

Objection
19PZ00158
20PZ00024
Goodenow

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: Today's P&Z agenda
Date: Monday, June 15, 2020 9:11:05 AM

FYI

From: Marlys Breckle <marlysjrb@gmail.com>
Sent: Monday, June 15, 2020 9:05 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Today's P&Z agenda

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Calkins,

I am very concerned about the request to increase density for the Brooks Landing property in Mims adjacent to Titusville. More importantly, this property is close to the Indian River Lagoon. As you are aware, the lagoon is fragile and a lot of work is being done to save it. More density will inevitably increase the amount of pollution emptying directly into this precious body of water. Please don't be convinced to risk more damage by allowing this.

Thank you.

Marlys Breckle
Titusville

Objection
19PZ00158
20PZ00024
Goodenow

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: Theodore Goodenow Small Scale Plan Amendment and rezoning request. Items 1&2
Date: Monday, June 15, 2020 9:18:34 AM

FYI

From: Dwight Severs <dws1128@yahoo.com>
Sent: Monday, June 15, 2020 8:21 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Theodore Goodenow Small Scale Plan Amendment and rezoning request. Items 1&2

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please convey to the Planning and Zoning Board my opposition to the proposed amendment to the Comprehensive Plan and request for zoning changed mentioned above. Please uphold and maintain the Mims SAP and denie this request. Please do not allow additional discharging into the Indian River Lagoon. Past approvals continue to damage or destroy, with the storm water run off, the lagoon. Dwight Severs Titusville Florida

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: Opposition to Zoning Change for Two Parcels
Date: Monday, June 15, 2020 9:19:27 AM

FYI

From: Lew Kontnik <lewkontnik@gmail.com>
Sent: Monday, June 15, 2020 6:57 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Opposition to Zoning Change for Two Parcels

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr Calkins:

I am writing as a resident of Brevard and supporter of the restoration and preservation of our balance with nature to oppose the high-density rezoning of the following two parcels at this afternoon's Zoning meeting:

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)
2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

Allowing this change in land use and zoning will allow increased density in an area which does not currently support this type of development. Additionally, it will set a precedent for others who wish to develop in the future along both sides of Hammock Road. In the Mims SAP, nothing less than one home per 2.5 acres is suggested for either side of Hammock Road, unless it was a pre-existing zoning. The proposal asks for the same density he got in Brooks Landing Phase I, which is located further to the west by US 1. The homes that exist here are for the most part on one-acre or larger lots. They have been here for decades. Aside from Brooks Landing Phase 1 to the west, there is no pattern of high-density development here.

Approval of this rezoning request will set a bad precedent. We are spending millions of dollars and many people are doing hard physical work to clean up the lagoon. What sense does it make to allow additional high-density development to occur near its waters, especially in an area that has no history of such dense development?

Lew Kontnik

LewKontnik@gmail.com

H/O 321 775 3327

C 805 558 2295

www.HelpTheLagoon.org : Work has begun on the Save Our Lagoon Project Plan funded by the half-cent sales tax. After more than 50 years of neglect, restoring our Lagoon will not happen quickly and we've started the process of healing.

Our Vision: The Brevard Indian River Lagoon, with clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where our families can play

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: Comments to Phase 2 of Brooks Landing that the Planning and Zoning Board will be hearing on Monday June 15.
Date: Monday, June 15, 2020 9:20:36 AM
Attachments: [Brooks Landing Wetlands and Waterways.pdf](#)

FYI

From: William Klein <klein_william_r@hotmail.com>
Sent: Monday, June 15, 2020 1:03 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Cc: Pritchett, Rita <Rita.Pritchett@brevardfl.gov>
Subject: Comments to Phase 2 of Brooks Landing that the Planning and Zoning Board will be hearing on Monday June 15.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mr. Tad Calkins,

I cannot attend the Planning and Zoning Board hearing on Monday June 15, because I have lung problems from many years of asthma and Bronchitis. I am at high risk from COVID-19. Therefore, I am submitting my comments about Brooks Landing.

Comments to Phase 2 of Brooks Landing that the Planning and Zoning Board will be hearing on Monday June 15.

May 1996 SJRWMD published "Indian River Lagoon Our Heritage At Risk - Indian River Lagoon Comprehensive Plan". It stated the critically poor conditions of the IRL and the loss of marine life caused by inadequate development Regulations and Enforcement Rules. The pollution comes from the polluted runoff from the land. The IRL Comprehensive Plan defined many projects and actions required to restore the IRL. The same ones that the IRL Council states today. It stated that that Regulations and Enforcement Rules are needed to protect surface water quality and aquatic habitats. In the 23 years since then our legislators have failed to adequately regulate and protect the IRL from High Impact Development (HID).

The IRL was clean, clear, and full of marine life before HID was allowed around the IRL. The IRL had the second most prolific oyster and clam harvests in Florida after Apalachicola Bay. The various habitats of forests, scrub lands, wetlands, natural living shorelines, streams ponds, sea grass beds, marine nurseries, and oyster beds slowed down stormwater flow, cleaned, purified, and absorbed the water into the aquifer or returned it to the IRL. The county started allowing HID with its clear cutting, filling in wetlands, regrading the land, replacing the natural areas with buildings, lawns, roads, and concrete. They required the Developers and Cities to install stormwater systems to quickly drain and transport the stormwater with the fertilizers, pesticides, insecticides, and other pollutants to the IRL without filtering, cleaning, or returning the water to the aquifer. This has been the main cause of exterminating local wildlife species in their respective habitats, oysters and clams in most of the IRL, fish kills, increasing the heat island affect, and loss of adequate fresh drinkable water supplies without drilling new wells.

These are my comments to Titusville City Council for Phase 1 of the Brooks Landing. They also pertain to Phase 2 with the additional comment that **NO SEPTIC TANKS SHOULD EVER BE APPROVED FOR PHASE 2.** Phase 2 is much closer to the IRL and will be more devastating to the IRL

1. The 6 wetlands shown in green on the attached Pdf file are connected by the streams and waterways as shown in blue (on the aerial view in Atlantic Environmental of Florida's "Environmental Assessment on Brooks Landing" Figure 5 Land Use Map) must remain in the final development. They cannot be destroyed or filled in with dirt. Bridges and culverts should be used to allow traffic to cross over the streams and waterways.
2. The tree canopy should be maintained and no clear cutting of trees allowed. House lots should maintain the maximum number of trees as possible.
3. All trees cut down need to be inventoried and documented. The benefits and values of trees should be calculated and quantified by the use i-Tree. This calculated cost will be the Tree Mitigation Cost that must be paid to a Titusville Urban Forestry Account or else an equal value of trees planted on Titusville City property. The benefits of one Live Oak 2 ft in diameter over 20 years is \$2292 and the storm water it would absorb is 491,000 gallons.

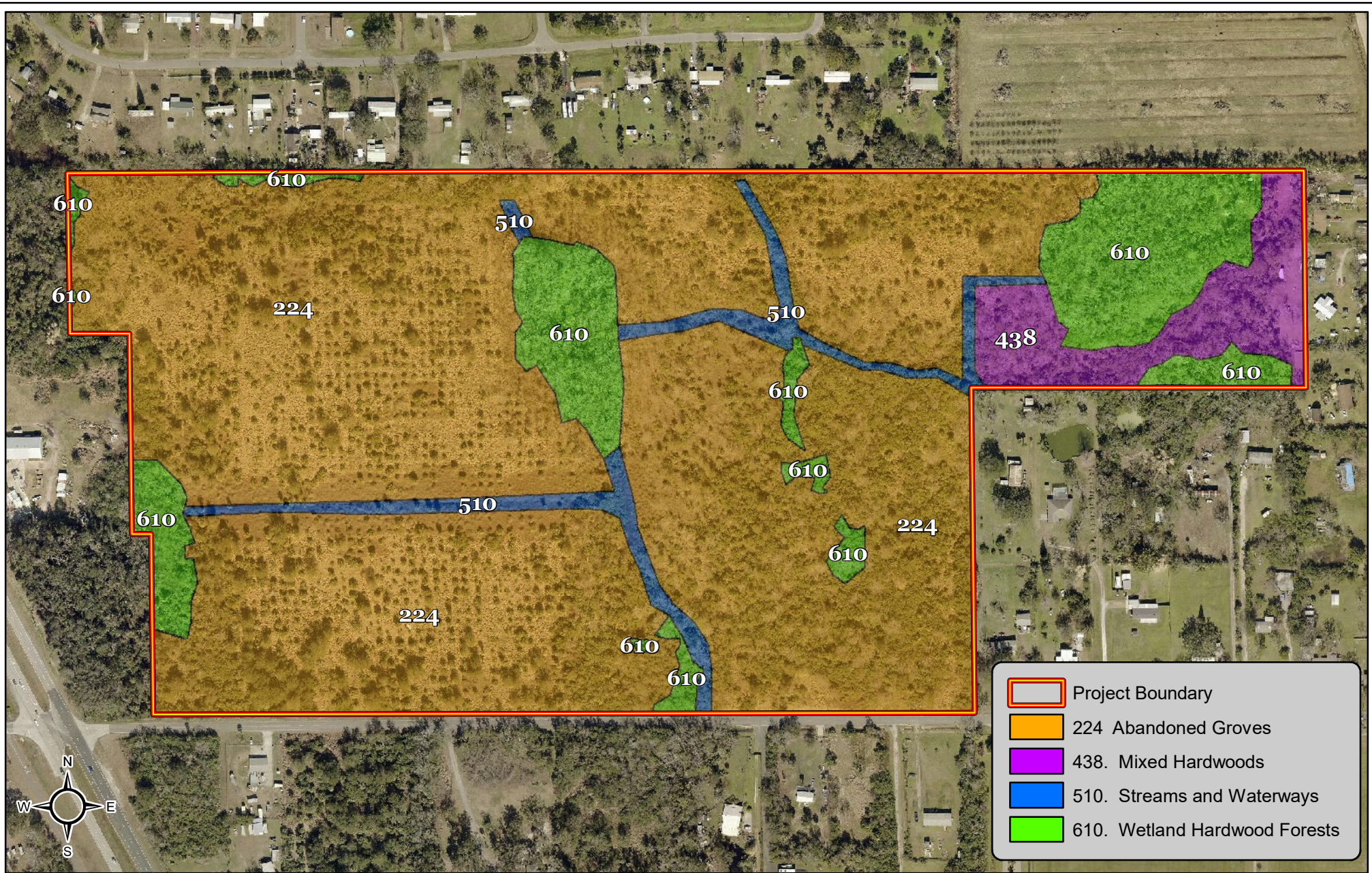
4. The retention ponds and storm drain protection must be designed to the Brevard County 08/24/2017 Flood Map not the April 3, 1989 Flood Map.
5. The retention ponds should be designed for the latest rain fall prediction for a 24 hr period of the 100-year storm or 38.7 inches which was the maximum 24 hr. rainfall in Florida. Brooks Landing was only designed for 3 inches. There will be 81 Million gallons of rain water for 38.7 inches of rain instead of the 6 Million that the project is designed for. Therefore, there will be 13 times more storm water that the retention ponds and drainage is designed for.
6. The project plans to clear cut 46 acres for home lots. One acre of land with 35 mature trees can absorb about 335,000 gallons of polluted storm water per year. Therefore converting 46 acres of forests could create 15 Million gallons of polluted storm water per year that can contaminate the IRL.

Description of the proposed development.

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)

2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

There are two parcels for a proposed development -- Phase 2 of Brooks Landing in north Titusville. Phase one has already been approved by the City of Titusville. Hammock Road passes through the Phase 2 property, creating two parcels. The bigger portion is on the west side of Hammock Road (Parcel #2 in the attached image) and a smaller 4.85-acre piece (Parcel #1 in the attached image) is on the east side of Hammock Road. The developer is seeking a land use change from PI to Res 2 for the 4.85-acre eastern portion of this split development. The developer is then seeking to change the zoning for the entire 31.43-acre development (both parcels) from AU to RU-1-9.



Project: Brooks Landing

Figure 5: Land Use (FLUCFCS) Map

0 200 400 800
Feet

2018 Aerial, Brevard County, Florida

Objection
19PZ00158
20PZ00024
Goodenow

From: [Nayra Atiya](#)
To: [Jones, Jennifer](#)
Subject: Comments, Brooks Landing Phase 2
Date: Monday, June 15, 2020 10:47:48 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jones,

As a resident of Titusville, I am deeply concerned about the health of our Indian River Lagoon. Surely you must be as well. We have seen this magnificent gift of God fail under our tutelage. Increasing density east of US 1 goes against all our efforts to restore the IRL. I am imploring you to kindly vote against the Brooks Landing Phase 2 zoning change for this reason. It is a glaring example of high impact development in a most environmentally sensitive area. We cannot afford to cause further harm without digging our own graves. With your help, perhaps there can be hope. Please deny the zoning change for Brooks Landing Phase 2.

Gratefully yours,

Mrs. Nayra Atiya
Titusville, Florida

From: [dbotto1](#)
To: [Jones, Jennifer](#)
Subject: Brooks Landing Phase 2
Date: Monday, June 15, 2020 11:06:58 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Calkins,

It is imperative that the subject request for changes to the Comprehensive Plan and Zoning Law be denied. We are 3 years in to a 10 year, high cost effort to restore one of the most valued habitats in North America, the Indian River Lagoon. It is an unimpeachable fact that the current dire condition of our lagoon is the result of bad management of development. We're working to repair and correct the result of that fifty years of neglect. The will of the people is clear, we voted to tax ourselves to pay for this attempt. At this point in time, the lagoon has shown little improvement in water quality and even less in the all-important measure of sea grass coverage. This proposed development contradicts the objectives of the Save The Lagoon Program. Brooks Landing Phase 1 was granted a density change that was less than proposed but still will increase run-off harm to the lagoon. Now Phase 2 is much worse. This property may not meet the strict qualification of a wetland but for all practical purposes that is exactly what it is. The proposal indicates hedges that will ensure lagoon damage. Septic use guaranteeing 65% pollution removal in case sewer is not timely available is not possible. That level of effectiveness is highly dependent on the ambient soil condition and this soil is not conducive. Your staff comments indicate hydrologic soil characteristics throughout. This property, only 850 ft from the lagoon shore line and adjacent to a salt marsh, is a textbook candidate for designation by our EELS as part of the Florida Forever Lagoon Blueway program. Mr. Genoni should offer it as such in thanks for getting positive allowance for Phase 1. We must not continue to make the same development mistakes that got us where we are today. WE MUST LOOK TO THE FUTURE!
Deny this change.

David C. Botto
275 Poinciana Drive
Indian Harbour Beach, FL 3293
TEL 321 773 2327

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: Request to DENY and NOT approve
Date: Monday, June 15, 2020 11:08:49 AM

FYI

From: Ruthie Cook <ruthiecook4@gmail.com>
Sent: Monday, June 15, 2020 10:57 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Request to DENY and NOT approve

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To the County Commissioners when this re-zoning request comes before you. RE: Theodore Goodenow (Chad Genoni)
(1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1) AND (19PZ00158) (Tax Account 2105262) (District 1).

i hope the right questions have been asked Before Approval.

approval of this rezoning request will set a bad precedent and is almost foolish to approve.

While We are spending millions of dollars! And many people are working really hard, doing physical work, **to clean up the lagoon.** And It Is Working!

What sense does it make to allow additional high-density development to occur near its waters, especially in an area that has no history of such?

Yet, in one fell swoop, one approval - one is allowed to take much from so many. for money!

Can we not build just about anywhere? What are lessons learned?

Can we go to the Indian River just anywhere?

We need to care, it means money for many, the tricks are not free.

I may need a champion fighter! Anyone? Do Not Approve.

RE:

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)

2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62

units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

--

Best regards,

Ruthie

Objection
19PZ00158
20PZ00024
Goodenow

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: P & Z Agenda Items 1 & 2 No Please
Date: Monday, June 15, 2020 11:09:32 AM

FYI

From: Stephen E. Chalmers <pitmedden1@gmail.com>
Sent: Monday, June 15, 2020 9:14 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: P & Z Agenda Items 1 & 2 No Please

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Director Calkins,

Our county future is bright and beautiful with all inclusive longer term planning.

Much good work and treasure has been and is being invested toward sensible development goals. We need to deliver at moments such as this afternoon's meeting in order to achieve them.

Please vote down items 1 and 2.

Respectfully,

Stephen E Chalmers
2160 Windbrook Dr, Palm Bay, FL 32909
schalmers@cfl.rr.com
321 795 9008 mobile

From: [Michael Myjak](#)
To: [Calkins, Tad](#); [Jones, Jennifer](#)
Cc: [Pritchett, Rita](#)
Subject: Comments to Phase 2 of Brooks Landing P&Z hearing on Monday June 15.
Date: Monday, June 15, 2020 11:09:53 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tad Calkins,

I regret that my health prevents me from attending the P&Z meeting this afternoon. Please bring my comments forward to the P&Z board.

I have been a volunteer and advocate for the Indian River Lagoon (IRL) since well before we didn't have clams to harvest. (Oysters, too!) That's why I joined the Titusville Environmental Commission so many years ago.

There is no disagreement that In recent years we have learned so much about how to take care of the IRL. Our knowledge and understanding of what to do and what **not to do** are, however, moving much faster than our county or municipal code can be amended.

So in this case, I think the Mims Small Area Plan (SAP) said it best by affixing zoning in this area to the existing land use, thus directing lower density development toward the water's edge.

The Mims Small Area Plan thus stands in stark contrast to the Brooks Landing Phase 2 proposal. This Brooks Landing Phase 2' effort is all about business as usual - increasing the density of development to maximize the profits of one, at the expense of the IRL and everyone else.

The loss of sea grass beds to algal blooms, fish kills, and the loss of hundreds of dolphins, manatees and brown pelicans over the years are all symptoms of the suffering we have brought to the IRL.

Now is the time to stand on the Mims SAP and deny the zoning change. To do otherwise, would set a very bad precedent. Its also what the local folks in Mims have already said what they want.

May you be Happy & Well,

Michael Myjak
Titusville Environmental Commission

Objection
19PZ00158
20PZ00024
Goodenow

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: Brooks Landing Phase 2
Date: Monday, June 15, 2020 11:10:02 AM
Attachments: [BMAPexcerpt.docx](#)

FYI

From: dbotto1 <dbotto1@cfl.rr.com>
Sent: Monday, June 15, 2020 9:54 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Brooks Landing Phase 2

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Calkins,

It is imperative that the subject request for changes to the Comprehensive Plan and Zoning Law be denied. We are 3 years in to a 10 year, high cost effort to restore one of the most valued habitats in North America, the Indian River Lagoon. It is an unimpeachable fact that the current dire condition of our lagoon is the result of bad management of development. We're working to repair and correct the result of that fifty years of neglect. The will of the people is clear, we voted to tax ourselves to pay for this attempt. At this point in time, the lagoon has shown little improvement in water quality and even less in the all important measure of sea grass coverage. This proposed development contradicts the objectives of the Save The Lagoon Program. Brooks Landing Phase 1 was granted a density change that was less than proposed but still will increase run-off harm to the lagoon. Now Phase 2 is much worse. This property may not meet the strict qualification of a wetland but for all practical purposes that is exactly what it is. The proposal indicates hedges that will ensure lagoon damage. Septic use guaranteeing 65% pollution removal in case sewer is not timely available is not possible. That level of effectiveness is highly dependent on the ambient soil condition and this soil is not conducive. Your staff comments indicate hydrologic soil characteristics throughout. This property, only 850 ft from the lagoon shore line and adjacent to a salt marsh, is a textbook candidate for designation by our EELS as part of the Florida Forever Lagoon Blueway program. Mr. Genoni should offer it as such in thanks for getting positive allowance for Phase 1.

We must not continue to make the same development mistakes that got us where we are today. WE MUST LOOK TO THE FUTURE!

Deny this change.

David C. Botto
275 Poinciana Drive
Indian Harbour Beach, FL 3293
TEL 321 773 2327

Section 1.5 of the adopted Banana River Lagoon BMAP addresses loadings from future growth and redevelopment. The BMAP does not include a specific allocation for new development or redevelopment because of ERP Program requirements. The ERP Program requires that new discharges into the basin cannot increase existing loads. This is called "Net improvement" and means that the post-development pollutant loading for TN and TP can't exceed the pre-development pollutant loading. All ERP applications must include documentation demonstrating compliance with state water quality standards, as well as showing that the project does not adversely affect the quality of receiving waters, resulting in water quality standards violations. Since the Banana River Lagoon (BRL) is an impaired water that does not currently meet state water quality standards, new development and redevelopment within the BMAP area or watersheds cannot increase nutrient loads to the BRL. Unfortunately, the "Net Improvement" requirements in BMAPs are not included in Florida's ERP program requirements which need extensive revising.

The BMAP also states "Although future development may meet state stormwater standards, the development may still add a nutrient load to the lagoon. To ensure that future growth does not add to the degradation of the BRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations." LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. However, allowing LID techniques typically requires changes in local government Comprehensive Plans and Land Development Codes.

Objection
19PZ00158
20PZ00024
Goodenow

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: I object to Agenda Items 1 & 2
Date: Monday, June 15, 2020 11:59:11 AM

FYI

From: Toni <tonibizness@aol.com>
Sent: Monday, June 15, 2020 11:25 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Fwd: I object to Agenda Items 1 & 2

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

sorry forgot to ID myself:

Toni Shifalo
715 Tropic Street
Titusville, 32796

321-512-9900

-----Original Message-----

From: Toni <tonibizness@aol.com>
To: tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>
Sent: Mon, Jun 15, 2020 11:23 am
Subject: I object to Agenda Items 1 & 2

To the Planning and Zoning Board:

Concerning the Planning & Zoning Board meeting scheduled today, June 15, 2020:

I oppose both agenda items 1 & 2 concerning the request by Theodore Goodenow, Chad Genoni to change the Future Land Use designation from PI to RES 2 on the 4.85 acre property east of Hammock Road, and to change the zoning classification from AU to RU-1-9 on both this property and the 31.43 acres located on the west side of Hammock Road.

I especially oppose the change of the smaller parcel from PI to Res 2 as it is clearly against the recommendations of both Staff and the Natural Resources Management Dept. FLU & Summary Item #20PZ00024. This small acreage consists of hydric soil and possibly a wetland. It's location near the Indian River Lagoon makes it a particularly sensitive environment and probably should NOT even carry the PI classification.

Changing the zoning on the larger parcel west of Hammock Road is a bad idea also. The proposed development does not meet the criteria set forth in the Administrative Policies set by the county. In Criteria C, Administrative Policy 2, it states a proposed development should be consistent with emerging or existing patterns of surrounding development. It does NOT. And it violates relevant policies in any elements of the Comprehensive Plan.

Please vote NO on these agenda items.

Toni Shifalo

Objection
19PZ00158
20PZ00024
Goodenow

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: Comments re this afternoon's re-zoning request
Date: Monday, June 15, 2020 11:59:52 AM

FYI

From: lisa.ruckman@yahoo.com <lisa.ruckman@yahoo.com>
Sent: Monday, June 15, 2020 11:23 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Comments re this afternoon's re-zoning request

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Re: Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment from Planned Industrial to Residential 2. (20PZ00024) (Tax Account 2105262 - part of) (District 1)

Mr. Calkins:

I am writing to ask that this high- density re-zoning request be denied. Based on what the Mim's neighborhood has set up to be a lower density to match the area and the concerns for the Lagoon, it seems that this amendment would not be prudent.

As a volunteer with the Brevard Indian River Lagoon Coalition, I know that there are limited areas where the rain water can naturally filter to the Lagoon. Higher Density development is best left out of these few lower density areas we have left.

Sincerely, Lisa Ruckman

From: [kay.st.onge](#)
To: [Jones, Jennifer](#)
Subject: Rezoning for Phase 2 Brooks Landing
Date: Monday, June 15, 2020 12:07:43 PM

Objection
19PZ00158
20PZ00024
Goodenow

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Public comment for June 15 Brevard County Planning and Zoning Commission meeting:

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)
2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

These rezoning requests are detrimental to the Indian River Lagoon. The Florida Department of Environmental Protection's Basin Management Plan mandates that "Since the North IRL is an impaired water that does not currently meet state water quality standards, new development in the basin cannot increase nutrient loads to the lagoon. " Also, "To ensure that future growth does not add to the degradation of the North IRL, local governments must be proactive in controlling loads from future growth. " The FDEP recommends Low Impact Developments to minimize the impact of new developments.

The property to the east side of Hammock Road is too close to the Indian River Lagoon for development and would inevitably impact the Indian River Lagoon. No change in zoning should be approved. Septic tanks should be prohibited.

Retain the agricultural residential zoning of the 31.43 acre parcel to the west of Hammock Road. Any development should mimic the existing density of nearby houses, and utilize low impact development strategies, preserving trees to reduce stormwater runoff and to reduce heat buildup. Hookup to the Titusville sewage is essential. Septic tanks should be prohibited.

Many nearby residents and citizens of Titusville objected to Phase 1 of Brooks Landing before the Titusville City Council. Now we urge the Brevard County Commissioners to reject requests to rezone this land adjacent to the Indian River Lagoon for development purposes.

Thank you for considering the viewpoints stated above.

Kay St. Onge
Titusville Tree Team

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: Fwd: Please deny the high density zoning
Date: Monday, June 15, 2020 3:15:35 PM

FYI

Sent from my iPhone

Begin forwarded message:

From: Deborah Longman-Marien <deblongmanmarien@yahoo.com>
Date: June 15, 2020 at 2:28:21 PM EDT
To: "Calkins, Tad" <tad.calkins@brevardfl.gov>
Subject: Please deny the high density zoning

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please deny Item one and two on the agenda. Please deny the high density zoning requested. As a citizen who cares about the lagoon, which we are spending much to clean up, this will not help.

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)

2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

Approval of this application will not be good for the lagoon as development takes place north of Titusville. A number of citizens worked very hard on the Mims Small Area Plan, which the community backed. A big component of the Mims SAP was protection for the lagoon. It was hoped that new development just south of Parrish Road would follow the

direction of the Mims SAP.

We are spending millions of dollars and many people are doing hard physical work to clean up the lagoon. It makes absolutely no sense to allow additional high-density development to occur near its waters, especially in an area that has no history of that?

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Smith, Nathan](#); [Pritchett, Rita](#); [Ball, Jeffrey](#); [Calkins, Tad](#)
Subject: FW: Brooks Landing Phase 2
Date: Wednesday, August 5, 2020 11:26:48 AM
Attachments: [BMAPexcerpt.docx](#)
[image001.png](#)

Jennifer,

On behalf of Commissioner Pritchett, attached please find an email regarding the item for the August 6 zoning agenda.

Thanks,

Marcia Newell

Chief Legislative Aide to Commissioner Rita Pritchett

Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2

Titusville, Florida 32780

321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: dbotto1 <dbotto1@cfl.rr.com>

Sent: Wednesday, August 5, 2020 10:48 AM

To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>

Subject: Brooks Landing Phase 2

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Chairman Lober and Distinguished Members of the Brevard County Commission;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Save Our Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We are concerned that much of the accelerated development now occurring in Brevard County poses danger to the future health of the Indian River Lagoon. Such development, even though meeting current requirements, will add to the pollution entering the lagoon in violation of “net improvement” federal and state mandates (please see attached). In the long term, it contradicts the objectives of the Save Our Lagoon Project Plan.

To counter this, we have strongly encouraged the adoption of Low Impact Design (LID) that will cost effectively minimize the impact on the IRL of much needed development. Its objective is to control storm water at its source through site design and Best Management Practices actions that result in post development run-off that mimics the original. The concept is founded on the critical need to increase pervious water storing land, reduce the destructive run-off loss of water and reduce pollutant loads entering the lagoon. It is important to note that, to a saline ecology such as the lagoon, excess clean fresh water is itself a pollutant.

The changes in density proposed for the subject development to accommodate 62 units of 9000 square feet will dramatically increase pollutant loads to the lagoon. An approximate calculation of the planned impervious surface additional run off is 10 million gallons per year. The owner has shown, in his recent sketch plat for Brooks Landing Phase 1, that he intends to apply standard storm water infrastructure into a wet retention pond. This is the development approach that got us where we are today. Wet retention has proven to, at best, achieve no more than 35% removal of nitrogen even with rare proper maintenance (UCF Stormwater Academy). The density approval for Phase 1 was unfortunate. We respectfully urge you to refuse to change existing law and maintain the current low density development plan for this proximate property that is so critical to the long term health of our lagoon.

We must look to the future.

Respectfully,
David C. Botto, Chair
Intergovernmental Committee
Marine Resources Council

Section 1.5 of the adopted Banana River Lagoon BMAP addresses loadings from future growth and redevelopment. The BMAP does not include a specific allocation for new development or redevelopment because of ERP Program requirements. The ERP Program requires that new discharges into the basin cannot increase existing loads. This is called "Net improvement" and means that the post-development pollutant loading for TN and TP can't exceed the pre-development pollutant loading. All ERP applications must include documentation demonstrating compliance with state water quality standards, as well as showing that the project does not adversely affect the quality of receiving waters, resulting in water quality standards violations. Since the Banana River Lagoon (BRL) is an impaired water that does not currently meet state water quality standards, new development and redevelopment within the BMAP area or watersheds cannot increase nutrient loads to the BRL. Unfortunately, the "Net Improvement" requirements in BMAPs are not included in Florida's ERP program requirements which need extensive revising.

The BMAP also states "Although future development may meet state stormwater standards, the development may still add a nutrient load to the lagoon. To ensure that future growth does not add to the degradation of the BRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations." LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. However, allowing LID techniques typically requires changes in local government Comprehensive Plans and Land Development Codes.

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#); [Calkins, Tad](#); [Ball, Jeffrey](#)
Subject: FW: Hammock Road Zoning Change, Deny Pending Additional Info
Date: Wednesday, August 5, 2020 2:49:39 PM
Attachments: [Parrish Re-Zone Request 6Aug2020-A.pdf](#)
[image001.png](#)

Jennifer,

On behalf of Commissioner Pritchett, attached please find email our office just received regarding the Brooks Landing item on the agenda for August 6. I know that they are in a briefing right now with the Commissioner.

Thanks.

Marcia Newell

Chief Legislative Aide to Commissioner Rita Pritchett

Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2

Titusville, Florida 32780

321-607-6901

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From: Monty <montyfrompalmbay@gmail.com>
Sent: Wednesday, August 5, 2020 2:42 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Hammock Road Zoning Change, Deny Pending Additional Info

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Pritchett,

For the **proposed zoning change 19PZ-00158**, I've been working with District One residents and Brevard citizens to understand the issues.

The attached slide package captures discussions and site visits, with inputs from multiple folks. Please flip through the first 7 slides as possible.

I request you **deny, or delay approval pending concept info on stormwater management.**

Although not required by Brevard process, sensitive nature of this development (to local stormwater and to Lagoon health) makes it appropriate for Developer to provide information before allowing such a dramatic change to housing density. Impacts to Brevard stormwater maintenance costs, flooding of nearby homes, and future homeowner flooding problems warrant this.

Thanks for your efforts,

David Monty Montgomery, PE

Brevard (District 3) Environmental Scientist

Brevard Re-Zoning Request 19PZ-00158

Resident and Citizen Comments

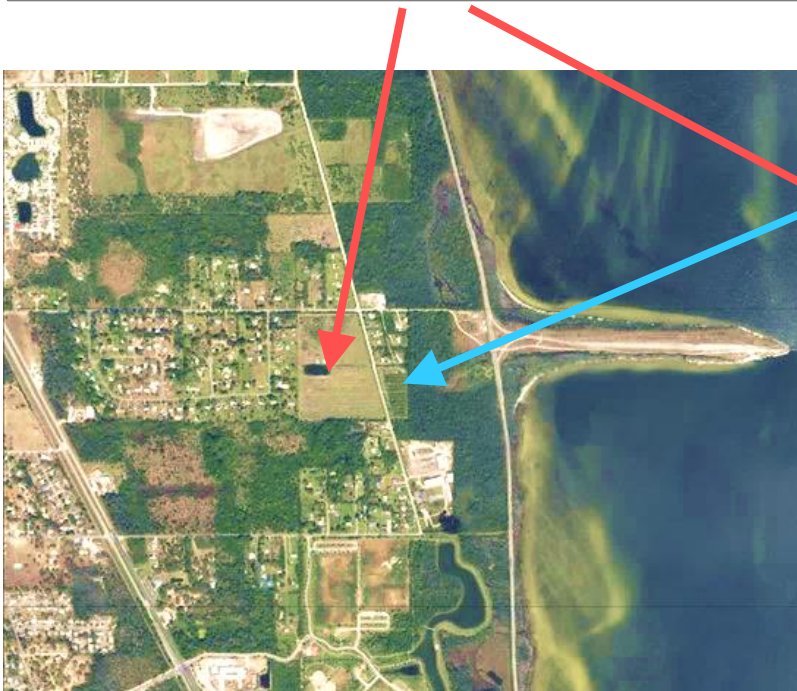
for

Brevard County Commissioners Meeting on 6 August 2020, 5PM

Two Items For Commissioners:

Parrish Road (1930 Hammock Road) Re-Zoning Request #19PZ-00158
change zoning for 26 acres from Agricultural (AU) to RU-1-9
Increase Ten Homes to 62 Homes

Hammock Road Re-Zoning Request #20PZ-00024
change zoning for 5 acres from PI to RU-1-9
One home to (unspecified) home quantity



Zoning Change Request 19PZ-00158 and 20PZ-00024

REFERENCE

Property located in District One, Brevard County

Vote on Thursday 6 August to Approve/Deny/Postpone

Request-to- Increase-Housing-Density from 10 homes to 62 homes on 26 acres.

Issues include development very close to Lagoon, extreme low elevation of homes, and local area flooding.

Brevard County Commissioner:

Rita Pritchett Commissioner, District One

email: D1.Commissioner@brevardfl.gov

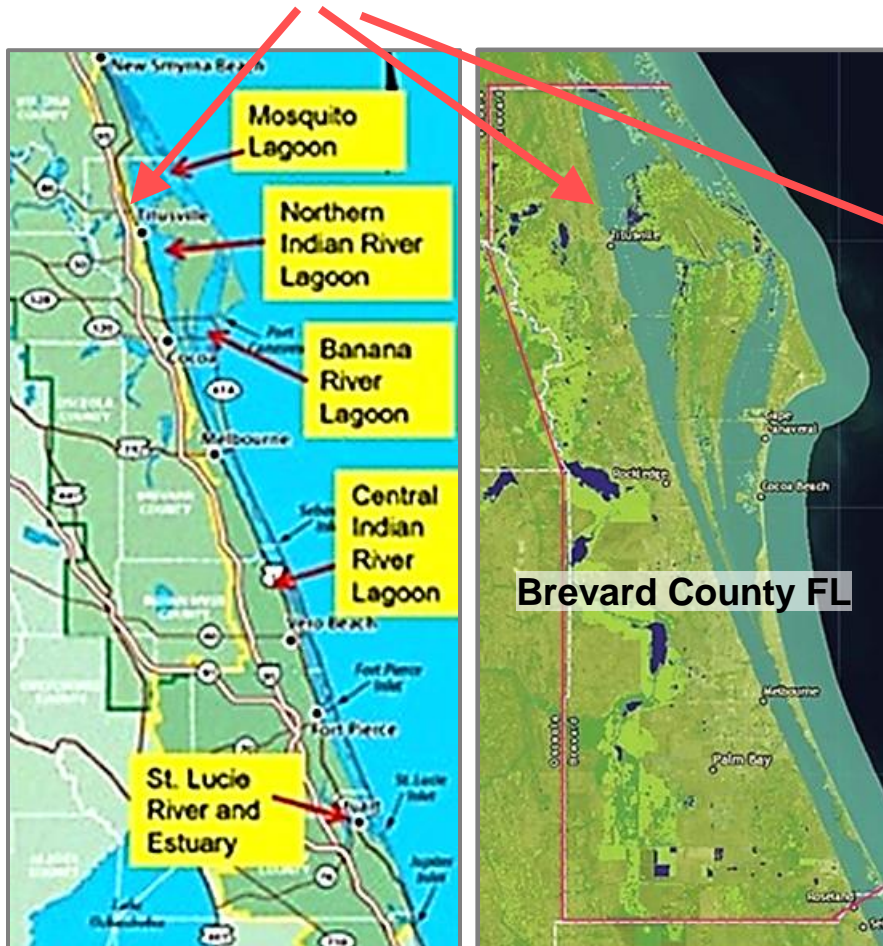
Additional Voting Commissioners:

Brian Lober D2.Commissioner@brevardfl.gov

John Tobia D3.Commissioner@brevardfl.gov

Curt Smith D4.Commissioner@brevardfl.gov

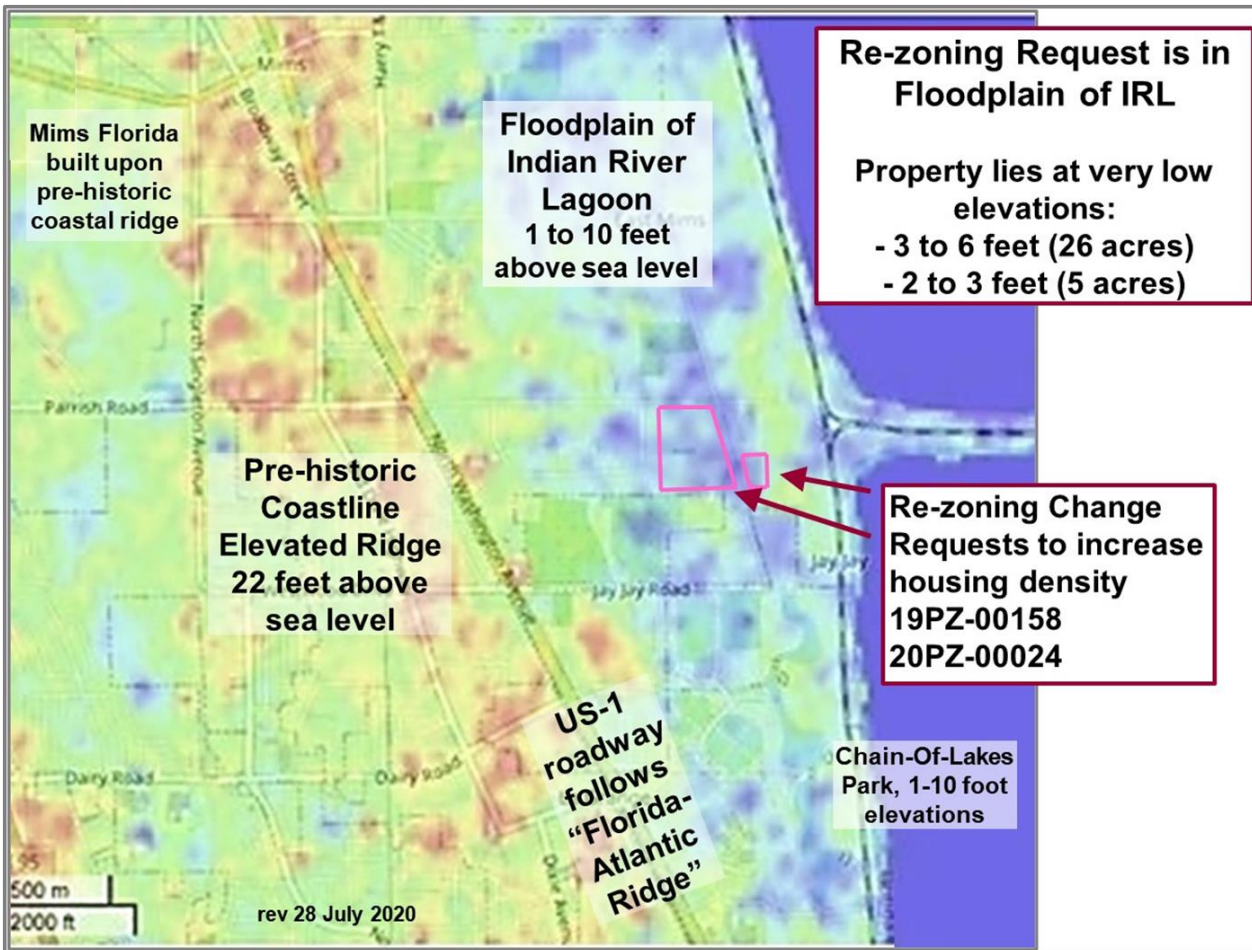
Kristine Isnardi D5.Commissioner@brevardfl.gov



**Vote is Thursday 6 August
for zoning request to
increase density of housing:**

- approve
- deny
- table for further details

Concern: Re-zoning Request is in Floodplain of IRL



Topographic view makes it easy to see unusual low elevation of these properties.

Stormwater flows to these areas.

There is nowhere for accumulated stormwater to go.

Properties in floodplain at very low elevations.

No concept of stormwater mgmt provided. Risk of flooding remains high for future homeowners and area residents.

Views of Property

Properties sit in depressions alongside Hammock Road

- 26 acres property lies between 4 and 6 feet above sea level
- 5 acres sits at between 3 and 4 feet above sea level



**Both properties sit at low elevations, very prone to
flooding for short and long periods.
No outlet for flood waters.**

Concern: Current Stormwater Deadlock at Jay Jay Road

Brevard County Florida Topographic Maps



No coordinated stormwater system exists north of Jay Jay Road. Residents deal with flooded roadways during/after significant rainfall events.

Homes on Parcel 21-35-21-00-501 (26 acres) will be subjected to stormwater from higher elevation properties, and in-turn impact flooding to adjacent parcels. Stormwater impact assessment has not been addressed in zoning change evaluations.

Two ditches exist for all stormwater between Parrish Road and Jay Jay Road. They both dead-end at east end of Jay Jay Road.

Chain-Of-Lakes-North meets there with 36" pipe, constrained at 2 feet above sea level, not capable of significant inflow from northwest properties.

Note: Chain-of-Lakes parkland contributes to current periodic flooding of Jay Jay Road.

Future **spillover** from Brooks Landing will connect with Jay Jay Road south-side ditch. This will make current flood problems worse. There is no ditch on northside. Jay Jay Road southside ditch currently floods over into northside properties.



Area currently floods during storms (both roads and properties). Additional development has negative impact, given no stormwater system.

Concern: No Area Stormwater Mgmt, similar to Pine Island Problems

Zoning Change Request has similar issues as expensive Merritt Island drainage repair projects: lack of area-wide stormwater management.
Brevard County is responsible for costs of fixing current and future stormwater issues in Mims Florida area, including outflow from Titusville (Brooks Landing).

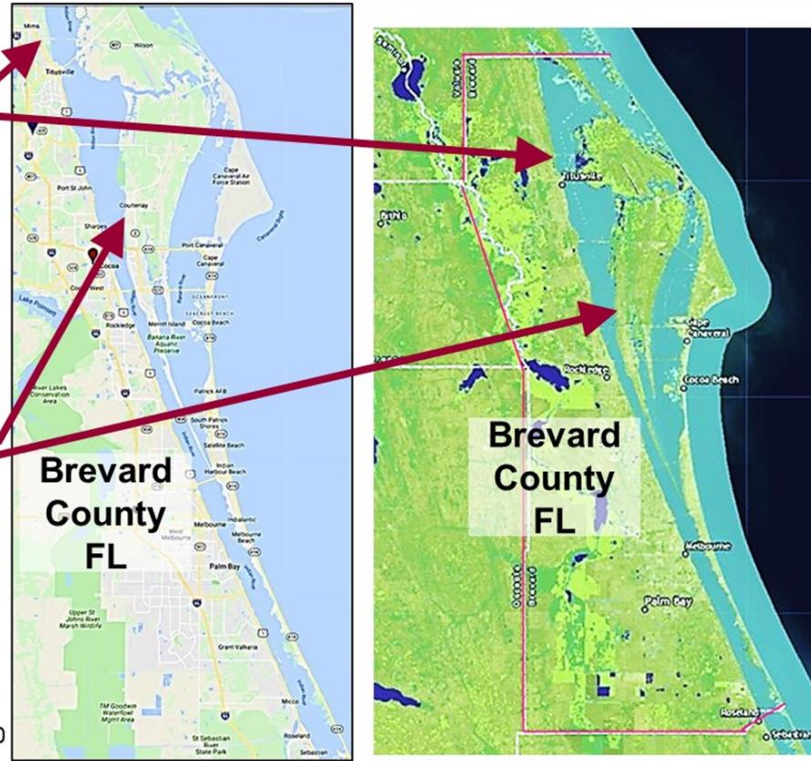
Location of North Brevard 26 and 5 acre parcels with requests for zoning change to build several dozen homes.

No significant Stormwater Drainage structures in this area (no Stormwater System)

**“Pine Island Conservation Area”,
“Stormwater Mgmt System”**

Brevard County (et.al.) spent millions of dollars to fix random-and-direct drainage into Indian River Lagoon

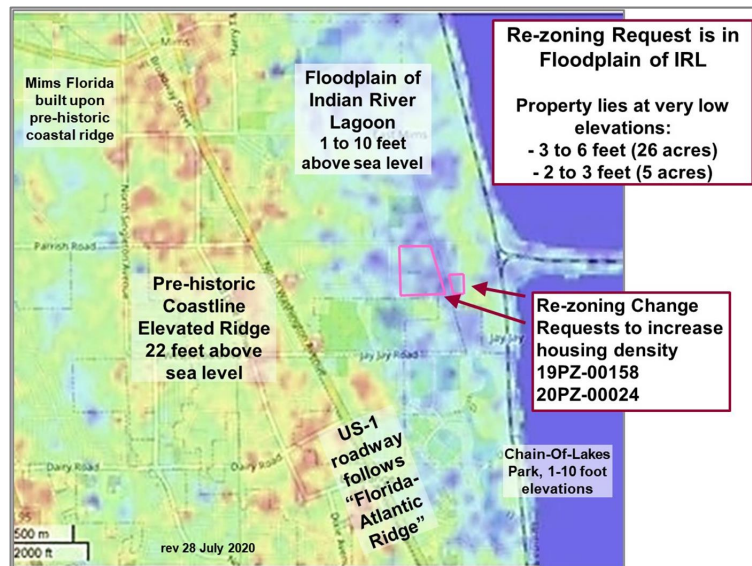
rev 27 July 2020



Re-zoning approval will increase problems similar to forced expenditures for “Pine Island”, a multi-million-dollar stormwater system.

Summary: Info is Missing to Add Homes in Lagoon Floodplain

- BDP focuses on maximizing number of homes. BDP needs to address protecting homes from obvious flooding risks.
- Focus should be on “How Homes will be built in a Floodplain”
- Commission must address development and external stormwater. After this gate review, there is no further public forum for review of important issues.
- Increasing home density may contribute to millions of dollars of Brevard County costs in near future for reactive flood and stormwater management projects.



It is not appropriate or safe to approve adding dozens of homes at low elevations without concept for:

- development layout
- min. home and road elevations
- retention ponds
- swales
- overall stormwater design

Backup and Reference Slides

Basing Management Action Plan (BMAP) Note

from the North Indian River Lagoon Basin Management Action Plan:

“It is apparent local governments have the authority to require detailed stormwater management plans that include numerical details as to pre-development and post development estimated run-off production with a detailed plan designed by a registered engineer to meet the net improvement requirement.”



A satellite image showing a coastal region. A major road runs vertically through the center. To the left of the road is a residential area with houses and trees. To the right is a large body of water. A small, dark, rectangular area is highlighted in the center-left, with two red arrows pointing to it from a text box on the right. The image is labeled as a 'REFERENCE SLIDE' and 'Satellite View from ESRI imaging'.

REFERENCE SLIDE

**Satellite View
from ESRI
imaging**

**Re-zoning
Change Requests
to increase
housing density**

**Brevard
19PZ-00158
20PZ-00024**

Current BDP "rev2", July 2020 third revision

file: "GDB - Goodenow RU 1-9 rev2clean.pdf"

Binding Development Plan (BDP) explains how 26 acres combines with the 5 acres.

Result: Home total gets increased to 62 homes given a larger 31 acre total.

Home total increases to 62 (instead of increase to 52 homes).

- **The 26 acres is currently zoned for up to 10 homes.**
- **The 5 acres (east of roadway) is zoned for 1 residence (with the PI zoning).**

Prepared by: Charles B. Genoni
Beachland Managers, LLC
4760 N US1 #201
Melbourne FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20____ between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Theodore C. Goodenow, (hereinafter referred to as Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU 1-9 zoning classification, and the County has approved the Property as a Single Family Subdivision, and the County has approved the Property under Section 62-11.57; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property

NOW, THEREFORE, the parties agree to the following: 1. The County shall not be required to construct or maintain or participate in any way in the construction or maintenance of the improvements on the Property, and the Developer/Owner, its grantees, successors or assigns or some other parties that the Developer/Owner, its grantees, successors or assigns or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The following conditions shall apply:

- The Developer/Owner shall limit the project density to 62 Units with the current Future Land Use Designation of RES 2.

- The Developer/Owner will hook up to Titusville Water and Sewer services.
- The total maximum density for the project will include the 4.845 acres of land on the east side of Hammack Rd. and the 26.328 acres of land on the west side of Hammack Rd. and shall be limited to a cumulative 62 units.
- The land on East side of Hammack Rd. shall be limited to one ½ acre or larger lot. Any lots allowed by the zoning category on the eastern portion of the Property can be recaptured on western portion of the Property so that the average density of the east side and west side combined is 2 units per acre or 62 units total.
- The minimum lot size shall be 9,000 sq. ft. for lots on the west side of Hammack Rd.
- There shall be a 25' buffer on the west property line of the west 26.328-acre parcel that will include landscaping or a fence. There shall be a 25' buffer on the east property line of the east 4.845-acre parcel. The pepper tree along the north property line of the east 4.845-acre parcel shall be preserved at the time of site development. The east 4.845-acre parcel would require landscaping on the east property line.

3. Developer/Owner shall comply with all regulations and ordinances of the County. This Agreement constitutes the entire agreement between the parties and shall not be subject to any other agreement or understanding. This agreement provides no vested rights against the County. The County may amend or repeal this Agreement at any time without notice to the Developer/Owner. The Developer/Owner shall pay to the Clerk of Courts the cost of recording this Agreement in the Public Records of Brevard County, Florida.

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____, 20____. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 6 above.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed at _____ as of the _____ day and year first written above.

WITNESSES:
BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamison Way
Viera, FL 32940

Scott Ellis, Clerk (SEAL) _____ Chair
As approved by the Board on _____

(Please note: you must have two witnesses and a notary public to sign this Agreement as one witness.)

OWNER
Theodore C. Goodenow

605 Sugartown St. Port St. John FL 32927

(Witness Name typed or Printed)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____.

by _____, as _____ of _____,

who is personally known or produced _____ as identification.

My commission expires _____
Commission no. _____
SEAL Notary Public
(Name typed, printed or stamped)

Account 2105262

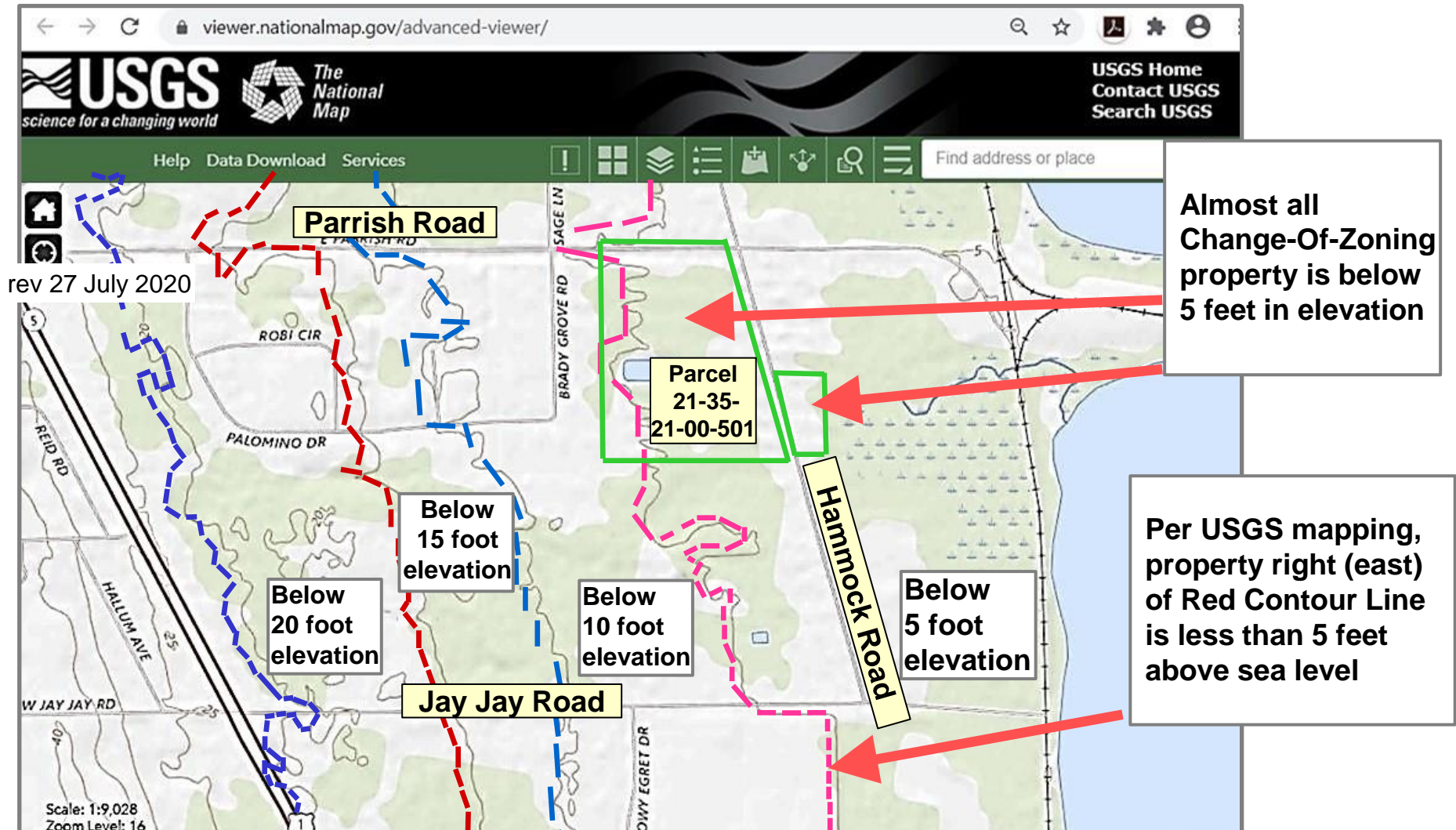
Exhibit "A"

N 1/2 of NE ¼ of SW ¼ lying W of Hammack Rd & S ½ of NE ¼ of SW ¼ Exc RD R/W Pars 502,506 & 543

This BDP (and the other three versions) focus on number of homes. Obvious-important stormwater issues (commitments to address stormwater) are not discussed.

Extreme Low-Level Elevation Concerns

Given elevations below 5 feet, normal stormwater flow and design may not work. Properties at high risk of flooding from on-site stormwater, stormwater from higher elevations, storm surge from Lagoon, and sea level rise (inundation) over decades



Area stormwater flows down-hill to these parcels. This low property has nowhere to shed stormwater away. The Five-Acre-Parcel is especially low (3-4 feet).

Zoning Change Request 19PZ-00158 and 20PZ-00024

Staff Comments, Brevard County:

- ... change of zoning classification from Agricultural Residential (AU) to Single Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single family lots.
- This rezoning request is accompanied by a companion SSCPA from PI to RES 2 20S.02 (20PZ-00024) that would need to be approved by the Board in order for this rezoning to be considered.

5 acre parcel is now included with, *and in addition to*, the 26 acres. However, they are not physically connected.

Recent Legal Description, combines two parcels (non-contiguous) into one property.

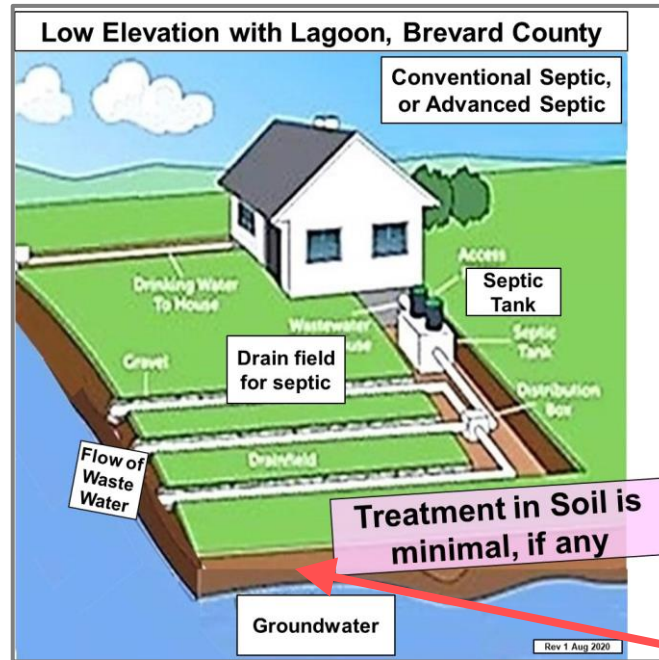
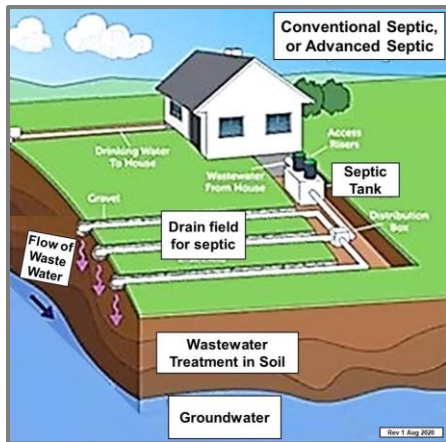


Mixing of 26 acre and 5 acre parcels creates complex and unusual documents (BDP and rezoning requests).

Big Picture Question: is it appropriate and safe to approve dozens of homes at low elevations along Lagoon without concept for home layouts, home elevations, road elevations, retention ponds, swales, overall stormwater design?

Sewer or Septic: Major Concern Area

To date, no agreements for connection to Titusville sewer.



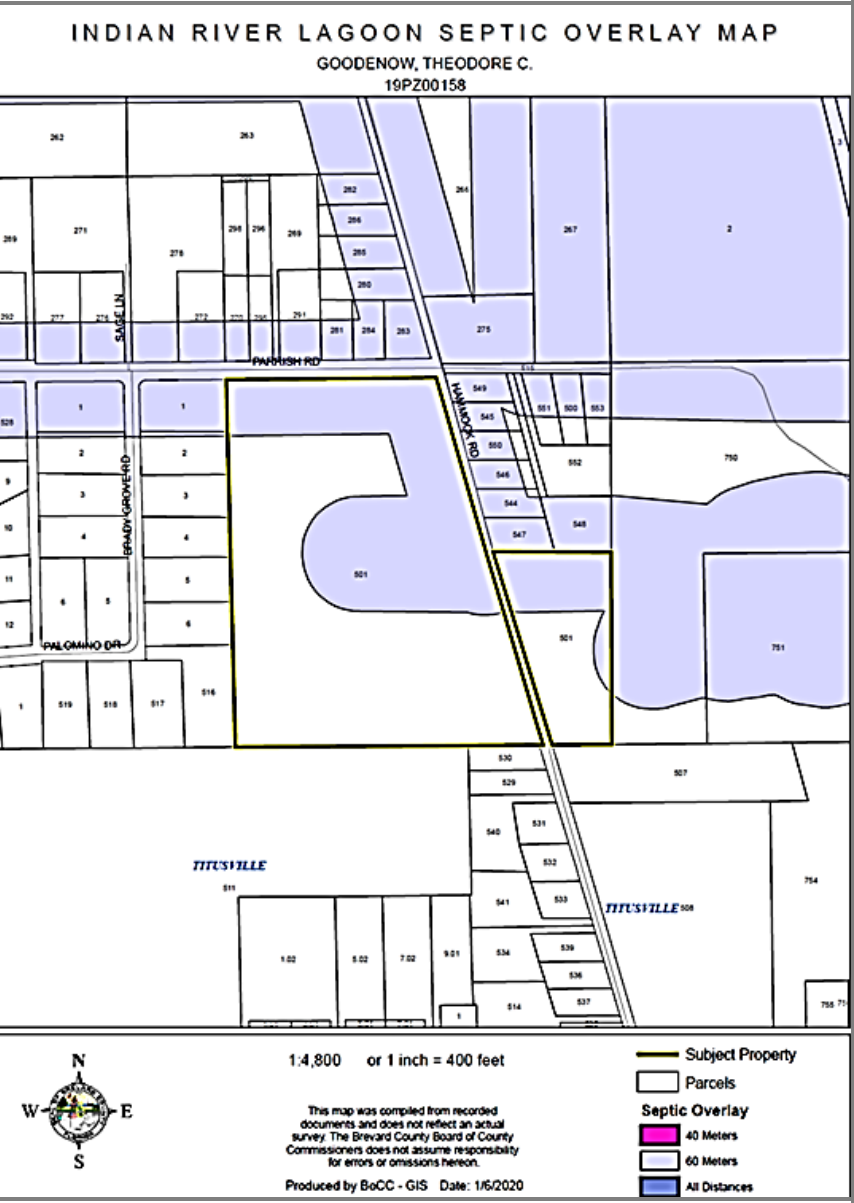
With septic, Hammock Road properties would have drain fields directly on top of groundwater connected to Lagoon

Approval of Re-zoning does guarantee connection to Titusville sewer. Multiple homesites with Septic would pollute directly to Lagoon, regardless of type of septic.

Reference from Zoning Mtg 6 July 2020,
19PZ-00158 is Zoning Ref #

FEMA FLOOD ZONES MAP
GOODENOW, THEODORE C.
19PZ00158

REFERENCE SLIDE



Reference from Zoning Mtg 6 July 2020,
19PZ-00158 is Zoning Ref #



Planning and Zoning Board / Local Planning Agency

Brevard County Government Center

2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida

Agenda

Monday, July 6, 2020

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

Call To Order

Approval of Minutes - June 15, 2020

H. Public Hearings

19PZ 00158

- H.1. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1)
- H.2. Richard R. Jr., and Gina M. Wrubel, Trust, request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. (20PZ00051) (Tax Account 2000354) (District 1)
- H.3. Richard R. Jr., and Gina M. Wrubel, Trust, request a change of zoning classification from AU to BU-1. (20Z00003) (Tax Account 2000354) (District 1)
- H.4. McD Family Trust, LLC, requests an amendment to an existing BDP in a BU-2 zoning classification. (20Z00004) (Tax Account 2323791) (District 1)
- H.5. Canaveral Landing, LLC, requests a change of zoning classification from TR-1 to TRC-1 with a CUP for the Cluster Development of Mobile Homes and a BDP limiting residential development to 100 units. (20Z00006) (Tax Account 2314846) (District 1)
- H.6. 3101 Gannett Plaza, LLC (Kevin Saltman) requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with an Indoor Family Entertainment Center, in the BU-1 and BU-2 Zoning Classifications. (20Z00007) (Tax Accounts 2602422 & 2602423)

Public Comment

Adjournment



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

REFERENCE SLIDE

H.1.

7/6/2020

Subject:

Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from AU to RU-1-9 in order to develop a 62-lot single-family subdivision, with a BDP (Binding Development Plan) limiting density to two units per acre and connection to City of Titusville central water and sewer. The property is located at 1930 Hammock Road, Titusville. The RU-1-9 zoning classification permits single-family residences on minimum 6,600 square-foot lots with minimum width of 66 feet and depth of 100 feet, and 900 square feet minimum living area.

The property retains split FLU (Future Land Use) designations of RES 2 (Residential 2) and PI (Planned Industrial). A companion application for a Small-Scale Comprehensive Plan Amendment accompanies this rezoning request to amend the FLU designation on the 4.85 acre portion of the property located east of Hammock Road from PI to RES 2.

The surrounding parcels are a mixture of single-family residential, single-family mobile home, and planned industrial. The abutting property to the south is a 71.76 acre undeveloped parcel in the City of Titusville that retains the Planned Unit Development Zone classification.

The Board may wish to consider if introducing RU-1-9 zoning is consistent and compatible with the surrounding RRMH-1 (Rural Residential Mobile Home) and TR-2 (Single-Family Mobile Home) zoning classifications.

On June 15, 2020, the Planning and Zoning Board heard the request and tabled this item to the July 6, 2020, Planning and Zoning Board meeting.

The final public hearing will be held by the Board of County Commissioners on THURSDAY, AUGUST 6, 2020 at

Brevard County Board of County Commissioners

Page 1 of 2

Printed on 6/29/2020
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H.1.

7/6/2020

5:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Building C, Viera, Florida.

STAFF COMMENTS

19PZ00158

Theodore C. Goodenow

REFERENCE SLIDE

AU (Agricultural Residential) to RU-1-9 (Single-Family Residential) (Binding Development Plan) limited to 62 single-family units

The 26 acre and 5 acre parcels are not considered separately

Tax Account Number: 2105262
 Parcel I.D.: 21-35-21-00-501
 Location: 1930 Hammock Road, Titusville (District 1)
 Acreage: 31.43 acres

Planning and Zoning Board: 07/06/20
 Board of County Commissioners: 08/06/20

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RU-1-9 with BDP
Potential*	12 Single-Family Units	62 Single-Family Units
Can be Considered under the Future Land Use Map	NO RES 2 and PI	YES** RES 2***

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** A BDP limiting the density of the property to Residential 2 (RES 2) is required for this action to establish consistency with the Future Land Use Map. *** A small scale comprehensive plan amendment application from Planned Industrial (PI) to RES 2 is being reviewed concurrently with this application for the portion of the site designated PI east of Hammock Road.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from Agricultural Residential (AU) to Single-Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single-family lots. The request is accompanied by a Binding Development Plan (BDP) limiting the project density to two units per acre and committing to connection to City of Titusville central water and sewer.

The subject property is located at the intersection of Parrish Road and Hammock Road between North U.S. Highway 1 and the Indian River. It is split by Hammock Road with the majority of the property being located between Hammock Road and US 1. At the closest point, the property is

Reference from
 Zoning Meeting on 6
 July 2020:

“19PZ 00158” is the
 Zoning Ref #

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#); [Calkins, Tad](#); [Ball, Jeffrey](#)
Subject: FW: Rezoning 19PZ-00158 and 20PZ-00024 Brooks Landing Phase 2
Date: Wednesday, August 5, 2020 3:22:33 PM

Jennifer,

Another email regarding Brooks Landing.

Marcia

From: kay st. onge <stongekay@yahoo.com>
Sent: Wednesday, August 5, 2020 3:04 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Rezoning 19PZ-00158 and 20PZ-00024 Brooks Landing Phase 2

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner:

Please accept this email as a public comment for the rezoning of 19PZ-000158 and 20PZ-00024 (Brooks Landing Phase 2). This proposed subdivision's close proximity to the Indian River Lagoon requires careful scrutiny as Florida Department of Environmental Protection's Basin Management Action Plan mandates that,

"Since the North IRL is an impaired water that does not currently meet state water quality standards, new development in the basin cannot increase nutrient loads to the lagoon."

"To ensure that future growth does not add to the degradation of the North IRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations. LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. These activities could offset loads from future growth and, therefore, may reduce the reductions needed from the entities in future BMAP iterations.

It is apparent local governments have the authority to require detailed stormwater management plans that include numerical details as to pre-development and post-development estimated runoff production with a detailed plan designed by a registered engineer to meet the net improvement requirement."

Brevard Commissioners should take note that the Titusville City Council tabled the approval of Brooks Landing Phase 1 Sketch Plat on July 28 due to their concerns about the stormwater management system in that proposed development. This 72 acre 143 home proposed subdivision has a legal positive outfall to the Indian River Lagoon.

Please follow suit and either table or deny approval of 19PZ-000148 and 20PZ-00024.

The City of Titusville has not yet agreed to provide sewer hookups for this development. Sewage systems are absolutely unacceptable for any houses proposed so close to the Indian

River Lagoon. No houses should be built east of Hammond Road, with or without sewer hookup, as this would particularly jeopardize the Lagoon.

Children from our community swim in the Indian River Lagoon. It is time that County Commissioners, our elected representatives, take action to prevent further pollutants from developments flowing into the Lagoon.

Kay St. Onge
2360 Maryland Avenue
Titusville, FL 32796

From: [Commissioner, D3](#)
To: [Jones, Jennifer](#)
Subject: FW: 19PZ-000158 and 20PZ-00024 August 6, 2020 Agenda Item 1
Date: Wednesday, August 5, 2020 4:50:00 PM

Ms. Jones,

Please include this email in the packet.

Thanks,



John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

From: kay st. onge <stongekay@yahoo.com>
Sent: Wednesday, August 5, 2020 3:16 PM
To: Commissioner, D3 <d3.commissioner@brevardfl.gov>
Subject: 19PZ-000158 and 20PZ-00024 August 6, 2020 Agenda Item 1

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Commissioner:

Please accept this email as a public comment for August 6, 2020 Agenda item 1, the rezoning of 19PZ-000158 and 20PZ-00024 (Parrish Landing). This proposed subdivision's close proximity to the Indian River Lagoon requires careful scrutiny as Florida Department of Environmental Protection's Basin Management Action Plan mandates that,

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Brevard Commissioners should take note that the Titusville City Council tabled the approval of Jay Jay Road Brooks Landing Phase 1 Sketch Plat on July 28 due to their concerns about the stormwater management system in that proposed development. This 72 acre 143 home proposed subdivision is adjacent to the Parrish Landing development and is being developed by the same firm. Brooks Landing proposes a legal positive outfall to the Indian River Lagoon.

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Kay St. Onge
2360 Maryland Avenue
Titusville, FL 32796

From: kay.st.onge
To: [Commissioner_D4](#)
Subject: August 6, 2020 Agenda Item 1, 19PZ-000158 and 20PZ-00024
Date: Wednesday, August 5, 2020 3:17:39 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner:

Please accept this email as a public comment for August 6, 2020 Agenda item 1, the rezoning of 19PZ-000158 and 20PZ-00024 (Parrish Landing). This proposed subdivision's close proximity to the Indian River Lagoon requires careful scrutiny as Florida Department of Environmental Protection's Basin Management Action Plan mandates that,

"Since the North IRL is an impaired water that does not currently meet state water quality standards, new development in the basin cannot increase nutrient loads to the lagoon."

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Kay St. Onge
2360 Maryland Avenue
Titusville, FL 32796

From: [Douglas and Mary Sphar](#)
To: [Commissioner, D4](#)
Cc: [Woodard, Patrick](#)
Subject: Development near Parrish Rd -- first 2 items on BOCC agenda
Date: Wednesday, August 5, 2020 7:48:05 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioner Smith,

On August 6, you will be considering Small Scale Comprehensive Plan Amendment 20S.02 to change the Future Land Use for 4.85 acres east of Hammock Rd from Planned Industrial to Residential 2 (20PZ00024). In addition you will be considering a zoning change on 31.43 acres comprised of this property and a parcel west of Hammock Rd (19PZ00158).

FUTURE LAND USE CHANGE (20PZ00024)

Please deny the Future Land Use change.

While this is a small parcel, 4.85 acres in size, a change to the Future Land Use designation is still very important because of the proximity of the parcel to the Indian River Lagoon. Changing this land use would encourage further residential development in other properties very close to the Lagoon that are not prepared to handle the stormwater properly.

Your staff report, Natural Resources Management Department Comments, states: "The parcel contains 100% hydric soils and SJRWMD wetlands." A GIS map indicates that most of the property is in the AE flood zone. The comments and map together lead to the conclusion that this property is wet a lot of the time and is prone to flooding.

The property is approximately 0.3 miles from the Indian River Lagoon. You have no assurances that the applicant is prepared to properly handle the stormwater to avoid detrimental effects to the Lagoon.

In spite of the fact that the applicant plans to connect to Titusville water and sewer, I believe that it would be wise to get written confirmation from the City of Titusville that they are actually agreeable to this, if you do not already have such written confirmation. Otherwise, under County Code, septic is permitted, though part of the property would need advance septic systems.

State agencies *process* small-scale future land use amendments for parcels 10 acres or less, but they don't really *review* them. The amendments become effective unless they are successfully challenged legally. This means that your decision is basically final. Please vote no.

REZONING (19PZ00158)

Please deny the rezoning on the two parcels in this application.

Right now you have no assurances that sufficient measures will be taken to avoid adverse effects to the precarious health of the Indian River Lagoon. You have no assurances that flooding will not be exacerbated on these two parcels, both of which contain 100% hydric soils, or on nearby properties. You have no guarantee that an inappropriate number of houses will not be built on the parcel east of Hammock Rd. Finally, I have not seen written confirmation from the City of Titusville that they are willing to provide water and sewer service, and if you don't have this, please request it.

Alternatively, for the rezoning only (not the Small Scale Amendment), you may wish to table the request so that the applicant can work on his conceptual site design and stormwater plan to avoid or reduce harmful effects to the Indian River Lagoon.

CONCLUSION

Please deny Small Scale Comprehensive Plan Amendment 20S.02 on 4.85 acres. Also please deny or table rezoning 19PZ00158 for the two parcels bordering Hammock Rd and near Parrish Rd.

Thank you for considering my opinion.

Sincerely,

Mary Sphar
825 Cliftons Cove Ct.
Cocoa, FL 32926

From: [William Klein](#)
To: [Commissioner, D4](#)
Subject: Brevard Re-Zoning Request 19PZ-00158 Resident and Citizen Comments for Brevard County Commissioners Meeting on 6 August 2020, 5PM
Date: Thursday, August 6, 2020 1:58:45 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Curt Smith,

Brevard Re-Zoning Request 19PZ-00158 Resident and Citizen Comments for Brevard County Commissioners Meeting on 6 August 2020, 5PM

- Parrish Road (1930 Hammock Road) Re-Zoning Request #19PZ-00158 change zoning for 26 acres from Agricultural (AU) to RU-1-9 Increase Ten Homes to 62 Homes
- Hammock Road Re-Zoning Request #20PZ-00024 change zoning for 5 acres from PI to RU-1-9 One home to (unspecified) home quantity

This Developer's developments will produce about 48 million gallons of polluted stormwater to flow to the Chain of Lakes and into the IRL.

I think that the above two sections of Parrish Landing were formally called Phase 2 of Brooks Landing. They will produce about 15 Million gallons of Polluted Stormwater annually that will flow into the Chain of Lakes and into the IRL. These 2 sections will have septic tanks that will cause human sewage to contaminate this stormwater.

Phase 1 of Brooks Landing consists of 72 acres and they will add another 34 Million gallons of polluted stormwater to flow into the Chain of Lakes.

The St. Johns River Water Management District (SJRWMD) and the Florida Environmental Protection Administration (FL EPA) have reported that the IRL has been so extremely contaminated with nutrients, pesticides, human and animal wastes, and other chemical wastes from past developments that there have been severe algae blooms causing many massive fish kills. The SJRWMD and FL EPA are developing new development regulations because of the critical conditions of the IRL from past developments.

This is not the time to add another 48 million gallons of polluted water annually to the IRL.

I am on the Advisory Board of North Brevard Commission on Parks & Recreation. I received an email Aug. 5, 2020 that there is a Brevard Re-Zoning Request 19PZ-00158 Meeting on Aug. 6, 2020.

North Brevard Parks & Recreation has assigned me to monitor Chain of Lakes and report on problems that need to be fixed. I would like to see and review the environmental impact report and the stormwater calculations that the Developer has performed. I am very concerned that these developments will be greatly detrimental to the wildlife at Chain of Lakes and the IRL.

I have calculated that a typical housing development in Brevard County produces 474,000 gallons of polluted stormwater per acre based on Florida's 54 inches of annual rainfall. The runoff from one acre of paved parking generates the same amount of annual runoff as: 36 acres of forest; 20 acres of grassland; a 14 acre subdivision (2 acre lots); or a 10 acre subdivision (0.5 acre lots). One inch of rainfall on an acre of parking produces 27,000 gallons of stormwater. Experimental data.

I have included my some of my background to convince youthat I have the skills to make these calculations based on the data that I have collected. I have a Master of Science in Nuclear Engineering. I worked on the design, construction, and operation of Nuclear Power Plants. I wrote Safety Analysis Reports, Environmental Impact Reports and Environmental Annual Operational Reports. I designed radiation monitoring and meteorological monitoring systems. I worked on repairing hurricane damaged field monitoring and alarm systems at Turkey Point Nuclear Power Plant after Hurricane Andrew. I have worked in the West Palm Beach Waste Treatment Plant that reprocessed sewage into reclaimed water and waste solids.

From: [Mary Hillberg](#)
To: [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D5](#); [Commissioner, D1](#)
Subject: Parrish Landing (Item #1 on BoCC August 6, 2020 Agenda)
Date: Thursday, August 6, 2020 12:32:44 AM
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioners:

Regarding the request to rezone 31 acres east of US 1 in Mims that is within the floodplain of the Indian River Lagoon for a proposed development called Parrish Landing. This land is burdened with elevations from two to six feet above lagoon water level. Significant flooding has been experienced during heavy rains and most Tropical Storms. There is great concern that without a competent Stormwater System approved prior to rezoning and development approval, flooding may be the result for surrounding properties.

Brevard County has approved new development in the past without regards to competent and approved stormwater systems plan in place. Later retrofitting stormwater corrections at taxpayer expense has been the frequent outcome, with varied results.

North Merritt Island has examples of low elevations including wetlands where rezoning and new developments have been approved by the BoCC without prior competent stormwater systems required resulting in flooding for the current property owners. Brevard County has spent substantial manpower and taxpayer money trying to mediate these situations with variable results. Due to the low elevation of the property and that of surrounding properties and structures, a competent system may be difficult or impossible in this Mims area, as well.

We request and strongly recommend rezoning and development

approval be withheld until the developer can generate an effective stormwater system plan that will be approved by the St Johns River Water Management District, as well as the Brevard County Stormwater Department so flooding will not be a problem. We also suggest this approach be continued throughout the county in order to conserve stormwater department resources, improve lagoon water quality, property values and quality of life for Brevard residents.

Thank you,
William J. & Mary E. Hillberg
3780 Sierra Drive
Merritt Island, FL

From: [Lew Kontnik](#)
To: [Commissioner, D1](#)
Cc: [Commissioner, D3](#); [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D4](#); [Lewis Kontnik](#)
Subject: Request to Require Flood Management Plan PRIOR to Action on Proposed Parrish Landing Development Action
Date: Wednesday, August 5, 2020 8:38:14 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioner Pritchett, Tobia, Isnardi, Lober, Smith:

I am writing to oppose the Commission the zoning density increase for the Proposed Parrish Landing development UNTIL AFTER stormwater plans are available and reviewed demonstrating adequate flood controls.

As outlined below, there are risks that due to the low lying nature of this parcel, development will cause flooding which may become the responsibility of the public if it is not adequately provided for in advance by the developer. Additionally, being located so close to the Lagoon, there is every reason to be concerned about the additional burden this development will impose on the very waters we are paying hundreds of millions of dollars in taxes to restore.

Thank you for taking a responsible and appropriately careful approach to increasing the extent of development and density here in our community.

Lew Kontnik
LewKontnik@gmail.com
3208 Bird Song Court
Melbourne, FL 32934
H/O 321 775 3327
C 805 558 2295


Agenda Item #1 of the August 6, 2020 Brevard County Commissioners meeting requests the rezoning of 31 acres for a proposed development called Parrish Landing. This low land is located east of US-1 in the Mims community within the floodplain of the Indian River Lagoon. Elevations appear to be between three and seven feet above the Lagoon water level. Neighbors reported significant flooding after hard rains and during most tropical storms. We strongly recommend that rezoning and development plan approval should be withheld until the developer can show that an effective stormwater plan can be provided and that flooding will not be a problem.

In the normal course of business for Brevard County, zoning changes are approved without regards for stormwater systems and flooding. After development plans have been approved, the stormwater system elements will be reviewed by county staff and approval is required for the development to proceed. While this process is well intended, many new developments create flooding problems, both for the new homes and the neighbors. Many examples exist of Brevard County undertaking stormwater projects at taxpayer expense to

correct flooding caused by recent developments.

Developing a proper stormwater system for this proposed development may not be possible. The property is low and bordered by higher land to the west. A railroad track sits on a berm to the east, essentially a dike. The St. Johns River Water Management District will not allow new stormwater outfalls into the Lagoon.

We strongly encourage the BOCC to delay approving the requested zoning change and development approval until the public can be assured that this development will not cause increased flooding.

<!--[if !vml]--> <!--[endif]-->

Graphic provided by David Monty Montgomery

From: [R. T. "Bo" Platt](#)
To: [Commissioner, D1](#)
Cc: [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Brevard re-zoning request 19-PZ-00158
Date: Wednesday, August 5, 2020 8:26:28 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioner Pritchett -

I'm writing to respectfully request that you vote against Brevard re-zoning request 19-PZ-00158 that will be addressed in Thursday's commission meeting. The location of this land in proximity to the lagoon combined with the low elevation of the property make this a poor candidate for this rezoning. We're spending millions of dollars each month to restore our lagoon. It makes no sense to increase residential density in a location such as this with no connection to sanitary sewer.

Thank you for your consideration.

Commissioners Lober, Smith, Tobia, and Isnardi - thank you as well for your consideration on this matter.

R. T. "Bo" Platt
844 W Whitmire Dr.
Melbourne, FL 32935

www.HelpTheLagoon.org : Work has begun on the Save Our Lagoon Project Plan funded by the half-cent sales tax. After more than 50 years of neglect, restoring our Lagoon will not happen quickly and we've started the process of healing.

Our Vision: The Brevard Indian River Lagoon, with clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where our families can play

From: [Monty](#)
To: [Commissioner, D4](#)
Subject: Hammock Road Zoning Change, Recommend Denial of Request
Date: Wednesday, August 5, 2020 4:52:32 PM
Attachments: [Parrish Re-Zone Request 6Aug2020-A.pdf](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Smith, I'm a District 3 resident, hoping to help your efforts.

For the **proposed zoning change 19PZ-00158**, I've been working with District One residents and Brevard citizens to understand issues.

I request you **deny, or delay approval pending concept info on stormwater management**.

Although not required by Brevard process, sensitive nature of this development (to local stormwater and to Lagoon health) makes it appropriate for Developer to provide information before allowing such a dramatic change to housing density.

Impacts to Brevard stormwater maintenance costs, flooding of nearby homes, and future homeowner flooding problems warrant this.

Brevard County is already facing **Titusville "Brooks Landing" stormwater overflow in this immediate area, making existing flooding worse**.

The attached slide package captures discussions and site visits, with inputs from multiple folks.

Thanks for your efforts,
David Monty Montgomery, PE
Brevard (District 3) Environmental Scientist

Brevard Re-Zoning Request 19PZ-00158

Resident and Citizen Comments

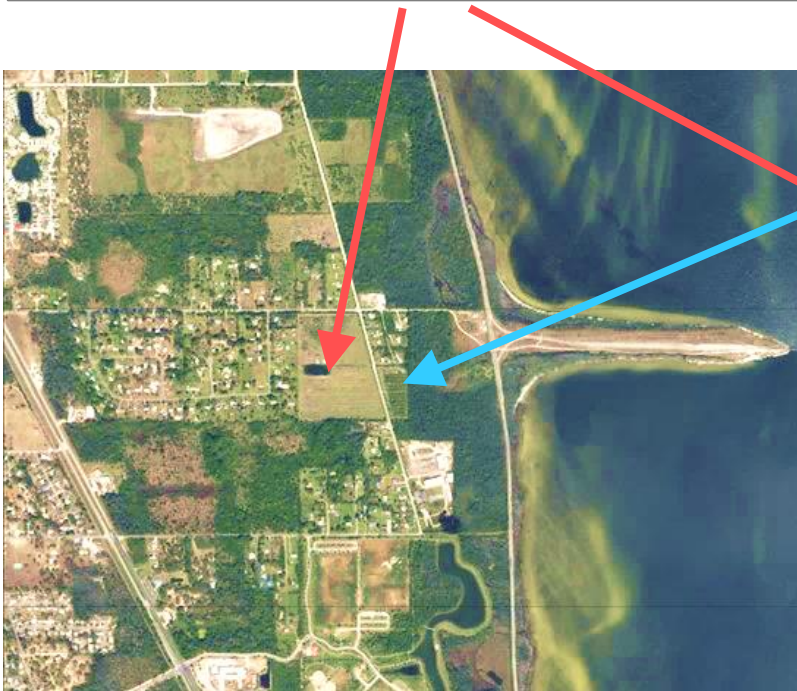
for

Brevard County Commissioners Meeting on 6 August 2020, 5PM

Two Items For Commissioners:

Parrish Road (1930 Hammock Road) Re-Zoning Request #19PZ-00158
change zoning for 26 acres from Agricultural (AU) to RU-1-9
Increase Ten Homes to 62 Homes

Hammock Road Re-Zoning Request #20PZ-00024
change zoning for 5 acres from PI to RU-1-9
One home to (unspecified) home quantity



Zoning Change Request 19PZ-00158 and 20PZ-00024

REFERENCE

Property located in District One, Brevard County

Vote on Thursday 6 August to Approve/Deny/Postpone

Request-to-Increase-Housing-Density from 10 homes to 62 homes on 26 acres.

Issues include development very close to Lagoon, extreme low elevation of homes, and local area flooding.

Brevard County Commissioner:

Rita Pritchett Commissioner, District One

email: D1.Commissioner@brevardfl.gov

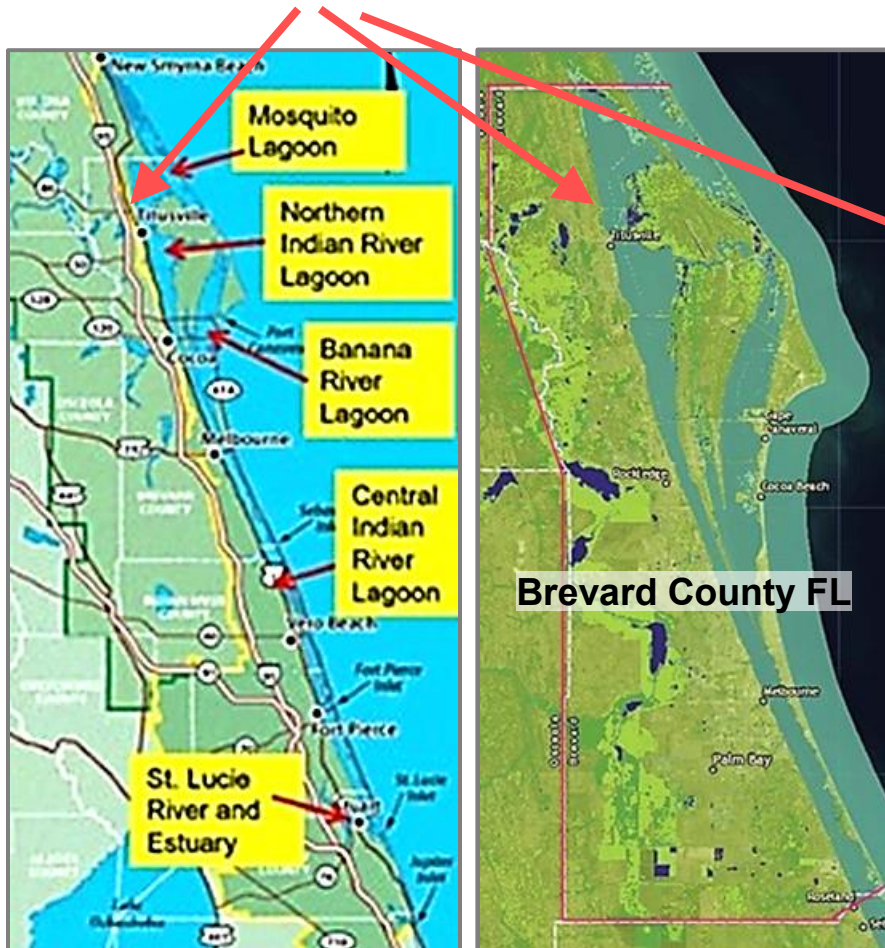
Additional Voting Commissioners:

Brian Lober D2.Commissioner@brevardfl.gov

John Tobia D3.Commissioner@brevardfl.gov

Curt Smith D4.Commissioner@brevardfl.gov

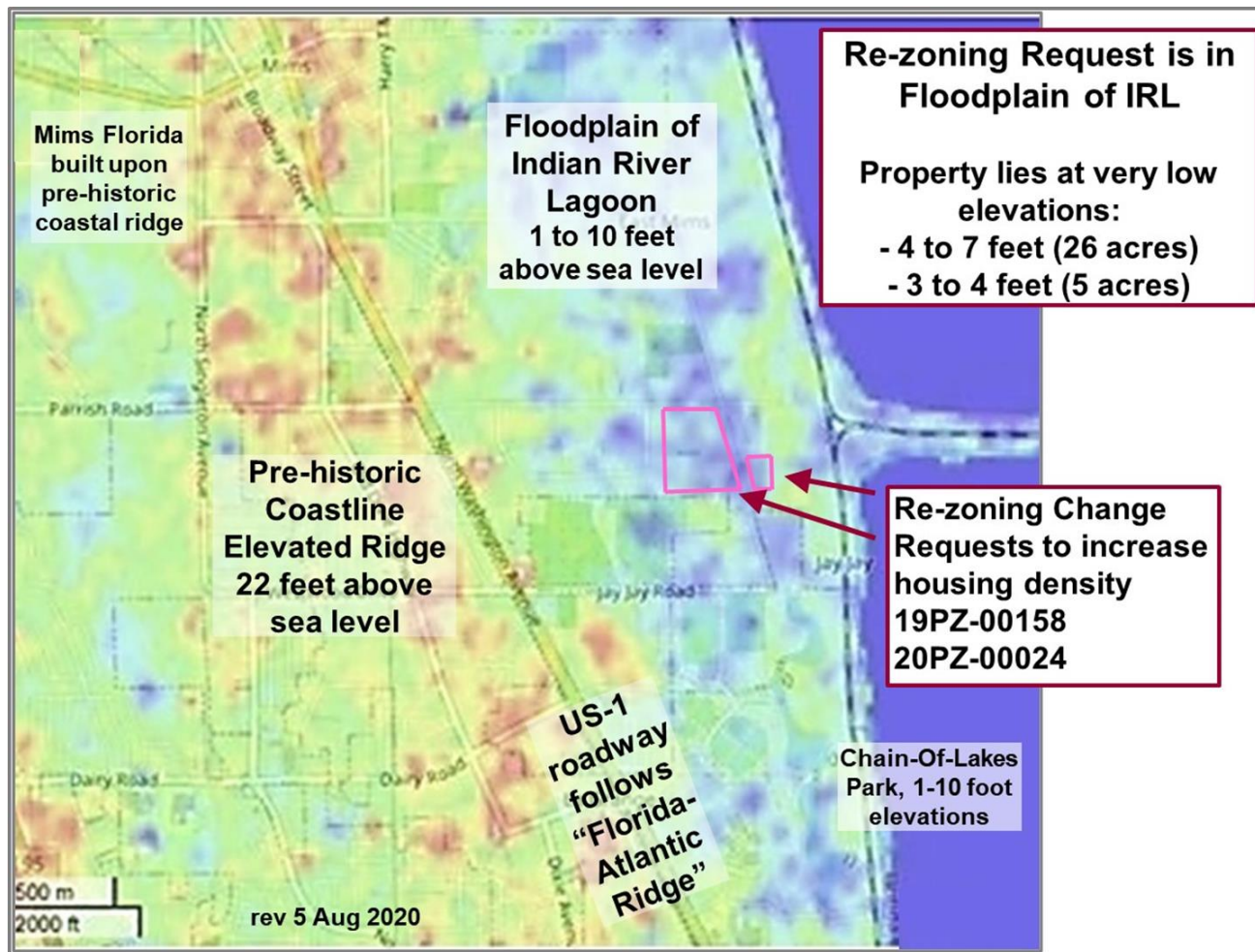
Kristine Isnardi D5.Commissioner@brevardfl.gov



**Vote is Thursday 6 August
for zoning request to
increase density of housing:**

- approve
- deny
- table for further details

Concern: Re-zoning Request is in Floodplain of IRL



Topographic view shows unusual low elevation of these properties.

Stormwater flows to these areas.

There is nowhere for accumulated stormwater to go.

Properties in floodplain at very low elevations.

No concept of stormwater mgmt provided. Risk of flooding remains high for future homeowners and area residents.

Views of Property

Properties sit in depressions alongside Hammock Road

- 26 acres property lies between 4 and 6 feet above sea level
- 5 acres sits at between 3 and 4 feet above sea level



**Both properties sit at low elevations, very prone to
flooding for short and long periods.
No outlet for flood waters.**

Concern: Current Stormwater Deadlock at Jay Jay Road

Brevard County Florida Topographic Maps



No coordinated stormwater system exists north of Jay Jay Road. Residents deal with flooded roadways during/after significant rainfall events.

Homes on Parcel 21-35-21-00-501 (26 acres) will be subjected to stormwater from higher elevation properties, and in-turn impact flooding to adjacent parcels. Stormwater impact assessment has not been addressed in zoning change evaluations.

Two ditches exist for all stormwater between Parrish Road and Jay Jay Road. They both dead-end at east end of Jay Jay Road.

Chain-Of-Lakes-North meets there with 36" pipe, constrained at 2 feet above sea level, not capable of significant inflow from northwest properties.

Note: Chain-of-Lakes parkland contributes to current periodic flooding of Jay Jay Road.

Future spillover from Brooks Landing will connect with Jay Jay Road south-side ditch. This will make current flood problems worse. There is no ditch on northside. Jay Jay Road southside ditch currently floods over into northside properties.



Area currently floods during storms (both roads and properties). Additional development has negative impact, given no stormwater system.

Concern: No Area Stormwater Mgmt, similar to Pine Island Problems

Zoning Change Request has similar issues as expensive Merritt Island drainage repair projects: lack of area-wide stormwater management.
Brevard County is responsible for costs of fixing current and future stormwater issues in Mims Florida area, including outflow from Titusville (Brooks Landing).

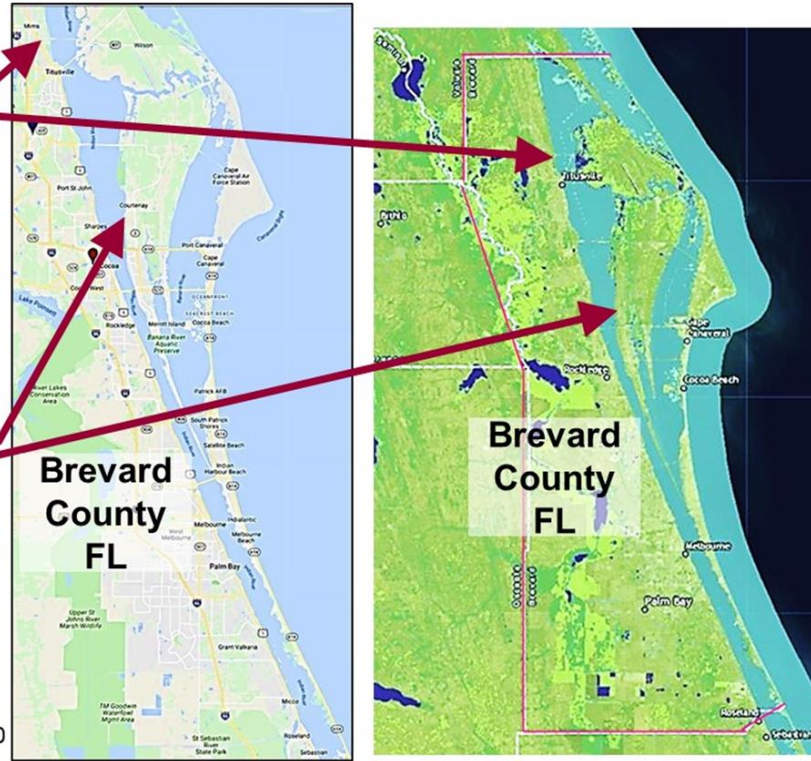
Location of North Brevard 26 and 5 acre parcels with requests for zoning change to build several dozen homes.

No significant Stormwater Drainage structures in this area (no Stormwater System)

**“Pine Island Conservation Area”,
“Stormwater Mgmt System”**

Brevard County (et.al.) spent millions of dollars to fix random-and-direct drainage into Indian River Lagoon

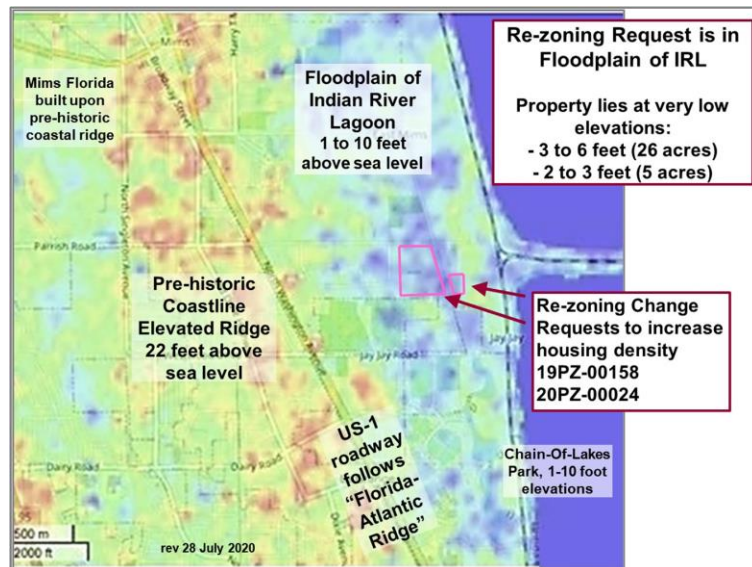
rev 27 July 2020



Re-zoning approval will increase problems similar to forced expenditures for “Pine Island”, a multi-million-dollar stormwater system.

Summary: Info is Missing to Add Homes in Lagoon Floodplain

- BDP focuses on maximizing number of homes. BDP needs to address protecting homes from obvious flooding risks.
- Focus should be on “How Homes will be built in a Floodplain”
- Commission must address development and external stormwater. After this gate review, there is no further public forum for review of important issues.
- Increasing home density may contribute to millions of dollars of Brevard County costs in near future for reactive flood and stormwater management projects.



It is not appropriate or safe to approve adding dozens of homes at low elevations without concept for:

- development layout
- min. home and road elevations
- retention ponds
- swales
- overall stormwater design

Backup and Reference Slides

Basing Management Action Plan (BMAP) Note

from the North Indian River Lagoon Basin Management Action Plan:

“It is apparent local governments have the authority to require detailed stormwater management plans that include numerical details as to pre-development and post development estimated run-off production with a detailed plan designed by a registered engineer to meet the net improvement requirement.”



A satellite image showing a coastal region. A major road runs vertically through the center. To the right of the road is a large body of water. To the left of the road is a mix of green fields, some developed areas with buildings, and a small dark pond. Two red arrows point from a text box on the right towards a specific area in the green fields.

REFERENCE SLIDE

**Satellite View
from ESRI
imaging**

**Re-zoning
Change Requests
to increase
housing density**

**Brevard
19PZ-00158
20PZ-00024**

Current BDP "rev2", July 2020 third revision

file: "GDB - Goodenow RU 1-9 rev2clean.pdf"

Binding Development Plan (BDP) explains how 26 acres combines with the 5 acres.

Result: Home total gets increased to 62 homes given a larger 31 acre total.

Home total increases to 62 (instead of increase to 52 homes).

- **The 26 acres is currently zoned for up to 10 homes.**
- **The 5 acres (east of roadway) is zoned for 1 residence (with the PL zoning).**

Prepared by: Charles B. Genoni
Beachland Managers, LLC
4760 N US1 #201
Melbourne FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Theodore C. Goodenow, (hereinafter referred to as Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU 1-9 zoning classification, and the County has approved the Property as a Single Family Subdivision, and the County has approved the Property under Section 62-11.57; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property;

NOW, THEREFORE, the parties agree to the following:

1. The County shall not be responsible for the cost of any way to construct or maintain or participate in any way in the construction or maintenance of the improvement. The parties that the Developer/Owner, its grantees, successors or assigns or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The following conditions shall apply:

- a. The Developer/Owner shall limit the project density to 62 Units with the current Future Land Use Designation of RES 2.

- b. The Developer/Owner will hook up to Titusville Water and Sewer services.
- c. The total maximum density for the project will include the 4.845 acres of land on the east side of Hammack Rd. and the 26.328 acres of land on the west side of Hammack Rd. and shall be limited to a cumulative 62 units.
- d. The land on East side of Hammack Rd. shall be limited to one ½ acre or larger lot. Any lots allowed by the zoning category on the eastern portion of the Property can be recaptured on western portion of the Property so that the average density of the east side and west side combined is 2 units per acre or 62 units total.
- e. The minimum lot size shall be 9,000 sq. ft. for lots on the west side of Hammack Rd.
- f. There shall be a 25' buffer on the west property line of the west 26.328-acre parcel that will include landscaping or a fence. There shall be a 25' buffer on the east side of the east 4.845-acre parcel. The pepper tree along the north property line of the east 4.845-acre parcel shall be preserved at the time of site development.

3. Developer/Owner shall comply with all regulations and ordinances of the County. This Agreement constitutes the entire agreement between the parties and shall not be subject to any other agreement or understanding. This agreement provides no vested rights against the County. The County may amend or repeal this Agreement at any time without notice to the Developer/Owner. The Developer/Owner shall pay to the Clerk of Courts the cost of recording this Agreement in the Public Records of Brevard County, Florida.

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____, 20__. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 6 above.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed at _____ as of the _____ day and year first written above.

WITNESSES:
BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamison Way
Viera, FL 32940

Scott Ellis, Clerk (SEAL) _____ Chair
As approved by the Board on _____

(Please note: you must have two witnesses and a notary public to sign this Agreement as one witness.)

OWNER
Theodore C. Goodenow

605 Sugartown St. Port St. John FL 32927

(Witness Name typed or Printed)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__.

by _____ as _____ of _____.

who is personally known or produced _____ as identification.

My commission expires _____

Commission no. _____ Notary Public

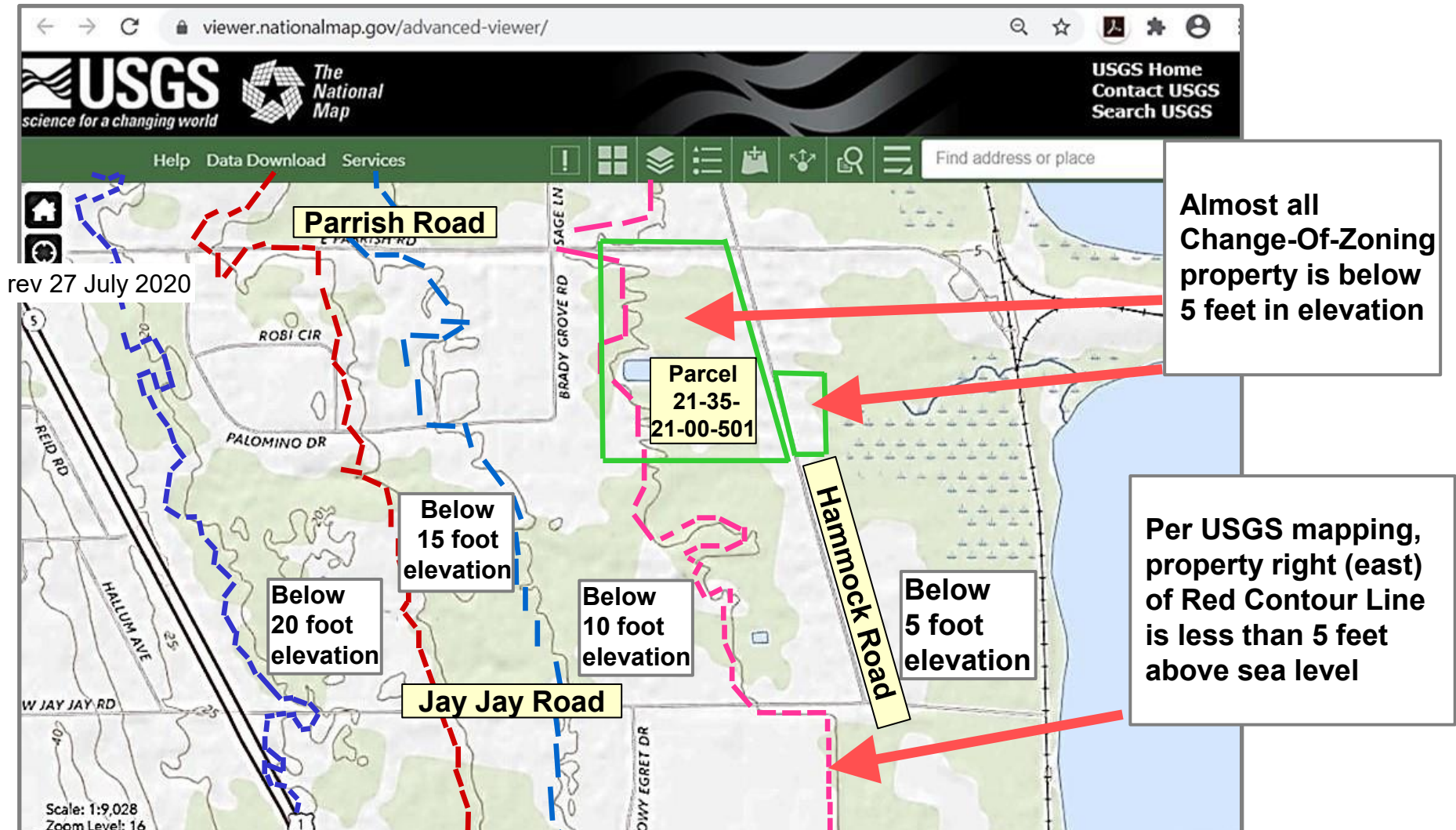
SEAL (Name typed, printed or stamped)

Account 2105262

Exhibit "A"
N 1/2 of NE ¼ of SW ¼ lying W of Hammack Rd & S ½ of NE ¼ of SW ¼ Exc RD R/W Pars 502,506 & 543

Extreme Low-Level Elevation Concerns

Given elevations below 5 feet, normal stormwater flow and design may not work. Properties at high risk of flooding from on-site stormwater, stormwater from higher elevations, storm surge from Lagoon, and sea level rise (inundation) over decades



Area stormwater flows down-hill to these parcels. This low property has nowhere to shed stormwater away. The Five-Acre-Parcel is especially low (3-4 feet).

Zoning Change Request 19PZ-00158 and 20PZ-00024

Staff Comments, Brevard County:

- ... change of zoning classification from Agricultural Residential (AU) to Single Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single family lots.
- This rezoning request is accompanied by a companion SSCPA from PI to RES 2 20S.02 (20PZ-00024) that would need to be approved by the Board in order for this rezoning to be considered.

5 acre parcel is now included with, *and in addition to*, the 26 acres. However, they are not physically connected.

Recent Legal Description, combines two parcels (non-contiguous) into one property.

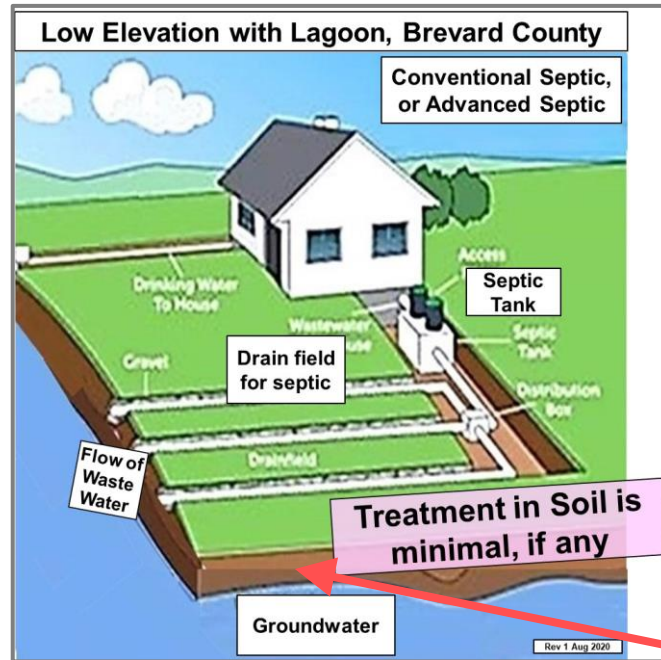
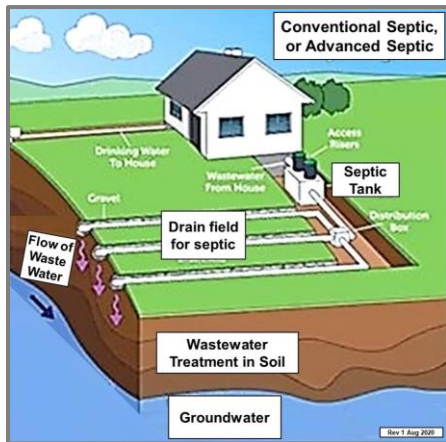


Mixing of 26 acre and 5 acre parcels creates complex and unusual documents (BDP and rezoning requests).

Big Picture Question: is it appropriate and safe to approve dozens of homes at low elevations along Lagoon without concept for home layouts, home elevations, road elevations, retention ponds, swales, overall stormwater design?

Sewer or Septic: Major Concern Area

To date, no agreements for connection to Titusville sewer.



With septic, Hammock Road properties would have drain fields directly on top of groundwater connected to Lagoon

Approval of Re-zoning does guarantee connection to Titusville sewer. Multiple homesites with Septic would pollute directly to Lagoon, regardless of type of septic.

Reference from Zoning Mtg 6 July 2020,
19PZ-00158 is Zoning Ref #

FEMA FLOOD ZONES MAP

GOODENOW, THEODORE C.
19PZ00158

REFERENCE SLIDE

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

GOODENOW, THEODORE C.
19PZ00158

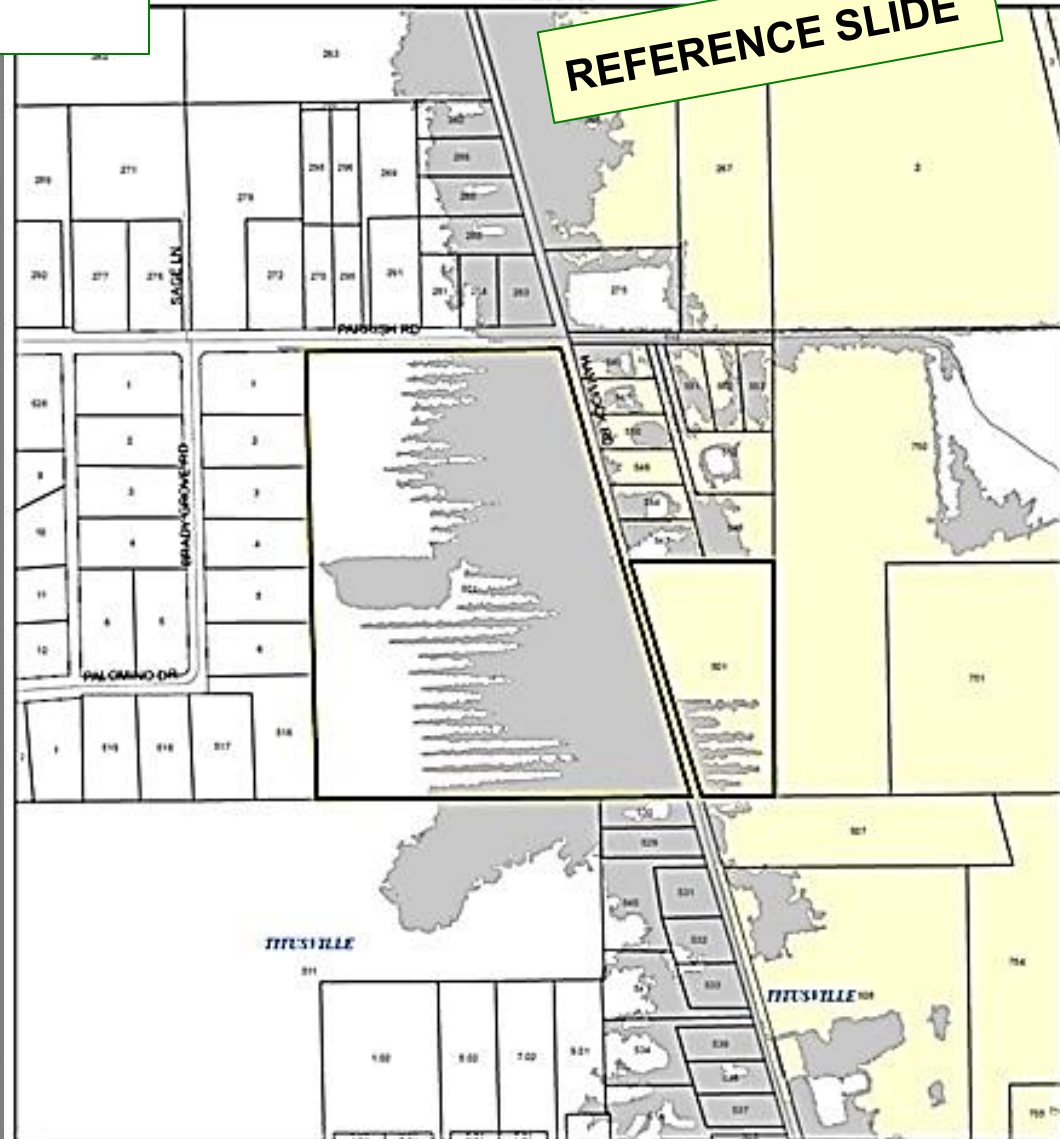


1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Septic Overlay
 - 40 Meters
 - 60 Meters
 - All Distances

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/6/2020



1:4,800 or 1 inch = 400 feet

FEMA Flood Zones

- AE
- AH
- AO
- VE
- X
- 1% Protected By Levee
- 0.2 Percent Annual Chance Flood Hazard
- 0.2 Percent Annual Chance Flood Hazard Contained in Channel
- Subject Property
- Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/6/2020

Reference from Zoning Mtg 6 July 2020,
19PZ-00158 is Zoning Ref #



Planning and Zoning Board / Local Planning Agency

Brevard County Government Center

2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida

Agenda

Monday, July 6, 2020

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

Call To Order

Approval of Minutes - June 15, 2020

H. Public Hearings

19PZ 00158

- H.1. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1)
- H.2. Richard R. Jr., and Gina M. Wrubel, Trust, request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. (20PZ00051) (Tax Account 2000354) (District 1)
- H.3. Richard R. Jr., and Gina M. Wrubel, Trust, request a change of zoning classification from AU to BU-1. (20Z00003) (Tax Account 2000354) (District 1)
- H.4. McD Family Trust, LLC, requests an amendment to an existing BDP in a BU-2 zoning classification. (20Z00004) (Tax Account 2323791) (District 1)
- H.5. Canaveral Landing, LLC, requests a change of zoning classification from TR-1 to TRC-1 with a CUP for the Cluster Development of Mobile Homes and a BDP limiting residential development to 100 units. (20Z00006) (Tax Account 2314846) (District 1)
- H.6. 3101 Gannett Plaza, LLC (Kevin Saltman) requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with an Indoor Family Entertainment Center, in the BU-1 and BU-2 Zoning Classifications. (20Z00007) (Tax Accounts 2602422 & 2602423)

Public Comment

Adjournment



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

REFERENCE SLIDE

H.1.

7/6/2020

Subject:

Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from AU to RU-1-9 in order to develop a 62-lot single-family subdivision, with a BDP (Binding Development Plan) limiting density to two units per acre and connection to City of Titusville central water and sewer. The property is located at 1930 Hammock Road, Titusville. The RU-1-9 zoning classification permits single-family residences on minimum 6,600 square-foot lots with minimum width of 66 feet and depth of 100 feet, and 900 square feet minimum living area.

The property retains split FLU (Future Land Use) designations of RES 2 (Residential 2) and PI (Planned Industrial). A companion application for a Small-Scale Comprehensive Plan Amendment accompanies this rezoning request to amend the FLU designation on the 4.85 acre portion of the property located east of Hammock Road from PI to RES 2.

The surrounding parcels are a mixture of single-family residential, single-family mobile home, and planned industrial. The abutting property to the south is a 71.76 acre undeveloped parcel in the City of Titusville that retains the Planned Unit Development Zone classification.

The Board may wish to consider if introducing RU-1-9 zoning is consistent and compatible with the surrounding RRMH-1 (Rural Residential Mobile Home) and TR-2 (Single-Family Mobile Home) zoning classifications.

On June 15, 2020, the Planning and Zoning Board heard the request and tabled this item to the July 6, 2020, Planning and Zoning Board meeting.

The final public hearing will be held by the Board of County Commissioners on THURSDAY, AUGUST 6, 2020 at

Brevard County Board of County Commissioners

Page 1 of 2

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H.1.

7/6/2020

5:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Building C, Viera, Florida.

STAFF COMMENTS

19PZ00158

Theodore C. Goodenow

REFERENCE SLIDE

The 26 acre and 5 acre parcels are not considered separately

AU (Agricultural Residential) to RU-1-9 (Single-Family Residential) with a Binding Development Plan) limited to 62 single-family units (pending)

Tax Account Number: 2105262
 Parcel I.D.: 21-35-21-00-501
 Location: 1930 Hammock Road, Titusville (District 1)
 Acreage: 31.43 acres

Planning and Zoning Board: 07/06/20
 Board of County Commissioners: 08/06/20

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RU-1-9 with BDP
Potential*	12 Single-Family Units	62 Single-Family Units
Can be Considered under the Future Land Use Map	NO RES 2 and PI	YES** RES 2***

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** A BDP limiting the density of the property to Residential 2 (RES 2) is required for this action to establish consistency with the Future Land Use Map. *** A small scale comprehensive plan amendment application from Planned Industrial (PI) to RES 2 is being reviewed concurrently with this application for the portion of the site designated PI east of Hammock Road.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from Agricultural Residential (AU) to Single-Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single-family lots. The request is accompanied by a Binding Development Plan (BDP) limiting the project density to two units per acre and committing to connection to City of Titusville central water and sewer.

The subject property is located at the intersection of Parrish Road and Hammock Road between North U.S. Highway 1 and the Indian River. It is split by Hammock Road with the majority of the property being located between Hammock Road and US 1. At the closest point, the property is

Reference from
Zoning Meeting on 6
July 2020:

“19PZ 00158” is the
Zoning Ref #

From: [dbotto1](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Brooks Landing Phase 2
Date: Wednesday, August 5, 2020 10:47:36 AM
Attachments: [BMAPexcerpt.docx](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Chairman Lober and Distinguished Members of the Brevard County Commission;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Save Our Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We are concerned that much of the accelerated development now occurring in Brevard County poses danger to the future health of the Indian River Lagoon. Such development, even though meeting current requirements, will add to the pollution entering the lagoon in violation of "net improvement" federal and state mandates (please see attached). In the long term, it contradicts the objectives of the Save Our Lagoon Project Plan.

To counter this, we have strongly encouraged the adoption of Low Impact Design (LID) that will cost effectively minimize the impact on the IRL of much needed development. Its objective is to control storm water at its source through site design and Best Management Practices actions that result in post development run-off that mimics the original. The concept is founded on the critical need to increase pervious water storing land, reduce the destructive run-off loss of water and reduce pollutant loads entering the lagoon. It is important to note that, to a saline ecology such as the lagoon, excess clean fresh water is itself a pollutant.

The changes in density proposed for the subject development to accommodate 62 units of 9000 square feet will dramatically increase pollutant loads to the lagoon. An approximate calculation of the planned impervious surface additional run off is 10 million gallons per year. The owner has shown, in his recent sketch plat for Brooks Landing Phase 1, that he intends to apply standard storm water infrastructure into a wet retention pond. This is the development approach that got us where we are today. Wet retention has proven to, at best, achieve no more than 35% removal of nitrogen even with rare proper maintenance (UCF Stormwater Academy). The density approval for Phase 1 was unfortunate. We respectfully urge you to refuse to change existing law and maintain the current low density development plan for this proximate property that is so critical to the long term health of our lagoon.

We must look to the future.

Respectfully,
David C. Botto, Chair
Intergovernmental Committee
Marine Resources Council

Section 1.5 of the adopted Banana River Lagoon BMAP addresses loadings from future growth and redevelopment. The BMAP does not include a specific allocation for new development or redevelopment because of ERP Program requirements. The ERP Program requires that new discharges into the basin cannot increase existing loads. This is called "Net improvement" and means that the post-development pollutant loading for TN and TP can't exceed the pre-development pollutant loading. All ERP applications must include documentation demonstrating compliance with state water quality standards, as well as showing that the project does not adversely affect the quality of receiving waters, resulting in water quality standards violations. Since the Banana River Lagoon (BRL) is an impaired water that does not currently meet state water quality standards, new development and redevelopment within the BMAP area or watersheds cannot increase nutrient loads to the BRL. Unfortunately, the "Net Improvement" requirements in BMAPs are not included in Florida's ERP program requirements which need extensive revising.

The BMAP also states "Although future development may meet state stormwater standards, the development may still add a nutrient load to the lagoon. To ensure that future growth does not add to the degradation of the BRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations." LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. However, allowing LID techniques typically requires changes in local government Comprehensive Plans and Land Development Codes.