

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 12, 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, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Edward Fontanin, Director (Utility Services); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Planner; Desiree Jackson, Planner; 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.

Excerpt of complete agenda.

G.13. Villas of Sherwood, Inc. and Sherwood Golf Club, Inc. (Jorge Ballarena) request a Small-Scale Comprehensive Plan Amendment (23S.05) to change the Future Land Use designation from RES 4 to RES 15. (23SS00005) (Tax Account 2100937, 2100938, 2113021, 2111319) (District 1)

G.14. Villas of Sherwood Titusville, Inc.; Algarrobo Development, LLC; Sherwood Golf Club, Inc.; and TRSTE, LLC, (Jorge Ballarena) requests a change of zoning classification from, GU, AU, EU, SR, RU-1-11, RU-1-13, RU-2-10, RU-2-15, and PUD with two existing BDP's, to all PUD and removal of two existing BDPs. (23Z00035) (Tax Accounts 2100937, 2113020, 2112021, 2113023, 2113024, 2100938, 2100939, 2100940, 2100942, 2100943, 2100952, 2100953, 2111319, & 2101061) (District 1)

Trina Gilliam read the items and associated conditions into the record.

Jim McKnight, the Planning Consultant for Ballarena, spoke to the items.

Regarding G.13, Mr. McKnight summarized saying the Sherwood PUD provides redevelopment of a golf course that failed to continue to operate, and this is a trend apparent in the country since 2006 and the beginning of the Great Recession. Since that time over 100 golf courses annually have closed operations in the country with six of those in Brevard County now closed or in the process of redevelopment.

Mr. McKnight added the project has been through a process of three community meetings held in September and November of 2023 and May of 2024 where concerns regarding traffic, storm water, safety, property values and other issues were heard. This led to significantly reduced density as well as addressing major issues such as drainage and safety concerns about additional traffic that will be minimized by limiting the number of single-family lots in that area. Referencing a slide show, Mr. McKnight spoke on the specifications of the land use regarding the zoning changes including the reduction of PODs from 6 to 4 for residential use divided between an area of town homes, single family residences, villas, and one additional for stormwater use.

Bruce Moia, engineer of record on the project, spoke to the drainage and stated this area has historic flooding. As the original development of this area was in the 60's and 70's, Mr. Moia expressed that the drainage framework does not even come close to what would be required today, and that he is impressed that this developer has gone out their way to work with the community to adapt and arrive at a solution to improve the area as a part of the development of this challenging project.

Mr. Moia went into detail regarding the waiver requests for the project, stating that most of these requests have existing precedent, are for the benefit of the area, or address concerns not relevant to the area as it already was previously developed:

- Waiver 1, Sec. 62-1446. PUD-Land Use Regulations; Sub-Section (d) Minimum lot area, frontage, setbacks; accessory uses; Paragraph (1) - to reduce the required 5,000 sf minimum lot area to 4,000 sf (POD III)
- Waiver 2, Sec. 62-1446. PUD-Land Use Regulations; Sub-Section (d) Minimum lot area, frontage, and setbacks, accessory uses; Paragraph (3) - to reduce the required minimum 20 feet rear setback to 10 feet. (POD III)
- Waiver 3, Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (1) - to reduce the required minimum 50 feet wide right-of-way to a minimum of 30 feet with 10-foot easements on each side for POD III.
- Waiver 4, Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (1) - to reduce the required minimum 50 feet wide right-of-way to a minimum of 30 feet with a five-foot easement on each side for PODs I and IV.
- Waiver 5, Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a); Paragraph (3) - to reduce the minimum 100-foot setback of the cul-de-sac right-of-way to the plat boundary to 15 feet with the inclusion of a 6' high wall and landscaping in one (1) location (POD III).
- Waiver 6, Sec. 62-2883. General design requirements and standards.; Sub-Section (d) - to replace the required 15' perimeter buffer tract with a 15' perimeter buffer easement, or 10' perimeter easement where adjacent to an existing drainage easement, and allow it to be disturbed for grading, landscape, and buffer improvements, including but not limited to walls, fences, retention slopes, walking paths, and utilities (POD III).

Brian Davis, Landscape Architect with Libra Design Group for the project addressed the Board about the proposed buffers. He began stating that POD 1 is the highest density parcel, so it has the most intense landscape buffer. The area around POD 4 is the next most intense use after POD 1.

Henry Minneboo asked what percentage of the project vegetation will be. Robert Sullivan added the question of how many of the buffer trees are non-native. Mr. Davis replied about 64% of the overall site involves the buffer vegetation, and that they'll do as much as they can regarding existing trees and primarily using native new trees like live oaks.

James Taylor, Traffic Engineer with Kimley-Horn stepped forward. Mr. Taylor explained the traffic impact analysis process of getting assumptions approved in advance of doing the study with staff as well as guidelines to follow per the Institute of Transportation Engineer's Trip Generation Handbook and FDOT District 5's latest adopted regional travel demand model. Under the proposed distribution, the impact to Carpenter Road where the densest land use will be will adjust existing volume to capacity ratio from 32% to 61% by 2030 buildout. The next steps involve a traffic study to identify deficiencies and to work with staff on navigating the BDP in regard to mitigating impacts.

Tim Maslin, Environmental Consultant on the project with Florida Environmental Consulting stepped forward to speak on environmental impacts of the project. He opened by saying the Sherwood property is not a native habitat. However, there are currently protected species like Gopher Tortoises on the land, with surveys to monitor for others to be done. All conservation and relocation would be done according to FWS and FWC permitting rules and regulations. Wetland delineation has not been performed but it is in the plans for the land development process and all wetlands will be preserved as possible with appropriate buffers.

Henry Minneboo called Bruce Moia back up to discuss the importance of the drainage in this land and that it will be the most impactful part of this project.

Mark Wadsworth addressed the public before opening the room for discussion, stating that these developers are being held to higher standards than probably what it was when they all built their own homes. He added that he does not think it is the Board's responsibility to make that decision, but to focus on the small-scale comp change and the change of zoning.

Tom Erdman spoke to developments nearby like Brookshire, Hog Valley, and Deering Park where areas were rapidly cleared for new homes and led to new flooding and potentially overloading infrastructure. Mr. Erdman stated that himself and others live here to be in a more rural area away from the massive developments of South Florida and Orlando. He added he believes that while the developers have compromised that there is room for further reduction.

Richard Horvath stated he lived in the subdivision and sees wild animals rampant on the golf course since it has not been being maintained. He said that this development is something the area would benefit from in addressing that.

Wendy Smith asked about the ownership and maintenance of a retention pond potentially in the development area, and Mr. Wadsworth replied that the developers will address that when they come up after the public speaking session.

Louis Basler opened saying it took him 40 years to save and buy his Titusville home. He added that he grew up in the area, and that none of the people who spoke are. He said they will come in, develop, take their money, and leave. Mr. Basler referenced a 2007 study in Mims by Brevard County that stated continued growth would likely exceed the county's ability to supply potable water due to aquifer limitations. He finished by stating no one from the community wants this and the gentleman earlier is the only one he has ever heard in favor of it.

Laura Mora stated she lived on London Road where the traffic will be affected. She moved here 20 years ago from South Florida as the victim of developers including the Ballarena group. As roads became highways improvements to the infrastructure and the associated costs were borne not just by the developer but the people in the community. Mrs. Mora moved to Sherwood because of the character of the community, and at meetings the developers had said they would be removing 90% of the trees which make up that character. The people who will benefit from this are the person who bought the golf course who lives in California, Ballarena from Miami, and the engineering group from Melbourne. She added making money is fine, but it is not the people in Sherwood that would be making it.

Heidi Peterson expressed frustration at the road development and the differences to existing homes such as the heights in the new home construction because of the difference in building code.

Ruth Amato presented a packet to the Board and explained that before Sherwood's original development the land was a swamp and that 500 extra homes will lead to nowhere for the water to

go. She added that small agriculture is often built near floodplains for ease of access to water, and the added pressure from the development will cause flooding in those areas that destroy farmland, and even further risk in high levels of rain for flooding to affect homes as well.

Richard Jones echoed Mr. Basler in that he had never heard anyone living in the community that wants this development. He said that analyzing the flooding isn't good enough, they need an answer now before the development begins. When Mr. Moia said this is the hardest project he's ever done, Mr. Jones said of course it is, because it wasn't made for houses to be in there. He said the people speaking here thought they would be in and out but have now been at this meeting for 4 hours, and that should show how much this means to them.

Katie Delaney stated that while the standards are higher that does not mean governing officials are holding them accountable. Just last week in the Windward Pines community being developed in Cocoa, a gopher tortoise was found killed and placed in a storage container and nothing is being done. She added that the community meetings have been completely full, and that to be told by the Board that they don't want to hear the same thing over and over again while the community is suffering is disheartening when the people need help being protected.

Anthony Jicha opened by saying this developer has made considerable effort to reach out to the community and commends them. Mr. Jicha spoke against item G.14 specifically regarding the engineering for POD 1 having a huge grade differential compared to Longbow Drive.

Faith Swanson said that a blank spot on the map of POD 1 is where her property is, and the easements proposed all around her land concern her. She said other developments in the area have affected parking and the waterways and added that she has well water on her property that goes through the planned development and does not know how that will be affected.

Chair Wadsworth closed the public comment section.

Kim Rezanka spoke on behalf of Developer Ballarena. She talked about the Comprehensive Plan Amendment, moving the density east towards Carpenter Road and keeping more single-family homes to the west. Most of this is already RES 15. She added the storm water park of POD 2 has to address the flooding and the project can't be built if it doesn't. A lot of these issues were not known to the owner or developer at the start of the project, and it has changed a lot since the meetings with the community. Additionally, the Mims water treatment plant design capacity is adequate to serve the proposed development. Mrs. Rezanka said the tree survey hasn't been completed yet and does not recall the statement being made that 90% of the trees would be removed.

Bruce Moia stepped back up and clarified that the requirement is to save a minimum of 10% of the canopy, but that is over the entire site which is not a heavily wooded area to begin with, so they are not "removing" 90% of the trees. He further spoke on the elevation and said there's no reason to fill because it's already filled and doesn't think it will be an issue. Mr. Moia said he has been to all three community meetings for the project, and that by the third there were people coming to him saying they were for the project, and it is not true that the whole community is against it.

Chair Wadsworth praised the developer for having these meetings with the community and stated that these developers are going to be held accountable. Mr. Wadsworth said that lowering the density almost 50% shows the developer is trying to work with the community.

Ron Bartcher asked of Mr. Moia the nature of the drainage as traditionally when a property drains into another the receiving must accept it. Mr. Moia clarified the idea is to prevent drainage from this property from draining offsite. Mr. Bartcher further sought to understand that the plan was to do

something that actually helps the existing flooding problem which is above and beyond what would be traditionally done.

John Hopengarten asked about the POD 2 stormwater and runoff plan. Mr. Moia answered that it'll be going from around 10 acres to 25 acres of retention pond.

Mr. Hopengarten asked about sewer and septic, and referenced the speaker earlier who said she was on well water. Mr. Moia said that was unusual, and almost all are on sewer with some larger lots to the north that could be on septic.

Mr. Hopengarten continued that he was surprised he hadn't heard complaints of homeowners losing their view because of the development.

Robert Sullivan asked Mr. Moia to clarify for the audience retention and detention ponds. Mr. Moia said that retention ponds are called that but do both. He ventured that the current state the proposed development area is likely all detention, but the standards are very different nowadays and the only way to meet those needs would be larger ponds. They spoke back and forth on the potential nature of sluice gates and discharge for the needs of reacting to potential storm drain needs.

Mr. Bartcher asked if the developer is willing to accept the BDP. Mr. Moia said they would like the opportunity to meet with staff and see what they want as he has never seen some of the studies being referenced, and that it is not a BDP but a PUD approval with conditions. Kim Rezanka clarified that it anticipates a BDP similar to Gen Florida 48 LLC the Board saw earlier today. The Board and Mrs. Rezanka discussed the verbiage and the desire to move forward but with the conditions subject to further discussion as the BDP does not exist at present and later would be brought before the Commission.

Ron Bartcher motioned approve item G.13, second Henry Minneboo. The vote was unanimous.

Ron Bartcher motioned to approve item G.14 with the caveat of the applicant working with staff on the suggested BDP, second Henry Minneboo. The vote was unanimous.