

NORTH MERRITT ISLAND

DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, June 8, 2023**, at 6:00 p.m., at the Woody Simpson Community Center, 1590 School St., Merritt Island, Florida.

Board members present were: Mary Hillberg, Chair; Gina Lindhorst; Chris Cook; Jack Ratterman, Vice Chair; Jim Carbonneau; and John Speck, Jr.

Planning and Development staff present were: Jeffrey Ball, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator.

Approval of April 13, 2023, Minutes

Motion by Gina Lindhorst, seconded by Jack Ratterman, to approve the minutes from April 13, 2023. The motion passed unanimously.

Robin Bland (Scott Gold / Scott Jurgensen, Brevard County Fire Rescue)

A change of zoning classification from AU (Agricultural Residential) to GML(I) (Government Managed Lands, Institutional). The property is 2.86 acres, located on the west side of N. Courtenay Pkwy., approx. 0.34 mile north of Hall Rd. (4615 N. Courtenay Pkwy., Merritt Island) (Tax Account 2318407) (District 2)

Deputy Chief Scott Jurgensen, Brevard County Fire Rescue – This evening, the property owner, Robin Bland, and Brevard County is requesting a change of zoning classification from AU to GML(I), for the purpose of building a fire station. The subject property is currently undeveloped and located at 4615 N. Courtenay Parkway. The County is currently in a contingent contract to purchase the property. The fire station would be relocated from the intersection of N. Tropical Trail and MacGruder, 2.4 miles south, in order to provide better service to North Merritt Island residents. The existing fire station was built in 1965.

Gina Lindhorst – What will happen to the old building?

Mr. Jurgensen – Originally, in 1984, the old building was deeded over to the County for \$10 from the Merritt Island Volunteers. I am currently in talks with the County Attorney's Office to see exactly what we have to do with the property and if it will be deeded back to the volunteers, or if it will be sold. My preference would be to give it back to the volunteers, but that will be a decision for the Board of County Commissioners.

Jim Carbonneau – But it will no longer be a fire station?

Mr. Jurgensen – No, it will no longer be a fire station. If the Merritt Island Volunteers choose to do something with it, that will be up to them.

Mary Hillberg – How did you land upon this piece of property?

Mr. Jurgensen – We looked at a number of different properties in the central Merritt Island area along N. Courtenay Parkway, and the goal was to have a more centralized location to get everyone on North Merritt Island within a five-mile radius, to allow everyone to get reasonable homeowners insurance. There are homes that are currently outside the five-mile radius that can't get insurance, so the proposed station will provide a much needed service to the area.

Mary Hillberg – Why would you not have chosen any of the commercial properties?

Mr. Jurgensen – Within the code, a fire station falls specifically under the GML(I) zoning.

Mary Hillberg – So, the commercially zoned properties would have to be changed as well?

Mr. Jurgensen – Correct.

Gina Lindhorst – There is a large portion of the property that is wetlands.

Mr. Jurgensen – Yes, and that is something we won't be touching. The idea is to build it as close to N. Courtenay Parkway as possible, which will give us the best access with the least impact on the neighbors.

Jack Ratterman – Have you gotten any feedback from Citrus River Groves?

Mr. Jurgensen – We've had three letters of support, and I've been in conversation with the property owner directly behind us.

Mr. Ratterman – How tall will it be?

Mr. Jurgensen – It will be single-story, and 5,500 square feet, with two drive-through bays, and it will be staffed exactly how the current fire station is staffed.

Chris Cook – Is Robin Bland the owner?

Mr. Jurgensen – Yes, Robin Bland is the owner, and he has owned the property for quite some time.

Mr. Cook – Is he also with the fire department?

Mr. Jurgensen – No, he is an individual property owner.

Mr. Ratterman – It's directly across from Island Lakes and there is no divide there.

Mr. Jurgensen – Correct, at this point there is no divide. We will be contacting the Department of Transportation to put in an emergency access divide before the station is built.

Ms. Hillberg – I'm trying to imagine a day of traffic there when there is a fire. There is a lot of traffic there coming from the Space Center. Is there a plan to have a light there, or anything else, to let everybody know that a fire truck is coming?

Mr. Jurgensen – Currently, out of our 33 fire stations in the County, none of them have lights outside; they do have FDOT signage at the proper placements.

Ms. Hillberg – So the answer is no?

Mr. Jurgensen – The answer is no, there not be a light.

Ms. Hillberg – If there is bumper-to-bumper traffic moving south, and you have to get out?

Mr. Jurgensen – We will wait until traffic slows enough that we get a break. We do have stations on A1A, on U.S. 1, and other very high traffic areas, and we do rather well leaving the stations.

Public Comment.

Don Barker, 4540 Deanna Court, Merritt Island – I am the homeowner directly behind the proposed fire station. I have talked to Chief Jurgensen and he has lessened my concern over the noise, but I am still concerned about the wetlands. My primary concern is that there is a very large canal bordering my property next to the fire station, and it holds at the very least, several million gallons of water. It used to rise and fall, but it doesn't anymore. Chief Jurgensen told me the plan is to keep all of the water on the fire station property.

Kim Smith, North Merritt Island Homeowner's Association, PO Box 542372, Merritt Island – I'm here representing the Homeowners Association, which represents thousands of people on North Merritt Island. The Association has no objections to the request.

Darlene Hunt, 125 W. Crisafulli Road – I think the proposed fire station has been professionally thought out and well-designed, and the land selected will benefit all of North Merritt Island with minimal impact on neighboring property owners, and will be a valuable asset to our community.

Ms. Hillberg – Do you have any comments on the concerns you've heard?

Mr. Jurgensen – No.

Ms. Hillberg – Can you tell me how you expect to build a fire station on half of the property and hold your own water and not impact the people behind you?

Mr. Jurgensen – We will follow the codes as far as water retention, and we are required to keep our own water; whether it requires a pond or other type of drainage will be up to the developers.

Jeffrey Ball – The next stage after the zoning is approved is the site plan process, which is reviewed by all County departments, plans are drawn by a professional engineer, and they will design the stormwater conveyance system that accounts for existing drainage patterns, and they will have to retain all of the water that is on site. The pond in the back will be addressed at the site plan stage.

Ms. Hillberg – It is in a FEMA flood zone.

Ms. Lindhorst – The majority of the property is in a flood plain/wetland.

Mr. Ball – That will be addressed during the site plan process.

Mr. Cook – Is there a requirement for compensatory storage?

Mr. Ball – I believe that if building within the 100-year floodplain, compensating storage is required.

Ms. Hillberg – So there is no plan right now?

Mr. Jurgensen – Yes, it will be determined by the engineers.

Ms. Hillberg – We've had a couple of items that have been here before, that have been proposed in some of these areas, and the folks along Deanna Court have that water behind them, and it's a real concern for them.

Mr. Ratterman – If everything goes well, when do you think you will start construction?

Mr. Jurgensen – The plan is to be able to get it underway in late 2024 or early 2025.

Mr. Ratterman – How long to finish?

Mr. Jurgensen – Typically, it takes 150 days from breaking ground.

Mr. Ratterman – What is the cost?

Mr. Jurgensen – The cost with the land and everything will be approximately \$4 million.

Ms. Lindhorst – I have a question about lighting that hasn't come up yet. The lighting provided for the station, is it going to impact the neighborhood behind it?

Mr. Jurgensen – The only exterior lighting we will be having at the station will be for the security of our crews and our employees, and that will be facing down, onto our property, and not onto our neighbors.

Ms. Hillberg – The majority of the property is a wetland, and between the wetland and the water, and the hydric soils, it's a much smaller footprint for the trucks.

Mr. Jurgensen – Originally, we were going to go with a bigger station, and when we came back from the initial plan, they recommended a 5,500 square-foot station.

Mr. Ratterman – Will you get new equipment to go with the new fire station?

Mr. Jurgensen – That's one of the challenges we have with the North Merritt Island station; we actually have to buy a shorter fire truck because the bay is not deep enough.

Mr. Speck – What is the square footage of the current station?

Mr. Jurgensen – It is approximately 3,000 square feet.

Mr. Ratterman – Will the crew be increased?

Mr. Jurgensen – No, the crew size will remain the same. Last year, we ran 927 calls on North Merritt Island, but by moving it south we hope to add another 98 calls per year, because they will run all the way down to the barge canal. It's roughly 2.5 calls per day.

Mr. Carbonneau – Is there capacity in the new design to increase the staffing?

Mr. Jurgensen – Yes, absolutely.

Motion by Jim Carbonneau, seconded by John Speck, to approve a change of zoning classification from AU (Agricultural Residential) to GML(I).

Ms. Lindhorst – I'm hoping they can make their footprints right inside the dry area and not on the wetlands.

Ms. Hillberg – Having heard from a lot of people about a lot of things that occur right along this stretch of land, this is residential, the Future Land Use map is Residential 4, and it doesn't go with that. The people who live behind here have nowhere to go and there is no way to reduce that for them. It's also a noise pollution, which is a factor. When you live in a development, having a fire truck near is nice, but having it right in your neighborhood is a little different. I'm all for not having fires, and I'm all for everyone being affected, but it seems like we would be looking for more community commercial or neighborhood commercial, or something farther up, something more in the industrial type of area rather than in a residential area that is going to necessarily impact in some way the community around them.

Mr. Speck – Have they considered putting in noise abatement wall?

Mr. Barker – It is a wooded area.

Mr. Speck – You're comfortable with the permitting process?

Mr. Barker – Yes, what Chief Jurgensen told me is that the plan is to leave that area alone and not develop the back.

Ms. Hillberg – Somewhere closer to the middle of the area is the best idea, but there is a lot of water and we're not going to get less water. Personally, I feel I wouldn't like it, and I wouldn't want to say it was okay for somebody else. I think there should be other avenues of looking for a different place.

Mr. Carbonneau – Don't forget the geographical requirement, which is five miles. That has to be taken into consideration as well.

Ms. Lindhorst – Another mile down the road wouldn't be a big deal.

Mr. Cook – There are three other fire stations on Merritt Island and they are all in residential areas.

Ms. Hillberg – I think the one on S.R. 520 is not. They build homes around them.

Mary Watkins – I own property less than 400 feet from the current fire station and I've never had any problems.

Mr. Cook – There is a station on N. Banana River Drive at the triangle next to a subdivision. I think the proposed station is a good location, it is central, and we haven't heard any strong disagreements from anybody, so I would support this.

Mary Hillberg called for a vote on the motion as stated, and it passed 5:1, with Hillberg voting nay.

Alan B. MacIntyre Living Trust (John Schulte)

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 2.98 acres, located on the northwest corner of N. Courtenay Pkwy. and W. Crisafulli Rd. (5995 & 5999 N. Courtenay Pkwy., Merritt Island) (Tax Account 2316311) (District 2)

John Schulte – I represent Decks and Docks Lumber Company and the Trustees of the Alan B. MacIntyre Living Trust. We are currently located at 3480 N. Courtenay Parkway. We have a contingent contract on purchasing the property for the zoning change. We've been in Brevard County for more than 15 years. We've outgrown our current location and we were looking for a location co-located to where we are now, so as to not disrupt our customers, and allow us to grow the way we need to. We are aware there are wetlands and a floodplain on the back one-third of the property, and we do not plan to do anything with that; our intention is to fence in the area to protect our assets and conduct business as we have for many years.

John Speck – You said it's a lumber company?

Mr. Schulte – Yes.

Gina Lindhorst – Where are you located now?

Mr. Schulte – On N. Courtenay Parkway, about three miles south of the proposed location.

Jack Ratterman – Is that the marina wood?

Mr. Schulte – Yes, we carry marine-grade lumber.

Mr. Ratterman – You're looking for outdoor storage of the lumber?

Mr. Schulte – Correct.

Mr. Ratterman – No RV's?

Mr. Schulte – No.

Mr. Ratterman – No cruise parking or boats?

Mr. Schulte – No, sir.

Mary Hillberg – You are aware that we have a corridor study that states there is supposed to be a buffer.

Mr. Schulte – No, I was not aware.

Ms. Hillberg – Can you explain that, please? A vegetation buffer.

Jeffrey Ball – All of the design parameters will be worked out during site plan review.

Chris Cook – For what you want to do, you can't do it in a BU-1 zoning?

Mr. Schulte – We can't have the outdoor storage in BU-1.

Mr. Cook – There is another property just to the north that has BU-2. Have you looked into purchasing that one and using that zoning?

Mr. Schulte – No. Part of the allure to the property we are looking at is the existing building to act as a showroom. Currently, we don't have a showroom for our customers to come into and see what we have to offer.

Mr. Ratterman – I'm assuming most of your storage would be on the west side of the property?

Mr. Schulte – East and west, likely.

Ms. Lindhorst – Are you planning to close the other business and sell that property?

Mr. Schulte – I can't speak on that right now, it would be for the owner to decide. We may end up keeping it as additional storage, but I'm not sure at this point.

Ms. Hillberg – The change from BU-1 to BU-2 is substantial. The list of items for BU-2 is pretty dramatic, and you have a floodplain, you have hydric soils, it's in the septic overlay, and has aquifer recharge soils. Are you going to have some type of water retention there?

Mr. Schulte – At this point, I don't know that it's necessary, we'd have to work with the site plan. As I understand it with the Type 3 recharge soils that are there, we have to maintain a certain percentage of pervious ground, and at this time we don't have plans for anything impervious. If we do in the future, it will have to go through site planning and permitting.

Mr. Ratterman – Have you planned out where you're going to come in and out of the property? How about W. Crisafulli Road?

Mr. Schulte – There is a current drive just off of W. Crisafulli Road and we would either come in or exit there, and exit on the other side of the property in between the building and the parking lot area.

Ms. Hillberg – You wouldn't be coming out of N. Courtenay Parkway?

Mr. Schulte – Yes, we will, just north of W. Crisafulli Road. Our current location does not allow the safety that we would prefer, but the proposed location would be safer for our employees, our customers, and commuters traveling up and down N. Courtenay Parkway.

Mr. Ratterman – With the deliveries, I've seen them come in with the big trucks and no one gives you a break.

Ms. Hillberg – Again, the back one-third of the property is all floodplain.

Mr. Schulte – We have plenty of space toward the front of the property to work around the wetlands.

Public Comment.

Kim Smith, North Merritt Island Homeowners Association, PO Box 542372, Merritt Island. The staff comments note that BU-1 already allows outdoor storage, and it says retail items of substantial size or of which necessity must remain outside of a building may be permitted to be displayed outside the building. Such retail items include but are not limited to, motor vehicles, utility sheds, nursery items, and boats. Under Permitted Uses with Conditions, one of them is storage. So, would this request be allowed in BU-1, to use the outdoor storage as noted in BU-1, maybe with a CUP?

Jeffrey Ball – BU-1 does allow for outdoor storage as far as sheds, automobiles, boats; however, lumber yards would require BU-2 zoning.

Ms. Hillberg – Does it say lumber yards in BU-2?

Mr. Ball – I don't know if it specifically calls that out, but it's a storage yard use.

Darlene Hunt, 125 W. Crisafulli Road, Merritt Island – My husband and I received notification from the County that we are within 500 feet from the subject property. We feel like the current zoning is more than adequate for commercial use at this intersection, and I would like to refer to Administrative Policy 6, which addresses the surface water and drainage problems on surrounding properties. The W. Crisafulli Road basin experiences extensive flooding during high rainfall events. The water actually flows to the north, across W. Crisafulli Road. We live on 5 acres, and we've had our whole property under water except the house and barn. A culvert is located under W. Crisafulli Road, which extends onto the subject property. That culvert was filled in and blocked and it's currently not being maintained by the County. The County has been studying the W. Crisafulli flooding issues for more than 20 years, and the County currently has a contract with an engineering firm to try to solve the problem, but so far residents have not been presented with any solution. Administrative Policy 7 specifies the proposed use cannot cause or substantially aggravate drainage problems on surrounding properties. Any kind of build up across the road will exacerbate our flooding issues. Also, Administrative Policy 8 talks about the character of surrounding property. The lot next to it on the north side of W. Crisafulli is owned by a landscaping company and we were told the eventual use will be a nursery, which is more compatible to our agricultural classification. I respectfully request that you not recommend an increase in zoning from BU-1 to BU-2 for that property.

Joe Martin, Broad Acres Street – I understand the gentleman's business where his product comes in and does stop all of Courtenay Parkway on the northbound side and there's been a lot of instances where I've seen trucks slow down to give them time, and they are quick to get in and out, but it does stop traffic. Where he's planning it is at an access to other property that's being built with 108 houses, so we are going to see a high volume of traffic at that intersection. The speed of that traffic is pretty fast, and I think some kind of directional control should be there for the traffic. I like to see growth, but I'd like to see it done in a safe manner.

Rusty Melle, 1455 S. Wickham Road, Melbourne – I'm here representing the sellers. From the seller's point of view, they did look at other offers on the property and everything has been related to automotive, but when they saw the lumber company's business down the road, it looked nice and environmentally friendly, so that is why they pursued it. The sellers want to be good neighbors.

Mr. Schulte – As far as the flooding on W. Crisafulli Road, there isn't any necessary build-up planned for the property; we plan on re-grading it and adding some rock for our vehicles to be able to maneuver, and it would be pervious, so I don't see it causing any additional flooding issues. As far as the traffic, the area of the subject property is not as busy as our current location, and I think it's a safer option for the general public and our employees.

Mr. Speck – What type of traffic responsibility does the new owner have?

Mr. Ball – If a site plan is required the traffic engineers will look at the trips generated and look at any roadway improvements that are necessary to support the use. Regardless, staff will look at concurrency and that will determine if there is enough capacity on the roads to support the use.

Mr. Speck – What about the other person that addressed the culvert for water drainage?

Mr. Ball – That's not a zoning issue. If there is an issue with drainage, it will be addressed at the site plan stage.

Jim Carbonneau – This does not address the N. Courtenay Parkway drainage plan that's underway. I've got a copy of that, it was originally done back in 2020, and it has not been performed, and the results have not been brought to the homeowners. In the current design plan, the culvert goes into a large swale they are proposing that will be 100 feet wide and 10 feet deep, and whether you are aware of that or not, it could considerably impact the placement of the drainage on the west side of the property. I currently live two parcels over and we do have a lot of drainage and water issues. During Hurricane Irma we had 30 inches of water on the back of my property, so you need to be aware of that.

Mr. Cook – Currently, there is a lien on the property, what happens to that?

Mr. Ball – They will have work that out with the Magistrate.

Mr. Cook – Also, does the current CUP for alcohol go away?

Mr. Ball – Unless they specifically ask to remove it, then no, it runs with the land.

Mr. Cook – Somewhere in the agenda package the corridor study was referenced, but now I can't find it. What the study recommended was not BU-2 along the S.R. 3 corridor.

Mr. Ball – I don't recall specifically what that study did, but I remember there is landscaping required.

Mr. Cook – I know it hasn't been codified, but it is close to being codified.

Mr. Ball – If it's not codified, it is just a recommendation from the Board, and without having the Board ratify those changes, it's just a suggestion.

Mr. Cook – The way I look at these things, I always look at the worst-case scenario because I'm an optimist, and the BU-2 in that corridor, there's some BU-2 that is zoned, but hasn't been used for many years, so it's not a BU-2 corridor. It is supposed to be a residential-commercial corridor. They have a nice business on Merritt Island and they are good neighbors, but he could turn around and sell it tomorrow. Someone could come in and put in a dry-cleaning factory or huge warehouses, and it wouldn't have to come before this board at all.

Mary Hillberg – I agree that BU-2 is heavy there, but it is commercial. Again, if you haven't lived here and seen the volume of water, particularly on Crisafulli Road, you can put down rocks, but the water moves it north, so it's difficult to contain heavy material there with the heavy trucks, and it would be hard to manage that, I think. How much heavy material are you planning? Is it two stories of wood?

Mr. Schulte – No, generally the highest wood stacked would be about 10 feet at the maximum.

Ms. Lindhorst – Are those logs?

Mr. Schulte – Yes, decking material. The decking material would be the highest stacked, but the pilings for docks have to be kept lower because they roll around and can be dangerous.

Ms. Hillberg – Where do you keep them now?

Mr. Schulte – Along the south side of the current property.

Ms. Hillberg – And you don't have enough room?

Mr. Schulte – No, we don't have enough room.

Ms. Lindhorst – It's narrow there.

Ms. Hillberg – It's very narrow, it's a nice piece of property, but it is narrow. It's a frightening thing for some of the people in the area when they see. Have you lived here a long time?

Mr. Schulte – I don't live here.

Ms. Hillberg – You don't live here?

Mr. Schulte – I'm the regional manager, so I cover this store as well as the rest of the east coast of Florida.

Ms. Hillberg – It's back to the board. What do you think?

Ms. Lindhorst – I'd rather not see more intense industrial zoning than necessary. It seems like there is a lot there already. There are BU-2 properties a little farther north.

Ms. Hillberg – Is there a motion?

Mr. Cook – I see trouble with the traffic as well, I've seen the guy with the flag bringing in the big log trucks and people are flying around the curve coming from KSC, and I just think there will be incidents that will not end well. The guys with the flags are safe, I don't have a problem with this applicant, per se, but I'm afraid of what else can go there in BU-2 and I think we would set a precedent with BU-2 zoning when that's not the direction we want the area to go.

Ms. Lindhorst – Farther north is BU-2 and industrial, so maybe there is plenty of room there.

Mr. Cook – I make a motion to deny the zoning.

Mr. Carbonneau – I second.

Mr. Ball – If your recommendation is for denial, I would list the reasons why part of the motion.

Ms. Hillberg – Yes, I was just going to ask for that. What are your reasons? You mentioned the traffic.

Mr. Ball – What I hear is traffic, drainage, and incompatibility with the BU-2 uses.

Ms. Lindhorst – Administrative Policies 3.A. and C.1.; and Administrative Policy 7, drainage issues.

Mr. Carbonneau – Compatibility.

Mr. Cook – And character.

Ms. Lindhorst – Character is Administrative Policy 4.

Ms. Hillberg – This is hard to do because it's a nice business, and we like businesses, but it's the land and the congestion of the traffic that makes the location so hard. In addition to the fact that it's wet and will be really wet when the wet time comes.

Mary Hillberg called for a vote on the motion as stated, and it passed unanimously.

Sean and Danielle Gleason (Kim Rezanka)

A change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential), on 9.47 acres, and a BDP (Binding Development Plan), limited to 22 units on the entire 22.21 acres. The property is 22.21 acres total, located on the north side of E. Crisafulli Rd., approx. 285 ft. west of Broad Acres St. (1550 E. Crisafulli Rd., Merritt Island) (Tax Account 2316598) (District 2)

Kim Rezanka, Lacey Lyons Rezanka, 1290 U.S. Highway 1, Rockledge – I am here on behalf of Sean and Danielle Gleason and the contract purchaser, IFP Development, LLC. I was involved with the development to the west, Island Forest Preserve development. I don't know if you all remember that development in 2019. It finally received site plan approval and that's why the picture you have in your packet doesn't show the platted lots, but it is now platted. There was a lot involved. The Genoni's actually brought sewer down E. Crisafulli Road and that is installed; it was an agreement with the County. Also, I have one of the plat pages from the public records, and it's actually 109 acres and it's 105 units. You'll see from the plat, when you look at the northeast road, there is a road there that looks like it was intended to go to the west for more lots, and this is intended to be a continuation of that Island Forest Preserve. It will only be 22 units and it's on 22.21 acres; it has a land use of Residential 1 and we're only requesting a change of the AU zoning on 9.47 acres; 12.74 acres to the south remains AU for farming use by the Gleason's. The binding development plan covers all 22.21 acres and it limits the entire 22.21 acres to 22 residential units. The BDP is in your packet. It has two zonings, but it definitely will continue to cover the Gleason's land and they will not be able to change that zoning. They can try, but I don't know if you all have been watching the Planning & Zoning Board meetings, but they are getting very irritated with people coming and trying to change their BDPs that have been in place to protect the public. I know I've been guilty of it, but P&Z is now putting their foot down. This is an additional phase for Island Forest Preserve to the west. It is the same developer. Again, Island Forest Preserve did pay quite a bit of money to bring water and sewer from N. Courtenay Parkway down E. Crisafulli Road, and it is there. The staff report says there is no sewer, but there is sewer, they say it's two miles to the west. The staff report states there is a concern that the owners of the 12.74 acres won't know that they don't have a right to develop it, but it is the Gleason's who are developing it, and they are retaining that land. Again, the BDP will be recorded in the public records. With that, we are requesting your consideration of the change of the 9.47 acres from AU to RU-1-13, with the BDP, and the 12.74 acres will remain AU and will also be covered by the BDP, and will not be allowed to develop anything on it.

Jim Carbonneau – You say you've run sewer.

Ms. Rezanka – Yes.

Ms. Carbonneau – Is it connected?

Ms. Rezanka – Yes.

Mr. Carbonneau – To what?

Ms. Rezanka – To N. Courtenay Parkway and down to the south. It's installed. The plat would not have been approved without it being installed.

Mr. Carbonneau – It's connected to the County sewer line?

Ms. Rezanka – Yes, sir.

Mr. Carbonneau – Or the Ron Dimenna line that he ran?

Ms. Rezanka – Well, I don't think it is the Dimenna line, but whatever it is, the line is now public, the sewer line it connects to on N. Courtenay Parkway is a public line.

Jack Ratterman – What part of that is going to be the.....where is the nursery? The nursery is going to be one single-family, the staff report says nursery and one single-family on 12.7 acres. Is the nursery going to be in the front?

Ms. Rezanka – No, it's on the south portion. Its going to use the same access, the nursery, as Island Forest Preserve's 105 units.

Mr. Ratterman – What we're talking about here is all the 21 acres?

Ms. Rezanka – No, the 21 acres is the yellow portion.

Mr. Ratterman – So, we're not counting the right-of-way, right?

Ms. Hillberg – It's a long flag lot.

Mr. Ratterman – I realize it's a flag lot.

Ms. Rezanka – It's only a portion that's the 22 acres.

Mr. Ratterman – It's deceiving, and if that's it, then why wasn't that done in yellow?

Ms. Rezanka – I didn't create the map you are looking at.

Mr. Ratterman – I didn't either but, but looks odd to me. Plus, you're going to have nine acres with the majority of the houses on it, right?

Ms. Rezanka – Yes, the housing will be on the 9.47 acres.

Ms. Lindhorst – You're saying it's going to spill over from the current platted stuff into that 9-acre area?

Ms. Rezanka – Yes, that's the intent.

Mr. Ratterman – So, the 9.4 acres is going to have the 22 family homes, right? An acre is about the size of a football field, right? That's going to be putting them on there.

Ms. Rezanka – They will be 7,500 square-foot lots.

Mr. Ratterman – My thought is that if this happens, then everybody around there, near Island Forest Preserve, when you look around there, there is not a tree in the place. You wiped them all out. If someone comes along and says they would like to have the property next to it, and they want maximum density because look over there, they have high density over there. You're going to deny it for me?

Ms. Rezanka – There is no property surrounding this that can be purchased, except to the south. There is the KSC property, and the land to the west of what you see as platted is all conservation, it is all wetlands, and it is conservation area that is part of the plat; it cannot be developed.

Ms. Hillberg – What you're saying is this bottom part is not part of the project.

Ms. Rezanka – It is not part of the project.

Mr. Carbonneau – Currently.

Mr. Cook – 7,500 square feet is the minimum lot size, and they have to be detached. Will they be two stories?

Ms. Rezanka – I don't know if that has been determined yet.

Mr. Cook – 1,300 square feet is the minimum, correct?

Ms. Rezanka – Yes, but they will be a continuation of Island Forest Preserve and nothing there is two stories.

Mr. Cook – And they can go to zero lot line, correct?

Ms. Rezanka – No.

Mr. Cook – No zero lot line between homes, right?

Ms. Rezanka – Zero lot line to me means 5 feet setbacks, and I don't know if that's what this is or not.

Mr. Cook – Under the RU-1-3 code, it says zero lot line subdivision.

Mr. Ball – This is not a zero lot line subdivision. In that case, it would allow a developer an attached product where there is no separation between structures or houses.

Mr. Cook – They have to have setbacks.

Mr. Ball – Yes, they do have to have setbacks.

Ms. Hillberg – So there would be no separation between the houses?

Ms. Rezanka – No, there will be setbacks from each property line. This will be a private subdivision.

Ms. Hillberg – Yes, setbacks, but I mean between the properties.

Ms. Rezanka – There is never usually anything in between property lines, maybe some easements for drainage.

Mr. Ball – A zero lot line subdivision, which this is not, would allow for a developer to build an attached product such as a townhome, where there would not be a setback between structures.

Mr. Ratterman – And both developments would share the right-of-way, right?

Ms. Rezanka – Yes, sir.

Mr. Ratterman – Is it a 50-foot right-of-way?

Ms. Rezanka – I believe it is 60 feet, but I'm not positive.

Public comment.

John Noonan – My wife and I own three properties on Broad Acres Street. My family business is involved in agriculture and environment, and engineering.

Ms. Hillberg – May we have your address?

Mr. Noonan – 5335 Broad Acres Street, Merritt Island, is our residence, and we own 5410 Broad Acres and 5400 N. ??? Court, right behind Broad Acres. The 5410 property has been suffering flood damages for several years, since they put in the development to the south, Wildwood, they blocked the natural drainage which has been flowing south toward our end. We are in the cul de sac and there are several us that have had damage from the water accumulating. On March 22nd [sic] I met with Commissioner Lober and had the North Merritt Island President Phil Bernardo there with us, and had a discussion about how bad things were going with this development. We discussed the problems we were having and the flooding, that this development is not compatible (inaudible/interference with microphone) Commissioner Lober went MIA on us, he did follow up and call us back, but then you all know he left, he stepped down. Then we had issues trying to get someone to help us out with this project, and that was in 2022. We got not help from the County, they would not help us to understand the problems we were already facing. We felt the IFP project shouldn't even have gone forward because of the massive problems we already had. On September 22nd, my agricultural property was, the water was so much that it flowed down behind my neighbor's house and it went over the sandridge berm, the same location as IFP. We had so much water that pushed it around on the back side of my sand ridge and almost entered into my barn, which I built a pad for. This was very alarming, and to know my neighbor, who is handicapped, was inches from being taken over by this water. This was not a regular flood, and I have videos of it. When we had a meeting with the County Commissioner, he turned his back on me, 12 of us. We have people who have lost homes and have had serious damage, and the stress level is unwarranted. This all could have been prevented had we had all the agencies involved. I've had the USDA out, I've met with the St. Johns River Management, who sent someone who walked down with me and discovered many problems in the design of IFP that showed it never should have went to that property. We noticed problems with the elevations and the directions of the pipes. The main thing was the ditches that were filled in or destroyed. I don't

know how this can happen. I called the EPA over it. I don't understand how it happened, but if it continues on, to eliminate these low areas where we need our storage. As far as agricultural, one bad flood could ruin your property or stock. We suffer the loss of property values, the crops on our land, the increase in flooding jeopardizes our ingress and egress when evacuating, health and safety – they talk about septic tanks being hazardous to the Lagoon, but when you have artificially made geographical areas, flood zone, created, the problems we're going to have is the septic tanks are now being interfered with from 100 acres of water that wasn't there before and now it's in my back yard. This is a big problem. Furthering the development would cause more flooding, drainage of raw sewage, untreated water to our homes. What we see is an Administrative Policy violation of 6, 7, 4.4, 4.5 and 4.6. I met with Commissioner Goodson and his solution was to buy more land. My neighbor was so upset. I told him I did buy more land, in Georgia, because I'm afraid of being flooded out. I have a backup plan, and that's sad to say. I lived on that sand ridge for 40 years, and I never thought we'd have this problem, and now we have all these new kids coming in town and their dreams get crushed by IFP and people that want to subdivide their acreage beyond its usability. This is an agricultural community and that's where we want to keep it. AU zoning is perfect, we love horses, we love animals, but as far as density, NMI is not designed to handle all these people. You've got to do something to stop these interferences. And then, now you're looking at IFP coming in interfering, now they have the Gleason's now locked up. You look at the Clerk of Court records, there is a lawsuit going on. These are aggravating issues, where you have a couple who are trying to run a business, and I know exactly what happens, these developers come in, they try to get you in a lawsuit, and I know this for a fact because I'm in one now on one of our farms, so this is no big secret, this is what they do, and this guy will have to deal with this. I ask you to seriously consider turning this down, and everyone who wants to do this kind of density in a agricultural area.

Michelle Osborne, 5313 Broad Acres Street, Merritt Island – How many of you have seen the area we are talking about? I live at the very end of Broad Acres Street, and I can assure you the water does not flow north, it all flows into my yard, which is south. I've lived there since 1981, and this is the first time I've seen the water come within 6 feet, and it was within 3 feet of my front porch. When we built our house we built it above standards as far as above the street level, we built it above standard and I understand now we are not above standards anymore. We are in danger. The ratio of one house per one acre, that's the rule. You can't take a 22-acre piece of land and put 22 houses on it, but put all 22 houses on 9 acres. It's no longer one house per acre, and it needs to be denied for that reason alone. One acre, one house, that's it. Before any building is approved, the infrastructure should be in there. Before anything is built, they should know where that water is draining to, because every bit of it is draining off our properties. They need to know what they are going to do for power and electric. When were the sewer pipes put in? When was that done?

Unknown speaker – Last year.

Ms. Osborne – None of us saw it happen, how did you do it without us seeing it?

Unknown speaker – It was during COVID.

Ms. Osborne – Well, we never knew about it. I was going to reference how many septic tanks it would take for that many houses there and what it would do to the Lagoon, but I guess none of them are going to use a septic tank. If any of them are going to be on septic tanks, the Lagoon is ruined enough as it is, and we don't need any more. East Crisafulli Road itself is already dangerous; it's a curvy and narrow road, and ditch on one side is deep, and many people end up in the ditches or go

into trees and when you add another 100 houses for the IFP that is already there, and now 22 more, and there are other places building as well, when you add all of that in, what is the traffic going to do? It will be 50 cars deep trying to get out every day, and people don't like the slow speed limit so they speed up and cause wrecks. I would like to recommend that you deny this request and leave it as AU. I wish you could retract what is already in place, because it is a shame, just because somebody wants to live in the country.

Mary Watkins, 1595 E. Crisafulli Road – I also own property at 5535 Broad Acres Street. The flooding issues that have occurred, I've been at this property since 1994 and we did not have any flooding issues until 2005 or so. (inaudible/interference with microphone) I saw the sewer line go in, and it is an 8-inch sewer line; how an 8-inch sewer line is going to handle 120 houses, let alone 140 houses, is beyond me. I was in septic inspections for a number of years and that's awfully small for that much sewage. The flooding issues are unreasonable. The attitude of our current county commissioner is that a land owner can do what they want with their land. I don't really object to that, but it's not really what the federal government says. This development, which was taken from taken from 2.5 to 2.9 feet above sea level, to over 8 feet above sea level, so that water has to go somewhere, and it is now going to properties that were 6 – 8 feet above sea level at the time the houses went in, and now they are lower because things have settled. The Broad Acres subdivision was platted in 1954, and it was on a ridge, but now it is becoming the bottom of the bowl, which was said by one of our fine County employees who is the head of Public Works. I think we need to stop this development for traffic reasons, for flooding reasons, for sanitary reasons, an 8-inch line will not carry that. To top it off, they ran it mostly under the road and destroyed the road in doing so. Public Works has been out to fill a few of the holes, but most of us still ride down the center of the road to keep from destroying our tires.

Brent Cochran, 5450 Broad Acres Street, Merritt Island – We moved there two years ago, we came from Newfound Harbor. We have two kids and we came out there to get away, and as soon as we moved out there this got accepted. I don't know who accepted it, but I don't like you. During the hurricane, I had a lifted 2,500 truck, on 35's, and that was the only way I could get out of my driveway. I took my truck and I drove right down Island Forest Preserve and there wasn't an inch of water on the entire place, and my whole entire house was flooded. I couldn't even take my kid out in the yard because my entire house was almost flooded. I had about 10 feet from my front door. I haven't lived here as long, but I know everyone, everyone sees me, I drive around with a golf cart with my kids. I'm pretty sure this whole section is Broad Acres and no one wants this. The Gleason's didn't want this, either, but for some reason now they do. I think the only reason they do is because everything was flooded around them and they have no choice. Not only that, the road. If you drive down to Broad Acres, it's a windy road. I did two tours in Afghanistan and the roads in Afghanistan are better than E. Crisafulli. It's awful; there are dips, and you can't even drive a golf cart on E. Crisafulli without bobbing your head against the steering wheel. There are deep holes on E. Crisafulli and the County approved it. That was their repair. They don't care. No one cares about us being out here any more. The whole reason of living on NMI is to get away from Merritt Island, and now we're bringing this pavement preserve to E. Crisafulli and I don't know why. I don't know who approved it, but it's awful.

Kim Raney, 5530 Broad Acres Street, Merritt Island – I have lived there for 45 years. I bought out there when there was a handful of houses on E. Crisafulli and Broad Acres combined. I've always loved it there, we planned on staying there and raising my family there, but it's getting harder and harder and I dread the fall coming up. For 25 – 30 years I never had a drop of water, not after a hurricane or anything, not a drop of water standing on my property. I've had 10 inches inside my

house, I've walked over my knees in water in my yard. The whole road is flooded with over 6 inches of water and it gushes from the west side to the east side. You can put something around the east side and within 3.5 seconds there is a running stream to the other side. I've had it all the way back to the Kennedy Space Center property, my entire yard, in my barn, 12 inches inside my barn, 10 inches in my house. I just dread it every year. I love it out there, I moved up there for a reason, I've stayed there and put up with it, but it's harder and harder. A lot of my friends have had to move because they can't get help getting the houses cleaned up. Luckily, I have good boys who come and give me a hand. I have appliances that are on double cinder blocks. There was no standing water for 25 years, not even puddles. Please don't let any more buildings go up. I love it out there, I'd like to stay there, but it's getting hard.

Terry White – I've been on this island since 1965 and I've been north of the Barge Canal for many years. The issues up there continue to keep growing, even though I've voiced concerns with the County Commissioners, with this board, and additional people, nothing has been resolved to handle this. You shot one guy down on the traffic issues; I've complained about the traffic on roads like E. Crisafulli and they told me the traffic study shows that State Road 3 has no traffic issues, but I wasn't complaining about S.R. 3, I saw it when it was busy because I worked at the Space Center for years and there is no traffic on that road now like there used to be 25 – 30 years ago, especially back when it was two lanes. They shot me down when I said things needed to be fixed. I was also told by the County Commissioners no more development on NMI of any substantial size until we get a school up here. We don't have a school on North Merritt Island, so everything they told me for the last 20 years are things I've gone to complain about, they haven't resolved any of them. When we're talking about putting in additional development down there, the road has to be fixed. I'm glad they are talking about having a commercial system to handle the sewage, but what's its going to do when the water comes up? Is it still going to continue to pump through there? I'm not sure. I've walked every canal and drainage ditch on this end of the Island and there's places now that were never flooded before that are flooded now, including where I live. I have one of the oldest orange groves on North Merritt Island and the old timers did not plant oranges in places where it flooded. It kills orange trees for them to stand in water for a long time. People tell me that I live in a bowl, so I just have to live with it. When I complained about it before they told me to do like my neighbors and sell my property to the developers and not worry about it. That isn't why I moved. When I moved to Joseph Court it was a dead end dirt road; the County came in a paved it, and more houses have been built around me but they are all built on at least 2.5 acres or more. Years ago, the water on the east side of S.R. 3 used to flow through the Space Center to the Banana River; those ditches that handle the water going that way, NASA let them all get silted in and overgrown and now they don't want to handle the EPA and everyone else to flow that water back out to the Banana River where it used to. Judson canal handles water from all the way over on the west side of S.R. 3. It comes under S.R. 3 and comes to us. The only place it can go out is Pine Island or now if they pump down to the Barge Canal. We are handling everything through there that comes our way, and that is why it continues to back up with us.

Ms. Hillberg – Doesn't the water on the east side of S.R. 3 go generally south?

Mr. White – It only goes south if they turn on the pump on Hall Road.

Ms. Hillberg – That is the plan.

Mr. White – If they turn on the pump, but we can't run the pumps because we don't have the parts. They said they would look at getting rid of the water once they have it, but there needs to be a system

to get rid of the water as soon as it shows up. Drive down Judson and look at how high the canal is right now, and we're just starting hurricane season.

Ms. Hillberg – We are focused on this particular piece of property.

Mr. White – This is going to add water to those neighbors and will add traffic to me, and it's not going to provide any schools.

Jennifer Mulac, 5350 Broad Acres Street, Merritt Island – The waterway off of Judson did overflow onto Crisafulli Road. Crisafulli Road is our only way in and our only way out. We were not under an evacuation, and had we had an emergency, for anyone to get to us, unless they were on 35's, a fire truck or ambulance is not going to get to us when seconds matter in an emergency. Also, the back up of septic tanks where the water pumps and sits, I have video of waste flowing down into Broad Acres. Another thing with the drainage, I live where NASA backs up, and there is a berm that was like a waterfall into my back yard. I had waders on and it was to my hips in my own back yards, almost to my 5-foot fence, which leads me to wonder if the NASA hazardous water holding areas contaminating our water that is over-flowing because it has to be in some way mixing. My concern is that I lost all of my homestead. I had over 20 different fruit trees and I had huge thriving vegetable garden, I have a chicken coop that is lifted up 2.5 feet and it was under water. I lost everything. Even now, during a simple rain storms, I'm losing everything and it's ridiculous. I don't even understand how this is still going on. My main concern is the contamination that's coming in from NASA, from that area, the fact that all of the water is flowing down to us. It was flowing through my property, down, around to Shelly's property, into John's back yard, and it was there until October 10th before it was less than 4 inches on our land. There are also Scrub Jays that are opposite of the subject property. It looks like the area they are trying to develop on is primarily a Scrub Jay area. It is both hydric and aquifer land that I also noticed, which is going to be – I know they are going to have septic in-ground, but ours isn't and ours is going to be sitting. I have a young son who was hopefully going to take the school bus to school, but at the end of E. Crisafulli where he would get on the bus continues to have stagnant water and mosquitoes. We have gators because the water it just sitting there, stagnant. I'm worried that if the flooding continues, the school bus cannot make it down the road to pick up children, and now there will be a lot more children, and they will not be able to make it to school. You can follow the money on why this was approved. I think a lot of this still holds a lot of money, the reason it's being pushed through. I don't think there needs to be a continuance of it with the same developers. They got too much from us and it has to stop.

Bill Plummer, 355 E. Crisafulli Road, Merritt Island – I just want to reiterate the water thing because it is big. What these developers come in and do, is they come in like they did with that 104-home subdivision they did, they went in and dug a pond and put in a dock and filled in 5 or 6 feet of fill on the whole piece of property. There are 4 or 5 Oak trees on the entire property, and they left the trees, but they had to build these big retention walls around the trees, because if you fill in an Oak tree you kill it, so they left it there. So, where is all that water that was normally 5 feet lower, where does it go? It goes to Broad Acres and E. Crisafulli Road, and it comes all the way up to where I live at Judson and E. Crisafulli. That place has been a lake when so much water is out there, you can't tell where the canal is and where the road is. The speed limit on E. Crisafulli Road is 30 mph, it's not 35 mph, and there are no shoulders on the road at all. People need to slow down on that road, and nobody does. My wife has begged the County to do a traffic study. They did a traffic study and determined the average speed was 35 mph, but they are counting a 10 mph golf cart, and a 60 mph car averages 35 mph, so the County has it all wrong. The counted bicycles and golf carts in a speed traffic study and

now they are adding 300 – 400 cars on that road, which can't handle the traffic now. The road is in disrepair and no one is talking about fixing it, they just want to do their little square building thing and they aren't doing anything for the traffic that is going to be added to the road that is 30 mph, not 35 mph. If you go past my house doing 40 to 45 mph you will probably get yelled at. I respectfully request that you deny this further building until something can be done with the infrastructure on E. Crisafulli Road.

Joe Martin, 5415 Broad Acres Street, Merritt Island – The subject property, the big storm that we got, new ponds, all that property built up, all that water went straight across the Gleason's driveway into the cow field, but it also went across the 22 acres they want to build, and that's where they have all their trees, where the nursery is going, and it flooded years and years ago on to Mr. Gleason's property and he lost his nursery. He's moved onto the west side of his property to have his nursery, cleaned a big ditch all the way around the property, back to the ditch on E. Crisafulli and broke through the wall there on the ditch, where all his water ran into the ditch, and it wasn't that way before. Now, all his water is running in and it seems like it's all running down to the S curve, which is past Joseph's Court, where the water is almost over the road right now today.

Ms. Hillberg – We need to talk about the subject property.

Mr. Martin – This Gleason property is where it's all going to, where all that flooding is, all that extra property that they dug to fill it, that's going to take more of it and push it to the north side of Broad Acres and bring it all the way down to the south side of Broad Acres, which when the County came through a year ago, their measurements of the ditches in the road was sent in to the flood people and since then, the whole east side of Broad Acres is a flood zone. It never was, but now it is a flood zone. Now we know it's a flood zone and now we're building more property and keep dumping more and more water off. I feel that needs to be taken into consideration. There was supposed to be, 1975, a ditch under Broad Acres, a piece of pipe, from Mt. Bishop, under Broad Acres, and going to the NASA culvert ditch. That was supposed to handle any overflow, and all we need is a swale, there is 25 feet of easement there and it could, if we flood like in Fay that time, that could take that water and try to transfer it to that ditch, but when that ditch gets full, all that water just goes right back at us. We've put a lot of money into our properties, we have some beautiful yards out there, and when that floods, every weed in town, every mess in town, the mess from horses and cattle, it all comes down and we have to start over, neutralizing our ground and spend another \$4,000 - \$5,000 to try to get your ground where it was. I'd like to vote that we don't do this until something gets done with the pumps to control the water flow.

Kim Smith, NMI HOA, PO Box 542372, Merritt Island – The NMI HOA represents thousands of people on North Merritt Island. Regarding the Gleason property, since new NMI housing developments have altered their land by raising, filling, and grading, such as Egrets Landing, 782 LLC, and also nearby Island Forest Preserve, which is not forested any more. Neighbors all along E. Crisafulli and south of there are now experiencing flooding, even after strong thunderstorms, where previously it wasn't a problem. Hurricane rains now flood E. Crisafulli Road and neighbors south of there, down past Chase Hammock Road, where in the past, this didn't happen. Developers comply with the required compensatory storage, but the storage is obviously not working any more on North Merritt Island, as evident by the increased flooding. Continuing to approve housing developments is punishing North Merritt Island residents. To quote Brevard County's Admin Policies, this request is incompatible with existing and proposed land uses, as in Admin Policy 3, regarding traffic. Policy B, will cause significant reductions in the value of surrounding neighborhoods, and Policy C, it is

inconsistent with historical land use patterns. This will materially and adversely (4) affect the surrounding neighborhoods with more traffic on a small road. It will compromise service levels, deteriorate the road, and compromise traffic safety and neighbors' welfare. As specified in Policy 7, another housing development certainly will cause and substantially aggravate the increasing drainage problems on the surrounding properties. How could developing this area not adversely impact the protected Scrub Jays that live on almost the entire property. It's inappropriate to continue to develop this area, as Policy 8.7 points out that rezoning requests cannot be detrimental to the surround neighbors' land use, change that land use, negatively impact local traffic, sanitation systems, character of the established neighbors' lands, and negatively impact public welfare and safety. These specific points are also listed in the Factors to Consider rezoning request as a reason to deny this request. The argument of 'they go it, so we should get it, too' is rejected by the Florida Supreme Court. The Court stated, and it has been upheld since, that just because someone else got a zoning, that doesn't mean the next person asking for it should get it, too. The court said if applicants were allowed to change the zoning simply because others could change theirs, it would be only a matter of time before alterations of the whole zoning scheme by successively liberalizing the use of abutting property would result in disintegration and disappearance of the whole planned zoning. The City of Miami versus Ocean and Inland Company, (inaudible) therefore, just because Island Forest was approved doesn't mean this request should be. Thank you.

Kim Rezanka – yes, the area has been clear cut where the houses are, but there is half of the property that was saved for conservation and that's where the trees are still located. It's my understanding, and I'm not an engineer, that the water is supposed to flow through that, because it is a wetland area. Also, if you look at your Scrub Jay map, there will have to be a study because it shows up on the map, but if there were Scrub Jays they are not there now because that's where the housing development is. From what you've heard, the Gleason's property was AU and apparently it is not usable as AU anymore, so they do have the right to do something with their property. Island Forest Preserve is one unit per acre, and this is one unit per acre spread out. County code does allow averaging densities. I understand it doesn't make sense and people don't like it, but that's what the code allows, so this is consistent with the Future Land Use of one unit per acre, and the other 12+ acres will not be developed. There has been, since September 2022, the County did adopt the basin study model, and in order to develop on NMI, you have to run all your calculations through that basin study model, and if it doesn't work, it doesn't work. It hasn't been done yet, it will happen in site planning. I hear what they are saying and I'm going to go back and talk to the developer about the flooding issues because they went through six revisions for their plat and their construction plans and the County was very clear about what they had to do to stop flooding. Something has broken down and that needs to be fixed. Also, with the Crisafulli Road, my understanding is that the agreement with the County requires that the developer fix the road when the construction is done in the subdivision. I will check that and let everyone know at Planning and Zoning. Generally, that is what we have to do in all developments; if you destroy the road, there's a bond and you have to fix it when construction is done. It's not that we want what is next door, that Supreme Court case came out a long time ago, long before the Private Rights Element of the Comprehensive Plan came into being in Brevard County and every other jurisdiction in Florida. Respectfully, we would ask that you approve the rezoning. I will get these questions answered to the best of my ability before Planning and Zoning, because it's not fair that peoples' properties are flooding, and I get that. We are asking for one unit per acre and it will stay one unit per acre. It's the use of land that can allegedly no longer be used for agricultural land. Thank you for your time, and I do hear what they're saying. Also, the County approved the 8-inch pipe, which was an upsize from what was required.

Jack Ratterman – There concerns are related to the owner of the land of the 12 acres of AU. Does the owner understand that the 12 units have essentially been transferred to IFP. How do you get something transferred and not know it happened? The whole thing seems not put together well to begin with and they keep saying they will average one house per acre. Technically, yes, but they're putting all the houses on the 9.4 acres, and then the 12 acres has one house on it, and the binding development plan, we all know only lasts as long as three commissioners don't propose to change it. Anything can happen out there; I have been to Broad Acres a bunch of times; I see the flooding. Also, the emergency management system has no way of helping out anybody on North Merritt Island because they don't have boat or airboats, so you're on your own.

John Speck – I will recuse myself from voting on this because I have a relationship with the owner in question.

Jim Carbonneau – I believe NASA has cut down and removed two of their four large pumps that they used for discharge. The pumping of Pine Island and the Barge Canal are good as long as the employees can get there. The County won't put them in harm's way.

Ms. Hillberg – The Stormwater group with the County does a remarkable job in trying very hard with the pumps. They try their best, but they can only do so much.

Gina Lindhorst – Why can't they use their property for agricultural anymore? It doesn't seem as though there is documentation of wetlands map according to the historical experience of anecdotal comments. On our wetlands map it seems like it makes no sense at all, and I think they need to review that to make it clear.

Chris Cook – I drove all the way down there this week and it was really sad. I felt bad because I know what it used to look like years ago. There's nothing rural about one-sixth of an acre. You can't do anything agricultural on one-sixth of an acre. It is rural in character, and RU-1-13 is the only way they can fit it in, but it sets a dangerous precedent. I clocked it on my odometer, and it's 4.5 miles from Broad Acres all the way to S.R. 3, and that's the only way for those people to get out. Even if they develop it at all AU it will be a disaster. To increase the zoning density is crazy, forget about the flooding for a minute, but from a practical aspect you are destroying the character of that area, and the road has ditches on both sides and the County can't widen that because people own it all the way up to the road. It makes absolutely no sense to increase the density, especially like that, even though it's only 22 houses, it still doesn't make any sense. Also, we're a barrier island and we have to evacuate and all of these people will be funneling down into S.R. 3 and go over the barge canal bridge. I just think it doesn't make any sense on the face of it. I understand why they want to do it that way, but it's not a good idea.

Gina Lindhorst – I move to deny this change in zoning, based on Admin policy 3, about compatibility, letter a and c.1.. Policy 4, regarding character of the neighborhood adversely and materially affected by the proposed rezoning. Policies 4.a., 5, a. c., f., g., Policy 7, drainage and habitat. That concludes by suggestion.

Jack Ratterman – Second.

Mary Hillberg called for a vote on the motion as stated, and it passed unanimously, with John Speck abstaining.

Upon consensus, the meeting adjourned at 8:15 p.m.