



AGENDA REPORT
May 30, 2019

**Douglas and Cindy Robertson request a BDP for consistency with the
Future Land Use designation of Residential 1. (18PZ000167) (District 3)**

SUBJECT:

Douglas and Cindy Robertson request a BDP (Binding Development Plan) for consistency with the Future Land Use designation of Residential 1. The property is 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane. (No assigned address. In the Micco area) (18PZ000167) (District 3)

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 BDP (Binding Development Plan) for consistency with the Comprehensive Plan.

SUMMARY EXPLANATION and BACKGROUND:

The applicants are seeking to retain the existing Single-Family Residential (RU-1-13) Zoning classification by incorporating a Binding Development Plan (BDP) to limit the site's development to the density allowance of 1 unit per acre for which the proposed Residential 1 (RES 1) Future Land Use (FLU) designation would allow. The subject property is currently developed into two (2) residential lots and this proposal would allow for the development of a potential 20 single-family residential lots.

The current RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

The subject property is not served by potable water or sewer and the provision of such would need to be provided by well and septic or a private sewer system.

Within ½ mile of the subject property there are 189 lots on the Property Appraiser's Office (PAO) map, at least four (4) are smaller than the smallest zoning classifications' minimum

lot size would allow. 54 of the lots are 2.5 acres or larger, 51 are between 1.0 acre and 2.49 acres, and 53 are between 0.50 acres and .99 acres. Less than 30 lots within ½ mile of the subject property are less than 0.50 acres in size and no lot is as small as 7,500 square feet or 0.17 acres, the minimum lot size for RU-1-13, except for the four noted above.

A portion of the subject parcel is located within the riverine floodplain as identified by Federal Emergency Management Agency (FEMA). Per Section 62-3724(1), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the riverine floodplain, and residential density limitations shall apply based on site topography. Applicant will be required to provide topographic maps and flood elevations to designate and delineate 100-year, 25-year, 10-year, and mean annual riverine floodplains prior to plan design. Residential density is limited based on riverine floodplain designation (i.e. 100-year, 25-year, 10-year or annual mean riverine floodplain).

About 20% of the property closest to the river is within the Coastal High Hazard Area, which is depicted on a map in the Board's package. Objective 7.0 of the Comprehensive Plan's Coastal Management Element seeks to limit densities within the coastal high hazard zone and direct development outside of this area. Policy 7.6 states that existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area. The Board should consider ways to direct development outside of the coastal high hazard area.

The Board may wish to consider whether the minimum lot size of 7,500 sq. ft. is consistent and compatible with the surrounding development pattern and the adjacent RR-1, AU, GU, and RU-1-13 parcels.

The Board should also be aware that there are several other Zoning classifications that have a minimum lot size that may be considered more consistent with surrounding development patterns. The following zoning classifications have a minimum lot size greater than the existing zoning classification but equal to or less than one (1) acre in size, which could still allow for the developer to obtain a 20-unit gross lot yield while allowing for the preservation of environmentally sensitive portions of the property, including RR-1, SEU, SR, EU, EU-1, and EU-2.

On May 20, 2019, the Planning and Zoning Board heard the request and voted 7:3 to approve the requested Binding Development Plan limited to the following: a.) a maximum of 16 lots; b.) single-family residences shall be a minimum of 2,000 square feet living area; c.) all lots within the front 1,000 feet of the property, from the road right-of-way line, shall be a minimum of one-half acre; d.) all specimen oak trees shall be preserved; e.) all lots shall be required to install advanced septic systems; f.) a maximum wetland impact to existing on-site wetlands shall be 0.37 acres, with no impact to the existing mangrove wetland shoreline fringe allowed; g.) only one access connection shall be allowed to Fleming Grant Road and shall be a private road meeting County requirements; h.) a 15-foot buffer tract shall be provided along the road right-of-way and the east and west property lines; i.) a HOA shall be created, which shall consist of an architectural review committee.

ATTACHMENTS:**Description**

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **Coastal High Hazard Area Map**
- ▢ **School Concurrency**
- ▢ **Draft BDP**
- ▢ **Public Comment Part 1**
- ▢ **Public Comment Part 2**
- ▢ **LPA/PZ Minutes 05/20/19**

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 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 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 percent 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 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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), 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 services 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, odors, 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 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 M A I 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 35 feet higher than the highest residence within 1,000 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 this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the 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 TPO (Transportation Planning Organization) 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 (CURRENT LOS): The Level of Service at which a roadway is currently operating.

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

REZONING REVIEW WORKSHEET

18PZ00167

Commission District # 3

Hearing Dates:

P&Z 05/20/19

BCC 05/30/19

Owner Name: Douglas and Cindy Robertson

Request: BDP for consistency with the Residential 1 Future Land Use designation

Subject Property:

Parcel ID# 30G-38-19-HP-00-10

Tax Acct.# 3008729

Location: Southwest corner of Fleming Grant Road and Seabird Lane

Address: No assigned address; In the Micco area

Acreage: 20.39

Consistency with Land Use Regulations

NO

Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255

YES**

Proposal can be considered under the Future Land Use Designation. Sec. 62-1255

YES

Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

USE-POTENTIAL CATEGORY	CURRENT	PROPOSED
Zoning	Single-Family Residential (RU-1-13)	Single-Family Residential (RU-1- 13) with BDP
Potential*	8 Single-Family Units at 2.5 acres each lot	20 Single-Family Units with BDP at 1 unit/acre
Can be Considered under FLU MAP	NO** Residential 1:2.5	YES** Residential 1

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **The existing Zoning requires a BDP to be consistent with the either the existing Residential 1:2.5 or the proposed Residential 1 Future Plan Use designation.

Trip Analysis Category	ADT	PM PEAK	Road Segment Attribute Name	Road Segment Attribute Data
Trips from Existing Zoning	76	8	Segment Number	360A
Trips from Proposed Zoning	190	20	Segment Name	US-1 Indian River County Line - Micco Road
Maximum Acceptable Volume (MAV)	41,790	3,761		
Current Volume	22,750	2,048	Directional Split	0.5
Volume With Proposed Development	22,940	2,068	ITE CODE #	210
Current Volume / MAV	54.44%	54.44%	ITE CODE DESCRIPTION	Single Family Homes
Volume / MAV with Proposal	54.89%	54.97%		
Current LOS	C	C	Acceptable LOS	D
LOS With Proposal	C	C		
Findings	☒ Non-Deficiency		☐	Deficiency

Background & Purpose of Request

The applicants are seeking to retain the existing Single-Family Residential (RU-1-13) Zoning classification by incorporating a Binding Development Plan (BDP) to limit the site's development to the density allowance of 1 unit per acre, to be consistent with the density allowances of the proposed Residential 1 (RES 1) Future Land Use (FLU) designation. The subject property is currently developed into two (2) residential lots and this proposal would allow for the development of a potential 20 single-family residential lots.

The current RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

According to the survey submitted by WJS Land Surveying, Inc., signed and sealed 12/18/18, the subject property consists of two (2) lots: Lot 10, a 10.75 acre platted lot and Lot 11, a 9.88 acre platted lot, that total 20.39 acres. The property is located in between Fleming Grant Road and the San Sebastian River, with road frontage on the north and river frontage on the south. The land is un-cleared and, according to the attached Natural Resources Management Department analysis, possesses natural resources which are more comprehensively described in the Natural Resources Management Department's addendum to these staff comments and will be further evaluated at future stages of development.

This parcel is the subject of a concurrent Large Scale Comprehensive Plan Amendment (LSCPA) requesting a change in FLU designation from RES 1:2.5 to RES 1.

Land Use Compatibility

The subject property currently retains the RES 1:2.5 FLU, but the applicants are requesting RES 1 via concurrent application (**18PZ00166**) for a Large Scale Comprehensive Plan Amendment.

FLUE Policy 1.9 – addresses the RES 1 Future Land Use designation. The 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 current RU-1-13 zoning is not consistent with the Residential 1 Future Land Use designation. The applicant is requesting this BDP that proposes to limit the gross density of the subject property to one (1) unit per acre in order to achieve consistency with the RES 1 FLU designation as implied by Section 62-1255 of the Zoning Regulations. If the property were rezoned to either RR-1, SEU, or any residential zoning classification requiring a minimum lot size of one (1) acre or larger, no BDP would be required to ensure consistency with the proposed FLU density.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

A portion of the subject parcel is located within the riverine floodplain as identified by Federal Emergency Management Agency (FEMA). Per Section 62-3724(1), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the riverine floodplain, and residential density limitations shall apply based on site topography. Applicant will be required to provide topographic maps and flood elevations to designate and delineate 100-year, 25-year, 10-year, and mean annual riverine floodplains prior to plan design. Residential density is limited based on riverine floodplain designation (i.e. 100-year, 25-year, 10-year or annual mean riverine floodplain).

A portion of the property is in the Coastal High Hazard Area (CHHA). The Coastal Management Element of the Comprehensive Plan, Objective 7.0, Policy 7.6 states that existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area.

Please refer to more detailed comments provided by the Natural Resources Management Department attached as an addendum to these staff comments.

Applicable Land Use Policies

The original Zoning classification of the subject property was a split zoning of GU and AU. The property was rezoned from GU and AU to RU-1 (**Z-2762**) on 03/01/71. An administrative rezoning changed the Zoning classification on this lot, and several other lots Zoned RU-1, to the current classification of RU-1-13 when RU-1 was split into four (4) different classifications based on minimum living area (**Z-2980**) on 05/30/72. This RU-1-13 classification requires a minimum of 1,300 square feet of living area.

The surrounding properties are zoned RR-1 to the east, RU-1-13 to the west, Agricultural Residential (AU) across Fleming Grant Road to the north and General Use (GU) on the islands in the San Sebastian River to the south.

The **RR-1** classification permits single-family residential land uses on minimum one acre lots, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. The keeping of horses and agricultural pursuits are accessory to a principle residence within the RR-1, rural residential zoning classification.

The **RU-1-13** current permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

The **AU** zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

The **GU** classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

There have been no zoning actions approved in the last three (3) years within ½ mile of the subject property.

Within ½ mile of the subject property there are 189 lots on the Property Appraiser's Office (PAO) map, at least four (4) are smaller than the smallest zoning classifications' minimum lot size would allow. 54 of the lots are 2.5 acres or larger, 51 are between 1.0 acre and 2.49 acres, and 53 are between 0.50 acres and .99 acres. Less than 30 lots within ½ mile of the subject property are less than 0.50 acres in size and no lot is as small as 7,500 square feet or 0.17 acres, the minimum lot size for RU-1-13, except for the four noted above.

To the west of the subject property lies an 18 ½ acre subdivision platted as *Arens Wild Acres* on March 19, 1965. The parcels within the subdivision are between just under ½ acre to 1.87 acres in size. The subdivision was developed with the RU-1-13 Zoning classification, prior to the parcels along the river having the RES 1:2.5 Future Land Use designation applied to

them. Some parcels within the subdivision are vacant and some have been developed with single-family residences. Parcels abutting the subject property range in size from .46 acres and 3.11 acres, with smaller parcels towards Fleming Grant Road and increasing in size to the south, closer to the River.

Directly to the east of the subject property lies a thirty foot (30') unimproved right of way and to the east of that lies the private drive Seabird Lane, which provides access to two larger three acre riverfront parcels with the RR-1 Zoning classification and a Future Land Use designation of RES 1:2.5, which are developed with single-family residences. One more single-family residence with its own access from Fleming Grant Road on almost 4 ½ acres of land lies east that. A second subdivision of almost 7 acres in size lies to the east of the three larger riverfront parcels, with River Drive providing access to 14 parcels ranging in size from 0.2 acres to 0.92 acres, with all but two vacant parcels developed with single-family residences.

The abutting properties to the north, separated from the subject property by Fleming Grant Road, are developed as single-family residences. While most parcels north of Fleming Grant Road in the area retain the RR-1 Zoning classification, two parcels retain the AU Zoning classification and a RES 1 Future Land Use designation. Almost all of the parcels abutting Fleming Grant Road on its north side are approximately 1 acre in size.

Surrounding Uses	Current Use	Zoning	Future Land Use
North Across Fleming Grant Road	Single-Family Residences	RR-1, AU	RES 1
East Across Seabird Lane	Single-Family Residence	RR-1	RES 1:2.5
South Across the Saint Sebastian River	Vacant Island	GU	RES 1:2.5
West	Single-Family Subdivision	RU-1-13	RES 1:2.5

Preliminary Concurrency Analysis

A preliminary school concurrency analysis indicates that Sunrise Elementary is not projected to have enough capacity for the total projected and potential students from the Seabird Subdivision. Because there is a shortfall of available capacity in the concurrency service area

of the Seabird Subdivision, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Westside Elementary School, Columbia Elementary and Port Malabar Elementary School. Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Sunrise Subdivision. This accommodation for predicting development and potential redistricting of students is done in coordination between Brevard County Government and Brevard County Schools, through intergovernmental coordination.

The subject property is not served by potable water or sewer and the provision of such would need to be provided by well and septic or a private sewer system.

A preliminary transportation concurrency analysis indicates that the 20 proposed single-family residences are projected to generate 190 trips per day on a roadway. Both Fleming Grant Road and the nearby US-1 have sufficient capacity for the newly generated trips.

For Board Consideration

The applicants are seeking to retain the existing Single-Family Residential (RU-1-13) Zoning classification by incorporating a Binding Development Plan (BDP) to limit the site's development to the density allowance of 1 unit per acre for which the proposed Residential 1 (RES 1) Future Land Use (FLU) designation would allow. The subject property is currently developed into two (2) residential lots and this proposal would allow for the development of a potential 20 single-family residential lots.

The current RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

The subject property is not served by potable water or sewer and the provision of such would need to be provided by well and septic or a private sewer system.

Within ½ mile of the subject property there are 189 lots on the Property Appraiser's Office (PAO) map, at least four (4) are smaller than the smallest zoning classifications' minimum lot size would allow. 54 of the lots are 2.5 acres or larger, 51 are between 1.0 acre and 2.49 acres, and 53 are between 0.50 acres and .99 acres. Less than 30 lots within ½ mile of the subject property are less than 0.50 acres in size and no lot is as small as 7,500 square feet or 0.17 acres, the minimum lot size for RU-1-13, except for the four noted above.

A portion of the subject parcel is located within the riverine floodplain as identified by Federal Emergency Management Agency (FEMA). Per Section 62-3724(1), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the riverine floodplain, and residential density limitations shall apply based on site

topography. Applicant will be required to provide topographic maps and flood elevations to designate and delineate 100-year, 25-year, 10-year, and mean annual riverine floodplains prior to plan design. Residential density is limited based on riverine floodplain designation (i.e. 100-year, 25-year, 10-year or annual mean riverine floodplain).

About 20% of the property closest to the river is within the Coastal High Hazard Area, which is depicted on a map in the Board's package. Objective 7.0 of the Comprehensive Plan's Coastal Management Element seeks to limit densities within the coastal high hazard zone and direct development outside of this area. Policy 7.6 states that existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area. The Board should consider ways to direct development outside of the coastal high hazard area.

The Board may wish to consider whether the minimum lot size of 7,500 sq. ft. is consistent and compatible with the surrounding development pattern and the adjacent RR-1, AU, GU, and RU-1-13 parcels.

The Board should also be aware that there are several other Zoning classifications that have a minimum lot size that may be considered more consistent with surrounding development patterns. The following zoning classifications have a minimum lot size greater than the existing zoning classification but equal to or less than one (1) acre in size, which could still allow for the developer to obtain a 20-unit gross lot yield while allowing for the preservation of environmentally sensitive portions of the property, including RR-1, SEU, SR, EU, EU-1, and EU-2.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 18PZ00167

Applicant: Bruce Moia c/o Douglas Robertson

Zoning Request: RES 1:2.5 to RES 1

Note: Applicant desires to develop parcel into 20 single-family units w/BDP limiting density to 1 dwelling/acre

P&Z Hearing Date: 5/20/19; **BCC Hearing Date:** 5/30/19

Tax ID No: 3008729

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Notable Natural Resources Land Use Issues:

A portion of the subject parcel is located within the riverine floodplain as identified by Federal Emergency Management Agency (FEMA). Per Section 62-3724(1), Floodplain Protection, compensatory storage shall be required for fill in excess of one third (1/3) acre within the riverine floodplain, and residential density limitations shall apply based on site topography. Applicant will be required to provide topographic maps and flood elevations to designate and delineate 100-year, 25-year, 10-year, and mean annual riverine floodplains prior to plan design. Residential density is limited based on riverine floodplain designation (i.e. 100-year, 25-year, 10-year or annual mean riverine floodplain).

If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Summary of Mapped Natural Resources Present on the Subject Property:

- Wetlands
- Aquifer Recharge Soils
- Riverine Floodplain
- Surface Water Classification as Aquatic Preserve
- Septic Overlay
- Heritage Specimen Trees
- Protected Species Potential

Land Use Comments:

Wetlands

The subject parcel contains a small area of mapped NWI wetlands on the southwest portion of the site as shown on the NWI Wetlands Map; an indicator 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.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand and Orsino fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance

Floodplain

A portion of the property is mapped as being within the riverine floodplain as identified by FEMA and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. The parcel is located on a tributary to the St. Sebastian River which has a designated floodway. FEMA elevations at the parcel location are based on elevations from the St. Sebastian River study, and are based on fresh water flood elevations. Per Section 62-3724(1), Development shall not increase the rate and volume of floodwater discharged from the predevelopment 100-year, 25-year, 10-year or annual mean riverine floodplain. Compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. 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."

Surface Water Classification

The property is located on surface waters designated by the State as an Aquatic Preserve. A 50-foot surface water protection buffer (Buffer) is required. Except as allowable under Section 62-3668 (7), primary structures shall be located outside of the Buffer. Accessory structures within the Buffer are permissible provided that stormwater management is provided, impervious areas do not exceed 30% of Buffer area, and avoidance/minimization of Buffer impacts is followed so that surface water quality and natural habitat is not adversely affected.

Septic Overlay

Portions of the site are mapped within the Indian River Lagoon septic overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

Heritage Specimen Trees

The subject property contains mapped polygons of SJRWMD FLUCCS code 4340 – Upland Mixed Coniferous/Hardwood trees. Heritage Specimen trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and reside in the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, 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.

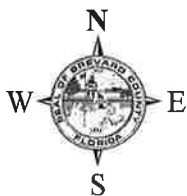
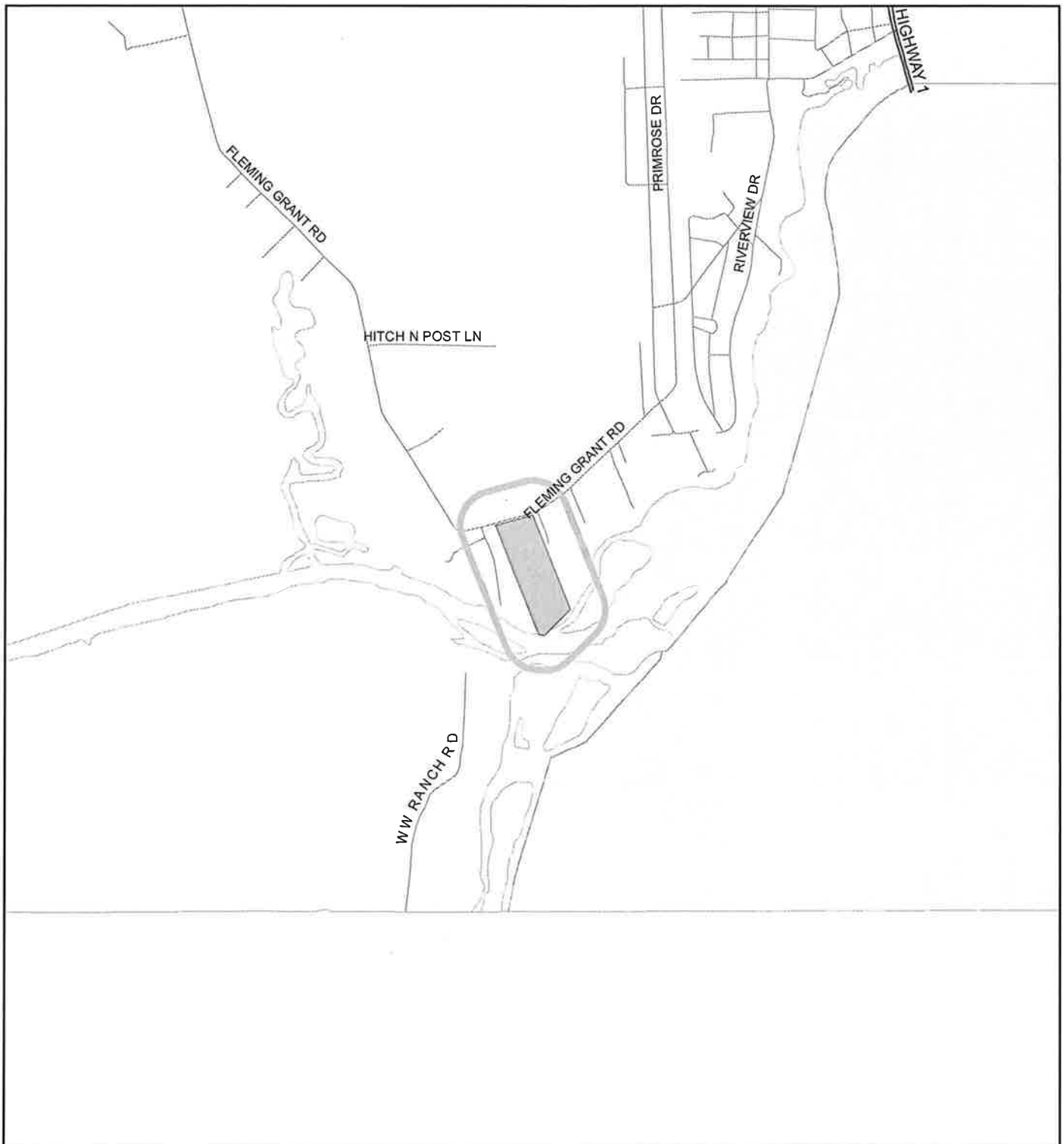
Protected Species Potential

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

Staff Comments: Page 10
(18PZ00167)
05/20/19 PZ // 05/30/19 BCC

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.

LOCATION MAP
ROBERTSON, DOUGLAS AND CINDY
18PZ00167



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

Buffer Distance: 500 feet

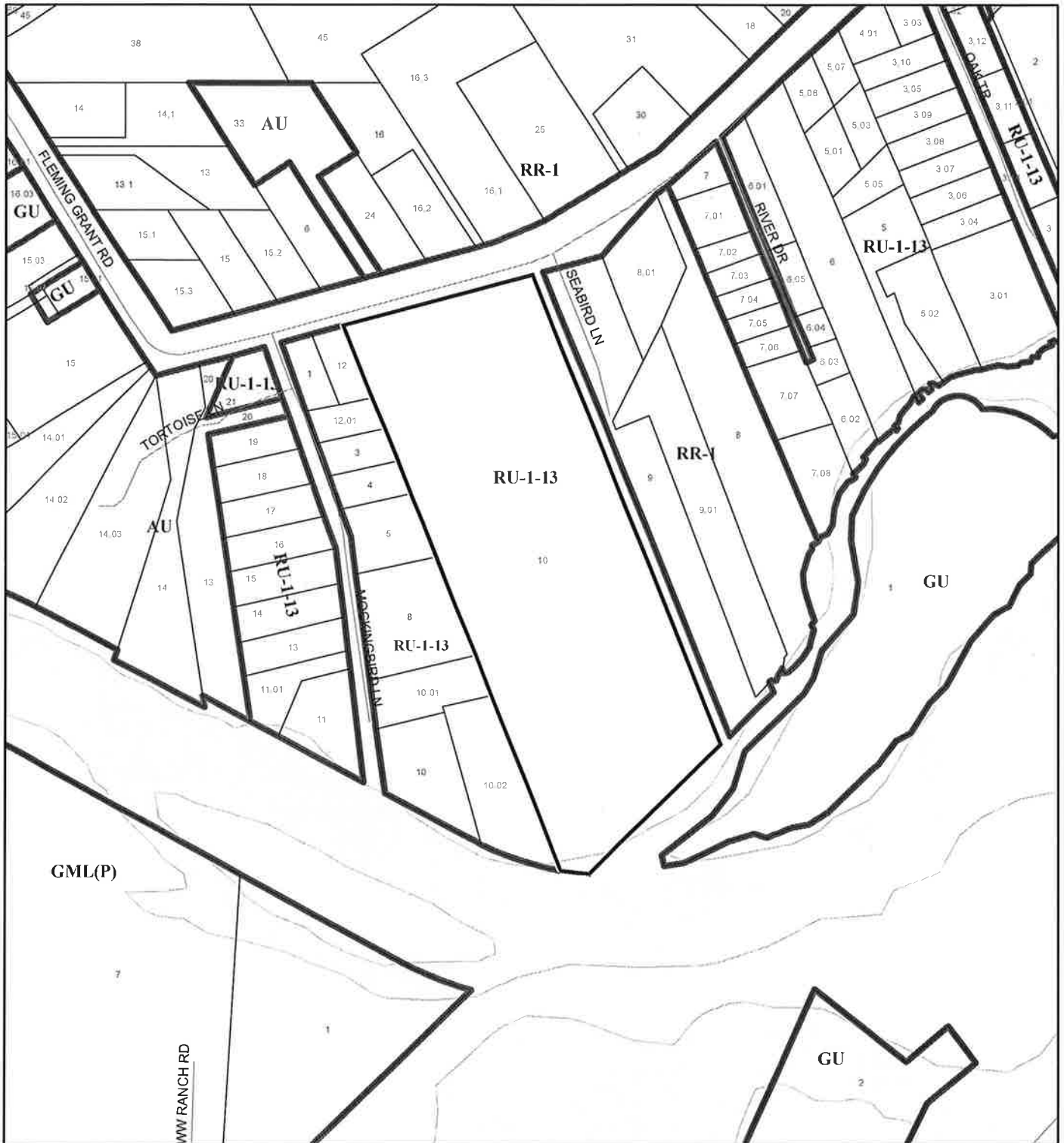
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/17/2019

— Buffer
■ Subject Property

ZONING MAP

ROBERTSON, DOUGLAS AND CINDY
18PZ00167



1:4,800 or 1 inch = 400 feet

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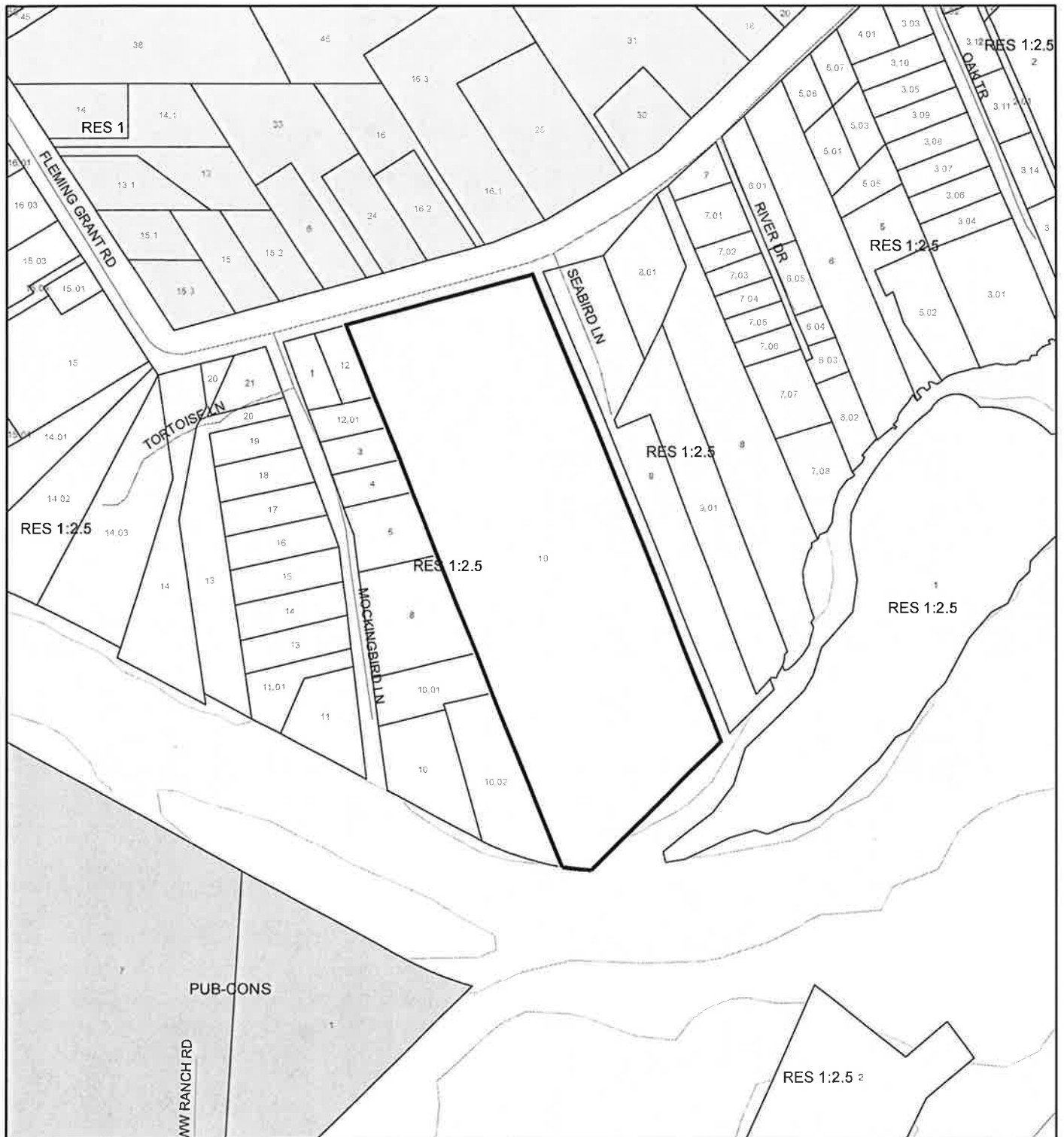
Produced by BoCC - GIS Date: 1/17/2019

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

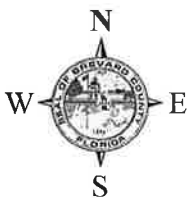
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AERIAL MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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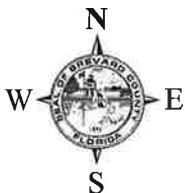
Produced by BoCC - GIS Date: 1/16/2019

— Subject Property
□ Parcels

NWI WETLANDS MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/16/2019

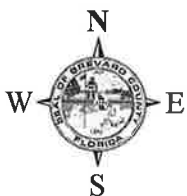
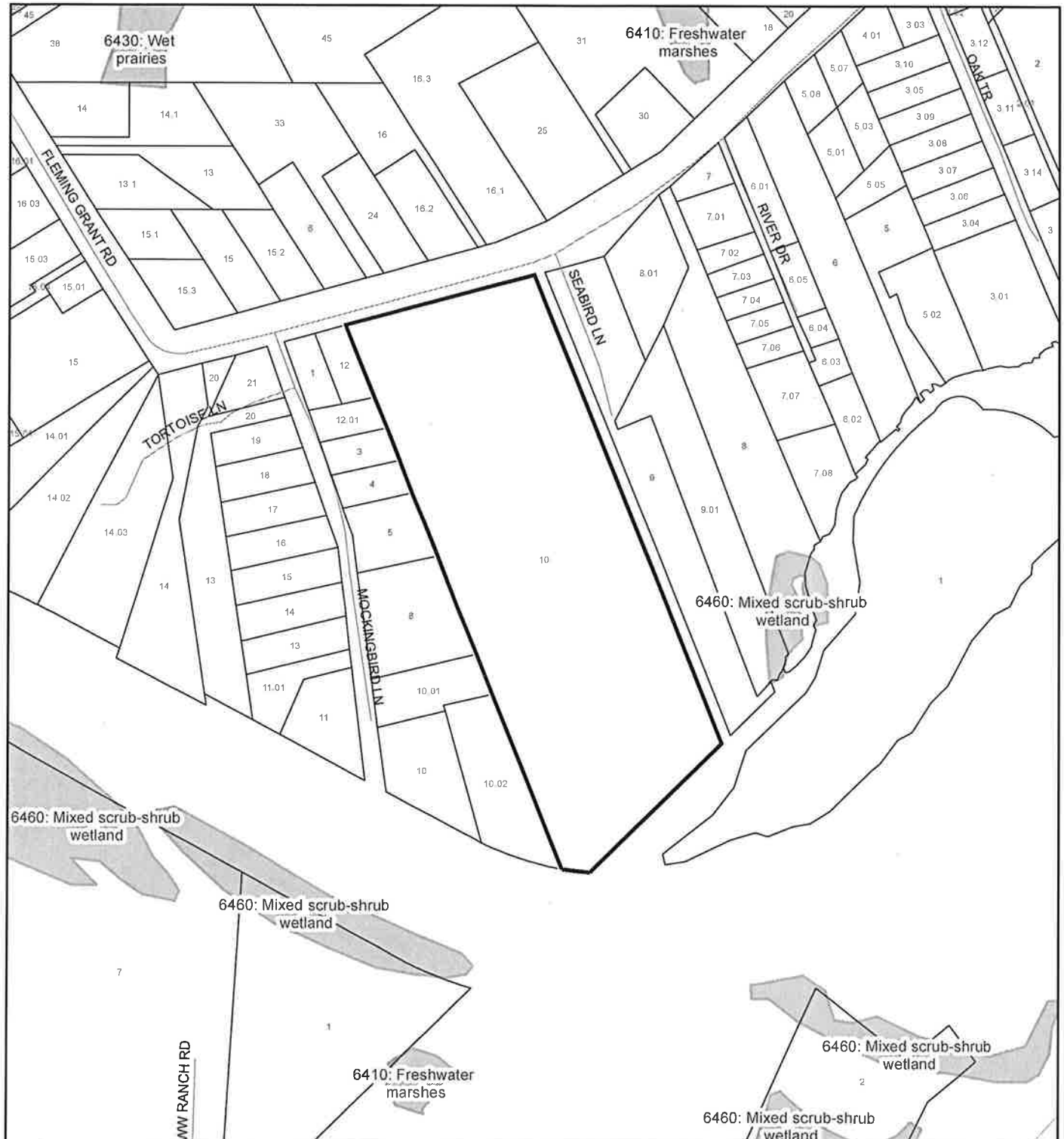
National Wetlands Inventory (NWI)

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

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/16/2019

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

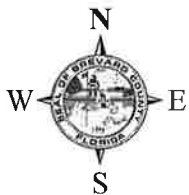
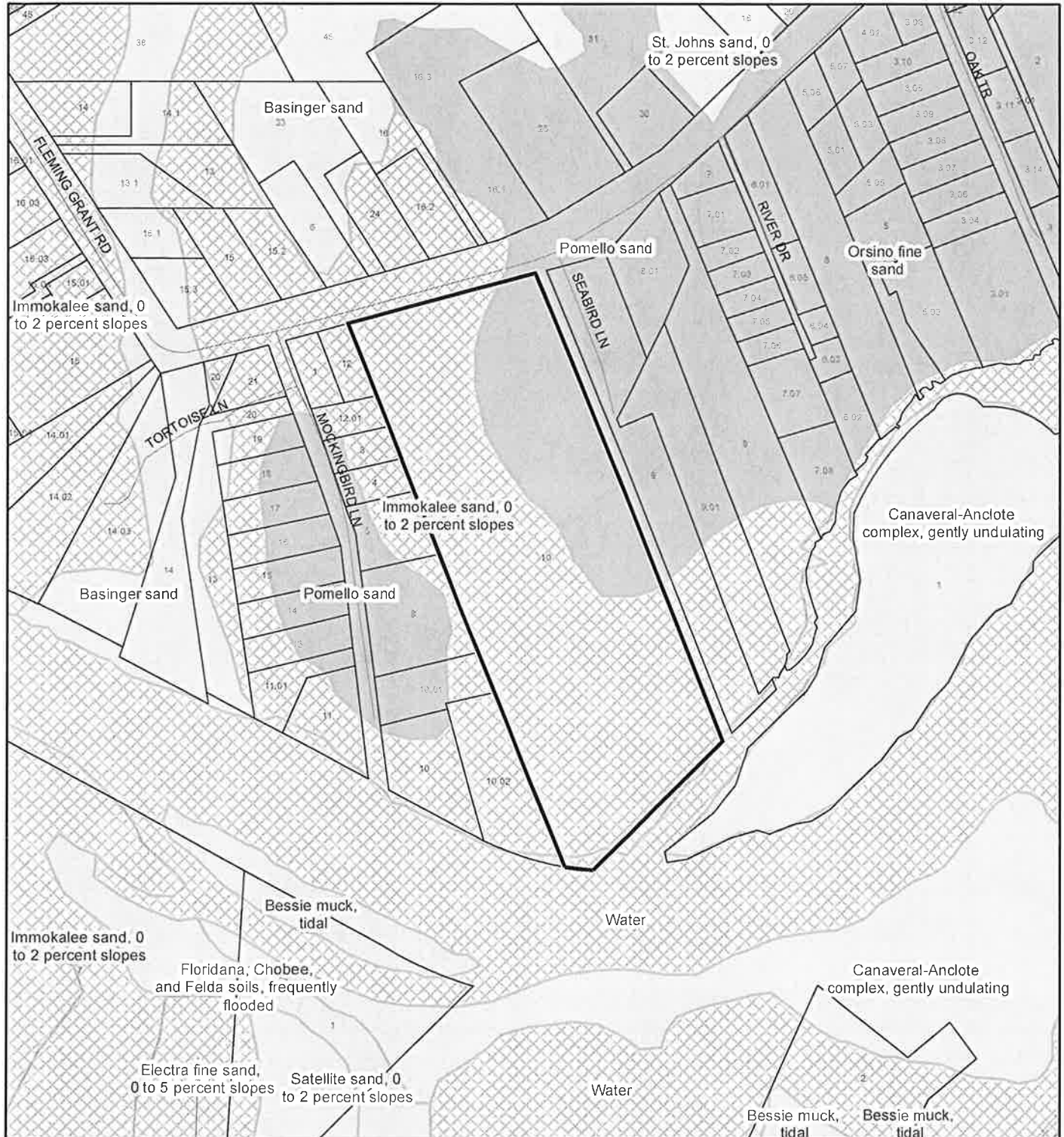
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167

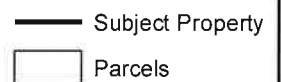
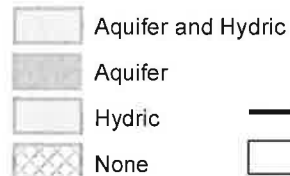


1:4,800 or 1 inch = 400 feet

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: 1/16/2019

USDA SCSSS Soils



FEMA FLOOD ZONES MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/16/2019

FEMA Flood Zones

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

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

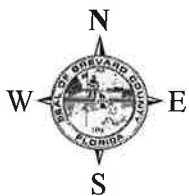
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



1:4,800 or 1 inch = 400 feet

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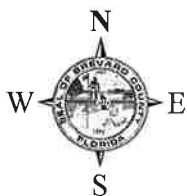
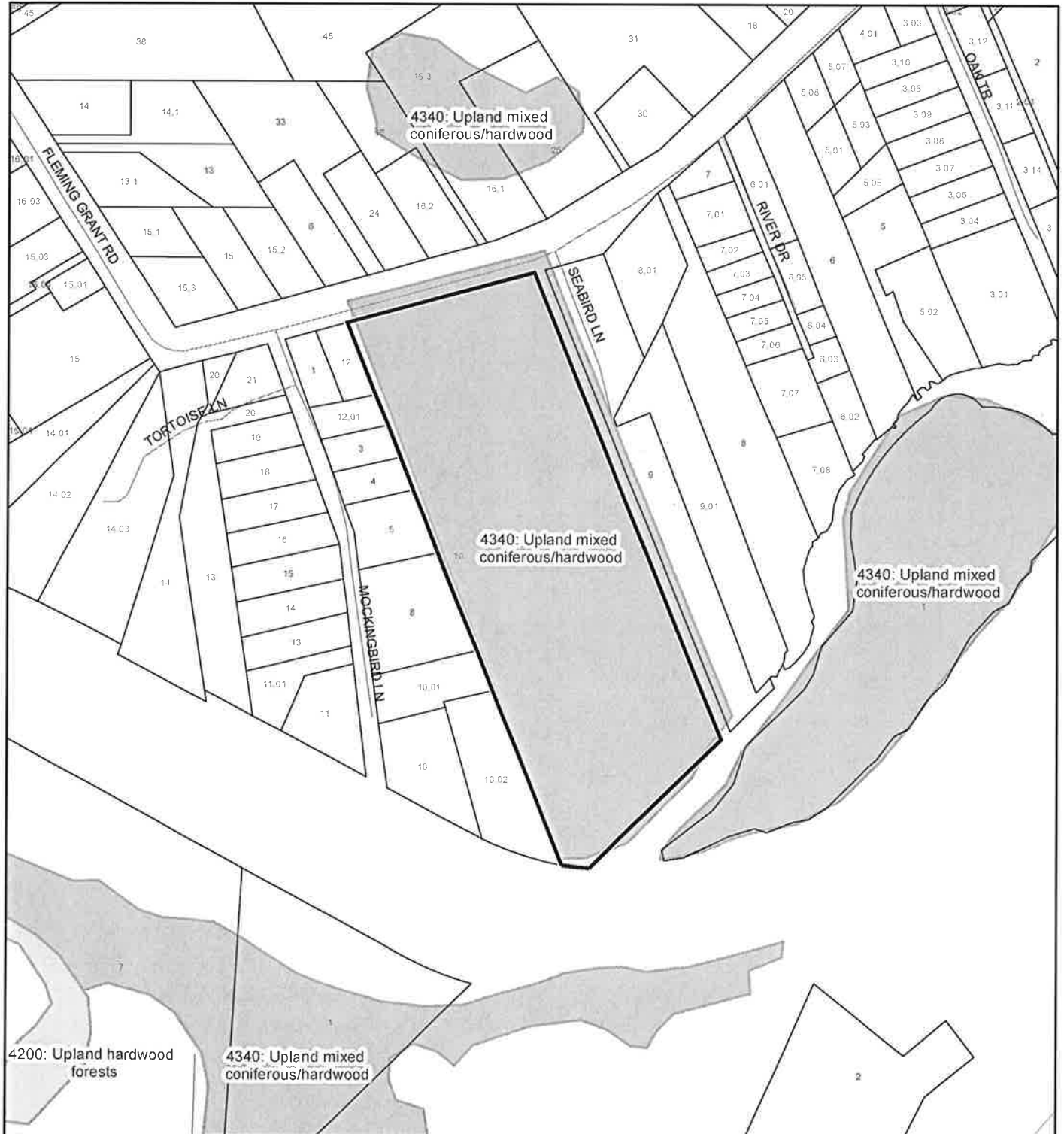
Produced by BoCC - GIS Date: 1/16/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ROBERTSON, DOUGLAS AND CINDY

18PZ00167



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: 1/16/2019

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

COASTAL HIGH HAZARD AREA

Comprehensive Plan Amendment

18PZ00166 - Robertson



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.

Coastal High Hazard Area

- Surge Zone Category 1
- Subject Property
- Parcels



School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Mark W. Mullins, Ed.D., Superintendent

December 20, 2018

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

**RE: Proposed Seabird Subdivision Development
School Impact Analysis – Capacity Determination CD-2018-22**

Dear Mr. Ritchie,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 3008729 (Parcel ID: 30G-38-19-HS-*10), containing approximately 20.39 acres in Unincorporated District 3, Brevard County, Florida. The proposed single-family development includes 20 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		20	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	5.6	6
Middle	0.08	1.6	2
High	0.16	3.2	3
Total	0.52		11

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



An Equal Opportunity Employer

**FISH Capacity
(including
relocatables)**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	917	917	917	939	1,005
Southwest	1,177	1,177	1,177	1,177	1,177
Bayside	2,235	2,235	2,235	2,235	2,235

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	813	847	891	937	987
Southwest	824	881	984	980	893
Bayside	1,686	1,607	1,563	1,589	1,661

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	28	46	46	46	46
Southwest	34	91	120	143	144
Bayside	74	104	135	164	168

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	-	1	3	4	6
Southwest	-	0	1	1	2
Bayside	-	1	2	2	3

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	841	894	940	987	1,039
Southwest	858	972	1,105	1,124	1,039
Bayside	1,760	1,712	1,700	1,755	1,832

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Sunrise	76	23	(23)	(48)	(34)
Southwest	319	205	72	53	138
Bayside	475	523	535	480	403

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

The adjacent elementary school concurrency service areas are Westside Elementary, Columbia Elementary School and Port Malabar Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the Seabird Subdivision 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
Westside	857	857	857	857	857
Projected Student Membership					
School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	625	586	572	559	561
Students Generated by Previously Issued SCADL Reservations					
School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	40	116	203	278	284
Cumulative Students Generated by Proposed Development					
School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	-	1	3	4	6
Total Projected Student Membership (includes Cumulative Impact of Proposed Development)					
School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	665	703	778	841	851
Projected Available Capacity = FISH Capacity - Total Projected Student Membership					
School	2018-19	2019-20	2020-21	2021-22	2022-23
Westside	192	154	79	16	6

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Seabird Subdivision 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', with a long horizontal flourish extending to the right.

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 of Facility Services
File CD-2018-22

Brevard
Public
Schools

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Summary						
Highest Utilization Elementary Schools:						
Highest Utilization Middle Schools:	97%	97%	99%	99%	100%	100%
Highest Utilization Jr / Sr High Schools:	96%	95%	97%	98%	99%	100%
Highest Utilization High Schools:	90%	92%	93%	92%	96%	96%
	94%	95%	97%	98%	99%	99%

Prepared by: MBV Engineering, Inc.
Address: 1250 W. Eau Gallie Blvd., Melbourne, FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Mr. Douglas Robertson, an individual (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested a RES1 Land Use Amendment and desires to develop the Property as single family residential, which currently is zoned RU-1-13, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. Developer/Owner shall limit the property to sixteen (16) lots maximum.
3. The minimum floor area shall be 2,000 sq.ft.

4. All lots within the front 1,000 feet of the property, from the road ROW line, shall be one-half (0.5) acre in size minimum. All lots south of the 1,000 foot front offset line shall be one (1.0) acre minimum.

5. All specimen oak trees, as shown on survey (See Attachment B) shall be preserved, unless significant fill is required by any permitting agency due to flood zone requirements, coastal high hazard requirements, tidal rise requirements, stormwater requirements, or other similar regulation requirements of the County, State, or Federal regulations.

6. All lots within the Property shall be required to install OSTDS systems for sewer collection and treatment, which must reduce total nitrogen in the effluent by at least 65%, in compliance with County and State regulations.

7. A maximum wetland impact to existing on-site wetlands shall be 0.37 acres. No impact to the existing Mangrove Wetland Shoreline Fringe will be allowed.

8. Only one access connection shall be allowed to Fleming Grant Road, which shall be a private road meeting County requirements.

9. A 15' perimeter buffer tract shall be provided along the road right-of-way and the east and west property lines of the Property.

10. An HOA shall be created, which will also consist of an Architectural Review Committee.

11. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

12. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

13. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County

Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

14. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Kristine Isnardi
Chair
As approved by the Board on _____

WITNESSES:

DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(Witness Name typed or printed)

(President)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of
, 20____, by _____, President of _____, who is personally
known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated _____, given by _____, as mortgagor, in favor of the undersigned, _____, as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

WITNESSES:

MORTGAGEE NAME/ADDRESS

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

(Witness name typed or printed)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

Exhibit A

Legal Description

LOTS 10 AND 11, ALLEN ET AL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Subject: FW: Sierra Club letter - Comprehensive Plan Amendment 2019-1.1 (19-01ESR)
Date: Monday, March 25, 2019 1:36:18 PM
Attachments: [Sierra Club letter -- Brevard County Amendment 2019-1.1 \(19-01ESR\).pdf](#)

-----Original Message-----

From: Douglas and Mary Sphar [<mailto:canoe2@digital.net>]
Sent: Sunday, March 24, 2019 5:22 PM
To: Campbell, Cheryl
Cc: Sterk, Erin; McGee, Darcie A
Subject: Sierra Club letter - Comprehensive Plan Amendment 2019-1.1 (19-01ESR)

Dear Ms. Campbell,

Please accept the attached Sierra Club comments regarding Brevard County's proposed Comprehensive Plan Amendment 2019-1.1 (19-01ESR).

The comments have been sent to Ray Eubanks, DEO.

Thank you,

Mary Sphar

321-636-0701



SIERRA CLUB

Turtle Coast Group

March 24, 2019

Mr. Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Department of Economic Opportunity
107 East Madison, MSC-160
Tallahassee, FL 32399-4120

RE: Brevard County Comprehensive Plan Amendment 2019-1.1 (19-01ESR)

Dear Mr. Eubanks:

Sierra Club Turtle Coast Group has reviewed Comprehensive Plan Amendment 2019-1.1, which increases the allowed residential density on a property located on the St. Sebastian River just before it enters the Indian River Lagoon (IRL). The property, located on an aquatic preserve, is less than .2 mile across the river from St. Sebastian River Preserve State Park. Portions of the land are in FEMA flood zone AE and the Coastal High Hazard Area. The parcel contains wetlands and aquifer recharge soils, and will use well water and septic systems.

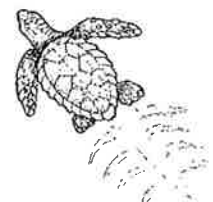
The subject property lies in an area that was partially developed starting in 1955, before the 1988 Comprehensive Plan's Future Land Use Map limited density to 1 unit per 2.5 acres for lots on the river side of Fleming Grant Road. The amendment tests whether the first exception will be granted to the 1988 requirement for large lots that help protect the St. Sebastian River and Indian River Lagoon. Considering the challenges of maintaining the health of our precious surface waters, should Brevard County approve a precedent-setting increase in density that might have appeared reasonable in 1955, but seemed inappropriate even as early as 1988?

Sierra Club's objections to Comprehensive Plan Amendment 2019-1.1 can be grouped into three sections:

1. Data and analysis inadequacies
2. Adverse effects on important state environmental resources
3. Failure to appropriately react to sea level rise projections

Objection 1: Data and Analysis Inadequacies

The amendment does not appear to consider and react to certain important relevant data to the extent necessary. We believe that the best available data and analysis on the health of the imperiled Indian River Lagoon is relevant to the amendment since it provides a context for a thoughtful decision on appropriate density. In addition, projections of sea level rise and major storm vulnerability for this property, along with consideration of strategies for addressing these challenges, should be part of the decision process for the land use designation. There is no mention in the amendment transmittal of either the current Indian River Lagoon context or sea level rise. Three pertinent documents are identified below.



Indian River Lagoon Comprehensive Conservation and Management Plan (IRL CCMP)

One of the most recent analyses of the IRL health crisis is contained in *Looking Ahead to 2030: Indian River Lagoon Comprehensive Conservation and Management Plan (draft 2018)*, prepared by the Indian River Lagoon National Estuary Program. The idea that the IRL has or soon will reach a tipping point where a seagrass-based ecosystem gives way to a phytoplankton-based system has alarmed and worried many citizens and scientists, especially since the massive Brevard County fish kill of March 2016. Page 9 of the IRL CCMP document states:

RESPONDING TO A TIPPING POINT: The IRL experienced a dramatic shift from a system where benthic aquatic vegetation was expanding to one dominated by planktonic microalgae following an unprecedented algal bloom in 2011 (now referred to as the “2011 superbloom”). The post-2011 IRL is characterized by intense, recurring, and long-lasting algal blooms; widespread loss of seagrasses; and episodic wildlife mortality events. Ongoing blooms of picocyanobacteria, nanoplanktonic chlorophyte, and the brown tide species that plagued Texas, *Aureoumbra lagunensis*, now appear to be the “new normal” for the central and northern IRL. This shift emphasizes the need for improved scientific understanding of nutrient loads, nutrient cycling, and tipping points for the IRL.

Save Our Indian River Lagoon Project Plan 2019 Update

In 2016, with the realization of the seriousness of the Indian River Lagoon health crisis, Brevard County voters approved a half-cent sales tax to fund projects to improve the water quality of the Indian River Lagoon. The most current estimate of the revenue the sales tax will collect is \$486 million. *Save Our Indian River Lagoon Project Plan 2019 Update*, prepared by Tetra Tech, Inc. and Closewaters, LLC, is the guidance document for Lagoon restoration efforts funded by the sales tax and matching funds, and we believe it provides information relevant to a decision on the appropriate level of development for the subject property.

Save Our Indian River Lagoon Project Plan stresses that we must reduce nutrient input into the IRL at the same time we implement restoration projects. Sierra Club believes it is foolish to take steps backward with unwise land use decisions at the same time citizens are asked to pay for a nearly \$500 million lagoon restoration initiative. Ironically, even as the FLUM amendment allows buildout that would increase nutrients to the IRL, two projects to reduce nutrient input in the area of the subject property are progressing. They are the Fleming Grant Biosorption Activated Media Brevard County Ditch bottom retrofit, costing \$17,346, and the Micco Septic to Sewer Conversion, costing \$1,977,345. Page 7 of the Project Plan touches on the risk of implementing the plan in the face of inadequate regulation of nutrient contributions to the IRL -- the kind of nutrient pollution the subject property would deliver:

A second uncertainty assessment was conducted in a meeting at the Florida Institute of Technology with a group of water quality, toxicity, muck, fish, algae, invertebrates, and seagrass Subject Matter Experts. . . . However, the scientists continued to voice concern about the restoration of the IRL in the absence of regulatory reform needed to prevent new development from adding more septic system and stormwater pollution to the lagoon.

Indian River Lagoon Outfall and Sea Level Rise Vulnerability Analysis, and related GIS Datasets used for Coastal Resiliency Planning

East Central Florida Regional Planning Council's report, *Indian River Lagoon Outfall and Sea Level Rise Vulnerability Analysis*, April 2016, contains a series of maps showing low, medium, and high projections for sea level rise in Brevard and Volusia County. It is interesting to pinpoint the subject property on the maps. It is also enlightening to view the property area on national storm surge Hazard Maps for hurricane categories 1 through 5, especially since the elevation rises from about 0 feet above sea level at the river to 14 or 15 feet at the road.

Sierra Club volunteers have experimented with GIS datasets to capture the current Coastal High Hazard Area, various scenarios for sea level rise under USACOE and NOAA databases, and storm surge vulnerability for Category 1 through Category 5 storms. We do not have the GIS expertise to print the most appropriate maps, but we are attaching a map showing a 4-foot water level rise that we produced with Climate Central's Surging Seas Risk Finder. We were unable to overlay sea level rise scenarios with storm surge GIS datasets. Therefore, the Sierra Club encourages the state reviewing agencies to evaluate this property with their GIS datasets to depict inundations over time at various sea level rise risks along with corresponding storm surge vulnerabilities. Then the agencies can judge the Sierra Club conclusion that that the subject property appears to be the most vulnerable, or at least one of the most vulnerable, to sea level rise and storm surge in the area between Fleming Grant Road and the river. Could vulnerability to flooding be the reason the property is one of the last remaining large parcels to be proposed for development -- ironically, development at a higher density than the FLUM has allowed since 1988?

Sierra Club believes that sea level rise predictions combined with severe storm vulnerability should have been factored into the amendment transmittal decision. Unfortunately, the required update to Brevard County's Coastal Management Element of the Comprehensive Plan has not been completed as of the date of this letter, though it is very near completion. Therefore, missing from the transmittal discussion was the application of any new Goals, Objectives, and Policies that might discourage or stop inappropriate and problematic development in coastal areas. Sierra Club looks forward to seeing the revision to the Coastal Management Element in the near future.

Objection 2: Adverse effects on important state environmental resources

The priorities of the Brevard County Commission are being tested with the proposed Comprehensive Plan Amendment. The Commission will need to make a decision on whether to hold the line in terms of density increases for properties adjacent to surface waters, or set a precedent that would encourage other property owners to try for similar increases. In this case, the precedent would affect the Indian River -- Malabar to Vero Beach Aquatic Preserve, which includes the St. Sebastian River and the Indian River Lagoon.

It has been said many times that the Indian River Lagoon is experiencing "death by a thousand cuts." Adoption of this amendment and development at an increased density would inflict another "cut" upon the very fragile IRL. The Indian River Lagoon is one of the most diverse North American estuaries, and it is home to over 4,000 plant and animal species. It is struggling against the odds to keep its declining fish and shellfish populations healthy.

The adverse effects of this particular amendment are compounded because of the interplay of multiple state resources such as surface water, wetlands, aquifer recharge soils, and fish and wildlife. The septic systems that would serve this property complicate the adverse effects. Wetlands cleanse the runoff and percolating ground water, so that less nutrient pollution reaches the aquifer and the surface water. Wetlands and their natural wetland buffers partner with surface waters to provide habitat for fish, shellfish, and wildlife species at various stages of their life cycles. Filling wetlands or developing in natural wetland buffers harms surface water quality and consequently the fish and wildlife populations. Septic systems leach nutrient pollution to the aquifer, especially through aquifer recharge soils, which drain rapidly. Furthermore, septic systems don't function well in saturated soils, especially during flood events, resulting in increased nutrient input to surface waters from stormwater. In summary, the proposed amendment would adversely affect state environmental resources of surface waters, wetlands, aquifer recharge soils, and fish and wildlife populations through a complex, interconnected and dynamic process -- a process made even more complex by sea level rise, which will alter the extent of the yet unsurveyed wetlands.

Objection 3: Failure to appropriately react to sea level rise projections

The discussion of sea level rise in the amendment documentation was limited to the Brevard County staff comment that part of the property is located in the Coastal High Hazard Area where public infrastructure is not considered adequate rationale for density increases. A much more detailed analysis of how sea level rise will change the characteristics of the subject property should have been part of the discussion and decision on transmittal.

Just as adverse effects on state natural resources are interconnected, the challenge of sea level rise is related to the severe storm vulnerability. Sea level rise creates a moving target for storm vulnerability. As the sea rises, a larger footprint of land will either be inundated by the sea or flooded by hurricane storm surge. As mentioned above, our Sierra Club volunteers have not seen maps that overlay storm surge on revised water's edge positions resulting from sea level rise. Such visuals would reinforce the challenge of prudent construction options for this property.

Sea level rise means a rise in the level of the St. Sebastian River and the Indian River Lagoon, along with an increase in the width, or spread, of these surface waters. Uncertainty about how sea level rise will affect the health of these waters should insert caution into the decision process on raising residential density on the subject property.

Conclusion

Sierra Club contends that Comprehensive Plan 2019-1.1 is based on insufficient data and analysis. In particular, some of the best available analysis on the Indian River Lagoon was not considered as a context for decision making. In addition, data on sea level rise was ignored, even though part of the property is known to be located in the Coastal High Hazard Area. The complexities of the adverse effects on important state environmental resources were not recognized, nor was the relentless landward march of the sea, which expands storm surge vulnerabilities into previously relatively safe areas. In addition, the fact that sea level rise equates to Indian River Lagoon rise and broadening with unpredictable results underscores

the need for caution and care in the decision making process on this Comprehensive Plan amendment. For all these reasons, Sierra Club opposes the adoption of Comprehensive Plan Amendment 2019-1.1.

Thank you for considering the position of Sierra Club Turtle Coast Group.

Yours truly,

Mary Sphar

Mary Sphar
Wetlands Issue Chair

Attachments: Annotated Google Earth Image of Subject Property and Surrounding Area
Map Showing Water Level Rise of 4 Feet

CC: Florida Department of Environmental Protection
Florida Fish and Wildlife Conservation Commission
St. Johns River Water Management District
East Central Florida Regional Planning Council
Brevard County Planning and Development Department



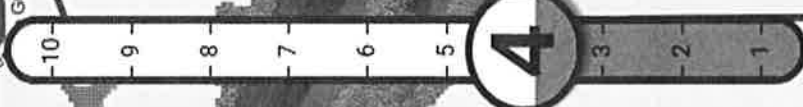
Surging Seas RISK ZONE MAP

English (US) ▾

Enter a global coa: 



Water level 



Show current coast

See projections

Legend

Social vulnerability

Population

Ethnicity

More...



Elevation data courtesy of NOAA

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Cc: [Sterk, Erin](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1(19-01ESR)
Date: Tuesday, March 26, 2019 8:33:41 AM
Attachments: [MHOA-Campbell 3-2019.pdf](#)
[MHOA-MAP Fleming 2.5.pdf](#)
[MHOA-Fleming AE flood.PNG](#)

From: miccohomeowners@aol.com [mailto:miccohomeowners@aol.com]
Sent: Monday, March 25, 2019 6:04 PM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1(19-01ESR)

Please review 3 attachments. Thank you.

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

TO: Ms. Cheryl Campbell, Brevard County Planner
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: March 25, 2019

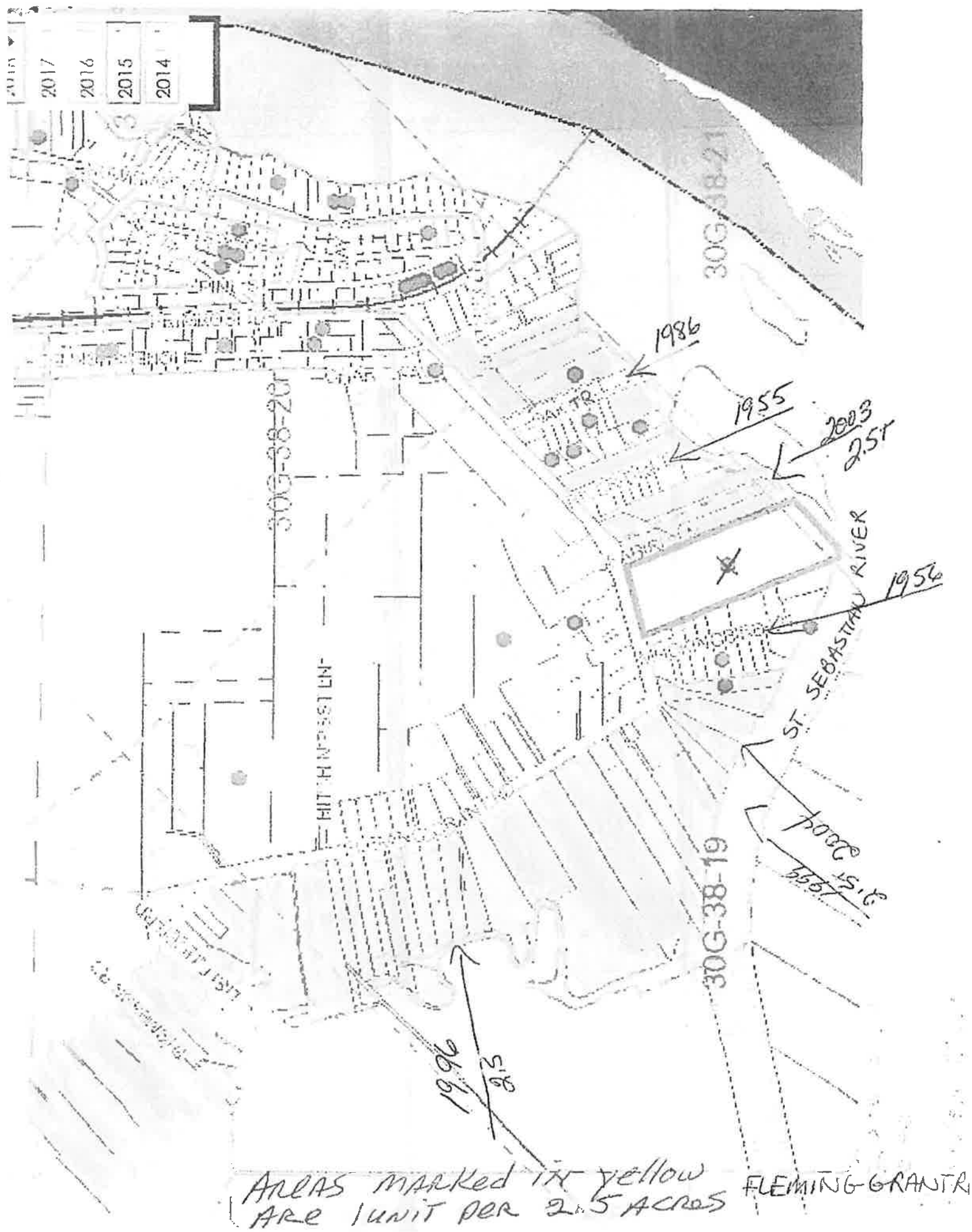
Dear Ms. Campbell,

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

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

Please do not approve any change to the Future Land Use Map for this property.

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





From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Cc: [Sterk, Erin](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, March 27, 2019 1:48:34 PM
Attachments: [Petition against amending comp plan.pdf](#)

From: Linda McLain [mailto:lmclain45@aol.com]
Sent: Wednesday, March 27, 2019 9:40 AM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Date March 26, 2019

Dear Ms Campbell,

I am writing to ask that the above amendment be denied. It is for a 20 acre project on the Sebastian River with wetlands on the property and other environmental issues. The property is currently under a Comprehensive Land Use Plan that allows 1 unit per 2.5 acres. That would allow the owner to put 8 houses on this property. The owner is asking to be allowed to amend the comp plan so that he can put 20 houses on this land. There is NO water and No sewer in Micco and NO plan to ever put them here by Brevard County. There is NO drainage system here. Our water runs in ditches and eventually makes it into the Sebastian River because the land here all slopes toward the river. I am not against a person developing their land but this project will directly affect the neighbors in this area who abut the property as well as impacting the river in a very negative way with run off.

I have included a map of our area showing with RED DOTS all the adjoining properties that are 2.5 acres or more. It will clearly identify show that this is a rural area with homes on large parcels of land and that this development which is being designed to be 600 feet wide and about 1500 deep will have properties in size approx 1/2 acre (which is the state minimum for septic tanks) and that this development is NOT compatible with surrounding properties and will devalue them. I have included photos of surrounding properties showing how sparsely they are located to each other now and how large the frontage is with fences and animals, not at all in keeping with this project. I live on 2.6 acres directly across from this proposed project and my neighbors on both sides of me live on properties from 4-8 acres each. We are not an area of small lots.

There is also included a copy of the petition against amending the comp plan signed by over 70 immediate neighbors to this project.

I will include photos of what happens here now when it rains, how water floods the adjoining properties and that the water has nowhere to go. Also included will be a new residence that backs up to this property. Because of septic requirements, the property is built up about 4 or 5 feet above the natural grade. If you put 20 houses on built up foundations in this project, all the water will run off that area onto the surrounding neighbors, ditches and directly into the Sebastian River. There is no way to contain it. When it rains heavily here the county is unable to help us with this problem. The county also has no solutions for us when our wells fail or our septic drainfields have to be replaced. Recent costs to replace

septic drainfields have been \$6500-\$11,000. Some of the homes constructed adjoining this 20 acres were built in the 1960's and are at a much lower elevation. What will happen to their drainfields as a direct consequence of all the fill that will be required on these new homesites.

This 20 acres has approx 5 acres of wetlands on it and floodplain as well as being located in a coastal high hazard area. How can it be developed with 20 homes on it and not directly impact the Sebastian River that it fronts on? How can you put a road in and squeeze that many homesites there? In 1988 Brevard County set the Comprehensive Plan at 1 unit per 2.5 acres on ALL the land between Fleming Grant Rd and the Sebastian River. It was done to protect the river from over development. Since 1988, ALL the properties that were developed in that same area EACH had a minimum of 2.5 acres. No one has been allowed to create a smaller property. Why is this developer being given special treatment by our county? Why aren't we concerned about protecting the river today when more than ever it needs it? Look at the condition of the Indian River Lagoon and all the money being spent to clean it up. The Sebastian River flows directly into the lagoon and will have an impact on it if over development is allowed to happen.

I would ask you to please consider all the wildlife that live in this 20 acres that will be completely destroyed if this project is allowed. There are wild turkey roosting there, numerous turtles and other animals that roam freely here in our country setting. Please consider how much of this wooded area would be destroyed to make room for 20 homes, driveways, septic areas and the road into this property.

Again I would ask that you consider all these things as you make your evaluation of this amendment. This is not going to be an asset to anyone but the developer who will destroy this neighborhood and pollute the river in order to make a larger profit on this recent purchase of land. I will include a petition signed by over 70 neighbors who are opposed to this comprehensive land use amendment. Thank you for your time and attention of this letter and the attachments.

Sincerely,

Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976
772-664-2274



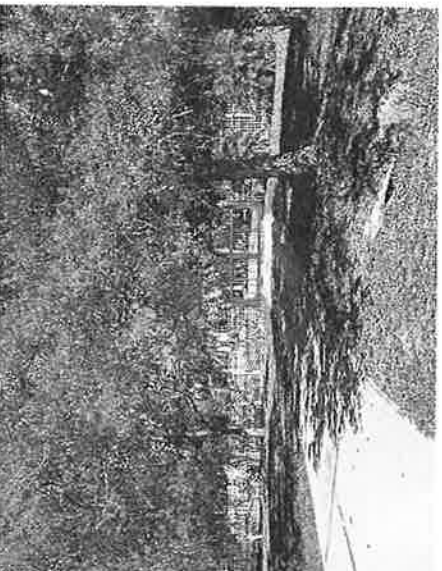
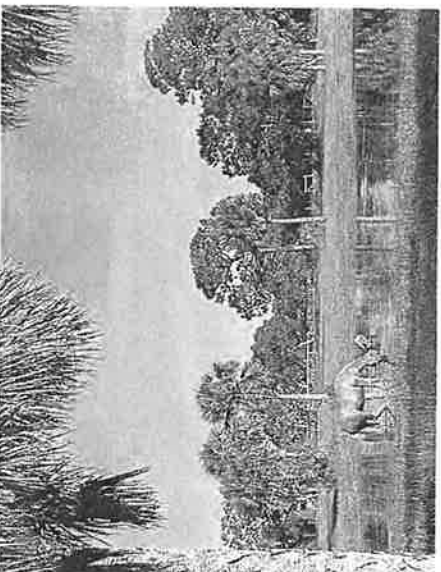
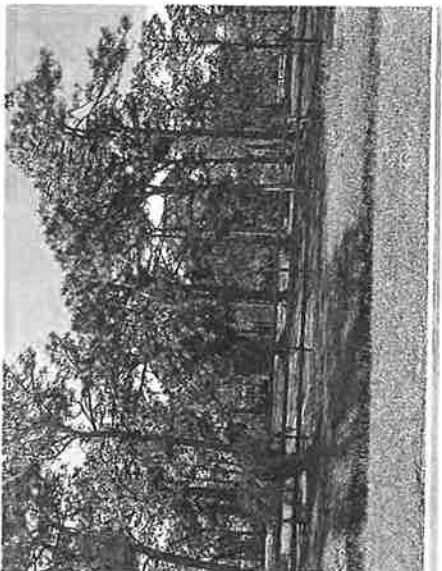
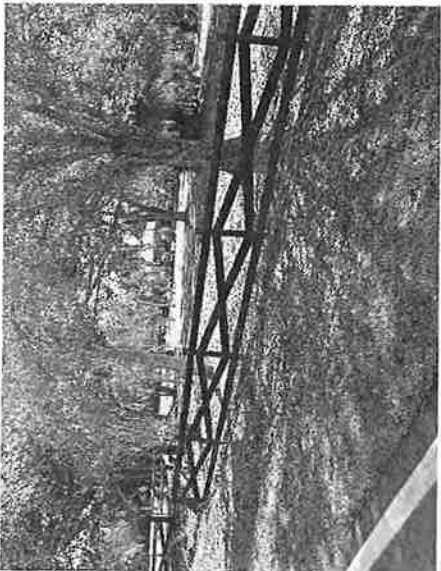




Robertson 20 acres







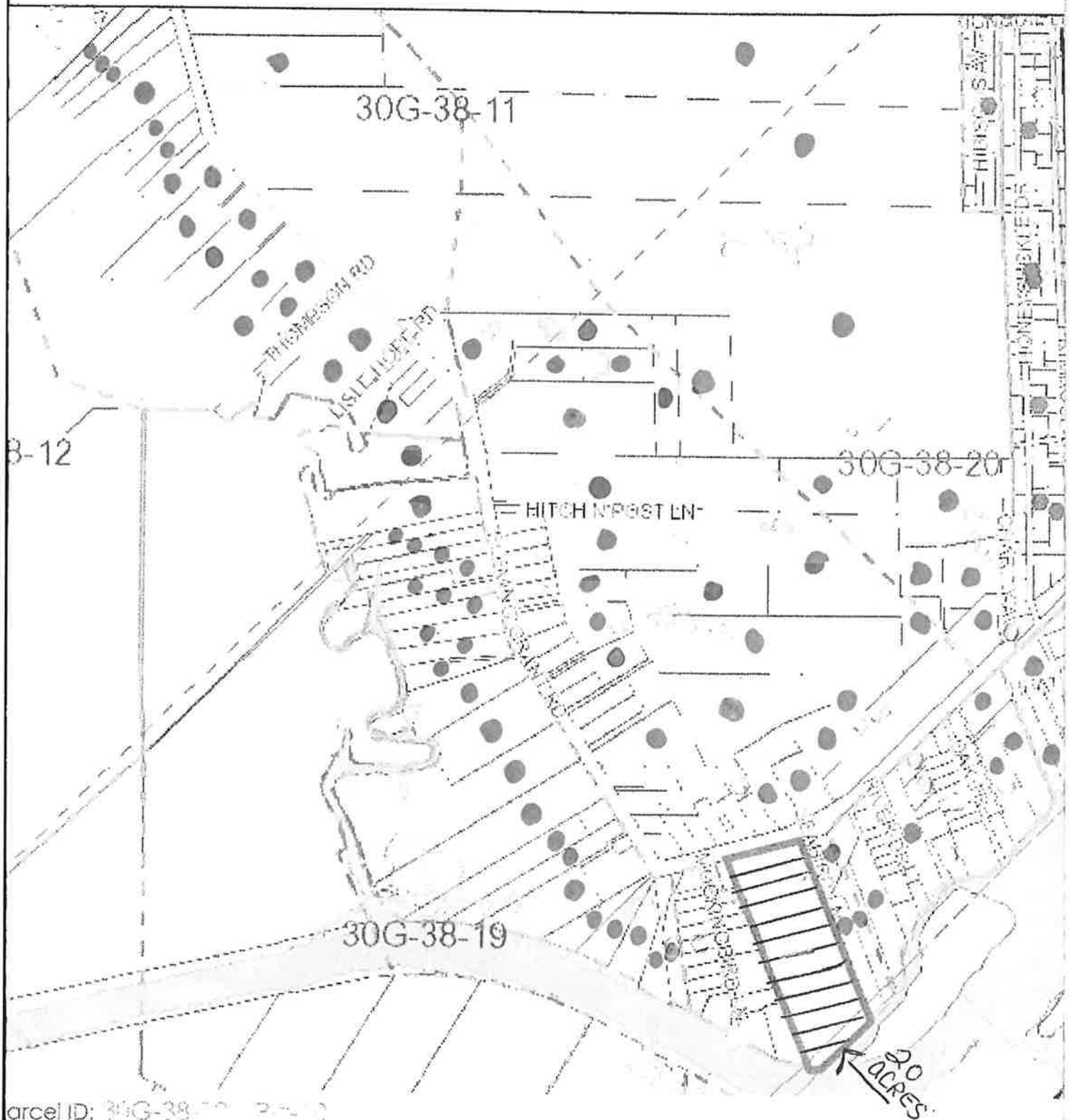


sparse population



01/16/2017





Parcel ID: 30G-38-19

30G-38-19

3737 AC

Douglas Robertson, Clerk

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

2 People	Name	Address
→	Mitzi Gene Dunkett	9640 Mockingbird Ln Micco, FL
	B. Morrissey - KIWI - AFB	
	A. Stokken - Sequoia AFB	
	M. Egan	
↖	Gene Phunkett	Mockingbird Ln
	PETER EBUTT	9586 FLEMING GRANT RD, MICCO, FL
	Robin Couice	9582 Tortoise Lane, Micco, FL 32976
	William C Combs	9679 Fleming Grant Rd, Micco
	Georgia K Combs	" " "

Elizabeth Craig	9600 Mockingbird Lane	Micco
William Craig	" "	" "
Diane Grant	9675 Mockingbird Lane,	Micco
Ruth Hughes	9680 Mockingbird Lane	Micco
Fred Hughes	" "	" "
Herbert Brown	9675 Fleming Grant Rd	Micco
Barbara Resint	9471 Fleming Grant Rd	Micco
Erin Resint	9471 Fleming Grant Rd	Micco

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name	Address
Sherry L. Craig	9670 Fleming Grant Rd
Larry L. Craig	" "
Sherry Mary Meadows	" "
Eric R. Jones	9673 Fleming Grant Rd
Kellie M. Johnson	" " "
Don Treat	9670 Mockingbird Ln.
James Treat	" " "
Evelyn J. Malatje	9645 FLEMING GRANT RD.
Robert D. Malatje	9645 FLEMING GRANT RD.
Theresa Malatje	9621 Fleming Grant Rd.
Patricia Jones	9640 Fleming Grant Rd.
Ronda Brandon	9675 Fleming Grant Rd.
Ellen B. Knowles	9625 Fleming Grant Rd.
Harry Buck	9735 Fleming Grant Rd.
Anne Briggs	9735 Fleming Grant Rd.
Carol A. Decker	9745 Fleming Grant Rd.
George T. Decker III	9745 Fleming Grant Rd.
Carol A. Decker	9791 Fleming Grant Rd.
Dusan Gertine	9791 Fleming Grant Rd.

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name

Address

- 2 - Robin + Charle Carroll 9575 Fleming Grant Rd
Bonilyn Dobson 9582 FLEMING GRANT RD.
2 - JAMES + BEVERLY 9585 FLEMING GRANT RD
A. Perez 9630 Mockingbird Ln Micco
Thomas W. Barnes Jr 9695 Mockingbird Ln
Christopher Burke + Patrick Burke 9605 Mockingbird Ln
Jeff Chandler 9535 Fleming Grant Rd. Micco
Stephanie Oliver 9535 Fleming Grant Rd Micco
2 - JERE + LYNNE MILLIKEN 9545 FLEMING GRANT RD MICCO
2 - Philip + G. Ruth Weston 9617 Fleming Grant Rd. Micco
Tom Dobson 9621 Fleming Grant Rd
Gary C Knowles 9625 Fleming Grant Rd Micco
2 - Mike + Jane Dfore 9537 Fleming Grant Rd
Patrick Spill 9574 Fleming Grant Rd
M. Marshall 9574 Fleming Grant Rd
John R Crisp 9556 FLEMING GRANT RD 32976
Joy E Crisp 9556 FLEMING GRANT RD 32976
Jeff Chandler 9625 Mockingbird Lane, Micco 32976
Gina Knowles 9625 Mockingbird Ln Micco FL 32976

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name	Address
<i>Kenneth L. Chapin</i>	9880 OAK TRAIL
<i>Eve K. Chapin</i>	9870 River Dr.
<i>Jenny Ward</i>	9870 OAK TRAIL
<i>Ellen Ward</i>	9870 Oak Tr.
<i>Richard Morris</i>	9860 Oak Tr.
<i>Judy Morris</i>	9860 Oak Tr.
<i>W. Curves</i>	9858 Oak Trail
<i>Patricia Carver</i>	9850 Oak Trail
<i>Margaret Schuster</i>	9830 Oak Trail
<i>James P. Dunn</i>	9800 Oak Trail
<i>Ellen Smith</i>	9800 Oak Trail
<i>Bobbie Herzer</i>	9985 Sebastian River Dr.
<i>Darin Clubb</i>	9985 Sebastian River Dr.
<i>Harold K. Smith</i>	1662 George Washington
<i>Mona Finnestad</i>	834 N. Broad St.
<i>Wance Lyle</i>	9980 Sebastian River Dr.
<i>Pam Herrier</i>	9980 Sebastian River Dr.
<i>Jan G.</i>	9984 Seb. R. Drive

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name

Address

Lola Newhouse	9977 Sebastian River Dr.
Buffy & Ted	9977 Sebastian River Drive
Walter & Gail	9969 Sebastian River Dr.
Linda Holland	9949 Sebastian River Dr
Linda Carraway	9949 Sebastian River Dr
John Carraway	9925 Nicole Dr
Don Steward	9925 Nicole Dr
Lois Steward	9800 River Drive
Lois George	9815 River Drive
Ray & Ray	9815 River Drive
Emma Lincoln	9840 River Drive
Patricia	9840 River Drive
Paul & Wendy	9840 River Drive

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

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

Thanks

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

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

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

Sent from Robin's iPad

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

Dear Robin and Charlie:

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

Sincerely,

Cheryl W. Campbell, RLA, APA

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

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

Dear Cheryl

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

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

<image001.png>

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

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

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

<image002.png>

<image003.png>

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

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

<image004.png>

<image005.png>

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

<image006.png>

<image007.png>

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

<image008.png>

<image009.png>

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

Sincerely,

Robin and Charlie Carroll

9575 Fleming Grant Rd
Micco, FL 32976

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

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

Dear Ms. Campbell,

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

When advertised for sale, density restrictions were a matter of public record. Anyone planning to build there could have known about the RES 1:2.5 FLU designation.

Please honor current zoning restrictions as well as the good faith already shown by developers in that area. They have dutifully adhered to this code since it was initiated in 1988.

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

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

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

<https://youtu.be/xEHmhNHRq6M>



Dr. Brian LAPOINTE and Marie TARNOWSKI 02 12 14 : IRL as Bioreactor

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

youtube

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

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

Respectfully,

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



Friends of St. Sebastian River

P. O. Box 284 • Roseland, Florida 32957

www.fssr.org – info@fssr.org

[Facebook.com/FriendsofStSebastianRiver](https://www.facebook.com/FriendsofStSebastianRiver)

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Frank DeJoia
1924-2017

Director Emeritus

Frank Wegel

March 28, 2019

To: Cheryl Campbell, Brevard County Planning and Development

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

Dear Ms. Campbell:

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

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

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

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

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

Sincerely,

Tim Glover, President
Friends of St. Sebastian River

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

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

Dear Commissioner:

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

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

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

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

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

Emil & Barbara Reisert

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

To Whom it May Concern:

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

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

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

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

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

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

Carolyn Greene

9525 Fleming Grant Rd
Micco, FL 32976



Virus-free. www.avg.com

From: [James Linder](#)
To: hill@irfcouncil.org; [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 1, 2019 5:49:04 PM



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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Beverly Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

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

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

Thank You

Joan Leque
1133 Barefoor Cir.
Micco, Fl. 32976

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

Dear Ms. Jones,

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

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

Thank you,

Mary Sphar

Quotes from State Agency Comments

Comprehensive Plan Amendment 2019-1.1

1. East Central Florida Regional Planning Council

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

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

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

2. Department of Economic Opportunity – Technical Assistance Comments

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

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

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

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

3. St. Johns River Water Management District

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

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

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

4. Florida Fish and Wildlife Conservation Commission (FWC)

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

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

5. Department of Environmental Protection

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

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

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

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

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

Dear County Representatives:

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

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

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

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

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

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

Sincerely,

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



Technical Assistance Comments
Proposed Comprehensive Plan Amendment
Brevard County 19-01ESR

Amendment Summary

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

1.) Technical Assistance Comment

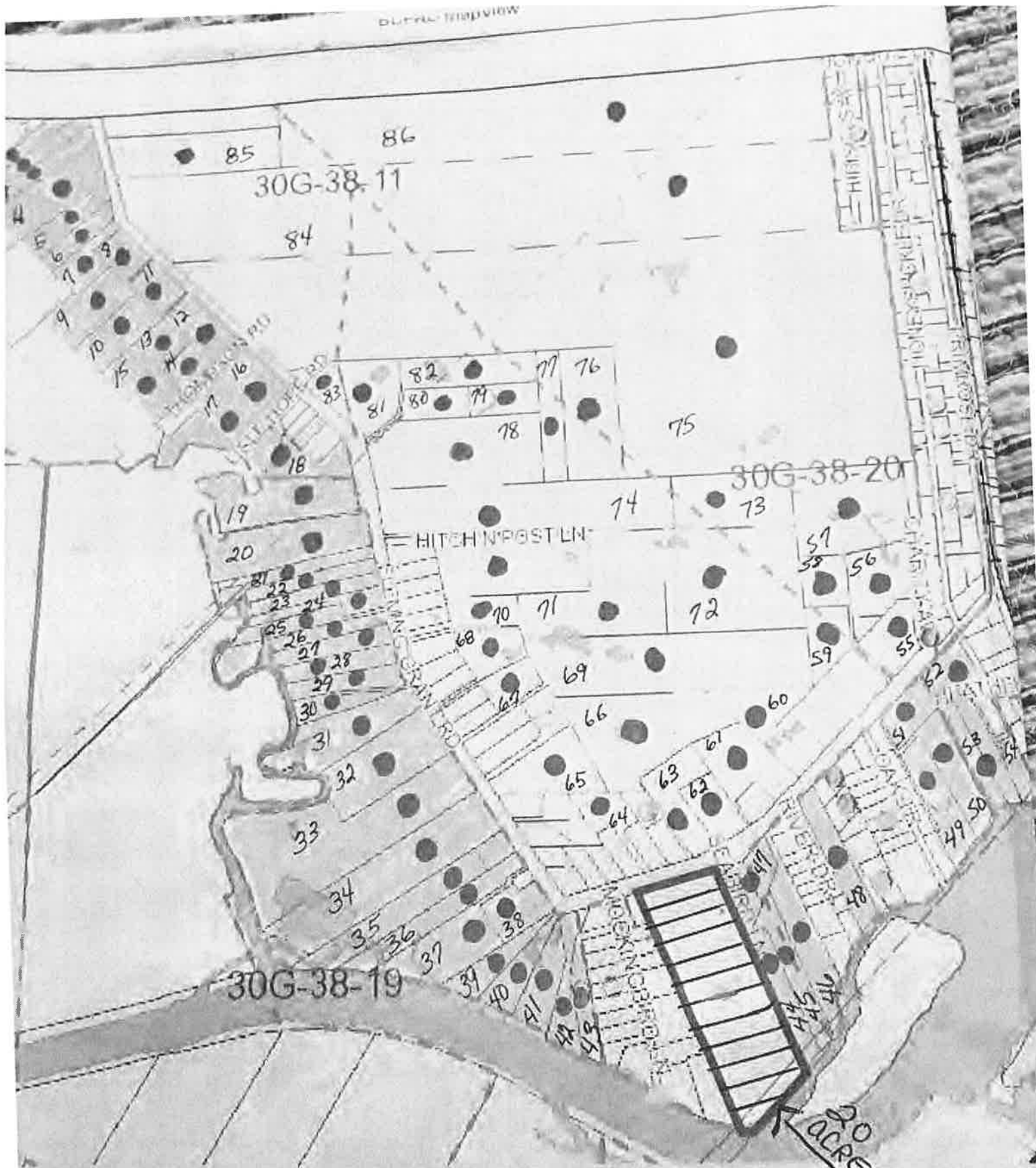
The proposed 20.39-acre site is located near the confluence of the north and south prongs of the St. Sebastian River, just prior to discharge into the Indian River Lagoon (IRL). The Indian River Lagoon is an important state resource that has been identified as seriously impaired due to high nutrient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

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

2.) Technical Assistance Comment

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

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



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

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

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

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

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

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

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

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

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

Henry Beck
9735 Fleming Grant Rd.

Micco, Fl. 32976

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



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



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

Cheryl and Jennifer,

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

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

We thank you both.

Challe Woods, President MHOA

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

TO: Commissioner Smith

RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

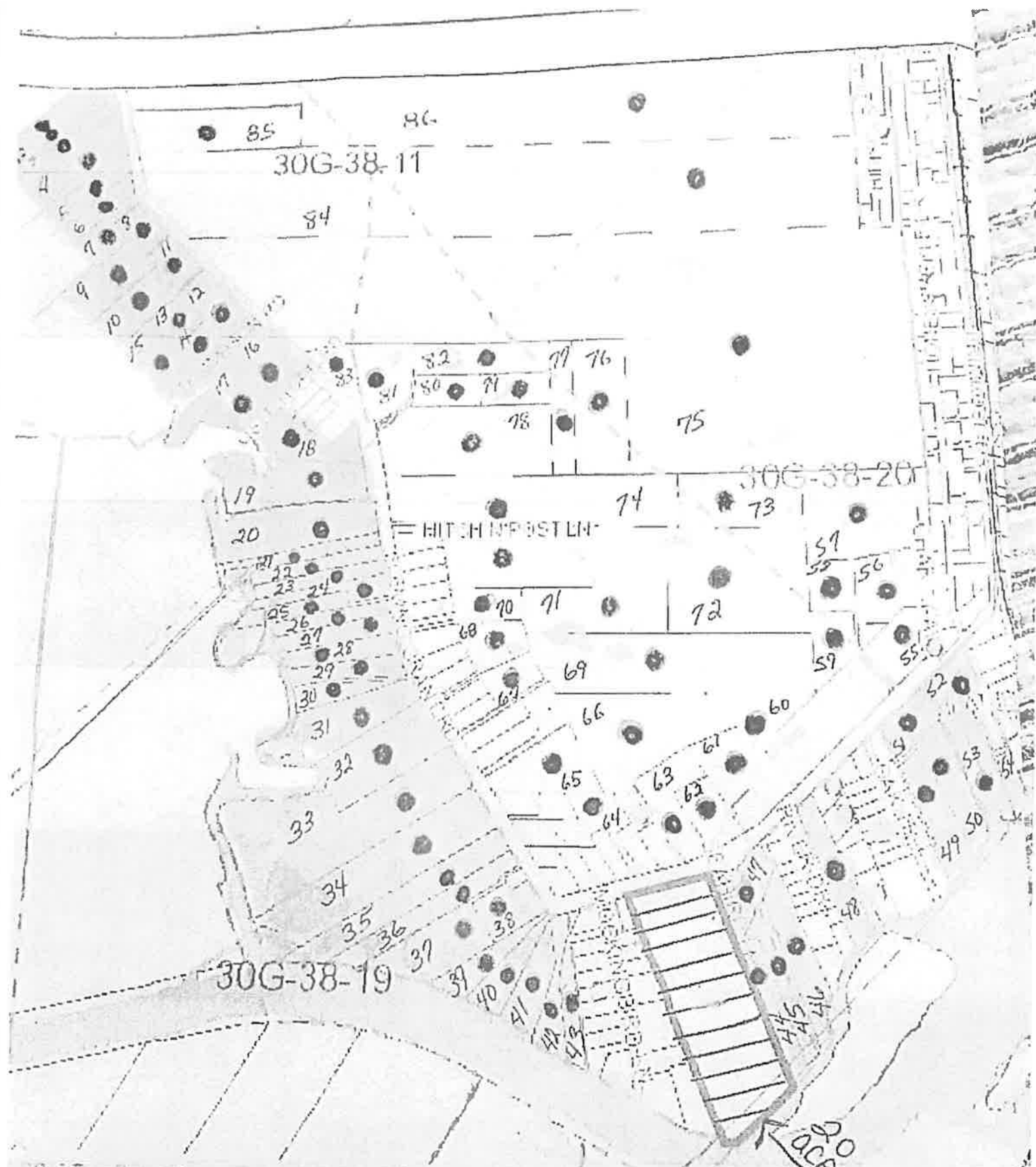
DATE: May 1, 2019

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

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

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

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



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

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MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

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President

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Vice President

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Secretary

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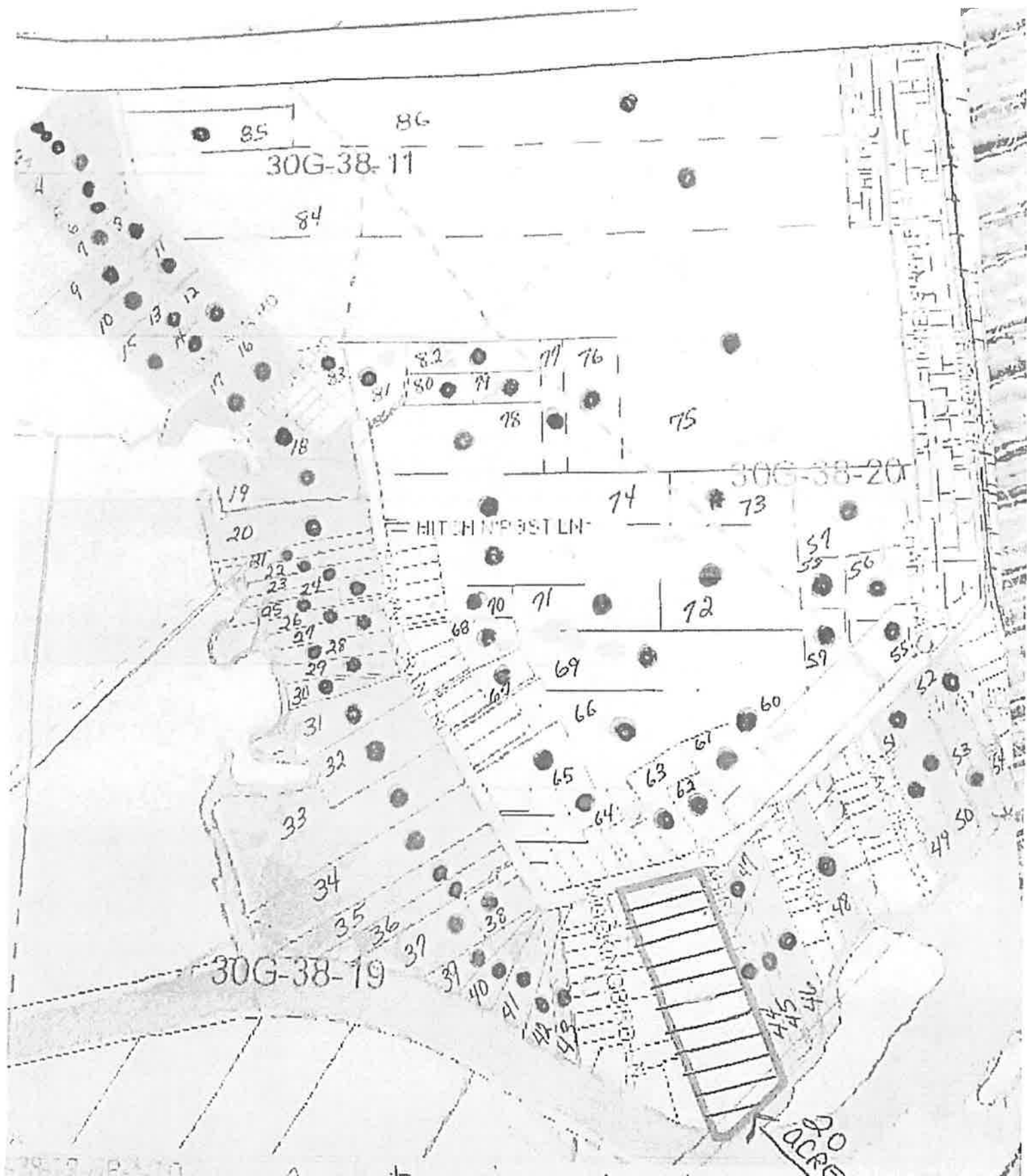
TO: Commissioner Isnardi
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

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

- **Subject property has direct access to the St Sebastian River which flows into the Indian River Lagoon.** Taxpayers are spending millions of dollars every year to undo the damage development has done to the delicate ecosystems in the Indian River Lagoon.
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- The Brevard County Comprehensive Land Use Plan was set in 1988. **There have been no density increases approved in this rural area since 1988.** Density increases allowed now will set a precedent for every future developer on Fleming Grant Road.

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

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



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

3819 BR 10
VED
son, Cindy

MHOA

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Henriette Daulton,
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Contact Us:
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TO: Commissioner Lober

RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

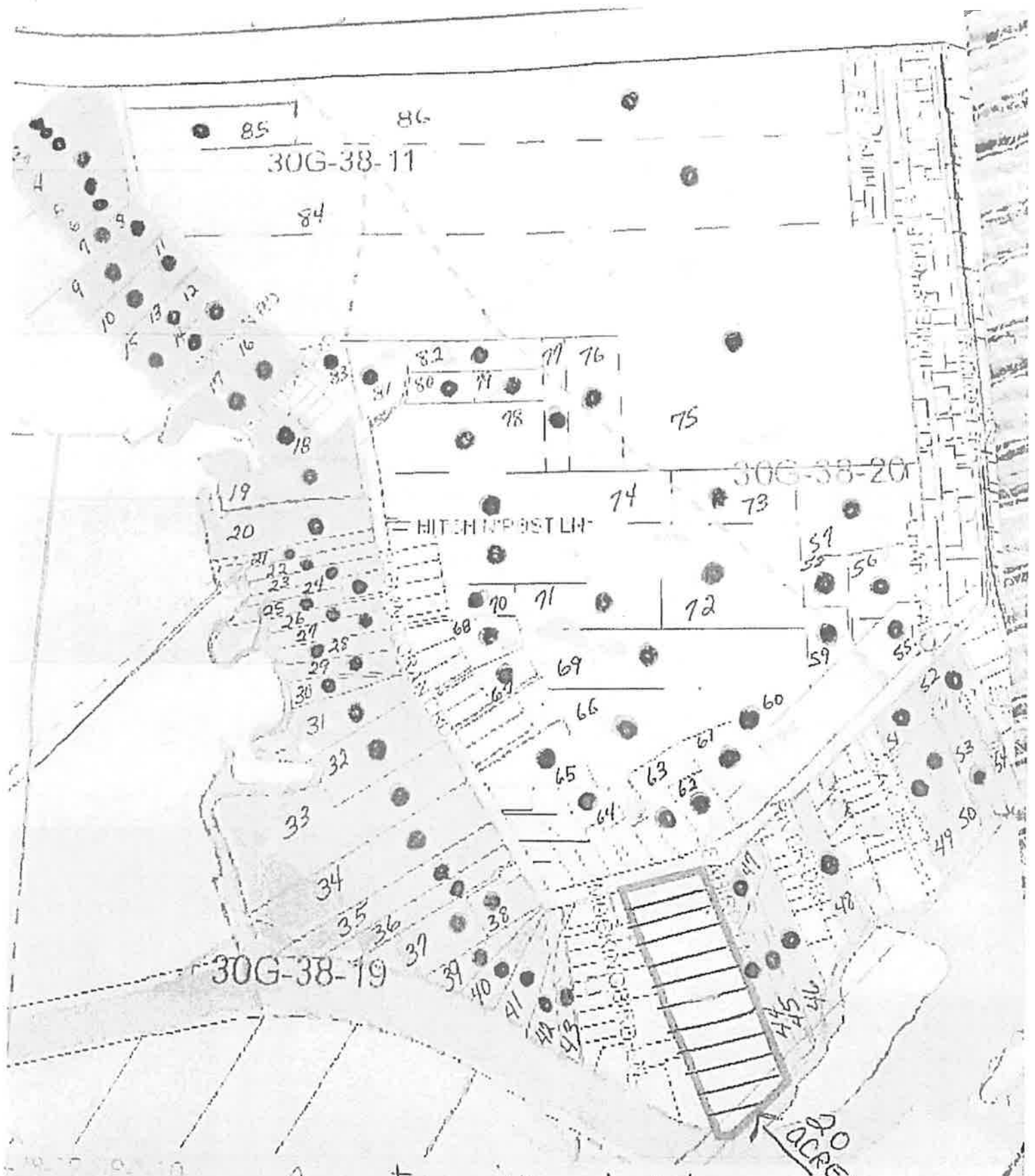
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Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



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Hanson, Cindy

MHOA

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Henriette Daulton,
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Contact Us:
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TO: Commissioner Pritchett

RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

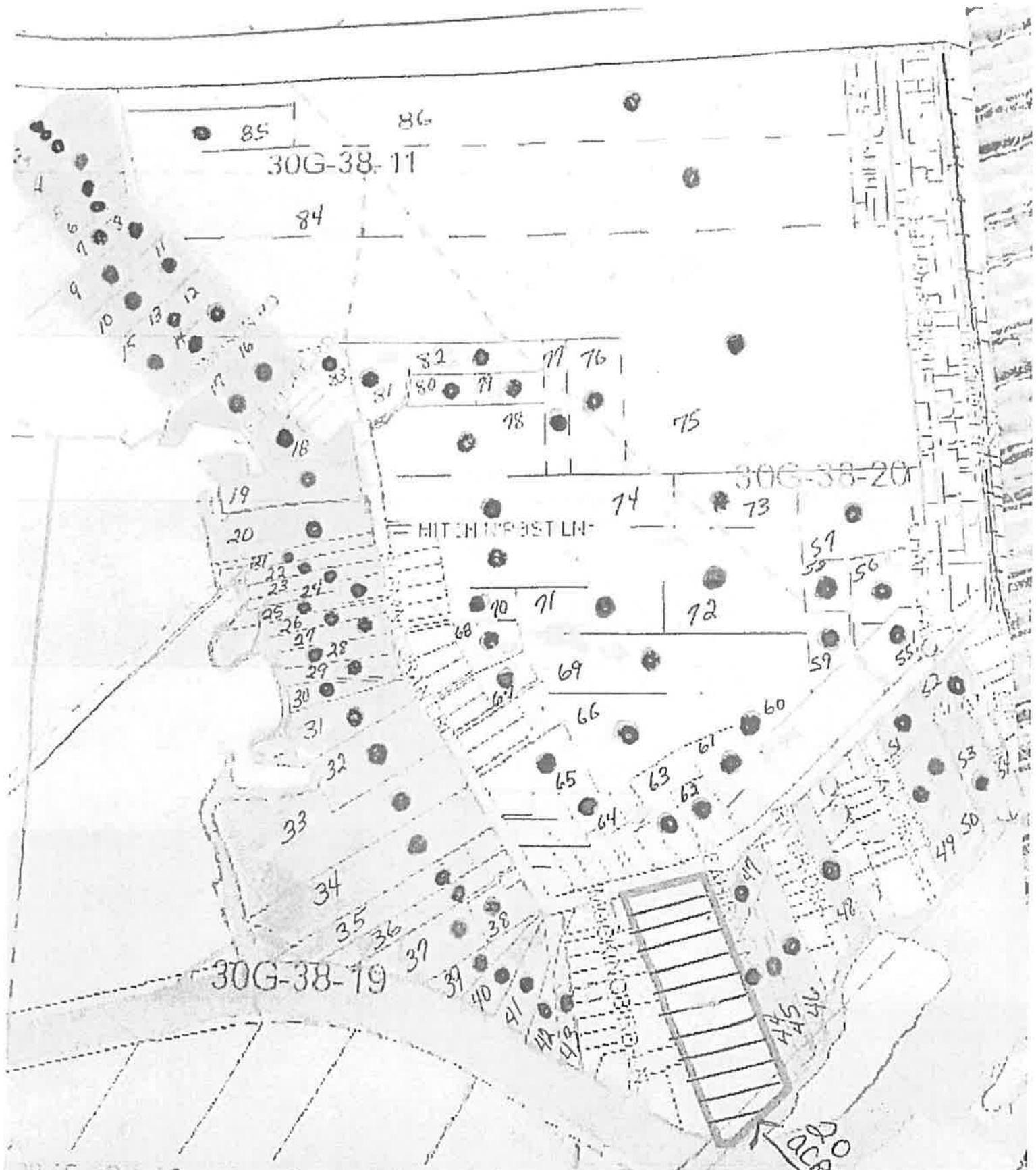
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- **Robertson's subject property on Fleming Grant Road is in an AE FLOOD ZONE on the river portion with high probability of FREQUENT FLOOD WATERS** carrying the above mentioned contaminants and runoff materials directly into the St Sebastian River.
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Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



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

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

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

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

Dear Ms. Campbell,

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

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

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

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

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

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

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

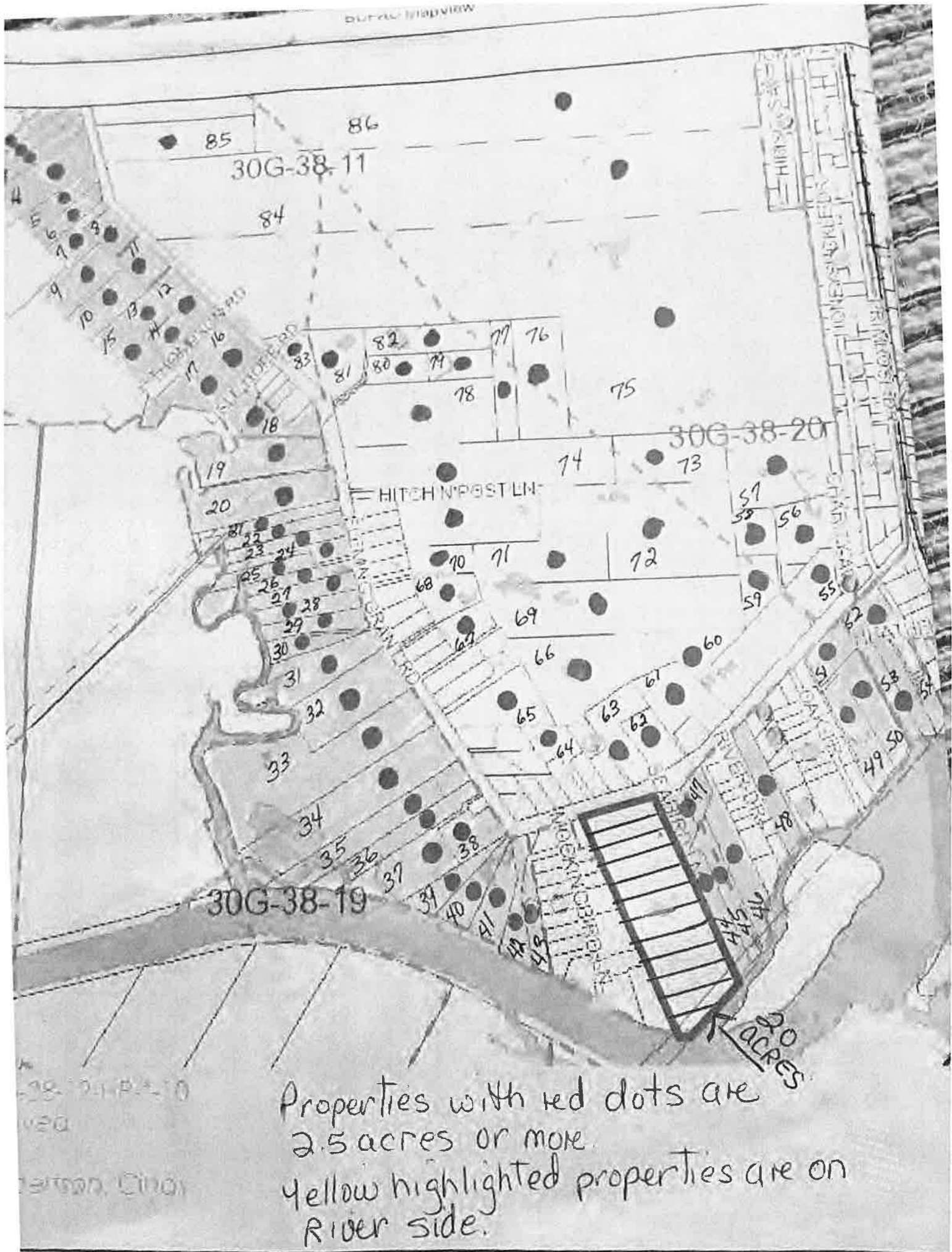
Thank you for your consideration.

Sincerely,

Anne Briggs

9735 Fleming Grant Road, Micco FL 32976

772 925 9200



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

Jennifer,

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

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

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

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

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

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

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

Dear Ms. Campbell:

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

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

772-663-0039

cdecker411@yahoo.com

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

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

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

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

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

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

<https://youtu.be/xEHmhNHRq6M>

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

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

Please consider:

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

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

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

Respectfully,

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

From: Ralph E. Jones
To: Jones, Jennifer
Subject: Brevard proposed amendment 2019-1.1
Date: Saturday, May 4, 2019 12:52:26 PM

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

From: purrungair
To: Jones, Jennifer
Subject: Brevard Proposed Amendment 2019-1.1
Date: Sunday, May 5, 2019 10:48:04 AM

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

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

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

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

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

Sincerely,
Bill and Georgia Combs



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

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

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

May 1, 2019

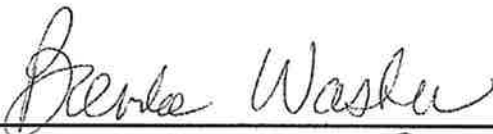
To: Planning and Zoning and Brevard County Commissioners

Re: Application 19-01ESR Robertson

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

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

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



Brenda Washer

Fleming Grant Rd, Micco FL

9659

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

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

Ms. Campbell

Good evening

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

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

Thank you

Stephen T Calhoun

Commissioner, D1

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

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

Sent from Mail for Windows 10

Commissioner, D1

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

Categories: EMAIL CAMPAIGNS

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

Commissioner, D1

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

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

May 1, 2019

To: Planning and Zoning and Brevard County Commissioners

Re: Application 19-01ESR Robertson

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

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

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



Brenda Washer

Fleming Grant Rd, Micco FL

9659

Commissioner, D1

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

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

Sincerely,
Bill and Georgia Combs



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Commissioner, D1

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

Dear Commissioner Pritchett.

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

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

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

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

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

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

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

<https://youtu.be/xEHmhNHRq6M>

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

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

Please consider:

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

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

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

Respectfully,

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

5/6/2019

ATT00001.htm

Thanking you respectfully,

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

Commissioner, D1

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

Categories: EMAIL CAMPAIGNS

Dear Commissioner:

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

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

772-663-0039

cdecker411@yahoo.com

Commissioner, D1

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

Categories: EMAIL CAMPAIGNS

Commissioner,

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

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

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

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

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

Commissioner, D1

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

Categories: EMAIL CAMPAIGNS

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

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

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

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

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

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

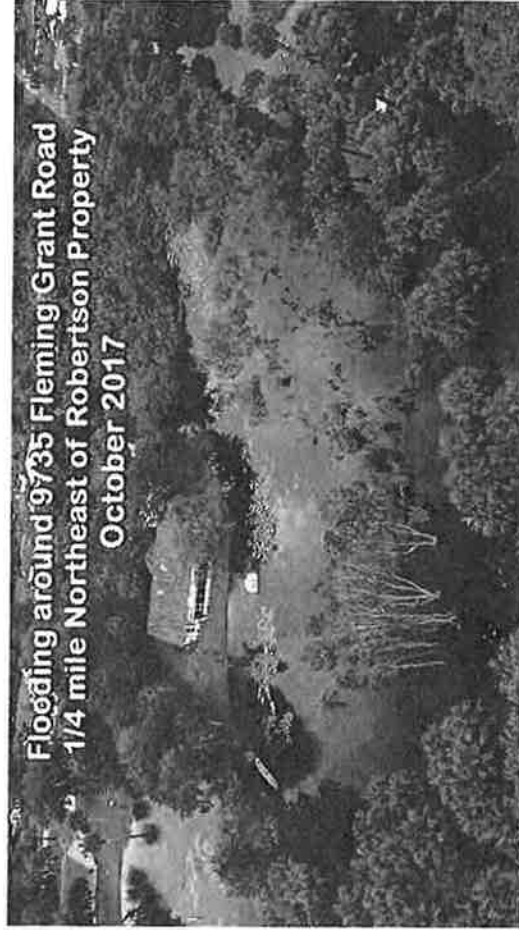
The FEMA flood zone maps are prone to error. This 20-acre parcel is in an AE flood zone. I have serious doubts that storm water run-off could be 100 percent contained, despite what the engineer says. If wrong, the error would endanger the surrounding homes and the St. Sebastian River itself.

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

Henry Beck

9735 Fleming Grant Rd.

Micco, Fl. 32976



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

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

October 2017



Commissioner, D1

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

Dear County Representatives:

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

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

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

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

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

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

Sincerely,

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

Howard County 12-Subst

Background and Summary

Assessment Summary
The proposed future land use Map amendment would increase residential density from Single-Family 1.2 to Single-Family 1.4, more than doubling the allowed number of dwelling units on the 32.25-acre site. The property is not currently served by public water services and water systems are maintained for said future development.

3.1 Technical Application Challenges

The proposed 30,700-acre site is situated on the south side of the North and South prongs of the St. Sebastian River, just prior to discharge into the Indian River Lagoon (IRL). The Indian River Lagoon is an important state resource that has been identified as severely impaired due to high nutrient loading from septic systems and other discharges from surrounding lands. These bodies of water are designated as aquatic preserves and Outstanding Florida Waters (OFWs). In addition, this area is immediately adjacent to a zone that has very strict limitations for septic effluents. The County is spending approximately \$60 million to remedy or upgrade 2,734 septic systems over the 10-year life of the San Joaquin River Lagoon Hard Water Initiative, with a goal of reducing septic effluent discharge and adding aerobic systems to the impaired area.

By increasing density and thus the number of logical systems to serve the processors on site, redundancy with other system sites subjects to the 10, 100 and 1,000 rule, the administrator will impact three resources. The capacity adopted and the density should be the planned workload at existing it installation, so the site administrator should be prepared to implement backup systems and

2.2. Farklı Ayların Ortalama Yağışları

A portion of the proposed amendments is in the following categories: Training and Education, Safety and Health, and Research. Impacts to the site may be expected from a category and down to an activity as follows: Further findings from studies of the categories 1-5 page. Increased impacts to the site can be predicted only if the due to thing is a topic. Additionally, part of the 20 more is within the food range A and B.

The proposed Amendment would mean that double the amount of land is thereby increasing significantly land use density in an area 100% of the previous flood risk resulting from high level events (storm surge, beach erosion, groundwater runoff, and sea level rise), the related impacts of sea level rise. The 2015 Flood Risk Regulation of Section 543 217M707, Florida Statutes, directs local governments to not permit development in include development in 10 development priorities, strategies, and implementing actions that relies on the flood map in general areas where opportunities exist. Making more existing lands densely and stay in high coastal 100-year 10-year wave climate for addressing inappropriate and unsafe development in coastal areas. The current application land use density should be maintained, as the Amendment will not have negative impact to the property and future impacts from sea level rise.



Commissioner, D1

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

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

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

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

Thank You

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

Commissioner, D1

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

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

Thank You

Joan Legue
1133 Barefoor Cir.
Micco, Fl. 32976

Commissioner, D1

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

Subject: Brevard Proposed Amendment 2019-1.1



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

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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

James Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

Commissioner, D1

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



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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Beverly Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

Commissioner, D1

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

Categories: EMAIL CAMPAIGNS

To Whom it May Concern:

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

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

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

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

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

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

Carolyn Greene
9525 Fleming Grant Rd
Micco, FL 32976

Commissioner, D1

From: Anne Briggs <annebriggs@yahoo.com>
Sent: Wednesday, May 01, 2019 10:56 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: map of 2.5 acre parcels.jpg
Categories: EMAIL CAMPAIGNS

Dear Commissioners Isnardi, Tobia, Smith, Loeber and Pritchett,

Ref: Parcel#18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco

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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Anne Briggs

9735 Fleming Grant Road, Micco FL 32976

772 925 9200



Commissioner, D1

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

Dear Commissioner:

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

We are a rural area with wells and septic systems and ditches. The size of the parcels allow us to keep safe distances between our water supply and our septic systems and keeps septic waste from draining into the river. The ditches are not adequate to move water in heavy rains and most of our properties have some flooding. I can't believe that it is possible to put 20 homes on a 20 acre parcel and build roads and still allow space for wells, septic systems and water retention.

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

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

Emil & Barbara Reisert

From: [Jeffrey Davis](#)
To: [Jones, Jennifer](#)
Subject: Fw: Opposition to Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 8, 2019 6:21:00 AM

This e-mail has been sent to all commissioners D1 thru D5. Thank you for your support

----- Forwarded Message -----

From: Jeffrey Davis <davis1427@bellsouth.net>
To: D1.Commissioner@Brevardfl.gov <D1.Commissioner@Brevardfl.gov>
Sent: Wednesday, May 8, 2019, 6:15:02 AM EDT
Subject: Opposition to Brevard Proposed Amendment 2019-1.1

This amendment is in not compatible with our rural neighborhood. Rationale for the original designation of land parcels (1988 Comprehensive Plan allowance for 1 unit per 2.5 acres) in the Fleming Grant/Sebastian River community supported future management/prevention of pesticides, fertilizers, septic drain field leakage and storm run-off into the Sebastian River and on into the Indian River Lagoon. Area is prone to flooding only compounding the problems. Please consider the affects of this decision and act in the best interests of the residents and health of the Indian River Lagoon. VOTE NO

Submitted by: Jeff and Mary Jane Davis
9380 Fleming Grant Rd.
Micco Fl. 32976

From: Susan Courtney
To: Jones, Jennifer; d1.commissioner@brevardfl.gov; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard proposed amendment 2019-1.1
Date: Wednesday, May 8, 2019 7:27:41 AM

To all Concerned

I would like to express my concern regarding proposed amendment 2019-1.1,

I am against changing the parcel land zoning to one acre per unit, keeping it at 2.5 acres per home will be less impact on the St Sebastian River and Lagoon. Tax payers are spending money to keep our waterways clean, and by adding more homes, there will be an increase of, pesticides, fertilizers, septic drain field leakage, and storm run off. Please abide by the plan developed in 1988 1 unit per 2.5 acres.

If you do not see this as a concern, I think at the very least there should be some kind of compromise, instead of one acre lots, what if the parcels would be 1.33 reducing to 15 units instead of 20. I think act of compromise still exist in our society, after all we are neighbors.

Sincerely

Susan Courtney
9791 Fleming Grant Rd
Micco fl 32976

Sent from my iPad

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, May 8, 2019 8:31:10 AM
Attachments: [20 acres.pdf](#)

From: Robin Carroll [mailto:RH20Bug@aol.com]
Sent: Tuesday, May 7, 2019 1:49 PM
To: Campbell, Cheryl
Subject: Amendment 2019-1.1 (19-01ESR)

Please see the attached letter, it contains many photographs of the issues in the area with the proposed development. Please share this with the members on the board, I will be at the meeting on the 20th. Please let me know if you have trouble opening, I can decrease the quality of the photos, but would prefer not to.

Thank you,

Robin Carroll
9575 Fleming Grant Rd
Micco, FL 32976

TO: Planing and Zoning
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 7, 2019

Dear Cheryl Campbell

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

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

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



Total properties in area 157

Red dots are on properties 2.5 acres or more
85

River side 54 Non-river 31

Acre size lots on non-river side 22

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

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

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

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



RAIN EVENT WEST SIDE OF ROAD



RAIN EVENT EAST SIDE OF ROAD

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



STORM RUN OFF



STORM RUN OFF

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

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

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



STORM BASIN FLEMING GRANT RD



STORM BASIN FLEMING GRANT RD



STORM BASIN FLOODING



SUNK DRIVEWAY BULKHEAD



DRIVEWAY DAMAGE



DRIVEWAYS

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

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

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

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

As a homeowner of Micco, I am very concerned about the increase density on the parcel owned by Douglas Robertson. Currently the Brevard County states for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Mr. Robertson wants to place 1 unit per acre. There are many reasons not to allow this.

The beautiful St. Sebastian River flows directly into the Indian River Lagoon. With that many more people, there would be more pesticides, septic tanks, fertilizers and runoff into the river.

The Robertson's parcel is also an area of flooding. With high flooding likely, these contaminations will easily be washed into the river and into the Indian River Lagoon.

The public has millions of tax dollars to pay for a clean Indian River Lagoon. This can only harm it, as well as the residents of St. Sebastian River and Micco.

This is a rural area. Please allow it to stay that way. Deny the changes to the Brevard County Future Land Use Map proposed by Mr. Robertson.

Sincerely,

Diane Cathey

9844 Riverview Drive

Micco, Florida 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: 19-01ESR Petition
Date: Thursday, May 9, 2019 8:34:42 AM

From: mangobw1@aol.com [mailto:mangobw1@aol.com]
Sent: Wednesday, May 8, 2019 4:29 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3;
d4commissioner@brevardfl.gov; Commissioner, D5
Subject: 19-01ESR Petition

RE: 19-01ESR Petition

ATTN:

Cheryl Campbell

Rita Pritchard

Bryan Lober

John Tobia

Curt Smith

Kristine Isnardi

My husband and I are opposed to the 19-01ESR Petition and any increases in the density in our area. This subdivision, with all owners on small acreage, will have negative consequences to the Sebastian River.

Richard and Susan Currier

9485 Fleming Grant Rd.

Micco, FL 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application
Date: Thursday, May 9, 2019 1:41:54 PM

From: Lew Kontnik [<mailto:lewkontnik@gmail.com>]
Sent: Thursday, May 9, 2019 9:18 AM
To: Campbell, Cheryl
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application

Dear Ms Campbell:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septs, lawn care, and other human development activities.

To allow an increase in the density of development on this parcel would fly directly in the face of these massive and ongoing efforts. The parcel in question sits right at the mouth of the Sebastian Inlet and empties its contents into the Lagoon. To depart from the Comprehensive Plan adopted in 1988, requiring building sites of less than 2.5 acres on the river side of Fleming Grant Road, would ensure the installation of 20 or more new septic systems on the River into a flood plane that frequently is submerged during major rain events. This would sweep masses of human waste directly into the Inlet and the Lagoon. This would be contrary to everything we are working for!

Prohibiting this increase in density is not only a matter of doing what is right for the environment, it is also the just and fair thing to do. Over the 31 years that the Comprehensive Plan has been in effect, other developers have asked for increases in density for plots in the same area and have been rebuffed, having to develop (or not) based on the minimum 2.5 acre requirement. To allow this petition to go forward would be massively unfair to previous applicants, some of whom were NOT on notice about the 2.5 acre requirement.

Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as a steward of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court

Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River
Date: Thursday, May 9, 2019 1:46:53 PM
Attachments: [CCF05092019.pdf](#)

From: jvjc321 [mailto:jvjc321@bellsouth.net]
Sent: Thursday, May 9, 2019 12:21 PM
To: Campbell, Cheryl
Subject: Fw: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

We Vote To Deny Amendment 19-01ESR

----- Forwarded Message -----

From: jvjc321 <jvjc321@bellsouth.net>
To: Cheryl.campbell@brevardfl.gov <Cheryl.campbell@brevardfl.gov>
Sent: Thursday, May 9, 2019, 11:58:05 AM EDT
Subject: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)

From: Vickie & John Romano

May 8, 2019

9720 Fleming Grant Road

Micco, Florida 32976

(321) 403-3060

TO: Brevard County Planning & Zoning Department: Attention Cheryl Campbell,

We bought this property on Fleming Grant Road because of the rural area it is and always should remain. We have been here since 1997, and love the wide open properties that are 2 ½ acres parcels or more. This is why we moved to this area. We have an abundance of wildlife living among us, all around the rivers and our wide open spaces. They have to be protected also, why would (We the people, the Land Owner's, Tax Payers) even consider destroying their habitats. If you let one developer come in and change the Comprehensive Land Use, you will have a long line of other developers down the road wanting to make more changes. Suggest to this Developer, there are plenty of Brevard County areas that need developers to build bigger homes to beautify them. . Please, we do not want to change our Comprehensive Land Use.

Thank You,

Vickie & John Romano

May 9, 2019

Dear Madam or Sir,

My name is Ken Chapin, and I live on Oak Tail in Micco. I have been a developer and homeowner in Micco for over 40 years, and I am writing this letter to express my opposition to 2019-1.1 (19-01ESR) the result of the recent LPA meeting with respect to the possible elimination of the requirement to adhere to the Brevard County Comprehensive land use plan that has been in existence since 1988 for this 20 acres in Micco that borders the St Sebastian River.

The land use change that is being pursued through Brevard County that would change the current planned comp use requirement for property along Fleming Grant road that boards the Sebastian River to R-1 zoning. I am surprised the LPA staff even approved a deviation to the Comp plan that has been in place and enforced since 1988 to only allow 1 house every 2.5 acres along the Sebastian River. This area has no water or sewer and has no plans for such. The rule of 2.5 acres per one house was put in place in 1988 to protect the Sebastian River which flows into the Indian River Lagoon. There are millions of dollars being spent to improve the health of the Indian River Lagoon. Why would we now allow over development on this 20 acres? Please help us to DENY this application.

Sincerely,

**Kenneth L. Chapin
9880 Oak Trail,
Micco, FL 32976**

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: 20 acres Fleming Grant Rd.
Date: Thursday, May 9, 2019 3:17:12 PM

From: Diane Acker [mailto:dianeack1@bellsouth.net]
Sent: Thursday, May 9, 2019 2:44 PM
To: Campbell, Cheryl; d3.commissioner@brevardfl.com; Commissioner, D4
Subject: 20 acres Fleming Grant Rd.

My name is Diane Grant. I live at 9675 Mockingbird lane, Micco, with my husband Richard. My husbands grandfather built our house in 1954, and a family member has lived here ever since.

I am sending this message because you have before you a request to change the land use, 19-01ESR Robertson, on Fleming Grant Rd. Our property is almost 2 acres, and we back up to the 20 acres being requested to build on at greater density. I do NOT want to see ANY change in the comprehensive land use plan !

Please consider : Our property, and the adjoining 4 lots to our north, are at least 4 foot lower in grade then the 20 acres we all back up to. When we have heavy rain, we all have much standing water that takes days to drain off. If the present comprehensive land use plan is changed to allow a greater number of homes, I fear we are going to flood even more, and this can interfere with our septic systems, which are on the east side of our property. We have no other options for septic or wells. No city sewer or water is planned for our area.

I believe when the comprehensive land use plan was made ,in 1988, the drainage issues were taken into consideration....especially the fact we are a few hundred feet from the C54 canal, and all measures should be taken to protect any runoff and pollution from going into the canal. The canal then runs into the Indian River lagoon.

Please vote NO to any change in land use on Fleming Grant Rd. 20 acres.

Thank you,
Diane Grant

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River
Date: Thursday, May 9, 2019 1:46:53 PM
Attachments: [CCF05092019.pdf](#)

From: jvjc321 [mailto:jvjc321@bellsouth.net]
Sent: Thursday, May 9, 2019 12:21 PM
To: Campbell, Cheryl
Subject: Fw: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

We Vote To Deny Amendment 19-01ESR

----- Forwarded Message -----

From: jvjc321 <jvjc321@bellsouth.net>
To: Cheryl.campbell@brevardfl.gov <Cheryl.campbell@brevardfl.gov>
Sent: Thursday, May 9, 2019, 11:58:05 AM EDT
Subject: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)

From: Vickie & John Romano

May 8, 2019

9720 Fleming Grant Road

Micco, Florida 32976

(321) 403-3060

TO: Brevard County Planning & Zoning Department: Attention Cheryl Campbell,

We bought this property on Fleming Grant Road because of the rural area it is and always should remain. We have been here since 1997, and love the wide open properties that are 2 ½ acres parcels or more. This is why we moved to this area. We have an abundance of wildlife living among us, all around the rivers and our wide open spaces. They have to be protected also, why would (We the people, the Land Owner's, Tax Payers) even consider destroying their habitats. If you let one developer come in and change the Comprehensive Land Use, you will have a long line of other developers down the road wanting to make more changes. Suggest to this Developer, there are plenty of Brevard County areas that need developers to build bigger homes to beautify them. . Please, we do not want to change our Comprehensive Land Use.

Thank You,

Vickie & John Romano

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application
Date: Thursday, May 9, 2019 1:41:54 PM

From: Lew Kontnik [<mailto:lewkontnik@gmail.com>]
Sent: Thursday, May 9, 2019 9:18 AM
To: Campbell, Cheryl
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application

Dear Ms Campbell:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septs, lawn care, and other human development activities.

To allow an increase in the density of development on this parcel would fly directly in the face of these massive and ongoing efforts. The parcel in question sits right at the mouth of the Sebastian Inlet and empties its contents into the Lagoon. To depart from the Comprehensive Plan adopted in 1988, requiring building sites of less than 2.5 acres on the river side of Fleming Grant Road, would ensure the installation of 20 or more new septic systems on the River into a flood plane that frequently is submerged during major rain events. This would sweep masses of human waste directly into the Inlet and the Lagoon. This would be contrary to everything we are working for!

Prohibiting this increase in density is not only a matter of doing what is right for the environment, it is also the just and fair thing to do. Over the 31 years that the Comprehensive Plan has been in effect, other developers have asked for increases in density for plots in the same area and have been rebuffed, having to develop (or not) based on the minimum 2.5 acre requirement. To allow this petition to go forward would be massively unfair to previous applicants, some of whom were NOT on notice about the 2.5 acre requirement.

Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as a steward of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court

Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

From: sunwrent@aol.com
To: [Commissioner, D4; Jones, Jennifer](#)
Subject: Fwd: Proposed Zoning Change in Micco
Date: Tuesday, May 14, 2019 10:06:41 AM

-----Original Message-----

From: sunwrent <sunwrent@aol.com>
To: D1.Commissioner <D1.Commissioner@Brevardfl.gov>; D2.Commissioner <D2.Commissioner@Brevardfl.gov>; D3.Commissioner <D3.Commissioner@Brevardfl.gov>; D4.Commissioner <D4.Commissioner@Brevardfl.gov>; D5.Commissioner <D5.Commissioner@Brevardfl.gov>; jenniferfl.gov <jenniferfl.gov@aol.com>
Cc: info <info@fssr.org>
Sent: Tue, May 14, 2019 10:04 am
Subject: Proposed Zoning Change in Micco

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL

From: WILLIAM BRENNAN
To: Jones, Jennifer
Subject: Fw: proposed density change on 20 acre lot on Fleming Grant road in Micco on St. Sebastian River.
Date: Tuesday, May 14, 2019 2:19:31 PM

Jennifer - I do not type, and screwed up your email address, so am trying to send this to you this way if it works. Bill Brennanm

----- Forwarded Message -----

From: WILLIAM BRENNAN <brennan_william@bellsouth.net>
To: jennifer.jones@brevardfl.gov <jennifer.jones@brevardfl.gov>
Sent: Tuesday, May 14, 2019, 11:41:51 AM CDT
Subject: proposed density change on 20 acre lot on Fleming Grant road in Micco on St. Sebastian River.

Jennifer - My name is William P. Brennan and I live in Sebastian. I have been a kayaker on the river for 19 years. It has been more difficult for me to access the North Prong of the river since St Johns River Water Management District sold a right of way access to the river on Mockingbird Lane about a year ago. Now I read of the proposal to revise the zoning plan to increase the density on a 20 acre parcel on the Fleming Grant Road in Micco fronting the St. Sebastian River from 8 to 20 lots. It does not seem to make any sense to add that much septic system waste to the already strained river and IRC lagoon. Absorbing that waste is not the highest and best use of the property.

The best use would be to acquire the parcel for public access to the North shore of the river, which is so sorely needed. Bill Brennan

From: Linda Morris
To: Jones, Jennifer
Subject: Brevard Proposed Amendment 2019-1.1
Date: Tuesday, May 14, 2019 9:30:27 PM

We are so happy to live in a beautiful bucolic setting, surrounded by native trees, plants and animals. We moved here 10 years ago exactly that reason. A piece of paradise just like old Florida. One of the positive things about this area is that there is a Comprehensive Plan for the Fleming Grant area that states that each parcel of land should be Zone 1 unit per 2.5 acres. Now an owner of a 20-acre parcel on Fleming Grant Road and Saint Sebastian River wants to increase home density to one unit per acre resulting in 20 homes instead of 8 per the Comprehensive Plan. This is unconscionable and cannot be approved.

The proposed increase in population density will have untold damaging effects in this community.

We are adamantly opposed to the proposed density increase on Fleming Grant Road.

Richard and Linda Morris
9860 Oak Trail, Micco
Sent from Yahoo Mail on Android

From: [Friends of St. Sebastian River](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [Jones, Jennifer](#)
Subject: Comprehensive Plan Amendment 2019-1.1
Date: Wednesday, May 15, 2019 12:18:52 AM

To: Brevard County Commissioners
Re.: Douglas Robertson, Proposed Comprehensive Plan Amendment 2019-1.1

Dear Commissioners:

We have had the chance to review comments provided by various state and regional agencies, regarding the above referenced Comprehensive Plan amendment. We note that each of those agencies observed the local outstanding natural resources of the area and protective designations specifically for the purpose of protecting the St. Sebastian River and Indian River Lagoon, from the exact impacts that would be exacerbated by this proposed amendment.

They also reference County development policies which discourages such development in hazardous and vulnerable areas as where this property is located, thus their suggestions that you consider those impacts, and encouragement to avoid them.

As we stated in our previous letter on this issue, it is irresponsible and incompatible to approve this amendment when the County and other agencies are spending significant tax dollars to clean up the problems created by past inappropriate development in the watershed of our local impaired waterways.

We remain strongly opposed to this proposed Plan amendment. Our waterways are for the benefit of all citizens and species that depend on them for habitat. There is impact with any development and no amount of mitigation that will prevent that. Therefore it is the responsibility of all of us to minimize that impact for the benefit of everyone and the environment. The County previously recognized that responsibility by instituting lower density in this area and we ask that you respect that action and not approve this Comprehensive Plan amendment.

Thank you for your consideration.

Tim Glover, President
Friends of St. Sebastian River
info@fssr.org
www.fssr.org
www.facebook.com/FriendsofStSebastianRiver
772-202-0501

From: [Chris Davis](#)
To: [Jones, Jennifer](#)
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 15, 2019 1:37:00 PM

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:36 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D5.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:35 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D4.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:35 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D3.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:34 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D2.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:33 PM
Subject: Brevard Proposed Amendment 2019-1.1
To: <D1.Commissioner@brevardfl.gov>

This amendment is not at all compatible with our rural neighborhood for numerous reasons. Original land parcel designation was based on rationale that mitigated issues regarding pesticides/fertilizers, septic drain field leakage and storm water run-off all leading to the St. Sebastian River and ultimately the Indian River Lagoon. Brevard County's 1988 Comprehensive Plan concerning the Fleming Grant/Sebastian River area was set so that each parcel was zoned for 1 unit per 2.5 acres. This area is already prone to flooding, more development will only compound an existing issue pushing more runoff into the river. Please consider what affects this decision will have on the residents and health of the Indian River Lagoon.
Vote No

Submitted by: Chris Davis
9380 Fleming Grant Rd,
Micco, FL 32976

From: RM
To: Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1
Date: Sunday, May 19, 2019 2:57:03 PM

From:
Richard & Catherine Mozzetta
9515 Fleming Grant Rd
Micco FL 32976

Subject:
Opposition of Proposed changes of Land Use for 20 Acre Lot on Fleming Grant Rd

Subject Property:
Parcel ID 30G-38-19-HP-*-10 Fleming Grant Road, Micco
BCPA Link: <https://www.bcpao.us/PropertySearch/#!/account/3008729>

Dear Sir or Madam,

It has come to our attention that the Land Use Designation outlined and specified in Brevard County Code of Ordinances, Chapter 62, for the above property is being considered to be changed or modified to allow more structures to be built on the above referenced property than was originally allowed. The 20 acre parcel is presently Zoned 1:2.5, to allow One Unit per 2.5 Acres.

We have been informed that a proposal has been made to build up to 20 units on this parcel, thus changing the Zoning to allow 1 unit per Acre. This is clearly a violation of the present Zoning Regulations designated many years ago. We find it disturbing that you would consider such a change.

Changing the Zoning would be a contradiction toward the originators of the changes, written then to allow only 1 Unit per 2.5 Acres. They made these limitations to ensure the longevity of the environmental security of both the Sebastian River and Indian River Lagoon, along with maintaining the rural atmosphere of this area. Changes intended to relax these limitations now would not only negatively impact the environment, but would also set precedence for future development in the area, ensuring even further degradation of the environment and hardship for all of us who reside along Fleming Grant Road.

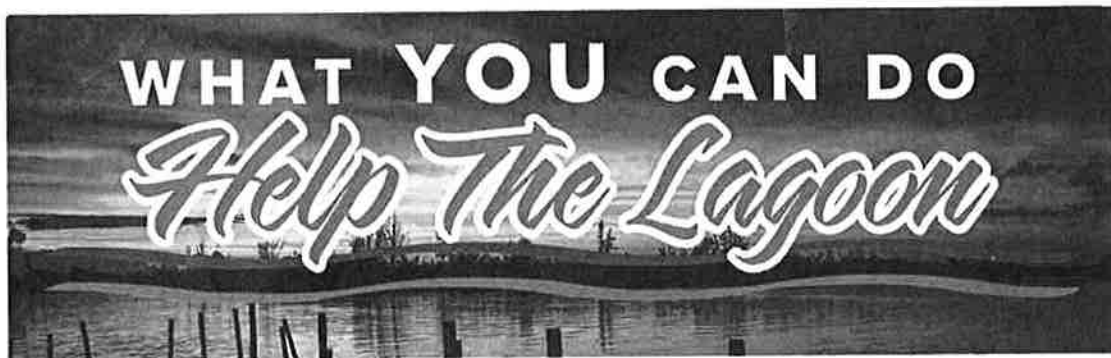
We are formally opposed to any Zoning changes which would allow more than the originally allowed 1 Unit per 2.5 Acres on this parcel. Please do what is right, for all of us.

Regards,

Richard & Catherine Mozzetta

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





.....
***Support leaders and
candidates who put the
environment first***
.....

VOLUNTEER

- Support **nonprofits** helping the Lagoon
- Join a local **City Sustainability Board**
- Pick up trash with **Keep Brevard Beautiful**
- Help plant living shorelines, oyster reefs & mangroves

Get Active:

- KeepBrevardBeautiful.org/get-active
- SaveTheIRL.org/volunteer
- Web2.Fit.Edu/indian-river-lagoon
- RestoreOurShores.org/volunteer-we-need-you/#howyoucanhelp



**BREVARD
INDIAN RIVER LAGOON
COALITION**

EVERYONE!

Recycle and keep Lagoon free of trash

- Use **reusable bags** at the grocery or paper ones
- Use as little **plastic** as possible

Plant native plants that don't need water or fertilizer

- **Minimize pesticide use** and dispose of toxic chemicals correctly
- **Stop septic leaks:** Inspect your drain field as well as your septic tank
- Wash your car at a **carwash** — keeps soap & chemicals out of the Lagoon
- Only **clean water** down street sewers or drains — no trash, no grass, no oil or soap
- If you can, **go Solar** for your home



With Nick Sanzone, Dylan Hansen and the
Satellite Beach Sustainability Board

WHAT YOU CAN DO

Help The Lagoon



YOUR YARD

Plant a lagoon-friendly lawn

- When mowing, blow grass clippings back on the lawn
- Obey the **summer fertilizer ban June 1 – Sept 30**
- Minimize watering your lawn
If you have re-use water, you need less or no fertilizer

BOATERS

Practice proper boat fueling technique



- Use marine pump out facilities
- Don't empty your tank into canals or the Lagoon
- Use marine approved cleaning products



DOG OWNERS

Scoop the poop! — dog waste has lots of bacteria. Pick up, put in trash.

SMOKERS

- **Just say ZERO cigarette butts on the beach and trails**

Let's ensure small children and pets and wildlife don't have toxins from filters in their way to play.

IF YOU LIVE ON THE LAGOON

- Plant a living shoreline
- Grow oysters on your dock
- RestoreOurShores.org/volunteer-we-need-you/#howyoucanhelp



Remember: Obey the law.
Don't cut mangroves without a permit

RESTAURANTS/BUSINESSES

- Please use alternatives to styrofoam & plastic
- If you're a restaurant, join Litter Quitter:

Join Up:

- KeepBrevardBeautiful.org/our-programs/litter-quitter



DINERS

Help your favorite places to dine understand there's a local desire for them to provide better alternatives.

- **Bring your own receptacles for leftovers**
- **Just say: "No Straw, please."**

Start a trend.

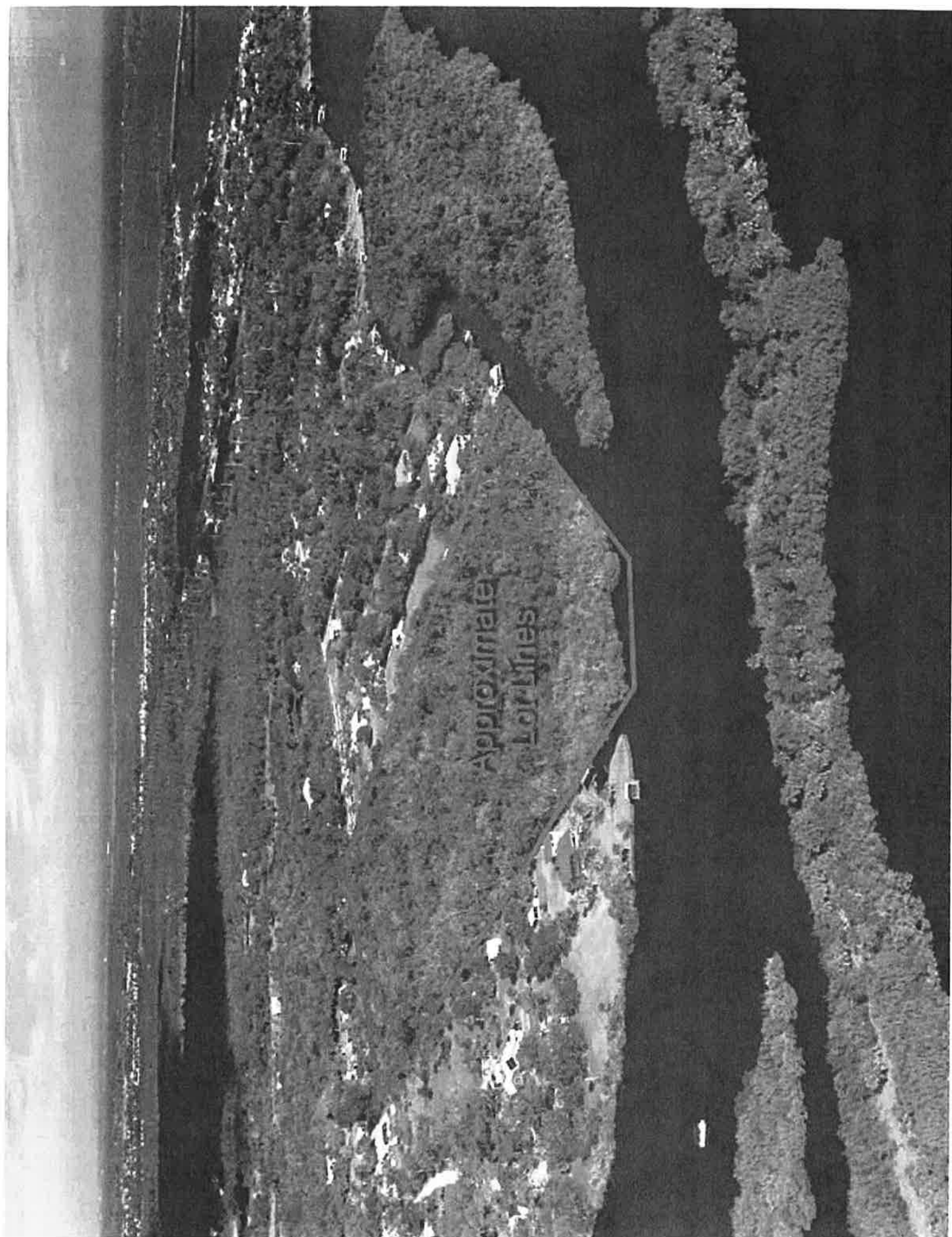


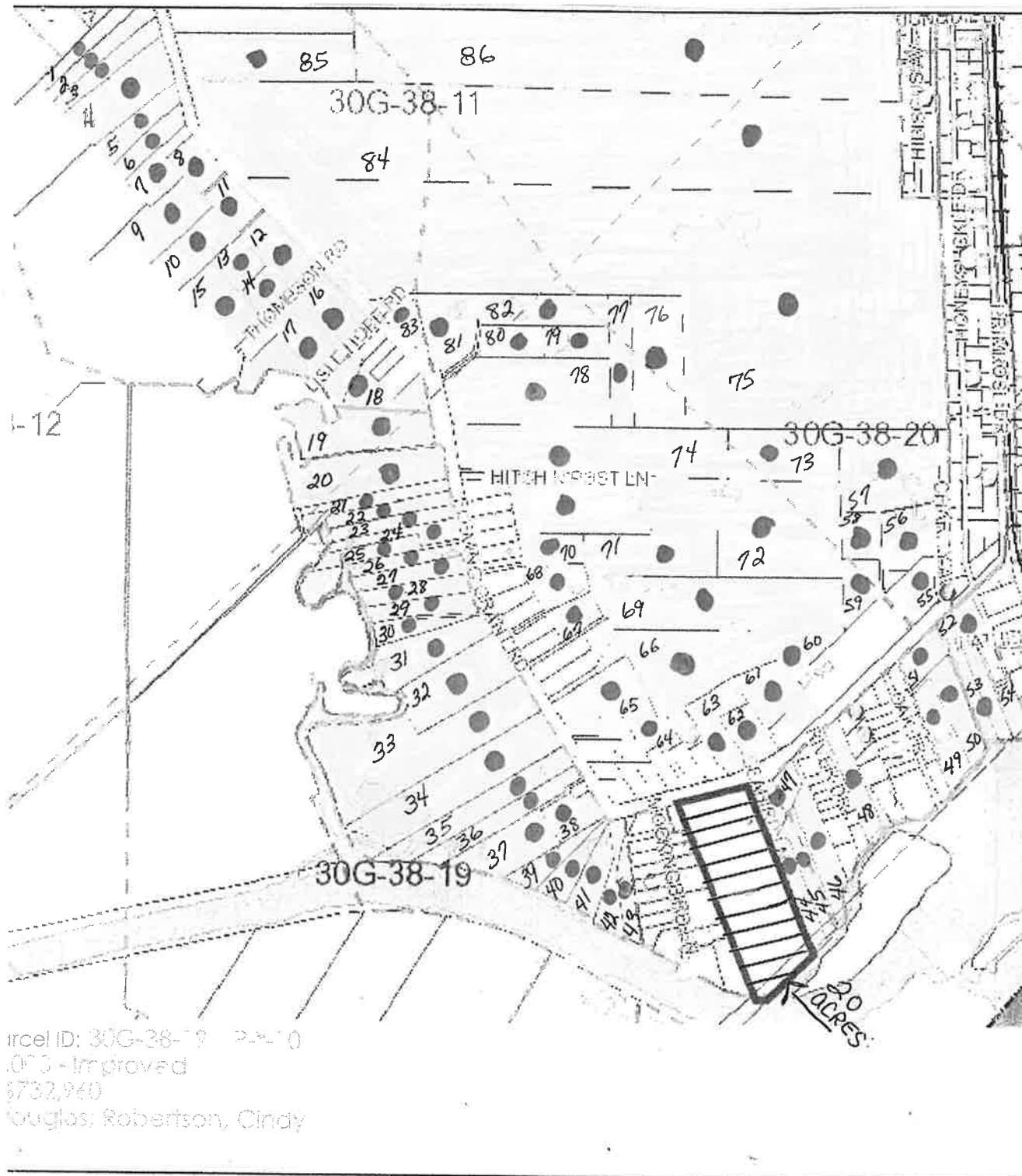
v12/2018

ACREAGE OWNERS FLEMING GRANT ROAD- MICCO- FLORIDA

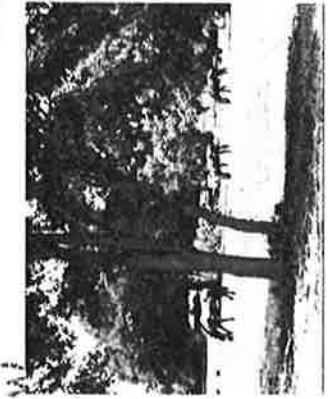
Objection
18PZ00166 & 167
Robertson
(Submitted 05/20/19)

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





W



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

LOCAL PLANNING AGENCY (PLANNING AND ZONING BOARD) MINUTES

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

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

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

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

Excerpt of complete minutes.

Douglas and Cindy Robertson

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

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

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

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

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

Mark Wadsworth – How many lots are you asking for?

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

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

Bruce Moia – No.

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

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

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

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

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

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

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

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

Public comment.

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

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

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

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

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

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

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

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

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

Henry Minneboo – Are you fairly knowledgeable about septic tanks?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bruce Moia – Without the advanced treatment, yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Erin Sterk – No.

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

Rochelle Lawandales – They provided a technical assistance comment.

Brian Hodggers – But no formal comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Erin Sterk – Yes.

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

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

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

Erin Sterk – If they go through the subdivision process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bruce Moia – No, but close.

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

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

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

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

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

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

Rochelle Lawandales – It would require another comprehensive plan amendment.

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

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

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

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

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

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

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

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

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

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

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

Rochelle Lawandales – Most of them were Residential 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bruce Moia – Private road.

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

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

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

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

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

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

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

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

Henry Minneboo – Would anyone like to make that motion?

Brian Hodgers – I'll motion to approve

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

Ben Glover – How many lots?

Bruce Moia – 16 lots.

Ben Glover – I'll get behind 16 lots.

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

Brian Hodgers – Motion to approve.

Ben Glover – I'll second.

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

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

Peter Filiberto – Second.

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

Adjournment:

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

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

Pat,

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

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

Thank you,

Christine Bellak

photo



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

Please note:

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

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

Commissioner Smith,

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

Lorraine Kay
203-641-4326
32937

Sent from my iPad

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

Pat,

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

Helen Stamatacos, mico rezone No

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

Thank you,

Christine Bellak



Christine Bellak
Administrative Assistant
Brevard County, District 4
[321 633 2044](tel:3216332044) | Christine.Bellak@brevardfl.gov
2725 Judge Fran Jamieson Way,
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From: greenelfie
To: [Commissioner, D4](#)
Subject: Zoning Density
Date: Thursday, May 30, 2019 12:19:21 AM

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

Why is this rezoning bad?

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

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

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

Veronica D. Isaksen

954.644.9270

32951

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

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

Pat,

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

Lewis Kontnik, Item H 9
& 10 PZ

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

Thank you,

Christine Bellak



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

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

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

Robin Carroll
9575 Fleming Grant Rd
Micco, FL 32976

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

Dear Curt Smith

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

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

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



Total properties in area 157

Red dots are on properties 2.5 acres or more
85

River side 54 Non-river 31

Acre size lots on non-river side 22

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

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

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

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



RAIN EVENT WEST SIDE OF ROAD



RAIN EVENT EAST SIDE OF ROAD

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



STORM RUN OFF



STORM RUN OFF

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

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

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



STORM BASIN FLOODING

STORM BASIN FLEMING GRANT RD



STORM BASIN FLEMING GRANT RD



STORM BASIN FLOODING



SUNK DRIVEWAY BULKHEAD



DRIVEWAY DAMAGE



DRIVEWAYS

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

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

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

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

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

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

May 1, 2019

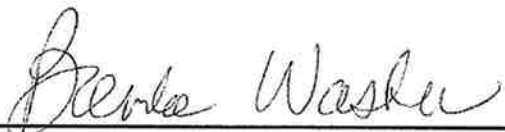
To: Planning and Zoning and Brevard County Commissioners

Re: Application 19-01ESR Robertson

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

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

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



Brenda Washer

Fleming Grant Rd, Micco FL

9659

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

Commissioner,

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

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

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

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

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

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

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

Sent from [Mail](#) for Windows 10

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

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

Sincerely,

Bill and Georgia Combs

Sent from [Outlook](#)

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

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

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

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

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

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

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

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

Henry Beck

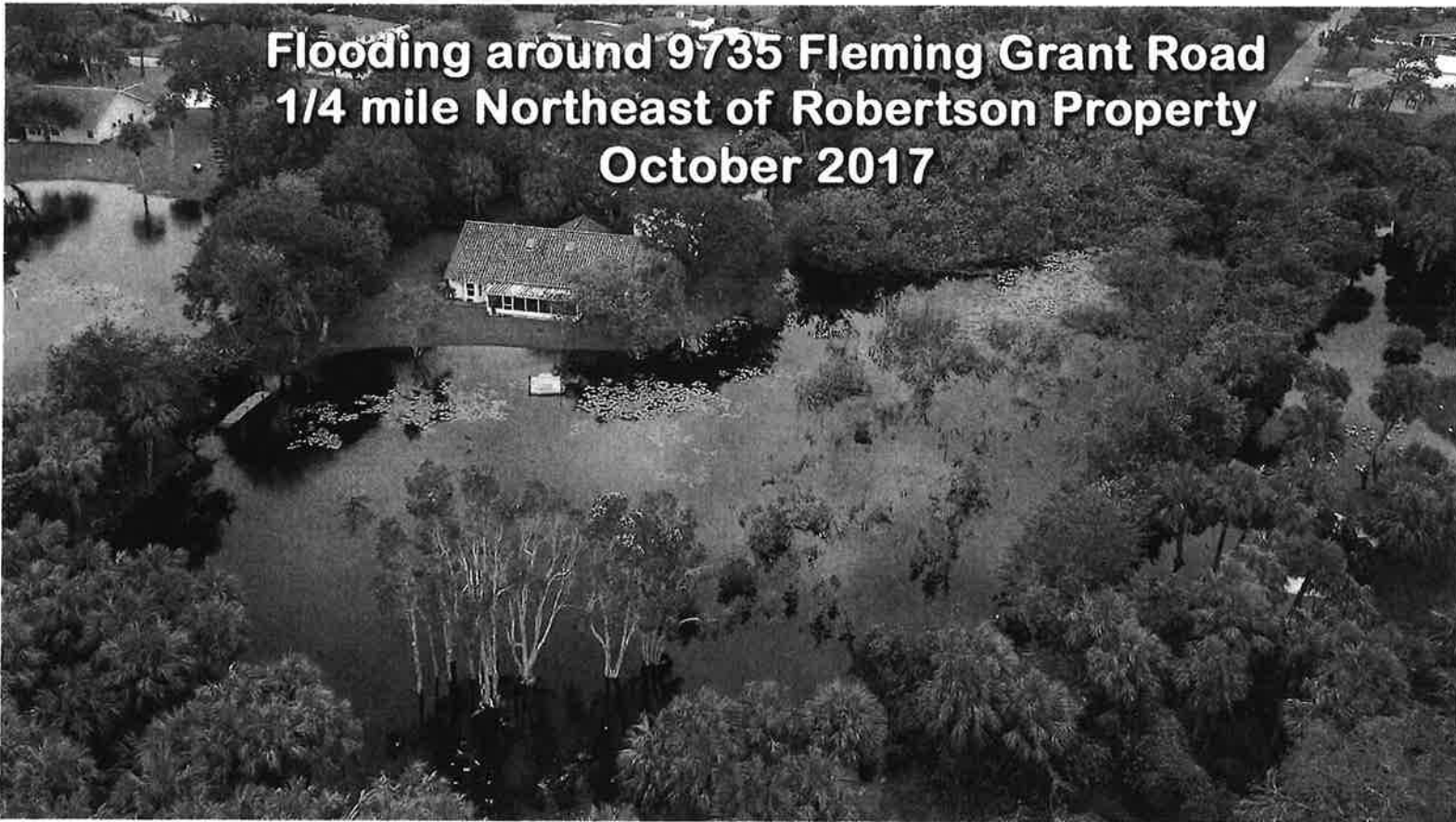
9735 Fleming Grant Rd.

Micco, Fl. 32976

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



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



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

Dear Commissioner Smith.

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

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

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

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

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

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

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

<https://youtu.be/xEHmhNHRq6M>

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

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

Please consider:

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

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

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

Respectfully,

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

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

Dear County Representatives:

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

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

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

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

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

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

Sincerely,

Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976



Technical Assistance Comments
Proposed Comprehensive Plan Amendment
Brevard County 19-01ESR

Amendment Summary

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

1.) Technical Assistance Comment

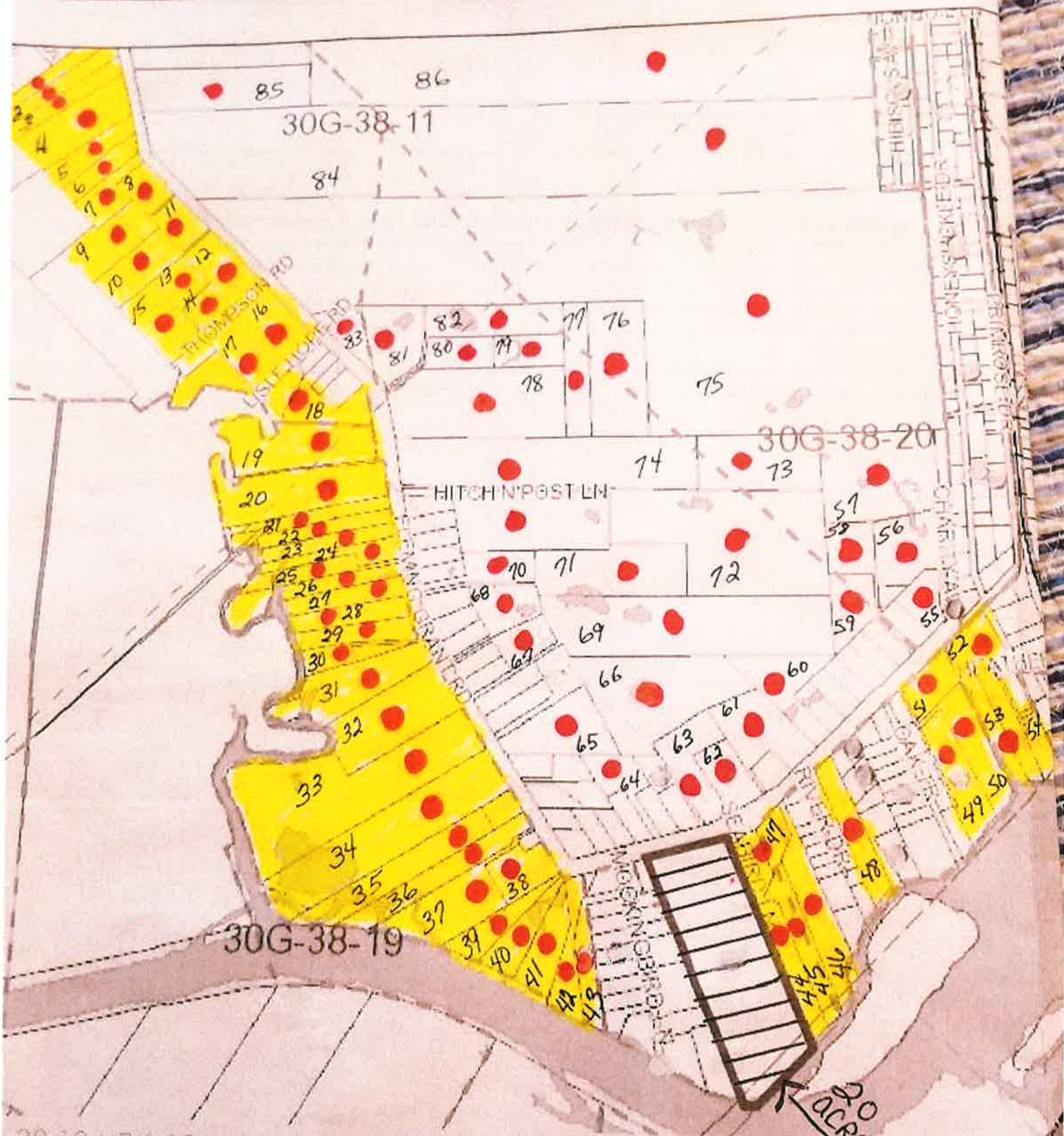
The proposed 20.39-acre site is located near the confluence of the north and south prongs of the St. Sebastian River, just prior to discharge into the Indian River Lagoon (IRL). The Indian River Lagoon is an important state resource that has been identified as seriously impaired due to high nutrient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

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

2.) Technical Assistance Comment

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

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



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

-38-19-HP-10
ved
bertson, Cindy

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

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

Ed

Ed

Ed

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

Dear Commissioner:

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

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

772-663-0039

cdecker411@yahoo.com

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

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

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

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

Thank You

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

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

Pat,

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

Helen Stamatacos, mico rezone No	
Call Date and Time	5/29/2019 11:00 AM
Caller First Name	Helen
Caller Last Name	Stamatacos
Company or Organization	Resident
Phone Number	321-728-8876
Address	9010 Highway A1A Melbourne Beach - 32951
City	
Zip Code	
Constituent	Yes
District	District 4
Reason for Call	Please document - strongly against Mico rezone
Action Taken	
Year	2019
Month	05 - May

Thank you,

Christine Bellak



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

Please note:

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

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

Commissioner Smith,

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

Lorraine Kay
203-641-4326
32937

Sent from my iPad

Please note:

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H.9 3 H.10

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

Pat,

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

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

Thank you,

Christine Bellak



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

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

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

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

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Henry Beck

9735 Fleming Grant Rd.

Micco, FL 32976

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

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Date: Sunday, May 5, 2019 10:39:22 AM

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Sent from [Mail](#) for Windows 10

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Date: Friday, May 3, 2019 9:19:08 AM

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

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

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

May 1, 2019

To: Planning and Zoning and Brevard County Commissioners

Re: Application 19-01ESR Robertson

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

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

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



Brenda Washer

Fleming Grant Rd, Micco FL

9659

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

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



DRIVEWAY DAMAGE



DRIVEWAYS

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

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

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

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

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

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

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



STORM BASIN FLOODING

STORM BASIN FLEMING GRANT RD



STORM BASIN FLEMING GRANT RD



STORM BASIN FLOODING



SUNK DRIVEWAY BULKHEAD

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

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

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



RAIN EVENT WEST SIDE OF ROAD



RAIN EVENT EAST SIDE OF ROAD

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



STORM RUN OFF



STORM RUN OFF

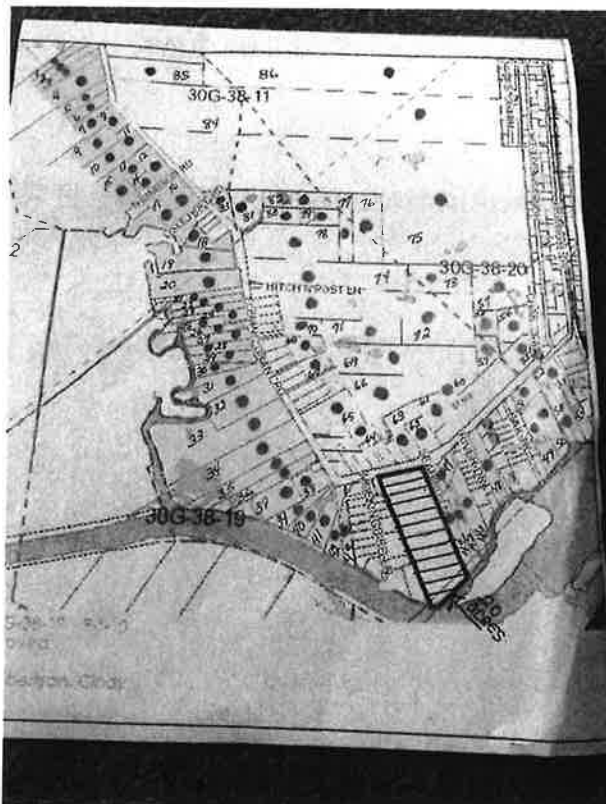
TO: Curt Smith
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 7, 2019

Dear Curt Smith

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

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

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



Total properties in area 157

Red dots are on properties 2.5 acres or more
85

River side 54

Non-river 31

Acre size lots on non-river side 22

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

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

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

Robin Carroll
9575 Fleming Grant Rd
Micco, Fl 32976

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

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

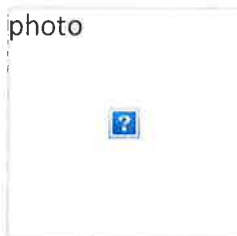
Pat,

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

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

Thank you,

Christine Bellak



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

Please note:

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

Veronica D. Isaksen

954.644.9270

32951

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

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

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

Why is this rezoning bad?

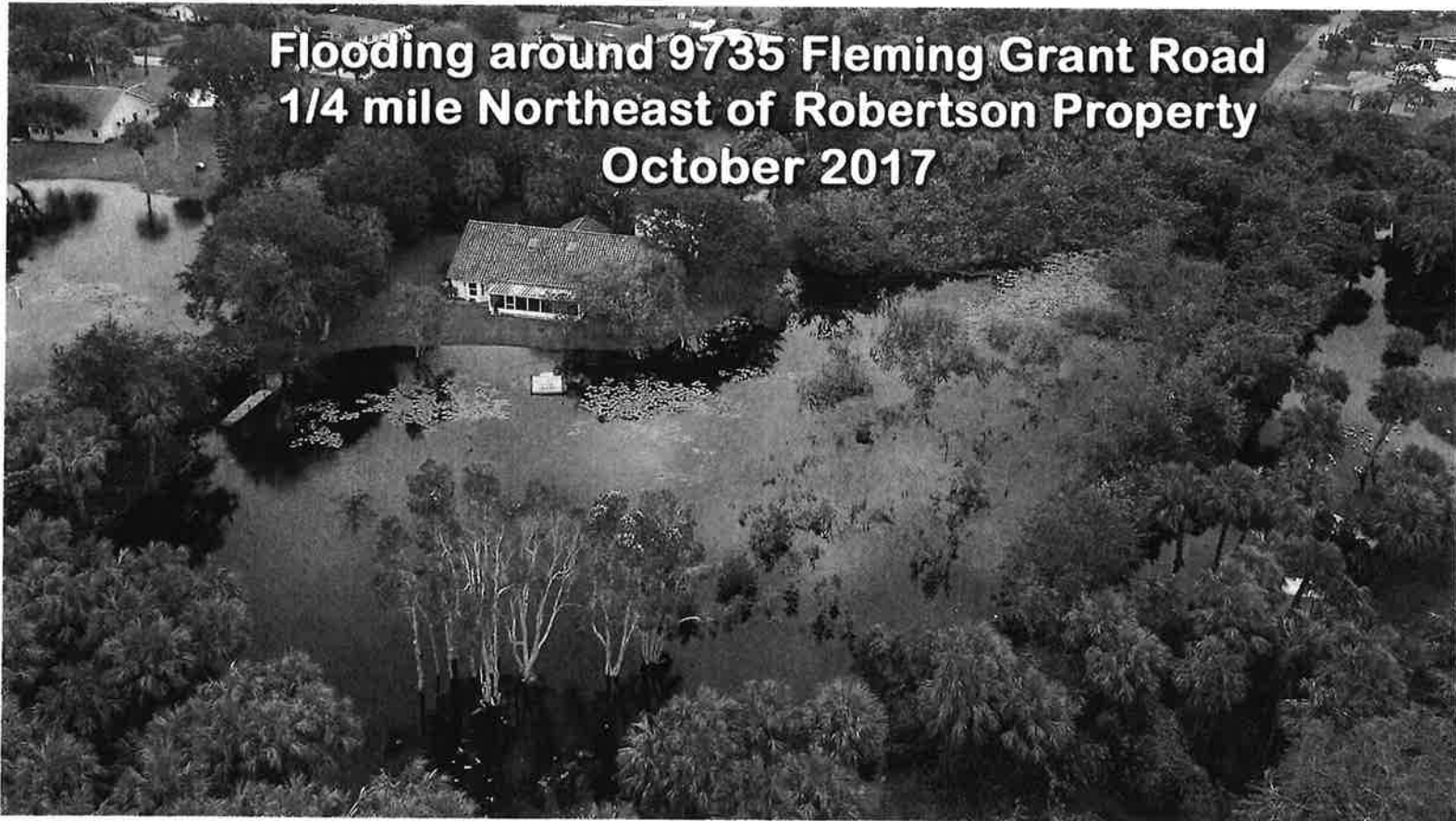
- This property drains directly into the St. Sebastian River where it meets the Indian River Lagoon at the aquatic preserve.
- More septic tanks will be installed, meaning more wastewater pollution entering the river.
- More impervious surfaces like roofs, roads, driveways, and sidewalks means less water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

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

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



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



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

Dear Commissioner Smith,

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

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

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

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

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

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

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

<https://youtu.be/xEHmhNHRq6M>

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

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

Please consider:

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

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

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

Respectfully,

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

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

Dear County Representatives:

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

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

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

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

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

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

Sincerely,

Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976



40%



6:57 PM

Technical Assistance Comments
Proposed Comprehensive Plan Amendment
Brevard County 19-01ESR

Amendment Summary

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

1.) Technical Assistance Comment

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

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

2.) Technical Assistance Comment

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

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

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

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

Ed

Ed

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

Dear Commissioner:

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

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

772-663-0039

cdecker411@yahoo.com

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

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

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

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

Thank You

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

Prepared by: MBV Engineering, Inc.
Address: 1250 W. Eau Gallie Blvd., Melbourne, FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Mr. Douglas Robertson, an individual (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested a RES1 Land Use Amendment and desires to develop the Property as single family residential, which currently is zoned RU-1-13, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. Developer/Owner shall limit the property to sixteen (16) lots maximum.
3. The minimum floor area shall be 2,000 sq.ft.

4. All lots within the front 1,000 feet of the property, from the road ROW line, shall be one-half (0.5) acre in size minimum. All lots south of the 1,000 foot front offset line shall be one (1.0) acre minimum. The FEMA determined Base Flood Elevation (BFE) will be revised in late 2019/early 2020. The BFE is anticipated to increase from 4.5 feet NAVD to 5.3 feet NAVD. The Owner/Developer agrees to have all BFE's within the property comply with the updated FEMA elevation of 5.3 NAVD, or the minimum required by FEMA at the time of development, whichever is more restrictive.

5. No more than one (1) principle structure shall be constructed in the Coastal High Hazard Area of the property.

6. All specimen oak trees, as shown on survey (See Attachment B) shall be preserved, unless significant fill is required by any permitting agency due to flood zone requirements, coastal high hazard requirements, tidal rise requirements, stormwater requirements, or other similar regulation requirements of the County, State, or Federal regulations.

7. All lots within the Property shall be required to install OSTDS systems for sewer collection and treatment, which must reduce total nitrogen in the effluent by at least 65%, in compliance with County and State regulations.

8. A maximum wetland impact to existing on-site wetlands shall be 0.37 acres. No impact to the existing Mangrove Wetland Shoreline Fringe will be allowed.

9. Only one access connection shall be allowed to Fleming Grant Road, which shall be a private road meeting County requirements.

10. A 15' perimeter buffer tract shall be provided along the road right-of-way and the east and west property lines of the Property.

11. An HOA shall be created, which will also consist of an Architectural Review Committee.

12. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

13. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

14. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

5Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Kristine Isnardi
Chair
As approved by the Board on _____

WITNESSES:

DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(Witness Name typed or printed)

(President)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of
, 20____, by _____, President of _____, who is personally
known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated _____, given by _____, as mortgagor, in favor of the undersigned, _____, as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

WITNESSES:

MORTGAGEE NAME/ADDRESS

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

(Witness name typed or printed)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification.

My commission expires

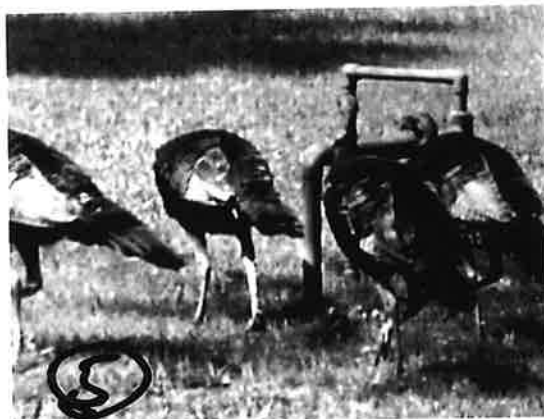
Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

Ber 5/30/1944-94/0
Doug and Cindy Robertson
1982



4

.NRB/ATU

$$\begin{array}{r} 100 \\ - 60 \\ \hline 40 \end{array} \times 16 = 640$$

Septic

$$\begin{array}{r} 100 \\ - 40 \\ \hline 60 \end{array} \times 8 = 480$$

2062



Commissioner, D1

From: Anne Briggs <annebriggs@yahoo.com>
Sent: Wednesday, May 01, 2019 10:56 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: map of 2.5 acre parcels.jpg
Categories: EMAIL CAMPAIGNS

Dear Commissioners Isnardi, Tobia, Smith, Loeber and Pritchett,

Ref: Parcel#18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco

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

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

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

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

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

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

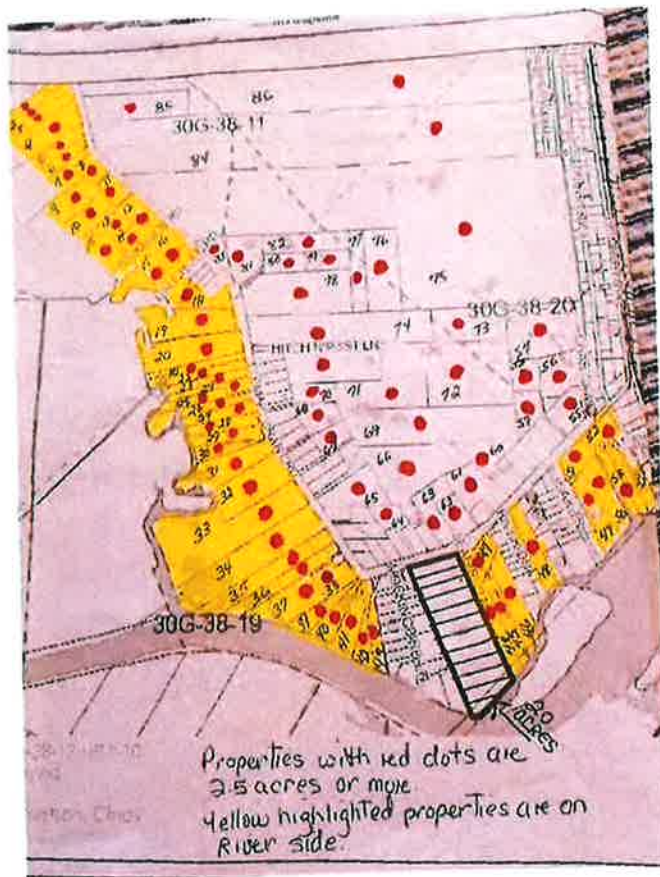
Thank you for your consideration.

Sincerely,

Anne Briggs

9735 Fleming Grant Road, Micco FL 32976

772 925 9200



Commissioner, D1

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

Dear Commissioner:

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

We are a rural area with wells and septic systems and ditches. The size of the parcels allow us to keep safe distances between our water supply and our septic systems and keeps septic waste from draining into the river. The ditches are not adequate to move water in heavy rains and most of our properties have some flooding. I can't believe that it is possible to put 20 homes on a 20 acre parcel and build roads and still allow space for wells, septic systems and water retention.

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

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

Emil & Barbara Reisert

From: [Jeffrey Davis](#)
To: [Jones, Jennifer](#)
Subject: Fw: Opposition to Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 8, 2019 6:21:00 AM

This e-mail has been sent to all commissioners D1 thru D5. Thank you for your support

----- Forwarded Message -----

From: Jeffrey Davis <davis1427@bellsouth.net>
To: D1.Commissioner@Brevardfl.gov <D1.Commissioner@Brevardfl.gov>
Sent: Wednesday, May 8, 2019, 6:15:02 AM EDT
Subject: Opposition to Brevard Proposed Amendment 2019-1.1

This amendment is in not compatible with our rural neighborhood. Rationale for the original designation of land parcels (1988 Comprehensive Plan allowance for 1 unit per 2.5 acres) in the Fleming Grant/Sebastian River community supported future management/prevention of pesticides, fertilizers, septic drain field leakage and storm run-off into the Sebastian River and on into the Indian River Lagoon. Area is prone to flooding only compounding the problems. Please consider the affects of this decision and act in the best interests of the residents and health of the Indian River Lagoon. VOTE NO

Submitted by: Jeff and Mary Jane Davis
9380 Fleming Grant Rd.
Micco Fl. 32976

From: [Susan Courtney](#)
To: [Jones, Jennifer](#); d1.commissioner@brevardfl.gov; [Commissioner_D2](#); [Commissioner_D3](#); [Commissioner_D4](#); [Commissioner_D5](#)
Subject: Brevard proposed amendment 2019-1.1
Date: Wednesday, May 8, 2019 7:27:41 AM

To all Concerned

I would like to express my concern regarding proposed amendment 2019-1.1,

I am against changing the parcel land zoning to one acre per unit, keeping it at 2.5 acres per home will be less impact on the St Sebastian River and Lagoon. Tax payers are spending money to keep our waterways clean, and by adding more homes, there will be an increase of pesticides, fertilizers, septic drain field leakage, and storm run off. Please abide by the plan developed in 1988 1 unit per 2.5 acres.

If you do not see this as a concern, I think at the very least there should be some kind of compromise, instead of one acre lots, what if the parcels would be 1.33 reducing to 15 units instead of 20. I think act of compromise still exist in our society, after all we are neighbors.

Sincerely

Susan Courtney
9791 Fleming Grant Rd
Micco fl 32976

Sent from my iPad

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, May 8, 2019 8:31:10 AM
Attachments: [20 acres.pdf](#)

From: Robin Carroll [mailto:RH20Bug@aol.com]
Sent: Tuesday, May 7, 2019 1:49 PM
To: Campbell, Cheryl
Subject: Amendment 2019-1.1 (19-01ESR)

Please see the attached letter, it contains many photographs of the issues in the area with the proposed development. Please share this with the members on the board, I will be at the meeting on the 20th. Please let me know if you have trouble opening, I can decrease the quality of the photos, but would prefer not to.

Thank you,

Robin Carroll
9575 Fleming Grant Rd
Micco, FL 32976

TO: Planing and Zoning
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 7, 2019

Dear Cheryl Campbell

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

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

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



Total properties in area 157

Red dots are on properties 2.5 acres or more
85

River side 54 Non-river 31

Acre size lots on non-river side 22

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

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

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

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



RAIN EVENT WEST SIDE OF ROAD



RAIN EVENT EAST SIDE OF ROAD

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



STORM RUN OFF



STORM RUN OFF

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

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

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



STORM BASIN FLOODING

STORM BASIN FLEMING GRANT RD



STORM BASIN FLEMING GRANT RD



STORM BASIN FLOODING



SUNK DRIVEWAY BULKHEAD



DRIVEWAY DAMAGE



DRIVEWAYS

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

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

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

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

As a homeowner of Micco, I am very concerned about the increase density on the parcel owned by Douglas Robertson. Currently the Brevard County states for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Mr. Robertson wants to place 1 unit per acre. There are many reasons not to allow this.

The beautiful St. Sebastian River flows directly into the Indian River Lagoon. With that many more people, there would be more pesticides, septic tanks, fertilizers and runoff into the river.

The Robertson's parcel is also an area of flooding. With high flooding likely, these contaminations will easily be washed into the river and into the Indian River Lagoon.

The public has millions of tax dollars to pay for a clean Indian River Lagoon. This can only harm it, as well as the residents of St. Sebastian River and Micco.

This is a rural area. Please allow it to stay that way. Deny the changes to the Brevard County Future Land Use Map proposed by Mr. Robertson.

Sincerely,

Diane Cathey

9844 Riverview Drive

Micco, Florida 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Serk, Erin](#)
Subject: FW: 19-01ESR Petition
Date: Thursday, May 9, 2019 8:34:42 AM

From: mangobw1@aol.com [mailto:mangobw1@aol.com]
Sent: Wednesday, May 8, 2019 4:29 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3;
d4commissioner@brevardfl.gov; Commissioner, D5
Subject: 19-01ESR Petition

RE: 19-01ESR Petition

ATTN:

Cheryl Campbell

Rita Pritchard

Bryan Lober

John Tobia

Curt Smith

Kristine Isnardi

My husband and I are opposed to the 19-01ESR Petition and any increases in the density in our area. This subdivision, with all owners on small acreage, will have negative consequences to the Sebastian River.

Richard and Susan Currier

9485 Fleming Grant Rd.

Micco, FL 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application
Date: Thursday, May 9, 2019 1:41:54 PM

From: Lew Kontnik [mailto:lewkontnik@gmail.com]
Sent: Thursday, May 9, 2019 9:18 AM
To: Campbell, Cheryl
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application

Dear Ms Campbell:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septics, lawn care, and other human development activities.

To allow an increase in the density of development on this parcel would fly directly in the face of these massive and ongoing efforts. The parcel in question sits right at the mouth of the Sebastian Inlet and empties its contents into the Lagoon. To depart from the Comprehensive Plan adopted in 1988, requiring building sites of less than 2.5 acres on the river side of Fleming Grant Road, would ensure the installation of 20 or more new septic systems on the River into a flood plane that frequently is submerged during major rain events. This would sweep masses of human waste directly into the Inlet and the Lagoon. This would be contrary to everything we are working for!

Prohibiting this increase in density is not only a matter of doing what is right for the environment, it is also the just and fair thing to do. Over the 31 years that the Comprehensive Plan has been in effect, other developers have asked for increases in density for plots in the same area and have been rebuffed, having to develop (or not) based on the minimum 2.5 acre requirement. To allow this petition to go forward would be massively unfair to previous applicants, some of whom were NOT on notice about the 2.5 acre requirement.

Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as a steward of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court

Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River
Date: Thursday, May 9, 2019 1:46:53 PM
Attachments: [CCF05092019.pdf](#)

From: jvjc321 [mailto:jvjc321@bellsouth.net]
Sent: Thursday, May 9, 2019 12:21 PM
To: Campbell, Cheryl
Subject: Fw: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

We Vote To Deny Amendment 19-01ESR

----- Forwarded Message -----

From: jvjc321 <jvjc321@bellsouth.net>
To: Cheryl.campbell@brevardfl.gov <Cheryl.campbell@brevardfl.gov>
Sent: Thursday, May 9, 2019, 11:58:05 AM EDT
Subject: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)

From: Vickie & John Romano

May 8, 2019

9720 Fleming Grant Road

Micco, Florida 32976

(321) 403-3060

TO: Brevard County Planning & Zoning Department: Attention Cheryl Campbell,

We bought this property on Fleming Grant Road because of the rural area it is and always should remain. We have been here since 1997, and love the wide open properties that are 2 ½ acres parcels or more. This is why we moved to this area. We have an abundance of wildlife living among us, all around the rivers and our wide open spaces. They have to be protected also, why would (We the people, the Land Owner's, Tax Payers) even consider destroying their habitats. If you let one developer come in and change the Comprehensive Land Use, you will have a long line of other developers down the road wanting to make more changes. Suggest to this Developer, there are plenty of Brevard County areas that need developers to build bigger homes to beautify them. . Please, we do not want to change our Comprehensive Land Use.

Thank You,

Vickie & John Romano

May 9, 2019

Dear Madam or Sir,

My name is Ken Chapin, and I live on Oak Tail in Micco. I have been a developer and homeowner in Micco for over 40 years, and I am writing this letter to express my opposition to 2019-1.1 (19-01ESR) the result of the recent LPA meeting with respect to the possible elimination of the requirement to adhere to the Brevard County Comprehensive land use plan that has been in existence since 1988 for this 20 acres in Micco that borders the St Sebastian River.

The land use change that is being pursued through Brevard County that would change the current planned comp use requirement for property along Fleming Grant road that borders the Sebastian River to R-1 zoning. I am surprised the LPA staff even approved a deviation to the Comp plan that has been in place and enforced since 1988 to only allow 1 house every 2.5 acres along the Sebastian River. This area has no water or sewer and has no plans for such. The rule of 2.5 acres per one house was put in place in 1988 to protect the Sebastian River which flows into the Indian River Lagoon. There are millions of dollars being spent to improve the health of the Indian River Lagoon. Why would we now allow over development on this 20 acres? Please help us to DENY this application.

Sincerely,

**Kenneth L. Chapin
9880 Oak Trail,
Micco, FL 32976**

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: 20 acres Fleming Grant Rd.
Date: Thursday, May 9, 2019 3:17:12 PM

From: Diane Acker [mailto:dianeack1@bellsouth.net]
Sent: Thursday, May 9, 2019 2:44 PM
To: Campbell, Cheryl; d3.commissioner@brevardfl.com; Commissioner, D4
Subject: 20 acres Fleming Grant Rd.

My name is Diane Grant. I live at 9675 Mockingbird lane, Micco, with my husband Richard. My husbands grandfather built our house in 1954, and a family member has lived here ever since.

I am sending this message because you have before you a request to change the land use, 19-O1ESR Robertson, on Fleming Grant Rd. Our property is almost 2 acres, and we back up to the 20 acres being requested to build on at greater density. I do NOT want to see ANY change in the comprehensive land use plan !

Please consider : Our property, and the adjoining 4 lots to our north, are at least 4 foot lower in grade then the 20 acres we all back up to. When we have heavy rain, we all have much standing water that takes days to drain off. If the present comprehensive land use plan is changed to allow a greater number of homes, I fear we are going to flood even more, and this can interfere with our septic systems, which are on the east side of our property. We have no other options for septic or wells. No city sewer or water is planned for our area.

I believe when the comprehensive land use plan was made ,in 1988, the drainage issues were taken into consideration....especially the fact we are a few hundred feet from the C54 canal, and all measures should be taken to protect any runoff and pollution from going into the canal. The canal then runs into the Indian River lagoon.

Please vote NO to any change in land use on Fleming Grant Rd. 20 acres.

Thank you,
Diane Grant

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
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Date: Thursday, May 9, 2019 1:46:53 PM
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We Vote To Deny Amendment 19-01ESR

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Sent: Thursday, May 9, 2019, 11:58:05 AM EDT
Subject: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

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From: Vickie & John Romano

May 8, 2019

9720 Fleming Grant Road

Micco, Florida 32976

(321) 403-3060

TO: Brevard County Planning & Zoning Department: Attention Cheryl Campbell,

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Thank You,

Vickie & John Romano

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application
Date: Thursday, May 9, 2019 1:41:54 PM

From: Lew Kontnik [mailto:lewkontnik@gmail.com]
Sent: Thursday, May 9, 2019 9:18 AM
To: Campbell, Cheryl
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application

Dear Ms Campbell:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septics, lawn care, and other human development activities.

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Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as a steward of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court

Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

From: sunwrent@aol.com
To: [Commissioner, D4; Jones, Jennifer](#)
Subject: Fwd: Proposed Zoning Change in Micco
Date: Tuesday, May 14, 2019 10:06:41 AM

-----Original Message-----

From: sunwrent <sunwrent@aol.com>
To: D1.Commissioner <D1.Commissioner@Brevardfl.gov>; D2.Commissioner <D2.Commissioner@Brevardfl.gov>; D3.Commissioner <D3.Commissioner@Brevardfl.gov>; D4.Commissioner <D4.Commissioner@Brevardfl.gov>; D5.Commissioner <D5.Commissioner@Brevardfl.gov>; jenniferfl.gov <jenniferfl.gov@aol.com>
Cc: info <info@fssr.org>
Sent: Tue, May 14, 2019 10:04 am
Subject: Proposed Zoning Change in Micco

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL

From: [WILLIAM BRENNAN](#)
To: [Jones, Jennifer](#)
Subject: Fw: proposed density change on 20 acre lot on Fleming Grant road in Micco on St. Sebastian River.
Date: Tuesday, May 14, 2019 2:19:31 PM

Jennifer - I do not type, and screwed up your email address, so am trying to send this to you this way if it works. Bill Brennanm

----- Forwarded Message -----

From: WILLIAM BRENNAN <brennan_william@bellsouth.net>
To: jennifer.jones@brevardfl.gov <jennifer.jones@brevardfl.gov>
Sent: Tuesday, May 14, 2019, 11:41:51 AM CDT
Subject: proposed density change on 20 acre lot on Fleming Grant road in Micco on St. Sebastian River.

Jennifer - My name is William P. Brennan and I live in Sebastian. I have been a kayaker on the river for 19 years. It has been more difficult for me to access the North Prong of the river since St Johns River Water Management District sold a right of way access to the river on Mockingbird Lane about a year ago. Now I read of the proposal to revise the zoning plan to increase the density on a 20 acre parcel on the Fleming Grant Road in Micco fronting the St. Sebastian River from 8 to 20 lots. It does not seem to make any sense to add that much septic system waste to the already strained river and IRC lagoon. Absorbing that waste is not the highest and best use of the property.

The best use would be to acquire the parcel for public access to the North shore of the river, which is so sorely needed. Bill Brennan

From: [Linda Morris](#)
To: [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Tuesday, May 14, 2019 9:30:27 PM

We are so happy to live in a beautiful bucolic setting, surrounded by native trees, plants and animals. We moved here 10 years ago exactly that reason. A piece of paradise just like old Florida. One of the positive things about this area is that there is a Comprehensive Plan for the Fleming Grant area that states that each parcel of land should be Zone 1 unit per 2.5 acres. Now an owner of a 20-acre parcel on Fleming Grant Road and Saint Sebastian River wants to increase home density to one unit per acre resulting in 20 homes instead of 8 per the Comprehensive Plan. This is unconscionable and cannot be approved.

The proposed increase in population density will have untold damaging effects in this community.

We are adamantly opposed to the proposed density increase on Fleming Grant Road.

Richard and Linda Morris
9860 Oak Trail, Micco
[Sent from Yahoo Mail on Android](#)

From: [Friends of St. Sebastian River](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [Jones, Jennifer](#)
Subject: Comprehensive Plan Amendment 2019-1.1
Date: Wednesday, May 15, 2019 12:18:52 AM

To: Brevard County Commissioners
Re.: Douglas Robertson, Proposed Comprehensive Plan Amendment 2019-1.1

Dear Commissioners:

We have had the chance to review comments provided by various state and regional agencies, regarding the above referenced Comprehensive Plan amendment. We note that each of those agencies observed the local outstanding natural resources of the area and protective designations specifically for the purpose of protecting the St. Sebastian River and Indian River Lagoon, from the exact impacts that would be exacerbated by this proposed amendment.

They also reference County development policies which discourages such development in hazardous and vulnerable areas as where this property is located, thus their suggestions that you consider those impacts, and encouragement to avoid them.

As we stated in our previous letter on this issue, it is irresponsible and incompatible to approve this amendment when the County and other agencies are spending significant tax dollars to clean up the problems created by past inappropriate development in the watershed of our local impaired waterways.

We remain strongly opposed to this proposed Plan amendment. Our waterways are for the benefit of all citizens and species that depend on them for habitat. There is impact with any development and no amount of mitigation that will prevent that. Therefore it is the responsibility of all of us to minimize that impact for the benefit of everyone and the environment. The County previously recognized that responsibility by instituting lower density in this area and we ask that you respect that action and not approve this Comprehensive Plan amendment.

Thank you for your consideration.

Tim Glover, President
Friends of St. Sebastian River
info@fssr.org
www.fssr.org
www.facebook.com/FriendsofStSebastianRiver
772-202-0501

From: [Chris Davis](#)
To: [Jones, Jennifer](#)
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 15, 2019 1:37:00 PM

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:36 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D5.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:35 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D4.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:35 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D3.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:34 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D2.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:33 PM
Subject: Brevard Proposed Amendment 2019-1.1
To: <D1.Commissioner@brevardfl.gov>

This amendment is not at all compatible with our rural neighborhood for numerous reasons. Original land parcel designation was based on rationale that mitigated issues regarding pesticides/fertilizers, septic drain field leakage and storm water run-off all leading to the St. Sebastian River and ultimately the Indian River Lagoon. Brevard County's 1988 Comprehensive Plan concerning the Fleming Grant/Sebastian River area was set so that each parcel was zoned for 1 unit per 2.5 acres. This area is already prone to flooding, more development will only compound an existing issue pushing more runoff into the river. Please consider what affects this decision will have on the residents and health of the Indian River Lagoon.
Vote No

Submitted by: Chris Davis
9380 Fleming Grant Rd,
Micco, FL 32976

From: [RM](#)
To: [Jones, Jennifer](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Sunday, May 19, 2019 2:57:03 PM

From:
Richard & Catherine Mozzetta
9515 Fleming Grant Rd
Micco FL 32976

Subject:
Opposition of Proposed changes of Land Use for 20 Acre Lot on Fleming Grant Rd

Subject Property:
Parcel ID 30G-38-19-HP-*-10 Fleming Grant Road, Micco
BCPA Link: <https://www.bcpao.us/PropertySearch/#!/account/3008729>

Dear Sir or Madam,

It has come to our attention that the Land Use Designation outlined and specified in Brevard County Code of Ordinances, Chapter 62, for the above property is being considered to be changed or modified to allow more structures to be built on the above referenced property than was originally allowed. The 20 acre parcel is presently Zoned 1:2.5, to allow One Unit per 2.5 Acres.

We have been informed that a proposal has been made to build up to 20 units on this parcel, thus changing the Zoning to allow 1 unit per Acre. This is clearly a violation of the present Zoning Regulations designated many years ago. We find it disturbing that you would consider such a change.

Changing the Zoning would be a contradiction toward the originators of the changes, written then to allow only 1 Unit per 2.5 Acres. They made these limitations to ensure the longevity of the environmental security of both the Sebastian River and Indian River Lagoon, along with maintaining the rural atmosphere of this area. Changes intended to relax these limitations now would not only negatively impact the environment, but would also set precedence for future development in the area, ensuring even further degradation of the environment and hardship for all of us who reside along Fleming Grant Road.

We are formally opposed to any Zoning changes which would allow more than the originally allowed 1 Unit per 2.5 Acres on this parcel. Please do what is right, for all of us.

Regards,

Richard & Catherine Mozzetta

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





.....
*Support leaders and
candidates who put the
environment first*
.....

EVERYONE!

Recycle and keep Lagoon free of trash

- Use **reusable bags** at the grocery or paper ones
- Use as little **plastic** as possible

Plant native plants that don't need water or fertilizer

- **Minimize pesticide use** and dispose of toxic chemicals correctly
- **Stop septic leaks**: Inspect your drain field as well as your septic tank
- Wash your car at a **carwash** — keeps soap & chemicals out of the Lagoon
- Only **clean water** down street sewers or drains — no trash, no grass, no oil or soap
- If you can, **go Solar** for your home



VOLUNTEER

- Support **nonprofits** helping the Lagoon
- Join a local **City Sustainability Board**
- Pick up trash with **Keep Brevard Beautiful**
- Help plant living shorelines, oyster reefs & mangroves

Get Active:

- KeepBrevardBeautiful.org/get-active
- SaveTheIRL.org/volunteer
- Web2.Fit.Edu/indian-river-lagoon
- RestoreOurShores.org/volunteer-we-need-you/#howyoucanhelp



With Nick Sanzone, Dylan Hansen and the
Satellite Beach Sustainability Board



BREVARD
INDIAN RIVER LAGOON
COALITION

WHAT YOU CAN DO

Help The Lagoon



YOUR YARD

Plant a lagoon-friendly lawn

- When mowing, blow grass clippings back on the lawn
- Obey the **summer fertilizer ban June 1 – Sept 30**
- Minimize watering your lawn
If you have re-use water, you need less or no fertilizer

BOATERS

Practice proper boat fueling technique



- Use marine pump out facilities
- Don't empty your tank into canals or the Lagoon
- Use marine approved cleaning products



DOG OWNERS

Scoop the poop! — dog waste has lots of bacteria. **Pick up, put in trash.**

SMOKERS

- **Just say ZERO cigarette butts on the beach and trails**

Let's ensure small children and pets and wildlife don't have toxins from filters in their way to play.

IF YOU LIVE ON THE LAGOON

- Plant a living shoreline
- Grow oysters on your dock
- RestoreOurShores.org/volunteer-we-need-you/#howyoucanhelp



Remember: Obey the law.
Don't cut mangroves without a permit

RESTAURANTS/BUSINESSES

- Please use alternatives to styrofoam & plastic
- If you're a restaurant, join Litter Quitter:

Join Up:

- KeepBrevardBeautiful.org/our-programs/litter-quitter



DINERS

Help your favorite places to dine understand there's a local desire for them to provide better alternatives.

- **Bring your own receptacles for leftovers**
- **Just say: "No Straw, please."**

Start a trend.



v 12/2018

ACREAGE OWNERS FLEMING GRANT ROAD- MICCO- FLORIDA

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

1.	3.33	Harlan
2.	3.44	Pellizzze
3.	3.33	Greene
4.	6.94	Smythe Ross
5.	2.50	Hecksel
6.	2.50	Atwell
7.	3.00	Mariel
8.	2.50	Nichols
9.	5.12	Chapin
10.	5.08	Swayze
11.	2.50	Nichols
12.	4.32	Clapp
13.	2.57	Royal
14.	2.09	Reilly
15.	4.83	Olah
16.	8.76	Gaddis
17.	2.15	Peters
18.	3.36	Holm
19.	8.70	Davidson
20.	8.65	Maher
21.	2.05	Davis
22.	3.11	Toth
23.	2.55	Howee
24.	2.50	Carpenter
25.	3.20	Carpenter
26.	2.20	Decoulos
27.	2.89	Gaddis
28.	2.70	Walker
29.	2.53	Glover
30.	2.50	Svatik
31.	7.00	Kent
32.	8.97	Baggs
33.	21.10	Moussaoui
34.	12.90	Moussaoui
35.	4.04	Crisp
36.	2.72	Marshak
37.	4.77	Dobson
38.	2.50	Ebbutt
39.	2.50	Gulce
40.	2.50	Travis
41.	2.50	Beladi

42.	2.50	Thompson
43.	2.60	Kramer
44.	3.10	Bistarkey
45.	3.80	Kaplan
46.	4.48	Keller
47.	2.48	Craig
48.	3.32	Romano
49.	3.88	Gilbert
50.	3.83	Currier
51.	2.70	Stricker
52.	2.50	Garceau
53.	2.56	Mangold
54.	2.55	Ricketts
55.	2.50	Leroux
56.	4.60	Kolmel
57.	12.00	H & H
58.	3.00	Lienesch
59.	3.26	Lehman
60.	4.55	Beck
61.	5.23	Combs
62.	2.76	Brannan
63.	4.04	Johnson
64.	2.48	Livezey
65.	5.46	Greene
66.	12.05	Johnson
67.	2.66	Currier
68.	3.63	Fonvielle
69.	20.19	Helton
70.	3.10	Garrett
71.	9.12	Hughes
72.	22.34	Thelin
73.	7.77	Hughes
74.	20.25	Lyles
75.	150.0	Overseas Holding
76.	10.00	Meek
77.	5.00	Timaul
78.	15.43	Moussaoui
79.	2.59	Taylor
80.	3.14	Taylor
81.	4.10	Hanson
82.	6.33	Calhoun
83.	2.67	Future Ent.
84.	96.00	Tully
85.	12.00	Tully
86.	75.08	TULLY



Approximate
Lot Lines



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

From: [Robert Usherson](#)
To: [Sterk, Erin](#)
Cc: [Jones, Jennifer](#)
Subject: Follow-up2 Re: William James BDP
Date: Monday, May 13, 2019 8:29:37 AM

Hello again, Erin. Ruminating further re my initial reply to you, I suggest a more appropriate, effective and preferable solution to the James property-type Comp Plan problem my community is concerned about, which are situations where 1) a development proposal is not allowed by the current zoning, 2) the requested re-zoning is inconsistent with the Land Use Plan map (and/or other Plan policies), and 3) the Commission finds that a supplemental development restriction is necessary to render the proposal(s) acceptable to The County (and I would argue, consistent with various Comp Plan). In these situations, I suggest that the Department should simply recommend to the Commission that it not take action approving such a Land Use Plan map amendment unless or until the applicant has submitted to staff and the Attorney the 'proffered' development restriction with content and form sufficient for recording, and such instrument is submitted as an exhibit during course of the comp plan amendment hearing.

Two scenarios could accomplish this: A) if the State allows the County to submit any number of Plan Amendment bundles per year, the Commission could simply defer action and continue the hearing to a later date giving the applicant time to submit the instrument prior to Commission adoption; or, B) if, perhaps, The State only allows the County to submit two amendment bundles per year (which may have been the case once upon a time, I don't remember), if during the course of the Planning Board hearing it becomes evident that Commission approval may have greater likelihood with proffer of a restriction (to render the development consistent with pertinent comp plan policies), the applicant should be advised by staff to prepare and submit such instrument in good order before the date scheduled for Commission action on the Land Use Plan map amendment.

The County Comprehensive Plan should not be so readily wagged by the tail of a desired development-order,

Thank you again for bearing with me...

R. Usherson

From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Friday, May 10, 2019 4:59 PM
To: Robert Usherson
Cc: Calkins, Tad; Campbell, Cheryl; Jones, Jennifer
Subject: RE: William James BDP

Mr. Usherson,

I've provided responses to your inquiries below **in red**. Once you have a chance to read the response, please let me know if you have any additional questions.

Have a great weekend,

Erin Sterk

Planning & Zoning Manager

Brevard County

(321) 633-2070 ext. 52640

From: Jones, Jennifer
Sent: Friday, May 10, 2019 8:42 AM
To: Robert Usherson
Cc: Calkins, Tad; Sterk, Erin; Campbell, Cheryl
Subject: RE: William James BDP

Thank you, Mr. Usherson,

I am forwarding to our Department Director, Planning and Zoning Manager, and our Comprehensive Planner.

Jenifer

From: Robert Usherson [<mailto:usherson@msn.com>]
Sent: Thursday, May 9, 2019 3:59 PM
To: Jones, Jennifer
Subject: Re: William James BDP

Thank you very much for your considerate follow-up, Jennifer.

Also, Jennifer, could you please suggest to your Director or whomever you think may be helpful, to please consider the following minor modification to the boilerplate Commission Ordinances amending the Comp Plan in instances where a proffer by an applicant of any sort of development limitation may have been a factor in the Commission's decision to amend the Comp Plan.

Alt 1) Perhaps the Effective date of the Ordinance could be established at some number of days after the applicant submits the proffered instrument to the County with promised content and in form legally sufficient for recording, whether your standard BDP or some other deed restriction that does the job. *The Zoning classification and any associated Binding Development Plan must be approved in consistency with the Future Land Use designation; therefore, the zoning and BDP cannot be finalized before the FLU amendment is final. Additionally, Florida Statute 163.3184 (7) (a) necessitates that "The local government shall transmit the complete adopted comprehensive plan or plan amendment, including the names and addresses of persons compiled pursuant to paragraph (15)(c), to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption."* For the zoning action, Brevard County code dictates that an applicant has 120 days to bring a

recorded BDP back to the BCC for finalization, which is well beyond this 10 day allowance for transmittal of the adopted FLU change. For both of the reasons, we cannot wait until the Zoning is completed to adopt the FLU.

Alternatively, 2) If neither the foregoing can be done nor could the operative section of the Ordinance condition the Plan Amendment in some manner, The appropriate way to condition the Future Land Use proposal is to create a Future Land Use designation specific to the terms appropriate for the property. This would require a Large Scale Comprehensive Plan Text Amendment to create the FLU designation itself and policies associated with that designation and a Large Scale Comprehensive Plan Future Land Use Map amendment to apply the designation on the designated parcel. The Platt Ranch Mixed Use District (PRMXD) is an example of this level of specificity being created, but the areas which a new designation has historically been applied have been larger than the 5.57 acre area proposed for CC in this proposal.

3) at a minimum, perhaps the Preamble/Whereas clauses could document the fact that development limitations/parameters proffered by the Applicant (and/or recommended by the Planning Board or some other researchable reference) will serve to ensure that development which may occur as a result of the requested Comp Plan amendment will be consistent, not only with the future land use plan map but also with the preponderance of Plan policies adopted to protect the health, safety, welfare and general well-being of adjacent and affected communities. The proposal for a Future Land Use Map amendment is evaluated against all policies of the Comprehensive Plan. Development is reviewed for compliance with County Codes, which implement the goals, policies, and objectives of the Comprehensive Plan – well beyond just checking that the use is permissible within the Future Land Use designation on the map...or something of that sort to memorialize the influence on the Commission action of a proffer made at the time of amendment consideration, notwithstanding whatever may or may not initially happen with regard to any companion re-zoning request. The conditions agreed upon by the applicant at the time of their proposal are memorialized as conditions within a Binding Development Plan (BDP), which is associated with the zoning action and not the Comprehensive Plan Amendment. Because of this, the Board should be evaluating the proposal for the Future Land Use designation at face-value. It is understood that if those conditions were proposed to go away ever, that removal of such would go through a public hearing process as a zoning action for consideration. All zoning actions are evaluated for consistency with the entire Comprehensive Plan – and not just the specifics of the Future Land Use designation itself. Without this, as in our situation, the CC Plan designation could invite purchase of such property with expectations of max liberal development as allowed in that Plan category which, in our backyards, could be immensely disruptive. The conditions voluntarily agreed upon by the applicant are memorialized in the BDP associated with the zoning, which run with the land and appear in a title search. Future buyers of the property would certainly have the resources to evaluate these conditions. The Plan Amendment Ordinance, if read, might reveal to prospective purchasers some need for development/use limitations, particularly if the companion zoning resolution has evaporated and Planning Board minutes are unlikely to seen in property research. The zoning resolution does not just “evaporate” – the BDP is an encumbrance on the property that is revealed through all County staff evaluation of the property and all future development on the property. The only way to “undo” the conditions is to propose a BDP amendment through a new zoning action and associated public hearings, at which time consideration of all appropriate Comprehensive Plan goals, objectives, and policies will be evaluated. Alternatives safeguards fully welcome! Thank you very much for your consideration, Jennifer.

Robert Usherson

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>

Sent: Tuesday, May 7, 2019 7:40 AM

To: usherson@msn.com

Subject: William James BDP

Mr. Usherson,

After looking into it further, I realized that because the zoning was contingent on the recording of the BDP, and the BDP was not recorded, the zoning request was withdrawn and therefore does not have a resolution.

Jennifer

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

Furru, Christine

From: outlook_25A6D5C119A5D113@outlook.com on behalf of outlook_25A6D5C119A5D113@outlook.com <pirrungair@bellsouth.net>
Sent: Sunday, May 05, 2019 10:38 AM
To: Commissioner, D3
Subject: Brevard Proposed Amendment 2019-1.1

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

Sent from Mail for Windows 10

Furru, Christine

From: Ted Beck <scubadore@gmail.com>
Sent: Thursday, May 02, 2019 9:26 PM
To: Commissioner, D3
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: 9735.jpg; 9760.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

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

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

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

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

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

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

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

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

Henry Beck

9735 Fleming Grant Rd.

Micco, Fl. 32976

Furru, Christine

From: D LB <dbeladi@hotmail.com>
Sent: Wednesday, February 20, 2019 10:56 AM
To: Commissioner, D3
Cc: Tom Barnes
Subject: Letter re rezoning of 20 acres on Fleming Grant
Attachments: Letter to brevard county re fleming grant.docx

Dear Commissioner John Tobia,
Attached please find my letter re the rezoning of the 20-acre property on Fleming Grant.
Best regards,
Donna Beladi

Furru, Christine

From: Connie Blair <cblair2020@gmail.com>
Sent: Wednesday, May 08, 2019 1:13 PM
To: Commissioner, D3
Subject: Brevard County Proposed Amendment 2019-1.1

May 8, 2019

Ms. Connie Blair

9843 Riverview Drive

Micco, Fl 32976

Re: Brevard County Proposed Amendment 2019-1.1

Honorable Commissioners Pritchett, Lober, Tobia, Smith and Isnardi:

I am writing this letter to let you know that as a concerned citizen of Micco, Florida, I am adamantly opposed to any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Specifically I oppose the request being made to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase the density to 1 unit per acre. The reasons for which I oppose this are as follows:

- An increase in density is not compatible with the rural neighborhood. Most parcels are zoned 1 unit per 2.5 acres, with the exception of Mockingbird and River Oaks, built in 1955 and Oak Trail built in 1986, all before the Brevard Comprehensive Plan.
 - A density increase would mean an increase in pesticides, fertilizers, septic drain field leakage, storm water run-off and other contaminants into the St. Sebastian River damaging its ecological balance and further injuring the Indian River Lagoon.
 - We taxpayers voted to spend millions of dollars to improve the health of the Indian River Lagoon which has already been damaged by the effects of over-development.
 - The area in question floods easily. More homes mean less places for the flood water to go, putting more septic and other contaminants into the St. Sebastian River.
 - Brevard County adopted a Comprehensive Plan in 1988 for the Fleming Grant area stating that each parcel of land should be zoned 1 unit per 2.5 acres. Allowing this increase in density would set a dangerous precedent that would adversely affect the residents of this area.

Please do not approve any change to the Future Land Use Map for this property. Many people have invested in this area both financially and emotionally with the 1 unit per 2.5 acre density in mind.

Sincerely,

Furru, Christine

From: dbotto1 <dbotto1@cfl.rr.com>
Sent: Wednesday, May 15, 2019 8:31 AM
To: Commissioner, D3
Subject: Deny Request for Re-Zone of Micco Property

Dear Commissioner Tobia,

I'm a native and 51 years in Brevard.

I'm writing to you for two reasons:

Approval of the subject re-zone would be a glaring example of the mismanaged development decisions of the past. Fifty years of such decisions, made without regard for their impact on our lagoon, got us where we are today. To ADD to the already excessive inflow to the IRL of nutrients, chemicals, muck causing sediment and fresh water is beyond common sense. The current unit density allowed on this property is appropriate, please deny this request.

The Low Impact Development (LID) concept has been around for some time. It has been endorsed by EPA and our DEP and adopted by several Florida counties. Its objective is to ensure that, post-development, no additional run-off is allowed. The site actions to accomplish this goal are, for the most part, simple and cost effective. It is a definite win-win as it not only ensures surface water quality maintenance and re-charge of our critical aquifer but also reduces the need for costly stormwater transport and treatment infrastructure. There is plenty of information available about LID. I would appreciate thirty minutes of your time to discuss LID – it is the future of development in Florida.

To close, I respectfully urge you to deny the Micco re-zone proposal.

David C. Botto
275 Poinciana Drive
Indian Harbour Beach
321 773 2327

Furru, Christine

From: Anne Briggs <annebriggs@yahoo.com>
Sent: Wednesday, May 01, 2019 10:56 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: map of 2.5 acre parcels.jpg

Dear Commissioners Isnardi, Tobia, Smith, Loeber and Pritchett,

Ref: Parcel#18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco

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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Anne Briggs

9735 Fleming Grant Road, Micco FL 32976

772 925 9200

Furru, Christine

From: CALHOUN, STEPHEN T <sc0171@att.com>
Sent: Tuesday, May 07, 2019 2:25 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
d4.commissioner@brevardfl.gov; Commissioner, D5
Subject: AMENDMENT 19-01ESR

Honorable Commissioners

Good afternoon

The purpose of this correspondence is to request that you deny the above amendment. I am a homeowner with a flag lot off of Fleming Grant Road about a half mile from the property in question. The Comprehensive Land Use Plan on the river side of Fleming Grant Road was created to protect the river. Allowing increased density with septic tanks will only do harm to the river. Development of this size will threaten the fragile balance of the environment on the property. Subdivision type development is not compatible with our community.

Thank you

Stephen T Calhoun

Furru, Christine

From: Robin Carroll <RH20Bug@aol.com>
Sent: Tuesday, May 07, 2019 2:14 PM
To: Commissioner, D3
Subject: Amendment2019-1.1 (19-01ESR)
Attachments: 20 acres.pdf

Hello John Tobia, as my County Commissioner, please listen with an open-end and this issue is a probity for us. I plan on speaking at your May30th meeting. I wanted you to have this background information and ask that you consider the character of our community and how this decision may change our community forever.

Robin Carroll
9575 Fleming Grant Rd
Micco, FL 32976

As a homeowner of Micco, I am very concerned about the increase density on the parcel owned by Douglas Robertson. Currently the Brevard County states for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Mr. Robertson wants to place 1 unit per acre. There are many reasons not to allow this.

The beautiful St. Sebastian River flows directly into the Indian River Lagoon. With that many more people, there would be more pesticides, septic tanks, fertilizers and runoff into the river.

The Robertson's parcel is also an area of flooding. With high flooding likely, these contaminations will easily be washed into the river and into the Indian River Lagoon.

The public has millions of tax dollars to pay for a clean Indian River Lagoon. This can only harm it, as well as the residents of St. Sebastian River and Micco.

This is a rural area. Please allow it to stay that way. Deny the changes to the Brevard County Future Land Use Map proposed by Mr. Robertson.

Sincerely,

Diane Cathey

9844 Riverview Drive

Micco, Florida 32976

Furru, Christine

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

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



Virus-free. www.avast.com

Furru, Christine

From: Susan Courtney <suz.courtney@icloud.com>
Sent: Wednesday, May 08, 2019 7:28 AM
To: Jones, Jennifer; d1.commissioner@brevardfl.gov; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard proposed amendment 2019-1.1

To all Concerned

I would like to express my concern regarding proposed amendment 2019-1.1, I am against changing the parcel land zoning to one acre per unit, keeping it at 2.5 acres per home will be less impact on the St Sebastian River and Lagoon. Tax payers are spending money to keep our waterways clean, and by adding more homes, there will be an increase of, pesticides, fertilizers, septic drain field leakage, and storm run off. Please abide by the plan developed in 1988 1 unit per 2.5 acres.

If you do not see this as a concern, I think at the very least there should be some kind of compromise, instead of one acre lots, what if the parcels would be 1.33 reducing to 15 units instead of 20. I think act of compromise still exist in our society, after all we are neighbors.

Sincerely

Susan Courtney
9791 Fleming Grant Rd
Micco fl 32976

Sent from my iPad

Furru, Christine

From: Sherry <scraig7118@comcast.net>
Sent: Thursday, February 21, 2019 8:47 AM
To: Commissioner, D3
Subject: Rezoning parcel on Fleming Grant Road in Micco

Follow Up Flag: Follow up
Flag Status: Flagged

Brevard County Commissioners:

This letter is in response to the possible rezoning of a 20-acre parcel on Fleming Grant Road in Micco. The property in question is along the Saint Sebastian River. This area is currently zoned for 1 residential home per 2-1/2 acres. To allow any more than that would create a huge impact on the environment, the river, the neighborhood, the roads. This is a rural area and the reason why many of us purchased here.

The impact that the increased traffic on the roads in the area would create and the increased septic tanks and wells on the river would be tremendous if it were to be rezoned for more than that.

This parcel of land has several acres of wetlands and is home to MANY of the endangered gopher tortoise along with numerous other wildlife, to include turkeys, sand hill cranes.

We ask that you not rezone this parcel, but leave it at the 1 to 2-1/2 as it is now.

Respectfully,

Larry L. Craig
Sherry L. Craig
9670 Fleming Grant Road



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Furru, Christine

From: don currier <currierdn@yahoo.com>
Sent: Wednesday, March 06, 2019 11:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;
Commissioner, D5
Subject: Amending 20 acre parcel on Fleming Grant Rd.

Sir/Mam,

I'm opposed to amending the comp plan for the 20 acre parcel. I grew up here, went to school here, went in the military for 26 years and now I'm retiring here raising my 14 year old son. I specifically bought my retirement home on Fleming Grant Road because of the 1 home per 2.5 acres and spent the majority of my savings to do it. It would not be fair for one person to change the comp plan without the neighbors agreeing to the change. Bottom Line: If I wanted to live on a smaller piece of land or live in the city, I could have move to Palm Bay or something similar.

Thanks
Don Currier
9837 Oyster Point Ln. (229-506-1033)

Furru, Christine

From: don currier <currierdn@yahoo.com>
Sent: Wednesday, March 06, 2019 7:15 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Comp plan change for the Fleming Grant 20 acre parcel

Sir/Mam,

I'm opposed to amending the comp plan for the 20 acre parcel. I'm retired military and raising my 14 year old son. I specifically bought my retirement home on Fleming Grant Road because of the 1 home per 2.5 acres and spent the majority of my savings to do it. It would not be fair for one person to change the comp plan without the neighbors agreeing to the change. If I wanted to live on a smaller piece of land or live in the city, I could have moved to Palm Bay or something similar. Current plan allows for a non- congestive community, with a country vibe. I vote for no changes to current plans.

Thanks
Kim

Furru, Christine

From: mangobw1@aol.com
Sent: Wednesday, May 08, 2019 4:29 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3;
d4commissioner@brevardfl.gov; Commissioner, D5
Subject: 19-01ESR Petition

RE: 19-01ESR Petition

ATTN:

Cheryl Campbell

Rita Pritchard

Bryan Lober

John Tobia

Curt Smith

Kristine Isnardi

My husband and I are opposed to the 19-01ESR Petition and any increases in the density in our area. This subdivision, with all owners on small acreage, will have negative consequences to the Sebastian River.

Richard and Susan Currier

9485 Fleming Grant Rd.

Micco, FL 32976

Furru, Christine

From: Jeffrey Davis <davis1427@bellsouth.net>
Sent: Wednesday, May 08, 2019 6:18 AM
To: Commissioner, D3
Subject: Fw: Opposition to Brevard Proposed Amendment 2019-1.1

----- Forwarded Message -----

From: Jeffrey Davis <davis1427@bellsouth.net>
To: D1.Commissioner@Brevardfl.gov <D1.Commissioner@Brevardfl.gov>
Sent: Wednesday, May 8, 2019, 6:15:02 AM EDT
Subject: Opposition to Brevard Proposed Amendment 2019-1.1

This amendment is in not compatible with our rural neighborhood. Rationale for the original designation of land parcels (1988 Comprehensive Plan allowance for 1 unit per 2.5 acres) in the Fleming Grant/Sebastian River community supported future management/prevention of pesticides, fertilizers, septic drain field leakage and storm run-off into the Sebastian River and on into the Indian River Lagoon. Area is prone to flooding only compounding the problems. Please consider the affects of this decision and act in the best interests of the residents and health of the Indian River Lagoon. VOTE NO

Submitted by: Jeff and Mary Jane Davis
9380 Fleming Grant Rd.
Micco FL 32976

Furru, Christine

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

To Whom it May Concern:

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

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

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

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

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

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

Carolyn Greene
9525 Fleming Grant Rd
Micco, FL 32976



Virus-free. www.avg.com

Furru, Christine

From: Ralph E Jones <edj0nes01@yahoo.com>
Sent: Saturday, May 04, 2019 1:01 PM
To: Commissioner, D3
Subject: Brevard proposed amendment 2019-1.1

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

Ed

Ed

Furru, Christine

From: Lew Kontnik <lewkontnik@gmail.com>
Sent: Thursday, May 09, 2019 9:16 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application

Dear Commissioners:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septic, lawn care, and other human development activities.

To allow an increase in the density of development on this parcel would fly directly in the face of these massive and ongoing efforts. The parcel in question sits right at the mouth of the Sebastian Inlet and empties its contents into the Lagoon. To depart from the Comprehensive Plan adopted in 1988, requiring building sites of less than 2.5 acres on the river side of Fleming Grant Road, would ensure the installation of 20 or more new septic systems on the River into a flood plane that frequently is submerged during major rain events. This would sweep masses of human waste directly into the Inlet and the Lagoon. This would be contrary to everything we are working for!

Prohibiting this increase in density is not only a matter of doing what is right for the environment, it is also the just and fair thing to do. Over the 31 years that the Comprehensive Plan has been in effect, other developers have asked for increases in density for plots in the same area and have been rebuffed, having to develop (or not) based on the minimum 2.5 acre requirement. To allow this petition to go forward would be massively unfair to previous applicants, some of whom were NOT on notice about the 2.5 acre requirement.

Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as stewards of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court
Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

Furru, Christine

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

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

Thank You

Joan Legue
1133 Barefoor Cir.
Micco, Fl. 32976

Furru, Christine

From: Jodi Lemaster <jodilemaster@att.net>
Sent: Friday, May 03, 2019 9:19 AM
To: Commissioner, D3
Subject: Brevard Proposed Amendment 2019-1.1

Commissioner,

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

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

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

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

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

Furru, Christine

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



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

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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Beverly Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

Furru, Christine

From: James Linder <jebdlinder@gmail.com>
Sent: Monday, May 13, 2019 2:45 PM
To: Tobia, John
Subject: Re: An update from Commissioner Tobia

Thank you for supporting the legislation referenced in your newsletter.

We are hopeful that you and your fellow commissioners will turn down the Robertson's request (Brevard Proposed Amendment 2019-1.1) to increase the home density on Fleming Grant Road, Micco, FL.

Thank you for helping keep our County safe and for supporting legislation to help keep pollutants out of the Indian River Lagoon and other water ways.

On Mon, May 13, 2019 at 1:00 PM Tobia, John <John.Tobia@brevardfl.gov> wrote:



Brevard County Commission Update Newsletter

My office has been hard at work on your behalf, and would like to update you with just a few of the important initiatives I have been focused on.

E-VERIFY

Furru, Christine

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

Follow Up Flag: Follow up
Flag Status: Flagged

Dear County Representatives:

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

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

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

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

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

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

Sincerely,

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

Furru, Christine

From: Linda McLain <lmclain45@yahoo.com>
Sent: Wednesday, February 20, 2019 9:12 AM
To: Commissioner, D3; Jones, Jennifer
Subject: 18PZ00166 Robertson 20 Acre parcel

Dear Commissioner Tobia and Ms. Jones

This letter is being written to express my opposition to the above petition asking for the comprehensive land use plan to be amended to allow 20 1 acre homes on this parcel of land which now only allows 1 home per 2.5 acres. I am a resident of Micco since 1961, a licensed Realtor specializing in this area since 1976 and I live right across the street from this proposed project. I am on a parcel of land approx 2.6 acres and my neighbors on both sides of me are on larger parcels.

We live in a very rural area that Brevard County often overlooks. We have no county water, no county sewer and no projection to ever receive them. We have major issues every time it rains hard with drainage. We have septic tanks that won't function in heavy rain and my most recent cost to put in a lift station system in Micco cost me \$10, 500 with a constant threat of the pump needing replacement at a cost of \$1500. I spend an average of \$36. a month for chemicals to treat my well water so that I can use it in my home. In a time when millions of dollars are being spent to clean up the lagoon and a recent cost of 3.5 million dollars to build the 2100 acre stormwater basin north of us to clean up Barefoot Bay runoff, I cannot even imagine why the county would consider increasing the density of the 20 acre parcel being petitioned.

The current comp plan was adopted in 1988 and since that time NO parcels of land between Fleming Grant Rd and the Sebastian River have been allowed to be subdivided into smaller parcels than 2.5 acres to keep them in compliance. This 20 acres fronts on the river, contains 4 acres of wetlands, gopher turtles all over it and is just too environmentally sensitive to allow it to be maximized for development. The current comp plan allows for 8 homes. That is enough for this owner who recently purchased it after a feasibility period to check this all out. I am trusting our county to reject this application. Thank you.

Sincerely,

Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976
772-664-2274

Furru, Christine

From: miccohomeowners@aol.com
Sent: Monday, March 04, 2019 11:55 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Robertson Parcel-Fleming Grant Road
Attachments: MHOA Fleming Grant letter 2019.pdf

Please read the attached letter: Micco Homeowners Association OPPOSES any change to the FLUM to increase building density on the Robertson parcel ID 30G-38-19-HP-*10 on Fleming Grant Road.

Furru, Christine

From: RM <richmz@comcast.net>
Sent: Sunday, May 19, 2019 2:57 PM
To: Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1

From:
Richard & Catherine Mozzetta
9515 Fleming Grant Rd
Micco FL 32976

Subject:
Opposition of Proposed changes of Land Use for 20 Acre Lot on Fleming Grant Rd

Subject Property:
Parcel ID 30G-38-19-HP-*-10 Fleming Grant Road, Micco
BCPA Link: <https://www.bcpao.us/PropertySearch/#!/account/3008729>

Dear Sir or Madam,

It has come to our attention that the Land Use Designation outlined and specified in Brevard County Code of Ordinances, Chapter 62, for the above property is being considered to be changed or modified to allow more structures to be built on the above referenced property than was originally allowed. The 20 acre parcel is presently Zoned 1:2.5, to allow One Unit per 2.5 Acres.

We have been informed that a proposal has been made to build up to 20 units on this parcel, thus changing the Zoning to allow 1 unit per Acre. This is clearly a violation of the present Zoning Regulations designated many years ago. We find it disturbing that you would consider such a change.

Changing the Zoning would be a contradiction toward the originators of the changes, written then to allow only 1 Unit per 2.5 Acres. They made these limitations to ensure the longevity of the environmental security of both the Sebastian River and Indian River Lagoon, along with maintaining the rural atmosphere of this area. Changes intended to relax these limitations now would not only negatively impact the environment, but would also set precedence for future development in the area, ensuring even further degradation of the environment and hardship for all of us who reside along Fleming Grant Road.

We are formally opposed to any Zoning changes which would allow more than the originally allowed 1 Unit per 2.5 Acres on this parcel. Please do what is right, for all of us.

Regards,

Richard & Catherine Mozzetta

Furru, Christine

From: Barbara Reisert <babsnearl@aol.com>
Sent: Tuesday, April 30, 2019 9:55 PM
To: Commissioner, D3
Subject: Change to the Comprehensive Land Use Plan

Dear Commissioner:

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

We are a rural area with wells and septic systems and ditches. The size of the parcels allow us to keep safe distances between our water supply and our septic systems and keeps septic waste from draining into the river. The ditches are not adequate to move water in heavy rains and most of our properties have some flooding. I can't believe that it is possible to put 20 homes on a 20 acre parcel and build roads and still allow space for wells, septic systems and water retention.

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

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

Emil & Barbara Reisert

Furru, Christine

From: jvc321 <jvc321@bellsouth.net>
Sent: Thursday, May 09, 2019 12:27 PM
To: Commissioner, D3
Subject: Fw: Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)
Attachments: CCF05092019_0003.pdf

We Vote To Deny Amendment 19-01ESR

----- Forwarded Message -----

From: jvc321 <jvc321@bellsouth.net>
To: D3.commissioner@brevardfl.gov <D3.commissioner@brevardfl.gov>
Sent: Thursday, May 9, 2019, 12:05:58 PM EDT
Subject: Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)

Furru, Christine

From: Leesa Souto <Leesa@mrcirl.org>
Sent: Tuesday, May 21, 2019 9:53 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: May 30 Meeting - Please deny Micco rezoning request
Attachments: BOCC_DenyMiccoRezoning.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

May 21, 2019

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

SUBJ: Please Deny Proposed Comprehensive Plan Amendment 2019 1.1 and Associated Re-Zoning

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 Save Our Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that resulted in 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 drains directly into the St. Sebastian River where the river enters a state-designated Aquatic Preserve. At least five State agencies, in reply to requested review of the proposal, have indicated to you that the property has many characteristics that support the need for the current zoning and that there are significant concerns about the proposed re-zoning, based on the polluting and flooding potential. There is no doubt that the requested increase in unit density will harm 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 recharging the freshwater aquifer, increased run-off volume and pollution from roofs, lawns and pavements, as well as, additional sewer and septic needs. New development at this scale will amplify muck and wastewater problems in the Sebastian River and the Lagoon.

Considering the cause and effect 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 join many Florida coastal communities and adopt the Low Impact Development (LID) concept endorsed by both US EPA and Florida's DEP. 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. As we consider the decisions made today, 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.

Furru, Christine

From: sunwrent@aol.com
Sent: Tuesday, May 14, 2019 10:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
D4.Commissioner@Brefardfl.gov; Commissioner, D5; jenniferfl.gov@aol.com
Cc: info@fssr.org
Subject: Proposed Zoning Change in Micco

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL

Commissioner, D1

From: RM <richmz@comcast.net>
Sent: Sunday, May 19, 2019 2:57 PM
To: Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS

From:
Richard & Catherine Mozzetta
9515 Fleming Grant Rd
Micco FL 32976

Subject:
Opposition of Proposed changes of Land Use for 20 Acre Lot on Fleming Grant Rd

Subject Property:
Parcel ID 30G-38-19-HP-* -10 Fleming Grant Road, Micco
BCPA Link: <https://www.bcpao.us/PropertySearch/#/account/3008729>

Dear Sir or Madam,

It has come to our attention that the Land Use Designation outlined and specified in Brevard County Code of Ordinances, Chapter 62, for the above property is being considered to be changed or modified to allow more structures to be built on the above referenced property than was originally allowed. The 20 acre parcel is presently Zoned 1:2.5, to allow One Unit per 2.5 Acres.

We have been informed that a proposal has been made to build up to 20 units on this parcel, thus changing the Zoning to allow 1 unit per Acre. This is clearly a violation of the present Zoning Regulations designated many years ago. We find it disturbing that you would consider such a change.

Changing the Zoning would be a contradiction toward the originators of the changes, written then to allow only 1 Unit per 2.5 Acres. They made these limitations to ensure the longevity of the environmental security of both the Sebastian River and Indian River Lagoon, along with maintaining the rural atmosphere of this area. Changes intended to relax these limitations now would not only negatively impact the environment, but would also set precedence for future development in the area, ensuring even further degradation of the environment and hardship for all of us who reside along Fleming Grant Road.

We are formally opposed to any Zoning changes which would allow more than the originally allowed 1 Unit per 2.5 Acres on this parcel. Please do what is right, for all of us.

Regards,

Richard & Catherine Mozzetta

Commissioner, D1

From: CALHOUN, STEPHEN T <sc0171@att.com>
Sent: Tuesday, May 07, 2019 2:25 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
d4.commissioner@brevardfl.gov; Commissioner, D5
Subject: AMENDMENT 19-01ESR
Categories: Blue Category

Honorable Commissioners

Good afternoon

The purpose of this correspondence is to request that you deny the above amendment. I am a homeowner with a flag lot off of Fleming Grant Road about a half mile from the property in question. The Comprehensive Land Use Plan on the river side of Fleming Grant Road was created to protect the river. Allowing increased density with septic tanks will only do harm to the river. Development of this size will threaten the fragile balance of the environment on the property. Subdivision type development is not compatible with our community.

Thank you

Stephen T Calhoun

Commissioner, D1

From: Diane Acker <dianeack1@bellsouth.net>
Sent: Tuesday, May 07, 2019 8:41 PM
To: cheryl.cambell@brevardfl.gov; Commissioner, D1; Commissioner, D2
Subject: 20 acres,Fleming Grant rd.,Micco, request for land use change
Categories: Blue Category

I am sending this message to express my opposition to any land use change on the 20 acres , 19-O1ESR Robertson, on Fleming Grant Rd., Micco, FI

My name is Diane Grant. I live with my husband, Richard, at 9675 Mockingbird lane, Micco. Our home, which was built in 1954, is on almost 2 acres, and backs up to the 20 acres seeking land use change to higher density.

I have a very big concern about the poor drainage in our area, and the increased problem a higher density can cause. The 20 acres is at least 4 feet higher then the land we live on, and the 4 plots adjoining us to the north. Heavy rains and higher density of homes can threaten our drain fields and the C54 canal to our south. There are no plans to put a sewer system in our area, and it would create a real hardship for us if our septic had no drainage because of so much sitting ground water. We also have wells for our house water, and they could become contaminated.

The comprehensive land use plan, done in 1988,was done with thought to protect the C54 canal, that drains into the Indian River Lagoon, from future pollution. Please deny any change to this planand protect our neighborhood and the river for the future.

Thank you
Diane Grant

Commissioner, D1

From: Lew Kontnik <lewkontnik@gmail.com>
Sent: Thursday, May 09, 2019 9:16 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application
Categories: EMAIL CAMPAIGNS

Dear Commissioners:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septics, lawn care, and other human development activities.

To allow an increase in the density of development on this parcel would fly directly in the face of these massive and ongoing efforts. The parcel in question sits right at the mouth of the Sebastian Inlet and empties its contents into the Lagoon. To depart from the Comprehensive Plan adopted in 1988, requiring building sites of less than 2.5 acres on the river side of Fleming Grant Road, would ensure the installation of 20 or more new septic systems on the River into a flood plane that frequently is submerged during major rain events. This would sweep masses of human waste directly into the Inlet and the Lagoon. This would be contrary to everything we are working for!

Prohibiting this increase in density is not only a matter of doing what is right for the environment, it is also the just and fair thing to do. Over the 31 years that the Comprehensive Plan has been in effect, other developers have asked for increases in density for plots in the same area and have been rebuffed, having to develop (or not) based on the minimum 2.5 acre requirement. To allow this petition to go forward would be massively unfair to previous applicants, some of whom were NOT on notice about the 2.5 acre requirement.

Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as stewards of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court
Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

Commissioner, D1

From: mangobw1@aol.com
Sent: Wednesday, May 08, 2019 4:29 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3; d4commissioner@brevardfl.gov; Commissioner, D5
Subject: 19-01ESR Petition
Categories: EMAIL CAMPAIGNS

RE: 19-01ESR Petition

ATTN:

Cheryl Campbell

Rita Pritchard

Bryan Lober

John Tobia

Curt Smith

Kristine Isnardi

My husband and I are opposed to the 19-01ESR Petition and any increases in the density in our area. This subdivision, with all owners on small acreage, will have negative consequences to the Sebastian River.

Richard and Susan Currier

9485 Fleming Grant Rd.

Micco, FL 32976

Commissioner, D1

From: sunwrent@aol.com
Sent: Tuesday, May 14, 2019 10:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
D4.Commissioner@Brefardfl.gov; Commissioner, D5; jenniferfl.gov@aol.com
Cc: info@fssr.org
Subject: Proposed Zoning Change in Micco

Categories: EMAIL CAMPAIGNS

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL

Commissioner, D1

From: Linda Morris <lsteuss@yahoo.com>
Sent: Tuesday, May 14, 2019 9:40 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D4
Subject: Fw: Brevard Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Linda Morris" <lsteuss@yahoo.com>
To: "jennifer.jones@brevardfl.gov" <jennifer.jones@brevardfl.gov>
Sent: Tue, May 14, 2019 at 9:30 PM
Subject: Brevard Proposed Amendment 2019-1.1

We are so happy to live in a beautiful bucolic setting, surrounded by native trees, plants and animals. We moved here 10 years ago exactly that reason. A piece of paradise just like old Florida. One of the positive things about this area is that there is a Comprehensive Plan for the Fleming Grant area that states that each parcel of land should be Zone 1 unit per 2.5 acres. Now an owner of a 20-acre parcel on Fleming Grant Road and Saint Sebastian River wants to increase home density to one unit per acre resulting in 20 homes instead of 8 per the Comprehensive Plan. This is unconscionable and cannot be approved.

The proposed increase in population density will have untold damaging effects in this community.

We are adamantly opposed to the proposed density increase on Fleming Grant Road.

Richard and Linda Morris
9860 Oak Trail, Micco
Sent from Yahoo Mail on Android

Commissioner, D1

From: Friends of St. Sebastian River <fssr@comcast.net>
Sent: Wednesday, May 15, 2019 12:19 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Jones, Jennifer
Subject: Comprehensive Plan Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS

To: Brevard County Commissioners
Re.: Douglas Robertson, Proposed Comprehensive Plan Amendment 2019-1.1

Dear Commissioners:

We have had the chance to review comments provided by various state and regional agencies, regarding the above referenced Comprehensive Plan amendment. We note that each of those agencies observed the local outstanding natural resources of the area and protective designations specifically for the purpose of protecting the St. Sebastian River and Indian River Lagoon, from the exact impacts that would be exacerbated by this proposed amendment.

They also reference County development policies which discourages such development in hazardous and vulnerable areas as where this property is located, thus their suggestions that you consider those impacts, and encouragement to avoid them.

As we stated in our previous letter on this issue, it is irresponsible and incompatible to approve this amendment when the County and other agencies are spending significant tax dollars to clean up the problems created by past inappropriate development in the watershed of our local impaired waterways.

We remain strongly opposed to this proposed Plan amendment. Our waterways are for the benefit of all citizens and species that depend on them for habitat. There is impact with any development and no amount of mitigation that will prevent that. Therefore it is the responsibility of all of us to minimize that impact for the benefit of everyone and the environment. The County previously recognized that responsibility by instituting lower density in this area and we ask that you respect that action and not approve this Comprehensive Plan amendment.

Thank you for your consideration.

Tim Glover, President
Friends of St. Sebastian River
info@fssr.org
www.fssr.org
www.facebook.com/FriendsofStSebastianRiver
772-202-0501

Commissioner, D1

From: Connie Blair <cblair2020@gmail.com>
Sent: Wednesday, May 08, 2019 1:10 PM
To: "\"D1.Commissioner"@brevardfl.gov
Subject: Brevard County Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

May 8, 2019

Ms. Connie Blair

9843 Riverview Drive

Micco, Fl 32976

Re: Brevard County Proposed Amendment 2019-1.1

Honorable Commissioners Pritchett, Lober, Tobia, Smith and Isnardi:

I am writing this letter to let you know that as a concerned citizen of Micco, Florida, I am adamantly opposed to any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Specifically I oppose the request being made to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase the density to 1 unit per acre. The reasons for which I oppose this are as follows:

- An increase in density is not compatible with the rural neighborhood. Most parcels are zoned 1 unit per 2.5 acres, with the exception of Mockingbird and River Oaks, built in 1955 and Oak Trail built in 1986, all before the Brevard Comprehensive Plan.
 - A density increase would mean an increase in pesticides, fertilizers, septic drain field leakage, storm water run-off and other contaminants into the St. Sebastian River damaging its ecological balance and further injuring the Indian River Lagoon.
 - We taxpayers voted to spend millions of dollars to improve the health of the Indian River Lagoon which has already been damaged by the effects of over-development.
 - The area in question floods easily. More homes mean less places for the flood water to go, putting more septic and other contaminants into the St. Sebastian River.
 - Brevard County adopted a Comprehensive Plan in 1988 for the Fleming Grant area stating that each parcel of land should be zoned 1 unit per 2.5 acres. Allowing this increase in density would set a dangerous precedent that would adversely affect the residents of this area.

Please do not approve any change to the Future Land Use Map for this property. Many people have invested in this area both financially and emotionally with the 1 unit per 2.5 acre density in mind.

Commissioner, D1

From: Diane Cathey <dcathey123@gmail.com>
Sent: Wednesday, May 08, 2019 3:14 PM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: Micco,Fl.rtf

Categories: EMAIL CAMPAIGNS

Sent from Mail for Windows 10

As a homeowner of Micco, I am very concerned about the increase density on the parcel owned by Douglas Robertson. Currently the Brevard County states for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Mr. Robertson wants to place 1 unit per acre. There are many reasons not to allow this.

The beautiful St. Sebastian River flows directly into the Indian River Lagoon. With that many more people, there would be more pesticides, septic tanks, fertilizers and runoff into the river.

The Robertson's parcel is also an area of flooding. With high flooding likely, these contaminations will easily be washed into the river and into the Indian River Lagoon.

The public has millions of tax dollars to pay for a clean Indian River Lagoon. This can only harm it, as well as the residents of St. Sebastian River and Micco.

This is a rural area. Please allow it to stay that way. Deny the changes to the Brevard County Future Land Use Map proposed by Mr. Robertson.

Sincerely,

Diane Cathey

9844 Riverview Drive

Micco, Florida 32976

From: Vickie & John Romano

May 8, 2019

9720 Fleming Grant Road

Micco, Florida 32976

(321) 403-3060

TO: Brevard County Planning & Zoning D1 Commissioner

We bought this property on Fleming Grant Road because of the rural area it is and always should remain. We have been here since 1997, and love the wide open properties that are 2 ½ acres parcels or more. This is why we moved to this area. We have an abundance of wildlife living among us, all around the rivers and our wide open spaces. They have to be protected also, why would (We the people, the Land Owner's, Tax Payers) even consider destroying their habitats. If you let one developer come in and change the Comprehensive Land Use, you will have a long line of other developers down the road wanting to make more changes. Suggest to this Developer, there are plenty of Brevard County areas that need developers to build bigger homes to beautify them. . Please, we do not want to change our Comprehensive Land Use.

Thank You,

Vickie & John Romano

Commissioner, D1

From: Jeffrey Davis <davis1427@bellsouth.net>
Sent: Wednesday, May 08, 2019 6:15 AM
To: Commissioner, D1
Subject: Opposition to Brevard Proposed Amendment 2019-1.1

Categories: Blue Category

This amendment is in not compatible with our rural neighborhood. Rationale for the original designation of land parcels (1988 Comprehensive Plan allowance for 1 unit per 2.5 acres) in the Fleming Grant/Sebastian River community supported future management/prevention of pesticides, fertilizers, septic drain field leakage and storm run-off into the Sebastian River and on into the Indian River Lagoon. Area is prone to flooding only compounding the problems. Please consider the affects of this decision and act in the best interests of the residents and health of the Indian River Lagoon. VOTE NO

Submitted by: Jeff and Mary Jane Davis
9380 Fleming Grant Rd.
Micco Fl. 32976

Commissioner, D1

From: jvj321 <jvj321@bellsouth.net>
Sent: Thursday, May 09, 2019 12:23 PM
To: Commissioner, D1
Subject: Fw: Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)
Attachments: CCF05092019_0001.pdf
Categories: EMAIL CAMPAIGNS

We vote to deny Amendment 19-01ESR

----- Forwarded Message -----

From: jvj321 <jvj321@bellsouth.net>
To: D1.commissioner@brevardfl.gov <D1.commissioner@brevardfl.gov>
Sent: Thursday, May 9, 2019, 12:02:05 PM EDT
Subject: Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)

Commissioner, D1

From: dbotto1 <dbotto1@cfl.rr.com>
Sent: Thursday, May 16, 2019 10:48 AM
To: Commissioner, D1
Subject: Micco Re-zone Proposal

Categories: EMAIL CAMPAIGNS

Dear Commissioner Pritchett,

I'm a native and 51 years in Brevard. I've served as a volunteer member of the Board of MRC.

I'm writing to you for two reasons:

Approval of the subject re-zone would be a glaring example of the mismanaged development decisions of the past. Fifty years of such decisions, made without regard for their impact on our lagoon, got us where we are today. To ADD to the already excessive inflow to the IRL of nutrients, chemicals, muck causing sediment and fresh water is beyond common sense. The current unit density allowed on this property is appropriate, please deny this request.

The Low Impact Development (LID) concept has been around for some time. It has been endorsed by EPA and our DEP and adopted by several Florida counties. Its objective is to ensure that, post-development, no additional run-off is allowed. The site actions to accomplish this goal are, for the most part, simple and cost effective. It is a definite win-win as it not only ensures surface water quality maintenance and re-charge of our critical aquifer but also reduces the need for costly stormwater transport and treatment infrastructure. There is plenty of information available about LID. I would appreciate thirty minutes of your time to discuss LID – it is the future of development in Florida.

To close, I respectfully urge you to deny the Micco re-zone proposal. I also ask that you consider a moratorium on density increases until a study of their impact on the long term health of the IRL is completed.

David C. Botto
275 Poinciana Drive
Indian Harbour Beach,

Commissioner, D1

From: Chris Davis <cdavis8683@gmail.com>
Sent: Wednesday, May 15, 2019 1:34 PM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

This amendment is not at all compatible with our rural neighborhood for numerous reasons. Original land parcel designation was based on rationale that mitigated issues regarding pesticides/fertilizers, septic drain field leakage and storm water run-off all leading to the St. Sebastian River and ultimately the Indian River Lagoon. Brevard County's 1988 Comprehensive Plan concerning the Fleming Grant/Sebastian River area was set so that each parcel was zoned for 1 unit per 2.5 acres. This area is already prone to flooding, more development will only compound an existing issue pushing more runoff into the river. Please consider what affects this decision will have on the residents and health of the Indian River Lagoon.

Vote No

Submitted by: Chris Davis
9380 Fleming Grant Rd,
Micco, FL 32976

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Pritchett, Rita](#); [Craddock, Amy](#)
Subject: FW: P&Z item 18PZ00166
Date: Tuesday, May 28, 2019 8:25:40 AM
Attachments: [image001.png](#)

Good morning, Jennifer.

On behalf of Commissioner Pritchett we are forwarding an email received regarding the above item on the May 30th zoning agenda.

Regards,

Marcia Newell

Legislative Aide to Commissioner Rita Pritchett

Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2

Titusville, Florida 32780

321-607-6901

Please note:

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

From: Ronald Bartcher <bartcher@cfl.rr.com>
Sent: Sunday, May 26, 2019 4:40 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: P&Z item 18PZ00166

Dear Commissioner Pritchett:

In reference to P&Z item 18PZ00166 on the May 30 agenda, please deny this land use change for two reasons: 1) this proposed development would increase septic pollution by a factor of four times what could be developed without this land use change and 2) this proposed

development is incompatible with the existing development in this area because the proposed development would add houses on smaller lots than what already exist.

#1 – This developer presented his project plan for this 20 acres to the P&Z Advisory Board on May 20. Much of the discussion from him and from residents centered on the Future Land Use Designation of 1 house per 2 ½ acres and his point was that his development would be much better. However, comparing the developer's project to some mythical project of 1 house on 2 ½ acres is a distraction and is irrelevant. There are only two legitimate comparisons. 1) compare to the existing property and 2) compare to what could be actually and legally be developed without the proposed Land Use change.

Currently, this property is undeveloped and has zero septic tanks and has zero house owners fertilizing yards. This property currently contributes zero pollution.

Because the Future Land Use Designation and the Zoning Classification for this property are inconsistent as defined in Sec. 62-1255, the only development rights come from the original plat of the property from 1894, which is one house and one septic tank on the two originally platted lots of approximately 10 acres each.

The actual and legal worst-case development that can occur without the proposed Land Use change is two houses and two conventional septic tanks. Having one house with 10 acres of land around it provides plenty of land to handle any runoff and fertilizer the house owner might use. So, the pollution contribution would be two conventional septic tanks.

When this developer presented his project plan to the P&Z Advisory Board on May 20, he originally wanted to put twenty houses with twenty conventional septic tanks, as was shown by his proposed BDP. After a couple of hours of discussion, he finally reduced his proposed project to 16 houses with 16 high efficiency septic tanks.

As you know from the study that your staff did to prepare for the Nitrogen Reduction Overlay, a high efficiency septic tank is approximately twice as effective as a conventional septic tank. So, the 16 high efficiency septic tanks are equivalent to 8 conventional septic tanks. Therefore, his development project will create 4 times as much septic pollution as would be created by the development he is currently allowed.

Approving a project that increases pollution by a factor of 4 will not meet the County's goal of reducing lagoon pollution as defined in the Comprehensive Plan, Surface Water Management Element, Policy 4.11.

#2 – The current zoning is RU-1-13, allowing a minimum lot size of 7500 square feet. The developer wants to retain this zoning because he doesn't know how small the lots may have

to be to get the 16 houses that he is requesting in his BDP. Small lots are incompatible in this rural area.

This property has about 5 acres of land next to the river that is labeled as "swampy" on the developer's survey. Also, most of that property is in an AE flood zone. A significant part of the property is in the Coastal High Hazard Area. Further, 4 to 5 acres of the property have aquifer recharge soils. Considering these areas where there should be no development and taking into account that 25% of the remaining property would be used for streets and stormwater drainage, the probable lot size would be less than half an acre.

Since staff research has shown that 2/3 of the houses in the surrounding area are on lots of 1 acre or more, this development is simply not compatible with this rural area. In addition, please note that 21 lots that are less than one acre were platted in 1956, 30 years before comprehensive planning was considered important. Most of the other small lots were created prior to the county's Comprehensive Land Use Plan adopted in 1988. Land Uses that were allowed 60 years ago should not be a reason to allow this development to proceed.

Please deny this proposed land use change.

Ronald Bartcher
3431 Grantline Road, Mims

Furru, Christine

From: B D <rel_eng@yahoo.com>
Sent: Wednesday, May 22, 2019 10:52 AM
To: Commissioner, D3
Cc: Doug & Mary Sphar
Subject: Opposition to Comprehensive Plan Amendment 2019-1.1.

Categories: Christine

Dear Commissioner Tobia,

I am very concerned about the proposed zoning updates in the Comprehensive Plan Amendment 2019-1.1. These updates change the density from 1 unit per 2.5 acres to 1 unit per acre for a property on the St. Sebastian River at the Indian River County border, near the point at which the river flows into the Indian River Lagoon. The Commission will hear this agenda item on May 30th.

Micco Homeowners Association, Sierra Club, Marine Resources Council, and Friends of the St. Sebastian River all oppose this amendment. The property has many characteristics that make development detrimental to the health of the Indian River Lagoon. Below is a list of characteristics of this property that are of significant concern:

1. In Coastal High Hazard Area
2. In FEMA flood zone AE
3. Wetlands
4. Aquifer soils (sandy so that septic effluent drains right down to water table)
5. Next to St. Sebastian River where it enters the IRL, on an Aquatic Preserve
6. Specimen trees (large trunk diameter)
7. Limited to development with septic systems and water from wells

I am a concerned citizen in your district. I am also the president of the Space Coast Paddlers club and an executive member of the Turtle Coast Sierra Club. I am asking for your support in denying this change to the Comprehensive Plan Amendment 2019-1.1. Please help us all protect Brevard County's most precious natural resource – the IRL.

Thank you,

Bill DeBusk

Furru, Christine

From: Patricia Shelton <therealpatshelton@yahoo.com>
Sent: Friday, May 24, 2019 10:02 AM
To: Commissioner, D3
Subject: Proposed Density Change in Micco

Please vote no on doubling the density of development in Micco, where the fragile ecology will suffer a tragic result from the increased septic tanks, increased muck in the lagoon, and destruction of the natural environment that is the very cause of our desire to live in Brevard. For our children and grandchildren's sake, please take a stand for the lagoon and our future.

Pat Shelton
1046 Acappella Dr, Melbourne 32940
Sent from [Mail](#) for Windows 10

Furru, Christine

From: Jeff Eble <jeble@fit.edu>
Sent: Friday, May 24, 2019 10:31 AM
To: Commissioner, D3
Subject: No to high density housing on Sebastian River

Commissioner Tobia

The health of the IRL is in serious decline and elevated nutrients from upland development are a primary cause. I regularly hear from long time residents how beautiful and abundant the IRL used to be and I hope that one day the stories will instead be about how much progress has been made rather than what has been lost. Even in it's compromised state the Sebastian River provides critical ecological services including to fisheries as valuable nursery and foraging habitat, and to homeowners by buffering both storm and hydrological flooding. While the exact value of these services is hard to quantify, decades of research has clearly demonstrated the significant economic and social benefits that come from preserving and restoring coastal and upland habitats. In the Sebastian River, this would include protecting critical habitat for at least 14 aquatic species of fish that are being reviewed for listing under the Endangered Species Act because of their unique diversity and recent, dramatic declines in abundance.

For the health of the Sebastian River, the IRL and the community, please reject the proposed rezoning of the 20-acre parcel in Micco fronting the Sebastian River and abutting Sebastian River State Park.

Thank you

--
Jeff A. Eble, Ph.D.
Doherty Visiting Professor
Ocean Engineering and Marine Science
Florida Institute of Technology
150 W. University Blvd.
Melbourne FL 32901
Cell: (508) 237-9551

Furru, Christine

From: Emily Ralston <eralston@fit.edu>
Sent: Friday, May 24, 2019 10:49 AM
To: Commissioner, D3
Subject: Zoning change in Micco

Dear Mr. Tobia,

I hope this finds you well. I am writing regarding the request to rezone the 20 acre parcel of land in Micco on the agenda of the County Commission Zoning meeting this Thursday. I am concerned that the rezoning request will be granted. This would be a singularly bad idea. It would be a setback for the recovery of the Indian River Lagoon. I see that you and the rest of the Commissioners approved the 2019 Save Our Indian River Lagoon Project Plan Update. The lower levels of much were good news. Approving this rezoning is a big step backward. With the additional funds, the Commission increased funding for septic to sewer conversions and approved additional funds for storm water projects, both very necessary. Granting the request for increased density on this property flies in the face of these goals. This development does not have access to sewer, so all of the houses will be on septic. The property is right on the Sebastian River, near the mouth where it flows into the IRL. With the higher density, there will be a greater amount of impervious surfaces and higher amounts of stormwater runoff. All of these will lead to more muck and more nutrients making their way into the IRL.

I hope that you will take these things into consideration on Thursday and vote against the rezoning request for the property in Micco.

Best,
Emily Ralston, Melbourne Beach

Emily Ralston, PhD
Center for Corrosion and Biofouling Control
Florida Institute of Technology
150 W University Blvd
Melbourne, FL 32901
321-674-7334
research.fit.edu/ccbc/

Furru, Christine

From: Judith Berry <mothernature77@outlook.com>
Sent: Friday, May 24, 2019 12:47 PM
To: Commissioner, D1; Commissioner, D3
Cc: Marine Resources Council
Subject: Opposed to density change doubling number of houses on 20 acre parcel of land in Micco along St. Sebastian River and Indian River Lagoon

Commissioners Pritchett and Tobia:

I am writing to OPPOSE the vote scheduled for 5:00 p.m. on May 30th by the County Commission to permit building double the number of houses allowed on the property in Micco along the Sebastian River.

It doesn't make any sense to double the number of houses allowed with septic systems in the area of the Sebastian River and Indian River Lagoon. Demucking of Eau Gallie River has just been completed in an attempt to help clean the Lagoon and now they're talking about adding many more septic systems in this area in Micco – along another river which empties into the Lagoon. How long until these systems start leaking and adding to the pollution??

How can the Indian River Lagoon ever get cleaned up if you allow more affluent to keep entering the waterway?

I grew up living near the Merrimack River in Haverhill MA.. That river empties into the Atlantic Ocean at Newburyport, MA. It was polluted from years of shoe manufacturing along the river. The waste, dyes, etc. were all dumped into the river and nothing could live in the water, you could not swim or anything else in that river. They cleaned up the river and now there are beautiful homes, fishing flourishes in river, the river scenery is great and the river provides much enjoyment for the public. We can eat the fish we catch in the Merrimack River today and I'm sorry to say that we can't feel safe eating anything caught in the Indian River Lagoon anymore. We used to go fishing and shrimping In the Indian River in the 60's and 70's, but not today!

WE NEED TO CLEAN UP THE INDIAN RIVER LAGOON AND NOT ADD MORE POLLUTION TO THIS RIVER.

Judith Berry
1570 N Carpenter Rd
Titusville FL 32796
321/289-3180

Furru, Christine

From: Ted Moorhead <snookcatcher49@yahoo.com>
Sent: Friday, May 24, 2019 1:25 PM
To: Commissioner, D3
Subject: rezoning vote

A developer is proposing a building density change to double the number of houses on a 20-acre parcel of land in Micco along the St. Sebastian River. This is an area that has no sewer service, is located on a floodplain, and is susceptible to sea level rise. The Micco residents are outraged and speaking out against the project. We can't keep developing the way we have in the past and expect a different result! The property was purchased with the present zoning. Why should a developer profiteer through rezoning what will further impact the already stressed Indian River Lagoon? Please vote against this rezoning.

Ted Moorhead (registered to vote in Brevard county)
2571 Vernon Drive NE
Palm Bay, Florida

Sent from Mail for Windows 10

Furru, Christine

From: James Georges <sunshinestateservices@gmail.com>
Sent: Friday, May 24, 2019 3:46 PM
To: Commissioner, D3
Subject: Pending Micco Rezoning Request

Dear Mr. Tobia-

I urge you to do right by the citizens of Brevard and stand firmly against this request. We have not heretofore done anything to curtail the uncontrolled sprawl in this county. Let's change that. Lets think about the future this time. Be the guy who asks, "Is this really smart?"

Sincerely-

Mary Ward
432 Sparrow Dr.
Satellite Beach, FL 32937

Furru, Christine

From: Julie Seberry <jseberry@bellsouth.net>
Sent: Friday, May 24, 2019 5:50 PM
To: Commissioner, D3
Subject: No density change

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

Sent from Yahoo Mail on Android

Furru, Christine

From: Heather Rauchfuss <hrauchfuss@gmail.com>
Sent: Sunday, May 26, 2019 1:53 PM
To: Commissioner, D3
Subject: Brevard County Commission Zoning meeting on Thursday, May 30th proposed building density change in Micco along the St. Sebastian River

Dear Mr. Tobia,

Please support the Indian River Lagoon and vote against the proposed building density change to double the number of houses on a 20-acre parcel of land in Micco along the St. Sebastian River. This is an area that has no sewer service, is located on a floodplain, and is susceptible to sea level rise.

Why is this bad?

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

Approval of this rezoning request will set a precedent that will open the entire area for higher density development.

We know that development doesn't pay for itself, and in the long-run, we all lose as our quality of life goes down the (storm) drain with the health of the Indian River Lagoon.

Sincerely,

Heather Rauchfuss

445 Sandy Key

Melbourne Beach, FL 32951

321-725-5282

hrauchfuss@gmail.com

Furru, Christine

From: Ronald Bartcher <bartcher@cfl.rr.com>
Sent: Sunday, May 26, 2019 4:43 PM
To: Ronald Bartcher
Subject: P&Z item 18PZ00166

Dear Commissioner:

In reference to P&Z item 18PZ00166 on the May 30 agenda, please deny this land use change for two reasons: 1) this proposed development would increase septic pollution by a factor of four times what could be developed without this land use change and 2) this proposed development is incompatible with the existing development in this area because the proposed development would add houses on smaller lots than what already exist.

#1 – This developer presented his project plan for this 20 acres to the P&Z Advisory Board on May 20. Much of the discussion from him and from residents centered on the Future Land Use Designation of 1 house per 2 ½ acres and his point was that his development would be much better. However, comparing the developer's project to some mythical project of 1 house on 2 ½ acres is a distraction and is irrelevant. There are only two legitimate comparisons. 1) compare to the existing property and 2) compare to what could be actually and legally be developed without the proposed Land Use change.

Currently, this property is undeveloped and has zero septic tanks and has zero house owners fertilizing yards. This property currently contributes zero pollution.

Because the Future Land Use Designation and the Zoning Classification for this property are inconsistent as defined in Sec. 62-1255, the only development rights come from the original plat of the property from 1894, which is one house and one septic tank on the two originally platted lots of approximately 10 acres each.

The actual and legal worst-case development that can occur without the proposed Land Use change is two houses and two conventional septic tanks. Having one house with 10 acres of land around it provides plenty of land to handle any runoff and fertilizer the house owner might use. So, the pollution contribution would be two conventional septic tanks.

When this developer presented his project plan to the P&Z Advisory Board on May 20, he originally wanted to put twenty houses with twenty conventional septic tanks, as was shown by his proposed BDP. After a couple of hours of discussion, he finally reduced his proposed project to 16 houses with 16 high efficiency septic tanks.

As you know from the study that your staff did to prepare for the Nitrogen Reduction Overlay, a high efficiency septic tank is approximately twice as effective as a conventional septic tank. So, the 16 high efficiency septic tanks are equivalent to 8 conventional septic tanks. Therefore, his development project will create 4 times as much septic pollution as would be created by the development he is currently allowed.

Approving a project that increases pollution by a factor of 4 will not meet the County's goal of reducing lagoon pollution as defined in the Comprehensive Plan, Surface Water Management Element, Policy 4.11.

#2 – The current zoning is RU-1-13, allowing a minimum lot size of 7500 square feet. The developer wants to retain this zoning because he doesn't know how small the lots may have to be to get the 16 houses that he is requesting in his BDP. Small lots are incompatible in this rural area.

This property has about 5 acres of land next to the river that is labeled as "swampy" on the developer's survey. Also, most of that property is in an AE flood zone. A significant part of the property is in the Coastal High Hazard Area. Further, 4 to 5 acres of the property have aquifer recharge soils. Considering these areas where there should be no development and taking into account that 25% of the remaining property would be used for streets and stormwater drainage, the probable lot size would be less than half an acre.

Since staff research has shown that 2/3 of the houses in the surrounding area are on lots of 1 acre or more, this development is simply not compatible with this rural area. In addition, please note that 21 lots that are less than one acre were platted in 1956, 30 years before comprehensive planning was considered important. Most of the other small lots were created prior to the county's Comprehensive Land Use Plan adopted in 1988. Land Uses that were allowed 60 years ago should not be a reason to allow this development to proceed.

Please deny this proposed land use change.

Ronald Bartcher
3431 Grantline Road, Mims

Furru, Christine

From: Steve Heake <steveheake789@gmail.com>
Sent: Tuesday, May 28, 2019 8:35 AM
To: d1.commissioner@brevardfl.com; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: gwenheake57@gmail.com
Subject: Rezoning of Existing Property along Fleming Grant Rd - Land Use Amendment 2019-1.1

All,

I am a new resident in this area . I recently finalized a land purchase and am planning to build a house. My wife and I are beginning a new chapter of our lives after moving from some difficult circumstances in St Cloud.

We looked across the entire County for almost 1 year before settling on this piece of land for our retirement . We love the rural feel, wildlife and overall piece and quiet .

I was upset to learn that there may be rezoning of the 20 acre property near Mockingbird Lane . I understand it's a major change and could set an unwanted precedent in the area .

We are totally APOSED to this change. There are a few bigger parcels in this area (some across from our land) and do not want to see them changed in any way .

They are exactly why we selected the Fleming Grant area.

Please vote against this change and force the developer to build as designed by current zoning reqs (not altered in 31 yrs) Or set his sights on another piece of property.

**Steve/Gwen Heake
(407) 630-1800**

Furru, Christine

From: Jeff Mac Makin <goufmon21@gmail.com>
Sent: Friday, May 24, 2019 9:49 AM
To: Commissioner, D3
Subject: Zoning change request

All higher density requests should be turned down, this area is under enough stress as it is.

Jeff Mac Makin

798 Bautzen Ave. PalmBay,

Furru, Christine

From: Chris Davis <cdavis8683@gmail.com>
Sent: Wednesday, May 15, 2019 1:35 PM
To: Commissioner, D3
Subject: Fwd: Brevard Proposed Amendment 2019-1.1

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:34 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D2.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:33 PM
Subject: Brevard Proposed Amendment 2019-1.1
To: <D1.Commissioner@brevardfl.gov>

This amendment is not at all compatible with our rural neighborhood for numerous reasons. Original land parcel designation was based on rationale that mitigated issues regarding pesticides/fertilizers, septic drain field leakage and storm water run-off all leading to the St. Sebastian River and ultimately the Indian River Lagoon. Brevard County's 1988 Comprehensive Plan concerning the Fleming Grant/Sebastian River area was set so that each parcel was zoned for 1 unit per 2.5 acres. This area is already prone to flooding, more development will only compound an existing issue pushing more runoff into the river. Please consider what affects this decision will have on the residents and health of the Indian River Lagoon.

Vote No

Submitted by: Chris Davis
9380 Fleming Grant Rd,
Micco, FL 32976

Furru, Christine

From: sunwrent@aol.com
Sent: Tuesday, May 14, 2019 10:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
D4.Commissioner@Brefardfl.gov; Commissioner, D5; jenniferfl.gov@aol.com
Cc: info@fssr.org
Subject: Proposed Zoning Change in Micco

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL



East Central Florida Regional Planning Council

455 N. Garland Avenue, Orlando, FL 32801
Phone 407.245.0300 • Fax 407.245.0285 • www.ecfrpc.org

Hugh W. Harling, Jr. P.E.
Executive Director

April 2, 2019

Commissioner Kristine Isnardi, Chair
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Suite A114
Viera, FL 32940

RE: 2019-1 Spring Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Commissioner Isnardi:

We have received the referenced proposal relating to the 20.39 acre parcel on the St. Sebastian River at a point that is less than two miles from the Indian River Lagoon, an area identified as a natural resource of regional significance in the East Central Florida Strategic Regional Policy Plan (SRPP). The request is to increase the residential density from the current one unit per 2.5 acres to one unit per acre.

We offer the following observations:

1. The area does not have sanitary sewer so the units would be on septic tanks. This change would more than double the impacts from septic tanks on the river and lagoon. As you are well aware, the lagoon has experienced algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue.
2. The areas adjacent to the site on the east and west sides have similar densities as currently allowed on the subject property.
3. Much of the property is within the FEMA flood zone. Additionally, sea level rise in the area has not been addressed in this application. Projections from the National Oceanic and Atmospheric Administration currently predict nearly a two foot rise by 2040, about four feet by 2060 and eight feet by 2100. It is not advisable to subject double the number of residents to future flooding as is currently allowed.

Executive Committee

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County Commissioner
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Mayor of Groveland
Lake City League of Cities

Member at Large
David Moore
County Commissioner
Marion County

4. Approximately one quarter of the site is currently within the Category 1 storm surge zone.

The East Central Florida Strategic Regional Policy Plan offers guidance in these areas and contains relevant policies;

1. Under the Energy and Climate Change chapter, the goal is to "Reduce the consumption of energy and prepare the region for the impacts of climate change." Policy 8.1 states, "Support research that determines if, when, and where selected coastal communities should be either relocated or protected."
2. Under Adaptation and Planning of this chapter, Policy 8.5: "Encourage communities to identify coastal land uses and critical facilities that may be impacted by sea level rise."
3. The Natural Resources chapter contains Policy 3.6: "Development and redevelopment for higher densities should be discouraged in Coastal High Hazard Areas, defined as the Category 1 storm surge area." Keep in mind that the areas currently impacted by storm surge will increase with sea level rise.
4. Natural Resources Policy 3.18 states: "Development in the 100 year floodplain should be discouraged."

We have been working with Brevard County staff on the Regional Resiliency Action Plan and we are pleased to report that the county adopted this plan on March 26, 2019.

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

If you have any questions, please contact Fred Milch at 407/245-0300, extension 315.

Sincerely,



Hugh W. Harling, Jr., P.E,
Executive Director, ECFRPC

Executive Committee

Chair
John Lesman
Gubernatorial Appointee
Seminole County

Vice Chair
Sean Parks
County Commissioner
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Immediate Past Chair
Lee Constantine
County Commissioner
Seminole County

Member at Large
Dina Sweatt
Mayor of Groveland
Lake Cty League of Cities

Member at Large
David Moore
County Commissioner
Marion County

Dear Ms. Campbell,

St. Johns River Water Management District (District) staff have reviewed Brevard County's proposed comprehensive plan amendment 19-1ESR. District staff review, as outlined in Florida Statutes, focused on flood protection and floodplain management, regional water supply, and wetlands and other surface waters as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted. District staff provide the following technical assistance related to wetlands and other surface waters.

Amendment

The proposed amendment consists of a future land use map change for a 20.39-acre parcel. The parcel, located on the north prong of the St. Sebastian River, is not within a public potable water or sanitary sewer service area. The amendment would increase density from one dwelling unit per 2.5 acres to one dwelling unit per acre and allow up to 20 single-family dwelling units that utilize private wells and on-site treatment and disposal systems (OSTDS).

Important State Resources and Technical Assistance

The Indian River Lagoon (IRL), which is designated as an estuary of national significance, provides important environmental and economic benefits to the region and state. The subject parcel is approximately 1 mile upstream of the IRL and adjacent to the Indian River-Malabar to Vero Beach Aquatic Preserve. The Florida Department of Environmental Protection has identified the IRL as biologically impaired due to nutrients (particularly nitrogen and phosphorus) and adopted Total Maximum Daily Loads. A Basin Management Action Plan (BMAP) was developed by stakeholders, including the County, to prepare a blueprint for water quality restoration in the IRL. The goal of the BMAP is to decrease the nutrient loads to these waters and restore seagrass populations in the IRL.

As part of the analysis of the proposed amendment, the County should consider whether the potential increase in allowable density would result in adverse impacts to the IRL and whether there are ways to mitigate those potential impacts. Excess nitrogen and phosphorus feed undesirable algae growth. In addition, conventional septic systems near coastal estuaries remain a significant contributor of nitrogen and phosphorus to these waterbodies.

The County's staff report indicates that a portion of the property is located within the County's Nitrogen Reduction Overlay (NRO) and required to use enhanced-treatment OSTDS. During discussions with the County's planning department, the staff noted that the applicant had indicated an intent to utilize enhanced-treatment OSTDS throughout the entire parcel. The District recognizes the County's implementation of the NRO and encourages the County to require enhanced-treatment OSTDS on the entire parcel because of the proximity to the IRL.

If you have any questions or need additional information, please contact me. Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner

Governmental Affairs Program
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369

E-mail: sfitzgibbons@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/>

Prepared by: Patricia and Clark Simms

Address: 1201 N. Tropical Trail

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 30 day of May 2019 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Clark and Patricia Simms (hereinafter referred to as "Developer/Owner") RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU-1-9 zoning classification and desires to develop the Property with a BDP limiting development to two (2) single-family lots, which would include up to two single-family residences and two guesthouses pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the

Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit development to two single-family residences and two guesthouses, which may be further restricted by any changes to the Comprehensive Plan or to the Land Development Regulations.
3. Any new single-family residence will be connected to sewer.
4. A cross-access easement will be recorded for the utilization of one single driveway for both lots to access North Tropical Trail.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on May 30, 2019. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk

Kristine Isnardi, Chair

(SEAL)

As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

(INSERT BUSINESS NAME or INDIVIDUAL NAME(s))

WITNESSES:

as DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(President)

(Witness Name typed or printed)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of
, 20____, by _____, President of _____, who is personally
known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated _____, given by _____, as mortgagor, in favor of the undersigned, _____, as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

WITNESSES:

MORTGAGEE NAME/ADDRESS

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

(Witness name typed or printed)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by
, who is personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

From: sunwrent@aol.com
To: [Commissioner, D4; Jones, Jennifer](#)
Subject: Fwd: Proposed Zoning Change in Micco
Date: Tuesday, May 14, 2019 10:06:41 AM

-----Original Message-----

From: sunwrent <sunwrent@aol.com>
To: D1.Commissioner <D1.Commissioner@Brevardfl.gov>; D2.Commissioner <D2.Commissioner@Brevardfl.gov>; D3.Commissioner <D3.Commissioner@Brevardfl.gov>; D4.Commissioner <D4.Commissioner@Brevardfl.gov>; D5.Commissioner <D5.Commissioner@Brevardfl.gov>; jenniferfl.gov <jenniferfl.gov@aol.com>
Cc: info <info@fssr.org>
Sent: Tue, May 14, 2019 10:04 am
Subject: Proposed Zoning Change in Micco

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL

From: [WILLIAM BRENNAN](#)
To: [Jones, Jennifer](#)
Subject: Fw: proposed density change on 20 acre lot on Fleming Grant road in Micco on St. Sebastian River.
Date: Tuesday, May 14, 2019 2:19:31 PM

Jennifer - I do not type, and screwed up your email address, so am trying to send this to you this way if it works. Bill Brennanm

----- Forwarded Message -----

From: WILLIAM BRENNAN <brennan_william@bellsouth.net>
To: jennifer.jones@brevardfl.gov <jennifer.jones@brevardfl.gov>
Sent: Tuesday, May 14, 2019, 11:41:51 AM CDT
Subject: proposed density change on 20 acre lot on Fleming Grant road in Micco on St. Sebastian River.

Jennifer - My name is William P. Brennan and I live in Sebastian. I have been a kayaker on the river for 19 years. It has been more difficult for me to access the North Prong of the river since St Johns River Water Management District sold a right of way access to the river on Mockingbird Lane about a year ago. Now I read of the proposal to revise the zoning plan to increase the density on a 20 acre parcel on the Fleming Grant Road in Micco fronting the St. Sebastian River from 8 to 20 lots. It does not seem to make any sense to add that much septic system waste to the already strained river and IRC lagoon. Absorbing that waste is not the highest and best use of the property.

The best use would be to acquire the parcel for public access to the North shore of the river, which is so sorely needed. Bill Brennan

From: [Linda Morris](#)
To: [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Tuesday, May 14, 2019 9:30:27 PM

We are so happy to live in a beautiful bucolic setting, surrounded by native trees, plants and animals. We moved here 10 years ago exactly that reason. A piece of paradise just like old Florida. One of the positive things about this area is that there is a Comprehensive Plan for the Fleming Grant area that states that each parcel of land should be Zone 1 unit per 2.5 acres. Now an owner of a 20-acre parcel on Fleming Grant Road and Saint Sebastian River wants to increase home density to one unit per acre resulting in 20 homes instead of 8 per the Comprehensive Plan. This is unconscionable and cannot be approved.

The proposed increase in population density will have untold damaging effects in this community.

We are adamantly opposed to the proposed density increase on Fleming Grant Road.

Richard and Linda Morris
9860 Oak Trail, Micco
[Sent from Yahoo Mail on Android](#)

From: [Friends of St. Sebastian River](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [Jones, Jennifer](#)
Subject: Comprehensive Plan Amendment 2019-1.1
Date: Wednesday, May 15, 2019 12:18:52 AM

To: Brevard County Commissioners
Re.: Douglas Robertson, Proposed Comprehensive Plan Amendment 2019-1.1

Dear Commissioners:

We have had the chance to review comments provided by various state and regional agencies, regarding the above referenced Comprehensive Plan amendment. We note that each of those agencies observed the local outstanding natural resources of the area and protective designations specifically for the purpose of protecting the St. Sebastian River and Indian River Lagoon, from the exact impacts that would be exacerbated by this proposed amendment.

They also reference County development policies which discourages such development in hazardous and vulnerable areas as where this property is located, thus their suggestions that you consider those impacts, and encouragement to avoid them.

As we stated in our previous letter on this issue, it is irresponsible and incompatible to approve this amendment when the County and other agencies are spending significant tax dollars to clean up the problems created by past inappropriate development in the watershed of our local impaired waterways.

We remain strongly opposed to this proposed Plan amendment. Our waterways are for the benefit of all citizens and species that depend on them for habitat. There is impact with any development and no amount of mitigation that will prevent that. Therefore it is the responsibility of all of us to minimize that impact for the benefit of everyone and the environment. The County previously recognized that responsibility by instituting lower density in this area and we ask that you respect that action and not approve this Comprehensive Plan amendment.

Thank you for your consideration.

Tim Glover, President
Friends of St. Sebastian River
info@fssr.org
www.fssr.org
www.facebook.com/FriendsofStSebastianRiver
772-202-0501

From: [Chris Davis](#)
To: [Jones, Jennifer](#)
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 15, 2019 1:37:00 PM

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:36 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D5.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:35 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D4.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:35 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D3.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:34 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D2.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:33 PM
Subject: Brevard Proposed Amendment 2019-1.1
To: <D1.Commissioner@brevardfl.gov>

This amendment is not at all compatible with our rural neighborhood for numerous reasons. Original land parcel designation was based on rationale that mitigated issues regarding pesticides/fertilizers, septic drain field leakage and storm water run-off all leading to the St. Sebastian River and ultimately the Indian River Lagoon. Brevard County's 1988 Comprehensive Plan concerning the Fleming Grant/Sebastian River area was set so that each parcel was zoned for 1 unit per 2.5 acres. This area is already prone to flooding, more development will only compound an existing issue pushing more runoff into the river. Please consider what affects this decision will have on the residents and health of the Indian River Lagoon.

Vote No

Submitted by: Chris Davis
9380 Fleming Grant Rd,
Micco, FL 32976

From: [RM](#)
To: [Jones, Jennifer](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Sunday, May 19, 2019 2:57:03 PM

From:
Richard & Catherine Mozzetta
9515 Fleming Grant Rd
Micco FL 32976

Subject:
Opposition of Proposed changes of Land Use for 20 Acre Lot on Fleming Grant Rd

Subject Property:
Parcel ID 30G-38-19-HP-*-10 Fleming Grant Road, Micco
BCPA Link: <https://www.bcpao.us/PropertySearch/#!/account/3008729>

Dear Sir or Madam,

It has come to our attention that the Land Use Designation outlined and specified in Brevard County Code of Ordinances, Chapter 62, for the above property is being considered to be changed or modified to allow more structures to be built on the above referenced property than was originally allowed. The 20 acre parcel is presently Zoned 1:2.5, to allow One Unit per 2.5 Acres.

We have been informed that a proposal has been made to build up to 20 units on this parcel, thus changing the Zoning to allow 1 unit per Acre. This is clearly a violation of the present Zoning Regulations designated many years ago. We find it disturbing that you would consider such a change.

Changing the Zoning would be a contradiction toward the originators of the changes, written then to allow only 1 Unit per 2.5 Acres. They made these limitations to ensure the longevity of the environmental security of both the Sebastian River and Indian River Lagoon, along with maintaining the rural atmosphere of this area. Changes intended to relax these limitations now would not only negatively impact the environment, but would also set precedence for future development in the area, ensuring even further degradation of the environment and hardship for all of us who reside along Fleming Grant Road.

We are formally opposed to any Zoning changes which would allow more than the originally allowed 1 Unit per 2.5 Acres on this parcel. Please do what is right, for all of us.

Regards,

Richard & Catherine Mozzetta

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





.....
*Support leaders and
candidates who put the
environment first*
.....

EVERYONE!

Recycle and keep Lagoon free of trash

- Use **reusable bags** at the grocery or paper ones
- Use as little **plastic** as possible

Plant native plants that don't need water or fertilizer

- **Minimize pesticide use** and dispose of toxic chemicals correctly
- **Stop septic leaks**: Inspect your drain field as well as your septic tank
- Wash your car at a **carwash** — keeps soap & chemicals out of the Lagoon
- Only **clean water** down street sewers or drains — no trash, no grass, no oil or soap
- If you can, **go Solar** for your home



VOLUNTEER

- Support **nonprofits** helping the Lagoon
- Join a local **City Sustainability Board**
- Pick up trash with **Keep Brevard Beautiful**
- Help plant living shorelines, oyster reefs & mangroves

Get Active:

- KeepBrevardBeautiful.org/get-active
- SaveTheIRL.org/volunteer
- Web2.Fit.Edu/indian-river-lagoon
- RestoreOurShores.org/volunteer-we-need-you/#howyoucanhelp



With Nick Sanzone, Dylan Hansen and the
Satellite Beach Sustainability Board



BREVARD
INDIAN RIVER LAGOON
COALITION

For more info: www.HelpTheLagoon.org | www.Facebook.com/BIRLC

WHAT YOU CAN DO

Help The Lagoon



YOUR YARD

Plant a lagoon-friendly lawn

- When mowing, blow grass clippings back on the lawn
- Obey the **summer fertilizer ban June 1 – Sept 30**
- Minimize watering your lawn
If you have re-use water, you need less or no fertilizer

BOATERS

Practice proper boat fueling technique



- Use marine pump out facilities
- Don't empty your tank into canals or the Lagoon
- Use marine approved cleaning products



DOG OWNERS

Scoop the poop! — dog waste has lots of bacteria. **Pick up, put in trash.**

SMOKERS

- **Just say ZERO cigarette butts on the beach and trails**

Let's ensure small children and pets and wildlife don't have toxins from filters in their way to play.

IF YOU LIVE ON THE LAGOON

- Plant a living shoreline
- Grow oysters on your dock
- RestoreOurShores.org/volunteer-we-need-you/#howyoucanhelp



Remember: Obey the law.
Don't cut mangroves without a permit

RESTAURANTS/BUSINESSES

- Please use alternatives to styrofoam & plastic
- If you're a restaurant, join Litter Quitter:

Join Up:

- KeepBrevardBeautiful.org/our-programs/litter-quitter



DINERS

Help your favorite places to dine understand there's a local desire for them to provide better alternatives.

- **Bring your own receptacles for leftovers**
- **Just say: "No Straw, please."**

Start a trend.



v 12/2018

ACREAGE OWNERS FLEMING GRANT ROAD- MICCO- FLORIDA

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

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



Approximate
Lot Lines

This is an aerial photograph of a coastal region. A red polygon is drawn over a portion of the land, indicating a specific area of interest. The text 'Approximate Lot Lines' is written in red within this polygon. The surrounding area includes a large body of water on the left, a narrow strip of land with dense vegetation and some buildings in the center, and another body of water on the right. The red polygon outlines a section of the central land strip, which appears to contain several small structures and a cleared area.

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



Prepared by: Patricia and Clark Simms

Address: 1201 N. Tropical Trail

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 30 day of May 2019 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Clark and Patricia Simms (hereinafter referred to as "Developer/Owner") RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU-1-9 zoning classification and desires to develop the Property with a BDP limiting development to two (2) single-family lots, which would include up to two single-family residences and two guesthouses pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the

Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit development to two single-family residences and two guesthouses, which may be further restricted by any changes to the Comprehensive Plan or to the Land Development Regulations.
3. Any new single-family residence will be connected to sewer.
4. A cross-access easement will be recorded for the utilization of one single driveway for both lots to access North Tropical Trail.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on May 30, 2019. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk

Kristine Isnardi, Chair

(SEAL)

As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

(INSERT BUSINESS NAME or INDIVIDUAL NAME(s))

WITNESSES:

as DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(President)

(Witness Name typed or printed)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, President of _____, who is personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated _____, given by _____, as mortgagor, in favor of the undersigned, _____, as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

WITNESSES:

MORTGAGEE NAME/ADDRESS

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

(Witness name typed or printed)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by
, who is personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

Furru, Christine

From: outlook_25A6D5C119A5D113@outlook.com on behalf of outlook_25A6D5C119A5D113@outlook.com <pirrungair@bellsouth.net>
Sent: Sunday, May 05, 2019 10:38 AM
To: Commissioner, D3
Subject: Brevard Proposed Amendment 2019-1.1

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

Sent from Mail for Windows 10

Furru, Christine

From: Ted Beck <scubadore@gmail.com>
Sent: Thursday, May 02, 2019 9:26 PM
To: Commissioner, D3
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: 9735.jpg; 9760.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

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

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

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

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

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

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

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

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

Henry Beck

9735 Fleming Grant Rd.

Micco, Fl. 32976

Furru, Christine

From: D LB <dbeladi@hotmail.com>
Sent: Wednesday, February 20, 2019 10:56 AM
To: Commissioner, D3
Cc: Tom Barnes
Subject: Letter re rezoning of 20 acres on Fleming Grant
Attachments: Letter to brevard county re fleming grant.docx

Dear Commissioner John Tobia,
Attached please find my letter re the rezoning of the 20-acre property on Fleming Grant.
Best regards,
Donna Beladi

Furru, Christine

From: Connie Blair <cblair2020@gmail.com>
Sent: Wednesday, May 08, 2019 1:13 PM
To: Commissioner, D3
Subject: Brevard County Proposed Amendment 2019-1.1

May 8, 2019

Ms. Connie Blair

9843 Riverview Drive

Micco, Fl 32976

Re: Brevard County Proposed Amendment 2019-1.1

Honorable Commissioners Pritchett, Lober, Tobia, Smith and Isnardi:

I am writing this letter to let you know that as a concerned citizen of Micco, Florida, I am adamantly opposed to any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Specifically I oppose the request being made to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase the density to 1 unit per acre. The reasons for which I oppose this are as follows:

- An increase in density is not compatible with the rural neighborhood. Most parcels are zoned 1 unit per 2.5 acres, with the exception of Mockingbird and River Oaks, built in 1955 and Oak Trail built in 1986, all before the Brevard Comprehensive Plan.
 - A density increase would mean an increase in pesticides, fertilizers, septic drain field leakage, storm water run-off and other contaminants into the St. Sebastian River damaging its ecological balance and further injuring the Indian River Lagoon.
 - We taxpayers voted to spend millions of dollars to improve the health of the Indian River Lagoon which has already been damaged by the effects of over-development.
 - The area in question floods easily. More homes mean less places for the flood water to go, putting more septic and other contaminants into the St. Sebastian River.
 - Brevard County adopted a Comprehensive Plan in 1988 for the Fleming Grant area stating that each parcel of land should be zoned 1 unit per 2.5 acres. Allowing this increase in density would set a dangerous precedent that would adversely affect the residents of this area.

Please do not approve any change to the Future Land Use Map for this property. Many people have invested in this area both financially and emotionally with the 1 unit per 2.5 acre density in mind.

Sincerely,

Furru, Christine

From: dbotto1 <dbotto1@cfl.rr.com>
Sent: Wednesday, May 15, 2019 8:31 AM
To: Commissioner, D3
Subject: Deny Request for Re-Zone of Micco Property

Dear Commissioner Tobia,

I'm a native and 51 years in Brevard.

I'm writing to you for two reasons:

Approval of the subject re-zone would be a glaring example of the mismanaged development decisions of the past. Fifty years of such decisions, made without regard for their impact on our lagoon, got us where we are today. To ADD to the already excessive inflow to the IRL of nutrients, chemicals, muck causing sediment and fresh water is beyond common sense. The current unit density allowed on this property is appropriate, please deny this request.

The Low Impact Development (LID) concept has been around for some time. It has been endorsed by EPA and our DEP and adopted by several Florida counties. Its objective is to ensure that, post-development, no additional run-off is allowed. The site actions to accomplish this goal are, for the most part, simple and cost effective. It is a definite win-win as it not only ensures surface water quality maintenance and re-charge of our critical aquifer but also reduces the need for costly stormwater transport and treatment infrastructure. There is plenty of information available about LID. I would appreciate thirty minutes of your time to discuss LID – it is the future of development in Florida.

To close, I respectfully urge you to deny the Micco re-zone proposal.

David C. Botto
275 Poinciana Drive
Indian Harbour Beach
321 773 2327

Furru, Christine

From: Anne Briggs <annebriggs@yahoo.com>
Sent: Wednesday, May 01, 2019 10:56 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;
Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: map of 2.5 acre parcels.jpg

Dear Commissioners Isnardi, Tobia, Smith, Locber and Pritchett,

Ref: Parcel#18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco

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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Anne Briggs

9735 Fleming Grant Road, Micco FL 32976

772 925 9200

Furru, Christine

From: CALHOUN, STEPHEN T <sc0171@att.com>
Sent: Tuesday, May 07, 2019 2:25 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
d4.commissioner@brevardfl.gov; Commissioner, D5
Subject: AMENDMENT 19-01ESR

Honorable Commissioners

Good afternoon

The purpose of this correspondence is to request that you deny the above amendment. I am a homeowner with a flag lot off of Fleming Grant Road about a half mile from the property in question. The Comprehensive Land Use Plan on the river side of Fleming Grant Road was created to protect the river. Allowing increased density with septic tanks will only do harm to the river. Development of this size will threaten the fragile balance of the environment on the property. Subdivision type development is not compatible with our community.

Thank you

Stephen T Calhoun

Furru, Christine

From: Robin Carroll <RH20Bug@aol.com>
Sent: Tuesday, May 07, 2019 2:14 PM
To: Commissioner, D3
Subject: Amendment2019-1.1 (19-01ESR)
Attachments: 20 acres.pdf

Hello John Tobia, as my County Commissioner, please listen with an open-end and this issue is a probity for us. I plan on speaking at your May30th meeting. I wanted you to have this background information and ask that you consider the character of our community and how this decision may change our community forever.

Robin Carroll
9575 Fleming Grant Rd
Micco, FL 32976

As a homeowner of Micco, I am very concerned about the increase density on the parcel owned by Douglas Robertson. Currently the Brevard County states for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Mr. Robertson wants to place 1 unit per acre. There are many reasons not to allow this.

The beautiful St. Sebastian River flows directly into the Indian River Lagoon. With that many more people, there would be more pesticides, septic tanks, fertilizers and runoff into the river.

The Robertson's parcel is also an area of flooding. With high flooding likely, these contaminations will easily be washed into the river and into the Indian River Lagoon.

The public has millions of tax dollars to pay for a clean Indian River Lagoon. This can only harm it, as well as the residents of St. Sebastian River and Micco.

This is a rural area. Please allow it to stay that way. Deny the changes to the Brevard County Future Land Use Map proposed by Mr. Robertson.

Sincerely,

Diane Cathey

9844 Riverview Drive

Micco, Florida 32976

Furru, Christine

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

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



Virus-free. www.avast.com

Furru, Christine

From: Susan Courtney <suz.courtney@icloud.com>
Sent: Wednesday, May 08, 2019 7:28 AM
To: Jones, Jennifer; d1.commissioner@brevardfl.gov; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard proposed amendment 2019-1.1

To all Concerned

I would like to express my concern regarding proposed amendment 2019-1.1, I am against changing the parcel land zoning to one acre per unit, keeping it at 2.5 acres per home will be less impact on the St Sebastian River and Lagoon. Tax payers are spending money to keep our waterways clean, and by adding more homes, there will be an increase of pesticides, fertilizers, septic drain field leakage, and storm run off. Please abide by the plan developed in 1988 1 unit per 2.5 acres.

If you do not see this as a concern, I think at the very least there should be some kind of compromise, instead of one acre lots, what if the parcels would be 1.33 reducing to 15 units instead of 20. I think act of compromise still exist in our society, after all we are neighbors.

Sincerely

Susan Courtney
9791 Fleming Grant Rd
Micco fl 32976

Sent from my iPad

Furru, Christine

From: Sherry <scraig7118@comcast.net>
Sent: Thursday, February 21, 2019 8:47 AM
To: Commissioner, D3
Subject: Rezoning parcel on Fleming Grant Road in Micco

Follow Up Flag: Follow up
Flag Status: Flagged

Brevard County Commissioners:

This letter is in response to the possible rezoning of a 20-acre parcel on Fleming Grant Road in Micco. The property in question is along the Saint Sebastian River. This area is currently zoned for 1 residential home per 2-1/2 acres. To allow any more than that would create a huge impact on the environment, the river, the neighborhood, the roads. This is a rural area and the reason why many of us purchased here.

The impact that the increased traffic on the roads in the area would create and the increased septic tanks and wells on the river would be tremendous if it were to be rezoned for more than that.

This parcel of land has several acres of wetlands and is home to MANY of the endangered gopher tortoise along with numerous other wildlife, to include turkeys, sand hill cranes.

We ask that you not rezone this parcel, but leave it at the 1 to 2-1/2 as it is now.

Respectfully.

Larry L. Craig
Sherry L. Craig
9670 Fleming Grant Road



This email has been checked for viruses by Avast antivirus software.

www.avast.com

Furru, Christine

From: don currier <currierdn@yahoo.com>
Sent: Wednesday, March 06, 2019 11:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;
Commissioner, D5
Subject: Amending 20 acre parcel on Fleming Grant Rd.

Sir/Mam,

I'm opposed to amending the comp plan for the 20 acre parcel. I grew up here, went to school here, went in the military for 26 years and now I'm retiring here raising my 14 year old son. I specifically bought my retirement home on Fleming Grant Road because of the 1 home per 2.5 acres and spent the majority of my savings to do it. It would not be fair for one person to change the comp plan without the neighbors agreeing to the change. Bottom Line: If I wanted to live on a smaller piece of land or live in the city, I could have move to Palm Bay or something similar.

Thanks
Don Currier
9837 Oyster Point Ln. (229-506-1033)

Furru, Christine

From: don currier <currierdn@yahoo.com>
Sent: Wednesday, March 06, 2019 7:15 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Comp plan change for the Fleming Grant 20 acre parcel

Sir/Mam,

I'm opposed to amending the comp plan for the 20 acre parcel. I'm retired military and raising my 14 year old son. I specifically bought my retirement home on Fleming Grant Road because of the 1 home per 2.5 acres and spent the majority of my savings to do it. It would not be fair for one person to change the comp plan without the neighbors agreeing to the change. If I wanted to live on a smaller piece of land or live in the city, I could have moved to Palm Bay or something similar. Current plan allows for a non- congestive community, with a country vibe. I vote for no changes to current plans.

Thanks
Kim

Furru, Christine

From: mangobw1@aol.com
Sent: Wednesday, May 08, 2019 4:29 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3; d4commissioner@brevardfl.gov; Commissioner, D5
Subject: 19-01ESR Petition

RE: 19-01ESR Petition

ATTN:

Cheryl Campbell

Rita Pritchard

Bryan Lober

John Tobia

Curt Smith

Kristine Isnardi

My husband and I are opposed to the 19-01ESR Petition and any increases in the density in our area. This subdivision, with all owners on small acreage, will have negative consequences to the Sebastian River.

Richard and Susan Currier

9485 Fleming Grant Rd.

Micco, FL 32976

Furru, Christine

From: Jeffrey Davis <davis1427@bellsouth.net>
Sent: Wednesday, May 08, 2019 6:18 AM
To: Commissioner, D3
Subject: Fw: Opposition to Brevard Proposed Amendment 2019-1.1

----- Forwarded Message -----

From: Jeffrey Davis <davis1427@bellsouth.net>
To: D1.Commissioner@Brevardfl.gov <D1.Commissioner@Brevardfl.gov>
Sent: Wednesday, May 8, 2019, 6:15:02 AM EDT
Subject: Opposition to Brevard Proposed Amendment 2019-1.1

This amendment is in not compatible with our rural neighborhood. Rationale for the original designation of land parcels (1988 Comprehensive Plan allowance for 1 unit per 2.5 acres) in the Fleming Grant/Sebastian River community supported future management/prevention of pesticides, fertilizers, septic drain field leakage and storm run-off into the Sebastian River and on into the Indian River Lagoon. Area is prone to flooding only compounding the problems. Please consider the affects of this decision and act in the best interests of the residents and health of the Indian River Lagoon. VOTE NO

Submitted by: Jeff and Mary Jane Davis
9380 Fleming Grant Rd.
Micco Fl. 32976

Furru, Christine

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

To Whom it May Concern:

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

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

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

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

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

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

Carolyn Greene
9525 Fleming Grant Rd
Micco, FL 32976



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Furru, Christine

From: Ralph E Jones <edj0nes01@yahoo.com>
Sent: Saturday, May 04, 2019 1:01 PM
To: Commissioner, D3
Subject: Brevard proposed amendment 2019-1.1

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

Ed

Ed

Furru, Christine

From: Lew Kontnik <lewkontnik@gmail.com>
Sent: Thursday, May 09, 2019 9:16 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application

Dear Commissioners:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septics, lawn care, and other human development activities.

To allow an increase in the density of development on this parcel would fly directly in the face of these massive and ongoing efforts. The parcel in question sits right at the mouth of the Sebastian Inlet and empties its contents into the Lagoon. To depart from the Comprehensive Plan adopted in 1988, requiring building sites of less than 2.5 acres on the river side of Fleming Grant Road, would ensure the installation of 20 or more new septic systems on the River into a flood plane that frequently is submerged during major rain events. This would sweep masses of human waste directly into the Inlet and the Lagoon. This would be contrary to everything we are working for!

Prohibiting this increase in density is not only a matter of doing what is right for the environment, it is also the just and fair thing to do. Over the 31 years that the Comprehensive Plan has been in effect, other developers have asked for increases in density for plots in the same area and have been rebuffed, having to develop (or not) based on the minimum 2.5 acre requirement. To allow this petition to go forward would be massively unfair to previous applicants, some of whom were NOT on notice about the 2.5 acre requirement.

Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as stewards of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court
Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

Furru, Christine

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

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

Thank You

Joan Legue
1133 Barefoor Cir,
Micco, Fl. 32976

Furru, Christine

From: Jodi Lemaster <jodilemaster@att.net>
Sent: Friday, May 03, 2019 9:19 AM
To: Commissioner, D3
Subject: Brevard Proposed Amendment 2019-1.1

Commissioner,

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

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

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

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

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

Furru, Christine

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



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

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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Beverly Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

Furru, Christine

From: James Linder <jebdlinder@gmail.com>
Sent: Monday, May 13, 2019 2:45 PM
To: Tobia, John
Subject: Re: An update from Commissioner Tobia

Thank you for supporting the legislation referenced in your newsletter.

We are hopeful that you and your fellow commissioners will turn down the Robertson's request (Brevard Proposed Amendment 2019-1.1) to increase the home density on Fleming Grant Road, Micco, FL.

Thank you for helping keep our County safe and for supporting legislation to help keep pollutants out of the Indian River Lagoon and other water ways.

On Mon, May 13, 2019 at 1:00 PM Tobia, John <John.Tobia@brevardfl.gov> wrote:



Brevard County Commission Update Newsletter

My office has been hard at work on your behalf, and would like to update you with just a few of the important initiatives I have been focused on.

E-VERIFY

Furru, Christine

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

Follow Up Flag: Follow up
Flag Status: Flagged

Dear County Representatives:

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

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

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

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

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

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

Sincerely,

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

Furru, Christine

From: Linda McLain <lmclain45@yahoo.com>
Sent: Wednesday, February 20, 2019 9:12 AM
To: Commissioner, D3; Jones, Jennifer
Subject: 18PZ00166 Robertson 20 Acre parcel

Dear Commissioner Tobia and Ms. Jones

This letter is being written to express my opposition to the above petition asking for the comprehensive land use plan to be amended to allow 20 1 acre homes on this parcel of land which now only allows 1 home per 2.5 acres. I am a resident of Micco since 1961, a licensed Realtor specializing in this area since 1976 and I live right across the street from this proposed project. I am on a parcel of land approx 2.6 acres and my neighbors on both sides of me are on larger parcels.

We live in a very rural area that Brevard County often overlooks. We have no county water, no county sewer and no projection to ever receive them. We have major issues every time it rains hard with drainage. We have septic tanks that won't function in heavy rain and my most recent cost to put in a lift station system in Micco cost me \$10,500 with a constant threat of the pump needing replacement at a cost of \$1500. I spend an average of \$36. a month for chemicals to treat my well water so that I can use it in my home. In a time when millions of dollars are being spent to clean up the lagoon and a recent cost of 3.5 million dollars to build the 2100 acre stormwater basin north of us to clean up Barefoot Bay runoff, I cannot even imagine why the county would consider increasing the density of the 20 acre parcel being petitioned.

The current comp plan was adopted in 1988 and since that time NO parcels of land between Fleming Grant Rd and the Sebastian River have been allowed to be subdivided into smaller parcels than 2.5 acres to keep them in compliance. This 20 acres fronts on the river, contains 4 acres of wetlands, gopher turtles all over it and is just too environmentally sensitive to allow it to be maximized for development. The current comp plan allows for 8 homes. That is enough for this owner who recently purchased it after a feasibility period to check this all out. I am trusting our county to reject this application. Thank you.

Sincerely,

Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976
772-664-2274

Furru, Christine

From: miccohomeowners@aol.com
Sent: Monday, March 04, 2019 11:55 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Robertson Parcel-Fleming Grant Road
Attachments: MHOA Fleming Grant letter 2019.pdf

Please read the attached letter: Micco Homeowners Association OPPOSES any change to the FLUM to increase building density on the Robertson parcel ID 30G-38-19-HP-*-10 on Fleming Grant Road.

Furru, Christine

From: RM <richmz@comcast.net>
Sent: Sunday, May 19, 2019 2:57 PM
To: Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1

From:
Richard & Catherine Mozzetta
9515 Fleming Grant Rd
Micco FL 32976

Subject:
Opposition of Proposed changes of Land Use for 20 Acre Lot on Fleming Grant Rd

Subject Property:
Parcel ID 30G-38-19-HP-*-10 Fleming Grant Road, Micco
BCPA Link: <https://www.bcpao.us/PropertySearch/#!/account/3008729>

Dear Sir or Madam,

It has come to our attention that the Land Use Designation outlined and specified in Brevard County Code of Ordinances, Chapter 62, for the above property is being considered to be changed or modified to allow more structures to be built on the above referenced property than was originally allowed. The 20 acre parcel is presently Zoned 1:2.5, to allow One Unit per 2.5 Acres.

We have been informed that a proposal has been made to build up to 20 units on this parcel, thus changing the Zoning to allow 1 unit per Acre. This is clearly a violation of the present Zoning Regulations designated many years ago. We find it disturbing that you would consider such a change.

Changing the Zoning would be a contradiction toward the originators of the changes, written then to allow only 1 Unit per 2.5 Acres. They made these limitations to ensure the longevity of the environmental security of both the Sebastian River and Indian River Lagoon, along with maintaining the rural atmosphere of this area. Changes intended to relax these limitations now would not only negatively impact the environment, but would also set precedence for future development in the area, ensuring even further degradation of the environment and hardship for all of us who reside along Fleming Grant Road.

We are formally opposed to any Zoning changes which would allow more than the originally allowed 1 Unit per 2.5 Acres on this parcel. Please do what is right, for all of us.

Regards,

Richard & Catherine Mozzetta

Furru, Christine

From: Barbara Reisert <babsnearl@aol.com>
Sent: Tuesday, April 30, 2019 9:55 PM
To: Commissioner, D3
Subject: Change to the Comprehensive Land Use Plan

Dear Commissioner:

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

We are a rural area with wells and septic systems and ditches. The size of the parcels allow us to keep safe distances between our water supply and our septic systems and keeps septic waste from draining into the river. The ditches are not adequate to move water in heavy rains and most of our properties have some flooding. I can't believe that it is possible to put 20 homes on a 20 acre parcel and build roads and still allow space for wells, septic systems and water retention.

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

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

Emil & Barbara Reisert

Furru, Christine

From: jvc321 <jvc321@bellsouth.net>
Sent: Thursday, May 09, 2019 12:27 PM
To: Commissioner, D3
Subject: Fw: Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)
Attachments: CCF05092019_0003.pdf

We Vote To Deny Amendment 19-01ESR

----- Forwarded Message -----

From: jvc321 <jvc321@bellsouth.net>
To: D3.commissioner@brevardfl.gov <D3.commissioner@brevardfl.gov>
Sent: Thursday, May 9, 2019, 12:05:58 PM EDT
Subject: Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)

Furru, Christine

From: Leesa Souto <Leesa@mcirl.org>
Sent: Tuesday, May 21, 2019 9:53 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: May 30 Meeting - Please deny Micco rezoning request
Attachments: BOCC_DenyMiccoRezoning.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

May 21, 2019

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

SUBJ: Please Deny Proposed Comprehensive Plan Amendment 2019 1.1 and Associated Re-Zoning

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 Save Our Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that resulted in 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 drains directly into the St. Sebastian River where the river enters a state-designated Aquatic Preserve. At least five State agencies, in reply to requested review of the proposal, have indicated to you that the property has many characteristics that support the need for the current zoning and that there are significant concerns about the proposed re-zoning, based on the polluting and flooding potential. There is no doubt that the requested increase in unit density will harm 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 recharging the freshwater aquifer, increased run-off volume and pollution from roofs, lawns and pavements, as well as, additional sewer and septic needs. New development at this scale will amplify muck and wastewater problems in the Sebastian River and the Lagoon.

Considering the cause and effect 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 join many Florida coastal communities and adopt the Low Impact Development (LID) concept endorsed by both US EPA and Florida's DEP. 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. As we consider the decisions made today, 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.

Furru, Christine

From: sunwrent@aol.com
Sent: Tuesday, May 14, 2019 10:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
D4.Commissioner@Brefardfl.gov; Commissioner, D5; jenniferfl.gov@aol.com
Cc: info@fssr.org
Subject: Proposed Zoning Change in Micco

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL

Commissioner, D1

From: RM <richmz@comcast.net>
Sent: Sunday, May 19, 2019 2:57 PM
To: Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS

From:
Richard & Catherine Mozzetta
9515 Fleming Grant Rd
Micco FL 32976

Subject:
Opposition of Proposed changes of Land Use for 20 Acre Lot on Fleming Grant Rd

Subject Property:
Parcel ID 30G-38-19-HP-* -10 Fleming Grant Road, Micco
BCPA Link: <https://www.bcpao.us/PropertySearch/#/account/3008729>

Dear Sir or Madam,

It has come to our attention that the Land Use Designation outlined and specified in Brevard County Code of Ordinances, Chapter 62, for the above property is being considered to be changed or modified to allow more structures to be built on the above referenced property than was originally allowed. The 20 acre parcel is presently Zoned 1:2.5, to allow One Unit per 2.5 Acres.

We have been informed that a proposal has been made to build up to 20 units on this parcel, thus changing the Zoning to allow 1 unit per Acre. This is clearly a violation of the present Zoning Regulations designated many years ago. We find it disturbing that you would consider such a change.

Changing the Zoning would be a contradiction toward the originators of the changes, written then to allow only 1 Unit per 2.5 Acres. They made these limitations to ensure the longevity of the environmental security of both the Sebastian River and Indian River Lagoon, along with maintaining the rural atmosphere of this area. Changes intended to relax these limitations now would not only negatively impact the environment, but would also set precedence for future development in the area, ensuring even further degradation of the environment and hardship for all of us who reside along Fleming Grant Road.

We are formally opposed to any Zoning changes which would allow more than the originally allowed 1 Unit per 2.5 Acres on this parcel. Please do what is right, for all of us.

Regards,

Richard & Catherine Mozzetta

Commissioner, D1

From: CALHOUN, STEPHEN T <sc0171@att.com>
Sent: Tuesday, May 07, 2019 2:25 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
d4.commissioner@brevardfl.gov; Commissioner, D5
Subject: AMENDMENT 19-01ESR
Categories: Blue Category

Honorable Commissioners

Good afternoon

The purpose of this correspondence is to request that you deny the above amendment. I am a homeowner with a flag lot off of Fleming Grant Road about a half mile from the property in question. The Comprehensive Land Use Plan on the river side of Fleming Grant Road was created to protect the river. Allowing increased density with septic tanks will only do harm to the river. Development of this size will threaten the fragile balance of the environment on the property. Subdivision type development is not compatible with our community.

Thank you

Stephen T Calhoun

Commissioner, D1

From: Diane Acker <dianeack1@bellsouth.net>
Sent: Tuesday, May 07, 2019 8:41 PM
To: cheryl.cambell@brevardfl.gov; Commissioner, D1; Commissioner, D2
Subject: 20 acres, Fleming Grant rd., Micco, request for land use change

Categories: Blue Category

I am sending this message to express my opposition to any land use change on the 20 acres , 19-O1ESR Robertson, on Fleming Grant Rd., Micco, Fl

My name is Diane Grant. I live with my husband, Richard, at 9675 Mockingbird lane, Micco. Our home, which was built in 1954, is on almost 2 acres, and backs up to the 20 acres seeking land use change to higher density.

I have a very big concern about the poor drainage in our area, and the increased problem a higher density can cause. The 20 acres is at least 4 feet higher then the land we live on, and the 4 plots adjoining us to the north. Heavy rains and higher density of homes can threaten our drain fields and the C54 canal to our south. There are no plans to put a sewer system in our area, and it would create a real hardship for us if our septic had no drainage because of so much sitting ground water. We also have wells for our house water, and they could become contaminated.

The comprehensive land use plan, done in 1988, was done with thought to protect the C54 canal, that drains into the Indian River Lagoon, from future pollution. Please deny any change to this planand protect our neighborhood and the river for the future.

Thank you
Diane Grant

Commissioner, D1

From: Lew Kontnik <lewkontnik@gmail.com>
Sent: Thursday, May 09, 2019 9:16 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application
Categories: EMAIL CAMPAIGNS

Dear Commissioners:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septics, lawn care, and other human development activities.

To allow an increase in the density of development on this parcel would fly directly in the face of these massive and ongoing efforts. The parcel in question sits right at the mouth of the Sebastian Inlet and empties its contents into the Lagoon. To depart from the Comprehensive Plan adopted in 1988, requiring building sites of less than 2.5 acres on the river side of Fleming Grant Road, would ensure the installation of 20 or more new septic systems on the River into a flood plane that frequently is submerged during major rain events. This would sweep masses of human waste directly into the Inlet and the Lagoon. This would be contrary to everything we are working for!

Prohibiting this increase in density is not only a matter of doing what is right for the environment, it is also the just and fair thing to do. Over the 31 years that the Comprehensive Plan has been in effect, other developers have asked for increases in density for plots in the same area and have been rebuffed, having to develop (or not) based on the minimum 2.5 acre requirement. To allow this petition to go forward would be massively unfair to previous applicants, some of whom were NOT on notice about the 2.5 acre requirement.

Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as stewards of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court
Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

Commissioner, D1

From: mangobw1@aol.com
Sent: Wednesday, May 08, 2019 4:29 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3; d4commissioner@brevardfl.gov; Commissioner, D5
Subject: 19-01ESR Petition
Categories: EMAIL CAMPAIGNS

RE: 19-01ESR Petition

ATTN:

Cheryl Campbell

Rita Pritchard

Bryan Lober

John Tobia

Curt Smith

Kristine Isnardi

My husband and I are opposed to the 19-01ESR Petition and any increases in the density in our area. This subdivision, with all owners on small acreage, will have negative consequences to the Sebastian River.

Richard and Susan Currier

9485 Fleming Grant Rd.

Micco, FL 32976

Commissioner, D1

From: sunwrent@aol.com
Sent: Tuesday, May 14, 2019 10:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
D4.Commissioner@Brefardfl.gov; Commissioner, D5; jenniferfl.gov@aol.com
Cc: info@fssr.org
Subject: Proposed Zoning Change in Micco

Categories: EMAIL CAMPAIGNS

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL

Commissioner, D1

From: Linda Morris <lsteuss@yahoo.com>
Sent: Tuesday, May 14, 2019 9:40 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D4
Subject: Fw: Brevard Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Linda Morris" <lsteuss@yahoo.com>
To: "jennifer.jones@brevardfl.gov" <jennifer.jones@brevardfl.gov>
Sent: Tue, May 14, 2019 at 9:30 PM
Subject: Brevard Proposed Amendment 2019-1.1

We are so happy to live in a beautiful bucolic setting, surrounded by native trees, plants and animals. We moved here 10 years ago exactly that reason. A piece of paradise just like old Florida. One of the positive things about this area is that there is a Comprehensive Plan for the Fleming Grant area that states that each parcel of land should be Zone 1 unit per 2.5 acres. Now an owner of a 20-acre parcel on Fleming Grant Road and Saint Sebastian River wants to increase home density to one unit per acre resulting in 20 homes instead of 8 per the Comprehensive Plan. This is unconscionable and cannot be approved.

The proposed increase in population density will have untold damaging effects in this community.

We are adamantly opposed to the proposed density increase on Fleming Grant Road.

Richard and Linda Morris
9860 Oak Trail, Micco

Sent from Yahoo Mail on Android

Commissioner, D1

From: Friends of St. Sebastian River <fssr@comcast.net>
Sent: Wednesday, May 15, 2019 12:19 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: Jones, Jennifer
Subject: Comprehensive Plan Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS

To: Brevard County Commissioners
Re.: Douglas Robertson, Proposed Comprehensive Plan Amendment 2019-1.1

Dear Commissioners:

We have had the chance to review comments provided by various state and regional agencies, regarding the above referenced Comprehensive Plan amendment. We note that each of those agencies observed the local outstanding natural resources of the area and protective designations specifically for the purpose of protecting the St. Sebastian River and Indian River Lagoon, from the exact impacts that would be exacerbated by this proposed amendment.

They also reference County development policies which discourages such development in hazardous and vulnerable areas as where this property is located, thus their suggestions that you consider those impacts, and encouragement to avoid them.

As we stated in our previous letter on this issue, it is irresponsible and incompatible to approve this amendment when the County and other agencies are spending significant tax dollars to clean up the problems created by past inappropriate development in the watershed of our local impaired waterways.

We remain strongly opposed to this proposed Plan amendment. Our waterways are for the benefit of all citizens and species that depend on them for habitat. There is impact with any development and no amount of mitigation that will prevent that. Therefore it is the responsibility of all of us to minimize that impact for the benefit of everyone and the environment. The County previously recognized that responsibility by instituting lower density in this area and we ask that you respect that action and not approve this Comprehensive Plan amendment.

Thank you for your consideration.

Tim Glover, President
Friends of St. Sebastian River
info@fssr.org
www.fssr.org
www.facebook.com/FriendsofStSebastianRiver
772-202-0501

Commissioner, D1

From: Connie Blair <cblair2020@gmail.com>
Sent: Wednesday, May 08, 2019 1:10 PM
To: "\"D1.Commissioner"@brevardfl.gov
Subject: Brevard County Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

May 8, 2019

Ms. Connie Blair

9843 Riverview Drive

Micco, Fl 32976

Re: Brevard County Proposed Amendment 2019-1.1

Honorable Commissioners Pritchett, Lober, Tobia, Smith and Isnardi:

I am writing this letter to let you know that as a concerned citizen of Micco, Florida, I am adamantly opposed to any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Specifically I oppose the request being made to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase the density to 1 unit per acre. The reasons for which I oppose this are as follows:

- An increase in density is not compatible with the rural neighborhood. Most parcels are zoned 1 unit per 2.5 acres, with the exception of Mockingbird and River Oaks, built in 1955 and Oak Trail built in 1986, all before the Brevard Comprehensive Plan.
 - A density increase would mean an increase in pesticides, fertilizers, septic drain field leakage, storm water run-off and other contaminants into the St. Sebastian River damaging its ecological balance and further injuring the Indian River Lagoon.
 - We taxpayers voted to spend millions of dollars to improve the health of the Indian River Lagoon which has already been damaged by the effects of over-development.
 - The area in question floods easily. More homes mean less places for the flood water to go, putting more septic and other contaminants into the St. Sebastian River.
 - Brevard County adopted a Comprehensive Plan in 1988 for the Fleming Grant area stating that each parcel of land should be zoned 1 unit per 2.5 acres. Allowing this increase in density would set a dangerous precedent that would adversely affect the residents of this area.

Please do not approve any change to the Future Land Use Map for this property. Many people have invested in this area both financially and emotionally with the 1 unit per 2.5 acre density in mind.

Commissioner, D1

From: Diane Cathey <dcathey123@gmail.com>
Sent: Wednesday, May 08, 2019 3:14 PM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: Micco,Fl.rtf

Categories: EMAIL CAMPAIGNS

Sent from Mail for Windows 10

As a homeowner of Micco, I am very concerned about the increase density on the parcel owned by Douglas Robertson. Currently the Brevard County states for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Mr. Robertson wants to place 1 unit per acre. There are many reasons not to allow this.

The beautiful St. Sebastian River flows directly into the Indian River Lagoon. With that many more people, there would be more pesticides, septic tanks, fertilizers and runoff into the river.

The Robertson's parcel is also an area of flooding. With high flooding likely, these contaminations will easily be washed into the river and into the Indian River Lagoon.

The public has millions of tax dollars to pay for a clean Indian River Lagoon. This can only harm it, as well as the residents of St. Sebastian River and Micco.

This is a rural area. Please allow it to stay that way. Deny the changes to the Brevard County Future Land Use Map proposed by Mr. Robertson.

Sincerely,

Diane Cathey

9844 Riverview Drive

Micco, Florida 32976

From: Vickie & John Romano

May 8, 2019

9720 Fleming Grant Road

Micco, Florida 32976

(321) 403-3060

TO: Brevard County Planning & Zoning D1 Commissioner

We bought this property on Fleming Grant Road because of the rural area it is and always should remain. We have been here since 1997, and love the wide open properties that are 2 ½ acres parcels or more. This is why we moved to this area. We have an abundance of wildlife living among us, all around the rivers and our wide open spaces. They have to be protected also, why would (We the people, the Land Owner's, Tax Payers) even consider destroying their habitats. If you let one developer come in and change the Comprehensive Land Use, you will have a long line of other developers down the road wanting to make more changes. Suggest to this Developer, there are plenty of Brevard County areas that need developers to build bigger homes to beautify them. . Please, we do not want to change our Comprehensive Land Use.

Thank You,

Vickie & John Romano

Commissioner, D1

From: Jeffrey Davis <davis1427@bellsouth.net>
Sent: Wednesday, May 08, 2019 6:15 AM
To: Commissioner, D1
Subject: Opposition to Brevard Proposed Amendment 2019-1.1

Categories: Blue Category

This amendment is in not compatible with our rural neighborhood. Rationale for the original designation of land parcels (1988 Comprehensive Plan allowance for 1 unit per 2.5 acres) in the Fleming Grant/Sebastian River community supported future management/prevention of pesticides, fertilizers, septic drain field leakage and storm run-off into the Sebastian River and on into the Indian River Lagoon. Area is prone to flooding only compounding the problems. Please consider the affects of this decision and act in the best interests of the residents and health of the Indian River Lagoon. VOTE NO

Submitted by: Jeff and Mary Jane Davis
9380 Fleming Grant Rd.
Micco Fl. 32976

Commissioner, D1

From: jvjc321 <jvjc321@bellsouth.net>
Sent: Thursday, May 09, 2019 12:23 PM
To: Commissioner, D1
Subject: Fw: Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)
Attachments: CCF05092019_0001.pdf
Categories: EMAIL CAMPAIGNS

We vote to deny Amendment 19-01ESR

----- Forwarded Message -----

From: jvjc321 <jvjc321@bellsouth.net>
To: D1.commissioner@brevardfl.gov <D1.commissioner@brevardfl.gov>
Sent: Thursday, May 9, 2019, 12:02:05 PM EDT
Subject: Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)

Commissioner, D1

From: dbotto1 <dbotto1@cfl.rr.com>
Sent: Thursday, May 16, 2019 10:48 AM
To: Commissioner, D1
Subject: Micco Re-zone Proposal

Categories: EMAIL CAMPAIGNS

Dear Commissioner Pritchett,

I'm a native and 51 years in Brevard. I've served as a volunteer member of the Board of MRC.

I'm writing to you for two reasons:

Approval of the subject re-zone would be a glaring example of the mismanaged development decisions of the past. Fifty years of such decisions, made without regard for their impact on our lagoon, got us where we are today. To ADD to the already excessive inflow to the IRL of nutrients, chemicals, muck causing sediment and fresh water is beyond common sense. The current unit density allowed on this property is appropriate, please deny this request.

The Low Impact Development (LID) concept has been around for some time. It has been endorsed by EPA and our DEP and adopted by several Florida counties. Its objective is to ensure that, post-development, no additional run-off is allowed. The site actions to accomplish this goal are, for the most part, simple and cost effective. It is a definite win-win as it not only ensures surface water quality maintenance and re-charge of our critical aquifer but also reduces the need for costly stormwater transport and treatment infrastructure. There is plenty of information available about LID. I would appreciate thirty minutes of your time to discuss LID – it is the future of development in Florida.

To close, I respectfully urge you to deny the Micco re-zone proposal. I also ask that you consider a moratorium on density increases until a study of their impact on the long term health of the IRL is completed.

David C. Botto
275 Poinciana Drive
Indian Harbour Beach,

Commissioner, D1

From: Chris Davis <cdavis8683@gmail.com>
Sent: Wednesday, May 15, 2019 1:34 PM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

This amendment is not at all compatible with our rural neighborhood for numerous reasons. Original land parcel designation was based on rationale that mitigated issues regarding pesticides/fertilizers, septic drain field leakage and storm water run-off all leading to the St. Sebastian River and ultimately the Indian River Lagoon. Brevard County's 1988 Comprehensive Plan concerning the Fleming Grant/Sebastian River area was set so that each parcel was zoned for 1 unit per 2.5 acres. This area is already prone to flooding, more development will only compound an existing issue pushing more runoff into the river. Please consider what affects this decision will have on the residents and health of the Indian River Lagoon.

Vote No

Submitted by: Chris Davis
9380 Fleming Grant Rd,
Micco, FL 32976

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Pritchett, Rita](#); [Craddock, Amy](#)
Subject: FW: P&Z item 18PZ00166
Date: Tuesday, May 28, 2019 8:25:40 AM
Attachments: [image001.png](#)

Good morning, Jennifer.

On behalf of Commissioner Pritchett we are forwarding an email received regarding the above item on the May 30th zoning agenda.

Regards,

Marcia Newell

Legislative Aide to Commissioner Rita Pritchett
Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

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

From: Ronald Bartcher <bartcher@cfl.rr.com>
Sent: Sunday, May 26, 2019 4:40 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: P&Z item 18PZ00166

Dear Commissioner Pritchett:

In reference to P&Z item 18PZ00166 on the May 30 agenda, please deny this land use change for two reasons: 1) this proposed development would increase septic pollution by a factor of four times what could be developed without this land use change and 2) this proposed

development is incompatible with the existing development in this area because the proposed development would add houses on smaller lots than what already exist.

#1 – This developer presented his project plan for this 20 acres to the P&Z Advisory Board on May 20. Much of the discussion from him and from residents centered on the Future Land Use Designation of 1 house per 2 ½ acres and his point was that his development would be much better. However, comparing the developer's project to some mythical project of 1 house on 2 ½ acres is a distraction and is irrelevant. There are only two legitimate comparisons. 1) compare to the existing property and 2) compare to what could be actually and legally be developed without the proposed Land Use change.

Currently, this property is undeveloped and has zero septic tanks and has zero house owners fertilizing yards. This property currently contributes zero pollution.

Because the Future Land Use Designation and the Zoning Classification for this property are inconsistent as defined in Sec. 62-1255, the only development rights come from the original plat of the property from 1894, which is one house and one septic tank on the two originally platted lots of approximately 10 acres each.

The actual and legal worst-case development that can occur without the proposed Land Use change is two houses and two conventional septic tanks. Having one house with 10 acres of land around it provides plenty of land to handle any runoff and fertilizer the house owner might use. So, the pollution contribution would be two conventional septic tanks.

When this developer presented his project plan to the P&Z Advisory Board on May 20, he originally wanted to put twenty houses with twenty conventional septic tanks, as was shown by his proposed BDP. After a couple of hours of discussion, he finally reduced his proposed project to 16 houses with 16 high efficiency septic tanks.

As you know from the study that your staff did to prepare for the Nitrogen Reduction Overlay, a high efficiency septic tank is approximately twice as effective as a conventional septic tank. So, the 16 high efficiency septic tanks are equivalent to 8 conventional septic tanks. Therefore, his development project will create 4 times as much septic pollution as would be created by the development he is currently allowed.

Approving a project that increases pollution by a factor of 4 will not meet the County's goal of reducing lagoon pollution as defined in the Comprehensive Plan, Surface Water Management Element, Policy 4.11.

#2 – The current zoning is RU-1-13, allowing a minimum lot size of 7500 square feet. The developer wants to retain this zoning because he doesn't know how small the lots may have

to be to get the 16 houses that he is requesting in his BDP. Small lots are incompatible in this rural area.

This property has about 5 acres of land next to the river that is labeled as "swampy" on the developer's survey. Also, most of that property is in an AE flood zone. A significant part of the property is in the Coastal High Hazard Area. Further, 4 to 5 acres of the property have aquifer recharge soils. Considering these areas where there should be no development and taking into account that 25% of the remaining property would be used for streets and stormwater drainage, the probable lot size would be less than half an acre.

Since staff research has shown that 2/3 of the houses in the surrounding area are on lots of 1 acre or more, this development is simply not compatible with this rural area. In addition, please note that 21 lots that are less than one acre were platted in 1956, 30 years before comprehensive planning was considered important. Most of the other small lots were created prior to the county's Comprehensive Land Use Plan adopted in 1988. Land Uses that were allowed 60 years ago should not be a reason to allow this development to proceed.

Please deny this proposed land use change.

Ronald Bartcher
3431 Grantline Road, Mims

Furru, Christine

From: B D <rel_eng@yahoo.com>
Sent: Wednesday, May 22, 2019 10:52 AM
To: Commissioner, D3
Cc: Doug & Mary Sphar
Subject: Opposition to Comprehensive Plan Amendment 2019-1.1.

Categories: Christine

Dear Commissioner Tobia,

I am very concerned about the proposed zoning updates in the Comprehensive Plan Amendment 2019-1.1. These updates change the density from 1 unit per 2.5 acres to 1 unit per acre for a property on the St. Sebastian River at the Indian River County border, near the point at which the river flows into the Indian River Lagoon. The Commission will hear this agenda item on May 30th.

Micco Homeowners Association, Sierra Club, Marine Resources Council, and Friends of the St. Sebastian River all oppose this amendment. The property has many characteristics that make development detrimental to the health of the Indian River Lagoon. Below is a list of characteristics of this property that are of significant concern:

1. In Coastal High Hazard Area
2. In FEMA flood zone AE
3. Wetlands
4. Aquifer soils (sandy so that septic effluent drains right down to water table)
5. Next to St. Sebastian River where it enters the IRL, on an Aquatic Preserve
6. Specimen trees (large trunk diameter)
7. Limited to development with septic systems and water from wells

I am a concerned citizen in your district. I am also the president of the Space Coast Paddlers club and an executive member of the Turtle Coast Sierra Club. I am asking for your support in denying this change to the Comprehensive Plan Amendment 2019-1.1. Please help us all protect Brevard County's most precious natural resource – the IRL.

Thank you,

Bill DeBusk

Furru, Christine

From: Patricia Shelton <therealpatshelton@yahoo.com>
Sent: Friday, May 24, 2019 10:02 AM
To: Commissioner, D3
Subject: Proposed Density Change in Micco

Please vote no on doubling the density of development in Micco, where the fragile ecology will suffer a tragic result from the increased septic tanks, increased muck in the lagoon, and destruction of the natural environment that is the very cause of our desire to live in Brevard. For our children and grandchildren's sake, please take a stand for the lagoon and our future.

Pat Shelton
1046 Acappella Dr, Melbourne 32940
Sent from Mail for Windows 10

Furru, Christine

From: Jeff Eble <jeble@fit.edu>
Sent: Friday, May 24, 2019 10:31 AM
To: Commissioner, D3
Subject: No to high density housing on Sebastian River

Commissioner Tobia

The health of the IRL is in serious decline and elevated nutrients from upland development are a primary cause. I regularly hear from long time residents how beautiful and abundant the IRL used to be and I hope that one day the stories will instead be about how much progress has been made rather than what has been lost. Even in it's compromised state the Sebastian River provides critical ecological services including to fisheries as valuable nursery and foraging habitat, and to homeowners by buffering both storm and hydrological flooding. While the exact value of these services is hard to quantify, decades of research has clearly demonstrated the significant economic and social benefits that come from preserving and restoring coastal and upland habitats. In the Sebastian River, this would include protecting critical habitat for at least 14 aquatic species of fish that are being reviewed for listing under the Endangered Species Act because of their unique diversity and recent, dramatic declines in abundance.

For the health of the Sebastian River, the IRL and the community, please reject the proposed rezoning of the 20-acre parcel in Micco fronting the Sebastian River and abutting Sebastian River State Park.

Thank you

--
Jeff A. Eble, Ph.D.
Doherty Visiting Professor
Ocean Engineering and Marine Science
Florida Institute of Technology
150 W. University Blvd.
Melbourne FL 32901
Cell: (508) 237-9551

Furru, Christine

From: Emily Ralston <eralston@fit.edu>
Sent: Friday, May 24, 2019 10:49 AM
To: Commissioner, D3
Subject: Zoning change in Micco

Dear Mr. Tobia,

I hope this finds you well. I am writing regarding the request to rezone the 20 acre parcel of land in Micco on the agenda of the County Commission Zoning meeting this Thursday. I am concerned that the rezoning request will be granted. This would be a singularly bad idea. It would be a setback for the recovery of the Indian River Lagoon. I see that you and the rest of the Commissioners approved the 2019 Save Our Indian River Lagoon Project Plan Update. The lower levels of much were good news. Approving this rezoning is a big step backward. With the additional funds, the Commission increased funding for septic to sewer conversions and approved additional funds for storm water projects, both very necessary. Granting the request for increased density on this property flies in the face of these goals. This development does not have access to sewer, so all of the houses will be on septic. The property is right on the Sebastian River, near the mouth where it flows into the IRL. With the higher density, there will be a greater amount of impervious surfaces and higher amounts of stormwater runoff. All of these will lead to more muck and more nutrients making their way into the IRL.

I hope that you will take these things into consideration on Thursday and vote against the rezoning request for the property in Micco.

Best,
Emily Ralston, Melbourne Beach

Emily Ralston, PhD
Center for Corrosion and Biofouling Control
Florida Institute of Technology
150 W University Blvd
Melbourne, FL 32901
321-674-7334
research.fit.edu/ccbc/

Furru, Christine

From: Judith Berry <mothernature77@outlook.com>
Sent: Friday, May 24, 2019 12:47 PM
To: Commissioner, D1; Commissioner, D3
Cc: Marine Resources Council
Subject: Opposed to density change doubling number of houses on 20 acre parcel of land in Micco along St. Sebastian River and Indian River Lagoon

Commissioners Pritchett and Tobia:

I am writing to OPPOSE the vote scheduled for 5:00 p.m. on May 30th by the County Commission to permit building double the number of houses allowed on the property in Micco along the Sebastian River.

It doesn't make any sense to double the number of houses allowed with septic systems in the area of the Sebastian River and Indian River Lagoon. Demucking of Eau Gallie River has just been completed in an attempt to help clean the Lagoon and now they're talking about adding many more septic systems in this area in Micco – along another river which empties into the Lagoon. How long until these systems start leaking and adding to the pollution??

How can the Indian River Lagoon ever get cleaned up if you allow more affluent to keep entering the waterway?

I grew up living near the Merrimack River in Haverhill MA.. That river empties into the Atlantic Ocean at Newburyport, MA. It was polluted from years of shoe manufacturing along the river. The waste, dyes, etc. were all dumped into the river and nothing could live in the water, you could not swim or anything else in that river. They cleaned up the river and now there are beautiful homes, fishing flourishes in river, the river scenery is great and the river provides much enjoyment for the public. We can eat the fish we catch in the Merrimack River today and I'm sorry to say that we can't feel safe eating anything caught in the Indian River Lagoon anymore. We used to go fishing and shrimping in the Indian River in the 60's and 70's, but not today!

WE NEED TO CLEAN UP THE INDIAN RIVER LAGOON AND NOT ADD MORE POLLUTION TO THIS RIVER.

Judith Berry
1570 N Carpenter Rd
Titusville FL 32796
321/289-3180

Furru, Christine

From: Ted Moorhead <snookcatcher49@yahoo.com>
Sent: Friday, May 24, 2019 1:25 PM
To: Commissioner, D3
Subject: rezoning vote

A developer is proposing a building density change to double the number of houses on a 20-acre parcel of land in Micco along the St. Sebastian River. This is an area that has no sewer service, is located on a floodplain, and is susceptible to sea level rise. The Micco residents are outraged and speaking out against the project. We can't keep developing the way we have in the past and expect a different result! The property was purchased with the present zoning. Why should a developer profiteer through rezoning what will further impact the already stressed Indian River Lagoon? Please vote against this rezoning.

Ted Moorhead (registered to vote in Brevard county)
2571 Vernon Drive NE
Palm Bay, Florida

Sent from Mail for Windows 10

Furru, Christine

From: James Georges <sunshinestateservices@gmail.com>
Sent: Friday, May 24, 2019 3:46 PM
To: Commissioner, D3
Subject: Pending Micco Rezoning Request

Dear Mr. Tobia-

I urge you to do right by the citizens of Brevard and stand firmly against this request. We have not heretofore done anything to curtail the uncontrolled sprawl in this county. Let's change that. Lets think about the future this time. Be the guy who asks, "Is this really smart?"

Sincerely-

Mary Ward
432 Sparrow Dr.
Satellite Beach, FL 32937

Furru, Christine

From: Julie Seberry <jseberry@bellsouth.net>
Sent: Friday, May 24, 2019 5:50 PM
To: Commissioner, D3
Subject: No density change

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

Sent from Yahoo Mail on Android

Furru, Christine

From: Heather Rauchfuss <hrauchfuss@gmail.com>
Sent: Sunday, May 26, 2019 1:53 PM
To: Commissioner, D3
Subject: Brevard County Commission Zoning meeting on Thursday, May 30th proposed building density change in Micco along the St. Sebastian River

Dear Mr. Tobia,

Please support the Indian River Lagoon and vote against the proposed building density change to double the number of houses on a 20-acre parcel of land in Micco along the St. Sebastian River. This is an area that has no sewer service, is located on a floodplain, and is susceptible to sea level rise.

Why is this bad?

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

Approval of this rezoning request will set a precedent that will open the entire area for higher density development.

We know that development doesn't pay for itself, and in the long-run, we all lose as our quality of life goes down the (storm) drain with the health of the Indian River Lagoon.

Sincerely,

Heather Rauchfuss

445 Sandy Key

Melbourne Beach, FL 32951

321-725-5282

hrauchfuss@gmail.com

Furru, Christine

From: Ronald Bartcher <bartcher@cfl.rr.com>
Sent: Sunday, May 26, 2019 4:43 PM
To: Ronald Bartcher
Subject: P&Z item 18PZ00166

Dear Commissioner:

In reference to P&Z item 18PZ00166 on the May 30 agenda, please deny this land use change for two reasons: 1) this proposed development would increase septic pollution by a factor of four times what could be developed without this land use change and 2) this proposed development is incompatible with the existing development in this area because the proposed development would add houses on smaller lots than what already exist.

#1 – This developer presented his project plan for this 20 acres to the P&Z Advisory Board on May 20. Much of the discussion from him and from residents centered on the Future Land Use Designation of 1 house per 2 ½ acres and his point was that his development would be much better. However, comparing the developer's project to some mythical project of 1 house on 2 ½ acres is a distraction and is irrelevant. There are only two legitimate comparisons. 1) compare to the existing property and 2) compare to what could be actually and legally be developed without the proposed Land Use change.

Currently, this property is undeveloped and has zero septic tanks and has zero house owners fertilizing yards. This property currently contributes zero pollution.

Because the Future Land Use Designation and the Zoning Classification for this property are inconsistent as defined in Sec. 62-1255, the only development rights come from the original plat of the property from 1894, which is one house and one septic tank on the two originally platted lots of approximately 10 acres each.

The actual and legal worst-case development that can occur without the proposed Land Use change is two houses and two conventional septic tanks. Having one house with 10 acres of land around it provides plenty of land to handle any runoff and fertilizer the house owner might use. So, the pollution contribution would be two conventional septic tanks.

When this developer presented his project plan to the P&Z Advisory Board on May 20, he originally wanted to put twenty houses with twenty conventional septic tanks, as was shown by his proposed BDP. After a couple of hours of discussion, he finally reduced his proposed project to 16 houses with 16 high efficiency septic tanks.

As you know from the study that your staff did to prepare for the Nitrogen Reduction Overlay, a high efficiency septic tank is approximately twice as effective as a conventional septic tank. So, the 16 high efficiency septic tanks are equivalent to 8 conventional septic tanks. Therefore, his development project will create 4 times as much septic pollution as would be created by the development he is currently allowed.

Approving a project that increases pollution by a factor of 4 will not meet the County's goal of reducing lagoon pollution as defined in the Comprehensive Plan, Surface Water Management Element, Policy 4.11.

#2 – The current zoning is RU-1-13, allowing a minimum lot size of 7500 square feet. The developer wants to retain this zoning because he doesn't know how small the lots may have to be to get the 16 houses that he is requesting in his BDP. Small lots are incompatible in this rural area.

This property has about 5 acres of land next to the river that is labeled as "swampy" on the developer's survey. Also, most of that property is in an AE flood zone. A significant part of the property is in the Coastal High Hazard Area. Further, 4 to 5 acres of the property have aquifer recharge soils. Considering these areas where there should be no development and taking into account that 25% of the remaining property would be used for streets and stormwater drainage, the probable lot size would be less than half an acre.

Since staff research has shown that 2/3 of the houses in the surrounding area are on lots of 1 acre or more, this development is simply not compatible with this rural area. In addition, please note that 21 lots that are less than one acre were platted in 1956, 30 years before comprehensive planning was considered important. Most of the other small lots were created prior to the county's Comprehensive Land Use Plan adopted in 1988. Land Uses that were allowed 60 years ago should not be a reason to allow this development to proceed.

Please deny this proposed land use change.

Ronald Bartcher
3431 Grantline Road, Mims

Furru, Christine

From: Steve Heake <steveheake789@gmail.com>
Sent: Tuesday, May 28, 2019 8:35 AM
To: d1.commissioner@brevardfl.com; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: gwenheake57@gmail.com
Subject: Rezoning of Existing Property along Fleming Grant Rd - Land Use Amendment 2019-1.1

All,

I am a new resident in this area . I recently finalized a land purchase and am planning to build a house. My wife and I are beginning a new chapter of our lives after moving from some difficult circumstances in St Cloud.

We looked across the entire County for almost 1 year before settling on this piece of land for our retirement . We love the rural feel, wildlife and overall piece and quiet .

I was upset to learn that there may be rezoning of the 20 acre property near Mockingbird Lane . I understand it's a major change and could set an unwanted precedent in the area .

We are totally APOSED to this change. There are a few bigger parcels in this area (some across from our land) and do not want to see them changed in any way .

They are exactly why we selected the Fleming Grant area.

Please vote against this change and force the developer to build as designed by current zoning reqs (not altered in 31 yrs) Or set his sights on another piece of property.

**Steve/Gwen Heake
(407) 630-1800**

Furru, Christine

From: Jeff Mac Makin <goufmon21@gmail.com>
Sent: Friday, May 24, 2019 9:49 AM
To: Commissioner, D3
Subject: Zoning change request

All higher density requests should be turned down, this area is under enough stress as it is.

Jeff Mac Makin

798 Bautzen Ave. PalmBay,

Furru, Christine

From: Chris Davis <cdavis8683@gmail.com>
Sent: Wednesday, May 15, 2019 1:35 PM
To: Commissioner, D3
Subject: Fwd: Brevard Proposed Amendment 2019-1.1

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:34 PM
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
To: <D2.Commissioner@brevardfl.gov>

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

From: **Chris Davis** <cdavis8683@gmail.com>
Date: Wed, May 15, 2019 at 1:33 PM
Subject: Brevard Proposed Amendment 2019-1.1
To: <D1.Commissioner@brevardfl.gov>

This amendment is not at all compatible with our rural neighborhood for numerous reasons. Original land parcel designation was based on rationale that mitigated issues regarding pesticides/fertilizers, septic drain field leakage and storm water run-off all leading to the St. Sebastian River and ultimately the Indian River Lagoon. Brevard County's 1988 Comprehensive Plan concerning the Fleming Grant/Sebastian River area was set so that each parcel was zoned for 1 unit per 2.5 acres. This area is already prone to flooding, more development will only compound an existing issue pushing more runoff into the river. Please consider what affects this decision will have on the residents and health of the Indian River Lagoon.

Vote No

Submitted by: Chris Davis
9380 Fleming Grant Rd,
Micco, FL 32976

Furru, Christine

From: sunwrent@aol.com
Sent: Tuesday, May 14, 2019 10:04 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3;
D4.Commissioner@Brefardfl.gov; Commissioner, D5; jenniferfl.gov@aol.com
Cc: info@fssr.org
Subject: Proposed Zoning Change in Micco

Hello. I understand that the owners of a 20-acre parcel in Micco which fronts the North Prong of the St. Sebastian River is requesting a zoning change to allow more houses to be built than is currently allowed.

I am opposed to any zoning changes that would allow more houses to be built on this parcel. The St. Sebastian River and the Indian River Lagoon will suffer if a lot of houses are built on this parcel.

As you know, we are spending a lot of money trying to combat our serious water pollution problems and we don't need more runoff problems by allowing more houses to be built along our waterways.

Please do not allow this zoning change to be adopted. And, at the very least, please require that any homes that are built on this parcel contain more native plants and less (or no) grass so that fertilizers will not be required.

Thank you,
Jane Schnee
Sebastian, FL



East Central Florida Regional Planning Council

455 N. Garland Avenue, Orlando, FL 32801
Phone 407.245.0300 • Fax 407.245.0285 • www.ecfrpc.org

Hugh W. Harling, Jr. P.E.
Executive Director

April 2, 2019

Commissioner Kristine Isnardi, Chair
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Suite A114
Viera, FL 32940

RE: 2019-1 Spring Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Commissioner Isnardi:

We have received the referenced proposal relating to the 20.39 acre parcel on the St. Sebastian River at a point that is less than two miles from the Indian River Lagoon, an area identified as a natural resource of regional significance in the East Central Florida Strategic Regional Policy Plan (SRPP). The request is to increase the residential density from the current one unit per 2.5 acres to one unit per acre.

We offer the following observations:

1. The area does not have sanitary sewer so the units would be on septic tanks. This change would more than double the impacts from septic tanks on the river and lagoon. As you are well aware, the lagoon has experienced algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue.
2. The areas adjacent to the site on the east and west sides have similar densities as currently allowed on the subject property.
3. Much of the property is within the FEMA flood zone. Additionally, sea level rise in the area has not been addressed in this application. Projections from the National Oceanic and Atmospheric Administration currently predict nearly a two foot rise by 2040, about four feet by 2060 and eight feet by 2100. It is not advisable to subject double the number of residents to future flooding as is currently allowed.

Executive Committee

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Dina Sweatt
Mayor of Groveland
Lake Cty League of Cities

Member at Large
David Moore
County Commissioner
Marion County

4. Approximately one quarter of the site is currently within the Category 1 storm surge zone.

The East Central Florida Strategic Regional Policy Plan offers guidance in these areas and contains relevant policies;

1. Under the Energy and Climate Change chapter, the goal is to "Reduce the consumption of energy and prepare the region for the impacts of climate change." Policy 8.1 states, "Support research that determines if, when, and where selected coastal communities should be either relocated or protected."
2. Under Adaptation and Planning of this chapter, Policy 8.5: "Encourage communities to identify coastal land uses and critical facilities that may be impacted by sea level rise."
3. The Natural Resources chapter contains Policy 3.6: "Development and redevelopment for higher densities should be discouraged in Coastal High Hazard Areas, defined as the Category 1 storm surge area." Keep in mind that the areas currently impacted by storm surge will increase with sea level rise.
4. Natural Resources Policy 3.18 states: "Development in the 100 year floodplain should be discouraged."

We have been working with Brevard County staff on the Regional Resiliency Action Plan and we are pleased to report that the county adopted this plan on March 26, 2019.

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

If you have any questions, please contact Fred Milch at 407/245-0300, extension 315.

Sincerely,



Hugh W. Harling, Jr., P.E,
Executive Director, ECFRPC

Executive Committee

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John Lesman
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Seminole County

Vice Chair
Sean Parks
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Member at Large
Dina Sweatt
Mayor of Groveland
Lake Cty League of Cities

Member at Large
David Moore
County Commissioner
Marion County

Dear Ms. Campbell,

St. Johns River Water Management District (District) staff have reviewed Brevard County's proposed comprehensive plan amendment 19-1ESR. District staff review, as outlined in Florida Statutes, focused on flood protection and floodplain management, regional water supply, and wetlands and other surface waters as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted. District staff provide the following technical assistance related to wetlands and other surface waters.

Amendment

The proposed amendment consists of a future land use map change for a 20.39-acre parcel. The parcel, located on the north prong of the St. Sebastian River, is not within a public potable water or sanitary sewer service area. The amendment would increase density from one dwelling unit per 2.5 acres to one dwelling unit per acre and allow up to 20 single-family dwelling units that utilize private wells and on-site treatment and disposal systems (OSTDS).

Important State Resources and Technical Assistance

The Indian River Lagoon (IRL), which is designated as an estuary of national significance, provides important environmental and economic benefits to the region and state. The subject parcel is approximately 1 mile upstream of the IRL and adjacent to the Indian River-Malabar to Vero Beach Aquatic Preserve. The Florida Department of Environmental Protection has identified the IRL as biologically impaired due to nutrients (particularly nitrogen and phosphorus) and adopted Total Maximum Daily Loads. A Basin Management Action Plan (BMAP) was developed by stakeholders, including the County, to prepare a blueprint for water quality restoration in the IRL. The goal of the BMAP is to decrease the nutrient loads to these waters and restore seagrass populations in the IRL.

As part of the analysis of the proposed amendment, the County should consider whether the potential increase in allowable density would result in adverse impacts to the IRL and whether there are ways to mitigate those potential impacts. Excess nitrogen and phosphorus feed undesirable algae growth. In addition, conventional septic systems near coastal estuaries remain a significant contributor of nitrogen and phosphorus to these waterbodies.

The County's staff report indicates that a portion of the property is located within the County's Nitrogen Reduction Overlay (NRO) and required to use enhanced-treatment OSTDS. During discussions with the County's planning department, the staff noted that the applicant had indicated an intent to utilize enhanced-treatment OSTDS throughout the entire parcel. The District recognizes the County's implementation of the NRO and encourages the County to require enhanced-treatment OSTDS on the entire parcel because of the proximity to the IRL.

If you have any questions or need additional information, please contact me. Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner

Governmental Affairs Program
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
E-mail: sfitzgibbons@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/>

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Cc: [Serk, Erin](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1(19-01ESR)
Date: Tuesday, March 26, 2019 8:33:41 AM
Attachments: [MHOA-Campbell 3-2019.pdf](#)
[MHOA-MAP Fleming 2.5.pdf](#)
[MHOA-Fleming AE flood.PNG](#)

From: miccohomeowners@aol.com [mailto:miccohomeowners@aol.com]
Sent: Monday, March 25, 2019 6:04 PM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1(19-01ESR)

Please review 3 attachments. Thank you.

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

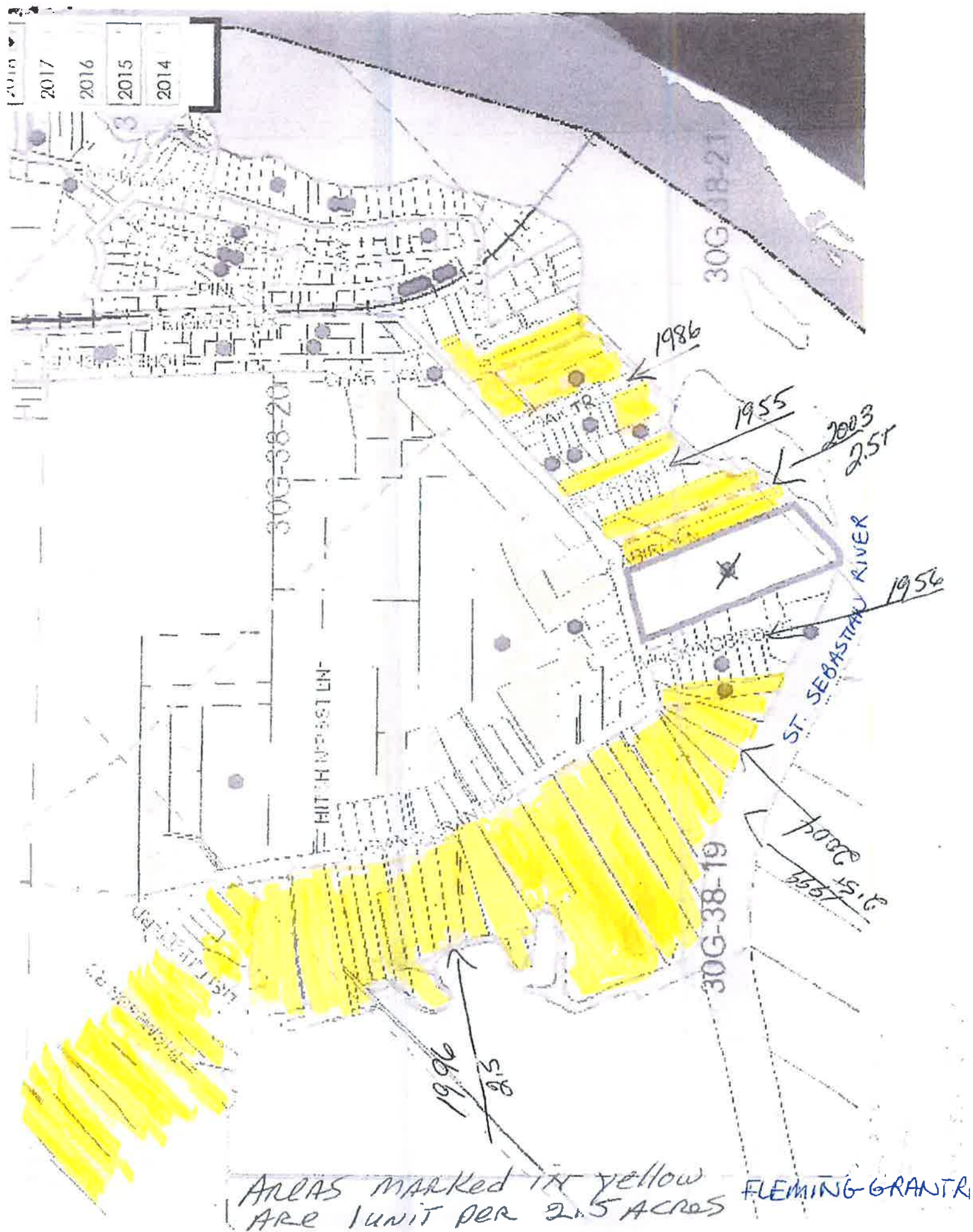
TO: Ms. Cheryl Campbell, Brevard County Planner
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: March 25, 2019

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

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

Please do not approve any change to the Future Land Use Map for this property.

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





From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Cc: [Stern, Erin](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, March 27, 2019 1:48:34 PM
Attachments: [Petition against amending comp plan.pdf](#)

From: Linda McLain [mailto:lmclain45@aol.com]
Sent: Wednesday, March 27, 2019 9:40 AM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Date March 26, 2019

Dear Ms Campbell,

I am writing to ask that the above amendment be denied. It is for a 20 acre project on the Sebastian River with wetlands on the property and other environmental issues. The property is currently under a Comprehensive Land Use Plan that allows 1 unit per 2.5 acres. That would allow the owner to put 8 houses on this property. The owner is asking to be allowed to amend the comp plan so that he can put 20 houses on this land. There is NO water and No sewer in Micco and NO plan to ever put them here by Brevard County. There is NO drainage system here. Our water runs in ditches and eventually makes it into the Sebastian River because the land here all slopes toward the river. I am not against a person developing their land but this project will directly affect the neighbors in this area who about the property as well as impacting the river in a very negative way with run off.

I have included a map of our area showing with RED DOTS all the adjoining properties that are 2.5 acres or more. It will clearly identify show that this is a rural area with homes on large parcels of land and that this development which is being designed to be 600 feet wide and about 1500 deep will have properties in size approx 1/2 acre (which is the state minimum for septic tanks) and that this development is NOT compatible with surrounding properties and will devalue them. I have included photos of surrounding properties showing how sparsely they are located to each other now and how large the frontage is with fences and animals, not at all in keeping with this project. I live on 2.6 acres directly across from this proposed project and my neighbors on both sides of me live on properties from 4-8 acres each. We are not an area of small lots.

There is also included a copy of the petition against amending the comp plan signed by over 70 immediate neighbors to this project.

I will include photos of what happens here now when it rains, how water floods the adjoining properties and that the water has nowhere to go. Also included will be a new residence that backs up to this property. Because of septic requirements, the property is built up about 4 or 5 feet above the natural grade. If you put 20 houses on built up foundations in this project, all the water will run off that area onto the surrounding neighbors, ditches and directly into the Sebastian River. There is no way to contain it. When it rains heavily here the county is unable to help us with this problem. The county also has no solutions for us when our wells fail or our septic drainfields have to be replaced. Recent costs to replace

septic drainfields have been \$6500-\$11,000. Some of the homes constructed adjoining this 20 acres were built in the 1960's and are at a much lower elevation. What will happen to their drainfields as a direct consequence of all the fill that will be required on these new homesites.

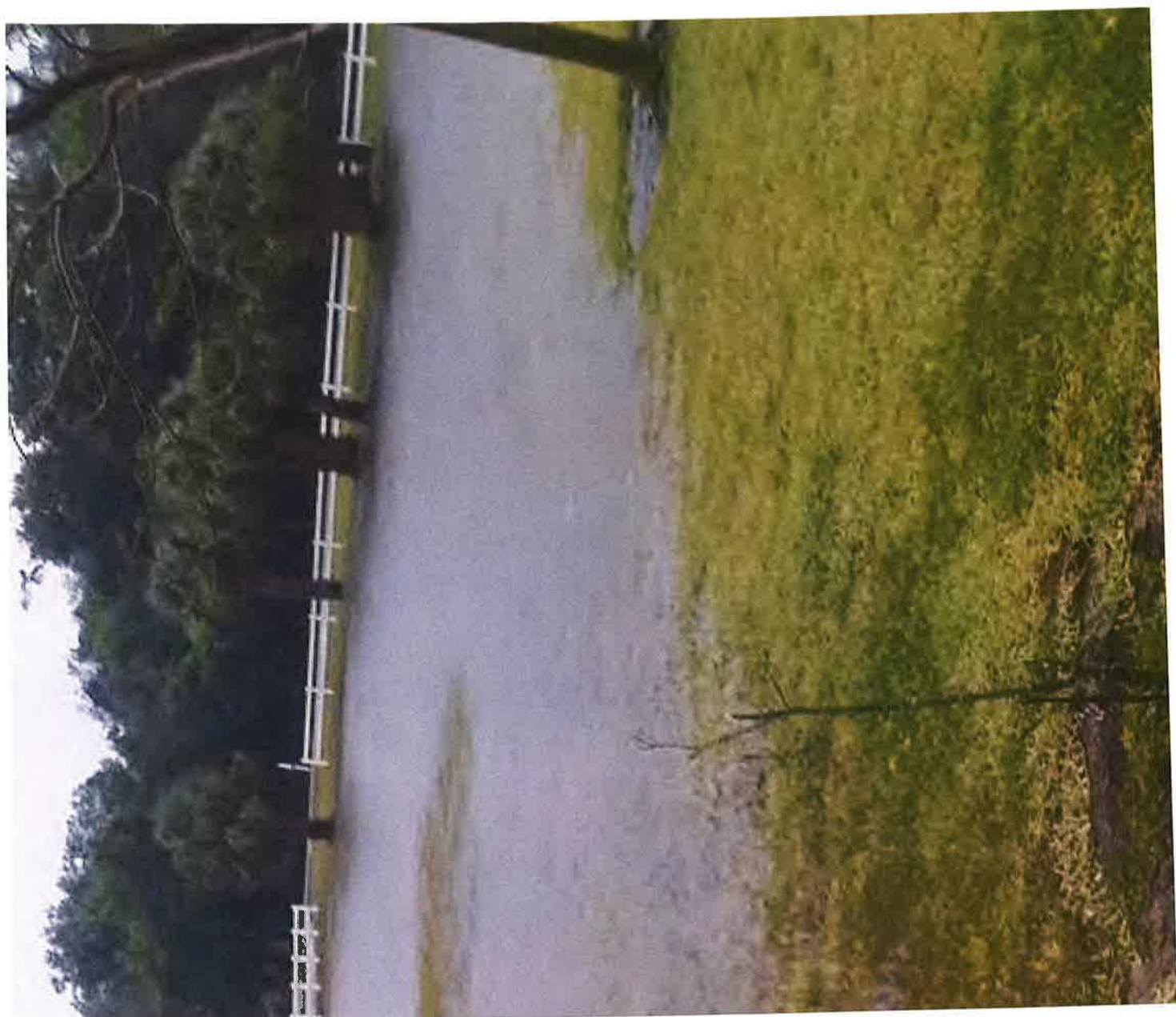
This 20 acres has approx 5 acres of wetlands on it and floodplain as well as being located in a coastal high hazard area. How can it be developed with 20 homes on it and not directly impact the Sebastian River that it fronts on? How can you put a road in and squeeze that many homesites there? In 1988 Brevard County set the Comprehensive Plan at 1 unit per 2.5 acres on ALL the land between Fleming Grant Rd and the Sebastian River. It was done to protect the river from over development. Since 1988, ALL the properties that were developed in that same area EACH had a minimum of 2.5 acres. No one has been allowed to create a smaller property. Why is this developer being given special treatment by our county? Why aren't we concerned about protecting the river today when more than ever it needs it? Look at the condition of the Indian River Lagoon and all the money being spent to clean it up. The Sebastian River flows directly into the lagoon and will have an impact on it if over development is allowed to happen.

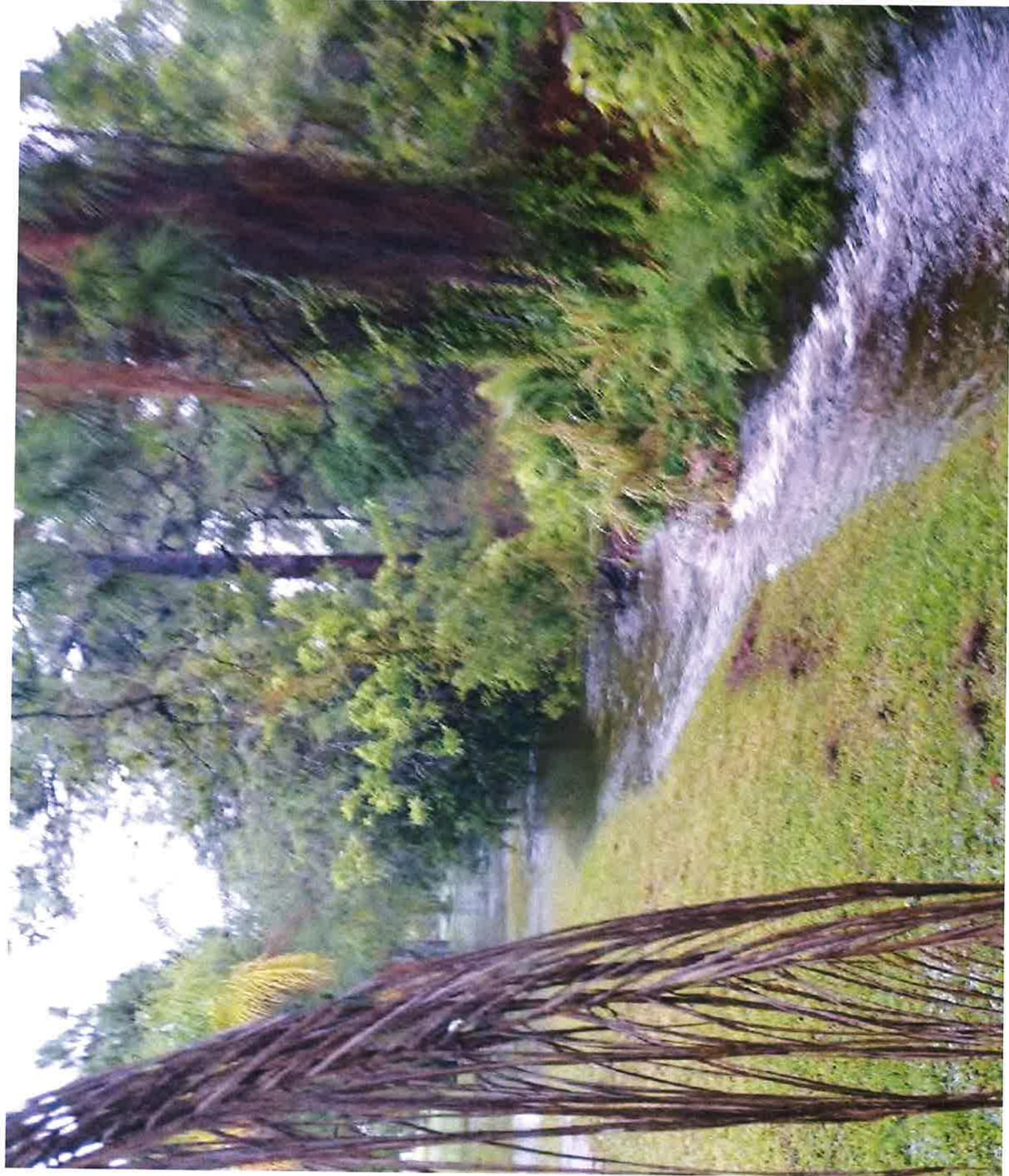
I would ask you to please consider all the wildlife that live in this 20 acres that will be completely destroyed if this project is allowed. There are wild turkey roosting there, numerous turtles and other animals that roam freely here in our country setting. Please consider how much of this wooded area would be destroyed to make room for 20 homes, driveways, septic areas and the road into this property.

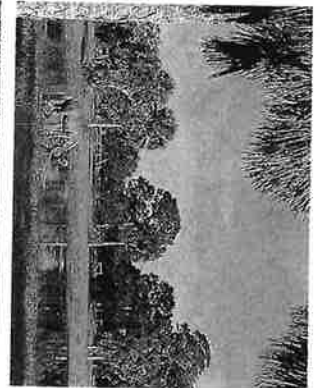
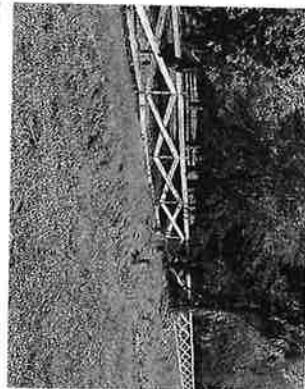
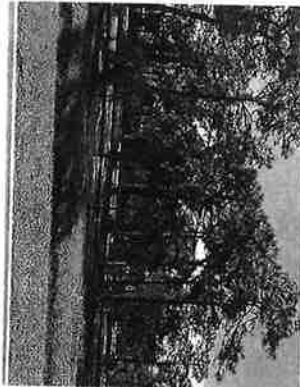
Again I would ask that you consider all these things as you make your evaluation of this amendment. This is not going to be an asset to anyone but the developer who will destroy this neighborhood and pollute the river in order to make a larger profit on this recent purchase of land. I will include a petition signed by over 70 neighbors who are opposed to this comprehensive land use amendment. Thank you for your time and attention of this letter and the attachments.

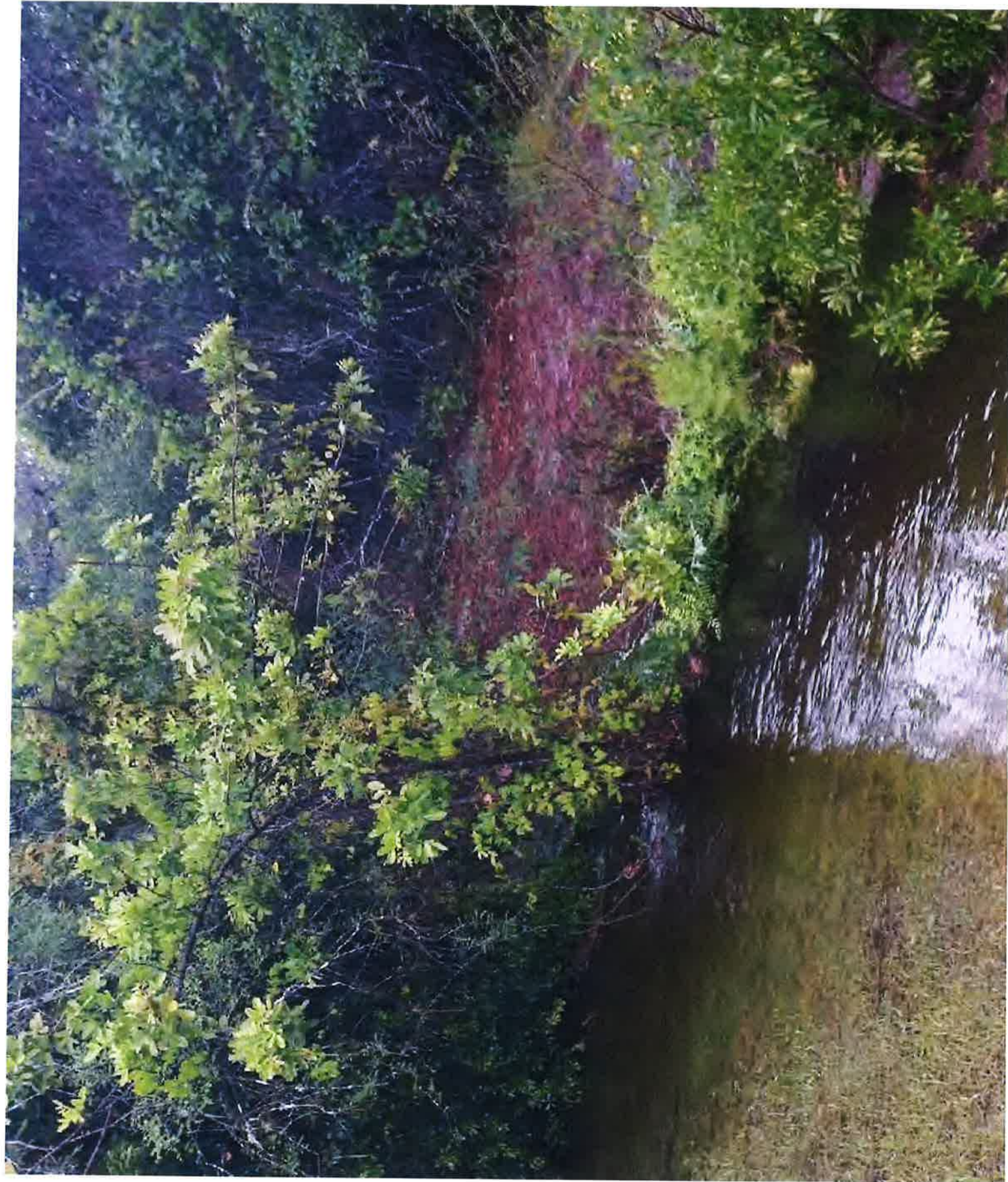
Sincerely,

Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976
772-664-2274









sparse population



01/16/2017



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

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

Thanks

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

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

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

Sent from Robin's iPad

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

Dear Robin and Charlie:

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

Sincerely,

Cheryl W. Campbell, RLA, APA

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

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

Dear Cheryl

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

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

<image001.png>

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

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

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

<image002.png>

<image003.png>

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



Robertson 20 acres



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

<image004.png>

<image005.png>

The storm water basin just off Fleming Grant Rd is inadequate to hold the amount of water that flows south and west into the basin. These next pictures show the storm water basin as it is today. The basin has not been maintained.

<image006.png>

<image007.png>

These next pictures show the aftermath of the storm basin flooding in neighboring yards.

<image008.png>

<image009.png>

These pictures show how inadequate the current storm water run off management is failing in our neighborhood. Increasing density in the area will only exacerbate the situation. If changes are granted to the Comprehensive Land Use Plan, how many homes can be named into half acre lots on the thousands of undeveloped land on Fleming Grant. This is a rural community and not Palm Bay. We cannot have Palm Bay development in an area that has no municipal water or wastewater systems to handle the density of a normal city. Please consider these points in making your decisions about this change in the Brevard County Comprehensive Land Use plan.

Understand we are not against development, we want responsible development that mitigates harm to the environment and fits the community in general.

Sincerely,

Robin and Charlie Carroll

9575 Fleming Grant Rd
Micco, FL 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Cc: [Serk, Erin](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, March 27, 2019 1:51:31 PM

From: Mark Loyacano [mailto:mark_loyacano@hotmail.com]
Sent: Wednesday, March 27, 2019 10:09 AM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Dear Ms. Campbell.

The proposed Future Land Use Map revision for a 20.39 acre parcel on Fleming Grant Rd. is troubles me from a business standpoint as well as it adding an environmental impact.

When advertised for sale, density restrictions were a matter of public record. Anyone planning to build there could have known about the RES 1:2.5 FLU designation.

Please honor current zoning restrictions as well as the good faith already shown by developers in that area. They have dutifully adhered to this code since it was initiated in 1988.

Zoning restrictions help protect our local waters. Toxic brews in our estuary, the Indian River Lagoon, and in the St. Sebastian River, are largely of our own making. The St. Sebastian River water's flow continuously into the Indian River Lagoon while carrying our pollutants too. Science research points to septic systems being unsuited for our soil types, no matter how modern the system.

This Feb. 12, 2014 FAU-Harbor Branch presentation, by Dr. Brian Lapointe and Marie Tarnowski explains it in ways all of us can understand and appreciate.

"The Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution"

<https://youtu.be/xEHmhNHRq6M>



Dr. Brian LAPOINTE and Marie TARNOWSKI 02 12 14 : IRL as Bioreactor

Delivery of land-based nutrients (nitrogen and phosphorus) to continental shelf waters is controlled by estuaries, which function as natural bioreactors that...

It's true, many legacy septic systems already exist in our area. But, as the saying goes: ...if we're trapped at the bottom of a hole - just quit digging.

Please do not approve Brevard County Proposed Amendment 2019-1.1 (19-01ESR).

Respectfully,

Mark Loyacano
1061 Sebastian Rd.
Barefoot Bay, Fl. 32976



Friends of St. Sebastian River

P. O. Box 284 • Roseland, Florida 32957

www.fssr.org — info@fssr.org

[Facebook.com/FriendsofStSebastianRiver](https://www.facebook.com/FriendsofStSebastianRiver)

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1924-2017

Director Emeritus

Frank Wegel

March 28, 2019

To: Cheryl Campbell, Brevard County Planning and Development

Re.: Brevard County Proposed Comprehensive Plan Amendment 2019-1.1 (19-01ESR)

Dear Ms. Campbell:

The Friends of St. Sebastian River is aware of the referenced proposed Comprehensive Plan Amendment for a parcel of land in Micco, Florida, on the St. Sebastian River.

The St. Sebastian River is the largest tributary to the Indian River Lagoon which is suffering from the greatest threat to its health in modern history. The St. Sebastian River itself is listed as "impaired," by the EPA, for low dissolved oxygen as a result of nutrient impacts from stormwater runoff and septic sewer systems. The impairment of the Lagoon and the St. Sebastian River are directly attributable to the impacts of human development within the now greatly-altered watersheds of these waterbodies.

Brevard County had the foresight to decrease the density of development in the Micco area in 1988, and voters approved a sales tax increase in the last few years for projects to help reverse the detrimental effects of impacts from development. It is antithetical to consider the proposed plan amendment, for land on an already-impaired waterbody, when taxpayers are paying to reverse impacts from such inappropriate past development.

The St. Sebastian River is important habitat for many species, including some rare and endemic fish species which Dr. Grant Gilmore has attempted to have listed as endangered. Our waterways should be protected for the enjoyment of everyone, and for the benefit of all species that depend on it for habitat.

We are therefore opposed to the proposed Plan Amendment and request that you not support this proposed change.

Sincerely,

Tim Glover, President
Friends of St. Sebastian River

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Stern, Erin](#)
Subject: FW: Change to the Comprehensive Land Use Plan
Date: Wednesday, May 1, 2019 8:24:01 AM

From: Barbara Reisert [mailto:babsnearl@aol.com]
Sent: Tuesday, April 30, 2019 9:46 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; D3.commissioner@aol.com; D4.commissioner@brevard.gov
Subject: Change to the Comprehensive Land Use Plan

Dear Commissioner:

We live at 9471 Fleming Grant Rd, Micco and we are writing to voice our objection to the petition to change the Comprehensive Land Use Plan on a 20 acre parcel on our road. The plan was adopted by Brevard County in 1988 to preserve the area from over development due to it's proximity to the river. We do not live on the river side but were still required to have 1 acre parcels for the same purpose. For the nearly 20 years we have lived here no exceptions have been made.

We are a rural area with wells and septic systems and ditches. The size of the parcels allow us to keep safe distances between our water supply and our septic systems and keeps septic waste from draining into the river.

The ditches are not adequate to move water in heavy rains and most of our properties have some flooding. I can't believe that it is possible to put 20 homes on a 20 acre parcel and build roads and still allow space for wells, septic systems and water retention.

Our governor has made clean water and cleaning up the river his priorities and millions of taxpayer dollars have been designated for these projects. The over development of this parcel would further contribute to the pollution we are trying to clear up. Granting this change to the Comprehensive Land Use Plan would further stress the river as well as the wildlife that we enjoy and try to protect everyday.

I realize the developer who file the petition has a right to build and make a profit but that was the risk he took when he purchased the property knowing full well what the building requirements are. The interests of one individual should not trump what we all know is the right thing to do. Please do not grant this change.

Emil & Barbara Reisert

From: [lyn greene](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 1, 2019 4:43:13 PM

To Whom it May Concern:

I am a resident on Fleming Grant Rd, close to the area where the proposed development and variance request is being requested. I am completely opposed to the variance. The parcels in this area were originally set to 2.5 acres for a reason. There are already enough issues because of the development up to this point in just the 21 years since I purchased my property.

The county doesn't, apparently, have enough public service folks to supply the needed services to this area already. I've had brush and debris in a pile, as designated by the contract, left in front of my home for a month or more at a time, we're currently going for a record evidently. Not to mention the call we made to 911 in 1988 which, to this point, we have still not gotten a response. Then, of course, there was the variance already granted to let somebody fill in the retention pond that all the runoff used to go to, so they could build their home.

When I purchased, I had NO wetlands, but because of development around my home, I now have a strip across my property, that divides my land. So unless I am on and "access road" to one side or the other, I can't legally get to the rear part of my property. This was caused by development.

During storms, we have water in our ditches for weeks because your county folks can't seem to make sure the ditches and culverts are not blocked. If there is enough rain, with or without a major storm, we often have water encroaching on our lawns because of lack of drainage. We have had to have residents who had tractors, who have lived here since the property limits were even larger, clear them out.

There are already enough folks using pesticides and fertilizers on their lawns and plants, which will be washed into Indian River Lagoon and poisoning the water supply. We don't need the addition folks poisoning the supply. This is an issue that we're possibly going to be paying taxes to clean up, we don't need to have additional offenders in our area.

Please let's use some common sense, take the possibility of increased revenue off the table, and not make more harmful changes for more tax dollars. You've already done enough by the poor decisions to destroy this part of the county that have been made to this point, we all moved here because of its space, beauty and serenity.

Carolyn Greene

9525 Fleming Grant Rd
Micco, FL 32976



Virus-free. www.avg.com

From: [James Linder](#)
To: hill@ircouncil.org; [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 1, 2019 5:49:04 PM



I am writing you to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My husband and I are residents of scenic Fleming Grant Road. We have lived here for 5 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River, which is the border between Brevard and Indian River counties. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, pastoral scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in approximately 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NWI wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and stormwater into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development. Brevard County is part of the Indian River National Lagoon Council (IRNLC) and the Council's publicly stated purpose is to sponsor and be responsible for the Indian River Lagoon National Estuary Program, whose goals are: 1. To attain and maintain water and sediment of sufficient quality to support a healthy estuarine lagoon ecosystem; 2. To attain and maintain a functioning, healthy ecosystem which supports endangered and threatened species, fisheries, commerce and recreation; 3. To achieve heightened public awareness and coordinated interagency management of the Indian River Lagoon ecosystem; and 4. To identify and develop long-term funding sources for prioritized projects and programs to preserve, protect, restore and enhance the Indian River Lagoon. Placing twenty homes in this area certainly is not agreement with the mission statement of the IRNLC.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise." Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

Thank you for your consideration.

Sincerely,

Beverly Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

From: [Joan Legue](#)
To: [Jones, Jennifer](#)
Cc: [Commissioner, D1](#); D2.commissioner@brefavefl.gov; [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.
Date: Thursday, May 2, 2019 2:15:59 PM

I am asking you to deny the passage of this amendment. There are many reasons and you have been given all of them. I live in Brevard county and want the density to stay as it is. Any changes to the southern part of the county will be negative to everyone who lives here and to future families as well.

Thank You

Joan Legue
1133 Barefoor Cir.
Micco, Fl. 32976

From: [Douglas and Mary Sphar](#)
To: [Jones, Jennifer](#)
Cc: [Campbell, Cheryl](#); [Stern, Erin](#)
Subject: Document for LPA - P&Z package CPA 2019-1.1
Date: Thursday, May 2, 2019 3:29:55 PM
Attachments: [Quotes from State Agency Comments.pdf](#)

Dear Ms. Jones,

If possible, please include the attached document, Quotes from State Agency Comments, in the LPA/P&Z package for May 20th. For the record, I extracted these quotes from the original letters/technical assistance comments.

I believe you already have the March 24th letter to Ray Eubanks from Sierra Club regarding Comprehensive Plan Amendment 2019-1.1. If not, please let me know.

Thank you,

Mary Sphar

Quotes from State Agency Comments

Comprehensive Plan Amendment 2019-1.1

1. East Central Florida Regional Planning Council

As you are well aware, the lagoon has experienced algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue.

Additionally, sea level rise in the area has not been addressed in this application. Projections from the National Oceanic and Atmospheric Administration currently predict nearly a two foot rise by 2040

In light of the ECFRPC Strategic Regional Policy Plan and the adoption of the Regional Resiliency Action Plan by Brevard County, **we would urge the Brevard County Board of County Commissioners to reconsider the prospect of rezoning these 20 acres to allow for increased densities in an area without sanitary sewer services , an area that will experience additional flooding issues with the advent of sea level rise, and in an area that is vulnerable to surge from hurricanes.**

2. Department of Economic Opportunity – Technical Assistance Comments

The County is spending approximately \$68 million to remove or upgrade 3,734 septic systems over the 10-year life of the Save Our Indian River Lagoon Half-Cent Surtax while continuing to approve development that will add septic systems to the impaired area.

By increasing density and thus the number of septic systems to serve the proposed units on site, cumulatively with other septic system impacts to the St. Sebastian River and the IRL, the amendment will impact these resources. **The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use.**

Increasing allowable land use density in an at-risk coastal area increases flood risk resulting from high-tide events, storm surge, flash floods, stormwater runoff, and over time, the related impacts of sea-level rise.

The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise.

3. St. Johns River Water Management District

The proposed amendment consists of a future land use map change for a 20.39-acre parcel. The parcel, located on the north prong of the St. Sebastian River, is not within a public potable water or sanitary sewer service area.

The Indian River Lagoon (IRL), which is designated as an estuary of national significance, provides important environmental and economic benefits to the region and state.

As part of the analysis of the proposed amendment, the County should consider whether the potential increase in allowable density would result in adverse impacts to the IRL and whether there are ways to mitigate those potential impacts.

4. Florida Fish and Wildlife Conservation Commission (FWC)

No wildlife-related survey information was provided with the amendment materials. However, FWC staff conducted a geographic information system (GIS) analysis of the project area and found that it is located near, within, or adjacent to:

- One or more wood stork (*Mycteria americana*, Federally Threatened [FT]) nesting colony core foraging areas (CFA). The CFA constitutes a 15-mile radius around the nesting colony.
- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:
 - o Red-cockaded woodpecker (*Picoides borealis*, Federally Endangered [FE])
 - o Florida grasshopper sparrow (*Ammodramus savannarum floridanus*, FE)
 - o Audubon's crested caracara (*Polyborus plancus audubonii*, FT)
 - o Florida scrub-jay (*Aphelocoma coerulescens*, FT)
- Potential habitat for state- and federally listed species:
 - o Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST])
 - o Smalltooth sawfish (*Pristis pectinata*, FE)
 - o Florida manatee (*Trichechus manatus latirostris*, FT)
 - o Eastern indigo snake (*Drymarchon corais couperi*, FT)
- Florida Natural Area Inventory Managed Areas: o St. Sebastian River Preserve State Park (managed by the Florida Department of Environmental Protection)

5. Department of Environmental Protection

The IRL is a nationally renowned estuary that supports both remarkable biological diversity and recreational resources. The subject property is adjacent to the Indian River-Malabar to Vero Beach Aquatic Preserve, which encompasses 28 miles and accounts for 29,000 acres of the IRL system.

The IRL has been identified as biologically impaired due to nutrients, particularly nitrogen and phosphorus.

If adopted, the County and applicant will need to ensure that water quality within the Aquatic Preserve is not adversely impacted by the proposed development. . . . The County should consider whether the potential increased density in development will result in adverse impacts to the IRL and to explore ways to offset these potential impacts.

Excess nitrogen and phosphorus feed undesirable algae growth (sometimes toxic) which can dominate an ecosystem like the IRL and eventually lead to fish kills. Conventional septic systems near coastal estuaries remain a significant contributor of nitrogen and phosphorus to these waterbodies. In order to avoid **the exorbitant cost of restoring nitrogen and phosphorus pollution problems in the future**, any new nearby septic systems, especially those clustered on small lots (1 acre or less), should be built to remove nitrogen before discharge.

From: [Linda McLain](#)
To: [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Application 19-01ESR Robertson
Date: Thursday, May 2, 2019 4:20:00 PM

Dear County Representatives:

I am writing to request that you VOTE AGAINST the above application to amend the Comprehensive Land Use Plan for the 20 acres in Micco. I am enclosing a map that clearly shows 86 parcels of land all in the immediate area of this 20 acres that contain 2.5 acres or MORE. This includes the properties immediately adjoining the 20 acres on the east side. On the west side of this property, all the parcels on the river include 2.5 acres or more. In fact, in the 31 years since 1988 when the comp plan was adopted to protect the Sebastian River, no parcel has been created smaller than 2.5 acres on the river side of Fleming Grant Rd. Apparently the county has not looked at a map and realized this.

Allowing a greater density on this 20 acres is a direct violation of protecting the river. Now that you are taking our tax dollars to clean up the over development of the Indian River Lagoon, we know that we must stand up and speak out to protect our Sebastian River.

Increasing the density to allow smaller lots is NOT compatible with the surrounding area. The majority of residents in this area have properties in excess of 2.5 acres with open spaces.

The owner of this land wants to build 20 homes on this land but 20 septic tanks, even with a new design to limit chemicals will still be much more harmful to the river than the 8 he can currently put in will be. The run off from 20 homes will be so much greater than the run off from 8 homes. The impact on wildlife living there will be much greater with 20 homes than it will be with 8 homes. You do not have to be an engineer to know those facts are accurate!

The enclosed letter from the state of Florida review clearly outlines issues with the flood plain and wetlands on this property and it recommends that the density be maintained at 1 unit per 2.5 acres until such time as sewer is available to protect the area.

I sincerely believe that as responsible representatives for our county you will see that this application should be denied to protect the river, the wildlife and the residents of the Fleming Grant Rd area. Thank you for your time and attention of this letter.

Sincerely,

**Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976**



4G LTE



40% 6:57 PM

Technical Assistance Comments

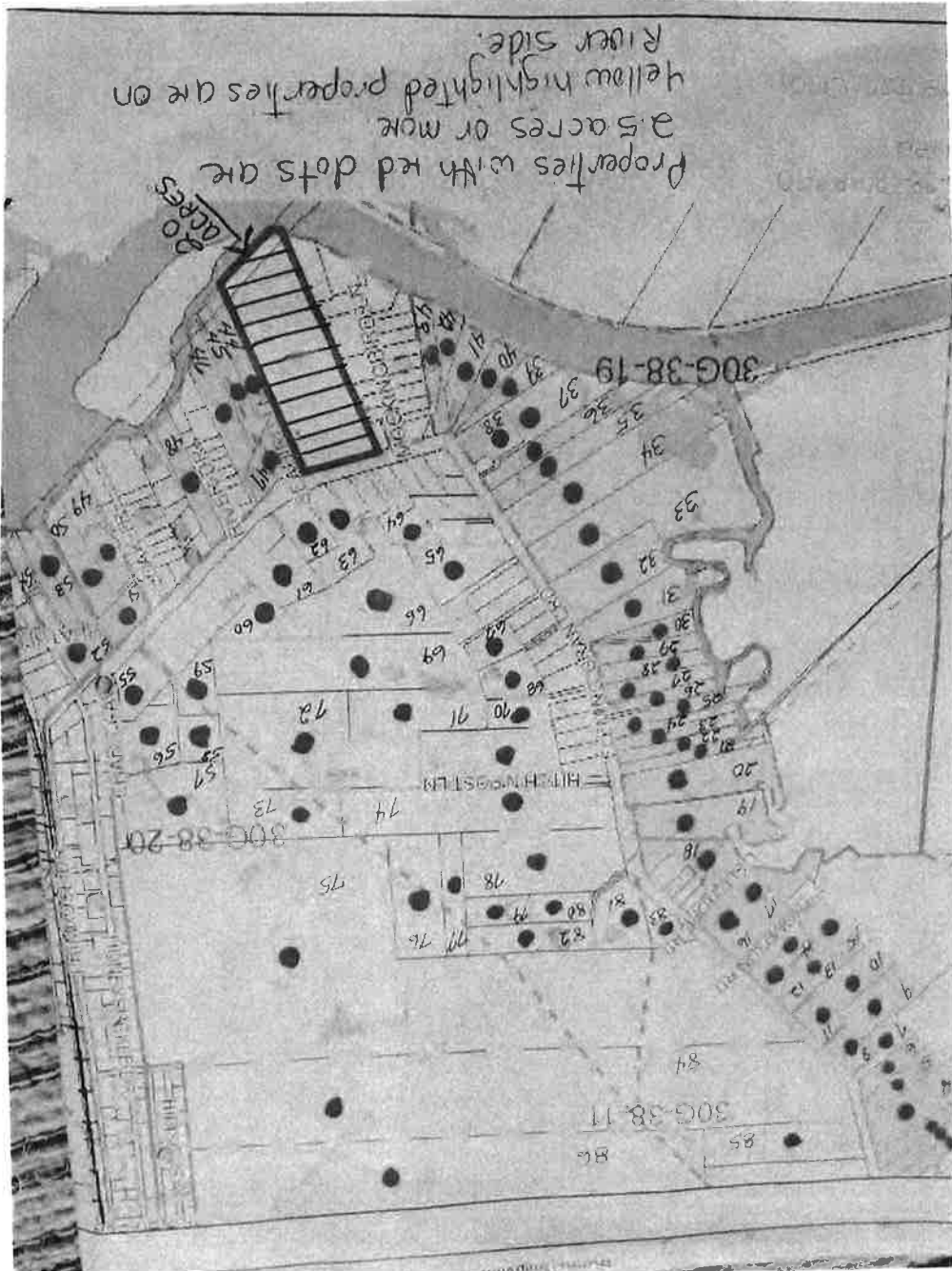
Proposed Comprehensive Plan Amendment

Brevard County 19-01ESR

Amendment Summary

The proposed Future Land Use Map amendment would increase residential density from Residential 1:2.5 to Residential 1:1 more than doubling the allowed number of dwelling units on the 20.39-acre site. The property is not currently served by central sewer or potable water services and septic systems are envisioned for wastewater infrastructure.

Properties with red dots are
2.5 acres or more
Yellow highlighted properties are on
River side.



From: [Ted Beck](#)
To: [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Thursday, May 2, 2019 9:08:58 PM

My name is Henry Beck, my wife and I live at 9735 Fleming Grant Rd, a quarter mile east of the 20 acres in question. We bought our house in 2011, it had been vacant and neglected for 3 years. We renovated the house and grounds ourselves and took pleasure exploring our new neighborhood, cycling the local streets and kayaking the beautiful waterways. We were so impressed by the diversity of wildlife we made an offer to buy an additional 3+ acres of vacant land north of us in order to protect the habitat of the creatures we admire every day in our backyard.

I am **opposed** changing the Comprehensive Land Use Plan for Parcel # 18PZ00166 Robertson 20 Acre. If allowed, it will set a precedent for further subdivisions in the area. Increasing population density will have a negative effect on the waterways that feed into the Indian River Lagoon and will destroy habitat for existing wildlife. I have no problem with the buying and selling of land for profit, but if this change to the Comprehensive Plan is approved, it will be counterproductive to the county's expensive efforts to clean up the Lagoon.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise."

The Central Florida Regional Planning Council reviewed the proposed amendment had these observations: "The area does not have sanitary sewer so the units would be on septic tanks. This change would more than double the impacts from septic tanks on the river and lagoon. As you are well aware, the lagoon has experience algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue."

There is serious concern about stormwater flooding on the north side of this property on Fleming Grant Rd. In October 2017 water rose around our house, well beyond the area indicated on the FEMA flood zone map. We feared the water level would reach our back door and into our home. Many neighbors shared our experience. I observed and photographed the residential property east and west of the 20 acres in question having major flooding in 2017 as well. Attached are two photos of the flooding.

The FEMA flood zone maps are prone to error. This 20-acre parcel is in an AE flood zone. I have serious doubts that storm water run-off could be 100 percent contained, despite what the engineer says. If wrong, the error would endanger the surrounding homes and the St. Sebastian River itself. The engineer doesn't have a stake in our community like area residents do.

The 'Old Florida' feel that attracts visitors and brings joy to our neighbors is delicately balanced. Increased density will erode what is magical about Fleming Grant Rd. Once our Old Florida is gone, there will be no getting it back. **I urge you not to consider this amendment.**

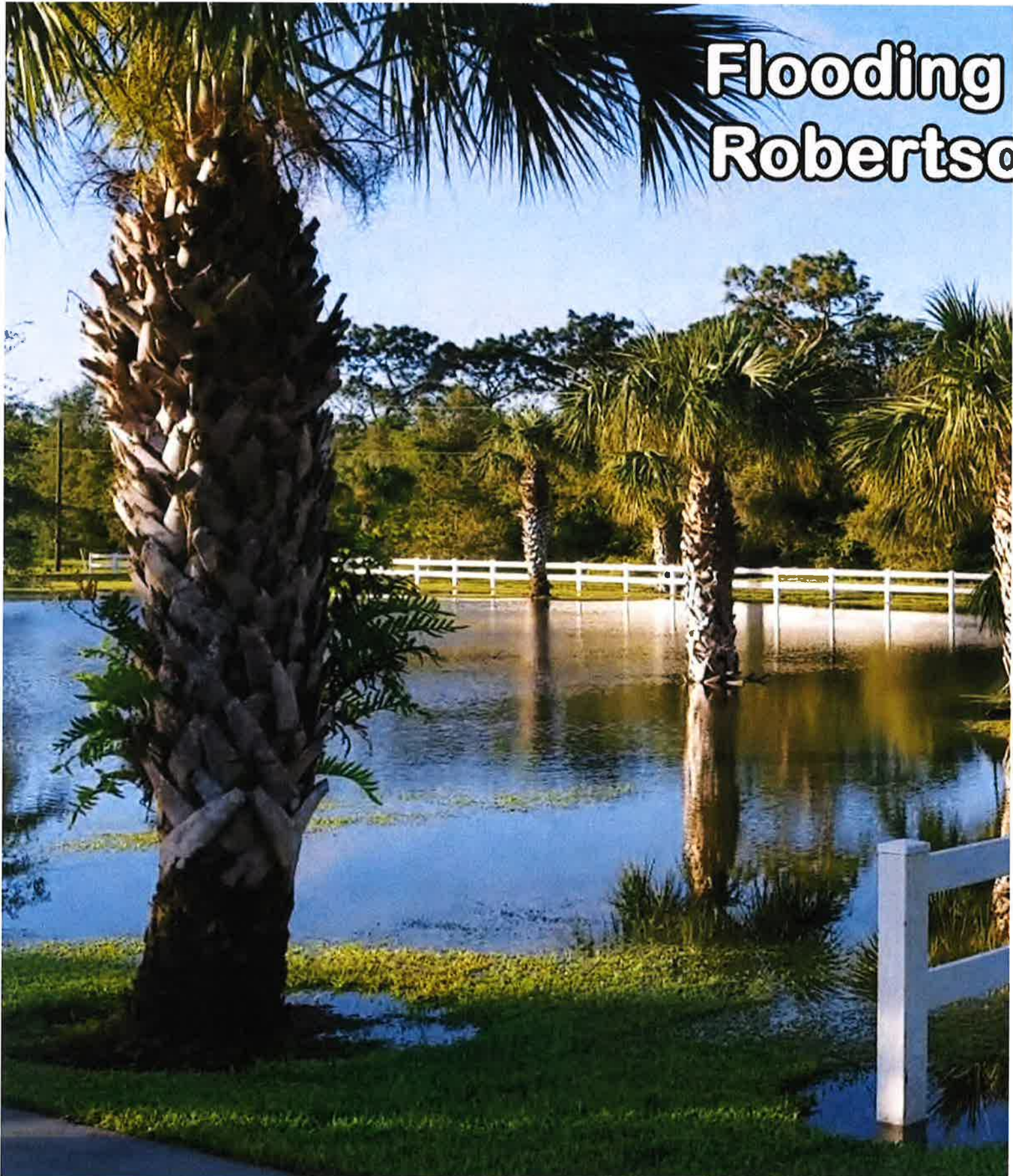
Henry Beck
9735 Fleming Grant Rd.

Micco, Fl. 32976

**Flooding around 9
1/4 mile Northeast
Octo**



Flooding Robertson



From: miccohomeowners@aol.com
To: [Campbell, Cheryl](#); [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Thursday, May 2, 2019 11:17:24 PM
Attachments: [MHOA-Letter BC Isnardi.pdf](#)
[MHOA-Letter BC Smith.pdf](#)
[MHOA-Letter BC Lober.pdf](#)
[MHOA-Letter BC Pritchett.pdf](#)
[MHOA-Letter BC Tobia.pdf](#)

Cheryl and Jennifer,

Attached are individual letters from Micco Homeowners Association to each commissioner on the Proposed Amendment 2019-1.1.

Please add these letters to the package for the LPA meeting on May 20 and the County Commission meeting on May 30.

We thank you both.

Challe Woods, President MHOA

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

TO: Commissioner Smith
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

Micco Homeowners Association opposes any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. **Specifically, we oppose the request to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase density to 1 unit per acre.** The reasons for our opposition are:

- **Subject property has direct access to the St Sebastian River which flows into the Indian River Lagoon.** Taxpayers are spending millions of dollars every year to undo the damage development has done to the delicate ecosystems in the Indian River Lagoon.
- **Density increases will increase storm water runoff, septic drain field leakage, pesticides and fertilizer contamination into the St Sebastian River** damaging its ecological balance and further injuring the Indian River Lagoon.
- Robertson's subject property on Fleming Grant Road is in an AE FLOOD ZONE on the river portion with high probability of FREQUENT FLOOD WATERS carrying the above mentioned contaminants and runoff materials directly into the St Sebastian River.
- The Robertson property requested increase in density is **NOT COMPATIBLE with the current FLUM designations for this area.** Development in 1955 on Mockingbird Lane should NOT be used as a standard of density allowance today. The majority of properties on Fleming Grant Road are built at 1 unit per 2.5 acres. **This is a rural area.**
- The Brevard County Comprehensive Land Use Plan was set in 1988. **There have been no density increases approved in this rural area since 1988.** Density increases allowed now will set a precedent for every future developer on Fleming Grant Road.

Please do not approve any change to the Brevard County Comprehensive Land Use Plan or the FLUM for this property.

Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

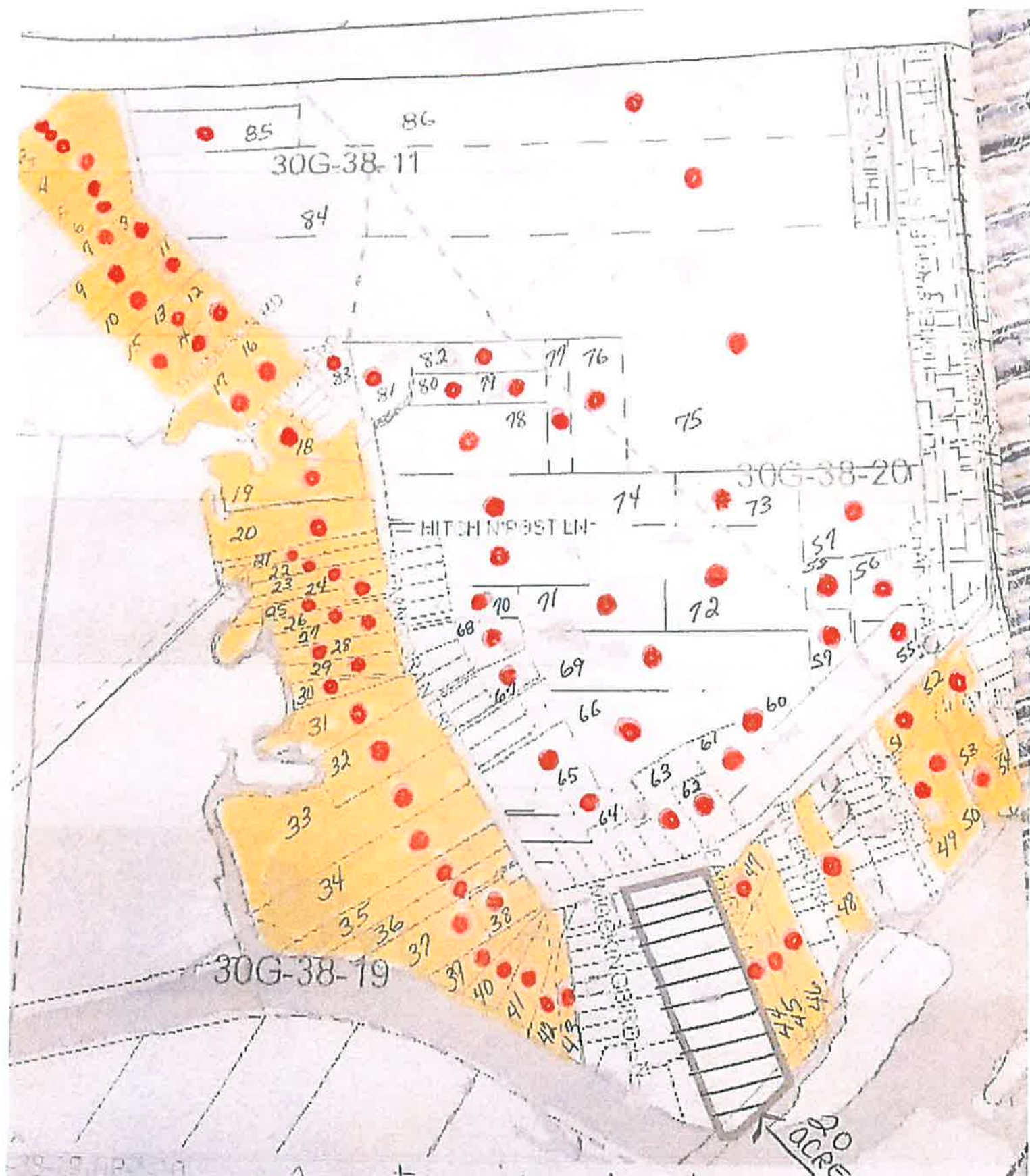
TO: Commissioner Isnardi
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

Micco Homeowners Association opposes any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. **Specifically, we oppose the request to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase density to 1 unit per acre.** The reasons for our opposition are:

- **Subject property has direct access to the St Sebastian River which flows into the Indian River Lagoon.** Taxpayers are spending millions of dollars every year to undo the damage development has done to the delicate ecosystems in the Indian River Lagoon.
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Sincerely,
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9912 Riverview Drive Micco, FL 32976



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- Yellow highlighted properties are on River side.

MHOA

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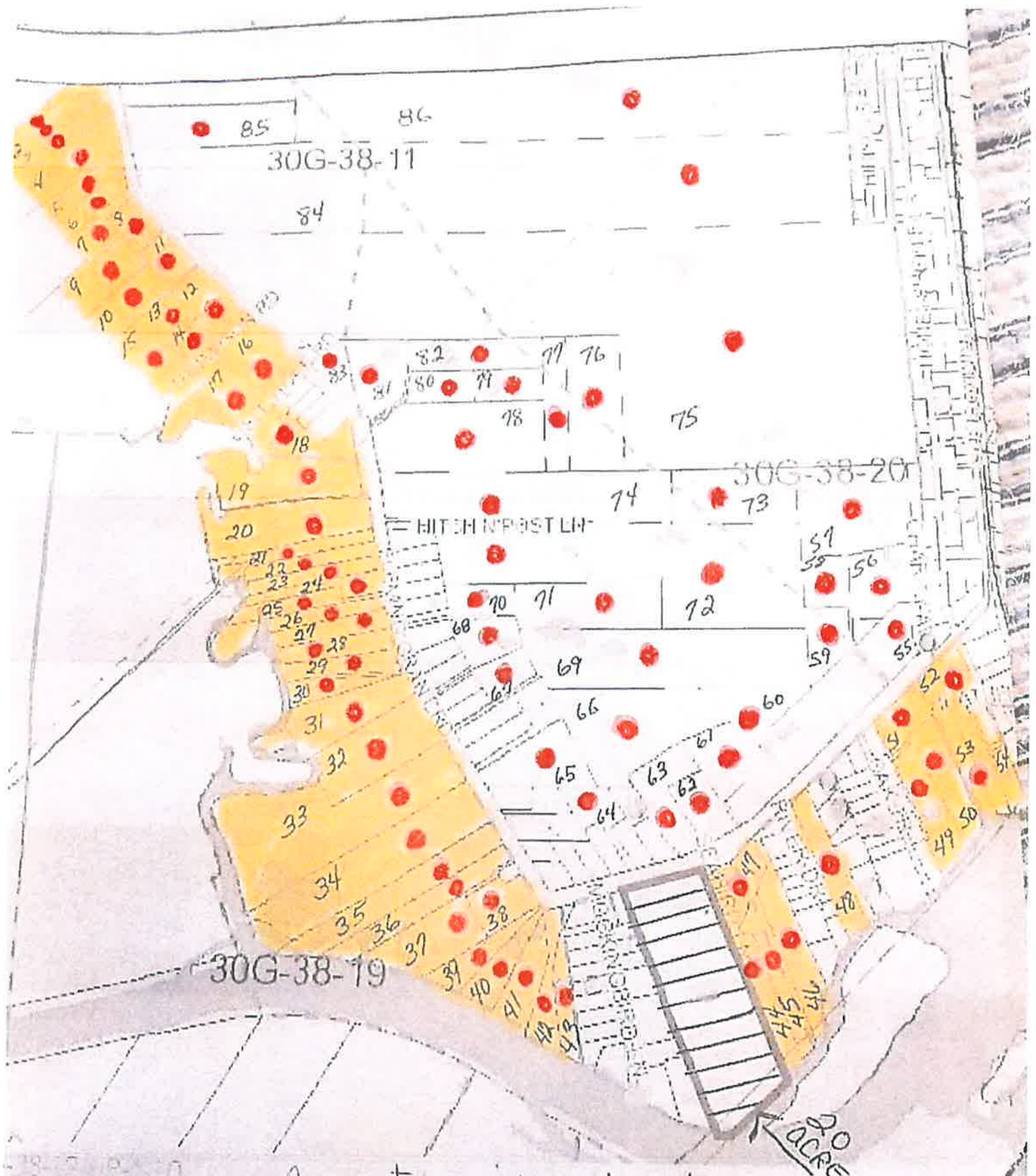
TO: Commissioner Lober
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

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Please do not approve any change to the Brevard County Comprehensive Land Use Plan or the FLUM for this property.

Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



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MHOA

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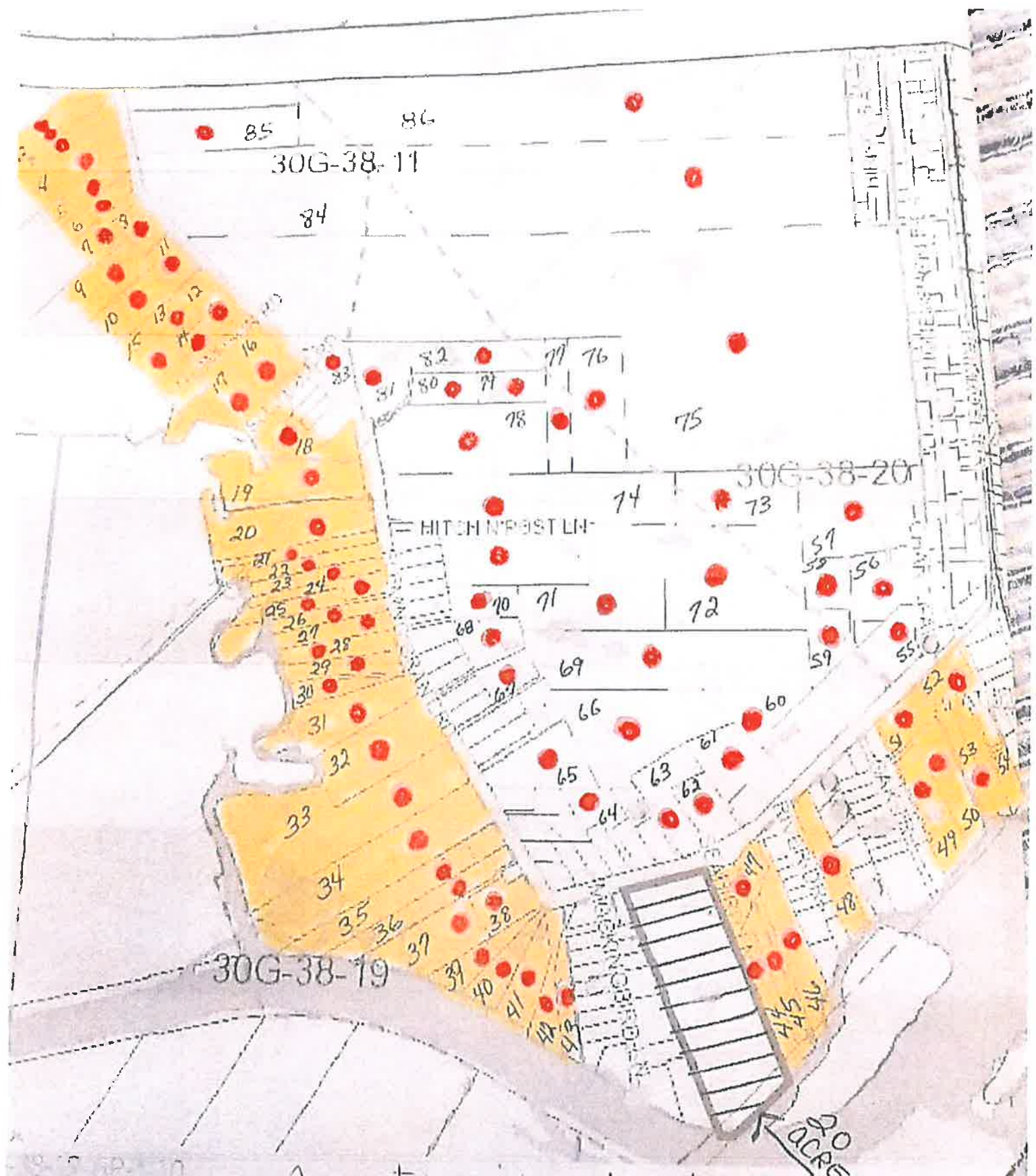
TO: Commissioner Pritchett
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

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Please do not approve any change to the Brevard County Comprehensive Land Use Plan or the FLUM for this property.

Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976



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MHOA

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Contact Us:
Miccohomeowners
@aol.com

TO: Commissioner Tobia
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 1, 2019

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Please do not approve any change to the Brevard County Comprehensive Land Use Plan or the FLUM for this property.

Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Brevard Proposed Amendment 2019-1.1
Date: Friday, May 3, 2019 8:17:26 AM

From: Anne Briggs [mailto:annebriggs@yahoo.com]
Sent: Thursday, May 2, 2019 6:57 PM
To: Campbell, Cheryl
Subject: Brevard Proposed Amendment 2019-1.1

Dear Ms. Campbell,

I am writing you to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My husband and I are residents of scenic Fleming Grant Road. We have lived here for 8 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, bucolic scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in some 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NWI wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and stormwater into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to

increased septic systems use,” and “The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise.” Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

Thank you for your consideration.

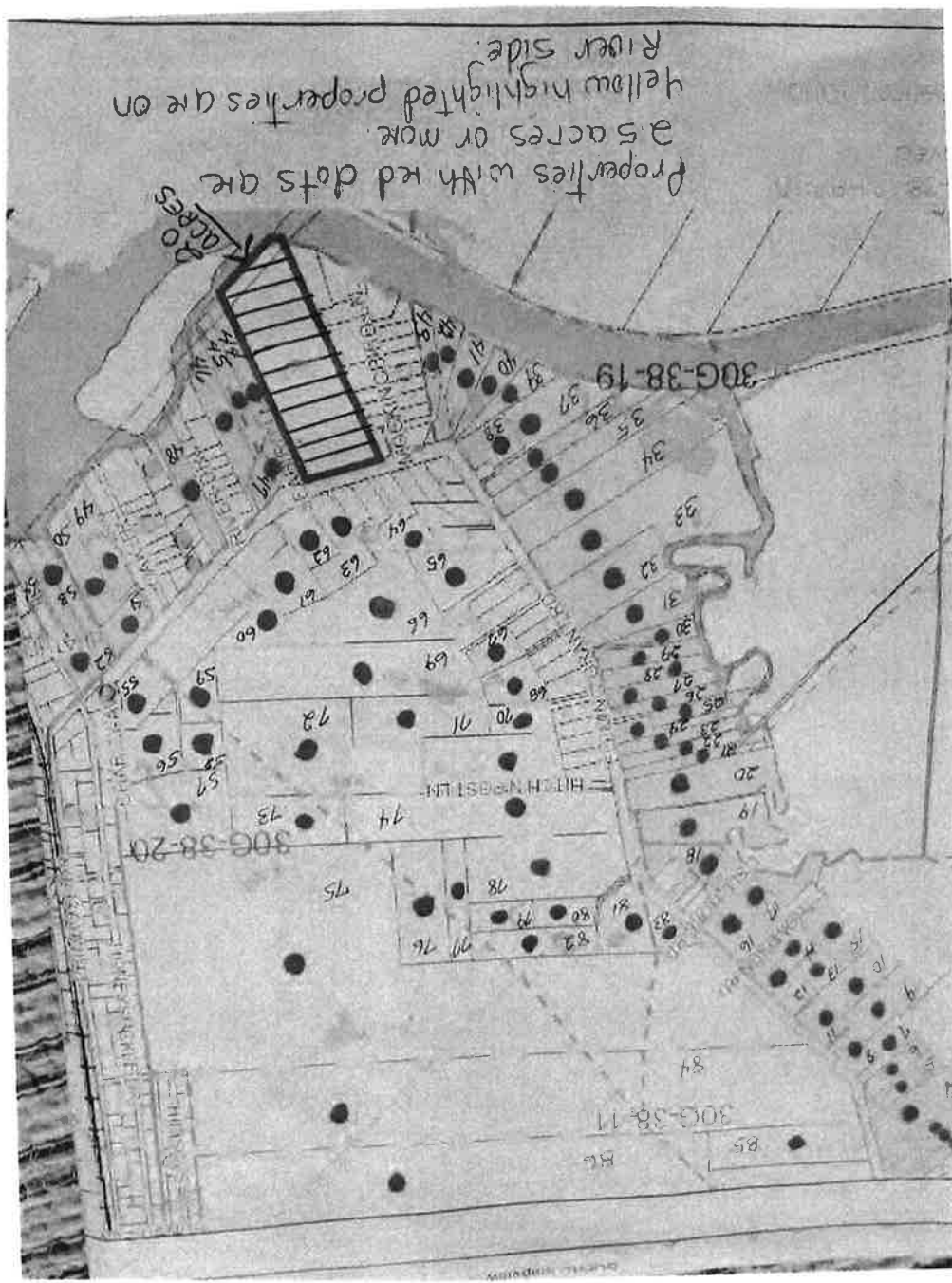
Sincerely,

Anne Briggs

9735 Fleming Grant Road, Micco FL 32976

772 925 9200

Properties with red dots are
2.5 acres or more.
Yellow highlighted properties are on
River side.



From: [Jodi Lemaster](#)
To: [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Friday, May 3, 2019 9:15:32 AM

Jennifer,

I am writing regarding the proposed zoning change to increase home density to 1 unit per acre, resulting in 20 homes on the riverfront side of Micco versus 8.

My family just purchased a home in Micco this January. The reason we chose this area was because of the careful planning, large lot sizes around us, and the rural feel of the area. As a citizen of the area, I am very concerned about what 20 homes in this area will do in terms of waste, pollution, and affects to the water quality of the area. Homes in this area on the riverfront side are currently 1 unit per 2.5 acre. This is what truly drew us to this area.

It is a shame that an individual can try to change policy to benefit them financially and have a total disregard for nature and the environment. We come from an area in Ohio where developers have ruined entire communities by working with the local government to bring about what they call a beneficial change-bringing more tax payers to an area. Unfortunately, they do not consider the impact that more homes causes. While driving through areas such as Palm Bay and Viera, it is clear that big development is a push in Brevard county. I feel that leaving a small percentage of the county, such as Micco, to have a more rural feel benefits the county as a whole. It allows for wildlife to thrive, helps to keep our waterways cleaner, and brings a green space to the area.

I hope you will consider voting against this amendment and allow Micco to stay a place of rural beauty.

Thank you,
Jodi Lemaster
9580 Fleming Grant Road
Micco, FL 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Serk, Erin](#)
Subject: FW: Amendment 19-01ESR; 20 acres in Micco, FL
Date: Friday, May 3, 2019 11:07:28 AM

From: Carol Decker [mailto:cdecker411@yahoo.com]
Sent: Friday, May 3, 2019 10:06 AM
To: Campbell, Cheryl
Subject: Amendment 19-01ESR; 20 acres in Micco, FL

Dear Ms. Campbell:

We understand a developer wants to change the current allowed use of this land from one home per 2.5 acres to 1 home per acre. This land sits between Fleming Grant Road (a country 2-land road) and the north prong of the Sebastian River. This would mean 20 septic tanks rather than 8 in this environmentally fragile land that is not only in a flood plain, but also contains wetlands. I respectfully ask that you do not approve this change.

George and Carol Decker
9745 Fleming Grant Road
Micco, FL 32976

772-663-0039

cdecker411@yahoo.com

Brevard County Proposed Amendment 2019-1.1(19-01ESR) for a 20.39 acre parcel on Fleming Grant Rd. is troubling; from a business standpoint, for its added environmental impact, and because it would adversely affect the neighborhood's present character.

When these acres were advertised for sale, we believe that RES 1:2.5 (density) was a matter of public record, and that anyone planning to buy this land, and to build houses there, could have known about it. Would this request for increased density have been timed better had it been made prior to, or contingent upon approval, before completing the purchase?

Current builders have adhered to RES 1:2.5 since it was initiated in 1988. Respectfully, we hope that the good faith builders have shown so far, there, will be honored in the future, here, tonight.

RES 1:2.5 helps protect our local waters. Toxic brews forming in our estuary, the Indian River Lagoon, and in the St. Sebastian River, are largely of our own making. The St. Sebastian River's water flows continuously into the Indian River Lagoon carrying our pollutants along with it. Scientific research points to septic systems as environmental threats, generally being unsuited for our soil types, no matter how modern those systems may be.

An FAU-Harbor Branch presentation given to the general public (Feb. 12, 2014) by Dr. Brian Lapointe and Marie Tarnowski explains it in ways we can understand and, hopefully, appreciate.

"The Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution"

<https://youtu.be/xEHmhNHRq6M>

While it's likely that legacy septic systems already existing in this area form a significant part of an overall environmental impact issue. There is a saying that, for the moment, may be both timely and apropos: ..."when digging a deep hole, and unable to climb out, just quit digging".

When driving a motor vehicle, riding a bike or hiking through the Fleming Grant area, one gets a distinct, old-world feeling for its peaceful Florida-natural ambiance. It is difficult not to notice being in a special place where residents have worked hard (and together) to create a quiet, peaceful neighborhood. It isn't a bucolic place though. It is an active, dynamic, spirited place where much time, work and effort is invested to make its unique character beautiful too. They're outside, working in their yards, waving at folks passing by, while they plant, trim and care for their landscape creations.

Please consider:

During this property's acquisition; was the transaction completed while land use was designated RES 1:2.5?

Is there any added environmental impact to wetlands resulting from this proposed, higher residential density?

Will Brevard County Proposed Amendment 2019-1.1 (19-01ESR), if approved, significantly alter the character of this area?

Respectfully,

Mark and Susan Loyacano
1061 Sebastian Rd.
Barefoot Bay, FL 32976

From: [Ralph E Jones](#)
To: [Jones, Jennifer](#)
Subject: Brevard proposed amendment 2019-1.1
Date: Saturday, May 4, 2019 12:52:26 PM

I This letter is concerning new homes being built off of Fleming Grant Rd., Micco FL. Brevard proposed amendment 2019-1.1 Our opinions of each of our neighbors in the area matters more than the money that will be made of breaking the existing rule of one house per 2 1/2 acres ,, in our opinion in my household is that it's all about the money and profit to wreck our community to build more homes than the law requires, dollars over rules the law since 1988 of that agreement. I moved from Delray, worked daily in Miami, and if I wanted more traffic and more people to live around, We'd have just stayed in south Florida, but moved here for our bike and walking privileges without getting killed. And if you don't live in our community, you should have no rights to vote to destroy it,, and set a president to follow suit in the future. It reads simple enough, more homes, more money, get changed a existing rule over dollars of profit. Sincerely Ralph E Jones, 9730 Fleming Grant rd, Micco fl.
Ed

From: [prrungair](#)
To: [Jones, Jennifer](#)
Subject: Brevard Proposed Amendment 2019-1.1
Date: Sunday, May 5, 2019 10:48:04 AM

I am in opposition to any density increase on Fleming Grant Rd due to the impact this would have to the St. Sebastian and Indian River Lagoon due to storm water runoff .Taxpayers have already voted to spend millions to improve the health of the river due to over development. This reversal to the Comprehensive Plan for Fleming Grant Rd would cause surrounding flooding to residents land and destruction to animal natural habitats. The development of land to be able to increase to 20 homes from 8 would increase traffic, and reduce a beautiful part of Brevard County that is cherished by its current residents who chose to live here because of the nature of this rural paradise.

From: Campbell, Cheryl
To: Jones, Jennifer; Sterk, Erin
Subject: FW: 20 ACRE DEVELOPEMENT ON FLEMING GRANT ROAD
Date: Monday, May 6, 2019 8:12:01 AM

From: Georgia Combs [mailto:georgiacombs2@live.com]
Sent: Friday, May 3, 2019 3:14 PM
To: Linda McLain; Anne Briggs; squeezermom; Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3; d4.Commissoner@Br; d5.Commissioner@Br
Subject: 20 ACRE DEVELOPEMENT ON FLEMING GRANT ROAD

We own 5+ acres across from the potential development site. The county commissioners have determined that 2.5 acres of land would support growth but protect the wetlands, animal habitat and

Sent from Outlook Sebastian river from pollution. To add 20 more wells and septic tanks would have the potential increased by almost three times the amount they felt the land could accommodate. Please vote NO .. do not let this happen to our neighborhood. We enjoy the rural areas and are trying tp preserve it.

Sincerely,
Bill and Georgia Combs



Virus-free. www.avast.com

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: 20 acres in Micco
Date: Monday, May 6, 2019 8:15:28 AM
Attachments: [Scan0001.pdf](#)

From: Linda McLain [mailto:lmclain45@yahoo.com]
Sent: Saturday, May 4, 2019 6:51 AM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D4; Commissioner, D3; Commissioner, D5
Subject: 20 acres in Micco

Here is a letter asking you to vote against this petition for comp change.

May 1, 2019

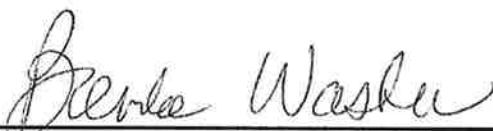
To: Planning and Zoning and Brevard County Commissioners

Re: Application 19-01ESR Robertson

I am writing this letter to ask that you deny the above application to amend the comprehensive land use plan on this property in Micco. I live across from this 20 acres. All of my neighbors are on large tracts of land and allowing smaller lots on this property is not compatible with where we live. I am very concerned that this will hurt my property values and the very nature of our community.

Since this property fronts on the Sebastian River and it is environmentally sensitive, I am opposed to increasing the density on this land as it will have a negative impact on our river. The comp plan has required 1 home per 2.5 acres for 31 years. Why would you change it now and go backward?

I am unable to attend the meeting but am writing to voice our concerns. Thank you.



Brenda Washer

Fleming Grant Rd, Micco FL

9659

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Stern, Erin](#)
Subject: FW: AMENDMENT 19-01ESR
Date: Monday, May 6, 2019 4:38:42 PM

From: CALHOUN, STEPHEN T [mailto:sc0171@att.com]
Sent: Monday, May 6, 2019 4:27 PM
To: Campbell, Cheryl
Subject: AMENDMENT 19-01ESR

Ms. Campbell

Good evening

The purpose of this correspondence is to request that you deny the above amendment. I am a homeowner with a flag lot off of Fleming Grant Road about a half mile from the property in question. The Comprehensive Land Use Plan on the river side of Fleming Grant Road was created to protect the river. Allowing increased density with septic tanks will only do harm to the river.

Development of this size will threaten the fragile balance of the environment on the property. Subdivision type development is not compatible with our community.

Thank you

Stephen T Calhoun

Commissioner, D1

From: outlook_25A6D5C119A5D113@outlook.com on behalf of outlook_25A6D5C119A5D113@outlook.com <pirrungair@bellsouth.net>
Sent: Sunday, May 05, 2019 10:35 AM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS

I am in opposition to any density increase on Fleming Grant Rd due to the impact this would have to the St. Sebastian and Indian River Lagoon due to storm water runoff .Taxpayers have already voted to spend millions to improve the health of the river due to overdevelopment. This reversal to the Comprehensive Plan for Fleming Grant Rd would cause surrounding flooding to residents land and destruction to animal natural habitats. The development of land to be able to increase to 20 homes from 8 would increase traffic, and reduce a beautiful part of Brevard County that is cherished by its current residents who chose to live here because of the nature of this rural paradise.

Sent from Mail for Windows 10

Commissioner, D1

From: Ralph E Jones <edj0nes01@yahoo.com>
Sent: Saturday, May 04, 2019 12:55 PM
To: Commissioner, D1
Subject: Brevard proposed amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

I This letter is concerning new homes being built off of Fleming Grant Rd., Micco FL. Brevard proposed amendment 2019-1.1 Our opinions of each of our neighbors in the area matters more than the money that will be made of breaking the existing rule of one house per 2 1/2 acres,,, in our opinion in my household is that it's all about the money and profit to wreck our community to build more homes than the law requires, dollars over rules the law since 1988 of that agreement. I moved from Delray, worked daily in Miami, and if I wanted more traffic and more people to live around, We'd have just stayed in south Florida, but moved here for our bike and walking privileges without getting killed. And if you don't live in our community, you should have no rights to vote to destroy it,,, and set a president to follow suit in the future. It reads simple enough, more homes, more money, get changed a existing rule over dollars of profit. Sincerely Ralph E Jones, 9730 Fleming Grant rd, Micco fl.

Commissioner, D1

From: Linda McLain <lmclain45@yahoo.com>
Sent: Saturday, May 04, 2019 6:51 AM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D4; Commissioner, D3; Commissioner, D5
Subject: 20 acres in Micco
Attachments: Scan0001.pdf
Categories: EMAIL CAMPAIGNS

Here is a letter asking you to vote against this petition for comp change.

May 1, 2019

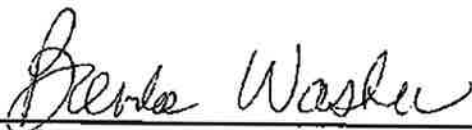
To: Planning and Zoning and Brevard County Commissioners

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I am unable to attend the meeting but am writing to voice our concerns. Thank you.


Brenda Washer

Fleming Grant Rd, Micco FL

9659

Commissioner, D1

From: Georgia Combs <georgiacombs2@live.com>
Sent: Friday, May 03, 2019 3:14 PM
To: Linda McLain; Anne Briggs; squeezermom; Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3; d4.Commissoner@Br; d5.Commissioner@Br
Subject: 20 ACRE DEVELOPEMENT ON FLEMING GRANT ROAD
Categories: EMAIL CAMPAIGNS

We own 5+ acres across from the potential development site. The county commissioners have determined that 2.5 acres of land would support growth but protect the wetlands, animal habitat and Sent from Outlook Sebastian river from pollution. To add 20 more wells and septic tanks would have the potential increased by almost three times the amount they felt the land could accommodate. Please vote NO .. do not let this happen to our neighborhood. We enjoy the rural areas and are trying tp preserve it.
Sincerely,
Bill and Georgia Combs



Virus-free. www.avast.com

Commissioner, D1

From: Mark Loyacano <mark_loyacano@hotmail.com>
Sent: Friday, May 03, 2019 2:07 PM
To: Commissioner, D1
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Attachments: Brevard County Proposed Amendment 2019-1.1 (19-01ESR).pdf; ATT00001.htm

Dear Commissioner Pritchett.

Please find attached, in PDF format, our letter to the Brevard County Planning and Zoning Agency and your office regarding Brevard County Proposed Amendment 2019-1.1 (19-01ESR).

Brevard County Proposed Amendment 2019-1.1(19-01ESR) for a 20.39 acre parcel on Fleming Grant Rd. is troubling; from a business standpoint, for its added environmental impact, and because it would adversely affect the neighborhood's present character.

When these acres were advertised for sale, we believe that RES 1:2.5 (density) was a matter of public record, and that anyone planning to buy this land, and to build houses there, could have known about it. Would this request for increased density have been timed better had it been made prior to, or contingent upon approval, before completing the purchase?

Current builders have adhered to RES 1:2.5 since it was initiated in 1988. Respectfully, we hope that the good faith builders have shown so far, there, will be honored in the future, here, tonight.

RES 1:2.5 helps protect our local waters. Toxic brews forming in our estuary, the Indian River Lagoon, and in the St. Sebastian River, are largely of our own making. The St. Sebastian River's water flows continuously into the Indian River Lagoon carrying our pollutants along with it. Scientific research points to septic systems as environmental threats, generally being unsuited for our soil types, no matter how modern those systems may be.

An FAU-Harbor Branch presentation given to the general public (Feb. 12, 2014) by Dr. Brian Lapointe and Marie Tarnowski explains it in ways we can understand and, hopefully, appreciate.

"The Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution"

<https://youtu.be/xEHmhNHRq6M>

While it's likely that legacy septic systems already existing in this area form a significant part of an overall environmental impact issue. There is a saying that, for the moment, may be both timely and apropos: ..."when digging a deep hole, and unable to climb out, just quit digging".

When driving a motor vehicle, riding a bike or hiking through the Fleming Grant area, one gets a distinct, old-world feeling for its peaceful Florida-natural ambiance. It is difficult not to notice being in a special place where residents have worked hard (and together) to create a quiet, peaceful neighborhood. It isn't a bucolic place though. It is an active, dynamic, spirited place where much time, work and effort is invested to make its unique character beautiful too. They're outside, working in their yards, waving at folks passing by, while they plant, trim and care for their landscape creations.

Please consider:

During this property's acquisition; was the transaction completed while land use was designated RES 1:2.5?

Is there any added environmental impact to wetlands resulting from this proposed, higher residential density?

Will Brevard County Proposed Amendment 2019-1.1 (19-01ESR), if approved, significantly alter the character of this area?

Respectfully,

Mark and Susan Loyacano
1061 Sebastian Rd.
Barefoot Bay, Fl. 32976

5/6/2019

ATT00001.htm

Thanking you respectfully,

Mark and Susan Loyacano
1061 Sebastian Rd.
Barefoot Bay, Fl 32976

Commissioner, D1

From: Carol Decker <cdecker411@yahoo.com>
Sent: Friday, May 03, 2019 9:38 AM
To: Commissioner, D1
Subject: Amendment 19-01ESR

Categories: EMAIL CAMPAIGNS

Dear Commissioner:

I understand a developer wants to change the current allowed use of this land from one home per 2.5 acres to 1 home per acre. This land sits between Fleming Grant Road (a country 2-lane road) and the north prong of the Sebastian River. This would mean 20 septic tanks rather than 8 in this environmentally fragile land that is not only in a flood plain, but also contains wetlands. I respectfully ask that you do not approve this change.

George and Carol Decker
9745 Fleming Grant Road
Micco, Florida 32976

772-663-0039

cdecker411@yahoo.com

Commissioner, D1

From: Jodi Lemaster <jodilemaster@att.net>
Sent: Friday, May 03, 2019 9:16 AM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

Commissioner,

I am writing regarding the proposed zoning change to increase home density to 1 unit per acre, resulting in 20 homes on the riverfront side of Micco versus 8.

My family just purchased a home in Micco this January. The reason we chose this area was because of the careful planning, large lot sizes around us, and the rural feel of the area. As a citizen of the area, I am very concerned about what 20 homes in this area will do in terms of waste, pollution, and affects to the water quality of the area. Homes in this area on the riverfront side are currently 1 unit per 2.5 acre. This is what truly drew us to this area.

It is a shame that an individual can try to change policy to benefit them financially and have a total disregard for nature and the environment. We come from an area in Ohio where developers have ruined entire communities by working with the local government to bring about what they call a beneficial change-bringing more tax payers to an area. Unfortunately, they do not consider the impact that more homes causes. While driving through areas such as Palm Bay and Viera, it is clear that big development is a push in Brevard county. I feel that leaving a small percentage of the county, such as Micco, to have a more rural feel benefits the county as a whole. It allows for wildlife to thrive, helps to keep our waterways cleaner, and brings a green space to the area.

I hope you will consider voting against this amendment and allow Micco to stay a place of rural beauty.

Thank you,
Jodi Lemaster
9580 Fleming Grant Road
Micco, FL 32976

Commissioner, D1

From: Ted Beck <scubadore@gmail.com>
Sent: Thursday, May 02, 2019 9:23 PM
To: Commissioner, D1
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: 9735.jpg; 9760.jpg

Categories: EMAIL CAMPAIGNS

My name is Henry Beck, my wife and I live at 9735 Fleming Grant Rd, a quarter mile east of the 20 acres in question. We bought our house in 2011, it had been vacant and neglected for 3 years. We renovated the house and grounds ourselves and took pleasure exploring our new neighborhood, cycling the local streets and kayaking the beautiful waterways. We were so impressed by the diversity of wildlife we made an offer to buy an additional 3+ acres of vacant land north of us in order to protect the habitat of the creatures we admire every day in our backyard.

I am **opposed** changing the Comprehensive Land Use Plan for Parcel # 18PZ00166 Robertson 20 Acre. If allowed, it will set a precedent for further subdivisions in the area. Increasing population density will have a negative effect on the waterways that feed into the Indian River Lagoon and will destroy habitat for existing wildlife. I have no problem with the buying and selling of land for profit, but if this change to the Comprehensive Plan is approved, it will be counterproductive to the county's expensive efforts to clean up the Lagoon.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise."

The Central Florida Regional Planning Council reviewed the proposed amendment had these observations: "The area does not have sanitary sewer so the units would be on septic tanks. This change would more than double the impacts from septic tanks on the river and lagoon. As you are well aware, the lagoon has experience algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue."

There is serious concern about stormwater flooding on the north side of this property on Fleming Grant Rd. In October 2017 water rose around our house, well beyond the area indicated on the FEMA flood zone map. We feared the water level would reach our back door and into our home. Many neighbors shared our experience. I observed and photographed the

residential property east and west of the 20 acres in question having major flooding in 2017 as well. Attached are two photos of the flooding.

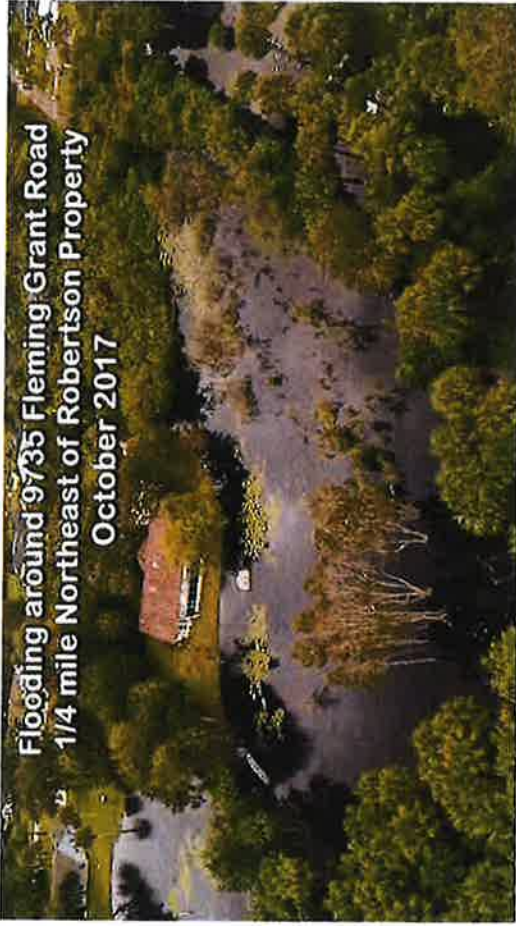
The FEMA flood zone maps are prone to error. This 20-acre parcel is in an AE flood zone. I have serious doubts that storm water run-off could be 100 percent contained, despite what the engineer says. If wrong, the error would endanger the surrounding homes and the St. Sebastian River itself.

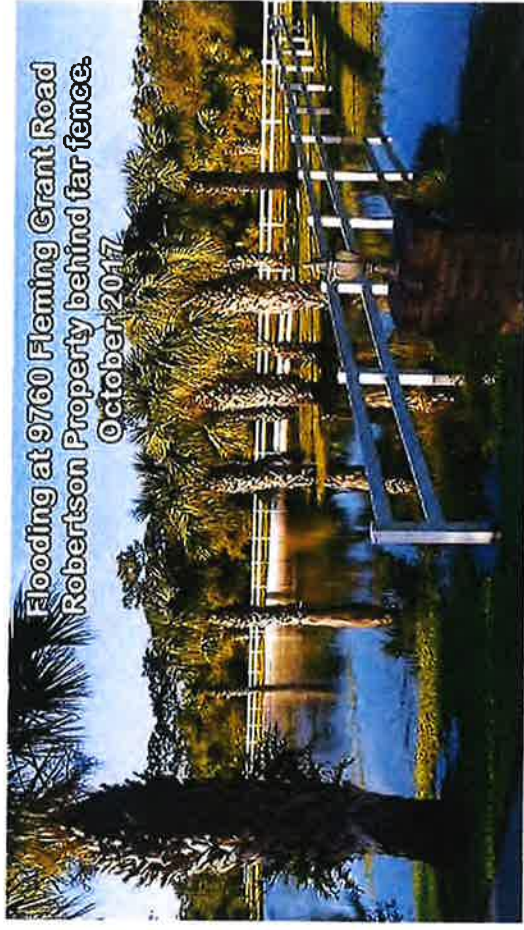
The 'Old Florida' feel that attracts visitors and brings joy to our neighbors is delicately balanced. Increased density will erode what is magical about Fleming Grant Rd. Once our Old Florida is gone, there will be no getting it back. **I urge you not to consider this amendment.**

Henry Beck

9735 Fleming Grant Rd.

Micco, Fl. 32976





Commissioner, D1

From: Linda McLain <lmclain45@yahoo.com>
Sent: Thursday, May 02, 2019 4:20 PM
To: Jones, Jennifer; Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Application 19-01ESR Robertson
Attachments: deo letter.jpg; map of 2.5 acre parcels.jpg
Categories: EMAIL CAMPAIGNS

Dear County Representatives:

I am writing to request that you VOTE AGAINST the above application to amend the Comprehensive Land Use Plan for the 20 acres in Micco. I am enclosing a map that clearly shows 86 parcels of land all in the immediate area of this 20 acres that contain 2.5 acres or MORE. This includes the properties immediately adjoining the 20 acres on the east side. On the west side of this property, all the parcels on the river include 2.5 acres or more. In fact, in the 31 years since 1988 when the comp plan was adopted to protect the Sebastian River, no parcel has been created smaller than 2.5 acres on the river side of Fleming Grant Rd. Apparently the county has not looked at a map and realized this.

Allowing a greater density on this 20 acres is a direct violation of protecting the river. Now that you are taking our tax dollars to clean up the over development of the Indian River Lagoon, we know that we must stand up and speak out to protect our Sebastian River.

Increasing the density to allow smaller lots is NOT compatible with the surrounding area. The majority of residents in this area have properties in excess of 2.5 acres with open spaces.

The owner of this land wants to build 20 homes on this land but 20 septic tanks, even with a new design to limit chemicals will still be much more harmful to the river than the 8 he can currently put in will be. The run off from 20 homes will be so much greater than the run off from 8 homes. The impact on wildlife living there will be much greater with 20 homes than it will be with 8 homes. You do not have to be an engineer to know those facts are accurate!

The enclosed letter from the state of Florida review clearly outlines issues with the flood plain and wetlands on this property and it recommends that the density be maintained at 1 unit per 2.5 acres until such time as sewer is available to protect the area.

I sincerely believe that as responsible representatives for our county you will see that this application should be denied to protect the river, the wildlife and the residents of the Fleming Grant Rd area. Thank you for your time and attention of this letter.

Sincerely,

**Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976**

Technical Appendix Comments
Proposed Comprehensive Plan Amendment
Grand County LP-0220

Amendment Summary
The proposed future land use map amendment would increase residential density from 1.2 to 1.5 units per acre, which would double the allowed number of dwelling units on the 20-acre site. The density is not currently limited by existing zoning or other land use regulations and is consistent with the existing zoning.

1.1 Technical Appendix Comments

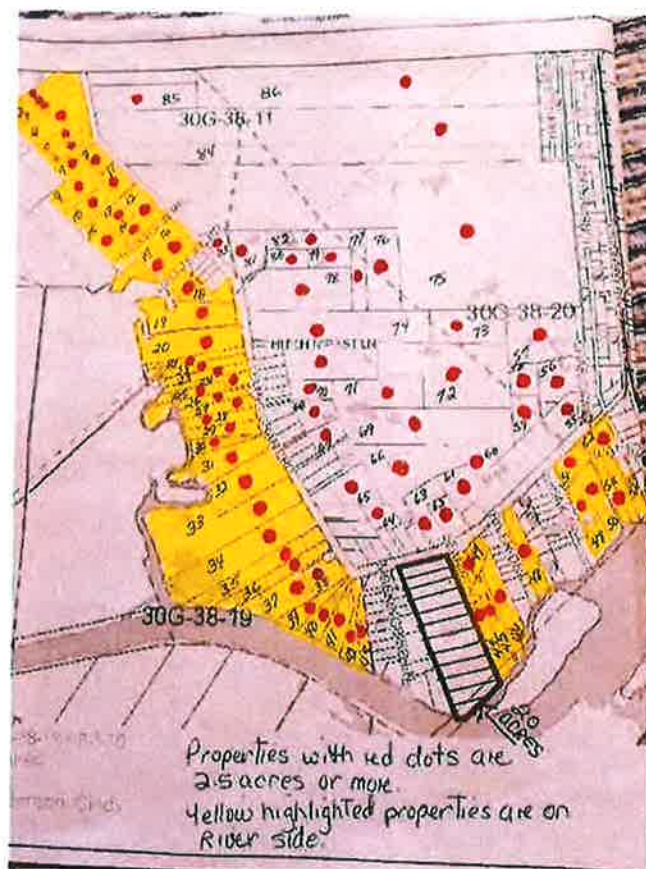
The proposed 20-acre site is located near the confluence of the North and South forks of the Teton River, just prior to discharge into the Teton River (TR). The Teton River (TR) is an important trout stream that has been identified as a priority for high-quality riparian habitat. From water quality and other discharge from surrounding land uses, these include water use design and riparian habitat and riparian habitat (RHH). In addition, the site is in the riparian habitat (RHH) zone of the Teton River (TR). The County is spending approximately \$60 million to improve riparian habitat on the TR and the TR is a key riparian habitat (RHH) zone of the Teton River (TR). The County is spending approximately \$60 million to improve riparian habitat on the TR and the TR is a key riparian habitat (RHH) zone of the Teton River (TR).

By increasing density and the number of units, the site is more likely to be developed in a way that is consistent with the riparian habitat (RHH) zone of the Teton River (TR). The County is spending approximately \$60 million to improve riparian habitat on the TR and the TR is a key riparian habitat (RHH) zone of the Teton River (TR).

2.2 Technical Appendix Comments

A portion of the proposed amendment is in the riparian habitat (RHH) zone of the Teton River (TR). The County is spending approximately \$60 million to improve riparian habitat on the TR and the TR is a key riparian habitat (RHH) zone of the Teton River (TR).

The proposed amendment would increase the density from 1.2 to 1.5 units per acre, which would double the allowed number of dwelling units on the 20-acre site. The density is not currently limited by existing zoning or other land use regulations and is consistent with the existing zoning. The County is spending approximately \$60 million to improve riparian habitat on the TR and the TR is a key riparian habitat (RHH) zone of the Teton River (TR).



Commissioner, D1

From: Joan Legue <datadocmicco@att.net>
Sent: Thursday, May 02, 2019 2:26 PM
To: D2.commissioner@brefavefl.gov; Commissioner, D3; Commissioner, D4; Commissioner, D1
Subject: Fw: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.
Categories: EMAIL CAMPAIGNS

Subject: Re: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.

On Thursday, May 2, 2019, 2:15:51 PM EDT, Joan Legue <datadocmicco@att.net> wrote:

I am asking you to deny the passage of this amendment. There are many reasons and you have been given all of them. I live in Brevard county and want the density to stay as it is. Any changes to the southern part of the county will be negative to everyone who lives here and to future families as well.

Thank You

Joan Legue
1133 Barefoor Cir.
Micco, Fl. 32976-772-664-2630

Commissioner, D1

From: Joan Legue <datadocmicco@att.net>
Sent: Thursday, May 02, 2019 2:16 PM
To: Jones, Jennifer
Cc: Commissioner, D1; D2.commissioner@brefavefl.gov; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Amendment 2019-1.1 CHANGES TO DENSITY ON FLEMING GRANT RD.
Categories: EMAIL CAMPAIGNS

I am asking you to deny the passage of this amendment. There are many reasons and you have been given all of them. I live in Brevard county and want the density to stay as it is. Any changes to the southern part of the county will be negative to everyone who lives here and to future families as well.

Thank You

Joan Legue
1133 Barefoor Cir.
Micco, Fl. 32976

Commissioner, D1

From: James Linder <jebdlinder@gmail.com>
Sent: Wednesday, May 01, 2019 5:54 PM
To: ; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Jones, Jennifer
Subject: Fwd: Brevard Proposed Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS

Subject: Brevard Proposed Amendment 2019-1.1



I am writing you to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My wife and I are residents of scenic Fleming Grant Road. We have lived here for 5 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River, which is the border between Brevard and Indian River counties. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, pastoral scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in approximately 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NWI wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and stormwater into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development. Brevard County is part of the Indian River National Lagoon Council (IRNLC) and the Council's publicly stated purpose is to sponsor and be responsible for the Indian River Lagoon National Estuary Program, whose goals are: 1. To attain and maintain water and sediment of sufficient quality to support a healthy estuarine lagoon ecosystem; 2. To attain and maintain a functioning, healthy ecosystem which supports endangered and threatened species, fisheries, commerce and recreation; 3. To achieve heightened public awareness and coordinated interagency management of the Indian River Lagoon ecosystem; and 4. To identify and develop long-term funding sources for prioritized projects and programs to preserve, protect, restore and enhance the Indian River Lagoon. Placing twenty homes in this area certainly is not agreement with the mission statement of the IRNLC.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See

attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise." Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

Thank you for your consideration.

Sincerely,

James Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

Commissioner, D1

From: James Linder <jebdlinder@gmail.com>
Sent: Wednesday, May 01, 2019 5:49 PM
To: hill@irlcouncil.org; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Jones, Jennifer
Subject: Brevard Proposed Amendment 2019-1.1
Categories: EMAIL CAMPAIGNS



I am writing you to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My husband and I are residents of scenic Fleming Grant Road. We have lived here for 5 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River, which is the border between Brevard and Indian River counties. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, pastoral scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in approximately 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NW1 wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and stormwater into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development. Brevard County is part of the Indian River National Lagoon Council (IRNLC) and the Council's publicly stated purpose is to sponsor and be responsible for the Indian River Lagoon National Estuary Program, whose goals are: 1. To attain and maintain water and sediment of sufficient quality to support a healthy estuarine lagoon ecosystem; 2. To attain and maintain a functioning, healthy ecosystem which supports endangered and threatened species, fisheries, commerce and recreation; 3. To achieve heightened public awareness and coordinated interagency management of the Indian River Lagoon ecosystem; and 4. To identify and develop long-term funding sources for prioritized projects and programs to preserve, protect, restore and enhance the Indian River Lagoon. Placing twenty homes in this area certainly is not agreement with the mission statement of the IRNLC.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise." Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

Thank you for your consideration.

Sincerely,

Beverly Linder

9585 Fleming Grant Road

Micco, FL

772-571-6511

Commissioner, D1

From: lyn greene <cgreene@hotmail.com>
Sent: Wednesday, May 01, 2019 4:43 PM
Subject: Brevard Proposed Amendment 2019-1.1

Categories: EMAIL CAMPAIGNS

To Whom it May Concern:

I am a resident on Fleming Grant Rd, close to the area where the proposed development and variance request is being requested. I am completely opposed to the variance. The parcels in this area were originally set to 2.5 acres for a reason. There are already enough issues because of the development up to this point in just the 21 years since I purchased my property.

The county doesn't, apparently, have enough public service folks to supply the needed services to this area already. I've had brush and debris in a pile, as designated by the contract, left in front of my home for a month or more at a time, we're currently going for a record evidently. Not to mention the call we made to 911 in 1988 which, to this point, we have still not gotten a response. Then, of course, there was the variance already granted to let somebody fill in the retention pond that all the runoff used to go to, so they could build their home.

When I purchased, I had NO wetlands, but because of development around my home, I now have a strip across my property, that divides my land. So unless I am on and "access road" to one side or the other, I can't legally get to the rear part of my property. This was caused by development.

During storms, we have water in our ditches for weeks because your county folks can't seem to make sure the ditches and culverts are not blocked. If there is enough rain, with or without a major storm, we often have water encroaching on our lawns because of lack of drainage. We have had to have residents who had tractors, who have lived here since the property limits were even larger, clear them out.

There are already enough folks using pesticides and fertilizers on their lawns and plants, which will be washed into Indian River Lagoon and poisoning the water supply. We don't need the addition folks poisoning the supply. This is an issue that we're possibly going to be paying taxes to clean up, we don't need to have additional offenders in our area.

Please let's use some common sense, take the possibility of increased revenue off the table, and not make more harmful changes for more tax dollars. You've already done enough by the poor decisions to destroy this part of the county that have been made to this point, we all moved here because of its space, beauty and serenity.

Carolyn Greene
9525 Fleming Grant Rd
Micco, FL 32976

Commissioner, D1

From: Anne Briggs <annebriggs@yahoo.com>
Sent: Wednesday, May 01, 2019 10:56 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Brevard Proposed Amendment 2019-1.1
Attachments: map of 2.5 acre parcels.jpg
Categories: EMAIL CAMPAIGNS

Dear Commissioners Isnardi, Tobia, Smith, Loeber and Pritchett,

Ref: Parcel#18PZ00166 Robertson 20 Acres, Fleming Grant Road, Micco

I am writing you once again to ask for your support and to register my opposition to changing the Brevard County Future Land Use Map/Comprehensive Land Use Plan currently designated 1 unit for 2.5 acres along Fleming Grant Road in Micco.

My husband and I are residents of scenic Fleming Grant Road. We have lived here for 8 years and have loved being in this area, enjoying the incredibly varied wildlife and the proximity of the beautiful Saint Sebastian River. Fleming Grant Road follows the Saint Sebastian River, and is the southernmost road in Brevard County. It has a unique rural character that is appreciated by many area residents who walk, bike and drive this tranquil, meandering road to enjoy seeing wildlife, horses at pasture, bucolic scenes and green spaces. There is no city water or sewage systems in this part of Micco, we are all on wells and septic systems. The proposed amendment is not compatible with the rural nature of this neighborhood.

As you know, the requested change in land use designation of this 20+ acre vacant lot on the St. Sebastian River would result in some 20 homes being built there instead of the 8 as the FLUM/CLUP (1:2.5) allows. Twenty houses packed onto this riverside land can only negatively impact the delicate ecology of the area. Portions of the property are designated as FEMA AE flood zone as well as NWI wetlands. Even the new nitrogen-reducing septic system leach-fields can flood and leak, they are not infallible. The increased risk of flooding in this already flood-prone neighborhood, runoff from septic leaks, pesticides, fertilizer and storm water into the St. Sebastian River and then to the Indian River Lagoon is surely not worth yet another housing development.

The FLUM/Comp plan of 1988, which designated the river-side properties on Fleming Grant Road at 2.5 acres per house, was meant to protect the river and the complicated and complex ecology to which it is connected. (See attached map of properties on FG Road that are 2.5 acres or greater.) Since 1988, NO EXCEPTIONS have been made to the FLUM/CLUP acreage requirement on Fleming Grant Road. There is absolutely no reason to change the FLUM/CLUP now, especially when the health of the Indian River Lagoon is already in such jeopardy. The State of Florida is expending much effort and taxpayer money in repairing the human damage to the IR Lagoon and other waterways in the State. This proposed development and precedent-making change to the 1988 FLUM is counter-intuitive to this effort.

In their letter responding to the proposed amendment, the Department of Economic Opportunity's technical assistance comments state, "The current adopted land use density should be maintained until central sewerage is available, as the site has notable suitability limitations to increased septic systems use," and "The current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise." Wise words that should be heeded.

I urge you to please NOT APPROVE any change to the Future Land Use Map/Comprehensive Land Use Plan for this property.

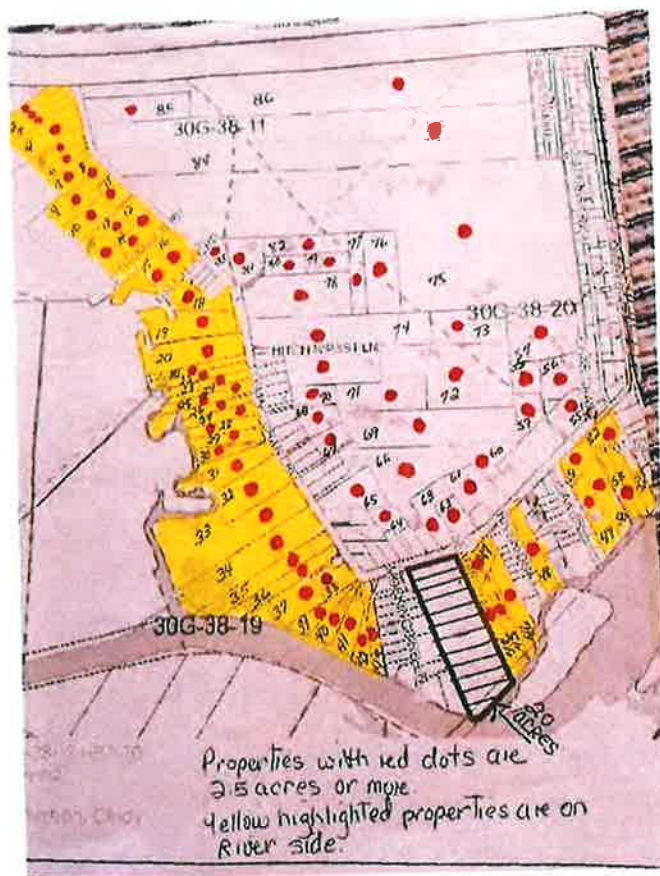
Thank you for your consideration.

Sincerely,

Anne Briggs

9735 Fleming Grant Road, Micco FL 32976

772 925 9200



Commissioner, D1

From: Barbara Reisert <babsnearl@aol.com>
Sent: Tuesday, April 30, 2019 9:46 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; D3.commissioner@aol.com; D4.commissioner@brevard.gov
Subject: Change to the Comprehensive Land Use Plan
Categories: EMAIL CAMPAIGNS

Dear Commissioner:

We live at 9471 Fleming Grant Rd, Micco and we are writing to voice our objection to the petition to change the Comprehensive Land Use Plan on a 20 acre parcel on our road. The plan was adopted by Brevard County in 1988 to preserve the area from over development due to it's proximity to the river. We do not live on the river side but were still required to have 1 acre parcels for the same purpose. For the nearly 20 years we have lived here no exceptions have been made.

We are a rural area with wells and septic systems and ditches. The size of the parcels allow us to keep safe distances between our water supply and our septic systems and keeps septic waste from draining into the river. The ditches are not adequate to move water in heavy rains and most of our properties have some flooding. I can't believe that it is possible to put 20 homes on a 20 acre parcel and build roads and still allow space for wells, septic systems and water retention.

Our governor has made clean water and cleaning up the river his priorities and millions of taxpayer dollars have been designated for these projects. The over development of this parcel would further contribute to the pollution we are trying to clear up. Granting this change to the Comprehensive Land Use Plan would further stress the river as well as the wildlife that we enjoy and try to protect everyday.

I realize the developer who file the petition has a right to build and make a profit but that was the risk he took when he purchased the property knowing full well what the building requirements are. The interests of one individual should not trump what we all know is the right thing to do. Please do not grant this change.

Emil & Barbara Reisert

From: [Jeffrey Davis](#)
To: [Jones, Jennifer](#)
Subject: Fw: Opposition to Brevard Proposed Amendment 2019-1.1
Date: Wednesday, May 8, 2019 6:21:00 AM

This e-mail has been sent to all commissioners D1 thru D5. Thank you for your support

----- Forwarded Message -----

From: Jeffrey Davis <davis1427@bellsouth.net>
To: D1.Commissioner@Brevardfl.gov <D1.Commissioner@Brevardfl.gov>
Sent: Wednesday, May 8, 2019, 6:15:02 AM EDT
Subject: Opposition to Brevard Proposed Amendment 2019-1.1

This amendment is in not compatible with our rural neighborhood. Rationale for the original designation of land parcels (1988 Comprehensive Plan allowance for 1 unit per 2.5 acres) in the Fleming Grant/Sebastian River community supported future management/prevention of pesticides, fertilizers, septic drain field leakage and storm run-off into the Sebastian River and on into the Indian River Lagoon. Area is prone to flooding only compounding the problems. Please consider the affects of this decision and act in the best interests of the residents and health of the Indian River Lagoon. VOTE NO

Submitted by: Jeff and Mary Jane Davis
9380 Fleming Grant Rd.
Micco Fl. 32976

From: [Susan Courtney](#)
To: [Jones, Jennifer](#); d1.commissioner@brevardfl.gov; [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Brevard proposed amendment 2019-1.1
Date: Wednesday, May 8, 2019 7:27:41 AM

To all Concerned

I would like to express my concern regarding proposed amendment 2019-1.1,

I am against changing the parcel land zoning to one acre per unit, keeping it at 2.5 acres per home will be less impact on the St Sebastian River and Lagoon. Tax payers are spending money to keep our waterways clean, and by adding more homes, there will be an increase of pesticides, fertilizers, septic drain field leakage, and storm run off. Please abide by the plan developed in 1988 1 unit per 2.5 acres.

If you do not see this as a concern, I think at the very least there should be some kind of compromise, instead of one acre lots, what if the parcels would be 1.33 reducing to 15 units instead of 20. I think act of compromise still exist in our society, after all we are neighbors.

Sincerely

Susan Courtney
9791 Fleming Grant Rd
Micco fl 32976

Sent from my iPad

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Serk, Erin](#)
Subject: FW: Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, May 8, 2019 8:31:10 AM
Attachments: [20 acres.pdf](#)

From: Robin Carroll [mailto:RH20Bug@aol.com]
Sent: Tuesday, May 7, 2019 1:49 PM
To: Campbell, Cheryl
Subject: Amendment 2019-1.1 (19-01ESR)

Please see the attached letter, it contains many photographs of the issues in the area with the proposed development. Please share this with the members on the board, I will be at the meeting on the 20th. Please let me know if you have trouble opening, I can decrease the quality of the photos, but would prefer not to.

Thank you,

Robin Carroll
9575 Fleming Grant Rd
Micco, Fl 32976

TO: Planning and Zoning
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: May 7, 2019

Dear Cheryl Campbell

My husband and I are resident taxpayers, we do not support any development that changes the current Comprehensive Land Use Plan established in 1988. Any increase in density will be detrimental to the fragile environment and will set a bad precedent on future development. This area is rural and we have no utilities such as municipal water and wastewater, we depend on well and septic systems for these needs. Our community is located directly on the North Fork of the St Sebastian River, which feeds the Indian River Lagoon.

The developer is using earlier development from the mid 50's as a comparison for his future development wants as an argument. This rational is flawed and does not consider current environmental issues of our waterways today. State Senator Debbie Mayfield has just filed SB 1758 to curtail the number of septic systems on our waterways, the city of Sebastian has received grant money to assist homeowners on their side of the St. Sebastian River to switch from well and septic to municipal water and wastewater conversions and Mr Robertson just wants to disregard these issues and increase density on this 20 acre parcel from 8 homes to 20 homes. This increase in density will negatively affect the water quality of the St. Sebastian River and Indian River Lagoon. We need to keep to the current Land use plan to control and minimize impact of additional septic systems and storm water run off.

With about 160 properties in the immediate area, about 66% are on the river side of Fleming Grant Rd, with the remaining 34% on the dry side. Of the river side properties, 48% was developed in the 50's prior to the 1988 Comprehensive land use plan and are smaller than 2.5 acres, 52% of these properties are 2.5 acres or more. These smaller properties should not be considered in comparison of current and future development. Communities have learned a lot about development since, environmental issues are topping priority lists due to lagoon health.



Total properties in area 157

Red dots are on properties 2.5 acres or more
85

River side 54 Non-river 31

Acre size lots on non-river side 22

1/2 acre lots developed in the 1050's 3
streets 50

With the health of our lagoon, the current septic and well conversions in the area, and the new legislation proposed, why would any prudent government office or agency increase density on our waterways where basic water and wastewater utilities are not available?

Storm water runoff is another local issue that has been ignored. Our current storm water basin is inadequate to handle storm run off at present. The new Wheeler Storm Water Park on the north end of Fleming Grant Rd near Micco Rd is to far away to help our area. The following photos show the amount of water flowing into the storm water basin located off Turtle Ln and Fleming Grant Rd.

The water from storms travels south down Fleming Grant Rd, and is not managed well.



RAIN EVENT WEST SIDE OF ROAD

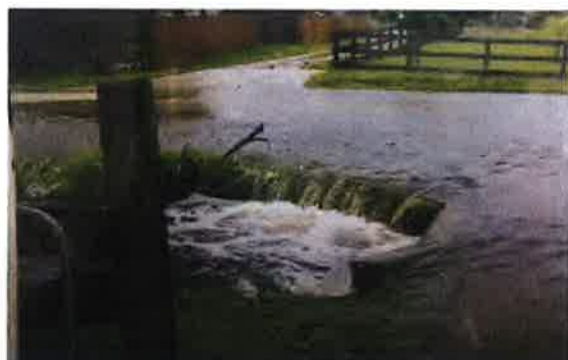


RAIN EVENT EAST SIDE OF ROAD

The next pictures show a prolong rain event and amount of water flowing down the street to the storm basin.



STORM RUN OFF



STORM RUN OFF

In a prolonged rain event there is so much water flowing down Fleming Grant that my driveway culvert is too small to handle it. This is routine pooling of stormwater happens frequently in a prolonged rain event.

The storm water basin just off Fleming Grant Rd is inadequate to hold the amount of water that flows south and west into the basin. These next pictures show the storm water basin as it is today.

These next pictures show the aftermath of the storm basin flooding in neighboring yards.



STORM BASIN FLOODING

STORM BASIN FLEMING GRANT RD



STORM BASIN FLEMING GRANT RD



STORM BASIN FLOODING



SUNK DRIVEWAY BULKHEAD



DRIVEWAY DAMAGE



DRIVEWAYS

These pictures show how inadequate the current storm water run off management is failing in our neighborhood. Increasing density in the area will only exacerbate the situation. If changes are granted to the Comprehensive Land Use Plan, how many homes can be jammed into half acre lots on the thousands of undeveloped land on Fleming Grant. This is a rural community and not Palm Bay. We can not have Palm Bay development in an area that has no municipal water or wastewater systems to handle the density of a normal city.

We have tried to show how important this decision is to the character of our community when some of us presented to both the Planning meeting on Feb. 25th and the Commission meeting on March 7. Both meetings allowed this proposal to move forward to the state for comment rather than defeating it. The developer want to maximize his profits by increasing the density based on 1955 standards, this is a mistake and we can not go backward in land use. If you change the land use plan for this developer, what president will that create in future development?

Our neighbor wants to change the character of our rural community by reverting to policies from the 1950's. I would like to think our community has grown smarter over the last 30 or so years since the comprehensive used plan went into effect. Please consider these points in making your decisions about this change in the Brevard County Comprehensive Land Use plan. Our future, the future of the lagoon are based on this important decision.

Robin & Charles Carroll
9575 Fleming Grant Rd
Micco, FL 32976

As a homeowner of Micco, I am very concerned about the increase density on the parcel owned by Douglas Robertson. Currently the Brevard County states for 1 unit per 2.5 acres along Fleming Grant Road in Micco. Mr. Robertson wants to place 1 unit per acre. There are many reasons not to allow **this**.

The beautiful St. Sebastian River flows directly into the Indian River Lagoon. With that many more people, there would be more pesticides, septic tanks, fertilizers and runoff into the river.

The Robertson's parcel is also an area of flooding. With high flooding likely, these contaminations will easily be washed into the river and into the Indian River Lagoon.

The public has millions of tax dollars to pay for a clean Indian River Lagoon. This can only harm it, as well as the residents of St. Sebastian River and Micco.

This is a rural area. Please allow it to stay that way. Deny the changes to the Brevard County Future Land Use Map proposed by Mr. Robertson.

Sincerely,

Diane Cathey

9844 Riverview Drive

Micco, Florida 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: 19-01ESR Petition
Date: Thursday, May 9, 2019 8:34:42 AM

From: mangobw1@aol.com [mailto:mangobw1@aol.com]
Sent: Wednesday, May 8, 2019 4:29 PM
To: Campbell, Cheryl; Commissioner, D1; Commissioner, D2; Commissioner, D3; d4commissioner@brevardfl.gov; Commissioner, D5
Subject: 19-01ESR Petition

RE: 19-01ESR Petition

ATTN:

Cheryl Campbell

Rita Pritchard

Bryan Lober

John Tobia

Curt Smith

Kristine Isnardi

My husband and I are opposed to the 19-01ESR Petition and any increases in the density in our area. This subdivision, with all owners on small acreage, will have negative consequences to the Sebastian River.

Richard and Susan Currier

9485 Fleming Grant Rd.

Micco, FL 32976

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Stern, Erin](#)
Subject: FW: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application
Date: Thursday, May 9, 2019 1:41:54 PM

From: Lew Kontnik [mailto:lewkontnik@gmail.com]
Sent: Thursday, May 9, 2019 9:18 AM
To: Campbell, Cheryl
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application

Dear Ms Campbell:

I am writing to ask you PLEASE NOT to change your Comprehensive Plan requirements, and your historical practices requiring lots of at 2.5 acres on the 20 acre parcel on the river side of Fleming Grant Road in Micco.

The Board, County as a whole and I personally have been working diligently to restore the sadly contaminated and degraded Indian River Lagoon. As you know so well, we are spending hundreds of millions of dollars to reduce and remove nutrients entering the Lagoon and its tributaries from septs, lawn care, and other human development activities.

To allow an increase in the density of development on this parcel would fly directly in the face of these massive and ongoing efforts. The parcel in question sits right at the mouth of the Sebastian Inlet and empties its contents into the Lagoon. To depart from the Comprehensive Plan adopted in 1988, requiring building sites of less than 2.5 acres on the river side of Fleming Grant Road, would ensure the installation of 20 or more new septic systems on the River into a flood plane that frequently is submerged during major rain events. This would sweep masses of human waste directly into the Inlet and the Lagoon. This would be contrary to everything we are working for!

Prohibiting this increase in density is not only a matter of doing what is right for the environment, it is also the just and fair thing to do. Over the 31 years that the Comprehensive Plan has been in effect, other developers have asked for increases in density for plots in the same area and have been rebuffed, having to develop (or not) based on the minimum 2.5 acre requirement. To allow this petition to go forward would be massively unfair to previous applicants, some of whom were NOT on notice about the 2.5 acre requirement.

Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as a steward of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court

Melbourne, FL 32934
+1 321 775 3327
LewKontnik@gmail.com

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Stern, Erin](#)
Subject: FW: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River
Date: Thursday, May 9, 2019 1:46:53 PM
Attachments: [CCF05092019.pdf](#)

From: jvjc321 [mailto:jvjc321@bellsouth.net]
Sent: Thursday, May 9, 2019 12:21 PM
To: Campbell, Cheryl
Subject: Fw: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

We Vote To Deny Amendment 19-01ESR

----- Forwarded Message -----

From: jvjc321 <jvjc321@bellsouth.net>
To: Cheryl.campbell@brevardfl.gov <Cheryl.campbell@brevardfl.gov>
Sent: Thursday, May 9, 2019, 11:58:05 AM EDT
Subject: Brevard County Comprehensive Plan Designated all Land Between Fleming Grant Road and the River

Vickie & John Romano @ 9720 Fleming Grant Road Micco, Florida 32976 (321) 403-3060 (LETTER ATTACHED)

From: Vickie & John Romano

May 8, 2019

9720 Fleming Grant Road

Micco, Florida 32976

(321) 403-3060

TO: Brevard County Planning & Zoning Department: Attention Cheryl Campbell,

We bought this property on Fleming Grant Road because of the rural area it is and always should remain. We have been here since 1997, and love the wide open properties that are 2 ½ acres parcels or more. This is why we moved to this area. We have an abundance of wildlife living among us, all around the rivers and our wide open spaces. They have to be protected also, why would (We the people, the Land Owner's, Tax Payers) even consider destroying their habitats. If you let one developer come in and change the Comprehensive Land Use, you will have a long line of other developers down the road wanting to make more changes. Suggest to this Developer, there are plenty of Brevard County areas that need developers to build bigger homes to beautify them. . Please, we do not want to change our Comprehensive Land Use.

Thank You,

Vickie & John Romano

May 9, 2019

Dear Madam or Sir,

My name is Ken Chapin, and I live on Oak Tail in Micco. I have been a developer and homeowner in Micco for over 40 years, and I am writing this letter to express my opposition to 2019-1.1 (19-01ESR) the result of the recent LPA meeting with respect to the possible elimination of the requirement to adhere to the Brevard County Comprehensive land use plan that has been in existence since 1988 for this 20 acres in Micco that borders the St Sebastian River.

The land use change that is being pursued through Brevard County that would change the current planned comp use requirement for property along Fleming Grant road that borders the Sebastian River to R-1 zoning. I am surprised the LPA staff even approved a deviation to the Comp plan that has been in place and enforced since 1988 to only allow 1 house every 2.5 acres along the Sebastian River. This area has no water or sewer and has no plans for such. The rule of 2.5 acres per one house was put in place in 1988 to protect the Sebastian River which flows into the Indian River Lagoon. There are millions of dollars being spent to improve the health of the Indian River Lagoon. Why would we now allow over development on this 20 acres? Please help us to DENY this application.

Sincerely,

**Kenneth L. Chapin
9880 Oak Trail,
Micco, FL 32976**

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: 20 acres Fleming Grant Rd.
Date: Thursday, May 9, 2019 3:17:12 PM

From: Diane Acker [mailto:dianeack1@bellsouth.net]
Sent: Thursday, May 9, 2019 2:44 PM
To: Campbell, Cheryl; d3.commissioner@brevardfl.com; Commissioner, D4
Subject: 20 acres Fleming Grant Rd.

My name is Diane Grant. I live at 9675 Mockingbird lane, Micco, with my husband Richard. My husbands grandfather built our house in 1954, and a family member has lived here ever since.

I am sending this message because you have before you a request to change the land use, 19-O1ESR Robertson, on Fleming Grant Rd. Our property is almost 2 acres, and we back up to the 20 acres being requested to build on at greater density. I do NOT want to see ANY change in the comprehensive land use plan !

Please consider : Our property, and the adjoining 4 lots to our north, are at least 4 foot lower in grade then the 20 acres we all back up to. When we have heavy rain, we all have much standing water that takes days to drain off. If the present comprehensive land use plan is changed to allow a greater number of homes, I fear we are going to flood even more, and this can interfere with our septic systems, which are on the east side of our property. We have no other options for septic or wells. No city sewer or water is planned for our area.

I believe when the comprehensive land use plan was made , in 1988, the drainage issues were taken into consideration....especially the fact we are a few hundred feet from the C54 canal, and all measures should be taken to protect any runoff and pollution from going into the canal. The canal then runs into the Indian River lagoon.

Please vote NO to any change in land use on Fleming Grant Rd. 20 acres.

Thank you,
Diane Grant

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
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Date: Thursday, May 9, 2019 1:46:53 PM
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We Vote To Deny Amendment 19-01ESR

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From: Vickie & John Romano

May 8, 2019

9720 Fleming Grant Road

Micco, Florida 32976

(321) 403-3060

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Thank You,

Vickie & John Romano

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application
Date: Thursday, May 9, 2019 1:41:54 PM

From: Lew Kontnik [mailto:lewkontnik@gmail.com]
Sent: Thursday, May 9, 2019 9:18 AM
To: Campbell, Cheryl
Cc: Lewis Kontnik
Subject: Opposition to Amendment 2019-1.1 (19-01ERS) Density Increase Application

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Additionally, if you were to allow increased densities on this plot, it is all but certain that other developers would seek similar exemptions for the rest of the undeveloped parcels in the area, thereby assuring a "land rush" to further pollute the Lagoon from this area.

Again, I ask each of you, as a steward of our precious Indian River Lagoon, PLEASE do NOT authorize the very pollution that we are working so hard to reduce in order that we may all have "clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where we all may thrive."

Sincerely yours,

Lewis Kontnik
3208 Bird Song Court

Melbourne, FL 32934
+1 321 775 3327
LewKontrnik@gmail.com

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Subject: FW: Sierra Club letter - Comprehensive Plan Amendment 2019-1.1 (19-01ESR)
Date: Monday, March 25, 2019 1:36:18 PM
Attachments: [Sierra Club letter -- Brevard County Amendment 2019-1.1 \(19-01ESR\).pdf](#)

-----Original Message-----

From: Douglas and Mary Sphar [<mailto:canoe2@digital.net>]
Sent: Sunday, March 24, 2019 5:22 PM
To: Campbell, Cheryl
Cc: Sterk, Erin; McGee, Darcie A
Subject: Sierra Club letter - Comprehensive Plan Amendment 2019-1.1 (19-01ESR)

Dear Ms. Campbell,

Please accept the attached Sierra Club comments regarding Brevard County's proposed Comprehensive Plan Amendment 2019-1.1 (19-01ESR).

The comments have been sent to Ray Eubanks, DEO.

Thank you,

Mary Sphar

321-636-0701



SIERRA CLUB

Turtle Coast Group

March 24, 2019

Mr. Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Department of Economic Opportunity
107 East Madison, MSC-160
Tallahassee, FL 32399-4120

RE: Brevard County Comprehensive Plan Amendment 2019-1.1 (19-01ESR)

Dear Mr. Eubanks:

Sierra Club Turtle Coast Group has reviewed Comprehensive Plan Amendment 2019-1.1, which increases the allowed residential density on a property located on the St. Sebastian River just before it enters the Indian River Lagoon (IRL). The property, located on an aquatic preserve, is less than .2 mile across the river from St. Sebastian River Preserve State Park. Portions of the land are in FEMA flood zone AE and the Coastal High Hazard Area. The parcel contains wetlands and aquifer recharge soils, and will use well water and septic systems.

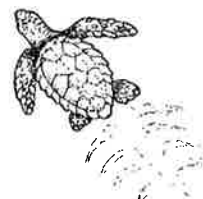
The subject property lies in an area that was partially developed starting in 1955, before the 1988 Comprehensive Plan's Future Land Use Map limited density to 1 unit per 2.5 acres for lots on the river side of Fleming Grant Road. The amendment tests whether the first exception will be granted to the 1988 requirement for large lots that help protect the St. Sebastian River and Indian River Lagoon. Considering the challenges of maintaining the health of our precious surface waters, should Brevard County approve a precedent-setting increase in density that might have appeared reasonable in 1955, but seemed inappropriate even as early as 1988?

Sierra Club's objections to Comprehensive Plan Amendment 2019-1.1 can be grouped into three sections:

1. Data and analysis inadequacies
2. Adverse effects on important state environmental resources
3. Failure to appropriately react to sea level rise projections

Objection 1: Data and Analysis Inadequacies

The amendment does not appear to consider and react to certain important relevant data to the extent necessary. We believe that the best available data and analysis on the health of the imperiled Indian River Lagoon is relevant to the amendment since it provides a context for a thoughtful decision on appropriate density. In addition, projections of sea level rise and major storm vulnerability for this property, along with consideration of strategies for addressing these challenges, should be part of the decision process for the land use designation. There is no mention in the amendment transmittal of either the current Indian River Lagoon context or sea level rise. Three pertinent documents are identified below.



Indian River Lagoon Comprehensive Conservation and Management Plan (IRL CCMP)

One of the most recent analyses of the IRL health crisis is contained in *Looking Ahead to 2030: Indian River Lagoon Comprehensive Conservation and Management Plan (draft 2018)*, prepared by the Indian River Lagoon National Estuary Program. The idea that the IRL has or soon will reach a tipping point where a seagrass-based ecosystem gives way to a phytoplankton-based system has alarmed and worried many citizens and scientists, especially since the massive Brevard County fish kill of March 2016. Page 9 of the IRL CCMP document states:

RESPONDING TO A TIPPING POINT: The IRL experienced a dramatic shift from a system where benthic aquatic vegetation was expanding to one dominated by planktonic microalgae following an unprecedented algal bloom in 2011 (now referred to as the “2011 superbloom”). The post-2011 IRL is characterized by intense, recurring, and long-lasting algal blooms; widespread loss of seagrasses; and episodic wildlife mortality events. Ongoing blooms of picocyanobacteria, nanoplanktonic chlorophyte, and the brown tide species that plagued Texas, *Aureoumbra lagunensis*, now appear to be the “new normal” for the central and northern IRL. This shift emphasizes the need for improved scientific understanding of nutrient loads, nutrient cycling, and tipping points for the IRL.

Save Our Indian River Lagoon Project Plan 2019 Update

In 2016, with the realization of the seriousness of the Indian River Lagoon health crisis, Brevard County voters approved a half-cent sales tax to fund projects to improve the water quality of the Indian River Lagoon. The most current estimate of the revenue the sales tax will collect is \$486 million. *Save Our Indian River Lagoon Project Plan 2019 Update*, prepared by Tetra Tech, Inc. and Closewaters, LLC, is the guidance document for Lagoon restoration efforts funded by the sales tax and matching funds, and we believe it provides information relevant to a decision on the appropriate level of development for the subject property.

Save Our Indian River Lagoon Project Plan stresses that we must reduce nutrient input into the IRL at the same time we implement restoration projects. Sierra Club believes it is foolish to take steps backward with unwise land use decisions at the same time citizens are asked to pay for a nearly \$500 million lagoon restoration initiative. Ironically, even as the FLUM amendment allows buildout that would increase nutrients to the IRL, two projects to reduce nutrient input in the area of the subject property are progressing. They are the Fleming Grant Biosorption Activated Media Brevard County Ditch bottom retrofit, costing \$17,346, and the Micco Septic to Sewer Conversion, costing \$1,977,345. Page 7 of the Project Plan touches on the risk of implementing the plan in the face of inadequate regulation of nutrient contributions to the IRL -- the kind of nutrient pollution the subject property would deliver:

A second uncertainty assessment was conducted in a meeting at the Florida Institute of Technology with a group of water quality, toxicity, muck, fish, algae, invertebrates, and seagrass Subject Matter Experts. . . . However, the scientists continued to voice concern about the restoration of the IRL in the absence of regulatory reform needed to prevent new development from adding more septic system and stormwater pollution to the lagoon.

Indian River Lagoon Outfall and Sea Level Rise Vulnerability Analysis, and related GIS Datasets used for Coastal Resiliency Planning

East Central Florida Regional Planning Council's report, *Indian River Lagoon Outfall and Sea Level Rise Vulnerability Analysis*, April 2016, contains a series of maps showing low, medium, and high projections for sea level rise in Brevard and Volusia County. It is interesting to pinpoint the subject property on the maps. It is also enlightening to view the property area on national storm surge Hazard Maps for hurricane categories 1 through 5, especially since the elevation rises from about 0 feet above sea level at the river to 14 or 15 feet at the road.

Sierra Club volunteers have experimented with GIS datasets to capture the current Coastal High Hazard Area, various scenarios for sea level rise under USACOE and NOAA databases, and storm surge vulnerability for Category 1 through Category 5 storms. We do not have the GIS expertise to print the most appropriate maps, but we are attaching a map showing a 4-foot water level rise that we produced with Climate Central's Surging Seas Risk Finder. We were unable to overlay sea level rise scenarios with storm surge GIS datasets. Therefore, the Sierra Club encourages the state reviewing agencies to evaluate this property with their GIS datasets to depict inundations over time at various sea level rise risks along with corresponding storm surge vulnerabilities. Then the agencies can judge the Sierra Club conclusion that that the subject property appears to be the most vulnerable, or at least one of the most vulnerable, to sea level rise and storm surge in the area between Fleming Grant Road and the river. Could vulnerability to flooding be the reason the property is one of the last remaining large parcels to be proposed for development -- ironically, development at a higher density than the FLUM has allowed since 1988?

Sierra Club believes that sea level rise predictions combined with severe storm vulnerability should have been factored into the amendment transmittal decision. Unfortunately, the required update to Brevard County's Coastal Management Element of the Comprehensive Plan has not been completed as of the date of this letter, though it is very near completion. Therefore, missing from the transmittal discussion was the application of any new Goals, Objectives, and Policies that might discourage or stop inappropriate and problematic development in coastal areas. Sierra Club looks forward to seeing the revision to the Coastal Management Element in the near future.

Objection 2: Adverse effects on important state environmental resources

The priorities of the Brevard County Commission are being tested with the proposed Comprehensive Plan Amendment. The Commission will need to make a decision on whether to hold the line in terms of density increases for properties adjacent to surface waters, or set a precedent that would encourage other property owners to try for similar increases. In this case, the precedent would affect the Indian River -- Malabar to Vero Beach Aquatic Preserve, which includes the St. Sebastian River and the Indian River Lagoon.

It has been said many times that the Indian River Lagoon is experiencing "death by a thousand cuts." Adoption of this amendment and development at an increased density would inflict another "cut" upon the very fragile IRL. The Indian River Lagoon is one of the most diverse North American estuaries, and it is home to over 4,000 plant and animal species. It is struggling against the odds to keep its declining fish and shellfish populations healthy.

The adverse effects of this particular amendment are compounded because of the interplay of multiple state resources such as surface water, wetlands, aquifer recharge soils, and fish and wildlife. The septic systems that would serve this property complicate the adverse effects. Wetlands cleanse the runoff and percolating ground water, so that less nutrient pollution reaches the aquifer and the surface water. Wetlands and their natural wetland buffers partner with surface waters to provide habitat for fish, shellfish, and wildlife species at various stages of their life cycles. Filling wetlands or developing in natural wetland buffers harms surface water quality and consequently the fish and wildlife populations. Septic systems leach nutrient pollution to the aquifer, especially through aquifer recharge soils, which drain rapidly. Furthermore, septic systems don't function well in saturated soils, especially during flood events, resulting in increased nutrient input to surface waters from stormwater. In summary, the proposed amendment would adversely affect state environmental resources of surface waters, wetlands, aquifer recharge soils, and fish and wildlife populations through a complex, interconnected and dynamic process -- a process made even more complex by sea level rise, which will alter the extent of the yet unsurveyed wetlands.

Objection 3: Failure to appropriately react to sea level rise projections

The discussion of sea level rise in the amendment documentation was limited to the Brevard County staff comment that part of the property is located in the Coastal High Hazard Area where public infrastructure is not considered adequate rationale for density increases. A much more detailed analysis of how sea level rise will change the characteristics of the subject property should have been part of the discussion and decision on transmittal.

Just as adverse effects on state natural resources are interconnected, the challenge of sea level rise is related to the severe storm vulnerability. Sea level rise creates a moving target for storm vulnerability. As the sea rises, a larger footprint of land will either be inundated by the sea or flooded by hurricane storm surge. As mentioned above, our Sierra Club volunteers have not seen maps that overlay storm surge on revised water's edge positions resulting from sea level rise. Such visuals would reinforce the challenge of prudent construction options for this property.

Sea level rise means a rise in the level of the St. Sebastian River and the Indian River Lagoon, along with an increase in the width, or spread, of these surface waters. Uncertainty about how sea level rise will affect the health of these waters should insert caution into the decision process on raising residential density on the subject property.

Conclusion

Sierra Club contends that Comprehensive Plan 2019-1.1 is based on insufficient data and analysis. In particular, some of the best available analysis on the Indian River Lagoon was not considered as a context for decision making. In addition, data on sea level rise was ignored, even though part of the property is known to be located in the Coastal High Hazard Area. The complexities of the adverse effects on important state environmental resources were not recognized, nor was the relentless landward march of the sea, which expands storm surge vulnerabilities into previously relatively safe areas. In addition, the fact that sea level rise equates to Indian River Lagoon rise and broadening with unpredictable results underscores

the need for caution and care in the decision making process on this Comprehensive Plan amendment. For all these reasons, Sierra Club opposes the adoption of Comprehensive Plan Amendment 2019-1.1.

Thank you for considering the position of Sierra Club Turtle Coast Group.

Yours truly,

A handwritten signature in black ink that reads "Mary Sphar". The signature is written in a cursive, flowing style.

Mary Sphar
Wetlands Issue Chair

Attachments: Annotated Google Earth Image of Subject Property and Surrounding Area
Map Showing Water Level Rise of 4 Feet

CC: Florida Department of Environmental Protection
Florida Fish and Wildlife Conservation Commission
St. Johns River Water Management District
East Central Florida Regional Planning Council
Brevard County Planning and Development Department



Surging Seas RISK ZONE MAP

English (US)

Enter a global coastal



Water level



10 9 8 7 6 5 4 3 2 1

ft m

Show current coast

See projections

Legend

Social vulnerability

Population

Ethnicity

More...

Elevation data courtesy of NOAA

Sea level tools and analysis by CLIMATE CENTRAL

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From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Cc: [Stern, Erin](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1(19-01ESR)
Date: Tuesday, March 26, 2019 8:33:41 AM
Attachments: [MHOA-Campbell 3-2019.pdf](#)
[MHOA-MAP Fleming 2.5.pdf](#)
[MHOA-Fleming AE flood.PNG](#)

From: miccohomeowners@aol.com [mailto:miccohomeowners@aol.com]
Sent: Monday, March 25, 2019 6:04 PM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1(19-01ESR)

Please review 3 attachments. Thank you.

MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

MHOA OFFICERS

Chelle Woods,
President

Ted Beck,
Vice President

Anne Briggs,
Secretary

Henriette Daulton,
Treasurer

DIRECTORS

Jan Black
Jim Dunn
Sue Olson
Joan Legue
Wilma Weglein

Contact Us:
Miccohomeowners
@aol.com

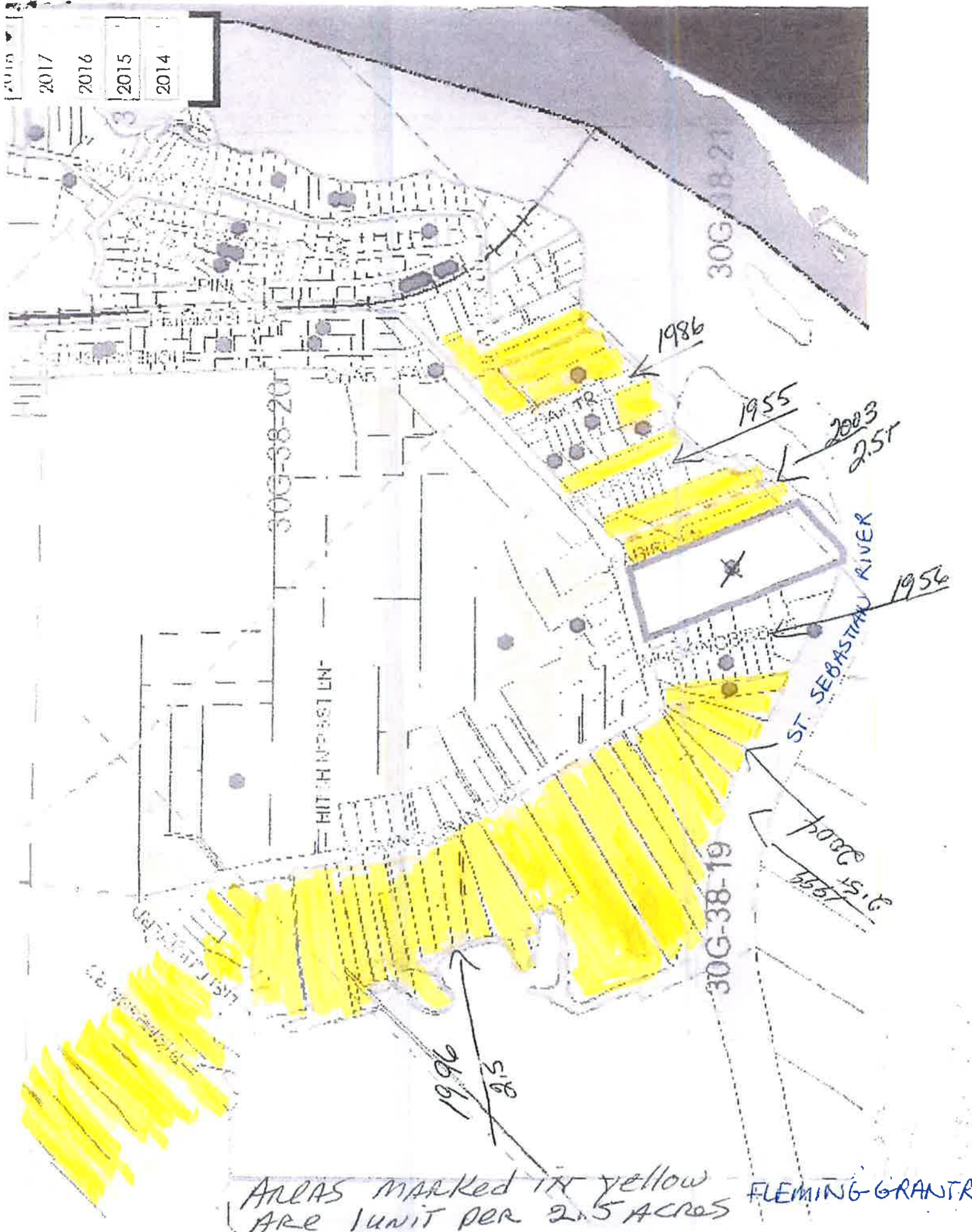
TO: Ms. Cheryl Campbell, Brevard County Planner
RE: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
DATE: March 25, 2019

Dear Ms. Campbell,
Micco Homeowners Association opposes any changes to the Brevard County Future Land Use Map currently designated for 1 unit per 2.5 acres along Fleming Grant Road in Micco. **Specifically, we oppose the request to change the land use designation on a 20.39 acre parcel owned by Douglas Robertson in order to increase density to 1 unit per acre.** The reasons for our opposition are:

- Subject property has direct access to the St Sebastian River which flows into the Indian River Lagoon. Taxpayers are spending millions of dollars every year to undo the damage development has done to the delicate ecosystems in the Indian River Lagoon.
- **Density increases will increase storm water runoff, septic drain field leakage, pesticides and fertilizer contamination into the St Sebastian River** damaging its ecological balance and further injuring the Indian River Lagoon.
- Robertson's subject property on Fleming Grant Road is in an AE FLOOD ZONE on the river portion with high probability of FREQUENT FLOOD WATERS carrying the above mentioned contaminants and runoff materials into the St Sebastian River.
- The Robertson property requested increase in density is NOT COMPATIBLE with the current FLUM designations for this area. Development in 1955 on Mockingbird Lane should NOT be used as a standard of density allowance today. The majority of properties on Fleming Grant Road are built at 1 unit per 2.5 acres. This is a rural area.
- The Brevard County Comprehensive Plan was set in 1988. **There have been no density increases approved in this area since 1988.** Density increases allowed now will set a precedent for every future developer on Fleming Grant Road.

Please do not approve any change to the Future Land Use Map for this property.

Sincerely,
Chelle Woods, MHOA President
9912 Riverview Drive Micco, FL 32976





From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Cc: [Serk, Erin](#)
Subject: FW: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)
Date: Wednesday, March 27, 2019 1:48:34 PM
Attachments: [Petition against amending comp plan.pdf](#)

From: Linda McLain [mailto:lmclain45@aol.com]
Sent: Wednesday, March 27, 2019 9:40 AM
To: Campbell, Cheryl
Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Subject: Brevard County Proposed Amendment 2019-1.1 (19-01ESR)

Date March 26, 2019

Dear Ms Campbell,

I am writing to ask that the above amendment be denied. It is for a 20 acre project on the Sebastian River with wetlands on the property and other environmental issues. The property is currently under a Comprehensive Land Use Plan that allows 1 unit per 2.5 acres. That would allow the owner to put 8 houses on this property. The owner is asking to be allowed to amend the comp plan so that he can put 20 houses on this land. There is NO water and No sewer in Micco and NO plan to ever put them here by Brevard County. There is NO drainage system here. Our water runs in ditches and eventually makes it into the Sebastian River because the land here all slopes toward the river. I am not against a person developing their land but this project will directly affect the neighbors in this area who abut the property as well as impacting the river in a very negative way with run off.

I have included a map of our area showing with RED DOTS all the adjoining properties that are 2.5 acres or more. It will clearly identify show that this is a rural area with homes on large parcels of land and that this development which is being designed to be 600 feet wide and about 1500 deep will have properties in size approx 1/2 acre (which is the state minimum for septic tanks) and that this development is NOT compatible with surrounding properties and will devalue them. I have included photos of surrounding properties showing how sparsely they are located to each other now and how large the frontage is with fences and animals, not at all in keeping with this project. I live on 2.6 acres directly across from this proposed project and my neighbors on both sides of me live on properties from 4-8 acres each. We are not an area of small lots.

There is also included a copy of the petition against amending the comp plan signed by over 70 immediate neighbors to this project.

I will include photos of what happens here now when it rains, how water floods the adjoining properties and that the water has nowhere to go. Also included will be a new residence that backs up to this property. Because of septic requirements, the property is built up about 4 or 5 feet above the natural grade. If you put 20 houses on built up foundations in this project, all the water will run off that area onto the surrounding neighbors, ditches and directly into the Sebastian River. There is no way to contain it. When it rains heavily here the county is unable to help us with this problem. The county also has no solutions for us when our wells fail or our septic drainfields have to be replaced. Recent costs to replace

septic drainfields have been \$6500-\$11,000. Some of the homes constructed adjoining this 20 acres were built in the 1960's and are at a much lower elevation. What will happen to their drainfields as a direct consequence of all the fill that will be required on these new homesites.

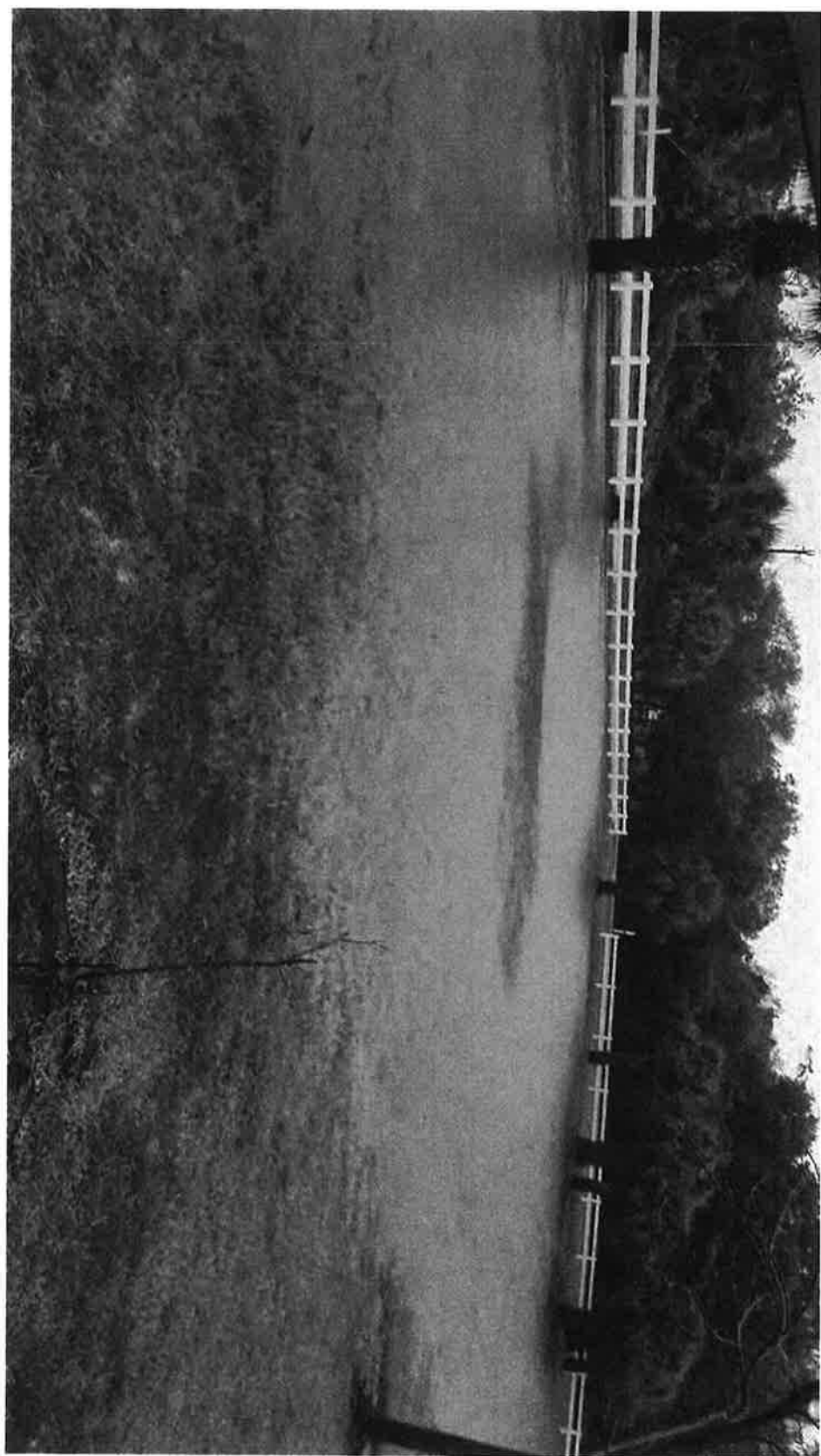
This 20 acres has approx 5 acres of wetlands on it and floodplain as well as being located in a coastal high hazard area. How can it be developed with 20 homes on it and not directly impact the Sebastian River that it fronts on? How can you put a road in and squeeze that many homesites there? In 1988 Brevard County set the Comprehensive Plan at 1 unit per 2.5 acres on ALL the land between Fleming Grant Rd and the Sebastian River. It was done to protect the river from over development. Since 1988, ALL the properties that were developed in that same area EACH had a minimum of 2.5 acres. No one has been allowed to create a smaller property. Why is this developer being given special treatment by our county? Why aren't we concerned about protecting the river today when more than ever it needs it? Look at the condition of the Indian River Lagoon and all the money being spent to clean it up. The Sebastian River flows directly into the lagoon and will have an impact on it if over development is allowed to happen.

I would ask you to please consider all the wildlife that live in this 20 acres that will be completely destroyed if this project is allowed. There are wild turkey roosting there, numerous turtles and other animals that roam freely here in our country setting. Please consider how much of this wooded area would be destroyed to make room for 20 homes, driveways, septic areas and the road into this property.

Again I would ask that you consider all these things as you make your evaluation of this amendment. This is not going to be an asset to anyone but the developer who will destroy this neighborhood and pollute the river in order to make a larger profit on this recent purchase of land. I will include a petition signed by over 70 neighbors who are opposed to this comprehensive land use amendment. Thank you for your time and attention of this letter and the attachments.

Sincerely,

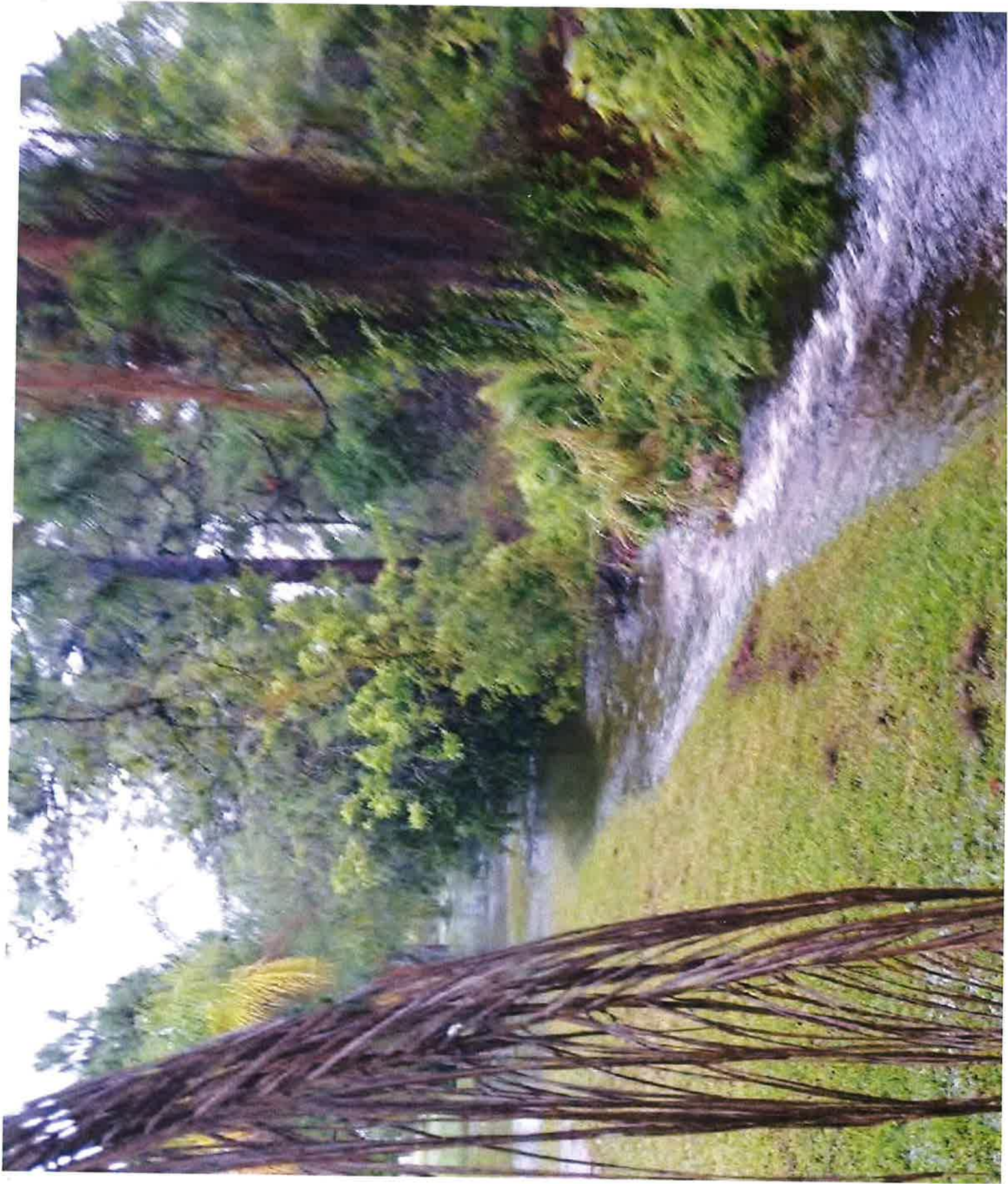
Linda McLain Brannan
9675 Fleming Grant Rd
Micco, FL 32976
772-664-2274

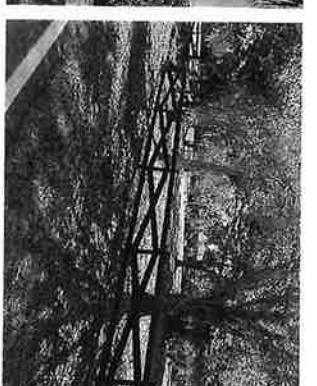
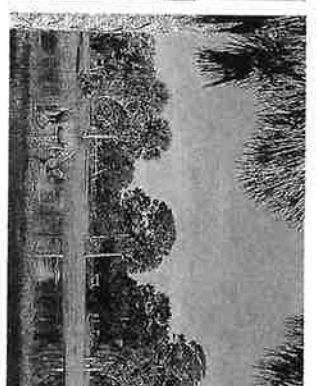
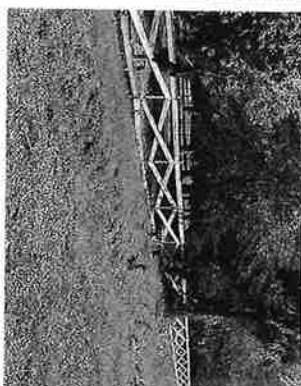


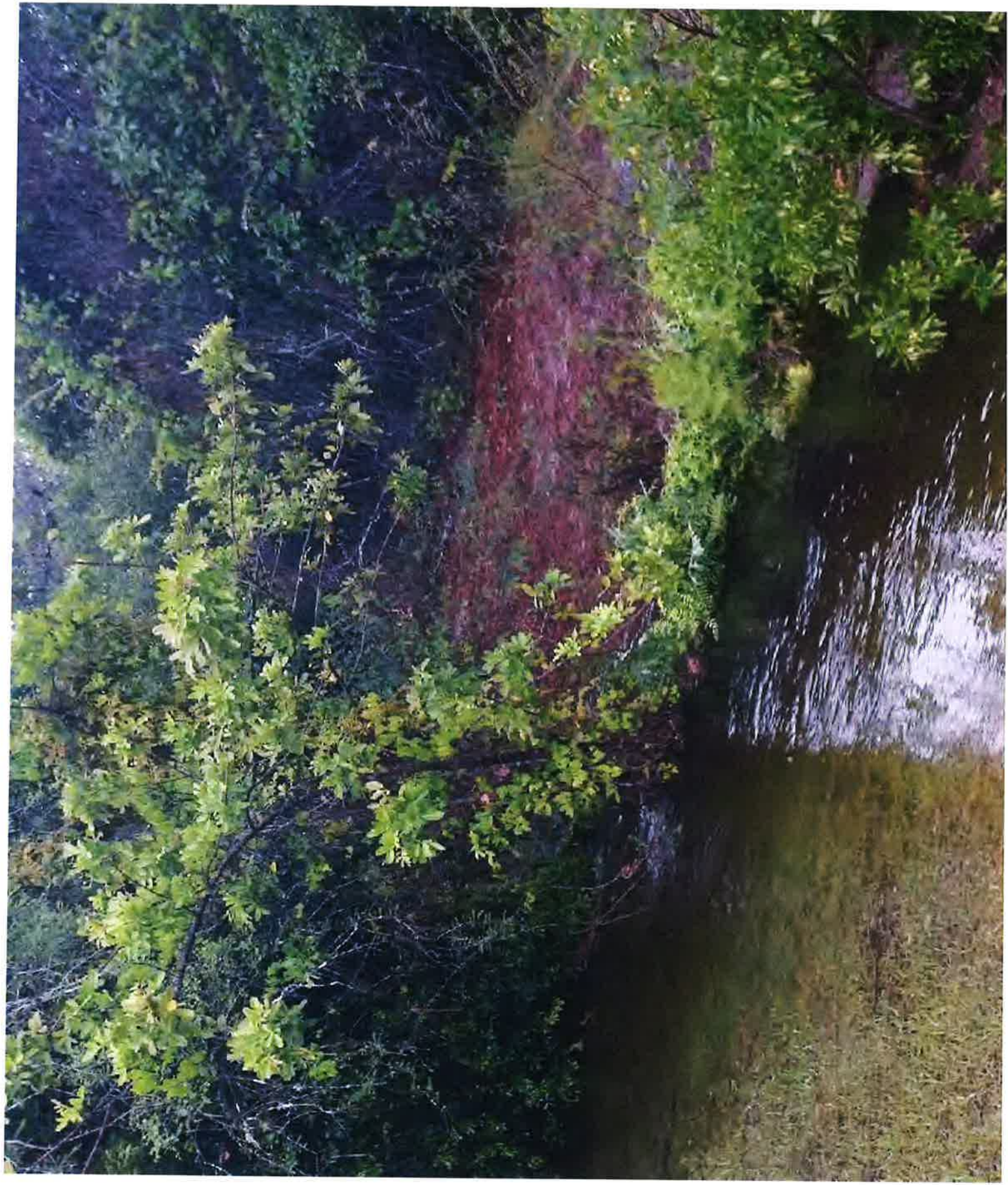


Robertson 20 acres









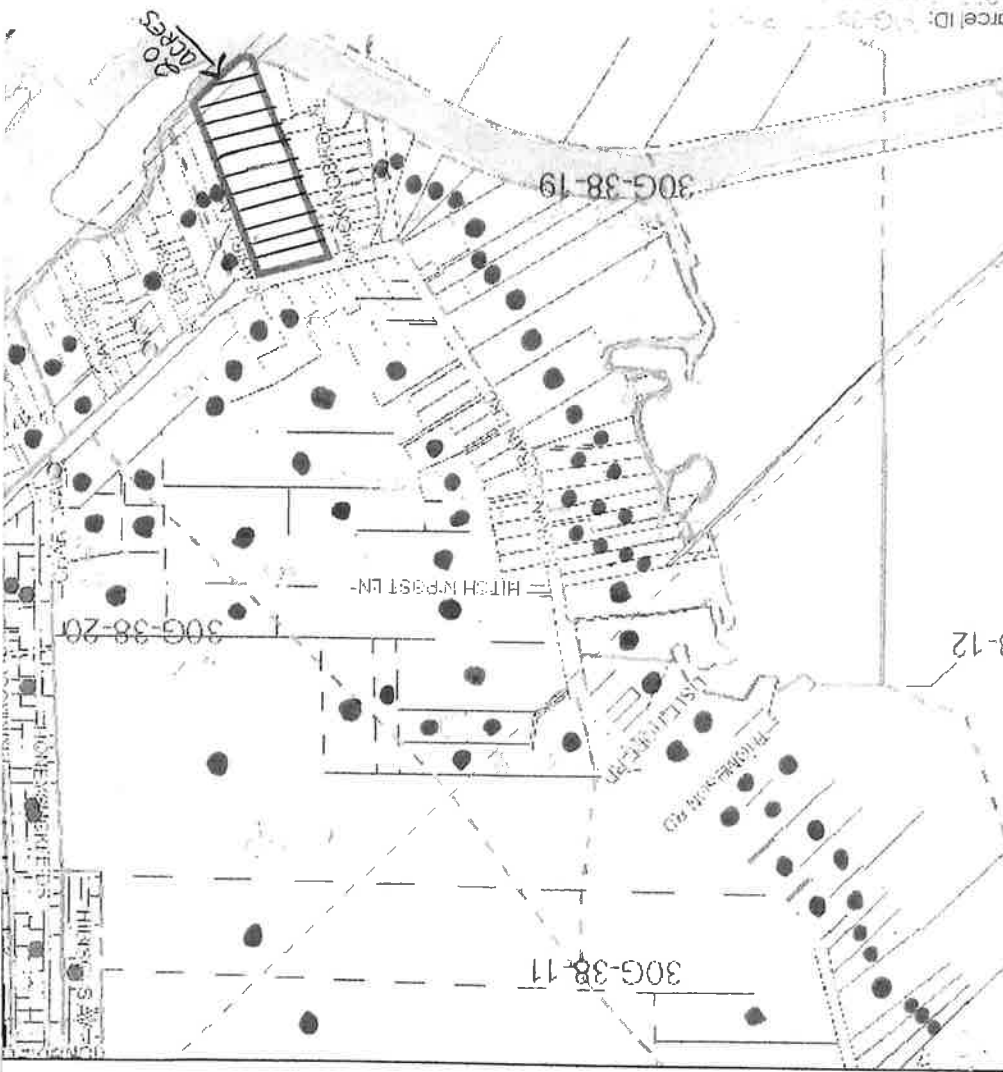
sparse population



01/16/2017



BoFAO mapview



To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

2 People	Name	Address
→	Mitzi Gene Dunkett	9640 Mockingbird Ln Micco, FL
	B. Morrissey - KIW - BFB	
	A. Stokken - Sequoia BFB	
	M. Egan	
↑	Gene Phunkett	Mockingbird Ln
	PETER EBUTT	9586 FLEMING GRANT RD, MICCO, FL
	Robin Guice	9582 Tortoise Lane, Micco, FL 32976
	William C Combs	9679 Fleming Grant Rd, Micco
	Georgia K Combs	" " "

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Address

Elizabeth Craig	9600 Mockingbird Lane	Mico
William Davis	" " " "	"
Deane Grant	9675 Mockingbird Lane	Mico
Ruth Hughes	9680 Mockingbird Lane	Mico
Fred Davies	" "	"
Herbert Brown	9675 Fleming Grant Rd	Mico
Barbara Reesist	9471 Fleming Grant Rd	Mico
Ernie Reesist	9471 Fleming Grant Rd	Mico

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

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We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name	Address
Sherry L. Craig	9670 Fleming Grant Rd
Larry L. Craig	" "
Sherry Mary Meadows	" "
Eric R. Jones	9673 Fleming Grant Rd
Lillian M. Johnson	" " "
Don J. Green	9630 Mockingbird Ln.
James Treat	" " " "
Evelyn J. Malatje	9645 FLEMING GRANT RD.
Robert D. McPhee	9645 FLEMING GRANT RD.
Thomas V. Vahne	9621 Fleming Grant Rd.
Prosperia Turner	9640 Fleming Grant Rd.
Ronda Brandon	9675 Fleming Grant Rd.
Ellen B. Phares	9625 Fleming Grant Rd.
Henry Beck	9735 Fleming Grant Rd.
Anne Briggs	9735 Fleming Grant Rd.
Carol A. Decker	9745 Fleming Grant Rd.
George T. Decker III	9745 Fleming Grant Rd.
James G. Gentry	9791 Fleming Grant Rd.
James Gentry	9791 Fleming Grant Rd.

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

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Name

Address

- 2 - Robin + Charlie Carroll 9575 Fleming Grant Rd
Bonilyn Dobson 9582 FLEMING GRANT RD.
2 - JAMES + BEVERLY 9585 FLEMING GRANT RD
A. Perez 9630 Mockingbird Ln Micco
Thomas W. Barnes JR 9695 Mockingbird Ln.
Cynthia Burke + Patrick Burke 9605 Mockingbird LN.
JEFF Chandler 9535 Fleming Grant Rd. Micco
Stephanie Oliver 9535 Fleming Grant Rd Micco
2 - JERE + LYNNE MILLIKEN 9545 FLEMING GRANT RD. Micco
2 - Philip + A. Ruth Weston 9617 Fleming Grant Rd. Micco
Tom Dobson 9621 Fleming Grant Rd
Gary C Knowles 9625 Fleming Grant Rd Micco
2 - Mike + Jane Dfore 9537 Fleming Grant Rd.
Patrick Spille Rd. 9574 Fleming Grant Rd
M. Marshall 9574 Fleming Grant Rd
John R Crisp 9556 FLEMING GRANT RD 32976
JOY E CRISP 9556 FLEMING GRANT RD 32976
Joy Crisp 9625 Mockingbird Lane, Micco 32976
Gina Fawcett 9625 Mockingbird Ln Micco FL 32976

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name	Address
Kenneth F. Chapin	9880 OAK TRAIL
Eve K. Chapin	9870 River Dr.
John Ward	9870 OAK TRAIL
Ellen Ward	9870 Oak Tr
Richard Morris	9860 Oak Tr
Yvonne Morris	9860 Oak Tr.
W. Carver	9858 Oak Trail
Patricia Carver	9850 Oak Trail
Margaret Schuster	9830 Oak Trail
James P. Dunn	9800 Oak Trail
Ellen Smith	9800 Oak Trail
Bobbie Heizen	9985 Sebastian River Dr.
David Clubb	9985 Sebastian River Dr.
Howard K. Smith	1662 George Washington
Mona Finnestad	834 N. Broad St
Vance Lyle	9980 Sebastian River Dr.
Pam Harris	9980 Sebastian River Dr.
Jan By	9984 Seb. R. Drive

To: Brevard County, Commissioner Tobia, and Planning and Zoning;

Re: Petition to Amend Comprehensive Land Use Plan on 20.39 Acre parcel of land on Fleming Grant Rd. (18PZ00166 Robertson)

We are opposed to any amendment or change in the status of this property that would allow for more than the current comprehensive land use plan allows, which is one unit per 2.5 acres.

Name

Address

Lola Newhouse	9977 Sebastian River Dr.
Billy S. Newhouse	9977 Sebastian River Drive
Wanda Newhouse	9969 Sebastian River Dr.
Linda Holland	" " "
Linda Carraway	9949 Sebastian River Dr
John Carraway	9949 Sebastian River Dr
Don Steward	9925 Nicole Dr
Lois Steward	9925 Nicole Dr
Lowes George	9800 River Drive
Low George	9800 River Drive
Ray Lee	9815 River Drive
Emma Lincoln	9815 River Drive
Patricia	9840 RIVER DRIVE
Patricia Wente	9840 River Drive

From: [Campbell, Cheryl](#)
To: [Jones, Jennifer](#)
Subject: FW: Sierra Club letter - Comprehensive Plan Amendment 2019-1.1 (19-01ESR)
Date: Monday, March 25, 2019 1:36:18 PM
Attachments: [Sierra Club letter -- Brevard County Amendment 2019-1.1 \(19-01ESR\).pdf](#)

-----Original Message-----

From: Douglas and Mary Sphar [<mailto:canoe2@digital.net>]
Sent: Sunday, March 24, 2019 5:22 PM
To: Campbell, Cheryl
Cc: Sterk, Erin; McGee, Darcie A
Subject: Sierra Club letter - Comprehensive Plan Amendment 2019-1.1 (19-01ESR)

Dear Ms. Campbell,

Please accept the attached Sierra Club comments regarding Brevard County's proposed Comprehensive Plan Amendment 2019-1.1 (19-01ESR).

The comments have been sent to Ray Eubanks, DEO.

Thank you,

Mary Sphar

321-636-0701



SIERRA CLUB

Turtle Coast Group

March 24, 2019

Mr. Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Department of Economic Opportunity
107 East Madison, MSC-160
Tallahassee, FL 32399-4120

RE: Brevard County Comprehensive Plan Amendment 2019-1.1 (19-01ESR)

Dear Mr. Eubanks:

Sierra Club Turtle Coast Group has reviewed Comprehensive Plan Amendment 2019-1.1, which increases the allowed residential density on a property located on the St. Sebastian River just before it enters the Indian River Lagoon (IRL). The property, located on an aquatic preserve, is less than .2 mile across the river from St. Sebastian River Preserve State Park. Portions of the land are in FEMA flood zone AE and the Coastal High Hazard Area. The parcel contains wetlands and aquifer recharge soils, and will use well water and septic systems.

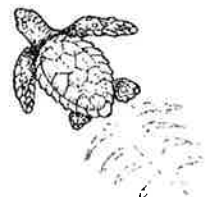
The subject property lies in an area that was partially developed starting in 1955, before the 1988 Comprehensive Plan's Future Land Use Map limited density to 1 unit per 2.5 acres for lots on the river side of Fleming Grant Road. The amendment tests whether the first exception will be granted to the 1988 requirement for large lots that help protect the St. Sebastian River and Indian River Lagoon. Considering the challenges of maintaining the health of our precious surface waters, should Brevard County approve a precedent-setting increase in density that might have appeared reasonable in 1955, but seemed inappropriate even as early as 1988?

Sierra Club's objections to Comprehensive Plan Amendment 2019-1.1 can be grouped into three sections:

1. Data and analysis inadequacies
2. Adverse effects on important state environmental resources
3. Failure to appropriately react to sea level rise projections

Objection 1: Data and Analysis Inadequacies

The amendment does not appear to consider and react to certain important relevant data to the extent necessary. We believe that the best available data and analysis on the health of the imperiled Indian River Lagoon is relevant to the amendment since it provides a context for a thoughtful decision on appropriate density. In addition, projections of sea level rise and major storm vulnerability for this property, along with consideration of strategies for addressing these challenges, should be part of the decision process for the land use designation. There is no mention in the amendment transmittal of either the current Indian River Lagoon context or sea level rise. Three pertinent documents are identified below.



Indian River Lagoon Comprehensive Conservation and Management Plan (IRL CCMP)

One of the most recent analyses of the IRL health crisis is contained in *Looking Ahead to 2030: Indian River Lagoon Comprehensive Conservation and Management Plan (draft 2018)*, prepared by the Indian River Lagoon National Estuary Program. The idea that the IRL has or soon will reach a tipping point where a seagrass-based ecosystem gives way to a phytoplankton-based system has alarmed and worried many citizens and scientists, especially since the massive Brevard County fish kill of March 2016. Page 9 of the IRL CCMP document states:

RESPONDING TO A TIPPING POINT: The IRL experienced a dramatic shift from a system where benthic aquatic vegetation was expanding to one dominated by planktonic microalgae following an unprecedented algal bloom in 2011 (now referred to as the “2011 superbloom”). The post-2011 IRL is characterized by intense, recurring, and long-lasting algal blooms; widespread loss of seagrasses; and episodic wildlife mortality events. Ongoing blooms of picocyanobacteria, nanoplanktonic chlorophyte, and the brown tide species that plagued Texas, *Aureoumbra lagunensis*, now appear to be the “new normal” for the central and northern IRL. This shift emphasizes the need for improved scientific understanding of nutrient loads, nutrient cycling, and tipping points for the IRL.

Save Our Indian River Lagoon Project Plan 2019 Update

In 2016, with the realization of the seriousness of the Indian River Lagoon health crisis, Brevard County voters approved a half-cent sales tax to fund projects to improve the water quality of the Indian River Lagoon. The most current estimate of the revenue the sales tax will collect is \$486 million. *Save Our Indian River Lagoon Project Plan 2019 Update*, prepared by Tetra Tech, Inc. and Closewaters, LLC, is the guidance document for Lagoon restoration efforts funded by the sales tax and matching funds, and we believe it provides information relevant to a decision on the appropriate level of development for the subject property.

Save Our Indian River Lagoon Project Plan stresses that we must reduce nutrient input into the IRL at the same time we implement restoration projects. Sierra Club believes it is foolish to take steps backward with unwise land use decisions at the same time citizens are asked to pay for a nearly \$500 million lagoon restoration initiative. Ironically, even as the FLUM amendment allows buildout that would increase nutrients to the IRL, two projects to reduce nutrient input in the area of the subject property are progressing. They are the Fleming Grant Biosorption Activated Media Brevard County Ditch bottom retrofit, costing \$17,346, and the Micco Septic to Sewer Conversion, costing \$1,977,345. Page 7 of the Project Plan touches on the risk of implementing the plan in the face of inadequate regulation of nutrient contributions to the IRL -- the kind of nutrient pollution the subject property would deliver:

A second uncertainty assessment was conducted in a meeting at the Florida Institute of Technology with a group of water quality, toxicity, muck, fish, algae, invertebrates, and seagrass Subject Matter Experts. . . . However, the scientists continued to voice concern about the restoration of the IRL in the absence of regulatory reform needed to prevent new development from adding more septic system and stormwater pollution to the lagoon.

Indian River Lagoon Outfall and Sea Level Rise Vulnerability Analysis, and related GIS Datasets used for Coastal Resiliency Planning

East Central Florida Regional Planning Council's report, *Indian River Lagoon Outfall and Sea Level Rise Vulnerability Analysis*, April 2016, contains a series of maps showing low, medium, and high projections for sea level rise in Brevard and Volusia County. It is interesting to pinpoint the subject property on the maps. It is also enlightening to view the property area on national storm surge Hazard Maps for hurricane categories 1 through 5, especially since the elevation rises from about 0 feet above sea level at the river to 14 or 15 feet at the road.

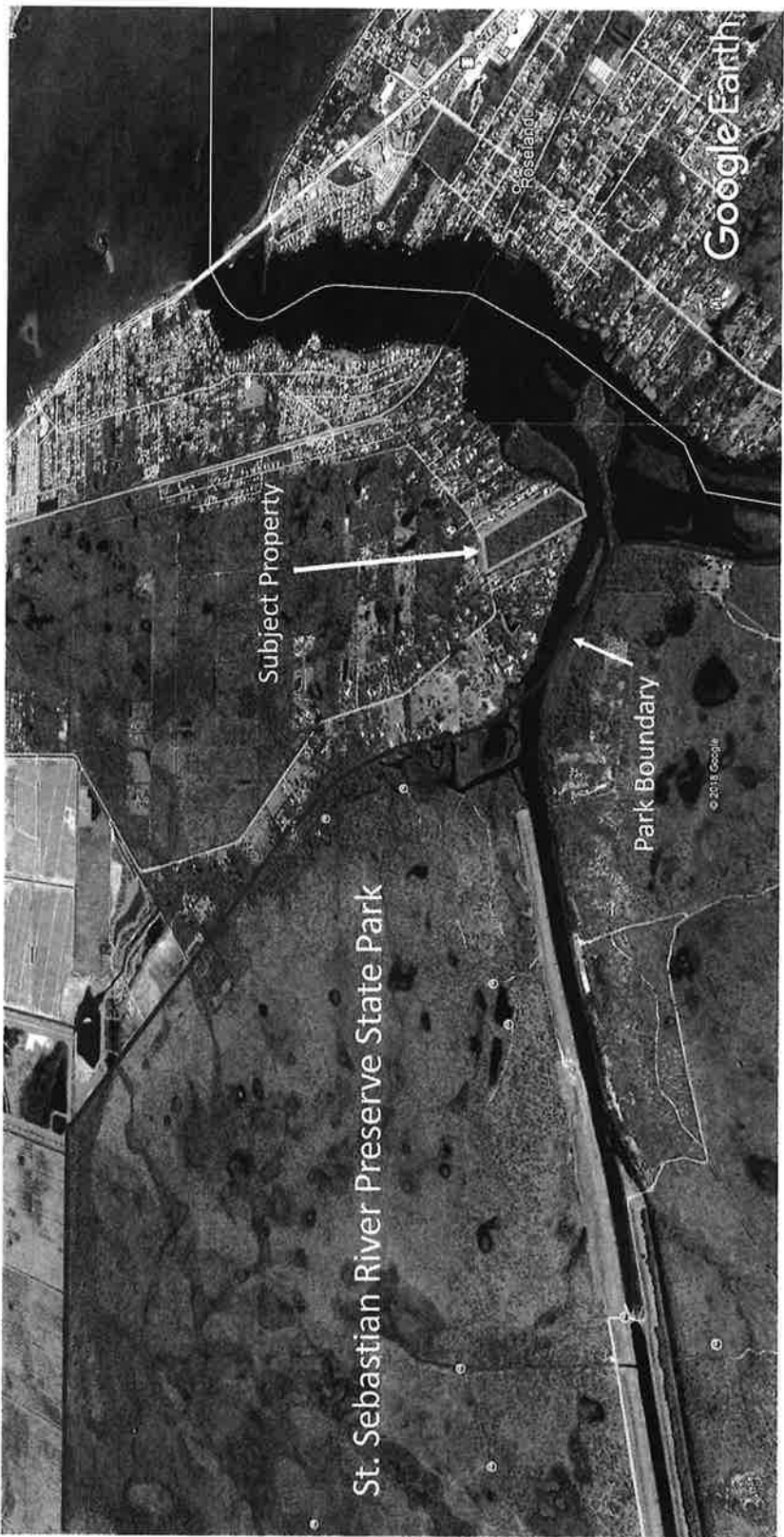
Sierra Club volunteers have experimented with GIS datasets to capture the current Coastal High Hazard Area, various scenarios for sea level rise under USACOE and NOAA databases, and storm surge vulnerability for Category 1 through Category 5 storms. We do not have the GIS expertise to print the most appropriate maps, but we are attaching a map showing a 4-foot water level rise that we produced with Climate Central's Surging Seas Risk Finder. We were unable to overlay sea level rise scenarios with storm surge GIS datasets. Therefore, the Sierra Club encourages the state reviewing agencies to evaluate this property with their GIS datasets to depict inundations over time at various sea level rise risks along with corresponding storm surge vulnerabilities. Then the agencies can judge the Sierra Club conclusion that that the subject property appears to be the most vulnerable, or at least one of the most vulnerable, to sea level rise and storm surge in the area between Fleming Grant Road and the river. Could vulnerability to flooding be the reason the property is one of the last remaining large parcels to be proposed for development -- ironically, development at a higher density than the FLUM has allowed since 1988?

Sierra Club believes that sea level rise predictions combined with severe storm vulnerability should have been factored into the amendment transmittal decision. Unfortunately, the required update to Brevard County's Coastal Management Element of the Comprehensive Plan has not been completed as of the date of this letter, though it is very near completion. Therefore, missing from the transmittal discussion was the application of any new Goals, Objectives, and Policies that might discourage or stop inappropriate and problematic development in coastal areas. Sierra Club looks forward to seeing the revision to the Coastal Management Element in the near future.

Objection 2: Adverse effects on important state environmental resources

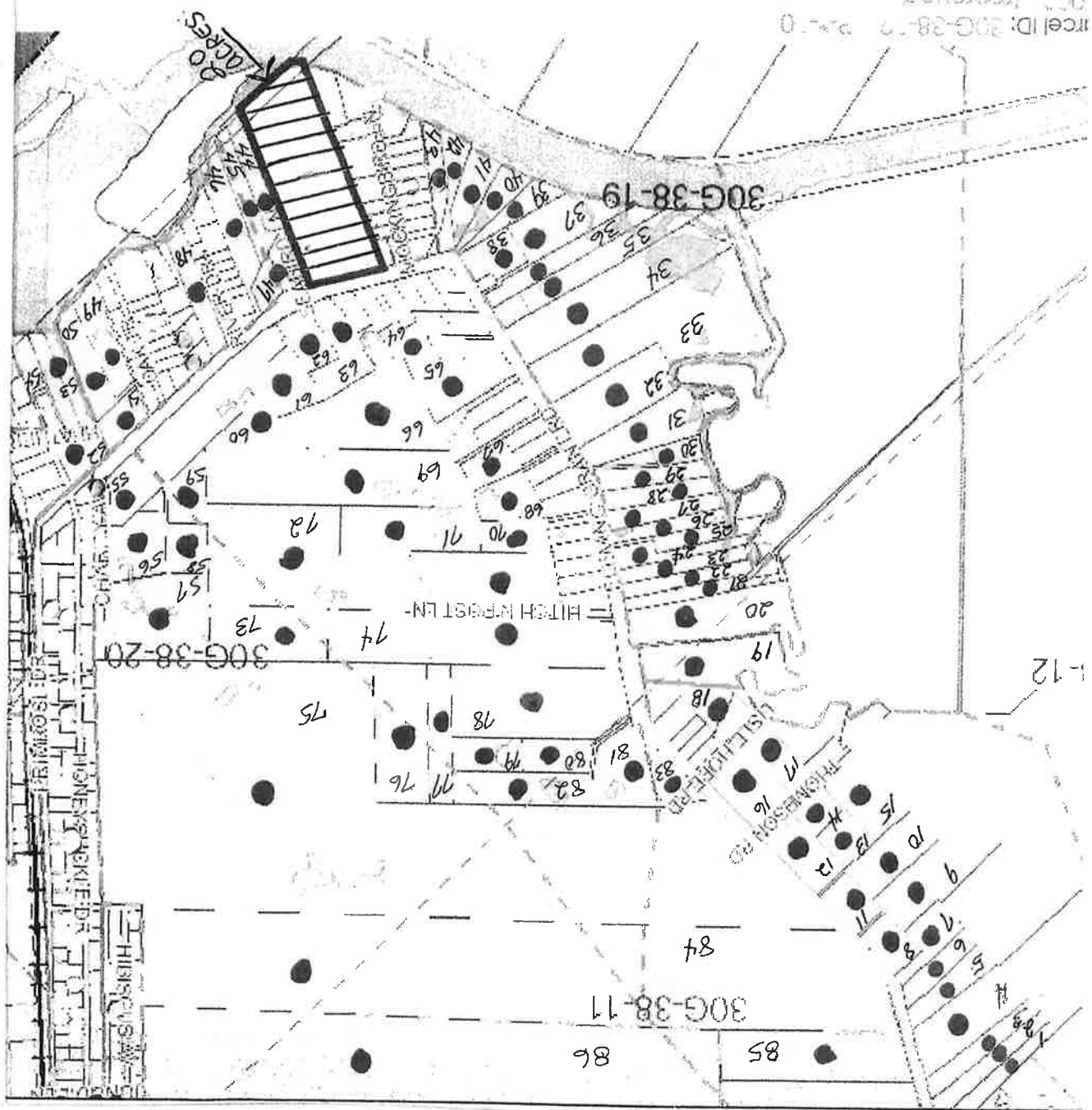
The priorities of the Brevard County Commission are being tested with the proposed Comprehensive Plan Amendment. The Commission will need to make a decision on whether to hold the line in terms of density increases for properties adjacent to surface waters, or set a precedent that would encourage other property owners to try for similar increases. In this case, the precedent would affect the Indian River -- Malabar to Vero Beach Aquatic Preserve, which includes the St. Sebastian River and the Indian River Lagoon.

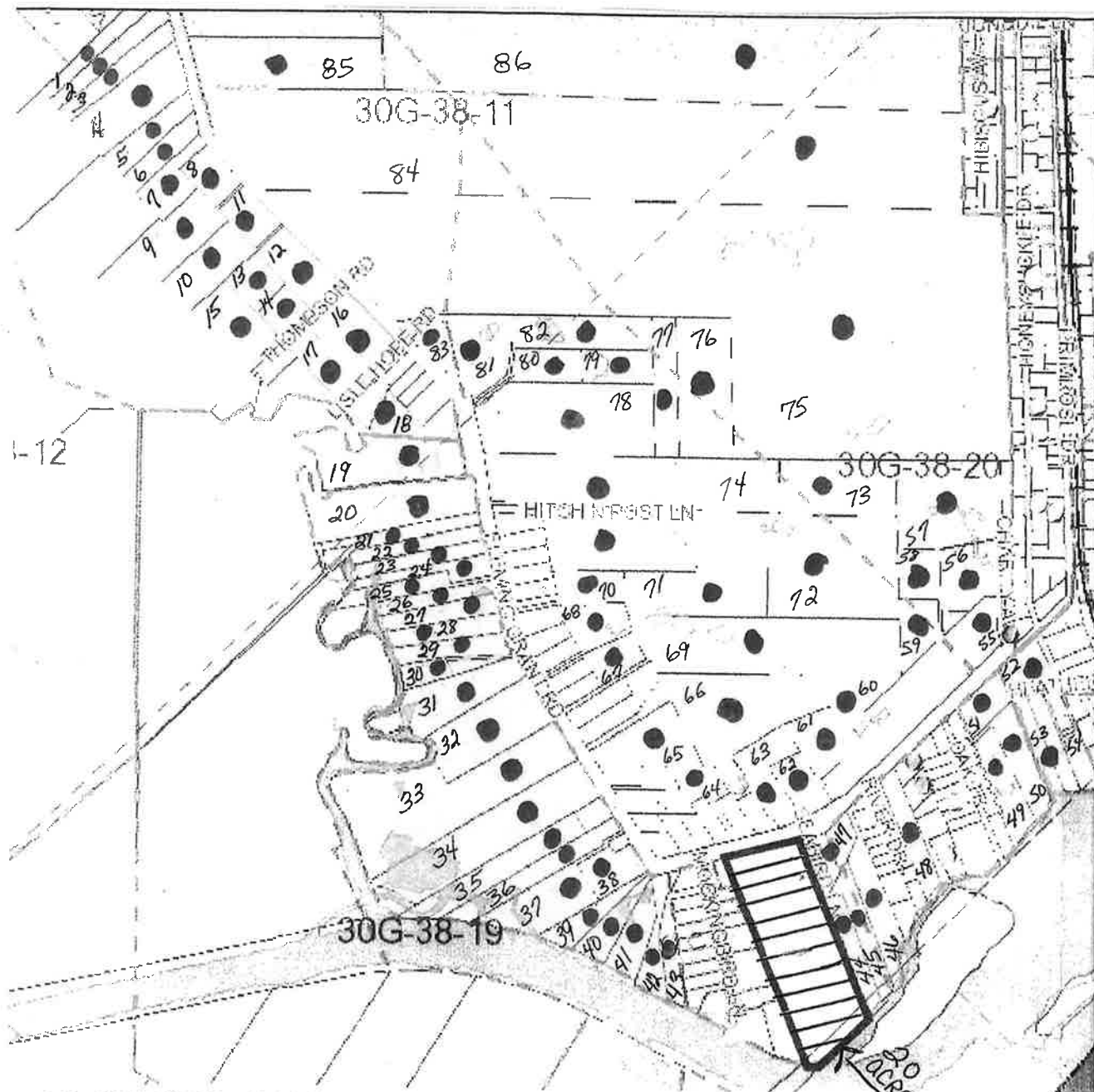
It has been said many times that the Indian River Lagoon is experiencing "death by a thousand cuts." Adoption of this amendment and development at an increased density would inflict another "cut" upon the very fragile IRL. The Indian River Lagoon is one of the most diverse North American estuaries, and it is home to over 4,000 plant and animal species. It is struggling against the odds to keep its declining fish and shellfish populations healthy.





Cell ID: 30G-38-7 2x10
073 - IMPROVED
Douglas Robertson, Cindy
0702, 070





Parcel ID: 30G-38-19 0000
 000 - Improved
 \$732,940
 Douglas, Robertson, Cindy

Surging Seas **RISK ZONE MAP**

English (US)

Enter a global coal:



Show current coast

See projections



East Central Florida Regional Planning Council

455 N. Garland Avenue, Orlando, FL 32801
Phone 407.245.0300 • Fax 407.245.0285 • www.ecfrpc.org

Hugh W. Harling, Jr. P.E.
Executive Director

April 2, 2019

Commissioner Kristine Isnardi, Chair
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Suite A114
Viera, FL 32940

RE: 2019-1 Spring Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Commissioner Isnardi:

We have received the referenced proposal relating to the 20.39 acre parcel on the St. Sebastian River at a point that is less than two miles from the Indian River Lagoon, an area identified as a natural resource of regional significance in the East Central Florida Strategic Regional Policy Plan (SRPP). The request is to increase the residential density from the current one unit per 2.5 acres to one unit per acre.

We offer the following observations:

1. The area does not have sanitary sewer so the units would be on septic tanks. This change would more than double the impacts from septic tanks on the river and lagoon. As you are well aware, the lagoon has experienced algae blooms related to high nutrient content and the presence of septic tanks is a primary source of nutrients. This will set a precedent that may exacerbate this issue.
2. The areas adjacent to the site on the east and west sides have similar densities as currently allowed on the subject property.
3. Much of the property is within the FEMA flood zone. Additionally, sea level rise in the area has not been addressed in this application. Projections from the National Oceanic and Atmospheric Administration currently predict nearly a two foot rise by 2040, about four feet by 2060 and eight feet by 2100. It is not advisable to subject double the number of residents to future flooding as is currently allowed.

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4. Approximately one quarter of the site is currently within the Category 1 storm surge zone.

The East Central Florida Strategic Regional Policy Plan offers guidance in these areas and contains relevant policies;

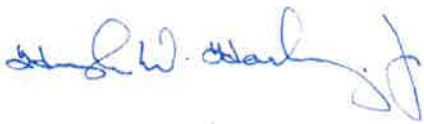
1. Under the Energy and Climate Change chapter, the goal is to "Reduce the consumption of energy and prepare the region for the impacts of climate change." Policy 8.1 states, "Support research that determines if, when, and where selected coastal communities should be either relocated or protected."
2. Under Adaptation and Planning of this chapter, Policy 8.5: "Encourage communities to identify coastal land uses and critical facilities that may be impacted by sea level rise."
3. The Natural Resources chapter contains Policy 3.6: "Development and redevelopment for higher densities should be discouraged in Coastal High Hazard Areas, defined as the Category 1 storm surge area." Keep in mind that the areas currently impacted by storm surge will increase with sea level rise.
4. Natural Resources Policy 3.18 states: "Development in the 100 year floodplain should be discouraged."

We have been working with Brevard County staff on the Regional Resiliency Action Plan and we are pleased to report that the county adopted this plan on March 26, 2019.

In light of the ECFRPC Strategic Regional Policy Plan and the adoption of the Regional Resiliency Action Plan by Brevard County, we would urge the Brevard County Board of County Commissioners to reconsider the prospect of rezoning these 20 acres to allow for increased densities in an area without sanitary sewer services, an area that will experience additional flooding issues with the advent of sea level rise, and in an area that is vulnerable to surge from hurricanes.

If you have any questions, please contact Fred Milch at 407/245-0300, extension 315.

Sincerely,



Hugh W. Harling, Jr., P.E,
Executive Director, ECFRPC

Executive Committee

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Dear Ms. Campbell,

St. Johns River Water Management District (District) staff have reviewed Brevard County's proposed comprehensive plan amendment 19-1ESR. District staff review, as outlined in Florida Statutes, focused on flood protection and floodplain management, regional water supply, and wetlands and other surface waters as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted. District staff provide the following technical assistance related to wetlands and other surface waters.

Amendment

The proposed amendment consists of a future land use map change for a 20.39-acre parcel. The parcel, located on the north prong of the St. Sebastian River, is not within a public potable water or sanitary sewer service area. The amendment would increase density from one dwelling unit per 2.5 acres to one dwelling unit per acre and allow up to 20 single-family dwelling units that utilize private wells and on-site treatment and disposal systems (OSTDS).

Important State Resources and Technical Assistance

The Indian River Lagoon (IRL), which is designated as an estuary of national significance, provides important environmental and economic benefits to the region and state. The subject parcel is approximately 1 mile upstream of the IRL and adjacent to the Indian River-Malabar to Vero Beach Aquatic Preserve. The Florida Department of Environmental Protection has identified the IRL as biologically impaired due to nutrients (particularly nitrogen and phosphorus) and adopted Total Maximum Daily Loads. A Basin Management Action Plan (BMAP) was developed by stakeholders, including the County, to prepare a blueprint for water quality restoration in the IRL. The goal of the BMAP is to decrease the nutrient loads to these waters and restore seagrass populations in the IRL.

As part of the analysis of the proposed amendment, the County should consider whether the potential increase in allowable density would result in adverse impacts to the IRL and whether there are ways to mitigate those potential impacts. Excess nitrogen and phosphorus feed undesirable algae growth. In addition, conventional septic systems near coastal estuaries remain a significant contributor of nitrogen and phosphorus to these waterbodies.

The County's staff report indicates that a portion of the property is located within the County's Nitrogen Reduction Overlay (NRO) and required to use enhanced-treatment OSTDS. During discussions with the County's planning department, the staff noted that the applicant had indicated an intent to utilize enhanced-treatment OSTDS throughout the entire parcel. The District recognizes the County's implementation of the NRO and encourages the County to require enhanced-treatment OSTDS on the entire parcel because of the proximity to the IRL.

If you have any questions or need additional information, please contact me. Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner

Governmental Affairs Program
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
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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/>

Disclosure

5/30/19
Tobias discalarias
Items # 9 and 10
Doris and Lindy
Robertson.

Other than what I have already submitted in writing:

5/23 my staff sent a follow-up email to Chelle Woods providing information regarding the comp plan amendment

5/28 received emails from Dennis Porter and Debi Raymond requesting denial of rezoning

5/28 staff received phone calls from Sandra Colon, Ken Tooroger and Lou Kontnik requesting denial of rezoning

5/28 and 5/29 received email from Mitzi and Gene Plunkett requesting denial of the comp plan amendment

5/29/19 received email from Helen Stamatacos, Veronica Isaksen, and Janice Zynkjo objecting to rezoning