

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 12, 2026**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

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

### EXCERPT OF COMPLETE MINUTES

**H.11. Merritt Bidco SPV, LLC (Kim Rezanka) requests a zoning classification change from AU with a BSP to RU-2-15 and RU-2-30 with removal of BSP. (25Z00054) (Tax Account 2412106) (District 2)**

Paul Body read the item into the record.

Kim Rezanka spoke to the application. Here with me is Michael Oliver from Rangewater, the engineer of record. Kyle Shasteen, and the traffic engineer, Daniela Gerard, and Tom Lee is also here with Rangewater. This is a rezoning. It looks a lot like a future lane use change, but it's not. This is 11.24 acres that is on Pioneer and Courtney. The request is for RU-2-15 on the portion that's RES 15 already future land use, that's 7.5 acres to RU-2-15 from AU. And then on the front portion on Courtenay it's 3.66 acres currently neighborhood commercial that we're seeking to go to RU-2-30 which is allowed by the comprehensive plan FLU policy 2.10. The goal is to put 222 units. It's approximately 19.75 units to the acre. As you know, there have been very few new apartments in Merritt Island. Woodfield is going in behind the mall, but that's been the first apartment complex in the last 35 years from what I understand. This is also seeking a removal of a binding site plan that was done many, many years ago to allow the current medical complex there. The entire property is subject to a BSP for a hospital and medical use. So, in theory, a hospital could be built there. I think that was the intent is to expand the medical facility. It was never done. So, this property is laying vacant and went into bankruptcy. This was the old steward property. It went out of bankruptcy. The owner is a Merritt Bidco which we're under contract with to purchase. That CUP will go away if this property is rezoned. We did have a community meeting on November 24th. Over 200 invitations went out. Approximately 20 neighbors showed up and all the MIRA representatives showed up as well. This also did go to MIRA, that recommended denial as you're aware because of traffic concerns. I would assert that traffic concerns are not the issue at this point. Florida statutes do not let you deny projects because of capacity. It just requires proportionate fair share agreement. We've run those numbers. The developer is willing to donate a proportionate fair share. That is an option and he's willing to do that. At the community meeting, there was a site plan shown, a concept plan, again, not fully engineered, and the neighbors had concerns about height, parking, traffic, flooding, buffering, windows, balconies, location of buildings, and the removal of trees. You've seen that in what appear to be AI generated responses sent to you via emails. We run it through an AI generator, and most of it is done through AI. Spot zoning is a unique term and somehow it came up in AI generated documents. So based upon what the community says the developer is willing to put into a binding development plan that they will have buffers to the east setback for building of 100 ft. Willing to have

setbacks from the north to the building of 50 feet and keep that in Native Preserve. As to traffic, they are willing to work and extend the turn lane on Pioneer that goes to the north and will do whatever is necessary to do a proportionate fair share. That traffic concurrency issue is kind of unique. I've not run into it before where if it's over 85% capacity, you're only allowed to have a certain percentage designated. That's something new. To me it's contrary to Florida law but we have disagreement on that but again Florida law says you can't deny it because of capacity so you have to go into a proportionate fair share. I do want to say that the impact fees generated from this will be over half a million dollars which the county could indeed use to try to improve Pioneer Road. Part of that problem is it's not our right-of-way. We can do the right-of-way on the property under contract to extend that turn lane, but there's nothing else we can do. There's Florida Power and Light poles to the south and that would be something that the county would have to work with FP and L if that were intended to be done. That's just an overview of the project. Mr. Oliver would like to speak a little bit about the company and Kyle Shasteen, the engineer of record will talk about the changes that were made to the concept plan based upon what the neighbors said and then Danielle Gerardo will talk about her traffic study that she did to do the actual counts. The counts currently are used by Space Coast TPO. Her counts came out similar to it, but I'll let her explain it and about the improvements that would be made.

Michael Oliver stated he is the managing director of development for Rangewater for the state of Florida. We develop in Tampa, Jacksonville, Orlando, and here in Brevard County. With me here is Tom Lee, development manager for this proposed project. Rangewater is a national multi-family developer active here in Florida but also across the Sunbelt. In Florida, we've developed 6,000 homes and managed 20,000 units. And then nationally, we have developed 25,000 homes and manage 100,000 units. Over the past decade we have been recognized by the National Association of Homebuilders as the developer of the year. We share this not as a point of pride but to demonstrate the depth of experience, the long-term commitment that we bring to the communities that we build in. Our development philosophy is centered on community focused placemaking, long-term neighborhood compatibility, high quality design and responsiveness to local contexts. As Kim mentioned, we met with the neighborhood and the neighbors, many of which are here today, and we listened to their concerns at a community meeting in November. We heard about building heights, proximity of parking to property lines, building setbacks, and traffic. And we have done everything that we feel is reasonable to alter the conceptual plan that is shown in front of you and on this board right here to accommodate and to be the best neighbor that we can possibly be. Kyle will speak a little bit to this, but I think primarily of note, we are committed to providing a 100-foot building setback on the east property line, to three story residential buildings, which is, as I think most people here are aware, a much larger building setback that is required by most zoning designations. Additionally, we committed early on to doing three-story product, three-story apartment buildings here in lieu of four-story just based on the proximity of the homes to residential neighbors. And the conceptual plan accommodates that. Additionally, we met with neighbors on the north property line, specifically Mr. Clamp and we heard about some pine trees on our property that are mature and they feel suit the needs and aspect of the neighborhood and we have committed to Mr. Clamp and those neighbors to preserve that tree canopy adjacent to their homes within 50 ft to allow for that buffer, adequate buffer between those homes and the parking lot and single-story clubhouse that we have on the other side of that. I say all this to say that we have 13 immediate residential neighborhood neighbors and our goal with the latest iteration of the conceptual plan is to maintain privacy, separation, and enhanced buffering through that landscaping, through storm water features, and long-term maintenance. These refinements were made intentionally and directly in response to the neighbors and their concerns.

Kyle Shasteen stated he will be the engineer of record for this project and responsible for making sure that this site plan meets the county's applicable land development codes as well as any storm water requirements set forth by the state and other agencies once this moves forward to the site planning stage. As Mike said, we have met with the residents nearby two times now. First at a neighborhood meeting and second at the MIRA board meeting. We've heard a lot of input from the neighbors and this site plan has really come a long way to accommodate some of those requests. Being the 100-foot building setback, the setback to the north. Bowman's gone out there. We've conducted a tree survey. I believe it was 20 feet from the north and the east property lines to see what kind of native vegetation is currently there so that we could provide a natural buffer to keep what the residents are used to seeing. Part of that buffer along the east is going to be our storm water retention ponds. We've done some preliminary calculations. We found a model that was done by the county looking at Pioneer Road. There's a ditch along the north side there that kind of drains a larger basin which eventually ends out in Sykes Creek. So, once we do the engineering for this site, we're going to be looking at that base and making sure there's no adverse impacts to the surrounding area. There are also some wetlands on site that we're preserving. You can kind of see it there on the east side. It's the green cluster. So that has been delineated by an environmental scientist locally here in town and confirmed by St. John's. So that area has been delineated. So, we are going to preserve what's required by the county. I'm here to answer any questions. Anything comes up regarding storm water site layout. And I will say just about Rangewater, they have been willing to change their plan to meet some input from the community. It's something that I haven't always seen in the line of work that I do. And I really I'm very impressed with this site plan has come given the process that we've been through.

Daniella Jurado stated she is the traffic engineer with the project. Rangewater Residential has 222 low-rise residential units. It would be three floors and per ITE this is considered low-rise residential. The anticipated daily trip generation of the site is 1,379 daily trips. This would be inbound and outbound trips. The anticipated peak hour trip generation of the site would be 91 morning peak hour trips and 115 pm peak hour trips. That would be for the pm for example would be 72 inbound trips and 43 outbound trips. We have received several complaints or comments regarding the possibility of the impacts of the traffic in the roads and so we reviewed the daily capacity of the roads and based on current volumes the road, North Courtenay operates at 0.88 volume to capacity ratio and under build conditions North Courtenay will be operating at 0.93 volume to capacity ratio. So, the calculated impact of the project would be on the remaining capacity would be 24.95%. We've done a scope with the county and FDOT. We have agreed to a scope and methodology for the traffic impact analysis. This scope contains all the intersections that we're going to be analyzing in the traffic impact study. We have already collected the data and we're currently analyzing all the intersections. We hope to have results by the end of the month. There have been some changes in the access conditions currently but we're still working on analyzing the driveways. For the intersections that we're analyzing, the intersection of Pioneer and North Courtenay. We're analyzing the two ramps and all the driveways. We have also collected two counts at Pioneer, and we also collected videos for the cues along Pioneer Road to make sure that the cues were not backing up to the driveway. The current volume to capacity ratio of Pioneer Road is 0.32. That is one of the biggest concerns of the community. We've also reviewed the peak hour volumes of pioneer especially during the school dismissal and what the peak hour capacity of that road would be 1,333 peak hour trips and the existing school dismissal volumes are 448 peak hour trips from 2 to 3 p.m. And from 3 to 4 p.m. we've collected data and made sure that we had the volumes in that road. We also reviewed the videos, and we also had site visits to make sure that the cues were not backing up into the side driveway and

we are analyzing that data. And for the traffic impact study, we will be addressing any queuing issues along Pioneer Road both onto North Courtenay and onto the side driveway.

Mr. Oliver added North Courtenay Parkway, state road 3, we believe it's Merritt Island's primary north south connector, an arterial and a critical transportation employment corridor. We are aware based on our conversations with MIRA, FDOT, everyone else that it is the focus of many redevelopment planning efforts and corridor studies and infrastructure investments being advanced. This corridor directly serves the region's largest employment centers including the Kennedy Space Center, the growing commercial space industry in Port Canaveral, all of which continue to drive job creation across aerospace defense, logistics, maritime, tourism and advanced manufacturing. That's exactly why we believe that this is a suitable location for a multi-family property. These industries collectively support tens of thousands of direct and indirect jobs and are projected to continue expanding over the coming years. From a land use and planning perspective, as Kim mentioned, this site is appropriately located for a higher density residential development along a major arterial within the urban service area and is in close proximity to major job centers. The project represents from our perspective responsible infill development that aligns with the county's long-term growth strategy and the future land use plan. As mentioned, we have met with the neighbors. We have heard the neighbors' concerns, and we have done our best to reasonably accommodate those comments in the latest iteration of the conceptual plan.

Ms. Rezanka stated I'm not sure the neighbors have seen this plan. I do not believe they've seen the extra buffers. This is North Courtenay. This is Pioneer. They will extend the turn lane that goes onto Courtenay heading north. This is a 100-foot buffer to the east to the building line, where currently the existing BSP only requires a 50-ft buffer and then an additional 50-ft buffer which is in the old BSP and a natural landscape to the north. So again, that's willing to commit to that in a BSP to have the 50- foot buffer to the building line, 100-foot buffer to the building line, and extending the Pioneer Road. And we'll do whatever else the county tells us to do that's within our ability to do, including the proportionate fair share. I did also want to bring up the issue that this is infill as Michael stated, this is an infill development. This is a site that's underutilized. This binding site plan has been on it since 1983 and has not been developed. Meaning it wasn't going to be developed. It wasn't primed to be developed. Wasn't right to be developed. This is an opportunity to have a different type of residential use in Merritt Island. The housing element objective four says that Brevard County shall continue to provide for adequate lands for residential land uses in a wide variety of housing types. Again, there's not been any new apartments in Merritt Island for a good 30 to 35 years, except for Woodfield that's being built behind the mall. There were also issues about the drawbridge and the impact on traffic there. As I mentioned previously that drawbridge is not allowed to be opened between 6:15 a.m. and 8:15 a.m. or between 3:10 p.m. and 6:10 p.m. And, I did want to indicate that there are multiple types of uses. There are condominiums to the north and west of this property. There are single family. There is a mobile home park to the west and there down by Merritt Island High there are some apartments, also JB Somerset. With that, we would ask that you recommend approval of the RU-2-15 and the RU-2-30 on the portion next to Courtenay.

Mr. Minneboo commented under most projects we're not supposed to help you design anything, but this is such a significant traffic issue that if I was the one that was submitting, I would say I would need to show you the geometrics of Pioneer. My calculations showed you almost have 3,000 trips every day over and exceeding what's already there. The generation went right out of the manual and unless we've significantly reduced the number of units you're going to look tend to the box. So, I'm



using 3,000 because it's a lot easier for the world to understand 3,000 more cars that are potentially going to be at this intersection.

Ms. Jurado stated yes it's based on the ITE and that's based on national data. That has more than 250 different data points and throughout the nation. The anticipated trip generation of the site is 1,379 trips and that is including inbound and outbound. That's inbound and outbound. It would be 690 trips inbound and 689 trips outbound.

Mr. Minneboo commented I'm not debating this, but in this case, the staff and I agreed. The staff that's going to review it. So, we're close. Saying that, there's no geometric shown for what I think is going to be the primary access to the north. If nothing else, it's going to be an exclusive outbound direction. It's going to go west and north. So, you're going to have significant movements there because the backup on Pioneer now is atrocious. And it's sort of neat to watch. If you can get the timing just perfect, you may be able to get all the way to Sykes Creek. And that's just not a bunch of bull. But you get the mamas out there bringing their kids home. You got Starbucks now that's open all the time. You got the car wash in there. You got the old people's place in there. List goes on that can clutter up at one time. I wish we could have seen the geometrics. I'm debating on what somebody said about the amount of right-of-way that's on Pioneer. I'm going from memory, but I thought it was greater than 50 ft. Every foot there is going to be extremely important, especially when you're going to go to a minimum of 10-foot lanes. So, you really have a tremendous problem and traffic-wise. I don't need to expound upon it. Staff what's the closest RU-2-30 to this site?

Ms. Gilliam responded there's RU-2-30 to the south, south of Butler Avenue.

Mr. Minneboo commented way down there. That's another issue. This intersection was commercially designed because all four quadrants are commercialized with no intent of single-family residents going beyond there. And now we've overloaded it with some additions. How many units do we have in here?

Ms. Jurado responded 222.

Mr. Minneboo stated we don't require that. But to me, something of this nature with this magnitude in the traffic side, we should have had some geometry that clearly depicted what you guys are going to do. The center lane of North Courtenay is nothing more than a left turn bidirectional. That's all it is. It's not what every person uses it for. A deceleration or acceleration. It is not designed for that. That's what it's being used for. So, there's going to be a treatment that's got to be better than what's there.

Ms. Jurado responded this will go on the site plan review once the rezoning is approved, but it must be approved for them to move into like the site design and any geometrical reviews of that intersection. So, for now the only thing that we know is that there is availability for that right turn lane and that they would be able to construct it because that's part of their frontage. That's the amount of information that we have for now. We are looking into that part of the traffic. We know that for example if those are two different lots, if for example the lot on Pioneer was developed without the other one all that traffic would be impacting the road along Pioneer Road. In this case the trip distribution and based on the regional planning model that we use for the trip distribution, is showing that 68% of the trips would go to and from the north. 32% would go to and from the south. That is showing the number of trips that would be allocated to Pioneer. They would still use that road, but not all the trips would be using that road. We're expecting 35 peak hour trips and that is close to one

vehicle per minute on the peak hour and based on that we'll be doing all the reviews and everything but if for example another development was proposed here and they would not have the access along North Courtenay, those trips would be only allocated to Pioneer. If a development that is less intense than what Rangewater is proposing, they would likely not be analyzing any traffic impacts at the intersection. So that's one of the things that we fortunately are reviewing, are the impacts on that intersection and we can propose improvements that can mitigate not just the impacts of the development but also can help with the current queuing issues that they have.

Ms. Rezanka added what I was trying to explain is that there would be a 100-foot buffer here and that Pioneer would be extended eastward because right now the turn lane ends right at this property line. The turn lane to go north would be extended because it's going to be property that they're purchasing. This is multifamily. The trip generation is about 7 and a half per trip. So that's why it's less than 3,000. Also, as you may be aware, FDOT is putting a median in down this road. And they're not going to let any new median cuts. They're in discussions with the current owner of the health center complex there to do a cross access so people can get through the median. Right now, it's a right in right out on the north entrance there. So again, this could be commercial. It's RES 15 with neighborhood commercial on the north portion. If it was intended to have commercial here, the trips generated would be substantially more than that. Also too, if peak hour going on to Pioneer is only 35, that's one every two minutes. That's not a great amount. She did do the school counts as well. We have looked at the school and we would work with the school board to try to figure out how to manage some of their traffic. Right now, we were told by the residents that they're cutting through the subdivision to go north because the turn lane doesn't go east enough. So, that's what we would be working on. Again, there is still capacity on Courtenay. Just the county's ordinance won't let us take it all. We wouldn't take it all and we would enter into a proportionate fair share agreement to assist the county with whatever they thought needed to be done, because to try to align to the west if you add an extra lane to go south it messes up the alignment on the west side of the road. The best we can offer right now is Pioneer Road, extending the turn lane to the east to go north, and then our proportionate fair share so the county can try to fix this problem. We don't have all the answers, and we don't have the right-of-way to fix it.

Mr. Hopengarten inquired if this is going to have security gates.

Mr. Rezanka answered no. There would be queuing that would back up, so no.

Mr. Oliver added the initial plan that we contemplated did have security gates but based on the constraints that we were working around; it got too tight to allow for queuing.

Mr. Hopengarten continued with in this diagram here, it's different than the one that we received originally in our package. Where is the access going to be on the south side here?

Mr. Oliver stated we've negotiated a cross-access easement with the medical office property so that we have a secondary access point which is required for emergency services but also it would be contemplated as a secondary access point but as you can see from the site plan most residents are going to use the main entrance going north south. And that's with the current owner of the medical office property. That's also under contract. We've negotiated with the individual that has it under contract.

Mr. Hopengarten stated he lives north of that area. The traffic going toward the barge canal, highway 528 is horrendous. It backs up all the way to Pioneer. By putting that many units at that spot are going to cause a problem. There must be a better way. There is a traffic light at Pioneer, which means that the better decision would be to have the traffic come out of Pioneer rather than to come out onto Courtenay directly from your site. It would alleviate a lot of the traffic problems that you would have. However, the people that live down the road off Pioneer in those neighborhoods onto Sykes Creek will probably object to that because it would back up all the way to Sykes Creek. It's a strange request here to have that many units, that many vehicles to be right there. I'm all for apartments being put up. So, they're all renters. I think it's a problem. Are there any wetlands on the site?

Mr. Oliver responded there are. The pocket of green north of the medical office is wetlands that we are preserving. We're preserving about an acre of wetlands. And that's formally delineated with St. John's River Water Management District.

Mr. Hopengarten continued with the 100-foot buffer is a good idea. I think the neighbors would like that, but I think that many units are going to be a problem.

Mr. Oliver responded we contemplated having a primary access point off Pioneer based on the feedback that we received from the community. That was not well received. So that is why we've shifted the focus and the primary access off North Courtenay. As mentioned, there will be a median installed along North Courtenay Parkway that is slated for spring of 2027 to commence. By the time this property is built in early to mid-2028, if we're successfully rezoned and permitted, the median would be installed. On North Courtenay. FDOT restricts the number of accident-prone turns that are being generated left and right coming out of the neighboring communities north and south of this property. We initially contemplated a higher zoning designation, RU-2-30 for the entire site. Since the future land use for the east side of the property was RU-2-15, we decided that it was best to proceed with that just given the proximity to the residential neighbors. So, we originally were showing 240 to 250 units. That has been dropped down to 222 units based on that zoning designation.

Mr. Hopengarten asked could you drop it down even more and still be profitable.

Mr. Oliver responded no.

Mr. Michajlowicz inquired what determination or what considerations do you take when you decide to build apartments instead of condominiums.

Mr. Oliver responded our entire business model is apartments, rental housing. Condominium housing is a challenging business to be in. Based on the events of 2007 2008, the GFC, and then subsequently in Florida the challenges with high rises in South Florida. It is a very challenging and sticky business proposition. So, most developers outside of your major cities, New York, Miami are it's rental housing that is being developed across the nation. It's not condominium development. It's just a challenging business model.

Mr. Bartcher inquired if the clubhouse is single story.

Mr. Oliver responded yes.

Mr. Bartcher continued with where you got rid of the retention pond, you put in the 100 buffer. Is that buffer going to be vegetative or just going to be grass?

Mr. Oliver responded it'll be a mixture. We are still working on it. There are new storm water requirements that are affecting the state level. So, we're still determining if that's a retention pond, if that's native grasses and dry retention. It's going to be a combination of water and vegetation, and tree preserve along that 10-foot buffer along the east side as well as the 50 ft on the north side.

Mr. Bartcher asked if it's possible to make that 10-foot buffer a little bigger.

Mr. Oliver responded we can make it 15. Yes.

Mr. Bartcher stated I'm sure the residents would appreciate having a bigger thicker buffer there. Are you going to be able to preserve the trees?

Mr. Oliver responded we are going to be able to preserve the trees. We had a tree we had a tree survey completed. The trees along the north side, there are several trees, and we met with Mr. Clamp on his property, reviewed them that are very mature and beautiful. So, we were focused on maintaining those. On the east side there are mature trees. It's not to the scale that it was on the north side.

Ana Saunders inquired what type of trees were on that east property line.

Mr. Shasteen responded it was a mixture of all species. There was some native vegetation. There's some exotics and stuff in there. It's kind of all over the place. Palm trees, pines, couple oaks.

Ms. Saunders I'm not so worried about oak trees in a 10-foot buffer, but the pine trees will die. You look at them and they die. You drive by it, it's dead. So, those won't make it. From a buffer perspective, I guess through the site plan process, you could enhance that with plantings and stuff.

Mr. Oliver responded absolutely. And that's our plan.

Mr. Hopengarten stated the neighbor to your west; it seems it's somebody's parking lot. But the building, the larger building is a condominium project.

Mr. Oliver responded correct to both. There are three ownership entities and they collectively own, the two condo owners that own the two smaller portions of the property have an easement with the owner of the parking lot and then we have negotiated an easement with the owner of the parking lot with the approval of the existing owners of the condos.

## PUBLIC COMMENT

Chelsey True stated she lives in the neighborhood directly adjacent to this site. I want to be clear. I'm not opposed to development. Growth is inevitable and it can bring positive improvements to our community. My concern is that this specific project at this scale on this corner does not align with safe or responsible planning for Merritt Island. I also want to stress that I am not opposed to multi-family housing. I previously worked for a firm involved in multi-family construction and development services in Seattle, Washington. This request is a rezoning that enables a significant increase in density immediately adjacent to single family neighborhoods and that deserves careful scrutiny. I understand the sale is contingent on a rezoning which underscores how significant this change of land use is. According to the Space Coast TPO data, traffic on North Courtenay Parkway has increased by over 40% in roughly two years, rising from 27,000 vehicles per day to over 38,000 today. This corridor is



already experiencing peak hour congestion and is scheduled for major access changes, including median modifications and new signalization at Via Delerena. While the project may technically meet concurrency today, concurrency measures, thresholds and not real-world functionality during peak hours are under changed access conditions. Traffic studies conducted in the coming month will capture a snapshot in time, but they won't reflect what this corridor will look like after continued growth and planned roadway reconfiguration in 2027. Additionally, clearing remaining tree canopy on the site reduces natural storm water absorption and shifts runoff impacts to surrounding neighborhoods, often requiring public drainage retrofits later. My request is not to halt growth, but to ensure density is approved where infrastructure readiness and neighborhood compatibility are aligned. Approval decisions would account for documented growth trends and planned roadway changes rather than assuming current conditions will remain unchanged. That's why MIRA voted to recommend denial. The concerns align with long-term planning and not opposition to housing.

Susan Cole stated she was at the meeting in December as well and doesn't want to go over all the stuff. We've already been there before, but generally I'm concerned that this new development will negatively affect all the existing residents in the neighborhood there. The desirability of our neighborhood is going to go down and that of course is going to affect our home values which will also go down. Specifically, I'm concerned a little bit about the parking because they did say it was going to be 1.6 spaces per unit, but it's going to be one to three-bedroom apartments. This area is not walkable. We must drive everywhere we go. We drive to our grocery stores, work, everything. So now with parking, even a one-bedroom place is going to have two cars more than likely or a three-bedroom could have three or four people in there driving. So, there's not enough parking. What's the plan for the overflow parking? What's the plan for the guests, the holidays when they come? Are they going to go on Pioneer? Are going they going to park in front of the houses, find parking, and just walk to the apartments? That's not a good option. I'm worried also about the traffic. One thing that hasn't been mentioned is there are two ways to get into the development. They're going to go around into Via Delarena and people bike, kids bike, they do their scooters, people are walking dogs. It's a very walkable, lovely neighborhood. And now once people get that little trick that we can cut through the neighborhood 3,000 times, the amount of traffic they were saying more people, cars going through. People are going to get hurt and it's going to really be hard again for the desirability of the people that are there now.

Gregory McClasky stated coming here today it was backed up from the school all the way around Pioneer almost to Courtenay and cars are parked half on the shoulder half on the street, so people must go in the left lane to get around all these cars. So, we've got a safety issue with an elementary school with young kids walking to and from as well. So, the safety issue is important. We didn't talk about the evacuation plan. It's very difficult to get in and out of there. It's going to make much worse if we get into a hurricane situation where we're in an evacuation. I want to remind everybody that this was rejected unanimously by the North Merritt Island Development Agency because of these issues. The flooding has gotten worse because of the increase from Starbucks and the assisted living home and the car wash. So, we're having a lot more trouble in the neighborhoods with the flooding. I don't think that they've considered the groundwater rising like was discussed earlier in the meeting. Privacy issues. It sounds like they've taken care of a lot of it. Parking was already addressed. Somebody had mentioned also that there may be a wildlife issue across Pioneer that there's an eagle nest or something in there and that might be an issue as well because they were saying that that would obviously cause them to have to deal with a lot more.

Kimberly Jarvis stated I am a volunteer with Audubon's Eagle Watch program and I'm the person that spoke at the Merritt Island Redevelopment Agency meeting. I wish I had bigger paper, but there's a little blue dot right here. That's my eagle nest. That's an active eagle nest. There's a 660 ft buffer we're supposed to maintain between us and the nest. I'm guessing all these houses were built before the eagles moved in. It is an active nest. (showing pictures) That's one of the adults. And as you can see, there are two eaglets in the nest. There's one of them and one of the adults. And it appears that they are incubating a third egg. So, there's a possibility of three eaglets in there. All the noise from the construction, the additional traffic is going to disturb that nest. The 660 ft buffer cuts the southeast corner of the projected development. And all that noise, all the construction, that will affect the eagles in a negative manner. And I don't think FWC would be very happy about that because bald eagles are a federally protected species.

END PUBLIC COMMENT

Mr. Oliver stated to address Miss Jarvis's detail on the bald eagle's nest. As Miss Jarvis mentioned US Fish and Wildlife Service, there are two radiuses that they document, 330 ft and 660 ft. To impact and develop within 330 ft is a much more intensive permitting process to get approved, within 660 ft. it's a different process. But as Miss Jarvis mentioned, it does intersect the very corner of our property right here, and we are prepared to preserve that sliver of the land to not impact that 660 ft.

Ms. Rezanka stated this is an unusual project for Merritt Island. I agree. It's a needed project. It's an infill project. We'll bring new apartments, will be new opportunities for people to move into the area to work in this area. Most of this property is already residential 15. We're asking for RU-2-15. Which makes sense. Everything to the east is like RES 6, although it's developed that as single-family home. Then the RU-2-30 is just those four buildings that are on the west side there, that abut Courtenay and then there's neighborhood commercial which could be developed 4 acres of neighborhood commercial which could be intense traffic as well. Regarding the FDOT improvements, FDOT is doing that to help the situation. They're also putting in another stoplight to the north of this which was supposed to be put in. Our traffic engineer spoken to them and they don't know how that's going to impact capacity and concurrency. However, that's something that is a site plan issue. If we get the zoning and we can't build or have to reduce lots, that's how it works. I did want to cite to the county code section 62-613 that if there is a lack of capacity to satisfy transportation concurrency, the applicant shall be notified in writing of the opportunity to satisfy transportation concurrency. So, we're asking for that opportunity. The road is not at capacity, but the county regulations make it at capacity and concurrency is an issue because of that. The other issue is flooding. Again, section 6237241 says that the flood water discharge shall not impact neighbors, and they will make sure that it does not. They've been out there, they've looked at the canals, they understand what's going on. They will take whatever water is coming off the road as they have to do. So those again are site plan issues. The engineers don't look at a snapshot in time. They look at what's existing and what's proposed. They use a concurrency rate. They use an average rate. It's not just what's there today. It's what's projected for a period of time. The parking issue is a code issue. They've suggested 1.75 parking spaces. That's higher than Woodfield and that's an agreement with whatever happens. If it's not at code, there's an alternate parking agreement that must be approved through county commission. Parking will meet code; that's not an issue for rezoning. Evacuation plan, those are all things that are considered. Evacuations happen over time. Not everyone jumps on the road at one time unless they're just behind. The flooding because of Starbucks, again, if that's true, that's going to be picked up by the engineer of record. And the wildlife issue, we've already agreed that they're not going to impact that range there. This lightning site plan was put in place in 1983, and it hasn't been

developed because it didn't make sense. This is an infill project that does make sense and that the developer's working with the neighbors to give them the buffers that they want, and they deserve and that they will do whatever is needed for transportation concurrency.

Ms. Saunders commented I totally understand it's a site plane issue, but traffic is the topic at hand. With respect to this kind of built-in moratorium that happens when you hit 85% capacity. You talked about the PFS, I understand that component. Have you guys had a conversation with Brevard County traffic? You said you want the opportunity to talk with them to figure out how to mitigate it. Do you know what that mitigation strategy is if in fact that comes to be? And is that something that the project financially can bear?

Ms. Rezanka responded we've run the numbers, and the developer has assured me that he can bear that amount. So, the traffic engineer, because the formulas in the ordinances and Danielle did run them, and Michael has agreed that he can afford that built into the project in addition to the half-million-dollar impact fees.

Ms. Saunders inquired do you know what those impacts are? What those improvements would necessitate or require.

Ms. Rezanka responded we don't know because of that alignment with that intersection and because of the Starbucks and the power poles and the light poles. We don't know.

Ms. Saunders continued so, you're just making an assumption on whatever that cost is for making that work.

Ms. Rezanka responded if they demand more, they demand more. I mean, it's the development is willing to take that on.

Mr. Hopengarten commented I noticed that you have a lot of impermeable surfaces here. Are you putting in any retention ponds because you're not showing any on this.

Mr. Shasteen responded yes, the area along the east.

Mr. Hopengarten continued if you do that, then there won't be really a buffer because you wouldn't be able to put trees in it. So, the neighbors to the east would be looking at a pond or a dry pond.

Mr. Shasteen responded there are two shades of green on the plan that you have there. The darker green is going to be the buffer. And the other will be retention.

Mr. Hopengarten stated so it's not really a buffer. Because you're giving them 100 ft and you're not utilizing that as an obstruction for view.

Mr. Shasteen responded there will be along the property line.

Mr. Hopengarten stated I see the trees that you have there, but it may not be sufficient for three story buildings on the other side.

Ms. Saunders inquired based on what you said, it could be wet retention? It could be dry. We don't know yet because of the new rules, St. John's rules trying to figure out the new nitrogen phosphorus, how to buy.

Mr. Shasteen stated you're aware of what's going on, the new rule and unfortunately this is discharging into Sykes Creek, which you know has the most stringent criteria based on the new rule. So, we're in the process of figuring combination of dry retention, wet retention, other mechanical systems, combination of different ways to meet the new criteria.

Mr. Hopengarten commented sewer capacity. I know Sykes Creek sewage treatment plant is almost at capacity. Where are you getting sewage?

Ms. Rezanka stated they're not at capacity.

Mr. Hopengarten stated they're 90%, aren't they?

Ms. Rezanka responded it would be no difference.

Mr. Minneboo added that flow may be going north.

Mr. Shasteen stated I don't know the answer to that yet. I know that there's sewer available. There are mains that were put in as part of the previous development.

Mr. Hopengarten replied I understand that part, but you're adding to it now with 200 units.

Mr. Shasteen responded of course the county is not going to let us put more capacity to their plant than what's available. So that's something that we'll obviously have to address. If it becomes an issue that's something that we'll have to address at that time.

Mr. Johnson inquired if this zoning isn't changed to allow this, what can that property be used for now? What can they do there now?

Ms. Gilliam responded currently, right now, the property is zoned AU, which is agricultural residential. It requires 2 and a half acre lots. It would be all the permitted uses under the AU zoning classification, but primarily it's residential. It can have some agricultural uses on it.

Ms. Rezanka added I would also argue it's vested for a hospital and additional clinic uses because it's an existing use that's there and it's covered by a binding site plan.

Ms. Gilliam responded I was going to follow up with that because there's a BSP on the property it wouldn't be able to be used for the residential. It would have to be used for additional medical center buildings to go on the site.

Mr. Wadsworth asked staff if there was a hospital hypothetically built there, what's the highest we could go with a hospital there? How many floors? Is it 32 feet?

Mr. Body responded it would be 35 feet. The residential would be restricting it, also the AU zoning.

Thomas Leigh wanted to add I think this was mentioned by one of the neighbors and I wanted to address it directly about property values and all the issues presenting the surrounding neighborhood, the traffic. Part of what we do and the reason we love what we do is we improve the areas around where we build. We're not the sort of developers who come in bulldoze and leave. We are integrated into these communities deeply. The reason this site plan has been changed, I don't even know how many times, is because we want to respect and honor everyone around us. Typically, our renters have less cars than single family residents. Merritt Island is going through significant changes based on the employment coming to town. The makeup of the American household is changing with it, and we want to offer that option close to the employment that they have. But we're not building, not that there's anything wrong with affordable workforce housing, but this is a beautiful luxury amenities product that young engineers, very highly paid engineers need somewhere to live and there isn't the existing stock. That's the only comment I wanted to mention. And I hope that when we leave the area will be better for it. The roadway, the storm water, all of it. We're not adding problems. We want to remove problems that exist in the locale.

Mr. Bartcher added just reminder; the Merritt Island board recommended a denial. I would like to commend the organization for the response they've made to people's requirements. I think they've did a very admirable job. My concern with this though is I drive that road occasionally. It's never a pleasant experience. Never. It's always backed up. And as John said, it's backed up from 520 or about half a mile down maybe sometimes longer when I'm there and all these people are going in that direction and just make that worse. And then on top of that I just heard that the state's going to come in and put a median in there. That takes up a whole roadway. So, unless they're going to expand the total size of the roadway that's going to make that thing worse. It may be better from a safety point of view making left turns but traffic-wise now it's going to back up way past Pioneer.

Mr. Wadsworth stated I don't want to misspeak but aren't you willing to look at that as far as the traffic issue.

Ms. Jurado responded we're analyzing existing no build and build conditions, and the median will be part the considerations that we take but that's an FDOT project so it would be under no build conditions and the build conditions.

Motion to recommend approval of Item H.11. with a BDP by Neal Johnson, seconded by Debbie Thomas. Motion failed with a tie vote of 7:7.

Motion to recommend denial of Item H.11. by John Hopengarten, seconded by Ruth Amato. Motion failed with a tie vote of 7:7.

Mr. Esseeesse informed the board they could either table the item or move it forward to the County Commissioners with the tie vote of 7:7 either way.

Ms. Rezanka indicated they would like to move forward with the tie vote recommendation.

Mr. Esseeesse stated we'll report to the board that it was a 7:7 tie either way.

Meeting adjourned at 6:28 p.m.