

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 16, 2026, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D2); Jerrad Atkins (D1); John Hopengarten (D1); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Eric Michajlowicz (D3); Debbie Thomas (D4); Neal Johnson (D4); Ana Saunders (D5); Robert Brothers (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Billy Prasad, Planning and Development Director; Derrick Hughey, Planner; Jane Hart, Natural Resources Management; Peter Nguyen, Public Works; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

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

John Hopengarten stated he had met with some of the residents in the area, just open discussion.

EXCERPT OF COMPLETE MINUTES

H.3. Merritt Bidco SPV, LLC (Kim Rezanka) requests a zoning classification change from AU (Agricultural Residential) with a BSP to RU-2-15 (Medium-Density Multiple-Family Residential) and RU-2-30 (High-Density Multiple-Family Residential) with removal of BSP. (25Z00054) (Tax Account 2412106) (District 2)

Trina Gilliam read item H.3. into the record.

Kim Rezanka spoke to the application. She stated what's being handed to you are concept plans and turn lanes that were sent to you via email that were provided three weeks ago to the staff. We printed them because we knew you wouldn't have printed them big and so you have them in case you have any questions. The question I believe Mr. Hopengarten asked me is regarding new evidence, not necessarily new information. You get lots of new information at these hearings as you're aware. I wanted to start with introductions. I have with me a traffic engineer from Bowman, Trent Ebersole; the contract purchaser Representative for Rangewater, Mike Oliver; and the engineer of record, Kyle Shasteen, also with Bowman. We are back here because at planning and zoning we talked about BDP conditions but there wasn't a formal BDP. We also did a traffic impact study that compared what could be at this site with the CUP of the hospital and what we're proposing with the 222 apartments. That was presented too close in time for staff to review it. Also, there were questions of staff in the addendum that was presented that they asked about traffic studies. So, there have now been three traffic

studies presented, 400 pages or so, to the county. The traffic engineer has been in discussion with traffic staff, the engineering staff with the county and they've had many back and forth about that 85% capacity issue. Commissioner Goodson asked that we come back here, that you have a formal BDP to look at, you have the traffic information, we have a traffic engineer that answers all your questions, and we move forward from there. As you recall, it was a 7/7 vote, although it was with a BDP and the conditions that were discussed. So, now we're back with the BDP. I have copies of the BDP if anyone needs it, or a copy of the TIS if anyone needs it, that shows the hospital comparison. Again, we are here to request rezoning from AU to RU-2-15 on 7.5 acres and RU-2-30 on 3.66 acres. That 3.66 acres is on Courtnay Parkway, which is a major roadway. We also need to have removal of the binding site plan that says we're supposed to have a hospital there and it does require buffers, although we are keeping those buffers and having larger buffers with the concept plan and as in the BDP. 222 units are being sought, three stories, and a one-story clubhouse. The average is 19.75 units per acre. The BDP terms have been formalized and that includes the turn lane extension, the reduced building height of three stories instead of potentially four, reduced unit count from 240 to 222, increased eastern setbacks, maintain landscape buffer along the north property line, a cross-access easement onto Pioneer Road, proportionate fair share agreement if necessary. The biggest thing is the Pioneer turn lane extension, which you have the turn lane extension diagram, which will be further explained by the traffic engineer. Regarding the addendum that was presented by staff, which in my opinion contradicted the original staff report, I do need to address a few things. First there's a claim that we are creating a deficiency in the level of service on Courtnay Parkway and we're not. It's non-deficient. We're not changing the level of service from "D" to something else. So, what they cited, this section 62-602B "F" is only if there is a non-deficiency. "E" is if there's a deficiency. So, we have a non-deficiency but because of this special code we take up too much capacity and then they have criteria for that. We're working through that. If we must do it in stages, which it contemplates in that ordinance we will, but we are not deficient on Courtnay Parkway by adding these 222 units. That's a misnomer. It's misstated in my opinion in the addendum. As to compatibility with the surrounding uses, on page eight of the staff report, they say this doesn't seem to fit in with the character of the area. This character is transitioning to mixed use. We have Starbucks, a bank, assisted living facility just to the south. Then across the street we have a mobile home park and condominiums. So, this is not an incompatible use. And what is also interesting is that the assisted living facility, Manor House, is indeed a multifamily use. It has 144 beds on 6.62 acres or a density of over 21 units to the acre, and it is a multifamily use. There are also several instances of RU-2-30 in this area of Merritt Island. There's some just about a half a mile to the west. There are about four instances of RU-2-30 in Merritt Island and it's usually next to RU-2-15 or it is a transition from commercial. So that is also not necessarily correct, that this is not a compatible use. They talk about, in the addendum, administrative policy for the future land use character of the neighborhood. This project will not introduce traffic into identified boundaries of Villa de Palmas or Raintree by The Lakes and that's what that administrative policy discusses. Any statement that the character of these two neighborhoods will be material or adversely affected is pure speculation. The access to the project will primarily be state route 3, with some access

from Pioneer Road, but the residents and guests of the apartment complex will not be going into Raintree or Villa de Palmas. Again, this area should be deemed transitional and not residential.

Michael Oliver stated that he knew we spoke two months ago in front of this meeting and wanted to talk briefly again, reintroduce you to Rangewater and talk a little bit about why Rangewater would like to develop multi-family here at this subject property in Merritt Island. Rangewater has a proven track record. We are a multifamily developer and operator. We've had a successful track record here in Brevard County, in Central Florida, and across the state of Florida. Over the past 15 years, we've developed 27 multifamily communities totaling 7,000 residential units across the state of Florida. We are a national organization. We have twice been awarded the National Association of Homebuilders Multi-Family Developer of the Year over the past decade. So, I just wanted to answer three questions that have arisen across several meetings, several community meetings, meetings with the neighbors, and at planning and zoning last time. First, why does Rangewater want to build here? Over the past decade, there's been tremendous economic growth that everyone is aware of within Brevard County, more specifically at Kennedy Space Center and Port Canaveral. Kennedy Space Center, both private and public. From a private example, Blue Origin has 4,000 employees across Brevard County. 3,000 of them sit on Merritt Island. They just announced last week they are expanding their facilities on Merritt Island with an 800,000 square foot manufacturing facility that'll double their workforce at Kennedy Space Center. Similarly, at Port Canaveral they've invested significant capital into the facilities over there, and it is now the largest cruise terminal in the world. When you look at new luxury multifamily communities in Brevard County, most of them sit here in Viera. As a developer we've developed two multifamily communities in Vieira. We manage several others. We understand Brevard County. We looked at it in terms of from a planning and zoning perspective, I just Googled time to Kennedy Space Center, the gate there, 36 minutes. Time to Port Canaveral, similar. It's like 38 minutes. That's not very close. So, the young engineers, contractors, technicians, this community would serve as a home and an option, housing for them that's close to their employment. As the developer we see the demand, we see the housing demand, and we see the proximity to those jobs. Similarly to services. There's Publix, Target one mile south of this property. It's on an urban arterial corridor and as a developer we see the demand for that housing, and we think that it's an appropriate location and appropriate property for a 222-unit residential community. Second question is what have we done to accommodate the requests of the neighborhood and comments from planning and zoning? Kyle, our project engineer will speak a little bit about that, but broad level, we met with the neighborhood back in November. I've met individually with several of the neighbors to discuss their concerns. And part of the binding development plan that Kim mentioned basically memorializes those items. We have agreed to a 50-foot preserved landscape on the north perimeter so that Mr. Clamp and his neighbors can have the existing mature trees and we can preserve those over the course of construction. Similarly, on the east property line, we have expanded our building setback to over 100 ft. That's five times what would be required by code. In response to comments from the neighborhood and concerns from neighbors of units being too close to the property, Trent will speak a little bit about what we've considered on Pioneer, but we also heard

that there's significant concern with congestion on Pioneer Road. We've looked at that. We studied it. We've submitted multiple 400-page traffic studies to public works and the result of all that discussion was extending a turn lane on Pioneer to unclog the backup that happens at that light during AM and PM peak travel hours and during school dismissal. Lastly, I want to answer the question of what happens to the land if Rangewater doesn't build a multifamily community on the property. To answer that question, I need to backtrack a little bit and give the history of the property itself. The property used to be owned by Medical Properties Trust. Stuart Healthcare operated the property adjacent to this property, which is a medical office facility. That same entity owns this 11-acre parcel. Stuart Healthcare went bankrupt in 2024. Medical Properties Trust was the owner of the land and Stuart Healthcare leased the property from them. Stuart Healthcare leased most of their assets across the United States from Medical Properties Trust. When Stuart Healthcare went bankrupt, Medical Properties Trust was in a world of hurt. A lender took over this property. That lender is highly motivated to sell this land. So, if it's not us, it is someone. Kim mentioned that there are existing uses on the site that could be developed as a large footprint medical office facility. We've done a case study, and someone could come in and build a 100-bed regional hospital if it meets the height requirements. Another commercial developer could come in and propose a large, big box retailer with out parcels. But I say all this to say the property is going to be sold. It is private property and there is going to be an owner out there that is trying to develop on this property. We believe that our use is responsible. It is not a significant amount of traffic when you consider it amongst the different uses. And we believe that we've been very respectful in this process trying to hear the concerns of the neighborhood, the community, and planning and zoning staff and this commission to incorporate it into our conceptual plan. So, we appreciate you having us here today to hear our case again. And we look forward to any additional questions you might have.

Kyle Shasteen stated Bowman will be the project engineer for this project. Kim and Mike have highlighted several things that we've done on the site plan. I'm here to reiterate them all at one time. There was discussion of the reduced building height and reduction of number of units from the original proposal from Rangewater after discussions with the community. There were also increased building setbacks on the north property line, that being 50 ft, and we'll preserve as many trees as possible along that property line backing up to those homes. Along the eastern property line, we're increasing the building setback to 100 ft. Within that setback we're going to do a combination of tree preservation, above ground retention and open space for the development. We're also doing a cross-access easement on Pioneer to combine access for the existing medical facility that's there with the apartments to reduce the number of conflict points on Pioneer. There'll also be wetland preservation. The existing wetlands have been formally delineated by St. John's, and we are preserving a vast majority of those wetlands in conformance with the county's code. And we are also providing the 660-foot protection buffer for the documented bald eagle nest per FWC requirements.

Trent Ebersole stated he is with Bowman. We did the traffic study for this development. I'm a Florida professional engineer and over 36 years of experience doing traffic engineering. I'd like to give a quick summary of the traffic analysis that's been conducted so far. Starting with the trip generation based on Institute of Transportation

Engineer rates, the 222 dwelling units are anticipated to generate 1,379 daily trips, and that's 85 in the morning and 115 in the PM peak hours. We also did an analysis comparing this to the conditionally approved hospital use. The hospital would generate about four times as many trips daily and four times as many morning peak hour trips and about a little over three times as many PM peak hour trips. The analysis looked at three alternatives for access. They're in the study, numbered 0, one, and two, but alternative two is the one that we're looking to move forward with, and that is single access along Pioneer Road. That would be full access and one driveway to the residential area along Courtnay Road. That access would be right in, right out, and a left in. And that was coordinated with FDOT and the upcoming improvement project that they have. FDOT indicated that we would be able to get that left turn lane into the site. It would be a southbound left turn lane if our driveway aligned with the driveway on the opposite side of Courtnay Road, which is the current plan. We looked at segment analysis and intersection analysis. Three segments were looked at on Courtnay Road from Pioneer Road to the south ramps on to 528 and then the link between the south ramps and the north ramps. We also looked at Pioneer Road east of Courtnay Road for the daily segment analysis on Courtnay Road along the site. Without the site the anticipated volumes in 2027 will use about 95% of the roadway capacity. So, it is above that 85% threshold but less than the theoretical capacity. The site trips would represent about 2% of the roadway capacity. So that would take it to 97%, still under capacity. Again, if the conditional use hospital were built the volumes would be well above capacity at that point. On Pioneer Road without any development the volumes in 2027 would be about 26% of the capacity and with this proposed development it would be 30% of the capacity. We also did the intersection analysis, and I'll focus on the intersection of Courtnay Road and Pioneer Road. In 2027, there's going to be no difference in the level of service with and without this site. The no build level of service overall for the intersection is a level of service "B". The north and south bound approaches show as level of service "B" and the eastbound and westbound show as level of service "E". That's with the existing signal timings there. When we add to the site traffic, same levels of service, the delay increases by about one second per vehicle in total. That's in the morning peak hour, I think it's 1.3 seconds additional delay and in the PM peak hour it's 7/10 of a second increase. So very little. It's important to understand that the additional trips that this proposed development would add are very, very small. It's about one additional vehicle every two minutes during the peak hours. That's one vehicle per signal cycle. It's not detectable to the eye, if you were watching this without the site and with the site developed you wouldn't notice any change whatsoever. In fact, getting to the cues, the diagram that's provided, the top one is the no build scenario where the red cars represent the cues from the throughs and lefts. They extend at times well beyond the length of the right turn lane prohibiting some of the right turns from getting into the right turn lane, that adds delay to the right turns and to the left turns as well because what's not represented in the diagram is some of those blue cars would be up a little farther. You'd have more throughs and lefts stacked behind the right turns that can't get into the right turn lane and it's additional delay for everybody. So, the project's proposing to greatly extend the right turn lane to around 400 ft. This will allow all the right turns to get into the turn lane, reducing the delays for the entire approach.

Mr. Wadsworth asked, with a show of hands, who is here to speak for or against this matter. Kim, let's go with you first. We'll take the public last. Hopefully, we can answer some of the public's questions by doing this.

Ms. Rezanka stated truly there's not much new from when we were here last time. It's been formalized. We have traffic studies. There's been some new information presented, but nothing else has changed.

Mr. Wadsworth stated he just wants to go over a couple of things. We've reduced the building height.

Ms. Rezanka responded they originally had wanted to do four floors. Yes. Which would have had greater setbacks.

Mr. Wadsworth then stated you have either met or exceeded the setbacks.

Ms. Rezanka replied Correct. The PSP required a 50 ft setback to the east. We've now gone to 100 ft.

Mr. Wadsworth stated you have wetland preserved.

Ms. Rezanka replied Yes.

Mr. Wadsworth stated and if a hospital was to go in here, it's going to have a greater impact.

Ms. Rezanka replied over 5,000 trips per day, and they could have higher height and closer setbacks.

Mr. Wadsworth stated I was doing some calculations with your traffic study prior to and we're increasing this traffic by approximately 3%. Is that correct? We're going from 27% to 30% capacity.

Ms. Rezanka replied that it's on Pioneer.

Mr. Minneboo stated I want to talk to Billy first and then I'm going to talk to the traffic engineer next. Forget everything you've heard on this site. If somebody wanted to build there, how many units could they put in with both parcels.

Billy Prasad responded today, before the rezoning, five single family residences across the site. Or under the BSP. So, they can develop under the existing BSP or five single family residents under the AU zoning.

Mr. Minneboo asked where does the number 417 come? I remember that from the last time we converged. The potential was there that they could put 417 units.

Mr. Prasad responded with I think we might be getting mixed up with the Strada item that was also on the last agenda. In any case, there's RES-15, but the zoning is AU.

Erika Orriss asked what happened during session because I might have missed something with SB 180 because that does tie our hands in a lot of our buildings.

Mr. Prasad responded absolutely nothing. The Senate did pass; I think it was SB 280. There was a potential fix to the issues we're having with SB 180. It's obviously a larger bill and there's a lot of different aspects to it. But it failed to be passed in the house. So, it appears to be dead.

Ms. Orriss stated that it says that we can't have any high density on Brevard's barrier island. This isn't something that we could build even. Is that my misunderstanding?

Mr. Prasad responded no, the section of SB 180 that's been problematic for Brevard County is that section that says you can't do anything more restrictive or burdensome. And, because there was a law at the same time or previous law that was passed that also required us to have more restrictive regulations on the south beaches, those two state mandates appeared to be in direct conflict and so it kind of paused our comprehensive planning process. But I don't know of any impact that would have on this application whatsoever. This is not in the barrier islands. I don't know of any regulations that would have been in the comp plan that would have made it either easier or harder to develop the site. As far as I'm aware it has no impact on this application.

Ms. Orriss replied I just wanted to make sure and because it does affect us down in district three.

Mr. Minneboo stated I read your dossier, and I don't want to say all 480 pages. I know that intersection well. I knew when it was dirt. I knew when it wasn't there. Geometrically, I looked at it numerous times because I think it's so critical and it's not unique to Merritt Island. The lead car, westbound direction is wanting to go straight. 392 cars, mamas, are wanting to turn left. Am I with you? I haven't gone out there and measured it, that's not my job. Why can't we have an exclusive left, a through, and a right. I do understand without you answering there's a monstrous pole there. There isn't enough money in the United States to move that pole, but you would think you could triangulate to where you could let the right people go before they even got to the signal. You know what I mean? Turn right. Did you look at all that. I'm not coming up with new information, but it's always a guy in the front, a person in the front. He wants to go straight, and the 380 mamas want him to turn left.

Mr. Ebersole responded Yes. Shared through left is certainly not ideal. The challenge here is to fix that problem on the east leg on the westbound approach. You'd have to fix it on the other side of the road as well and it wouldn't be within our ability to make any improvements on the other side regarding right-of-way. Even just looking at potential signal modifications to allow those left turns to go, without a left turn lane, you can't have the left arrow unless you go to split phasing. That is something that FDOT just doesn't allow anymore.

Mr. Minneboo inquired if they're allowing split phases.

Mr. Ebersole responded they really don't like them.

Mr. Minneboo replied I understand, but that would have solved my problem or what I think's a major problem there. I mean, you've got Starbucks, you got the bank in there, you got the car wash, you got the mamas trying to get out of there, the people are trying to go to work, and they're going to put this median in there. And honestly it's not going to get better. It's going to get worse.

Mr. Hopengarten stated the Department of Transportation just came out with a new road improvement program putting medians on Courtney. Did you notice that they also want to add a traffic light at Villa Del Rena.

Mr. Ebersole responded I'm not familiar with that one.

Mr. Hopengarten replied well, they do. Also, by putting in the concrete barrier that they want to do in the median, they're taking away the suicide lane, which means that anybody wanting to make a left turn from an area that does not have a traffic light, and I'm referring to Skyline Road, which is just to the south of this property, that they no longer can do that. So, what will happen is people that were using that Skyline Road to get to Courtney will no longer be able to do so going south. They'll have to go around Lewis Carol school and then come on to Pioneer. Which will add additional cars to that roadway. Also, I noticed that in your study you only had two days where you studied the traffic. One was December 11th and the other was January 27th, a Tuesday and a Thursday. Is that correct?

Mr. Ebersole inquired you're talking about regarding the data collection? Yes.

Mr. Hopengarten asked if that is enough for a traffic study?

Mr. Ebersole responded the standard is to count for just one day. If it's a typical day, no events, we look to make sure the school's in, there's no holiday, there's no special events in the area, but if it's a typical day, then it would typically just be one day of counts. Yes.

Mr. Hopengarten stated So, it was only those two days. I noticed in your data that you show projections of 10% a year, that you took the data from another source. It wasn't your source. The growth rate, which we've kind of thrown into the garbage because people are moving down here in droves which is not really anticipated by those studies. Also, I noticed that most of your traffic efforts were when everybody's going north to either 528 or to the space center. You really didn't consider what was happening south, which is where all the services are. The Publix, the Target. So, there'll be several people that may want to go that way and may be working that way and go to 520 instead of 528 because 528 might be backed up. I didn't see that you considered that. Also, I didn't notice if you considered the residences on Sykes Creek, which are east of this property, and their only way out is Pioneer or the roadway that's in the next neighborhood north where there's the new traffic light. So, you're adding more cars other than your 222. And I don't expect everybody to come out of that apartment project at the same time. But there'll be a lot of cars. Did you also consider the ALF doesn't have much traffic from the residents. But the staff do, and the staff come in at regular intervals and they're going to

be coming in and going out. And I don't know if you all considered that or the school buses that are coming out and going in because the school buses always use Pioneer to come out because there's a light. It's safer than trying the suicide lane. Which will be gone. So, you've got nice congestion going on at the intersection of Pioneer and Courtney. I looked at your numbers. I went through both studies. You gave us two. You gave us one that was 480 pages and then another one for 406. You took out 71 pages of data. But I scrutinized it all and I find it disconcerting that you're taking a low count on what you think the impact of this project will have. And I think it's much greater than your projections. You want to stand by your traffic study?

Mr. Ebersole replied Yes. I'll stand by our methodology. Our trip generation, everything that we've done is based on the methodology that was ironed out with the reviewing agencies and industry standards. So, the trip generation, it's not an exact science. It's based on decades of data and many iterations of experts refining analysis processes. So, to change that project by project is not something I would advise. I stand by our methodology.

Mr. Hopengarten asked, and did you look at evacuation during a hurricane?

Mr. Ebersole replied No, that was not in the methodology.

Mr. Hopengarten responded it's something to consider. This is a barrier island. And we got people coming from the other barrier islands through us.

Mr. Ebersole replied I'll stand by the fact that as far as development on this lot goes, what we're proposing is one of the lowest impacts you will see regardless of any of the other things that you're discussing. So, if you have four times as much traffic as what we're proposing, whatever impact you're foreseeing is going to be four times as bad. The 1300 vehicles a day that we're proposing to generate with the 222 dwelling units has an impact about 2% of the Courtney road. I'm just throwing a number out there. It's 2% of the roadway capacity. If you have a use that generates four times as much traffic, the impact will be four times as much. So, the only thing better is zero. If you believe that the lot will never be developed, then I guess there is a better scenario.

Mr. Hopengarten responded I don't believe that you've bought this property yet, but if you don't, somebody else will. That's all very nice, but they'll still have to come before us. There was one document that had a couple of dots on it on the area of the building itself. I don't know if that was in the traffic study. Is that just showing the exits from the project? I saw three different site plans for this project and one of them showed that the setback where you're going to have, your exits were different. One of them had an exit coming straight south. Another one had an exit going west and then south. Which one are you doing? I'm confused.

Mr. Ebersole replied those are the three alternatives I mentioned. The three access alternatives that were considered along Pioneer there were basically two different subsets if you will. One is a separate driveway for the residential. That's directly south I think that you're referring to. And then the other was to combine the access of the

residential with the existing parcel of the medical facility that's there into just one driveway. That's the alternative that I believe is moving forward.

Mr. Oliver stated he could speak to that. We negotiated a cross-access easement with the owner of the medical office facility to allow for exit at that entrance so that it would minimize the conflict points along Pioneer. So, there would be one exit instead of two.

Mr. Hopengarten inquired if they are the owner or a tenant.

Mr. Oliver replied they are the owner. It's the lender that owns the medical office facility as well.

Mr. Hopengarten inquired if they are anticipating selling another property.

Mr. Oliver responded there's potential that they might, but at this point they are talking to the existing tenants of the facility.

Ms. Orriss commented on the staff notes that say a site plan or subdivision shall not be allotted more than 25% of the remaining capacity of a facility. And then it says the proposed development would utilize more than 25% of the remaining capacity. That's in staff notes and that's just a little concerning to me.

Mr. Ebersole replied I'm not sure what that refers to. On Courtnay Road site traffic uses about 2% of the roadway capacity and Pioneer Road about 4%. So nowhere near 25% of the roadway capacity on any of the facilities that we analyzed.

Ms. Orriss continued this is a question to staff because it was noted on page 85 on the bottom part and it says also relating to traffic concurrency, Brevard County Code section 62-602F6B states the threshold capacity restrictions described in subsection F6A of this section a site plan or subdivision shall be allotted no more than 25% of the remaining capacity of a facility. And it goes on to say in bold, the proposed development would utilize more than the allowable 25% of the remaining capacity.

Ms. Gilliam responded what I have is that there are two segments on North Courtnay Parkway, 152 and 155 that will exceed the 25% capacity.

Peter Nguyen stated that when a development comes in a site plan cannot exceed 25% of the remaining capacity of the roadway. North Courtnay Parkway from Pioneer to the south ramps at 528 and then Courtnay from the south ramps to north ramps, from the study the project is expected to have 855 trips in the first segment and 662 trips in the second segment which both exceed 25% of the remaining. There's an existing condition no build, so you grow the growth rates up to the year that they expect to develop and then they add the project traffic on top. So based on the available capacity in 2027 it's about 2,000 for the first segment and then 1,200. So, you take 25% of that and you compare it to the project traffic you're over. We notified Bowman of the last submittal on March 6 or so. We acknowledge that all traffic related comments were addressed. However, there was this outstanding concurrency concern which would be addressed normally with a formal site plan or subdivision submittal which would proceed depending

on whether this rezoning was approved.

Ms. Rezanka stated I just handed you out the entire 62-602, which is what this comes from. And as I mentioned, this is a preliminary evaluation for rezoning. They're talking about site plan, which we're not at site plan. If you, Mr. Minneboo asked me, we don't usually require you to design your project at zoning. This one has been. So, they have met with traffic. They've submitted three traffic studies. They've worked with that. And so, that is a site plan issue. They've identified it as an issue, but again, we are not exceeding the capacity even with this development. And I think also, Mr. Ebersole was talking about the hospital. The hospital would be five times the capacity and we would not have to come back to this board for the hospital.

Mr. Hopengarten stated the current maps on the county website show that two thirds of this site are wetlands. Now, in the different site plans or site drawings that were provided here, you have some with a dry area, you have some with a retention pond, you have some with a walking trail. Which one are you guys going to do?

Mr. Shasteen responded I believe it's going to be similar to the handout that you received today.

Mr. Hopengarten stated I know we're not supposed to review site plans, but I'm just concerned about how you're going to mitigate all that wetlands.

Mr. Shasteen responded I don't know if the wetland map that you were referring to matches the wetlands that were delineated by St. John's.

Jane Hart stated we haven't received a wetland delineation for the project yet. There are indicators that there are wetlands on site. That's why we've requested an environmental assessment/delineation from an environmental professional. They said that they have delineated wetlands on site and are getting their permitting. We haven't received a permit yet, though.

Mr. Hopengarten responded so that's in question.

Ms. Hart stated if they did impact wetlands, they would be limited to 1.8%. I think they're 11 point something acres. You must convert that, multiply it by 43560 to get square feet per acre, and then multiply that times the 1.8% and you'd get how many square feet that they could.....

Mr. Oliver stated as the developer, we noticed that there were wetlands on the property at the outset of our due diligence of the property acquisition, and we had our consultant go out, flag the wetlands, and we have had St. John's River Water Management District go out and confirm those flags. Those were memorialized in a survey and confirmed with St. John's River Water Management District. We have not submitted them to the county at this point because we are waiting for this rezoning approval to go through. As we worked through the conceptual plan, we have been very consistent with making sure that we did not impact more than 1.8% of the total property wetlands. So, the pockets of greenery that you see on the conceptual plan are pockets of wetlands that we are

preserving. There's a pocket of wetlands west of building number four, between buildings number two and building number four in the parking lot by building number two. So, that is a pocket of wetlands. That's the predominant pocket of wetlands on the property. Additionally, there was a very small pocket of wetlands on the northeast corner east of the clubhouse.

Mr. Hopengarten stated according to the maps that I have, most of that top section is all wetlands.

Mr. Oliver responded it's typical for the maps that you see on GIS maps to not actually reflect what's on the site. You have to put boots on the ground, verify what's there and have the water management district delineate those wetlands and we have done that and those are the wetlands that we're referring to.

Mr. Hopengarten stated I agree with what you're saying. The maps that they have are not 100%, they're very old by the way. So, it's good that you've looked at that. You're showing two means of egress from this property. You're showing directly onto Courtnay on the north side. And then you're showing the one onto Pioneer. And this is not a gated apartment complex.

Mr. Oliver responded No, sir.

Mr. Wadsworth stated I just want to bring it back to the board quickly. They're requesting a zoning classification change. We're getting into wetlands and we're getting into designing the project for them. And this is not what we're here for.

Mr. Hopengarten stated no, we're not. We're questioning what they're doing. So, what impact will it have on the neighborhood?

Mr. Minneboo responded that this is a zoning issue. I know it's not a design issue. I don't know if we're capable of using this staff to ask technical questions.

Mr. Wadsworth continued with I just want to bring it back to the board. They're asking for a zoning change. I understand the public's concern. My biggest concern about this whole project was traffic. You've answered that because if they put a hospital up here, it's 100. How many rooms or beds is it? 122 beds.

Ms. Rezanka responded it's 100 beds. It could be three stories because you could have parking underneath. You could have a separate parking garage. You could have over 5,000 trips.

Mr. Wadsworth stated my biggest key thing is when you said it was going to be four times the impact than if we pass this zoning. Correct?

Ms. Rezanka responded Yes.

Mr. Wadsworth asked, "Do you agree Brevard County Traffic?"

Mr. Nguyen responded without the hypothetical numbers present; I would agree that a hospital of that size would generate significantly more trips than the existing proposal.

Mr. Wadsworth continued so, as far as the County, and I'm concerned, this would have the least impact on this parcel.

Mr. Nguyen responded it would just depend. Any development that breaks or exceeds capacity must reimburse the county in some way, shape or form, whether that's building required improvements or a prop share or some other mitigation.

Eric Michajlowicz asked why apartments instead of condos?

Mr. Oliver said the market for condos, since GFC back in 2008, 2009, has been a very challenging business proposition. So outside of your New York's, Miami's, Boston's of the world, condo development has really hit a pause since 2008, 2009 just because it's a very risky asset class. Multifamily provides, especially what we're proposing here with a luxury multifamily community, provides a housing option for the young maybe 26, 27-year-old that is getting paid six figures from one of the space organizations, private and public, to live when they don't necessarily want to own and be committed to a home. The average home priced in Merritt Island right now is approaching \$500,000. So, there's a lot of people that can't afford a 20% down payment on a \$500,000 home. Our average rent on the property for a two-bedroom unit is \$2,500 a month. It's much more reasonable. It's a much more reasonable proposition to pay a monthly rent of \$2,500 than to pay out a 20% deposit and then pay your mortgage behind that. Mortgage rates are very high right now still. So, it's a different environment. You look at the different organizations within Brevard County, they promote housing diversity. They promote the need for different forms of housing for employment and the growing employment within Brevard County. This is a different housing option to service the engineers, the technicians, the contractors, nurses, teachers from this growing population that Brevard County is experiencing.

Mr. Michajlowicz stated I have one comment I'd like to make that I studied about traffic on this project. If it came to that, it's obviously not my decision, when you tossed around numbers, are you in a position to be able to lower density?

Mr. Oliver responded Sure. Some of our team mentioned that we originally contemplated a higher density on this property. We were going to submit a rezoning application requesting a PD with four-story buildings and 240 to 250 units. Per initial feedback that we received from the county, from council, from initial feedback from the community, we backtracked and went to RU-2-15 and RU-2-30 to align with Brevard County's comprehensive plan that dated almost 40 years ago. So here we are 40 years later trying to rezone a property that 40 years ago staff slated for this use. So, if you think about how the community and the county has evolved over the past 40 years, for us to only be asking for what the county previously allotted for this land seems to be a responsible and reasonable request.

Mr. Michajlowicz stated my comment about traffic is just as a point. I did a thing just

through my own interest on a similar sized development with condominiums and similar size development with apartments. And the interesting part about it is when you go out there in the morning or even mid-morning out of the condos, because you have either snowbirds or retirees or some people that are working, it's kind of a little bit of a flow that comes out at different times. In apartments it's almost the same time, everybody's going to work. So, that's just as a point that I'm keeping in mind when there's a conversation about traffic studies. But to get back to that point at 222 you cannot if that option was made available to you, you would not be able to lower that density and make sense financially for you.

Mr. Oliver responded it would be challenging. Yes, we've already reduced it to a point that it....

Neal Johnson stated he had a clarification question because there was a comment made that if this project wasn't approved that anything else would have to come back to this board and then another comment was made that if it was a hospital it would not. I'd like clarification on that. Would a hospital have to come back to this group for approval, or could they just put it up?

Ms. Gilliam responded a hospital on the site that is not included in this request would not have to come back to the board. Their BSP states that they can build up to four stories for a medical facility on that site. So that would not have to come back to planning and zoning.

Ron Bartcher asked about traffic and the difference between the increase from 2026 to 2027 is what? Just more people coming to Florida.

Mr. Ebersole responded at the ramps, existing at Courtney Road and the eastbound on/off ramps, the existing level of service is "E" in the morning and "B" in the afternoon.

Mr. Hopengarten asked to have those levels defined.

Mr. Ebersole responded a level of service "F" is failing. That's above the theoretical capacity. Level "E" is approaching the capacity. But a level of service "E", for example, at an intersection, generally 95% of the time, every vehicle will get through on one cycle. You won't have to sit through two red lights. At an intersection that's kind of the best way to define the difference between "E" and "F". Level of service "B" is operating well. "C", you're starting to see a little bit of heavy traffic but still doesn't really impede your flow. "D", it's still not stop and go conditions. It's getting full, but again, you're going to get through every signal in one cycle. "E" is full is getting full, but you're not beyond the ability to get through an intersection in one cycle. Again, at those ramps the analysis still is the same and exists as it is all the way to the built scenario.

Mr. Bartcher said you're saying that adding these 1379 trips will have no effect on those ramps. Now is that because the effect is so small it's not measurable or is it zero effect? Or is it just because the level of service is already so bad that it can't get any worse?

Mr. Ebersole responded it's not zero. That would be "F". If we were showing "F" you get

what's called a constrained capacity where you can't rely on the counts any longer because you're only counting as many cars that can get through. But that will show up as an "F", not as an "E".

Mr. Bartcher commented your study did show that one of them was an "F". So, I was just wondering if that was the reason why because once you reached "F", it can't get any worse.

Mr. Ebersole responded one of the approaches on one of the intersections, you're right, that one is an "F", just over the threshold. So, it's not that there's no impact. There is an impact. It's a second or two more of delay for a vehicle. Every measure has a threshold. There is an exact line where it crosses over from "E" to "F" for example, but each level of service is a range. So, you can increase the delay by a second and be an "E" and still be an "E" or maybe you're right at that threshold and you're an "E" and you add that one second and now you're over to an "F". That's case by case. And as you move out from the source, the traffic dilutes. Yeah. So, there's less additional traffic at the ramps. And the reason why I was keying in on Pioneer at Courtney, is because that's where the highest concentration is. That's where the largest impact is. The impact gets less as you move out from there.

Mr. Bartcher stated I just wanted to be sure I understood that because that's the fact that the people at your client base are going to be working in the space center. So, they're going to be going that way.

Mr. Ebersole continued the distribution we used was based on existing patterns and it was effectively a 60/40 split. Like 60% of the traffic is oriented towards the north and 40% to the south.

PUBLIC COMMENT

Mr. Wadsworth inquired has anyone here spoken on this item before? Not today now, but before. Because this has all been on record where they came before us before. We understand the issues. We hear them all. Traffic, wetlands, etc. I just don't want everyone to come up here and say traffic's a problem. We realize this. So, I'm going to give everyone two minutes.

Mike Wilson stated I'm coming before you today because I think that all of you know that we have a comprehensive plan in Brevard County and it's meant to make sure that our zoning and building are in compliance with what the county wanted to establish. This group has come before you today and they're asking for a variance because they want to build a project. Right now, it's zoned for about five parcels, five homes. They want to go from five to 222. This does not conform with the comp plan whatsoever. The group is also saying that if they don't have RU-2-30 or RU-2-15, they can't make money. The responsibility of your board and of us citizens who oppose this rezoning is not for us to help them to make money. We're not against them making money by any means. If they want to build five houses and sell them, that would be just fine. No problem at all. But we should not break our comp plan for a special interest. And this appears to me to be a

special interest. I'm also wondering if the constant mention of a hospital is a foregone conclusion or is it just fearmongering, because we have a brand-new hospital going up in Merritt Island, Health First. Now, does a hospital want to come in and compete against that? I don't know. But I hope that you will take what I've said very seriously and stand by the comp plan that exists and oppose the rezoning.

Gregory McClasky stated I'm not opposed to development. In fact, I was glad to hear about the apartments being built behind the mall, which of course will increase more traffic on Courtney going northbound to commute there. I was looking forward to more single-family homes being built there because we knew somebody would take it. We know about traffic issues. I heard from a friend that looked at the data that one of the surveys was done on Friday from 2:00 to 4:00 p.m. Well, school gets out on Fridays at 1:30. So, that would have been understated if that's correct. A couple of personal examples quickly. If you try to go home on Pioneer about a half hour before school gets out, the cars are starting to line up on the side of the road and you're forced to drive on the wrong side of the road to get around them. Recently trying to exit Pioneer about 15 to 20 minutes after school let out to turn left and go southbound, it took three stoplight cycles for me to make that turn. It's also led to a traffic problem that's led to many drivers cutting through behind Starbucks and alongside the bank and the car wash to avoid the long delays at the stoplight. In addition, the significant safety concerns for the school children. Recently, Hampton Manor Assisted Living Facility started advising elderly residents to be extra careful when walking to the bank or Starbucks because of some near misses from cars that were cutting through on this road. They won't be able to cut through and that'll add more to Pioneer. Next on Courtney, it's my understanding that traffic data, you've pointed out some of the limitations or perhaps some of the misstatements that might be on there. The fact that it exceeds limits in certain areas is a particularly scary thing. When the barriers are up, that's going to force more cars, as you mentioned, turning north or more cars turning on to Pioneer to try to get to the stoplight there. I don't know when they expand the right turn lane how these cars are going to get out to get to the left turn lane.

Chelsea True stated she is a nearby resident and would like to briefly address three of the criteria this board is asked to consider when evaluating a rezoning request like this. First, compatibility. The county's own staff analysis states that the proposed use is not consistent with existing patterns of surrounding development, which is predominantly single family residential to the east with limited commercial uses along the corridor. That finding matters because compatibility is one of the core factors this board is charged with weighing. Second, while the staff report notes that the project could be considered a transition between commercial uses and lower density residential, transition can happen at different scales. A 222-unit three-story apartment complex on roughly 11 acres is not a minor transition. It is a significant increase in intensity at a corner already constrained by surrounding uses, roadway conditions, and neighborhood context. It has also been suggested that other uses may be possible under the current zoning. But respectfully, the decision before this board is not based on hypothetical worst-case scenarios. The question is whether this specific rezoning request at this scale and intensity is appropriate and compatible at this location. Third, infrastructure and access remain unresolved. North Courtney Parkway is already the subject of an active FDOT

safety project and access scenarios referenced in the traffic analysis as preferred to remain dependent on future approvals that are not yet guaranteed. Proportionate fair share has also been discussed, but payment alone does not resolve physical traffic constraints, queuing, or safety concerns near an active school corridor. The staff analysis also states that this development has the potential to create traffic impacts that could adversely affect the safety or welfare of residents in the surrounding neighborhoods. This is not an argument against growth or housing. The question is whether this scale at this location is appropriate before those issues are clearly resolved. Once intensity is granted through rezoning, the long-term impacts remain even if unresolved details are addressed later at the site plan. I'm hearing a lot of hypothetical arguments here. We can build. They're going to be six figure tenants. There's going to be access, but there's no proof right now.

Danielle Delude stated today I speak for the people of Merritt Island and every existing homeowner in Brevard County. The families who built this community already paid for roads, drainage, schools, fire, and police services. This rezoning from agriculture use to RU-2-15, RU-2-30 for 222 multifamily units on 11 acres is not responsible redevelopment. It is subsidized growth that will force us taxpayers to foot the bill for the developer's profit while our quality-of-life decreases. I urge you to recommend denial or at minimum ironclad conditions that require the developer to pay 100% of all infrastructure upgrades before approval. Infrastructure and growth pay its way straight from Brevard's own comprehensive plan. The capital improvements element in chapter 13 of Brevard's comprehensive plan could not be clearer. Brevard County should not consider financing needed capital improvements with impact fees and other forms of development exactions to ensure the new development pays a pro rata share of infrastructure development costs. Policy 4.5, page 13-7, Brevard County shall continue to utilize a concurrency management system to review the impacts of all development proposals on existing public facilities to ensure that levels are not degraded below acceptable level of standards. Policy 5.1 page 13-6. And crucially, building permits may be approved and developers agree to construct all improvements necessary to accommodate the specific impacts of the proposed project concurrent with this development. Policy 5.2 to criteria D page 13-9. The plan even warns against subsidizing growth. Limit future expenditures for infrastructure and service facilities which serve to subsidize growth. Objective 3, page 13-6. Transportation facilities must be in place or under actual construction, not more than 3 years after the certificate of occupancy. Policy 5.2 criteria C. Yet Brevard's own impact fees have not been updated since 2007 and do not cover actual costs. Existing homeowners pay the difference through property taxes. The 1,000 friends of Florida report put it plainly. Without the fees, existing residents would in effect subsidize the cost of new development. Page two. This project will do exactly that.

Kimberly Jarvis stated I'm a volunteer with Audubon's Eagle Watch program. I'm also an avid birder, as you can see from my shirt. Last time I was here I brought a map of the proposed development along with the 660, 330-foot buffers. To put it in perspective for some of you people, 660 feet is two football fields and two first downs. That's not very far. Eagles can see three miles. They can see a rabbit from three miles and their hearing is equivalent to that of a human. This project will disrupt the nest. That nest has

been there for eight years. Somebody on Nextdoor was kind enough to send me a picture of a fledgling barred owl. It's learned to fly and now it's learning to be an owl. That picture was taken in Villa Del Rena or somewhere in Villa de Palmas. And I was out there last Tuesday, and I did hear barred owls.

Madonna Bailey stated many things have been said already, but things I wanted to stress is first, I'm just one of many people that couldn't come today because of the time of the day. There's a lot of people moving here for the space industry. I understand they need homes. We would welcome five single homes for them to purchase with their investment. The medical trips that I just heard today about there would be more trips in and out being a resident of Merritt Island. We do need more medical. And if those medical people would already be living here, it wouldn't be a new 222 units. The units that are going up behind Merritt Island Mall, the 296 units that are expected to be completed in early 2027 have not even been considered in this study, which we know they'll be going right down Courtney to go to the space centers. We love our island. The traffic is getting to be ridiculous. And like you've heard from so many today, just hope you take in consideration that we do welcome people to our community, but we do welcome the five single homes, the American dream.

Diana Schommer stated she is a resident of Merritt Island. I use Pioneer quite a bit and I live on North Tropical and Andrix and I really appreciate the hard work that many of these people have done. In my case, I'm acutely concerned with sewage. I understand that Sykes Creek has the capacity for this project. I'm told that it does, but it still has spills. It has spills when it rains a lot. And that always goes into the Indian River Lagoon. We all voted for a half cent tax to clean up the lagoon. As far as I can tell, it has made no difference. It has not improved one iota. And that half cent, oddly enough, generates \$4 million a month. Not one cent has gone to fixing sewer lines or replacing old ones. A few years ago, they did a couple of studies in Catalina Isles and Hampton homes and 65% of those sewer lines leak. They leak. Has anybody done anything about it? No. Not one red cent has gone to upgrade the infrastructure. Sure, they'll have new lines for their project, but they'll be tying them into old ones that leak and then it goes to Sykes Creek and when they have heavy rainfall, it will leech into the lagoon. I think 222 is too much. We're full. Courtney's a nightmare most of the time now. And when they put that concrete barrier in there, it's only going to make it worse. At least you have a way to maneuver. My neighbors are opposed to this. They're not here, but they are opposed to it.

John Clamp wanted to point out to Michael that we worked at Space Center. I worked out there for 20 years. Not everybody lives on Merritt Island. They live in North Merritt Island. They can go out on State Road 3 or what was State Road 3 into North Brevard County. They can take two routes into the mainland through 405 into Titusville. There's the "B" Line off to Orlando. And there's Merritt Island. And then there's places further south. You're not stopping anybody moving into this area by building or not building condos here. It makes no sense. I just didn't go along with the reason that apartment blocks were needed. There are all kinds of opportunities to build properties. On another issue, much more personal, I guess, I was a real estate broker. And anybody that thinks something like this does not devalue single houses is not paying attention. This would.

Now I happen to live directly by the woods. I figure my property's five or 10 above the average for the same house. Take that away and you're costing me money. And I'm sure that there are a few other people here that would also cost them money. Regarding the traffic, that's an obvious one. It truly is obvious. But Merritt Island is full up. It really is full up. You can't get a quart into a pint pot. So, stop trying, please.

Susan Cole stated she lives in Merritt Island. My husband and I have recently moved here. We're one of the people that you're talking about working for the space industry for 30 years coming down here all the time. We do not rent apartments yearly. We rented on the beach. We rent nearby where the contractors are paying us. So, I don't believe that that's a good theory. The other one is the cruise terminals. People are not going to be moving into apartments to go on cruises. That is a silly argument. They mentioned mobile homes and condos. They're not in this area. They're on tropical trailer a little bit further away. They mentioned that in November they informed people in our area. That is not true. I live in that neighborhood. I was not informed. We heard through the grapevine. There's over 2,000 people on a petition that have signed about this right now. And still word is getting out. I don't know who they say they mentioned. If it's probably their own builders or something, I don't know, but it certainly wasn't the people in the neighborhood. I want to mention that the hospital versus apartments. The apartments are going to come. They're wanted. They're trying to sell it to the people that are working. They all leave at the exact same time. The people who go into hospitals or medical centers or whatever, they're coming and going. It's not going to be that flux of traffic that you get at 8:00 a.m. They're spouting out numbers here and there, but as we heard with the traffic, it's four hours in two days that they've studied the traffic. We all know that's not a good accurate picture. The development is going to bring nothing to the people of Merritt Island that are here now. We already have stores, restaurants, everything we need. It's not going to bring us anything.

Peggy Robinson stated she lives on Raintree Lake Circle. We've been talking a lot about numbers today. And I'd like to talk about maybe just the feeling that you have when you come to Merritt Island. When I moved here, I felt at peace and now I feel like I'm being crowded out. I don't know anybody who wants a three-story apartment, eight apartments, 222 apartments built in their backyard with balconies overlooking their yard, overlooking their house, overlooking their family. Merritt Island is only so big. It's only so long. It's only so wide. You can't squeeze everything into Merritt Island. I don't know anybody who is for this. And, I don't know how many three-story buildings there are on Merritt Island, but I don't think there's very many. And, the ones that we have have large buffers. So, you're not on top of a neighborhood. You're not on top of each other. They're set back and there's a reason for that and it's called congestion. I'm not in favor of congestion. I'd like to live my life peacefully here in Merritt Island for the rest of my life.

Hazel Banks stated her address is right behind their backyard. And being 50 ft away is not good enough because of the noise, the lights, the rentals. We all know type of people that come to rentals and they're not the quiet people that we want. I was coming down from Orlando last Thursday and I came across KSC down Courtney and I was stopped because of the traffic at the Causeway Diner which is 2 miles from my street,

and it took 30 minutes for us to get through and this was around 3:30 p.m. I was on Pioneer on a Thursday again going north and that's where I saw all the parents cars are all down Lewis Carol Drive and halfway west on Pioneer. And like the other person said, the people that wanted to drive south couldn't because of the school traffic waiting and there was about a mile and a half of school traffic and the buses coming from the school to go to the intersection to turn right and/or left or go straight. Also, a builder came to my apartment, and he was at a similar unit and the people next to it couldn't sell their house because they knew of all the noise that the apartments were making.

Victoria Benavidez stated I work here. You can see my shirt, and I work in the utilities department. My one concern somebody mentioned is sewage because I know Sykes is at capacity. But beyond that, I wanted to talk about the traffic situation. I do not go down Pioneer because of the buses and all the parents sitting there waiting. So, in the morning rush hour traffic, I go around to Villa De Lorena. I think there are a lot of people who do this and then I go right onto Courtney and get on 528. Now the other issue, so that's one thing is because that's a tiny little street, Villa De Lorena, and it's heavy with children walking to school. I see them every morning and I do my best to stay within the 20-mph speed limit that's on that street because I know that. But I also know that there are a lot of people who just zoom down that road. Now you're saying that that is just going to get way worse because these apartment people are also going to find that work around and use that way as well. Then the other situation is the median on Courtney. So, if you have not been in that area during rush hour, then you do not realize that that median on Courtney backs up way down because the line of people that are waiting to turn left on 528 to get on westbound, they line up in that median. So now FDOT is going to put up a median there, a hard median, so that the cars can't do that. Now we're talking it's going to get even worse. And you add 440ish cars to that situation with this apartment building. That scares me. I have no other way to get out of my area except Pioneer or Villa De Lorena. That's it. There's no other way.

Jenny Eckberg stated a couple things I drew from this meeting. One of them that just popped into my head was the drawbridge that does occasionally on the half hour can go up on whim, you can't tell the boats when and where they're going to come. And so that backs up Courtney. That kind of plays into the other conversation of when they put the median in and the people in the turn lane trying to get on 528 westbound. That's going to back up the left lane. And then there was something this is maybe more of a question when we were talking about the capacity use using more than 25% of the capacity remaining and we were talking about two trips a day 855 and 662 trips and then the capacity is 2000 and 1200 and I heard the argument being oh well that's if you're doing the site plan. So, I don't really know where site plan comes into play but I'm just looking at the numbers and that this was well above this 25% capacity. Just to reiterate that maybe someone needs to look into that. So, does site plan come after we do the rezoning and the numbers are still going to be the same. Lastly was the argument about having a hospital and I don't know enough about that, but wouldn't it still require rezoning if this 11 acres are zoned AU? If you're putting a hospital there, are they talking about the current infrastructure, the current building that they're going to build that up to maybe three or four stories hypothetically if they do put a hospital there? And then the fact that two thirds of that are also wetlands and wouldn't that still need to be

reviewed? So again, we got this hypothetical of this hospital that may or may not go in and still impacting and still an eagle's nest and still all this that still needs to be viewed.

END PUBLIC COMMENT

Ms. Rezanka began with the wetlands are only about 1 acre. It's not 2/3. It's been ground proofed, but again that's a site plan issue. Regarding that 25%, it's very confusing. Again, first time I'd seen it raised in a zoning issue. That's section 62602. I handed you the entire ordinance. The big thing to understand is we're at preliminary evaluation for rezoning purposes. Usually, a full-blown traffic study has not been done for zoning. We did it here because of the concerns and traffic engineers here, they've reworked it. They've met with Mr. Nguyen. They've met with many people at traffic and right now we're not going to make the level of service on Courtney worse or the intersections worse, that's the standard regardless with the 62-602. If we do go to site plan and if we are taking up more than 25% of capacity it can be phased it can be proportionate fair shared roadway improvements can be made. So, the 62602 was for informational purposes only, which made the developer do more work to determine if they still wanted to go forward. And they still do want to go forward. Regarding lights and noise and the types of people that live in apartments, that's relatively offensive, but lights and noises are performance standard issues and noise ordinances. So, if there are problems then that is taken care of at the time the performance standards with lights and noise. Again, these are luxury apartments. The only other apartments that are new in Merritt Island are the ones that are going behind the mall. Also, those were already in development when this project came forward. So, all their traffic impacts have been accounted in the methodology that was in the traffic study that was here. About depreciation and value, that requires an MAI appraisal which you do not have any evidence before you today on that. Miss Cole said she was not notified of the meeting. Our office pulled the 500-foot radius for the community meeting, and it did go to the HOA because they had property in it too and there were quite a few people there and we've had several meetings since that time as well. Regarding paying for growth as it comes along. This project, if approved, would pay over half a million dollars in impact fees and a proportionate fair share is required and would be another \$200 or \$300,000. And improvements will be made. There will be a turn lane going into the project. There will be an extended turn lane on Pioneer, which again should cure some of these problems with stacking on Pioneer. Pioneer is only at 30% capacity. This really seems to be a schoolboard issue and school board should do something about it, but I know they don't have the ability to do it either. The access to State Road 3 is an FDOT issue. It's not a county issue. State law doesn't require a site plan even to be held up without an FDOT permit. So that is something again at a site plan issue. The traffic counts were 24-hour counts. They were done on December 11th, which is a Thursday, and January 14th is a Wednesday. 24 hours. They also did it specifically to count the school times because that was raised at several of the meetings. Going back to the comprehensive plan it is residential 15 and neighborhood commercial which allows the bump up to 30 units to the acre. So, in 1989, this county thought multifamily was going to be on this property. And somewhere along the way in 1983, they put this conditional use for a medical office and clinic. So, it's either or. Or it could be five homes, but it's been this way since 1983 with this conditional use permit and 11 acres have not been built. So,

there's some reason this hasn't been built. It doesn't make sense to do AU there. This one was a holding category. And the comp plan is for 15 units to the acre bumped up to 30 units to the acre. Again, the traffic study was done because of concerns about traffic. Mr. Hopengarten I know you don't believe it, but the school buses were counted and everything that travels on the road has been counted on it. They've done the methodology as required by the county and the county has said we're good until you go to site plan. Also, with that package I provided to you, the 62-602, if you turn to page 8 and these are all county records, these are all future land use maps. This shows the variety of zoning. Actually, let's talk about the comp plan a little more. Villa de Larena is residential six. So, they thought six units to the acre could go there as well, which could have been multifamily if chosen to be so. Page eight shows the zoning map. It shows Hampton Manor is written on it, and AU is a property to the north. The AU property that's left is all undeveloped land. It's intended to be something other than agriculture. You don't usually have farms with pigs and horses in a residential neighborhood. A mixed-use neighborhood because you have all the commercial along the corridor there. Page nine, just to give you a perspective of where the RU-2-30 is behind Target with the housing authority, there's also some RU-2-30 south of 520 both east and behind the mall, Harbor Woods. So, this is just a little bit of a perspective. The compatibility, this is an infill project. This is going to fill in a gap with luxury apartments. People who are moving here can't afford to buy a house, as Mike Oliver explained. Hampton Manor is assisted living facility, which is also multifamily. It's even further to the east. In summary, there's no expert or fact-based evidence, competent or substantial, to deny this rezoning. There is compatibility. Traffic is not interfering to the extent that it would require proportionate fair share at this time because we're not decreasing the level of service. Property's never developed and has wetlands to preserve. There's a BDP to address any potential negative impacts. There's a bigger buffer to the east and a 50-foot natural buffer to the north which was not anticipated even in the binding site plan in 1983. The development of this property will not be averse to the comprehensive plan or the land development code and will not be detrimental to immediate neighbors or commercial uses. With that we request the rezoning to RU-2-15 and RU-2-30 with the removal of the binding site plan.

Mr. Wadsworth reminded the board that they need to realize they're here for zoning. That's our thing.

Mr. Hopengarten asked where planning comes in. It says planning and zoning. I have one statement to make. I've been in real estate development for 40 years as an architect and we're always concerned about our projects for the end user, and I didn't notice any comments regarding the consideration to the residents that will be there. I mean if the traffic is like you say it's going to be, aren't those people going to have trouble getting out of that property?

Ms. Rezanka responded the company has decided to come here because it meets their business model. They have two developments in Viera, which traffic is far worse in Viera than it is on Merritt Island.

Mr. Hopengarten asked, "Did they make the traffic worse?"

Ms. Rezanka responded no, because the county code doesn't allow you to make it worse. So, the end user, that's a business decision that planning and zoning shouldn't really be involved in.

Mr. Hopengarten replied I'm not I'm just stating the fact that you need to look at who's going to be living there and what impact their lives are going to have. I mean you're probably going to build something beautiful which is great. The price might be fine, but Mr. Chairman I would like to move for denial.

Motion to recommend denial of Item H.3. by John Hopengarten, seconded by Ruth Amato. Motion failed with a tie vote of 7:7.

Motion to recommend approval of Item H.3. by Henry Minneboo, seconded by Debbie Thomas. Motion failed with a tie vote of 7:7.

Alex Esseesse stated "We'll communicate that to the board. Seven/seven tie each way."

DRAFT