

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 12, 2026**, 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); Jerrad Atkins (D1); John Hopengarten (D1); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Eric Michajlowicz (D3); Debbie Thomas (D4); Neal Johnson (D4); Robert Brothers (D5); Ana Saunders (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### EXCERPT OF COMPLETE MINUTES

**H.3. Strada Development, LLC. (Kim Rezanka) requests a zoning classification change from AU and RR-1 to SR with a BDP. (25Z00039) (Tax Accounts 2316605, 2316606, 2316607, 2316617) (District 2)**

Trina Gilliam read the item into the record.

Ana Saunders stated her office is representing this application so she will not be voting on it. However, she thinks it's a good project.

Ms. Gilliam commented that the item went before the North Merritt Island Special District Board, and they recommended denial. They also recommended a zoning of SEU or RR1.

Kim Rezanka spoke to the application. The request is for property on North Merritt Island off E Crisafulli Rd. It's 142 acres. It's zoned agricultural and RR1. The purpose of this is to do a subdivision of 61 homes. Our BDP says that we will limit it to one unit per acre. We are now willing to limit it to 61 homes, which is less than can be developed per the staff report. Staff report says 70 could be developed. With that, I'd ask you consider that we would only be using 61 homes. With me today is a representative of Maronda, Katie Peck. She is the director of land acquisitions. Maronda Home is under contract, Strada Development is a related entity. It's already been purchased. So, they're hopeful that this rezoning goes forward so they can move forward. Also with me is Hassan Kamal with BSE now LJA. He is the engineer of record, and he can explain some of the issues that have arisen. We had a neighborhood meeting on December 15th. We had approximately 25 people from the neighborhood show up and their concerns were maintenance of the road, the conditions of the road, traffic, storm water, flooding, which you have heard most of the times. They also suggested that perhaps we could connect to Dalbora Road, but there's no public road or private access road that we could reach. It's all private property. We did attend the North Merritt Island Board, and those same issues were raised. The North Merritt Island Board failed to recognize that this property can't be developed because of the number of wetlands on the property. Their suggestion was, "Oh, just put one acre lots over the entire property." Well, we're saving quite a bit of wetlands. As Mr. Hasan Kamal will tell you we are building only in the uplands in the middle of the property of about 60 acres, I think is the number he used. So, we can't do one unit per acre because we have to cluster, and that cluster allows us to preserve wetlands. Also, since we're only doing 61 units we're doing less than what the staff report says we can do of 70. The staff report also comments that most of the area here is AU. That may be true but if you look at where our property is, which on page one of what I handed you is

the blue portion of that is the top portion of this 142 acres and it's next to SR. Which is what we're seeking, suburban residential, half acre lots. We're willing to commit to half acre lots. The SR to the east is Island Forest Preserve which you're going to hear a lot of complaints about today. Maronda has purchased lots in that, but Maronda was not the developer of that property. They are now developing homes in those individual lots. SR was done by Island Forest Preserve at SR, but they used the open space subdivision concept which allowed them to use quarter acres. We are committed to not doing that, doing half acre lots. So, we'll be a transition from the quarter acre lots to the half-acre lots to the larger lots. But there is quite a bit of RR1. That SR is over 100 acres. So, there is a variety. Also to the north is PIP which is unusual as well in this area. Flooding and storm water is a huge issue. You'll likely hear complaints that the canals aren't draining properly, and we understand that. We've committed to doing what we can to help with the canal drainage. Mr. Kamal will talk about that as well. Section 62-3724 on page three section 4, this is the portion of the code that was adopted I think in 2019 due to issues that came about in North Merritt Island. This requires a special modeling program for anything developed north of Paul Road. It's only been used by one other subdivision to my knowledge, Pine Grove subdivision to the north that's being developed by Titan. So, it is a special criteria that is to ensure that, as page two of this project says, there will be no net change in the rate of volume of flood water discharge from pre-development flood plains. That is a site plan issue. Nothing in the code says you don't approve new zoning because of existing flooding problems. We just can't contribute to them with this development, and they won't. The other issue that was raised is the condition of this road. It is a squirrelly road. It's got two 90 degree turns. You'll hear about accidents that have happened. It seems like people do not listen to the laws and in fact there are speed humps on the road and people say there are too many trips on this road, too many cars on this road. But to put speed humps on the road, which was just done recently, there had to be less than 1500 vehicles per day. So, this, although it is an unusual road, it's not got too many trips on it, and this won't generate too many trips. Page six is the FDOT generation manual of what you can have your average daily trips. And if you look at the third column, a two-lane road, level D, which this would be under the county standards, in theory, they could have 14,000 trips on that road. It doesn't make sense to have 14,000, but this road is not at capacity. If there are issues with people not abiding by the speed limit or things like that as page five, which this was pulled from Brevard County, they should contact the sheriff's office. And I understand that doesn't always work, but the speed humps are there to hopefully help, but there is limited traffic on East Crisafulli Road. Also, issues were raised about the drawbridge and how that contributes to people getting in and off the island. The drawbridge is not open during peak hours, which generally is when people complain about traffic. So, on page seven and eight, I just pulled this from the cruising authority. It was a marina website, and it talks about the hours of operation that the Christa McAuliffe drawbridge is closed between 6:15 and 8:15 and 3:10 p.m. and 6 p.m. I understand these are issues that have been raised for anything that's been developed in North Merritt Island and these aren't issues that can be solved with this development and won't be increased by this development. With that, we're requesting rezoning from RR1 and AU to SR with a BDP limiting this development to 61 units. With that I'd like to introduce Katie Peek to tell you a little bit about Maronda, what they plan to do, their price point, things like that, and then Mr. Kamal will talk about the concept plan that's been developed. It hasn't been reviewed by staff, but it's a concept plan to show the one-half acres and the access and things like that.

Katie Peck stated she is the director of land acquisitions for Maronda Homes and is here to present the project with Kim on be our behalf. We're currently building in Island Forest Preserve and have had great success out there and we had the opportunity to purchase this property and with that we've taken a lot of good care and review of coming up with a with a concept plan that works really well on half acre lots in the upland areas of the site knowing that they are that the property is primarily

wetlands. So there's a lot of preservation that's going to be occurring and obviously as we go through the construction planning, the engineering, we'll make sure that we follow the model that is being required up in the area and there's a concept of the monument entry that we're looking to do and we'll be looking to build the same product that we're currently building in Island Forest Preserve.

Hasan Kamal stated he is with BSE Consultants and is the civil engineer for the project. Just a brief overview of the project in a little more engineering detail. The site's 142 acres on the north side of East Crisafulli Road. Of the 142 acres, the development footprint based upon the concept plan that we provided you copies of, and you see on that map is going to be approximately 50 to 55 acres, which means about 85 to 90 acres of the property or about 60% is going to be preserved either as existing wetland preservation areas or upland buffers that are associated with that. So, relatively small, less than 40% of the property is slated for development. The current plans anticipate a total of 61 lots. All will be a minimum of a half-acre size, consistent with the requested zoning classification. The lots will be served by the city of Cocoa for portable water, and we'll have an on-site sanitary sewer lift station which will collect the domestic waste and pump to the existing force main on Crisafulli Road. There will be no septic tanks associated with the project. Drainage for the site will be provided by a series of pipes, inlets, and the storm water ponds that you see. The plan is preliminary in nature, but we are aware of the very strict storm water criteria that's applicable to this area. We've already had some preliminary meetings with county staff and their consultants regarding the detailed model and have started working that and as we go through the process when we go post zoning into the land development portion we'll continue working with staff, and the requirements are that any of these projects that are within that, we have to do a basin wide model and confirm that there's no adverse impacts from our project. On addition to the state criteria that we must meet, we also must meet some very strict project specific criteria from Brevard County. The proposed wetland impacts to the site are minimal. We're subject to the limitation of 1.8% of wetland impacts, which is approximately 2 and 1/2 acres. The concept plan that you see in front of you is consistent with that limitation. We're going to be under that and that'll also be resolved both with Brevard County's Office of Natural Resources as well as with the local or state agencies. Ms. Rezanka talked about some of the audience comments which are generally dealt with during a detailed engineering and site plan approval through the county and I'll be available to answer any specific questions about the concept plan.

Henry Minneboo asked staff if we left it AG, which it is now, what would their single-family residents entitlement be? Under normal conditions what would they be allowed to do under AG.

Ms. Gilliam responded under AG in that RR1 that they currently have they can have 70 units total right now. I believe it's something like 40 units in the AU and I believe 20 something in the RR1. But that does not account for wetlands.

Mr. Minneboo inquired if on East Crisafulli, have you done any analysis of the road configuration. The width, a lot of people are going to tell you it's substandard. Some areas it's 17 some it's 18 and every now and then you might see 20.

Mr. Kamal responded we haven't done any structural analysis. We've done surveys. We know the road widths in front of the project. We're aware of the speed limit. We know that a project of this size that we're proposing would add, based upon the IT trip generation around 600 trips per day or 60 trips per hour on the peak hour. But we have not done a structural analysis of the roadway.

Mr. Minneboo stated you've got two accesses to this property. You've got one that's further to the north and it's in the first 90-degree bend. You have access to this piece of property. Have you looked at that to do any geometric, the alignments or anything?

Mr. Kamal stated that the challenge with any access besides what we've shown, is that would involve significant wetland impacts which would push us over the 1.8% limitation.

Mr. Minneboo commented so it's beneficial to you more so than the people that may live up there.

Mr. Kamal stated I know we've looked at the north one. We don't have any ownership to the north. But I know going to either the east or the west or even shifting the driveway or the entrance location further west on Crisafulli would involve additional wetland impacts.

Mr. Minneboo Inquired in your technical analysis that you are going to do; wouldn't it be worthwhile to look at that and see if it falls within the scope of this project?

Mr. Kamal responded we can certainly make some estimates with the wetland impacts. We'd obviously have to work with the state as well as Brevard County to see what those total wetland impacts would be.

Mr. Minneboo stated some of the things that I see is Crisafulli, some improvements have got to be made and we're right on the threshold right now and technically you're the last guys in. So, this is always when the last guy gets to not really reap from the benefits but make the necessary improvements from what everybody else has done, the subdivision way to the east too. They didn't have to do anything. Nobody's had to do anything to Crisafulli, and I am just extremely reluctant to allow anybody else in there without some improvements being made. And it's easy for me to say, but it's all prescriptive rights. Nobody's going to raise their hand and say, "Hey, you come get my 10 acres or five, or five feet." That's a situation now. Did you all look, to the north is Dal Bora and on paper it looks to be so simplified to have access to the North Park and eliminate some of the impact that's going to be added to East Crisafulli. Did you all even think about that.

Mr. Kamal responded I know they don't own the property to the north. The other problem to my understanding is the roads to the north are not public right of ways. They're private lanes. So, we haven't evaluated what those improvements would need to be to bring those up to acceptable public right of away standards. But I don't think they're public roads right now.

Mr. Minneboo stated I think you've heard it from probably 500 people before you got here, but you haven't heard it from us, there's a lot of water up there. Are there possibilities that you guys can expand your retention areas to accommodate some of the East Crisafulli water?

Mr. Kamal responded there is a possibility. We obviously must study that very detailed model and work with county staff on that. Even before doing the engineering, we've got a pretty good understanding of where the water is coming from, and the volumes associated with it and how to deal with that. So, if there's opportunity there, working with county staff to slow that water down or accommodate some of it, and still meet the criteria and we're capable of doing that, we'll certainly evaluate that and see if we can work it into the system.

Robert Wise stated we're hearing that you met the 1.8% requirement for preserving wetlands. Maybe I'm not understanding, but I'm looking at one of the maps. This is FLUCCS wetlands, and this shows

nearly half the property covered by wetlands. I'm wondering, is this irrelevant? Am I looking at the wrong thing or if not, how do you handle this?

Mr. Kamal responded we're limited to impacting no more than 1.8% of the total property. We have 142 acres. So, we're maxed out at around, I'm giving you rough numbers, 2.5 acres. The client has hired an environmental company to go out there and field flag the wetlands. They're in the process of meeting with the state agencies to verify those lines. And those are very close to what you're seeing on the plan right now. That's all going to be done through the permitting process, both with Brevard County and the water management district. And Brevard County's criteria are the one that's 1.8%. The water management district doesn't have that criteria. They have different criteria for what's allowable, but that's really going to be governed by Brevard County. That's something that happens through the detailed subdivision approval process. But to give you an idea, on the maps that we provided, the heavy green coloring is the preliminary wetland lines, and the lighter green coloring is the upland buffers that would be preserved around the wetlands. And everything inside it, the red shading and hatching, those are areas that would describe the areas that are going to be impacted. And that's what's less than the 1.8%.

Ruth Amato inquired do we know approximately how many acres there are in wetlands on that property?

Mr. Kamal responded it's probably close to the 85 to 90 acres and we haven't done a formal delineation yet, but we're preserving almost all the wetlands. Well, let me take that back. It's going to be a little bit less than that because some of what you see in the light green are uplands that are going to be preserved associated with that. So, I would probably say somewhere between 70 to 80 acres of existing wetlands are on the property.

Ms. Amato responded so about half then.

Mr. Kamal replied in round numbers, that's accurate.

Mr. Hopengarten commented you said you're putting one unit per acre on the entire site.

Ms. Rezanka responded we're going to put one unit per 2.33 acres because we're limiting ourselves now to 61 units even though we could put 70 by the existing zoning.

Mr. Hopengarten stated the flag lot, lot 2316617 is designated to have quarter acre lots. To the east of it.

Ms. Rezanka responded that was Island Forest Preserve that was developed by Chad Janoni. It's all being rezoned. Those four parcels have all been combined for this rezoning.

Mr. Hopengarten stated so, you're not going to keep that one quarter acre designation.

Ms. Rezanka stated I don't see that on my map.

Mr. Hopengarten responded it is shown on the appraisal district website.

Ms. Rezanka asked if it's 515. She then stated that's not part of this, if that's the flag lot.

Mr. Hopengarten responded no, 6617.

Ms. Rezanka stated that is part of this zoning application. So, yes, that will be pulled into that.

Mr. Hopengarten ask if that will change what the original designation was.

Ms. Rezanka responded yes. This is in your package, the map package. Mr. Wise, all the white on this is uplands so that's where the development will be. The white is where the uplands will be.

Ms. Amato asked staff for clarification. If about half of it, 70 acres is in wetlands would that make it unbuildable for one home per five acres if 70 acres is in wetlands? I asked him how much was in wetlands he said roughly about 70 acres wetlands. Doesn't that mean it would be one home per five acres in wetlands?

Ms. Gilliam responded yes in wetlands it would be one home per five acres, but they're not constructing in the wetlands so they can impact 1.8% of their total 142 acres, of the wetlands.

Ms. Amato stated the question was asked if currently how it sits how much could be developed out and if half of it's in wetlands and it takes one home per 5 acres instead of one home per 2.5 acres wouldn't that be considerably less than 70.

Ms. Gilliam replied as Mr. Hassan already stated that they can only impact about two acres of the wetlands.

Jane Hart responded under our code they can impact 1.8% of the total area of the acreage of the parcel.

Ms. Amato stated I understand that. If it weren't developed into a subdivision, I was trying to come up with the number of homes that would be sitting on that property.

Jerrad Atkins commented let me see if I understand this. So, it's AG now so that's one home on 2.5 acres but if half of it is wetlands, then that's one on five. So that's not 70. It's half of 70 plus.

Mr. Minneboo stated semantically that sounds good, but it doesn't relate that way. It's somewhat of the opposite. They're going to be on smaller lots.

Mr. Atkins responded sure, but in a hypothetical sense, when you ask how many homes could be built on the property the way it's zoned now, two and a half, you can't just blanket it with two and a half because part of it is wetlands. So, some of those would have to be on five. Is that right? Am I doing that math correctly?

Ms. Gilliam responded because this is a subdivision and not just an individual lot, they'd have to do a subdivision. That part of the code, from my understanding, wouldn't apply. They couldn't do one unit per five acres. They would have to do the 1.8%.

Ms. Hart replied that's correct. The 1.8% is basically one unit per five acres. It's just been calculated out. Usually, it's for smaller lots that come in that are under five acres and that were established post 1988. So, if they don't have five acres, they could impact 1.8% of the property's wetlands. For parcels that are greater than five acres, they could do the 1.8%. But for subdivisions, we just use the 1.8%.

Mr. Atkins inquired if 70, the way that it's zoned now, AG, you could put 70 homes with the wetlands that are there. So, what is that number? Do we have that number?

Ms. Hart asked in a hypothetical are you saying the 70 acres as one parcel itself?

Mr. Atkins replied no, the way that it's zoned with AG, it's really the same question Henry asked, is the way it's zoned now, how many buildable lots?

Ms. Gilliam responded the way that it's zoned now with that just the AU portion, not the RR1 portion, the AU portion would be 47 lots. That's not counting the wetlands. With the wetlands, they still would only be able to impact the 1.8% of the total acreage of the property in wetlands.

Alex Esseesse commented ultimately what needs to happen is a wetland study needs to be finalized so that we can calculate out what the actual acreage of wetlands are on the property as a whole and then deduct that based on the 1.8%. So maximum is 70 units total right now in the best pristine condition but with wetlands it'll obviously drop down.

Ms. Rezanka stated I just want to clarify the zoning is RR1 and AU and with strict zoning the max could see 70. The wetlands, the access, the road, what must be improved, those are all site plan platting issues that are not before you yet. You can ask for conditions to be added to a BDP such as the 61 units. But the SR, the half-acre lots is what we're trying to do. And if it comes up that the wetlands are greater than that and we can only do less than 61, then we must do less than 61. But wetlands is a separate criteria from zoning.

#### PUBLIC COMMENT

Terry White stated he lives just south of this proposed development. My neighbors, if they're going to come up will talk about the traffic issues, but East Crisafulli cannot handle the current traffic issues, the condition of the road, etc. And we've been asking for a traffic survey of the road that would spell out that it has a lot more cars than what they're saying is on there. The last little bit of study they did was in reference to the speed humps and they only monitored down where they wanted to put the speed humps, and a lot of people turn north or south prior to the speed humps. The developments that have been built in the past 25 years in this area have raised the groundwater levels. The retention ponds hold water, but they increase the water level of the surrounding area at the groundwater levels. My land stays wet longer after storms than it did when I first purchased the area. Officials say it is because I live in a bowl, but it was not always a bowl until the development of the past few years has made the water levels in my area rise. I was not required to have flood insurance on the property in 1993 when I purchased it. And bottom line is my land isn't sinking. The water around there is coming up and impacting my land. In 1968, Congress created a flood plain management plan. And I'm interested, does this project comply with the federal plan? Does Brevard County's water management comply with the federal plan and does North Merritt Island comply with the federal plan? I want to know, are the developers aware that the current pumps on Pine Island Road and Hall Road that handle the storm water like the recent storm we had in October, have they figured out that that's handling the water up here? Because it's not. And it's even worse when Blue Origin turns on their pumps.

Robert Adams stated he's lived here for 40 years. I know that the road is substandard. I also know that it was put together for orange trucks and buses with workers on it. And the groves were pumped

all the time. My house is 2 feet above the crown of the road. And I had water this past time, 6 inches from being in my house for the first time in 40 years. That's after the little subdivision up the way. And now you want to put another one in. And as far as anything new, I don't know what else could be new. We don't understand why they don't listen to us when we tell them that. Does anybody here know whether or not all the figuring you've been doing, did the 17 inches of rain get that memo that you we're going to have too much water up there the last time in October? And how many of you walked this preserve area that you want to be in after that rain or during that rain and tell me how much of that was still above the water? Those are things that you need to think of when you're cranking houses out here. I can't jack my house up. I also heard the last time that when they look around for building homes out here, when I built my home 40 years ago, I had to build 2,000 square feet on my acre, or I couldn't build. Last time I heard it was 1250. So, everything changes except for the surrounding area. We don't have anything, and we don't know who else to speak to and they use goofball studies for cars, and it doesn't do us any good. So that's what most of these folks here are fussing about and we just don't.... Are the teeth of this group any good when you go to the commissioners, or do they blow you off like they blow us off? I can think that's our question.

Mary Watkins stated she is a native Floridian. I have worked for the county in building development. I have worked for St. John's River Water Management District and flood control data collection. Both of those were over 10 years' worth of employment. And I'm aware of a lot of the situations. Water takes the path of least resistance. Yes, you've heard about flooding. I'm going to ask the engineer directly, how many times have you been to North Merritt Island after the rains? Any amount of rain, 5 inches, 15 inches, 17 inches, I don't care. I've lived out there since 1985. I have seen the water get progressively worse. Anytime you dig through a hard pan, which was done in Island Preserve to build their little lake, you're pushing the water somewhere else. That will happen. That is a known fact. I question you cubicle engineers, and I call you cubical engineers because you sit in front of a computer and model. Come out after the rains and look at it. That's all I have to say about that. Now, regarding traffic, I have had to sell my Mini Cooper because I can't get it over the speed bumps. I have a neighbor that sold a Maserati because he couldn't get it over the speed bumps. Nobody asked us out on Broadacre Street if we wanted those speed bumps. So, I think we need to look at everybody that has been there for some time and consider that. And my next question also is, how much dirt are you going to bring in to bring the level of this property up to at least 2 feet above the center line of which road?

Mr. Wadsworth stated getting back to the subdivision, the flooding, the traffic, etc., etc., is pretty much everyone's concerns. Correct. I would highly recommend everyone here that wants to speak go to the county commissioners meeting. We are just an advisory board and what's in front of us right now is just zoning. You know, they haven't even gone through permitting or even started the process. And once that happens, they're going to be held to a very high standard. And the man that was doing the speaking right here has been here longer than probably all of us put together. So, and he knows Merritt Island. He lives there. I still will bring people up, but we're aware of this. Everyone on the board knows everyone's issues. Go to the county commissioners meeting because we are just an advisory board. And the only thing we have is we need to determine whether we want to rezone this and then they're going to be going through hoops to make this happen. Kim, if you could come back to the mic, please. You still haven't delineated a wetland upland. Is that correct?

Ms. Rezanka responded it has not been approved by St. Johns or the county to my knowledge.

Mr. Wadsworth stated when that gets either expanded or shrunk, that's going to determine units.

Robert Wise stated I'd like to know, we read in the notes that the transportation corridor will not be affected adversely by this traffic. I'd like to know when the last study was done of traffic in that corridor, the study that you're basing your recommendation on.

Ms. Gilliam responded there is no available data for East Crisafulli. The preliminary traffic concurrency was done for the segment of North Courtenay. That is the closest traffic concurrency points that we can get. So, I'm not able to answer the question about the traffic on East Crisafulli.

Mr. Wise asked when the study of North Courtenay was done.

Ms. Gilliam responded the last traffic count would be 2024 for North Courtenay.

Mr. Minneboo asked when you're doing your analysis on the drainage, can we try to consider a broader or a larger retention area that can handle the water from both the portion on East Crisafulli as well as the subdivision. Can we incorporate those two distributions?

Mr. Kamal responded your suggestion would be when we're doing the subdivision design analysis and the storm water design to look at the drainage that's coming from the portion of Crisafulli Road adjacent to the property and see if we can incorporate that. That's something we can certainly do and see what the impacts are. That's a feasible process to go through.

Mr. Minneboo asked Kim, you understand that, because if this board does any approving, I'd like to put that into the BDP. I don't want that to get away because I think it's extremely critical. Kim on this I read your DDP, and I went through it, and I want to do an NTE. You're an attorney, do you know what an NTE is not, to exceed. I knew you'd be happy about it. I'd hate to see that area if it's approved to exceed 60 units.

Mr. Kamal asked are you okay with 61?

Mr. Minneboo stated I know, you guys are going to get in there and you're going to do the counts and there's going to be 68.

Ms. Rezanka responded we've agreed to limit it to 61 in the BDP. Maronda will have to answer as to 60.

Mr. Minneboo stated if that's in there, I'd like you to put it in the BDP.

Ms. Rezanka responded yes sir.

Mr. Minneboo stated there's no reason you guys can't collect some data for the county to do the ADTs on the road.

Mr. Kamal stated what likely is going to happen or what does happen with each of these subdivisions is that when we go through the land development process, staff will require a traffic impact study which will include the traffic volumes on Crisafulli. We'll obviously hire a traffic consultant to do that and make the evaluation as well as traffic volumes and trip distribution for Crisafulli.

Mr. Minneboo stated he was just trying to beat the staff to it, that's all. I know the staff's going to do it. Do you have any indication what the finished floor elevation's going to be on the houses?

Mr. Kamal responded we haven't obviously set any, but I would expect that that site will probably take at least three feet of fill for the finished floor and maybe a little bit more in certain places.

Mr. Minneboo inquired above the crown of East Crisafulli.

Mr. Kamal responded I haven't done that analysis compared to the crown. I'm talking about above existing grade, but if I look at that as elevation, I could do the comparison, but I don't have that information right off the top of my head.

Mr. Minneboo stated I think that's extremely critical. What the newer houses are doing, I think is imperative to what Maronda would like to do in there as well.

Mr. Kamal commented agreed.

Erika Orriss stated she had a question for staff. I know you said under pristine conditions we'd get 70 units in there. And I'm still stuck on how many units would fit. For me to make a recommendation feels like we need to know what's more realistic.

Ms. Gilliam responded it's still the same answer. Without knowing the total amount of wetlands on the property, we cannot determine how many houses they could fit on there.

Mr. Esseesse added I believe Mr. Minneboo referenced it, but you could set that as the cap. 61 maximum subject to the wetlands. I think that's implied already because they must go through the subdivision plan and meet all the county codes and regulations. So again, until we can identify what acreage is the wetlands, that will dictate how many units can be developed.

Ms. Orriss responded so, you're saying as part of the binding development plan, we would say subject to what's buildable, right? Subject to our rules and regulations regarding flood plains.

Mr. Esseesse stated if that's the pleasure of the board. Yes, ma'am.

Mr. Hopengarten stated it's difficult for us to make a decision on this when you don't have all your information together. We don't know the wetlands. We don't know what the traffic analysis is. Usually when people come before us, we have more information to make an intelligent decision. On this one, I don't think so. I think we're guessing. And it's always, well, we'll look into this, we'll look into that. Just give us the zoning first and then we'll proceed. I don't know. I would rather have more information.

Mr. Kamal responded specific to the wetland question, maybe we didn't accurately convey the status, the lines that you see here are preliminary and basis. It's been a substantial amount of fieldwork that's done that. What hasn't been done is that we haven't taken the agencies out and this is just the way the process works. Once an environmental consultant delineates it then they go out with the agencies that confirm that and that's just the nature of this business, that just happens at a later process. We're not guessing where the wetland lines are. We got a very good idea, and they may change a little bit when we go out with the agencies. So, we're very comfortable that at the end of the day, it's going to look very similar to what we've conceptualized on the plan. The traffic, I don't disagree that there hasn't been a traffic study done, but we also know that we've got 61 units. When a traffic study is done, there's established trip generation rates that all the traffic consultants use that assign a number of trips per unit, and that's generally between 9 and 10 trips per unit. So, we're looking at about 600

trips per day out of that subdivision. We haven't gone downstream and seen if there's any impacts to intersections, but we know the traffic volumes are coming out. So, we do have some of that information and like we mentioned and committed to earlier those traffic studies are for a project of this scope and are generally done at the land development process.

Mr. Hopengarten stated that's true. Go back to the wetlands. What maps or data are you using for the situation there currently?

Mr. Kamal responded they go out on the site, and they walk the wetlands.

Mr. Hopengarten asked if that had been done.

Mr. Kamal responded yes. That's what those lines are from. They look at the vegetative indicators, water levels and so on.

Mr. Hopengarten stated my question is you're not just using the maps from the county.

Mr. Kamal responded no. These are all based upon ground truthing. Walking the site, spending days out there evaluating vegetation, water levels, soils, so on. It's a pretty detailed process. It's not just done based on aerial photography.

Mr. Hopengarten stated I understand that. I just wanted to know what you were using because the maps from the county are from the 70s.

Mr. Kamal responded no, we're not using those maps. It's based upon actual condition as of the current conditions.

Mr. Minneboo stated what he's telling you is the truth, because I looked at the study, he didn't arbitrarily do that. Hasan's extremely capable and that wasn't his data, but it was professionally done.

Mr. Hopengarten stated I just wanted to make sure that you did the boots on the ground rather than take the existing data that was available through the county.

William Bell stated he is curious about this fill section they keep talking about. They're going to bring the level up 3 to 4 feet. Back here a year or so ago, when I wanted to put a shed on my property, I was told I couldn't change the elevation. I couldn't do nothing. I couldn't bring no dirt in. I couldn't take no dirt out. How do they plan on bringing this level up?

Mr. Wadsworth responded that's all going to be with design, with the engineer, with storm water retention, etc.

Mr. Bell continued with can I leave these pictures here with the devastation? That was just to comment on the fill section. I just wanted to show them pictures of the devastation of forest preserve that was supposedly not going to impact any flooding on the road and probably 80% of the water on that road's coming from there.

Chris Cook stated he is representing the North Merritt Island Homeowners Association. They sent me down here. We're over 450 homeowners north of the Barge Canal and they reviewed this application and recommended denial on it for many of the reasons you're looking at, the flooding, the roads. The

road is completely overflowed, they couldn't get access, one lady was stranded in her home for 3 or 4 days, she couldn't get out. We're looking at last year, the state of Florida had over eight 100-year floods. In the past year in Brevard County 5 and I think we've had a one in a thousand year and one in a 500-year flood. And not only is this in a flood zone, but we must also evacuate. It's in the surge zone. You don't talk about the surge when a surge comes. It's messed up. So, adding increased density to this area just doesn't make sense. What wasn't talked about yet was the rural character of the neighborhood. Half-acre lots are not rural in character. I think what might be a good solution here is to make them put in 1-acre lots, have it the SEU zoning on it. The wetlands will take care of itself. There'll be about roughly half of what they want to put in, the 61. But I think it'll increase the land values. It'll increase the impacts on the road and the flood in the whole area. And it's just something to think about.

END PUBLIC COMMENT

Mr. Minneboo asked Ms. Rezanka if she got everything he had suggested.

Ms. Rezanka stated I do. And as I started off this presentation earlier saying we would limit to 61. If you're dead set on 60, I need a response from Maronda.

Mr. Minneboo stated let's don't debate over one lot.

Ms. Rezanka responded okay. Before we go to ~~preliminary plat~~, a traffic study will be done on this road. We will do whatever the county says has to be done to upgrade it. If some of this was caused by Island Forest Preserve, the developer, that should be considered as well. Mr. Janone did put in water, sewer, and reclaim, and he did go back and fix it. I've heard from the residents he didn't do a very good job, but again, that was done. ~~The county~~ may require a performance bond. We don't know yet, but they don't want to harm anyone. They want to look at the water, which Mr. Minneboo we'll put that in the BDP. Again, the reason they're seeking SR is because of the wetlands. Preservation of wetlands and clustering is in the comp plan and in the land development regulations. That's to keep the wetlands to do their jobs. So that is why they want to build just in the uplands and only impact 1.8%. The conditions of this property don't allow 1 acre lots. Otherwise, we'd ask for R1. They've done the engineering. This used to be AG lands. It's not AG lands anymore. It's got wetlands that weren't there before because of the agriculture and the ditches and things like that. So, this property has changed its use. It's no longer AG. The conditions have changed where it's no longer usable for AG and they want to put in subdivisions, single family homes, one half acre lots which are compatible with the area. Single family to single family quarter acres to the east, one half acres here, and then one acre in other sizes. There is nothing in the comp plan or the administrative policies that says anything about you must show what your wetlands are when you're asking for a rezoning. You just have to show the changing conditions of the lot. Your staff report shows that we're meeting the administrative policies. It even talks, administrative policy 7, on page eight of the staff report about the compensatory storage, the code I showed you in that packet. This is a very strict standard. Hassan has said that he will look at trying to take other water in and he already knows about the canals. He knows what's going on up there. I'm sure he's going to look at the pumps. He's going to look at what Island Forest Preserve did. If water is now coming to this property from Island Forest Preserve, he's still going to have to take it into his calculations. This is all done at the preliminary plat stage. The staff reviews it, and this is just zoning if it's compatible with the area and it makes sense. If we could do 70, we're asking 61. Going to limit it to 61, just have smaller lots and preserve a ton of property around the home. So, there will be buffers as well. With that, we'd ask that you approve the rezoning from

RR1 and AU to SR with a BDP. The BDP will include the limitation of 61 lots, and the other, looking at the whole entire basin.

Mr. Hopengarten inquired you know the study that the county did on the flooding in the area that was presented to the homeowners association?

Ms. Rezanka asked are we talking about the study of Fay from 2008?

Mr. Hopengarten responded no, the one they did a new engineering program. It was two years ago.

Ms. Rezanka stated that's the modeling program. That was approved two years ago.

Mr. Hopengarten responded okay. How will that affect this property?

Ms. Rezanka That's what resulted in that code section on page two of the packet I gave you. So, they must use this two-terabyte modeling program, put all their data into it and see if it has no adverse impacts. Pine Grove subdivision to the north had to use that as well. It's the only other one that's done it. It's very difficult. In fact, Pine Grove had to hire the consultant that made the program to make it work right.

Mr. Hopengarten inquired if it was a past failure.

Ms. Rezanka responded no. It's basically, it is, pretty much it's like you have no impacts, none.

Mr. Hopengarten responded okay. So, with your increase in the elevation on this property of 3 to 4 feet.....

Ms. Rezanka continued it's going to be in the uplands to where the houses are going to be developed and then the engineers do their magic.

Mr. Hopengarten responded so, you're going to build a hill in North Merritt Island. That would be nice. Except for all the neighbors that are going to get all the runoff.

Ms. Rezanka replied well, that's why they must compensate for that and use that modeling program. They can't. They're not allowed to impact others and they're going to have all the wetlands.

Mr. Bartcher commented this went before the North Merritt Island Board, and they recommended denying it unanimously. I read through all their minutes, and I tend to agree with them and one of the reasons for that is we're going to use a BDP to establish a consistency between the land use and the zoning. This process has been used several times in the past and the county commission decided we don't want to do that. We want our zoning and our land use to be consistent. Period. They even passed regulation that says we can't do that. And then of course the state comes in and says we're going to abolish your home rule, so whatever you want to do you can't do. Some other counties created a lawsuit against Senate Bill 180. Our county decided not to do that. We're just going to talk to our representatives and see if we can convince them that it's a bad idea rather than going to court to do it. I still would prefer to follow what the county commission did and not use a BDP to establish consistency.

Ms. Rezanka responded that's completely incorrect.

Mr. Bartcher continued I love BDPs, but this is not the proper use of a BDP. For those two reasons, I'm just not in favor of approving this. I'd recommend a denial.

Ms. Rezanka commented I do understand there is some disagreement with use of BDPs. This is not in the comprehensive plan. This is in section 621255B. It's been in the code for a very long time. It's been used for 25 years since I've done land use. I know staff doesn't like it. It's hard to track. I know people don't like it because it can be changed, but it's like zoning is changed because conditions change. What Mr. Bartcher is referring to in the comprehensive plan, the EAR that was sent up to the state was so you couldn't do it in reverse. You couldn't do a BDP to make a future land use consistent with the zoning. Here we're making the zoning consistent with future land use. I only know that because of the Dunkin Donuts. That's why they did that. When I came and got an amendment to the zoning, we did a reverse BDP because it was asked by Brian Lober, commissioner at the time. So, we made the future land use consistent with the zoning because they needed a drive thru. So, it was reverse, and we've never been allowed to do it again. And that's what's in the comp plan. And I think Trina will back me up on that. That is what the prohibition on BDPs is in the comp plan that was set to the state that has been rejected by the state.

Mr. Bartcher stated that was not his understanding. It's my understanding is that the BDP has been used to establish the consistency between the two between land use and zoning. That was the purpose. I don't understand when you say reverse BDP. I'm not clear on what it is you're trying to tell me.

Ms. Rezanka stated what we're doing is making the zoning consistent with the future land use. Our future land use is RES 1. With the Dunkin Donuts project, we used a BDP to make the future land use consistent with the zoning. That's what I meant by reverse BDP. It's the only time it's ever been done.

Mr. Bartcher asked why did you do that? Because you can't attach a BDP to a land use request. You can only do it for a zoning request.

Ms. Rezanka responded I understand. And that's what's now in the comp plan that says you can't do it. But Brian Lober when he was a commissioner made us do it. I didn't think it could be done either. No one liked it. We did it. We recorded in the public records.

Billy Prasad commented I think both sides are right. I think there's just some misunderstanding. Ms. Rezanka is correct. The current code section 62 1255. I think it's B2 allows for this type of BDP to cure the inconsistency between the comprehensive plan and the zoning classification. So, this would allow effectively as you can see here clustering to exceed the RES 1. That's not that unusual. Even if we were to change it that could be done. It's usually done through a PUD today. With that said that it is allowed today, and we were on a path to potentially change this. There was a comp plan amendment and then there would have been land development regulations that followed that and ultimately it would have been up to the board whether to change this code section, but it was potentially on a path for this section of code to be amended and SB 180 however prevents that, not only the code, but it prevented the EAR amendment that this board had previously reviewed from going forward. So as of today, the underpinning to that the comprehensive plan was never amended because of SB 180.

Mr. Bartcher responded I understand it hasn't been in effect because of that SB 180. My take on it is it's the right thing to do and to hell with SB 180.

Mr. Atkins stated he used to live right around the corner. Not as close as Henry lives to this but used to go shooting down Crisafulli Road every weekend. Used to hang out down there. I lived there for maybe five years. And during that five years, we had many family members in the area whose homes flooded, these homes have been there since the 50s and 60s. They never flooded until everybody built houses higher than theirs around them, putting them in a bowl as somebody mentioned. So, the question was also asked if we have any teeth as this board, which we advise the commission, as you all know. But we don't make the final decision. They don't have to listen to anything we say. We are just simply the first gatekeeper before you go in front of them. Whether you're for or against. I think that anybody can create studies to show anything they want, and reality is going to show what it shows. And it has shown that this type of development especially in the low-lying area which that is that it floods people out. It runs water onto other people. And I'm going to vote against this for that reason, among others, not to mention the road. People walk their pets up and down that road. There's no sidewalk. Quadrupling the traffic, doubling the traffic, whatever this may do. I don't know what those numbers would do, but it's an old grove road and nothing's been done to improve it or raise it. And I do know people personally that were trapped in Island Forest Preserve. I know people that were trapped in their homes for 3 or 4 days because the road was 18 inches underwater. I've been back there. I have a cattle lease back there and it's wet. I can't even drive my four-wheel drive lifted by 6 inches, F350 into that pasture because it's in a bowl. So, I would just make a motion to deny it.

Mr. Wise stated I think we ought to remember that this area has been through two small unit studies that both recommended that housing density be decreased in the zoning of the area. And because of that and because it's 85-90% in flood zone AE and its almost entirely in the high hazard coastal flood zone. It just doesn't seem right to me to increase the density even with all the nice improvements that they're doing in their design.

Mr. Brothers stated the problem I'm having, is are we increasing the density? We don't know that. This is very important for what we do. We don't know how many houses you are able to put on and in the current state. Because something's going to be done with this land. This is an old orange grove that it looks like citrus greening or something got it. And it's not an orange grove anymore. It's just empty land. Someone owns this. They have the right to do things with it. They're going to do things with it. But no this is a little tiny road. No infrastructure has been done. Everyone's flooding. I live in an old neighborhood and no development has gone on around me because we're all built out. But every year that water gets a little higher because it rains more. Theoretically all these developments must keep their water on their site. Some engineers do that better than others. But something is going to be done and I'm just having trouble because I'm missing a very pertinent piece of information. And generally, staff is very good. They'll come out and they'll say, "Oh yeah, they were going to be able to put this many and now they want to do this many." But today they're like, "I don't know. They might have been able to do this and now they want to do that." This is my only problem. I feel for you folks. I moved into a built-out neighborhood. My neighborhood I moved into is from the 70s and everything was done around it and like I said, the water keeps getting a little higher every year. We're having more and more storms every year. So, I'm having a hard time deciding here. The infrastructure, your houses being flooded, that's infrastructure. You need better drainage in your neighborhood. You need better roads in your neighborhood. That's not us. Mr. Chairman made a point that that is not us. We're here to try to look at what's going on and what people are doing with their land and to try to fit everything together and make a great community. We're not here about drainage. That's someone else's department. They're supposed to do their job, and we're supposed to do ours. I would really like that piece of information though.

Ms. Rezanka responded Mr. Brothers, I think it's clear in the staff report and everything you've heard today that the zoning allows 70 units. The wetlands is a different issue. The wetlands is a site plan issue.

Mr. Brothers stated so you're saying that 70 and you want to do 61. That's a very important piece of information that if we don't change the zoning that you can go in there and put 70 houses there.

Ms. Rezanka responded in theory. Yes, the wetlands would come in but those are sight plan issues.

Mr. Atkins stated that's not true though, right? Because this is what we asked, and we don't have the equation. So, in theory if there were no wetlands 70 houses.

Ms. Rezanka responded wetlands is not a zoning criteria.

Mr. Atkins stated I understand that, but it was asked in a hypothetical manner, it does matter when you go to build a house, and zoning giving someone the legal ability to do so that's where it starts and then what? You give them the zoning and then you get past that and then we've got any number of studies or things that can happen and then it's another hurdle and another hurdle. I think it's important to look at all these potential issues before we just change the zoning.

Motion to recommend denial of Item H.3. by Jerrad Atkins, seconded by Eric Michajlowicz. Motion passed with a vote of 9:4 (Ana Saunders abstained)

Meeting adjourned at 6:28 p.m.

DRAFT