

PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, March 3, 2021, at 6:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida.

Board members present were: Carmella Chinaris, Vice Chair; Maureen Rupe; Greg Messer; Wendy Porter-Hyde; and Kevin Shropshire.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Cheryl Campbell, Planner III; and Jennifer Jones, Special Projects Coordinator.

The meeting was called to order at 6:00 p.m.

Approval of November 18, 2020, Minutes

Motion by Wendy Porter-Hyde, seconded by Greg Messer, to approve the November 18, 2021, minutes. The motion passed unanimously.

Approval of the January 6, 2021, Minutes

Motion by Kevin Shropshire, seconded by Greg Messer, to approve the January 6, 2021, minutes. The motion passed unanimously.

5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka)

A change of zoning classification from RU-1-11 (Single-Family Residential), TR-2 (Single-Family Mobile Home), and BU-1 (General Retail Commercial) with a BDP (Binding Development Plan) to TR-1 (Single-Family Mobile Home) with a BDP limited to 200 units. The property is 58.04 +/- acres, located on the north side of Cedar Lake Dr., approx. 0.31 mile north of Broadway Blvd.; also located at the west end of Clearview Dr. (No assigned address. In the Cocoa area.) (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173) (District 1)

Kim Rezanka, Attorney, Law Firm of Lyons, Lacey, and Rezanka, Rockledge, stated she is representing the two property owners and HomeIn Project Administration, the developer of the proposed manufactured home development on 58 acres. She said Nick Dottore is a representative who will speak about the types of homes being proposed. The concept plan shows 147 lots, but because they are not in final design, the number of units in the BDP has been reduced from 200 to 150. The rezoning request is for TR-1 zoning, from RU-1-11, BU-1, and TR-2 zonings, removal of an old BDP on 51 acres, and a new BDP on the entire 58 acres. She stated TR-1 requires a minimum lot size of 7,500 square feet with dimensions of 65 feet by 100 feet; the existing RU-1-11 zoning also requires a minimum lot size of 7,500 square feet, but dimensions of 75 feet by 75 feet. The RU-1-11 zoned portion of the property has a density of three units per acre, and her clients are asking for a density of 2.6 units per acre, so it is a less-intense development than what was approved in 2006 with a BDP. She stated the development to the north, off of Vineland Street, has a density of 3.4 units per acre; the development to the east is another TR-1 project with a density of 3.7 units per acre. The new BDP limits the number of units, buffers the south, and the site plan and subdivision codes require a buffer of 15 feet, undisturbed, all around the perimeter, so even though each lot has a 20-foot setback from the property line, there will be an extra 15-foot buffer left in its natural state. She stated she held an informational meeting on January 19, 2021, at the Port St. John Community Center, and notice was given to the same surrounding property owners who were noticed for this meeting. She said 36 people attended the meeting; there was some discussion about the environment; and people were concerned about changing the environment and the natural scenery that has been behind their homes forever.

She said the 7-acre portion of the subject property behind Winn Dixie will be added to the manufactured home subdivision; the property extends to the west, behind Clearview Mobile Home Park; there is a small piece of land that goes over the FPL easement and that would be the access road between the two parcels. To the east is FPL, to the south is Cedar Lake Mobile Home Park, and further to the east is Brevard Memorial Park. The entrance to the project will be Clearview Drive and Cedar Lake Drive. She stated the subject parcel was rezoned in 1990 from GU and TR-1 to RU-1-11 with a BDP limited to 154 lots on 51 acres, and it is now 58 acres and her clients are requesting a maximum of 150 lots. In 2006 there was a new BDP specifying inches of rainfall, percentage of impervious cover, and emergency access; the BDP also prohibited vehicular connection to Vineland Street, which is why it is in the proposed BDP. She stated the proposed BDP changes the access because the old BDP limited it to just Clearview; however, that doesn't seem fair to those in Clearview Terrace. As to road requirements to Clearview Drive, whatever the County requires will be part of the site plan process and does not need to be in a BDP. She stated per the staff comments there are no concurrency issues. City water is proposed for the development and the developer intends to bring Cocoa sewer from Camp Road through the Watermark development. The surrounding neighbors are concerned about environmental issues; tortoises do exist on the property, and the survey is not completed, but tortoises can be moved and that is what the developer would do according to Fish and Wildlife regulations. As to scrub jays, a preliminary survey has been done and found no scrub jays themselves, but the surveys can only be done at certain times of the year, and there is one planned in the next two weeks to find out what the scrub jay population really is if it does still exist. She noted 10 to 15 years ago there were scrub jays found and there was a take plan issued from Fish and Wildlife at a cost of \$225,000 to mitigate for the scrub jays. She continued by saying the developer will meet all County and agency requirements regarding any and all wildlife that exists. She said wetlands on the property are nominal, at 1.6 acres. Currently, County capacity for sewer is limited, so if the developer cannot bring sewer, some of the lots will have to be quarter-acre lots with the advanced septic systems. The project is intended to tie into the 129-acre Watermark development located approximately a half-mile to the south, with 363 lots of 4,800 square feet. She said the proposed project is compatible with the area and the manufactured homes are similar to those in Clearview Terrace and Cedar Lake Mobile Home Park. It is also compatible with the lot sizes of Watermark. She pointed out that the project is not inconsistent with the new small area study, and it will increase the manufactured home zoning and availability, which is less than 1% of the total area. [Ms. Rezanka provided a handout to the board. The handout can be found in file 20Z00036, located in the Planning and Development Department] She explained Page 1 is one of the owners of the subject property who owns 50 acres, and they also own a half-acre parcel in the Cedar Lake Mobile Home Park, which is intended to be an access. Page 3 is the other owner of the 6.89 acres behind the Winn Dixie that has been added to the development. Page 4 is the 1990 rezoning resolution that shows this was rezoned quite a while ago and it hasn't been developed because it hasn't been feasible to develop, but now this developer believes it is feasible and is going to upgrade with sewer and septic. Page 5 is the 2006 rezoning resolution. Page 6 is the certificate of title, which explains in 2006 the property went into foreclosure on all 58 acres. She stated there have been several emails from Zachary Brigante, who lives at 1101 Vineland Street, and he has sent public comment claiming the property cannot be developed, but the property can be developed and has been entitled since 1991. Page 9 is information about appraisals because many of the public comments are about property devaluation. She noted appraisers look at similar types of homes, so no one on Vineland Street is going to have their property appraised based upon manufactured homes sales in Clearview Terrace or Cedar Lake Mobile Home Parks, or in the proposed development, because they are different types of homes. Appraisals are influenced by sales of similar properties and current market trends. Page 10 is the HUD standards for manufactured homes. Manufactured homes and mobile homes are really the

same thing; however, the standards increase substantially due to winds and other criteria of building codes. Page 10 also lists the manufactured housing federal statutes. Page 11 is part of the federal standards to ensure uniform and effective enforcement of construction and safety standards to ensure that the public interest is duly considered in determination of the federal standards and their enforcement. Page 12 is the definition of manufactured homes according to the federal law, which is also very similar to Page 13, which is the federal statute definition of manufactured homes. Page 14 is the plat of the Clearview Terrace Mobile Home Park, which was intended to have 55 units; not all of the lots are developed, and some have one home on two lots. She said there has been a concern that people don't want rental homes in the area, but only 19 of the 55 lots in Clearview Terrace have homestead exemptions, leading her to believe that the rest of them are rentals if they are not vacant. Page 15 is the TR-1 zoning criteria that shows the rear setback has to be 20 feet and the size of the lots are 7,500 square feet. Page 16 is the existing zoning of RU-1-11 with a minimum lot size of 7,500 square feet and 20-foot setbacks. The zoning to the north is RU-1-9 and has a lesser minimum lot size of 6,600 square feet, although most of them are larger than that, and the setbacks are the same as well. She stated pursuant to the small area study, TR-1 is vastly under-developed in Port St. John, it's only 2.7% of the total acreage in Port St. John. For RU-1-11, there is 3.49% total acreage, with 100 acres vacant. As to the complaints and concerns from the neighbors, they are speculative as to the property values; the code is very specific and a MAI appraiser actually has to state that the development will devalue property. She stated she would like the right to question those who testify today if she needs to, and she requests approval of the rezoning to TR-1 with a BDP as presented.

Kevin Shropshire asked why some of the homes may have to have septic. Ms. Rezanka replied that currently the capacity of the sewer plant in the area is only 70, so they can only get sewer for 70 if they can't connect through Camp Road, then the remaining lots would have to be one-quarter acre, per County code, and they would have to have the upgraded septic systems. Mr. Shropshire stated that would be about 80 septic tanks, and he knows the County is working to remove septic tanks within a mile of the river, and even though they are new septic tanks, down they road they may have to look at the cost of removing them. Ms. Rezanka stated the developer has every intention of bringing sewer up Camp Road through the Watermark subdivision.

Ms. Rupe stated she knows there are gopher tortoises, scrub jays, and eagles on the property, and asked if Fish and Wildlife been to the property. Ms. Rezanka replied they were on the property 15 years ago and they issued a take permit for scrub jays, but until there is an environmental study they won't visit the property.

Ms. Rupe asked since DEP has taken over from the EPA, will it make any difference to the wetlands on the property. Kim Rezanka replied no, because they still have to abide by County code and can only impact .08%; there is only 1.56 acres of wetlands on the entire property, and 55.4 acres of uplands.

Ms. Rupe asked if the BDP was revised to limit the number of homes to 150 from 200. Ms. Rezanka replied there is currently a BDP on the property for 154 units from 2006; and they are now proposing 150 units on 58 acres. Ms. Rupe stated there is nothing to stop her client from coming back in the future and ask to have the BDP removed. Ms. Rezanka stated the land will not support more than 147 units because of stormwater retention and compensatory storage. She said there might be availability to get a couple more, and that's why they limited the BDP to 150 units.

Ms. Rupe asked Ms. Rezanka if she does not believe the development will devalue the property around it. Ms. Rezanka replied no, because it's new development and there is no evidence that it will;

it's all speculative. She stated appraisers will look at regular construction versus manufactured homes. The development will actually increase the value of the manufactured homes to the east and south, and it will not have any impact on the homes to the north.

Carmella Chinaris asked when the board can request an environmental study on the property. Jeffrey Ball replied the environmental aspects will be addressed during the subdivision plan process. Ms. Chinaris asked if that is contingent upon approval or disapproval. Mr. Ball replied the rezoning is the first stage of the development process, and once that happens, then developer will apply for a subdivision plan to establish the lots and then infrastructure to support that, including engineering, stormwater, and other environmental permitting required to develop the property. Ms. Chinaris asked if the board is not within its scope to ask for an environmental report on the property before it votes to approve or disapprove. Mr. Ball replied the board can ask for whatever it wants, but when considering rezoning, two things are looked at, and those are consistency with the comprehensive plan and compatibility with the surrounding area. Ms. Chinaris stated the existing zoning dates back to 1991 and environmental issues may have changed in 20 years. Mr. Ball state that is correct, and things do change, but there are no updated environmental reports.

Wendy Porter-Hyde stated the staff comments say, "The subject parcel contains mapped hydric soils with potential for wetlands". She said Ms. Rezanka stated there are 1.56 acres of wetlands on the property, and asked when that figure was determined. Ms. Rezanka replied that was done in December 2020. Ms. Porter-Hyde noted the staff comments also state, "Portions of the subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas." and asked if that has been determined. Ms. Rezanka replied it has been determined and the environmentalist says it is not. She stated just because there are soils doesn't mean there are wetlands, it means there's the potential for wetlands. She said those comments were done by the Natural Resources Department and the maps they use have not been updated.

Ms. Rupe asked why the request is going to the County Planning and Zoning Board before it gets to the County Commission. Mr. Ball replied the original application was to rezone with a BDP limited to 200 units, which would be an increase in density; the applicant has since reduced the number of units in the BDP to 150, but because the request was advertised, the Planning and Zoning Board is required to hear it.

Nick Dottore stated he spoke with the engineer about an alternative to connecting to the Cocoa sewer system, and 7,780 feet is what his sewer system will have to be if he can't tie into Watermark, so there is an alternative and he does not intend to use septic systems. Regarding the environmental issues, he engaged Atlantic Environmental a few weeks ago and they generated a report dated February 18, 2021. He stated he asked for a sample of what is on the property, and what they typically do is look at 15% of a property and issue a report, and based on his findings, he indicated there are 43 gopher tortoises currently that would have to be relocated.

Ms. Chinaris asked if that is on 15% of the property. Mr. Dottore replied based on the 15%, the overall property, Atlantic Environmental ran an extrapolation and said for the entire project he is looking at approximately 43 tortoises. As for the scrub jays, they cannot do a scrub jay survey until March because of FWC regulations, but he did have a sampling done and found no indication of scrub jays.

Ms. Chinaris asked now much of the hardwood area is going to be cleared. Mr. Dottore replied he has hired Susan Hall to do an evaluation and she issued a report to him on scrub oak matter, and

essentially, she's working with engineering to help preserve as much as possible, and what he can't preserve, he has to re-plant at a cost of \$225,000.

Public Comment:

Zac Brigante, 1101 Vineland Street, Cocoa, stated his house backs up to the subject property. He said Fish and Wildlife has pictures of scrub jays and gopher tortoises. He said he had an appraisal in January, and while it wasn't done by a MAI appraiser, his home may have the same value, but it might not have been the home chosen to be purchased. He said his house is 5,000 square feet and they are talking about a 15-foot buffer off of his porch, which is 12 feet from the property line. He stated Fish and Wildlife asks for onsite relocations instead of offsite and it's 750 square feet per gopher tortoise, so a buffer along the back side of Vineland Street would eliminate a lot of concern, it would give a buffer to the wildlife, and it would allow Vineland Street to not have mobile homes stacked against backyards. The subject parcel was purchased as an undesirable piece of property to develop, and that's why it's been vacant; FPL runs through the middle of it, which will give people radiation issues; there are railroad tracks on one side, and Winn Dixie on the other, so it was purchased at a lower price.

Ms. Rezanka asked Mr. Brigante to verify his property on an aerial map [The aerial map can be located in file 20Z00036 located in the Planning and Development Department], and asked if the sheds to the south of his property are his sheds. Mr. Brigante replied yes, when he purchased the house, the lot was cleared farther than the survey. Ms. Rezanka asked if Mr. Brigante has continued to use the property that is not his, but belongs to her client. Mr. Brigante replied yes, his kids play football on the small piece of grass off of his back deck. Ms. Rezanka asked if Mr. Brigante has been asked to stop using the property by her client. Mr. Brigante replied he spoke to a representative two years ago and it was not mentioned.

Ms. Rezanka provided Mr. Brigante an email from February 10, 2021 [The email can be found in file 20Z00036 located in the Planning and Development Department], and asked if he received that email. Mr. Brigante replied he did not receive the email because it is his work email address and would have been blocked by his employer.

Ms. Rezanka asked Mr. Brigante if he has the pictures from the Wildlife Commission regarding scrub jays and tortoises. Mr. Brigante replied yes, they've been texted to Lauren Barth, the biologist. Ms. Rezanka asked if he has submitted the pictures to County. Mr. Brigante replied he does not know if they were copied on any emails.

Ms. Rezanka asked Mr. Brigante if he knows the purchase price of the property by the HomeIn Project Administration. Mr. Brigante replied no.

Cecile Denning, 1173 Vineland Street, stated she would like to know if the manufactured homes will be placed on concrete pads, and she would like to know what the ratio is from all the concrete, to what is there now. The subject property slopes up from her house, so that means it has to slope down somewhere, and will it slope toward the river, or slope down and make a river in the other neighborhoods. She stated the whole property is an unofficial wildlife refuge, and she has pictures of the tortoises, and she has seen the birds, and she doesn't know where they are going to go. She said they will not know how the development will affect them until it is too late.

Vincent Price, 798 Alcazar Avenue, asked the applicant what the reason is for requesting TR-1 from TR-2, and if it is because it is a narrower lot. Ms. Rezanka replied yes, that is the reason for the request to TR-1.

Julie Lynn Ulrich, 5965 Cedar Lake Drive, Cocoa, stated Cedar Lake Drive is not a mobile home park, it is individually owned homes on half-acre lots, it's a dead-end street and very quiet. She said she would like to keep the binding development plan that exists right now.

She said her main concern is the many different animals on the property, including over 45 tortoises. She said during the meeting with the applicant, it was stated that the people who will rent the homes are not permitted to buy them because the developer won't sell them for five years, so there will be renters for five years. She stated the traffic on Cedar Lake cannot handle 40 homes on the south side; two vehicles per house is 80 vehicles coming out of Cedar Lake Drive. When the plan was changed in 2006 they didn't want mobile homes there because of hurricanes. She said she would like to see block homes and a buffer to keep Cedar Lake quiet. She asked to be able to keep the emergency exit only for emergencies. She said she has two calls into biologists with Fish and Wildlife and they are watching so no one can touch that property.

Matt Denning, 1173 Vineland Street, stated tortoises are not supposed to be moved because they get respiratory infections if they are moved. He said the proposed development will be on the Atlantic Ridge, which has some serious aquifer concerns. He stated the developers are talking about re-distributing the land and the water flow, and there is no way to know which way the water will flow; it could go to the river, it could go to the railroad tracks, it could go north, or it could go south, but it will affect a lot of people one way or another.

Sue Price, 798 Alcazar Avenue, Cocoa, asked what kind of buffer would be provided if the zoning was left as RU-1-11.

George Ritchie replied the RU-1-11 zoning has a 20-foot rear setback for the primary structure, accessory buildings would have a 7.5-foot setback from the rear, a screen porch would have a 10-foot setback, and a pool screen enclosure would have a 5-foot setback. The proposed development would have a buffer per the subdivision code that would abut the perimeter of the development.

Ms. Price said Ms. Rezanka mentioned a 15-foot buffer, and asked if that would be different for RU-1-11. Mr. Ritchie replied the buffer is a landscaping code provision, so it's not a zoning setback. Ms. Price asked if the buffer varies depending on the zoning. Mr. Ritchie replied the buffer is not part of the zoning, it is part of the subdivision review process.

Ms. Chinaris asked the current BDP requirement. Mr. Ritchie replied the current BDP requires a buffer along the inside of the south property line, and it is the only condition in the BDP in effect.

Thomas Amstadt, 5941 Cedar Lake Drive, Cocoa, stated he was at the previous rezoning meetings and the subject property was zoned to TR-2 as a compromise because they wanted TR-1. The RU-1-11 was a compromise between the County Commission and the citizens to allow greater density and also to eliminate the possibility of being a mobile home park. TR-1 would allow a mobile home park and they did not want that due to hurricane concerns. There are a lot of people on Cedar Lake Drive who were not notified per the 500-foot rule; no one on Broadway Boulevard was notified. People on Broadway do not like that suddenly there will be more traffic. The reason there is not a homestead

exemption on some of those properties is because they are owned by snowbirds and they can't have homestead exemption in Florida; there are only a few rentals.

Jose Cadiz, 1151 Vineland Street, Cocoa, stated the existing BDP needs to remain on the property. He said he wants to see reports and surveys that are current and valid, not ones from 2002, and he wants to know what they are going to do about the sewage.

Sue Price asked the square footage of the proposed homes. Mr. Dottore replied 1,000 to 1,500 square feet.

Zac Brigante stated he has heard the development will be affordable housing, or lower income rentals, so crime might be another thing to mention. He noted a surveyor came out yesterday to do a survey and said he saw at least 50 tortoise burrows, and according to the biologist, there are two tortoises per burrow, so that's how many he saw on the north perimeter of the property. He said a larger buffer behind Vineland Street is his goal, but the crime aspect with affordable housing is also concerning.

Ms. Rupe polled the audience and asked if everyone in attendance was in objection to the request. Ms. Rezanka objected to the polling.

Corey Pereno stated she takes offense to crime and low income housing. People cannot afford \$300,000 homes, and a 1,000 square-foot home doesn't equal crime. She said there are a lot of young families trying to get into affordable housing so they can live a good life; it doesn't mean that they are criminals.

Kimberly Sapp, 1189 Vineland Street, Cocoa, stated she received a letter in 2006 from FPL saying her house was under eminent domain because of the gas line coming through. She asked how they can put a trailer park on top of the gas line. At the other meeting, they said something about putting up a privacy fence after the buffer, but the first hurricane will knock down the privacy fence and they will not fix it. She said there should be a 6-foot block wall instead of a fence.

Father Stewart, 1159 Vineland Street, Cocoa, stated one of the things he is worried about is that there has been no discussion about busing the kids from the homes in the new development, or what the taxes are going to be like, and he thinks that needs to be considered.

Tom MacFarlane stated he built his house on Vineland Street in 1976 and his main concern is the value of his house dropping. He asked why a BDP is considered binding when there is nothing binding about it. He said when he built his house he expected it to increase in value over the years and now it is going in the opposite direction.

Ms. Rezanka stated polling the audience is clearly not permitted, and she is preparing to sue the County if she needs to, which is why she is asking questions and setting the stage as she is. [Ms. Rezanka provided an email to the board. The email can be found in file 20Z00036 located in the Planning and Development Department]. She said the reason she asked Mr. Brigante a question is because of the email she provided to the board. She said she showed the same email to Mr. Brigante and he said he never received it. She said she has no reason to doubt him, but the email was sent to his work email from which he sent the board emails.

Ms. Chinaris asked why the email is pertinent. Ms. Rezanka replied Mr. Brigante's testimony is biased because he uses the property as his own personal property and he's tried to buy property from her

client and has been denied. She said it is part of setting the record for a lawsuit. Ms. Chinaris stated the email really has nothing to do with the auspices of the board for what they doing tonight. Ms. Rezanka stated the board can judge the credibility of the people who testify and that's why it's relevant.

Ms. Chinaris asked if there is a mobile home on the subject property now that will be removed. Ms. Rezanka replied no, it is vacant. Ms. Chinaris asked if there will be a road access. Ms. Rezanka replied yes, and that is in the concept plan. She said the land behind Winn Dixie is BU-1, and the developer can already build homes on it at a greater density than RU-1-11. She said as to the access through Cedar Lake, she leaves that up to the board if it wants that as emergency access, the developer is fine with that, but it will leave all of the traffic on Clearview Drive.

Ms. Chinaris asked if there has been a traffic study on how the development would impact those access roads. Ms. Rezanka replied traffic studies are not required for a local road; the only traffic impact analysis is done on the main roads and that is in the staff comments.

Ms. Rezanka replied it's a neighborhood road, and the County will require them to make improvements, such as re-paving or sidewalks, but it is a site plan issue. She stated the neighbors would like her client to engineer the entire project before coming for rezoning, but that's not the way it's done. The neighbors are asking for things that are not feasible nor required. As for wildlife, the developer will do whatever is required by the County, Fish and Wildlife and the Department of Environmental Protection. She said this is an issue of changing for the smaller lots, allowing for manufactured homes, which will be built to withstand 100 mph winds, because that is what HUD requires in the area. Some of the existing mobile homes in the area are very old and are of more concern than the new requirements because of the new standards. The developer will spend \$14 million on the project and it will not impact anyone's taxes but the developer's and the owner of the project. Individual home values are based upon increases by the Property Appraiser; the standard construction is not going to be appraised next to a manufactured home. School concurrency is not an issue because they are not required to do a school concurrency at this point, and when the property is developed they will pay school impact fees that help with the schools. As to the buffer and the setbacks, the subdivision code does has a 15-foot natural buffer that can't be impacted. The rear setbacks for TR-1 are the same as the rear setbacks for RU-1-11, which exists, and the same as RU-1-9 to the north. She stated all of the engineering issues are subdivision and site plan issues; they do not have to come before the board with a complete subdivision plan and engineered standards to build. She stated the neighbors are concerned because they don't want change and they don't know what's going in there even though they've been given concept plans and her clients have been very open about the project, which is how they know it's a rental complex.

Ms. Porter-Hyde stated one of the speakers was concerned about the base of the manufactured homes, and asked if they would be on a concrete base. Mr. Dottore replied they will be on cement pads. Ms. Rezanka stated it can be included in the BDP if the board wishes.

Ms. Chinaris asked what the cement pads would do to the drainage. Ms. Rezanka replied drainage is an engineering issue. She said the lakes on the concept plan are to hold all the water to compensate for pervious versus impervious, and that is why the development is less than 200 units and less than 150 because the lakes are large. The water is going to drain into the lakes, not to the neighbors. The code has requirements for what has to be pervious and impervious, what trees have to be saved and what trees have to be replanted, and those are all engineering and site plan issues.

Ms. Rupe asked about gopher tortoise diseases. Ms. Rezanka state she is not an environmentalist, that is just what she has been told, that there are diseases that gopher tortoises will sometimes carry, but the developer will do whatever the government requires.

Ms. Rupe asked if it is correct that the rent on the manufactured homes will be \$1,800 per month. Ms. Rezanka replied that is nothing she or her clients have put in writing.

Mr. Ball clarified that the existing BDP limits development to 154 units, not 156. He noted that in the staff comments, staff provides a concurrency review that talks about the trips; it is not a traffic study, it is a preliminary concurrency review based on the number of units and the trips that staff anticipates the development will provide. He said during the subdivision process, engineering will review the proposed development and ask for the appropriate traffic study improvements.

Ms. Rezanka clarified that the preliminary concurrency review in the staff comments was based on 200 units instead of 150 units.

Ms. Chinaris stated the board has approximately 26 emails from neighbors who have not come to speak tonight, who are either objecting or requesting more of a buffer, or more than a fence. She asked staff if the board can take the objections of the neighbors into account as an advisory board.

Mr. Ball replied the board can take that into consideration along with the staff comments and all of the other documents staff has provided, and also the testimony provided by the applicant and the public comments received both in written format and verbally.

Ms. Chinaris stated in her opinion, the environmental concerns alone are not adequately satisfied by the applicant because of the limited scope of the investigation. There are a lot of woodlands there, there seems to be a lot of endangered species, and a lot of concerns that haven't been taken into consideration. She said she doesn't feel satisfied that everything has been done that should be done before making such a massive change to an area that could be very environmentally delicate and important. She said the idea of the possible septic tanks close to the river is another concern the board should consider.

Motion by Maureen Rupe, seconded by Wendy Porter-Hyde, to deny the request.

Ms. Chinaris called for a vote on the motion as stated.

Greg Messer stated the board is going on the basis that they haven't met any of the County criteria, but before this goes forward, they will have to meet all of the County criteria or it's not going to be approved.

Ms. Chinaris stated that is not the board's only consideration. Mr. Messer agreed that is not the only consideration, but the environmental conditions will be addressed, and the mitigation of the environmental issues has to be taken care of, and that is why he is uncertain. Ms. Chinaris stated she understands, but she thinks that when there is a stack of emails and a large turnout from the surrounding area, that's something that the board really needs to be careful not to be careless.

Mr. Messer said he's sympathetic to the neighbors, and they all have a reasonable cause for what they want, but the developer does also.

Ms. Chinaris asked staff what happens if the board doesn't have five people voting.

Mr. Ball stated there is a motion and a second on the floor that the board needs to act on. He said if the board wants to open it up for discussion to ask for additional information, that can be done. He said the board can table the request to a date certain to give the applicant additional time to provide the documents the board is requesting; or at the applicants' discretion they can move forward with a denial.

Ms. Chinaris stated the request will be heard by the Planning and Zoning Board on Monday and she feels like the P&Z board should have some indication from this board about how it would advise them to act.

Ms. Chinaris called for a vote on the motion as stated, and it passed unanimously.

Port St. John Small Area Study

Cheryl Campbell provided a PowerPoint Presentation to the board and gave a history of the small area study and the recommendations of the small area study group.

Recommendation 1: Relocate Brevard County Fire Station from Fay Boulevard and Carole Avenue to the west, more to the center of Port St. John. Ideally, the land owned by Brevard County at or near Fay Boulevard and Adams Place (funding source could be a combined MSTU and MSBU within the boundary)

Recommendation 2: Adjust the Port St. John Dependent Special District boundary (PSJ Advisory Board) to the north to match the Small Area Study boundary less any lands that are currently part of the City of Cocoa or the City of Titusville.

Recommendation 3: Change the Future Land Use designation from Residential 4 to Neighborhood Commercial on 2.92 acres located on Fay Boulevard. No changes to zoning recommended.

Recommendation 4: Change the Future Land Use designation from Residential 4 to Neighborhood Commercial on 0.30 acres located at the intersection of Fay Boulevard and Grissom Parkway. No change to the zoning recommended.

Recommendation 5: No changes recommended in the area of Fay Boulevard and U.S. Highway 1. Current Future Land Use and zoning designations are consistent.

Carmella Chinaris asked if the board has to approve all of the recommendations, or if they could be piecemealed.

Jeffrey Ball stated if that is what the board wants to do, staff will present the recommendations to the County Commission.

Ms. Chinaris asked for the recommendation to move the fire station from Carole Avenue to Adams Place, how far is Adams Place from Carole Avenue.

Maureen Rupe replied approximately 1.2 miles.

Ms. Chinaris asked why that would make a difference when it's still on the west side of the railroad tracks. Ms. Campbell stated the concern was it would locate it more to the center of Port St. John.

Ms. Rupe stated the move didn't make sense to her. She said the committee wanted it farther down where the school is, where there is a lot of traffic on Fay Boulevard. She said she believes the comprehensive plan calls for a fire station every five miles. Ms. Campbell stated that requirement has been met.

Ms. Rupe stated there is a cost, and they are still paying the MSTU for the community center and Fay Lake Park. Ms. Chinaris asked if Ms. Rupe does not agree with Recommendation 1. Ms. Rupe replied yes. Ms. Chinaris stated that is the only recommendation she has an issue with as well. She asked staff what options the board has. Mr. Ball replied the board can acknowledge the study with the caveat to remove Recommendation 1.

Kevin Shropshire stated he attended a few of the small area study meetings as a citizen, and he recalls concerns about the shifting population of Port St. John. The original heavy load of population was on the east side of the railroad tracks, which is why the fire station is located where it is. There were potential future concerns of closing the Curtis and Fay intersection, but they would have to keep Carole open because of the fire station. They talked about adding another fire station, but it would be millions of dollars. They also talked about re-locating the current fire station closer to the center of the Port St. John because currently they are borrowing fire services from Canaveral Groves and Titusville.

Ms. Chinaris stated centralizing it up to Adams Place is negligible for the expense. She said they should save the expense and add another fire station.

Mr. Ball stated during one of the small area study meetings, there was a County employee there who stated the County is looking at doing a Needs Assessment for these facilities, which will determine if there is a need to move it, but the cost in moving a fire station is substantial.

Mr. Shropshire stated a topic that came up often at the meetings was a new fire station for the west side of Port St. John. The recommendation to move the current fire station was to help satisfy the western side of Port St. John without having two fire stations.

Ms. Rupe stated if the fire station moved down Fay Boulevard, it would be used more for Grissom Parkway and I-95. Ms. Chinaris stated she feels strongly that the benefit of moving the fire station a mile and a half west has to be small for the expense of moving it, and she thinks a Needs Assessment will show that another fire station is needed farther west.

Public comment.

James Hyde, 4327 Piedras Street, Cocoa, stated with housing being built close to Kings Highway, another fire station on the north end will be needed.

Paul Chinaris, 5943 Jamaica Road, Cocoa, stated maybe the recommendation to move the first station was made because in the future there may be a traffic light at Curtis and Fay, and he doesn't believe FDOT will allow two lights that close together that close to the railroad tracks, with there already being a light at Carole and Fay for the fire station.

Motion by Wendy Porter-Hyde, seconded by Maureen Rupe, to acknowledge the small area study, with the exception of Recommendation 1. The motion passed unanimously.

Upon consensus, the meeting was adjourned at 8:00 p.m.