

LOCAL PLANNING AGENCY (PLANNING AND ZONING BOARD) MINUTES

The Brevard County Local Planning Agency (Planning & Zoning Board) met in regular session on Monday, May 20, 2019, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodgers; Ben Glover; Ron McLellan; Scott Langston, Vice Chair; Mark Wadsworth; Peter Filiberto; and Dane Theodore.

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

Approval of the April 22, 2019, Minutes

Motion by Rochelle Lawandales, seconded by Scott Langston, to approve the minutes of April 22, 2019.

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

Palm Bay REH, LLC (Hitesh Patel)

A CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant, in a TU-1 (General Tourist Commercial) zoning classification. The property is 1.23 acres, located on the west side of U.S. Highway 1, approximately 290 feet north of Camp Road. (4885 North Highway 1, Cocoa) (19PZ00051) (District 1)

Hitesh Patel – Hitesh Patel, 4885 North Highway 1, Cocoa. I'm opening the old Woody's Bar-B-Que restaurant, which was damaged by fire and the owner did not want to re-open the business, so I bought it and am reapplying for the alcoholic beverage license.

No public comment.

Rochelle Lawandales – I'll move approval.

Ron McLellan – Second.

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

Mark Hansson

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to CC (Community Commercial). The property is 3.10 acres, located on the east and west sides of East Railroad Avenue, approximately 150 feet north of Moore Road. (3845 East Railroad Avenue, Cocoa) (19PZ00032) (District 1)

A change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 3.01 acres, located on the east and west sides of East Railroad Avenue, approximately 150 feet north of Moore Road. (3845 East Railroad Avenue, Cocoa) (19PZ00033) (District 1)

Mark Hansson – Mark Hansson, 3845 East Railroad Avenue, Cocoa. We own a 3-acre parcel of land on East Railroad Avenue that is currently zoned RRMH-2.5 (Rural Residential Mobile Home) with a single residence on it and we are looking to pursue a recreational vehicle, boat, and trailer storage yard. In the surrounding area there are a lot of people who have those items and cannot park them in

a residential area. It's a very rural area on an unimproved road. There are no other residences with a postal address on the road. We think it's compatible with the surrounding business ventures that are nearby, as it's not intrusive to any neighbors. We don't plan on having any buildings, only fencing for security, and lighting. We just want to change the zoning and land use classifications in order to make this storage yard for people with boats, lawn equipment, or similar items.

Rochelle Lawandales – Are there going to be any site planning requirements? Is he going to have to provide for stormwater management, buffering, and landscaping?

Erin Sterk – Yes, there are requirements for a wall adjacent to the subdivision to the north; they will have to site plan the area with the existing residence if it's to be used as the 300 square-foot building required for the office for the storage yard. There are also requirements in site planning for access for commercial properties to a paved road, so either Railroad Avenue would have to be paved to this point, which may be a challenge because it's a long distance they need to go, or access to Pam-Lem Street to the east, which would need to be negotiated with those property owners. There are some challenges at site plan, but they are not related to the zoning action, and the applicant is still working diligently on all of those things and is aware of those issues.

Mark Hansson – I'm not sure of any other ventures I could use it for that don't require as much site planning or paved roads, I just want to do some sort of business on the property. The paved road is an issue and I already talked to Commissioner Pritchett's office concerning getting an agreement with my neighbors, I guess they have a 10-year plan where you can split the cost of road improvements. I'm pursuing that if I can, but it will take time. I will pursue it as I can afford it to accomplish the venture.

Rochelle Lawandales – Is this your residence?

Mark Hansson – It is now.

Rochelle Lawandales – Can you access it from Pam-Lem Street?

Mark Hansson – Only if I purchase the single parcel adjacent to me, and I have not asked them for an easement; it used to be part of this parcel, so it would be great if I could pursue that.

Rochelle Lawandales – There were some other uses in BU-2 (Retail, Warehousing, and Wholesale Commercial) that I think might have a negative impact on the residential subdivision to the north. Erin, there were welding shops and several heavier commercial quasi-industrial uses in BU-2 that I wanted to see if the applicant would be willing to also add to the BDP (Binding Development Plan) to restrict them out of the area. Uses such as auto body shops, welding shops, and mortuaries.

Mark Hansson – I would be willing to add those restricted uses to the BDP. On Pam-Lem Street there are similar uses already and there is a fence place that is always loading things and making noise.

Rochelle Lawandales – I'm talking about manufacturing kinds of uses.

Mark Hansson – There is a 40-foot natural vegetative barrier on the subdivision to the north that is already embedded in that development. The north side of our lot is also where most of the trees are, which we intend to leave. I'll let the building department assess the concrete wall. Whatever the code requires we will accomplish. We do not want to have an intrusive impact.

Ron McLellan – What is to the east of you?

Mark Hansson – Directly to the east is a lot with two mobile homes.

Ron McLellan – Past that, there is a building.

Mark Hansson – That is a fence company, and there is also a boat manufacturing business. Everything on Pam-Lem Street is some kind of light industrial.

Ron McLellan – I don't understand how that house got in the center of it.

Mark Hansson – It is an isolated and unique area. On the south side is a cemetery.

Ron McLellan – It's impossible to get to your property across the railroad tracks unless you have a horse.

Mark Hansson – The west side is not usable, it's next to a wetland. Staff told me that only this board and the Commissioners can make that any zoning you want. It will never be developed and there is no access to it. I have no concern with that half-acre on the west side of the tracks.

No public comment.

Ron McLellan – I move for approval.

Rochelle Lawandales – I'll second the motion with some conditions.

Erin Sterk – The proposal is actually with a BDP (Binding Development Plan) to limit two uses, so if you are approving it as proposed it would be limiting the use of a convenience store/gas station and drive-thru restaurant, and if the road were to be paved that would be crazy with the level of service. As proposed, there is already a BDP in your packet limiting those two uses.

Henry Minneboo – One of the issues on that road is that it's not a defined right of way, it's prescriptive. Parts of that road are 14 feet wide.

Rochelle Lawandales – My conditions would be to eliminate the piece on the west side of the railroad tracks and to further eliminate uses in the BDP. Do you want us to wait until we get to the rezoning?

Erin Sterk – They are both read into the record, so if this is the motion for the comprehensive plan amendment, then I guess this would be all that's applicable.

Rochelle Lawandales – I'll second the motion to approve the small scale comprehensive plan amendment.

Erin Sterk – With the restriction on the proposal on the west side?

Rochelle Lawandales – Yes.

Ron McLellan – Doesn't that hurt him in the future if he ever wants to sell this property?

Mark Hansson – No, sir. I might work on separating that parcel west of the railroad tracks, but only to sell it to the people that own the piece next to it.

Ron McLellan – I just don't want to see this action split on the parcels. If we are going to do it, we should do it on the whole property.

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

Rochelle Lawandales – I move approval of the rezoning with a BDP (Binding Development Plan) to eliminate the four uses that are currently in there, the drive-through fast food, convenience store, and add in no dry-cleaning plants, dying and carpet cleaning, paint and body shop, seafood processing, sharpening and grinding shop, a ship chandlery, welding, and crematorium.

Mark Hansson – I agree and have no objection to eliminating those uses.

Erin Sterk – Rochelle, can you clarify that you are intending to eliminate the piece on the west side from the proposal.

Rochelle Lawandales – From the zoning, correct.

Erin Sterk – From the zoning as well, okay.

Peter Filiberto – I'll second.

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

Douglas and Cindy Robertson

An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", setting forth the adoption of Plan Amendment Cycle 2019-1.1; 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 2019-1.1 – a proposal initiated by Douglas and Cindy Robertson to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Residential 1:2.5 to Residential 1 on 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane. (18PZ00166) (District 3)

Douglas and Cindy Robertson (Bruce Moia) request a BDP (Binding Development Plan) for consistency with the Future Land Use designation of Residential 1. The property is 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane. (18PZ00167) (District 3)

Erin Sterk – This is the adoption hearing, and it was recommended for approval for transmittal. Some State agency comments have come back, and you all have a table of analyses in front of you with some County responses to those comments and we'd be willing to answer any questions you have. Item 5 is a proposal by the same applicant for a BDP to be consistent with Residential 1 on the same property.

Bruce Moia – Bruce Moia, President of MBV Engineering, representing the applicant. What we have here is a 20.39-acre vacant tract of land on Fleming Grant Road. It is zoned RU-1-13 (Single-Family

Residential) and has a land use of Residential 1:2.5 acres. Currently, the zoning allows for a 7,500 square-foot lot, which is a little less than 0.18 acres; it allows for a 1,300-foot home, and it has a density of 1 unit to 2.5 acres, which would currently result in eight lots. We're requesting to change this to Residential 1, which would allow one unit per acre, which is the exact same land use existing across the street. It is a unique zoning in this type of rural setting, but it is consistent with all of the zoning adjacent to it, for the most part, on that side of Fleming Grant Road. The site does front Fleming Grant Road, which is defined by the County as an urban major collector that operates at only 12.2% of the capacity of that roadway, so it doesn't have nearly the traffic it can hold. We recently had a tree survey done of all the specimen trees, and there are approximately 15 specimen trees, consisting of 14 oaks and one pine. It does have some isolated wetlands on the south area of the project and a small fringe of wetlands along the shoreline. The total wetlands is 5.57 acres, per the environmental study that was done by Florida Environmental Consultants. There are gopher tortoises present on the site, but I don't know how many, as that study has not been done yet, but it will be done closer to the development permitting of the site. There are no scrub jays on the property. The site is approximately 1,600 feet deep from road to river, and the southernmost 400 feet is in the current flood plain, per the FEMA (Federal Emergency Management Agency) flood maps. There is no water or sewer to the site, or anywhere in the existing area; all of the residences are on well and septic, as this would be proposed. The site drains from the roadway to the river, and it drops about 15 feet from the roadway to the waterline. There is no public stormwater conveyance system through this property or adjacent to this property. What we're proposing is to develop this into 20 single-family residential lots. There are some things we would like to do over and above the code; we would provide a restriction to a minimum floor area of 2,000 square feet; we would limit the lot size to 0.5 acres, which is very consistent with most of the existing developed lots on that side of the street; and we would limit the size to one acre along the river, so anything past a certain point would be one acre minimum. We would retain all of the existing specimen oaks, with the condition that the amount of fill required to develop it, based on some input from the rising flood levels, that is something we would meet if at all possible. We would do a stormwater management system that would meet all current requirements. Currently, there is not a single lot that I know of on that side of the road that has a system. We would allow for advanced septic tanks on all 20 lots, not just the ones that would be in the setback of the river. We would limit our wetland impact to 0.37 acres; we would provide a 15-foot perimeter buffer tract around the subdivision; and we would also create a homeowners association with an architectural review board. Those are some of the things we're here to offer. I'll let the public speak and then I'll be back to answer any questions.

Mark Wadsworth – How many lots are you asking for?

Bruce Moia – Twenty. That's the most we're going to get. I don't know if we'll get that many once we add roads and stormwater.

Ron McLellan – Do you have a site plan of how you're going to lay this out?

Bruce Moia – No.

Ron McLellan – Do you have any idea if you're going to run down the center of it?

Bruce Moia – We would have one access point to the road.

Rochelle Lawandales – You said you'd limit the lots on the river to one acre, how many of those would there be?

Bruce Moia – I don't know, but anything south of the north line of Lot 10 on the adjacent property to the west, anything south of that line would be a one-acre lot.

Rochelle Lawandales – How many non-one acre lots would you have?

Bruce Moia – I don't know, but we're willing to make sure any lot that goes from that point to the river will be one-acre minimum. We haven't laid this out, we have a lot of hurdles to jump before we spend that kind of money.

Peter Filiberto – Do you plan on building 20 homes, or is that the goal?

Bruce Moia – That's the goal. It could be 15 once we start having required stormwater, the required roads, setbacks, wetland impacts, and flood zone impacts.

Public comment.

Everything submitted to the board under public comment can be found in the Planning and Development Department, under Zoning Files 18PZ00166 and 18PZ00167.

Linda Brannon – [submitted a handout to the board] My name is Linda Brannon, 9675 Fleming Grant Road, and Micco has been my home since 1961. In 1988 when comprehensive land use plan was adopted, everything between Fleming Grant Road and the river was to be one unit to two and a half acres to protect the river. In front of you is a map, and everything you see marked and highlighted is two and a half acres. On the river side, those lots are two and a half acres, and they've all been developed since 1988, and not one time has the County let them have property in the comprehensive land use plan of less than two and a half acres. If you look at the property directly adjoining this 20 acres, there are four parcels there that were developed in 2001 with the RR-1 (Rural Residential) zoning, but with a binding site plan that required they be two and a half acres minimum. They keep saying they are asking for the same zoning, but they are not; it is not a subdivision-type of area. We respect our spaces and the wildlife that live there. They want to keep RU-1-13 (Single-Family Residential) so they can have half-acre homesites. According to the State, since 1971 you cannot develop property and build with septic tanks on less than a half-acre. They can't go below that, but they can make all of their properties be a half-acre as long as they only put 20 of them on there if you would agree to what they want to do. We're asking that you not amend the comprehensive plan. If you do, we have hundreds of acres of rural land to the north of this. If you amend it for one person, what's to stop other developers? We want to keep our area rural; we love it the way it is; and if we wanted to live in a subdivision we would have moved to one. Almost all of my neighbors are seniors and we all live on large parcels of land. To allow this there is to change our whole area that we live in. We don't care if they build eight houses, that's what they are allowed to build, but to build 20 houses on some lots as small as a half-acre and put them on septic tanks, I don't have to be an engineer to know that 20 septic tanks will be more invasive to the river than eight. The technical assistance comments from the State, read, "The County is spending approximately \$68 million to remove or upgrade 3,734 septic systems over the 10-year life of the Save Our Indian River Lagoon half-cent surtax while continuing to approve development that will add septic tanks to the impaired area. By increasing the density and thus the number of septic tanks to serve the proposed units on this site, cumulatively with other septic system impacts to the Saint Sebastian River and the Indian River Lagoon. The amendment will impact these resources. The current adopted land use density should be maintained until central sewer is available. As the site has notable suitability limitations to increase septic usage". If you're going to put sewer in our area it might be different, but there is no provision for

water or sewer to ever go in. We are a rural community and that's how it's going to stay. We're just asking that you keep the comprehensive plan at one unit per two and a half acres between the road and the river, like it was established 31 years ago. Why would you give this one developer something you've never given anybody else?

Shelly Woods – Shelly Woods, 9912 Riverview Drive, Micco. I represent the Micco Homeowner's Association (HOA), and I'm the President. The HOA is violently opposed to this proposed amendment, we do not want any change, we want everything to stay one unit per two and a half acres. We also are violently opposed to the BDP (Binding Development Plan) which allows them to do one unit per acre, and now I hear half-acres. This is absolutely unacceptable. Twenty septic tanks are not going to work. This property has direct access to the Saint Sebastian River that flows directly into the Indian River, and that's the biggest problem we have. Taxpayers voted to spend millions of dollars to un-do the damage that development has already done to the Indian River Lagoon. We have nitrogens going in there; we have phosphorous problems and seagrass problems. Density increases, stormwater runoff, pesticides, and fertilizers have all hurt the Indian River Lagoon. The Fleming Grant Road area has no sewers, we have to rely on septic and wells. Who is going to monitor the septic systems? If we get the best septic systems in the world, who will monitor them and make sure they are maintained over the years? This density proposal is not compatible with the area; most of the homes are 2.5 acres for one unit. There have been no density increases since 1998, and we don't want it to happen now. We want to preserve the Saint Sebastian River and the Indian River Lagoon, we don't want to stress them to see how much they can handle.

Robin Carroll – Robin Carroll, 9575 Fleming Grant Road, Micco. [submitted photos to the board] You may have read my emails addressing current issues, such as stormwater runoff, the number of septic tanks, the number of wells, and how this development is going to affect current wells in the older neighborhoods that have smaller lots, but I want to keep this about quality of life. I have some pictures for you that show the dry side and wet side. We, my husband and myself, along with friends, purchased our properties in 1994; we looked at lots all over South Brevard. When I saw the quaint treelined street with a marina in Micco, I knew this was going to be my new home; the ride through little Hollywood showed an older community with modest homes that are well maintained. Following Fleming Grant Road, the properties opened up into larger homes on acreage, and it was just what we were looking for. We found two side-by-side one acre lots and bought them, and for eight years we would come up on the weekends and work on the property to match the flavor and characteristic of the community. We enjoyed our trips from Palm Beach County. It was in 2002 that my husband and I had reached our goal that we could build. It was hard to find a builder to allow us to make architectural changes to the outside and the floor plan so our new home would match the community. Our home has lap siding, a large front porch, and rectangle windows. We are in our 17th year and cannot be happier to get out of Palm Beach County; the quality of our lives changed due to the rural flavor of our community. Our friends have not built yet, but they keep a horse on their property, so we are the caretakers. The pictures will show you the flavor and character of the neighborhood, the space, tranquility, the abundance of nature with horses, turkeys, turtles, hawks, osprey, and an occasional bobcat or two. All of this nature rounds out the large old oak trees that flourish in the area. The riverside has large homes on lots over two and a half acres. The other side has large homes on one-acre lots. Our forgotten corner of Brevard County is paradise. We are happy where we are and with finding our piece of paradise. Please do not change the comprehensive plan to facilitate the few who just want to make money on an investment and knew the restrictions were there when they purchased the lot.

Ken Chapin – Ken Chapin, I live 300 - 400 yards from this property, and I've been there for over 40 years. [submitted photos to the board] Here is what the river looks like today. I developed a piece of property next to the subject property, and knew when I bought it that the comprehensive plan called for two and a half acres and that's the direction County staff has been recommending. I developed two and a half acre lots on 10 acres. Ten years later I developed another 23 acres close to this property, and at the time, staff said we'd have to go to two and a half acres. When I got the letter about this change, I called Cheryl Campbell and she started talking about compatibility. That was beyond belief to me, to compare to the 1950s and '60s when we hardly even knew what the environment was back then. Since 1988, the County has enforced two and a half acres to protect the Sebastian River, and Brevard County was ahead of the curve to figure that out, because today we are spending millions of dollars to help the Indian River. There should be eight homes on this property with wooded lots, but to over-develop this property is wrong. Please help us to deny the application. Small lots are not right with our neighborhood. Why over-develop this when the precedent is set at two and a half acres?

David Motto – David Motto, Indian Harbor Beach, and I serve as a volunteer member of the board for the Marine Resources Council, and we object to this change in density. We launched a massive effort to bring the Lagoon back to health. The people of Brevard have pledged up to \$500 million, and the cost will probably be close to \$1 billion when finished. To add to the problem, 50 years of neglect of the Lagoon, 50 years of land use and development decisions made without regarding the impact on the Lagoon. To add to the problem while we're trying to fix the results is not common sense. We have indicated this in previous attempts to increase density, and in our letters we have recommended that the County shelve any requests for density increases until we've completed a study of their impact on the Lagoon. We suggest that when you're faced with this kind of a decision, considering the condition we're in, and the effort we are embarked on, your first question should be, if this is approved, will it harm the Lagoon? The answer is yes. There is no need for any additional discussion. We urgently ask you to deny this request.

Lou Kontnik – My name is Lou Kontnik, and I live at 3208 Bird Song Court, Melbourne. [submitted a handout to the board] Please don't change the comprehensive plan, we are all in the process of funding the remediation of what we already have. I'd like to share with you some environmental support that explains what we can do to help the Lagoon. I'm personally involved with the environmental efforts around the Lagoon, and I've gone down to see the property. The thing that becomes clear, both from the work that we're doing to restore the Lagoon and from looking at the property and the plats, is that allowing increased density with septics in an area with frequent flooding is contrary to what we're trying to do. I noticed that many of the State agencies suggest the same things. The response that they are a high-grade septic is really an empty response if you have flooding. The second point is a point of fairness, there have been developers who have asked to abandon the two and a half acre comprehensive plan in that area, and have been told officially, or unofficially, to forget it because it's not fair to go back on the requirements that have existed since 1988. The final point I want to make is sure enough, if you endorse, and if the Board authorizes this, we are going to see a lot more development with the abandonment of the two and a half acre requirement. I respectfully ask you honor the Lagoon, honor our community, and honor the money you are paying to restore the Lagoon and vote no. Thank you.

Henry Minneboo – Are you fairly knowledgeable about septic tanks?

Lou Kontnik – I have some knowledge, but I am by no means an expert.

Henry Minneboo – Are you convinced that septic tanks are the highest priority with all of the Lagoon's negative impact?

Lou Kontnik – The Save Our Indian River Lagoon report goes through the contributors, and septics are one of the top contributors with the nutrients going into the Lagoon, which causes the algae blooms and fish kills. It's not necessarily number 1, but it's up there.

Mark Loyacano – Mark Loyacano, 1061 Sebastian Road, Micco. Fleming Grant Road runs behind my house. In the letter I sent there is a link to a lecture given by Dr. Brain LaPoint of Harbor Branch, and it is about the Indian River Lagoon as a bio-reactor and septic tanks is the subject of that lecture. I sent the same thing to the State. Dr. LaPoint has studied the Lagoon for more than 40 years, and in the world of science he is well known and well respected. He calls septic tanks for the Indian River Lagoon the smoking gun. His lecture points out that the rain washes the drainfield down to the aquifer. The most modern, efficient, septic tank is still unsuited for our soil; it isn't the tank, it's the soil, it lets it go straight to the aquifer. They have proven this because they can identify phosphorous and nitrogen as to whether it came from farms or humans, and it's humans. It migrates through the water system. I check the water every week on the Indian River Lagoon and in two locations on the Saint Sebastian River. I'm a volunteer for the Marine Resource Council and I'm a water quality monitor. I collect samples and Fed Ex them every day to the Fish and Wildlife Research Institute in St. Petersburg and they are analyzed for harmful algae blooms. Last fall, I had 20 sites between Wabasso and Grant, and 19 were positive hits for a toxic algae bloom responsible for the respiratory issues and the fish kills last fall. These septic tanks are feeding the algae blooms. These algae blooms in the Sykes Creek area have not dissipated since 2012, and we are helping.

Lou Kontnik – As he said, even the best septic tanks, by design, are only 65% efficient in removing nitrogen. In practice they are 50%, and that's based on frequent and careful inspection. I can't give you any more detail, but Sarasota County has been declared no longer impaired waters, Sarasota Bay now meets the requirements. Tampa Bay has also been declared no longer impaired and it meets water quality standards. The new rule on septic tanks in Sarasota is 900 meters from surface water, and anything closer than that must be on sewer.

Mary Sphar – Mary Sphar, I live in Cocoa and I represent the Sierra Club. The Sierra Club asks you to recommend denial of these requests. If the amendment is passed it will be the first exception to the 1988 requirement for large lots that help protect the Saint Sebastian River and the Indian River Lagoon. Considering the challenges of maintaining the health of our precious surface waters, should Brevard County approve a precedent setting increase in density that might have been reasonable in 1955, but seemed inappropriate as early as 1988? The Sierra Club did some analysis of the property and concludes that the subject property appears to be the most vulnerable to sea level rise and storm surge in the area between Fleming Grant Road and the river. You received a handout from staff addressing the County's response to the State agencies. I agree with the comments. The comment that I have a question about has to do with the base flood elevation (BFE), the FEMA (Federal Emergency Management Agency) based flood elevation, and the comment states, "The FEMA determined base flood elevation be revised in 2019 or early 2020, the BFE will increase from 4.5 feet NAVD (North American Vertical Datum), to 5.3 feet NAVD. Brevard County anticipates this BFE revision be used for future planning and development purposes". It is unclear what base elevation was used. We used a lower elevation of 4 feet in our letter. If you increase that to 5.3 feet, that increases the flood zone on this property. Of course, it's a fact that as the sea marches toward the land, that area now will be changed because the starting point of land is higher up than it was. All of

the State agencies are urging caution. The comment from the East Central Florida Regional Planning Council urges the Board of County Commissioners to reconsider the prospect of rezoning these 20 acres to allow for increased densities in an area without sanitary sewer services, an area that will experience additional flooding issues with the advent of sea level rise, and an area that is vulnerable to surge from hurricanes. The Saint Johns River Water Management District (SJRWMD) says the Indian River Lagoon is designated as an estuary of national significance and provides important environmental and economic benefits to the Lagoon's state. As part of the analysis of the proposed amendment, the County should consider whether the potential increase in allowable density would result in adverse impacts to the Indian River Lagoon. The DEO (Department of Economic Opportunity) says, "The current adopted land use density shall be maintained until central sewer is available, as the site has notable suitability limitations to increase septic system use". They also say the current adopted land use density should be maintained, as the amendment site has portions vulnerable to storm surge and future impacts from sea level rise. The DEP (Department of Environmental Protection) said the subject property is adjacent to the Indian River/Malabar/Vero Beach aquatic preserve, which is 28 miles and accounts for 29 acres of the Indian River Lagoon system. The County should consider that the potential increased density will result in adverse impacts to the Indian River Lagoon, and explore ways to offset these potential impacts. I know there is going to be some pressure on you to start slicing and dicing, how many lots and how big should the lots be, but please don't go there, and stop right now. This amendment should be denied, just like the amendment for the Scottsmoor area that you had a split vote on. The Sierra Club and the Marine Council is looking at stopping these density increases along the entire Indian River Lagoon, which is really in a critical state. We don't mind giving someone the amount of houses they are legally entitled to, but let's not increase that one little bit. Thank you.

Diane Grant – Diane Grant, 9675 Mockingbird Lane, Micco. Our house was built in 1954 and we are on almost two acres that back directly up to the 20 acres we're talking about. Whenever we get rain a good amount of the property is under water for days; it does not drain well at all. I had it tested last year and the water table by use is two and a half feet. If you put more homes onto the property behind us, it is my concern that we will have a problem with further drainage with septic, and the homes on our street were designed to have the septic in the back and wells in the front, so we would be at a disadvantage. I hope you give consideration to the affect it would have on Mockingbird Lane.

Bruce Moia – I think I have some answers and I hope you're willing to listen to them. When the comprehensive plan was done in 1988, back then density was the only way they had to protect things. We know now that that's not really the answer. There are a lot of things we can do to protect our environment and protect what's out there. I'll start with the river and pollution, because that's my biggest concern also. I don't disagree with everybody here on what they said. Everything that has happened in the last 50 years is because of development over the last 50 years. They say development is the cause, but unregulated development is the cause, it isn't the subdivision that was built last year with a state of the art drainage system and septic system, it's the unregulated development that has happened over the last 50 years, especially along the shore line. This is the only 20-acre parcel on the south side of that road along the river in this area, so it's not going to set a precedent because there is no more property. Everybody across the street can do the exact same thing we're doing by coming before the board and asking for the same thing we are asking. They all have Residential 1 and if they have a 20-acre piece they can build a 20-acre subdivision today without coming to this board. Our zoning is RU-1-13 (Single-Family Residential), 7,500 square-foot lots, and there's plenty of half-acre lots in this area, adjacent to this property, from the west to the east there are tons of them. We could build eight lots one-half acre right now without coming to this

board, we could do it today, eight lots with regular septic tanks, minimum stormwater requirements, minimum buffer requirements, minimum house sizes, but I don't that's what this board wants. I think they want something better and I think they deserve better. The new septic tanks, on average, treat the effluent over three times better than the current, old, septic systems. We could have 24 lots and not pollute the river as much as we're proposing by saying all 20 of our lots will have advanced septic systems. He said they treat 50%, but the worst case for a normal septic system is 10%, which is what everybody here has who abuts the river, they've been polluting it for the last several years. By allowing us to develop this, with current regulations and by proposing additional restrictions, we will lessen the impact. I know the math doesn't seem to add up, but it does. The County put out the information, and that's what they sold everyone to get the tax increase. We won't pollute it as much with septic because we're going to an up-to-date stormwater management system that no one else on this side of the road has; we're going to treat all of the stormwater on our property that currently goes directly to the river untreated. There is a 15-foot slope from the road to the river with no treatment whatsoever. We will take all of the runoff and treat it before it ever discharges to the river. We will decrease the impact to the river, and it's a fact. We are offering all of these things. Our options are to make it worse or keep it the same, so by allowing us to do something by today's standards and upgrading everything we will lessen the impact on the environment. We're tied to all of the other regulations as far as flood zone protection and finished floor elevations, coastal high hazard, and wetland protection. All of that is part of the Code and not only are we going to be in compliance with that, we're offering in addition to that. We could do four lots right now, clear cut the entire property with no stormwater or upgraded septic systems, but I don't think that's what you guys want. I believe by allowing us to do this development we will lessen the impact.

Mark Wadsworth – As we speak, without having this meeting, you can develop eight lots with no septic restrictions?

Bruce Moia – Right, half-acre lots. We can have eight half-acre lots, yes, with septic.

Mark Wadsworth – With septic, but not the new septic systems?

Bruce Moia – Without the advanced treatment, yes.

Erin Sterk – In order to use the zoning classification that is in place today, it's inconsistent with the comprehensive plan designation on the property, so there would need to be a BDP (Binding Development Plan) to limit the property to eight units total. This board has the authority, if you were to choose to deny the large scale comprehensive plan amendment for Residential 1, to convert the zoning request into something that would make eight lots developable under the current zoning. Technically, right now, they can't do anything except two houses on the two lots that exist today.

Bruce Moia – We have one unit to two and a half acres, and we have 20 acres, we can do eight lots.

Erin Sterk – The lot size is inconsistent with the zoning classification at face value without a BDP. We would just need to memorialize the commitment as part of the zoning action.

Bruce Moia – The lot size is based on the zoning.

Erin Sterk – Right. The other assertions about getting four, there's two lots today, so without going for a subdivision process, which would trip all of the extra criteria and codes for stormwater and things like that, they could split each of those two lots into one more each and get four units without ever

going through a subdivision process, which I think is part of what Mr. Moia is saying, is that they don't have to build a stormwater system to increase the lots today.

Mark Wadsworth – We don't know how many lots you're going to get, and I believe you don't know either because of your wetlands, streets, retention areas, stormwater, so you might only have 10 lots left. Without a huge cost to the land owner, what about a concept plan and then we re-address this?

Henry Minneboo – The problem is you'll spend as much money on a concept plan if you go into full blown engineering. There's so much data that has to be extracted.

Mark Wadsworth – I know he wants 20 lots, and I know they want eight lots. We don't know how many lots there are going to be.

Bruce Moia – There are a lot of regulations we will have to comply with.

Mark Wadsworth – If everyone understood what actually had to happen just to get to a development point, it would ease a lot of the tension and a lot of people here.

Henry Minneboo – But you can't ask everybody at this level to go through the entire process and produce that information.

Mark Wadsworth – Hypothetically, how many lots do you think you're going to get?

Bruce Moia – I don't know, we haven't done any soil testing, I don't know what the water table is, and there are many factors involved. I can draw a concept plan and get 20 lots. Without knowing we can get the number of lots we'd like, I don't see why he'd want to spend that much money just to find out.

Rochelle Lawandales – I agree with Mark, and I think it would help everyone if we had a concept plan. A concept plan is not as costly as actually doing the full engineering. Normally, it's 25% off the top for stormwater and roads, so that's five acres off the top. Then when you look the CCHA (Coastal High Hazard Area) estimates, the flood zone, and acreage estimates, that's another five-plus acres, so that leaves about 10 acres to work with legitimately. And to look at 20 homes on those 10 acres, to me, is a lot. A 7,500 square-foot lot is less than a quarter-acre, so if you have to have a half-acre you have to have two of those, so including a septic tank, that's a lot more than 7,500 square feet. There is so much unknown here, and to me, I am struggling with this. I know half of the problem is that what's out there is not built to current standards. When we apply current standards today we fix the problem because we know so much more today than we did before. The new stormwater management systems are going to be light years better than what is out there now. I'm struggling with the minimum lots. To me, it's very incompatible with what you have in existence out there. Even though I would rather see this piece of property developed holistically and developed in a way that plans for the environment and for up-to-date systems, I can't support the number of lots.

Bruce Moia – What number of lots do you think is realistic? Eight is not realistic.

Rochelle Lawandales – I'm not in a position to negotiate, but I would say that if you're looking at 8 – 10 homes, with the right amount of buffers, the right amount of environmental standards, preservation of the high hazard area, the wetlands and the flood area, if that's put in conservation, with a private road and a homeowners association, then we might be in better compliance with the comprehensive

plan. Right now, I think we have some inconsistency issues. I don't know how to resolve it without seeing something.

Bruce Moia – We don't have a problem with a private road, but 10 units is not a viable project. No one is going to spend that much money to get 10 lots. It's going to stay vacant.

Brian Hodgers – If we approve this as requested, he comes to you and finds out he can do 10 or 12 lots, does he have to come back to this board?

Erin Sterk – No.

Brian Hodgers – Why didn't the Saint Johns River Water Management District issue a response? I don't see their response.

Rochelle Lawandales – They provided a technical assistance comment.

Brian Hodgers – But no formal comment.

Erin Sterk – There are two different levels of comments defined by Florida Statute. One requires a response, and that could mean that the County could respond or the applicant could respond. The technical assistance comments don't form a basis for a challenge as they are advisory notes, tracking the trends of where we are going, and they are commenting on that. The County response was to provide context about what has been memorialized in our comprehensive plan thus far. We are working on some of the things that the State agencies are commenting on, but why SJRWMD (Saint Johns River Water Management District) didn't have a formal comment, many of agencies that do have a formal comment, the comment is that they don't have a formal comment. They didn't structure their letter that way, and the one comment that they did provide was the technical assistance comment.

Brian Hodgers – Of the seven that answered, SJRWMD did not make a formal comment, and the East Central Florida Regional Planning Council is the only one who had what I would view as a negative comment to this whole project. I was curious because I think SJRWMD is probably one of the bigger ones that we'd be looking at, their approval or denial, or their comments, and I didn't see anything other than they would have to meet certain standards, and from what I'm hearing they do meet the standards. That's just my opinion I wanted to put out there. I look at Mockingbird Lane, and it looks like 21 lots; Riverview Drive is 14 lots; and it looks like Oak Trace 15 lots. Some of those are well in excess of two and a half acres, and some of them are less than a half-acre, have you looked at the mixture of lot sizes?

Bruce Moia – Yes, and provided that at the last meeting. I didn't bring it again because I knew it was in the record, but it was substantial. I think it was a 1,000-foot radius around the property, and 47 were under a half-acre.

Brian Hodgers – The documents we have, we can't see lot sizes for each one of these, we can eyeball it, and I see a lot of lots that are less than a half-acre. I'm just curious if you could give us any feedback, would it be 10 lots that are less than a half-acre. Of the existing lots that are nearby, how many of them are less than a half-acre?

Erin Sterk – Within a half-mile of the subject property, there are 180 lots on the Property Appraiser map, at least four are smaller than could be developed, they don't meet any minimum zoning classification standard; 54 of the lots are two and a half acres or larger; 51 are between one acre and two and a half acres; 53 are between a 0.5 and 0.99 acre; and less than 30 of them are less than a half-acre. Thirty is still a significant number out of 189.

Mark Wadsworth – You've probably done the numbers with the owner, how many lots would make it work?

Bruce Moia – We'd like to have all 20. I don't know if we can get eight and not have objection. We can look at that and if there is a number that is palatable, we can reach that.

Mark Wadsworth – You said something interesting, and I'm a big fan of the Lagoon, as are you. The septic tanks we would be putting in there, the advanced systems, and then regulate the runoff, is going to make the Lagoon better than that land is today.

Dane Theodore – Currently, because the comprehensive plan is not compatible with the zoning, what are their allowable development rights?

Erin Sterk – When the zoning is inconsistent with the comprehensive plan it retains the rights of what it had before the plan came into the place, so if the lot was in existence with that zoning classification before the comprehensive plan, it could be developed with one single-family house. There are two lots that make up this 20 acres, so there could be two houses today. This board has the authority, even if the comprehensive plan amendment were not approved today, to convert the zoning request into the existing zoning classification with 20 units in a BDP to the existing zoning classification with eight units, and then that would make it developable up to the limitation of what the Residential 1:2.5 would allow.

Dane Theodore – My question was, what are his current development rights?

Erin Sterk – Two homes. He still could not split the lots; the lot split that would allow for the four homes is only with a BDP (Binding Development Plan) limiting it to the density consistent with the comprehensive plan, but that would be just a different development procedure, so the four lots is not something the comprehensive plan regulates, it's just that would exempt them from the subdivision process.

Dane Theodore – Currently, their development rights are two homes, not eight. They are going from two homes to 20. At what point do they have to comply with the runoff requirements? Is it two lots, four lots, or eight lots?

Erin Sterk – When they subdivide and get to the subdivision process, when one lot becomes three, that's when they trip the stormwater criteria for having to manage all of the other runoff coming onto their property. What the individual building permit governs is that they can't drain off of the property onto someone else's property, so they're not really retaining the runoff coming onto the site, they're just ensuring that they're not running off onto adjacent lots. By subdividing, they trip additional criteria to capture that runoff and treat it.

Dane Theodore – Anything more than two, they're going to do that anyway, correct?

Erin Sterk – Anything more than four, I would say. If they split either of those lots into more than two.

Dane Theodore – They don't have rights for that yet, because we could deny the applications, so currently they can develop two lots and they don't have to drain the runoff, but if they do anything more than that, they would have to do runoff mitigation, correct?

Erin Sterk – Yes.

Dane Theodore – Giving them a BDP (Binding Development Plan), and they're offering to do that, improving the situation, they have to do that anyway, correct?

Erin Sterk – They have to do a BDP to get to eight lots.

Dane Theodore – I'm not at eight lots yet. Through whatever means, they develop two houses there, they are going to have to do stormwater mitigation.

Erin Sterk – If they go through the subdivision process.

Dane Theodore – Relative to the enhanced septic systems, there is an overlay; how many feet does that extend from the water surface?

Erin Sterk – I think it's 60 meters in this area. My understanding is that that buffer area is smaller than some of the other environmental layers on the property, such as the coastal high hazard area.

Dane Theodore – Those overlay districts encompass about one-third of that lot.

Bruce Moia – It's about one-tenth. It's 1,600 feet deep, the whole property, and the 60 meters is about 180 feet, so that's about 10%.

Dane Theodore – There are deeper overlays that require enhanced septic systems?

Erin Sterk – No, there are other environmental layers on the property, such as the coastal high hazard area, or flood plain, that encompass more of the property than the distance for the septic overlay. So, there are other limitations, and they can't even get to that septic overlay distance because of other regulations.

Dane Theodore – They would be putting in normal systems on two homes. As a comment as the School Board representative, the School Board's analysis shows that Sunrise Elementary is over-capacity. This would exacerbate that situation. I find the technical assistance comments compelling.

Scott Langston – I'm all about the Lagoon. It's hard for me to support 20 units without the data to show there can be 20 units. I agree with what Mark was saying. It would be hard for me to support that because this number, to me, is thrown out there without really having an idea of how many really can be put on there that meet all of the requirements. I know it's going to cost more money, but hopefully there is some kind of medium ground you guys can come to. That's a lot of units, in my opinion, on that 20 acres.

Ron Bartcher – I went through the County's data that they had when they put in the septic overlay, and their general comments were that the high performance tanks are twice as effective as a regular conventional septic tank. If you put in 20 homes and your tank is twice as effective, you're looking at

1.25 times as much as you would. So, 20 homes is too much. The septic tank alone is going to increase the pollution, even the high-performance septic tanks. We have a BDP (Binding Development Plan) that doesn't say anything about high-performance septic tanks. I was very disappointed when I saw the BDP.

Henry Minneboo – The septic tanks are not something that I'm as enamored with as the Indian River Lagoon people. There's only one Lagoon, and that's the Mosquito Lagoon and no one lives there, and it's as nasty there as it is anywhere else. It's hard for me to understand that. I've always said, especially up there where the ocean is only 150 feet at different portions of the Mosquito Lagoon, why don't you flush it like a toilet and maybe we'll see what's happening. One of the scientists that I'm very close to, when I told him that five years ago he thought I'd lost it, but now he says I'm making a comeback. So, that may be an interesting thing in the future. Bruce, is there a compromise here? We have a few that are not excited about 20 lots. Is there a number that's suitable?

Bruce Moia – I'd like to hear what Peter has to say before I come up with a number.

Henry Minneboo – The improvements you make are going to be tremendous and will have a positive impact.

Peter Filiberto – I heard a 15-foot buffer and taking Rochelle's count of 25% rule of thumb for retention, utilities, and road, realistically, I see that you can maybe fit 12 – 13 houses. I think what you're shooting for is not eight, but more than eight and less than 15.

Bruce Moia – No, but close.

Peter Filiberto – I can't see any other way with a 15-foot buffer, but I do like the advanced septic system, and the stormwater management system, I think those are excellent things to put on the property.

Bruce Moia – We don't want to pollute the river any more than it is already being polluted. It's polluting the river in the way it sits now, and Saint Johns River Water Management District will tell you that. Right now, this vacant piece of property is polluting the river to a certain point, and we would reduce that by developing it. Even just 10 years ago it was completely different. As far as the numbers, it's not that simple. This project will not get off the ground with less than 16 lots. We can get eight lots with the existing land use, and we would still be reducing the pollutant level based on the septic system alone.

Brian Hodgers – If we were to approve the project for 12 lots, and they do their site planning, and they come back and say that can fit 15 lots, can we make it binding upon them to come back in front of us to get it increased to 15?

Bruce Moia – We want to ask for the maximum possible, and if we can't get there we don't have to come back, but we can't increase it. If we get 16 we would not be allowed to do more than that. I apologize for the BDP, we came here to see what the board had to say so that we could offer what we would offer, because we didn't know all of the information that would come out of the audience, so we waited and now we've told you all the things that we're going to do, and in addition to everything we've already said we'd do, we will limit it to 16 lots. That's really all we can do.

Brian Hodggers – If we approve for 20 lots, but you can only get 12 lots, you're going to walk away from the project, from what I'm hearing, but if we don't approve it at all you walk away today, but if we approve it for 12 or 13 and say you have to come back in front of us if you can get 15, 16, or 17, would that be something you'd be willing to do?

Bruce Moia – Not really. That would be really unusual. That's going through the entire design process and spending hundreds of thousands of dollars and then coming back to you to say we can get 18 lots. Are you going to approve that?

Rochelle Lawandales – It would require another comprehensive plan amendment.

Erin Sterk – If the comprehensive plan amendment was approved today, which would be necessary to get to 12 lots, because you can't get there with Residential 1, then that would be in place regardless of the number of lots limited by the BDP (Binding Development Plan). If that was limited by the BDP there would be another zoning action to come back before you to demonstrate the change. It's still another procedure, and it's still all based on what the engineering would allow. Yes, you can put that limitation in the BDP, and there would be a procedure to amend the BDP, but the applicant will have to agree to that limitation.

Henry Minneboo – My final suggestion is we let Bruce sit down and we decide how many lots, and forward that to the Commission.

Rochelle Lawandales – Your lot sizes would not be less than one acre?

Bruce Moia – No, we would be no less than a half-acre, and no less than one acre from a certain point to the river.

Rochelle Lawandales – Would you consider a minimum of one-acre lots?

Bruce Moia – No, because we would definitely not get 16 lots. We have to have some lots under an acre to get 16 lots.

Ben Glover – What is the difference in what is being requested today and the several subdivisions we have approved on North Merritt Island?

Ron Bartcher – The big difference is sewer. On Merritt Island they are putting in sewer, not dealing with septic tanks, and that's why most of them were approved recently. If there was sewer down here there would be no problem.

Rochelle Lawandales – There were also several on North Merritt Island that were not on the river.

Ben Glover – They are all close to the river and we know how wet it is up there, so it's running straight to the river. On one subdivision, we required them to put in the advanced septic system.

Erin Sterk – Many of the proposals in North Merritt Island were not proposing to change the comprehensive plan. They were developing with the smaller lot sizes and coming to you for a zoning classification consistent with the plan that was in place.

Rochelle Lawandales – Most of them were Residential 1.

Brian Hodggers – Mr. Chairman, I support what you said about flushing the Lagoon. Anybody who has been up in a small airplane in this area, it's brown ugly water when you look at the entire Lagoon, but in the New Smyrna outlet or the Sebastian outlet, the water is blue. To your point about Mosquito Lagoon, there are very few houses up there and I think we should support this project but figure out the limitation as to how many units. If they're doing stormwater runoff, it's going to benefit the existing homeowners. From that perspective, with all the development around there, the number of lots that are less than half an acre being 30, and there are 53 between a half-acre and an acre, I'll make a motion to approve it, but I need guidance as to how we come to the number of lots. Just from looking at it, there's no way they're going to get 20 lots. If they can't make the numbers work, and he says 16 is the number, and if we approved 16 lots and they go to planning and it falls apart on them, that's on them at that point. If we have to agree to 16 lots, make it 14 lots, I just think the project is something we should approve, but how do we come to that number.

Henry Minneboo – We have an obligation to provide the commission with a number and they have the authority to change that, or have some additional information that maybe we didn't have. I've been calculating and I'm near 14 lots. I don't want to debate Bruce, but 14 lots seems to be a manageable number. I don't know if that's acceptable to them, but it's a number we have to come up with for the Commission.

Rochelle Lawandales – Brian, I agree with most of what you say, except for the fact that over 55% of the lots in the area are greater than one acre, and I think we have to decide that there is a line in the sand. For me, I know I've been involved in a lot of resiliency studies and sustainability studies, and the rise is happening in the river, it's not happening in the ocean. When you have a coastal high hazard area that says to limit densities, and a FEMA (Federal Emergency Management Agency) flood program that has this area as one of the worst, when there's wetlands down here, and when all that does help to support a natural filtration system and limit the impacts of financial expenditures, both public and private, protecting life and property, and retreating from that the area, there is no way I can support 16 lots. I might support 14 lots, but I think the lot sizes need to be a minimum of one acre.

Brian Hodggers – The wetlands are by the water, so developing the property is not going to change the wetlands at all. I think we should remove that from the table because he's not going to affect the wetlands. With regards to the flood and the FEMA levels, changing the maps at the end of the year, the majority of the property is in an X zone, and part of it in an AE zone. That's going to force them to have to build at a higher elevation, which will cost them more money, but they are also going to have to do stormwater management as a result of the density, so that's going to help that whole area, whether it not just be this street, but the surrounding properties on both sides, and I think that's another benefit to the project. I think it's up to them to figure out what makes it work. A few meetings ago, Henry mentioned the cost to come to these meetings is getting so high, and for them to have to do a site plan before they come back here, that might get excessive. If they think they can do it with 16 lots, we approve 16 lots, they come back after going through all the requirements and they find out they can only do 14 lots maybe they walk away from the project. I don't personally care if you want 14, 15, or 16 lots, but I think everybody on the board should give their vote as to what they think the appropriate number should be.

Erin Sterk – Just to clarify, you have to come up with your number and have the applicant agree to it and voluntarily commit to a BDP (Binding Development Plan). If he is saying he can't agree to 14, this board can't just put that on there.

Rochelle Lawandales – I need to understand if we are going to consider a BDP (Binding Development Plan), what all of the stipulations are that would go into a BDP.

Jad Brewer – Once again, it has to be voluntary. If the applicant doesn't agree to the number that the board recommends, you could deny it and provide a recommendation to the Board that had it been limited to a certain number you might have approved it.

Rochelle Lawandales – Do we have a list of what has been proffered?

Erin Sterk – Bruce, could you come up so we're not speaking on your behalf?

Bruce Moia – What would you like us to agree to? 16 lots?

Erin Sterk – And all of the other commitments, such as the 2,000 square feet.

Bruce Moia – We're going to modify the 20 residential unit request to 16, a minimum floor area of 2,000 square feet from 1,300 square feet, a minimum lot size of 0.5 acres north of the north line of Lot 10 of the adjacent subdivision to the west, and anything south of that would be one-acre minimum, retain all the existing specimen oaks, which are 24 inches and over, which is 14 total, provide a stormwater management system that meets County and Saint Johns River Water Management District requirements, provide advanced septic systems for all lots within the subdivision, no more than 0.37 acres of impact to the isolated wetland only, with no impact to the wetland along the shoreline; provide a 15-foot perimeter vegetative buffer tract; and create a homeowners association with an architectural review board.

Henry Minneboo – If someone would make a motion to that.

Rochelle Lawandales – Is there a willingness to stay out of the coastal high hazard area in addition to the wetlands?

Bruce Moia – I don't know exactly where that is. The houses will be built to today's standards, which is better than any other home that's there that was built, unless it was built five years ago. If it has to be built to certain standards we would meet those, but I don't know about staying out of it all together.

Rochelle Lawandales – This would be a private road or a public road?

Bruce Moia – Private road.

Rochelle Lawandales – Are you looking at having any water-related activities, such as a dock?

Bruce Moia – Possibly, but it would be up to whoever purchases the riverfront lots.

Rochelle Lawandales – And that would be solely for the residents of the community?

Bruce Moia – We abut a right-of-way on the east side that has access to the river, and we will only do what the Department of Environmental Protection will allow in that area and that would probably be for the individual residences.

Erin Sterk – Bruce, I thought earlier in the conversation we mentioned one access to Fleming Grant Road.

Bruce Moia – Yes, one access to Fleming Grant Road.

Rochelle Lawandales – You are going to preserve the 0.37 acres of wetlands?

Bruce Moia – No more than 0.37 acres of impact to any wetlands on the property, and we would have no impact to the existing wetland on the shoreline.

Henry Minneboo – Would anyone like to make that motion?

Brian Hodgers – I'll motion to approve

Erin Sterk – You have to vote on the comp plan amendment before you memorialize the conditions.

Ben Glover – How many lots?

Bruce Moia – 16 lots.

Ben Glover – I'll get behind 16 lots.

Henry Minneboo – We're going to do the first part for the comp plan amendment.

Brian Hodgers – Motion to approve.

Ben Glover – I'll second.

Henry Minneboo called for a vote on the motion as sated and it passed 7:3, with Bartcher, Theodore, and Lawandales voting nay.

Brian Hodgers – Motion to approve the request for a BDP (Binding Development Plan) limited to the following: a.) a maximum of 16 lots; b.) single-family residences shall be a minimum of 2,000 square feet living area; c.) all lots within the front 1,000 feet of the property, from the road right-of-way line, shall be a minimum of one-half acre; d.) all specimen oak trees shall be preserved; e.) all lots shall be required to install advanced septic systems; f.) a maximum wetland impact to existing on-site wetlands shall be 0.37 acres, with no impact to the existing mangrove wetland shoreline fringe allowed; g.) only one access connection shall be allowed to Fleming Grant Road and shall be a private road meeting County requirements; h.) a 15-foot buffer tract shall be provided along the road right-of-way and the east and west property lines; i.) a HOA shall be created, which shall consist of an architectural review committee.

Peter Filiberto – Second.

Henry Minneboo called for a vote on the motion as sated and it passed 7:3, with Bartcher, Theodore, and Lawandales voting nay.

Adjournment:

Upon consensus of the board, the meeting adjourned at 5:05 p.m.