

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Thursday, September 5, 2024**

**5:00 PM**

**Zoning**

**Commission Chambers**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Jason Steele

**A. CALL TO ORDER 5:00 PM**

The Board of County Commissioners acts as a Quasi Judicial body when it hears requests for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness opinion testimony showing that the request meets the Zoning Code and Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Likewise, if a Commissioner has made a site visit, inspection, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes for rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

**C. PLEDGE OF ALLEGIANCE**

Commissioner Rita Pritchett led the assembly in the Pledge of Allegiance.

**H.1. Public Hearing, Re: Adoption of the Water Supply Facilities Work Plan and Related Amendments to the Comprehensive Plan**

Chair Steele called for a public hearing to consider an ordinance to adopt the Water Supply Facilities Work Plan (WSFWP) and related Comprehensive Plan Amendments.

Jeffrey Ball, Planning and Zoning Manager, stated this is adoption of the Water Supply Facilities Work Plan and related amendments to the Comprehensive Plan; this applies to all Commission Districts; to comply with the statutory requirements, the attached ordinance amends the potable water element with the Comprehensive Plan, with the updated 2035 Water Supply Facilities Work Plan, and amends the various policies with the conservation, potable water, sanitary sewer, intergovernmental coordination of the capital improvements, and elements of the Comprehensive Plan for consistency with the Water Supply Facilities Work Plan; on April 4, 2024, the Board approved transmittal of the Water Supply Facilities Work Plan; on June 18, 2024, Florida Commerce issued the objections, recommendations, and comments report; this report identified no objections, made no recommendations, and provided no comments that must be addressed prior to the adoption of the Water Supply Facilities Work Plan, and related Comprehensive Plan Amendment to the Board; on August 12, 2024, the Local Planning Agency recommended approval of adoption of the Water Supply Facilities Work Plan, and the related Comprehensive Plan Amendments; and staff is here to answer any questions that the Board might have.

Sandra Sullivan commented with this particular Item, the Board receives the hat; very seldom does it get the hat; this is about septic, the toilet to tap, as they call it; Senator Rick Scott vetoed the toilet to tap legislation, and Governor Ron DeSantis approved it; in this, the Board is making Comprehensive Plan changes to facilitate this; and she just thinks there should be a whole lot more transparency to the people about what the County is doing. She went on to say at a recent meeting, she left her house, and an Item was not on the Agenda; when she arrived here, it was an add-on for basically a study that she did a records request on; the County is doing another study to essentially put a new facility, according to this . . . she knows this is the Comp Plan, but the Comp Plan is enabling this; according to this study, the County is putting a sewage treatment plant in the vicinity of Titusville-Cocoa Airport Authority (TICO); the report talks about partnership funding, partnership potentially with a private sector person to do this sewage plant; and it just raises a question whether the Brightline acquisition for \$388,000,000 is what it is talking about. She noted what is also being talked about is a new tax on the people; this is called a tax increment reinvestment zone; she has never heard of it; essentially, what it is for is it is a study that was done for Space Florida and for the Cape, so the County can find a taxing mechanism to essentially put this on 'We the People' for 'We the Money Interest;' there is Phase I, Phase II, Phase III, and how it is going to be done, with temporarily the Sykes Creek, of course; and this topic cannot be discussed without discussing the legislative change this year that changes so they can put Senate Bill (SB) 102, the live local, not so local, tax incentives, et cetera, and bonus density for developers on Space Florida; and she bets most people do not know that. She stated at a recent Lagoon meeting, it showed the tripling of the size of Merritt Island; of course, there are lots of flooding issues there; she provided the Board with her very creative artwork handouts; and she advised she is very much against this Plan change.

There being no further comments or objections, the Board adopted Ordinance No. 24-21, 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 XVI, 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.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.2. Public Hearing, Re: Gerald Patterson (Raymond Burnette) Requests a Change of Zoning Classification from GU to RRMH-1 (24Z00022) (Tax Account 2000981)**

Chair Steele called for a public hearing to consider a change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home), as petitioned by Gerald Patterson.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is Gerald Patterson requesting a change of zoning classification from GU to RRMH-1; the application number is 24Z00022; the Tax Account Number is 2000981; and this is located in District 1.

There being no comments or objections, the Board approved the request for a change of zoning classification from GU to RRMH-1, located on the west side of Blounts Ridge Road, north of Patty Lane, Mims, as requested by Gerald Patterson.

**Result:** Approved

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.3. Public Hearing, Re: Home Nation Cocoa, LLC (Roxanne Comino) Requests a Change of Zoning Classification from AU to RU-1-11 (24Z00027) (Tax Account 2419394)**

Chair Steele called for a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential), as petitioned by Home Nation Cocoa, LLC.

Jeffrey Ball, Planning and Zoning Manager, stated Home Nation Cocoa, LLC requests a change of zoning classification from AU to RU-1-11; the application number is 24Z00027; the Tax Account Number is 2419394; and this is located in District 2.

Susan Martini stated when they purchased this property it was zoned as AU; they need it to be rezoned because it no longer qualifies per lot size for AU in the County; and they are going to do a single-family residence on there.

There being no further comments or objections, the Board approved request for change of zoning classification from AU to RU-1-11, on property located on the southeast corner of Lucas Road and Bevis Road, Cocoa.

**Result:** Approved

**Mover:** Tom Goodson

**Secunder:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.4. Public Hearing, Re: Borrows West Hotel Developers, LLC (Marbet Lewis) Requests a CUP for the On-Premises Consumption of Alcohol in a PUD Zoning Classification (24Z00030) (Tax Account 3030319)**

Chair Steele called for a public hearing to consider a CUP for on-premises consumption of alcohol in a PUD zoning classification, as petitioned by Borrows West Hotel Developers, LLC.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is Borrows West Hotel Developers, LLC requesting a Conditional Use Permit (CUP) for the on-premises consumption of alcohol in

a Planning Unit Development (PUD) zoning classification; the application number is 24Z00030; the tax account is 3030319; and it is located in District 4.

There being no comments or objections, the Board approved a CUP for on-premises consumption of alcohol in a PUD zoning classification on property located at the east end of Porada Drive, south of Viera Boulevard, Viera, as requested by Borrows West Hotel Developers, LLC.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.5. Public Hearing, Re: Paul & Laurie Ann Futrell Requests a Change of Zoning Classification from RU-1-7 to RU-1-11 (24Z00028) (Tax Account 2802480)**

Chair Steele called for a public hearing to consider a request by Paul and Laurie Ann Futrell for a change of zoning classification from RU-1-7 (Single-Family Residential) to RU-1-11 (Single-Family Residential).

Jeffrey Ball, Planning and Zoning Manager, stated Paul and Laurie Ann Futrell requests a change of zoning classification from RU-1-7 to RU-1-11; the application number is 24Z00028; the tax account is 2802480; and it is located in District 5.

There being no comments or objection, the Board approved a change of zoning classification from RU-1-7 to RU-1-11 on property located on the west side of Vine Street, south of Milwaukee Avenue, Melbourne, as petitioned by Paul and Laurie Ann Futrell.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.6. Public Hearing, Re: Aaron Reninger (Kim Rezanka) Requests a Small-Scale Comprehensive Plan Amendment (24S.02), to Change the Future Land Use Designation from AGRIC to RES 6 (24SS00002) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232)**

Chair Steele called for a public hearing to consider a request by Aaron Reninger for a Small Scale Comprehensive Plan Amendment (24S.02), to change the Future Land Use (FLU) designation from AGRIC (Agricultural) to RES 6 (Residential 6).

Jeffrey Ball, Planning and Zoning Manager, commented that Item H.6. and H.7. are companion applications; he is going to read them into the record together; however, separate motions will need to be made for each Item; Item H.6., is Aaron Reninger requests a Small Scale Comprehensive Plan amendment 24S.02, to change the Future Land Use designation from AGRIC to RES 6; the application number is 24SS00002; the Tax Account Numbers are 2002219, 2002228, 2002229, 2002230, 2002231, and 2002232; and they are located in District 1. He continued by saying Item H.7. is Aaron Reninger requesting a change of zoning classification from RRMH-1 to TR-3, with an amended Binding Development Plan (BDP); the application number is 24Z0005; the Tax Account Numbers are 2002219, 2002228, 2002229, 2002230, 2002231, and 2002232; and they are located in District 1. He mentioned that the application was advertised with an amended BDP; currently, there is no BDP; and currently, on

the property when these items went to the Local Planning Agency (LPA) and Planning & Zoning (P&Z), both were recommended for denial.

Kim Rezanka, Lacy Lyons Rezanka, representing Aaron Reninger, advised this is a request for a change in the Future Land Use and a change of zoning on 17.01 acres; if the Board has read the Planning and Zoning minutes, there was quite a bit of distaste for this project; this client listened to what people said; he is now coming back and requesting to change the Future Land Use request to one to 2.5 acres, and the zoning to RRMH-2.5, so that means every lot would be two and a half acres; and they would only have six lots. She stated this is very compatible with what is out there; what is around it is one acre, two acres, and three acres; it is on a dirt road; the residents thought it was too dense; her client listened, so now they have asked to change it; right now it is an agricultural Future Land Use of five units to the acre, with an RRMH-1, which is one unit to the acre; and right now, they have an inconsistency, he could not build anything there anyway. She continued by saying they would like to suggest that this character of the area, this is compliant with the character of the area; he can do single-family homes; he is going to do a subdivision of six lots; it will be different than what he had planned before, but he is still hoping to do the tiny homes or manufactured homes, which are out there already, the manufactured homes, and to make it more affordable; with that, they are happy to answer questions, Mr. Reninger is here; and they believe that this will hopefully satisfy the residents, and help them realize that he does indeed want to be a good neighbor. She asked the Board to accept an amended application; she noted also with the BDP, they already had a BDP, but this would actually limit the development to six units to the acre; they would comply with the subdivision and plat code, which is Article VII of Chapter 62; apparently, there are some Code Enforcement actions out there that would have to be remedied and resolved prior to any building permits being issued, so there will be three conditions of a BDP; and they are here to answer any questions and to listen to the neighbors in case they do not like this deal.

Bob Brooks commented he is the direct neighbor of Mr. Reninger's property; he came here to go directly against the plan for the tiny home and/or mobile home development; this changes everything, so he does not have a lot to say at the moment; if it were to go to six homes, and he did a little bit of research on it, he thinks he would be behind that; again, he is the direct neighbor; he did not want 30 homes behind his house; and that is really all he had to say, because it changed gears in mid-stream.

Chair Steele explained if the rest of the speakers come up and feel the same way as Mr. Brooks, he or she can say they waive in favor or against it, or they can speak, as it is up to them.

Ken Harrison stated he is going to speak to this as if it was under the previous plan; the Code of Ordinances 62-1255, Brevard County, establishment of zoning classifications in consistency with Comprehensive Plans; 62-1255(a)(1)(c), current zoning is Agricultural; 62-1255(a)(8)(b) requested zoning is Residential 6; and the 1988 County Comprehensive Plan establishes specific Future Land Use designations, which are depicted on the Future Land Use Map within the Future Land Use element. He remarked this plan is further reinforced by the April 2007 Mims Small Area Study; both the 1988 Comprehensive Plan and the 2007 Mims Small Area Study determined the Future Land Use to be Agricultural and set limits to one dwelling unit per five acres west of Meadow Green Road; properties with approved RRMH-1, AU, and AGR zoning classifications prior to the study were retained and adopted; this property is located in this zoning classification area and an increase in density would be an encroachment into the existing neighborhood; and 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 added Administrative Policy 3 relates to traffic safety issues due to increased traffic, material reduction of property values due to higher density in tiny

homes, and real estate comparable sales values for the subject area will decrease; proposed use is not consistent with the emerging or existing pattern of surrounding development as determined through analysis of historical use patterns, actual development over the immediately preceding three years; six new block single-family residences were built in the last three years; two of them border the subject property; development approved, but not constructed, is one single-family residence at 4110 Hog Valley Road; the proposed use will result in a material violation of relevant policies; and wetlands destructions have occurred. He stated Policy 4, character of the neighborhood, the character of the neighborhood or area will be materially or adversely affected by the proposed rezoning or land use application; the proposed rezoning and land use will cause a 200 percent increase in traffic on Gandy Road; there are 14 single-family residences on Gandy Road; 30 more single-family residences will cause a burden in 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; and it is poorly drained and unstable with loose soil. He pointed out the subject property is part of Indian River Park; Indian River Park is a clearly established residential neighborhood; platted in 1914, the south border is especially defined as the south line of the Bernardo Sequi Land Grant, and has been mapped as such since the Spanish land grants; the subject property's south line is also the south border of Indian River Park; the north, west, and east boundaries are designated as agricultural land use with agricultural zoning; and to the south is public conservation with general use and agricultural zoning. He advised the requested zoning and FLU could change the subject property to commercial use, if rent is charged; there are no commercial use properties in the entire area; the area is not considered transitional; Administrative Policy 5, states if the residents of proposed zoning change utilize public transportation, it would have a significant impact; the physical quality of Gandy Road will suffer significant deterioration with a 200 percent increase in traffic on a poorly maintained dirt road; and problems with the width of the road. He noted loose soils of Gandy Road would cause a traffic safety concern for pedestrians; it is likely Gandy Road would suffer adverse changes from the type of traffic that would be generated; physical deterioration would occur from larger truck deliveries; under Policy 6, the proposed rezoning and FLU is not consistent with all written land development policies set forth in the administrative policies, including potable water, sanitary sewer, and surface water; under Policy 7, the subject property contains mapped national wetlands inventory, St. Johns River Water Management District wetlands and hydric soils; per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres; and the applicants have filled and cleared subject property without proper permits and are in clear violations of County Codes.

Chair Steele noted he wants to make sure that everyone heard the changes that Ms. Rezanka made prior to the time that he or she speaks.

Stephanie Knight advised it is kind of hard, because they already prepared for it, so had they known that in advance, they could have prepared for her new update.

Commissioner Pritchett pointed out she would not have approved 30 lots out there; it would not fit; if they had some input with this, she was actually thinking if they could come up with something with six or eight, and they have come with six; if the residents have any idea of other criteria; she has a copy of the BDP; and she thinks it seems like a good fit for the residents, so if he or she has any other suggestions, she is all ears.

Ms. Knight asked the main question is can that be changed; and she asked if he is having a BDP, can that just change.

Commissioner Pritchett replied no, when it is binding they have to stick to it and cannot change it.

Ms. Knight asked without circumstances.

Commissioner Pritchett responded unless they come back and get another Board to agree to it; and it would be like changing their zoning.

Ms. Knight asked if everyone would have to do what they just did, they would all have to come back to the Board.

Commissioner Pritchett replied affirmatively.

Ms. Knight remarked her biggest concern to having what he is now asking for is again, what was said before, the wetlands; he has destroyed wetlands; if the Board would notice in some of the maps it was given by Mr. Harrison, the entryway to his property was wetlands, so all of that was destroyed in order to even get to his property; she understands he is now only wanting six houses for the amount of acreage that he has; but the fact is that he is now going over the wetlands that he has destroyed in order to even get to his property in the first place; and it kind of put a dirty taste in everybody's mouth that had he not destroyed them in the first place, he would not even be able to get to his property. She pointed out if he would have done it the right way to begin with, this would not even be an issue and the residents would not even be asking for 30, three, six, or whatever the case may be; that would be her biggest concern, and not ever be able to change it; she does not like the fact that it is tiny homes; mobile homes are fine; but tiny homes bring in a whole different amount of people.

Chair Steele exclaimed once again, he does not think tiny homes are even being talked about here.

Ms. Knight stated he did mentioned tiny homes or mobile homes, so with that being said, with Code violations that he has already on the property, and the fact that he has to drive over the wetlands, other than that would just be the septic issues, which if he only has six for 17 acres, she guesses that would not be a septic issue.

Alana Walsh commented she, of course, also was prepared to come and talk about the proposal for 30 homes; she thinks they had ample time and opportunity to let the residents know they were going to change the plan, and failed to do so; and she asked if it is still going to be like a mobile home park, are they still going to be rented out, or are they going to sell these properties.

Chair Steele explained she can ask a question, but he does not know that the Board is going to answer that question right now; and it will look into that.

Ms. Walsh remarked because that is one of the concerns if they are going to be rentals.

Chair Steele stated to go ahead with the comments; and he asked if she is finished.

Ms. Walsh pointed out she came prepared to talk about 30, and they did not know it was changing.

Chair Steele advised when something like this happens and it happens for the better, which he thinks this does, she has to take it when she can get it, so if she has any other discussion in regards to what is on the table, go ahead and talk about it; and if not, the hearing will be continued and see where it goes.



Ms. Walsh stated as a community member, just the fact that it changed and they did not know is disheartening.

Chair Steele stated yes, ma'am, it is frustrating sometimes, these things.

Brian Walsh stated his main concern is if these are going to be rentals, if it is going to be ran in a traditional mobile home park, or single-family dwellings, which would be nice to have the answer to, just for crime and everything else that would be in the area.

Chair Steele advised that Commissioner Pritchett is going to ask that question to the applicant.

Patricia Frank commented she has lived out there for most of her 63 years; she has seen a lot of changes come and go; the impact that the extra traffic, dump trucks, semis, and heavy equipment that is going to have an impact Aurantia Road, Meadow Green, Harrison Road, and Hog Valley Road, because there is only one way in and one way out to Gandy Road, so it does not just affect Gandy, it affects all of the people that live along Aurantia, Meadow Green, Harrison, Hog Valley, and Gandy; they now have potholes in Aurantia Road that have yet to be fixed or maintained as it is; they cannot get it fixed; and now they are going to have more traffic on Aurantia Road, and how that extra traffic is going to impact the intersection where the Circle K is right there. She noted they have been doing improvements, Florida Power & Light Company (FPL) has been out there burying electrical lines, they have had a lot of work trucks, and there are a lot of places on Aurantia Road that needs repair; she asked what about them; she asked if taxes are going to be increased for repaving the road, because getting out to Gandy Road, all of this heavy equipment is going to have a negative impact on the infrastructure; she noted that is her questions and concerns; and she asked why should they have to pay for what gets torn up for this fella to bring his pipedream to fruition. She mentioned she would just like to see their growth be managed in a positive way.

Corey Roberson explained he prepared a speech for today that was for the homes that was supposed to be on there; he thinks it was very inappropriate and ill-mannered to come here for a speech for an amendment that they made; he does not believe that is fair to the residents; he does not think a ruling should be made today on the rezoning of the property honestly; and he thinks it was a joke.

Chair Steele stated he understands the residents' emotions in response to applauding, but to just stop that tonight, as the Board has a lot of things to talk about and it would be better if the clapping was curtailed.

Commissioner Tobia advised he understands the frustration of the change, whether it went his way or not.

Mr. Roberson noted regardless of his way or anybody's way, the fact of the matter is when people prep for court, he or she gets a timeframe; they came here in the beginning, made a statement, and they do not have any notice.

Commissioner Tobia stated he has a question; he asked they dropped it from 30 to six, and is there a number in his mind that would fit well with that number.

Mr. Roberson replied zero at the moment, because they were amending it at the time; right now he does not have a chance to look over it; first of all, when they make decisions, people of the community would like to get together and figure out what a best number would be towards it; he is not against a home or two homes on the property; but the fact of the matter is they amended

it. He went on to say at the beginning of this meeting when people come here prepared for something else, so no one has any idea other than what they just come up here and said in five minutes to try to change their plans after everybody came here with something else to say.

Commissioner Tobia asked if right now he is okay with zero homes there.

Mr. Roberson responded he did not say . . . it could be six, it could be, he could be okay with 10; but the fact of the matter is he has got to . . .

Commissioner Tobia pointed out he has to make a vote . . .

Mr. Roberson noted they are making a vote, so what he is saying is today, regardless, since they amended today, the Board is making a vote on the homes regardless of the amendment.

Commissioner Tobia explained he does not know whether there will be a motion one way or the other; and he asked how many homes Mr. Roberson is okay with; he stated he is not okay with 30, he understands that; but he again asked how many he is okay with.

Mr. Roberson replied two.

Commissioner Pritchett stated what the Commissioners are supposed to do is to get the information and make a decision; the Board has to hear all of the speakers' views, get all of the evidence, and then it is supposed to hopefully make the best decision it can; it is the Board's job not to make an emotional decision, so as it listens to the speakers' concerns, that is what he or she is going to try to do, try to make a good decision for this plot of land; it is 17 acres; and when the Board does this, he or she has to remember that the owner has rights as well as the neighborhood, so these are the things that have to be taken into consideration. She went on to add anything the speakers give the Board right now is really good so a decision can be made, if he or she is going to vote, or how he or she is going to vote, so that is what the Board is trying to gather from them tonight; nobody is for or against them; and the Board is just trying to make a good decision for the community.

Commissioner Goodson inquired all that being said, could he ask the engineer to come back up here, or would he consider postponing this to the next Planning and Zoning meeting, giving these people time to discuss this proposal.

Ms. Rezanka advised Mr. Reninger said that was fine; there are six lots now; he could do six lots now in theory; she understands their concerns; and they thought this would make them happy, they are still not happy, but they would be happy to come back next month if that is the Board's preference.

Commissioner Goodson stated he is not sure they are not happy; but they need an ample amount of time to do it, just like he would like the time to study a contract on buying a car or whatever; and he asked if he is willing to give them that time, what the rush is.

Commissioner Pritchett noted she does not mind doing that either; it can be postponed to the next zoning meeting; but there are already people here, so if they want to talk, they can go ahead and maybe give their information right now if they want to, or they can come back later; when she went over the data the other day and spoke with staff, they knew they would not be able to get 30 in there; and there are water problems with salinity in the water. She mentioned six to eight lots do fit, so it is up to the residents if they want to wait four more weeks to wait on

this, she is sure it will not hurt to do that; it does look like a fairly decent project right now; and maybe the speakers will need a little more time to absorb it.

Commissioner Feltner asked if the Board is going to continue with the cards.

Chair Steele replied right now he is completely opposed to what Commissioner Goodson is saying, he would like to get this done tonight; but it is up to the Commission.

Commissioner Feltner stated he did not want to interrupt the cards, but he has one question.

Chair Steele pointed out if the Board tables it to next month, his intention is to not allow these people who have come here to speak; it is going to be a lengthy process; and he is having a difficult time understanding why six units would not make these folks happy. He asked if Commissioner Goodson is making a motion to continue the Item.

Commissioner Goodson replied he is making a motion to continue the Item.

Commissioner Pritchett remarked she will second the motion after the cards.

Mr. Ball asked if he can interject for a second; and he suggested to continue the item to the next Zoning Board hearing, which is October 3, 2024.

Yarnell Roman stated she came here because of the impact of the value of the properties; at the last meeting it was said, the values in the area range from \$35 to \$200,000; it was also said that the average value of the proposed project will be \$150,000; she wants to put on the record that there is a mistake on this premise; they have recently sold properties in the area from 350,000 to \$500,000; and examples of these are 4745 Gandy Road, 4199 Hidden Lakes, 4254 Hog Valley, 4706 Gandy Road, 4940 Harrison Road, and 4768 Harrison Road. She remarked there are three properties available for sale right now, 4970 Harrison Road for \$340,000, 4540 Wellington Lane for \$520,000, 5245 Blunt Ridge Road for \$475,000; there have also been luxury homes recently built that are appraising for over \$600,000, like 4705 Gandy Road, and 4155 Hog Valley Road; and new homes are going up with projected values of over \$400,000 like 4241 Hog Valley Road and 4150 Hog Valley. She stated even the land value is more than the range established on the last meeting; as an example, 4776 Pine Needle Street with a sales price of \$85,000 for an acre, so this information is important because the approval of any project cannot negatively impact the value of their properties; she wants to add the construction risk assessment; the following information has been provided by First Street, a government and private resource to provide climate risk data for informed decision-making; there is a fire factor in the area; the area where whatever project is proposed is currently on a severe fire risk factor of seven of 10; in the last 20 years more than 100 wildfires were recorded within just 20 miles of Gandy Road, having an impact of an average of 61 properties; and the a major risk of wildfire events in the next 15 years. She pointed out that in addition to property damage, wildfires can also cut off access to utilities, emergency services, transportation, and may impact the overall economic wellbeing of the area; with the limitations of proper evacuation routes they have now, the approval of these or any projects could turn into a major safety risk for the residents; and she thinks the responsible decision would be to just postpone and let the residents know what the correct project would involve, and give them another chance to speak, as they do not have the facts in order to say something.

Valerie Lichtblau stated she had a whole different thing written-up because she did not plan on him changing it like that; she lives within 500 feet of the property the applicant is requesting to rezone; she has five acres, which is not in line with his now change of one-acre lots; she lives in a single-family home, which is adjacent to this property; she is against the rezoning of the

applicant's property due to the flooding concerns on their little dirt road; one cannot even pass on the dirt road, as a person has to pull off; and every time it rains, just the 14 houses on the road puts damage on the road. She noted they do not come out and clean off the road as much as they should; it goes against the Mims Small Scale Study, which was designed to keep North Brevard rural; she does not know if he still wants to keep it agricultural or residential; she is also not happy that the residents came unprepared because he changed what he wants to do without notifying anyone or meeting with any property owners around that property; he has emailed one person before, but he could not email anybody to let them know he was changing it so they could tell how they feel about it; and they have no time to think about this now because he just changed it.

Desiree Wimer commented her parents live within 500 feet at 4718 Gandy Road; without having time to research the new zoning request, it is hard to support something presented to them at the last minute; the owner does have a lot of contact information, including hers; he could have met or emailed them with any changes; and he actually requested having one of the meetings tabled so he could meet with them, and he did not follow through. She went on to say he bought the property knowing the current zoning, he knew what he purchased when he bought it; this is a rural agricultural area; the current zoning is correct, which she thinks that property would allow less than six homes; she has not seen anything to support changing the current zoning; and she is against changing the current zoning.

Sandra Sullivan remarked obviously conversations have happened with the District 1 office and with staff, so knowing that they had some advanced notice that a different proposal would be put in place, this plan as put on the Agenda under Sunshine should have been either the applicant reapplying and it changed, or this should not have gone on this meeting today; this is like a fast one being pulled on the people; as residents of Brevard County, they expect transparency and accountability, and for the County to follow the State laws for Sunshine; and Sunshine requires five days' notice or seven days' notice. She went on by saying the County's Policy is five days' notice; these are Quasi-Judicial meetings; these are very serious for Planning and Zoning and should be treated as such; the fact that staff and even the District 1 office who indicated she would not have approved what there was, and there was conversations; this should not have been on the Agenda today; and she reiterated this should have been reapplied for and with transparency, or postponed to another meeting.

Katie Delaney stated she really appreciates the suggestion about postponing this; she thinks that is definitely a great move since the people did not have time to prepare for what was being asked for tonight; being at the community meetings that she was at, where some of the residents were there talking about their concerns about this project, one of the major things they were talking about was the reason why this property was originally zoned for three homes is because of the flooding and the traffic issues that are back there; and she hopes the Board keeps that in mind when it moves forward.

Commissioner Pritchett stated she would second Commissioner Goodson's motion.

Ms. Rezanka pointed out the zoning of this property is RRMH-1, which is one unit to the acre, or 17 units; the Future Land Use is Agricultural, which is five units to the acre; many of the lots in this area are exactly the same, and have one acre; there are five of these six parcels combined that are one acre; they could be built because it has been so long; and what they are asking for is what they can do now. She stated this came about yesterday in a meeting with Commissioner Pritchett; that was the earliest that they could get a meeting with her after Planning and Zoning; they did not notify the residents; but again, they thought his would not have been a problem based upon what they heard in the past; there was an email that Mr.

Reninger submitted to all of those who sent in opposition emails; on August 3rd he sent this; she will submit it for the record; and there were about 14 that he emailed, there was not just one. She continued by saying as to the values of the area, the lady did not identify herself, but from the card that was called, it was Ms. Roman; there is no indication she has any qualifications as an expert appraiser; she does want to state for the record, and she will submit these, that she has Property Appraiser market value sheets starting with James Stansell at 4775 Gandy; the market value is \$31,460; she also has Robert Brooks at 5584 William Brim, \$59,360; John Bauden \$54,960; and she has several that she will submit for the record to show that her comments about the values in the area were indeed correct, as these are market values by the Property Appraiser. She advised regarding the claim that there are Code violations on this is incorrect; she is doing this to protect her client, because the statements that were made here are incorrect; Florida Department of Environmental Protection (FDEP) has been out to the site; she will also submit this for the record; she can give Commissioner Pritchett a copy so she has it as well; FDEP, as of September 3, 2024, says the inspection was made regarding dredging and filling within a wetland; an inspection determined these activities are occurring onsite; the inspection determined that although activities are occurring onsite, there were no wetland or other surface waters impacted observed on the property at the time of inspection; there are photos enclosed; she will submit this for the record; and anyone can request this if they want to. She noted this is a decrease in density; currently, the 17 units allowed by zoning, now requesting six; this is currently Agricultural Future Land Use and activities that have occurred on that property are Agricultural in nature, and are allowed by law; the comments about going through the wetland, there was a home on 4735, which is the access piece prior, and there was access there before Mr. Reninger purchased it; it is intended to be a platted subdivision; whether he rents or not, they are going to be platted; he may sell or rent; but it is not a zoning issue whether he sells or rents. She stated the Zoning Code under RRMH-2-5 allows manufactured homes, single-family homes, and tiny homes; tiny homes, again, \$150,000 in value to start; she does not know what the Sunshine Law requires; Commissioner Pritchett did disclose, but she has not talked to the Commissioners, as that is the Sunshine Law, to her knowledge; this request seemed to make sense; Commissioner Pritchett could have made this request during this hearing at the end of the applicant's presentation; the Board could have voted on that, as it can change with conditions and with permission from the applicant; this change is not that unusual; this happens in other hearings where the request is not compatible and the Commission or Council dislikes the request; and it would therefore ask for a change in density, lower in density. She exclaimed her client has said he is fine coming back on October 3rd, they are willing to do that; but she did want to state for the record and clarify the facts as they truly are; there are Code violations that may or may not be pending; her client has gotten no notice of them; she reiterated she will submit the FDEP record; and they will do the will of the Commission.

Commissioner Goodson advised he would like to commend the developer/owner, as it was a very good decision for the Board to vote tonight and not give these people a chance, and come back in October and vote, whether the Board agrees with the residents or the applicant, it will be its vote at that time; he reiterated he just thinks the Board should just give these people the right to meet with the developer and attorney, and to get an understanding of what is being proposed, because things can get real screwy in this chamber; and he is not voting for this tonight, unless it is pushed back to October.

Commissioner Pritchett explained she thinks a lot of people came in a little freaked out about 30 units, so she thinks that is why everybody's a little intense; she agrees with Commissioner Goodson that just that little bit of time is needed for everybody to kind of figure out what is going on; she listened at her office, as that is what she does, she listens but does not render where she is at until she hears everything; the Board just heard the community; and they do not

like the project, so they are going to try a smaller number. She noted it was a good job everyone showing up, to get with the developer as he seems like a very nice person, and to get some nice families out there for them to keep the community good.

Chair Steele called for a vote on the motion. There being no further comments or objections, the Board continued request for a Small Scale Plan Comprehensive Plan Amendment (24S.02) to change the Future Land Use Map designation from AGRIC to RES 6, for property located south of Gandy Road between Hog Valley Road and Interstate I-95, Mims, to the October 3, 2024, Zoning meeting.

**Result:** Continued

**Mover:** Tom Goodson

**Secunder:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Feltner, and Steele

**Nay:** Tobia

**H.7. Public Hearing, Re: Aaron Reninger (Kim Rezanka) Requests a Change of Zoning Classification from RRMH-1 to TR-3 with an Amended BDP (24Z00005) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232)**

Chair Steele called for a public hearing to consider a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to TR-3 (Mobile Home Park) on a 17.01 acre parcel to develop a tiny home development that would allow mobile homes, tiny homes, and tiny homes on wheels, which subject parcel is currently undeveloped and has access on Gandy Road, a County-maintained roadway, as requested by Aaron Reninger.

There being no comments or objections, the Board continued request of Aaron Reninger requesting a change of zoning classification from RRMH-1 to TR-3 on 17.01 acres to develop tiny home development that would allow mobile homes, tiny homes, and tiny homes on wheels, which subject parcel is currently undeveloped and has access on Gandy Road, a County-maintained roadway, for property located on the southside of Gandy Road between Hog Valley Road and Interstate I-95, Mims, to the October 3, 2024, Zoning meeting.

**Result:** Continued

**Mover:** Rita Pritchett

**Secunder:** Tom Goodson

**Ayes:** Pritchett, Goodson, Feltner, and Steele

**Nay:** Tobia

**H.8. Public Hearing, Re: 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 (24SS00008) (Tax Account 2317736)**

Chair Steele called for a public hearing to consider a Small-Scale Comprehensive Plan Amendment (24S.08), to change the Future Land Use Designation from RES 2 (Residential 2) to CC (Community Commercial), as petitioned by Ibrahim and Haroon Realestate, Inc.

Jeffrey Ball, Planning and Zoning Manager, commented Items H.8. and H.9. are companion applications; he is going to read those into the record together; however, the Board will have separate motions. He went on to say Item H. 8. Is Ibrahim and Haroon Realestate, Inc. requests a Small Scale Comprehensive Plan Amendment 24S.08, to change the Future Land Use designation from RES 2 to CC; the application number is 24SS00008; the Tax Account Number is 2317736; and it is located in District 1. He stated Item H.9. is for Ibrahim and Haroon

Realestate, Inc. requests a change of zoning classification from TR-3 with a Binding Site Plan to BU-1 with a Binding Site Plan with removal of the BSP; the application number is 24Z00023; the Tax Account Number is 2317736; and it is located in District 1. He pointed out when the zoning item was heard by Planning and Zoning, they recommended approval with a Binding Development Plan (BDP); and there were conditions included in that, one of them was to limit the BU-1 uses to retail, office, and personal services, and a 20-foot buffer along the east and south property lines.

Chair Steele advised he is a little confused by that; and he asked if the BDP would come in after the zoning request would be approved.

Mr. Ball replied no, because a BDP is used in conjunction to support the zoning action.

Chair Steele stated so their recommendation is if the Board does that, they want a BDP that says this; but the Board does not need to go along with that, as it can do whatever it wants.

Mr. Ball remarked correct.

Kim Rezanka, representing Ibrahim and Haroon Realestate, Inc., stated with her is the representative of that company, Dr. Basim Niazi, is present tonight in case the Board has questions or if there are additional conditions it wishes to add to the BDP that came up during Planning and Zoning; currently, there is a 4.74 acre project; the request before the Board is only on 2.68 acres; as the Board can see on what she handed out to it, it is the yellow square; and she just did this to show what is in the area. She went on to say Fairglen School to the north is actually an institutional use; even the zoning says it is something else, it is RES-1, and should be government managed lands institutional, but it is not; below is Tradewinds Manufactured Mobile Home Park, which is a rental community; there is commercial along the U.S. 1 corridor there; it is close to Haverty's and the Apollo Motel; the Future Land Use Map (FLUM), as the Board can see, they are asking to change the Residential-2 to Community Commercial, which is adjacent to the west; and they are asking to change the zoning from TR-3, which is a trailer park, to BU-1, which would make the entire parcel, 4.74 acres, consistent and the same. She pointed out under 62-1255, the TR-3 could be in CC as well or Neighborhood Commercial; the BU-1 has to be in the CC; the concept here is a flex office space design of 27 units; that is the large sheet she provided to the Board; it is 27 units; it is intended to be small office, small retail, barber shops, real estate offices, and things like that; and it will have regular business hours, comply with any performance standards required by Code, and it is not intended to be any type of warehousing, as it is just small office space for individuals to rent. She mentioned there are three homes to the east; two will have minor adjacency; they currently, as the Board can see from the photograph, have trees buffering; they will attempt to maintain as many trees as they are able to; as the Board can tell, all that is going to be over there is a driveway and one tail-end of a building; the Comprehensive Plan analysis, which is assessable from U.S. 1; the U.S. 1 is generally commercially developed; it is an infill commercial development; it is not located in an established residential neighborhood; is along a commercial corridor; it will have to comply with performance standards, which is a site plan review stage issue; and there are no material violations of the Comp Plan policies per the County staff report. She reiterated the zoning request is from TR-3 to BU-1, and removal of the existing BSP; this was changed to TR-3 in April 1987; it has never been developed; the BU-1 existing from U.S. 1 is 250 feet deep currently; and they are asking it to go to the east end of the property. She noted currently the size of the TR-3 portion, the 2.68 acres, is too small to even develop as TR-3, because one has to have 10 acres, so there is nothing that can be done with the property with the current zoning; again, they have shown the Board the concept plan; with that, they are here to answer any questions; they would request that the Board change the 2.6-acre Comp Plan designation from RES-2 to Community Commercial, and change the

zoning of TR-3 to BU-1 with the removal of a BSP; and they agree to the conditions of the BDP as well.

Commissioner Pritchett commented she has a quick question; people know how much she loves natural buffers; they have that going; she has talked with staff and they think the smaller buffer is appropriate with this; she asked if Ms. Rezanka would consider that if there is any specimen-sized trees, like within a 50-foot area that they would get with staff on those; she stated she is not real sure, but it has some very beautiful canopies there; and she asked staff how would she word this.

Tad Calkins, Planning and Development Director, stated if the applicant would consider a condition that would have the 20-foot buffer as recommended by P&Z; but in that 50-foot boundary, if there are any specimen trees that they make all efforts to save those during construction.

Ms. Rezanka advised Mr. Calkins said 20 and then he said 50.

Mr. Calkins explained it is a 20-foot buffer he thinks what has been agreed to; but the concern, he thinks what the Commissioner is interested in, is when looking at the aerial photograph, there appears to be some canopy trees in there that if they can be saved during construction, she would like to make sure those are maintained and safe.

Commissioner Pritchett asked the applicant to do their best to try to maintain and save those trees.

Ms. Rezanka advised that is fine.

There being no further comments or objections, the Board adopted Ordinance No. 24-22, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Ninth Small Scale Plan Amendment of 2024, 23S.05, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(C), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

**Result:** Approved

**Mover:** Rita Pritchett

**Secunder:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.9. Public Hearing, Re: Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) Requests a Change of Zoning Classification from TR-3 with a BSP to BU-1 with Removal of the BSP (24Z00023) (Tax Account 2317736)**

Chair Steele called for a public hearing to consider a change of zoning classification from TR-3 (Mobile Home Park) with a BSP to BU-1 (General Retail Commercial) with removal of the BSP, as requested by Ibrahim and Haroon Realestate, Inc.

There being no comments or objections, the Board approved the request of Ibrahim and Haroon Realestate, Inc. for a change of zoning classification from TR-3 with BSP to BU-1, with removal of BSP, and adding a BDP that limits BU-1 uses to retail, office, and personal services, and requires and 20-foot buffer along the east and south sides as recommended by Planning



and Zoning, and within that 50-foot boundary if there are any specimen trees they will make all efforts to save and maintain those trees during construction, for property located north of Canada Drive, east of US Highway 1, Mims.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

\*The Board recessed at 6:06 p.m. and reconvened at 6:11 p.m.

**H.10. Public Hearing, Re: JEN Florida 48, LLC, Requests Adoption of the 2023-2 Large Scale Plan Amendment to Change the Future Land Use Designation from RES 1:2.5 to RES 4 & CC (Residential 1 per 2.5 acres) to RES 4 (Residential 4) and CC (Community Commercial) (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829)**

Chair Steele called for a public hearing to consider adoption of a Large Scale Comprehensive Plan Amendment (2023-2) to Change the Future Land Use designation from RES 1:2.5 to RES 4 and CC.

Jeffrey Ball, Planning and Zoning Manager, stated he is going to read Item H.10. and H.11. into the record; however, the Board will have to have separate motions for each; Item H.10. is JEN Florida 48, LLC requests adoption of the 2023-2 Large Scale Plan Amendment to change the Future Land Use designation from RES 1:2.5 to RES 4 and CC; the application number is 23LS0001; the Tax Account Numbers are 3000277, 3000368, 3000827, and 3000829; and they are located in District 5. He continued by saying Item H.11. is JEN Florida 48, LLC requests a change of zoning classification from GU and AU to PUD, PUD application number is 23PUD00005; the Tax Account Numbers are 3000277, 3000368, 3000827, and 3000829; and they are located in District 5.

Tad Calkins, Planning and Development Director, advised on the PUD application associated with this request, there are 14 conditions; one of them, he would like to make a slight modification to; he spoke to the developer ahead of time on this; the County's Fire Chief and everyone is in agreement with it; and he just wants to make sure that the Board understands what staff is doing. He went on to add condition number 10b currently reads, "Prior to approval of the construction plans and preliminary subdivision plat or site plan, a developer shall donate or convey to the County in fee simple three acres of land to be used for a fire station;" he pointed out it has come to staff's attention with all of the fire stations, and in conversations with the City of Palm Bay and County staff, that the proposed location that they have, given that there are some planned fire stations in the City of Palm Bay, they may not provide the most sufficient service, so what staff wants to be able to do is, and the developers have agreed to this, to look at a different site potentially throughout their project; what he is asking for, with the Board's permission, is to modify that condition to where it says 'be', staff would just insert 'execute an agreement for the donation/conveyance to the County in fee-simple, three acres of land to be used for a fire station' in that first sentence; and he thinks what that does is it gives staff the opportunity to work with the developer to find the appropriate location for that fire station as they develop.

Chair Steele noted okay, but he would like to add that when the County asked the developer to donate the three acres of land, they had no obligation whatsoever to donate this land, so they are completely doing it out of their own good will; as a result of that, the County is moving forward with a positive fashion; and what staff did with the City and trying to put it together, he

thinks is extremely good; but he did want it noted that there was no mandatory need for a fire station at that site; and he asked if he is correct.

Mr. Calkins replied that is his understanding.

Kim Rezanka, representing JEN Florida 48, LLC and the developer owner/representatives Sun Terra Communities, stated with her, representing the developer, is Richard German and Dan Edwards, and the engineer of record Poulos & Bennett LLC represented by Andrew Ivey are here to answer any questions; Planner Jesse Anderson is also here to answer questions; and the Transportation Engineer James Taylor with Kimley-Horn will actually present and answer questions as well. She went on to say as the Board knows, they came before it in May 2024 for the Future Land Use amendment transmittal hearing; at that time, and still today, they are seeking a Future Land Use amendment of 1,109.57 acres; the purpose is to allow a mixed-use development; and the PUD application is now before the Board. She noted when they met with the Board in May they said they would limit the density to three units to the acre; now that it has the PDP, that is exactly what it is doing, as well as the BDP will also limit it to three units to the acre; the request is for 1,082.57 acres for a Residential-4, limited to three units to the acre as stated in the BDP, and 27.33 acres of CC, which will allow 398 acres, 390,000 square feet of retail, and this is for residents for goods and services that will also allow for the three-acre fire station; when they were before the Board in May, they offered two acres; the County came back and said they need three because they do not have sufficient fire capacity in the County at that area; and the developer has agreed to do that, to work with the County, and if they need it in a different location than right there on Babcock to serve Rolling Meadows or some other development, they are willing to work with the County as to wherever they find it best to put that three-acre fire station. She explained the PUD rezoning is for 3,241 units and the 398,000 square foot of retail; this is located north and east of Deer Run, south of Willowbrook Street, west of Babcock Street, known as County Road 507 in this area, and there is a 100-foot plus drainage ditch and right-of-way around the property as a buffer between Deer Run and all the way around the property, not on Babcock Street; there is a large strip of land to the north, about 100-foot wide at parts, owned by Sam Sartori and Jaric Holdings, and this does not allow them to annex into the City, so there is a strip of property and Willowbrook to the north; this has been a challenging project; they did have a community meeting; there were many concerns; and she is sure the Board will hear more tonight. She went on by saying there were many concerns as the Board heard at the meeting in May; growth is coming; this area has an abundance of development forthcoming, Rolling Meadows, Lotus, Cypress Gardens, and that is to name a few; and this will be gone through with the PowerPoint. She provided the Board with a PowerPoint presentation; she stated that is the location and request; currently the Future Land Use is one to two and one-half units to the acre; the location she described is shown on the slide; she noted the Board can see to the north of that yellow line is a strip of land that is not adjacent to the City of Palm Bay, and stops the adjacency; the area to the north says Willowbrook and Satori, that is Rolling Meadows that de-annexed from Palm Bay back into the County in 2019; she showed the Board the developments in the area so it would have a sense of what is out there; and she stated he or she can see that what is coming, what is out there, and it has density as great as 20 units to the acre. She remarked immediately to the north at Rolling Meadows is two units to the acre; this is three units to the acre; this is a transition from the Water Stone of five to 20 units to the acre; there is Parkway mixed use; Pete's Holding, which is now called Lotus, is to the east; there is Emerald Lakes, Calumet Farms, and Ashton Park; and these are all very large developments coming in. She pointed out Sun Terra Lakes will provide a substantial amount of proportionate fair share fees and impact fees to help with the expansion of Babcock, the expansion of utilities, and this will help facilitate the fixing of Babcock Road; as she said, this is what that is going on in this area and what is happening in the area; and with that, she asked James Taylor to come up.

James Taylor, Kimley-Horne, representing the applicant, commented one of the things they evaluate for a site like this undergoing a Future Land Use amendment and also a site plan evaluation is they do a number of analyses; one of them is mandated by the State where they look at roadway capacity, what the area looks like in the short-term, which is like a 10-year outlook, and then a long-term horizon; that study was performed and submitted, and approved by the staff; the main outcome of that report is the identification of a deficiency of Babcock Street from Micco Road to Grant in both of those long-term horizons; and it recommends, in order to mitigate that widening, that it will mitigate that deficiency that the roadway will need to be widened to four lanes in the future. He continued by saying they also do another study that kind of dials in to the operations at the driveways and at the intersections to make sure turn lane links are provided in the future that are adequate to serve the project, but also to serve the background volumes; that goes through a methodology beforehand so that staff agrees with the assumptions that they put into the methodology; that has been approved and it identified a study area of more than five miles in radius, what the background traffic assumptions would be, the project traffic assumptions, and how those trips will distribute through the area based on Florida Department of Transportation (FDOT) latest regional travel demand modeling; it identifies roadway capacity like the previous study but for the build out of the project; and it also identifies intersection and driveway operational performances in mitigations that need to be in place to serve both the project and the background traffic. He mentioned this figure identifies that study area with the blue radius being a five-mile area; the percentages that are seen on the roadways that are coded in red, as identified as study area roadways, are the percentage of the external project trips that are going to see those roads in the future; every little, red dot there are intersections that are to be evaluated in the Traffic Impact Analysis (TIA); the little, blue dots are the proposed access at this point; the outcome of these studies is going to identify project impacts; the way it does that is it evaluates the background deficiencies before the project comes online, and also any new deficiencies as a result of the project; and that is the way that they quantify the project share of any mitigation that needs to occur. He advised the Board he will be standing by for any questions.

Commissioner Goodson asked from the front gate of that project, how far north and how far south are they planning on four laning Wickham.

Chair Steele asked if Commissioner Goodson means Babcock.

Commissioner Goodson replied affirmatively.

Mr. Taylor advised the deficiency that has been identified in the Future Land Use, which County staff has agreed to, is from Micco up to Grant; and that section definitely needs to be changed from two to four lanes.

Commissioner Goodson inquired if that is four or five miles.

Mr. Taylor responded that is a great question; and he would guess at least three.

Commissioner Goodson asked by his map, he said a five-mile radius, right.

Mr. Taylor replied yes.

Commissioner Goodson stated that he is planning on four laning Babcock, he would assume five miles south and five miles north.

Mr. Taylor explained the five miles is just an idea of how big the study area is for the site.

Commissioner Goodson asked once getting past the circle he had on the map, it goes back to two lanes.

Mr. Taylor responded yes.

Ms. Rezanka stated as shown, there are going to be impacts; there are deficiencies in infrastructure; but that is what proportionate fair share is for, that is what Florida Statutes allow; that is anticipated in these exact circumstances; and there is not a reason to deny because there is deficient infrastructure, as the project just has to fix the infrastructure. She went on to say next is the actual, one of the pages from the PDP for the PUD zoning, is actually a seven-page document that is in the Board's packet; this is just a portion of it; this also asks for several waivers, so in the BDP there are the waivers that are requested; they will go through those as well; she provided the Board a slide of the proposed development; she stated the yellow is residential, the light green is passive recreation, the middle color green is active recreation, the very dark area is wetlands, and the orange color is impacted wetlands; and the impacted wetlands are not substantial, she will have to give the Board those numbers. She noted the blue is stormwater, and the very dark, which is not here, but the Board will see the lake, which is kind of a grey color; that is a large lake that is intended to be recreation for the residents only; she provided a slide to the Board showing the buffering from the Deer Run neighborhood; she pointed out this is generally just to show, there is that existing canal of 100 feet; there is a proposed buffer tract of 50 feet; then there also are the lot lines and the setbacks; and just from property line to property line it is a minimum of 150 feet to the Deer Run neighbors. She commented this is average, what it should be at a minimum; then some of them will be different based upon, as the Board can see, where the houses are located; the yellow is the residential, so there will be some residential; but there is still going to be a buffer tract between the residential and the Deer Run neighbors; and also the neighbors to the north, there is the 100-foot right-of-way, plus the 100-foot property owned by Sartori. She remarked there have been questions regarding school impacts; there has been a concurrency review; there is going to be insufficiency in the elementary and middle schools; this developer, and all of the developers in the area have met with the School Board, and are continuing to work with the School Board, to locate new schools; currently there is capacity by bringing in portables for another few years; but ultimately, there is going to have to be redistricting and changes; as the Board knows, and as have been discussed, a proportionate fair share allows for school concurrency; and 163.31806 specifically addresses the school concurrency impacts. She went on by saying there were concerns about fire and police response; there is an interlocal agreement with Palm Bay; there are mutual aid agreements; obviously, Sun Terra does want its residents to be safe; it has donated three acres; and there also will be additional impact fees from this project for fire, police, and Emergency Medical Services (EMS). She pointed out Palm Bay has planned as a priority to build a fire station; its number one priority is in this area; they currently have approved a temporary fire station at Sunrise Elementary, just to the south on the Kameha property, that they intend to bond next year and have it up and running in the not-too-distant future; future utilities, Palm Bay has agreed to provide utilities, water, and sewer; and the developer will be paying to bring those to the site. She stated this is the phasing plan; currently, one can see on the far right in the gray where it says Phase 11, and under that, that is Phase 1; that is adjacent to Babcock Street; Phase 1 is the fire station spot that if it is there, that will be the first phase; if it is moved someplace else, they will work with the County to get it up and running as soon as possible; but that site will be dedicated before anything else is permitted; and they will have the plats, but before the building permits are issued. She explained there are 10 phases planned here, plus Phase 11, the commercial; she provided the Board a slide of the waivers being requested; she stated these are to allow smaller lots sizes; there is a waiver to not require a storage facility on site, and a waiver to allow building separations to be smaller, assuming that there are no utility easements impacted; there is a waiver to permit ingress and egress connecting to spine roads from internal subdivisions; there

is a waiver regarding usable, common, open space to include the lake as active recreation; and there is a waiver to reduce rear setbacks from 20 to 15; with that, they have the engineer, developer, traffic engineer, and the planner present today; and if the Board or the public has any other questions, they are happy to answer them. She advised they request approval of the change of the adoption of the Future Land Use amendment, the adoption of the PUD zoning with the PDP and the waivers.

Joann Young commented she lives in the Deer Run community; she is a licensed real estate broker in the State of Florida since 2002; she is the owner of five bordering acres in Deer Run; this development will be in her backyard; they are an equestrian community; currently, they are building over \$1 million homes in their neighborhood; and they are on two and one-half acres-plus. She went on to say currently, they are the only thing out there; the County's Planning and Zoning staff stated in the last meeting, for this project, that it does not comply with the Brevard County Comprehensive Plan; she noted they are zoned AU Residential-1.2.5; as the Board knows, so far the only positive that Deer Run has in any of this, is the fire station, because currently, the closest is nine miles away, so they do pay higher insurance premiums for that reason; she is opposed to the density for this project, for the negative impact it will have on the values of Deer Run; and they are the closest neighbor to Sun Terra. She asked the Board to please vote no on the density, and have the developer conform to the plan on a compromise to RES-2 as was suggested by Planning and Zoning; she added, she does not know if this has been taken into consideration as a deficit in traffic, but when there is an accident on I-95, the traffic is rerouted to Babcock Street from Fellsmere to St. John's Heritage Parkway; at that time, all of the I-95 traffic comes through Babcock, and many of the residents cannot even get out of their subdivisions at that time; she asked the Board to vote RES-2, at least as a compromise for the residents in Deer Run; and they have been there for 40 years. She stated yes, new development will be coming, and they welcome new development; but they just think that the density is way too high; the lot sizes are way too small; they still do not really know what an active recreation lake is going to have on it; she really did not know from Ms. Rezanka's last conversation what active residential lake meant; and she asked what is going to take place on that lake, because that lake is right behind her house.

Gloria Kanungo remarked she lives in the Deer Run Subdivision; she too, like Joann, is very concerned about the high density development going in, in Sun Terra; like Commissioner Pritchett said, she was so concerned about the neighbors in North Brevard and the density of that neighborhood going in that does not fit with the existing neighborhood; she hopes Commissioner Pritchett will consider the same for her southern neighbors; it does not fit; and it does not go with the County's long-range zoning. She stated she would like to address the traffic density report that the engineer gave; she is questioning why they did not use the FDOT's assessment that was done in June; this was done by the State and does address several concerns regarding the density of traffic that this development will cause; it will be a 1,500 percent increase in traffic on Interstate 95; they did not address Interstate 95 at all; the Board should have copies of this; and she can give the Board hers if needed. She continued by saying she would like the Board to consider that; Babcock Street is not the only thing that is impacted by this; Palm Bay has said they are going to provide sewer and water; but it is her understanding that this has to be done prior to the road being improved; she asked what time frame are the residents looking at; and she advised that has not been addressed to the residents at all. She commented the other thing she would like to talk about is the East Central Florida Regional Planning Council (ECFRPC), which, this again, was sent to Tallahassee to do an assessment of the impact that this will have on all of the precious environmental land that is adjacent to this property; she does not know if the Commissioners have read this; she hopes he or she would have; but it does cite several reasons; and it does not support this development. She stated she would like the Board to take that into consideration all of the wildlife that this would impact, not only on the local level, but it also talks about a State and

regional level in Indian River County, not just Brevard; several species, she does not want to waste the Board's time with that, but they also recommended studies to be done before any land clearing to look at habitat for several endangered species; and she would like to know if that is moving forward before any land clearing is done. She asked if the Board is going to address these concerns before it just blanket approves this high density; she noted high density is coming; but she asked if the County really needs 5,000 more homes within a five-mile radius; and it is not conducive with what is already there. She stated she recommended to the Board that it consider the compromise recommendation; she can leave these copies; and they were all done by the State of Florida.

Chair Steele stated yes, ma'am, but he believes she put them in a false light; the ECFRPC did not recommend that this project be a Development of Regional Impact (DRI), those were just recommendations, number one; number two, the FDOT thing was just recommendations; the County has had its staff looking over this for a long period of time; he understands where Ms. Kanungo is coming from as there are documents out there; things could be studied to death; he expressed his appreciation to her; but he noted he does not think they should be put into evidence, they are not accurate.

Ms. Kanungo advised just for the record, she totally disagrees with Chair Steele, because there is a conclusion basically stating that for the reasons above that the ECFRPC cannot support approval of the Future Land Use Map (FLUM) as proposed.

Morris Richardson, County Attorney, pointed out to the Chair that the document is already part of the record.

Cheryl Vadney stated she lives in Deer Run; she guesses it is a Palm Bay address, but it is unincorporated County; she is a New Yorker, she is a transfer, but she is not from New York City; she loves the life they have, it is very different; she is a suburban girl; she moved into the country; and she now deals with pigs, snakes, and a vast assortment of wildlife that the suburban girl would never have even seen and it is wonderful. She continued by saying her concern is the Future Land Use; someone, somewhere, the County, had a vision for south County; she asked how that vision just vanished; she advised when she moved here 24 or 23 years ago . . . everyone changes, everything changes; she has three closets of clothes because she loves change; but it is obvious to her that the changes that are proposed are inconsistent with the Future Land Use and with the beauty of south County; their homes are on 2.5 acres; it seems like a reasonable request to have something bordering on Deer Run; and she would beg the Commission to consider these lot sizes, as they are inconsistent with south County, with the beauty of south County. She noted she does not know if any of the Commissioners live in south County; if not, he or she does not know what is being missed; it is a wonderful way of life; it could be for others too who live in Sun Terra; she asked the Board to please consider a change in the density; she pointed out it can benefit south County; it has a lot of growth right now; they have Water Stone, and other developments coming in; they have I-95; they have all of these changes going on; and people really need to consider their resources here. She explained she stood here 23 years ago and asked this Commission to solve their flooding problems; and they still have a flooding problem.

Sandra Sullivan commented as a Quasi-Judicial hearing, the Board's job is to look at compatibility and concurrency, and if it does not comply, to reject the application; first, she wants to contradict Ms. Rezanka on her statement that this meets concurrency; per State Statute 163.3180, sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to concurrency requirements on a Statewide basis, so the Board is looking at making a Comprehensive Plan change; and according to the language, herein, the County is required to have that concurrency when it makes that Comprehensive Plan to the

State. She provided the Board a handout showing all of this area on two sides, and in this block, there is one unit per two and one-half acres; she noted this proposal increases the density from 432 single-family units to 3,246 single-family, plus the commercial; one thing this audience probably does not recognize is that then they can add multi-family and Senate Bill (SB) 102 exemptions, and get under the radar, because it would not come before this Board, it would go straight to site planning; they can put in SB 102 affordable housing; and the residents will own nothing and be happy. She explained according to the County's own concurrency evaluation procedures, Section 62-602, it talks about concurrency, again, sewer and water; it talks about before, now this is an application prior to site plan, the previous thing was Comprehensive Plan changes, that has been addressed; now, this is talking about site plan which comes after this Board; they would have to have a capacity certificate from the service proprietor for water and sewage; and she provided a copy of that for the record. She stated there is the letter from Palm Bay saying it will give them a new water reclamation facility and sewage; but there is no timeline, imagine that; this could be five, 10, or 20 years down the road; she asked who is going to pay for it; she stated, oh, yeah, impact fees; the County's impact fees for transportation have not been updated in 23 years; the County has an \$800 million deficit because the Commissioners have been kicking the can down the road, particularly District 1 and District 2 . . .

Chair Steele advised the Board can hear her just fine; and she does not need to be yelling.

Ms. Sullivan stated the Board has been kicking the can down and causing this crisis for the last eight years; for the other impact fees, they have not been updated in 32 years; the County has a crisis that is turning into a service failure for its Emergency Medical Services (EMS) and Emergency Medical Technicians (EMT); those impact fees have not been updated in 32 years; there is no way to fund the growth; and the Board is using the commitment of the 33 percent that was supposed to address their pay to fixing the growth. She noted there are flooding issues; she asked if the Board knows its rating for the Federal Emergency Management Agency (FEMA) flood discount in Brevard has gone from 25 percent down to 10 percent, because it is not protecting the flood plains and not fulfilling its obligations under the National Flood Insurance Program; there is State Statute that under concurrency requirements prohibits this change to the Comprehensive Plan without having the concurrency for sewage and water in place, number one; number two, this is incompatible with the surrounding area; and Chair Steele said to just bring the money in from the impact fees and tax the people more.

Chair Steele passed the gavel to Vice Chair Pritchett. He advised first of all, the County has a three percent cap on its budget; as a result of that, it has difficulty paying EMT's and other people additional monies; the only way the County is going to get anywhere to be able to increase its services in Brevard County is by impact fees and by additional funds that come in; he has been into real estate for 50 years, so he was there way before Deer Run was put into play; and he said 50 years ago that Deer Run was going to flood until the County gets additional subdivisions down there that is going to relieve the flooding. He continued by saying several months ago when Sun Terra came to Brevard County, and this is in his District, he sat down with staff and everybody else, and they worked diligently to understand exactly what they wanted to do; they met with the people down in these particular districts several times; in addition to the multiple problems that the County has with Interlocal Agreements on Babcock Street with Palm Bay and a variety of other things, it has a Heritage Parkway that sits out and ends in the middle of a field; there are tremendous traffic problems; there are tremendous problems in Babcock Street; and if people think this one is a big project, right behind it are two more huge ones that are much bigger than this. He advised it is coming no matter whether people like it or do not like it; the only way the County is going to be able to get anything done in this County to make the improvements that are needed to relieve the traffic is to ultimately get the Heritage Parkway connected in and move down the road; there have been comments

stated by Ms. Sullivan tonight saying all of this wonderful stuff like she is some big legal attorney; she is not; the water and the sewer can be put in at the same time; if the County Attorney would like to answer that question, fine; but what the County has done is everything in its power to make sure that every 't' is crossed and every 'i' is dotted to get this project done; and he completely stands behind this project because it is the only way he can see that the County is going to be able to get impact fees, do additional things, to improve the roads, to improve the flooding, and to move forward with making Brevard County a safer, better place to live. He pointed out yet tonight everybody is sitting up here, the eight or nine who spoke, and the County has had several meetings on this where it has had a lot more than these people speaking on this; if he is not mistaken, the County sent the plan up to Tallahassee, the Comp Plan change up to Tallahassee; Tallahassee approved it and sent it back; and he asked if that is correct.

Mr. Ball replied staff sent it up for their review.

Chair Steele asked and they sent it back to the County.

Mr. Ball responded affirmatively.

Chair Steele stated he does not need any comments from the audience.

An unknown person is speaking from the audience advising Mr. Ball did not answer Chair Steele's question.

Chair Steele remarked he answered his question fine; they reviewed it and sent it back; he does not need anything from the people in the audience right now; he asked them to just let him finish, because this has to happen; and there are going to be some issues here tonight if there is any more stuff with the audience, so he wants to try to just finish this up. He stated he is completely behind this project; there is going to be other projects that are there; there will be additional things that need to be done; he reiterated the only way the County is going to ever be able to get this thing done is to get Babcock Street taken care of, the Heritage Parkway taken care of, and a variety of other things that are an absolute necessity to increase the amount of monies that come into Brevard County to do what it needs to do to make Brevard County a better place to live; and he asked with that if the Commissioners have any comments.

\*Vice Chair Pritchett returned the gavel to Chair Steele.

Ms. Rezanka stated she does not know what else to say after that; they can address the concurrency issues; they have their planner and engineer; the only thing she would state is that the active recreation will have no motor boats; it may have kayaks and canoes; it will allow swimming if the water is clean enough, she does not know, she presumes it will be; regarding the payment for utilities, that is paid by the developer; and the developer is also going to have to pay for the roads, proportionate fair share, and for schools. She advised it is over and above impact fees, so it is not impact fees, it is not the taxpayers paying for this increase in service to meet the concurrency; as to compatibility, again, that issue was not raised by the Department of Commerce; they have shown that this is compatible with the growth in the area; the County's Comprehensive Plan talks about RES-4 and to look at surrounding land uses, not adjacent land uses, so compatibility is much larger than what is next to a person; and with that, she requests the Board to approve the Future Land Use RES-4 as requested, the PUD zoning with the PDP and the waivers as requested.

Commissioner Goodson asked Mr. Ball, regarding his response to the Chair, if the County sent it to Tallahassee and they sent it back; and he asked if the State had any comments.



Mr. Ball replied there were comments, and those were provided in the addendum in the Board's packet.

Commissioner Goodson asked what the statements were that the State said.

Mr. Ball responded staff received comments from ECFRPC; he does not know how in depth the Commissioner wants him to go into the comments.

Commissioner Goodson noted not in depth, but just tell him if the State approved it and said everything was fine.

Mr. Ball advised they do not approve it, they just provide the County with comments.

Commissioner Goodson asked if there were any negative comments.

Mr. Ball replied he would not say they were negative, there were things the staff would consider as part of the approval; ECFRPC recognized, and he is paraphrasing their comments about the consideration should be given the Future Land Use amendments with residential densities closer to existing density as RES-2; that was ECFRPC that specifically talks about the density; staff did receive comments from FDEP that talks about B Map, nothing to do with density; it deals with water and sewer, and septic; and the proposal is to have central water and sewer, so that could be considered being addressed. He stated they also received comments from FDOT regarding I-95; they state that the proposed amendment will have a potential impact to the State highway significantly; what that means moving forward that is just something they have identified moving forward; and other comments relating to Fish and Wildlife Commission about protected species that they see located on the property.

There being no further comments or objections, the Board adopted Resolution 24-23, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the first Large Scale Plan Amendment of 2024, Plan Amendment 2023-2 to The Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled The Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

**Result:** Approved

**Mover:** Jason Steele

**Second:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Feltner, and Steele

**Nay:** Goodson

**H.11. Public Hearing, Re: JEN Florida 48, LLC (Kim Rezanka) Requests a Change of Zoning Classification from GU & AU to PUD (23PUD00005) (Tax Account 3000277, 3000368, 3000827, 3000829)**

Chair Steele called for a public hearing to consider a change in zoning classification from GU (General Use) and AU (Agricultural Residential) to all PUD (Planned Unit Development), as requested by JEN Florida 48, LLC.

There being no further comments or objections, the Board approved the request for change of zoning classification from GU and AU to all PUD; and approved a BDP incorporating with the following 14 conditions: 1) The residential density of the development shall be capped at 3 units

per acre. 2) The approval of Waiver #2 to be exempt from the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots as allowed by Brevard County Code Sec. 62- 2117, provided each lot will have a 20' driveway capable of parking recreational vehicles. 3) The approval of Waiver #1 on the PDP plan set to allow for lots smaller than 5,000 square feet and less than 50 feet in width (40 feet X 120 feet) is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation. 4) The approval of Waiver #3 on the PDP plan set to allow for residential structures of two stories or less, to have a minimum building separation of 10' (rather than 15') is limited to structures that do not abut utility and/or stormwater easements or otherwise affect the intended purpose and use of the easement nor the ability to maintain utility/stormwater infrastructure. 5) Approval of the commercial uses as allowed in the BU-1 zoning classification per Brevard County Code Sec. 62-1482. 6) The approval of Waiver #4 on the PDP plan 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) The approval of Waiver #6 reducing rear setback for residential principal structures from 20 feet to 15 feet is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation. 8) Closure of the borrow pit permit shall be in accordance with 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, which may include, but is 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 may include, but is not limited to, 9/5/2024 provisions requiring the developer to design, permit, and construct the identified improvements at a cost to the developer proportionate to the project's impact. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate. b. Execute an agreement for the donation/conveyance to the County in fee simple three (3) acres of land to be used for a fire station. The County will obligate the Emergency Medical Services Impact Fees and Fire Rescue Impact Fees collected from the development for a fire station on said property. 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 designated 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.

**Result:** Approved

**Mover:** Jason Steele

**Second:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Feltner, and Steele

**Nay:** Goodson

**H.12. Public Hearing, Re: Villas of Sherwood, Inc. & 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)**

Chair Steele called for a public hearing to consider a request for a Small Scale Comprehensive Plan Amendment (23S.05) to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15), as requested by Villas of Sherwood, Inc. and Sherwood Golf Club, Inc.

Jeffrey Ball, Planning and Zoning Manager, advised that Items H.12. and H.13. are companion applications; he will read both into the record; however, the Board will need to make separate motions for each. He went on to say Item H.12. is the Villas of Sherwood, Inc. and Sherwood Golf Club, Inc. requests a Small Scale Comprehensive Plan Amendment (23S.05) to change the Future Land Use designation from RES 4 to RES 15; the application number is 23SS00005; the Tax Account Numbers are 2100937, 2100938, 2113021, and 2111319; and it is located in District 1. He stated Item H.13. is the Villas of Sherwood Titusville, Inc., Algarrobo Development, LLC, Sherwood Golf Club, Inc., and TRSTE, LLC requests a change of zoning classification from GU, AU, EU, SR, RU-1-11, RU-1-13, RU-2-10, RU-2-15, and Planned Unit Development (PUD) with two existing Binding Development Plan's (BDP's), to all PUD and removal of two existing BDPs; the application number is 23Z00035; the Tax Account Numbers are 2100937, 2113020, 2112021, 2113023, 2113024, 2100938, 2100939, 2100940, 2100942, 2100943, 2100952, 2100953, 2111319, and 2101061; and it is located in District 1. He noted for verification, staff is still currently reviewing the methodology for the traffic impact analysis; and at this time, it has not been approved.

Jim McKnight stated the proposed Sherwood PUD and the Comp Plan Amendment is less than 10 acres, which is why it is a Small Scale request, is providing redevelopment of a golf course that has failed to continue to operate; this is a trend which is apparently countrywide; since 2006, over 100 golf courses in the nation have closed every year; they have seen six in Brevard County that are no longer operating, or they are in the process of redevelopment; and he thinks it is important to understand this redevelopment that failing golf courses can impact property values in negative ways if left unattended according to surveys done by the National Golf Foundation. He continued by saying the project has been through a process of three community meetings held in September and November 2023, and May 2024; at each meeting they listened to concerns regarding traffic, stormwater, safety, property values, and other issues; as the Board will see in their presentation, they have listened and have significantly reduced the density down to 4.36 dwelling units per acre or 595 total units; their original presentation to the neighborhood called for 908 units; there are now four pods whereas originally there were six; one pod has been dedicated totally to stormwater and open space; and it will also provide a new clubhouse with pool, playground, and other amenities to support the community that would be constructed. He noted the approach for the PUD is traditional step-down zoning, with the highest density along Carpenter Road, with their own accesses, and reducing the density east to west as one moves from east to west within the existing neighborhoods; when getting to the first single-family lot on London Town, there will only be 37 lots, all single-family, beyond that point; everything else will be developed to the east; it reduces the traffic impact from the original plan, and it also helps address safety concerns that were brought out; he provided the Board with a slide showing the existing project; and he pointed out that the zonings were read to the Board. He stated the acreage is 136 acres, plus or minus; the allowable under the current Comp Plan is 1,619 units; the golf course total is 132; the club house and parking is a little less than four; the proposed project currently has land use of Residential 4 and Residential 15; and please note that the gross density of 595 units, which is 187 single-family, 408 multi-family, is 4.36 units per acre, and is consistent with most

single-family subdivisions. He advised he will not go over the other areas, because they will be discussed later; he provided the Board with a slide showing some clubhouse amenities and what will be provided as a part of the development; he stated the original submittal was submitted in April 2023; as the Board can see, there were a lot more units; they are now down some 313 units than what was originally planned; lot sizes have been changed to be much more compatible with what is in the neighborhood; and particularly when it is adjacent to other existing homes and lots. He provided the Board a slide showing the original proposal; he stated all the stormwater was going to be done as a part of each pod; as the Board will see later, that has changed; the second submittal, and neighborhood meetings were held in September and November 2023, they reduced down to 796 units or 5.83 units per acre; again, there were still six pods; they were still treating stormwater as a part of each individual pod; and that was the design at that point-in-time. He explained a third meeting was held in May 2024, and at that they submitted a significantly revised plan at that point, where they went down to 597 units; they only had four pods; they had one pod that was dedicated to stormwater and open space completely, because they heard the drainage concerns that had come from the neighborhood; he provided the Board with a slide showing what they had submitted at that meeting; he stated following that meeting, they submitted it to County staff; they received the staff comments back; and they further refined it even more, which puts them right now today at 595 units or 4.36 units per acre. He stated this is a normal development pattern when moving from multi-family, single-family attached, villas, and townhomes, to only 37 single-family lots that are actually adjacent to the single-family homes to the west on this property; he provided the Board with a slide showing the design today; he noted the green is stormwater; multi-family is in the yellow; the villas and townhomes are in the purple and salmon; and then the other blue is where the 37 lots are at today. He concluded by saying he is going to turn it over to Bruce Moia at this point-in-time, and he is going to talk about the individual pods, meaning five of those; four that would be developed; and one that would be stormwater. He advised his qualifications are he is a trained planner, he was a city manager for 36 years, he retired from that, and he actually has a Master's Degree in Planning.

Commissioner Goodson asked from what school.

Mr. McKnight replied University of Southern Mississippi; he advised he is going to turn it over to Mr. Moia at this time; and he is going to talk about the individual pods and the drainage.

Bruce Moia, President of MBV Engineering, stated his qualifications are he has been in the engineering field for over 40 years; he has been a registered professional engineer for over 30 years; he has been a declared expert by several boards; he has done expert witness testimony for several clients for engineering types of issues that have gone legal; and he hopes that qualifies him to speak as the engineer of the project to this Board. He pointed out in all of the years he has been doing engineering, this one is definitely the most interesting project he has ever worked on; they have done properties that were square, properties that were rectangular, properties that were rhombuses properties that were all kinds of different polygons; but this one was different, because this is a golf course that was basically created that the hole is the property, very unusual; because of that, in order to really do any kind of development on this property, they have to ask for waivers to the County's Code; this is pretty standard for a PUD; waiver one is a pretty standard waiver; and he thinks this Board has granted it for several PUD's, which is a waiver to the minimum lot size in order to have flexibility in design. He noted he thinks most PUD's ask for smaller lots so that they can provide more open space, so that is waiver number one; he thinks that is fairly standard; he does not want to get into too much detail on that; waiver number two is to reduce the required setback; because they have this property that is basically a golf course hole, it is long and skinny; and it is very hard to put a lot, a road, open space, stormwater, and all of the things in that very skinny piece of property, so they are asking for a waiver to reduce the rear setback. He went on to add waiver number three

is the waiver to the right-of-way; a standard right-of-way is 50 feet; however, because they have such a skinny piece of property, they are asking for a 30-foot right-of-way, and then they will be providing 10-foot easements; instead of a 50-foot right-of-way, they will have 50 feet, but 20 of it will be an easement, which is not unusual; there used to be PUD's where there was no rights-of-way, they used to put the lot line down the center line; and the whole right-of-way and all the utilities would be an easement, so that is not unusual, but may be a request that has not been heard for a while. He mentioned waiver number four is basically the same waiver, but only in the pods where they have the villas, where they are going for a 30-foot right-of-way and five-foot easements on both sides, because they are not single-family, detached units; waiver number five is a waiver to allow a cul-de-sac within 50 feet of a property boundary; by looking at the width of the property and say 50 feet and 50 feet, and then 100 feet for the cul-de-sac, they have ran out of property, so what they are trying to do, because they have to have a cul-de-sac in order to have a fire access turnaround for fire, garbage, and everything else, is instead of having the setback, they would provide heavier landscaping and a wall to prevent maybe something to the neighbors that might be undesirable; he wanted to point out there are two locations in this area right now that already do not meet that requirement; one cul-de-sac is actually at the edge of the existing PUD that it was created in; and the other cul-de-sac is just within a few feet. He remarked waiver number six is a waiver to the 15-foot perimeter buffer; the County has a requirement for all subdivisions and PUD's that there has to be a 15-foot buffer tract around the perimeter of the property; this has been waived before; they are not necessarily waiving the buffer in the landscaping, they are just waiving the fact that it needs to be in a tract; they will provide the buffering and easements, but they do not have the room to actually provide the tract; the reason for that tract in the very beginning, and he is very familiar with this because he used to be the County's Development Engineer for a short period of time, he brought this Code to the Board, not by choice, but there was a lot of development going on at the time; they were developing very, very large tracts of land up against existing subdivisions; and because of the clearing, a lot of the people were complaining that they were getting a lot of issues with the clearing, so the Board said to provide a buffer between the new and old developments. He continued by saying this is already developed, it is already a golf course, so there is no natural buffer between the golf course and the neighboring properties; there is nothing to preserve, so what they are going to do is instead of trying to meet a preservation requirement, they are going to go ahead and install those landscape features; waiver number seven he believes has been waived before, but there is a requirement in a PUD for multi-family that if one goes over a certain amount of floors, there has to be first-floor parking, like in a garage; he thinks this might be meant for an urban area; this is not an urban area; and to have first-floor parking would fly in the face of affordability, so they are asking for a waiver of that. He stated he thinks that waiver has been granted by this Board before; and he believes that is all of the waivers.

Chair Steele advised the Board is only going to give the applicant another five minutes whoever speaks.

Mr. Moia commented this is important, because drainage has been the number one issue for this project since day one; it is very well known that there is a drainage problem in this area; as soon as they found out about it, they met with staff; they had a very long meeting; staff was generous in providing them information on where this flooding is happening, and what they are going to be looking for in trying to solve this drainage problem for the County; that was a big reason why they actually took out all of those lots in that one pod and created a stormwater park; and they are creating a lot of lake and volume to displace the flood waters that are currently going on the neighbors. He went on to say the plan is to do a very detailed engineering model to find out exactly where the problems are and exactly how to solve them; they feel confident that this project will solve the continuing flooding problems that the neighbors continue to complain about; it will not make it worse, it will make it better; he is sure

County staff will ensure that; and they will be providing all of the engineering data to ensure that they will be an asset to the drainage situation. He advised unless the Board has any other questions, he thinks that is it.

Commissioner Pritchett stated she watched the Planning and Zoning meeting, and she was listening to the stormwater part intently, because there is some water issues out there; part of it are some things the County is fixing as well; she did hear him mention, and she wants to clarify it, that they have to maintain their own stormwater; and he said that he was going to make sure that his stormwater, because naturally some of it is flowing onto other properties, that he is going to find a way to make sure the stormwater on these properties are no longer going to flow onto the neighboring properties; and she asked if that is correct.

Mr. Moia replied affirmatively.

Commissioner Pritchett remarked she thought that was a pretty interesting statement when Mr. Moia said it, so she just wanted to get that on the record.

Chair Steele advised there is three minutes and 30 seconds left for anyone from the applicant's side to speak if they need to; and if not, the Board is going to move forward.

James Taylor, Kimley, Horn, and Associates, stated he is a registered engineer in the State of Florida, and has been since 2009; he previously received degrees from University of Central Florida (UCF) and University of South Florida (USF); he has served as an expert witness on cases for the State; traffic for this site, similar to all applications that come before this agency, they go through Traffic Impact Analysis (TIA) methodology; and it gets approved by the County before they proceed with the actual analysis. He went on to state that the Board heard from its staff tonight that that TIA methodology may have not been approved yet; he provided the Board with an email where it was approved on August 1st, conditional to a couple of things that they have agreed to; the statement in that email was basically to the point of it is approved as long as the Board does not have any issues with these additional comments; within the TIA methodology, it identifies a study area that one can see on the slide that this study is very broad; everything in red and all of those numbers and letters are intersections that are going to be evaluated; the trip distribution was performed for Florida Department of Transportation (FDOT) latest District 5 Regional Travel Demand Model; and when they do this analysis, they are going to look at all these things for deficiencies, compare them to what the Code requires, identify those deficiencies, and to mitigate where necessary. He advised the next slide is a slide that they put together so they can have some perspective on the most impacted road, which is Carpenter Road; for 595 residential units, that generates about 4,000 trips; breaking that into the p.m. peak hours, it is about 10 percent of that, which is about 356 p.m. trips; those trips have five ways to get out to Carpenters Way; and as the Board heard from Mr. McKnight, the way that this has been set up, the density is mostly up on Carpenter Road so there is less impact into the internal roads. He noted on Carpenter, in particular, today carries about 5,000 trips per day; that is an existing volume-to-capacity ratio of 32 percent, so that road is operating at 32 percent of its capacity; 87 percent of this project is anticipated to impact Carpenter Road, north of London Town; when that occurs, that additional 87 percent of this project's traffic, plus background growth, equates to about 9,000 trips in the future, so about double the existing volumes; and that road is still going to operate at less than 60 percent capacity in the future.

Tim Maslin, Florida Environmental Consulting, commented he is a certified environmental consultant with 24 years of ecological, biological, wetland protected species, and land development experience; one of the first things that from an ecological perspective, the Sherwood property is not native habitat; they recognize it as a disturbed golf course, which does have some remnant ecological features that they would like to protect, in conjunction with

the community; they produced environmental impact reports detailing the expected ecological impacts; those include potential impacts to trees, wetlands, Gopher Tortoises; and however, they also propose to study potential Scrub Jay, Wood Storks, and Crescent Caracara, which satisfies questions and comments from the Florida Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission to do any mitigation and remediation as might be necessary, including with arsenic and potential hazardous and contaminated waste in the ground.

Richard Horvath stated the reason he is here is that he is in support of this project; the golf course is there, it is not doing anything; he believes this is something he would want to be a part of as far as living there; he lives in Sherwood Forest; it is amazing the animals that come up and are taking advantage of this space; he is all for this project; and he expressed his appreciation to the Board for its time.

Wilfredo Santiago stated his property is attached to one of the holes; the reason why he moved there is because it is calm, he needs the peace; he is sure that the fellow veterans that do live there have the same reasons; he has a lot of things he wants to say that will be said by others, so he will try to keep it short; one thing he wants to say is he is questioning if the schools will be able to handle that many students right now; he does have a child on the waiting list for Head Start, even though she has siblings in the same school; and he asked if that is the case, what type of impact is it going to have for future students trying to get in there. He noted they have done a good job as far as mitigating their drainage; but it all goes to the same place, and that is the St. Johns; Route 46 was flooded after Ian for approximately two months; Arnold Palmer, which is about 75 to 100 yards from his house, was flooded that whole time as well; just because they are taking care of it does not mean everybody else is going to be taken care of; he is a PTSD combat veteran; he reiterated he needs the peace; he does not do well around a crowd of people or crowded traffic situations; and he does have a couple of neighbors who are the same way.

Chair Steele expressed his appreciation to Mr. Santiago for his service.

Tom Erdman stated he has lived in Sherwood since 1991; he started the Save Sherwood Community to help fight with this; he sent a lot of the Commissioners the petition they had early on; he has 647 signatures from their community asking that this not be rezoned; he is asking for this to be voted down, or to delay for a couple of reasons; reason number one, a decision of this magnitude should be delayed because in January the County will have three brand new Commissioners, which includes District 1 that this directly affects; and starting in 2025 is when it is really going to start happening. He went on to say he is sure the new Commissioners do not want to hear the residents complaining, because he or she did not get to vote on this; number two, no rezoning should be done to the golf course until they do have . . . he knows they are planning on their soil samples, but how can they be sure what the arsenic level is on the golf course; as they all know, arsenic is popular, or present in most old golf courses because they use it in herbicides and fertilizers in the 70s and 80s; and Sherwood was started in the 68 or 69 time frame, so when they start bringing the bulldozers in, that becomes a health hazard to the residents. He noted dirt is going to get blown around; they need to see, before anything is done, how much arsenic there is, what the risk mitigation is, because that is a health concern to all of the neighborhood; he is sure the Board will hear this one all over the place, is the flooding; their friends at MBV looks like they have done a great job with the flooding; but these are all preliminary results, drawings, and nothing should be done until the residents see the detailed plans; one does not build a rocket until one sees detailed plans; they do not start building homes in communities until they see detailed plans; and that includes where the water flow pattern goes, how much retention capabilities they have, and let the community actually see that. He remarked regarding the water pressure capacity, in the April or

May timeframe they received a letter/email from the Mims Water Department stating to conserve water at its max capacity that they will have low water pressure, so he did talk to some of the people in the fire department complaining; that could suck for them; he asked if his house catches fire, and they do not have adequate water pressure, what he is going to do; he pointed out that the representative at the fire department agreed and also said it is a safety hazard to his firemen; he understands they are trying to up the capacity and build new resources for water; and once again, as a community, he thinks they have the right to see how that scheduled plan is going to layover with what the development is, not just in Sherwood, but all over North Brevard County. He stated regarding quality of life for the residents, most of them moved there for a small town atmosphere and the tight neighborhood they have; they have golf cart parades, pot luck dinners under Oak Trees, and the very famous luminaries and Christmas lights; he is not saying nothing should be done; he would like to look at all options; before all of this started years ago, he called Milton, the owner of the golf course, and asked him if a deal could be worked out where if a person lives on the property to be able to buy the property behind his home; they tried to talk it over, but he stopped calling back; he reiterated he would like to look at these options; and yes, they have to work with all of the County Commissioners and see what makes sense. He noted he has also had two different groups, Royal Oak Ministry, they have shown interest in it, and also a group from the West Coast of Florida helping God Saves Our Babies; he is an ex-PGA golfer and he teaches autistic and down syndrome kids how to play golf; if the Board is going to vote on this today, which again he would prefer it get delayed, he would ask the District 1 representative to recuse herself as she has taken about \$14,000, or received about \$14,000 in donations for her campaign from people who have direct ties to this; that includes the lawyer, Kimberly Rezanka, MBV, and the Fisher's; and it is not illegal, but it has the appearance of not the best to be done for the County. He concluded by asking what the Commissioners want to leave to his or her kids and grandkids; and does he or she want an overdeveloped community with inadequate infrastructure, crowded schools, crowded roads, and a river that is so polluted it cannot even be swam in, or to do what is right and delay this vote, put it on pause, and do what is right for North Brevard.

Richard Jones commented that Tom said they had 647 people in their neighborhood against it; they also had a stack of letters at the Planning and Zoning meeting; Mr. Moia said that he had several residents come up to him saying they were in favor of it; they did not hear from a single resident, except for one, the gentleman who spoke earlier, Richard Horvath, he said he was in favor of it; that was interesting; what they did not know is he is the seller's broker, so he is going to get a huge percentage; of course he is in favor of it; he also said, if the Commissioners listen to the P&Z meeting, that he had wolves in his backyard; that is historic, because there are no wild wolves in the State of Florida; and one can look it up as it is documented. He noted first he hid exactly who he was, and then he made a false statement; the other side, he is sure Bruce knew about this, did not present that; he thinks that is unethical; it might not be illegal, but it definitely unethical; it is not what they want; and it is not truthful. He stated before the P&Z meeting, they had a Natural Resources Management Department that actually told them what the traffic was going to be like; both sides got to see it; the notes are online; their notes were 5,253 traffic per day; at the P&Z meeting, the other side said, the developers, 4,500; now it is 4,415; and that is a difference of 838 traffic per day. He mentioned that may not sound like a lot, but it comes out to over 305,000 extra per year; there is only one way in and one way out, London Town Road; that is the way it is; they are going to put other roads in there to try an mediate and make it easier to get out of there; if the Commissioners have ever seen the golf course and the layout, it is not easy; Bruce said it is the hardest project he ever had to work on; and the reason why is it is a golf course, it is the way that it is set up. He stated one cannot cram houses in there, it does not work; he wants to give a shout-out to his fellow residents who showed up here and at the Planning and Zoning meeting for five and a half hours; they really appreciate the support; it is not that easy to have; not only do they have resident support, but they have support from all of these different political



parties and candidates; here tonight they actually have the Republican, Democrat, and Libertarian who is running for Commissioner Pritchett's spot in District 1; they are all here and in favor; and it goes across the board. He advised just today, they have Chase Tramont, Florida House of Representatives, backing them, so this is not just a local thing; this is a Statewide thing that is going on; the support is overwhelming; it is all one side; there is a reason that it is all one side; next he wants to talk about the flooding; at the Planning and Zoning meeting they did not have answers; he asked Mr. Moia at that time if he had answers; and after all that time, still no answers. He remarked, a rocket cannot be built without the plans; it just is not there; one cannot just say he or she hopes, or in the future they might have a study done; it needs to be done now; the Board cannot just okay it if there is no study, if there are no means to make it work, one just cannot say okay and to have it work; the drainage problem they are talking about, and retention ponds that they are building are right behind Squires; they said it was built to flood; it is going to gather and flood; it is going to flood into those house on Squire first; and he lives on Squire. He pointed out they are putting his house at risk knowing they are putting his house at risk; he just does not see ethically and morally how this can ever be passed now, so he would hope for a delay; he thinks this is pretty simple and cut and dried; he does not think it is as hard as it has been made out to be; this is a no; and it does not work.

Ruth Amato stated timing is everything; she cannot imagine anyone has missed the news on how the State wants to allow golf courses in State parks; it has been a hot topic on social media and news cycles; they call it The Great Outdoor Initiative; she brings this up because it ties to this Agenda Item specifically; the State's idea behind it is to create outdoor space for recreation; everyone knows that tourist flock here for the weather and outdoor recreational opportunities; and meetings concerning this proposal, including tonight, it has been implied golf courses are not profitable here, hence the need for rezoning into housing. She noted she would argue that not even the State would agree with this assessment; she cannot imagine the State of Florida, despite it being a stupid idea to destroy State parks, would allow an unprofitable venture to go forward; a quick Google search will provide multiple, reputable websites showing statistics that golf economy impact in the United States was over \$101.7 billion in 2022, and an increase of 20 percent since 2016, providing 1.6 million jobs in the United States with a wage of approximately \$80 billion; at the August 12th meeting, and again tonight, Mr. McKnight stated Sherwood Golf Course that failed to continue to operate; for those sitting in the audience, like herself, would imply that there was some type of financial failure in that; but seeing as how golf has increased in economic value by over 20 percent from 2016 to 2022, that would indicate that the failure might not be financial, maybe it is management, maybe people retired and sold; and implying that without the proper context to the statement is an intentional deception to make one believe it is necessary to build houses on the golf course in order for it to be profitable. She pointed out the truth is, he bought a golf course and he knew exactly what he was getting, it is a golf course; golf courses, according to the State of Florida, and financial statistics, are profitable if one chose to make it the golf course what it actually is; furthermore, by going back on all of the maps, Sherwood was a swamp, it is a fact; she has entered it into the record multiple times; they drained that swamp and they made Sherwood; she asked if that would be allowed today; would it even be considered to drain a swamp and filling it in for a housing development; she stated it is highly illegal; and nobody would go for that. She advised to stand up here and ask for seven waivers because it does not fit the design of the golf course, of course it does not; there are drainage issues; businesses fail, investors make bad investments, and it is not the community's responsibility to shoulder the burden of someone's bad land investment; he bought a golf course; it could be made profitable if he chose to make it profitable; but it is so much easier to subdivide that property and build and sell houses to make a quick buck; the fact that he is not willing to put something into the community and stick around, tells a person that the developer only cares about how quick he can sell and make a buck, because there is nothing invested into this community; and the County has lost three lawsuits in Sherwood over flooding. She stated she lives on Tomato Farm Road, which is down

the street from there; she asked when they finish flooding, worse than what they already are, who people will sue, because they are going to be gone; can they sue the developer or do they still have to sue themselves to make the Board see reason; she asked furthermore, out of curiosity, before most meetings she thought it was disclosed if any of the Commissioners had meetings with the lawyer or the developer prior to this meeting, she was 30 seconds or so late coming back in the meeting and maybe she missed that, but if not, has that been entered into the record of which Commissioners have met with which developers or the developers' lawyer prior to this meeting; she stated she finds that curious because her phone calls and emails fell on deaf ears from her Commissioner; and she asked Commissioner Pritchett to recuse herself from this vote, because she has not given the people the time she has given the developers.

Chair Steele explained he believes all of the conversations that are had between Commissioners and the developer is put in writing to the County Attorney; and he asked if that is correct.

Morris Richardson, County Attorney, replied they are all made part of the official file.

Ms. Amato asked if they are traditionally disclosed prior to the Agenda Item.

Chair Steele advised the Commissioners have been putting them in writing ever since he has been here and sending them to the County Attorney.

Ms. Amato pointed out that was not that way the last time she was at a County meeting.

Chair Steele stated there are approximately 20 cards left at five minutes a card; please do not think he is being disrespectful, but the Board is hearing a lot of the same things, so try to keep it to things that might be new that are important to the speaker; he knows he could cut the time to three minutes, but he is not going to do that; and he is going to leave it at five minutes so that everybody feels like they are getting a fair shake in their conversation tonight.

Jo Ann Jones commented as everyone knows, flooding is a huge concern; currently, right now, they just closed on their house in March; they moved there because of the atmosphere, the view looking out of her huge, rear window, as she overlooks the golf course; now, when she looks out the window, she is going to see a flood; she is going to see that retention pond; and she is going to watch it flood her house. She went on to say right now her home is not considered in the flood zone, surprisingly enough, so flood insurance is optional for her; she has it anyway; but not everyone will be able to do that; some insurance companies could drop them, because now they are in flood zones; and she asked with the homeowners insurance crisis in Florida, what is left to do. She exclaimed this meeting was supposed to be dependent upon the buyers applying for, and submitting, all of the plans; that has not taken place; they were supposed to put in for a postponement, which was said during the last P&Z meeting; still, currently there is the engineering plans for flooding and the traffic analysis; she asked how can this even go through if the residents do not have all of the information; and she pointed out it is just not okay. She stated their home values will decrease; absolutely, with all of this new congestion, and all of this noise that will happen during the construction, during all these new residents moving in, because not everyone is going to be a homeowner; there are going to be renters now; going off of a golf course magazine is not very credible to her; she would want something from a realtor, compared market analysis, something to show her and prove to her that her house value is not going to go down; they just moved in; and she needs to keep her family safe. She advised she is not going to stay up all night during the storm waiting for the flood water to come in and ruin the house they just bought; just like at the last P&Z meeting, build smart, like Tom said; they cannot risk their houses because of new construction and development; she agrees with Chair Steele that they want to make Brevard better; but they

cannot do that at the expense of their house, their investment, their property, and their lives; and she asked if the Board knows what she means. She noted when all of this floods, there will be a class action law suit, there will be something; she asked what are they going to do; she stated there is still no plans at all, whatsoever, to show them what the contractor will do in place of the flooding; she is seriously right behind the retention ponds; it is concerning to her; she asked if they are going to enclose the retention ponds, are they going to put fencing to protect the children that could fall in, in a split second, or the gators that are going to climb over the fence, and what is going to happen, how is that going to protect them; and what are they going to put in place around the retention ponds to prevent catastrophe.

Chair Steele suggested if the officers can find a place to sit down where he or she has a view of everything, to please do; he advised he would hate to have them standing up for another two hours; that is up to them; but he just wanted them to know that the Board would be okay with that; this is a friendly crowd; and he reiterated if they need to sit down to please do.

Laura Morra stated she has a Bachelor's Degree in Administration if the Board needs to know her qualifications; she came from South Florida and moved here to get away from South Florida and the development there; she is going to say a lot of the same things, but it is her home and she is going to fight for it; the owner of the property lives in California; the developer lives in Miami; the engineering group is out of Melbourne; and when they leave, she still lives there. She continued by saying she lives on the very famous London Town Road, which is the major access road; she lives on what was the 10th hole; there was going to be townhouses there, they changed it; thanks for changing that, it is appreciated; now there is going to be a wall put behind her house because they are going to put the turnaround so the lights do not come in her house; and right now there is a 10th fairway she looks out on, which is very lovely. She remarked she did volunteer to buy the property from the owner; he turned it down; one of the residents volunteered to buy the golf course and maintain it as such, he turned them down; and another member of the golf course volunteered to buy the golf course, and he turned them down. She stated they live in a capitalist society; she is a capitalist; she likes to make money as much as the next guy; but there is a book called The Seven Ways, it is escaping her now, it is by Steven Covey, and when one has a good deal, it means everybody wins; right now, the only people who are going to win are the people who are going to build, take their money, and go home; the people who live there are not going to win; she applauds the effort at the flooding situation that was talked about that Bruce is going to fix; and he says he is going to fix it. She pointed out right down the street from them at Garden Street and Carpenter Road, there is a new development, and those homes do not flood; however, the exit at I-95 on Garden Street floods every time there is a thunderstorm; they have to put batons there just so they can drive through; good intentions are wonderful; but that does not mean that it is going to work, because that is failing right now at I-95 and Garden Street. She stated she is concerned about the trees; she spoke about them at the P&Z board when she went to a community meeting they had for them, which was appreciated; she asked the tree guy how many trees they are going to keep and he said he did not know; she advised she needs a number, because if one has been to Sherwood, it is beautiful, there are beautiful trees everywhere; the tree guy said they have to retain 10 percent; she was told later the builder, et cetera, who is sitting behind her as she spoke, shook their heads like that was not what they intended; what is intended on a drawing, and what actually happens, ends up being different things; he committed to keeping 10 percent; and to her, it was committing to get rid of 90 percent. She commented until there is something that proves differently, that is all she has except for a head shake saying that is not what they want to do; the flooding, the arsenic, trees, Gopher Tortoises, her street that she comes in and out of her driveway, the kids who ride their bikes, and et cetera; it is their home, and they do not want this to happen; she appreciates that the project has been cut back; and she asked the Board to cut it back some more.

Louis Vassoler commented he has been a resident of Titusville since 1964, and grew up running around in those woods; it took him about 40 years to save up enough money to buy a house in that neighborhood; he could have bought in Melbourne, Merritt Island, or Palm Bay, but he bought in Sherwood, because of what the community is like; for these guys to come in and change it from what it is, he just retired looking to spend his next hopefully 30 years relaxed in a nice neighborhood; he has to give Jim, Bruce, James, and Tim credit as they reduced it from 900 down to 600; and the P&Z board did everything but butter their toast, they did a great job in doing a great thing for the residents. He noted they did not do a great thing for the residents, they did not do crap for them; the residents do not want it; they do not want that development there; they want the community that they have and to stay that way; Chair Steele made a comment on one of the other issues that the County has traffic issues, and that in order to fix it, more people need to be added, and more traffic, to raise the funds to fix the traffic issues, to make Brevard a better place to live; the residents want a better place to live; and listen to the County constituents, listen to its people, who actually live in that neighborhood that will have to live with the issues after they leave. He advised they have a voice; he knows they did not pay a bunch of money to campaigns; but it is their place, so he asks the Board to number one, postpone the vote, delay it, until the new Commission gets in there; and he asked that Commissioner Pritchett recuse herself from the vote.

Chair Steele asked the County Attorney if the Board can stop this asking Commissioner Pritchett to recuse herself from the vote; he does not believe she can legally do that; and he asked if that is correct; Commissioner Pritchett has absolutely every right to stay here and vote on this issue; she is not personally benefitting from this, so for the speakers to make accusation offends him and the entire Commission; he understands what the speakers are saying; and he asked if Commissioner Pritchett could not recuse herself even if she wanted to.

Attorney Richardson replied not quite, but what the law says is that campaign contributions, the receipt of those, that does not amount to a conflict of interest that requires abstention or creates a voting conflict; the citizens are entitled to raise that as an issue if they choose; but it is not a legal prohibition from her voting or considering the matter.

W. Travis Moore stated he is going to make a couple of comments, not about Sherwood, but in this process he called Commissioner Pritchett's office and Traymont's office, and he got nothing; it disturbed him that if one ran their business that way, he or she would be out of business; they are constituents and customers; and he does not know how each Commissioner does his or her office, but if he or she does not answer their phone and get back to the constituents, they do not belong there. He went on to say years ago, he used to be on the East Central Florida Regional Planning and Zoning commission or board; he does not know what they were to tell them the truth; he just remembered how he got there; the guy who used to run the Merritt Island Wildlife Refuge was his friend and neighbor who volunteered him; all they talked about 50 years ago was the retention of green space, water quality and quantity, and that has not changed; Florida is exploding with development; and somehow or another, their concern about green land, park land, and water quality and quantity has shrunk with growth. He noted he just does not get it as it does not work in his head; he is not asking the Board to do anything other than considering the big picture with all of the developments that are going on in North Brevard County; the residents have concerns that are very valid; he really listened to the engineer who is an expert in water retention and all of that stuff; he is skeptical, he really is; he is very confused about waiver one; and he inquired if he can ask a question about that.

Chair Steele responded not right now.

Mr. Moore noted he thinks it was said that it was hole number one; the drawings he has seen, hole number one is the retention pond they were bragging about; requesting more units per

acre to get more green land does not work in his head, because that works out to be more units per acre, not more green land; one thing he learned years ago was a lot of these golf course areas meet the requirement for developers for green land, park land, and recreational facilities for the community; true, they do not have a golf course; but they have green land; it is a great place to watch wildlife in spite of the one wolf that is running around; and that blew him away. He pointed out they have a few coyotes, pigs, alligators, and Sand Hill Cranes, they have it all, as it is a beautiful place to live; they would like to see it stay that way; he is not against development, do not get him wrong; he understands a man has private land and he can do things with it; but it has to be compatible with the existing community; they want good neighbors; and good neighbors in his neighborhood are single-family dwellings, that is what is around that golf course. He stated except for a few exceptions that frankly slipped by; the residents were here 14 or 16 years ago, a developer out of Canada brought something that was voted down very quickly, because it just was not compatible with the community; he would like to see that happen again; and he would like to reinforce that there are new Commissioners coming in who have been very positive in talking with the residents about defeating this, so if the Board cannot defeat it, they would like it to be postponed until the new Commission is in place.

Sandra Sullivan stated first and foremost she would like the Board to deny the applicant; they can reapply, amend their proposal, and come back at a later point in time; the reasons is they are going from 176 single-family, 92 multi-family, to increasing the single-family, and almost multiplying four times the multi-family; per the Florida Statute land development regulations says, "in maintaining existing density of residential properties, if the properties are intended for residential use are located in the unincorporated areas that have sufficient infrastructure;" the two things she would request for the denial are under Section 62-2881, under Planned Unit Developments (PUD), which this zoning request is, it says, "such waiver does not violate the purpose and intent of any requirement of this article for the protection of public health, safety, and welfare of the subdivision of land;" she is going to address that; then, also, that it is the conformity with the requirement of such zoning regulations for a PUD; she feels, and she is going to show, that it does neither; it does neither conform, nor does it service public health, safety, and welfare; and therefore, this PUD should be denied at this time. She explained in the packet, there are the single-family homes, and towards the road over here, there are multi-family; that is pretty normal for step-down; she asked but what are they doing; she advised they are putting much more multi-family; it is adjacent to single-family; usually when stepping down, there is a vegetation barrier, it does not even have that, so residents are going to look out their window at an apartment building; and she asked how many stories. She remarked according to staff comments, the existing Sherwood community documented flooding issues in the proposed development, with the proposed lots and infrastructure over existing drainage systems and easements appearing to block historical drainage patterns, limited access for County maintenance, and may require that the developer vacate many drainage easements throughout the development, including easements that are County-maintained; she showed the Board with a copy of the flood map; she stated unfortunately, staff did not zoom out enough to see the flood map for this area; she asked if the Board sees a problem, all of the wetlands around, why this property has such flooding issues; she noted it is because it is part of a larger flood plain; and she asked what is happening right now on the West Coast in Sarasota with the recent rains. She advised there were communities that were built that were older communities, in comes a new developer, and they build adjacent to it, and they build it up; now the older communities look like this; she displayed a picture to the Board; she asked what these guys are going to do, if they are going to raise their elevation; she stated according to the Land Development Regulations (LDR) and Ordinance, it says they cannot do that; but people know this is happening all over Brevard County. She stated they addressed not changing it to a PUD, because the protection of the public health, safety, and welfare, as it is going to frankly flood them, and the non-conformity with the layout of this development; it is lovely looking at the

Board as he or she looks up into space, down at his or her knees, or whatever else, and just ignoring her, as usual; the Mims Water Treatment Plant design capacity is adequate to serve but there is a problem with it; it is under maintenance; it is really interesting, because some other people here that say there is not capacity; and she asked how long it is going to be under maintenance, as this is an issue. She pointed out the Board just passed something earlier, Comp Plan changes, because the Board knows there is not the water supply with Mims, so it is looking at building a new water plant; she asked if this is temporary until the County builds a new water plant; she contests that this is also a concurrency issue that does not have adequate water; and when coming to a flooding issue and a general trend in Florida, and in particular counties like Brevard County are not doing its obligation to protect the flood plain.

Hydie Peterson commented he has lived in Florida for 72 years, and his family has lived here for three generations, over 100 years; here lately, he sees everything getting built up; they fill in the wet zones, they build houses on them; the water has to go somewhere; and the County is just going to cause a problem, because that area is low. He noted unless the County can do something with the St. John's River, it can build all of the ponds it wants, but if the St. John's River overflows, there is nowhere for water to go; houses should not be built; on the Future Use Land Maps, there are plenty of vacant properties for this PUD to the highest and best land use north of them; but they want it on the Sherwood Golf Course; of course, they can get it from the guy in California cheaper than they can buy the land; and they do not have to clear it or anything, because it was a golf course, so it is to their benefit. He advised it is not for the benefit of the residents in Sherwood; the heavy traffic both ways; London Town Road, which he lives on, is one of the roads in and out basically; it is the only road right now; they say they are going to put some other roads; the setbacks and the current zoning are protection for the homeowners; but they want to have waivers on everything. He mentioned it is to protect the residents from the developer and engineers so they cannot omit and cramp in the wishes that do not conform to their neighborhood; they have asked to purchase the property, which other people have said, behind them; it was a blind contract that they were not able to review, bid on, or whatever, which sounds very suspicious; the Commission is the residents' representation that they voted for; he asked the Board to show the residents integrity, and not forgot them; and he asked the Board to please vote no. He noted he is like the others, he would like it to be postponed.

Faith Swanson stated they own the townhouses at 2030, 2032, 2034, and 2036 North Carpenter Road; the proposed development surrounds their property on the north, south, and west sides; she provided the Board with a handout showing the blank portion it will see; and she put the flood map in as a second one. She went on to say they are opposed to the proposed Sherwood development for three reasons; one, the proposal fails to provide adequate stormwater drainage; two, the proposed buffers are inadequate and encroach on their property; three, the development destroys the natural beauty of one of Titusville's beautiful neighborhoods; they are concerned about the impact of the development on their drainage because the drainage map in the Planned Development Project (PDP) document does not specifically show how the proposed units to the north or south of them will drain; and it appears that the stormwater will drain to North Carpenter Road, rather than be conveyed through storm pipes to an internal stormwater management system within the proposed development. She noted they are very concerned that this significant increase in the impervious areas, area drainage to the North Carpenter Road, will cause flooding to their property and the surrounding areas, including Longbow Drive; the existing drainage cannot handle the additional stormwater runoff; the developer claims to have changed the PDP to make a better water system to help the community; however, the PDP 725-24, that she received from the County September 3, 2024, has no proof of addressing these concerns that are detrimental to their property and the neighborhood; in addition, the PDP is not clear; and what they really need is a state-of-the-art water management system in that area. She remarked the developer seeks multiple roadway

access points; one of which, Tract H right-of-way is in close proximity to their south property line; she provided Section 62-4342 of the Brevard County Municipal Code, which calls for a minimum of 15 feet; type B roadway buffer for all development except individual single-family homes not within platted subdivisions; the submitted PDP document does not call for a 15-foot buffer, or any buffer between their property and the Tract H, 30-foot right-of-way; and furthermore, it appears that Tract H roadway is so close to their property that the curb returns onto North Carpenter Road will overlap their driveway. She stated Sherwood is not just the neighborhood, but it is a community where neighbors are involved and engaged with activities throughout the year; the proposed development will not only devastate the appearance but the character of Sherwood; furthermore, it will destroy the quiet, beautiful neighborhood and the adjacent, serene open space that they have enjoyed for over 30 years; and they are requesting that the Board vote against the approval of this proposed development due to the detrimental effects to Sherwood and the surrounding neighborhoods.

Commissioner Goodson asked if Ms. Swanson's property falls on the north side of London Town Road, her condos.

Ms. Swanson replied the townhouses, yes, sir; and it is on the north side right . . . they do not show it here, but there are two homes here that have been under construction for over seven years, with the Brevard County sign up on 2000 Carpenter Road; then there is another house; these always get flooded; just a little bit of rain today, they were already flooded, so there are only two houses here, two houses here; and they want to put this road, like circle around here.

Katie Delaney commented a lot has already been said tonight; she has been to almost all of the community meetings that have gone on with this neighborhood; while she does appreciate the developers talking to the residents and trying to make their project fit within this, it just does not; that is why they need all of these waivers, because it just does not work; this neighborhood is so incredibly special to North Brevard; she has taken her kids to the Christmas lights every year that she has lived in North Brevard; and Halloween is a major event, golf cart parades, and the whole thing. She continued by saying destroying that atmosphere in North Brevard will be, frankly, horrible; adding 1,200-plus vehicles going through this neighborhood will be horrible; she has door-knocked in that neighborhood at a lot of houses, and there are a lot of elderly people in there that a change like this will rock their world; they are pretty much making history tonight, having three candidates in this room; one of them will be sitting in that seat; all of them are different party affiliations; they are three very different people; but on this issue, they agree; and she reiterated they are all here. She asked the Board if he or she for whatever reason cannot vote no, to please postpone this until after the election when one of the three candidates can have the chance to fight for their community.

Commissioner Goodson advised what Ms. Delaney needs to understand really quickly is 4:1 does not get them anything; 3:2 will get her somewhere; and he asked if she understands what he is trying to tell her.

Ms. Delaney replied affirmatively.

Commissioner Goodson noted by Ms. Delaney promoting that she is going to solve all of these people's problems . . .

Ms. Delaney remarked that is not what she was promoting.

Commissioner Goodson asked her to please do not, because she will be one standing out in the cold.

Ms. Delaney stated it would give them the chance to try to convince the Commissioners, as a Board together, they would have the chance to make that argument for their community; of course, one person cannot make the difference always . . .

Commissioner Goodson's comment is inaudible.

Ms. Delaney advised she is sorry Commissioner Goodson feels that way; but she would hope that Florida Statutes would come into play with all of this, because there are Florida Laws protecting homeowners that developers cannot come in and disrupt the neighborhood, and negatively affect a neighborhood, so she would hope that would come into play; she would also hope that it would come into play that there is a roomful of people here tonight who are begging the Board to be their representatives; she can tell the Board, from speaking to this neighborhood almost in its entirety, that there is not one person who she has met, other than the man here tonight, which they now know the special interest in that, who is in favor of this project. She asked if the Commissioners are not here for his or her community, what is he or she here for.

Stel Bailey stated she wants to first say she has a family member who lives in Sherwood; that is why she is here tonight, representing them and a lot of the residents that they have met with in Sherwood; they bought knowing what the zoning was; currently, homes are coded, some but not all of them, but are coded as a golf course frontage, which means they would have to be recoded; and their question since they could not be here to speak with the timing and working, is how this will affect the tax bases, because they will no longer have the site code 0210, golf course frontage. She went on to say some of the lots are coded 0001, and that is no other code applies; she asked if anyone market value analyzed the homes coded versus the home down street and across the street, not coded with the golf course frontage; who is going to revalue all of these homes and understand the tax laws of these homes no longer considered golf course frontage, which has features such as conservation land grass, et cetera; she stated she saw they did mention environmental, and of course, she is going to touch on that a little bit, because there is no soil samples; she did see that they are planning to do that; however, she thinks this should be postponed until those testing results come forward; and they do not even know if this is a brownfield site or any of the information on it. She noted they talk about the State regulations; she asked the Board to guess what is not regulated; she pointed out Perfluorinated Compounds (PFC); she asked if the Board knows what was used on golf courses; and she advised pesticides. She explained sometimes it is watered with reclaimed water, which has high, high levels of PFC, so this is a very big concern for the community, especially with flooding, because they know flooding moves those contaminants within the community and neighborhoods; she suggested the Board postpone this until the traffic impact analysis is approved, the testing is done, and the study on the stormwater is done; she mentioned she wants to give another example of how the stormwater ponds do not work; on State Road (SR) 50 there is a stormwater pond behind Sonny's, which is a restaurant; there is a neighborhood behind that; and during Hurricane Irma she was actually staying within the community back there, because she has really close friends that live there. She added, they had to go out there during tornado warnings to go dig a trench in that stormwater pond, because the entire community flooded, as it over flooded out of that stormwater pond; the Board has to understand why people are skeptical if that is actually going to work; she asked the Board to wait and postpone until it has that study done; lastly, she is really glad that the six failing Brevard County golf courses were mentioned; she knows that the State park golf course Great Outdoors Initiative was mentioned that Governor DeSantis and the Florida Department of Environmental Protection are so well-known for recently; and it is just too bad that Brevard's excellent lobbyists cannot go and lobby for that money to restore those golf courses.



Corey McMillen stated he is here on behalf of his parents; he asked how the County addresses to upgrade, or the current system that apparently was never originally designed to handle flooding, and it is also 60 years old; he asked how the developer or the project engineer can state the stormwater system will be better when the developer is not required to address the current one; he stated that does not make any sense to him; he asked if this is approved, will current residents, he knows the Commissioners do not have answers to this, but just something to think about, be required to join a Homeowners Association (HOA); and he noted with the amenities that were talked about, a pool, pickle ball, clubhouse, especially to the pool, it is liability insurance, upkeep, and security so that if residents are forced to join an HOA that is an extra cost, so that has got to be taken out of the extra property value that would be increased supposedly. He remarked with the retention area behind Squire's Drive that is coming, that is going to have to be dredged, so that is something else that the residents will have to pay for; he thinks there are a lot of hidden costs for the current residents; it does not mean there should not be a development; but he thinks the Commission should delay this until the reports come in with a little bit more information for the residents.

John Greene remarked he owns two parcels of land within 500 feet of the proposed development; hence, he is here; both properties have significant Carpenter Road frontage that will be dramatically impacted by the traffic from this development; someone mentioned earlier that 87 percent of the traffic will go to North Carpenter Road; he is here in favor of this; and he requested approval of the applicants request for future land use changes and changes of zoning classification. He pointed out it is a good development; that clubhouse down there is a wreck; the neighborhood is beautiful; but they have issues; and this development, he believes, would help alleviate them.

Bryan Bobbitt commented he is a candidate for District 1; during the P&Z meeting a few weeks ago people from the Ballarena group mentioned this is one of the most contested developments that they have had in a very long time; there is a reason for that; the people of the neighborhood are tired of it; they are tired in North Brevard of seeing this loose and reckless development go on that is going through and clear cutting their trees; and they are adding a strain to an already exhausted infrastructure system. He continued by saying they are overcrowding their schools and neighborhoods, and they are overworking the First Responders that are already not getting paid enough; Mr. Erdman already mentioned that the low water pressure is a life-threatening issue to the firefighters; the County is going to tap more homes into that; it is not right; they have seen the plans; and some of the greatest disasters in history had the greatest plans. He noted this does not work; they do not have the testing from the soil; they are not exactly 100 percent sure on how they are going to fix the flooding issue; he knows they are going to build some lakes; but a friend of his is going to have a brand new lake in his living room, so hopefully they will get to go fishing if that happens; there are a lot of things that are just not working on this plan; and it is the Board's job to make sure it is taking care of the people. He stated Commissioner Pritchett said today she is going to do the very best she can to make the best decisions for her community always; behind him is her community; they are talking to her; go out with a win; and show them that she is listening to them, and she did this as a passion to serve.

Nathan Meloon stated he represents Mr. Erdman who spoke earlier; he is here with one ask; they have a known unknown, and that is the arsenic in the property that presents a serious safety and health issue to the property that they, frankly, do not know what to do moving forward with; he asked how is the arsenic in the golf course going to be dealt with; and what is that going to do for the surrounding properties and property owners. He went on to state there is a golf course in the St. Augustine area where they put five feet of dirt on top of the old golf course rather than going out and having to clean the property; here, when they put the ponds, that is the opposite of putting dirt on top of the golf course; they are going to dig it out and

cause that to disturb the air and the people; and he asked the County Commission to postpone the vote on this so long as the residents can receive the soil sample to know what the actual effect of that will be on his client specifically and the neighborhood as a whole.

Commissioner Goodson asked if Mr. Meloon's only concern is arsenic; and is he happy with the other drawings, apartments, and houses.

Mr. Meloon remarked he thinks everything else was touched on; and what he really wanted to kind of come in and make his arguments on specifically, in the interest of time.

Commissioner Goodson asked if there is a set percentage of arsenic there should be per cubic foot of dirt.

Mr. Meloon replied he is not smart enough to be an environmental scientist, as he is just a lawyer; and they cannot know what is in there without having the test results and having an expert tell them that.

Chair Steele stated he thought that was the last card, but no.

Nathan Slusher commented he is here tonight because his company does work for Sherwood Forest Drive at Sherwood Villas; they do the landscaping property services; he has done a lot of renovations in this neighborhood; he lives right down-the-road from this neighborhood; he has spent a lot of time, and met with a lot of homeowners back in there; and he knows the area very well. He explained one of the initial concerns that came to him was flooding, which has been heard a lot tonight; the developer has proposed the flooding mitigation; he thinks the plan tonight looks great, but what is not being talked about is the everyday stuff that occurs that he gets to see from the maintenance side of the facilities; when Ian hit, it was overwhelmingly flooded; and he thinks what would benefit the people who live here is a solution to that problem so it is not coming back, because it came through the woods, it came up across the roads down to where the four-wheelers and the golf carts drive. He noted the flooding and the backup is the fear, and if there are more houses, there are less places for it to back up, so the fear is where is that water going to go; not necessarily the water for the houses that are sitting when they build, but the water that runs off; he asked where is the displacement going to go; he advised that is the concern that he is hearing and he thinks that is a valid concern; people are worrying that their homes are going to flood when a hurricane or massive rain comes through; and it pushes it backwards from the back of the St. John's River all the way back into this neighborhood, so he wanted that addressed, because it has been the top concern he has seen. He pointed out with the traffic, he finally got an answer on the traffic tonight; that was one of the first questions he got last year when this started; he was at the original Save Sherwood meetings when they first started; he wanted to talk to people, listen to what was being said, and hear what was happening; traffic was a major concern; clearly, they have an answer to that now, so they know what percentage capacity they are at, what it is going to bring, and he is glad that was answered; however, he will note very importantly, that he feels not that the developer has failed on this; and he feels like the County failed the citizens on this. He stated maybe it is not necessarily the Commissioners; maybe it was staff; that is for operations to find out where it failed, because when people have simple questions, like what the capacity is for Carpenter Road, what is the percentage, what will it hold, and what it is going to add, these questions were not answered; he wants those questions answered moving forward; he wants to know if there is a solution to these problems; when people ask will this flood, my town home, and he asked if there is a plan for that; when someone says it looks like it is on their driveway, he asked is there a plan to fix that; and is the County addressing the specific maintenance issues. He stated someone talked about dredging the retention pond; these are specific maintenance issues; when these questions cannot get answered, that is the County failing, that

is the leadership failing, and that is not the development failing; they have a job to do, and it seems like they are doing it tonight; but he wants to make sure; and he wants to make sure that the County is doing its part also.

Commissioner Goodson asked if Bruce Moia could come back up; and he inquired in designing their lakes, if the developer has an outflow structure somewhere.

Mr. Moia responded affirmatively.

Commissioner Goodson asked and that outflow structure goes to what ditch and where does it go after it gets in that ditch.

Mr. Moia replied this property has two outfalls, one to the north and one to the west; but they ultimately flow west to the St. John's River.

Commissioner Goodson asked if there would be any truth to the fact that if St. John's backs up, the only way for it to get out is Jacksonville; and he asked if that is correct.

Mr. Moia replied yes.

Commissioner Goodson remarked it is not like the developer is draining North Carolina off of the mountain, so it is going to take time; and he inquired if Mr. Moia has any projections on how long it is going to take his lakes to bleed off or bleed down, or drain off.

Mr. Moia responded yes, so that is kind of what the residents have been asking for; but that comes after this; assuming they get approval to move forward, then they do the engineering and design, because now they are talking about spending tens, maybe hundreds of thousands of dollars to give these answers; and that is the design that they do, and the County's experts review to make sure that they are addressing the flooding problems.

Commissioner Goodson asked if any of the water north off of Carpenter Road flows towards the Indian River.

Mr. Moia advised he does not think so, because it is west of I-95; he does not believe it does; there is actually a culvert that goes under I-95 that is flowing west, through this property, and out; they have looked at the predevelopment basin of this area; they know where the water is flowing; and they just have not spent that kind of money yet to do that design to make sure it is going to work, because one would not buy a house and then do the inspection after the house was bought.

Commissioner Goodson commented they also have to hold a 100-year flood; and he asked if that is correct.

Mr. Moia replied they have to meet the requirements of the St. John's and the County; and then they have to look at the effects of a 100-year storm.

Commissioner Pritchett inquired when this project is built, and the water has to be contained, does this make this turn into a flood zone.

Mr. Moia responded he has not seen that; this is not a flood zone currently in this area; he has yet to see a development come in and make it a flood zone; and he has yet to see that.

Commissioner Pritchett pointed out if he gets this approved and starts moving forward, that is some information that will come back; of course, staff will be working with Mr. Moia; and some things might have to be tweaked at that time.

Mr. Moia explained basically, the flood zone is based on elevation, so as long as it is built above that base flood elevation, it will not be in the flood zone.

Commissioner Pritchett noted she watched the P&Z meeting when someone brought up the 10 percent trees; and she asked if Mr. Moia wants to restate what he was talking about at the meeting; and she stated he made a statement about the trees.

Mr. Moia advised it is not that they are saving 10 percent, they were more specific about those specimen trees and the larger trees; the County requirement is that they save 10 percent of the existing trees as a canopy is a requirement that the County has, and they will be doing that; they will also be making every effort, and by looking at the layout, they actually have placed those trees that are 20 inches and above on the plan; and they are not removing 90 percent of those existing trees that are 20 inches or greater.

Chair Steele asked what they will do if arsenic is found on the property.

Mr. Moia stated this is not the first golf course to be developed, and certainly not the last; he remembers this issue came up pretty big at the Palm Bay one when they did Port Malabar; because of all of the golf courses that have been developed now since then, it has become a science; and they have a process, the State governs it, and it happens all of the time.

Commissioner Pritchett asked if there were environmental issues when they all started, they would have to stop.

Mr. Moia replied correct, there will be a soil sample report and study; and all of that stuff would go to the soil scientist.

Commissioner Pritchett asked if the HOA is going to be required for everybody who lives in that neighborhood now.

Mr. Moia responded HOA's are almost always required for PUD's because there are common facilities.

Commissioner Pritchett asked if it will be for the existing neighborhood.

Mr. Moia replied no, they are not required to join the HOA.

Commissioner Pritchett remarked an interesting thing is when this was first started a long time ago, the County had three golf courses it had to work through, and all three of them were having tremendous problems with financial situations; one of the golf courses, Savannahs, what they did is all of the people got together and bought the golf course; they paid a high premium amount of money; they are running the golf course; they had to come to the table with enough money to do it; they may have a price where they can buy them out too, she does not know; but she is sure it would be quite costly. She went on to say there are still troubles right now trying to make golf courses work; that is another subject and whether they are going to work or not; the study that came back is they are now having troubles, so they are trying to get taxpayer funds now to help existing ones; something the Board has to consider is people have property rights of property they own; they have property rights, and the owners of this property have property rights; and it is up to the Board to make unemotional decisions the best he or

she can on what will take care of everybody's rights, and still consider the neighbors with whatever happens with this. She stated the stormwater, she has watched past developments come in, and it has solved a lot of stormwater issues in certain areas; it is funny, they always liked her until this project came up, and now all of a sudden, she does not pay attention anymore; and the other Commissioners coming in are fine people, and that will have to be managed later. She explained what is interesting as well is, everyone is jumping on donations, but she happens to know a lot of the residents donated to the ones that are running too; she asked what are they going to do when they are up here and have to recuse themselves; she mentioned she has no problem knowing they are going to make good decisions; but the interesting thing is if this is voted through, it is going to be up to one of them to watch over everything and make sure the flooding and traffic is going right; and the traffic still has to get worked out. She inquired what happens if this gets put through, there are still so many hurdles to jump through; she advised they might still end up not being able to do this many units, because there are all those other issues that have still got to be dealt with; this is a Small Scale Comprehensive change; she is not allowed to tell everyone her opinions; as a matter of fact, Mr. Moore, she just got a hold of the office real quick, they said he had called yesterday at 11:35, and they wrote a message down for her; her staff said he did not really ask for a call back; and if he would have, she would have called him, but she was getting everybody's information. She stated she had a couple of people ask what her stance was; she is not allowed to give it; if she does that, she is breaking the law; and as much as she cares about them, she is not going to do that for anyone. She pointed out she has been taking notes, getting good data, and trying to listen to everybody's problems and what they need; she has been getting some feedback; when she first met with people and they gave her their project, she just listened; she thought, this is not going to fly; they had 900 units going in, taking an existing comfortable subdivision, and they are putting multi-family in; and she was thinking this is not going to work. She went on to say her thing with them was to go meet with the neighborhood, listen to them, and be good neighbors; she watched a few other things come back through the time period, and she thinks they have made a lot of concessions with the residents; it might not be perfect, she gets it, but nothing is perfect; people have got to have places to live; they are not going to build big, ugly things; and they are going to be wonderful, brand new neighbors moving in. She advised she and her husband have three kids who live here, they have six kids, and they are growing up; there needs to be houses for them to live in as well; housing is a good thing; the fact that they went from 900 units and they moved all of the density up by the busy road, which really she thought was a good thing, because it is not affecting the in part of the neighborhood now; they cut it down to almost half; she thinks they are trying; and they still have tons of things to get through. She stated she still wants to see what happens with the traffic later; she heard the gentleman say they are still not going to be at capacity; but as they start trying to get all of these items set in stone, they have to work with County staff; she does not know if it will all fly or not; they have to get the stormwater taken care of, the traffic, and all of those things have to be taken care of; and whichever Commissioner wins the election, it will be his or her baby to make sure everything is falling in place, so he or she is going to have to make sure those things happen and work out. She noted as far as the project, they have gotten it down to a smaller project, she thinks it fits; the golf course is not coming back; something has to go there; what could have gone there, housing is probably the best thing to go in there to have other residents live in a residential area; that is her thought on it; and she wants to make a motion to pass this.

Commissioner Tobia stated he will second the motion; he appreciates everyone showing up; he knows he or she has taken a lot of time; he understands their trepidation for the folks moving in and think it is going to cause harm; he did some wild research on Wikipedia; there were indigenous people here 6,000 years ago; then other Indians moved in, the IAS Indians; and he is sure those indigenous people were a little ticked off when they came and appropriated the land. He continued by saying then Spanish settlers came; 30 years from now, the people who

build these homes will be back in this audience, he guarantees it, complaining when new development is going on, so their experience is not unique; in fact, when he or she moved into these neighborhoods, he guarantees that there were people who said do not build those homes in Sherwood; he thinks they greatly appreciate that; and he hopes they welcome these other people, because he thinks they are going to make Titusville that much of a better place. He mentioned he is sorry they do not like that, he has never turned-out so many people; but he only thinks it is fair to know where and why he is voting on this; and he really hopes it goes successfully, and staff does their due diligence to make sure that many of the issues that have been discussed are dealt with well.

Commissioner Pritchett advised she knows this is not easy; it is always difficult when a person has things he or she is very emotional about, but she wants to commend the citizens for staying, listening, not being rude, and being kind at this point; she thinks they really deserve that right now; and she wanted to thank them.

Commissioner Feltner explained he just wants to say he is not voting for this tonight; he has some empathy for people who buy a house on a golf course; he thinks they have every reasonable expectation that that is the way it was going to continue; he will split it with the Board; he does not know what the answer is when a golf course has financial trouble, and what the eventual outcome of that will be; he gave the example the other day that if a person bought a house that borders a parcel that has Wickham Road frontage, then he or she has to expect that a Home Depot or a Publix will go there; but when a person buys a house on a golf course, he thinks it is reasonable that he or she expects it to continue to be a golf course; and for that reason, he is going to vote no today.

Chair Steele called for a vote on the motion. There being no further comments or objections, the Board adopted Ordinance No. 24-24, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Ninth Small Scale Plan Amendment of 2024, 23S.05, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

**Result:** Adopted

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, and Steele

**Nay:** Feltner

**H.13. Public Hearing, Re: 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)**

Chair Steele called for a public hearing to consider a change of zoning classification from GU, AU, EU, SR, RU-1-11, RU-1-13, RU-2-10, RU-2-15, and Planned Unit Development (PUD) with two existing Binding Development Plans (BDPs) to all PUD and Removal of Two Existing BDPs, as petitioned by Villas of Sherwood Titusville, Inc., Algarrobo Development, LLC; Sherwood Golf Club, Inc.; and TRSTE, LLC.

There being no comments or objections, the Board approved the request for 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 BDPs to all PUD and removal of two existing BDPs; approved with a BDP incorporating the following 14 conditions: 1) The proposed development shall be limited to 187 SF units and 408 MF units. 2) Due to historical drainage patterns and flooding issues, a drainage study with and associated master drainage plan is needed prior to construction of the first phase of the development. 3) Approval of requested waiver from Sec. 62-1446. PUD-Land Use Regulations; Sub-Section (d) Minimum lot area, frontage, and setbacks; accessory uses; Paragraph (1) – to reduce the required 5,000 sf minimum lot area to 4,000 sf. (POD III Only). All affected lots shall have 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. 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). This is conditioned upon POD III containing a minimum of eighteen acres of common recreation and open space as defined by Brevard County Code. 5) Approval of requested waiver from 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. The affected rights-of-way shall be private and maintained by the Homeowner's Association. 6) Approval of requested waiver from 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 5-foot easement on each side for PODS I and IV. The affected rights-of-way shall be private and maintained by the Homeowner's Association. 7) Approval of requested waiver from Sec. 62-2956. Transportation technical guidelines and performance standards; Sub-Section (a) Roadway; 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). Landscaping shall consist of a minimum of 2 shade trees per 100 LF and 4 under-story trees per 100 LF. 8) Approval of requested waiver from 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). 9) Prior to County approval of a construction plan and/or Preliminary Plat, the Developer shall: a. Execute an agreement, which may include, but is not limited to, a Proportionate Fair Share agreement, with the County addressing and/or mitigating any infrastructure deficiencies relating to the off-site transportation impacts as identified in a traffic study that is caused by the development. The agreement may include provisions requiring the developer to design, permit, and construct the identified improvements at a cost to the developer that is proportionate to the project's impact. In addition, the agreement will identify time frames for the necessary improvements, and monitoring and updating the traffic study as appropriate. 10) 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. 11) Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals. 12) In accordance with Section 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. 13) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan, the Developer shall submit a road system condition assessment to include an evaluation of potential impacts on public safety. The study will be conducted per methodology provided for in County land development code or as otherwise agreed to with staff. 14) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan, the Developer shall submit a traffic calming study for the affected roadways and will identify necessary improvements to mitigate

speeding and encourage preferred routing of traffic. The study will be conducted per methodology provided for in County land development code or as otherwise agreed to with staff.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, and Steele

**Nay:** Feltner

**J.1. Waivers of Subdivision Requirements, Re: Clover Townhomes (24WV00002, 24WV00003, 24WV00004, 24WV00006, 24WV00007) Developer: Schwab Construction Group, Inc.**

Tad Calkins, Planning and Development Director, stated this Item is a request from Clover Townhomes seeking the Board to grant five waivers to the County's Land Development Code to allow for the development of a 13-unit, single-family attached subdivision; those waivers include a waiver to Section 62-2887(c), which relates to the internal access of the development, a waiver to Section 2883(d), which requires a 15-foot minimum perimeter buffer, a waiver to Section 62-3206(b)(4), which is relating to the backing of automobiles directly into the right-of-way, a waiver to Section 62-2208, which relates to driveway spacing, and a waiver of Section 62-3751, which relates to the slopes on a dry retention pond; and if the Board has any questions relating to this, he would be happy to answer.

Commissioner Goodson stated he would like to make a motion that the Board accept all of these waivers, but also add on that the condo association will share in half of the cost of the road, because if a person knows anything about the road, it is a dead-end road; they are using it for their egress and ingress, so he thinks they should pay for the maintenance on the road; it should be done at a 50/50 split now, then if the west side develops and uses the County road, then it could be one-third, one-third, and one-third; it should be a yearly rate to build up the money, because the only thing he sees now is maybe in 15 or 20 years, the road will be resurfaced; but it is not fair to use a County road with no recourse. He went on to add he would give it to the County Manager and County Attorney to work out to see if an agreement can be come up with; and that is the only way he would like to see the variances passed.

Morris Richardson, County Attorney, advised he does not think it is an unreasonable request given that the waiver essentially relieves the townhomes development from having an internal driveway, which is what is typically seen there; on the other hand, he is hard-pressed to think of an example in the County where it has anything like this elsewhere; maybe John Denninghoff, Assistant County Manager, can help him with that if there is one; but he is sure it is something the County can reach out to the developer to see what can be worked out.

Mr. Denninghoff noted he had a concern about the sprinkler requirement that was included in the Agenda, the sprinkler system internal to the buildings was a request that is really associated with how many units are in such a confined space, so it becomes an additional fire protection concern for fire prevention.

Chair Steele inquired if Commissioner Goodson's motion is to send this back to staff.

Commissioner Goodson replied affirmatively.



Attorney Richardson pointed out but his motion in addition to conditioning it on some agreement regarding maintenance for the road, it was also conditioned upon automatic sprinklers for the residential buildings; and he asked if that is correct.

Commissioner Goodson responded yes.

Mr. Denninghoff stated staff is telling him he missed one of the Board's questions, which was about if he is aware of some sort of similar situation; and he does not know of a situation where the County was sharing the responsibility for maintaining a road at any location in the County.

Commissioner Goodson stated to let him bring one to the Mr. Denninghoff's attention.

Mr. Denninghoff remarked okay, to remind him as he might remember.

Commissioner Goodson asked how about Roberts Road; and the County has maintained it as a private road.

Mr. Denninghoff noted he thinks the County does maintain that.

Commissioner Goodson mentioned it does not matter, he just wants them to pay to maintain for its use.

Mr. Denninghoff stated he thinks that is a very reasonable thing, but he just does not know what the mechanism would be for the County to be able to do that; that would be his concern; but he loves the concept; and if they maintained it all, that would be even better.

Commissioner Goodson advised one way staff could do it would be to get the square yardage and convert it to tons, because eventually it would have to be resurfaced at one-inch thick; that could be prorated over a period of time; the only other thing there is concrete curb; and it looks in good shape.

Attorney Richardson pointed out they normally would have to install an internal driveway; this waiver relieves them of that requirement, so something could be negotiated; and staff will figure out some mechanism.

Frank Abbate, County Manager, stated the motion could be contingent upon them agreeing that granting of the waivers contingent upon them agreeing to pay half of the cost, so an agreement will have to be entered with them.

Commissioner Goodson stated if they do not agree on the variances, then they are not getting the variances.

The Board granted and approved the five waivers to different sections of the Brevard County Land Development Code to allow the development of a 13-unit single-family attached subdivision; granted approval of installation of automatic fire sprinklers for all residential buildings under the associated site plan; and the applicants to enter into an agreement with the County of an arrangement to provide for the equivalent of half of the maintenance costs for the road.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

## **K. PUBLIC COMMENTS**

Sandra Sullivan commented regarding tonight's meeting, she just wants to say, do not be deceived, God is not mocked; for whatever a man or woman sows, that he will also reap; for he who sows to his flesh will of the flesh reap corruption; but he who sows to the spirit will of the spirit reap everlasting life. She stated this is a letter from the State, Department of Commerce; she had sent them a letter regarding development on the barrier island, specifically with regard to variance height versus right height, and a legal opinion that Commissioner Goodson's office was gracious enough to provide, that one has to use the right height and not the variance height; they have this going on in Satellite Beach right now; having sent a letter to the State; pertaining to Satellite Beach, they want to put 98, the height of Oceana, which was just for the attorney's benefit, was two TDR's to that site; and on all of the Comp Plan it says this is only, the zoning is only for this height. She noted this is analogist to Merritt Island; with the hospital being 166 feet, one cannot put the Senate Bill (SB) 102 to that height; the Board has this letter that clearly states, "which includes level of service standards for public facilities, which would include hurricane evacuation LOS standards"; Eastern Central Regional Planning Council has come out with their renewed study; they are now 61 hours to evacuate; by State Statute that LOS is 16 hours, so it is far in excess; then they have numbers here as well; there are 164,000 people to evacuate, and roughly 77,000 vehicles and 1,222 shelters that can accommodate about 8,000 people; and evacuation time 61 hours for a Category 5, and 16 hours to shelter according to State Statute 163.3178(8)(a), Coastal Management. She went on to add the State level of service requirements are in deficient in the 12-hour evacuation time to shelter; they are at 16 hours; and the Board has the rest. She stated she would appreciate the Board's assistance in modifying Senate Bill 102 Policy to protect the Barrier Island.

### **L.3. Reports, Re: Rita Pritchett, Commissioner District 1, Vice-Chair**

Commissioner Pritchett stated Sandra Sullivan started it; if she starts bringing scripture every meeting, she will bring one, too, and this will be great; Romans 8:28, "And we all know that all things work together for good for those who love God and to them who are called according to His purpose;" she noted a couple of things she wants to mention to everybody is that Brevard is such a great community and County; it is wonderful having people come out and giving their opinion on things; and by the time the Board gets done, hopefully everyone will move forward. She advised one never makes themselves any better by trying to make someone else worse; when one mocks them and ridicules them, it always comes back to the person; and she expressed her appreciation to all on how they have handled things.

Upon motion and vote, the meeting adjourned 9:04 p.m.

**Result:** Approved

**Mover:** John Tobia

**Secunder:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

ATTEST:

\_\_\_\_\_  
RACHEL M. SADOFF, CLERK

\_\_\_\_\_  
JASON STEELE, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board on December 3, 2024.