

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Approval of the April 15, 2024, P&Z/LPA Minutes

Motion by Debbie Thomas, seconded by Bruce Moia, to approve the P&Z/LPA minutes of April 15, 2024. The motion passed unanimously.

Mark Wadsworth stated that item G.14. would be moved to the last item on the agenda.

Kimberly Rezanka, Lacey Lyons Rezanka 1290 US1, Rockledge, FL, asked for a continuation on items G.5. and G.6. to the August 12, 2024, P&Z/LPA meeting.

Motion to approve continuing items G.5. and G.6. to the August P&Z/LPA by Debbie Thomas, seconded by John Hopengarten. The vote was unanimous.

Mark Wadsworth addressed the audience and stated that they are welcome to leave if they were here for either of those items because they will not be presented until August now.

Mark Wadsworth asked the remaining public attendees if they were here for item G.2. by a show of hands and noted approximately 22 people present for that item. He explained that what we like to do to expedite the meeting is ask if there is one person who would like to speak for the group on that item. We try to pick one person and give them three minutes each to speak.

A member from the audience stated that a lot of them from different surrounding neighborhoods and may need more than one person to speak.

Mark Wadsworth asked them to step into the hall and see if they would come up with a representative for each of their parties so we could begin the meeting.

Suzanne Cook (Daniel Banker) requests a Conditional Use Permit for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. The parcel is 0.60 acres, located on the east side of N. Banana River Dr., approx. 445 ft. south of Coquina Dr. (1270 N. Banana River Dr., Merritt Island) (24Z00007) (Tax Account 2431745) (District 2)

Jeffrey Ball read the application into the record and stated that this item was continued from the April 15, 2024, P&Z meeting.

Mr. Ball stated that there are conditions related to a guesthouse and those five items are listed in the agenda report and if the Board remembers, there was some confusion by the applicant of whether or not this guesthouse would be allowed to be rented out and the applicant provided an email that the guesthouse would not be used for rental purposed per what the code requires.

Suzanne Cook stated that she'd like to build a guesthouse for herself to stay in while her children live in the main house, this way she'll get her own privacy but she's close enough that if anything were to happen, they could help her.

Mark Wadsworth asked if there was anyone here to speak for or against the application. With no public comment he opened the discussion to the Board.

Rob Sullivan had a question for staff. What is the difference between a Conditional Use Permit for Zoning and a Binding Development Plan.

Jeffrey Ball explained that the zoning code it set up to allow for permitted uses, permitted with conditions, and uses permitted with a conditional use permit. A guesthouse in this instance is a CUP in this zoning classification. A BDP is a voluntary signed agreement between the applicant and the Board to put conditions on the property in support of the Board granting the zoning of the property.

Rob Sullivan asked if a CUP is like a BDP in that it stays with the property or is it only for the applicant and Jeffrey Ball stated that it is for the applicant.

Rob Sullivan made a motion to approve the conditional use application, seconded by Bruce Moia.

John Hopengarten asked Ms. Cook about her previous presentation in front of the Board in April and how at that time she was looking to have this building for Airbnb but now she's for herself/family members.

Ms. Cook stated that what she said was if my money situation went down, I might have to, but if that's the case then I'll sell the house. The house is not important to me. If I can't afford the house, I'll sell it.

John Hopengarten asked who is going to be using this small building that you want to put on the property and Ms. Cook responded that she is. She will be living in it.

John Hopengarten asked how she is going to eat because there is not kitchen in there.

Daniel Banker stated that there won't be a kitchen in there, but she's allowed to have a sink and she's got her son and daughter-in-law who will prepare her meals for her.

Ms. Cook stated that she'll have a microwave, but she won't be cooking since she's 86 years old.

John Hopengarten said he wasn't sure what we're going to do about this and Mark Wadsworth responded that we have a motion and a second and John Hopengarten reiterated that he is still discussing.

Bruce Moia stated that rental would be a violation of the conditional use and how she eats is up to her, not the Board.

John Hopengarten stated that he still has the floor and doesn't like hearing different stories and he'd like to get the truth. If you're going to live there in that house, then fine, but if you're going to rent it out...

Ms. Cook stated that she's not going to rent it out, that they have a lot of family that comes to visit, and we don't charge them. They'll be staying in the main house while I'm in the small house.

John Hopengarten said that he didn't want her neighbors complaining that she's renting it out and then Code Enforcement has to come out and put the kibosh on you.

Ms. Cook responded that she takes care of the area from the road all the way down to the canal and that's the church. I maintain that and my other neighbors are good fishing friends, they're not concerned. We have a nursing home that I don't think has anybody in it and the school and they're not a problem.

Mark Wadsworth stated we have a motion by Rob Sullivan, and a second by Bruce Moia.

Motion to approve the Conditional Use Permit by Rob Sullivan, seconded by Bruce Moia. The vote was unanimous.

Frank Mastroianni (Jake Wise) requests a change of zoning classification from BU-1 (General Retail Commercial) and RU-2-10 (6) (Medium Density Multi-Family Residential) to PUD (Planned Unit Development). The property is 14.8 acres, located on the east side of US Hwy 1, approx. 2.1 miles north of Suntree Blvd. (5955 S. Hwy 1, Rockledge) (23PUD00001) (Tax Account 2600118) (District 2)

Mark Wadsworth asked the members of the audience if they were able to select three people to speak on their behalf. They responded that it may be more than three if those three don't cover everything they'd like to discuss.

Mark Wadsworth asked if 15 minutes per person would be sufficient, and they responded that they may only need a few minutes per person.

Trina Gilliam read the application into the record.

Chris Burtner, Mill Creek Residential MCRT Investments, LLC, 1650 North Mills Ave., Orlando. Stated that he is a real estate developer, and he works with a company called Mill Creek Residential, which is a national apartment development company that focuses and specializes in building luxury market rate apartment communities in the best locations and best submarkets. While you just heard that I live in Orlando, I'm actually from Viera and grew up here. My parents live here, which is why this project is so important and special to me.

Our proposed business plan includes a 252-home luxury market rate apartment rental community that seeks to maximize the value of the waterfront along the Indian River that our property benefits from,

and what we think provides a great amenity for our potential, future renters, their guests and their families.

You're going to hear from several members of our consultant team, including Jake Wise, Landon Shear, and Susan Hall, but generally speaking we are requesting a rezoning to PUD for the property. Which will bring the property consistent with what's allowed under the comprehensive plan, and more particularly, remove a six-unit per acre density cap that was put in place in the 1980s I believe.

Susan Hall, Landscape Architect, working with the Modera Team for this project. This is an aerial view that shows the distant location of the property along the Indian River. A little closer and you can see the single-family homes to the north, our proposed project in the middle, and the existing condominiums to the south. This is a site plan that we put together that illustrates what we are proposing for landscape buffers, just conceptually. We are aware of our neighbor's concerns, the neighbors to the north and to the south. So, we have gone above and beyond with what we are proposing for our landscape and tree buffers. We have laid out the buffers using the County's Type-B buffer code requirements and we've gone, as said, above and beyond. We understand that neither the residents to the north or south, or the new property residents, really want to be looking at each other. We understand these buffers are important and play an important role, so we're proposing to increase the size of the buffers at the time of planting. Both in size and in quantity.

8-foot trees are required by code. We're proposing to put in trees that are installed at 14-18 ft. in height. 52 trees are required along the north property line alone and we're proposing to use 60. The hedge that we would use there along with ground covers, which are part of the way the code requirement is written, we are proposing to increase that hedge in size by 50%. This would also apply to the southeast corner of the site where you can see building 10 that's on the riverfront, opposite of the existing condominium structure that's to the south.

We've put together a slide, as an example, that shows the required sizes of the trees on the left of each set of three, the sizes we propose to install (which would be in the middle of the set) and what we could expect to see 5 years later. Generally speaking, we see trees increase in size about 2 ft. in height and 2.4 ft. in width per year, and some trees are even faster than that. So, this means that in 5 years from now, we should be seeing trees that are 24-28 ft. in height and around 12-14 ft. in width.

A very important point I'd like to make is that this site is fully vegetated, fully canopied, and it's important that we fit this site neatly into this property and provide ample landscape for the benefit of everybody. But because it's fully vegetated, it means that we will have a good amount of tree canopy mitigation to address and this means that at the end of landscaping on this site, we will have a heavily landscaped site following construction simply by the way the County's mitigation code is written.

I work with Natural Resources all the time and I know that they heavily prefer to have all the planting accomplished within a site and they really prefer not to have payout on trees. We're going to have a lot of trees on this property to accomplish that all.

Jake Wise, Civil Engineer for the project, 2651 W. Eau Gallie Blvd., Melbourne. This slide shows, in greater detail, what Susan was talking about. What you're seeing in the middle of the two sections is what we're proposing and how we've moved all the buildings to the center of the site. We're providing the best buffer that we can with a combination of extra planting, extra large trees, and tree

preservation. It's equally as important for our luxury apartment rental project to be able to buffer our neighbors as it is for them to want to be buffered from us. No offense at all, it's just what we would prefer for our project. To create our own little enclave just like the condominium to the south of us has done. We also proposed three stories because the condominiums to the south have of us are four stories in height and then we have seven or so single-family homes to the north of us. They have their road and then their lots. We have a little extra buffer too with a roadway there.

We did have a voluntary neighborhood meeting and one of the items that was talked about was Ruby Road to the north of us. Ruby Road does have some flooding issues, so part of our engineering effort will be to help alleviate some of those. Our project will provide on-site treatment and we won't have anything that runs off from it at all.

As you notice, our application is not asking for a Future Land Use Amendment at all. It's just strictly rezoning. We're utilizing the existing future land use amendment there. There is an old of cap of 6 (units per acre) on there back to the 1980s. I was in first grade and looked it up, Caddyshack was the biggest movie of the year, so it's been a little while. Viera wasn't even something people were thinking about. We're asking to eliminate that part of it, and we feel like the stairstep approach that we're proposing is a good transition of the height and the condensing of the buildings towards the middle of the site is good.

Mr. Wise also states that he's been driving by this site for decades and that little commercial corridor has never been very successful. The BU-1 zoning probably wouldn't have anything moving forward anytime in the near future.

We provided a traffic study and this section of US1 has a very high level of services and has a lot of trips available. We're not providing any deficiency on it at all, in fact it still is only about 64% capacity which is much, much better than most of the main corridors in Brevard County. With the PUD zoning that we're asking for, we have the option of doing alternative development standards with the option of asking for waivers we have the option of asking for a density bonus. We're not asking for any of those, none of those at all. We're just asking for the zoning. We do have a wetland area on site that we worked around and preserved; we're going to greatly enhance it. Right now, it's got invasives and it's uh not looking too good. We'll be improving it with a mix of replanting buffering it and keeping it enhanced with the water connection to it as well.

We do have an existing dock that's in disrepair, so we already talked to staff about working with a marine protection plan making sure we're in compliance with that to bring the dock back into compliance with being able to utilize it as they said for an asset to our project to be on the river. The way the PUD was created so you can create these types of unique and cohesive development plans. We have a lot of different amenities around the project plus the access to the river that we talked about previously. This developer, that we've worked with before, typically does their projects with low impact development standards. They try to get to a lead silver level. They are very proud of how they try to work within the environment that they're at. We also will work with staff to hit as many of the points with the green storm water infrastructure that we can. We know that's always a concern at the County level and for us as well being local. There's no endangered species that were found on the site, and we did do an environmental assessment of it. We have the wetlands and there could be a few gopher tortoises that we would have to relocate.

A final study would be done on that prior to construction starting. With that being said, I promise not to go through all the points. Staff has their future land use policies; 1.2, 1.4, 2.1. Admin policies three and four in the Natural Resource review. If you see all the different criteria; two, three, four, five of them for each of those, that we either comply with every single one of them or they're really not applicable to our site. We feel like our project is meeting all the criteria that we need and we're again just asking for our zoning to come in compliance with the existing future land use that's there today. With that being said, I don't know if the team wants to add anything else, but we do appreciate a chance to respond any public comments.

Mark Wadsworth stated while you're right there Mr. Wise before we go out to the audience, does anyone have a question?

Bruce Moia said that he just had one engineering question, have they done a traffic study and if so, what are the improvements that are being required or recommended? Do you know the specific improvements?

Landon Scheer, 2651 W. Eau Gallie Blvd., Melbourne. We did a preliminary TIA for the planning level study, there is a Northbound right deceleration lane and a southbound left deceleration lane that is proposed, or going to be proposed, with the project and incorporated when site planning.

Henry Minneboo stated that he has a couple of questions. He asked Jeffrey Ball "the item they talked about in 1980 was that six or four?"

Jeffrey Ball said his recollection back in 1980, there was a land use plan which predated the 1988 comp plan, and that cap and density was at six units to the acre.

Henry Minneboo stated okay, because I think that was a Nancy Higgs favorite. You weren't even here, but that was that was well constructed back in 1980. Do you remember, Bruce? I'm trying to remember if it was four or six, it wasn't too many.

Bruce Moia said he doesn't remember much about what they what she did this. I remember she did a lot in South Mel Beach, but I don't know too much about what she did here.

Henry Minneboo asked Jake Wise how close is the old Alamo to this site? Do you know what I'm talking about, the old Alamo?

Jake Wise said the street north of us, one more development, and then the old Alamo was there.

Henry Minneboo asked if he said the Lancaster property, does that mean anything to you?

Jake Wise responded that it does not.

Members from the audience said that it IS the Lancaster property and Mark Wadsworth told them he would give them a chance to speak in a moment.

Henry Minneboo asked if the water on this site would come from where?

Jake Wise said the City of Cocoa has a 16-in. water main in the US1 right away and then Brevard County has a 6-in. force main.

Henry Minneboo asked does Brevard have the sewer there and Jake Wise responded that they do. Henry Minneboo asked do they have the capacity and Jake Wise responded yes and that we would be doing a private lift station that we would maintain.

Henry Minneboo: Is the address of this site Rockledge or what is it?

Jake Wise responded with yes, I think the mailing address is Rockledge.

Henry Minneboo stated it's not a trick question, how far are you from the City of Rockledge? The true city of Rockledge boundaries. Do you know?

Jake Wise said it's a little strange on US1. I think if you get up by Indian River Furniture you're hitting the Rockledge line, so that's a good distance from us.

Henry Minneboo asked to the best your recollection are there any or what's the closest proximity to this potential site that would be somewhat identical to that site?

Jake Wise responded that he would say the property to the south of us directly is four-story condos residential. If you go up and down this Corridor you see a mix of single family.

Henry Minneboo clarified that he's asking distance wise. How far is the site?

Jake Wise said the site to the south of us, hundreds of feet from, between building to building. Just north of the Alamo, another condominium project that we did probably about 15 years ago or so. That's pretty compatible and there's again a mix of single-family North and South in between those as well.

Henry Minneboo asked how long have these new owners owned this property?

Chris Burtner stated that Mr. Lancaster passed away about two years ago and I had spoken with Mr. Lancaster for several years. His nephew or his son-in-law, I can never remember the relationship, inherited the property. We are a contract purchaser, Mr. Mastroianni still owns the property, and we have a purchase contract to acquire the property.

Henry Minneboo stated/asked this is truly the Lancaster property.

Chris Burtner responded yes, it is. He also clarified that Jake Wise wouldn't know that because he's not in the contract negotiations.

Rob Sullivan asked to give him the rationale for removing the cap of six units per acre.

Jake Wise said we're looking at the overall property because it's a mix of different land uses underneath it. Because it was back done all the way back in 1980, in order for us to be able to have a successful project with this type of luxury apartments and the maintenance and upkeep that goes with them, in order to be able to do a project like this we have to have enough units to make it so that it can be um maintained in the luxury manner that we want to.

Rob Sullivan said you mentioned that the property to the south of you is a also a condo. Do you know the number of units per acre for that?

Jake Wise responded that he doesn't know the number of units but typically in this area it's dictated by wetlands and things like that because Brevard County doesn't allow impact.

Rob Sullivan stated that It's actually dictated by the Coastal High Hazard Area and the exception for the commercial portion is not mapped as a Coastal High Hazard Area. I'm a consultant for FEMA and the reason is commercial doesn't have people living in it, so the cap is dictated by the Coastal High Hazard Area. That's been since 1996 not 1980.

Jake Wise said that a portion of our site is within the Coastal High Hazard Area and we do meet all the requirements.

Rob Sullivan said if you're going to change it to be residential then the whole element would be changed because coastal high-hazard areas are not for commercial, therefore residential.

Landon Scheer stated he thinks it's important to note here that this Coastal High Hazard is not the same Coastal High Hazard as defined by FEMA. This is a Coastal High Hazard as specifically defined by Brevard County. If you look at the FEMA map that's not a FEMA Coastal Hazard area.

Rob Sullivan responded that that is correct, I work in FEMA in 17 States. Local jurisdictions do have changes. If the entire surrounding area and the other properties are all capped at six units per acre, and I'm assuming that the majority of the people in the audience have that concern, why would Brevard County want to grant a specific element or a specific property to not have that cap when all the other properties, including the one to the South, complied with it?

Chris Burtner stated that he would just assume, and maybe incorrectly, that you would want to unify the zoning layer and the comprehensive plan layer that's been adopted by the County Commission and that's really what we're proposing to do. There is an adopted comprehensive plan that was put in place in the 80s, I'm not sure. Jake maybe you know or maybe our land use council, Jason, knows when the comprehensive plan was adopted but I think it was adopted post 1980 so again really, we are just trying to marry up what's allowed for this the County's comprehensive plan and the zoning layer is really the request.

Rob Sullivan said he's looking at a 2023 Florida Statute, Coastal Management, and in here it says under Section B "for local governments that have not established a level of service for out of county hurricane evacuation by following the process in Paragraph A, the level of service shall be no greater than 16 hours for a category 5 storm event as measured by the Saffir-Simpson Scale." Currently the Eastern Florida Central Regional Planning Council has a Category 5 hurricane at 56 hours. Now, I don't know about you, but I've spent 30 years doing urban search and rescue and nobody gives you 56 hours' worth of notification for a CAT 5. You're lucky to get 16 hours for a CAT 3. What we're looking at is; 1.) I have some problems with evacuation, and 2.) I have a problem with the cap of the density. US1 is an evacuation Zone and it's not going to be just local people using US1. If I-95, as in the case of previous hurricanes, is clogged, then the secondary route will be US1, So I do have some heartburn with increasing the density. Particularly in areas of the Coastal High Hazard area as defined by Brevard County but also by FEMA. Thank you.

Jake Wise stated that our current zoning and land use allow for 157 multi-family units so we're not asking for a significant increase. We're just asking for that old cap 6 to be removed, that was again done in 1980.

Rob Sullivan said if you do the math for the area just reduce it back down to the cap for six units per acre, that could be a very viable option. You'd probably get rid of half or 90% of the objections that you're about to hear.

Mark Wadsworth asked the Board if they had any more questions for the applicant.

John Hopengarten said he has a question for staff. Mr. Ball, I always understood that a PUD was for mixed use this is a single use development. How does that play with the PUDs.

Jeffrey Ball said it can be. A PUD is a flexible zoning category or district where the applicant can come in and design their zoning code to meet the product type that they want to build. It allows for flexibility to the setbacks. In that respect, it's a zoning district that the applicant has the ability to design on its own.

John Hopengarten responded by asking if that sets a precedent. People could come in and make everything a PUD just to do a single use development. I always thought it was mixed use; industrial, commercial, retail, not just residential on its own as an apartment project.

Jeffrey Ball said it can be mixed use, it can also be one single use as residential, there's no restrictions either way.

John Hopengarten replied that he didn't see where it stipulated that it could be a single use, that's why I was asking the question.

Jeffrey Ball said in our code we do have an RPUD which is strictly for residential.

Brian Hodgers asked in order for this to be profitable, which is what we see all the time coming through here, they have to have a certain number of units. It's currently got 157 that they can use which that's not enough for them but that's given us a little over 10 units per acre. So, at 252 units it's working out to be about 16 units per acre.

Jeffrey Ball said that the way staff calculated it, it's about 17 units per acre overall.

Brian Hodgers asked is there any other category other than going to a PUD that they could use to get the units per acre that they need, because this seems like a large jump?

Jeffrey Ball responded that he doesn't want to go off the cuff and tell you what would work and what wouldn't. There are some zoning districts, I should say standard zoning district that are comparable to the RES 15. We'd have to look at it with the cap of six. I don't know off the top of what that would be, and I don't want to give the board a false sense of direction.

Bruce Moia asked a follow up question to that, stating he just wants to make sure he understands that too. The only way they can get the density bonus that they want is to go with PUD?

Jeffrey Ball responded that just to be clear, it's not a density bonus.

Bruce Moia asked what is it?

Jeffrey Ball said they're allowed to shift their units but overall, they have two land use categories. They have the CC and RES 15 with the zoning because this is a little bit wonky. Prior to 1988 there was no FLU Designation so in this instance the Board decided the cap the density with the zoning in this instance it's res 10 or r210 with a cap of six so normally without that cap you would be able to do 10 units to the acre.

Bruce Moia responded correct but just looking at it with the land use, the density they've requested they're getting 17 units to the acre because the Community Commercial gives them 30 units the acre on that part and combined with the 15 they can get 17?

Jeffrey Ball responded that is correct.

Bruce Moia said he just wanted to make sure. Really, it's not the PUD that's getting them there, it's the Community Commercial? Jeffrey Ball responded yes, that's correct, and Bruce Moia stated he just wanted to make sure he had that straight.

Jake Wise added to the Board that we could apply for bonus density, but we are not at all.

Bruce Moia responded that he understands, that's what I wanted to make sure you're not and I thought that's why you chose the PUD. I thought that was what was getting you the additional units but that's not at all. I want to make sure I understood that.

Jake Wise added if you look at the staff report, the second page, it identifies the County's comprehensive plan shall be the guidance for consideration when considering the appropriate zoning district to rezone a property to moving towards consistency with the future land use. That's what we're doing.

Henry Minneboo asked if that was 1980 and Jake Wise responded yes, 1980.

Public Comment:

Mark Wadsworth asked the members of the audience if they were able to select three people to speak on their behalf. They responded that it may be more than three if those three don't cover everything they'd like to discuss.

Mark Wadsworth asked if 15 minutes per person would be sufficient, and they responded that they may only need a few minutes per person.

Mark Wadsworth asked if there are any other questions from staff or I'm going to take it to the audience.

Jeffrey Ball stated that before she comes up and speaks, I wanted to clarify for the Board that the existing land use and Zoning is consistent. If you look at the consistency table in 62-1255, the commercial component of CC is consistent with BU-1 and the RES 15 component is consistent with the RU-2-10.

Mark Wadsworth asked the speaker if three minutes would be enough time, because at the end of the timer, they'll have to move to the next speaker.

Pam Higgins, 100 Ruby Street, Rockledge, which is abutting next to this property. First, I wanted to thank you all for letting us air our concerns. We appreciate you all as volunteers and we really appreciate the questioning that you're taking and that you're taking this seriously, because this is very important to all of our communities along this area. I'm speaking now, since we met out in the hallway, for at least four communities. North of us is called Pisces Area, that's one; we're Ruby Street; we have this property that we're talking about; then we have Laguna Vista; and then we have Indian River Isles North and all of us are represented here. I wanted to thank everyone that came and we're wearing black so you can kind of see where we are and showing solidarity for uh our togetherness in wanting to oppose this action of PUD. I also wanted to note that this process is new to most of us, in particular me, and we're starting behind the eight-ball. This language of comprehensive plans and Coastal High Hazard Areas, and all sorts of land use and future land use and using the maps and all that, we've had to learn on our own for the last month while we've been involved in this. Of course, the developer has been looking at it for months and months and has had input from the staff, which we have not had, so we're coming to you from behind and we're also looking to you to be The Gatekeepers. To really look at this and see all of it. We've learned also that your recommendation to the County Commissioners is very important to them and what you say will have a huge impact on their mindset. Therefore, you are very important to us.

What I wanted to speak primarily about has to do with PUD zoning, and although the staff considers one to three units of rental property a varied amount of home options, seems very wrong. According to the Brevard County's Code of Ordinances, Chapter 62, Section IV, Subsection 62-1442(3) says it's the purpose and intent and objective is the creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer, not rental, the home buyer greater choice in selecting types of environments and living units. That's right from the code. There are no home buyers in this situation, it's all rental units. We feel that this use of PUD zoning is wrong. That they couldn't get this property and put this unit on it this plan without going to PUD. They could not do it. They can't use what it's currently zoned at, and you all know that. Common sense alone tells you that how you have to manipulate yourself and to try to understand how they get to the density levels is mindboggling, and that alone tells me that something nothing's wrong here. This is not the appropriate use of PUD. In this proposal there's just one out of state owner who would be given the concessions of relaxed density in order to make this plan. Also wanting to point out that this plan is going to be a business, this is going to be rental units, all rental units, and it's going to be to my mind multi-family commercial real estate. It's now going to be put on residentially zoned property and doesn't seem appropriate at all for this plan. That is a big thing. The other point is multi-family rental, again, is a business. It's a business proposition that they're going to be making money off of. We understand that this whole property could be sold off. We don't know the next owner; they all say they're all really good and nice and wonderful but from another state and we don't know what that looks like for us. There are many issues we have with the concerns of this applicant, and you all have at least 11 letters in your package from our people, there's probably more. We have more than that, you have more than that. I was able to pull off from the website only 11. Some of us, I don't know if they didn't make it in what happened, but maybe you've got them.

We're very concerned about it, but you can, within those letters, read all that you don't want to hear us talk about over and over again. So, from that I just want you to understand that our focus is that the Planned Unit Develop is not an appropriate measure or way to approach this. The other point that I want to make is that PUD, this would be the first PUD in our corridor from Barnes Boulevard down to the Pineda Causeway there are no other PUDs. None. There are no other units of this high density, no other properties with RES 30 or even RES 15 built out along that corridor and that is huge

because it really changes the density from capped at 6 or EU to this huge 17.2 average, and the ask is a lot. They're asking for so much and on basically our community's backs. I haven't covered everything I'm sure, but others as will. One other thing that I did want to point out is that if we could look at the layout again, the top down, could we look somehow look at it? They say there's 160 ft. between our homes and the next building but what they don't tell you is that the parking areas and the garages are right there. They're literally maybe 10 ft. from our properties in, so although they say, "oh we moved everything to the middle," they haven't. They have 500 spaces there, so I wanted to point that out. Plus, also within that area there are other protected species. There's Bobcats and we have alligators, we have other things and there's a little pond which we all love, that they are going to fill in.

Mark Wadsworth stated he was very nice and extended your time.

Ms. Higgins said she was done.

Mark Wadsworth asked the next speaker how much time are you wanting, 37 minutes or three?

Speaker: I'll try to keep it short; she covered a lot of things, so I won't.

Mark Wadsworth said that the reason is we don't want to hear understood about the alligators again please. With all due respect to everybody, the applicant, and the neighborhood, you know the County, thank goodness for our staff, makes these guys jump through hoops. They're not going to just allow something to come in here if it isn't contiguous with the surrounding zonings. Planning and engineering. We have engineers on this board, we got guys with FEMA on this board, we've got actually a very good board. A very knowledgeable board, but how many how many minutes would you like?

Speaker: I'll try to keep it under three and Mark Wadsworth said they're going to give him five and I'm going to have to cut you off at five.

Rob Solito, 6005 US Highway 1, Rockledge, which is the Laguna Vista condos to the south of this project. I appreciate all of you being here and some of you probably know that I'm a commercial real estate broker. I have always been relatively pro-development and some of you also probably know that a handful of years ago I sat on this board, so I understand what you guys are looking at and I appreciate that you're giving me a little extra time. I won't go into some of the things I was going to read, Pam covered a lot of the things there. So, a couple of things that I wanted to just clarify when we talked about, or the developer talked about the condo building right next door being four stories and so therefore their three-story apartment complex shouldn't be a big deal, the difference is density. We are on 4 ½ acres, we have 24 units, our density is 5.3. It's a huge difference. While we do have a four-story building, it's well buffered in all directions. The density is under the cap of six, the development to the south of us, he's got a site plan approval for 11-unit, two building complex. Again, staying under the density of six. So, following the trajectory that we've used for a long time in this area, the density going from a cap of 6 to 17+ it just seems untenable to all of us, which is why we're all here today. There are a couple other things that I'll say. Pam did mention there are no similar developments, or densities frankly, between Barnes and Pineda. There is a condo, our condo complex, there's another condo complex a little bit to the North, and then there's the large town home complex at the corner of US1 and Viera Boulevard. It's very big, I looked it up and I did some calculation. They are single story mostly and a couple two-story town homes. They are under the

density cap of six and there's over 100 units there, but they have 35 Acres. So again, while it's a big complex they are staying with that density cap.

There's another couple of points about the PUD designation, which Pam didn't mention, that specifically states that a PUD must, must, meet significant open areas and natural preservation. This does not do that, it has one section in the center of wetlands and develops the rest... must take advantage of the natural features of the land, (that's questionable, they're going to add some trees but they're going to essentially fill the entire piece of land with buildings and parking), three: must create a variety of housing types. Specifically says that in the PUD designation, must. Now, one, two, and three-bedroom apartments are not different types of housing. There are no condos, there's no townhomes, there's no single-family residences. And number four, it must have an inclusion of compatible associated uses, must. It does not do that. Having a clubhouse and a pool is not an associated use in my opinion. So, one of the other main points that I wanted to make is that the preliminary development plan needs to be evaluated with the context of section 62-1448 in the zoning code, which says, and I quote "the degree of departure of the proposed Planned Unit Development from surrounding residential areas in terms of character and density." This is a high degree of departure in terms of density. I mean, a cap of 6 to a cap of 17 or 18... it's unbelievable that they would even ask for it honestly. There are a few administrative policies also that I know the staff has worked with the developer on but there's a few that they don't meet and one of them is Policy Six.

There's several more that are in the letters but Policy Six says that the proposed application must be consistent with all written land use development policies, all. Clearly, they've not met all of them, they've not met most of them and they don't meet the definition of a PUD. Which very clearly says they will have a full range of residential types as well as industrial, commercial, institutional land uses. All those things are part of a PUD. With that I'll gladly answer any questions, but I got you with four seconds left.

Kevin Fox, 6398 Anchor Lane, Rockledge, I'm here to represent 52 property owners. I'm the president of the Indian River Isles Property Owners Association Board. Primarily, I first start out that I only moved here in 2002, and I remember coming over to this complex with the County Commissioners. They brought up this exact issue, looking forward to the future of how they would develop the lands and at that time I remember them discussing, and voting on, and supporting the six units per acre. Everybody's using this 1980, 1996... with all due respect when you call Planning and Zoning, and you try to get the minutes for the County Commissioners, trying to find so I could bring some actual facts to show you, it's next to impossible to find it unless you're a system expert. I'm not that, I'm primarily just up here to speak on the neighborhood to say I don't think it fits in with the plan. The plan was six units, I don't know where this 15 comes from, but my belief is the County Commissioners voted to support the six. All the other developers along the US1 from Barnes down to Pineda Causeway have all lived by that rule. These people are just asking for an exemption to that. Well, if you give it to them the next neighborhood south of that, south of Laguna Vista, just north of our neighborhood in Indian River Isles North, there's approximately I think 14 acres. They're zoned exactly the same way, business and residential. So, with all the respect, I foresee them going in and putting 252 apartments in there. Why would they not? If you're going to grant that, it's just going to be a snowball rolling downhill and we're going to develop in that. Is that what we want?

I'm not against developing, I fully support them, to let to develop the land as much as they want under the six dwelling units per acre. That's primarily all I wanted to speak up about. I don't believe it really complies with the PUD as a neighborhood when we talk about it. A PUD to me is the Avenue(s), you

go up there and you have apartments, you have condos. There's houses, there's shopping, movie theaters, and all that. That to me is a PUD. Maybe I'm an uneducated individual who doesn't understand all the nuances of these rules. Sometimes I think these rules are written so that you can tell the public as myself one thing, but then you can do something totally the opposite go well you know there's a little hedge over here you can do that, it's a gray area and I would ask that the board as a whole would think about if you were the neighbor living right next to it on Ruby Street, Laguna Vista, the neighborhood to the south Indian River Isles North. What would you want if you were living there, if it was your next-door neighbor. If you were in our shoes right now, what would you ask the Board? That's pretty much all I have unless you have any questions for me.

Rebecca Hatch, I am a resident at 110 Kieran Lane, Rockledge, representing the six members complying with the density cap on our property. I think we have six total acres, but again seconding what our neighbors are saying there. Thank you all for letting us have this opportunity today, I'm forever thankful. I really love development as well, however, the one component that I have not heard anyone address is something that is super important here in Brevard County. SORL, Save Our Indian River Lagoon, and while we have some beautiful pictures of landscaping that are going to be on there, I didn't see any native species. I don't see any nutrient reduction, and it is my understanding that there is some recent Florida legislation that will be coming down that does require that to be done for any storm water that is emptying into the Indian River Lagoon. So, I would ask you to consider the Indian River Lagoon and the impact that this project would have on that.

Robert Taylor, 160 Ruby Street, Rockledge, I'm not abiding by the agreement that we only send up three, but I'll be very brief. I had one point to make and that is let's just talk about apartments for about one minute. Everybody else you know from the other side; they brought in all their development articles. I brought mine. It's printed on the back of your notes, this is all the apartments on Highway 1, as we mentioned, between Rockledge and Pineda Causeway. This is how many there are. So, 240 apartments, you're out apartment shopping, what are you looking for? I lived in an apartment once. You expect it to be in a dense area you'd be able to walk out across the street to Walgreens and get a candy bar. A lot of Apartments have kids, they don't have their own yard. They need somewhere to play. Where do the kids in an apartment play? A lot of times on the street and around. If you play in the street and you're on Highway 1, there's no sidewalk. You can't ride your bike from this apartment complex anywhere on the planet. You would have to ride your bike on Highway 1 and even my 20-year-old kids are not willing to do that. In the same way, there's no McDonald's; there's no grocery store. This is essentially the last little bit of a rural community in between other cities that developed and there's no resources there.

We used to have a wonderful restaurant, as you mentioned the Alamo. It's gone commercial, it's not thriving along this quarter because people don't want to be there shopping for things like this. You can make a decision and say yeah let's put enough people into that spot and make them walk around and let's create commercial, but you would be doing something completely new, apartments. I don't believe this is where they belong. You don't find apartments on top of a mountain all by themselves in the woods, I don't think apartments belong here period.

RP Higgins, 100 Ruby Street, Rockledge. I've been a resident for 28 years, it's a fine community, I wanted to let you know that. I want to thank you all for the opportunity to speak. Wanted to address a couple issues that Mr. Minneboo and Mr. Sullivan brought up that I thought were apropos. What do we do in case of a hurricane? So, we got 252 residents who are looking to get out of town. The good thing we have a neighborhood, and we all help each other. Sorry, I don't think that's going to happen

with this new development. I don't see it happening and it's part of the charm of living in this part of Florida. I think our way of life is going to be altered immeasurably. The second thing I wanted to address is in 2016 Brevard County passed a resolution to add a half cent sales tax for cleaning up the Indian River, and it was addressed earlier but this development flies in the face, now you're going to hear a lot of technical stuff I'm sure about how they're handling run off, we're going to have almost 4 acres of asphalt put in to cover 500 parking spaces. What's going to happen to that, that's going to go directly in the river. Okay, they're going to have lift stations and this and that and the other thing, what invariably with the vegetation it's going to get clogged, who's going to clean it up? You going to pick up the phone and call somebody? No, it's going to go in. I mean because it's an apartment, and apartment owners don't care. They don't have any skin in the game, this is what we're going to miss. Anyway, I want to thank you all again for the time. I appreciate it.

Stephanie Bacon 6167 Anchor Lane, Rockledge, Florida. Proud member of the Indian River Isles Community. I too, served on a homeowner's board or Property Owners board for close to 13 years, so I really respect all your time here today and thank you for that. I'm all about the kids right now. School buses do not stop on US1, for a very good reason. We're over 55 miles an hour there, they pull into each development and pick up our children. I would suspect that 252 homes would also generate many children, so just something for you to consider. I'm sure there's a plan for something like that but thank you very much.

Mark Wadsworth asked if there was anyone else who wanted to speak for or against this item. With no other public comment, he closed to the floor and took it back to the applicant.

End Public Comment

Chris Burtner said he just wanted to make one quick comment before Jason Searl talks about some of the legality around the PUD and the comp plan and Jake Wise addresses some of the more ticky-tacky comments that were made. It was the comment of apartment developers don't care and don't have skin in the game. Candidly speaking, we do care. I personally care. This is a piece of property that I've pursued for several years now, my colleagues in the office tell me that it's a passion project. And it is a passion project. I'm from here, this is a great piece of property. My parents live seven minutes down the road, and we have a lot of skin in the game. A lot of time we invest, a lot of money and because we think that we better the community and we create homes for people. So, I'll let Jason address some of the more legal related questions, but I just wanted to clarify that.

Jason Searl, Gray-Robinson of 1795 W. Nasa Blvd., Melbourne stated I've tried to summarize just three big points and then I'll turn over to our project engineer Mr. Wise for any comments regarding some of the details in response to the public comment. The three things that I want to touch on are the notion that the PUD is the basis for our density here, we believe that to be incorrect. It's based upon the comp plan. I'll touch on that first. Second, why a PUD and why it's Justified here, and then some of the compatibility matters.

First, just when we're looking at the comprehensive plan the very first administrative policy that we have, number one says that our zoning official, our planners, and the directors at the County Staff level are our experts when it comes to reviewing and determining appropriateness of zoning, conditional uses, special exceptions, things like the like today. Staff is where we defer and where we look to for guidance, so what did they do after we made application? They prepared a staff report and on page two of the staff report states that the notion that the PUD rezoning is the basis for our

requested density is not correct. It's actually based upon a Comprehensive Plan Policy 2.10, and this was something that we had worked with staff on and the County Attorney's Office prior to our application. After we had our first very first pre-application meeting there's a policy in the County's comprehensive plan that says that residential development is permissible in certain commercial land use designations at density of up to one category higher than the closest residential designated area on the future land use map which is on the same side of the street. As you can see at the end of that paragraph, where I have the arrow, the next highest density is RES 30. We are using that, and not this PUD rezoning as the basis for our density. In fact, as Mr. Wise touched on in his presentation, we are not seeking any comp plan amendment. Just to finish that point before I go to number two, the next page, page three of our staff report says if we were to apply the RES 30, not 15, we could do up to the 288 or the 19.46 as staff (the resident experts) have cited in their staff report, the number we're requesting is less than the potential maximum. The PUD is not the basis for the zoning, the comp plan and the policy that we reference 2.10, as confirmed by staff, is what we're basing for our density. That's number one.

Number two, why a PUD? Before we made an application, we requested and received a zoning verification letter. At the bottom of the first paragraph, it stated that we have inconsistent zonings. As Mr. Wise talked about in his presentation, the smaller part of the property has a commercial zoning, and the larger part has a residential zoning. That's highlighted there at the last sentence; "not consistent with the Future Land Use. So, why a PUD? We are doing a PUD so that we can uniform the entirety of the property through one zoning and allow it to be developed in a way that creates an asset for the property owner its rental residents, as well as the surrounding community and the county. This is discussed on page four of the staff report. You'll see some catch words like ingenuity, imagination, flexibility. If you're trying to uniform a property, bring it out of non-compliance, you need to use all those adjectives, and that's what we're doing here.

Compatibility, last point and then happy to turn it over to Mr. Wise for anything in the weeds. I think it was the first speaker that said we're coming from behind on this application and I would respectfully disagree. We, applicant, at our own volition/voluntarily had (and many attended) a community meeting on March 26th where we shared these plans. We received input and we in fact modified things like buffers and access and some of the on-site considerations in response to that. So, just a quick little point there as I pass that all my way to compatibility.

Last point, staff report. Compatibility, there's a whole section of it. I want to say it's bottom of page nine and going over to page 10, there's four outlined criteria from an administrative policy, Policy 3 from the County's Comprehensive Plan. When we're talking about compatibility, this is just not us saying what's compatible, this is what's outlined as the criteria by the County in its own comp plan. The first one here whether on the bottom of page 9, the first of four criteria is whether our uses of the PUD will have traffic or other activity that that would significantly diminish the enjoyment, or safety, or quality of the existing neighborhoods, those that are represented here today.

The answer to that was no it does not. Top of page 10, you can read it, it's right there. B and C, I want to skip over and I want to go to D, whether the proposed uses result in material violation of the relevant policies and the comp plan. The answer to that at the top of page 11 was no it does not. No material violation. B is a property value consideration. Staff said we have to have an appraisal to do that, and we can't do that because we don't have the use to the appraisal. We have materials based upon our experience in the market that would argue, and I've seen it, I've heard of expert testimony

from others and other zoning cases that have said that new development actually increases property values in the surrounding area. We'd be happy to present that evidence.

Chris Burtner added just quickly to Jason's point right there, there have been published several research papers at the University level that speak to property values and development nearby. I think the first to point out, and unfortunately none of these were specific studies done for Brevard County, they were done at universities around the United States, but the first was highlighted by the Urban Land Institute in Nashville. The quote being "well-placed apartments with attractive design and landscaping actually increase the overall value of detached houses nearby. The value of single-family houses within 300 feet of an apartment or condominium building went up 2.9% a year, slightly higher than the 2.7% rate for single-family homes without multi-family properties nearby." That was by the Urban Land Institute. Another study by a senior research fellow at the Ken Gardner Policy Institute at the University of Utah, "the impact of higher density apartments on surrounding single-family home values in Suburban Salt Lake County; this study found apartments built between 2010 and 2018 have not reduced single-family home values in Suburban Salt Lake County. Between 2010 and 2019, homes located within a ½ mile of a newly constructed apartment building experienced a 10% average annual increase in medium value, while the value of those farther away increased by 8.6%. Only in the southeast part of the county did homes more than a ½ mile away from the new apartment construction experience higher average price appreciation than those located less than a half a mile away. One other study, a summary was conducted by the Delaware Valley Regional Planning Commission of Multi-Family Housing Impact Literature Review. The last one being the Smart Growth and the Challenge of Multi-Family Dwellings and Their Association with Single-Family Housing Selling Prices in Tallahassee, Florida. It was created in 2013 By Houston Gibson and Matthew Beaker of Kansas State University. The punchline was the study found that single-family homes within 300 feet of multi-family housing experienced no negative impact in property values. In many cases the authors observed that single-family homes near multi-family housing often witness an increase in property values compared to single family homes not adjacent to high density development.

Jason Searl stated that was B, we've done A, B, and D. Coming back to C, C essentially says that there has not been enough data within the preceding three-year period. I would argue that compatibility is established through this being a transition area from the existing four-story, or taller, condos to the south and the lower single-family residences to the north. Your compatibility is created through the transition area that we're creating through the PUD. I really thought that those were the essence of the various speaker comments, but I'd be happy to answer any questions. I also want to make sure that Mr. Wise or Ms. Hall have a chance to talk about any site-specific items that were mentioned by any of the four or five public speakers. With that, I have nothing further.

Mark Wadsworth asked the Board if they have any questions for Mr. Searl.

Robert Sullivan stated the properties you're talking about compatibility between properties to the south and properties to the north, the one thing they all share is a cap of six units per acre. So, how would you be compatible with that?

Jason Searl said we have the Future Land Use Designation today.

Robert Sullivan responded with that's a Future Land Use, the existing land use right now. You've got a lot of people over here that are very, very insistent that between Rockledge Drive and Pineda Cswy., there are no PUDs, and there are no apartment complexes. So, we're looking at compatibility

with the adjacent properties, and I'm bringing up that they are compatible because there are six units per acre.

Chris Burtner noted on the cap he would say, and I apologize I don't have the Comprehensive Plan Map memorized, but I do believe that they share the same Comprehensive Plan Designation as our site. Jake, Landon does that sound correct? I think the RES 15 and the CC runs up and down this corridor. While maybe today they have the six units per acre cap, there is nothing stopping a guy like me coming here in a month or two and making the same application on that adjacent property, right? So, I would argue that we can get to even further consistency because they have the same density basically allowed as of right that we have today.

Jake Wise stated that he was just taking notes from some of the speakers, so I'll just run through what I had written down. Something some said, we do have one local owner who does have a lot of skin in the game as he put it. They're not trying to do a project flip it and move on. They're looking for long-term residents for this area. Back in 1980, could you imagine the number of apartments that we have in this area today? Nobody could imagine what was coming right now, what we're seeing a demand for them like we've never seen before. Look at all the apartment projects in Vieira and all across, especially Southern Brevard County, and you can't even drive up and down 528 or any of the other corridors and not see them coming up everywhere. That is what is in demand today, that is the market, and we're providing a needed product for the area. It's always dangerous to start comparing projects to projects, but very briefly, Laguna to the south of us, a lot of that property is in wetlands conservation easement. They probably went four stories because they had a limited amount of up to probably get their height when that project was developed. Again, a million other factors of development but those are the major ones. The PUD, it does identify a variety of products but that's for PUDs all over the County. There's numerous PUDs across Brevard County that have single-family types of uses or one type of residential use. If the property was bigger, it would probably have more, but we're limited on the size of the property. We do meet, and it's written in the staff report, the open space and preservation criteria. We do provide a lot of amenities. We have a mile trail around the property. Pool, sport courts, all kinds of things like that. This is a luxury product and we're providing those types of uses for it. The staff report, again, identifies that we are in compliance with it and I didn't even mention the access to the river. Speaking of the nutrient removal, I heard somebody say the historical use of this site is a nursery and a tree farm. That's about the worst possible use to put next to a river with fertilizers and all the things that directly run off straight to the river. We're taking that all back, we're going to meet all the BMP and exceed all the criteria of the St. John's, the nutrient removals, about 96% to 98%. That means 96 to 98% of any of the nutrients will be kept on site and treated and not go into the river. It is a significant Improvement to the Indian River Lagoon System with what we're proposing to do. That's the criteria that we meet today, because of the concerns of course that we all have that live in this area.

Plantings, native plantings only. That's all we'll do. We'll remove every invasive. The site is overwhelmed with invasive. The wetlands are a mess, we're going to improve them and fix them. Buffer them and enhance them significantly. That's all part of our project, it's a great enhancement to our project to have the preserved wetlands. To have the access and the visibility to them, same with the preservation of the native plantings around the entire perimeter to help buffer, plus what we're planting to protect the Indian River. Storm water treatment, I mentioned earlier we will do the nutrient removal and provide all the criteria. Because we're on US1, we meet much more stringent requirements than Brevard County requires. We run 48 storm events that we design. Not just one or two that the State and the County have us do. You heard Mr. Searl go through and identify how the

staff report, one after another, how we meet all the criteria that applies to our project up and down our application. US1 it's, again, one of the best corridors in this entire County. It's only at 65% capacity. Almost every project I do in a major corridor, they're already passed their level of service and don't have capacity. This area does have capacity for roads.

Yes, we could have more units. We didn't ask for the max, we put in what we thought was compatible with this site, with our neighbors. Height, density, there are other multi-family projects in the area. You've got a Laguna to the South, you've got other condos to the north. Those are multi-family, multiple story developments. They are compatible as well, and again, our application is just a change in zoning. That's all we're asking for this Board's consideration, and with that appreciate a chance to respond if you guys have any questions.

Chris Burtner just wanted to say thank you, I appreciate the Board's time and consideration today. We appreciate y'all. Again, our company really focuses on building kind of best-in-class luxury market rate rental products. We think that it's suitable and appropriate for this site and we're excited about doing business in Brevard County.

Jeffrey Ball clarified for the Board some comments that Mr. Searl explained about the zoning verification letter that was on the property. As the property stands today, there are two land use designations and there's two zoning classifications. It has Community Commercial along the front and RES 15 behind that. It also has BU-1 zoning and RU-2-10 zoning. Both of those zoning classifications are consistent with its respective land use category. I want to make sure that that's put on the record because there's some confusion with the zoning verification letter. Respectively with the land use and Zoning, those land uses and zonings are consistent with each other.

Mark Wadsworth asked Chris Burtner back up to the podium and stated that they've heard Robert Sullivan talking about the men and women in black in here, is there something in the middle? Because I know you're looking at 17 per acre, approximately 17.02 to be exact. There's a cap of six, we're 11 apart.

Chris Burtner responded with, candidly sir, I felt like our initial proffer of 252 units was closer to the middle or was at the middle. Again, as the staff report identified, I think we could build up to 282 apartments. We are already offering to do less than technically what is permitted. So no, I appreciate the request but again, I think we've proffered an attractive site plan at a home count that does a good job of buffering from the four-story building to the South and the single-family homes to the north. We've provided very sufficient and substantial setbacks from our primary structures from the property line. I think the site plan that we've proffered and put before y'all is a fair representation of an attractive community that will be successful in the area.

Bruce Moia stated that first I want to thank all the residents for coming out and allowing us to trim down the comments. I thought you guys did a great job; I think you covered all the hot button points. I don't think you left anything out. It was very complete; I appreciate you guys agreeing to have some unified voices on that end. This property definitely needs to be developed, no doubt about it. Is this the development that needs to go there? I'll get to that later, but I agreed with a lot of the things you guys said though I didn't agree with everything. I did want to make a point that Jake was very true that developing this property will be better for the Indian River Lagoon than the way it sits right now. It's a shame that the only development on this side of the road for quite a way is that condominium project that has its own storm water system. All the residents on that side drain directly into the Lagoon and

that's a problem we've had since I've been here in the early 1960s. Those older houses that drain directly into the lagoon are part of what I consider the main problem that we see today. You've got a great development team. You've got the best landscape architect in the County; you've got the second-best engineer in the County.

As long as I've been doing this I have never seen, I don't care what you say Jake, I've never seen a PUD with one use. Never, and it's never been an apartment complex. We've done a lot of PUDs and we've done a lot of apartment complexes and I've never seen a PUD apartment complex, so that's a first for me. The second thing is, and I have to be consistent, is transitional zoning. I don't agree that if we have development at six units per acre or less, that we should have a spike in the middle of that for one piece of property. So, I think this property, the request for the density, to me is too extreme. It's not compatible with what's to the north and south or even in the area in general. Even though the land use supports it, it was down zoned for a reason. The zoning capped it at six. It is in a Coastal High Hazard Area, is right on the river. I don't like the fact that you're doing a PUD that you don't have to plat so you don't have to do a 15-ft. perimeter buffer. You're doing landscaping in the landscape buffer including the 15-ft preservation buffer that's required by the County. I think it's asking too much in my opinion and it's strictly because of transitional zoning, that I've said time and time again. I cannot support the request.

Debbie Thomas said I would also like to thank you for coming out and taking your time and making the effort to come out here and all of you uniting and deciding to have just a few speakers come up and talk to us and not us have to sit here for hours listening to the same thing over and over and over again. I really appreciate that and thank you to the woman who came up first you really educated yourself. There is a lot of different acronyms that go along with everything that with P&Z and you went ahead and you really made sure you understood it and you understood it correctly. So, thank you I appreciate that.

I think I agree at this point, the amount of units that are being requested and being asked for, I believe is not appropriate for this land use. It's just not compatible and there is a slippery slope that's going to come in where that's concerned. There is other land around the area, and once again, as much as we need apartments, as much as there are really great people that live in apartments that absolutely respect the area, respect the land, respect everything, there are just as many that do not. They don't have an ownership to that piece of land. The same ownership that you have as an owner, so I would agree that I don't feel like this is compatible.

Henry Minneboo stated there's times when you've been around a long time that there's advantages and disadvantages. If in defense of the staff, had they known what we went through in 1980 and the debate, the constant debate that was associated with these six units to the acre on the river, etc. there wouldn't really be a discussion today because that was ironclad and unfortunately a lot of the staff was not here. Unfortunately, I was here, so I got to have the opportunity to go through many of those discussions both on record and off record. It's such a great area in my opinion, it doesn't need any more changes to do anything more in that area. I knew Bob Lancaster, probably better than the applicant, but you know that whole thing was never designed for a greater area than six units and six is almost too many, but that's what it's fully designed for, that's what everybody's maintained, and I don't think we ought to change anything. By no means could I support what has been presented today.

Ron Bartcher stated that he enjoyed listening to all the people, and by the way thank you for coming out. The point that I would make is you did a great organization and continue that when you go to the County Commission. They're the ones that are going to make the decision, they're the ones that you've got to impress you impressed us.

When I was making notes, I was looking at the drawing that they had what their preliminary plan was, I said rainwater runoff is going to be a big problem with all that concrete and asphalt. Those large buildings, I mean where's all the water going to go? I see two ponds and I suspect they're going to be full all the time, and probably overflowing. That just seems to me a real problem. I just don't like that idea. Another comment is these are luxury apartments and what we really need is affordable housing, not luxury housing. We have a problem with have not having enough housing but it's not more luxury housing we need, we need affordable stuff. Density increases of three times, that just seems to be outrageous. Wetlands are going to be covered up, I look at the layout where the buildings are. Buildings 1, 2, 3, 4, and 8 are partially in Flood Plains and also in coastal high-hazard areas. That's a significant problem, I just cannot support that. I would make a motion that recommend denial of this zoning change.

Motion to deny rezoning from BU-1 and RU-2-10(6) to PUD by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.

Jeffrey Ball added: Mr. Chair, just for the for the audience, this will be heard at the July 11th Board of County Commissioners meeting.

JEN FLORIDA 48, LLC (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (23S.22), to change the Future Land Use Designation from RES 1:2.5 (Residential 1 per 2.5 acres) and RES 1 (Residential 1) to RES 4 (Residential 4), on property described as Tax Parcel 1. The property is 41.39 +/- acres, located on the west side of Babcock St., approx. 0.19 mile south of St. Johns Heritage Parkway. (23SS00022) (No assigned address.) (Tax Account 3000365 & 3000569) (District 5)

JEN FLORIDA 48, LLC (Kim Rezanka) requests a change of zoning classification from GU (General Use) to PUD (Planned Unit Development), on property described as Tax Parcel 1. The property is 41.39 +/- acres, located on the west side of Babcock St., approx. 0.19 mile south of St. Johns Heritage Parkway. (23PUD00002) (No assigned address.) (Tax Account 3000365 & 3000569) (District 5)

Trina Gilliam read the companion applications into the record.

Trina Gilliam also added that we want to read into the record for Board considerations, we actually state that there are six but there are five.

1. Is the proposed development should be capped at three units per acre.
2. Approval of the requested waiver from Section 62-1446 to omit the storage area] should the developer provide the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots [as allowed by Brevard County Code Sec. 62-2117 regarding location and setback requirements]

3. The approval of requested waiver from Section 62-1446(d)(3)(b) to allow residential structures two stories or less a minimum building separation of 10 feet rather than the 15 feet shall be accompanied by usable open space for recreation with more than a Tot Lot;

4. Prior to County approval of a construction plan and preliminary plat, the developer shall:

a. Provide documentation that the City of Palm Bay will approve the project access connection to Babcock Street.

b. Determine that adequate Water and Sewer services will be available for the development and will be available prior to issuance of Certificate of Occupancy.

Jeffrey Ball added that these are two applications. You can discuss the land use and zoning at the same time; however, you'll need to have separate motions for both.

Kim Rezanka on behalf of Jen Florida 48, LLC. That's the developer and applicant, the owner of the property. With me today are representatives of the company Rick Germaine and Dan Edwards, they're in the back there if they have any questions they can answer, they'll certainly come forward. Also with me is the engineer of record Andrew Ivy and the traffic consultant with Kimley-Horn, James Taylor. They're here to answer questions as well. This is obviously two applications: one for a Future Land Use Amendment to RES 4 and one for a PUD. I wanted to start back in 2014 with Bussen-Mayer, we did a PUD on Hall Road, and it was all residential. That was the first PUD that Brevard County had seen in a long time. PUDs are something that are very common now but back in 2014-20155 they were new, as were rezonings in North Merritt Island. Just that little background having listened to the long debate you all had here previously.

Just for a bit of an overview this is in South Brevard County. It's located on the west side of Babcock Street, north of Willowbrook Street in unincorporated Brevard County. We also have the small scale of RES 1.25 and there's a small section of RES 1 along Babcock. We're asking for RES 4 or four units to the acre, capping it at three, by the PUD as you will see. This is the property is south of the St. John's Heritage Parkway by about 900 ft., so it's very close to where that road has expanded. Which has caused quite a bit of development to the North in that area. Deer Run is about 1.27 miles to the South, there is one single-family home to the north, but if you look a little to the west of that property it almost looks like there's some commercial use of Davis Lane. I'm not real sure but there's a lot of trucks parked there.

This is the reason we're asking for the Residential 4, because there is no RES 3 and this is to allow a variety of housing opportunities in South Brevard County and it is going to have a substantial amount of open space, recreation passive, and again we'll go into this in more detail when we get to that but this is just to show you why we're requesting RES 4, and it does one access off Babcock Street. 124 units, this again is the location. There is the St. John's Heritage Parkway, there has been a traffic methodology submitted and says that there will be no decrease in level of service on Babcock Street or any of the surrounding roads. This is a good representation of what is to the north and what has been developed in this area. You'll see there's a quite a bit of development going around the St. John's Heritage Parkway. As you may recall there's a Publix going in right there at the intersection of St John's Heritage Parkway and Babcock Street. The issue that has been raised in the staff report is the consistency with RES 4 and you guys have heard this argument before but it's even a stronger argument here because we are further north, and because of all the development off of Babcock

Street and St. John Heritage Parkway in Palm Bay. Your Future Land Use Policy 1.7 doesn't say adjacent development, it says surrounding nearby. It also does not limit it to Brevard County, so the development that is going on 900 ft. to the north is something you can look at, and that is a higher density than what we're requesting here, and this can be considered a transitional density change.

The FLU Policy 1.7 states a step down in density from more urbanized area, which is Palm Bay to the north, which is urbanized. The St. John's Heritage Parkway has prompted this growth. There are current deficiencies in the infrastructure. They will be solved, that's why there's Proportionate Fair Share Statute 163.3180 that has been created to allow growth. So, there are comments in the staff reports about "we have insufficiency water, sewer, etc., but those will be solved, or it can't be built. And that is the sole reason for allowing Proportionate Fair Share. Developer will bring centralized water and sewer to the project. We do have a will serve letter, which I'll give to you here shortly because I do not believe it was in your packet, and that's FLU Policy 1.2, so that will be addressed.

RES 4 is compatible because of the urbanization to the north. Criteria B of Policy 1.7 does not require adjacency to be a transition, also there is RES 2 to the north and Rolling Meadow's Ranch. That's over 1,300 acres of RES 2 just to the north and west. The developer is not intending to seek a 25% density bonus as referenced throughout the staff report. That bonus has conditions attached such as requiring higher densities to be relegated to the interior portions of the PUD track and that doesn't work for this proposed plan. As you see, this is a pretty long, narrow strip and you've seen from the PUD plan there's not a lot of interior. So that 25% bonus would not work if we had to put the smaller density on the interior. Administrative Policy 3 - Compatibility with existing and proposed land uses: Again, the land use is single-family homes. It's not apartments. The actual development to this is, there is actual development to the north and to the northeast.

Administrative Policy 4 - Character of the neighborhood: The closest neighborhoods are to the north. There are Waterstone, Cypress Bay, and Emerald Lakes. There are no other neighborhoods nearby. Those neighborhoods I've just cited are far closer than Deer Run. Staff does state in the comp plan report that the applicant has not demonstrated compliance with Policy 3, Policy 4, and the FLU Policies. I've just discussed the letter states the County Commission will make those determinations. I would submit to you that we are compatible because you don't look at exactly adjacency per transitioning from urban areas. The CIE policy 1.3 states that Brevard County should utilize The Advisory level of service standards and the staff report specifies the fire rescue cannot meet those levels. SunTerra will provide whatever proportionate fair shares required for fire rescue and SunTerra has also agreed to donate 2 acres of land for the fire department, for their proposed project to the south. Again, we do have a technical memo dated September 23, 2023, and that states the roadway segment analysis shows volume will still operate within adopted level of service. The traffic from 124 units is not as substantial as from other developments that have been proposed in this area.

School impacts: there was a concurrency review. The staff report says different things at different times, but the concurrency review states, at this time, the adjacent elementary, middle, and high school concurrency areas are projected to have enough capacity even if it doesn't with all these developments. They're going to do proportionate fair share. There was a meeting, I believe a week ago Monday, of all these new developments and they're trying to figure out a plan to move forward with additional schools and SunTerra was part of that meeting.

That's pretty much the Future Land Use presentation. I'd like to go ahead and do the PUD presentation now so you all have everything in front of you and then you can ask questions. I do have just a few handouts, including the will serve letter.

Jeffrey Ball added that while Mrs. Rezanka is passing that out, I just wanted to clarify a couple things that she said. Number one, the fire station property was not a donation. It was requested by the Board for the property to the south, and number two, if you look under FLU Policy 1.7, under the criteria it states "areas adjacent to existing residential for land use designations or areas which serve as transition between existing land uses or land use designation with density greater than four units per acre and areas with densities of less than four units of acre," that's how we define adjacent to existing RES 4 in our comprehensive plan.

Kim Rezanka stated Policy B says areas which serve as transition between existing land use or land use designations with greater density of 4 units to the acre. So again, I believe there is some analysis that can be done.

First with the PUD, I do have the will serve letter from Palm Bay that does state that there will be capacity. What I've given you is a map that shows the developments to the north that are in Palm Bay. There is this agricultural subdivision to the south here, that's why it looks that way. They're small lots, they're not intended for residential but it's just a very old and it's mentioned in the staff report. On the second page I've provided to you is the PUD and it does have the development standards. Again, it's 124 units. They are smaller lots, they will have over 4 acres of common, rec(reational), and open space. There's one small little wetland that will be impacted and there's one large one that will be retained as you see to the north side there. There are two waiver requests which were read earlier that we are requesting as well. The final document that I provided to you does show the actual developments to the north. That's the Waterstone expansion, that's 5 to 20 units of the acre. The Rolling Meadows I referenced, which is in the County, it's RES 2. There's Cypress Bay at 5 to 20 units of the acre; there's Emerald Lakes at 3.5 density units of the acre; and then Pete Holdings is just to the east and just on the edge of that 2-mile radius, and that's 10 dwelling units of the acre; and then Ashton Park is 5.5 units the acre. So this is representative of what is going on in this area and showing that growth is happening in this area and that all the roads and infrastructure will meet this growth demand. So again, this is a Small-Scale Future Land Use Amendment. Today is the Local Planning Agency for the Future Land Use, Board of County Commission is July 11th and the PUD will also go along with those as well, if they're recommended for approval and approved at County Commission.

With that, we are requesting approval of the Future Land Use Amendment to change all to RES 4 that will be limited by the PUD to three units to the acre. The two waivers: Request a waiver to emit the storage of area for campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles and a waiver from the minimum building separation of 10 ft. rather than 15 ft. shall be accompanied by usable open space, space for recreation with more than a Tot Lot. Then the condition is fine, condition four that was in the staff report. So, with that we are here to answer any questions that you may have.

Henry Minneboo asked how come this site didn't go into the City of Palm Bay.

Kim Rezanka responded that the staff report says there's adjacency by the street, by Babcock. I don't know anything about that. That would be the only adjacency is to the street, but we have not sought, nor do they want to, to go into the City of Palm Bay.

Henry Minneboo asked for clarification if they're going to be getting their water from the City of Palm Bay, they're not going to require you to annex?

Kim Rezanka responded I don't believe so. I know that the staff report says we're adjacent by Babcock, the street is in the jurisdiction of Palm Bay, but I don't think they can make us annex through that. We're not adjacent to any land masses that are in the City of Palm Bay.

John Hopengarten stated you were before us on their other property two months ago, a bigger property, and you had requested a RES 4. We decided on a RES 2 and the County Commission gave you the RES 4, so it looks like they're in favor of this. As far as the meeting that was held with the school district last Monday, turns out that all the development of that area is going to amount to about 33,000 units, which they figured it out, it's about 12,000 students. Which means they're going to have to build 11 schools within the next five years if all these developments go forward. That's kind of a big program that's going to go on and I just wanted to make you aware that the school district is trying to work with you and with the other developers in the area to make this happen but seven elementaries, two middle schools, and two high schools need to be incorporated into that area to make this work. So, let's hope it all does work.

Ron Bartcher asked about the PowerPoint, in the center you have what looks to be 40-ft. wide lots and a 5-ft. setback. which means there's like 30 ft. for a house, is that right?

Kim Rezanka responded that she's going to let the engineer who designed it, talk.

Andrew Ivy, 2602 East Livingston Street, Orlando. I think you might be looking at an old site plan, there's a more recent one. All lots are intended to be 50 feet wide.

Ron Bartcher responded that that answers the other question I had because what was shown up on the screen doesn't look the same as what I have in my package.

Andrew Ivy said the most recent plans are from May 31st.

Ron Bartcher asked if all the lots are now 50 ft. wide and Andrew Ivy responded with yes.

Ron Bartcher stated he was concerned how you're going to put a house on that lot, even with a 50-ft. wide lot. What did I what did I hear about offsite parking?

Andrew Ivy said there's no intention to have a parking lot just for boats and RVs, so the intent is to have them on the lot, Sir. The driveways will be 20 feet long.

Ron Bartcher added okay I just going to say 50-ft. lots is going to be kind of tight. Are they going to be two-story houses.

Andrew Ivy said some of them, yes and Ron Bartcher asked some of them, or most of them?

Andrew Ivy responded I can't say at this point. Most Builders have multiple options. Some longer, some shorter, but with two floors and things like that.

Ron Bartcher asked if those two ponds are retention ponds and Mr. Ivy responded yes.

For clarification, Ron Bartcher asked if you're going to have the drainage into those areas to keep the rest of it high and dry?

Andrew Ivy said yes.

Ron Bartcher asked if they expect that to have water in it all the time and Mr. Ivy said yes.

Rob Sullivan said thank you to Kim Rezanka and added you always do such a professional presentation, but I have some concern about increasing from Residential 1 to Residential 4 and I think Ron's point about the lot sizes and what is compatible in the area and you know people do like that country living out there. This 50, even 75 ft.-wide lots seem to constrain that a bit. So, while it is certainly allowable in your presentation, what is compatible out there, particularly since the water and sewer is projected to come 2025... That's still a large area. I'm having the same concerns about increasing density along that corridor as everybody else does and many of the people in Palm Bay. Can you speak to that for me?

Kim Rezanka replied that you've made a lot of comments so I'm not exactly sure where to go first, but dealing with compatibility these are the same size lots that are just to the north here. And yes, they're in Palm Bay but that's what's being developed down there. Increasing density, that's where development is going. You can see from what's been proposed and the 22,000 residents going down there. I don't think there is an established neighborhood for this parcel itself unless you look to the North and that's the only neighborhoods that are there. There are some large homes there, I don't know if the Donovan's are here, they're the ones that live to the north. They've lived there for a while, like 22 years. So again, we're not supposed to impact neighbors and you've seen from the PUD there are the big ponds to the north to help buffer the Donovan's property and any impacts to them from these other houses. It's almost half the property. 300 ft. of property is going to be storm water next to that property to the north.

Rob Sullivan said the discussion that was in the earlier agenda item is the definition of a PUD, I've done PUDs in Miami Dade, and Broward, and Palm Beach and I have to agree with Bruce and Mr. Minneboo that they usually have a combination of different types of facilities. Different types of commercial buildings, commercial and residential types. This looks like it's more like single use. Is that your understanding of a PUD?

Kim Rezanka said the first PUD that I ever did with Bussen-Mayer was the one off Hall Road on Merritt Island. It was all single-family and it did have two different types of homes. Although, Mr. Minneboo would not allow us to do townhomes in that project and said townhomes don't belong in North Merritt Island. But to me, a variety of housing means a variety of housing types for the community. That's how I read it, so this is a way to make this narrow strip of land developable for homes that people are finding to be in demand.

Rob Sullivan replied that that's a good answer, and not to belay the point anymore but I think there's concern on the Board that people are using, or developers may use, a PUD to get around certain zoning requirements and that's just a concern. That's a professional concern that I have and I can't

speaking for the other members but like you said, the increasing uses of PUDs, now the PUDs I've always been working with were for CRAs and other developments where you're taking a blighted area and you're turning it back into something that's more desirable. That has always historically worked in the past, but that was in the last century. I'm in the space program now.

Kim Rezanka said she understands the County is redoing the PUD Ordinance. I've seen it but I haven't evaluated it fully, but there may be something in that that changes what we're doing now for the future, I don't know.

Bruce Moia said he likes variety being two things, but that's okay. I guess variety definitions have changed, but at least it's more than one. I think this one is a little bit different than the one that's to the south because of the character of the area that's almost directly to the north and you can see where this area is going. You know it's a little bit different than being south of Willowbrook. The other one was south of Willowbrook, and I had a concern about the transitional zoning but this one is north and it seems like it's almost directly adjacent to compatible land use and density.

Bruce Moia asked John Hopengarten if there was anything else out of that student accommodation plan that was just passed by the Board that we need to know about other than the summary that you gave the very brief summary you gave us?

John Hopengarten said it's an ongoing process, they're going to have another meeting within the next couple of months but essentially what they did was they brought all the developers together with the school board folks, or the school district people, to discuss the impact that all these developments were going to have. They're going to try and resolve all the issues that are going to come up with 33,000 new residences there. It's quite significant and it's all in the County. I have nothing more, but I have the minutes to the meeting if you'd like to get copies of that.

Bruce Moia said he was just curious, and you are our school board member the keeps us abreast of what's going on at the school board, how it affects what we're doing here. Besides that, I don't have any more comments or questions.

Jeffrey Ball added that he was at that meeting and just wanted to clarify for you all. The most significant developments are occurring in the City of Palm Bay. There's this property and there's the other one that just went to the Board a few weeks ago those are the only two developments currently that are in there, so I would probably say around 30,000 of those homes are in the City of Palm Bay. With that being said, I just want to make sure that this Board understands that the primary development plan that Mrs. Rezanka submitted to you all at the beginning of her presentation is different from the one that was put in your packet and the major difference that you all should know about is that the plan is showing 40 ft.-wide lots and the original plan that was presented to you there were only 50 ft.-wide lots.

Kim Rezanka added that we can stipulate that they're all 50 ft. lots. There was four or five in my packet, I apologize I've given the wrong one, but it's intended at 50 ft.-wide lots.

Bruce Moia said as long as the 40s are on the interior, I don't have a problem with that at all. So long as the larger lots around the perimeter that's fine. But I'm looking at the South Palm Bay Area future development map that was put together by the School Board based on all these projects. I'm seeing 16 projects that are in this area, affecting what's happening with the School Board, and they're not all

in the County. They're in the city, they're in Grant, they're in the county; so there's a lot going on. I think that would be nice to maybe be kept abreast of what's happening, but I don't know if you have this map. I could share it if anybody wants to see it.

Jeffrey Ball added that is Mrs. Rezanka is requesting 40-ft. wide lots, if she can come to the podium and request that, we can add that to the Board packet.

Kim Rezanka replied that the owner is saying yes. 40-ft lots would like to be in there.

Bruce Moia asked: 40s and 50s? 40s on the interior as shown on the plan? and Kim Rezanka replied yes.

Mark Wadsworth asked if there were any other questions for the applicant before I take it to the audience. There was no further Board comment.

No public comment.

Motion to approve small-scale comprehensive plan amendment (as requested) from RES 1:2.5 and RES 1 to RES 4 by Bruce Moia, seconded by Ben Glover. The vote was unanimous.

Motion to approve rezoning from GU to PUD with noted conditions by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.

Jeffrey Ball stated that items G.7. and G.8. (Paul Turner & Jackie Allen) are being continued per the request of the applicants.

Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus request a Small-Scale Comprehensive Plan Amendment (24S.07), to change the Future Land Use Designation from CC (Community Commercial) and NC (Neighborhood Commercial) to all CC (Community Commercial), on property described as Tax Parcel 37. The property is 2.02 acres, located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (24SS00007) (3003 Hwy. 1, Mims) (Tax Account 2102561) (District 1)

Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus request a change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Tax Parcel 37. The property is 2.02 acres, located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (24Z00021) (3003 Hwy. 1, Mims) (Tax Account 2102561) (District 1)

Trina Gilliam read the companion applications into the record.

Alexis DeJesus, 1900 Corbett Rd., Orlando, FL, stated that the property is currently BU-1, which allows everything but mobile home sales. They're currently renting it to a gentleman who does mobile home sales and he would like to do it there but he's not currently permitted to under is current zoning allowances.

Ron Bartcher asked if he was going to be doing used car sales and Mr. DeJesus replied that's allowed under the BU-1 it has. Ron Bartcher asked him to clarify what his plan is and Mr. DeJesus stated that they want to continue to rent it, but allow RV and mobile home sales.

Ron Bartcher asked if he knows what manufacturer he's going to be using for sales? Mr. DeJesus replied that his renter obtained a contract with Disney to sell the campers that Disney has at their campground and there's currently about 360 units.

Ron Bartcher asked if he was who the article in the paper was about in reference to Fort Wilderness and Mr. DeJesus replied yes.

His renter got a contract to remove those recreational vehicles. They're on wheels, they're not stationary.

Ron Bartcher asked if he would be willing to have a Binding Development Plan to restrict the BU-2 uses to only automobile and mobile home sales.

Alexis DeJesus asked what are the other allowances for BU-2? That's the only thing that's missing from the article, which is to sell RVs, trailers, and mobile homes.

Ron Bartcher stated that some of the things you can put in a BU-2 are dry-cleaning plants, ice plants, painting/body shops. These are things that I don't think I'd like to see in that neighborhood.

Mr. DeJesus stated that in Mims, there's nothing. It's a ghost town, it needs everything. It needs us to get in there and bring it forward.

Ron Bartcher stated that he lives in Mims and Mr. DeJesus replied "oh, so you're familiar that there's nothing around."

Ron Bartcher stated that nonetheless, I would like to not see those kinds of things. What you're proposing, I don't have a problem with, but what I would like is that if you decide you want to sell the property to someone else and they decide they'd like to put in an ice plant or a dry-cleaning plant then they can. That's why I'd like to have BDP that says you can only have these certain BU-2 uses, like mobile home sales or used car sales.

Mr. DeJesus stated that he's fine with that. We're fine with just having the mobile home sales and no dry cleaning or anything.

Ron Bartcher asked if staff can work with the applicant to come up with the BDP and Jeffrey Ball replied with yes, absolutely. Just for clarification, you want to do a BDP to limit the BU-1 uses and BU-2 uses, automobile and mobile home sales?

Mr. Bartcher replied that is correct and Mr. Ball stated that they will work with the applicant to explain the process and what the next steps are.

Bruce Moia asked if any of the four BU-2 properties shown on the map, do any of those have a BDP?

Jeffrey Ball replied not that he's aware of.

John Hopengarten asked the applicant about repairs.

Alexis DeJesus stayed no, no repairs.

John Hopengarten stated for clarification that they're just going to bring them over from Disney and Mr. DeJesus said that's correct.

John Hopengarten asked the Board if they want to allow repairs.

Mr. DeJesus said that he thinks they should add that amendment for repairs in case they need it. Maybe later on we should add a building to spruce up the property because it's lacking a little out there.

I own two properties in Mims on US1, so I'm very familiar and I know that Mims needs everything. There's no school, there's nothing there.

They did acknowledge that a new school is supposed to be coming.

Public Comment:

Karen Rowe, 3427 Andre Rd., Mims, stated that her property is right behind the applicants, and it's been a trainwreck since he moved in these cabins.

These cabins have come in, he's cleared it. Every morning I wake up I look at 7 dump truck loads of dirt. There's debris. Debris has been buried. It's It hasn't been a pleasant experience. It's always been residential over there until the (previous) people passed away and now it's been turned into commercial. There's no fence. His property buffers/adjoins residential areas where there's children.

There's been fences damaged and still no repairs. It's just been sitting there, so yes, I do oppose this.

Katie Delaney stated she's not too familiar with the specific project but just from hearing that conversation that's just happened, she wanted to say something. I would feel very uncomfortable with just an open BU-2 change. I think there needs to be clear boundaries to that if that's done. Or I don't know if it's possible, to keep it BU-1 but then add in the mobile home sales allowance. I just had to say some things about Mims, and I know the people who live in Mims love it the way it is.

Mark Wadsworth brought it back to the Board.

Henry Minneboo stated to Ron Bartcher that he lives fairly close to the site doesn't he, and Ron Bartcher replied yes, he drives by there every day.

Henry Minneboo asked if he was satisfied with all the information he's heard on this development plan. Mr. Bartcher replied yes, I don't think there's a problem unless he's doing something he shouldn't be doing and then I believe that's a Code Enforcement issue.

Henry Minneboo replied that he didn't want to approve a combat zone either.

Ron Bartcher said that he believes that having the BDP to restrict it to just the sales and repairs of these particular items is necessary.

Henry Minneboo asked Jeffrey Ball if they've left anything out of that BDP in light of this information.

Jeffrey Ball informed the Board, just so they're aware, there is a code enforcement case against the property owner for the removal of vegetation without a permit and that's going through the Code Enforcement process.

What I would tell you is some of the uses for BU-2. It allows for it allows for major automotive repair, it allows for warehousing and outdoor storage. Those are the big things in a zoning official's things to be concerned with. As far as the BDP to limit those uses, just be aware that BU-1 allows for minor automotive repairs and that would be a use that is already allowed on the property. Anything that's listed in the BU-1 would also be allowed.

John Hopengarten asked the applicant if there's currently a fence around his property.

Mr. DeJesus replied no, there's currently not a fence but I have applied for the permit and Mr. Hopengarten clarified that he is going to be installing a fence? Mr. DeJesus said yes.

John Hopengarten asked staff if there are any buffer requirements.

Jeffrey Ball responded that during the site plan process, they'll have to provide the appropriate buffering between commercial and residential. Between commercial and commercial, there are no buffer requirements.

John Hopengarten asked Mr. DeJesus if they can make this a user-friendly development and Mr. DeJesus replied yes.

Bruce Moia stated that they have commercial against residential which is to a portion of the North, all of the East, and all of the South, but also on the East you have that unimproved right-of-way, that little dirt road, Andre Rd., that comes down. He would be required to put a wall where he abuts residential, correct?

Jeffrey ball said yes, the code requires that if it's adjacent to residential, but if it's right-of-way then I believe there's a separate code for that.

Bruce Moia said that what he thinks would be appropriate is, obviously he's not going to access that dirt road unless he paves the whole thing, so he's got to put the wall and then that wall should continue along that right-of-way. Add into the BDP that he cannot access that road and that we'd have to put a wall there.

Alexis DeJesus stated that there's no entrance adjacent to that road.

Bruce Moia added that he understands but someone could come in there and pave it and access it and I don't think we want to bring trailers back through there and I think it would make sense to have a complete wall to completely separate them from the residential area.

Alex DeJesus said they're going to be putting a fence all the way around.

Jeffrey Ball stated for clarification for writing up the report for the BDP, it's to limit the use of BU-1 and within the BU-2 zoning automobile and mobile home sales and require a 15-foot buffer along the rear of the property.

Bruce Moia stated no, he has to put the required 6-foot wall along the entire east boundary, including the right-of-way, and anywhere it abuts residential.

Ron Bartcher added that he's good with that.

Alexis DeJesus asked what does the buffer require and Bruce Moia responded that the buffer is whatever the code says the buffer has to be, but there would be a hole in the wall when you abut the road, and I don't think that's appropriate.

Karen Rowe said she's unclear about the wall and Bruce Moia explained that it'll be anywhere that abuts a residential use. Which is all to the East, all to the South, and that little bit of the northernmost piece.

Karen Rowe stated that she's to the east, so that wall is going to face her property and Bruce Moia said yes ma'am and Ms. Rowe asked how tall is the wall going to be and Bruce Moia told her 6 ft., so that way you're not looking into the back of his building.

Motion to approve small-scale comprehensive plan amendment from CC to NC with a BDP by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.

Joh Hopengarten stated that was for item G.9. and Bruce Moia clarified that the BDP should go with the rezoning, not the land use, correct?

Jeffrey Ball stated yes, that's correct. That would've been for item G.10.

Mark Wadsworth asked what we needed to do, and Bruce Moia added on to that with, do we need to redo the first motion?

Staff said yes that they needed to redo the first motion.

Motion to approve small-scale comprehensive plan amendment (as requested) from CC to NC by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.

Motion to approve rezoning from BU-1 and AU to all BU-2 with a BDP by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.

24SS00004) Put It In Me Storage, LLC (Vaheed Teimouri) requests a Small-Scale Comprehensive Plan Amendment (24S.04), to change the Future Land Use Designation from IND (Industrial Light) to CC (Community Commercial), on 2.46 acres, located on the east side of Curtis Blvd., approx. 1,735 ft. north of Fay Blvd. (3840 Curtis Blvd., Cocoa)

Jeffrey Ball read the companion applications into the record.

Vaheed Teimouri, 32 East New Have Ave., Melbourne, we're here to down-zone this property from Industrial to BU-2. It was BU-2 zoned previously and we're asking to go back. The only reason is there's a County requirement in Industrial that any type of storage has to be behind the building, and we have to go to BU-2 to get any time of storage for RV and boats, even though we'll have 8-ft. walls in the front.

The code basically says if you have a half a mile long property line along the right-of-way, you're supposed to have to have half a mile of building in order to store anything in front of it, so that's where we are. We just want to use it for RVs and boat storage and some mini storage and that's all.

No public comment.

Mark Wadsworth asked if the Board had any questions for the applicant.

John Hopengarten said that he just has a statement and thinks we have too much mini storage here in the county and we need industrial because of the space program. We have 362 public storage facilities in this county, serving 700,000 residents. In Houston, where my home office is, we have 406 for 6 million people. Something's wrong and I don't like to see more storage. I think we're building too many of them, and we may be accumulating a lot of junk and putting it in storage, but I don't believe that we need another self-storage facility here, so I would vote against it.

Ron Bartcher added that with people building a lot of houses on 40-ft. lots, they're going to need a lot of storage.

Vaheed Teimouri stated that the primary use is going to be boat and RV storage, there's only going to be a very small section of it, because the code says we have to have a building. We don't actually want a mini storage. We just want boats and RVs, and they're not an inexpensive item. Not everyone has them. They can't store a 40-ft. boat on their property anymore.

John Hopengarten asked if this is only outdoor storage and Mr. Teimouri replied yes.

John Hopengarten asked if they only need a building for administration and Mr. Teimouri responded with that's correct. Staff said the initial step was a 300 sq. ft. building, and we were happy to back to that. However, the point was you had to put the building all along the right-of-way to store RVs and boats behind it, which doesn't make sense.

John Hopengarten asked staff if there is a variance that could be made on that, and Jeffrey Ball responded no.

Bruce Moia added that you can't apply for a variance for the use of something.

Motion to approve small-scale comprehensive plan amendment from IND to CC by Ron Bartcher, seconded by Bruce Moia. The vote was unanimous.

Richard Jones requests a change of zoning classification from GU (General Use) to RU-1-9 (Single-Family Residential). The property is 0.31 acres, located on the east side of Unity Dr., approx. 280 ft. south of E. Eau Gallie Blvd. (720 Unity Dr., Melbourne) (24Z00006) (Tax Account 2716623) (District 5)

Jeffrey Ball Read the application into the record.

Richard Jones stated that he contacted the Zoning Department last fall to verify his zoning and see if he's able to rebuild. He was informed that while the property is legally established, it's nonconforming. Right now it requires 5 acres to build in GU, and he's trying to change from GU to RU-1-9. His property is more than big enough for RU-1-9.

Mark Wadsworth asked the audience if anyone was here to speak for or against this item.

No public comment.

No Board comment.

Motion to approve rezoning from GU to RU-1-9 by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.

Jamine Kent, Carlene Sapp-Kent, & Jermaine Kent request a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential). The property is 0.34 acres, located on the west side of Myrtle Ave, approx. 280 ft. south of Cypress Ave. (2576 Myrtle Ave., Mims) (Tax Account 2103548) (District 1)

Jeffrey Ball read the application into the record.

Mark Wadsworth asked if the applicant was in attendance and then brought it back to the Board after it was determined that applicant was not present.

Ron Bartcher asked if we need a motion to table and Mark Wadsworth replied that he believed we can still vote on the application.

Alex Esseesse responded that that is correct, the Board can still vote to approve or deny the request.

No public comment.

No other Board comment.

Motion to approve rezoning from AU to RU-1-11 by Bruce Moia, seconded by Brian Hodgers. The vote was unanimous.

Scott Martin requests a change of zoning classification from BU-1 (General Retail Commercial) and RU-2-15 (Medium-Density Multiple-Family Residential) to all RU-2-15 (Medium-Density Multiple-Family Residential). The property is 0.2 acres, located on the west side of S. Atlantic Ave., at the northwest corner of 24th St. and S. Atlantic Ave. (2370 S. Atlantic Ave., Cocoa Beach) (24Z00015) (Tax Account 2520270) (District 2)

Jeffrey Ball read the application into the record.

Scott Martin, 335 Jack Drive, Cocoa Beach, has owned both parcels for about 25 years and has decided that he'd like to build something for himself on it now. One side is zoned BU-1 and the other is RU-2-15 and he'd like it all as RU-2-15 to be able to a new place for himself with two additional units. Mr. Martin added that all the properties around him are zoned RU-2-15 or something similar.

Mark Wadsworth asked the audience if anyone was here to speak for or against this item.

No public comment.

No Board comment.

Motion to approve rezoning from BU-1 and RU-2-15 to all RU-2-15 by Bruce Moia, seconded by Brian Hodgers. The vote was unanimous.

Brevard County Board of County Commissioners requests a change of zoning classification from AU (Agricultural Residential) with a CUP (Conditional Use Permit) and GML (Government Managed Lands) to all GML(I) (Government Managed Lands) with the removal of the CUP. The property is 48.92 acres, located on the south side of Pluckebaum Rd. and the east side of Interstate 95. (2955 Pluckebaum Rd. Cocoa) (24Z00017) (Tax Account 2500007) (District 2)

Jeffrey Ball read the application into the record and explained to the Board that this rezoning application is to bring the property to compliance. In 1999 the code was updated to include subclassifications of the GML zoning classification. The Sheriff's Office wants to redevelop the property, so the subclassification is needed for that. The I stands for institutional and there would be a small portion of the AU that would be a clean-up as well.

Henry Minneboo asked Jeffrey Ball if at one point in time, was this property three separate parcels?

Jeffrey Ball asked if he was referring to the far point and Henry Minneboo stated that yes, he was just clarifying that this application is for the entire triangle parcel.

Mark Wadsworth asked the audience if anyone was here to speak for or against this item.

Robert Bray, 560 Chandler St., Cocoa, stated that his concern with this application is that it's for the Sheriff's Farm and his main question is in reference to the gun range. Mr. Bray asked if they're going to expand or re-build the gun range? What is this application actually for?

Jeffrey Ball replied that from his understanding, the Sheriff's Office is not touching or expanding the gun range that's already existing on the property.

Henry Minneboo added that he was led to believe they're going to be having more vegetation, as in more fruits and vegetables, that he's heard more about that than anything to do with the range.

Mr. Bray added that's because he doesn't live there. He hears the gun range every day and they've been fighting this for a while, but his question is if this is going to make it louder than it already is.

Jeffrey Ball stated that the noise ordinance is still in effect and still needs to meet County Code. This rezoning will not have any changes to the gun range as it's already been permitted and is operating. The change will for the Sheriff's Office to construct a driving range, which will allow for automobiles and to train the deputies on how to drive their vehicles.

Henry Minneboo if he could tell Mr. Bray that this is more a house cleaning issue than anything and Jeffrey Ball responded absolutely, it's a house cleaning issue.

No further public comment.

No further Board comment.

Motion to approve rezoning from AU with a CUP and GML to all GML(I) with the removal of the CUP by Bruce Moia, seconded by Brian Hodgers. The vote was unanimous.

Borrows West Suite Developers, LLC (Marbet Lewis) requests a Conditional Use Permit for the on-premises consumption of alcohol in a PUD (Planned Unit Development) zoning classification. The parcel is 4.66 acres, located on the northwest corner of Lake Andrew Dr. and Porada Dr. (5487 Onate Ln., Melbourne) (24Z00019) (Tax Account 3030134) (District 4)

Jeffrey Ball read the application into the record.

Mickey Grindstaff, Shutts & Bowen LLP, 300 South Orange Ave. Suite 1600, Orlando, is here on behalf of his partner, Marbet Lewis, the attorney from Miami who primarily represents the property owner. They're currently building a 4-story hotel. We're here today to ask for a Conditional Use Permit to allow on-premises alcohol consumption within the bar(s), the restaurant(s), the pool, and within the sundry shop.

Mark Wadsworth asked the audience if anyone was here to speak for or against this item.

No public comment.

No Board comment.

Motion to approve Conditional Use Permit by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.

Seminary Covenant Community Inc. (Bruce Moia) requests a change in zoning classification from IN(L) (Institutional Use Low Intensity) to RU-2-15 (Medium-Density Multiple-Family Residential). The property is 2.92 acres, located on the northeast side of S. Courtenay Pkwy., east of Banana Blvd., approx. 1,466 ft. south of Airport Rd. (24Z00014) (1260 S. Courtenay Pkwy., Merritt Island) (Tax Account 2501136) (District 2)

Jeffrey Ball read the application into the record.

Bruce Moia, 1250 W. Eau Gallie Blvd., Melbourne, stated that they're representing a group called Wings of Grace and what they do is they build affordable housing. They house underprivileged youth. We have developed a model that we're building the first of its kind in the City of Melbourne. It's just received site plan approval and it's getting ready to break ground for 24 units of affordable housing that is specifically geared for youths turning out of foster care.

What happens currently is when teens turn 18, they're no longer funded by the state. The parents kick them out and they're basically homeless and it's a shock to them. What Wings of Grace, who's a nonprofit organization, has done is they've partnered with Ways for Life who's been working with teens aging out of foster care for quite some time. They've established this prototype of units where they house them temporarily. They train them on site and get them ready for life if they're not prepared. They train them on how to get a job, how to interview, how to take care of themselves, how to do their finances, etc.

They found another spot, they want to build these all over the county, so they found this spot on Merritt Island and that's this site right here. What they want to do now is get rezoned so they can actually put this development in this location and then hopefully get another one and do them all over the county.

Henry Minneboo asked where they get the money to finance this project and Bruce Moia responded that fortunately, he's not the one who has to find it, but they do grants to do these things. Right now, Wings of Grace has scattered homes all over the county that they do this but now they're going to put it into a multi-family development where they can be there on site and provide the services for them on site.

Henry Minneboo asked if it takes into account perpetual maintenance and Bruce Moia replied yes, they want this to be long term.

John Hopengarten stated that he's on the affordable housing council here and we've seen projects like this come forward and they're needed. The problem with the youth, they're 18 years old, they have no place to go. We need properties like this, so I'm hoping they'll do a good job and that they will put up some nice buildings and have nice training for the people so they can become productive citizens.

Bruce Moia said yes, that's the whole idea.

Public Comment:

Elizabeth Michaleman, Merritt Island, stated that she lives within the zone of reason around this development. I don't have a single problem with what is said about what the facilities are to be used for. I have a major problem where it is. This property is in a flood plain. It is zoned as such. A portion of this property is considered a Coastal Hazard Region. It's across the street, nestled lovingly in between Jefferson and Tropical Elementary. We're a small, tiny island. I would love to see affordable housing; I just don't think this property is geared for that particular project.

Now I wanted to go through this and based upon the application, I'm seeing 45 homes. They want to go to RU-2-15, so that is the opportunity is to build 45 homes on this property if I'm not mistaken. I have a concern with that as well. The traffic, this is an island and some of you live here so you already know the challenges, especially in South Merritt Island. We have two by-ways. We have Tropical Trail and Courtenay Pkwy and then we get one, Tropical Trail.

As someone who lives in the area, I already know the traffic issues at school time going to and coming from. I already know the problems with 520, which by the way, in case anyone wants to know, 520 West and 520 East (both sides) were picked as the top five for most congested byways. If we have storms and we want to get off the island, according to Emergency Management, it's somewhere in the range of 66 hours to try and get to safety.

When do we stop looking at what you think we need and look at what we have? And protect what we have? We're a barrier island, our job is to protect the mainland. That's what we're here for. They're doing more studies about it and out best universities are doing these studies and they're interesting.

I'm against it. I'd like to know more about it. I got a chance to meet the gentleman (applicant) when we were out there to have a discussion, and this is not what he told me out there. I think it's great, my friend is a foster group home right next door to me, and I don't have a problem with that. She's not on a floor plain. She's not in an area that I think is very sensitive. I think there's risk to flooding with the school. You have to start weighing what's more important; the kids that are going to school and the possible flooding and how many kids end up in this program.

It sounds like a great organization, maybe we have another opportunity to do something in something that already exists. I hope you hear me. I can get into the environmental aspect of it. I was supposed to have 20 more people here, we were going to talk about the traffic. I'm just asking very politely to please consider what I'm talking about.

Robert Sullivan stated to the Chair that he just wanted to reiterate what he had on the very first set of agendas about evacuations and Coastal High Hazard areas. This does about it. We are talking about Merritt Island. We are talking about a single access for evacuation and half of it is in the FEMA Flood Zone. It's a Zone AE, I fish bodies out of the water doing search and rescue, it's not fun.

I do agree with the young lady here, it's an extremely noble commitment here, I just think it's the wrong spot.

Brian Hodgers asked Bruce Moia if it's 43 units, not 45 units, correct?

Bruce Moia responded that would be the max that we could possibly build, but we're not proposing to build that number. I don't know what the number is, but it's not going to be 45.

Brian Hodgers asked since it says multi-family, is it going to be townhomes?

Bruce Moia responded no, it's going to be a housing complex, I guess institutional looking kind of thing, where they have all their rooms but have a common kitchen, common laundry, common facilities. They'll have training rooms. It's not townhouses or anything like that.

Brian Hodggers asked how many buildings it is going to be, and Bruce Moia responded that he doesn't know how many units we're going to be able to fit on site but it's his understand that they're going to take the building that they did in Melbourne at 24 and put it on that site. It's also his understanding that they might try and add a couple more units, but I don't believe we're going to get anywhere near 43.

Brian Hodggers asked if that one in Melbourne is one single building and Bruce Moia responded yes, it is.

Pastor Paul Rosbury, Chairman of Seminary Community, stated that Wings of Grace is one of their ministries. We have 30 ministries up and down the coast and we acquired this church in 2012 from an existing church. At the time, the roof was gone, and we've renovated it to that point. Currently, when we're talking about this aging out of foster care, there's an education building right next to the sanctuary that's about 4,800 sq. ft. There's also a parsonage on the property. So, what we're talking about is maybe taking the education building, which is already existing on higher ground, and using that as the possible building that would house the youths as well as maybe some other facilities. The maybe where the parsonage is, extend it over to there. We really don't know what the site plan is going to be, we don't know the numbers yet, but we want to move forward with this as quickly as possible.

I did tell the lady (Elizabeth) that I will meet with them and have them come talk to us because we are in the neighborhood. We want to be friendly and I'm working every way I can so that we can help our County to build what we need. Right now, we need over 300 housing units for aging out foster care kids. Now, every place we're going to look we're going to have to come back to you and see if that's the right property. I thank you for your time and I hope that you'll help us move forward because that's what we need to do for the whole County.

For clarification, Mark Wadsworth asked that we're going to utilize some of the existing buildings and maybe add one if needed.

Bruce Moia replied yes. Obviously, we're going to use the building if they're already there.

Motion to approve rezoning from IN(L) to RU-2-15 by Brian Hodggers, seconded by Debbie Thomas. The vote was eight to one to recommend approval.

Walter Chlewicki requests a change of zoning classification from RU-1-13 (Single-Family Residential) to RU-2-15 (Medium-Density Multiple-Family Residential) with a BDP, on property described as Tax Parcel 34. Located on the west side of US Highway 1, approx. 450 ft. south of Allen Hill Ave. (24Z00020) (2450 Shoff Ln., Melbourne) (Tax Account 2624912) (District 4)

Jeffrey Ball read the application into the record.

Mark Wadsworth asked if the applicant was present. The applicant was noted to no longer be in attendance and Mark Wadsworth asked if there was anyone here to speak for or against the application.

Due to audience members wanting to speak under public comment, motion to continue this application to the next meeting by Bruce Moia, seconded by John Hopengarten. The vote unanimous.

Upon consensus, the meeting adjourned at 6:05 PM.