

NORTH MERRITT ISLAND

DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, August 10, 2023**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, 2nd Floor, Merritt Island, Florida.

Board members present were: Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Chris Cook; John 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 February 9, 2023, Minutes

Motion by John Carbonneau, seconded by Gina Lindhorst, to approve the minutes from February 9, 2023. The motion passed unanimously.

Dick Holdings, LLC (Vaheed Teimouri) requests a change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to all AU. The property is 26.84 acres, located on the west side of N. Courtenay Pkwy., approx. 715 ft. north of Church Rd. (5695 N. Courtenay Pkwy., Merritt Island) (23Z00048) (District 2)

Amir Teimouri, 861 Greenwood Manor Circle, Melbourne – We just want to rezone the property so it can be used for personal use. The idea of this helipad is just a small place for him to land his helicopter. It's kind of like a recreational area, most of the land itself has orange groves on it. He has to build a residence on the property, which is what he will do so he can house his recreational vehicles to be used on the property. The intent of the rezoning is to have some place for him to land his personal helicopter, and there are no other businesses to start up after that.

Mary Hillberg – The helicopter would require a conditional use permit, right?

Jeffrey Ball – Yes.

Mary Hillberg – Tonight, we are only speaking to the zoning change.

Amir Teimouri – The zoning change is to AU to be able to include the property to be used for future use, which is the helipad.

Mary Hillberg – It is a relief to know there will only be a couple of round trips.

Amir Teimouri – Yes, the rezoning is really to only use the entire property as intended, and I believe it is a downgrading of zoning.

Mary Hillberg – We consider it an upgrade.

Chris Cook – Less intense.

Mary Hillberg – Thank you. Is there anyone else in the audience who would like to speak?

Jeffrey Ball – If I can interject for a second, I want to make sure the board understands the conditional use part. The code requires a personal heliport to be a Conditional Use. When and if the applicant

decides to move forward, we will process that application for review by the board. Conditional Use Permits have different standards of review.

Mary Hillberg – We would be reviewing the CUP?

Jeffrey Ball – Yes.

Mary Hillberg – Why don't we review alcoholic beverage CUP's?

Jennifer Jones – You do, you just haven't had any in a while, plus there was a code change.

Jeffrey Ball – The code changed so that if alcoholic beverages are in conjunction with a restaurant, applicants can apply administratively.

Kim Gibbs, 3020 Water Oak Drive, Merritt Island – I have remarks of three minutes or less. It's very difficult to separate the request for the AU zoning designation without also considering the intended use as a helipad. I understand you probably don't want to talk or hear about the helipad, but I hope that you would listen to my very brief comments and consider them. I don't disapprove at all of the AU zoning designation. We moved to North Merritt Island and love it there because of the rural residential character, but I do work in a semi-professional capacity with communities across the country who are affected negatively by aircraft impacts. I just want to go through this quickly, and I know you won't be considering this tonight, but you will be thinking about it.

Mary Hillberg – You can come back when we are going to be discussing the CUP.

Kim Gibbs – And you know that I will, but if you could entertain me for less than three minutes, and then you can dismiss whatever I'm saying.

Mary Hillberg – Go right ahead.

Kim Gibbs – Noise impacts. Of course, who would complain about two little trips per day, but of course we are concerned about potential increases. The Robinson R44 helicopters are very loud, and the noise impacts are not limited to take off and landing. They can fly all over the place and affect the neighbors, and this is a rural residential community. The lack of non-existent regulations of aircraft noise, most of it is pre-empted by Federal law. The impact of property values is unquestioned and not disputed for excessive noise of any kind. The noise exposure map that will eventually be provided is based probably on the DNL, which is an average noise level, not the noise level that people really perceive and witness on the ground. And then the creation of sacrifice zones to accommodate this newly created path. Also, concerns about leaded fuel from piston-engined aircraft, a lot of folks don't know that these smaller planes are still running today on this antiquated technology of leaded fuel. Also, concerns about PFAS and whether or not there would be PFAS impacts. The leaded fuel stays in the ground and has negative consequences for environmental quality. The main concern is expansion of operations sometime later on. We've all seen situations where there is not adequate government oversight, so I'm very concerned about that. Lack of enforcement, lack of monitoring, and lack of any recourse by everyday citizens. Safety is also a concern, and the impact to wildlife. Thank you for listening.

Kim Smith, North Merritt Island Homeowners Association, PO Box 542372, Merritt Island – The homeowners association voted, and with one dissenting vote had no objection to this request.

Eric Marlow, 5815 N. Courtenay Parkway, Merritt Island - I'm the neighbor immediately to the north of the subject property. I think everyone is always concerned about development in our area, and being that this is a large piece of property, I think we're always trying to criticize people for what they do, and this is a large parcel that would be used for recreation, and it not a residential area by any means. I always think about the alternative, and this property could be turned into 100+ homes. How do we stop everybody from doing everything? This seems like a very good use of the property for recreational purposes.

Evan Dick, 500 Treasure Lagoon Lane, Merritt Island, subject property owner – As far as the fuel that will be used, it is the same fuel as the motorcycles that I currently use on the property. It is true that there is a small amount of lead in Avgas, and recently there is a new type of Avgas that has zero lead to address some of the EPA's concerns, and as soon as it is available, I will only be using that type of fuel. Right now, the amount of fuel that I use in my motorcycles is a lot more than the fuel I will be using for the helicopter. To address the amount of times that I fly – I'm the only person who will ever be flying that helicopter – I have a seaplane, and I used it in Treasure Lagoon a couple of times a year, and the most I actually ever fly is twice a month. I don't want to limit myself to twice a month, but I will definitely not be violating the multiple flights of more than once or twice a day. I'm not even in Florida for more than half the time.

Mary Hillberg – Thank you. Is there anyone else who would like to speak? Okay, it is back to the board. What is your pleasure?

Jack Ratterman – Is it a commercial helicopter?

Evan Dick – It is completely private, just for me.

Jack Ratterman – I mean, is it a commercially made helicopter?

Evan Dick – It is a certified helicopter, yes.

John Speck – We shouldn't be talking about helicopters right now. Right now, it is just to rezone to AU. It's all good information background but hang onto it. I have a question for the one person who spoke, would you not recommend going to AU? Or is it just your fear of having a helicopter on the property?

Kim Gibbs – I don't have a problem with AU, I love AU.

Jim Carbonneau – I have two questions and one concern about take offs and landings.

Mary Hillberg – No more helicopters today, this is just for the AU. I personally think it's wonderful that 23 or 26 acres is going to be AU. We all love that, we have a rural community here and people like the green spaces, and that's the reason a lot of people live here.

Jim Carbonneau – I've spoken with several of the neighbors around the property, and I live on the north side of Crisafulli Road. Before the previous owners sold, I asked them what they were going to do with the property and they said they were going to build houses and raise Yankees. I appreciate the fact that this property will stay AU. Mr. Dick has been an honorable gentleman, he has done remarkable cleaning up and development of the property and kept it agriculture, it looks good, and I recommend we approve.

Mary Hillberg – So you made a motion to approve?

Jim Carbonneau – Yes.

Mary Hillberg – Is there a second?

Jack Ratterman – Second.

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

Upon consensus, the meeting adjourned at 6:25 p.m.

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