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Sent: Monday, August 21, 2017 8:48 AM
To: Newell, Marcia; Alward, Elizabeth M; Powell, Richard; Minnick, Bridget; Furr, Christine; Woodard, Patrick; Tice, Molly; Valliere, Jennifer; Stern, Danielle
Cc: Christine Mulligan-Willey; Deborah Thomas; Donna Scott; Kimberly Powell; Tammy Rowe
Subject: 08-10-17 NMI Minutes
Attachments: North Merritt Island Minutes 2017 08.pdf

Attached are the minutes from the August 10, 2017, North Merritt Island Dependent Special District meeting.

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

The North Merritt Island Dependent Special District Board met in regular session on Thursday, August 10, 2017, at 6:15 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

Board members present were: Mary Hillberg, Chairman; Jack Ratterman; Ted Balke; Catherine Testa; and Gina Lindhorst.

Staff members present were: Rebecca Ragain, Assistant Planning and Development Director; Erin Sterk, Interim Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator II.

The board deferred the approval of the previous minutes to the next scheduled meeting.

IV.B. Small Scale Comprehensive Plan Amendment (LPA), Re: NC to CC (6.72 acres) – Gaich/Maun Grove Partnership (17PZ00070) (District 2)

NMI Recommendation: Lindhorst/Testa – Approved. The vote was 3:2, with Ratterman and Balke voting nay.

IV.C. Change of Classification, Re: AU to BU-1 (6.72 acres); and AU to BU-1-A (14.82 acres) – Gaich/Maun Grove Partnership (17PZ00070) (District 2)

NMI Recommendation: Testa/Lindhorst – Approved. The vote was 3:2, with Ratterman and Balke voting nay.

Michael Gaich, applicant, explained the history and ownership of the property, and stated in 1994 he sold part of the property to Nelson Engineering, and the Lutheran Church, both of which had septic tanks, which meant they had adequate drain fields. He referenced the staff comments, and stated he has a letter from Brevard County Utilities stating that the Sykes Creek Wastewater Treatment Plant is a 6 million-gallon per day plant and is currently operating at 3.3 million gallons per day. He mentioned the 2005 North Courtenay Parkway Corridor Study, and noted when he sold a portion of his property to Nelson Engineering and the Church, he developed DCR's (Declarations of Covenants and Restrictions) that covers the types of structures that can be built, along with landscaping; and he will do the same again. He stated he is also seeking a rezoning from AU to BU-1, which is consistent with the requested Community Commercial Future Land Use designation. He further stated the BU-1-A classification is consistent with the Neighborhood Commercial Future Land Use designation. He stated that the staff comments indicate that N. Courtenay Parkway is currently operating at 35% of total capacity. He provided staff the latest TPO study, which indicates that traffic counts from the barge canal to Hall Road are 21,172; and the counts surrounding Porcher Road and Chase Hammock Road are 13,485. He pointed out only 35% of the designated trips are being used that has been designated for N. Courtenay Parkway. He stated the number one factor affecting the rezoning request is the extension of the sewer and reclaimed water line, which will be completed by June 30, 2018. He mentioned new jobs coming to the area through Exploration Park, the demographics of the area, and the number of new housing developments under construction, or recently approved. He stated currently, there is a population on North Merritt Island in a three-mile radius north of the barge canal of 8,101 people; the total households is 3,200; the average income is \$89,962; and the median level is \$62,000. He believes the demographics for North Merritt Island will bring retail stores and services to the area. He has had a vision for this tract of land for a long time and he believes there are more goods and services that can be provided on North Merritt Island. He encouraged the board to communicate with the County Commission and the Utilities Department about the reclaimed water line, because in 2005 the board wanted to beautify the medians, but found out that without water everything will die. He further stated that now that Exploration Park is on the way, there should be more pride taken by those on North Merritt Island who are not maintaining their properties that front S.R. 3 (N. Courtenay Pkwy.). In addition, there should be some aspect of signage that pays tribute to the entrance to Kennedy Space Center and Exploration Park.

Jack Ratterman asked, when Mr. Gaich presented his demographics, was he counting on what's already on North Merritt Island, or what he is projecting is going to be there. Mr. Gaich replied the numbers are what are

there right now, according the company that did the demographics on August 1, 2017. Mr. Ratterman asked if Mr. Gaich has taken a poll of the people who currently live on North Merritt Island to find out what they want. Mr. Gaich replied no, but he sees the new employees that are coming in doing their homework on the area, and that is how someone relocates to an area. Mr. Ratterman stated the people on North Merritt Island moved there because it is rural. Mr. Gaich replied there are goods and services that the 8,000 people can use that are not being provided currently.

Catherine Testa stated as the Island gets more crowded residents might want to stay on North Merritt Island and be happy to have a grocery store so they don't have to wait to get over the bridge. She said she moved to North Merritt Island because it is rural, but things are changing, and maybe it should be considered that some retail would be good.

Gina Lindhorst stated the population will be denser because of all the homes that are being built, so there is going to be a need for more goods and services.

Ms. Hillberg stated the 2005 Corridor Study was done because the residents on North Merritt Island wanted to concentrate the commercial aspect along the corridor; they don't want commercial where homes are.

Ted Balke stated the study that was mentioned is not consistent with the new study that's about to be released, and no one is considering that. Ms. Sterk stated the Corridor Study was more of an aesthetic and signage code specific to North Merritt Island, and it didn't address any density concerns or capacity evaluations. She mentioned Mr. Gaich's deed provisions, which staff asked him to look at and make them above and beyond what the Corridor Study indicated was necessary, at a minimum. She further explained that the only draft recommendation that is in the study regarding AU properties is the development of them as residential, and there is no consideration or recommendation for any change in land use to be prohibited in a commercially. So, there's nothing in that study that's in direct conflict with what Mr. Gaich is proposing because he is not proposing residential density increases. Mr. Ratterman asked Mr. Gaich what his plans are for the property. Mr. Gaich said he currently does not have any plans, and all he is asking for is zoning; he would still need to provide site plans when he knows what is going to be on the property. He further stated that with the zoning change he will have the opportunity to choose who he wants to sell the land to.

Mr. Balke said agencies are not familiar with the type of environmental problems on Mr. Gaich's property, such as flooding. Mr. Gaich stated his property doesn't have any issues, and said he's met with the County regarding drainage, as well as Commissioner Barfield's office, and he has been told there have been major improvements made to North Merritt Island drainage. He noted zoning is the topic today, not drainage.

Discussion ensued on the DCR's, and staff advised that DCR's, deed restrictions, and HOA's are outside of the County's responsibilities and jurisdiction.

PUBLIC COMMENT

Earl McMillian spoke on behalf of the North Merritt Island Homeowners Association, who does not have any objection to the request, because S.R. 3 is supposed to be the commercial artery. He further stated the HOA did not like the Crisafulli project because it would put residential into the commercial area.

Jane Purdue, Bill Purdue, Jim Carbonneau, Kirk Murphy, and Robert Schorah spoke in opposition of the requests for the following reasons: 1.) They would like to know what will type of business(s) would be on the property; 2.) Drainage and flooding; 3.) An increase in traffic and accidents; 4.) They like the rural aspect to North Merritt Island and do not want to see it changed.

Michael Dryer spoke in favor of the requests for the following reasons: 1.) Mr. Gaich has a good reputation and only does quality work; 2.) Will seek the most quality users for the property; 3.) There will be good, quality, growth on N. Courtenay Parkway.

Ms. Sterk advised that in the instance where an applicant does not provide any indication of what they intend to do in the future, staff looks at the zoning classification in the highest and best use than can possibly be developed, but assumes the worst, and that's what has gone into the analysis of this proposal. Staff didn't find that even the biggest shopping center tripped any thresholds.

Mr. Gaich stated in his rebuttal that he does not own the pump that is on the property, but there is an outfall that goes through his property, and if there's a pump there it's the County's pump. The pump used to have FPL power to it, but it was turned off when the groves went away, so if it is pumping, he has no knowledge of it. He met the County to discuss the fact that his neither deed nor title show that the County has an easement through the property. He understands it is a prescribed easement because of the tenure. He has a letter from the County that they will work with him to either relocate the ditch or pipe it, or whatever needs to be done to try to develop the property.

Mr. Balke stated if the lot is paved there won't be a drainfield and no place for the water. Mr. Gaich stated the parcels have been developed under the County regulations to maintain the stormwater on the property. If a pond floods, it will flood back into the ditch. Ms. Hillberg pointed out on the map the area of wetland that the residents are worried about.

Ms. Hillberg informed the audience that the request for the Small Scale Comprehensive Plan Amendment will be heard by the LPA on August 21st, and the County Commission on September 7th.

Discussion ensued on the absorption of water through impervious surfaces. Rebecca Ragain, Planning and Development Assistant Director, stated the Site Plan Code requires that parking areas be paved with asphalt, concrete, or pavers, but pavers need to have enough gravel base underneath to make sure the surface can handle large vehicles. Ms. Sterk said she doesn't think pavers would offset the stormwater mitigation they would still need to provide.

Discussion continued on the reclaimed water coming to the corridor.

Mr. Balke stated the board should be against the request because there is no drainage, the rear portion is wetlands, and there's no reserve area designated for water retention. He stated Mr. Gaich is trying to change the zoning but not providing a site plan, and that is a problem. Ms. Lindhorst stated what Mr. Gaich is saying is that he would like to have professional offices and retail stores. She further stated that with all the houses being packed in tightly, there is going to be a lower income average, and people who buy big houses go to Orlando, not North Merritt Island.

Motion by Mr. Balke to deny the request, as he doesn't believe the property should be changed to BU-1 without looking at the wetland conditions.

Mr. Ratterman seconded the motion.

Ms. Lindhorst stated she doesn't have a problem with the land use, but she has a problem with high density residential. She stated using the property as commercial seems appropriate.

Ms. Sterk clarified that the motion is on the Small Scale proposal.

Mr. Balke noted there are current vacant commercial properties available for rent. Ms. Testa stated she enjoys the agricultural land, but she wouldn't want to see high-density housing on the property, and she doesn't see a problem with the request as it is on the commercial corridor.

Ms. Hillberg stated she has mixed feelings because of the wetlands, but she is against high-density residential on the corridor. She would rather see a quality commercial development on N. Courtenay than high-density residential. She called for a vote on the motion as stated, and it failed 2:3, with Testa, Lindhorst, and Hillberg voting nay.

Motion by Gina Lindhorst, seconded by Catherine Testa, to approve the Small Scale Comprehensive Plan Amendment. The vote passed 3:2, with Balke and Ratterman voting nay.

Motion by Catherine Testa, seconded by Gina Lindhorst, to approve the request for a change of zoning classification.

Mr. Balke stated there is still a problem with the wetlands, and there is no site plan to know what will be placed on the property.

Ms. Hillberg called for a vote on the motion as stated, and it passed 3:2, with Balke and Ratterman voting nay.

RECOMMENDATION OF REPLACEMENT BOARD MEMBER, RE: JIM CARBONNEAU

Mary Hillberg stated Mr. Carbonneau has agreed to join the board until the next election, at which time he can run as a candidate.

Jim Carbonneau stated he lives at 200 W. Crisafulli Road, and has lived in Brevard County on and off since 1971; he's currently been on North Merritt Island for three years. He said he moved to North Merritt Island because it is quiet and rural.

The board agreed there were no objections to Mr. Carbonneau being appointed to the board.

Motion by Gina Lindhorst, seconded by Ted Balke, to recommend to the County Commission that Jim Carbonneau be appointed to the Group 4 vacancy on the North Merritt Island Dependent Special District Board. The vote was unanimous.

Upon consensus, the meeting was adjourned at 7:45 p.m.