

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 12, 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, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Edward Fontanin, Director (Utility Services); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Planner; Desiree Jackson, 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 July 22, 2024, P&Z/LPA Minutes

Motion by Debbie Thomas, seconded by Logan Luse, to approve the P&Z/LPA minutes of July 22, 2024. The motion passed unanimously.

Items G.5. and G.6. were moved to the beginning of the agenda by staff.

G.5. An ordinance amending Chapter 62, Article I, Section 62-2, “Rules of Construction and Definitions” to remove definition of “Major Transit Stop” and add definition of “Transit Stop”; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

Billy Prasad read the item into the record.

This is related to amendments to the live local act. The legislature made various changes. One of those changes to remove the word major and essentially therefore requiring us to now have in our Land Development code a definition of Transit stop. So we looked at a definition that FDOT uses and adapted a definition from there and so staff's proposed definition for inclusion in the ordinance is as follows: “Transit stop, a site designated and approved by a public Transit Agency other than that used for transportation of children to and from school for the purpose of an area where passengers wait for board a light and transfer between transit vehicles. Such site shall include but not be limited to designated Space Coast Area Transit bus stops. Space Coast Area Transit has many bus stops. So this has far more bus stops than was included in the previous definition. This is only used in the context of the BCC- 100 policy. That is the only relevance to this definition is to where a development is within one quarter mile of a Transit stop, a development will be eligible for the county to consider reduced parking requirements. That is not a “shall”.

No public comment.

Robert Sullivan stated “I gave out a copy of the 2024 Florida statute 125.01. 055 on the second page within item F .2A, 2B and 4 to which the County ordinance is not in conformance with that Florida statute”.

Billy Prasad said “If you look at F1 of this Florida Statute...that this definition deals with the county must consider reduced parking requirements for proposed development authorized under this subsection if the development is located within one quarter mile of a Transit stop as defined in the County's Land Development code. That is what this definition deals with and in addition to that, that's where F2 comes in. that part was included because it does not say “required to be in the Land Development code”. That part was included in the board policy, but we requested you to review at your previous meeting. I have the analysis which states “staff will ensure concurrency under the County's Land Development regulations this shall include but not limited to parking requirements except that parking requirements under the Land Development code shall be reduced by 20% if the following criteria are met: the development is within 1 half mile of a major Transportation Hub and has available parking within 600 ft regardless of whether such parking compensates for the reduction”. So that section that you've highlighted is in the policy, it's just not in the ordinance because we're not required to put that in the ordinance.”

Robert Sullivan said “well I would kind of like to follow State Statute. I'm not particularly in favor of this legislation but you know it is a state legislation. So, you're saying this ordinance does not have to follow the state ordinance?”

Mr. Prasad responded “that's correct. Last year when the first version the initial live local Act was first adopted, staff had significant conversations with the county attorney's office and others to determine the best way forward. the reason is because we expect it as has become the case that the legislature is going to continuously amend the live local act because it's a major act with a lot of unique Provisions to it and as expected they did. So, we wanted it to stay as Nimble as possible. so where specifically statute 125.0 1.055 where doesn't require us to have something in ordinance, we are choosing to do it by policy.... which we do think is an acceptable implementation. In fact in the latest version of the live local act, it specifically mentions that the county shall have a policy to implement the live local.”

Mr. Sullivan noted the word “shall” is in the handout. “I'd like to show you that the city of Miami is also adopting their live local act and they're doing it word for word. there is no ambiguity there. I think the intention here is the Intermodal capabilities. Many bus stops in Brevard County do not have parking not even within 600 feet. So, wherever there's a parking ...a bus terminal we have the live local act to bypass the planning and zoning and other elements?”

Mr. Prasad contemplated and responded in kind with “...and that's where it as this definition relates back to BCC 100. we did say “staff shall evaluate whether it is appropriate” in the kind of cases you are talking about. Where it's just a Transit stop, not the Transportation Hub, all we would be doing is a evaluating whether it's appropriate. We specifically included in there that we may request the applicant provide data supporting a reduction. So that contemplates what you're talking about if the transit stop alone doesn't justify the reduced parking, staff may very well deny the reduced parking if they're using these Provisions.”

Mr. Sullivan said “well what that does is that brings it to staff and not this board. Is that correct?”

Mr. Prasad says the live local act in general does.

Mr. Sullivan asked, “so the people here will not have an opportunity to object?”

Mr. Prasad replied, "if in general under the live local act, if they meet the requirements of live local act ...that is the case under the state statute... yes."

Mr. Sullivan nodded and added "I have here an evaluation by Holland and Knight. it's one of a one of our nation's leading law firms. They actually go through and highlight where they say it should be a major Transportation Hub, not Transit stop. what we're trying to do is for the live locals to reduce that kind of parking is to make affordable housing where they can use Intermodal Transportation, not just a single modal Transportation, like a bus stop. which is what I'm seeing this ordinance kind of steer toward. we have a very nice audience full of people who are either for or against a particular agenda item and giving them that voice or just giving it to staff does takes away from their voice. Therefore, I am not in favor of this. It would be a staff decision and not ever come to the board, is that correct?"

Mr. Prasad stated the decision on whether to reduce parking in the case of a major Transit stop within a quarter mile of a development would be a staff decision and said "Correct. If we were to deny that reduced part, then it would no longer be a staff decision should they continue to seek reduced parking."

Mr. Sullivan noted "but only if you deny it".

Billy confirmed that to be correct.

Motion to recommend approval of the ordinance amendment by Ron Bartcher, seconded by Debbie Thomas. The vote passed 6 to 1.

G.6. An ordinance amending Article III, chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the adoption of the Water Supply Facilities Work Plan as an appendix to the Potable Water Element and amendments necessary to implement the Water Supply Facilities Work Plan; amending Section 62-501 entitled contents of the plan; specifically amending Section 62-501, Part I, entitled conservation element to adopt new policies; specifically amending Section 62-501, part vi, entitled potable water element to revise previously adopted policies and adopt new policies and adopt the water supply facilities work plan as an appendix to the Potable Water Element; specifically amending Section 62-501, Part VII, entitled Sanitary Sewer Element to revised previously adopted policies; specifically amending Section 62-501, Part XII, entitled Intergovernmental Coordination Element to revise previously adopted policies; specifically amending Section 62-501, Part XIII, entitled Capital Improvements Element to revise previously adopted policies; specifically amending Section 62-501, Part XI, entitled glossary to add new definitions; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Jeffrey Ball said "this is a county wide request to comply with the statutory requirements. the attached ordinance amends the potable water element of the comprehensive plan with the updated 2035 water supply facilities work plan and amends various policies within the conservation, potable water, sanitary sewer, and our government coordination Capital Improvements element of the comprehensive plan for consistency with the water supply facilities work plan. The updates include a snapshot in time of the water supply for current and future residents, strengthen the position to compete for funding assistance plan for alternative sources that take time to develop and finance,

ensure local needs are considered by Saint John's River Water Management District, the applicable regional water supply plan has been updated and meets the statutory requirements in chapter 163 Florida Statutes. On April 4th, 2024, the Board approved transmittal of the water supply plan to the Florida Department of Commerce for the review and comments. On June 18th, 2024, Florida Department of Commerce issued the objections, recommendation, and comments report. This report identified no objections, made no recommendations, and provided no comments that must be addressed before the adoption of the water supply facilities work plan and related to comprehensive plan amendment by the board.”

No public comment.

John Hopengarten asked “okay I'm looking at exhibit B on the second page. For level of service standards, I see that Mims, Titusville, Cocoa, and South Brevard are all crossed out... for what reason? “

Edward Fontanin replied “you can only submit what is um what is currently in the comp plan. As we're going through the revisions of the comp plan, we're changing the level of service. The numbers that you see there are literally from the mid to late '90s. We're looking at that as more of an earmark of a revision to come.”

Mr. Hopengarten asked for clarification “we're not cutting off their water.”

Mr. Fontanin confirmed that to be the case.

John Hopengarten carried on and said, “for policy 46 on page 3 it was also crossed out “County shall evaluate the water supply and its projections at least every five years”. Are we no longer doing that?”

Mr. Fontanin replied, “where the consumptive use permit dictates the duration of when we do our evaluation, we allow the consumptive use permit to be the mechanism of one that evaluation should occur.”

Mr. Hopengarten then asked “so how often do you do your evaluation?”

Mr. Fontanin said “I believe the requirement is every seven years, but you can do a consumptive use permit for 5-10. Now they're doing 20-year permits. When you go through submitting a request for any additional water, they make you go through a complete due diligence. So, unless the utility is requesting for additional water demand, there's no need to do it until that threshold is met. “

Mr. Hopengarten unless we have a loss of supply.

Mr. Fontanin confirmed that to be correct.

Mr. Hopengarten stated on page four under policy 16 it crossed out “continue to participate in Taylor Creek.” He asked, “are we no longer going to participate with that reservoir?”

Mr. Fontanin replied “we are not because what we have made the decision with our two water plants to go to RO Taylor Creek being a surficial water source. We are not going to be a part of that.”

John Hopengarten asked how big the RO plant is.

Mr. Fontanin explained “we've gone through the request for qualifications and I'm explaining this because we tentatively are anticipating double in the size of Mims and most likely of also Barea Bay. The reason why I say “tentatively” is because we've selected engineering for both water plants and we are currently now going through the population projection where we're actually figuring out what that threshold should be.”

Mr. Hopengarten responded, “so you're increasing capacity of existing Ro plants?”

Mr. Fontanin explained “no, both plants are currently lime softening plants and we are doing the expansion by doing that expansion not using surficial water but using RO water which uses the Florida aquifer.”

Mr. Hopengarten asked to confirm if it was brackish.

Mr. Fontanin confirmed “it's brackish. There's more quantity to us and it gives us more flexibility and it's probably the highest means of water treatment that you can find by doing reverse osmosis.”

Mr. Sullivan went on to ask, “is any projection on supplying water to either space force or the space community on federal land?”

Mr. Fontanin responded with “the federal property that you're referring to is under the City of Cocoa utility service boundary for water and they are responsible for that.”

Motion to recommend approval of item G.6. by Ron Bartcher, seconded by Debbie Thomas. The vote passed unanimously.

G.1. Gerald Patterson (Raymond Burnette) requests a change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home), on property described as Lots 16 – 18, Block 91, Indian River Park, and Lots 19 – 22, Block 91, Golden Shores Estates. The property is 2.02 acres, located on the west side of Blounts Ridge Dr., approx. 1,533 ft. south of Rose Marie Ln. and 964 ft. north of Patty Ln. (24Z00022) (No assigned address. In the Mims area.) (Tax Account 2000981) (District 1)

Trina Gilliam read the application into the record.

Gerald Patterson, 1803 Persimmon Circle, Edgewater, Florida 32132. As the applicant he stated that the property was busted up into small lots, so he's pieced together enough that meets or exceeds all properties around there that are RRMH-1. He just needs to get that where he can get a building permit.

No public comment.

No board comment.

Motion to approve rezoning from GU to RRMH-1 by Brian Rodgers, seconded by Ron Bartcher. The motion passed unanimously.

G.2. Home Nation Cocoa, LLC (Roxanne Comino) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-11(Single-Family Residential), on property described as Tax Parcel 263. The property is 0.31 acres, located on the southeast corner of Lucas Rd. and Bevis Rd. (24Z00027) (No assigned address. In the Merritt Island area.) (Tax Account 2802480) (District 2)

Trina Gilliam read the application into the record.

Susan Martini, 1545 Island Drive Merritt Island Florida 32952. Ms. Martini stated the following “I am representing Roxanne commo and I have the signed paperwork to represent her on this property. We bought this parcel of property. It was owned by the neighbor right next door. He owned the lot with a house on it and this lot and they had separated the two lots. This was zoned AU and that is no longer large enough to build on or to keep zoned as AU. We would like it to move to RU-1-11 and we're going to be doing a single-family residence, 1560 square feet.”

Mr. Hopengarten asked staff a question. “How does this affect the neighbors? They are all under AU.”

Jeffrey Ball responded with “the area is in a pocket of AU. There are quite a few different zoning districts out there. Just to the South is RU-1-11. It is really a hodgepodge of different zoning districts. What should be recognized as AU is a 2.5-acre lot minimum. 150 ft deep and 150 ft wide. A rezone of the property would make it a um developable lot to meet zoning district standards.”

Mr. Hopengarten stated “but will the neighbors still maintain AU? I'm talking about the six lots that are in that same area.”

Mr. Ball replied “we would have to look at that individually but typically they would have to rezone the property as well if they were if they were not considered a non-conformity lot of record. There are certain time frames that that lot would have had to be created prior to zoning district standards or if they were changed. That would have to be looked at from a staff analysis on an individual basis.”

Mr. Hopengarten asked, “so they wouldn't be forced to come in here and ask for a change?”

Mr. Ball noted “I don't want to make a judgment call. If someone were to want to come into the office and ask us, we'd have to do research to see what would be appropriate. Changing the zoning would be an appropriate measure to make it a buildable lot. Obviously, those lots do not meet the zoning District standards, so that would be the first choice of action. There are variances or there's a possibility that they may be considered a non-conforming lot of record, but until staff does the research, we cannot advise of that at this point.”

Mr. Hopengarten further asked “there are houses on those other lots. So, they are non-conforming now?”

Mr. Ball answered “I don't know when those building permits were issued. They could have been done in the 60s where you know it just...”

Mr. Minneboo added “I'm almost going to tell you before building.”

Mr. Hopengarten stated he just didn't want the outcome to be "if we approve this one that they're going to be forced to come in here and pay a fee and have their lots updated to the same zoning."

Mr. Minneboo said "I think they're going to be in good shape."

Ron Bartcher believes they're going to be fine unless they decide to do something.

Motion to recommend approval of item G.2. by Ron Bartcher, seconded by Brian Rodgers. The motion passed unanimously.

G.3. Paul & Laurie Ann Futrell requests a change of zoning classification from RU-1-7 (Single-Family Residential) to RU-1-11 (Single-Family Residential), on property described as the north 12 feet of Lot 28 and all of Lots 29 – 33, Block 29, June Park. The property is 0.35 acres, located on the west side of Vine St., approx. 340 ft. south of Milwaukee Av. (24Z00028) (655 Vine St., Melbourne.) (Tax Account 2802480) (District 5)

Trina Gilliam read the application into the record.

Paul Futrell, 481 Thomas Drive Melbourne 32935. Mr. Futrell presented their application. He stated "I've got a vacant lot in West Melbourne and right now it's zoned RU-1-7. I just want to change it to RU-1-11 to be able to get a building permit in the future to build house."

No public comment.

No Board comment.

Motion to recommend approval of item G.3. by Ron Bartcher, second by Debbie Thomas. The motion passed unanimously.

G.4. Borrows West Suite Developers, LLC (Marbet Lewis) requests a CUP (Conditional Use Permit) for the on-premises consumption of alcohol in a PUD (Planned Unit Development) zoning classification, on property described as Part of Lot 2, Block D, Viera Boulevard Commercial Center I, together with part of Lot 3, Block D, Viera Boulevard Commercial Center II. The property is 5.78 acres, located at the intersection of Porada Dr. and Lake Andrew Dr., approx. 167 ft. east of Lake Andrew Dr. (24Z00030) (5655 Fresh Springs Ln., Melbourne) (Tax Account 3030319) (District 4)

Jeffrey Ball read the application into the record. Mr. Ball further explained "this is for a 208-room hotel with a rooftop bar restaurant. The applicant already has an administrative approval in conjunction with the restaurant part of it, but this CUP would be for the entire Hotel property with the Rooftop Bar on top."

No public comment.

No Board comment.

Motion to recommend approval of item G.4. by Ron Bartcher, seconded by Robert Sullivan. The motion passed unanimously.

G.7. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled The 1988 Comprehensive Plan, setting forth the adoption of Large Scale Comprehensive Plan Amendment Cycle 2023-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date; a. Plan Amendment Cycle 2023-2, a proposal by JEN Florida 48, LLC., to amend Part XI, the Future Land Use Element to change the Future Land Use Map Series designation from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 (Residential 4) and CC (Community Commercial). The property is approx. 1,110 acres +/-, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. (23LS00001) (No assigned address.) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

G.8. JEN Florida 48, LLC (Kim Rezanka) requests a change of zoning classification from GU (General Use) & AU (Agricultural Residential) to PUD (Planned Unit Development) with Removal of (CUP) Conditional Use Permit for Commercial Borrow Pit, on property described as Tax Parcel 500 and Tax Parcel 1, less and except canal and road rights-of-way. The property is approx. 1,110 acres +/-, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. (23PUD00005) (No assigned address.) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

Trina Gilliam read the companion applications into the record.

Ms. Gilliam requested to read in the 14 conditions of approval and pointed out that the applicant's PowerPoint revises three or requests to revise three of those conditions and seeks clarification on one of them.

1. The proposed development shall be capped at 3 units per acre.
2. Approval of requested waiver from Sec. 62-1446(g). 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. 62-2217 provided each lot will have a 20' driveway capable of parking recreational vehicles.
3. Approval of requested waiver from Sec. 62-1446(d)(1) to permit lots smaller than 5,000 square feet and less than 50 feet in width shall have a substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units.
4. Approval of requested waiver from Sec. 62-1446(d)(3)(b) to allow residential structures of two stories or less, and a minimum building separation of 10' (rather than 15') provided that proposed structures do not abut utility easements or otherwise affect the ability to provide and maintain utility service to each lot.
5. Approval of the commercial uses as allowed in the BU-1 zoning classification per 62-1482.
6. Approval of waiver to Sec. 62-2957(c) as it relates to the number of project ingress and egress to Babcock Street; the waiver is subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily

lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5.

7. Approval of the requested waiver to Sec. 62-1446 to reduce the rear setback for residential principal structures from 20 feet to 15 feet shall have a substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units.

8. Closure of the borrow pit permit shall be in accordance with Sain John River Water Management District (SJRWMD) requirements.

9. Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided.

10. Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan the Developer shall:

a. Execute an agreement including, but not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement shall include provisions requiring the developer to design, permit, and construct the identified improvements. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate.

b. Execute an agreement with the County addressing infrastructure deficiencies relating to Fire Rescue. Said agreement will account for the developer providing the land, site design, and permitting of the construction of a fire station, in addition to the necessary equipment for operation. Appropriate impact fees credits may be requested as applicable under Brevard County Code of Ordinances and Florida Statute.

11. Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy.

12. Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals.

13. In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval.

14. If the development is to have on-street parking, the developer/owner shall establish a financial mechanism for maintenance of internal roadways prior to County approval of a construction plan and/or preliminary plat and/or site plan.

Jeffrey Ball in his address to the Board added "those conditions were for your consideration to be consistent compatible with the surrounding area in addition. The applicant will provide a BPD containing the following waivers and conditions. When we read condition number 10, it references proportionate fair share agreement. Lastly, there are city comments from Palm Bay that were handed out to you before the meeting that's just as an FYI. Most of those comments will be addressed during

the site plan subdivision review process. With the comprehensive plan Amendment being a large scale, there are comments received from the state agencies that are included in your packet. It was addendum number two. There are conditions from the Central Florida of Fish and Wildlife. I just want you to be aware those were the comments from the state agencies and has staff analysis to those.”

Kim Rezenka, 1290 US1, Rockledge, Florida. Ms. Rezenka was there on behalf of Jen Florida 48 LLC, the owner of the property for Sun Terra Lakes. The Sun Terra Communities partners with Jen Florida 48 and here representing Sun Terra is Richard German and Dan Edwards. The engineer records, Poulos and Bennett, represented by Andrew Ivy to answer specific questions about the PUD and the engineering involved and planner, Jesse Anderson, formerly the assistant growth management director with Palm Bay. Planner with Poulos and Bennett was there also to answer any questions about compatibility or any of these conditions that were not clear on when speaking. This is the second go at this.

She went on to say “you had the transmittal hearing back I believe in April. It went to County Commission in May and was transmitted up. You all recommended two units to the acre. We have asked for four units to the acre, limited to three, which is now limited by the PUD as you'll see further on in this presentation. the County Commission recommended four units the acre limited to three. There was also a condition that if necessary, the owner would agree to donate two acres to a fire station. And we're still willing to help with the fire station issue but we're concerned this condition goes a little too far based upon all the other development that's coming in the area. So again, we are seeking a large-scale future Lane use Amendment on 1,957 acres to allow mixed use development. The PUD is on your agenda this evening. 1 182.57 acres is requested for RES-4 limited to three units per acre by the PUD and 27.33 acres of community commercial for 398,000sf of retail. The PUD zoning at 3 units per acre would allow 3,241 units and 398,000 Square ft of commercial. The location is near deer run south of Willowbrook street, west of Babcock Street also known as County Road 507. If you look to the where Badcock intersects with the bottom yellow line, you'll see deer Run Road. Starting at Deer Run Road going west all the way around the property is a canal structure. So, there's a good extra 100 foot of canal right away there that serves as a buffer between all of the properties to the north. Where it says Willowbrook Street there's a sliver of land there that is in the county which prohibits this land from entering into Palm Bay. There's no way to annex into Palm Bay and we are staying in the county.

As you recall this is a challenging project. There is a bit of opposition from Deer Run. This is a transitional area as you'll see quite a bit of this property in this area is going higher dense than these 5 units to 20 units to the acre. There are some infrastructure challenges, but Florida Statutes and The Brevard County Comps Plan and ordinances address that. So, as we go forward with any proportionate fair share that's necessary, we have to be granted the conditions. Though we believe are a bit overreaching, that's why we've asked for some suggestions to changes as you'll see. There are seven large developments in this area that are coming on the Board, and this is all of the development that is coming forward. Rolling Meadows in Willowbrook are actually in Brevard County. They went into Palm Bay and then came back out of Palm Bay in 2014. They are vested here at Brevard County at two units to the acre. You have Water stone and Cypress Bay that are anywhere from 5 to 20 units to the acre. Emerald Lakes East is 3.5 units to the acre. Calumet Farms is 2.5 units to the acre. Peat Holding is 10 units to the acre. Ashton Park is 5.5 units the acre.

This is a 2-mile radius this is showing how the area is transitioning into a more dense and how this property indeed does serve as a transition between Deer Run to all these other developments in the

area. That is where we believe the compatibility is shown, because of the expanding nature of this area. With that we want to talk about Transportation. As we know that has been a big issue that Babcock Street does not have capacity. James Taylor with Kimley-Horn is going to discuss that.”

James Taylor, 200 South Orange Avenue, Orlando Florida. Mr. Taylor explained “I am the traffic engineer for the project, and we have done quite a bit of traffic analysis on this. We still have some to go. The first thing that we looked at is the evaluation of what the future land use would have as a maximum impact. If that does go through, we did identify both short-term and long-term deficiencies in the area as required by the state. To do that visioning exercise we did u conclude that Babcock Street will need to be widened to four lanes at some point in the future in 2035 and in 2045. The study that we're embarking on now is the traffic impact study dialing in specific intersections and driveways in some more detail on the roadway capacity and specific to the site plan that's being proposed. Before we put pen to paper on that exercise, we get with staff early and we talk about the methodology of the assumptions that are going to go into that study, what sort of background traffic is going to be on the road, and where the trips from the project are going to go. That process has concluded, and we got approval today with conditions that if we're accepting up of the traffic impact study (TIA) will start. We are going to be identifying in that study intersection driveway operational performances and we're also going to be looking at future transportation deficiencies. These deficiency impacts need to be mitigated for the future growth.

This is an exhibit from the TIA methodology and what we're going to move forward with when we study these impacts. This percentage that you see on the screen are the percent of trips that are going to impact each roadway segment in this five-mile plus study area radius. What we're going to conclude in this study is where the deficiencies are and what portion of those deficiencies are attributed to this project. The improvements that we may identify are going to include things for site access such as turn Lanes of driveways or traffic control devices such as traffic signals. We're also going to identify where there are needs for off-site capacity for roadways such as Babcock Street. Eventually that's going to lead into what the mitigation agreement looks like. So, you heard staff reading to the record about 15 conditions in the staff report and we have some modifications that we would like to put on the record tonight for at least four of those. For the traffic one, 10(a) that was read in record, I'm just going to go over it and then speak through the strikeouts and additions that's being requested by the applicant team, “prior to County approval of a construction plan, preliminary plat, and/or site plan, the developer shall....and there's two more conditions to this but for (a).... execute an agreement including...” we'd like to strike that out and say, “may include but not limited to a proportionate share agreement with the county and appropriate municipalities addressing and/or mitigating any infrastructure deficiencies related to off-site Transportation impacts as identified in the traffic study”. “The agreement” not “shall” but “may” is what we're requesting “... include provisions requiring the developer to design, permit, and construct the identified improvements.”. Before I go on I'd like to talk about why these things are being requested. This is to provide flexibility. The developer may come to an agreement with City and County that widens a portion of the road in that case there wouldn't be a proportionate share agreement, or they may only enter into a proportionate share agreement and not necessarily widen the road. So, one of the two will happen, and then the next addition there is “...those improvements will happen at a cost to the developer proportionate to the project's impacts.” We didn't think that it was clear in this statement it reads as if anything that is a deficiency will be identified for impact to fund and construct 100 percent. We wanted to clarify that. And with that I will turn it over to back to Ms. Rezanka.”

Henry Minneboo asked Ms. Rezanka “Kim can I ask you a question after Mr. Taylor's statement. The spite strip is that what you and I will both call that to the north legally and technically, have we pursued at all to try to get access on that. I mean is that just exercise and futility.”

Ms. Rezanka responded “there's another developer that's looking at that, but I don't know where the county is going with that. I don't know that this development would have access to that, and it appears that the St John Heritage Parkway may prevent Willowbrook from being expanded for use for large development.”

Mr. Minneboo in turn said “Mr. Taylor would you even... I mean here you got a tremendous road right next to the....”

Ms. Rezanka responded “the problem with Willowbrook is the right of way are owned by private people even though the county has maintained 22 ft of it. It's not sufficient for a four-lane road that the county has maintained. I'm sure you're aware of how that all works. I've been looking at that road for several months. Mr. Minneboo understood the technical issues. Ms. Rezanka continued on to describe the characters of the project. She stated “what you see here is the proposed development program, proposed maximum dwellings, and proposed maximum commercial. The open space has actually increased since we've been here last time due to redesigns and the open space still might go even further than that. This was just to show you again the cross-section showing the buffers from Deer Run and others to the north because there is a 100t canal, the proposed buffer track is 50 ft, and so that really leaves you a minimum 150 ft property to property line before you even have setbacks for both. This was to show that there's going to be a larger buffer than you would normally expect because of that natural buffer canal. This is the phasing plan. This is C3 in the seven-page PUD and this shows how the phasing is going to go. There is a legend that's on the page in the PUD. What is important about this is that red line that surrounds the exterior lots, that is the line outside of which you will only have 60 ft by 110 ft lots. The larger lots have been moved out to the perimeter and there's a variety of natural buffer such as the Lakes and the Wetlands. The passive recreation is in the lighter green, active Recreation is in the middle green, and then the Wetland is in the dark green. The wetlands to the most extent are going to be preserved for this property. There are some impacted wetlands but quite a bit are being saved.

These are the waivers that have been requested. I believe Miss Gilliam has read them into the record and these are the waivers that will allow this project to be developed. There were several conditions added to these waivers that we are asking to be changed mostly because they're unclear. I don't know what “substantial relationship” means and we don't have these lots identified. We just got this back last Thursday when we got the staff report. We would ask that these be stricken on three and seven. The number 10(a), that Mr. Taylor explained, is to allow flexibility to make sure that this development only pays for its fair share and doesn't design a road structure for 22,000 homes. (b) is similar and we are working with Palm Bay Fire Rescue, who has as its number one priority to put a fire station at Sunrise Elementary.

We're working with them to have a meeting set to contribute to Palm Bay's fire station. They have a higher rate of impact fee of \$700 a unit versus our \$50 a unit here in Brevard County. Also, their station will serve 10,000 homes. If Brevard County requires us to put in one station it would only serve 3,000 homes. We're working with Brevard County. We've met with Brevard County. We're meeting with Palm Bay. There is an interlocal agreement and a joint planning agreement that would allow this to happen. That's part of what we anticipate with a binding development agreement and a

proportionate fair share. We're just not there yet and the way (b) is written is that they will provide everything for a fire station when it may not be necessary when there's a new fire station going in two miles up the road. That's why we've asked for that change. With (14) we just are not understanding what (off street parking) is. I guess we'll find out more between now and County Commission if this is approved here.

Regarding school impacts, there's been a concurrency review. High schools are fine, middle schools are fine, the elementary school is a problem. I know Mr. Hopengarten talked about that when we were here last time. We are working with Karen Black. All the developers in the area are meeting to try to find a solution and to do whatever proportionate fair share that is required by Florida Statute and the developer will commit to that as well. As for the utilities, there's a will serve letter that was in your packet and with that we would request approval of the comprehensive plan Amendment, request approval of the PUD with the waivers request as modified on the screen in front of you. We're here to answer any questions you have.”

Public Comment:

Joanne Young, 8423 Elk Ave., Palm Bay, 32909. Mrs. Young noted “I am a bordering resident of Deer Run. My husband and I own five acres that border this property. Two and a half acres and two and a half acres. I own 8413 also. I have followed this case all the way from the community meeting. To the first Planning and Zoning meeting and then the county. I have bugged your staff for many months asking a lot of questions. I've consulted with environmentalists, and I've talked to other developers as well. My trade is I'm a real estate broker. I welcome development. I sell real estate in Palm Bay and Brevard County. My husband and I moved from the Lake Washington area of Melbourne to southern Brevard five years ago for a quieter lifestyle. More room to garden and have our little chickens. I said we own five contiguous Acres that border this development. That's 400 feet of land that runs along a canal. Some of the canals in Deer Run are not 100 feet. Some of these neighbors will only have a 50-foot border. I have a few comments, probably more questions than comments. One of my questions was the developer already told us that they had not yet done their environmental study. So that was one of my questions because that is a requirement for anyone who wants to build on vacant land in Deer Run. Will they be held to the same standard for wetlands as Deer Run buyers are? Another concern is the size of the Lots on the border. When we went to the community meeting, they said that the border lots would be larger than what they're proposing today. 60 by 120 is not even a quarter acre. And the Deer Run lots are average two and a half acres and some neighbors have eight acres that border this. We do have concerns about the size of the lots. My husband and I do and other neighbors that we've talked to as well. The County Commissioners overrode your votes a few months ago because you voted for RES-2 and you got outvoted on that by the county. Our other concern is the flooding because we already have a problem in Deer Run with that. There's already an auxiliary pump in the back that's being reconditioned right now. We need to know if this development is going to be sharing the same canals as Deer Run. The developer stated that impact fees from this development would help build the roads and widen Babcock Street. We had a concern about a traffic light at Micco Road and Deer Run Road. When does this take place in the plan. We were very grateful for a fire station, and we would be relieved of the burden of high-cost insurance if it could be built in the very early stages of development. We also wanted to know what was going to happen with the recreational Lake. Please define.”

Billy William, 5 Buck Court, Palm Bay, 32909. Mr. William started by saying “you previously recommended two residents per acre. Don't know what has changed or if you're going to keep up

with what you all agreed on before. What happens if Palm Bay doesn't build the fire station? I believe during the County Commission meeting that the two acres was agreed upon by the developer. Now it sounds like they're trying to back out or get something for it. So, my thought of if they're trying to back out of it, the approval should be backed out by the by the County. A study shouldn't be happening right now because Micco Road is closed, and the Heritage Parkway is all messed up. Nobody's coming that way. If they did a study now it wouldn't be correct. Thank you.”

End of Public Comment.

Kim Rezanca approached in response to the public comment. She noted the Environmental Studies will be conducted. They're required before any further. The engineering is not done yet, so the environmental study will have to be done before all that can be completed. The applicant will be required to abide by the wetland's requirements of the county 1.8 percent, and it's intended to do that. She believed they are actually impacting less than that as shown currently. The recreation will be private. Ms. Rezenka said “I know there was some discussion that we might try to open it up to the public, but it was going to be private. There were some concerns about the way the roads were and the size of the roads. At this point it is going to be private recreational. Regarding the two-acre fire station, we're happy to donate that land but the county has come back and said okay you donate the land you and build it... you equip it and you basically pay for everything. That exceeds what the agreement was. The agreement was kind of.... it wasn't tied to the transmittal of the future land use...it would have to be tied to the PUD. We are happy to pay the fair share. We're happy to donate the land if that's all it would take. That's probably close to \$1 million. Palm Bay's fire station is going to cost \$27 million. We, the developer, can't agree to pay \$27 million in exchange for a \$1-2 million piece of property. That's why those issues have come about. With that we would ask for approval with the modified or removed conditions.”

Mark Wadsworth asked for clarification “let me get this right, that would be Palm Bay's fire station?”

Ms. Rezanca replied, “it is but there is an interlocal agreement and a joint planning agreement with Palm Bay for Fire and Emergency Services.”

Mark Wadsworth noted it was nice of them to donate that land.

Ms. Rezanca added the donation would be towards their fire station at Sunrise Elementary most likely.

With that understanding Mr. Wadsworth went on to ask “now where is the Publix's coming in? Is that right there at Heritage and Babcock? Because that whole area there is...”

Ms. Rezanca pointed out “it's right there, kind of where the 26.0 is. It's right at St John Heritage Parkway on the east side of Babcock.”

Robert Sullivan addressed a question to staff. “Has a preliminary concurrency study been performed?”

Jeffrey Ball answered “what we look at for the trip generation rate for the amount of residents and the amount of commercial and what the design capacity of South Babcock is. In essence, yes.”

Mr. Sullivan rephrased “okay but that was for roadway, solid waste, potable water, drainage, sanitary, and public schools?”

Mr. Ball noted yes.

Robert Sullivan asked lastly “so you've already done your county concurrency preliminary study and you've evaluated all of the negotiations that they've put up?”

Mr. Ball said “the negotiation is just preliminarily based on what we are reviewing today. Obviously if this gets approved there would be more finite discussions as far as the next step. If the board approved this plan as is, the next phase would be the subdivision plan review. In that we will do another current concurrency review and determine if there is enough capacity to support the uses requested.

Mr. Sullivan indicated “I'm looking at the April 1 letter from Palm Bay where they're saying the city does not currently have a capacity for commercial fire flow demands in this area nor any additional sewer capacity. Should we be moving forward with something? Unless you know we have a definite either agreement saying that they are going to bring that fire flow capacity and adequate sewer or that capacity has to be existing.”

Mr. Ball suggested “what I can tell you is the staff report identifies some infrastructure deficiencies. In order to move forward to get construction plan approval the applicant will need to provide letters from any of the utility providers that will provide whether it's water and sewer or transportation or solid waste. They will need to provide the certificate capacity at the next stage.”

Mr. Sullivan stated “so City of Palm Bay has basically said no we don't have that capacity. How are we moving forward with a zoning change if we don't meet the three units per acre? Apparently, it would work if it was at two units per acre and that's what I think we recommended at the last time.”

Jeffrey confirmed that is correct.

Mr. Sullivan regarded to the fact of the matter that currently at three units per acre it doesn't meet concurrency.

Mr. Ball clarified “again there are concurrency deficiencies that'll have to be worked out during the next phase. As stated in our staff report there is a need for water and sewer.”

Mark Wadsworth looked to the applicant and asked that the engineer approach. He added “just hearing what Robert is saying, is this going to be septic tank and drain field.”

Speaker 1, Engineer of Record replied no.

Mr. Wadsworth clarified “so you're going to need utilities.”

The Speaker 1, Engineer of Record responded “yes sir. We intend to extend lines down Babcock Road from Palm Bay and we have a Will Serve from the City of Palm Bay. We have been working with Palm Bay for about a year now. We have met with them probably four or five times. I understand that they have a new head there. We're trying to set up a call with them sometime in the next week or two. There will be upsizing of lines. We understand that there's some concern about capacity right

now and meeting what the project ultimately will be. This project will be phased. There will be a phase one where we'll be using capacity that is available now or will come online soon. I understand that there are plant expansions and then those expansions will supply the ultimate supply that the project needs."

Mr. Sullivan questioned if they are anticipating that the spine utilities will come down Babcock Road?

Speaker 1, Engineer of Record said yes.

Robert Sullivan asked "okay, so when does the city look at that infrastructure improvement?"

Speaker 1, Engineer of Record said "the extension will probably be done by us. With a utility upsize agreement in place. That would probably need to happen with phase one, which we hope would probably next year."

Robert Sullivan then added "also with the traffic you were talking about four lane Babcock? Because you know you want to put the utilities underground before you widen the road." James Taylor, the traffic engineer, carried on the response and confirmed all needs are to be coordinated. Mr. Sullivan then wished to know more about the timeline.

James Taylor said, "so I'm hearing next year for the utilities if all goes well with the city and the road improvements will have to accommodate those as well."

Mr. Sullivan in turn asked, "if we're looking at a year out, which I think is aggressive, can we come back when you have all of these negotiations finalized with staff well?"

Mr. Taylor believe it's going to be in staff's hands to go through the PB review and site plan review and access review and all those things well.

Mr. Sullivan carried on and stated, "I'm looking at particularly the RES-2 to RES- 4 or the RES-3, now that it's an agreement to RES-3, that there's some time for us to have something other than 20 minutes' worth of review."

Mr. Taylor did not think the request is to get this approved at the board in phases. He stated "I think the request is to approve the future land use all at once, the PUD, limit the density to three units to the acre and then move forward with site planning with staff. "

Mr. Sullivan conveyed "like our recommendation that last time was for two residents per acre. That's where we're coming."

Tad Calkins asked further clarify Mr. Sullivan's concern. He sated "staff's condition number 11 stipulates that they will demonstrate prior to subdivision plan approval that the city will provide water and that it has to be available prior to us issuing a CO. The other thing I would say is, I believe that you also questioned whether we were in agreement with the condition modifications that the applicant has presented. I would say that we have provided our conditions that we perceive, and we'll be taking forward and the applicant is asking you to consider their changes here today."

Mr. Wadsworth redirected and said “so staff taking it back to you again. Item G7 large scale plan Amendment and G8 the zoning classification. All these other items as you were just clarifying are going to be handled prior to, correct?”

Mr. Calkins confirmed that was correct.

Mr. Wadsworth concluded “John was saying we be sure we've got the water, the sewer, roads, street signs, whatever the case may be. We need to I guess zero back end on the zoning part.”

Public Comment:

Billy William approached and asked “If that comes two or three years down why are we going to rezone it when they can't do it until three or four years? Why don't they come back when they have Palm Bay give you a letter saying we'll be ready to go on this date? Nobody has that. Please don't change your mind from when you did last time.”

End of Public Comment:

After some consideration Mr. Bartcher noted “it seems to me that this project is coming before us way before it should. You know there's the response times for firefighting do not meet our current standards, there's a shortage capacity for elementary school students, Babcock Road can't support the traffic that's being proposed, and Palm Bay doesn't and won't have the capability for a while. So, they could come back to us next year and all of these problems could be solved and we could say hey you're in great shape. It's also a case of we have to depend on if we can prove it now and then hope really that these other entities do what they're going to say what they say they might do. They have no commitments to do anything yet and the way government works sometimes it's a little slower than we kind of expect. I just think this is way too early to do this. Our primary job is to determine consistency and compatibility with the surrounding area and in consistency you know we've got a little chart that shows us what about consistency. Now we don't really have to worry about that, but compatibility is something else that we need to look at. They've gone to quite a distance to try find compatibility for their project. I say take a look at their immediate neighbor's traffic. The existing neighborhood has about 300 homes, the new one's going to have 3,000 homes. We're going to have ten times the amount of traffic coming from this division and what's already there, site design wise, the existing neighborhood developments have lot sizes of over 100,000 square feet. These they're 7500 square feet, 14 times smaller. There's no compatibility there. Those are just things that would be considered in the normal assessment of compatibility and yet they're basically being ignored. Those are my concerns. One it's way too soon and the other is this development is not compatible with the existing neighborhood. If you want to go out and find neighborhoods farther away. I mean I know that can be done. Then you can do that, but you ought to be looking at your next-door neighbors.”

Motion to recommend denial of item G7 by Ron Bartcher, seconded by Robert Sullivan. The vote failed 4 to 3.

Henry Minneboo said “you know when you have a project of this magnitude it's extremely cumbersome from the very beginning dealing with government today is probably one of the most difficult things you can do. These guys got just literally tons and tons of significant expenditures on what's ahead of them and I'm just not sure that's our decision to make. I think the compatibility part will come in time. Whether they get the proper sewage, whether they get the proper water. They got a

monstrous road to go. I think as a planning zoning board all we're doing is just putting the key in the dash and letting them go from this point on because there's a tremendous amount of work. This isn't a \$1,000 job. This is millions into doing this project. It doesn't make me in favor of it, I just don't think we need to get involved in every aspect. Well, if you can't get a fire station we shouldn't allow you to have it. I think that's not our decision. They've got to move forward. The County's got to work with it. The agreement isn't even worked out. That's why I'm in favor of this just moving forward to let him move forward."

Brian Hodgers addressed a question to Kim Rezanka. "I can't find it in this thousands of pages we have up here, but you showed a map of multiple communities around this that are similar in density. Was it in your presentation or do we actually have that?" Ms. Rezanka noted it was there.

Mr. Hodgers asked, "are all of those in the City of Palm Bay or are some of them in Brevard?"

Ms. Rezanka answered "Rolling Meadows and Willowbrook are in Brevard County. They're immediately to the north and west. They are in the County and they're two units of the acre. We're asking for three units of the acre. They're vested at two units of the acre."

Mr. Hodgers said in consideration "So to Ron's point that you're too far out, that falls on them as Henry was saying if they want to burn cash and go down this path over the next one or two years. And they may never get this project built, correct? I don't think that we're here to deny that if that's what they want to go forward, but the density is an issue. The commission already approved it. We didn't. They did. So, we deny it now, the Commission's likely going to approve it again. I don't know where we're at. You're at three to the acre, correct?"

Ms. Rezanka confirmed "yes sir and again it may turn out to be two and a half once engineering is done. To get this project off the ground with 1,100 acres, the engineering that has to go into it for the water and in the sewer. Because they're paying for it, not Palm Bay. Palm Bay is just saying you can have our water. It's a long process. It's a PUD process. We have to come back with the final development plan within three years or the zoning reverts back. So there is that stop gaff. If it this doesn't go anywhere, it'll go back to the to the zoning that we had before. We would ask that you allow the opportunity to go forward. Proportionate fair share is the law in this state. You can't deny it because we have don't have school concurrency now. We have to provide the concurrency. That's the same with traffic. That's how the whole proportion fair share ordinance has been written that we have to have it before we can build. But you can't deny it because we don't have it now; that's the state statute."

John Hopengarten asked "are we still at RES-4 because the County Commission said they agreed with RES- 4 but with the condition that you only put three units per acre. That's what you're asking. The other thing is that you had a long list of conditions. They're objecting to some of those conditions." Mr. Hopengarten wished to know how the Board's vote today will affect that.

Jeffrey Ball noted "we are presenting the application as we see fit in the conditions written as we see fit. If the Board has a difference of opinion and wants to entertain that I would suggest that you make that part of your motion. That way we can bring that in front of the Board for their decision to make. To clarify this item for the land use, this Board recommended RES- 2 it was transmitted to RES- 4 up to the state. Now it's coming back from the state as RES-4. The zoning is the mechanism is the top

cap the density at three units the acre. So that's where the cap is. It's part of the zoning, not the land use.”

Mr. Calkins further stated that the conditions are on the PUD not the land use application.

Mr. Hopengarten said “which is the zoning. Which is what we’re still talking about.”

Tad Calkins responded, “I believe that the ruling is on G7.”

Debbie Thomas confirmed “so the conditions need to be discussed in G8.”

Motion to recommend approval of item G7 by Debbie Thomas, seconded by Brian Hodgers. The vote passed 4 to 3.

Mark Wadsworth carried on to item G.8.

Debbie Thomas requested that Ms. Rezanka come back up again to go back over the requested changes and allow staff input.

Kim Rezanka approved and commenced by stating “number three and number seven. These are requesting smaller lot sizes and reduction of rear setbacks. Staff added the condition they shall have a substantial relationship to a 15t common open space track directly adjacent to the affected dwelling units. The concern we had was the “substantial relationship”. Who defines that as a very ambiguous term. We've not been able to address that with staff. We got these staff comments on Thursday, but we're concerned about that substantial relationship because we do not know what it means. Regarding 10A, that is a proportionate fair share for traffic impacts and again we do not believe it's incumbent upon Sunterra to pay for all 20,000 homes that are coming into this area. We wanted to have flexibility. They're going to pay their fair share. They have to by law. But the way it was written is that they shall do it all. We did not think that was fair. Same with (b) in terms of the fire station. Although they did agree to donate two acres of land, the county has come back and said you're going to donate the land, pay for site design permitting construction, and the necessary equipment. Which according to Palm Bay would be \$27 million. Where the land to be donated is about \$1 million. That's excessive for what we were requesting. We will certainly pay the fair share. We'll work with the county and with Palm Bay to make sure there's a fire station because the residents of Sunterra need to be safe as well. We're just looking for flexibility. We thought these two were overreaching.”

Tad Calkins stated “I would say that our conditions are what we felt were appropriate going forward. If the board wants to consider the applicant suggested changes, then you can do that and we'll include that in your recommendation.”

Ms. Thomas then continued with “that being said... the 10B and the \$27 million fire station, is it the County's position that they're expecting that to be the \$27 million? If that's what it comes out to cost for the fire station to be the responsibility of the developer.

Mr. Calkins confirmed “the county does not have the money to put in or to build a fire station in that area. It's not a CIP project. We don't have a CIP project for the roadways at this time. We don't have the ability, because of that entering into the proportionate share agreement that they're suggesting, until that gets on the CIP. The fire station that we asked for was not \$27 million. We just did one with the Viera company and it came out to be about \$6 million. The problem I think for the applicant is

they're looking for reimbursement through impact fees and our amount of impact fees are not what the city is collecting. We have no objection to the applicant working with the City and the County and coming up with an agreement on how to provide fire services down there. The county at this point does not have the money to build a fire station down there. It would have to be a joint effort between the three parties, or it would have to be the applicant's responsibility."

Ms. Thomas questioned further "and regardless to whether this was left in there as is or not, that is something that has to be met regardless before this project continues on?"

Tad Calkins noted that was correct.

Henry Minneboo added "Kim and her group got this information on Thursday. We probably shouldn't be having a discussion on a Monday. This isn't like we're giving somebody a residential lot. This is a major magnitude and here we are debating it on Monday because they got it on Thursday. I know Kim well enough. I'll assure you everything you said is not going to happen in that agreement. We should have had it together. We should have even tabled this item. It's becoming convoluted."

Mr. Sullivan agreed with Mr. Minneboo and said this was very short notice to digest on the magnitude. He recommended to deny.

Mr. Wadsworth held the motion for discussion.

Brian Hodgers wondered "where did the disparity come from between 27 million and 6 million?"

Mr. Calkins explained "the fire station that Ms. Rezanka is referring to is a city fire station. I don't have any idea what their standards are or what kind of equipment they're looking for that. The one that we suggested, or we were hoping for was similar to the one that we just did with the Viera Company."

Kim Rezanka agreed and stated "Tad and the fire chief in Brevard County did tell us it was a \$6 million fire station but because Palm Bay is building one at Sunrise Elementary, Fire Station 8, it's \$27 million based upon their fire estimate. It serves 10,000. So, it's probably a larger station but we shouldn't have a \$6 million station and a \$27 million station within two miles of each other. I was just trying to show you the discrepancy of the costs and the fact that 3,100 homes probably can be better served by the Palm Bay Station. That's what we want the opportunity to work. I have the numbers if you're interested. I can even send you the whole fire report for Palm Bay and all the stations they're building, \$173 million I think is what they're looking for to upgrade all of their fire stations. We're happy to work with staff between now and County Commission."

Mark Wadsworth conveyed "that's where I'm headed. I don't know how many people a fire station can hand handle. If the fire station going there is considered a percentage of your development, are you willing to modify? Debbie I'm hearing what you're saying in that your statement is to pick up your share as far as the subdivision."

Mr. Hodgers added that there are other developments going in that have not even started yet that are going to be in the same phase. Therefore, the applicant will be sharing that \$27 million.

Ms. Rezanka said "that's what makes more sense to us than building a separate fire station for Brevard County when there's not that much in Brevard County that would need that. We're just looking for flexibility. That's all we're looking for."

Brian Hodgers suggested at the end of the day if the fire station's not there they can't complete the project. It goes back to his earlier statement that they've got a long road ahead of them if they can't comply with what the county needs for fire service.

Motion to recommend denial of item G8 by Robert Sullivan, with no second. The vote failed.

Motion to recommend approval of item G8, as originally written by the County and to allow for discussions to continue between the Developer and the County to come to agreement, by Debbie Thomas and seconded by Brian Hodgers. The vote passed 4 to 3.

G.9. Aaron Reninger (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (24S.02), to change the Future Land Use Designation from AGRIC (Agricultural) to RES-6 (Residential 6), on property described as Lot 3.02, Block 7, Indian River Park, Lot 6, Block 7, Indian River Park, Lot 5.03, Block 7, Indian River Park, Lot 5.05, Block 7, Indian River Park, Lot 5.04, Block 7, Indian River Park, and Lot 5.02, Block 7, Indian River Park. The property is 17.01 acres, located on the south side of Gandy Rd. and east of Hog Valley Rd. (24SS00002) (4735 Gandy Rd., Mims) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232) (District 1) This item was continued from the June 10th PZ/LPA meeting.

G.10. Aaron Reninger (Kim Rezanka) requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to TR-3 (Mobile Home Park) with an amended BDP (Binding Development Plan), on property described as Lot 3.02, Block 7, Indian River Park, Lot 6, Block 7, Indian River Park, Lot 5.03, Block 7, Indian River Park, Lot 5.05, Block 7, Indian River Park, Lot 5.04, Block 7, Indian River Park, and Lot 5.02, Block 7, Indian River Park. The property is 17.01 acres, located on the south side of Gandy Rd. and east of Hog Valley Rd. (24Z00005) (4735 Gandy Rd., Mims) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232) (District 1) This item was continued from the June 10th PZ/LPA meeting.

Jeffrey Ball read the companion applications into the record.

Kim Rezanka presented on behalf of the applicant Aaron Reninger and provided a handout conceptual plan to the Board. This handout was stated to a 17-acre area, west of 95 in Mims, mostly consisting of manufactured homes. She went on to describe the character of the surrounding properties. To the south there lies a subdivision of mobile homes which runs anywhere from 6 to 4 acres. The idea behind this is to build a tiny and manufactured home subdivision called Nova Tiny Homes. They are seeking two units to the acre, but the zoning is incompatible with RES-2, therefore they are requesting to go to RES-6.

Mark Wadsworth asked if the two units per acre is reflected in their BDP.

Kim Rezanka confirmed that is correct and that the lots would have to be a quarter acre lot minimum because they will have to be on septic and sewer and wells. Kim made note of the large stormwater pond and wetland that would have to be accounted for. She stated that Hidden Lakes, the properties to the south, varies in size with the smallest at 0.5 acres. She noted there have been a lot of complaints about flooding in the area and assured the property will have to meet all current County codes for storm water county code requirements and once developed it will have to retain its own water. If Road improvements are needed, those issues will come up and be addressed during site planning. She mentioned the character of that area as being considered relatively rural although

these are quarter acre lots next to half acre lots. The character is determined by the use. To address concerns of land devaluation she noted the property values from \$35,000 to \$400,000 but a lot of the manufactured homes are lower so this will help with the property values in the area and will not degrade it. The zoning was required to go to TR-3 because TR-2 does not allow tiny homes. The TR-3 zoning allows 15,000-foot lots which would be 2.9 units to the acre and here we're at two units to the acre. The concurrency has to be met. There's been no deficiency notice to date. There's nothing in the staff report that says this is not compatible with the Comprehensive Plan policies. They will have wells and septic which is allowable by law at quarter acre lots and again some of these will be bigger than quarter acre lots. With that we would request that you approve the request for the comprehensive plan of RES- 6 and the rezoning to TR-3 with a binding development plan.

Jeffrey Ball noted that the concept plan that Ms. Rezanka had just provided had not been reviewed for regulations for the county code.

John Hopengarten deferred to staff as to whether septic, as per Kim Rezanka, on a quarter acre lot would really be allowed. John thinks the minimum lot size requirement for septic may be larger than a quarter acre.

Jeffrey Ball conveyed that is handled through the Health Department and that he does not know what their requirements are.

Public Comment:

James Ranken, 4705 Gandy Road which is on the very east end. Mr. Ranken provided the Board with photographs of the flood areas after recent rains. They noted the road floods and lack of ditch maintenance in about 20 years. His concern was that the potential additional trips to the existing roads would exacerbate the worsening conditions. He noted a concern that trailer park being proposed five acres down from his property would devalue his land.

Ken Harrison, 4960 Gandy Rd. Mr. Harrison brought to attention the April 2007 Mims Small Area Study and the 1988 Comprehensive Plan. He stated they both determined the future land use to be agricultural and set limits to one dwelling per unit per five acres west of Middle Green Road. Properties with approved RRMH-1, Au and AGR zoning classifications prior to the study were retained and adopted. this property. He states the subject property does not serve as a transition between areas with land use designations of six units per acre or existing land use designations equal to no more than one unit per acre. He also noted traffic safety issues due to increased traffic and the reduction of property values due to higher density for the subject area. Six new block single family residences were built in the last three years two of them border the subject property development. The proposed rezoning and land use will cause a 200 percent increase in traffic on Gandy Road, and he further stated that 30 more single family residences will cause a burden and significant safety and convenience issues on an already poorly maintained dirt road that is only graded 12 times a year. The road is too narrow for two cars to pass each other at certain points, poorly drained, and unstable with loose soil the subject property. A portion of the subject is part of Indian River Park Indian River Park.

Stephanie Knight, 3995 Golden Shores Boulevard. Ms. Knight went to explain that the subject property's the north, west, and east boundaries are designated as agricultural land use with agricultural zoning. The South is public conservation with General Use and agricultural zoning. The

requested zoning and FLU could change the subject property to commercial use if rented or charged. There are no commercial use properties in the entire area. The area is not considered transitional. She re-iterated that the increase in traffic would deteriorate the condition of Gandy Road. She stated the applicants have filled and cleared subject property without proper permits and are in clear violation of county codes and noted the subject property contains national wetlands inventory, aquifer recharge soil, hydric soils and may contain protected and specimen trees and protected species. Per section 62-3694(c)(1)a. residential land use within wetland shall be limited to not more than one dwelling unit per five acres unless strict application of this policy renders a legally established parcel of as of September 9th, 1988.

Danielle Bowen, 4160 Hidden Lakes Drive, Mims, Florida, 32754. Ms. Bowen stated "I am a realtor. I have been a realtor for 18 years. When we moved, we did so with the understanding that it would have limited growth due to its future land. We live on one of the two adjoining lakes. The lake is in our backyard. His property is located one lot behind the lake so essentially his community would potentially affect our lakes. After serving three and a half year on the Indian River Lagoon Oversight Committee I learned more about water quality and septic than I ever imagined. Although the State of Florida recognizes that any lot size under one acre should not be developed with a septic system, they only limit it to one half acre. According to the Department of Health and Florida statute 381.62 the limitation is one half acre but understanding that they do make exceptions for other pervious surfaces. My biggest concern is that according to Brevard County this is not going to require ATU systems. It's only going to require standard septic systems. So, we're increasing our septic capacity by almost 24 homes and the waterways that it is adjacent to would be potentially affected by nitrogen loads of 960 pounds per year and phosphorus at 96 pounds per year. As Kim demonstrated once density increases and starts getting approved, it sets a future precedence for future approvals. This area is meant to be one home per five acres per future land use."

Katie Delaney, 5105 Cabbage Palm Street, Cocoa, Florida 32927. Ms. Delaney said "I drove up into this area because I had never been up there. This project is completely abnormal for that area. This area is full of homes on huge pieces of land and mostly dirt roads that frankly aren't maintained properly. The ditches are not maintained properly. I think that the Mims Small Area Study as well as the Comprehensive Plan don't allow for this type of development for a reason. Our infrastructure just cannot handle it and so I'm asking you guys to um not approve this project."

Patricia Frank, 3825 Aurantia Road, Mims. Mr. Frank stated "I've lived there well since 1996 on that on the south side of Rancher Road. I grew up on a Rancher Road when it was a dirt road. Her worries pertained to potentially unsavory people throwing their trash along Rancher Road. She worried over her own safety due to the influx of people from this proposed development. She continued to state, "If I wanted to kiss my neighbor good night, I'd live down here in the town. I live up there". She noted that Rancher Road could not handle the additionally up to 60 people that this development would bring in. There is already a pothole about 25 feet off of US 1 across from the Circle K on Rancher Road. She prefers her elbow room."

Ruth Amato, 1950 Tomato Farm Road, Mims Florida 32754. She is obviously opposed to this just like everything else. If the land is already flooding, she thinks that would make it considered a seasonal flood plain. She stated "and when you continually build up and drain the flood plains you ruin your aquifer water quality, and you flood your neighbors. Due to all of the massive building in Brevard County we have started seeing flooding out her way, which is not where they live, out at 46. Since about 2000 we have consistently gotten major flooding to our pastures. Ruth stated "My family's been

on the current property I live at for over a hundred years. I can tell you my great grandma never lost her Grove due to flooding, but she would have lost it in 2022. Ian, he dropped a lot of water because it was 24 inches in 24 hours. Our area in Titusville averages 50 inches of rain a year. We haven't seen a major rain event since 1953 at 81 inches. People are already losing their houses flooding that have never flooded before. If we don't start with responsible building that preserves the resources that we have, we won't have anything left but the people living on the high houses that built last." Ms. Amato concerns as well were aimed to towards water shortages. She asked to please vote for responsible building instead of cramming everything in there because somebody bought a piece of property and wants to make a buck."

Katherine Martin, 4355 Hog Valley Road. She noted she is in the direct impact zone from flooding and septic tanks from this development. She claims Kim said \$35,000 was the average home. She had bought her home in 2020 for 171 and now its 235. She owns two acres. She believes most that most of the existing properties on Hog Valley butting up to this project are greater than a half-acre. She believes that if the project were to propose lots at one acre it would be welcomed by the neighboring community. She is against the rezoning of this area.

Earl McKuen, 4335 Hog Valley Road. He is very against having a quarter acre for a house. He noted "it's a two-lane road". His concerns lie with people driving 60-70 miles per hour in a 25 miles per hour zone. His other reasonings for being against this was the same as all the other people that spoke. He likes his peace and quiet.

Deborah Gray, 5440 Dixie Way. She is against this. She lives next to the National Cemetery which is a little different from where they are at. She noted the recently built homes on Huntington, which were 2.5-5 acre lots. But the impact of just those homes has made a big impact on her water. Salt intrusion in her water is her concern. Some carry great big containers so they can have their own drinking water and not worry about the salt intrusion. She continued to note that every single year there's people at least twice a year killed right there on Aurantia and US 1. There are no lights there and they don't want a light there. She has been up there since 2006 and has seen how the water levels have dropped. Her wells have gone dry due to the salt. She stated, "people are having to redrill Wells continually where I'm at." Although she believes the Saint John's is fresh water it's not brackish, she said "you got to have somebody who knows what they're doing to be able to put a well in to not have salt in it now." Another point she had made was that she felt not enough people were even aware of this public meeting that was to take place. She stated she had found out about this meeting through Facebook. She does not feel this area can sustain all these new subdivisions that are being built because of the runoff into the water systems such as on the poorly maintained county line ditch. If they just keep building, then people will have to move away due to the poor water quality and concern for disease in the water.

Jeremy Park, 4705 Meadow Green Road. He has small children. Although the speed limit by his house is 35 miles per hour, people drive every week up to 70 miles per hour. He has called the Brevard County Sheriff many times to try and get people to slow down and has asked for speed bumps. Nothing has happened. A big concern of his while listening to Ms. Rezanka speak early was hearing her make 3-4 claims that he didn't agree with. He wondered if anybody was factchecking these claims to determine if they were true. He has been there for 17 years. He feels that if they approve this it will ruin everything for the people that already live there left to deal with the decision.

Jennifer Parish, 1260 Old Dixie Highway, Titusville. She is very much against this idea. Her family has been there since about 2004 and they lived all over the county. They decided to move up to District 1 due to rural characteristic of that area. Due to overcrowding she sat in a Redevelopment Agency Meeting where the condition of the existing roads were talked about. The person speaking defending the fact that the roads in District 2 were rated an E, very close to an F, yet defended the fact that more houses could be squeezed into this area. And that was the final decision. She believes that role of this Planning and Zoning Board is to protect the residents and for this reason keep this area as rural.

End Public Comment

Ms. Rezanka responded in kind to the public comments. She stated they are seeking RES-2. Hidden Lakes plat has half acre lots, so it's not inconsistent. She stated, "we wanted RES-2 but we were told we had to go Res-6 along with a binding development plan". She mentioned they had to do the same thing with Dunkin Donuts in Merritt Island. They just want the ability to do two units to the acre next to two units to the acre, that is not inconsistent from a transition standpoint. She submitted a copy of an email from Steve Swanke that stated the Environmental Health conveyed they do not have a minimum lot size requirements per se, but they do enforce a separation distance. She also gave a copy of Sec. 62-1255. The requested is a minimum quarter acre but it looks like the lots will be larger than that. She went on to read off the staff report to address some of the public comments. Next, she claimed that she did not say the average value is \$35,000. She said some are as low as \$35,000 and some go much higher to size and age of the home. Some of these mobile homes go back to the 1970s, some in the '90s, and some are newer. She notes this project again is to be affordable but only because \$150,000 is going to be the minimum value. This is value is higher than many of the values in this area. She has not seen any evidence or code complaints regarding filling of the wetlands. She noted runoff must be kept on onsite since post development can't be worse than pre-development. She asked the item be approved and reflected that the BPD would limit the size of the lots to quarter acre lots minimum.

Ron Bartcher asked if the applicant is planning a traditional mobile home park and if it's going to be an actual subdivision.

Aaron Reninger, 1865 South Banana River Drive Merritt Island. He responded no and went on the explain the intention of the project.

Ron Bartcher asked for clarification to which Mr. Reninger replied that the homes on the property would be rented out.

Jeffrey Ball went on to explain the property would not allow fee-simple lots and that it all has be done in a mobile home park. These tiny homes would have to sit on a pad that's owned by one person. He also clarified the staff email that Ms. Rezanka had brought up earlier. He noted that Planning and Development is not the regulatory agencies for septic and minimum size requirements for that. He clarified that the email states Brevard County does not have such requirements for septic. It is in fact Environmental Health that permits and regulates septic.

Ron Bartcher, Robert Sullivan, and Henry Minneboo went on to discuss septic setback and density requirements.

Mark Wadsworth asked staff a hypothetically question. He asked “hypothetically we passed this. They don't get their engineering. It reflects back to the original zoning?”

Jeffrey Ball explained once the Board of County Commissioners approve the zoning, the zoning is in place whether they approve it contingent upon the BDP. The BDP would stay in effect unless some entity removes it from the property.

Ron Bartcher noted that a tiny house is permitted with conditions in TR-3. He asked what the conditions are. Kim Rezanka referenced sec. 62-1844 in response.

Ron Bartcher commented that the only access to this property is really via Hog Valley Road. He notes a 50 percent increase of traffic on that road when this is developed. Mr. Bartcher then asked to confirm whether the traffic study that is to be done for this project will address the traffic on Road or US 1 rather than Hog Valley Road. That really there no traffic study to be done on Hog Valley Road.

Tad Calkin in turn responded when a traffic impact analysis is submitted, they look at the roadways that would be affected in that area. So, it could include Hog Valley but how far down on Hog Valley he could not say.

Ron Bartcher noted there were probably 60-70 homes using Hog Valley Road and that this development would add 30 or so more. There would be a density increase on this property of about 400 percent. Based on this information and the Mims Area Study he believes this is just not the kind of development we need up in in Mims area.

Motion to recommend denial of item G.9 by Ron Bartcher, seconded by Henry Minneboo. The vote passed unanimously.

Motion to recommend denial of item G.10 by Ron Bartcher, seconded by Henry Minneboo. The vote passed unanimously.

G.11. (24SS00008) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (24S.08), to change the Future Land Use Designation from RES 2 (Residential 2) to CC (Community Commercial), on property described as Tax Parcel 754, less and except the western 250 ft The property is 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. (24SS00008) (No address assigned. In the Cocoa area.) (Tax Account 2317736) (District 1)

G.12. (24Z00023) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a change of zoning classification from TR-3 (Mobile Home Park) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP (Binding Site Plan), on property described as Tax Parcel 754, less and except the western 250 ft. The property is 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. (24Z00023) (No address assigned. In the Cocoa area.) Tax Account (Tax Account 2317736) (District 1)

Jeffrey Ball read companion items G.11. and G.12. into the record. He referred to the information that Ms. Rezanka had provided which included a concept plan. He noted that staff had not reviewed the concept plan for code compliance or regulations. In addition, the provided zoning map notes GML. That property with a public school on it is actually zoned AU.

Kim Rezanka, on behalf of Ibrahim and Haroon Realestate, noted the information had been provided to show what she believes to be inconsistencies in the zoning and future land use on the map. Fair Glenn Elementary School to the north of this property has a zoning of AU and future land use of RES-1. She believes it should have a future land use of government managed lands institutional by the county code. The land to the west of that is owned by Brevard County and looks like it's mostly just for storm water. To the south of this property is a mobile home park. It's a rental property with Res 2 and it has TR-3 zoning even though it's not big enough and should have 10 acres to have a TR-3 zoning. As discussed, it can't be subdivided so it's a rental community which could be considered commercial. There are three homes to the east of this proposed development. This subject property is accessible from US 1. She went on with explaining that 2.86 acres isn't big enough to be developed, therefore it can't be used right now in its current TR-3 zoning. Ms. Rezanka then noted what the applicant wishes to do and made reference to the concept site plan that was drafted by Aaron McDonald, the engineer of record. They're looking to do 27 units. They would have office hour time so they would end by 6:00 at night and meet performance standards to make sure they did not impact the residential homes to the east.

Henry Minneboo wondered if the piece that abuts US1 was under same ownership. He also asked to confirm if sewer and water would be available.

Ms. Rezanka confirmed that the 250 feet is owned by the same entity and be used by the entirety of the property. Sewer and water were noted to be available.

John Hopengarten asked how big the lot to the west is.

Kim Rezanka responded by stating under two acres and that the two lots together are almost five acres.

Ron Bartcher asked for the applicant to describe the buffering.

Kim Rezanka noted there would be a 25-foot type A buffer with a six-foot high completely opaque visual buffer. Actually, she believes it's going to be larger than that based upon the placement of the driveway. For the property to the east there's a substantial natural buffer on the owner's property that's going to be preserved.

Ron Bartcher recommends the condition of a BDP that restricts him to BU-1 uses such as the mentioned retail, office, and personal services.

Jeffrey Ball stated to clarify that the current BSP. It's limited to seven lots of at least 15,000 square feet provides a 50-foot buffer to the east and a 75-foot buffer to the north.

Ron Bartcher stated he was concerned less concern of buffering to the north because they have their own fence. He was more concerned about the buffering to the east where its residential and to the south. He'd like to see as much buffering as possible there. He understood that there isn't enough room for a 50-foot buffer but also enough for 20-25 foot. Mr. Bartcher went on to ask whether a six-foot wall, because its commercial to residential, would be required to the south and east.

Tad Calkins said yes.

Ron Bartcher and Henry Minneboo discussed the aerials and whether the existing vegetation that's depicted were Brazilian peppers.

Public Comment:

Jennifer Parish, 1260 Old Dixie Highway, Titusville, Florida. Ms. Parish has little kids. She had a question as to whether there were any restrictions to what commercial stores, or anything could go there right next to a school.

End Public Comment:

Jeffrey Ball went on to explain what uses are allowed in BU-1 zoning and the BDP runs with the land. Therefore, even if the property is sold those restrictions would still apply unless there's a request and approved by the board to remove those restrictions.

Kim Rezanka added that there couldn't be any alcohol sales or adult entertainment there either because it's so close to a school so those would be restrictions also.

Motion to recommend approval of item G.11 by Ron Bartcher, seconded by Debbie Thomas. The vote passed unanimously.

Motion to recommend approval of item G.12, on the condition of entering into in a BDP that requires a 20-foot buffer along the east and south and restricts the restrict the BU-1 uses to retail, office, and personal service, by Ron Bartcher and seconded by Debbie Thomas. The vote passed unanimously.

G.13. Villas of Sherwood, Inc. and Sherwood Golf Club, Inc. (Jorge Ballarena) request a Small-Scale Comprehensive Plan Amendment (23S.05) to change the Future Land Use designation from RES 4 to RES 15. (23SS00005) (Tax Account 2100937, 2100938, 2113021, 2111319) (District 1)

G.14. Villas of Sherwood Titusville, Inc.; Algarrobo Development, LLC; Sherwood Golf Club, Inc.; and TRSTE, LLC, (Jorge Ballarena) requests a change of zoning classification from, GU, AU, EU, SR, RU-1-11, RU-1-13, RU-2-10, RU-2-15, and PUD with two existing BDP's, to all PUD and removal of two existing BDPs. (23Z00035) (Tax Accounts 2100937, 2113020, 2112021, 2113023, 2113024, 2100938, 2100939, 2100940, 2100942, 2100943, 2100952, 2100953, 2111319, & 2101061) (District 1)

Trina Gilliam read the items and associated conditions into the record.

Jim McKnight, the Planning Consultant for Ballarena, spoke to the items.

Regarding G.13, Mr. McKnight summarized saying the Sherwood PUD provides redevelopment of a golf course that failed to continue to operate, and this is a trend apparent in the country since 2006 and the beginning of the Great Recession. Since that time over 100 golf courses annually have closed operations in the country with six of those in Brevard County now closed or in the process of redevelopment.

Mr. McKnight added the project has been through a process of three community meetings held in September and November of 2023 and May of 2024 where concerns regarding traffic, storm water, safety, property values and other issues were heard. This led to significantly reduced density as well as addressing major issues such as drainage and safety concerns about additional traffic that will be minimized by limiting the number of single-family lots in that area. Referencing a slide show, Mr. McKnight spoke on the specifications of the land use regarding the zoning changes including the reduction of PODs from 6 to 4 for residential use divided between an area of town homes, single family residences, villas, and one additional for stormwater use.

Bruce Moia, engineer of record on the project, spoke to the drainage and stated this area has historic flooding. As the original development of this area was in the 60's and 70's, Mr. Moia expressed that the drainage framework does not even come close to what would be required today, and that he is impressed that this developer has gone out their way to work with the community to adapt and arrive at a solution to improve the area as a part of the development of this challenging project.

Mr. Moia went into detail regarding the waiver requests for the project, stating that most of these requests have existing precedent, are for the benefit of the area, or address concerns not relevant to the area as it already was previously developed:

Waiver 1, Sec. 62-1446. PUD-Land Use Regulations; Sub-Section (d) Minimum lot area, frontage, setbacks; accessory uses; Paragraph (1) - to reduce the required 5,000 sf minimum lot area to 4,000 sf (POD III)

Waiver 2, Sec. 62-1446. PUD-Land Use Regulations; Sub-Section (d) Minimum lot area, frontage, and setbacks, accessory uses; Paragraph (3) - to reduce the required minimum 20 feet rear setback to 10 feet. (POD III)

Waiver 3, Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (1) - to reduce the required minimum 50 feet wide right-of-way to a minimum of 30 feet with 10-foot easements on each side for POD III.

Waiver 4, Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (1) - to reduce the required minimum 50 feet wide right-of-way to a minimum of 30 feet with a five foot easement on each side for PODs I and IV.

Waiver 5, Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a); Paragraph (3) - to reduce the minimum 100-foot setback of the cul-de-sac right-of-way to the plat boundary to 15 feet with the inclusion of a 6' high wall and landscaping in one (1) location (POD III).

Waiver 6, Sec. 62-2883. General design requirements and standards.; Sub-Section (d) - to replace the required 15' perimeter buffer tract with a 15' perimeter buffer easement, or 10' perimeter easement where adjacent to an existing drainage easement, and allow it to be disturbed for grading, landscape, and buffer improvements, including but not limited to walls, fences, retention slopes, walking paths, and utilities (POD III).

Brian Davis, Landscape Architect with Libra Design Group for the project addressed the Board about the proposed buffers. He began stating that POD 1 is the highest density parcel, so it has the most intense landscape buffer. The area around POD 4 is the next most intense use after POD 1.

Henry Minneboo asked what percentage of the project will be vegetation. Robert Sullivan added the question of how many of the buffer trees are non-native. Mr. Davis replied about 64% of the overall site involves the buffer vegetation, and that they'll do as much as they can regarding existing trees and primarily using native new trees like live oaks.

James Taylor, Traffic Engineer with Kimley-Horn stepped forward. Mr. Taylor explained the traffic impact analysis process of getting assumptions approved in advance of doing the study with staff as well as guidelines to follow per the Institute of Transportation Engineer's Trip Generation Handbook and FDOT District 5's latest adopted regional travel demand model. Under the proposed distribution, the impact to Carpenter Road where the densest land use will be will adjust existing volume to capacity ratio from 32% to 61% by 2030 buildout. The next steps involve a traffic study to identify deficiencies and to work with staff on navigating the BDP in regard to mitigating impacts.

Tim Maslin, Environmental Consultant on the project with Florida Environmental Consulting stepped forward to speak on environmental impacts of the project. He opened by saying the Sherwood property is not a native habitat. However, there are currently protected species like Gopher Tortoises on the land, with surveys to monitor for others to be done. All conservation and relocation would be done according to FWS and FWC permitting rules and regulations. Wetland delineation has not been performed but it is in the plans for the land development process and all wetlands will be preserved as possible with appropriate buffers.

Henry Minneboo called Bruce Moia back up to discuss the importance of the drainage in this land and that it will be the most impactful part of this project.

Mark Wadsworth addressed the public before opening the room for discussion, stating that these developers are being held to higher standards than probably what it was when they all built their own homes. He added that he does not think it is the Board's responsibility to make that decision, but to focus on the small scale comp change and the change of zoning.

Tom Erdman spoke to developments nearby like Brookshire, Hog Valley, and Deering Park where areas were rapidly cleared for new homes and led to new flooding and potentially overloading infrastructure. Mr. Erdman stated that himself and others live here to be in a more rural area away from the massive developments of South Florida and Orlando. He added he believes that while the developers have compromised that there is room for further reduction.

Richard Horvath stated he lived in the subdivision and sees wild animals rampant on the golf course since it has not been being maintained. He said that this development is something the area would benefit from in addressing that.

Wendy Smith asked about the ownership and maintenance of a retention pond potentially in the development area, and Mr. Wadsworth replied that the developers will address that when they come up after the public speaking session.

Louis Basler opened saying it took him 40 years to save and buy his Titusville home. He added that he grew up in the area, and that none of the people who spoke are. He said they will come in, develop, take their money, and leave. Mr. Basler referenced a 2007 study in Mims by Brevard County that stated continued growth would likely exceed the county's ability to supply potable water due to

aquafer limitations. He finished by stating no one from the community wants this and the gentleman earlier is the only one he has ever heard in favor of it.

Laura Mora stated she lived on London Road where the traffic will be affected. She moved here 20 years ago from South Florida as the victim of developers including the Ballarena group. As roads became highways improvements to the infrastructure and the associated costs were borne not just by the developer but the people in the community. Mrs. Mora moved to Sherwood because of the character of the community, and at meetings the developers had said they would be removing 90% of the trees which make up that character. The people who will benefit from this are the person who bought the golf course who lives in California, Ballarena from Miami, and the engineering group from Melbourne. She added making money is fine, but it is not the people in Sherwood that would be making it.

Heidi Peterson expressed frustration at the road development and the differences to existing homes such as the heights in the new home construction because of the difference in building code.

Ruth Amato presented a packet to the Board and explained that before Sherwood's original development the land was a swamp and that 500 extra homes will lead to nowhere for the water to go. She added that small agriculture is often built near floodplains for ease of access to water, and the added pressure from the development will cause flooding in those areas that destroy farmland, and even further risk in high levels of rain for flooding to affect homes as well.

Richard Jones echoed Mr. Basler in that he had never heard anyone living in the community that wants this development. He said that analyzing the flooding isn't good enough, they need an answer now before the development begins. When Mr. Moia said this is the hardest project he's ever done, Mr. Jones said of course it is, because it wasn't made for houses to be in there. He said the people speaking here thought they would be in and out but have now been at this meeting for 4 hours, and that should show how much this means to them.

Katie Delaney stated that while the standards are higher that does not mean governing officials are holding them accountable. Just last week in the Windward Pines community being developed in Cocoa, a gopher tortoise was found killed and placed in a storage container and nothing is being done. She added that the community meetings have been completely full, and that to be told by the Board that they don't want to hear the same thing over and over again while the community is suffering is disheartening when the people need help being protected.

Anthony Jicha opened by saying this developer has made considerable effort to reach out to the community and commends them. Mr. Jicha spoke against item G.14 specifically regarding the engineering for POD 1 having a huge grade differential compared to Longbow Drive.

Faith Swanson said that a blank spot on the map of POD 1 is where her property is, and the easements proposed all around her land concern her. She said other developments in the area have affected parking and the waterways and added that she has well water on her property that goes through the planned development and does not know how that will be affected.

Chair Wadsworth closed the public comment section.

Kim Rezanka spoke on behalf of Developer Ballarena. She talked about the Comprehensive Plan Amendment, moving the density east towards Carpenter Road and keeping more single-family homes to the west. Most of this is already RES 15. She added the storm water park of POD 2 has to address the flooding and the project can't be built if it doesn't. A lot of these issues were not known to the owner or developer at the start of the project and it has changed a lot since the meetings with the

community. Additionally, the Mims water treatment plan design capacity is adequate to serve the proposed development. Mrs. Rezanka said the tree survey hasn't been completed yet and does not recall the statement being made that 90% of the trees would be removed.

Bruce Moia stepped back up and clarified that the requirement is to save a minimum of 10% of the canopy, but that is over the entire site which is not a heavily wooded area to begin with, so they are not "removing" 90% of the trees. He further spoke on the elevation and said there's no reason to fill because it's already filled and doesn't think it will be an issue. Mr. Moia said he has been to all three community meetings for the project, and that by the third there were people coming to him saying they were for the project, and it is not true that the whole community is against it.

Chair Wadsworth praised the developer for having these meetings with the community and stated that these developers are going to be held accountable. Mr. Wadsworth said that lowering the density almost 50% shows the developer is trying to work with the community.

Ron Bartcher asked of Mr. Moia the nature of the drainage as traditionally when a property drains into another the receiving must accept it. Mr. Moia clarified the idea is to prevent drainage from this property from draining offsite. Mr. Bartcher further sought to understand that the plan was to do something that actually helps the existing flooding problem which is above and beyond what would be traditionally done.

John Hopengarten asked about the POD 2 stormwater and runoff plan. Mr. Moia answered that it'll be going from around 10 acres to 25 acres of retention pond.

Mr. Hopengarten asked about sewer and septic, and referenced the speaker earlier who said she was on well water. Mr. Moia said that was unusual, and almost all are on sewer with some larger lots to the north that could be on septic.

Mr. Hopengarten continued that he was surprised he hadn't heard complaints of homeowners losing their view because of the development.

Robert Sullivan asked Mr. Moia to clarify for the audience retention and detention ponds. Mr. Moia said that retention ponds are called that but do both. He ventured that the current state the proposed development area is likely all detention, but the standards are very different nowadays and the only way to meet those needs would be larger ponds. They spoke back and forth on the potential nature of sluice gates and discharge for the needs of reacting to potential storm drain needs.

Mr. Bartcher asked if the developer is willing to accept the BDP. Mr. Moia said they would like the opportunity to meet with staff and see what they want as he has never seen some of the studies being referenced, and that it is not a BDP but a PUD approval with conditions. Kim Rezanka clarified that it anticipates a BDP similar to Gen Florida 48 LLC the Board saw earlier today. The Board and Mrs. Rezanka discussed the verbiage and the desire to move forward but with the conditions subject to further discussion as the BDP does not exist at present and later would be brought before the Commission.

Ron Bartcher motioned approve item G.13, second Henry Minneboo. The vote was unanimous.

Ron Bartcher motioned to approve item G.14 with the caveat of the applicant working with staff on the suggested BDP, second Henry Minneboo. The vote was unanimous.

Upon consensus, the meeting adjourned at 7:52 PM.