



AGENDA REPORT
May 30, 2019

Joseph Brandon and Nikki Thomas Rezoning Request Findings of Fact

SUBJECT:

Rezoning request 18PZ00154 by Joseph Brandon and Nikki Thomas to rezone 19.75 acres from AU to RR-1- Findings of Fact.

FISCAL IMPACT:

None.

DEPT/OFFICE:

County Attorney Office

REQUESTED ACTION:

Approve findings of fact upholding denial of the request for rezoning 19.75 acres from AU to RR-1.

SUMMARY EXPLANATION and BACKGROUND:

On April 4, 2019, the Board of County Commissioners heard request 18PZ00154 by Joseph Brandon and Nikki Thomas requesting to rezone 19.75 acres from AU to RR-1. The Board moved to deny the request and directed the staff to return to the Board with findings of fact. The requested resolution is attached.

Options: Approve, deny or modify findings of fact

ATTACHMENTS:

Description

- Findings of Fact



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May 31, 2019

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item F.9., Joseph Brandon and Nikki Thomas Rezoning Request Findings of Fact

The Board of County Commissioners, in regular session on May 30, 2019, Resolution No. 19-096, upholding denial of the request for rezoning 19.75 acres from AU to RR-1, as requested by Joseph Brandon and Nikki Thomas. Enclosed is a certified copy of the Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

cc: Planning and Development Department Director

RESOLUTION NO. 19-096

A RESOLUTION SETTING FORTH THE FINDINGS OF FACT AND CONCLUSIONS OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO THE DENIAL OF REQUEST FOR RURAL RESIDENTIAL ZONING ON PROPERTY OWNED BY JOSEPH BRANDON AND NIKKI THOMAS.

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida as follows:

STATEMENT OF THE CASE AND FACTS

This item came before the Brevard County Planning and Zoning Board (P&Z) on March 11, 2019. The Planning and Zoning Board recommended approval via a 5 to 4 vote with a Binding Development Plan limiting the development to 14 lots and requiring upgraded septic tank systems. The item came before the Brevard County Board of County Commissioners on April 4, 2019 and was denied after a public hearing. The documentary evidence and record page number for the document is listed below. These documents and transcripts or minutes create the record and will be referred to as R-____.

Description	Page Numbers
Minutes of the Planning and Zoning (P&Z) Board Meeting February 11, 2019	1-11
Minutes of the Planning and Zoning (P&Z) Board Meeting March 11, 2019	12-28
Minutes of the Brevard County Board of County Commissioners meeting April 4, 2019	29-64
Application for rezoning	65-80
Planning & Zoning Staff Comments	81-86
Location Map, Zoning Map, Future Land Use Map and Aerial Photo	87-97
School Impact Analysis	98-103
62-1336, Code of Ordinances of Brevard County, Florida, Rural Residential Zoning Classification (RR-1)	104-106
62-1334, Code of Ordinances of Brevard County, Florida Agricultural Use Zoning Classification (AU)	107-110
Emails and objections and documents submitted	111-130
Administrative Policies	131-138

The applicants, Joseph Brandon and Nikki Thomas, requested a rezoning of their property from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one (1) acre in order to subdivide a 19.75 acre tract into one-acre single-family residential lots. R-65. The 19.75 acre property is located within unincorporated Brevard County in the rural community of Scottsmoor, on the southeast corner of County Line Ditch Road and Dixie Way and the north side of the property borders Volusia County. R-82. The tract currently retains split Future Land Use (FLU) designation with 16.6 acres designated Residential 1 (RES 1), which allows consideration of densities up to one (1) unit per acre, and 3.15 acres designated Residential 1:2.5 (RES 1:2.5), which allows consideration of up to one (1) unit per 2.5 acres. R-82. Based on lot yield estimates, county staff found that the proposed rezoning would result in an increase of nine (9) single family units over the current zoning which equates to a fifty (50) percent increase. R-81-82. There have been no zoning actions within one half mile of the subject property within the last three (3) years. R-84.

The subject property does not have connectivity to potable water delivery lines nor to sanitary sewer collection lines. R-82. The property is bounded on the south, east and west by property zoned Agricultural Use which allows residential development on lots of 2.5 acres or more. R-83.

North of the County Line Ditch Road right-of-way are three parcels in Volusia County that align with the north border of the subject property. R-83. The eastern-most of these three parcels retains a Volusia County zoning classification of Resource Corridor (0.10 FAR) with a "W" overlay (RCW) that per Section 72-1096 Volusia County Code stands for Volusia County designated for special protection by Florida legislation pursuant to the Surface Water Improvement and Management Act (SWIM). R-83. The other two parcels are zoned Prime Agriculture (0.10 FAR and density of 1 unit per 10 acres) with the same "W" overlay (A-1W). The middle of these three parcels is approximately nine (9) acres and is developed as a residential farm and retains a Volusia County FLU designation of Agricultural Resource (AR) with FAR of 0.10 and density of 1 unit per 10 acres and the other two retain a FLU of Conservation (C) with FAR of 0.10 and improvements limited to functions that are related to "protection, management, public access, security and conservation of the land." R-83.

The subject property is in the northeastern-most, mainland area of Brevard County that has historically been and continues to be primarily utilized as small, individually owned citrus groves or multi-acre large-lot single-family residences. R-84. While most of the property in the area retains a RES 1 FLU, one unit per acre on the Future Land Use Map, the majority of the property in the area has less density due to zoning classifications limiting density to one (1) unit on 2.5

acres. There are only two small properties zoned more densely than one dwelling unit per 2.5 acres within 1.25 miles; an RRMH-1 zoned property located 3,520 feet south and an RR-1 zoned property located 6,250 feet southwest of the subject property. R-84.

The requested rezoning can only be considered under the Future Land Use Map Designation of RES 1 for 16.6 acres of the 19.75 acres of the subject property. The zoning request cannot be considered for the remaining 3.15 acres of the subject property because the Future Land Use Map designation of RES 1:2.5 does not allow consideration of density below one unit per every 2.5 acres on that portion of the subject property. The incompatibility of RR-1 zoning and RES 1:2.5 FLU is also codified in 62-1255 of the Brevard County Code of Ordinances. R-139-144. The 16.6 acre request must also be evaluated in relation to the criteria of the Administrative Policies of the Future Land Use Element. R-82-84. Although the requested rezoning can be considered under the Future Land Use Map Designation of Residential 1 for 16.6 acres of the 19.75 acres of the subject property, Administrative Policy 3 of the Brevard County Comprehensive Plan requires consideration of compatibility of a proposed rezoning with existing uses and proposed land uses. R-131-132. Criteria to review include whether the proposed use is consistent with an emerging or existing pattern of surrounding development as determined through an analysis of: 1. historical land use patterns; 2. actual development over the immediately preceding three years; and development approved within the past three years but not yet constructed. R-132. Administrative Policy 4 requires that the character of an area must not be materially or adversely affected by the proposed rezoning. R-132. Administrative Policy 5 requires that the Board consider whether the existing road system is of sufficient width and construction quality to serve the proposed use, would realistically pose a potential for material danger to the public safety, and the impact to the physical deterioration of the road system. R 133. Administrative Policy 6 requires the proposed rezoning to be consistent with the coastal management element and conservation element. R-133. Administrative Policy 7 requires that the proposed use shall not cause or substantially aggravate any substantial drainage problem on surrounding properties or significant adverse and unmitigatable impact on natural wetlands, water bodies or habitat for listed species. R-133.

Pursuant to 62-1151(d) the Board of County Commissioners must consider the factors outlined in county ordinance 62-1151(c) in evaluating a proposed rezoning. The factors in 62-1151(c) are as follows:

- (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.

R-137.

Pinewood Elementary School is the closest elementary school to the subject site and has a shortfall of capacity to handle this request for change of zoning classification. R-98.

Dozens of community members appeared to voice their opposition to the proposed zoning request. Many of the community members provided valuable factual evidence concerning the proposed rezoning. R-29-64; 111-130. The community concerns and factual evidence can be summarized as follows:

1. The increased density of the proposed rezoning to one acre lots is incompatible with the surrounding agricultural uses, large agricultural tracts, and multi-acre single family residences on lots zoned for Agricultural Use. The proposed rezoning is also incompatible with the surrounding conservation land.
2. The road system in the surrounding area is insufficient to handle increased density. The main access to the proposed development would be on a road comprised of millings that is maintained by Volusia County. The road is so narrow that when two vehicles are approaching one another, one vehicle must pull over to allow the other to pass safely. All other roads are dirt roads.
3. The increased density and resulting traffic would be injurious to the rural agricultural lifestyle enjoyed by the residents of the area.
4. No sewer or water service is available. Homeowner water wells in the area are either running dry or becoming increasingly contaminated with high levels of salt water. The monitoring well for the City of Titusville has shown chloride levels much higher than what is safe for human consumption.

5. Run off from the subject property flows into a ditch that flows directly to the Indian River Lagoon.

The Board of County Commissioners heard the item on April 4, 2019. R-29-64. The applicants appeared and were represented by Stuart Buchanan, a professional land planner, and allowed ample time and due process to present the rezoning request. R-29-64. The Board of County Commissioners has reviewed all of the factual evidence and documents including those submitted by staff, applicants, and community members and evaluated the requested rezoning using the criteria set forth by County ordinances and the Administrative Policies of the Future Land Use Element.

FINDINGS OF FACT

The Board of County Commissioners finds:

1. The subject property is 19.75 acres and is currently zoned Agricultural Use which allows the property to be developed with one (1) dwelling unit per every two and a half (2.5) acres. The current density allows for six (6) units and the proposed density would allow for fifteen (15) units.
2. The portion of the subject property designated as RES 1:2.5 on the Future Land Use Map, or 3.15 acres, cannot be considered for rezoning to RR-1 (one unit per acre). The rezoning request is inconsistent with the Comprehensive Plan on these 3.15 acres and cannot be approved pursuant to Section 163.3194, Florida Statutes.
3. The subject property is currently surrounded by property zoned agricultural or conservation. There is no other RR-1 zoning in the neighborhood or the vicinity.
4. If granted, the proposed rezoning will result in one parcel of land zoned RR-1 surrounded by Agricultural Use.
5. The proposed rezoning to Rural Residential, one acre lots, at this location is not compatible with the surrounding agricultural uses and multi-acre large lot single family residences on lots zoned for Agricultural Use.
6. The proposed rezoning to RR-1 would materially or adversely affect the character of the area.
7. The proposed rezoning to RR-1 would cause physical deterioration of the road system and therefore pose a material threat to the safety of the public.

8. The proposed rezoning to RR-1 is inconsistent with the coastal management element and the conservation element of the Brevard County Comprehensive Plan, and would negatively impact the Indian River Lagoon system.
9. The proposed rezoning to RR-1 would aggravate drainage issues and cause significant unmitigatable impacts on water bodies.
10. The binding development plan proposed by the applicant would not mitigate the impacts or cure the incompatibility of the proposed rezoning.

CONCLUSION

Based on the foregoing, the Board of County Commissioners hereby finds as to 3.15 acres of the subject property the proposed use is inconsistent with the Future Land Use Map and is therefore denied. As to the 16.6 acres, the Board of County Commissioners hereby finds the proposed use is incompatible with the future land use plan policies of the future land use element. Accordingly, the request for rezoning from AU to RR-1 on the 19.75 acres is hereby denied.

DONE AND RESOLVED this 30 day of May, 2019.

ATTEST:

By: 

Scott Ellis, Clerk

By: 

Kristine Isardi, Chairperson
As approved by the Board
on: 5/30/19

PLANNING AND ZONING BOARD MINUTES

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

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

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

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

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

Excerpt from complete agenda

Joseph Brandon and Nikki Thomas:

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

Joseph Brandon and Nikki Thomas:

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

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

Public comment

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

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

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

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

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

Henry Minneboo – That has to come back.

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

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

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

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

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

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

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

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

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

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

Cheryl Barnes – Yes.

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

Henry Minneboo – Who is grading County Line Road now?

Nancy Stephens – Brevard grades it to a point.

Henry Minneboo – Then Volusia picks it up?

Nancy Stephens – Yes, sir.

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

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

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

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

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

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

Henry Minneboo – Thank you.

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

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

David Laney – Absolutely.

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

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

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

Rochelle Lawandales – How many acres is it?

David Laney – It's 50 acres.

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

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

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

David Laney – No, it's Volusia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Erin Sterk – Yes.

Rochelle Lawandales – Have you evaluated that at all?

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

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

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

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

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

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

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

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

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

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

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

Henry Minneboo – Ron, are you comfortable?

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

Henry Minneboo – You raised the flag.

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

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

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

Henry Minneboo – What year was that?

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

Henry Minneboo – Have you looked at 2.5?

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

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

Joseph Thomas – I know.

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

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

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

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

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

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

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

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

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

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

Brian Hodggers – I'll second.

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

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

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

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

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

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

Henry Minneboo – You're acceptable to that?

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

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

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

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

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

Erin Sterk – That's right.

Joseph Thomas – Is there a plus or minus?

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

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

Rochelle Lawandales – Move to table to March 11th.

Brian Hodgers – Second.

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

PLANNING AND ZONING BOARD MINUTES

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

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

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

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

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, April 4, 2019, at 5:00 p.m.

Excerpt of complete agenda

Joseph Brandon and Nikki Thomas:

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

Stuart Buchanan – My name is Stuart Buchanan, my working address is PO Box 1545 Titusville, Florida, and I'm here today representing the Thomas family. I have some handouts for you that you might have already received in your packages. (Documents submitted by the applicant can be found in file 18PZ00154, located in the Planning and Development Department). The first one is a letter from the Volusia County Public Works Department clarifying that it is in fact a Volusia County public road, and they are responsible as the maintaining agency. The request before you is for a rezoning, and as staff previously stated, you recommended the Small Scale Future Land Use amendment for approval on 3.15 acres. The balance of the property, which is the 16.16 acres, already has a Residential 1 Future Land Use; the applicant is requesting a rezoning which will allow them to build up to 15 single-family residential lots. One of the things that you did when you corrected the future land use was that the parcel had a split future land use, so your recommendation and subsequent approval, hopefully, by the Board of County Commissioners, will fix that problem and make this split future land use go away. One of the things that I'd like to point out to you that is also in the letter from Volusia County is that they've made it very clear that it is a Volusia County road; it is maintained and is the responsibility of Volusia County, and the applicant will be complying with any requests that Volusia County makes. In other words, Volusia County will tell us whether they want it paved, and whatever it is that Volusia County instructs us to do we will be required to do, as it is their road, even though the property is located in Brevard County. Volusia County is responsible for any right-of-way use agreements or permits, which we're going to have to comply with, and we have no problem complying. I'd like you to look at the aerial in your packet, just to make sure everyone understands that the property in question is not in its natural state; it was cleared several decades ago, and it is an existing citrus grove with a single-family house; it was cleared and planted years ago. You'll see a number of letters of support in your package, and I'd like to bring to your attention the one from the abutting property owner. The abutting neighbor has the property to the east and south and is in full support of the project, and another letter in support is from Mr. Simmons, who is one of the only families that has been in the north part of the county longer than mine, they've been there for seven generations. Mr. Simmons supports the project as he states in his letter because it is getting harder

and harder for his family to find homesites to build their homes on. The last thing I'd like to bring to your attention is that I've noticed in a lot of correspondence back and forth with the County about the conservation area, which is in Volusia County to the north, across the Brevard County line. You'll also see mention of different Environmentally Endangered Lands purchases and Saint Johns River Water Management District, and the Department of Environmental Protection. For those board members that are unfamiliar with this, there are a number of County and State agencies that own property in Brevard County; the Environmentally Endangered Lands Program, Saint Johns River Water Management, and the Department of Environmental Protection, and when they purchase these properties they come off the tax rolls, and what a lot of people are unfamiliar with is how much property is actually taken off the tax rolls in Brevard County. I'm familiar with it because I was responsible for tracking it; in 2015, 49% of unincorporated Brevard County was owned by the Environmentally Endangered Lands Program, Saint Johns River Water Management District, and the Department of Environmental Protection. If you'd like to verify those figures you can simply go to the Future Land Use Element of the Comprehensive Plan, there is an exhibit in there called, "Greenhouse Gas", and in that we had to take all the acreage in Brevard County that had been purchased by environmental agencies taken off the tax rolls, or placed under conservation easements; and it's 49% of unincorporated Brevard County. Again, this is a rezoning that will allow the applicant to utilize the future land use they already have; it will let them build up to 15 homes; it is not in its natural state; it is a citrus grove with a single-family home on it; and we have provided information on the access, which will be through a Volusia County roadway. I'd be happy to answer any questions that you have.

Cheryl Barnes – Good afternoon, my name is Cheryl Barnes, I live at 3800 Sam's Lane, Scotsmoor, and our property is approximately 130 feet from this proposed development. The Brevard County Comprehensive Plan Future Land Use Element, Chapter 11, Goals, Objectives, and Policies, states in the first section, Residential Land Uses, Objective 1, "Brevard County shall facilitate the development of residential neighborhoods that offer the highest quality of life to the citizenry through the implementation of policies that accomplish the following:" Criteria A states, "In short, the compatibility of new development with its surroundings." I believe there were five properties within the 500-foot radius of this proposed development that were notified by the County of this rezoning request; four of the five properties have homes built on them, and we are all permanent residents of Scotsmoor. The fact that you only had to notify five properties about this rezoning request, by itself reflects just how rural we are in Scotsmoor. We are a small voice, but all four of our families ask that you deny this request. The Plantés and the Floyds who live directly across from the applicant have submitted letters to the board. The Grahams who own the organic orange grove directly across from us have signed a petition. And we, the landowners of the conservation easement have stood before you to object. However, precisely because Scotsmoor is such a rural community, we are more than just the homes immediately surrounding this proposed subdivision. I described to you on my last time standing here, our conservation easement and other conservation lands, including the Merritt Island National Wildlife Refuge and the Indian River Lagoon Blueway Project, immediately surround this proposed development. Although Scotsmoor is dotted with conservation lands, which contribute to the rural environment, it is in truth that the majority of the Scotsmoor residents, the homeowners on their agricultural parcels, the citrus growers, the cattlemen, the horse farms, the beekeepers, and even a shrimp farm that is going in right up the road from us, that are the backbone of Scotsmoor. They are the caretakers of some of this last remaining rural land in our County. This placement of a subdivision in the middle of both conservation and rural land, with families devoted to maintaining this lifestyle defies the description, and I paraphrase, 'compatibility of new development with its surroundings to offer the highest quality of life to the citizenry, as required by the Comprehensive

Plan Future Land Use Elements. I ask that you consider the values of the residents of Scotsmoor and our community that we seek to preserve, and deny this request for rezoning.

Tim Root – Tim Root, 3540 Sunset Avenue. We oppose the change from one home per acre because of the harm it will cause to the Lagoon. It has already been documented that the Scotsmoor area is the most contaminated with pollutants, and has experienced a loss of fish, shellfish, and birds. All roads east of Route 1 are lined with deep ditches dumping directly into the Lagoon. With zoning changes to one home per acre, hundreds of more homes would have septic systems leaching into these ditches going directly to the Lagoon, as well as all of these hundreds of yards dumping herbicides, pesticides and fertilizers into the Lagoon as well; damages far worse than we now have will hasten the death of the Lagoon. We need to stop this from occurring, and keeping the two and a half-acre zoning would help a great deal to maintain our rural community. What is the tipping point? When is enough too much? Several years ago we opposed a development that was proposed for the area where the National Cemetery now is, with some of these same issues and it was defeated. When the National Cemetery was proposed we thought it would not adversely affect the community and it's resources, but we were wrong. The cemetery has to draw its water from its lake system, and while all the water is being pumped out it cannot recharge the system and the surrounding area, thus 70 homes have already had to have new wells re-drilled, from John's Road to Huntington Lane. No development east of the current portion of the cemetery has been completed; the next section to be completed will be along Dixie Way, north to Huntington Lane. At this point, there will be homes between the cemetery and the Lagoon. The cemetery is approximately one-third complete; thus, when it is completed, three times the amount of potable water for us will be used for irrigation, causing hardship. When Titusville was running out of water they came north and drilled west of Scotsmoor; most of us cannot reach the Floridian aquifer; we rely on groundwater at a shallower depth; our potable water is steadily being depleted, and with hundreds more homes at one home per acre, it would be the death of our rural lifestyle. As our potable water is drawn down, salt water from the Lagoon intrudes; salt water intrusion is a reality. Several families have spent between \$12,000 and \$18,000 for a reverse osmosis system to survive, and hundreds of more homes would conflict with our rural lifestyle and drain our limited supply of potable water. Changing zoning to one home per acre would be opening Pandora's box to development. Thank you.

Nancy Stevenson – Good afternoon, my name is Nancy Stevenson, I live at 6600 Possum Lane, which on County Line Ditch Road in the Scotsmoor area. (Ms. Stevenson provided handouts to the board, which can be found in file 18PZ00154, located in the Planning and Development Department). This project impacts not only the neighbors, but the community, the water quality, the availability of the environment, and the future of the Lagoon. This property in question is approximately 1,500 feet from my personal property, and about 800 feet from other properties that we are involved in. Our whole area up there is considered rural agricultural with the smallest track being 2.5 acres, but that 2.5 acres just got divided on a family lot that was 10 acres, so it's a mother and child family unit on a 10-acre lot. People relocate to this area because of the large space, acreage, and its quietness. The joke in our house is that you don't want to open the bathroom window and talk to your neighbor. Many folks that have come up there and settled for 2.5-acre tracts wish they had a bigger tract of property, with more freedom and more space. He touched on the roads belonging to Volusia County, and they are. County Line Ditch Road is millings, not paved; Dixie Way is completely dirt; and if you're coming onto vehicles, one has to yield to the side to pass the other, and we make it a joke that you yield, and sometimes you have to get out of the way and wait for wildlife or livestock to finish crossing so you can continue your journey. We talk about the resources and added demands on that project, such as construction, delivery trucks, garbage, and all the services such as fire, electric, the Sheriff's

Department, and emergency vehicles that would be in greater need with that much more density. To the immediate north is the Volusia County sign, and the residential to the far left is one owner, and it's a cow pasture, it's not broken out. The Volusia County side is all conservation. County Line Ditch is the applicant's north property line. At our town meeting Mr. Thomas made a comment that his water retention would flow to the Saint John's River, and we kindly suggested that the water would flow east; the water does go east and flows into that ditch. With my past history working with soil and water, and natural resources, on our personal property, in that area we call it a shelf, because if we dig down about one foot we hit pure rock. When it rains we don't retain that much; it's runoff, and it goes to that ditch and heads east. We have to retain for agricultural reasons, but my point is that there's instant runoff, and even in the dry season that ditch is still flowing east. It starts at U.S. Highway 1 and travels east all the way to the Lagoon. The concern would be that the new homeowners would be fertilizing and using pest control, washing their cars, power washing their homes, so there's runoff, and God forbid a septic tank backs up, because there's immediate runoff right into the ditch going into the Lagoon. There is nothing to stop it. Those are my concerns, future land use, future protection, and if happens here and it can happen other places, you're right on the Lagoon.

Bill Goff – Bill Goff, I live at 3320 Huntington Avenue, Scotsmoor. When I spoke the last time I spent some time since then trying to get some answers from the Saint John's River Water Management District regarding the hydrology in our area. For instance, in some areas what direction does the water flow to our area from, and I found the Water Management District is very difficult people to deal with; they have thousands of employees and you're never talking to the right one. I posed eight questions to them and was quickly told by a guy named Rob Barber that there was no person who had all those answers, and I would have to talk to eight different people, eight different specialists, and I think I finally got the right man's name but he doesn't return his phone calls. One question was, there's a well that Titusville owns across the street from my house, which they sampled poorly, and what depth was the interface between salt and fresh water before Titusville turned their pumps on, and at what depth is that interface today. The guy that's supposed to call me back supposedly has that answer, and when I told this Rob Barber where I lived and the proximity to the Indian River, and my concern about salt water intrusion, his only comment was that I certainly have a reason for my concern. I explained to him we're on the wrong side of the aquifer flow from those pumps taking Titusville's water. I asked him, if my well turns to salt, who do I call; will Titusville turn their pumps off because I complained; he said he didn't think so. I even asked him if there was any limit on the permit to the amount that Titusville could draw, and his comment was that he wasn't sure, but he doubted it. Apparently, there's no limit to the number of wells they can drill; they can drill wells in that field, which is between us and the water supply. I'll leave you with the thought that if there's any question about the long-term sustainability of a good supply of potable water, then it's obviously counterproductive to talk about higher density. Thank you.

Dale Ceballos – Dale Ceballos, 6045 Oak Street, Scotsmoor, and I've been living there for 39 years. My point today is mainly about the orange groves. Many people who live there, quite a few of us, including myself and other members of my family, we all have orange groves; it's an important part of our lives. The biggest problem that we have with the orange groves today, as you all know, is the diseases that we get. This type of density that continues to come in is a problem for us, mainly because of the traffic, and not just cars, but four-wheelers, dirt bikes, and golf carts. The problem with that is oftentimes the recreational vehicles actually come into our groves and bring in contaminants, and that is horrendous for us to deal with. Even the cars when they go up and down the dirt roads, and when the trucks go down those roads, they create huge amounts of dust and dirt in the air, and

those are the things that carry the contaminants that really give us a problem. The other issues are with our water, and a lot of us use watering systems, but most of them are shallow-well types and they pick up a lot of contaminants from runoff. This is important and it's common sense.

Kristi Floyd – Good afternoon, my name is Kristi Floyd, I live at 6720 Dixie Way, and I'm the west neighbor to the Thomas's. They have been great friends; our kids play together; but I don't want to look at that many houses out our front door. I worry about the agriculture; we moved to Scotsmoor for the kids; the community is great and we all look out for one another; we have horses we ride up and down the dirt roads on; and I feel safe with my kids playing in the front yard. To think of what could be moving in, I just don't think it's a good idea for that many houses to be put right there.

Ethan Burke – My name is Ethan Burke, I live at 6010 Dixie Way, right down the road from the proposed location of this development. While County Line Ditch Road may be maintained by Volusia County, that road is narrow, and if there are two, full-size trucks on that road, one has to pull off in order for the other one to pass. What that means is more traffic is going to be directed on Old Dixie, which is unpaved, and my issue with that is the dust, which is horrendous. At my house, I can't keep anything clean; all the construction vehicles go down that road, and it's a real mess and a real problem. A side effect of this is during the rainy season; the roads collect water; and just from the sheer amount of traffic, there are massive ruts in them. People drive up in my yard because the roads are so bad that you can't pass unless you're in a truck. More traffic will be directed onto this because County Line Ditch Road is so narrow it's going to exacerbate the problem even more. When you depend on using a road to go out and go to your job and make a living to provide for your family, it's a big deal; you don't want to have to shovel the road to get out.

Darrell Burke – My name is Darrell Burke, I live at 3445 Sunset Avenue, and Ethan's house backs up to mine, with a big field between us. I guess it's the Thomas's and Savvy, LLC, that's proposing to build these houses on one acre. We saw a site plan that showed a cul de sac road, and I'm not sure of the width of the one-acre parcel, but I pose the question of if anyone has done an elevation, or have they done a percolation test to see exactly how many loads of dirt will be required for each home on RR-1 (Rural Residential). I think he mentioned a carbon footprint of 1,500 or 1,600 square feet, and for that you will need 80 loads of dirt if the soil will allow you to put a septic tank at that height. This is from a construction standpoint, so you're going to have one-acre parcels with a four or five-foot mound of dirt, for however much distance there is between those two property lines before there is another four or five-foot high mounds of dirt with another house on it. I know there was mention of a swale cut in on two sides of the property, 20 feet wide, but is it truly a swale, or is it going to be a canal, because the surface water that is retained is going to run right back to the swale and go into the ditch. You can't dig a pond in RR-1 because there is a 75-foot setback all the way around, per code. You're going to haul in all that dirt and wind up with an area that's going to be more runoff, and I don't know if anybody has accounted for that. Has there been any elevations done?

Henry Minneboo – Usually, at this level, a lot of that stuff isn't done, because if you don't get the zoning you don't need to keep moving along. This is step 1 and you have 26 more steps to go.

Darrell Burke – But if you zone the property RR-1 and he sees he can't meet the requirements of putting a home on RR-1, then he's going to be paying taxes on RR-1 for all that acreage.

Henry Minneboo – That's not ours.

Darrell Burke – I know, but that's something to consider, and I don't know if he's thought that far ahead. I'm opposed to it; that's the lifestyle we live; and all these people who have worked their whole lives taking care of the groves, taking care of cattle, and building a ranch, and you hate to see that way of life disappear. That's not what it's for.

Deborah Gray – My name is Deborah Gray, 3355 John's Road, and I am right across the street from the cemetery. They were talking about the roads, well everybody knows our roads aren't sand roads, they're actually crushed concrete. I'm on John's Road and the cemetery has affected me; it's silica dust; they did send notices out when they put this new stuff down on our roads, but if you go down three properties from me – and this is back in the old zoning when you were allowed to have one house per acre – there's a gentleman there who has been fighting cancer for two years, and why is this? You go up there, it's a rural area, and you want to have your windows open in the springtime. We don't have a ton of traffic, but we do have quite a bit; the vehicles go up and down those roads and this man can't keep his windows open because he has cancer now from breathing in the road dust coming through his front main window of his house. I live right there and I've had to re-do my wells because of the cemetery; I also do the horse and caisson for the National Cemetery and I use my Stallion to drive up John's Road with a carriage and go to the cemetery and bury our veterans. It has made a big impact from the traffic from that. The water is becoming salt; our wells are only 29 feet deep, and people try to go deeper. We also have issues from when Chemco had a serious spill; I've known four people who have died of cancer up there, and that's from our water, so everybody up there has special systems on their watering so they can drink it, but people don't always think about it, but you have to have it for bathing, too, because your body is a huge organ. I'm coming at this from a different thing because it really affects me; I've had underprivileged kids come out and we take them on horses in the river; I've been there for 12 years and I've seen a big difference in the water at the landing when I take the horses down there. I've almost drowned because the ditches to go that river, and it's muck – we all know that, too. The problem is we have a lot of elderly up there, and if this zoning gets passed, do know what's going to happen to Scotsmoor? It will no longer be the Scotsmoor we know, it will be annexed in and be part of Mims, which we already have a mailing address of Mims; they've tried to take our post office away. There are a lot of elderly people up there who own a lot of property, and what's going to happen when they pass on? When you're in your 70's and 80's you have to look at the next generation, and if we allow this to happen now, everywhere I would ride will no longer exist. Besides that, I hay up there, I hay all of Huntington Lane. You can see the difference when we do get rain and when we don't; we've been very lucky the past two years and have had some good rains coming in to get more hay, but all these people that own property down in Miami, it's going to become like 5A, and Walmart has already bought the property. It's going to get big, but we would like to keep it rural as much as possible. We do have little properties in there, but when you have those roads, driving up and down those roads, and that silica dust, you can't open your windows, and if you do you're going to take a chance that you're getting cancer. There's nothing else that would have made him do this, but he keeps his stuff closed and he puts big signs out on the road to please slow down. Our roads can't handle it; our roads can't handle the cemetery. It's \$1 million to pave from Dixie to John's Road because of the cemetery, because the dust is affecting the cemetery and that's why they want it paved. Most people come to Scotsmoor to get away from the city; and that's what he said, that he moved from West Miami via Utah to come here and make himself a home. So did I, but I want my 10 acres, I don't want to hand sugar out my door. This will create a lot of problems if we put a lot of housing up there, because everyone will sell their property.

Glenda Ceballos – My name is Glenda Ceballos, I live on a small orange grove on Sunset Avenue, 3175 Sunset Avenue, Scotsmoor. We moved here from the west coast, near Naples, where we had

2.5 acres, and that area around our property was bought by a developer and sold in small parcels like they're thinking about doing here, and that turned that area into an urban sprawl, and that's why we moved to Scotsmoor. Our orange grove, since the cemetery went in, is dying, and a lot of that is caused by the salt intrusion. Besides the orange groves there is a lot of wildlife in our area; we have the birding trail; we have the birding festival; and if we get a lot of small lots the greenspace is going to be gone, and the birds and wildlife aren't going to be there, and it will be another small town, it's not going to be rural. We have three families building on our street, on Scotsmoor Avenue; these people came to the area because they wanted the rural life for their family; they followed the rules and are building on 2.5 acres, and we welcome them because they are good neighbors who will continue the rural lifestyle. That's what we want for Scotsmoor; we want to stay country.

David Laney – My name is David Laney, and my wife, Cheryl Barnes, and I live at 3800 Sam's Lane, and we're the ones that have the habitat easement, and I'd like to provide you with the easement paperwork. (Handouts from Mr. Laney can be found in file 18PZ00154, located in the Planning and Development Department). I'd like to respond to a couple of comments by Mr. Buchanan. The 49% of Brevard County not on the tax rolls, if you have the chance to ask him, does that include the Canaveral National Seashore and the properties not buildable along the Saint John's River, as those drive the percentage of buildable property? As was discussed at the previous Planning and Zoning meeting, Mr. Thomas said he would have a meeting with the community at the Scotsmoor Community Center, and he did say all the water would drain to the Saint Johns River, and I suspect he misspoke, because it doesn't drain to the Saint Johns River, it flows to the Indian River Lagoon. He also stated he had been in communication with the hydrologists at Saint John's River Water Management District and that his response that he provided to us, as far as what he was told by the District, is that the 16 to 18 wells were not a problem. I happen to have been in communication with exactly the same hydrologist at the District, Mr. Kristian Holmberg, and he disputes that that is what he conveyed to Mr. Thomas, and I'd like to provide a copy of what Mr. Holmberg communicated to Mr. Thomas.

Regarding the letters of support so far for this project, the developer, of course they are going to be in support of this place because they need the property and they want to continue to develop land in North Brevard and as was noted at the previous Planning and Zoning meeting, this is the last place left in Brevard County because everything else is spoken for. Regarding the water issues, which a number of people have spoken to, I would also like to provide staff with a letter from Dr. Arnoldo Valle-Levinson who is a Professor of Ocean Engineering and Coastal Sciences at the University of Florida, and he did actually take the time to come down here and observe the area where the request for the new development is proposed, and I have a letter to submit to staff from Dr. Levinson. How much has water extraction from the aquifer increased in the past 20 years from Mims, north? No one has the answer to that, or if they do I haven't been able to find them. There is not accurate data on how much additional water is being withdrawn from the official aquifer adjacent to the Indian River Lagoon by development in the last 20 years. When I say development, I don't mean extensive, high-density development, I mean how many additional homes have gone in on 2.5-acre to 5-acre lots. If you look at what is the current development pattern in that area of Brevard County, it is homes on 2.5 acres to 5 acres, and 10-acre lots. It is currently demonstrated that there is no market for high-density subdivisions in the Mims/Scotsmoor area. I know that because if you're familiar with Meadow Lake, it is a completely developed subdivision in Scotsmoor; it is fully developed at 52 lots; 27 lots are completely developed; 24 lots already have roads and drainage; and there is one house. The second person to build there built a spec home in 2014 and there have been no other lots sold and no other homes built and the subdivision is up for sale again for \$1.5 million. Any proposal with greater intensity than what is currently allowed by zoning, there is no market. There is no an unmet community need for this type of development in Brevard County. In fact, just the opposite is true. If

you look at community needs and maintaining the rural environment, right now there is 2.53 acres undeveloped in unincorporated Port Saint John, and if I bought that property and came in here and asked you to rezone to AU (Agricultural Residential) at 2.5 acres so I can build a house and raise pigs, would you even consider that? No, you wouldn't consider that because the impact to the existing community, the impact to the characteristics of the lifestyle, and the lifestyle to the integrity of the environment of the community. This is the exact same thing if you talk about property rights. What does property rights mean? The same thing that any other rights in the United States means, it means that anyone here has a right to swing their fist up to the point where it makes contact with my nose. A person has full property rights up to the point that it infringes upon and impacts other peoples' inherent rights associated with property ownership. This is not something you need to approve because the developers are running out of land. This is the last remaining part of Brevard County with citrus groves, cattle, and horses; it is not an expansive area, it is less than four miles by two miles. If you approve this I fully anticipate the grove owner that has not been able to sell in the past five years will be here asking for a rezoning on 106 acres. Mr. Simmons, who has submitted a letter of support, if he has acreage he will be coming in and asking you to approve it for RR-1 (Rural Residential). It will destroy the small vestage aspect of a historical rural environment in Brevard County. You all have administrative policies, you have the guidelines of community character and consistency with the adjacent development, and this property meets none of those policy statements.

Rose McGinnis – My name is Rose McGinnis, I live at 3734 Huntington Avenue, and I'm also currently the President of the Scotsmoor Community Association. I invited the Thomas's to come to the Association meeting to speak to the community, but not much was accomplished. I was thankful that he came, but after 30 minutes of the community going around the same subjects, I thanked them and they left the meeting, so nothing was accomplished. What we did was a petition, and I decided to take the petition and put it on a Google Map, and the petition was held at Brevard Feed and Seed, but it isn't in Scotsmoor, so if you look at the map you'll see large portions of areas where people don't even know this is happening. In the next week I plan on sitting at the local gas station and collecting more, and I'm sure I will double the amount of signatures we have. I have nothing personally against the Thomas's, I've talked to them a few times, and I understand their need to do what they want with this property, but what they had stated was that they are moving there to get away from the traffic and crowds, but putting a subdivision in your backyard seems counterintuitive to me. Once they have developed the property they can move on and do it again, but we have to live with this, and our families have lived there for generations. They've been here for seven years, so my guess is they bought the property at a time when it was a low cost; I have nothing against capitalism, but I am against it hitting my backyard. Also, he made a comment about the process of zoning and that this is just one step in the many steps, but for us, if the precedent is set and the zoning is changed to RR-1, that opens a Pandora's box that our community will have to deal with forever. If they get to the point where they can't finish their development, that affects them financially, but it affects the community forever. I would like to ask, I know there's never been a small area plan done north of Flounder Creek Road, and I would like to know how our community can go about doing that, and why it was never done, and why it was never asked of our community to have that done, so that the community can have some kind of say-so. I know it's been done up to Founder Creek Road. I would like to know if there's a direction we can take to have that done, and why it wasn't done, and why our little corner is always forgotten in this County. I'd like to have that done and any zoning and any future items like this tabled until that is done, and we have all the information that is pertinent to our community, to the water, the roads, and the future of our community. We're trying to rezone something that we have no future idea how it's going to impact us. I ask, for me and the dozens and dozens of community members that have contacted me, that you don't allow this to go forward. Thank you.

Delbert Link – My name is Delbert Link, I live at 5435 Elm Street, Scotsmoor. I lived on a dairy farm in Wisconsin in my younger years; when I moved to Florida in 1977 I was tired of the cold weather up there, and I said I was heading south until I got warm, and I stopped in Brevard County. I rented on North Merritt Island until it closed in; I moved to Cocoa after that and I got booted out of there because the rural lifestyle was gone. I moved to Port Saint John and had the same issue, and I decided I wasn't going to do it anymore because I love Brevard County, I love the area, and I traveled all over the state before I decided to stay in Brevard County. I moved to Scotsmoor because it's God's country, and he put that place on the planet for people like us that love the rural lifestyle. When a person wants to come in and literally destroy that lifestyle, it goes against everything that all of us up there are living for. I ask you, from the bottom of my heart, and everybody else's heart in this room, to please deny this guy's request.

Jared Adkins – My name is Jared Adkins, 3000 Sunset Avenue, Scotsmoor. I'm one of the folks that has spent the \$12,000 to \$18,000 on having multiple wells tried in different areas of our 20-acre cattle ranch. We moved to Scotsmoor five and a half years ago, my wife and my two boys. It's quiet, it's family friendly, and we don't have any Ms. Kravitz's across the street trying to get up in our business. At the Scotsmoor Community Association meeting, Mr. Thomas said he was trying to market the rural living. We feel that he's exploiting our way of life for profit, because the 2.5-acre split up would not be profitable enough. Our roads suck, our water sucks, our internet sucks; our proximity to Publix is 30 minutes, and we all deal with that because we love this lifestyle that we have, and that's why we're where we are. Now, it's being threatened because once this happens you can't undo it, it's done, and there will be a precedent there. Our infrastructure is not suited for all of the construction vehicles, the lumber delivery trucks that are going to be required to start building houses in this density; the dump trucks full of dirt driving over our roads that, as someone already mentioned, you can't get through without a four-wheel drive sometimes. I don't care about this one parcel of land; it's over a mile from my house; it's not going to bother me if he puts 100 houses on it, but what is going to bother me is what comes next, and what comes next, and what comes next. I hope my children grow up and enjoy the same kind of rural lifestyle that we've tried to provide them with as children, and that they're lucky enough to find a place like this. Hopefully, I'm going to appeal to your sense of good nature that their home can stay their home. Thank you for hearing me out.

Stuart Buchanan – I'm going to try to touch on some of the subjects that were brought up. The first concern was from the citrus growers, and I would point out that the largest citrus grower in the area is the one that wrote the letter of support for this project, which also happens to be the abutting neighbor. For clarification, Mims is not incorporated, it's unincorporated and it cannot annex Scotsmoor; they're both unincorporated Brevard County. The issues that were touched on about runoff, one of the advantages to having this is it will be a subdivision with an environmental resource permit. It's correct that under the 2.5 acres, or 5 acres, or 10-acre parcels, there is no Saint John's River Water Management District involvement with house construction, there is no Department of Environmental Protection permit, there is no retention and treatment required. It's actually by falling under the subdivision statute that you add these benefits to the project. As far as compatibility with the Future Land Use Element, the 16 acres of this property already has Residential 1, and it is already fully compatible, it is already 1 unit per acre. This rezoning changes the zoning to be compatible with the Future Land Use. There is a letter from Saint John's River Water Management District that is from the hydrologist, Kristian Holmberg, I brought copies for everyone that states bluntly what the District's position is on one-acre lots. There were a number of complaints about the cemetery, and obviously that's not the subject property, and they might be legitimate complaints when this meeting is over, and I'd be happy to meet with the residents and point them in the right direction

on who they could file a complaint with, which would be the Federal Environmental Protection Agency. We've heard a lot of hypotheticals here today and we've heard about cancer and cemeteries, and Port Saint John pig farms, and sea level rise, but the request before you today is a rezoning of one unit per acre to make it compatible with the existing Future Land Use.

Bruce Moia – I'm looking at the tax map, and it looks like the property directly to your west is probably somewhere around one acre; it's not 2.5 acres, is it?

Stuart Buchanan – Yes, it is 2.5 acres.

Henry Minneboo – Ron, you've been up there a long time, would you like to talk?

Ron Bartcher – I appreciate the fact that the audience members brought information about the Indian River Lagoon Blueway Florida Forever Project to our attention; that was something I wasn't aware of, and since our last meeting I did some research about that, trying to find out what that was. Also, this property is on the County line and it seems to me that what's in Volusia County does have an effect on our decision. When I looked at the property immediately north of his property, in Volusia County, is property that has been set aside as a conservation easement, and then Sam's property a very short distance to the southwest, and then when I consider the Blueway Project, there's a lot of property there. When I look at his property he's surrounded by conservation easements. I looked a little further south, following Dixie Way, looking at what the land uses are, and it seems to me that when this land use was put in a mistake was made. If you look at Dixie Way you can find almost all the property east of Dixie Way is one house per 2.5 acres, and it's Residential 1 on the other side, except when you get up to the very end and all of a sudden it cuts off his property. That's a mistake, that shouldn't have been done. On a small piece of property like this, he shouldn't have had his land use split like that. It should have lined up with the rest of Dixie Way; we wouldn't have this problem. In fact, that was the reason why I voted in the previous meeting for the land use change, because it really wasn't right to have his property split, but that was before I actually looked to see what was going on. I have real concern with doing this when this property is basically in a conservation easement area. It's surrounded on three sides by it. I just don't think it's a good idea.

Henry Minneboo – You worked diligently on that Scotsmoor/Mims Study; this area wasn't cut out, was it?

Ron Bartcher – Yes, it was. I would say the reason why is because it was considered to be the Mims Small Area Study, so when it went to the boundaries we said the southern boundary was Titusville, at Jay Jay Road. The northern boundary was arbitrarily chosen as Flounder Creek Road. At the time, there was a question about that and we were hoping the County would follow up with a Scotsmoor Small Area Study, but that was never done. I do believe and understand that when the County Commission took the Small Area Study they made some adjustments in some of the land use north, trying to follow what was happening in Mims. I also will say they did not take our recommendations 100% because we wanted a lot more property being one house per 2.5 acres, and the County Commission at the time decided they wanted to have Residential 1 property.

Henry Minneboo – Bruce, it seems like when we have two pieces of road and other counties, and it's the south side, it's always an issue, like the southwest corner of the county, the piece by Keenansville, you have three counties trying to maintain a piece of road. The issues there are unbelievable because you have Indian River County, Osceola County, and Brevard County all trying

to make a determination on who needs to control the development side of it. I can see, Ron, where the road alone caused some confusion in the past. Erin, that is one unit per acre already?

Erin Sterk – Yes, the rest of the parcel. I did track the history of exactly how that came about, and did see when the Mims Small Area Study ended and it didn't extend this far. If that were to be pursued by the Board of County Commissioners of doing another study to capture the land north of the Mims Small Area Study it would have to be directed by the Board, so if the community members didn't ask the Board to direct staff to do that, this is a big county and these are major planning initiatives, and we have several of them underway at one time. So, if that's something that this community is recommending we need to pursue that by making the recommendation to the Board.

Henry Minneboo – A lot of time those are a one, two, or three-year process.

Erin Sterk – Sometimes four years.

Ron Bartcher – The Mims Small Area Study was done in six months, so it can be done.

Erin Sterk – We probably had nine comprehensive planners and we have one today.

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

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

Bruce Moia – So, it's pretty much all AU in this area.

Dane Theodore – The AU zoning allows one house per 2.5 acres under the current Future Land Use, so that's not a problem and he can build one house per 2.5 acres without rezoning. Staff wrote in the worksheet six units, and I come up with 8, or 7.9.

Erin Sterk – For the potential on the front page of the worksheet we use a lot yield algorithm, which extracts out roadways and stormwater ponds, so we use a methodology depending on the land use, so if you took a 2.5-acre lot and put in stormwater and roads, you get less units in the end.

Henry Minneboo – Dane, has the School Board ever had Brevard County on one side and Volusia County come in and extract the students?

Dane Theodore – There are bi-lateral agreements between counties that if a student chooses to go to the other county there are agreements in place if the other county will accept those students. If it's easier for them to get to a school up there, they can do that.

Henry Minneboo – I'm not sure the school to the north isn't closer.

Dane Theodore – At the last meeting I said Pinewood is going to be overcrowded by 100 students, and while the number of homes that this represents isn't extraordinarily large, conceptually, I think adding more homes to that situation exacerbates the problems. In the meantime, between that meeting and today, the School Board approved a rezoning for Pinewood to Mims, so because of the anticipated number of students coming in they have done a rezoning to the south to relieve Pinewood, but I don't think they've solved the problem completely.

Henry Minneboo – Is that rezoning or re-districting?

Dane Theodore – It is attendance boundary changes, but they call it rezoning.

Bruce Moia – It is Residential 1 Future Land Use, and the zoning is inconsistent with the land use. On the other hand, this is pretty rural, this is Scotsmoor, it's not Micco, like some people may claim that's rural, but it's really not. This is Scotsmoor, this is very rural. I am concerned that it's AU (Agricultural Residential) everywhere else, so I am concerned that this might be spot-zoning, but I do like the fact that I'd rather it be developed under the current standards than have it be the way it is now, because normally – and there was a lot of misleading comments – agriculture is one of the biggest polluters of the river that there is as far as a land category. Currently, it's in the worst state it could be if you're truly concerned about the river. To be agricultural land there is no treated water at all leaving this property; it's just going straight to the river. The new systems treat the water, so I like that. It could still be developed with single-family homes; they could clear-cut the property and put in 2.5 acres and have no retention still, and that's a concern, too. I'm in the middle on this one, and I'm not sure which way I want to go, because there's good and bad.

Peter Filiberto – On February 11th, Mr. Thomas had two items. Didn't we approve one 3.15 acres, and that 3.15 acres is Residential 1 right now?

Erin Sterk – The Commission heard those items last Thursday, and they could have acted on the Future Land Use designation change, given that this board did make a recommendation, but they chose to hold off on doing so, to hear what you all wanted to do about the rezoning, and then to take action on both together. So, both will be heard at the April 4th County Commission meeting. So, technically, no, the 3.15 acres does not currently have Residential 1.

Mark Wadsworth – But the remaining does?

Erin Sterk – The remainder still does, yes. Depending on what you recommend today, the Commission could move accordingly.

Brian Hodgers – Is it 16 acres or 15 acres that are already Residential 1?

Erin Sterk – It's 16 acres; I think where you're hearing the 15 acres from is the reduction in units that could probably come after you take out the stormwater and roads.

Brian Hodgers – So, the total acreage is 19.75, and the request is for 15 units total?

Erin Sterk – The request is for one acre lot sizes, the zoning, but the assumption is, depending on pond size and road size, they expect to get 15 units.

Stuart Buchanan – That's correct, and we'd be willing to enter into a BDP (Binding Development Plan) to that effect if you'd like.

Bruce Moia – I was thinking that might be something, if I would even entertain this, I think a BDP would have to be put in place to have some kind of compromise.

Henry Minneboo – The one fact is, like you indicated already, they have to retain all of the runoff, and that's critical on agricultural land. Would it be an 18% reduction for stormwater?

Bruce Moia – How much of this property is in the floodplain? I don't know if the colors are off on this map, but it looks gray. Isn't there restrictions on the density if this is in the riverine floodplain?

Jeanne Allen – The yellow is in this case would be estuarine, and estuarine doesn't have compensatory storage.

Bruce Moia – That's the only area of this property that's in the flood zone?

Jeanne Allen – The gray is not in a flood zone. Something to also note is there are portions of the property that are in the septic overlay that would need enhanced treatment all along County Line Ditch Road, and then along the wetland area to the east of the parcel. There does appear to be a portion running through the middle of the property that also might be wet, so these are all areas that if they're found to be wetlands or floodplain, could affect the development.

Henry Minneboo – What is the distance to the Lagoon?

Erin Sterk – I'll re-measure, but my recollection is 3,700 feet.

Bruce Moia – Was there an environmental impact analysis done by the applicant?

Erin Sterk – None provided thus far.

Bruce Moia – So, the map shows where there might be wetlands?

Erin Sterk – That's very high level, it's not the drill-down data that we'd be looking for at site development.

Bruce Moia – But that would further limit the density if there was more wetlands on the property than the map showed?

Jeanne Allen – Yes, sir.

Dane Theodore – I was intrigued by your struggle with developing these as single-family homes without runoff restrictions, and having a subdivision with retention requirements. In your opinion, would six homes with no restrictions be worse for the environment than 15 homes with the runoff?

Bruce Moia – Just considering stormwater runoff, absolutely it would be worse. Six homes with no retention would be worse than a 15-home subdivision meeting all the standards of the Saint Johns River Water Management District and the County.

Dane Theodore – You would believe under that case that the impact to the Lagoon would be better with a subdivision?

Bruce Moia – Yes.

Erin Sterk – To add to that, if you come in to develop six units, you're going to go through a subdivision plan and you're going to meet the same subdivision code, so there is no developing six homes under the current zoning that isn't going to go through the subdivision process that isn't going to require stormwater treatment. You may have some instances where a parcel is split into two, in some of these cases like families here have split off 2.5 acres of their 10-acre lot, that doesn't go

through a subdivision process, but even though the process is cheaper for three to six units, it's considered a minor subdivision plan and the stormwater codes are the same.

Brian Hodgers – The applicant has a diagram in the package that is conceptual, and I count 14 homes on it. I know our packet says 15 homes, so is the 14 accurate, or the 15?

Stuart Buchanan – The 14 is accurate. One of those lots was a double lot and we'd be happy to enter into a BDP (Binding Development Plan) for any number of units up to 14. We'd like to take the recommendation of this board and move forward, and if you were to recommend to the Commission limiting the lots we'd gladly enter into a BDP to that effect, and hopefully reach a compromise with the neighbors, as well as provide full permitting through Saint John's River Water Management District.

Brian Hodgers – One of the properties is all the way at the east end, and on one of the maps there is a little bit of a possible wetlands.

Stuart Buchanan – That's why we avoided development there.

Brian Hodgers – How far away are you from that portion, or would that one house have to be eliminated?

Stuart Buchanan – The other item that staff said might be wetlands, that is a ditch.

Joseph Thomas – If you look at the property, our property is all cleared, the orange grove and the property behind us is an existing thicket, which is where the wetlands are, ours is at the lower section, but even at that, the homes would be 60 meters away for the septic system, away from the ditch and the wetlands.

Brian Hodgers – So, the closest home to the wetlands would be?

Joseph Thomas – The layout we have now, it would be over 150 feet.

Brian Hodgers – And no retention pond is planned at this time?

Stuart Buchanan – No, it would absolutely require a retention pond, it just isn't shown on the diagram.

Brian Hodgers – Do you have an approximation of where it would be?

Stuart Buchanan – We're working with an engineer so we can't put together the conceptual layout of the lots, but I'm sure he will come back to us after he's reviewed the topographic study and the soils and everything else, and say where we need to put the lots and where we need to put the retention. Once we know what the number of lots is, we can move forward with a civil design.

Bruce Moia – That's a decent compromise and I think we would want to add that regardless of the distance they are from the waterbody. I think if they are fine with the condition that all lots would have the upgraded septic systems, the high-efficiency systems, therefore reducing the potential pollution from possibilities. On your sketch it looks like you're paving a portion of Dixie Way, is that what you're planning?

Stuart Buchanan – We are waiting until we have action from this board to go back to Volusia County and follow their instructions on whether they want to have us pave a section of it, or request us to

post maintenance bond for all of it. Obviously, it falls under Volusia County and we're going to do whatever they tell us to do and as soon as we know the number of houses and the number of trips generated, they're going to give us instructions, whether they want a section of it paved, the aprons paved, or the whole thing, we'll know.

Erin Sterk – I think Stuart was answering the question for County Line Ditch Road, but Dixie Way, the extension from that paved intersection there to the north, they met with Public Works early on about whether or not an unpaved road subdivision could be done, and the answer is no. The codes today require pavement, so they would have to extend it to current County paved road standards.

Bruce Moia – We don't need to put that in the BDP (Binding Development Plan) because that's a requirement?

Henry Minneboo – No, that's going to be mandatory.

Erin Sterk – You could re-memorialize it, I suppose.

Henry Minneboo – No, we don't need to do that. Ron, does that help a little bit?

Ron Bartcher – Thank you for the information, I appreciate it.

Erin Sterk – If we're considering anything, I'd like to hear from the applicant on the high-end septic thing, if you guys are going to consider that as part of your motion, we would need to know that is something they agree to.

Stuart Buchanan - We'll be happy to include that in the BDP. You've heard from the neighbors, you've heard their concerns, and in some places in the County, such as North Merritt Island, they've already made it a requirement, so in a similar situation we'd be happy to do so.

Ben Glover – I believe at the last meeting I voted to pass this request, and after hearing all of the people today have so much opposition, putting a subdivision there doesn't really make sense. I agree that the engineering would probably retain the water, and it would most likely be beneficial, but none of these neighbors moved there to have a development put in right down the street. I think I'll be voting against this item.

Henry Minneboo – Do you want to make a motion?

Ben Glover – I'll make a motion to deny the applicant's request.

Ron Bartcher – Second.

Henry Minneboo called for a vote on the motion as stated, and it failed 4:5, with Minneboo, Hodgers, Langston, Wadsworth, and Moia voting nay. Glover, Bartcher, Filiberto, and Theodore voted in favor of the motion to deny.

Bruce Moia – I'll make a motion to approve the request with a BDP for no more than 16 lots, with a requirement of the upgraded septic tank systems.

Henry Minneboo – Is that 14 lots or 16 lots?

Bruce Moia – I'm sorry, I'll make a motion to approve with a BDP for 14 lots, with a requirement of the upgraded septic tank systems.

Brian Hodgers – I'll second.

Henry Minneboo called for a vote on the motion as stated and it passed 5:4, with Glover, Bartcher, Filiberto, and Theodore voting nay. Minneboo, Moia, Hodgers, Langston, and Wadsworth voted in favor of the motion.

Discussion:

Ron Bartcher – One thing that came up in our discussion, this property that has the conservation easement on it, I was talking to staff about that and the information wasn't readily available to us. If the citizens hadn't brought it forward we wouldn't have known anything about that. The owner of the property may not even had known. I have a question for staff, if they could elaborate on that and what might be done to correct that.

Erin Sterk – I also met with the property owners as well, who gave me some more information than we had as part of our regular analysis. When we look at the land use of the area we look at all of the factors, but private easements are something that is not part of our regular searches. There area all kinds of easements, such as drainage, utilities, et cetera. The conservation component of that property did not come to our attention as part of our regular evaluation, so I recommended to the property owner that they pursue a Future Land Use designation change from Residential 1 to Conservation. I think 40 of their 50 acres is under conservation easement in perpetuity, so when they dedicated that land and gave it over, and even have a resolution form the Board of County Commissioners, the EEL (Environmentally Endangered Lands) Program, as part of the Parks and Recreation Department, they probably didn't get with Planning to get all of the planning layers in place that would allow planners to recognize, and property owners to recognize, that conservation component of the property, so when you look on the Property Appraiser site, the use of that property comes up as a homesteaded single-family residential; when you look at the Future Land Use designation it's Residential. My recommendation is that the Future Land Use be changed on that property on 40 of the 50 acres to Conservation; that way, when a property owner comes in they will be able to see that, and so will the planners. The other conservation lands in the area have already had a Future Land Use change. I'm not certain that was something they were advised at the time, and I'm also not certain that is something they should necessarily bear the cost of. They gave the land to the County for its use. There's certainly going to be a cost to doing that, advertisement in the newspaper, and staff time, which we could capture that and do it administratively, potentially. I'd like to come back with some options on how to bring that forward. I don't know what we'll do regarding the fees. I can come back to the board the next time you meet and let you know what our options are, if that's what you're asking for from us. Or I can just work with the property owner and we move forward that way.

Henry Minneboo – I would like to see it. Ron is 100% right that it is fairly critical information, but to defend staff a little, it seems like when it's the County line there's always some confusion. We've had confusion in Micco and Grant, and Little Hollywood, and we've had issues down there like this before.

Erin Sterk – It was actually easier for us to recognize that the Volusia County lands were in conservation because their Future Land Use map recognized that. If that's something that this board wants to see followed through, you can make a motion to direct us to bring something back on that.

Henry Minneboo – I'd like to see both, work with the applicant and let us know.

Erin Sterk – If you wouldn't mind, it would be easier to move forward with the work if you memorialize that in a recommendation.

Ron Bartcher – I'd like to make a motion to that effect.

Bruce Moia – I'll second.

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

Findings of Fact Items H.5. and H.6. from the April 4, 2019, Zoning Meeting

Isnardi: Item H.5. and H.6. We have several cards for this Item. I'm not sure if we are going to do them together or... Yeah.

Sterk: Item five is a proposal by Joseph Brandon and Nikki Thomas requesting a Small Scale Comprehensive Plan amendment from Res 1:25 to Res 1 on a property that is 3.15 acres in size, located on the southeast corner of County Line Road and Dixie Way. The associated re-zoning request is a proposal by the same applicants, but it is on the entire property which is 19.75 acres in size, located at the southeast corner of County Line Road and Dixie Way.

Lober: I've got some disclosures.

Isnardi: Okay.

Lober: I've got some disclosures, actually quite a few disclosures. I'm going to try to fly through them quickly here, pertaining to both numbers five and six. All of them, unless I note otherwise, are in opposition to the proposal. I had an email from Rose McGinnis on March 11, an email from Melanie Lorenti, on March 13. I have emails from Ron Bartcher dated March 14 and 17, also on March 14, an email from David Laney; on the 16th of March an email from David Botto, on the 18th I have one from Rachel Burke. Also on the 18th, I have one from Maureen Rupe. On the 19th, I have one from Marielle Marne and Steven Moore. On the 27th of March I have one from Mary Sphar. On the 27th I had a phone consultation and meeting with some area residents, David Laney, Rose McGinnis, and Jerrad Atkins. On the 30th of March I have an email from Leesa Souto. On the 31st of March, I have an email from Maxine Ziemann. April 1, I have a letter that we received from Scottsmoor Community Association. On April 2, I received an email from Kathy Ceballos. Also on April 2, another email, this one from Jared Atkins. On the 3rd of April, I have an email from Philip and Lori MacIntyre, and on the following day, the 4th of April, I have one from Morgan MacIntyre, all in opposition.

Isnardi: Commissioner Pritchett, do you have a disclosure?

Pritchett: Yeah, Madam Chair, I submitted them all to the Clerk already and they are in a packet, but I think I had pretty much the same ones you had, Sir, and so, they are numerous and they are all out there for public record if you guys would like to review them.

Isnardi: I was going to disclose the same, and I also had a meeting in my office with David Laney, Rose McGinnis, and Jared Atkins on March 27th, and the discussion was their opposition to the re-zoning of this, to their area. They had concerns about whether or not it was consistent and it was about 45 minutes, maybe an hour.

Sterk: I would also like to clarify. We got some comments after the Planning and Zoning Board meeting that the public was not sure we were talking about both Items, so when you all come up for public comment, if you will address both the Comp Plan Amendment and the Re-Zoning, then we will be sure that everybody has a chance to be heard.

Isnardi: And some of the cards that I have as well have five and six, some have just five or just six, but I am going to call them ahead in order, unless you don't want to speak, that's okay, too, but after the applicant we will go through the cards. Commissioner Lober?

Lober: Just a brief question, and I hopefully this helps, but if not, I apologize. But I was hoping we could kind of get a feel for where the Board was inclined to go before we have a public comment, because if we can save a couple of hours of people speaking, I think it might be appreciated by some folks. Because I am happy to let everyone know where I am, and maybe we can go that way, and perhaps it may not be necessary to have everyone come up and say what they have been telling us by email and by letter and by visit.

Isnardi: Ms. Bentley?

Bentley: I think we need to take the public comment. You can discuss it some, but you must not pre-judge before you hear the public comment.

Lober: I tried.

Isnardi: Okay, Mr. Buchanan?

Buchanan: Thank you.

Isnardi: And are you representing the applicant?

Buchanan: I am. I'm Stuart Buchanan. I'm here representing the applicant. My working address is PO Box 1545, Titusville, Florida, 32781. I know that you have many speakers, so I'm going to be very short on my introduction and my presentation, so that you can hear from the public and I can do the applicant's rebuttal after the end. Thank you. I may need some help also, because I understand that Commissioner Smith is not here, and I do have a handout for the Commissioners that I want to present. I have already given a copy, both to the Clerk to the Board and I'll provide one to the Commissioners and Staff. As I stated, I am going to be very short, because I understand you have a number of members of the public who wish to speak, and then of course, I would appreciate the opportunity to come up afterwards for rebuttal. This is one of the most straight-forward requests for re-zoning that you will possibly see. The property currently has 16 acres, which has a Future Land Use of Residential 1. The zoning assigned to it is Agricultural Use. These are both the original Future Land Use Category and Zoning district that was assigned after the Growth Management Act was passed. The reason that it was given Agricultural Use with AU zoning was at the time of the Comprehensive Plan being adopted, and the zoning districts being assigned, it had an agricultural use. It was a citrus grove with a bona fide ag exemption. It has not been a citrus grove for many, many years. This is why that it is acceptable to come before you and request re-zoning. If you look at the aerial, I would encourage you to note that this is not a property that is in its natural state, it was clear cut decades ago, it was planted as a citrus grove, the citrus grove is now defunct, and therefore we revert back, we look at the Future Land Use of Residential 1 on the 16 acres. The small portion that has, which is your Small Scale Comprehensive Plan Amendment for approximately 3.15 acres, that request was simply to provide consistency for the parcel as a whole. The applicant has already agreed to enter into a binding development plan to limit the total development to 14 lots. I'd like to stress again, that under the Future Land Use Category, that 16 acres is already Residential 1, which would be 16 dwelling units. Again, the applicant is willing to, with or without the Small Scale Plan Amendment being approved, the applicant is simply asking for the Rural Residential zoning designation to be assigned to this property. They are willing to enter into a binding development plan to limit it to 14 lots. I would encourage you, at some point, to seek input from the County Attorney that is present, so that you can find what the process would be should the request be denied, what the next two steps would be for the applicant, after the administrative relief has been exhausted. Again, I know

you have a number of members of the public, so I am going to go ahead and step down, and I will be happy to answer any questions that you have.

Isnardi: Alright, I'm going to name a couple names at once, so you'll know that you are next, we have Nancy Stephenson, and after Nancy, we have Ron Bartcher.

Nancy Stephenson: Good afternoon, my name is Nancy Stephenson, I am at 6600 Possum Lane. It's a rural area. I'm on County Line Ditch Road. I'm about 1,200 to 1,500 feet away from the adjacent property. My family also manages a property that is less than 800 feet away from said property. This... we are giving out some handouts. There's also some aerial maps. Now they'll be two, one shows, I want to say the Brevard side, showing roads in the rural area. The second one is showing more on the Volusia side, conservation, protected areas. How some of the ditches flow and we will get into that in just a few minutes. This project greatly impacts not only the neighbors, but the community. Along with the concerns of water quality and availability, the environment, neighboring agricultural lands and the future conservation areas, and the Indian River Lagoon. Like I said, this property is very close to my family's property, which is an agricultural use. Our area is considered rural, rural agricultural, with the smallest tract close by is 2.5 acres, but that is only because it is a family unit. It is a total of 10 acres, where a family, mother/child, split up a 10-acre block, so the child has a two and one-half acres block on the same property. People relocate to this area in search of large acreage space, a quiet way of life. They want the room for their livestock and their families. They don't want to open the kitchen window and talk to the neighbor. Many that have had to settle for a two and one-half acre piece of property wish that their property was bigger so that they could have more animals, crops, and freedom. Like I said, we painted you these maps so we could give you the idea of the layout of the property in question. The main roads in and out of this area are County Line Ditch Road and Dixie Way, County Line Ditch Road running east and west. It is not a paved road, it is covered with millings. Dixie Way traveling north and south is dirt. Both of these roads, if two cars were coming in opposite directions and wanted to pass, one vehicle has to yield to the side so the other can get by, and we kind of make a joke about it, you may have to yield to livestock or wildlife and let them finish before you can go on about your day. I want everybody to keep in mind those are the two roads that would have to support this extra traffic, meaning construction trucks, deliveries, garbage, power, emergency vehicles, everything above. When you factor in two, two point five vehicles per house, with these additional homes, that is an impact on the roads. On the north side of this is all conservation areas. On the Volusia side, that is a one parcel per 10 acres, and forgive me if I say it wrong, but, and along with the conservation areas. The County Line Ditch itself, flows east. It is the main ditch for that area. It starts at US1, goes completely through the conservation areas and unloads into the Lagoon, straight into the Lagoon. Again, it is mainly a rural and agricultural area. Agricultural businesses are the major part of the Florida economy. In the 2012 Census of Agriculture for Brevard County, along with the State, the majority of farming operations are produced on 48, 49, or less acreage, with the second major income coming from cattle, and the third from citrus and fruits. There are many property owners up there with agricultural practices whether it is cattle, citrus, other fruits and vegetables, or even horse operations. Along with that, many of these families have young children, our future generations. Our comments and concerns are brought up by the properties... I'm sorry, one of the concerns that was brought up was that this is this family's investment, and they are trying to...their retirement. That is the same with everybody up there. That's our life, that's our future, and we want to respect it and take care of it. We bought these large tracts of land for privacy, conservation, agricultural practices, and it's just agriculture keeps everybody fed. I mean, that's just the way it is. If you don't take care of the land, it won't take care of you. Conservation and preservation are the key aspects of everyone's future. We all have property in the north area could profit from development, but we choose not to out of respect for the Future Land Use ideas and future generations to follow us. Again, our concerns are the

over density of the land, water retention, water flow, run-offs, flooding, the natural flows of the ditches, the infrastructures, the roads, I know everybody is going to be getting into some of this for you. I'd also like to bring up there is a Florida State Statute, 163.316, that talks about dealing with future development and existing land use. It has to do with future development that is attached or close by agricultural lands, and it's Florida Legislation's way to try to preserve Ag, and protect it, and there's formalities and forms that have to be filled out, looked at, and I'm sorry, I meant to bring that paper, and I didn't bring it up here with me. Please forgive me. Again, we wanted to talk about the Small Area Study.

Isnardi: I have to cut you off. I'm sorry.

Stephenson: Yes ma'am. I'm done.

Isnardi: Thank you. Thanks so much. Ron Bartcher? And After Ron, David Laney.

Ron Bartcher: Ron Bartcher, 3431 Grantline Road. The map I just handed out shows the property in question and also shows the septic tank overlay on this property. And the blue line that is down the middle of that property... not the middle, but towards the, in my case, the right, shows the division between the Res. 1 and the Res 2.5, and you'll notice that all of that Res. property is Res 2.5, is all in a property that is in the septic tank overlay, meaning they need to have high performance septic tanks. My concern with you changing the land use on this, and I want to address specifically land use, is changing the land use on this property is then allow three residence per acre. This is essentially a three acre property, so you're allowing three residences in there. That's three septic tanks. If you leave it at 1.25, that's one septic tank. What that means is, you're increasing... if you approve this, you're increasing the pollution to the river by a factor of three, and it's been stated that pollution goes straight to the river. There's another important consideration that I wanted to bring up, and that is that density, like beauty, is in the eye of the beholder. If you live in a city, one acre of property, or one house on one acre, that is tremendous density, but if you live out where we do, that is a very high density, one house per acre. What we have, and what a lot of our property is one with 2.5 or one on five, one on ten, one on 20, that's what we consider low density. This difference in perspective is very important, because when you make a Future Land Use change, you should not have a negative impact on the residents that live there. The residents that live in this rural area, we believe... I'm sorry, we desire to have what we perceive as low density, not what someone else perceives as low density. We rightly expect that the land use will continue to be compatible with our community values, so I would request that you please deny the land use change. And I had a question. I have submitted two cards, will I be permitted to speak on the zoning separately from the land use?

Eden Bentley: If you are requesting additional time, that is up to the Board, we would recommend giving additional time.

Isnardi: Okay.

Bartcher: Do you want me to do that now? Or do that...

Isnardi: If you submitted two cards, it's probably easier if you come back up, possibly. I don't know, what do you think? Unless we... we can do it now if you'd like.

Lober: Let me just make a motion that if someone has indicated both Items, or if they submitted two cards, that when they come up for either, that we go ahead and double the time. If that's what they want to do.

Isnardi: That's fine. Yeah, we will give them the option.

Bartcher: Okay, and I'll go ahead...

Isnardi: I'll just dispose... not dispose, I'll put your other card with this one. So did you want to start your next five, or do you want to finish this first five and start another five? Does that make sense?

Bartcher: I can go ahead and start the next five if that's okay.

Isnardi: Okay. Go ahead and reset it. Thank you.

Bartcher: Thank you. I did want to address the Item H.6. which talks about Zoning. You've heard a little bit about rural lifestyle, and I'm sure as other speakers come up, you are going to hear about rural lifestyle. I want to explain that a little bit more. Have you ever looked out your window and seen a gopher turtle laying eggs? I have. Have you ever seen a bobcat stick his head out from a palmetto in your backyard, and look around and say, oh you're not a threat, so he just calmly walks off over to the palmetto on the other side of your yard? I have seen that. Have you ever walked around your house, the corner of your house, surprise, a wild flock of turkeys fly off all of a sudden off into the palmetto? I have. Have you ever seen a wild hog peer his head out look very closely at you and think you're a threat and then take off running through, crashing through the palmetto? These are the kinds of things I have seen. I like to read my morning paper on the patio, where I frequently hear a rooster crowing, or a cow mooing. I enjoy these sounds and other sounds of wildlife. A blue jay squawking, a squirrel scolding, a hawk screeching to scare up dinner, an owl hooting. City folk think these sounds are irritating, I find them very pleasing and relaxing. Most of us who live in this rural area in Mims and Scottsmoor do precisely because we enjoy the rural lifestyle. My nearest neighbor is hundreds of feet away. Life in rural neighborhood is much less stressful than a crowded city and you all know the studies about increasing crowding increases stress. We live out here because we enjoy the relaxing, peaceful atmosphere. We don't have to have a car drive by our house every few minutes. Even the traffic on the Federal Highway that runs through our area is far quieter and safer than when that same highway runs anyplace south of us. Excuse me. The activities we have out here are very interesting. Imagine taking your kids to a library program about miniature horses, only to have at the end of the program, the kids get to ride in a buggy driven by that miniature horse. Kids just love that. We have the annual July picnic in Scottsmoor, and we have the annual Mullet Festival in Mims. Both of these have loads of activities for kids and adults. There's more freedom in our rural area, we can do what we want without having to tell somebody to stop. If I want to put up an eagle in my front yard, I don't have to go to a homeowners association and have them tell me to stop you can't do that. I can spend my time in my workshop sawing, drilling, routing plywood, turning this into furniture for either my house or the library, and my neighbor who I can barely hear, is out sanding on his car, converting his antique car into something much nicer and having a nice paint job on it. One of the more popular stores in our area has a motto that fits our area, it's "for life out here". There are several large stores in this rural area that serve our needs, Tractor Supply, Family Dollar, B&E hardware, Walgreens, Dollar General, however the convenience of having these stores, it's not why we moved here, it's just an added benefit. When I moved here, there were none of these stores there. I didn't care if I had to go 14 miles down to a Walmart or Publix, or Home Depot. I just wanted the nice rural atmosphere, so I am requesting you to please deny this zoning so we can continue with our rural lifestyle. Thank you.

Isnardi: After David Laney we have Andy Root. I have you down for Item five.

David Laney: I have Item five and Item six cards in.

Isnardi: So, is it okay to put this time together for you to speak?

Laney: Sure!

Isnardi: So, then I'll just increase your time. And the applicant can have more time as well. I mean we weren't anticipating going this route, but the applicant can have the additional time if needed.

Laney: Okay, we will... since I am familiar with a number of the topics...

Isnardi: Can you give your name and address?

Laney: Oh, I'm sorry.

Isnardi: That's okay.

Laney: David Laney, 3800 Sams Lane, Scottsmeer, Florida. Okay. Since I am familiar with a number of the topical areas that a number of the speakers will be addressing, mine are going to be very pointed and I think will not be replicated by other people and I will speak fast here. Obviously I prepared for two that I thought were three minutes, so I think I'll be done in six. With that being said, let's talk about the Future Land Use map change first. First of all, who has standing in the discussion regarding the future Small Scale Plan change as requested with this property? By Florida State Statutes 361.318(4) Subparagraph A-1: The effective persons of those that own property in the boundary of the local government who's plan is the subject of the review, which means virtually... well not virtually, every resident of Brevard County has standing. Additionally, those owners of real property, abutting real property, that is subject to proposal change to that Future Land Use Map. That includes those of us who were notified by the Planning and Zoning for the re-zoning location, but I would note that it also includes Brevard County, excuse me, Volusia County, because Florida State Statutes 361.318(4) Subparagraph A, Sub. 2, local governments that have areas designated for protection to special treatment within their jurisdiction that abut this said project. And that is Volusia County. The property immediately on the north side of this property that is requesting the small area plan change is a conservation area, designated conservation corridor. That's just establishing standing here on who's talking and why we are talking about it. Okay, let's talk about Future Land Use Maps. Future Land Use Maps cannot be further than something cast in stone. They are not intended to be something that is cast in stone. When they were established, come in after the 1988 Robert T. Stafford Act, and as amended in 2002, Future Land Use Maps are required to be viewed on an ongoing basis. The most recent requirement from that comes from the in guidance to the States is from FEMA. Probability to the future hazard events FEMA State Mitigation Plan Review, effective March 6, 2016, Title 44, Code Federal Regulations Part 201, and it dictates what has to be taken into account in a Risk Assessment associated with Future Land Use Maps associated with that. What has to be taken into account is the probability of future hazard events that must include considerations of changing future conditions including the effects of long-term changes in weather patterns, climate, and identified hazards. Now the reason I am bringing that up is right now, you are in the process of considering increasing the density utilization of component of the Future Land Use Maps. Let's take a look at the area we are actually talking about, which is that intersection of County Line Ditch Road and Dixie Way and what lies east of it to the Lagoon. The first consideration from the risk and hazard associated with future climate changes is that associated with storm surge. The new National Oceanographic and Atmospheric Administration (NOAA) have combined their projections with the Army Corps of Engineers, and you will find when you go to those most recent

projections, which have now been published, for a category three hurricane, it comes directly in at that point and this material is all available online, for a category three hurricane coming directly in on that section of the east coast of Florida, you will have up to three feet of water at Dixie Way. Category four hurricane coming directly in at that point of the east coast of Florida you will have up to four feet of water, four to five feet of water standing in Dixie Way. This is definitely a flood surge, hurricane surge, area. Compounding that, if you take into account the future sea level rise projections due to whatever you wish attribute them, the fact is, it is happening, sea level around Florida is up to eight inches higher than it was in 1950 and is projected to rise another six inches in the next 15 years. That next 15 years is based on the projection that was done in 2017 by NOAA, actually The National Oceanographic and Atmospheric Association. Actually, there's two points that are identifiable and you can pull data specifically from the east coast of Florida. The southernmost is Miami Beach, the northernmost is Daytona Shores, and these projections hold consistent from Miami Beach to Daytona Shores, and this is the most probable. This is not the most drastic projection, this is what they're... there is consensus that this is the most probable on sea level rise. By 2050, its projected 15 inch increase. By that time, the Mosquito Lagoon is no longer the Lagoon, that is the ocean. After Mosquito Lagoon will very probably become the ocean the next time a significant hurricane impacts that section and the dunes are gone. That's all I'll say because I know there are other folks that are going to talk about the small area plan change. Okay things that we are here to talk about and things that we are not here to talk about. During the Planning and Zoning meetings, Mr. Buchanan brought up as a representative for the Thomas', the fact that we don't need more property taken off the tax rolls, we need to increase the tax rolls, 49 percent of Brevard County is not on... well let's take a look at that. Let's take a look at what those properties are and what the economic contributions are to Brevard County and Central Florida, those properties which are not on the tax rolls. Patrick Air Force Base, 9,464 jobs on base, 4,310 indirect jobs in the community, from the latest economic impact information. Over \$1 billion per year economic impact to Brevard County and Central Florida from Patrick Air Force Base. Kennedy Space Center, 10,194 spaceport jobs currently, and that includes private sector spaceport jobs. Total between jobs on the spaceport and jobs which are created and supported by spaceport and NASA, 23,753 jobs, with a total economic impact to Brevard and Central Florida of \$3.9 billion annually. The next big one, let's go right on up to Playalinda where Canaveral National Seashore is. Canaveral National Seashore has a total of 1,000 direct jobs that are supported by an economic impact back to the community of over \$111 million annually. So, those are just indications that perhaps some of the properties that may not be paying property taxes, they are certainly providing positive economic impact back into Central Florida and Brevard County. Okay, for the zoning, a couple other things, that we are not here to talk about tonight, since this is focusing on zoning, we are not here to talk about the new National Cemetery and the impact that the cemetery may have had on the water quality of some of the residences immediately adjacent to the cemetery. That is not a subject we are here to talk about tonight. We are talking about zoning. We are also not here to talk about BDPs. BDPs don't occur if the zoning is not approved, we are here to talk about zoning. Okay, Brandon and Nikki Thomas have requested a change in zoning of the 19.75 acres in Scottsmoor, Florida. Their request is to change the zoning from AU, two and one half house per acre, to RR one house per acre. By Brevard County Comprehensive Plans, plan and policies requirements for this request are the areas adjacent to the existing Residential 1, but current land use designations are inconsistent on that, yes there is Residential 1 on the 107 acres at the immediate southern border, component of that 107 acres is Res. 1, but there has already been discussions from Mr. Bartcher regarding whether or not Future Land use Mapping establishing classification of Res. 1 was appropriate to begin with, we feel it is not. Okay, another consideration or requirement by Administrative Policies of Brevard County, if we are classifying the property as RR-1, the areas must, which serve as a transition between land uses of land use designations with density greater than one unit in areas of lesser density. We've all seen maps of this area, this land does not meet that criteria. Another

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

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

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

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

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

consideration, unincorporated areas which are adjacent to incorporated areas who may be considered logical transition to Res. 1. You've seen the maps, this property does not meet that requirement. Other considerations, associated with approving this zoning change, also from Brevard County Comprehensive Plan Policies administrative, proposal must not materially and adversely impact an established neighborhood by introducing types of intensity to traffic that is not already within the defined boundaries of the neighborhood. Now, what is a neighborhood? Within Administrative Policies and Procedures of Brevard County, said that a neighborhood must have clearly defined boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features. There is not a population density requirement associated with the definition of a neighborhood. Not in the glossary, not in Brevard County Comprehensive Plan anywhere. We feel that we absolutely exist as a neighborhood in this portion of North Brevard. We share common values, we share common social interaction, we are dedicated to the same qualities of life, the boundaries that I've proposed are County Line Ditch Road, that's the north end of Brevard County, obviously the eastern side of the proposed neighborhood is the Indian River Lagoon, the west side is obviously Highway 1, and the southern border, you could say that is probably Huntington. That's where this consistency of social values, rural values, is concentrated in any area on houses that are built on not less than two and one half acres. Okay additional considerations also, I have Brevard County Comprehensive Plan regarding where the surrounding road system with in construction and quality are sufficient to serve the proposed use without the need for substantial public improvements. It has already been described to you. When you go down County Line Ditch Road, or you go down Dixie Way...

Isnardi: I don't want to be rude and cut you off, but you've exceeded your...

Laney: I have a total of 10 minutes.

Isnardi: You just spoke for 10 minutes.

Lober: We can round it up a little.

Laney: Oh wow, okay.

Isnardi: There was a little improv in there I think from your notes.

Laney: Well, time flies.

Isnardi: It does.

Laney: I wasn't having fun, but time flies. Okay, well thank you very much for your time, and obviously if you have any questions throughout this procedure, we are certainly available to answer more questions. That was 10 minutes, really?

Isnardi: It really was.

Laney: Well, I believe you.

Isnardi: We wouldn't do you wrong. Andy Root? He's got five and six on his card as well, so... you don't have to use all 10 minutes if you don't have 10 minutes, but you are more than welcome to.

Andy Root: I won't.

Isnardi: If you could just state your... you can hand that out first, that's fine. And after Andy, we have Stephen Chalmers.

Root: My name's Andy Root. 3540 Sunset Avenue, Scottsmoor, Florida. I want you to know that we welcome the Thomas'. We were told at a town meeting that they moved here to escape the Palm Beach lifestyle, and that our rural residential lifestyle is what they wanted. We welcomed that. The fact that they liked it so much that they wanted to change it is what we objected to. To grant this zoning to one home per acre would destroy our rural residential lifestyle and hasten the destruction of the Indian River Lagoon and amplify the demands of our fresh water, all of which are in jeopardy. I personally know of two land owners that hold 40 acres and 50 acres plus that are waiting for your decision. If you change the zoning to one home per acre, then their attorneys will be next in line, and that line will grow. Hundreds of new wells will irrigate the new laws creating runoff of herbicide and pesticides and fertilizers which will run directly to the Lagoon, while depleting our fresh water supply and increasing the salt water intrusion which is already occurring. None of these things are good. The major land to be developed is east of Dixie Way, it is closest to the proximity of the Lagoon with deep ditches running directly to it. The loss of birds, fish, shellfish, and aquatic plant life can directly be attributed to this pollution and with every new home built on small lots will increase and hasten the death of the Lagoon, while salt water intrusion has already started because of the freshwater depletion we cannot reverse that, it will only get worse. Lastly, the County needs to be aware of the direct cost to the County. 90 to 100 new homes on these sites will greatly increase the demands for Fire, Police, and Schools. The County is in the process of upgrading Coral Avenue, none of the other roads in Scottsmoor can handle this kind of traffic and we will all have to have major upgrades. The roadways with a three to five foot shoulder that have no berm, no signage, or any kind of warning are an accident waiting to happen. The cars and trucks running into the ditch are a lawsuit waiting to happen. With the upgraded roadways, Coral Avenue, the cars are now traveling three to four times faster than when it was dirt. The handout I gave you was to show you that one of the wells that had just been drilled, or sampled, was 2,510 parts per billion, which on State level or municipal level, only 450 parts per million are permissible. The University of Florida just published a survey for a recent visit where it said upon visiting the Scottsmoor area on March 6, I became familiarized with the rezoning request in the area. I am able to place such a request in context of natural and human related pressures in the Indian River Lagoon region. I think that any new infrastructure development in coastal areas around the Indian River Lagoon in particular, needs to be examined carefully, and sensibly. This is because the sea levels in Florida which has risen at rates more than six times, mean global rates, between 2011 and 2016, the sea level rose at a rate of three quarters of an inch per year. Evidence of these rapid sea level increments on the increase in the sunny day flooding areas in this State. Compound to this problem the ever increasing use of human use of fresh water from the aquifer. Moreover an inconclusive trend that Florida rain value since 1985 indicates that the aquifer recharge is not changed over the decades. That means we are using more than is being replenished. Evidently, any new zoning that allows increases in settlement density will represent amplified demands of our water aquifer, and because the sea level is expected to rise, the area will likely be drastically effected and the detriment to our water and soil quality is evident. I respectfully ask the County Commission to deny this application so that others will not follow. We can save the Lagoon, our fresh water, our dirt roads, and our rural residential way of life. Thank you.

Bentley: Sir, you have two documents you provided to the Board. Could you please put them on the projector so that they will go on the screen behind the Board? Mr. Walker may need to assist you. Commissioner Smith, can you see that?

Smith: Not yet. I'm a little behind you guys. Now I can see it.

Bentley: Okay.

Root: This is the letter from the University of Florida. Again, the most important thing here isn't just this sub development that is being proposed, it's what's going to happen after.

Isnardi: Talk in the mic, just so we can hear you. You have more time.

Root: The most important thing is not just this development, it's what's coming right behind, and that we can't stop, unless we stop this. Thank you.

Isnardi: Alright, you have 10 minutes as well.

Stephen Chalmers: Thank you. My name is Stephen Chalmers, Windbrook Drive in Palm Bay. I want to start by saying how much I respect and appreciate the service of all of you and the responsibility you take on making decisions such as this one in particular this evening. I have some reservations, though, it appears one of you might be a pirate.

Isnardi: Oh, my gosh.

Lober: Which one, sir?

Chalmers: I won't say. I'm representing the MRC, and I think our letter to each of you speaks for itself. I just want to emphasize the last paragraph, as did my predecessor's speaker. This is an important event or decision that is before us because of its future ramifications. The MRC sees that enabling this kind of development in the face of change, which is not only ongoing arrival of more people in Florida and our County, but the threats of climate and sea level rise is not a wise consideration. We should step back, we should zoom out from the locality of Scottsmeer and look at the whole County, and look at the whole coast a little bit more, and consider an overall plan which is yet to be really formulated about how we are handling our land. So, with that I will yield the rest of my time.

Isnardi: Diamond Scharfenstine? And please correct me if I said it incorrectly.

Diamond Scharfenstine: No, you said it right.

Isnardi: And after Diamond, we have Clara Mutter. Name and address please. And you have it down for five and six, so you have 10 minutes as well if you want to use it.

Scharfenstine: 6350 Dixie Way, Mims, Florida. My name is Diamond Scharfenstine. My mom and I both live at 6350 Dixie Way. We live approximately one-half mile, maybe more, from the developer. I know the Lagoon and roads have been the primary subject of challenge on the subject, but I would like to touch base on my personal side of this issue. My mom is a native of Brevard, born in Rockledge, grew up in Merritt Island, my father, who we lost in 2016, was military and a Federal contractor. My parents after moving from Port St. John to Titusville, where I was born, moved to Mims, where they settled in Scottsmeer, about 20 years ago. Because of the rural area, this is where they wanted to raise me. My mom has had horses most of her life and they wanted the same experience for me. My parents chose Scottsmeer because of the land, the space, and the privacy, and they respected that Scottsmeer wanted to keep their community rural. Most of us in this room from the great community of Scottsmeer love our lifestyle in the country living. If we Brevard County residents and Commissioners allow the developer to come in and re-

zone our rural areas, we will end up with areas like Viera and Port St. John. There's nothing wrong with those areas by any means, but we moved to this area for a reason. We all understand that Brevard is growing, but really, why can't we keep the north part of Brevard in a rural habitat? I ask you, where will it stop? If you continue to let this re-zoning and development move forward, the big question is, why can't Brevard County stick to its own requirements that they have already put in place? They put these in place for a reason, right? Thank you for your time and I hope you all seriously consider keeping Scottsmeer a rural area.

Isnardi: Thank you. Clara Mutter, and after Clara, we have R.C. Kirk. You have 10 minutes as well.

Clara Mutter: Okay, but I will probably only take three. You'll get tired of me before then. My name is Clara Mutter. I live at 3405 Johns Road. Mailing address is Mims, but I live in Scottsmeer. I'm probably on the southernmost end of this, and I have a strange story to tell you. We moved to Scottsmeer, my husband was a homicide investigator, we moved to Scottsmeer to get away from town, to get away from people, to get away from traffic. And one of the first nights that we spent in our home after moving out there we used to sit on our front porch, we used to say "wow, we'll watch the traffic". We might see one car, and it was an exciting night if we saw two. And we would just sit there and watch the traffic. Well this one night we saw this hawk, and he landed on our fence out front, and we thought, boy what's he doing there? And about this time a cow came trotting down the middle of the road. It's a dirt road, he can go there if he wants to, and he's headed east, going toward Dixie Way. He did turn north. Behind the cow was a guy with a stick driving the cow that way, but he was about 50 feet behind. Then after the guy with the stick, was a pickup truck, full of kids, following the guy following the cow. We had a parade in Scottsmeer. Now, you don't get that in town. You just don't get it. Our first Christmas, the Scottsmeer Volunteer Fire Department came by with Santa Clause on the back of the fire truck. Sirens, everything, there's Santa Claus, our son was maybe 10 at the time, he ran out there so excited. He'd never seen anything like that. The point of all of this, I didn't come as prepared and as knowledgeable as all of these people, because I live there, it's what we wanted. We built our house with our own hands. We put our fences in ourselves, now we can afford to pay to get it done. I can understand the owner of the property wanting to chop it up and sell it for as much money as possible. After all, my family is in real estate, I can understand that. But I can't understand destroying a neighborhood for one person, for one party. And that's what would happen. You would destroy a neighborhood. You would destroy a group of people for one person to make more profit. He can still make profit on his property, at 2.75 acres. He can still make profit, everyone can. We just have to judge how much we want to do to the other guy to get our own. So, I would ask you to think about that when you consider it, because all of these people that came here are here because they value what little they may have, that they built themselves, like we did. More than having 10 neighbors right next door. More than having 10 cars or having a BMW. We just want our privacy, we want our lifestyle, we want our kids to grow up with horses. We have cows in the backyard now, okay. We have been the horse, cow, sheep route, we've done all of that on my property. I'm down to one rooster. When he's gone, he's gone. Okay, he got me yesterday morning. He's gone. But he's too old to stew. I told you I was not as prepared as these people. I just ask you to consider this is what our life is like. This is what we treasure most. And there should be a place for us. Okay? That's all I have to say.

Isnardi: Thank you. Okay. R.C. Kirk, and you have 10 minutes as well, and after R.C., we have Louis Sanders.

R.C. Kirk: R.C. Kirk, 3001 Lionel Road. I'm kind of on the cuff there of Mims and Scottsmeer. I have a daughter that lives on Carter Road, she just moved into her home July 4th, and then I

have a step-son, Ray Merchant, he's on 2 and on-half acres, right there by County Line Road, and he's having a new home built right now. One of the things, I've been in Titusville 57 years, I was born there in '61, and I used to do a lot of work for Mr. Parrish and Mims Citrus. I was in the equipment business, and still am. I used to do a lot of pushing in the groves when they would hedge and top them, and tear out old groves when canker would come along, and where they could replant, and I worked that area. I've seen it under water so bad that we couldn't even work in there, we had to move on to a different area, because the equipment couldn't even move, that's how bad it is, and then, the other thing you... Nancy brought it up about the liability of the roads. I went in that ditch one time with a machine. I know what it's like, and, so you have a real liability there. Like I said, Ron and her pretty much covered a lot of the stuff that I wanted to talk about, but the other thing, too, is just for the common knowledge of, the Volusia County side, just a week ago today, there's a piece of property a little over 200 acres that belonged to Truett Cathy, which is the founder of Chick fil A, they called it the land of milk and honey if you look it up on legal description. He sold it... he died and sold it, the corporation sold it, and the people sold it again last week and it's being fenced for cattle, okay. And then the Bernard/Parrish Grove on the Volusia County side, because Mr. Parrish had stuff everywhere, Edgewater, all the way down to I think West Palm, everywhere. But, basically, you know, there's people spending money and that family that bought that property, paid really good money for that property. They're also looking at 326 more acres to buy in that same area, and it's right over the line, everything they are doing, see Volusia County, you know, not much was happening in their south part, not much was happening in our north part, and everybody was like minded. And I kind of agree with them, you know, if you let this go through, then you've got... you're going to set a new precedence and then here comes everybody else, you know, I live on... well, my daughter lives on Carter, and I'm on... I've got five acres on Lionel, and another thing, you know, that 2.75 acres, the property so low, that they could come in and put a small pond in there and have the State stock it. I did that. Okay, at my place, and I got Tilapia, Bass, all kinds of nice fish. I enjoy fishing. And, because fill dirt's not cheap, it's \$200 a load now, and you know, some of them places, you know, somebody gets ready to build, they are going to have a \$30,000 to \$40,000 fill dirt bill. So, I don't think they're really thinking it through. Also, you've got a man on 10 acres right there that bought 10 acres, put up a 3,000 square foot home, okay, spent his hard-earned money, the place is beautiful, he just had an appraisal done, it is over \$700,000. You come in here with this, he's going to drive down his value, okay, same thing for the ones that's got two and one-half acres. Ray Ray worked hard, and you know, he rolled out of his old house, and he's rolling into a new one, and, you know, you going to drive down the value of his place, so I just want you to think about it, and also, you know, the water issues, if another storm hits, and there's people in this room right now, Roy's son, Mr. Robertson, and Louis Sanders that's coming up here next, you know, they can tell you, they've seen the water in that area. It's deep deep, so, it's just a matter of time, it'll happen again. You know, then like I said, that liability problem of coming down that road, I don't know if any of you all have been up there to see it, but you basically got to get off the side of the road, and let the other person come through. Thank y'all, appreciate it.

Isnardi: Thank you. Okay, Louis, after Louis, we have Barbara Campbell.

Louis Sanders: My name is Louis Sanders, I live at 3510 Sunset Avenue in Scottsmoor. I want to, first of all, take my hat off to all these folks that spoke so eloquently tonight, makes me proud to be a neighbor of theirs. Well, I came to Scottsmoor in 1956, rode the little short bus to Mims and to Titusville, because you know, there wasn't many of us up that way then. But, I'm not against growth, I'm pro-growth 100 percent, I'm a member of the Brevard Economic Development Zone. I'm a disabled veteran, but I don't want to see our community change to the degree that they are asking for us to do it. I'm kind of unsure, I heard someone state it can be one acre, one house per acre, that's kind of news to me. I was on a committee back in the '90s with Truman Scarborough,

Peggy Busacca, when we came up with this plan, you know, to make the land area size two and one half acres, because at that time, orange groves were viable, people were still prospSterkg, the packing houses was still open and stuff, and you know, we all know what happened to that. But to open the flood gates of setting a house one acre a piece, especially east of Dixie Way. East of Dixie Way is always been, that's where the water starts getting salty, quick. But, somebody downhill of an acre lot, with a sewer and a well, somewhere down that line somebody's not going to be drinking that great of water; and the road impact, like some of these folks has mentioned, would be serious. It'd be a big expense. And good news is that they can still develop their property with two and one-half acres, and I don't think you'll have a person resist that, because that's what we're all on is two and one half acres, but now, I had 10 acres and I wanted to cut my son's out for just two and one half acres, well, I went through hell to get it done because my lot required them to have an easement, and man, did they put me through the hoops, and this was not that long ago, but the development across 95, the Miami Corporation, the future of that area is fine for development. They are going to make a huge impact on that area, they done planned their water, they done planned their easements, their conservation areas, and we going to have tons and tons of places for people to buy homes and live, but let little, old, Scottsmoor stay, stay there. Hey, my mother's place is on five lots, but that's what it was at the time we came here in '56, but, you know, seeing that and living there, and knowing how that is, you know, and then there's over the last few years some people have snuck in there, and I guess pressured the powers that be to let them build a house per one lot. You're talking 50 feet-wide, 135 feet long. Now three septic tanks and three wells, we have no city water, we have no sewer at all up that way, so I think the impact that down to an acre would drastically affect a lot of people. Not just that, I want to see neighbors and relatives and stuff coming to Scottsmoor, but let's leave it as rural as we can, realizing that it's just not a good thing for everybody to have, you know, one-acre lots. It's been a pleasure coming before y'all. Miss Rita, I know, the rest I haven't met, but I hope you all will consider that it's just too much of a bad influence on us up that way to re-zone this. Thank you.

Isnardi: Thank you. Ms. Barbara Campbell, and after Barbara, we have Linden Campbell. She has one. You signed up for Item six? Okay.

Bentley: Do you have one to put on the projector?

Barbara Campbell: I do. So...

Bentley: Okay, thank you.

Isnardi: Name and address, please.

Campbell: Barbara Campbell, Fishtail Palm, Cocoa. I am not a next door neighbor, but I am in the same District, and I have basically two points. One is elevation, this is a topo map we are looking at, and if you look real close you can see the five and the 10 foot line. So, this property is between five and 10 feet, some of it less than five feet, that's pretty low. Also...

Lober: Would you like some water?

Campbell: Sure. Thank you. My other point is the proximity to the Lagoon. The edge of, I believe, is about 3,700 feet and it's been pointed out before, that blue line across the top there, is called Ditch Road, I think it really is a ditch, that's why it's blue. So, this is not the place to build additional houses. I, personally, have lived in Brevard most of my life, I have loved the Indian River all of my life, and it breaks my heart what you and I have let happen to it.

Isnardi: Mr. Campbell, can you just hold on one second? Because Commissioner Lober addressed those emails that most of us were copied on, we want to make sure that the applicant has access to those emails. I'm not sure if we would forward those, Ms. Bentley?

Bentley: The Clerk has them, and you may take a look at them any time. Anyone in the audience may.

Isnardi: And you may have even been copied on some of them, but I just want to make sure that you have them available to you, and you could always ask if you need more time. Okay, Mr. Campbell go ahead. You have just one card in, for one item, is that correct? Okay.

Linden Campbell: I was expecting three minutes, so this is better.

Isnardi: Well, you get five in a zoning, so this is better. Name and address, please.

Campbell: Linden Campbell, 5005 Fishtail Palm, Cocoa. I agree with what someone previously said that you all have gotten to know me a little bit, and it's a tough job you all are doing and I appreciate the efforts. And people before me said a great deal of what I had in mind bringing up, and some of them did it better than I probably could, but I'll try and cover a couple things. Most of us are probably familiar with a saying that's attributed to Albert Einstein. The definition of insanity is doing the same thing over and over again and expecting a different result. I've lived in Florida since '55, and I've been fishing in the Lagoon since the early '70s. And the changes have been very disturbing. And development just keeps going, and some have said they are not against development, I'm a little perplexed about that. If we don't somehow get a handle on this, the accountants among us will say its obvious, development builds the tax base, increases revenue, agreed, that's obvious, it does. But there is another expression in economics, it's called externalities. It's the things that can't be readily measured. Some of them were addressed, the quality of life of the individuals in the neighborhood, but the damage to the Lagoon is directly related to the loads, and that was considered by you all a couple weeks ago. Someone pointed big sugar, MacArthur Dairies, Military, a variety of sources. Many try to pass it off on septic tanks, and there is some validity to that, and there have been rules for years on keeping them away from sensitive areas. As my wife pointed out, this is backing up to a ditch and you're going to put a whole bunch of new septic tanks relatively close, even if you go to advanced septic tanks, there is still the problem of the golf course mentality, people move here and they want a palm tree and a golf course. That dumps a whole lot of nutrients and herbicides and pesticides, and it'll go directly into the Lagoon. We got a half cent sales tax imposed, that'll be generating at least tens maybe hundreds of millions of dollars with the target of fixing that problem, but my question is, rather than letting the pig farmer come in and prop his feet on the carpet, don't we need to stop the pig farmer coming in and polluting the carpet? Develop a plan, educate the community, get away from the golf course mentality, go to micro agriculture, and hope people learn how to grow things that will stop the nutrient going in and trashing the Lagoon. Take an action to fix it, to actually long term fix it. Developers put a lot of pressure and the money is hard to resist, and I learned in researching this, I didn't know about Farmton. Three miles away, 59,000 acres, my knees nearly buckled. I lived in the Keys for a period. I saw the Keys 40 years ago, and then 10 years ago, and the changes in the canals from when I was a kid, it was horrible. I could see to the bottom in 30 feet of water when I was a kid, now I can hide my hand by putting it two feet under the water, same canal. They put a moratorium in because they realized that they were losing control. It was running away from them. I don't know if that has to be. Maybe. They stopped building until they could get a handle on it. Titusville, from what I understand last year, dumped several hundred thousand, the year before, over a million gallons, and they weren't the only ones. Somehow this has got to be stopped. The Native Americans, I tried to find the attribution said

"When the last tree is cut, the last river poisoned, the last fish dead, we will discover that we can't eat money."

Isnardi: Thank you. Susan Minch, and after Susan, Roy Roberts. Susan? Not trying to rush you, I just wasn't sure I was loud enough. Also, I wanted to confirm, did you send Commissioner Smith your handout by email? Do you have that as a document? I mean, we can show it at the end, I just wanted him to have that information to review it.

Buchanan: I'd be more than happy to give it to staff and have it scanned and emailed right now.

Bentley: Commissioner Smith, if you are listening?

Smith: I am.

Bentley: We sent you an email if you can access your email, you will have the handout from Mr. Buchanan from April 3.

Isnardi: Oh, okay. Great.

Smith: Yes, I have it.

Bentley: Okay, thank you.

Isnardi: Okay, I just wanted to verify because I wanted him to have enough time to look it over. Alright, sorry Susan. Name and address, please. And you only signed up for one, is that okay? Five minutes?

Susan Minch: Yes.

Isnardi: Okay.

Minch: Hello. My name is Susan Minch, and I live on five acres at 3020 Coral Avenue, in the community of Scottsmoor. Our son and his family live on the next five acres, so we have three generations affected by this possible re-zoning. We live near the Lagoon, east of Dixie Way, and we are less than two miles from the Thomas' property. I will begin by commending Mr. Dane Theodore, the School Board representative on the Planning Board. He voted to deny the request for a higher density on the Thomas property. As he so wisely stated, more homes exacerbate the problems of school overcrowding. His reference was to Pinewood Elementary, the only school we have in the extreme northern end of the County. Last week I met with Mrs. Robinson, the Principal of Pinewood, who confirmed the school is already at 90 percent capacity. The majority of our youngest Scottsmoor children attend this school. Some changes have been made recently, such as adding portables, and restricting out of zoning enrollment. She said five years ago the school had only 350 students, while currently, it has 530. We all know that large, two story homes will attract families with children, not retirees. David Lindaman's report states, Pinewood Elementary is not projected to have enough capacity for the total of projected students from the Thomas Property Development. David Lindaman is manager for facilities, and he stated this in his December 2018 report. Students would have to be sent to a quote, "concurrency service area", such as Mims Elementary or further south. This is unacceptable. Parents have told me they do not want to send their children further south. They do not want to send them north either into Volusia County. As Mr. Minneboo, Planning and Zoning member, seemed to suggest. Home schooling or private schools are just not possible alternatives for many of our young, working

parents. I would like you to note the Scottsmoor Association donates \$1,000 each year to Pinewood Elementary to help them achieve success. It's a gem, as my daughter-in-law says. As a farmer, St. Lucie County School Board Member, I, too, caution you about the change in house density. The overcrowding of a school leads to a number of problems, such as excessive bussing, unhappy parents, and anxious students. The result is a lack of support from the community. St. Lucie County did not plan well for its growth and the school system suffered. You can avoid these happenings. New schools cannot be built overnight, and even though Pinewood is 50 years old, it is Scottsmoor's beloved and only elementary school. As I close, I will add that one of our sons earned his Master's Degree in urban and regional planning in 2007, his thesis was titled "A Plan to Achieve Smart Growth in Scottsmoor". He researched many of the subjects mentioned by previous speakers. It is now 12 years later, and the projected growth is upon us, along with its challenges. As you contemplate your decision, and prepare for smart growth, listen to all the adults here, but please consider your very youngest constituents, too.

Isnardi: Roy Roberts? And after Roy Roberts we will have Rose McGinnis. Hi Roy, I have you down for one card?

Roy Roberts: Yeah.

Isnardi: Okay.

Roberts: Roy Roberts, 3700 Coral Avenue. My family moved there in 1962, so we've been there a pretty long time. We run the citrus grove there that's on Coral. Seen a lot of change, and the grove up there and pastures and all is about 300 acres, so I can tell you there's probably nobody that really believes in land rights any more that I do, and as citrus has gone downhill, I know I may have to sell. I hope not, I'm going to try not to, but it's a possibility that it may very well happen. We've already had to sell some land years ago, and my dad was pretty good at trying to make sure we did what was compatible with the community, and the land he sold, he sold in lots of five acre lots, which pretty well fit the community, and I would hope that I don't have to do that; but I can tell you, I have farmed that area, I know that area, east of Dixie Way is pretty well rock. So, you need to think about that because if we really get started in all this, that rock does not percolate water, it will go right into the Lagoon. It's no way to stop it. You can put all the retention ponds in you want, ain't going to change it and that's almost all of that land along that area is like that. When you get west of Old Dixie, or Dixie Way, you get into the sand and all that, and you know you can do some of that, but, the footprint that Scottsmoor kind of puts on the earth is pretty mild right now. The pollution that we put into the Lagoon is pretty mild, but if we get started on one house per acre, there's a whole lot of people that want to come up and do the same thing, and then it's going to be massive. The pollution going into the Lagoon, you know, we can't stop it. The only way we can stop it is hold our population down, run one house per two and one half, per five acres, whatever, but hold that down. Otherwise we're going to be, we're going to be putting a pretty big footprint in like everybody else, and how much can we take? That's all I have. I think you've heard pretty well everything else, so, I mean it's pretty obvious what the people of the community want and they want to keep it like it is and I would hope that the people of the community would have the right to dictate or decide how that community is going to be. Thank you.

Isnardi: Thank you. Rose McGinnis? After Rose McGinnis we have Glenda Ceballos. Hi Rose, I have one item for you, too.

Rose McGinnis: Yeah.

Isnardi: Five minutes will cover it?

McGinnis: Yes. I was expecting three minutes also, by the way.

Isnardi: That's a regular meeting, but zoning is five. Name and address, please.

McGinnis: Oh, I didn't put one up here. Hold on one second. I also want to thank you all for the job that you do here. It's not easy and I appreciate you spending the time you did with me and other members of our community. I am the previous president of the Scottsmoor Community Association, I live at 3734 Huntington Avenue in Scottsmoor. I handed over this fun duty to my predecessor just a week and a half ago, so I'm here representing the community, but mostly my own, you know, mostly my own views. In February I was notified about a rezoning effort at 6705 Dixie Way, Scottsmoor. I can tell you in my four years, I have never seen such unified decision or viewpoint with my neighbors, ever. It was swift, it was interesting to see, and evidenced by our petition, we were able to collect 1,500 exactly signatures on our petition in opposition of the rezoning efforts on that property. 841 of those signatures have Scottsmoor or Mims addresses, and if you speak to anyone in Mims or Scottsmoor, there is never a consensus on where Scottsmoor ends and Mims starts. It is a very blurry line, so I did include the Google Map there, so you can see kind of the cluster of homes where the signers lived. The testimony in opposition to this rezoning is not personally directed at the Thomas'. They seem like fine people to me. I've spoken with them a handful of times, and the... my impression, from everyone I have spoken with, they do not have a personal issue with the Thomas', they seem like lovely people. They just are concerned citizens trying to protect their rural lifestyle that they enjoy so much, and I enjoy. Many new homes are under construction in Scottsmoor, and currently comply with zoning regulations. There's an obvious market for rural living, I'm not anti-development, I welcome new neighbors building within zoning guidelines. I welcome the Thomas' development to their property under the current zoning. The development proposal before you is just not consistent with the surrounding properties. I am sure it is possible to responsibly develop and market the rural lifestyle without changing and destroying it. A subdivision in that area just doesn't make sense. All of the information regarding salt water intrusion, drainage ditches, run-offs, wildlife, livestock, our basic way of life, you're going to hear quite a bit of that today from people much more knowledgeable than I am on that subject, but I implore you to listen to these testimonies and oppose both Agenda Items presented by the Thomas' based on the beginning sentence of State Florida Statute Chapter 163.3161(4), which states: "It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest." Those who are here in person or by signature represent the majority of public interest in Scottsmoor. I haven't had a crash... I've had to take a crash course in navigating the local government in order to protect and preserve my rural lifestyle I cherish. I'm not a professional with years of experience immersed in planning and zoning, but I do, however feel the support of so many neighbors and people I live and talk and commune with daily. So, I ask that you help keep Scottsmoor rural. Thank you.

Isnardi: Thank you. Glenda Ceballos and after Glenda, Bud Link? Hi Glenda, I have you down for one item, is that okay?

Glenda Ceballos: That's fine.

Isnardi: Okay, could you just state your name and address for the record, please?

Ceballos: Yes, my name is Glenda Ceballos, I live at...

Isnardi: Ceballos, I'm sorry I mispronounced it.

Ceballos: That's okay, you were close enough. We live on a small orange grove at 3175 Sunset Avenue in Scottsmeer, and I'm not going to talk about the schools and the water and the traffic and the sewage, you already know all of those issues from all the previous speakers. I'm just going to quickly touch on our lifestyle. We moved here from the West Coast, from Naples, Florida. We had five plus acres there. Then a developer came in, bought the surrounding area and divided it up and sold it in small parcels, most likely what they want to do here, and our little bit of paradise, it turned into an urban sprawl, so we moved to Scottsmeer. We have a small orange grove, which is a natural habitat for the wildlife. We have turkeys, we have sand hill cranes, we have rabbits, tortoises, blue birds, all kinds of birds, and we even have a few oranges, which we sell to the local roadside stands. The strawberries, the watermelons, that's growing out there, the oranges, you can't grow those on small plots. And that's what Florida is famous for. So, we just hope, you know, that we can keep the little bit of a rural atmosphere there. And also, the birds. The birding trail, the National Birding Trail, goes through Scottsmeer. When you get a denser population, you're going to have less birds. We love our birds. I feed them every day. Scottsmeer population, we want to keep more green space there. However, we do welcome growth. We have three houses growing up around us on Sunset Avenue. These people moved here because of the country atmosphere. They wanted to raise their family in a rural area. Are we going to take that away from them? They're all on two and one half, plus acres, so we'd just like to keep it that way, and that's it. Just, thank you for listening, and let's vote to keep Scottsmeer rural.

Isnardi: Thank you. Bud Link, and after Bud we have William Goff. Hi Mr. Link, I have you down for one item, is that correct? You only wanted to speak on the one? Okay.

Bud Link: Yes ma'am.

Isnardi: Name and address, please?

Link: My name is Delbert Link. I live at 5435 Allen Street, Scottsmeer. I'm going to agree with the personal thing, too. You've gotten all these people talking and stuff about all real important stuff, but I moved to Florida, specifically Brevard County, in 1977 from Wisconsin. We had 30 days in a row up there where it doesn't get above zero for the high of the day. That's pretty cold for a long, long time. I didn't quit traveling until I got to Merritt Island. That was back in 1977. I stayed there for two or three years. I got pushed out of there because of development. I moved to Cocoa. I was pretty happy again for another three or four years. I got pushed out of there because of all the urban... the development of the urban properties and stuff, the rural properties, I should say. I moved to my present address 26 years ago, and I moved there because of the people there, and because the zoning, knowing that there's nobody going to be on less than two and one half piece of a parcel of property. I'm totally against this guy wanting to come in there and change that. I love all of the people there, everybody in this room I have the most awesome respect for, I love each and every one of them, except for the applicant. He could be loved, too, if he wants to leave things the way they are. And, in closing, I'm sure all of you would like to visit just a little piece of heaven in your lifetime. If you ever want to do that, you don't have to travel far, all you have to do is come up to Scottsmeer and visit the rural areas of Scottsmeer and you'll be there. Thank you.

Isnardi: Thank you. After William, we have Jared Atkins? And William, I have you down for one, like for item six.

William Goff: That is correct.

Isnardi: Okay. Name and address, please.

Goff: Commissioners, thank you for listening to us. When I spoke before the...

Isnardi: Can you give me your name and address? Sorry.

Goff: William Goff. 3320 Huntington Avenue in Scottsmeer. When I spoke before the Zoning Board, I hadn't talked to anyone at that time at the St. Johns Water Management District. I gave you this fact sheet because the gentleman, Jason Siroy, that I talked to, and I gave you the phone number so you can check the facts, and he informed me on two long phone conversations that I had with him over the last week. The EPA recommended standard for drinking water and chlorides, which is salt, of course, levels may not be higher than 250 milligrams per liter of water. When I spoke before the Zoning Board, I thought we still had a comfortable time before we were going to see any problem associated with that, but he tells me otherwise. When Titusville built their well field, west of Scottsmeer, between us and the Floridan Aquifer Water Supply, they're in the supply line before it gets to us. They built six test wells. The only one that is really outside the well field is number six, which is directly across the road from my house. I'm at the corner of Huntington Avenue and Dixie Way. My well is less than 300 feet from this test well. Both my well and the test well are 55 feet deep. So, I assume with only 100 yards separating my well from his, from Titusville's, my results would mirror this data on the bottom. And, if the EPA's recommended standard for drinking water with chlorides in it is 250 milligrams, we're already at that point. Since they started testing in 2013, that test well has waffled back and forth between the low of 124 milligrams per liter and a high of 317, so there's already been excursions past what the EPA recommends for drinking water. And, it isn't just as simple as being told, "Well, you folks can buy bottled water, and you can drink bottled water, and you can cook in bottled water". But, have you ever tried to wash your clothes in salt water? The detergent doesn't work. The same thing for your dish washer. So, I took a step, one further, and I looked at what would be required to outfit a whole house with a reverse osmosis system. Just to buy the system is \$3,000. Now, you have to find a plumber or somebody to install it if you can't do it yourself. Or, you can go to Culligan, and Culligan will charge you \$34 a month, every month, for the rest of your life, to give you proper potable water for your home. So, it isn't just a simple as drinking water. It's your whole house issue. So, Jason Siroy at St. Johns Water Management District, I asked him a pure and simple question, I said, "Will those numbers go down?" He said, "No", he says, "if you have a normal rate of growth in the area, and you build the six, seven, eight, nine, ten new homes a year, that number is going to inexorably creep upwards, it's not going to go the other way.", and folks, something tells me, that if all of our wells turn to salt, you guys aren't going to call Titusville up and tell them to shut their wells off. Are you? Titusville needs water, too. Why didn't Titusville drill their well fields within the boundaries of Titusville? Because all that water under Titusville is also beyond the standard, due to pumping in the past decades. So, I leave you with one request, refuse this request for a higher density population. Thank you.

Isnardi: Thank you. After Jerrad, we're going to have Tom Minch. Okay, Jerrad, I have you down for one item, too.

Jerrad Atkins: I believe I wrote five and six, both, but on one card, but that's fine, I can do it in five.

Isnardi: You can do it, because you desire to speak on it, I mean because most people have it on there, sometimes we write it down, we help you along, but I'm happy to update your card.

Atkins: I brought a copy also for staff. I don't know if they need one, or if I just need to hand one to you guys?

Isnardi: We can make sure staff has it.

Atkins: Okay, making you guys work for it tonight, huh?

Isnardi: Could you give your name and address, please?

Atkins: Jerrad Atkins. 3000 Sunset Avenue. Good evening and Ahoy! Five and one half years ago my wife and I chose to move to Scottsmeer to live in the country and raise our two boys Chase and Riley. We previously lived in Merritt Island, but we wanted more land and to start a small farm, so we moved to Scottsmeer, one of the few remaining rural areas in Brevard County. We did so, mainly because of the rural nature of the area, and because the AU zoning and the two and one half acre per house minimum requirement. This meant that limited and responsible development would maintain the rural nature of this community. Many folks here this evening chose, or choose, to live in Scottsmeer for the same reason. If you take a look at the map I distributed, you'll note the multitude of large parcels of farm land that surround this property. These, like mine, are small sustainable family farms. It's what drives our community. You will note, also, that the project in question would not be compatible with the surrounding area. The average lot size, within a 2,000 foot radius on the Brevard side is roughly 30 acres. There's a spreadsheet that accompanies that map behind it that shows those calculations. If you only account for the lots in the area between Dixie Way and the Indian River Estuary, that number is even larger. Immediately north in Volusia County, the minimum buildable lot size is 10 acres, and the closest parcel under two acres with similar proximity to the estuary is 1.1 miles away. I will note however, that the same owner owns an "L" shaped plot around the home giving him a contiguous 2.6 acres, so even this could be considered incomparable. I would also like to draw your attention to the photos I provided, they were taken on my property September 2017, after Hurricane Irma. I'm just going to put these up on the screen, too, for Mr. Smith. That would be a before, and an after. Okay? Another after, that would be my driveway. That would be my shed, my dog, our chicken coop, and the interior of my shed. You'd be surprised what floats. As you can see, we already have issues with flooding, resulting from storm surge and from runoff. Further development in this density would continue, even hasten, the worsening effects of this problem for all residents east of Dixie Way. I would also like to address some things that were brought up in the zoning meeting regarding this application, some of which distract from the real issues that surround this application. We're not here to discuss septic systems, that comes after zoning. We are here to discuss the Zoning. We are not here to discuss the BDPs, because those, too, come after zoning. We are here to talk about the zoning. We're not here to discuss the Veteran's Cemetery, these are issues that are out of the scope of this conversation and should stay that way. I was also mentioned... I'm sorry, it was also mentioned, I had to write this because I thought I only had three minutes. It was also mentioned that the agricultural land pollutes more than residential. I would like to point out that these are small, sustainable family farms. These are not feed lots, they're not chicken plants, or big sugar. We have best management practices in place that are County and State recognized by the Department of Agriculture, to ensure sustainability. This is our dirt, we care about it. Finally, I've said it before, and I'll say it again, our roads suck, our water sucks, our internet sucks, we're 20 miles from a Publix, okay, but we put up with all this because we love our rural lifestyle that this community provides. Approving this re-zoning will be the first step in the destruction of that lifestyle that we all hold so dear, and around which we have literally built our lives. We are not against new homes, we welcome new neighbors with open arms, I, myself, was a new neighbor a few short years ago. We're not against development. As a member of this community we shared... I'm sorry, as members of this community we share a desire to help make sure development is responsible, and in keeping with the way of life that we all provide for our families and for one another. So, I ask you to please deny the request for the re-zone. I also, since

I do have a couple more minutes left, I'm just going to hit this real quick, it was brought up in the original packet and stated as such that the largest citrus grower in the area signed a letter for the applicant in their support, and I just wanted to point out that this gentleman, or family, is not the largest citrus grower in the area. He's not the second or the third largest, the first largest citrus grower in the area spoke here tonight in opposition to this, and he and the second and third largest citrus growers in the area, you'll find their name on our petition. So, thank you.

Isnardi: Thank you. Tom Minch? And after Tom, we have Bill DeBusk. I have you written down for one item? Is five minutes enough?

Tom Minch: I had five and six, but that's alright.

Isnardi: Would you like to speak on five and six? I mean, I saw that you crossed it out.

Minch: Five minutes is fine.

Isnardi: I'm going to give you ten, because that's what your intention was.

Minch: I thought maybe after all this testimony we had we'd be cut short anyway, I mean, but...

Isnardi: You don't need to talk for 10, I just want to give you...

Minch: I'm going to repeat a lot of things, but since I wrote this out...

Isnardi: I'm just trying to be fair and give you the option.

Minch: That's fine.

Isnardi: Name and address, please?

Minch: My name is Tom Minch, and I live at 3020 Coral Ave, Mims/Scottsmoor, Florida, along with my wife, Susan, two miles from the subject property. In my opinion, everyone here in this chamber is trying to resolve an issue that was created when the Mims Small Area Study was done and completed. Unfortunately, at that time, it appears the Scottsmoor community did not participate in this process and the planners did not have a complete understanding of the Scottsmoor area. That is easy to see why there was a misunderstanding, we have two addresses, Mims and Scottsmoor, a community within a community, very confusing. When the Mims study was done, it overlapped into the Scottsmoor area and without the input of the Scottsmoor area, we have a Future Land use Map that does not ensure compatible land use for that area. A new small study for the Scottsmoor area needs to be considered with the participation of the Scottsmoor community residents. To rezone this subject property, using the Future Land Use Map, would make it non-conforming to the surrounding area. It could set a precedent and open up flood gates for more rezoning in our area. As noted in the definition in the Future Land Use Map, a property designated in that Map, does not require that the rezoning has to be applied now, five years from now, or ever, if not approved by the local government. Public input, knowledge of the surrounding area, and any impact the change could cause must be considered before any approval is granted. We are not opposed to growth, but it is very important to control it so that we don't destroy our environment and quality of life. In my former years, I was a commercial loan officer in a bank, and helped with financing for many new developments and establishments. When analyzing a new development, not only were financial perspectives reviewed, but so were the environmental aspects. Water sources and sewage treatments were always major issues.

This leads me to the potable water. Our water quality is not the best in the area as you've already heard. My wife and I experienced this the hard way. When we built our new home in 2015, our new water system worked okay for the first year, but the following year, we experienced a major drought and our water system turned salty. Salty showers, salty laundry stains, etcetera, etcetera, salt water intrusion. After several attempts to find good fresh water to no avail, two water contractors told us we only had two options, one, to buy water from an outside source and truck it in to a large storage tank, or two, to put in a whole house reverse osmosis system. We chose the second option, which, obviously was very expensive. Other residents have experienced their wells drying up, or having the same experience we had with salt water intrusion. Thus, the more wells drilled in our area, the more danger is being imposed on our fragile aquifer. Salt water intrusion is a reality. Greater Scottsmeer area lies east of US1, and adjacent to the Lagoon. Thus, we all need to work together to preserve this beautiful area, not only for ourselves, but for future generations. The rezoning, in my opinion, could have a negative impact. Thank you.

Isnardi: Thank you. Bill DeBusk, and after Bill DeBusk, Becky Funk. Did you only sign up for one, I mean that's what I have. Five is enough?

Bill DeBusk: Yeah, that's all I got time for.

Isnardi: Name and address?

DeBusk: My name is Bill DeBusk. I live in West Melbourne, Florida. I'm here today representing the Turtle Coast Sierra Club of Brevard and Indian River County. We're asking you to say no to this zoning request in front of you today, because this zoning request will infest a robust rural community with a cancer-like urban sprawl. The Scottsmeer area is really not appropriate for the zoning being requested today. This area is surrounded by environmentally sensitive lands, and rural agricultural landscape. Scottsmeer is actually one of the last rural, agricultural areas in close proximity to our Indian River Lagoon. Immediately to the north is Volusia County, which restricts zoning to no more than one house per 10 acres. The local road system in Scottsmeer is made up mostly of dirt roads that are very narrow and narrow roads that are very minimally paved. This road system was really not designed for an urban environment. Existing zoning area of Scottsmeer, the way it's zoned now, enables habitat for wild animals, creates a buffer to the Indian River Lagoon, and enables corridors for wild animals to travel between these native areas. The rezoning request is urban sprawl, and in accordance with Florida Statutes 163.3162, says this rezoning request is not consistent with uses and intensities of the residential areas that surround this parcel. Florida Statutes 163.3177, also requires the Future Land Use plans discourage urban sprawl and preserve rural agricultural lands, and it does this because rural agricultural lands provide this critical buffer between developed land and natural lands, and because it provides water recharge and storage areas, protects valuable ecosystems and open spaces, and maintains the viability of agriculture. In contrast, urban sprawl destroys wildlife habitat, introduces invasive plants and animals, increases the risk of water pollution, increases flooding risk, reduces groundwater for wells, and increases risks to life and property from wildfires. If this property in this rural area is rezoned to one house per acre, then more requests will follow, and these requests will point to this action tonight as precedence. This one rezoning will likely lead to an avalanche of sprawl and the end, potentially, of Scottsmeer as we know it. Now, tonight, is the time to act to prevent this future Broward/Dade County-like sprawl and its unique and precious community of Brevard County. So, please vote to reject this request. Thank you for your time.

Isnardi: Thank you. After Becky, we're going to have Kristi Floyd.

Becky Funk: Good evening. My name is Becky Funk. I live at 5620 US Highway 1 in Scottsmoor, and I am opposed to this rezoning. I moved to the Scottsmoor area for the rural lifestyle, for the wildlife, and the Indian River Lagoon. I grew up in Florida, and I lived on the south end of the Indian River Lagoon, near Jupiter, in Stuart, and I do not want the Scottsmoor area to become the same area that that area has become. The Lagoon is the biggest asset Brevard County has, and the voters of Brevard County smartly voted for that tax to be increased, which is unheard of, nobody votes for more tax, because they know that is the most important asset this County has. We have wildlife, and birds, and other mammals that depend on that Lagoon, and we need that Lagoon. It brings a lot of money into the area, and if we continue to irresponsibly let development overshadow that, then it's going to be gone and you're not going to get it back. It's going to be the same thing as the trouble they have had with the Everglades, so please reject this application.

Isnardi: After Kristi we're going to have Alyssa Atkins.

Kristi Floyd: Good evening. My name is Kristi Floyd. I reside at 6720 Dixie Way in Scottsmoor, Florida. My husband and I recently purchased two and one half acres from my mother and father who also reside at 6710 Dixie Way, and built our home that we currently reside in. Both of our properties together add up to 10 acres. Mr. and Mrs. Thomas also known to me as Nikki and Brandon have been great friends and neighbors, however I have to oppose to both Agenda Items concerning their property. Where our home sits, we face the Thomas's property. We moved to Scottsmoor to live a rural life to allow our children to grow up in what country we have left in Brevard County. My kids enjoy hunting, fishing, and raising livestock; our community feels safe; we look out for our neighbors; and we've all abided by what I thought was homes be built on two and one half acres, not one acre lots. Do I, my husband, or my children want to look at a subdivision from our front yard? Absolutely not. I think of the traffic that this will bring in and out, the safety of my children, not to mention the overcrowding of our schools in Brevard County. After this is all done and said, I ask you please, please, please to keep Scottsmoor rural. I also want to throw in that we just recently had to purchase a \$6,000 water system because of the water quality that we have, and after a month of having our system, the gentleman came out to change our filter, and there was so much sand in the filter that he couldn't even get it loose. And when he came out to test our water, he told us don't let the kids drink the water, don't let the kids even have the ice cubes that are coming out of our refrigerator, so our water's already horrible. I just ask you to please, please just keep us rural. Thank you.

Isnardi: Thanks. Alyssa? And after Alyssa, Cheryl Barnes. Alyssa, it looks like you had something and then you crossed it out. Did you want to speak on both five and six? Just one, okay. These pictures are nice enough to frame. Usually we get them printed out on regular paper.

Alyssa Atkins: My name's Alyssa Atkins. I live at 3000 Sunset Avenue, Scottsmoor. I was born and raised right here in Brevard County. Growing up, I roamed family owned orange groves, and swam in the Lagoon on the weekends every summer. While we grew in the suburbs, me and my husband started our family, we decided we wanted something different for our two boys. We looked at acreage all over Central Florida, and when we found this property, which was still in Brevard, close to friends and family, but nestled way back amongst the scrub palms and dirt roads, we knew this was our forever home. In the five and one half years we have been here, we've worked the land here, we've put in fencing, clearing for a small sustainable cattle ranch, raising nearly every form of livestock you can think of at one point or another, and learning everything there is to know as we went. I've home schooled our two boys full-time from pre-school, they're now eight and 10. The agricultural way of our life helps me do this because there's countless educational connections on the farm. We wanted our boys to grow up at a slower country pace, connected with the land, the animals, the wildlife, have the space to run, ditch the

screen time, and have the safety of a small town where generally everyone looks out for one another. I'm also heavily involved in the homeschool community in North Brevard, and I always open our farm to touring by our homeschool coop friends whenever possible. It's very rare this day and age for children to know someone with a working family farm operation. When the children and their parents come together, my boys and I teach them about the farm. We teach them everything we can fit into the allotted time, and let them have as an immersive experience as possible. They collect the eggs, they feed the chickens, they milk goats, they sit on the tractors, and learn about animal nutrition. Most importantly, they learn the value of agriculture within a community, and the character it adds to the County. As stated in the Mims Small Area Study in March of 2007, page six, last paragraph, I quote: "it is important to recall and acknowledge that the areas farming heritage is a significant aspect of community character today", and I still believe this to be absolutely true. We're not a part of this areas heritage, since we've only been farmers for five and one half years, but our plan is and has been to continue this legacy for future generations right where we are. We're not alone. More and more younger families are understanding the value of the agricultural way of life, knowing where your food comes from and growing it responsibly, so as to preserve the natural landscape and resources as much as possible. As referenced in Florida Statute 163.3163(2), there are major concerns about the impact of development of residential lands neighboring agricultural lands, and that it may lead to them being urban, suburban, or have no agricultural use at all. If this proposed zoning change is approved, it will thrust our area into a cycle of development, and we will eventually lose the rural nature of our town, and see yet again, inconsistent development overshadow and dismantle a small tight nit rural community. Please stand with us with the majority of this community and deny this zoning change. Thank you.

Isnardi: Thank you. Cheryl Barnes, and after Cheryl, we have Laurilee Thompson. Hi Cheryl, I have you down for one.

Cheryl Barnes: That's correct.

Isnardi: Okay.

Barnes: Good evening members of the Commission, my name is Cheryl Ann Barnes and I live at 3800 Sams Lane, Scottsmeer. Our property is approximately 130 feet from this proposed development, making us one of the impacted families notified by the County. Section 62-1151(c)(1) of the Code of Ordinances of Brevard County directs: "The character of the land uses of the property surrounding the property being considered" as the first factor for consideration of the denial or approval of an application for amendment to the official zoning map. There are two elements that contribute to the character of the land surrounding this proposed development that I ask you to consider. As noted in my previous statements to the Planning and Zoning Board, 40 acres of our property was placed into a conservation easement with Brevard County in 2005. This places our property approximately one-tenth of a mile south of a portion of Merritt Island National Wildlife Refuge, and three-tenths of a mile north of another portion of the refuge. We are also within four-tenths of a mile from land which is included within the boundaries of the Indian River Lagoon/Blueway Florida Forever Project. Including our easement, this places conservation lands on all four sides of the proposed rezoning, but more importantly, it is the second element, the rural quality of the land that contributes to the character of the land surrounding this proposed subdivision. There were five properties within the 500 feet of the proposed rezoning that were notified by the County. Of the five properties notified, four have homes built on them and we are all permanent residents of Scottsmeer who adamantly oppose this action. If you include the Thomas' home on the acreage notified by the County of the rezoning proposal, that makes a total of five homes. If this subdivision request is approved of 14 homes, this quadruples the number of

homes in just the notification area. It surely defies any sort of logic to imply this rezoning and increase in homes will not affect the character of the land surrounding it, both the environmental impacts and the impact to the neighbors as referenced by Section 62-1151 of the Brevard County Code of Ordinances. I ask you to consider our community of Scottsmoor as a whole when you consider the impacts this will have on us. I repeat my concluding statement at the Planning and Zoning meetings to make this point. Although Scottsmoor is dotted with conservation lands, which contribute to the rural environment, it is in truth the majority of Scottsmoor residents, the citrus growers, the cattlemen, the horse farms, beekeepers, and the homeowners on their agricultural parcels and family farms that are the backbone of Scottsmoor. We are not anti-development in Scottsmoor, and welcome our neighbors joining us in our rural lifestyle with the residential density of two and a half acres per home. I am asking to consider the impact this subdivision would have on the continuity of the conservation properties and initiatives in northeast Brevard and on the residents of the area. Thank you.

Isnardi: Thank you. Laurilee, I have you down for five and six, and after Laurilee, David Botto?

Laurilee Thompson: Laurilee Thompson, 3550 Irwin Avenue, Mims, Florida. I worked on the Mims Small Area Study, and we worked really hard on it, and there were hundreds of people that were involved in it. But our strategy with the Mims Small Area Study was to have the higher density closer to US1; US1 runs along the Atlantic Coastal Ridge; its sandy there, the rainwater percolates down into the sand and, you know, it's conducive to higher density; and then as you go... left US1 and start going east, then the pieces of property got larger and larger the closer you got to the Indian River Lagoon. We didn't change anybody's existing zoning, we left the existing zoning that was in place. But then the zoning... the rest of it was changed to AU, and that was to protect the Lagoon. Other than a little clump of properties that's on north of Lionell Road, between Lionell and Carter, and then another little clump, five or six properties that are along Aurantia Road, and then there's one... I couldn't figure it out on the map because it has very strange zigzag lines around it at the corner of Huntington and Dixie Way. There could be... that's probably the home that's within one mile that has an RR-1 zoning, but those are the only properties from the Titusville City Limits to the County Line, there's less than 12 properties that are zoned RR-1 east of Dixie Way and Hammock Road. And, there's a reason for that; the man that showed you the pictures of his pasture and his chicken coop and it looked like the ocean around it, that was the river. That's what happened after Irma; think about how the river is; this is the northern end of the river and it stops, like down by Cocoa the river can move, it can move north or south, but up in Scottsmoor, in the north end of the County, when the wind blows south, at 100 miles an hour during a hurricane, and it pushes all the water to the north, that water has nowhere to go except out. So, it wrecked the berms on the wildlife refuge and flooded into the impounds, and it came through the culverts underneath the railroad track, and it flooded the north end of the County. From the ridge to the river was solid water, it was salt water, it was storm surge from that hurricane; and it's going to happen again. The river keeps getting higher every year; I can tell you that; I grew up on the river; and the water level keeps getting higher in the river. So, you know, you heard all the testimony from the people who want to preserve their rural lifestyle and all that; you've heard the strategy of the Mims Small Area Study; absolutely, the people of Scottsmoor ought to have this same opportunity that the Mims people had to be able to define their community. And one of the things about the Mims Small Area Study is it was about choices, we want to have... people want to have choices; people that want to have horses, they want to have a place where they can go where they have that kind of lifestyle. And so, that's what the small area studies do, they preserve communities, and they give people choices. So, putting a subdivision in the middle of this agricultural community is a mistake, it would set a horrible precedence, and once you do it in one place, then all of the property owners that touch it, they're going to feel like they should have the same opportunity and it spreads like they said, like a cancer.

So, I want to remind you that, you know, you have all kinds of ammunition for denying this... these two requests in your own Administrative Policies. You have Administrative Policies of the Future Land Use Element, so Administrative Policy Three talks about compatibility with the existing and proposed land uses, and it talks about whether the changes are consistent with merging or existing patterns of development. Historical land use patterns, it's all agricultural. The actual development over the preceding three years, there has been no development, other than one house per two and one half acres, or five acres, or ten acres, over the last three years, or development approved within the last three years, but not yet constructed. Again, there's nothing less than one house per two and one half acres that's been approved for development. Character of the neighborhood of the area, in Administrative Policy Number Four, that needs to be considered, you have concurrency issues. Pinewood Elementary is almost at maximum, I don't think the School Board is going to build another school in North Brevard County, and it's not fair to those kids to get bussed out of their area because their school's full. You have road problems, this is not a transitional area; like, if you are closer to US1, you are in a transitional area, where you go from four houses an acre to two houses an acre, to one house and acre, then you get to one house per two and one half acres as you go east. That's the transition; sticking a bunch of houses on one acre in the middle of agricultural, is not transitioning. You have coastal management elements and conservations elements in Administration Policy Six, and then administration policy eight, these are all dealing with land use. It talks about the character of the land use of the properties surrounding the property being considered, and compatibility. So, then, and then you go into the zoning, you also have guidelines for zoning, that talk about character of the land, again, the character of the land use of the properties surrounding the property that is being considered. All of the land that's surrounded is zoned AU and conservation on the north. And then, it talks about the compatibility of the proposed zoning classification with existing land use plans for the affected area. I don't know how that land use, on house per acre got in there. I think Ron Bartcher explained it, it was an administrative change that was done, but it makes no sense. So, for that part of the County, the northern part of the County, you should keep the larger lots at least east of Dixie Way, and please deny these two requests because it will change the whole character of the north end of Brevard County. Thank you.

Isnardi: Thank you. And last is David Botto. I hope I said your last name correctly. You signed up for one Item?

David Botto: Can I have two?

Isnardi: You can, only because we're allowing it, and we are hearing both Items now, and I'm sure you didn't know that when you signed your card. Can you say your name and address and I'll find out if I said anything incorrectly?

Botto: David Botto. 275 Poinciana Drive, Indian Harbor Beach. I've been in Brevard since '68. I was born over in Bradenton and raised there. I'm a volunteer director on the Board of Directors of the Marine Resources Council. We sent you a letter on this subject last week, which I'm sure you've seen. I'm going to try to take a little broader perspective here. We all know that the root cause of our problem with the Lagoon is the bad management of development over the past three decades, and I say bad sincerely. Bad decisions as far as land use strategies, bad decisions as far as development goes. We have now this "Save the Lagoon" program where we're going to spend hundreds of millions in ten years to correct, repair, and restore from the results of those three decades of bad management. That is a... something that they can do, and I think we will do, but the thing is, the Save the Lagoon Plan does not address the root cause, the bad development decisions. That falls on you and your counterparts in our cities. We believe that we have shown clearly that the long-term continuing health of the Lagoon is a high priority for us, all of us. We

trust that it is also a high priority for you. We believe that today's development regulations, codes, and requirements, that means that when you're faced with a decision like today's, your first question should be, if this is approved, will it have a negative impact on the Lagoon. If the answer is yes, discussion's over, no-brainer. Thank you, we're sorry we cannot approve your request at this time. If we aren't doing that, then we're wasting our time with the Save The Lagoon Plan, because we'll be continuing to put even more polluted freshwater into the Lagoon while we're trying to treat it for the results already there. We think this particular property is a good example. This is adjacent to the Florida Blueways Project, which is a plan to preserve habitat down the whole west side of the Lagoon to protect wildlife. Of course, the most important habitat in the entire part of this State is the Indian River Lagoon, and it's also the most endangered, so this is an important project. Brevard is through its EEL Program, a partner in this project with Florida Forever. It hasn't gone very far, because neither one of these efforts have been well funded for the past eight years, but it is a good, worthwhile project. This land is considered a buffer, and it has been a target of conservation by Florida Forever and EELs for that matter for a very long time; this whole area is considered conservation targets. It is recharge, the soil characteristic is one that will absorb, store, and percolate water to the aquifer, which means it doesn't run off. This land also drains what run off there is directly into the Lagoon. No water treatment, no nothing, just directly into the Lagoon. This is conservation land. It should not be developed at this density. If you compare what current zoning development would mean to what changed development would mean, it would more than double the polluted runoff into the Lagoon, more than double. Almost two and one half times. The cost of cleaning that added pollution, excuse me, that added pollution, far outweighs any benefit Brevard is going to see from this development if you approve this request. We are asking, respectfully, that you don't approve this request. If I could add a little bit more, as we said in our letter, we believe that what's need now is that this Commission and your counterparts in the cities adopt what's called the low impact development program that is being pushed by both EPA and Florida DEP. This is a very good, very well thought out, and very successful program for development. The items are given, execution is explained, it's very well done. There's also a recommendation from the East Central Florida Resiliency Council on Climate Change that has also some good ideas in it. We strongly suggest that you have your staff review this program and adopt it. It can be tailored to meet our requirements, but it is a very important way considering the staggering population growth that we've just seen from the University of Florida for Brevard County. We need to do this and we need to do it quickly. Thank you for your time.

Isnardi: Commissioner Lober, do you have a question for him?

Lober: No, question for staff.

Isnardi: Okay. That's it for the cards, unless we missed somebody, I don't believe we have, I think we got them all.

Lober: I do have a question for staff and a couple comments if you'll allow?

Isnardi: Yeah, but I think we need... I want to make sure you have all the materials that were submitted to us because there were several, and rather than one or two pieces of paper, I've got a stack here, and I want you to have a chance to review it, if that's possible? And I want to verify that Curt Smith has all the materials and that he's seen all of the materials as well, and that will give you a chance to collect your response, if that's acceptable to the Board?

Lober: In the meanwhile, can I just pose the one question to staff? Okay, just a question for you, Ms. Bentley. I tried to give you the heads up by eyeballing you over there. Is the impact on the

Lagoon a lawful consideration with respect to either Items five or six, H.5. and H.6., and if so, to what degree can we consider that?

Bentley: It's just one of many considerations, the Administrative Policies that are in your package are the primary considerations, the character of the area.

Lober: Thank you.

Isnardi: Alright, so we are going to break for 10 minutes if that's okay with everybody, and I'm going to make sure you've got all the documents that we received, okay?

(Board recessed at 7:23 and reconvened at 7:37.)

Isnardi: Okay, we are going to call this meeting back to order. Before we go back to the applicant, or the Representative for the Applicant, I just wanted to verify whether or not the Commission had any questions for anybody that spoke during public comment and offered their testimony. I'll take that as a no. Mr. Buchanan, you have like, a lot of time, because...

Buchanan: Thank you. Stuart Buchanan, again, my working address is PO Box 1545, Titusville, Florida 32781. I know you've been here a very long time Commissioners, so I'm going to be brief. There are a few items I need to address, just for the public record. One of the items is, and I needed to state this just for clarification, for future minutes. Previously, the County went through what was called the Evaluation of Paid Appraisal Process for the Comprehensive Plan. We do this every seven years. Not the current one that you are going through now, adoption, but the prior one was prepared by myself, as your comprehensive planner. As part of that, we had to prepare what was called a Green House Gasses map, which showed all of the property that had been purchased for conservation. What we found was, that 49 percent of unincorporated Brevard had been taken off the tax rolls and placed in the conservation. We deliberately took out Federally owned properties. 49 percent does not include Patrick Air Force Base, it does not include Kennedy Space Center, we took those out because the Federal Government pays what's called impact. It's part of the Federal Impact Act, so they pay us impact fees in lieu of taxes. If any member of the public would like to verify this, they would simply contact the County GIS section. They can give them all the numbers and acreage. But, just for the record, it does not include job/employment centers that are Federal properties. The Farmton was discussed, Farmton is 11,000 acres, in many ways, Farmton is misunderstood. Farmton did not receive a single increase in density as part of that process. The Farmton density in Brevard County is what it was for the last 30 years, all we did, we didn't give them one dwelling over, we simply clustered it and put 80 percent under conservation easement. Volusia County is a completely different story. Just for the residents to have some piece of mind of that 11,000 acres in Brevard County did not receive a single extra dwelling unit beyond what the Future Land Use Map already allowed. Volusia County access to this site is actually provided by a Volusia County public road, you all have a letter from Volusia County Public Works in the record. We have already met with Volusia County Public Works, and we have agreed to do whatever improvements they ask us to do to that road. One of the very eloquent speakers talked about the wildlife on and around his house and his lot, which all of us can greatly appreciate, I would encourage the County Commissioners to look at the Brevard County Property Appraiser's site, Tax Account 2004953, it is in fact a 1.2 acre lot. The P&Z Board is made up of appointees from this Commission. Many of them are professionals, there's an architect, a civil engineer, there is a general contractor, they are professionals in the community that this Commission appointed to sit on the P&Z Board. One of the things the P&Z Board members were in agreement on is that the runoff from an active citrus grove, the impact to the Lagoon, is much higher than single family residential homes. The runoff from the citrus groves

when they're active, is much higher than single family residential homes. I would encourage you to look at the minutes from the P&Z meeting, where the professionals you appointed, sitting on the board had that discussion. The abutting neighbor to this property, to the south and the east, is in support. You have a letter in your packet, he is the abutting neighbor to both the south and the east. There was talk about the 2007 Mims Small Area Study, I was not on the County's staff at the time, I was hired by a group of Mims residents who wanted to be taken out of the study. I was successful in getting them removed from the study area. The County Commission, and rightfully so, chose to follow their request, and so they were, in fact, taken out of the study. Interestingly enough, from that, two months later after I appeared before the Brevard County LPA, I was hired from 2008 to 2015. I prepared all your small area studies. I did several of them for you, including Central Mainland, where we took 14,000 dwelling units off the map of the one study. So, I am very familiar with small area studies, if you have any questions about those, I know people have asked about them, but I would be happy to address them for you when I am finished in just a moment. Board of County Commissioners has had this property, the 16 acres, has been designated on the Future Land Use Map as one unit per acre for 30 years. It has been on file in Tallahassee for one unit per acre on the Future Land Use Map for 30 years. It was given AU zoning because at the time that the zoning map was adopted, it was an active citrus grove, as were the surrounding properties. They are no longer active... this property is no longer an active citrus grove, it has not been for years. This rezoning request is only allowed because the Future Land Use Map is Res. 1. If it wasn't Residential One, we couldn't come in here and ask you for the rural residential zoning district. RR-1 is compatible, it is, in fact, designed to go under residential one. If you were to consult the Comprehensive Plan, Land Development Regulations, you would see that in your compatibility matrix. I would ask that the Commission may wish to ask the County Attorney's Office, we agreed at the Planning and Zoning Board to enter into a binding development plan limiting it to 14 lots, 14 units. I believe the BDP is, in fact, part of this process, that we would have to execute that and honor our commitment for the P&Z meeting. What we're asking to do is to create a 14 lot subdivision for 14 new families and in their own area. As I have stated before, the agricultural use has been defunct for years on this property and finally I would encourage you to consult with the County Attorney's Office on any questions you would have concerning what the process would be should the request be denied. I'll be happy to answer any questions that you have.

Isnardi: I have a couple lights on, but I'm not sure if that's for discussion afterwards or does anybody have any questions for the applicant?

Lober: It's for discussion afterwards.

Isnardi: Okay. Thank you. Alright, with that we'll close the public hearing. Commissioner Pritchett?

Pritchett: Thank you Madam Chair. We have spent a lot of time studying this out, and I am pro-growth, and I'm always looking for new opportunities to bring new housing into the area. But, with all that said, the personality of this property up here, it really is rural, and it is really is agricultural. I've been up there a lot, and you guys have a great love for your property and your homes, and I have to say this, too, every person I've met with in the community, they really like you guys a lot and, so I really appreciate the kindness of people you are. You definitely fit into the Scottsmeer area, and I want to say thank you too, as I'm doing this, I'm really proud of my community, you guys have come out really kindly and stated your causes, and I am really blessed to be your Commissioner, and I want to thank you for how you brought your opinions tonight. I think your pretty cool. This property... here's my concern, and I don't know what's been put in there 30 years ago, but trying to get the personality of it now and what's going on around it, it really is agricultural, and there is problems with water. I hear from you guys all the time. You're getting a lot of salt in

your water and trying to figure out how to help you guys fix this, and I don't know how to help you guys fix this. I don't know how to so it other than you spending \$6,000 right now getting new water systems, and I probably weekly have you guys call me up and fuss about your roads, so you're right on that one, sir. I'm not going to use the word you used, but I think with that and the infrastructure situation in the Scottsmeer area, and I know you've got all that going on, but you really do have a wonderful community and you're wonderful people, and I'm glad you get to live there and enjoy it. Increasing the septic tank three to one, I think is going to be tough also, I think there is a lot of rock out there, and I am concerned about how that's... that would happen. It's just, it's just a whole another world out there in Scottsmeer. There's a lot of conservation land, and I think it's there for a reason, so I'm not going to support this tonight. And not that I didn't really spend some time trying to see what's going to work. We really spent the time on this in our office, but I really don't think it's a good fit trying to make this more dense at this time. Who knows, maybe in 20 years if, you know, the growth comes from the north and all the infrastructure's there, I don't know but right now I just don't think it's good for this property. I don't think it's good for the Lagoon, and I'm really concerned about the water situation as it is right now in the Scottsmeer area, so Madam Chair, after we get done with this discussion, I would like to make a motion to deny number five and number six.

Lober: And I'll second for discussion as well.

Isnardi: Okay, I have a motion by Commissioner Pritchett, second by Commissioner Lober, and your light is on?

Bentley: Excuse me, are these going to be separate motions? One for the Comp Plan...

Pritchett: Yes ma'am.

Lober: The second will stand.

Isnardi: Okay.

Lober: A few thoughts if I may?

Isnardi: Okay.

Lober: So, first off, I think everyone, including the applicant, did a great job in terms of making their positions known. The only thing I don't like, and I think I've pointed this out every single time it's come up with any item, are these threats of litigation. Doesn't really win me over, so the veiled threat of what would happen if the application is denied, I'm not concerned about that. I'm concerned more about what lawful criteria we have to evaluate in determining on whether to grant or to deny a particular application, and I can't tell you how thankful I am that our D-1 Commissioner has the position she has, because this was one that was one that was troubling me. I have, with one exception that comes to mind, I believe always, with respect to a rezoning, deferred to the Commissioner in whose District the projects fall in. I was really worried, because this was one I was pretty strongly opposed to based on everything I'd heard at the outset. I was really worried if the D-1 Commissioner was in favor of this, I might have to break that tradition of going along with what folks know based on their expertise living and working in a particular district. I'm thankful that's not the case. When I was looking at this, and bear with me if any of this is repetitious, the items that I'm concerned about in evaluating this, apart from what the individual District's Commissioner thinks, are the actual Administrative Policies that we're supposed to, and we ought to follow in determining whether to grant or deny something like this. So, Laurilee Thompson

touched on some of these. I'm going to touch on some that she mentioned on, and some others as well, but our Administrative Policies dealing with Future Land Use, Policy three, talks about the compatibility of existing or proposed land use and the pertinent part, sub C, on that, talks about whether the proposed use or uses is or are consistent with an emerging or existing pattern of surrounding development; and I think it simply is just not. As far as Admin Policy Four, which is out of the same set of paperwork and out of the same document, talks about the character of a neighborhood, it says: "the character of the neighborhood or area should be a factor for consideration whenever 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." I don't think it fits with that. Admin Policy five, the pertinent parts, there are three out of a slew of quite a few more, it talks about whether the physical qualities of the existing road system that will serve the proposed use or uses as sufficient to proposed the use or uses without significant deterioration. It talks about whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use or uses without the need for substantial public improvements, and it talks about whether the surrounding and existing road system is of such width and constructions quality that proposed use or uses would realistically pose a potential for material danger to public safety in the surrounding area, and I know we've heard the nearest road has been made of, or is made of millings, and the pavement condition is somewhat poor, and I know I've heard it before, and I've heard it again today that two cars can't drive past one another without one having to pull over, so I have concerns with respect to that Admin Policy as well, at least the pertinent parts that I just mentioned. Admin Policy Seven talks about having significant adverse and unmitigatable impact on nearby water bodies. It talks about significant natural wetlands, water bodies, or habitat for listed species. I've got concerns with respect to that as well, and I believe Laurilee may have touched on this as well, but we also have factors to consider with respect to a zoning request they've set out in our municipal code or County Code, Section 62-1151, Sub C, some of the items that are pertinent at least in my view are, the character of the land use of the property surrounding the property being considered, it's rural. There's really no Res. 1 anywhere nearby and, in fact, the applicant mentioned to go to the Property Appraiser and plug in 2004953 to find one that was under Res. 2.5, and even that's not a Res.1, it's well over one acre. It looks like at least for this particular parcel, at least my quick review of that. Going on, it talks about in the same document factors to consider for rezoning requests, pursuant to that 62-1151, Sub C, talks about the impact of the proposed zoning classification on water and sewer systems. There are none. That's a problem. The other thing that occurred, and that was mentioned today, was the potential of having salt intrusion, at least it was alluded to in the wells. With some of the wells, at least one of the test wells testing over the EPA suggested safe drinking limits. That's a concern to me, that if we're going to continue to wick that down, we are going to go even beyond where that's at at this point. I'm also concerned, and it was mentioned previously, I don't know that it came up in this meeting about wells maybe even running dry, depending on how much development occurs in that area. Another item that's in that set of factors to consider out of 62-1151, talks about the compatibility with the existing land use plans, it just doesn't seem to fit it. So, for those reasons, and thankfully because the District One Commissioner has the position she has, I'm happy to second this, and, you know, I don't begrudge the applicant by any means for trying to do this. I think it's something that everyone has to make and individual decision. The gentleman that said he that he would love him if he didn't have this request, you may want to love him anyway, I mean it doesn't seem to be a malicious request, but I just don't see it as being compatible.

Isnardi: Okay, since Commissioner Smith can't press his light, did you have anything you wanted to add Commissioner Smith?

Smith: No, I pretty much agree with everything that the two Commissioners that have spoken already.

Isnardi: Commissioner Tobia? You're good? Okay. And, without sounding like a broken record, it was something that, you know, I weighed... it weighed heavy on me as well, and if everything around it was smaller than two and one half acres, it may be something I look hard at. But, again, you know, of course Mr. Lober said it a little bit more eloquently than me, but, the main issue is compatibility, and it's not compatible with the surrounding area. And the lack of utilities and the lack of infrastructure, there's... the infrastructure barely supports the few people that it has now. I mean, I hear about that road and it's a joke how you have to pull over, you really do have to pull over. I mean there's, because if you have a big vehicle, and you're trying to drive down that road, so, I don't think it's compatible, I don't think the infrastructure is there to... for this kind of development. I would encourage you to look at the two and one half acres, I think that is the reasonable compromise, because most properties in that area are much larger than that, so I won't be supporting this tonight, either.

Lober: Call the question?

Isnardi: Yep. Do we need separate motions?

Bentley: Yes, please.

Isnardi: So, do you want to restate?

Pritchett: I make a motion to deny Item H.5.

Lober: Second.

Isnardi: I have a motion by Commissioner Pritchett for denial, second by Commissioner Lober. All those in favor of denial say aye.

All: Aye.

Isnardi: Any opposed? Motion is denied unanimously.

Pritchett: I make a motion to deny Item H.6.

Lober: Second.

Isnardi: Motion by Commissioner Pritchett, second by Commissioner Lober for denial. All those in favor of denial say aye.

All: Aye.

Bentley: Do you want to request the County Attorney's Office to bring back Findings of Fact on the rezoning denial?

Pritchett: I would love that.

Isnardi: Sure, that would be great. Do we have to modify the motion, or do you wanna...?

Bentley: Just make a motion to direct us to do it and bring it back.

Lober: So moved.

Isnardi: Okay.

Lober: Just need a second.

Isnardi: Motion by Commissioner Lober, second by Commissioner Pritchett. Did I get that right?

Pritchett: We'll share it.

Isnardi: Okay. All those in favor to have the County Attorney to bring us back a findings say aye.

All: Aye.

Isnardi: Any opposed? Motion passes unanimously.

Pritchett: May I make one more ma'am.

Isnardi: Oh, one more motion.

Pritchett: I would like to make a motion to be able to do a small area study in Scottsmoor and do it in house like we are doing with Port St. John, and that way it would be staff time. And I like what we're doing in the Port St. John area, we're letting the citizen's of Port St. John come with some, be on a board we are starting to form with that, so I would like to make that motion to be able to maybe start working on that as you guys have some time opening up. Which we're going to be fine for a while now. Because we worked through this, that's something I would like to do.

Isnardi: Commissioner Tobia?

Tobia: Can I ask staff how much this is going to cost, what's the time frame? This is... or can we bring it up for discussion later before we have some pertinent facts and we go ahead and we obligate staff to, on a whim, to create a study that may not be needed, and... So, can I get that premise before we, I guess, vote on this?

Isnardi: Sure.

Sterk: Best case scenario, we're looking at nine to 12 months with a small area study. Some of the factors in Scottsmoor that the planning staff is not necessarily well versed in are things like drinking water quality. It's the purview of other State agencies, and we do not have the in house staff to do that analysis. We can conduct the coordination with those agencies and host the conversation, but those are not things that we can evaluate ourselves. So, there's some factors here, environmental factors, that will need to do some due diligence with those respective agencies, and I'm not sure how long that takes to do. Many of our other studies haven't dug that far into those factors, and I feel like that's a very relevant concern in this area, that is unique, that I've not managed a project with that purview in the past. So, that could lengthen the time, and I'm not sure what resources we would need to do that, but I can address some of the inconsistencies between the zoning and the Comp Plan that Mr. Bartcher brought up at the beginning. You know, when the Comp Plan came to town in 1988, there were zonings on properties already; if those properties have continued with that zoning and that use, we don't deploy the Comp Plan and then

change the zoning classification, because that would be a taking of rights. So, when the Comp Plan was put into place, there's a policy for preexisting uses and there's a policy of not changing the zoning until the use changes over time. And so, those uses that are out there, that have an inconsistent zoning with the Future Land Use Designation are because they existed long before the Comp Plan did. So, those things are not going to be affected by a study, because that would be... we would have to buy those properties, so there's a concern I have about the change we can affect. It's definitely in the rural areas. The Res. 1 could be cleaned up, and that's the tool to do that. So, we can't change the Res. 1 without a small area study, that's the mechanism to get there, but we'll have to get some other agencies involved.

Tobia: Thank you. Cost. I'm sorry, do you have any idea on...

Calkins: If I may... I think that, I don't know that we're going to be able to identify what the cost is. What I would ask, with the Board's permission, is maybe at the next Zoning meeting, we come back with an estimate, and we pick this topic up at that point. If you all are gracious enough and allow us to do that, and then we would be able to have, I think we'd be better able to answer the question and have an opportunity to evaluate some of the concerns that we heard here tonight. And then look at what we would have in house expertise for and what we wouldn't have, or would we have to collaborate with other agencies, State agencies like the Health Department and stuff like that.

Tobia: Thank you. One more follow up, Madam Chair?

Isnardi: Sure.

Tobia: For the benefit of the new Board member, as well as all of the people that took time out of their schedule here and are hanging their hats on a small area study, Tad, can you, or Sterk, I know you did all the work, or bulk of the work, under Tad's direction, I apologize, for the small area study that happened in Merritt Island. Can you inform us the direction the Board took when it came to the small area study that Merritt Island residents worked tirelessly, as well as staff did for three years, and made numerous recommendations, what was the... remind us for the Scottsmoor folks out here, what action did the Board take on any of the recommendations?

Sterk: I think the Commission directed staff to pursue the first step in implementing those recommendations, which was to pursue the drainage model; and then they directed in their motion to include two additional recommendations for eventually a land use change, if that were necessitated; but it wasn't a direction to do the land use density reduction, it was a direction to bring it up again when the evaluation of the drainage model was complete. So, we have kind of a series of steps that that study resulted in, which will take place over the next several years, and come back to you several times, I'm sure.

Tobia: Okay. Thank you. Density was not in... short yes or no, was density changed because of that study?

Sterk: Not yet, but we received direction to address it again when more information comes forth.

Tobia: Thank you.

Isnardi: Commissioner Pritchett?

Pritchett: The thought I have on this, and I know we all have those areas in our communities, but I really only have one City in all of District 1. The rest of them are unincorporated. There's a little, tiny bit of Cocoa, I think I share with Commissioner Lober and Commissioner Smith, but most of you guys are out there on your own. You're just County property, and I can't ask for a large area study of the County that's unincorporated, but when you have a community that's obviously, almost like a little unincorporated City like Port St. John, or Scottsmeer. I mean, you can't do it your own unless you go unincorporated, and we don't want that, so I think this is fair to you to get some kind of continuity of what's going on in your lives, in your development, and since you own almost all of the property out there. So, that's my reason for asking for this, because if they were a city, of course, they'd have an idea of what they want to be and what they want to stay. So, in all fairness, we're all you got. So, we have to get... help you get some kind of parameters of what it is you want in your community. Even though you're not incorporated, you really are a community, and so, that's why I think this is imperative. I don't know how much detail we can get into it. Like you said with the water quality, that's different because you have a whole other issue there. But there certainly are things we can address in a small area study, and that's getting together maybe these issues we have with some zoning and some of those things in the area, and some placed that just shouldn't be built out there at all because of the hard, rocky areas. So, again, you know, Tad, I would be very comfortable if you guys would like to come back with that, but I think as far as this community, I think we should do this for them. Because we are all they have and I think this is an important thing for Scottsmeer. So, again, I'd like to make a motion to have the staff come back with some parameters on a small area study, but I'd really like to do one for this area.

Lober: I'll second that.

Pritchett: Thank you, sir.

Isnardi: Second by Commissioner Pritchett... I mean, second by Commissioner Lober.

Pritchett: We'll share.

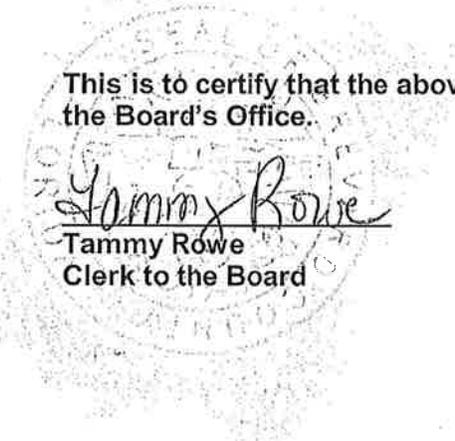
Isnardi: Yeah. All those in favor, say aye.

All: Aye.

Isnardi: Any opposed? Motion passes unanimously.

PARTIAL VERBATIM TRANSCRIPT FROM APRIL 4, 2019, BOARD OF COUNTY
COMMISSIONERS MEETING

This is to certify that the above unofficial partial transcript was prepared by the Clerk to
the Board's Office.



Tammy Rowe

Tammy Rowe
Clerk to the Board

Adjacent to Volusia County



BREVARD COUNTY PLANNING AND DEVELOPMENT
APPLICATION FOR ZONING ACTION, COMPREHENSIVE PLAN AMENDMENT OR VARIANCE

All applications with fees must be submitted in person. Call 321-633-2070 for an appointment at least 24 hours in advance. DO NOT MAIL THE APPLICATION. An approval does not entitle the owner to a development permit.

Existing FLU RES 1/RES 1:2.5 Existing Zoning AU
Proposed FLU _____ Proposed Zoning RR-1

APPLICATION NAME

- COMPREHENSIVE PLAN (CP)
 - ____ Large Scale Amendment
 - ____ Small Scale Amendment
 - ____ Text Amendment - Element _____
 - ____ Other _____

- REZONING (Without CUP) (RWOC)
- COMBINATION - ZONING AND CUP (CORC)
- CUP (Without zoning) (CUP)
- VARIANCE(S) (V)
- AA (AA)
 - AA Type: _____
- OTHER (O): _____

Tax Parcel: T 20G R 35 S 39 S/D 01 Blk/Par * _____ Lot A&B
Acreage of Request: 19.75
Reason for Request: REZONE TO ALLOW 1 ACRE BUILDING LOTS

COUNTY PLANNER USE ONLY
ACCELA# 18PZ-00134 Fee \$ 1509.00
Date filed 12/6/18 Planner GCN
District# 1 Tax Account ID# 2004879

Notification radius (feet) 500' (list all parcels)
Sign Issued Jan

Meeting(s) Date Time

NMI		
PSJ Board		
P&Z / LPA	<u>2/11/19</u>	<u>3pm</u>
BCC	<u>3/7/19</u>	<u>5pm</u>
BOA		

JPA/MIRA/500' of Palm Bay Extension: Yes or No
If Yes, list which

Location: SE corner of County Line Road & Dixie Way

Detailed Description: Remove from AU -> RR-1

PROPERTY OWNER:

Name: JOSEPH BRANDON & NIKKI THOMAS Company: _____
Address: 6705 DIXIE WAY E-Mail: BRANDON@JBTORIGINALS.COM
City: MIMS State _____ Zip _____
Phone: (561) 961-9141 Fax: () Cell: (561) 961-9141

APPLICANT IF OTHER THAN OWNER (check): Attorney _____ Agent _____ Contract Purchaser _____

Name: Joseph B & Nikki Thomas Company: _____
Address: 6705 Dixie Way E-Mail: Brandon@jbtoriginals.com
City: Mims State FL Zip 32754
Phone: (561) 961-9141 Fax: () Cell: ()

The undersigned understands that this application must be complete and accurate prior to advertising a public hearing:
State of FLORIDA County of BREVARD I JOSEPH BRANDON THOMAS being first duly sworn, depose and say that I hereby certify that the information in this application and all sketches and data attached to and made a part hereof are true and accurate to the best of my knowledge, and:

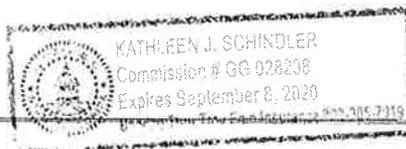
I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
 I am the legal representative of the owner of the subject property of this application. (Notarized statement attached)

[Signature] 12/6/18
Signature of Property Owner/Authorized Representative Date

The foregoing instrument was acknowledged before me this 6 day of 12, 2018 by Joseph Thomas, who is Personally Known by me _____ OR Produced Identification Type of Identification Produced FL DL

[Signature]
Notary Public Signature

(NOTARY SEAL)



1

ACCELA # _____

DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form ¹	Recorded Property Deeds	Legal Description of Request ²	Certified Survey ^a	Property Appraisers Map	Concurrency	School Concurrency ³	Wetland Survey ⁴	CUP Worksheet & Sketch ⁵	Comp Plan Information ⁶	Notice to Applicants	Neighbors Affidavit ⁷	Letter to Zoning Official	Variance Hardship Worksheet ⁹	*Additional Documentation	Fees	
	NUMBER OF COPIES REQUIRED																	
Staff to check indicating receipt																		
Comprehensive Plan Amendment⁶	1	1	1	2	2	1	1	1	X		1	1				*	Y	
Zoning request	1	1	1	1	X	1	1	1	X			1				*	Y	
Conditional Use Permit (CUP)	1	1	1	1	1 ⁸	1				1	1						Y	
AA – Waiver	1	1			1	1							1	1			Y	
AA – Easement or Flag lot	1	1	1	1	1	1											Y	
Variance	1	1	1	1	1	1									1	*	Y	

¹If the property is not owned in entirety by the applicant, either an Authorization to Act form or a notarized letter from each/all property owners of the subject property is required.

²Legal Description must be typed on a separate sheet, if not easily described on the deed.

³School Board Concurrency application is required if the request represents an increase of more than one residential unit.

⁴Wetland Survey required on Commercial or Industrial property.

⁵CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

⁷Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸ Survey must be submitted if requested by staff.

⁹ Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

***Additional information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:**

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.

ACCELA FEE SHEET

Fee Schedule: Zoning

Version: Version 1

Payment period	Priority	Subgroup	Fee Code	Fee Item	Quantity (Amount)
FINAL			PZ300	Zoning Variance	1209.00
FINAL			PZ310	Comprehensive plan	
FINAL			PZ320	Waiver/Easement	
FINAL			PZ330	Address Assignment	
FINAL			PZ340	NRMO	300
FINAL			PZ350	Miscellaneous	
FINAL			PZ360	Tower Application/ Consultant Fee	
FINAL			PZ370	Land Development PUD Review	

~~1509.00~~



Planning & Development
Central Cashier
2725 Judge Fran Jamieson Way
Building A, Room 114
Melbourne, FL 32940

RECEIPT OF PAYMENT

Payment Date: 12/6/2018
Receipt #: 505385
Transaction Id# 1202

Payment Method	Payment Reference #	Amount Paid	Comments
Check	1202	\$1,509.00	
		\$1,509.00	Total
6705 DIXIE WAY, MIMS, FL 32754			
PZ Miscellaneous Fees		\$1,509.00	
18PZ00154			
Fee	Invoice #	Amount	
NRMO	573833	\$300.00	
Zoning/Variance	573833	\$1,209.00	
			Grand Total
			\$1,509.00

Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.
To verify fees please visit the Brevard County Planning & Development Search.

www.brevardcounty.us/PlanningDev
P (321) 633-2068 F (321) 633-2052

6

Zoning Information Worksheet

Owner(s): Joseph B. & Nikki Thomas
(Does this match the warranty deed?)

Applicant(s): Joseph Thomas
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 2091351391011 A+B
(If more than one parcel, they must share a property line to be on the same application.)

Present Zoning: A4

Is there a BDP or a CUP on the property? Yes/No: No (If yes, attach BDP)

Is this a non-conforming lot of record? Yes/No: No Why?

Non-Conforming to: _____

Is this a substandard lot? Yes/No: No

Why? _____

Requested Zoning/CUP: A4 to RR-1

What is the FLU Designation of the property?: Res-1 & Res 1:2.5

- Is the requested zoning consistent with the FLU? Yes/No: No (See compatibility table)
- If no, what is the requested **small scale plan amendment**? (Must be 10 acres or less)

Change Res 1:2.5 to Res 1

BDP Requested? Yes/No: No

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No

Previously Approved Zoning Actions: original zoning

Most recent zoning change in same section? NONE

If this is a CUP request, list all CUP's on adjacent properties: _____

Abutting property zoning: N ^{Volusia} County S AU E AU W AU

JPA/Special Board/Special Section? Yes/No (Circle one and make a note on the application) PSJ, NMI, MIRA ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

Reason for Rezoning Request: WANTS TO CREATE 16 LOTS

- If proposing single-family or multi-family how many units? 16
- If proposing a CUP for alcohol, how many seats? _____ Bar or Restaurant? _____
 - o Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
 - o Do you have a site plan showing the layout and parking configuration? Yes/No
 - o Do you have a CUP worksheet filled out by the applicant? Yes/No
- If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? 1 mant. home + agriculture bldg.

Describe the character of the area based upon Administration Policy 3 of FLUE (attached):
RURAL + Ag area

Concerns raised as part of request: # of lots proposed

Other options discussed with applicant: limitation of animals; open space
subdivision

Did you print out the Property Appraiser's Map for this property?
Did you mark the map?
Did you stamp the deed(s)?


Planner Signature

12/6/18
Date

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 foresee ably 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 an analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

NOTES:

- If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

brandonejbtoriginals.com () or U.S. Mail _____
e-mail address fax number

Yes/No

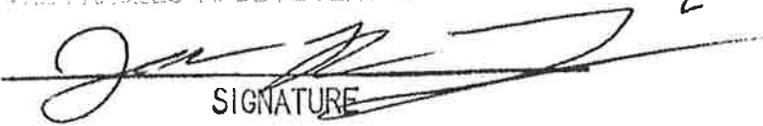
I have received a copy of this notice:


(APPLICANT SIGNATURE)

9

Zoning

THIS INSTRUMENT CONTAINS THE OFFICIAL
BOOK AND PAGE NUMBERS DESCRIBING
THE PARCELS TO BE ADVERTISED.

 2
SIGNATURE

Prepared by and return to:
Reyer Law Group, P.A.
5301 North Federal Highway Suite 130
Boca Raton, FL 33487
Parcel Identification Number: 20G-35-39-01-00000.0-000A.00
File Number: 12216

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 13th day of **September**, 2012 between **Leslie H. Hallum and Myrtle M. Hallum, husband and wife** whose post office address is **P.O. Box 115, Scottsmoor, FL 32775**, grantor, and **Joseph Brandon Thomas and Nikki Thomas, husband and wife** whose post office address is **760 S.W. 5th Street, Boca Raton, FL 33486**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Brevard County, Florida** to-wit:

Parcel 1: Lot A, Less the North 20 feet, Subdivision of Peter Fouchard Grant, Tull & Paxton's Subdivision of part of Peter Fouchard Grant, East of Old Dixie Highway per Plat Book 2, Page 57, Sections 39 and 43, Township 20 South, Range 35 East, Public Records of Brevard County, Florida

AND

Parcel 2: Lot B, Subdivision of Peter Fouchard Grant, Tull & Paxton's Subdivision of part of Peter Fouchard Grant, East of Old Dixie Highway per Plat Book 2, Page 57, Sections 39 and 43, Township 20 South, Range 35 East, Public Records of Brevard County, Florida

SUBJECT TO: taxes for 2012 and all subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any, and all valid zoning ordinances.

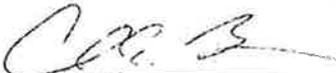
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

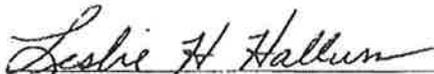
TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: Christopher E. Browne


Leslie H. Hallum


Witness Name: Shari Helmer


Myrtle M. Hallum

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 13th day of September, 2012, by Leslie H. Hallum and Myrtle M. Hallum, husband and wife, who is/are personally known to me or produced as identification which was reviewed by me and who did take an oath and acknowledged that he/she/they are the persons who executed the foregoing instrument.



SHARI HELMER
MY COMMISSION # EE 137145
EXPIRES: November 24, 2015
Bonded Third Budget Notary Services


Notary Public



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Nikki Thomas being the owner of 6705 Dixie Way Mims, FL

Authorize Joseph B Thomas to act on my behalf which may include, representing me in Public Hearings before Brevard County pertaining to the submittal of the attached application.

- Comprehensive Plan Amendment
Rezoning
Variance
Administrative Action
Development Plan

Nikki Thomas Signature

Owner Title

State Of Florida

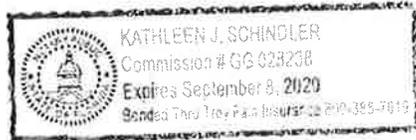
County Of Brevard

The foregoing instrument was acknowledged before me this 6th day of 12 20 18

By Nikki Thomas who is personally known to me or has produced FL DL

As identification and who did (did not) take an oath.

Kathleen J. Schindler Signature of Notary Public



9-8-2020 Commission Expires

Phone (321) 633-2070
Website: www.brevardcounty.us/PlanningDev/
Home



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

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- Comprehensive Plan Amendment
Rezoning
Variance
Administrative Action
Development Plan

Signature [Handwritten Signature]

Title Owner

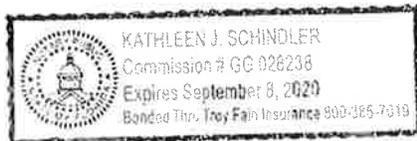
State Of Florida
County Of Brevard

The foregoing instrument was acknowledged before me this 6th day of 12 20 18

By Joseph Thomas who is personally known to me or has produced FL DL

As identification and who did (did not) take an oath.

Kathleen J. Schindler
Signature of Notary Public

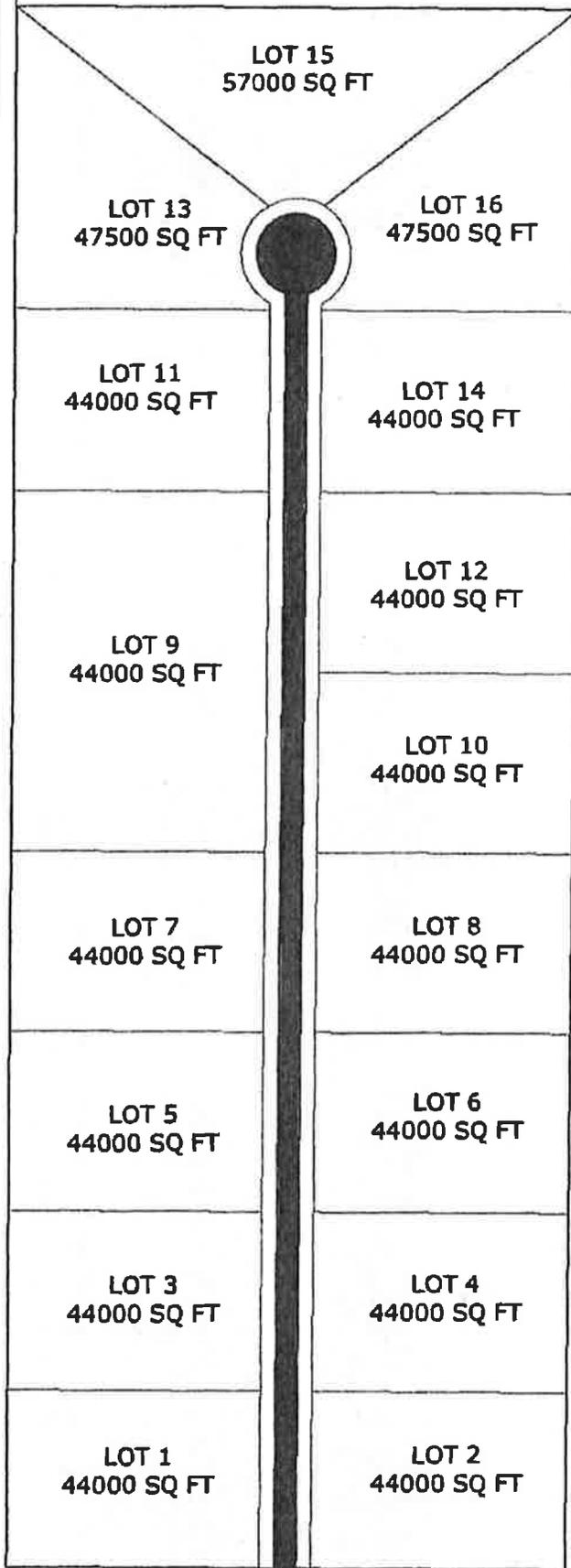


9-8-2020
Commission Expires



VOLUSIA COUNTY

COUNTY LINE RD



PARCEL ID: 20G-35-39-01-*C

DIXIE WAY

THOMAS CONCEPTUAL PLAT FOR 6705 DIXIE WAY, MIMS

14



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account 2004879
 Owners Thomas, Joseph Brandon; Thomas, Nikki
 Mailing Address 6705 Dixie Way Mims FL 32754
 Site Address 6705 Dixie Way Mims FL 32754
 Parcel ID 20G-35-39-01-*A
 Property Use 0213 - Manufactured Housing - Double Wide
 Exemptions None
 Taxing District 1300 - Unincorp District 1
 Total Acres 19.75
 Subdivision Tull & Paxtons Subd
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page 0002/0057
 Land Description Tull & Paxtons Subd Lots A & B



VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$118,500	\$118,500	\$118,500
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$118,500	\$118,500	\$118,500
Assessed Value School	\$118,500	\$118,500	\$118,500
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$118,500	\$118,500	\$118,500
Taxable Value School	\$118,500	\$118,500	\$118,500

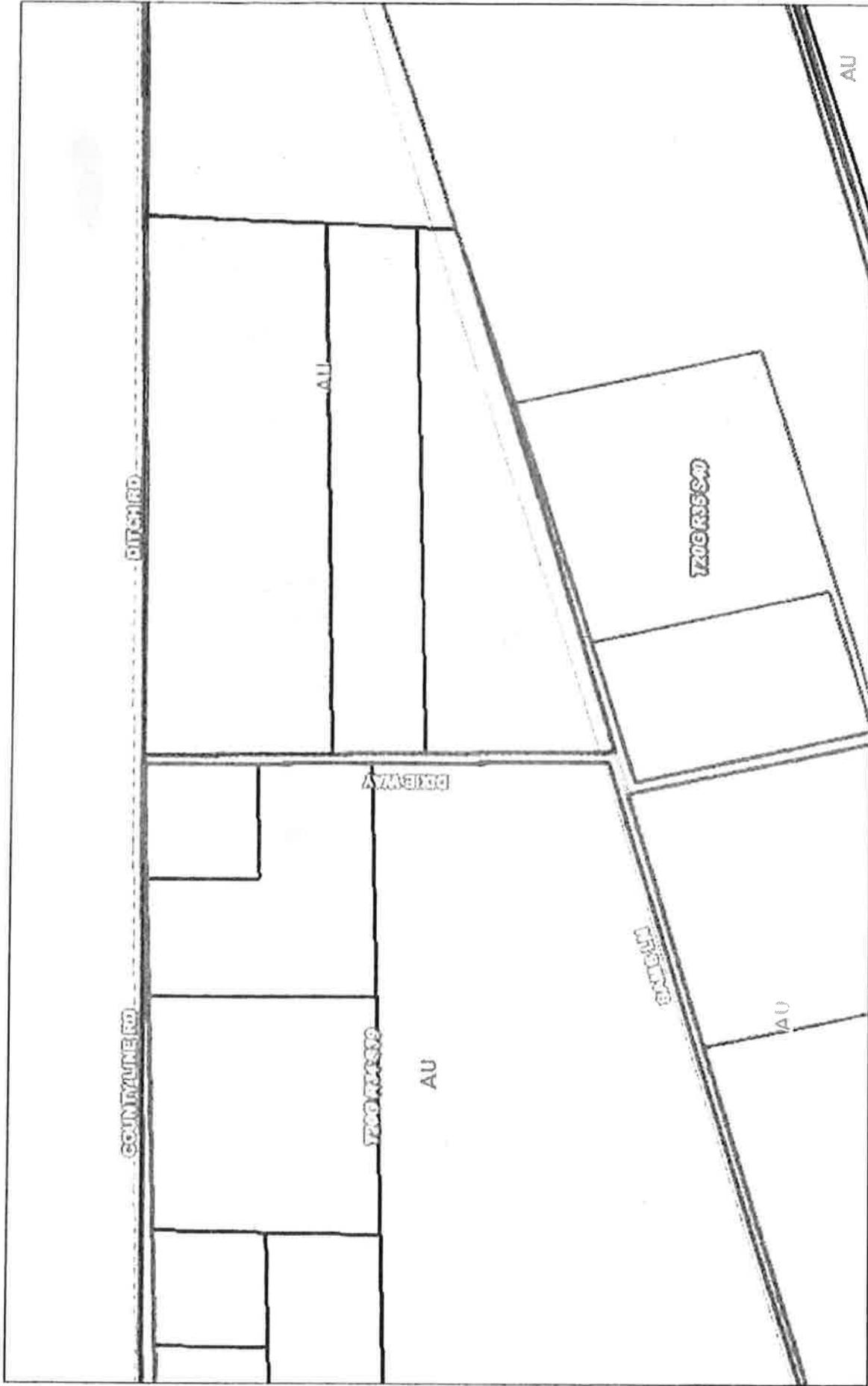
SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
09/13/2012	\$160,000	WD	Vacant	6692/1049
10/06/2006	--	TD	Vacant	5711/0035
08/20/2002	--	TD	Vacant	4671/1244
01/01/1994	--	PT	Vacant	3363/2757
10/05/1984	--	QC	--	2547/0181
02/28/1978	--	--	--	1854/0955

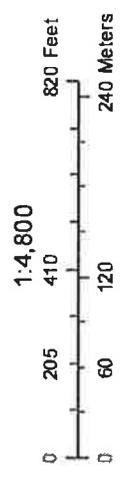
No Data Found



Account: 2004879



- Zoning
- Section
- Zoning Actions
- Zoning Easements



December 6, 2018

Prepared by: Brevard County BOCC GIS
 © Brevard County Board of County Commissioners

REZONING REVIEW WORKSHEET

18PZ00154

Commission District # 1

Hearing Dates: P&Z 02/11/19 03/11/19 BCC 03/07/19 04/04/19

Owner Name: Joseph Brandon and Nikki Thomas

Request: AU to RR-1

Subject Property:

Parcel ID# 20G-35-39-01-00-A
 Tax Acct.# 2004879
 Location: Southeast corner of County Line Ditch Road and Dixie Way
 Address: 6705 Dixie Way
 Acreage: 19.75

Consistency with Land Use Regulations

YES 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)

STATUS	CURRENT	PROPOSED
Zoning	AU	RR-1
Potential*	6 SF units	15 SF units
Can be Considered under FLU MAP	YES Residential 1 / Residential 1:2.5	YES** Residential 1 / Residential 1:2.5

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.**The proposed zoning classification is not consistent with Section 62-1255, Exhibit A; however, if the Small Scale Amendment under **18PZ00153** is approved, or if not approved and the applicant submits a Binding Development Plan which limits the density to be consistent with the FLUM, the request can be heard pursuant to Section 62-1255 (b) (2).

	ADT	PM PEAK		
Trips from Existing Zoning	57	6	Segment Number	360W
Trips from Proposed Zoning	143	15	Segment Name	US 1 Burkholm to Volusia
Maximum Acceptable Volume (MAV)	40,300	3,627	Acceptable LOS	C
Current Volume	3,846	346	Directional Split	0.5
Volume With Proposed Development	3,989	361	ITE CODE	
Current Volume / MAV	9.54%	9.54%	210	
Volume / MAV with Proposal	9.90%	9.96%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one (1) acre in order to subdivide a 19.75 acre tract into one-acre single-family residential lots. The tract currently retains split Future Land Use (FLU) designation with 16.6 acres designated Residential 1 (RES 1) and 3.15 acres designated Residential 1:2.5 (RES 1:2.5).

An application for a Small Scale Comprehensive Plan Amendment (SSCPA), **18PZ00153**, to amend the approximately 16% balance of the property that retains a FLU designation of RES 1:2.5 to RES 1, was filed concurrently with this rezoning request, in order for the proposed rezoning to be consistent with the Future Land Use designation on the entire parcel.

The subject parcel is located within Unincorporated Brevard County in Scottsmoor, on the southeast corner of County Line Ditch Road and Dixie Way and the north side of the property borders Volusia County. Although the subject property currently abuts a dirt road (Dixie Way), the applicants intend to connect to existing pavement on County Line Ditch Road and to pave all internal roadways as part of their subdivision development.

Based on lot yield estimates, the proposed rezoning is expected to result in an increase of nine (9) single-family dwelling units or a 50% increase. The RES 1:2.5 portion is on the eastern part of the subject property.

The site was originally zoned AU in 1958. No other zoning actions have occurred on the subject property.

Land Use Compatibility

The subject property is located in the Scottsmoor area of unincorporated Brevard County and is north of but NOT within the Mims Small Area Study. More than 84% of the subject tract currently retains FLU that is consistent with the rezoning. If the Small Scale Comprehensive Plan Amendment proposing to change the FLU designation on the balance of the subject property from RES 1:2.5 to RES 1 is not approved, the applicants could still submit a Binding Development Plan to limit the residential density to be consistent with the RES 1:2.5 FLUM; the request can continue to be heard pursuant to Section 62-1255 (b) (2) of the Brevard County Zoning Regulations.

This parcel is located in Section 39x and lies east side of US Highway 1 abutting the Brevard County / Volusia County line. This area is designated RES 1 to the west and RES 1:2.5 to the east, with this parcel's property lines crossing the north-south delineation where the FLU designation indicates that development is planned to transition to lower density.

The subject property does not have connectivity to potable water delivery lines nor to sanitary sewer collection lines. The Brevard County Comprehensive Plan does not require water or sewer for residential development on properties with FLU designations of RES 1 and RES 1:2.5. FLU designations of RES 4 or denser require connectivity to central water and sewer.

FLUE 1.1 outlines the role of the Comprehensive Plan in the designation of residential land.

FLUE 1.9 outlines the criteria for designating land RES 1: The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;
- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

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

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

Applicable Land Use Policies

The applicant is requesting a change of Zoning classification from AU to RR-1 in order to plat a residential subdivision that is consistent with the density allowed by the proposed RES 1 FLU designation. 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 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 closest non-AU residentially zoned property is approximately 3,520 feet to the south and zoned Rural Residential Mobile Home (RRMH-1). The next closest is approximately 6,250 to the southwest, closer to US-1, and zoned Rural Residential (RR-1). The 27.58 acre tract abutting the subject property to the east is approximately 2/3 undeveloped and 1/3 developed as a citrus grove and retains a RES 1:2.5 FLU designation and AU Zoning classification. The 10.3 acre abutting tract to the south is fully utilized as a citrus grove and retains similar split RES 1/RES 1:2.5 FLU designations as the subject property and is also zoned AU. Across Dixie Way and to the west of the subject property are two parcels. One is vacant and the other developed as agricultural residential. Both of these parcels retain a RES 1 FLU and AU zoning.

North of the County Line Ditch Road right-of-way are three parcels in Volusia County that align with the north border of the subject property. The eastern-most of these three (3) parcels retains a Volusia County zoning classification of Resource Corridor (0.10 FAR) with a "W" overlay (RCW) that per Section 72-1096 Volusia County Code stands for Volusia County designated for special protection by Florida legislation pursuant to the Surface Water Improvement and Management Act (SWIM). The other two parcels are zoned Prime Agriculture (0.10 FAR and density of 1 unit per 10 acres) with the same "W" overlay (A-1W). The middle of these three parcels is approximately nine (9) acres and is developed as a residential farm and retains a Volusia County FLU designation of Agricultural Resource (AR) with FAR of 0.10 and density of 1 unit per 10 acres and the other two retain a FLU of Conservation (C) with FAR of 0.10 and improvements limited to functions that are related to "protection, management, public access, security and conservation of the land."

The subject property abuts a Volusia County roadway along the parcel's north property line called County Line Ditch Road, which is a paved, undivided, 2-lane road which connects to US Highway 1. East of Dixie Way, where right-of-way abuts the subject parcel's northern boundary, the road is unimproved. According to Volusia

County Traffic Engineering, this class of roadway in Volusia County has an adopted LOS of C and a capacity of 6,300 Annual Average Daily Trips (ADT). No traffic counts have been taken on this road segment. The closest north-south road to the subject property is US-1. The traffic impact of this requested rezoning on US-1 is analyzed in the concurrency table on page one of these staff comments. The request in and of itself would not create traffic concurrency problems. The subject property's western property line abuts Dixie Way, a dirt road running north and south. The applicants have indicated that they plan to extend the pavement along Dixie Way to provide access to the future subdivision, per County code.

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

According to the attached Brevard County School Impact Analysis – Capacity Determination CD-2018-20, dated 12/07/18, Pinewood Elementary School is the closest elementary school to the subject site and has a shortfall of capacity to handle this request for change of zoning classification. The increase in demand on school capacity projected by the subject request can, however, be accommodated by adjacent school concurrency area of Mims Elementary School.

For Board Consideration

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one (1) acre in order to subdivide a 19.75 acre tract into one-acre, single-family, residential lots. The tract currently retains split Future Land Use (FLU) designation with 16.6 acres designated Residential 1 (RES 1) and 3.15 acres designated Residential 1:2.5 (RES 1:2.5). An application for a Small Scale Comprehensive Plan Amendment (SSCPA), **18PZ00153**, to amend the approximately 16% balance of the property that retains a FLU of RES 1:2.5 to RES 1, was filed concurrently with this rezoning request, in order for that portion of the property to also be consistent with the proposed rezoning. The RES 1:2.5 portion is on the eastern part of the subject property..

The subject parcel is located within Unincorporated Brevard County in Scottsmoor, on the southeast corner of County Line Ditch Road and Dixie Way and the north side of the property borders Volusia County. Based on lot yield estimates, the proposed rezoning is expected to result in an increase of nine (9) single-family dwelling units or a 50% increase.

The subject property is in the northeastern-most, mainland area of Brevard County that has historically been and continues to be primarily utilized as small, individually owned citrus groves or large-lot single-family residences. While most of the property retains a RES 1 FLU, there only two (2) small properties zoned more densely than one (1) dwelling unit per 2.5 acres within 1.25 miles; an RRMH-1 zoned property located 3,520 feet south and an RR-1 zoned property located 6,250 feet southwest of the subject property.

The property fronts an unimproved county owned and maintained dirt road, but is within 100 feet of the paved portion of County Line Ditch Road in Volusia County. The Public Works Department has advised the applicants that, if subdivided, a paved connection to both the subdivision & paved internal roadways and would need to be provided.

The Board should be aware that Brevard County School Board noted that the closest school, Pinewood Elementary would not have sufficient capacity to handle the increased student capacity from the proposed rezoning, but that the request could be accommodated within the adjacent school concurrency area of Mims Elementary School.

The Board may wish to consider whether the proposed development is consistent and compatible with surrounding development and the Comprehensive Plan for the area. The Mims Small Area Study previously examined lands between US Highway 1 and the Indian River to the south of the subject property and the Board of County Commissioners maintained a significant portion of RES 1 land as far east of US 1 as the subject property lies, indicating an intent to retain residential development potential at one (1) acre lots in an area south of the subject parcel requesting this rezoning.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review
SUMMARY

Item #: 18PZ00154	Applicant: Joseph & Nikki Thomas
Zoning Request: AU to RR-1	
P&Z Hearing Date: 02/11/19	BCC Hearing Date: 03/07/19

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

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

Comments:

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

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

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

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

Staff Comments: Page 6
(18PZ00154)
02/11/19 PZ // 03/07/19 BCC

adjoining properties."

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

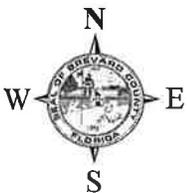
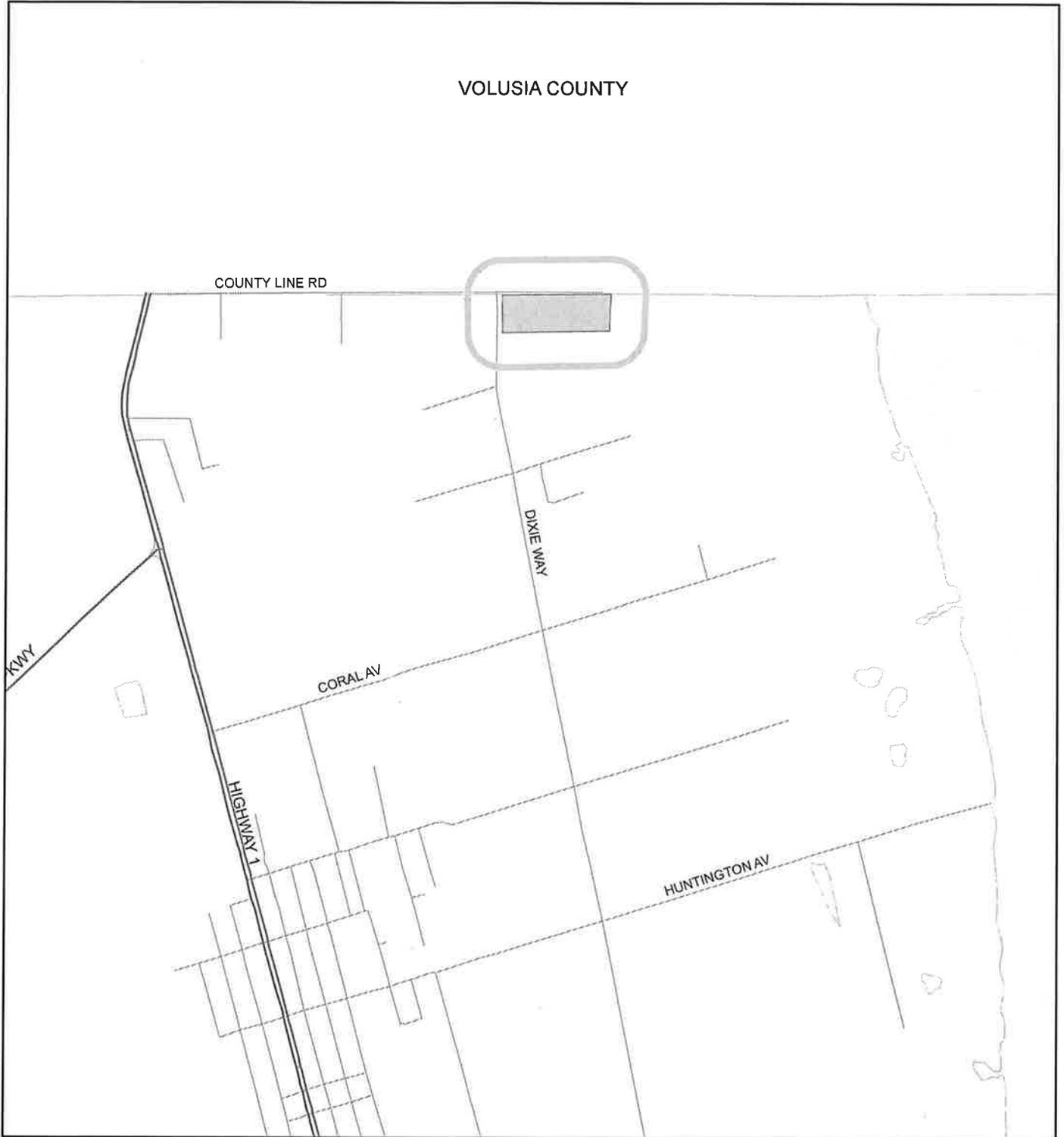
Portions of the site are mapped within the 60-meter septic overlay. Use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required where applicable.

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

LOCATION MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00154

VOLUSIA COUNTY



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

Buffer Distance: 500 feet

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

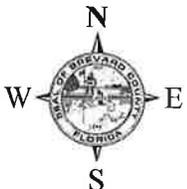
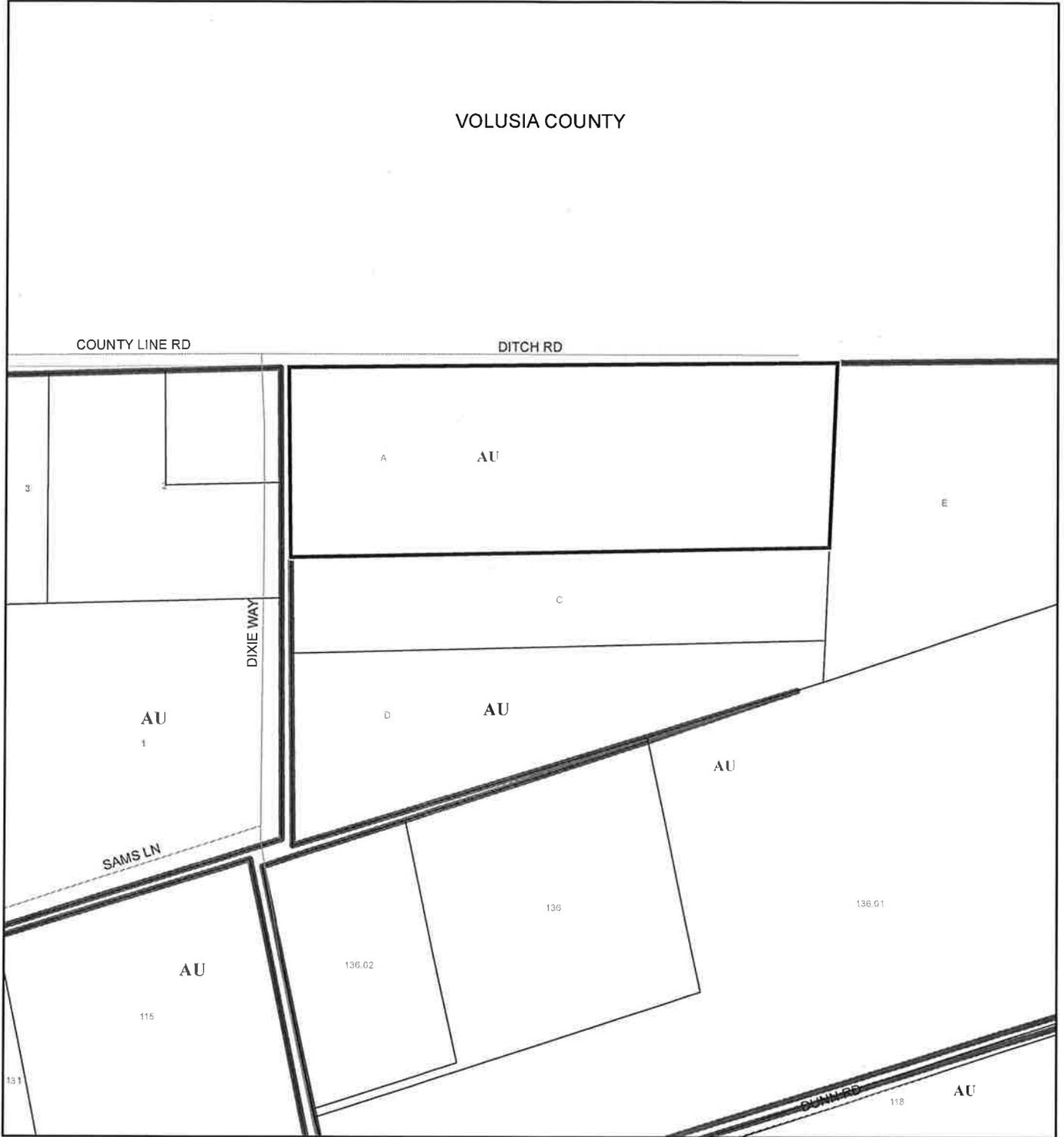
Produced by BoCC - GIS Date: 12/18/2018

- Buffer
- Subject Property

ZONING MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00154

VOLUSIA COUNTY



1:4,800 or 1 inch = 400 feet

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-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

THOMAS, JOSEPH BRANDON AND NIKKI

18PZ00154



1:4,800 or 1 inch = 400 feet

— Subject Property

□ Parcels

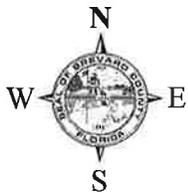
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AERIAL MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00154

VOLUSIA COUNTY



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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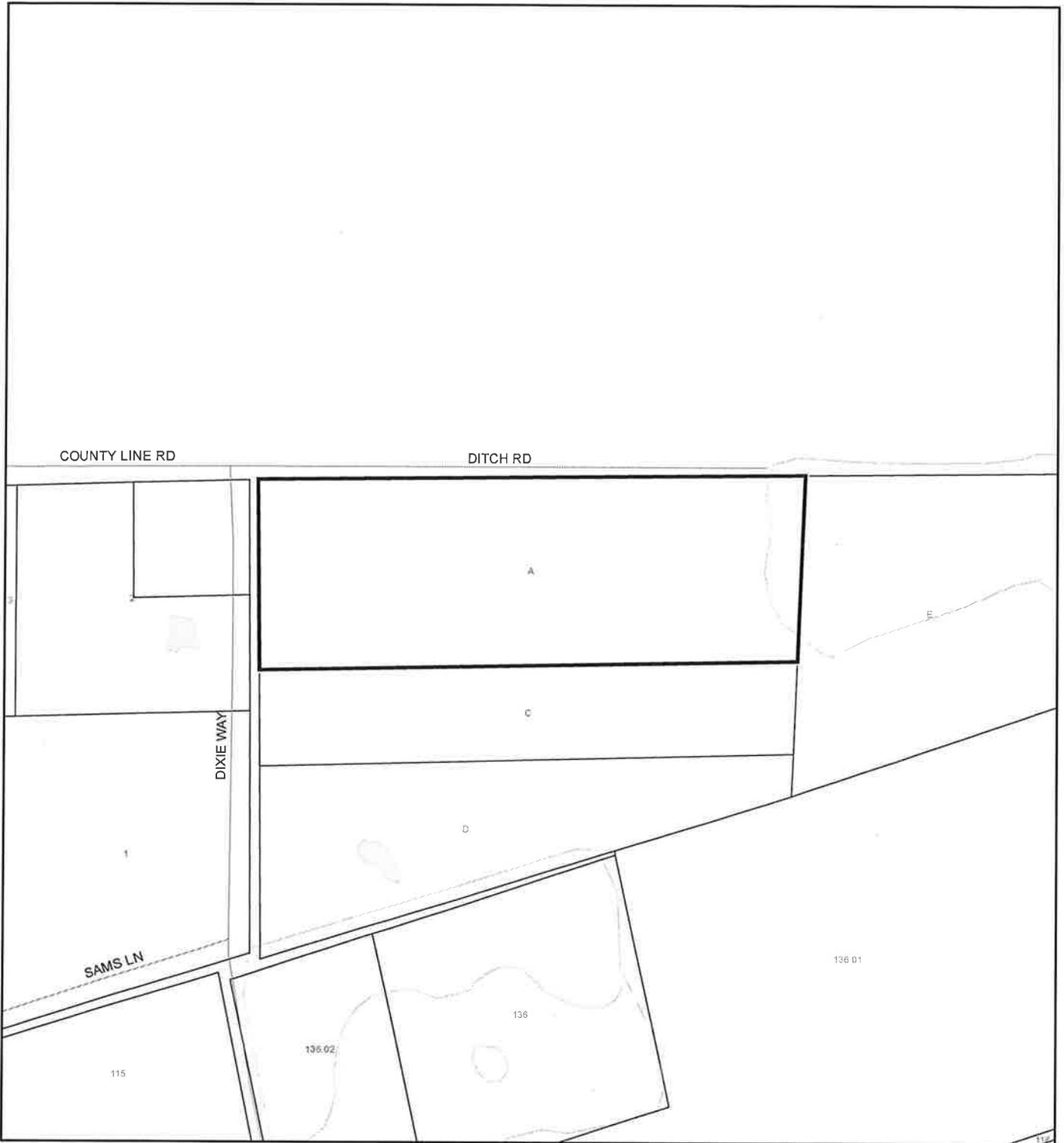
— Subject Property

▭ Parcels

NWI WETLANDS MAP

THOMAS, JOSEPH BRANDON AND NIKKI

18PZ00154



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/18/2018

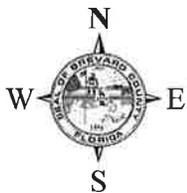
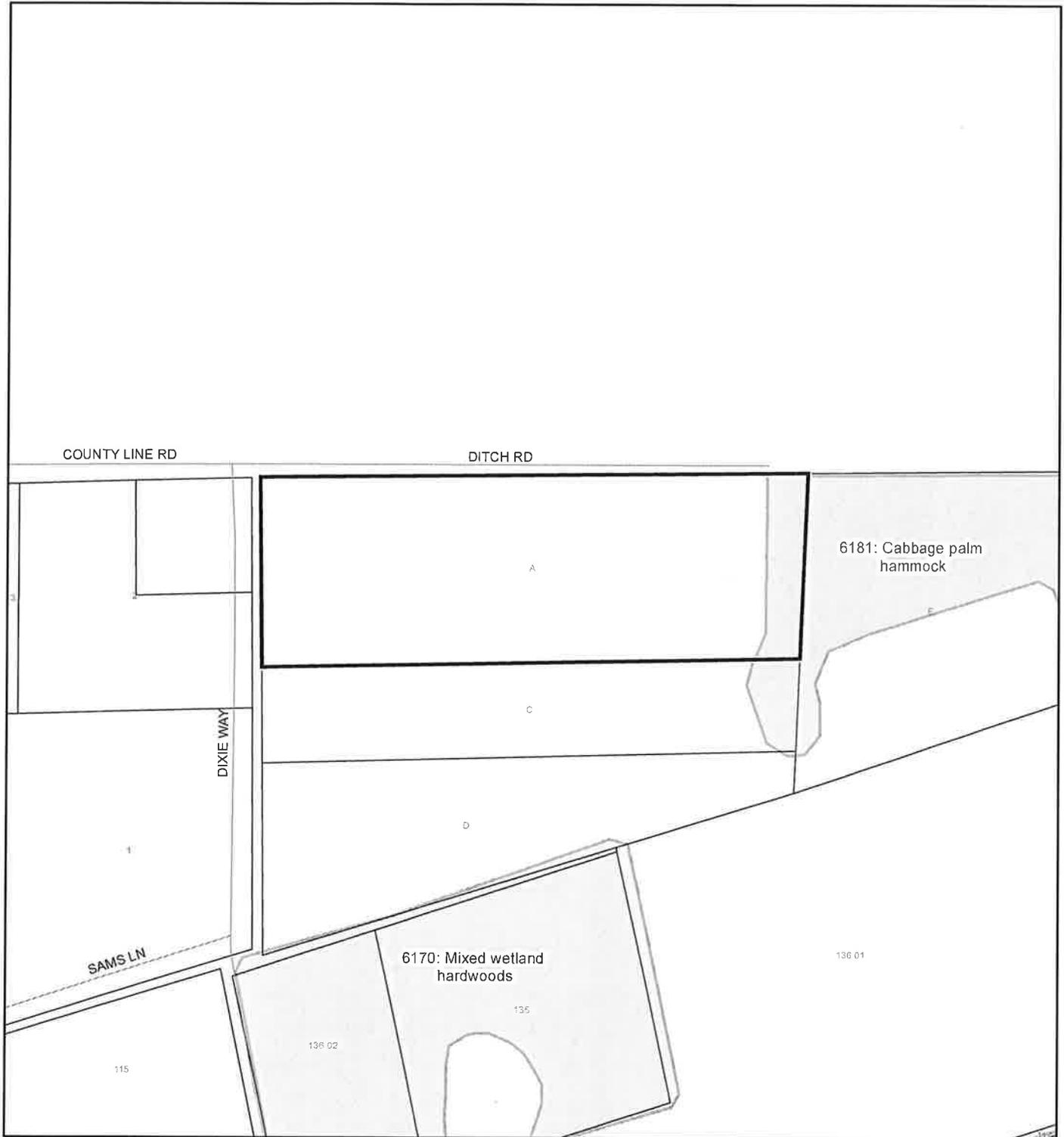
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

THOMAS, JOSEPH BRANDON AND NIKKI

18PZ00154



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/18/2018

SJRWMD FLUCCS WETLANDS

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

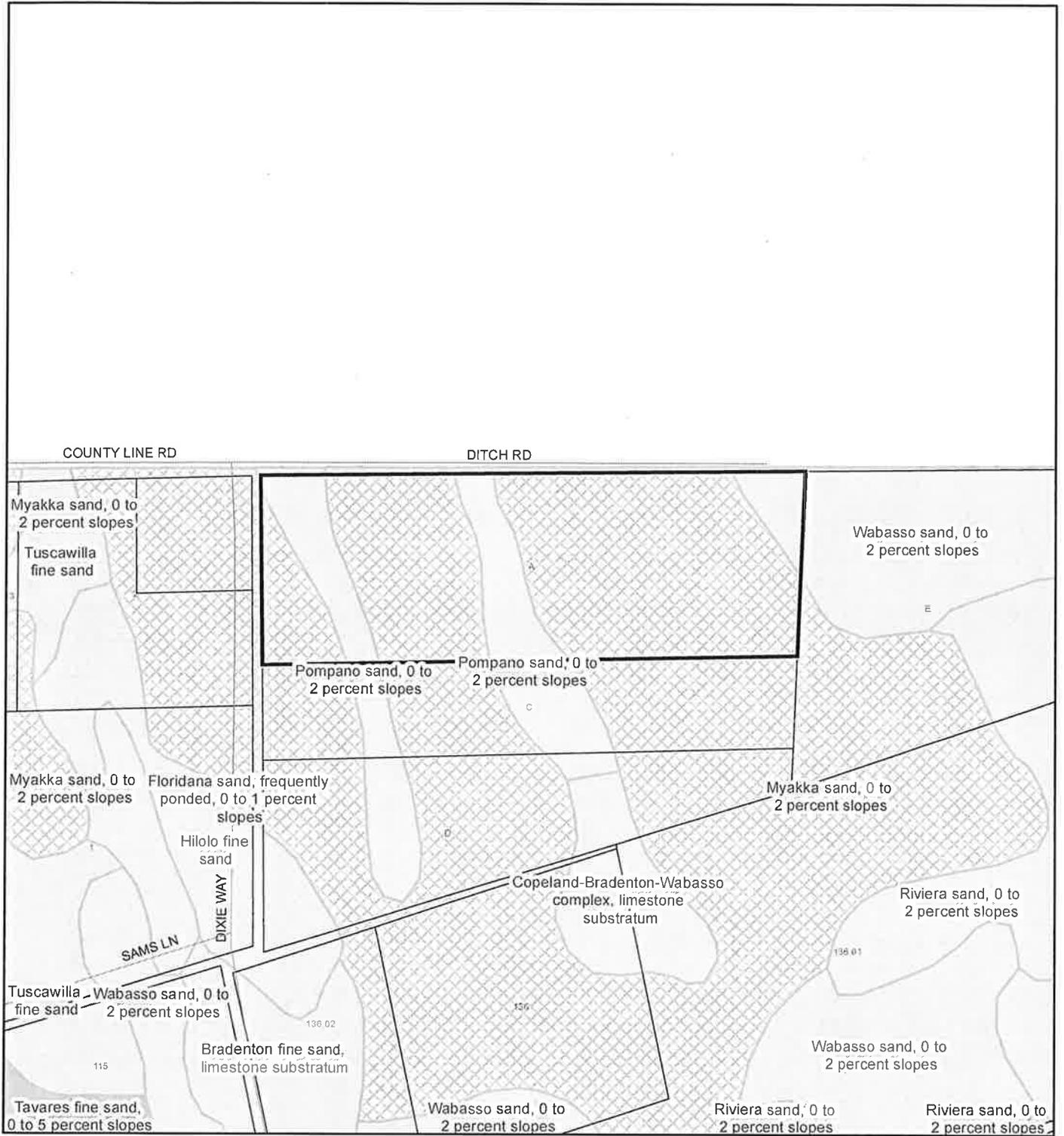
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

THOMAS, JOSEPH BRANDON AND NIKKI

18PZ00154



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  Subject Property
-  Parcels

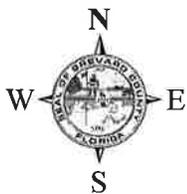
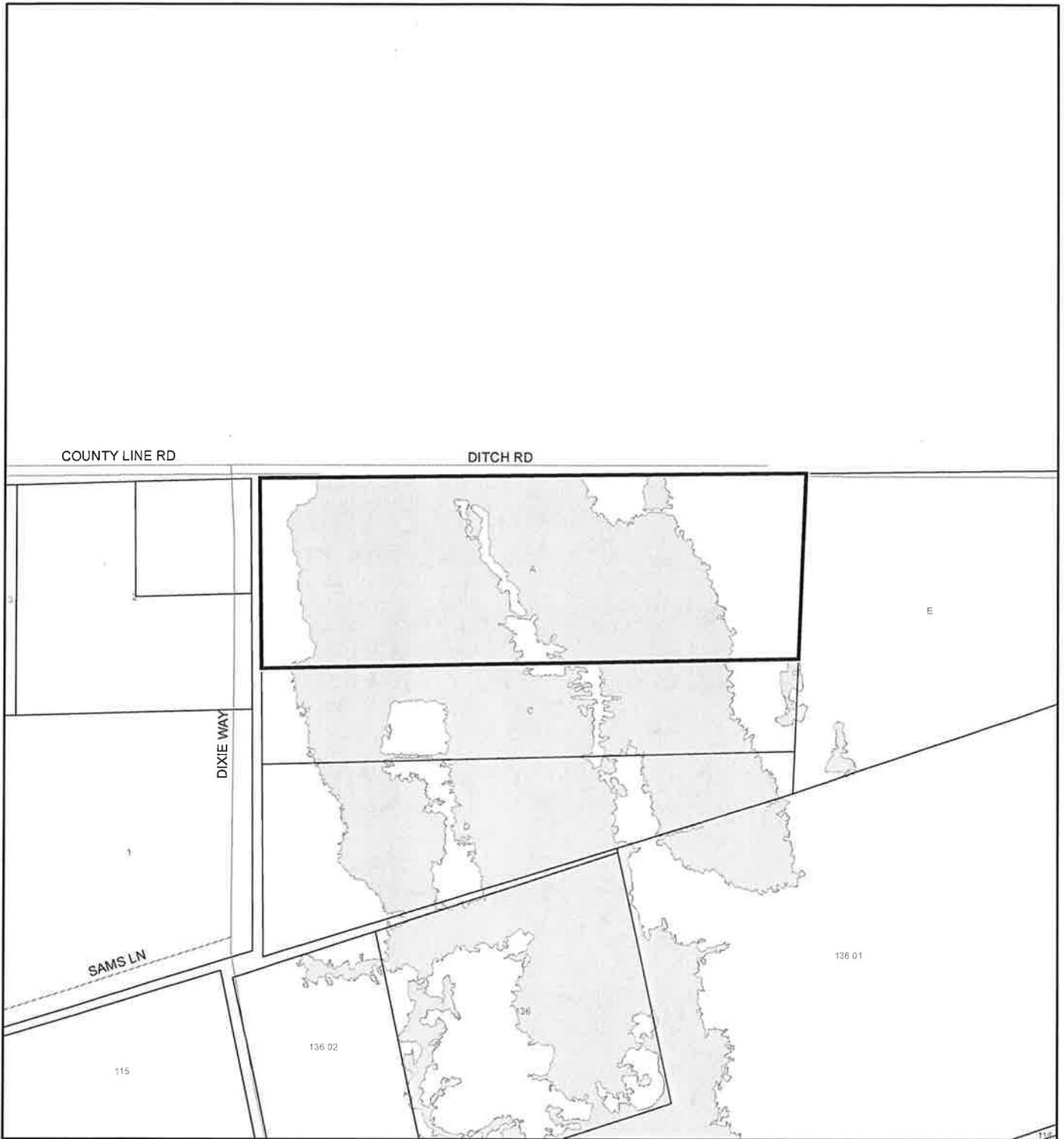
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/18/2018

FEMA FLOOD ZONES MAP

THOMAS, JOSEPH BRANDON AND NIKKI

18PZ00154



1:4,800 or 1 inch = 400 feet

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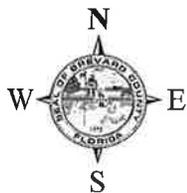
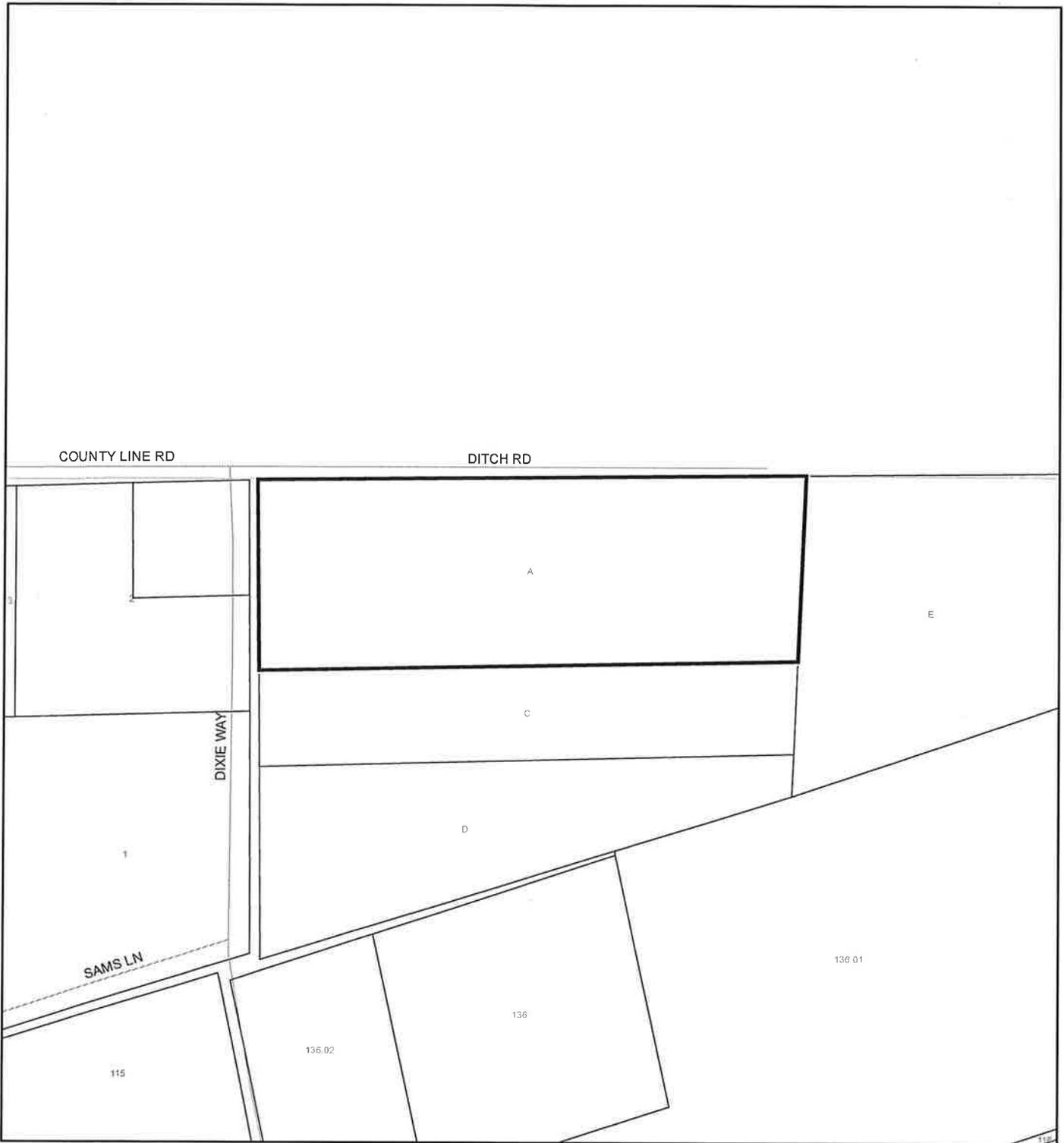
Produced by BoCC - GIS Date: 12/18/2018

FEMA Flood Zones

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

EAGLE NESTS MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00154



1:4,800 or 1 inch = 400 feet

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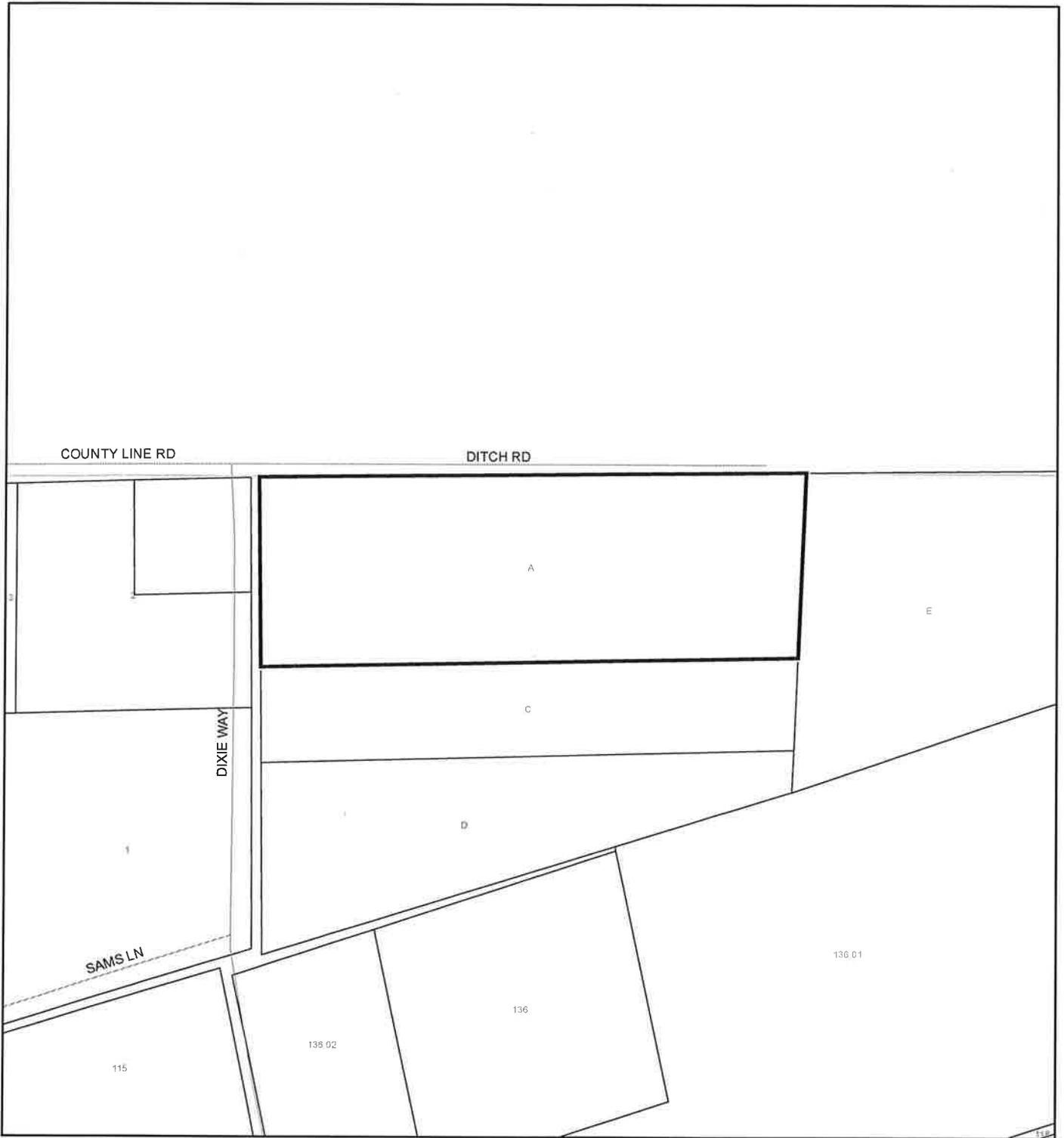
Produced by BoCC - GIS Date: 12/18/2018

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

THOMAS, JOSEPH BRANDON AND NIKKI

18PZ00154



1:4,800 or 1 inch = 400 feet

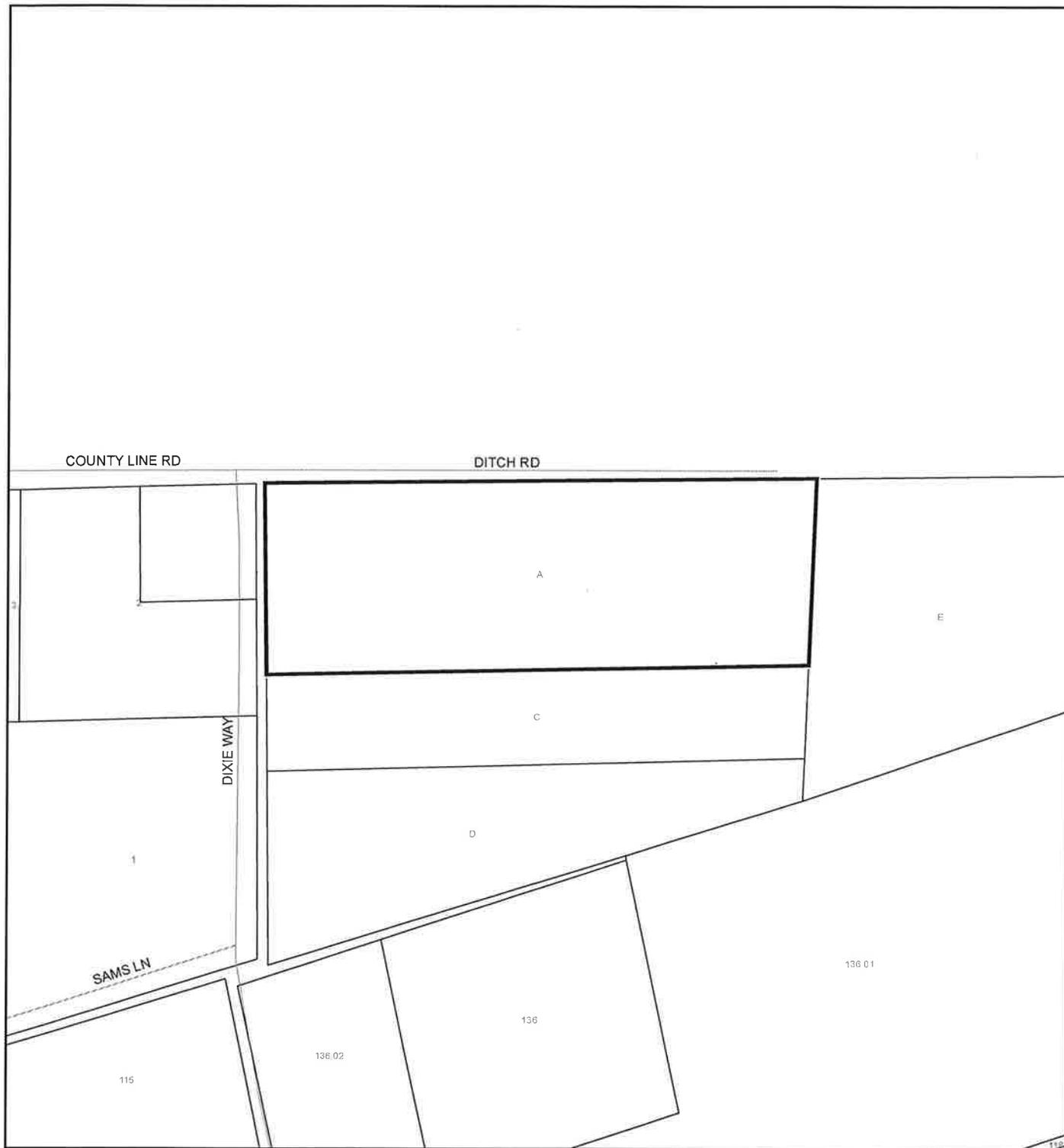
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/18/2018

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

THOMAS, JOSEPH BRANDON AND NIKKI
18PZ00154



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 12/18/2018

SJRWMD FLUCCS Upland Forests

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

 Subject Property  Parcels



School Board of Brevard County

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

December 7, 2018

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

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

Dear Mr. Ritchie,

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

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

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

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



An Equal Opportunity Employer

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

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

Projected Student Membership

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

Students Generated by Previously Issued SCADL Reservations

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

**Cumulative Students Generated by
Proposed Development**

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



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

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



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

Summary	2017-18		2018-19		2019-20		2020-21		2021-22		2022-23	
	FISH Capacity	Total Capacity Utilization										
Highest Utilization Elementary Schools:	751	97%	751	98%	751	99%	751	100%	751	100%	751	100%
Highest Utilization Middle Schools:	884	85%	884	85%	884	85%	884	85%	884	85%	884	85%
Highest Utilization Jr / Sr High Schools:	902	97%	902	97%	902	97%	902	97%	902	97%	902	97%
Highest Utilization High Schools:	747	94%	747	94%	747	94%	747	94%	747	94%	747	94%

School	Type	Grades	Utilization Factor	School Year 2017-18			School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22			School Year 2022-23		
				FISH Capacity	Membership	Total Capacity Utilization	FISH Capacity	Student Projection	Total Capacity Utilization	FISH Capacity	Student Projection	Total Capacity Utilization	FISH Capacity	Student Projection	Total Capacity Utilization	FISH Capacity	Student Projection	Total Capacity Utilization	FISH Capacity	Student Projection	Total Capacity Utilization

Elementary School Concurrency Service Areas

New Central Elementary	Elementary	K-6	100%	751	685	91%	751	692	92%	751	681	92%	751	696	94%	751	681	92%	751	681	92%
Allen	Elementary	PK-6	100%	884	753	85%	884	773	87%	884	751	85%	884	759	87%	884	751	85%	884	751	85%
Andersen	Elementary	K-6	100%	902	841	93%	902	829	92%	902	841	93%	902	829	92%	902	841	93%	902	841	93%
Apollo	Elementary	K-6	100%	747	675	90%	747	688	93%	747	675	90%	747	682	93%	747	675	90%	747	675	90%
Atlantis	Elementary	PK-6	100%	761	566	74%	761	554	73%	761	563	74%	761	545	72%	761	550	72%	761	550	72%
Audubon	Elementary	PK-6	100%	548	380	69%	548	388	70%	548	388	70%	548	374	68%	548	369	67%	548	369	67%
Cumbridge	Elementary	PK-6	100%	765	670	88%	765	679	89%	765	679	89%	765	679	90%	765	679	90%	765	679	90%
Cape View	Elementary	PK-6	100%	751	652	87%	751	652	87%	751	652	87%	751	652	87%	751	652	87%	751	652	87%
Carroll	Elementary	K-6	100%	573	551	96%	573	551	96%	573	551	96%	573	551	96%	573	551	96%	573	551	96%
Challenger 7	Elementary	PK-6	100%	751	514	68%	751	467	62%	751	438	58%	751	458	61%	751	458	61%	751	458	61%
Colombia	Elementary	PK-6	100%	693	693	100%	693	693	100%	693	693	100%	693	693	100%	693	693	100%	693	693	100%
Covina	Elementary	PK-6	100%	1,154	888	77%	1,154	905	78%	1,154	894	77%	1,154	912	79%	1,154	894	77%	1,154	894	77%
Crest	Elementary	PK-6	100%	795	578	73%	795	553	70%	795	562	71%	795	548	69%	795	548	69%	795	548	69%
Discovery	Elementary	PK-6	100%	980	980	100%	980	980	100%	980	980	100%	980	980	100%	980	980	100%	980	980	100%
Endavour	Elementary	PK-6	100%	990	817	83%	990	739	75%	990	773	78%	990	789	80%	990	781	79%	990	789	80%
Enterprise	Elementary	PK-6	100%	729	560	77%	729	565	77%	729	565	77%	729	549	75%	729	552	76%	729	552	76%
Enterprise	Elementary	PK-6	100%	711	439	62%	711	439	62%	711	439	62%	711	414	58%	711	385	54%	711	385	54%
Gannett	Elementary	PK-6	100%	777	588	76%	777	570	73%	777	570	73%	777	566	72%	777	566	72%	777	566	72%
Harbor City	Elementary	PK-6	100%	629	391	62%	629	386	61%	629	386	61%	629	386	61%	629	386	61%	629	386	61%
Holland	Elementary	PK-6	100%	605	485	80%	605	485	80%	605	485	80%	605	485	80%	605	485	80%	605	485	80%
Imperial Estates	Elementary	PK-6	100%	930	755	81%	930	719	77%	930	719	77%	930	700	75%	930	690	74%	930	690	74%
Inchicawin	Elementary	PK-6	100%	892	743	83%	892	695	78%	892	670	75%	892	671	75%	892	671	75%	892	671	75%
Jupiter	Elementary	PK-6	100%	790	614	78%	790	606	77%	790	606	77%	790	606	77%	790	606	77%	790	606	77%
Longleaf	Elementary	PK-6	100%	954	914	96%	954	923	97%	954	923	97%	954	907	95%	954	907	95%	954	907	95%
Manatee	Elementary	PK-6	100%	1,114	1,002	90%	1,114	953	85%	1,114	927	83%	1,114	905	81%	1,114	894	80%	1,114	894	80%
McAvoy	Elementary	PK-6	100%	824	749	91%	824	658	79%	824	658	79%	824	658	79%	824	658	79%	824	658	79%
Meadowlane Intermediate	Elementary	3-6	100%	707	494	70%	707	489	69%	707	482	68%	707	474	67%	707	470	66%	707	469	66%
Meadowlane Primary	Elementary	PK-6	100%	725	510	70%	725	399	55%	725	405	56%	725	422	58%	725	422	58%	725	422	58%
Mills	Elementary	PK-6	100%	972	892	92%	972	776	80%	972	766	79%	972	766	79%	972	766	79%	972	766	79%
Oak Park	Elementary	PK-6	100%	654	527	81%	654	503	77%	654	503	77%	654	503	77%	654	503	77%	654	503	77%
Ocean Breeze	Elementary	PK-6	100%	1,005	632	63%	1,005	604	60%	1,005	574	57%	1,005	558	56%	1,005	547	54%	1,005	547	54%
Palm Bay	Elementary	PK-6	100%	573	503	88%	573	486	85%	573	486	85%	573	486	85%	573	486	85%	573	486	85%
Pinewood	Elementary	PK-6	100%	852	729	86%	852	657	77%	852	657	77%	852	621	73%	852	619	72%	852	619	72%
Port Malabar	Elementary	PK-6	100%	1,038	1,000	96%	1,038	976	94%	1,038	976	94%	1,038	976	94%	1,038	976	94%	1,038	976	94%
Quest	Elementary	PK-6	100%	777	681	89%	777	648	83%	777	648	83%	777	637	82%	777	637	82%	777	637	82%
Rivera	Elementary	PK-6	100%	599	390	65%	599	389	65%	599	389	65%	599	389	65%	599	389	65%	599	389	65%
Roosevelt	Elementary	PK-6	100%	765	544	71%	765	548	72%	765	548	72%	765	548	72%	765	548	72%	765	548	72%
Sabal	Elementary	PK-6	100%	461	317	69%	461	306	66%	461	306	66%	461	306	66%	461	306	66%	461	306	66%
Sea Park	Elementary	PK-6	100%	609	460	76%	609	442	73%	609	442	73%	609	442	73%	609	442	73%	609	442	73%
Shawnee	Elementary	PK-6	100%	529	485	92%	529	485	92%	529	485	92%	529	485	92%	529	485	92%	529	485	92%
South Lake	Elementary	PK-6	100%	917	838	91%	917	813	89%	917	813	89%	917	813	89%	917	813	89%	917	813	89%
Sunrise	Elementary	PK-6	100%	755	688	91%	755	675	90%	755	675	90%	755	675	90%	755	675	90%	755	675	90%
Surfside	Elementary	PK-6	100%	549	455	83%	549	467	85%	549	467	85%	549	474	86%	549	474	86%	549	474	86%
Tropical	Elementary	PK-6	100%	910	799	88%	910	728	80%	910	728	80%	910	728	80%	910	728	80%	910	728	80%
Turner	Elementary	PK-6	100%	874	697	80%	874	538	62%	874	518	59%	874	507	58%	874	507	58%	874	507	58%
University Park	Elementary	PK-6	100%	811	514	63%	811	451	56%	811	468	58%	811	489	60%	811	489	60%	811	489	60%
Westside	Elementary	PK-6	100%	857	733	86%	857	625	73%	857	625	73%	857	572	67%	857	572	67%	857	572	67%
Williams	Elementary	PK-6	100%	715	564	79%	715	548	76%	715	541	76%	715	541	76%	715	541	76%	715	541	76%
Elementary Totals				41,936	33,021	78%	42,134	33,402	79%	43,070	33,825	79%	43,224	34,222	79%	43,444	34,668	79%	43,444	34,668	79%

Middle School Concurrency Service Areas																		
	7-8	90%	1,525	1,121	74%	1,525	1,186	78%	1,525	1,264	83%	1,525	1,329	87%	1,525	82%	1,170	77%
Central	Middle	90%	941	801	85%	941	870	92%	941	940	100%	941	991	106%	941	93%	1,000	106%
Delavra	Middle	90%	659	533	81%	659	479	73%	659	487	74%	659	485	74%	659	73%	659	100%
Howler	Middle	90%	654	548	84%	654	540	83%	654	562	86%	654	661	101%	654	101%	713	109%
Jackson	Middle	90%	854	639	75%	854	644	75%	854	662	78%	854	639	75%	854	75%	854	100%
Johnson	Middle	90%	1,000	803	80%	1,000	788	79%	1,000	770	77%	1,000	809	81%	1,000	81%	1,000	100%
Johnson	Middle	90%	813	682	84%	813	722	89%	813	722	89%	813	797	98%	813	98%	872	107%
Kennedy	Middle	90%	743	460	62%	743	472	64%	743	518	70%	743	531	71%	743	71%	743	100%
Marionson	Middle	90%	611	396	65%	611	419	69%	611	438	72%	611	439	72%	611	72%	611	100%
McNair	Middle	90%	1,177	842	72%	1,177	881	75%	1,177	881	75%	1,177	984	84%	1,177	84%	1,177	100%
Southwest	Middle	90%	1,013	822	81%	1,013	827	82%	1,013	830	82%	1,013	959	95%	1,013	95%	1,177	116%
Storie	Middle	90%	9,990	7,627	76%	9,990	7,600	76%	9,990	8,084	81%	9,990	8,622	86%	9,990	86%	10,167	102%
Middle Totals																		

Junior / Senior High School Concurrency Service Areas																		
	PK, 7-12	90%	1,782	1,599	90%	1,782	1,639	92%	1,782	1,734	97%	1,782	1,813	102%	1,782	102%	2,052	115%
Cocoa	Jr / Sr High	90%	1,466	1,004	68%	1,466	982	67%	1,466	963	66%	1,466	947	65%	1,466	65%	1,466	100%
Cocoa Beach	PK, 7-12	90%	1,812	1,597	88%	1,812	1,597	88%	1,812	1,595	88%	1,812	1,665	92%	1,812	92%	1,466	81%
Seaside Coast	Jr / Sr High	90%	5,060	4,200	83%	5,060	4,218	83%	5,060	4,282	85%	5,060	4,365	86%	5,060	86%	5,330	105%
Jr / Sr High Totals																		

Senior High School Concurrency Service Areas																		
	9-12	95%	1,446	1,070	74%	1,446	1,056	73%	1,446	1,073	74%	1,446	1,121	78%	1,446	78%	1,446	100%
Astronaut	High	95%	2,235	1,637	73%	2,235	1,696	76%	2,235	1,607	72%	2,235	1,563	70%	2,235	70%	2,235	100%
Boyside	High	95%	2,314	1,721	74%	2,314	1,721	74%	2,314	1,775	77%	2,314	1,708	74%	2,314	74%	2,209	95%
Eau Gallie	High	95%	2,356	2,117	90%	2,356	2,159	92%	2,356	2,288	97%	2,356	2,206	94%	2,356	94%	2,356	100%
Heritage	High	95%	1,915	1,569	82%	1,915	1,532	80%	1,915	1,537	80%	1,915	1,544	81%	1,915	81%	1,915	100%
Melbourne	High	95%	2,613	1,567	60%	2,613	1,629	62%	2,613	1,685	64%	2,613	1,645	63%	2,613	63%	2,613	100%
North Bay	High	95%	1,688	1,537	91%	1,688	1,577	93%	1,688	1,547	92%	1,688	1,543	91%	1,688	91%	1,688	100%
Orlando	High	95%	1,516	1,335	88%	1,516	1,329	88%	1,516	1,339	89%	1,516	1,375	91%	1,516	91%	1,516	100%
Riverview	High	95%	1,872	1,412	75%	1,872	1,440	77%	1,872	1,440	77%	1,872	1,427	76%	1,872	76%	1,872	100%
Satellite	High	95%	2,277	2,109	93%	2,277	2,191	96%	2,277	2,204	97%	2,277	2,237	98%	2,277	98%	2,277	100%
Titusville	High	95%	22,442	17,950	80%	22,442	18,003	80%	22,442	18,160	81%	22,442	18,125	81%	22,442	81%	22,442	100%
Viera	High	95%	83,392	66,650	80%	83,392	66,322	80%	83,392	67,318	81%	83,392	68,317	81%	83,392	81%	83,392	100%
High Totals																		

Schools of Choice (Not Concurrency Service Areas)																		
	K-6	100%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	87%	414	87%
Freedom 7	Elementary	100%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	89%	508	86%
Sheldon	Elementary	100%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	89%	552	89%
West Melbourne	Elementary	100%	1,072	943	88%	1,072	950	89%	1,072	950	89%	1,072	950	89%	1,072	89%	950	88%
Edgewood	Jr / Sr High	90%	1,264	955	76%	1,264	955	76%	1,264	955	76%	1,264	955	76%	1,264	76%	955	75%
West Shore	Jr / Sr High	90%	3,998	3,351	84%	3,998	3,380	85%	3,998	3,380	85%	3,998	3,380	85%	3,998	85%	3,380	84%
Schools of Choice																		
Brevard Totals																		

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

Sec. 62-1336. - Rural residential, RR-1.

The RR-1 rural residential zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings, and at the same time permits uses which are conducted in such a way as to minimize possible incompatibility with residential development.

(1) *Permitted uses.*

a. Permitted uses are as follows:

One single-family dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).(3) *Conditional uses.* Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Farm animals and fowl.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Residential/recreational marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

(4) *Minimum lot size.* An area of not less than one acre is required, having a width of not less than 125 feet and a depth of not less than 125 feet.

(5) *Setbacks.*

- a. Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.
- b. Accessory buildings shall be located to the rear of the front building line of the principal building, and shall be set back not less than 15 feet from the side and rear lot lines.
- c. Setbacks for barns and stalls are as follows:
 1. *Front:* 125 feet from the front lot line.
 2. *Side:* 50 feet from the side lot line.
 3. *Rear:* 50 feet from the rear lot line.
 4. Stalls or barns for housing horses shall not be permitted within 100 feet of any existing residence under different ownership.

(6) *Minimum floor area.* Minimum floor area is 1,200 square feet of living area.

(7) *Maximum height of structures.* Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(F); Ord. No. 95-47, §§ 12, 13, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 12, 13, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2002-49, § 8, 9-17-02; Ord. No. 02-64, § 1, 12-17-02; Ord. No. 2003-03, § 9, 1-14-03; Ord. No. 04-29, § 9, 8-5-04; Ord. No. 2004-52, § 7, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 12, 12-6-07; Ord. No. 2010-22, § 11, 11-23-10; Ord. No. 2014-30, § 3, 10-2-14)

Sec. 62-1334. - Agricultural residential, AU and AU(L).

The AU agricultural residential zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character.

The classification is divided into two types, AU and AU(L). The AU is the standard agricultural residential classification, while the AU(L) is a low intensity sub-classification more suited to smaller lots where the neighborhood has a more residential than agricultural character.

(1) *Permitted uses.*

a. 1. Permitted uses within the AU classification are as follows:

Single-family detached residential dwelling.

All agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises as provided in chapter 86, article IV.

Raising and grazing of animals.

Dude ranches, with a minimum area of 40 acres. Barns or stables shall be 200 feet from any property line.

Fowl raising and beekeeping.

Parks and public recreational facilities.

Plant nurseries.

Private golf courses.

Private camps.

Foster homes.

2. Permitted uses within the AU(L) sub-classification are as follows:

Single-family detached residential dwelling.

Agricultural pursuits of a personal non-commercial nature.

Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted in section 62-2108.

Boarding of horses and horses for hire (section 62-1913).

Captive wildlife (section 62-1958).

Change of nonconforming agricultural use.

Composting facility.

Farmers' market (section 62-1929).

Guesthouses or servants' quarters, without kitchen facilities (section 62-1932).

Hog farms (section 62-1934).

Land alteration (over five acres) (section 62-1936).

Private heliports (section 62-1943.5).

Roadside stand (section 62-1945.5).

Security mobile homes.

Single-family residential second kitchen facility.

Skateboard ramps (section 62-1948).

Substantial expansion of a preexisting use (section 62-1949.7).

Veterinary hospital, office or clinic, pet kennels (section 62-1956).

Wireless telecommunication facilities and broadcast towers.

Zoological parks (section 62-1960).

(4) *Minimum lot size.* An area of not less than two and one-half acres is required, having a minimum width of 150 feet and a minimum depth of 150 feet.

(5) *Setbacks.*

a. Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

b.

Parks and public recreational facilities.

Foster homes.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Fish camps (section 62-1835.4.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Landscaping business (section 62-1837).

Mobile home residential dwelling (section 62-1837.7.5).

Power substations, telephone exchanges and transmission facilities (section 62-1839).

Preexisting use (section 62-1839.7).

Private parks and playgrounds (section 62-1840).

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile homes (section 62-1843).

Tenant dwellings: One unit is permitted for each five acres of land under the same ownership. Tenant dwellings must be 100 feet from property of different ownership (section 62-1842.5).

Tiny house or a THOW.

- (2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential and agricultural uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

- (3) *Conditional uses.* Conditional uses are as follows:

Airplane runways (section 62-1905).

Bed and breakfast inns (section 62-1912).

Accessory buildings shall be located to the rear of the front building line of the principal building and shall be set back not less than 15 feet from the side lot lines and not less than 15 feet from the rear lot lines.

c. Setbacks for barns and stalls are as follows:

1. *Front*: 125 feet from the front lot line.
2. *Side*: 50 feet from the side lot line.
3. *Rear*: 50 feet from the rear lot line.

(6) *Minimum floor area*. Minimum floor area is 750 square feet of living area.

(7) *Maximum height of structures*. Maximum height of structures is as follows:

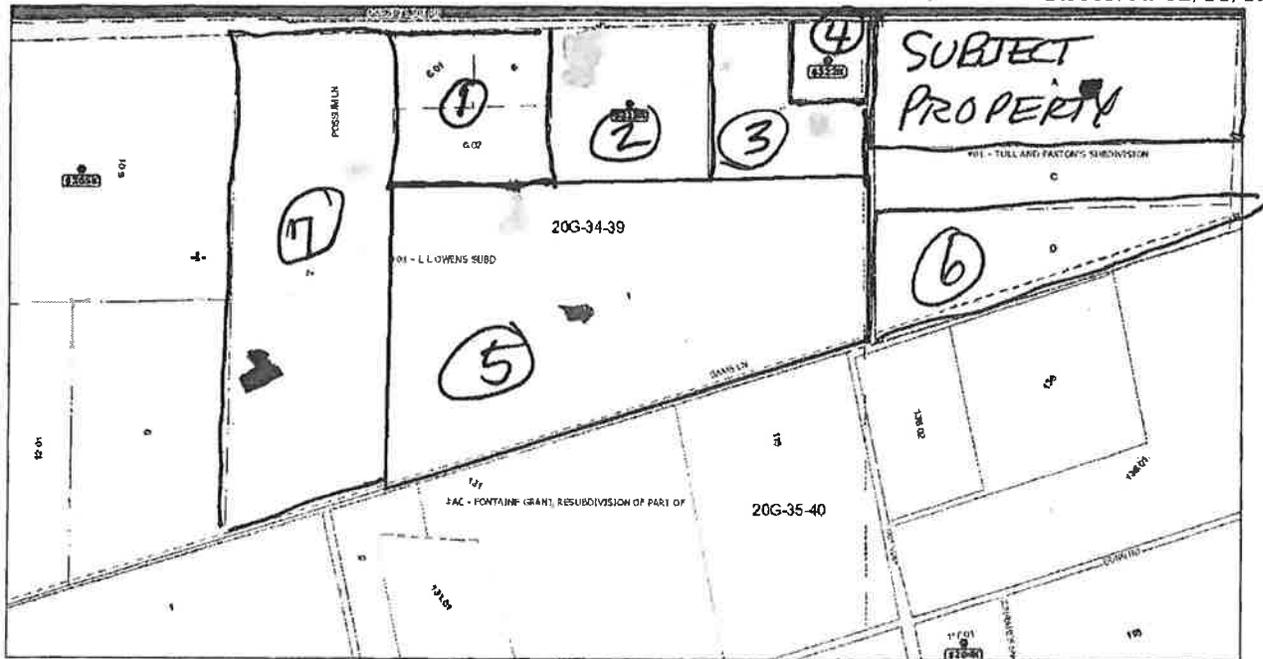
- a. Residential structures: 35 feet.
- b. Structures accessory to an agricultural use: 45 feet.

(Code 1979, § 14-20.08(D); Ord. No. 95-47, §§ 8, 9, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 95-51, § 3, 10-19-95; Ord. No. 96-16, §§ 8, 9, 3-28-96; Ord. No. 96-46, § 10, 10-22-96; Ord. No. 97-29, § 2, 8-12-97; Ord. No. 97-46, § 1, 12-2-97; Ord. No. 98-03, § 6, 1-29-98; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 98-11, § 3, 2-26-98; Ord. No. 98-62, § 5, 12-3-98; Ord. No. 2002-49, § 5, 9-17-02; Ord. No. 2003-03, § 6, 1-14-03; Ord. No. 03-40, § 1, 8-12-03; Ord. No. 04-29, § 6, 8-5-04; Ord. No. 2004-52, § 4, 12-14-04; Ord. No. 2005-25, § 5, 5-19-05; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 9, 12-6-07; Ord. No. 2009-06, § 2(Exh. A), 2-5-09; Ord. No. 2010-22, § 10, 11-23-10; Ord. No. 2011-17, § 4, 5-26-11; Ord. No. 2013-38, § 1, 11-19-13; Ord. No. 2013-38, § 1, 11-19-13; Ord. No. 2014-30, § 3, 10-2-14; Ord. No. 2018-27, § 7, 12-4-18)

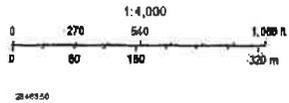
Editor's note— Ord. No. 2013-38, § 1, adopted November 19, 2013, amended § 62-1334 to read as set out herein. Previously § 62-1334 was titled agricultural residential, AU and AU(L).

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

Brevard County Property Appraiser



February 11, 2019



For illustration only. Make a survey. Map lines may not precisely align. © BCPAO 2019

- ① Timothy and Susan Barnes (letter)
- ② Roy and Brandie Harrell (letter)
- ③ Ken and Sheri Plante (letter)
- ④ Thomas and Kristi Floyd (letter)
- ⑤ David Laney and Cheryl Barnes (in person)
- ⑥ Andrew Graham
- ⑦ Jim and Nancy Stephenson (in person)

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

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

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

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

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

Timothy and Susan Barnes

4720 Sugartown St.

Port St John, FL 32927

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

February 11th 2019

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

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

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

Thank you

Brandie Harrell
Roy Harrell

located at 3781 County Line Ditch Rd
Mims FC 32754.

Kenneth and Sheri Plante
6710 Dixie Way
Mims, Fl
32754

February 11, 2019

To whom it may concern:

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

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

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

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

Sincerely,


Kenneth and Sheri Plante

Ph. (321)303-0310

February 11, 2019

To whom it may concern,

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

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

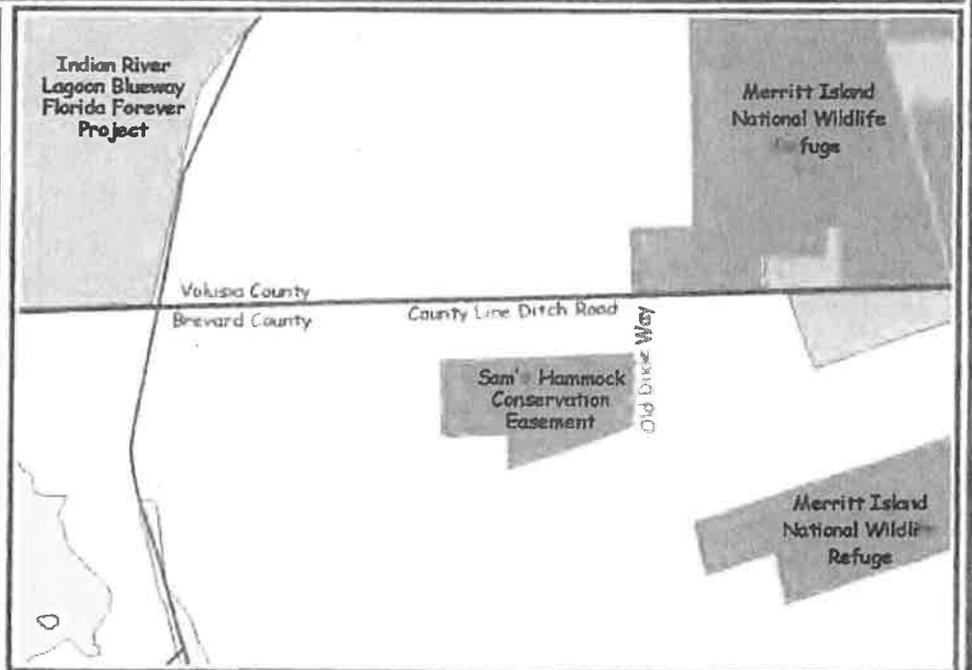
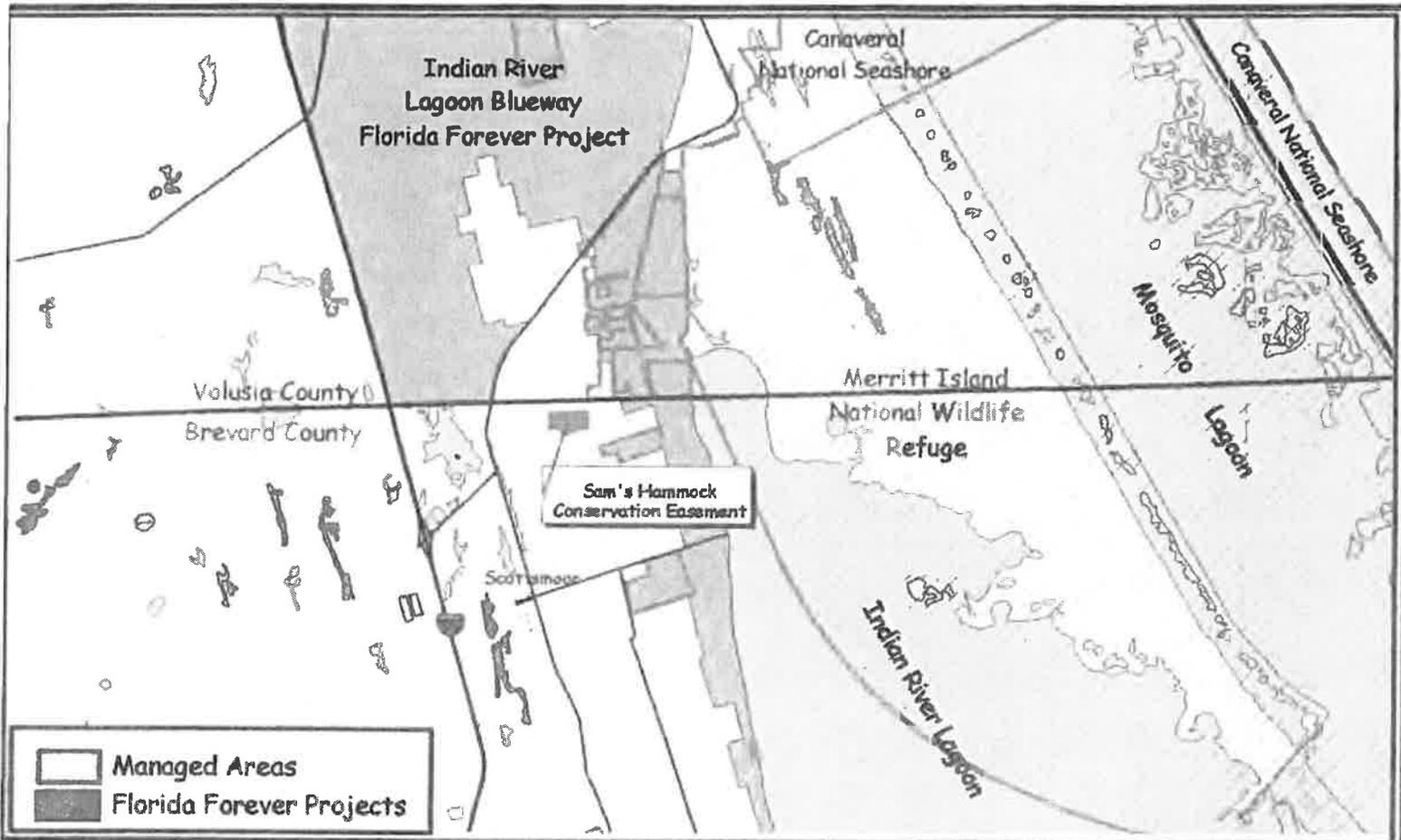
Please hear all of us when we say we want Scotsmoor to stay Agricultural, we don't want a subdivision out here.

Thanks for your time,

Sincerely,

Kristi Floyd

321-795-5480



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



SAVING THE LAST GREAT PLACES ON EARTH

Wendy J. Caster
 22 February 2006

In favor
18PZ00153
18PZ00154
Thomas

Rezoning Request for 6705 Dixie way, Mims

18PZ00153

18PZ00154

Neighbor statement:

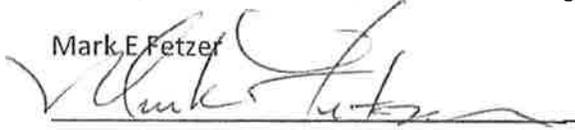
Owners: Fetzer, Mark E Trustee

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

To whom it my concern,

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

Mark E Fetzer



Rezoning Request for 6705 Dixie Way, Mims

18FZD0154

Rezoning Application

To whom it may concern

I am aware of the Rezoning request to change the total property zoning classification from Agricultural Residential A-1 with a minimum lot size of one acre to Rural Residential R-1 with a minimum lot size of one acre. I do not oppose the rezoning request.

Residence(s) Name: Stammas Antelope Stammas Antelope
Print Signature
Dixie Lane, Mims
Address

Residence(s) Name: Stammas Antelope Stammas Antelope
Print Signature
Dixie Lane, Mims
Address

Residence(s) Name: _____
Print Signature

Address

Rezoning Request for 6705 Dixie Way, Mims

18P200154

Rezoning Acknowledgment:

To whom it may concern

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

Residence(s) Name William L. Hester William L. Hester
Print Signature
6705 Dixie Way
Address

Residence(s) Name Earl F. Hester Earl F. Hester
Print Signature
6705 Dixie Way
Address

Residence(s) Name _____
Print Signature
Address

Rezoning Request for 5705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement

In whom it may concern,
I am aware of the Rezoning request to change the total property zoning classification from Agricultural Residential (AR) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the rezoning request.

Residence(s) Name: Mark & Susan Mark & Susan
Print Signature
5705 Dixie Way - Mims, FL 32754
Address

Residence(s) Name: Gary Gray Gary Gray
Print Signature
5705 Dixie Way - Mims, FL 32754
Address

Residence(s) Name: Carla Gray Carla Gray
Print Signature
5705 Dixie Way - Mims, FL 32754
Address

Rezoning Request for 5705 Dixie Way, Mirms

18PZ00154

APPLICANT: [Faint text]

PROJECT NAME: [Faint text]

PROPOSED: [Faint text]

REFERENCE: [Faint text]

[Handwritten lines and notes]

REFERENCE NAME

5705 Dixie Way 5705 Dixie Way
5705 Dixie Way 5705 Dixie Way

RESIDENT NAME

5705 Dixie Way 5705 Dixie Way
5705 Dixie Way 5705 Dixie Way

Rezoning Request for 6705 Dixie Way, Mims

18PZ00144

Reason for Acknowledgement

To whom it may concern

I am aware of the Rezoning request to change the lot and property zoning at location from Agricultural Residential (AR1) with a minimum lot size of 2.5 acres to Residential (RP 3) with a minimum lot size of 2.0 acre. I do not oppose the rezoning request.

Residential Name: Walter Krampe Walter Krampe
Address: 6705 Dixie Way, Mims, FL 32754

Residential Name: Mona Krampe Mona Krampe
Address: 6705 Dixie Way, Mims, FL 32754

Residential Name: Hatherine Krampe Hatherine Krampe
Address: 6705 Dixie Way, Mims, FL 32754

Rezoning Request for 6705 Dixie Way, Mims

18P700144

Rezoning Acknowledgement

To: APTC 2014-01-01

I am aware of the Rezoning request to change the land property, 6705 Dixie Way, Mims, FL, from Agricultural Residential A-1 with a minimum lot size of 3 acres to Rule 20, Section 20.01, A-1 with a minimum lot size of one acre. Do you oppose the rezoning request?

Residence 1 Name: John G. Krampert [Signature]
6065 Dixie Way, Mims, FL
Address

Residence 2 Name: Arsuko M. Krampert [Signature]
6065 Dixie Way, Mims, FL
Address

Residence 3 Name: _____
Address _____
Signature _____

Zoning Request for 6705 Dixie Way, Mims

18PZ00134

Zoning Acknowledgement

To whom it may concern,

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

Residence(s) Name

Shirley Bennett

Print

Raymond Bennett

Signature

5706 Treva St

Address

Residence(s) Name

Raymond Bennett

Print

Shirley Bennett

Signature

5706 Treva St

Address

Residence(s) Name

Dwight Bennett

Print

Dwight Bennett

Signature

2838 Summers St

Address

Removal Request for CPUS Lake Way, Illinois

CPUS 154

Removal Request:

Requester's Name:

I request the removal of the following property, being class (C) (see front of CPUS 154) with a total area of 2.3 acres to CPUS. The property is (CPUS-1) with a total area of 2.3 acres. I do not oppose the removal request.

Requester's Name: Theresa Christensen Theresa Christensen
6000 US-1 St. Louis, MO 63114

Requester's Name: Chance Parker Chance Parker
4300 April Lane Minneapolis, MN 55424

Requester's Name: Samantha Parsons Samantha Parsons
3095 Summer Hill St. Louis, MO 63114
CPUS store manager at DONATIONS

Rezoning Request for 6705 Dixie Way, Mims

18PZ00154

Rezoning Acknowledgement

To whom it may concern:

I am aware of the Rezoning request to change the land property from its current Agricultural Residential (AR) A1 to a minimum lot size of 2 1/2 acres to Rural Residential (RR) A with a minimum lot size of one acre. I do not oppose the rezoning request.

Residence(s) Name _____
Print Signature
_____ Address

Residence(s) Name BRYAN H. HALLUM _____
Print Signature
5791 DIXIE WAY MIMS FL 32134
Address

Residence(s) Name _____
Print Signature
_____ Address

Rezoning Request for 6705 Dixie Way, Mims

18P700154

REZONING REQUEST

To the Board of Planning and Zoning

I, the undersigned, owner of the above property, hereby request that the property be rezoned from Agricultural (A-1) to Residential (R-1) with a minimum lot size of 1/2 acre. I am submitting this rezoning request.

Residence Name: John & Mary Smith John & Mary Smith
Signature
John & Mary Smith
Address

Residence Name: _____
Signature

Address

Residence Name: _____
Signature

Address

Re zoning Request for 6705 Olds Way, Milms

11P200154

Required Acknowledgments:

To the City Clerk:

I request that the zoning request to change the use of property being classified from agricultural residential (AR) with a minimum lot size of 2.5 acres to Rural Residential (RR-1) with a minimum lot size of one acre. I do not oppose the zoning request.

Requester Name: Robert E Mitchell Robert E Mitchell
Name Signature
5747 Vermont St.
Address

Requester Name: Barbara J Mitchell Barbara J Mitchell
Name Signature
5747 Vermont St.
Address

Requester Name: _____
Name

Rezoning Request for 6705 Dixie Way, Miami

18PZ00154

Rezoning Acknowledgment

Resolved in my capacity,

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

Resident(s) Name:

Diana Hyatt

Print

Diana Hyatt

Signature

4138

Sweet

Bay

Dr.

Miami

FL

32709

Address

Resident(s) Name

Resident(s) Name

Print

Receiving Request for 6705 Dixie Way, Millers

16P200154

Receiving Acknowledgement

To witness to my concern:

I am unable to do the zoning request to change the zoning property zoning classification from Agricultural (A1) with a minimum lot size of 2.5 acres to Special Residential (SR-2) with a minimum lot size of one acre. I do not oppose the zoning request.

Signature: Louise H. Hallum Louise H. Hallum
Print Signature
5875 Dixie Way Miss. E. 38754
Address

Signature: Myrtle M. Hallum Myrtle M. Hallum
Print Signature
5875 Dixie Way Miss. E. 38754
Address

Signature: Dorothy Fleming Dorothy Fleming
Print Signature
5815 Dixie Way Miss. E. 38754
Address

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) *General standards of review.*

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

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

Sec. 62-1255. - Establishment of zoning classifications and consistency with comprehensive plan.

(a) *Zoning classifications established.* Within the unincorporated areas of the county, the following zoning classifications are hereby established, such zoning classifications being created under this article or being zoning classifications incorporated by reference under this article:

- (1) Unimproved, agricultural and residential zoning classifications:
 - a. General use zoning classification, GU.
 - b. Productive agricultural zoning classification, PA.
 - c. Agricultural zoning classification, AGR.
 - d. Agricultural residential zoning classification, AU.
 - e. Rural estate use residential zoning classification, REU.
 - f. Rural residential zoning classification, RR-1.
 - g. Suburban estate residential use zoning classification, SEU.
 - h. Suburban residential zoning classification, SR.
 - i. Estate use residential zoning classifications, EU, EU-1 and EU-2.
 - j. Single-family residential zoning classifications, RU-1-13 and RU-1-11.
 - k. Single-family residential zoning classification, RU-1-9.
 - l. Single-family residential zoning classification, RU-1-7.
 - m. Single-family attached residential zoning classifications, RA-2-4, RA-2-6, RA-2-8 and RA-2-10.
 - n. Residential-professional zoning classification, RP.
- (2) Multiple-family residential zoning classifications:
 - a. Low-density multiple-family residential zoning classifications, RU-2-4, RU-2-6 and RU-2-8.
 - b. Medium-density multiple-family residential zoning classifications, RU-2-10, RU-2-12 and RU-2-15.
 - c. High-density multiple-family residential zoning classification, RU-2-30.
- (3) Mobile home residential and recreational vehicle park zoning classifications:
 - a. Rural residential mobile home zoning classifications, RRMH-1, RRMH-2.5 and RRMH-5.
 - b. Single-family mobile home zoning classifications, TR-1 and TR-1-A.
 - c. Single-family mobile home zoning classification, TR-2.
 - d. Mobile home park zoning classification, TR-3.
 - e. Single-family mobile home cooperative zoning classification, TRC-1.
 - f. Recreational vehicle park zoning classification, RVP.
- (4) Planned unit development zoning classifications:
 - a. Planned unit development zoning classification, PUD.
 - b. Residential planned unit development zoning classification, RPUD.
 - c. Tiny House planned unit development zoning classification, THPUD.
- (5) Commercial zoning classifications:
 - a. Restricted neighborhood retail commercial zoning classification, BU-1-A.
 - b. General retail commercial zoning classification, BU-1.
 - c. Retail, warehousing and wholesale commercial zoning classification, BU-2.
- (6) Tourist commercial and transient commercial zoning classifications:
 - a. General tourist commercial zoning classification, TU-1.

- b. Transient tourist commercial zoning classification, TU-2.
- (7) Industrial zoning classifications:
- a. Planned business park zoning classification, PBP.
 - b. Planned industrial park zoning classification, PIP.
 - c. Light industrial zoning classification, IU.
 - d. Heavy industrial zoning classification, IU-1.
- (8) Special zoning classifications:
- a. Environmental area zoning classification, EA.
 - b. Government managed land zoning classification, GML.
 - c. Institutional zoning classification, IN.
- (b) *Consistency of zoning classifications with comprehensive plan.* The 1988 county comprehensive plan establishes specific future land use designations, which are depicted on the future land use map within the future land use element. The future land use element also has policies and criteria which delineate how the various designations shall be applied. The zoning classifications depicted on the official zoning map of the county shall be consistent with the future land use map and the policies and criteria relating to the application of future land use designations on the future land use map.
- (1) *Future land use designations.*
- a. *Residential.* Residential uses include single-family detached, single-family attached, multiple-family, recreational vehicle park and mobile home developments.
 - 1. Residential 30:
 - A. Maximum, unless otherwise provide herein: 30 units per acre.
 - B. Merritt Island redevelopment area: Development containing a mixture of uses: 50 units per acre per policy 1.3(B)(2) of the Future Land Use Element.
 - C. Redevelopment district: 37.5 units per acre per policies 1.3(B)(1) and 11.2(F) of the Future Land Use Element.
 - D. Planned unit development: 37.5 units per acre per policy 1.3(C) of the Future Land Use Element.
 - 2. Residential 15:
 - A. Maximum, unless otherwise provide herein: 15 units per acre.
 - B. Redevelopment district: 18.75 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 18.75 units per acre per policy 1.4(E) of the Future Land Use Element.
 - 3. Residential 10:
 - A. Maximum, unless otherwise provide herein: 10 units per acre.
 - B. Redevelopment district: 12.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 12.5 units per acre per policy 1.5(E) of the Future Land Use Element.
 - 4. Residential 6:
 - A. Maximum, unless otherwise provide herein: 6 units per acre.
 - B. Redevelopment district: 7.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 7.5 units per acre per policy 1.6(D) of the Future Land Use Element.
 - 5. Residential 4:
 - A. Maximum, unless otherwise provide herein: 4 units per acre.
 - B. Redevelopment district: 5 units per acre per policy 11.2(F) of the Future Land Use Element.

- C. Planned unit development: 5 units per acre per policy 1.7(D) of the Future Land Use Element.
 - 6. Residential 2:
 - A. Maximum, unless otherwise provide herein: 2 units per acre.
 - B. Redevelopment district: 2.5 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 2.5 units per acre per policy 1.8(D) of the Future Land Use Element.
 - 7. Residential 1:
 - A. Maximum, unless otherwise provide herein: 1 unit per acre.
 - B. Redevelopment district: 1.25 units per acre per policy 11.2(F) of the Future Land Use Element.
 - C. Planned unit development: 1.25 units per acre per policy 1.9(D) of the Future Land Use Element.
 - 8. Residential 1:2.5: 1 unit per 2.5 acres.
 - b. *Neighborhood commercial*. Appropriate uses within the neighborhood commercial designation are specified in the Future Land Use Element. Residential densities shall be subject to the conditions set forth in the Future Land Use Element.
 - c. *Community commercial*. Appropriate uses within the community commercial designation are specified in the Future Land Use Element. Residential densities shall be subject to the conditions set forth in the Future Land Use Element.
 - d. *Planned industrial*. Appropriate uses within the planned industrial designation are specified in the Future Land Use Element.
 - e. *Heavy/light industrial*. Appropriate uses within the heavy/light industrial designation are specified in the Future Land Use Element.
 - f. *Agricultural*. Appropriate uses within the agricultural designation are specified in the Future Land Use Element. Residential densities shall not exceed one dwelling unit per five acres.
 - g. *Public facilities*. Appropriate uses within the public facilities designation are specified in the Future Land Use Element.
 - h. *Recreation*. Recreation uses include all public parks and recreational facilities.
 - i. *Public conservation*. Conservation land uses include lands under the ownership of the county, the St. Johns River Water Management District or other such agencies for the purpose of environmental protection and lands within the environmental area (EA) zoning classification. Residential densities shall not exceed one unit per 50 acres.
 - j. *Private conservation*. Conservation land uses include lands under private ownership and are zoned (EA) zoning classification. Residential densities shall not exceed one unit per ten acres.
 - k. *Developments of Regional Impact (DRI)*. DRI land uses include lands that have an adopted Development Order pursuant to the requirements of Chapter 380, Florida Statutes, Chapters 9J-12 and 28-24 Florida Administrative Code and applicable local ordinances.
- (2) *Consistency with future land use map*. The following table depicts where the various zoning classifications can be considered based upon the geographic delineation of future land uses on the future land use map and locational criteria defined in the policies of the future land use element of the 1988 county comprehensive plan. Where an application for a change of residential zoning classification is not consistent with the residential future land use map designation as depicted on the following table, the rezoning may be considered if the applicant limits the project to a density equal to or less than the maximum density threshold for the subject property.

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

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

BU-1, TU-1, TU-2	N	N	Y	N	N
BU-2	N	N	Y	Y**	N
PBP	N	N	Y	Y	N
PIP	N	N		Y	N
IU, IU-1	N	N		N Y	N
EA, GML	Y	Y		Y	Y

Land Use Designations	
Agric—Agriculture	NC—Neighborhood Commercial
Res 1:2.5—Residential (one unit per 2.5 acres)	CC —Community Commercial
Res 1—Residential (one unit per acre)	PI—Planned Industrial
Res 2—Residential (two units per acre)	H/L—Heavy/Light Industrial
Res 4—Residential (four units per acre)	PUB—Public Facilities
Res 6—Residential (six units per acre)	REC—Recreation
Res 10—Residential (ten units per acre)	PR CON—Private Conservation
Res 15—Residential (fifteen units per acre)	PUB CON—Public Conservation
Res 30—Residential (thirty units per acre)	
<i>Explanation of Symbols</i>	
Y—Yes, classification may be considered.	
Y*—Yes, classification may be considered, if permitted by Policy 2.13 of the Future Land Use Element.	
Y**—Yes, classification may be considered if use is transitional, per Policy 2.14 or if permitted by Policy 2.17 of the Future Land Use Element, as applicable.	
N—No, classification may not be considered.	

(Code 1979, § 14-20.07; Ord. No. 99-07, § 8, 1-28-99; Ord. No. 2000-38, § 1, 8-1-00; Ord. No. 2002-01, § 4, 1-8-02; Ord. No. 04-29, § 2, 8-5-04; Ord. No. 2018-27, § 3, 12-4-18)