

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 15, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

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

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

Debbie Thomas stated that in reference to item G.5., she had spoken with Jimmy Dunn from SunTerra Communities. He called to introduce himself and explain a little about what their proposed project will be. The call lasted approximately three minutes.

John Hopengarten stated he also received a call in reference to item G.5., but he declined to listen and meet with the person.

### **Approval of the March 18, 2024, P&Z/LPA Minutes**

Motion by Henry Minneboo, seconded by Debbie Thomas, to approve the P&Z/LPA minutes of March 18, 2024. The motion passed unanimously.

Jeffrey Ball stated that if there are any speakers for or against item G.5. there is a sign-in sheet in the back.

**Christopher D. Strozier requests a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential). The property is 0.31 acres, located on the west side of Kaiser Rd., approx. 203 ft. south of Smith Rd. (2465 Kaiser Rd., Mims) (23Z00086) (Tax Account 2104016) (District 1)**

Paul Body read the application into the record and informed the Board that this is a readvertised application.

Mr. Strozier stated he is looking to rezone the property to make it conforming to build a new single-family home.

No Board comment.

No public comment.

Motion to approve rezoning from RU-1-9 to RU-1-11 by Ron Bartcher, seconded by Henry Minneboo. The vote was unanimous.

John Hopengarten asked staff what this means for neighboring properties, would they have to changes zonings too?

Jeffrey Ball responded with not necessarily. It will depend on if they have structures on the property, then it could have different parameters as to whether or not it could be viewed as a nonconforming lot of record.

John Hopengarten asked if any neighbors wanted to do a renovation to their home, would we require it?

Jeffrey Ball responded with no, not for a renovation.

**Jonathan & Emily Schoolfield request a change of zoning classification from AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home). The property is 4.7 acres, located on the south side of Cherven Ave., approx. 352.7 ft. northwest of Palmetto Ave. (6825 Cherven Ave., Cocoa) (24Z00001) (Tax Account 2443960) (District 1)**

Sandra Collins read the application into the record.

Mr. Schoolfield stated the he and his wife have found a manufactured home that they'd like to purchase and place on the property to move into but it will need to be rezoned to be able to do so.

No Board comment.

No public comment.

Motion to approve rezoning from AU to RRMH-1 by Ron Bartcher, seconded by Logan Luse. The vote was unanimous.

**William & Jeanette Gonedridge request a change of zoning classification from RR-1 (Rural Residential) to AUL (Agricultural Residential Low Intensity) and the removal of an existing BDP. The parcel is 3.33 acres, located on the north side of Lionel Rd., approx. 479 ft. east of Highway U.S. 1 (3660 Lionel Rd., Mims) (24Z00003) (Tax Account 2000372) (District 1)**

Jeffrey Ball read the application into the record.

Mr. Gonedridge stated he would like to rezone the property to be able to build an agricultural building in the back.

Ron Bartcher asked Mr. Gonedridge since there's no principal structure, what is the purpose of the barn?

Mr. Gonedridge stated he has a tractor that he'd like to store there. Ron Bartcher asked if it's for his business and Mr. Gonedridge responded with no, it's for his personal use.

Motion to approve rezoning from RR-1 to AU(L) with the removal of the BDP by Ron Bartcher.

Mark Wadsworth asked to hold on the motion for a moment to give John Hopengarten a chance to ask a question.

John Hopengarten stated that he did not receive a copy of the BDP in his agenda packet.

Staff informed John Hopengarten that it is the removal of an existing BDP, not a new BDP.

Jeffrey Ball stated that for the Board's edification, the BDP limited the development of the property under the RR-1 classification to two lots. So this application would remove that restriction of two lots to allow for agricultural uses on the property.

Motion to approve rezoning from RR-1 to AU(L) with the removal of the BDP by Ron Bartcher, seconded by Logan Luse. The vote was unanimous.

Mark Wadsworth reminded the attendees that they are just an advisory board to the Board of County Commissioners. That their decisions are not final, and the County Commissioners would make the final decisions.

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

Paul Body read the application into the record.

Suzanne Cook stated that she'd like to build a guesthouse to have a B&B, to have an additional income. She stated that she is away from her neighbors and neighbors agree that it wouldn't be a problem for them.

She added that she has a church on one side and neighbors on the other.

Jeffrey Ball stated that he heard some statements that are not factual, and he wanted to inform the applicant that the proposed guesthouse cannot be rented out. They can only be used for family. You cannot do an Air BNB with a guesthouse.

Mrs. Cook stated that is what she is looking to do.

Mark Wadsworth asked for clarification that you cannot do a bed and breakfast in that zoning? He asked if there is a difference between a bed and breakfast and an Air BNB.

Paul Body stated that guesthouses have conditions that they cannot be rented out. They can only be used for your guests or family. He also stated that the property does not allow for them to do short term rentals of less than 90 days.

Tad Calkins stated that this is new information for staff, so at this point staff would request that we table this item to the next meeting to give us an opportunity to work with the applicant to see if we can come up with a better application for their purposes or something along those lines.

Motion to table this item to the June P&Z/LPA meeting by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.

Mark Wadsworth explained to the applicant that we are going to table this item for the time being to give them a chance to review with staff.

**JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 and CC (Residential 4 and Community Commercial). The property is 1,109.572 acres, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. (No assigned address.) (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)**

Jeffrey Ball read the item into the record and stated to the Board that this a large-scale comprehensive plan amendment. This is a two-step process where the application before the Board is a land use change that is Board of County Commissioners decides to transmit this, it goes to the State in a coordinated review with Florida commerce and all other state agencies to provide comments. Once this comes back from the state, the applicant will have time to address any of those comments and responses. When it comes back for adoption, the associated PUD application will dovetail with the adoption hearing for this application. This application before you only establishes the density based on the infrastructure requirements, it's not based on a plan or specific requirements for the PUD as far as buffering and cross sections, etc. That will be done at a later stage. We are only going to vote on density.

Mark Wadsworth asked for clarification to ensure they're only going to vote on density and Jeffrey Ball stated that the application before you is a density increase of RES 4 and Community Commercial.

Mark Wadsworth addressed the members of the audience, asking who is here in affiliation with this application. He stated that he was going to give each person two minutes to speak on the item, or if the group would like to designate one person to speak on everyone's behalf, we'll take however many people are in attendance and multiply it by two and that will be how many minutes this person has to speak on this item. We don't want it to be repetitive with the same issues, i.e., it's lowering our land value, horses can't cross the canal, increase in traffic, etc.

After a count of 12 audience members, Mark Wadsworth gave their spokesperson 30 minutes to speak and asked if she was okay with that allotted time, which she agreed to.

Kim Rezanka, Lacey Lyons Rezanka 1290 US1, Rockledge, FL., stated she is here on behalf of the applicant/property owner JEN Florida 48, LLC. We are here on the Large-Scale Comp Plan Amendment and with me is Jimmy Dunn and Dan Edwards with SunTerra Communities. If you have questions, we also have the engineer of record, Poulos & Bennett. Lance Bennett and Andrew Ivy and also Planner Jesse Anderson, he was formerly the Assistant Growth Management Director at Palm Bay and James Taylor, the transportation engineer with Kimley-Horn.

Kim Rezanka stated she has provided everyone with a physical copy of the PowerPoint because they weren't sure if it was going to be able to be shown since it was only sent over this morning. There's also some fine writing on there that you may want to see to follow along.

She stated they held a community meeting last Wednesday and that 95-98% of this is information they've already heard, and this is what they plan to go through.

Kim Rezanka stated that the location is in South Brevard County, about 3.5 miles from the County line. It's on Babcock St., bordered on the north by Willowbrook, on the west side of Babcock. It is a little over 1,100 acres. We are seeking a future land use amendment to allow a mixed-use development. A PUD application has been submitted but it not on the agenda for today. The request is for RES 4 limited to three units per acre. Some of you may remember that there used to be a Directive 3. The county doesn't do that anymore, but the PUD will limit it to three units per acre. Engineering is not complete so we're not sure if we can even get the three units per acre. The Future Land Use of RES 4 is for 1,182.5 acres and seeking Community Commercial on 27.3 acres on Babcock Street. It's 398,000 sq. ft. intended to be retail type services for the residents here and the surrounding residents. More detailed for the location in yellow, that is the property we're seeking to change the Future Land Use. You can see it is somewhat squished between Palm Bay City Limits and Deer Run is to the south of the property. Willowbrook St. is to the north. Between Willowbrook St. and the property, there is a 100-ft. drainage ditch. There's 120 ft. of Right-of Way of Willowbrook St. and then there's a strip of land to the south of the ditch that is 150 ft. Some of you may call it a spite strip, but this is to stop any annexation into Palm Bay. This is owned by James Satori and Jaric Holdings, LLC, which is a Satori property. James Satori also owns all the property right along Willowbrook, the strip is about 250 ft. The property all the way to St. John's Water Management District property is owned by Jaric and to the north is Rolling Meadow Ranch, which is a little over 1,300 acres. This is the property owned by Andrew Machata, that de-annexed from palm Bay back into the County, if you all may remember.

This is a challenging project; this is why we need to change to RES 4. As mentioned in the legislation report prepared by staff and the staff comments, there are current deficiencies in infrastructure, but all have solutions. Even the staff report says they're potential solutions. The engineers and experts are here today to explain the solutions and answer any questions. The transportation infrastructure will be dealt with. The school deficiency, the water and sewer deficiency, all have been discussed with the various entities and as you all are aware, proportionate fair share requires that capacities and concurrencies be met. What's not in the staff comments but is in the SunTerra response is a review of all other large-scale developments in a two-mile radius of this proposed project and most of these projects have a greater density than what's being proposed here. There's nothing in the administrative policy that requires you to look just at Brevard County properties.

Where St. John's Heritage Parkway intersects with Babcock, that's what's causing all of this development. There's a Publix going in about 0.6 miles north of this project, so development is coming to this area. St. John's Heritage Pkwy from I-95 links Emerald Lakes, Cypress Bay, and Waterstone Development.

The concept, or bubble, plan for SunTerra Lakes is for a proposed development of 3,246 units. 398,000 sq. ft. of commercial, that's the red area along Babcock. It says Phase 11 but that just to designate it as the commercial area. It will have open space of 468 acres, 140 acres of active, 328

acres of passive. Assuming this is approved by Brevard County and comes back, the PUD will be in front of you sometime in the early fall hopefully. Just to clarify what those colors are designated for, the yellow is the residential. The medium green is passive recreation, the darker green is active recreation, and then the really dark green is wetlands. This property has about 114 acres of wetlands. Ninety-four of them will be preserved and approximately 20 will be impacted and in correspondence with the County requirements, the orange color is the impacted wetlands. The light blue is storm water, and the dark blue is lake active recreation.

The big pond on the west is part of an existing burrow pit that will be turned into an active recreation site, and it'll be amenitized for the residents. There's also walking trails throughout and it's intended that some of these parks will be open to the public, not just for the residents there. However, that's still in the planning stages.

We had a community meeting last Wednesday and it was the first time many of the residents knew about this project. There's no place to hold a community meeting that far south so it was at the Comfort Inn on Malabar Rd. There were approximately 23 people in attendance and 21 attended virtually. We ended the formal meeting about 8:15 but people stayed around, and the engineers stayed around to speak with them. The concerns and responses, as you would expect, are traffic, schools, fire and police response, and density consistency and compatibility.

Kim Rezanka added with that, I'm going to address the first issue of traffic and James Taylor will come up to address you.

James Taylor with Kimley-Horn Associates, Transportation Engineer, 200 South Orange Ave. Orlando.

James Taylor stated what you see on the screen is the anticipated study area for a traffic impact analysis that we're going to be conducting for the purpose of the County and all the permits that go along with the site, as well as the access. The blue on the outside is the anticipated 5-mile radius around the site that we'll be studying. The red dots are indicating a study area intersection. Some red roadway segments are showing where the traffic is to a point that's significant enough to include those items in the study area as well. Then some blue dots along the front edge of the property indicating probable access points. Some percentages on some of those roadways, these are the anticipated percentages that come out of the local travel demand model for this district and the DOT. What it's showing is the anticipated traffic from the site is intended to be, more or less, equally split north and south. A little bit more to the north as people are getting up to St. John's Heritage Pkwy and then onto the Interstate. Some on Micco Road as well as Babcock St.

So today what we've done for the purpose of the Future Land Use Amendment is we've conducted a study that's prescribed by the State to show a short-term and a long-term impact for the trips that are anticipated from this proposed amendment. What it indicated in that study out to year 2035 for the short term, then 2045 for the long term, is that Babcock Street from Grant Road down to Micco Rd. is anticipated to exceed its capacity. As you know it's two lanes out there today and operating at about 40% of its' capacity based on today's counts. But this project, as well as the other growth, is anticipated to increase that to the point that it exceeds the two-lane capacity of that roadway and then as we come in for additional permits if this goes forward is we will do that long-term, larger scale

transportation study that shows how the intersections, roadways, etc. all need to get mitigated as prescribed by the State and also the local requirements and I'll be standing by with any questions.

Henry Minneboo stated that he thought he read that they would be at service level D. At what point would that occur, assuming the numbers that we're looking at today?

James Taylor responded that if Henry is referring to Babcock St., that's going to be a Level Service F if that roadway is not widened to four lanes.

Henry Minneboo asked if we have a preliminary number of what the units would be when that transpires. That's in your program, I'm sure.

James Taylor stated that that will be a part of that future traffic study, because as we've talked about mitigating for the capacity items that'll be one of the things that obviously the County won't want to proceed past a certain amount of development until the capacity is available.

Henry Minneboo asked for conversation purposes today, if this transpires, how far south will you go with the modifications and changes on Babcock?

James Taylor said the deficiency that we're showing is not just because of this project but because the other growth of the area extends from Micco all the way to Grant, so that's about a three-mile segment. The mitigation for this developer is prescribed for the by the state, either a proportionate share contribution for their impacts or a physical Improvement. Not the whole three miles but something that equates to the proportionate share.

Henry Minneboo asked if they could end up being a three-lane, the center bidirectional?

James Taylor said that would not mitigate the entire deficiency. It really does need additional capacity. The bidirectional left turn lane would give it a little more capacity, but not the capacity that is needed out there.

Bruce Moia asked for clarification that Babcock from Malabar Rd. to the County Line is all a County roadway, so we're only dealing with one entity, not multi-jurisdictional and James Taylor responded that yes, that's correct.

Kim Rezanka stated that this issue came up during the community meeting and although they're not sure at what time it'll be widened, it will have to be with all the growth that's in the area and just to look at the transportation impact fees for this project alone will be approximately \$16.5M. The issues with schools came up as well because of how far south this project is. The school impact fees will also be about \$16.5M for this project between the retail and the commercial.

We did a school concurrency letter from the school board and the concurrency did show there would be issues with the adjacent school capacity. There would be a shortfall of available capacity for elementary and middle schools, however, they did note that for the next 5 years, the intermediate growth could be accommodated by putting in portable classrooms.

Kim Rezanka stated that she spoke with Karen Black at length, that there are at least 5 sites that could serve this area that the School Board owns or that's being dedicated. Ashton Park, which is going into the south and east, will have a 30-acre site for an elementary K-8 school. Which would also

be available to serve this community. We understand that school capacity could be an issue but Florida Statutes provide for proportionate fair share so any deficiencies would be addressed as the time requires it to be.

Another issue that came up if fire and police response, and again, that will be addressed as necessary. This area is served by Palm Bay Fire Station #4 under an interlocal agreement. There is also a fire station near Micco Rd. closer to the east but anything that is necessary would be accommodated for fire and emergency response. SunTerra doesn't want to impact anyone with fire and emergency responses.

As for density and compatibility, what the developer is intending to do as part of the PUD is to leave a 50-foot buffer in a natural state. Including the spite strip and 100-ft. canal, the minimum buffer would be 150 ft. from property line to property line.

At the community meeting they agreed that if it is a sparse, natural 50-ft. buffer, they will improve it. They will make it much more solid to make an opaque buffer. That's something that you would hear more at the PUD stage. Jesse Anderson will explain the other developments and their density in the area, and as a reminder these are in Palm Bay except for Rolling Meadows. Rolling Meadows is two units to the acre and it adjacent to this site.

Jesse Anderson, 1340 Tradition Circle, Melbourne, stated he was previously the Assistant Director of Growth Management. This project is situated in a vary interesting location. It is very much surrounded by the city of Palm Bay in a broad stance, except for where you have conservation lands over to its eastern side and along with our parcel, you have the Deer Run community. While were not at all trying to exclude them, if you look at the broader picture, today much of the city has encapsulated parts of this and then larger developments in the county that are coming have also started to encompass the area surrounding this development. When we look into compatibility in a Florida Statute stance, we're looking at compatibility in a term that we are saying that it can coexist in a relative proximity to each other in a stable fashion over time, so that no use or condition is unduly negatively impacted.

Jesse Anderson acknowledged that there's going to be a concentration by some members in the audience on the unduly negative impacted aspect, but what we need to understand in this entire statement today is that this is a stable fashion over time. Today we've also made sure to convey to you that this project is intended to go through the PUD zoning regulation standards that requires phasing development. It requires us to go through the processes that actually have more regulations in line that allow for is to ensure that we have different types of compatibility through us being able to slowly development the property. Instead of this just simply being a residential subdivision development, this would allow for us to slowly phase it and appropriately lay out the schematics, so it does not unduly negatively impact anyone over time. Instead, we will ensure that development throughout it's time period will be in concert with the Land Development code for Brevard County, as well as the interjurisdictional entities that do oversee many of these processes such as the Water Management District.

Because this is over a one-thousand-acre project, you're not going to see a single subdivision construction plan. You're going to see 11 different phases. Depending on what the needs are of the market, certain portions may be developed earlier than later. For instance, that could potentially be the commercial if it was demanded earlier. Alternatively, if there is a point in time when the roadway



needs to be expanded because of these increasing amounts of subdivisions coming through, it'll be determined during one of the subdivision construction plan routine evaluations by your staff. Who will identify that it has gone over capacity and then revert it back to saying that Babcock widening will need to happen before approvals commence beyond that.

We're looking at the properties that are surrounding us going from the western side. Rolling Meadows is a RES 2, which is a little less dense than the RES 4 we're asking for but as a reminder we are looking to cap it at three dwelling units per acre, and they could potentially go up to 2.5 with a PUD in their own entitled Future Land Use, so we're only looking at a half unit per acres difference at that point.

Waterstone moving into the city, has low density residential of 5 dwelling units per acre, high density residential of 20 units per acre, and a substantial amount of commercial.

Cypress Bay going further east has a Publix going up, so we already have a food chain in the area.

Emerald Lakes is going to span into 3,760 dwelling units and over 2.8-million sq. ft. of non-residential activity, mainly being commercial.

Ashton Park further south is also expected to have over one-million sq. ft. of commercial, so the point of this two-mile buffer around this property is going to be an entirely new community. Right now, we can plan for it the correct way. We have the ability to make sure we're going through it in a planned development standpoint.

Emerald Bay, Ashton Park, Cypress Bay, Waterstone, these are all planned developments. Why would we not follow suit and make sure we have the planned region we're looking for? Most of Palm Bay is sprawled out and does not have much sustainable development. As you've heard from other developers, rooftops do matter. To get all the infrastructure into place and the commercial aspects, you do need a certain level of residences to support that. We're trying to make sure that we become a middle component where we are buffering between our neighbors that are in the County, while being a transition between the city to the north and the city to the south.

We are looking at an area that we're trying to prevent sprawl, inefficient urbanization. If we continue to look at a 1.5 dwelling units per acre, or less, type of development, it's not going to have the ability to support those services, that infrastructure that needs to desperately come down here to help in the future. In the short-term it may not impact them greatly, but in the long-term, if we don't develop this area in a more conducive and sustainable manner, they'll never get to have those infrastructure benefits that will come with proper sustainable development that can come through with PUD at RES 4.

Bruce Moia asked if this was in the city of Palm Bay, what would the required commercial component be for a project like this? A PUD commercial project this size.

Jesse Anderson stated that he believes they are currently trying to amend that section of their code because there is a conflict. There is a 20% restriction where they are supposed to have at least 20% commercial. They realized that that was accompanied to the gross area of the project which is a little more difficult to encompass. For instance, 20% of 1,100 is over 200 acres of commercial. We don't even have 200 acres of commercial fronting Babcock St. We don't have an arterial roadway that's

going to make conducive sense for that. What they're trying to change it to is more aligned with the Bayfront Mixed Use District, which is 15% or 20% of the gross floor area of the first floor of all units.

That would be all of our units first floor area ration to determine how much commercial we would need, and we're providing 27 acres of commercial.

Bruce Moia asked if that would be 2.7% of the gross area?

Jesse Anderson responded with possibly, but he doesn't have that information with him.

Bruce Moia asked for clarification if it's over 100 acres, it has to be 25%.

Jesse Anderson stated that that portion of the code is not something that has been successfully worked with. That he assisted in writing that, and they determined afterwards that they overshot by doing it on gross acreage when it should have been based upon the proportionality of the site.

Bruce Moia asked if Jesse Anderson could comment on transitional zoning and when densities they have to the north and south, and how this falls in the middle. How would that meet the transitional zoning requirements?

Jesse Anderson reminded the Board that we're only speaking on a future land use, not zoning today.

Bruce Moia corrected himself and asked for clarification on transitional density.

Jesse Anderson replied that they're not looking at a transition of density, they're looking at a transition of a general area because there's nowhere limiting the specific area to those abutting the property, which is why you'd want to look at a more holistic region. If you think about that specific area alone, where is there commercial? Where do they use their services? Where are all the compatible things that they would need? We're proposing help in bringing things to this area to bolster it as well as be self-sustainable. Our transition is to reduce our density down to three dwelling units per acre, which is very similarly compatible with Rolling Meadows, which is RES 2 with PUD that can be 2.5. We're only half a dwelling unit per acre difference in time from a compatible density, further away from an arterial road residential development.

The fact that we're abutting an arterial roadway with better access points, that would need a lot more effort to get citizens into an area that has access to commercial nodes and other services.

Bruce Moia stated that the simple answer is it's RES 2 to the north and RES 1:2.5 to the south, and you're asking for RES 4 in the middle.

Jesse Anderson stated that they're asking for a RES 4 with a restriction to RES 3 in this vicinity.

Jeffrey Ball offered clarification that there is a portion of the property on the other side of the canal that is RES 2, but the majority is RES 1:2.5.

Kim Rezanka said that the utilities would be coming from Palm Bay and there is a letter in the packet, but there was an updated letter sent that did not make it that explains more. Palm Bay has done a will-serve letter and we can have one of the engineers speak if there are any questions.

Henry Minneboo stated that the ones they received in their packets didn't have the capacity listed.

Kim Rezanka said that is correct, but this handout explains how they will go through the process.

She reiterated that they've already had a community meeting, this is the Local Planning Agency. It is intended to go to the BoCC on May 2<sup>nd</sup>. If it's approved, it will be transmitted to the state for review and that could take 45-60 days to come back. Then staff would have to advertise is again so the County Commission hearing would be sometime in August or September, hopefully at that same time we would come back to you with the PUD so the PUD and Future Land Use amendment would go to the same Commission meeting in September/October timeframe. This is just the first step, it'll be going up to Tallahassee for agency reviews, then it would come back to have the County and Developer address comments.

Ron Bartcher asked what the lot sizes are going to be.

Kim Rezanka replied that they're going to be smaller lots, anywhere from 0.1 - 0.16 acres. They'll be smaller lots, but they don't know for sure yet, especially around the lake. They anticipate the lake with its' amenities will have larger lots.

Ron Bartcher asked what price range are the houses?

Kim Rezanka stated that is to be determined. The developer did comment at the community meeting that entry level houses start around \$325K, but if construction doesn't start for a year and a half, who knows what cost will be at that point.

John Hopengarten aske what is the developers experience in developments of this size?

Mark Wadsworth stated that we need to stick to the future land use application.

John Hopengarten stated that he wants to verify that the developers know what they're doing.

Kim Rezanka stated that this question did come up in the community meeting and if you go to their website, they've done many large-scale projects. Harmony being one of them.

Mark Wadsworth asked for staff assistance on clarifying that this will need to go to the state and then come back to us anyway, so he'd like to keep the focus on letting the audience members speak.

Jeffrey Ball responded yes; this is a two-step process.

Mark Wadsworth reiterated to the Board that they need to focus on the comp plan, density and land use, not the developers experience.

Henry Minneboo added that he's not sure he wants to be involved in qualifying every developer that comes in.

Mark Wadsworth asked if there were any other questions from the Board?

Henry Minneboo asked why didn't the developers bring this into Palm Bay?

Kim Rezanka responded that they can't, because of that spite strip to the north, the property does not touch Palm Bay.

Mark Wadsworth asked again if there were any other questions from the Board? No further questions at this time.

Kim Rezanka stated that she left a copy of the utilities letter at the podium for the Deer Run HOA president, Teresa, because she wasn't sure if they've seen a copy.

Teresa Torsiello, 267 Deer Run Rd., Palm Bay. I am the President of the Deer Run Homeowners Association, which is an equestrian development. I do have a statement but listening to all the discussion that was going on here I have some notes that I'd like to say first before the statement. One of the interesting things was ironically on the way here there was an accident at the end of their property at Willowbrook and Babcock. An 18-wheeler and two vehicles. I was trying to get around the 18-wheeler and almost got into a head-on {collision} because the people were just speeding by. I called 911 and got into an argument with the dispatcher. She was asking if it's on Babcock or is it on Willowbrook because they own Babcock, they don't own Willowbrook.

Teresa Torsiello stated that she told the dispatcher she wasn't sure because she's not part of the accident and this argument continued. After about 3 minutes she finally gave me over to the County who said they weren't sure what it is, so they called the state trooper.

There was an accident that went on for over 20 minutes and we had no police because they were arguing over jurisdiction. I thought it was very ironic to be coming here about this and already having the problems just because of what's going on down there.

Mrs. Torsiello read the following statement:

Rolling Meadows was annexed back to the County, so yes there's nothing contiguous to Palm Bay as that was stated, but there are current deficiencies in the infrastructure. They said they have solutions, I'm sorry, I didn't hear solutions. What I heard was \$16 million for roads and \$16 million for schools and that told me the solution is the taxpayers. The two-mile radius of projects that were discussed with greater density are not Brevard County and they not they do not butt up against Deer Run. They do not butt up against the Micco Sanctuary that's across the street. They are farther out and that density traffic that they've already done is a nightmare. If you drive in South Babcock, you will see it's already a nightmare. I'm not quite sure what they're talking about when they talk about Emerald Lakes because that was swapped so there's a new name for it so I'm not sure what that is. The active recreational lake at the meeting last week, we asked about that. Is it going to be skiing, what's it going to be? We were told oh no, no it's not a recreational lake. But that's what was stated, a recreational lake, which means more traffic than just what's in there. People are going to go to the lake. The traffic impact of a 5-mile radius that impacts all the Palm Bay developments, and we were told they didn't have that. We asked if Babcock was already a Service Level D Road, which we knew it was, but we were told they didn't know. So, it was interesting to hear that it is a Level D, which we knew. It will be an F without the enlargement of Babcock.

Also, the school capacity, I'm going to get into that. I've got the capacity. This talking about a school in Ashton, is something that isn't even there. We are at full capacity in South Brevard. When I moved here 20 years ago, Westside Elementary was here before Sunrise, they were at 165% capacity. We

had 20 Portables and the children suffered. So, having all these developments means we get to make our children pay once again and you know as well as I do, where are they getting the teachers for these portables? We don't have them.

The compatibility and unduly negative aspect. We have a negative aspect; we are on 2.5 acres minimum. Some of our neighbors have eight acres. They have doubles, so when you look out of a 5-acre lot, and we do have members who are actually in this audience who have a 5-acre lot that will go up against this and you're going to see possibly 30 houses looking back at you. I will get into how I got that number because what was stated about how many per acre is not what we heard the other night. We also have to worry about the trucks. So, if they're going to do it in 11 phases, how many years are we going to have to deal with trucks? If you drive down Babcock you will be run off the road at least once a week from the dump trucks that are there. We have police officers all the time sitting there giving out tickets and it doesn't stop. If we have years of phases, now they did say there'd be no input or output but, that's more or less what the input or output of the developing is. Once these builders start, we have to have base, we have to have trusses, we have to have concrete, we have to have machines. That's going to go on for how many years? That doesn't make us safe and it's not compatible. That's not short term if it's over 11 phases, minimum 11 years. Deer Run is a PUD, we are a planning unit development. Brevard County Future Land Development made it one per 2.5 acres. Why change it now? South Brevard you can't find lots like ours where we are going up in price without any more developments because nobody can find land like ours. If you look at what the Deer Run homes are valued, they've already skyrocketed, and we have people who are constantly knocking on our doors to sell. Why didn't the developers look at that? We asked this question last week, did you even look to see about a one per acre, one per 2.5? We were told no we don't do that. Why not? That's what's in the area.

I believe they purchased Harmony, so that's not one to look at by the way. They told us they purchased Harmony. Only look at the new {development}. The half-acre difference at Rolling Meadows, I don't see why they can't do the same to keep our County contiguous. To keep it the same across the board. They said that there is a 2-mile buffer in Palm Bay property and it's all talking about the developments, but they didn't mention, again, Deer Run or the Micco scrubs. We are their neighbors, the direct neighbors, so we are the ones that that are going to be affected. Our infrastructure with stores, I've been there for 20 years, I haven't complained about having to drive to Winn-Dixie on Micco or Publix on Bayside. We love seeing our neighborhood the way it is. We don't have a problem with anybody coming in but we want to keep it in the lifestyle that we're used to.

The lack of participants here, we only knew about this last week. Yes, they had the meeting that we found out about last minute, so we showed up there and on Zoom. We do intend to have more at the Commissioner's meeting. Your courtesy notices that were sent out actually didn't get to the homeowners until Friday, so most didn't even know about this. Deer Run is not opposed to neighboring developments, but we are greatly concerned about upholding compatibility with our existing lifestyle.

The proposed SunTerra zoning request will not be compatible with Deer Run. As you know, Deer run is zoning agricultural, with one home per 2.5-acre parcel. SunTerra wants you to amend them to RES 4 with the commitment of building a maximum of three dwellings per acre. This of course is with a density count. However, the reality is that there will be 3,200+ homes that they plan on building. It's not three homes per acre, it's more like 13 homes per acre. We stick with real math. At the meeting last week, SunTerra explained that some of the houses will be on 40' x 80' plots. That is 13 homes

per acre. Obviously, that is not compatible with Deer Run. Two sides of SunTerra will be up against Deer Run. No one on 2.5 acres or more wants to look out their yard and see 32 houses staring back at them. Thirty-two homes with an average of four people per home is 128 people per Deer Run backyard. Whereas we have 4 per 2.5 acres. There's a major noise difference in that, not compatible. The proposed Sunterra zoning request will not be compatible with the EEL program that is their neighbor to the east. The Environmentally Endangered Lands (EEL) Program acquires, protects, and maintains environmentally endangered resources, stewardship, and ecosystem management. EEL protects the rich biological diversity of Brevard County for future generations. The Micco Scrub Sanctuary protects 1,322 acres of Brevard's remaining scrubby flatwoods and mesic flatwoods habitat. This mosaic of seasonal marshes and dry flatwoods shelter many indigenous species of plants and animals that cannot be found anywhere else in Brevard County. These indigenous species and endangered animals are right across the street from where SunTerra wants to build 3,200 homes and a four-lane highway that is not compatible with our environment.

We're also concerned about the infrastructure in the area. How can Babcock withstand another 6,000 plus vehicles, each home averaging two vehicles. We were told that Babcock would have to widen to four lanes as they stated, when we asked who will pay for this that was an unknown. SunTerra Developers would hope that other developers would pitch in as well as the County which means taxpayers.

When we asked about water and sewage, we were informed that SunTerra has a letter from Palm Bay that they are willing to serve them. We all know that there is already a capacity issue in Palm Bay with their water and sewage and that they are currently two years behind. Your staff has the letter stating exactly that. Palm Bay does not have the capacity but they're willing... But they can't. What about fire departments, police departments? The County has no plans that I saw on building a new fire department in South Brevard, although we could use one. {We could use} a new police station. Our closest County deputies are stationed on Malabar Road. We asked about healthcare. We were told that is a capacity issue that the County oversees. I can tell you we're at capacity in our local hospitals and if you try to make an appointment with any specialist, we're four to six months out right now. We asked about schools, and we were told Brevard County owns land on Willowbrook and a new school for capacity would be in five years. That doesn't work since Sunrise Elementary, which I personally fought for to get there, is at capacity and it's frozen. Meaning no student is allowed to add to that school right now. The backup is Westside, also at capacity and frozen. Southwest Middle is also at capacity, Bayside High is at capacity and frozen. The backup high school, Heritage, is at 99% capacity. Palm Bay High is at 96% capacity, so redistricting is not going to resolve our issues. Worse than that is currently there are 275 open teacher positions in Brevard County and that does not include the bus drivers. We can't hire teachers today for the students that we have. We have no room for the students in the developments that are currently building out in Southeast Palm Bay. We have lots of them, including 5,000 on Micco that wasn't discussed, but we're going to allow more developments with thousand more students in an area that is currently at capacity, without an actual plan.

We spoke about the berms between the properties, once the pepper trees are removed there is no natural berm. Some areas will have 50 ft. between the property, which includes the canal. It's down, so you can see straight across. Some will have 100 ft. but we will see into the backyards of 15 to 30 homes per our backyard and we'll hear the noise of 15+ homes. We also discussed storm water drainage. Surprisingly to us was the statement that SunTerra will pump into the canal, there is currently a \$3.57M storm water park being built to help capture the pollution from the canal prior to it

entering the Sebastian River, which is a major tributary to the Indian River Lagoon. The project isn't even completed. Taxpayers haven't seen the benefit of creating a storm water park and the lagoon/Sebastian River is horribly polluted, yet we're going to add the storm water from 3,200 homes back into the canal. If they don't pump it into the canal, then they go into Satori Lake. Which the County had to put a pump into Satori's Lake to prevent Deer Run from flooding every time it rains. Additional storm water from an 1,100-acre parcel of land will flood Deer Run. Deer Run would love for this area to be zoned/amended to RES 1:2.5 acres, to have continuity, to enjoy the beautiful wildlife, and peaceful setting. We all have seen the County's plans in this area for years and we love it. Which is why many of us move there.

Without proper plans to protect SunTerra's only developed neighbor, Deer Run, from excessive traffic noise and flooding, and not having substantial plans to avoid the lack of police, fire, schools, and healthcare, we are requesting that this zoning request be denied.

Thank you. Any questions?

Mark Wadsworth took a moment to thank the audience members from the Board for having one speaker for the group and respect each other's time.

Kim Rezanka stated she had a few rebuttal comments. Starting that this just the future land use application, we're not at the engineering stage yet. It's not a zoning application yet. Florida Statute, Brevard County Code, Brevard County Comp Plan provides proportionate fair share 163.3180. So, we can't build anything unless we make sure that we have fire, police, roads, schools, those types of things. The impact fees help pay for that. That's why I mentioned the \$16M for transportation and \$16M for schools.

We did explain that the engineers have looked at drainage, they know the way the water flows and where it's going to go, but they also explain that post-development cannot exceed pre-development water runoff. That is the standard that the County abides by, so this development cannot legally impact and flood their property. They did tell us about their flooding problems and of course we'll take that into consideration when they're developing this, but there are no fully engineered plans yet. This is only future land use.

As to the schools, I know it's not an issue because we'll make it work. The school board even got an invitation today to meet with all the other developers in the area next week, to talk about where these schools can go. They do have many, many sites. They have a high school to the north of here. They have Warrior Avenue; a charter school is going in near Sunrise Elementary. Ashton Park when it starts building, will build the school but I also did want to state in the August 2022 - 2023 capacity determination letter they did state that they can indeed maintain for 5 years. They also have the Sunrise Elementary School limited or utilization and for the 2023 - 2024 school year, it's at 84% capacity. It won't be at 100% capacity until the 2027 - 2028 school year. So that's in the record and I understand it probably looks like it's at capacity because I remember when my kids were in elementary school. It seemed like there was never enough space. They had art in a cart, they didn't have an art class anymore. They had a cart that went from classroom to classroom, so I understand that. The school board is very aware of it. They're wanting to work with everyone to do what they can. I just wanted to bring up that issue.

Proper plans are needed, and the potential solutions are you build the infrastructure as you need them, and you make sure the infrastructure is there as the different phases come on board. The developers committed to do that, they can't go forward without the proper concurrency and capacity. The County just won't let them, but again, that's going on down the path. With that, I appreciate your time, we're here to answer any questions that have come up. We have engineers, we have Traffic Engineers, we have planners and I appreciate your time and I ask for approval of the change the future land use well.

Mark Wadsworth stated that we just need someone on your team for future land use and density, not all this other stuff right now. Just for the comp plan.

Kim Rezanka stated that is Dr. Jesse Anderson.

Mark Wadsworth asked the Board if they had any questions for Mrs. Rezanka?

Bruce Moia stated to Teresa Torsiello that he appreciated everything she stated to the Board and her presentation. While he may not agree with everything she said, he appreciated her professionalism.

Bruce Moia added that he's not against, the project, he thinks something need to be done here, but I've always preached transitional density, transitional zoning. To go from RES 2 to the north, it's about half and half RES 2, RES 1:2.5, and RES 1:2.5 to the south and then to spike up the middle at RES 4, regardless of the BDP that might be coming, to me it's inconsistent with what we've approved here in the past and it would definitely be inconsistent with anything I've agreed to in the past. We do a lot of PUDs. I'm an engineer, I've worked with these people on other projects, and we get this feedback of compatibility and consistency all the time. I don't see it here.

We've been forced to do it in a lot of places, we'll probably be forced to do it whenever this gets to the PUD. There's lots more we can talk about at that time like lot size and all those things, but I'm not convinced this is the right land use for this property. If this was in the city of Palm Bay, it would have a 25% commercial component. I don't even know if it would get approved in Palm Bay, I really don't know. I think that a realistic transitional land use needs to be applied here.

Henry Minneboo asked Bruce Moia if he would feel comfortable with a RES 2 and Bruce stated that yes, he would.

Henry Minneboo said that he is thinking exactly the same. That transitionally, he feels much stronger about that than anything when looking at this application. That he knows about Waterstone, he knows about the interchange. RES 2 just seems to be a much more suitable direction.

Henry Minneboo also asked Jeffrey Ball what is the threshold now on a DRI, is it over a thousand?

Jeffrey Ball responded that it was based upon the population of the county, and that just based upon speculation on his part, he believes this would meet the threshold for density if that still existed. That legislation is long gone, since probably 2015.

Mark Wadsworth asked Kim Rezanka if they have any wiggle room and she responded that would be up to the developer.



Kim Rezanka added that they would need to ask either Jimmy or Dan [with SunTerra] but she is reiterating that it's a RES 3. They've been told they can't put it in the County Ordinance limiting it to RES 3, so it's going to be limited by the PUD, and as a reminder, the engineering hasn't been done yet. So, it may end up being 2.5 units per acre, it may be an open-space subdivision.

Mark Wadsworth asked staff about a hypothetical.

Jeffrey Ball responded that hypothetically, you can make a recommendation to the Board to RES 2 and it could be forwarded onto the Board for them to take into consideration what the applicant is requesting and what this Board has done.

Motion to approve comprehensive plan amendment from RES 1:2.5 to RES 2 and Community Commercial by Bruce Moia, seconded by Henry Minneboo. The vote was unanimous.

Upon consensus, the meeting adjourned at 4:23 PM.