



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

---

H.7.

5/7/2026

---

### Subject:

Merritt Bidco SPV, LLC (Kim Rezanka) requests a zoning classification change from AU with a BSP to RU-2-15 and RU-2-30 with removal of BSP. (25Z00054) (Tax Account 2412106) (District 2)

### Fiscal Impact:

None

### Dept/Office:

Planning & Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) with a BSP (Binding Site Plan) to RU-2-15 (Medium-Density Multiple-Family Residential) and RU-2-30 (High-Density Multiple-Family Residential) with removal of BSP (Binding Site Plan).

### Summary Explanation and Background:

The applicant is requesting to rezone the subject property from AU (Agricultural Residential) with a Binding Site Plan (BSP) to RU-2-15 (Medium-Density Multiple-Family Residential) with the removal of the BSP on an 11.24-acre parcel for the development of 222 units.

While Binding Site Plans are no longer a mechanism used by Brevard County, Section 62-1157(4), Brevard County Code of Ordinances, states that "existing binding site plans shall be treated as binding development plans insofar as they are consistent with the 1988 county comprehensive plan, as amended, and more restrictive ordinances of the county, and the plans shall continue to be binding on the applicant and his assigns, heirs and successors in title or possession of the lot, tract or parcel of land. . ."

The BSP on the property also includes the developed medical center property abutting the subject property. The BSP includes an access point on the north side of the medical center property, accessing N. Courtenay Pkwy. The second access point in the BSP is on the south side of the medical center property on Pioneer Rd. In addition, the BSP has a 50-foot-wide vegetative buffer along the northeast corner of the subject property, then south along the property line down to Pioneer Rd. The vegetative buffer includes ten (10) live oak trees, forty-three (43) slash pine trees, one-hundred eighty-one (181) Surinam cherry trees, and eighty (80) wax myrtle trees.

Additionally, there is a CUP on the subject property for a clinic and hospital in the AU zoning classification approved in 1983 under zoning action (Z-6584). These uses are no longer permitted as a conditional use within the AU zoning classification. Pursuant to Section 62-1901(d-e), any such approvals would be considered

nonconforming and would be removed should the rezoning be approved.

North of the subject parcel is one parcel, owned by Brevard County, 0.68 acres, BU-1 zoning with CC FLU designation and RU-1-11 zoning with NC FLU designation. In addition, there are four (4) parcels, approximately 0.19-0.25 acres each, developed with single-family detached dwellings in a platted subdivision, Villa de Palmas with RU-1-11 zoning and RES 6 FLU designation. South of the subject parcel is one parcel, 4.46 acres, developed with a medical facility which is owned by the applicant for this rezoning, which has AU zoning with NC FLU designation. Another parcel, across Pioneer Road, 6.62 acres, developed with an assisted living facility that has BU-1 zoning with CC FLU designation. East of the subject property are nine (9) parcels, approximately 0.18-0.26 acres each, developed with single-family detached dwellings in Raintree by the Lake, a platted subdivision, which has RU-1-11 zoning with RES 6 FLU designation. West of the subject property is N. Courtenay Pkwy., a State-maintained roadway.

Concurrency analysis associated with a rezoning application is preliminary in nature and approval of the rezoning does not vest the applicant against the application of concurrency regulation associated with future applications (site plan/subdivision plan and building permits). The section of N. Courtenay Pkwy. from Pioneer Rd. to Southern Ramps of S.R. 528 has a current Maximum Allowed Volume (MAV) utilization at 87.56% capacity, with potential utilization increasing to 93.57% with the proposed development (about 48% of remaining capacity). Brevard County Code Section 62-602 (F)(6)(b), regarding maximum capacity allotment states: “. . . a site plan or subdivision shall be allotted no more than 25 percent of the remaining capacity of a facility . . . No more than one phase shall be approved for development until 50 percent of the residential lots or units or commercial projects approved for that phase have been sold or developed.”

The applicant has supplied a Traffic Impact Study (TIS) prepared by Bowman Consulting Group and signed and sealed by a professional engineer (attached). Brevard County Public Works Traffic Engineering has reviewed this TIS and supplied comments (attached). Addendum #2, attached, summarizes these comments as it relates to this application.

The applicant has supplied a concept plan for illustrative purposes, attached. Please note that this concept plan is nonbinding and has not been reviewed for consistency with Brevard County Code.

On February 2, 2026, the applicant supplied a proposed Binding Development Plan (BDP). Proposed terms of the BDP include:

- During site plan permitting for the Property, Developer/Owner will permit and extend the west bound, right turn lane currently existing on Pioneer Road approximately three hundred (300) feet, from the turn lane's current eastern terminus, for a total length of 480 feet, to provide additional capacity for that turn lane. This turn lane will be constructed with proper authorization and permits from Brevard County and will be accepted by Brevard County for maintenance upon proper inspection. If the Property does not receive site plan approval for the intended use of an apartment complex, this condition shall become null and void.
- Developer/Owner will provide a one hundred (100) foot building setback from its east Property boundary, including 15-foot-wide landscaping buffer, disturbing the buffer only as necessary. Developer/Owner will work with NRMO to establish the buffer with similar types of plants and trees that currently exist, if the existing buffer cannot be maintained.

- Developer/Owner will maintain a fifty (50) foot landscape buffer along its north Property boundary for the land zoned RU-2-15, adjacent to the residentially developed property, preserving all protected trees.
- Developer/Owner will enter into a cross-access agreement with the adjacent Property Owner to its south, that abuts Pioneer Drive, to utilize the driveway that currently exists from the adjacent Property to Pioneer Road, to minimize traffic conflict points onto Pioneer Road.
- Developer/Owner will enter into a Proportionate Fair Share Agreement, to address traffic capacity on N. Courtenay Parkway (SR3) with the County, if SR3 is determined to be deficient at time of site plan submittal.
- Developer/Owner intends to utilize landscape buffers, to the extent allowed by County Code, for usable common open space for use of tenants.

At the prior Board of County Commissioners hearing, the applicant requested that the item be continued to the May 7, 2026, meeting to allow for a potential amendment to the application to include more area and other potential amendments. As of the date of this report, no additional materials or amended application have been submitted.

The Board may consider whether the request is consistent and compatible with the surrounding area. The Board may consider the impact of increased traffic to the surrounding area and whether measures, including the applicant's proposed BDP, would be appropriate and sufficient to mitigate potential traffic LOS impacts on the area.

On January 12, 2026, the Planning and Zoning Board heard the request, and the vote twice resulted in a 7:7 tie (one motion to recommend approval, the other to recommend denial).

On February 05, 2026, the Board of County Commissioners opened the public hearing on the request and continued the item to its April 2, 2026, Zoning meeting, with the Planning and Zoning Board to review the request at its March 16, 2026, meeting. The Board took this action because the applicant submitted new information for Board consideration that was not available to the Planning and Zoning Board, including a Traffic Impact Study (attached). Pursuant to Section 62-184(d)(2), "the applicant must submit any new evidence, not presented to the planning and zoning board, at least two weeks prior to the board of county commissioners meeting. Failure to do so may result in a continuation of the public hearing."

On March 16, 2026, the Planning and Zoning Board reheard the request, and the vote twice resulted in a 7:7 tie (one motion to recommend approval, the other to recommend denial).

On April 02, 2026, the Board of County Commissioners continued the item at the applicants request to its May 07, 2026, Zoning meeting. The applicant's stated reason for the request for continuance was because the entity "is investigating the possibility of acquiring additional property adjacent to the current proposed apartment site, is reviewing the potential of modifying the proposed number of units, and considering further modifications to access to the site and for offsite improvements." As of the date of publication of this report, County staff has not received an amendment to this application since that request (note: a separate request was made pursuant to the Live Local Act during this period).

**Clerk to the Board Instructions:**

Upon receipt of the resolution, please execute and return a copy to Planning and Development.



## Verbatim Record

### **Item H.7., Merritt Bidco SPV, LLC (Kim Rezanka) Requests a Zoning Classification Change from AU with a BSP to RU-2-15 and RU-2-30 with Removal of BSP (25Z00054) (Tax Account 2412106) (District 2) – May 7, 2026, Zoning Meeting**

Altman: Okay, we will move to H.7.

Gilliam: Item H.7., Merritt Bidco SPV, LLC, being represented by Kim Rezanka, requests a zoning classification change from AU with a BSP to RU-2-15 and RU-2-30, with removal of BSP, under application 25Z00054, located in District 2. And I'd also like to note on April 2, the Board of County Commissioners continued this Item at the applicants request to, to its May 7 meeting, which is tonight's zoning meeting. The applicant stated the reason for the request was to, for the continuance, was because the entity is investigating the possibility of acquiring additional property adjacent to the current proposed apartment site and they were reviewing potentially modifying the proposed number of units, considering further modifications to access to the site, and for off-site improvements. As of this date, the County staff has not received an amendment to the application.

Adkinson: Mr. Chair, if I may.

Altman: Yes.

Adkinson: Just for the record, I want to let everyone know that on May 7, I had an approximately 15-minute phone call with Ms. Rezanka regarding this Item. Oh, sorry, uh, yesterday, on May 7, I had approximately 15 minute phone call with Kim Rezanka regarding this Item. Yesterday.

Altman: May 6.

Adkinson: May 6.

Rezanka: Actually it was this morning.

Altman: It was this morning...

Adkinson: It was this morning. It was this morning. Yeah.

Rezanka: Don't worry, we gave that to you.

Adkinson: Yeah.

Altman: Okay.

Rezanka: All right. Good Evening Chairman, uh, members of the County Commission. Kim Rezanka, on behalf of Rangewater Development LLC with authorization from the owner Merritt Bidco SPV, LLC to file for the rezoning. Uh, because of the anticipated, um, number of speakers and almost a thousand pages in the Agenda, I'm going to ask for 30 minutes total for my team and my experts to present.

Altman: Okay, um. Um, that's, that's uh, uh, allowed under our procedures to make that request and it's required that the Board of Commissioners have the vote to grant that, so is there a motion to grant an additional 15 minutes?

Feltner: I'll make a motion to uh, give the applicant total of 30 minutes. Is that, does that include the closing and everything?

Rezanka: Yes, sir.

Feltner: Okay.

Rezanka: Rebuttal, experts, everything.

Feltner: Cause, I think we usually have a rebut, we usually have a rebuttal period of, afterward anyways.

Rezanka: Yes, sir.

Feltner: Okay, 30 minutes. That'll be my motion.

Adkinson: If that includes everything, I'll second it.

Altman: Yeah, and I guess your experts could have filled out a separate card and got time, but uh, uh one question, Um, that I'd just like to clarify, I think the, those in opposition, have they hired counsel? Have they hired an attorney? Are they here to speak? If they are, we should grant them the same request, if they need it. So, okay, there's a motion and a second for an additional 15 minutes for counsel, expert witnesses, and consultants. All in favor say Aye.

Altman, Adkinson, Feltner, Goodson: Aye.

Altman: Carries unanimously. Okay, thank you.

Rezanka: Thank you. Um, I do want to thank all of you and your staff. This has been a long process. You have fielded numerous calls, meetings, as I said, almost a 1,000 pages, and I know it's taken a lot of time, so we really do appreciate that fact that you've listened. You've listened to everyone, and um, it's it's been noted. The rezoning for residential apartments is opposed by many, including in other states in this country, from California to New York, and other countries, including Spain, India, Egypt, and Kazakhstan; the public resistance is an emotional reaction to change, a concern for the loss of vacant land that has never been developed, and the fear of the unknown. Rangewater understands this and has and will continue to work with the neighbors, the neighborhoods, FDOT, the School District, the Sheriff's Office, and others agencies to cons, construct and manage a first class luxury apartment complex. During this rezoning started, we rezoning process, we started the meeting with MIRA staff. MIRA staff at that time was supportive of this and said it was a very necessary project in this area. We had a community meeting in November and there was opposition, and from that meeting, um, Michael Oliver, the representative from Rangewater, met with several, one-on-one, to try to, to assuage them and that has resulted in the conditions in the Binding Development Plan that's in your packet. Um, speaking with staff, they have some concerns about some of those conditions, and if this is approved, we'll certainly work with staff to make sure that the Binding Development Plan meets the County Code. Rangewater accepted many of these comments and feedbacks and has substantially changed the design from where they started. It has offered the BDP, with limitations and improvements, in, including a turn lane on Pioneer to assist with the traffic at that intersection of Pioneer and State Road 3. Rangewater hired a traffic consultant to prepare a full traffic impact study, uh, the last one dated March 5, 2026, which is in your

packet. There's actually three traffic studies that were done based upon comments by staff. Usually TIS is not required, or needed until site plan; again, we have prepared the Binding Development Plan, the BDP, so everyone knows what this project's going to be about. They're going to know the units, they're going to know the, the locations, the setbacks, the buffers, things along those lines. So, it's to be transparent so everyone knows what's going to go there. It has offered a proportionate fair share contribution, if there's one necessary during the site plan process and to work with FDOT if there are improvements necessary. The BDP is to ensure that the multifamily use can co-exist with neighboring properties and not negatively impact other land uses, conditions, or neighbors. We are here tonight with the developer and experts to present evidence and to inform you of the need for the rezoning and the legal support for the rezoning. With us is Michael Oliver, the representative, Kyle Shasteen of Bowman the engineer of record, Trent Ebersole, a traffic engineer, and they will be talking during this timeframe. Uh, a brief overall, overview of the project, is a rezoning of 7.5 acres adjacent to single family homes to RU-2-15 and rezoning west on State Road 3 of 3.66 acres to RU-2-30, a total of 222 units possible. It is also seeking a removal of a 1983 Binding Site Plan for hospital and CUPs for hospital and medical clinics. So, this will remove those uses which currently according to Trina Gilliam, is the only use of this property is for a hospital and medical clinic. This property is vacant and be, and behind old 1986 medical buildings. There's a double-wide trailer located on it, um, next to the single-family subdivision. The adjacent medical offices are not maintained and were subject to a bankruptcy proceeding when Steward went out of off, went out of business. It is unkempt and underutilized property. Um, as shown on the screen and in your packet, the property sought to be rezoned to RU-2-15, is residential 15. Again, that was the intent in 1988 when the Comp Plan was adopted, when Mr. Altman, Chairman Altman sat on this very Board and adopted the Comp Plan. And that was the intent of the Comp Plan was that to be 15 units to the acre, multifamily. To the west of that is neighborhood commercial and it's in a neighborhood commercial area. There's not a single single-family home along State Road 3, from Skyline Boulevard north to State Road 528. This Res 15 and neighborhood commercial has not changed, so the Comp Plan was adopted in 1988. This is adjacent to Res, residential six, six units to the acre which are two single-family developments, but again, residential six is land use affords a transition in density between higher urbanized area and lower intensity land use. And that is what this is, this is a transitional use from single-family to commercial uses, in a commercial corridor. I provided a nine-page memorandum on April 24 of 2006, and request that be incorporated by reference into my presentation. There have been so many, uh, things stated about this project that it was necessary uh, both from the, as to what staff and the addendum stated into what, to uh, residential opponents have stated. I do want to look at one of the issues of compatibility and the surrounding uses. Um, page eight of the staff report has often been cited in emails that have come before you, um, as to Administrative Policy 3. Administrative Policy 3 requires compatibility with existing or proposed land uses to be a factor, and you shall consider, whether the proposed use would have hours of operation, lighting, et cetera, similar to other uses. This is a residential use, it is just multifamily. Whether the proposed use will cause a material reduction in value of existing lands. There's no information, there's no MAI appraiser that has said it will. Whether the proposed use is consistent with an emerging or existing pattern as determined through the analysis of historical land

patterns, actual development, and development approved. And when you look at what the staff says in its staff report as to historical land uses, it says it's not consistent with the pattern of surrounding development, which is single-family and medical facility, no it's a transition and it, but it could be considered a transition from high intensity, which it is, but it does go on to state, there is all kinds of mixed-use future land uses in this area. And then it goes on, as also, the actual development which is either or hysterical, historical or actual. And there's an assisted living facility immediately to the south, and that is at 20 beds to the acre. It is a multifamily use. Administrative Policy 4 regarding the character of the neighborhood has also been cited. Again this is a transitional area. It's got multifamily. It's got across the street, it's got single-family. It has Starbucks. It has assisted living facility. It has the bank. And it has medical use adjacent to this property. This property will not introduce traffic into the identified boundaries of these subdivisions. These people are not going to go into their subdivisions. The access is on Pioneer and State Road 3. Any statement that the character of these two neighborhoods will be materially, character of the neighborhoods will be material or adversely affected is pure speculation. The access to the property will primarily be from State Road 3, with some accessing Pioneer Road, but the residents and guests of the apartment complex would have no reason to travel into Raintree of Villa De Palma. Based on the recent development of the 10 acres of commercial land to the south of this property, the Starbucks, the assisted living facility, Space Coast Credit Union, and Twins Car Wash, this area is transitional and not primarily residential. This rezoning is supported by the MIRA staff report of December 11, 2025, which stated the requested rezoning is consistent with the County Comp Plan and the MIRA redevelopment plan. And this is definitely in the MIRA redevelopment area. This portion of Courtney Parkway exhibits a robust mixture of commercial businesses and single-family residential property. In Merritt Island, there exists a deficiency of newly constructed multi-family rental units, however, because of increased employment opportunities in the space industry, as well as the tourist industries, and other industries at Port Canaveral, individually seeking to fill those vacancies, require housing that is proximate to their work. Apartments appeal to younger individuals because of decreased maintenance, enhanced security features, amenities such as on-site fitness, and common gathering, and a sense of community. Uh, clearly, a request for development and multifamily. Also that the Merritt Island Redevelopment Agency mission statement says that they need housing to support the workforce. The MIRA Board did vote against it saying they needed more information. Because of that we got the traffic impact study uh, to assist with the information that they sought. This luxury apartment complex is a logical transition from RES-6 single-family to commercial uses and it was intended by the Comp Plan drafters back in 1988. Uh, with that I'm going to bring up Michael Oliver to discuss the specifics of the projects and the conditions. Thank you.

Oliver: Good evening, Chairman, Commissioners, staff, and members of the community. My name is Michael Oliver and I represent Rangewater Real Estate tonight. I am a Florida resident and I manage Rangewater's development platform across the State. Rangewater has developed two properties here in Brevard County, both within the Viera Community here. Across Florida, we have delivered 27 communities and more than 100 nationally. We have twice been recognized as the National Association of Homebuilders Developer of the Year. We are excited about the opportunity to develop our third community in Brevard County on this

property in Merritt Island. Tonight I'd like to focus on three points. First, as Kim mentioned, this rezoning request is consistent with the 1988 Brevard County Comprehensive Plan. Second, we have listened carefully to the surrounding neighborhood and made substantial changes and concessions to our plan in direct response to the community feedback. Those commitments are memorialized in our Binding Development Plan. Third, Brevard County's economy continues to grow rapidly around the Kennedy Space Center and Port Canaveral. Yet, as Kim mentions, and as MIRA notes, new housing options near these employment centers remains very limited. This project, project, represents more than a \$55 million dollar investment in Merritt Island and helps address that need. Over the past nine months, we have spent significant time meeting with nearby residents and addressing concerns. Many of those same concerns will be raised again tonight and I would ask the Board to consider the meaningful concessions we have already made. The property has 13 direct residential neighbors. In response to concerns about compatibility and proximity, we have committed in the Binding Development Plan, to a 100-foot setback along the eastern property line. That is five times greater than what is required by zoning. We also committed to preserving existing trees along the north and east property lines to create additional buffering and privacy. We heard concerns regarding wetlands and we completed delineations very early on in the process that were accepted by staff at the St. Johns River Water Management District. We are preserving the vast majority of wetlands on the site, in compliance with Brevard County regulations. We also heard concerns about building height. As a result we moved away from a four-story product and instead proposed a three-story garden style community that better transitions to the surrounding homes. While it is not in the Binding Development Plan, we are willing and able to provide a 200-foot, any, with any buildings within a 200-foot setback from the eastern property line to be two stories. We heard concerns regarding stormwater. Modern stormwater standards are stringent and the project will not move forward unless it fully complies with all County and State regulations. Traffic, although a traffic impact analysis was not required for this rezoning, Rangewater voluntarily completed one because we took the communities concerns seriously. The study was reviewed and accepted by County staff and concluded that the project would not negatively impact the roadway level of service on North Courtenay Parkway or Pioneer Road. We also committed to tripling the length of the right turn lane on Pioneer Road to help reduce congestion during peak hours. I think it's important to recognize what could otherwise be developed on this property today. The site, as Kim mentioned, has a conditional use permit that could allow for a 24/7 ambulatory care hospital with minimal setbacks and minimal buffers. The existing owner of this property is motivated to sell the property. So, I would ask the Commission this, is a three-story and potentially some buildings two-stories, garden-style multifamily community less compatible with the neighborhood than a hospital use directly adjacent to their homes.

Outbursts from the audience.

Oliver: The economic engine of Brevard County is centered around Kennedy Space Center and Port Canaveral. Blue Origin continues to expand. They just doubled, committed to doubling the size of their manufacturing facility on Merritt Island. SpaceX continues to grow. Port Canaveral is now the busiest cruise port in the world. These employers are creating jobs rapidly, but housing diversity near

these employment centers continues to lag behind demand. At the end of the day, we understand that not everyone supports growth. We believe this property is located on a major corridor, urban corridor identified for redevelopment and diverse housing opportunities. Our proposal creates an appropriate transition between the existing neighborhood and North Courtenay Parkway, while bringing new investment, additional housing options, and economic benefit to Merritt Island. Rangewater is prepared to invest more than \$55 million dollars into the community and we respectfully ask for your approval tonight. Thank you for your time and consideration.

Audience: Mr. Oliver, mentioning Viera and comparing it with that area of Merritt Island is like comparing a fox to a giraffe.

Altman: Fill out a card, you're welcome. And were going to give you five minutes. So...

Shasteen: Good evening, my name is Kyle Shasteen. I'm with Bowman. Um, Bowman will be the site engineer for this project. Um, I'm a licensed professional engineer in the State of Florida and um, I've been practicing land development in the State of Florida for 10 years. Um, been working with Rangewater on this project and they have developed this conceptual site plan. I just wanted to highlight some things that Michael has already covered in his presentation uh, to kind of visually depict it to the Commission. You can see along the eastern buffer, this is the enhanced buffer that he mentioned to the existing residential neighborhood here. He also mentioned an enhanced buffer along the northern portion of the property that will be zoned RS-15, uh adding additional buffering to the residential houses here. Uh, sorry. They will also uh, maintain and keep any existing vegetation where feasible along those buffers to help with buffering to the, to the community. He did mention that there are wetlands on site that have been delineated by a professional biologist. The wetlands have also been accepted by St. Johns River Water Management District. Those are located approximately here. Any impacts to those wetlands will, of course, be approved by the County and the State during the site plan process. Uh, there's also an existing Bald Eagle nest that uh, will probably come up tonight. It's located in the vicinity of the property, but it is not on the property. It's to the southeast. Uh, you can see this line here is the required uh, setback by FWC to be met, so this project will meet all requirements um, of FWC regarding the, the Bald Eagle nest. Uh, Mr. Oliver did mention off-site improvements. The site plan shows uh, where those are to be located. This is the turn lane on Pioneer Lane and then there will also be turn lanes on Courtenay Parkway. I have uh, Trent Ebersole here. He is the traffic engineer and he can expand more on those off-site improvements, but I'm here for any questions related to the site engineering. Thank you.

Altman: Thank you.

Ebersole: Good Evening. Thanks for the opportunity to speak. Trent Ebersole with Bowman, the traffic engineer. Um, I'm a registered professional engineer in Florida, uh, 37 years of experience and I have been accepted as a subject expert in, in judicial proceedings. Um, with the time that's left, I'm gonna, most of what I was gonna say has already been said to, to some degree. I'm going to jump to the end and actually state why this is a favorable project, as far as development's concerned uh, with regard to traffic. Uh, and I do understand where the statement was made and its true that this project, the site traffic will not uh, worsen the levels of service on any of the facilities uh, in the study area. I

understand the concerns because there are some existing con, congested uh, movements, uh, in particular, the westbound left approaching, uh, approaching Courtenay Parkway, from, from Pioneer Road. Um, so with regards to that, uh, uh, Kyle mentioned, if I could just change the graphic real quick, that part of our proposal is to lengthen the westbound right turn lane. Um, so today, the left turn movement is so long, the Q, the queue, that it blocks the ability for traffic to get into the right turn lane, on the top, that's the existing condition. The red cars would be those wanting to turn left. The blue cars, not all, or the right turns that can't get in there. With the lengthening of that right turn lane, uh, the delays for people wanting to make a right will be eliminated. Uh, so there will actually be an, an improvement there. Um, to paint a picture, the amount of trips that this project would put on that, that, that uh, heavy movement of the westbound left turn would be about one vehicle every two minutes. So, to the naked eye, if you were out there and you looked at it today, and you went back and looked at after the, this was built, you would not notice the difference in, in traffic. To, to further that point, the traffic that would be generated by the buyrite use of the hospital, would be four times as many trips. So this is in effect, a very large reduction in the potential traffic uh, for development on this site. The only way that it would be less in effect, would be to not develop anything. Uh, and so that's really the question here, is will there be development? If there will be, this is a very favorable development. Uh, and with that, I'm available for questions.

Altman: Okay. Uh, is that the applicant? Are you? Do we have any questions? Yes.

Adkinson: So you mentioned um, possibly part of it would be two-story. Can you tell me where that would be? And is that actually reducing the number of units?

Oliver: So we right now, this is, where I'm pointing right here, is about a 100-foot building setback. What we're committing is that any unit within 200 feet which runs pretty much from this line right here, 50-foot taper, down here would be, we can commit to two stories. At this time, I, I don't know how that affects our unit count. We would still request Res, RU-2-15, but we're willing to commit to a two-story product so that there's no concerns about anyone, anyone's units looking into any rear backyards.

Adkinson: But we don't, but you don't know how many units that would reduce by? Okay.

Oliver: It would likely reduce the unit count by maybe 10.

Adkinson: Okay.

Oliver: Yeah.

Adkinson: Thank you.

Oliver: Yes.

Altman: Okay, that was one of my questions. I do have another, a couple questions. Um, when you say garden-style, what, what does that mean? What, what's the...

Oliver: It's a um, it's a lower density, multifamily development style. Yes.

Altman: Does it, does it um, it sounds like it denotes more vegetation, garden...

Oliver: It's surface parked. It's more you know, RU-2-15 requires a certain amount of open space. I believe it's, off the top of my head, I believe it's 35 percent, RU-2-

30 is slightly less than that. But its, its open space, its surface parking rather, rather than a structured parking deck. Um, but that's the definition of garden-style apartment as I define it.

Altman: The other question I had, and I know in the presentation, you mentioned that this would be a high quality residential...

Oliver: Yes.

Altman: ...multifamily residential development. What in your Binding Development Plan commits you to a high quality verse what would be a non-high-quality?

Oliver: Um, we as a developer, develop luxury apartment communities across the United States. We have developed two properties here in Viera. Marisol at Viera and Azul at Viera. I would define those as high-end, high-quality, multifamily developments. I understand that Viera is very different than Merritt Island, but I, I've simply was noting that we've done business in Brevard County. We've developed in Brevard County. We like Brevard County. And I was providing that as an example.

Altman: So, what is it that makes it higher quality? Is it the design, is it the exterior finishes, is it the windows? What, what are you doing here?

Oliver: It, it will be from the exterior finishes and the rents that this property will command are north of \$2,000 per unit. That will likely be higher than many mortgages in the surrounding, broader, MSA.

Altman: Mhm.

Oliver: So, when, when we look at that, we'll have quartz countertops, we'll have, you know, enhanced cabinet finishes, you know, as Milstone developed previously, there's LVT, you know, flooring, throughout the, the, the units; It's a luxury finish package that we provide to the residents.

Altman: Okay. Thank you.

Oliver: And we professionally manage the communities internally. We manage 75,000 multifamily units across the United States.

Altman: Okay, great.

Oliver: And we're top 25 Property Manager nationally.

Altman: Thank you.

Oliver: Yes.

Altman: Thank you. Uh, any other questions? Commissioner Goodson do you have a question?

Goodson: No sir, I do not. Not at this time.

Altman: Okay. Okay, if that is... the applicants finished, we will now go to the cards. First speaker Rae Ann Sions. Five minutes per speaker.

Sions: Good Evening. I live in the Raintree development that they're speaking about, just behind this complex.



Audience: (inaudible) into the microphone.

Altman: Yeah, you don't pull that mic down.

Sions: I'm a little short, so excuse me.

Altman: Yeah.

Sions: I live in the Raintree Development behind the proposed development. I've been there for 21 years. I've raised two children there. They've both gone to Lewis Carroll. And I have my oldest daughter, also has a home there. So, I'm very concerned, some of the issues that have come up, especially traffic. Uh, I find it hard to believe that there will not be more traffic there, which is already highly congested, especially with the Starbucks and at the school hours. It's very difficult to get in and out, and onto Courtenay Parkway. I can say that with firsthand knowledge. But I am here today to point out the Administrative Policy 4 which talks about no new intensity of traffic. Under Administrative Policy number 4, 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, traffic activity, different types of vehicles, parking, trip generation, commercial activity, or industrial activity that is not already present within the identified boundaries of the neighborhood. I believe that the developers own roadway capacity analysis confirms this project will add 855 daily trips to the Courtenay segment alone, consuming 25 percent of the remaining capacity with additional trips flowing onto Pioneer Drive that the developer did not even study. A development of this scale would fundamentally change what our neighborhood is, and I'm asking that you would disapprove of this project. Thank you.

Altman: Thomas uh, Reedy, Thomas Reedy. And the next speaker will be um, Robert Baker, so they can be ready.

Reedy: Hi, good evening. My name is Thomas Reedy and I am here to oppose the development case number 25Z0054, the proposed 220 unit, three-story complex. This development, in my opinion, is not appropriate for this location. It places a high-density multi-story complex directly in the middle of an established single-family neighborhood. That's incompatible with the character that we currently have there. I know there was some issues brought up about the zoning and everything, but in talking to some of the um, staff, that I spoke with yesterday, Courtenay was designed to have commercial on the front, residential in the back, and you know, everything that was stated, yes, there is a commercial site directly across the street from that with the uh, you know, the uh, assisted living home, the bank and such, but again, that's commercial and that's what it was designed for. It wasn't designed for a large um, complex like this. And again, I know you've heard about the, you know, I'm, I'm not gonna go really into a lot about the traffic, but, you know, the traffic is a big concern. And my question is, has anybody here, uh, any of the Commissioners actually went out and witnessed it, firsthand? Our, you know, um, have you, have you seen it? You know, you, you've seen a lot of issues, you're hearing a lot about traffic, but has anyone gone out there to, to witness it? I mean, when the, when the uh, when the bridge is up, it backs way up, uh, during, you know, when everybody's letting out, you know, coming south on Courtenay, uh, from the Space Center. It creates a huge impact there. Uh, I mean a lot of us that live there on the weekends now with the Port traffic, you can

barely move on 528. I mean, it, its, its, it's a very, very congested area, so, I mean that's something else to look at. Um, you know, the few things about the traffic, it increases the congestion and safety risks that are currently there. Um, about FDOT, that's possibly putting in the medium all the way down past Publix, which is going to, there's, the turn lanes are going to disappear. Um, you know there could be a delay in emergency response times and it's, it's going to overwhelm the intersection that cannot realistically be expanded with just the right turn lane to Courtenay to head north. Uh, the infrastructure, we haven't talked about is strained. We live, I live in the Via De Palmas and in the last six months we've been out of power eight times. No hurricane, no storms, and the infrastructure which basically the, where uh, Via De La Reina, and it backs up to Raintree, the power, you know, the power poles are in that area, which causes a lot, and now this will be there. Also there was a lot of work that was done on the sewer system uh, and they are still continuing to work on it. Uh, every once in a while, we see uh, Brevard County out there looking at it. They did put in a couple new lift station in, lift stations in, but it was uh, and it was an issue at that time and I'm, I'm afraid that its going to be a continuing issue. You know, there, this area is vulnerable to flooding as we discussed in the past on previous meetings, especially in Sykes Creek, in that area, Sykes Creek Cove. Um, so without this, you know, this, I think, you know, with non-permeable area that this is going to be built on, the rainwater has to go somewhere. And I know we discussed that about ponds and such and there's wetlands in there, but, you know, in closing, this project would permanently change our neighborhoods and reduce our quality of life, uh, and also, potentially putting our residents at risk because yes, the people are going to come out. You know, right now people that live in the other development behind us on the Via De Havarre, nobody goes out to Court, I'm sorry, nobody goes out, um, to the end of Via De La Reina. They all go past, you know, they go down Via De La Reina, they go down Sykes Creek Cove and everybody goes to the light. Currently, right now, in that residential area where we have over 500 homes or more. So, with all that being said, I respectfully urge the Commission to deny this case and, and I also too, you know, well, I'm just asking that you really consider opposing this. Thank you for your consideration.

Altman: Thank you. Robert Baker. And the next speaker will be Valerie Reedy.

Baker: Good evening, y'all. Can you hear me?

Altman: Yes.

Baker: Not really? All right. That better? Awesome. So uh, my name is Robert Baker. I live at 2395 Sykes Creek Drive. Um, when I got out of the military, we moved back to Florida. I'm a native Floridian. Uh, love it here. Absolutely was stoked to come back here. Um, like I said, we bought our house nine years ago. Um, great, high finish floor elevation in a waterfront neighborhood is, it was everything we could dream of. And then as the development started to happen, um, with Hampton Manor, and Starbucks, and all that stuff, you know, everybody's, everybody wants to talk about how um, you know, that development is, you know, it's zoned for commercial, which is true, and that's fine. Um, but the S, the, I think the important aspect to consider there is, is it necessarily right? Is further development right? We've seen, my house has flooded three times since 2021. I have no documented history. My house was built in 1980 and there's no documented history that has been disclo, disclosed to me that, that property has

ever flooded once. And I think what's even more concerning is that, you know, uh, the team proposing this development, dismissed all of our concerns, as fear of change, as opposed to it being legitimate concern for houses and properties that we've invested in, for schools that our kids go to, and we want them to go there safe. I sent you guys...thank you. I sent the Board pictures today of vehicles that were going up the middle of the two yellow lines as that, as it was backed up down Pioneer, trying to get Lewis Carroll to let out. And I'm sorry, a 350-foot turn lane, going into a development of what's probably going to be around another 1,000 people is not going to mitigate that. Um, so, in, you know, and aside of that, at our aging infrastructure, like the gentleman before me brought up, we were, we've never had any sort of power loss and then all of a sudden, I had actually sent you guys pictures of that too, FP and L coming out because the stormwater's so high, it's overwhelming the switches that are there. And this is after improvements have been made here. The development that's gone on has already brought down our quality of life in the neighborhood and further development is damn sure not going to help it. I apologize for the language. That's all I really have to say, y'all. Thank you so much for your time and I really appreciate it.

Altman: Thank you. Valerie Reedy and next speaker will be Tina, Tina Rowan.

Reedy: Hi. Um, my name is Valerie Lupis Reedy and I live in the Villa De Palmas area and I'm here today because I too, oppose the proposed high density rental apartment complex on North Courtenay and Pioneer. Everyone keeps talking about progress so, I decided to do a deep dive into the definition of what progress is and how it relates to this project. We all agree that project, progress should strengthen a community, not weaken it. True progress improves long term economic stability, protects existing neighborhoods, and ensures infrastructure can safely support growth. This project does none of those things. First, our infrastructure is already over capacity. North Courtenay is a constrained corridor with no room for meaningful expansion. Adding a high density rental complex will increase traffic, slow emergency response times, and strain utilities and stormwater systems that were never designed for this level of density. When infrastructure fails, taxpayers, not developers, pay the long term costs. Second, this project is completely incompatible with the surrounding area. Our four subdivisions are made up of approximately 600 single-family homes, placing an eight building, three-story rental complex in the middle of established subdivisions disrupts the character, safety, and stability of the community that already exists. Third, this development does not improve long-term economic stability. High density rentals often generate less re, less tax revenue than the public services they require. If property values decline because of incompatible high density development, the County loses tax revenue. That isn't progress. It becomes a long-term financial liability. Finally, this project provides no benefit to the current residents, it is designed for transient renters, not for the families who've invested their lives and savings into this community.

Audience: Yes.

Reedy: Progress should serve the people who are already there, not displace their quality of life. Growth is the same as prog, growth is not the same as progress. Progress improves the community's quality of life. This project does the opposite. For these reason, I ask you to listen to our voices and vote on maj, vote with our

majority and asking you to vote no on this proposal. I do have a couple of comments because I want to address some of the things that Ms. Rezanka said earlier, and also the developer. Um, one of the things that they did talk about was, they won't use our roads. I live on Via De La Reina. That's where the light is going from this new DOT project. I currently, make a right into Pioneer Road, I would say about 90 percent of the time going north because the traffic is so backed up, I can't even get to Via De La Reina. So you know what's going to happen when they come out of their development, they're not going to be able to make that right to get onto Courtney, so they're going to make the left, I mean onto Pioneer, They're going to make the left, they're going to go down Pioneer onto Sykes Creek loo, uh, Loop, I think it's called, and then up to Via De La Reina to go to the new light that's coming. So all that traffic, they may tell you no one's going to do that, they do that cause we have to do that now, to avoid traffic. And I know that, even my husband sometimes, when he's, he's pulling his boat, he can't even pull into, make the left into Via De La Reina because there's so much traffic. We actually go to the light, make the left onto Pioneer and backtrack and come all the way up to Via De La Reina because there's so much traffic. And it, like he said, with the Port, and I'm, I wish you guys would go there on Saturday. We left the Island one day, on a Saturday afternoon, we could not get back til Saturday night, with all the roads, 520, 528, was all backed up because when 520 backs up, that all overflows to 528, and vice versa. So when 528 backs up, you can't get off 520 either. So we have no way of getting on and off this Island. And adding more of these high density uh, apartment complexes, these aren't even people that are going to stay within our community. They're here temporarily. They're renting because they're here for a project. They mentioned the cruise port, that's going to be airbnbs. And we already saw that happened down in Melbourne Beach. I think you guys are familiar with the Harbor Island and what happened down there when the developer came in. They got the rezoning change and then another developer came in and did a completely different project. I have a friend that lives there. She, they're literally on blowhorns in the middle of the night telling people to be quiet and they're, people are yelling back, "Sorry, we're on vacation. We don't have to be quiet." So this is what we don't want to see in our community. This will, this project will ruin our community. Thank you.

Altman: Thank you. Tina Rowan, Tina Rowan, and next speaker will be Susan Cole.

Rowan: Good evening, Commissioners. My name is Tina Rowan. I live at 131 Cove Loop Drive, in Sykes Cove. I'm here today to address the issue of school capacity, as it relates to the proposed 222-unit residential development. This is not a minor procedural concern, it goes directly to whether this Board can lawfully and responsibly approve additional residential density when our public schools are already operating under significant pressure. Policy 2.1 of the Public School Facilities Element is quite explicit. It states that the County shall not approve any non-exempt residential development that increases residential development rights until a school impact analysis has been completed and a capacity determination letter is issued by the School Board confirming that adequate school facilities exists. That language isn't optional. It's not discretionary. It is mandatory. The Policy uses the phrase, "shall not approve" which clearly establish, establishes a legal, legal prerequisite before any rezoning can move forward. Before the Board can consider approving this application, there must be

confirmation that the affected schools, which include the Lewis Carroll Elementary School, the applicable middle school and Merritt Island High School, have the actual capacity to accommodate additional students that will result from this project. And we must be honest about what we are talking about, a 222-unit apartment development will generate students. Depending on accepted planning methodologies, that could mean anywhere from roughly 30 to 80 additional students entering the system. Those students will not be theoretical, they will require desks, teachers, classrooms, and space in already constrained facilities. The adopted level of service for our school system is 100 percent of capacity. That means we are not planning for overflow, we are planning to operate at the limit. If any of these schools are already near capacity, even a modest increase in their enrollment could push them beyond what they were designed to handle. We know from publicly available data that Lewis Carroll Elementary operates with an average student teacher, student to teacher ratio of roughly 15 to 16 students per teacher. While that may sound very comfortable on paper, it's important to understand what that number actually represents. That ratio does not, includes not only classroom teachers, but also specialized staff. The actual classroom sizes are often significantly higher, typically ranging from 18 to 25 students in elementary grades and sometimes more depending on the grade level and program needs. At Merritt Island High School, classroom sizes commonly range from the low 20s to the upper 20s, and in some cases exceed 30 students, particularly in core academic courses. These are already full, filled classrooms operating under State imposed class-size requirements, with limited flexibility. So when we add an even relatively modest number of new students from a single development, those students are not absorbed into excess capacity. They are absorbed into systems that are already carefully balanced at, or near their limits. The Land Development Code reinforces this concern. Section 62-602, Section D, number seven requires the school district to issue a school capacity determination letter for non-exempt development and that clearly ties adequacy to the comprehensive Plan. That means capacity is not a general planning concept, it is a required finding tied directly to approval. The applicant has presented a school concurrency determination letter indicating no deficiency at this time. However, that letter is explicitly non-binding. The School Board has reserved the right to amend its findings during the formal concurrency determination process at the site plan and final development order stage. In other words, the letter is just a snapshot in time, not a guarantee of future capacity. The, the distinction matters because the question before the Board is not whether the schools had capacity at one moment in time. The question is whether capacity will exist when this project is built out and begins generating students, potentially years from now. Even the School Board itself recognizes that uncertainty by reserving its, that uncertainty by reserving its right to revisit the analysis. That acknowledgment alone, should caution us against treating preliminary findings as final assurances. We are also required to consider the broader public health, safety and welfare impacts under factor five of Section 62-1151 uh, Section C as well as overall consistency with adopted planning policy under factor three. When school capacity is uncertain, those factors weigh heavily in the analysis. Overcrowded schools affect not only education quality, but also transportation, staffing, safety conditions, and overall community infrastructure. At minimum, if the Board is inclined to approve this request, approval should be conditioned upon a binding and final school capacity determination, finding adequacy, adequate capacity at the time of final

development order approval. Without that assurance, we are effectively approving population growth without confirmed infrastructure to support it.

Altman: Thank you. Thank you.

Rowan: Thank you.

Altman: Susan Cole. And our next speaker, Marcus Herman.

Cole: Thank you, and thank you for listening to all of us. Um, I want to remind you of the Brevard County's mission statement and vision, um, as your role of Commissioners. The mission is to contribute to enhancing and ensuring Brevard's quality of life today and always. Um, the vision, uh, of the community, which excels, is, and is recognized for one, providing for the health, safety, education, and social needs of our community. Um, these are all things that you need to consider when it, is it going to happen, uh, if this development takes place. Um, number two, is building a diverse strong economic base with the needed infrastructure to support the quality lifestyle. Three, protecting the environment and conserving our valuable resources. Four, creating cooperative partnerships between government, businesses, community organizations, and our residents. Five, maximizing performance and communications to perform excellent service to our customers. Um, these, mission statement and the visions are directly from your uh, uh, website. Um, rezoning this property is irresponsible and goes against the mission statement and each and every vision and goal for all the reasons that you've heard already, you've heard in the past, and you will continue to hear. Um, the health, I'll go back to number one, because number, uh, the health, the health facility, if the rezoning does not go back, that would be fine. And it, I, I, I don't think anybody here agrees that the 24-hour traffic is going to be what a 22-unit uh, luxury condo, or apartment would be. Um, they're only allowing 1.7 parking spots for each of those units and it's a one to three bedroom unit. And as they stated its 2,000 or more. There's not going to be one person in that unit, there's going to be, there's, so we already have additional traffic. Safety, huge concern. Kids ride their bicycles, they walk to school. Um, with these traffic, and these cars going at school time, it's, it's terrible. The education that we've talked about. Some of the um, problems with the kids to school, um, all those that they've actually said in the past, is that it's a, it's a, it's a education, Board of Education problem, but it becomes our problem, the taxpayers, and the social needs of our community. We like our community as it is. We've got the infrastructure. I mean, we've got the, uh, the Starbucks, and the Target, and the grocery stores, and the restaurants. Um, there's nothing that this luxury condo is going to do to enhance our, our uh, lives. Um, I respectfully suggest that you, you focus the time and energy and our resources, including all the money that it's going to cost to fix these problems. We've already got a huge apartment complex that we haven't even dealt with the econ, the traffic that's going to be coming towards Courtenay, going to the Space condo, by the mall. All that's to come. We don't even know what's going to happen then. Um, but, you, um, willing to, you know, if you work with the developers and businesses, they're willing to revamp all the empty store fronts and dilapidated buildings and existing apartments along Courtenay Boulevard between 520 and 528, and that would work towards the mission statement to enhance and ensure the quality of life today and always. Um, I respectfully ask you to protect the residents of Brevard County and say no to rezoning this property.

Altman: Marcus Herman and the next speaker will be Holly Olsen.

Herman: Commissioners, staff, I am Marcus Herman, the current Chairman of the Merritt Island Redevelopment Agency. First off, I, I really want to give hats off to the uh, developer and uh, their representative for doing everything they could to try to make this project work, it just doesn't. I am here representing the MIRA Board, as well as being a concerned citizen who has lived in Merritt Island for 60 years. I was sure that the County Commission was very aware of the MIRA Board's stance on this project. But to be clear, our Board voted unanimously to deny this zoning change. We did so in part, because we did not find it to be compatible with the surrounding area and we were concerned with the level of density. Now for context, I feel it's important to understand that the MIRA Board is made up of individuals that are business-minded people. They live in Merritt Island and they are very active in their community. They were selected by many different Commissioners over the years. These Commissioners trusted their individual integrity and reasonable thinking skills. The Board as a whole, is made up of pro-business individuals. They, along with the staff, are always looking for ways where developments can enhance the well-being of the people in Merritt Island. The Board also understands the, that growth is inevitable, but we need, the need for responsible growth is also very imperative. MIRA does support responsible growth. I make these statements so that this Board can understand the decision that the MIRA Board made was not emotionally driven, but more about the facts, more of a reflection of our individual experiences and understanding of our community. The perception for most of the people in audience and the members of the MIRA Board is that this will not have a positive impact in our community. The reality, or the facts of the matter, also strongly indicate that this project could have more adverse effects than positive ones. The MIRA Board stands with this community and asks that you deny the request for the zoning change.

Altman: Um, There's been a request for a 10 minute break. We typically take those after every hour and a half, two hours. So, we'll break until 6:45, and um, come right back. We have quite a few cards left so we'll be up here for a bit. Thank you.

\*The Board Recessed at 6:34 p.m. and reconvened at 6:46 p.m.

Altman: I um, wanted to let anyone... Darren King had to leave, but I wanted to put on the public record that he came here to speak out against the project. And anyone who wishes to waive their time can let us know for or against, um, so you can go on the record if, if you didn't want to speak. So, um, our next speaker is Holly Olsen.

Olsen: Good evening, Commissioners. Good evening, Commissioners. This is my first time speaking here and I get a little anxious so bear with me. Um, I have to say that I'm, I'm a Merritt Island resident. My name's Holly Olsen, and I feel like Brevard County is a beautiful County and we are so diversified in our businesses with the tourism, the Space industry, all the things that Brevard County has. I have to say that for every speaker that spoke tonight, I'll double down on it because I feel choked up, because I feel like they were so smart and, and they weren't being emotional, they were being correct as far as I see it. Um, I specifically wanted to speak about a couple of different points. I am speaking, first of all, to urge you to vote no on this project. It is because of three basic things, the water issue, traffic concerns, and voters. The water issue I would say is, I'm, my opposition is based on significant concerns regarding the water supply

and management, specifically as many speakers spoke on tonight as well, specifically, I'm concerned about the potential destruction of local ecosystems, including Mosquito Lagoon and Sykes Creek. I'm thinking a little bit like inside, inside the box, but more, probably more outside the box because I think that we're all right now sort of glued to Comprehensive Plan and everything is within that, but the reality of our world is we don't live inside that Comprehensive Plan personally as residents, we live, learn, live outside of it and the communities that we represent, and the businesses that we have. So whereas, that is very important to them, to them, and I think they did a fantastic job by the way, and I'm happy that they're such good builders, but for our specific area, it's not emotional, it's just wrong. Um, so I said I had three things. The water issue is one. The traffic concerns, I can't even say anything about because everybody spoke so brilliantly about the traffic concerns tonight. The other thing is the voters. I don't know a voter, as in a local resident, who hasn't been against this project. Uh, we have a great County. We're very blessed. I want to say I respect you and I thank you for all you do. I think, but I think we'll be well served in the future with considering renovations, conservation efforts, teardowns with improved rebuilds, which might be a great thing for builders, builders, and other recycle strategies that would benefit our County's maintenance. I also think that, that will bring down the expense for the County because they wouldn't have to pay for all the growth issues that we always get behind on, it seems. We build the things and then we have to catch up with our infrastructure. It's not supposed to be working like that and you're supposed to be the people that defend our safety. I feel like people that come in to change the zoning, they come in to change the zoning, but they're not the residents and they are not the voters, they're from Indianapolis. And we vote for you. We're your constituency. So when you weigh one against the other, you have to say, who do the Commissioners care about? And that's kind of what I care about. Um, anyway, I think that's, that about wraps it up. I think we love our businesses here, we love our communities, we like beautiful buildings, but not when it comes at the expense of our destinations, charm, and quality of life. Um, in my opinion, we would be better served with renovation, conservation, I probably already said this, teardowns with improved rebuilds, and other recycling strategies for future benefits. Uh, we love businesses here, et cetera, et cetera. And um, for our sake and uh the sake of the tourist industry and Mother Nature, and quality of life, we should vote this down. That's it.

Altman: Thank you.

Olsen: Thank you. Thank you.

Altman: Thank you. Uh, next speaker Diana Schommer, and after her will be Veronica Oakleer, Oakler, I think. Diane Schommer. Okay.

Schommer: Some of us are getting a little old. I'm not surprised, you used to be...

Altman: I should have called your name sooner.

Schommer: Um, hi, my name is Diana Schommer. I live on uh, Andrix Street on Merritt Island. Um, and I've been there quite a while. I am also against this project. And I think that it, it's maybe kind of important that, that nobody has talked about this, but the whole thing that got all of this started, and it started all over the country, in this State, it started with the Live Local Act. And, and it's what



promoted all these high density projects. And they gave these developers many, many perks. Um, they don't have to pay impact fees. They, they don't have to um, pay sales taxes on up to \$5,000 of sales tax per unit. So they can buy all the materials tax-free. They don't have to pay all their property taxes. Um, they can build these things in any zoning. This is what this State law said. And so all these people jumped in and these things are going up all over the country. I mean they are just everywhere now. And I think it's part of the world economic forum where they said, "Oh you'll live in these places and you'll, you won't have anything, you won't own anything, but you'll be happy." And that, I'm not happy that way. I'm not happy to live like that. I, I think it's overcrowding, it's over dense. I mean, years ago, Harvard did this study with rats, and they put rats in a, in a building of, not a building but, a, a facility, rat maze, and they fed them, but they didn't add any more food and they let the rats multiply. And in the end, the rats were eating the other rats because that's what, it's too dense. It's just too dense. Anyway, the other thing that I'm very upset about is I've read that there's going to be a \$200 million dollar upgrade to our sewage, our Sykes Creek Sewage Facility. \$200 million dollars. Now the developers aren't going to pay for that. I'm guessing we're going to pay for that. And that's a lot of money. And shouldn't that upgrade happen before we have... You've already approved 300 units on Merritt Island that we don't have room for. And we have all these sewage spills all the time. We voted this tax that we pay every month. It's a half-a-cent sales tax to go towards cleaning up the Indian River Lagoon. Well this money amounts to roughly, \$4 million a month. Meanwhile, the Lagoon isn't looking any better, probably because the sewage treatment plants aren't upgraded and we still have the spills, and we're spending, I mean \$4 million dollars a month, that's \$48 million dollar a year. We should be able to make an impact. How are we going to deal with all the overflows if we don't have this facility in place to handle it, before these units? And they put them up fast, it doesn't take them long. And the other thing that I take issue with is they are not luxury apartments. Everybody knows, on Merritt Island their housing should be made out of concrete block. If it's not made of concrete block, every time we have a hurricane, you're going to have to evacuate out of those, they're built out of sticks. The only, that's concrete is the stairwell, that's it. So all of those people in all of those units are always going to have to evacuate every time there's an evacuation notice. Already the evacuation time is well over six hours. Another 300 units here, another 200 units there, you're adding hours to the evacuation time. Sometimes there isn't that much time. These are barrier islands, this is not like in, in, interior land. We are subject to the weather here. Um, let's see. I know I must have had more to say than that. Anyway, um, cuz, anyway, I just, I don't think it's right to saddle the taxpayers with all these expenses to help the developers. These are not a needy group of people. They do not need to be subsidized by me, or any of us here. And um, I, I realize that you know, you, you have a difficult job and, and all of that, but this... I am emotional about this one. I am emotional because I travel that road and they're going to concrete what they call the suicide lane which is our turn lane. There are businesses on both sides. When they, when they do that they're going to have to make u-turns to go places. You're going to make more congestion. Thank you for your time.

Altman: Thank you.

Schommer: Please vote no.

Altman: Veronica and our next speaker Michael Wilson.

Oakler: Actually I'm the attorney who's representing the community association. And since we are getting more time for the attorney, I'd rather go at the end if we can do that so it doesn't interrupt the flow of all the community members whose voices should be heard first.

Altman: Okay.

Oakler: Okay, I'll go after.

Altman: Did you fill out a, did you fill out a card?

Oakler: Yes, I have a card already out.

Altman: What was your name?

Oakler: Veronica Oakler.

Altman: Okay I'll put you at the end. Thank you.

Oakler: Thank you.

Altman: Oh, that's right I called your name didn't I? Duh, okay.

Wilson: Hello, Commissioners. Michael G. Wilson. I'm the, uh, chairman of the Space Coast Patriots in Merritt Island, but more importantly, I am a Merritt Island resident. I live at 2562 Sykes Creek Drive. And the first point I want to make tonight is, uh Ms. Rezanka prepared a addendum and she sent it and I assume all of you got it. And there is a key point of wording in her addendum. It says Brevard County may approve rezoning applications. And the key word there is may. That doesn't mean you have to. It means you may if you decide it's a good use of the property and good for your constituents. And I'm going to ask you to vote no on the rezoning. And I'm going to tell you some of the reasons why I think you should do so based on the addendum that Ms. Rezanka provided. Uh, in the addendum Ms. Rezanka said that they may consider going to, uh, the Live Local Act to out in affordable housing which would increase the number of units to 337. Now, I've taken a look at the developers website and as far as I, uh, can read, they are not in the affordable housing business because when you're in the affordable housing business, it requires that you manage these properties for 30 years. You have annual audits. So, I think these guys are willing to throw anything out to get you to do the rezoning, and I don't think that, that should happen. Um, another point that I want to make is they hired a traffic uh, study, Bowman Engineering, which is fine, but they were unwilling to go an extra step and do the site plan. If they want it so badly, they should provide a site plan and they have not because I think it would reveal other problems that are of quite a serious nature. But you don't know until you have the site plan. The other thing that they have said is that Hampton Manor is a high density, uh application and it may be by definition a high, high density application but I can tell you based on going by there every day, it's a low traffic output because the people who live in Hampton Manor for the most part do not go back and forth to work. These are people who are in assisted living. So, that's another point that they've thrown out that I don't think is a good point. They are also threatening, as they did tonight, they said, boy, oh boy, if you don't let us in, they're going to put a hospital in. That's going to be really, really bad. Well, I don't agree. For those of you, and for

most of us do live in Merritt Island, and most of us access Cape Canaveral Hospital, whether as a patient or a visitor, you can go to the hospital anytime of the day, and you'll see just a few cars coming and going. And realize that a hospital, the people who work at the hospital, work shifts. It's not like everybody goes to work at 8 and goes home at 5. So everybody can attest that the traffic is fairly low volume even though a hospital is 24/7. So let's disregard that point. As part of the traffic study that these guys have provided, they failed to mention that, uh, the evacuation component and I think that's very, very important, uh, and I think they should not have left that out. The other thing that they did not consider was that FDOT is going to improve, so they say the, uh, access on 528 and they're going to put a hard median in the middle. That's going to create a lot of problems. They also said that everyone or almost everyone, will access the new complex through State Road 3. Yet, they provided no proof of that. That's just what they say. That's what they believe. Who knows? Uh, the last thing that I want to point out is they keep saying over and over again, gosh, we don't have any, uh, homes or apartments for these people to live in. I did a quick check today on realtor.com and they say in Cocoa and Rockledge there are 2,024 apartments or homes for rent. So I think that dispels that. Commissioners, thank you very much for your time and please vote no.

Altman: Thank you. Lindsey, Lindsey Buckle is our next speaker and after will be Barbara Giles.

Buckle: Alright, good evening. Um, I'm Lindsey Buckle and even though I stand here in uniform today, I am Florida and Brevard County voting resident, Florida native, born and raised. And I'm so happy that six years ago I got to come back and put my roots down here. Um, I live on 2645 Raintree Lake Circle. My kids attend Lewis Carroll Elementary, ride their bikes to and from school every single day. They like to play in those woods um that are behind our neighborhood development there. And they also like to play in the stormwater every single time it rains and floods our neighborhood. And I'd like to share some pictures with you if I can. Um, I don't know if we can pull that up, but my kids every time it rains, and some pictures I'll show you, this one is from 2000 and oops get the glare off here. This one is from 2022. And what I want to show you here is I live, make this a little prettier for you guys. I live directly, I live directly where two storm drains are. So, right at the end of my mailbox is a stormwater drain and across the street from there is a stormwater drain. As you can see here, it is lightly raining. This is not a hurricane. This is a rainstorm. I'd also like to point out, this right here, walking across my back, back patio is from 2024, flooding in my house. And in 2022, I have pictures here that I have emailed of us paddle boarding and kayaking down the street. All three of these events are again from rainstorms, not from hurricanes, normal rainstorms. And each one of these events, uh, several of them, I reached out to the County Commission and I asked, what is your stormwater maintenance plan for this neighborhood? Because it's not working. Across the street from us is Raintree Lake Circle, the lake is not flooding in these events. The stormwater drains are not taking care of the water like they should be. I talked to some of my neighbors that have been in the neighborhood for a long time. There are culverts that use to run all behind the houses. Those are not maintained. They no longer exist. They've been filled in. We have the culverts that run all along Pioneer that are not accounting for this stormwater. And so my issue, I applaud the development team here that has

taken the site plan, they have listened to the community and tried to mitigate as many of the concerns that they can that are within their span of control. But my issue here is with County maintenance of our stormwater. That is not the responsibility of these developers. They will be responsible for taking care of the three inches of rain that their Code requires them to take care of on their site plan. The problem is, is that site plan is going to include some fill dirt, it's going to include going to a retention pond, and it's going to include going out to our stormwater maintenance that connects to our neighborhood that is already not maintained. And as they, as they tie into that stormwater maintenance, that flooding that I experienced on an annual and persistent basis in the six years I've lived in my house is going to continue and get worse. I have already spent tens of thousands of dollars trying to get drainage companies out to my house. The only thing they can do is put drainage ditches in and send it out to the street, which I just showed you is already flooding. That's not going to get the flooding out from around my house. I don't know what I can do anymore within the neighborhood, and the development that's going on around me is going to raise the dirt level, it's going to tie into our stormwater, and it's going to make the flooding of my house and my neighborhood worse. And so my issue, I applaud the team for listening to the community. It is not their responsibility to make sure the stormwater at the end of my street is clear for their development to occur. That is the responsibility of this Commission. And I can tell after each one of these events, I have also reached out to the Commission as an engineer myself and as a, as a program manager and government employee. I said, what is your stormwater maintenance plan for my area? Crickets. I got emails about it, this is a once in a lifetime rain event, we can't account for this. I said that's funny because this has happened about five or six times now since I've lived here. I have been told, well, here is our GIS data for what our stormwater plan is, looking at the map of where all the drains and ditches are. I have asked repeatedly, how are you going to maintain our stormwater system in this area? And I have not gotten an answer from our County. And so that concerns me when we talk about adding hundreds of development units that are going to tie into our stormwater plan and how that's going to affect the flooding that's already occurring in my neighborhood. And so I am a no on this project and not because they haven't done there due diligence but because the County has not done theirs on maintaining our stormwater system.

Altman:

Thank you, Barbara Giles. Barbara Giles and our next speaker is, um, Gregory McClusky.

Giles:

Good evening, Commissioners. My name is Barbara Giles and I live at 203 Cove Loop Drive, Merritt Island. I want to address the most critical procedural point before you tonight, before your vote. Your authority and your obligation is to evaluate the infrastructure impacts at this hearing before you vote. Your own guidelines and the Comprehensive Plan are clear, you must consider the impact of a zoning on traffic patterns, water and sewer systems, and the established character of the neighborhood before granting new development rights. These are not suggestions that you can just consider at a later date, they are mandatory factors for your decision tonight. If the infrastructure cannot support the proposed intensity, the rezoning should not be approved. You've heard from a lot of people here that we can't sustain another building like that. It, we don't have the infrastructure. It's not there. There's already flooding. The reason your rules

require a preliminary evaluation is precisely so you don't approve a density that the community cannot physically handle. You cannot responsibly grant increased development rights today without first confirming that the roads and utilities have the capacity. If the capacity isn't there now, you can't, you can't approve it. The project is incompatible with the area. I believe you have an obligation to the public to evaluate infrastructure impacts of the proposed apartment building change right now before you vote on that change. You already started that process and already concluded that this project is going to endanger the users of Pioneer Road, families, neighbors, school children, and parents. So, you're making a decision. The decision impacts thousands of people, thousands of people. All the users of Pioneer Road and Courtenay Parkway. And by the way, I think Courtenay Parkway is being at that Pioneer and Courtenay. They're going to be making some changes. Um, it was just announced. They're going to be working on it because it's so dangerous. There are so many accidents, right there, Pioneer and Courtenay. If infrastructure cannot support the project, the zoning change should not be approved. You cannot responsibly grant more development rights today without confirming there's capacity for the development. If the capacity is not there, this project is incompatible with the area. And you've heard from all these fine people who dressed in red and came here and came here before and came here before. It's important. It affects lives. It's dangerous to allow this and to just go ahead and say, yeah, go ahead and build when you already are on alert that there are serious serious traffic problems now. Thank you.

Altman:

Thank you, uh, Gregory McClasky. And the next speaker will be Daniel Dulude.

McClasky:

Hi...

Altman:

Danielle Dulude.

McClasky:

My name is Gregory McClasky. I live at 1899 Sykes Creek Drive. I'd like address the traffic safety and talk a little bit about the developers study that shows Courtenay is already at 88 percent of capacity. Their study projects that by 2027 it will be 91 percent from the background growth alone. This one project wants to grab 25 percent of the tiny bit of space left on that road. And who will be responsible for the major changes required when growth exceeds the capacity within a short period after 2027? I was trying to come here tonight and I was in that right turn lane. No other traffic and but Courtenay was backed up well beyond, uh, Pioneer Road. So I had to wait for the light to change in order to be able to make a right turn because the capacity wasn't there for me to be able to make a right turn. It was that crowded on Courtenay. Worse yet, the study completely ignored Pioneer the side road which our kids and grandkids go to school, Lewis Carroll Elementary. That emission alone should concern this Board. I've seen some personal examples. Uh, I happened to leave one time and forgot and went during time that uh school was let out. It took three traffic light cycles for me to get through to make a left turn. The traffic has gotten so bad that many people now are cutting through behind Starbucks and going past the, uh, the assisted living to try to get out onto Courtenay. Uh to the point where Hampton Manor, which my, uh, my wife's grandmother or excuse me, my wife's mother lives in, uh, they warned all the residents who may be walking over to Starbucks or the bank to be extra careful because of the cars and the additional traffic going through there. Um, the, uh, the extension of the right turn lane really

isn't going to do anything. And if you look at the drawings that they gave you that shows the cars that are trying to make left turns and those making the right turns, their exit is going to compound that because people are going to be trying to get over into the turn lane to turn left and cutting across where this traffic is supposed to be flowing through on the right that they, they are bragging about. My kids go to Lewis Carroll. My grandkids, uh, go to Lewis Carroll and they ride their bikes there and so I am very concerned about the safety, uh, and the issues there, um, because they're coming over from, uh, the Glenwood Circle area, um, and over 500 of those use the school road, it's a massive safety risk for children walking and biking. The Comprehensive Plan's Administrative Policy 5 criterion G requires this Board to evaluate whether a proposed rezoning would, and I quote, "materially and adversely impact the safety or welfare of residents in existing residential neighborhoods." Criteria B, C, and D also requires you to consider three additional criteria about Pioneer Drive regarding road quality. A, whether the physical quality of the existing system is sufficient to support the use without significant deterioration. B, whether the surrounding road system is sufficient width and construction quality to serve the use without the need of substantial public improvements. And C, whether the road system is of such width and construction quality that the proposed use would pose a potential for material danger to public safety. It does not qualify for that, and this only makes I that much worse. We need to be able to turn left and right now it's very difficult to turn left during school hours particularly but also at other times. Policy 5, criterion E asks whether the proposed use would result in a material and adverse change in traffic capacity that design capacities would significantly, would be significantly exceeded. Commissioners, I along with thousands of area residents and parents of, of children going to school respectfully ask you to deny the rezoning application because the traffic it would generate poses a clear and material danger to the safety of these children and families who depend on Pioneer Drive every day. The developer has not even studied that impact. In addition, we elected you as our Commissioners, all of your constituents, to protect us from overcrowding and for this, this impact on our quality of life. Thank you for listening to us.

Altman:

Thank you. Danielle Dulude and our next speaker will be Pam Steel.

Dulude:

All right. Good evening, Commissioners. My name is Danielle Dulude. I live on Merritt Island and I will try to get through this as quickly as possible. I want to speak about the serious water, sewer, and utility capacity impacts of the proposed 220-unit development on Pioneer Road. Brevard County Land Development Code Section 62-602D3. The adopted level of service for potable water is 250 gallons per day per residential unit. For 222 units, that equals approximately 55,500 gallons of potable water demand per day. Section 62-602D2 sets the level of service for sanitary sewer at 200 gallons per day per unit, which equals approximately 44,400 gallons of sanitary sewer demanding per day. These figures do not even include the swimming pool, the 6,500-square foot clubhouse that they're wanting to put in there, or other amenities. Section 62-1151C3 of the Land Development Code expressly requires this Board to consider the impact of proposed rezoning on water and sewer systems and other public facilities at the rezoning stage, not defer it to site plan. Additionally, Chapter 13 of the Comprehensive Plan Policies 5.2 and 5.5 require preliminary, uh,

concurrency evaluation during zoning review and rent verification from the utility provider that adequate capacity and water supply are available. To date, no such verification has been provided to the Board. Brevard County is already facing a massive in, infrastructure backlog. What was it, \$800 million between sewer and water infrastructure. Are you serious? And they're talking about busting the cap guys. Now, Brevard County is already facing that, we should not approve additional demand that could degrade service to existing residents who have already paid for our current water and sewer systems. I respectfully urge you to require clear written confirmation of adequate utility capacity before any approval and to deny this application if that capacity does not exist or will not be fully-funded by the developer. Thank you.

Altman: Thank you. Pam Steel and the speaker after Pam will be Drew Orr. Is that right?

Steel: Pardon?

Altman: I was, The next speaker will be Drew Orr. I think I got it right.

Steel:

Oh okay. Um, good evening, Commissioners. I'm Pam Steel. I live on Merritt Island at 203 Sykes Loop Drive, which my entrance and exit is definitely on Pioneer Road. And, um, I just got through paying \$1,000 two months ago for the mildewed, molded drywall from the last two years floods in my house. So what they say I have incurred as well. Um, so I'm going to get my emotional stuff over first so Ms. Rezanika is happy and then I'll get to the facts. Um so first of all I've worked at NASA for 35 years. I'm now retired. 55 years I've lived on Merritt Island, so I think I know the place pretty well. My dad was there 20 years before me. I know a lot about the workforce, the number of people that were there. I used to collect the numbers for NASA for the KSC annual report. In the shuttle program, we had over 14,000 people at that, at that Space Center working. We have half of that right now. Have the demographics changed as far as the types of people working out there, the demographics, the age, etc., the transients coming and going, construction and all, yes, and, the demographics have changed, but I don't believe we have a housing need overall. We have what I think is opportunistic greed. We have, and, and it's not just y'all. I'm not really against, you know, it's not you personally or anything, but I, my son lives in Sarasota. I just, it's everywhere. Every time I go visit him, there's another one of these Matchbox apartment buildings going up. It's miserable getting around over there. Today when I left Pioneer Road to come here, it took me nine minutes, once I made the right turn after fighting to get in the left lane. Nine minutes, three turns of the light just to get on 528. When I arrived in Viera, I'm like wow, what a great, they planned this out. The roads are wide. They can expand. You can get around. It's a planned community. It's a beautiful thing. I'm happy Viera is here and growing. But that is not Merritt Island, okay? That's not what it has been. What it should be. And when you cut yourself, you don't put salt in the wound. Well, that's what we're doing. We've already approved as a County and the Port Commission and the State and all of that, all that growth at the port. We, on Merritt Island, are very, very impacted by all of the Port growth on 528. We can't move around it, it quite a lot of times. These homes, these new apartments, in my opinion, are not going to be, if they are for the employees at the Space Center, they're going to be transient renters. The construction will eventually die off because NASA is only going to lease out so much land. And then you're going to have, it's going to be northern seasonal people, not long term residents

vested. They're only here part of the year. Or it's going to be you're going to be gougling Elon and Jeff Bezos for their employees to stay there. But it's a whole different island. It's not the kind of people we have now in residence, long term vested, generational, a nice community. There's plenty of growth in Brevard County outside of that for, for all of the rest of this. Um, okay aside from that, I'd say I'd like to address factor two of Section 62-1151C, change in conditions. In factor two, it requires you to evaluate the change in conditions of the land use of the property being considered in the surrounding property since the establishment of the current applicable zoning classification. This is one of five mandatory decision criteria that you must consider. It focuses on the property and the surrounding property, not the regional trends. Just because it's happening in Viera doesn't make it right for Merritt Island. The developer must demonstrate that the conditions they actually have that will actually change in a way that warrants this rezoning. The burden is on them to prove it. Administrative Policy 3C reinforces the change in conditions inquiry requires you to evaluate whether the proposed use is consistent with the emerging or existing pattern of surrounding development through an analysis of historical land use patterns, actual development over the immediately preceding three years, and development approved in the past three years but not yet constructed. This three-part test that the comprehensive plan requires you to apply, let me walk you through it. The developers gonna argue that the conditions have changed since the AU zoning was assigned. That regional employment has grown. I just explained it hasn't. Is my five...

Altman: Finish your thought, five minutes but go ahead and finish your thought.

Steel: Oh, wow.

Altman: Okay.

Steel: Okay. That original environment has grown and the space industry has expanded. There is demand for rental housing on Merritt Island. But the relevant inquiry, inquiry under factor two is not rather Countywide or regional market change has shifted. It's what has changed in our immediate area. Nothing has changed in our immediate area. It's still a residential area. There's still a school there. AU1 and RU1 character of this corridor has not changed. Pioneer Drive is still a local resident road. The wetlands still exist. We're still flooding. The single family neighborhoods east of the site will define this, still define how this community should continue. The developers own aerial map confirms this. Um, let me apply the three-part test. Historical land use patterns, the historical land use pattern is overwhelmingly single family residential. It has been for decades, 55 years. I can attest to it. Actual development in the preceding three years. This includes Hampton Manor, but as someone's already pointed out, that population is of an elder sector. They live in assisted facility, assisted living. They don't mostly drive, so they're not gonna impact us on Pioneer Road. Um, approved and unbuilt, there's a 22-unit mobile home community that's been approved, but it's not been built yet. Pretty insignificant. Um, nothing that compares to this. Uh, the developers own traffic study shows Courtenay is already at 88 percent. I think that was already a point made by Greg, so I won't belittle that. Um, Merritt Island, um, requires travel to Lewis Carroll Elementary. You already have heard all about that. The change in the conditions is increased congestion. That's all that's changed and this project does nothing to help that. It only adds to it. Um, the



exceptions do not create a trend. Just because some have been built, that doesn't mean you should build more. The others have been substantially smaller, built under different conditions, and none of them involve the kind of market rate, luxury rental intensity being proposed here. These are going to be tourists. They're going to be, you know, people renting them out or construction workers at the space center. They're not going to be long term residents of Merritt Island. Thank you.

Altman:

Thank you. Drew Orr. And next speaker is Rebecca

Orr:

Uh, Commissioner I got to apologize. It's Dean Orr. I, my handwriting...

Altman:

Oh Dean, that's okay.

Orr:

My handwriting is not that good.

Altman:

I get it now, I get it. Well, I'm not the greatest reader either, so.

Orr:

Okay, alrighty. Uh, yeah, my name is Dean Orr. I live at 172 Cove Loop Drive in Sykes Cove. I've been there for 25 years, raised my kids there, and it's a wonderful community. I love it there. Um, tonight I'm going to talk about density, density of developments. The maximum density is a ceiling, not an entitlement. The developer and staff may suggest that because the Future Land Use designations of neighborhood, commercial, and residential 15 technically allow up to 15 units per acre that the Board is required to approve the project at or near that density. That's not correct. Policy 1.1 of the Future Land Use element expressly states that approved densities may be lower than the maximum allowed by a residential land use designation. Therefore, the Board of County Commissioners has discretion to approve densities below the Florida land use maximum. Maximum density is a ceiling, not a floor, and it is certainly not an entitlement for developers. Policy 1.1 identifies six, six, six, uh specific reasons the Board can approve at a lower density or not at all. Um, environmental constraints, land use compatibility under Administrative Policy 3, unavailability of public facilities and services, including educational facilities, a lot of which has been mentioned already. And the character of the general area should be considered hurricane evacuation and other policies such as the MIRA, MIRA plan. Um, so a lot of different factors must be considered other than just the maximum on the, uh, Florida land use agreement. Neighborhood commercial and residential usage areas must be compatible under Policy 210, residential development in a neighborhood commercial designated area is only permissible and I quote, "provided that the scale and intensity of residential and mixed use development", is not compatible, with abiding residential development or is compatible but the, the problem here is it's not compatible with, with the local residential development. Um, uh the, the density is the problem here. And we just want to make sure you guys realize you don't have to approve the maximum density that's on a map. You know, you can approve lower or if none at all. And, uh, you know this is a lot of technical stuff, but I kind of want to step back and talk big picture now a little bit. Um, I've lived there, uh, for 25 years in the Merritt Island area and you know the congestion has gotten more and more dense over the years on especially on Courtenay there. And uh if you think about it that intersection of 528 and Courtenay is like a crunch point for the whole Space Coast. At rush hour, the whole Space Coast is coming to try to get through that area. So we are super densely populated during rush

hour. That, that whole place is packed and to put high density apartment right in the middle of all that is, is just trouble on all fronts as has been stated here today. So, um, you're here to protect our community and not our develop, not developers profits here. So we, we implore you to please vote no on this and think about the homeowners like me that have been here for 25 years. We love our community. We don't want it ruined with a big development. Thank you.

Altman:

Thank you. Rebecca Houser. Our next speaker, Heike Jahmert, Jahmert.

Hausner:

Good evening, Commissioners. My name is Rebecca Houser and I live in Sykes Cove Association. Um, I'm also on the board of directors. I've been on the board for five years. Um, and I have three kids currently at Lewis Carroll school. Um, I wanted to show some pictures of what Pioneer looks like during pick up hours. Um, I know nobody has brought that up yet. So, let's see if I can show these that would be great. Alright now I got to flip it. Sorry. Okay, so this is what Pioneer looks like. Um, the whole side on Pioneer is completely full. They're supposed to be pulling over on the right hand side, but no cars pull over. So, as you can see, you have cars passing the entire right side to go past the school pick up line. And you can see there's a car going forward. So there's lots of kids that are coming out of the school. And I'm going to show a picture of how close these kids are. So in the same picture right here is where the kids get to go. And back here are where the kids are. So they're crossing across the street while cars are driving around the cars parked on Pioneer and going back and forth. Um, Lewis Carroll also has a crossing guard at that intersection. They do not have a crossing guard at North Courtenay and Pioneer Road because it was determined to be too dangerous for a crossing guard to be there. Um, so I just wanted to bring that up that Pioneer and Courtenay, it's a scary intersection as it is. Um, I love that they would be able to make the right hand lane longer, but the left side is the problem. You're going straight and left at same time. I always kind of wait before I'm going left, hold my breath to make sure the cars aren't going to keep going before I actually turn. So, I just wanted to note that. And then I also, am I allowed to ask a question?

Altman:

Sure.

Hausner:

Okay. So, I wanted to ask the question about the Live Local Act. Um, from how I understand it that it does not apply to ALU land. Is that correct? Because currently this lot, okay sorry.

Altman:

Let's let..

Hausner:

Okay.

Altman:

Okay.

Prasad:

Mr. Chairman, that is generally correct that um agricultural use in Brevard County is a residential use. The Local applies to commercial and industrial land uses.

Hausner:

Okay.

Altman:

Okay.

Hausner:

So currently that lot is ALU as well as those commercial buildings are ALU and the only reason why the commercial buildings were allowed was because they got the CUP. So, I wanted to point that out that even if they said that we could do the

Live Local Act, make the apartments bigger, that doesn't apply to the current zoning right now. Um, then just to end it with, I'm going to be kind of quick. So if this Board approves 222 units at this location and at this intensity, you are establishing a precedent for this immediate area. You are signaling, signaling that the single-family residential character of this community can be overridden by any developer who points to a Future Land Use Map designation and demands maximum density regardless of compatibility, character, or infrastructure. So I am, so I am requesting that you please deny this based on, um, what everybody else is saying and then also um what I just mentioned.

Thank you.

Altman:

Thank you. Heike Jahnet.

Jahnet:

It's Heike.

Altman:

Heike.

Jahnet:

Jahnet.

Altman:

Heike what?

Jahnet:

Jahnet.

Altman:

Yeah.

Jahnet:

It's German.

Altman:

That's great, great name.

Jahnet:

But that's beside the fact. Um, good evening, Commissioners. My name is Heike Jahnet and I live at uh 67, uh, 29 Mangrove Drive, Merritt Island. I want to

address the wetlands and the environmental constraints on this property.

Number one, wetlands confirmed on the property. The MIRA staff report and the

final wetlands delineation both acknowledge that this property contains wetlands

over two acres that must be preserved. The staff report itself states that a portion

of the property containing wetlands is required to be preserved. Number two,

con, conversation element objective five no net loss. Objective five of the conser,

uh, of the conservation element establishes the overarching standard. It directs

the County to preserve, protect, restore, and replace wetlands to achieve no net

loss for functional wetlands in Brevard County. It requires that protective activities

uh to be prioritized in this, in this order. Number one, avoidance of impacts.

Number two, minimization of impacts. Uh, and number three, mitigation for

impacts as the very last resort. This is binding County Policy, not a suggestion.

Number three, Policy 52E1, density within wetlands limited to one unit per five

acres. Conservation element Policy 52E1 stated that residential and uses within

wetlands shall not be limited to not more than one dwelling unit per five acres,

net acres. This is dramatically, this dramatically constrains the developable, um,

area of this parcel. Number four policy 52E4a NC designation with wetlands.

There is an additional constraint that is critical. Policy 52E4 provides that um

institutional or residential professional land developments on property which

contains wetlands and which are designated on the Future Land Use Map as

neighborhood commercial or community commercial shall be considered

commercial as set forth, forth in Policy 52E3. And what does Policy 52E3 says? It

pro, prohibits commercial and industrial land development activities in wetlands

based on the FLU designation, not the proposed or actual intended use. This means the wetland constraints on this property are even more restrictive than the developer may have represented. Certain types of residential development on this NC designated parcel with wetlands are treated as commercial and commercial development in wetlands is prohibited. Number five, effective density increases on uplands. If the developer must avoid all wetlands, which the cons, which the conservation element requires as the first priority, then the effective density on the remaining upland portion increases substantially. This raises serious concerns about building height, building mass, and intensity on a reduced footprint. This also raises compatibility issues because the buildings will be more concentrated, more imposing, and more impactful on the surrounding single family neighborhood. Number six, the last one, the site plan, the site plan, uh, places buildings on wetlands. The developer's own density study and conceptual site plan show building footprints that extend directly into wetland areas as identified on the wetlands delineation. The only stormwater feature shown is the single area labeled SW, SW1 at just 0.14 acres. This alone demonstrates that the developer has not taken the conservation elements requirements seriously and it calls into question whether 222 units can be feasible constructed while complying with all applicable wetland protections. Commission, Commissioners the developers, the developer bears the burden of demonstrating feasibility. That burden has not been met. I urge you to, to scrutinize whether this project, project can actually meet the conversation element requirements and to deny this application if it cannot. Thank you.

Altman:

Thank you. Tracy True. Did I get that right?

True:

No.

Altman:

Chelsey, I didn't see the L.

True:

Inaudible.

Altman:

Okay.

True:

I'll work on my handwriting.

Altman:

That's alright.

True:

We'll get there. Okay, good evening Commissioners. My name is Chelsey True and I live in the neighboring single-family residential neighborhood to the north of this property. I have spoken several times in opposition to this application. And there's still far more that could be said, but tonight I want to focus on key issues that remain unresolved. Section 62-1151 of the Land Development Code requires you to consider five mandatory factors before granting a rezoning. And the Comprehensive Plan's Administrative Policies impose additional binding criteria covering compatibility, neighborhood character, transportation impacts, environmental constraints, and consistency with the element of the plan. The burden of proof rests on the applicant, not on this community. The applicant has stated time and time again that the infrastructure is a site plan issue. However, Section 62-1151 and Section 62-602 and Administrative Policies 3 through 6 contradict this statement. You are required to evaluate these impacts at the rezoning phase. Administrative Policy 5 requires you to evaluate whether this material, material, materially and adversely impacts the safety of residents in our neighborhood and the staff analysis stated it does. Additionally, the surrounding

area remains the same as when the AU zoning was assigned. It is a single-family residential. The three-part development pattern analysis under Administrative Policy 3 does not support this intensity. The one condition that has changed is the increasing congestion on Courtenay and that argues against this project, not in favor for it. A housing shortage doesn't automatically make a project a good one. We can acknowledge that there is a housing issue and still expect thoughtful planning. We need housing should not be a blanket justification to build anywhere at any scale, uh, without considering the long-term impacts on local roads, schools, or the environment. I also want to address the worst hypothetical scenario, the hospital. The market for healthcare landscape has significantly changed dramatically since 1983. A new hospital is slated to open within approximately four miles of this site in 2027. And there is no market demand, and quite frankly, not enough staff to employ two hospitals on Merritt Island. My last point that I have to make is about Administrative Policy 3, which is compatibility because this site and the existing or proposed land use in this area. This requires evaluation of impacts to the enjoyment, safety, and quality of life in existing neighborhoods and to property values. And with this criteria, this project plainly fails. The character of these neighborhoods that about this property are single-family residential with nothing remotely comparable to a 222-unit three-story apartment complex with 389 parking spaces within two miles. Taken together, every mandatory review factor under the Land Development Code and every relevant Administrative Policy of the Comprehensive Plan weighs against this rezoning at this intensity. The developer has not proved that 222 apartment units are compatible with this community, that infrastructure can support the demand, or that public health, safety and welfare will be protected. Commissioners, I humbly ask you to look into the crowd tonight and see the faces of everyone this affects. These faces are just people behind the overwhelming dissent you have heard for the last six months about this project. These neighbors of mine have provided real lived testimony and impact. The impacts are substantial enough to require ongoing revisions and mitigation discussions. These are not concerns fabricated by the residents there. There is nothing spurious as described by Ms. Rezanaka in regards to their statements. We are not misinterpreting Section 62-602, and we are not asking you to ignore the Code. We are asking you to enforce it, including the parts the applicant would prefer to minimize. After six months multiple continuances, evolving access plans, shifting density discussions, and ongoing mitigation revisions, the core issue with this project remains unresolved. And as you can see, we have a lot of people here in opposition. But I also want to mention the voices that aren't. There is a petition that has been going around that has over 3,000 signatures against this proposal. So on behalf of the entire community, who will live with the consequences of this decision long after tonight, I respectfully ask you to deny this application. Thank you.

Altman:

Thank you. Brandon Shannon. And then our next speaker is Theresa Clifton.

Shannon:

Can't believe I have to follow that one.

Altman:

What, I'm sorry?

Shannon:

I said I can't believe I have to follow that one.

Altman:

Oh.

Shannon:

Um, so my name is Brandon Shannon. Um, I've lived in Brevard County for the last six years and on Merritt Island only for the past six months. Clearly, I wasn't born and raised here, but I'm standing here before you because of the community and, and the people in it. Time and time again, this community has shown commitment to responsible development and preserving what makes this place special. And that commitment is what brought me and my family here, uh, into the fold in the first place. That mentality and commitment to community is what my family and I call this place home. This is my community and these are my neighbors and my peers. I love living here. The friendly faces I see at the store, the simple kindness between neighbors, the gorgeous weather, and the low-key way of life. That's what makes Merritt Island and our community great. It's our responsibility as residents to make our voices heard. And it's your primary responsibility to act in the best interest of the people you serve. That, that means listening to us and rejecting this proposal to rezone the parcel. The proposal rezone the parcel from agriculture residential to medium density multiple-family residential with the intended use as a dense pack, apartment complex is irresponsible, largely irreversible, and risks setting a damning presence. According to traffic study by Bowman, uh cons, Consulting Group, this project would generate 1,379 daily trips in and out. That's 1,379 additional turns across traffic or U-turns. That's 1,379 more opportunities for crashes and that's 1,379 more vehicles feeding into the 528 interchange. None of that is in the best interest of the residents who live here. The same traffic study also claimed that the current agricultural zoning could generate up to 5,500 daily trips. Um, attributed to the proposed Future Land Use for a hospital. But we have to ask, do we really think a hospital will ever be put in this place? Cape Canaveral Hospital down the road is roughly the same size as this, um, size of this, uh, plot. The replacement Rockledge Hospital will be about double the size. And it would be a stretch to make a business case to build a hospital at this specific location. Even if it were, um, it at least would provide long term, um, quality jobs for hundreds of people for decades into the future. This apartment complex simply, uh, will not. Attachment three of the study also lists the traffic impacts for other potential uses of this land, 36 daily trips for single-family homes, nine for a park, 341 for plant nursery, 42 for a golf course, and if I may, zero if we just leave the land alone. I also want to acknowledge the need, uh for afford, affordable housing is very real in our community. Uh, this proposal does nothing to create affordable living for people who live here and work here without clear enforceable affordability commitments. It would simply add more expensive, um, market level, market rate apartments, not the attainable homes that this community and people that we want to move into this community, uh, desperately need. I want to be clear I'm not against growth. My family's here because of thoughtful growth made, um, it's what made this a great place to live and it's what brought us, brought us here. What I'm asking for is growth in the right place, at the right scale, and for the right reasons. Zoning is a promise to current residents and to the future buyers about what they can reasonably expect next door to them. If this promise is broken here, you don't just change one parcel, you weaken the trust that keeps people, um, engaged and supportive of, of our mission. Individual choices add up to a big change, uh, none of us intended. If there is any doubt on the side of protection, we can always consider a better proposal later. We cannot unbuild a project that doesn't fit. Today you have an opportunity to show that local voices matter than distant interests to show that stewardship outranks short-term gain and to show that your duty to the public interest guides

you when I counts. This proposal is being brought forward by um outside interest. Um, approving the rezoning of this parcel for agriculture, from agriculture to medium density multiple family residents would not reflect your core responsibility to the people of this community. It would mean ignoring the voices of the people who elected you in favor of those who don't live here. Uh, please listen to your constituents and reject rezoning. I do want to quickly acknowledge I see you guys are, are tired and hungry and thirsty and I appreciate you guys listening to us and I do want to acknowledge the effort you guys put forward. It was clearly a lot of work and, uh, very expensive. But I want to reiterate that this is our community and not yours. This is Viera and this is, this is not Viera. This is Merritt Island. Thank you.

Altman:

Theresa Severson.

Clifton:

Good evening, Theresa Clifton. I own a house at 2350 Raintree Lake Circle. I bought it in October of 1998. So, my heart goes out to the young lady. She probably lives on the back side of the neighborhood because when it rains that, it, the water flows down towards the river and that's why that happens. Anyway, um, I'm not going to add comments for everything that's already been said because I don't want to waste y'all's time. I'm tired. I got other stuff to do too. What kept me here is I had an interesting conversation with people from FDOT. My conversation had more to do with this project that they're going to do North Courtenay Parkway safety improvements that will literally, to me, cause more traffic jams than save more lives. But that's, that's not here or there for today. Uh, the interesting part was they're not aware of that development coming in, fix that wasn't part of their study to try and Courtenay Parkway. Also I've, I've heard, um, remnants of there's about 40 acres on the other side of Pioneer that well, they're looking at seeing what happens here to see if they can do that with theirs. So, Pioneer is already, uh, under stress and when they go ahead and do what they're going to do with the concrete barriers, I'm not real big on what I call suicide lanes because yeah, that gets scary on Courtenay, but it is creating a really bad situation and it's only going to get worse and you don't want to stop development. I get that. I do have concerns about the environment. I don't think you can concrete in around one acre and whatever creature is living there in that wild area in the wetlands is going to survive it because I've seen it and it just doesn't, it just doesn't happen. You might as well just go ahead and just mow it all down because whatever there is going to one day come out and get mushed in the road and then it there won't be in there. So anyway, um, that's pretty much what I had to say. I just want to make sure y'all are aware that the, um, two people I spoke with last Thursday from FDOT who came over from Sanford who are in charge of this project were not aware that we're, we have all these other building things happening. So they were not taken into account with any of that traffic study or whatever that was. Thank you.

Altman:

Thank you.

Altman:

Thank you. Joseph Severson and Kimberly Jarvis will be next.

Severson:

All right, good evening. Uh, my name is Joseph Severson, I am also an engineer here on the island, so I applaud you guys coming up and giving your credentials, that's great. Um, however, my background is in the U.S. Army as a veteran and currently as a safety engineer with a background in environmental, um, studies

and environmental sciences. My career both in uniform and outside of uniform working as an engineer now, um, is been built on identifying hazards, evaluating risk pathways, and protecting people from preventable harm, which by looking at this zoning, um, question here, that's what we're doing. We're trying to protect people from preventable harm by coming here and speaking against this effort. From that perspective, the proposed development at North Courtenay Parkway and Pioneer Road presents multiple, high severity risks that cannot be responsibly mitigated. Several of these risks directly conflict with the current Florida law. Um, I want to begin with the most immediate and unacceptable risk, which is the school zone safety. I know a lot of folks that have been here, um including a couple veterans have already spoken on that tonight, and so I won't hash over a lot of their things that they've already covered but Pioneer Road is the primary access for Lewis Carroll Elementary. During drop off and pickup, the corridor already experiences congestion, unpredictable traffic behavior, limited visibility. Including introducing a high-density residential complex to that flow will increase the number of conflict points between vehicles and children, which in my understanding is the worst case scenario we're looking at here, overarchiving all of the other discussions that we've had this evening so far. And I'll get to that at the end of my discussion here. Um, under Florida Statute at 163.3176, Section 6A, local governments much ensure that land use decisions protect public safety and maintain a safe transportation, maintain safe transportation conditions. Looking at all of the things that have been discussed here this evening, that's not what's happening, um, and especially if this gets approved. Um, this project knowingly elevates probability of vehicle and pedestrian incidents is an area where consequences are severe and irreversible. We're talking about the lives of children. And once again, I'll get to that again at the end here. But, second, not as serious as the first, um, issue that I was bringing up is the flooding and stormwater risks are substantial and well-documented, not to mention that there have been lived experiences here this evening that have documented that and have showed that to both the Board and the other members of the development team here. Um, elevating a new development and adding large areas of imper, impervious surface will alter the drainage patterns and push water onto adjacent properties, unless engineered with extraordinary precision. And looking at the plan that was proposed, that doesn't seem to be happening. There was not a lot of planning and a lot of, um, proposition that went into the stormwater area there. Um, and so that's going to create significant issue, and any engineer worth their salt knows that the more concrete that you add to an area that's currently under, not developed, it's going to create water issues. Um, and so, looking at that alone, and from a layman's perspective, knows that it's going to create an issue. Um, I also want to make the point that under Florida Law, the burden of proof is on the developer, not the public to discriminate, to demonstrate reasonable assurance that this project will not increase flooding, degrade water quality, or create off-site impacts. Um, once again, looking at the plan that was proposed, that's, that's not being addressed, um, and it's not creating reasonable assurance in my eyes and of those that are already here for the meeting as well. The community does not have to prove that this project will harm us, the applicant, meaning the developers, must prove no harm, and in that case, it's not happening. Um, so it would be negligence in order to, to approve this zoning, this rezoning. Um, and I apologize, I'm a little bit nervous here. I wasn't emotional when I started out this process, but when the



individual came up and spoke, and, and spoke to the emotionalist, and almost insulted all the folks in this room, it kind of set me off a little bit, so I apologize for that. Section 303D of the Clean Water Act in Florida Statute at 403.067 governs BMAPs. Um, our, um, and I apologize, now I'm drawing a complete blank on the acronym for BMAP, um, Basin Management Action Plan. All right, so that's an environmental science term. Basically, we already have a BMAP for this area. We already have the BMAP covering the damage to the Indian River Lagoon that's already occurring, most of which is occurring due to, you know, a lot of the facilities and stormwater drainage that's already present. We're looking at adding more concrete, which is going to exacerbate that situation even further, not to mention the amount of pollutants that are going to come off of these parking lots, living in these high-density, um, housing areas. It's going to add more pollution to an already struggling BMAP, and it's going to cost us, the taxpayers, more money to try to fix those issues. So, we're basically shooting ourselves in the foot by approving something like this, it's going to cost us more money in the future. Um, lastly, I want to say that as a safety engineer, I evaluate risk for a living. Um, looking at this rezoning effort, we're, we're looking at a risk where the severity is very high. That worst case scenario of a vehicle impacting a child is the highest case and worst severity we're looking at. It's already got a high likelihood that will occur based on the traffic patterns and admittedly the traffic patterns that, um, most folks here have admitted, and then the failure of the analysis that was conducted by the other engineering group here, um, and the mitigations are either non, non-existent or insufficient to prevent that from happening. All in all, I want to say that in the event that worst case scenario does happen and that there is a death of a child in that area because of that school's proximity to this proposed high-density living area, that blood is going to be on the hands of the individuals who approve this, not on the hands of the developers because they don't care, they don't live here. So, I think it's obvious my vote is no, and I hope that you guys see that as well. Thank you for your time.

Altman:

Kimberly Jarvis and then Lynn Knight.

Jarvis:

Don't mind me, I got a torn hand sprain. My name is Kimberly Jarvis, I am a Merritt Island resident. I'm also a member of the Space Coast Chapter of the National Audubon Society, and I'm a volunteer with the Audubon's Eagle Watch Program. There is an active Bald Eagle's nest just southeast of that property. Hello. I have it right, hey, I have it right here for you. That's Courtenay, that's Courtenay right there. There's the nest. This is the property right over here. The south, right here. The southeast, the south, the, uh, 660-foot buffer for the nest crosses the southeast corner. The 660-foot buffer for the nest crosses the southeast corner of that property. To put it in perspective that most everybody here can understand, 660-feet is two football fields and two, two first downs. I'm sure everybody can relate to that. That gives you perspective. Bald Eagles have exceptional eyesight. They can see rabbit-sized prey in the grass three miles away. Their hearing is the equivalent to that of an adult human being. This development will have a very negative impact. We've already had, I'll show you some pictures of my nest.

Microphone, microphone.

?

Jarvis: I got some pictures here. Oops, that way. Come on, Kim. That way. I'll figure it out. I'll figure it out. I took this picture in January. See the little critter? I took this picture in early March. He fled two days after I took that picture. He couldn't wait for me to get back there? There are also owls on that property. There are Barred Owls, B-A-R-R-E-D. Of course not. I'll figure it out one of these days. That is a fledgling Barred Owl. Somebody who lives in Villa De Palmas sent me that picture. I went out there one rainy Tuesday night before the, uh, Planning and Zoning Board meeting in March, and I recorded owls calling. I can play a call for you. I don't know how you can hear it. My phone's not that loud. But anyway, there are, there are Barred Owls on that property. I also heard Black Belly Whistling Ducks. At the end of the Space Coast Partnership meeting, uh, preseason meeting in, um, April. I spoke with one of the men from FWC and he said an environmental impact study is required to be done and developers have a bad habit of skipping that part. If the rezoning is approved, I'll be on the phone with FWC first thing tomorrow morning to make sure an environmental impact study is done. There, there are more Eaglets in that nest. There's at least one more Eaglet in the nest. I've seen the female laying in the nest, and I've seen her sitting up on a branch above it being very watchful. There's only two times Eagles lay in the nest, one is when they're incubating eggs, and the other is when they're brooding, brooding Eaglets. Since the Owl, since adults are not there all the time, there's Eaglets in that nest, which means we're hopefully, we're going to have another fledge. So, the nest is not only considered active, it's considered successful. And I will be ensuring that my Eagles are protected. I love my Eagles. I keep calling it my, my nest, and somebody asked me, "well, how can you own Eagles." I said, "I don't, I just own the nest and rent it to the Eagles."

Altman: Thank you. Lynn Knight, Lynn Knight. The next speaker will be Tracy King.

Knight: My name is Lynn Knight and I've lived in Merritt Island for 46 years. My husband was the head man, head engineer at the Air Force station, and he passed away at 49. Anyway, I wanted to tell you, we moved here because this was the dream of his life. He never wanted to go anyplace but the Space Center, and we, when we came here, I believe if I'm not wrong, and pardon me for being dis, discombobulated, but I think we had \$30,000 here, or 30,000 people here in Merritt Island, I may be mistaken, in 1980, but I know that Thad was a child and we introduced him to this stuff. Anyway, um, my reason for speaking today is because, you know, there's so much about the Planning and Zoning Board that they are . . . I appreciate everything that you are doing, and I appreciate all that the young people are doing at the Planning and Zoning Board, but Brevard County is like, uh, a back wood politics. It's like the oldest of the oldest of the oldest, and they're so far behind in everything that it's really sad because when it comes around, we're the ones that are suffering. I want to thank our Commissioner, uh, Goodson. I appreciate very much him being sick and listening to this from all of us people, because we're very concerned. I want to tell you I went to the Department of Transportation yesterday and I spoke with a woman that was very involved and had been doing this for many, many years. She was out of Deland, which is the District of Deland, which is where we're from. That's where we go for our transportation. She told me at that time that we had at the present time 30, uh, 27,500, uh, cars and, and that on, uh, uh, Courtenay, uh, up to 34,000, and it was 30,750 south of, uh, of Courtenay off of five, past 520. So, we have way, way more than anybody ever knows out there that's traveling up

and down our waterways and our river ways, or, uh, streets. I just want to tell you that, uh, one of the gentleman said that if this was approved, that would be 1,329 trips per day, okay, for the amount of people that they had. Well, you can more than double that, it'll be 26,058 because the property directly across was, is not addressed at the present time, is what's coming up next. And, so, we're going to have that many more apartments' right across the street, and my child went to Lewis Carroll Elementary and graduated, and it's a fabulous school. We have so many schools off of Courtenay. We have so many churches off of Courtenay. We have so many businesses that we welcome, but I'm just telling you when you have like even a hotel, when it comes to the evacuation, I've been through the evacuation three times, and I want to tell you something, it's not funny. And that was back when there was 30,000 people. I paid \$115,000 for my house back in 1980, and I went to a Commission meeting and was so dis, dis, dissatisfied with what happened, I joined the committee to save Sykes Creek, and this is not any better than it was back in 1980. I, it's nothing against the, uh, Planning and Zoning people that work it, it's the information that's given to them. You know, that's what is happening in our, in our Merritt Island, because just like out of the Space Center, when they bring in the third Star Ship, I wonder if any of you know that the, uh, velocity, or whatever it's called from the, the, noise from the Shuttle is going to be 10 times more than it is now with a Space Shuttle. And all of us are going to have to have our windows replaced. My house right now is worth . . . I paid \$115,000, it's now worth \$1,000,000, and, and it's really sad because we also have property that's on the street, um, right down the street at Lewis Carroll, and at the end of the street, it is very marshy and watery. And we have on our street, Topaz, we have, uh, they were talking about traffic, the traffic on our street is horrendous. The cars are doubled up to wait for their children to get out of there. That street was originally manufactured because of Lewis Carroll Elementary. Um, I have the numbers and stuff, uh, for all these different places that I've corr, got, gotten together, but there's so many things that I could say that I'm not going to bore you, because I know you have to go to bed, too, you know. But I'm just telling you, the, the sewage that I dealt with back in 1980, I want to tell you honest to God, I worked for seven years, I raised the money, I was the person that went out there and the Today Newspaper called an irate idiot. Well, I told him, I said, "let me bring my information to you and you'll see how many irate idiots are out there." We, we sued the County. We got rid of all of the Commissioners, which you know, they had done their share, but, uh, we raised the money to get a million and a half sewage treatment plant, and we've got people now that are going to be dumping into the river that have just been approved, and, and they're huge corporations. And so, I mean, it's just, it's tragic. It's really tragic, and we just do not need anymore, anymore. It's too overfilled right now.

Altman: Thank you. Tracy King is our next speaker and then Veron . . .

King: I wanted to say I agree with everything that was said here. I'm going to save everybody the time, and I very much would ask that you deny this.

Altman: Thanks, so Tracy is waiving her speaking time, but she's against the project. Let that be reflected. Thank you. Thank you. Veronica Oakler.

Oakler: All right. Before my time starts, I just wanted to be clear. Is it 30 minutes? Is, do we also get, surrebuttal here?

Altman: Yes.

Oakler: Okay.

Altman: We give you the same as the presenter.

?: Inaudible.

Altman: You have no rebuttal?

Oakler: Surrebuttal?

?: It's included.

Altman: We give you 30 minutes.

Oakler: It's a rebuttal to, to their rebuttal is what I was asking. That's common in, you know, litigation work.

Altman: Let's ask Morris.

Richardson: No.

Oakler: Okay, just wanted to be clear. Every County is different, so I always double check every single time. So, well, good, good afternoon, or should I say evening, uh, commissioners. My name is Veronica Oakler. I'm here to represent the, uh, Sykes Cove Community Association. This entire community has come out in droves. So, I can't the entire, many people are still working and couldn't physically be here, but over 3,000 signatures. That's something quite significant that I thought I should point out. I also wanted to acknowledge and recognize everyone who has come to speak here today. They've kind of stolen my thunder. So, great job everyone, like they, they have covered a lot here today. Um, I do want to give you a little bit of background for my, about myself as well because not all of you have met me. Um, I am an environmental, land use, and real estate attorney. I have worked in both the real estate development side, as well as standing up against real estate development at times. I've worked in state government for Department of Transportation. I've worked in the governor's office in their environmental land use area. I have kind of seen all sides of this coin. I understand being in the government you have to find a balance. It is a balancing act between all these different interests, and that is a very difficult, um, a difficult burden that you do have to carry. So I want to acknowledge that, and I know that everyone here acknowledges that as well, even if we all have disagreements as to how best to do that job. I also want to acknowledge that yes, the development team here has made efforts. They have made efforts based on some public feedback, and some efforts were based on things that they simply just did not know because they're not from this community, they're not local. A lot of work that comes into this is based off of on the ground, boots on the ground, knowing what's going on. And it's not simply doing a desk review. I'm very

familiar with desk reviews, I'm an attorney, we're at, I'm at my desk most of the time. It's kind of the downside so to speak. I don't get the exercise I'd like to get, but it's part of the work, right? The desk review is only one phase of the work. Getting out into the community, that is a very important phase, and as a land use attorney, this is something I often try to recommend to developers, talk to me before you purchase the property. Talk to me before you start doing your market research analysis. We have experts that help you analyze whether this is a good business decision, whether this is the right property and the right project at the right time in the right location. There's a lot of right, right, right when it comes to this and that's because well, you've heard it from realtors, location, location, location. Right? Um, what it comes down to is if an individual or a company wants to do some kind of a development, they have to consider not just the local laws but the impacts to the individuals in that area, and I believe that they did make quite a bit of effort when it comes to that. But there are a number of factors that were originally not really considered that our community had to raise to their attention, or bring to their attention, and that was really important. I think that's why we had this public, um, this public comment process. In particular, I wanted to talk a little bit more about stormwater, drainage, and surface water impacts, but I didn't want to waste your time. I just want to drive home some of these points because we had a fantastic engineer, um, environmental engineer who came out here earlier, and actually answered and stated a lot of things that I really wanted to point out. But I'm going to elaborate a little bit further. In my experience as an environmental real estate and land use attorney, in my experience working at DOT that has a lot of impervious surface, I had to deal with a number of environmental impact statements, environmental analysis, storm water drainage capacity analyses, and I look at it from not just an environmental perspective. Thankfully, my background included an ecology degree for, from the University of Florida. So, I also understand the engineering and the science that goes behind it, not just the well, we'll just call it the boring reading of the law, just the words. I can actually read these maps as well, and that's something that is very difficult for the average person to do sometimes when they're not involved in this on the day in and day out. So, that's something that we often recommend when we're speaking with developers as land use attorneys. We say, "Hey, let me help you with your site plan before you start trying to do your rezoning, before you start making offers to a property owner to see if this is even feasible for you." I argue that this project is not feasible in this location. I think it's a great idea to build multifamily residential in the right place because we do have needs for housing in the right place. That is simply just not the case here. In particular, with regard to this property, it is currently vegetated with a mature tree canopy and a natural ground cover. It provides infiltration, infiltration into our groundwater. Right now, it absorbs water that lands on the surface of this property, and once it's built up, that no longer applies. That water washes away. This property currently also conveys pre-existing, historical, natural flows. That's actually a legal term, so I won't bore you with the details. It just essentially allows for water that is on the surface to flow, sheet flow, or whether it is through an actual river or creek. That is surface water movement. That surface water movement goes straight through this property. So, that is going to have to be diverted and accounted for. That ends up in public stormwater facilities, not private. In addition to that, this property sits within the FEMA Flood zone X. As we've all seen, many of the community members have provided actual evidence, not just words, not just emotional experiences. They've provided evidence, even though they don't

have the burden to prove anything, the burden is on the developer here. They've shown that this area already floods through standard rainstorm events, not through heavy hurricane rain events, and that's something very important to consider here. As already explained, this property is going to be elevated. We're in Florida. A difference of half an inch determines whether a property gets flooded. I've had to deal with a number of properties representing property owners all throughout, Central Florida especially, but all throughout the State regarding their neighbor suddenly developing their property and they're getting flooded. The, the property owner who didn't do any of the changes, now that person is stuck holding the bag, so we want to prevent that and that's actually something I tend to offer a lot of times as, as a land use attorney. I try to help with those site plans before a property or before a client even purchases the property, or considers purchasing the property, because this may not be the right property for that. So, that's another aspect to consider. So, this area, already prone to shallow flooding and sheet flow and ponding, now wants to build 222 units. That's eight buildings. It also includes, uh, parking areas and infrastructure. We also have drive aisles. So, it's not just parking. They have to drive through the property. That's all paved as well. So, this increases the amount of impervious and impermeable surface areas. A pool is also not pervious. Um, a clubhouse that's being proposed is also not pervious. All the related amenities, also not pervious. So, this is what we start running into a lot of problems. The conversion increases runoff volume and peak discharge rates. It disrupts existing historical flow paths. It reduces the site current capacity to store flood waters, and then on top of that, there's two acres, over two acres of wetlands per the wetland delineation. That is what it states. The wetland delineation, no, it was not required to be done yet, or so they said. It actually is per the Comprehensive Plan when you're considering the five factors. I'm happy to, to recap here toward the end of my discussion with you if you have any follow-up questions, I'm happy to go into that as well. But what's particularly concerning here is usually during the rezoning phase, as I have seen in my experience, rezoning, usually when a site plan is produced, it is required to understand what the proposed use is going to be, especially when it's a significant up-zoning. We're going from AU to RU, sorry RU-230. That's a huge jump. That's not a minor jump to match what's already existing abutting the property. That's a significant jump trying to keep up with what's going on in a different portion of the Island, a different portion within the County. It's simply not within this specific area. So, this is going to require a higher level of scrutiny. That includes looking at all of the factors within the Comprehensive Plan that this Board has the authority to review, including requiring a review of wetland delineation and potential impacts to wetlands, to stormwater, to surface flows, and flooding. Now, the developers team, they did mention, okay, a 100-foot buffer, that's a great, that's a great, 100-foot buffer that was not originally part of the plan. They did it because this community stood up and spoke up for themselves and said, "We don't want this being built right on top our houses", and so a 100-foot buffer was offered. However, that 100-foot buffer, I assume that's where the stormwater's going to go, we don't know, site plan doesn't say. It doesn't show anything about where that stormwater will go, how it's going to be managed. So, I'm going to get a little bit legal on you, a little lawyerly. I'm going to reference here Land Development Code, the stormwater management criteria. Chapter 62, and it's a bit long, we have to drill down a bit. So it's Chapter 62, Article 10, Division 6, Exhibit A, Section 1.1. This Section specifically mandates two things that are applicable here on this project. One is

that no site alteration shall adversely affect the existing surface water flow pattern, and two that post-development runoff shall not be greater than pre-development runoff. These are all things that must be considered as part of the application. Now, I'll touch on what the difference is between, um, rezoning stage versus site planning stage and permitting stage. They are two different things, but one does not necessarily, um, prohibit the other from being considered. Site planning work is more specific and more detailed, but there still must be a preliminary information provided during the rezoning stage, and there's not been enough preliminary information provided to even make that decision in order to match all of the requirements of those five factors. And I could drill down into those a little bit without getting too into the weeds. These are technical matters, not just for the later site plan and permitting approval stages, which I also want to remind everyone, the reason we have these public hearings is because once you get to site plan and once you get to permitting, they're rarely put in the spotlight. These are not held with public hearings. Some rezonings, oh, sorry, should I say, some, um, site plans require public hearings. This one wouldn't. So, how on earth can we hold them accountable once we're out of the Sunshine, once we are back in the dark of just being one-on-one dealing with one individual who's making decisions, and yet we have no idea as the public what's going on? And you, as a Board, would not know what's going on either. The surface water element of the Comprehensive Plan, Policy 3.1, requires retention of runoff with no increase in discharge for the 25-year, 24-hour storm. Just going to rattle off some stuff so you'll have it on the record. Policy 4.5 prohibits impacts to adjacent properties and receiving waters and flood prone areas. Objective 4 requires maintaining natural drainage features and flood storage. The conservation element of the Comprehensive Plan, Policy 4.2, requires no net change in floodwater rate and volume across the storm events. It encourages minimizing impervious and preserving flood storage. Policy 5.5 directs incorporation of wetlands into water management systems, so this is where I wanted to pause for a moment. Again, we have no stormwater management plan provided. We have no idea what this project is going to entail. We understand there are over two acres of wetlands, and the site plan already intends to build on top of portions of those wetlands without any reference to what the mitigation will entail. There's no compensation area for pre-existing flood zone, which must be calculated. I won't get too technical into that, we'll, we'll leave that for later, and then, of course, the stormwater ponds. So, all of that must be accounted for within the administrative, or Conservation Element Policy. More importantly, Administrative Policy 7 of the Comprehensive Plan prohibits uses that cause or substantially aggravate any substantial, substantial drainage problem on surrounding properties. So, let's just pause there. We've already heard about all of the flooding here. I'm not saying that this developer's causing it. Even if they did everything perfectly, they're still contributing to it. The reason they're contributing is because there's already a problem here, and we have to take into account the existing conditions of this specific area. And this all brings me back to what the five factors are, and I'll rattle them off for you here as well, just as a reminder, but in particular, that what this applies to is part of Factor 5 in your Land Development Code for 62-1151C, the five factors as to whether or not a rezoning can be approved. And it's the consideration of the public health, safety, and welfare. That's the rezoning stage. That's not a permitting stage, that's not a site plan stage, that's now in the here and now, and there's just way too many questions. So, just as a quick recap regarding what those five requirements, or five factors are, I will refer them to you

here in just a moment. Okay, five factors that you must consider, and this means that the developer here, the applicant, has to prove all of these items to you today, or should I say tonight. Um, first is the character of the surrounding land uses. We have heard quite a bit about the character of this community, this immediate area. Not the character of all of Brevard County, not the character of what's happening south of 528, not the character of what's happening in Viera, the character of what's happening right here in the immediate vicinity, just south of the 528 in Sykes Cove community and beyond, slightly beyond, right there at Courtenay and in Pioneer. Second is changes in conditions since the current zoning was assigned. Okay, the current zoning is AU. The current zoning is NC. It is not RES 15, that's a potential Future Land Use designation. And we want to remind you of that because a potential Future Land Use designation of RES 15 in the 1980s was very different than what we're experiencing today. Not only that, that also takes into account that other laws have come into effect since then, other changes have happened in the surrounding community since then. There have been other developments that have occurred since then. Just today, there was an approval for a rezoning to RU 15 and RU 30. So, that needs to be taken into consideration. There's cumulative effects that occur whenever there's changes occurring on this Island. But you know what? The changes to this neighborhood haven't occurred. This is continuing to be a low density, residential neighborhood of single-family homes, not multifamily, and that's a distinction that I think the development team needs to recognize. We're not comparing residential to commercial. We're not comparing residential to industrial. It's residential to residential, but what kinds of residential? Those are still two different uses. The fourth factor is impacts of traffic, water, sewer, and other public facilities. You've already heard this, so I won't belabor it. The fourth, I'm sorry, that was the third. The fourth is compatibility with the adopted land use plans. That's a Comprehensive Plan. So, the Comprehensive Plan is what is supposed to be considered as one of the five factors referenced in the Land Development Code. We consider everything that's in the Comprehensive Plan here and now tonight. We don't wait until some other point in time in the future when the developer finally gets around to coming up with a stormwater plan. We don't wait until the developer finally comes up with a plan to maybe mitigate for wetlands. We don't come up with a plan later on how this is going to impact our stormwater, sorry, not stormwater. Well, stormwater as well. But our sewer, our water, our impact to our school. It's not just that, its traffic as well, and this is a dangerous intersection, that's already been documented. And then, of course, the fifth factor is the appropriateness of the rezoning for public health, safety, and welfare, and that's already been discussed here extensively as well. So, what we come down to is recognizing as well that the burden of proof is on the applicant, the developer, and you've heard that as well. I just want to really drill that home, because they have to prove by substantial and competent evidence that they are not causing harm and that they're meeting all of these requirements of the five factors and drilling down through all of the requirements of the Comprehensive Plan. Not just the land use element, all of the elements, and that's specifically required per the Comprehensive Plan and the Land Development Code. So, wanting to make sure that you, just to kind of follow up and make sure you've heard everything before you. You heard today a couple of different things. One is these five factors that I just spoke to you about, right? Um, these are add, there's additional binding criteria in addition to the five factors, that's the Comprehensive Plan. There's also the burden of proof that the applicant, not the community,



needs to show this substantial, competent evidence. In fact, if you were to look at this as say a trial, um, a criminal trial, not to say that they're being criminals, I'm just saying if this were a criminal trial, the defendant, all need, all they need to show is reasonable doubt. There is loads, there's loads of reasonable doubt presented here to you today, as was presented at the lower levels with the, um, Planning and Zoning Board. You also heard about the developer's likely argument, and well, maybe you may not have heard this, um, at the arguments laid at the Planning, made at the Planning and Zoning Board, I'll slow myself down. Um, again, coming back to the infrastructure is a site plan issue. That's directly contradicted by Section 62-1151C and by Section 62-602B. That was already referenced by some of our community members here today. Also, Comprehensive Plan Policies 3 through 6, and the capital improvements element. All of this requires you as the Board to evaluate these impacts at the rezoning phase, here and now tonight, not some future date where it'll be done in the dark because it'll no longer be in your hands. It'll be a decision made by desk review individuals and not those who are physically on the ground, like everyone in this community who came to speak tonight. You also heard that the developer's own roadway capacity analysis proved that Courtenay Parkway, I'm sorry, that Courtenay is already at 88 percent capacity. You have these documents, they were already produced to you. Even though this traffic impact study was done over three different studies, they had to keep going back and correcting things. That's a bit concerning that they had to keep going back and correcting things. Having been at DOT for many years and working with many developers myself, we regularly have to do traffic impact analyses at this stage, not later, and those traffic analyses don't just look at a 24-hour over the course of two days during a time when school wasn't necessarily in session, it looks at peak rates, peak traffic time, and how long it takes during the peak when the congestion is most significant. Again, it's already been raised that this community will bring in the typical eight to five kind of, uh, families that are leaving to work generally in mass, arriving from work generally in mass at the same time that school is arriving and leaving in mass all at the same time at a roadway that has no more capacity available to it. While that may not be our community's fault, it may not be the developer's fault. That is a factor they should have considered before considering this property, before wanting to go through this rezoning process, and see, hey, is this even a possibility given the constraints of the existing roadway, the constraints of the utilities and infrastructure, the constraints of the school right here, so on and so forth. Those are all factors they should have considered and failed to do so. And I understand, they did spend a lot of time trying to find a way to make this square, what is it, round peg fit into a square hole, or is it square peg into a round hole? I always mess those up. The point is they're trying to make something fit here that does not belong, and it's really upsetting to the community because they're already dealing with the day in and day out frustrations of the over congestion, that over congestion that has happened here. And there wasn't even development with their own neighborhood, within their own existing area. All that's happened is services have been provided finally. Oh, they get a, you know, we get a Starbucks. Great, we would love Starbucks. This isn't providing service and that's something really important to consider. Here this project is already at very high capacity. It will, this project will consume 25 percent of the remaining capacity. This is based on their traffic studies. Um, so that brings us up to 93 percent. That does not even account for an already approved development that's coming into play. The traffic

counts didn't account for them because they're not there yet, but once this place, this project, has its entitlements in hand, it's too late. You can't turn them down, then it's too late, the new development will already having been, will have already been built, and now we have no more space to move our cars, to move our people, to move people to the Space Center for all the great jobs that are happening out there, and the great jobs that happen all throughout this Island and this County. We've touched as well on the schools. You've heard that the school concurrency determination, it's just a preliminary expressly non-binding analysis. It doesn't say anything about what future work is going to be here, what the future capacity needs are going to be. It does not take into account the other developments that were slated for approval. None of that was taken into account, because it just goes based off of right here, right now, what do we know? And there's still so much in the air that has not been answered. Again, with the burden of proof being to answer those questions by the development team, they just can't answer it. This is not the right place, that's why. You also heard about impacts to infrastructure. You heard about the potable water, the sewer capacity for sanitary sewer. You've heard about the neighborhood character. Unmistakably, it's single-family residential all throughout here. An assisted living facility that's brand new right next door does not change the character of the neighborhood. In fact, its way in and out is primarily directly on Courtenay. Its secondary access point is not something that's used on the regular basis by these individuals who are, um, living in the facility. As already stated, these are people who are not going to work eight to five, or outside hours. These are not people who are congesting the roadway. What's being proposed here will congest the roadway and will continue to tax this community further. The density as you've already heard as well is a ceiling not an entitlement. Policy 1.1 expressly allows this Board to limit that density, and so I want you to be very clear, not only does the Policy require it, it has been codified in your Land Development Code as well. Wetlands, we've already discussed. You've already heard no net losses allowed here and yet they're losing wetlands. How are we going to balance that interest? That hasn't been answered. It could at least be a few options that are being presented, and yet, none have been presented at all. It's just been swept under the rug and ignore what's going on. Quality of life and property value is something really important, I think, you may also want to look at. You've heard about Administrative Policy 3 that requires evaluation of impacts to the enjoyment, safety, and quality of life in existing neighborhoods. This is part of the five factors, once you drill down within the Comprehensive Plan. You have to understand what Factor 3 looks into. We look right there specifically at the impacts to the enjoyment, safety, and quality of life in existing neighborhoods. So, we don't want to turn our back on those who are already here to benefit someone in the future who then in turn will also end up struggling because they can't even get out of their homes. It's, it's going to be a challenge all across the board, it's not speculative, it's reasonable doubt. They have to prove by substantial, competent evidence and they've ignored the DOT public records as already stated by other, um, commenters here today about how many vehicles are actually on this roadway. One study, one day for 24-hour period that doesn't really cover it. DOT has quite a lot of studies they can review to really understand better what's going on here. So, at a minimum, I want you to also recognize I mentioned the less intense classification. Section 62, and here's the, the citation for, for the record. Section 62-1151H specifically allows this Board, as well as a Planning and Zoning Board, as well as planning staff to require a lower level of

density. It doesn't require an RU 215, RU 230. This whole area is RU 1, RU 1 and AU. This is a major shift and a major change to what's going on here, and you have the authority, one to deny them outright because they have already failed to meet all of the requirements, all these five factors that I've listed, they have deficiencies in every single one. But on top of that, they have failed to answer a lot of the public's questions about how they can do a less, a less dense option. What they have answered in the public, I'm sorry, in the Planning and Zoning Board hearings is, well, it's just not financially feasible for us to do lower density. It's not financially feasible for who, for, for the developer who then leaves and walks away and doesn't have to deal with the problem, and the community does. The residents who move into these apartments have to deal with it, too. So, that's something really important I want to raise to your attention, because if they are to get a rezoning, RU1-1, RU1-5, RU1-11, my goodness, there's so many RU 1 options they could have chosen from, but they chose instead RU 2, increasing from single-family, low-density residential to highly concentrated, multifamily that's going to hurt not just the community living here in the here and now, but the community whose supposed to be moving into these very buildings. How's that going to be a luxury being stuck in your apartment because you can't make a turn onto your road? So, my last two minutes I just wanted to drive home a few last items. Let's see. There's so much. I'm trying not to bog you down because there is just so much to pick at here, and it's not being nitpicky, it's just there's so many holes, and so many holes in what has been presented to you by the development team that this community has been asking for months on end, what, six months it was and yet they've not been answered. There have been attempts, and I understand the effort. There, there were factors that maybe they hadn't considered because they didn't know. If you're not from this area, you may not know the kinds of factors that you need to consider. So, I understand why they didn't. We're not blaming y'all, but we also need to recognize that when we're looking at our Comprehensive Plan, we look at whether the proposed use would significantly diminish the enjoyment, safety, or quality of life in existing neighborhoods. We look at whether it would cause a material reduction in the value of abutting lands. They were previously told in the Planning and Zoning Commission, this community was told, "Well, you haven't been able to prove that your property value would go down." That's not their burden. The burden is on the developer, the applicant, to show that property values would actually go up. The proposed use, the last, the last of these, uh, factors within factors, I know it's kind of hard and kind of difficult, I wouldn't say difficult, it's kind of you have to be a particular drill down kind of person when it comes to reading the laws of the County and the requirements of the Comprehensive Code, and the Florida Statutes, and there is so many in this community who've done exactly that. So, it can make your life easier because you have so much on your plates to have to consider, and they've done the work for you, when the developers have failed to do that themselves. The proposed use must be consistent, not just with the emerging pattern but the existing pattern. And in Florida, if I could finish, I just have two more minutes, I could finish this thought. Um, in Florida, we are treating our zoning like first in time, first in right. That's the reality everywhere. Just because there were developments approved nearby within the last three years doesn't mean that we automatically have to approve every other development similarly to that. The reason it's a race when we're doing development in this State, and anywhere for that matter, is because at some point you just run out of

room, you run out of capacity. We're on an Island and we just can't take anymore. Thank you.

Altman: Thank you. Five-minute break, five-minute break? Okay, we're going, five-minute break. Yes, before . . . we'll take a five-minute break before rebuttal. That's been requested by a number of, been requested by a number of people. Thank you.

\*The Board recessed at 8:41 p.m. and reconvened at 8:49 p.m.

Altman: Okay, um, I want to ask the Board if it's okay, I think, um, she had some time left over, we'd give, um, her 10 minutes in rebuttal? We'll add that to, 10 minutes for your rebuttal.

Rezanka: Thank you. Okay, thank you, Chairman Altman, members of the Board. Uh, Mr. Goodson, are you still with us?

Goodson: Yes, ma'am.

Rezanka: Great. So, uh, I, uh, I'm not really sure what to do with that last argument by Ms. Oakler. Um, in my opinion, she's misstated the law, by the State and, uh, local. I, I am from Brevard County. I've been doing this land use for 25 years, not criminal defense or anything else, or FDOT work. And so, we have looked at the Code. The developer did look at all the Code and it has followed the law. This County, nor does State law require a site plan at the rezoning stage. It doesn't require stormwater calculations, it doesn't require stormwater treatment calculations. It doesn't require the Clean Water Act or the St. Johns, uh, treatment rules to be complied with at this stage. Also, your primary responsibility is to follow the law, not to listen to petitions, not to look at red shirts. And the law is very clear that the objections of a large number of residents to the affected neighborhood area are not a sound basis for the denial of a permit. The quasi-judicial function of the Board of, is to, uh, exercise on the basis of the fact seduced. Numerous objections of adjoining property owners may not properly be given even a cumulative effect. Um, other law, Flowers Baking Company versus City of Melbourne, objections of local residents to the conditional use to the use requested are not on fears of traffic do not constitute such substantial competent evidence, and that's what you've heard. As I mentioned, a lot of fears here. There's been one traffic engineer presented to you. The three different versions of the studies were based upon difference of opinions between traffic staff and our expert traffic engineer. There's one traffic engineer here. They did look at the Pioneer Road. They did look at standard reasons the way trips are distributed. No one here has given any competent, substantial evidence in opposition and your County staff has accepted that, that analysis. Should you have questions of the traffic engineer based upon what you heard, he's available to do that. I presented you a packet of information that was presented to P&Z and was left out of your packet. It deals with the concurrency evaluation procedures that has been discussed a couple of times today, and it is clear when you look at this that it does not require concurrency at the zoning stage. I have the package right in front of you, too, Mr. Altman. So, the preliminary evaluation for a zoning action, it does not require stormwater, or wetlands, or anything else. That has been misstated this was provided to P&Z to show that there was only a requirement for site plans to look at the 88 percent traffic capacity. That was in the memo that I

provided to you. Per the definitions in the County Comp Plan, deficiency is the measure of impact of the development proposal, which will qualitatively exceed the existing established minimum acceptable level of service for a public facility or service. This development does not exceed the level of service on Courtenay Parkway. Section 62-602B, only a preliminary evaluation is to be completed to show the availabilities of services and facilities for a zoning application, there's a non-defic, only if there's a non-deficiency, and the Code provision is . . . wait, Section 62-205F is for a vesting of road capacity. The proposed trips generated do not increase level of service. Um, I also want to, other statements made by Ms. Oakler . . . um, this developer doesn't walk away, they manage it. Um, she made many references to facts that were not in the record as she's so fond of saying. Um, this doesn't, the decreasing in value, the requirement of your Codes, says it requires an MAI appraisal, not that it's anyone's, um, not that it's their burden of proof. Uh, the traffic study was done with two 24-hour cycles, and believe it or not, 24 hours does include peak hours, so, and school was in session.

Outbursts from audience.

Rezanka: It wasn't done on a Sunday.

Outbursts from audience.

Rezanka: Um, the day . . .

Altman: I'm going to pause here. Um, we just heard, what, two hours of testimony? Never once did the, the applicant or their counsel interrupt anyone, they respectfully listened to your comments. I'd ask you to provide them the same respect and allow them to present their, uh . . . because we stop the time every time she's interrupted. So, it's only going to, we're not going to allow this to take away from her right of rebuttal. So, it just, it just makes the evening go longer, but please just offer the respect for the, for the applicant.

Rezanka: Thank you. Uh, as to the contention that this is a dangerous intersection, that is an opinion. The traffic study does not say it's a dangerous intersection. Your staff does not say it's a dangerous intersection. Again, these are unsubstantiated opinions that have no factual basis. They're anecdotal, sure, but they're fears. They're catastrophizing and there's nothing in the record to support what they're saying because they don't have an expert traffic engineer here. We have spoken . . . oh, school, school concurrency that's in the record, the staff report says there's no issue with school concurrency. And if you look at the report, in the years 20, 2029, 2030, there's 217 extra elementary seats of capacity at Lewis Carroll. So, that is not an issue. Also, sewer is not an issue. There's a letter in your packet from Victoria Benavidez, she's with Brevard County Utility Services, said that she misspoke at P&Z and wants to correct her statement that Sykes Creek plant does have capacity. Um, I do want to talk about MIRA, and um, MIRAs report, as I said, they denied it based on too much density in the area, no facts, no reasons to support that, and that additional information would be needed. MIRAs staff on the other hand thinks this is a great idea, is needed, and this is the right place for it. We have spoken to Brevard County Sheriff's Office and it has advised that the issue with Lewis Carroll is that most students are

driven and the parents arrive long before pickup time and park in the right-of-way of Lewis Carroll. They've tried to enforce it. The people just ride around the block. Um, the school district is adding a lane to the drop off lane for the next school year, and BCSO believes it will be beneficial. We have offered to assist in any way, including adding an additional loop to the back of Lewis Carroll because there's three acres of non-used land at the east side of Lewis Carroll. This property has never been developed, which is an indication that the current allowed commercial uses or any ag uses is not appropriate. It's been vacant. There's a need for housing. The property must be rezoned so it can be utilized. AU is not appropriate in a commercial, mixed-use area as your staff report has said, is more of a holding car, category for the property. This is not good for raising and grazing of animals. According to Planning Manager Gilliam, because of the BSP on the property, it wouldn't be able to be used for residential. There are options for this property. The medical office hospital, which is a huge traffic generator, ACH is looking for a place for a freestanding ER in Central Brevard County. Parrish has indicated an interest to compete with Health First. They've even looked at the old Cape Canaveral Hospital. If this is denied, they have no option but to do something because the property can't be used for anything other than medical office and that's not going to happen. It hasn't happened since 1986. Uh, we do intend to appeal the County Planning Manager's opinion of Live Local Act because this is approved for a commercial use. Does not say commercial zoning in the Live Local Act. Mr. Altman knows the exact intent of the Live Local Act because he was in the State House when this was adopted. It is to stop this kind of failure to properly prove zoning for residential uses when this is appropriate for zoning for residential uses. There's been a lot made about the area commercial. The area is residential. The area that's residential is here and here. This property has four sides. That's one and a half sides. This area is commercial. There is no residential on Courtenay as stated north of Skyline to State Road 528. So, single-family residential does not belong in this site, and that again is shown by the Future Land Use, not a potential Future Land Use Map, but a real land use map that says this is residential 15 and neighborhood commercial. This is very much akin to the Snyder lawsuit. Mr. Altman, I know you're very, um, involved with that. You were on this Commission when Snyder versus Brevard County went to the Fifth District Court of Appeal. That opinion from the first District Court of Appeal says in Florida, the greater value of land is its potential use value, not its intrinsic value. This is especially true of vacant land. In a society which recognizes the right of a private citizen to own property, the citizen owner has a right to make use of the privately-owned property as a citizen owner desires, subject only to the limitations that private property cannot be used in a manner that encroaches upon the rights of other citizens. This is a self-contained, private use apartment complex that to go out of this property, if you're going north, you're onto Courtenay, you're not going through their neighborhood. That makes absolutely sense, and this was evaluated in the traffic study, which apparently no one read. So, we would ask that you approve this rezoning. We have met the burden of proof. We have met the Comp Plan, and specifically, the private property rights, uh, element of the Comp Plan. Thank you.

Altman: Thank you, thank you. Okay, that was our last speaker. We will bring the, uh, request now to the Board. Are there any questions or comments from the Board? Okay.

Goodson: Chair?

Altman: Yes.

Goodson: I'd like to make a motion that there's going to be no discussion. I'd like to make a motion if there's going to be no discussion.

Altman: I, that motion dies for a lack of a second.

Goodson: I haven't even made it Chair.

Richardson: Oh, I think he said if there's going to be no discussion.

Adkinson: Yes, he said if there's . . .

Altman: Oh, I thought you said for no discussion. I couldn't understand, I misunderstood you. Okay.

Goodson: No, that's fine.

Altman: Okay, all right, you would like to make a motion. Okay, you're welcome to make a motion.

Goodson: Okay, okay, I'd like to make a motion to deny the development because it's not compatible with the area, and I'd like to instruct staff to do Findings of Fact.

Altman: Okay, is there, is there a second to that motion?

Adkinson: I'll second it.

Altman: Okay, second by Commissioner Adkinson. Okay, there's a motion and a second for denial of the applicant and staff to, um, state a Findings of Fact. I'd like to recognize staff to . . .

Feltner: They'll bring it back, right?

Adkinson: They'll bring it back.

Richardson: So, under the, uh, Board Policies, when the Board indicates an intent to take a zoning action and directs the County Attorney's Office to prepare a Finding of Fact, we work with staff and do that, and we'll bring it back to the Board at a future zoning meeting, but you make your decision on your . . .

Altman: Okay.

Richardson: . . . zoning action tonight with the Findings of Fact to come back at the next meeting.

Altman: So, we will vote on the motion to deny. Staff will, uh, take, um, the issue, have a Finding of Fact that, uh, gives us time to review, and then vote into, at a future meeting.

Richardson: You, you make your, you take the zoning action tonight and then bring back the Findings of Fact for consideration approval at a future meeting.

Adkinson: Vote tonight.

Altman: Okay, great. Uh, any questions? I do have a question. Is that meeting where we either accept or deny the Finding of Fact or I assume we have the ability to amend, but is that a public meeting? Is that advertised?

Feltner: Yes.

Richardson: It's not, it's not advertised as a public hearing like this one. It's at a public meeting of the Board of County Commissioners.

Altman: Please let our Attorney . . .

Richardson: It's . . .

Altman: Let him.

Richardson: It's at a public meeting, but it's not a public hearing.

Altman: Right, right, like a zoning.

Richardson: But it's at a public meeting.

Altman: Okay, just wanted . . .

Richardson: It's usually on the Consent Agenda.

Altman: Okay.

Feltner: The, the, it's a, it's a future Commission meeting.

Richardson: Yes.

Feltner: Yes, right, and it's, they're typically on Consent.

Altman: But, we could talk about it, too? I mean, we could remove from Consent?

Feltner: Absolutely 100 percent.

Altman: Just trying to make sure we get the procedure right.

Feltner: I think we recently, Mr. Chair, sorry . . . I think we recently pulled a Finding of Fact off Consent and discussed it, and then passed it.

Altman: Right.

Feltner: So, that's happen . . . I'm sorry.



Rezanka: (unaudible)

Feltner: I, I think, yeah, I think we just went through, went through that just . . .

Altman: Okay. All right, great. Thank you. Okay, uh, is there any debate or comment on the motion? Uh, seeing no debate, I'd call the question. All in favor say Aye.

Goodson: Aye.

An audience member asked for the layman here, what is exactly going on?

Richardson: The public hearing is closed and the Board's about to . . .

Altman: Let's, we're trying to get the Attorney to explain that and he was being interrupted by the audience. So, if you could allow him to speak without interrupting, please? That's a very good question. Okay.

Richardson: The public hearing concluded and the matter is now with the Board to decide. There's a motion on the floor, and now the Board has discussion, and they called a vote on the motion. So, they're about to vote on the motion.

Altman: So we're about to vote on the motion which is to deny. Uh, we, I, I, think we've concluded any discussion. There will be a Finding of Fact that the staff will bring back. The Finding of Fact is under what basis did we, you know, deny the request. Very important process in this, this, this hearing, and that will come back at a future meeting. That meeting will be advertised to be on the Agenda. It's not going to be like a public testimony type of meeting like you have here in the zoning, but it's something that we could discuss. Everybody got that? Okay, good.

Feltner: I, um, what, maybe I could clarify something. The, the, fin . . . Mr. Chair?

Altman: Go ahead.

Feltner: The Finding of Fact, um, issue that would be before the Board of County Commissioners would not change what, what we're doing here tonight. So, the motion to deny is on the table. That's what we're going to vote for right now, that, okay? And the Finding of Fact that, that's simply what's the legal reasoning in why we did that. That's what that is. Okay, all right. And we, okay, Mr. Chair.

Altman: Got it, I'm glad you, I'm glad you clarified. No, it doesn't change our denial, but it takes all the data and information, and our law and the, into effect and we formalize that, and . . . that's exactly right. Okay, um, I'm glad you clarified that, Commissioner.

Feltner: And I'm not an attorney. I don't pretend to be.

Altman: So, is there any debate on the motion? Any further debate? Okay, there's a motion and a second to deny the application. All those in favor say Aye.

Goodson, Adkinson, Feltner, and Altman: Aye.

Altman: Motion passes unanimously, um, I hope. Do we have a date certain when the Finding of Fact will come up?

Richardson: Um, I, I cannot . . .

Altman: We don't know for sure . . .

Richardson: Right.

Altman: But it will be advertised to be part of the Agenda, so, okay, thank you.

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

The Brevard County zoning official, planners and the Director of the Planning and Development, 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 zoning 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 amendments, 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 development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

### **Administrative Policy 3**

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

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

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

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

**Criteria:**

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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

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

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

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

#### **CONDITIONAL USE PERMITS (CUPs)**

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

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

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

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
  - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.



- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

**Current Volume:** Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS  
25Z00054**

**Merritt Bidco SPV, LLC**

**AU (Agricultural Residential) w/ Binding Site Plan (BSP) to RU-2-15 (Medium-Density Multiple-Family Residential) & RU-2-30 (High-Density-Multiple-Family Residential) w/ removal of BSP**

Tax Account Number: 2412106  
Parcel I.D.: 24-36-14-00-259  
Location: Eastside of N. Courtenay Pkwy., approximately 400 ft. south of Via De La Reina (District 2)  
Acreage: 11.24 acres  
  
MIRA Board: 12/11/2025  
Planning & Zoning Board: 01/12/2026  
Board of County Commissioners: 02/05/2026

**Consistency with Land Use Regulations**

- Current zoning is consistent under the Future Land Use Designation, Section 62-1255.
- The proposed zoning and Future Land Use Designation is consistent per Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS).

|                                                        | <b>CURRENT</b>             | <b>PROPOSED</b>                       |
|--------------------------------------------------------|----------------------------|---------------------------------------|
| <b>Zoning</b>                                          | AU                         | RU-2-30 & RU-2-15                     |
| <b>Potential*</b>                                      | 5 Single-family residences | 222 Multiple-family residential units |
| <b>Can be Considered under the Future Land Use Map</b> | YES<br>NC, RES 15          | YES<br>NC, RES 15                     |

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

**Background and Purpose of Request**

The applicant is requesting to rezone the subject property from AU (Agricultural Residential) with a Binding Site Plan (BSP) to RU-2-15 (Medium-Density Multiple-Family Residential) with the removal of the BSP on an 11.24-acre parcel for the development of 222 units.

The BSP on the property also includes the developed medical center property abutting the subject property. The BSP includes an access point on the north side of the medical center

property, accessing N. Courtenay Pkwy. The second access point in the BSP is on the south side of the medical center property on Pioneer Rd. In addition, the BSP has a 50-foot-wide vegetative buffer along the northeast corner of the subject property, then south along the property line down to Pioneer Rd. The BDP stipulates that the vegetative buffer shall include ten (10) live oak trees, forty-three (43) slash pine trees, one-hundred eighty-one (181) Surinam cherry trees, and eighty (80) wax myrtle trees.

The applicant is requesting 222 multi-family units calculated below:

- Approximately 7.64 acres at 15 units to the acre equals 114 units.
- Approximately 3.6 acres is NC with a density bonus to RES 30 which equals 108 units.
- The density bonus is based on FLU Policy 2.10, which states: Residential development is permissible in these commercial land use designations at a density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street.

Development on the site may be impacted by the following:

- Within approximately 660 feet of the site, there is a mapped eagle nest (#BE124).
- Relating to Natural Resources, Brevard County Code Sec. 65 3694(c)(6): For subdivisions and multi-family parcels 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. **This means that residential development is allowed 1.8% max impacts (with mitigation for impacts).**
- Relating to traffic concurrency, Brevard County Code Section 62-602(F)(6) states: For site plans and subdivisions, the vesting provisions shall apply in the following circumstances: (a)(1): Road Capacity: The affected roads are operating or committed at a level equal to or less than 85 percent of the acceptable level of service. **Currently, the roadway is operating at 88% capacity, per the most recent Space Coast TPO traffic counts.**
- Also relating to traffic concurrency, Brevard County Code Section 62-602(F)(6)(b) states: The threshold capacity restrictions described in subsection (f)(6)a. of this section, a site plan or subdivision shall be allotted no more than 25 percent of the remaining capacity of a facility. Project size shall be determined utilizing the most restrictive of the facilities named in subsection (f)(6)a. of this section. No more than one phase shall be approved for development until 50 percent of the residential lots or units or commercial projects approved for that phase have been sold or developed. **The proposed development would utilize more than the allowable 25% of the remaining capacity.**
- Based on staff analysis, the above impacts could lead to a finding of concurrency deficiency at site plan as it is anticipated that the development will increase the roadway utilization by 6% bringing the roadway to 93.57% daily use, reduce operating times of construction, reduce the maximum density of the property, and phase development based on concurrency to ensure no reduction in the traffic level of service. A finding of deficiency may be the effect of preventing future development approval on the site and the surrounding area.

The information above regarding concurrency is preliminary, as outlined in Section 62-602(b)-“Preliminary evaluation prior to zoning action. For review of zoning applications, a preliminary concurrency evaluation shall be completed as part of the zoning review process to illustrate the relationship between the proposal and the availability of services and facilities for the planning and zoning board, the School Board of Brevard County, and the board of county commissioners. This review will be based on the information described in the zoning application. The results of this preliminary review are for the use of the county in its review of the zoning application and a school area impact analysis application.” (See also Sec. 62-604(e),” For review of zoning applications, the preliminary concurrency evaluation shall be used for general information purposes only as part of the zoning review. Subsequent to the approval of a zoning application, a formal concurrency evaluation prior to site plan, subdivision plat or building permit approval shall be required.”) Binding concurrency analysis will occur at the Subdivision/Site Plan stage of development.

Brevard County Utility Service Comments state: In the context of onsite sewage treatment and disposal systems, “Available” is defined in F.S. 381.0065 (2)(a) and the requirements to connect to an existing onsite sewage treatment and disposal system to central sewerage system are defined in F.S. 381.00655 (1)(a). Brevard County has the exclusive right to furnish the sewer service per Section 110-181 BCCO because this is within the Brevard County Utility Services Department Service Area. Please note that a Brevard County gravity main runs through this parcel. The existing Brevard County utilities that cross the property serve 2400 and 2404 N Courtenay. If parcel is developed, the Brevard County infrastructure must remain accessible. Brevard County Utilities Services Department will require a completed easement for the Brevard County sewer infrastructure on the parcel. The developer will be responsible for any improvements to the lift station needed if capacity is not sufficient for planned development.

The subject property’s current configuration was recorded in DB RR, PG 282, which was before the establishment of the Brevard County Zoning Code in 1958.

The AU zoning is the original classification established on the subject property in 1958.

The subject property retains the original two (2) FLU designations, Neighborhood Commercial (NC) and Residential 15 (RES 15), established by the 1988 Brevard County Comprehensive Plan.

The current AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

The proposed RU-2-15 classification medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The proposed RU-2-30 high-density multiple-family residential zoning classification encompasses lands devoted to multiple-family residential development, together with such accessory uses as may be necessary or are normally compatible with residential surroundings, permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

The subject parcel is located on the east side of N. Courtenay Pkwy., approximately 400 ft. south of Via De La Reina, a county-maintained road.

As of November 25, 2025, there are no current active code enforcement actions on the subject property.

### **Surrounding Area**

|              | <b>Existing Land Use</b>                         | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|--------------------------------------------------|---------------|------------------------|
| <b>North</b> | Vacant land, single-family residence             | BU-1, RU-1-11 | CC, NC, RES 6          |
| <b>South</b> | Medical facility, assisted living facility       | AU, BU-1      | NC, CC                 |
| <b>East</b>  | Single-family residence                          | RU-1-11       | RES 6                  |
| <b>West</b>  | N. Courtenay Pkwy., Professional office building | BU-1          | CC                     |

North of the subject parcel is one parcel, owned by Brevard County, 0.68 acres, BU-1 zoning with CC FLU designation and RU-1-11 zoning with NC FLU designation. In addition, there are four (4) parcels, approximately 0.19-0.25 acres each, developed with single-family detached dwellings in a platted subdivision, Villa de Palmas with RU-1-11 zoning and RES 6 FLU designation.

South of the subject parcel is one parcel, 4.46 acres, developed with a medical facility which is owned by the applicant for this rezoning, which has AU zoning with NC FLU designation. Another parcel, across Pioneer Road, 6.62 acres, developed with an assisted living facility that has BU-1 zoning with CC FLU designation.

East of the subject property are nine (9) parcels, approximately 0.18-0.26 acres each, developed with single-family detached dwellings in Raintree by the Lake, a platted subdivision, which has RU-1-11 zoning with RES 6 FLU designation.

West of the subject property is N. Courtenay Pkwy., a State-maintained roadway. A property improved with a professional office building and zoned BU-1 with a CC FLU is located directly west of the subject property across N. Courtenay Parkway.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 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.

RU-1-11 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 on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

### **Future Land Use**

The subject property's AU zoning classification is consistent with the NC and RES 15 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The applicant's request for RU-2-15 zoning classification can be considered consistent under the existing Future Land Use.

### **FLUE Policy 1.2- Public Facilities and Service Requirements**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

#### **Criteria:**

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

**The proposed development is anticipated to create a deficiency in LOS, other than a potential traffic concurrency issue due to the roadway being at 88% MAV utilization currently.**

**The proposed development will be required to connect to Brevard County sewer system.**

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

**No issues are anticipated with regards to fire and emergency medical services.**

C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

**The proposed development will connect to Brevard County sewer via a force main that runs along N. Courtenay Pkwy. There is also a gravity main that runs through the subject property. Brevard County Utilities will provide the sewer service to the property.**

**The proposed development is within the service area for City of Cocoa Utilities to provide the potable water service.**

D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

**The density of the proposed is a maximum of thirty (30) and fifteen (15) units per acre and will require a connection to a centralized sewer system.**

#### **FLUE Policy 2.10- Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations**

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

##### **Criteria:**

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

**The owner proposes to develop a vacant, undeveloped parcel with medium and high-density multi-family residential units. The development is proposed to have**



**walkable areas for pedestrian accessibility to the on-site amenities. A Space Coast Area Transit (SCAT) bus stop is located directly adjacent to the proposed development across N. Courtenay Parkway.**

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

**The property is located adjacent to N. Courtenay Pkwy., classified as an urban principal arterial road by the SCTPO.**

**As the property is placed under contiguous ownership and is to be developed with internal connectivity, it can be considered to be on the same side of the road.**

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area:**

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.

**The corridor currently operates at 88% capacity, and the proposed development is anticipated to increase the traffic to a level of 93.57% of daily capacity. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.**

**Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.**

- 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.

**Only a certified MAI (Master Appraiser Institute) appraisal can determine if a material reduction has or will occur due to the proposed request.**

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;

**The proposed use is not consistent with the existing pattern of surrounding development, which is characterized as single-family residential to the east, a medical facility to the west, and an assisted living facility to the south. The proposed development could be considered a transition from the high intensity uses along N. Courtenay Pkwy. and the low intensity uses to the east which is the platted single-family residential subdivision.**

**There are five (5) FLU designations: Community Commercial (CC), Neighborhood Commercial (NC), Residential 15 (RES 15), Residential 6 (RES 6) and Residential 4 (RES 4) within a 0.5-mile radius of the subject property. RES 6 is the prominent FLU in the surrounding area on the east side of N. Courtenay Pkwy.**

**There are eleven (11) zoning classifications within a 0.5-mile radius of the subject property: RU-2-15, IN(L), BU-1, RU-1-11, RU-1-7, BU-2, EA, AU, RU-2-10, PUD, and BU-1-A zoning classifications. RU-1-11 is the predominant zoning on the east side of N. Courtenay Pkwy.**

2. actual development over the immediately preceding three years; and

**There have been three new developments within 0.5 miles of the subject property within the last three years. Three (3) developments have been on commercial properties with a bank, a car wash, and an assisted living facility.**

3. development approved within the past three years but not yet constructed.

**There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed. However, there was one zoning action:**

- **25AA00030: Administrative approval on 06/23/2025 for one premise consumption of beer and wine, 2COP, for unit #31.**

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

**The Board may consider whether the proposed development results in a material violation based on Administrative Policy 5.**

#### **Analysis of Administrative Policy #4 - Character of a neighborhood or area.**

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.

**Based on preliminary concurrency with the proposed development, MAV utilization is shown to increase by 6.01%. The corridor is anticipated to operate at 93.57% of capacity daily. This has the potential to cause traffic impacts that could adversely impact the established residential areas, agricultural lands, and a residential subdivision by introducing types or intensity of traffic, parking, or trip generation. This is not an introduction of commercial activity within the identified boundaries of a 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.

**The subject property is in a highly developed area with a mixture of commercial and residential properties. There are a couple of subdivisions in the area as well. There are clearly established boundaries such as roads, canals, lakes, open spaces, 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.

**The surrounding is considered a mixed area with residential and commercial uses. The proposed use would not preclude the existence of the existing residential neighborhood.**

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.

**This area is presumed to be predominantly residential. However, there are commercial uses within the area of the subject property, along with large lot undeveloped properties.**

**Administrative Policy #5 - Transportation facilities either serving the site or impacted by the use(s)**

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;

**Current traffic counts provided by SCTPO for this section of N. Courtenay Pkwy. from Pioneer Rd. to S. Ramps (S.R.528), indicates the roadway is operating at 87.56% capacity. Approval of the rezoning request for 222 units has the potential to increase roadway MAV utilization by 6.01%. The corridor is anticipated to operate at 93.57% of capacity daily.**

- 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;

**Has not been evaluated at this time.**

- 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;

**Has not been evaluated at this time.**

- 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;

**Has not been evaluated at this time.**

- 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;

**The proposed development has the potential to cause traffic capacity issues that potentially could impact design capabilities or a de facto change in functional classification.**

- 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;

**The proposed development has the potential to produce 2,308 trips daily. The physical deterioration of the surrounding roadway has not been evaluated at this time.**

- 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.

**This development has the potential to cause traffic impacts that could adversely impact the safety or welfare of residents in the existing surrounding residential neighborhoods.**

### **Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

**The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils. For subdivisions and multi-family parcels 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 Sec. 65 3694(c)(6). The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Approximately within 660 feet of the site there is a mapped eagle nest (#BE124).**

**Please refer to all comments provided by the Natural Resource Management Department at the end of this report.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N. Courtenay Pkwy. (S.R. 3) between Pioneer Road and S. Ramps (S.R. 528), which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 87.56% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 6.01%. The corridor is anticipated to operate at 93.57% of capacity daily.

There is the potential to have concurrency issues related to traffic at the site plan stage due to Brevard County Code Section 62-602:

- (F)(6) states for site plans and subdivisions, the vesting provisions shall apply in the following circumstances: (a)(1): Road Capacity: The affected roads are operating or committed at a level equal to or less than 85 percent of the acceptable level of service.
- (F)(6)(b) Maximum capacity allotment: The threshold capacity restrictions described in subsection (f)(6)a. of this section, a site plan or subdivision shall be allotted no more than

25 percent of the remaining capacity of a facility. Project size shall be determined utilizing the most restrictive of the facilities named in subsection (f)(6)a. of this section. No more than one phase shall be approved for development until 50 percent of the residential lots or units or commercial projects approved for that phase have been sold or developed.

Staff analysis has determined that a reduction of the proposed development, for example, to 130 multi-family units, would increase the MAV utilization by 3.01%. The corridor would be anticipated to operate at 90.57% of capacity daily. Reduction of units may be a consideration by the Board, and such a reduction would meet the requirement that restricts utilization of no more than 25% of the remaining roadway capacity.

School concurrency information provided from the Brevard County School Board has determined that Lewis Carroll Elementary School, Thomas Jefferson Middle School and Merritt Island Senior High School are projected to have capacity for the projected and potential students from the development.

Potable water is provided by the City of Cocoa Utilities. Centralized sewer will be provided by Brevard County Utilities.

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

#### **For Board Consideration**

The Board should consider whether the proposed request is consistent and compatible with the surrounding area.

The Board may consider the impact of increased traffic to the surrounding area and whether measures (such as a BDP) would be appropriate and sufficient to mitigate potential traffic LOS impacts to the area.

The section of N. Courtenay Pkwy. from Pioneer Rd. to Southern Ramps of S.R. 528 has a current MAV utilization at 87.56% capacity, with a potential utilization increasing to 93.57% with the proposed development. Brevard County Code Section 62-602 (F)(6)(b), regarding maximum capacity allotment states: The threshold capacity restrictions described in subsection (f)(6)a of this section, a site plan or subdivision shall be allotted no more than 25 percent of the remaining capacity of a facility. Project size shall be determined utilizing the most restrictive of the facilities named in subsection (f)(6)a of this section. No more than one phase shall be approved for development until 50 percent of the residential lots or units or commercial projects approved for that phase have been sold or developed.

The Board should also evaluate the application based on 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 factors in Administrative Policy 5 which are based on staff preliminary concurrency evaluation.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item No. 25Z00054**

**Applicant:** Kimberly Rezanka (Owner: Merritt Bidco SPV LLC)

**Zoning Request:** AU to RU-2-15 with removal of BDP

**Note:** to develop 222 mf units (in MIRA)

**Zoning Hearing:** 01/12/2026; **BCC Hearing:** 02/05/2026

**Tax ID No.:** 2412106

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

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

**Land Use Comments:**

**Wetlands and Hydric Soils**

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Myakka sand, depressional; and Anclote sand); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**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 and multi-family parcels 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 Sec. 65 3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in Brevard



County in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

#### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

#### **Protected and Specimen Trees**

Protected and Specimen trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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. 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. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

#### **Protected Species**

Federally and/or state protected species may be present on the property. Specifically, there is a mapped eagle nest (#BE124) within 660 feet of the site. The applicant should obtain any necessary permits or clearance letters from the U.S. Fish and Wildlife Service at 352-406-6780 prior to any plan, permit submittal, or development activity, including land clearing.



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way

Building A, Room

114 Viera,

Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

March 24, 2026

**Addendum Number 2 - 25Z00054 Merritt Bidco SPV, LLC**

Since the Board last saw this item on February 5, 2026. The applicant has submitted a revised Traffic Impact Study which was also reviewed by the Planning and Zoning Board. Applicant traffic analysis, provided by Bowman Engineering, in the March 5, 2026 Traffic Impact study states: The results of the analysis presented in this report, with the inclusion of the proposed improvements, the development of the proposed residential project is not anticipated to adversely impact the surrounding roadway network. Alternative 2 is identified as the preferred access configuration based on safety, queuing, and operational considerations. Alternative 2 - Left-in/ Right-in/right-out along N Courtenay Pkwy & shared full access along Pioneer Rd.

Brevard County Traffic Operations has provided the following analysis based on the traffic study provided by Bowman Engineering on March 5, 2026. Brevard County Traffic Operations staff has completed its review of the Rangewater TIA and confirmed that there are no outstanding comments. Our previous concern regarding the driveway configuration still stands, and there are two roadway segments for which the project will use greater than 25% of the remaining capacity. The segments are both on N. Courtenay Parkway, and the segment IDs are 152 and 155.

Based on the Brevard County Traffic Operations staff comments, the board should consider whether the criteria under Administrative Policy 5, regarding transportation facilities, would be substantially and adversely impacted creating a further deficiency in the Level of Service (LOS) in the surrounding area or on site if the rezoning were to be approved.



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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

(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

### Addendum 25Z00054 Merritt Bidco SPV, LLC

This addendum is provided to address comments and statements made during the Planning and Zoning Board public hearing and to clarify staff's analysis regarding traffic concurrency, transportation impacts, Comprehensive Plan consistency, and applicable zoning approval criteria for the subject rezoning request. The applicant's representative, Kim Rezanka, stated during the hearing that she does not believe traffic concerns are an issue that can be considered at this stage. However, these concerns are applicable under Administrative Policies 3 and 4, which address neighborhood and area impacts. Administrative Policy 5 further requires that, when reviewing a rezoning request, the impacts of the proposed use on transportation facilities be considered, including adopted levels of service, roadway capacity and construction quality, public safety, and whether projected traffic would materially and adversely affect surrounding residential neighborhoods. At the time of rezoning, no traffic study or transportation analysis has been submitted to demonstrate compliance with these criteria (nor is one required as part of this application). Therefore, staff defers to the Board for this determination.

The applicant stated a willingness to provide proportionate fair-share contributions and to extend Pioneer Road, including extending or improving the northbound turn lane, and to complete any transportation improvements required by the County. Staff notes that while such statements indicate a willingness to address future impacts, no formal commitment, proportionate fair-share agreement, or traffic mitigation plan has been submitted for review at the rezoning stage. The applicant provided a concept plan for illustrative purposes only. Staff notes that the concept plan is non-binding and has not been reviewed for compliance with the Land Development Regulations. As this request is not for a Planned Unit Development, which allows for conditions of approval, there is no mechanism to establish conditions as part of the Board's approval of this rezoning request, nor is there a Preliminary Development Plan (as opposed to a nonbinding conceptual plan).

The applicant stated a willingness to provide a fifty (50) foot setback along the northern property boundary to remain undisturbed, as well as a one hundred (100) foot buffer along the eastern boundary, including a fifteen (15) foot landscaped buffer combined with storm water retention ponds and vegetation, to preserve tree canopy adjacent to nearby residences and provide separation from parking areas and a proposed single-story clubhouse. While these buffering concepts may address compatibility concerns, any such commitments would need to be memorialized through enforceable conditions, such as a Binding Development Plan, in order to be binding and tracked through subsequent development review.

The proposed development includes three-story residential buildings with primary access from North Courtenay Parkway. The applicant cited Housing Element Objective 4 of the Comprehensive Plan, which encourages providing adequate lands for residential uses and a variety of housing types. Staff notes, however, that Policy 4.1 under Objective 4 also requires that residential development occur where public facilities and services are available at adopted levels of service. Based on staff's analysis, the affected roadway operating at approximately 88 percent capacity exceeds the 85 percent threshold identified in Section 62-602 and raises concerns regarding the availability of transportation facilities at adopted levels of service, which is inconsistent with Policy 4.1(B).

Pursuant to Administrative Policy 2, staff is required to analyze rezoning applications for consistency with Comprehensive Plan policies, zoning approval criteria, and other applicable written standards. Based on the policies cited above, staff notes that traffic, roadway capacity, and drainage impacts are applicable considerations at the rezoning stage, even if detailed engineering analysis would occur during later phases of development review. The Board may consider memorializing any commitments offered by the applicant

regarding traffic mitigation, roadway improvements, buffering, or proportionate fair-share contributions through an enforceable mechanism such as a Binding Development Plan in order to ensure consistency with applicable policies and allow for effective review and enforcement during subsequent development approvals. Alternatively, the applicant could submit a request for a Planned Unit Development, which would allow consistency with the Comprehensive Plan while allowing clustering where appropriate. Such a PUD application would also allow the applicant the opportunity to demonstrate consistency with policies referenced above through the approval of the associated Preliminary Development Plan (PDP), and give the Board the opportunity to condition approval based on circumstances in the area. It should be noted, however, that this would be a distinct application from the one at hand, and would require a new application and new review.

# Zoning & Future Land Use Map





# RANGEWATER



## PROJECT DATA:

**ZONE 1:** Neighborhood Commercial  
3.659 acres  
109 units max

AMENITY: 6,500 S.F.

**BUILDING TYPE 2:**  
Building 4  
3 Stories  
30 Units

**BUILDING TYPE 3:**  
Buildings 1-2  
3 Stories  
24 Units/EA

**BUILDING TYPE 4:**  
Building 3  
3 Stories  
30 Units

**ZONE 2:** Residential  
7.581 acres  
113 units max

**BUILDING TYPE 2:**  
Buildings 7-8  
3 Stories  
30 Units/EA

**BUILDING TYPE 3:**  
Building 5  
3 Stories  
23 Units

**BUILDING TYPE 4:**  
Building 6  
3 Stories  
30 Units

**TOTAL: 222 Units**

**PARKING:**  
**TOTAL: 396 Spaces**  
(1.78 Spaces/Unit)



November 18, 2025

0000.00

1 Density Study - Option 1  
Scale: 1"=100'-0"

**Merritt Island**

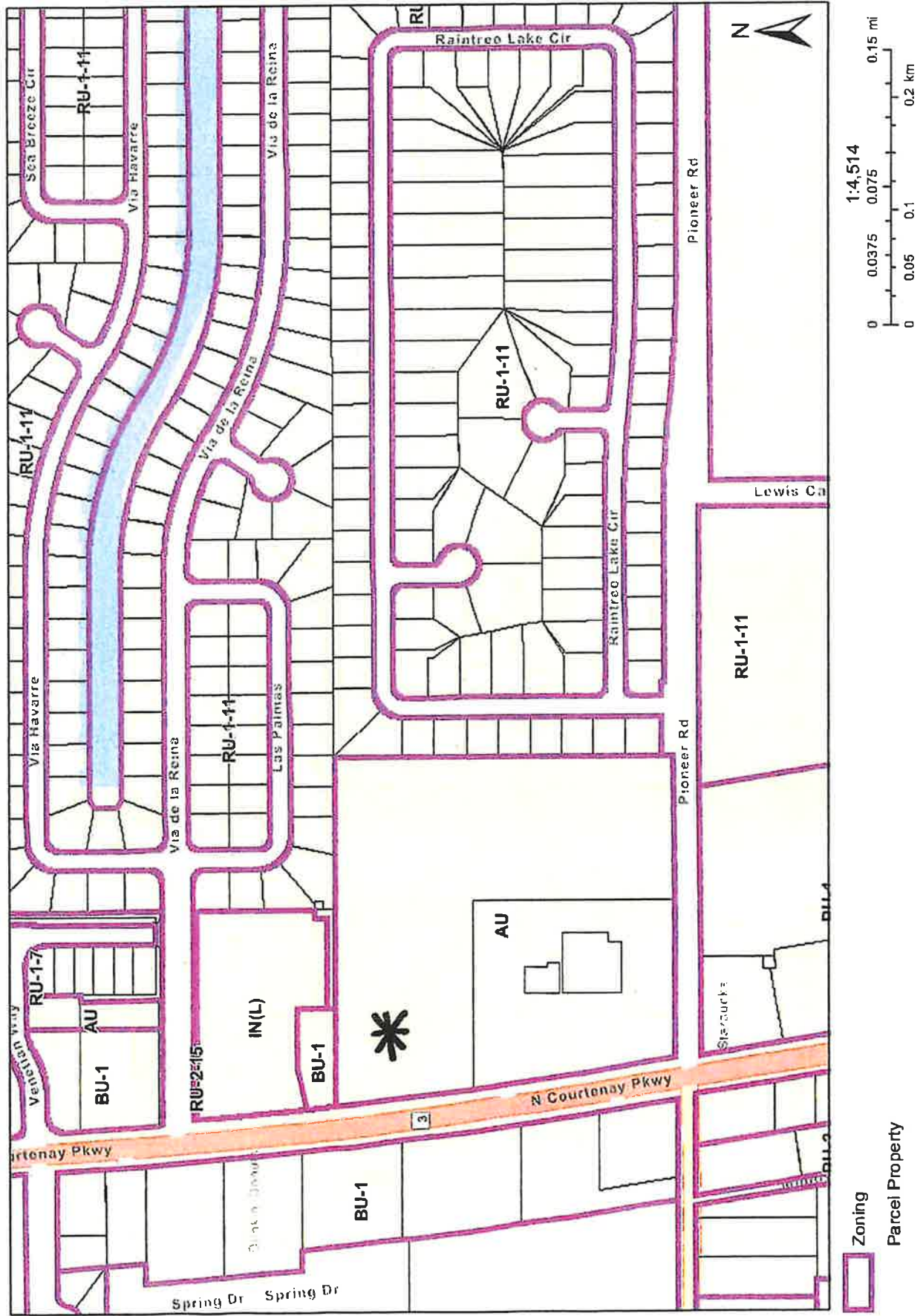
© 2025 Poole & Poole Architecture, LLC 4240 Park Place Court, Glen Allen, Virginia 23060 Phone 804.225.0215 Internet www.zpa.net

Plan





# Zoning & Future Land Use Map





## 337





On motion of Commissioner York , seconded by  
Commissioner Wickham , the following resolution was  
unanimously adopted:

WHEREAS, ALMA E. FIELD, TRUSTEE  
has/have applied for a change of classification from AU to RU-2-15 to ALL AU  
with a Conditional Use Permit for a Clinic and a Conditional Use Permit for a Hospital  
on property described as SEE ATTACHED LEGAL DESCRIPTION

Section 14 Township 24 S, Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning and  
Zoning Board was advertised and held, as required by law, and  
after hearing all interested parties and considering the adjacent  
areas, the Planning and Zoning Board recommended that the appli-  
cation be \*approved and,

WHEREAS, the Board, after considering said application and  
the Planning and Zoning Board's recommendation and hearing all  
interested parties and after due and proper consideration having  
been given to the matter, find that the application should be

\*approved , now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard  
County, Florida, that the requested change of classification & CUP's  
be \*approved and, that the zoning classification relating  
to the above described property be changed to AU  
and the Planning and Zoning Director is hereby directed to make  
this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become  
effective as of December 22, 1983.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

ATTEST:

by VAL M. STEELE  
Chairman

R. C. WINSTFAD, JR., Clerk

by D.C.

(SEAL)

(Hearing - November 29, 1983 )

\*Approved subject to a Binding Site Plan showing access and a 50 ft. landscaped  
buffer

101  
Z-6584





# Wuesthoff Memorial Hospital

Post Office Box 6

110 Longwood Avenue

Rockledge, Florida 32955

305/636-2211

December 14, 1983

Mr. James Ford  
Brevard County Director of Planning & Zoning  
2575 N. Courtenay Parkway  
Merritt Island, Florida 32952

Subject: Binding Site Plan - Wuesthoff Project  
State Route 3 and Pioneer Road

Dear Mr. Ford:

Please consider the following information as part of the Binding Site Plan for Wuesthoff Hospital in its request for zoning modifications of the approximate fourteen (14) acres located east of State Route 3 and north of Courtenay Parkway.

1. No incineration facility has been planned for nor will it be included in that project.
2. In reference to a heliport, the hospital has not applied for and does not plan to apply for approval to establish a helipad at that facility.
3. As it relates to height considerations, the hospital does not plan, nor will they build, a facility higher than four (4) stories on the six (6) acres included in the Binding Site Plan for development for initial phases and will not build facilities on the remainder of the fourteen (14) plus or minus acres in excess of two (2) stories.

All other items that were previously stated in the Binding Site Plan remain accurate and are totally acceptable to Wuesthoff Hospital as firm commitments as it relates to that program.

I am hopeful that this will address the remaining issues that needed to be clarified in order for your office and the County Commissioners to feel that Wuesthoff is sincerely interested in compliance with reasonable requests and stipulations to be included as part of our Binding Site Plan.



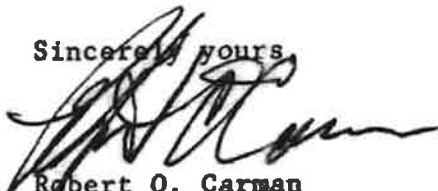
IO13

Z-6584 340

Mr. James Ford  
Brevard County Director of Planning & Zoning  
December 14, 1983  
Page 2

Should you need additional information, please bring this to my attention at your earliest convenience so that we might take the necessary steps to assure full information available to your office and the Commission prior to the next meeting on December 22, 1983. I remain,

Sincerely yours,



Robert O. Carman  
President

ROC/sr

STATE OF FLORIDA  
COUNTY OF BREVARD

SWORN TO AND SUBSCRIBED BEFORE ME this 14th day of December,  
1983.

  
NOTARY PUBLIC

Notary Public, State of Florida at Large  
My Commission Expires May 17, 1987  
BONDED THRU AGENT'S NOTARY BROKERAGE

IO14  
Z-6584 341

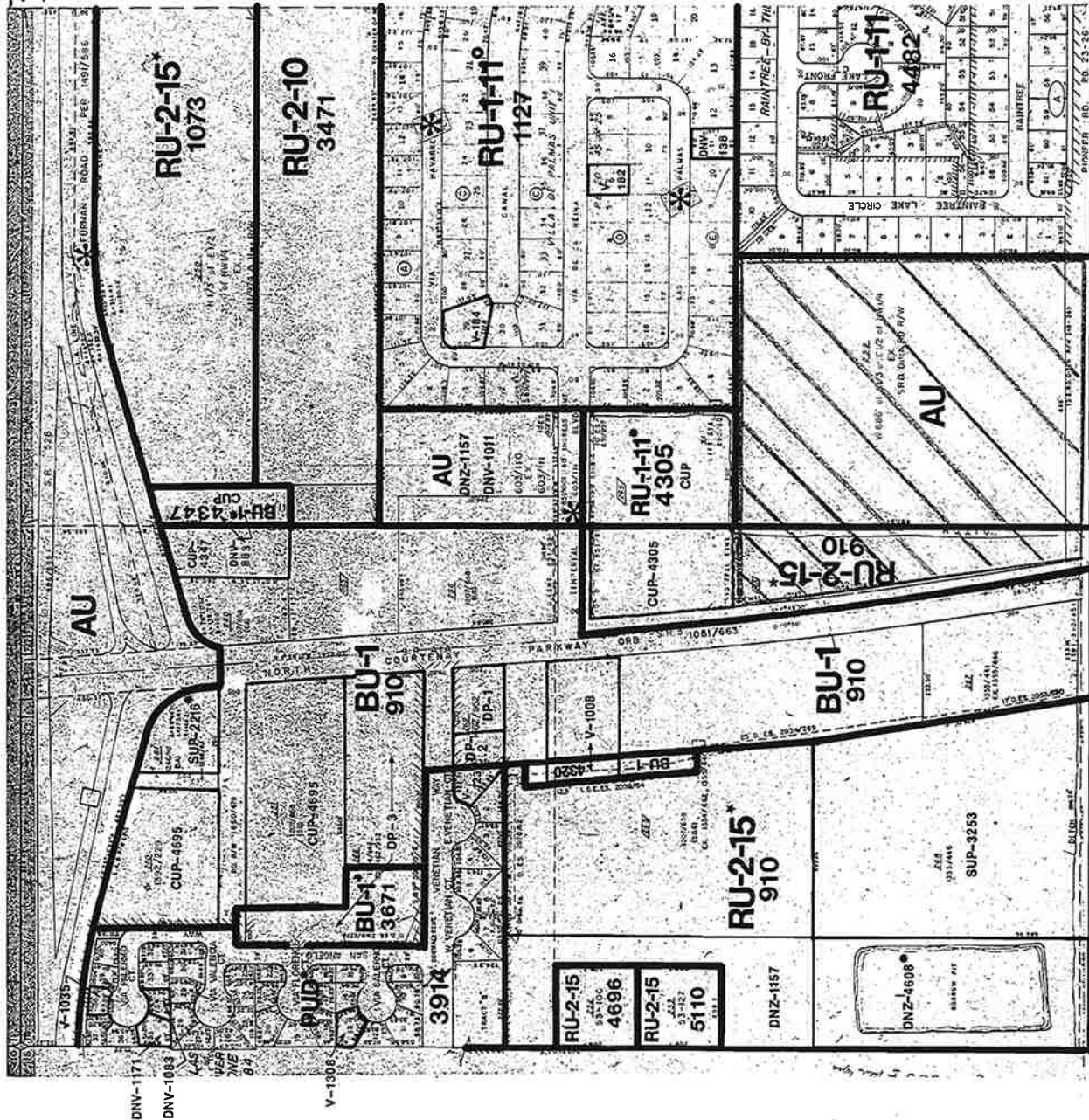
⑬ Joseph & Alma Field  
 AU RU-2-15 to AU AU w/CUP's  
 for Hospital & Clinic  
 Z-6584 Approved Subj. to BSP  
 Showing Access & 50 ft. landscaped  
 buffer. 0 2980

DEVELOPMENT PLAN INDEX

- DP-1 S77-04-003
- DP-2 S77-12-002
- DP-3 S78-09-003

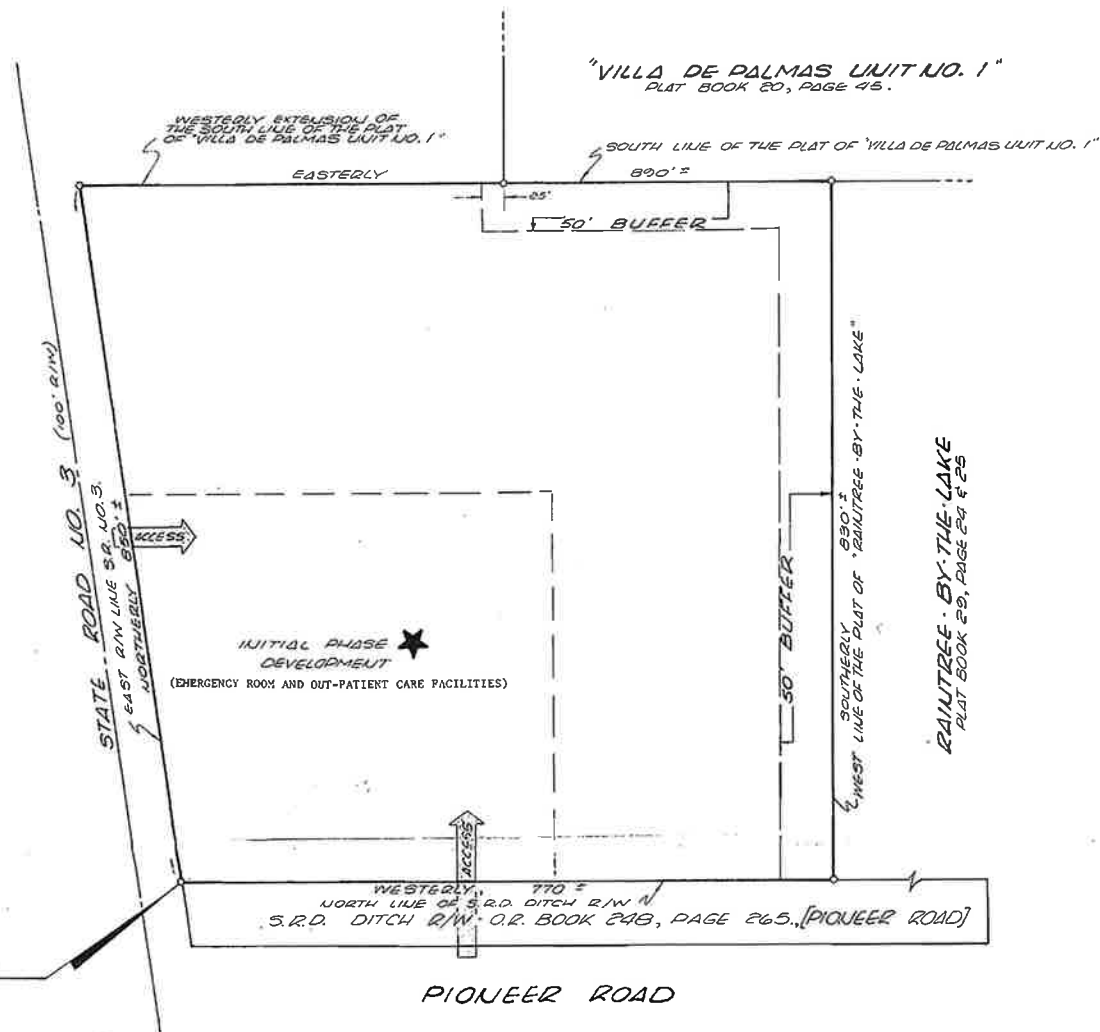
DNZ-2354  
 W. 1/2 of NW. 1/4  
 less exceptions

NW 1/4 SECTION 14 TOWNSHIP 24 RANGE 36



SCALE 1"=200'

m01  
 Z-6584



SEC. 14, TWP. 24 S., RG. 36 E.

|                |              |                 |
|----------------|--------------|-----------------|
| Scale: 1"=100' | Drn. By: JAM | Sheet           |
| Date: 11-7-83  | Job No.: 256 |                 |
| Brian J Bussen |              | P. E. No. 19012 |

**BUSSEN ENGINEERING GROUP INC.** PH. NO. (305) 453-0010  
905 NORTH COURTENAY PARKWAY, MERRITT ISLAND FLA., 32952

mo2  
Z-6584

1343

**RESOLUTION NO. Z-10781(26)**

On motion by Commissioner Pritchard, seconded by Commissioner Scarborough, the following resolution was adopted by a unanimous vote:

**WHEREAS**, at the direction of the Board of County Commissioners of Brevard County and pursuant to the provisions of Ordinance 99-43, adopted August 3, 1999, the following proposal was submitted:

Removal of Conditional Use Permit Z-6584 for Clinic & Hospital

on property owned by Weusthoff Memorial Hospital, Inc. and described as Section 14, Township 24, Range 36, Parcel 259; and

**WHEREAS**, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be approved and,

**WHEREAS**, the Board, after considering said application and the Planning and Zoning Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be Denied, now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested Removal of Conditional Use Permit Z-6584 for Clinic & Hospital be DENIED, and that the zoning classification relating to the above described property remain unchanged, and the Planning and Zoning Official or designee is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of March 6, 2003.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida  
As Approved by the Board on March 6, 2003.

ATTEST:



SCOTT ELLIS, CLERK

(SEAL)

(Hearing - February 10, 2003)

by

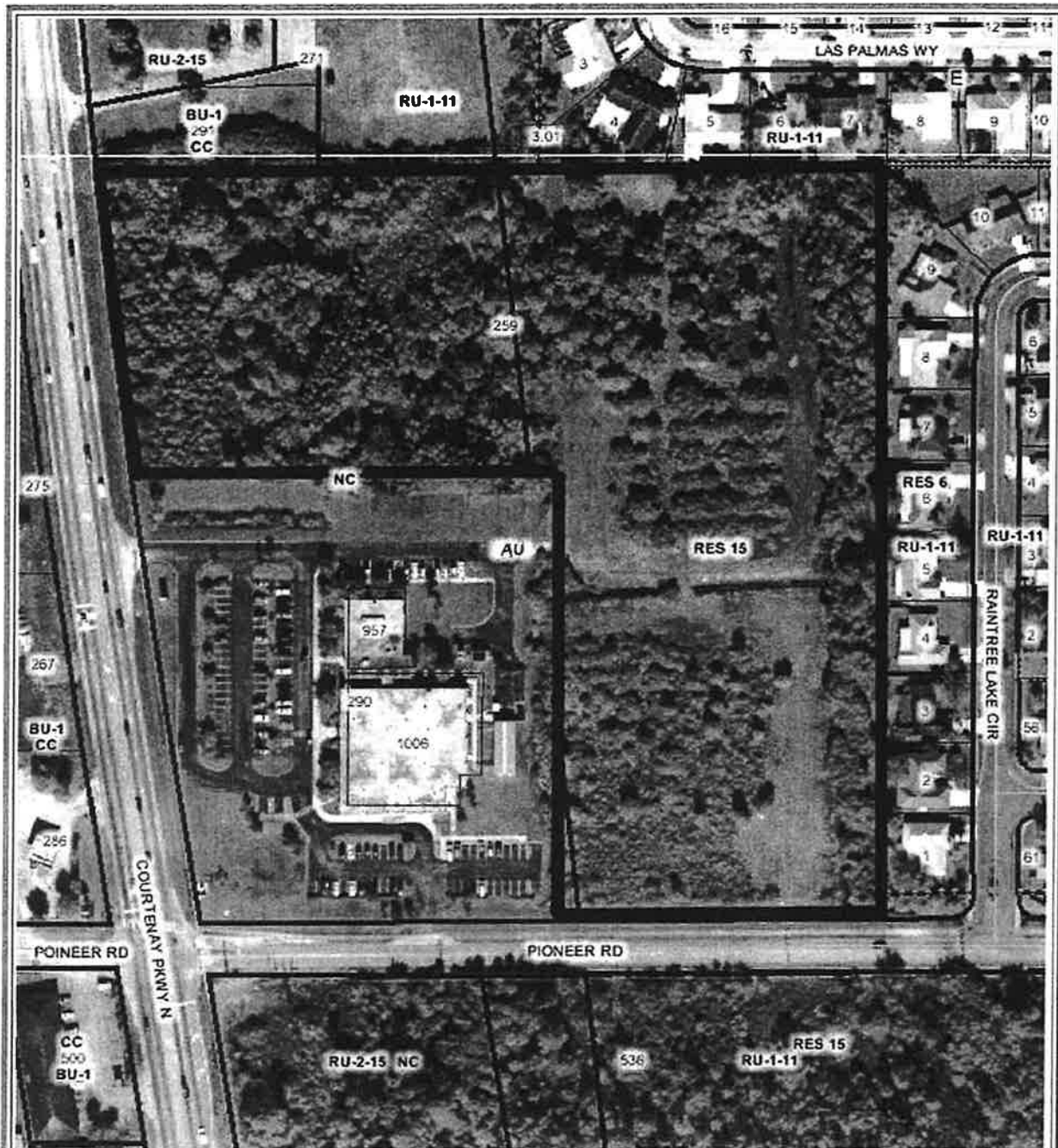
JACKIE COLON  
Chairperson



**Z-10781 (26)**



26



**Z-6584**  
Clinic & Hospital

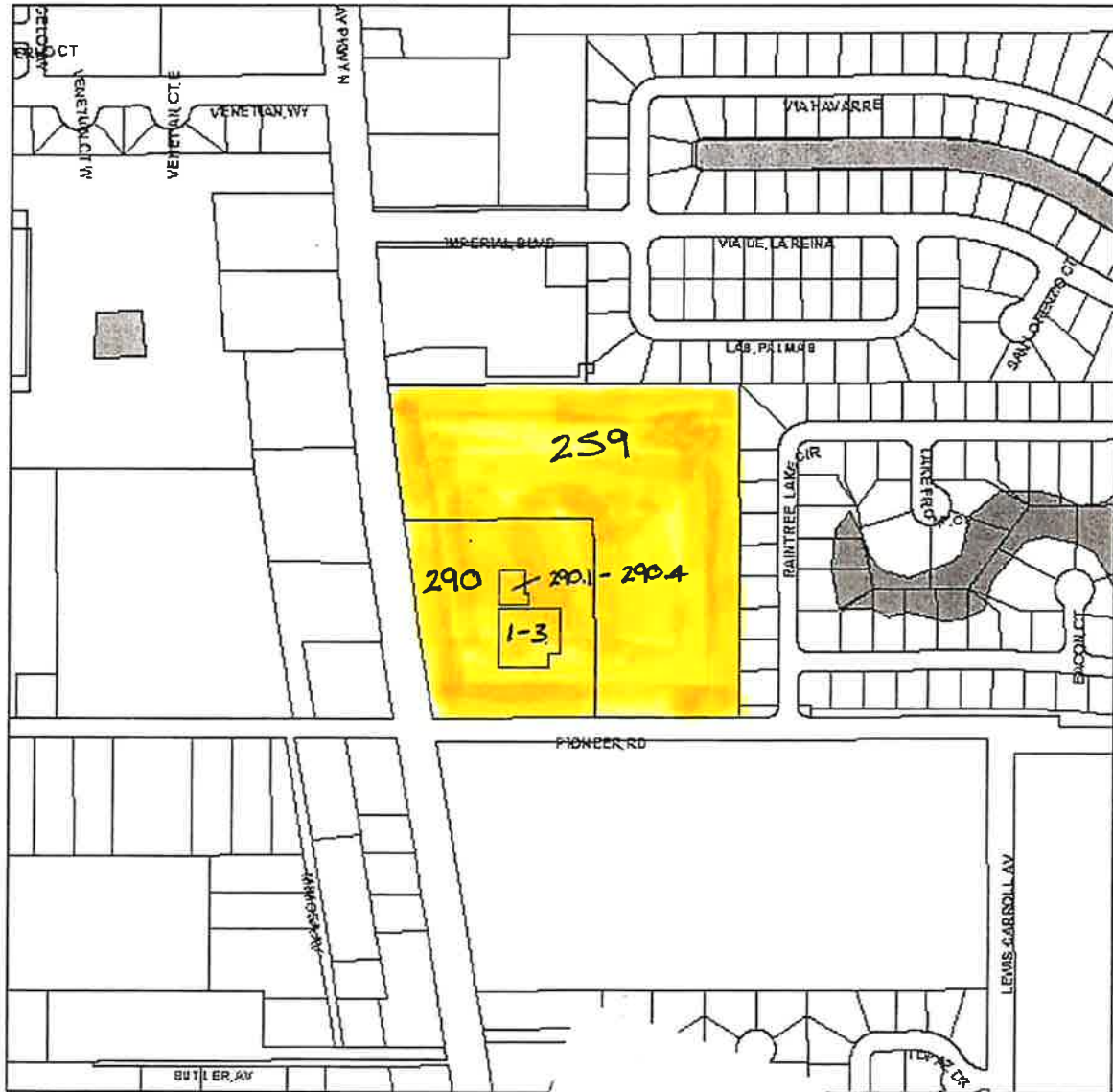
scale: 1"=2,110.78'  
created: 1/22/2003



Z10781

Z10781

**Jim Ford, CFA**  
**Brevard County Property Appraiser - Map Search**



259 only

Clinic & Hospital

Z10731

Z - 6584 24-36-14 - # 1A - 1-3 -, 259, 290, 290.1 - 290.4

**Jim Ford, C.F.A.**  
**Property Appraiser**  
**Brevard County, FL**



**Property  
Research**

[\[Home\]](#) [\[Meet Jim Ford\]](#) [\[FAQ\]](#) [\[General Info\]](#) [\[Save Our Homes\]](#) [\[Exemptions\]](#) [\[Contact Us\]](#) [\[Forms\]](#) [\[Appeals\]](#)  
[\[Property Research\]](#) [\[Map Search\]](#) [\[Maps & Data\]](#) [\[Unusable Property\]](#) [\[Tax Authorities\]](#) [\[What's New\]](#) [\[Links\]](#)

**General Parcel Information for 24-36-14-00-00259.0-0000.00**

|                          |                             |            |                      |      |                   |                     |         |
|--------------------------|-----------------------------|------------|----------------------|------|-------------------|---------------------|---------|
| <b>Parcel Id:</b>        | 24-36-14-00-00259.0-0000.00 | <b>Map</b> | <b>Millage Code:</b> | 2200 | <b>Exemption:</b> | <b>Use Code:</b>    | 9909    |
| <b>Property Address:</b> |                             |            |                      |      |                   | <b>Tax Account:</b> | 2412106 |

**Owner Information**

|                              |                                 |
|------------------------------|---------------------------------|
| <b>Owner Name:</b>           | WUESTHOFF MEMORIAL HOSPITAL INC |
| <b>Second Name:</b>          |                                 |
| <b>Third Name:</b>           |                                 |
| <b>Mailing Address:</b>      | P O BOX 565002                  |
| <b>City, State, Zipcode:</b> | ROCKLEDGE, FL 32956             |

**Legal Description**

PART OF S 1/2 OF NW 1/4 E OF ST RD 3 AS  
DESC IN ORB 2478 PGS 2258 2260 & 2262  
EXC ORB 2656 PG 360PAR 279

**Value Summary for 2002**

|                                 |             |
|---------------------------------|-------------|
| <b>Market Value:</b>            | \$1,101,630 |
| <b>Agricultural Assessment:</b> | \$0         |
| <b>Assessed Value:</b>          | \$1,101,630 |
| <b>Homestead Exemption:</b>     | \$0         |
| <b>Other Exemptions:</b>        | \$0         |
| <b>Taxable Value:</b>           | \$1,101,630 |

**Land Information**

|                    |             |
|--------------------|-------------|
| <b>Acres:</b>      | 11.24       |
| <b>Lots/Units:</b> | 0           |
| <b>Front Feet:</b> | 0           |
| <b>Depth:</b>      | 0           |
| <b>Site Code:</b>  | 370         |
| <b>Land Value:</b> | \$1,101,630 |

\* This is the value established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

**Sales Information**

| OR Book/Page | Sale Date | Sale Amount | Deed Type | Disqualification Code | Disqualification Source | Vacant/Improved |
|--------------|-----------|-------------|-----------|-----------------------|-------------------------|-----------------|
| 2544/2286    | 9/1984    | \$100       | NN        |                       |                         |                 |
| 2468/1675    | 11/1983   | \$0         | DC        |                       |                         |                 |
| 2450/0935    | 8/1983    | \$100       | PT        |                       |                         |                 |

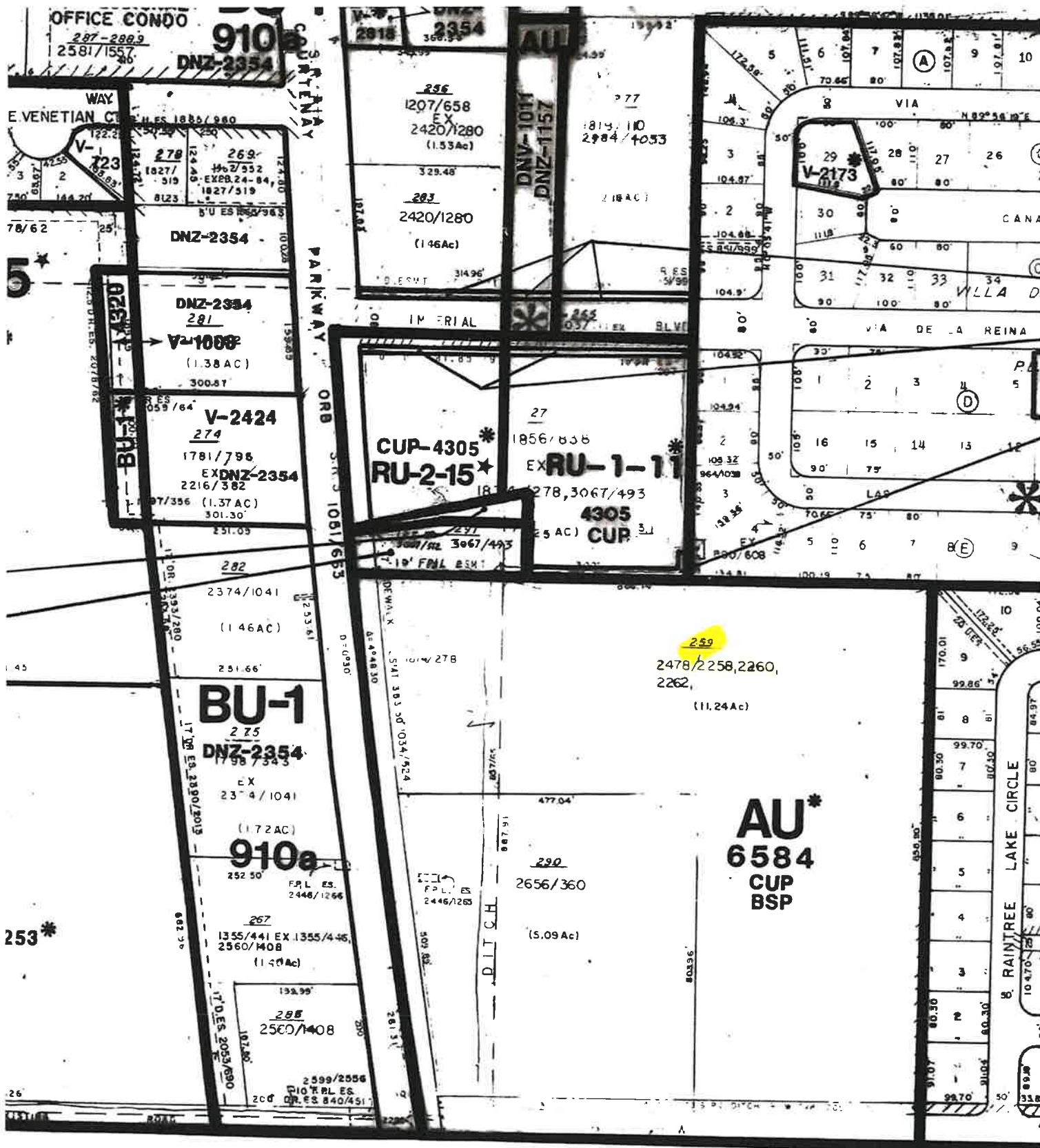
**Extra Feature Information**

| Pool | Fireplace | Fence | Driveway | Lawn Irrigation | Shed | Dock | Seawall | Other |
|------|-----------|-------|----------|-----------------|------|------|---------|-------|
| No   | No        | No    | No       | No              | No   | No   | No      | No    |

6584

210781





# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699  
Dr. Mark J. Rendell, Ed.D., Superintendent



November 20, 2025

Ms. Desiree Jackson, Planner I  
Planning & Development Department  
Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940

**RE: Proposed Range Water Merritt Island Development  
School Impact Analysis –Capacity Determination CD-2025-23**

Dear Ms. Jackson,

We received a *School Facility Planning & Concurrency Application* for the referenced development on November 19, 2025 for the subject property consisting of Tax Account 2412106 (Parcel ID: 24-36-14-00-259), containing approximately 11.24 acres in District 2, Brevard County, Florida. The maximum number of units permitted for development by this proposal is 222 multi-family units. The School Impact Analysis of this portion of the 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 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) 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 2025-26 to 2029-30 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2024-25 to 2029-30* which is attached for reference.

| Multi-Family Apartments |                          | 222                           |                                      |
|-------------------------|--------------------------|-------------------------------|--------------------------------------|
| Students Generated      | Student Generation Rates | Calculated Students Generated | Rounded Number of Students Generated |
| Elementary              | 0.11                     | 24.42                         | 24                                   |
| Middle                  | 0.02                     | 4.44                          | 4                                    |
| High                    | 0.05                     | 11.1                          | 11                                   |
| <b>Total</b>            | <b>0.18</b>              |                               | <b>39</b>                            |

Facilities Services, Planning & Project Management  
Phone: (321) 633-1000, x11418



# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699  
Dr. Mark J. Rendell, Ed.D., Superintendent



At the October 20, 2025, Capital Outlay Committee (COC) meeting, committee members reviewed and discussed methods to incorporate charter school capacity into the district's school concurrency review process. The COC unanimously approved using the *Brevard*

*Charter Schools From Analysis, Fall Final Membership Count*, which is published in the District's Student Accommodation Plan annually, to determine charter percentages. The Charter School From Analysis is attached for your reference.

The following analysis is performed using the annually published table from the District's SY2025-2026 *Student Accommodation Plan*, Section 4, the *Brevard Charter Schools: From Analysis, Fall Final Membership Count*, which illustrates the number of students from each traditional school concurrency service area (CSA) (attendance boundary or zone) attending the district's public charter schools and the total percentage of students from each school attendance boundary currently attending charter schools. The percentages shown are the actual percentage of resident public school students attending charter schools from each school CSA. The number of students highlighted in green indicates the number of students expected to attend Charter schools which are subtracted from the projected number of students affecting the BPS traditional schools affected by the development.



# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699  
Dr. Mark J. Rendell, Ed.D., Superintendent



## FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2025-26 to 2029-30

| School         |          | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 2029-30 |
|----------------|----------|---------|---------|---------|---------|---------|
| Carroll        | Affected | 751     | 751     | 751     | 751     | 751     |
| Jefferson      | School   | 873     | 873     | 873     | 873     | 873     |
| Merritt Island | (CSAs)   | 1,966   | 1,966   | 1,966   | 1,966   | 1,966   |

FISH  
Capacity

## Projected Student Membership

| School         |  | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 2029-30 |
|----------------|--|---------|---------|---------|---------|---------|
| Carroll        |  | 624     | 607     | 576     | 546     | 488     |
| Jefferson      |  | 481     | 450     | 437     | 513     | 528     |
| Merritt Island |  | 1,328   | 1,272   | 1,231   | 1,149   | 1,135   |

Projected  
Number of  
Students

## Students Generated by Newly Issued SCADL Reservations Since FFP

| School         |  | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 2029-30 |
|----------------|--|---------|---------|---------|---------|---------|
| Carroll        |  | -       | -       | 22      | 22      | 22      |
| Jefferson      |  | 2       | 2       | 2       | 2       | 2       |
| Merritt Island |  | 3       | 3       | 14      | 14      | 14      |

+ Students  
expected from  
previous  
reservations

## Cumulative Total Public School Students Generated by Proposed Development

| School         |  | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 2029-30 |
|----------------|--|---------|---------|---------|---------|---------|
| Carroll        |  | -       | -       | 24      | 24      | 24      |
| Jefferson      |  | -       | -       | 4       | 4       | 4       |
| Merritt Island |  | -       | -       | 11      | 11      | 11      |

+ Total number of  
students  
expected to be  
generated from  
this development

## Cumulative Public CHARTER School Students Generated by Proposed Development

| School         | % to Charters | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 2029-30 |
|----------------|---------------|---------|---------|---------|---------|---------|
| Carroll        | 1.4%          | -       | -       | 0       | 0       | 0       |
| Jefferson      | 1.4%          | -       | -       | 0       | 0       | 0       |
| Merritt Island | 0.0%          | -       | -       | -       | -       | -       |

- % of students  
leaving each CSA  
to attend Charter

% of students  
leaving each CSA  
to attend Charter  
Schools

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

| School         |  | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 2029-30 |
|----------------|--|---------|---------|---------|---------|---------|
| Carroll        |  | 624     | 607     | 622     | 592     | 534     |
| Jefferson      |  | 483     | 452     | 443     | 519     | 534     |
| Merritt Island |  | 1,331   | 1,275   | 1,256   | 1,174   | 1,160   |

= Total number of  
students  
projected to BPS  
Traditional  
Schools

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

| School         |  | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 2029-30 |
|----------------|--|---------|---------|---------|---------|---------|
| Carroll        |  | 127     | 144     | 129     | 159     | 217     |
| Jefferson      |  | 390     | 421     | 430     | 354     | 339     |
| Merritt Island |  | 635     | 691     | 710     | 792     | 806     |

Capacity - Total  
(Table 1-Table 6) =  
Number of  
available seats

Facilities Services, Planning & Project Management  
Phone: (321) 633-1000, x11418



# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699  
Dr. Mark J. Rendell, Ed.D., Superintendent



**At this time, Lewis Carroll Elementary School, Thomas Jefferson Middle School and Merritt Island Senior High School are projected to have enough capacity for the total of projected and potential students from the Range Water Merritt Island development.**

This is a **non-binding** review; a *Concurrency Determination* must 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,

Karen M. Black, AICP  
Manager – Facilities Planning & Intergovernmental Coordination  
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2024-25 to 2029-30*  
*Brevard Public Schools: Brevard Charter Schools: From Analysis, Fall Final Membership Count-October 14, 2024*

Copy:

Susan Hann, P.E., AICP, Assistant Superintendent of Facility Services  
File CD-2025-23

David G. Lindemann, AICP  
Director of Planning & Project Management, Facilities Services  
File CD-2025-23





# Range Water Merritt Island Location Map



## Legend

### Schools

#### TYPE

-  ELEMENTARY
-  MIDDLE
-  JR SR HIGH
-  HIGH
-  CHARTER
-  parcels

Range Water Merritt Island  
CD-2025-23  
222 Multi-Family Apartments

**Schools Affected by Development:**  
Lewis Carroll Elementary School  
Jefferson Middle School  
Merritt Island Senior High School

Planning & Project Management  
Drawn By: Karen Black  
November 20, 2025

0 0.07 0.15 0.3 0.45 0.6  
Miles





# Brevard County Public Schools

## Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service

### Data and Analysis for School Years 2024-25 to 2029-30

| Summary                                     |            | 2024-25                                 |                                     | 2025-26                                  |                                   | 2026-27                                 |                                     | 2027-28                                  |                                   | 2028-29                                 |                                     | 2029-30                                  |                                   |             |                      |                    |
|---------------------------------------------|------------|-----------------------------------------|-------------------------------------|------------------------------------------|-----------------------------------|-----------------------------------------|-------------------------------------|------------------------------------------|-----------------------------------|-----------------------------------------|-------------------------------------|------------------------------------------|-----------------------------------|-------------|----------------------|--------------------|
|                                             |            | Highest Utilization Elementary Schools: | Highest Utilization Middle Schools: | Highest Utilization Jr / Sr High Schools | Highest Utilization High Schools: | Highest Utilization Elementary Schools: | Highest Utilization Middle Schools: | Highest Utilization Jr / Sr High Schools | Highest Utilization High Schools: | Highest Utilization Elementary Schools: | Highest Utilization Middle Schools: | Highest Utilization Jr / Sr High Schools | Highest Utilization High Schools: |             |                      |                    |
| School                                      |            | Type                                    | Grades                              | Utilization Factor                       | School Year 2024-25               |                                         | School Year 2025-26                 |                                          | School Year 2026-27               |                                         | School Year 2027-28                 |                                          | School Year 2028-29               |             | School Year 2029-30  |                    |
|                                             |            |                                         |                                     |                                          | FISH Capacity                     | 10/14/24 Member-ship                    | Future FISH Capacity                | Student Projection                       | Total Capacity                    | Utilization                             | Future FISH Capacity                | Student Projection                       | Total Capacity                    | Utilization | Future FISH Capacity | Student Projection |
|                                             |            |                                         |                                     |                                          |                                   |                                         |                                     |                                          |                                   |                                         |                                     |                                          |                                   |             |                      |                    |
| Elementary School Concurrency Service Areas |            |                                         |                                     |                                          |                                   |                                         |                                     |                                          |                                   |                                         |                                     |                                          |                                   |             |                      |                    |
| Allen                                       | Elementary | PK-6                                    | 100%                                | 100%                                     | 751                               | 620                                     | 751                                 | 635                                      | 85%                               | 751                                     | 650                                 | 751                                      | 690                               | 91%         | 751                  | 710                |
| Anderson                                    | Elementary | K-8                                     | 100%                                | 100%                                     | 757                               | 481                                     | 757                                 | 457                                      | 60%                               | 757                                     | 455                                 | 757                                      | 419                               | 55%         | 757                  | 390                |
| Apollo                                      | Elementary | K-8                                     | 100%                                | 100%                                     | 902                               | 596                                     | 902                                 | 579                                      | 64%                               | 902                                     | 580                                 | 902                                      | 518                               | 57%         | 902                  | 480                |
| Atlantis                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 739                               | 553                                     | 739                                 | 532                                      | 86%                               | 739                                     | 513                                 | 739                                      | 598                               | 81%         | 739                  | 578                |
| Audubon                                     | Elementary | PK-6                                    | 100%                                | 100%                                     | 761                               | 415                                     | 761                                 | 420                                      | 55%                               | 761                                     | 422                                 | 761                                      | 413                               | 54%         | 761                  | 386                |
| Cambridge                                   | Elementary | PK-6                                    | 100%                                | 100%                                     | 787                               | 477                                     | 787                                 | 491                                      | 62%                               | 787                                     | 507                                 | 787                                      | 538                               | 68%         | 787                  | 566                |
| Cape View                                   | Elementary | PK-6                                    | 100%                                | 100%                                     | 570                               | 273                                     | 570                                 | 263                                      | 46%                               | 570                                     | 264                                 | 570                                      | 279                               | 49%         | 570                  | 278                |
| Carroll                                     | Elementary | K-6                                     | 100%                                | 100%                                     | 751                               | 636                                     | 751                                 | 624                                      | 83%                               | 751                                     | 607                                 | 751                                      | 576                               | 77%         | 751                  | 488                |
| Challenger 7                                | Elementary | PK-6                                    | 100%                                | 100%                                     | 573                               | 431                                     | 573                                 | 408                                      | 71%                               | 573                                     | 393                                 | 573                                      | 360                               | 63%         | 573                  | 346                |
| Columbia                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 751                               | 573                                     | 751                                 | 638                                      | 85%                               | 751                                     | 682                                 | 751                                      | 732                               | 97%         | 751                  | 839                |
| Coquina                                     | Elementary | K-6                                     | 100%                                | 100%                                     | 1,114                             | 465                                     | 1,114                               | 472                                      | 46%                               | 1,114                                   | 454                                 | 1,114                                    | 474                               | 46%         | 1,114                | 473                |
| Croft                                       | Elementary | PK-6                                    | 100%                                | 100%                                     | 1,114                             | 540                                     | 1,114                               | 536                                      | 48%                               | 1,114                                   | 531                                 | 1,114                                    | 530                               | 48%         | 1,114                | 509                |
| Colon                                       | Elementary | PK-6                                    | 100%                                | 100%                                     | 795                               | 464                                     | 795                                 | 451                                      | 57%                               | 795                                     | 470                                 | 795                                      | 488                               | 59%         | 795                  | 488                |
| Discovery                                   | Elementary | PK-6                                    | 100%                                | 100%                                     | 980                               | 680                                     | 980                                 | 716                                      | 73%                               | 980                                     | 752                                 | 980                                      | 791                               | 81%         | 980                  | 809                |
| Endeavour                                   | Elementary | PK-6                                    | 100%                                | 100%                                     | 968                               | 744                                     | 968                                 | 751                                      | 78%                               | 968                                     | 750                                 | 968                                      | 766                               | 79%         | 968                  | 708                |
| Enterprise                                  | Elementary | PK-6                                    | 100%                                | 100%                                     | 729                               | 597                                     | 729                                 | 585                                      | 80%                               | 729                                     | 563                                 | 729                                      | 557                               | 76%         | 729                  | 554                |
| Farleigh                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 789                               | 466                                     | 789                                 | 460                                      | 58%                               | 789                                     | 470                                 | 789                                      | 464                               | 59%         | 789                  | 451                |
| Gentili                                     | Elementary | K-6                                     | 100%                                | 100%                                     | 711                               | 410                                     | 711                                 | 401                                      | 56%                               | 711                                     | 374                                 | 711                                      | 349                               | 49%         | 711                  | 309                |
| Golfview                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 777                               | 448                                     | 777                                 | 474                                      | 61%                               | 777                                     | 480                                 | 777                                      | 490                               | 62%         | 777                  | 517                |
| Harbor City                                 | Elementary | PK-6                                    | 100%                                | 100%                                     | 629                               | 390                                     | 629                                 | 399                                      | 63%                               | 629                                     | 428                                 | 629                                      | 464                               | 74%         | 629                  | 458                |
| Holland                                     | Elementary | PK-6                                    | 100%                                | 100%                                     | 605                               | 444                                     | 605                                 | 416                                      | 68%                               | 605                                     | 408                                 | 605                                      | 379                               | 63%         | 605                  | 351                |
| Imperial Estates                            | Elementary | K-6                                     | 100%                                | 100%                                     | 729                               | 607                                     | 729                                 | 628                                      | 86%                               | 729                                     | 607                                 | 729                                      | 598                               | 82%         | 729                  | 582                |
| Indianapolis                                | Elementary | K-6                                     | 100%                                | 100%                                     | 930                               | 864                                     | 930                                 | 846                                      | 91%                               | 930                                     | 830                                 | 930                                      | 898                               | 97%         | 930                  | 884                |
| Jupiter                                     | Elementary | PK-6                                    | 100%                                | 100%                                     | 892                               | 573                                     | 892                                 | 567                                      | 64%                               | 892                                     | 585                                 | 892                                      | 566                               | 66%         | 892                  | 585                |
| Lockhart                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 790                               | 579                                     | 790                                 | 562                                      | 71%                               | 790                                     | 549                                 | 790                                      | 524                               | 66%         | 790                  | 535                |
| Longleaf                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 998                               | 687                                     | 998                                 | 682                                      | 69%                               | 998                                     | 682                                 | 998                                      | 682                               | 69%         | 998                  | 887                |
| Manatee                                     | Elementary | PK-6                                    | 100%                                | 100%                                     | 838                               | 687                                     | 838                                 | 705                                      | 84%                               | 838                                     | 726                                 | 838                                      | 745                               | 89%         | 838                  | 777                |
| McAuliffe                                   | Elementary | PK-6                                    | 100%                                | 100%                                     | 1,004                             | 778                                     | 1,004                               | 764                                      | 76%                               | 1,004                                   | 742                                 | 1,004                                    | 712                               | 71%         | 1,004                | 708                |
| Meadowdale Intermediate                     | Elementary | 3-6                                     | 100%                                | 100%                                     | 824                               | 604                                     | 824                                 | 553                                      | 67%                               | 824                                     | 585                                 | 824                                      | 596                               | 72%         | 824                  | 591                |
| Meadowdale Primary                          | Elementary | PK-6                                    | 100%                                | 100%                                     | 707                               | 382                                     | 707                                 | 384                                      | 54%                               | 707                                     | 377                                 | 707                                      | 367                               | 52%         | 707                  | 319                |
| Milla                                       | Elementary | K-6                                     | 100%                                | 100%                                     | 725                               | 395                                     | 725                                 | 420                                      | 58%                               | 725                                     | 442                                 | 725                                      | 443                               | 61%         | 725                  | 476                |
| Mims                                        | Elementary | PK-6                                    | 100%                                | 100%                                     | 968                               | 473                                     | 968                                 | 472                                      | 49%                               | 968                                     | 480                                 | 968                                      | 480                               | 50%         | 968                  | 485                |
| Oak Park                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 654                               | 499                                     | 654                                 | 488                                      | 75%                               | 654                                     | 463                                 | 654                                      | 448                               | 68%         | 654                  | 395                |
| Ocean Breeze                                | Elementary | PK-6                                    | 100%                                | 100%                                     | 983                               | 583                                     | 983                                 | 585                                      | 59%                               | 983                                     | 601                                 | 983                                      | 605                               | 62%         | 983                  | 605                |
| Palm Bay Elem                               | Elementary | PK-6                                    | 100%                                | 100%                                     | 613                               | 501                                     | 613                                 | 519                                      | 85%                               | 613                                     | 535                                 | 613                                      | 537                               | 88%         | 613                  | 587                |
| Pinewood                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 852                               | 628                                     | 852                                 | 662                                      | 78%                               | 852                                     | 679                                 | 852                                      | 725                               | 85%         | 852                  | 820                |
| Port Malabar                                | Elementary | PK-6                                    | 100%                                | 100%                                     | 932                               | 690                                     | 932                                 | 675                                      | 72%                               | 932                                     | 674                                 | 932                                      | 662                               | 71%         | 932                  | 832                |
| Quest                                       | Elementary | PK-6                                    | 100%                                | 100%                                     | 733                               | 721                                     | 777                                 | 765                                      | 104%                              | 733                                     | 821                                 | 733                                      | 931                               | 95%         | 733                  | 900                |
| Riviera                                     | Elementary | PK-6                                    | 100%                                | 100%                                     | 599                               | 275                                     | 599                                 | 295                                      | 49%                               | 599                                     | 284                                 | 599                                      | 294                               | 49%         | 599                  | 314                |
| Rosewell                                    | Elementary | K-6                                     | 100%                                | 100%                                     | 785                               | 493                                     | 785                                 | 495                                      | 63%                               | 785                                     | 499                                 | 785                                      | 501                               | 64%         | 785                  | 599                |
| Sabal                                       | Elementary | PK-6                                    | 100%                                | 100%                                     | 998                               | 622                                     | 998                                 | 634                                      | 64%                               | 998                                     | 633                                 | 998                                      | 622                               | 62%         | 998                  | 579                |
| Sea Park                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 461                               | 308                                     | 461                                 | 308                                      | 67%                               | 461                                     | 313                                 | 461                                      | 310                               | 67%         | 461                  | 301                |
| Sherwood                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 609                               | 494                                     | 609                                 | 511                                      | 84%                               | 609                                     | 520                                 | 609                                      | 522                               | 86%         | 609                  | 532                |
| Sunrise                                     | Elementary | PK-6                                    | 100%                                | 100%                                     | 957                               | 907                                     | 1,001                               | 984                                      | 104%                              | 957                                     | 1,029                               | 957                                      | 1,200                             | 126%        | 957                  | 1,338              |
| Surfside                                    | Elementary | K-6                                     | 100%                                | 100%                                     | 755                               | 585                                     | 755                                 | 574                                      | 76%                               | 755                                     | 585                                 | 755                                      | 530                               | 70%         | 755                  | 536                |
| Tropical                                    | Elementary | K-6                                     | 100%                                | 100%                                     | 541                               | 404                                     | 541                                 | 412                                      | 76%                               | 541                                     | 410                                 | 541                                      | 391                               | 72%         | 541                  | 390                |
| Turner                                      | Elementary | PK-6                                    | 100%                                | 100%                                     | 910                               | 569                                     | 910                                 | 550                                      | 60%                               | 910                                     | 540                                 | 910                                      | 532                               | 58%         | 910                  | 490                |
| Turner                                      | Elementary | PK-6                                    | 100%                                | 100%                                     | 874                               | 598                                     | 874                                 | 669                                      | 77%                               | 874                                     | 768                                 | 874                                      | 886                               | 91%         | 1,006                | 1,065              |
| University Park                             | Elementary | PK-6                                    | 100%                                | 100%                                     | 811                               | 529                                     | 811                                 | 548                                      | 68%                               | 811                                     | 612                                 | 811                                      | 647                               | 80%         | 811                  | 665                |
| Viera Elem                                  | Elementary | K-6                                     | 100%                                | 100%                                     | 1,030                             | 885                                     | 1,030                               | 960                                      | 93%                               | 1,030                                   | 979                                 | 1,030                                    | 997                               | 97%         | 1,030                | 1,002              |
| Westlake                                    | Elementary | K-6                                     | 100%                                | 100%                                     | 941                               | 984                                     | 1,051                               | 1,041                                    | 110%                              | 941                                     | 1,117                               | 1,227                                    | 1,208                             | 128%        | 1,425                | 1,411              |
| Williams                                    | Elementary | PK-6                                    | 100%                                | 100%                                     | 715                               | 395                                     | 715                                 | 395                                      | 55%                               | 715                                     | 387                                 | 715                                      | 371                               | 52%         | 715                  | 329                |
| Elementary Totals                           |            |                                         |                                     |                                          | 42,106                            | 30,923                                  | 42,348                              | 30,425                                   | 42,546                            | 30,883                                  | 42,876                              | 31,251                                   | 43,338                            | 31,428      | 43,690               | 31,653             |



| School                                                | Type         | Grades   | Utilization Factor | School Year 2024-25 |                      |                            | School Year 2025-26  |                    |                            | School Year 2026-27  |                    |                            | School Year 2027-28  |                    |                            | School Year 2028-29  |                    |                            | School Year 2029-30  |                    |                            |
|-------------------------------------------------------|--------------|----------|--------------------|---------------------|----------------------|----------------------------|----------------------|--------------------|----------------------------|----------------------|--------------------|----------------------------|----------------------|--------------------|----------------------------|----------------------|--------------------|----------------------------|----------------------|--------------------|----------------------------|
|                                                       |              |          |                    | FISH Capacity       | 10/14/24 Member-ship | Total Capacity Utilization | Future FISH Capacity | Student Projection | Total Capacity Utilization | Future FISH Capacity | Student Projection | Total Capacity Utilization | Future FISH Capacity | Student Projection | Total Capacity Utilization | Future FISH Capacity | Student Projection | Total Capacity Utilization | Future FISH Capacity | Student Projection | Total Capacity Utilization |
| Middle School Concurrency Service Areas               |              |          |                    |                     |                      |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |
| Central                                               | Middle       | 7-8      | 90%                | 1,514               | 1,058                | 70%                        | 1,514                | 1,083              | 70%                        | 1,514                | 1,048              | 69%                        | 1,514                | 1,101              | 73%                        | 1,514                | 1,161              | 77%                        | 1,514                | 1,158              | 76%                        |
| DeLauria                                              | Middle       | 7-8      | 90%                | 960                 | 548                  | 57%                        | 960                  | 440                | 46%                        | 960                  | 419                | 44%                        | 960                  | 446                | 46%                        | 960                  | 430                | 45%                        | 960                  | 411                | 43%                        |
| Hoover                                                | Middle       | 7-8      | 90%                | 680                 | 473                  | 70%                        | 680                  | 485                | 68%                        | 680                  | 451                | 66%                        | 680                  | 480                | 71%                        | 680                  | 490                | 72%                        | 680                  | 486                | 71%                        |
| Jackson                                               | Middle       | 7-8      | 90%                | 680                 | 505                  | 74%                        | 680                  | 465                | 70%                        | 680                  | 454                | 69%                        | 680                  | 446                | 68%                        | 680                  | 434                | 66%                        | 680                  | 411                | 62%                        |
| Jefferson                                             | Middle       | 7-8      | 90%                | 873                 | 479                  | 55%                        | 873                  | 481                | 55%                        | 873                  | 450                | 52%                        | 873                  | 437                | 50%                        | 873                  | 513                | 59%                        | 873                  | 528                | 60%                        |
| Johnson                                               | Middle       | 7-8      | 90%                | 1,064               | 577                  | 54%                        | 1,064                | 602                | 57%                        | 1,064                | 633                | 59%                        | 1,064                | 682                | 64%                        | 1,064                | 718                | 67%                        | 1,064                | 696                | 65%                        |
| Kennedy                                               | Middle       | 7-8      | 90%                | 869                 | 449                  | 52%                        | 869                  | 355                | 41%                        | 869                  | 327                | 38%                        | 869                  | 362                | 42%                        | 869                  | 368                | 42%                        | 869                  | 348                | 40%                        |
| Madison                                               | Middle       | 7-8      | 90%                | 781                 | 446                  | 57%                        | 781                  | 431                | 55%                        | 781                  | 412                | 53%                        | 781                  | 483                | 62%                        | 781                  | 482                | 62%                        | 781                  | 436                | 56%                        |
| McNair                                                | Middle       | 7-8      | 90%                | 616                 | 262                  | 43%                        | 616                  | 259                | 42%                        | 616                  | 258                | 42%                        | 616                  | 282                | 46%                        | 616                  | 324                | 53%                        | 616                  | 322                | 52%                        |
| Southwest                                             | Middle       | 7-8      | 90%                | 1,281               | 1,001                | 78%                        | 1,281                | 1,048              | 82%                        | 1,281                | 1,073              | 84%                        | 1,281                | 1,224              | 96%                        | 1,281                | 1,403              | 97%                        | 1,281                | 1,448              | 99%                        |
| Slope                                                 | Middle       | 7-8      | 90%                | 1,076               | 556                  | 52%                        | 1,076                | 523                | 49%                        | 1,076                | 584                | 54%                        | 1,076                | 612                | 57%                        | 1,076                | 651                | 61%                        | 1,076                | 766                | 73%                        |
| Viera Middle                                          | Middle       | 7-8      | 90%                | 896                 | 742                  | 83%                        | 896                  | 955                | 100%                       | 896                  | 943                | 99%                        | 896                  | 925                | 97%                        | 896                  | 955                | 95%                        | 896                  | 955                | 94%                        |
| Middle Totals                                         |              |          |                    | 11,270              | 7,096                | 73%                        | 11,329               | 7,084              | 73%                        | 11,329               | 7,052              | 71%                        | 11,329               | 7,460              | 74%                        | 11,487               | 7,877              | 77%                        | 11,507               | 7,928              | 78%                        |
| Junior / Senior High School Concurrency Service Areas |              |          |                    |                     |                      |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |
| Cocoa                                                 | Jr / Sr High | PK, 7-12 | 90%                | 2,085               | 1,435                | 69%                        | 2,085                | 1,371              | 66%                        | 2,085                | 1,320              | 63%                        | 2,085                | 1,270              | 61%                        | 2,085                | 1,306              | 63%                        | 2,085                | 1,317              | 63%                        |
| Corona Beach                                          | Jr / Sr High | 7-12     | 90%                | 1,464               | 1,049                | 72%                        | 1,464                | 982                | 67%                        | 1,464                | 966                | 66%                        | 1,464                | 912                | 62%                        | 1,464                | 894                | 61%                        | 1,464                | 859                | 59%                        |
| Space Coast                                           | Jr / Sr High | 7-12     | 90%                | 1,852               | 1,505                | 81%                        | 1,852                | 1,500              | 81%                        | 1,852                | 1,482              | 80%                        | 1,852                | 1,476              | 80%                        | 1,852                | 1,433              | 77%                        | 1,852                | 1,382              | 75%                        |
| Jr / Jr / Sr High Totals                              |              |          |                    | 5,401               | 3,989                | 81%                        | 5,401                | 3,853              | 80%                        | 5,401                | 3,768              | 79%                        | 5,401                | 3,656              | 78%                        | 5,401                | 3,633              | 77%                        | 5,401                | 3,558              | 75%                        |
| Senior High School Concurrency Service Areas          |              |          |                    |                     |                      |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |
| Astronaut                                             | High         | 9-12     | 95%                | 1,451               | 1,054                | 73%                        | 1,451                | 1,047              | 72%                        | 1,451                | 1,034              | 71%                        | 1,451                | 984                | 68%                        | 1,451                | 953                | 66%                        | 1,451                | 970                | 67%                        |
| Bayside                                               | High         | 9-12     | 95%                | 2,358               | 1,726                | 73%                        | 2,358                | 1,713              | 73%                        | 2,358                | 1,704              | 72%                        | 2,358                | 1,672              | 71%                        | 2,358                | 1,642              | 70%                        | 2,358                | 1,612              | 69%                        |
| Eau Gallie                                            | High         | PK, 9-12 | 95%                | 2,211               | 1,400                | 63%                        | 2,211                | 1,416              | 64%                        | 2,211                | 1,429              | 65%                        | 2,211                | 1,446              | 66%                        | 2,211                | 1,530              | 69%                        | 2,211                | 1,588              | 72%                        |
| Heritage                                              | High         | 9-12     | 95%                | 2,314               | 1,992                | 86%                        | 2,314                | 1,989              | 85%                        | 2,314                | 1,979              | 86%                        | 2,314                | 1,922              | 83%                        | 2,314                | 1,923              | 83%                        | 2,314                | 1,969              | 85%                        |
| Melbourne                                             | High         | 9-12     | 95%                | 2,370               | 2,210                | 93%                        | 2,370                | 2,202              | 93%                        | 2,370                | 2,189              | 93%                        | 2,370                | 2,214              | 94%                        | 2,370                | 2,218              | 94%                        | 2,370                | 2,309              | 97%                        |
| Merritt Island                                        | High         | PK, 9-12 | 95%                | 1,966               | 1,445                | 73%                        | 1,966                | 1,428              | 72%                        | 1,966                | 1,427              | 72%                        | 1,966                | 1,431              | 73%                        | 1,966                | 1,449              | 74%                        | 1,966                | 1,435              | 73%                        |
| Palm Bay                                              | High         | PK, 9-12 | 95%                | 2,642               | 1,366                | 52%                        | 2,642                | 1,326              | 50%                        | 2,642                | 1,307              | 49%                        | 2,642                | 1,325              | 50%                        | 2,642                | 1,410              | 53%                        | 2,642                | 1,435              | 54%                        |
| Rockledge                                             | High         | 9-12     | 95%                | 1,836               | 1,577                | 86%                        | 1,836                | 1,579              | 86%                        | 1,836                | 1,592              | 87%                        | 1,836                | 1,555              | 85%                        | 1,836                | 1,528              | 83%                        | 1,836                | 1,500              | 81%                        |
| Satellite                                             | High         | PK, 9-12 | 95%                | 1,551               | 1,436                | 93%                        | 1,551                | 1,373              | 89%                        | 1,551                | 1,317              | 85%                        | 1,551                | 1,232              | 79%                        | 1,551                | 1,213              | 78%                        | 1,551                | 1,178              | 76%                        |
| Titusville                                            | High         | 9-12     | 95%                | 1,801               | 1,277                | 71%                        | 1,801                | 1,260              | 70%                        | 1,801                | 1,208              | 67%                        | 1,801                | 1,160              | 64%                        | 1,801                | 1,141              | 63%                        | 1,801                | 1,104              | 61%                        |
| Viera                                                 | High         | PK, 9-12 | 95%                | 2,461               | 2,333                | 95%                        | 2,461                | 2,379              | 97%                        | 2,461                | 2,375              | 97%                        | 2,461                | 2,422              | 98%                        | 2,461                | 2,421              | 98%                        | 2,461                | 2,435              | 99%                        |
| High Totals                                           |              |          |                    | 22,961              | 18,216               | 80%                        | 22,961               | 18,052             | 79%                        | 22,961               | 18,014             | 78%                        | 22,961               | 17,918             | 78%                        | 22,961               | 18,038             | 78%                        | 22,961               | 18,467             | 80%                        |
| Schools of Choice (Not Concurrency Service Areas)     |              |          |                    |                     |                      |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |                      |                    |                            |
| Freedom 7                                             | Elementary   | K-6      | 100%               | 475                 | 408                  | 86%                        | 475                  | 414                | 87%                        | 475                  | 414                | 87%                        | 475                  | 414                | 87%                        | 475                  | 414                | 87%                        | 475                  | 414                | 87%                        |
| Stevenson                                             | Elementary   | K-6      | 100%               | 569                 | 481                  | 85%                        | 569                  | 486                | 85%                        | 569                  | 486                | 85%                        | 569                  | 486                | 85%                        | 569                  | 486                | 85%                        | 569                  | 486                | 85%                        |
| South Lake                                            | Elementary   | K-6      | 100%               | 639                 | 469                  | 73%                        | 639                  | 498                | 78%                        | 639                  | 496                | 78%                        | 639                  | 498                | 78%                        | 639                  | 496                | 78%                        | 639                  | 496                | 78%                        |
| West Melbourne                                        | Elementary   | K-6      | 100%               | 654                 | 605                  | 93%                        | 654                  | 625                | 96%                        | 654                  | 625                | 96%                        | 654                  | 625                | 96%                        | 654                  | 625                | 96%                        | 654                  | 625                | 96%                        |
| Edgewood                                              | Jr / Sr High | 7-12     | 90%                | 1,077               | 940                  | 87%                        | 1,077                | 945                | 88%                        | 1,077                | 945                | 88%                        | 1,077                | 945                | 88%                        | 1,077                | 945                | 88%                        | 1,077                | 945                | 88%                        |
| West Shore                                            | Jr / Sr High | 7-12     | 90%                | 1,264               | 947                  | 75%                        | 1,264                | 945                | 75%                        | 1,264                | 945                | 75%                        | 1,264                | 945                | 75%                        | 1,264                | 945                | 75%                        | 1,264                | 945                | 75%                        |
| Schools of Choice                                     |              |          |                    | 4,678               | 3,850                | 82%                        | 4,678                | 3,911              | 84%                        | 4,678                | 3,911              | 84%                        | 4,678                | 3,911              | 84%                        | 4,678                | 3,911              | 84%                        | 4,678                | 3,911              | 84%                        |
| Brevard Totals                                        |              |          |                    | 86,416              | 63,174               | 73%                        | 86,423               | 63,325             | 73%                        | 86,423               | 63,325             | 73%                        | 86,423               | 64,196             | 74%                        | 86,423               | 64,196             | 74%                        | 86,423               | 64,196             | 74%                        |

**Notes**

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2024-25 are reported from the FISH database as of November 13, 2024.
- Student Membership is reported from the Fall Final Membership Count (10/14/2024).
- Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrency Student, Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
  - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
  - Current From/To attendance patterns are assumed to remain constant
  - Nonrecorded student addresses are assumed to continue in their attendance schools.
  - Charter School Growth
- If student utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
  - Only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
  - 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

For school year 2025-26, a total of 9 intermediate classrooms are projected for Jupiter (2), Riviera (2), Sunrise (2), and Westside (3) Elementary Schools.  
 For school year 2027-28, a total of 15 intermediate classrooms are projected for Jupiter (2), Riviera (3), Sunrise (4), Turner (1) and Westside (5) Elementary Schools and 3 High School relocatable classrooms are proposed for Bayside High School.  
 For school year 2028-29, a total of 29 intermediate classrooms are projected for Columbia (2), Jupiter (2), Riviera (2), Sunrise (5), Turner (5), and Westside (5) Elementary Schools. Southwest Middle School (8) and 6 High School relocatable classrooms are proposed for Bayside High School.  
 For school year 2029-30, a total of 17 intermediate classrooms are projected for Columbia (2), Jupiter (2), Sunrise (3), Turner (3), and Westside (4) Elementary Schools. Southwest Middle School (1) and 9 High School relocatable classrooms are proposed for Bayside.

9. A classroom addition is planned to open at West Melbourne School of Science for 2025-26. The factored capacity is adjusted for the proposed 106 student stations.





# BREVARD CHARTER SCHOOLS: FROM ANALYSIS Fall Final Membership Count - October 14, 2024

| Students' School of Residence                            |                        | Students' School of Enrollment |                 |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       |       | Total Charter Students FROM Charter School Boundaries | Percentage of Resident Public School students Attending Charter Schools |
|----------------------------------------------------------|------------------------|--------------------------------|-----------------|---------------------|--------------|------------------|----------------|----------------------------|----------------------------------|------------------------------|-------------------|--------------------|-----------------------|---------------|---------------------------------|-------|-----|-------|-------|-------------------------------------------------------|-------------------------------------------------------------------------|
|                                                          |                        | Charter Schools                |                 |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       |       |                                                       |                                                                         |
|                                                          |                        | Kennel/Jewel                   | Imagine Schools | Odyssey Charter Pub | Odyssey Prep | Palm Bay Academy | Pineapple Cove | Pineapple Cove at Lochmoor | Pineapple Cove at West Melbourne | Placemat Academy Space Coast | Riverside Charter | Royal Palm Charter | Sandpiper Charter Pub | Vista Charter | W. H. Harrison Ed Harrison Chrt |       |     |       |       |                                                       |                                                                         |
| Elementary Schools                                       | Bar Allen              | 615                            | 556             | 3                   | 18           | 2                | 2              |                            | 19                               | 10                           | 20                | 11                 |                       | 3             |                                 | 11    | 19  | 195   | 13.1% |                                                       |                                                                         |
|                                                          | Anderson               | 477                            | 662             | 1                   |              |                  |                |                            |                                  |                              | 1                 | 20                 |                       |               |                                 | 143   |     | 177   | 28.7% |                                                       |                                                                         |
|                                                          | Apella                 | 573                            | 782             | 5                   |              |                  |                |                            |                                  |                              |                   | 1                  |                       |               |                                 | 85    | 1   | 72    | 10.3% |                                                       |                                                                         |
|                                                          | Atlanta                | 827                            | 653             | 3                   |              |                  |                |                            |                                  |                              |                   |                    | 36                    | 8             |                                 |       |     | 44    | 6.7%  |                                                       |                                                                         |
|                                                          | Arabian                | 301                            | 328             | 4                   | 2            |                  |                |                            |                                  |                              |                   | 1                  |                       |               |                                 | 2     |     | 17    | 2.1%  |                                                       |                                                                         |
|                                                          | Cambridge              | 417                            | 452             | 14                  | 1            |                  |                |                            |                                  |                              |                   |                    | 2                     |               |                                 | 1     | 17  | 36    | 6.8%  |                                                       |                                                                         |
|                                                          | Cape View              | 261                            | 380             |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       | 0.0%  |                                                       |                                                                         |
|                                                          | Carroll                | 631                            | 583             |                     |              |                  |                |                            |                                  |                              |                   |                    | 4                     |               |                                 | 1     | 3   | 8     | 1.4%  |                                                       |                                                                         |
|                                                          | Challenge 7            | 428                            | 495             | 5                   |              |                  |                |                            |                                  |                              |                   |                    | 1                     |               |                                 | 16    | 9   | 34    | 6.3%  |                                                       |                                                                         |
|                                                          | Columbia               | 329                            | 330             |                     | 18           | 147              | 88             | 5                          | 11                               | 38                           | 24                |                    |                       | 47            |                                 | 1     | 1   | 100   | 18.4% |                                                       |                                                                         |
|                                                          | Copins                 | 478                            | 549             | 2                   |              |                  |                |                            |                                  |                              | 1                 |                    |                       |               |                                 | 36    | 6   | 31    | 9.0%  |                                                       |                                                                         |
|                                                          | Corral                 | 486                            | 772             |                     | 7            | 2                |                |                            | 1                                | 4                            | 2                 | 4                  | 10                    |               |                                 | 1     | 24  | 4     | 73    | 8.8%                                                  |                                                                         |
|                                                          | Croton                 | 434                            | 432             |                     | 6            | 1                |                |                            |                                  | 6                            | 5                 | 2                  | 18                    |               |                                 |       | 16  | 3     | 36    | 8.1%                                                  |                                                                         |
|                                                          | Dunwoody               | 631                            | 948             |                     | 49           | 33               | 25             | 15                         | 20                               | 30                           | 47                | 5                  |                       |               | 8                               |       |     | 4     | 2     | 241                                                   | 15.8%                                                                   |
|                                                          | Endeavour              | 647                            | 595             | 331                 |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       | 12  |       | 166   | 16.8%                                                 |                                                                         |
|                                                          | Enterprise             | 316                            | 478             | 3                   |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 | 25    | 3   | 1     | 44    | 7.1%                                                  |                                                                         |
|                                                          | Euclid                 | 439                            | 692             | 2                   |              |                  |                |                            |                                  |                              | 2                 |                    |                       |               |                                 | 22    | 31  |       | 84    | 11.1%                                                 |                                                                         |
|                                                          | Genius                 | 409                            | 345             |                     |              |                  |                |                            |                                  |                              | 1                 | 2                  |                       |               |                                 |       |     |       | 1     | 6                                                     | 1.8%                                                                    |
|                                                          | Golfview               | 439                            | 618             | 16                  |              |                  |                |                            |                                  |                              |                   |                    | 12                    |               |                                 |       | 29  |       | 115   | 14.4%                                                 |                                                                         |
|                                                          | Harbor City            | 384                            | 471             |                     | 8            | 2                |                | 2                          |                                  | 2                            | 4                 | 4                  |                       |               |                                 |       | 6   | 5     | 27    | 6.8%                                                  |                                                                         |
|                                                          | Holland                | 443                            | 305             |                     |              | 1                | 1              |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       | 4     | 1.1%                                                  |                                                                         |
|                                                          | Imperial Gateway       | 384                            | 784             | 2                   |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 | 121   | 4   | 129   | 16.3% |                                                       |                                                                         |
|                                                          | Indelantia             | 650                            | 647             |                     | 1            |                  |                |                            |                                  |                              |                   | 4                  | 1                     |               |                                 |       | 1   |       | 2     | 0.6%                                                  |                                                                         |
|                                                          | Jupiter                | 768                            | 1,367           |                     | 11           | 138              | 54             | 11                         | 81                               | 65                           | 63                | 8                  |                       |               |                                 | 36    | 7   | 1     | 476   | 24.8%                                                 |                                                                         |
|                                                          | Lakewood               | 341                            | 735             |                     | 31           | 30               | 16             | 5                          | 26                               | 85                           | 27                | 2                  |                       |               |                                 | 11    |     | 8     | 343   | 28.1%                                                 |                                                                         |
|                                                          | Lancelot               | 347                            | 453             |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     | 18    | 4     | 27                                                    | 5.8%                                                                    |
|                                                          | Manatee                | 329                            | 973             | 3                   |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 | 44    | 140 |       | 187   | 19.2%                                                 |                                                                         |
|                                                          | McAlister              | 615                            | 819             |                     | 32           | 38               | 30             | 11                         | 39                               | 68                           | 29                | 5                  |                       |               |                                 | 9     | 1   | 3     | 137   | 27.8%                                                 |                                                                         |
|                                                          | Madawaska Primary      | 344                            | 789             |                     | 27           | 4                | 1              | 1                          | 13                               | 28                           | 86                | 6                  |                       |               |                                 | 1     | 2   | 13    | 161   | 28.7%                                                 |                                                                         |
|                                                          | Madawaska Intermediate | 776                            | 1,059           |                     | 37           | 17               | 2              | 4                          | 24                               | 29                           | 110               | 1                  |                       |               |                                 | 2     | 6   | 21    | 244   | 24.6%                                                 |                                                                         |
|                                                          | Mills                  | 349                            | 485             | 13                  |              | 1                |                |                            |                                  |                              |                   |                    |                       |               |                                 |       | 6   |       | 34    | 4.9%                                                  |                                                                         |
|                                                          | Mims                   | 317                            | 381             | 2                   |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       | 25    | 5.8%                                                  |                                                                         |
|                                                          | Oak Park               | 418                            | 430             | 1                   |              |                  |                |                            |                                  |                              |                   |                    |                       | 3             |                                 |       | 59  | 1     | 27    | 5.3%                                                  |                                                                         |
|                                                          | Ocean Breeze           | 483                            | 521             |                     |              | 1                |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     | 1     | 3     | 8.4%                                                  |                                                                         |
| Palm Bay Elm                                             | 747                    | 747                            |                 | 29                  | 23           | 15               | 55             | 19                         | 14                               | 10                           | 6                 |                    |                       |               | 35                              | 1     | 1   | 182   | 25.0% |                                                       |                                                                         |
| Pinecroft                                                | 482                    | 478                            |                 |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               | 1                               | 20    |     | 21    | 6.4%  |                                                       |                                                                         |
| Port Malabar                                             | 590                    | 753                            |                 | 24                  | 48           | 30               | 14             | 58                         | 39                               | 23                           |                   |                    |                       |               | 81                              | 3     | 3   | 330   | 38.3% |                                                       |                                                                         |
| Quart                                                    | 645                    | 1,061                          | 1               | 1                   |              |                  |                |                            |                                  | 1                            | 97                |                    |                       |               |                                 | 203   |     | 107   | 28.8% |                                                       |                                                                         |
| Rivers                                                   | 613                    | 1,056                          |                 | 112                 | 36           | 19               | 41             | 22                         | 31                               | 25                           | 8                 |                    |                       |               | 8                               | 3     | 7   | 113   | 28.8% |                                                       |                                                                         |
| Roseville                                                | 375                    | 711                            |                 |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 | 6     |     | 7     | 1.9%  |                                                       |                                                                         |
| Sabal                                                    | 463                    | 684                            |                 | 13                  | 1            |                  |                | 9                          | 1                                | 18                           | 8                 |                    |                       |               | 2                               | 37    | 11  | 85    | 16.3% |                                                       |                                                                         |
| Selma                                                    | 535                    | 628                            | 32              |                     |              |                  |                |                            |                                  |                              | 16                |                    |                       |               | 3                               | 53    |     | 438   | 15.5% |                                                       |                                                                         |
| Sea Park                                                 | 289                    | 291                            |                 |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 | 3     |     | 3     | 1.1%  |                                                       |                                                                         |
| Seaside                                                  | 415                    | 479                            |                 | 4                   |              |                  |                | 2                          | 2                                | 3                            | 19                |                    |                       |               |                                 | 33    | 4   | 86    | 14.3% |                                                       |                                                                         |
| Spartan                                                  | 387                    | 1,100                          |                 | 19                  | 38           | 49               | 11             | 43                         | 25                               | 54                           | 1                 |                    |                       |               | 19                              | 1     | 1   | 211   | 21.0% |                                                       |                                                                         |
| Stonewall                                                | 359                    | 648                            |                 | 3                   |              |                  |                |                            |                                  |                              |                   | 26                 |                       |               |                                 |       | 41  | 70    | 18.8% |                                                       |                                                                         |
| Sunfield                                                 | 492                    | 385                            |                 |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     | 4     | 1.0%  |                                                       |                                                                         |
| Tropical                                                 | 559                    | 457                            | 4               | 1                   |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 | 20    |     | 17    | 3.1%  |                                                       |                                                                         |
| Turkey                                                   | 518                    | 1,317                          |                 | 22                  | 138          | 55               | 17             | 32                         | 52                               | 23                           | 7                 |                    |                       |               | 84                              | 2     | 1   | 110   | 16.3% |                                                       |                                                                         |
| University Park                                          | 406                    | 913                            | 2               | 149                 | 7            | 5                | 68             | 12                         | 15                               | 32                           | 3                 |                    |                       |               | 8                               | 5     | 10  | 194   | 14.2% |                                                       |                                                                         |
| Vista Elm                                                | 864                    | 946                            |                 |                     |              |                  |                |                            |                                  | 1                            | 2                 | 86                 |                       |               |                                 |       | 139 | 7     | 139   | 22.3%                                                 |                                                                         |
| Wassila                                                  | 919                    | 1,321                          |                 | 15                  | 184          | 82               | 9              | 94                         | 86                               | 38                           | 3                 |                    |                       |               | 83                              | 1     |     | 549   | 38.3% |                                                       |                                                                         |
| Williams                                                 | 497                    | 429                            |                 |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 | 68    |     | 90    | 11.8% |                                                       |                                                                         |
| Non Geo-located                                          |                        | 28                             |                 | 2                   | 1            |                  | 1              | 1                          |                                  |                              |                   |                    |                       |               |                                 |       |     | 28    |       |                                                       |                                                                         |
| Total Number of K-6 Elementary Students Attending School |                        | 38,734                         | 37,118          | 294                 | 613          | 984              | 487            | 268                        | 1,547                            | 583                          | 383               | 536                | -                     | 357           | 621                             | 1,191 | 117 | 8,472 | 18.3% |                                                       |                                                                         |
| Middle Schools                                           | Central                | 1,058                          | 1,327           |                     | 14           | 82               |                | 9                          | 62                               | 56                           | 102               | 7                  | 32                    |               |                                 | 12    |     | 7     | 374   | 29.8%                                                 |                                                                         |
|                                                          | Delaware               | 548                            | 383             |                     |              |                  |                |                            |                                  | 2                            |                   |                    |                       |               |                                 |       |     |       | 7     | 1.4%                                                  |                                                                         |
|                                                          | Hayward                | 473                            | 538             |                     | 2            | 2                |                |                            |                                  | 1                            | 1                 | 1                  | 1                     | 3             |                                 | 3     |     |       | 14    | 2.8%                                                  |                                                                         |
|                                                          | Jackson                | 595                            | 612             | 1                   |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 | 85    | 7   |       | 88    | 11.1%                                                 |                                                                         |
|                                                          | Johnson                | 470                            | 616             | 3                   | 1            |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       | 2   | 2     | 6     | 1.4%                                                  |                                                                         |
|                                                          | Johnson                | 571                            | 549             |                     | 1            | 3                |                | 1                          | 1                                | 1                            | 10                | 20                 | 3                     |               |                                 |       |     | 36    | 18.3% |                                                       |                                                                         |
|                                                          | Kennedy                | 448                            | 438             | 2                   |              |                  |                |                            |                                  |                              |                   | 18                 |                       |               |                                 |       | 1   | 62    | 64    | 15.3%                                                 |                                                                         |
|                                                          | Madison                | 414                            | 513             |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       | 87  | 2     | 28    | 3.7%                                                  |                                                                         |
|                                                          | McNair                 | 262                            | 381             | 15                  |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       | 1   | 23    | 43    | 15.8%                                                 |                                                                         |
|                                                          | Seaside                | 1,001                          | 1,488           |                     | 5            | 284              |                | 13                         | 41                               | 53                           | 88                | 2                  | 3                     |               |                                 | 42    |     | 2     | 316   | 21.6%                                                 |                                                                         |
| High Schools                                             | Stonewall              | 536                            | 914             | 1                   | 25           | 85               |                | 33                         | 22                               | 39                           | 29                |                    |                       |               | 16                              | 24    | 3   | 182   | 31.2% |                                                       |                                                                         |
|                                                          | Vista Middle           | 742                            | 1,128           |                     |              |                  |                |                            |                                  |                              |                   |                    | 44                    | 1             |                                 |       | 190 | 253   | 28.8% |                                                       |                                                                         |
|                                                          | Contra                 | 1,412                          | 1,977           | 16                  |              |                  |                |                            |                                  |                              |                   |                    | 2                     | 1             |                                 |       | 6   | 90    | 47    | 3.4%                                                  |                                                                         |
|                                                          | Oliver Springs         | 1,249                          | 744             |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     | 3     | 0.4%  |                                                       |                                                                         |
|                                                          | Pharos Cove            | 1,555                          | 1,422           | 5                   |              | 1                |                |                            |                                  |                              |                   |                    |                       |               |                                 | 39    | 2   |       | 22    | 2.3%                                                  |                                                                         |
|                                                          | Seaside                | 1,844                          | 1,090           |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       | 1     | 0.0%                                                  |                                                                         |
|                                                          | Brevard                | 2,138                          | 2,474           |                     |              | 238              |                | 116                        |                                  | 21                           |                   |                    |                       |               |                                 | 34    |     |       | 423   | 15.3%                                                 |                                                                         |
|                                                          | East Valley            | 1,486                          | 1,185           |                     |              | 5                |                | 7                          |                                  | 4                            |                   |                    |                       |               |                                 | 20    |     |       | 36    | 2.3%                                                  |                                                                         |
|                                                          | Brevard                | 1,991                          | 2,916           |                     |              | 89               |                | 68                         |                                  | 17                           |                   |                    |                       |               |                                 | 34    |     |       | 238   | 11.1%                                                 |                                                                         |
|                                                          | Madison                | 2,310                          | 2,145           |                     |              | 17               |                | 41                         |                                  | 94                           |                   |                    |                       |               |                                 | 39    |     |       | 133   | 4.7%                                                  |                                                                         |
| High Schools                                             | Merritt Island         | 1,429                          | 1,618           |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       |       | 1                                                     | 0.0%                                                                    |
|                                                          | Palm Bay               | 1,357                          | 1,915           |                     |              | 126              |                | 62                         |                                  | 51                           |                   |                    |                       |               |                                 | 40    |     |       | 249   | 12.9%                                                 |                                                                         |
|                                                          | St. Charles            | 1,377                          | 1,411           |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       |       | 1                                                     | 0.0%                                                                    |
|                                                          | Seaside                | 1,419                          | 1,401           |                     |              | 1                |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       | 3     | 0.1%                                                  |                                                                         |
|                                                          | Seaside                | 1,273                          | 1,399           |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       | 1     | 0.1%                                                  |                                                                         |
|                                                          | Vista                  | 1,813                          | 2,021           |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       | 3     | 0.1%                                                  |                                                                         |
|                                                          | Non Geo-located        |                                | 27              |                     |              |                  |                |                            |                                  |                              |                   |                    |                       |               |                                 |       |     |       | 27    |                                                       |                                                                         |
| Total Number of Secondary Students Attending School      |                        | 28,246                         | 34,828          | 61                  | 19           | 921              | 1              | 139                        | 315                              | 131                          | 289               | 123                | 234                   | 93            | 127                             | 337   | -   | 2,895 | 6.4%  |                                                       |                                                                         |
| Total Number of K-12 Students Attending School           |                        | 67,000                         | 71,136          | 355                 | 664          | 1,913            | 488            | 307                        | 1,862                            | 724                          | 622               | 649                | 224                   | 450           | 748                             | 1,529 | 117 | 8,866 | 14.9% |                                                       |                                                                         |



**MERRITT ISLAND REDEVELOPMENT AGENCY**

**INTER-OFFICE MEMORANDUM**

**DATE:** December 12, 2025

**TO:** Billy Prasad, Planning & Development Director  
Trina Gilliam, Planning & Zoning Manager  
Paul Body, Senior Planner  
Jacqueline Gonzalez, Planner III  
George Ritchie, Planner III  
Alice Randall, Operations Support Specialist

**FROM:** Lisa Nicholas, Community Development Manager, on behalf of the  
Merritt Island Redevelopment Agency Board of Directors

**RE:** **MIRA Board of Directors Rezoning Review – Application #25Z00054**  
**Request to rezone property (Parcel ID 2412106) located behind medical complex**  
**(formerly owned by Steward Health) with frontage on SR 3 and Pioneer Road from AU**  
**to RU-2-15 and RU-2-30**

*As set forth in Sec. 62-2114 of the Brevard County Code, when an application is made to the Planning and Zoning Board for a change in zoning that pertains to property located in the Merritt Island Redevelopment Area, the application shall be forwarded to the Merritt Island Redevelopment Agency for review prior to the applicable public hearing before the Planning and Zoning Board.*

At its regular meeting on December 11, 2025, the MIRA Board of Directors reviewed the proposed rezoning application, #25Z00054. This proposal would rezone +/- 3.66 acres of a +/- 11-acre property from AU to RU-2-30, and would also rezone +/- 7.58 acres of said +/- 11-acre parcel from AU to RU-2-15. The project would provide for a medium- to high-density multi-family project featuring approximately 220 Class A, luxury apartments. The parcel has frontage on both Courtenay Parkway and Pioneer Road.

Numerous residents spoke in opposition to the project, primarily because of concerns surrounding increased traffic on Pioneer Road and Courtenay Parkway, along with the excess intensity of vehicular traffic proximate to Lewis Carroll Elementary School. Other concerns expressed included stormwater management and flooding, and a potential decrease in the amount of mature vegetation and trees on the property. After discussion, **the Board voted unanimously (7-0) to recommend denial** of the rezoning from AU to RU-2-15 and RU-2-30, stating that it would add too much density in this area at this time and that additional information would be needed to ensure an informed decision.



# MERRITT ISLAND REDEVELOPMENT AGENCY

REGULAR MEETING | DECEMBER 11, 2025

## ITEM II.A

**AGENDA REPORT ITEM:** Development & Stakeholder Presentations

**Project:** RangeWater Development Multi-Family Housing Project (25Z00054) | Parcel ID 2412106

**Requested Action:** Recommendation RE Rezoning – AU to RU-2-15

**Item Summary – Explanation & Background:**

The Brevard County Planning and Development Department has requested the MIRA Board's review of and recommendation on a rezoning request, 25Z00054, Parcel ID 2412106. As depicted in the BCPAO map in this agenda report, the property is an inverted L-shaped parcel, which is adjacent to the medical complex, formerly owned by Steward, and contains frontage on the north side of Pioneer Road and the east side of Courtenay Parkway.

The request is to rezone the property from its current designation of AU to RU-2-15. As depicted in the zoning map included in this agenda item summary, surrounding zoning designations include:

- RU-1-11 to the east
- RU-1-11, BU-1, and IN(L) to the north
- AU, BU-1, and RU-1-11 to the south
- BU-1 to the west

| Zoning Designation Key |                                          |
|------------------------|------------------------------------------|
| AU                     | Agricultural use                         |
| RU-1-11                | Single-family residential                |
| RU-2-15                | Medium-density, multi-family residential |
| BU-1                   | General retail commercial                |
| IN(L)                  | Industrial/residential                   |

The requested rezoning is consistent with the County Comprehensive Plan and the MIRA Redevelopment Plan, as both the existing and proposed future land use designations are NC (neighborhood commercial) and Res15 (residential, up to 15 units per acre). The property is +/- 11 acres, and the current conceptual plan proposes 222 Class A apartment homes in eight 3-story buildings. A portion of the property containing wetlands is required to be preserved.

This portion of Courtenay Parkway exhibits a robust mixture of commercial businesses and single-family residential properties, as well as an elementary school. In Merritt Island, there exists a deficiency of newly constructed multi-family rental units. Aside from the Woodfield Development multi-family apartment project on Fortenberry Road, the development of rental properties has been scarce in Merritt Island. However, because of increased employment opportunities in the space industry, as well as the tourism industries and other industries at Port Canaveral, individuals seeking to fill those vacancies require housing that is proximate to their work. Apartments appeal to younger individuals because of decreased maintenance, enhanced security features, amenities such as onsite fitness centers and common gathering areas, and a sense of community.

The community has expressed concerns with regard to the potential traffic impacts on Courtenay Parkway and Pioneer Road, stormwater management for the property, displacement of natural vegetation and mature trees, and decreased privacy resulting from taller building heights.

It is important to reiterate that the plan is in its very conceptual phase and that having meaningful dialogue at this stage in the process is largely beneficial for the community as well as the development team.

**Fiscal Impact:** None

**Exhibits Attached:** Application; zoning map; BCPAO map view; BCPAO property detail card; conceptual plan; boundary survey

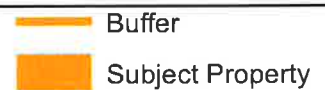
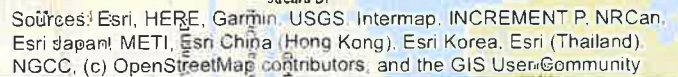
**Reference:** Community Redevelopment Plan: Economic Development Goal – establish an identifiable character for the Redevelopment Area; Land Use Goal – promote diversified interests and harmonious land-use relationships; Administrative Goal – eliminate blighted conditions within the Redevelopment District







25Z00054





# ZONING MAP

MERRITT BIDCO SPV LLC

25Z00054



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: 11/19/2025

— Subject Property

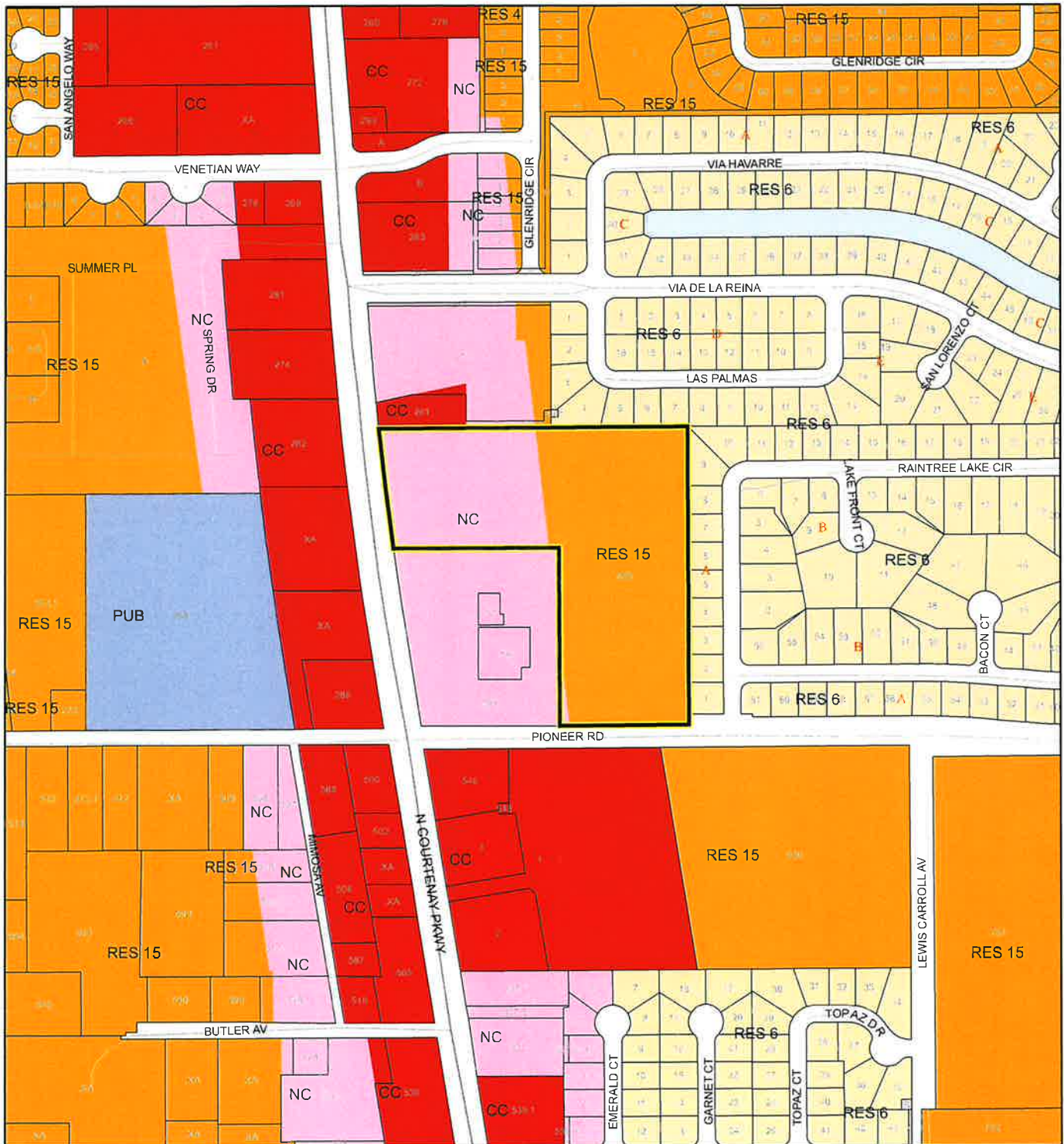
□ Parcels

□ Zoning

# FUTURE LAND USE MAP

MERRITT BIDCO SPV LLC

25Z00054



1:4,800 or 1 inch = 400 feet

— 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: 11/19/2025



# AERIAL MAP

MERRITT BIDCO SPV LLC

25Z00054



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2025

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: 11/19/2025

— Subject Property

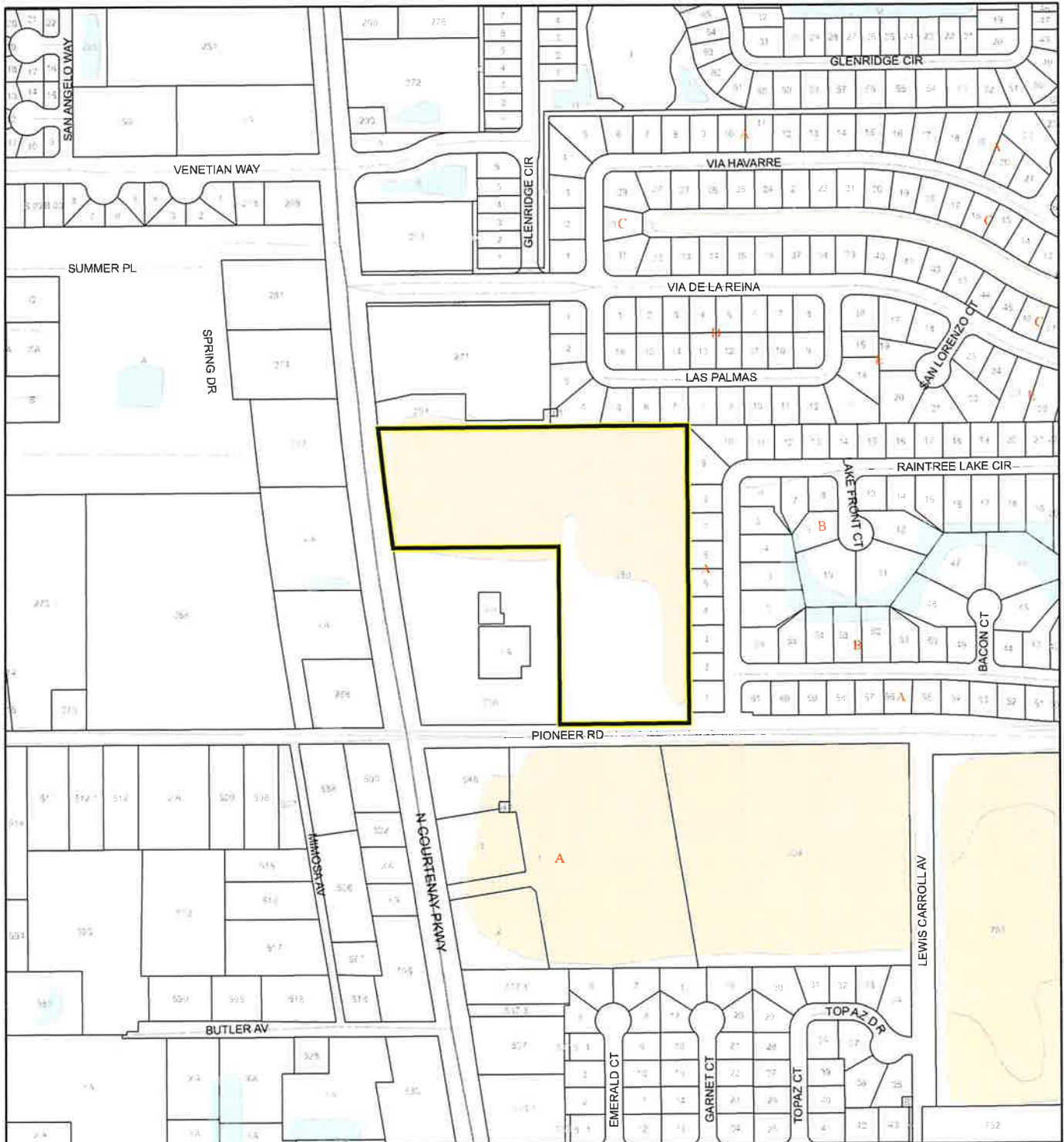
□ Parcels



# NWI WETLANDS MAP

MERRITT BIDCO SPV LLC

25Z00054



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: 11/19/2025

## 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

MERRITT BIDCO SPV LLC

25Z00054



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 herein.

Produced by BoCC - GIS Date: 11/19/2025

## 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





# FEMA FLOOD ZONES MAP

MERRITT BIDCO SPV LLC

25Z00054



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 herein.

Produced by BoCC - GIS Date: 11/19/2025

## FEMA Flood Zones

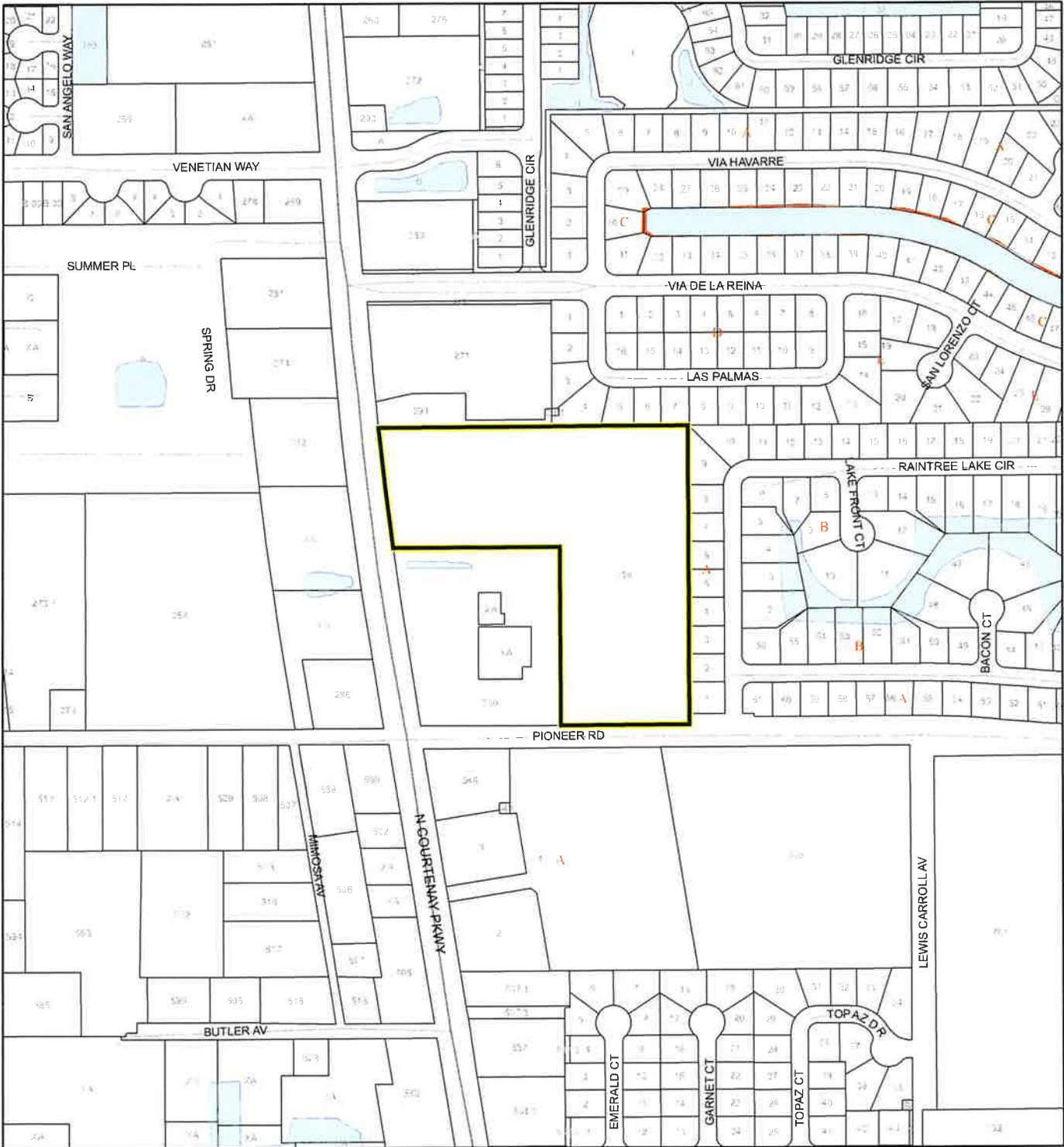
|                  |            |   |
|------------------|------------|---|
| A                | AO         | x |
| AE               | Open Water |   |
| AH               | VE         |   |
| Subject Property | Parcels    |   |



COASTAL HIGH HAZARD AREA MAP

MERRITT BIDCO SPV LLC

25Z00054



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: 11/19/2025

— Subject Property

□ Parcels

**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MERRITT BIDCO SPV LLC

25Z00054



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: 11/19/2025

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

■ 60 Meters

■ All Distances



# EAGLE NESTS MAP

MERRITT BIDCO SPV LLC

25Z00054



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 herein.

Produced by BoCC - GIS Date: 11/19/2025

 Subject Property

 Parcels

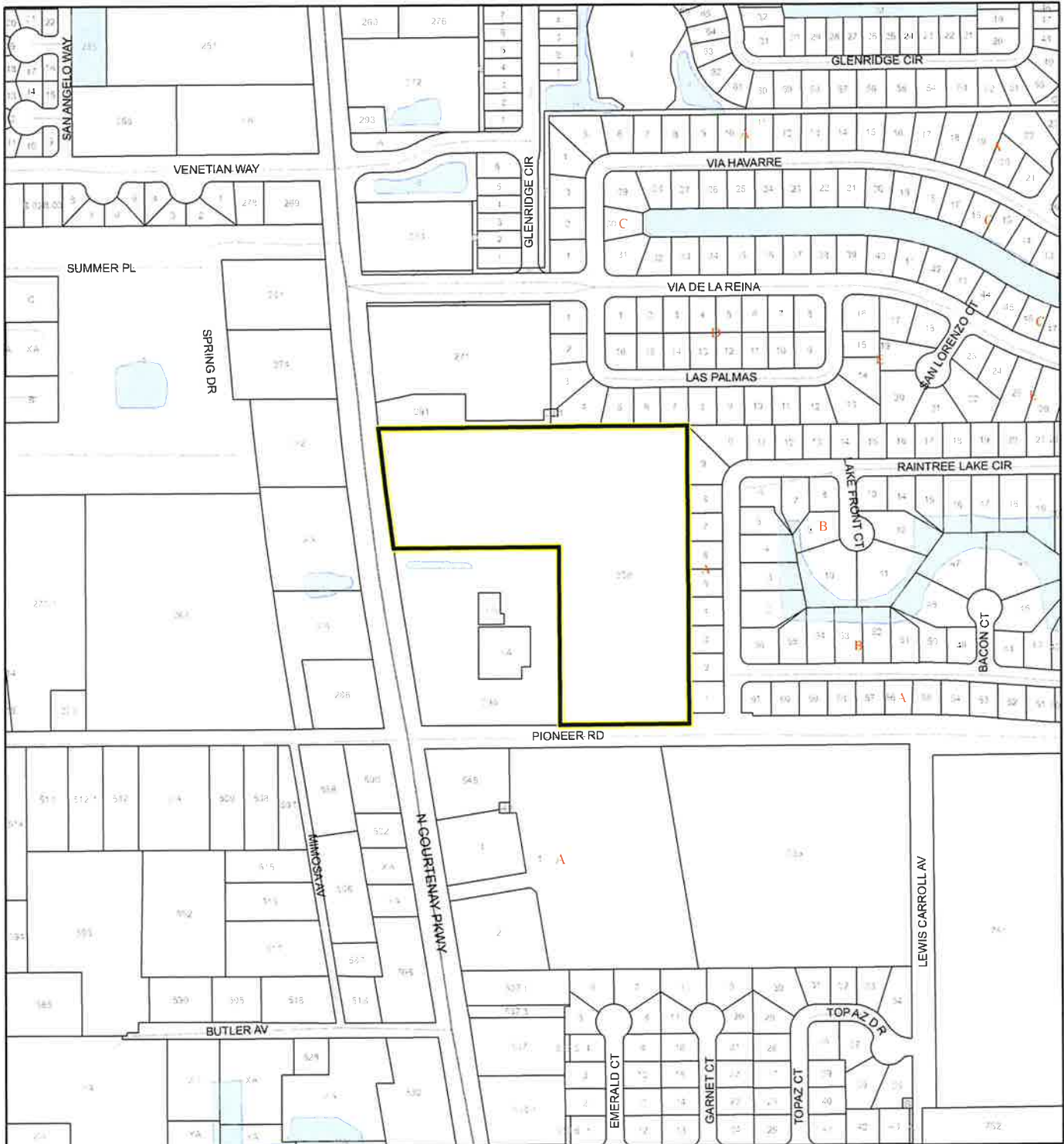
 Eagle Nests FWS



# SCRUB JAY OCCUPANCY MAP

MERRITT BIDCO SPV LLC

25Z00054



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: 11/19/2025

 Subject Property

 Parcels

 Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MERRITT BIDCO SPV LLC

25Z00054



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: 11/19/2025

## 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

4.11

RANGEWATER



PROJECT DATA:

**ZONE 1:** Neighborhood Commercial  
3.659 acres  
109 units max

**PARKING:**

Surface: 368 Spaces  
Parallel: 21 Spaces

**TOTAL: 389 Spaces**  
(1.75 Spaces/Unit)

AMENITY: 6,500 S.F.

**BUILDINGS 1-2:**

Building Type 1  
24 Units/EA

**BUILDING 3:**

Building Type 3  
30 Units/EA

**BUILDING 4:**

Building Type 4  
31 Units

**ZONE 2:** Residential

7.581 acres  
113 units max

**BUILDING 5:**

Building Type 2  
29 Units

**BUILDING 6:**

Building Type 4  
30 Units/EA

**BUILDING 7:**

Building Type 2  
30 Units/EA

**BUILDING 8:**

Building Type 1  
24 Units/EA

**TOTAL: 222 Units**  
(930 S.F. Average)



January 8, 2026

0000.00

Plan

1 Density Study - Option 1  
Scale: 1"=100'-0"

Merritt Island

© 2026 Poole & Poole Architecture, LLC 4240 Park Place Court, Glen Allen, Virginia 23060 Phone 804.225.0215 internet www.2pa.net



RANGEWATER N COURTENAY PARKWAY MERRITT ISLAND  
ROADWAY CAPACITY ANALYSIS - WEEKDAY

| Roadway <sup>(1)</sup>    | From <sup>(1)</sup> | To <sup>(1)</sup> | ID # <sup>(1)</sup> | 2024<br>Existing<br>Volume <sup>(1)</sup> | MAV <sup>(1)</sup> | V/C<br>Ratio <sup>(1)</sup> | Reg.   | Growth<br>Rate <sup>(2)</sup> | 2027 No<br>Build<br>Volumes | Remaining<br>Capacity | No Build<br>V/C Ratio | Daily Project Traffic<br>Trip<br>Dist % <sup>(3)</sup> | Site<br>Trips <sup>(2)</sup> | % Of<br>Available<br>Capacity | 2027<br>Build<br>Volumes | V/C Ratio |
|---------------------------|---------------------|-------------------|---------------------|-------------------------------------------|--------------------|-----------------------------|--------|-------------------------------|-----------------------------|-----------------------|-----------------------|--------------------------------------------------------|------------------------------|-------------------------------|--------------------------|-----------|
| N. Courtenay Pkwy. (SR 3) | Pioneer Rd          | S Ramps SR 528    | 152                 | 33,650                                    | 38,430             | 0.88                        | Linear | 1.34%                         | 35,003                      | 3,427                 | 0.91                  | 62%                                                    | 855                          | 24.95%                        | 35,858                   | 0.93      |

(1) Information from Space Coast TPO Context Classification Spreadsheet downloaded on 11/17/2025

(2) Per approved Traffic Impact Study Scope - Growth Rates

(3) Extracted from approved Traffic Impact Study Scope - Trip Distribution



Prepared by: Kimberly Bonder Rezanka  
Address: Lacey Rezanka  
6013 Farcenda Pl #101  
Melbourne, FL 32940

### **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_ day of \_\_\_\_, 2026 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and MERRITT BIDCO SPV, LLC, a Florida Limited Liability Company (hereinafter referred to as "Developer/Owner").

### **RECITALS**

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

WHEREAS, Developer/Owner has requested, pursuant to the Brevard County Code, Section 62-1157, a rezoning of the Property to RU-2-15 and RU-2-30 zoning classifications with a Binding Development Agreement, desiring to develop the Property as an apartment complex as more particularly described herein, and;

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

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

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.

2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements constructed on the Property.



3. During site plan permitting for the Property, Developer/Owner will permit and extend the west bound, right turn lane currently existing on Pioneer Road approximately three hundred (300) feet, from the turn lane's current eastern terminus, for a total length of 480 feet, to provide additional capacity for that turn lane. This turn lane will be constructed with proper authorization and permits from Brevard County, and will be accepted by Brevard County for maintenance upon proper inspection. If the Property does not receive site plan approval for the intended use of an apartment complex, this condition shall become null and void.

4. Developer/Owner will provide a one hundred (100) foot building setback from its east Property boundary, including 15-foot-wide landscaping buffer, disturbing the buffer only as necessary. Developer/Owner will work with NRMO to establish the buffer with similar type of plants and trees that currently exist, if the existing buffer cannot be maintained.

5. Developer/Owner will maintain a fifty (50) foot landscape buffer along its north Property boundary for the land zoned RU-2-15, adjacent to the residentially developed property, preserving all protected trees.

6. Developer/Owner will enter into a cross-access agreement with the adjacent Property Owner to its south, that abuts Pioneer Drive, to utilize the driveway that currently exists from the adjacent Property to Pioneer Road, to minimize traffic conflict points onto Pioneer Road.

7. Developer/Owner will enter into a Proportionate Fair Share Agreement, to address traffic capacity on N. Courtenay Parkway (SR3) with the County, if SR3 is determined to be deficient at time of site plan submittal.

8. Developer/Owner intends to utilize landscape buffers, to the extent allowed by County Code, for usable common open space for use of tenants.

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

10. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.

11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

12. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.

13. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 12, above.

14. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

[THIS SPACE LEFT INTENTIONALLY BLANK]

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

ATTEST:

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

\_\_\_\_\_  
Rachel M. Sadoff, Clerk of Court  
(SEAL)

\_\_\_\_\_  
Thad Altman, Chairman

As approved by the Board on \_\_\_\_\_

WITNESSES:

MERRITT BIDCO SPV LLC  
399 Park Avenue, FL 16  
New York, NY 10022

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
Authorized Member

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(Name typed, printed or stamped)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical presence,  
this \_\_\_\_ day of \_\_\_\_, 2026, by \_\_\_\_\_, for MERRITT BIDCO SPV LLC, who is  
personally known to me/presented \_\_\_\_\_ as identification.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

SEAL

Commission No.:

\_\_\_\_\_  
(Name typed, printed or stamped)

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BREVARD, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION "A" A PARCEL OF LAND LYING IN SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE NORTH LINE OF PIONEER ROAD AS SHOWN IN PLAT BOOK 23 AT PAGE 26 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE WEST LINE OF RAINTREE BY THE LAKE EXTENDED SOUTHERLY AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGE 16 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA THENCE RUN S 89° 55' 50" W ALONG THE NORTH RIGHT-OF-WAY OF SAID PIONEER ROAD FOR 563.86 FEET TO A POINT LYING 203.03 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 3 AS SHOWN ON STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT OF WAY MAP OF STATE ROAD NO. 3, BREVARD COUNTY, SECTION 70140-2505, AS MEASURED ALONG THE NORTH RIGHT OF WAY LINE OF SAID PIONEER ROAD; THENCE CONTINUE S 89° 55' 50" W FOR 203.03 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 3, THENCE RUN N 09° 07' 55" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 234.87 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 11409.20 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 03° 09' 41" FOR 629.52 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF VILLA DE PALMAS, UNIT NO. 1 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 20 AT PAGE 45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N 89° 56' 19" E ALONG THE SAID SOUTH LINE FOR 201.59 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE TO THE EAST WHOSE CENTER BEARS N 83° 55' 24" E FROM SAID POINT AND HAVING A RADIUS OF 11208.70 FEET, SAID CURVE IS CONCENTRIC WITH AND 200.50 FEET EAST OF THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 3; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03° 03' 19" FOR 597.71 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S 09° 07' 55" E PARALLEL WITH AND 200.50 FEET EAST OF THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 3, FOR 266.85 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION "B" A PARCEL OF LAND LYING IN SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE NORTH LINE OF PIONEER ROAD AS SHOWN IN PLAT BOOK 23 AT PAGE 26 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE WEST LINE OF RAINTREE BY THE LAKE EXTENDED SOUTHERLY AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGE 16 OF THE

PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE RUN S 89° 55' 50" W ALONG THE NORTH RIGHT OF WAY OF SAID PIONEER ROAD FOR 225.00 FEET TO A POINT LYING 541.89 FEET EAST OF THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 3 AS SHOWN ON STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT OF WAY MAP OF STATE ROAD NO. 3, BREVARD COUNTY, SECTION 70140-2505, AS MEASURED ALONG THE NORTH RIGHT OF WAY LINE OF SAID PIONEER ROAD.; THENCE RUN N 00° 02' 57" W PARALLEL WITH THE WEST LINE OF SAID RAINTREE BY THE LAKE FOR 452.08 FEET; THENCE RUN N 89° 55' 50" E FOR 225.00 FEET TO THE WEST LINE OF SAID RAINTREE BY THE LAKE; THENCE RUN S 00° 02' 57" E ALONG SAID WEST LINE FOR 452.08 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION "C" A PARCEL OF LAND LYING IN SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF PIONEER ROAD AS SHOWN IN PLAT BOOK 23 AT PAGE 26 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE WEST LINE OF RAINTREE BY THE LAKE EXTENDED SOUTHERLY AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGE 16 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA THENCE RUN S 89° 55' 50" W ALONG THE NORTH RIGHT-OF-WAY OF SAID PIONEER ROAD FOR 225.00 FEET TO A POINT LYING 541.89 FEET EAST OF THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 3 AS SHOWN ON STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT OF WAY MAP OF STATE ROAD NO. 3, BREVARD COUNTY, SECTION 70140-2505, AS MEASURED ALONG THE NORTH RIGHT OF WAY LINE OF SAID PIONEER ROAD SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE S 89° 55' 50" W ALONG SAID NORTH RIGHT OF WAY LINE FOR 338.86 FEET; THENCE RUN N 09° 07' 55" W PARALLEL WITH AND 200.5 FEET EAST OF THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 3 FOR 266.85 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 11208.70 FEET, SAID CURVE BEING CONCENTRIC WITH AND 200.50 FEET EAST OF SAID EAST RIGHT OF WAY LINE; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03° 03' 19" FOR 597.71 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF VILLA DE PALMAS, UNIT NO. 1 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 20 AT PAGE 45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE RUN N 89° 56' 19" E ALONG THE SAID SOUTH LINE FOR 684.55 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID RAINTREE BY THE LAKE, THENCE RUN S 00° 02' 57" W ALONG SAID WEST LINE FOR 403.82 FEET; THENCE RUN S 89° 55' 50" W FOR 225.00 FEET; THENCE RUN S 00° 02' 57" E FOR 452.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY: A PARCEL OF LAND LYING IN SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF PIONEER ROAD (AS SHOWN IN PLAT BOOK 23 AT PAGE 26 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA) WITH THE WEST LINE OF RAINTREE-BY-THE-LAKE (AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK 28 AT PAGE 16 OF SAID PUBLIC RECORDS) EXTENDED SOUTHERLY; THENCE RUN S 89° 55' 50" W ALONG SAID NORTH RIGHT-OF-WAY LINE OF PIONEER ROAD FOR 366.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89° 55' 50" W FOR 400.00 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 3, AS SHOWN ON FLORIDA STATE ROAD DEPARTMENT, RIGHT-OF-WAY MAP OF STATE ROAD NO. 3, BREVARD COUNTY, SECTION 70140-2505; THENCE RUN N 09° 07' 55" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 234.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 11409.20 FEET; THENCE RUN



NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $01^{\circ} 22' 52''$  FOR 275.02 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, RUN N  $89^{\circ} 56' 19''$  E FOR 477.04 FEET; THENCE RUN S  $00^{\circ} 04' 10''$  E FOR 503.96 FEET TO THE POINT OF BEGINNING.