

## **PLANNING AND ZONING BOARD MINUTES**

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

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

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

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

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

### **Approval of the February 11, 2019, Minutes**

Motion by Scott Langston, seconded by Peter Filiberto, to approve the minutes of January 7, 2019. The motion passed unanimously.

### **Thomas L. and Barbara S. Tofte (Anjelika Teynor):**

A change of zoning classification from GU (General Use) to SR (Suburban Residential). The property is 0.89 acres, located on the north side of Golden Shores Boulevard, approximately 0.44 mile west of U.S. Highway 1. (No assigned address. In the Mims area.) (18PZ00163) (District 1)

Erin Sterk – Staff is working through some issues that we have with this application, so we have suggested the March 25<sup>th</sup> date, but I am not sure if we're going to be ready by that point, but we already advertised, so for due process purposes we have to be here today. We're requesting that you table it to March 25<sup>th</sup>, but we may ask for one more continuance after that.

Bruce Moia – Motion to table.

Brian Hodgess – Second.

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

### **Chateau Madeleine, LLC (Robert Casey):**

A CUP (Conditional Use Permit) for Alcoholic Beverages (full-liquor) for On-Premises Consumption in conjunction with an assisted living facility. The property is 3.76 acres, located on the east side of North Wickham Road, approximately 390 feet south of Pineda Court. (6619 North Wickham Road, Melbourne (19PZ00004) (District 1)

Robert Casey – I'm here on behalf of Chateau Madeleine, my address is 3870 Esplanade Avenue, Port Orange, Florida.

Henry Minneboo – This is for an assisted living facility?

Robert Casey – Yes, sir.

Erin Sterk – One thing we found unusual about the request, simply because of the survey they provided, is that it is for the entire property. They made the request specifically to have the alcoholic

beverage service in the dining area restaurant and an outdoor courtyard area. We have a site plan for the development of the property and we're recommending that you limit the consumption of alcohol to those areas and not necessarily wherever else, such as the care rooms. You have a survey and you can do that if you choose.

Henry Minneboo called for public comment, and hearing none he returned the item to the board.

Ron Bartcher – In the floor plan in our package, is that two dining areas?

Robert Casey – Yes.

Ron Bartcher – The smaller dining area, do you want to also have beverages there, too?

Robert Casey – Yes.

Ron Bartcher – It wasn't outlined in red.

Robert Casey – There is one wing which is the memory care wing, and that area will be restricted from the alcohol.

Erin Sterk – That's a good catch; staff outlined the area on the exhibit that's in your packages, so I'll get with you to ensure that we have all of that area.

Ron Bartcher – This appears to be the first floor; is there a second floor?

Robert Casey – Yes, there's multiple floors.

Ron Bartcher – Does each floor have its own dining area?

Robert Casey – No, sir. They would like the ability for the residents to be able to carry their drinks from the dining room to their residence, which is basically a condo, or apartment in the facility, since they are residing there.

Ron Bartcher – Doesn't that mean that we need to give the permit to the whole facility?

Erin Sterk – I will get with them after this; you may just want to approve it as they applied for today, and then we can clean that up before the County Commission meeting. We did not know that, as that was not in any of the materials submitted.

Henry Minneboo – We're not going to do a binding development plan on a conditional use permit are we?

Erin Sterk – No, it would be a condition of the conditional use permit.

Dane Theodore – I'll make a motion to approve this application with the limitation on the area as recommended by staff.

Peter Filiberto – I'll second.

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

**LTM of Florida Holding, LLC (Kim Rezanka):**

A change of zoning classification from GU (General Use) to RU-2-12 (Medium Density Multi-Family Residential). The property is 2.90 +/- acres, located at the north end of Dixie Highway, approximately 0.22 mile west of U.S. Highway 1. (No assigned address. In the Palm Shores area.) (18PZ00086) (District 4) **This item has been withdrawn by the applicant (letter received 03/05/19).**

**Joseph Brandon and Nikki Thomas:**

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

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

responsible for tracking it; in 2015, 49% of unincorporated Brevard County was owned by the Environmentally Endangered Lands Program, Saint Johns River Water Management District, and the Department of Environmental Protection. If you'd like to verify those figures you can simply go to the Future Land Use Element of the Comprehensive Plan, there is an exhibit in there called, "Greenhouse Gas", and in that we had to take all the acreage in Brevard County that had been purchased by environmental agencies taken off the tax rolls, or placed under conservation easements; and it's 49% of unincorporated Brevard County. Again, this is a rezoning that will allow the applicant to utilize the future land use they already have; it will let them build up to 15 homes; it is not in its natural state; it is a citrus grove with a single-family home on it; and we have provided information on the access, which will be through a Volusia County roadway. I'd be happy to answer any questions that you have.

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

Tim Root – Tim Root, 3540 Sunset Avenue. We oppose the change from one home per acre because of the harm it will cause to the Lagoon. It has already been documented that the Scotsmoor area is the most contaminated with pollutants, and has experienced a loss of fish, shellfish, and birds. All roads east of Route 1 are lined with deep ditches dumping directly into the Lagoon. With zoning changes to one home per acre, hundreds of more homes would have septic systems leaching into these ditches going directly to the Lagoon, as well as all of these hundreds of yards dumping herbicides, pesticides and fertilizers into the Lagoon as well; damages far worse than we now have

will hasten the death of the Lagoon. We need to stop this from occurring, and keeping the two and a half-acre zoning would help a great deal to maintain our rural community. What is the tipping point? When is enough too much? Several years ago we opposed a development that was proposed for the area where the National Cemetery now is, with some of these same issues and it was defeated. When the National Cemetery was proposed we thought it would not adversely affect the community and its resources, but we were wrong. The cemetery has to draw its water from its lake system, and while all the water is being pumped out it cannot recharge the system and the surrounding area, thus 70 homes have already had to have new wells re-drilled, from John's Road to Huntington Lane. No development east of the current portion of the cemetery has been completed; the next section to be completed will be along Dixie Way, north to Huntington Lane. At this point, there will be homes between the cemetery and the Lagoon. The cemetery is approximately one-third complete; thus, when it is completed, three times the amount of potable water for us will be used for irrigation, causing hardship. When Titusville was running out of water they came north and drilled west of Scotsmoor; most of us cannot reach the Floridian aquifer; we rely on groundwater at a shallower depth; our potable water is steadily being depleted, and with hundreds more homes at one home per acre, it would be the death of our rural lifestyle. As our potable water is drawn down, salt water from the Lagoon intrudes; salt water intrusion is a reality. Several families have spent between \$12,000 and \$18,000 for a reverse osmosis system to survive, and hundreds of more homes would conflict with our rural lifestyle and drain our limited supply of potable water. Changing zoning to one home per acre would be opening Pandora's box to development. Thank you.

Nancy Stevenson – Good afternoon, my name is Nancy Stevenson, I live at 6600 Possum Lane, which on County Line Ditch Road in the Scotsmoor area. (Ms. Stevenson provided handouts to the board, which can be found in file 18PZ00154, located in the Planning and Development Department). This project impacts not only the neighbors, but the community, the water quality, the availability of the environment, and the future of the Lagoon. This property in question is approximately 1,500 feet from my personal property, and about 800 feet from other properties that we are involved in. Our whole area up there is considered rural agricultural with the smallest tract being 2.5 acres, but that 2.5 acres just got divided on a family lot that was 10 acres, so it's a mother and child family unit on a 10-acre lot. People relocate to this area because of the large space, acreage, and its quietness. The joke in our house is that you don't want to open the bathroom window and talk to your neighbor. Many folks that have come up there and settled for 2.5-acre tracts wish they had a bigger tract of property, with more freedom and more space. He touched on the roads belonging to Volusia County, and they are. County Line Ditch Road is millings, not paved; Dixie Way is completely dirt; and if you're coming onto vehicles, one has to yield to the side to pass the other, and we make it a joke that you yield, and sometimes you have to get out of the way and wait for wildlife or livestock to finish crossing so you can continue your journey. We talk about the resources and added demands on that project, such as construction, delivery trucks, garbage, and all the services such as fire, electric, the Sheriff's Department, and emergency vehicles that would be in greater need with that much more density. To the immediate north is the Volusia County sign, and the residential to the far left is one owner, and it's a cow pasture, it's not broken out. The Volusia County side is all conservation. County Line Ditch is the applicant's north property line. At our town meeting Mr. Thomas made a comment that his water retention would flow to the Saint John's River, and we kindly suggested that the water would flow east; the water does go east and flows into that ditch. With my past history working with soil and water, and natural resources, on our personal property, in that area we call it a shelf, because if we dig down about one foot we hit pure rock. When it rains we don't retain that much; it's runoff, and it goes to that ditch and heads east. We have to retain for agricultural reasons, but my point is that there's instant runoff, and even in the dry season that ditch is still flowing east. It starts at U.S.

Highway 1 and travels east all the way to the Lagoon. The concern would be that the new homeowners would be fertilizing and using pest control, washing their cars, power washing their homes, so there's runoff, and God forbid a septic tank backs up, because there's immediate runoff right into the ditch going into the Lagoon. There is nothing to stop it. Those are my concerns, future land use, future protection, and if happens here and it can happen other places, you're right on the Lagoon.

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

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

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

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

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

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

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

Henry Minneboo – That's not ours.

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

Deborah Gray – My name is Deborah Gray, 3355 John's Road, and I am right across the street from the cemetery. They were talking about the roads, well everybody knows our roads aren't sand roads, they're actually crushed concrete. I'm on John's Road and the cemetery has affected me; it's silica dust; they did send notices out when they put this new stuff down on our roads, but if you go down three properties from me – and this is back in the old zoning when you were allowed to have one house per acre – there's a gentleman there who has been fighting cancer for two years, and why is

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

Glenda Ceballos – My name is Glenda Ceballos, I live on a small orange grove on Sunset Avenue, 3175 Sunset Avenue, Scotsmoor. We moved here from the west coast, near Naples, where we had 2.5 acres, and that area around our property was bought by a developer and sold in small parcels like they're thinking about doing here, and that turned that area into an urban sprawl, and that's why we moved to Scotsmoor. Our orange grove, since the cemetery went in, is dying, and a lot of that is caused by the salt intrusion. Besides the orange groves there is a lot of wildlife in our area; we have the birding trail; we have the birding festival; and if we get a lot of small lots the greenspace is going to be gone, and the birds and wildlife aren't going to be there, and it will be another small town, it's not going to be rural. We have three families building on our street, on Scotsmoor Avenue; these people came to the area because they wanted the rural life for their family; they followed the rules and are building on 2.5 acres, and we welcome them because they are good neighbors who will continue the rural lifestyle. That's what we want for Scotsmoor; we want to stay country.



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

Regarding the letters of support so far for this project, the developer, of course they are going to be in support of this place because they need the property and they want to continue to develop land in North Brevard and as was noted at the previous Planning and Zoning meeting, this is the last place left in Brevard County because everything else is spoken for. Regarding the water issues, which a number of people have spoken to, I would also like to provide staff with a letter from Dr. Arnoldo Valle-Levinson who is a Professor of Ocean Engineering and Coastal Sciences at the University of Florida, and he did actually take the time to come down here and observe the area where the request for the new development is proposed, and I have a letter to submit to staff from Dr. Levinson. How much has water extraction from the aquifer increased in the past 20 years from Mims, north? No one has the answer to that, or if they do I haven't been able to find them. There is not accurate data on how much additional water is being withdrawn from the official aquifer adjacent to the Indian River Lagoon by development in the last 20 years. When I say development, I don't mean extensive, high-density development, I mean how many additional homes have gone in on 2.5-acre to 5-acre lots. If you look at what is the current development pattern in that area of Brevard County, it is homes on 2.5 acres to 5 acres, and 10-acre lots. It is currently demonstrated that there is no market for high-density subdivisions in the Mims/Scotsmoor area. I know that because if you're familiar with Meadow Lake, it is a completely developed subdivision in Scotsmoor; it is fully developed at 52 lots; 27 lots are completely developed; 24 lots already have roads and drainage; and there is one house. The second person to build there built a spec home in 2014 and there have been no other lots sold and no other homes built and the subdivision is up for sale again for \$1.5 million. Any proposal with greater intensity than what is currently allowed by zoning, there is no market. There is no unmet community need for this type of development in Brevard County. In fact, just the opposite is true. If you look at community needs and maintaining the rural environment, right now there is 2.53 acres undeveloped in unincorporated Port Saint John, and if I bought that property and came in here and asked you to rezone to AU (Agricultural Residential) at 2.5 acres so I can build a house and raise pigs, would you even consider that? No, you wouldn't consider that because the impact to the existing community, the impact to the characteristics of the lifestyle, and the lifestyle to the integrity of the environment of the community. This is the exact same thing if you talk about property rights. What does property rights mean? The same thing that any other rights in the United States means, it means that anyone here has a right to swing their fist up to the point where it makes contact with my nose. A person has full property rights up to the point that it infringes upon and impacts other peoples' inherent rights associated with property ownership. This is not something you need to approve because the developers are running out of land. This is the last remaining part of Brevard County with

citrus groves, cattle, and horses; it is not an expansive area, it is less than four miles by two miles. If you approve this I fully anticipate the grove owner that has not been able to sell in the past five years will be here asking for a rezoning on 106 acres. Mr. Simmons, who has submitted a letter of support, if he has acreage he will be coming in and asking you to approve it for RR-1 (Rural Residential). It will destroy the small vestage aspect of a historical rural environment in Brevard County. You all have administrative policies, you have the guidelines of community character and consistency with the adjacent development, and this property meets none of those policy statements.

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

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

up there are living for. I ask you, from the bottom of my heart, and everybody else's heart in this room, to please deny this guy's request.

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

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

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

Stuart Buchanan – Yes, it is 2.5 acres.

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

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

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

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

Henry Minneboo – Bruce, it seems like when we have two pieces of road and other counties, and it's the south side, it's always an issue, like the southwest corner of the county, the piece by Keenansville, you have three counties trying to maintain a piece of road. The issues there are unbelievable because you have Indian River County, Osceola County, and Brevard County all trying to make a determination on who needs to control the development side of it. I can see, Ron, where the road alone caused some confusion in the past. Erin, that is one unit per acre already?

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

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

Erin Sterk – Sometimes four years.

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

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

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

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

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

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

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

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

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

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

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

Henry Minneboo – Is that rezoning or re-districting?

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

Bruce Moia – It is Residential 1 Future Land Use, and the zoning is inconsistent with the land use. On the other hand, this is pretty rural, this is Scotsmoor, it's not Micco, like some people may claim that's rural, but it's really not. This is Scotsmoor, this is very rural. I am concerned that it's AU (Agricultural Residential) everywhere else, so I am concerned that this might be spot-zoning, but I do like the fact that I'd rather it be developed under the current standards than have it be the way it is now, because normally – and there was a lot of misleading comments – agriculture is one of the biggest polluters of the river that there is as far as a land category. Currently, it's in the worst state it could be if you're

truly concerned about the river. To be agricultural land there is no treated water at all leaving this property; it's just going straight to the river. The new systems treat the water, so I like that. It could still be developed with single-family homes; they could clear-cut the property and put in 2.5 acres and have no retention still, and that's a concern, too. I'm in the middle on this one, and I'm not sure which way I want to go, because there's good and bad.

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

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

Mark Wadsworth – But the remaining does?

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

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

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

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

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

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

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

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

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

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

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

Jeanne Allen – The gray is not in a flood zone. Something to also note is there are portions of the property that are in the septic overlay that would need enhanced treatment all along County Line Ditch Road, and then along the wetland area to the east of the parcel. There does appear to be a

portion running through the middle of the property that also might be wet, so these are all areas that if they're found to be wetlands or floodplain, could affect the development.

Henry Minneboo – What is the distance to the Lagoon?

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

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

Erin Sterk – None provided thus far.

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

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

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

Jeanne Allen – Yes, sir.

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

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

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

Bruce Moia – Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stuart Buchanan – We are waiting until we have action from this board to go back to Volusia County and follow their instructions on whether they want to have us pave a section of it, or request us to post maintenance bond for all of it. Obviously, it falls under Volusia County and we're going to do whatever they tell us to do and as soon as we know the number of houses and the number of trips generated, they're going to give us instructions, whether they want a section of it paved, the aprons paved, or the whole thing, we'll know.

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



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

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

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

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

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

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

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

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

Henry Minneboo – Do you want to make a motion?

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

Ron Bartcher – Second.

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

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

Henry Minneboo – Is that 14 lots or 16 lots?

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

Brian Hodggers – I'll second.

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

## Discussion:

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

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

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

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

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

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

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

Bruce Moia – I'll second.

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

Upon consensus of the board, the meeting adjourned at 4:45 p.m.