

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 17, 2025**, 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 Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Greg Nicklas (D3).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Jane Hart, Environmental Specialist (Natural Resources Management); Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

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

Approval of the February 17, 2025, P&Z/LPA Minutes

Motion by Logan Luse, seconded by Erika Orriss, to approve the P&Z/LPA minutes of February 17, 2025. The motion passed unanimously.

Item H.1. Isabela Zimmerman and Mikke Seppala request a change in zoning classification from GU to AGR. (24Z00065) (Tax Account 2005717) (District 1)

Trina Gilliam read Item H.1. into the record.

Isabela Zimmerman spoke to the application. They are looking to change the zoning from general use to agricultural to build a house and raise some livestock and have a small nursery. Trying to match the zoning to the future land use, which is already agricultural.

There was no public comment.

Motion to recommend approval of Item H.1. by Ruth Amato, seconded by ana Saunders. Motion passed unanimously.

H.2. Nicholas Duffy requests a change in zoning classification from BU-1 to BU-2. (24Z00071) (Tax Account 3006387) (District 3)

Trina Gilliam read Item H.2. into the record.

Nicholas Duffy spoke to the application. Trying to change the zoning from all indoor storage to indoor/outdoor storage for boats and RVs.

There was no public comment.

Erika Orriss stated she sees this has been done before, but with a binding development plan. Are you thinking about putting the binding development plan on there as well?

Mr. Duffy said "yes, ma'am."

Mark Wadsworth asked if there were any specifications for the BDP.

Mr. Duffy responded I believe they wanted to have a building in front so they could do outdoor storage behind that.

Ms. Gilliam stated that the motion would be to include if what you're asking is to limit the BU-2 uses to outside storage for RVs and boats.

Ms. Orriss stated the motion would be for approval with a BDP, the same as the prior BDPs that we have that restrict the BU-2 to outdoor boat and RV storage.

Motion to recommend approval of Item H.2. with a BDP by Erika Orriss, seconded by Henry Minneboo. Motion passed unanimously.

H.3. The Lila Songer Trust (Thomas Songer) request a Small-Scale Comprehensive Plan Amendment (24S.20), to change the Future Land Use Designation from Agric to RES 1. (24SS00020) (Tax Account 3037863 and a portion of 2002415) (District 1)

H.4. The Lila Songer Trust (Thomas Songer) request a change in zoning classification from AU and RRMH-1 to RRMH-1. (24Z00070) (Tax Account 3037863 and a portion of 2002415) (District 1)

Trina Gilliam read companion Items H.3. and H.4. into the record.

Thomas Songer spoke to the application and Tony Cook introduced himself as representing the Lila Songer Trust. He presented staff with the Authorization to Act form.

Mr. Songer stated he would like to move a mobile home adjacent to his mom's property, and live next to her.

There was no public comment.

Ruth Amato inquired if the location was in the Mims small area study.

Ms. Gilliam responded she was not quite sure if it is. She does see that it's noted in the staff comments that it is, but that's something she could get back to her on.

Ms. Amato stated she was pretty sure that it is. And when the county does these studies are they in-depth studies and how they affect the future land use.

Ms. Gilliam stated she does know that some of the Mims small area study did have some changes that were made to some of the area, but it didn't affect the entirety of the Mims area.

Ms. Amato said, "I just want to make sure I'm right, I believe this was part of the Mims small area study and this area in particular was denoted and changed for the future land use maps to change it to agricultural and for it to stay agricultural."

Ms. Gilliam commented it is currently agricultural on the future land use. However, there is a RES-1 that is located southwest of the subject property.

Ms. Amato asked if the property was that way prior to the Mims small area study when the future land use changed or before 1988, when the Comp. Plan came into effect, or was it done and changed after.

Ms. Gilliam responded it was changed in 2016.

Ms. Amato then asked if we keep changing these to RES-1, changing the future land use, the next applicant comes in and asks for the same thing. Before long we don't have anymore agricultural future land use. Is that how that works.

Ms. Gilliam stated that the majority of this area is still zoned agricultural. I wouldn't categorize this as being a development trend at this time. I do see that with one RES-1 being in the area of course it could continue as a trend. But there's nothing to say that it will.

Ms. Amato commented this isn't specifically in a flood zone area because she knows that road right next to it goes under water with every hurricane.

Ms. Gilliam responded there are some wetlands on the property noted by Natural Resources. And the survey also denotes some wetland area, about 1/3 of the property has wetlands on it.

Mr. Wadsworth asked staff if the current zoning only allows one mobile home. So, they need to change the zoning to allow the second. So that's what's happening there.

Ms. Gilliam responded with yes.

Motion to recommend denial of Item H.3. by Ruth Amato, seconded by Greg Nicklas. The motion failed 3 to 7.

Motion to recommend approval of Item H.3. by John Hopengarten, seconded by Melissa Jackson. The motion passed 7 to 3.

Motion to recommend denial of Item H.4. by Ruth Amato, seconded by Jerrad Atkins. The motion failed 3 to 7.

Motion to recommend approval of Item H.4. by John Hopengarten, seconded by Henry Minneboo. The motion passed 7 to 3.

H.5. City Pointe Landfall LLC. (David Bassford) requests a Small-Scale Comprehensive Plan Amendment (3rd of 2025, 24S.11), to change the Future Land Use Designation from Res 1, Res 2, Res 4, and NC to CC and Res 4. (24SS00009) (Tax Account 2411252) (District 1)

H.6. City Pointe Landfall LLC. (David Bassford) requests a change in zoning classification from EU and RP with an existing BDP to PUD with the removal of existing BDP. (24PUD00003) (Tax Account 2411252) (District 1)

Trina Gilliam read companion Items H.5. and H.6. into the record.

Kim Rezanka spoke to the application. Here actually on 3 items, the future land use, the rezoning to PUD, and removal of the binding development plan. The last page of the handout is the Parkchester plat, in Plat Book 18, Page 114. This is in north Brevard County, with a zip code of Cocoa, but it's

unincorporated Brevard County. The property has been vacant for a very long time. The concept is to put single-family homes, townhomes and a completely enclosed RV storage. It will exit for the most part off A1A and then there will be a small exit off River Road, just for parking for the residents to enjoy the amenity of the river. There will be no housing with access from River Road. You have the current future land use map; it is a mix of different future land uses. RES-2 on the river, which is unusual, you would think that would be the lowest residential land use along the river. Then it goes to RES-1 in the middle, with EU zoning, which is inconsistent. Then it has Neighborhood Commercial on the west side, adjacent to highway 1. We're here asking that the NC portion go to Community Commercial with the little bit that goes into the RES-1 to make it function better. The RES-1 to go to RES-4, the RES-4 will stay RES-4, and then the RES-2 would go to RES-4 also. Currently with the future land use as it sits there is about 6.44 acres of RES-1, 4.2 acres of RES-4, almost half an acres of RES-2. There could be 22 homes built on this. We're asking for 19 homes. 11 single-family and 8 townhomes. A PUD is to encourage different types of housing development and mix it with commercial, institutional and industrial. That's exactly what this PUD does. First with the future land use the idea is to make it consistent and then to put a PUD. The community commercial is needed to have the enclosed RV storage, on US-1 next to other commercial uses. Also, with the PUD, the zoning is RP on US-1 and then it does to EU all the way to the river. RU allows for 15,000 sq. ft. homes. We're proposing not to put any homes on River Road because that's where the wetland is. This will allow us to preserve the wetland and spread density over the entirety of the PUD. That's why the wetland would only be minorly impacted. On page 4 of the handout, you see the proposed land use of RES-4 and Community Commercial and below that is a diagram of what exists now. That little strip on the river is also RES-4. For the FLU that community commercial request is for the 1.91 acres, and then completely changes all the rest of it going to the east to RES-4, 10.94 acres. Regarding future land use element policy 1.7(a) this is adjacent to other RES-4 both on the property itself and to the north and south. So, it is permissible to change to RES-4. The staff report says there are 43 potential lots that could be developed with this FLU change, but this will be limited by the PDP to 19. Since there is a PDP, we don't need a BDP, Binding Development Plan, because everything is encompassed within the PDP. As to school concurrency, there is sufficient capacity for the future land use amendment. Page 5 is the PDP required for the PUD zoning, showing the layout. The single-family homes, 11 are about 10,000 sq. ft., which is .23 of an acre, which is very consistent with the Parkchester subdivision to the north. It matches almost identically, some of these will be bigger than the lots adjacent to the north, slightly. There is a 15 ft. buffer and a passive open space next to the buffer. So, the buffer is being kept around this, which is what the old BDP had. This will be a little bit bigger because of that tract. It also has the 8 townhomes, which are single-family attached, that will be platted and under single ownership, they're not to be rented. Then you have the proposed stormwater, the walking trail all the way over to the Indian river, that's the amenity. Tract C is going to be a conservation area, that's where the wetland is and it will not be impacted, except minorly for the boardwalk. Below that you have the zoning as it currently exists. Page 6 is the color rendering of what this is going to look like, so you can see the consistency with Parkchester to the north. To the north of the townhomes is property owned by Ron Howse, a unique 8 acres, adjacent to it is a small house, but that's where his agricultural use is. You'll see the enclosed RV storage on US 1. Exhibit 7 is the wetland and conservation area and the impacts that will be had to that. And then page 8 is the Parkchester subdivision plat. The PUD zoning is for the entire 12.86 acres. The PDP plan gives you the number of units, 11 single-family, 8 multi-family, the gross density of 1.48 units per acre, the roads, the residential use, the stormwater, the wetlands – 2.63 acres, common usable open space is just over 4 acres. You have passive open space, buffers of 1.76, and RV storage of 1.62. There's also phasing in the PDP narrative. Phase 1 is the residential, Phase 2 is intended to be the

commercial. Because of the size and shape of this property with the wetland on the east side, this is a way to spread the density and make the entire property more usable. There are no concurrency issues. This will have a minor impact on traffic, it is on US-1. It will increase traffic by 0.62 percent. US-1 will have a maximum allowable value of 65 percent with this increase. With the PDP the lot sizes are comparable to the ones to the north. The proposed uses are compatible with the surrounding area. The BDP from 2008, on the last page, it only applies to the middle 7 acres. the 7 acres was to have 7 units, it will now have 11 units. It is still less dense than what could be under the allowable future land use right now. There will be a buffer, I don't know if it's going to be natural. There will be another tract next to that buffer between the development and Parkchester. Number of lots will be 11. Shall have no access to Parkchester subdivision. Minimum house size will be 2,200 sq. ft. The EU zoning is 2,000 sq. ft., RU-1-11 to the north is 1,300 sq. ft. Some of those houses are 1,900 sq. ft. as well. In conclusion we ask that you approve the future land use as stated, that you would change the zoning on the entirety to PUD, approving the PDP and removal of the BDP. The EU zoning on the entire 10.94 acres would allow 31 units. This is less than what the zoning would allow. This provides consistency. The PDP lets you know exactly what is going to be built there. If there are any other conditions you believe need to be added, they can be added at the PDP stage if necessary.

Public Comment

Sandra Kennedy began with this entire area, council mentioned A1A, it's not anywhere near A1A, it's right on US-1. The entire area is on a coquina ridge. It weeps continuously. Water flows down that hill from City Point all the up to Indian River Drive. Indian River Drive is a historic Indian trail. It's barely 2 lanes wide. It's not even enough for a truck and a car to pass. Someone's got to pull over. It would be a complete liability for the County to approve this change in use or the project. It's completely incompatible with the surrounding area. Most of it is wetlands. Water weeps out of the coquina shelf along US-1 on the east side. St. Johns River Water Management is pushing the water that goes down US-1. If there's a hurricane, that water will flow for months. If you pave over all that area and cover it with cement for parking or RV parking, you couldn't have septic, and sewer will be a real liability in that area. Indian River drive has no business having sewer under it because of the salt water. That water washes over Indian River drive from the lagoon and it floods down from the top. You've got water coming in from 2 sources. The project is about 1/4 mile from 528 and US-1. You have the exit ramp and entrance ramp. If you start backing up traffic because people can't get out and down the road because now you've got a red light on US-1, where right now there isn't one, you're going to cause traffic problems. This is going to affect all the residents. Right now, if it rains heavily, we can't use the road. We must hang out and wait. If they have an entrance at US-1, maybe they're not going to be affected by it, but the rest of us that are forced to go down Indian River Drive because we don't have an exit onto US-1, we're going to be dealing with the flooding that they're going to create.

Joseph McLain stated he's right in the middle of all this issue. The water comes down off the ledge. I have 2 area on either side of my property that flows when it rains. It's exactly what she says. A lot of Indian River is flooded when we have high water or a lot of rain. If you've ever been there on the weekend, tremendous amount of traffic, which people are enjoying that. People that must go to work, coming out of the area, it could increase the traffic. I don't know if she did a traffic count. She says it's 0.6 percent increase to route 1. It's a nightmare to get onto US-1 from Indian River Drive. We need a stop sign there. Even 1 car is going to influence this. She's talking 22, so we're talking about at least 30 more cars. The housing is fine, but the RV storage and townhouses I'm afraid in time will turn out to be BNBs or rentals. We need a revised comprehensive plan for that whole area, along with sewer and such.

Diane Burrows read Mark Ward's public comment letter, submitted to staff via email, into the record. A copy of which was provided to the applicant, all Board members and the County Attorney's Office. She stated she approves of his letter. They are now making a light at Citgo, but you still must make a U-turn.

Cherlene Miller her major concern is that entrance onto Parkchester off US-1, that road is also going to be used and is not yet functioning, by a mini-warehouse facility that is being built on the north side of that road. And you have the entrance to the law firm that sits on that intersection. Doesn't know if that traffic was included in the traffic count. At the end of Parkchester there is an immediate, sharp, left-hand turn that does a snake configuration. It has been a close call. Her second concern is the old pioneer graveyard in the middle of this facility that they plan on building, and what accommodations they are making to protect the cemetery.

Dennis Knaughton wants to reiterate what everyone has said. Everything thing from US-1 is downhill to Indian River Drive. We have environmental issues with the Indian River Lagoon to begin with. We are constantly flooded and during hurricanes we literally cannot get out of our subdivision, unless you have a high truck. If you have a car, you cannot get out of the subdivision. And that runs from our entrance, 100 yards each way. The water is up over the grills of the cars when we've had hurricanes. He reiterated the traffic, water and environment concerns mentioned by the previous speakers.

James Sudermann stated his property abuts the south side of the development. He agrees with most of the other concerns that we're hearing here. We've lived there for 30 years and fought battles with developers wanting to change the character, the densities, and get the zoning the way that they could get the most money, for years. We've come to expect, in this process, that once a developer has become aware of community concerns, either on their own or by advice from you guys, they schedule a meeting with the community where they talk to us about what they're going to do. We can have a productive give and take with meetings like that. This has not happened in this case. We would like to plea for that process to continue. The other thing we're worried about is with the zoning and land use plan may set a precedence for what we expect our community to be.

Ron Howse stated he has the strange property shape that the attorney mentioned that's directly to the north of this property. Are you going to wipe out the Binding Development Order that was agreed to before. Those points were important because this deal has been made before, it's tied with the property. Those who are buying the property are buying it with the knowledge of that agreement. They're stretching the commercial into that Binding Development area because the commercial was only so far, the Binding Development Agreement was only the 7 acres that starts just behind the commercial line. So, they're increasing the commercial comprehensive land use plan. The word "townhouses" is sort of a good-looking word, and it shows lots, but it's going to be 2 quadraplexes beside our property. You can talk density, but you must talk compatibility, it's not compatible with us. We bought the property to build a house, we have a "U" shaped piece of property. The Binding Development Agreement has a lot more items in there than just coming off Parkchester. The way the plan is currently designed there's a cul-de-sac for the commercial and then there's an entrance off Parkchester. So, if the developer wanted to keep it insulated from Parkchester they could by extending the cul-de-sac on down. It seems that this could be designed not necessarily to affect Parkchester, it might change the character of the front, but it's no different than the attorney's office off the side of Parkchester having it all self-done. There are 2 items that scare him a little bit. One is that if you did have quadraplexes there, even though they're cut up into townhomes and sold, someone wrongfully or rightfully can (unintelligible). We have problems up and down the street with

that already because of all the launches and people can do that. So, VRBO scares me a little bit. The next item is just a little parking lot entering off Indian River Drive, sort of like a parking lot hangout. You can gate it, you can lock it, you can do whatever you want but you're still going to have transients sometimes breaking in there, because we have people park in our front yard all the time to watch rockets launch. It's not really a good parking area. There are a couple other parking areas up and down the river that have the same problem. So, VRBO, parking problems, quadraplexes, we have a binding development approval, we've already done this before, and you don't have to enter Parkchester if you don't want to.

Alyssa Christopher Wallen stated she is half here on behalf of her mother who is very concerned as the community has fought this kind of development before. She states she is not personally opposed to development, but she is concerned that they have not fully investigated the drainage problems. This area does have drainage problems and Parkchester is in a precarious position traffic wise. The townhomes do not fit in with the character of the area. It's a very old area. The roads are not the best. Development has seemed odd. There's a lot of empty lots that people have tried to develop, but it seems a little hostile to bigger projects. I don't understand the desire for an RV lot.

Megan Riker stated she believes there are a lot of concerns here. My main concerns are the drainage issues. But I do believe the townhomes are not consistent with this area. There are townhome communities along river road. If you go from north where Indian River Road starts all the way down to south Rockledge, where Indian River Road ends, there is not one townhome community. It is not consistent with our area at all. I am not opposed to the current Binding Development Plan that is on record at the point, because it does keep it consistent with feel and the values of the area. I do believe that this would negatively impact the values of the surrounding areas including those that live north and south of this community. We have other parks along the river, so my other concern is the paved parking lot. The things that concern me are the safety and loitering and these abandoned parks that are never used by the neighborhoods. There is a park at the end of McFarland on River Road that has a very steep hill. It's loitered all the time. There's crime that's happened. You can look up these statistics with the Cocoa PD or the Brevard Sheriff's Office. It invites loitering and crime, and most of these communities never use their parking lots or their parks. I feel like that would be a very negative impact on the wetlands as far as the drainage goes, not to mention the traffic. She mentioned 26% of a change, but what about the 25 or 30 other developments in the area that are asking for that, that adds up. Go along 524, it's nothing but development right now, so it's not just this project, it is multiple projects that are adding up all at one time that are impacting our traffic every day. We have the launches, the cruise ships that are adding cruise ships, we have multiple developments that are being added. It's not just this development, it is everything being added together. It puts a drain on the quality of life around us. There are more and more people moving here all the time. I think that parking lot is the worst part about it.

Beverly Sudermann asked if you would like to have a parking lot in your front yard, that's what they're proposing. We live just south of this proposed project, and it is also directly in front of us. We have a flag lot and they're proposing a walking path in front of the property and a parking in front of our home. When we get up in the morning, first thing we're going to see is the parking lot. We have power lines that go all the way down the north side of our property in front of us that need to be cleared so that Florida Power and Light can keep that open from the hurricane due to the trees falling, and the scrub below that needs to be maintained. This property has been maintained since 1975, bush hogged and mowed, so that those power lines could be accessed, and we don't lose power. The parking lot right in front of us, that is just going to deflate the value of our home. I don't want the

change of the future land use map or the Binding development plan. If you change this the RES-4 and this PUD doesn't go through, then you've changed it for the whole area. The area goes from north of the beach line all the way to the fire station North. We're concerned with this whole area that we want to protect from high-density and nowhere in this entire area is there townhomes or condos. Like a lot of people have said here, it's just too much traffic, too much water, and this proposal goes against the future land use map and the Binding Development Plan. I have come before The Board of Commissioners three times to fight this from multiple developers to keep our area consistent with our whole community. So, I vote no for this development.

Victor Watson stated his law firm owns the property on the corner of the entrance to Brook Hill and immediately north of the subject property. I think that the people here have made some very good points about the drainage and traffic, and all the issues in the area. My biggest concern is that our property is zoned RP, Residential Professional, which could be either homes or office buildings. That kind of very low impact sort of use, and the subject property is zoned the same, so we were thinking when this was done that the use would be like what we have. Changing this now to RV storage, I'm not sure that would be the best use next to us. Our biggest concern really is that we have some kind of buffer between us and them, so that we're not looking up at these big, tall buildings. We've got some natural vegetation, which is what we've tried to do at our office, so as far as just our property next to them, we really are very concerned about the compatibility and making the uses compatible. I am also concerned about the increased traffic coming out onto US-1, you know that it is a difficult situation for people coming in and out, so this would just add to that.

End of Public Comment

Ms. Rezanka stated she would like to answer some of these questions and there's been a lot stated here today. As you know a lot of these things will be handled at the site plan level. I always say A1A, yes this is on US-1. There will be no access onto River Road except for those using the HOA controlled parking lot, it's four parking spaces. No one else can use that walkway except people who live in the neighborhood or their guests. It's not open to the public, it's going to be HOA maintained and controlled. It's just so people can park there and enjoy the riverfront like all of those along Indian River do that own property along there. People are concerned about the flooding, again it must be engineered flooding. They must retain their own water and any water that historically drains on it so if there's a ridge draining onto that property it will be continued to be maintained by that property. Bruce can discuss that more, but again that is a site plan issue. If this development impacts others it can't be built so that's a site plan issue that will be taken care of. This is 19 homes, could be 22 with the future land use that's there. Townhomes are single-family homes; they are platted, and they are sold. Regarding that Pioneer graveyard, if you look at your future land use map it's below the property and it's the little item that says 516, so it is not in this property, that graveyard is not in there nor accessed through this property. There will be sewer on this property, sewer is required for this property. Mr. and Mrs. Sudermann have that flag lot to the south of the property which you can see on the future land use map, they are RES-4, they're asking you not to change anything to what they already have. There are no residents adjacent there. There is a walkway and that little four spots for parking for the residents only, used by the residents and HOA maintained. Mr. Moia spoke to several people about this. We didn't know there were any negative thoughts about this until this morning when I got one email from staff, so this is somewhat new. We have heard their comments, and we will talk with the owner about them. Again, there's been statements to protect the density. This PDP lowers the density so that is being protected. Regarding the BDP and wiping out the conditions, the 15 ft. buffer will remain, and Mr. Moia has told me that does have to be a natural buffer. This is slightly increasing the

commercial future land use by 0.2 of an acre, it's a tiny amount. I do want to provide you Mr. Howse' property detail and his map, so you will see his house that he lives in is nowhere near this property, it's on the other side. If you look at the last page, he has three homes on this, but the property that's adjacent to this site is the agricultural portion and a small home. Then his large home is on the Northern U part. He will not be living adjacent to this use at all. Regarding the potential to enter through the RV storage facility, Mr. Moia will talk about that. The cul-de-sac is necessary because of turnaround for RVs. He can tell you why they weren't able to do it and maybe the access to the roundabout. He did look at it and he will tell you why it's not. Again, no access on Indian River Road. The townhomes are to allow for a variety of housing, that's somewhat requested in your comprehensive plan, to have a variety of housing and single-family homes. Even though they're attached they are still single-family homes and are compatible. The traffic analysis does consider all developments that have been approved. Mr. Moia has the traffic analysis report and can talk to that further if you want, but again that's a site plan issue.

Mr. Minneboo asked when the property was purchased.

Ms. Rezanka responded with I don't know.

Mr. Hopengarten responded in November 2021.

Mr. Minneboo stated that was the date, so you didn't really have an opportunity to meet with the people, or you're saying you were unaware that there was anyone in the entire area that wasn't in favor of it or did they just bring you on lately.

Ms. Rezanka replied that Mr. Moia has been handling it. He was the contact person. Mr. Moia had a few people contact him. He'll tell you what they said.

Mr. Minneboo commented there's a lot of history down there and I'm working off some recollections here, but I think everything south of City Point Road is probably in the incorporated area of Cocoa.

Ms. Rezanka stated no it's further south. It's probably half a mile south of here.

Mr. Minneboo stated High Point subdivision is probably not in the city of Cocoa.

Ms. Rezanka responded if that's Forest Hill Drive then it's city of Cocoa.

Mr. Minneboo then stated if you look at City Point Road which has been there a long time and you go north to Black's road which is really a condensed version of this area, I don't know of anything that's multiple family through there.

Ms. Rezanka continued I don't know but we're not asking for multiple family townhouses.

Mr. Minneboo stated in this general area there isn't any subdivisions other than defined from yester year, is that correct.

Ms. Rezanka responded not to my knowledge.

Mr. Minneboo commented not the 208 to the best of my thoughts or I think somebody said 208 and refresh my memory, was done by Hank.

Ms. Rezanka stated yes, the binding development plan obviously couldn't be built because it's been 18 years.

Mr. Minneboo stated none of these people were here. Unfortunately, we went through a major change, and it wasn't just arbitrarily put together, this binding development plan and generally you don't make most of the people happy. But this is one of the ones I could recall because you had Park Chester subdivision there. You had numerous other subdivisions that ring a bell, but everybody sort of left about as happy as they could leave, and you know this board has a tendency to take these binding development plans from yester year and just say you know I'm done. We need to change that and a couple members that are no longer here said "why develop a binding development plan if we're never going to stick to it" so I'm going to be adamant on this project. I'm not going to get off that 2008 binding development plan. Let the pieces fall where they may today but I think it's a good plan for the neighborhood.

Ms. Rezanka responded that looking at those criteria the only one that we don't meet is that there's seven, well there's one acre lots in the middle of the Seven Acres.

Mr. Minneboo continued there's just too much history in that area to change it and I'm trying to save what little we have left, especially in that area. I mean we don't need to terrify that area like we've done on 524.

Ms. Rezanka stated it just seems inconsistent to require one acre lots next to 10,000 sq. ft. lots which is the park Chester subdivision.

Mr. Minneboo commented I know you don't believe this but I'm not going to support it.

Ms. Rezanka replied I know I gathered that but I'm completing the record.

Greg Nicklas stated I heard a lot of people say they had concerns about water, about drainage, does the public, including obviously these folks, be involved in the site plan process where apparently that's going to be an issue.

Ms. Rezanka stated technically the PDP that's before you, that's a semi- engineered site plan, but actually what happens is it goes to a final development plan stage where the engineers submit everything for staff to review, so the drainage is a site plan issue and the law says we can't impact this property, cannot impact anyone else, so if water drains onto this property now it has to be continued to allow to drain, it has to be held. Mr. Moia can tell you more about the drainage requirements, but it's not fully engineered yet but that's a site plan issue that staff reviews.

Mr. Nicklas commented I heard you say that if water's raining onto it now, it has to continue to, but conversely, I guess if there's evidence that more water is draining on to their property as a result of this development

Ms. Rezanka responded that would be a violation of the county code subject to code enforcement, subject to engineering complaints and all kinds of things, so again that's the requirement. There's lots of examples where people say we're impacted more. Park Chester subdivision was built a long time ago, they're going to be lower than this subdivision, but they have to account for it. The engineers must account for that.

Bruce Moia commented I want to talk about the drainage first, so I think as most of you know we must comply with DOT drainage. We're in the county, must comply with County drainage requirements and we're in the St John's River Water Management District, so three entities will be reviewing our drainage design to make sure that we're not impacting the area. There was less of an impact in the post development than were in the pre. Currently that site is a cool site. It's very high on the west side and it just drops off like a bluff towards the roadway, Indian River Drive. When I was out there, I did a site inspection. They were surveying that area because I believe the county is working on some drainage improvements, so I think there's something in the works because there were County surveyors out there at the time. Regardless of that it's just a free-for-all out there. The water just drains from the US-1 right-of-way uncontrolled, out to the river. It's not treated, it's not routed, it just happens. We'll be building a system that will take the water that comes on our property or that we create from putting in impervious surface into a storm water pond, treat it and reduce the discharge from what's happening right now. That's the requirement, so we think that we can control the drainage a lot better in the post-development than what's happening out there right now. As far as traffic, all our traffic is going to the West, we're not adding any traffic at all. We're proposing an amenity so that the residents can come down and use the river. I believe there's a dock that's basically gone except for the pilings, but they're going to rebuild that, so they have river frontage, so they want the residents to be able to come down, unload their vehicle into their boat and go out and enjoy the river like everybody else does. It's not going to technically be a public parking lot. It's going to be an amenity for the residents, so most of them will be able to go down there on the pedestrian walk that we're providing and go enjoy the riverfront. The townhomes are, from my understanding when talking to the client, going to be luxury townhomes. Because of what a lot of people said up here about watching the launch, they're going to be high up on the bluff and they're going to have prime views of lift-offs. And, they're going to be probably bigger and probably more expensive than some of the existing homes in the area. So, the fact that they're attached doesn't mean they're multi-family. They're still single-family. They're just attached, but they'll be bigger in area, and they'll be new, and they'll be luxury and they'll be very expensive. So, I think that there's not going to be a property value issue because of that. The reason we are not mixing the commercial and the residential traffic is because that is not good planning. You usually have residential traffic go to the lower classification road which is the local road that everybody else that's residential is using and the commercial traffic access is directly on US-1, so there's no reason to intermix the two. The cul-de-sac is provided in the commercial part not just for the RVs to turn around, but for the fire trucks to come in and turn around and the garbage trucks and all that and they'll go back out to US-1. The residential will be separate, using a local road which is good planning practice. We've been working on this for a while, and I did get a couple calls. I don't remember who it was that called me, but there was no overwhelming concern to whoever I talked to. They just had a couple questions and so we answered the questions and there was no real follow-up, or I wasn't convinced that there was an outcry from the public. Like I said I got maybe a couple inquiries about it, and it was just a couple questions and nothing to this level that we're getting today. We usually contact the County staff and say hey, have you received any letters, have you received any phone calls. We didn't get that. I think it was 1 this morning, so we didn't know that there was going to be a turnout like this today or we probably would have had a meeting earlier.

Mr. Hopengarten commented your discussion on the stormwater retention, can you tell me what the impact will be on the neighbors to the north of whatever you're planning on doing up there, in other words are you going to help their neighborhood. One of the comments that I heard today was that there's a lot of flooding going on after a storm and they have a lot of problems. Will your design abate some of that.

Mr. Moia responded I believe it will because I think that we can take some of the water that's up on the hill and route it to the west instead of routing it to the east and then holding it and treating it, so it's not going uncontrolled and untreated into the Indian River Lagoon.

Mr. Hopengarten replied you're dealing with DOT on that because that's their right-of-way.

Mr. Moia replied yes.

Mr. Hopengarten said Ms. Rezanka mentioned the four parking spots on the east side of the site, what is that area because it's not really delineated in this master document here.

Mr. Moia responded that's going to be an amenity for the residents to be able to park vehicle, so if they do rebuild the dock on the river, they can come park their car, unload their vehicle onto the boat, any boats that are parked there, unload their life vests and their coolers and whatever. They can keep the car there, enjoy the day on the river, come back, load the car up and go back to the to their house.

Mr. Hopengarten asked about the dock. Does the owner have any plans to put a dock out there, there is already a dock there that belongs to this property.

Mr. Moia responded it's been wiped out except for the piles, so that would be rebuilt as an amenity.

Mr. Hopengarten then asked if there a pedestrian walkway from this development to Indian River Drive.

Mr. Moia responded it's on the plan.

Mr. Hopengarten then asked what's that area to the north.

Mr. Moia replied that's all Wetlands. There's no paving or anything, we're trying to preserve that to the highest extent possible.

Mr. Hopengarten then commented okay and then you have the retention pond that you're putting in, which will help remediate any of the storm issues, which is not there currently. So, in essence there is a benefit to development going in there, but you're going to have some impermeable space which is going to generate more runoff. What's your maximum building height going to be out there?

Mr. Moia responded typical zoning is 35 ft.

Mr Hopengarten stated you were saying that the townhouses are sitting on a ridge there and they'll be able to get the views to the rockets, but you're saying no higher than the 35 ft. Let's talk about the congestion that you might cause on Round Tree Drive. You're going to have 19 units with about 30 cars, maybe maximum, exiting in the morning along with the 63, I believe it is, of the people that live in that area to the north. Your impact study says that it's negligible but for those neighbors they're going to see traffic and that's coming in when they're going out it's going to be coming in from their left.

Mr. Moia responded correct.

Mr. Hopengarten continued now since they widened US-1 they're no longer going to be able to make a left so everybody's going to have to go right and make a U-turn. Did they take all that into account just other than counting cars and saying this is a minor impact.

Mr. Moia responded yes; I don't believe those improvements were made since the study was done. I think it was in that condition, what's there now is what was in place when the study was done, and the study was done in conjunction with coordinating with the County traffic department, so they took the existing counts and then the new trips and came up with no impact. Obviously, every development increases the traffic, but it doesn't increase it to degrade the level of service.

Mr. Hopengarten stated this thing is going to go to the County Commission in April.

Mr. Wadsworth responded April 3rd at 5:00 p.m.

Mr. Hopengarten asked if they would be willing to have a public meeting between today and then just to hear from the people and make them feel a little better.

Mr. Moia stated he would ask the client and see if he wants to do that.

Mr. Hopengarten commented if you didn't get any comments before today, normally on a development of this size, it's not really a big one, but it has an impact and people are complaining, so it might be beneficial just to keep peace in the neighborhood and I noticed in the 2008 BDP that was approved, the neighborhood evidently was satisfied with what that prior developer was going to do. Unfortunately, 2008 was a bad year for new housing developments and so it didn't happen, but at least back in those days they were willing to allow a development to go in there.

Mr. Moia replied I don't know all the other details and that just a small part of the is what they were proposing or even if they owned all the property that's owned now. I don't really know much about what happened back in 2008 on this property, but the BDP is only for a small portion, the central section. I don't know if they owned all the property from US-1 to River Road. I don't know if they're proposing other developments in those areas. I don't know, I haven't seen a plan that said what that was supposed to look like. It only was restricted to that central area. So, without knowing what else they were proposing to develop I don't know if this is less impactful or more impactful.

Mr. Hopengarten stated as far as the RV storage is concerned, there's another property just up the road which is being converted to storage currently. I believe it's going to be storage by FMH limited. Seems to be a trend. It's a big shell there right now and they're renovating it. So, I assume that's going to be public storage. This is going to be for RV storage.

Mr. Moia replied this is going to be right in front of their neighborhood. This is going to be enclosed, high end, class A parking. Totally enclosed in a building, which is rare, nobody's really building to that level. If you don't want traffic this is the use you want, you're going to see days where you're not going to see one single vehicle move in or out of that property. But you could put all kinds of things where you'd be seeing all kinds of traffic, so if you don't like traffic this is the use to have on that property.

Mr. Hopengarten inquired there will be no outside storage at all and there will be a parking lot in the front for pedestrian cars.

Mr. Moia responded yes.

Mr. Hopengarten asked where I find the PDP, it should be in your package, I was looking for it, I couldn't find it.

Mr. Moia responded it's in the package.

Mr. Hopengarten stated I didn't see any restrictions that you had given based on the old BDP that would place some of the existing conditions. I didn't see that.

Mr. Moia replied no, the plan that we submitted becomes part of the PDP.

Ms. Gilliam stated it starts after page 265 or 264.

Ana Saunders stated there was concern about it being a VRBO or being rented out, is there any consideration for including restrictions in the declaration to limit or prohibit that particular use.

Mr. Moia replied we can make that suggestion. I don't know what the restrictions are countywide or in that area, I think anybody can VRBO their house in that area. We can ask him if he wants to volunteer that.

Paul Body stated you can't do them in this area unless you have a multi-family zoning. PUD allows them though.

Mr. Moia replied we can go ahead and recommend that he add that to the PDP.

Ms. Amato stated that the natural resources map shows it as candle fine sand. I believe it lists it as aquifer recharge. Is that correct? I'm not familiar with this particular section but I am familiar with ridges further north like this and generally what happens is it's a fast aquifer recharge because of the fine sand and that's why it has wetlands on the side of it because the amount of water that flushes down through it actually filters back up on the other side, so it's a bigger issue than just stormwater and if you redirect that stormwater how does that affect the aquifer itself.

Mr. Moia stated if you're in an aquifer recharge area then you must comply with another section of the county code that limits your development in that area. You're restricted to the amount of impervious area you can have. You demonstrate that your post-development recharge rate is equal to your pre-development. So, if it's recharging a certain amount, we must match that no matter how we build. What we normally do is we have to go and verify if the soils are truly porous soils, and once we do that testing, if it exists then we're limited on what we can do in those areas.

Ms. Amato stated if the whole front of this according to the map is an aquifer recharge and fine candler or fine sand and it is a fast aquifer recharge with the limitations on building on that section, then the limitations of building on the back end, which is a wetland area, what is the limitations to building on an aquifer recharge like that.

Jane Hart stated they could develop but they would need to demonstrate that the post-development recharge volume is at least as good or better than the pre-development, so basically, they are going to hold the water on their site.

Ms. Amato inquired with the wetlands they are limited to 1 home per 5 acres? Is there a limit like that on aquifer recharge or is it just that they monitor the stormwater portion of it.

Ms. Hart stated well there is an impervious restriction, and it depends on your elevation, if it's a type one, a type two, or type three. And that would depend on your location or your elevation. I think in this area it could be a type two or a type three, it would really depend, because the elevation up there is around the cut off between type two and type three of 30 ft in NGVD, so it could be both types. In type three they're limited to 45% impervious coverage, type two is 35%, but as we said before if they can demonstrate that their post-development is as good or better than pre-development, holding that water, then they would be okay. They could develop in the recharge areas.

Ms. Amato stated my final question would kind of be like if it was considered for all the environmental impacts on this property, with the environmental impacts what would be the number of houses being allowed to be built on it versus the PUD?

Mr. Wadsworth stated that would all be site plan. It affects the people and the community and that's literally things they're asking about. We've got to kind of reel it in because we're just planning and zoning and all those questions that you're asking here will be answered, but the with them.

Ms. Amato replied I appreciate that chair. It's just they don't get answers to their questions on the back end, they just get to watch what happens, and this is their only chance to have a say and learn something about the process.

Mr. Wadsworth stated that they would be answered, even with the County Commissioners. We're just an advisory board.

Ms. Amato responded with yes sir, thank you.

Mr. Moia stated I appreciate the question and that's why you have a code and that's why we have to develop to that code. And if your code requires that we must minimize our development then that's what we must do. Typically, residential don't exceed 45% impervious, so especially 100 by 100-foot lots, we would comply with that. It wouldn't reduce our lot count it just reduces the amount we can build on that lot and if we provide open spaces where we're not providing lots at all it's a cumulative number. So, we provide open space, so we don't exceed that impervious number. We also have to deal with making sure our pre and post recharge rates, so that's where you get the cluster of houses. A lot of times we'll do that so we can have more open space recharge.

Ms. Amato inquired so when you do the clusters and you leave more open space it reduces lot size generally, that's the theory behind cluster development and including avoiding wetlands and other issues like that so it's being able to get as many houses as possible in a smaller area, a smaller footprint.

Mr. Moia responded you clear less land to have the same number of homes.

Ms. Amato stated it sounds like you're taking into consideration a lot of the flooding issues that are going on right now, so you're aware of that. So, the water's coming down and you're going to consider for that, and you said that this water runs right through, so you're aware and you're going to make whatever you need to make happen so that we're not having more flooding in that area. That's the last thing these residents need, is more flooding. My real point was just the consistency I heard of

people talking about we've now got townhomes out there and we didn't want to have townhomes. We don't have any townhomes any place. When Miss Rezanka was speaking, she said that she was going to make certain that the townhomes were owned, and they were not going to be rented out. I don't know if you can do that.

Mr. Moia replied we're going to plat those lots and sell them fee simple, so they will be owned, they won't be owned by one entity and then rented out. It'll be owned individually just like a single-family home, exactly the same.

Mr. Wadsworth stated he was just going to hit the high spots quick. He spoke further on the topics that had been discussed. He then asked the board for a motion.

Motion to recommend approval of Item H.5. by John Hopengarten, seconded by Ana Saunders. The motion passed 7 to 3.

Motion to recommend approval of Item H.6. by John Hopengarten, seconded by Ana Saunders. The motion passed 7 to 3.

H.7. Jay Sriambe LLC. (Bruce Moia) requests a Small-Scale Comprehensive Plan Amendment (24S.15), to change the Future Land Use Designation from CC to RES 30. (24SS00015) (Tax Account 2426536) (District 2)

H.8. Jay Sriambe LLC. (Bruce Moia) requests a change in zoning classification from BU-1 and BU-2 to RU-2-30. (24Z00066) (Tax Account 2426536) (District 2)

Trina Gilliam read companion Items H.7. and H.8. into the record.

Mr. Moia spoke to the application. I think all of you hopefully are going to really like this one. It's right in Henry's backyard. I love redevelopment because you get rid of that old, rundown facility and come up and just do a brand-new shiny building that's going to look a lot better and be used a lot better than what's currently being used there. Some of you might be familiar with this property it's a hotel on 520 and operating barely as a hotel. The applicant now wants to redevelop this from a hotel, and they want to make it residential. It's going to be multi-family residential. They're going to take the two buildings that are currently rooms, they're two-story, make them three-story and then refurbish the inside with bedrooms, kitchen, the whole nine yards. They'll build a new building with two-bedroom units and turn the existing restaurant and office into a clubhouse. I think there was a gym in there at one point in time, so they'll have all that as well. Then they're going to add another building which will be townhomes. As you can see on what I just passed out, there's an example of what they've done in other locations, so you can kind of see how they're going to dress up. They're going to clean and fix the pool, add a bunch of amenities, you can see as you go through all the things that they're going to add. They're going to have all kinds of outdoor amenities. They're going to have some cool stuff and they're going to convert the rooms, and you can see some of the before and after. It kind of speaks for itself and if the developer was here, he had quite a lengthy presentation from the MIRA board. They were extremely impressed with what he was proposing and has approved it for this board to also hopefully recommend approval to the County Commission. I'm not going to go through everything they're going to have, but there's a long list of amenities that they're going to provide for the people that are going to live here. If you've ever been to the facility, it's pretty rundown and it's in desperate need of redevelopment, so we don't think there's any downside. There's no additional impact, it's all upside to this one.

Public Comment

Richard Simpson inquired if these will be condominiums. What kind of multi-family are we talking about.

End Public Comment

Mr. Moia responded that right now it's transient housing. It's a hotel used for transient lodging, so this will be multi-family apartments with long-term rentals, as opposed to transient lodging.

Mr. Minneboo stated I just have one question, what's the exchange rate, meaning how many units are there now. What always scares me is when you use 230, so technically it'll be reduction.

Mr. Moia responded yes; it will be a reduction.

Mr. Hopengarten stated a company he worked for in Fort Meyers bought a Holiday Inn just like this, and we were going to tear it down in 2006 to put in condominiums. It was 1968 when this thing was built. I went over there the other day to look at it. They're still renting it out, people are still going there. I guess it must be cheap. The pool was clean, I was surprised. It looks like it's a good development for the area. There's a traffic light on 520, right in front of it, which is perfect. I'm not so sure if I like their conceptual design, the architect in me who always questions somebody else's design, but one of the things you need to tell them to look for when they do their phase one is there's asbestos in that building. So, they're going to have a problem with that, they must mitigate it, but I think it's a great idea. You're going to go three stories which is fine for the area. The whole strip at 520 used to be all car dealerships and now it's changing over to fast food restaurants and Wawas, so it's a new developing area and I think having residential in there will kind of balance that, so I think it's a good project.

Mr. Moia responded if you want to see something similar, we just worked on a project that's under construction over on 192. There's a Sushi restaurant in the front and a hotel, but that's being converted into housing as well, it's going to be done soon. It's going to look nice.

Mr. Wadsworth stated you're going to see that from my office. I think you're going to see that as a trend coming up here.

Motion to recommend approval of Item H.7. by John Hopengarten, seconded by Logan Luse. The motion passed unanimously.

Motion to recommend approval of Item H.8. by John Hopengarten, seconded by Logan Luse. The motion passed unanimously.

The meeting was adjourned at 4:58 p.m.