



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

9/4/2025

Subject:

City Pointe Landfall LLC (David Bassford) requests a change in zoning classification from EU and RP with an existing BDP to PUD with the removal of existing BDP. (24PUD00003) (Tax Account 2411252) (District 1) The applicant has requested this item to be continued to the October 2, 2025, Board of County Commissioners Meeting.

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from EU (Estate Use Residential) and RP (Residential-Professional) with an existing BDP (Binding Development Plan) to PUD (Planned Unit Development) with the removal of existing BDP. The applicant has requested this item to be continued to the October 2, 2025, Board of County Commissioners Meeting.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from Estate Use (EU) and Residential Professional (RP) to Planned Unit Development (PUD) with Removal of Binding Development Plan (BDP) on an undeveloped parcel of 12.88 acres. The applicant has proposed a project consisting of 23 single family units on 10.96 acres for an overall gross density of 2.09 dwelling units per acre and an indoor RV storage commercial development on 1.92 acres with a potential FAR of 1.

The subject property is located on the east side N. Highway 1 and west side of N. Indian Drive approximately 200 feet south of Roundtree Drive. N. Indian River Drive bifurcates a small portion of the subject property.

Zoning action **Z-11455**, approved on November 6, 2008, a portion of the subject property was rezoned from AU to EU with a BDP. The existing BDP, recorded in **OR Book 5897 Page 624**, stated the following restrictions shall apply to said subdivision; there shall be a 15 foot natural buffer on exterior of subdivision, no access to said subdivision to Indian River Drive, shall not exceed seven lots, subdivision shall have no access to Parkchester Subdivision, minimum house size of 2,200 square feet under air, the subdivision shall have EU zoning and have an HOA to maintain common elements and architectural control.

Under zoning action **Z-10666**, approved on February 7, 2002, the eastern portion of the subject property was rezoned from AU to RP.

A companion Future Land Use Map (FLUM) amendment application (**24SS00009**) was submitted accompanying this request to change the Future Land Use designation on 12.88 acres of the subject property from Residential 1 (RES 1) and Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC) to Community Commercial (CC) on 1.92 acres and Residential 4 (RES 4) on 10.96 acres. The RES 4 designation would allow 43 residential units.

Based on the gross floor area and the lot size of the commercial portion of the property indicated in the Preliminary Development Plan (PDP), a FAR of approximately 0.31 is proposed for the commercial development.

To the north is a subdivision, recorded as Parkchester in Plat Book 18, Page 114, with approximately 63 single-family detached homes on approximately 0.2 to 0.25 acre lots with RU-1-11 zoning designation and RES 2 FLU. There are three additional parcels separate from the platted subdivision. One parcel, 8.06 acres, developed with a single-family residence with EU zoning designation and RES 4 FLU. This parcel also includes a nursery with AU zoning and RES 1 FLU. Parcel two is 0.56 acres, developed as a single-family residence, with EU zoning and RES 2 FLU. The third parcel is 0.49 acres, developed with a single-family residence with EU zoning and includes RES 2 FLU. To the south is a 0.17-acre parcel, cemetery land, with zoning designation IN(L) with RES 1 FLU. A second parcel is 1.67 acres, developed with a single-family residence, EU zoning designation and RES 4 FLU. A third parcel totals 1.53 acres, undeveloped with AU zoning designation and RES 1 FLU. To the east of the subject property is the Indian River, a class II waterway. To the west is a 1.32-acre parcel, developed with an office building with RP zoning and NC FLU designation. Additionally, to the west of the subject parcel is Highway 1.

This item was first before P&Z/LPA on March 17, 2025, which resulted in a recommendation for approval by a vote of 7 to 3. At the April 3, 2025, BOCC hearing, the representative for the applicant requested a continuance to the July 3, 2025, BOCC hearing date because they wanted to meet with the residents and make changes to the PDP. The applicants were notified at that time that if the changes were substantial in nature, the item would need to return to P&Z/LPA. County staff received the revised PDP and determined that the changes made were substantial in nature. Therefore, the item was required to return to the P&Z/LPA.

On August 18, 2025, the Planning and Zoning Board heard the revised request and voted 10:3 to recommend approval with removal of the BDP, with the added conditions of working with staff on satisfying open space Code requirements, and approval of the resubmitted PDP by staff.

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

The Board may also wish to consider whether removing the BDP, including, but not limited to, provisions restricting access from the Parkchester Subdivision and Indian River Drive, will impact the surrounding area.

The Board may wish to consider approval of a portion of the proposed 2.08-acre dry retention pond to be counted as open space per Section 62-1102. Open Space definition paragraph 5, states: "The exclusion of water bodies which are in whole, or part drainage easements may be waived by the board of county commissioners after adequate measures are provided which guarantee in perpetuity a level of water quality acceptable for recreational purposes."

Clerk to the Board Instructions:

Upon receipt of the resolution, please execute and return a copy to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS 24PUD00003 City Pointe Landfall LLC.

Estate Use (EU) and Residential Profession (RP) to Planned Unit Development (PUD) with Removal of Binding Development Plan (BDP)

Tax Account Number(s): 2411252
Parcel I.D.: 24-36-08-00-514
Location: 3477 N Indian River Dr, Cocoa, FL 32926, East side of Highway 1, approximately 210 feet south of Roundtree Drive
Acreage: 12.88 acres
Planning & Zoning Board: 8/18/2025
Board of County Commissioners: 9/4/2025

Consistency with Land Use Regulations

- Current zoning can and cannot 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 will not maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	EU, RP	PUD
Potential*	24 Dwelling units	23 Dwelling units, FAR of 1
Can be Considered under the Future Land Use Map	RES 1 (NO), RES 2 (NO), RES 4 (YES) & NC (YES)	YES** RES 4 & CC

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

**Companion request 24SS00009 which proposes to amend the Future Land Use designation from Residential 1 (RES 1), Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC) to Residential 4 (RES 4) and Community Commercial (CC) is pending approval.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from Estate Use (EU) and Residential Professional (RP) to Planned Unit Development (PUD) with Removal of Binding Development Plan (BDP) on an undeveloped parcel of 12.88 acres. The applicant has proposed a project consisting of 23 single family units on 10.96 acres for an overall

gross density of 2.09 dwelling units per acre and an indoor RV storage commercial development for on 1.92 acres with a potential FAR of 1.

The subject property is located on the east side N. Highway 1 and west side of N. Indian Drive approximately 200 feet south of Roundtree Drive. N. Indian River Drive bifurcates a small portion of the subject property.

Zoning action **Z-11455**, approved on November 6, 2008, a portion of the subject property was rezoned from AU to EU with a BDP. The existing BDP, recorded in **OR Book 5897 Page 624**, stated the following restrictions shall apply to said subdivision; there shall be a 15 foot natural buffer on exterior of subdivision, no access to said subdivision to Indian River Drive, shall not exceed seven lots, subdivision shall have no access to Parkchester Subdivision, minimum house size of 2,200 square feet under air, the subdivision shall have EU zoning and have an HOA to maintain common elements and architectural control.

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A companion Future Land Use Map (FLUM) amendment application (**24SS00009**) was submitted accompanying this request to change the Future Land Use designation on 12.88 acres of the subject property from Residential 1 (RES 1) and Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC) to Community Commercial (CC) on 1.92 acres and Residential 4 (RES 4) on 10.96 acres. The RES 4 designation would allow 43 residential units.

Based on the gross floor area and the lot size of the commercial portion of the property indicated in the Preliminary Development Plan (PDP), a FAR of approximately 0.31 is proposed for the commercial development.

After the initial approval of the PUD, should a request to make any substantial changes (as defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space), the owner or applicant shall be required to return to the Board of County Commissioners for approval of amendment to the PDP. The zoning official shall have the authority to approve minor changes not determined by him/her to be substantial as defined in Brevard County Code of Ordinances.

At this time, there are no active code enforcement cases associated with the subject parcel.

Surrounding Area Zoning classifications and Land Use designations

	Existing Use	Zoning	Future Land Use
North	Subdivision, single-family residential detached home w/ nursery, single-family residential detached	RU-1-11, EU, AU	RES 1, RES 2, RES 4
South	Vacant, cemetery, single-family residential	IN(L), EU, AU, BU-1	RES 1, RES 2, RES 4, CC
East	Indian River	N/A	N/A
West	Office building, Highway 1	RP	NC

To the north is a subdivision, recorded as Parkchester in Plat Book 18, Page 114, with approximately 63 single-family detached homes on approximately 0.2 to 0.25 acre lots with RU-1-11 zoning designation and RES 2 FLU. There are three additional parcels separate from the platted subdivision. One parcel, 8.06 acres, developed with a single family residence with EU zoning designation and RES 4 FLU. This parcel also includes a nursery with AU zoning and RES 1 FLU. Parcel two is 0.56 acres, developed as a single-family residence, with EU zoning and RES 2 FLU. The third parcel is 0.49 acres, developed with a single-family residence with EU zoning and includes RES 2 FLU.

To the south is a 0.17 acre parcel, cemetery land, with zoning designation IN(L) with RES 1 FLU. A second parcel is 1.67 acres, developed with a single family residence, EU zoning designation and RES 4 FLU. A third parcel totals 1.53 acres, undeveloped with AU zoning designation and RES 1 FLU.

To the east of the subject property is the Indian River, a class II waterway.

To the west is a 1.32 acre parcel, developed with an office building with RP zoning and NC FLU designation. Additionally, to the west of the subject parcel is Highway 1.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

EU zoning classification encompasses lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surrounding. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

RU-1-11 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 7,500

square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

RP is a residential-professional zoning classification encompasses land devoted to a mixture of professional and residential uses. Principal uses and restrictions of this zoning classification are intended to promote development of low- to medium-density residential development, in conjunction with low-intensity commercial development. This zoning classification is intended to provide restricted commercial uses which are compatible with and meet a need for limited commercial services convenient to residential development. The intent of this zoning classification is to provide for a combination of residential and professional uses on the site, although this classification does not prohibit use of the site as exclusively residential or professional. Minimum lot area requirements in the RP classification are 7,500 square feet, with 75 feet of width and depth.

IN(L) is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

The institutional use zoning classification is divided into two types, Low intensity (L) and High Intensity (H). Low intensity uses are low impact and are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations.

Planned Unit Development

The Planned Unit Development (PUD), as provided in Sec. 62-1442, is a concept which encourages and permits variation in development by allowing deviation in development standards such as, but not limited to, lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification under this article. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use and dimension requirements of other zoning districts or other land development regulations in articles II, VI, VII, VIII, IX, or XIII of chapter 62 of the Brevard County Code.

In order to accomplish the objectives of this section, the applicant of a PUD may propose, and the county may consider, alternative development standards to any land development regulation in articles VI or VII of chapter 62 of the Brevard County Code.

The applicant shall justify the proposed alternative development standard(s) by describing how it promotes a development form facilitating the goals and objectives of article VI of

this chapter and does not violate the purpose of this chapter for the protection of the public health, safety and welfare in the subdivision of land.

Applicant's response:

No alternative development standards have been requested.

The PDP is a mechanism to request such waivers. The applicant shall specifically include the alternative development standard(s) in the preliminary development plan, and shall present its justification to the planning and zoning board and board of county commissioners in public hearing.

Substantial (major) changes to the PDP require Board approval. As provided in sec. 62-1448(c): If, after the initial approval of the PUD preliminary development plan, should the owner or applicant or his successors desire to make any changes to the preliminary development plan, such changes shall first be submitted to the county. If the zoning official deems there is a substantial change or deviation from that which is shown on the preliminary development plan, the owner or applicant shall be requested to return to the Board of County Commissioners where it is determined that the public interest warrants such procedure. For purposes of this subsection, a substantial change shall be defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

The Preliminary Development Plan (PDP) is part of the zoning application for a PUD, which depicts the use and intensity of the project. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Design elements shown as on the Preliminary Development Plan are required to meet code, unless a waiver has been granted by the Board. Substantial changes would require Board approval.

The Preliminary Development Plan (PDP) is a mechanism to request such waivers. The PDP is part of the zoning application for a PUD, which depicts the use and intensity of the project. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Design elements shown as on the Preliminary Development Plan are required to meet code, unless a waiver has been granted by the Board. Substantial changes would require Board approval.

Specific waivers to land development regulations must be stated on the preliminary development plan and must be verbally requested by the applicant at the public hearing. Unless a waiver is specifically requested by the applicant and specifically approved by the Board, it will not be assumed to have been approved.

No waivers have been requested for the proposed development.

Land Use

The EU zoning classification is not consistent with the RES 1 and RES 2 Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. However, EU zoning classification is consistent with the RES 4 portion of the property. The subject property's RP zoning classification is consistent with the current NC FLU designation. The proposed PUD zoning classification may be considered consistent with the requested CC FLU designation if permitted by Policy 2.10 of the Future Land Use Element. Residential 4 (RES 4) Future Land Use designation is consistent with the requested RES 4 FLU designation.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The proposed development of single-family detached homes and an indoor RV storage may be considered harmonious with adjacent developments in the area. In addition, it is not anticipated to significantly diminish the enjoyment of, safety or quality of life in the existing area.

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The surrounding land use patterns within half a mile of the subject property include single-family residential, agricultural pursuits, cemetery, warehousing, professional offices, commercial and retail uses on the east side of Highway 1. West of Highway US 1 are single-family mobile homes, industrial, commercial, retail, and mini-storage warehouse uses.

There are five (5) FLU designations within 500 feet of the subject site: RES 1, RES 2, RES 4, NC, and CC. Please note, this analysis only includes unincorporated areas of Brevard County. The character of this area includes a mix of vacant land, residential, agricultural pursuits, commercial and industrial properties.

2. actual development over the immediately preceding three years; and

Within Brevard County jurisdiction in the area of the subject property, there has been a storage facility and a packaged icehouse constructed within the preceding three (3) years west of the subject property across Highway 1.

There have been three approved zoning actions within 0.5 miles of the subject property within the preceding three years.

- **21Z00034:** Approved on 12/02/2021 rezoning from BU-1 to BU-2 in order to have taller storage buildings and a metal storage building for a mini-storage warehouse.
- **22Z00007:** Approved on 07/14/2022 for an amendment to the BDP to remove limitation of use on a portion of the property and to increase east property line buffer from 20ft. to 50ft.
- **24AD00011:** Approved on 05/17/2024 to add a new 200 sq. ft. building for packaged ice as part of the Ice House site plan.

3. development approved within the past three years but not yet constructed.

There has been no development approved but not yet constructed in the preceding three (3) years.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

FLUE Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character

of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 0.87%. The corridor is anticipated to operate at 65.25% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change. The RV storage use is not anticipated to materially or adversely impact the area.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The Parkchester subdivision is the established residential neighborhood abutting the subject property to the north. Platted in 1964, with a FLU of RES 2 and RU-1-11 zoning. This subdivision was approved for 63 single-family lots on 19 acres. Another subdivision north of the subject property approximately 0.3 miles was platted in 1963 as Indian River Estates and has RU-1-13 zoning designation with RES 2 FLU. This subdivision has approximately 40 single-family lots.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The east side corridor of Highway 1 has existing Neighborhood and Community commercial FLU designations. The request includes a commercial component of an indoor RV storage facility that will not encroach or interfere with the existing residential neighborhood located to the northeast of the subject property.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years within the County's jurisdiction.

Analysis of Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

The Natural Resources Management Department identified the following environmental constraints: Wetlands, Aquifer Recharge Soils, Coastal High Hazard Area, Floodplain Protection, Indian River Lagoon Nitrogen Reduction Septic Overlay, Surface Waters of the State, Protected and Specimen Trees and Protected Species.

A state-approved wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than *1.8% of the total non-commercial and non-industrial acreage* on a cumulative basis as set forth in Section 62-3694(c)(6).

The eastern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available.

The eastern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h).

The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Preliminary Development Plan

The Preliminary Development Plan should be evaluated in the context of **Section 62-1448 (b) (5)** of the Zoning code:

Review criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

- a. Degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.

Applicant response: The departure is limited, and the predominant use of the PUD shall be residential, single-family detached with a complementary accessory for RV Storage. It should be noted that the proposed commercial is abutting the existing surrounding commercial and the SFR units that abut existing platted lots are proposed to be the same size as the existing lots.

Staff response:

The developed character of the surrounding area is mix of single-family residential on lots greater than 0.15 acres, agricultural lands (active and vacant), retail, professional office, commercial, one developed single-family residential subdivision with RU-1-11 zoning and a second developed single-family residential subdivision with RU-1-13 zoning. There is one mobile home subdivision with TR-1 zoning.

Surrounding Area Existing and Approved Development

<i>Development</i>	<i>Acreage</i>	<i>Density (units built)</i>	<i>Lot sizes</i>
<i>0.5 miles West</i>	<i>20.0</i>	<i>56 units – 2.8 units/ac</i>	<i>0.15 to 0.20 ac</i>
<i>0.25 miles North</i>	<i>18.0</i>	<i>40 units – 2.2 units/ac</i>	<i>0.25 to 0.5 ac</i>
<i>Adjacent North</i>	<i>19.0</i>	<i>63 unit – 3.3 units/ac</i>	<i>0.20 to 0.40 ac</i>
<i>Grand Total</i>	<i>57.0</i>	<i>159 – 2.78 units/ac</i>	

- b. Compatibility within the planned unit development and relationship with surrounding neighborhoods.

Applicant response: The surrounding neighborhoods are single-family detached homes, an attorney's office, and an automotive center. The proposed PUD continues those uses to maintain compatibility. See Response 1 for abutting compatibility.

Staff response:

The proposed single-family lot sizes range from 0.13 to 0.23 acres may be considered compatible with existing lot sizes in the surrounding area under Brevard County jurisdiction within one half mile of the subject property.

- c. Prevention of erosion and degrading of surrounding area.

Applicant response: As is required by state and local laws and code ordinances, the construction and stormwater erosion prevention shall be implemented and maintained to not cause adverse impacts to the adjacent properties.

Staff response:

The PDP indicates the surface water management system for the project will consist of swales, culverts and shallow retention areas which overflow into existing on-site wetland systems and/ or existing on and off-site drainage systems. There are two stormwater retention ponds indicated in the PDP. Specific drainage issues and design will be addressed at site plan review.

- d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Applicant response: Recreation facilities, potable water supply extension and looping, sewage collection and transmission, stormwater treatment/attenuation and flood control, and soil conservation are proposed within the PUD. Justification shall be provided with the construction plans.

Staff response:

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

The maximum development potential of the proposal is not anticipated to create a deficiency in LOS of Highway 1. A Traffic Impact Analysis (TIA) has been submitted for review. Per the study results, a right turn-lane is not warranted at the project driveway on Highway 1. Further concurrency evaluation and review will be done during site plan review. Transportation impacts are typically addressed during the site plan review, unless the Board determines the study is necessary to evaluate the PUD rezoning.

The applicant has provided verification of a stormwater system.

- e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

Applicant response: A mix of common open space features and facilities shall be provided in addition to the preservation of existing wetlands. All maintenance shall be performed by the proposed homeowner's association.

Staff response:

Staff analysis indicates the proposed common open space could be considered compatible. The proposed method for the maintenance and conservation of the common open space is indicated as Homeowners Association (H.O.A.).

- f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.

Applicant response: All stages of the PUD shall be capable of meeting applicable code sections as an independent development.

Staff response:

The applicant has indicated two (2) phases for the project: one for residential and one for commercial. The applicant intends for each phase to be developed in a manner with infrastructure including onsite and offsite roads, water, sewer and stormwater drainage to enable the phase to be an independent unit. Phasing can be amended if the phases are recorded separately, however, this will require an engineering review and minor amendment to the PDP.

- g. The availability and adequacy of water and sewer service to support the proposed planned unit development.

Applicant response: The availability of water and sewer service has been confirmed as part of the concurrency review.

Staff response:

City of Cocoa provided the applicant with two (2) acknowledgment letters which state they have the availability and capacity to serve the proposed development with potable water and sanitary sewer. A connection to water and sewer is proposed in the PDP.

Pursuant to Policy 1.2 of Future Land Use Element states Public Facilities and Services shall be available concurrent with development in all residential land use designations

- h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

Applicant response: A traffic operational technical memorandum has been provided. All required improvements shall be designed and provided with the construction plan submittal.

Staff response:

There is one primary access and thoroughfare to support the residential and the RV storage. The applicant has indicated in the PDP that direct access off Highway 1 will be

for both the RV storage and to support the residential portion of the development. The applicant has submitted a Traffic Impact Analysis for review.

- i. The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a planned unit development classification.

Applicant response: We are not requesting a departure from the code. All stages of the PUD shall be capable of meeting applicable code sections as an independent development. A large amount of undeveloped open space is proposed, which is a public benefit.

Staff response:

The property currently has a County Future Land Use designation of RES 1, RES 2, RES 4, CC and NC. With multiple FLU designations, only RES 4 corresponds with the current EU zoning and NC currently corresponds with the current RP zoning. As a result of the split land use categories, the applicant elected to pursue a uniform PUD to provide one set of development standards for the proposed development containing single family detached, other amenities and a RV storage commercial use.

- j. The conformity and compatibility of the planned unit development with any adopted development plan of the county.

Applicant response: The proposed project is in conformance with and is compatible with the current development plan of the County.

Staff response:

The applicant is requesting RES 4 and CC FLU designations. The proposed single family detached, single family attached, and commercial use of RV storage are compatible with the surrounding area. The total density of the proposed development is 1.96 units per acre which fits within the surrounding area.

Staff analysis has also indicated there is interconnectivity within the development between residential and RV storage.

- k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed planned unit development.

Applicant response: The proposed common open space features and RV storage provide new compatible complementary features that were not previously available and are in accordance with the adjacent neighborhood character.

Staff response:

The proposed Preliminary Development Plan (PDP) indicates 5.88 acres of common open space to include 2.08 acres of dry retention pond will be provided. Of which 4.60 acres is active open space and 1.28 acres of passive open space. Amenities on the PDP indicate a walking trail, recreation and stormwater open space. Specific details have not been provided for the specified use. The Board may consider whether the dry retention can be counted in whole or part toward the open space requirements.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 1 between S.R. 528 and Canaveral Groves Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 64.38% of capacity daily. The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 0.87%. The corridor is anticipated to operate at 65.25% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The subject property is not located within the Brevard County Utility Services Department service area for potable water and sanitary sewer. The applicant has submitted acknowledgement letters from the City of Cocoa which state they have sewer and potable water capacity to serve the proposed development.

A non-binding, school capacity determination letter indicates there is sufficient capacity at Fairglen Elementary School and Cocoa Junior/Senior High School for the total of projected and potential students from this development.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

The applicant's submittal indicates the presence of wetlands on the property. **A state-approved wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of

this policy renders a legally established parcel as of September 9, 1988, which is less than five acres, as unbuildable. For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

The Board may also wish to consider whether removing the BDP, including, but not limited to, provisions restricting access from the Parkchester Subdivision and Indian River Drive, will impact the surrounding area.

Additionally, the Board may wish to consider whether the proposed development meets the objective of Section 62-1442(b)(6) "Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development."

The Board may wish to consider approval of a portion of the proposed 2.08 acre dry retention pond to be counted as open space per Section 62-1102. Open Space definition paragraph 5, states: "The exclusion of water bodies which are in whole, or part drainage easements may be waived by the board of county commissioners after adequate measures are provided which guarantee in perpetuity a level of water quality acceptable for recreational purposes."

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00009**

Applicant: David Bassford MBV Engineering (Owner: City Pointe Landfall LLC)

Land Use Request: RES 1, RES 2, RES 4 and NC to RES 4 and CC

Note: Proposed PUD development of 23 SF detached units on 10.96 ac. and commercial RV storage on 1.92 ac.

LPA Hearing: 08/18/2025; **BCC Hearing:** 09/04/2025

Tax ID No.: 2411252

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

The applicant's submittal indicates the presence of wetlands on the property. **A state-approved wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five acres, as unbuildable. **For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the

requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 11.71 acres. **Therefore, the maximum allowable area of wetland impacts is 0.211 acres. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Land Use Comments:

Wetlands

National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils are not mapped on the subject property. However, the applicant's submittal indicates the presence of wetlands on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 11.71 acres. **Therefore, the maximum allowable area of wetland impacts is 0.211 acres. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Candler fine sand; Paola fine sand, 0 to 8 percent slopes; and Paola fine sand, 5 to 12 percent slopes classified as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 2 and/or Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Coastal High Hazard Area

The eastern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the Coastal High Hazard

Area and direct development outside of this area. The CHHA extends approximately 100 feet into the subject property from the western edge of the Right-of-Way (Indian River Drive).

Floodplain Protection

The eastern portion of this property is mapped within estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

The eastern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

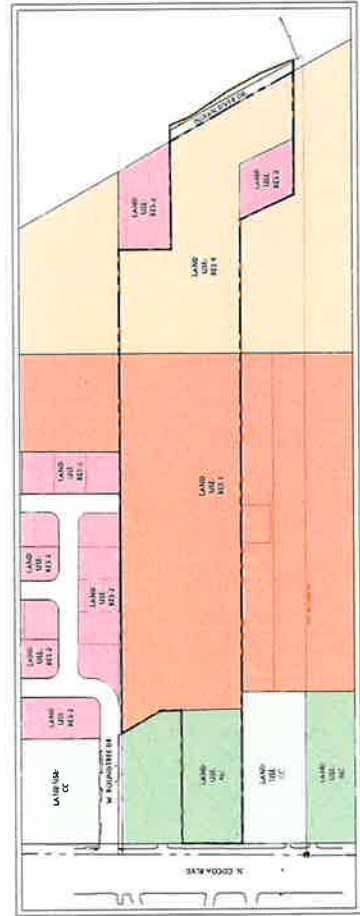
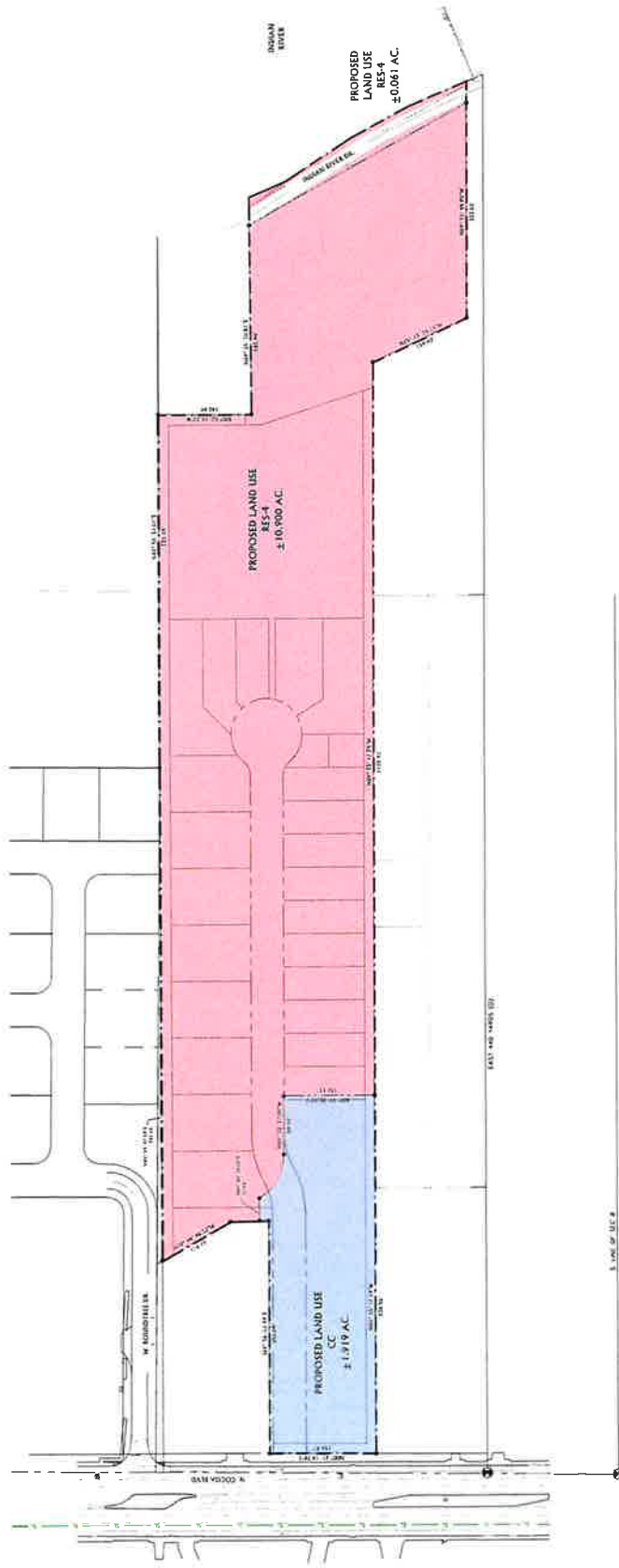
The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

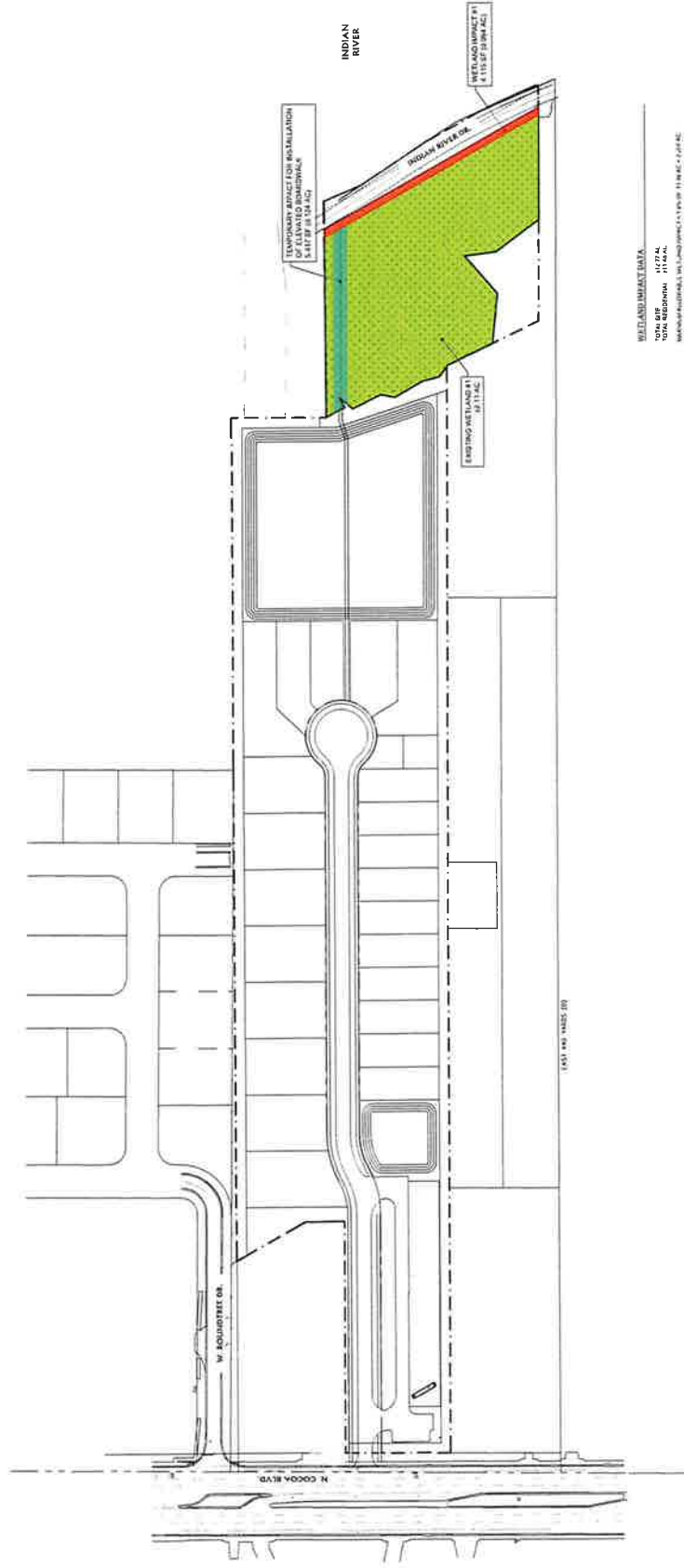
Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.



CITY POINT PUD
FUTURE LAND USE EXHIBIT

MBV
ENGINEERING, INC.
PO BOX 155 VILLANZA, IL 60180

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WETLAND IMPACT DATA

TOTAL DEC	11.77 AC
TOTAL REDUCTION	11.77 AC
WETLAND IMPACT #1 (31.11 AC)	11.77 AC
TEMPORARY IMPACT FOR INSTALLATION & USE OF 100' WIDE BUFFER (5.412 AC OF 10.24 AC)	5.412 AC
WETLAND IMPACT #1 (4.115 OF 10.94 AC)	4.115 AC



CITY POINT PUD
WETLAND IMPACT EXHIBIT



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NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) DESIGN STANDARDS SPECIFICATIONS FOR HIGHWAY AND TRANSPORTATION.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) DESIGN STANDARDS SPECIFICATIONS FOR HIGHWAY AND TRANSPORTATION.
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 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) DESIGN STANDARDS SPECIFICATIONS FOR HIGHWAY AND TRANSPORTATION.
 6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) DESIGN STANDARDS SPECIFICATIONS FOR HIGHWAY AND TRANSPORTATION.
 7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) DESIGN STANDARDS SPECIFICATIONS FOR HIGHWAY AND TRANSPORTATION.
 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) DESIGN STANDARDS SPECIFICATIONS FOR HIGHWAY AND TRANSPORTATION.
 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) DESIGN STANDARDS SPECIFICATIONS FOR HIGHWAY AND TRANSPORTATION.
 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) DESIGN STANDARDS SPECIFICATIONS FOR HIGHWAY AND TRANSPORTATION.



SCALE: 1" = 80'

MBV
 ENGINEERING, INC.
 HOA BOYLES VILLANTZ & ASSOCIATES

CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL

CITY POINT PUD CONCEPTUAL DRAINAGE EXHIBIT

V. PHASING SCHEDULE AND TIMING:

The City Point PUD will be developed in two (2) phases: the commercial component and the residential component. Each phase will be developed in a manner with the infrastructure including onsite and offsite roads, water, sewer, and stormwater drainage, to enable the phase to be an independent unit. The phases of development may vary slightly from the numerical chronology depending on market conditions. Multiple phases and/or tracts/blocks within the PUD can be developed concurrently.

A. DEVELOPMENT PHASING

PHASE	DEVELOPMENT
PHASE ONE	Residential
PHASE TWO	Commercial

B. USABLE COMMON OPEN SPACE PER PHASE

PHASE ONE	
	<i>USABLE OPEN SPACE PROVIDED</i>
TOTAL PROVIDED	4.60 ac.
TOTAL REQUIRED	1.10 ac.

RETURN: Clerk to the Board #27

PREPARED BY:
John H. Evans, Esquire
John H. Evans, P.A.
1702 S. Washington Ave
Titusville, FL 32780

BINDING DEVELOPMENT PLAN
G&D DEVELOPERS, L.C.

THIS AGREEMENT, entered into this 28th day of October, 2008, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and G&D DEVELOPERS, L.C., a Florida Limited Liability Company (hereinafter referred to as "Owner").

RECITALS

WHEREAS, 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, Owner has requested the EU zoning classification and desires to develop the Property for Residential uses pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, 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 as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Owner, its grantees, successors or assigns in interest or some other Associ-

ation and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The following restrictions shall apply to said subdivision:

- A. There shall be a 15 foot natural buffer on the exterior of the subdivision;
- B. There shall be no access for said subdivision to Indian River Drive;
- C. The number of lots shall not exceed 7;
- D. The subdivision shall have no access to Parkchester subdivision.
- E. The minimum house size shall be 2,200 square feet under air;
- F. The subdivision shall have an Association to maintain common elements and architectural control.
- G. The Property shall have EU zoning.

3. Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Owner's agreement to meet the above additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.

4. Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in 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 September 4, 2008. 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 Section 1.7 and 62-5, Code or Ordinances of Brevard County, Florida, as it may be amended.

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

ATTEST


Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940


Truman Scarborough, Chairman
As approved by the Board on 10/28/08

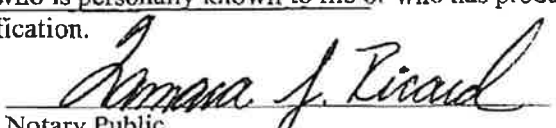
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 28 day of October, 2008 by Truman Scarborough, Chairman of the Board of County Commissioners of Brevard County, Florida who is personally known to me or who has produced _____ as identification.

My commission expires

SEAL

Commission No.:


Notary Public

Tamara J. Ricard

(Name typed, printed or stamped)



WITNESSES:

Linda M. King
LINDA M. KING

Witness Name typed or printed

Tina L. McGowan

Witness Name typed or printed

OWNER

G&D DEVELOPERS, L.C.,
a Florida Limited Liability Company

George W Papp
(Name)

537 SPRING LAKE DR - MLB, FL
(Address)

my mbr
(President)

George W PAPP
(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14th day September
2008 by George Papp as Manager of G&D Developers, L.C, a Florida Limited Liability
Company, who is personally known to me or who has produced N/A
as identification.

My commission expires:

SEAL

Commission No.:



Linda M. King
Commission # DD609692
Expires January 18, 2011
Bonds Payable Insurance, Inc. 800-360-7119

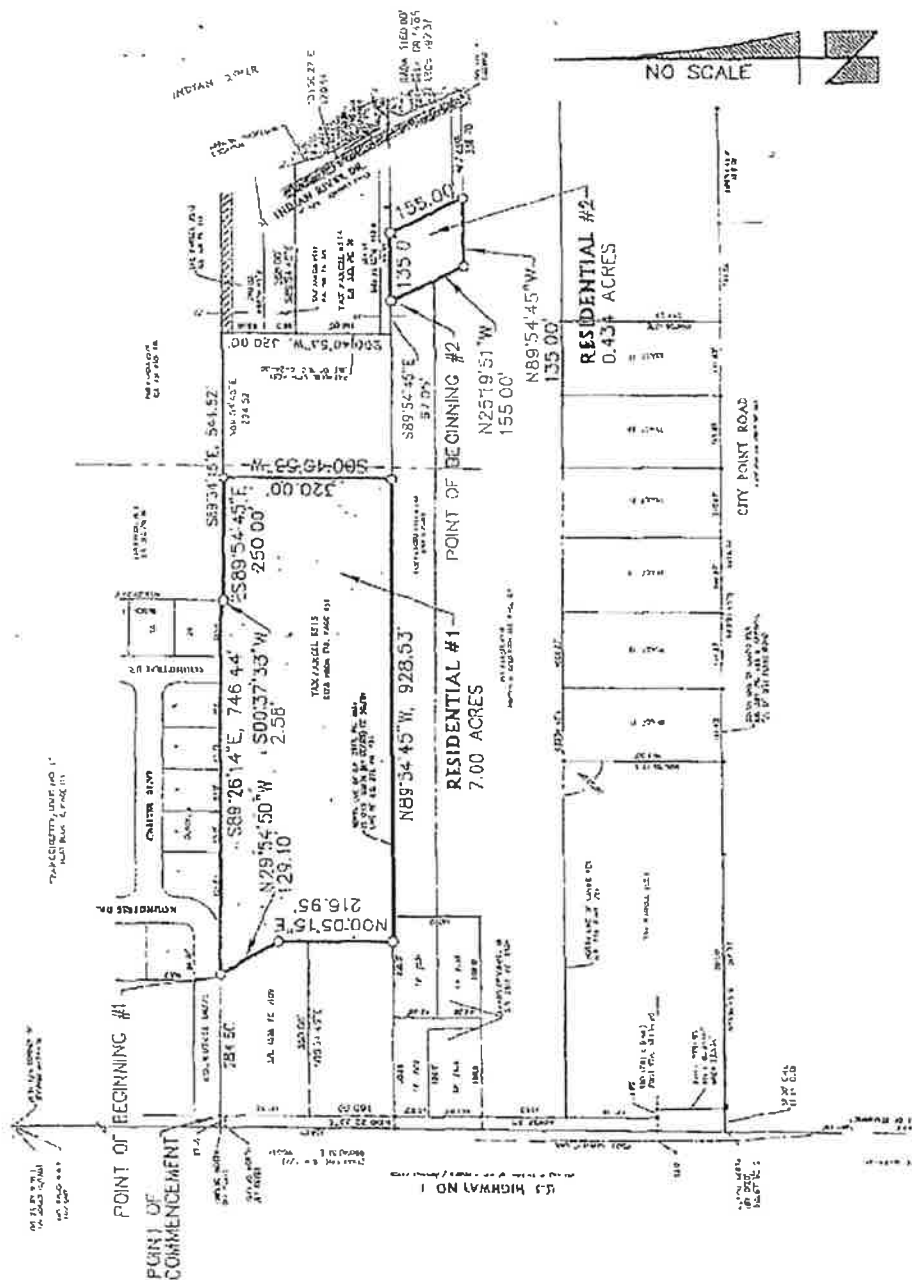
Linda M. King
Notary Public

LINDA M. KING
(Name typed, printed or stamped)

RETURN: Clerk to the Board #27

SKETCH TO ACCOMPANY DESCRIPTION

THIS SKETCH IS NOT A "BOUNDARY SURVEY"



DRAWN BY: RMD
CHK'D BY:
DATE: 10/30/07
JOB #: 98-429-4

SHEET 1 OF 2

PREPARED FOR AND CERTIFIED TO:

SKETCH & DESCRIPTION FOR:
G & D DEVELOPERS, LC



1013 ROCKLEDGE DRIVE
ROCKLEDGE, FLORIDA 32955
TEL. (321) 632-6335

EXHIBIT

tabbies
A
1 of 2

32

RETURN: Clerk to the Board #27

SKETCH TO ACCOMPANY DESCRIPTION

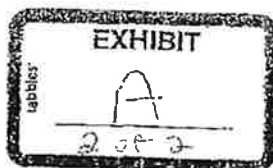
THIS SKETCH IS NOT A "BOUNDARY SURVEY"

DESCRIPTION - RESIDENTIAL #1

A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT A 4 INCH BY 4 INCH CONCRETE MONUMENT, WHICH MARKS THE SOUTHWEST CORNER OF "PARKCHESTER, UNIT NO. 1", RECORDED IN PLAT BOOK 78 PAGE 114 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, AND RUN S 89°23'14"E., ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 281.60 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN O.R. 4526, PAGE 2109 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, THE POINT OF BEGINNING. THENCE CONTINUE S 89°23'14"E., ALONG SAID SOUTH LINE OF "PARKCHESTER, UNIT NO. 1", A DISTANCE OF 746.44 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION, THENCE S 00°37'33"W. ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 2.58 FEET, TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN O.R. 323, PAGE 90 OF SAID PUBLIC RECORDS, THENCE S 89°54'45"E. ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 250.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS, THENCE DEPARTING SAID SOUTH LINE, RUN S 00°40'53"W. A DISTANCE OF 320.00 FEET TO A POINT ON THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 372, PAGE 451. THENCE N 89°54'45"W., ALONG SAID SOUTH LINE, A DISTANCE OF 928.53 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF AFORESAID LANDS DESCRIBED IN O.R. 4526, PAGE 2109, THENCE N 00°05'15"E., ALONG SAID EXTENSION AND SAID EAST LINE, A DISTANCE OF 216.95 FEET TO AN ANGLE POINT, THENCE N. 29°54'50"W., ALONG AN EASTERLY LINE OF SAID LANDS A DISTANCE OF 129.10 FEET TO THE POINT OF BEGINNING, CONTAINING 7.00 ACRES.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, LIMITATIONS AND / OR RIGHTS OF WAY OF RECORD.



RETURN: Clerk to the Board #27

THIS INSTRUMENT PREPARED BY
AND RETURN TO:
JOHN H. EVANS, ESQUIRE
1702 S. WASHINGTON AVE
TITUSVILLE, FL 32780

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of the following mortgages:

First Mortgage recorded on August 20, 2001 in Official Records Book 4404, Page 0975, further evidenced by Modification of Mortgage dated July 15, 2002, recorded on August 26, 2002 in Official Records Book 4667, Page 3227, further evidenced by Modification of Mortgage dated July 15, 2003, recorded on July 31, 2003 in Official Records Book 4998, Page 1828, further evidenced by Modification of Mortgage dated July 15, 2004, recorded on August 12, 2004 in Official Record Book 5347, Page 7706, further evidenced by Modification of Mortgage dated January 15, 2005, recorded on February 2, 2005 in Official Records Book 5416, Page 4076, further evidenced by Modification of Mortgage dated July 15, 2005, recorded on August 12, 2005 in Official Records Book 5515, Page 5258, further evidenced by Modification of Mortgage dated July 15, 2006, recorded on August 15, 2006 in Official Records Book 5685, Page 1116, further evidenced by Modification of Mortgage dated July 15, 2007, recorded on August 9, 2007 in Official Record Book 5803, Page 90 of the Public Records of Brevard County, Florida and further modified by Modification of Mortgage dated July 15, 2008 and recorded in Official Records Book 5886, Page 3181, Public Records of Brevard County, Florida.

Second Mortgage recorded on August 20, 2002, recorded in Official Records Book 4663, Page 3371, further evidenced by limitation of right of future advances dated July 12, 2002, recorded on August 20, 2002 in Official Records Book 4663, Page 3369, further evidenced by

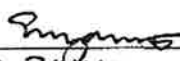
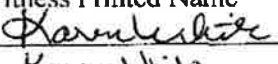
RETURN: Clerk to the Board #27

Modification of Mortgage dated July 12, 2003, recorded on July 30, 2003 in Official Records Book 4997, Page 3348, further evidenced by Modification of Mortgage dated July 12, 2004, recorded on August 12, 2004 in Official Records Book 5347, Page 8160, further evidenced by Modification of Mortgage dated January 12, 2005, recorded on February 2, 2005 in Official Records Book 5416, Page 4072, further evidenced by Modification of Mortgage dated July 12, 2005, recorded August 12, 2005 in Official Records Books 5515, Page 5254, further evidenced by Modification of Mortgage dated July 12, 2006, recorded on August 15, 2006 in Official Records Book 5685, Page 3904, further evidenced by Modification of Mortgage dated July 12, 2007, recorded on August 9, 2007 in Official Records Book 5802, Page 9690 of the Public Records of Brevard County, Florida. Further modified by Mortgage Modification of Mortgage dated July 12, 2008 and recorded in Official Records Book 5886, Page 3100, Public Records of Brevard County, Florida.

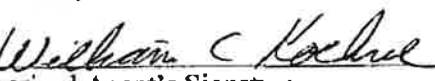
Third Mortgage dated August 4, 2008 and recorded in Official Records Book 5886, Page 3185 in the Public Records of Brevard County, Florida and encumbering lands described in said Mortgages.

I do hereby consent to the Binding Development Plan attached as Exhibit "A" for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:


Eina Zivara
Witness Printed Name

Karen White
Witness Printed Name

FLORIDA BUSINESS BANK
340 N. Harbor City Blvd.
Melbourne, FL 32935

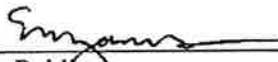
By: 
Authorized Agent's Signature
Printed Name: William C Koehn
As: SVP

FILED JAN: Click to the Board #27.

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 19th day of September, 2008 by WILLIAM O. KOEHNE, as S.V.P. of Florida Business Bank who is personally known to me or who has produced _____ as identification.

My Commission Expires: 11/20/09


Notary Public

SEAL

EINA V. ZAVALLA
Notary Public, State of Florida
My comm. exp. Nov. 20, 2009
Comm. No. DD 492338

Name typed, printed or stamped

Staciedocs/G&D/ 9714/Jainder/ 9-18-08-k

This certificate is issued for the purpose of verifying that sanitary sewer service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

II. Applicant/Owner Information

Home Phone # _____ Work # 321-253-1510

If Non-Residential: Specific Uses	RV Storage	Square Footage	25,500
--	------------	----------------	--------

Affected Facility Claude H Dyal WTP

Date

Date _____

POTABLE WATER SERVICE
CAPACITY AVAILABILITY CERTIFICATE

This certificate is issued for the purpose of verifying that potable water service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

I. Unit of Government or Entity Issuing Certificate City of Cocoa

II. Applicant/Owner Information

Owner Name City Point Landfall LLC, Brian McKee - Manager

Address 185 Bougainvillea Drive, Cocoa Beach, FL 32931

Home Phone # _____ Work # _____

Applicant Name MBV Engineering, Inc. David W. Bassford, P.E.

Address 1250 W. Eau Gallie Blvd. Ste H, Melbourne, FL 32935

Home Phone # _____ Work # 321-253-1510

III. Legal Description and Development Proposal

<u>24</u>	<u>36</u>	<u>08</u>	<u>00</u>	<u>514</u>	_____
Township	Range	Section	Subdivision#	Block/Parcel	Lot

Subdivision Name _____

Site Acreage 14.06 Zoning Classification PUD

If Residential: Type of Residential SFR (11 detached, 8 townhomes) Maximum Number of Dwelling Units 19

If Non-Residential: Specific Uses RV Storage Square Footage 25,500

IV. Availability of Potable Water Service Note that NO facilities are proposed for the RV Storage Buildings. These are for residents use only.

The Following potable water capacities are available as of the date of this application.

19 # of units or equivalent non-residential units

5,035 gallons/day @ 265 gallons/residential unit/day

Affected Facility Claude H Dyal WTP

☒ As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.

____ As of the date of this application, potable water capacities *are not* available.

<u>Katherine Ennis</u>	<u>City of Cocoa</u>	<u>12/13/24</u>
Digitally signed by Katherine Ennis Date: 2024.12.13 15:53:20 -05'00'		
Signature and Title	Jurisdiction	Date

V. The subject property is in an area not served by public water supply system and will be utilizing a private well. Location of said wells must be shown on site plan.

_____	_____	_____
Signature and Title	Jurisdiction	Date

From: Black.Karen@PIng_Design_and_Constr
To: [Wanda Kessler](#)
Cc: [Hughey, Derrick](#); [Gilliam, Trina](#)
Subject: Re: Revised Concurrency
Date: Wednesday, June 18, 2025 9:40:39 AM
Attachments: [image001.gif](#)
[image002.png](#)

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

No update is necessary for preliminary changes of less than 50 units. Thank you for letting us know. I will make a note in my records of the unit increase. We will still need a final (binding) review when the development goes for final approval.

Sincerely,

Karen M. Black, AICP
Manager-Facilities Planning & Intergovernmental Coordination

Brevard Public Schools
Facilities Services, Planning & Project Management
2700 Judge Fran Jamieson Way
Viera, FL 32940
321-633-1000, ext. 11418

From: Wanda Kessler <wandak@mbveng.com>
Sent: Wednesday, June 18, 2025 9:25 AM
To: Black.Karen@PIng_Design_and_Constr <Black.Karen@Brevardschools.org>
Cc: Hughey, Derrick <derrick.hughey@brevardfl.gov>; Gilliam, Trina <trina.gilliam@brevardfl.gov>
Subject: Revised Concurrency

Caution: This email originated from outside of Brevard Public Schools. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Karen,
We received a concurrency (attached) for this property in July of last year but we have revised our site plan and added one additional unit that what was previously approved. Please see revised application. I will send paper copies and payment via courier today. I have copied both Derrick and Trina from zoning, if you could please reply to all with the updated document when received it would be greatly appreciated.
Thank you and have a great day.

Wanda Kessler

Permitting Coordinator - MBV Engineering, Inc.
1250 W. Eau Gallie Blvd., Suite H - Melbourne, FL 32935
P: 321-253-1510 - F: 321-253-0911
www.mbveng.com



Due to Florida's broad public records law, most written communications to or from government employees regarding public education are public records. Therefore, this e-mail communication may be subject to public disclosure.

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark Rendell, Ed.D., Superintendent



July 9, 2024

Ms. Trina Gilliam, Senior Planner
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed City Point PUD Development
School Impact Analysis – Capacity Determination CD-2024-10**

Dear Ms. Gilliam,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2411252 (Parcel ID: 24-36-08-00-514), containing a total of approximately 12.86 acres in District 1, Brevard County, Florida. The proposed development includes 19 single-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2023-24 to 2028-29 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2024-25 to 2028-29* which is attached for reference.

Single-Family Homes		19	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	4.56	5
Middle	0.07	1.33	1
High	0.12	2.28	2
Total	0.43		8

Planning & Project Management
Facilities Services

Phone: (321) 633-1000, ext. 11418 • FAX: (321) 633-4646



School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark Rendell, Ed.D., Superintendent



FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2024-25 to 2028-29

School	2024-25	2025-26	2026-27	2027-28	2028-29
Fairglen	789	789	789	789	789
Cocoa	2,085	2,085	2,085	2,085	2,085
Cocoa	2,085	2,085	2,085	2,085	2,085

Projected Student Membership

School	2024-25	2025-26	2026-27	2027-28	2028-29
Fairglen	492	511	540	531	534
Cocoa	1,480	1,441	1,421	1,444	1,437
Cocoa	1,480	1,441	1,421	1,444	1,437

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2024-25	2025-26	2026-27	2027-28	2028-29
Fairglen	17	34	50	67	84
Cocoa	5	10	15	20	25
Cocoa	8	18	26	35	43

Cumulative Students Generated by Proposed Development

School	2024-25	2025-26	2026-27	2027-28	2028-29
Fairglen	-	5	5	5	5
Cocoa	-	1	1	1	1
Cocoa	-	2	2	2	2

Total Projected Student Membership (includes Cumulative Impact of Proposed Development)

School	2024-25	2025-26	2026-27	2027-28	2028-29
Fairglen	509	550	595	603	623
Cocoa	1,485	1,452	1,437	1,465	1,463
Cocoa	1,488	1,461	1,449	1,481	1,482

Projected Available Capacity = FISH Capacity - Total Projected Student Membership

School	2024-25	2025-26	2026-27	2027-28	2028-29
Fairglen	280	239	194	186	166
Cocoa	600	633	648	620	622
Cocoa	597	624	636	604	603

At this time, Fairglen Elementary School and Cocoa Jr./Sr. High School are projected to have enough capacity for the total of projected and potential students from the City Point PUD development.

Planning & Project Management
Facilities Services

Phone: (321) 633-1000, ext. 11418 • FAX: (321) 633-4646



School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark Rendell, Ed.D., Superintendent



This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2023-24 to 2028-29*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2024-10

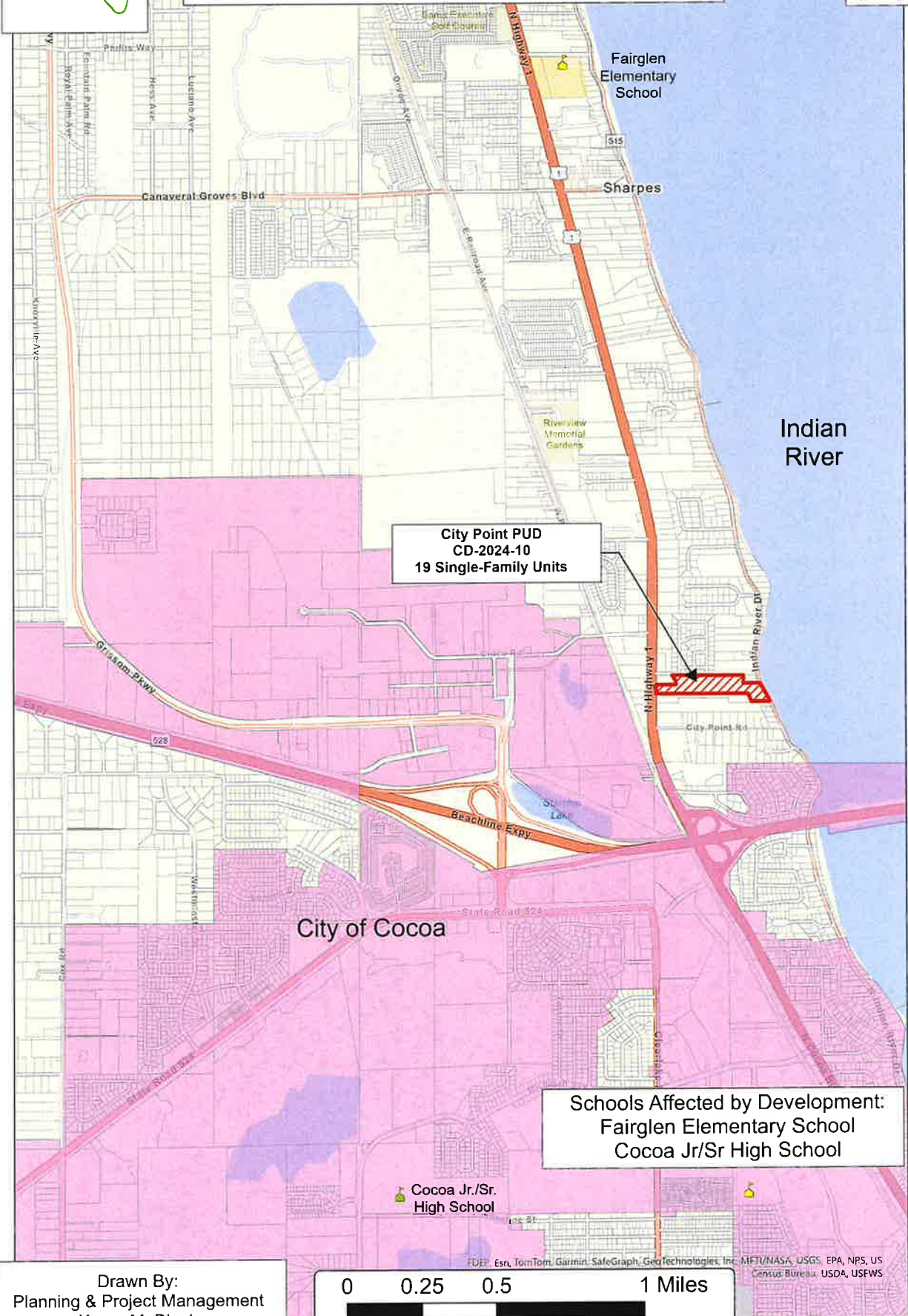
David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2024-10

Planning & Project Management
Facilities Services
Phone: (321) 633-1000, ext. 11418 • FAX: (321) 633-4646

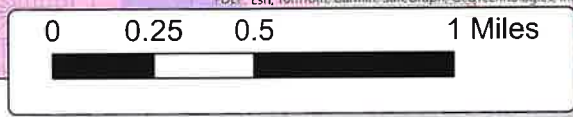




City Point PUD Development Location Map



Drawn By:
Planning & Project Management
Karen M. Black
July 9, 2024



FDEP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Brevard County Public Schools
Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service
Data and Analysis for School Years 2023-24 to 2028-29

Summary		2023-24		2024-25		2025-26		2026-27		2027-28		2028-29			
Highest Utilization Elementary Schools		101%		101%		98%		97%		100%		100%			
Highest Utilization Middle Schools		86%		87%		79%		81%		98%		82%			
Highest Utilization Jr / Sr High Schools		80%		80%		79%		81%		98%		82%			
Highest Utilization High Schools		97%		97%		99%		99%		99%		100%			
School	Type	Grades	Utilization Factor	School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27		School Year 2027-28		School Year 2028-29	
				FISH Capacity	1013/23 Member-ship	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection
Elementary School Concurrency Service Areas															
Total Capacity Utilization															
Allen	Elementary	PK-6	100%	751	583	78%	751	582	80%	751	634	84%	751	653	87%
Andersen	Elementary	K-6	100%	884	525	59%	884	476	54%	884	478	54%	884	446	50%
Apollo	Elementary	K-6	100%	902	643	71%	902	633	70%	902	642	71%	902	637	71%
Atlantis	Elementary	PK-6	100%	739	635	86%	739	661	89%	739	667	90%	739	682	92%
Audubon	Elementary	PK-6	100%	761	420	55%	761	415	55%	761	438	58%	761	442	58%
Cambridge	Elementary	PK-6	100%	787	504	64%	787	519	66%	787	532	68%	787	546	68%
Cape View	Elementary	PK-6	100%	570	295	52%	570	284	50%	570	282	49%	570	286	50%
Carroll	Elementary	K-6	100%	751	628	84%	751	626	83%	751	622	83%	751	606	81%
Challenger 7	Elementary	PK-6	100%	573	481	84%	573	468	82%	573	457	80%	573	431	75%
Columbia	Elementary	PK-6	100%	751	558	74%	751	560	75%	751	570	76%	751	566	75%
Coquina	Elementary	K-6	100%	711	468	69%	711	481	68%	711	477	67%	711	476	67%
Croft	Elementary	PK-6	100%	1,114	589	53%	1,114	576	52%	1,114	584	52%	1,114	564	51%
Croft	Elementary	PK-6	100%	795	484	61%	795	518	65%	795	551	69%	795	565	71%
Discovery	Elementary	PK-6	100%	980	682	70%	980	738	75%	980	750	77%	980	753	77%
Endeavour	Elementary	PK-6	100%	968	720	74%	968	750	77%	968	789	77%	968	789	77%
Enterprise	Elementary	K-6	100%	729	621	85%	729	625	86%	729	622	85%	729	634	87%
Fairplay	Elementary	PK-6	100%	789	517	66%	789	511	65%	789	540	68%	789	531	67%
Gemini	Elementary	K-6	100%	711	445	63%	711	442	62%	711	428	60%	711	428	60%
Golfview	Elementary	PK-6	100%	777	459	59%	777	500	64%	777	503	65%	777	505	65%
Harbor City	Elementary	PK-6	100%	629	397	63%	629	425	68%	629	448	71%	629	463	74%
Holland	Elementary	PK-6	100%	605	435	72%	605	433	72%	605	435	72%	605	420	69%
Imperial Estates	Elementary	K-6	100%	729	671	92%	729	656	90%	729	652	89%	729	640	88%
Indalantic	Elementary	K-6	100%	930	851	92%	930	874	94%	930	872	94%	930	844	91%
Jupiter	Elementary	PK-6	100%	892	607	67%	892	592	66%	892	577	65%	892	564	63%
Lockmar	Elementary	PK-6	100%	790	607	77%	790	581	73%	790	570	72%	790	548	69%
Longleaf	Elementary	K-6	100%	998	876	88%	998	823	82%	998	800	80%	998	773	77%
Manatee	Elementary	PK-6	100%	838	644	77%	838	642	77%	838	627	75%	838	611	73%
McAuliffe	Elementary	PK-6	100%	1,114	655	59%	1,114	779	70%	1,114	773	69%	1,114	805	72%
Meadowlane Intermediate	Elementary	3-6	100%	824	797	97%	824	660	80%	824	630	76%	824	618	73%
Meadowlane Primary	Elementary	K-6	100%	707	431	61%	707	430	61%	707	429	61%	707	429	61%
Mills	Elementary	PK-6	100%	725	416	57%	725	480	66%	725	487	69%	725	468	64%
Mims	Elementary	PK-6	100%	968	654	67%	968	449	46%	968	453	47%	968	428	44%
Oak Park	Elementary	PK-6	100%	654	513	78%	654	494	76%	654	477	73%	654	459	70%
Ocean Breeze	Elementary	PK-6	100%	983	623	63%	983	660	67%	983	683	69%	983	685	70%
Palm Bay Elem	Elementary	PK-6	100%	613	532	87%	613	558	91%	613	586	95%	613	582	93%
Pinewood	Elementary	PK-6	100%	852	605	71%	852	654	77%	852	657	77%	852	677	79%
Port Malabar	Elementary	PK-6	100%	932	719	77%	932	715	77%	932	704	76%	932	701	75%
Quest	Elementary	PK-6	100%	777	647	83%	777	664	85%	777	688	89%	777	735	95%
Riviera	Elementary	PK-6	100%	599	268	45%	599	288	48%	599	285	48%	599	282	49%
Roosevelt	Elementary	K-6	100%	785	514	65%	785	523	67%	785	537	68%	785	532	68%
Sabal	Elementary	PK-6	100%	998	589	59%	998	584	58%	998	638	64%	998	644	65%
Saltum	Elementary	PK-6	100%	461	347	75%	461	351	76%	461	362	78%	461	365	79%
Sea Park	Elementary	PK-6	100%	609	468	77%	609	482	81%	609	485	81%	609	483	81%
Sherwood	Elementary	PK-6	100%	913	867	95%	913	917	96%	913	927	97%	913	937	98%
Summit	Elementary	PK-6	100%	755	601	80%	755	604	80%	755	595	79%	755	584	77%
Surfside	Elementary	K-6	100%	541	419	77%	541	397	73%	541	388	72%	541	364	67%
Tropical	Elementary	K-6	100%	910	619	68%	910	620	69%	910	565	62%	910	547	60%
Turner	Elementary	PK-6	100%	874	578	66%	874	672	77%	874	739	85%	874	807	92%
University Park	Elementary	PK-6	100%	811	495	61%	811	533	66%	811	565	70%	811	577	71%
Vero Elem	Elementary	PK-6	100%	1,030	784	76%	1,030	997	91%	1,184	1,115	94%	1,272	1,262	99%
Westside	Elementary	K-6	100%	857	667	101%	857	1,036	98%	1,209	1,170	97%	1,209	1,170	96%
Williams	Elementary	PK-6	100%	715	443	62%	715	390	55%	715	380	53%	715	371	52%
Elementary Totals				42,259	30,287	42,391	30,545	42,589	31,075	42,809	31,550	43,029	31,597	43,161	31,795

School	Type	Grades	Utilization Factor	School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28			School Year 2028-29		
				FISH Capacity	10/13/23 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,061	70%	1,514	1,110	73%	1,514	1,184	78%	1,514	1,213	80%	1,514	1,272	84%	1,514	1,348	89%
DeLaura	Middle	7-8	90%	960	823	86%	960	857	89%	960	892	93%	960	911	95%	960	939	98%	960	929	97%
Hoover	Middle	7-8	90%	680	442	65%	680	475	70%	680	498	73%	680	470	69%	680	479	70%	680	463	68%
Jackson	Middle	7-8	90%	680	561	83%	680	575	84%	680	501	74%	680	482	71%	680	505	74%	680	517	76%
Jefferson	Middle	7-8	90%	873	541	62%	873	521	60%	873	523	60%	873	480	55%	873	479	55%	873	540	62%
Johnson	Middle	7-8	90%	1,064	555	52%	1,064	588	55%	1,064	575	54%	1,064	548	52%	1,064	620	58%	1,064	640	60%
Kennedy	Middle	7-8	90%	869	667	77%	869	436	50%	869	391	45%	869	373	43%	869	412	47%	869	433	50%
Madison	Middle	7-8	90%	781	429	55%	781	431	55%	781	374	48%	781	338	43%	781	426	55%	781	469	60%
McNair	Middle	7-8	90%	616	355	58%	616	280	47%	616	284	46%	616	281	46%	616	299	49%	616	330	54%
Southwest	Middle	7-8	90%	1,281	900	70%	1,281	980	77%	1,281	1,118	87%	1,281	1,178	92%	1,321	1,290	96%	1,380	1,376	100%
Stone	Middle	7-8	90%	1,076	584	54%	1,076	571	53%	1,076	640	59%	1,076	705	65%	1,076	830	72%	1,076	822	76%
Viera Middle	Middle	7-8	90%	900	556	62%	900	551	61%	900	755	84%	900	805	89%	900	900	100%	900	869	97%
Middle Totals				10,374	6,918		11,274	7,150		11,274	7,275		11,274	7,285		11,314	7,834		11,373	8,236	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,085	1,474	71%	2,085	1,480	71%	2,085	1,441	69%	2,085	1,421	68%	2,085	1,444	69%	2,085	1,437	69%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	1,028	71%	1,445	1,025	71%	1,445	967	67%	1,445	938	65%	1,445	873	60%	1,445	831	58%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,488	80%	1,852	1,483	80%	1,852	1,469	79%	1,852	1,503	81%	1,852	1,510	82%	1,852	1,513	82%
Jr / Sr High Totals				5,382	3,990		5,382	3,988		5,382	3,877		5,382	3,862		5,382	3,827		5,382	3,781	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,056	73%	1,451	1,046	72%	1,451	1,008	69%	1,451	1,024	71%	1,451	985	68%	1,451	975	67%
Bayside	High	9-12	95%	2,263	2,039	90%	2,263	2,166	96%	2,263	2,241	99%	2,263	2,316	102%	2,263	2,391	106%	2,263	2,466	109%
East Gallie	High	PK, 9-12	95%	2,211	1,489	67%	2,211	1,470	66%	2,211	1,490	67%	2,211	1,440	65%	2,211	1,395	63%	2,211	1,440	65%
Heritage	High	9-12	95%	2,314	2,037	88%	2,314	2,053	89%	2,314	2,023	87%	2,314	2,118	92%	2,314	2,160	93%	2,314	2,246	97%
Melbourne	High	9-12	95%	2,370	2,178	92%	2,370	2,149	91%	2,370	2,145	91%	2,370	2,188	92%	2,370	2,265	96%	2,370	2,395	99%
Meritt Island	High	PK, 9-12	95%	1,966	1,481	75%	1,966	1,443	73%	1,966	1,376	70%	1,966	1,352	69%	1,966	1,360	69%	1,966	1,306	66%
Palm Bay	High	PK, 9-12	95%	2,657	1,410	53%	2,657	1,413	53%	2,657	1,442	54%	2,657	1,482	55%	2,657	1,507	57%	2,657	1,605	60%
Rockledge	High	9-12	95%	1,836	1,544	84%	1,836	1,601	87%	1,836	1,875	102%	1,836	1,871	101%	1,836	1,860	100%	1,836	1,693	88%
Sebastian	High	PK, 9-12	95%	1,551	1,508	97%	1,551	1,497	97%	1,551	1,463	95%	1,551	1,393	90%	1,551	1,287	83%	1,551	1,269	82%
Titusville	High	9-12	95%	1,801	1,309	73%	1,801	1,293	72%	1,801	1,322	74%	1,801	1,340	74%	1,801	1,317	73%	1,801	1,317	73%
Viera	High	PK, 9-12	95%	2,461	2,312	94%	2,461	2,349	95%	2,461	2,364	96%	2,461	2,388	97%	2,461	2,420	98%	2,461	2,441	99%
High Totals				22,881	18,361		22,881	18,479		22,881	18,569		22,881	18,702		22,881	18,747		22,881	19,083	

Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	407	86%	475	407	86%	475	407	86%	475	407	86%	475	407	86%	475	407	86%
Stoverson	Elementary	K-6	100%	569	505	89%	569	499	88%	569	489	86%	569	499	88%	569	499	88%	569	499	88%
South Lake	Elementary	K-6	100%	639	446	70%	639	489	77%	639	489	77%	639	489	77%	639	489	77%	639	489	77%
West Melbourne	Elementary	K-6	100%	618	550	89%	618	508	82%	618	494	80%	618	494	80%	618	494	80%	618	494	80%
Edgewood	Elementary	7-12	90%	1,077	935	87%	1,077	935	87%	1,077	935	87%	1,077	935	87%	1,077	935	87%	1,077	935	87%
West Shore	Jr / Sr High	7-12	90%	1,264	931	74%	1,264	940	74%	1,264	940	74%	1,264	940	74%	1,264	940	74%	1,264	940	74%
Schools of Choice				4,642	3,774		4,642	3,876		4,642	3,962		4,642	3,962		4,642	3,962		4,642	3,962	
Brevard Totals				85,538	63,330		85,570	64,038		85,570	64,758		85,570	65,361		85,570	65,967		85,570	66,572	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2023-24 are reported from the FISH database as of October 11, 2023.
- Student Membership is reported from the Fall Final Membership Count (10/13/2023).
- Demographics Projections from Brevard County Local Government Jurisdictions
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant
 - Nonrelocated student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
- If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
- For school year 2024-25, a total of 6 intermediate classrooms are projected for Westside (4), Viera (2), and Jupiter (2) Elementary Schools.
- For school year 2025-26, a total of 9 intermediate classrooms are projected for Westside (4), Viera (4), and Jupiter (2) Elementary Schools and 3 High School relocatable classrooms are proposed for Bayside High School.
- For school year 2026-27, a total of 10 intermediate classrooms are projected for Westside (4), Viera (4), and Jupiter (2) Elementary Schools, Southwest Middle School (2) and 3 High School relocatable classrooms are proposed for Bayside High School.
- For school year 2027-28, a total of 12 intermediate classrooms are projected for Westside (4), Viera (4), and Jupiter (3) Elementary Schools, Southwest Middle School (3) and 5 High School relocatable classrooms are proposed for Bayside (3) and Melbourne (2) High Schools.
- For school year 2028-29, a total of 9 intermediate classrooms are projected for Viera (4) and Jupiter (3) Elementary Schools, Southwest Middle School (3) and 5 High School relocatable classrooms are proposed for Bayside (3) and Melbourne (2) High Schools.
- A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.



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DATE: 01/11/2011

PROJECT: CITY POINT PLUD

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DESIGNER: MBV ENGINEERING, INC.

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EASTING: 2000000.00

NORTHING: 2000000.00

SCALE: 1" = 100'

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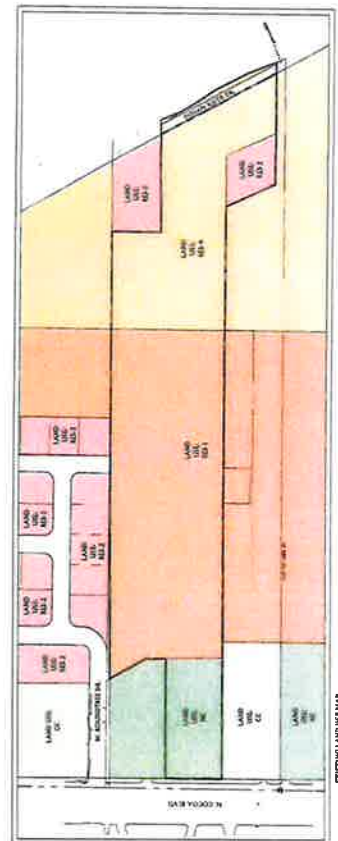
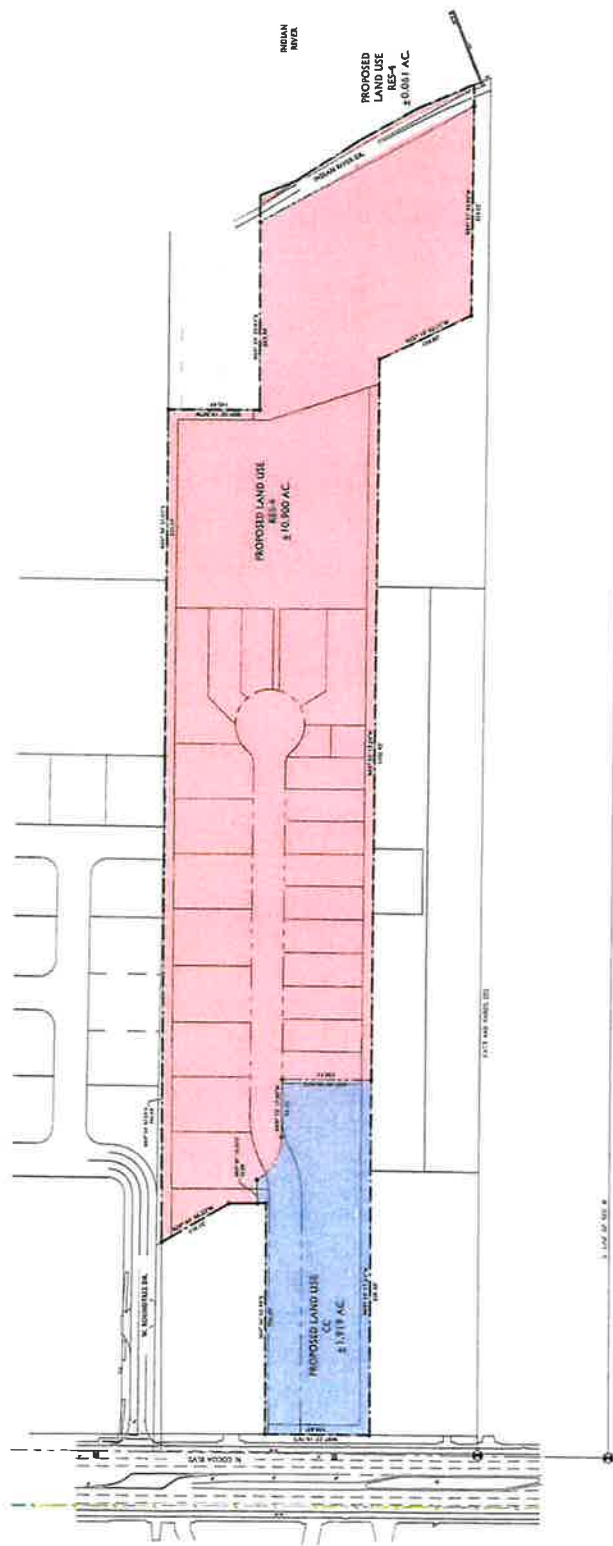
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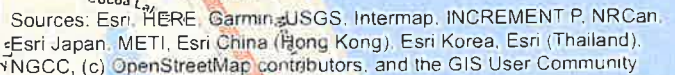


CITY POINT PUD
FUTURE LAND USE EXHIBIT

MBV
ENGINEERING, INC.
NOMA ROWLES VILLANZAN & ASSOCIATES

Civil • Structural • Surveying • Environmental

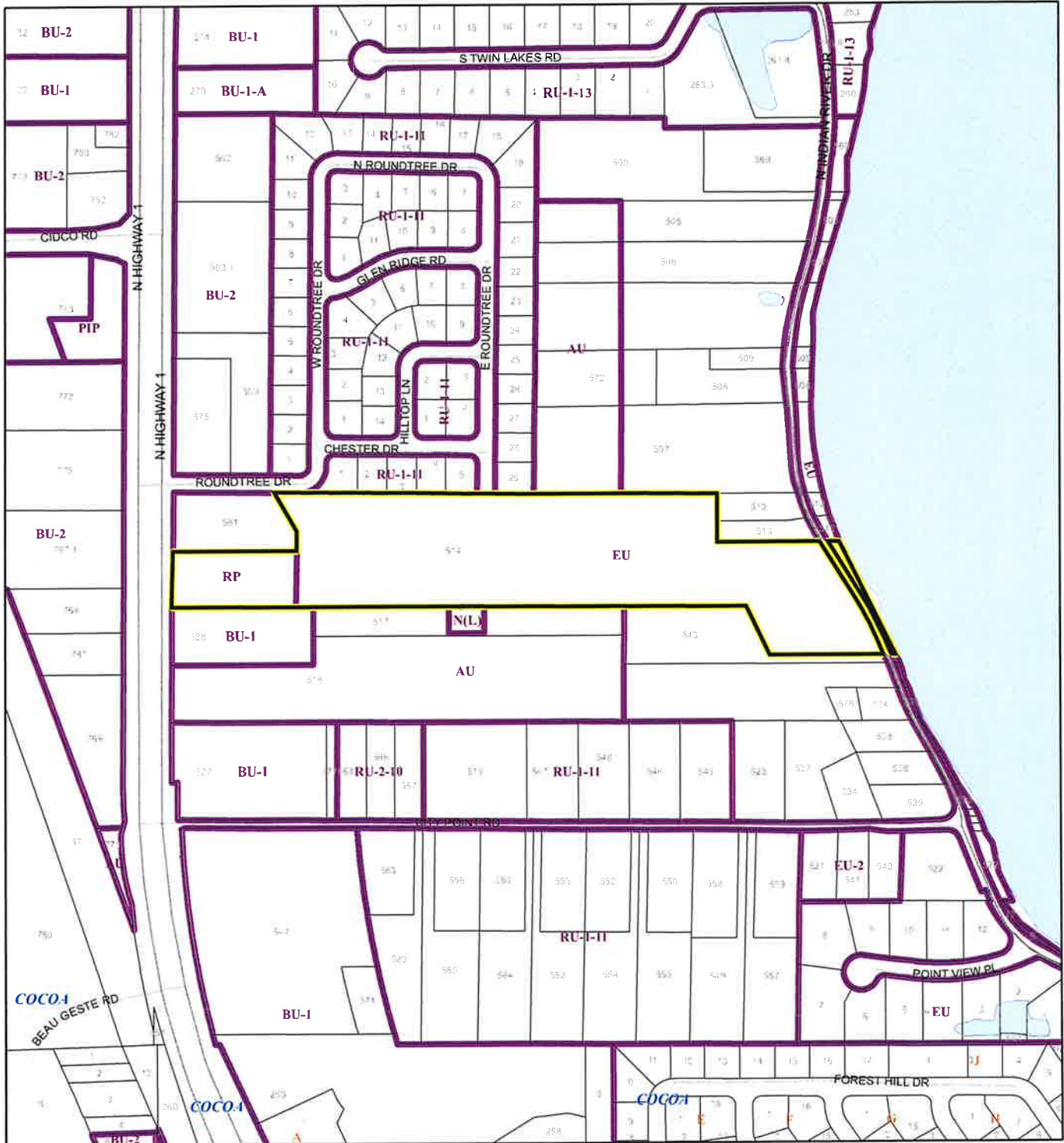
24PUD00003



ZONING MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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Subject Property

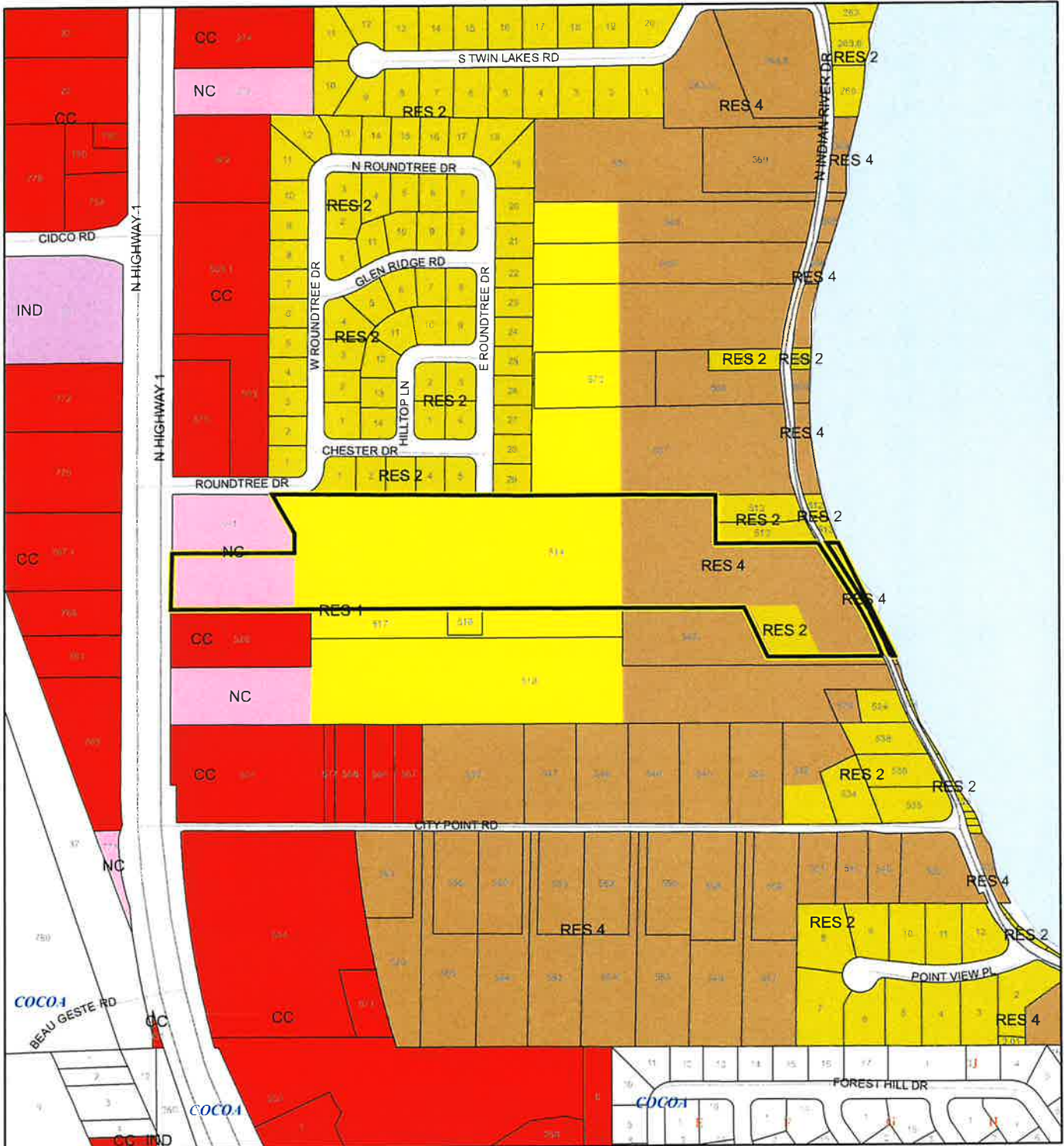
Parcels

Zoning

FUTURE LAND USE MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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AERIAL MAP

CITY POINT LANDFALL LLC
24PUD00003



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2025

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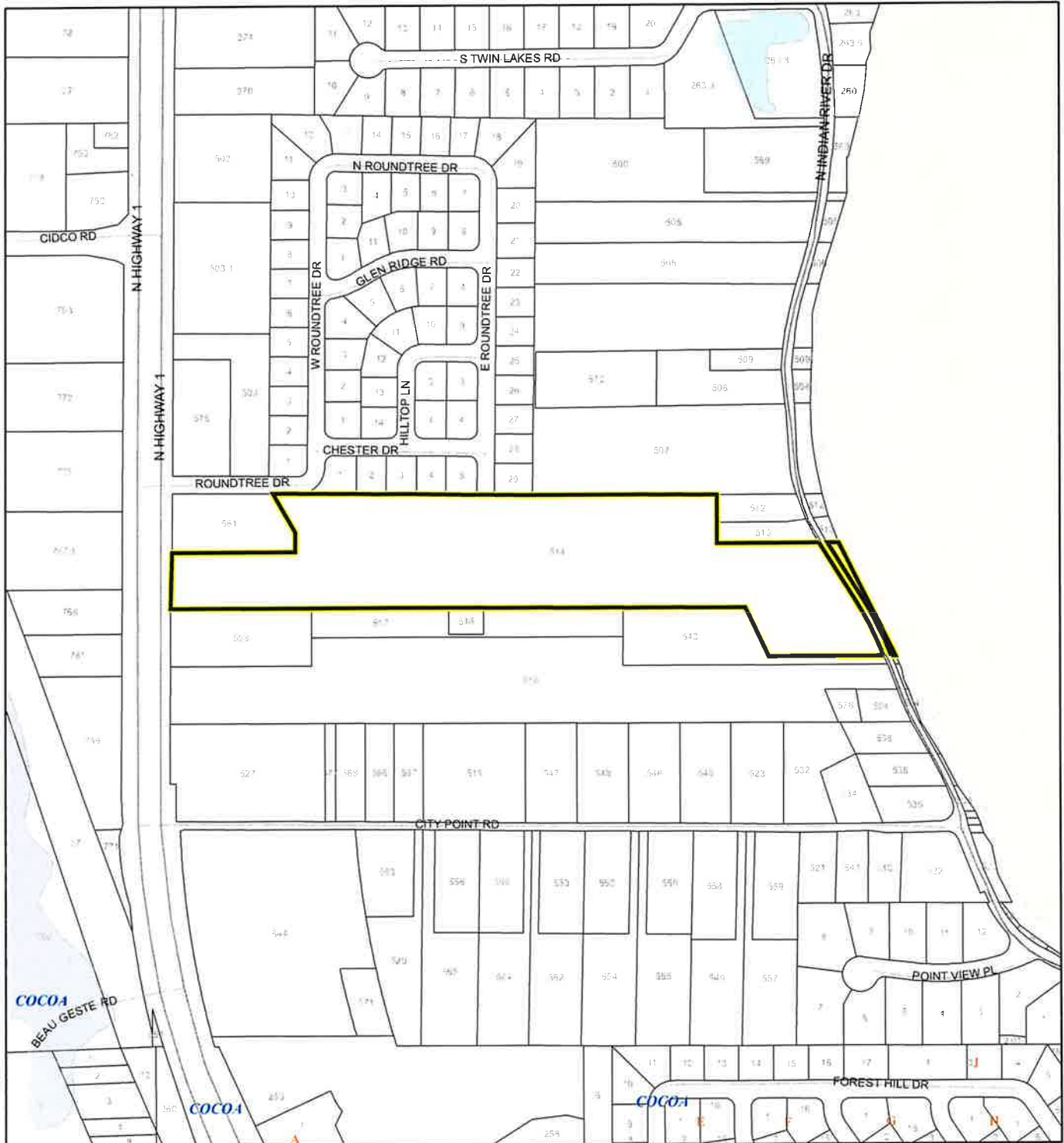
 Subject Property

 Parcels

NWI WETLANDS MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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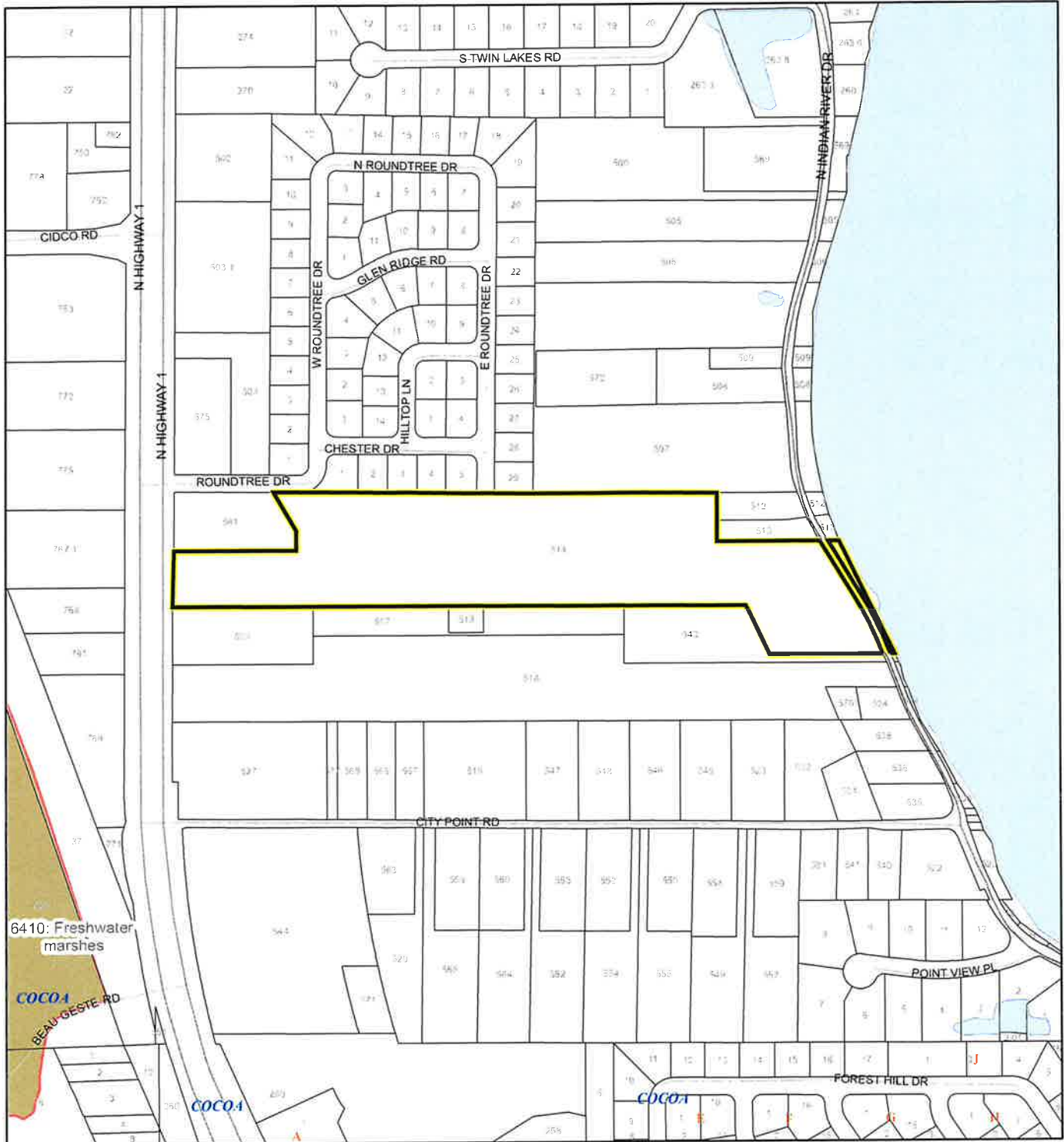
National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

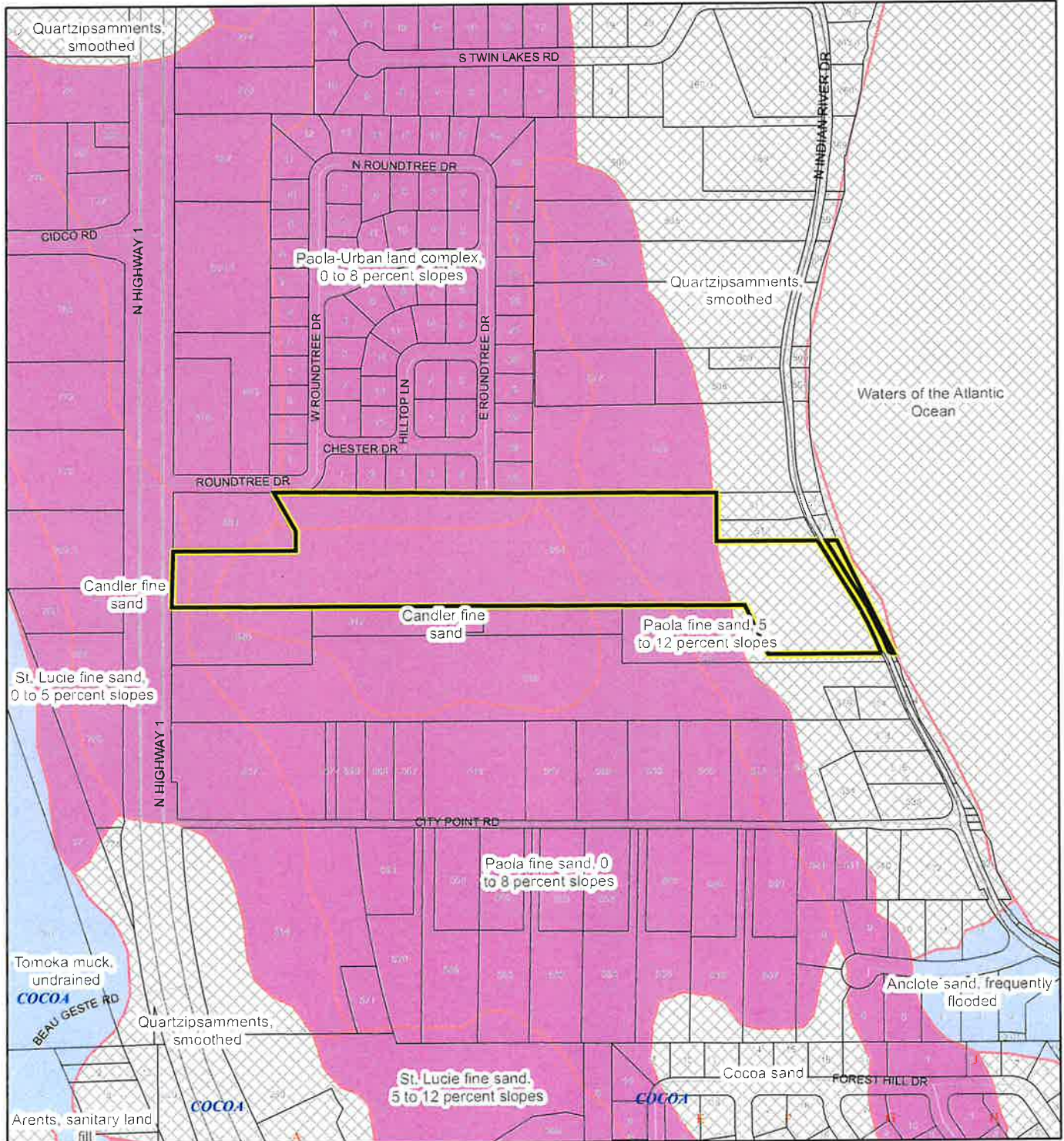
Subject Property

Parcels

USDA SCSSS SOILS MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

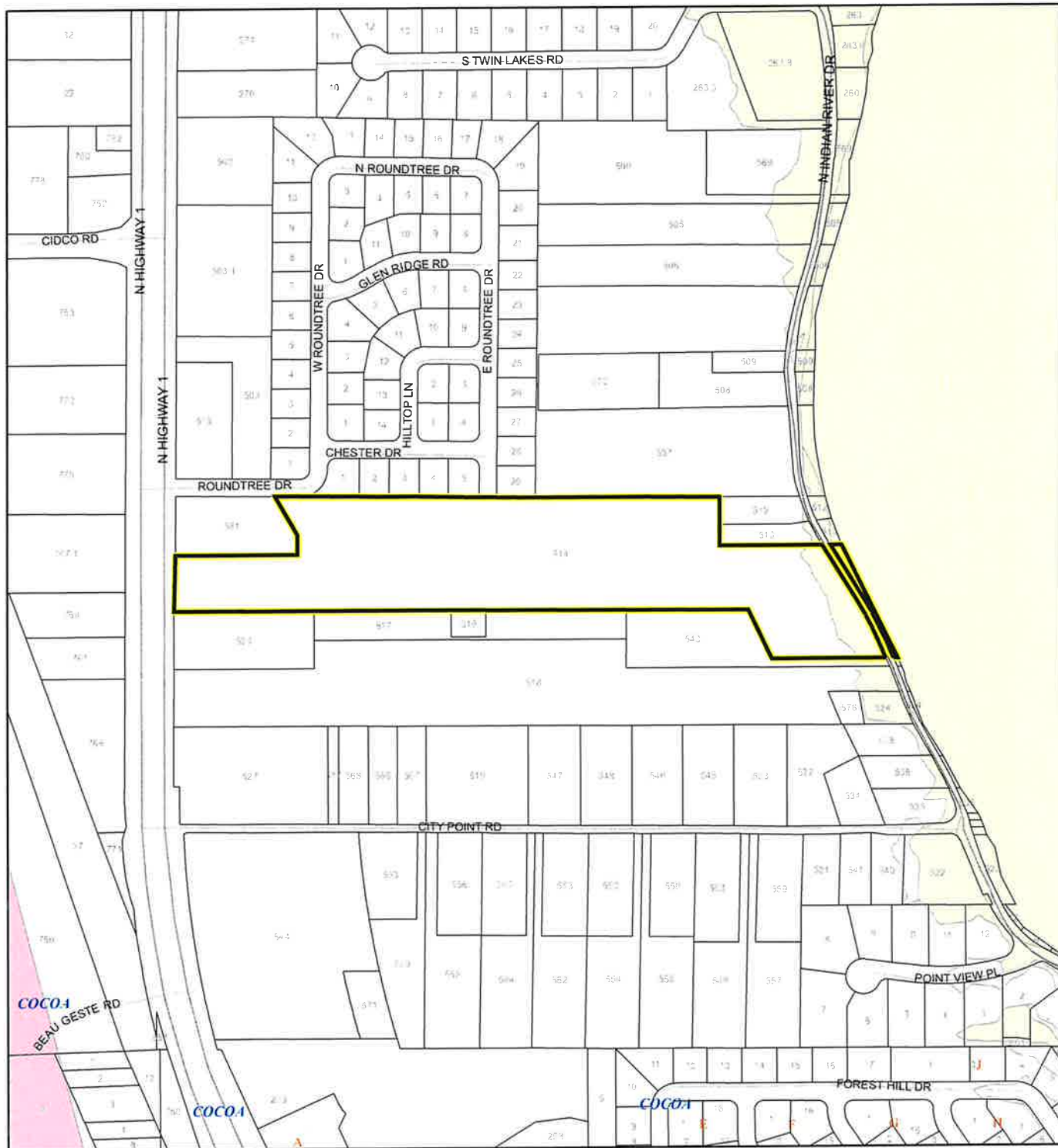
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

CITY POINT LANDFALL LLC

24PUD00003



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.

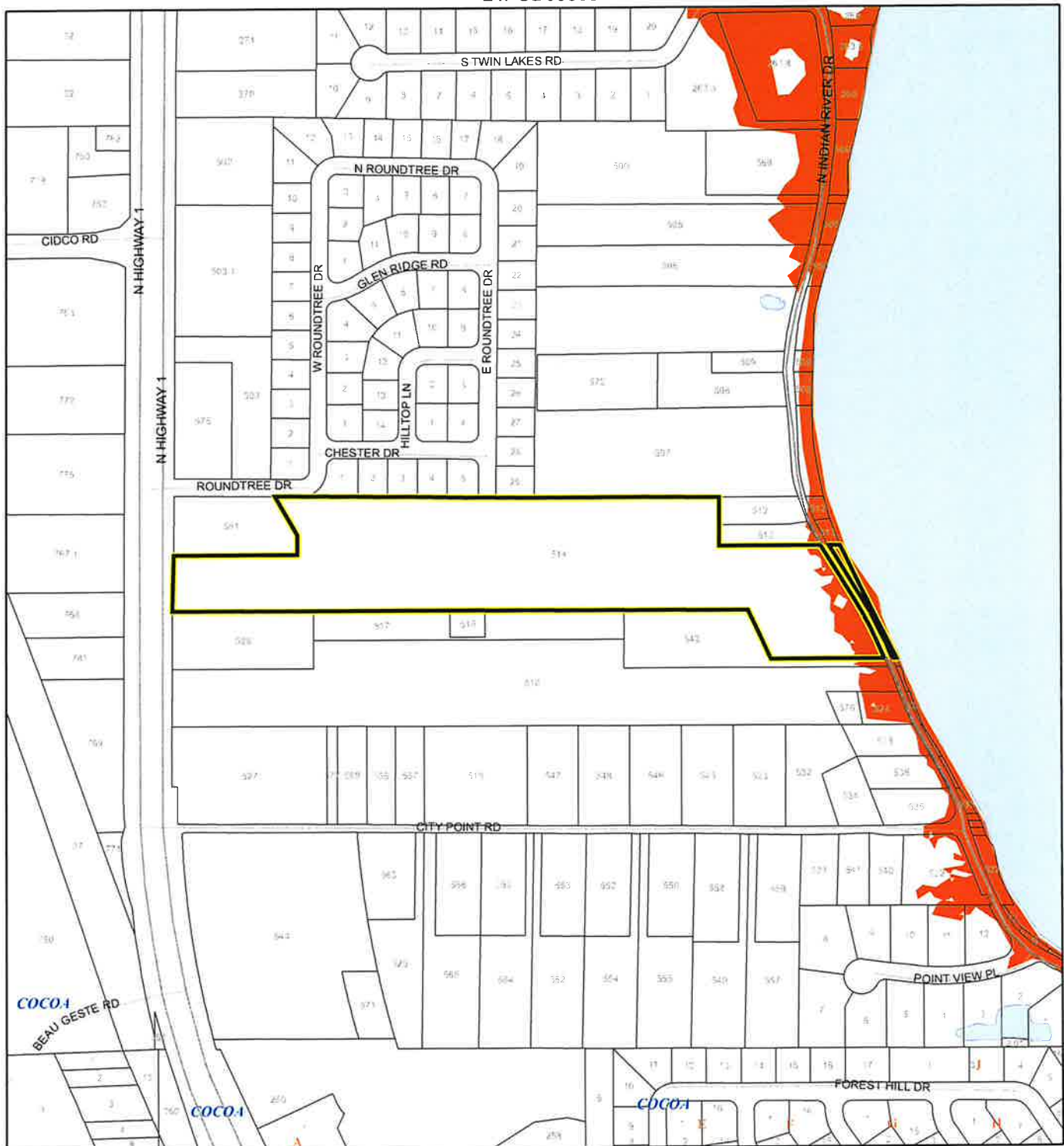
Produced by BoCC - GIS Date: 6/17/2025

FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
— Subject Property	□ Parcels	

COASTAL HIGH HAZARD AREA MAP

CITY POINT LANDFALL LLC
24PUD00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/17/2025

— Subject Property

□ Parcels

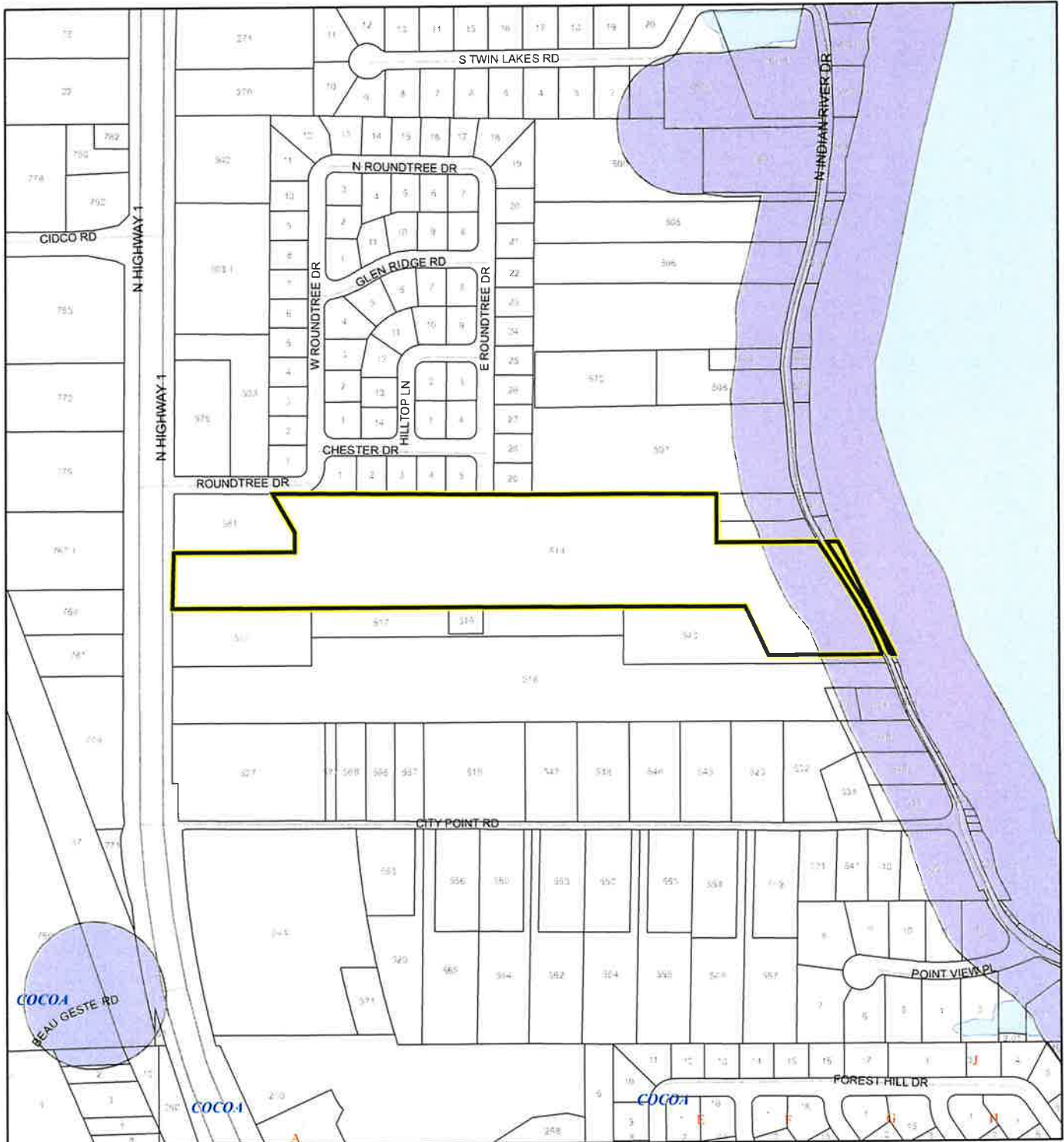
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/17/2025

 Subject Property

 Parcels

Septic Overlay

 40 Meters

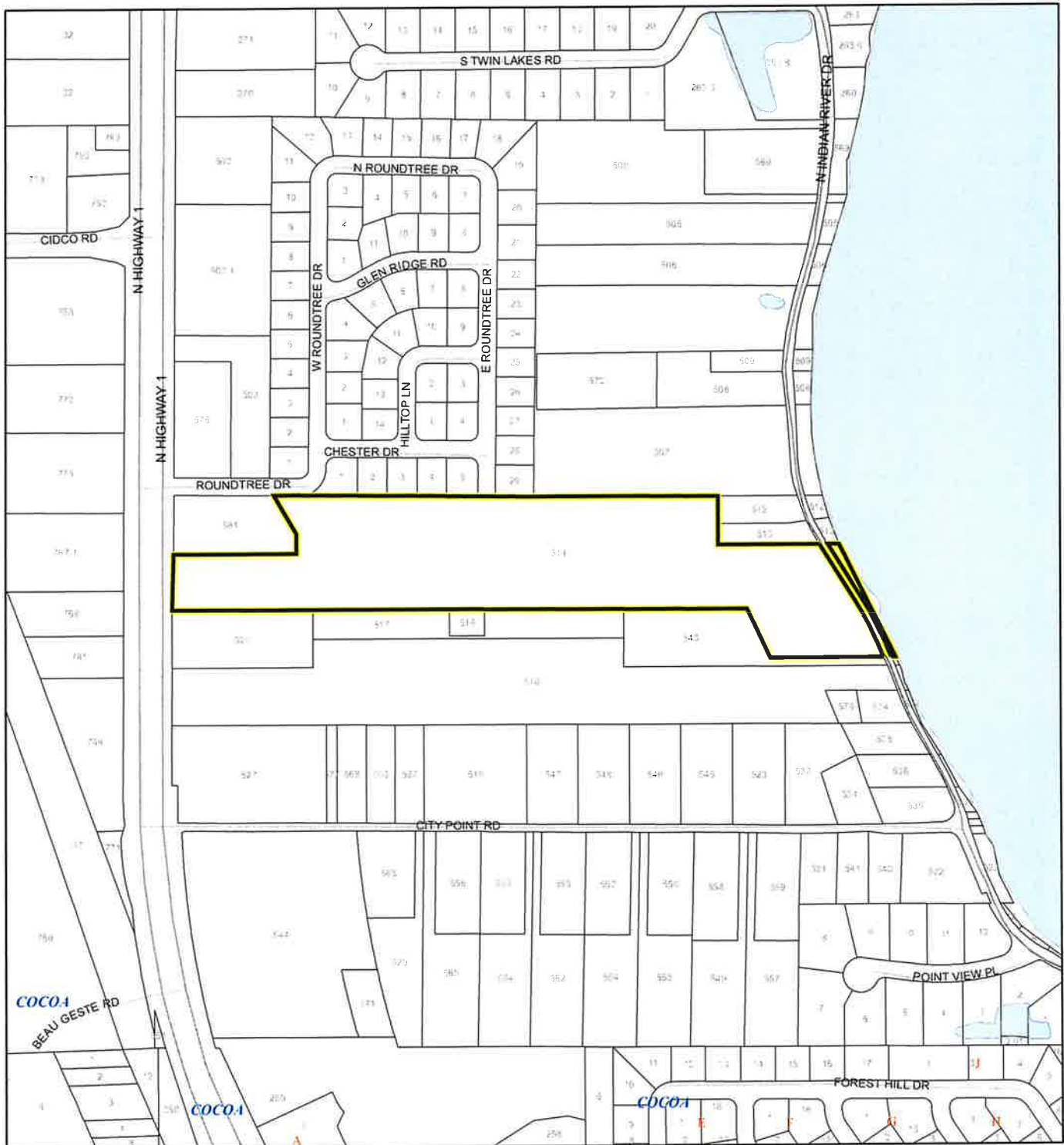
 60 Meters

 All Distances

EAGLE NESTS MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/17/2025

 Subject Property

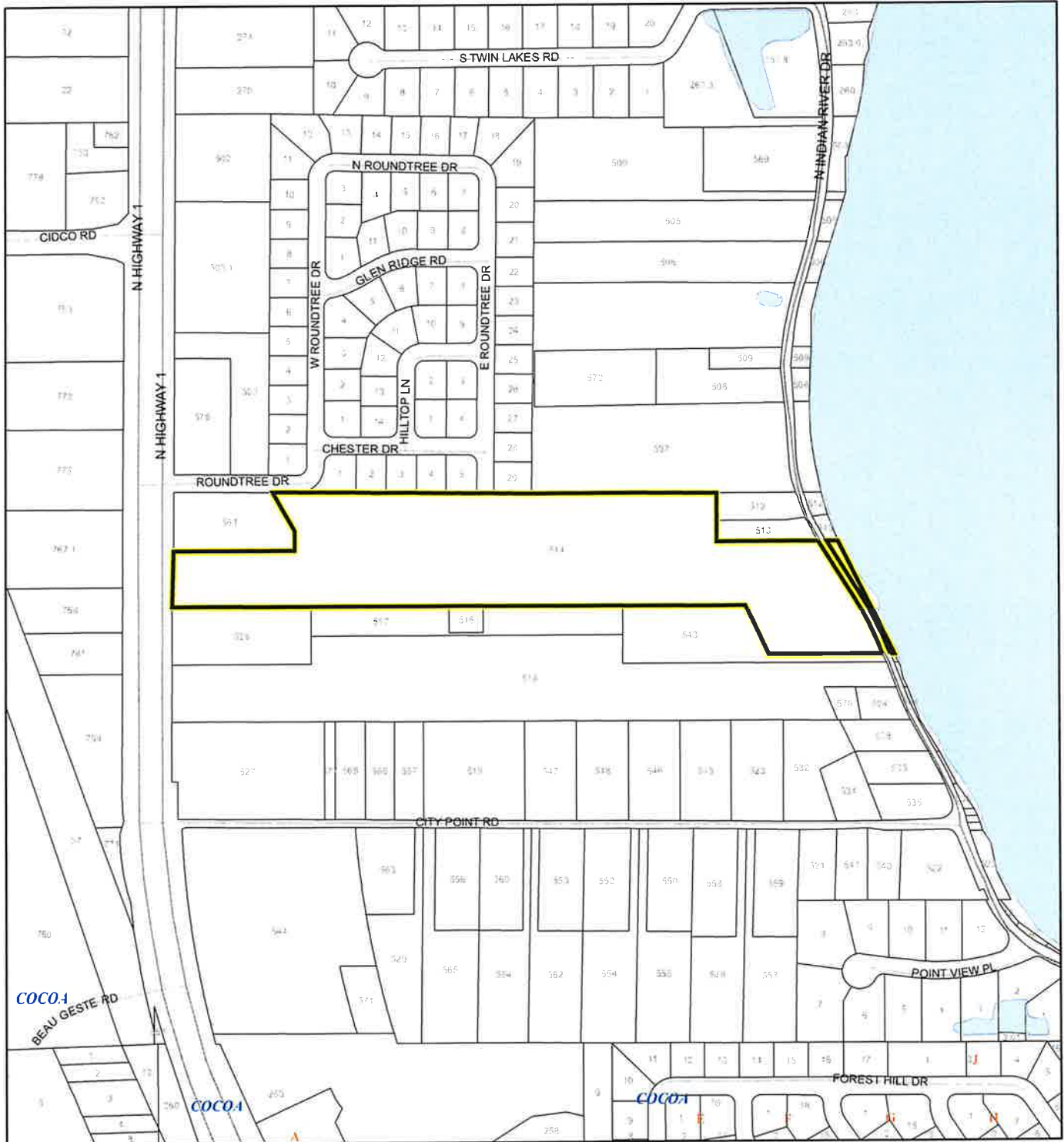
 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/17/2025

 Subject Property

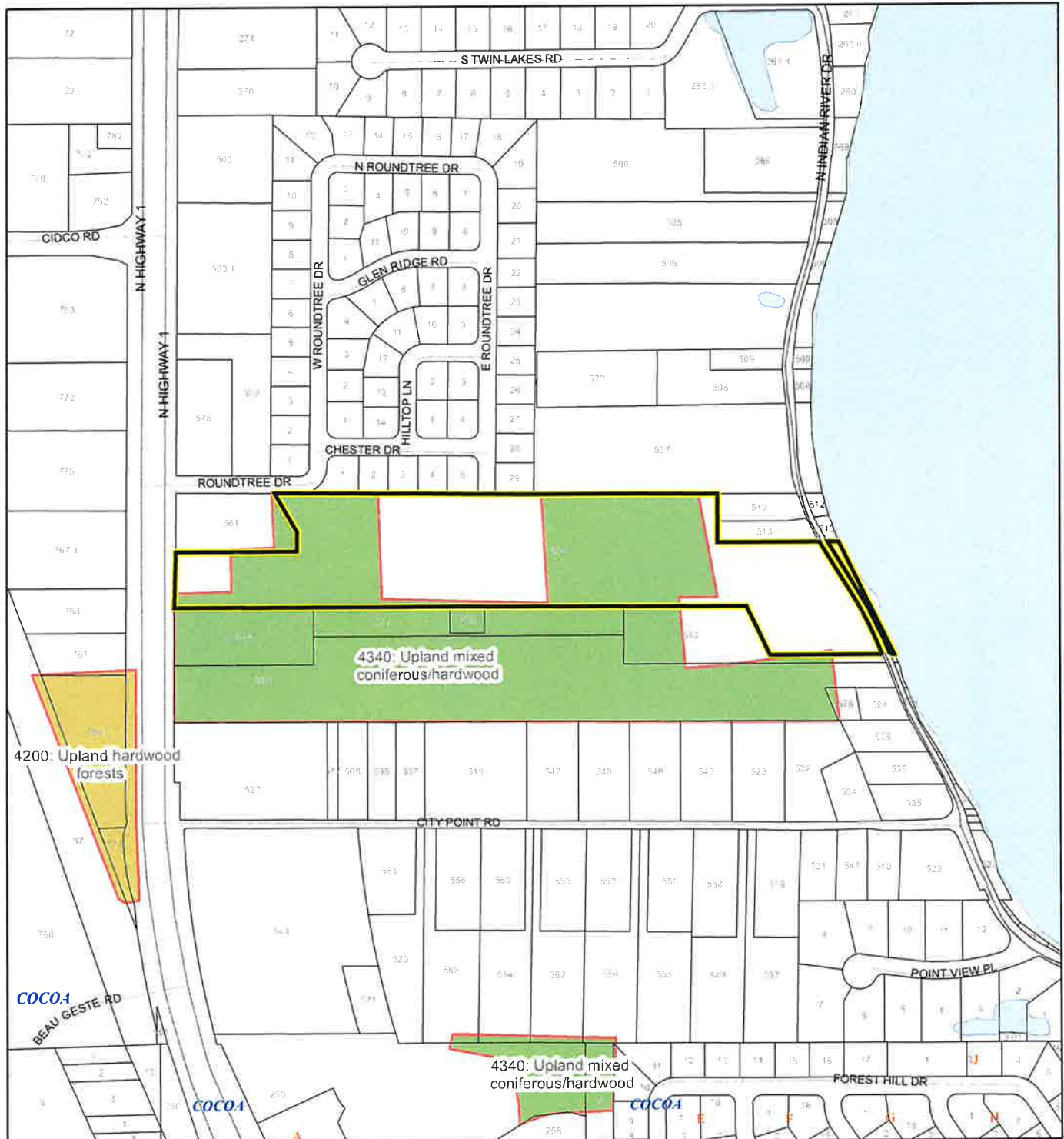
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/17/2025

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 17, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Greg Nicklas (D3).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Jane Hart, Environmental Specialist (Natural Resources Management); Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

Excerpt of complete agenda

- H.5. City Pointe Landfall LLC. (David Bassford) requests a Small-Scale Comprehensive Plan Amendment (3rd of 2025, 24S.11), to change the Future Land Use Designation from Res 1, Res 2, Res 4, and NC to CC and Res 4. (24SS00009) (Tax Account 2411252) (District 1)**
- H.6. City Pointe Landfall LLC. (David Bassford) requests a change in zoning classification from EU and RP with an existing BDP to PUD with the removal of existing BDP. (24PUD00003) (Tax Account 2411252) (District 1)**

Trina Gilliam read companion Items H.5. and H.6. into the record.

Kim Rezanka spoke to the application. Here actually on 3 items, the future land use, the rezoning to PUD, and removal of the binding development plan. The last page of the handout is the Parkchester plat, in Plat Book 18, Page 114. This is in north Brevard County, with a zip code of Cocoa, but it's unincorporated Brevard County. The property has been vacant for a very long time. The concept is to put single-family homes, townhomes and a completely enclosed RV storage. It will exit for the most part off A1A and then there will be a small exit off River Road, just for parking for the residents to enjoy the amenity of the river. There will be no housing with access from River Road. You have the current future land use map; it is a mix of different future land uses. RES-2 on the river, which is unusual, you would think that would be the lowest residential land use along the river. Then it goes to RES-1 in the middle, with EU zoning, which is inconsistent. Then it has Neighborhood Commercial on the west side, adjacent to highway 1. We're here asking that the NC portion go to Community Commercial with the little bit that goes into the RES-1 to make it function better. The RES-1 to go to RES-4, the RES-4 will stay RES-4, and then the RES-2 would go to RES-4 also. Currently with the future land use as it sits there is about 6.44 acres of RES-1, 4.2 acres of RES-4, almost half an acres of RES-2. There could be 22 homes built on this. We're asking for 19 homes. 11 single-family and 8 townhomes. A PUD is to encourage different types of housing development and mix it with commercial, institutional and industrial. That's exactly what this PUD does. First with the future land use the idea is to make it consistent and then to put a PUD. The community commercial is needed to have the enclosed RV storage, on US-1 next to other commercial uses. Also, with the PUD, the zoning is RP on US-1 and then it does to EU all the way to the river. RU allows for 15,000 sq. ft. homes. We're proposing not to put any homes on River Road because that's where the wetland is. This will allow us to preserve the wetland and spread density over the entirety of the PUD. That's why the wetland would only be minorly impacted. On page 4 of the handout, you see the proposed land use of RES-4 and Community Commercial and below that is a diagram of what exists now. That little strip on the river is also RES-4. For the FLU that community commercial request is for the 1.91 acres, and then completely changes all the rest of it going to the east to RES-4, 10.94 acres. Regarding

future land use element policy 1.7(a) this is adjacent to other RES-4 both on the property itself and to the north and south. So, it is permissible to change to RES-4. The staff report says there are 43 potential lots that could be developed with this FLU change, but this will be limited by the PDP to 19. Since there is a PDP, we don't need a BDP, Binding Development Plan, because everything is encompassed within the PDP. As to school concurrency, there is sufficient capacity for the future land use amendment. Page 5 is the PDP required for the PUD zoning, showing the layout. The single-family homes, 11 are about 10,000 sq. ft., which is .23 of an acre, which is very consistent with the Parkchester subdivision to the north. It matches almost identically, some of these will be bigger than the lots adjacent to the north, slightly. There is a 15 ft. buffer and a passive open space next to the buffer. So, the buffer is being kept around this, which is what the old BDP had. This will be a little bit bigger because of that tract. It also has the 8 townhomes, which are single-family attached, that will be platted and under single ownership, they're not to be rented. Then you have the proposed stormwater, the walking trail all the way over to the Indian river, that's the amenity. Tract C is going to be a conservation area, that's where the wetland is and it will not be impacted, except minorly for the boardwalk. Below that you have the zoning as it currently exists. Page 6 is the color rendering of what this is going to look like, so you can see the consistency with Parkchester to the north. To the north of the townhomes is property owned by Ron Howse, a unique 8 acres, adjacent to it is a small house, but that's where his agricultural use is. You'll see the enclosed RV storage on US 1. Exhibit 7 is the wetland and conservation area and the impacts that will be had to that. And then page 8 is the Parkchester subdivision plat. The PUD zoning is for the entire 12.86 acres. The PDP plan gives you the number of units, 11 single-family, 8 multi-family, the gross density of 1.48 units per acre, the roads, the residential use, the stormwater, the wetlands – 2.63 acres, common usable open space is just over 4 acres. You have passive open space, buffers of 1.76, and RV storage of 1.62. There's also phasing in the PDP narrative. Phase 1 is the residential, Phase 2 is intended to be the commercial. Because of the size and shape of this property with the wetland on the east side, this is a way to spread the density and make the entire property more usable. There are no concurrency issues. This will have a minor impact on traffic, it is on US-1. It will increase traffic by 0.62 percent. US-1 will have a maximum allowable value of 65 percent with this increase. With the PDP the lot sizes are comparable to the ones to the north. The proposed uses are compatible with the surrounding area. The BDP from 2008, on the last page, it only applies to the middle 7 acres. the 7 acres was to have 7 units, it will now have 11 units. It is still less dense than what could be under the allowable future land use right now. There will be a buffer, I don't know if it's going to be natural. There will be another tract next to that buffer between the development and Parkchester. Number of lots will be 11. Shall have no access to Parkchester subdivision. Minimum house size will be 2,200 sq. ft. The EU zoning is 2,000 sq. ft., RU-1-11 to the north is 1,300 sq. ft. Some of those houses are 1,900 sq. ft. as well. In conclusion we ask that you approve the future land use as stated, that you would change the zoning on the entirety to PUD, approving the PDP and removal of the BDP. The EU zoning on the entire 10.94 acres would allow 31 units. This is less than what the zoning would allow. This provides consistency. The PDP lets you know exactly what is going to be built there. If there are any other conditions you believe need to be added, they can be added at the PDP stage if necessary.

Public Comment

Sandra Kennedy began with this entire area, council mentioned A1A, it's not anywhere near A1A, it's right on US-1. The entire area is on a coquina ridge. It weeps continuously. Water flows down that hill from City Point all the up to Indian River Drive. Indian River Drive is a historic Indian trail. It's barely 2 lanes wide. It's not even enough for a truck and a car to pass. Someone's got to pull over. It would be a complete liability for the County to approve this change in use or the project. It's completely

incompatible with the surrounding area. Most of it is wetlands. Water weeps out of the coquina shelf along US-1 on the east side. St. Johns River Water Management is pushing the water that goes down US-1. If there's a hurricane, that water will flow for months. If you pave over all that area and cover it with cement for parking or RV parking, you couldn't have septic, and sewer will be a real liability in that area. Indian River drive has no business having sewer under it because of the salt water. That water washes over Indian River drive from the lagoon and it floods down from the top. You've got water coming in from 2 sources. The project is about 1/4 mile from 528 and US-1. You have the exit ramp and entrance ramp. If you start backing up traffic because people can't get out and down the road because now you've got a red light on US-1, where right now there isn't one, you're going to cause traffic problems. This is going to affect all the residents. Right now, if it rains heavily, we can't use the road. We must hang out and wait. If they have an entrance at US-1, maybe they're not going to be affected by it, but the rest of us that are forced to go down Indian River Drive because we don't have an exit onto US-1, we're going to be dealing with the flooding that they're going to create.

Joseph McLain stated he's right in the middle of all this issue. The water comes down off the ledge. I have 2 area on either side of my property that flows when it rains. It's exactly what she says. A lot of Indian River is flooded when we have high water or a lot of rain. If you've ever been there on the weekend, tremendous amount of traffic, which people are enjoying that. People that must go to work, coming out of the area, it could increase the traffic. I don't know if she did a traffic count. She says it's 0.6 percent increase to route 1. It's a nightmare to get onto US-1 from Indian River Drive. We need a stop sign there. Even 1 car is going to influence this. She's talking 22, so we're talking about at least 30 more cars. The housing is fine, but the RV storage and townhouses I'm afraid in time will turn out to be BNBs or rentals. We need a revised comprehensive plan for that whole area, along with sewer and such.

Diane Burrows read Mark Ward's public comment letter, submitted to staff via email, into the record. A copy of which was provided to the applicant, all Board members and the County Attorney's Office. She stated she approves of his letter. They are now making a light at Citgo, but you still must make a U-turn.

Cherlene Miller her major concern is that entrance onto Parkchester off US-1, that road is also going to be used and is not yet functioning, by a mini-warehouse facility that is being built on the north side of that road. And you have the entrance to the law firm that sits on that intersection. Doesn't know if that traffic was included in the traffic count. At the end of Parkchester there is an immediate, sharp, left-hand turn that does a snake configuration. It has been a close call. Her second concern is the old pioneer graveyard in the middle of this facility that they plan on building, and what accommodations they are making to protect the cemetery.

Dennis Knaughton wants to reiterate what everyone has said. Everything thing from US-1 is downhill to Indian River Drive. We have environmental issues with the Indian River Lagoon to begin with. We are constantly flooded and during hurricanes we literally cannot get out of our subdivision, unless you have a high truck. If you have a car, you cannot get out of the subdivision. And that runs from our entrance, 100 yards each way. The water is up over the grills of the cars when we've had hurricanes. He reiterated the traffic, water and environment concerns mentioned by the previous speakers.

James Sudermann stated his property abuts the south side of the development. He agrees with most of the other concerns that we're hearing here. We've lived there for 30 years and fought battles with developers wanting to change the character, the densities, and get the zoning the way that they could

get the most money, for years. We've come to expect, in this process, that once a developer has become aware of community concerns, either on their own or by advice from you guys, they schedule a meeting with the community where they talk to us about what they're going to do. We can have a productive give and take with meetings like that. This has not happened in this case. We would like to plea for that process to continue. The other thing we're worried about is with the zoning and land use plan may set a precedence for what we expect our community to be.

Ron Howse stated he has the strange property shape that the attorney mentioned that's directly to the north of this property. Are you going to wipe out the Binding Development Order that was agreed to before. Those points were important because this deal has been made before, it's tied with the property. Those who are buying the property are buying it with the knowledge of that agreement. They're stretching the commercial into that Binding Development area because the commercial was only so far, the Binding Development Agreement was only the 7 acres that starts just behind the commercial line. So, they're increasing the commercial comprehensive land use plan. The word "townhouses" is sort of a good-looking word, and it shows lots, but it's going to be 2 quadraplexes beside our property. You can talk density, but you must talk compatibility, it's not compatible with us. We bought the property to build a house, we have a "U" shaped piece of property. The Binding Development Agreement has a lot more items in there than just coming off Parkchester. The way the plan is currently designed there's a cul-de-sac for the commercial and then there's an entrance off Parkchester. So, if the developer wanted to keep it insulated from Parkchester they could by extending the cul-de-sac on down. It seems that this could be designed not necessarily to affect Parkchester, it might change the character of the front, but it's no different than the attorney's office off the side of Parkchester having it all self-done. There are 2 items that scare him a little bit. One is that if you did have quadraplexes there, even though they're cut up into townhomes and sold, someone wrongfully or rightfully can (unintelligible). We have problems up and down the street with that already because of all the launches and people can do that. So, VRBO scares me a little bit. The next item is just a little parking lot entering off Indian River Drive, sort of like a parking lot hangout. You can gate it, you can lock it, you can do whatever you want but you're still going to have transients sometimes breaking in there, because we have people park in our front yard all the time to watch rockets launch. It's not really a good parking area. There are a couple other parking areas up and down the river that have the same problem. So, VRBO, parking problems, quadraplexes, we have a binding development approval, we've already done this before, and you don't have to enter Parkchester if you don't want to.

Alyssa Christopher Wallen stated she is half here on behalf of her mother who is very concerned as the community has fought this kind of development before. She states she is not personally opposed to development, but she is concerned that they have not fully investigated the drainage problems. This area does have drainage problems and Parkchester is in a precarious position traffic wise. The townhomes do not fit in with the character of the area. It's a very old area. The roads are not the best. Development has seemed odd. There's a lot of empty lots that people have tried to develop, but it seems a little hostile to bigger projects. I don't understand the desire for an RV lot.

Megan Riker stated she believes there are a lot of concerns here. My main concerns are the drainage issues. But I do believe the townhomes are not consistent with this area. There are townhome communities along river road. If you go from north where Indian River Road starts all the way down to south Rockledge, where Indian River Road ends, there is not one townhome community. It is not consistent with our area at all. I am not opposed to the current Binding Development Plan that is on record at the point, because it does keep it consistent with feel and the values of the area. I do

believe that this would negatively impact the values of the surrounding areas including those that live north and south of this community. We have other parks along the river, so my other concern is the paved parking lot. The things that concern me are the safety and loitering and these abandoned parks that are never used by the neighborhoods. There is a park at the end of McFarland on River Road that has a very steep hill. It's loitered all the time. There's crime that's happened. You can look up these statistics with the Cocoa PD or the Brevard Sheriff's Office. It invites loitering and crime, and most of these communities never use their parking lots or their parks. I feel like that would be a very negative impact on the wetlands as far as the drainage goes, not to mention the traffic. She mentioned 26% of a change, but what about the 25 or 30 other developments in the area that are asking for that, that adds up. Go along 524, it's nothing but development right now, so it's not just this project, it is multiple projects that are adding up all at one time that are impacting our traffic every day. We have the launches, the cruise ships that are adding cruise ships, we have multiple developments that are being added. It's not just this development, it is everything being added together. It puts a drain on the quality of life around us. There are more and more people moving here all the time. I think that parking lot is the worst part about it.

Beverly Sudermann asked if you would like to have a parking lot in your front yard, that's what they're proposing. We live just south of this proposed project, and it is also directly in front of us. We have a flag lot and they're proposing a walking path in front of the property and a parking in front of our home. When we get up in the morning, first thing we're going to see is the parking lot. We have power lines that go all the way down the north side of our property in front of us that need to be cleared so that Florida Power and Light can keep that open from the hurricane due to the trees falling, and the scrub below that needs to be maintained. This property has been maintained since 1975, bush hogged and mowed, so that those power lines could be accessed, and we don't lose power. The parking lot right in front of us, that is just going to deflate the value of our home. I don't want the change of the future land use map or the Binding development plan. If you change this the RES-4 and this PUD doesn't go through, then you've changed it for the whole area. The area goes from north of the beach line all the way to the fire station North. We're concerned with this whole area that we want to protect from high-density and nowhere in this entire area is there townhomes or condos. Like a lot of people have said here, it's just too much traffic, too much water, and this proposal goes against the future land use map and the Binding Development Plan. I have come before The Board of Commissioners three times to fight this from multiple developers to keep our area consistent with our whole community. So, I vote no for this development.

Victor Watson stated his law firm owns the property on the corner of the entrance to Brook Hill and immediately north of the subject property. I think that the people here have made some very good points about the drainage and traffic, and all the issues in the area. My biggest concern is that our property is zoned RP, Residential Professional, which could be either homes or office buildings. That kind of very low impact sort of use, and the subject property is zoned the same, so we were thinking when this was done that the use would be like what we have. Changing this now to RV storage, I'm not sure that would be the best use next to us. Our biggest concern really is that we have some kind of buffer between us and them, so that we're not looking up at these big, tall buildings. We've got some natural vegetation, which is what we've tried to do at our office, so as far as just our property next to them, we really are very concerned about the compatibility and making the uses compatible. I am also concerned about the increased traffic coming out onto US-1, you know that it is a difficult situation for people coming in and out, so this would just add to that.

End of Public Comment

Ms. Rezanka stated she would like to answer some of these questions and there's been a lot stated here today. As you know a lot of these things will be handled at the site plan level. I always say A1A, yes this is on US-1. There will be no access onto River Road except for those using the HOA controlled parking lot, it's four parking spaces. No one else can use that walkway except people who live in the neighborhood or their guests. It's not open to the public, it's going to be HOA maintained and controlled. It's just so people can park there and enjoy the riverfront like all of those along Indian River do that own property along there. People are concerned about the flooding, again it must be engineered flooding. They must retain their own water and any water that historically drains on it so if there's a ridge draining onto that property it will be continued to be maintained by that property. Bruce can discuss that more, but again that is a site plan issue. If this development impacts others it can't be built so that's a site plan issue that will be taken care of. This is 19 homes, could be 22 with the future land use that's there. Townhomes are single-family homes; they are platted, and they are sold. Regarding that Pioneer graveyard, if you look at your future land use map it's below the property and it's the little item that says 516, so it is not in this property, that graveyard is not in there nor accessed through this property. There will be sewer on this property, sewer is required for this property. Mr. and Mrs. Sudermann have that flag lot to the south of the property which you can see on the future land use map, they are RES-4, they're asking you not to change anything to what they already have. There are no residents adjacent there. There is a walkway and that little four spots for parking for the residents only, used by the residents and HOA maintained. Mr. Moia spoke to several people about this. We didn't know there were any negative thoughts about this until this morning when I got one email from staff, so this is somewhat new. We have heard their comments, and we will talk with the owner about them. Again, there's been statements to protect the density. This PDP lowers the density so that is being protected. Regarding the BDP and wiping out the conditions, the 15 ft. buffer will remain, and Mr. Moia has told me that does have to be a natural buffer. This is slightly increasing the commercial future land use by 0.2 of an acre, it's a tiny amount. I do want to provide you Mr. Howse' property detail and his map, so you will see his house that he lives in is nowhere near this property, it's on the other side. If you look at the last page, he has three homes on this, but the property that's adjacent to this site is the agricultural portion and a small home. Then his large home is on the Northern U part. He will not be living adjacent to this use at all. Regarding the potential to enter through the RV storage facility, Mr. Moia will talk about that. The cul-de-sac is necessary because of turnaround for RVs. He can tell you why they weren't able to do it and maybe the access to the roundabout. He did look at it and he will tell you why it's not. Again, no access on Indian River Road. The townhomes are to allow for a variety of housing, that's somewhat requested in your comprehensive plan, to have a variety of housing and single-family homes. Even though they're attached they are still single-family homes and are compatible. The traffic analysis does consider all developments that have been approved. Mr. Moia has the traffic analysis report and can talk to that further if you want, but again that's a site plan issue.

Mr. Minneboo asked when the property was purchased.

Ms. Rezanka responded with I don't know.

Mr. Hopengarten responded in November 2021.

Mr. Minneboo stated that was the date, so you didn't really have an opportunity to meet with the people, or you're saying you were unaware that there was anyone in the entire area that wasn't in favor of it or did they just bring you on lately.

Ms. Rezanka replied that Mr. Moia has been handling it. He was the contact person. Mr. Moia had a few people contact him. He'll tell you what they said.

Mr. Minneboo commented there's a lot of history down there and I'm working off some recollections here, but I think everything south of City Point Road is probably in the incorporated area of Cocoa.

Ms. Rezanka stated no it's further south. It's probably half a mile south of here.

Mr. Minneboo stated High Point subdivision is probably not in the city of Cocoa.

Ms. Rezanka responded if that's Forest Hill Drive then it's city of Cocoa.

Mr. Minneboo then stated if you look at City Point Road which has been there a long time and you go north to Black's road which is really a condensed version of this area, I don't know of anything that's multiple family through there.

Ms. Rezanka continued I don't know but we're not asking for multiple family townhouses.

Mr. Minneboo stated in this general area there isn't any subdivisions other than defined from yester year, is that correct.

Ms. Rezanka responded not to my knowledge.

Mr. Minneboo commented not the 208 to the best of my thoughts or I think somebody said 208 and refresh my memory, was done by Hank.

Ms. Rezanka stated yes, the binding development plan obviously couldn't be built because it's been 18 years.

Mr. Minneboo stated none of these people were here. Unfortunately, we went through a major change, and it wasn't just arbitrarily put together, this binding development plan and generally you don't make most of the people happy. But this is one of the ones I could recall because you had Park Chester subdivision there. You had numerous other subdivisions that ring a bell, but everybody sort of left about as happy as they could leave, and you know this board has a tendency to take these binding development plans from yester year and just say you know I'm done. We need to change that and a couple members that are no longer here said "why develop a binding development plan if we're never going to stick to it" so I'm going to be adamant on this project. I'm not going to get off that 2008 binding development plan. Let the pieces fall where they may today but I think it's a good plan for the neighborhood.

Ms. Rezanka responded that looking at those criteria the only one that we don't meet is that there's seven, well there's one acre lots in the middle of the Seven Acres.

Mr. Minneboo continued there's just too much history in that area to change it and I'm trying to save what little we have left, especially in that area. I mean we don't need to terrify that area like we've done on 524.

Ms. Rezanka stated it just seems inconsistent to require one acre lots next to 10,000 sq. ft. lots which is the park Chester subdivision.

Mr. Minneboo commented I know you don't believe this but I'm not going to support it.

Ms. Rezanka replied I know I gathered that but I'm completing the record.

Greg Nicklas stated I heard a lot of people say they had concerns about water, about drainage, does the public, including obviously these folks, be involved in the site plan process where apparently that's going to be an issue.

Ms. Rezanka stated technically the PDP that's before you, that's a semi-engineered site plan, but actually what happens is it goes to a final development plan stage where the engineers submit everything for staff to review, so the drainage is a site plan issue and the law says we can't impact this property, cannot impact anyone else, so if water drains onto this property now it has to be continued to allow to drain, it has to be held. Mr. Moia can tell you more about the drainage requirements, but it's not fully engineered yet but that's a site plan issue that staff reviews.

Mr. Nicklas commented I heard you say that if water's raining onto it now, it has to continue to, but conversely, I guess if there's evidence that more water is draining on to their property as a result of this development

Ms. Rezanka responded that would be a violation of the county code subject to code enforcement, subject to engineering complaints and all kinds of things, so again that's the requirement. There's lots of examples where people say we're impacted more. Park Chester subdivision was built a long time ago, they're going to be lower than this subdivision, but they have to account for it. The engineers must account for that.

Bruce Moia commented I want to talk about the drainage first, so I think as most of you know we must comply with DOT drainage. We're in the county, must comply with County drainage requirements and we're in the St John's River Water Management District, so three entities will be reviewing our drainage design to make sure that we're not impacting the area. There was less of an impact in the post development than were in the pre. Currently that site is a cool site. It's very high on the west side and it just drops off like a bluff towards the roadway, Indian River Drive. When I was out there, I did a site inspection. They were surveying that area because I believe the county is working on some drainage improvements, so I think there's something in the works because there were County surveyors out there at the time. Regardless of that it's just a free-for-all out there. The water just drains from the US-1 right-of-way uncontrolled, out to the river. It's not treated, it's not routed, it just happens. We'll be building a system that will take the water that comes on our property or that we create from putting in impervious surface into a storm water pond, treat it and reduce the discharge from what's happening right now. That's the requirement, so we think that we can control the drainage a lot better in the post-development than what's happening out there right now. As far as traffic, all our traffic is going to the West, we're not adding any traffic at all. We're proposing an amenity so that the residents can come down and use the river. I believe there's a dock that's basically gone except for the pilings, but they're going to rebuild that, so they have river frontage, so they want the residents to be able to come down, unload their vehicle into their boat and go out and enjoy the river like everybody else does. It's not going to technically be a public parking lot. It's going to be an amenity for the residents, so most of them will be able to go down there on the pedestrian walk that we're providing and go enjoy the riverfront. The townhomes are, from my understanding when talking to the client, going to be luxury townhomes. Because of what a lot of people said up here about watching the launch, they're going to be high up on the bluff and they're going to have prime views of lift-offs.

And, they're going to be probably bigger and probably more expensive than some of the existing homes in the area. So, the fact that they're attached doesn't mean they're multi-family. They're still single-family. They're just attached, but they'll be bigger in area, and they'll be new, and they'll be luxury and they'll be very expensive. So, I think that there's not going to be a property value issue because of that. The reason we are not mixing the commercial and the residential traffic is because that is not good planning. You usually have residential traffic go to the lower classification road which is the local road that everybody else that's residential is using and the commercial traffic access is directly on US-1, so there's no reason to intermix the two. The cul-de-sac is provided in the commercial part not just for the RVs to turn around, but for the fire trucks to come in and turn around and the garbage trucks and all that and they'll go back out to US-1. The residential will be separate, using a local road which is good planning practice. We've been working on this for a while, and I did get a couple calls. I don't remember who it was that called me, but there was no overwhelming concern to whoever I talked to. They just had a couple questions and so we answered the questions and there was no real follow-up, or I wasn't convinced that there was an outcry from the public. Like I said I got maybe a couple inquiries about it, and it was just a couple questions and nothing to this level that we're getting today. We usually contact the County staff and say hey, have you received any letters, have you received any phone calls. We didn't get that. I think it was 1 this morning, so we didn't know that there was going to be a turnout like this today or we probably would have had a meeting earlier.

Mr. Hopengarten commented your discussion on the stormwater retention, can you tell me what the impact will be on the neighbors to the north of whatever you're planning on doing up there, in other words are you going to help their neighborhood. One of the comments that I heard today was that there's a lot of flooding going on after a storm and they have a lot of problems. Will your design abate some of that.

Mr. Moia responded I believe it will because I think that we can take some of the water that's up on the hill and route it to the west instead of routing it to the east and then holding it and treating it, so it's not going uncontrolled and untreated into the Indian River Lagoon.

Mr. Hopengarten replied you're dealing with DOT on that because that's their right-of-way.

Mr. Moia replied yes.

Mr. Hopengarten said Ms. Rezanka mentioned the four parking spots on the east side of the site, what is that area because it's not really delineated in this master document here.

Mr. Moia responded that's going to be an amenity for the residents to be able to park vehicle, so if they do rebuild the dock on the river, they can come park their car, unload their vehicle onto the boat, any boats that are parked there, unload their life vests and their coolers and whatever. They can keep the car there, enjoy the day on the river, come back, load the car up and go back to the to their house.

Mr. Hopengarten asked about the dock. Does the owner have any plans to put a dock out there, there is already a dock there that belongs to this property.

Mr. Moia responded it's been wiped out except for the piles, so that would be rebuilt as an amenity.

Mr. Hopengarten then asked if there a pedestrian walkway from this development to Indian River Drive.

Mr. Moia responded it's on the plan.

Mr. Hopengarten then asked what's that area to the north.

Mr. Moia replied that's all Wetlands. There's no paving or anything, we're trying to preserve that to the highest extent possible.

Mr. Hopengarten then commented okay and then you have the retention pond that you're putting in, which will help remediate any of the storm issues, which is not there currently. So, in essence there is a benefit to development going in there, but you're going to have some impermeable space which is going to generate more runoff. What's your maximum building height going to be out there?

Mr. Moia responded typical zoning is 35 ft.

Mr Hopengarten stated you were saying that the townhouses are sitting on a ridge there and they'll be able to get the views to the rockets, but you're saying no higher than the 35 ft. Let's talk about the congestion that you might cause on Round Tree Drive. You're going to have 19 units with about 30 cars, maybe maximum, exiting in the morning along with the 63, I believe it is, of the people that live in that area to the north. Your impact study says that it's negligible but for those neighbors they're going to see traffic and that's coming in when they're going out it's going to be coming in from their left.

Mr. Moia responded correct.

Mr. Hopengarten continued now since they widened US-1 they're no longer going to be able to make a left so everybody's going to have to go right and make a U-turn. Did they take all that into account just other than counting cars and saying this is a minor impact.

Mr. Moia responded yes; I don't believe those improvements were made since the study was done. I think it was in that condition, what's there now is what was in place when the study was done, and the study was done in conjunction with coordinating with the County traffic department, so they took the existing counts and then the new trips and came up with no impact. Obviously, every development increases the traffic, but it doesn't increase it to degrade the level of service.

Mr. Hopengarten stated this thing is going to go to the County Commission in April.

Mr. Wadsworth responded April 3rd at 5:00 p.m.

Mr. Hopengarten asked if they would be willing to have a public meeting between today and then just to hear from the people and make them feel a little better.

Mr. Moia stated he would ask the client and see if he wants to do that.

Mr. Hopengarten commented if you didn't get any comments before today, normally on a development of this size, it's not really a big one, but it has an impact and people are complaining, so it might be beneficial just to keep peace in the neighborhood and I noticed in the 2008 BDP that was

approved, the neighborhood evidently was satisfied with what that prior developer was going to do. Unfortunately, 2008 was a bad year for new housing developments and so it didn't happen, but at least back in those days they were willing to allow a development to go in there.

Mr. Moia replied I don't know all the other details and that just a small part of the is what they were proposing or even if they owned all the property that's owned now. I don't really know much about what happened back in 2008 on this property, but the BDP is only for a small portion, the central section. I don't know if they owned all the property from US-1 to River Road. I don't know if they're proposing other developments in those areas. I don't know, I haven't seen a plan that said what that was supposed to look like. It only was restricted to that central area. So, without knowing what else they were proposing to develop I don't know if this is less impactful or more impactful.

Mr. Hopengarten stated as far as the RV storage is concerned, there's another property just up the road which is being converted to storage currently. I believe it's going to be storage by FMH limited. Seems to be a trend. It's a big shell there right now and they're renovating it. So, I assume that's going to be public storage. This is going to be for RV storage.

Mr. Moia replied this is going to be right in front of their neighborhood. This is going to be enclosed, high end, class A parking. Totally enclosed in a building, which is rare, nobody's really building to that level. If you don't want traffic this is the use you want, you're going to see days where you're not going to see one single vehicle move in or out of that property. But you could put all kinds of things where you'd be seeing all kinds of traffic, so if you don't like traffic this is the use to have on that property.

Mr. Hopengarten inquired there will be no outside storage at all and there will be a parking lot in the front for pedestrian cars.

Mr. Moia responded yes.

Mr. Hopengarten asked where I find the PDP, it should be in your package, I was looking for it, I couldn't find it.

Mr. Moia responded it's in the package.

Mr. Hopengarten stated I didn't see any restrictions that you had given based on the old BDP that would place some of the existing conditions. I didn't see that.

Mr. Moia replied no, the plan that we submitted becomes part of the PDP.

Ms. Gilliam stated it starts after page 265 or 264.

Ana Saunders stated there was concern about it being a VRBO or being rented out, is there any consideration for including restrictions in the declaration to limit or prohibit that particular use.

Mr. Moia replied we can make that suggestion. I don't know what the restrictions are countywide or in that area, I think anybody can VRBO their house in that area. We can ask him if he wants to volunteer that.

Paul Body stated you can't do them in this area unless you have a multi-family zoning. PUD allows them though.

Mr. Moia replied we can go ahead and recommend that he add that to the PDP.

Ms. Amato stated that the natural resources map shows it as candle fine sand. I believe it lists it as aquifer recharge. Is that correct? I'm not familiar with this particular section but I am familiar with ridges further north like this and generally what happens is it's a fast aquifer recharge because of the fine sand and that's why it has wetlands on the side of it because the amount of water that flushes down through it actually filters back up on the other side, so it's a bigger issue than just stormwater and if you redirect that stormwater how does that affect the aquifer itself.

Mr. Moia stated if you're in an aquifer recharge area then you must comply with another section of the county code that limits your development in that area. You're restricted to the amount of impervious area you can have. You demonstrate that your post-development recharge rate is equal to your pre-development. So, if it's recharging a certain amount, we must match that no matter how we build. What we normally do is we have to go and verify if the soils are truly porous soils, and once we do that testing, if it exists then we're limited on what we can do in those areas.

Ms. Amato stated if the whole front of this according to the map is an aquifer recharge and fine candler or fine sand and it is a fast aquifer recharge with the limitations on building on that section, then the limitations of building on the back end, which is a wetland area, what is the limitations to building on an aquifer recharge like that.

Jane Hart stated they could develop but they would need to demonstrate that the post-development recharge volume is at least as good or better than the pre-development, so basically, they are going to hold the water on their site.

Ms. Amato inquired with the wetlands they are limited to 1 home per 5 acres? Is there a limit like that on aquifer recharge or is it just that they monitor the stormwater portion of it.

Ms. Hart stated well there is an impervious restriction, and it depends on your elevation, if it's a type one, a type two, or type three. And that would depend on your location or your elevation. I think in this area it could be a type two or a type three, it would really depend, because the elevation up there is around the cut off between type two and type three of 30 ft in NGVD, so it could be both types. In type three they're limited to 45% impervious coverage, type two is 35%, but as we said before if they can demonstrate that their post-development is as good or better than pre-development, holding that water, then they would be okay. They could develop in the recharge areas.

Ms. Amato stated my final question would kind of be like if it was considered for all the environmental impacts on this property, with the environmental impacts what would be the number of houses being allowed to be built on it versus the PUD?

Mr. Wadsworth stated that would all be site plan. It affects the people and the community and that's literally things they're asking about. We've got to kind of reel it in because we're just planning and zoning and all those questions that you're asking here will be answered, but the with them.

Ms. Amato replied I appreciate that chair. It's just they don't get answers to their questions on the back end, they just get to watch what happens, and this is their only chance to have a say and learn something about the process.

Mr. Wadsworth stated that they would be answered, even with the County Commissioners. We're just an advisory board.

Ms. Amato responded with yes sir, thank you.

Mr. Moia stated I appreciate the question and that's why you have a code and that's why we have to develop to that code. And if your code requires that we must minimize our development then that's what we must do. Typically, residential don't exceed 45% impervious, so especially 100 by 100-foot lots, we would comply with that. It wouldn't reduce our lot count it just reduces the amount we can build on that lot and if we provide open spaces where we're not providing lots at all it's a cumulative number. So, we provide open space, so we don't exceed that impervious number. We also have to deal with making sure our pre and post recharge rates, so that's where you get the cluster of houses. A lot of times we'll do that so we can have more open space recharge.

Ms. Amato inquired so when you do the clusters and you leave more open space it reduces lot size generally, that's the theory behind cluster development and including avoiding wetlands and other issues like that so it's being able to get as many houses as possible in a smaller area, a smaller footprint.

Mr. Moia responded you clear less land to have the same number of homes.

Ms. Amato stated it sounds like you're taking into consideration a lot of the flooding issues that are going on right now, so you're aware of that. So, the water's coming down and you're going to consider for that, and you said that this water runs right through, so you're aware and you're going to make whatever you need to make happen so that we're not having more flooding in that area. That's the last thing these residents need, is more flooding. My real point was just the consistency I heard of people talking about we've now got townhomes out there and we didn't want to have townhomes. We don't have any townhomes any place. When Miss Rezanka was speaking, she said that she was going to make certain that the townhomes were owned, and they were not going to be rented out. I don't know if you can do that.

Mr. Moia replied we're going to plat those lots and sell them fee simple, so they will be owned, they won't be owned by one entity and then rented out. It'll be owned individually just like a single-family home, exactly the same.

Mr. Wadsworth stated he was just going to hit the high spots quick. He spoke further on the topics that had been discussed. He then asked the board for a motion.

Motion to recommend approval of Item H.5. by John Hopengarten, seconded by Ana Saunders. The motion passed 7 to 3.

Motion to recommend approval of Item H.6. by John Hopengarten, seconded by Ana Saunders. The motion passed 7 to 3.

The meeting was adjourned at 4:58 p.m.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 18, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5) and Eric Michajlowicz (3).

Staff members present were Trina Gilliam, Zoning Manager; Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; and Jordan Sagosz, Operations Support Specialist.

Excerpt of complete agenda

Item H.5. City Pointe Landfall LLC (David Bassford) requests a Small-Scale Comprehensive Plan Amendment (24S.11) to change the Future Land Use designation from RES-1, RES-2, RES-4, and NC to CC and RES-4. (24SS00009) (Tax Account 2411252) (District 1)

Item H.6. City Pointe Landfall LLC (David Bassford) requests a change in zoning classification from EU and RP with an existing BDP to PUD with the removal of existing BDP. (24PUD00003) (Tax Account 2411252) (District 1)

Trina Gilliam read both item H.5. and H.6. into the record as they are companion applications but will need separate recommendations.

Ms. Gilliam added before you begin, I'd also like to state on the record we just received an email resubmittal of the City Pointe PDP. So obviously I have not had time to review that as I just received it in email about half an hour ago.

Bruce Moia spoke to the application. He stated if this all looks familiar, it should it came to you a few months ago and this board did approve it based on the previous layout, but if you recall when you did approve it, you suggested we meet with the neighbors, which we did. We met with the neighbors. We also met with the district one commission office, and we submitted a plan that is very different from what you approved based on the input we got from the residents. They had some pretty significant comments, and we made some very significant changes. We basically had over a hundred people in the first meeting, and we changed I think every major comment that they had including removing access from the subdivision street to the north to making it off of US-1. So now this project solely accesses off US-1. We've reduced the commercial to about half of what we had proposed before. We removed the access and parking off Indian River Drive. We removed all the townhouses, and it is all only single family with a small piece of commercial in the front which is proposed for indoor RV storage. Very non-intensive use. We think we've gone over and above and met all their requests. And then we had a follow-up meeting just a couple of days ago where we went ahead and showed them that this is what we did. So, we went from about 100 people down to about 18 people at the second meeting. And there's a couple things that we were willing to also change based on what came out of the meeting. There were concerns about the minimum floor area. So, we have no problem stating that the minimum floor area for these houses would be the same as what is to the north in that subdivision. So, they'd be compatible, be the same. And when we do the plat that we would put the wetland into conservation, which we pretty much do anyway, so we will do that. There was some storm water questions and concerns because Indian River Drive is very low. It's just barely above the

Indian River and the drainage there is not very good. So, we think we have an opportunity when we work with staff once we get into the design that we can maybe help that somehow. It's a little difficult because the wetland goes all the way up to the edge of pavement. And the county has no right-of-way there. The road is on our property through a prescriptive easement. Then there was a comment that if we find coquina on the property that maybe we could build a seawall with it. I don't know if we can do that or not, but if we can, we'll sure try. We did have comments from staff and apologize for the timing, but we had come to you guys before we were finished with staff review the first time and now, we had some minor comments that we felt we've addressed. Mostly open space. We've added, if you've been out there, there's what's left of an existing dock out there that we're now showing on the plan that that'll be part of our open space. We reconfigured the walkway to get it farther away from the neighbors to the north. And that was pretty much all the things that we changed. And there were some other minor planning comments, but nothing significant that would change the layout of what you're seeing now. So, I hope that gives you an idea of what we've done. I hope you're happy that we did listen to the neighbors, and we did make a lot of changes and we're hoping that we can get your approval. I'm here to answer any questions that you have.

Ms. Saunders stated she wanted to thank Mr. Moia for meeting with the residents. You went back and you worked with them, and I'm pleased with the outcome. I'm glad you did that hard work.

Ms. Orriss stated I'd like to say the same thing. I'm really impressed that you took the time and met with everybody, made the necessary modifications. I just am thrilled that you did that. Thank you.

John Hopengarten asked what's the elevation that this project is going to be.

Mr. Moia stated it's going to vary. This site basically slopes from US-1 continuously to the river. It does fall quite a bit once you get about two thirds from US-1. It has a drop off. So, we would pretty much maintain that configuration.

Mr. Hopengarten stated so some of the buildings will be higher than the others as you go.

Mr. Moia responded all the construction is on the top side of the bluff.

Mr. Hopengarten stated he's a little disappointed for the residents that they didn't figure out that if you had maintained your entrance at Roundtree Road, that you could have fixed that problem on Round Tree, which floods all the time because it's very low and now you're not using it at all and so they don't benefit from that. I'm a little concerned about the elevation change though because Highway One is quite high compared to all the surrounding area there. You're coming straight off one. And then you're going to slide down toward the river. So, where's all that water going to end up?

Mr. Moia responded now it just winds up across the road and into the river. So, we're going to contain all that through our retention ponds and treat it before it ever has a chance to go to the river. Would probably store most of the water that you probably won't even see discharged in most storms, but in the bigger ones you would. So, we think it's going to be an improvement because now you're going to get treated water going to the lagoon instead of just a hill that just runs right off into the road. And then also I think we can work with the county to see if there's any way, we can improve the drainage system on Indian River Drive. I'm not going to raise the road unless the county wants to raise the road. We'd be happy to give them the room to do that, but it's going to be hard between the river on one side and the wetland on the other.

Mr. Hopengarten commented he drove in that area and it's almost 8 feet from Highway One to the bend at Round Tree Road.

Mr. Moia stated I think more than that. US-1 is at about 20.

Mr. Hopengarten stated when you first presented this to us, I thought it was a benefit of what you were doing by introducing your entrance at Roundtree because then you would have raised that elevation down there but evidently, they didn't opt for that.

Mr. Moia responded they did not want that entrance.

Public Comment

Sandra Kennedy stated the entire development in that area has one entrance in and out basically from Indian River Drive and that's City Point Road. Otherwise, we must drive far north to get out. That whole area floods. But interestingly, the area where this development is isn't the flooding area yet, but it will be with the development. The area that floods the worst right now is where the retention ponds already sit near US-1. In the Twin Lakes area, you've got retention ponds all over the place. FDOT just moved a project that was supposed to be at this project, this area, this property down to my backyard, a ditch line that went through my backyard. And now the bottom of that ditch line is flooded continuously when it rains and when hurricanes come. And that doesn't mean a hurricane hits us. It just means if a hurricane comes anywhere nearby, we flood like crazy. And the hills weep for months after the hurricanes and the water washes over Indian River Drive and then it comes up from the lagoon also. So, this project which I'm adamantly against the change in the density in the zoning it is going to increase the flooding because it's going to make it more impermeable. The water will just run right off. And when you talk about putting a retention pond, if everybody is on a flat elevation, that pond is great. It'll funnel the water down. But what's going to happen is when the water funnels down, it goes to Indian River Drive. And that is a historic road. It's a former Indian trail. And it would be an outrageous cost for the county to have to raise that road. And not only that, but it would destroy the country bucolic nature of that area, the historic nature. We've got historic churches on that road. We have old historic houses on that road. And this is not your Indian River Drive in Cocoa where it's on a bluff. This is all the way down at the bottom where the road is very low. So, this project is certain to cause flooding. Another thing is that it's completely not compatible with the surrounding area. Right now, all the surrounding areas are very large lots, full acre or more or half an acre and single-family homes. And the only thing that has a higher density, Parkchester was built back in the 60s or maybe the 50s before planning and zoning functions existed, probably before this was even Brevard County. To go back to that that's basically eliminating all our planning function. The planning consisted in setting the development plan that we have now, the zoning that we have now is most appropriate. Do not increase that density. Please just leave it as it is.

Joseph McClain commented I just want to bring your attention that Governor DeSantis and the Florida Department of Environmental Protection are really focused on Indian River Lagoon and they're spending a lot of money. So is Brevard County. Spending a lot of money to clean that up. My problem is I haven't heard exactly what they want to do, but the flow down if it goes through the grass and everything else and comes out, it pretty much cleans itself. I understand that. Having a retention pond when it fills up and spills over, it goes straight out into the lagoon. And as far as I'm concerned, when it floods that much, it's going to stir up the water, stir up all the ingredients that the Indian River is trying to eliminate and clean up. So, what doesn't kill all the grassy areas. I would hate to see this

board go ahead and not consider that when the governor and the environmental control have really spent money or are in the process of spending the money to clean it up. If it just flows out like most of the areas right through a pipe, then we've lost a lot of the issue of having clean water. So, I have yet to hear an exact and then who is going to maintain it afterwards? Those reservoirs fill up. And if they don't maintain it, you're going to have the same thing in four or five years, and it's going to be filled and spilled over. So, my concern is the river is getting the environmental flow off that hill. By the time you put cement, you put asphalt roofs, you put people washing their own cars, all that rushes straight down to that retention pond. And when that gets down to the retention pond, some of it lays in the bottom, some of it settles, but if there's a lot of splash, as you know, it will stir that up and run it out. My concern.

Keith Wessner stated his lot is a long lot that's just south of this lot. I purchased that property previous to this company purchasing their lot with knowledge of the environmental conditions on site and the zoning there. I'm planning on building a single-family residence for my family. So, I'm opposing the change in the zoning that's allowing, we don't even know how small those lots are, but they are certainly less than quarter acre. That will be abutting my property. The other concern I have is the retention pond that is there to collect that water is along my property and along all that ridge. There's a weep in the coquina. There's a fissure in the coquina that is like a spring. It's constantly, especially in the summer, bubbling up water. I have ponds on my property that are 15, 20 feet above the river that hold water that bubble up and overflow down into the river. This plan has retention pond that is concentrating all that storm water right into that spot where I think you're going to have a storm water and environmental issue there that they don't really understand. And I just don't think it's a great idea to reduce the zoning to RES4 to stack more houses in there. That's just going to make that issue worse with the water retention.

Robert Dyer stated this proposal represents a fundamental and detrimental shift to the character of our quiet single family riverfront neighborhood. This developer's request to change the land use of community commercial and the zoning of PUD is a direct contradiction to the tranquil residential environment that has defined this area for generations. The proposed change would allow for the construction of 50 or more units and RV storage, a significant increase in density from the handful of homes that would be permitted under the current zoning. This dramatic increase in residential units and potential for commercial activity is not a logical fit for our community's needs. We moved here for peace, not to live next to a high-density development. While the developer and others suggested in previous meeting these no new homes could raise property values, I would argue that this is a misconception of why our community exists. People don't purchase these properties to flip to the highest bidder. These are considered forever homes, places where families intend to settle down and pass on to the next generation. This neighborhood isn't built on speculation. It's built on the foundation of long-term stability and quality of life. The proposed changes threaten to erode the foundation, not enhance it. The developer is in an engineering firm, and while they may be experts in engineering physical structures, their proposed demonstration, a critical failure to engineer trust and tranquility with the surrounding homeowners. A project that lacks the support of the community will directly impact a project that is not well engineered for success. I ask you as a fellow board member on another board and public servants to listen to the constituents who live here. The people of Brevard County already have concerned that all undeveloped land will become high-density apartment complexes or storage units. This proposal, which includes both, validates those fears. Your vote to deny these requests would demonstrate your commitment to listening to the people you serve and to protecting the unique character of our community. Tonight, I want to challenge you. I challenge you to be bold and ask the hard questions of the developers. I ask you to look at this proposal and

think deeply about whether it truly serves the long-term interests of our community. If for any reason you find yourselves not asking questions, I ask that you reflect on why you chose to serve on this board. You chose to serve your community. And in this moment, your community needs you to act as if this project were happening on your own doorstep. It is discouraging to see a consistent pattern where board members are slow to ask bold and curious questions and instead often simply congratulate applicants for meeting with neighbors. While neighbor meetings are a start, they do not replace the rigorous, critical review that the proposal demands. Please do not mistake the smaller number of people attending these meetings for a lack of community opposition. For many young working families like mine, it is constant struggle to balance work, family, and time and resources needed to continuously engage in these public forums. Our inability to attend every meeting does not mean that we agree with this proposal.

James Sudermann stated he is directly south of this proposed PUD. This plan has been in place for several years and when the current landowner of this development bought it, this binding development plan was in place. He knew what he was buying. The developer and their engineer are back before you with a new revision which does address several of our concerns that we had and expressed at the meetings. But it continues to ignore our prime underlying concern which is too much density. The developer continues to ask for the Florida land use plan to be changed to RES 4, 4 units per acre for the entire 10.86 acres of residential area in his proposed PUD. So even though the 10.8 8 acres times four units per acre results in a potential of 44 units on this land, his PUD calls out for only 23 units. And 23 units happens to be more than three times the number of units he is currently allowed to build under his BDP. Changing to a greater allowed density will necessarily exacerbate our ongoing flooding problems which is illustrated here in this uh little picture. This land that you see the green part is the green part on your map that was just handed out to you. That is the Indian River Drive directly east of his wetlands boundary. So, you can see that it's not just like a little bit of flooding between the Indian River itself rising and the water coming off the hills. Even with the fact that most of that land is permeable right now, it still runs off and it meets right there at the river. And this flooding goes on all up and down the road. His PUD shows a drainage plan that collects all this runoff and directs it eastward.

Diane Burroughs wanted to correct Mr. Hopengarten on the statement earlier that you stated about being Roundtree being a flooding area. We've been there since 2017 and that has not flooded the entrance. We are just thankful that the developer did take the entrance off the Parkchester area. But I would like to speak also to the concerns raised for the flooding. It is significant flooding on Indian River with that artesian well that's there. My concern is that not enough is being done to make sure that we're not going to have unnecessary runoff. And by increasing the amount of housing per acre by ignoring the binding development agreement that is currently in place, it is going to put that area at more risk for flooding. So, I just wanted to state my opposition to that. While we are thankful for the concessions that the developer has made, not enough is being done and that the binding development plan needs to stay in place.

End Public Comment

Mr. Wadsworth clarified we voted on this. We pretty much approved it. Advised you to go back to the public. You went back to the public. 100 people or so in the meeting. You made all these changes. Even though you were approved. And now got it down to what, six or seven or whatever. Thank you.

Mr. Moia stated there was one point he wanted to make. There was some talk about this being high density. That's just not true. This is less than two units per acre. The lots to the north of us are .2 acres, and they have no open space, no retention pond. So, they're more like four, maybe five units to the acre. And there's some that are .3 that might be three plus units per acre. So, we're lower than the surrounding. We even, for the existing homes to our north, we kept those lot sizes the same size as their lots. So, when we butt up to them, we're not putting small lots up against big lots. For putting the same size lots up against the same size lots. So lower density. I think you can see from the pictures that road floods because the Indian River topped the bank and went into the road. I think that was clear. And then for the engineers in the room vacant property still provides pollutants to the river. It's a direct discharge. So, those numbers are quantitative. We look at that and we're tasked that we can't exceed that even though we pave and put asphalt down and put in buildings. Our post development rate must be less than what was existing. And this is going to be subject to the brand-new DEP rule that's going to come into effect December 31st. So, these ponds will be like no ponds you've ever seen before. These will be the best storm water ponds in the county. We don't have any like them. They're changing the rules. So, the water leaving the site will be cleaner than any other water. If you look at the map, there's maybe a handful of storm water ponds between State Road 528 and Titusville on the east side of US-1. So, we'll be one of the only properties that's handling and treating our own storm water to help with what we're trying to do with the Indian River Lagoon. So, I think we have demonstrated that this is going to be a benefit. Unless you had any other questions, I would hope that you would approve our project.

Ms. Saunders stated there was a comment about an artesian well. Can you speak on that? If there is one, is it being capped?

Mr. Moia responded if there is one, it'll be capped to St. John's standards. We'll have to abandon it properly.

Ms. Saunders went on and then I think there was a question about the stormwater function and the operation and maintenance of that. Do you want to maybe talk about the requirements to put in. I know things that I work on, we are now required to put in an operation and maintenance plan that's reviewed by permitting agency. We must put a budget together, so the HOA knows what it's going to cost. I assume you're going to be subject to those same rules. Do you want to talk about that just for a second?

Mr. Moia responded now currently there's been changes in the rule that took effect a little while ago and it's going to get even more restrictive in the near future that the homeowners association will have will be the maintenance entity of the storm water system. So, they'll have to maintain it. We must submit what that entails. What does that mean maintain a storm water pond? Well, you know nowadays it means wait for it to stop working and then you do something about it. Well, not anymore. We must tell them what they must do, how often they have to do it, and how much it's going to cost them so they can budget their homeowners fees to make sure they address it. So, that's required now. You're going to see that they're going to be mandated to maintain the system like we've never had to do before, and they'll know exactly what that entails and how much that's going to cost them.

Mr. Atkins inquired if there was an attempt to come up with a design that exists within the existing BDP or was this something that kind of just did not take any of that into consideration?

Mr. Moia responded for one thing, the BDP only is for a portion of the property. It doesn't extend to the entire property. If you use the BDP and the existing zoning that's on the property and land use, you could get about 22 units and we're proposing 23. And then the commercial of course is on the corridor which is US-1, which is all commercial now so that's compatible. What's weird is that the higher density land use is in the wetland and the lower density is in the upland so basically what we're doing is we're just because we can't put higher density, and we don't want to build in the wetland of course, but we can't shift that density uphill. We have to do the land use change to cover the entire property in order to move those units to the uplands.

Mr. Atkins asked if the BDP that's on it now allows for more density, but it's in the wetlands, there's very low likelihood that anything would have ever been built there anyway. So, it probably would not have more density overall, right?

Mr. Moia responded if you chose not to mitigate for the wetlands. Offsite mitigation. I mean, you could.

Mr. Brothers inquired if this was the property that used to be a nursery.

Mr. Moia responded there's a nursery to the north.

Mr. Wadsworth commented I'm going to say I believe you went above and beyond, Miss Kim, yourself also to try to resolve and handle all these issues the surrounding neighborhoods had.

Ms. Gilliam commented for consideration before you make your recommendation. We do have at the end of the staff report that part of what they're proposing for recreation is a dry retention bond. So, your recommendation would include whether that is to be approved. That needs to be waived by the board. And the other thing is again what you would be approving today. The PDP that's in your packet may be different from the PDP I received in email right at the start of the meeting. So, staff has not had time to review that. If you want to make a recommendation today, it will need to have a clause in there that after staff has reviewed the resubmitted PDP that it would be approved based upon staff approvals of that resubmitted PDP.

Unintelligible comment from the audience.

Mr. Esseeesse responded yes, ma'am. It's public record at this point. It's been entered into the record. I'm sure it'll be part of the packet that gets brought before the board of county commissioners.

Mr. Moia responded I did go over those points that we did change, and that's all we changed is what I stated earlier. It was like four things and most of them were stuff that came from the public meeting that we're agreeing to.

Ms. Saunders commented for the dry retention, it looks like on the plan that you've got a raised walkway or something going across down. There's a dry retention area, but that's part of the open space.

Mr. Moia responded it's an observation deck on there as well.

Ms. Saunders inquired if that's part of the open space.

Mr. Moia responded yes, and then we're also going to propose to reconstruct the dock, and that will also be part of our open space.

Ms. Gilliam added there also appears to be a new dock connected to that dock going across the wetlands leading to maybe a crosswalk to the pond to the dock on the river. So briefly scanning it over, that's a change that I see so far on there. And again, if you read in the staff report, section 621102 states that to use that as open space, it needs to be with water, and this is proposed to be dry, and it's supposed to have a perpetual level of water quality acceptable for recreational purposes. There is no active proposed on the PDP and they are required to provide active and passive. Right now, the only thing that's identified on the PDP is passive. So, we need where's your active?

Ms. Saunders inquired do you guys have a response for that since you just did that submittal?

Mr. Moia responded if it'll meet the requirement, we'll add a top lot to the plan. Will that meet it for active? Okay, we'll add that to the submittal.

Ms. Saunders went on with I would make a motion that we approve subject to applicant working with staff on this recent submittal to confirm the open space, active and passive recreational open space that that gets sorted out.

Motion to recommend approval of item H.5. by Ana Saunders, seconded by Robert Brothers. Motion passed 10:3.

Motion to recommend approval of Item H.6. by Ana Saunders subject to the applicant working with staff to refine and satisfy both the active and passive recreational open space requirement, seconded by Debbie Thomas. Motion passed 10:3.

Ms. Gilliam stated in your last motion; you're missing some items. Removal of the BDP and it would be approved once staff approves the PDP. So, it would be three conditions. Working with Staff for open space, approval of the resubmitted PDP by staff, and removal of the BDP.

Ms. Saunders replied, "so amended."

Meeting adjourned at 4:18 p.m.

From: James Sudermann
To: james.sudermann@cityoflandfill.com
Subject: Re: P&Z Speech on City Point Landfill PUD 2025-08-19
Date: Tuesday, August 19, 2025 10:12:06 AM

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

These were the two pictures I put up on the screen. I meant to leave my copies with you, but by the time we left I had forgotten. I apologize.

Can you tell me when the meeting minutes will be posted for yesterday's meeting? Will there be a video posted?

Thank You,
James Sudermann



On Aug 18, 2025, a



4:48 PM, AdministrativeServices <administrativeservices@brevardfl.gov> wrote:

Good afternoon, Mr. Sudermann,

Please send us the pictures you presented at today's P&Z meeting, we need a copy for the record. If there are any other items you would like for us to add, please send those as well.

Thank you,

Jordan Sagosz
Operations Support Specialist
Direct: 321-350-8282
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way
Building A 114
Viera, FL 32940

From: James Sudermann <jsudermab@bellsouth.net>
Sent: Monday, August 18, 2025 2:40 PM
To: AdministrativeServices <administrativeservices@brevardfl.gov>
Subject: Fwd: P&Z Speech on City Point Landfall PUD 2025-08-19

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

Text of speech concerning 23Z00038 & 24SS00009
Sent from my iPhone

Begin forwarded message:

From: James Sudermann <jsudermab@bellsouth.net>
Date: August 18, 2025 at 13:04:34 EDT
To: James Sudermann <jsudermab@bellsouth.net>, Beverly Sudermann <jsudermab@bellsouth.net>
Subject: P&Z Speech on City Point Landfall PUD 2025-08-19

My name is James Sudermann and today I am here representing myself, my wife Beverly Sudermann and several of our neighbors who are worried about this developer's request to change the Florida Land Use map and zoning from its current FLU configuration which includes an overriding Binding Development Plan.

The developer, City Point Landfall, and their planner, MBV engineering, are back before you with a new revision that does address several of our concerns but continues to ignore our prime underlying concern - too much density. The developer continues to ask for the FLU to be changed to RES4 (4 units per acre) for the entire 10.86 acres of residential area in his proposed Planned Unit Development. Even though 10.86 acres times 4 units per acre results in a potential 44 units and his PUD calls out for "only" 23 units, 23 units is still more than three times the number of units he is currently allowed to build under the existing Binding Development Plan.

Changing to a greater allowed density will necessarily exacerbate our ongoing flooding problems both on Indian River Drive and all of the adjacent low lying areas.

Increasing the housing density will, by his own PUD design, greatly increase the amount of surface area that is covered by asphalt, concrete, building roofs etc. This land currently is forested with trees and scrub and open permeable land that soaks up rainfall directly. The PUD shows a drainage plan that collects all of this runoff and directs it eastward towards first a holding pond which sits right on top of a coquina ridge, then onto the low lying wetlands and the properties belonging to our neighbors on Indian River Drive, then onto Indian River Drive itself. This coquina ridge connects to several local natural springs which further distribute the water onto low lying areas along the roadway. Indian River Drive to the east of the developers property already floods quite often. The proposed PUD will make this flooding even worse than it is now and will increase the frequency of these floods.

Here is a 30 second clip showing the extent of the flooding a couple days after a major rain last October. I have more clips and several pictures that we have collected over the years.

From: [Prasad, Billy](#)
To: [AdministrativeServices](#)
Subject: FW: City Pointe Landfall: 24S.11 &24PUD003: Continuance Request
Date: Wednesday, August 20, 2025 2:50:03 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

FYI

From: Kim Rezanka <krezanka@LLR.Law>
Sent: Wednesday, August 20, 2025 2:08 PM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Cc: Prasad, Billy <Billy.Prasad@brevardfl.gov>; Gilliam, Trina <Trina.Gilliam@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>; Bruce A. Moia (brucem@mbveng.com) <brucem@mbveng.com>; Wanda Kessler <>wandak@mbveng.com>
Subject: City Pointe Landfall: 24S.11 &24PUD003: Continuance Request

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

Tad,

City Point Landfall's applications are currently set for BOCC on Sept. 4th, but the engineer of record and myself are out of town that day.

We respectfully request this be continued to the October 2nd County Commission meeting.

Please let me know if this request can be granted without appearance at County Commission.

Thank you.

Sincerely,
Kim Rezanka

Kimberly Bonder Rezanka
Partner
[321-608-0892](tel:321-608-0892)



KRezanka@LLR.Law

6013 Farcenda Place, Suite 101

Melbourne, FL 32940

LLR.Law



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Board Meeting Date

9-4-25

Item Number: H.C. cont'd 10-2-25

Motion By: KD

Second By: KA

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2		
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	