

# MHOA

MICCO HOME OWNERS ASSOCIATION, INC.

## MHOA OFFICERS

Chelle Woods,  
President

Ted Beck,  
Vice President

Anne Briggs,  
Secretary

Henriette Daulton,  
Treasurer

## DIRECTORS

Jan Black  
Jim Dunn  
Sue Olson  
Joan Legue  
Wilma Weglein

Contact Us:  
Miccohomeowners  
@aol.com

TO: Commissioner Tobia

RE: 20Z00030 – Lazy River Investments – Fleming Grant Road, Micco.

DATE: 11/20/2020

**Micco Homeowners Association is in favor of the proposed AU(L) zoning change to 1:2.5 with a maximum 8 homes on this 20 acre property.**

We do, however, have the same strong issues we had in 2019 due to the fact **there is no current BDP for this development** located directly on the St Sebastian River which flows directly into the Indian River Lagoon. **Our focus is the continued need to protect the health of the Indian River Lagoon by limiting contaminants flowing into the St Sebastian River.**

**Therefore we request that you consider:**

- **NO HOMES within the Coastal High Hazard Area.** Development within this 5-acre area is a direct threat to the River and the Indian River Lagoon due to homeowner contaminants, pesticides, drain field/septic leaks and excess storm water runoff flowing directly into the river. Comments in 2019 from DEO and ECFRPC also support this need. **Please require all 8 homes be located outside this Coastal High Hazard Area.**
- **STORM WATER needs to be captured outside of the Coastal High Hazard Area which is also an AE Flood Zone.** The new BDP needs to designate where and how Stormwater will be captured within this development.
- **ADVANCED SEPTIC must be required** for all new homes near the Coastal High Hazard Area which is also an AE flood zone and drain fields need to be kept out of this area. In 2019, SJRWMD, DEP, DEO recognized the importance of removing 65% nitrogen with Advanced Septic on this property.
- **NO FILL DIRT within AE Flood Zone.** FEMA's Base Flood Elevation is 5.3 feet NAVD for this flood zone. This means a lot of fill dirt is required to elevate or "flood proof" each home within this area. What happens to the flood waters? How do the existing specimen trees survive the fill dirt?

**To preserve the health of the IRL, please require a current BDP for this development with a maximum of 8 homes located outside the Coastal High Hazard Area.**

Sincerely,

Chelle Woods, MHOA President, 9912 Riverview Drive Micco

# COASTAL HIGH HAZARD AREA MAP

LAZY RIVER INVESTMENTS, LLC

20Z00030



1:4,800 or 1 inch = 400 feet

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: 9/10/2020

— Subject Property

□ Parcels

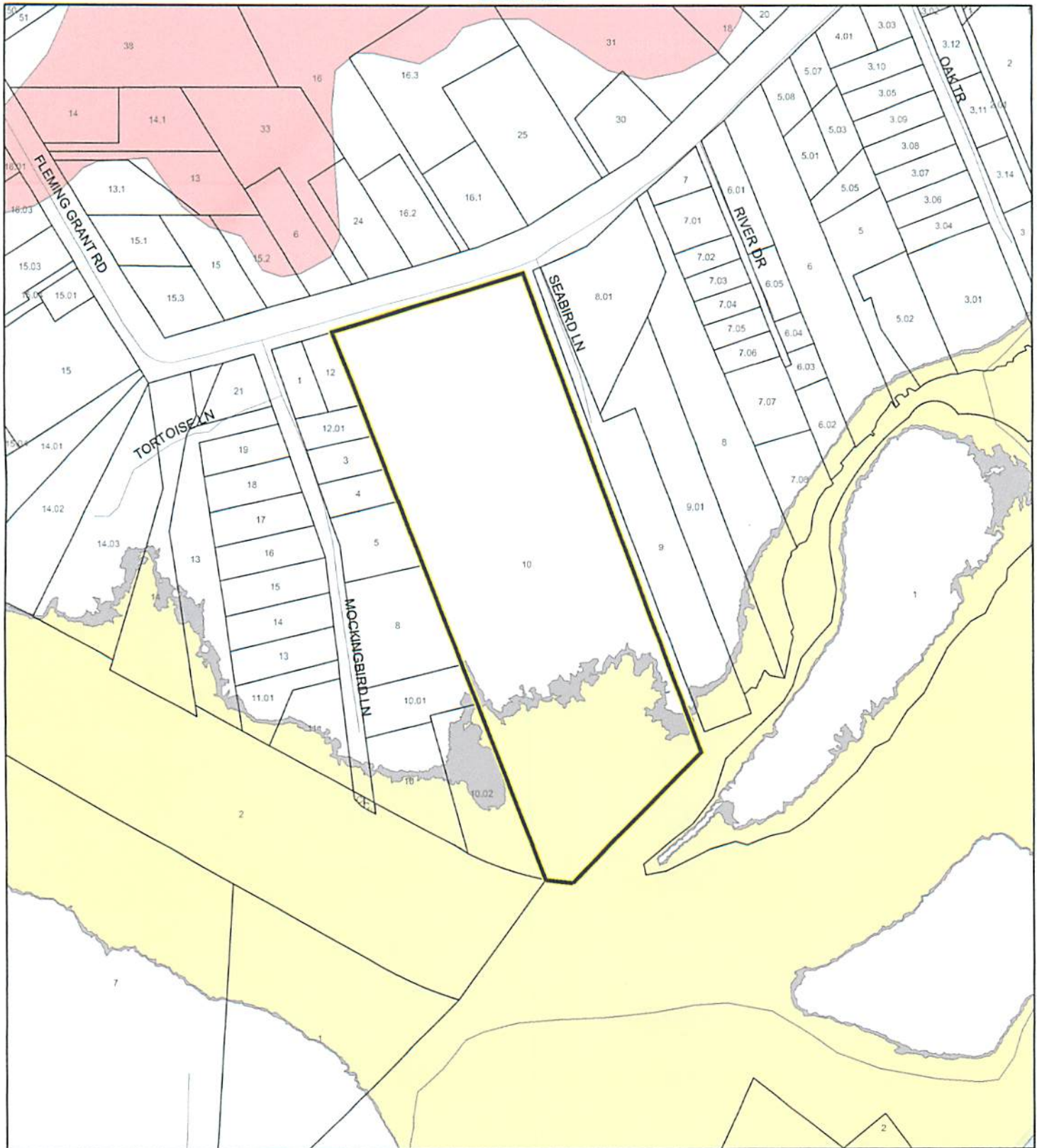
**Coastal High Hazard Area**

■ SurgeZoneCat1

# FEMA FLOOD ZONES MAP

LAZY RIVER INVESTMENTS, LLC

20Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2020

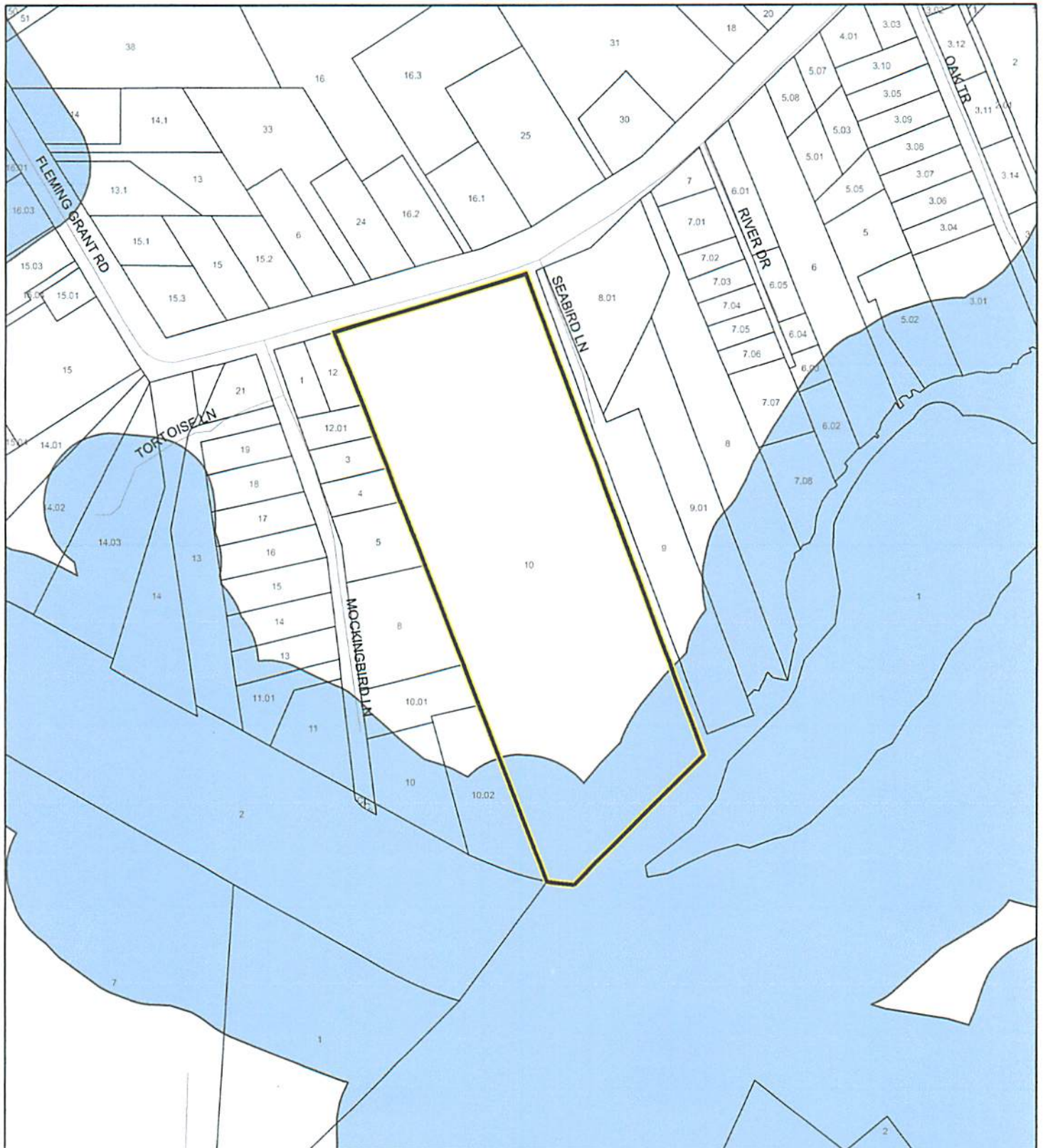
## FEMA Flood Zones

A	AO	X
AE	Open Water	X Protected By Levee
AH	VE	
0.2 Percent Annual Chance Flood Hazard		
0.2 Percent Annual Chance Flood Hazard Contained in Channel		
Subject Property		Parcels

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

LAZY RIVER INVESTMENTS, LLC


20Z00030



1:4,800 or 1 inch = 400 feet

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: 9/10/2020

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

 60 Meters

 All Distances

**From:** [lindyb@cfl.rr.com](mailto:lindyb@cfl.rr.com)  
**To:** [Commissioner, D3](#); [Commissioner, D3](#)  
**Subject:** Item H6 of Thursday's Zoning Meeting  
**Date:** Monday, November 30, 2020 4:02:16 PM

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

Dear Commissioner Tobia:

I understand that there will be a Zoning Meeting this coming Thursday, December 3, 2020, at which item H6 is a request by Lazy River Investments to change zoning for a piece of property from Fleming Grant Rd to the shoreline of the St Sebastian River, which could result in 8 homes being built in this area.

I do not object to the change per se, but there are some environmental issues that need to be addressed when this change is granted. Two of the most important among them are:

1. No homes should be built in the Coastal High Hazard Area, as this could be a further threat to the health of the Indian River Lagoon, into which the St Sebastian River flows.
1. If septic tanks are to be built for these homes, Advanced Septic must be used near the Coastal High Hazard Area. Last year SJRWMD, DEP and DEO all recognized the importance of removing 65% nitrogen with Advanced Septic on this property.

It is therefore important that this change not be granted without a Binding Development Plan that will take these, and other environmental issues into consideration!

Thank you for your time and attention to these important concerns.

Yours truly,

Linda Behret  
5960 Herons Landing Dr  
Viera, FL. 32955

**From:** [Julie Mallisturner](#)  
**To:** [Commissioner\\_D2](#); [Commissioner\\_D3](#); [d4commissioner@brevardfl.gov](mailto:d4commissioner@brevardfl.gov); [Commissioner\\_D1](#); [d5commissioner@brevardfl.gov](mailto:d5commissioner@brevardfl.gov)  
**Subject:** Development of Property on Sebastian River  
**Date:** Tuesday, December 1, 2020 8:33:25 AM

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

Dear Commissioners:

I am very concerned about yet another attempt at developing property on the Coastal High Area of the St. Sebastian River in Micco. What a beautiful-pristine area...reminiscent of Old Florida, a rarity these days... a tourist attraction that is sadly becoming obsolete. What Is needed before approving further development is a reasonable Binding Development Plan.

I understand that zoning for this property could go through without any Binding Development Plan. There should not be **approval of the zoning request without the BPD.**

There should be no homes built within the Coastal High Hazard Area. The Indian River Lagoon does not need more contaminants, pesticides, septic tanks leaks flowing into it as a result of building in this area.

This developer has been relentless. I urge you to take the high road and consider the environmental and economical impacts of approving development in this area. Please keep natural Florida and it's preservation in mind when voting!

Sincerely,

Julie Turner  
(321) 266-2786

[Sent from Yahoo Mail for iPhone](#)

**From:** [Leslie Maloney](#)  
**Subject:** Micco Property-St Sebastian River  
**Date:** Tuesday, December 1, 2020 11:40:56 AM

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

Greetings Commissioner,

The Micco property that came before you several times last year is back for your consideration. It still has many problems that will affect the Indian River Lagoon. **The biggest concern is that if there is a zoning change there must be a binding development plan.**

Within that plan I hope you will consider the following:

- 1) No homes should be built in the Coastal High Hazard Area. This will protect the IRL from homeowner contaminants like fertilizers, pesticides, septic leaks etc.
- 2) The homes must be required to capture stormwater outside the CHH area. There should be a specific plan of how this will be done.
- 3) Advanced Septic must be required.
- 4) No Fill Dirt should be used due to the fact that this is a flood zone and that fill dirt will eventually end up in the IRL--more nutrients. Also, fill dirt is known to kill specimen trees.

Brevard taxpayers are paying to restore the IRL, do your part as a commissioner and protect it against irresponsible development.

In summary , vote for a BDP which requires no more than 8 homes all built outside the Coastal High Hazard Area on this Micco property.

Thanks for your consideration,  
Leslie Maloney  
Melbourne Beach

**From:** [Commissioner, D3](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Lazy River Investments - Micco zoning  
**Date:** Tuesday, December 1, 2020 1:06:13 PM

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Ms. Jones,

Please see below, our office has received another email disclosure.

Thank you,

**Katelynne Prasad**

*Constituent Affairs Director*

*County Commissioner John Tobia, District 3*

PH: (321) 633-2075 \* Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

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**From:** B D <rel\_eng@yahoo.com>  
**Sent:** Tuesday, December 1, 2020 1:02 PM  
**To:** Commissioner, D3 <d3.commissioner@brevardfl.gov>  
**Subject:** Lazy River Investments - Micco zoning

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

Dear Commissioner Tobia,

Reference 20Z00030 Lazy River Investments – Fleming Grant Road, Micco FL

I am asking that you vote against any development in the Coastal High Hazard Area of the referenced proposed development. Any building in a flood zone near a river is simply irresponsible. The citizens of Brevard County need you to protect them from any increased damage to our water quality. Continued damage to our water quality directly adds a financial burden through lost tourist based employment, and reduced home values.

Allowing further destruction of our waterways will lead to increased taxes. These taxes will be needed to mitigate fish kills and restore algae tainted waters. Every time we allow building in an environmentally sensitive area, we are destroying the very reason most people moved to this county. Please ensure this development does not endanger

our environment and add to our citizen's financial burden.

Thank you,  
Bill DeBusk

2674 Tuscarora Ct.  
West Melbourne FL 32904

**From:** [Commissioner, D3](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Fleming Grant Rd property -- Lazy River Investments  
**Date:** Tuesday, December 1, 2020 2:08:28 PM

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Ms. Jones,

Below is another email disclosure our office has received.

Thank you,

**Katelynne Prasad**

*Constituent Affairs Director*

*County Commissioner John Tobia, District 3*

PH: (321) 633-2075 \* Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

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**From:** Douglas and Mary Sphar <canoe2@digital.net>  
**Sent:** Tuesday, December 1, 2020 1:40 PM  
**To:** Commissioner, D3 <d3.commissioner@brevardfl.gov>  
**Subject:** Fleming Grant Rd property -- Lazy River Investments

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

Dear Commissioner Tobia,

The 20-acre property on Fleming Grant Rd in Micco is on the BCC agenda again on Thursday, but I am seeing no current BDP in the agenda packet. The draft BDP in the supporting documentation is from November 2019.

As I understand the situation from the Planning and Development Department, the applicant needs to have a BDP voted on at a meeting where that document is advertised.

What worries me is that the applicant could get approval for the rezoning without the BDP, and any leverage from withholding the rezoning approval would be gone when the BDP subsequently comes up for BCC approval.

A BDP could state that any homes need to be sited outside the approximately 5 acres comprising the Coastal High Hazard Area (CHHA), which basically overlaps FEMA flood zone AE. The BDP could also specify that there should be no fill and no stormwater ponds in the CHHA. In addition, the BDP could address advanced septic and preservation of the

specimen oak trees.

Any development on this property needs to be very carefully planned. This property appears to be the most vulnerable, or at least one of the most vulnerable, to storm surge with associated flooding in the area between Fleming Grant Road and the river. Any runoff from the property has implications for the health of the Indian River Lagoon.

I have no objections to the choice of zoning category, but I don't want to see the rezoning request granted without an adequate BDP.

Thank you for considering my opinion.

Mary Sphar

825 Cliftons Cove Ct.

Cocoa, FL 32926

**From:** [B.D](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Lazy River Investments - Micco zoning  
**Date:** Tuesday, December 1, 2020 1:10:59 PM

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

Dear Commissioner Smith,

Reference 20Z00030 Lazy River Investments – Fleming Grant Road, Micco FL

I am asking that you vote against any development in the Coastal High Hazard Area of the referenced proposed development. Any building in a flood zone near a river is simply irresponsible. The citizens of Brevard County need you to protect them from any increased damage to our water quality. Continued damage to our water quality directly adds a financial burden through lost tourist based employment, and reduced home values.

Allowing further destruction of our waterways will lead to increased taxes. These taxes will be needed to mitigate fish kills and restore algae tainted waters. Every time we allow building in an environmentally sensitive area, we are destroying the very reason most people moved to this county. Please ensure this development does not endanger our environment and add to our citizen's financial burden.

Thank you,  
Bill DeBusk

2674 Tuscarora Ct.  
West Melbourne FL 32904

**From:** [Leslie Maloney](#)  
**Subject:** Micco Property-St Sebastian River  
**Date:** Tuesday, December 1, 2020 11:40:56 AM

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Greetings Commissioner,

The Micco property that came before you several times last year is back for your consideration. It still has many problems that will affect the Indian River Lagoon. **The biggest concern is that if there is a zoning change there must be a binding development plan.**

Within that plan I hope you will consider the following:

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Brevard taxpayers are paying to restore the IRL, do your part as a commissioner and protect it against irresponsible development.

In summary , vote for a BDP which requires no more than 8 homes all built outside the Coastal High Hazard Area on this Micco property.

Thanks for your consideration,  
Leslie Maloney  
Melbourne Beach

**From:** [Anne Briggs](#)  
**To:** [Commissioner, D4](#)  
**Subject:** 20 Acres on Fleming Grant Road, Micco (20Z00030)  
**Date:** Friday, November 20, 2020 2:54:51 PM

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

Ref: 20Z00030, 19PZ00093

Dear Commissioner Smith,

As you may recall, on 5 December 2019, you and your fellow Commissioners voted unanimously to deny the request of Lazy River Investments, LLC on the matter of development and re-zoning of 20 acres on Fleming Grant Road bordering the Saint Sebastian River. (19PZ00093) Many residents of Micco and environmental groups strongly expressed their concern to you about this planned development, and State Comments pointed out several environmental considerations that needed attention.

The developer, Lazy River Investments, LLC has now requested a zoning change on this same parcel from RU1-13 to AU (L). According to Planning and Development, AU(L) restricts building to 1 house to 2.5 acres. This is in compliance with the Comprehensive Plan and Future Land Use designation for land adjacent to the St Sebastian River.

A zoning change hearing was held on 9 November 2020 with Brevard County Planning and Development, and the AU(L) classification was granted by the Board. After reviewing the documents on file for this hearing, we note that the BDP is the same one from November 2019 and has dated information which is incorrect for this current request. Because of this, again, we do not have any idea of what the Developer is actually planning to do on this property. In addition, upon review of the minutes of this meeting, it already looks like there may be some intention on the part of the developer to circumvent the 1:2.5 designation in order to fit 8 homes on the property. Ms Young, who represents the developer, stated, "The site faces other development challenges and it may be difficult to engineer the site to be able to yield 8 lots, and AU(L) affords some flexibility for lot configurations."

This matter comes before you for a vote on 3 December. My husband and I are writing you to ask that you and the other Commissioners once again ensure that the Developer is held to findings from previous hearings and current Staff Comments, particularly those that affect the health of the St Sebastian River and the Indian River Lagoon:

- No construction within the Coastal High Hazard area.
- Nitrogen reducing advanced OSTDS/anaerobic septic systems.
- Protection for mangroves and wetlands, as well as for protected and specimen trees and species.

- Adequate stormwater treatment as flooding is still an issue in this area.
- All lots have 1 house to 2.5 acres.
- Retain the rural, residential character of the neighborhood (no commercial activities on this property.)
- Provide a detailed, current, and acceptable BDP.

Thank you for your consideration and your continued interest in the wellbeing of our community and of our waterways.

Sincerely,

Anne Briggs and Henry Beck

9735 Fleming Grant Road, Micco, FL 32976

**From:** [Woodard, Patrick](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** FW: Lazy River Investments -- Micco property  
**Date:** Wednesday, December 2, 2020 8:04:39 AM

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Jennifer,

Here is another email concerning Agenda Item H 6 at tomorrow's meeting.

Regards,

*Pat Woodard*



**Pat Woodard**  
**Chief Legislative Aide to Commissioner Smith**  
Brevard County, District 4  
[321.633.2044](tel:321.633.2044) | [Patrick.Woodard@brevardfl.gov](mailto:Patrick.Woodard@brevardfl.gov)  
2725 Judge Fran Jamieson Way, Bldg. C - Suite 214,  
Viera, FL 32940

***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.*

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**From:** Douglas and Mary Sphar <canoe2@digital.net>  
**Sent:** Tuesday, December 01, 2020 5:09 PM  
**To:** Commissioner, D4 <D4.Commissioner@brevardfl.gov>  
**Cc:** Woodard, Patrick <patrick.woodard@brevardfl.gov>  
**Subject:** Lazy River Investments -- Micco property

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