



AGENDA REPORT
April 4, 2019

Joseph Brandon and Nikki Thomas request a Small Scale Comprehensive Plan Amendment from RES 1:25 to RES 1. (18PZ00153) (District 1)

SUBJECT:

Joseph Brandon and Nikki Thomas request a Small Scale Comprehensive Plan Amendment from RES 1:25 (Residential 1:2.5) to RES 1 (Residential 1). The property is 3.15 acres, located on the southeast corner of County Line Road and Dixie Way. (6705 Dixie Way, Mims) (18PZ00153) (District 1)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1:2.5 (Residential 1:2.5) to RES 1 (Residential 1).

SUMMARY EXPLANATION and BACKGROUND:

This request is seeking a change in Future Land Use (FLU) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 3.15 acre portion of the total 19.75 acre parcel. This area of unincorporated Brevard County between Highway 1 (US 1) and the Indian River is comprised of mainly RES 1, RES 1:2.5 and Agricultural (AGRIC) land use designations, transitioning from one unit per acre density allowances closest to Highway 1 (US 1), to one unit per five (5) acres closest to the Indian River. To the north of the property is in Volusia County with a Future Land Use designation of Conservation with a limitation on Floor Area Ratio to 0.10 and a density of one (1) unit per ten (10) acres.

Most of the subject property retains Residential 1 (RES 1) and the applicants are asking to have one consistent Future Land Use designation across the entire 19.75 acre parcel, allowing for development at 1 unit per acre.

A preliminary concurrency analysis does not indicate that the proposed change in FLU designation would result in any impacts to level of service on the surrounding roadway network. The applicant has been notified that any future subdivision would need to provide paved access and internal roadways. Connectivity to County Line Ditch Road at the Volusia County intersection just north of the subject property will be necessary for

development. Volusia County Traffic Engineering has indicated that the additional trips resulting from this proposal are not anticipated to result in a Level of Service deficiency on County Line Ditch Road.

Water and sewer services are not available to the subject property; however, Brevard County's Comprehensive Plan does not require water and sewer services for development at less than four (4) dwelling units per acre or greater. The area is outside of the septic overlay area, as it is over 3700 feet away from the Indian River Lagoon.

The Board may wish to consider if changing the Future Land Use from Residential 1:25 to Residential 1 is consistent with the surrounding area. This request is accompanied by a companion proposal for a change of zoning classification from Agricultural Residential (AU) to Rural Residential (RR-1).

On February 11, 2019, the Local Planning Agency heard the request and voted 6:2 to approve.

On March 7, 2019, the Board of County Commissioners tabled the request to the April 4, 2019, Commission meeting.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **School Concurrency**
- ▢ **Local Planning Agency Minutes**
- ▢ **Public Comment**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) *General standards of review.*

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

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



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April 5, 2019

MEMORANDUM

TO: Eden Bentley, County Attorney

RE: Item H.5 and H.6., Findings of Fact for Joseph Brandon and Nikki Thomas' Request for a Small Scale Comprehensive Plan Amendment from RES 1:25 to RES 1 and Request for Change of Zoning Classification from AU to RR-1

The Board of County Commissioners, in regular session on April 4, 2019, directed you to draft the findings of fact upholding the denial of the request for Joseph Brandon and Nikki Thomas' request for a Small Scale Comprehensive Plan Amendment from RES 1:25 to RES 1 and request for a change in Zoning Classification from AU to RR-1.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cw

FUTURE LAND USE MAP SERIES PLAN AMENDMENT

STAFF COMMENTS

Small Scale Plan Amendment 19S.03 (18PZ00153)
Township 20G, Range 35, Section 39

Property Information

Owner / Applicant: **Joseph Brandon and Nikki Thomas**

Adopted Future Land Use Map Designation: Res 1:2.5

Requested Future Land Use Map Designation: Res 1

Acreage: 3.15 acres Tax Account #: 2004879 (a portion of)

Site Location: Southeast corner of County Line Road and Dixie Way

Current Zoning: AU

Requested Zoning: RR-1

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Volusia County Vacant	C	Conservation
South	Citrus Grove	AU	RES 1
East	Citrus Grove, partially planted	AU	RES 1:2.5
West	Single Family	AU	RES 1

Background & Purpose

The applicant is seeking to amend the Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a portion of a parcel totaling 3.15 acres of the greater 19.75 acre parcel of land. The parcel of land has two (2) Future Land Use designations with RES 1 on the 16.6 acres to the west and RES 1:2.5 on the easternmost 3.15 acre portion of the property. The subject parcel is located uniquely at the very northern end of the County as the parcels northern boundary abuts Volusia County parcels and Unincorporated Brevard County in the Scottsmoor area, on the southeast corner of the intersection of County Line Road and Dixie Way.

The 3.15 acre portion of the greater parcel abuts a vacant parcel of land in Volusia County to the north, a citrus grove to the east and south and a 7.5 acre parcel developed with a single-family residence and an undeveloped 2.5 acre parcel, both retaining Agricultural Residential (AU) zoning, to the west in Brevard County.

There are two (2) different Future Land Use designations due to the creation of the County's Comprehensive Plan in 1988. The original Brevard County Comprehensive Plan included a Future Land Use Map and a Residential Density Map. On March 19, 1991, the Board of County Commissioners approved a 17,000 acre residential density change going from RES 1:2.5 to RES 1. The Land Use change was initiated by Brevard County due to approximately 5,000 lots that were either inconsistent or nonconforming to the Residential Density Map at that time. The reason for the Future Land Use change was to provide people with an opportunity to utilize their property rights. The areas along the Indian River Lagoon and the westernmost portion of this property were reduced from one dwelling unit per acre to one dwelling unit per five acres.

The property is located midway between Highway 1 (US 1) and the Indian River Lagoon. The parcel is approximately 3,500 west of the Indian River. The Future Land Use in this area is Agricultural (AGRIC) along the Lagoon and increases in density heading west to RES 1:2.5 to RES 1. To the north is Volusia County Conservation land. The area is rural with conservation lands, agricultural lands with some developed single-family residential homes throughout the area.

A companion rezoning application was submitted accompanying this request for a Future Land Use designation change, proposing to change the Zoning classification from Agricultural Residential (AU) to Rural Residential (RR-1).

This area is outside of the 2007 Mims Small Area Study area, which examined the density amongst other things, on 34,517 acres on a big portion of norther Brevard. The Board of County Commissioners upheld density at Residential 1 (RES 1) or one unity to the acre, on land as far east of Highway 1 (US 1) as Dixie Way in the area to the south of the subject parcel.

Environmental Resources

Please refer to comments provided by the Natural Resource Management Department.

Historic Resources

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in *italics*

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Residential 1 (maximum of 1 unit per acre)

Policy 1.9

The Residential 1 (RES 1) land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 (RES 1) land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 1 (RES 1) land use designation; or

The subject portion of the overall parcel is located adjacent to parcels having a Future Land Use designation of Volusia County Conservation to the north, RES 1:2.5 to the east and RES 1 to the south and west.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or

There is a transition from an Agriculture (AGRIC) Future Land Use designation closest to the Indian River to the east, which allow for development of up to one unit per five (5) acres, to a less dense use of RES 1:2.5 to RES 1 between Dixie Way and US-1. This parcel is uniquely situated along the north/south transition in the area from having development potential at one unit per 2.5 acres to one unit per acre. The applicants are asking to have one consistent Future Land Use designation allowing for development at 1 unit per acre across the entire 19.75 acre parcel.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1 (RES 1).

This area along County Line Road is in Unincorporated Volusia County to the north and Unincorporated Brevard County to the South. This parcel is not adjacent to an incorporated area.

- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties with the CHHA.

The 3.15 acre portion of the overall 19.75 parcel does not qualify on its own to be developed as a PUD however the overall parcel does meet the minimum criteria of ten (10) acres or greater and is not located within a Coastal High Hazard Area (CHHA).

A preliminary concurrency analysis indicates that the proposed change in Future Land Use designation would not generate traffic that would cause deficiency of adopted roadway levels of service. Today, based upon the 2017 traffic counts, the traffic capacity indicates that this section of Highway 1 (US 1) from Burkholm Road to Volusia County is at 9.54% of the maximum acceptable volume (MAV). With this proposal to change the Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) the MAV would increase to 9.90%.

For Board Consideration

This request is seeking a change in Future Land Use (FLU) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 3.15 acre portion of the total 19.75 acre parcel. This area of Unincorporated Brevard County between Highway 1 (US 1) and the Indian River is comprised of mainly RES 1, RES 1:2.5 and AGRIC land use designations, transitioning from one unit per acre density allowances closest to Highway 1 (US 1) to one unit per five (5) acres closest to the Indian River. Most of the subject property retains Residential 1 (RES 1) and the applicants are asking to have one consistent Future Land Use designation allowing for development at 1 unit per acre across the entire 19.75 acre parcel.

A preliminary concurrency analysis does not indicate that the proposed change in FLU designation would result in any impacts to level of service. The applicant has been notified that any future subdivision would need to provide paved access and internal roadways. Connectivity to County Line Ditch Road at the Volusia County intersection just north of the subject property will be necessary for development.

Water and sewer services are not available to the subject property; however, Brevard County's Comprehensive Plan does not require water and sewer services for development at less than four (4) dwelling units per acre or greater.

This request is accompanied by a companion proposal for a change of Zoning classification from Agricultural Residential (AU) to Rural Residential (RR-1).

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY**

Item #: 18PZ00154

Applicant: Joseph & Nikki Thomas

Zoning Request: AU to RR-1

P&Z Hearing Date: 02/11/19

BCC Hearing Date: 03/07/19

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

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

Comments:

**This review relates to the following property: Twp. 20G, Rng. 35, Sec. 39;
Tax ID No. 2004879**

The subject parcel contains mapped NWI and SJRWMD wetlands and hydric soils (Pompano sand - 0 to 2% slopes and Wabasso sand - 0 to 2% slopes) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan or permit submittal.

Pompano sand – 0 to 2% slopes may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Portions of the property are mapped as being within the estuarine floodplain as identified by the

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

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

B.C. Zoning 4/11/12
Subbook

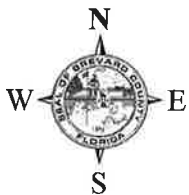
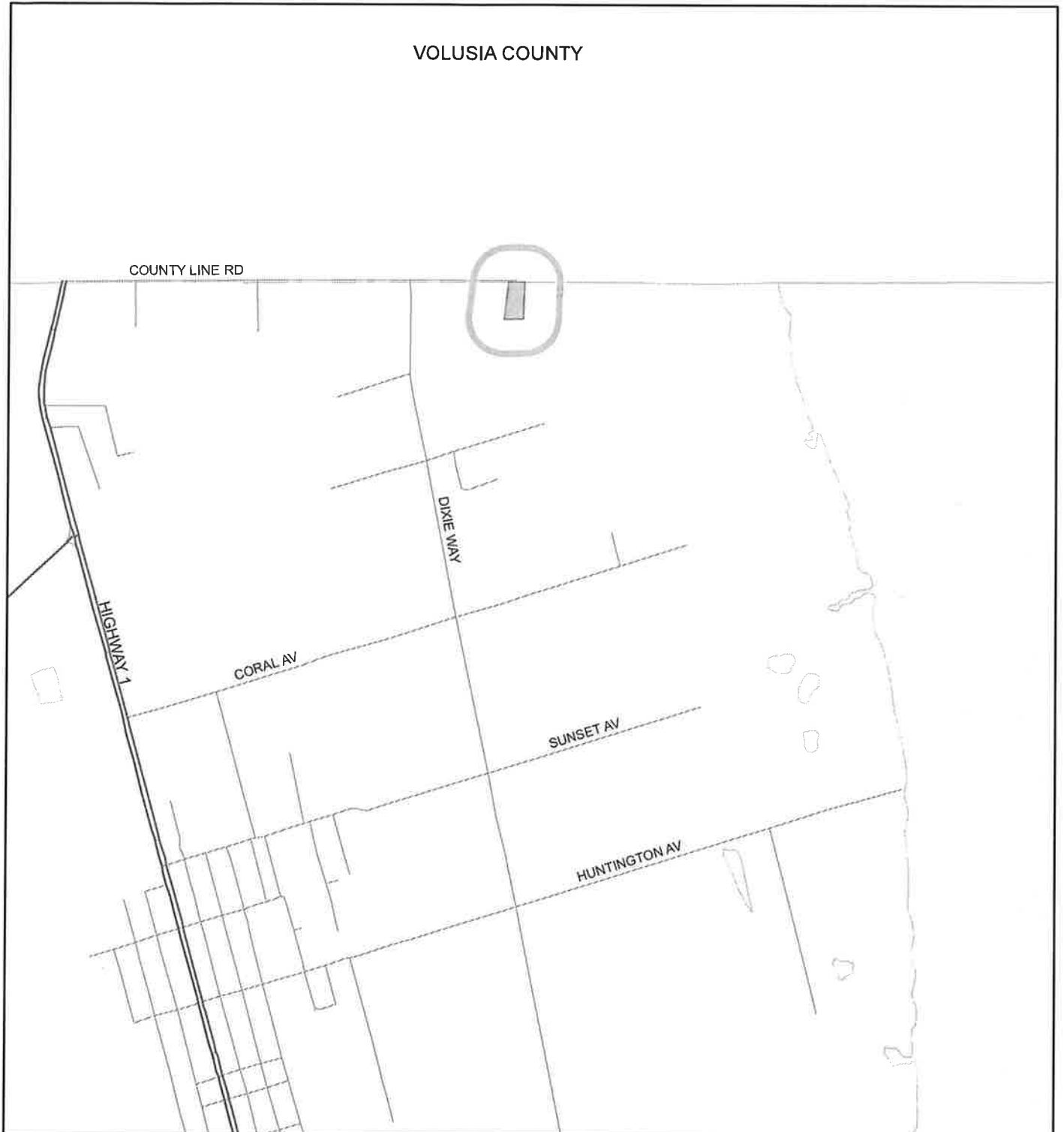




LOCATION MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03

VOLUSIA COUNTY



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

Buffer Distance: 500 feet

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

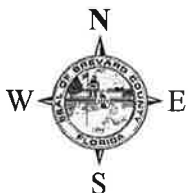
Produced by BoCC - GIS Date: 12/19/2018

Buffer
Subject Property

ZONING MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03

VOLUSIA COUNTY



1:4,800 or 1 inch = 400 feet

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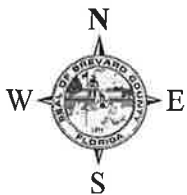
Produced by BoCC - GIS Date: 12/19/2018

- Subject Property
- Parcels
- ▮ Zoning

FUTURE LAND USE MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03

VOLUSIA COUNTY



1:4,800 or 1 inch = 400 feet

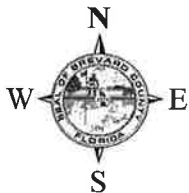
— Subject Property
□ Parcels

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Produced by BoCC - GIS Date: 12/19/2018

PROPOSED FUTURE LAND USE MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

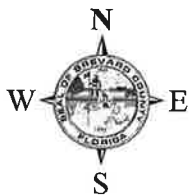
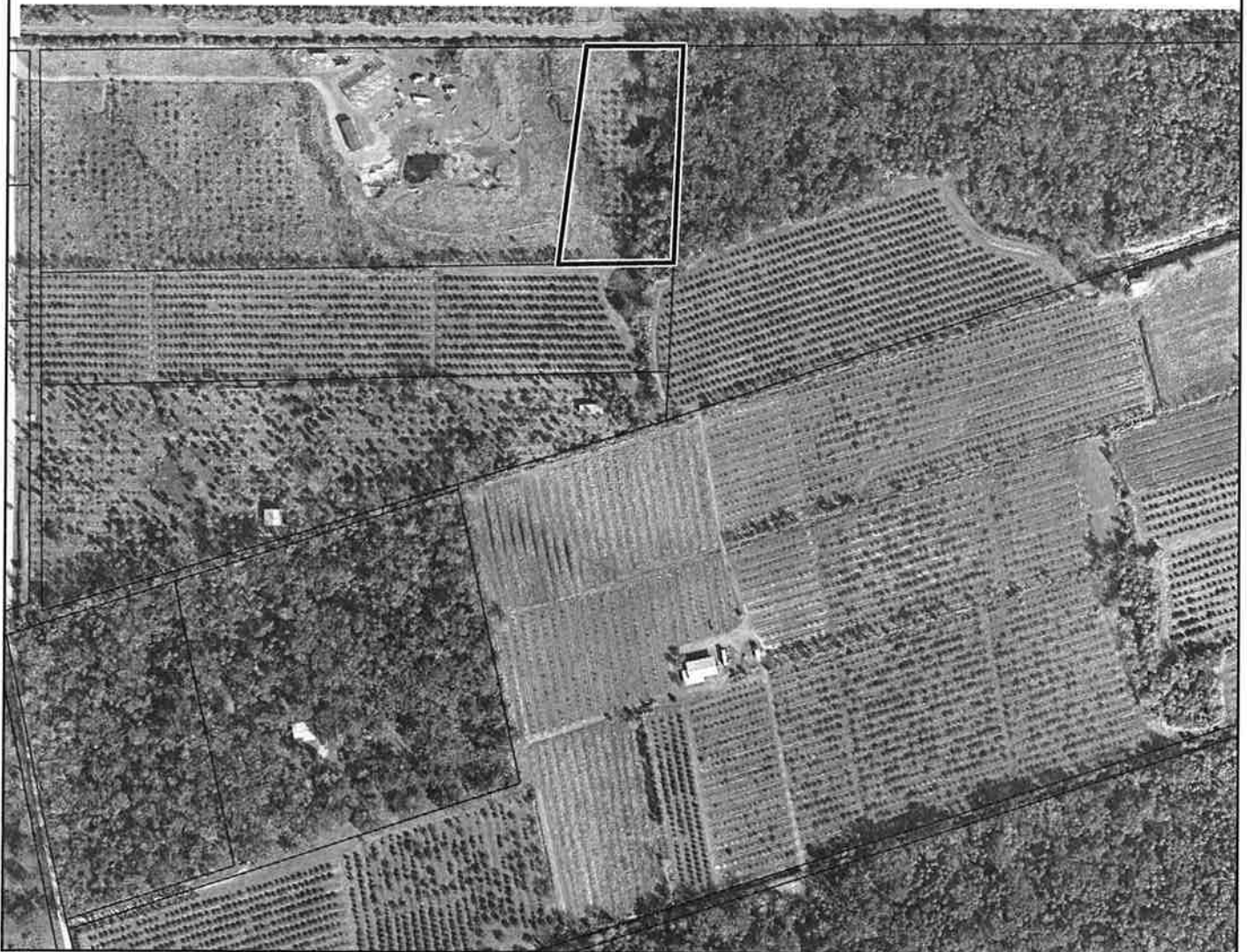
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AERIAL MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03

VOLUSIA COUNTY



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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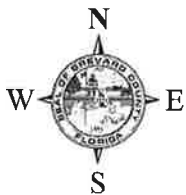
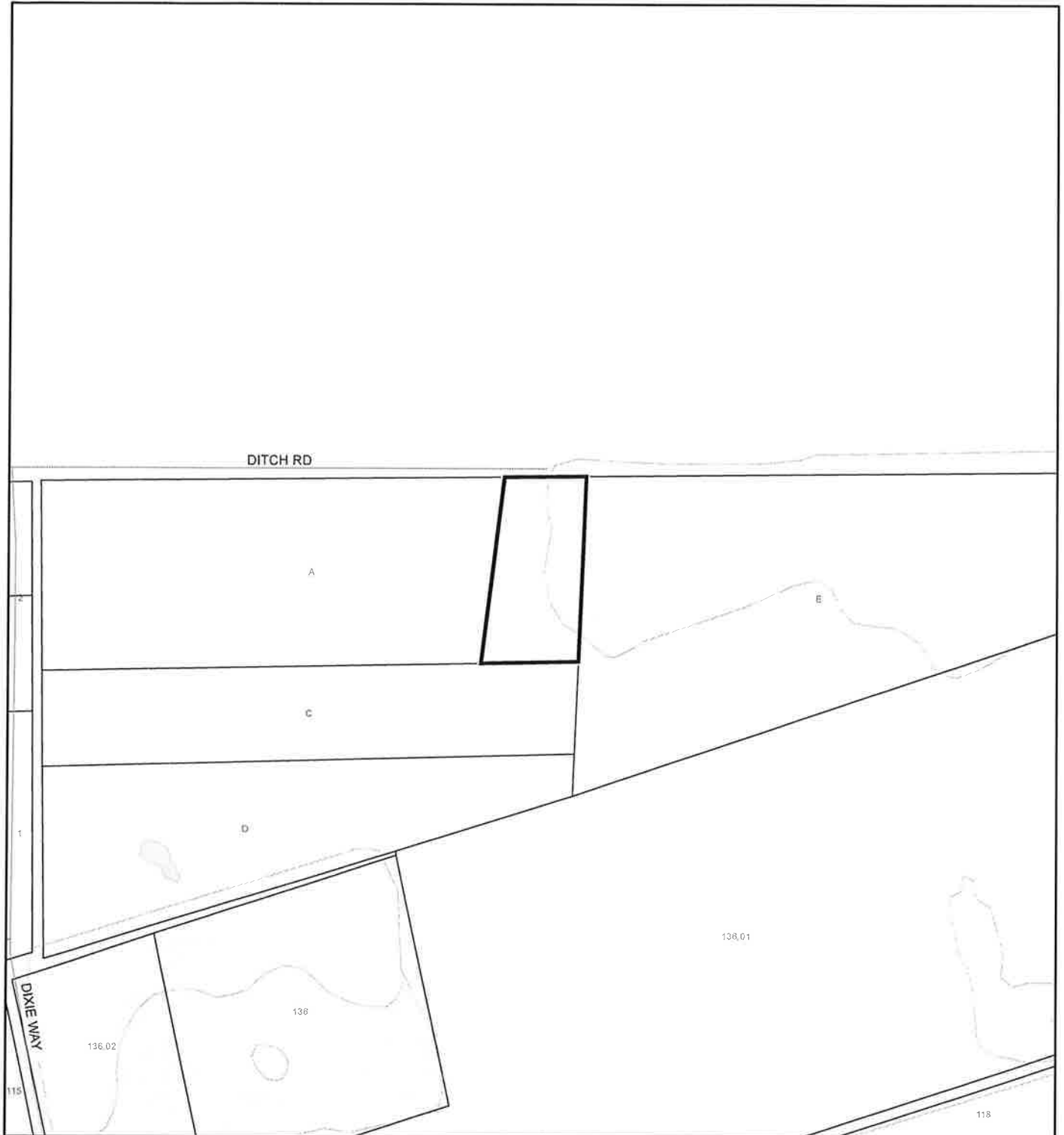
Produced by BoCC - GIS Date: 12/19/2018

— Subject Property

▭ Parcels

NWI WETLANDS MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03



1:4,800 or 1 inch = 400 feet

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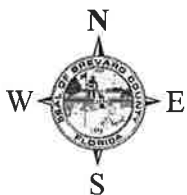
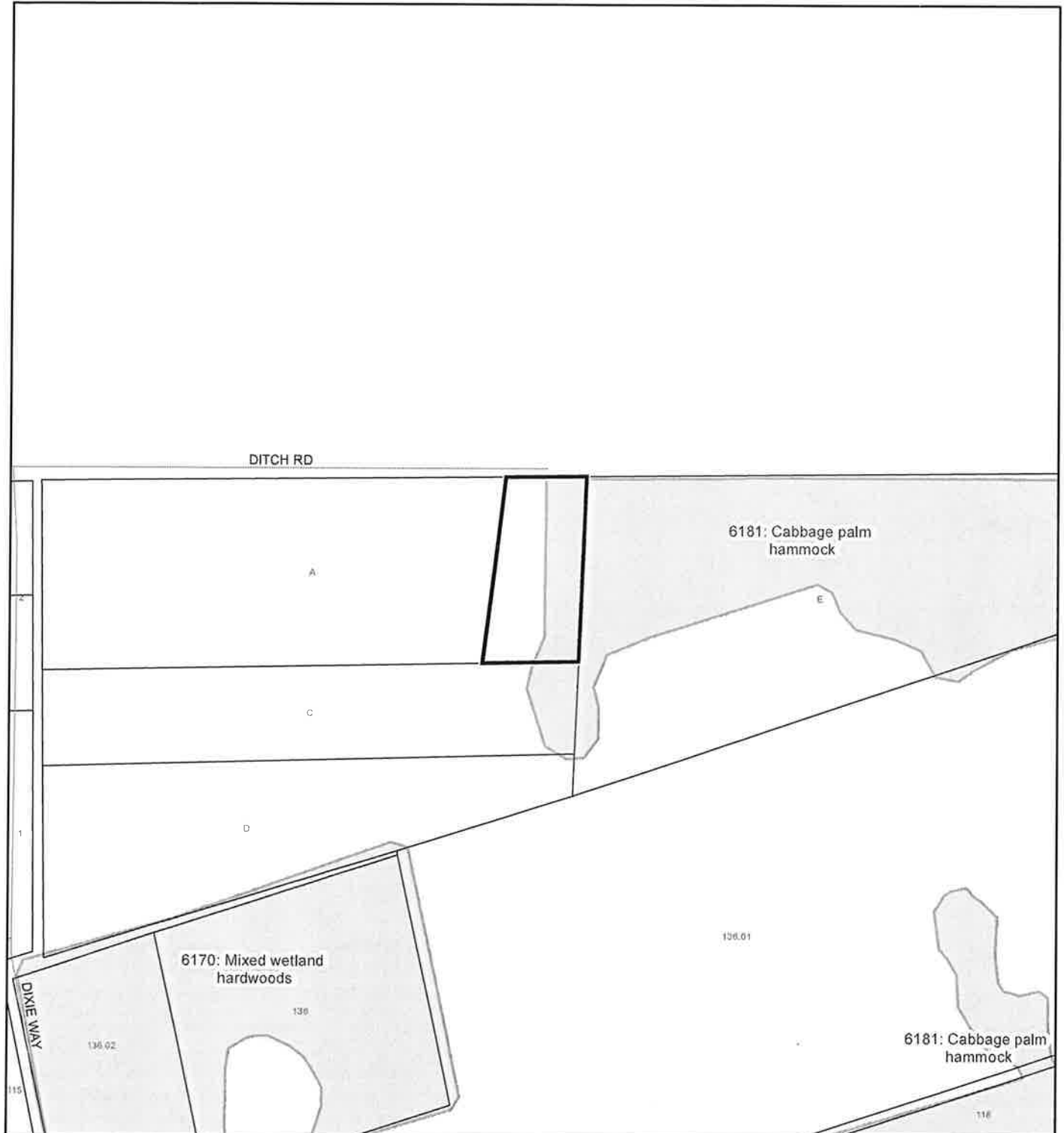
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National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/19/2018

SJRWMD FLUCCS WETLANDS

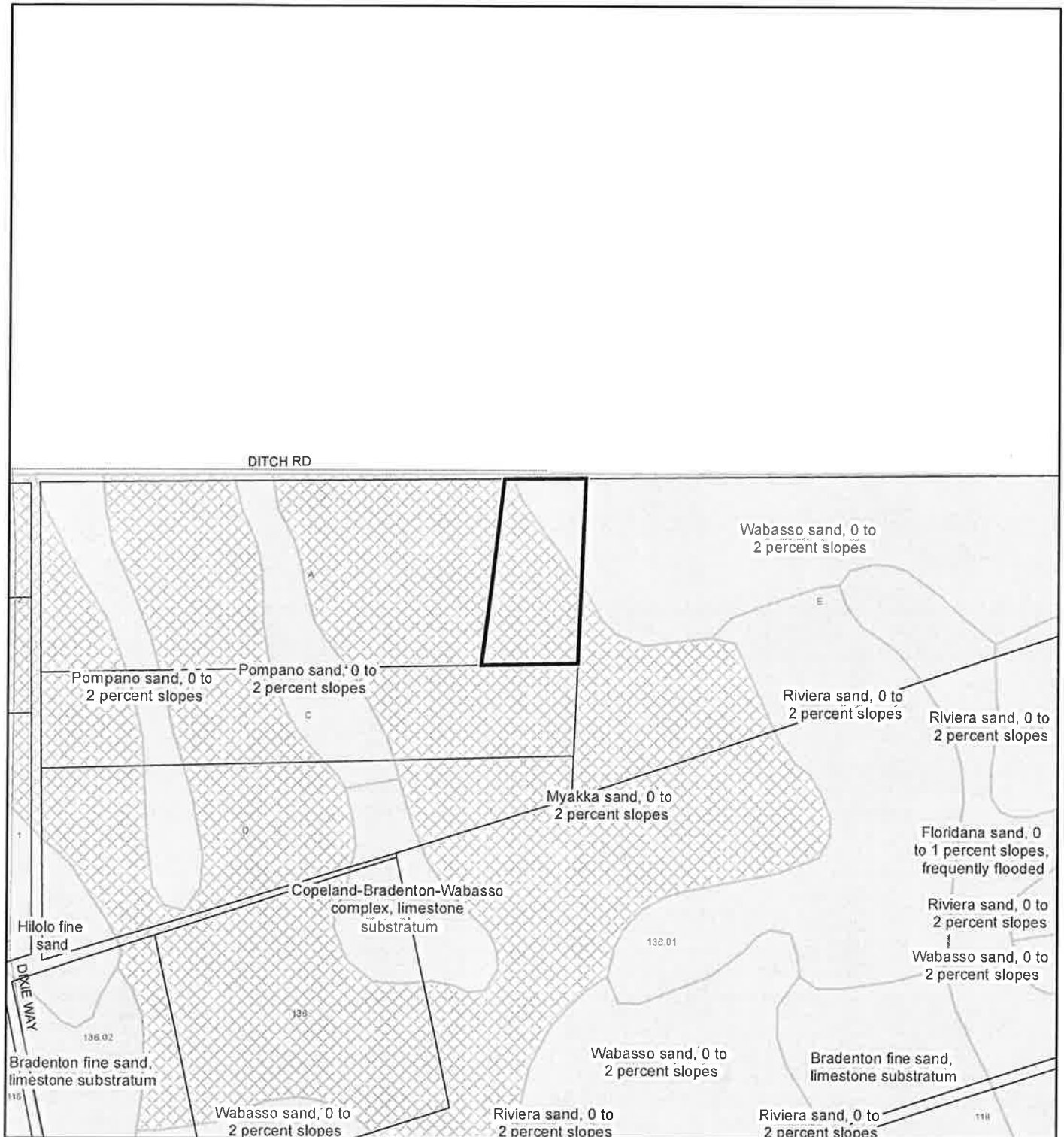
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property

 Parcels

USDA SCSSS SOILS MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/19/2018

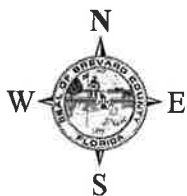
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03



1:4,800 or 1 inch = 400 feet

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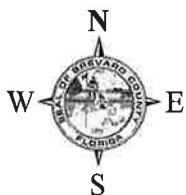
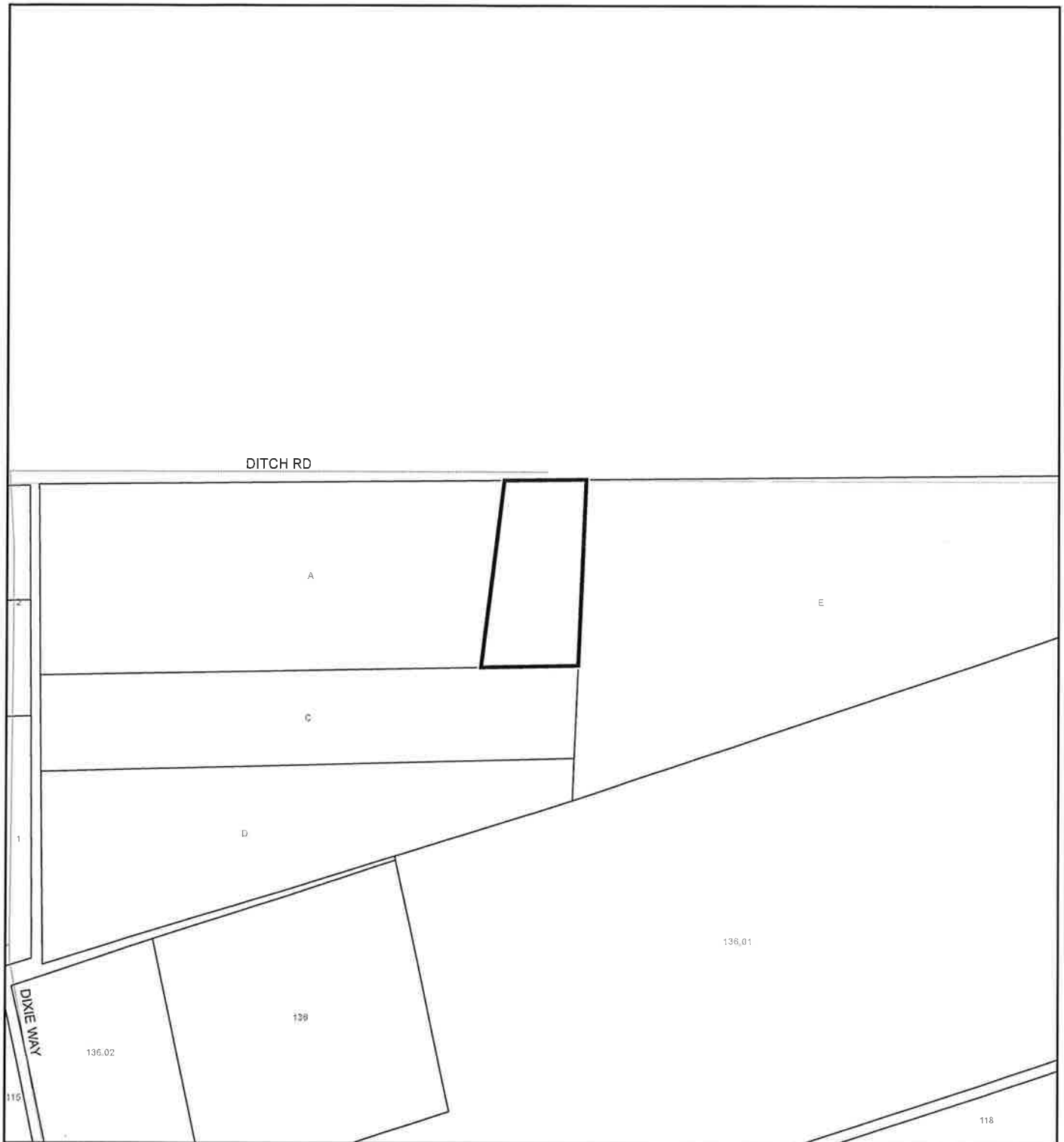
Produced by BoCC - GIS Date: 12/19/2018

FEMA Flood Zones

A	AO	X
AE	Open Water	X Protected By Levee
AH	VE	
0.2 Percent Annual Chance Flood Hazard		
0.2 Percent Annual Chance Flood Hazard Contained in Channel		
Subject Property		Parcels

EAGLE NESTS MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/19/2018

— Subject Property

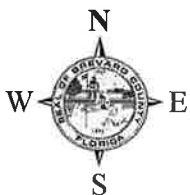
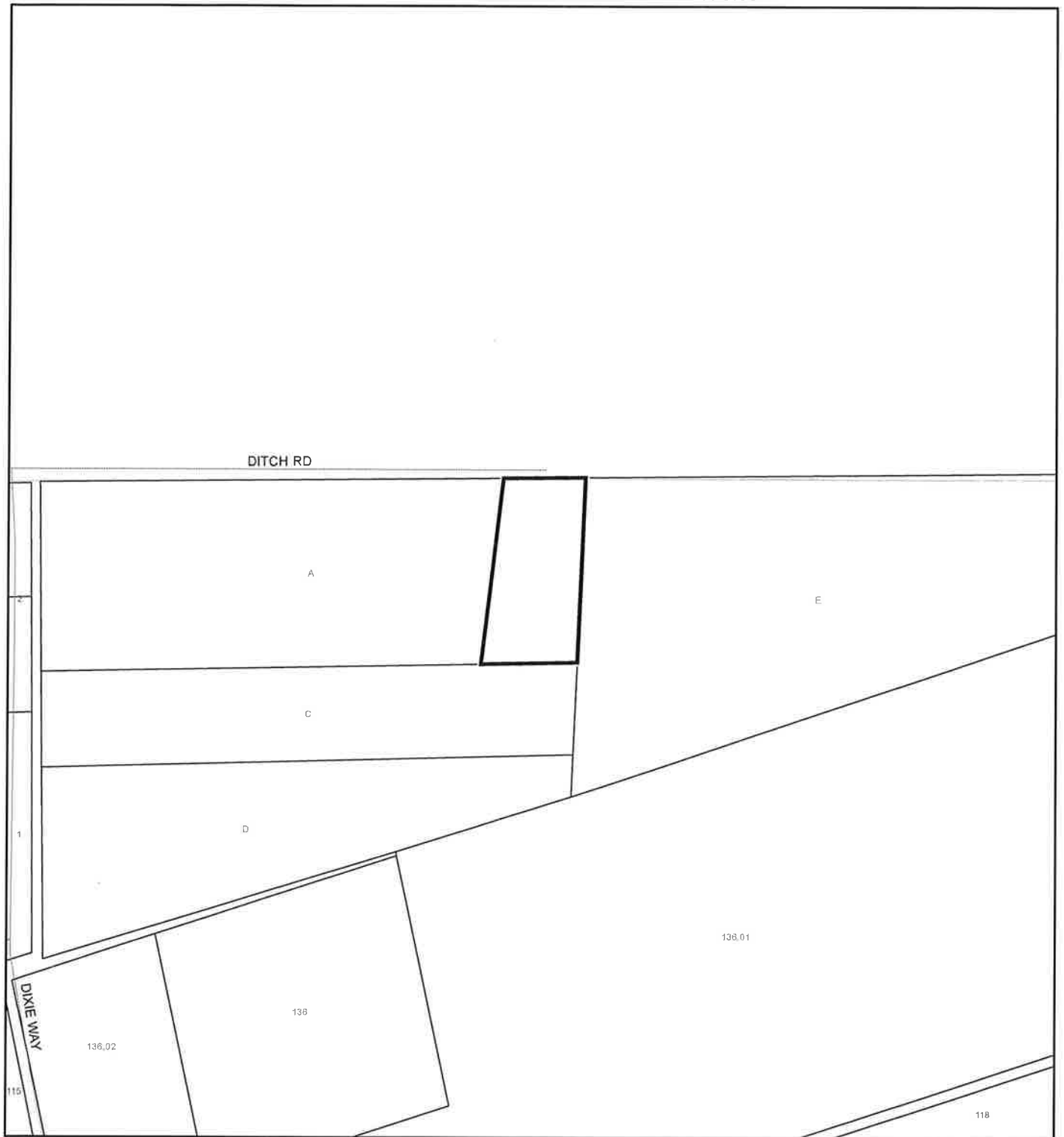
□ Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP




THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03



1:4,800 or 1 inch = 400 feet

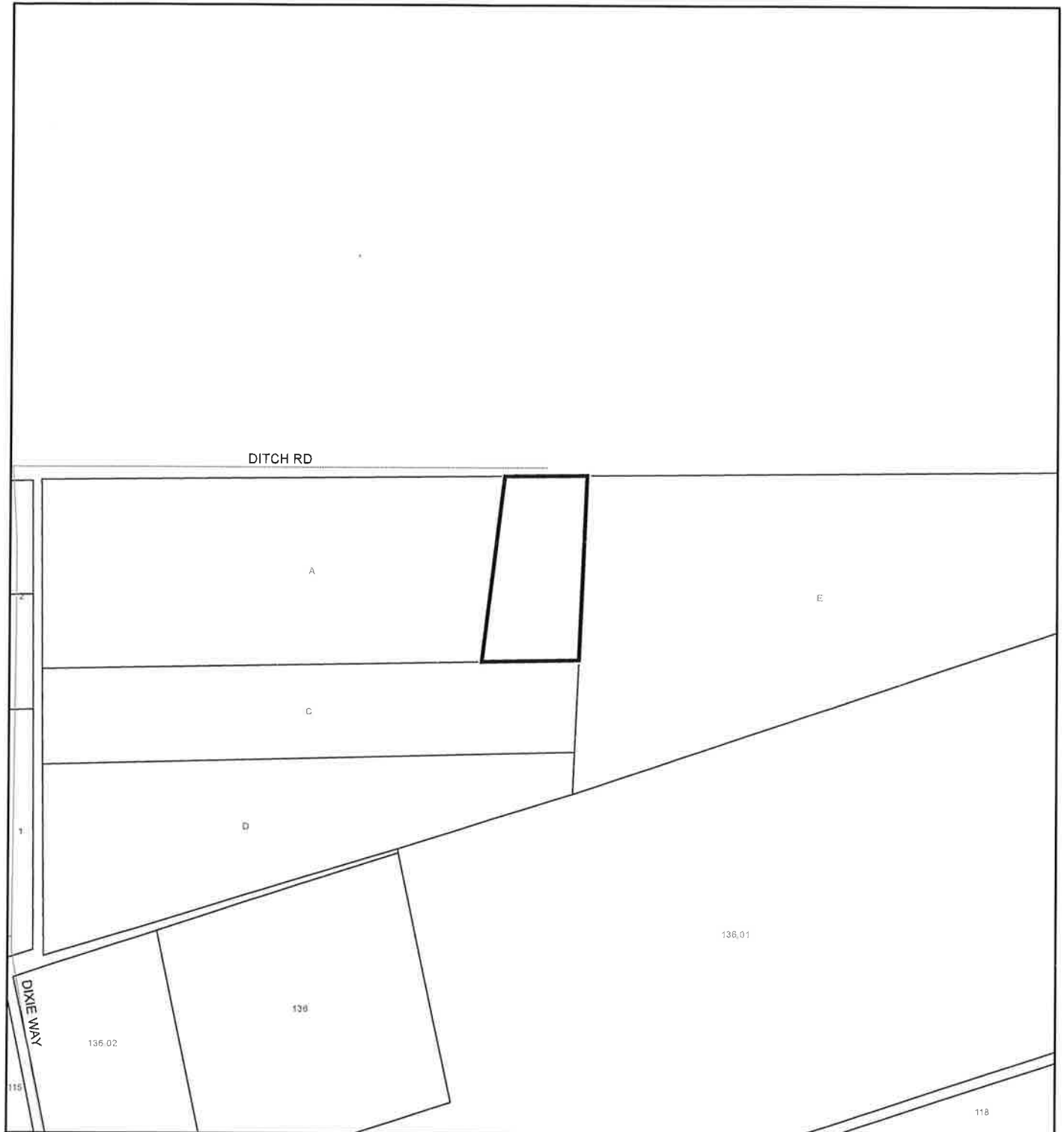
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2018

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00153 SMALL SCALE AMENDMENT 19S.03



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/19/2018

SJRWMD FLUCCS Upland Forests

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

 Subject Property  Parcels



School Board of Brevard County

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

December 7, 2018

Mr. George Ritchie
Planning & Development Department
Brevard County Board of County Commissioners
2726 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Thomas Property Development
School Impact Analysis – Capacity Determination CD-2018-20**

Dear Mr. Ritchie,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2004879 (Parcel ID: 20G-35-39-01-*-A) containing approximately 19.75 acres in Brevard County, Florida. The proposed single family development includes 16 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2017-18 to 2022-23 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2017-2018 to 2022-23* which is attached for reference.

Single Family Homes	16		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	4.48	4
Middle	0.08	1.28	1
High	0.16	2.56	3
Total	0.52		8

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



An Equal Opportunity Employer

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Pinewood	573	573	595	639	683
Madison	743	743	743	743	743
Astronaut	1,446	1,446	1,446	1,446	1,446

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Pinewood	496	532	588	631	664
Madison	472	518	531	496	509
Astronaut	1,056	1,073	1,121	1,191	1,235

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Pinewood	33	70	95	114	114
Madison	18	21	24	24	24
Astronaut	126	132	137	137	137

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Pinewood	-	1	3	4	4
Madison	-	0	1	1	1
Astronaut	-	1	2	3	3

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Pinewood	529	603	686	749	782
Madison	490	539	556	521	534
Astronaut	1,182	1,206	1,260	1,331	1,375

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Pinewood	44	(30)	(91)	(110)	(99)
Madison	253	204	187	222	209
Astronaut	264	240	186	115	71

At this time, Pinewood Elementary is not projected to have enough capacity for the total of projected and potential students from the Thomas Property Development. Because there is a shortfall of available capacity in the concurrency service area of the Thomas Property Development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service area is Mims Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the Thomas Property Development is shown:

FISH Capacity (including relocatables) from the Financially Feasible Plan Data and Analysis for School Years 2017-18 to 2021-22						
School		2018-19	2019-20	2020-21	2021-22	2022-23
Mims		725	725	725	725	725
Projected Student Membership						
School		2018-19	2019-20	2020-21	2021-22	2022-23
Mims		399	387	405	422	438
Students Generated by Previously Issued SCADL Reservations						
School		2018-19	2019-20	2020-21	2021-22	2022-23
Mims		6	6	6	6	6
Cumulative Students Generated by Proposed Development						
School		2018-19	2019-20	2020-21	2021-22	2022-23
Mims		-	1	3	4	4
Total Projected Student Membership (includes Cumulative Impact of Proposed Development)						
School		2018-19	2019-20	2020-21	2021-22	2022-23
Mims		405	394	414	432	448
Projected Available Capacity = FISH Capacity - Total Projected Student Membership						
School		2018-19	2019-20	2020-21	2021-22	2022-23
Mims		320	331	311	293	277

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Thomas Property Development.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David G. Lindemann', written over a horizontal line.

David G. Lindemann, AICP
Manager - Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years
2017-2018 to 2022-23*
Copy: Susan Hann, Assistant Superintendent Facilities Services
File CD-2018-20

Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2017-18 to 2022-23



Summary	2017-18		2018-19		2019-20		2020-21		2021-22		2022-23				
	Highest Utilization Elementary Schools	97%	97%	97%	98%	98%	99%	99%	100%	99%	99%				
Highest Utilization Middle Schools	85%	85%	92%	92%	100%	100%	99%	99%	99%	99%	99%				
Highest Utilization Jr / Sr High Schools	90%	90%	92%	92%	98%	98%	98%	98%	92%	96%	96%				
Highest Utilization High Schools	94%	94%	96%	96%	97%	97%	98%	98%	95%	96%	96%				
School	Type	Grades	Utilization Factor	School Year 2017-18		School Year 2018-19		School Year 2019-20		School Year 2020-21		School Year 2021-22		School Year 2022-23	
				FISH Capacity	10/13/17 Membership	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection
Elementary School Concurrence Service Areas															
New Central Elementary	Elementary	K-5	100%	751	669	751	692	751	692	870	681	870	681	870	681
Allen	Elementary	K-6	100%	884	735	884	735	884	735	870	692	870	692	870	692
Andersen	Elementary	K-6	100%	902	877	902	877	902	877	902	877	902	877	902	877
Apple	Elementary	K-6	100%	747	675	747	675	747	675	747	675	747	675	747	675
Atlantis	Elementary	K-6	100%	761	665	761	665	761	665	747	682	747	682	747	682
Audubon	Elementary	K-6	100%	765	680	765	680	765	680	761	675	761	675	761	675
Candridge	Elementary	K-6	100%	548	380	548	380	548	380	548	374	548	359	548	368
Cape View	Elementary	K-6	100%	751	652	751	652	751	652	751	652	751	652	751	652
Carroll	Elementary	K-6	100%	573	551	565	578	565	551	565	536	565	523	595	502
Challenger 7	Elementary	K-6	100%	751	514	751	467	751	458	751	458	751	456	751	477
Columbia	Elementary	K-6	100%	693	590	693	588	693	588	751	615	693	653	715	707
Coquina	Elementary	K-6	100%	1,154	888	1,154	919	1,154	944	1,154	944	1,154	972	1,154	980
Croton	Elementary	K-6	100%	795	578	795	553	795	552	795	553	795	553	795	553
Discovery	Elementary	K-6	100%	980	572	980	694	980	688	980	688	980	688	980	688
Endeavour	Elementary	K-6	100%	990	817	990	739	990	723	990	769	990	761	990	769
Enterprise	Elementary	K-6	100%	729	560	729	525	729	523	729	541	729	549	729	552
Fairgen	Elementary	K-6	100%	797	685	797	716	797	763	797	780	797	797	797	797
Gemini	Elementary	K-6	100%	711	430	711	438	711	419	711	414	711	388	711	380
Golfview	Elementary	K-6	100%	777	588	777	570	777	570	777	586	777	598	777	605
Harbor City	Elementary	K-6	100%	629	391	629	366	629	362	629	366	629	362	629	405
Holland	Elementary	K-6	100%	605	465	605	465	605	462	605	465	605	465	605	465
Imperial Estates	Elementary	K-6	100%	729	632	729	638	729	638	729	638	729	638	729	638
Indianian	Elementary	K-6	100%	795	746	795	634	795	633	795	634	795	634	795	634
Jupiter	Elementary	K-6	100%	930	735	930	681	930	719	930	790	930	859	930	924
Lookmar	Elementary	K-6	100%	882	743	882	699	882	696	882	670	882	671	882	689
Longleaf	Elementary	K-6	100%	790	613	790	557	790	546	790	545	790	545	790	545
Manatee	Elementary	K-6	100%	954	914	954	823	954	886	954	907	954	907	954	891
McAuliffe	Elementary	K-6	100%	1,114	1,002	1,114	853	1,114	827	1,114	796	1,114	764	1,114	806
Meadowlane Intermediate	Elementary	K-5	100%	824	749	824	638	824	658	824	664	824	661	824	655
Meadowlane Primary	Elementary	K-6	100%	707	494	707	489	707	482	707	474	707	460	707	469
Mela	Elementary	K-6	100%	725	510	725	389	725	387	725	405	725	422	725	438
Mims	Elementary	K-6	100%	972	892	972	775	972	776	972	786	972	813	972	817
Oak Park	Elementary	K-6	100%	654	527	654	513	654	503	654	512	654	503	654	504
Ocean Breeze	Elementary	K-6	100%	1,005	632	1,005	604	1,005	588	1,005	588	1,005	547	1,005	553
Palm Bay	Elementary	K-6	100%	573	503	573	486	573	532	573	588	573	631	573	588
Pinewood	Elementary	K-6	100%	852	729	852	680	852	657	852	621	852	619	852	624
Port Malabar	Elementary	K-6	100%	1,038	1,000	1,038	961	1,038	926	1,038	914	1,038	919	1,038	924
Quest	Elementary	K-6	100%	777	681	777	646	777	678	777	682	777	687	777	694
Rivera	Elementary	K-6	100%	599	390	599	363	599	369	599	378	599	378	599	387
Rosevelt	Elementary	K-6	100%	785	544	785	535	785	546	785	557	785	557	785	572
Seabreeze	Elementary	K-6	100%	978	784	978	689	978	686	978	648	978	686	978	694
Sutton	Elementary	K-6	100%	461	317	461	318	461	340	461	347	461	358	461	376
Sea Park	Elementary	K-6	100%	609	460	609	442	609	453	609	393	609	368	609	392
Shenwood	Elementary	K-6	100%	529	400	529	485	529	485	529	485	529	485	529	485
South Lake	Elementary	K-6	100%	917	838	917	813	917	847	917	890	917	890	917	890
Sunrise	Elementary	K-6	100%	755	686	755	606	755	713	755	659	755	631	755	604
Sunrise	Elementary	K-6	100%	549	455	549	465	549	467	549	474	549	440	549	406
Surfside	Elementary	K-6	100%	910	797	910	798	910	798	910	828	910	854	910	804
Tropical	Elementary	K-6	100%	874	699	874	583	874	538	874	518	874	507	874	502
Turner	Elementary	K-6	100%	811	514	811	461	811	463	811	496	811	489	811	491
University Park	Elementary	K-6	100%	857	733	857	625	857	586	857	572	857	557	857	561
Westside	Elementary	K-6	100%	715	584	715	545	715	542	715	541	715	573	715	577
Williams	Elementary	K-6	100%	41,892	33,422	41,892	33,021	42,134	33,402	43,070	33,825	43,224	34,222	43,444	34,668
Elementary Totals															

Middle School Concurrency Service Areas																		
	7-8	90%	1,525	1,121	74%	1,525	1,185	78%	1,525	1,264	83%	1,525	1,329	87%	1,525	1,256	82%	
Central	Middle	7-8	90%	1,525	1,121	74%	1,525	1,185	78%	1,525	1,264	83%	1,525	1,329	87%	1,525	1,256	82%
DeLauro	Middle	7-8	90%	941	801	85%	941	870	92%	941	940	99%	1,000	991	99%	1,000	984	98%
Hoover	Middle	7-8	90%	659	533	81%	659	479	73%	659	487	74%	659	485	74%	659	455	70%
Jackson	Middle	7-8	90%	654	548	84%	654	540	83%	654	592	90%	674	661	98%	713	706	99%
Jefferson	Middle	7-8	90%	854	629	74%	854	644	75%	854	692	81%	854	639	75%	854	713	83%
Johnson	Middle	7-8	90%	1,000	803	80%	1,000	788	79%	1,000	770	77%	1,000	808	81%	1,000	789	79%
Kennedy	Middle	7-8	90%	813	682	84%	813	651	80%	813	722	89%	813	797	98%	813	782	96%
Manson	Middle	7-8	90%	743	460	62%	743	472	64%	743	518	70%	743	531	71%	743	498	67%
McNair	Middle	7-8	90%	611	395	65%	611	419	69%	611	438	72%	611	438	72%	611	441	73%
Southwest	Middle	7-8	90%	1,177	842	72%	1,177	824	70%	1,177	881	75%	1,177	984	84%	1,177	980	83%
Stone	Middle	7-8	90%	1,013	822	81%	1,013	827	82%	1,013	830	82%	1,013	859	85%	1,013	879	87%
Middle Totals			9,990	7,627		9,990	7,700		9,990	8,084		10,069	8,622		10,127	8,559		
															10,107	8,233		
Junior / Senior High School Concurrency Service Areas																		
	Jr / Sr High	PK 7-12	1,782	1,599	90%	1,782	1,839	103%	2,092	1,734	80%	2,092	1,813	89%	2,092	1,967	90%	
Cocoa	Jr / Sr High	PK 7-12	1,782	1,599	90%	1,782	1,839	103%	2,092	1,734	80%	2,092	1,813	89%	2,092	1,967	90%	
Cocoa Beach	Jr / Sr High	7-12	1,466	1,004	68%	1,466	982	67%	1,466	962	66%	1,466	947	65%	1,466	941	64%	
Space Coast	Jr / Sr High	7-12	1,812	1,597	88%	1,812	1,597	88%	1,812	1,596	88%	1,812	1,605	89%	1,812	1,501	83%	
Jr / Sr High Totals			5,060	4,200		5,060	4,218		5,330	4,282		5,330	4,365		5,330	4,409		
Senior High School Concurrency Service Areas																		
	High	9-12	1,446	1,070	74%	1,446	1,056	73%	1,446	1,073	74%	1,446	1,121	78%	1,446	1,235	85%	
Astronaut	High	9-12	1,446	1,070	74%	1,446	1,056	73%	1,446	1,073	74%	1,446	1,121	78%	1,446	1,235	85%	
Bayside	High	9-12	2,235	1,718	77%	2,235	1,686	75%	2,235	1,607	72%	2,235	1,583	70%	2,235	1,681	74%	
Eau Gallie	High	9-12	2,209	1,657	75%	2,209	1,678	76%	2,209	1,776	80%	2,209	1,655	74%	2,209	1,681	74%	
Heritage	High	9-12	2,314	1,778	77%	2,314	1,721	74%	2,314	1,673	72%	2,314	1,708	74%	2,314	1,654	72%	
Melbourne	High	9-12	2,356	2,217	94%	2,356	2,189	93%	2,356	2,253	96%	2,356	2,206	94%	2,356	2,283	97%	
Merritt Island	High	PK 9-12	1,915	1,569	82%	1,915	1,532	80%	1,915	1,527	80%	1,915	1,527	80%	1,915	1,544	81%	
Palm Bay	High	PK 9-12	2,613	1,557	60%	2,613	1,629	62%	2,613	1,655	64%	2,613	1,645	63%	2,613	1,756	67%	
Rockledge	High	9-12	1,689	1,537	91%	1,689	1,532	91%	1,689	1,577	93%	1,689	1,547	92%	1,689	1,552	92%	
Satellite	High	PK 9-12	1,516	1,336	89%	1,516	1,329	88%	1,516	1,330	88%	1,516	1,339	89%	1,516	1,386	91%	
Trustville	High	9-12	1,872	1,412	75%	1,872	1,412	75%	1,872	1,440	77%	1,872	1,427	76%	1,872	1,525	81%	
Viera	High	9-12	2,277	2,109	93%	2,277	2,181	95%	2,277	2,204	97%	2,277	2,237	98%	2,277	2,453	108%	
High Totals			22,442	17,990		22,442	18,003		22,442	18,160		22,442	18,125		22,489	18,456		
															22,632	19,116		
Schools of Choice (Not Concurrency Service Areas)																		
	Elementary	K-6	475	408	86%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	
Freedom 7	Elementary	K-6	475	408	86%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	
Stevenson	Elementary	K-6	569	495	87%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	
West Melbourne	Elementary	K-6	618	550	89%	618	582	94%	618	552	90%	618	552	90%	618	552	90%	
Edgewood	Jr / Sr High	7-12	1,072	943	88%	1,072	950	89%	1,072	950	89%	1,072	950	89%	1,072	950	89%	
West Shore	Jr / Sr High	7-12	1,264	955	76%	1,264	955	76%	1,264	955	76%	1,264	955	76%	1,264	955	76%	
Schools of Choice			3,998	3,351		3,998	3,360		3,998	3,360		3,998	3,360		3,998	3,360		
Brevard Totals			83,382	66,690		83,426	66,322		83,894	67,318		84,009	68,317		85,164	68,994		
															85,571	69,806		

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2017-18 are reported from the FISH database as of October 13, 2018.
- Student Membership is reported from the Fall Final Membership Count (10/13/18).
- Davis Demographics Schoolsite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nonrelocated student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Apollo Elementary, Challenger 7 Elementary, Coquina Elementary, Imperial Estates Elementary, Pinewood Elementary, Quest Elementary, Saturn Elementary, Sunrise Elementary, Delaura Middle School, Jackson Middle School and Kennedy Middle (Total of 42 Classrooms)
 - High school relocatable classrooms are proposed to be added at Viera High (Total of 8 Classrooms)
- Redistricting was approved for the 2018-19 school year and the projected enrollment for 2018-19 is adjusted for those areas. Future redistricting is planned for a new central area elementary school in 2020-21.
- The following proposals for additional permanent capacity are included in this analysis:
 - A 12 classroom addition at Cocoa Jr/Sr High School is assumed to add 300 student stations starting in 2019-20
 - A new central area elementary is assumed to add 870 student stations starting in 2020-21. Student enrollment projections were adjusted for the 2020-21 school year.

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 11, 2019, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

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

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, March 7, 2019, at 5:00 p.m.

Excerpt from complete agenda

Joseph Brandon and Nikki Thomas:

A Small Scale Comprehensive Plan Amendment from Residential 1 and Residential 1:2.5, to all Residential 1. The property is 3.15 acres, located on the southeast corner of County Line Road and Dixie Way. (6705 Dixie Way, Mims.) (18PZ00153) (District 1)

Joseph Brandon and Nikki Thomas:

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 19.75 acres, located on the southeast corner of County Line Road and Dixie Way. (6705 Dixie Way, Mims) (18PZ00154) (District 1)

Joseph Thomas – Joseph Thomas, 6705 Dixie Way, Mims. The first one is the Future Land Use amendment. We have 19.75 acres, and of that, approximately 3.15 acres on the Future Land Use map is zoned Residential 1:2.5, and we're asking to change that boundary to match the property line, which would make the entire property Residential 1.

Public comment

William Goff – My name is William Goff, I live on Huntington Avenue in Scotsmoor. I think everybody knows that end of Scotsmoor they're talking about is an extremely rural area. Anybody doing anything on Dixie Way is also perilously close to the Indian River, and anything that might be done to impact density in that area because of groundwater issues, well issues, which we all have to have up there, I don't think anybody that's come here today in our group wants to see anything tighter than the existing 2.5 acre restriction. In fact, many of us don't think 2.5 acres is large enough. If this proposal would allow a higher density level than that, then I think everybody in our group who came here is wholly against it.

Daryl Burke – My name is Daryl Burke, I live at 3445 Sunset Avenue, Scotsmoor. I have to agree that some of my concerns are the same as Bill's. The water quality is already marginal at best, depending on how frequently the fields are irrigated. People keep moving up there, and we don't seem to have the infrastructure to support a huge population of people. My concern is if it's 19 acres, RR-1, that's 19 homes, 19 wells, 19 septic tanks. If there's an additional 100 acres beside it, what's going to keep that 100 acres from being done the same way? I think the current zoning up there is 2.5 acres, the

surrounding properties have 150 feet of road frontage that's County maintained. I just don't think that's the right thing to do for the residents that live up there.

Henry Minneboo – Ron, can you help me a little bit? You certainly have some knowledge.

Ron Bartcher – Yes, I looked at that and I don't have a concern with it, and the reason I don't is that what we're doing is dealing with a 3-acre piece out of the 19 acres. If we leave it alone the way it is, they have 16-plus acres to develop.

Henry Minneboo – That has to come back.

Ron Bartcher – When I look at it I see they're asking for 19 houses instead of 16 houses. It's insignificant. I have done some research on the septic tank issue; they're roughly 3,700 feet west of the river, and one of the things the septic tank study showed was that houses that are close to the river within 50 yards, or actually within just over 200 yards, were significant contributors to the pollution in the river; 200 yards is 600 feet, and these people are 3,700 feet. There may be a problem with water; that, I won't dispute, but I don't see it as a septic tank issue.

Henry Minneboo – They're just taking 3.15 acres off of the 19.

Ron Bartcher – Right, that's really what we're addressing, the 3.15 acres.

Cheryl Barnes – I thought we were addressing the 19 acres, so I'm confused.

Erin Sterk – The Comprehensive Plan Amendment, most of the property retains the Residential 1 Future Land Use designation, and the 3.15 acres has the Residential 1:2.5. They are seeking to rezone the entire 19.75 acres, but the Future Land Use Amendment is just on 3.15 acres.

Cheryl Barnes - So, it's not zoned AU (Agricultural Residential) now?

Erin Sterk – It is zoned AU, so we're talking about two different things they have to decide today.

Cheryl Barnes – My name is Cheryl Barnes and I reside at 3800 Sam's Lane, Scotsmoor. Our property is approximately 130 feet from this rezoning request. We purchased this property, approximately 50 acres, in January 2001. It was, and is, surrounded by citrus groves, pasture land, and homes on a minimum of 2.5 acres. Our goal was to purchase some land that we could eventually place into a conservation easement, and in December 2005, we were able to place 40 acres into an easement with Brevard County Environmentally Endangered Lands. I mention our easement because I'd like read you a small section from our easement documentation report, which was prepared for EELs (Environmentally Endangered Lands) by The Nature Conservancy. I'm hoping that along with the map that I'll give you that it will give you a better feel for this northeastern corner of Brevard County. "Laney-Barnes land is located approximately one-tenth of a mile south of a portion of the Merritt Island National Refuge, and three-tenths of a mile north of another portion of the refuge. The property is also within four-tenths of a mile from land that is included within the boundaries of the Indian River Lagoon Blueway Florida Forever Project, which was placed on the State of Florida's land acquisition list in 1998. The Blueway project was designed to protect lands along the Indian River Mosquito Lagoon from Volusia County to Martin County, Florida. The project boundaries were also designed to include gaps in ownership within the existing boundaries of the refuge. Preservation of the buffer land surrounding the Blueway Project is vitally important to the preservation and

improvement of this ecosystem. Map 1 depicts the location of the Blueway Project, Merritt Island National Wildlife Refuge, and the subject easement tract within a network of conservation lands protected and managed by a combination of State and Federal agencies." Members of the committee, the first sentence of Administrative Policy 3 from the Brevard Comprehensive Plan reads, "Compatibility with the existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered." I am asking you to consider the impact this subdivision would have on the residents of the area; a significant number of them move to Scotsmoor seeking a rural quality of life and the negative impact to the continuity of the conservation properties and initiatives in northeast Brevard and southeast Volusia County. (Ms. Barnes showed a map to the board. A copy of the map can be found in file 18PZ00154, located in the Planning and Development Department.) This is our easement, and this is the National Wildlife Refuge property, we are here and the proposed rezoning is right here, up against the refuge property. That's the Volusia County line.

Henry Minneboo – You're almost exactly at what we call the north end of the Indian River.

Cheryl Barnes – Yes.

Nancy Stephens – My name is Nancy Stephens and I live at 6600 Possum Lane, North Brevard County. Everyone was notified within 500 feet of this property. Our property is 1,500 feet, but I am closer to this property in my home than I am my mailbox. It is a very rural area. The smallest tract is 2.5 acres and that 2.5-acre piece was made that way two years ago; it was a 10-acre tract and a mother and child who divided a 10-acre lot to make that 2.5-acre tract. The main thoroughfare for this project would be Volusia County roads. They would go north and then the road coming back west of U.S. Highway 1 is a Volusia County road, and they're narrow. We use them every day and if you've got two cars passing each other, one has to yield off the road a little to let the other one pass. On the Volusia side, their requirements are 10 acres for anything; it's very rural on that side as well. Our concerns, again, we talk about the density and water retention, the natural flow of flooding, the natural runoff going towards the river, being able to support it with emergency, fire rescue, or anything. Who is supporting the additional resources? The Small Area Study included Mims and North Brevard, which was 2.5 acres. Our area is even more rural, so we don't understand how we would go less dense than we would allow in a more populated area. Not to intrude on peoples' property rights, but for the future of our land and our use, and the future of what's going to happen to our environment, it's important to us.

Henry Minneboo – Who is grading County Line Road now?

Nancy Stephens – Brevard grades it to a point.

Henry Minneboo – Then Volusia picks it up?

Nancy Stephens – Yes, sir.

Erin Sterk – It's paved, Mr. Minneboo.

Nancy Stephens – County Line Ditch Road is paved, the rest of it is all dirt. County Line Ditch Road travels east and west.

Henry Minneboo – Brevard does one part and Volusia does another part.

Nancy Stephens – Volusia decided to start paving their roads and they started from the south, which was great.

Henry Minneboo – Of the length of that road, how much is dirt now?

Nancy Stephens – County Line Ditch Road is paved from U.S. Highway 1 to Dixie Way, and that's it. Everything else is dirt.

Henry Minneboo – Thank you.

David Laney – My name is David Laney, I live at 3800 Sam's Lane, my wife and I have the conservation area that she described. Regarding the small change to the Comprehensive Plan, Florida Statute states a comprehensive plan also has to take into account the impact on the adjacent municipalities, the County as a whole, and the adjacent counties. This property is exactly on the property line of Volusia County, and no one on the Volusia County side received notice. County Line Ditch Road is not paved to a paved road standard. It was graded and they brought in used asphalt shavings and spread it out and rolled it, so it's not what you would typically perceive as far as construction, supportability, and durability. A massive rezoning request in 2005 resulted in the Small Area Study, which was submitted to the Board in 2007. Let's look at what the precedent is for previously approved zoning and redevelopment in five years. (Mr. Laney displayed a large map to the board that was not given to staff.) There is some zoning of one per 10 acres, and others as large as 25 acres. Volusia County has made efforts to establish the continuity of the conservation corridor up the Indian River Lagoon and north. If you look at the actual development that has occurred over the last 19 years since we've purchased our property and began developing it as a conservation area for the County, there has been no land in development in this area in that 19 years, nor any greater density than one house per 2.5 acres. Those houses on Dixie Way are all on 2.5 acres or greater, there is no existing active development within the last three to five years at the density that's being requested. If this rezoning were approved, that would establish precedent. Florida Statute states that the legislature finds that non-agricultural land which neighbors agricultural land may adversely affect agricultural production and farm operations on the agricultural land, and may lead to the land's conversion to other urban non-agricultural uses. If this 19.75 acres is allowed 19 homes, that constitutes as a subdivision in the Florida Statutes. That's where development is not appropriate. The Small Area Plan submitted in 2007 regarding Mims and North Brevard, the community valued agricultural heritage and preserved actual working farmland and the agricultural landscape. Aside from Mims and several smaller settlements, such as Scotsmoor, most of Brevard County north and west of Titusville has been and is still rural. It is important to recall and acknowledge that the area as farming, and is a significant aspect of community character today.

Rochelle Lawandales – Do you live on Sam's Hammock?

David Laney – Absolutely.

Rochelle Lawandales – For that to become a conservation area, did you just apply?

David Laney – No, the Brevard County EELs (Environmentally Endangered Lands) program at that time did not address or allow for contributing a donated easement. Everything associated with EELs back then, we had to buy the easement; that's what they expected and that's what they intended. We didn't ask the County to buy it, we donated it. We went to The Nature Conservancy, we had project studies and evaluations, and we developed a 30-page project of what we would do to that property.

Because of the water and lack of drainage, the eastern portion of the property was wet. We rearranged all the drainage on the property; we had three ponds dug to keep water off; then we removed over 3,600 palm trees and planted oak, pine, and other indigenous plants.

Rochelle Lawandales – How many acres is it?

David Laney – It's 50 acres.

Ron McLellan – You mentioned County Ditch Line Road being millings and not proper asphalt.

David Laney – That's correct. It's similar to what Brevard County is doing on Highway 46, west of I-95. It's another problem from the standpoint of the ingress and egress to this property. Dixie Way, running from County Line Ditch Road north, that two miles is all dirt road. It's reasonable to assume that the increased traffic would be on a substandard dirt road.

Ron McLellan – Is County Line Ditch Road a Brevard County road?

David Laney – No, it's Volusia.

Ron McLellan – The residents on the south side of County Ditch Line Road have no pull at all.

David Laney – The residents on the south side of County line Ditch Road are Brevard County.

Ron McLellan – So, you have nothing to do with that road?

David Laney – Correct. And Volusia County doesn't have any input as to what their view would be of the increased traffic on County Line Ditch Road, or on Dixie Way going north from County Line Ditch Road.

Ron McLellan – Volusia County doesn't care what goes on on the south side.

David Laney – I can't say they don't care. An increase in density on land adjacent to their conservation reserves, and the wildlife corridors on their conservation properties, they might have some input on that.

Ron McLellan – My point is if you put more homes in there and you expect Volusia County to fix that road, they're not going to mess with it.

David Laney – I agree. I can't specifically state that they would not fix it, but they have no obligation.

Rose McGinnis – My name is Rose McGinnis, I'm President of the Scotsmoor Community Association. I'm here to let you know that mid-last week is when we were told that the zoning was going to be changed. I live in Scotsmoor, obviously, so I have an axe to grind with that, but I would like you to know that I let the neighborhood know. The property is located at the outskirts of our community, so you wouldn't see those signs easily, so I didn't have a lot of time to let the community know that this may be an issue. I'm sure if more people would have known you would have had probably as many people here as you had for the previous item. That area, if you drive down there, is farms and horses, and there's quite a few trucks already going up and down there from Brevard Lumber. I don't know what their intent is, I guess it's to go to an acre at some point for some of their property, but that's a precedent, and there's a lot of land out there that would no longer be rural. I

have been getting phone calls, and this has been a week of knowing that this was going to change. They seem like fine people, they emailed me and I had a conversation with them through email, but Scotsmoor is rural, and we don't have traffic issues. I think that many of the people living there are concerned that that is not a direction they would like us to take on. That's my personal issue, but if they would like to come to the Association at our next meeting and let the community know what their intentions are, maybe that's an avenue to at least let the community know their intention. Obviously, we don't have a say-so, that's your say-so, but the offer is open to them to let the community know what their intention is. My personal side is I would like to see it stay at 2.5 acres. Drive out there, there's dirt roads everywhere, and imagine an influx of homes from 2.5 acres down to an acre, the amount of population that would put on that infrastructure, I can't see it.

Henry Minneboo – We didn't have any confusion on the advertising, did we? I mean, standard advertising?

Erin Sterk – We did the normal 500-foot radius notice. Also, I'd like to address some of the concerns of the public. Our staff coordinated with the Planning and Zoning staff (from Volusia County) on what their Future Land Use designations and zoning classifications would allow for, and we did elaborate on what those density allowances are within the staff report, so we didn't just report on the surrounding properties that are in Brevard alone. We also spoke with the Transportation Department (Volusia County) on the condition of that road. We looked at it from a preliminary concurrency analysis standpoint, which we traditionally don't talk about pavement quality at this level, so we talked with their transportation engineers about what their trip counts were, because we wouldn't have count data for Volusia County roads. They confirmed a range for a local road of that size, but they had not conducted counts on that particular road. They did say that they did not feel that the number of trips generated by this proposed subdivision would have an impact that would trip the level of service standard for that roadway, so we didn't report that in your comments. We did not specifically ask whether or not the pavement condition would support the trips on it. I've not had to ask that question before at this level, so I'm just not sure if that's something this board chooses to have us go back and re-evaluate, we certainly can do that, but it wasn't something that they brought up as one of their concerns from their staff.

Henry Minneboo – This is a rather unique situation. I can tell another place that has the exact same issue, which is Keenansville, the County owns roads down there that they haven't seen in a long time, either. Sir, do you want to come up and address everything?

Joseph Thomas – First of all, when I was first up here I was just addressing the request for the land use, so I can't say much beyond that, but the understanding is that's just a Future Land Use so it's consecutive with the property boundaries. Basically, that's all that request is for. The second one, which is the rezoning, yes, we live at the property and we plan on living at the property. Right now, we actually have a mobile home on the property, but we're looking at building ourselves a new home on the property and staying there, so it's going to be our personal development, too. It's in a unique location because of where it's located with County Line Ditch Road and it being labeled as a County maintained asphalt road, which by coordinates allows us to attach it and it meets that criteria. We are planning on paving Dixie Way to County Line Ditch Road, it will be required of us to develop our property. Yes, the property is 19.75 acres, but as far as storm drainage retention and roads, it states in the comments that it's only an addition of nine single-family homes over what the existing zoning is now, which is a 50% increase. Also, on the traffic numbers, it was very minimal the actual impact it would have on the existing numbers on U.S. Highway 1; I think it was less than one-tenth of a

percent. Our property is unique because most of the properties in the area do have issues as far as wetlands, lowlands that are in the floodplain; ours happens to be high enough that we're out of them; we do have a tiny bit of wetlands on the back half, but other than that the property is very clean to develop. Addressing one of the biggest concerns in the area, speaking with Rose through emails, is our neighbor has a 100-acre orange grove and he surrounds us on two of the four sides of our property, and I have a letter from him that says he doesn't have an issue with our development, and supports it. If you look at the existing zoning, less than 20% of that is zoned Residential 1, and the other is Residential 1:2.5, and the back portions are five acres, following the analysis they did in Mims, which breaks off from the Lagoon the 5-acre to 2.5 acre, to 1 acre barrier as you approach U.S. Highway 1. When we researched this we looked at all the different prospects of what we could do with the property and we chose to follow this route because it seemed to be clean and pretty much falls in line with what the zoning is and the requirements. I think beyond that, that's about it.

Henry Minneboo – How many people there are living on one acre?

Joseph Thomas – I think the closest one-acre property is 3,600 feet. It addresses it in the comments. Most of the one acre and even smaller parcels are actually in the little hub area of Scotsmoor, which is a couple of miles away, and then it goes out from that. This is unique because we are at the end of the road and we could start paving Dixie Way, which some people want and some people don't, but it kind of starts with a clean place to start; we're not out in the middle of nowhere and we can make a clean development. And it's not 19 homes, I think we're asking for a maximum of 16, and it just depends on the storm drainage. We did a preliminary map with 16 lots, and that's the maximum we could do. I have a copy of that map if you'd like it.

Rochelle Lawandales – No, thank you. They can do a PUD (Planned Unit Development), can't they?

Erin Sterk – They can do a PUD (Planned Unit Development), but they would still have to be consistent with whatever Future Land Use designation the property has.

Rochelle Lawandales – On the 3.5 acres, if it remained Residential 1:2.5, it would have to meet that criteria, whereas the rest can meet the Residential 1 criteria.

Erin Sterk – They can do that with PUD or not.

Rochelle Lawandales – Do you still have the Open Space Subdivision?

Erin Sterk – Yes.

Rochelle Lawandales – Have you evaluated that at all?

Joseph Thomas – Yes, the reason why we're looking at it, and by the way, RR-1 (Rural Residential) is considered a rural residential, meaning that's why we went for the rural residential and the one acre, because a lot of people we know moving to the area, you can't have commercial use, but you can have private horses, animals, barns, and by going with a PUD you're opening up area space, but you're going to smaller individual lots, so they kind of lose that ability to have their own little ranches. That's how we're trying to push this, and that's how we're looking at it for our property, is we have our own little ranch there that we can utilize and keep that rural theme going.

Rochelle Lawandales – Are you amenable to meeting with your neighbors?

Joseph Thomas – I'm fine with that. I did speak to the Laney's, and I was trying to get back with them and I kept missing them, but I know what peoples' opinions are. We did speak to the gentleman who owns the grove, and talked to the neighbor next to him, Andy, and he feels the same as him, and also the people across from us. The people around us, except for the Laney's, don't have an issue with it moving forward, it's mainly people outside of that area, so everybody but the Laney's in the 500-foot radius are okay with it.

Brian Hodgers – Is it 15 or 16 units? On this, it says 15 units. I just wanted to get that confirmed.

Joseph Thomas – We're considering one unit our existing, so it will be an additional 15 to what we have. The 16th is us.

Brian Hodgers – That puts you at roughly a little over 1.2 acres.

Joseph Thomas – I've got to divide it, and what would happen is some of them would be over, and the ones in the back we are going to do a little larger, at 1.5 to 2 acres.

Brian Hodgers – For staff, if it's over an acre, say 1.2 acres, is that going to be acceptable?

Erin Sterk – Right now, they have AU (Agricultural Residential) zoning, so if you're talking about just coming in and doing something administratively and just going to subdivide, then they cannot do that today, they need the zoning regardless whether or not you approve the Future Land Use designation. They could stagger their development pattern. If the Future Land Use were not to be approved and the zoning were to be approved, they could stagger it where there is larger lots in the back on the Residential 1:2.5 portion, so there's a lot of options available to them. And of course, the Open Space Subdivision as well, and that could get them down to a one-acre lot size at the current zoning.

Brian Hodgers – Regarding the comments about the septic tanks, being 3,700 feet from the Lagoon, would they be required to use the new advanced, more expensive, septic tanks?

Erin Sterk – No, they're well outside that boundary.

Henry Minneboo – Ron, are you comfortable?

Ron Bartcher – I gave Rose a call because I felt pretty certain that she would not know about it, and most of the people in Scotsmoor would not know about what was going on with this.

Henry Minneboo – You raised the flag.

Ron Bartcher – I raised the flag, and that's the reason we have all these people here. I didn't see a significant problem with it, but I wanted them to have their input, because they live there. We cited the Mims Small Area Study, which actually stopped just south of Scotsmoor, and at the time we did that study there were several of us that were encouraging the people in Scotsmoor to do the same thing for the north end of the County. Unfortunately, that wasn't done. I would still encourage them to try that approach, because this is the only place that development is going to happen in Brevard County; everything else is spoken for. What we're seeing now is just the tip of the iceberg.

Erin Sterk – If I could add to that, not that the Mims Small Area Study particularly governs this property, but those folks who participated in that recommended a density reduction everywhere east

of U.S. Highway 1, so the recommendation that came out of that study was that everything go to Residential 1:2.5 east of U.S. Highway 1, and the County Commission upheld the one unit per acre density allowance pretty much to the boundary that it is here, and it pretty much goes north-south, it's a very arbitrary boundary, but that is the one unit density that the Commission upheld at that time.

Henry Minneboo – What year was that?

Erin Sterk – 2007. I would assume they probably did density reductions in 2008 just after that, but they did not take the recommendation to reduce density all the way over to U.S. Highway 1.

Henry Minneboo – Have you looked at 2.5?

Joseph Thomas – Yes, initially we looked at 2.5, but just because of criteria to develop the property, what you have to do with feasibility and cost-wise, that's why we moved to the direction of the one acres. We also want to create something as nice as the rural area is; sometimes there's a lot of weird lots and we have a hodge-podge mix of properties up there, and the strange this is that with the current zoning we can go along those lines and create some weird scenarios with the property, but we feel this is a nicer and cleaner way. All the homes would be set off of Dixie Way, so as far as an impact going up and down the road, it's not going to be a huge visual impact from what it is today. It's a field, but no matter what, two homes will go there in the front and that's what it would look like at the 2.5 acres or one acre. To make it feasible and utilize our property and our investment, that's the reason we're looking at the one acre.

Henry Minneboo – You don't have a uniqueness with having a hodge-podge up there, there's other places in the County.

Joseph Thomas – I know.

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

Ben Glover – I'll make a motion to approve the request to change the Future Land Use to Residential 1.

Rochelle Lawandales – I'll second that. I think there's some value in having the property being under a consistent land use designation.

Dane Theodore – As you know, I'm the School Board representative and I'm going to address my comments to the school issue here, and then give my personal opinions. I think that the land use change is entirely appropriate, making that property consistent. I think that the rezoning, going from an allowed six to a proposed 16 is relatively insignificant, relative to some of the other rezonings that we're seeing throughout the County, as we're seeing on North Merritt Island. As they come one right after the other, I do want to address the issue of the schools. Pinewood is a very small school; it is projected to be 100 students over capacity within the next five years, so while the four new students projected based on this increase in development for this particular application isn't significant per se, the fact that Pinewood is so small, the way the School Board solves that is with either portables or rezoning. I'm going to vote yes for this item only because legislation requires a School Board to consider adjacent schools, contiguous schools, which means that Pinewood is going to send students from that area to Mims; Mims can handle the capacity, and therefore I'm obligated to vote yes, and I'm obligated not to vote no for it because theoretically it has enough capacity in the adjacent school. I

just want to have the board aware of that, much like Merritt Island, as we continue to improve more and more developments in areas where the schools are going to be stressed, the problem is only going to continue, but again, because there is capacity in the adjacent school district, I am going to vote for this, both applications for comp plan and rezoning.

Henry Minneboo called for a vote on the motion as stated, and it passed 6:2, with Minneboo and McLellan voting nay.

Rochelle Lawandales – Mr. Chairman, the zoning to me is a much different situation. I am concerned about several things. One, I think there may be something in between AU (Agricultural Residential) and RR-1 (Rural Residential), whether it's Agricultural Residential, or the SR (Suburban Residential), or one of the estate categories. Have you explored any of that?

Joseph Thomas – Yes, we actually had several meetings with staff trying to figure it out. Yes, there are other zonings, but it comes down to the same density. We were initially looking at the estate zonings, but the animal rights aren't as liberal as the RR-1 zoning, but they all fall under the Residential 1 land use designation.

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

Ben Glover – I'll make a motion to approve the request to rezone to RR-1.

Brian Hodggers – I'll second.

Henry Minneboo called for a vote on the motion as stated, and the vote failed 4:4. Glover, Hodggers, Bartcher, and Theodore voted in favor. Minneboo, Lawandales, McLellan, and Filiberto voted nay.

Rochelle Lawandales – Maybe the best thing to do is table this and allow you to do a little more planning and consideration, and meet with the neighbors to see if there's something in between the 2.5-acre lot and a one acre lot on average, especially if you look at open space and buffering, and show everybody how you're going to handle the infrastructure, show how you're going to deal with stormwater. I think those are some unresolved things that would probably help some of us on the board, as well as some of the neighbors. Are you comfortable with that?

Joseph Thomas – Yes. Would we be tabled to the next meeting?

Henry Minneboo – That's an option, or you have the right to bring it to the Board of County Commissioners.

Joseph Thomas – I would feel more comfortable meeting with the community. I don't want to go forward with them feeling like I didn't approach them.

Rochelle Lawandales – I'm going to make that in the form of a motion.

Henry Minneboo – You're acceptable to that?

Joseph Thomas – Yes, it would just be tabled to the next meeting?

Erin Sterk – It would be March 11th. That would move you to the April 4th Commission meeting.

Joseph Thomas – It would just set us back one month?

Rochelle Lawandales – Would the March 25th date give you more time? You'd still make the April County Commission date.

Joseph Thomas – We could do the 25th but still meet the April Commission date?

Erin Sterk – That's right.

Joseph Thomas – Is there a plus or minus?

Erin Sterk – It just depends, we send out materials two weeks in advance. From this moment we have two weeks, so if that's not enough time to allow you to do.....some people are working on plans as a result of the meeting. If you are just trying to get that meeting held within that two weeks, you could meet the March 11th date. It's certainly up to you. We just need you to tell us what happened in your meeting with the neighbors more than two weeks in advance, that way we're not walking items onto the board.

Joseph Thomas – We'll try to have the meeting as early as possible.

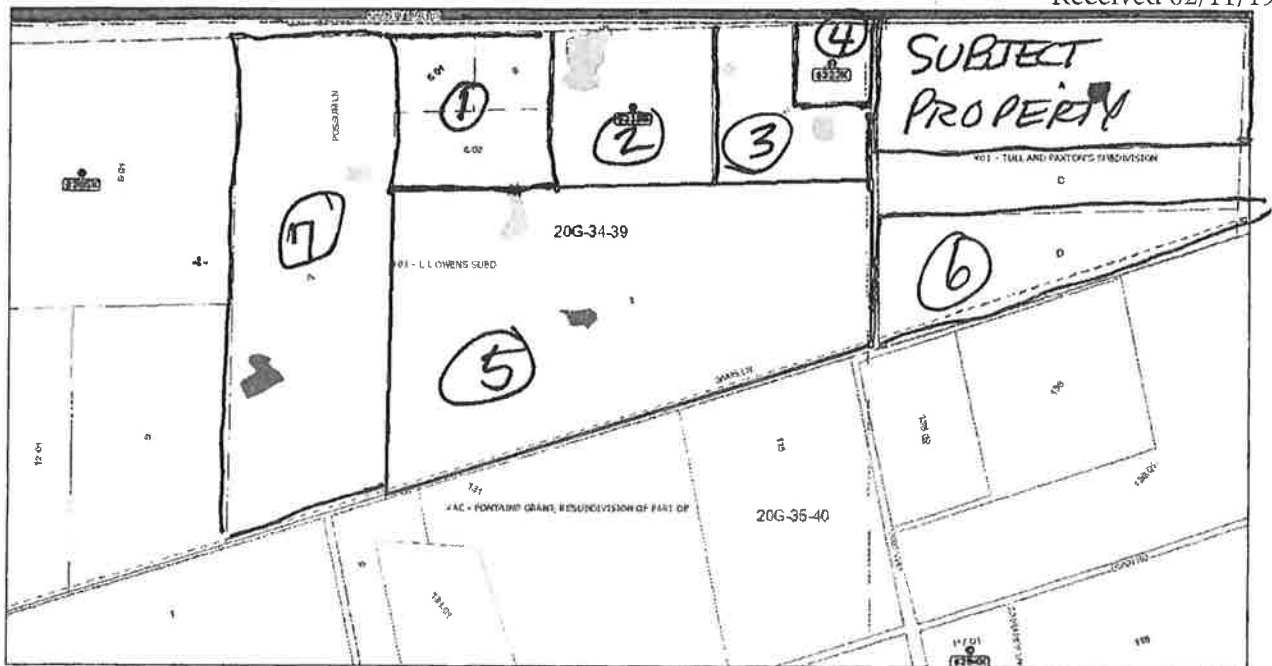
Rochelle Lawandales – Move to table to March 11th.

Brian Hodgers – Second.

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

Objections
18PZ00153 & 18PZ00154
Thomas
Received 02/11/19

Brevard County Property Appraiser



February 11, 2019

1:4,000
0 270 540 1,080
0 60 120 240
Feet

For this document only. Not a survey. Map layers may not precisely align.
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- ① Timothy and Susan Barnes (letter)
- ② Roy and Brandie Harrell (letter)
- ③ Ken and Sheri Plante (letter)
- ④ Thomas and Kristi Floyd (letter)
- ⑤ David Laney and Cheryl Barnes (in person)
- ⑥ Andrew Graham
- ⑦ Jim and Nancy Stephenson (in person)

To the members of the Planning and Zoning commission and the Board of Brevard County Commissioners:

I am writing this in reference to the request for zoning change located near the intersection of County Line Ditch Bank Road and Dixie Way in northern Brevard county, also known as Scottsmoor. The request is to change the current zoning of AU with a density of 1 house per 2.5 acre to RR-1, which allows 1 house per 1 acre of land. The owner of the property would (apparently) like to build a small subdivision of approximately 20 homes right in the middle of an area of the county primarily used for agricultural pursuits, such as cattle grazing, citrus groves, horse breeding and bee keeping.

It has been demonstrated time and time again, that these 2 vastly different uses of land never coexist without difficulty, as there are different expectations of quality of life between the two entities. If this change is allowed to go through and the area is developed as planned, it's only a matter of time before the two different lifestyles will clash, with inevitable complaints of noise and smells that are part of productive agriculture being lodged by the new residents of the subdivision. Compounding this is the fact that precedent will have been set, so it will become more and more difficult to refuse any additional requests for zoning change within the same area.

We have been down this road before, approximately 14 years ago when a developer planned a large subdivision in the vicinity of what is now the Veterans Cemetery. It was determined then that due to the development boom of the past few decades, the extreme north and south ends of Brevard County were the last bastions of agriculture left within the county, and should be preserved as such. I can't see any valid reason why we should now deviate from that decision. If anything, it has become more imperative that we continue to preserve what little history of agriculture still exists here.

I ask that you refuse this request for the zoning change, so those that have chose to live and work within an agricultural community may continue to do so peacefully. Thank you for your consideration.

Timothy and Susan Barnes

4720 Sugartown St.

Port St John, FL 32927

Landowners and Leaseholders of 10 acres on County Line Ditch Road, Scottsmoor

February 11th 2019

To Whom it may concern,
We are opposed to the proposed rezoning of
18PZ00153 and 18PZ00154 up for Commission
Meeting on March 7th 2019.

We respectfully ask for NO zoning change
on this parcel Not because we are Anti-
growth but because we are enthusiastic
Supporters of preserving our Rural Environment.

We moved out here for the wide open
Space and less crowding. Allowing the
Zoning change will Allow for more traffic
and crowding. Life out here is Quiet and
Slower paced we would like to preserve
that!

Thank you

Brandie Harrell
Roy Harrell

located at 3781 County Line Ditch Rd
Mims FL 32754.

Kenneth and Sheri Plante
6710 Dixie Way
Mims, Fl
32754

February 11, 2019

To whom it may concern:

It has come to our attention that Mr. & Mrs. Joseph Thomas (6705 Dixie Way) whom have 19+ acres directly east of our property are requesting to rezone their property into residential homesites.

This is a cause of great concern to **all** of us that live in this rural community. It directly affects our property as it is directly in front of ours. Most of us have small farms and or conservation property. We moved here for that purpose. This is the lifestyle we chose to raise our kids and grandkids. We feel that this would drastically change our beautiful country community. Most of the properties in our area are 10+ acres with beautiful horses, cows, organic gardens and abundant wildlife.

So many of us wanted to be there in person but with short notice we have our kids, animals, and distance to consider.

Thank you so much for taking the time to read this letter.

Sincerely,


Kenneth and Sheri Plante

Ph. (321)303-0310

February 11, 2019

To whom it may concern,

My name is Kristi Floyd I have been a residence to Mims/Scotsmoor for 10 years now. We moved here to be in the country and have a good life style for our kids, and to be brought up on our little farm that we have. The Thomas's are very very nice people, and our kids all play together however building this many houses on just 1 acre lots would ruin the whole reason that we moved where we are. I didn't move out here to look at a subdivision off my front porch. There are so many of us that are not wanting this to happen our little town is so quiet and safe and I feel building this many houses and changing the zoning would ruin our agriculture.

Please take in to consideration that most of the houses out here are on a minimum of 2 ½ acre lots. I don't want to see us loose the beautiful country that we live in.

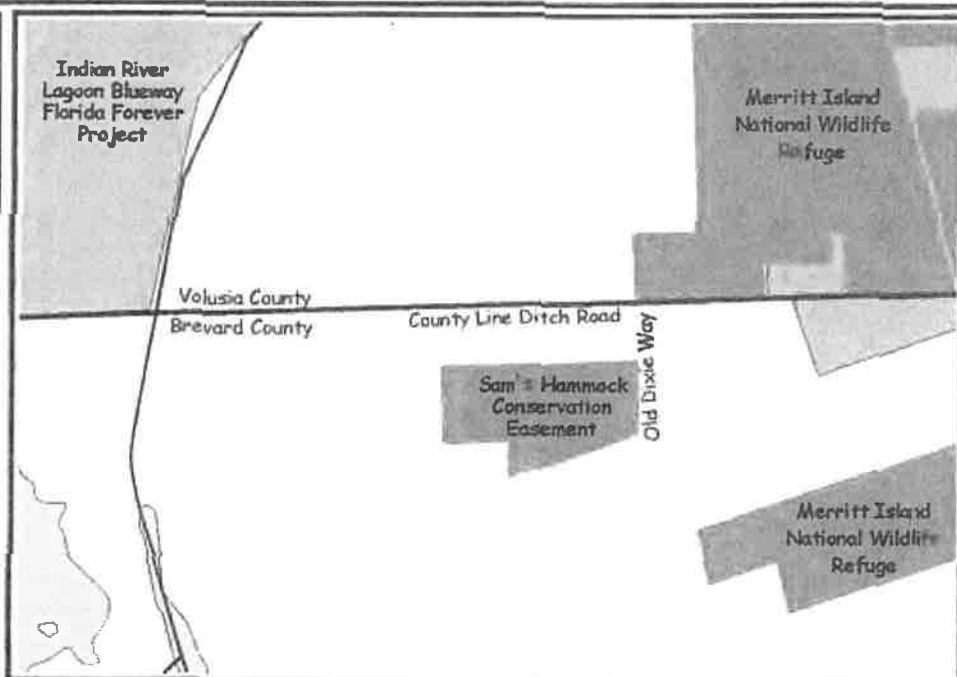
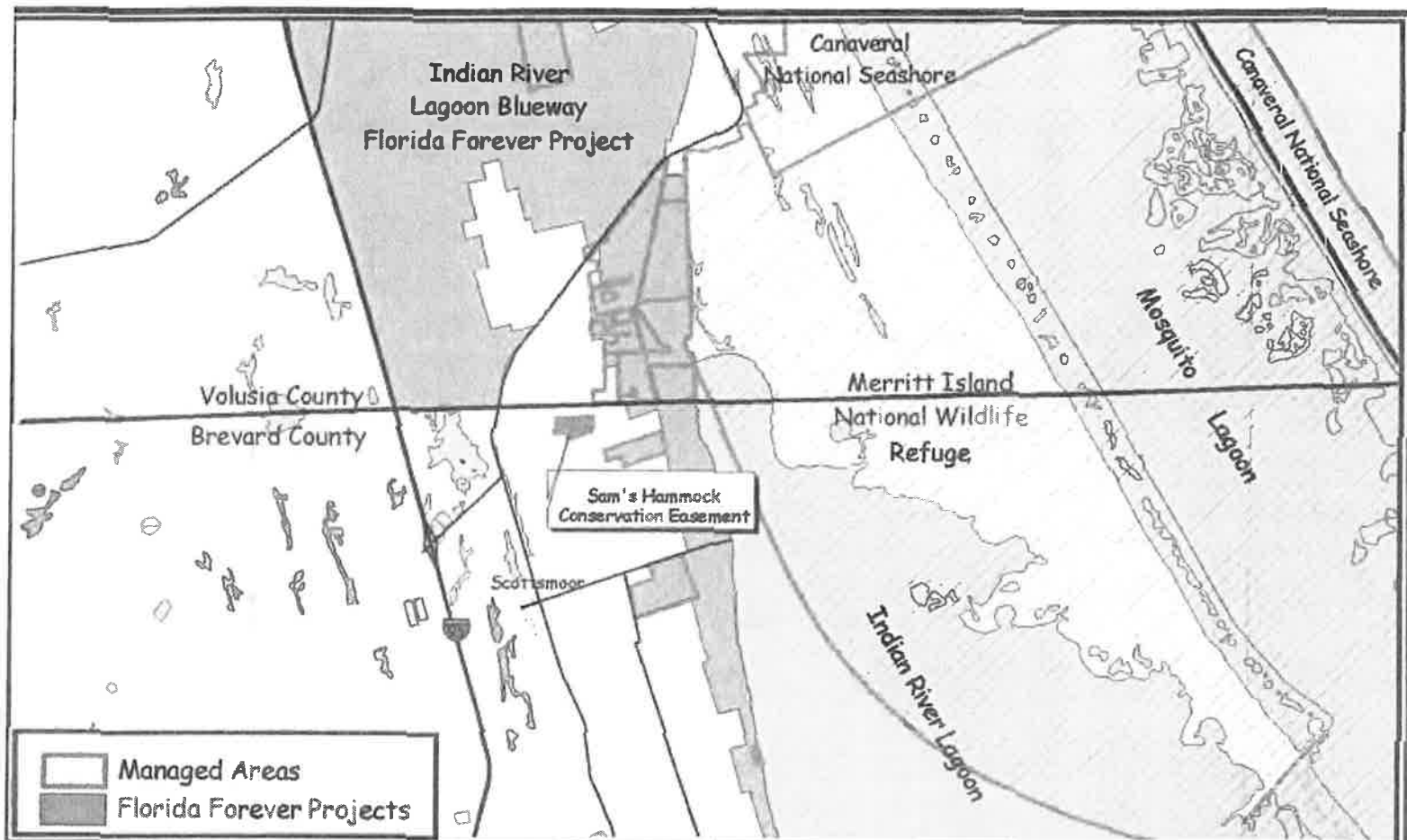
Please hear all of us when we say we want Scotsmoor to stay Agricultural, we don't want a subdivision out here.

Thanks for your time,

Sincerely,

Kristi Floyd

321-795-5480



MAP 1
SAM'S HAMMOCK CONSERVATION EASEMENT
 Brevard County, Florida

The Nature Conservancy

SAVING THE LAST GREAT PLACES ON EARTH

Wendy J. Caster
 22 February 2006

In favor
18PZ00153
18PZ00154
Thomas

Rezoning Request for 6705 Dixie way, Mims

18PZ00153

18PZ00154

Neighbor statement:

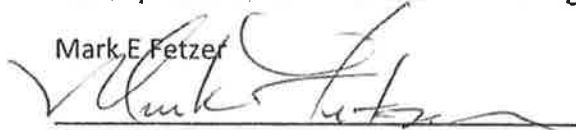
Owners: Fetzer, Mark E Trustee

Parcel ID: 20G-35-39-01-* -C, 20G-3539-01-* -E, 20G-35-40-C-8-136.01

To whom it my concern,

I am aware of the request for the Plan Amendment to the Future Land Use Map and Request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not have any concerns with this request. I believe the zoning change is consistent with the development of the area. The Zone change request has my support.

Mark E Fetzer

A handwritten signature in black ink, appearing to read 'Mark E Fetzer', is written over a horizontal line.

In favor
18PZ00154
Thomas

From: A.W. Simmons
To: titusvillenative@gmail.com; Jones, Jennifer; Tammy.Rowe@brevardclerk.us
Subject: Rezoning Case #18PZ00154
Date: Thursday, March 7, 2019 4:06:55 PM

Dear Ms. Jones,

Please include my letter of support for the Small Scale Comprehensive Plan Amendment and Rezoning Case #18PZ00154. I was born and raised in Mims Florida and have enjoyed living here all of my life. The proposed rezoning will allow one acre lots creating new home sites that are sorely needed in the area.

Here in the north County, family members enjoy living near each other. As a family that has been here for 7 Generation it is becoming harder each year to find lots to construct new homes so that local residents can continue to enjoy our lifestyle of family and community.

Sincerely,

Albert & Pattie Simmons

EXECUTIVE SUMMARY

The 38.41-acre Sam's Hammock conservation easement tract is located near the northern portion of Brevard County, Florida, just south of the Volusia County line. David Laney and his wife, Cheryl Ann Barnes, purchased 50-acres, of which the subject 38.41-acres is a part, near the intersection of County Line Ditch Road and Old Dixie Way in January 2001. The Laney/Barnes land is near properties that are included in the Indian River Lagoon Blueway Florida Forever Project and are thus targeted for acquisition by Brevard County's Environmentally Endangered Lands Program and the State of Florida. Additionally, the Laney/Barnes property is near lands that were acquired in Volusia County under the North American Wetlands Conservation Act and are now part of the Merritt Island National Wildlife Refuge. It is intended that a perpetual conservation easement will be donated to the Brevard County Board of County Commissioners by David Laney and Cheryl Ann Barnes in 2006. The site is mostly comprised of old citrus grove lands that were abandoned in the 1980's after a series of severe freezes hit the region. David and Cheryl Ann have designed and implemented a restoration plan for the tract that will restore the upland habitats to a more natural state and realign the hydrological regime to minimize the amount of surface water that is drained via the agricultural ditches located on the property. Representative site condition photographs with GPS coordinates are also included to provide documentation of the conditions on the property.

INTRODUCTION

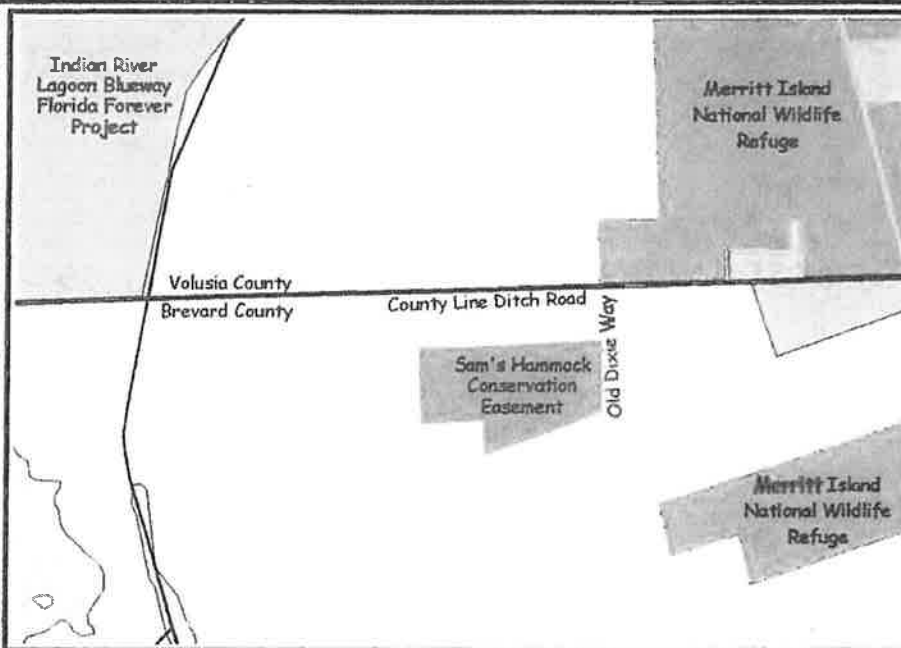
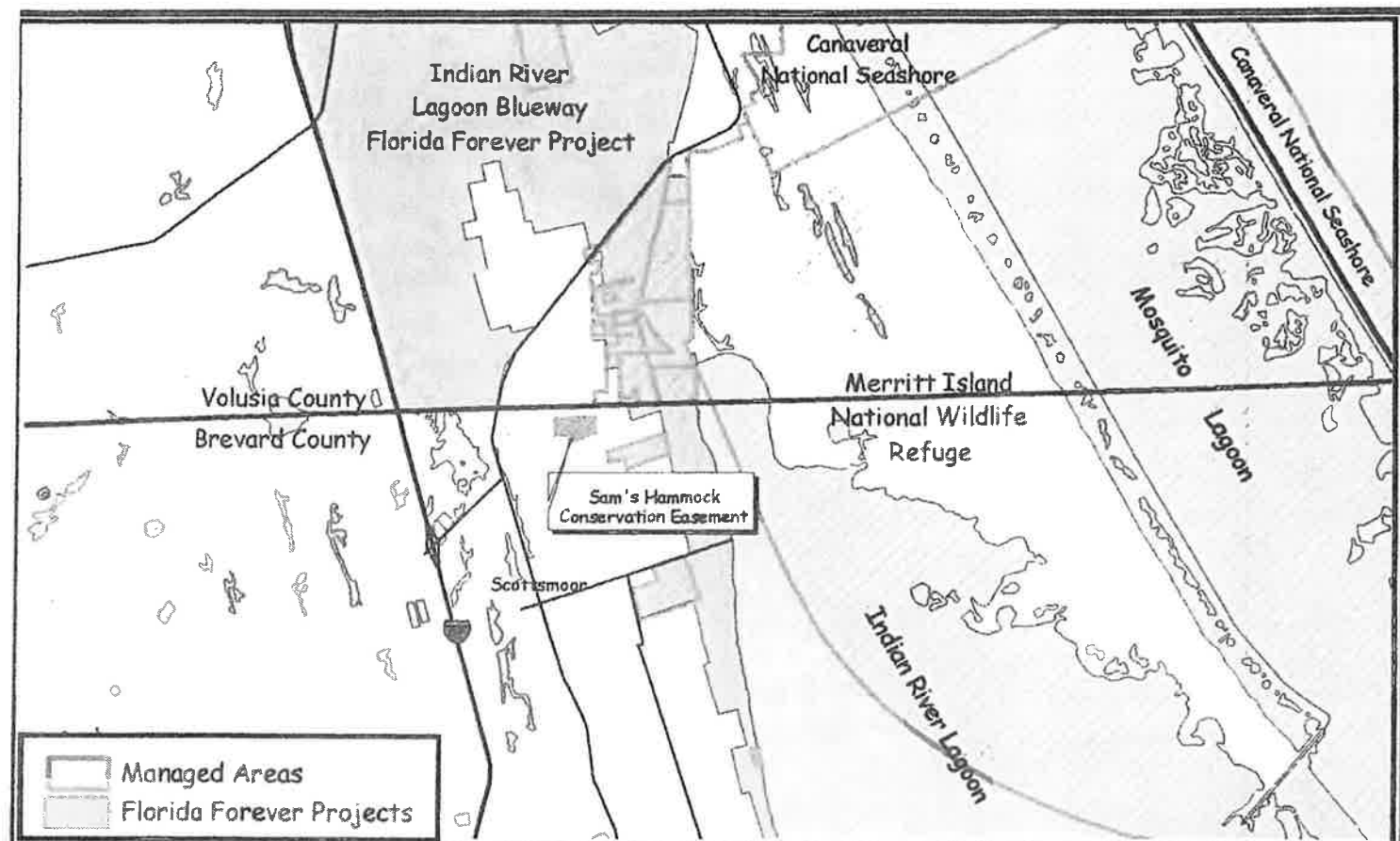
In the spirit of conservation and restoration, David L. Laney and his wife Cheryl Ann Barnes purchased 50-acres near the intersection of County Line Ditch Road and Old Dixie Highway in northern Brevard County, just south of the Volusia County line. The Laney/Barnes land is located approximately one tenth of a mile south of a portion of the Merritt Island National Wildlife Refuge (Refuge) and three tenths of a mile north of another portion of the Refuge. The Laney/Barnes property is also within four tenths of a mile from land that is included within the boundaries of the Indian River Lagoon (IRL) Blueway Florida Forever (FF) Project, which was placed on the State of Florida's land acquisition list in 1998. The IRL Blueway FF Project was designed to protect lands along the Indian River and Mosquito Lagoon from Volusia County to Martin County, Florida. The project boundaries were also designed to include gaps in ownership within the existing boundaries of the Refuge. Preservation of the buffer lands surrounding the IRL Blueway FF Project is vitally important to the preservation and improvement of this ecosystem.

The Indian River Lagoon is one of the country's most productive, diverse and commercially and recreationally important estuaries. One third of the country's manatee (*Trichechus manatus*) population lives in the Indian River, and the area is important for many species of migratory birds and oceanic and estuarine fishes. The Indian River Lagoon is a state buffer and aquatic preserve managed by the Florida Department of Environmental Protection's Office of Coastal and Aquatic Managed Areas. To date, just under 4,000-acres of the 26,000 plus acres within the IRL Blueway FF Project have been purchased. This portion of Brevard County is experiencing much the same real estate growth as the rest of the state - larger acreage tracts are being subdivided and sold, thus promoting increased residential and commercial growth. The United States Census Bureau estimates a 9.1% population increase in Brevard County from April 1, 2000 to July 1, 2004. The estimated population increase for the entire state of Florida is 8.8% between the same period of time.

The current owners purchased this property for multiple reasons including protection from development, restoration to original upland habitat characteristics, realignment of hydrology (i.e., removal of old citrus grove drainage canals) and increased/enhanced wildlife habitat. The owners embarked upon an ambitious restoration plan almost immediately upon taking title to the land. They presented their restoration/enhancement plan to the Natural Resources Conservation Service (NRCS) and applied for a Wildlife Habitat Incentives Program (WHIP) designation. They were selected to participate in this program in August 2001. Their formal WHIP plan targeted restoration of the original upland habitats for purposes of enhancing the land for quail, migratory birds, turkey and deer. They engaged in five available habitat management options - 1) Brush Management, which included removal of cabbage palms and planting native trees and shrubs that serve as a beneficial wildlife food source; 2) Tree/Shrub Planting, which included the planting of 50 shrubby lespedeza (*Lespedeza*

bicolor), 50 American holly (*Ilex americana*), 36 hackberry and 20 common persimmon; 3) Nest Boxes, which included one small nest box and three large (kestrel) nest boxes; 4) Prescribed Grazing, which was intended for 20 acres, but has since been completely eliminated from the property due to the deleterious effects to the land; and 5) Ponds, one for cattle watering and wildlife use. Currently, the owners are enrolled in the NRCS Environmental Quality Improvement Program (EQIP) program under which they are actively pursuing the eradication of Brazilian pepper (*Schinus terebinthifolius*) from the property.

Since enrolling in the above mentioned NRCS programs, the owners have completed all of the proposed modifications, as well as engaged in additional management actions beyond the scope of the NRCS programs including, 1) removal of over 3,200 cabbage palms to open up suitable habitat for other native vegetation that is more appropriate for wildlife; 2) establishment of open, grassy areas for wildlife; 3) clearing of vine overgrowth to enhance nesting for birds; 4) planting over 300 deciduous trees, pine trees and bushes for wildlife; 5) removal of cattle from the property, as the owners found that they were not beneficial to the return of ground nesting birds such as killdeer and quail and they appeared to have a negative effect on the return of reptile and amphibian populations; 6) the skillful placement and construction of two additional ponds at the intersections of old grove drainage ditches, which will help keep rainfall on the property to benefit wildlife.



MAP 1
SAM'S HAMMOCK CONSERVATION EASEMENT
Brevard County, Florida

The Nature Conservancy

SAVING THE LAST GREAT PLACES ON EARTH

Wendy J. Caster
22 February 2006

SKETCH OF SURVEY

LEGAL DESCRIPTION:

LOT 1, BLOCK 1, AND LOT 4, BLOCK 1, TOGETHER WITH A PORTION OF LOT 5, BLOCK 1, L.L. OWENS SUBDIVISION ACCORDING TO THE PLAT HEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 90 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 6, BLOCK 1, OF SAID L.L. OWENS SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 90 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S. 00°04'19" W., ALONG THE EAST LINE OF SAID LOT 6, BLOCK 1, A DISTANCE OF 660.87 FEET TO THE NORTHWEST CORNER OF THE AFORESAID LOT 4, BLOCK 1, SAID POINT BEING THE POINT OF BEGINNING; THENCE S. 89°46'33" E., ALONG THE NORTH LINE OF LOT 4 AND LOT 1, BLOCK 1, OF SAID L. L. OWENS SUBDIVISION, A DISTANCE OF 1321.24 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF SAID L. L. OWENS SUBDIVISION; THENCE S. 00°04'19" W., ALONG THE EAST LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 766.76 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE S. 73°30'57" W., ALONG THE SOUTH LINE OF SAID LOT 1 AND LOT 4, BLOCK 1 OF SAID L. L. OWENS SUBDIVISION, A DISTANCE OF 1378.38 FEET TO THE TO THE SOUTHWEST CORNER OF SAID LOT 4, BLOCK 1; THENCE N. 00°04'19" E., ALONG THE WEST LINE OF SAID LOT 4, BLOCK 1, A DISTANCE OF 561.19 FEET; THENCE N. 89°55'41" W., A DISTANCE OF 660.62 FEET TO A POINT LYING ON THE WEST LINE OF SAID LOT 5, BLOCK 1; THENCE N. 00°04'19" E., ALONG SAID WEST LINE A DISTANCE OF 603.57 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6, BLOCK 1; THENCE S. 89°46'33" E., ALONG THE SOUTH LINE OF SAID LOT 6, BLOCK 1, A DISTANCE OF 660.62 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 25.00 FEET WIDE INGRESS/EGRESS EASEMENT LYING WEST OF AND ABUTTING THE EAST LINE OF LOT 5, BLOCK 1, OF SAID L. L. OWENS SUBDIVISION.

SUBJECT TO A 25.00 FEET WIDE INGRESS/EGRESS EASEMENT LYING NORTH OF AND ABUTTING THE SOUTH LINE OF LOT 1 AND LOT 4, BLOCK 1, OF SAID L. L. OWENS SUBDIVISION.

SAID PARCEL CONTAINS 38.41 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS AND OR RIGHT OF WAYS OF RECORD.

SHEET 1 OF 2 SHEETS
DRAWING ON SHEET 2

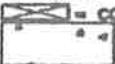

LEGEND:

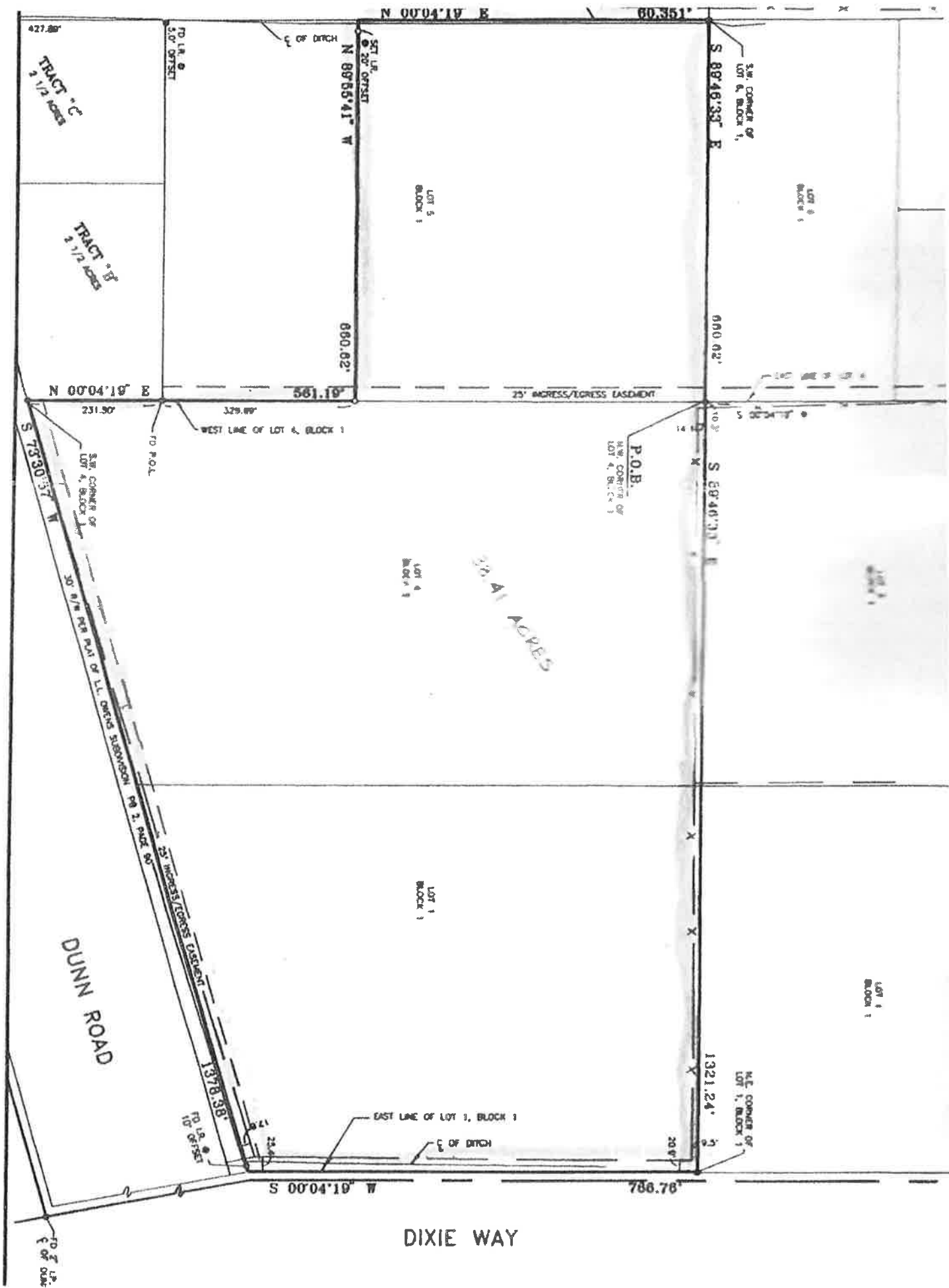
A/C = AIR CONDITIONER
A.K.A. = ALSO KNOWN AS
ALUM = ALUMINUM
AVE = AVENUE
BLK = BLOCK
BLVD = BOULEVARD
BM = BENCHMARK
(CALC) = CALCULATED
CB = CHORD BEARING
C.B.S. = CONCRETE BLOCK STRUCTURE
CD = CHORD DISTANCE

DB = DEED BOOK
D/W = DRIVEWAY
ESMT = EASEMENT
ELEV = ELEVATION
FF = FINISH FLOOR
FD = FOUND
FH = FIRE HYDRANT
I.P. = IRON PIPE
I.R. = IRON ROD
LB = LICENSED BUSINESS
(M) = MEASURED

U.E. = UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT
PC = POINT OF CURVATURE
P.T. = POINT OF TANGENCY
P.I. = POINT OF INTERSECTION
PCP = PERMANENT CONTROL POINT
PLS = PROFESSIONAL LAND SURVEYOR
PG = PAGE

SURVEY SYMBOLS

± = MORE OR LESS
O = POWER POLE
--- = GUY WIRE
L = ARC LENGTH
R = RADIUS
Δ = DELTA
 = COVERED AREA
 = CORNER



→ 201 Sixth Ave
Indianapolis, IN 32903
Project Name: Sam's Hammock

CFN 2006184384

06-19-2006 02:51 pm

OR Book/Page: 5661 / 4025

This instrument prepared by and returned to:

Christine V. Lepore

Brevard County Attorney's Office

2725 Judge Fran Jamieson Way

Building C

Viera, Florida 32940-6605

19994

DEED OF CONSERVATION EASEMENT

THIS GRANT OF CONSERVATION EASEMENT is made this 13 day Dec. 2005 by David L. Laney, a married man and Cheryl Ann Barnes, a married woman, whose address is 5990 Barranco Avenue, Cocoa, FL 32927 ("Grantor"), in favor of BREVARD COUNTY, a political subdivision of the State of Florida ("County"), whose address is c/o the EEL Program, Parks and Recreation Department, 5560 N. US Highway, Melbourne, FL 32940. ("Grantee").

The terms "Grantor" and "Grantee" shall include the singular and the plural, and the heirs, successors and assigns of Grantor and Grantee, and the provisions of this easement shall be binding upon and inure to the benefit of Grantor, Grantee and their heirs, successors and assigns.

RECITALS

A. Grantor is the sole owner in fee simple of certain real property in Brevard County, Florida, more particularly described in Exhibit A attached hereto and incorporated by reference (hereinafter, the "Property").

B. The Property qualifies as "a relatively natural habitat of fish, wildlife, or plants, or similar ecosystems," as that phrase is used in Section 170(h)(4)(a)(ii) of the Internal Revenue Code, for the following reasons:

1. The Property is within one-half mile of properties included in the Indian River Lagoon Blueway Florida Forever Project and within a tenth of a mile of lands that have been acquired in Volusia County under the North American Wetlands Conservation Act which are now a part of Merritt Island National Wildlife Refuge. Therefore, the Property is an important part of the formation of a connection between state and federal owned lands in Brevard and Volusia counties, Florida.

Scott Ellis

Clerk Of Courts, Brevard County

BLA-503, Revised 10/4/04

#Pgs: 23

#Names: 2

Trust: 12.00

Rac: 185.00

Serv: 0.00

Excise: 0.70

Excise: 0.00

Mtg: 0.00

nt Tax: 0.00

2. The Property contains Hydric Hammock areas, abandoned citrus grove and other natural areas containing cabbage palms, various hardwoods and vines, all of which provide habitat for gopher tortoise, Southeastern American kestrel, American alligator, fox, rabbits, bobcat, numerous songbirds, raptors, reptiles and amphibians.

3. The Property contains four (4) ponds that provide necessary habitat for American alligator, migratory and resident waterfowl/birds, wading birds as well as a water source for other wildlife.

4. The restoration to native habitats being undertaken by the Grantor's on the Property will provide suitable breeding, nesting and foraging habitat for the numerous wildlife species listed above.

C. Grantor and the Grantee mutually recognize that the Property possesses important wildlife, fish, and plant habitat, and significant scenic and open space values, all as described above (collectively, the "conservation values"), which conservation values are of great importance to the Grantors and Grantee.

D. The specific conservation values of the Property are documented in the "Baseline Inventory Report for the Sam's Hammock Conservation Easement Tract in Brevard County, Florida", dated _____ ("Baseline Documentation"), which consists of reports, maps, photographs, and other documentation that the parties agree provide, collectively, an accurate representation of the Property at the time of this grant which Report establishes the condition of the Property at the time of the gift, as provided in Treasury Regulation Section 1.170A-14(g)(5);, and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. The Baseline Documentation is maintained in the offices of the EEL Program and is incorporated by this reference. A copy of the Baseline Documentation is available from the EEL Program on request. Exhibit "B" is a copy of a map of the Property as contained within the Baseline Documentation.

E. The parties intend hereby to comply with Section 704.06 of the Florida Statutes which permits the creation of conservation easements for the purposes of, inter alia, retaining land or water areas predominantly in their natural, scenic, open or wooded condition or as suitable habitat for fish, plants, or wildlife; and

F. The Grantors and the Grantee have the common purpose of conserving certain values and character of the Property by conveyance to the Grantee of a perpetual conservation easement on, under, over, and across the Property, to conserve the character of the Property, continue certain land use patterns that do not significantly impair the character of the Property, and prohibit certain further development activity on the Property

G. Grantee is an agency authorized under the provisions of §704.06, Florida Statutes, to hold conservation easements for the preservation and protection of land in its natural, scenic, historical, forested, or open space condition.

H. Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come.

I. The fact that any use of the Property that is expressly prohibited by the terms of this Easement may become greatly more economically valuable than uses allowed by the terms of this Easement, or that neighboring properties may, in the future, be put entirely to uses that are not allowed by this Easement has been considered by Grantor in granting this Easement and by Grantee in accepting it.

To achieve these purposes, and in consideration of \$10.00 and other good and valuable consideration, including but not limited to the above and the mutual covenants, terms, conditions, and restrictions contained herein, the receipt and sufficiency of which is acknowledged, and pursuant to the laws of Florida, and in particular §704.06, Florida Statutes, but without intending the validity of this Easement to be dependent on the continuing existence of such laws, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

ARTICLE I. DURATION OF EASEMENT

This Conservation Easement shall be perpetual. It is an easement in gross, runs with the land, and is enforceable by Grantee against Grantor, Grantor's personal representatives, heirs, successors and assigns, lessees, agents, and licensees.

ARTICLE II. PURPOSE OF EASEMENT

It is the purpose of this Easement to assure that the Property will be retained forever in its natural, scenic, wooded condition to provide a relatively natural habitat for fish, wildlife, plants or similar ecosystems, and to preserve portions of the Property as productive farmland and forest land that sustains for the long term both the economic and conservation values of the Property and its environs, through management guided by the following principles:

- Protection of scenic and other distinctive rural character of the landscape;
- Maintenance of soil productivity and control of soil erosion;
- Maintenance and enhancement of wildlife and game habitat;

- Maintenance of the value of the resource in avoiding land fragmentation;
- Protection of surface water quality, the Floridan Aquifer, wetlands, and riparian areas.

The above purposes are hereinafter sometimes referred to as "the Conservation Purposes". Grantor intends that this Easement will confine the use of the Property to such activities as are consistent with the purpose of this Easement.

ARTICLE III. RIGHTS GRANTED TO THE GRANTEE

To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement:

- A. The right to enforce protection of the conservation values of the Property;
- B. All future residential, commercial, industrial and incidental development rights that are now or hereafter allocated to, implied, reserved, or inherent in the Property except as may be specifically reserved to Grantor in this Easement. The parties agree that such rights are hereby terminated and extinguished and may not be used on or transferred to other property. Neither the Property nor any portion thereof may be included as part of the gross area of other property not subject to this Easement for the purposes of determining density, lot coverage, or open space requirements, under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights that have been encumbered or extinguished by this Easement shall be transferred to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise. Nor shall any development rights or density credits be transferred onto the Property from other property.
- C. The right to enter upon the Property at reasonable times in order to monitor compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property.
- D. The right to prevent any activity on or use of the Property that is inconsistent with the purpose or provisions of this Easement and to require the restoration of or to restore such areas or features of the Property that may be damaged by any inconsistent activity or use, at Grantor's cost.
- E. The right of ingress and egress to the Property.
- F. The right to have the ad valorem taxes, assessments and any other charges on the Property paid by Grantor.

G. A right to notice of intent to sell. The terms of this right are such that if Grantor intends to sell the Property, or any interest therein or portion thereof, ~~Grantor, prior to~~ ~~Grantor, prior to~~ shall deliver to Grantee notice of such intent, and shall, in good faith, afford Grantee an opportunity to negotiate the acquisition of the Property, or such portion thereof or interest therein that Grantor intends to sell. If Grantee desires to negotiate the acquisition of the Property, or such portion thereof or interest therein, Grantee shall so notify Grantor within 30 days after receipt of Grantor's notice of intent. If Grantor and Grantee are unable, in good faith to agree to terms of an acquisition of the Property, or such interest therein or portion thereof as applicable, within 120 days thereafter, Grantor may sell the Property free of the right granted herein. Provided, however, that closing on such sale shall occur within one year of the date of Grantor's notice to Grantee. If the Property, or such portion thereof or interest therein as is applicable, has not sold within one year after Grantee's notice to Grantor that Grantee does not intend to negotiate acquisition of the property or within one year after failure to reach agreement to terms of an acquisition, then any intent to sell the Property thereafter shall require renewed notice to Grantee. This right of notice shall not be triggered by sales or transfers between Grantor and lineal descendants of Grantor or entities in which Grantor owns a majority of the controlling interests. ~~The right of notice granted herein applies to the original Grantor and to said original Grantor's heirs, successors and assigns.~~

H. The right to be indemnified by Grantor for any and all liability, loss, damage, expense, judgment or claim (including a claim for attorney fees) arising out of any negligent or willful action or activity resulting from the Grantor's use and ownership of or activities on the Property or the use of or activities of Grantor's agents, guests, lessees or invitees on the Property.

I. The right to be indemnified by Grantor for any liability for injury or property damage to persons on the Property arising out of any condition of the Property known to the Grantor to the best of Grantor's knowledge.

J. The right to have the Property maintained as reflected on the Baseline Documentation, as the Property may develop through the forces of nature hereafter, subject only to the exercise of Grantor's Reserved Rights, and the Rights Granted to the Grantee, as described in this Easement.

K. If Grantor fails to cut and remove timber damaged by natural disaster, fire, infestation or the like, then the right, but not the duty, of Grantee, in its sole discretion to cut and remove said timber. Any such cutting and removal by Grantee shall be at the expense of Grantee and all proceeds from the sale of any such timber shall inure to the benefit of Grantee.

ARTICLE IV. PROHIBITED USES

The Property shall be maintained to preserve the Conservation Purposes of this Easement. Without limiting the generality of the foregoing Grantor agrees that the following uses and practices, though not an exhaustive recital of inconsistent uses and practices, are expressly prohibited or restricted:

A. No soil, trash, liquid or solid waste (including sludge), or unsightly, offensive, or hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including, but not limited to, those as now or hereafter defined by federal or Florida law defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants shall be dumped or placed on the Property. This prohibition shall not be construed to include reasonable amounts of waste generated as a result of allowed activities.

B. The exploration for and extraction of oil, gas, minerals, peat, muck, marl, limestone, limnerock, kaolin, fuller's earth, phosphate, common clays, gravel, shell, sand and similar substances, under and by virtue of the authority of a grant or reservation or other form of ownership of or interest in or control over or right to such substances, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully allowed for the conduct of allowed activities.

C. Activities that will be detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation unless otherwise provided in this Easement. There shall be no dredging of new canals, construction of new dikes, manipulation of natural water courses, or disruption, alteration, pollution, depletion, or extraction on the Property of existing surface or subsurface water flow or natural water sources, fresh water lakes, ponds and pond shores, marshes, creeks or any other water bodies, nor any activities or uses conducted on the Property that would be detrimental to water purity or that could alter natural water level or flow in or over the Property. Provided, however, Grantor may expand and modify existing human-made ponds on the Property in order to enhance the habitat for native birds and fish, provided each pond is no larger than one (1) acre in size and any excavated soil is not piled in any one location, but used on the Property to enhance habitat for native birds and fish, and Grantor may continue to operate, maintain, or replace existing ground water wells incident to allowed uses on the Property, subject to legally required permits and regulations.

D. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of any portions of the Property having historical or archeological significance.

E. The removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of trees, shrubs or other natural vegetation, including but not limited to cypress trees, except as otherwise specifically provided in this Easement. There shall be no planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property. Grantor hereby grants to Grantee the right, in

Grantee's sole discretion and at Grantee's expense, to develop and implement an exotic plant removal plan for the eradication of exotics or non-native plants on the Property. Under no circumstances, shall this right conveyed to Grantee be construed to diminish Grantor's responsibilities under this paragraph or as an obligation of the Grantee.

F. Commercial or industrial activity, or ingress, egress or other passage across or upon the Property in conjunction with any commercial or industrial activity; except as expressly permitted in paragraphs V.B., V.G., and V.H.

G. New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for hereinafter. For purposes of this paragraph the term "emergency" shall mean those situations that will have an immediate and irreparable adverse impact on the Conservation Purposes.

H. ~~the construction or creation of new roads, or off-road vehicle/jep trails~~

I. There shall be no operation of motorized vehicles except on established trails and roads unless necessary: (i) to protect or enhance the purposes of this Easement, (ii) for emergency purposes, and (iii) to retrieve game that has been hunted legally.

J. ~~There shall be no application of pesticides (including, but not limited to, insecticides, fungicides, rodenticides, and herbicides) on the Property, except that herbicides may be used as part of a program to control or eradicate Nuisance Invasive Exotic Plant Species~~

K. Actions or activities that may reasonably be expected to adversely affect threatened or endangered species.

L. Any subdivision of the land except as may otherwise be provided in this Easement.

M. There shall be no signs, billboards, or outdoor advertising of any kind erected or displayed on the Property, except that Grantee may erect and maintain signs designating the Property as land under the protection of Grantee.

N. ~~the land be not commercial, industrial, residential or agricultural use, or any other use~~

ARTICLE V. GRANTOR'S RESERVED RIGHTS

Grantor reserves to Grantor, and to Grantor's personal representatives, heirs, successors, and assigns, the following specified rights, which are deemed to be consistent with the purpose of the Easement. The exercise of the Reserved Rights shall be in full accordance with all applicable local, state and federal law, as amended from time to time, as well as in accordance with the purposes of this Easement.

A. The right to observe, maintain, photograph, introduce and stock native fish or wildlife on the Property, to use the Property for non-commercial hiking, camping, and horseback riding, so long as the same do not constitute a danger to Grantee's employees, agents, officers, directors and invitees, and so long as such activities do not violate any of the prohibitions applicable to the Property or Grantee's rights, as stated above. Grantor reserves, and shall continue to own, the hunting and fishing rights on, or related to, the Property and Grantor may lease and sell privileges of such rights.

B. The right to plant and selectively harvest native pine trees (except for sand pine) over no more than 25% (9.6 acres) of the upland portion of the Property. Any such timber thinning and harvesting shall accomplish the following goals: maintain the soil productivity of the Property, conserve or enhance the water quality of waterbodies, wetlands and riparian zones on the Property, protect the scenic quality of the Property, protect or enhance the wildlife habitat attributes of the Property, maintain or create a balance of forest age classes and native species composition on the Property, and conserve or enhance the viable populations of native plant and animal species on the Property. Further, any timber harvesting on the Property shall be carried out in accordance with then-current, generally accepted best management practices for the sites, soils, and terrain of the Property.

C. The right to engage in the following ecological restoration activities to protect or enhance the wildlife habitat attributes of the Property; or conserve or enhance the viable populations of native plant and animal species on the Property: (i) the right to plant native trees and herbaceous species, (ii) to remove dense herbaceous cover interfering with the planting and growth of desired native vegetation, and to conduct controlled or prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the local and state regulatory agencies having jurisdiction over controlled or prescribed burning.

D. The right to mortgage the Property; provided, however, that the Mortgagee's lien shall be inferior to and lower in priority than this Easement.

E. The right to contest tax appraisals, assessments, taxes and other charges on the Property.

F. The right to continue to use, maintain, repair, and reconstruct, but not to relocate, enlarge, all existing fences, roads, drainage ditches and culverts on the Property as depicted in the Baseline Documentation.

G. The right to exclusive use of the improvements depicted in the Baseline Documentation.

H. The right to cut and remove palm trees from the Property, provided such activity: (i) protects or enhances the wildlife habitat attributes of the Property; and (ii) conserves or enhances the viable populations of native plant and animal species on the Property; and (iii) any palm tree removal on the Property shall be carried out in accordance with then-current, generally accepted best management practices for the sites, soils, and terrain of the Property; and, (iv) remove 100 palm trees per year for the years 2006, 2007 and 2008.

I. The right to maintain an apiary operation on the Property, provided only native species are bred and the operation does not have an adverse impact on the wildlife attributes of the Property or populations of native plant and animal species on the Property.

J. The right to maintain the existing food plots as identified in the Baseline Documentation, and to establish new food plots for wildlife forage, provided the cumulative area of all the food plots does not exceed 6 acres.

ARTICLE VI. GRANTEE'S REMEDIES

A. Remedies. If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. If Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a 30-day period, fails to begin curing such violation within the 30-day period, or fails to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any conservation values protected by this Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to require the restoration of the Property to the condition that existed prior to any such injury. Without limiting Grantor's liability therefor, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, Grantee may pursue its

Remedies under this paragraph without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

B. **Grantee's Discretion.** Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

C. **Waiver of Certain Defenses.**

D. **Acts Beyond Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

E. **Hold Harmless.** Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in paragraph VIII.A. and VIII.B.; and (3) the existence or administration of this Easement.

ARTICLE VII. NO PUBLIC ACCESS

The granting of this Easement does not convey to the public the right to enter the Property for any purpose whatsoever, and Grantee will cooperate with Grantor in the enforcement of this prohibition.

ARTICLE VIII. MISCELLANEOUS

A. **Costs and Liabilities.** Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability coverage. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

B. **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized but in no event obligated to make or advance any payment of taxes, upon three (3) days prior written notice to Grantor, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest until paid by Grantor at the maximum rate allowed by law.

C. **Extinguishment.** If circumstances arise in the future such as render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the proceeds to which Grantee shall be entitled, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by Florida law at the time, in accordance with paragraph VIII.D. Grantee shall use all such proceeds in a manner consistent with the Conservation Purposes of this grant or the purposes of the bond or statutory program under which Grantee obtained the purchase money for this Easement. Grantor believes that any changes in the use of neighboring properties will increase the benefit to the public of the continuation of this Easement, and Grantor and Grantee intend that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Easement. In addition, the inability of Grantor to conduct or implement any or all of the uses allowed under the terms of this Easement, or the unprofitability of doing so, shall not impair the validity of this Easement or be considered grounds for its termination or extinguishment.

D. **Proceeds.** This Easement constitutes a real property interest immediately vested in Grantee, which, for the purposes of paragraph VIII.C., the parties stipulate to have a fair market value determined by multiplying the fair market value of the Property unencumbered by the Easement (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the value of the Easement at the time of this grant to the value of the Property, without deduction for the value of the Easement, at the time of this grant. The values at the time of this grant shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Internal Revenue Code. For the purposes of this paragraph, the ratio of the value of the Easement to the value of the Property unencumbered by the Easement shall remain constant.

E. **Condemnation.** If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

F. **Assignment.** This Easement is transferable, but Grantee may assign its rights and obligations under this Easement only to an organization that is, at the time of the assignment, both (i) a "qualified organization" as that term is defined in Section 170(h) of the Internal Revenue Code and (ii) authorized to acquire and hold conservation easements under Section 704.06 of the Florida Statutes. (or any successor provision then applicable). As a condition of such transfer, Grantee shall require that the Conservation Purposes that this grant is intended to advance continue to be carried out.

G. **Subsequent Transfers.** Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which Grantor divests any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer. The failure of Grantor to perform any act required by this paragraph shall not impair the validity or priority of this Easement or limit its enforceability in any way.

H. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed to the parties as set forth above, or to such other addresses such party may establish in writing to the other.

I. **Recordation.** Grantee shall record this instrument and any amendments in timely fashion in the official records of Brevard County, Florida, and may re-record it at any time as may be required to preserve its rights in this Easement.

J. **Non-Homestead Certification.** Grantor hereby certifies that if a Grantor who is married signs this Easement without the joinder of his or her spouse, the Property is neither the

Instead of Grantor nor the primary physical residence of Grantor, nor is the Property Antiguous to the homestead or primary physical residence of Grantor.

K. **Amendments.** If circumstances arise under which an amendment to or modification of this Conservation Easement would be appropriate, the Grantors and the Grantee may by mutual written agreement jointly amend this Conservation Easement, provided that no such amendment shall be made that will adversely affect the qualification of this Conservation Easement for the tax benefits available or the status of Grantee under any applicable laws, including Sections 170(h) and 501(c)(3) of the Internal Revenue Code. Any such amendment shall be consistent with the purpose of this Conservation Easement, shall not affect its perpetual duration, and shall not result in any diminution of protection of the conservation values. Any such amendment shall be recorded in the official public records of Brevard County, Florida. Nothing herein shall require the Grantee to agree to any amendment.

L. **Controlling Law.** The laws of the State of Florida shall govern the interpretation and performance of this Easement.

M. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of §704.06, Florida Statutes. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

N. **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

O. **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

P. **Joint Obligation.** The obligations imposed by this Easement upon Grantor shall be joint and several.

Q. **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

R. Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

S. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantor and Grantee have set their hands on the day and year first above written.

Witnesses:

Signature of first witness

KATHY LOYD

Printed name of first witness

Signature of second witness

Wilma L. Hewett

Printed name of second witness

Witnesses:

Signature of first witness

KATHY LOYD

Printed name of first witness

Signature of second witness

Wilma L. Hewett

Printed name of second witness

David L. Laney, Grantor

Cheryl Ann Barnes, Grantor

STATE OF FLORIDA

COUNTY OF Brevard

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, appeared David L. Laney who is personally known to me or who has produced a state driver license as identification, and who did not take an oath and executed the foregoing instrument and he acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 13th day of June, 2006.

Kathleen Loyd
Signed

Printed KATHLEEN LOYD
Notary Public, State of Florida
NOTARY PUBLIC My comm. exp. Nov. 3, 2006
My Commission Expires: Comm. No. DD 159303

STATE OF FLORIDA
COUNTY OF Brevard

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, appeared Cheryl Ann Barnes who is personally known to me or who has produced a state driver license as identification, and who did not take an oath and executed the foregoing instrument and she acknowledged before me that she executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of June, 2006

Kathleen Loyd
Signed

Printed KATHLEEN LOYD
Notary Public, State of Florida
My comm. exp. Nov. 3, 2006
Comm. No. DD 159303

NOTARY PUBLIC
My Commission Expires:

ATTEST:

By: Scott Ellis
Scott Ellis, Clerk

(Seal)

BREVARD COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: Helen Voltz
Helen Voltz, Chair

As approved by the Board on 12-13-05.

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

LOT 1, BLOCK 1, AND LOT 4, BLOCK 1, TOGETHER WITH A PORTION OF LOT 3, BLOCK 1, L.L. OWENS SUBDIVISION ACCORDING TO THE PLAT HEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 90 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 6, BLOCK 1, OF SAID L.L. OWENS SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 90 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S. 00°04'19" W., ALONG THE EAST LINE OF SAID LOT 6, BLOCK 1, A DISTANCE OF 660.87 FEET TO THE NORTHWEST CORNER OF THE AFORESAID LOT 4, BLOCK 1, SAID POINT BEING THE POINT OF BEGINNING; THENCE S. 89°46'33" E., ALONG THE NORTH LINE OF LOT 4 AND LOT 1, BLOCK 1, OF SAID L. L. OWENS SUBDIVISION, A DISTANCE OF 1321.24 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF SAID L. L. OWENS SUBDIVISION; THENCE S. 00°04'19" W., ALONG THE EAST LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 766.76 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE S. 73°30'57" W., ALONG THE SOUTH LINE OF SAID LOT 1 AND LOT 4, BLOCK 1 OF SAID L. L. OWENS SUBDIVISION, A DISTANCE OF 1378.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, BLOCK 1; THENCE N. 00°04'19" E., ALONG THE WEST LINE OF SAID LOT 4, BLOCK 1, A DISTANCE OF 561.19 FEET; THENCE N. 89°55'41" W., A DISTANCE OF 660.62 FEET TO A POINT LYING ON THE WEST LINE OF SAID LOT 3, BLOCK 1; THENCE N. 00°04'19" E., ALONG SAID WEST LINE A DISTANCE OF 603.57 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6, BLOCK 1; THENCE S. 89°46'33" E., ALONG THE SOUTH LINE OF SAID LOT 6, BLOCK 1, A DISTANCE OF 660.62 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 25.00 FEET WIDE INGRESS/EGRESS BASEMENT LYING WEST OF AND ABUTTING THE EAST LINE OF LOT 3, BLOCK 1, OF SAID L. L. OWENS SUBDIVISION.

SUBJECT TO A 25.00 FEET WIDE INGRESS/EGRESS BASEMENT LYING NORTH OF AND ABUTTING THE SOUTH LINE OF LOT 1 AND LOT 4, BLOCK 1, OF SAID L. L. OWENS SUBDIVISION.

SAID PARCEL CONTAINS 18.41 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS AND OR RIGHT OF WAYS OF RECORD.

Subject: Fwd: FW: Domestic self supply for single family lots in North Brevard County
From: David Laney <David.Laney@ucf.edu>
Date: 3/10/2019, 3:34 PM
To: "borogove@att.net" <borogove@att.net>

----- Forwarded message -----

From: Kristian Holmberg <KHolmberg@sjrwmd.com>
Date: Mar 4, 2019 1:22 PM
Subject: FW: Domestic self supply for single family lots in North Brevard County
To: David Laney <David.Laney@ucf.edu>
Cc:

Mr. Laney,

Please see the follow up summary email I sent to Mr. and Mrs. Thomas following our conversation last month.

Thanks,
Kris

From: Kristian Holmberg
Sent: Wednesday, February 20, 2019 11:09 AM
To: 'thomasnikki321@gmail.com' <thomasnikki321@gmail.com>
Subject: Domestic self supply for single family lots in North Brevard County

Mr. and Mrs. Thomas,

Thank you for speaking with me this morning in regards to proposed residential water use in the Scottsmeer area of north Brevard County. As we discussed, the use of groundwater for domestic self supply on single family residential lots generally falls below the District permitting thresholds found in Section 40C-2.041, Florida Administrative Code, and would not require a Consumptive Use Permit (CUP) from the District. Please note, water well construction permits would be required for the installation of individual wells on the subject parcels, but not for their use. The District does not have any broad restrictions or limitations on residential water use in the area other than those associated with the general restrictions on landscape irrigation found in the rule. Please let me know if you need any additional information or have any additional questions.

Thanks again,
Kris
Kristian Holmberg, PWS
Hydrologist IV
Division of Regulatory, Engineering, and Environmental Services
St. Johns River Water Management District
Palm Bay Service Center
525 Community College Parkway, SE • Palm Bay, FL 32909
Office: (321) 409-2121 • Cell: (407) 947-2032
Email: kholmber@sjrwmd.com
Website: www.sjrwmd.com
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/epermitting

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>



Herbert Wertheim College of Engineering
Engineering School of Sustainable Infrastructure and Environment
Department of Civil and Coastal Engineering
Arnoldo Valle-Levinson, Professor
arnoldo@ufl.edu

Public Comment
18PZ00153 & 154
Thomas
(Submitted by David
Laney)

365 Weil Hall
PO Box 116580
Gainesville, FL 32611-6580
352-392-9537 Department Phone
352-392-3394 Department Fax
www.essie.ufl.edu

March 10th, 2019

David Laney
Subject: Salt Water Intrusion Potential, North Brevard County, Florida

Dear David,

Upon visiting the Scottsmoor area on March 6th, I became familiarized with the rezoning request in the area. I am able to place such request in the context of natural and human-related pressures in the region of the Indian River Lagoon.

I think that any new infrastructure development in coastal areas, around the Indian River Lagoon in particular, needs to be examined carefully and sensibly. This is because sea levels around Florida have risen at rates that are more than 6 times the mean global rates. Between 2011 and 2016, sea level rose at a rate of $\frac{3}{4}$ inch per year. Evidence of these rapid sea-level increments are the increase in sunny-day flooding events in the state. Compound to this problem is the ever-increasing human use of freshwater from the aquifer. Moreover, an inconclusive trend in Florida rain values since 1895 indicates that the aquifer recharge is not changing over decadal scales. This means that sea-level rise produces encroachment of salty ocean water toward land, which is exacerbated by increased human consumption of aquifer water for domestic and agricultural purposes. The 1) sea-level rise – 2) human consumption of water represents a 1-2 punch that chokes the lagoon and affects the water and soil quality for communities within, at least, the first few miles of the coast. Clear consequences of such 1-2 choking punch, or as they say, the canary in the coal mine, are a) the alarming incidence of toxic algae blooms in the Indian River Lagoon, b) the widespread salinization of well water in the communities around the lagoon, and c) threatening coastal erosion around Cape Canaveral. Incidence of algae blooms, in particular, is accompanied by decreased air quality.

Evidently, any new rezoning that allows increases in settlement density will represent amplified demands for aquifer water. Because sea level is expected to continue to rise, the area will likely be drastically affected by the 1-2 choking punch, in detriment to water, air and soil quality.

Sincerely,

A handwritten signature in black ink that reads "Arnoldo Valle Le Vinson".

Arnoldo Valle-Levinson

7 201 Sixth Ave
Indianapolis, IN 32903
Project Name: Sam's Hammock

CFN 2006184384 06-19-2006 02:51 pm
OR Book/Page: 5661 / 4025

This instrument prepared by and returned to:
Christine V. Lepore
Brevard County Attorney's Office
2725 Judge Fran Jamieson Way
Building C
Viera, Florida 32940-6605
19994

Public Comment
18PZ00153 & 154
Thomas
(Submitted by Cheryl
Barnes)

DEED OF CONSERVATION EASEMENT

THIS GRANT OF CONSERVATION EASEMENT is made this 13 day Dec. 2005 by David L. Laney, a married man and Cheryl Ann Barnes, a married woman, whose address is 5990 Barranco Avenue, Cocoa, FL 32927 ("Grantor"), in favor of BREVARD COUNTY, a political subdivision of the State of Florida ("County"), whose address is c/o the EEL Program, Parks and Recreation Department, 5560 N. US Highway, Melbourne, FL 32940, ("Grantee").

The terms "Grantor" and "Grantee" shall include the singular and the plural, and the heirs, successors and assigns of Grantor and Grantee, and the provisions of this easement shall be binding upon and inure to the benefit of Grantor, Grantee and their heirs, successors and assigns.

RECITALS

A. Grantor is the sole owner in fee simple of certain real property in Brevard County, Florida, more particularly described in Exhibit A attached hereto and incorporated by reference (hereinafter, the "Property").

B. The Property qualifies as "a relatively natural habitat of fish, wildlife, or plants, or similar ecosystems," as that phrase is used in Section 170(h)(4)(a)(ii) of the Internal Revenue Code, for the following reasons:

1. The Property is within one-half mile of properties included in the Indian River Lagoon Blueway Florida Forever Project and within a tenth of a mile of lands that have been acquired in Volusia County under the North American Wetlands Conservation Act which are now a part of Merritt Island National Wildlife Refuge. Therefore, the Property is an important part of the formation of a connection between state and federal owned lands in Brevard and Volusia counties, Florida.

BLA-503, Revised 10/4/04

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 23	#Names: 2
Trust: 12.00	Rec: 185.00
Doc: 0.70	Serv: 0.00
Mtg: 0.00	Excise: 0.00
	Int Tax: 0.00

2. The Property contains Hydric Hammock areas, abandoned citrus grove and other natural areas containing cabbage palms, various hardwoods and vines, all of which provide habitat for gopher tortoise, Southeastern American kestrel, American alligator, fox, rabbits, bobcat, numerous songbirds, raptors, reptiles and amphibians.

3. The Property contains four (4) ponds that provide necessary habitat for American alligator, migratory and resident waterfowl/birds, wading birds as well as a water source for other wildlife.

4. The restoration to native habitats being undertaken by the Grantor's on the Property will provide suitable breeding, nesting and foraging habitat for the numerous wildlife species listed above.

C. Grantor and the Grantee mutually recognize that the Property possesses important wildlife, fish, and plant habitat, and significant scenic and open space values, all as described above (collectively, the "conservation values"), which conservation values are of great importance to the Grantors and Grantee.

D. The specific conservation values of the Property are documented in the "Baseline Inventory Report for the Sam's Hammock Conservation Easement Tract in Brevard County, Florida", dated _____ ("Baseline Documentation"), which consists of reports, maps, photographs, and other documentation that the parties agree provide, collectively, an accurate representation of the Property at the time of this grant which Report establishes the condition of the Property at the time of the gift, as provided in Treasury Regulation Section 1.170A-14(g)(5); and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. The Baseline Documentation is maintained in the offices of the EEL Program and is incorporated by this reference. A copy of the Baseline Documentation is attached to the EEL Program request. Exhibit "B" is a copy of a map of the Property as contained within the Baseline Documentation.

E. The parties intend hereby to comply with Section 704.06 of the Florida Statutes which permits the creation of conservation easements for the purposes of, inter alia, retaining land or water areas predominantly in their natural, scenic, open or wooded condition or as suitable habitat for fish, plants, or wildlife; and

F. The Grantors and the Grantee have the common purpose of conserving certain values and character of the Property by conveyance to the Grantee of a perpetual conservation easement on, under, over, and across the Property, to conserve the character of the Property, continue certain land use patterns that do not significantly impair the character of the Property, and prohibit certain further development activity on the Property

G. Grantee is an agency authorized under the provisions of §704.06, Florida Statutes, to hold conservation easements for the preservation and protection of land in its natural, scenic, historical, forested, or open space condition.

H. Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come.

I. The fact that any use of the Property that is expressly prohibited by the terms of this Easement may become greatly more economically valuable than uses allowed by the terms of this Easement, or that neighboring properties may, in the future, be put entirely to uses that are not allowed by this Easement has been considered by Grantor in granting this Easement and by Grantee in accepting it.

To achieve these purposes, and in consideration of \$10.00 and other good and valuable consideration, including but not limited to the above and the mutual covenants, terms, conditions, and restrictions contained herein, the receipt and sufficiency of which is acknowledged, and pursuant to the laws of Florida, and in particular §704.06, Florida Statutes, but without intending the validity of this Easement to be dependent on the continuing existence of such laws, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

ARTICLE I. DURATION OF EASEMENT

This Conservation Easement shall be perpetual. It is an easement in gross, runs with the land, and is enforceable by Grantee against Grantor, Grantor's personal representatives, heirs, successors and assigns, lessees, agents, and licensees.

ARTICLE II. PURPOSE OF EASEMENT

It is the purpose of this Easement to assure that the Property will be retained forever in its natural, scenic, wooded condition to provide a relatively natural habitat for fish, wildlife, plants or similar ecosystems, and to preserve portions of the Property as productive farmland and forest land that sustains for the long term both the economic and conservation values of the Property and its environs, through management guided by the following principles:

- Protection of scenic and other distinctive rural character of the landscape;
- Maintenance of soil productivity and control of soil erosion;
- Maintenance and enhancement of wildlife and game habitat;

- Maintenance of the value of the resource in avoiding land fragmentation;
- Protection of surface water quality, the Floridan Aquifer, wetlands, and riparian areas.

The above purposes are hereinafter sometimes referred to as "the Conservation Purposes". Grantor intends that this Easement will confine the use of the Property to such activities as are consistent with the purpose of this Easement.

ARTICLE III. RIGHTS GRANTED TO THE GRANTEE

To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement:

- A. The right to enforce protection of the conservation values of the Property;
- B. All future residential, commercial, industrial and incidental development rights that are now or hereafter allocated to, implied, reserved, or inherent in the Property except as may be specifically reserved to Grantor in this Easement. The parties agree that such rights are hereby terminated and extinguished and may not be used on or transferred to other property. Neither the Property nor any portion thereof may be included as part of the gross area of other property not subject to this Easement for the purposes of determining density, lot coverage, or open space requirements, under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights that have been encumbered or extinguished by this Easement shall be transferred to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise. Nor shall any development rights or density credits be transferred onto the Property from other property.
- C. The right to enter upon the Property at reasonable times in order to monitor compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property.
- D. The right to prevent any activity on or use of the Property that is inconsistent with the purpose or provisions of this Easement and to require the restoration of or to restore such areas or features of the Property that may be damaged by any inconsistent activity or use, at Grantor's cost.
- E. The right of ingress and egress to the Property.
- F. The right to have the ad valorem taxes, assessments and any other charges on the Property paid by Grantor.

G. A right to notice of intent to sell. The terms of this right are such that if Grantor intends to sell the Property, or any interest therein or portion thereof, ~~Grantor, prior to~~ ~~Grantor, prior to~~ shall deliver to Grantee notice of such intent, and shall, in good faith, afford Grantee an opportunity to negotiate the acquisition of the Property, or such portion thereof or interest therein that Grantor intends to sell. If Grantee desires to negotiate the acquisition of the Property, or such portion thereof or interest therein, Grantee shall so notify Grantor within 30 days after receipt of Grantor's notice of intent. If Grantor and Grantee are unable, in good faith to agree to terms of an acquisition of the Property, or such interest therein or portion thereof as applicable, within 120 days thereafter, Grantor may sell the Property free of the right granted herein. Provided, however, that closing on such sale shall occur within one year of the date of Grantor's notice to Grantee. If the Property, or such portion thereof or interest therein as is applicable, has not sold within one year after Grantee's notice to Grantor that Grantee does not intend to negotiate acquisition of the property or within one year after failure to reach agreement to terms of an acquisition, then any intent to sell the Property thereafter shall require renewed notice to Grantee. This right of notice shall not be triggered by sales or transfers between Grantor and lineal descendants of Grantor or entities in which Grantor owns a majority of the controlling interests. ~~The right of notice granted herein applies to the personal Grantor and to said personal Grantor's heirs, successors and assigns.~~

H. The right to be indemnified by Grantor for any and all liability, loss, damage, expense, judgment or claim (including a claim for attorney fees) arising out of any negligent or willful action or activity resulting from the Grantor's use and ownership of or activities on the Property or the use of or activities of Grantor's agents, guests, lessees or invitees on the Property.

I. The right to be indemnified by Grantor for any liability for injury or property damage to persons on the Property arising out of any condition of the Property known to the Grantor to the best of Grantor's knowledge.

J. The right to have the Property maintained as reflected on the Baseline Documentation, as the Property may develop through the forces of nature hereafter, subject only to the exercise of Grantor's Reserved Rights, and the Rights Granted to the Grantee, as described in this Easement.

K. If Grantor fails to cut and remove timber damaged by natural disaster, fire, infestation or the like, then the right, but not the duty, of Grantee, in its sole discretion to cut and remove said timber. Any such cutting and removal by Grantee shall be at the expense of Grantee and all proceeds from the sale of any such timber shall inure to the benefit of Grantee.

ARTICLE IV. PROHIBITED USES

The Property shall be maintained to preserve the Conservation Purposes of this Easement. Without limiting the generality of the foregoing Grantor agrees that the following uses and practices, though not an exhaustive recital of inconsistent uses and practices, are expressly prohibited or restricted:

A. No soil, trash, liquid or solid waste (including sludge), or unsightly, offensive, or hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including, but not limited to, those as now or hereafter defined by federal or Florida law defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants shall be dumped or placed on the Property. This prohibition shall not be construed to include reasonable amounts of waste generated as a result of allowed activities.

B. The exploration for and extraction of oil, gas, minerals, peat, muck, marl, limestone, limerock, kaolin, fuller's earth, phosphate, common clays, gravel, shell, sand and similar substances, under and by virtue of the authority of a grant or reservation or other form of ownership of or interest in or control over or right to such substances, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully allowed for the conduct of allowed activities.

C. Activities that will be detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation unless otherwise provided in this Easement. There shall be no dredging of new canals, construction of new dikes, manipulation of natural water courses, or disruption, alteration, pollution, depletion, or extraction on the Property of existing surface or subsurface water flow or natural water sources, fresh water lakes, ponds and pond shores, marshes, creeks or any other water bodies, nor any activities or uses conducted on the Property that would be detrimental to water purity or that could alter natural water level or flow in or over the Property. Provided, however, Grantor may expand and modify existing human-made ponds on the Property in order to enhance the habitat for native birds and fish, provided each pond is no larger than one (1) acre in size and any excavated soil is not piled in any one location, but used on the Property to enhance habitat for native birds and fish, and Grantor may continue to operate, maintain, or replace existing ground water wells incident to allowed uses on the Property, subject to legally required permits and regulations.

D. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of any portions of the Property having historical or archeological significance.

E. The removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of trees, shrubs or other natural vegetation, including but not limited to cypress trees, except as otherwise specifically provided in this Easement. There shall be no planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property. Grantor hereby grants to Grantee the right, in

[redacted] Grantee's sole discretion and at Grantee's expense, to develop and implement an exotic plant removal plan for the eradication of exotics or non-native plants on the Property. Under no circumstances, shall this right conveyed to Grantee be construed to diminish Grantor's responsibilities under this paragraph or as an obligation of the Grantee.

F. Commercial or industrial activity, or ingress, egress or other passage across or upon the Property in conjunction with any commercial or industrial activity; except as expressly permitted in paragraphs V.B., V.G., and V.H.

G. New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for hereinafter. For purposes of this paragraph the term "emergency" shall mean those situations that will have an immediate and irreparable adverse impact on the Conservation Purposes.

H. [redacted]

I. There shall be no operation of motorized vehicles except on established trails and roads unless necessary: (i) to protect or enhance the purposes of this Easement, (ii) for emergency purposes, and (iii) to retrieve game that has been hunted legally.

J. There shall be no application of pesticides (including, but not limited to, insecticides, fungicides, rodenticides, and herbicides) on the Property, except that herbicides may be used as part of a program to control or eradicate [redacted]

K. Actions or activities that may reasonably be expected to adversely affect threatened or endangered species.

L. Any subdivision of the land except as may otherwise be provided in this Easement.

M. There shall be no signs, billboards, or outdoor advertising of any kind erected or displayed on the Property, except that Grantee may erect and maintain signs designating the Property as land under the protection of Grantee.

N. [redacted]

ARTICLE V. GRANTOR'S RESERVED RIGHTS

Grantor reserves to Grantor, and to Grantor's personal representatives, heirs, successors, and assigns, the following specified rights, which are deemed to be consistent with the purpose of the Easement. The exercise of the Reserved Rights shall be in full accordance with all applicable local, state and federal law, as amended from time to time, as well as in accordance with the purposes of this Easement.

A. The right to observe, maintain, photograph, introduce and stock native fish or wildlife on the Property, to use the Property for non-commercial hiking, camping, and horseback riding, so long as the same do not constitute a danger to Grantee's employees, agents, officers, directors and invitees, and so long as such activities do not violate any of the prohibitions applicable to the Property or Grantee's rights, as stated above. Grantor reserves, and shall continue to own, the hunting and fishing rights on, or related to, the Property and Grantor may lease and sell privileges of such rights.

B. The right to plant and selectively harvest native pine trees (except for sand pine) over no more than 25% (9.6 acres) of the upland portion of the Property. Any such timber thinning and harvesting shall accomplish the following goals: maintain the soil productivity of the Property, conserve or enhance the water quality of waterbodies, wetlands and riparian zones on the Property, protect the scenic quality of the Property, protect or enhance the wildlife habitat attributes of the Property, maintain or create a balance of forest age classes and native species composition on the Property, and conserve or enhance the viable populations of native plant and animal species on the Property. Further, any timber harvesting on the Property shall be carried out in accordance with then-current, generally accepted best management practices for the sites, soils, and terrain of the Property.

C. The right to engage in the following ecological restoration activities to protect or enhance the wildlife habitat attributes of the Property; or conserve or enhance the viable populations of native plant and animal species on the Property: (i) the right to plant native trees and herbaceous species, (ii) to remove dense herbaceous cover interfering with the planting and growth of desired native vegetation, and to conduct controlled or prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the local and state regulatory agencies having jurisdiction over controlled or prescribed burning.

D. The right to mortgage the Property; provided, however, that the Mortgagee's lien shall be inferior to and lower in priority than this Easement.

E. The right to contest tax appraisals, assessments, taxes and other charges on the Property.

F. The right to continue to use, maintain, repair, and reconstruct, but not to relocate or enlarge, all existing fences, roads, drainage ditches and culverts on the Property as depicted in the Baseline Documentation.

G. The right to exclusive use of the improvements depicted in the Baseline Documentation.

H. The right to cut and remove palm trees from the Property, provided such activity: (i) protects or enhances the wildlife habitat attributes of the Property; and (ii) conserves or enhances the viable populations of native plant and animal species on the Property; and (iii) any palm tree removal on the Property shall be carried out in accordance with then-current, generally accepted best management practices for the sites, soils, and terrain of the Property; and, (iv) remove 100 palm trees per year for the years 2006, 2007 and 2008.

I. The right to maintain an apiary operation on the Property, provided only native species are bred and the operation does not have an adverse impact on the wildlife attributes of the Property or populations of native plant and animal species on the Property.

J. The right to maintain the existing food plots as identified in the Baseline Documentation, and to establish new food plots for wildlife forage, provided the cumulative area of all the food plots does not exceed 6 acres.

ARTICLE VI. GRANTEE'S REMEDIES

A. **Remedies.** If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. If Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a 30-day period, fails to begin curing such violation within the 30-day period, or fails to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any conservation values protected by this Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to require the restoration of the Property to the condition that existed prior to any such injury. Without limiting Grantor's liability therefor, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, Grantee may pursue its

remedies under this paragraph without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

B. **Grantee's Discretion.** Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

C. **Waiver of Certain Defenses.** Grantor hereby waives any defense of estoppel, unconscionability, or unconscionable conduct.

D. **Acts Beyond Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

E. **Hold Harmless.** Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in paragraph VIII.A. and VIII.B.; and (3) the existence or administration of this Easement.

ARTICLE VII. NO PUBLIC ACCESS

The granting of this Easement does not convey to the public the right to enter the Property for any purpose whatsoever, and Grantee will cooperate with Grantor in the enforcement of this prohibition.

ARTICLE VIII. MISCELLANEOUS

A. **Costs and Liabilities.** Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability coverage. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

B. Grantor shall pay before delinquency all taxes, assessments, fees, and charges (including those levied on or assessed against the Property by governmental entities), including any taxes imposed upon or incurred as a result of the Easement, and shall furnish Grantee with satisfactory evidence of payment at the request of Grantee. Grantee shall not be obligated to make or advance any payment of taxes upon notice to Grantee in accordance with any bill, statement, or estimate obtained from the appropriate authority without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest and penalties payable by Grantor at the maximum rate allowed by law.

C. **Extinguishment.** If circumstances arise in the future such as render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the proceeds to which Grantee shall be entitled, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by Florida law at the time, in accordance with paragraph VIII.D. Grantee shall use all such proceeds in a manner consistent with the Conservation Purposes of this grant or the purposes of the bond or statutory program under which Grantee obtained the purchase money for this Easement. Grantor believes that any changes in the use of neighboring properties will increase the benefit to the public of the continuation of this Easement, and Grantor and Grantee intend that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Easement. In addition, the inability of Grantor to conduct or implement any or all of the uses allowed under the terms of this Easement, or the unprofitability of doing so, shall not impair the validity of this Easement or be considered grounds for its termination or extinguishment.

D. **Proceeds.** This Easement constitutes a real property interest immediately vested in Grantee, which, for the purposes of paragraph VIII.C., the parties stipulate to have a fair market value determined by multiplying the fair market value of the Property unencumbered by the Easement (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the value of the Easement at the time of this grant to the value of the Property, without deduction for the value of the Easement, at the time of this grant. The values at the time of this grant shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Internal Revenue Code. For the purposes of this paragraph, the ratio of the value of the Easement to the value of the Property unencumbered by the Easement shall remain constant.

E. **Condemnation.** If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

F. **Assignment.** This Easement is transferable, but Grantee may assign its rights and obligations under this Easement only to an organization that is, at the time of the assignment, both (i) a "qualified organization" as that term is defined in Section 170(h) of the Internal Revenue Code and (ii) authorized to acquire and hold conservation easements under Section 704.06 of the Florida Statutes. (or any successor provision then applicable). As a condition of such transfer, Grantee shall require that the Conservation Purposes that this grant is intended to advance continue to be carried out.

G. **Subsequent Transfers.** Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which Grantor divests any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer. The failure of Grantor to perform any act required by this paragraph shall not impair the validity or priority of this Easement or limit its enforceability in any way.

H. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed to the parties as set forth above, or to such other addresses such party may establish in writing to the other.

I. **Recordation.** Grantee shall record this instrument and any amendments in timely fashion in the official records of Brevard County, Florida, and may re-record it at any time as may be required to preserve its rights in this Easement.

J. **Non-Homestead Certification.** Grantor hereby certifies that if a Grantor who is married signs this Easement without the joinder of his or her spouse, the Property is neither the

Homestead of Grantor nor the primary physical residence of Grantor, nor is the Property contiguous to the homestead or primary physical residence of Grantor.

K. **Amendments.** If circumstances arise under which an amendment to or modification of this Conservation Easement would be appropriate, the Grantors and the Grantee may by mutual written agreement jointly amend this Conservation Easement, provided that no such amendment shall be made that will adversely affect the qualification of this Conservation Easement for the tax benefits available or the status of Grantee under any applicable laws, including Sections 170(h) and 501(c)(3) of the Internal Revenue Code. Any such amendment shall be consistent with the purpose of this Conservation Easement, shall not affect its perpetual duration, and shall not result in any diminution of protection of the conservation values. Any such amendment shall be recorded in the official public records of Brevard County, Florida. Nothing herein shall require the Grantee to agree to any amendment.

L. **Controlling Law.** The laws of the State of Florida shall govern the interpretation and performance of this Easement.

M. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of §704.06, Florida Statutes. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

N. **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

O. **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

P. **Joint Obligation.** The obligations imposed by this Easement upon Grantor shall be joint and several.

Q. **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

R. Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

S. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantor and Grantee have set their hands on the day and year first above written.

Witnesses:

Signature of first witness

KATHY LOYD

Printed name of first witness

Signature of second witness

Wilma L. Hewett

Printed name of second witness

Witnesses:

Signature of first witness

KATHY LOYD

Printed name of first witness

Signature of second witness

Wilma L. Hewett

Printed name of second witness

STATE OF FLORIDA

COUNTY OF Bureau

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, appeared David L. Laney who is personally known to me or who has produced a state driver license as identification, and who did not take an oath and executed the foregoing instrument and he acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 13th day of June, 2006.

David L. Laney, Grantor

Cheryl Ann Barnes, Grantor

Ka Loyd
Signed

Printed KATHLEEN LOYD
Notary Public, State of Florida
NOTARY PUBLIC My comm. exp. Nov. 3, 2006
My Commission Expires: Comm. No. DD 159303

STATE OF FLORIDA
COUNTY OF Brevard

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, appeared Cheryl Ann Barnes who is personally known to me or who has produced a state driver license as identification, and who did not take an oath and executed the foregoing instrument and she acknowledged before me that she executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of June, 2006

Ka Loyd
Signed

Printed KATHLEEN LOYD
Notary Public, State of Florida
My comm. exp. Nov. 3, 2006
Comm. No. DD 159303

NOTARY PUBLIC
My Commission Expires:

ATTEST:

By: Scott Ellis
Scott Ellis, Clerk

(Seal)

BREVARD COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: Helen Voltz
Helen Voltz, Chair

As approved by the Board on 12-13-05.

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

LOT 1, BLOCK 1, AND LOT 4, BLOCK 1, TOGETHER WITH A PORTION OF LOT 5, BLOCK 1, L.L. OWENS SUBDIVISION ACCORDING TO THE PLAT HEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 90 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

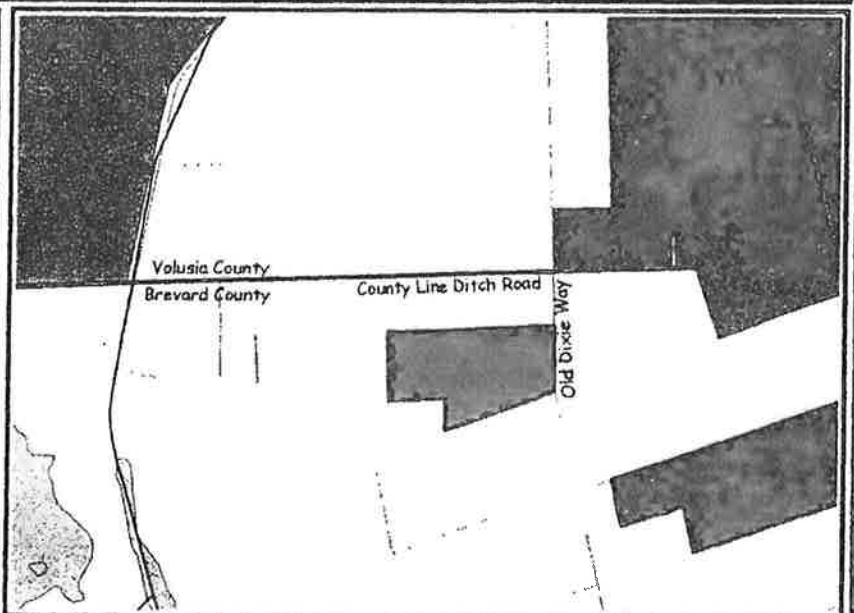
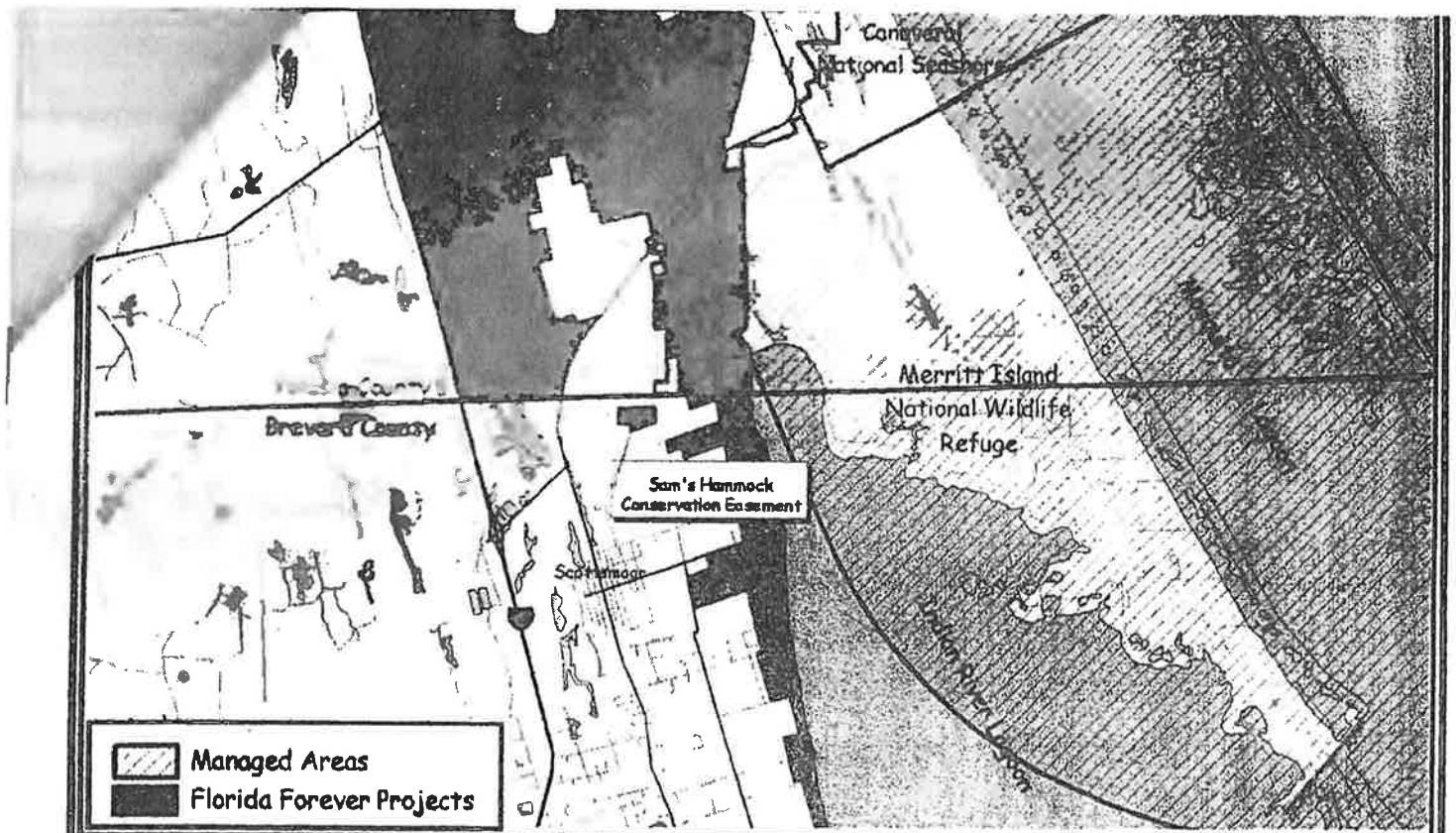
COMMENCE AT THE NORTHEAST CORNER OF LOT 6, BLOCK 1, OF SAID L.L. OWENS SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 90 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S. 00°04'19" W., ALONG THE EAST LINE OF SAID LOT 6, BLOCK 1, A DISTANCE OF 660.87 FEET TO THE NORTHWEST CORNER OF THE AFORESAID LOT 4, BLOCK 1, SAID POINT BEING THE POINT OF BEGINNING; THENCE S. 89°46'33" E., ALONG THE NORTH LINE OF LOT 4 AND LOT 1, BLOCK 1, OF SAID L.L. OWENS SUBDIVISION, A DISTANCE OF 1321.24 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF SAID L.L. OWENS SUBDIVISION; THENCE S. 00°04'19" W., ALONG THE EAST LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 766.76 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE S. 73°30'37" W., ALONG THE SOUTH LINE OF SAID LOT 1 AND LOT 4, BLOCK 1 OF SAID L.L. OWENS SUBDIVISION, A DISTANCE OF 1378.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, BLOCK 1; THENCE N. 00°04'19" E., ALONG THE WEST LINE OF SAID LOT 4, BLOCK 1, A DISTANCE OF 561.19 FEET; THENCE N. 89°33'41" W., A DISTANCE OF 660.62 FEET TO A POINT LYING ON THE WEST LINE OF SAID LOT 5, BLOCK 1; THENCE N. 00°04'19" E., ALONG SAID WEST LINE A DISTANCE OF 603.37 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6, BLOCK 1; THENCE S. 89°46'33" E., ALONG THE SOUTH LINE OF SAID LOT 6, BLOCK 1, A DISTANCE OF 660.62 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 25.00 FEET WIDE INGRESS/EGRESS EASEMENT LYING WEST OF AND ABUTTING THE EAST LINE OF LOT 5, BLOCK 1, OF SAID L.L. OWENS SUBDIVISION.

SUBJECT TO A 25.00 FEET WIDE INGRESS/EGRESS EASEMENT LYING NORTH OF AND ABUTTING THE SOUTH LINE OF LOT 1 AND LOT 4, BLOCK 1, OF SAID L.L. OWENS SUBDIVISION.

SAID PARCEL CONTAINS 18.41 ACRES, MORE OR LESS.

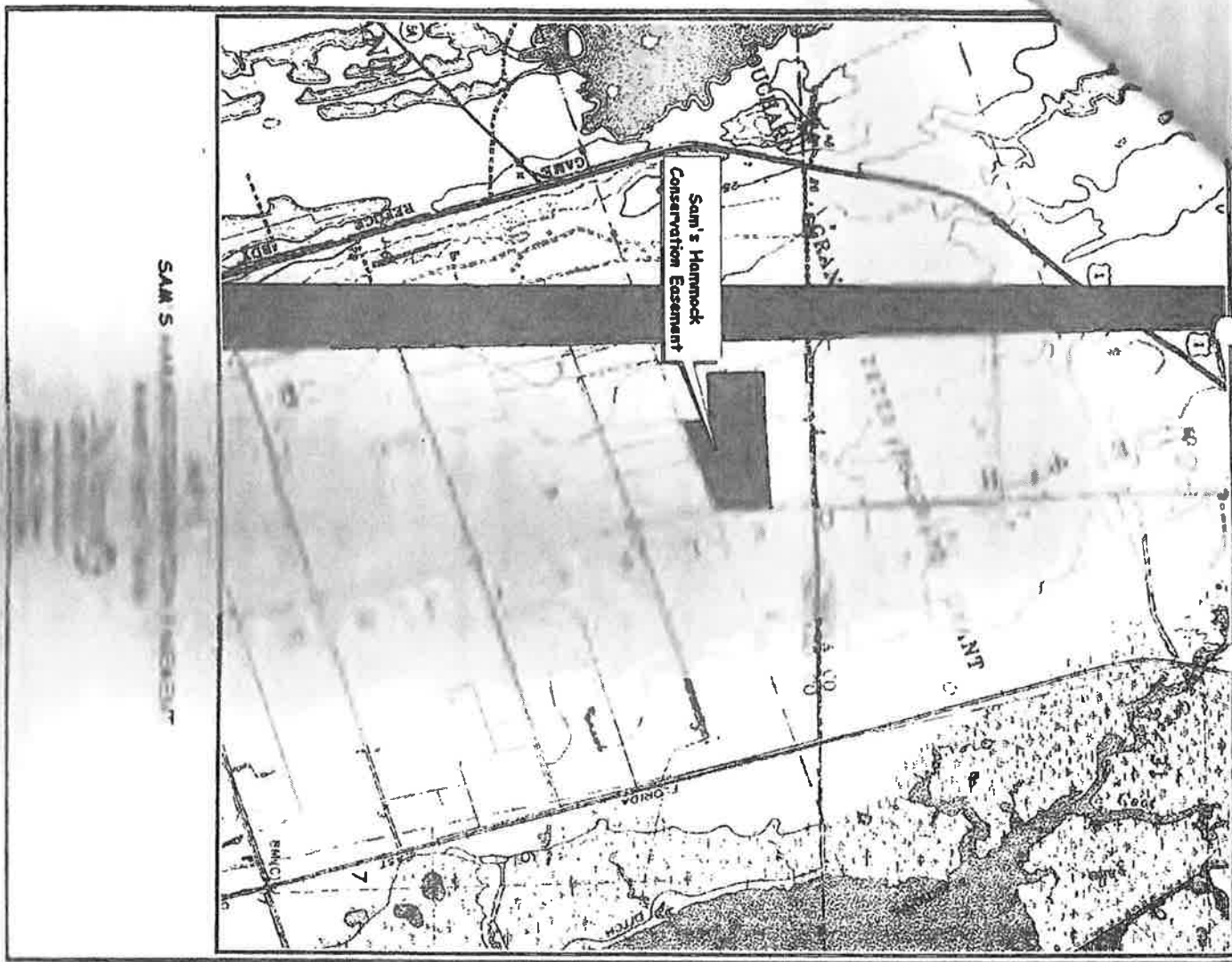
SUBJECT TO ANY EASEMENTS AND OR RIGHT OF WAYS OF RECORD.



MAP 1
SAM'S HAMMOCK CONSERVATION EASEMENT
 Brevard County, Florida

The Nature Conservancy 
SAVING THE LAST GREAT PLACES ON EARTH

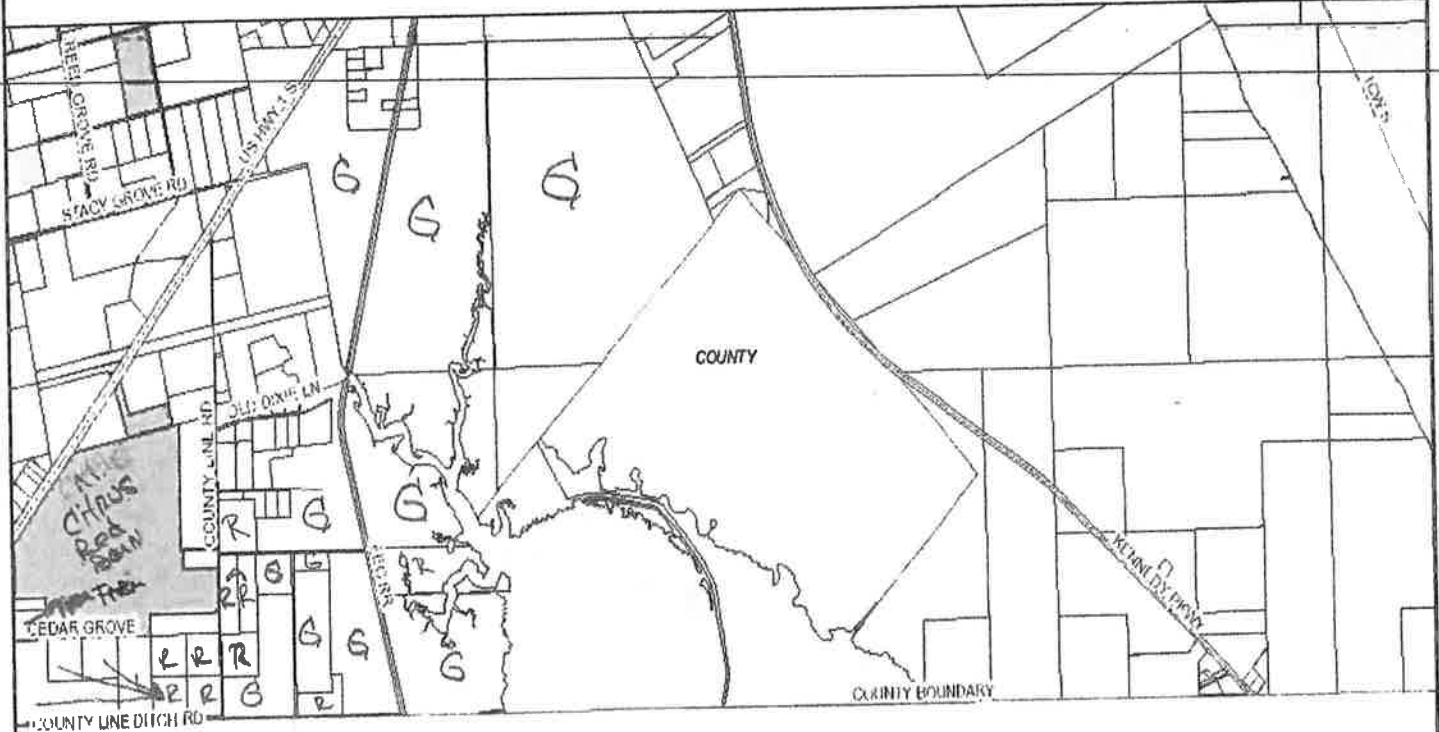
Wendy J. Caster
 22 February 2006



SAN JOAQUIN RIVER DELTA



Volusia County Property Appraiser



R - 10AC
G - Vacant governmental

1:29,779

March 9, 2019

thomas map



Thomas Map #3



Lagoon



H.5 + H.6.

two-sided

Craddock, Amy

From: Lora Losi <losi.loral@gmail.com>
Sent: Thursday, April 04, 2019 11:40 AM
To: Pritchett, Rita; rita.pritchett@yahoo.com
Subject: Rezoning issue today

Hello,

I and many thousands of my fellow Brevard citizen are deeply concerned about our lagoon. Here in north Brevard the rural way of life is most noticeable and deeply cherished. The IRL is a huge part of the quality of life for many people, not even mentioning the economic value of ecotourism and fishing.

I don't see how a new development using septic systems so close to the lagoon is in anyone's best interest. The septic systems may seem qualified enough for now, but we have all seen the future degradation of them and the IRL along with them.

This along with the economic value of wildlife areas and quality of life issues (and therefore real estate values for existing tax payers) dictate that this rezoning be denied.

Lora Losi

Newell, Marcia

From: CHRIS LORENTI <cjl7878@bellsouth.net>
Sent: Thursday, February 28, 2019 7:55 AM
To: Pritchett, Rita
Cc: Melanie Lorenti
Subject: Rezoning Issue AU 2 1/2 to RR1

Good morning Mrs. Pritchett,

My name is Chris Lorenti. My family and I live at 3108 Coral Ave. Mims, FL (North Brevard). We moved out to the country from a very populated city. My wife and I wanted our three girls to grow up experiencing the country life. I know this decision to change the rezoning of our cities property size from 2.5 to 1 acre lots does not seem like a big deal now, but it will have long term effects on our community. I can assure you that this decision will not be a "one and done" occurrence. It will set a precedence. I understand individuals will say that it is their property and they can do what they want. Although that is mostly true, we would not be having this discussion about changing zoning laws if it were totally true. We and others have made this place our home knowing what the lot sizes are. And we are very glad that they are in place. At a time when rural communities are becoming relics, lets stand together and conserve one of America's greatest assets. 2.5 acres at a time...

Thank you for your time,

The Lorenti family

Newell, Marcia

From: Max <maxinezieman@bellsouth.net>
Sent: Tuesday, February 26, 2019 2:52 PM
To: Commissioner, D1
Subject: Rezoning in Scottsmeer

Categories: EMAIL - MARCIA

Rita Pritchett,

I am contacting you about the rezoning that the Thomas' want to do in Scottsmeer. We moved here to Scottsmeer in 2005. One of the many reasons was because it had pasture land for my horses, plus the ocean breeze is a lifesaver in the summer. We are 100% opposed to changing the zoning to RR1 in this area.

The drinking water issue is one of the biggest reasons. The roads up here would need a major overhaul if zoning changes. More police, fire and emergency service would need to increase. What about the schools? I understand that Pinewood is almost full. But then we have another reason, most people that live here don't want the density or influx of people. We would lose our way of life. Please don't change the zoning to RR1.

I also would like to see a small land use study done that would look into the water issue and other environmental problems. I just think that this really needs to be looked at carefully. Northern Brevard is different than most of the rest of the county.

Thanks,

Maxine Zieman
John Zieman
3465 Sunset Ave
Scottsmeer,

Newell, Marcia

From: Alyssa Atkins <nolencarrphotography@yahoo.com>
Sent: Thursday, February 28, 2019 12:23 PM
To: Pritchett, Rita
Subject: Rezoning Scottsmoor from AU 2.5 to RR1

Dear Commissioner Pritchett,

My name is Alyssa Atkins. My husband and I own a home and a cattle ranch in Scottsmoor and have been residents for over 5 years. We purchased our home and land with the intent on living a rural lifestyle. We homeschool our children here and raise our livestock here. We love the close-knit community and the fact that everyone seems to look out for one another.

I have major concerns about the new zoning proposal from AU 2.5 to RR1. Not only am I concerned what the water draw will be from our area to that newly proposed neighborhood (we already have a ridiculously high salt water intrusion here), but also the potential detrimental effects of 14 new septic systems and runoff on our immediate area. Increased traffic is also a concern. While I do understand the land owner wants to make the most out of his investments, I fear that the rezoning will only set a new precedent for others to do the same and we will no longer have the tight-knit, safe, rural community we all know and love. We are farmers, ranchers, and families here longing to live a quiet country life. We are not home builders trying to make a hefty profit placing neighborhoods where they are not wanted. My husband and I intend for this to be our forever homestead. This home and land is our retirement. If this rezoning happens, our entire way of life could be flipped upside down along with our future plans. We are not alone, as I'm sure you already know. You can understand how concerned we are when what we've worked so hard for is in jeopardy.

Thank you so much for your time. I appreciate you hearing my concerns.

Sincerely,
Alyssa Atkins
3000 Sunset Ave
Mims FL 32754
321.652.9524

Newell, Marcia

From: Richard Ceballos <rceballos1937@gmail.com>
Sent: Thursday, February 28, 2019 9:25 AM
To: Pritchett, Rita
Subject: SCOTSMOOR ZONING

Rita,

I am against the rezoning because of water issues and the fact that it will definitely down grade our style of life, that we moved here for.

We will be at the meetings to protest.

Richard I Ceballos

3175 Sunset Ave Scottsmoor, Fl.

Newell, Marcia

From: Vanessa McCall <mccall_vanessa@yahoo.com>
Sent: Thursday, February 28, 2019 9:44 PM
To: Pritchett, Rita
Subject: Rezoning Request for Old Dixie & County Line Road

Categories: EMAIL - MARCIA

Good Evening:
Short and sweet Ms. Pritchett, I personally believe that zoning should stay at 1 house/2.5 acre.
Scottsmoor is currently a rural area and I would like to see it kept that way.

Vanessa McCall
5655 Palm St.

Newell, Marcia

From: mellorenti <mellorenti@yahoo.com>
Sent: Tuesday, March 12, 2019 5:06 PM
To: Pritchett, Rita
Subject: Rezoning MISTAKE

Dear Rita,

I truly hope you hear our small community of Scottsmoor's cry for help. We desperately gringe at the thought of a change in zoning. This is my families biggest fear! We chose this small community for the purpose of it being rural. My family and myself needed a slower pace of home life, living here has made my husband and three daughters so happy. Coming from an eggresivly over populated town of Port Orange who's commisioners have aloud the chaos to happen. I no longer feel the stress and burden of coming home. For once I enjoy driving home and up our beautiful road of fields and farm animals.

If this rezoning of 1 acre changes from 2.5 acre we feel is a terrible mistake and sadly will turn into what this community doesn't want as a hole. More people equals more crime! Please keep this community rural the way we chose it to be for a families!

Let's not give into the greed of a single person! This single person will effect thousands of residents in this community in my opinion odds of 1:1,00 do not make proper sense for this town.

Do not let our town become the greedy overpopulated crime ridden end of an era.

Keep Scottsmoor Rule!

Thank you kindly,
Melanie Lorenti, CPhT
3108 Coral Ave.Mims, FL 32754
386-212-9195

Sent via the Samsung Galaxy Note® 4, an AT&T 4G LTE smartphone

Newell, Marcia

From: Commissioner, D1
Sent: Thursday, March 14, 2019 8:14 AM
To: Newell, Marcia
Subject: Fw: Rezoning in Scottsmeer fl

From: Sheri Plante <kapfarm2@yahoo.com>
Sent: Tuesday, March 12, 2019 11:05 AM
To: Commissioner, D1
Subject: Rezoning in Scottsmeer fl

Dear Mrs. Pritchett,

I Sheri Plante along with my husband Kenneth Plante Jr. humbly ask for your support in NOT passing the rezoning of our community in Scottsmeer. Our community is made up of many hobby farms, large farms, organic groves, organic gardens, humble Christain families and the list goes on.

Our property directly faces the said property entirely. This would greatly affect us and the conservation property to our south. There is also conservation areas to their east! Along with the organic grove to their south. All of us work hard after our regular jobs to maintain this lifestyle.

So many more of us would be at these meetings but we have to work.

My husband and I are very humble people. We have worked hard for what we have. We have tried to pass this on to our children and grandchildren as well.

So many times we have had to compromise our way of life for growth and there are plenty of other areas for that without disrupting so many peoples lives whom do not want this change.

In 37 years we have NEVER used my father in laws name to prosper us in any way, but we lost him a few years back after a 3 year battle with ALS. The point of even mentioning this is he fought so hard for what he felt was best for Florida and mostly the people.

He was so fair and respected by many legislators and politicians that not only did he battle ALS he did it without a voice (not good especially for a politician) but with an incredible smile.

Thank You from the bottom of our hearts for your time and understanding of where we stand on this!

May God truly bless you,
Kenneth and Sheri Plante

📧 Reply all | ▾ 🗑 Delete Junk | ▾ ...

Zoning change north of Scottsmoor

Ronald Bartcher <bartcher@cfl.rr.com>

Today, 8:24 A.M.

Commissioner, D1 ✕

📧 Reply all | ▾

Inbox

Dear Commissioner Pritchett:

I was greatly disappointed on Monday, March 11, 2019, when the P&Z Advisory Board narrowly voted to recommend approval of a zoning change on 19.75 acres north of Scottsmoor, located at 6705 Dixie Way.

I am writing to you because the concerns of the Scottsmoor residents are my very same concerns. I live halfway between Mims and Scottsmoor and I want to keep this quiet, rural area of North Brevard as is.

I believe that some members of the Advisory Board were swayed to vote for this change because the developer agreed to put in the new high-performance septic tanks. However, this property is about 3700 feet west of the lagoon and any septic tank that far away will not contribute any measurable amount of pollution to the lagoon. The science on this is clear. Thus, the Board created a solution to a problem that doesn't exist. Even worse, the vote was not based on relevant information.

In voting for this change the Board is actually creating a larger pollution problem than exists with the current zoning. We heard testimony from residents that there is runoff from properties in that area and that the ditches have water flowing to the lagoon, even in the dry season. However, because this property is not an active agriculture area, it is essentially vacant land. There is virtually no fertilizer in that runoff. By allowing a higher density of smaller residential lots, there will be runoff containing more yard fertilizer and grass clippings going into the ditches and into the water that flows straight into the lagoon. The developer is only obligated to not increase the runoff; he is under no obligation to decrease existing runoff. Thus, development will not decrease the pollution of the Indian River Lagoon.

It appeared to me that the Board ignored the highly significant issue of compatibility with the surrounding property. This property is directly across the road from property in Volusia county that has been set aside as a Conservation Easement. In addition, just a short distance southwest of this property is a large parcel of Conservation Easement property. Furthermore, immediately to the east is property that is part of the Indian River Lagoon Blueway Florida Forever Project. The subject property is almost surrounded by property that is specifically designated to avoid development. Having a higher density development next to Conservation Easement properties is most certainly not compatible.

In addition to these three objective issues, there are also two subjective issues that, I believe, explain why the P&Z meeting room was filled with residents objecting to this rezoning. First, residents are concerned, and rightly so, that their wells will have problems. More development certainly means more people competing for the limited amount of potable water. The residents testified that some of them have already seen problems with their wells. Second, residents are concerned about a lifestyle change being forced upon them. They deliberately chose to live in this rural area with few houses and large areas of undeveloped land. They do not want neighbors within talking distance. They enjoy the quiet, and they

 Reply all |   Delete Junk |  ...

Stuart Buchanan, who represented the property owners/developers, mentioned that Brevard County has a lot of land that is not on the tax rolls, such as EELs land. This is a red herring and is not relevant to this rezoning case. The residents only want the housing density to remain as is. Thus, keeping the tax rolls intact.

I do hope that you, and the other Commissioners, will consider the real issues around this rezoning request and deny the request.

Regards,
Ron Bartcher

Newell, Marcia

From: rachelburke0325@gmail.com
Sent: Monday, March 18, 2019 7:38 PM
To: Pritchett, Rita
Subject: RR1 Rezoning Scottsmoor

My name is Rachel Burke, my husband and I live at 6010 Dixie Way in Scottsmoor. Right down the road from the proposed RR1 rezoning. We live on a narrow dirt road that is impassable at times due to large trucks, flooding, or the road being in disrepair. On a normal day, two cars can not travel on this road next to one another. Rather, one car must pull up on the side of the road to yield to the oncoming traffic. We have well water that has declined substantially in quality since the cemetery was built. We have had to spend thousands of dollars on having our well re drilled and added reverse osmosis and a chlorinator just to have drinkable water. Salt intrusion is something we worry about with the expansion of the cemetery and each new home that is built. We live on 5 acres; as do all of our neighbors. Our area is currently zoned for agriculture; one home per 2.5 acres. All of our homes are like this. Please do not approve the rezoning for RR1. This would have an immense negative impact on our water and way of life. We all live here because we love the land and rural way of life. The RR1 would NOT match anything around it. Rather, a crowded eye sore. Please take into consideration what the community thinks. We greatly need your help in preventing this from being passed. Please vote no to rezoning.

Sent from my iPhone

Commissioner, D1

From: Lovelee4x4 <lovelee4x4@aol.com>
Sent: Monday, March 18, 2019 10:20 AM
To: Commissioner, D1
Subject: PLEASE KEEP SCOTTSMOOR RURAL

Categories: MARCIA

Dear Commissioner Pritchett,

I am writing in regards to the upcoming hearing for rezoning in Scottsmeer.
Please, Please do not allow this!!

We moved here many years ago BECAUSE of the zoning laws to keep it rural, and we have enjoyed riding the horses and walking the dogs up and down the dirt roads for many years, there was very little traffic and we loved the farms and groves. we came here to enjoy the rural farm lifestyle and felt it was always safe from overbuilding! Allowing someone from outside Brevard to come here and ruin it for us, is a slap in the face!!

While progress HAS come to our area, and the traffic is much worse and we hardly feel safe riding the roads or even walking the dogs from the speeding vehicles.....We have accepted and lived by this law for the many years we've been here and we expect it to remain so!! We will deal with what progress there is as long as they adhere to the current law, allowing so many more houses is unfair to every resident here!!

The precedent it sets is quite frightening!!

as elected officials, its your duty to uphold the will and desires of your people, and i do not know a single person in Scottsmeer that wants the area overbuilt this way!!

PLEASE DO NOT ALLOW THE ZONING TO BE CHANGED!!

Thank you for your time and consideration!

Sincerely,

Tom and Lee Francis

3400 Coral Ave

321-289-2701

Commissioner, D1

From: Ronald Bartcher <bartcher@cfl.rr.com>
Sent: Sunday, March 17, 2019 7:26 PM
To: Commissioner, D1
Subject: Future Land Use change in Scottsmeer

Dear Commissioner Pritchett:

I object to the Future Land Use change that is being considered for Joseph Brandon and Nikki Thomas' property on County Line Ditch Road, north of Scottsmeer.

In 2008, following the Brevard County Commission's acceptance of the Mims Small Area Study, the County arbitrarily extended the dividing line between RES 1 and Res 1-2.5 Future Land Use from Flounder Creek Road north to the county line. Apparently, they used an arbitrary distance (of approximately 6500 feet) from US1 and just drew a line north to the county line. This arbitrary extension caused many properties to end up with two separate Future Land Uses. A more logical approach would have been to select a natural division line, such as the road Dixie Way, as the dividing line to avoid creating a problem for property owners.

An even more logical approach would have been to designate all property north of Scottsmeer, except for that facing US1, to have a Future Land Use of RES 1-2.5, since all that property is 2.5 acres or more. By using RES 1-2.5 Future Land Use, the County would have avoided creating a large area of Zoning/ Future Land Use inconsistencies, since virtually all this property is Zoned AU (which allows same density as RES 1-2.5).

One more thing to consider is that density, like beauty, is in the eye of the beholder. If a resident lives in a city, then one house per acre appears to be low density. To residents that live in this rural area of North Brevard, one house per acre is viewed as high density; one house per 2 ½ acres is medium density; and we would view one house per 20 acres as low density. This difference in perspective is important when considering Future Land Use changes. Future Land Use changes should not affect the residents in a negative manner. The residents of this area live here specifically because of what they perceive as low density. They have invested their money and located their families in this rural area of Brevard, and they rightly expect the Land Uses will continue to be compatible with their community values.

Please deny the Future Land Use change that is being considered for Joseph Brandon and Nikki Thomas' property on County Line Ditch Road, north of Scottsmeer.

Regards,
Ron Bartcher

Commissioner, D1

From: dbotto1 <dbotto1@cfl.rr.com>
Sent: Saturday, March 16, 2019 1:52 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;
Commissioner, D5
Subject: Scottsmeer Re-zoning Proposal

Please refer to my E Mail dated March 10.

The subject zoning change, if approved, would be a glaring example of irresponsible land use management.
I respectfully urge you to reject this request.

David C. Botto
Indian Harbour beach
321 773 2327



Representative Rene "Coach P" Plasencia

Florida House of Representatives
District 50

400 South St #1C
Titusville, FL 32780
(321) 383-5151

Orange County Legislative Delegation
Brevard County Legislative Delegation
Rene.Plasencia@MyFloridaHouse.Gov

317 House Office Building
402 S. Monroe St. Tallahassee, FL 32399
(850) 717-5050

March 15, 2019

Commissioner Rita Pritchett
Brevard County District 1
2000 S. Washington Ave., Suite 2
Titusville, FL 32780

RE: North Brevard Re-Zoning Request

Commissioner Pritchett,

It has come to my attention that there is currently a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres in North Brevard rezoned to RR 1, one home per acre, which is current zoned as AU 1:2.5. I was made aware that at the March 11th Planning & Zoning meeting there were only two letters submitted supporting the re-zoning request while there were 157 property owners who signed the petition opposing it.

These properties at risk of being rezoned are the agricultural properties currently serving as Florida Forever and Blueways buffers, and a number of them are targeted as Florida Forever acquisitions. Currently these agricultural properties provide essential contiguous habitat for wildlife and forage for migrating birds. To compound the negative aspects of this proposed re-zoning, all of these properties are directly inter-connected via open storm water drainage directly to the lagoon. I ask that you please take the time to consider the ramifications of this re-zoning if it were to be approved. It is my belief that decades of effort to protect the Eastern side of the Indian River Lagoon in North Brevard County, while establishing effective contiguous Florida Forever wildlife habitat and corridors will have been for naught if this passes.

Feel free to reach out to me if you have any questions.

Respectfully Yours,

A handwritten signature in cursive script that reads "Rene Plasencia".

Representative Rene "Coach P" Plasencia

Proudly Serving East Orange County & Brevard County
**Workforce Development & Tourism Subcommittee - Chair ; Health Quality Subcommittee - Vice Chair ;
Appropriations Committee ; Commerce Committee ; Health Care Appropriations Subcommittee ; Oversight,
Transparency & Public Management Subcommittee**

Newell, Marcia

From: Scottsmoor Community Association <scottsmoorcommunityassociation@gmail.com>
Sent: Wednesday, February 27, 2019 8:35 PM
To: Newell, Marcia; Pritchett, Rita
Subject: Scottsmoor Meeting Monday Feb 25th

c/o: Commissioner Pritchett:

Monday night we held our monthly meeting and invited the Thomas' to speak to the community in regards to their want of zoning changes to their land on the end of Dixie Hwy and County Ditch Line Rd. In my tenure as President I have never seen this many people attend. We quite often reach 40 but we exceeded 100 residents on Monday night.

It was also the first time we had 5 past Presidents of SCA in the hall at one time. The issue of rezoning is a bigger deal than I could have even anticipated. I will let you know that there is currently 7 pages of signed petition. And there will be many who attend the next P&Z meeting.

I am not sure if you started to receive input on this matter but I am sure you will get plenty of comments. I will tell you that other than the Thomas' there was not one person at the meeting that agreed with the Thomas' position.

It was my understanding that they were to come to speak with the community to come to a possible compromise. He has no intention of compromise. He answered questions and those he could not answer he just by passed over. He was pretty adamant that he has a right to change the zoning. It is his land to do with as he sees fit. And the neighbors have little say. So I'm sure you can appreciate how that was received.

Although the residents showed signs of frustration and did at times get a bit loud they showed restraint and let their voice be heard. I do not know how much was video taped but his son did tape some of the presentation.

I wanted to touch base with you as a courtesy and let you know what is happening to date.

Like I said, many will attend the planning and zoning meeting on March 11th. But everyone is aware that the request will come before the Board of County Commissioners in April (no matter what way the zoning board should vote). Again, a heads up, there are residents who have pledged payment for bus transportation. And it looks like collections are taking place for at least another bus for the April Commissioner meeting should the need arise.

Again, I wanted to show you a courtesy and let you know what is going on. But understand that I personally do not want this zoning to change and I will be attending the meetings and writing emails in 2 capacities, both as a resident and a member of Scottsmoor Community Association.

Lastly, it is our request as a community that scientific professionals are paid for by anyone wanting to change zoning that would address the concerns of water management, ecology and Indian River impact. And we request that a true Future Land Use Study be done with our area as focus, not Mims. Extrapolating out a Land Use Study done by Mims with Mims residents and future in mind is not Scottsmoor. And it does not accurately represent the area. We are 8 miles from Mims.

Thanks,

I am sure I will speak with you soon.
Rose McGinnis

Newell, Marcia

From: Scottsmoor Community Association <scottsmoorcommunityassociation@gmail.com>
Sent: Tuesday, February 19, 2019 3:31 PM
To: Newell, Marcia
Subject: Scottsmoor

Hi Marcia,

I found this email returned to me so I am sending a copy of the original to you.

Commissioner Pritchett:

I am writing to give some perspective on the new building in Scottsmoor. A week ago I received a call letting the community know that there would be a request for zoning and land use change in Scottsmoor at a property on the corner of Dixie Way and County Ditch Rd.

The zoning request is the area of concern. I am receiving calls daily and some emails with people apposed to this change in any way. The building in our area is exploding. We expect that and welcome it in the current perimeters of 1 home per 2 1/2 acres.

The zoning change is asking for RR1 rating. This would allow building on 1 acre. A rate of 2 1/2 time the current rate could be a strain on our resources and roads. Dixie Hwy is dirt and has small farms and horse ranches. It is home to gofer turtles, Osprey, and numerous birds. Not to mention the strain on our fresh water reserves. Many houses in that area are already having problems with salt water intrusion. And lastly all the future statistics for our schools growth is based on projections that include a 2 1/2 acre lot. Allowing RR1 will increase theses projections by up to 2 1/2 times. Pinewood is already expected to exceed capacity in the next few years. Setting a precedent to build at a RR1 would cause major problems for all of this.

This has not passed Planning and Zoning at this point. But they will address the zoning again next month. If passed it will then be presented to the Board of Commissioners. This may take place as soon as the April Commissioner meeting.

As I understand the situation there was a Land Use Study done by Mims that only reached up to Flounder Creek Rd. There is not a land use study done north of that area that I am aware of. I would like to request a future land use study for Scottsmoor. And a possible review of the Future Land Use study by Mims that includes voting district 106.

Thomas' (the land owner asking for a change) will be addressing the community on Monday Feb 25th at 6:45 pm. But, I am guessing that there will be trouble agreeing to any compromise. There is concern that any allowance will set a precedence to allow all AU properties in this area the right to change their zoning.

I am sure that there are some land owners that would love the idea of selling their property under RR1. Their property value would surely increase. SCA is neutral here. I am only trying to relay the concerns of those who have contacted me. But I have only heard negative reaction to this zoning issue(not including the Thomas'). Should I receive other opinions on the subject I would provide them.

Please let us know how to proceed to have a vote for Future Land Use in our area by Brevard County Commisioners.

Thank you

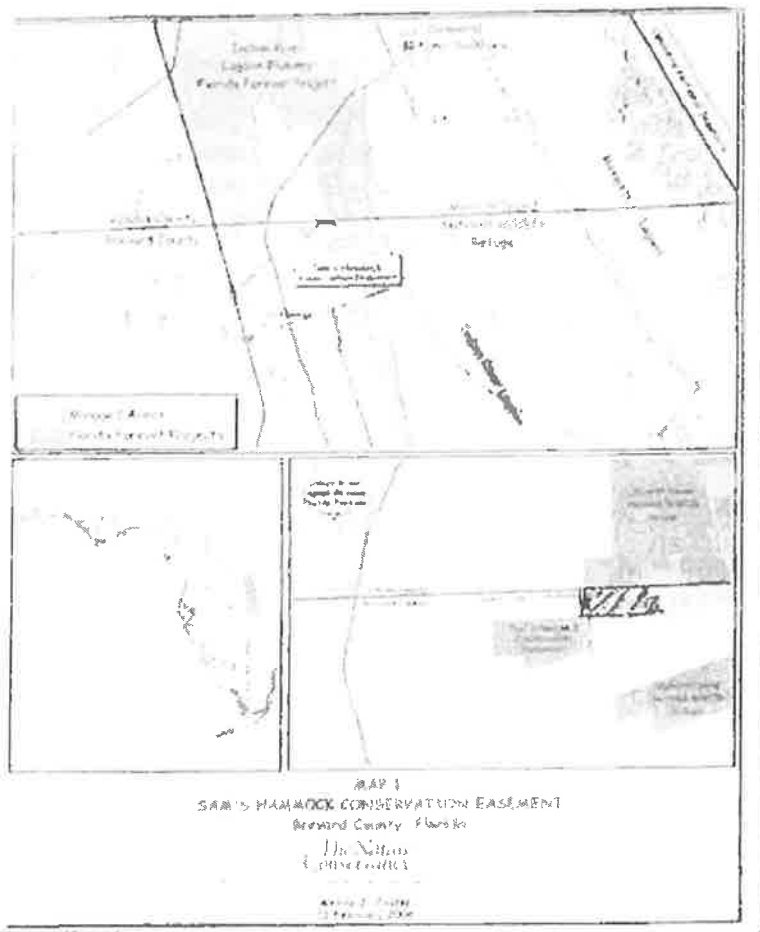
Rose McGinnis: President; Scottsmeer Community Association

Commissioner, D1

From: Maureen Rupe <rupe32927@earthlink.net>
Sent: Monday, March 18, 2019 9:57 AM
To: Commissioner, D4; Commissioner, D2; Commissioner, D1; Commissioner, D5; Commissioner, D3
Subject: re-zoning request 4 April, 2019 to have 19.75 acres rezoned to RR 1, one home per acre
Categories: MARCIA

There is a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres rezoned to RR 1, one home per acre near the Volusia-Brevard County Line (see attached jpg).

The Brevard County Commission must at some time realize that increasing density along our Indian River Lagoon is detrimental to the work our residents are doing to try to fix the lagoon. The area in question must require septic systems due to not having sewer service anywhere close to the property. Septic Systems in this area is detrimental even at one per 10 acres. It would not even be the number of septic tanks you would be adding so close to our precious Indian River Lagoon, but any residential properties seems to be addicted to having grass on their lawns and public areas. Increasing density allows more nitrogen and phosphorus into the lagoon, as this area allows any contamination immediately into the lagoon's water shed.



Has the County Commission thought about the damage it is doing by repeatedly increasing density around the lagoon and St John's River? Do the residents of Brevard County realize this increase in density is basically removing any positive effects our tax dollars are doing to restore the Indian River Lagoon? Shouldn't the county conduct a study on the effects the increased density is having on the Indian River Lagoon's water quality? .

Please do not allow this increase in density on our northern county borders. In addition, please conduct a study to find what harm is being done with continually increasing density. It is the minimum we should be doing whilst the rezones on Merritt Island continue, and septic tank Permits still being approved by the State. Thank you.

Sincerely,
Maureen Rupe
7185 Bright Ave
Port St John, 32927
321-639-6839

"One of the penalties for refusing to participate in government
is that you end up being governed by your inferiors." - Plato

Newell, Marcia

From: County Commissioner District 1 <BEACH.ADMIN@Brevardcounty.us>
Sent: Thursday, March 21, 2019 8:06 AM
To: Newell, Marcia
Subject: Phone Log - Roger Schliessman

[County Commissioner District 1](#)

Roger Schliessman has been added

[Modify my alert settings](#) | [View Roger Schliessman](#) | [View Phone Log](#) | [Mobile View](#)

Name/Company: Roger Schliessman
Phone Number:
Date/Time Call Received: 3/21/2019 4:00 PM
Purpose of Call: Please vote no on the Scottsmoor re-zoning. Will be sending an email.
Follow Up Needed: Marcia Newell
Date Received: 3/21/2019

Last Modified 3/21/2019 8:04 AM by Craddock, Amy

Newell, Marcia

From: County Commissioner District 1 <BEACH.ADMIN@Brevardcounty.us>
Sent: Wednesday, March 13, 2019 2:51 PM
To: Newell, Marcia
Subject: Phone Log - Henry Blair/5651 Travis Street M...

County Commissioner District 1

Henry Blair/5651 Travis Street M... has been added

[Modify my alert settings](#) | [View Henry Blair/5651 Travis Street M...](#) | [View Phone Log](#) | [Mobile View](#)

Name/Company: Henry Blair/5651 Travis Street Mims FL 32754
Phone Number: 321-223-2472
Date/Time Call Received: 3/13/2019 2:45 PM
Purpose of Call: Mr. Blair called to say that he does not want the subdivision in Scottsmoor. He does not want a call back just wanted the Commissioner to know that he is against it.
Follow Up Needed: Marcia Newell
Date Received: 3/13/2019

Last Modified 3/13/2019 2:46 PM by Mascellino, Carol

Newell, Marcia

From: County Commissioner District 1 <BEACH.ADMIN@Brevardcounty.us>
Sent: Thursday, March 14, 2019 10:16 AM
To: Newell, Marcia
Subject: Phone Log - Jeanette Paynter/5923 Vermont St...

County Commissioner District 1

Jeanette Paynter/5923 Vermont St... has been added

[Modify my alert settings](#) | [View Jeanette Paynter/5923 Vermont St...](#) | [View Phone Log](#) | [Mobile View](#)

Name/Company: Jeanette Paynter/5923 Vermont St Mims FL 32754

Phone Number: 321-543-0988

Date/Time Call Received: 3/14/2019 9:00 AM

Purpose of Call: Ms. Paynter called to let our office know that she is against the rezoning in Scottsmoor. She is concerned about the water in Mims/Scottsmoor. She said that her well has caved in as well as 3 of her neighbors and feels that it is because of a water shortage. She has heard that the City of Titusville has tapped into fields for water across I-95 in Mims. She asked if there is a future plan for city water to come to her area because she would gladly pay for it.

Follow Up Needed: Marcia Newell

Date Received: 3/14/2019

Last Modified 3/14/2019 10:12 AM by Mascellino, Carol

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Subject: FW: Please oppose density increase in Scottsmoor
Date: Wednesday, March 27, 2019 10:52:35 AM

Another email just received for Scottsmoor item.

From: Douglas and Mary Sphar <canoe2@digital.net>
Sent: Wednesday, March 27, 2019 10:47 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Please oppose density increase in Scottsmoor

Dear Commissioner Pritchett,

I am very concerned about the proposed zoning change from AU to RR-1 on 19.75 acres in Scottsmoor and the associated Comprehensive Plan change for 3.15 of those acres from RES 1:2.5 to RES 1. This agenda item will be heard by the Commission on April 4.

Scottsmoor is a very special rural area and increasing the density on the subject property would conflict with the community character. I attended the March 11th P&Z meeting for this item, where it was stated that the nearest property with a similar zoning for 1-acre lots was a mile away. From the P&Z minutes on the Brevard County website, page 13:

Bruce Moia – From the picture I have, everything around here is AU (Agricultural Residential), where is the closest zoning similar to what they're requesting?

Erin Sterk – I think it's more than a mile away.

Having attended all the local community workshops for the "How Shall We Grow?" visioning initiative several years ago, I believe that increasing density in this Scottsmoor area is exactly how we shouldn't grow! In fact, one of the 4 conclusions of that visioning exercise was captured under the Regional Growth Priority "Countryside", meaning "Maintaining Central Florida's heritage of agriculture and small villages." Additional information can be found on the East Central Florida Regional Planning Council website.

A much more appropriate place for North Brevard to grow is Titusville.

If this density increase is granted, a precedent will be established, allowing other nearby landowners to ask for the same density to build subdivisions that ignore community character and help destroy it.

In addition, the subject property is in an area with a network of conservation lands including the Indian River Lagoon Blueway Florida Forever Project, some parts of which have been purchased as public land and some that need to be acquired. Our Indian River Lagoon should be top priority!

I have recently been reviewing some sea level rise and resiliency documents from the East Central Florida Regional Planning Council that pertain to Brevard County, and have concluded that the Blueway Project lands will become more and more critical to our County's resilience. The Scottsmoor rural lands combine with the conservation lands to provide a first

line of defense to mitigate the effects of sea level rise.

In conclusion, please vote NO on the requested rezoning and associated Comp Plan change on April 4th.

Thank you,

Mary Sphar
825 Cliftons Cove Ct.
Cocoa, FL 32926

Rezoning Request for 6705 Dixie way, Mims

18PZ00153

18PZ00154

Neighbor statement:

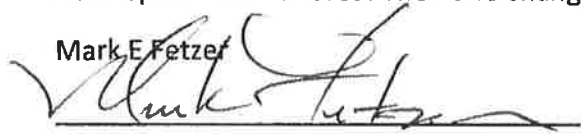
Owners: Fetzer, Mark E Trustee

Parcel ID: 20G-35-39-01-*-C, 20G-3539-01-*-E, 20G-35-40-C-8-136.01

To whom it my concern,

I am aware of the request for the Plan Amendment to the Future Land Use Map and Request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not have any concerns with this request. I believe the zoning change is consistent with the development of the area. The Zone change request has my support.

Mark E Fetzer

A handwritten signature in black ink, appearing to read 'Mark E Fetzer', is written over a horizontal line.

Date: 7 March 2019

To: Whom it may concern
From: Leslie H. Hallum

I was born and raised in Scottsmeer, Fla.
I graduated from Georgia Institute of Technology
as a Civil Engineer. I (we) presently live on
Dixie Way and have lived here (5875 Dixie Way)
for the past 58 years. We were the first to
build on Dixie Way in this area, and we had no
problem with water. I sold the property to the
Thomas Family approximately six years ago.
When we had the property (6705 Dixie Way) we
had no water problem there.

We have no objections to the re-zoning and I have talked
to 28 people about the re-zoning and they have
no problem. The largest property owner in this
area (adjacent) also has no objection. Water flows
from West to East. The community should be
concerned about the water they are losing going
to Titusville off of 5A. Also Titusville has a test
well adjacent to my property, corner of Dixie Way
and Huntington Ave and no water problems even though
it is east of Scottsmeer where all the houses are.
Most houses up in Scottsmeer are mostly built on
 $\frac{1}{2}$ to 1 acres plots. I lived at the corner of Travis &
Huntington West of U.S. 1 - 20 yrs. - No water problem

The Thomases we've known for approximately 6 years+ and they are very responsible. The development they want to do would be an improvement to the area. Also maybe in the future we could have paved streets. Also the vehicles/traffic from this area will go out Count Line Road, set up for two lane traffic.

I would like ^{to be} at the meeting, but I can't because of my health.

Leslie H. Hallum
5875 Dixie Way
Mims, FL 32754

Phone No. - (321) 264-9830

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name :

Jason Kuder

Print

Signature

6353 Keep Out Lane, Mims FL 32754

Address

Residence(s) Name :

Clare Gilbert

Print

Signature

6353 Keep Out Lane, Mims FL 32754

Address

Residence(s) Name :

Print

Signature

Address

signed
other
first

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Leslie H. Hallum Leslie H. Hallum
Print Signature
5875 DIXIE WAY Mims, FL. 32754
Address

Residence(s) Name : Myrtle M. Hallum Myrtle M. Hallum
Print Signature
5875 DIXIE WAY Mims, FL. 32754
Address

Residence(s) Name : DOROTHY Fleming Dorothy Fleming
Print Signature
5805 Dixie Way Mims, FL. 32754
Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Theresa Carver Theresa D Carver
Print Signature
6010 US-1 Mims, FL 32754
Address

Residence(s) Name : Chance Porter Chance Porter
Print Signature
4300 April Lane Mims, FL 32754
Address

Residence(s) Name : Samantha Parsons Samantha Parsons
Print Signature
3795 Summer Ave Mims FL 32754
Address
~~store~~ store manager at Dollar General

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Shirley Bennett Raymond Bennett
Print Signature
5706 TRAVIS ST
Address

Residence(s) Name : Raymond Bennett Shirley Bennett
Print Signature
5706 TRAVIS ST
Address

Residence(s) Name : Dwight Bennett Dwight Bennett
Print Signature
2838 SUMMER ST
Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : John G. Krampert John Krampert
Print Signature
6065 Dixie Way, Mims, FL
Address

Residence(s) Name : Atsuko M. Krampert Atsuko Krampert
Print Signature
6065 Dixie Way, Mims, FL
Address

Residence(s) Name : _____
Print Signature

Address

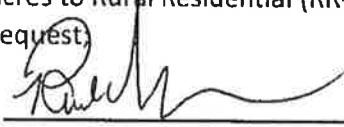
Rezoning Request for 6705 Dixie Way, Mims

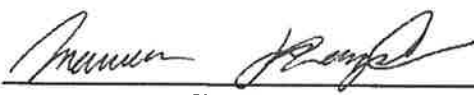
18PZ00154


Rezoning Acknowledgement:

To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request.

Residence(s) Name: Paul Krampert 
Print Signature
6075 Dixie Way, Mims, FL 32754
Address

Residence(s) Name: Monica Krampert 
Print Signature
6075 Dixie Way, Mims, FL 32754
Address

Residence(s) Name: Katherine Krampert 
Print Signature
6075 Dixie Way, Mims FL 32754
Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Regina Krampert Regina Krampert
Print Signature
6015 Dixie Way, Mims
Address

Residence(s) Name : Jennifer Krampert Jennifer Krampert
Print Signature
6075 Dixie way, Mims FL 32754
Address

Residence(s) Name : CARL KRAMPERT Carl Krampert
Print Signature
6085 DIXIE WAY, MIMS, FL 32754
Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : MARK BENNETT Mark Bennett
Print Signature
5706 TRAVIS ST Scottsboro
Address

Residence(s) Name : Gary Gray Gary Gray
Print Signature
5905 DIXIE WAY - MIMS, FL 32754
Address

Residence(s) Name : Carla Gray Carla Gray
Print Signature
5905 DIXIE WAY - MIMS, FL 32754
Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Brandon Wheeler Bob Sh
Print Signature
5845 Magnolia Street
Address

Residence(s) Name : Larry E Hartman Larry E Hartman
Print Signature
5895 Magnolia St Mims 32754
Address

Residence(s) Name : _____
Print Signature

Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : James Rutledge James Rutledge
Print Signature
3000 Coral Avenue
Address

Residence(s) Name : Rosie Rutledge Rosie Rutledge
Print Signature
3000 Coral Avenue
Address

Residence(s) Name : _____
Print Signature

Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name :

Albert W. Simmons

Print

Albert W. Simmons

Signature

Mims, FL 32754
Address

Residence(s) Name :

Patricia Simmons

Print

Patricia Simmons

Signature

Mims, FL 32754
Address

Residence(s) Name :

Print

Signature

Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Julia R. Hallum Julia R. Hallum
Print Signature
5795 Dixie Way, Mims, FL 32754
Address

Residence(s) Name : BRYAN H. HALLUM Bryan H. Hallum
Print Signature
5795 DIXIE WAY MIMS FL 32754
Address

Residence(s) Name : _____
Print Signature

Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Brenda Lucas Brenda Lucas
Print Signature
5639 Vermont St. Mims FL 32754
Address

Residence(s) Name : _____
Print Signature

Address

Residence(s) Name : _____
Print Signature

Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request:

Residence(s) Name :

Robert E. Mitchell Robert E. Mitchell
Print Signature
5747 Vermont St.
Address

Residence(s) Name :

Barbara J. Mitchell Barbara J. Mitchell
Print Signature
5747 Vermont St.
Address

Residence(s) Name :

Print Signature

Address


Rezoning Request for 6705 Dixie Way, Mims


18PZ00154

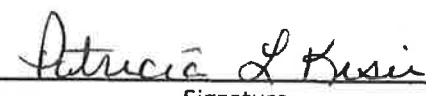
Rezoning Acknowledgement:

To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Lisa Raisch 
Print Signature
3235 Aurantia Rd Mims FL 32754
Address

Residence(s) Name : Chris Raisch 
Print Signature
3235 Aurantia Rd Mims FL 32754
Address

Residence(s) Name : Patricia Kiser 
Print Signature
3760 Kinn Ct Mims FL 32754
Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name : Odell M Kiser Odell M Kiser
Print Signature
3760 Kirm Court. MIMS, FL 32754
Address

Residence(s) Name : Rachel Sapp Rachel Sapp
Print Signature
3245 Aurantia Rd. mims fl. 32754
Address

Residence(s) Name : _____
Print Signature

Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

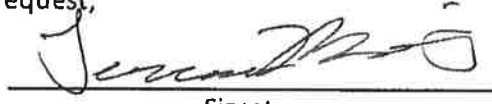
To whom it may concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name :

Terrence Manning

Print



Signature

3635

Montgomery Rd

Mims

FL

32754

Address

Residence(s) Name :

Jessica Manning

Print



Signature

~~3263~~ 3635

Montgomery Rd

Mims

FL

32754

Address

Residence(s) Name :

Print

Signature

Address

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement:

To whom it my concern,

I am aware of the Rezoning request to change the total property Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request;

Residence(s) Name :

Diana Minerva

Print

Diana Minerva

Signature

4138 Sweet Bay Dr. Mims, FL 32754

Address

Residence(s) Name :

Print

Signature

Address

Residence(s) Name :

Print

Signature

Address

Commissioner, D1

From: Leesa Souto <Leesa@mrcirl.org>
Sent: Saturday, March 30, 2019 8:51 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: jimswann@cfl.rr.com; Duane DeFreese IRL Council; Bill Cox; Bo Platt; Bob Day; Dave Botto; Jim Moir; Ken Lindeman; Ken Tworoger; Lady Shirley Beirne; Mary Chapman-Mundt; Maureen Rupe; Paul Laura; Stephen E. Chalmers; Terry Casto
Subject: Please Deny Request to re-zone Brandon and Nikki Thomas property
Attachments: BOCC_Letter_Rezoning.pdf
Categories: AMY

March 30, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

SUBJ: Please Deny Request to re-zone Brandon and Nikki Thomas property

Dear Chairwoman Isnardi and Distinguished Members;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Indian River Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We have significant concerns with the subject re-zoning which contradicts the purposes of the Save our Lagoon Project Plan.

The subject property is adjacent to and a buffer for the Florida Forever Blueway Project, of which Brevard is a participating partner. It is part of a larger area of agriculture lands which are prime Florida Forever targets for conservation and preservation from development. Most importantly, the land drains directly into the lagoon. Approval of this request will open it for development and, by precedence, *will open the entire area for the same*. The result will be a disastrous loss of pervious, water storing land essential to the sustainability of our lagoon and add yet more polluting run-off from roofs, lawns and pavement as well as ultimately, more new sewer and septic needs. New development at this scale will amplify more muck and wastewater problems.

Considering the causes and effects of our present lagoon condition, approval of the subject density change request would be a serious mis-management of land use and lagoon use. We recommend that all such requests be shelved until a study of land use impact in the IRL basin be made. These development enabling changes come at a time when regional reports are focused on new challenges to Florida's waterways, water supplies and quality of life from more population growth, especially when magnified by real affects from a changing climate. We recommend that Brevard County and Municipalities adopt, in its entirety, the Low Impact Development (LID) concept endorsed by both US EPA and Florida's DEP and clearly presented in their web sites. The concept is founded on the critical need to increase pervious, water storing land and to reduce the destructive run-off loss of water, an increasingly valuable resource. We also invite you to review the Regional Resiliency Action Plan by the East-central Florida Regional Planning Council. We must look to the future.

The Marine Resources Council requests that you deny the subject re-zoning.

Respectfully,

Leesa Souto, Ph.D.



Marine Resources Council

Turning Science into Action

3275 Dixie Hwy NE, Palm Bay, FL 32905 (321) 725-7775 www.SaveTheIRL.org

March 29, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

SUBJ: Request to re-zone Brandon and Nikki Thomas property

Dear Chairwoman Isnardi and Distinguished Members;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Indian River Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We have significant concerns with the subject re-zoning which contradicts the purposes of the Save our Lagoon Project Plan.

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Considering the causes and effects of our present lagoon condition, approval of the subject density change request would be a serious mis-management of land use and lagoon use. We recommend that all such requests be shelved until a study of land use impact in the IRL basin be made. These development enabling changes come at a time when regional reports are focused on new challenges to Florida's waterways, water supplies and quality of life from more population growth, especially when magnified by real affects from a changing climate. We recommend that Brevard County and Municipalities adopt, in its entirety, the Low Impact Development (LID) concept endorsed by both US EPA and Florida's DEP and clearly presented in their web sites. The concept is founded on the critical need to increase pervious, water storing land and to reduce the destructive run-off loss of water, an increasingly valuable resource. We also invite you to review the Regional Resiliency Action Plan by the East-central Florida Regional Planning Council. We must look to the future.

The Marine Resources Council requests that you deny the subject re-zoning.

Respectfully,

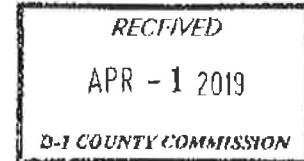
A handwritten signature in dark ink, appearing to read 'Leesa Souto'.

Leesa Souto, Ph.D.
Executive Director

cc: Jim Swann, Duane DeFreese

Scottsmoor Community Association
3724 Magoon Ave.
Mims, FL 32754

Commissioner Rita Pritchett
2000 South Washington Avenue
2nd Floor
Titusville, Florida 32780



Dear Commissioner Pritchett,

The Scottsmoor Community would like to thank you for taking the time to speak with three of our members regarding a proposed Small Area Plan change to the existing Brevard County Future Land Use Map, and the associated request to change the existing zoning on that 19.75 acres from AU 1:2.5, minimum 2.5 acres per home, to R:1, 1 home per acre. The subject property is the North East corner of Brevard County at the intersection of Dixie Way and County Line Ditch Road, Southeast corner. An aerial map of the affected rural residential Scottsmoor area is attached with this letter to better illustrate the rural nature of our Scottsmoor Community. Additionally, there is a map included to this package illustrating the physical proximity of the parcel subject to the requested rezoning with respect to the designated dedicated conservation properties surrounding it.

As our members Rose McGinnis, Jerrad Adkins, and David Laney conveyed to you, the Scottsmoor Community Association, and over 1,100 other residents of this section of North Brevard County vigorously oppose these requested changes. Our opposition is not based in a total opposition to development. In fact we welcome our new neighbors who come to enjoy our rural community values and contribute to the preservation of our rural environment. Rather, our opposition stems from the negative impacts that would absolutely result from increased population density and the inordinate demand that development would place on our rural environment and the resources and infrastructure which currently sustain it. Additionally, we believe our objections to this requested rezoning are well founded and supported by principles and requirements set forth in Florida State Statutes, the Florida Long Range Comprehensive Plan, and the Brevard County Long Range Comprehensive Plan.

The concerns our Scottsmoor Community Members expressed to you included the direct impact on our already fragile surficial aquifer, directly resulting from an increased pumping demand accruing from an increased residential development density. This surficial aquifer is the source of potable residential well water for all homes in the Scottsmoor area, as well as a source for agricultural irrigation. Our concern for the degradation of our potable water supply over time is shared by Dr. Arnoldo Valle-Levinson, Professor, Engineering School of Sustainable Infrastructure and Environment, University of Florida. Dr Valle-Levinson is a renowned expert in the field of salt water intrusion and Estuarine studies. His concerns are expressed in his letter, included in the package.

Additionally, we of the Scottsmoor Community expressed our concerns for the larger negative environmental impacts which would result if this increased residential development were to be approved and developed. These concerns are further expressed by our State Representative Rene "Coach P" Plascencia in a letter he sent to Commissioner Pritchett. A copy of this letter is included.

Again, thank you for making time to speak with members of our Scottsmoor Community. And of course if you have any additional questions or need for additional clarification related to any of our positions, please do contact us.

Very Respectfully,

Members of the Scottsmoor Rural Community

Brevard County Property Appraiser

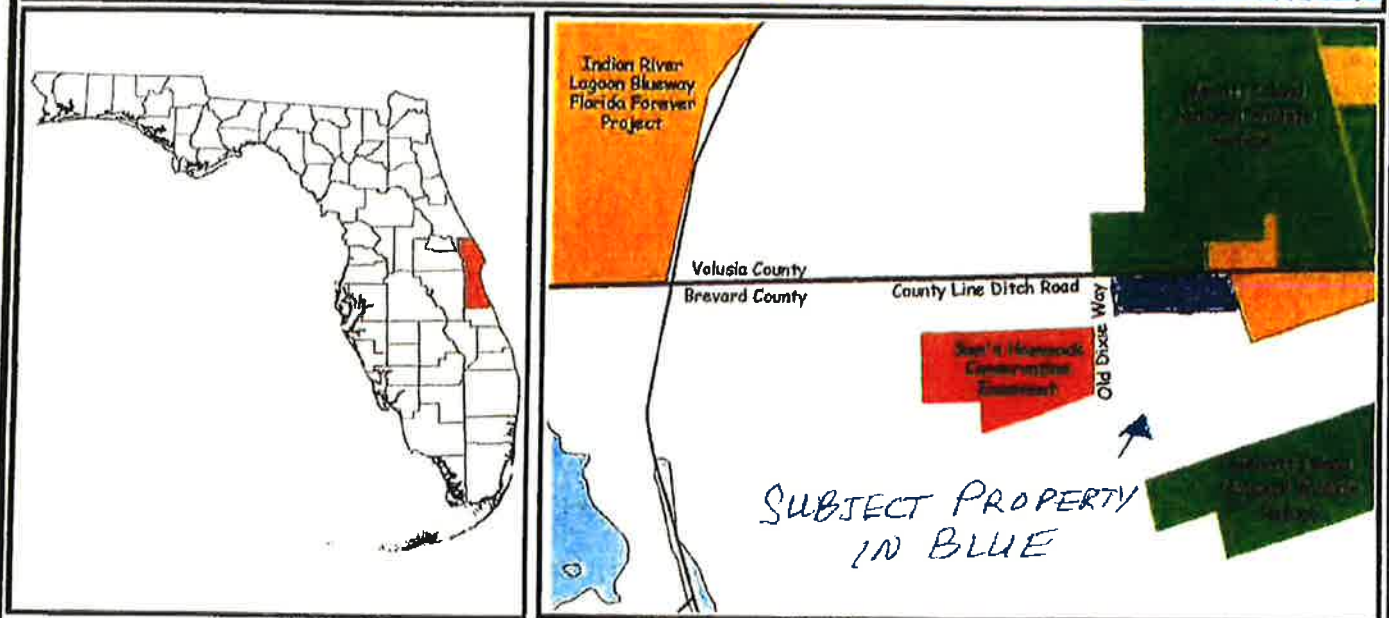
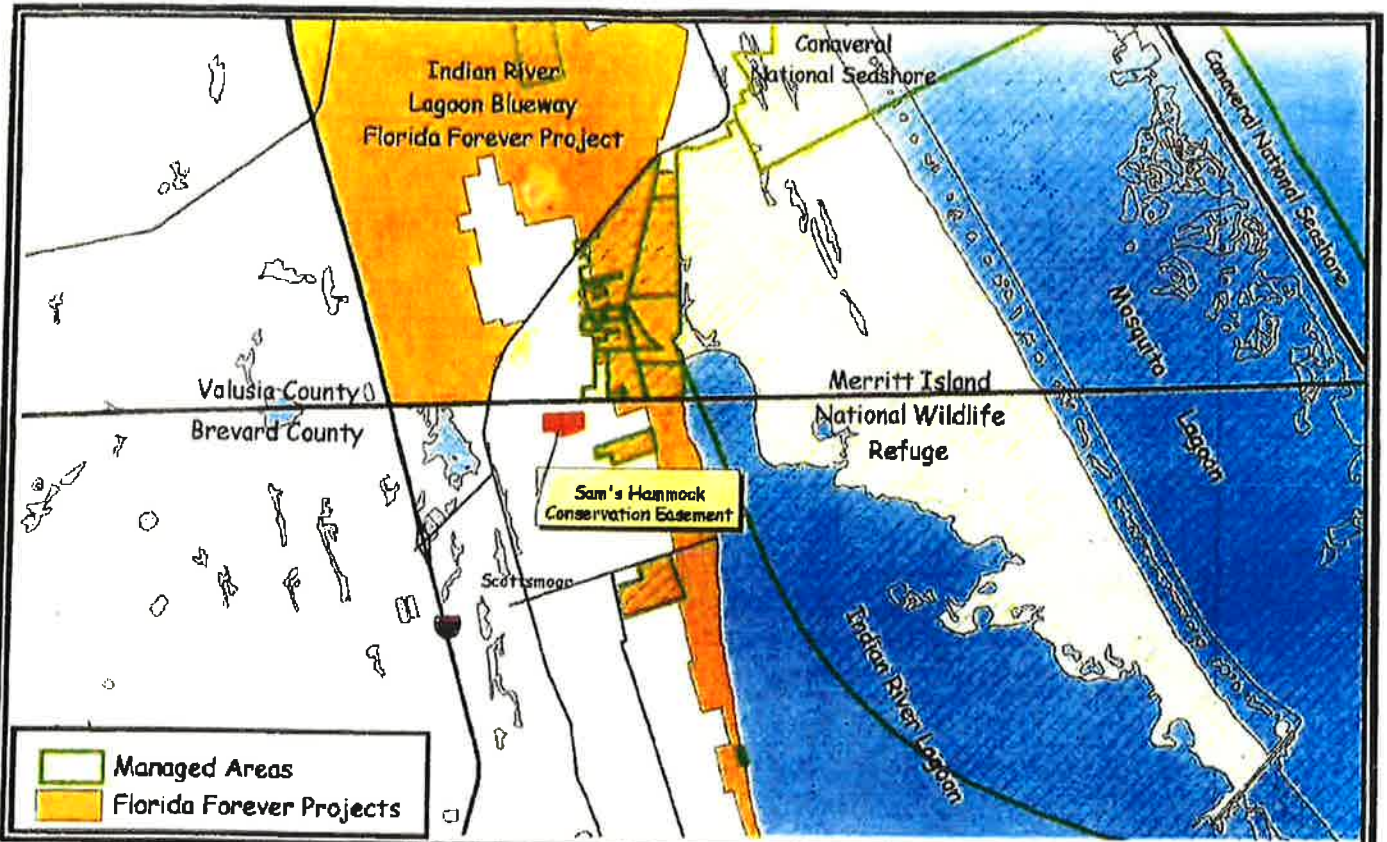


March 26, 2019

1:16,000
0 700 1,400 2,800 ft
0 225 450 900 m

2646680

For illustration only. Not a survey. Map buyers may not rely on this map.
© BCPA 2015



MAP 1
SAM'S HAMMOCK CONSERVATION EASEMENT
 Brevard County, Florida

The Nature Conservancy 

SAVING THE LAST GREAT PLACES ON EARTH

Wendy J. Caster
 22 February 2006



Herbert Wertheim College of Engineering
Engineering School of Sustainable Infrastructure and Environment
Department of Civil and Coastal Engineering
Arnoldo Valle-Levinson, Professor
arnoldo@ufl.edu

365 Weil Hall
PO Box 116580
Gainesville, FL 32611-6580
352-392-9537 Department Phone
352-392-3394 Department Fax
www.essie.ufl.edu

March 10th, 2019

David Laney
Subject: Salt Water Intrusion Potential, North Brevard County, Florida

Dear David,

Upon visiting the Scottsmeer area on March 6th, I became familiarized with the rezoning request in the area. I am able to place such request in the context of natural and human-related pressures in the region of the Indian River Lagoon.

I think that any new infrastructure development in coastal areas, around the Indian River Lagoon in particular, needs to be examined carefully and sensibly. This is because sea levels around Florida have risen at rates that are more than 6 times the mean global rates. Between 2011 and 2016, sea level rose at a rate of $\frac{3}{4}$ inch per year. Evidence of these rapid sea-level increments are the increase in sunny-day flooding events in the state. Compound to this problem is the ever-increasing human use of freshwater from the aquifer. Moreover, an inconclusive trend in Florida rain values since 1895 indicates that the aquifer recharge is not changing over decadal scales. This means that sea-level rise produces encroachment of salty ocean water toward land, which is exacerbated by increased human consumption of aquifer water for domestic and agricultural purposes. The 1) sea-level rise – 2) human consumption of water represents a 1-2 punch that chokes the lagoon and affects the water and soil quality for communities within, at least, the first few miles of the coast. Clear consequences of such 1-2 choking punch, or as they say, the canary in the coal mine, are a) the alarming incidence of toxic algae blooms in the Indian River Lagoon, b) the widespread salinization of well water in the communities around the lagoon, and c) threatening coastal erosion around Cape Canaveral. Incidence of algae blooms, in particular, is accompanied by decreased air quality.

Evidently, any new rezoning that allows increases in settlement density will represent amplified demands for aquifer water. Because sea level is expected to continue to rise, the area will likely be drastically affected by the 1-2 choking punch, in detriment to water, air and soil quality.

Sincerely,

A handwritten signature in cursive script that reads "Arnoldo Valle-Levinson".

Arnoldo Valle-Levinson



Representative Rene "Coach P" Plasencia

Florida House of Representatives
District 50

400 South St. #10
Titusville, FL 32780
(321) 833-3151

Orange County Legislative Delegation
Brevard County Legislative Delegation
Rene Plasencia@fl.house.gov

ME House Office Building
4024 Monroe St. Tallahassee, FL 32309
(904) 717-5000

March 26, 2019

Commissioner Rita Pritchett
Brevard County District 1
2000 S. Washington Ave., Suite 2
Titusville, FL 32780

RE: North Brevard Re-Zoning Request

Commissioner Pritchett,

It has come to my attention that there is currently a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres in North Brevard rezoned to RR 1, one home per acre, which is current zoned as AU 12.5. I was made aware that at the March 11th Planning & Zoning meeting there were only two letters submitted supporting the re-zoning request while there were 157 property owners who signed the petition opposing it.

These properties at risk of being rezoned are the agricultural properties currently serving as Florida Forever and Blueways buffers, and a number of them are targeted as Florida Forever acquisitions. Currently these agricultural properties provide essential contiguous habitat for wildlife and forage for migrating birds. To compound the negative aspects of this proposed re-zoning, all of these properties are directly inter-connected via open storm water drainage directly to the lagoon. I ask that you please take the time to consider the ramifications of this re-zoning if it were to be approved. It is my belief that decades of effort to protect the Eastern side of the Indian River Lagoon in North Brevard County, while establishing effective contiguous Florida Forever wildlife habitat and corridor will have been for naught if this passes.

Feel free to reach out to me if you have any questions.

Respectfully Yours,

Representative Rene "Coach P" Plasencia

Proudly Serving East Orange County & Brevard County

Workforce Development & Tourism Subcommittee - Chair; Health Quality Subcommittee - Vice Chair;
Appropriations Committee; Commerce Committee; Health Care Appropriations Subcommittee; Oversight,
Transparency & Public Management Subcommittee

Commissioner, D1

From: Kathy Ceballos <kceballos@cfl.rr.com>
Sent: Tuesday, April 02, 2019 7:07 AM
To: Commissioner, D1
Subject: Scottsmoor zoning change

Categories: AMY

Dear Commissioner Pritchett,

I live in Scottsmoor at 6045 Oak St. During this Thursday's meeting you will be discussing the zoning change that was requested by the Thomas's for their 19 acre property on Dixie Way. I will not be able to attend the Thursday night meeting, so I would like to take a moment of your time to let you know my feelings on this issue.

My husband and I have lived in the Scottsmoor area since 1989. We moved to this area because of the rural nature. Since we moved here a lot of houses have been built around us, but they have been built as per the zoning - 1 house per 2 ½ acres. I live on a dirt road, surrounded by Oak trees - and I find it one of the most peaceful places to be. My husband retired from NASA and I retired from Parrish Medical, so this is our permanent home.

Please consider the impact a rezoning will have on this area. Our roads are not very good - sometimes you have to pull over so oncoming traffic can go by. Everyone is on well water. Some people have good water - most do not. A lot have had salt water intrusion in their well. Pinewood Elementary School is already overcrowded and the school district is trying to move a lot of students to Mims Elementary. It is a very quiet area and needs to stay this way. That is why most people moved here.

I am respectfully requesting that you deny this zoning change. Please consider the residents that have lived here for a long time. It is impressive to see so many residents band together to fight this issue. It shows that the majority of residents do not want the zoning changed. Don't allow someone to come in and decide that they need to change the area. Our infrastructure is not suited to this change. Keep the property one house per 2 ½ acres.

It should matter that the majority of current residents are against this change. Please demonstrate to us that we, the people, matter - not just money. You are the Commissioner for our area - please support us.

Thank you for your time,
Kathy Ceballos

County Commissioner District 1

County Commissioner District 1 ▶ Phone Log - Karl Krupp-5610 Palm St Mimg, 32754

Name/Company:	Karl Krupp- 5610 Palm St Mimg, 32754
Phone Number:	321-591-9671
Date/Time Call Received	4/2/2019 11:00 AM
Purpose of Call	Mr. Krupp called our office to voice his objection to the rezoning in Stratford which will be on the agenda April 4th. Items 18P200153 and 18P200154. Mr. Krupp is traveling is unable to send an email.
Follow Up Needed	Amy Craddock
Date Received	4/2/2019

Created at 4/2/2019 10:36 AM by Craddock, Amy
Last modified at 4/2/2019 10:41 AM by Craddock, Amy

Close

From: [Tobia, John](#)
To: [Sterk, Erin](#)
Cc: [Jones, Jennifer](#)
Subject: FW: Scottsmoor zoning change
Date: Tuesday, April 2, 2019 1:20:23 PM

Please see the below e-mail received this morning in reference to items H 5&6 on the Thursday, 4/4/2019 Zoning Agenda.

Sincerely,



John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

**Under Florida law, e-mails are public records. If you do not want your e-mail released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*

From: Kathy Ceballos [<mailto:kceballos@cfl.rr.com>]
Sent: Tuesday, April 02, 2019 7:10 AM
To: Commissioner, D3
Subject: Scottsmoor zoning change

Dear Commissioner Tobia,

I live in Scottsmoor at 6045 Oak St. During this Thursday's meeting you will be discussing the zoning change that was requested by the Thomas's for their 19 acre property on Dixie Way. I will not be able to attend the Thursday night meeting, so I would like to take a moment of your time to let you know my feelings on this issue.

My husband and I have lived in the Scottsmoor area since 1989. We moved to this area because of the rural nature. Since we moved here a lot of houses have been built around us, but they have been built as per the zoning - 1 house per 2 ½ acres. I live on a dirt road, surrounded by Oak trees - and I find it one of the most peaceful places to be. My husband retired from NASA and I retired from Parrish Medical, so this is our permanent home.

Please consider the impact a rezoning will have on this area. Our roads are not very good - sometimes you have to pull over so oncoming traffic can go by. Everyone is on well water. Some people have good water - most do not. A lot have had salt water intrusion in their well. Pinewood Elementary School is already overcrowded and the school district is trying to move a lot of students to Mims Elementary. It is a very quiet area and needs to stay this way. That is why most people moved here.

I am respectfully requesting that you deny this zoning change. Please consider the residents that have lived here for a long time. It is impressive to see so many residents band together to fight this issue. It shows that the majority of residents do not want the zoning changed. Don't allow someone to come in and decide that they need to change the area. Our infrastructure is not suited to this change. Keep the property one house per 2 ½ acres.

It should matter that the majority of current residents are against this change. Please demonstrate to us that we, the people, matter - not just money.

We would appreciate your support.

Thank you for your time,
Kathy Ceballos

From: [Max](#)
To: [Commissioner_D3](#)
Subject: Fw: Rezoning of property in Scottsmeer
Date: Sunday, March 31, 2019 4:55:11 PM

From: Max
Sent: Sunday, March 31, 2019 4:53 P
Subject: Rezoning of property in Scottsmeer

Commissioner Tobia

I am sending this email in regards to the meeting on April 4th. At the end of February the Thomas' came to the Scottsmeer meeting hall to tell people what they had in mind for their 19.75 acres on Dixie Way and County Line Ditch Road.

Mr Thomas said something to the effect that they had lived in South Florida and found it to be getting to crazy and crowded for them. They came to our area and found that they liked the quiet and peaceful setting. But then in his next statement was he wanted to take his 19.75 acre property and put 14 houses on it. My comment to him was-so you want to bring the craziness that you left in South Florida to us in Scottsmeer. We don't want that kind of density in our area. We bought our property in 2005 because of the rural nature. I have horses and I like the open spaces in Scottsmeer. Please keep the zoning 2.5 AU.

Thanks,
Maxine Zieman
3465 Sunset Ave

From: fedexit@aol.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: KEEP SCOTTSMOOR RURAL!
Date: Tuesday, March 19, 2019 8:13:04 PM

Everything is getting too built up. We need green space! We need rural areas. Keep Scottsmeer as is!
Enough said!!

Marielle Marne & Steven Moore

From: [Ronald Bartcher](#)
To: [Ronald Bartcher](#)
Subject: Land Use Change For Scottsmoor
Date: Sunday, March 17, 2019 7:34:13 PM

Dear Commissioner:

I object to the Future Land Use change that is being considered for Joseph Brandon and Nikki Thomas' property on County Line Ditch Road, north of Scottsmoor.

In 2008, following the Brevard County Commission's acceptance of the Mims Small Area Study, the County arbitrarily extended the dividing line between RES 1 and Res 1-2.5 Future Land Use from Flounder Creek Road north to the county line. Apparently, they used an arbitrary distance (of approximately 6500 feet) from US1 and just drew a line north to the county line. This arbitrary extension caused many properties to end up with two separate Future Land Uses. A more logical approach would have been to select a natural division line, such as the road Dixie Way, as the dividing line to avoid creating a problem for property owners.

An even more logical approach would have been to designate all property north of Scottsmoor, except for that facing US1, to have a Future Land Use of RES 1-2.5, since all that property is 2.5 acres or more. By using RES 1-2.5 Future Land Use, the County would have avoided creating a large area of Zoning/ Future Land Use inconsistencies, since virtually all this property is Zoned AU (which allows same density as RES 1-2.5).

One more thing to consider is that density, like beauty, is in the eye of the beholder. If a resident lives in a city, then one house per acre appears to be low density. To residents that live in this rural area of North Brevard, one house per acre is viewed as high density; one house per 2 ½ acres is medium density; and we would view one house per 20 acres as low density. This difference in perspective is important when considering Future Land Use changes. Future Land Use changes should not affect the residents in a negative manner. The residents of this area live here specifically because of what they perceive as low density. They have invested their money and located their families in this rural area of Brevard, and they rightly expect the Land Uses will continue to be compatible with their community values.

Please deny the Future Land Use change that is being considered for Joseph Brandon and Nikki Thomas' property on County Line Ditch Road, north of Scottsmoor.

Regards,
Ron Bartcher

Scottsmoor Community Association
3724 Magoon Ave.
Mims, FL 32754

Commissioner John Tobia
2539 Palm Bay Rd. N.E.
Suite 4
Palm Bay, Florida 32905

Dear Commissioner Tobia,

The Scottsmoor Community would like to thank you for taking the time to speak with three of our members regarding a proposed Small Area Plan change to the existing Brevard County Future Land Use Map, and the associated request to change the existing zoning on that 19.75 acres from AU 1:2.5, minimum 2.5 acres per home, to R:1, 1 home per acre. The subject property is the North East corner of Brevard County at the intersection of Dixie Way and County Line Ditch Road, Southeast corner. An aerial map of the affected rural residential Scottsmoor area is attached with this letter to better illustrate the rural nature of our Scottsmoor Community. Additionally, there is a map included to this package illustrating the physical proximity of the parcel subject to the requested rezoning with respect to the designated dedicated conservation properties surrounding it.

As our members Rose McGinnis, Jerrad Adkins, and David Laney conveyed to you, the Scottsmoor Community Association, and over 1,100 other residents of this section of North Brevard County vigorously oppose these requested changes. Our opposition is not based in a total opposition to development. In fact we welcome our new neighbors who come to enjoy our rural community values and contribute to the preservation of our rural environment. Rather, our opposition stems from the negative impacts that would absolutely result from increased population density and the inordinate demand that development would place on our rural environment and the resources and infrastructure which currently sustain it. Additionally, we believe our objections to this requested rezoning are well founded and supported by principles and requirements set forth in Florida State Statutes, the Florida Long Range Comprehensive Plan, and the Brevard County Long Range Comprehensive Plan.

The concerns our Scottsmoor Community Members expressed to you included the direct impact on our already fragile surficial aquifer, directly resulting from an increased pumping demand accruing from an increased residential development density. This surficial aquifer is the source of potable residential well water for all homes in the Scottsmoor area, as well as a source for agricultural irrigation. Our concern for the degradation of our potable water supply over time is shared by Dr. Arnoldo Valle-Levinson, Professor, Engineering School of Sustainable Infrastructure and Environment, University of Florida. Dr. Valle-Levinson is a renowned expert in the field of salt water intrusion and Estuarine studies. His concerns are expressed in his letter, included in the package.

Additionally, we of the Scottsmoor Community expressed our concerns for the larger negative environmental impacts which would result if this increased residential development were to be approved and developed. These concerns are further expressed by our State Representative Rene "Coach P" Plascencia in a letter he sent to Commissioner Pritchett. A copy of this letter is included.

Again, thank you for making time to speak with members of our Scottsmeer Community. And of course if you have any additional questions or need for additional clarification related to any of our positions, please do contact us.

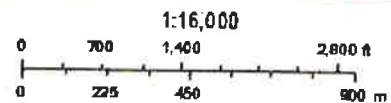
Very Respectfully,

Members of the Scottsmeer Rural Community

Brevard County Property Appraiser

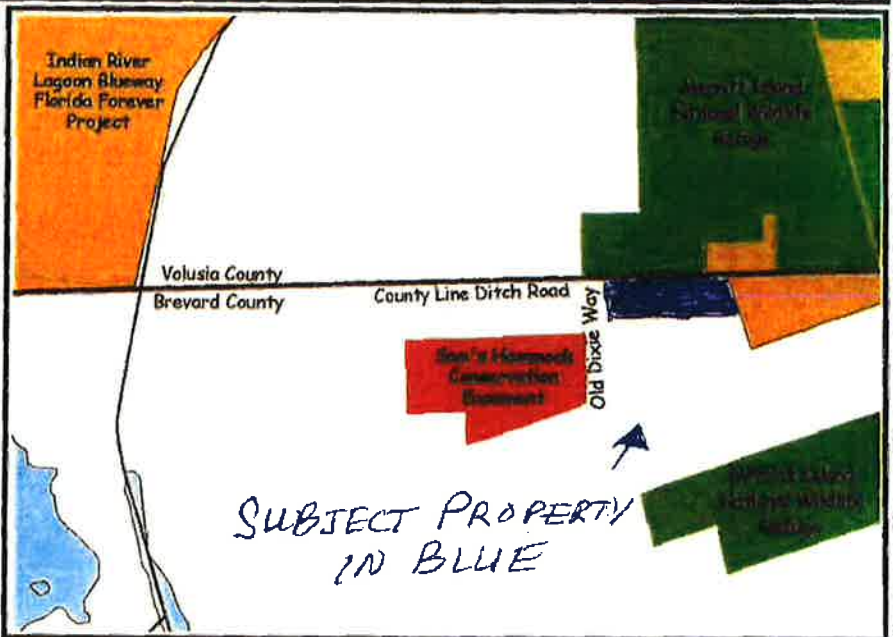
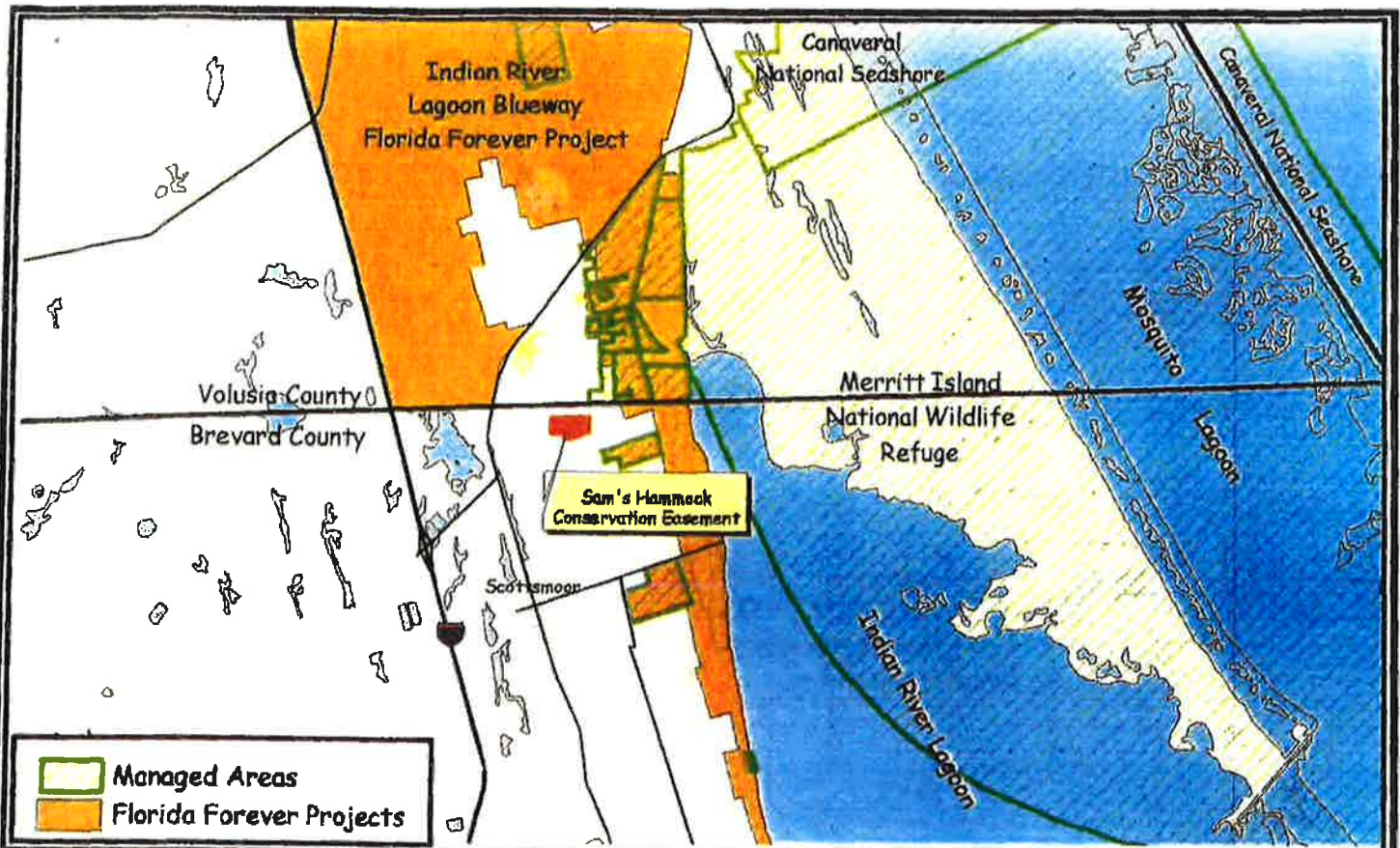


March 26, 2019



2846250

For illustration only. Not a survey. Map layers may not precisely align.
© BCPAO 2018



MAP 1

SAM'S HAMMOCK CONSERVATION EASEMENT
Brevard County, Florida

The Nature Conservancy 
SAVING THE LAST GREAT PLACES ON EARTH

Wendy J. Caster
22 February 2006



Herbert Wertheim College of Engineering
Engineering School of Sustainable Infrastructure and Environment
Department of Civil and Coastal Engineering
Arnoldo Valle-Levinson, Professor
arnoldo@ufl.edu

365 Weil Hall
PO Box 116580
Gainesville, FL 32611-6580
352-392-9537 Department Phone
352-392-3394 Department Fax
www.essie.ufl.edu

March 10th, 2019

David Laney

Subject: Salt Water Intrusion Potential, North Brevard County, Florida

Dear David,

Upon visiting the Scottsmeer area on March 6th, I became familiarized with the rezoning request in the area. I am able to place such request in the context of natural and human-related pressures in the region of the Indian River Lagoon.

I think that any new infrastructure development in coastal areas, around the Indian River Lagoon in particular, needs to be examined carefully and sensibly. This is because sea levels around Florida have risen at rates that are more than 6 times the mean global rates. Between 2011 and 2016, sea level rose at a rate of $\frac{3}{4}$ inch per year. Evidence of these rapid sea-level increments are the increase in sunny-day flooding events in the state. Compound to this problem is the ever-increasing human use of freshwater from the aquifer. Moreover, an inconclusive trend in Florida rain values since 1895 indicates that the aquifer recharge is not changing over decadal scales. This means that sea-level rise produces encroachment of salty ocean water toward land, which is exacerbated by increased human consumption of aquifer water for domestic and agricultural purposes. The 1) sea-level rise – 2) human consumption of water represents a 1-2 punch that chokes the lagoon and affects the water and soil quality for communities within, at least, the first few miles of the coast. Clear consequences of such 1-2 choking punch, or as they say, the canary in the coal mine, are a) the alarming incidence of toxic algae blooms in the Indian River Lagoon, b) the widespread salinization of well water in the communities around the lagoon, and c) threatening coastal erosion around Cape Canaveral. Incidence of algae blooms, in particular, is accompanied by decreased air quality.

Evidently, any new rezoning that allows increases in settlement density will represent amplified demands for aquifer water. Because sea level is expected to continue to rise, the area will likely be drastically affected by the 1-2 choking punch, in detriment to water, air and soil quality.

Sincerely,

A handwritten signature in black ink that reads "Arnoldo Valle Le Vinson".

Arnoldo Valle-Levinson



Representative Rene "Coach P" Plasencia

Florida House of Representatives
District 50

400 North St #107
Tallahassee, FL 32309
(904) 301-5151

Orange County Legislative Delegation
Brevard County Legislative Delegation
Rene Plasencia@MyFloridaHouse.com

315 House Office Building
401 S. Monroe St. Tallahassee, FL 32309
(904) 317-6000

March 26, 2019

Commissioner Rita Pritchett
Brevard County District 1
2000 S. Washington Ave., Suite 2
Tallahassee, FL 32378

RE: North Brevard Re-Zoning Request

Commissioner Pritchett,

It has come to my attention that there is currently a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres in North Brevard rezoned to RR 1, one home per acre, which is current zoned as AU 12.5. I was made aware that at the March 11th Planning & Zoning meeting there were only two letters submitted supporting the re-zoning request while there were 157 property owners who signed the petition opposing it.

These properties at risk of being rezoned are the agricultural properties currently serving as Florida Forever and Blueways buffers, and a number of them are targeted as Florida Forever acquisitions. Currently these agricultural properties provide essential contiguous habitat for wildlife and forage for migrating birds. To compound the negative aspects of this proposed re-zoning, all of these properties are directly inter-connected via open storm water drainage directly to the lagoon. I ask that you please take the time to consider the ramifications of this re-zoning if it were to be approved. It is my belief that decades of effort to protect the Eastern side of the Indian River Lagoon in North Brevard County, while establishing effective contiguous Florida Forever wildlife habitat and corridors will have been for naught if this passes.

Feel free to reach out to me if you have any questions.

Respectfully Yours,

Representative Rene "Coach P" Plasencia

County: Orange / District: 1 / Office: 315 House Office Building

Workforce Development & Tourism Subcommittee - Chair; Health Quality Subcommittee - Vice Chair;
Appropriations Committee; Commerce Committee; Health Care Appropriations Subcommittee; Oversight,
Transparency & Public Management Subcommittee

From: [Leesa Souto](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: jimswann@cfl.rr.com; [Duane DeFreese IRL Council](#); [Bill Cox](#); [Bo Platt](#); [Bob Day](#); [Dave Botto](#); [Jim Moir](#); [Ken Lindeman](#); [Ken Tworoger](#); [Lady Shirley Beirne](#); [Mary Chapman-Mundt](#); [Maureen Rupe](#); [Paul Laura](#); [Stephen E. Chalmers](#); [Terry Casto](#)
Subject: Please Deny Request to re-zone Brandon and Nikki Thomas property
Date: Saturday, March 30, 2019 8:50:50 AM
Attachments: [BOCC Letter Rezoning.pdf](#)

March 30, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

SUBJ: Please Deny Request to re-zone Brandon and Nikki Thomas property

Dear Chairwoman Isnardi and Distinguished Members;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Indian River Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We have significant concerns with the subject re-zoning which contradicts the purposes of the Save our Lagoon Project Plan.

The subject property is adjacent to and a buffer for the Florida Forever Blueway Project, of which Brevard is a participating partner. It is part of a larger area of agriculture lands which are prime Florida Forever targets for conservation and preservation from development. Most importantly, the land drains directly into the lagoon. Approval of this request will open it for development and, by precedence, *will open the entire area for the same*. The result will be a disastrous loss of pervious, water storing land essential to the sustainability of our lagoon and add yet more polluting run-off from roofs, lawns and pavement as well as ultimately, more new sewer and septic needs. New development at this scale will amplify more muck and wastewater problems.

Considering the causes and effects of our present lagoon condition, approval of the subject density change request would be a serious mis-management of land use and lagoon use. We recommend that all such requests be shelved until a study of land use impact in the IRL basin be made. These development enabling changes come at a time when regional reports are focused on new challenges to Florida's waterways, water supplies and quality of life from more population growth, especially when magnified by real affects from a changing climate. We recommend that Brevard County and Municipalities adopt, in its entirety, the Low Impact Development (LID) concept endorsed by both US EPA and Florida's DEP and clearly presented in their web sites. The concept is founded on the critical need to increase pervious, water storing land and to reduce the destructive run-off loss of water, an increasingly valuable resource. We also invite you to review the Regional Resiliency Action Plan by the East-central Florida Regional Planning Council. We must look to the future.

The Marine Resources Council requests that you deny the subject re-zoning.

Respectfully,

Leesa Souto, Ph.D.
Executive Director
Marine Resources Council
3275 Dixie Hwy, NE
Palm Bay, FL 32905
321-725-7775

www.mrcirl.org

Together we can bring the Indian River Lagoon back to health.



Marine Resources Council

Turning Science into Action

3275 Dixie Hwy NE, Palm Bay, FL 32905 (321) 725-7775 www.SaveTheIRL.org

March 29, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

SUBJ: Request to re-zone Brandon and Nikki Thomas property

Dear Chairwoman Isnardi and Distinguished Members;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Indian River Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We have significant concerns with the subject re-zoning which contradicts the purposes of the Save our Lagoon Project Plan.

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The Marine Resources Council requests that you deny the subject re-zoning.

Respectfully,

Leesa Souto, Ph.D.
Executive Director

cc: Jim Swann, Duane DeFreese

From: [Turtle Coast Sierra Club](#)
To: [Commissioner, D3](#)
Subject: Proposed density increase in Scottsmoor on April 4th agenda
Date: Wednesday, March 27, 2019 7:29:14 PM

Dear Commissioner Tobia,

I am very concerned about the proposed zoning change from AU to RR-1 on 19.75 acres in Scottsmoor and the associated Comprehensive Plan change for 3.15 of those acres from RES 1:2.5 to RES 1. This agenda item will be heard by the Commission on April 4.

Scottsmoor is a very special rural area and increasing the density on the subject property would conflict with the community character. I attended the March 11th P&Z meeting for this item, where it was stated that the nearest property with a similar zoning for 1-acre lots was a mile away. From the P&Z minutes on the Brevard County website, page 13:

Bruce Moia – From the picture I have, everything around here is AU (Agricultural Residential), where is the closest zoning similar to what they're requesting?

Erin Sterk – I think it's more than a mile away.

Having attended all the local community workshops for the "How Shall We Grow?" visioning initiative several years ago, I believe that increasing density in this Scottsmoor area is exactly how we shouldn't grow! In fact, one of the 4 conclusions of that visioning exercise was captured under the Regional Growth Priority "Countryside", meaning "Maintaining Central Florida's heritage of agriculture and small villages." Additional information can be found on the East Central Florida Regional Planning Council website.

A much more appropriate place for North Brevard to grow is Titusville.

If this density increase is granted, a precedent will be established, allowing other nearby landowners to ask for the same density to build subdivisions that ignore community character and help destroy it.

In addition, the subject property is in an area with a network of conservation lands including the Indian River Lagoon Blueway Florida Forever Project, some parts of which have been purchased as public land and some that need to be acquired. Our Indian River Lagoon should be top priority!

I have recently been reviewing some sea level rise and resiliency documents from the East Central Florida Regional Planning Council that pertain to Brevard County, and have concluded that the Blueway Project lands will become more and more critical to our County's resilience. The Scottsmoor rural lands combine with the conservation lands to provide a first line of defense to mitigate the effects of sea level rise.

In conclusion, please vote NO on the requested rezoning and associated Comp Plan change on April 4th.

Thank you,

Mary Sphar
825 Cliftons Cove Ct.

Cocoa, FL 32926

From: [mellorenti](#)
To: [Commissioner, D3](#)
Subject: Rezoning MISTAKE
Date: Wednesday, March 13, 2019 12:27:23 PM

Dear John,

I truly hope you hear our small community of Scottsmeer's cry for help. We desperately gringe at the thought of a change in zoning. This is my families biggest fear! We chose this small community for the purpose of it being rural. My family and myself needed a slower pace of home life, living here has made my husband and three daughters so happy. Coming from an eggresivly over populated town of Port Orange who's commisioners have aloud the chaos to happen. I no longer feel the stress and burden of coming home. For once I enjoy driving home and up our beautiful road of fields and farm animals.

If this rezoning of 1 acre changes from 2.5 acre we feel is a terrible mistake and sadly will turn into what this community doesn't want as a hole. More people equals more crime! Please keep this community rural the way we chose it to be for a families!

Let's not give into the greed of a single person! This single person will effect thousands of residents in this community in my opinion odds of 1:1,00 do not make proper sense for this town.

Do not let our town become the greedy overpopulated crime ridden end of an era.
Keep Scottsmeer Rule!

Thank you kindly,
Melanie Lorenti, CPhT
[3108 Coral Ave.Mims, FL 32754](#)
[386-212-9195](#)

Sent via the Samsung Galaxy Note® 4, an AT&T 4G LTE smartphone

From: rachelburke0325@gmail.com
To: [Commissioner, D3](#)
Subject: RR1 Scottsmoor rezoning
Date: Monday, March 18, 2019 7:40:06 PM

My name is Rachel Burke, my husband and I live at 6010 Dixie Way in Scottsmoor. Right down the road from the proposed RR1 rezoning. We live on a narrow dirt road that is impassable at times due to large trucks, flooding, or the road being in disrepair. On a normal day, two cars can not travel on this road next to one another. Rather, one car must pull up on the side of the road to yield to the oncoming traffic. We have well water that has declined substantially in quality since the cemetery was built. We have had to spend thousands of dollars on having our well re drilled and added reverse osmosis and a chlorinator just to have drinkable water. Salt intrusion is something we worry about with the expansion of the cemetery and each new home that is built. We live on 5 acres; as do all of our neighbors. Our area is currently zoned for agriculture; one home per 2.5 acres. All of our homes are like this. Please do not approve the rezoning for RR1. This would have an immense negative impact on our water and way of life. We all live here because we love the land and rural way of life. The RR1 would NOT match anything around it. Rather, a crowded eye sore. Please take into consideration what the community thinks. We greatly need your help in preventing this from being passed. Please vote no to rezoning.

Sent from my iPhone

From: [dbotto1](#)
To: [Commissioner.D1](#); [Commissioner.D2](#); [Commissioner.D3](#); [Commissioner.D4](#); [Commissioner.D5](#)
Subject: Scottsmoor Re-zoning Proposal
Date: Saturday, March 16, 2019 1:52:30 PM

Please refer to my E Mail dated March 10.

The subject zoning change, if approved, would be a glaring example of irresponsible land use management.

I respectfully urge you to reject this request.

David C. Botto
Indian Harbour beach
321 773 2327

From: [Rose McGinnis](#)
To: [Commissioner, D3](#)
Subject: Zone change in North Brevard
Date: Monday, March 11, 2019 9:11:29 PM

Commissioner
John Tobia

I am a resident of North Brevard. Specifically, Scottsmoor. We are a rural community. And hope to remain a rural community. On April 4th agenda will be a rezoning request for Joseph Brandon and Nikki Thomas'. A VAST majority of our community is against this zone change. And after having some time to digest and understand the Future Land Use change they are proposing I am against this also. Frankly, I am surprised that an antiquated arbitrary map can give them the ability to change the dynamic of our community. Those who live out here have all complied with the current zoning of AU. Most of our community was not even aware of the Future Land Use from the 1980's that put a future land use of RR1 in that area. We also did not know that our corner of Brevard County was again overlooked when the county requested Small Community Land Use Studies from parts of unincorporated Brevard. Mims was ask to participate in such a study but it was ended at Flounder Creek Rd. Just South of Cape Canaveral National Cemetery in Scottsmoor.

A change in rating from AU to RR will result in a precedence being set and allow surrounding farmland to be sold with RR1 rating.

There is little rural life left along the Eastern Banks of the Indian River. We are it. Allowing the current rate of building to at least double would greatly impact our lifestyle.

We understand that 14 homes will not greatly impact our community, but the homes that will be built due to a new zoning precedence would adversely affect this community.

Please vote NO to allow this change in zoning.

Thank you

Rose McGinnis
3734 Huntington Ave
Scottsmoor, FL

From: [Ronald Bartcher](#)
To: [Ronald Bartcher](#)
Subject: Zoning change north of Scottsmoor
Date: Thursday, March 14, 2019 8:50:24 PM

Dear Commissioner:

I was greatly disappointed on Monday, March 11, 2019, when the P&Z Advisory Board narrowly voted to recommend approval of a zoning change on 19.75 acres north of Scottsmoor, located at 6705 Dixie Way.

I am writing to you because the concerns of the Scottsmoor residents are my very same concerns. I live halfway between Mims and Scottsmoor and I want to keep this quiet, rural area of North Brevard as is.

I believe that some members of the Advisory Board were swayed to vote for this change because the developer agreed to put in the new high-performance septic tanks. However, this property is about 3700 feet west of the lagoon and any septic tank that far away will not contribute any measurable amount of pollution to the lagoon. The science on this is clear. Thus, the Board created a solution to a problem that doesn't exist. Even worse, the vote was not based on relevant information.

In voting for this change the Board is actually creating a larger pollution problem than exists with the current zoning. We heard testimony from residents that there is runoff from properties in that area and that the ditches have water flowing to the lagoon, even in the dry season. However, because this property is not an active agriculture area, it is essentially vacant land. There is virtually no fertilizer in that runoff. By allowing a higher density of smaller residential lots, there will be runoff containing more yard fertilizer and grass clippings going into the ditches and into the water that flows straight into the lagoon. The developer is only obligated to not increase the runoff; he is under no obligation to decrease existing runoff. Thus, development will not decrease the pollution of the Indian River Lagoon.

It appeared to me that the Board ignored the highly significant issue of compatibility with the surrounding property. This property is directly across the road from property in Volusia county that has been set aside as a Conservation Easement. In addition, just a short distance southwest of this property is a large parcel of Conservation Easement property. Furthermore, immediately to the east is property that is part of the Indian River Lagoon Blueway Florida Forever Project. The subject property is almost surrounded by property that is specifically designated to avoid development. Having a higher density development next to Conservation Easement properties is most certainly not compatible.

In addition to these three objective issues, there are also two subjective issues that, I believe, explain why the P&Z meeting room was filled with residents objecting to this rezoning. First,

residents are concerned, and rightly so, that their wells will have problems. More development certainly means more people competing for the limited amount of potable water. The residents testified that some of them have already seen problems with their wells. Second, residents are concerned about a lifestyle change being forced upon them. They deliberately chose to live in this rural area with few houses and large areas of undeveloped land. They do not want neighbors within talking distance. They enjoy the quiet, and they enjoy having all of the wildlife in this area. The concern about these issues is based on common sense; the threat to their lifestyle is real.

Stuart Buchanan, who represented the property owners/developers, mentioned that Brevard County has a lot of land that is not on the tax rolls, such as EELs land. This is a red herring and is not relevant to this rezoning case. The residents only want the housing density to remain as is. Thus, keeping the tax rolls intact.

I do hope that you, and the other Commissioners, will consider the real issues around this rezoning request and deny the request.

Regards,
Ron Bartcher
3431 Grantline Road
Mims, FL

Commissioner,

My name is Jerrad Atkins and I have been a resident of the Scottsmeer community for 5 ½ years, along with my wife Alyssa and our 2 young sons. We relocated to Scottsmeer from Merritt Island because we wanted to buy more land and start a farm and raise our boys, Chase and Reily, in the country. Not wanting to leave Brevard County, of which we are both long-term residents, we chose Scottsmeer because of the rural nature it provides and because the AU zoning and 2.5 Acre per house minimum requirement, meaning limited and responsible development would maintain that rural nature.

I, like many others in the community, vehemently oppose the change in zoning from AU 2.5 to RR1. I can say this with knowledge because I have personally spoken with over 400 people regarding this issue, and have gone door to door informing the community of the rezoning application. I have acquired the packet of information submitted by Mr. Buchanan at the planning and zoning board meeting, and have shown the information to members of the community. Of the over 400 people I have spoken with, there are a total of 4 who do not oppose this. I had an opportunity to speak at the P&Z meeting. I spoke of my concerns as well as some from the folks I had met with about this application.

Originally, I became involved with this matter because of the love of our rural environment that I share with our neighbors, and since have come across a multitude of reasons that this application requires further scrutiny. With a higher density being allowed in this area, there are several concerns that I share with several other members of this community. There are issues with infrastructure, certainly the lagoon concerns, water runoff, etc... However, I would like to address the issues that were brought up as red herrings by Mr. Buchanan and/or the P&Z board at the P&Z meeting and with which we are not concerned.

1) Septic system pollution to the lagoon

If you review the minutes from the P&Z meeting, you will note that septic systems were brought up as an issue but the board was satisfied that the problem was solved with a BDP to the effect of high efficiency septic systems that reduce nitrogen deposits. The issue here, is that while the applicant's property is very close to the IRL, there is no measurable impact to a body of water at least 60 meters from the septic system. Couple this with the fact that ANY subdivision of 6 homes or greater requires this upgrade anyhow, and this is a non-issue, just a distraction from the legitimate issues. Furthermore, according to the septic overlay on the Brevard County Natural Resources map, approximately 5 of the proposed homes would have to utilize upgraded tanks even without the BDP to that effect. (see graphic and overlay below)

2) Cemetery issues

The recently constructed Veteran's Cemetery in Scottsmeer was referenced throughout the P&Z meeting as well. It was stated that due to this construction several people had to have their wells re-drilled. This is an accurate statement, however, as a community with legitimate concerns about the cemetery's impermeable ground area and sloping that does not allow for surficial regeneration of the groundwater, we are not simply casting our frustrations onto new growth in the area. Our concerns are completely separate from this issue, and it was not portrayed as such by Mr. Buchanan at the P&Z meeting. This was again an opportunity to shift the focus from our legitimate concerns to make us appear to be nothing more than angry and scorned neighbors.

Another point I would like to bring up is in regards to the letters of support that were presented by the Thomas's and Mr. Buchanan at and before the last P&Z meeting. There are two in particular on which I would like to comment. One letter is from the Fetzer family. The Fetzers own 107.88 acres of orange groves immediately adjacent to the Thomas property. They do not live on the property, in Scottsmeer, or even in Brevard County. They are not residents of this community that will see the impact that this denser development will have on our roads, environment etc... I will also note that Fetzers have had this grove for sale for years and likely see neighboring development as a benefit to the value of their own land. Mr. Stuart Buchanan, March 11 P&Z Minutes, page 11 *"the largest citrus grower on the area is the one that wrote the letter of support for this project, which happens to be the abutting neighbor"*. Not only is this, as I stated, not a neighbor in our community, but a land investor, and who is not the largest citrus grower in the area. In fact, he's not even the second or third largest. You will find the signatures of the three largest citrus growers in the area on the petition opposing this rezoning request.

Another letter of support came from Les (L.H.) Hallum. Mr. Hallum undeniably has roots in this community that go back decades. Mr. Hallum is a nice man who I respect a great deal. In fact, he used to own the land the Thomas's are applying to rezone. He also owns land that he has not been able to sell in recent years. He too has a path to personal gain through the approval of this application. His first cousin, JD Hallum has these same roots in this community and owns massive amounts of land in Scottsmeer, which he farms citrus, cattle, watermelons and hay. You will find his name on the petition to oppose this as well.

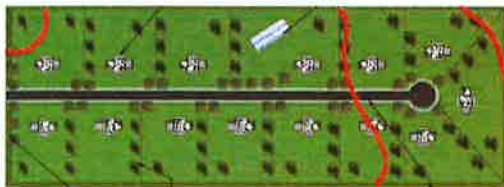
There is a 2013 DVD called "The Florida Suite", named after an 1888 musical composition by Frederick Delius. The 41-minute film, produced by Brevard County Library Services Director Jeff Thompson, is set to that musical piece and features a retired prominent attorney turned citrus farmer. Based on the retired life of Andrew Graham, prominent Brevard County Attorney who was based in Melbourne, the film shows the rural nature of Scottsmeer better than words can describe, and it is filmed about 500 feet from the property of the Thomas's. Mr. Graham operates a 12-acre citrus grove and is an excellent example of a caretaker of a small piece of our Scottsmeer land. I understand as a commissioner you likely have a packed schedule, but I believe, especially if you have never been back into the dirt roads of our community, the only way to understand is to take 41 minutes and watch the film. I was unable to obtain 5 DVDs and hand-deliver them when we met regarding this rezoning issue, but I have located the film on YouTube and am providing the link below. If phone searching, it is the video with the Osprey in the image. The first 10-12 minutes is a little slow, but by the end of the film, you will not regret watching the entire thing. It illustrates rural Brevard like nothing else can. Heat up a plate of nachos and give it a chance. It really is worth it. You will also find Mr. Graham's signature on our petition.

<https://www.youtube.com/watch?v=quaaXooGsQk>

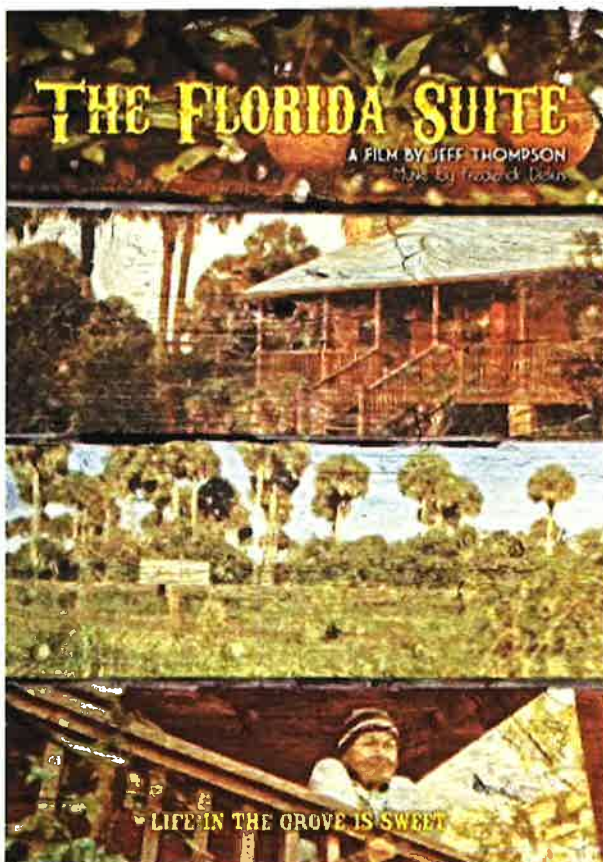
I intend to say my piece at the upcoming April 4 Commissioner meeting this Thursday evening, but with only 3 minutes available to me, I wanted to get these points across beforehand, in the likely event that I am unable to squeeze them in at the meeting. Please forgive me for the long-windedness of my statements, but as with many others in this community, I am very passionate about this matter.

Many thanks,

Jerrad S Atkins



Net effect to existing site plan proposal = up to (5) homes affected by additional septic restrictions



From: [Woodard, Patrick](#)
To: [Jones, Jennifer](#)
Cc: [Tice, Molly](#)
Subject: Disclosure of communications concerning the April 4th P&Z Meeting for District 4
Date: Tuesday, April 2, 2019 4:42:49 PM
Attachments: [I oppose the rezoning of Joseph Brandon Nikki Thomas in Scottsmoor.msg](#)
[Item 18PZ00156.msg](#)
[KEEP SCOTTSMOOR RURAL!.msg](#)
[Land Use Change For Scottsmoor.msg](#)
[mail letter Scottsmoor Community Assoc.msg](#)
[North Brevard Re-zoning Issue.msg](#)
[mail-Letter Map.msg](#)
[Please oppose density increase in Scottsmoor on April 4th.msg](#)
[RE Research on Future Land Use in Merritt Island.msg](#)
[Research on Future Land Use in Merritt Island.msg](#)
[Rezoning MISTAKE.msg](#)
[Rezoning concerns Simms 18PZ00130 Part 3 of 3.msg](#)
[Fw Rezoning of property in Scottsmoor.msg](#)
[Rezoning Request 18PZ00130.msg](#)
[re-zoning request 4 April 2019 to have 19.75 acres rezoned to RR 1 one home per acre.msg](#)
[Scottsmoor Re-zoning Proposal.msg](#)
[Scottsmoor zoning change.msg](#)
[Zone Change.msg](#)
[Zoning change north of Scottsmoor.msg](#)
[RR1 Scottsmoor Rezoning .msg](#)
[Rezoning concerns Simms 18PZ00130 Part 1 of 3.msg](#)

Jennifer,

Commissioner Smith received the attached emails regarding the April 4th P & Z Meeting, and he also talked by phone to David Laney, Jerrad Adkins and Rose McGinnis on March 22nd concerning 18PZ00153 & 18PZ00154.

Regards,

Pat Woodard



Pat Woodard
Chief Legislative Aide to Commissioner Smith
Brevard County, District 4
[321.633.2044](tel:321.633.2044) | [321.633.2121](tel:321.633.2121) | Patrick.Woodard@brevardfl.gov

2725 Judge Fran Jamieson Way, Bldg. C - Suite 214,
Viera, FL 32940



Please note:

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

Commissioner,

My name is Jerrad Atkins and I have been a resident of the Scottsmoor community for 5 ½ years, along with my wife Alyssa and our 2 young sons. We relocated to Scottsmoor from Merritt Island because we wanted to buy more land and start a farm and raise our boys, Chase and Reily, in the country. Not wanting to leave Brevard County, of which we are both long-term residents, we chose Scottsmoor because of the rural nature it provides and because the AU zoning and 2.5 Acre per house minimum requirement, meaning limited and responsible development would maintain that rural nature.

I, like many others in the community, vehemently oppose the change in zoning from AU 2.5 to RR1. I can say this with knowledge because I have personally spoken with over 400 people regarding this issue, and have gone door to door informing the community of the rezoning application. I have acquired the packet of information submitted by Mr. Buchanan at the planning and zoning board meeting, and have shown the information to members of the community. Of the over 400 people I have spoken with, there are a total of 4 who do not oppose this. I had an opportunity to speak at the P&Z meeting. I spoke of my concerns as well as some from the folks I had met with about this application.

Originally, I became involved with this matter because of the love of our rural environment that I share with our neighbors, and since have come across a multitude of reasons that this application requires further scrutiny. With a higher density being allowed in this area, there are several concerns that I share with several other members of this community. There are issues with infrastructure, certainly the lagoon concerns, water runoff, etc... However, I would like to address the issues that were brought up as red herrings by Mr. Buchanan and/or the P&Z board at the P&Z meeting and with which we are not concerned.

1) Septic system pollution to the lagoon

If you review the minutes from the P&Z meeting, you will note that septic systems were brought up as an issue but the board was satiated that the problem was solved with a BDP to the effect of high efficiency septic systems that reduce nitrogen deposits. The issue here, is that while the applicant's property is very close to the IRL, there is no measurable impact to a body of water at least 60 meters from the septic system. Couple this with the fact that ANY subdivision of 6 homes or greater requires this upgrade anyhow, and this is a non-issue, just a distraction from the legitimate issues. Furthermore, according to the septic overlay on the Brevard County Natural Resources map, approximately 5 of the proposed homes would have to utilize upgraded tanks even without the BDP to that effect. (see graphic and overlay below)

2) Cemetery issues

The recently constructed Veteran's Cemetery in Scottsmoor was referenced throughout the P&Z meeting as well. It was stated that due to this construction several people had to have their wells re-drilled. This is an accurate statement, however, as a community with legitimate concerns about the cemetery's impermeable ground area and sloping that does not allow for surficial regeneration of the groundwater, we are not simply casting our frustrations onto new growth in the area. Our concerns are completely separate from this issue, and it was not portrayed as such by Mr. Buchanan at the P&Z meeting. This was again an opportunity to shift the focus from our legitimate concerns to make us appear to be nothing more than angry and scorned neighbors.

Another point I would like to bring up is in regards to the letters of support that were presented by the Thomas's and Mr. Buchanan at and before the last P&Z meeting. There are two in particular on which I would like to comment. One letter is from the Fetzer family. The Fetzers own 107.88 acres of orange groves immediately adjacent to the Thomas property. They do not live on the property, in Scottsmeer, or even in Brevard County. They are not residents of this community that will see the impact that this denser development will have on our roads, environment etc... I will also note that Fetzers have had this grove for sale for years and likely see neighboring development as a benefit to the value of their own land. Mr. Stuart Buchanan, March 11 P&Z Minutes, page 11 *"the largest citrus grower on the area is the one that wrote the letter of support for this project, which happens to be the abutting neighbor"*. Not only is this, as I stated, not a neighbor in our community, but a land investor, and who is not the largest citrus grower in the area. In fact, he's not even the second or third largest. You will find the signatures of the three largest citrus growers in the area on the petition opposing this rezoning request.

Another letter of support came from Les (L.H.) Hallum. Mr. Hallum undeniably has roots in this community that go back decades. Mr. Hallum is a nice man who I respect a great deal. In fact, he used to own the land the Thomas's are applying to rezone. He also owns land that he has not been able to sell in recent years. He too has a path to personal gain through the approval of this application. His first cousin, JD Hallum has these same roots in this community and owns massive amounts of land in Scottsmeer, which he farms citrus, cattle, watermelons and hay. You will find his name on the petition to oppose this as well.

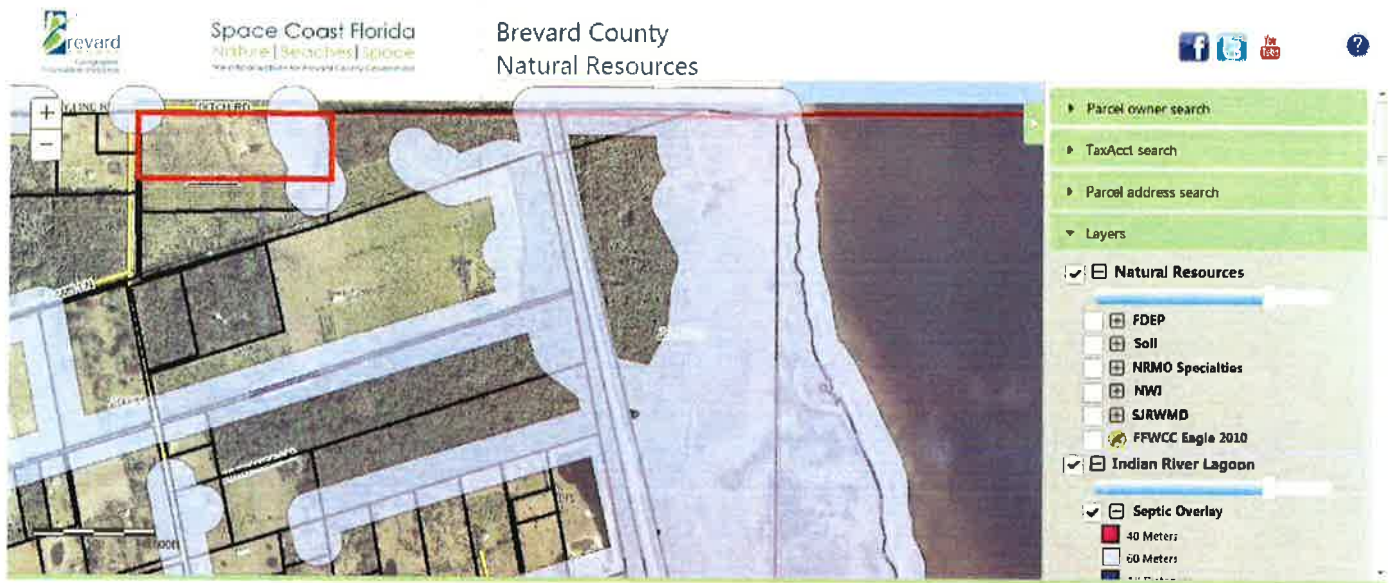
There is a 2013 DVD called "The Florida Suite", named after an 1888 musical composition by Frederick Delius. The 41-minute film, produced by Brevard County Library Services Director Jeff Thompson, is set to that musical piece and features a retired prominent attorney turned citrus farmer. Based on the retired life of Andrew Graham, prominent Brevard County Attorney who was based in Melbourne, the film shows the rural nature of Scottsmeer better than words can describe, and it is filmed about 500 feet from the property of the Thomas's. Mr. Graham operates a 12-acre citrus grove and is an excellent example of a caretaker of a small piece of our Scottsmeer land. I understand as a commissioner you likely have a packed schedule, but I believe, especially if you have never been back into the dirt roads of our community, the only way to understand is to take 41 minutes and watch the film. I was unable to obtain 5 DVDs and hand-deliver them when we met regarding this rezoning issue, but I have located the film on YouTube and am providing the link below. If phone searching, it is the video with the Osprey in the image. The first 10-12 minutes is a little slow, but by the end of the film, you will not regret watching the entire thing. It illustrates rural Brevard like nothing else can. Heat up a plate of nachos and give it a chance. It really is worth it. You will also find Mr. Graham's signature on our petition.

<https://www.youtube.com/watch?v=quaaXooGsQk>

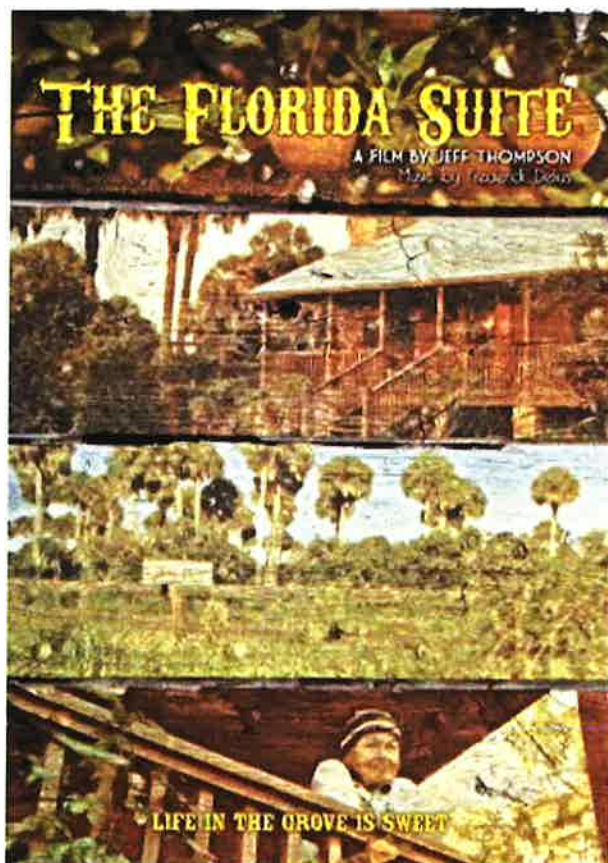
I intend to say my piece at the upcoming April 4 Commissioner meeting this Thursday evening, but with only 3 minutes available to me, I wanted to get these points across beforehand, in the likely event that I am unable to squeeze them in at the meeting. Please forgive me for the long-windedness of my statements, but as with many others in this community, I am very passionate about this matter.

Many thanks,

Jerrad S Atkins



Net effect to existing site plan proposal = up to (5) homes affected by additional septic restrictions



From: [Ronald Bartcher](#)
To: [Ronald Bartcher](#)
Subject: Land Use Change For Scottsmoor
Date: Sunday, March 17, 2019 7:34:14 PM

Dear Commissioner:

I object to the Future Land Use change that is being considered for Joseph Brandon and Nikki Thomas' property on County Line Ditch Road, north of Scottsmoor.

In 2008, following the Brevard County Commission's acceptance of the Mims Small Area Study, the County arbitrarily extended the dividing line between RES 1 and Res 1-2.5 Future Land Use from Flounder Creek Road north to the county line. Apparently, they used an arbitrary distance (of approximately 6500 feet) from US1 and just drew a line north to the county line. This arbitrary extension caused many properties to end up with two separate Future Land Uses. A more logical approach would have been to select a natural division line, such as the road Dixie Way, as the dividing line to avoid creating a problem for property owners.

An even more logical approach would have been to designate all property north of Scottsmoor, except for that facing US1, to have a Future Land Use of RES 1-2.5, since all that property is 2.5 acres or more. By using RES 1-2.5 Future Land Use, the County would have avoided creating a large area of Zoning/ Future Land Use inconsistencies, since virtually all this property is Zoned AU (which allows same density as RES 1-2.5).

One more thing to consider is that density, like beauty, is in the eye of the beholder. If a resident lives in a city, then one house per acre appears to be low density. To residents that live in this rural area of North Brevard, one house per acre is viewed as high density; one house per 2 ½ acres is medium density; and we would view one house per 20 acres as low density. This difference in perspective is important when considering Future Land Use changes. Future Land Use changes should not affect the residents in a negative manner. The residents of this area live here specifically because of what they perceive as low density. They have invested their money and located their families in this rural area of Brevard, and they rightly expect the Land Uses will continue to be compatible with their community values. Please deny the Future Land Use change that is being considered for Joseph Brandon and Nikki Thomas' property on County Line Ditch Road, north of Scottsmoor.

Regards,

Ron Bartcher

Scottsmoor Community Association
3724 Magoon Ave.
Mims, FL 32754

RECEIVED

APR 2 REC'D

**DISTRICT 4
COMMISSION OFFICE**

Commissioner Curt Smith
2725 Judge Fran Jamieson Way
Building C Suite 214
Viera, Florida 32940

Dear Commissioner Smith,

The Scottsmoor Community would like to thank you for taking the time to speak with three of our members regarding a proposed Small Area Plan change to the existing Brevard County Future Land Use Map, and the associated request to change the existing zoning on that 19.75 acres from AU 1:2.5, minimum 2.5 acres per home, to R:1, 1 home per acre. The subject property is the North East corner of Brevard County at the intersection of Dixie Way and County Line Ditch Road, Southeast corner. An aerial map of the affected rural residential Scottsmoor area is attached with this letter to better illustrate the rural nature of our Scottsmoor Community. Additionally, there is a map included to this package illustrating the physical proximity of the parcel subject to the requested rezoning with respect to the designated dedicated conservation properties surrounding it.

As our members Rose McGinnis, Jerrad Adkins, and David Laney conveyed to you, the Scottsmoor Community Association, and over 1,100 other residents of this section of North Brevard County vigorously oppose these requested changes. Our opposition is not based in a total opposition to development. In fact we welcome our new neighbors who come to enjoy our rural community values and contribute to the preservation of our rural environment. Rather, our opposition stems from the negative impacts that would absolutely result from increased population density and the inordinate demand that development would place on our rural environment and the resources and infrastructure which currently sustain it. Additionally, we believe our objections to this requested rezoning are well founded and supported by principles and requirements set forth in Florida State Statutes, the Florida Long Range Comprehensive Plan, and the Brevard County Long Range Comprehensive Plan.

The concerns our Scottsmoor Community Members expressed to you included the direct impact on our already fragile surficial aquifer, directly resulting from an increased pumping demand accruing from an increased residential development density. This surficial aquifer is the source of potable residential well water for all homes in the Scottsmoor area, as well as a source for agricultural irrigation. Our concern for the degradation of our potable water supply over time is shared by Dr. Arnolando Valle-Levinson, Professor, Engineering School of Sustainable Infrastructure and Environment, University of Florida. Dr Valle-Levinson is a renowned expert in the field of salt water intrusion and Estuarine studies. His concerns are expressed in his letter, included in the package.

Additionally, we of the Scottsmoor Community expressed our concerns for the larger negative environmental impacts which would result if this increased residential development were to be approved and developed. These concerns are further expressed by our State Representative Rene "Coach P" Plascencia in a letter he sent to Commissioner Pritchett. A copy of this letter is included.

Again, thank you for making time to speak with members of our Scottsmeer Community. And of course if you have any additional questions or need for additional clarification related to any of our positions, please do contact us.

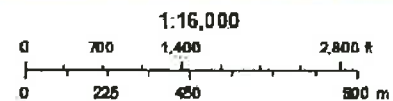
Very Respectfully,

Members of the Scottsmeer Rural Community

Brevard County Property Appraiser

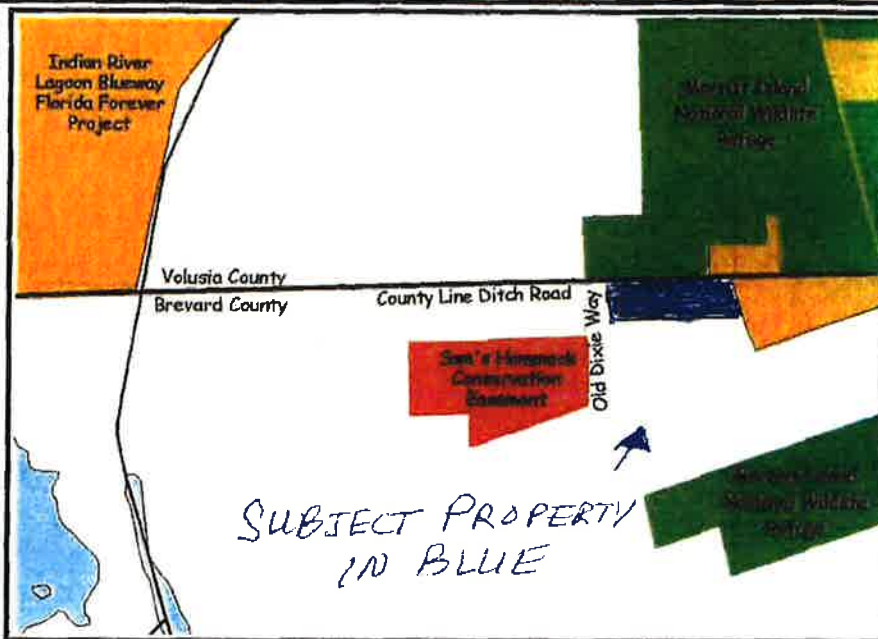
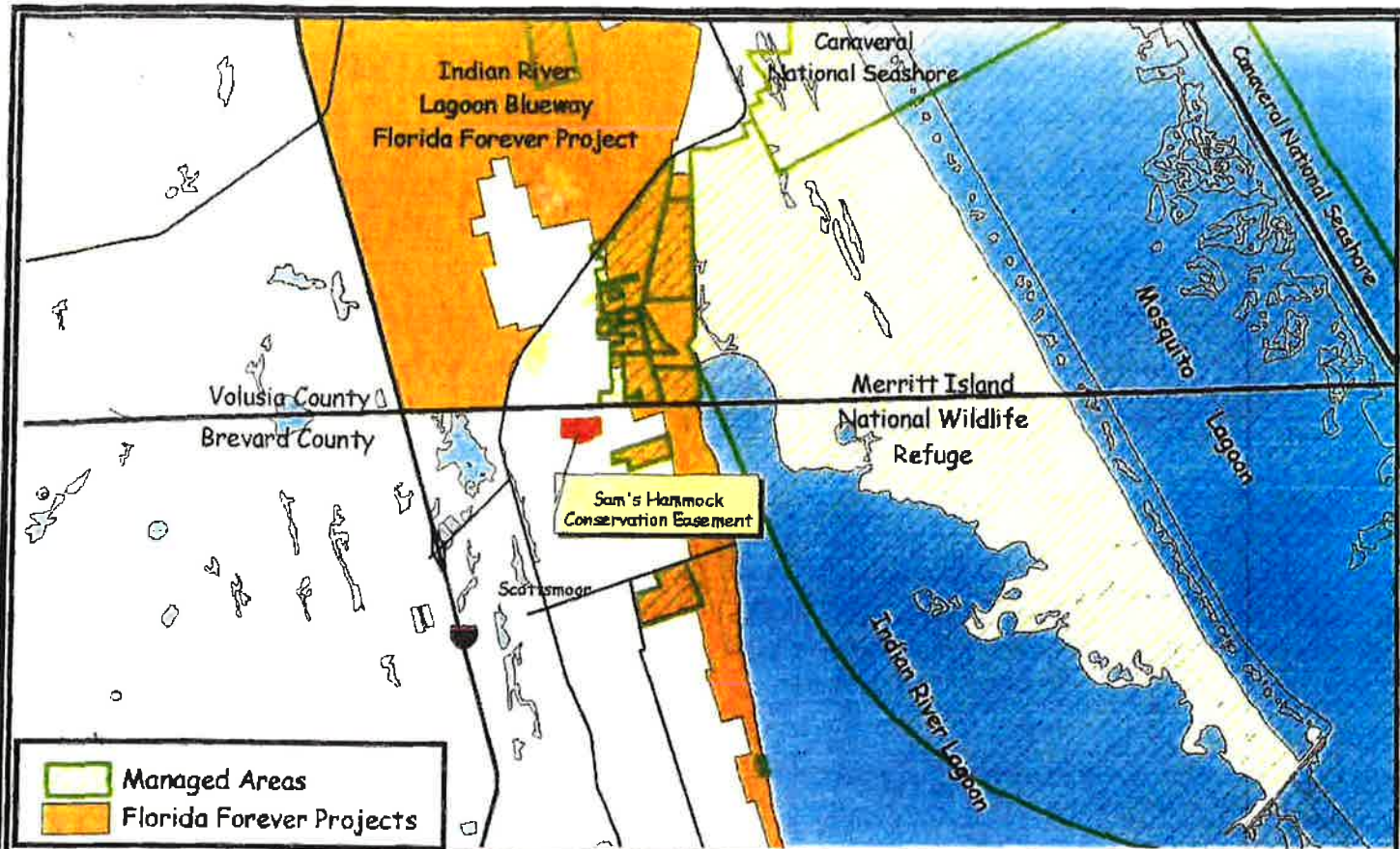


March 26, 2019



2846650

For Disposition only. Not a survey. Map break may not precisely align.
© BCPAO 2015



MAP 1

SAM'S HAMMOCK CONSERVATION EASEMENT

Brevard County, Florida

The Nature Conservancy 

SAVING THE LAST GREAT PLACES ON EARTH

Wendy J. Coster
22 February 2006



Herbert Wertheim College of Engineering
Engineering School of Sustainable Infrastructure and Environment
Department of Civil and Coastal Engineering
Arnoldo Valle-Levinson, Professor
arnoldo@ufl.edu

365 Weil Hall
PO Box 116580
Gainesville, FL 32611-6580
352-392-9537 Department Phone
352-392-3394 Department Fax
www.essie.ufl.edu

March 10th, 2019

David Laney
Subject: Salt Water Intrusion Potential, North Brevard County, Florida

Dear David,

Upon visiting the Scottsmeer area on March 6th, I became familiarized with the rezoning request in the area. I am able to place such request in the context of natural and human-related pressures in the region of the Indian River Lagoon.

I think that any new infrastructure development in coastal areas, around the Indian River Lagoon in particular, needs to be examined carefully and sensibly. This is because sea levels around Florida have risen at rates that are more than 6 times the mean global rates. Between 2011 and 2016, sea level rose at a rate of $\frac{3}{4}$ inch per year. Evidence of these rapid sea-level increments are the increase in sunny-day flooding events in the state. Compound to this problem is the ever-increasing human use of freshwater from the aquifer. Moreover, an inconclusive trend in Florida rain values since 1895 indicates that the aquifer recharge is not changing over decadal scales. This means that sea-level rise produces encroachment of salty ocean water toward land, which is exacerbated by increased human consumption of aquifer water for domestic and agricultural purposes. The 1) sea-level rise – 2) human consumption of water represents a 1-2 punch that chokes the lagoon and affects the water and soil quality for communities within, at least, the first few miles of the coast. Clear consequences of such 1-2 choking punch, or as they say, the canary in the coal mine, are a) the alarming incidence of toxic algae blooms in the Indian River Lagoon, b) the widespread salinization of well water in the communities around the lagoon, and c) threatening coastal erosion around Cape Canaveral. Incidence of algae blooms, in particular, is accompanied by decreased air quality.

Evidently, any new rezoning that allows increases in settlement density will represent amplified demands for aquifer water. Because sea level is expected to continue to rise, the area will likely be drastically affected by the 1-2 choking punch, in detriment to water, air and soil quality.

Sincerely,

A handwritten signature in black ink that reads "Arnoldo Valle-Levinson". The signature is written in a cursive, flowing style.

Arnoldo Valle-Levinson



Representative Rene "Coach P" Plasencia

Florida House of Representatives
District 50

400 South St #10
Titusville, FL 32780
(321) 303-3151

Orange County Legislative Delegation
Brevard County Legislative Delegation
Rene Plasencia/MyFloridaHouse.org

317 House Office Building
402 S. Monroe St. Tallahassee, FL 32399
(904) 717-6050

March 26, 2019

Commissioner Rita Pritchett
Brevard County District 1
2000 S. Washington Ave., Suite 2
Titusville, FL 32780

RE: North Brevard Re-Zoning Request

Commissioner Pritchett,

It has come to my attention that there is currently a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres in North Brevard rezoned to RR 1, one home per acre, which is current zoned as AU 12.5. I was made aware that at the March 11th Planning & Zoning meeting there were only two letters submitted supporting the re-zoning request while there were 157 property owners who signed the petition opposing it.

These properties at risk of being rezoned are the agricultural properties currently serving as Florida Forever and Blueways buffers, and a number of them are targeted as Florida Forever acquisitions. Currently these agricultural properties provide essential contiguous habitat for wildlife and forage for migrating birds. To compound the negative aspects of this proposed re-zoning, all of these properties are directly inter-connected via open storm water drainage directly to the lagoon. I ask that you please take the time to consider the ramifications of this re-zoning if it were to be approved. It is my belief that decades of effort to protect the Eastern side of the Indian River Lagoon in North Brevard County, while establishing effective contiguous Florida Forever wildlife habitat and corridors will have been for naught if this passes.

Feel free to reach out to me if you have any questions.

Respectfully Yours,

Representative Rene "Coach P" Plasencia

Proudly Serving East Orange County & Brevard County

Workforce Development & Tourism Subcommittee - Chair; Health Quality Subcommittee - Vice Chair;
Appropriations Committee; Commerce Committee; Health Care Appropriations Subcommittee; Oversight,
Transparency & Public Management Subcommittee

From: [Douglas and Mary Sphar](#)
To: [Commissioner, D4](#)
Cc: [Woodard, Patrick](#)
Subject: Please oppose density increase in Scottsmoor on April 4th
Date: Wednesday, March 27, 2019 10:50:35 AM

Dear Commissioner Smith,

I am very concerned about the proposed zoning change from AU to RR-1 on 19.75 acres in Scottsmoor and the associated Comprehensive Plan change for 3.15 of those acres from RES 1:2.5 to RES 1. This agenda item will be heard by the Commission on April 4.

Scottsmoor is a very special rural area and increasing the density on the subject property would conflict with the community character. I attended the March 11th P&Z meeting for this item, where it was stated that the nearest property with a similar zoning for 1-acre lots was a mile away. From the P&Z minutes on the Brevard County website, page 13:

Bruce Moia – From the picture I have, everything around here is AU (Agricultural Residential), where is the closest zoning similar to what they're requesting?

Erin Sterk – I think it's more than a mile away.

Having attended all the local community workshops for the "How Shall We Grow?" visioning initiative several years ago, I believe that increasing density in this Scottsmoor area is exactly how we shouldn't grow! In fact, one of the 4 conclusions of that visioning exercise was captured under the Regional Growth Priority "Countryside", meaning "Maintaining Central Florida's heritage of agriculture and small villages." Additional information can be found on the East Central Florida Regional Planning Council website.

A much more appropriate place for North Brevard to grow is Titusville.

If this density increase is granted, a precedent will be established, allowing other nearby landowners to ask for the same density to build subdivisions that ignore community character and help destroy it.

In addition, the subject property is in an area with a network of conservation lands including the Indian River Lagoon Blueway Florida Forever Project, some parts of which have been purchased as public land and some that need to be acquired. Our Indian River Lagoon should be top priority!

I have recently been reviewing some sea level rise and resiliency documents from the East Central Florida Regional Planning Council that pertain to Brevard County, and have concluded that the Blueway Project lands will become more and more critical to our County's resilience. The Scottsmoor rural lands combine with the conservation lands to provide a first line of defense to mitigate the effects of sea level rise.

In conclusion, please vote NO on the requested rezoning and associated Comp Plan change on April 4th.

Thank you,

Mary Sphar

825 Cliftons Cove Ct.
Cocoa, FL 32926

From: fedexxit@aol.com
To: [Commissioner.D1](#); [Commissioner.D2](#); [Commissioner.D3](#); [Commissioner.D4](#); [Commissioner.D5](#)
Subject: KEEP SCOTTSMOOR RURAL!
Date: Tuesday, March 19, 2019 8:13:05 PM

Everything is getting too built up. We need green space! We need rural areas. Keep Scottsmoor as is!
Enough said!!

Marielle Marne & Steven Moore

From: [David Laney](#)
To: [Commissioner, D4](#)
Subject: North Brevard Re-zoning Issue
Date: Friday, March 22, 2019 2:39:16 PM

Commissioner Smith,

We in Scottsmoor appreciate your taking the time to speak with us this morning. As you probably picked up from our conversation, we are passionate about protecting the community and the active rural agricultural lifestyle, while at the same time retaining the conservation aspects of the undeveloped environment.

The proposed residential development of a property in the last remaining section of rural Brevard County East of highway 1, a property that is bounded on all four sides by Conservation lands, is something that should sound alarms at all level.

Not only is our rural community and lifestyle threatened, but years of efforts by various Conservation entities such as The Nature Conservancy, Marine Resource Council IRL, and Environmentally Endangered Lands are at risk of being marginalized.

Thank you again for your time and consideration of our issue,

David Laney
Jerrad Adkins
Rose McGinnis

Commissioner, D1

From: JERRAD ATKINS <jer_rad@yahoo.com>
Sent: Tuesday, April 02, 2019 1:52 PM
To: Commissioner, D1
Cc: Commissioner, D3; Commissioner, D2; Commissioner, D4; Commissioner, D5
Subject: I oppose the rezoning of Joseph Brandon & Nikki Thomas in Scottsmoor
Attachments: BOCC Letter re Thomas Rezoning.docx

Please see attached letter regarding this agenda item for 4/4

Thanks,

Jerrad Atkins

Project Manager

(321) 432-1451 mobile

Commissioner,

My name is Jerrad Atkins and I have been a resident of the Scottsmeer community for 5 ½ years, along with my wife Alyssa and our 2 young sons. We relocated to Scottsmeer from Merritt Island because we wanted to buy more land and start a farm and raise our boys, Chase and Reily, in the country. Not wanting to leave Brevard County, of which we are both long-term residents, we chose Scottsmeer because of the rural nature it provides and because the AU zoning and 2.5 Acre per house minimum requirement, meaning limited and responsible development would maintain that rural nature.

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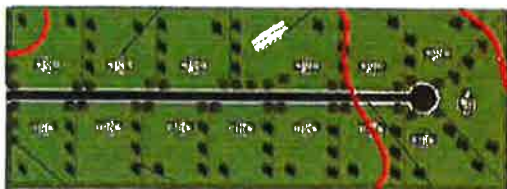
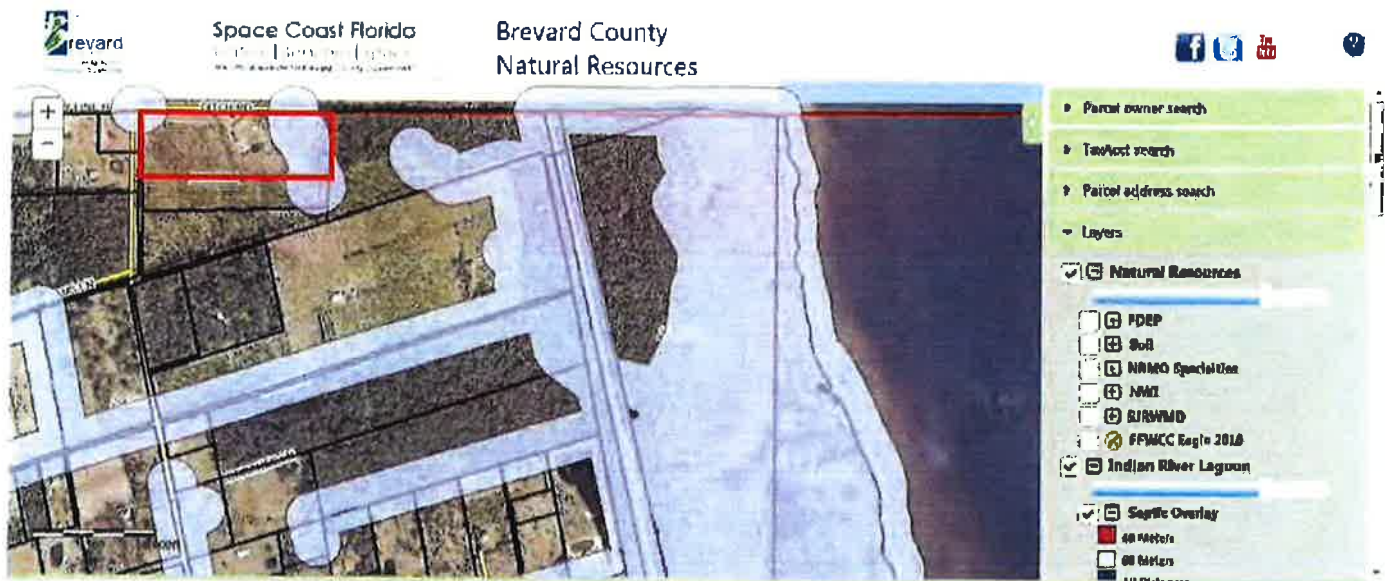
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<https://www.youtube.com/watch?v=quaaXooGsQk>

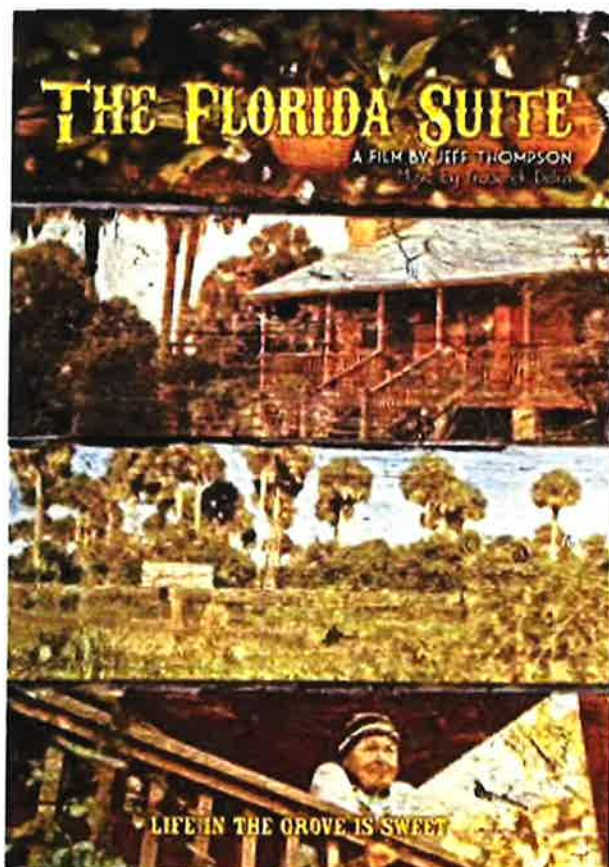
I intend to say my piece at the upcoming April 4 Commissioner meeting this Thursday evening, but with only 3 minutes available to me, I wanted to get these points across beforehand, in the likely event that I am unable to squeeze them in at the meeting. Please forgive me for the long-windedness of my statements, but as with many others in this community, I am very passionate about this matter.

Many thanks,

Jerrad S Atkins



Net effect to existing site plan proposal = up to (5) homes affected by additional septic restrictions



April 2, 2019

Commissioner John Tobia

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Scottsmoor

Dear **Commissioner Tobia**,

Google describes Scottsmoor as "an unincorporated community in the north end of Brevard County, Florida," which "is a farming community." Zillow is reporting zero houses for sale in Scottsmoor today, although land parcels were listed. How many communities do know that have no homes for sale? Things to do, as represented by Trip Advisor, is nil in Scottsmoor.

The purpose of this writing is to support of the families residing in Scottsmoor, Florida, and their way of life. Our son, Jerrad, daughter-in-law, Alyssa, and two young grandsons currently reside in Scottsmoor, along with their beef cows, dairy cows, goats, chickens, turkeys, rabbits, dogs, and cat. Their homestead provides a safe environment to raise their sons and teach them how to use the land responsibly, along with raising farm animals. They chose the Scottsmoor area because of the wide-open spaces, neighborly character, untouched countryside, and innocent nature of the surroundings. The purpose of investing their life savings in the Scottsmoor neighborhood was to live near other family members without residing in a city proper, at the same time providing safety, security, and privacy to their household.

We understand some folks are interested in rezoning part of the area from AU to RR1, which is concerning to those seeking to maintain their family's current lifestyle. A second generation native of Florida, born and raised in the Central Florida area, I am all too familiar with community growth and development. The pasture where my horses grazed is now a supermarket. The necessity for growth is completely understandable; however, this area of Brevard County is rural. Families that purchased property here did so because the zoning limited the density to certain size parcels of land, which is why they invested their hard earned money in Scottsmoor. These individuals appreciate, love, care for the land where they reside. To entertain altering zoning in this area, is a step toward allowing others to increase the density landscape of the area and lose the quaint culture that has grown in the small town. Thank you for taking the time to consider our view. Please do not change the zoning in this area.

Warm regards,

Phillip G. MacIntyre
Lori M. MacIntyre
DAD AND MOM

321.431.6604

Sirfer59@aol.com

LORI MACINTYRE



Commissioner, D1

From: MacIntyre, Lori (EOIR) <Lori.MacIntyre@usdoj.gov>
Sent: Tuesday, April 02, 2019 7:41 PM
To: Commissioner, D1
Subject: Letter in support of Scottsmoor Families
Attachments: Pritchett.Scottsmoor Letter.April 2 2019.docx

Categories: AMY

Thank you for taking the time to read our letter.

April 2, 2019

Commissioner Rita Pritchett

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Scottsmoor

Dear **Commissioner Pritchett**,

Google describes Scottsmoor as "an unincorporated community in the north end of Brevard County, Florida," which "is a farming community." Zillow is reporting zero houses for sale in Scottsmoor today, although land parcels were listed. How many communities do know that have no homes for sale? Things to do, as represented by Trip Advisor, is nil in Scottsmoor.

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Warm regards,

Phillip G. MacIntyre

Lori M. MacIntyre
DAD AND MOM

321.431.6604

Sirfer59@aol.com

LORI MACINTYRE

Craddock, Amy

From: County Commissioner District 1 <BEACH.ADMIN@Brevardcounty.us>
Sent: Wednesday, April 03, 2019 10:45 AM
To: Craddock, Amy
Subject: Phone Log - Delbert Link/543 Allen Street Mi...

[County Commissioner District 1](#)

Delbert Link/543 Allen Street Mi... has been added

[Modify my alert settings](#) [View Delbert Link/543 Allen Street Mi...](#) [View Phone Log](#) [Mobile View](#)

Name/Company: Delbert Link/543 Allen Street Mims 32754

Phone Number: 321-321-383-8871

Date/Time Call Received: 4/3/2019 10:40 AM

Purpose of Call: Mr. Link called to express is disapproval of the rezoning request in Scottsmoor. He signed a petition that he is against the rezoning and will be attending the meeting on 4/4/19.

Follow Up Needed: Amy Craddock

Date Received: 4/3/2019

Last Modified: 4/3/2019 10:44 AM by Mosellina Chen

*denied**H.5*

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTH SMALL SCALE PLAN AMENDMENT OF 2019, 19S.03, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2019 as Plan Amendment 19S.03; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 19S.03; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on February 11, 2019, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 19S.03, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on April 4, 2019, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 19S.03; and

WHEREAS, Plan Amendment 19S.03 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 19S.03 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 19S.03 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 19S.03, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this ____ day of _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Kristine Isnardi, Chair

As approved by the Board on _____, 2019.

EXHIBIT A
19S.03 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

- 1. Proposed Future Land Use Map**

EXHIBIT B
FINDINGS OF FACT

Contents

1. Legal Description

AD#3346776, 1/24/2019
NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, FEBRUARY 11, 2019, and THURSDAY, MARCH 7, 2019. Items 1 and 2 are North Merritt Island Dependent Special District Board items. DISTRICT 13, (18P200145) - MANDALAJOE TAYLOR - requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Tract 8, Block 16, Canaveral Groves Unrecorded Subdivision, as filed in Survey Book 2, Page 55, of the Public Records of Brevard County, Florida. Section 33, Township 23, Range 35, (2.38 acres) Located on the east side of Florida Palm Ave., approx. 0.18 miles north of Arca Palm St. (5125 Florida Palm Ave., Cocoa) 4, (18P200147) WILLIAM EMMONS AND LAURIE TURNER - request a change of zoning classification from RU-1-7 (Single-Family Residential) to SR (Suburban Residential), on property described as Tax Parcel 501, as recorded in ORB 8178, Page 868, of the Public Records of Brevard County, Florida. Section 17, Township 21, Range 35, (0.81 acres) Located on the east side of N. Singleton Ave., approx. 165 ft. north of Parker St. (2295 N. Singleton Ave. Mims) 5, (18P200150) JAMES AND JENNIFER MUTTER - request a change of zoning classification from GU (General Use) and RU-1-13 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Commercial), on property described as Lot 17, Block 1, Spruce Hills Subdivision, as recorded in ORB 8249, Pages 2609 - 2610, of the Public Records of Brevard County, Florida. Section 13, Township 21, Range 34, (1.15 acres) Located on the north side of W. Main St., approx. 145 ft. west of Holder Rd. (4218 W. Main St., Mims) 6, (18P200153) JOSEPH BRANDON AND NIKKI THOMAS request a Small Scale Comprehensive Plan Amendment (195.03) from RES 1 (Residential 1) and RES 1-2.5 (Residential 1-2.5), to all RES 1, on property described as the most eastern end of Lots A & B, Block 1, Tull & Paxtons Subdivision, as recorded in ORB 6692, Pages 1049 - 1050, of the Public Records of Brevard County, Florida, extending 235 ft. from east to west along the north property line, and 278 ft. from east to west along the south property line. Section 39, Township 20G, Range 35, (3.15 +/- acres) located on the southeast corner of County Line Rd. and Dixie Way. (6705 Dixie Way, Mims) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 195.03: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. 7, (18P200154) JOSEPH BRANDON AND NIKKI THOMAS request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Lots A & B, Block 1, Tull & Paxtons Subdivision, as recorded in ORB 6692, Pages 1049 - 1050, of the Public Records of Brevard County, Florida. Section 39, Township 20G, Range 35, (19.75 acres) Located on the southeast corner of County Line Rd. and Dixie Way. (6705 Dixie Way, Mims) 8, (18P200156) M&R UNITED, INC. - (Carminne Ferraro) requests a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcels 7 & 8, as recorded in ORB 7737, Pages 317-320,

of the Public Records of Brevard County, Florida; and the east 662.87 ft. of Lot 149 in Section 15, Cocoa-Indian River Properties, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records of Brevard County, Florida. Section 15, Township 23, Range 35, (13.27 acres) Located on the west side of Grissom Pkwy., between Cinnamon Fern Blvd. and Ranch Rd. (No assigned address. In the Cocoa area.) DISTRICT 2, 9, (18P200159) BARBARA J. AND JOSEPH J. TULSKIE, JR. - (Rodney Honeycutt) request removal of an existing BDP (Binding Development Plan), and a CUP (Conditional Use Permit) for a Temporary Security Trailer, on property described as Lot 1, Block D, Merritt Winter Homes Development Subdivision, as recorded in ORB 8210, Pages 319 - 320, of the Public Records of Brevard County, Florida; and Lot 3, Block D, Merritt Winter Homes Development Subdivision, as recorded in ORB 8203, Pages 2720 - 2721, of the Public Records of Brevard County, Florida. Section 35, Township 24, Range 36, (1.55 acres) Located on the southeast corner of Tangerine Ave. and N. Tropical Trail. (Lot 1 = 140 N. Tropical Trail, Merritt Island; Lot 3 = No assigned address) 10, (18P200160) JOHN L. JACKSON, TRUSTEE - (Bruce Moia) requests a Small Scale Comprehensive Plan Amendment, 195.04, to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial) to all CC, on property described as follows: Being a parcel of land located in Section 13, Township 21S, Range 34E, Brevard County, Florida, and being a portion of a parcel of land conveyed by deed to John L. Jackson, Jr. Trustee et al, as recorded in Deed Book 6133, Page 2745, of the Public Records of Brevard County, Florida. Being more particularly described as follows: Begin at the east 1/4 corner of Section 13, thence westerly along the 1/4

section 588deg33'57"W, a distance of 2,344.11 ft., thence leaving said quarter section line N01deg26'03"W, a distance of 59.52 ft. to a point on the northerly right-of-way of S.R. 46 as shown on the right-of-way map for S.R. 9 (Interstate 95), Brevard County, Section 70225, Fed Project Number 0953-11-1, said point being the point of beginning and being more particularly described as follows: thence along the north right-of-way of S.R. 46 the following three (3) courses: 1.) 588deg33'22"W, a distance of 114.08 ft.; 2.) S01deg26'38"E, a distance of 26.02 ft.; 3.) 588deg32'35"W, a distance of 346.42 ft.; thence leaving the right-of-way of S.R. 46 N00deg26'59"W, a distance of 1,034.89 ft., to the south line of FDOT drainage pond property, thence along the south line of said FDOT property the following two (2) courses: 1.) N88deg23'24"E, a distance of 287.39 ft.; 2.) S58deg03'46"E, a distance of 618.08 ft. to the east line of described property; thence S00deg58'29"E, a distance of 317 ft.; thence S89deg05'30"W, a distance of 352.21 ft.; thence S00deg26'59"E, a distance of 355.76 ft. to the point of beginning. Less and except that portion which is already CC (Community Commercial), (3.28 acres). Located on the north side of S.R. 46, approx. 0.2 mile west of the I-95 and S.R. 46 interchange. (No assigned address. In the Mims area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 195.04: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. 11, (18P200161) JOHN L. JACKSON, TRUSTEE - (Bruce Moia) requests a change of zoning classification from GU (General Use), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2, on property described as follows: Being a parcel of land located in Section 13, Township 21S, Range 34E, Brevard County, Florida, and being a portion of a parcel of land conveyed by deed to John L. Jackson, Jr. Trustee, et al, as recorded in Deed Book 6133, Page 2745, of the Public Records of Brevard County, Florida, being more particularly described as follows: Begin at the east 1/4 corner of Section 13, thence westerly along the 1/4 section 588deg33'57"W, a distance of 2,344.11 ft.; thence leaving said 1/4 section line N01deg26'03"W, a distance of 59.52 ft. to a point on the northerly right-of-way of S.R. 46 as shown on the right-of-way map for S.R. 9 (I-95), Brevard County, Section 70225, Fed Project No. 0953-11-1, said point being the point of beginning and being more particularly described as follows: Thence along the north right-of-way of S.R. 46 the following three (3) courses: 1.) 588deg33'22"W, a distance of 114.08 ft.; 2.) S01deg26'38"E, a distance of 26.02 ft.; 3.) 588deg32'35"W, a distance of 346.42 ft.; thence leaving the right-of-

way of S.R. 46 N00deg26'59" vv, a distance of 1,034.89 ft., to the south line of Florida Department of Transportation (FDOT) drainage pond property, thence along the south line of said FDOT property the following two (2) courses: 1.) N88deg23'24"E, a distance of 287.39 ft.; 2.) S58deg03'46"E, a distance of 618.08 ft. to the east line of described property; thence S00deg58'29"E, a distance of 317 ft.; thence S89deg05'30"W, a distance of 352.21 ft.; thence S00deg26'59"E, a distance of 355.76 ft., to the point of beginning. AND further described as follows: Being a parcel of land located in Section 13, Township 21S, Range 34 E, Brevard County, Florida, and being a portion of a parcel of land conveyed by deed to John L. Jackson, Jr. Trustee, et al, as recorded in Deed Book 6133, Page 2745, of the Public Records of Brevard County, Florida, being more particularly described as follows: Begin at the east 1/4 corner of Section 13, thence westerly along the 1/4 section 588deg33'57"W, a distance of 2,188.63 ft.; thence leaving said 1/4 section line N01deg26'03"W, a distance of 59.54 ft. to a point on the northerly right-of-way of S.R. 46 as shown on the right-of-way map for S.R. 9 (I-95), Brevard County, Section 70225, Fed Project No. 0953-11-1, said point being the point of beginning and being more particularly described as follows: Thence along the north right-of-way of S.R. 46 588deg33'22"W, a distance of 155.48 ft.; thence leaving the right-of-way of S.R. 46 N00deg26'59"W, a distance of 355.76 ft.; thence N89deg05'30"E, a distance of 352.21 ft.; thence south 00deg58'29"E, a distance of 152.42 ft. to the north line of property owned by East Coast Petro, Inc.; thence along said north line 588deg33'22"W, a distance of 200 ft. to the west line of said property; thence leaving said north line S00deg58'29"E, a distance of 200 ft. to the point of beginning. 16.4 +/- acres. Located on the north side of S.R. 46, approx. 0.2 mile west of the I-95 and S.R. 46 interchange. (No assigned address. In the Mims area.) 12, (18P200162) BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS - (Tim Lawry) requests a change of zoning classification from BU-1 (General Retail Commercial) and IU (Light Industrial) to GML(H) (Government Managed Lands - High Intensity), with removal of BDP (Binding Development Plan) on IU portion only, on property described as Tax Parcel 520, as recorded in ORB 7544, Pages 553 - 555, of the Public Records of Brevard County, Florida; and Tax Parcel 529, as recorded in ORB 4563, Pages 1249 - 1250, of the Public Records of Brevard County, Florida. Section 19, Township 26, Range 37, (6 acres) Located on the southwest corner of Pineda Causeway and the Florida East Coast Railroad right-of-way. (2905/2915/2925 Pineda Cswy, Melbourne) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, FEBRUARY 11, 2019, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, MARCH 7, 2019, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the

proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, Per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator II.

ORDINANCE NO. 19-__

H.5.
denied

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTH SMALL SCALE PLAN AMENDMENT OF 2019, 19S.03, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2019 as Plan Amendment 19S.03; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 19S.03; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on February 11, 2019, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 19S.03, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on April 4, 2019, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 19S.03; and

WHEREAS, Plan Amendment 19S.03 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 19S.03 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 19S.03 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 19S.03, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this ____ day of _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Kristine Isnardi, Chair

As approved by the Board on _____, 2019.

EXHIBIT A
19S.03 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

EXHIBIT B
FINDINGS OF FACT

Contents

1. Legal Description

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following applications on **THURSDAY, MARCH 7, 2019**. Items 1 and 2 are North Merritt Island Dependent Special District Board items. **DISTRICT 1, 3. (1BP200145) – MAN-DA LAJOIE TAYLOR** – requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), as shown on Tract 8, Block 1, 16, Canaveral Groves Unit 1, subdivision, as filed in Survey Book 2, Page 5 of the Public Records of Brevard County, Florida. Section 33, Township 23, Range 35. (2.38 acres) Located on the east side of the Florida Palm Ave., approx. 0.18 miles north of Area Palm St. (5125 Florida Ave., Cocoa, FL. (1BP200147) WILLIAM ENGLISH and JENNIFER MUTTER request a change of zoning classification from RU-1-7 (Single-Family Residential) to SR (Suburban Residential), on property described as Tax Parcel 501, as recorded in ORB 8178, Page 868, of the Public Records of Brevard County, Florida. Section 17, Township 21, Range 35. (0.81 acres) Located on the east side of N. Singleton Ave. opposite the north end of Parker St. (2295 N. Singleton Ave., Mims) 5. (1BP200150) JAMES AND JENNIFER MUTTER – request a change of zoning classification from GU (General Use) and RU-1-13 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Commercial), on property described as Lot 1, Block 1, of the Hills Subdivision, as recorded in ORB 8249, Pages 160 – 2610, of the Public Records of Brevard County, Florida. Section 13, Township 21, Range 34. (1.15 acres) Located on the north side of W. Main St., approx. 145 ft. west of Holder Rd. (4218 W. Main St., Mims) 6. (1BP200153) JOSEPH BRANDON MIKKI THOMAS request a Small Scale Comprehensive Plan Amendment (195.03) from RES 1 (Residential 1:2.5) to RES 1.2-5 (Residential 1:2.5), to all RES 1, on property described as the most eastern end of Lots A & B, Block 1, Tull & Paxtons Subdivision, as recorded in ORB 6692, Pages 1049 – 1050, of the Public Records of Brevard County, Florida, except Sections 235 to 240, east to west along the north property line, and Sections 241 to 246, east to west along the south property line. Section 39, Township 20G, Range 35. (3.15 +/- acres) located on the southeast corner of County Line Rd. and Dixie Way. (6705 Dixie Way, Mims) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment 195.03. The ordinance is amending Article III, Chapter 62 of the Code of Ordinances of Brevard County, entitled “The Comprehensive Plan”, amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Element and Future Land Use Element amendment to make any provisions which require amendment to maintain consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. (1BP200154) JOSEPH BRANDON AND MIKKI THOMAS request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Lots A & B, Block 1, Tull & Paxtons Subdivision, as recorded in ORB 6692, Pages 1049 – 1050, of the Public Records of Brevard County, Florida. Section 39, Township 20G, range 35. (19.75 acres) Located on the southeast corner of County Line Rd. and Dixie Way. (6705 Dixie Way, Mims) 8. (1BP200156) M&R UNITED, INC. – (Carminville) request a change of zoning classification from BU-2 (Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcels 7 & 8, as recorded in ORB 7737, Pages 317-320.

of the Public Records of Brevard County, Florida; and the east 662.87 ft. of Lot 149 in Section 15, Cocoa-Indian River Properties, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records of Brevard County, Florida; Section 23, Range 36, Township 35, (13.27 acres) Located on the west side of Grissom Pkwy., between Cinnamon Fern Blvd. and Ranch Rd. (No assigned address. In the Cocoa area.) DISTRICT 2.9 (18P20159) BARBARA J. JACKSON, JR. (Rodney Jackson, Honeycutt) request removal of existing BDP (Binding Development Plan), and a CUP (Conditional Use Permit) for a Temporary Security Trailer, on property described as Lot 1, Block D, Merritt Winter Homes Development Subdivision, as recorded in ORB 8210, Pages 319-320, of the Public Records of Brevard County, Florida; and Lot 1, Block D, Merritt Winter Homes Development Subdivision, as recorded in ORB 8203, Pages 2720 - 2721, of the Public Records of Brevard County, Florida; Section 35, Township 24, Range 36, (1.55 acres) Located on the southeast corner of Tangerine Blvd. and 140 N. Tropical Trail, Merritt Island; Lot 3 = No assigned address) 10. (18P20160) JOHN L. JACKSON, TRUSTEE - (Bruce Mola) requests a Small Scale Comprehensive Plan Amendment, 195.04, to change the Future Land Use designation from "Neighborhood Commercial" and CC (Community Center) to "Community Center" and CC, on property described as follows: Being a parcel of land located in Section 13, Township 21S, Range 34E, Brevard County, Florida; and being a portion of a parcel of land conveyed by deed to John L. Jackson, Jr. Trustee et al, as recorded in Plat Book 10, Page 10, of the Public Records of Brevard County, Florida; Being more particularly described as follows: Begin at the east 1/4 corner of Section 13, thence westerly along the

section 588deg33'57"W, a distance of 2,344.11 ft.; thence leaving said quarter section line N01deg26'03"W, a distance of 59.52 ft. to a point on the northerly right-of-way of S.R. 46 as shown on the right-of-way map for S.R. 9 (Interstate 95), Brevard County, Section 70225, Fed. Project No. 0953-11-1, said point being the point of beginning and being more particularly described as follows: thence along the north right-of-way of S.R. 46 the following three (3) courses: 1.) S88deg33'22"W, a distance of 114.08 ft.; 2.) S01deg26'38"E, a distance of 26.02 ft.; 3.) S88deg33'35"W, a distance of 346.42 ft.; thence leaving the right-of-way of S.R. 46 N00deg26'59"W, a distance of 1,034.89 ft. to the south line of FDOT drainage pond property; thence along the south line of said FDOT property the following two (2) courses: 1.) N88deg33'24"E, a distance of 287.39 ft.; 2.) S58deg30'46"E, a distance of 618.08 ft.; thence S00deg58'29"E, a distance of 317 ft.; thence S8deg50'30"W, a distance of 352.21 ft.; thence S00deg26'59"E, a distance of 355.76 ft. to the point of beginning. Less and except that portion which is already CC (Community Commercial), (3.28 acres). Located on the north side of U.S. Highway 92, Brevard County, Florida, and S.R. 46 interchange. (No assigned address in the Mlms area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 195.04: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, Florida, to amend Article III, Chapter 62, amending Section 62-501, entitled: Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing that the amendments shall be effective to, and providing an effective date: 11. (18PZ00161) JOHN JACKSON, TRUSTEE (Bruce Mola) requests a change of zoning classification from GU (General Use), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial) to S-1 (Single-Family Residential) as follows: Being a parcel of land located in Section 13, Township 21S, Range 34 East, Brevard County, Florida, and being a portion of a parcel of land conveyed by deed to John L. Jackson, Jr., Trustee, et al, as recorded in Deed Book 6133, Page 2745, of the Public Records of Brevard County, Florida, said property more particularly described as follows: Begin at the east ¼ corner of Section 13, thence westerly along the ¼ section line S88deg33'57"W, a distance of 2,344.11 ft.; thence leaving said ¼ section line N01deg26'03"W, a distance of 59.52 ft. to a point on the northerly right-of-way of S.R. 46 as shown on the right-of-way map for S.R. 9 (Interstate 95), Brevard County, Section 70225, FED Project No. 0953-11-1, said point being the point of beginning and being more particularly described as follows: Thence along the north right-of-way of S.R. 46 the following three (3) courses: 1.) S88deg33'22"W, a distance of 114.08 ft.; 2.) S01deg26'38"E, a distance of 26.02 ft.; 3.) S88deg33'35"W, a distance of 346.42 ft.; thence leaving the right-of-

way of S. 46 N00deg26'59" W, a distance of 1,034.89 ft., to the south line of Florida Department of Transportation (FDOT) drainage pond property; thence along the south line of said FDOT property the following two (2) courses: 1) N88deg23'24"E, a distance of 21.46 ft. to the east line of described property; thence S00deg58'29"E, a distance of 317 ft.; thence S85deg05'30"W, a distance of 352.21 ft.; thence S00deg26'59"W, a distance of 355.76 ft., to the point of beginning. AND further described as follows: The subject land located in Section 13, Township 25, Range 34 E, Brevard County, Florida, and being a portion of a parcel of land conveyed by deed to John L. Jackson, Jr., Trustee, et al, as recorded in Deed Book 6133, Page 2745, of the Public Records of Brevard County, Florida, and being more particularly described as follows: Begin at the east ¼ corner of Section 13, thence westerly along the ¼ section S88deg23'57"W, a distance of 2,188.63 ft.; thence leaving said ¼ section line N01deg26'03"W, a distance of 59.54 ft. to a point of the northerly right-of-way map for S.R. 46 N01deg26'59"W, a distance of 355.76 ft. (I-95), Brevard County, Section 70225, FED Project No. 0953-11-1, said point being the point of beginning and being more particularly described as follows: Thence along the north right-of-way of S.R. 46 S88deg23'22"W, a distance of 150.42 ft.; thence leaving the right-of-way of S.R. 46 N00deg26'59"W, a distance of 355.76 ft.; thence N89deg05'20"E, a distance of 352.21 ft.; thence south 00deg58'29"E, a distance of 152.42 ft. to the north line of property owned by East Coast Petro, Inc., thence along the north line of property S88deg23'22"W, a distance of 200 ft. to the west line of said property; thence leaving said north line S00deg58'29"E, a distance of 200 ft. to the point of beginning. 16.4 +/- acres. Located on the north side of S.R. 46, approx. 0.2 mile west of the intersection of S.R. 46 and U.S. 90, at the address in the Mims area.)

12. (18P200162) BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS - (Tim Lawry) requests a change of zoning classification from BU-1 (General Retail Commercial) and IU (Light Industrial) to GML(IU) (Government Managed and Light Industrial) and the creation of a BDP (Binding Development Plan) on IU portion only, on property described as Tax Parcel 520, as recorded in ORB 7544, Pages 553 - 555, of the Public Records of Brevard County, Florida; and Tax Parcel 529, as recorded in ORB 4563, Pages 124 - 125, of the Public Records of Brevard County, Florida. Section 19, Township 26, Range 37, (6 acres) Located on the southwest corner of Pineda Causeway and the Florida East Coast Railroad right-of-way. (2905/2915/2925 Pineda Cswy., Melbourne) Public Hearing before the Planning and Zoning Board (Brevard County Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, FEBRUARY 11, 2019, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, MARCH 7, 2019, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered by the Board of County Commissioners, such person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the

proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities are encouraged to participate in this proceeding. Persons with disabilities should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, P.O. Box 1600, Palmdale, FL 32909. For more information, contact: Special Projects Coordinator, Mr. J. J. Jones, Jr., at 633-2069.

TO CLERK

D2 Disclosures for 04/04/19 BOCC Meeting (P&Z agenda items)

Public Hearing Items #5 and #6 (Scottsmoor, Joseph Brandon/Nikki Thomas)

- On Mar 11, 2019, the D2 Office received an email from Rose McGinnis (3734 Huntington Ave, Scottsmoor), who expressed her opposition to the proposal.
- On Mar 13, 2019, the D2 Office received an email from Melanie Lorenti (3108 Coral Ave, Mims), who expressed her opposition to the proposal.
- On Mar 14 and Mar 17, 2019, the D2 Office received emails from Ronald Bartcher (3431 Grantline Rd, Mims), who expressed his objection to the proposal
- On Mar 14, 2019, the D2 Office received an email from David Laney (3800 Sams Ln, Scottsmoor), who expressed his concerns about the proposal.
- On Mar 16, 2019, the D2 Office received an email from David Botto (Indian Harbour Beach), who expressed his opposition to the proposal.
- On Mar 18, 2019, the D2 Office received and email from Rachel Burke (6010 Dixie Way, Scottsmoor), who expressed her opposition to the proposal.
- On Mar 18, 2019, the D2 Office received an email from Maureen Rupe, who expressed her concerns about the proposal.
- On Mar 19, 2019, the D2 Office received an email from Marielle Marne and Steven Moore opposing the proposal.
- On Mar 27, 2019, the D2 Office received an email from Mary Sphar (825 Clifton Coves Ct, Cocoa), who expressed her opposition to the proposal.
- On Mar 27, 2019, Commissioner Lober (phone) and staff (in person) met with Scottsmoor area residents David Laney, Rose McGinnis and Jerrad Atkins, who expressed their concerns with the proposal

- On Mar 30, 2019, the D2 Office received an email from Leesa Souto of the Marine Resources Council, who expressed her concerns about the proposal.
- On Mar 31, 2019, the D2 Office received an email from Maxine Ziemann (3465 Sunste Ave, Scottsmeer), who expressed her opposition to the proposal.
- On April 1, 2019, the D2 Office received a letter from the Scottsmeer Community Association, opposing the proposal.
- On April 2, 2019, the D2 Office received an email from Kathy Ceballos (6045 Oak St, Scottsmeer), who expressed her opposition to the proposal.
- On April 2, 2019, the D2 Office received an email from Jerrad Atkins (Phone #321-432-1451), opposing the proposal.
- On April 3, 2019, the D2 Office received an email from Philip & Lori MacIntyre (Phone #321-431-6604), opposing the proposal.
- On April 4, 2019, the D2 Office received an email from Morgan MacIntyre, opposing the proposal.

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- On Mar 30, 2019, the D2 Office received an email from Leesa Souto of the Marine Resources Council, who expressed her concerns about the proposal.
- On Mar 31, 2019, the D2 Office received an email from Maxine Zieman (3465 Sunste Ave, Scottsmoor), who expressed her opposition to the proposal.
- On April 1, 2019, the D2 Office received a letter from the Scottsmoor Community Association, opposing the proposal.
- On April 2, 2019, the D2 Office received an email from Kathy Ceballos (6045 Oak St, Scottsmoor), who expressed her opposition to the proposal.
- On April 2, 2019, the D2 Office received an email from Jerrad Atkins (Phone #321-432-1451), opposing the proposal.
- On April 3, 2019, the D2 Office received an email from Philip & Lori MacIntyre (Phone #321-431-6604), opposing the proposal.
- On April 4, 2019, the D2 Office received an email from Morgan MacIntyre, opposing the proposal.

Public Hearing Item #7 (Merritt Island, Clark and Patricia Simms)

- On Mar 20, 2019, Commissioner Lober met with Susan and Lindsey Johnson (520 Timuquana Dr), who expressed their concerns about the proposal.
- On Mar 23, 2019, the D2 Office received an email from Bill Heink (685 Timuquana Dr), who expressed his concerns about the proposal.

Van, Fritz

From: fedexit@aol.com
Sent: Tuesday, March 19, 2019 8:13 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: KEEP SCOTTSMOOR RURAL!
Categories: Oppose Item/Policy, Bills & Agenda Items

Everything is getting too built up. We need green space! We need rural areas. Keep Scottsmoor as is! Enough said!!

Marielle Marne & Steven Moore

Van, Fritz

From: Ronald Bartcher <bartcher@cfl.rr.com>
Sent: Thursday, March 14, 2019 8:50 PM
To: Ronald Bartcher
Subject: Zoning change north of Scottsmoor

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Oppose Item/Policy, Bills & Agenda Items

Dear Commissioner:

I was greatly disappointed on Monday, March 11, 2019, when the P&Z Advisory Board narrowly voted to recommend approval of a zoning change on 19.75 acres north of Scottsmoor, located at 6705 Dixie Way.

I am writing to you because the concerns of the Scottsmoor residents are my very same concerns. I live halfway between Mims and Scottsmoor and I want to keep this quiet, rural area of North Brevard as is.

I believe that some members of the Advisory Board were swayed to vote for this change because the developer agreed to put in the new high-performance septic tanks. However, this property is about 3700 feet west of the lagoon and any septic tank that far away will not contribute any measurable amount of pollution to the lagoon. The science on this is clear. Thus, the Board created a solution to a problem that doesn't exist. Even worse, the vote was not based on relevant information.

In voting for this change the Board is actually creating a larger pollution problem than exists with the current zoning. We heard testimony from residents that there is runoff from properties in that area and that the ditches have water flowing to the lagoon, even in the dry season. However, because this property is not an active agriculture area, it is essentially vacant land. There is virtually no fertilizer in that runoff. By allowing a higher density of smaller residential lots, there will be runoff containing more yard fertilizer and grass clippings going into the ditches and into the water that flows straight into the lagoon. The developer is only obligated to not increase the runoff; he is under no obligation to decrease existing runoff. Thus, development will not decrease the pollution of the Indian River Lagoon.

It appeared to me that the Board ignored the highly significant issue of compatibility with the surrounding property. This property is directly across the road from property in Volusia county that has been set aside as a Conservation Easement. In addition, just a short distance southwest of this property is a large parcel of Conservation Easement property. Furthermore, immediately to the east is property that is part of the Indian River Lagoon Blueway Florida Forever Project. The subject property is almost surrounded by property that is specifically designated to avoid development. Having a higher density development next to Conservation Easement properties is most certainly not compatible.

In addition to these three objective issues, there are also two subjective issues that, I believe, explain why the P&Z meeting room was filled with residents objecting to this rezoning. First, residents are concerned, and rightly so, that their wells will have problems. More development certainly means more people competing for the limited amount of potable water. The residents testified that some of them have already seen problems

Van, Fritz

From: Ronald Bartcher <bartcher@cfl.rr.com>
Sent: Sunday, March 17, 2019 7:34 PM
To: Ronald Bartcher
Subject: Land Use Change For Scottsmoor

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Oppose Item/Policy, Bills & Agenda Items

Dear Commissioner:

I object to the Future Land Use change that is being considered for Joseph Brandon and Nikki Thomas' property on County Line Ditch Road, north of Scottsmoor.

In 2008, following the Brevard County Commission's acceptance of the Mims Small Area Study, the County arbitrarily extended the dividing line between RES 1 and Res 1-2.5 Future Land Use from Flounder Creek Road north to the county line. Apparently, they used an arbitrary distance (of approximately 6500 feet) from US1 and just drew a line north to the county line. This arbitrary extension caused many properties to end up with two separate Future Land Uses. A more logical approach would have been to select a natural division line, such as the road Dixie Way, as the dividing line to avoid creating a problem for property owners.

An even more logical approach would have been to designate all property north of Scottsmoor, except for that facing US1, to have a Future Land Use of RES 1-2.5, since all that property is 2.5 acres or more. By using RES 1-2.5 Future Land Use, the County would have avoided creating a large area of Zoning/ Future Land Use inconsistencies, since virtually all this property is Zoned AU (which allows same density as RES 1-2.5).

One more thing to consider is that density, like beauty, is in the eye of the beholder. If a resident lives in a city, then one house per acre appears to be low density. To residents that live in this rural area of North Brevard, one house per acre is viewed as high density; one house per 2 ½ acres is medium density; and we would view one house per 20 acres as low density. This difference in perspective is important when considering Future Land Use changes. Future Land Use changes should not affect the residents in a negative manner. The residents of this area live here specifically because of what they perceive as low density. They have invested their money and located their families in this rural area of Brevard, and they rightly expect the Land Uses will continue to be compatible with their community values.

Please deny the Future Land Use change that is being considered for Joseph Brandon and Nikki Thomas' property on County Line Ditch Road, north of Scottsmoor.

Regards,
Ron Bartcher

Van, Fritz

From: David Laney <David.Laney@ucf.edu>
Sent: Thursday, March 14, 2019 9:55 AM
To: Commissioner, D2
Subject: North Brevard Zoning Threatens Florida Forever and Lagoon
Attachments: Easement Map with rezoning request.jpg

Good Morning Kika,
As we discussed on the phone, below is advance information for Commissioner Lober for our March 27th meeting.

My name is David Laney, I reside at 3800 Sams Lane, Scottsmoor, Florida. I'm writing to make you aware of an impending conservation crisis here in North Brevard County. Please take the time to read this.

My wife and I are the owners and Project Managers of Sams Hammock Conservation Area (please see attached map). We donated the conservation easement for this property to Brevard County Florida as a component of the Environmentally Endangered Lands (EEL's) with the assistance of The Nature Conservancy (TNC), National Resource Council(NRC), and others. Kierstyn Cox of TNC is very familiar with Sams Hammock

Currently there is a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres rezoned to RR 1, one home per acre. The referenced property is drawn in on the attached map.

This area of Brevard county is currently zoned AU, 1:2.5 , meaning a minimum of 2 1/2 acres per home. Just across the county line in Volusia County, the north side of the referenced property, there is no residential allowed due to its conservation designation. The remainder of the Volusia County side of County Line Ditch road going West from Dixie Way is zoned a minimum of 10 acres per home.

If the requested re-zoning is approved, by precedence, it will open the flood gates for re-zoning in this northern most area of Brevard County east of Highway 1. At the 11 March, 2019 Planning & Zoning meeting there were only two letters submitted supporting the re-zoning request while there were 157 property owners who signed the petition opposing it.

Each of the two letters submitted supporting the re-zoning were submitted by property owners/developers who want this zoning request approved so they, in turn, can rezone and develop large tracts of land immediately adjacent to the subject property, and other tracts in this immediate area abutting Florida Forever and Blueways properties.

As you will note, these properties at risk of being rezoned are the agricultural properties currently serving as Florida Forever and Blueways buffers, and a number of them are targeted as Florida Forever acquisitions. Currently these agricultural properties provide essential contiguous habitat for wildlife and forage for migrating birds.

To compound the negative aspects of this proposed re-zoning, all of these properties are directly inter-connected via open storm water drainage directly to the lagoon. Imagine the impact if 100's of acres of these agricultural properties are converted to residential.

Please take the time to consider the ramifications of this re-zoning if it were to be approved. Decades of effort to protect the Eastern side of the Indian River Lagoon in North Brevard County, while establishing effective contiguous Florida Forever wildlife habitat and corridors will have been for naught. I am not overstating this potential. Amazing how a section of property only 3 miles long North - South, and 1 1/2 miles wide East-West, can be such an absolutely essential component of much larger initiatives.

And I haven't even addressed the very real risk of salt water intrusion to the fragile superficial aquifer that is the sole source of potable water for residents in the area. That's a whole other issue, but very real.

If I can be of any further assistance, in any way, please contact me directly. Or you can contact our County and State Representatives listed below.

We in Scottsmoor will greatly appreciate any and all assistance you might provide in protecting this essential conservation enclave.

Sincerely,

Van, Fritz

From: dbotto1 <dbotto1@cfl.rr.com>
Sent: Saturday, March 16, 2019 1:52 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;
Commissioner, D5
Subject: Scottsmoor Re-zoning Proposal

Please refer to my E Mail dated March 10.

The subject zoning change, if approved, would be a glaring example of irresponsible land use management.
I respectfully urge you to reject this request.

David C. Botto
Indian Harbour beach
321 773 2327

Van, Fritz

From: rachelburke0325@gmail.com
Sent: Monday, March 18, 2019 7:40 PM
To: Commissioner, D2
Subject: RR1 Rezoning Scottsmoor

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Bills & Agenda Items

My name is Rachel Burke, my husband and I live at 6010 Dixie Way in Scottsmoor. Right down the road from the proposed RR1 rezoning. We live on a narrow dirt road that is impassable at times due to large trucks, flooding, or the road being in disrepair. On a normal day, two cars can not travel on this road next to one another. Rather, one car must pull up on the side of the road to yield to the oncoming traffic. We have well water that has declined substantially in quality since the cemetery was built. We have had to spend thousands of dollars on having our well re drilled and added reverse osmosis and a chlorinator just to have drinkable water. Salt intrusion is something we worry about with the expansion of the cemetery and each new home that is built. We live on 5 acres; as do all of our neighbors. Our area is currently zoned for agriculture; one home per 2.5 acres. All of our homes are like this. Please do not approve the rezoning for RR1. This would have an immense negative impact on our water and way of life. We all live here because we love the land and rural way of life. The RR1 would NOT match anything around it. Rather, a crowded eye sore. Please take into consideration what the community thinks. We greatly need your help in preventing this from being passed. Please vote no to rezoning.

Sent from my iPhone

Van, Fritz

From: Turtle Coast Sierra Club <turtlecoast@digital.net>
Sent: Wednesday, March 27, 2019 7:27 PM
To: Commissioner, D2
Subject: Proposed density increase in Scottsmoor on April 4th agenda

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Oppose Item/Policy, Bills & Agenda Items

Dear Commissioner Lober,

I am very concerned about the proposed zoning change from AU to RR-1 on 19.75 acres in Scottsmoor and the associated Comprehensive Plan change for 3.15 of those acres from RES 1:2.5 to RES 1. This agenda item will be heard by the Commission on April 4.

Scottsmoor is a very special rural area and increasing the density on the subject property would conflict with the community character. I attended the March 11th P&Z meeting for this item, where it was stated that the nearest property with a similar zoning for 1-acre lots was a mile away. From the P&Z minutes on the Brevard County website, page 13:

Bruce Moia – From the picture I have, everything around here is AU (Agricultural Residential), where is the closest zoning similar to what they're requesting?

Erin Sterk – I think it's more than a mile away.

Having attended all the local community workshops for the "How Shall We Grow?" visioning initiative several years ago, I believe that increasing density in this Scottsmoor area is exactly how we shouldn't grow! In fact, one of the 4 conclusions of that visioning exercise was captured under the Regional Growth Priority "Countryside", meaning "Maintaining Central Florida's heritage of agriculture and small villages." Additional information can be found on the East Central Florida Regional Planning Council website.

A much more appropriate place for North Brevard to grow is Titusville.

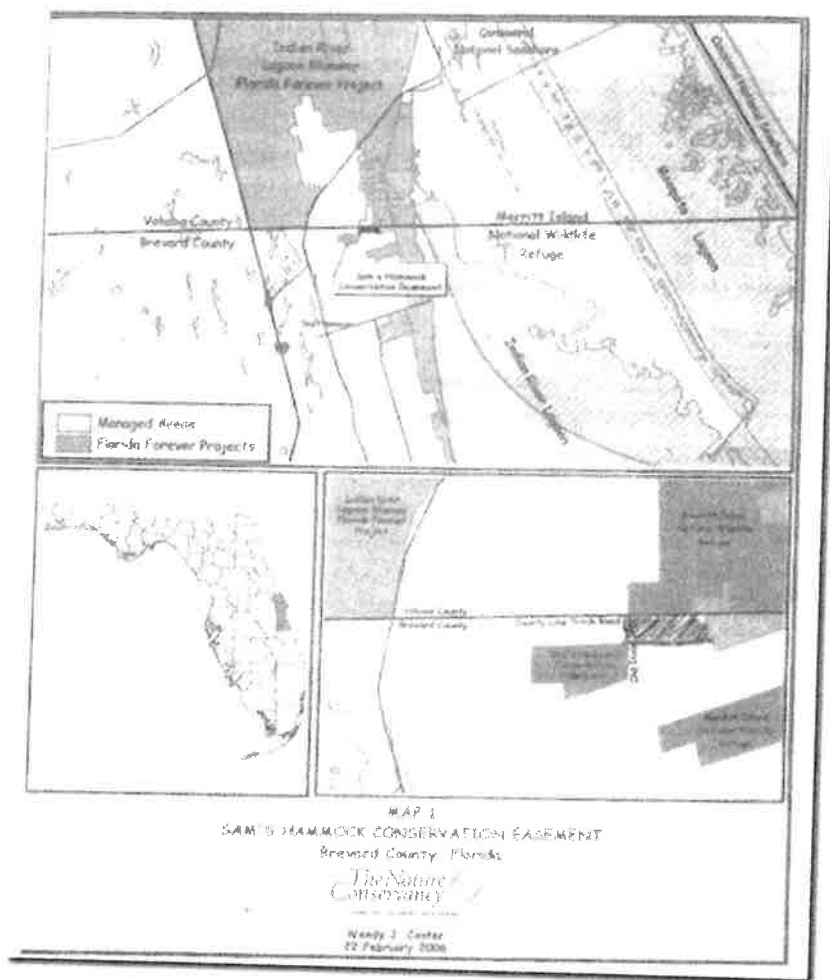
If this density increase is granted, a precedent will be established, allowing other nearby landowners to ask for the same density to build subdivisions that ignore community character and help destroy it.

In addition, the subject property is in an area with a network of conservation lands including the Indian River Lagoon Blueway Florida Forever Project, some parts of which have been purchased as public land and some that need to be acquired. Our Indian River Lagoon should be top priority!

I have recently been reviewing some sea level rise and resiliency documents from the East Central Florida Regional Planning Council that pertain to Brevard County, and have concluded that the Blueway Project lands will become more and more critical to our County's resilience. The Scottsmoor rural lands combine with the conservation lands to provide a first line of defense to mitigate the effects of sea level rise.

In conclusion, please vote NO on the requested rezoning and associated Comp Plan change on April 4th.

Thank you,



Has the County Commission thought about the damage it is doing by repeatedly increasing density around the lagoon and St John's River? Do the residents of Brevard County realize this increase in density is basically removing any positive effects our tax dollars are doing to restore the Indian River Lagoon? Shouldn't the county conduct a study on the effects the increased density is having on the Indian River Lagoon's water quality? .

Please do not allow this increase in density on our northern county borders. In addition, please conduct a study to find what harm is being done with continually increasing density. It is the minimum we should be doing whilst the rezones on Merritt Island continue, and septic tank Permits still being approved by the State. Thank you.

Sincerely,
Maureen Rupe
7185 Bright Ave
Port St John, 32927
321-639-6839

"One of the penalties for refusing to participate in government is that you end up being governed by your inferiors." - Plato

Van, Fritz

From: Maureen Rupe <rupe32927@earthlink.net>
Sent: Monday, March 18, 2019 9:57 AM
To: Commissioner, D4; Commissioner, D2; Commissioner, D1; Commissioner, D5; Commissioner, D3
Subject: re-zoning request 4 April, 2019 to have 19.75 acres rezoned to RR 1, one home per acre

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Oppose Item/Policy, Bills & Agenda Items

There is a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres rezoned to RR 1, one home per acre near the Volusia-Brevard County Line (see attached jpg).

The Brevard County Commission must at some time realize that increasing density along our Indian River Lagoon is detrimental to the work our residents are doing to try to fix the lagoon. The area in question must require septic systems due to not having sewer service anywhere close to the property. Septic Systems in this area is detrimental even at one per 10 acres. It would not even be the number of septic tanks you would be adding so close to our precious Indian River Lagoon, but any residential properties seems to be addicted to having grass on their lawns and public areas. Increasing density allows more nitrogen and phosphorus into the lagoon, as this area allows any contamination immediately into the lagoon's water shed.

Van, Fritz

From: Rose McGinnis <rose_is_morgans_grammie@yahoo.com>
Sent: Tuesday, March 12, 2019 2:39 PM
To: Commissioner, D2
Subject: Re: Rezoning change:

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Constituent Complaints

Thank you,
Yes we are meeting with her soon. I appreciate your response.
Thank you

On Monday, March 11, 2019, 11:24:17 PM EDT, Commissioner, D2 <D2.Commissioner@brevardfl.gov> wrote:

Ms. McGinnis:

When it comes to property matters, I almost always defer to the commissioner in whose district the project is located as he or she will have the greatest knowledge and expertise of the area. If you haven't yet reached out to Commissioner Rita Pritchett, please do so and see if she will meet with you. If you have her onboard, the chances are incredibly high, you'll have me as well.

Kind regards,

Bryan

From: Rose McGinnis <rose_is_morgans_grammie@yahoo.com>
Sent: Monday, March 11, 2019 9:09:29 PM
To: Commissioner, D2
Subject: Rezoning change:

Commissioner
Bryan Lober

I am a resident of North Brevard. Specifically, Scottsmoor. We are a rural community. And hope to remain a rural community. On April 4th agenda will be a rezoning request for Joseph Brandon and Nikki Thomas'. A VAST majority of our community is against this zone change. And after having some time to digest and understand the Future Land Use change they are proposing I am against this also. Frankly, I am surprised that an antiquated arbitrary map can give them the ability to change the dynamic of our community. Those who live out here have all complied with the current zoning of AU. Most of our community was not even aware of the Future Land Use from the 1980's that put a future land use of RR1 in that area. We also did not know that our corner of Brevard County was again overlooked when the county requested Small Community Land Use Studies from parts of unincorporated Brevard. Mims was ask to participate in such a study but it was ended at Flounder Creek Rd. Just South of Cape Canaveral National Cemetery in Scottsmoor.

A change in rating from AU to RR will result in a precedence being set and allow surrounding farmland to be sold with RR1 rating.

There is little rural life left along the Eastern Banks of the Indian River. We are it. Allowing the current rate of building to at least double would greatly impact our lifestyle.

We understand that 14 homes will not greatly impact our community, but the homes that will be built due to a new zoning precedence would adversely affect this community.

Please vote NO to allow this change in zoning.

Thank you
Rose McGinnis
3734 Huntington Ave
Scottsmoor, FL

Van, Fritz

From: Leesa Souto <Leesa@mrcirl.org>
Sent: Saturday, March 30, 2019 8:51 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: jimswann@cfl.rr.com; Duane DeFreese IRL Council; Bill Cox; Bo Platt; Bob Day; Dave Botto; Jim Moir; Ken Lindeman; Ken Tworoger; Lady Shirley Beirne; Mary Chapman-Mundt; Maureen Rupe; Paul Laura; Stephen E. Chalmers; Terry Casto
Subject: Please Deny Request to re-zone Brandon and Nikki Thomas property
Attachments: BOCC_Letter_Rezoning.pdf

March 30, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

SUBJ: Please Deny Request to re-zone Brandon and Nikki Thomas property

Dear Chairwoman Isnardi and Distinguished Members;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Indian River Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We have significant concerns with the subject re-zoning which contradicts the purposes of the Save our Lagoon Project Plan.

The subject property is adjacent to and a buffer for the Florida Forever Blueway Project, of which Brevard is a participating partner. It is part of a larger area of agriculture lands which are prime Florida Forever targets for conservation and preservation from development. Most importantly, the land drains directly into the lagoon. Approval of this request will open it for development and, by precedence, *will open the entire area for the same*. The result will be a disastrous loss of pervious, water storing land essential to the sustainability of our lagoon and add yet more polluting run-off from roofs, lawns and pavement as well as ultimately, more new sewer and septic needs. New development at this scale will amplify more muck and wastewater problems.

Considering the causes and effects of our present lagoon condition, approval of the subject density change request would be a serious mis-management of land use and lagoon use. We recommend that all such requests be shelved until a study of land use impact in the IRL basin be made. These development enabling changes come at a time when regional reports are focused on new challenges to Florida's waterways, water supplies and quality of life from more population growth, especially when magnified by real affects from a changing climate. We recommend that Brevard County and Municipalities adopt, in its entirety, the Low Impact Development (LID) concept endorsed by both US EPA and Florida's DEP and clearly presented in their web sites. The concept is founded on the critical need to increase pervious, water storing land and to reduce the destructive run-off loss of water, an increasingly valuable resource. We also invite you to review the Regional Resiliency Action Plan by the East-central Florida Regional Planning Council. We must look to the future.

The Marine Resources Council requests that you deny the subject re-zoning.

Respectfully,

Leesa Souto, Ph.D.
Executive Director
Marine Resources Council

Van, Fritz

From: mellorenti <mellorenti@yahoo.com>
Sent: Wednesday, March 13, 2019 12:26 PM
To: Commissioner, D2
Subject: Rezoning MISTAKE

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Constituent Complaints

Dear Bryan,

I truly hope you hear our small community of Scottsmoor's cry for help. We desperately gringe at the thought of a change in zoning. This is my families biggest fear! We chose this small community for the purpose of it being rural. My family and myself needed a slower pace of home life, living here has made my husband and three daughters so happy. Coming from an eggresivly over populated town of Port Orange who's commisioners have aloud the chaos to happen. I no longer feel the stress and burden of coming home. For once I enjoy driving home and up our beautiful road of fields and farm animals.

If this rezoning of 1 acre changes from 2.5 acre we feel is a terrible mistake and sadly will turn into what this community doesn't want as a hole. More people equals more crime! Please keep this community rural the way we chose it to be for a families!

Let's not give into the greed of a single person! This single person will effect thousands of residents in this community in my opinion odds of 1:1,00 do not make proper sense for this town.

Do not let our town become the greedy overpopulated crime ridden end of an era.

Keep Scottsmoor Rule!

Thank you kindly,
Melanie Lorenti, CPhT
3108 Coral Ave.Mims, FL 32754
386-212-9195

Sent via the Samsung Galaxy Note® 4, an AT&T 4G LTE smartphone

Van, Fritz

From: Max <maxinezieman@bellsouth.net>
Sent: Sunday, March 31, 2019 4:54 PM
To: D2.Commissioner@BrevardFL.gov
Subject: Rezoning of property in Scottsmeer

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Oppose Item/Policy, Bills & Agenda Items, Constituent Complaints

Commissioners Lober

I am sending this email in regards to the meeting on April 4th. At the end of February the Thomas' came to the Scottsmeer meeting hall to tell people what they had in mind for their 19.75 acres on Dixie Way and County Line Ditch Road.

Mr Thomas said something to the effect that they had lived in South Florida and found it to be getting to crazy and crowded for them. They came to our area and found that they liked the quiet and peaceful setting. But then in his next statement was he wanted to take his 19.75 acre property and put 14 houses on it. My comment to him was-so you want to bring the craziness that you left in South Florida to us in Scottsmeer. We don't want that kind of density in our area. We bought our property in 2005 because of the rural nature. I have horses and I like the open spaces in Scottsmeer. Please keep the zoning 2.5 AU.

Thanks,
Maxine Zieman
3465 Sunset Ave

Scottsmoor Community Association
3724 Magoon Ave.
Mims, FL 32754

Commissioner Bryan Lober
Merritt Island Service Complex
2575 North Courtenay Parkway Suite 200
Merritt Island, Florida 32953



Dear Commissioner Lober,

The Scottsmoor Community would like to thank you for taking the time to speak with three of our members regarding a proposed Small Area Plan change to the existing Brevard County Future Land Use Map, and the associated request to change the existing zoning on that 19.75 acres from AU 1:2.5, minimum 2.5 acres per home, to R:1, 1 home per acre. The subject property is the North East corner of Brevard County at the intersection of Dixie Way and County Line Ditch Road, Southeast corner. An aerial map of the affected rural residential Scottsmoor area is attached with this letter to better illustrate the rural nature of our Scottsmoor Community. Additionally, there is a map included to this package illustrating the the physical proximity of the parcel subject to the requested rezoning with respect to the designated dedicated conservation properties surrounding it.

As our members Rose McGinnis, Jerrad Adkins, and David Laney conveyed to you, the Scottsmoor Community Association, and over 1,100 other residents of this section of North Brevard County vigorously oppose these requested changes. Our opposition is not based in a total opposition to development. In fact we welcome our new neighbors who come to enjoy our rural community values and contribute to the preservation of our rural environment. Rather, our opposition stems from the negative impacts that would absolutely result from increased population density and the inordinate demand that development would place on our rural environment and the resources and infrastructure which currently sustain it. Additionally, we believe our objections to this requested rezoning are well founded and supported by principles and requirements set forth in Florida State Statutes, the Florida Long Range Comprehensive Plan, and the Brevard County Long Range Comprehensive Plan.

The concerns our Scottsmoor Community Members expressed to you included the direct impact on our already fragile surficial aquifer, directly resulting from an increased pumping demand accruing from an increased residential development density. This surficial aquifer is the source of potable residential well water for all homes in the Scottsmoor area, as well as a source for agricultural irrigation. Our concern for the degradation of our potable water supply over time is shared by Dr. Arnoldo Valle-Levinson, Professor, Engineering School of Sustainable Infrastructure and Environment, University of Florida. Dr Valle-Levinson is a renowned expert in the field of salt water intrusion and Estuarine studies. His concerns are expressed in his letter, included in the package.

Additionally, we of the Scottsmoor Community expressed our concerns for the larger negative environmental impacts which would result if this increased residential development were to be approved and developed. These concerns are further expressed by our State Representative Rene "Coach P" Plascencia in a letter he sent to Commissioner Pritchett. A copy of this letter is included.

Again, thank you for making time to speak with members of our Scottsmoor Community. And of course if you have any additional questions or need for additional clarification related to any of our positions, please do contact us.

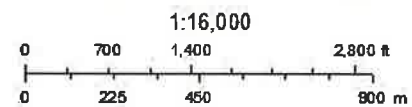
Very Respectfully,

Members of the Scottsmoor Rural Community

Brevard County Property Appraiser

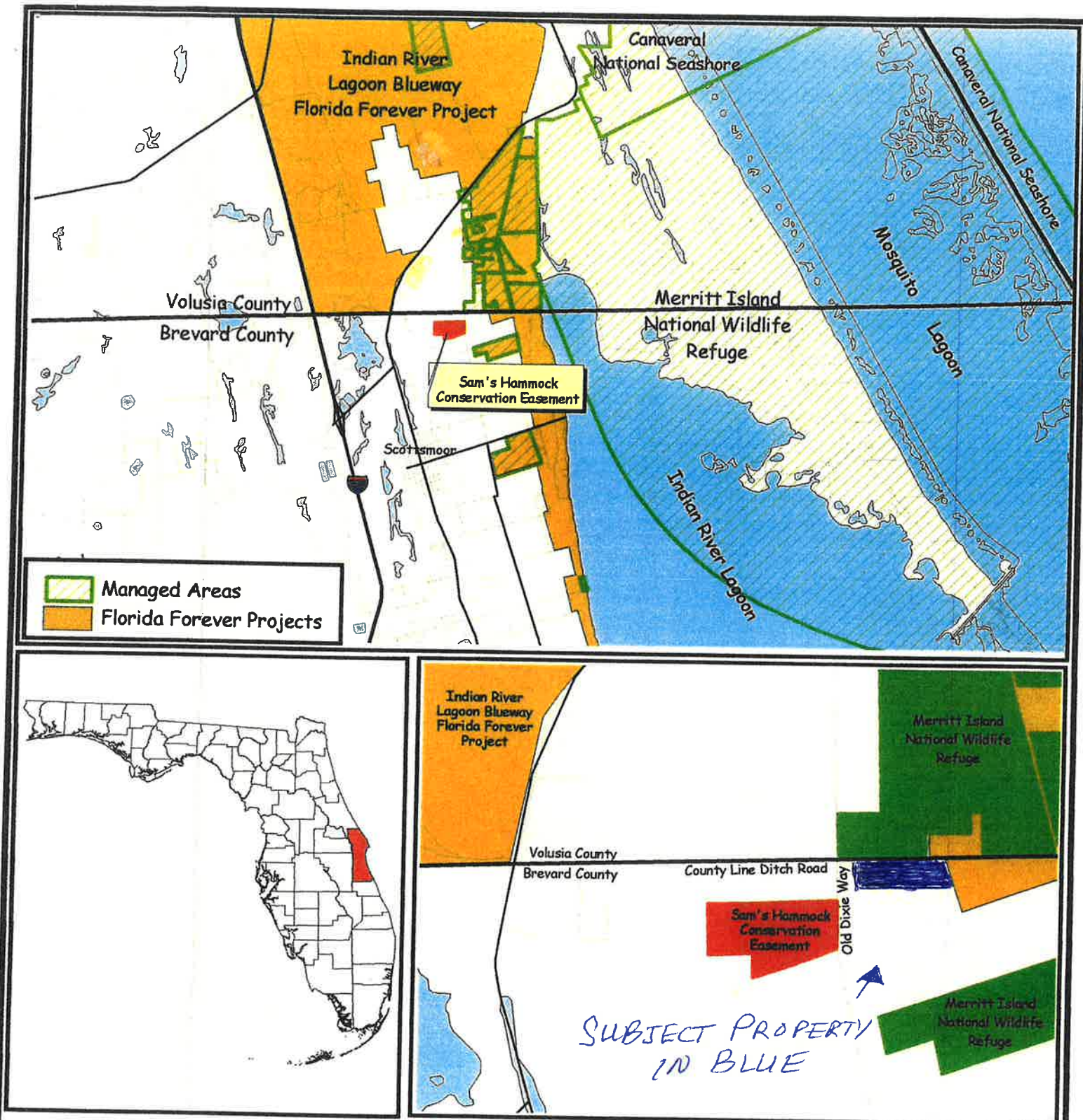


March 26, 2019



2846850

For illustration only. Not a survey. Map layers may not precisely align.
© BCRAO 2015



MAP 1
SAM'S HAMMOCK CONSERVATION EASEMENT
 Brevard County, Florida

The Nature Conservancy 

SAVING THE LAST GREAT PLACES ON EARTH

Wendy J. Caster
 22 February 2006



Herbert Wertheim College of Engineering
Engineering School of Sustainable Infrastructure and Environment
Department of Civil and Coastal Engineering
Arnoldo Valle-Levinson, Professor
arnoldo@ufl.edu

365 Weil Hall
PO Box 116580
Gainesville, FL 32611-6580
352-392-9537 Department Phone
352-392-3394 Department Fax
www.essie.ufl.edu

March 10th, 2019

David Laney
Subject: Salt Water Intrusion Potential, North Brevard County, Florida

Dear David,

Upon visiting the Scottsmeer area on March 6th, I became familiarized with the rezoning request in the area. I am able to place such request in the context of natural and human-related pressures in the region of the Indian River Lagoon.

I think that any new infrastructure development in coastal areas, around the Indian River Lagoon in particular, needs to be examined carefully and sensibly. This is because sea levels around Florida have risen at rates that are more than 6 times the mean global rates. Between 2011 and 2016, sea level rose at a rate of $\frac{3}{4}$ inch per year. Evidence of these rapid sea-level increments are the increase in sunny-day flooding events in the state. Compound to this problem is the ever-increasing human use of freshwater from the aquifer. Moreover, an inconclusive trend in Florida rain values since 1895 indicates that the aquifer recharge is not changing over decadal scales. This means that sea-level rise produces encroachment of salty ocean water toward land, which is exacerbated by increased human consumption of aquifer water for domestic and agricultural purposes. The 1) sea-level rise – 2) human consumption of water represents a 1-2 punch that chokes the lagoon and affects the water and soil quality for communities within, at least, the first few miles of the coast. Clear consequences of such 1-2 choking punch, or as they say, the canary in the coal mine, are a) the alarming incidence of toxic algae blooms in the Indian River Lagoon, b) the widespread salinization of well water in the communities around the lagoon, and c) threatening coastal erosion around Cape Canaveral. Incidence of algae blooms, in particular, is accompanied by decreased air quality.

Evidently, any new rezoning that allows increases in settlement density will represent amplified demands for aquifer water. Because sea level is expected to continue to rise, the area will likely be drastically affected by the 1-2 choking punch, in detriment to water, air and soil quality.

Sincerely,

A handwritten signature in cursive script that reads 'Arnoldo Valle Le Vinson'.

Arnoldo Valle-Levinson



Representative Rene "Coach P" Plasencia

Florida House of Representatives
District 50

400 South St #10
Titusville, FL 32780
(321) 330-5151

Orange County Legislative Delegation
Brevard County Legislative Delegation
Rene.Plasencia@MyFloridaHouse.org

317 House Office Building
402 S. Monroe St. Tallahassee, FL 32399
(904) 717-5050

March 26, 2019

Commissioner Rita Pritchett
Brevard County District 1
2000 S. Washington Ave., Suite 2
Titusville, FL 32780

RE: North Brevard Re-Zoning Request

Commissioner Pritchett,

It has come to my attention that there is currently a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres in North Brevard rezoned to RR 1, one home per acre, which is current zoned as AU 1:2.5. I was made aware that at the March 11th Planning & Zoning meeting there were only two letters submitted supporting the re-zoning request while there were 157 property owners who signed the petition opposing it.

These properties at risk of being rezoned are the agricultural properties currently serving as Florida Forever and Blueways buffers, and a number of them are targeted as Florida Forever acquisitions. Currently these agricultural properties provide essential contiguous habitat for wildlife and forage for migrating birds. To compound the negative aspects of this proposed re-zoning, all of these properties are directly inter-connected via open storm water drainage directly to the lagoon. I ask that you please take the time to consider the ramifications of this rezoning if it were to be approved. It is my belief that decades of effort to protect the Eastern side of the Indian River Lagoon in North Brevard County, while establishing effective contiguous Florida Forever wildlife habitat and corridors will have been for naught if this passes.

Feel free to reach out to me if you have any questions.

Respectfully Yours,

Representative Rene "Coach P" Plasencia

Proudly Serving East Orange County & Brevard County

Workforce Development & Tourism Subcommittee - Chair; Health Quality Subcommittee - Vice Chair;
Appropriations Committee; Commerce Committee; Health Care Appropriations Subcommittee; Oversight,
Transparency & Public Management Subcommittee

Golan, Kika

From: Kathy Ceballos <kceballos@cfl.rr.com>
Sent: Tuesday, April 2, 2019 7:09 AM
To: Commissioner, D2
Subject: Scottsmoor zoning change

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Oppose Item/Policy, Bills & Agenda Items

Dear Commissioner Lober,

I live in Scottsmoor at 6045 Oak St. During this Thursday's meeting you will be discussing the zoning change that was requested by the Thomas's for their 19 acre property on Dixie Way. I will not be able to attend the Thursday night meeting, so I would like to take a moment of your time to let you know my feelings on this issue.

My husband and I have lived in the Scottsmoor area since 1989. We moved to this area because of the rural nature. Since we moved here a lot of houses have been built around us, but they have been built as per the zoning - 1 house per 2 ½ acres. I live on a dirt road, surrounded by Oak trees - and I find it one of the most peaceful places to be. My husband retired from NASA and I retired from Parrish Medical, so this is our permanent home.

Please consider the impact a rezoning will have on this area. Our roads are not very good - sometimes you have to pull over so oncoming traffic can go by. Everyone is on well water. Some people have good water - most do not. A lot have had salt water intrusion in their well. Pinewood Elementary School is already overcrowded and the school district is trying to move a lot of students to Mims Elementary. It is a very quiet area and needs to stay this way. That is why most people moved here.

I am respectfully requesting that you deny this zoning change. Please consider the residents that have lived here for a long time. It is impressive to see so many residents band together to fight this issue. It shows that the majority of residents do not want the zoning changed. Don't allow someone to come in and decide that they need to change the area. Our infrastructure is not suited to this change. Keep the property one house per 2 ½ acres.

It should matter that the majority of current residents are against this change. Please demonstrate to us that we, the people, matter - not just money.
We would appreciate your support.

Thank you for your time,
Kathy Ceballos

Commissioner,

My name is Jerrad Atkins and I have been a resident of the Scottsmoor community for 5 ½ years, along with my wife Alyssa and our 2 young sons. We relocated to Scottsmoor from Merritt Island because we wanted to buy more land and start a farm and raise our boys, Chase and Reily, in the country. Not wanting to leave Brevard County, of which we are both long-term residents, we chose Scottsmoor because of the rural nature it provides and because the AU zoning and 2.5 Acre per house minimum requirement, meaning limited and responsible development would maintain that rural nature.

I, like many others in the community, vehemently oppose the change in zoning from AU 2.5 to RR1. I can say this with knowledge because I have personally spoken with over 400 people regarding this issue, and have gone door to door informing the community of the rezoning application. I have acquired the packet of information submitted by Mr. Buchanan at the planning and zoning board meeting, and have shown the information to members of the community. Of the over 400 people I have spoken with, there are a total of 4 who do not oppose this. I had an opportunity to speak at the P&Z meeting. I spoke of my concerns as well as some from the folks I had met with about this application.

Originally, I became involved with this matter because of the love of our rural environment that I share with our neighbors, and since have come across a multitude of reasons that this application requires further scrutiny. With a higher density being allowed in this area, there are several concerns that I share with several other members of this community. There are issues with infrastructure, certainly the lagoon concerns, water runoff, etc... However, I would like to address the issues that were brought up as red herrings by Mr. Buchanan and/or the P&Z board at the P&Z meeting and with which we are not concerned.

1) Septic system pollution to the lagoon

If you review the minutes from the P&Z meeting, you will note that septic systems were brought up as an issue but the board was satiated that the problem was solved with a BDP to the effect of high efficiency septic systems that reduce nitrogen deposits. The issue here, is that while the applicant's property is very close to the IRL, there is no measurable impact to a body of water at least 60 meters from the septic system. Couple this with the fact that ANY subdivision of 6 homes or greater requires this upgrade anyhow, and this is a non-issue, just a distraction from the legitimate issues. Furthermore, according to the septic overlay on the Brevard County Natural Resources map, approximately 5 of the proposed homes would have to utilize upgraded tanks even without the BDP to that effect. (see graphic and overlay below)

2) Cemetery issues

The recently constructed Veteran's Cemetery in Scottsmoor was referenced throughout the P&Z meeting as well. It was stated that due to this construction several people had to have their wells re-drilled. This is an accurate statement, however, as a community with legitimate concerns about the cemetery's impermeable ground area and sloping that does not allow for surficial regeneration of the groundwater, we are not simply casting our frustrations onto new growth in the area. Our concerns are completely separate from this issue, and it was not portrayed as such by Mr. Buchanan at the P&Z meeting. This was again an opportunity to shift the focus from our legitimate concerns to make us appear to be nothing more than angry and scorned neighbors.

April 2, 2019

Commissioner Bryan Lober

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Scottsmoor

Dear **Commissioner Lober**,

Google describes Scottsmoor as "an unincorporated community in the north end of Brevard County, Florida," which "is a farming community." Zillow is reporting zero houses for sale in Scottsmoor today, although land parcels were listed. How many communities do know that have no homes for sale? Things to do, as represented by Trip Advisor, is nil in Scottsmoor.

The purpose of this writing is to support of the families residing in Scottsmoor, Florida, and their way of life. Our son, Jerrad, daughter-in-law, Alyssa, and two young grandsons currently reside in Scottsmoor, along with their beef cows, dairy cows, goats, chickens, turkeys, rabbits, dogs, and cat. Their homestead provides a safe environment to raise their sons and teach them how to use the land responsibly, along with raising farm animals. They chose the Scottsmoor area because of the wide-open spaces, neighborly character, untouched countryside, and innocent nature of the surroundings. The purpose of investing their life savings in the Scottsmoor neighborhood was to live near other family members without residing in a city proper, at the same time providing safety, security, and privacy to their household.

We understand some folks are interested in rezoning part of the area from AU to RR1, which is concerning to those seeking to maintain their family's current lifestyle. A second generation native of Florida, born and raised in the Central Florida area, I am all too familiar with community growth and development. The pasture where my horses grazed is now a supermarket. The necessity for growth is completely understandable; however, this area of Brevard County is rural. Families that purchased property here did so because the zoning limited the density to certain size parcels of land, which is why they invested their hard earned money in Scottsmoor. These individuals appreciate, love, care for the land where they reside. To entertain altering zoning in this area, is a step toward allowing others to increase the density landscape of the area and lose the quaint culture that has grown in the small town. Thank you for taking the time to consider our view. Please do not change the zoning in this area.

Warm regards,

Phillip G. MacIntyre

Lori M. MacIntyre

DAD AND MOM

321.431.6604

Sirfer59@aol.com

LORI MACINTYRE

H.5 + H.6

Stuart A. Buchanan
P.O. Box 1545
Titusville, Florida 32781

April 3, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

RE: Rezoning Case 18PZ00154
SSCPA Case 18PZ00153

To the Honorable Chairperson Isnardi & Commissioners,

I have the privilege to represent Brandon & Nikki Thomas for the above referenced cases. I have attached three agency submittals and our responses I would like to have placed into the public record and summarized below. I have also included one community notice from the Scottsmoor Community Association.

- (A) Letter dated March 10, 2019 on University of Florida letterhead.
Response to University in-house legal counsel.
- (B) Letter dated March 15, 2019 from Representative Rene Plasencia
Response includes communication with Florida Forever acquisition staff contradicting information provided to Representative's office.
- (C) Letter dated March 29, 2019 from Marine Resources Council
Response includes email chain with Council staff refusing to confirm that the Council members itself ever reviewed or voted to submit comments as stated in the letter.
- (D) Community email/posting dated March 26, 2019 from Scottsmoor Community Association.
No response was necessary.

I would like to take this opportunity to bring to the Commissioners attention the diligent effort by Rose McGinnis as a community leader to promote community harmony as evidenced in attachment D and throughout this process.

Yours truly,



Stuart Buchanan

Enclosures



Herbert Wertheim College of Engineering
Engineering School of Sustainable Infrastructure and Environment
Department of Civil and Coastal Engineering
Arnoldo Valle-Levinson, Professor
arnoldo@ufl.edu

365 Weil Hall
PO Box 116580
Gainesville, FL 32611-6580
352-392-9537 Department Phone
352-392-3394 Department Fax
www.essie.ufl.edu

March 10th, 2019

David Laney
Subject: Salt Water Intrusion Potential, North Brevard County, Florida

Dear David,

Upon visiting the Scottsmoor area on March 6th, I became familiarized with the rezoning request in the area. I am able to place such request in the context of natural and human-related pressures in the region of the Indian River Lagoon.

I think that any new infrastructure development in coastal areas, around the Indian River Lagoon in particular, needs to be examined carefully and sensibly. This is because sea levels around Florida have risen at rates that are more than 6 times the mean global rates. Between 2011 and 2016, sea level rose at a rate of $\frac{3}{4}$ inch per year. Evidence of these rapid sea-level increments are the increase in sunny-day flooding events in the state. Compound to this problem is the ever-increasing human use of freshwater from the aquifer. Moreover, an inconclusive trend in Florida rain values since 1895 indicates that the aquifer recharge is not changing over decadal scales. This means that sea-level rise produces encroachment of salty ocean water toward land, which is exacerbated by increased human consumption of aquifer water for domestic and agricultural purposes. The 1) sea-level rise – 2) human consumption of water represents a 1-2 punch that chokes the lagoon and affects the water and soil quality for communities within, at least, the first few miles of the coast. Clear consequences of such 1-2 choking punch, or as they say, the canary in the coal mine, are a) the alarming incidence of toxic algae blooms in the Indian River Lagoon, b) the widespread salinization of well water in the communities around the lagoon, and c) threatening coastal erosion around Cape Canaveral. Incidence of algae blooms, in particular, is accompanied by decreased air quality.

Evidently, any new rezoning that allows increases in settlement density will represent amplified demands for aquifer water. Because sea level is expected to continue to rise, the area will likely be drastically affected by the 1-2 choking punch, in detriment to water, air and soil quality.

Sincerely,

A handwritten signature in cursive script that reads "Arnoldo Valle Le Vinson".

Arnoldo Valle-Levinson

(AOR)

Stuart A. Buchanan
P.O. Box 1545
Titusville, Florida 32781

April 3, 2019

Amy M. Hass, Esquire
Vice President and General Counsel
University of Florida
123 Tigert Hall
P.O. Box 113125
Gainesville, FL 32611-3125

RE: Rezoning Case 18PZ00154
SSCPA Case 18PZ00153

Dear Ms. Hass,

I have the privilege to represent Brandon & Nikki Thomas for the above referenced cases as their planning consultant. This includes a quasi-judicial zoning case. I have attached the formal opposition dated March 10, 2019 from the University of Florida and filed with the Brevard County Board of County Commissioners. Your attached is now been entered into the public record into perpetuity.

Should an administrative hearing be required, could you please confirm that your office will be accepting service on behalf of the University in this matter?

I have copied Ms. Gentry, Vice President for Human Resources in the event this correspondence was submitted on University letterhead in error, rather than on the personal stationary of the employee.

Yours truly,



Stuart Buchanan

Cc: Jodi Gentry, Vice President for Human Resources

Enclosure



(13)

Representative Rene "Coach P" Plasencia

Florida House of Representatives

District 50

400 South St #1C
Titusville, FL 32780
(321) 383-5151

Orange County Legislative Delegation
Brevard County Legislative Delegation
Rene.Plasencia@MyFloridaHouse.Gov

317 House Office Building
402 S. Monroe St. Tallahassee, FL 32399
(850) 717-5050

March 15, 2019

Commissioner Rita Pritchett
Brevard County District 1
2000 S. Washington Ave., Suite 2
Titusville, FL 32780

RE: North Brevard Re-Zoning Request

Commissioner Pritchett,

It has come to my attention that there is currently a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres in North Brevard rezoned to RR 1, one home per acre, which is current zoned as AU 1:2.5. I was made aware that at the March 11th Planning & Zoning meeting there were only two letters submitted supporting the re-zoning request while there were 157 property owners who signed the petition opposing it.

These properties at risk of being rezoned are the agricultural properties currently serving as Florida Forever and Blueways buffers, and a number of them are targeted as Florida Forever acquisitions. Currently these agricultural properties provide essential contiguous habitat for wildlife and forage for migrating birds. To compound the negative aspects of this proposed re-zoning, all of these properties are directly inter-connected via open storm water drainage directly to the lagoon. I ask that you please take the time to consider the ramifications of this re-zoning if it were to be approved. It is my belief that decades of effort to protect the Eastern side of the Indian River Lagoon in North Brevard County, while establishing effective contiguous Florida Forever wildlife habitat and corridors will have been for naught if this passes.

Feel free to reach out to me if you have any questions.

Respectfully Yours,

Representative Rene "Coach P" Plasencia

(B)(R)



Stuart Buchanan <titusvillenative@gmail.com>

From 'Write Your Representative' Website**titusvillenative@gmail.com** <titusvillenative@gmail.com>

Tue, Apr 2, 2019 at 10:08 AM

To: Rene.Plasencia@myfloridahouse.gov

Cc: titusvillenative@gmail.com

Stuart Buchanan
P.O. Box 1545
Titusville, FL 32781
(321)362-0689

04/02/19 10:08 AM

To the Honorable Rene "Coach P" Plasencia;

Lobbyist Tres Holton advised me to contact the Tallahassee office and ask for Sonny. A piece of correspondence was released from the Representative's Titusville office with several inaccuracies. I would like to bring this to the staff's attention prior to the upcoming public hearing being held on Thursday where the Representative's correspondence will unfortunately become part of the public record in a quasi-judicial hearing.

Please email me a good time to call the Tallahassee office. I understand the legislation is in session and things are hectic.

Thank you,

Stuart Buchanan



Stuart Buchanan <titusvillenate@gmail.com>

6705 Dixie Highway Mims Florida 32754

Stuart Buchanan <titusvillenate@gmail.com>

Thu, Apr 4, 2019 at 11:33 AM

To: Andrew.Fleener@dep.state.fl.us, Douglas.Dane@dep.state.fl.us

Dear Mr. Fleener & Mr. Dane,

Please see email below. I received a response that Mr. Vinson is no longer with DEP.

Could you please forward to the correct staffer to respond?

Thank-you,

Stuart Buchanan

----- Forwarded message -----

From: **Stuart Buchanan** <titusvillenate@gmail.com>

Date: Thu, Apr 4, 2019 at 11:31 AM

Subject: 6705 Dixie Highway Mims Florida 32754

To: <Hank.Vinson@dep.state.fl.us>

Dear Mr. Vinson,

I am currently working with the owners of 6705 Dixie Highway, Mims, Florida 32754. We are in the process of having the property appraised for future sale. Several neighbors have stated to the appraiser onsite that the Florida Forever Program has slated this 19 acre parcel of land for acquisition. The property has been clear and was previously a citrus grove. It is currently a single family residence.

Previously, I prepared and presented Florida Forever & Greenways and Trails grant applications for various cities and counties, including Lake County. I am unfamiliar with the Florida Forever program targeting small 19 acre parcels with an existing residence such as this one for acquisition.

Could you or a member of your staff confirm that the Florida Forever Program is not placed this 19 acre parcel on an acquisition list? The parcel id is 20G-35-39-01--A, the Brevard County property appraiser tax account # is 2004879.

I will forward your response to the appraiser.

Thank you,

Stuart Buchanan



Marine Resources Council

Turning Science into Action

3275 Dixie Hwy NE, Palm Bay, FL 32905 (321) 725-7775 www.SaveTheIRL.org

March 29, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

SUBJ: Request to re-zone Brandon and Nikki Thomas property

Dear Chairwoman Isnardi and Distinguished Members;

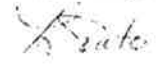
The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Indian River Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We have significant concerns with the subject re-zoning which contradicts the purposes of the Save our Lagoon Project Plan.

The subject property is adjacent to and a buffer for the Florida Forever Blueway Project, of which Brevard is a participating partner. It is part of a larger area of agriculture lands which are prime Florida Forever targets for conservation and preservation from development. Most importantly, the land drains directly into the lagoon. Approval of this request will open it for development and, by precedence, *will open the entire area for the same.* The result will be a disastrous loss of pervious, water storing land essential to the sustainability of our lagoon and add yet more polluting run-off from roofs, lawns and pavement as well as ultimately, more new sewer and septic needs. New development at this scale will amplify more muck and wastewater problems.

Considering the causes and effects of our present lagoon condition, approval of the subject density change request would be a serious mis-management of land use and lagoon use. We recommend that all such requests be shelved until a study of land use impact in the IRL basin be made. These development enabling changes come at a time when regional reports are focused on new challenges to Florida's waterways, water supplies and quality of life from more population growth, especially when magnified by real affects from a changing climate. We recommend that Brevard County and Municipalities adopt, in its entirety, the Low Impact Development (LID) concept endorsed by both US EPA and Florida's DEP and clearly presented in their web sites. The concept is founded on the critical need to increase pervious, water storing land and to reduce the destructive run-off loss of water, an increasingly valuable resource. We also invite you to review the Regional Resiliency Action Plan by the East-central Florida Regional Planning Council. We must look to the future.

The Marine Resources Council requests that you deny the subject re-zoning.

Respectfully,


Leesa Souto, Ph.D.
Executive Director

cc: Jim Swann, Duane DeFreese



Stuart Buchanan <titusvillenate@gmail.com>

North Brevard Rezoning - Brandon & Nikke Thomas

Stuart Buchanan <titusvillenate@gmail.com>

Tue, Apr 2, 2019 at 7:51 PM

To: Sondee Lima <sondee@mrcirl.org>

Cc: Leesa Souto <leesa@mrcirl.org>

Thank you Ms. Lima,

I cannot tell from your response whether the zoning item in question was on the agenda or not. Could you please clarify whether this item was on the agenda of the Marine Resources Council? Please confirm whether or not the Thomas Rezoning was on the Marine Resources Council agenda for discussion.

Thank-you,

Stuart Buchanan

On Tue, Apr 2, 2019 at 2:41 PM Sondee Lima <sondee@mrcirl.org> wrote:

Hello, Mr. Buchanan,

Minutes have not been finalized yet.

Our next board meeting is on April 12, at which time the minutes will be approved.

I will seek approval to send them to you at that time.

Sondée Lima

Deputy Director

Marine Resources Council

Turning Science into Action

3275 Dixie Highway NE

Palm Bay, FL 32905

www.SaveTheIRL.org

321-725-7775

Donate Today!



On Tue, Apr 2, 2019 at 9:56 AM Stuart Buchanan <titusvillenate@gmail.com> wrote:

Dear Ms. Lima,

Could you please email me the minutes of the Marine Services Council where the proposed rezoning above was discussed? It may not have previously been on an agenda, but thank you in advance for confirming if this is the case.

I have copied Jennifer Jones, Brevard County Planning & Development on this email.

Thank you for your timely response.

Stuart Buchanan



Stuart Buchanan <titusvillenative@gmail.com>

Fwd: Caution!

thomasnikki321 <thomasnikki321@gmail.com>
To: Stuart Buchanan <titusvillenative@gmail.com>

Tue, Mar 26, 2019 at 11:22 AM

From: Scottsmoor Community Association <scottsmoorcommunityassociation@gmail.com>
Date: Tuesday, March 26, 2019
Subject: Caution!

To all members and residents of Scottsmoor:

It was brought to my attention that there may be a video posted online of Nikki Thomas as she shopped at the Circle K in Scottsmoor. I have not confirmed the existence of this video. Frankly, I would not want to view any such item anyway. That being said it was stated that this video may be racially motivated. Again, I have not viewed the video and hope this is not true. Lastly, it was reported that the perpetrators of this video are easily recognizable.

This kind of behavior is absolutely wrong and unacceptable. If you know about this or who is doing this please encourage those involved to quit immediately. Please pull down the posted video, discontinue any future actions like this and hopefully apologize to Nikki Thomas and her family.

There are many reasons why this is unacceptable. Most importantly, it is a personal attack on a resident. She has a right to live free of harassment. It also looks bad for our community. One persons stupid actions can influence us all(which is the basis for our disagreement with the zoning changes to begin with). And, of personal interest to those involved in this action, Brevard Sheriff's Dept. could investigate this as a hate crime and pursue criminal action.

Scottsmoor Community Association is based on community, not hate or harassment.

Rose McGinnis: Executive Board Member: Scottsmoor Community Association



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5+6
Bridges
Time
4/4



Drinking Water Analysis Report - Chloride

System/Project Name: Jerrad Atkins

Sample ID: 2014040106

System Address: 3000 Sunset Avenue

Permit/PWS ID:

City: Mims

State: Florida

Zip: 32754

Sample Collector: Jerrad Atkins - Client - 321-432-1451

Sample Point: Well

Collection Date: 4/22/2014 Collection Time: 10:00 AM

Sample Type: Grab

Supply Type: Private Well

Received Date: 4/23/2014 Received Time: 11:54 AM

Chemical Analysis

Parameter ID	Analyte/Method	Analyst	Analysis Date/Time	Result	MCL	Q	Units	MDL	RL	Lab ID
517	Chloride SM4500Cl - B	KMS	4/24/2014 8:30 AM	1220	250	*	mg/L	1.4	5.0	E83755

Data Key:

MCL - Maximum Contaminant Level
MDL - Method Detection Limit
RL - Reporting Limit
Q Data Qualifier Codes:
* - Value exceeds maximum
contaminant level.
L - Value above quantitation
range.
I - Analyte detected below
quantitation limits.
S - Spike recovery outside
accepted recovery limits.
V - Analyte detected in the
associated method blank.
Q - Holding times for
preparation or analysis
exceeded.
U - Not detected at the
method detection limit.

WSL sampling ref: DEP-GOP-001001/FS2300j

Remarks:

All data presented in this report meets NELAC standards.

Jerrad Atkins
3000 Sunset Avenue
Mims, Florida 32754

Laboratory Official Kurt Seiler

Title Technical Director

Date

Reviewing Official Claire L. Borg

Title Bookkeeper

Date

For questions concerning data presented in this report, please contact George W. Taylor, Laboratory Director, at (386) 736-3397.
Results shown are valid only for samples submitted for analysis.

Visit us on the internet at <http://www.watershedlab.com>



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DOH #E83755 • 304 S. Spring Garden Ave. • DeLand, Florida 32720 • 386-736-3397

Nuisance Contaminant Analysis Report

Client Name: **Jerrad Atkins**

Sample ID: **T20140023**

Client Address: **3000 Sunset Avenue**

Sample Collector: **Jerrad Atkins - Client - 321-432-1451**

City: **Mims**

State: **Florida**

Zip: **32754**

Collection Date: **4/22/2014** Collection Time: **10:00 AM**

Sample Point: **Well**

Received Date: **4/23/2014** Received Time: **11:54 AM**

Supply Type: **Private Well**

Analysis Date: **4/24/2014** Analysis Time: **10:00 AM**

Analytical Results

Parameter ID	Analyte/Method	Analyst	Result	MCL*	Units	MDL
Iron	SM3500-Fe-D	KMS	< 0.3	0.3	mg/L	0.05
Hydrogen Sulfide	SM4500-S ²⁻ -D	KMS	N/A	N/A	mg/L	0.015
Total Dissolved Solids	SM2510-B	KMS	2260	500	mg/L	1.0
Tannins	SM5550-B	KMS	0.1	N/A	mg/L	0.1
pH	SM4500-H ⁺ -B	KMS	7.13	N/A	pH units	0.1
Hardness	SM2340-C	KMS	599	N/A	mg/L	1.0

*Maximum contaminant level as per F.A.C. 62-550 for Public Water Systems.

Remarks :

Jerrad Atkins
3000 Sunset Avenue
Mims, Florida 32754

Kurt Seiler
Laboratory Official

Technical Director
Title

4/24/14
Date

For questions concerning data presented in this report, please contact George W. Taylor, Laboratory Director, at (386) 736-3397

Visit us on the internet at <http://www.watershedlab.com>

4/4/19
Brandon / Thomas
5+6



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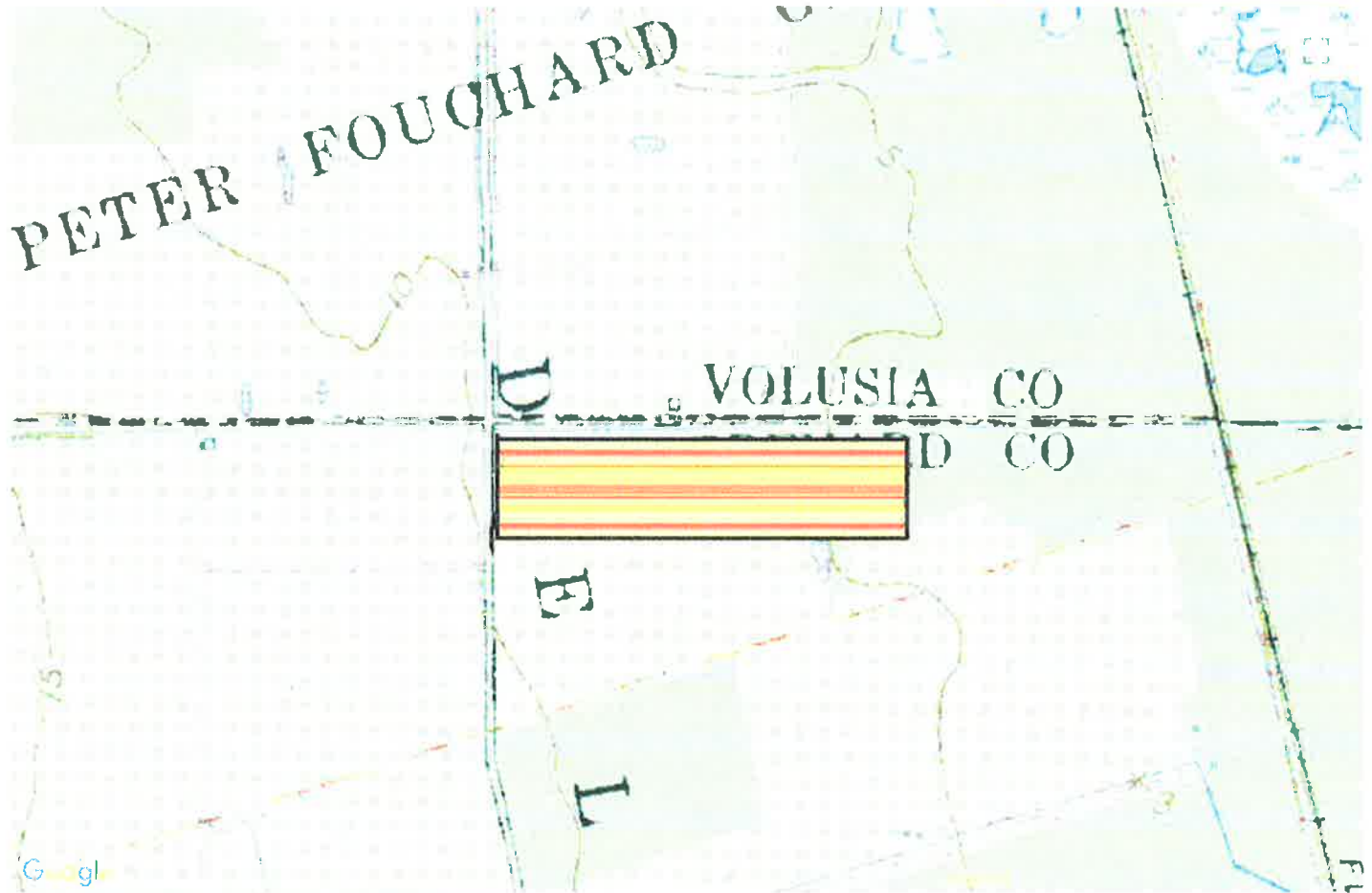
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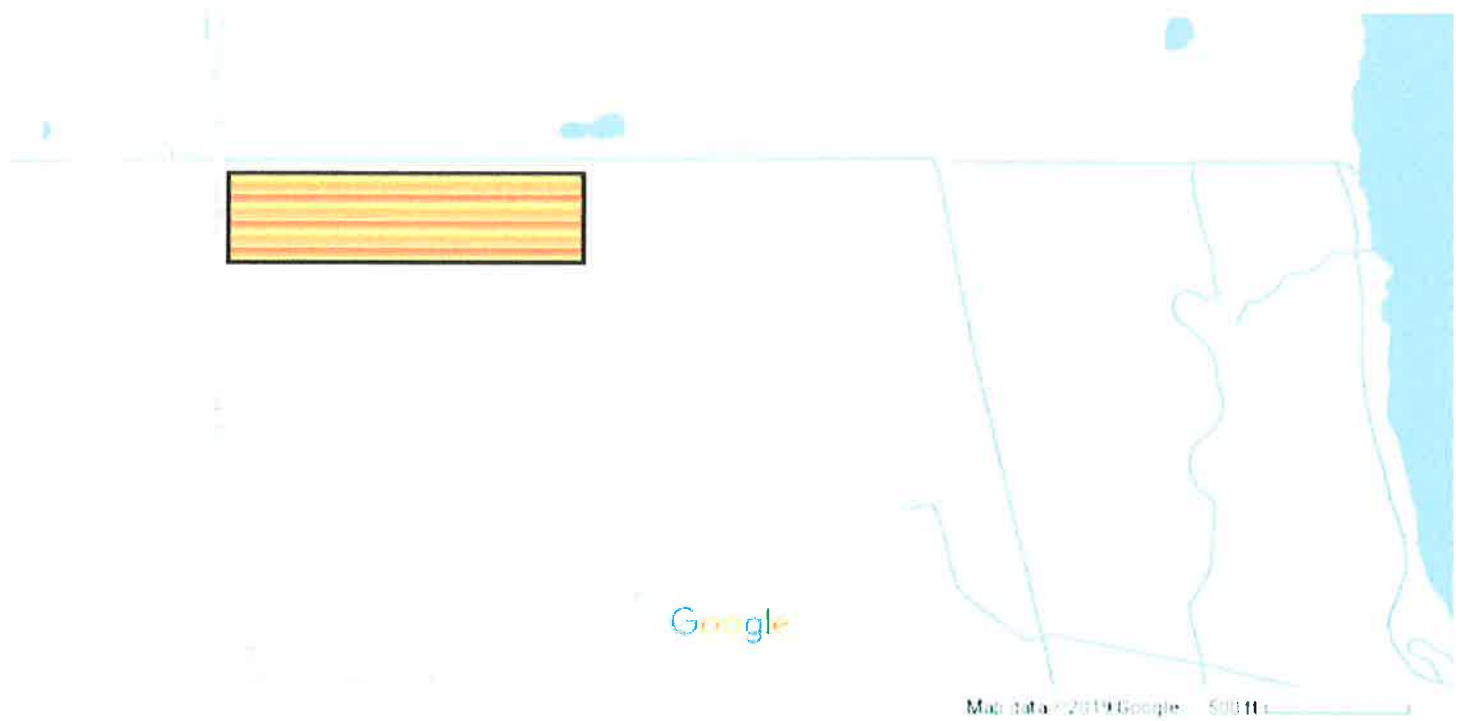
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4/4/19 BCC Zoning
BRANDON THOMAS
5 + 6

Petition against Rezoning at 6705 Dixie Way, Scottsmoor FL

Petition summary and background:

A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.

Action Petitioned for:

We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU, 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we **STRONGLY OPPOSE** this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Petition Data:

Scottsmoor = 347
Mims = 494
Scottsmoor/Mims = 841
Brevard County = 1,167
Neighboring Counties = 67
FL Residents = 1,328
Total Signatures = 1,500

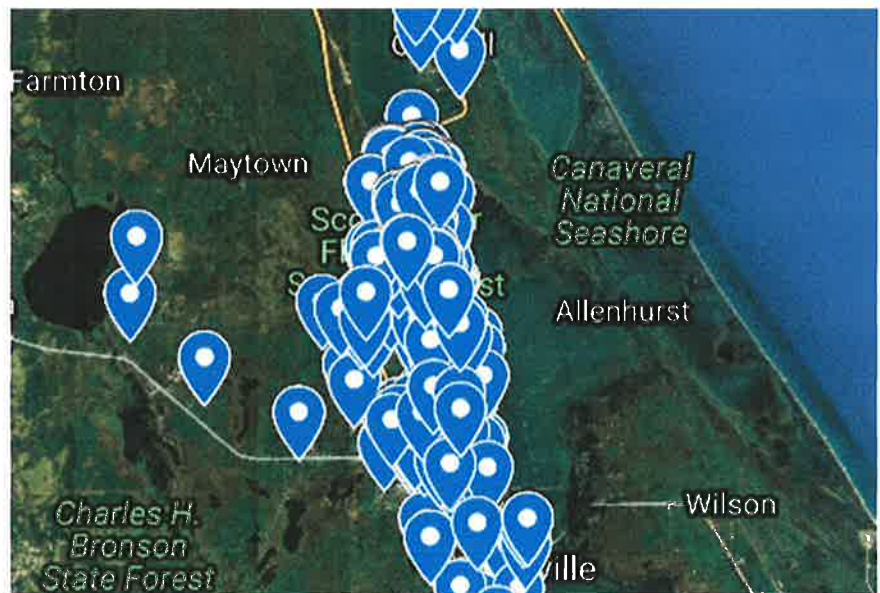
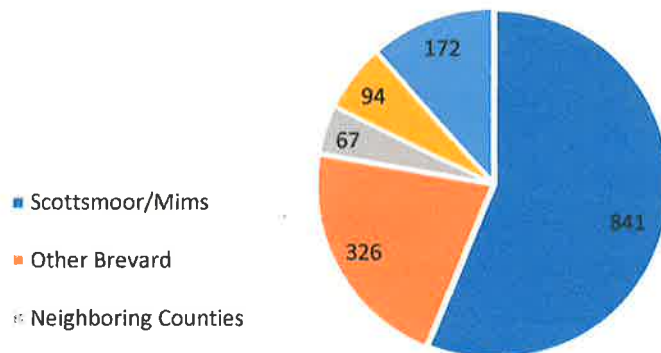
Petition pages were reviewed and entered into a spreadsheet to review for accuracy and to remove potential duplicates. Not all signers provided their address. The addresses that were provided were entered into an overlay reference and plotted on Google Maps. This image shows the area from Titusville to Oak Hill. This map represents over 1,000 petition signatures.

It is important to note the density of the points on this map, relative to the low density of housing in the Scottsmoor area.

For further questions, contact

Jerrad Atkins (321) 432-1451
Alyssa Atkins (321) 652-9524
Rose McGinnis (321) 446-3093

Signatures



4/4/19 BCC ZONING
BRANDON/THOMAS
5+6

Individual contacted at the St John's Water Mgt Dist.
Is Jason Sirois at 321 409-2122

EPA recommended Standard for drinking water is not more than 250 mg/L of Chloride (salt). Levels higher than that may exhibit a salty taste.

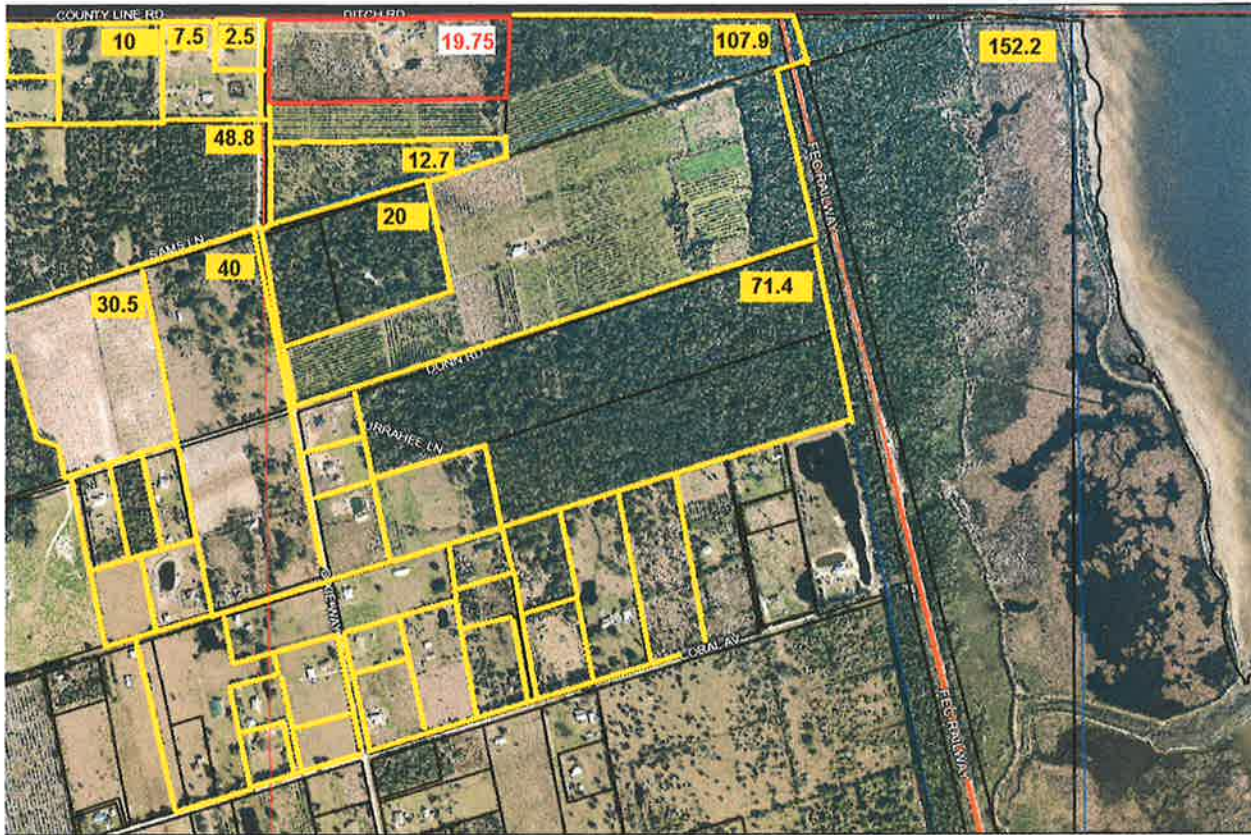
Test well number 6 at the intersection of Huntington Ave and Dixie Way is tested quarterly by Titusville's water Department who owns the well.

Jason Sirois at St Johns Water Mgt Dist is the person that monitors the testing of all the wells.

Since pumping of Titusvilles Well Field began, the chloride levels have varied back and forth between a low reading of 124 mg/L and a high of 317 mg/L.

William Goff
3320 Huntington Ave
Scottsmoor, FL 32775
321 268-5039

4/14/19 BCC ZONING
BRANDON / THOMAS
5+6



Property acreage by proximity to applicant's 19.75 Acres located at 6705 Dixie Way, Scottsmoor

107.88	Fetzer (3 adjoining parcels 27.58, 10.3, 70)	10	Wagner
2.5	Floyd	152.2	Green Wing LLC
7.5	Plante	10	Primo Broodstock LLC
48.87	Laney (includes 40ac conservation easement)	25	Smith
12.7	Graham	17.56	Root
10	Harrell	3	Cheney
20	Story (2 adjoining parcels 7, 13)	3	Marshall
40	Half Mooned Farms LLC, Dunn	3	Bowen
10.03	Barnes (3 adjoining parcels 2.51, 2.51, 5.01)	4.83	Thomas
33	Stephenson	5	Stone
71.4	State Conservation Land	21.17	Brevard County
30.53	Roberts (2 adjoining parcels 24.71, 5.82)	87.88	Green Wing LLC
9.47	Kincaid	10	Currahee
2.5	Meyer	9.29	Parker
2.5	Van Orner	101.44	Roberts
5	White	5	Bellemore

Thomas Parcel = 19.75 Acres

Average surrounding parcel (+/- 2000ft) = 27.57 Acres

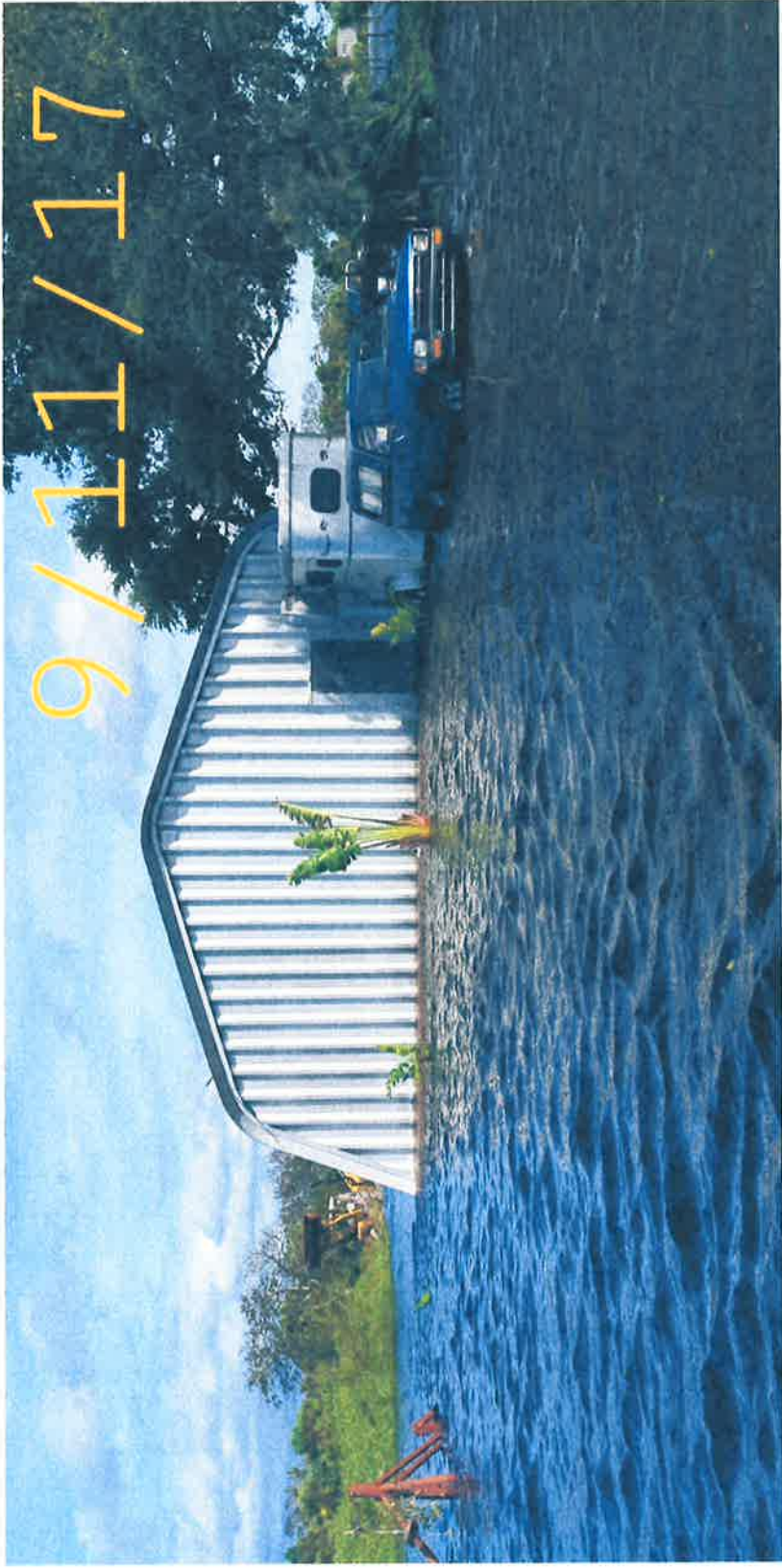
Parcel quantity sampled = 32

Parcel #	Parcel Size	Total AC	Running Avg
1	107.88	107.88	107.88
2	2.5	110.38	55.19
3	7.5	117.88	39.29333333
4	48.87	166.75	41.6875
5	12.7	179.45	35.89
6	10	189.45	31.575
7	20	209.45	29.92142857
8	40	249.45	31.18125
9	10.03	259.48	28.83111111
10	33	292.48	29.248
11	71.4	363.88	33.08
12	30.53	394.41	32.8675
13	9.47	403.88	31.06769231
14	2.5	406.38	29.02714286
15	2.5	408.88	27.25866667
16	5	413.88	25.8675
17	10	423.88	24.93411765
18	152.2	576.08	32.00444444
19	10	586.08	30.84631579
20	25	611.08	30.554
21	17.56	628.64	29.9352381
22	3	631.64	28.71090909
23	3	634.64	27.59304348
24	3	637.64	26.56833333
25	4.83	642.47	25.6988
26	5	647.47	24.90269231
27	21.17	668.64	24.76444444
28	87.88	756.52	27.01857143
29	10	766.52	26.43172414
30	9.29	775.81	25.86033333
31	101.44	877.25	28.2983871
32	5	882.25	27.5703125

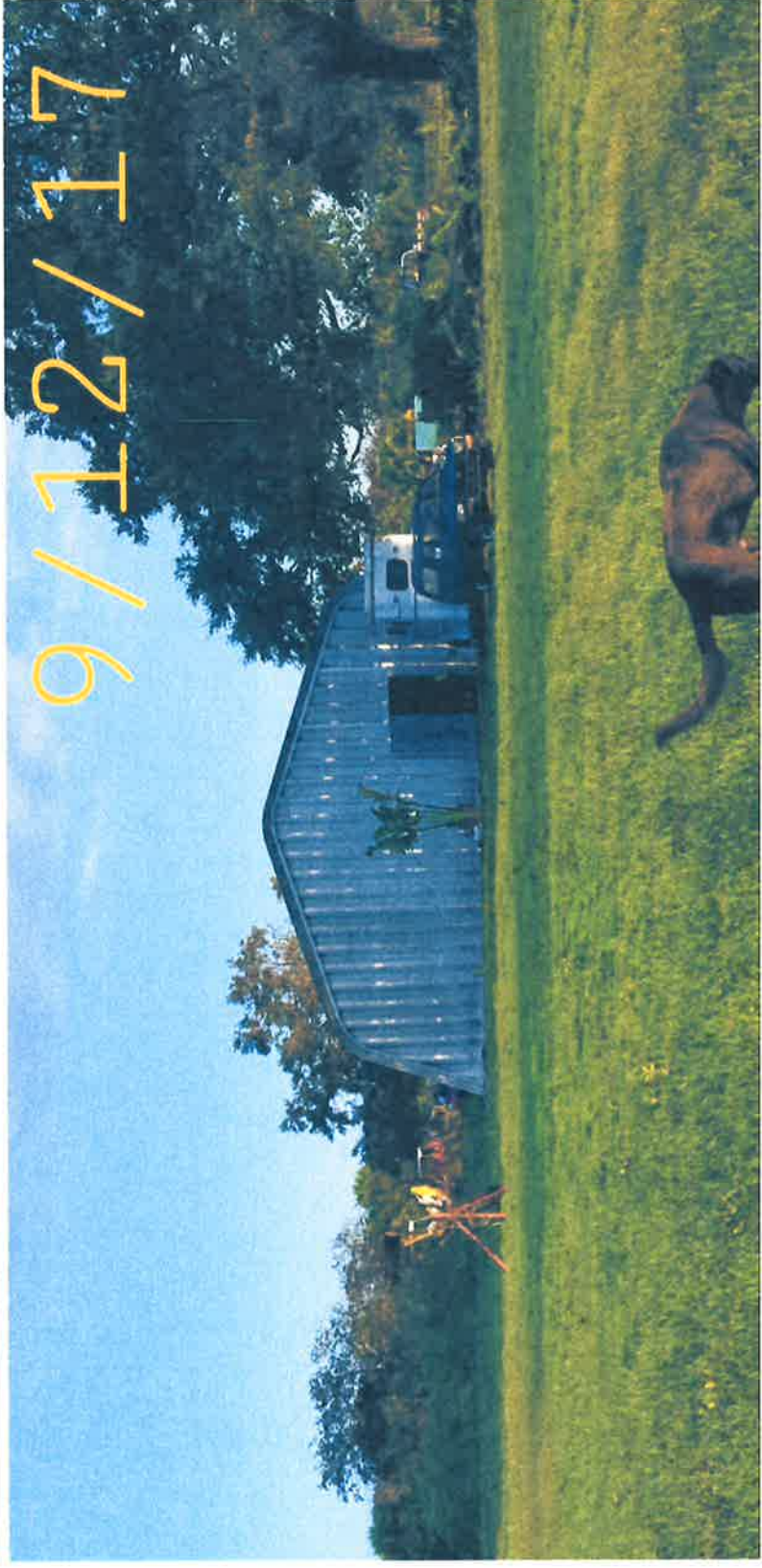




9/11/17



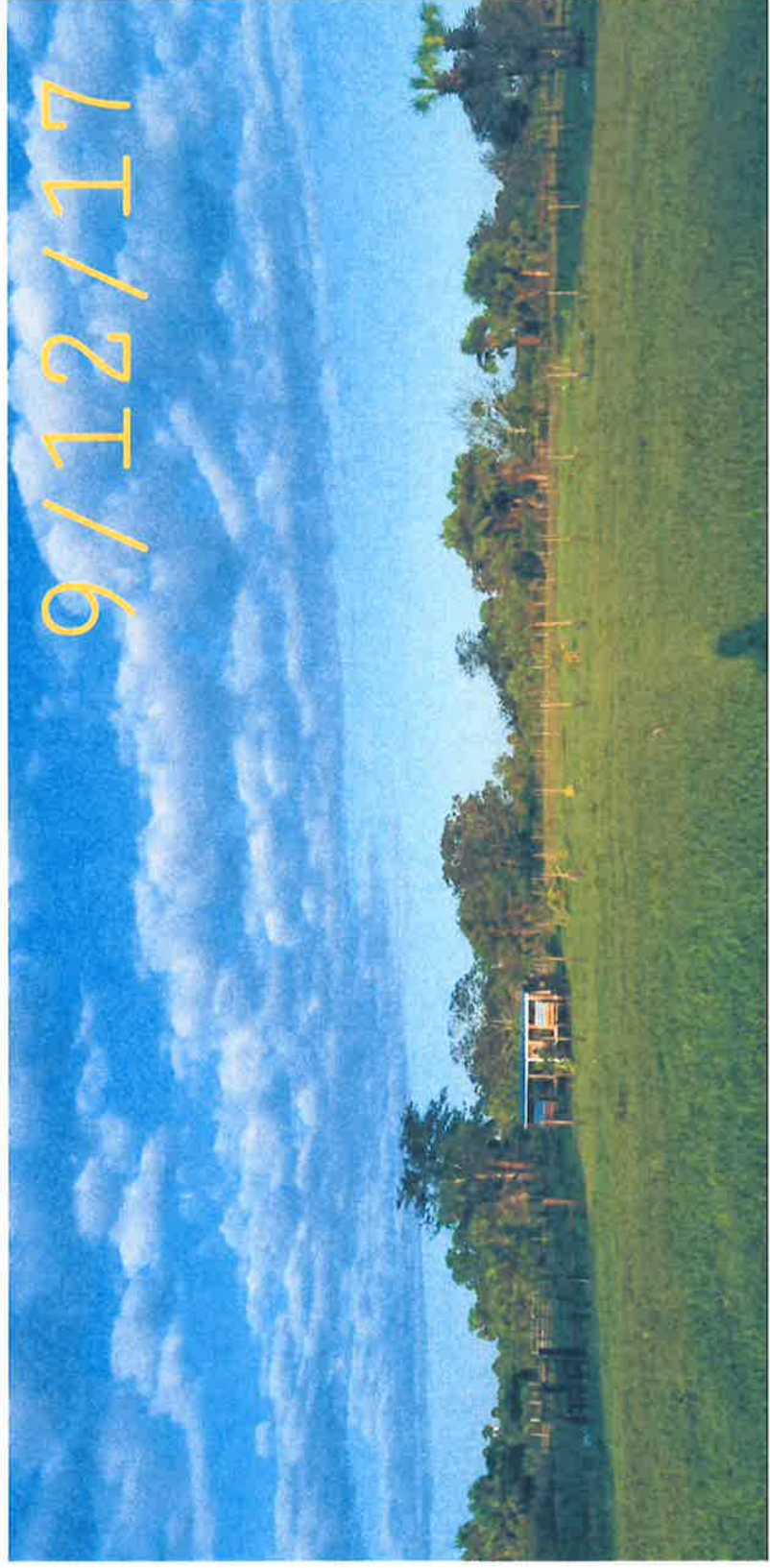
9/12/17



9/11/17



9/12/17





Stuart A. Buchanan
P.O. Box 1545
Titusville, Florida 32781

4/4/19 BCC Zoning
5+6
BRANDON / THOMAS

April 3, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

RE: Rezoning Case 18PZ00154
SSCPA Case 18PZ00153

To the Honorable Chairperson Isnardi & Commissioners,

I have the privilege to represent Brandon & Nikki Thomas for the above referenced cases. I have attached three agency submittals and our responses I would like to have placed into the public record and summarized below. I have also included one community notice from the Scottsmeer Community Association.

- (A) Letter dated March 10, 2019 on University of Florida letterhead.
Response to University in-house legal counsel.
- (B) Letter dated March 15, 2019 from Representative Rene Plasencia
Response includes communication with Florida Forever acquisition staff contradicting information provided to Representative's office.
- (C) Letter dated March 29, 2019 from Marine Resources Council
Response includes email chain with Council staff refusing to confirm that the Council members itself ever reviewed or voted to submit comments as stated in the letter.
- (D) Community email/posting dated March 26, 2019 from Scottsmeer Community Association.
No response was necessary.

I would like to take this opportunity to bring to the Commissioners attention the diligent effort by Rose McGinnis as a community leader to promote community harmony as evidenced in attachment D and throughout this process.

Yours truly,



Stuart Buchanan

Enclosures



Herbert Wertheim College of Engineering
Engineering School of Sustainable Infrastructure and Environment
Department of Civil and Coastal Engineering
Arnoldo Valle-Levinson, Professor
arnoldo@ufl.edu

365 Weil Hall
PO Box 116580
Gainesville, FL 32611-6580
352-392-9537 Department Phone
352-392-3394 Department Fax
www.essie.ufl.edu

March 10th, 2019

David Laney

Subject: Salt Water Intrusion Potential, North Brevard County, Florida

Dear David,

Upon visiting the Scottsmeer area on March 6th, I became familiarized with the rezoning request in the area. I am able to place such request in the context of natural and human-related pressures in the region of the Indian River Lagoon.

I think that any new infrastructure development in coastal areas, around the Indian River Lagoon in particular, needs to be examined carefully and sensibly. This is because sea levels around Florida have risen at rates that are more than 6 times the mean global rates. Between 2011 and 2016, sea level rose at a rate of $\frac{3}{4}$ inch per year. Evidence of these rapid sea-level increments are the increase in sunny-day flooding events in the state. Compound to this problem is the ever-increasing human use of freshwater from the aquifer. Moreover, an inconclusive trend in Florida rain values since 1895 indicates that the aquifer recharge is not changing over decadal scales. This means that sea-level rise produces encroachment of salty ocean water toward land, which is exacerbated by increased human consumption of aquifer water for domestic and agricultural purposes. The 1) sea-level rise – 2) human consumption of water represents a 1-2 punch that chokes the lagoon and affects the water and soil quality for communities within, at least, the first few miles of the coast. Clear consequences of such 1-2 choking punch, or as they say, the canary in the coal mine, are a) the alarming incidence of toxic algae blooms in the Indian River Lagoon, b) the widespread salinization of well water in the communities around the lagoon, and c) threatening coastal erosion around Cape Canaveral. Incidence of algae blooms, in particular, is accompanied by decreased air quality.

Evidently, any new rezoning that allows increases in settlement density will represent amplified demands for aquifer water. Because sea level is expected to continue to rise, the area will likely be drastically affected by the 1-2 choking punch, in detriment to water, air and soil quality.

Sincerely,

A handwritten signature in cursive script that reads 'Arnoldo Valle Le Vinson'.

Arnoldo Valle-Levinson

(AOR)

Stuart A. Buchanan
P.O. Box 1545
Titusville, Florida 32781

April 3, 2019

Amy M. Hass, Esquire
Vice President and General Counsel
University of Florida
123 Tigert Hall
P.O. Box 113125
Gainesville, FL 32611-3125

RE: Rezoning Case 18PZ00154
SSCPA Case 18PZ00153

Dear Ms. Hass,

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Yours truly,



Stuart Buchanan

Cc: Jodi Gentry, Vice President for Human Resources

Enclosure



(B)

Representative Rene "Coach P" Plasencia

Florida House of Representatives

District 50

400 South St #1C
Titusville, FL 32780
(321) 383-5151

Orange County Legislative Delegation
Brevard County Legislative Delegation
Rene.Plasencia@MyFloridaHouse.Gov

317 House Office Building
402 S. Monroe St. Tallahassee, FL 32399
(850) 717-5050

March 15, 2019

Commissioner Rita Pritchett
Brevard County District 1
2000 S. Washington Ave., Suite 2
Titusville, FL 32780

RE: North Brevard Re-Zoning Request

Commissioner Pritchett,

It has come to my attention that there is currently a re-zoning request going before the Brevard County Commission on 4 April, 2019 to have 19.75 acres in North Brevard rezoned to RR 1, one home per acre, which is current zoned as AU 1:2.5. I was made aware that at the March 11th Planning & Zoning meeting there were only two letters submitted supporting the re-zoning request while there were 157 property owners who signed the petition opposing it.

These properties at risk of being rezoned are the agricultural properties currently serving as Florida Forever and Blueways buffers, and a number of them are targeted as Florida Forever acquisitions. Currently these agricultural properties provide essential contiguous habitat for wildlife and forage for migrating birds. To compound the negative aspects of this proposed re-zoning, all of these properties are directly inter-connected via open storm water drainage directly to the lagoon. I ask that you please take the time to consider the ramifications of this re-zoning if it were to be approved. It is my belief that decades of effort to protect the Eastern side of the Indian River Lagoon in North Brevard County, while establishing effective contiguous Florida Forever wildlife habitat and corridors will have been for naught if this passes.

Feel free to reach out to me if you have any questions.

Respectfully Yours,

Representative Rene "Coach P" Plasencia

Proudly Serving East Orange County & Brevard County
Workforce Development & Tourism Subcommittee - Chair ; Health Quality Subcommittee - Vice Chair ;
Appropriations Committee ; Commerce Committee ; Health Care Appropriations Subcommittee ; Oversight,
Transparency & Public Management Subcommittee

(B)(R)



Stuart Buchanan <titusvillenative@gmail.com>

From 'Write Your Representative' Website**titusvillenative@gmail.com** <titusvillenative@gmail.com>

Tue, Apr 2, 2019 at 10:08 AM

To: Rene.Plasencia@myfloridahouse.gov

Cc: titusvillenative@gmail.com

Stuart Buchanan
P.O. Box 1545
Titusville, FL 32781
(321)362-0689

04/02/19 10:08 AM

To the Honorable Rene "Coach P" Plasencia;

Lobbyist Tres Holton advised me to contact the Tallahassee office and ask for Sonny. A piece of correspondence was released from the Representative's Titusville office with several inaccuracies. I would like to bring this to the staff's attention prior to the upcoming public hearing being held on Thursday where the Representative's correspondence will unfortunately become part of the public record in a quasi-judicial hearing.

Please email me a good time to call the Tallahassee office. I understand the legislation is in session and things are hectic.

Thank you,

Stuart Buchanan



Stuart Buchanan <titusvillennative@gmail.com>

6705 Dixie Highway Mims Florida 32754

Stuart Buchanan <titusvillennative@gmail.com>

Thu, Apr 4, 2019 at 11:33 AM

To: Andrew.Fleener@dep.state.fl.us, Douglas.Dane@dep.state.fl.us

Dear Mr. Fleener & Mr. Dane,

Please see email below. I received a response that Mr. Vinson is no longer with DEP.

Could you please forward to the correct staffer to respond?

Thank-you,

Stuart Buchanan

----- Forwarded message -----

From: **Stuart Buchanan** <titusvillennative@gmail.com>

Date: Thu, Apr 4, 2019 at 11:31 AM

Subject: 6705 Dixie Highway Mims Florida 32754

To: <Hank.Vinson@dep.state.fl.us>

Dear Mr. Vinson,

I am currently working with the owners of 6705 Dixie Highway, Mims, Florida 32754. We are in the process of having the property appraised for future sale. Several neighbors have stated to the appraiser onsite that the Florida Forever Program has slated this 19 acre parcel of land for acquisition. The property has been clear and was previously a citrus grove. It is currently a single family residence.

Previously, I prepared and presented Florida Forever & Greenways and Trails grant applications for various cities and counties, including Lake County. I am unfamiliar with the Florida Forever program targeting small 19 acre parcels with an existing residence such as this one for acquisition.

Could you or a member of your staff confirm that the Florida Forever Program is not placed this 19 acre parcel on an acquisition list? The parcel id is 20G-35-39-01--A, the Brevard County property appraiser tax account # is 2004879.

I will forward your response to the appraiser.

Thank you,

Stuart Buchanan

6



Marine Resources Council

Turning Science into Action

3275 Dixie Hwy NE, Palm Bay, FL 32905 (321) 725-7775 www.SaveTheIRL.org

March 29, 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

SUBJ: Request to re-zone Brandon and Nikki Thomas property

Dear Chairwoman Isnardi and Distinguished Members;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Indian River Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We have significant concerns with the subject re-zoning which contradicts the purposes of the Save our Lagoon Project Plan.

The subject property is adjacent to and a buffer for the Florida Forever Blueway Project, of which Brevard is a participating partner. It is part of a larger area of agriculture lands which are prime Florida Forever targets for conservation and preservation from development. Most importantly, the land drains directly into the lagoon. Approval of this request will open it for development and, by precedence, *will open the entire area for the same.* The result will be a disastrous loss of pervious, water storing land essential to the sustainability of our lagoon and add yet more polluting run-off from roofs, lawns and pavement as well as ultimately, more new sewer and septic needs. New development at this scale will amplify more muck and wastewater problems.

Considering the causes and effects of our present lagoon condition, approval of the subject density change request would be a serious mis-management of land use and lagoon use. We recommend that all such requests be shelved until a study of land use impact in the IRL basin be made. These development enabling changes come at a time when regional reports are focused on new challenges to Florida's waterways, water supplies and quality of life from more population growth, especially when magnified by real affects from a changing climate. We recommend that Brevard County and Municipalities adopt, in its entirety, the Low Impact Development (LID) concept endorsed by both US EPA and Florida's DEP and clearly presented in their web sites. The concept is founded on the critical need to increase pervious, water storing land and to reduce the destructive run-off loss of water, an increasingly valuable resource. We also invite you to review the Regional Resiliency Action Plan by the East-central Florida Regional Planning Council. We must look to the future.

The Marine Resources Council requests that you deny the subject re-zoning.

Respectfully,

A handwritten signature in dark ink, appearing to read "Leesa Souto".

Leesa Souto, Ph.D.
Executive Director

cc: Jim Swann, Duane DeFreese

(c)



Stuart Buchanan <titusvillenative@gmail.com>

North Brevard Rezoning - Brandon & Nikke Thomas

Stuart Buchanan <titusvillenative@gmail.com>

Tue, Apr 2, 2019 at 7:51 PM

To: Sondee Lima <sondee@mrcirl.org>

Cc: Leesa Souto <leesa@mrcirl.org>

Thank you Ms. Lima,

I cannot tell from your response whether the zoning item in question was on the agenda or not. Could you please clarify whether this item was on the agenda of the Marine Resources Council? Please confirm whether or not the Thomas Rezoning was on the Marine Resources Council agenda for discussion.

Thank-you,

Stuart Buchanan

On Tue, Apr 2, 2019 at 2:41 PM Sondee Lima <sondee@mrcirl.org> wrote:

Hello, Mr. Buchanan,

Minutes have not been finalized yet.

Our next board meeting is on April 12, at which time the minutes will be approved.

I will seek approval to send them to you at that time.

Sondée Lima

Deputy Director

Marine Resources Council*Turning Science into Action*

3275 Dixie Highway NE

Palm Bay, FL 32905

www.SaveTheIRL.org

321-725-7775

Donate Today!

On Tue, Apr 2, 2019 at 9:56 AM Stuart Buchanan <titusvillenative@gmail.com> wrote:

Dear Ms. Lima,

Could you please email me the minutes of the Marine Services Council where the proposed rezoning above was discussed? It may not have previously been on an agenda, but thank you in advance for confirming if this is the case.

I have copied Jennifer Jones, Brevard County Planning & Development on this email.

Thank you for your timely response.

Stuart Buchanan

(D)



Stuart Buchanan <titusvillenate@gmail.com>

Fwd: Caution!

thomasnikki321 <thomasnikki321@gmail.com>
To: Stuart Buchanan <titusvillenate@gmail.com>

Tue, Mar 26, 2019 at 11:22 AM

From: Scottsmoor Community Association <scottsmoorcommunityassociation@gmail.com>
Date: Tuesday, March 26, 2019
Subject: Caution!

To all members and residents of Scottsmoor:

It was brought to my attention that there may be a video posted online of Nikki Thomas as she shopped at the Circle K in Scottsmoor. I have not confirmed the existence of this video. Frankly, I would not want to view any such item anyway. That being said it was stated that this video may be racially motivated. Again, I have not viewed the video and hope this is not true. Lastly, it was reported that the perpetrators of this video are easily recognizable.

This kind of behavior is absolutely wrong and unacceptable. If you know about this or who is doing this please encourage those involved to quit immediately. Please pull down the posted video, discontinue any future actions like this and hopefully apologize to Nikki Thomas and her family.

There are many reasons why this is unacceptable. Most importantly, it is a personal attack on a resident. She has a right to live free of harassment. It also looks bad for our community. One persons stupid actions can influence us all (which is the basis for our disagreement with the zoning changes to begin with). And, of personal interest to those involved in this action, Brevard Sheriff's Dept. could investigate this as a hate crime and pursue criminal action.


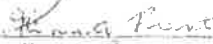


Scottsmoor Community Association is based on community, not hate or harassment.

Rose McGinnis: Executive Board Member: Scottsmoor Community Association

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Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU) at 2.5 acres per home in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmoor Address	Comment	Date
DAVID LANEY		3800 SAMS LANE	PLEASE STOP. Rural community	2/16/19
		653 Ruffin Lane		2/16/19
		4552 Dixie Way	54 years	2/17/19
				2/17/19
		3055 Fulton Rd		2/17/19
		4556 Skipton Rd		2/17/19
Henoch. Plant		10710 Dixie Way	No zoning change.	2/17/19
David Plant		10710 Dixie Way	No zoning change.	2/17/19
Tom Plant		10710 Dixie Way	No zoning change.	2/17/19

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmoor Address	Comment	Date
Dorothy Stone	Dorothy Stone	3790 Sunset Ave	Scottsmoor needs to stay rural, as it's always been	2/18/19
Kristy Glenn	Kristy Glenn	5000 Shanks River Rd	Needs to stay 2.5 acres per home	2/18/19
Julie Black	Julie Black	3200 Central Ave	Needs to stay 2.5 acres per home	2/18/19
Amelia Wilson	Amelia Wilson	3410 Central Ave	Needs to stay 2.5 acres per home	2/18/19
Michael Williams	Michael Williams	3410 Central Ave	" " " "	2/18/19
Glenda Overholt	Glenda Overholt	6000 D. Street	" " " "	2-18-19
Andrew Landon	Andrew Landon	6605 Dixie Way	Please don't change	2-19-19
Brandi Harrell	Brandi Harrell	3781 County Line Ditch Rd	I strongly agree	2-19-19
Ken Harrell	Ken Harrell	3781 County Line Ditch Rd	I strongly agree	2-19-19
Janet Suggs	Janet Suggs	6255 Dixie Way	Needs to stay 2.5 acres per home	2-19-19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmeer Address	Comment	Date
Glenda Ceballos	[Signature]	3175 Sunset Ave	Keep Scottsmeer Rural	2/28/19
RICHARD CEBALLOS	[Signature]	3175 Sunset Ave	"	2/28/19
VIRGINIA STRICKLE	[Signature]	4455 Burkham Rd	KEEP US IN THE COUNTRY	2/28/19
Debra Gray	[Signature]	5440 Dixie Way	"	2/28/19
Wayne Johnson	[Signature]	3355 Johns Rd	"	2/28/19
Carolyn Johnson	[Signature]	3355 Johns Rd.	"	2/28/19
David Watson	[Signature]	5440 Dixie Way	"	2/28/19
Dale Ceballos	[Signature]	6045 Oak St	"	2/28/19
Kathy Ceballos	[Signature]	6045 Oak St	Keep zoning AU	2/28/19
Tracy J. Nash	[Signature]	4175 Aurantia Rd	" " "	2/28/19
Cherry [Name]	[Signature]	3175 Aurantia Rd.	" " "	2/28/19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmeer Address	Comment	Date
JASON DYMOND	<i>Jason Dymond</i>	3185 CORAL AVE		2/26/19
BERTHA TYLER	<i>Bertha Tyler</i>	5645 STAMFORD ST.		2-26-19
Dwayne Freeman	<i>Dwayne Freeman</i>	6185 MANGROVE ST		2-26-19
Reuben Smith	<i>Reuben Smith</i>	3445 Old Dixie rd	Keep my neighbors rural	2/27/19
Sharon Tolbert	<i>Sharon Tolbert</i>	5139 Stamford St		2/27/19
RICHARD STACHURSKI	<i>Richard Stachurski</i>	3446 MAGGON AVE	KEEP DRUGGERS OUT!	2-27-19
DELBERT LINK	<i>Delbert A. Link</i>	5435 ALLEN STREET	PLEASE, PLEASE DON'T LET THIS HAPPEN!	2-27-19
KERRIE MINCH	<i>Kerrie Minch</i>	3030 Coral Ave		2-27-19
Trent Minch	<i>Trent Minch</i>	3030 Coral Ave		2-27-19
Tasha VanOrmer	<i>Tasha VanOrmer</i>	6465 Dixie Way		2-28-19
Chris VanOrmer	<i>Chris VanOrmer</i>	6465 Dixie Way		2-28-19

Petition to Keep Scotts Moor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1-acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	WPA, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmoor Address	Comment	Date
Debra Swartz	[Signature]	3351 Dixie Hwy	2.5 min	2/21/19
Jennifer Boelke	[Signature]	3495 Macbeath Rd	2.5 min	2/21/19
John Boelke	[Signature]	3495 Macbeath Rd	2.5 min	2/21/19
Anna T. Boelke	[Signature]	3795 Hammark Rd	2.5 min	2/22/19
Ken Boelke	[Signature]	3795 Hammark Rd	2.5 min	2/22/19
Ty Bowen	[Signature]	3415 Dunn Rd.	2.5 minimum	2/22/19
SHIRLEY DICKSON	[Signature]	4330 Strimbeck Dr.	2.5 min	2/22/19
THOMAS FRANCIS	[Signature]	3400 Coral Ave	2.5 min	2/22/19
M. Lee Francis	[Signature]	3400 Coral Ave	2.5 min - water	2/22/19
Pat Stolt	[Signature]	3645 Buckhorn Rd	2.5 min	2/22/19
Steve Donkiss	[Signature]	4330 Strimbeck Dr	2.5 min	2/22/19

Petition to Keep Scottsmoor Rural

Petition submitted by and background	A request for change of zoning classification from Agricultural Residential (AR, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Petition petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AR at 2.5 acres per home) in our community and welcome new neighbors joining our rural lifestyle. However, we STRONGLY oppose the proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmoor Address	Comment	Date
Tamera Turner	Tamera Turner	3741 Killebrew St		2/22/19
Bill Coff	Bill Coff	3520 Huntington Ave	2.5 Acres minimum	2/22/19
Carly Coff	Carly Coff	3520 Huntington Ave		2/22/19
Darrell Burke	Darrell Burke	3445 Sunset Ave	NO RR1 2.5 acres min	2-22-19
Cecilia Burke	Cecilia Burke	3445 Sunset Ave	2.5 acres min	2-22-19
Jan Stevenson	Jan Stevenson	6600 Assen Lane	5 acres minimum	2-22-19
Gloria Whitlock	Gloria Whitlock	4005 Hammock Rd		2/22/19
David Whitlock	David Whitlock	4005 Hammock Rd	2.5 Acres	2/22/19
David Nash	David Nash	4005 Bartholomew Rd	2.5 or larger	2/22/19
David Nash	David Nash	5963 Stamford St	2.5 or larger	3-22-19
Christine Nash	Christine Nash	4430 Dixie Way	2.5 or larger	2/22/19




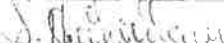


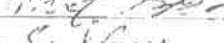



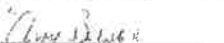
Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AR, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Why petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AR at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

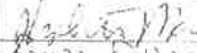
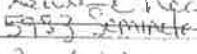
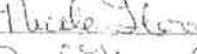

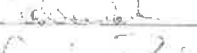

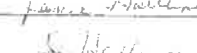
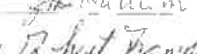
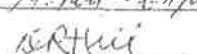
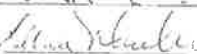

Printed Name	Signature	Scottsmeer Address	Comment	Date
Mark Brice	Mark Brice	Davis Rd. Miss		2/22/19
MARK BRICE	Mark Brice	5335 DIXIEWAY		2/22/19
Dianne Carey	Dianne Carey	5335 DIXIEWAY		2/22/19
Chris Bartlett	Chris Bartlett	5649 Mount St Miss		2/22/19
Paul Charney	Paul Charney	2575 Dixie Rd. Miss		2/23/19
Casey McCoy	Casey McCoy	2575 Dixie Rd. Miss		2/23/19
HARRY GIESSEN	Harry Giesen	3420 FLORENCE CREEK RD		2/23/19
Jenni McBurn	Jenni McBurn	4540 Brighton Blvd Miss		2/23/19
Melanie Lorenti	Melanie Lorenti	3108 Canal Ave. Miss	Keep it Country!	2-23-19
Christopher Lorenti	Christopher Lorenti	3108 Canal Ave. Miss		2-23-19
Rachel Burke	Rachel Burke	4010 Dixie Way Miss		2/23/19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AR, 2.5 acres per home) to Rural Residential (RR, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AR at 2.5 acres per home) in our community and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE the proposed rezoning to RR, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmeer Address	Comment	Date
Ethan Burke		500 Dixie Way		23 FEB 19
Joel Clarke		5380 Dixie Way		24 Feb 2019
Draco Clarke		5380 Dixie Way		24 Feb 2019
B. Hentzinger		3665 Flourer Creek		25 Feb 19
Jeff Smith		2946 Flourer Creek		25 Feb 19
Amy Storch		2946 Flourer Creek		25 Feb 19
EARL BELLER		6375 DIXIE WAY		25 Feb 19
ANNETTE BELLER		6375 DIXIE WAY		25 Feb 19
Simone Benson		5121 Starline St		25 Feb 19
Arnold Benson		5121 Starline St		25 Feb 19
CHAD GILBERT		4235 TWIN LANE 71705		26 Feb 19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AR, 2.5 acres per home) to Rural Residential (RR, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.			
What petition is for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AR) at 2.5 acres per home as our community continues to grow and prosper by maintaining our rural lifestyle. However, we STRONGLY OPPOSE the proposed rezoning to RR, one home per acre, and ask that this request be denied.			
Signature	Print Name	Address	Comment	Date
	ROBERT MACK	6040 DICK RD		2/25/19
	SUSAN C. NEAL	5953 Seminole St		2/25/19
	Nicole Flann	6225 Mangrove St		2/25/19
	Brad Flann	5980 Seminole St		2/25/19
	Bobi Root	3540 Sunset Ave		2/25/19
	Ann Root	3540 Sunset Ave		2/25/19
	Janice Nathan	3195 Grand Ave		2/25/19
	J.D. Nathan	3195 Grand Ave		2/25/19
	Robert Thompson	3715 Parry Leanne Ave		2/25/19
	Dawn Hill	3300 Grandperrin Rd		2/25/19
	Devin Wesseler	3450 Dixie Rd		2-25-19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AR, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
What petitioners for	We, the undersigned, who live in the rural area of the existing zoning classification of Agricultural Residential (AR) at 2.5 acres per home in this community, and who are concerned about the impact on our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Petitioner Name	Signature	Current Address	Comment	Date
Renea Dildine		5300 Allen St. Mpls 55425	Don't have to fill to live rural	2-25-2019
Kirk Dildine		5300 Allen St. 55425	No new tax assessments for impact	2-25-2019
Karen Pieschke		6405 Dixie Way	RR1 is too small	2-25-19
James A. Crakey		3490 Carol Ave	RR1 is too small	2/26/19
Terry Talbot		5739 STAFFORD ST.	200 ft. wide road through RR1A because we live here	2/26/19
Paul Rauherson		3645 SUNSET AVE 55425	Impact on water and sewage	2/26/19
Jessie McOskey		3490 Carol Ave.	RR1 is too small	2/26/19
Austin Lynk		3615 AUNTIE RD 55425	RR1 is too small	2/26/19
Greg Foley		845 Sunset Ave 55425	Impact on water and sewage	2/26/19
IT Dunn		6405 Dixie Way	RR1 is too small	2/26/19
Karen Dunn		6442 Travis St	2.5 acres per home	2/26/19



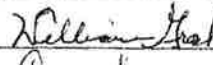



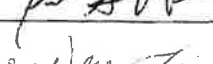

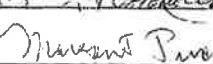
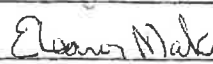

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmoor Address	Comment	Date
Curdis Suggs	Curdis Suggs	6255 Dixie Way	stay 2.5 acres	2-19-19
Harold Thompson	Harold Thompson	3735 Hunter Creek	Stay 2.5 acres	2/19/2019
Zeppeth King	Zeppeth King	3735 Hunter Creek	Stay 2.5 acres	2/19/2019
Kenzie King	Kenzie King	3735 Hunter Creek	Stay 2.5 acres	
Kristi Floyd	Kristi Floyd	6720 Dixie Way	Stay 2.5 acres	2/19/19
Thomas Floyd	Thomas Floyd	6720 Dixie Way	Same 2.5 acres	2/19/19
LMG Smith	LMG Smith	3415 Flounder Creek	Stay 2.5 acres	2/21/19
Catherine Allen	Catherine Allen	3295 Grandperrin Rd	Stay 2.5 acres	2-21-19
Russell Allen	Russell Allen	3295 Grandperrin Rd	1,	2/21/19
John Roper	John Roper	5385 Dixie Way	Stay 2.5 acres	2-21-19
Don Coleman	Don Coleman	6350 Dixie Way	"	2/21/19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AR, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AR at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmeer Address	Comment	Date
SEAN BOHANNAN		3600 Pennsylvania Ave		2-28
MAURICE BOHANNAN		3590 PENNSYLVANIA AVE	HELP	2-28
WILLIAM GRAHAM		5389 WELLS LN	help	2-28
MARINE GRAHAM		5389 WELLS LN	HELP	2-28
ARA DONDERS		4709 ESTRADA LN	HELP	2-28
KARY SIMONEZ		2906 HUNTER GLEN RD	Keep Zoning @ 2.5 acres	3-1
JESSIE ATKINS		3000 SUNSET AVE	Maintain Rural Nature of Scottsmeer	3/1
JOHN KARAMOLENGOS		3495 SUNSET AVE.	Keep Zoning @ 2.5 acres	3/1
ENOEFA KARAMOLENGOS		3495 SUNSET AVE.	Keep Zoning @ 2.5 acres	3/1
MARGARET PUSCI		5910 MAGNOLIA ST.	KEEP ZONING @ 2.5 ACRES	3-1
LEANN MAKANON		5600 TRAVIS ST	Keep Zoning @ 2.5	3-1

Petition to Keep Scotsman's Rural

[illegible]

Donor Name	Plant Name	Address / Notes	Comments	Date
Jasmine Strite	Jasmine Strite	3135 Huntington Ave	Keep 2.5 acce	3/1
Ashley Strite	Ashley Strite	3135 Huntington Ave	Keep 2.5 acce	3/1
Angela Chamberlain	Angela Chamberlain	6045 Seminole St	Keep 2.5 acce	3/2
ARLENE CHAMBERLAIN	ARLENE CHAMBERLAIN	4095 Seminole St	Keep 2.5 acce	3/2
Andrew H. Chamberlain	Andrew H. Chamberlain	5770 Palm St	Keep 2.5 acce	3/2/19
Angela Atkins	Angela Atkins	3000 Sunset Ave	Keep 2.5 acce	3/2/19
Frederick K. Chamberlain	Frederick K. Chamberlain	5445 Stanford St	Keep 2.5 acce	3/2/19
Patrick Donahue	Patrick Donahue	3530 S. Hwy 1 #47	Keep 2.5 acce	3/4/19
Susan Hutchins	Susan Hutchins	6155 Dixie Way	Keep 2.5 acce	3/4/19
Marilee Hutchins	Marilee Hutchins	6155 Dixie Way	Keep 2.5 acce	3/4/19
Dan Lovell	Dan Lovell	4700 Merritt Rd	Keep 2.5 acce	3/7/19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmeer Address	Comment	Date
Maxine Ziemann	Maxine Ziemann	3465 Sunset		3-5-19
CHRIS ZIEMANN	Chris Ziemann	3465 SUNSET AVE		3-5-19
FRANK WOLKSHY	Frank Wolkshy	3440 Todd Lane		3-6-2019
TIM WAGNER	Tim Wagner	6425 CURRAHEE LN		3-7-19
SANDRA WAGNER	Sandra Wagner	6425 CURRAHEE LN		3-7-19
REBECCA FUNK	Rebecca Funk	5020 US Hwy 1		3-8-19
DOUGLAS FUNK	Douglas Funk	6040 MANGROVE ST		3/8/19
JUDY FUNK	Judy Funk	6040 MANGROVE ST		3/8/19
ERIC FUNK	Eric Funk	6040 MANGROVE ST		3/8/19
Jackie B. Johnson	Jackie B. Johnson	3440 Huntington Ave		3/9/19
Joy B. Johnson	Joy B. Johnson	3440 Huntington Ave		3/9/19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AR), 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 10.75 acres located at the southeast corner of County Line Ditch Road and Uide Way has been filed.
Petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AR) at 2.5 acres per home) to be changed to RR1, 1 acre per home) and ask that this request be denied. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmeer Address	Commitment	Date
Wicki C Thomas	Wicki C Thomas	3355 Dunn Rd Mims FL 32754	Keep Rural	3/13/19
Tom E. Myster	Tom E. Myster	5430 Travis Trl Scottsmeer FL 32775	Keep Rural	3/14/2019
Bobbie L. H. [unclear]	[unclear]	3000 Red Man	Keep Rural	3-13-19
Nick Smith	Nick Smith	7703 Hawk Haven Dr	Keep Rural	3-13-19
Robert Moore				
Robert Moore	Robert Moore	5800 Palm St	Keep Rural	3/15/19

Fixed all

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.6 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmoor Address	Comment	Date
Scott Perin	[Signature]	1772 Robin Hood Ave TV		03/17/19
Betty Prissinger	[Signature]	1094 County Line Rd TV		3/17/19
Eric Turner	[Signature]	1855 Reddy Dr		3/17/19
Elton Hagan	[Signature]	1165 S. Seave		3/17/19
John R. [unclear]	[Signature]	1115 [unclear] Lane		3/17/19
Indira [unclear]	[Signature]	3115 Perryville Rd		3-17-19
Michael Anderson	[Signature]	4270 Macdole Green Rd.		3-17-19
Paul Kueper	[Signature]	8952 Grandline Rd.		3/17/19
Libby Kruger	[Signature]	8952 Grandline Rd. Mims, FL 32754		3/17/19
[unclear]	[Signature]	3608 Ellish Ln		3/17/19
Miranda Coffey	[Signature]	5445 Harrison Rd Mims FL		
Bradley Hall	[Signature]	6016 Travis St Mims FL		3/17/19
Karen Dunn	[Signature]	6016 Travis St Mims FL 32754		3/17/19
Genie Hobbs	[Signature]	6016 Travis St Mims FL 32754		3/17/19
Kristin [unclear]	[Signature]	6016 Travis St Mims FL 32754		3/17/19
Dalton Hobbs	[Signature]	6016 Travis St Mims FL 32754		3/17/19
Tyler Hobbs	[Signature]	6016 Travis St Mims FL 32754		3/17/19
Jane Hobbs	[Signature]	6016 Travis St Mims FL 32754		3/17/19
Jenny Sanders	[Signature]	6016 Travis St Mims FL		3/17/19
Wynita Sanders	[Signature]	6016 Travis St Mims FL		3/17/19
Margel Sanders	[Signature]	6016 Travis St Mims FL		3/17/19
[unclear]	[Signature]	3500 Huntington		3/18/19
Pat Oppedizano	[Signature]	3500 Huntington		3/18/19
Terry Mills	[Signature]	13945 NE 217th Ct		3/18/19
Carleen Owen	[Signature]	14200 Commonwealth Ave Polk City FL		3/18/19
Norman Meyer	[Signature]	6495 Dixie Way		3/18/19
Mary Meyer	[Signature]	6495 Dixie Way		03/18/19
Lill Tolon	[Signature]	5544 Dixie Highway		3/20/19

Emily Sweeney

DOUBLE

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 18.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
Henri Tringle		2959 Easy St. Mims, FL 32754	hell no	
MARIE SKINNER		3075 LIONEL RD, MIMS		11-24-19
JOE PERRY		3770 ORLANDO AVE MIMS	NO	3-23-19
Russell Hunt		3630 Aurora Rd Mims	NO way	3-24-19
Nick Williams		4660 Aurantia Rd	NEVER!!	3/24/19
Troy Bader		2189 Haysman St Tomball, TX 77378		3/24/19
Larry Williams		5190 International A		
ROBERT STANLEY		5001 ROSEMAINE PL	NO!	3-24-19
Shera Dean		38 Pine Meadows	Never	3-28-19
Rory Bader		38 Dunbar		3-24-19
Mike Brewer		3670 AURANTIA RD	N/A	3-24-19
Debbie Cross		4330 Michael	N/A	3/24/19
Trey		4751 Heggenway	WACK UP	3/24/19
Toni Hobbs		5215 Blounts Ridge Rd		3-24-19
Greg Cook		5756 Dunbar	NO	3/24/19
Ricky Lewis				
Sarah Ortiz		Aurantia Rd	NO	3/26/19
Steven Walla		Aurantia Rd		
Terone Hoss		Hidden Lakes Dr	NO	3/26/19
Nancy White		5360 Dixie Way Mims	NO	3/26/19
Gynthia Paloude		449 Cinnamon Teal Dr		3/25/19
Jessica Capen			NO don't want it	3-25-19
Sean Capen				3-25-19
Gregg Matney		4360 Witting /		3-25-19
Cole Jenkins		466 International	HELL NO!	3-25-19
Jim Smith		3705 Pine Avenue	NO	3-25-19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

[illegible]

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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[illegible]

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Section or Address	Comment	Date
Wendy S. G. Wendy	Wendy S. G. V.	4320 ALWORTH A. Dr.		3/22/19
BRETT, G. M. 12		7785 SPRINGFIELD AVE		
Sarah S. G. Sarah	Sarah S. G. Sarah	4285 Aurantia Rd		3/23/19
Deborah Baker Deborah	Deborah Baker Deborah	5055 Gandy Rd		3/26/19
Deborah Baker	Deborah Baker	Hell no Build shit This Place is dead Fix it		
Deborah Baker Deborah	Deborah Baker Deborah	4420 Aurantia Rd		3/23/19
Mark Rush Mark	Mark Rush Mark	4565 Hay Valley Rd		3/23/19
Blair H. Blair	Blair H. Blair	3313 Revera Rd		3/28/19
Daniel L. Baker Daniel	Daniel L. Baker Daniel	5185 Gandy Rd		24 March 19
Daniel S. Daniel	Daniel S. Daniel	4172 Comm. Dr.		
Kimberly Lindsay Kimberly	Kimberly Lindsay Kimberly	4760 Hay Valley Rd, Reno		3/24/19

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

[illegible]

ADDRESS

* - 2 entries

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
Nancy Baker	Nancy Baker	4975 International Ave		3/21/19
Sharon Lowell	Sharon Lowell	3111 Vista Palm Dr		3/21/19
Double Dianne Stine	Dianne Stine	Huntington Ave		3/21/19
Double A. Stine	A. Stine	Huntington Ave		3-21-19
Jason Edwards	Jason Edwards	Travis St		3-21-19
* Duke Edwards	Duke Edwards	Dr. K. Horn Rd		3/21/19
Glenn Prindl	Glenn Prindl	Summer St.		3-21-19
Kevin Waiser	Kevin Waiser			3/21/19
Dolores Tindle	Dolores Tindle	Amfords St		3/21/19
Jeri Mirabella	Jeri Mirabella	Lord St		3/21/19
Samuel Punter	Samuel Punter	Vermont St.		3-21-19
Cherokee Blair	Cherokee Blair	Travis		3-21-19
Henry Blair	Henry Blair	Travis St		3-21-19
Michael Osting	Michael Osting	14940 Via St		3/21/19
Margaret Cook	Margaret Cook	Arcadia Rd		3/21/19
Thomas Wagoner	Thomas Wagoner	6240 Dixie Way		3/21/19
Doris Anderson	Doris Anderson	4975 International Ave		3/21/19
Walter Anderson	Walter Anderson	4975 International Ave		3/21/19
11/11/19	11/11/19	Travis St		3-21-19
Jesse Halbrook	Jesse Halbrook	Dixie Way		3-21-19
Richard Schults	Richard Schults	Dixie Way		3-21-19
Deborah Street	Deborah Street	M M Stratton		3-21-19
* Karen Dunn	Karen Dunn	1042 Travis St		3/21/19
Corinne Wilson	Corinne Wilson	5997 Vermont St	and paved on street	3/21/19
Mark H. H. H.	Mark H. H. H.	3545 FORWARD CREEK	MISS FL	3/21/19
Brian Steen	Brian Steen	1400 Mich. + St	M. us	3/21/19
Melissa Kanner	Melissa Kanner	5900 Vermont St	Alma FL	3/21/19
Chris B. Sims	Chris B. Sims	3812 Lucerne Dr.	Scottsmoor	3/21/19

NEED FIND ADDRESSES

Address

FIXED Done

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Petition to Keep Scottsmoor Rural

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Printed Name	Signature	Scottsmoor Address	Comment	Date
Sean Connolly	Sean Connolly	Hammeck		3/20
Tanner Bonar	Tanner Bonar	SA		3/20
Cheryl Young	Cheryl Young	Mims		3/20
Larry Williams	Larry Williams	Mims		3/20
Robert Swan	Robert Swan	Mims		3/20
Thomas Smith	Thomas Smith	Huntington		3/20
Donna Brumby	Donna Brumby	Hammock		3/20
Victor B. Higgins	Victor B. Higgins	Huntington		3/20
Chris Pate	Chris Pate	Orange St		3/20
Shea Spruce	Shea Spruce	Michael Dr		3/20
Raymond	Raymond	Huntington		3/20
Raul Garcia	Raul Garcia	Huntington		
Theresa W.	Theresa W.	Mims		3/20
Carole M.	Carole M.	Mims		3/20
Norman M.	Norman M.	Mims		3/20
M. D.	M. D.	Mims		3/20
Dorey J.	Dorey J.	Mims		3/20
Orsolya Lorey	Orsolya Lorey	Mims		3/20
William H.	William H.	Mims		3/20
Kris M.	Kris M.	Mims Hunting	Thank you	3-20
Krista M.	Krista M.	Hunting Mims	Thank you	3-20
Jean M.	Jean M.	Mims		3/20
Cheryl	Cheryl	Orange St	MUST NO!!	3/20
M. Taylor	M. Taylor	Mims		3-20
Scott C.	Scott C.	Mims		3-20
T. Jenkins	T. Jenkins	Box 152		3-20
Krista M.	Krista M.	Mims		3/20
Kristen M.	Kristen M.	Mims		3/20

No Address

Done

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Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 18.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
John Hutter	John Hutter	Mims	1140 Hob Valley	3/20/19
Mike Rogers	Michael Rogers	MIMS		3/20/19
Alonzo Mapp	Alonzo Mapp	MIMS		3/20/19
Scott Foster	Scott Foster	1211 1st		"
Jordan Bundy	Jordan Bundy	Mims	4525 Dixie	3/20/19
Kayla Ferguson	Kayla Ferguson	Mims		3/20/19
Carl Cox	Carl Cox	Mims	5050 Grandy Rd	3/20/19
Eryn Roberts	Eryn Roberts	Mims		3/20/19
Alex Grooms	Alex Grooms	Mims		3/20/19
Geoff Nixon	Geoff Nixon	Mims		3-20-19
Paul Sivera	Paul Sivera	Mims		3/20/19
Jason DARRIN	Jason DARRIN	Mims		3/20/19
Mike Brewer	Mike Brewer	Mims	Highway 10	3/20/19
Dylan Henderson	Dylan Henderson	Mims		3/20/19
Elizabeth Shuler	Elizabeth Shuler	Mims		3/20/19
Zechariah Shuler	Zechariah Shuler	Mims		3/20/19
Raul Garcia	Raul Garcia	Mims		3/20/19
Amir Kass	Amir Kass	Mims		3/20/19
Amir Kass	Amir Kass	Mims		3/20/19
James Eagle	James Eagle	Mims		3/20/19
Jason Wilson	Jason Wilson	Mims		3/20/19
Indalicia	Indalicia	Mims	7745 Henderson	3/20/19
Mina	Mina	Mims		3/20/19
Margaret Casper	Margaret Casper	Mims		3/21/19
Dany Roberts	Dany Roberts	Mims		3/21/19
Russell Miller	Russell Miller	PS -		3/21/19
Monette Hill	Monette Hill	Mims		3/21/19
Tyler	Tyler	Mims		3/21/19

No Address Done

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
LEAH'S BARKER		3510 Sunset	NO to Rezoning	3/22/19
Leah Barker		5932 Travis St		3/22/2019
Anthony J. Barker		6019 Palm		3/22/19
John Barker		Travis St	Scottsmoor	3/22/19
* Robert Edwards		Travis St	Scottsmoor	3-22-19
* James The		Huntington Ave	NO THANKS	3/22/19
Terry Hamer		5737 Travis St	NO, Thanks	3/23/19
Nancy Hamer		5737 Travis St		3/23/19
Sherry Redweller		5664 Travis St		3-22-19
Fred Erb		685 D. S. Hwy 3		3-23-19
Robert Erb		"		3-23-19
David Erb		"		3-23-19
M. H. Erb		2016 Ave		3-23-19
Linda Krudzien		5755 Palm St	NO	3-22-19
David Krudzien				
* Tom Peters		3400 Coral Ave	NO	3/22/19
Rebecca Peters			NO	3/22/19
Samuel Pinks			NO	3/22/19
* Henry Plante		3109 SW 83rd Terrace	NO	3/22/19
Jennifer Hughes		5101 SW 83rd Tr	NO to Rezoning	3/22/19
Jane Mett		5635 Stamford St		3-23-19
Deanna Rupp		1855 Umbrella	NO Building	3-23-19
Ann Turner		5932 Travis St	no building	3/23/19
J. Bales		"	"	3/23/19
Melody Hill				

Done

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Petition to Keep Scottsmoor Rural

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Printed Name	Signature	Address	Comment	Date
Rusty Shaw	Rusty Shaw	9200 Hwy 66/67	N/O	
Jake Cloues	Jake Cloues	3445 Kittles St	NO	
Randy Grimes	Randy Grimes	5654 Palm St	NO	23 March 19
Richard Stuber	Richard Stuber	5015 Port	No	23 March
Mike Brecken	Mike Brecken	5937 Starn Ford	NO	23 March
Rachel Reed	Rachel Reed	5969 Vermont St	NO	23 March
David Glass	David Glass	5949 Vermont St	NO	3/19
Jeff Watson	Jeff Watson	5937 Vermont St	HELL NO	23/3
Pete n	Pete n			27/3
April Hays	April Hays	2 Pine Lake	NO	3/23
Vickie Parant	Vickie Parant	4240 Deering Plwy	NO	3/23
Beth Rock	Beth Rock	4240 Deering Plwy	Middle Finger	3/23
Jeremy Corbin	Jeremy Corbin	4240 Deering Plwy	NO	3/23
David Foy	David Foy	3228 Brown Rd	NO	3/23
Gregory Dahn	Gregory Dahn	3036 Colman	NO	3/23
Keith Moore	Keith Moore			
Robert Moore	Robert Moore	3800 S. 1st St	NO	
Jeanne Edwards	Jeanne Edwards	3909 Kolling Hill Dr.		3/23/19
Allen Watson	Allen Watson	2605 Col Blvd Titusville		3/23/19
Kim Wilson	Kim Wilson	1600 S Seminole St		3/23/19
Mike Wilson	Mike Wilson	1600 S Seminole St		3/23
James W. Brown	James W. Brown	3227 1st Ave, Titusville	MINUS, FL 3225	3/23/19
Brian Kyle	Brian Kyle	5808 2nd St MINUS FL	NO, NO, NO	3-23-19
H. B. Brummett	H. B. Brummett	6175 Hwy 44 Mims		3/23/19
T. A. Pinks	T. A. Pinks	Mims		
Kirk Pinks	Kirk Pinks	Mims 6090 Magnolia	NO NO	3/23/19
Tamara Berry	Tamara Berry	Mims 6090 Magnolia	NO NP	3-23-19
Marrean	Marrean	Titusville	NO	3-23-19

Done

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 18.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

[illegible]

Done

Petition to Keep Scottsmeer Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
Theresa Carver	[Signature]	6050 Oak St. N.W.		3/24/19
Robert Robison	[Signature]	6050 Oak St. N.W.		3/24/19
Heaven Nakar	[Signature]	Hog Valley Rd		3-23-19
Doreen Salter	[Signature]	3rd St SE		
Brian Flood	[Signature]	6157 Wainwright Ave S		3/24/19
Danny Simon	[Signature]	5987 Ventral Ave		3-24-19
Melinda [unclear]	[Signature]	5185 [unclear] Ave		3-25-19
Ruth [unclear]	[Signature]	30 [unclear] Dr NE		3/24/19
Susan Pace	[Signature]	2111 Nicholas St.		3/24/19
K. Exple	[Signature]	131 Cornelia Ave		3/24/19
Pamela [unclear]	[Signature]	146 CTA Way		3-24-19
Walter Miller	[Signature]	305 Maple Ave		3/24/19
Steve [unclear]	[Signature]	6600 [unclear] Lane		3-24-19
Norman Viersma	[Signature]	[unclear]		3-24-19
McDonald Karen	[Signature]	Cornell Ave		3/24/19
Seth Smith	[Signature]	1000000 Ave		3/24/19
Brent Mull	[Signature]	Traffic St		3/24/19
Xochimilco [unclear]	[Signature]			
Lana Walker	[Signature]	5725 Palm St.		3/25/19
Quinn [unclear]	[Signature]	3510 Sunset		3/24/19
William Miller	[Signature]	5907 Town St		3/25-19
William [unclear]	[Signature]	5511 [unclear] St		3/25/19
William [unclear]	[Signature]	1812 [unclear] St		
William T.	[Signature]	3637 [unclear] St		3/25/19

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Petition to Keep Scottsmoor Rural

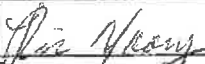
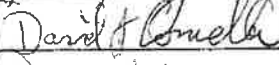

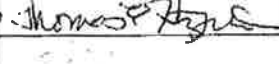
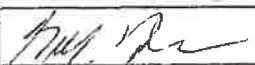


Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
Carol E. ...	[Signature]	3755 ...		3/22/19
Matthew ...	[Signature]	6 Pine ...		3/21
Paul ...	[Signature]	5346 Blounts Ridge		3/21 3/21/19
Andy ...	[Signature]	4240 Dearing Pkwy, Mims		3-21-19
Lindsey Vaughn	[Signature]	4240 Dearing Pkwy, Mims		3-21-19
Shawn Vaughn	[Signature]	4240 Dearing Pkwy, Mims		3-21-19
Wayne Vaughn	[Signature]	4240 Dearing Pkwy, Mims		3-21-19
Arch ...	[Signature]	493 ...		3-21-19
John ...	[Signature]	5110 Blounts Ridge Rd		3-21-19
John ...	[Signature]	61250 Hog ...		3-21-19
Cam ...	[Signature]	5350 Blue Hill Rd		3-21-19
Michelle ...	[Signature]			3/21
Don ...	[Signature]	3350 Berkham Rd		3/21
Ken ...	[Signature]	373 ...		3/21
Ron ...	[Signature]	5629 Stamford St.		3/22
Earl Hall	[Signature]	3460 Irwin		
Terri ...	[Signature]	4530 Hwy Valley		
C. Green	[Signature]	4240 Dearing Pkwy		3/22/19
G. Green	[Signature]	4240 Dearing Pkwy		3/22/19
Calvin ...	[Signature]	3085 Orlando Ave Mims		3/22/19
Lois ...	[Signature]	6023 ...		3/22/19
Curtis ...	[Signature]	13 Elmwood Pl 32754		3/22/19
Sharon ...	[Signature]	Mims Fl.		3/22/19
John ...	[Signature]	4711 Pine Needle St Mims		3/22/19
Angela ...	[Signature]	4711 Pine Needle		3/22/19
Damien ...	[Signature]	Mims		3/22/19
CA ...	[Signature]	Mims		3/22/19
Makayla ...	[Signature]	Mims		3/22/19

Done

Petition to Keep Scottsmeer Rural

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Printed Name	Signature	Scottsmeer Address	Comment	Date
Ra Mounen			Keep it rural	3/26
David Conella		3945 Grantline rd ³⁴⁷⁵⁴ Mims	Keep it Rural	3/28
Denise Fitzgerald		4542 Whiskey Ln Mims	Keep it Rural	3/28
THOMAS FITZGERALD		4542 WHISKEY LN MIMS	KEEP IT RURAL	3/28
Billy J Valner		3615 Pennsylvania Ave	Rural 1.1	3-29
Patricia J Valner		" "	Rural	3-29
Jamie M Lanstra		2614 Sycamore Hill Dr	Keep it Rural	3/29

all done

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Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
Dwight Bennett	[Signature]	3928 Summer St	NO	3-12-19
Saleen Miller	[Signature]	5907 Travis St	NO	3-13-19
Christina Ellman	[Signature]	4300 Beacon Ave Tallahassee, FL 32380	own land out of town	3-14-19
Brian Ellman	[Signature]	"	"	3-14-19
[Name]	[Signature]	5706 Starnum St	NO	3-14-19
Dwight Miller	[Signature]	5640 Stamford		3-16-19
[Name]	[Signature]	"	"	1
Richard Ludwig	[Signature]	5615 Palm St	NO	3-16-19
[Name]	[Signature]	3540 Sunset Ave	NO	3-16-19
Blake Lee	[Signature]	510 N US Hwy 1	NO	3-17-19
Amorena Wilcox	[Signature]	520 N US Hwy 1		3-17-19
Samuel Wooten	[Signature]	2735 Marigold Ave		3-17-19
Gerome N. Brown	[Signature]	3700 Buckholman Road	none	3-17-19
Jason Speere	[Signature]	3030 Flander Creek Rd.		3-17-19
Martin Bentley	[Signature]	1747 66th St		3-17-19
Rich E. Furtick	[Signature]	1327 South 11th St	Just Brian	3/17/19
Dave Rice	[Signature]	4812 Filley Road Dr	Keep current zoning	3/17/19
Melinda G. Gumbel	[Signature]	4292 Clifton Rd	Farms only	3/17/19
Kevin Gumbel	[Signature]	4292 Clifton Rd	Farms only	3/17/19
Dan K. K. K.	[Signature]	2400 Seaton Rd	NO Blueprints	3-17-19
Mary Ann Talbot	[Signature]	2400 Seaton Rd		3-17-19
Theresa Talbot	[Signature]	2110 Parkway Blvd		3/17/19
JEFF ANDREWS	[Signature]	3240 PHANTOM RD.	NO REZONE	3/17/19
KEVIN J. J.	[Signature]	3110 Parkway Blvd		3-17-19
[Name]	[Signature]	3927 Hammond	NO	3-17-19
LESA DENNIS	[Signature]	1360 W. Eagle Trail	NO WAY	3-17-19
Barton Dennis	[Signature]	1360 W. Eagle Trail	NO WAY	3-17-19
Henry V. V.	[Signature]	3130 Torpentine Rd	NO WAY	3-17-19

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Printed Name	Signature	Scottsboro Address	Comment	Date
Francis H. Kesterson	[Signature]	5221 US Hwy 1 N		3/20
Mary McEllan	[Signature]	5255 US Hwy 1 N		3/20
Roger Schilling	[Signature]	675 W Highway 2		3/20/19
TRANSIA-KAT	[Signature]	5195 US Hwy 1 N		3/20/19
Curly Merrill	[Signature]	5195 US Hwy 1		3/20/19
Mike Kinney	[Signature]	3695 Minkwood		3/20/19
Eric Law	[Signature]	3695 Minkwood		3/20/19
Len Kinney	[Signature]	3695 Minkwood		3/20/19
Randy Ellis	[Signature]	5220 ...		3/20/19
Roger Siler	[Signature]	3575 FLORIDA		3/20/19
Rene Tyson	[Signature]	3575 FLORIDA	Green Rd	3/20/19

Petition to Keep Scottsmoor Rural

3

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
JOHN CONNOR	John Connor	1825 RIMBY DR TINNAPPOLE, FL		3-17-19
Jody Decatur	Jody Decatur	2535 PARNISH RD TINNAPPOLE		3-17-19
Gail Mike	Gail Mike	479 MAYTEEN RD OKLAHOMA, FL		3-17-19
Bob Wiersma	Bob Wiersma	479 MAYTEEN RD OKLAHOMA, FL		3-17-19
JENNIFER COLEY	Jennifer Coley	1322 LAKE CT TINNAPPOLE, FL		3/17/19
Esther Cerezo	Esther Cerezo	1320 LARK CT TINNAPPOLE, FL		3-17-19
Ashley Ausling	Ashley Ausling	3824 FAIRFAX DR		3-17-19
Elijah Farrow	Elijah Farrow	3824 FAIRFAX DR		3-17-19
Leighann Tackitt	Leighann Tackitt	3277 121 AVE LOT 106		3-17-19
Brittany Hartwell	Brittany Hartwell	4545 DIXIE WAY MIMMS		3-17-19
Ted Hickell	Ted Hickell	4545 DIXIE WAY MIMMS		3-17-19
Chris Simpson	Chris Simpson	3812 LAWRENCE AVE		3-17-19
Bill Kendrick	Bill Kendrick	3419 TURNBULL R		3-17-19
Amanda Murse	Amanda Murse	3554 BREWSTER BL		3-17-19
Gary Smith	Gary Smith	2535 PARNISH RD		3-17-19
John Anderson	John Anderson	3915 AURANTIA RD		3-17-19
Henry C. Ayer	Henry C. Ayer	6715 SR 46 MIMMS		3-17-19
David W. Merwin	David W. Merwin	1870 TOMATO FARM RD MIMMS		3-17-19
Tamar Coke	Tamar Coke	2400 SEASONS IN THE SUN		3-17-19
Jessie Burgeson	Jessie Burgeson	2400 SEASONS IN THE SUN MIMMS	FL Ag. State.	3-17-19
Stacie Hummer	Stacie Hummer	3145 DOVER RD MIMMS		3-17-19
James Severson	James Severson	3405 PARNISH RD MIMMS		3-17-19
Lindsey Rankin	Lindsey Rankin	4320 HOG VALLEY RD		3-17-19
Sarah Davis	Sarah Davis	4320 HOG VALLEY RD		3-17-19
Ray A. Lerner	Ray A. Lerner	3445 AURANTIA RD		3-17-19
Leroy Berry	Leroy Berry	2560 KATHUNE		3-17-19
Russ Kaupp	Russ Kaupp	6000 DELIVERY COCK, FL 32422		3-17-19
MARYANN CATTURE	Maryann Catture	6000 DELIVERY COCK, FL 32422		3-17-19

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
Alan T. ...	[Signature]	Mims 4975 HAWK LANE 32754		3/17/19
Bruce Fitts	[Signature]	3150 LICH RD MIMS 32754		3/17/19
Amanda Ellis	[Signature]	3950 KIRBY RD MIMS 32754		3/17/19
Jon Conley	[Signature]	3030 WILLIAMS LANE		3/17/19
Glenn ...	[Signature]	1910 OLD DIXIE TOWN		3-17-19
Brandon ...	[Signature]			3-17-19
Randy ...	[Signature]			3/17/19
Nick David	[Signature]	3483 KITHES STREET MIMS, FL 32754		3/17/19
Josh Cassel	[Signature]	3483 KITHES ST MIMS FL 32754		3-17-19
Nate ...	[Signature]	2441 TALLER ST 32754		3-17-19
Cory ...	[Signature]	3403 TUCKER RD MIMS, FL 32754		3-17-19
GEORGE ...	[Signature]	4720 S. ... MIMS FL 32754		
John ...	[Signature]	4050 BURKHOLD RD MIMS 32754		3-17-19
Marie ...	[Signature]	4050 BURKHOLD RD		3-17-19
Resh ...	[Signature]	3375 KILMARNOCK LITTLE		3-17-19
Thomas ...	[Signature]	7277 FIRST AVE		3-17-19
Kathy ...	[Signature]	2851 ...		3-17-19
Sarah ...	[Signature]	100 ...		3-17-19
Justin ...	[Signature]	3528 ...		3-17-19
Kenn ...	[Signature]	3425 ...		3-17-2019
Danny ...	[Signature]	3425 ...		3-17-2019
Robert ...	[Signature]	6750 US HWY 1 MIMS		3-17-2019
Bob ...	[Signature]	6751 US HWY 1		3-17-2019
Leanne ...	[Signature]	4036 ...		3-17-19
Daniel ...	[Signature]	4036 ...		3/17/19
Patricia ...	[Signature]	4035 ...	BAD IDEA!	3-17-19
Fred ...	[Signature]	3012 ...		3-17-19

Petition to Keep Scottsmoor Rural

5

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 16.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Scottsmoor Address	Comment	Date
Debra Edwards	<i>[Signature]</i>	5737 Travis St		3-13-19
Elia Lee Smith	<i>[Signature]</i>	5737 Travis St		3-13-19
Penny Laysman	<i>[Signature]</i>	5954 Travis		3-13-19
Randall Saunders	<i>[Signature]</i>	5954 Travis		3-13-19
Summer Huffman	<i>[Signature]</i>	5954 Travis St		3-13-19
Summer Laysman	<i>[Signature]</i>	5954 Travis St		3-13-19
Bob Laysman	<i>[Signature]</i>	5954 Travis St		3-13-19
Kim Jackson	<i>[Signature]</i>	4235 Hickman Rd		3-17-19
Leahy Hummer	<i>[Signature]</i>	6080 Mangrove St		3-17-19
Eric Conner	<i>[Signature]</i>	3157 Lionel Rd		3-17-19
Debra Shuler	<i>[Signature]</i>	4222 Julia St	Tule 3 rd	3-17-19
Beth Blair	<i>[Signature]</i>	4430 Howard Rd		3-18-19
Clayton Hartman	<i>[Signature]</i>	5905 Arthur St		3-17-19
Christa McKelvie	<i>[Signature]</i>	4535 Hwy 19		3/17/19
Kan McCarthy	<i>[Signature]</i>	3046 Wood Duck Rd		3/17/19
William Brightman	<i>[Signature]</i>	3011 Hickman Rd		3/17/19
Marcia Green	<i>[Signature]</i>	4265 Apple Ln		3/17/19
Lore Jansley	<i>[Signature]</i>	4215 Hickman Rd		3/17/19
Roder Dutton	<i>[Signature]</i>	301 Sterling St		3/17/19
Patty Alsobrook	<i>[Signature]</i>	1724 Conductor Ave		3/17/19
Darrah Alsobrook	<i>[Signature]</i>	3303 Turnbull Rd		3/17/19
Donna Faust	<i>[Signature]</i>	2742 Pine Ave		3/17/19
Chelsee Waters	<i>[Signature]</i>	5005 Blounts Ridge Rd		3/17/19
Ryan Dyer	<i>[Signature]</i>	4109 Jaydell Ave		3/17/19
Angela Cushing	<i>[Signature]</i>	6786 US 1 Nims		3-17
Dennis Dyer	<i>[Signature]</i>	6786 US 1 Nims		3-17
Alicia Swickard	<i>[Signature]</i>	3980 Richey Rd		3/17/19
Lina Teltran	<i>[Signature]</i>	575 Pine Island Rd		3/17/19

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Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AR, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
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Printed Name	Signature	Overlapper Address	Comment	Date
Ben Cohen	[Signature]	3570 Van Hook Rd Hillsville, FL		3/17
Dolores Gao	[Signature]	380 N. Palm Beach Oak Hill, FL		3/17
Ian Atkins	[Signature]	4525 Wellington Lane Hillsville, FL		3/17
Martijn Veen	[Signature]	1990 Palmwood Dr Hillsville, FL		3/17
[Redacted]	[Signature]	380 N. Palm Beach Oak Hill, FL		3/17
Joel Ogram	[Signature]	3640 Hammock Rd Mims, FL		3/17
VICTORIA PERRY	[Signature]	3400 Hickory Oak Hill, FL		3/17
[Redacted]	[Signature]	[Redacted]		3/17
Carly Winston	[Signature]	3600 Morris Ave Hillsville, FL		3-17-19
Cynthia Moore	[Signature]	115 Morris Ave Hillsville, FL 32754		3-17-19
Courtney Curran	[Signature]	PSJ		3-17-19
James Walsh	[Signature]	PSJ		3-17-19
Doris Blum	[Signature]	4036 Atkinson, Mims		3-17-19
Bianca Blum	[Signature]	" "		3-17-19
Shelley Beale	[Signature]	4581 Larchwood Hillsville, FL		3/17/19
Joe Evans	[Signature]	1041 Palmwood Dr Oak Hill, FL		3-17-19
Mary Ann Foley	[Signature]	1401 S. 43rd St Oak Hill, FL 32759		3-17-19
Elizabeth Vasquez	[Signature]	136 S. Grades St Oak Hill, FL 32759		3/17/19
[Redacted]	[Signature]	8851 Freedom Rd Mims, FL 32754		3/17/19
[Redacted]	[Signature]	8851 Freedom Rd Mims, FL 32754		3/17/19
Chuck Smith	[Signature]	431 Long 2 Ln Oak Hill, FL 32754		
Alott Beck	[Signature]	875 Morgan Alderwood Rd Mims, FL 32754		3/17/19
McKenzie Baker	[Signature]	5810 US Highway 1 Mims, FL 32754		
James C. Baker	[Signature]	5810 US Highway 1 Mims, FL 32754		3/17/19
Diana S. Bryant	[Signature]	2920 Folsom Rd Mims, FL 32754		
Shane Sears	[Signature]	3015 Shiloh Rd Mims, FL 32754		3/17/19
Janet Keene	[Signature]	316 S. Hill Rd Mims, FL 32754		3/17/19
Joel Ammons	[Signature]	1815 S. Hill Rd Mims, FL		3.17.19

7

Petition to Keep Scottsmeer Rural

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Printed Name	Signature	Scottsmeer Address	Comment	Date
M. Howard	[Signature]	3475 Pinner	CLOSE ENOUGH	3-17
Janet B. Alt	[Signature]	4765 Pine St	Cocoa, FL	3/17/19
Frank Alt	[Signature]	"	"	"
Nicole Flood	[Signature]	6225 Mangrove St	Mims, FL	3/17/19
Deborah Watkins	[Signature]	1273 Copper Slough Rd	Mims, FL	3/17/19
Joseph Grant	[Signature]	3445 Hammark Rd	Mims, FL	3/17/19
Linda Grant	[Signature]	3455 Hammark Rd	Mims, FL	3/17/19
Brian K. [unclear]	[Signature]	2400 Seasons in the Sun	Mims, FL	3/17/19
Katherine [unclear]	[Signature]	444 Seasons in the Sun	Mims, FL	3/17/19
Kim Dickinson	[Signature]	4530 Holly Valley Rd	Mims, FL	3/17/19
Mildred [unclear]	[Signature]	2456 Rowland	Mims, FL	3-17-19
Jack Banting	[Signature]	3560 [unclear]	Mims, FL	3-17-19
John Dye	[Signature]	4970 International	Au mims	3/17
Deanne Hale	[Signature]	3400 [unclear]	Mims, FL	3/17
Kevin Hale	[Signature]	3410 [unclear]	Mims, FL	3/17
Paul A. Smith	[Signature]	3100 [unclear]	Mims, FL	3-17-19
James Stout	[Signature]	PO Box 151	Mims, FL	3-27-19
William [unclear]	[Signature]	1586 Williams Way	Titusville, FL	3-27-19
Wason [unclear]	[Signature]	1586 Williams Way	Titusville, FL	3-27-19
Teresa Bell	[Signature]	26 Evergreen Pl	Mims	3-27-19
Kathy Skelton	[Signature]	26 Evergreen Pl	Mims	3-27-19
Elizabeth [unclear]	[Signature]	3500 [unclear]		
Ron Steffler	[Signature]	1320 Old Dixie	Titusville	3-27-19
James Gray	[Signature]	2300 Jay Jay	Titusville	3-18-19
Julie Black	[Signature]	3000 Canal Dr	Scottsmeer	3-17-19
Phyllis [unclear]	[Signature]	4100 [unclear]	Mims	3-17-19
John [unclear]	[Signature]	1515 [unclear]	Titusville	3-17-19
Bernad [unclear]	[Signature]	5030 Williams Way	Mims, FL	3-17-19

RUS
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Petition to Keep Scottsmoor Rural

8

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 19.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmoor Address	Comment	Date
SHERRY DENSMORE	[Signature]	5709 Walnut		3/13
Paul Smith	[Signature]	5645 Travis St		3/17
DENNIS BARNARD	[Signature]	5921 Travis St		3-13
Kathy Workman	[Signature]	5933 Travis		3-17
Mary Dinklar	[Signature]	3653 Huntington Ave		3-17
Matthew Workman	[Signature]	5133 Travis		3-17
Joey Davis	[Signature]	6040 Travis		3-13
Debra Jones	[Signature]	6240 Dixie Way		3-17
Bryan Overstreet	[Signature]	6250 Dixie Way		3-16-19
Victoria Williams	[Signature]	3060 Sunset Dr		3-16-19
Vincent Adams	[Signature]	3080 Sunset Ave		3-16-19
Chad O'Neil	[Signature]	6465 Dixie Way		3-16-19
Theresa	[Signature]	6465 Dixie Way		3/16/19
Kath Bilingsley	[Signature]	6553 Dixie way	Keep Scottsmoor Rural	3/16/19
Ruby Stok	[Signature]	6553 Dixie way	Keep Scottsmoor Rural	3/16/19
Colin Stok	[Signature]	5750 JPS Pl	Keep Scottsmoor Rural	3/16/19
Pamela Stok	[Signature]	6645 DIXIE WAY	" "	3/16/19
Kenny Plant	[Signature]	6710 Dixie way	" "	3/16/19
JOHN CAMP	[Signature]	5710 SEMINOLE ST.	" "	3/16/19
JOHN CAMP	[Signature]	5710 Seminole St	" "	3/16/19
Jason Deaman	[Signature]	5760 Seminole St	Keep it Rural	3/16/19
Rosanna Turner	[Signature]	5740 Seminole		3/16/19
Karlene Jones	[Signature]	1580 Quince		3/16/19
Mariah Champagne	[Signature]	5713 Beyond Rd		3/16/19
Deborah Adams	[Signature]	5726 Seminole St.		3/16/19
W. N. Siderher	[Signature]	3010 POWDERHORN		3-16-19
Joe Bardin	[Signature]	3247 Nancy Ave		3-16-19
Randy Bardin	[Signature]	3247 Nancy Ave		3-16

online

19

19

9

Petition to Keep Scottsmoor Rural

Petition summary and background	A request for change of zoning classification from Agricultural Residential (AU, 2.5 acres per home) to Rural Residential (RR1, 1 acre per home) on the 10.75 acres located at the southeast corner of County Line Ditch Road and Dixie Way has been filed.
Action petitioned for	We, the undersigned, state that we fully support the existing zoning classification of Agricultural Residential (AU at 2.5 acres per home) in our community, and welcome new neighbors joining our rural lifestyle. However, we STRONGLY OPPOSE this proposed rezoning to RR1, one home per acre, and ask that this request be denied.

Printed Name	Signature	Scottsmoor Address	Comment	Date
CAROL MASHING	Carol Mashing	5150 45th		3-13-19
Warren Lugo	Warren Lugo	3170 Edgemoor Rd		3-13-19
MARVIN WILLIS	Marvin Willis	2870 Cornyer		3-13-19
Pat Willis	Pat Willis	3100 Sunset Ave		3/15/19
Amber Bieard	Amber Bieard	5645 Travis St.		3/15/19
Kathleen Mize	Kathleen Mize	1265 Nova Terrace Fritchville		3/15/19
Charles E. DeVan	Charles E. DeVan	5912 Hwy 1 Mims Fl.		3/15/19
Go Canada	Go Canada	3985 Coral Ave Mims FL		3/15/19
Steve Rogers	Steve Rogers	6235 DIXIE WAY Mims		3/15/19
Nellie D. Smith	Nellie D. Smith	6235 DIXIE WAY		3/15/19
Richard Benton	Richard Benton	3225 Coral Ave		3-15-19
Jenn Vaughn	Jenn Vaughn	1401 S LUSTHILL		3-15-19
W. Eric Tinner	W. Eric Tinner	4563 Vermont St		3-15-19
Anthony C. Cote	Anthony C. Cote	5709 Stanford		3-15-19
Tommy D. Dandridge	Tommy D. Dandridge	665 Oak Hill St.		3/15/19
Susan B. Bland	Susan B. Bland	7021 11th		3/15/19
Kyle Halken	Kyle Halken	5267 Vermont St		
Fred Carter	Fred Carter	5802 Travis St		3-15-19
Robert Poene	Robert Poene	5802 Columbus	N.S.B.	3-15-19
Thomas B. Minch	Thomas B. Minch	3026 Coral Ave		3/15/19
Susan Minch	Susan Minch	3020 Coral Ave		3/15/19
Diane DellaCorte	Diane DellaCorte	5437 Travis St.		3-16-19
Bethanne Sumner	Bethanne Sumner	3716 Magoon Ave		3-16-19
C. L. Howard	C. L. Howard	3665 Howard Ave		3-16-19
Lois Palmer	Lois Palmer	4445 Shadywood Rd		3-16-19
Barbara K. K. K.	Barbara K. K. K.	4870 International Ave		3-17-19
Connie Lehan	Connie Lehan	3219 Phoebe Tr		3-17-19
John Bell	John Bell	4165 Richmond Rd Mims		3-17-19

Entered all