

Brevard County Board of County Commissioners

*Commission Chambers, Building C
2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, May 7, 2026

5:00 PM

Zoning

Commission Chambers

Present: Commissioner District 2 Tom Goodson, Commissioner District 3 Kim Adkinson, Commissioner District 4 Rob Feltner, and Commissioner District 5 Thad Altman

C. CALL TO ORDER: 5:00 P.M.

D. ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears request for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness opinion testimony showing that the request meets the Zoning Code and Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes for rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

B. PLEDGE OF ALLEGIANCE

Commissioner Feltner led the assembly in the Pledge of Allegiance.

The Board approved for Commissioner Goodson to appear via telephone.

Result: Approved

Mover: Kim Adkinson

Second: Rob Feltner

Ayes: Goodson, Adkinson, Feltner, and Altman

Morris Richardson, County Attorney, asked if Commissioner Goodson can see the meeting on video.

Commissioner Goodson replied he can.

F.1. Acceptance, Re: Binding Development Plan with Jacob Founé (25Z00037)

The Board accepted and executed Binding Development Plan with Jacob Founé (25Z00037), for:

Lots 16 and 17, Block 5, Golden Shores Estates, unrecorded plat, more particularly described as follows: From the Southeast corner of Section 3, Indian River Park Subdivision as recorded in Plat Book 2, Page 33, of the Public Records of Brevard County, Florida, run Westerly along the south line of said Section 3 and on a relative bearing of North 79°01'04" East, for a distance of 1160.00 feet to the Point of Beginning; thence continue North 79°01'04" East, a distance of 145.00 feet to a point; thence run North 17°00'00" West, a distance of 190.00 feet to a point;

thence run South 79°01'04" West, a distance of 145.00 feet to a point; thence run South 17°00'00" East, a distance of 190.00 feet to the Point of Beginning. Reserving therefrom the Southerly and Westerly 25 feet for road right of Way. Said lands situate, lying and being in Brevard County, Florida.

Result: Approved

Mover: Rob Feltner

Seconders: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

- H.8. Public Hearing, Re: Turtle Mound Ventures, LLC (Kim Rezanka) are Requesting a Small-Scale Comprehensive Plan Amendment (26S.01) to Change the Future Land Use Designation from PUB, RES-1, and RES-2-DIR to CC (26SS00001) (Tax Account 2316247, 2316452, 2316451, 2315413) THE APPLICANT HAS REQUESTED THE APPLICATION BE TABLED TO THE JULY 09, 2026, ZONING MEETING**

Chair Altman advised Item H.5. has been withdrawn, it will not be heard; there is a request that the Board table Items H.8. and H.9., Turtle Mountain Ventures; they are companion Items; and typically on a first request to table, the Board honors that; and he called for a public hearing to consider a request of Turtle Mound Ventures, LLC for a Small-Scale Comprehensive Plan Amendment (26S.01) to change the Future Land Use designation from PUB, RES-1, and RES-2-DIR to CC.

There being no further comments or objections, the Board continued request of Turtle Mound Ventures, LLC for a Small-Scale Comprehensive Plan Amendment (26S.01) to change the Future Land Use designation from PUB, RES-1, and RES-2-DIR to CC, to the July 9, 2026, Zoning Meeting.

Result: Continued

Mover: Rob Feltner

Seconders: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

- H.9. Public Hearing, Re: Turtle Mound Ventures, LLC (Kim Rezanka) are Requesting a Zoning Classification Change from GML(I) and TR-1 to RVP (26Z00007) (Tax Account 2316247, 2316452, 2316451, 2315413) THE APPLICANT HAS REQUESTED THE APPLICATION BE TABLED TO THE JULY 09, 2026, ZONING MEETING**

Chair Altman called for a public hearing to consider a request by Turtle Mound Ventures, LLC for a change of zoning classification from GML(I) and TR-1 to RVP.

There being no further comments or objections, the Board continued the request by Turtle Mound Ventures, LLC for a change of zoning classification from GML(I) and TR-1 to RVP, to the July 9, 2026, Zoning Meeting.

Result: Continued

Mover: Rob Feltner

Seconders: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

H.1. Public Hearing, Re: Paul and G. Eric Dirschka (Bruce Moia) Request a Zoning Classification Change from RU-2-10 and RU-1-11 to RU-2-15 (25Z00062) (Tax Account 2216190, 2216168, 2216154, 2216153, 2216155, 2216152, 2216156, 2216151, 2216157, 2216150, 2217403, 2218992, 3021864, 3038147, and 2217400)

Chair Altman called for a public hearing to consider a request from Paul and G. Eric Dirschka requesting a zoning classification change from RU-2-10 and RU-1-11 to RU-2-15.

Trina Gilliam, Planning and Zoning Manager, explained the first Agenda Item is H.1., Paul and G. Eric Deerska, being represented by Bruce Moia and Kim Rezanka, requesting a zoning classification change from RU-2-10 and RU-1-11 to RU-2-15, application 25Z00062, tax account nos. 2216190, 2216168, 2216154, 2216153, 2216155, 2216152, 2216156, 2216151, 2216157, 2216150, 2217403, 2218992, 3021864, 3038147, and 2217400), located in District 1.

Kim Rezanka, representing Millstone Ventures, LLC, the contract purchaser for the Dirschka property stated here are Eric and Carrie Dirschka representing the property owners; Millstone Ventures is represented by Andy Weatherford, the co-founder of Millstone, Owen Hartman, and Sam Kramer; this is the request for a rezoning of 18.07 acres for multifamily apartments from RU-2-10 to RU-2-15; and before she begins the presentation, Andy Weatherford would like to tell the Board a little bit about the project and their company.

Mr. Weatherford, one of the owners of Millstone Ventures, stated he wants to start with a brief introduction of their company; they are a small development shop out of Indianapolis; his business partner and he started this company in 2017, and they are a vertically integrated real estate development company, so they like what they like to consider a cradle-to-grave development shop; what that means is they are here through zoning and entitlements, they design the projects, they function as the builder of the project, and then at the end of the project, they actually manage the property once they have moved residents in; they did this by design; and they think the advantage for them and for the communities that they build in is for every step of this project through Planning and Zoning, through design, construction, then the operation of the property, there is one point of contact every step of the way, and that is he and his team. He advised that is a little bit of who they are, the type of product that they build; they consider themselves a luxury, resort-style, multifamily developer; what that means is they deliver these projects with elevated finishes throughout the units, quartz countertops, luxury, vinyl plank, flooring throughout, no carpet, wood shelving, no wire shelving, beverage coolers in the kitchen islands, and high-end amenities, such as fitness center, yoga studio, dog park, dog spas, and resort-style pool; on this project, they are considering a two-story clubhouse for a viewing deck to view the rocket launches down here; and they try to keep their residents on property and off the street during those busy times, which they think would be a great feature for their project and for their future residents. He pointed out being vertically integrated, as he mentioned earlier, since they control construction, that allows them to control their costs; what that means is they can deliver this elevated product to their residents for just market rate rents, so that is another advantage of their vertical integration; when it comes to development, they have a very targeted approach, which they try to be in places and in communities that need products like they can deliver; that is what they are seeing down here in Brevard County, and in the Titusville area; there has been a lot of job growth, population growth in industry, especially spaceflight and aeronautics are really taking off; but there has not been that much product developed here recently, and certainly not as much as they would expect to see with the amount of population growth and job growth they see happening here in Brevard County; and another trend that they are seeing is a lot of people who are holding those high-paying jobs, those new jobs, in those industries, they are commuting. He noted they think a product like theirs would encourage people to come here to live, work, and play in Brevard County and the Titusville area; that is why they are here, that is a little bit about the product that they are

planning on developing, and a little bit about their company; he just wanted to kick things off introducing themselves and their project; and he expressed his appreciation to the Board for hearing them tonight.

Chair Altman stated there is another card for Bruce Moia.

Ms. Rezanka explained she is going to present the project now; she just wanted Mr. Weatherford to tell the Board a little bit about the project; and if the Board has any questions, Mr. Moia is here. She stated she knows this is in the Board's packet, this is the Future Land Use Map (FLUM); all of this property is Residential 15, including the RU-1-11 zoned to the north; the Dirschka's have assembled these 15, all that yellow is RES 15; it can see the property boundaries are all in the RES 15 through here; these are 15 parcels that the Dirschka's acquired over the years; and they are now ready to retire and wish to sell the property. She went on to say some of this was zoned RU-1-11 back in 1955 with the Sun Valley plat, and those smaller lots which are not going to be used really for development at this time, there are some wetlands on those properties, so that area will not be developed; as mentioned, all 18 acres have residential 15 FLU that the County's vision with the Comprehensive Plan that was developed in 1988 was to have multifamily by the residential 15 designation; in the Board's packet, they provided to P&Z the map of the area with what is surrounding it; this is the property in black; and down the middle there with the red line is Breezy Lane. She pointed out that is currently the access to the Dirschka's home; to the north is the fire station; to the south of that is the Brevard County station; she thinks it is Barbara Pill station; then there are many vacant lots; there are new apartments down there to the south, the Millstone; with that, they believe this is compatible with the area; north and south is vacant; there is multifamily across the street to the north and south; and they are all old multifamily. She mentioned there are Summerhill Apartments, 2005, construction; there is the Windover Way Apartments, 1985, construction, and then there is Millright, which is brand new; they are 250 feet to the nearest single-family home across State Road (SR) 405; the staff report states that the primary uses on SR 405 are commercial office and government facilities and that the only new development is homes and apartments; the staff report confirms that this area is not an established residential neighborhood and this is truly undeveloped, commercially-zoned land; but actually it is undeveloped, multifamily land. She mentioned preliminary concurrency traffic will not cause a deficiency in the level of service; there are no school concurrencies issues; the staff report says there are no material violations of relevant Comprehensive Plan Policies; and any environmental issues such as wetlands will be resolved during site planning with site plan standards and engineering standards and again the wetlands will be maintained except for minor impacts. She stated the Planning and Zoning board recommended approval of 9:1; and they would request that the Board recommend approval of the RU-2-15 zoning.

Commissioner Adkinson stated she has to disclose she actually met with Ms. Rezanka and the developer team for this Item for approximately 45 minutes on April 28th to discuss their vision.

Chair Altman advised he did drive by the site today.

There being no further comments or objections, the Board approved the request of Paul and G. Eric Dirschka for a change of zoning classification from RU-2-10 and RU-1-11 to RU-2-15 (25Z00062), on property located on the east side of Columbia Boulevard, south of Windover Way, located in District 1.

Result: Approved

Mover: Rob Feltner

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

H.2. Public Hearing, Re: JEJ Ventures, LLC Requests a Zoning Classification Change from IU to BU-2 (26Z00002) (Tax Account 2317469 and 2317470)

Chair Altman called for a public hearing to consider a request from JEJ Ventures, LLC for a change of zoning classification from IU to BU-2.

Trina Gilliam, Planning and Zoning Manager, stated Item H.2. is JEJ Ventures, LLC requests a zoning classification change from IU to BU-2, application 26Z00002, Tax Account Nos. 2317469 and 2317470, located in District 1.

One of the applicants stated they would like to rezone from IU to BU-2; they plan on putting a hardware store in the front of those properties, as well as a parking lot in the back; to have outdoor storage, they need to move it to a BU-2; everybody around them are already BU-2; they asked for it; and he was asked to be here today.

There being no further comments or objections, the Board approved the request of JEJ Ventures, LLC for a change of zoning classification from IU to BU-2 (26Z00002), on property located south of Williams Point Boulevard at the intersection with US Highway 1, located in District 1.

Result: Approved

Mover: Rob Feltner

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

H.3. Public Hearing, Re: HQW, LLC & HQW Homeowner's Association, Inc. Request a Zoning Classification Change from EU-1 and AU with a Binding Development Plan (BDP) to Recreational Vehicle Park (RVP) and AU with a Conditional Use Permit (CUP) and Removal of the BDP (26Z00005) (Tax Account 2408695, 2460010)

Chair Altman called for a public hearing to consider request from HQW, LLC and HQW Homeowner's Association, Inc. for a zoning classification change from EU-1 and AU with a Binding Development Plan (BDP) to Recreational Vehicle Park (RVP) and AU with a CUP and removal of the BDP (26Z00005).

Trina Gilliam, Planning and Zoning Manager, stated Item H.3. is HQW, LLC and HQW Homeowner's Association, Inc. request a zoning classification change from EU-1 and AU with a BDP to RVP and AU with a CUP for boarding of horses and horses for hire and removal of the BDP, application 26Z00005, Tax Account Nos. 2408695 and 2460010, located in District 1. She advised that the Planning and Zoning board heard this request and unanimously recommended approval with a BDP limiting the development to 36 recreational vehicle sites and eight cabins.

John Holmquist stated this property is at 5405 West King Street, or State Road (SR) 520; as stated, there was a building development binding plan that was requested; he has those to give at this time; his presentation is on slides; and the Board can access that. He went on to say the Future Land Use (FLU) of this property is for R-15 for the southern half of the property and neighborhood commercial on the northern half; the RVP does coincide with the neighborhood commercial according to Zoning when he spoke to them; the current building development plan on the site is for 40 individual homes; when they reviewed this, it is definitely a highest and best use of the property if they just wanted to divide it up and sell it; but he thinks that would be not the best thing for the community. He noted if R-15 was pursued, that would put over 300 units around this pond; again, he thinks that would be a very poor use of this property; after careful consideration and speaking with several different organizations in the area from Happy Horse

and Amber Acres, to consulting with some family and friends in the area, they have their civil engineered plan and are requesting for the northern portion of the property, or the east, north, and west sides of the pond to be zoned as RVP, and then return the southern portion of the property to agricultural; the portion of property on one side, on the west side is currently agricultural zoned; the properties to the north and east, which is maroon, are commercial properties; and the properties all around the rest of it are either agricultural or residential. He commented the portion that they are asking to go RVP only backs up to two residential properties; after speaking with Zoning with their own plans, they plan on fencing in the community properly; there is going to be a 20-foot buffer between their property line and the residential property line because there is an easement there; then between the property line and where they are going to have their cabins or the RV spots, there is going to be another 70 feet that they want to keep as wooded; their environmental report came back with no issues and they have done their preliminaries with the development and with Florida Department of Transportation (FDOT) for anything that is needed with SR 520; and this would be their final ask for the change in zoning.

Skip Parrish stated he lives at 5250 King Street, so he is basically across the street; his property is fairly long; his property is fairly long and stretches out a good bit; he was here for the initial advisory meeting; he talked to Mr. Holmquist, the gentleman trying to develop this; and one of his main concerns, this is really the only thing after talking to him after the meeting when he was here last, was about traffic. He mentioned having lived on that property off and on since the 70s; as things come out west of 95, there can be a lot of traffic; my main concern with that is anybody coming east from Orange County, the last red light they have seen before they get to Friday Road, which is past his property, is in Wedgefield at the other end of SR 520; he does not know if it is in his plan to have a turn lane put in for this, but that would be the main thing; and they have a lot of backups and a lot of people pulling sharp into different businesses that do not have turn lanes. He noted there is the RV business that is right next to I-95 that does not have a turn lane and that has been problematic for a lot of them that live and have lived in that area for a long time; having talked to the developer, he is a good guy; he thinks he has great interest in doing what he is doing, he is not trying to stop it; his main concern is traffic; he has three kids; he is assuming at least one of them is going to end up living on this property after he is no longer doing so; he reiterated that is just his main concern; and he expressed his appreciation to the Board for its time.

Lindsey Blair stated Mr. Parrish is her husband, and she is echoing her husband's concerns; she thinks the planned use is fine; she has no real issues with horses, she likes horses; much like they see issues with people turning into the RV place right next to I-95 because there is no light controlling the flow of traffic all the way from in Orange County, the Bithlow area, all the way out to Friday Road having this sudden stop of RVs and horse trailers turning in, she has seen just one person slowing down create massive issues; if there is any way they can get a turn lane or something installed to make it safer for families in the area and for the people that do plan on residing there or boarding their horses there, she thinks that would be a benefit to the community at large; and that is it for her.

Gary Surreney remarked his main thing is there is a question that was not brought up last time, and if the survey could be brought back up on the overhead; on the southwest side, there is a canal that comes from this lake; this lake is built on an aquifer and it constantly fills all of the time; that lake, that canal is the only thing that keeps that lake in check; now, the first map he had with his horse trails goes over that canal; he asked what he is going to do; is there a covert going in there; and is he completely blocking the canal, because if he blocks that canal, then the lake is going to overflow and that whole property is going to flood as it is on the aquifer and it is constantly running. He stated there is a canal that runs completely along the south side of the property; that canal supplies water to the pond on his property, which he lives on the end of

Simard Lane; his neighbor's property has a pond, and it fills both of those constantly with water; otherwise, if there was not any water, that they would just kill all of the fish and everything that is in there; and he asked what Mr. Holmquist is going to do with that canal, on both of them where the horse trail goes across and then where he is building in the horse barns along the south side there to mitigate the water issue that is coming through there.

Chair Altman stated he can ask the applicant to answer that.

Mr. Holmquist explained the south side canal and the drainage from the pond are going to be maintained; they are putting in a bridge, for a lack of better words; it is going to be a covert pipe, but it is going to be an oversized covert pipe so that they can have a horse trail; and they plan on putting guard rails on the side of it so that it has an equestrian look to it. He went on to say to answer the other questions that they went through already, their preliminary with FDOT said they do not need a turning lane; they are requesting from them that we can have at least a 40-foot turning lane at his cost put in because of that very situation; when they put a light on Friday Road, he thought the whole world changed because he has been up and down this area since the 80s; and he agrees civil engineering is doing the work on all of that right now.

Chair Altman stated he has a question while Mr. Holmquist is up here, or maybe staff, he does not know; he asked the issues of trailers slowing down to turn into the project, if there will be an de-excel lane built, and is that required.

Mr. Holmquist responded it is not required by FDOT at this time, but they have requested that they can do that for that very reason; and they think just with the continued development of this area, it is going to be a concern, so they are trying to stay ahead of the game on that.

Tad Calkins, Assistant County Manager, pointed out he believes that would be something staff would look at with FDOT through the site planning process to make the determination with the appropriate traffic improvement.

Chair Altman stated he would think that would be required on a road as busy as this.

Mr. Calkins stated he does not know that it would be required, but it would definitely be something staff would take a look at.

Chair Altman asked if Mr. Holmquist is seeking permits to do that.

Mr. Holmquist replied affirmatively.

Billy Prasad, Planning and Development Director, commented this is the first time staff has seen this BDP, it has not been reviewed; typically, the process would be approve a BDP in principle; they will work with the applicant and bring it back to the Board for final approval; they would ask that be the case here; while no particular term sticks out to him as wrong, it may be missing some of the standard language that they have; it may actually be overly restrictive even on what accessory buildings, things like that can be used; and staff is asking to work with the applicant to finalize it and bring it back to the Board.

There being no further comments or objections, the Board approved the request of HQW, LLC and HQW Homeowner's Association, Inc. for a zoning classification from EU-1 and AU with a BDP limiting the development to 36 recreational vehicle sites and eight cabins to RVP and AU with a CUP, for boarding of horses and horses for hire; approved removal of the existing BDP; and authorized staff to work with the applicant to finalize the BDP and bring back to the Board, on property located at 5405 Highway 520, Cocoa, located in District 1.

Result: Approved
Mover: Rob Feltner
Second: Kim Adkinson
Ayes: Goodson, Adkinson, Feltner, and Altman

H.4. Public Hearing, Re: Domanique F. Culpepper, Ralph M. Williams, III, Ralph Williams, IV, Erikka Williams (Antonio Owen) Request a Zoning Classification Change from AU to RU-2-15 (26Z00004) (Tax Account 2455061)

Chair Altman called for a public hearing to consider a request by Domanique F. Culpepper, Ralph M. Williams, III, Ralph Williams, IV, Erikka Williams for a change of zoning classification from AU to RU-2-15 (26Z00004).

Commissioner Adkinson stated she wants to disclose for the record that she met with the developers for Item H.4. on May 5th for approximately 30 minutes to discuss their vision of the project.

Trina Gilliam, Planning and Zoning Manager, stated Item H.4. is Domanique F. Culpepper, Ralph M. Williams, III, Ralph Williams, IV, and Erikka Williams, being represented by Antonio Owen, request a zoning classification change from AU to RU-2-15 under application 26Z00004, located in District 2; and Planning and Zoning unanimously recommended approval with a Binding Development Plan (BDP) limiting structures to one-story buildings and occupancy limited to only senior residents.

Tony Owen, representing the owners on the rezoning of this property, provided the Board with a zoning map showing Tropical Park; he stated this is the property in the center; what is surrounding it is RU-2-15, RU-2-12, a school, and there is an RU-1-9 residential next door to it; and he is asking the Board for approval to RU-2-15 without a BDP.

Chris Rear waived his speaking time.

There being no further comments or objections, the Board approved the request for a change of zoning classification from AU to RU-2-15, with a Binding Development Plan (BDP) limiting structures to one-story buildings and occupancy limited to only senior residents, allowing all permitted uses of RU-1-9 that is compatible with the surrounding areas, and that it has to come back to staff for review of the BDP, on property located on the north side of Grove Boulevard, west of North Courtenay Parkway, located in District 2.

Result: Approved
Mover: Tom Goodson
Second: Rob Feltner
Ayes: Goodson, Adkinson, Feltner, and Altman

H.6. Public Hearing, Re: Maricic Family Trust (Kim Rezanka) Requests a Zoning Classification Change from AU and GU to EU (26Z00003) (Tax Account 2511133)

Chair Altman called for a public hearing to consider a change of zoning classification from AU and GU to EU (26Z00003).

Trina Gilliam, Planning and Zoning Manager, stated Item H.6. is Maricic Family Trust, represented by Kim Rezanka, requests a zoning classification change from AU and GU to EU, application 26Z00003, Tax Account no. 2511133, located in District 2.

There being no further comments or objections, the Board approved request of Maricic Family Trust for a change of zoning classification from AU and GU to EU, at property located on the east and west side of South Highway 1, south of Barnes Boulevard, located in District 2.

Result: Approved

Mover: Tom Goodson

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

H.7. Public Hearing, Re: Merritt Bidco SPV, LLC (Kim Rezanka) Requests a Zoning Classification Change from AU with a Binding Site Plan (BSP) to RU-2-15 and RU-2-30 with removal of BSP (25Z00054) (Tax Account 2412106)

Chair Altman called for a public hearing to consider a request by Merritt Bidco SPV, LLC for a change of zoning classification from AU with a Binding Site Plan (BSP) to RU-2-15 and RU-2-30 with removal of BSP (25Z00054), on property located on the east side of North Courtenay Parkway, south of Via De La Reina, located in District 2.

Trina Gilliam, Planning and Zoning Manager, commented Item H.7. is Merritt Bidco SPV, LLC, being represented by Kim Rezanka, requests a zoning classification change from AU with a BSP to RU-2-15 and RU-2-30, with removal of BSP, under application 25Z00054, located in District 2; she would like to note on April 2, the Board continued this Item at the applicants request to its May 7 meeting, which is tonight's zoning meeting; the applicant stated the reason for the request of a continuance was because the entity is investigating the possibility of acquiring additional property adjacent to the current proposed apartment site and they were reviewing potentially modifying the proposed number of units, considering further modifications to access to the site, and for off-site improvements; and as of this date, the County staff has not received an amendment to the application.

Commissioner Adkinson stated just for the record, she wanted to let everyone know that on May 7 she had an approximately 15-minute phone call with Kim Rezanka regarding this Item.

Chair Altman advised May 7.

Kim Rezanka stated it was this morning.

Commissioner Adkinson stated yes, it was this morning.

Ms. Rezanka, stated on behalf of Rangewater Development LLC, with authorization from the owner Merritt Bidco SPV, LLC to file for the rezoning; because of the anticipated number of speakers, and almost a thousand pages in the Agenda, she is going to ask for 30 minutes total for her team and her experts to present.

Chair Altman advised that is allowed under the Board's procedures to make that request; it is required that the Board have the vote to grant that; and he asked if there is a motion to grant an additional 15 minutes.

Commissioner Feltner stated he would make the motion to give the applicant a total of 30 minutes; and he asked if that includes the closing and everything.

Ms. Rezanka asked rebuttal, experts, and everything.

Commissioner Feltner stated there is usually a rebuttal period afterward anyway.

Commissioner Adkinson stated if that includes everything, she will second it.

Chair Altman stated he guesses Ms. Rezanka's experts could have filled out a separate card and got time; he asked if those in opposition have hired counsel; if they have hired an attorney; are they here to speak; if they are, the Board should grant them the same request if they need it; and there is a motion for an additional 15 minutes for counsel, expert witnesses, and consultants.

The Board approved granting an additional 15 minutes for counsel, expert witnesses, and consultants.

Result: Approved

Mover: Rob Feltner

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

Ms. Rezanka expressed her appreciation to the Board and County staff; she stated this has been a long process; numerous calls, meetings, and almost 1,000 pages have been fielded, and she knows it has taken a lot of staff time; they really do appreciate the fact that the Board and County staff has listened to everyone; and it has been noted. She went on to say the rezoning for residential apartments is opposed by many, including in other states in this country from California to New York, and other countries, including Spain, India, Egypt, and Kazakhstan; the public resistance is an emotional reaction to change, a concern for the loss of vacant land that has never been developed, and a fear of the unknown; Rangewater understands this and has and will continue to work with the neighbors, the neighborhoods, Florida Department of Transportation (FDOT), the School District, the Sheriff's Office, and other agencies to construct and manage a first-class luxury apartment complex; during this rezoning process, they started the meeting with Merritt Island Redevelopment Agency (MIRA) staff; and MIRA staff at that time was supportive of this and said it was a very necessary project in this area. She noted they had a community meeting in November and there was opposition; from that meeting, Michael Oliver, the representative from Rangewater, met with several one-on-one to try to assuage them and that has resulted in the conditions in the Binding Development Plan (BDP) that is in the Board's package; speaking with staff, they have some concerns of those conditions; and if this is approved, they certainly will work with staff to make sure that the BDP meets the County Code. She remarked Rangewater accepted many of these comments and feedbacks and has substantially changed the design from where they started; it has offered the BDP, with limitations and improvements, including a turn lane on Pioneer to assist with the traffic at that intersection of Pioneer and State Road 3; Rangewater hired a traffic consultant to prepare a full Traffic Impact Study (TIS), with the last one being dated March 5, 2026, which is in the Board's packet; there are actually three traffic studies and were done based upon comments by staff; usually TIS is not required or needed until site plan; again, they have prepared the BDP so everyone knows what this project is going to be about; they are going to know the units, they are going to know the locations, setbacks, buffers, and things along those lines; and it is to be transparent so everyone knows what is going to go there. She stated it has offered a proportionate fair share contribution, if there is one necessary during the site plan process and to work with FDOT if there are improvements necessary; the BDP is to ensure that the multifamily use can co-exist with neighboring properties and not negatively impact other land uses, conditions, or neighbors; they are here tonight with the developer and experts to present evidence and inform the Board of the need for the rezoning and the legal support for the rezoning; with her is Michael Oliver, the representative, Kyle Shasteen of Bowman, the engineer of record, Trent Ebersole, a traffic engineer, and they will be talking during this timeframe; a brief overall overview of the project is a rezoning of 7.5 acres adjacent to single-family homes to RU-2-15 and rezoning west on State Road 3 of 3.66

acres to RU-2-30, a total of 222 units possible; and they are also seeking removal of a 1983 BSP for hospital and Conditional Use Permits (CUPs) for hospital and medical clinics. She continued by saying this will remove those uses which currently, according to Ms. Gilliam, is the only use of this property is for a hospital and medical clinic; this property is vacant and behind old 1986 medical buildings; there is a doublewide trailer located on it next to the single-family subdivision; the adjacent medical offices are not maintained and were subject to bankruptcy proceedings when Steward went out of business; it is an unkempt and underutilized property; as shown on the screen and in the Board's packet, the property sought to be rezoned to RU-2-15, is Residential 15; that was the intent in 1988 when the Comprehensive Plan was adopted, when Chair Altman sat on this very Board and adopted the Comprehensive Plan; and that was the intent of the Comprehensive Plan was that to be 15 units to the acre, multifamily. She pointed out west of that is neighborhood commercial and it is in a neighborhood commercial area; there is not a single single-family home along State Road 3 from Skyline Boulevard north to State Road 528; this RES 15 and neighborhood commercial has not changed since the Comprehensive Plan was adopted in 1988; this is adjacent to residential six, six units to the acre, which are two single-family developments; residential six is the land use affords a transition in density between higher urbanized area and lower intensity land use; and that is what this is, a transitional use from single-family to commercial uses in a commercial corridor. She stated she provided a nine-page memorandum on April 24, 2006, and requested that be incorporated by reference into her presentation; there have been so many things stated about this project that it was necessary as to what staff and the addendum stated to what residential opponents have stated; she does want to look at one of the issues of compatibility and the surrounding uses; page eight of the staff report has often been cited in emails that have come before the Board as to Administrative Policy 3; Administrative Policy 3 requires compatibility with existing or proposed land uses to be a factor, and the Board can consider whether the proposed use would have hours of operation, lighting, et cetera, similar to other uses; this is a residential use, it is multifamily; whether the proposed use will cause a material reduction in value of existing lands, there is no information; and there is no MAI appraiser that has said it will, whether the proposed use is consistent with an emerging or existing pattern as determined through the analysis of historical land patterns, actual development, and development approval; and when looking at what the staff says in the staff report as to historical land uses is it is not consistent with the pattern of surrounding development, which is single-family and medical facility. She stated no, it is a transition, but it could be considered a transition from high-intensity, which it is, but it does go on to state that there is all kinds of mixed-use Future Land Uses (FLUs) in this area; then it goes on to say the actual development, which is either or historical or actual; there is an assisted living facility immediately to the south, and that is at 20 beds to the acre; and it is a multifamily use. She went on to say Administrative Policy 4 regarding the character of the neighborhood has also been cited; again, this is a transitional area; it has multifamily and across the street it is single-family; it has a Starbucks, an assisted living facility, a bank, and it has medical use adjacent to this property; this property will not introduce traffic into the identified boundaries of these subdivisions; these people are not going to go into their subdivision; the access is on Pioneer and State Road 3; any statement that the character of these two neighborhoods will be material or adversely affected is pure speculation; the access to the property will primarily be from State Road 3, with some accessing Pioneer Road, but the residents and guests of the apartment complex would have no reason to travel into Raintree of Villa De Palma; and based on the recent development of the 10 acres of commercial land to the south of this property, the Starbucks, the assisted living facility, Space Coast Credit Union, and Twins Car Wash, this area is transitional and not primarily residential. She commented this rezoning is supported by the MIRA staff report of December 11, 2025, which stated the requested rezoning is consistent with the County Comprehensive Plan and the MIRA redevelopment plan; this is definitely in the MIRA redevelopment area; this portion of Courtenay Parkway exhibits a robust mixture of commercial businesses and single-family residential property; in Merritt island there exists a

deficiency of newly constructed multifamily rental units; however, because of increased employment opportunities in the space industry, as well as the tourist industries, and other industries at Port Canaveral, individually seeking to fill those vacancies, require housing that is proximate to their work; and apartments appeal to younger individuals because of decreased maintenance, enhanced security features, amenities, such as on-site fitness, common gathering, and a sense of community. She advised the MIRA mission statement says that they need housing to support the workforce; the MIRA board did vote against it saying they needed more information; because of that, they got the traffic impact study to assist with the information that they sought; this luxury apartment complex is a logical transition from RES 6 single-family to commercial uses and it was intended by the Comprehensive Plan drafters back in 1988; and with that, she is going to bring up Michael Oliver to discuss the specifics of the projects and the conditions.

Michael Oliver, representing Rangewater Real Estate, stated he is a Florida resident and manages Rangewater's development platform across the State; Rangewater has developed two properties here in Brevard County, both within the Viera community; across Florida, they have delivered 27 communities and more than 100 nationally; they have twice been recognized as the National Association of Homebuilders Developer of the Year; they are excited about the opportunity to develop their third community in Brevard County on this property in Merritt Island; tonight he would like to focus on three points; first, as Ms. Rezanka mentioned, the rezoning request is consistent with the 1988 Brevard County Comprehensive Plan; second, they have listened carefully to the surrounding neighborhood and made substantial changes to their plan in direct response to the community feedback; and those commitments are memorialized in their BDP; and third, Brevard County's economy continues to grow rapidly around the Kennedy Space Center and Port Canaveral. He stated as Ms. Rezanka mentioned, and MIRA noted, new housing options near these employment centers remains very limited; this project represents more than a \$55 million investment in Merritt Island and helps address the need; over the past nine months, they have spent significant time meeting with nearby residents and addressing concerns; many of those same concerns will be raised again tonight, and he would ask the Board to consider the meaningful concessions they have already made; the property has 13 direct residential neighbors; in response to these concerns about compatibility and proximity, they have committed in the BDP to a 100-foot setback along the eastern property line; that is five times greater than what is required by zoning; and they also committed to preserving existing trees along the north and east property lines to create additional buffering and privacy. He stated they heard concerns regarding wetlands and they completed delineations very early on in the process that were accepted by staff at the St. John's River Water Management District (SJRWMD); they are preserving the vast majority of wetlands on the site, in compliance with Brevard County regulations; they also heard concerns about building height; as a result, they moved away from a four-story product and instead proposed a three-story garden style community that better transitions to the surrounding homes; while it is not in the BDP, they are willing and able to provide any buildings within a 200-foot setback from the eastern property line to be two stories; they heard concerns about stormwater; and modern stormwater standards are stringent and the project will not move forward unless it fully-complies with all County and State regulations. He explained although a Traffic Impact Analysis (TIA) was not required for this rezoning, Rangewater voluntarily completed one because they took the communities concerns seriously; the study was reviewed and accepted by County staff and concluded that the project would not negatively impact the roadway level of service on North Courtenay Parkway or Pioneer Road; they also committed to tripling the length of the right turn lane on Pioneer Road to help reduce congestion during peak hours; and he thinks it is important to recognize what could otherwise be developed on this property today. He continued by saying the site, as mentioned by Ms. Rezanka, has a CUP that could allow for a 24/7 ambulatory care hospital with minimal setbacks and minimal buffers; the existing owners of this property is motivated to sell the property; and he asked if this three-story, potentially

some buildings being two-stories, garden-style multifamily community, less compatible with the neighborhood than a hospital use directly adjacent to their homes.

There were outbursts from the audience.

Mr. Oliver continued by saying the economic engine of Brevard County is centered around Kennedy Space Center (KSC) and Port Canaveral; Blue Origin continues to expand; they just doubled, committed to doubling the size of their manufacturing facility on Merritt Island; SpaceX continues to grow; Port Canaveral is now the busiest cruise port in the world; these employers are creating jobs rapidly, but housing diversity near these employment centers continues to lag behind demand; at the end of the day, they understand that not everyone supports growth; they believe this property is located on a major corridor, urban corridor, identified for redevelopment and diverse housing opportunities; their proposal creates an appropriate transition between the existing neighborhood and North Courtenay Parkway, while bringing new investment, additional housing options, and economic benefit to Merritt Island; Rangewater is prepared to invest more than \$55 million dollars into the community; they respectfully ask the Board for its approval tonight; and he expressed his appreciation for the Board's time and consideration.

Someone from the audience stated Mr. Oliver mentioning Viera and comparing it with that area of Merritt Island is like comparing a fox to a giraffe.

Chair Altman explained to fill out a card, and the Board will give him or her five minutes.

Kyle Shasteen stated he is with Bowman, who is the site engineer for this project; he is a licensed professional engineer in the State of Florida, and he has been practicing land development in the State of Florida for 10 years; he has been working with Rangewater on this project and they have developed this conceptual site plan; and he wanted to highlight some things that Mr. Oliver has already covered in his presentation to kind of visually depict it to the Commission. He noted as the Board can see, along the eastern buffer, this is the enhanced buffer that he mentioned to the existing residential neighborhood; he mentioned an enhanced buffer along the northern portion of the property that will be zoned RS-15, adding additional buffering to the residential houses there; they will maintain and keep any existing vegetation where feasible along those buffers to help with buffering to the community; there are wetlands on site that have been delineated by a professional biologist; the wetlands have also been accepted by SJRWMD; and those are located approximately here. He stated any impacts to those wetlands will be approved by the County and State during the site plan process; there is an existing Bald Eagle nest that will probably come up tonight; it is located in the vicinity of the property, but it is not on the property, it is to the southeast; as the Board can see, this line here is the required setback by Fish and Wildlife Commission (FWC) to be met, so this project will meet requirements of FWC regarding the Bald Eagle nest; Mr. Oliver mentioned off-site improvements; the site plan shows where those are to be located; this is the turn lane on Pioneer Lane and then there will also be turn lanes on Courtenay Parkway; Trent Ebersole is here, he is the traffic engineer and can expand more on those off-site improvements; but he is here for any questions related to the site engineering.

Trent Ebersole commented he is with Bowman and is the traffic engineer; he is a registered professional engineer in Florida with 37 years of experience; he has been accepted as a subject expert in judicial proceedings; and what he was going to say has already been said to some degree; and he is going to jump to the end and actually state why this is a favorable project as far as development's are concerned with regard to traffic. He stated he does understand where the statement was made and it is true that this project, the site traffic, will not worsen the levels of service on any of the facilities in the study area; he understands the concerns because there are some existing congested movements, in particular, the westbound

left approaching Courtenay Parkway from Pioneer Road; with regards to that, Mr. Shasteen mentioned, if he could just change the graphic real quick, that part of their proposal is to lengthen the westbound right turn lane; today, the left turn movement is so long, the queue that it blocks the ability for traffic to get into the right turn lane, on the top that is the existing condition; the red cars would be those wanting to turn left; the blue cars, not all, or the right turns that cannot get in there; and with the lengthening of the right turn lane, the delays for people wanting to make a right will be eliminated. He continued by saying there will actually be an improvement there; to paint a picture, the amount of trips that this project would put on that heavy movement of the westbound left turn would be about one vehicle every two minutes; to the naked eye, if one was out there looking at it today and went back and looked at it after this was built, he or she would not notice the difference in traffic; to further that point, the traffic that would be generated by the by right use of the hospital, it would be four times as many trips; this is in effect a very large reduction in the potential traffic for development on this site; the only way that it would be less in effect would be to not develop anything; that is really the question here, is will there be development; if there will be, this is a very favorable development; and with that, he is available for questions.

Chair Altman asked if the Board has any questions of the applicant.

Commissioner Adkinson inquired if part of it will be two-story; she asked if the applicant can tell him where that would be; and is that actually reducing the number of units.

Mr. Oliver advised where he is pointing right now is about a 100-foot building setback; what they are committing is that any unit within 200 feet which runs pretty much from this line right here, 50-foot taper down here would be; they can commit to two stories; at this time, he does not know how that affects their unit count; they would still request RU-2-15; but they are willing to commit to a two-story product so there is no concerns about anyone's units looking into any rear backyards.

Commissioner Adkinson asked if he knows how many units that it would reduce it by.

Mr. Oliver responded it would likely reduce the unit count by maybe 10.

Chair Altman noted that was one of his questions; he does have another couple of questions; and he asked when Mr. Oliver says garden-style, what does that mean.

Mr. Oliver replied it is a lower density, multifamily development style.

Chair Altman asked if it denotes more vegetation.

Mr. Oliver stated it is surface parked; RU-2-15 requires a certain amount of open space; off the top of his head, he believes it is 35 percent RU-2-30 is slightly less than that; but it is open space, it is surface parking rather than a structured parking deck; and that is the definition of garden-style apartment as he defines it.

Chair Altman asked he knows in the presentation he mentioned that this would be a high quality residential development; and what in his BDP commits him to a high quality versus what would be a non-high quality.

Mr. Oliver replied affirmatively; he stated as a developer, they develop luxury apartment communities across the United States; they have developed two properties here in Viera, Marisol at Viera and Azul at Viera; he would define them as high-end, high-quality, multifamily developments; he understands that Viera is very different than Merritt Island, but he simply was

noting that they have done business in Brevard County; they have developed in Brevard County; they like Brevard County; and he was providing that as an example.

Chair Altman asked what makes it higher quality; is it the exterior finishes, is it the windows; and what are they doing here.

Mr. Oliver advised it will be from the exterior finishes and the rents that this property will command are north of \$2,000 per unit; and that will likely be higher than many mortgages in the surrounding, broader Metropolitan Statistical Area (MSA); when looking at that, they will have quartz countertops, enhanced cabinet finishes, such as Millstone developed previously; there is Luxury Vinyl Tile (LVT) flooring, throughout the units; and it is a luxury finish package that they provide to the residents.

Chair Altman expressed his thanks.

Mr. Oliver stated they professionally manage the communities internally; and they manage 75,000 multifamily units across the United States.

Chair Altman stated okay, great.

Mr. Oliver went on to say they are in the top 25 property managers nationally.

Chair Altman asked if Commissioner Goodson had any questions.

Commissioner Goodson replied no, he does not at this time.

Chair Altman stated if the applicant is finished, the Board will now go to the cards.

Rae Ann Sions commented she lives in the Raintree development that they are speaking about, just behind this complex; she has been there 21 years, raised her two children there, they went to Lewis Carroll, and her oldest daughter has a home there; she is very concerned about some of the issues that have come up, especially traffic; she finds it hard to believe that there will not be more traffic there, which is already highly congested, especially with the Starbucks and at the school hours; it is very difficult to get in and out, and onto Courtenay Parkway; and she can say that with firsthand knowledge. She went on to say she is here today to point out the Administrative Policy 4 which talks about no new intensity of traffic; under Administrative Policy No. 4, the proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, including but not limited to, volume, time of day, traffic activity, different types of vehicles, parking, trip generation, commercial activity, or industrial activity that is not already present within the identified boundaries of the neighborhood; she believes the developer's own roadway capacity analysis confirms this project will add 855 daily trips to the Courtenay segment alone, consuming 25 percent of the remaining capacity with additional trips flowing onto Pioneer Drive that the developer did not even study; a development of this scale would fundamentally change what their neighborhood is; and she asked the Board to disapprove of this project.

Thomas Reedy stated he is here to oppose the development case number 25Z00054, the proposed 220 unit, three-story complex; this development, in his opinion, is not appropriate for this location; it places a high-density, multi-story complex directly in the middle of an established single-family neighborhood; that is incompatible with the character that they currently have there; he knows there were some issues brought up about the zoning and everything, but in talking to some of the staff yesterday, Courtenay Parkway was designed to have commercial on the front, residential in the back, and everything that was stated there is a

commercial site directly across the street from the assisted living home, the bank, and such; that is commercial and that is what it was designed for; and it was not designed for a large complex like this. He went on to say he is not going to really go into a lot about the traffic, but traffic is a big concern; he asked has any of the Commissioners actually went out and witnessed it firsthand, has he or she seen it; he advised the Board has heard a lot about the traffic; but he asked has anyone gone out there to witness it; he pointed out when the bridge is up, it backs way up when everyone is letting out, coming south on Courtenay from the Space Center; it creates a huge impact there; on the weekends with the Port traffic, one can barely move on State Road (SR) 528; it is a very congested area, so that is something else to look at; and the few things about the traffic, it increases the congestion and safety risks that are currently there. He commented Florida Department of Transportation (FDOT) is possibly putting in the medium all the way past Publix, and the turn lanes are going to disappear; there could be a delay in emergency response times and it is going to overwhelm the intersection that cannot realistically be expanded with just the right turn lane to Courtenay to head north; the infrastructure, which has not been talked about, is strained; they live in Via De Palmas and in the last six months, they have been out of power eight times, no hurricane, no storms, and the infrastructure which is basically where Via De La Reina is, and it backs up to Raintree; the power poles are in that area that causes a lot, and now this will be there; there was a lot of work that was done on the sewer system, and they are still continuing to work on it; and every once in a while, they see Brevard County out there looking at it. He continued by saying they did put in a couple new lift stations in, but it was an issue at the time; he is afraid that it is going to be a continuing issue; this area is vulnerable to flooding as was discussed in the past at previous meetings, especially in the Sykes Creek area, Sykes Cove; with the non-permeable area that this is going to be built on, the rainwater has to go somewhere; he knows it was discussed about ponds and such, there are wetlands in there, but this project would permanently change their neighborhoods and reduce their quality of life; and it potentially would put residents at risk because yes, the people are going to come out. He mentioned right now people that live in the other development behind them on the Via De Havarre, nobody goes to the end of Via De La Reina; they all go down Via De La Reina, they go down Sykes Creek Cove, and everybody goes to the light; currently in the residential area where they have over 500 homes or more; with that being said, he respectfully urge the Commission to deny this case; he is asking the Board to really consider opposing this; and he expressed his appreciation to the Board for its consideration.

Robert Baker advised when he got out of the military, they moved back to Florida, he is a native Floridian; he loves it here; he was absolutely stoked to come back here; they bought their house nine years ago; it had great, high finish floor elevation in a waterfront neighborhood, and it was everything they could dream of; and then as the development started to happen with Hampton Manor, Starbucks, and all of that stuff, everybody wants to talk about how that development is zoned for commercial, which is true. He stated the important aspect to consider there is, is it necessarily right; he asked if further development is right; he noted his house has flooded three times since 2021; he has no documented history; his house was built in 1980 and there is no documented history that has been disclosed to him that that property has ever flooded once; and he thinks what is even more concerning is that the team proposing this development dismissed all of their concerns as fear of change as opposed to it being a legitimate concern for houses and properties that they invested in for schools that their kids go to, and they want them to go there safe. He pointed out he sent the Board pictures today of vehicles that were going up the middle of the two yellow lines as that was backed up down Pioneer, trying to get Lewis Carroll to let out; he is sorry, a 350-foot turn lane, going into a development of what is probably going to be around another 1,000 people is not going to mitigate that; aside from that, at their aging infrastructure, as the gentleman before him brought up, they have never had any sort of power loss and then all of a sudden, he had actually sent the Board pictures of that as well, Florida Power & Light (FPL) coming out because the

stormwater is so high, it is overwhelming the switches that are there; this is after improvements that have been made here; the development that has gone on has already brought down their quality of life in the neighborhood and further development is damn sure not going to help it; he stated he apologizes for the language; that is really all he has to say; and he expressed his appreciation to the Board for its time.

Valerie Reedy stated she lives in the Villa De Palmas area and she is here today because she too opposes the proposed high density rental apartment complex on North Courtenay Parkway and Pioneer; everyone keeps talking about progress, so she decided to do a deep dive into the definition of what progress is and how it relates to this project; they all agree that progress should strengthen a community, not weaken it; true progress improves long-term economic stability, protects existing neighborhoods, and ensures infrastructure can safely support growth; and this project does none of those things. She remarked first, their infrastructure is already over capacity; North Courtenay is a constrained corridor with no room for meaningful expansion; adding a high-density rental complex will increase traffic, slow emergency response times, and strain utilities and stormwater systems that were never designed for this level of density; when infrastructure fails, taxpayers, not developers, pay the long-term costs; second, this project is completely incompatible with the surrounding area; their four subdivisions are made up of approximately 600 single-family homes, placing an eight building, three-story rental complex in the middle of established subdivisions disrupts the character, safety, and stability of the community that already exists; third, this development does not improve long-term economic stability; high-density rentals often generate less tax revenue than the public services they require; if property values decline because of incompatible high-density development, the County loses tax revenue, that is not progress; it becomes a long-term financial liability; finally, this project provides no benefit to the current residents; and it is designed for transient renters, not for the families who have invested their lives and savings into this community. She stated progress should serve the people who are already there, not displace their quality of life; growth is not the same as progress; progress improves the community's quality of life; this project does the opposite; for these reasons, she would ask the Board to listen to their voices and vote with the majority; and she is asking the Board to vote no on the proposal. She noted she wants to address some of the things that Ms. Rezanka said earlier, and also the developer; one of the things that they did talk about was they will not use their roads; she lives on Via De La Reina, that is where the light is going from this new FDOT project; she currently makes a right into Pioneer Road, she would say about 90 percent of the time, going north because the traffic so backed up, she cannot even get to Via De La Reina; so what is going to happen when they come out of their development, they are not going to be able to make that right to get onto Courtenay, so they are going to make the left onto Pioneer; they are going to go down Pioneer onto Sykes Creek Loop, and then up to the Via De La Reina to go to the new light that is coming; they say no one is going to do that, they do that because they have to do that now to avoid traffic; and sometimes even her husband, when he is pulling his boat, he cannot even make the left into Via De La Reina because there is so much traffic. She mentioned they actually go to the light, make the left onto Pioneer, backtrack and come all the way up to Via De La Reina because there is so much traffic; they left the Island one day on a Saturday afternoon and they could not get back until Saturday night with all of the roads, SR 520, SR 528, was all backed up because when SR 520 backs up, that all overflows to SR 528, and vice versa; when SR 528 backs up, one cannot get off of SR 520 either; they have no way of getting on and off of the Island; adding more of these high density apartment complexes, these are not even people that are going to stay within their community; they are here temporarily; they are renting because they are here for a project; and they mentioned the cruise port, that is going to be Airbnbs. She stated they already saw that happen down in Melbourne Beach; she thinks the Commissioners are familiar with the Harbor Island and what happened down there when the developer came in; they got the rezoning change, then another developer came in and did a completely different project; she has a friend that lives there; they are literally on blow horns in

the middle of the night telling people to be quiet, and people are yelling back, "Sorry, we're on vacation, we don't have to be quiet;" this is what they do not want to see in their community; and this project will ruin their community.

Tina Rowan commented she is here to address the issue of school capacity as it relates to the proposed 222-unit residential development; this is not a minor procedural concern, it goes directly to whether this Board can lawfully and responsibly approve additional residential density when their public schools are already operating under significant pressure; Policy 2.1 of the Public School Facilities Element is quite explicit; it states that the County shall not approve any non-exempt residential development that increases residential development rights until a school impact analysis has been completed and a capacity determination letter is issued by the School Board confirming that adequate school facilities exist; that language is not optional, it is not discretionary, it is mandatory; the Policy uses the phrase, 'shall not approve' which clearly establishes a legal prerequisite before any rezoning can move forward; and before the Board can consider approving this application, there must be confirmation that affected schools, which include the Lewis Carroll Elementary School, the applicable middle school, and Merritt Island High School have the actual capacity to accommodate additional students that will result from this project. She remarked they must be honest about what they are talking about, a 222-unit apartment development will generate students; depending on accepted planning methodologies, that could mean anywhere from roughly 30 to 80 additional students entering the system; those students will not be theoretical, they will require desks, teachers, classrooms, and space in already constrained facilities; the adopted level of service for the school system is 100 percent of capacity; and that means they are not planning for overflow, they are planning to operate at the limit. She stated if any of these schools are already near capacity, even a modest increase in enrollment could push them beyond what they were designed to handle; they know from publicly available data that Lewis Carroll Elementary operates with an average student to teacher ratio of roughly 15 to 16 students per teacher; while that may sound very comfortable on paper, it is important to understand what that number actually represents; that ratio includes not only classroom teachers, but also specialized staff; and the actual classroom sizes are often significantly higher, typically ranging from 18 to 25 students in elementary grades and sometimes more depending on the grade level and program needs. She continued by saying at Merritt Island High School, classroom sizes commonly range from the low 20s to the upper 20s, and in some cases exceed 30 students, particularly in core academic courses; these are already filled classrooms operating under State imposed class size requirements with limited flexibility; when adding an even relatively modest number of new students from a single development, those students are not absorbed into excess capacity; they are absorbed into systems that are already carefully balanced at, or near their limits; the Land Development Code reinforces this concern; Section 62-602, Section D, number seven requires the school district to issue a school capacity determination letter for non-exempt development and that clearly ties adequacy to the Comprehensive Plan; that means capacity is not a general planning concept, it is a required finding tied directly to approval; the applicant has presented a school concurrency determination letter indicating no deficiency at this time; and however, that letter is explicitly non-binding. She noted the School Board has reserved the right to amend its findings during the formal concurrency determination process at the site plan and final development order stage; in other words, the letter is just a snapshot in time, not a guarantee of future capacity; the distinction matters because the question before the Board is not whether the schools had capacity at one moment in time; the question is whether capacity will exist when this project is built out and begins generating students, potentially years from now; even the School Board itself recognizes that uncertainty by reserving its right to revisit the analysis; the acknowledgement alone, should caution one against treating preliminary findings as final assurances; they are also required to consider the broader public health, safety, and welfare impacts under factor five of Section 62-1151, Section C, as well as overall consistency with adopted planning policy under factor three; when school capacity is uncertain, those

factors weigh heavily in the analysis; overcrowded schools affect not only education quality, but also transportation, staffing, safety conditions, and overall community infrastructure; at minimum, if the Board is inclined to approve this request, approval should be conditioned upon a binding and final school capacity determination, finding adequacy, adequate capacity at the time of final development order approval; and without that assurance, they are effectively approving population growth without confirmed infrastructure to support it.

Susan Cole stated she wanted to remind the Board of Brevard County's mission statement and vision as the role of Commissioners; the mission is to contribute to enhancing and ensuring Brevard's quality of life today and always; the vision of the community, which excels and is recognized for one, providing for health, safety, education, and social needs of their community; these are all things that the Board needs to consider when it is going to happen if this development takes place; number two is building a diverse strong economic base with the needed infrastructure to support the quality lifestyle; three, protecting the environment and conserving valuable resources; four, creating cooperative partnerships between government, businesses, community organizations, and residents; five, maximizing performance and communications to perform excellent service to customers; and these mission statement and the visions are directly from the County's website. She went on to say rezoning this property is irresponsible and goes against the mission statement and each and every vision and goal for all the reasons that the Board heard already, heard in the past, and will continue to hear; she will go back to number one, because the health facility, if the rezoning does not go back, that would be fine; she does not think anybody here agrees that the 24-hour traffic is going to be what a 22-unit luxury condo or apartment would be; they are only allowing 1.7 parking spots for each of those units and it is a one to three bedroom unit; as they stated it is 2,000 or more; and there is not going to be one person in that unit, so they already have additional traffic. She pointed out safety is a huge concern; kids ride their bicycles, they walk to school; with these traffic and cars going at school time, it is terrible; the education that they have talked about, some of the problems with getting the kids to school, all of those that they have actually said in the past is that it is a Board of Education problem, but it becomes the taxpayers' problem, and the social needs of the community; they like their community as it is; they have infrastructure; they have the Starbucks, Target, the grocery stores, and the restaurants; there is nothing that this luxury condo is going to do to enhance their lives; she respectfully suggests to the Board to focus the time, energy, and their resources, including all the money that it is going to cost to fix these problems; they already have a huge apartment complex that they have not even dealt with the traffic that is going to be coming toward Courtenay, going to the space condo, by the mall, and all of that is to come; and they do not even know what is going to happen then. She stated if they work with the developers and businesses, they were willing to revamp all the empty store fronts and dilapidated buildings and existing apartments long Courtenay, between SR 520 and SR 528; that would work towards the mission statement to enhance and ensure the quality of life today and always; and she respectfully asks the Board to protect the residents of Brevard County and say no to rezoning this property.

Marcus Herman remarked he is the current Chairman of the Merritt Island Redevelopment Agency (MIRA); first, he wanted to give a hats off to the developer and their representative for doing everything they could to try to make this project work, it just does not; he is here representing the MIRA Board, as well as being a concerned citizen who has lived in Merritt Island for 60 years; he was sure that the County Commission was very aware of the MIRA Board's stance on this project; but to be clear, the MIRA Board voted unanimously to deny this zoning change; they did so in part because they did not find it to be compatible with the surrounding area and they were concerned with the level of density; for context, he feels it is important to understand that the MIRA Board is made up of individuals that are business-minded people; they live in Merritt Island and they are very active in their community; they were selected by many different Commissioners over the years; these Commissioners

trusted their individual integrity and reasonable thinking skills; and MIRA, as a whole, is made up of pro-business individuals. He mentioned they, along with staff, are always looking for ways where developments can enhance the well-being of the people in Merritt Island; MIRA also understands that growth is inevitable, but the need for responsible growth is also very imperative; MIRA does support responsible growth; he makes these statements so that this Board can understand the decision that the MIRA Board made was not emotionally driven, but more about the facts, more of a reflection of their individual experiences and understanding of their community; the perception for most of the people in the audience and the members of the MIRA Board is that this will not have a positive impact in their community; the reality, or the facts of the matter, also strongly indicate that this project could have more adverse effects than positive ones; and the MIRA board stands with this community and asks that the Board deny the request for the zoning change.

Chair Altman advised there has been a request for a 10-minute break; they typically take those after every hour and a half, two hours; the Board will break until 6:45 p.m., and come right back; and there are quite a few cards left.

*The Board recessed at 6:34 p.m. and reconvened at 6:46 p.m.

Chair Altman stated Darren King had to leave, but he wanted to put on the public record that he came here to speak out against the project; and anyone who wishes to waive his or her time can let the Board know for or against, so it can be put on the record if they do not want to speak.

Holly Olsen commented this is her first time speaking here, she gets a little anxious, and she asked the Board to bear with her; she is a Merritt Island resident; Brevard County is a beautiful County and they are so diversified in its businesses with tourism, the Space industry, all the things that Brevard County has; every speaker that spoke tonight, she will double down on it because she feels choked up as they were so smart, were not being emotional, and were being correct as far as she could see; she specifically wanted to speak about a couple of different points; she is speaking first of all to urge the Board to vote no on this project; it is because of three basic things, the water issue, traffic concerns, and voters; and the water issue she would say in her opinion is based on significant concerns regarding the water supply and management, specifically as many speakers spoke on tonight as well, specifically, she is concerned about the potential destruction of local ecosystems, including Mosquito Lagoon and Sykes Creek. She stated she is thinking a little inside the box, but probably more outside the box because she thinks that they all right now are sort of glued to the Comprehensive Plan and everything is within that; the reality of the world is they do not live inside that Comprehensive Plan personally as residents, they live, learn, live outside of it and the communities that they represent, and the businesses that they have; that is very important to them, and she thinks they did a fantastic job by the way; she is happy they are such good builders; but for their specific area, it is not emotional, it is just wrong. She noted she said she had three things; the water issue is one; the traffic concerns, she cannot even say anything about because everybody spoke so brilliantly about the traffic concerns tonight; the other thing is the voters; she does not know a voter, as in a local resident, who has not been against this project; they have a great County, they are blessed, and she respects the Board and thanks it for all it does; she thinks they will be well-served in the future with considering renovations, conservation efforts, teardowns with improved rebuilds, which might be a great thing for builders and other recycle strategies that would benefit the County's maintenance; and she thinks that will bring down the expense for the County because it would not have to pay for all of the growth issues that it always gets behind on it seems. She stated it is not supposed to be working like that and the County is supposed to defend the people's safety; she feels people that come into change the zoning, they come in to change the zoning, but they are not the residents and they are not

the voters, they are from Indianapolis; people vote for the Commissioners; the people are the Commissioners' constituents; when people weighs one against the other, he or she has to say who do the Commissioners care about; she thinks that about wraps it up; they love their businesses here, they love their communities, they like beautiful buildings, but not when it comes at the expense of their destination's, charm, and quality of life; in her opinion, they would be better served with renovation, conservation, teardowns with improved rebuilds, and other recycling strategies for future benefits; they love businesses here, et cetera; and for the people's sake, and the sake of the tourist industry, Mother Nature, and quality of life, the Board should vote this down.

Diana Schommer mentioned some of them are getting a little old, and she is not surprised, he used to be . . . she lives on Andrix Street, Merritt Island, and she has been there quite a while; she is also against this project; she thinks it may be kind of important that nobody has talked about this, but the whole thing that got all of this started, and it started all over the country, in this State, and with the Live Local Act; it promoted all of these high-density projects; and the County gave these developers many, many perks. She pointed out they do not have to pay impact fees, they do not have to pay sales taxes on up to \$5,000 of sales tax per unit, so they can buy all of the materials tax-free, they do not have to pay all their property taxes, and they can build these things in any zoning; this is what the State law said, and all of these people jumped in and these things are going up all over the country; they are just everywhere now; she thinks it is part of the world economic forum where they said, "Oh, you'll live in these places and you'll, you won't have anything, you won't own anything, but you'll be happy;" she is not happy to live like that; it is overcrowding, it is over dense; year's ago, Harvard did this study with rats, and they put rates in a facility, rat maze, and they fed them, but they did not add any more food and they let the rats multiply; and in the end, the rats were eating the other rats because it is too dense, it is just too dense. She continued by saying the other thing that he is very upset about is she has read there is going to be a \$200 million-dollar upgrade to their sewage, their Sykes Creek Sewage Facility, \$200 million; the developers are not going to pay for that; she is guessing the people are going to pay for that; that is a lot of money; should that upgrade not happen before they have . . . 300 units have already been approved on Merritt Island that they do not have room for; they have all of these sewage spills; they voted this tax they pay every month; it is a half-cent sales tax to go towards cleaning up the Indian River Lagoon; this money amounts to roughly \$4 million a month; meanwhile, the Lagoon is not looking any better, probably because the sewage treatment plants are not upgraded and they still have the spills; and \$4 million dollars a month is being spent, which is \$48 million a year. She stated they should be able to make an impact; she asked how the County is going to deal with all the overflows if it does not have this facility in place to handle it before these units; they are put up fast, it does not take long; the other thing that she takes issue with is they are not luxury apartments; everyone knows on Merritt Island, their housing should be made out of concrete block; if it is not made of concrete block, every time there is a hurricane, those are going to have to be evacuated, they are built out of sticks; the only thing that is concrete is the stairwell; all of those people in all of those units are always going to have to evacuate every time there is an evacuation notice; and the evacuation time is already over six hours. She went on to say another 300 units here, another 200 units there, the County is adding hours to the evacuation time; sometimes there is not that much time; these are barrier islands, this is not like interior land; they are subject to the weather here; she does not think it is right to saddle the taxpayers with all these expenses to help the developers; these are not a needy group of people; they do not need to be subsidized by her or any of them here; she realizes the Board has a difficult job and all of that; she is emotional about this one; she is emotional because she travels that road and they are going to concrete what they call the suicide lane, which is their turn lane; there are businesses on both sides; when they do that, they are going to have to make a u-turn to go places; and it is going to make more congestion. She asked the Board to please vote no.

Chair Altman stated next is Veronica Oakler, and then Michael Wilson.

Veronica Oakler explained actually, she is the attorney who is representing the community association; and since they are getting more time for the attorney, she would rather go at the end if they can do that so it does not interrupt the flow of the community members whose voices should be heard first.

Chair Altman asked if she filled out a card.

Ms. Oakler replied affirmatively.

Chair Altman asked what her name is.

Ms. Oakler responded Veronica Oakler.

Chair Altman advised he will put her at the end.

Michael Wilson stated he is Chairman of the Space Coast Patriots in Merritt Island, but more importantly, he is a Merritt Island resident; the first point he wants to make tonight is, Ms. Rezanka prepared an addendum and she sent it and he assumes all of the Commissioners got it; there is a key point of wording in Ms. Rezanka addendum; it says Brevard County may approve rezoning applications; the key word there is may; that does not mean one has to; it means one may, if the Board decides it is a good use of the property and good for the constituents; and he is going to ask the Board to vote no on the rezoning. He remarked he is going to tell the Board some of the reasons why he thinks the Board should do based on the addendum that Ms. Rezanka provided; in the addendum Ms. Rezanka said they may consider going to the Live Local Act to put in affordable housing which would increase the number of units to 337; he has taken a look at the developers website, and as far as he can read, they are not in the affordable housing business because when one is in the affordable housing business, it requires that one manage these properties for 30 years, there are annual audits; and he thinks these guys are willing to throw anything out to get the Board to do the rezoning, and he does not think that should happen. He remarked another point that he wanted to make is they hired a traffic study, Bowman Engineering, which is fine, but they were unwilling to go an extra step and do the site plan; if they wanted it so badly, they should provide a site plan and they have not because he thinks it would reveal other problems that are of quite a serious nature; but one does not know until one has the site plan; the other thing that they have said is that Hampton Manor is a high-density application but he can tell the Board, based on going by there every day, it is a low traffic output because the people who live in Hampton Manor for the most part do not go back and forth to work; these are people who are in assisted living; that is another point that they have thrown out that he does not think is a good point; they are threatening, as they did tonight, they said if they do not let them in, they are going to put a hospital in; and that is going to be really bad. He stated he does not agree; for those of the Board members, and for most of them who live in Merritt Island, most people access Cape Canaveral Hospital, whether as a patient or a visitor, one can go to the hospital anytime of the day, and he or she will see just a few cars coming and going; realize that a hospital, and the people who work at the hospital, work shifts, it is not like everybody goes to work at 8:00 and goes home at 5:00; everybody can attest that the traffic is fairly low volume even though a hospital is 24/7, so that disregards that point; as part of the traffic study that these guys have provided, they failed to mention that evacuation component and he thinks that is very important, and they should not have left that out; the other thing they did not consider was that FDOT is going to improve, so they say access on SR 528 and they are going to put a hard median in the middle; and that is going to create a lot of problems. He commented they also said that everyone, or almost everyone, will access the new complex through SR 3, yet, they provided no

proof of that; that is just what they say; that is what they believe; he asked who knows; he concluded by saying the last thing he wanted to point out is they keep saying over and over again, they do not have any apartments for these people to live in; he did a quick check today on realtor.com and they say in the Cities of Cocoa and Rockledge there are 2,024 apartments or homes for rent, so he thinks that dispels that; he expressed his appreciation to the Board for its time; and he asked the Commissioners to please vote no.

Lindsey Buckle stated even though she stands here in uniform today, she is a Florida and Brevard County resident, Florida native, born and raised; she is so happy that six years ago she got to come back and put her roots down here; she lives on 2645 Raintree Lake Circle; her kids attend Lewis Carroll Elementary, ride their bikes to and from school every day; they like to play in those woods that are behind their neighborhood development there; and they also like to play in the stormwater every single time it rains and floods their neighborhood. She continued by saying she would like to provide some pictures to the Board if she can; she does not know if someone can pull that up, but her kids, every time it rains, and some pictures she will show the Board, this is one from 2000 and this one is from 2022; what she wanted to show the Board here is she lives directly where two storm drains are; right at the end of her mailbox is a stormwater drain and across the street from there is a stormwater drain; as the Board can see, it is lightly raining; this is not a hurricane, this is a rainstorm; she would like to point out, this right here, walking across her back patio is from 2024, flooding in her house; in 2022, she has pictures here that she has emailed them paddle boarding and kayaking down the street; and all three of these events are from rainstorms, not from hurricanes, normal rainstorms. She noted she reached out of the County Commission and she asked what the stormwater maintenance plan is for this neighborhood because it is not working; across the street from them is Raintree Lake Circle, the lake is not flooding in these events; the stormwater drains are not taking care of the water like they should be; she talked to some of her neighbors that have been in the neighborhood for a long time; there are culverts that use to run all behind the houses; those are not maintained, they no longer exist; they have been filled in; they have the culverts that run all along Pioneer that are not accounting for this stormwater; and she applauds the development team here that has taken the site plan, they have listened to the community, and they tried to mitigate as many of the concerns that they can that are within their span of control. She mentioned her issue here is with County maintenance of their stormwater; that is not the responsibility of these developers; they will be responsible for taking care of the three inches of rain that the Code requires them to take care of on the site plan; the problem is, the site plan is going to include some fill dirt; it is going to include going to a retention pond, and it is going to include going out to their stormwater maintenance that connects to their neighborhood that is already not maintained; as they say, they tie into that stormwater maintenance, that flooding that she experienced on an annual and persistent basis in the six years she has lived in her house is going to continue to get worse; she has already spent tens of thousands of dollars trying to get drainage companies out to her house; and the only thing that can be done is put drainage ditches in and send it out to the street, which she just showed the Board, is already flooding. She pointed out that is not going to get the flooding out from around her house; she does not know what she can do anymore within the neighborhood, and the development that is going on around her is going to raise the dirt level, it is going to tie into their stormwater, and it is going to make the flooding of her house and her neighborhood worse; she applauds the team for listening to the community; it is not their responsibility to make sure the stormwater at the end of his street is clear for their development to occur; and that is the responsibility of the Commission. She advised she has also reached out to the Commission as an engineer herself, a program manager, and a government employee; she asked what the maintenance plan was for her area, crickets; she got emails about this is a once in a lifetime rain event, it cannot be accounted for; she told them that is funny because this has happened about five or six times now since she has lived here; she has been shown the Geographic Information System (GIS) data for what the stormwater plan is,

look at the map of where all of the drains and ditches are; she has asked repeatedly, how their stormwater system in this area is going to be maintained; she has not gotten an answer from the County; that concerns her when talking about adding hundreds of development units that are going to tie into their stormwater plan and how that is going to affect the flooding that is already occurring in her neighborhood; and she is a no on this project, not because the developer has not done their due diligence, but because the County has not done its on maintaining the stormwater system.

Barbara Giles commented she wants to address the most critical procedural point before the Board tonight, before its vote; its authority and obligation is to evaluate the infrastructure impacts at this hearing before it votes; the County's guidelines and the Comprehensive Plan is clear, it must consider the impact of a zoning change on traffic patterns, water and sewer systems, and the established character of the neighborhood before granting new development rights; these are not suggestions that it can just consider at a later date, they are mandatory factors for the Board's decision tonight; if the infrastructure cannot support the proposed intensity, the rezoning should not be approved; the Board has heard from a lot of people who say they cannot sustain another building like that, they do not have the infrastructure, it is not there, and there is already flooding; and the reason the County's rules require a preliminary evaluation is precisely so it does not approve a density that the community cannot physically handle. She explained the County cannot responsibly grant increased development rights today without first confirming that the roads and utilities have the capacity; if the capacity is not there now, it cannot approve it; the project is incompatible with the area; she believes the Board has an obligation to the public to evaluate infrastructure impacts of the proposed apartment building change right now before it votes on that change; it already started that process and concluded that this project is going to endanger the users of Pioneer Road, families, neighbors, school children and parents, so the Board is making the decision; the decision impacts thousands of people, all of the users of Pioneer Road and Courtenay Parkway; and by the way, she thinks Courtenay Parkway, being at that Pioneer and Courtenay, are going to be making some changes, it was just announced. She stated they are going to be working on it because it is so dangerous; there are many accidents right there at Pioneer and Courtenay; if infrastructure cannot support the project, the zoning change should not be approved; and the Board cannot responsibly grant more development rights today without confirming there is capacity for the development. She noted if capacity is not there, this project is incompatible with the area; the Board has heard from all of these fine people who dressed in red and came here, and came here before; it is important, it affects lives; and it is dangerous to allow this and go ahead and build when it already is on alert that there are serious traffic problems now.

Gregory McClasky mentioned he would like to address the traffic safety and talk a little bit about the developer's study that shows Courtenay is already at 88 percent of capacity; their study projects that by 2027 it will be 91 percent from the background growth alone; this one project wants to grab 25 percent of the tiny bit of space left on that road; he asked who will be responsible for the major changes required when growth exceeds the capacity within a short period after 2027; he advised he was trying to come here tonight and he was in that right turn lane; no other traffic, but Courtenay was backed up well beyond Pioneer Road; he had to wait for the light to change in order to be able to make a right turn because the capacity was not there for him to be able to make a right turn; it was that crowded on Courtenay; worse yet, the study completely ignored Pioneer, the side road which their kids and grandkids go to school, Lewis Carroll Elementary; and that emission alone should concern this Board. He noted he has seen some personal examples; he happened to leave one time and forgot and went during time that school was letting out; it took three traffic light cycles for him to get through to make that left turn; the traffic has gotten so bad that many people now are cutting through behind Starbucks and going past the assisted living to try to get onto Courtenay, to the point where Hampton Manor, which his wife's mother lives in, and they warned all the residents who may be

walking over to Starbucks or the bank to be extra careful because of the cars and additional traffic going through there; the extension of the right turn lane really is not going to do anything; and if the Board looks at the drawings that they gave it that shows the cars that are trying to make left turns and those making right turns, their exit is going to compound that because people are going to be trying to get over into the turn lane to turn left and cutting across where traffic is supposed to be flowing through on the right that they are bragging about. He stated his grandkids go to Lewis Carroll and they ride their bikes there, so he is very concerned about the safety and the issues there because they are coming over from the Glenridge Circle area; if 1,400 new car trips are added daily as their study suggests and over 500 of those use the school road, it is a massive safety risk for children walking and biking; the Comprehensive Plan's Administrative Policy 5, Criterion G, requires this Board to evaluate whether a proposed rezoning would, and he quotes, "materially and adversely impacts the safety or welfare of residents in existing residential neighborhoods;" Criteria B, C, and D also requires the Board to consider three additional criteria about Pioneer Drive regarding road quality; a, whether the physical quality of the existing system is sufficient to support the use without significant deterioration; A, whether the surrounding road system is sufficient width and construction quality to serve the use without the need of substantial public improvements; and C, whether the road system is of such a width and construction quality that the proposed use would pose a potential for material danger to public safety. He pointed out it does not qualify for that, and this only makes it that much worse; they need to be able to turn left and right now, it is very difficult to turn left during school hours particularly, but also at other times; Policy 5, Criterion E, asks whether the proposed use would result in a material and adverse change in traffic capacity that design capacities would be significantly exceeded; he, along with thousands of area residents and parents of children going to school respectfully asks the Board to deny the rezoning application because the traffic it would generate poses a clear and material danger to the safety of these children and families who depend on Pioneer Drive every day; the developer has not even studied that impact; and in addition, they elected he or she as their Commissioners, all of its constituents, to protect them from overcrowding and for this, this impact on their quality of life.

Danielle Dulude commented she wants to speak about the serious water, sewer, and utility capacity impacts of the proposed 220-unit development on Pioneer Road; Brevard County Land Development Code 62-602D3, the adopted level of service for potable water is 250 gallons per day per residential unit; for 222 units, that equals approximately 55,500 gallons of potable water demand per day; Section 62-602D2 sets the level of service for sanitary sewer at 200 gallons per day per unit, which equals approximately 44,400 gallons of sanitary sewer demanding per day; and these figures do not even include the swimming pool, the 6,500-square foot clubhouse that they were wanting to put in there, or the other amenities. She continued by saying Section 62-1151C3 of the Land Development Code expressly requires this Board to consider the impact of proposed rezoning on water and sewer system in other facilities at the meeting stage, not defer it to site plan; additionally, Chapter 13 of the Comprehensive Plan Policies 5.2 and 5.5 require preliminary concurrency evaluation during zoning review and rent verification from the utility provider that adequate capacity and water supply are available; to date, no such verification has been provided to the Board; Brevard County is already facing a massive infrastructure backlog; it was \$800 million between sewer and water infrastructure; she asked if the Board serious; she stated he or she is talking about busting the cap; Brevard County is already facing that, it should not approve additional demand that could degrade serviced to existing residents who have already paid for the current water and sewer systems; and she respectfully urges the Board to require clear, written confirmation of adequate utility capacity before any approval and to deny this application if that capacity does not exist or will not be fully-funded by the developer.

Pam Steel stated her entrance and exit is definitely on Pioneer Road; she just got through paying \$1,000 two months ago for the mildewed, molded drywall from the last two years floods in her house; what they say she has incurred as well; she is going to get her emotional stuff over first so Ms. Rezanka is happy, and then she will get to the facts; she has worked at National Aeronautical and Space Administration (NASA) for 35 years and is now retired; she lives on Merritt Island for 55 years, so she thinks she knows the place pretty well; her dad was there 20 years before her; and she knows a lot about the workforce, the number of people that were there. She went on to say she used to collect the numbers for NASA for the Kennedy Space Center (KSC) annual report; in the Shuttle Program, they had over 14,000 people at KSC working; they have half of that right now; the demographics changed as far as the types of people working out there, the demographics, the age, et cetera, the transients coming and going, construction and all; but she does not believe they have a housing need overall; they have what she thinks is opportunistic greed; they have, and it is not just the Board, she is not really against it personally or anything, but his son lives in Sarasota, it is just everywhere; every time she goes visit him, there is another one of these matchbox apartment buildings going up; and it is miserable getting around over there. She noted today when she left Pioneer Road to come here, it took her nine minutes, once she made the right turn after fighting to get in the left lane; nine minutes, three turns of the light just to get on SR 528; when she arrived in Viera, she thought of how well they planned this out; the roads are wide, they can expand, one can drive around, it is a planned community, and it is a beautiful thing; and she is happy that Viera is here and growing. She pointed out that is not Merritt Island, that is not what it has been, what it should be; when one cuts themselves, he or she does not put salt in the wound; that is what is being done; they have already approved as a County and the Port Commission, State, and all of that, all of that growth at the Port; they, on Merritt Island, are very impacted by all of the Port growth on SR 528; they cannot move around it quite a lot of times; these homes, these new apartments, in her opinion, are not going to be, if they are for the employees at the Space Center, they are going to be transient renters; the construction will eventually die off because NASA is only going to lease out so much land; and then it is going to be northern, seasonal people, not long-term residents vested. She advised they are here only part of the year, or it is going to be the County is going to be gouging Elon Musk and Jeff Bexzos for their employees to stay there; but it is a whole different island; it is not the kind of people they have now in residence, long-term vested, generational, a nice community; there is plenty of growth in Brevard County outside of that for the rest of this; aside from this, she would like to address factor two of Section 62-1151C, change in conditions; in factor two, it requires one to evaluate the change in conditions of the land use of the property being considered in the surrounding property since the establishment of the current applicable zoning classification; this is one of five mandatory decision criteria that one must consider; it focuses on the property and the surrounding property, not the regional trends; and just because it is happening in Viera does not make it right for Merritt Island. She stated the developer must demonstrate that the conditions they actually have that will actually change in a way that warrants this rezoning; the burden is on them to prove it; Administrative Policy 3C reinforces the change in conditions inquiry requires one to evaluate whether the proposed use is consistent with the emerging or existing pattern of surrounding development through an analysis of historical land use patterns, actual development over the immediately preceding three years, and development approved in the past three years but not yet constructed; this three-part test that the Comprehensive Plan requires the Board to apply, she will walk everyone through it; the developers are going to argue that the conditions have changed since the AU zoning was assigned; that regional employment has grown; she just explained it has not . . .

Chair Altman interjected by saying to finish her thoughts, five minutes, but go ahead and finish her thought.

Ms. Steel mentioned the original environment has grown and the space industry has expanded; there is demand for rental housing on Merritt Island; but the relevant inquiry under factor two is not rather Countywide or regional market change has shifted, it is what has changed in their immediate area; nothing has changed in their immediate area; it is still a residential area; and there is still a school there. She went on by saying AU1 and RU1 is the character of this corridor and has not changed; Pioneer Drive is still a local resident road; the wetlands still exist; they are still flooding; the single-family neighborhoods east of the site will still define how this community should continue; the developer's own aerial map confirms this; and she asked to let her define the three-part test. She stated historical land use pattern is overwhelmingly single-family residential; it has been for decades; she can attest to it for 55 years; actual development in the preceding three years, which includes Hampton Manor, but as someone has already pointed out, that population is of an elder sector; they live in assisted facility, assisted living; they do not mostly drive, so they are not going to impact them on Pioneer Road; there is a 22-unit mobile home community that has been approved; but it has not been built yet; it is pretty insignificant, nothing that compares to this; and the developer's own traffic study shows Courtenay is already at 88 percent. She pointed out Merritt Island requires travel to Lewis Carroll Elementary; the Board has already heard all about that; the change in the conditions is increased congestion; that is all that has changed, and this project does nothing to help that, it only adds to it; the exceptions do not create a trend; just because some have been built, that does not mean one should build more; the others have been substantially smaller, built under different conditions, and none of them involve the kind of market rate, luxury rental intensity being proposed here; these are going to be tourists; they are going to be people renting them out or construction workers at the Space Center; and they are not going to be long-term residents of Merritt Island.

Dean Orr remarked she has lived in Sykes Cove for 25 years, raised his kids there, and it is a wonderful community, he loves it there; tonight he is going to talk about density of developments; the maximum density is a ceiling, not an entitlement; the developer and staff may suggest that because the Future Land Use (FLU) designations of neighborhood, commercial, and residential 15 technically allow up to 15 units per acre that the Board is required to approve the project at or near that density, that is not correct; Policy 1.1 of the FLU development expressly states that approved densities may be lower than the maximum allowed by a residential land use designation; therefore, the Board has discretion to approve densities below the Florida land use maximum; maximum density is a ceiling, not a floor, and it is certainly not an entitlement for developers; and Policy 1.1 identifies six specific reasons the Board can approve at a lower density or not at all. He stated environmental constraints, land use compatibility under Administrative Policy 3, unavailability or inadequacy of public facilities and services, including education facilities, a lot of which has been mentioned already; the character of the general area should be considered hurricane evacuation and other policies such as the MIRA plan; a lot of different factors must be considered other than just the maximum on the Florida land use agreement; neighborhood commercial and residential usage areas must be compatible under Policy 210, residential development in a neighborhood commercial designated area is only permissible, and he quotes, "provided the scale and intensity of residential and mixed use development", is not compatible with abutting residential development or is compatible; but the problem here is it is not compatible with the local residential development, the density is the problem here. He went on to say they just want to make sure the Board realize it does not have to approve the maximum density that is on a map; it can approve lower or none at all; this is a lot of technical stuff, but he kind of wants to step back and talk big picture now a little bit; he has lived in the Merritt Island area for 25 years; the congestion has gotten more and more dense over the years especially on Courtenay Parkway there; if the Board thinks about that intersection of SR 528 and Courtenay is like a crunch point for the whole Space Coast; and at rush hour, the whole Space Coast is coming to try to get through that area, so they are super densely populated during rush hour. He noted that place is

packed, and to put high density apartments right in the middle of all of that is just trouble on all fronts as has been stated here today; the Board is here to protect the community and not developers profits here; he implored the Board to vote no on this and think about the homeowners like him that have been here for 25 years; he stated they love their community; and they do not want it ruined with a big development.

Rebecca Houser advised she lives in Sykes Cove Association; she is on the board of directors; she has been on the board for five years; she has three kids currently at Lewis Carroll school; she wanted to show some pictures of what Pioneer looks like during pick up hours; she knows nobody has brought that up yet; and if she can show these, it would be great. She continued by saying this is what Pioneer looks like; the whole side on Pioneer is completely full; they are supposed to be pulling over on the right hand side, but no cars pull over; as the Board can see, there are cars passing the entire right side to go past the school pick up line, and there is a car going forward, so there are a lot of kids that are coming out of the school; and she is going to show the Board a picture of how close these kids are. She pointed out in the same picture right here is where the kids get to go; back here are where the kids are; they are crossing across the street while cars are driving around the cars parked on Pioneer and going back and forth; Lewis Carroll also has a crossing guard at that intersection; they do not have a crossing guard at North Courtenay and Pioneer Road because it was determined to be too dangerous for a crossing guard to be there; she wanted to bring that up that Pioneer and Courtenay is a scary intersection as it is; she loves that they would be able to make the right hand lane longer, but the left side is the problem; one is going straight and left at the same time; she always kinds of wait before she is going left, hold her breath to make sure the cars are not going to keep going before she actually turns, so she wanted to note that; and she inquired if she can ask a question.

Chair Altman replied sure.

Ms. Hauser stated she wanted to ask the question about the Live Local Act; and she asked if it does not apply to AU land.

Billy Prasad, Planning and Development Director, explained that is generally correct that agricultural use in Brevard County is a residential use; and the Live Local Act applies to commercial and industrial land uses.

Ms. Hauser stated currently that a lot is AU, as well as those commercial buildings; the only reason why the commercial buildings were allowed was because they got the Conditional Use Permit (CUP); she wanted to point that out that even if they said that they could do the Live Local Act, make the apartments bigger, that does not apply to the current zoning right now; if the Board approves 222 units at this location and at this intensity, the County is establishing a precedent for this immediate area; it is signaling that the single-family residential character of this community can be overridden by any developer who points to a Future Land Use Map (FLUM) designation and demands maximum density regardless of compatibility, character, or infrastructure; and she is requesting that the Board please deny this based on what everybody else is saying and then also what she just mentioned.

Heike Jahnert stated she wants to address the wetlands and the environmental constraints on this property; number one, wetlands confirmed on the property; the MIRA staff report and the final wetlands delineation both acknowledge that this property contains wetlands over two acres that must be preserved; the staff report itself states that a portion of the property containing wetlands is required to be preserved; number two, Conservation Element Objective 5, no net loss; Objective 5 of the conservation element establishes the overarching standard; it directs the County to preserve, protect, restore, and replace wetlands to achieve no net loss for

functional wetlands in Brevard County; it requires that protective activities to be prioritized in this order; and number one, avoidance of impacts, and number two, minimization of impacts. She went on by saying number three, mitigation of impacts as the very last resort; this is binding County Policy, not a suggestion; number three, Policy 52E1, density within wetlands limited to one unit per five acres; Conservation Element Policy 52E1 states that residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres, net acres; this dramatically constrains the developable area of this parcel; number four Policy 52E4a NC designation with wetlands; there is an additional constraint that is critical; Policy 52E4 provides that institutional or residential professional land developments on property which contains wetlands and which are designed on the FLUM as neighborhood commercial or community commercial shall be considered commercial as set forth in Policy 52E3; and she asked what Policy 52E3 says. She stated it prohibits commercial and industrial land development activities in wetlands based on the FLU designation, not the proposed or actual intended use; this means the wetland constraints on this property are even more restrictive than the developer may have represented; certain types of residential development on this NC designated parcel with wetlands are treated as commercial and commercial development in wetlands are prohibited; number five, effective density increases on uplands; if the developer must avoid all wetlands, which the conservation element requires as the first priority, then the effective density on the remaining upland portion increases substantially; and this raises serious concerns about building height, building mass, and intensity on a reduced footprint. She commented this raises compatibility issues because the buildings will be more concentrated, more imposing, and more impactful on the surrounding single-family neighborhood; number six, the last one, the site plan places buildings on wetlands; the developer's own density study and conceptual site plan shows building footprints that extend directly into wetland areas as identified on the wetlands delineation; the only stormwater feature shown is the single area labeled SW1 at just 0.14 acres; this alone demonstrates that the developer has not taken the conservation elements requirements seriously and it calls into question whether 222 units can be feasible constructed while complying with all applicable wetland protections; the developer bears the burden of demonstrating feasibility; that burden has not been met; and she urged the Board to scrutinize whether this project can actually meet the conservation element requirements and to deny this application if it cannot.

Chelsey True remarked she lives in the neighboring single-family residential neighborhood to the north of this property; she has spoken several times in opposition to this application; there is still far more that could be said, but tonight she wants to focus on key issues that remain unresolved; Section 62-1151 of the Land Development Code requires the Board to consider five mandatory factors before granting a rezoning; the Comprehensive Plan's Administrative Policies impose additional binding criteria covering compatibility, neighborhood character, transportation impacts, environmental constraints, and consistency with the element of the plan; the burden of proof rests on the applicant, not on the community; and the applicant has stated time and time again that the infrastructure is a site plan issue. She stated Section 62-1151 and Section 62-602, and Administrative Policies 3 through 6 contradict this statement; the County is required to evaluate these impacts at the rezoning phase; Administrative Policy 5 requires the County to evaluate whether this materially and adversely impacts the safety of residents in the neighborhood and the staff analysis stated it does; additionally, the surrounding area remains the same as when the AU zoning was assigned; it is a single-family residential; and the three-part development pattern analysis under Administrative Policy 3 does not support this intensity. She went on to say the one condition that has changed is the increasing congestion on Courtenay and that argues against this project, not in favor for it; a housing shortage does not automatically make a project a good one; they can acknowledge that there is a housing issue and still expect thoughtful planning; they need housing, it should not be a blanket justification to build anywhere at any scale without considering the long-term impacts on local roads, schools, or the environment; she also wants to address the worst hypothetical

scenario, the hospital; the market for the healthcare landscape has significantly changed dramatically since 1983; a new hospital is slated to open within approximately four miles of this site in 2027; and there is no market demand, and quite frankly, not probably, not enough staff to employ two hospital on Merritt Island. She mentioned her last point she has to make is about Administrative Policy 3, which is compatibility because this site and the existing or proposed land use in this area; this requires evaluation of impacts to the enjoyment, safety, and quality of life in the existing neighborhoods and to property values; with this criteria, this project plainly fails; the character of these neighborhoods that about this property are single-family residential with nothing remotely comparable to a 222-unit, three-story apartment complex with 389 parking spaces within two miles; taken together, every mandatory review factor under the Land Development Code and every relevant Administrative Policy of the Comprehensive Plan weighs against this rezoning at this intensity; and the developer has not proved that 222 apartment units are compatible with this community, that infrastructure can support the demand, or that public health, safety, and welfare will be protected. She asked the Board to look into the crowd tonight and see the faces of everyone this affects; these faces are just some of the people behind the overwhelming dissent it has heard for six months about this project; these neighbors of mine have provided real live testimony and impact; the impacts are substantial enough to require ongoing revisions and mitigation discussions; these are not concerns fabricated by the residents there; there is nothing spurious as described by Ms. Rezanka in regards to their statements; they are not misinterpreting Section 62-602, and they are not asking the Board to ignore the Code; and they are asking the Board to enforce it, including the parts the applicant would prefer to minimize. She stated after six months multiple continuances, evolving access plans, shifting density discussions, and ongoing mitigation revisions, the core issue with this project remains unresolved; as the Board can see, there are a lot of people here in opposition; but she also wants to mention the voices that are not; there is a petition that has been going around that has over 3,000 signatures against this proposal; and she asked on behalf of the entire community who will live with the consequences of this decision long after tonight, she respectfully asks the Board to deny this application.

Brandon Shannon stated he lived in Brevard County for the last six years and on Merritt Island only for past six months; clearly, he was not born and raised here, but he is standing here before the Board because of the community and the people in it; time and time again, this community has shown commitment to responsible development and preserving what makes this place special; and that commitment is what brought him and his family here into the fold in the first place. He continued by saying that mentality and commitment to the community is why his family and he calls this place home; this is his community and these are his neighbors and peers; he loves living here; the friendly faces he sees at the store, the simple kindness between neighbors, the gorgeous weather, and the low-key way of life; and that is what makes Merritt Island and their community great. He commented that is what makes Merritt Island and their community great; it is their responsibility, as residents, to make their voices heard; it is the Board's primary responsibility to act in the vest interest of the people it serves; that means listening to them and rejecting this proposal to rezone the parcel; the proposal to rezone the parcel from agriculture residential to medium density multiple-family residential with the intended use as a dense pack, apartment complex is irresponsible, largely irreversible, and risks setting a damning presence; according to the traffic study by Bowman Consulting Group, this project would generate 1,379 daily trips in and out; that is 1,379 additional turns across traffic or u-turns; that is 1,379 more opportunities for crashes; that is 1,379 more vehicles feeding into the SR 528 interchange; none of that is in the best interest of the residents who live here; the same traffic study also claimed the current agricultural residential zoning could generate up to 5,500 daily trips attributed to the proposed FLU for a hospital; and he asked if a hospital will ever be put in this place. He stated Cape Canaveral Hospital which is down the road is roughly the same size as this plot; the replacement Rockledge Hospital will be about double the size; it would be a stretch to make a business case to build a hospital at this specific

location; even if it were, it would at least would provide long term, quality jobs for hundreds of people for decades into the future; this apartment complex simply will not; attachment three of the study also lists the traffic impacts for other potential uses of this land, 36 daily trips for single-family homes, nine for a park, 341 for a plant nursery, 42 for a golf course, and if he may, zero if they just leave the land alone; he also wants to acknowledge the need for affordable housing is very real in the community; and this proposal does nothing to create affordable living for people who live here and work here without clear, enforceable affordability commitments. He went on to say it would simply add more expensive, market level, market rate apartments, not the attainable homes that this community and people that they want to move into this community desperately needs; he wants to be clear, he is not against growth; his family is here because thoughtful growth made this a great place to live and it is what brought them here; what he is asking for is growth in the right place, at the right scale, and for the right reasons; zoning is a promise to current residents and to the future buyers about what they can reasonably expect next door to them; if this promise is broken here, one does not change one parcel, one weakens the trust that keeps people engaged and supportive of their mission; and individual choices add up to a big change none of them intended. He stated if there is any doubt, err on the side of protection, they can always consider a better proposal later; they cannot unbuild a project that does not fit; today the Board has an opportunity to show that local voices matter more than distant interests to show that stewardship outranks short-term gain and to show that its duty to the public interest guides it when he counts; this proposal is being brought forward by an outside interests; approving the rezoning of this parcel from agriculture to medium density multiple-family residents would not reflect the County's core responsibility to the people of this community; it would mean ignoring the voices of the people who elected he or she in favor of those who do not live here; he asked the Board to listen to its constituents and reject the rezoning; he stated he acknowledges that the Board is listening to them and acknowledges the effort it puts forward; it was clearly a lot of work and expensive; he reiterated that this is their community, not the Commission; and this is not Viera, this is Merritt Island.

Theresa Clifton commented she owns a house on Raintree Lake Circle; she bought it in October of 1998, so her heart goes out to the young lady; she probably lives on the back side of the neighborhood, because when it rains, the water flows down towards the river and that is why that happens; she is not going to add comments for everything that has already been said because she does not want to waste the Board's time, she is tired; she has other stuff to do as well; what kept her here is she had an interesting conversation with people from FDOT; her conversation had more to do with this project that they are going to do for North Courtenay Parkway safety improvements that will literally, to her, cause more traffic jams than save more lives; but that is not here or there for today. He stated the interesting part was they are not aware of that development coming in, it was not part of their study to try to fix Courtenay Parkway; she heard remnants of there is about 40 acres on the other side of Pioneer that well, they are looking at seeing what happens here to see if they can do that with theirs; Pioneer is already under stress and when they do what they are going to do with the concrete barriers, she is not really big on what she calls suicide lanes because that gets scary on Courtenay, but it is creating a really bad situation and it is only going to get worse, and the County does not want to stop the development; she gets that, she does have concerns about the environment; and she does not think the contractor can concrete in around one acre and whatever creature is living there in that wild area in the wetlands is going to survive it because she has seen it and it just does not happen. She pointed out they might as well go ahead and just mow it all down because whatever is there is going to one day come out and get mashed in the road and then it will not be in there; that is pretty much what she had to say; she just wanted to make sure the Board is aware of the two people she spoke with last thursday from FDOT who came over from Sanford who are in charge of this project were not aware that they have all these other building things happening; and they were not taken in account with any of the traffic study or whatever that was.

Joseph Severson stated he is an engineer on Merritt Island, so he applauds those who came up and gave their credentials, that is great; however, his background is in the U.S. Army as a veteran and currently as a safety engineer with a background in environmental studies and environmental scientist; his career, both in uniform and outside of uniform, working as an engineer now, has been built on identifying hazards, evaluating risk pathways, and protecting people from preventable harm, which by looking at this zoning question here, that is what they are doing; they are trying to protect people from preventable harm by coming here and speaking against this effort; from that perspective, the proposed development at North Courtenay Parkway and Pioneer Road presents multiple, high severity risks that cannot be responsibly mitigated; and so far from the planning that he has seen, have not been responsibly mitigated. He went on to say several of these risks directly conflict with the current Florida law; he wants to begin with the most immediate and unacceptable risk, which is the school zone safety; he knows a lot of folks that have been here, including a couple of veterans that have already spoken on that tonight, so he will not hash over a lot of their things that they have already covered, but Pioneer Road is the primary access for Lewis Carroll Elementary; during drop off and pick up, the corridor already experiences congestion, unpredictable traffic behavior, limited visibility, including introducing a high-density residential complex to that flow will increase the number of conflict points between vehicles and children, which in his understanding is the worst case scenario, they are looking at here, overarching all of the other discussions that they have had this evening so far; and he will get to that at the end of his discussion. He stated under Florida Statute at 163.3176, Section 6A, local governments must ensure that land use decisions protect public safety and maintain safe transportation conditions; looking at all of the things that have been discussed here this evening, that is not what is happening, especially if this gets approved; this project knowingly elevates probability of vehicle and pedestrian incidents as an area where consequences are severe and irreversible; they are talking about the lives of children; once again, he will get to that at the end here; second, not as serious at the first issue that he was bringing up is the flooding and stormwater risks are substantial and well-documented, not to mention that there have been lived experiences here this evening that have documented that and have showed that to both the Board and the other members of the development team here; elevating a new development and adding large areas of impervious surface will alter the drainage patterns and push water onto adjacent properties, unless engineered with extraordinary precision; and looking at the plan that was proposed, that does not seem to be happening. He noted there was not a lot of planning and a lot of proposition that went into the stormwater area there, so that is going to create a significant issue, and any engineer worth their salt knows that the more concrete that one adds to an area that is currently not developed, it is going to create water issues; looking at that alone, and from a layman's perspective, knows that it is going to create an issue; he wants to make the point that under Florida Law, the burden of proof is on the developer, not the public, to discriminate, to demonstrate reasonable assurance that this project will not increase flooding, degrade water quality, or create off-site impacts; and once again, looking at the plan that was proposed, that is not being addressed and is not creating reasonable assurance in his eyes and of those that are already here for the meeting as well. He mentioned the community does not have to prove that this project will harm them, the applicant, meaning the developers, must prove no harm, and in that case, it is not happening; it would be negligence in order to approve this rezoning; he was not emotional when he started out with this process but the individual came up and spoke to the emotionalist, and almost insulted all the folks in this room, it kind of set him off a little bit, so he apologizes for that; Section 303D of the Clean Water Act in Florida Statute at 403.067 governs Basin Management Action Plans (BMAPs), so that is an environmental science term; basically, they already have a BMAP for this area; they already have the BMAP covering the damage to the Indian River Lagoon that is already occurring, most of which is occurring due to a lot of the facilities and stormwater drainage that is already present; and they are looking at adding more concrete, which is going to exacerbate that situation even further, not to mention the amount of pollutants that are going to come off of these parking lots, not to mention all of the pollutants

that are going to come out of the folks that are living in these high-density housing areas. He advised it is going to add more pollution to an already struggling BMAP, and it is going to cost them, the taxpayers, more money to try to fix those issues; the Board is basically shooting itself in the foot by approving something like this; it is going to cost it more money in the future; lastly, he wanted to say that as a safety engineer, he evaluates risk for a living; looking at this rezoning effort, they are looking at a risk where the severity is very high; the worst case scenario of a vehicle impacting a child is the highest case and worst severity they are looking at; it is already got a high likelihood that will occur based on the traffic patterns and admittedly the traffic patterns that most folks here have admitted; and then the failure of the analysis that was conducted by the other engineering group here and the mitigations are either non-existent or insufficient to prevent that from happening. He concluded by saying all in all, he wants to say that in the event that worst case scenario does happen and that there is a death of a child in that area because of the school's proximity to this proposed high-density living area, that blood is going to be on the hands of the individuals who approve this, not on the hands of the developers because they do not care, they do not live here; it is obvious his vote is no; and he hopes that the Board sees that as well.

Kimberly Jarvis commented do not mind her, she has a torn hand sprain; she is a Merritt Island resident, a member of the Space Coast Chapter of the National Audubon Society, and a volunteer with Audubon's Eagle Watch Program; there is an active Bald Eagle's nest just southeast of that property; she provided the Board with a document showing Courtenay is right there, there is the nest, the property is right over here; and she pointed out the 660-foot buffer for the nest crosses the southeast corner of the property. She stated to put into perspective so that most everybody here can understand, 660-feet is two football fields and two first downs; she is sure everybody can relate to that; that gives one perspective; Bald Eagles have exceptional eyesight; they can see rabbit-sized prey in the grass three miles away; their hearing is the equivalent to that of an adult human being; this development will have a very negative impact; and she will show the Board some pictures of the nest. She stated she took this picture in January of this little critter; she took this picture in early March; he fled two days after she took that picture; he could not wait for her to get back there; there are also owls on that property; there are Barred Owls; this is a fledgling Barred Owl; somebody who lives in Villa De Palmas sent her that picture; she went out there one rainy Tuesday night before the Planning and Zoning board meeting in March, and she recorded the owls calling; she also heard Black Belly Whistling Ducks; and at the end of the Space Coast Partnership preseason meeting in April, she spoke with one of the men from the Florida Wildlife Commission (FWC) and he said an environmental impact study is required to be done and developers have a bad habit of skipping that part. She noted if the rezoning is approved, she will be on the phone with the FWC first thing tomorrow morning to make sure an environmental impact study is done; there are more Eaglets in that nest; there are at least one more Eaglet in the nest; she has seen the female laying in the nest, and has seen her sitting up on a branch above it being very watchful; there are only two times when Eagles lay in the nest; one is when they are incubating eggs and the other is when they are brooding, brooding Eaglets; since the adults are not there all of the time, there are Eaglets in that nest, which means they are hopefully going to have another fledge; the nest is not only considered active, it is considered successful; she will be ensuring that her Eaglets are protected; she loves her Eagles; and she calls it her nest, and says she owns the nest and rents it to the Eagles.

Lynn Knight remarked she has lived in Merritt Island for 46 years, her husband was the head man, head engineer at the Air Force station, and he passed away at 49; they moved here because this was the dream of his life; he never wanted to go anyplace but the Space Center; when they came here, she believes if she is not wrong, but she thinks they had 30,000 people here in Merritt Island in 1980; she knows Chair Altman was a child and they introduced him to this stuff; her reason for speaking today is because there is so much about the Planning and

Zoning board; but Brevard County is like a back wood politics, it is like the oldest of the oldest of the oldest; and it is behind in everything, which is really sad because when it comes around, the residents are the ones that are suffering. She expressed her appreciation to Commissioner Goodson of being sick but still listening to this from all of the people, because they are very concerned; she stated she went to the FDOT yesterday and spoke with a woman that was very involved and had been doing this for many years; she was out of Deland, which is the District of Deland where she is from; that is where they go for their transportation; she told her that at that time they had 27,500 cars, on Courtenay up to 34,000, and it was 30,750 south of Courtenay past SR 520; and they have more than anybody ever knows out there that is traveling up and down their waterways, river ways, and streets. She continued by saying a gentleman said if this was approved, that would be 1,329 trips per day for the amount of people that they had; it can be more than doubled at 26,058 because the property directly across, not addressed at the present time, is what is coming up next; they are going to have many more apartments right across the street; her child went to Lewis Carroll Elementary and graduated, it is a fabulous school; they have so many schools and churches off of Courtenay; they have so many businesses that they welcome; but she is just telling the Board that when there is even like a hotel, when it comes to evacuation, she has been through evacuation three times, and it is not funny; and that was back when there were 30,000 people. She noted she paid \$115,000 for her house back in 1980; she went to a Commission meeting and was so dissatisfied with what happened that she joined the committee to save Sykes Creek; this is not any better than it was back in 1980; it is nothing against the Planning and Zoning people that work it, it is the information given to them; that is what is happening in Merritt Island, because just like out of the Space Center, when they bring in the third Star Ship, she wonders if any of the Commissioners know that the velocity, or whatever it is called from the noise from the Shuttle, it is going to be 10 times more than it is now with a Space Shuttle; and all of them are going to have to have their windows replaced. She reiterated she paid \$115,000 for her house, and it is now worth \$1,000,000; it is sad because they have property that is on the street, right down the street at Lewis Carroll, which is very marshy and watery; they have on their street, Topaz, they were talking about traffic, and on their street it is horrendous; the cars are doubled up to wait for their children to get out of there; that street was originally manufactured because of Lewis Carroll Elementary; she has the numbers for all of these different places that she has gotten together, but there is so many things that she could say that she is not going to bore the Board because she knows he or she has to go to bed, too; the sewage she dealt with back in 1980 she worked for seven years, raised the money, and she went out there and the *Florida TODAY* newspaper called her an irate idiot; and she told him to let her bring her information to them and they will see how many irate idiots are out there. She stated they sued the County, got rid of all of the Commissioners, which the Board knows had done their share, but they raised the money to get a million and a half sewage treatment plant; they have people now that are going to be dumping into the river that have just been approved; they are huge corporations; it is just tragic; they just do not need anymore; and it is too overfilled right now.

Tracy King advised she agrees with everything that was said here; she is going to save everybody the time; and she asked the Board to deny this.

Chair Altman stated that Tracy King is going to waive her time, but she is against the project.

Veronica Oakler, representative of Sykes Cover Community Association, asked before her time starts if it is 30 minutes, and does she also get surrebuttal here.

Chair Altman replied affirmatively.

Ms. Oakler stated she just wanted to be clear, every County is different, so she always double checks every single time; this entire community has come out in droves; many people are still

working and could not physically be here, but there are over 3,000 signatures; that is something quite significant that she thought she should point out; she also wanted to acknowledge and recognize everyone who has spoken here today; they have kind of stolen her thunder; and they have covered a lot here today. She went on to say she wanted to give the Board a little bit of background about herself; she is an environmentalist and a land use and real estate attorney; she has worked in both the real estate development side, as well as standing up against real estate development at times; she has worked in state government for the FDOT, in the Governor's office in their environmental land use area, and she has kind of seen all sides of this coin; she understands being in the government, one has to find a balance; it is a balancing act between all of these different interests, and that is a very difficult burden that one has to carry; she wanted to acknowledge that; and she knows everyone here acknowledges that as well even if they all have disagreements as to how to best do the job. She pointed out the development team has made efforts; they have made efforts based on some public feedback and some efforts were based on things that they simply just did not know because they are not from this community, they are not local; a lot of work that comes into this is based off of boots on the ground, knowing what is going on; it is not simply doing a desk review; she is very familiar with desk reviews, as she is an attorney; she is at her desk most of the time; it is kind of the downside so to speak; she does not get the exercise she would like to get, but it is part of the work; and the desk review is only one phase of the work. She advised getting out into the community is a very important phase, and as a land use attorney, this is something she often tries to recommend to developers, talk to her before they purchase the property, and talk to her before they start doing their market research analysis; they have experts that help one analyze whether this is a good business decision, whether this is the right property and the right project at the right time in the right location; and there is a lot of right when it comes to this because they have heard from realtors location, location, location. She went on by saying what it comes down to is if an individual or a company wants to do some kind of a development, they have to consider not just the local laws but the impacts to the individuals in that area, and he believes that they did make quite a bit of effort when it comes to that; but there are a number of factors that were originally not really considered that their community had to raise to their attention, or bring to their attention, and that was really important; she thinks that is what they had this public comment process; in particular, she wanted to talk a little bit more about stormwater, drainage, and surface water impacts, but she did not want to waste the Board's time; and she just wanted to drive home some of these points because they had a fantastic environmental engineer who came out earlier, and actually answered and stated a lot of things that she really wanted to point out. She mentioned in her experience as an environmental real estate and land use attorney, in her experience working for FDOT that has a lot of imperious surface, she had to deal with a number of environmental impact statements, environmental analysis, stormwater drainage capacity analyses, and she looked at it from not just an environmental perspective, thankfully, her background included an ecology degree from the University of Florida (UF); she understands the engineering and the science that goes behind it, not just the boring reading of the law, just the words; she can actually read these maps as well; that is something that is very difficult for the average person to do sometimes when they are not involved in this on the day in and day out; that is something they often recommend when they are speaking with developers as land use attorneys; they tell them to let them help with their site plan before they start trying to do their rezoning, before making offers to a property owner, to see if this is even feasible for them; she argues that this project is not feasible in this location; she thinks it is a great idea to build multifamily residential in the right place because they do have needs for housing in the right place; that is simply just not the case here; in particular, with regard to this property, it is currently vegetated with a mature tree canopy and a natural ground cover; it provides infiltration into the groundwater; right now, it absorbs water that lands on the surface of this property, and once it is built up, that no longer applies; and that water washes away. She stated this property currently also conveys pre-existing, historical, and natural flows; that is actually a legal term, so she will not bore the

Board with the details; it just essentially allows for water that is on the surface to flow, sheet flow, or whatever it is through an actual river or creek; that is surface water movement; that surface water movement goes straight through this property; and that is going to have to be diverted and accounted for. She explained that ends up in public stormwater facilities, not private; in addition to that, this property sits within the Federal Emergency Management Agency (FEMA) flood zone X; as everyone has seen, many of the community members have provided actual evidence, not just words, not just emotional experiences; they have provided evidence, even though they do not have the burden to prove anything, the burden is on the developer here; they have shown that this area already floods through standard rainstorm events, not through heavy hurricane rain events, and that is something important to consider here; as already explained, this property is going to be elevated; they are in Florida; a difference of half of an inch determines whether a property gets flooded; she had to deal with a number of properties representing property owners all throughout, Central Florida especially, but all throughout the State regarding their neighbor suddenly developing their property and they are getting flooded; and the property owner who did not do any of the changes, now that person is stuck holding the bag, so he wanted to prevent that and that is actually something she tends to offer a lot of times as a land use attorney. She stated she tried to help with those site plans before a property or before a client even purchases the property or considers purchasing the property because this may not be the right property for that, so that is another thing to consider; this area is already prone to shallow flooding, sheet flow, and ponding, and they want to build 222 units; that is eight buildings; it includes parking areas and infrastructure; they also have drive aisles; and it is not just parking. She went on to say they have to drive through the property, that is all paved as well, so this increases the amount of impervious and impermeable surface areas; a pool is also not pervious; a clubhouse that is being proposed is also not pervious; all the related amenities, also not pervious, so this is what they start running into a lot of problems; the conversation increases runoff volume and peak discharge rates; it disrupts existing historical flow paths; it reduces the site current capacity to store flood waters, and then on top of that, there are two acres of wetlands per the wetland delineation; that is what it states; it was not required to be done yet, so they said; it is per the Comprehensive Plan when considering the five factors; and she is happy to have a follow-up of questions, and she is happy to go into that as well. She advised what is particularly concerning here is usually during the rezoning phase, as she has seen in her experience, rezoning, usually when a site plan is produced, it is required to understand what the proposed use is going to be, especially when it is a significant up-zoning; they are going from AU to RU-2-30; that is a huge jump; that is not a minor jump to match what is already existing abutting the property; that is a significant jump trying to keep up with what is going on in a different portion of the Island, a different portion within the County; it is simply not within this specific area; and this is going to require a higher level of scrutiny. She pointed out that includes looking at all of the factors within the Comprehensive Plan that this Board has the authority to review, including requiring a review of wetland delineation and potential impacts to wetlands, to stormwater, to surface flows, and flooding; now, the developers team, they did mention, a 100-foot buffer that was not originally part of the plan; they did it because this community stood up and spoke up for themselves and said they did not want this being built right on top of their houses, and a 100-foot buffer was offered; however, that 100-foot buffer, she assumes, is where the stormwater is going to go; they do not know as the site plan does not say; it does not show anything about where that stormwater will go, how it is going to be managed; she is going to get a little bit legal, a little bit lawyerly, and reference the Land Development Code, the stormwater management criteria, Chapter 62, and it is a bit long, they have to drill down a bit; it is Chapter 62, Article 10, Division 6, Exhibit A, Section 1.1; and this section specifically mandates two things that are applicable here on this project. She stated one is that no site alteration shall adversely affect the existing surface water flow pattern, and two, that post-development runoff shall not be greater than pre-development runoff; these are all things that must be considered as part of the application; she will touch on what the difference is between rezoning stage versus site planning stage and

permitting stage; they are two different things; but one does not prohibit the other from being considered; site planning work is more specific and more detailed, but there still must be a preliminary information provided during the rezoning stage; and there has not been enough preliminary information provided to even make that decision in order to match all of the requirements of those five factors. She mentioned she could drill down into those a little bit without getting too into the weeds; these are technical matters, not just for the later site plan and permitting approval stages, which she also wants to remind everyone, the reason they have these public hearings is because once they get to a site plan and once they get to permits, they are rarely put in the spotlight; these are not held with public hearings; some site plans require public hearings; this one would not; and she asked how on Earth can they be held accountable once it is out of the Sunshine, once it is back in the dark of just being one-on-one dealing with one individual who is making decisions, and the public has no idea what is going on; and as a Board, it would not know what is going on either. She noted the surface water element of the Comprehensive Plan, Policy 3.1, requires retention of runoff with no increase in discharge for the 25-year, 24-hour storm; just rattling off some stuff so the Board will have it on the record; Policy 4.5 prohibits impacts to adjacent properties and receiving waters and flood prone areas; Objective 4 requires maintaining natural drainage features and flood storage; the conservation element of the Comprehensive Plan, Policy 4.2, requires no net change in the floodwater rate and volume across the storm events; it encourages minimizing impervious and preserving flood storage; Policy 5.5 directs incorporation of wetlands into water management systems, so this is where she wanted to pause for a moment; and again, they have no stormwater management plan provided, and they have no idea what this project is going to entail. She stated they understand there are over two acres of wetlands, and the site plan already intends to build on top of portions of those wetlands without any reference to what the mitigation will entail; there is no compensation area for a pre-existing flood zone, which must be calculated; she will not get too technical into that, she will leave that for later, and then the stormwater ponds; and all of that must be accounted for within the Conservation Element Policy. She continued by saying more importantly, Administrative Policy 7 of the Comprehensive Plan prohibits uses that cause or substantially aggravate any substantial drainage problem on surrounding properties; the Board has already heard about all of the flooding here; she is not saying this developer is causing it; even if they did everything perfectly, they are still contributing to it; the reason they are contributing is because there is already a problem here, and they have to take into account the existing conditions of this specific area; and this all brings her back to what the five factors are, and she will rattle them off just as a reminder. She explained what this applies to is part of Factor 5 in the County's Land Development Code for 62-1151C, the five factors as to whether or not a rezoning can be approved; it is the consideration of the public health, safety, and welfare; that is the rezoning stage; that is not a permitting stage, that is not a site plan stage, that is now in the here and now, there are just way to many questions; as a quick recap regarding what those five requirements, or five factors are, she will refer them to the Board in a moment; five factors that the Board must consider, and this means that the developer her, the applicant, has to prove all of these items to the Board today, or should she say tonight; first is the character of the surrounding land uses; they have heard quite a bit about the character of all Brevard County, not the character of what is happening south of SR 528, not the character of what is happening in Viera, the Character of what is happening right here in the immediate vicinity, just south of SR 528 in the Sykes Cove community and slightly beyond right there at Courtenay and Pioneer; second is the changes in conditions since the current zoning was assigned; and the current zoning is NC, not RES 15, that is a potential FLU designation. She stated they want to remind the Board that because a potential FLU designation of RES 15 in the 1980s was very different than what they are experiencing today; not all that, that also takes into account that other laws have come into effect since then; just today, there was an approval for a rezoning to RU 15 and RU 30; that needs to be taken into consideration; there are cumulative effects that occur whenever there are changes occurring on this Island; but the changes to this

neighborhood have not occurred; this is continuing to be a low density, residential neighborhood of single-family homes, not multifamily, and that is a distinction that she thinks the development team needs to recognize; they are not comparing residential to commercial; they are not comparing residential to industrial; but it is residential to residential. She advised those are still two different uses; the fourth factor is impacts of traffic, water, sewer, and other public facilities; the Board has heard this, so she will not belabor it; the fourth, is compatibility with the adopted land use plans, that is a Comprehensive Plan; the Comprehensive Plan is what is supposed to be considered as one of the five factors referenced in the Land Development Code; they consider everything that is in the Comprehensive Plan here and now tonight; they do not wait until some other point in time in the future when the developer finally gets around to coming up with a stormwater plan; they do not wait until the developer finally comes up with a plan to maybe mitigate for wetlands; they do not come up with a plan later on how this is going to impact their sewer, their water, their impact to their school; and it is not just that, it is traffic as well, and this is a dangerous intersection, which has already been documented. She commented the fifth factor is the appropriateness of rezoning for public health, safety, and welfare, and that is already been discussed here extensively as well; when it comes down to recognizing as well that the burden of proof is on the applicant, the developer, and the Board has heard that as well; she just wanted to really drill at home, because they have to prove by substantial and competent evidence that they are not causing harm and that they are meeting all of these requirements of the five factors and drilling down through all of the requirements of the Comprehensive Plan, not just the land use element, all of the elements, that is specifically required per the Comprehensive Plan and the Land Development Code, and wanting to make sure that the Board just kind of follows up and makes sure they heard everything before it; the Board heard a couple of different things; one is these five factors that she just spoke to the Board about; these additional binding criteria are in addition to the five factors, that is the Comprehensive Plan; there is also the burden of proof that the applicant, not the community, needs to show this substantial, competent evidence; in fact, if the Board were to look at this as say a criminal trial, not to say that they are being criminals, she is just saying that if this were a criminal trial, the defendant only needs to show reasonable doubt; and there is loads of reasonable doubts presented here to the Board today at the lower levels with the Planning and Zoning board. She stated coming back to the infrastructure is a site plan issue; that is directly contradicted by Section 62-1151C and by Section 62-602B; that was already referenced by some of their community members here today; Comprehensive Plan Policies 3 through 6, and the capital improvements element; all of this requires the Board to evaluate these impacts at the rezoning phase, here and now tonight, not some future date where it will be done in the dark because it will no longer be in the Board's hands; it will be a decision made by desk review individuals and not those who are physically on the ground, like everyone in this community who came to speak tonight; the Board heard that the developer's own roadway capacity analysis proved that Courtenay Parkway, she is sorry, Courtenay is already at 88 percent capacity; the Board has the documents, they were already produced to the Board; and even though this traffic impact study was done over three different studies, they had to keep going back and correcting things, and that is a bit concerning. She went on to say having been at FDOT for many years and working with many developers herself, they regularly have to do traffic impact analyses at this stage, not later, and those traffic analyses do not just look at a 24-hour over the course of two days during a time when school was not necessarily in session, it looks at peak rates, peak traffic times, and how long it takes during the peak when the congestion is most significant; again, it has already been raised that this community will bring in the typical eight to five kind of families that are leaving to work generally in mass at the same time that school is arriving and leaving in mass all at the same time at a roadway that has no more capacity available to it; while that may not be the community's fault, it may not be the developer's fault; that is a factor they should have considered before considering this property, before wanting to go through this rezoning process, and if this is even a possibility given the constraints of the existing roadway, the utilities and infrastructure, and the school right here.

She remarked those are all factors they should have considered and failed to do so; she understands they did spend a lot of time trying to find a way to make this square what it is, a round peg fitting into a square hole; the point is they are trying to make something fit here that does not belong, and it is really upsetting to the community because they are already dealing with the day in and day out frustrations over the congestion that has happened here; there was not even development with their own neighborhood, within their own existing area; all that has happened is services have been provided finally; they get a Starbucks; that is great, they would love a Starbucks; this is not providing service and that is something really important to consider; here this project is already at very high capacity; it will consume 25 percent of the remaining capacity; this is based on their traffic studies; and that bring it up to 93 percent, which does not even account for an already approved development that is coming into play. She stated the traffic counts did not account for them because they are not there yet, but once this project has its entitlements in hand, it is too late; one cannot turn them down when it is too late, the new development will have already been built, and now there is no more space to move their cars, people, to move people to the Space Center for all the great jobs that are happening there, the great jobs that happen all throughout this Island and this County; they have touched on the schools; the Board has heard that the school concurrency determination is just a preliminary expressly non-binding analysis; it does not say anything about what future work is going to be here, what the future capacity needs are going to be; it does not take into account the other developments that were slated for approval; none of that was taken into account because it just goes based off of right here, right now; and there is still so much in the air that has not been answered. She went on by saying again, with the burden of proof being to answer those questions by the development team, they just cannot answer it; this is not the right place, that is why; the Board also heard about impacts to infrastructure; it heard about the potable water, the sewer capacity for sanitary sewer; it has heard about the neighborhood character; unmistakably, it is a single-family residential all throughout here; an assisted living facility that is brand new right next door does not change the character of the neighborhood; in fact, its way in and out is primarily directly on Courtenay; its secondary access point is not something that is used on the regular basis by these individuals who are living in the facility; as already stated, these are people who are not going to work eight to five or outside hours; these are not people who are congesting the roadway; and what is being proposed here will congest the roadway and will continue to tax this community further. She advised the density as the Board has already heard as well is a ceiling not an entitlement; Policy 1.1 expressly allows this Board to limit that density; not only does the Policy require it, it has been codified in the County's Land Development Code as well; wetlands have already been discussed; the Board already heard no net losses allowed here and yet they are losing wetlands; she asked if the interest is going to be balanced; she stated that has not been answered; it could at least be a few options that are being presented, and yet, none have been presented at all; it has just been swept under the rug and ignore what is going on; and quality of life and property value is something really important that the Board may want to take a look at. She commented the Board has heard about Administrative Policy 3 that requires evaluation of impacts to the enjoyment, safety, and quality of life in existing neighborhoods; they do not want to turn their backs on those who are already here to benefit someone in the future who then in turn will also end up struggling because they cannot even get out of their homes; it is going to be a challenge all across the board, it is not speculative, it is reasonable doubt; and they do have to prove by substantial, competent evidence and they have ignored the FDOT public records as already stated by other commenters here today about how many vehicles are actually on this roadway. She mentioned one study, one day for a 24-hour periods that does not really cover it; FDOT has quite a lot of studies they can review to really understand better what is going on here; at a minimum, she wants the Board to also recognize she mentioned the less intense classification; Section 62, and here is the citation for the record; Section 62-1151h specifically allows this Board, as well as a Planning and Zoning board, and Planning staff to require a lower level of density; it does not require an RU 2-15, RU 2-30; and this whole area is RU 1 and AU.

She stated this is a major shift and change to what is going on here, and the Board has the authority to deny them outright because they have already failed to meet all of the requirements, all of these five factors that she has listed, they have deficiencies in every single one; but on top of that, they have failed to answer a lot of the public's questions about how they can do a less dense option; what they have answered in the public, she is sorry, in the Planning and Zoning Board hearings is not financially feasible for them to do lower density; is it is not financially feasible for the developer who then leaves and walks away and does not have to deal with the problem, and the community does; the residents who move into these apartments have to deal with it as well; that is something really important she wants to raise to the Board's attention, because if the developer are to get a rezoning, RU1-1, RU1-5, RU1-11, there are so many RU 1 options they could have chosen from, but they chose instead RU 2, increasing from single-family, low-density residential to highly concentrated, multifamily that is going to hurt not just the community living here in the here and now, but the community whose supposed to be moving into these very buildings; and she asked how that is going to be a luxury being stuck in ones apartment because he or she cannot make a turn onto the road. She went on to say the last two minutes she wants to drive home a few last items; she is trying not to bog the Board down because there is just so much to pick at here, and it is not being nitpicky, it is just there are so many holes and so many holes in what has been presented to the Board by the Development team that this community has been asking for months on end, six months it was, and yet they have not been answered; there have been attempts, and she understands the effort; there were factors that maybe they had not considered because they did not know; if one is not from this area, one may not know the kinds of factors that he or she need to consider; she understands why they did not; they are not blaming the Board, but they also need to recognize that when they are looking at the Comprehensive Plan, they look at whether the proposed use would significantly diminish the enjoyment, safety, or quality of life in existing neighborhoods; and they look at whether it would cause a material reduction in the value of abutting lands. She stated they were previously told in the Planning and Zoning Commission, this community was told that it is not their burden, the burden is on the developer, the applicant, to show that property values would actually go up; the proposed use, the last of these factors within factors, she knows it is kind of hard and difficult; she would not say it was difficult, it is kind of a particular drill down kind of person when it comes to reading the laws of the County and the requirements of the Comprehensive Code and the Florida Statutes, and there is so many in this community who have done exactly that; it can make the Commissions life easier because it has so much on his or her plate to have to consider, and they have done the work for it, when the developers have failed to do that themselves; and the proposed use must be consistent, not just with the emerging pattern but the existing pattern. She continued by saying in Florida they are treating their zoning like first in time, first in right; that is reality everywhere; just because there were developments approved nearby within the last three years does not mean that they automatically have to approve every other development similar to that; the reason it is a race when development is being done in the State, and anywhere for that matter, is because at some point there is no more room, the County runs out of capacity; and they are on an Island and they just cannot take it anymore.

*The Board recessed at 8:41 p.m. and reconvened at 8:49 p.m.

Chair Altman stated he wanted to make sure it is okay with the Board to give Ms. Rezanka a 10-minute rebuttal.

Ms. Rezanka explained she is not really sure what to do with that last argument by Ms. Oakler; in her opinion, she misstated the law, by the State and local; she is from Brevard County; she has been doing this land use for 25 years, not criminal defense or anything else, or FDOT work; and so the developer has looked at the Code and has followed the law. She remarked

this County, nor does State law, require a site plan at the rezoning stage it does not require stormwater calculations, it does not require stormwater treatment calculations, and it does not require the Clean Water Act or the St. Johns, treatment rules to be complied with this stage; the County's primary responsibility is to follow the law, not listen to petitions, not look at red shorts; the law is very clear that the objections of a large number of residents to the affected neighborhood area are not a sound basis for the denial of a permit; the quasi-judicial function of the Board is to exercise on the basis of the fact seduced; numerous objections of adjoining property owners may not properly be given even a cumulative effect; Flowers Baking Company versus City of Melbourne, objections of local residents to the conditional use to the use requested are not on fears of traffic do not constitute such substantial competent evidence, and that is what the Board has heard; as she mentioned, a lot of fears here; there has been one traffic engineer presented to the Board; the three different versions of the studies were based upon difference of options between traffic staff and their expert traffic engineer; and there is one traffic engineer here. She pointed out they did look at Pioneer Road; they did look at standard reasons the way trips are distributed; no one here has given any competent, substantial evidence in opposition and County staff has accepted that analysis; and should the Board have questions of the traffic engineer based upon what it has heard, he is available to do that. She stated she presented the Board with a packet of information that was presented to the P&Z board and was left out of its packet; it deals with the concurrency evaluation procedures that has been discussed a couple of times today, and it is clear when one looks at that it does not require concurrency at the zoning stage; she has the package right in front of the Board, Chair Altman; the preliminary evaluation for a zoning action, it does not require stormwater, wetlands, or anything else; that has been misstated, this was provided to P&Z to show that there was only a requirement for site plans to look at the 88 percent traffic capacity; and that was in the memorandum that she provided to the Board. She commented per the definitions in the County Comprehensive Plan, deficiency is the measure of impact of the development proposal, which will qualitatively exceed the existing established minimum acceptable level of service for a public facility or service; this development does not exceed the level of service on Courtenay Parkway; Section 62-602B, only a preliminary evaluation is to be completed to show the availabilities of services and facilities for a zoning application, only if there is a non-deficiency, and the Code provision is . . . wait, Section 62-205F is for a vesting of road capacity; the proposed trips generated do not increase level of service; regarding other statements made by Ms. Oakler, this developer does not walk away, they manage it; she made many references to facts that were not in the record as she is fond of saying; the requirement of the County's Codes says it requires an MAI appraisal, not that it is anyone's burden of proof; the traffic study was done with two 24-hour cycles; and believe it or not, 24 hours does include peak hours, so the school was in session.

There was an outburst from the audience.

Ms. Rezanka noted it was not done on a Sunday.

There was an outburst from the audience.

Chair Altman stated he is going to pause here; the Board just heard two hours of testimony; never once did the applicant or their counsel interrupt anyone, they respectfully listened to their comments, and he would ask them to provide the applicant with the same respect and allow them to present, because the Board stops every time she is interrupted; it just makes the evening go longer; and he asked the audience members to please offer the respect for the applicant.

Ms. Rezanka expressed her appreciation to Chair Altman. She stated as to the contention that this is a dangerous intersection, that is an opinion; the traffic study does not say it is a dangerous intersection; County staff does not say it is a dangerous intersection; again, these are unsubstantiated opinions that have no factual basis; they are anecdotal, but there are fears; they are catastrophizing and there is nothing in the record to support what they are saying because they do not have an expert traffic engineer; and staff says there is no issue with school concurrency. She went on to say if the Board looks at the report in the years 2029, 2030, there are 217 extra elementary seats of capacity at Lewis Carroll, so that is not an issue; the sewer is not an issue; there is a letter in ones packet from Victoria Benavidez, she is with Brevard County Utility Services, said that she misspoke at P&Z and wants to correct her statement that Sykes Creek plant does have capacity; she does want to talk about MIRA and MIRAs report; they denied it based on too much density in the area, no facts, no reasons to support that, and that additional information would be needed; and MIRAs staff on the other hand thinks this is a great idea, is needed, and this is the right place for it. She mentioned they have spoken to Brevard County Sheriff's Office (BCSO) and it has advised that the issue with Lewis Carroll is that most students' parents arrive long before pickup time and park in the right-of-way of Lewis Carroll; they have tried to enforce it; the people just ride around the block; the School District is adding a lane to the drop off lane for the next school year, and BCSO believes it would be beneficial; they have offered to assist in any way, including adding an additional loop to the back of Lewis Carroll because there are three acres of non-used land at the east side of Lewis Carroll; and this property has never been developed, which is an indication that the currently allowed commercial uses or any AG uses is not appropriate. She pointed out it has been vacant; there is a need for housing; the property must be rezoned so it can be utilized; AU is not appropriate in a commercial mixed-use area as the County staff report has said, is more of a holding category for the property; this is not good for raising and grazing of animals; according to Planning and Zoning Manager Gilliam, because of the BSP on the property, it would not be able to be used for residential; and there are options for this property. She remarked the medical office hospital, which is a huge traffic generator, ACH is looking for a place for a freestanding Emergency Room (ER) in Central Brevard County; Parrish has indicated an interest to complete with Health First; they have even looked at the old Cape Canaveral Hospital; if this is denied, they have no option but to do something because the property cannot be used for anything other than medical office and that is not going to happen; it has not happened since 1986; they do intend to appeal the County Planning and Zoning Manager's opinion of Live Local Act, because this is approved for a commercial use; it does not say commercial zoning in the Live Local Act; Chair Altman knows the exact intent of the Live Local Act because he was in the State House when this was adopted; it is to stop this kind of failure to properly prove zoning for residential uses when this is appropriate for zoning for residential uses; there has been a lot made about the area commercial, the area is residential the area that is residential is here and here; the property has four sides; that is one and a half sides; this area is commercial; there is no residential on Courtenay as stated north of Skyline to State Road 528; and single-family residential does not belong in this site, and that again is shown by the FLU, not a potential FLUM, but a real land use map that says this is residential 15 and neighborhood commercial. She stated this is very much akin to the Snyder lawsuit; Chair Altman, she knows is very involved in that; he was on this Commission when Snyder versus Brevard County went to the Fifth District Court of Appeal; that opinion from the First District Court of Appeal says in Florida, the greater value of land is its potential use value, not its intrinsic value; this is especially true of vacant land; in a society which recognizes the right of a private citizens to own property, the citizen owner has a right to make use of the privately-owned property as a citizen owner desires, subject only to the limitations that private property cannot be used in a manner that encroaches upon the rights of other citizens; this is a self-contained, private use apartment complex that to go out of this property, if one is going north onto Courtenay, he or she is not going through their neighborhood; that makes absolute sense, and this was evaluated in the traffic study, which apparently no one read; she asked the

Board to approve this rezoning; and she advised they have met the burden of proof, they have met the Comprehensive Plan, and specifically, the private property rights element of the Comprehensive Plan.

Chair Altman stated that was the last speaker; and he asked if there are any questions or comments from the Board.

Commissioner Goodson stated he wanted to make a motion if there is no discussion.

Chair Altman advised the motion died due to lack of a second.

Commissioner Goodson advised he has not made it yet.

Morris Richardson, County Attorney, stated he thinks Commissioner Goodson said if there is going to be no discussion.

Chair Altman stated he misunderstood.

Commissioner Goodson stated he wants to make a motion to deny the development because it is not compatible with the area, and to instruct staff to do a Findings of Fact.

Commissioner Adkinson noted she wants to second the motion.

Commissioner Feltner asked if staff will bring it back.

Commissioner Adkinson stated they will bring it back.

Attorney Richardson pointed out the Board Policies, when the Board indicates an intent to take a zoning action and directs the County Attorney's Office to prepare a Findings of Fact, they work with staff to do that, and will bring it back to the Board at a future zoning meeting; but the Board will make its zoning action tonight with the Findings of Fact to come back at the next meeting.

Chair Altman stated so the Board will vote on the motion to deny; and staff will take the issue, having a Findings of Fact, and will give the Board time to review, and then to vote at a future meeting.

Attorney Richardson explained the Board takes the zoning action tonight and then brings back the Findings of Fact for consideration of approval at a future meeting.

Commissioner Adkinson stated vote tonight.

Chair Altman asked if the Board has any questions; he has a questions; and he asked if that meeting where the Board either accepts or denies the Findings of Fact or he assumes the Board has the ability to amend, but if that is a public meeting, and is that advertised.

Chair Feltner stated yes.

Attorney Richardson pointed out it is not advertised as a public hearing like this one; it is a public meeting of the Board of County Commissioners; it is at a public meeting, but it is not a public hearing; and it is usually on the Consent Agenda.

Commissioner Feltner noted it is at a future Commission meeting; and they are typically on Consent.

Chair Altman asked if the Board can talk about it and remove it from the Consent Agenda.

Commissioner Feltner replied absolutely, 100 percent.

Chair Altman commented he is just trying to make sure the Board gets the procedure right.

Commissioner Feltner stated he thinks recently the Board pulled a Findings of Fact off the Consent, discussed it, and passed it.

Chair Altman stated right; and he asked if there is any debate or comment on the motion, and he called the question.

An audience member asked for the layman here what is exactly going on.

Attorney Richardson stated the public hearing is closed and the Board is about to . . .

Chair Altman interjected by saying the Board is trying to get the Attorney to explain that he was being interrupted by the audience; and he asked the audience members to speak without interrupting.

Attorney Richardson explained the public hearing concluded and the matter is now with the Board to decide; and there is a motion on the floor, the Board has discussion, and it called for a vote on that motion, so the Commissioners are about to vote on the motion.

Chair Altman stated the Board is about to vote on the motion which is going to deny; it has concluded any discussion; there will be a Findings of Fact that staff will bring back; the Findings of Fact is under what basis did the Board deny the request; it is a very important process in this hearing, and that will come back at a future meeting; that meeting will be advertised to be on the Agenda; it is not going to be like a public testimony type of meeting like a zoning meeting; but it is something that it can discuss; and he asked if everybody got that right.

Commissioner Feltner commented the Findings of Fact issue that would be before the Board would not change what the Board is doing tonight; the motion to deny is on the table; that is what the Board is going to vote for right now; and the Findings of Fact is simply what the legal reasoning in why the Board did that.

Chair Altman stated he is glad Commissioner Feltner clarified; it does not change the Board's denial, but it takes all of the data and information, the County's law, into effect and it formalizes that, and that is exactly right; and he is glad Commissioner Feltner clarified that.

Commissioner Feltner stated he is not an attorney and does not pretend to be.

Chairman Feltner called for a vote on the motion.

There being no further comments or objections, the Board denied the request for a change in zoning classification from AU with a BSP to RU-2-15 and RU-2-30 with removal of BSP; and directed the County Attorney to prepare a Finding of Facts to bring back to the Board for its consideration.

Result: Denied

Mover: Tom Goodson

Second: Kim Adkinson

Ayes: Goodson, Adkinson, Feltner, and Altman

*The Board recessed at 9:08 p.m. and reconvened at 9:10 p.m.

L.5. Reports, Re: Kim Adkinson, Commissioner District 3, Vice-Chair

Commissioner Adkinson expressed her appreciation to Pastors Amanda and Mark Miller from the Victory in Christ Jesus Church today for their Day of Prayer, it was fantastic; and she just wanted to make sure they were acknowledged and that everyone knows today was a National Day of Prayer.

L.7. Reports, Re: Thad Altman, Commissioner District 5, Chair

Chair Altman stated he was glad Commissioner Adkinson brought up the National Day of Prayer; he was able to attend the ceremony at the Cape for National Day of Prayer; it was awesome; and he is already looking forward to next year, as he will try to make both next year.

Commissioner Feltner asked if they did it at the Astronaut Memorial.

Chair Altman replied they did it in the Neil Armstrong Operations and Checkout building; and it was kind of cool because they did it right next to where they are building Orion.

Upon consensus of the Board, the meeting adjourned at 9:11 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

THAD ALTMAN, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA