and life-long resident of Merritt Island, I know some members of this Commission have been in Brevard for several years. However, all may not be aware of the situation of the North Merritt Island (NMI) area, and need current competent and substantial evidence to make a wise decision on this Smith Road item.

In **1989** the NMI area was designated X as a Flood zone, which means it is in no danger of flooding. **See map.**

After Tropical Storm Fay in 2008, the low elevations on NMI were painfully obvious.

In 2012, the NMIHOA invited Frank Skarvelis, the Director of Flood Management for Brevard County, to explain the new FEMA designations. He brought maps and answered questions.

In **2014**, the FEMA released their flood maps. These changes still have not been acted upon by the county in terms of the FLUM for NMI. **See map.**

Now in **2017**, FEMA again recognizes, with advanced Lidar satellite imaging, that this area requires further defining and has produced preliminary maps that are more accurate than ever before. From this competent and substantial evidence, it is obvious, for the safety of our residents and protection of their properties, we need to reexamine our FLU maps and correct them before we allow inappropriate development in documented flood prone areas. **See map.**

Brevard County's Public Utilities Department continues heroic and creative efforts to protect the structures and residents of NMI with pre-storm work and multiple surface water pumps, that are manned when a significant rain event occurs. Mr. Denninghoff, Public Utilities Director and his staff do their best to mediate this threat, but increasing the density and further hardening the land on NMI, will make this growing threat a difficult and expensive challenge.

It is not safe, reasonable or responsible to continue increasing density on low areas of NMI, when the competent and substantial evidence shows these areas are at annual risk of flooding.

Property owners are not “entitled” to rezone their property. When an increase in density development puts current and future residents at risk, it should responsibly be denied. We recently saw Houston struggle with damage attributed to inappropriate development decisions, and can learn from the mistakes of others.

Rezoning and land use changes that increase density on NMI are unfair to the current residents, unfair to the future residents, destructive to our Indian River Lagoon and a waste of county tax dollars!

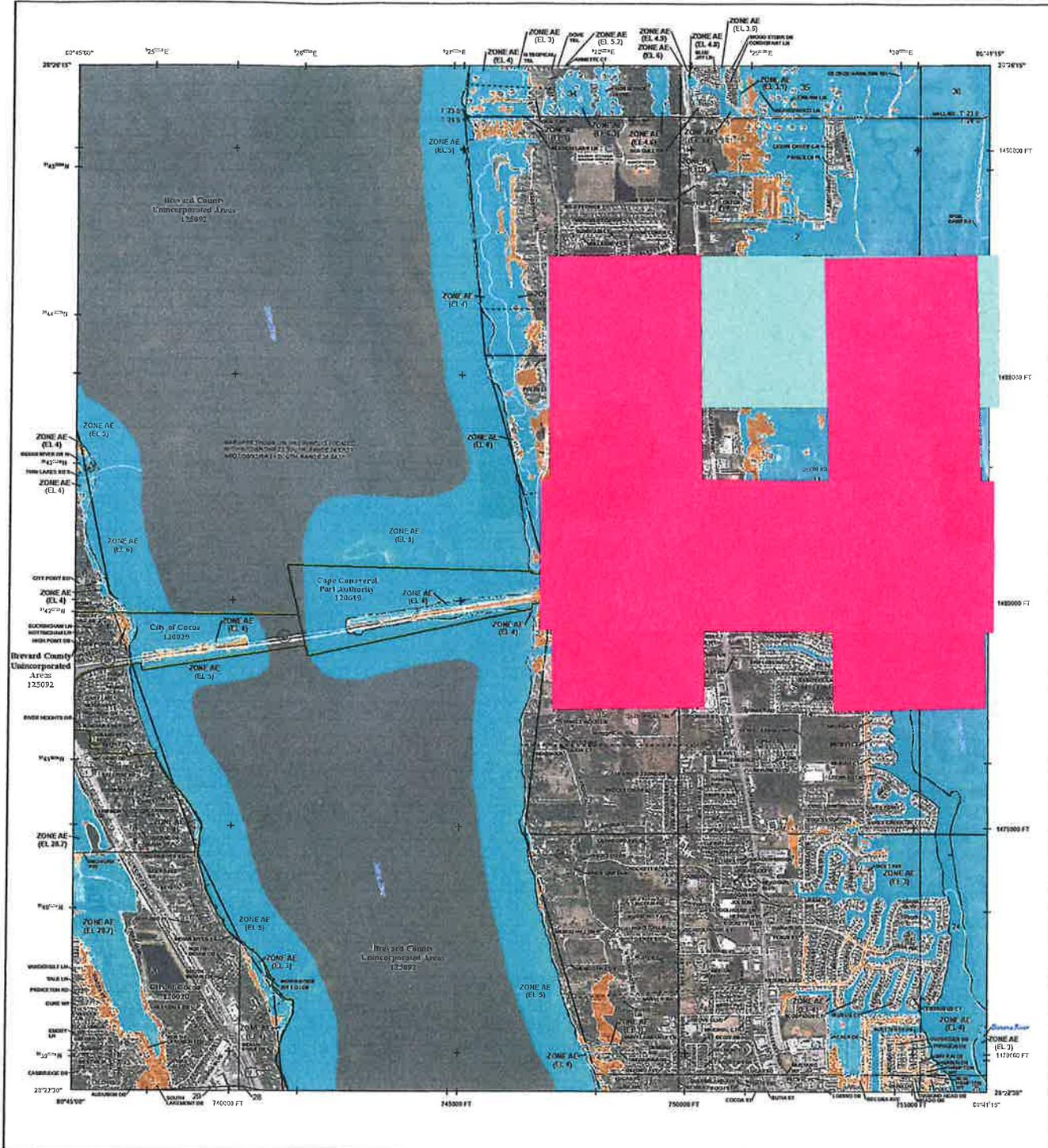
The NMIHOA, NMIDSAB and the Brevard County Planning and Zoning Board have all unanimously recommended denial. **We respectfully ask this commission deny this request.**

A moratorium on any further rezoning or development in NMI while the FLU Maps be corrected, may be the safest step to take in order to avoid unsafe zoning and land use in this area.

Thank you.

2017

2017



FLOOD HAZARD INFORMATION

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR THIS PANEL LOCATOR. THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTP://MHC.FEMA.GOV](http://mhc.fema.gov)

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) (Zone A)
- With BFE or Depth (Zone A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z)
- Regulatory Floodway
- 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile (Zone A)
- Future Conditions 1% Annual Chance Flood Hazard (Zone A)
- Area with Reduced Flood Risk due to Levee Sea Walls (Zone A)
- Area with Flood Risk due to Levee (Zone A)
- Area of Minimal Flood Hazard (Zone A)
- Area of Undetermined Flood Hazard (Zone A)

OTHER AREAS OF FLOOD HAZARD

- Area of Minimal Flood Hazard (Zone A)
- Area of Undetermined Flood Hazard (Zone A)

OTHER AREAS

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall
- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Trench
- Profile Baseline
- Hydrographic Features
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

For information and questions about the Flood Insurance Study (FIS), available products associated with the FIS, including future revisions, the contact may also be made with the National Flood Insurance Program (NFIP) in general, please call the NFIP Call Center at 1-877-FLOODS (1-877-366-3629) or visit the NFIP Flood Map Center website at <http://www.floodmapcenter.gov>. Available products may include preliminary Flood Hazard, Flood Hazard, Flood Hazard, and Flood Hazard. All products are subject to change. Some information may not be reflected in this study. Please refer to the NFIP website for the most current information.

For information and questions about the Flood Insurance Study Report for this product, please call the NFIP Call Center at 1-877-FLOODS (1-877-366-3629) or visit the NFIP Flood Map Center website at <http://www.floodmapcenter.gov>. Available products may include preliminary Flood Hazard, Flood Hazard, Flood Hazard, and Flood Hazard. All products are subject to change. Some information may not be reflected in this study. Please refer to the NFIP website for the most current information.

Some map information shown on this FIS was provided in digital format by the Brevard County Property Appraiser, dated 2014 and 2015; the Florida Department of Transportation, dated 2015; the U.S. Census Bureau, dated 2010; the U.S. Department of Agriculture, dated 2012; and the U.S. Postal Service, dated 2012.

SCALE

Map Projection: State Plane Transverse Mercator, Florida East Zone, North American Datum 1983 (NAD83).
 1 inch = 1,000 feet
 1:12,000

0 1,000 2,000 4,000 Feet

0 250 500 1,000 Meters

PANEL LOCATOR

	020	024	028	032
	030	034	038	042
	040	044	048	052
	050	054	058	062
	060	064	068	072
	070	074	078	082
	080	084	088	092
	090	094	098	102
	100	104	108	112

FEMA
 National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE BASE MAP
 BREVARD COUNTY, FLORIDA
 and Incorporated Areas
 Panel 340 of 825

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INSURER PANEL SUFFIX
 12009 0340 H
 12009 0340 H

PRELIMINARY
 8/24/2017

VERSION NUMBER
 2.3.3.2
 MAP NUMBER
 12009C0340H
 MAP REVISED

