



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

10/2/2025

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)

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.

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 applicant requested that the Board continue the item from its September Zoning Meeting to the October 2, 2025 Zoning Meeting, and the Board did so.

The small-scale Future Land Use amendment and rezoning process is not the proper forum for detailed site plan review. Any site design materials submitted in connection with the application(s) shall be deemed conceptual in nature only. Comments by the Board concerning such conceptual designs shall not confer any vested development rights, nor shall they be construed as granting variances, waivers, or exemptions from applicable Federal, State, or County laws and regulations. The attached conceptual plan is expressly non-binding and has not undergone review for compliance with applicable codes or ordinances.

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.

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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(321)633-2070 Phone / (321)633-2074 Fax
<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.

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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

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

- 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.

Previous approvals:

PRELIMINARY DEVELOPMENT PLAN

City Point PUD

Prepared for:

City Point Landfall LLC
18 Bougainvillea Drive
Cocoa Beach, FL 32931

Prepared by:

MBV Engineering, Inc.
1250 W. Eau Gallie Blvd., Suite H
Melbourne, FL 32935

MBV # 23-1071
August 5, 2025

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I. INTRODUCTION

LOCATION:

The City Point PUD (12.88 ± acres) is located between US Highway 1 and N. Indian River Drive, approximately one-half of a mile north of State Road 528. The project is located within unincorporated Brevard County in:

SECTION	TOWNSHIP	RANGE
08	24 South	36 East

LEGAL DESCRIPTION:

PARCEL 1

THE NORTH 82 1/2 FEET OF THE SOUTH 1234 FEET OF UNITED STATES GOVERNMENT LOT 3, SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL TO WIT; COMMENCE AT A POINT ON THE WEST LINE OF SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, WHICH SAID POINT IS 363 YARDS NORTH OF THE SW CORNER OF SAID SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, AND GO THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 440 YARDS TO A POINT WHICH SAID POINT IS THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, GO NORTH PARALLEL WITH THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 27 1/2 YARDS TO A POINT; WHICH SAID POINT IS THE NW CORNER OF THE LANDS HEREIN DESCRIBED; THENCE GO EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION 8, TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE SOUTHERLY ALONG THE WATERS OF THE INDIAN RIVER TO A POINT OPPOSITE THE POINT OF BEGINNING; THENCE GO WEST, PARALLEL TO THE SOUTH LINE OF SAID SECTION 8, TO THE POINT OF BEGINNING LESS AND EXCEPT ROAD RIGHT OF WAY AND LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL; 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 THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE RUN NORTH 00°43'16" EAST, ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 1255.69 FEET; THENCE RUN SOUTH 89°30'56" EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 1320.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°50'56" EAST, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 350.00 FEET; THENCE RUN SOUTH 25°16'02" EAST, A DISTANCE OF 155.00 FEET; THENCE RUN SOUTH 89°50'56" EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 360.04 FEET TO A POINT AT THE WATERS EDGE OF THE INDIAN RIVER; THENCE RUN SOUTH 25°16'02" EAST, ALONG WATERS EDGE OF THE INDIAN RIVER, A DISTANCE OF 27.68 FEET; THENCE RUN NORTH 89°50'56" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 790.09 FEET) THENCE RUN NORTH 00°43'16" EAST, PARALLEL WITH THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE RIGHT OF WAY OF INDIAN RIVER DRIVE.

PARCEL 2

TAX PARCEL #515 DESCRIPTION PER DEED BOOK 372, PAGE 451: FIRST PARCEL: A TRACT OF LAND HERETOFORE CALLED CRESSON GROVE DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SECTION EIGHT (8), IN TOWNSHIP TWENTY-FOUR (24) SOUTH, RANGE THIRTY-SIX (36) EAST, IN BREVARD COUNTY, FLORIDA, RUN NORTH ON THE WEST LINE OF SAID SECTION, A DISTANCE OF ONE THOUSAND TWO HUNDRED FIFTY FOUR AND FIVE TENTHS (1254.5) FEET TO AN IRON PIPE WHICH IS THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; AND FROM SAID POINT OF BEGINNING, RUN EAST, ONE THOUSAND SIX HUNDRED THREE (1603) FEET TO THE WEST LINE OF THE LAND OF EDWARD S. GIFFORD AND W.M. BARCLIFF; AND THENCE RUN THE WEST LINE OF THE LANDS OF THE SAID GIFFORD AND BARCLIFF, NORTH, A DISTANCE OF THREE HUNDRED (300) FEET TO THE NORTHWEST CORNER OF THE LAND CONVEYED TO EDWARD S. GIFFORD BY ROBERT M. AND ELIZABETH C. MACDONALD; THENCE RUN EAST ON THE NORTH

LINE OF SAID GIFFORD LAND, TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE RUN NORTHERLY, IN THE WATERS OF THE INDIAN RIVER, TO A POINT TWENTY (20) FEET NORTH OF THE LAST COURSE AFORESAID; AND THENCE RUN WEST, TO THE WEST LINE OF SECTION EIGHT (8); AND THENCE RUN SOUTH, ON THE WEST LINE OF SAID SECTION EIGHT (8), A DISTANCE OF THREE HUNDRED TWENTY (320) FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LANDS DESCRIBED IN DEED BOOK 380 PAGE 446, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TAX PARCEL #515 (20' TRACT)

DESCRIPTION PER DEED BOOK 380, PAGE 444: A PARCEL OF LAND LOCATED IN SECTION EIGHT (8), TOWNSHIP TWENTY-FOUR (24) SOUTH, RANGE THIRTY-SIX (36) EAST, IN BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID SECTION EIGHT (8), RUN THE WEST LINE OF THE SECTION, NORTH, ONE THOUSAND TWO HUNDRED FIFTY FOUR AND FIVE TENTHS (1254.5) FEET TO AN IRON PIPE; AND THENCE RUN EAST, ONE THOUSAND SIX HUNDRED THREE (1603) FEET TO AN IRON PIPE, WHICH IS THE BEGINNING POINT OF THE LAND HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, FOR A FIRST COURSE, RUN SOUTH EIGHTY-NINE (89) DEGREES FIFTY-THREE (53) MINUTES EAST, ON THE PROJECTED LINE LAST ABOVE DESCRIBED, A DISTANCE OF FOUR HUNDRED TWENTY-SEVEN AND EIGHT TENTHS (427.8) FEET TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE FOR A SECOND COURSE, RUN NORTHERLY, IN THE WATERS EDGE OF THE INDIAN RIVER, TO A POINT WHICH IS TWENTY (20) FEET NORTH AND SOUTH MEASUREMENT FROM THE FIRST COURSE AFORESAID; THENCE FOR A THIRD COURSE, RUN WEST AND TWENTY (20) FEET DISTANT FROM THE FIRST COURSE AFORESAID, A DISTANCE OF FOUR HUNDRED TWENTY-SEVEN (427) FEET, MORE OR LESS TO A POINT WHICH IS ONE THOUSAND SIX HUNDRED THREE (1603) FEET EAST FROM THE WEST LINE OF SECTION EIGHT (8); AND THENCE FOR A FOURTH COURSE, RUN SOUTH, ON A LINE PARALLEL TO AND ONE THOUSAND SIX HUNDRED THREE (1603) FEET EAST FROM THE WEST LINE OF SECTION EIGHT (8), A DISTANCE OF TWENTY (20) FEET TO THE POINT OF BEGINNING.

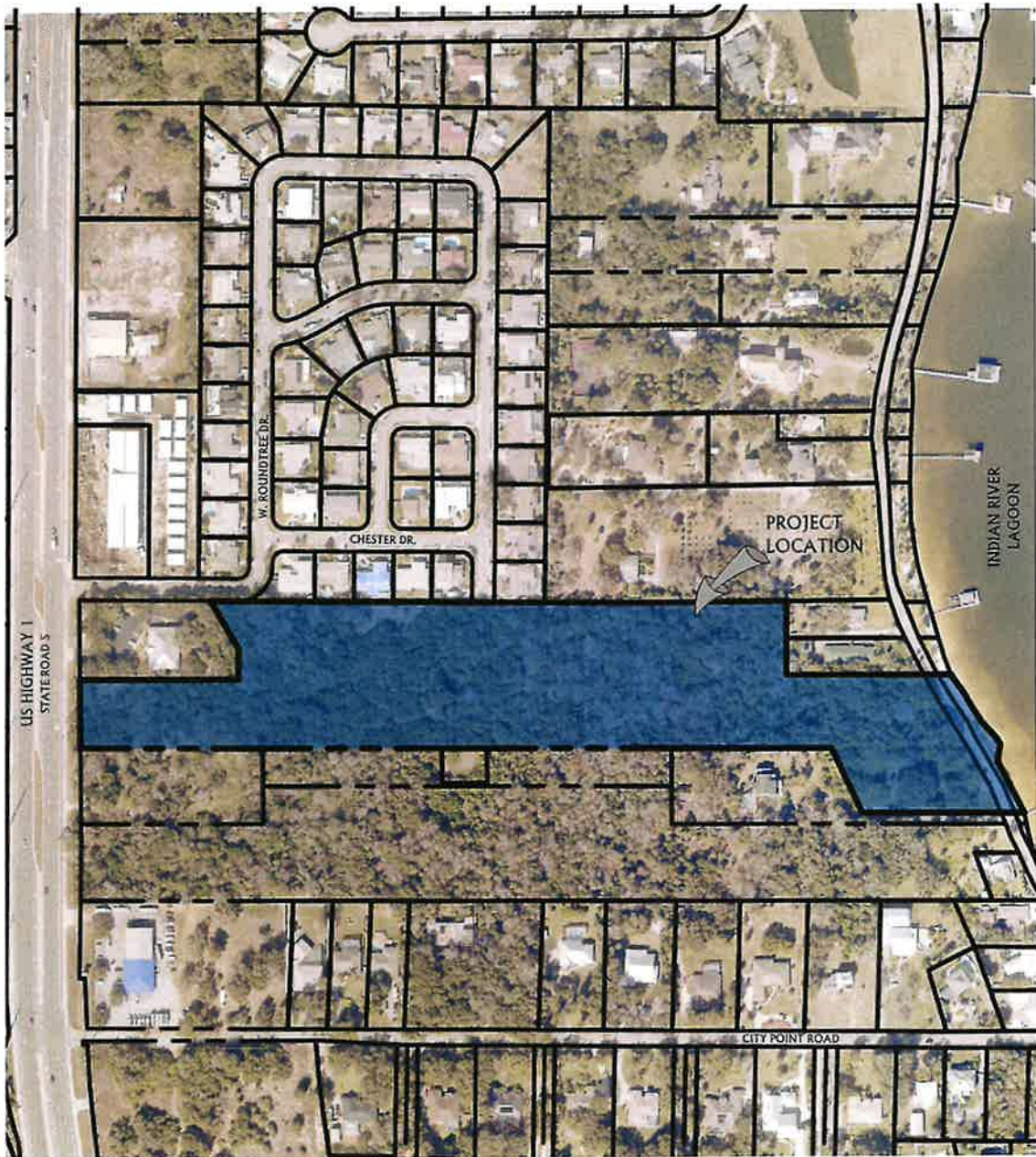
TAX PARCEL #514 DESCRIPTION PER DEED BOOK 383, PAGE 98: A PARCEL OF LAND LOCATED IN SECTION EIGHT (8), TOWNSHIP TWENTY-FOUR (24) SOUTH, RANGE THIRTY-SIX (36) EAST, IN BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID SECTION EIGHT (8), RUN THE WEST LINE OF THE SECTION, NORTH, ONE THOUSAND TWO HUNDRED SEVENTY FOUR AND FIVE TENTHS (1274.5) FEET TO AN IRON PIPE; AND THENCE RUN EAST, ONE THOUSAND SIX HUNDRED THREE (1603) FEET TO AN IRON PIPE, WHICH IS THE BEGINNING POINT OF THE LAND HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, FOR A FIRST COURSE, RUN NORTH AND PARALLEL TO THE WEST LINE OF SECTION EIGHT (8), A DISTANCE OF ONE HUNDRED SIXTY (160) FEET; THENCE FOR A SECOND COURSE, RUN SOUTH EIGHTY-NINE (89) DEGREES FIFTY-THREE (53) MINUTES EAST, TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE FOR A THIRD COURSE, RUN SOUTHERLY, IN THE WATERS EDGE OF THE INDIAN RIVER TO A POINT WHICH IS ONE HUNDRED SIXTY (160) FEET, BY PERPENDICULAR MEASUREMENT FROM THE SECOND COURSE PROJECTED; AND THENCE FOR A FOURTH COURSE, RUN NORTH EIGHTY-NINE (89) DEGREES FIFTY-THREE (53) MINUTES WEST AND PARALLEL TO THE SECOND COURSE AFORESAID, TO THE POINT OF BEGINNING. LESS AND EXCEPT FROM THE FOLLOWING;

PARCEL "A"

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 MARKING THE SOUTHWEST CORNER OF PARKCHESTER, UNIT NO. 1 RECORDED IN PLAT BOOK 18, PAGE 114 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN S 00 DEGREES 22' 33" W., ALONG THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 11.13 FEET TO A POINT ON THE NORTH LINE OF LANDS DESCRIBED IN DEED BOOK 372, PAGE 451, THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 22' 33" W., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 159.99 FEET; THENCE S 89 DEGREES 54' 45" E. U+201E PARALLEL WITH THE NORTH LINE OF SAID DEED BOOK 372, PAGE 451, A DISTANCE OF 350.00 FEET; THENCE N. 00 DEGREES 05' 15" E., PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 56.96 FEET; THENCE N. 29 DEGREES 54' 50" W., A DISTANCE OF 118.97 FEET TO A POINT ON SAID NORTH LINE OF DEED BOOK 372, PAGE 451; THENCE N. 89 DEGREES 54' 45" W., ALONG SAID NORTH LINE, A DISTANCE OF 289.71 FEET TO THE POINT OF BEGINNING.

PARCEL "B"

A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGIN AT A 4 INCH BY 4 INCH CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF PARKCHESTER, UNIT NO. 1, RECORDED IN PLAT BOOK 18, PAGE 114 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN S.00°22'33"W., ALONG THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 171.12 FEET; THENCE 5.89°54'45"E., PARALLEL WITH THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 372, PAGE 451 A DISTANCE OF 350.00 FEET THENCE N.00°05'15"E., PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 56.96 FEET; THENCE N29°54'50" W. A DISTANCE OF 129.10 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ROUNDTREE DRIVE (A 50 FOOT WIDE RIGHT OF WAY) THENCE N. 89°26'14"W. , ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 284.60 FEET TO THE POINT OF BEGINNING.



(LOCATION EXHIBIT)

PROJECT HISTORY:

Zoning:	EU (Estate Use) & RP (Residential Professional),
Land use:	Residential 1, Residential 2, Residential 4, & Neighborhood Commercial
Total land area:	12.88 ± acres Neighborhood Commercial – 1.75 ± acres Land Use Residential 1 – 6.44 ± acres Land Use Residential 2 – 0.47 ± acres Land Use Residential 4 – 4.22 ± acres
Number of units:	None
Gross density:	N/A
Road ROW:	0.00 acres
Wetlands:	2.11 ± acres

II. PROPOSED PRELIMINARY DEVELOPMENT PLAN

Zoning:	PUD
Land use:	CC (Community Commercial) –1.92 ± acres
	RES 4 – 10.96 ± acres
Total land area:	12.88 ± acres
Number of units:	(23 Single-Family)
Gross density:	1.79 units/acre
Road ROW:	1.38 ± acres
Residential use:	4.39 ± acres
Stormwater area:	2.08 ± acres
Wetland Conservation:	2.44 ± acres
Total Open Space:	5.90 ± acres
Conservation Areas:	2.44 ± acres
Common usable open space provided:	0.66 ± acres
Passive open space provided:	3.86 ± acres
Buffer/open space/conservation:	3.79 ± acres
Commercial RV Storage:	1.15 ± acres
Utilities:	0.06 ± acres

III. OPEN SPACE AND AREA CALCULATIONS

USE	AREA	RESIDENTIAL UNIT TYPE	OPEN SPACE REQUIRED	ACTIVE OPEN SPACE PROVIDED	PASSIVE OPEN SPACE PROVIDED
RES-4	10.96 ac.	SINGLE-FAMILY DETACHED	1.10 ac. (10.0%)	0.66 ac.	3.86 ac.
CC	1.92 ac.	RV STORAGE	0.00 ac.	0.00 ac.	0.00 ac.
	12.88 ac.		1.10 ac. (8.5%)	0.66 ac. (35.7%)	3.86 ac. (9.9%)

Note: Displayed percentages represent the open space area in relation to the total site area of 12.88 acres.

IV. SURFACE WATER MANAGEMENT SYSTEM

The surface water management system will consist of swales, culverts, and dry retention areas, which will overflow into existing on-site wetland systems and/or existing on- and off-site drainage systems. On an overall basis, in the developed condition, the proposed stormwater facilities will preserve the historic drainage patterns on the existing site based on the preliminary topographic survey and will allow continued flow from the project site to the onsite wetlands and into the Indian River.

Within each drainage basin, stormwater runoff will be routed to the proposed stormwater facilities, which will be sized to provide the nutrient load reduction as required by Sections 8.3 and 9.0 of the St. Johns River Water Management District Environmental Resource Permit (ERP) handbook. The stormwater facilities will overflow to the existing wetlands, generally located toward the east of the project, to preserve historic drainage patterns and proper wetland hydration. Overflow from the stormwater facilities to the wetland system will be limited to pre-development rates during the 25-year, 24-hour design storm event.

It should be noted that the exact configuration and location of the surface water management facilities shown on the master plan are conceptual. Final configuration and location will be determined at the time of final design and permitting.

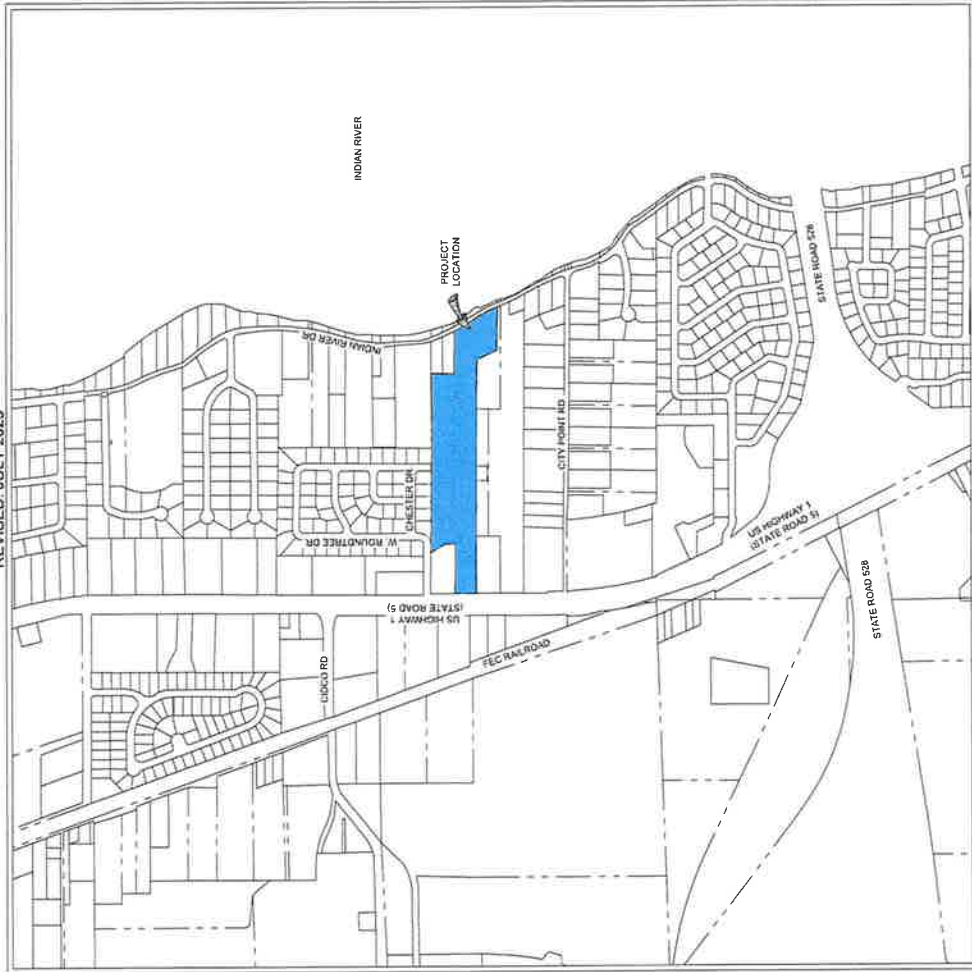
(Open Space Exhibits)

MARCH 2024

REVISÉ: AUGUST 2024

REVISÉ: MAY 2025

REVISÉ: JULY 2025

[illegible][illegible]

ROBERT M.

OWNER / APPLICANT

BRIAN MCKEE

CITY POINT LANDFALL, LLC
18 BOUGAINVILLEA DR.
COCOA BEACH, FL 32931

ENGINEER



CIVIL ■ STRUCTURAL ■ SURVEYING ■ ENVIRONMENTAL
1250 W EAU GALLIE BLVD., SUITE H

MELBOURNE, FL 32835
PH (321) 253-1510
ERO BEACH, FL - PH (772) 569-0035
FT PIERCE, FL - PH (772) 468-9055
PALM CITY, FL - PH (772) 426-9959

SURVEYOR

KANE SURVEYING, INC.

505 DISTRIBUTION DRIVE

JURNE, FLORIDA

PROJECT NARRATIVE

UNIT DEVELOPMENT IS WITHIN THE UNINCORPORATED LANDS OF HILL COUNTY IN ORDER THAT THE FOLLOWING OBJECTIVE MAY BE ATTAINED

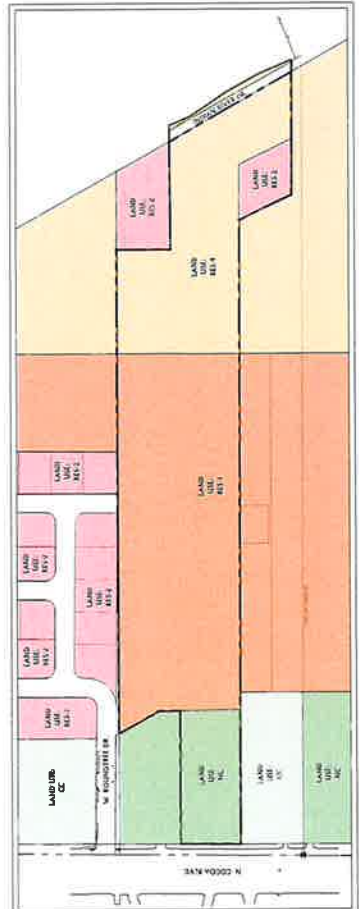
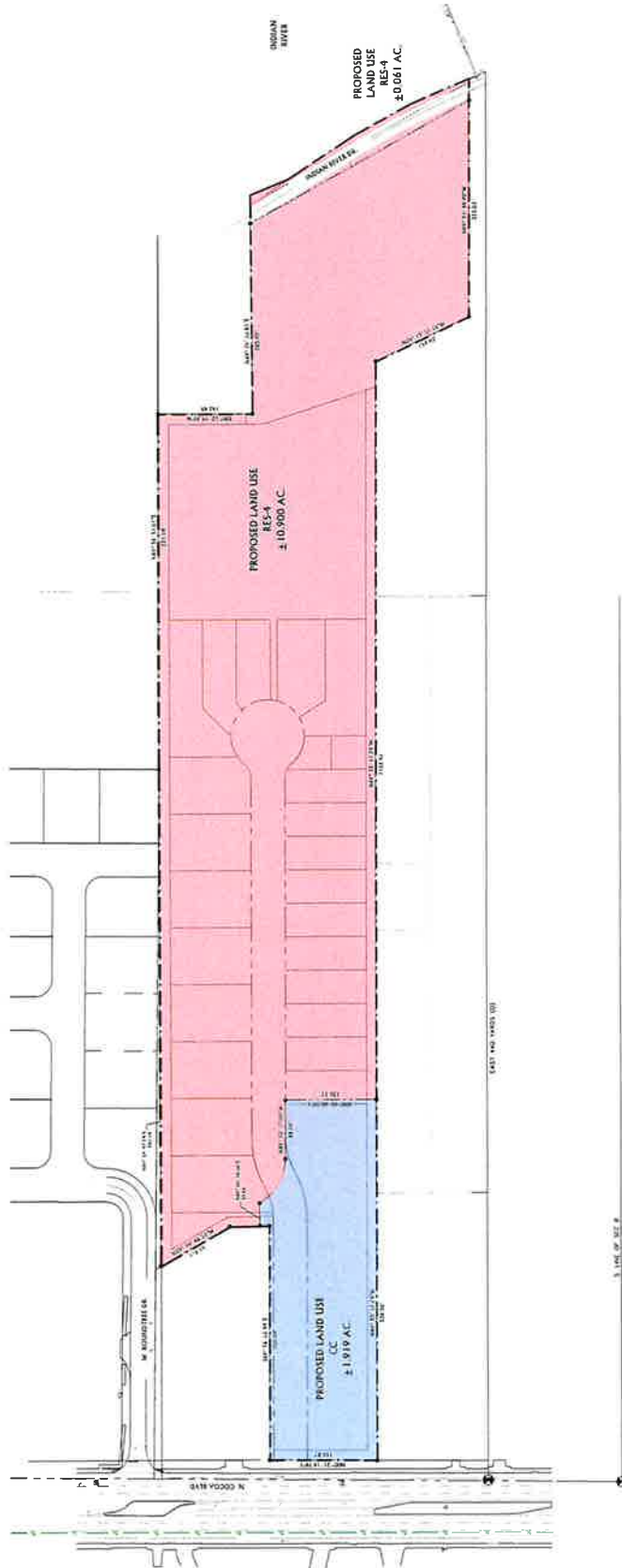
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SCALE 1" = 400'



100% Satisfaction
 100% Satisfaction



CITY POINT PUD
FUTURE LAND USE EXHIBIT

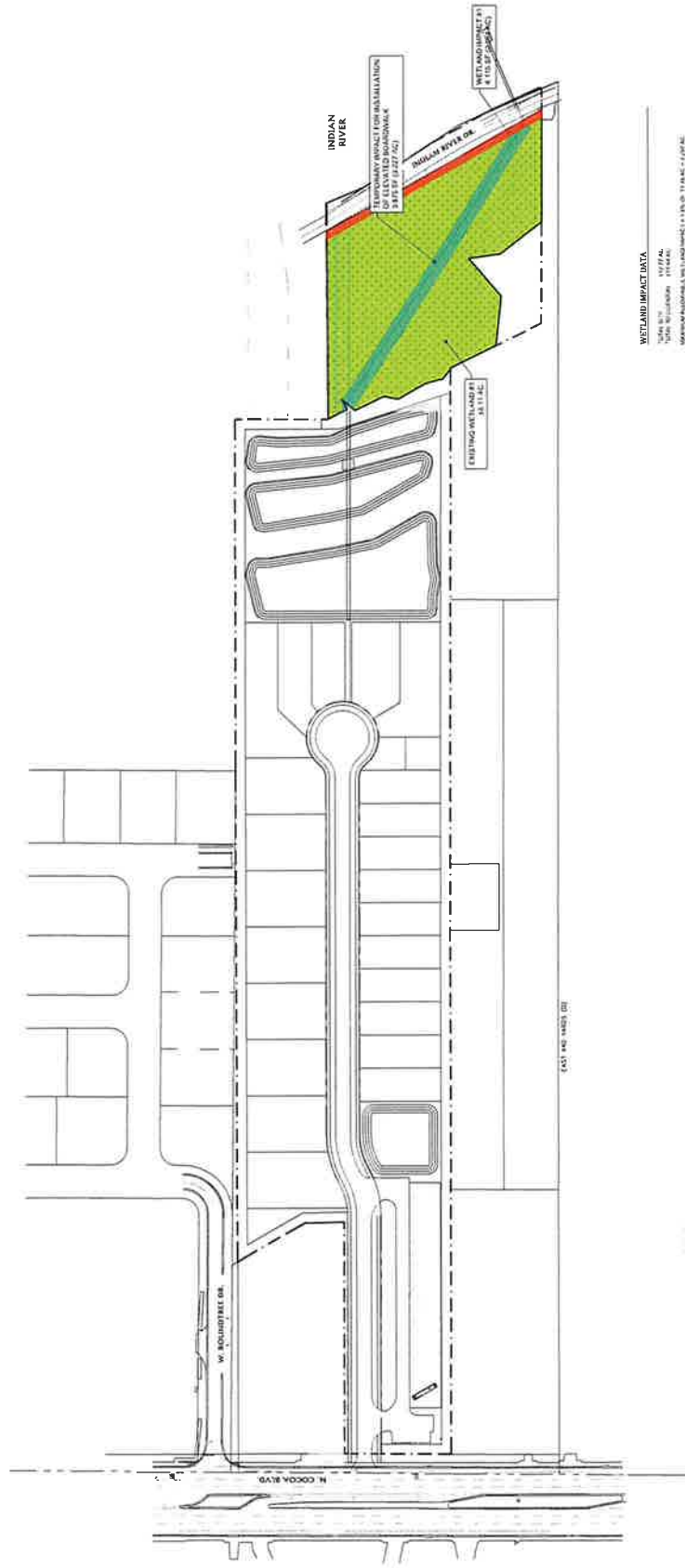


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PROJECT: CITY POINT PUD
DATE: 8/1/2018
BY: R. B. VILLANAR
TITLE: PROJECT ENGINEER



WETLAND IMPACT DATA

DATE	11/14/10
PROJECT NO.	101000000
PROJECT NAME	INDIAN RIVER DR. IMPROVEMENTS
PROJECT LOCATION	INDIAN RIVER DR. FROM 115.21 AC TO 115.21 AC
WETLAND TYPE	W1
WETLAND AREA	115.21 AC
IMPACT AREA	115.21 AC



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CITY POINT PUD WETLAND IMPACT EXHIBIT



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NOTES:
 1. THIS PLAN IS A CONCEPTUAL DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE EXISTING CONDITIONS.
 3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE ADJACENT COUNTRY CLUB OF INDIAN RIVER COUNTY AND HAS OBSERVED THE EXISTING CONDITIONS.
 4. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE ADJACENT COUNTRY CLUB OF INDIAN RIVER COUNTY AND HAS OBSERVED THE EXISTING CONDITIONS.
 5. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE ADJACENT COUNTRY CLUB OF INDIAN RIVER COUNTY AND HAS OBSERVED THE EXISTING CONDITIONS.



MBV
 ENGINEERING, INC.
 MCK BOWLES VILLANUEVA & ASSOCIATES

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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	0.66 ac.
TOTAL REQUIRED	0.35 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

RETURN: Clerk to the Board #27

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

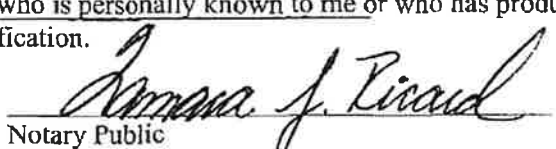

Truman Scarborough, Chairman
As approved by the Board on 10/28/08

STATE OF FLORIDA
COUNTY OF BREVARD

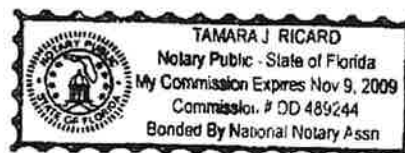
The foregoing instrument was acknowledged before me this 28 day of October, 2008 by Truman Scarborough, Chairman of the Board of County Commissioners of Brevard County, Florida who is personally known to me or who has produced _____ as identification.

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
Notary Public

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



Linda M. King
Commission # DD609692
Expires January 19, 2011
Bonded by F&F Insurance, Inc. 888-388-7819

\\stacie\G&D\9714 /Binding Plan/ 9-3-08-k.doc

167

THIS SKETCH IS NOT A "BOUNDARY SURVEY"



1 of 2

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

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. 4525, 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 748.44 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 O.R. 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. 4525, 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 Mortgaged 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

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:

[Signature]
 EINA ZAVONA
 Witness Printed Name
[Signature]
 Karen White
 Witness Printed Name

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


By: *[Signature]*
 Authorized Agent's Signature
 Printed Name: William C Koehne
 As: SVP

RETURN: 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

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.

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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.

Katherine Ennis Digitally signed by Katherine Ennis
Date: 2024.12.13 15:53:20 -05'00'

City of Cocoa

12/13/24

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@Png.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@Png, 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

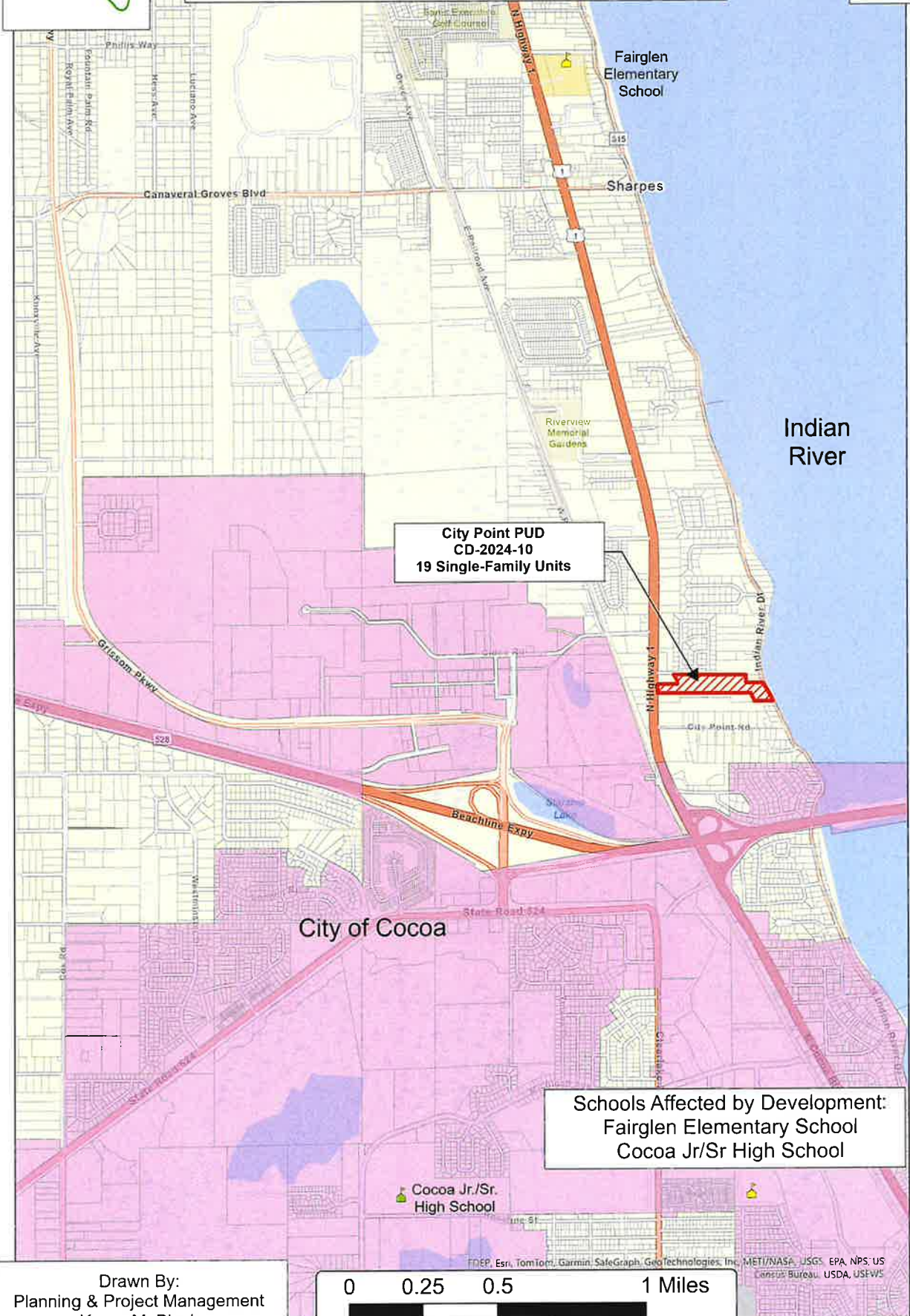
Planning & Project Management
Facilities Services

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

0 0.25 0.5 1 Miles

FDOP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US
Coastal Bureau, USDA, USFWS



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

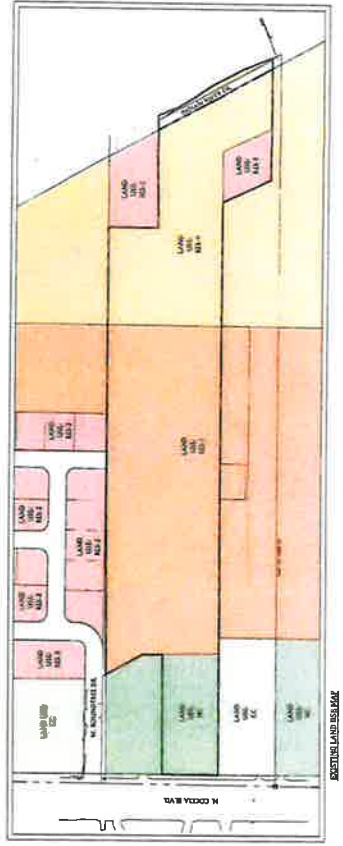
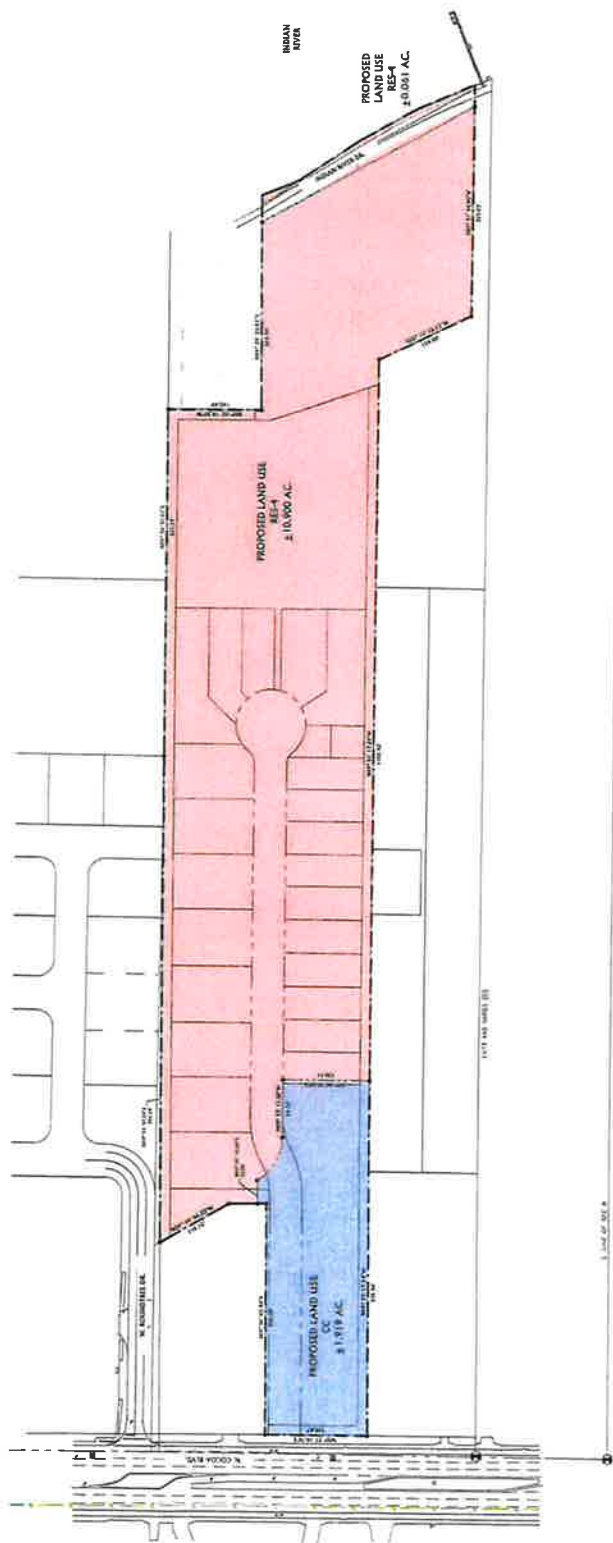
Summary		2023-24		2024-25		2025-26		2026-27		2027-28		2028-29			
Highest Utilization Elementary Schools:		101%		101%		99%		97%		98%		100%			
Highest Utilization Middle Schools:		86%		87%		86%		82%		98%		82%			
Highest Utilization Jr / Sr High Schools:		80%		80%		79%		81%		82%		82%			
Highest Utilization 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	10/13/23 Member-ship	Future FISH Capacity	Student Projection	Total Capacity	Utilization	Future FISH Capacity	Student Projection	Total Capacity	Utilization	Future FISH Capacity	Student Projection
Elementary School Concurrency Service Areas															
Allen	Elementary	PK-5	100%	751	583	751	559	751	602	751	634	751	653	773	649
Andersan	Elementary	K-6	100%	884	525	884	493	884	476	884	478	884	446	884	433
Apollo	Elementary	K-6	100%	902	843	902	616	902	633	902	642	902	637	902	641
Atlantis	Elementary	PK-6	100%	739	635	739	680	739	661	739	667	739	682	739	688
Audubon	Elementary	PK-6	100%	761	420	761	408	761	415	761	438	761	442	761	447
Cambridge	Elementary	PK-6	100%	570	295	570	291	570	284	570	282	570	286	570	285
Cape View	Elementary	PK-6	100%	751	828	751	645	751	626	751	622	751	606	751	594
Carroll	Elementary	K-6	100%	573	481	573	470	573	469	573	457	573	431	573	416
Challenger 7	Elementary	PK-6	100%	751	558	751	573	751	560	751	570	751	568	751	561
Columbia	Elementary	PK-6	100%	751	488	751	472	751	481	751	477	751	476	751	470
Coquina	Elementary	PK-6	100%	1,114	589	1,114	575	1,114	576	1,114	584	1,114	564	1,114	543
Creel	Elementary	PK-6	100%	795	484	795	481	795	518	795	551	795	565	795	589
Croton	Elementary	PK-6	100%	980	682	980	724	980	738	980	750	980	753	980	764
Discovery	Elementary	PK-6	100%	968	720	968	740	968	750	968	749	968	739	968	708
Endeavour	Elementary	PK-6	100%	729	610	729	621	729	625	729	622	729	634	729	644
Enterprise	Elementary	K-6	100%	789	517	789	492	789	511	789	540	789	531	789	534
Fairport	Elementary	PK-6	100%	711	445	711	437	711	442	711	426	711	428	711	433
Gemini	Elementary	K-6	100%	777	459	777	477	777	500	777	503	777	505	777	506
Golfview	Elementary	PK-6	100%	629	397	629	412	629	425	629	448	629	463	629	477
Harbor City	Elementary	PK-6	100%	605	435	605	436	605	433	605	436	605	420	605	425
Holland	Elementary	PK-6	100%	729	871	729	674	729	656	729	680	729	640	729	628
Imperial Estates	Elementary	K-6	100%	798	560	798	682	798	671	798	672	798	646	798	662
Indiantown	Elementary	K-6	100%	930	851	930	892	930	941	930	952	930	961	930	961
Jupiter	Elementary	PK-6	100%	892	601	892	582	892	570	892	577	892	564	892	567
Lockner	Elementary	PK-6	100%	790	607	790	596	790	581	790	570	790	548	790	554
Longleaf	Elementary	PK-6	100%	998	876	998	899	998	823	998	800	998	773	998	757
Manatee	Elementary	K-6	100%	838	648	838	644	838	642	838	627	838	611	838	601
McAuliffe	Elementary	PK-6	100%	1,114	555	1,114	793	1,114	779	1,114	773	1,114	805	1,114	843
Meadowlane Intermediate	Elementary	3-6	100%	824	797	824	621	824	660	824	630	824	618	824	613
Meadowlane Primary	Elementary	K-6	100%	707	431	707	439	707	430	707	441	707	429	707	416
Mia	Elementary	PK-6	100%	725	416	725	414	725	490	725	487	725	466	725	441
Mimis	Elementary	PK-6	100%	968	472	968	441	968	449	968	453	968	428	968	403
Oak Park	Elementary	PK-6	100%	654	529	654	513	654	494	654	477	654	459	654	437
Ocean Breeze	Elementary	PK-6	100%	983	629	983	636	983	660	983	663	983	685	983	684
Palm Bay Elem	Elementary	PK-6	100%	613	529	613	532	613	558	613	566	613	582	613	570
Pinewood	Elementary	PK-6	100%	852	605	852	613	852	654	852	677	852	703	852	713
Port Malabar	Elementary	PK-6	100%	932	712	932	719	932	715	932	704	932	701	932	689
Quest	Elementary	PK-6	100%	777	647	777	627	777	664	777	689	777	735	777	741
Riviera	Elementary	PK-6	100%	599	288	599	280	599	288	599	285	599	285	599	292
Roosevelt	Elementary	K-6	100%	785	514	785	517	785	523	785	527	785	532	785	542
Sabal	Elementary	PK-6	100%	998	599	998	614	998	634	998	638	998	632	998	644
Saturn	Elementary	PK-6	100%	461	327	461	347	461	351	461	362	461	365	461	375
Sea Park	Elementary	PK-6	100%	609	488	609	477	609	492	609	495	609	493	609	502
Sherrwood	Elementary	PK-5	100%	957	867	957	942	957	917	957	927	957	907	957	909
Summit	Elementary	PK-6	100%	755	601	755	604	755	604	755	596	755	584	755	583
Surfside	Elementary	K-6	100%	541	419	541	410	541	397	541	388	541	364	541	353
Surfside	Elementary	K-6	100%	910	619	910	611	910	565	910	565	910	547	910	516
Tropical	Elementary	K-6	100%	874	578	874	623	874	672	874	739	874	807	874	854
Turner	Elementary	PK-6	100%	811	495	811	505	811	533	811	585	811	577	811	580
University Park	Elementary	PK-6	100%	1,030	854	1,030	854	1,030	997	1,030	1,115	1,030	1,272	1,030	1,360
Viera Elem	Elementary	K-6	100%	857	764	857	715	857	715	857	715	857	715	857	715
Westside	Elementary	K-6	100%	715	443	715	427	715	390	715	390	715	371	715	359
Williams	Elementary	PK-6	100%												
Elementary Totals				42,259	30,287	42,391	30,545	42,589	31,075	42,809	31,550	43,029	31,897	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%
DeLauro	Middle	7-8	90%	960	823	86%	960	817	85%	960	842	88%	960	839	87%	960	849	89%	960	863	90%
Hoover	Middle	7-8	90%	680	442	65%	680	475	70%	680	498	73%	680	470	69%	680	479	70%	680	483	71%
Jackson	Middle	7-8	90%	680	561	83%	680	575	84%	680	523	77%	680	482	71%	680	505	74%	680	517	76%
Jefferson	Middle	7-8	90%	873	541	62%	873	521	60%	873	503	58%	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%
Madison	Middle	7-8	90%	869	667	77%	869	636	73%	869	689	79%	869	639	74%	869	642	74%	869	643	74%
Kennedy	Middle	7-8	90%	781	429	55%	781	431	55%	781	374	48%	781	336	43%	781	426	55%	781	468	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	960	75%	1,281	1,118	87%	1,281	1,176	92%	1,281	1,290	96%	1,281	1,376	100%
Stone	Middle	7-8	90%	1,076	584	54%	1,076	571	53%	1,076	640	59%	1,076	710	66%	1,076	783	73%	1,076	822	76%
Viera Middle	Middle	7-8	90%	-	-	0%	900	656	73%	900	755	84%	900	805	89%	900	830	92%	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	1,441	69%	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	987	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	1,048	72%	1,451	1,008	69%	1,451	1,024	71%	1,451	985	68%	1,451	975	67%
Bayview	High	9-12	95%	2,263	2,039	90%	2,263	2,166	96%	2,263	2,241	99%	2,263	2,316	103%	2,263	2,406	107%	2,263	2,466	100%
East Galle	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	94%	2,314	2,246	97%
Melbourne	High	9-12	95%	2,370	2,178	92%	2,370	2,148	91%	2,370	2,145	91%	2,370	2,188	93%	2,370	2,265	96%	2,370	2,395	99%
Merritt Island	High	PK, 9-12	95%	1,966	1,481	75%	1,966	1,461	74%	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	56%	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	1,675	91%	1,836	1,671	91%	1,836	1,660	90%	1,836	1,623	88%
Satellite	High	PK, 9-12	95%	1,551	1,506	97%	1,551	1,497	97%	1,551	1,483	96%	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	1,283	72%	1,801	1,322	73%	1,801	1,330	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	96%	2,461	2,364	96%	2,461	2,388	97%	2,461	2,420	98%	2,461	2,441	98%
High Totals				22,881	18,361		22,881	18,479		22,881	18,569		22,982	18,702		23,024	18,747		23,142	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%
Stevenson	Elementary	K-6	100%	569	505	89%	569	499	88%	569	489	86%	569	489	86%	569	499	86%	569	499	86%
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	506	83%	618	489	79%	618	489	79%	618	489	79%	618	489	79%
Edgewood	Jr / Sr High	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	940	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		86,570	64,038		86,570	64,758		87,235	65,361		87,567	66,067		87,876	66,857	

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 1, 2023.
- Student Membership is reported from the Fall Final Membership Count (10/13/2023).
- Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - 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
 - Nongraded 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 student projections are not accurate, 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 (3) and 5 High School relocatable classrooms are proposed for Bayside High School.
 - For school year 2027-28, a total of 12 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.
 - 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.





CITY POINT PUD
FUTURE LAND USE EXHIBIT

MBV
ENGINEERING, INC.
HON. ROWLES VILLANUEVA & ASSOCIATES

Civil • Structural • Surveying • Environmental

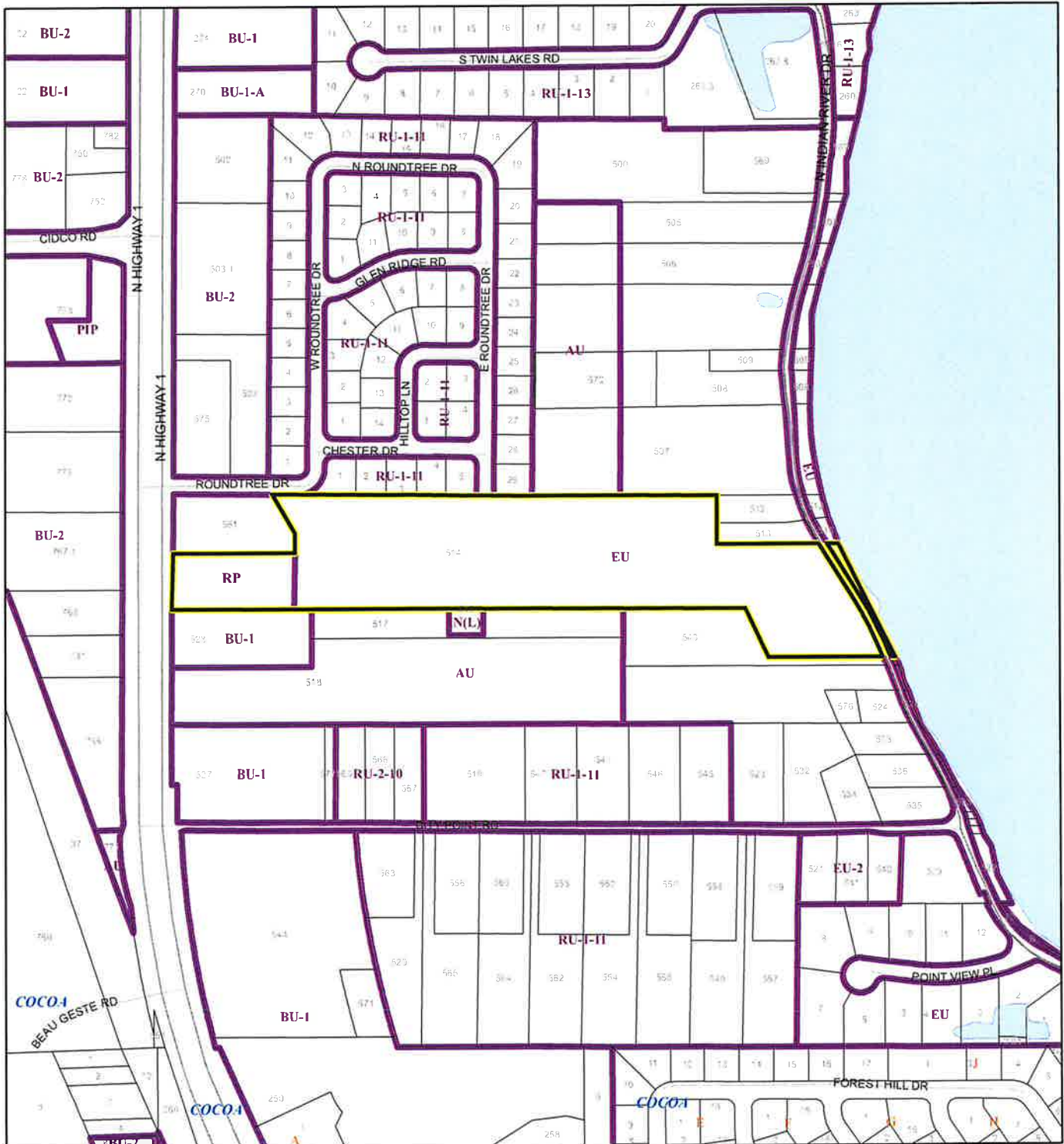
24PUD00003



ZONING 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.

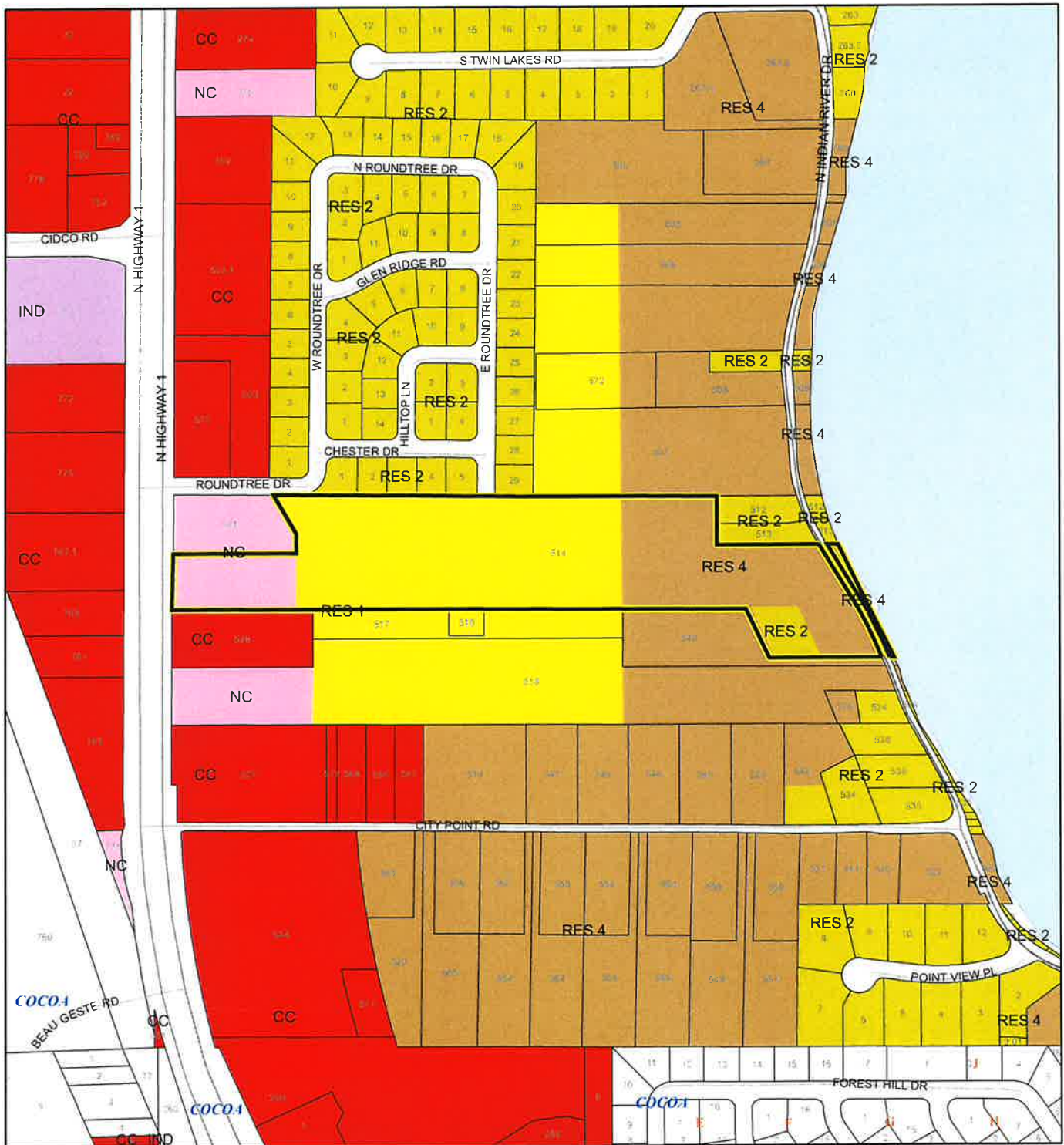
Produced by BoCC - GIS Date: 6/17/2025

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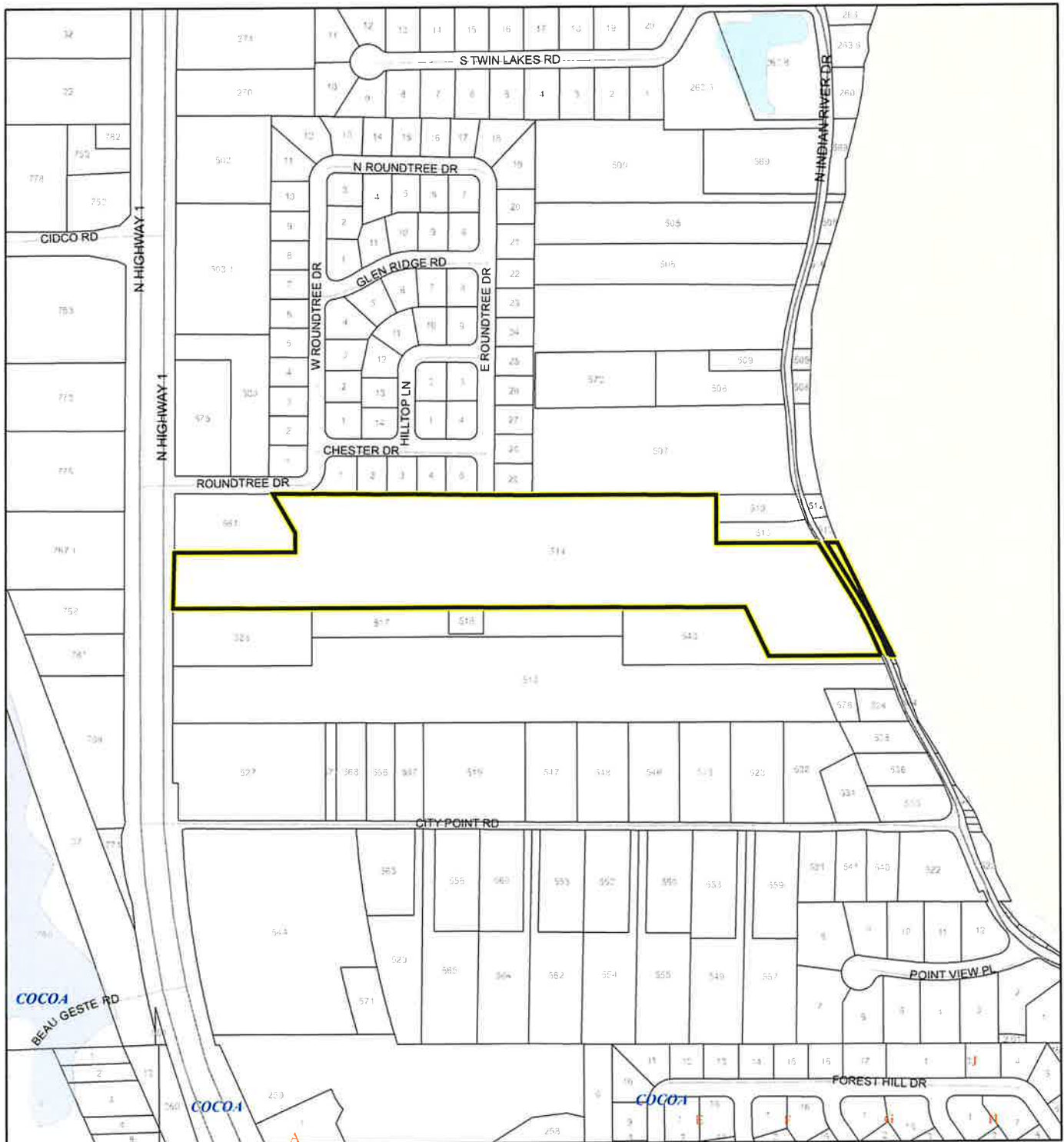
Produced by BoCC - GIS Date: 6/17/2025

 Subject Property
 Parcels

NWI WETLANDS MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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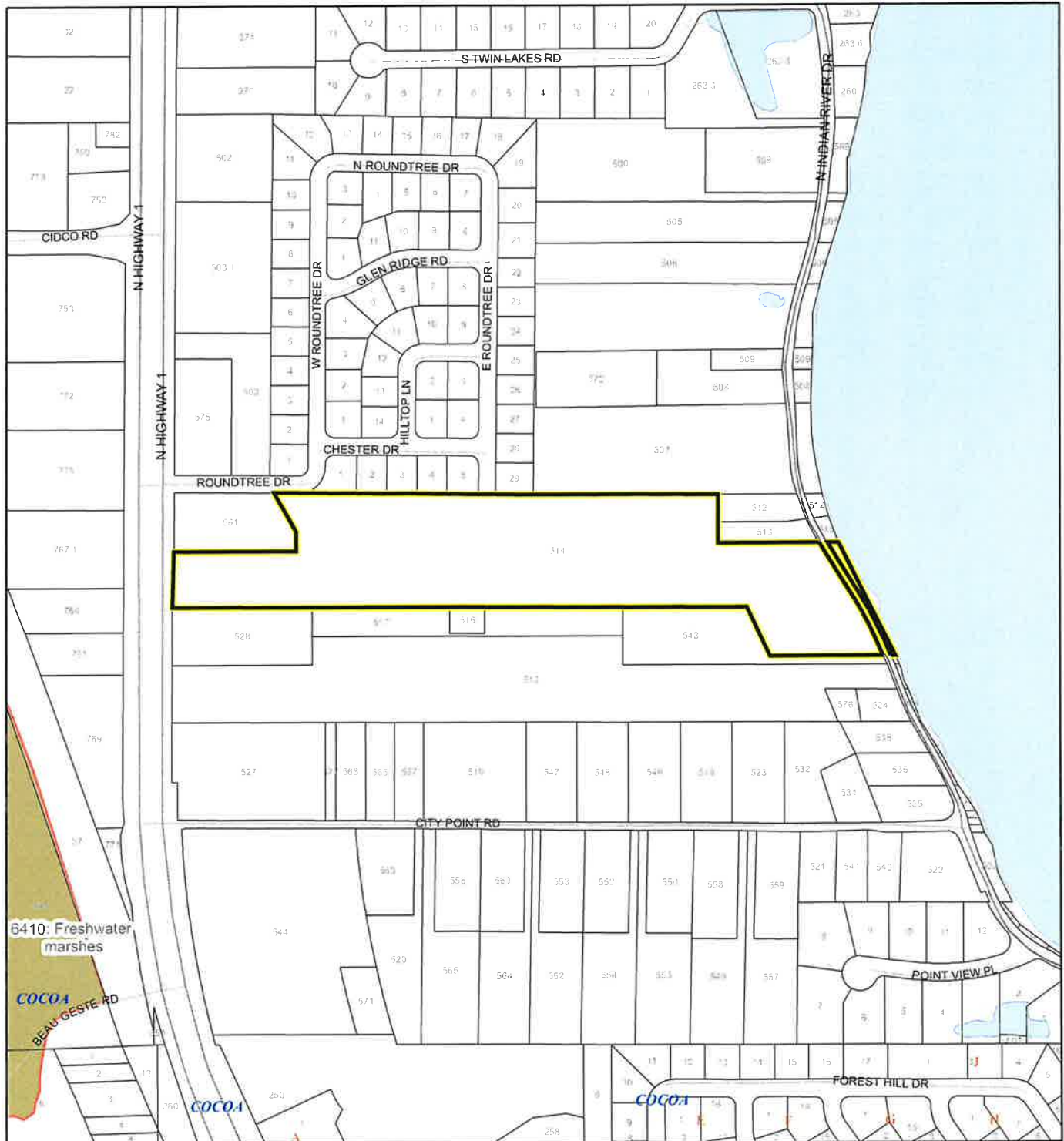
National Wetlands Inventory (NWI)

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

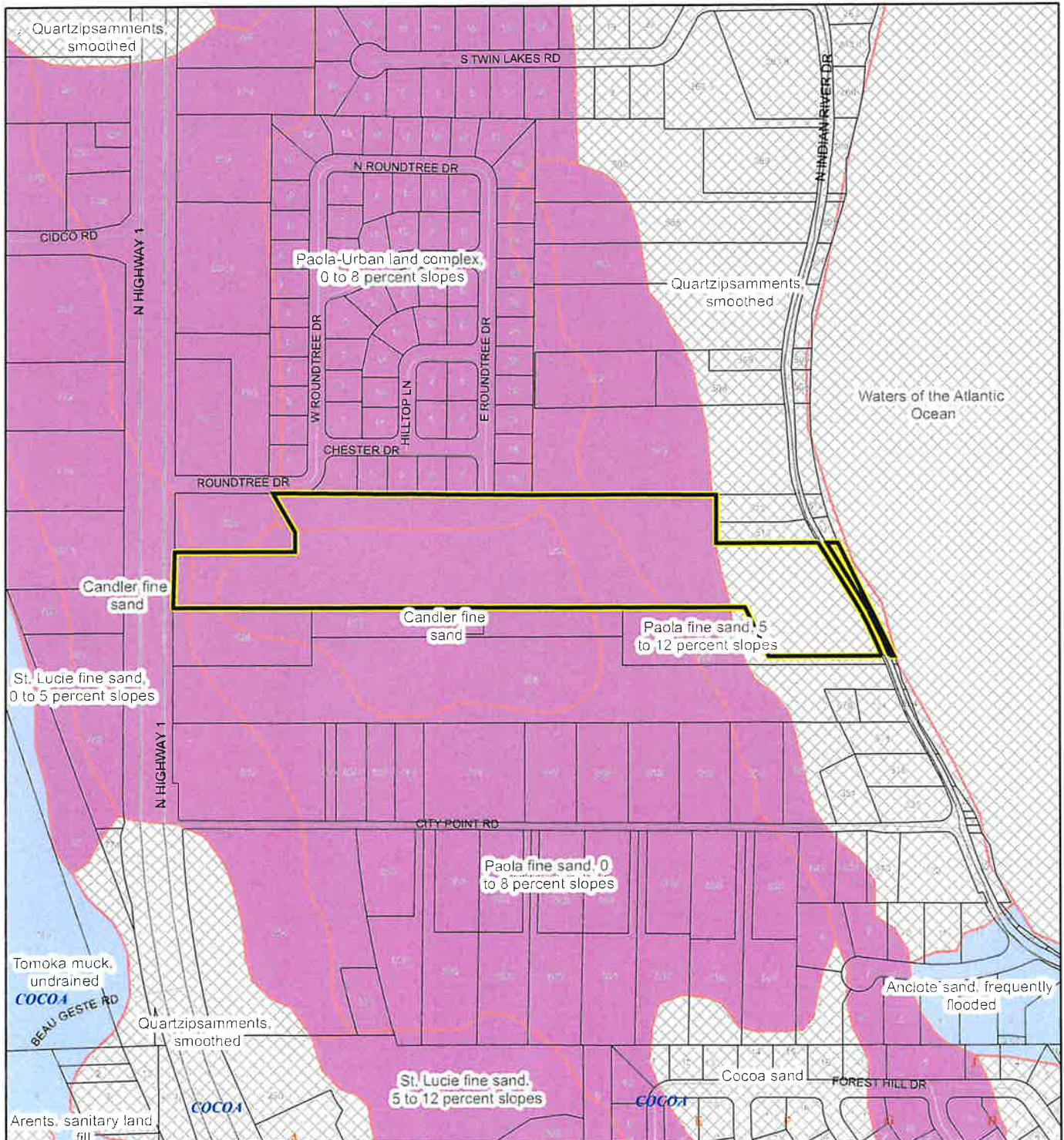
Subject Property

Parcels

USDA SCSSS SOILS MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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

USDA SCSSS Soils

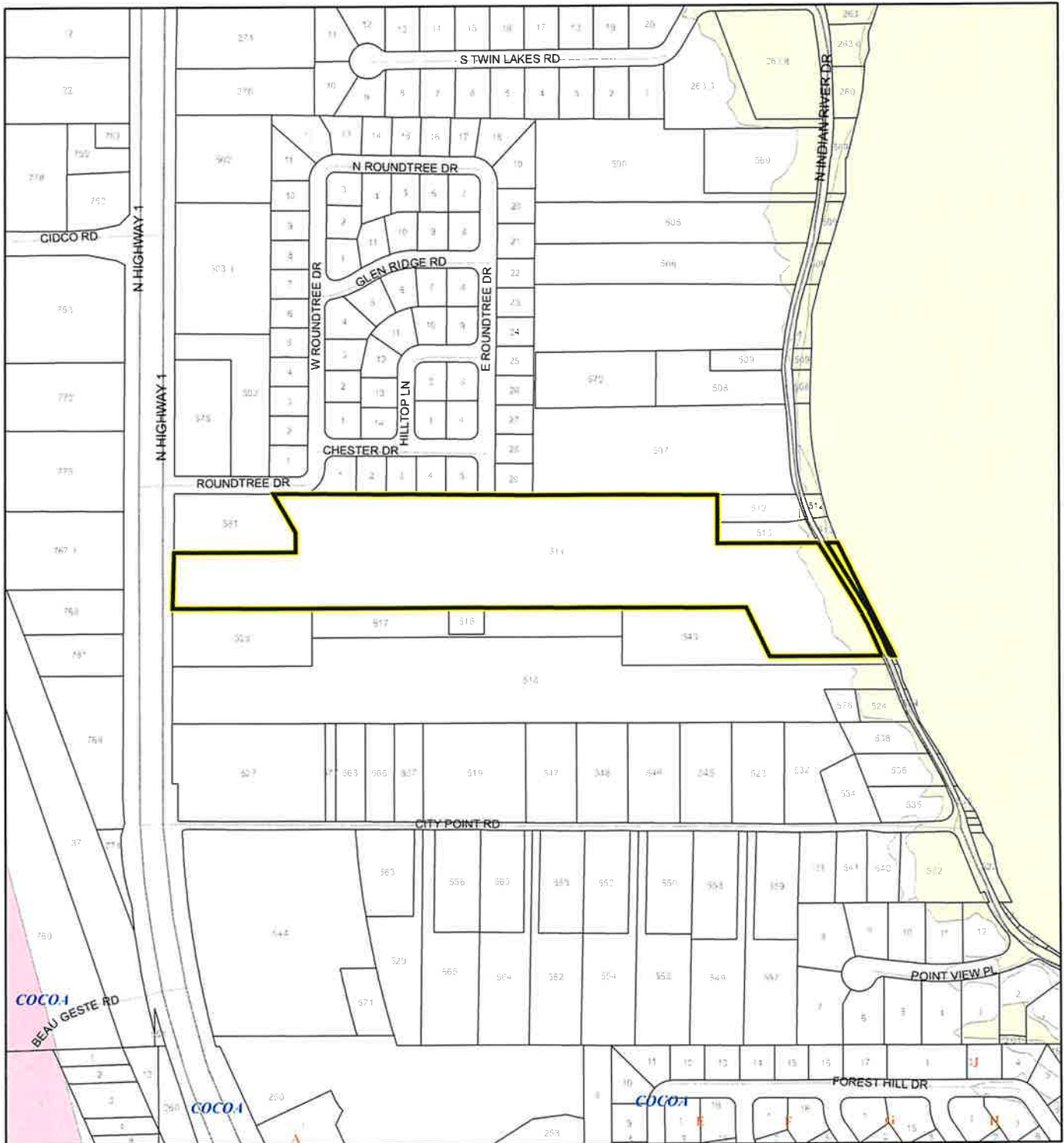
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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

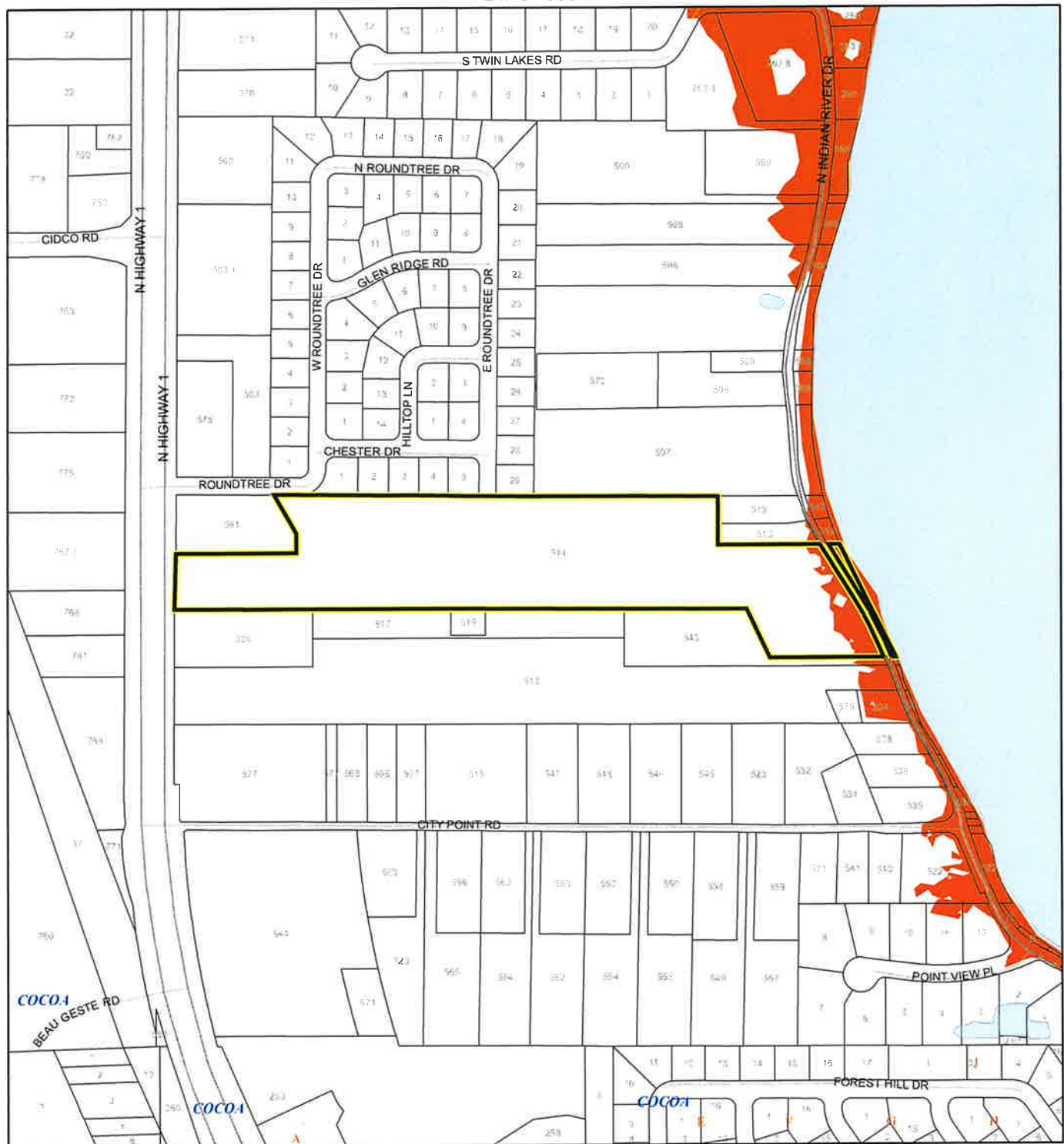
FEMA Flood Zones

- 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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— Subject Property

□ Parcels

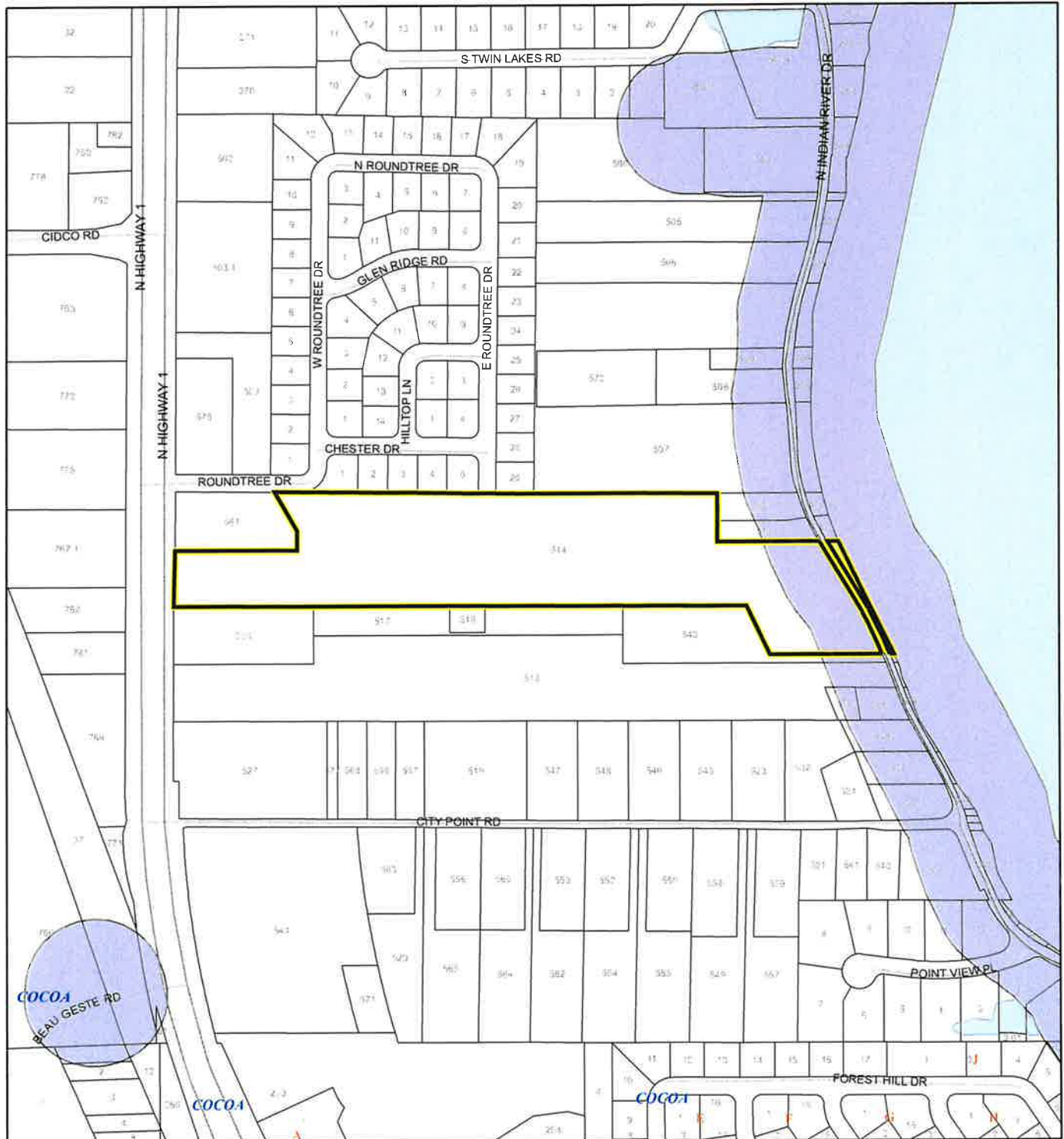
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CITY POINT LANDFALL LLC

24PUD00003



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

40 Meters

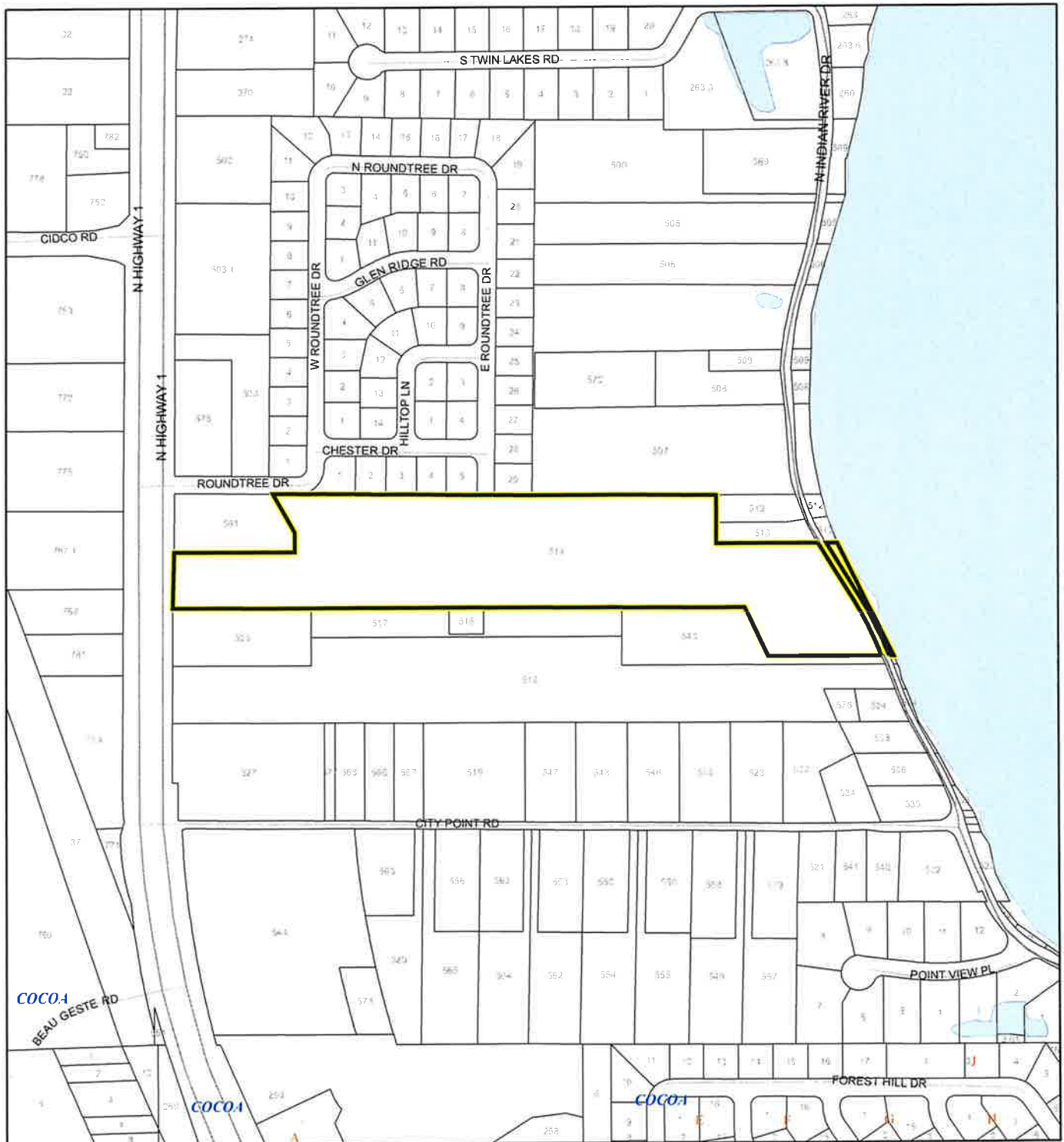
60 Meters

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

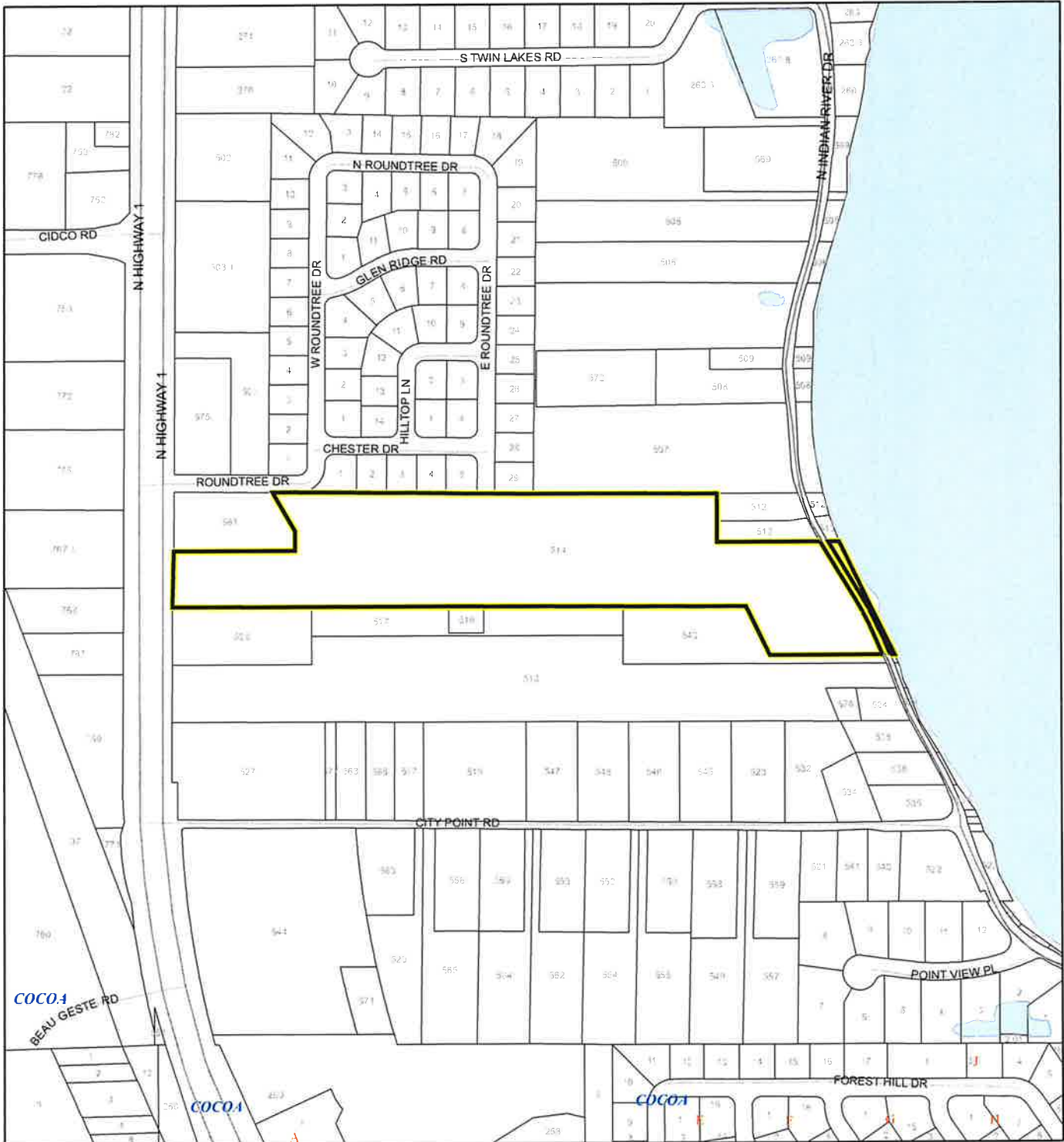
 Parcels

 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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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 Esseeesse, 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 Esseesse, 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 10.88 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: Reynolds@cityoflandfall.com
Subject: Re: #92 Speech on City Point Landfill PUD 2025-08-19
Date: Thursday, 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



1:4:48 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 <sudermaj@bellsouth.net>
Sent: Monday, August 18, 2025 at 13:04:34 EDT
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 <sudermaj@bellsouth.net>
Date: August 18, 2025 at 13:04:34 EDT
To: James Sudermann <sudermaj@bellsouth.net>, Beverly Sudermann <sudermab@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
[321-608-0802](tel:321-608-0802)



KRezanka@LLR.Law

6013 Farcenda Place, Suite 101
Melbourne, FL 32940

LLR.Law



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From: [Linda Weinberg](#)
To: [AdministrativeServices](#)
Cc: [Commissioner, D1; tom](#)
Subject: P&Z request 24-PUD00003, City Point Landfall, LLC
Date: Wednesday, February 26, 2025 8:01:10 PM
Attachments: [City Point Landfall rezone request.docx](#)

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

Attached, please find our request for denial of the above referenced rezoning application to be heard by P&Z on March 17. Would appreciate it being provided to all the P&Z members.
Also, would appreciate confirmation of receipt.

Best regards,
Linda Weinberg

February 26, 2025

Planning and Zoning Board Members
Administrativeservices@BrevardFL.gov

Re: City Point Landfall, LLC – rezoning request. 24-PUD00003

This letter is regarding your upcoming meeting scheduled March 17, 2025 wherein you will consider the rezoning of a 12.86 acre parcel. This rezoning request has been posted on the property located at 3477 N Indian River Drive, Cocoa. We live at 104 Sonya Drive, Cocoa, which is less than a mile north of this property.

Upon contacting the zoning department, we were advised the initial request included a rezoning of approximately 12 acres from an Estate Use (EU which is defined as a single-family development of a “spacious nature”) and Residential Professional designation, to a Planned Unit development for 22 single family homes or multi-family. This is a dramatic zoning change and is entirely inconsistent with the character of surrounding properties.

We draw your attention to the most salient reasons to deny the requested rezoning:

- Indian River Drive is one of only 27 Florida Scenic Drives as well as a National Scenic Byway. From Cocoa Village north to US 1, there have been no multi-family structures built along Indian River Drive. Indian River Drive is a single-family, residential, non-commercial drive. As a 4th generation resident of Brevard County, the preservation of Indian River Drive has been sacrosanct for many generations.
- The proposed development plan prepared by MBV, appears to have a cul-de-sac coming from the west side of property down towards the river with a fan of eight, thin substandard lots that face the river. With re-zoning, these eight lots could conceivably be zero lot line structures or multi-family. Either scenario is just an effort to “over monetize” their investment in a way that denigrates the character of this entire area.
- The flooding along North Indian River Drive, including the location of this property, is already at a critical level. The roads are frequently impassable by cars and bikes due to a heavy rain or strong easterly winds blowing the river over the roadway. Additionally, the road is narrow, lacks bike lanes or sidewalks and already suffers from poorly performing septic tanks.

The idea of jumping from an EU zoning to PUD with 22 homes or multifamily is ludicrous and should summarily be rejected. The recorded deed shows this developer purchased these 12+ acres with its present EU/RP zoning, for \$1.25 Million. It should be noted that lots along Indian River Drive zoned for one home are selling for \$700K and above. This request to dramatically increase the density and intensity reflects a complete lack of respect for the

unique character of this river drive, the people who live here, and the many folks who enjoy the scenic drive along its shoreline.

You have an important job on the Planning Board. We appreciate your thoughtful consideration of our comments and would request that you deny the rezoning request.

Regards,

Tom and Linda Weinberg
104 Sonya Drive
Cocoa, FL. 32926
321-258-8002
Tweinberg2@gmail.com
Lindaweinberg321@gmail.com

Cc: Brevard County Commissioner Katie Delaney, District One

From: david1@tredel.com
To: [AdministrativeServices](#)
Subject: ID# 24PUD00003 & 24SS00009
Date: Tuesday, March 4, 2025 8:42:36 PM
Importance: High

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

Good Evening;
In reference to the zoning change request....
Please keep current EU & RP with the Binding Development Plan, in place.

Thank you

Richard Battin
220 City Point Road
Cocoa FL 32926

From: [Sonja Hernandez](#)
To: [AdministrativeServices](#)
Cc: [E. Hernandez Michael](#); [Jennifer Schneider](#)
Subject: City Point Landfall LLC - Request for rezoning PDU-00003
Date: Monday, March 10, 2025 4:38:50 PM

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Dear Planning and Zoning Board members,

The county needs to reject the proposed development and stay the course with the Binding Development Agreement that allows 7 single family homes on subject property. Hank Evans wrote the original agreement. He was a highly respected attorney.

I've lived in the Sabal Chase neighborhood just north of this plot since May 2002! I do not believe this proposal would be a good land use option. Every summer the flooding on Indian River Drive gets worse and the county is not doing anything to mitigate or raise the road.

The Riverwalk community was allowed to demolish all of the trees to cram more homes impacting the traffic on Indian River drive as well as the impacts to city infrastructure. I don't believe there is any positive case to justify changing the zoning on this property from 7 to 22 units so that one family can recoup the cost of their investment in the property where they are building their new home.

Impacts to the river, environment and infrastructure must be top concern. Furthermore, I believe the development plan calls for impacting the designated wetland.

Please consider the impacts to the existing residents and the taxes we pay. I am disgusted by the passersby's who toss out their garbage along the scenic drive which I often pick up bags full. We have raised our three children in this little peaceful community and wish to see it preserved. Thank you in advance for your consideration.

Mike and Sonja Hernandez
185 Sonya Drive
Cocoa, FL 32926
321.289.6331

February 26, 2025

Planning and Zoning Board Members
Administrativeservices@BrevardFL.gov

Re: City Point Landfall, LLC – rezoning request. 24-PUD00003

This letter is regarding your upcoming meeting scheduled March 17, 2025 wherein you will consider the rezoning of a 12.86 acre parcel. This rezoning request has been posted on the property located at 3477 N Indian River Drive, Cocoa. We live at 104 Sonya Drive, Cocoa, which is less than a mile north of this property.

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- The proposed development plan prepared by MBV, appears to have a cul-de-sac coming from the west side of property down towards the river with a fan of eight, thin substandard lots that face the river. With re-zoning, these eight lots could conceivably be zero lot line structures or multi-family. Either scenario is just an effort to “over monetize” their investment in a way that denigrates the character of this entire area.
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unique character of this river drive, the people who live here, and the many folks who enjoy the scenic drive along its shoreline.

You have an important job on the Planning Board. We appreciate your thoughtful consideration of our comments and would request that you deny the rezoning request.

Regards,

Tom and Linda Weinberg
104 Sonya Drive
Cocoa, FL. 32926
321-258-8002
Tweinberg2@gmail.com
Lindaweinberg321@gmail.com

Cc: Brevard County Commissioner Katie Delaney, District One

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: Concerns on CityPoint Landfall LLC plans
Date: Monday, March 17, 2025 11:32:26 AM

From: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Sent: Monday, March 17, 2025 11:17 AM
To: Amato, Ruth <Ruth.Amato@brevardfl.gov>
Subject: Fw: Concerns on CityPoint Landfall LLC plans

From: MaryJane Duncan <janemisc@icloud.com>
Sent: Thursday, March 13, 2025 4:32 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Concerns on CityPoint Landfall LLC plans

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

To Katie Delaney:
reference to;
ID# 24PUD00003 & 24S00009

My husband and I own a home in Parkchester, we have grave concerns regarding the impact of the increased traffic flow, on Roundtree Dr from the proposed entrance road for the proposed development.

We are also opposed to the proposed zoning changes. The plan goes against our Future Land Use (FLU) map and our Binding Development Plan (BDP) for our overall area.

As Cocoa's growth continues to increase, please consider the importance of preserving neighborhoods with single family homes.

Respectfully,
MaryJane Duncan
John Evrard
304 N Roundtree Dr
Cocoa FL
32926

Sent from my iPhone

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: P&Z request 24-PUD00003, City Point Landfall, LLC
Date: Monday, March 17, 2025 11:44:39 AM
Attachments: [City Point Landfall rezone request.docx](#)

From: Linda Weinberg <lindaweinberg321@gmail.com>
Sent: Wednesday, February 26, 2025 8:01 PM
To: AdministrativeServices <administrativeservices@brevardfl.gov>
Cc: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; tom <tweinberg2@gmail.com>
Subject: P&Z request 24-PUD00003, City Point Landfall, LLC

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

Attached, please find our request for denial of the above referenced rezoning application to be heard by P&Z on March 17. Would appreciate it being provided to all the P&Z members. Also, would appreciate confirmation of receipt.

Best regards,
Linda Weinberg

From: [Mark W. Ward](#)
To: [AdministrativeServices](#)
Cc: ["Mark and Maggie Ward"; Commissioner, D1](#)
Subject: ID# 24PUD00003 & 24SS00009
Date: Monday, March 17, 2025 10:13:26 AM
Importance: High

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

Dear Sir/Madam,

As co-owner of the property located at 382 Chester Drive in PARKCHESTER (Unincorporated Brevard County) and as such community abuts said development plans proposed by City Pointe Landfall LLC, I respectfully submit my comments in OPPOSITION to the any change in existing zoning and binding agreements that would allow higher density and impervious surfaces. Parkchester is a small community established in the early-mid 60's, consisting of 63 homes. There exists only one point of entrance/egress to this neighborhood, Roundtree Drive off of US Rt. 1. Before 2014, Roundtree Drive exited the neighborhood and residents were afforded the opportunity for both RIGHT and LEFT turns upon egress from the neighborhood;

The 2014-2016 widening of US Route 1 changed that by making the exit from Roundtree Drive onto US Route 1 a RIGHT TURN ONLY at the stop sign, eliminating the ability to turn left due to the median separating the northbound and southbound lanes of Route 1.

Additionally, the widening project caused the removal our designated "right turn-only" lane from northbound US Rt. 1 into Parkchester, as now that lane is not a MERGE LEFT lane. This has caused many close calls with our residents as they slow to turn right while people are looking over their left shoulder in attempt to merge.

In 2014-2015, we, the residents of Parkchester held a community meeting with DOT engineers and county officials, including Lisa.Mark@dot.state.fl.us. Lisa coordinated the meeting in which we voiced our concerns about the aforementioned changes. At that time, we also requested a STOP LIGHT at Route 1 and Roundtree Drive to increase the safety of our residents exiting our neighborhood into 50+ MPH Traffic or attempting to dodge traffic in order to get in the far-left lane to turn left onto Cidco Rd or make a U-turn to head south. We were told that, due to the size of our community, we do not qualify for a traffic control device at the entrance to our neighborhood.

Since 2016, traffic in this area of the US Rt. 1 corridor has increased dramatically, along with the speed of the approach to Parkchester, making it increasingly difficult to safely exit our homes. With the additional traffic which will accompany the development of the City Pointe Landfall development, no matter how small, the safety of our neighborhood's residents will, once again, be sacrificed in the name of "progress" and development. Unless these issues can be fixed, at cost to the developers, without affecting the cost to existing residents, the project developer and engineer should consider being allowed only ONE entrance off of Indian River Drive and not be allowed any access from Roundtree drive. Any such change in plans or infrastructure should be paid for by the developer via impact fees and not passed along to any of the neighboring residents.

Finally, with all of the concern of the health of the Indian River Lagoon, and with the mandate to clean up runoff by 2030, the Commission should LIMIT any impervious surfaces that

would allow, even inadvertent runoff, to enter the Lagoon. I would be extremely perplexed if the Commission would allow any change in density east of I-95 given this mandate. High and medium density housing directly adjacent to the Indian River is irresponsible. The City of Cocoa had all but said "damn the torpedoes" as they are allowing building with reckless abandon and bending of rules; That does not mean Brevard County should do the same.. Let's set a better example and make a better life for all of us who choose to live here.

Sincerely,
Mark W. Ward
382 Chester Drive
Cocoa, FL 32926

Mark W. Ward
Ward & Lawless LLC
2410 Armadillo Court
Cocoa, Florida 32926
TEL: 888-658-8484 x1
FAX: 877-658-8484
www.wardlawless.com



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From: [Ward, Margaret C.](#)
To: [AdministrativeServices](#)
Cc: [Commissioner, D1](#)
Subject: ID# 24PUD00003 & 24SS00009
Date: Monday, March 17, 2025 10:20:37 AM

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Sincerely,

Margaret C. Ward
[382 Chester Drive](#)
[Cocoa, FL 32926](#)

Margaret C. Ward
Director, Security Services
Magellan Health

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From: [Mark W. Ward](#)
To: [AdministrativeServices](#)
Cc: ["Mark and Maggie Ward"; Commissioner, D1](#)
Subject: RE: ID# 24PUD00003 & 24SS00009
Date: Monday, March 17, 2025 10:43:55 AM
Attachments: [Z11455 \(1\).pdf](#)
Importance: High

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

Regarding the binding agreement (attached), already states NO ACCESS TO THE PARKCHESTER SUBDIVISION OR INDIAN RIVER DRIVE. WE OPPOSE ANY AND ALL CHANGES TO EXISTING BINDING AGREEMENT.

From: Mark W. Ward <mward@wardlawless.com>
Sent: Monday, March 17, 2025 10:13 AM
To: 'administrativeservices@brevardfl.gov' <administrativeservices@brevardfl.gov>
Cc: 'Mark and Maggie Ward' <mmward97@gmail.com>; 'Commissioner, D1' <D1.Commissioner@brevardfl.gov>
Subject: ID# 24PUD00003 & 24SS00009
Importance: High

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Mark W. Ward
382 Chester Drive
Cocoa, FL 32926

Mark W. Ward
Ward & Lawless LLC
2410 Armadillo Court
Cocoa, Florida 32926
TEL: 888-658-8484 x1
FAX: 877-658-8484
www.wardlawless.com



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RESOLUTION NO. Z-11455

On motion by Commissioner Voltz, seconded by Commissioner Nelson, the following resolution was adopted by a unanimous vote;

WHEREAS, G & D DEVELOPERS

has/have applied for a Small scale Plan Amendment (08S.03) to change the Future Land Use Designation from Residential 1 to Residential 2 and Residential 4; and a change of classification from AU (Agricultural Residential) to EU (Estate Use Residential) on property described as

SEE ATTACHED LEGAL DESCRIPTION

Section 08,

Township 24 S,

Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be denied (*see below) and,

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be Approved with a Binding Development Plan, allowing a maximum of seven units, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (08S.03) to change the Future Land Use Designation from Residential 1 to Residential 2 and Residential 4; and a change of classification from AU (Agricultural Residential) to EU (Estate Use Residential) be decided as follows: request for Small Scale Plan Amendment was WITHDRAWN by the applicant and the change of classification from AU (Agricultural Residential) to EU (Estate Use Residential) be APPROVED with a Binding Development Plan, recorded in ORB 5897, Pages 624 through 638, dated 11/6/08, allowing a maximum of seven (7) units, and that the zoning classification relating to the above described property be changed to EU (Estate Use Residential), and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of November 6, 2008.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

ATTEST:

SCOTT ELLIS, CLERK

by

Truman Scarborough,
Chairperson

As Approved by the Board on September 4, 2008.

(SEAL)

*LPA Recommendation – Denied Small Plan Amendment (Applicant later withdrew request for Small Scale Plan Amendment)
(P&Z Hearing – March 10, 2008)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.



November 10, 2008

MEMORANDUM

TO: Scott Knox, County Attorney Attn: Christine Lepore

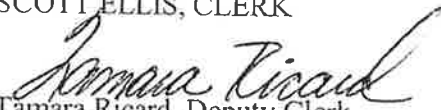
RE: Item III.A.6, Binding Development Plan Agreement with G & D Developers, LLC

The Board of County Commissioners, in regular session on October 28, 2008, executed Binding Development Plan Agreement with G & D Developers, LLC, for property located on the east side of U.S. 1, approximately .17 mile south of Cidco Road. Said Agreement was recorded in ORBK 5897, PGs 624 through 638. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is greatly appreciated.

Sincerely yours,

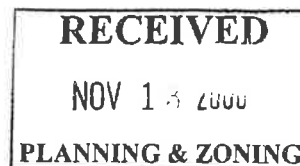
BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Tamara Ricard, Deputy Clerk

/clj

Encls (2)

cc: Zoning- Candy Hanselman ✓
Contracts Administration



211455

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

CFN 2008210794, OR BK 5897 PAGE 624,
Recorded 11/06/2008 at 01:33 PM, Scott Ellis, Clerk of
Courts, Brevard County
Pgs:15

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

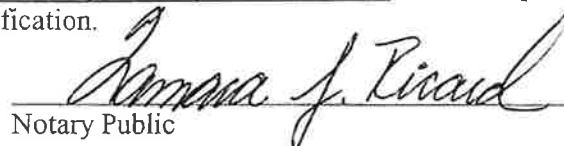
STATE OF FLORIDA
COUNTY OF BREVARD

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

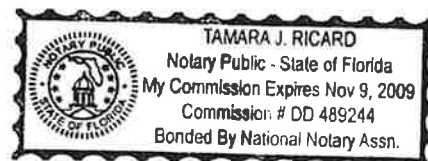
Commission No.:



Notary Public

Tamara J. Ricard

(Name typed, printed or stamped)



Z11455

WITNESSES:

Linda M. King
LINDA M. KING
Witness Name typed or printed
Tina L. McGann
TINA L. MCGANN
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)
mg mbr
(President)
George W PAPP
(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 19th 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.:

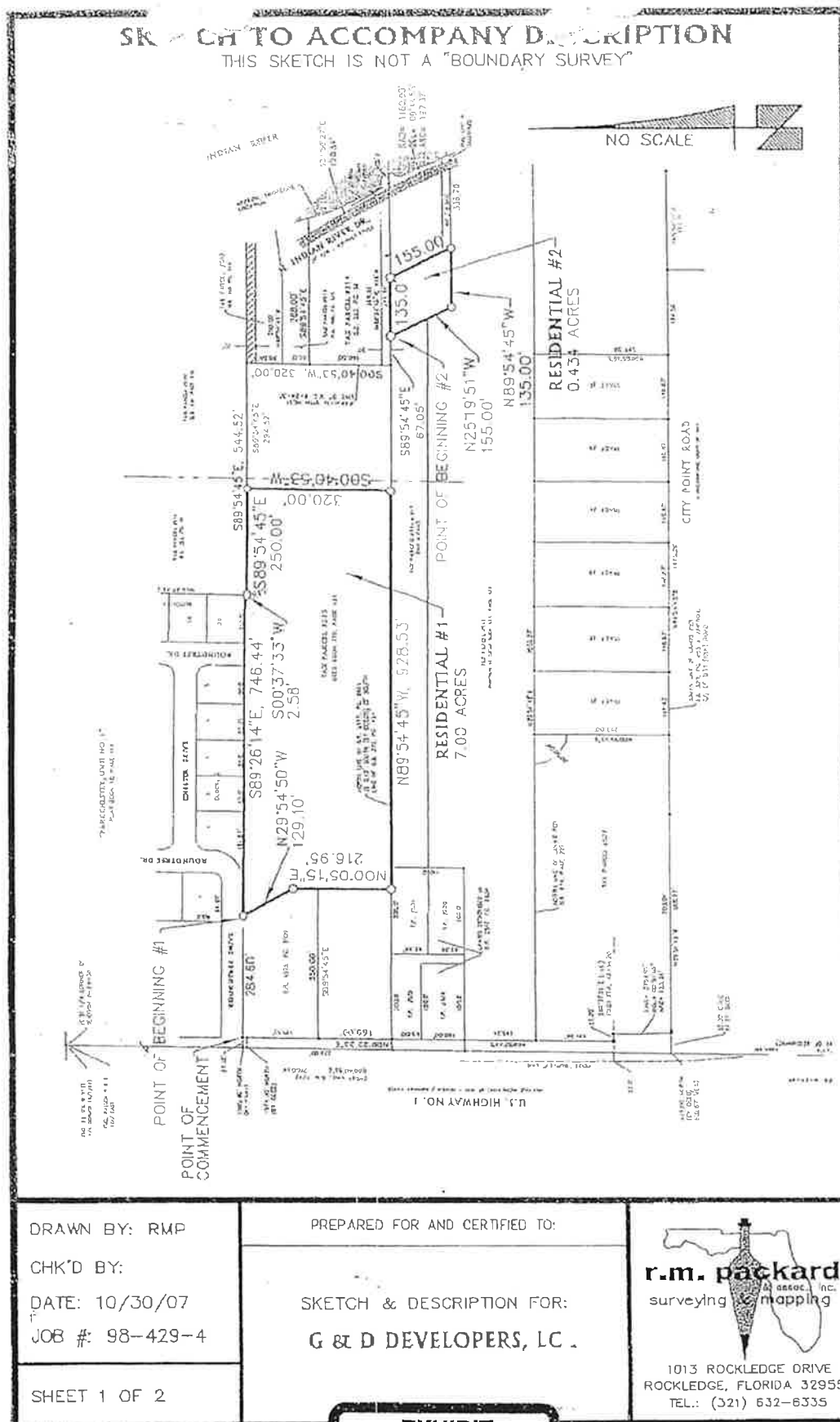
Linda M. King
Notary Public
LINDA M. KING
(Name typed, printed or stamped)



\\stacie\G&D\ 9714 /Binding Plan/ 9-3-08-k.doc

SKETCH TO ACCOMPANY DESCRIPTION

THIS SKETCH IS NOT A "BOUNDARY SURVEY"



DRAWN BY: RMP
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

Z11455

RETURN: Clerk to the Board #27

SKETCH TO ACCOMPANY DESCRIPTION

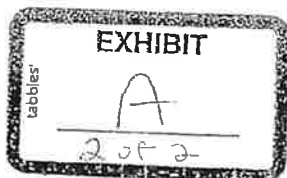
THIS SKETCH IS NOT A "BOUNDARY SURVEY"

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 18, PAGE 114 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN S.89°26'14"E., ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 284.60 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°26'14"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.



Z11455

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 Mortgaged 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

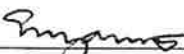
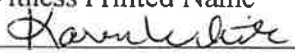
Z11455

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.

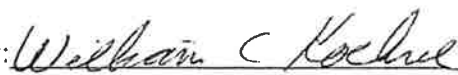
Third Mortgage dated August 4, 2008 and recorded in Official Records Book 5886, Page 3185 in the Public Records of Brevard County, Florida and encumbering lands described in said Mortgages.

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 ZAVALA
 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

Z11455

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 19th day of September, 2008 by William E. ROEHRE, 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/Joinder/ 9-18-08-k

Z11455

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 _____ day of _____, 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-

211455



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 _____, 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:

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

Scott Ellis, Clerk
(SEAL)

_____, Chairman
As approved by the Board on _____

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2008 by _____, 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

(Name typed, printed or stamped)

WITNESSES:

Linda M. King
LINDA M. KING
Witness Name typed or printed
Tina L McGinn
TINA L MCGINN
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)
mg mlr
(President)
George W PAPP
(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 19th 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.:



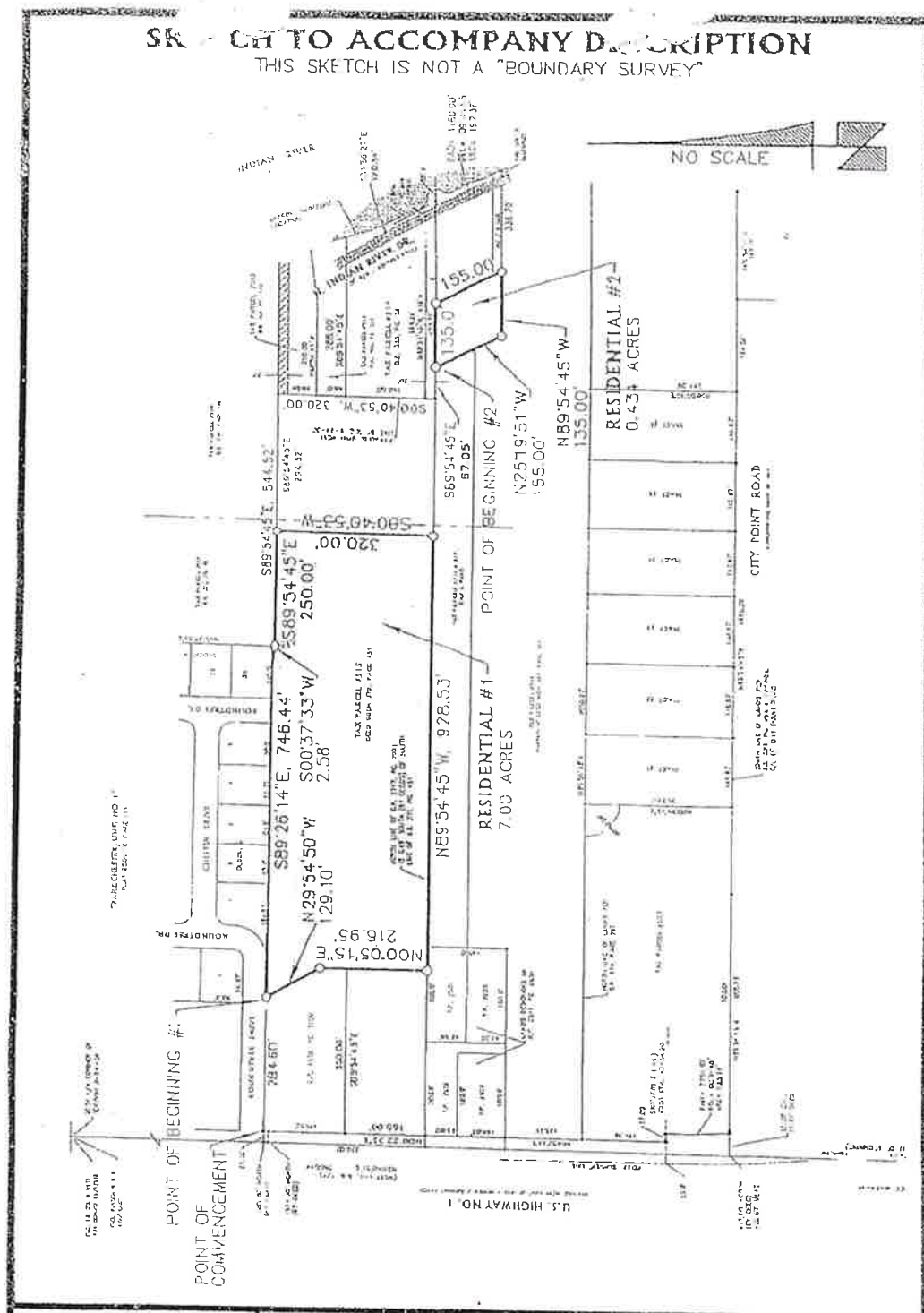
Linda M. King
Commission # DD609692
Expires January 19, 2011
Bonded Troy Pen Insurance, Inc. 800-385-7019

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: RMP

CHK'D BY:

DATE: 10/30/07

JOB #: 98-429-4

SHEET 1 OF 2

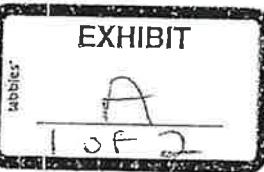
PREPARED FOR AND CERTIFIED TO:

SKETCH & DESCRIPTION FOR:
G & D DEVELOPERS, LC



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

EXHIBIT



Z11455

RETURN: Clerk to the Board #27

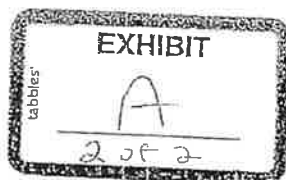
SKETCH TO ACCOMPANY DESCRIPTION
THIS SKETCH IS NOT A "BOUNDARY SURVEY"

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 18, PAGE 114 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN S 89°26'14"E., ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 264.60 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°28'14"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



Z11455

From: [Jackson, Desiree](#)
To: [AdministrativeServices](#)
Cc: [Kevin Jackson](#); D1.Commissioner@brevardfl.gov
Subject: RE: Proposed Development at City Point
Date: Friday, March 21, 2025 4:13:23 PM

Aloha Administrative Services,

Please see below public comment. Thank you.

Desirée Jackson, MBA
Planner I
Direct: (321) 350-8269
Planning and Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, FL 32940

Desiree.Jackson@brevardfl.gov

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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

From: Kevin Jackson <cbrkrj@gmail.com>
Sent: Friday, March 21, 2025 3:30 PM
To: Jackson, Desiree <Desiree.Jackson@brevardfl.gov>; D1.Commissioner@brevardfl.gov
Subject: Proposed Development at City Point

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

Ladies,

I am writing to object to the proposed residential development and rezoning just north of City Point Rd. north of Cocoa. Indian River Drive is a special place that we have been fortunate enough to live near in the Twin Lakes subdivision for 4 years. I contend the character of this road and surrounding area will be negatively affected by this rezoning and proposed development for the following reasons.

1. The natural beauty of the area along with the unique scenery of the many one-of-a-kind homes will be ruined by a modern, zero lot line, cinder block and stucco, generic subdivision plopped right in the middle of it.
2. Indian River Drive is incredibly narrow along the northern section but especially so at the exact point of this proposed development. Traffic is stop and go thru this area already after any significant rainfall. In addition, many walkers, runners and bicyclists add to existing congestion. That area already has blind curves that present a hazard for any recreational use of the road. A new subdivision will make this situation worse by orders of magnitude.
3. Indian River Drive at the site of the proposed development is at its lowest point (in relation to the river level) along its entire length. The road is literally inches above the normal river level. During periods of strong NE winds, the road is completely covered by water. During hurricanes, that area is impassable by a normal car. A subdivision

in this area would only make this problem worse due to the addition of a large amount of impervious area created by the new roadways, driveways and sidewalks. You are potentially creating a disastrous situation during hurricane season by this road being inundated by onshore winds and then having large amounts of rainfall runoff pouring out of this subdivision into the exact same spot. Any civil engineer could instantly spot the potential large scale flooding of the road and potentially existing houses from the addition of this proposed development.

Please consider these points carefully when making a final ruling on this proposed rezoning/development. Thank you for your time.

Sincerely & respectfully,
Kevin Jackson
118 S Twin Lakes Rd.
Sent from my iPhone

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: Please vote against
Date: Tuesday, March 25, 2025 10:10:57 AM

From: Sonja Hernandez <shernandez7578@me.com>
Sent: Tuesday, March 18, 2025 8:18 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Please vote against

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

P&Z Meeting Report - City Point Landfall, LLC Rezoning Request
Despite our best efforts and testimony by many community members opposing zoning and FLU map changes, the Planning and Zoning Board voted to move the zoning and PUD requests by the developer on to the Board of Commissioners for a ruling at the next Board of Commissioner's meeting (April 3rd, 5:00 pm). The P&Z Board voted to recommend accepting the developer's request for rezoning, with three members opposed to accepting. One board member, Henry Minneboo, spoke up for respecting and supporting Binding Development Plans in general and ours in particular (a mass showing). He was also the only member who was around in 2004 when our community successfully implemented our existing BDP. The decision is now up to the Board of Commissioners and they do not necessarily have to abide by the P&Z Board's recommendation. The P&Z Board is requiring the developer set up a meeting with our community to present details of their plans and to solicit our input and concerns. The date and time of this meeting is TBD but should be before the April 3rd Board of Commissioners meeting.

We prepared this letter to the P&Z Board. Our plan was to read it to them as part of community comments, however we were only given three minutes to speak so we had to summarize it on the fly. This is the full text of the letter that we turned into the P&Z Clerk for inclusion in the minutes. Since it may be a bit difficult to locate online, we thought we would share it with you all.

P&Z Planning Board Testimony 3/17/2025

Board Members,

Here is a bit of history regarding our neighborhood and the ongoing efforts to preserve our community's essential character.

Our community is between the Indian River and the east side of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points

fire station. It is a rather large area that we as a community have worked hard over the years to protect against high density development.

We are facing yet another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for us to challenge future inappropriate development.

Some years ago, in response to a proposed massive condominium project in the middle of our community, all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, we worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities we set were guided by and compatible with the current zoning and existing land uses in our area, but were somewhat simpler and in many cases more generous.

Nevertheless, our current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, we find ourselves before the Planning and Zoning Board and then the County Commissioners defending our density limits and our Comprehensive Land Use Plan.

In the past, once the developers became aware of community concerns, either on their own or by advisement from county officials, community/developer meetings were scheduled where the developers presented their plans to solicit community input and address concerns. These type of meetings can be very helpful and may result in a mutually satisfactory outcome. With the rather short notification time we have been given this time, our first opportunity to voice our community concerns are these County Planning and Zoning Board and Commission meetings scheduled in the coming weeks. Our time to prepare and respond has been considerably shortened this time around. We have not heard of any outreach efforts on the part of City Point Landfall regarding this project. The first substantive notification of a planned effort on their part to change zoning, FLUM and remove the Binding Development Plan came by way of signs planted on Indian River Drive and at the entrance to Parkchester two weeks ago. Hardly an indication of concern for community involvement.

A big area of our concern is in setting a precedence. Since we fought so hard to establish safeguards to our community at the local, county and state levels, we are keen to continue keeping them in place so that future developers cannot cite exceptions given to other developers as a defense for whatever changes they would desire for future projects. We want to stick to our guns and defend our community's character and

environment.

The existing Binding Development Plan was executed October 28, 2008, signed by the owner of the property at that time and became permanently attached to the property as a safeguard to our community. The following restrictions were placed on the interior 7 acres of the property (referred to in the BDP as the "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;
- E. The Property shall have EU zoning.

These restrictions and all of the provisions of the Binding Development Plan are present on the property today and were present when City Point Landfall purchased the property. We assume City Point Landfall knew what they were buying. We assume they also knew what the zoning and FLUM designations were when they made the purchase.

We agree with all of the provisions and restrictions called out in the Binding Development Plan and desire that it remain in force.

Irregardless of the PUD outlined in City Point Landfall's Proposed Development Plan, by changing the FLUM to RES4 for the entire property, City Point Landfall will end up with the potential for 14.86 acres times 4 housing units each acre. This would be about 59 units if it was zoned to the maximum extent possible. While we appreciate the thought and some of the features of the PUD in City Point Landfall's Proposed Development Plan, we worry that there is the possibility that the PUD may never be built, but the FLUM and Zoning changes, if enacted, will then be permanently attached to the property. It seems possible that funding could fall through, the economics of the project could change for the worse, the desire on the part of developers could wane - any number of things could conspire to make the PUD not come to fruition. City Point Landfall might be compelled to redesign and go with a completely different PUD or they might have to sell the property to a new buyer who would then have the opportunity to build a completely different project with greatly increased density.

We believe that the current Future Land Use Map, Zoning and Existing Binding Development Plan are adequate for development of a profitable and appropriate subdivision within our community. We therefore ask that Planning and Zoning Board recommend that the Board of Commissioners reject the changes requested by City Point Landfall LLC at the earliest opportunity.

Thank You for your attention and consideration,

James and Beverly Sudermann
3469 Indian River Drive
Cocoa, FL

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: ID# 24PUD00003 & 24SS00009
Date: Thursday, March 27, 2025 11:57:58 AM

From: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Sent: Tuesday, March 25, 2025 10:57 AM
To: Diane Burroughs <ddburroughs68@gmail.com>
Subject: Re: ID# 24PUD00003 & 24SS00009

Good morning Ms. Burroughs

On behalf of Commissioner Delaney, I want to acknowledge receipt of your email. It will be submitted to the Commissioner for her consideration.

Thank you for contacting her office and sharing your concerns.

Ruth Amato
Administrative Aide to the County Commissioner
County Commissioner Katie Delaney District 1
7101 S US Hwy 1
South Titusville, FL 32780
321-607-6901

From: Diane Burroughs <ddburroughs68@gmail.com>
Sent: Tuesday, March 25, 2025 10:00 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: ID# 24PUD00003 & 24SS00009

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

Good Morning,

I am a resident of the Parkchester subdivision and reside at 381 Chester Drive. I am writing this to voice my concerns regarding the planned City Point Landfall development at property 3477 North Indian River Drive with entrance and exit into the planned development off Roundtree Drive just off US1.

Townhomes and large scale storage are NOT consistent with and NOT compatible within our neighborhood. Townhomes are an open invitation to become rental properties that could be suitable for Airbnb and Vrbo rentals to large groups of non-local individuals and is a

welcoming situation for loud parties and for unknown people to wander onto the property. They are unsightly and open the door to unsightly high density housing in this precious area that needs to be protected.

This plan also conflicts with the binding development plan that must be honored which states NO ACCESS TO THE PARKCHESTER SUBDIVISION OR INDIAN RIVER DRIVE. We oppose any and all changes to this portion of the existing binding agreement. Webster defines 'binding' as

*(of an agreement or promise) involving an obligation that cannot be broken.
"business agreements are intended to be legally binding"*

Why create a binding development plan if it is tossed aside? It must be honored.

As a member of the Parkchester community, the safety of our residents is paramount and this plan is ripe for congestion and injury entering and exiting the neighborhood.

Also - what will happen to the City Point Cemetery. How will this be protected?

Please protect our neighborhood and the consistency of the housing in this part of your district. Vote NO to this plan.

Sincerely,

Diane Burroughs
381 Chester Drive
Cocoa, FL 32926
352-425-8408

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: CITY POINT LANDFALL LLC 24PUB00003 & 24SS00009
Date: Thursday, March 27, 2025 11:57:40 AM

From: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Sent: Tuesday, March 25, 2025 4:04 PM
To: Mark W. Ward <mward@wardlawless.com>
Subject: Re: CITY POINT LANDFALL LLC 24PUB00003 & 24SS00009

Good afternoon,

On behalf of Commissioner Delaney, I want to acknowledge receipt of your email. It will be submitted to the Commissioner for her consideration.

Thank you for contacting her office and sharing your concerns.

Ruth Amato
Administrative Aide to the County Commissioner
County Commissioner Katie Delaney District 1
7101 S US Hwy 1
South Titusville, FL 32780
321-607-6901

From: Mark W. Ward <mward@wardlawless.com>
Sent: Tuesday, March 25, 2025 2:55 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Cc: 'Mark and Maggie Ward' <mmward97@gmail.com>
Subject: CITY POINT LANDFALL LLC 24PUB00003 & 24SS00009

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

Dear Commissioner Delaney,

This letter is a follow-up to my previous email on the same subject.

As the owner of 382 Chester Drive in the Parkchester Community, Unincorporated Brevard County, District 1, I am writing to urge you to vote NO on the Planning & Zoning Committee's recommendation to remove the Biding Development Plan that was hashed out in 2008 and contains protections for the PARKCHESTER community. I respectfully request that you gather support of all Commissioners in support of their "NAY" votes as well.

To that end, MBV Engineering will be holding a community meeting to discuss this matter because they said it was not until the March 17 P&Z meeting that they learned of any community opposition to the plan. A letter from Bruce Moine, P.E., President was then drafted and mailed on March 19 in which they are inviting only a select few residents (only those who live within 500 feet of the proposed development), to a meeting on April 1, 2025. The letter states that they desire to discuss and answer any questions and record feedback... and promise to present to "County Staff, the Planning and Zoning Board as well as Council as we move through the review and public hearing process for this request." It is really too late to present to the P&Z Board, as that meeting was held 2 days prior to the drafting of the notice (see attached). I respectfully request your attendance at the April 1 Meeting, as well.

Unless the engineers remove any access to Parkchester from the proposed PUD, I will be gathering and presenting, as representative of Parkchester, the signatures of all Parkchester residents in opposition of the removal of the BDP. A survey of homeowners indicates 100% are against the removal of the BDP.

While the access through our neighborhood is the main issue, there are a few other items of concern for our community. They are outlined here:

1. One developer should not set a precedent over our entire area: If we do not protect our FLU map and BDP, this developer will have opened a much wider door for high density housing (condos, apartments, etc.) affecting the future of our entire county and providing for adverse effects in all of our local communities. The developer can state that they will easily promise to fix infrastructure but, this plan will also remove the protection of the FLU and BDP surrounding areas' entire footprint and way of life by seeking fundamental changes to the legal protections we have in place. A binding agreement should be BINDING. These restrictions and all of the provisions of the Binding Development Plan are present on the property today and were present when City Point Landfall purchased the property. We assume City Point Landfall knew what they were buying. We assume they also knew what the zoning and FLU designations were when they made the purchase. We agree with all of the provisions and restrictions called out in the 2008 BDP and desire that it remain in force.
2. When a developer buys land, they should be held to any FLU and BDP that go along with the property and not change it through petition to a board that once voted against it. Since we fought so hard to establish safeguards for our community at the local, county and state levels, we are keen to continue keeping them in place so that future developers cannot cite exceptions given to other developers as a defense for whatever changes they would desire for future projects. We want to stick to our guns and defend our community's character and environment. The existing Binding Development Plan was executed October 28, 2008, signed by the owner of the property at that time and became permanently attached to the property as a safeguard to our community. The following restrictions were placed on the interior seven acres of the property (referred to in the BDP as the "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 the 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. Parkchester has only ONE entrance/egress point; It has been thought that, because of this, the crime has remained relatively low in our neighborhood; This also gives concern due to the additional traffic using Roundtree Drive as a point of entrance/egress for the current plan of 19 additional homes without sufficient traffic control on US Route 1. The attorney for the developer, Kimberly Rezanka, even told the Planning and Zoning Board that the access off of Roundtree Drive is not intended to be used to enter our community but, rather, access to the new development; We find this to be a very disingenuous and misleading statement as that is the only access point for our neighborhood and "intention" or not, it is. Are they going to erect a guard shack and entry gate to prevent it? But this is more than just an inconvenience to our residents; it is a safety matter of traffic and invites crime, increases traffic and associated accident chances.
4. After rezoning, the developer can very easily walk away from the project and sell the property for much more than was initially purchased as, once the FLU and BDP are changed, the change opens the floodgates for even higher density if that should happen. Thus, the PUD outlined in City Point Landfall's Proposed Development Plan, by changing the FLUM to RES4 for the entire property, City Point Landfall will end up with the potential for 14.86 acres times four housing units each acre. This would be about fifty-nine units if it were zoned to the maximum extent possible. While we appreciate the thought and environmental features of the PUD in City Point Landfall's Proposed Development Plan, there is concern that the PUD may never be built, but the FLU and Zoning changes, if enacted, will then be permanently attached to the property. It seems possible that funding could fall through, the economics of the project could change for the worse, the desire on the part of developers could wane - any number of things could conspire to make the PUD not come to fruition. City Point Landfall might be compelled to redesign and go with a completely different PUD or they might have to sell the property to a new buyer who could then build a completely different project with greatly increased density. This is similar to what happened with the development projects in West Cocoa.
5. Regardless of what the Developer and their attorney, Kimberly Rezanka state, TOWNHOMES are not consistent with the character of the surrounding neighborhoods: There are absolutely no townhomes in Twin Lakes, Parkchester, Indian River Drive, High Point, Westchester or River Heights. In fact, you have to get to Dixon Avenue before any type of building has been approved, and that is within the City of Coca.

We believe that the current Future Land Use Map, Zoning and Existing Binding Development Plan are adequate for the development of a profitable and appropriate subdivision within our community. We therefore ask that Planning and Zoning Board recommendations be DENIED and sent back to the developer to re-work within the confines of the exiting agreement.

Please vote NO against the Planning & Zoning Board's Recommendation and have the developers re-engineer the plans that conform to the BDP.

I may be reached at 301-807-8704

Sincerely,
Mark W. Ward

Mark W. Ward
Ward & Lawless LLC
2410 Armadillo Court
Cocoa, Florida 32926
TEL: 888-658-8484 x1
FAX: 877-658-8484
www.wardlawless.com



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From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: Sammy Carpenter in favor (City Pointe)
Date: Thursday, March 27, 2025 12:02:42 PM

From: Gianella, Janette <Janette.Gianella@brevardfl.gov>
Sent: Thursday, March 27, 2025 11:55 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Cc: D5_Users <D5_Users@brevardcounty.us>
Subject: Sammy Carpenter in favor (City Pointe)

Good morning,

Sammy Carpenter (321-917-5420) contacted our office in favor of the City Pointe Landfall LLC request to change from RES1 and NC to RES4 CC.

Thank you!

Janette Gianella
Legislative Affairs Director
Brevard County Commissioner Thad Altman, District 5
150 5th Avenue Suite D Indialantic, FL 32903
Phone: (321)253-6611
Janette.Gianella@brevardfl.gov

To: Rob Feltner, Chair, Commissioner District Five
Tom Goodson, Vice-Chair, Commissioner District Two
Katie Delaney, Commissioner, District One
Kim Adkinson, Commissioner, District Three
Thad Altman, Commissioner District Four
From: Tom and Linda Weinberg, 104 Sonya Drive, Cocoa (unincorporated)
Re: Application of City Pointe Landfall, LLC
24 PUD00003 - PUD /rezoning
April 3, 2025 Board Meeting
Date: March 27, 2025

This email is in regard to the above referenced request by City Pointe Landfall, LLC to change the Future Land Use and Zoning of two parcels of land from Rural Estate Use and Residential Professional to a Planned Unit Development that is designed, among other things, to nearly triple the residential component, encroach upon existing wetlands and permit townhomes along some of the most scenic areas of a Florida Scenic Highway. Despite claims otherwise, allowing such a change is a dramatic departure from the existing uses, diminishes the quality and character of the surrounding area as well as sets a negative precedent for the entire Indian River Drive area. It also extinguishes a Binding Development Agreement that was negotiated on the property in 2008.

In 2008, the bulk of this property, a 7.5-acre parcel, was owned by G&D Developers, LLC. These developers had initially requested a land use and zoning change, but after many discussions with the neighborhood and County staff, modified their request for only a zoning change from the then-existing AU to EU. The developer's attorney told the County Commission that this modification would make their request "consistent with the surrounding residential uses and zoning". At a September 4, 2008, Board meeting, the County Commission approved a negotiated Binding Development Agreement with G&D Development, in which the parties agreed to the following:

- EU zoning with the number of developable lots not to exceed seven
- Single family detached homes of a minimum size of 2,200 square feet
- No subdivision access to Indian River Drive

- No subdivision access to Parkchester subdivision

This Binding Development Agreement was prepared by Hank Evans, a respected land use attorney in Brevard County and executed by County Chairman Truman Scarborough.

Unfortunately, the meeting video is not available online however, a review of the official minutes of this September 4, 2008, County Commission meeting is highly instructive. (The relevant portion of the minutes are included at the end of this email). One resident thanked the Board “for working on this so diligently, especially Chairman Scarborough, also Laura on the Planning and Zoning Board: [and] all the people who have worked for almost five years on this small area development plan”. Chairman Scarborough noted that “there was a tremendous amount of interest in this as there was going to be a change in the land use; the land use occurred from a small area plan that the community worked on for multiple years; and the residents wondered why he or she should have a small area plan if it can be changed so rapidly.” The BCC unanimously agreed and approved the rezoning from AU to EU with a Binding Development Agreement allowing a maximum of seven units and the applicant withdrawing its request for a Future Land Use designation change.

City Pointe Landfall, LLC purchased this property in Nov 5, 2021 from G&D Developers with full awareness and knowledge of the Binding Development Agreement restrictions that were negotiated by the Sellers and placed upon the property. ***There have been no changes in the character or circumstances of the surrounding area and there is no reason to extinguish the Binding Development Agreement.*** This area is part of a thoughtfully created small area study that is designed to promote and protect expansion of non-residential elements into the area.

Of the utmost importance to note in this recent proposal is that the P&Z staff report posting online for the March meeting is woefully incomplete and insufficient in summarizing the facts and circumstances that led to the creation of the Binding Development Plan that runs with the property. It does not note the dramatic departure in land use that would result from this proposal being approved. Nor does it mention the negative impact to the surrounding community or small area study that are likely to occur if this project were

approved. Thus, the volunteer members of the P&Z Board did not have the full background necessary to make an informed decision and vote. How that could happen may be related to turnover in staff, but it is dramatic departure from what the minutes reflect in the Board discussion of Set 4, 2008 when the BDA was approved.

There have been numerous concerns to this proposal expressed by residents in surrounding communities, many of whom spoke at the P&Z meeting. Overall, these concerns include:

- Exacerbating the existing drainage problems and flooding along Indian River Drive which already frequently floods in front of this property
- Impact on the wetlands from a walking path and proposed parking lot
- Creation of townhomes visible from Indian River Drive which is a dramatic departure from the single-family home character of the surrounding area. There are no townhomes along Indian River Drive north of Cocoa Village.
- More wetlands impact as well as security concerns associated with a proposed parking lot on Indian River Drive. This parking lot makes NO sense from an ecological, environmental, drainage, safety, traffic or practical perspective.

The property in question is in a highly desirable area along the Indian River Lagoon. The major reason for this desirability is because of land and zoning protections that have ensured residential compatibility with the surrounding area. These residential protections not only benefit surrounding residents but the entire county. Indian River Drive has been designated by the State of Florida as one of only 27 Florida Scenic Drives – the mission of which is to highlight and conserve natural resources and provide high quality experiences to visitors. Taking the Indian River Drive north of Cocoa Village to US 1, you will find no townhomes and no parking lots. It is a beautiful residential drive that attracts multitudes of drivers, motorcyclists, bikers, runners and walkers.

The Action we are requesting is that the rezoning and land use request of City Pointe Landfall, LLC be DENIED and that the Binding Development Agreement remain in place and govern whatever land uses are proposed for the property.

Thank you for your time and attention in ensuring our community is valued and respected.

not been resolved. He advised he would like to tie that in with the whole process of getting the water taken care of. Chairman Scarborough advised as it moves forward perhaps that will happen; and staff will keep Mr. Teele in the loop.

TABLED ITEMS

Chairman Scarborough called for a public hearing to consider items tabled by the Board of County Commissioners on April 3, 2008 and August 7, 2008.

VI.A.1. (Z0801103) G & D Developers, L.C.'s request for a Small Scale Plan Amendment (08S.03) to change the Future Land Use designation from Res. 1 & Res. 2 to Res. 4, and a change from AU to EU on 7.434 acres located east of U.S. 1, south of Cidco Road, which was recommended for approval by the Local Planning Agency and the Planning and Zoning Board.

Chairman Scarborough inquired if the request was amended where there would be no request for change in the land use and it is just a zoning request now; with Attorney Richard Stadler responding that is correct. Mr. Stadler distributed copies of a Binding Development Plan to the Board and to the homeowners.

Attorney Richard Stadler stated he represents G & D Developers who originally requested a land use change and zoning request to the property that is shown in yellow on the map; it is an interior portion that is currently zoned AU and has a Res. 1 designation for the land use code; and it was originally used as a grove, which is why the zoning is AU. He stated the applicant is withdrawing the request for a change in the land use designation; at this point in time the applicant is requesting an EU zoning change to change it from AU to EU; that would be consistent with the surrounding residential uses and the zoning; those are all marked on the map in blue and green; everything around it designated either EU or RU-1-11; and all the land use designations are all higher than Res. 1. He stated the applicant is willing to, after meeting with the homeowner's, compromise and stick with Res. 1. He advised there is also a Binding Development Plan, the terms of which would provide for a maximum of seven units in the area to be rezoned.

John Willis stated he wants to thank the Board for working on this so diligently, especially Chairman Scarborough, also Laura on the Planning and Zoning Board; he also wants to thank all of the people who have worked for almost five years on this small area development plan; and on behalf of all of the homeowners, he wants to thank Mr. Owens office and Mr. Papp for finally seeing the way that the land was designed to use. He stated they have a nice neighborhood and would like to keep it that way.

R. Victor Brungart stated it looks like Zoning Official Rick Enos has worked well with the homeowners to help get this squared away; and in other states he has worked with zoning-type things. He stated it looks like this should be approved as everyone is working together.

Chairman Scarborough stated a lot of people did not come to the meeting this evening; there was a tremendous amount of interest in this as there was going to be a change in the land use; the land use occurred from a small area plan that the community worked on for multiple years; and the residents wondered why he or she should have a small area plan if it can be changed so rapidly.

There being no objections heard, motion was made by Commissioner Voltz, seconded by Commissioner Nelson to approve Item VI.A.1 with a Binding Development Agreement allowing a maximum of seven units; and applicant withdrawing request for Future Land Use designation change. Motion carried and ordered unanimously. (See page
for Binding Development Plan.)

PUBLIC HEARING RE: PLANNING AND ZONING RECOMMENDATIONS OF

From: [Hernandez, Sonja D. \(KSC-AEGIS-4000\)\[AEGIS\]](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [suderma@bellsouth.net](#); [FRYE, ERIN L. \(KSC-COMET-6000\)\[COMET Primary\]](#); [Schneider, Jennifer CIV USARMY PEO STRI \(USA\)](#)
Subject: Zoning action: 24Z00025 PUD AMENDMENT: 24PUD0003 COMP PLAN: 24SS0009
Date: Sunday, March 30, 2025 10:23:11 AM
Importance: High

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Honorable Commissioner Kathryn Delaney
Honorable Commissioner Kim Adkinson
Honorable Commissioner Vice Chair Tom Goodson
Honorable Commissioner Thad Altman
Honorable Commissioner Chair Rob Feltner

We are 23-year residents of the Indian River Drive North Community and I am asking for you to Vote Against this change and protect Conservative values. The City Point Landfall change in zoning request was recklessly approved by the Planning and Zoning Board. There is already a binding agreement in place that aligns with sustainable growth management and infrastructure; decorum; preserves our natural resources; and maintains our quality of life. I believe you can agree that the Indian River is already struggling under the immense amount of residential and commercial development impacting the natural coquina shelf; increased sewage runoff and other issues contaminating this natural resource. Please be considerate of the residents of this community who have been residents and stewards of this community and protect our future and property values. This is a highly visible issue within our community and there are many residents who would be extremely upset if this change in zoning is passed. I appreciate your support in advance!

Sonja & Michael Hernandez
185 Sonya Drive
Cocoa, FL 32926
321-289-6331

From: [Michele Meyer-Arendt](#)
To: [Commissioner, D4](#)
Subject: zoning change
Date: Sunday, March 30, 2025 3:31:42 PM

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

Hello Commissioner Feltner,

Please vote NO to the requests for a zoning and land use change for a planned urban development for the property at 3477 North Indian River Dr., Cocoa. (Zoning action: 24Z00025)

This acreage has a binding comprehensive land use plan from 2004 that limits the property to no townhomes, and no access to Indian River Drive. This Amendment 2004 A.5 set land use densities that cannot be exceeded by rezoning.

Sincerely, Michele Meyer-Arendt

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: Zoning & Land Use Change
Date: Monday, March 31, 2025 9:00:27 AM

From: DOUGLAS R DUNCAN <dougmel@aol.com>
Sent: Saturday, March 29, 2025 8:14 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Zoning & Land Use Change

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

Ref: Zoning Action 24Z00025

As a native Floridian with a residence on City Point Road in Cocoa, I am asking that you please honor the Binding Development Plan that was agreed upon and approved in 2008 for property located at 3477 North Indian River Drive. This property was purchased a few years ago with full disclosure of this legal instrument which was in place. The new request for rezoning is completely incompatible with the history and character of the community, the health of the Indian River Lagoon, flow of underground springs, stability of coquina rock formations, Indian River Drive flooding issues, and scenic skyline value and most important of all, it does not reflect the desires of the community.

No pressure but we are depending on you.

Thank you,
Melanie Duncan
190 City Point Road
Sent from my iPhone

From: lintonmw@aol.com
To: [Commissioner, D3](#); [Commissioner, D1](#); [Commissioner, D4](#); [Commissioner, D5](#); [Commissioner, D2](#)
Subject: Vote No - Zoning Change
Date: Monday, March 31, 2025 12:51:46 PM

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Please vote not to approve.

As a home owner on Indian River Dr, this will contaminate the Indian River Lagoon and lower all property values -

Zoning Action: 24Z00025

PUD Amendment: 24PUD00003

Comp Plan: 24SS00009

Thank you -

Linda Wallander

From: randy.randyshots.com
To: [Commissioner, D4](#)
Subject: Zoning Change for 3477 North Indian River Drive
Date: Saturday, March 29, 2025 12:09:38 PM

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

Dear Commissioner,

My name is Randy Lathrop and I have been a resident here on Indian River Drive for over fifty years. The area has changed greatly in the last fifty years, and continues to do so, our neighborhood is now threatened with more development which will have a great impact on current local residents.

I'm writing to ask you vote against the current approved plan which includes 8 townhomes that were not included in the original proposal. The current plan impacts the river, the neighborhood, and has a "binding Plan", that limits property larger lots, no town homes, and no access to Indian River Drive.

Please stay with that original plan and help us retain and conserve our lifestyle and environment we have know for many years.

Sincerely

Randy Lathrop
204 Forest Hill Drive
Cocoa, Fla. 32926

From: [Dave Andrews](#)
To: [Commissioner, D4](#)
Subject: Zoning change request by City Point Lanfall, LCC at the April 3rd meeting
Date: Monday, March 31, 2025 5:48:53 PM

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To Rob Feltner (Commissioner District 4)-Chairman

As President representing the Point View Place HOA, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it

currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Sincerely,
David A. Andrews
President
Point View Place HOA
(321) 693-0657

From: [Nathan Krohne](#)
To: [Commissioner, D4](#)
Subject: Cocoa rezoning
Date: Tuesday, April 1, 2025 12:46:35 PM

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

Hello,

I would like to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we

have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

Nathan Krohne
211 Forest Hill Dr.
Cocoa, Florida. 32926
321 604 0467

From: [Mike Futch](#)
To: [Commissioner, D4](#)
Subject: Zoning Change Request for 3477 North Indian River Drive, Cocoa, FL
Date: Monday, March 31, 2025 4:53:32 PM
Attachments: [image001.png](#)

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

To: Rob Feltner

From: Michael C Futch, Homeowner of 3620 North Indian River Drive, Cocoa, FL 32926

I am sending this email to express my and my family's concerns over the zoning change request for the property at 3477 North Indian River Drive, Cocoa, FL. This zoning change is on the slate for your April 3, 2025 meeting date. I am adamantly opposed to any change that allows townhomes or parking lots on our street and in our neighborhood. I am organizing neighbors to attend this meeting and protest this zoning change.

Please deny this zoning change and maintain the prior, binding development plan. Thank you.

Mike Futch

President & CEO



O: 919.855.5505

M: 919.523.8803

E: mfutch@tompkinsrobotics.com

www.tompkinsrobotics.com

From: [J A HOLMAN](#)
To: [Commissioner, D4](#)
Subject: Zoning Change for 3477 N Indian River Dr (Zoning Action 24Z00025)
Date: Monday, March 31, 2025 5:55:09 PM

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

I am writing concerning the Zoning and Land Use Change (Zoning Action 24Z00025) for the property at 3477 North Indian River Drive requested by Mr. Brian McKee, City Point Landfall, LLC that will be decided at the County Commissioners meeting Thursday, April 3, 2025. This tract of land already has a comprehensive binding development plan in place that limits the property to larger lots, no multi-family dwellings and access only via US1. I am respectfully asking the County Commission to deny this zoning change due to the following.

. Multi-family dwellings are not consistent with nor compatible with our neighborhood. More septic

systems and their potential sewage discharges would be detrimental to the health of the Indian

River Lagoon.

. N Indian River Drive being a narrow winding two lane roadway is ill equipped to handle the

increased traffic that would be generated by the proposed development.

. Flooding is already a concern along that stretch of roadway. The increased runoff created by an

access road connecting to Indian River Drive and a parking lot would only add to the flooding

potential.

. City Point Landfall, LLC should have known and understood the zoning and development plan in

place for the property before making their purchase. Requesting a zoning change now is only a

back handed attempt to increase their profits at the expense of our neighborhood.

James A Holman
3767 N Indian River Dr
Cocoa, FL 32926
jaholman@bellsouth.net

From: [Kevin Jackson](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Zoning Action 24Z00025 - Proposed City Point Rezoning/Development
Date: Monday, March 31, 2025 2:52:20 PM

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

Commissioners,

I am writing to object to the proposed residential development and rezoning just north of City Point Rd. north of Cocoa. Indian River Drive is a special place that we have been fortunate enough to live near in the Twin Lakes subdivision for 4 years. I contend the character of this road and surrounding area will be negatively affected by this rezoning and proposed development for the following reasons.

1. The natural beauty of the area along with the unique scenery of the many one-of-a-kind homes will be ruined by a modern, zero lot line, cinder block and stucco, generic subdivision plopped right in the middle of it.
2. Indian River Drive is incredibly narrow along the northern section but especially so at the exact point of this proposed development. Traffic is stop and go thru this area already after any significant rainfall. In addition, many walkers, runners and bicyclists add to existing congestion. That area already has blind curves that present a hazard for any recreational use of the road. A new subdivision will make this situation worse by orders of magnitude.
3. Indian River Drive at the site of the proposed development is at its lowest point (in relation to the river level) along its entire length. The road is literally inches above the normal river level. During periods of strong NE winds, the road is completely covered by water. During hurricanes, that area is impassable by a normal car. A subdivision in this area would only make this problem worse due to the addition of a large amount of impervious area created by the new roadways, driveways and sidewalks. You are potentially creating a disastrous situation during hurricane season by this road being inundated by onshore winds and then having large amounts of rainfall runoff pouring out of this subdivision into the exact same spot. Any civil engineer could instantly spot the potential large scale flooding of the road and potentially existing houses from the addition of this proposed development.

Please consider these points carefully when making a final ruling on this proposed rezoning/development. Thank you for your time.

Sincerely & respectfully,
Kevin Jackson
118 S Twin Lakes Rd.
Sent from my iPhone

From: [Bob Stover](#)
To: [AdministrativeServices](#)
Subject: Petitions from Twin Lakes for Alice Randall
Date: Tuesday, April 1, 2025 3:52:07 PM

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

Sent from my iPhone

Begin forwarded message:

From: Bob Stover <b.stover@mc.com>
Date: April 1, 2025 at 3:09:10 PM EDT
To: Bob Stover <bobstover@outlook.com>
Subject: Petitions

Petition Objecting to City Point Landfall, LLC requests for a New Comprehensive Plan Amendment, Zoning Reclassification and Removal of Existing Binding Development Plan.

Pertinent Documents are:
 Planned Unit Development 24PUD00003
 Small-Scale Comprehensive Plan Amendment (3rd of 2025, 24S.11)
 Preliminary Development Plan, City Point PUD (MSV # 23-1071, August 19, 2024)

We the undersigned would like to register the following objections to the City Point Landfall, LLC requests;

1. We object to the request to change our community's existing Florida Land Use Map designations from their current configuration.
2. We object to the request to change our community's existing Brevard County Zoning from its current configuration.
3. We object to the removal of the current Binding Development Plan and the replacement of it with the proposed PUD.

Our community has been well protected from inappropriate development projects by this combination of Florida Land Use Map, Zoning and Binding Development Plan provisions since they were enacted in 2004 after a very lengthy review and negotiation process between Brevard County, the State of Florida, Indian River homeowner's associations, individual homeowners and the previous owners of the tract of land now owned by City Point Landfall, LLC. City Point Landfall, LLC purchased this tract with all of the provisions in force and we have always expected any new project to adhere to them.

We want the Commissioners to leave the Florida Land Use Map, Zoning and Binding Development Plan in place unchanged.

NAME / Signature	Address	Twin Lakes Homeowners Association
Jane McGillem Jane McGillem	102 N. Twin Lakes Rd	✓
Jay Adams Elizabeth Hands	143 N. Twin Lakes Rd	
Dusty Michelle Parker	142 N. Twin Lakes Rd.	✓
Genni Gerard	140 N. Twin Lakes Rd	
Chadwick Richards	133 S Twin Lakes Rd	✓
Tom Morgan	142 S. Twin Lakes RD	
Dana Hutton	130 S TWIN LAKES RD	✓
Rachel Gullist	130 S TWIN LAKES RD	
Lee D. Hart	126 S Twin Lakes Rd	
RAY	126 South Twin Lakes Rd. Cocoa, FL 32926	
Tommy Hoade	137 South Twin Lakes Rd, Cocoa, FL 32926	
RAY	145 South Twin Lakes Rd. Cocoa, FL 32926	
ELLYN RAY E.P.	145 South Twin Lakes Rd, Cocoa, FL 32926	
K. H.	118 S TWIN LAKES RD. COCOA, FL 32926	

Petition Objecting to City Point Landfall, LLC requests for a New Comprehensive Plan Amendment, Zoning Reclassification and Removal of Existing Binding Development Plan.

Pertinent Documents are:
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We want the Commissioners to leave the Florida Land Use Map, Zoning and Binding Development Plan in place unchanged.

NAME	Address	Twin Lakes Homeowners Association
Bob Stone	102 N. Twin Lakes Rd.	✓
Earline G. Ford	3600 Indian River Drive	✓
Wanda R. Kline	3550 Indian River Drive	✓
Gynthia Brown	3550 Indian River Dr.	✓
John DeCaflo	117 S. Twin Lakes Rd	✓
Bob MacCannell	135 N. Twin Lakes Rd	✓
Tom Foster	135 N. Twin Lakes Rd	✓
Joel Gable	132 N. Twin Lakes Rd.	✓
L. C. Fran	120 N. Twin Lakes Rd	✓
L. C. Fran	107 N. Twin Lakes Rd	✓
B. H. B.	127 N. Twin Lakes Rd	✓
Jim Miller	133 S. Twin Lakes Rd	✓

Sent from my iPhone

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: Cocoa plans
Date: Tuesday, April 1, 2025 11:02:30 AM

From: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Sent: Tuesday, April 1, 2025 11:01 AM
To: Myah Gallen <myah.belew@gmail.com>
Subject: Re: Cocoa plans

Good morning,

On behalf of Commissioner Delaney, I want to acknowledge receipt of your email. It will be submitted to the Commissioner for her consideration.

Thank you for contacting her office and sharing your concerns.

Sincerely,

Ruth Amato
Administrative Aide to the County Commissioner
County Commissioner Katie Delaney District 1
7101 S US Hwy 1
South Titusville, FL 32780
321-607-6901

From: Myah Gallen <myah.belew@gmail.com>
Sent: Tuesday, April 1, 2025 10:50 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Cocoa plans

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive

rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards,
Myah Gallen

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: Zoning change request by City Point Landfall, LLC at the April 3rd Comm. meeting
Date: Tuesday, April 1, 2025 11:01:19 AM

From: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Sent: Tuesday, April 1, 2025 11:01 AM
To: Jane Crowley <jbcrowley7@gmail.com>
Subject: Re: Zoning change request by City Point Landfall, LLC at the April 3rd Comm. meeting

Good morning Ms. Crowley,

On behalf of Commissioner Delaney, I want to acknowledge receipt of your email. It will be submitted to the Commissioner for her consideration.

Thank you for contacting her office and sharing your concerns.

Sincerely,

Ruth Amato
Administrative Aide to the County Commissioner
County Commissioner Katie Delaney District 1
7101 S US Hwy 1
South Titusville, FL 32780
321-607-6901

From: Jane Crowley <jbcrowley7@gmail.com>
Sent: Tuesday, April 1, 2025 10:15 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Fwd: Zoning change request by City Point Landfall, LLC at the April 3rd Comm. meeting

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

----- Forwarded message -----

From: Suzie DeBusk - HOA <highpointcivicassoc@gmail.com>
Date: Tue, Apr 1, 2025 at 10:03 AM
Subject: Fwd: Zoning change request by City Point Landfall, LLC at the April 3rd Comm. meeting
To:

Hi all, I took the liberty of sending this email to the 5 county commissioners, individually. I don't want a new neighborhood with higher density going in just north of us. I know you saw the letter from the other folks around and I've been getting emails about it, but didn't want to inundate you all with them.

Here is my letter below my signature. My version said "As the President of", I have already modified it to say "As a resident of". Please forward it, if you see fit to do so. Here are the individual emails for each of them:

District 1: D1.Commissioner@brevardfl.gov

District 2: D2.Commissioner@brevardfl.gov

District 3: D3.Commissioner@brevardfl.gov

District 4: D4.Commissioner@brevardfl.gov

District 5: D5.Commissioner@brevardfl.gov

BEFORE YOU FORWARD IT: Please add your own signature after the Regards,

Thank you,

Suzie DeBusk

President, High Point Civic Assoc

Email: HighPointCivicAssoc@gmail.com

Mobile: 321-223-5257

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

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Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: Zoning Changes
Date: Tuesday, April 1, 2025 12:36:35 PM

Good afternoon Ms. Deuchler,

On behalf of Commissioner Delaney, I want to acknowledge receipt of your email. It will be submitted to the Commissioner for her consideration.

Thank you for contacting her office and sharing your concerns.

Ruth Amato
Administrative Aide to the County Commissioner
County Commissioner Katie Delaney District 1
7101 S US Hwy 1
South Titusville, FL 32780
321-607-6901

From: patti deuchler <patches971@yahoo.com>
Sent: Tuesday, April 1, 2025 12:08 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Zoning Changes

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for

those in the community to challenge future inappropriate development.

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Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

Patricia Deuchler
High Point Community

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: Opposition to Zoning Change
Date: Tuesday, April 1, 2025 11:00:35 AM

From: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Sent: Tuesday, April 1, 2025 11:00 AM
To: Della On RR <dellakennelly@cfl.rr.com>
Subject: Re: Opposition to Zoning Change

Good morning,

On behalf of Commissioner Delaney, I want to acknowledge receipt of your email. It will be submitted to the Commissioner for her consideration.

Thank you for contacting her office and sharing your concerns.

Sincerely,

Ruth Amato
Administrative Aide to the County Commissioner
County Commissioner Katie Delaney District 1
7101 S US Hwy 1
South Titusville, FL 32780
321-607-6901

From: Della On RR <dellakennelly@cfl.rr.com>
Sent: Tuesday, April 1, 2025 10:14 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Opposition to Zoning Change

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

My husband and I own and reside in a home at 3711 Indian River Drive near the Brookhill Subdivision. It is my understanding the Brevard County Commission is considering a zoning and land use change which would permit the building of townhomes, a larger number of single-family residences and a parking lot at 3477 Indian River Drive. We believe this type of development is inconsistent with the nature of the existing community and would lower the value of our homes, increase traffic along the road, and exacerbate existing flooding problems. So, I am writing to request that you vote NO to zoning action 24Z00025 and PUD amendment 24PUD00003.

This property has an existing binding development plan, that limits the development to larger lots with no vehicle access to Indian River Drive. Such a plan preserves the nature of the area, especially if the resulting homes are of high-quality construction and substantial size. We ask you to retain the existing zoning plan.

Thanks for your help in protecting this beautiful natural area from over development.
Sent from my iPad

From: [Commissioner, D1](#)
To: [AdministrativeServices](#)
Subject: Fw: City Point
Date: Tuesday, April 1, 2025 12:35:51 PM

From: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Sent: Tuesday, April 1, 2025 12:35 PM
To: Nathan Krohne <nrkrohne@gmail.com>
Subject: Re: City Point

Good afternoon Nathan Krohne,

On behalf of Commissioner Delaney, I want to acknowledge receipt of your email. It will be submitted to the Commissioner for her consideration.
Thank you for contacting her office and sharing your concerns.

Ruth Amato
Administrative Aide to the County Commissioner
County Commissioner Katie Delaney District 1
7101 S US Hwy 1
South Titusville, FL 32780
321-607-6901

From: Nathan Krohne <nrkrohne@gmail.com>
Sent: Tuesday, April 1, 2025 12:33 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: City Point

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

Hello,
Would like to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1

and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

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amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

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So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

Nathan Krohne
211 Forest Hill Dr.
Cocoa, Florida. 32926
321 604 0467

From: i2rbaboon@aol.com
To: D.1Commissioner@Brevardfl.gov; D.2Commissioner@BrevardFL.gov; [Commissioner, D3](#); [Commissioner, D4](#);
D5Commissioner@BrevardFL.gov
Subject: 3477 North Indian River Drive
Date: Tuesday, April 1, 2025 1:00:58 PM

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

Wendy McAllister, 3704 Windsor Drive, Cocoa

I don't know who Brian McKee is, but still, I do feel strongly about what I have written here. If these facts are correct.

RE: 3477 North Indian River Drive:

I am going to start this with my first thoughts:

Normally, or one might say, 99 percent of the time, I read these complaints from the neighboring area and sympathize with the letter bearer, but throw the letter in the garbage.

As a licensed CAM in the state of Florida, and after running HOAs, I can tell you that I have seen over and over again good intentions go wrong.

I will give you one example:

In one of the HOAs which was a single-family residence; one house had their daughter and her family move in with Mom and Dad. They were having hard times and we didn't want to come off as the hard guys, so we allowed this indiscretion. By the end of the year, we had ten houses with families moving in, even board members were doing it. Two board members. We were stuck! Then came more problems with parking, for there had become excess cars. Etc. No parking was allowed on the street, so people were parking on the front lawn.

Townhouses:

My granddaughter lives in a townhouse up in Jacksonville, which is off a very quiet street a block from the ocean and beaches. At first all was fine, until the townhouse parking lot became a problem. My granddaughter could never find a spot in the parking lot, and there was limited parking on the street. This happened because the residents had company or other people moving in with them. Too many cars, and then the noise became a problem and more. The area is a shared area, and each person had their own idea of what was or was not acceptable.

Here's the problem in one sentence of a simple children's book: What happens if you give a mouse a cookie? The answer, he wants a glass of milk. If you give him a glass of milk, he wants a straw, And so on....

It is best not to open the can of worms you cannot close.

In Closing:

This is not a big city, (Jacksonville) nor do any of the homeowners want it to be, or they would have moved there not here. These builders are not doing this to improve the area, people moved here (As I have) to get away from the congestion, people pay big taxes and sometimes straining to do so, to live as we feel it should be, homes, neighbors. The quiet place. These builders see money, and that is all. Money at other people's expense. This will at first look innocent, but in no time escalate, not to mention, change things to a point where it will never go back to being just Cocoa, a nice place to live. I have seen this too many times, I think we all have.

Please do not vote in approval of townhouses, for once you open that can of worms, it cannot be closed. The builders will make it sound as if it is not a precedence, But it is. Again, being involved in law for many years, this one has come back to bite many people.

There is no reason why this is worth voting yes, for only the **builders** want that vote, no one else. Only the builders will make out. Taxes? There are plenty that we pay, however, I am sure the people would take a higher tax than to have these

townhouses. I know I would. Don't let them destroy Cocoa. One of the last remaining real neighborhoods.
Thank you,

From: [Suzie DeBusk - HOA](#)
To: [Commissioner, D4](#)
Subject: Zoning change request by City Point Landfall, LLC at the April 3rd Comm. meeting
Date: Tuesday, April 1, 2025 9:49:04 AM

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

As President representing the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we

have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

Suzanne DeBusk
President, High Point Civic Assoc
Email: HighPointCivicAssoc@gmail.com
Mobile: 321-223-5257

From: [Sue](#)
To: [Commissioner, D4](#)
Subject: Rezoning Property Proposal
Date: Tuesday, April 1, 2025 2:51:38 PM

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

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Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we

have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Sue A Lathrop

From: [Myah Gallen](#)
To: [Commissioner, D4](#)
Subject: Cocoa plans
Date: Tuesday, April 1, 2025 10:51:09 AM

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

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Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards,
Myah Gallen

Dear Commissioner Goodson,

My wife and I have lived in the Twin Lakes Subdivision, just north of SR 528, for 21 years. When we moved here in 2004 we became neighbors with people who had thrived here for four or five decades. Several of them became our close friends, including next door neighbors Bernie and LaVonn Simpkins and Fletcher and Leila Sheriff. They built homes here in the 1960s, raised families and flourished as state-wide entrepreneurs. Their business accomplishments included developing Melbourne's Bay Tree community. They were successful enough to live anywhere but they stayed in Twin Lakes for the rest of their lives because the neighborhood was such a great place to live.



In retirement Bernie kept Peking Ducks in the two lakes, feeding them like clockwork each afternoon. The Simpkins' and Sheriff's contributions to Twin Lakes are honored with benches and stone seating areas that bear their names in the neighborhood's Indian River front park, which is a great place to watch rocket launches. Residents here have cherished the legacy they and other pioneers of this area created in Twin Lakes and a few other nearby subdivisions. Over the years we have cheered the runners in the annual Thanksgiving weekend marathon along Indian River Drive. We enjoy walking the area, and when we drive out of the neighborhood we drive very slowly so as not to endanger the hundreds of residents who walk or ride bicycles for exercise along the narrow, winding road.

But there are some difficulties. The winding, narrow road is prone to flooding – and washouts, and in heavy storms we've even seen the two lakes unite as one. I have attached photos from last October when we were brushed by the back of a hurricane. But it doesn't require a tropical storm to flood this road in several places. More intensive nearby development could make it worse. I certainly wouldn't recommend a parking lot on Indian River Drive in one of its lowest places.





Importantly, as Twin Lakes' original residents passed away, new families - many with children - have moved in, renovating and upgrading single family homes and improving landscapes.

They've "invested" financially and emotionally in this community. Their engagement has ensured that this remains a vibrant, cohesive, safe area with residents able to enjoy the cadence of an established neighborhood that is well cared for. A few other subdivisions nearby have also maintained this stability.

Many of us fear that these decades of investment in the community will be threatened by the **proposal to rezone Planned Unit Development 24PUD00003 and to remove the existing Binding Development Plan** for this area. It is on the Commission agenda this coming Thursday. If this is approved now, there will be other proposals to fight in the future.

Please, do not approve this proposal.

Developers have suggested that more intense development would increase the tax base. That may be true in the short term, but it might reduce the value of what is already here and potentially cost the county more to serve. Also, if this is approved, we know it won't be the last request for more intensive development in an area that you have so far managed to protect with thoughtful planning.

Thank you for your consideration. In less than 24 hours we were able to get more than two dozen homeowners' signatures on petitions opposing the zoning change in our subdivision. I'm sending them to you, too.

Sincerely,

Bob Stover

From: sallyh12@cfl.rr.com <sallyh12@cfl.rr.com>

Sent: Tuesday, April 1, 2025 5:03 PM

To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>

Subject: Regarding Zoning change for 3477 North Indian River Drive

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

Commissioner Delaney

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our 90 single family home subdivision is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

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Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards
Sally Henderson

From: [kathy.mardirosian](#)
To: [Commissioner, D4](#)
Subject: Zoning change request for 3477 N. Indian River Dr.
Date: Tuesday, April 1, 2025 7:04:07 PM

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

am writing to request that you **vote to NOT approve the request for zoning changes for the above-noted address.** I am a resident and homeowner in Brookhill subdivision (3702 Windsor Dr. Cocoa).

I am deeply concerned about the impact a zoning change would have on this road, which is the only access to my neighborhood. A coquina rock shelf lies just beneath the subject property and would be subject to any potential septic systems and its sewage discharges that may occur from development. Plus there is already an issue with flooding on this area of Indian River Dr. Each time we have a hurricane come through, this part of the road floods significantly. There is also a section of the road that is under water after each hurricane north of Brookhill subdivision. Repeatedly we have had no access to our neighborhood because of this flooding and have had to park our cars at businesses on Hwy 1 and walk through private property and down a steep incline to get into our neighborhood. While this is still a significant problem, we do not need to deal with the potential impact of more development on this road.

Also, this tract already has a current binding development plan in place that limits the property to larger lots and NO townhomes and NO access to Indian River Dr. Those of us who live in this area chose it for multiple reasons-- including the limits on development that are currently in place. There are good reasons for these current restrictions and there is no good reason to change them.

Thank you for serving the residents of Brevard County, -Kathy Mardirosian

From: [Sally Henderson](#)
To: [Commissioner, D2](#)
Subject: Regarding Proposed Zoning Change for 3477 North Indian River Drive
Date: Tuesday, April 1, 2025 5:05:31 PM

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

Commissioner Goodson

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our 90 single family home subdivision is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

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Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

Sally Henderson

From: [kathy.mardirosian](#)
To: [Commissioner, D2](#)
Subject: zoning change request for 3477 N. Indian River Dr
Date: Tuesday, April 1, 2025 7:01:03 PM

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

Commissioner Goodson-

I am writing to request that you **vote to NOT approve the request for zoning changes for the above-noted address**. I am a resident and homeowner in Brookhill subdivision (3702 Windsor Dr. Cocoa).

I am deeply concerned about the impact a zoning change would have on this road, which is the only access to my neighborhood. A coquina rock shelf lies just beneath the subject property and would be subject to any potential septic systems and its sewage discharges that may occur from development. Plus there is already an issue with flooding on this area of Indian River Dr. Each time we have a hurricane come through, this part of the road floods significantly. There is also a section of the road that is under water after each hurricane north of Brookhill subdivision. Repeatedly we have had no access to our neighborhood because of this flooding and have had to park our cars at businesses on Hwy 1 and walk through private property and down a steep incline to get into our neighborhood. While this is still a significant problem, we do not need to deal with the potential impact of more development on this road.

Also, this tract already has a current binding development plan in place that limits the property to larger lots and NO townhomes and NO access to Indian River Dr. Those of us who live in this area chose it for multiple reasons-- including the limits on development that are currently in place. There are good reasons for these current restrictions and there is no good reason to change them.

Thank you for serving the residents of Brevard County, -Kathy Mardirosian

To: Rob Feltner, Chair, Commissioner District Five
Tom Goodson, Vice-Chair, Commissioner District Two
Katie Delaney, Commissioner, District One
Kim Adkinson, Commissioner, District Three
Thad Altman, Commissioner District Four
From: Tom and Linda Weinberg, 104 Sonya Drive, Cocoa (unincorporated)
Re: Application of City Pointe Landfall, LLC
24 PUD00003 - PUD /rezoning
April 3, 2025 Board Meeting
Date: March 27, 2025

This email is in regard to the above referenced request by City Pointe Landfall, LLC to change the Future Land Use and Zoning of two parcels of land from Rural Estate Use and Residential Professional to a Planned Unit Development that is designed, among other things, to nearly triple the residential component, encroach upon existing wetlands and permit townhomes along some of the most scenic areas of a Florida Scenic Highway. Despite claims otherwise, allowing such a change is a dramatic departure from the existing uses, diminishes the quality and character of the surrounding area as well as sets a negative precedent for the entire Indian River Drive area. It also extinguishes a Binding Development Agreement that was negotiated on the property in 2008.

In 2008, the bulk of this property, a 7.5-acre parcel, was owned by G&D Developers, LLC. These developers had initially requested a land use and zoning change, but after many discussions with the neighborhood and County staff, modified their request for only a zoning change from the then-existing AU to EU. The developer's attorney told the County Commission that this modification would make their request "consistent with the surrounding residential uses and zoning". At a September 4, 2008, Board meeting, the County Commission approved a negotiated Binding Development Agreement with G&D Development, in which the parties agreed to the following:

- EU zoning with the number of developable lots not to exceed seven
- Single family detached homes of a minimum size of 2,200 square feet
- No subdivision access to Indian River Drive

- No subdivision access to Parkchester subdivision

This Binding Development Agreement was prepared by Hank Evans, a respected land use attorney in Brevard County and executed by County Chairman Truman Scarborough.

Unfortunately, the meeting video is not available online however, a review of the official minutes of this September 4, 2008, County Commission meeting is highly instructive. (The relevant portion of the minutes are included at the end of this email). One resident thanked the Board “for working on this so diligently, especially Chairman Scarborough, also Laura on the Planning and Zoning Board: [and] all the people who have worked for almost five years on this small area development plan”. Chairman Scarborough noted that “there was a tremendous amount of interest in this as there was going to be a change in the land use; the land use occurred from a small area plan that the community worked on for multiple years; and the residents wondered why he or she should have a small area plan if it can be changed so rapidly.” The BCC unanimously agreed and approved the rezoning from AU to EU with a Binding Development Agreement allowing a maximum of seven units and the applicant withdrawing its request for a Future Land Use designation change.

City Pointe Landfall, LLC purchased this property in Nov 5, 2021 from G&D Developers with full awareness and knowledge of the Binding Development Agreement restrictions that were negotiated by the Sellers and placed upon the property. ***There have been no changes in the character or circumstances of the surrounding area and there is no reason to extinguish the Binding Development Agreement.*** This area is part of a thoughtfully created small area study that is designed to promote and protect expansion of non-residential elements into the area.

Of the utmost importance to note in this recent proposal is that the P&Z staff report posting online for the March meeting is woefully incomplete and insufficient in summarizing the facts and circumstances that led to the creation of the Binding Development Plan that runs with the property. It does not note the dramatic departure in land use that would result from this proposal being approved. Nor does it mention the negative impact to the surrounding community or small area study that are likely to occur if this project were

approved. Thus, the volunteer members of the P&Z Board did not have the full background necessary to make an informed decision and vote. How that could happen may be related to turnover in staff, but it is dramatic departure from what the minutes reflect in the Board discussion of Set 4, 2008 when the BDA was approved.

There have been numerous concerns to this proposal expressed by residents in surrounding communities, many of whom spoke at the P&Z meeting. Overall, these concerns include:

- Exacerbating the existing drainage problems and flooding along Indian River Drive which already frequently floods in front of this property
- Impact on the wetlands from a walking path and proposed parking lot
- Creation of townhomes visible from Indian River Drive which is a dramatic departure from the single-family home character of the surrounding area. There are no townhomes along Indian River Drive north of Cocoa Village.
- More wetlands impact as well as security concerns associated with a proposed parking lot on Indian River Drive. This parking lot makes NO sense from an ecological, environmental, drainage, safety, traffic or practical perspective.

The property in question is in a highly desirable area along the Indian River Lagoon. The major reason for this desirability is because of land and zoning protections that have ensured residential compatibility with the surrounding area. These residential protections not only benefit surrounding residents but the entire county. Indian River Drive has been designated by the State of Florida as one of only 27 Florida Scenic Drives – the mission of which is to highlight and conserve natural resources and provide high quality experiences to visitors. Taking the Indian River Drive north of Cocoa Village to US 1, you will find no townhomes and no parking lots. It is a beautiful residential drive that attracts multitudes of drivers, motorcyclists, bikers, runners and walkers.

The Action we are requesting is that the rezoning and land use request of City Pointe Landfall, LLC be DENIED and that the Binding Development Agreement remain in place and govern whatever land uses are proposed for the property.

Thank you for your time and attention in ensuring our community is valued and respected.

not been resolved. He advised he would like to tie that in with the whole process of getting the water taken care of. Chairman Scarborough advised as it moves forward perhaps that will happen; and staff will keep Mr. Teele in the loop.

TABLED ITEMS

Chairman Scarborough called for a public hearing to consider items tabled by the Board of County Commissioners on April 3, 2008 and August 7, 2008.

VI.A.1. (Z0801103) G & D Developers, L.C.'s request for a Small Scale Plan Amendment (08S.03) to change the Future Land Use designation from Res. 1 & Res. 2 to Res. 4, and a change from AU to EU on 7.434 acres located east of U.S. 1, south of Cidco Road, which was recommended for approval by the Local Planning Agency and the Planning and Zoning Board.

Chairman Scarborough inquired if the request was amended where there would be no request for change in the land use and it is just a zoning request now; with Attorney Richard Stadler responding that is correct. Mr. Stadler distributed copies of a Binding Development Plan to the Board and to the homeowners.

Attorney Richard Stadler stated he represents G & D Developers who originally requested a land use change and zoning request to the property that is shown in yellow on the map; it is an interior portion that is currently zoned AU and has a Res. 1 designation for the land use code; and it was originally used as a grove, which is why the zoning is AU. He stated the applicant is withdrawing the request for a change in the land use designation; at this point in time the applicant is requesting an EU zoning change to change it from AU to EU; that would be consistent with the surrounding residential uses and the zoning; those are all marked on the map in blue and green; everything around it designated either EU or RU-1-11; and all the land use designations are all higher than Res. 1. He stated the applicant is willing to, after meeting with the homeowner's, compromise and stick with Res. 1. He advised there is also a Binding Development Plan, the terms of which would provide for a maximum of seven units in the area to be rezoned.

John Willis stated he wants to thank the Board for working on this so diligently, especially Chairman Scarborough, also Laura on the Planning and Zoning Board; he also wants to thank all of the people who have worked for almost five years on this small area development plan; and on behalf of all of the homeowners, he wants to thank Mr. Owens office and Mr. Papp for finally seeing the way that the land was designed to use. He stated they have a nice neighborhood and would like to keep it that way.

R. Victor Brungart stated it looks like Zoning Official Rick Enos has worked well with the homeowners to help get this squared away; and in other states he has worked with zoning-type things. He stated it looks like this should be approved as everyone is working together.

Chairman Scarborough stated a lot of people did not come to the meeting this evening; there was a tremendous amount of interest in this as there was going to be a change in the land use; the land use occurred from a small area plan that the community worked on for multiple years; and the residents wondered why he or she should have a small area plan if it can be changed so rapidly.

There being no objections heard, motion was made by Commissioner Voltz, seconded by Commissioner Nelson to approve Item VI.A.1 with a Binding Development Agreement allowing a maximum of seven units; and applicant withdrawing request for Future Land Use designation change. Motion carried and ordered unanimously. (See page
for Binding Development Plan.)

PUBLIC HEARING RE: PLANNING AND ZONING RECOMMENDATIONS OF

From: [jacob mueller](#)
To: [Commissioner, D2](#)
Subject: City point development I concerns
Date: Friday, March 28, 2025 6:15:32 PM

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

Hello Mr. Goodson,

My name is Jacob Mueller and I am a resident of Indian river drive. I am writing you today to respectfully urge you to vote no on the city point development.

I have concerns that such a development would increase crime in the area and would further degrade the Indian river. Moreover, I do not think the supporting roadways could handle the increased traffic.

Please feel free to call me at anytime (513) 448-5596. I appreciate your time and fair consideration.

Thank you,
~JM

From: [Nathan Krohne](#)
To: [Commissioner, D2](#)
Subject: City Point
Date: Tuesday, April 1, 2025 12:44:27 PM

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

Hello,

I would like to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we

have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

Nathan Krohne
211 Forest Hill Dr.
Cocoa, Florida. 32926
321 604 0467

From: [Myah Gallen](#)
To: [Commissioner, D2](#)
Subject: Cocoa plans
Date: Tuesday, April 1, 2025 10:50:51 AM

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards,
Myah Gallen

From: i2rbaboon@aol.com
To: [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D5](#)
Subject: Fw: 3477 North Indian River Drive
Date: Tuesday, April 1, 2025 1:43:44 PM

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

----- Forwarded Message -----

From: i2rbaboon@aol.com <i2rbaboon@aol.com>
To: D.1Commissioner@Brevardfl.gov <d.1commissioner@brevardfl.gov>;
D.2Commissioner@BrevardFL.gov <d.2commissioner@brevardfl.gov>;
D3.commissioner@BrevardFL.gov <d3.commissioner@brevardfl.gov>;
D4.Commissioner@BrevardFL.gov <d4.commissioner@brevardfl.gov>;
D5Commissioner@BrevardFL.gov <d5commissioner@brevardfl.gov>
Sent: Tuesday, April 1, 2025 at 01:00:52 PM EDT
Subject: 3477 North Indian River Drive

Wendy McAllister, 3704 Windsor Drive, Cocoa

I don't know who Brian McKee is, but still, I do feel strongly about what I have written here. If these facts are correct.

RE: 3477 North Indian River Drive:

I am going to start this with my first thoughts:

Normally, or one might say, 99 percent of the time, I read these complaints from the neighboring area and sympathize with the letter bearer, but throw the letter in the garbage.

As a licensed CAM in the state of Florida, and after running HOAs, I can tell you that I have seen over and over again good intentions go wrong.

I will give you one example:

In one of the HOAs which was a single-family residence; one house had their daughter and her family move in with Mom and Dad. They were having hard times and we didn't want to come

off as the hard guys, so we allowed this indiscretion. By the end of the year, we had ten houses with families moving in, even board members were doing it. Two board members. We were stuck! Then came more problems with parking, for there had become excess cars. Etc. No parking was allowed on the street, so people were parking on the front lawn.

Townhouses:

My granddaughter lives in a townhouse up in Jacksonville, which is off a very quiet street a block from the ocean and beaches. At first all was fine, until the townhouse parking lot became a problem. My granddaughter could never find a spot in the parking lot, and there was limited parking on the street. This happened because the residents had company or other people moving in with them. Too many cars, and then the noise became a problem and more. The area is a shared area, and each person had their own idea of what was or was not acceptable.

Here's the problem in one sentence of a simple children's book: What happens if you give a mouse a cookie? The answer, he wants a glass of milk. If you give him a glass of milk, he wants a straw, And so on....

It is best not to open the can of worms you cannot close.

In Closing:

This is not a big city, (Jacksonville) nor do any of the homeowners want it to be, or they would have moved there not here. These builders are not doing this to improve the area, people moved here (As I have) to get away from the congestion, people pay big taxes and sometimes straining to do so, to live as we feel it should be, homes, neighbors. The quiet place. These builders see money, and that is all. Money at other people's expense. This will at first look innocent, but in no time escalate, not to mention, change things to a point where it will never go back to being just Cocoa, a nice place to live. I have seen this too many times, I think we all have.

Please do not vote in approval of townhouses, for once you open that can of worms, it cannot be closed. The builders will make it sound as if it is not a precedence, But it is. Again, being involved in law for many years, this one has come back to bite many people.

There is no reason why this is worth voting yes, for only the **builders** want that vote, no one else. Only the builders will make out. Taxes? There are plenty that we pay, however, I am sure the people would take a higher tax than to have these townhouses. I know I would. Don't let them destroy Cocoa.

One of the last remaining real neighborhoods.
Thank you,

From: [Jane Crowley](#)
To: [Commissioner, D2](#)
Subject: Fwd: Zoning change request by City Point Landfall, LLC at the April 3rd Comm. meeting
Date: Tuesday, April 1, 2025 10:26:35 AM

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

----- Forwarded message -----

From: **Suzie DeBusk - HOA** <highpointcivicassoc@gmail.com>
Date: Tue, Apr 1, 2025 at 10:03 AM
Subject: Fwd: Zoning change request by City Point Landfall, LLC at the April 3rd Comm. meeting
To:

Hi all, I took the liberty of sending this email to the 5 county commissioners, individually. I don't want a new neighborhood with higher density going in just north of us. I know you saw the letter from the other folks around and I've been getting emails about it, but didn't want to inundate you all with them.

Here is my letter below my signature. My version said "As the President of", I have already modified it to say "As a resident of". Please forward it, if you see fit to do so. Here are the individual emails for each of them:

District 1: D1.Commissioner@brevardfl.gov
District 2: D2.Commissioner@brevardfl.gov
District 3: D3.Commissioner@brevardfl.gov
District 4: D4.Commissioner@brevardfl.gov
District 5: D5.Commissioner@brevardfl.gov

BEFORE YOU FORWARD IT: Please add your own signature after the Regards,

Thank you,

Suzie DeBusk
President, High Point Civic Assoc
Email: HighPointCivicAssoc@gmail.com
Mobile: 321-223-5257

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is

about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

From: [Sonja Hernandez](#)
To: [Commissioner, D2](#)
Subject: Please vote no
Date: Tuesday, March 18, 2025 8:31:35 PM

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

P&Z Meeting Report - City Point Landfall, LLC Rezoning Request

Despite our best efforts and testimony by many community members opposing zoning and FLU map changes, the Planning and Zoning Board voted to move the zoning and PUD requests by the developer on to the Board of Commissioners for a ruling at the next Board of Commissioner's meeting (April 3rd, 5:00 pm). The P&Z Board voted to recommend accepting the developer's request for rezoning, with three members opposed to accepting. One board member, Henry Minneboo, spoke up for respecting and supporting Binding Development Plans in general and ours in particular (a mass showing). He was also the only member who was around in 2004 when our community successfully implemented our existing BDP. The decision is now up to the Board of Commissioners and they do not necessarily have to abide by the P&Z Board's recommendation. The P&Z Board is requiring the developer set up a meeting with our community to present details of their plans and to solicit our input and concerns. The date and time of this meeting is TBD but should be before the April 3rd Board of Commissioners meeting.

We prepared this letter to the P&Z Board. Our plan was to read it to them as part of community comments, however we were only given three minutes to speak so we had to summarize it on the fly. This is the full text of the letter that we turned into the P&Z Clerk for inclusion in the minutes. Since it may be a bit difficult to locate online, we thought we would share it with you all.

P&Z Planning Board Testimony 3/17/2025

Board Members,

Here is a bit of history regarding our neighborhood and the ongoing efforts to preserve our community's essential character.

Our community is between the Indian River and the east side of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that we as a community have worked hard over the years to protect against high density development.

We are facing yet another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing

a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for us to challenge future inappropriate development.

Some years ago, in response to a proposed massive condominium project in the middle of our community, all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, we worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities we set were guided by and compatible with the current zoning and existing land uses in our area, but were somewhat simpler and in many cases more generous.

Nevertheless, our current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, we find ourselves before the Planning and Zoning Board and then the County Commissioners defending our density limits and our Comprehensive Land Use Plan.

In the past, once the developers became aware of community concerns, either on their own or by advisement from county officials, community/developer meetings were scheduled where the developers presented their plans to solicit community input and address concerns. These type of meetings can be very helpful and may result in a mutually satisfactory outcome. With the rather short notification time we have been given this time, our first opportunity to voice our community concerns are these County Planning and Zoning Board and Commission meetings scheduled in the coming weeks. Our time to prepare and respond has been considerably shortened this time around. We have not heard of any outreach efforts on the part of City Point Landfall regarding this project. The first substantive notification of a planned effort on their part to change zoning, FLUM and remove the Binding Development Plan came by way of signs planted on Indian River Drive and at the entrance to Parkchester two weeks ago. Hardly an indication of concern for community involvement.

A big area of our concern is in setting a precedence. Since we fought so hard to establish safeguards to our community at the local, county and state levels, we are keen to continue keeping them in place so that future developers cannot cite exceptions given to other developers as a defense for whatever changes they would desire for future projects. We want to stick to our guns and defend our community's character and environment.

The existing Binding Development Plan was executed October 28, 2008, signed by the owner of the property at that time and became permanently attached to the property as a safeguard to our community. The following restrictions were placed on the interior 7

acres of the property (referred to in the BDP as the "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;
- E. The Property shall have EU zoning.

These restrictions and all of the provisions of the Binding Development Plan are present on the property today and were present when City Point Landfall purchased the property. We assume City Point Landfall knew what they were buying. We assume they also knew what the zoning and FLUM designations were when they made the purchase.

We agree with all of the provisions and restrictions called out in the Binding Development Plan and desire that it remain in force.

Irregardless of the PUD outlined in City Point Landfall's Proposed Development Plan, by changing the FLUM to RES4 for the entire property, City Point Landfall will end up with the potential for 14.86 acres times 4 housing units each acre. This would be about 59 units if it was zoned to the maximum extent possible. While we appreciate the thought and some of the features of the PUD in City Point Landfall's Proposed Development Plan, we worry that there is the possibility that the PUD may never be built, but the FLUM and Zoning changes, if enacted, will then be permanently attached to the property. It seems possible that funding could fall through, the economics of the project could change for the worse, the desire on the part of developers could wane - any number of things could conspire to make the PUD not come to fruition. City Point Landfall might be compelled to redesign and go with a completely different PUD or they might have to sell the property to a new buyer who would then have the opportunity to build a completely different project with greatly increased density.

We believe that the current Future Land Use Map, Zoning and Existing Binding Development Plan are adequate for development of a profitable and appropriate subdivision within our community. We therefore ask that Planning and Zoning Board recommend that the Board of Commissioners reject the changes requested by City Point Landfall LLC at the earliest opportunity.

Thank You for your attention and consideration,

James and Beverly Sudermann
3469 Indian River Drive
Cocoa, FL

From: [Sue](#)
To: [Commissioner, D2](#)
Subject: Rezoning property City Point
Date: Tuesday, April 1, 2025 2:49:45 PM

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we

have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Sue A Lathrop

From: lintomw@aol.com
To: [Commissioner, D3](#); [Commissioner, D1](#); [Commissioner, D4](#); [Commissioner, D5](#); [Commissioner, D2](#)
Subject: Vote No - Zoning Change
Date: Monday, March 31, 2025 12:51:46 PM

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Please vote not to approve.

As a home owner on Indian River Dr, this will contaminate the Indian River Lagoon and lower all property values -

Zoning Action: 24Z00025

PUD Amendment: 24PUD00003

Comp Plan: 24SS00009

Thank you -

Linda Wallander

From: [Kevin Jackson](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Zoning Action 24Z00025 - Proposed City Point Rezoning/Development
Date: Monday, March 31, 2025 2:52:20 PM

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

Commissioners,

I am writing to object to the proposed residential development and rezoning just north of City Point Rd. north of Cocoa. Indian River Drive is a special place that we have been fortunate enough to live near in the Twin Lakes subdivision for 4 years. I contend the character of this road and surrounding area will be negatively affected by this rezoning and proposed development for the following reasons.

1. The natural beauty of the area along with the unique scenery of the many one-of-a-kind homes will be ruined by a modern, zero lot line, cinder block and stucco, generic subdivision plopped right in the middle of it.
2. Indian River Drive is incredibly narrow along the northern section but especially so at the exact point of this proposed development. Traffic is stop and go thru this area already after any significant rainfall. In addition, many walkers, runners and bicyclists add to existing congestion. That area already has blind curves that present a hazard for any recreational use of the road. A new subdivision will make this situation worse by orders of magnitude.
3. Indian River Drive at the site of the proposed development is at its lowest point (in relation to the river level) along its entire length. The road is literally inches above the normal river level. During periods of strong NE winds, the road is completely covered by water. During hurricanes, that area is impassable by a normal car. A subdivision in this area would only make this problem worse due to the addition of a large amount of impervious area created by the new roadways, driveways and sidewalks. You are potentially creating a disastrous situation during hurricane season by this road being inundated by onshore winds and then having large amounts of rainfall runoff pouring out of this subdivision into the exact same spot. Any civil engineer could instantly spot the potential large scale flooding of the road and potentially existing houses from the addition of this proposed development.

Please consider these points carefully when making a final ruling on this proposed rezoning/development. Thank you for your time.

Sincerely & respectfully,
Kevin Jackson
118 S Twin Lakes Rd.
Sent from my iPhone

From: [Hernandez, Sonja D. \(KSC-AEGIS-4000\)\[AEGIS\]](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: suderma@bellsouth.net; [FRYE, ERIN L. \(KSC-COMET-6000\)\[COMET Primary\]](#); [Schneider, Jennifer CIV USARMY PEO STRI \(USA\)](#)
Subject: Zoning action: 24Z00025 PUD AMENDMENT: 24PUD0003 COMP PLAN: 24SS0009
Date: Sunday, March 30, 2025 10:23:10 AM
Importance: High

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Honorable Commissioner Kathryn Delaney
Honorable Commissioner Kim Adkinson
Honorable Commissioner Vice Chair Tom Goodson
Honorable Commissioner Thad Altman
Honorable Commissioner Chair Rob Feltner

We are 23-year residents of the Indian River Drive North Community and I am asking for you to Vote Against this change and protect Conservative values. The City Point Landfall change in zoning request was recklessly approved by the Planning and Zoning Board. There is already a binding agreement in place that aligns with sustainable growth management and infrastructure; decorum; preserves our natural resources; and maintains our quality of life. I believe you can agree that the Indian River is already struggling under the immense amount of residential and commercial development impacting the natural coquina shelf; increased sewage runoff and other issues contaminating this natural resource. Please be considerate of the residents of this community who have been residents and stewards of this community and protect our future and property values. This is a highly visible issue within our community and there are many residents who would be extremely upset if this change in zoning is passed. I appreciate your support in advance!

Sonja & Michael Hernandez
185 Sonya Drive
Cocoa, FL 32926
321-289-6331

From: [J A HOLMAN](#)
To: [Commissioner, D2](#)
Subject: Zoning Change for 3477 N Indian River Dr (Zoning Action 24Z00025)
Date: Monday, March 31, 2025 5:48:16 PM

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

I am writing concerning the Zoning and Land Use Change (Zoning Action 24Z00025) for the property at 3477 North Indian River Drive requested by Mr. Brian McKee, City Point Landfall, LLC that will be decided at the County Commissioners meeting Thursday, April 3, 2025. This tract of land already has a comprehensive binding development plan in place that limits the property to larger lots, no multi-family dwellings and access only via US1. I am respectfully asking the County Commission to deny this zoning change due to the following.

. Multi-family dwellings are not consistent with nor compatible with our neighborhood. More septic

systems and their potential sewage discharges would be detrimental to the health of the Indian

River Lagoon.

. N Indian River Drive being a narrow winding two lane roadway is ill equipped to handle the

increased traffic that would be generated by the proposed development.

. Flooding is already a concern along that stretch of roadway. The increased runoff created by an

access road connecting to Indian River Drive and a parking lot would only add to the flooding

potential.

. City Point Landfall, LLC should have known and understood the zoning and development plan in

place for the property before making their purchase. Requesting a zoning change now is only a

back handed attempt to increase their profits at the expense of our neighborhood.

James A Holman
3767 N Indian River Dr
Cocoa, Fl 32926
jaholman@bellsouth.net

From: [Suzie DeBusk - HOA](#)
To: [Commissioner, D2](#)
Subject: Zoning change request by City Point Landfall, LLC at the April 3rd Comm. meeting
Date: Tuesday, April 1, 2025 9:20:29 AM

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

As President representing the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we

have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

Suzanne DeBusk
President, High Point Civic Assoc
Email: HighPointCivicAssoc@gmail.com
Mobile: 321-223-5257

From: [Mike Futch](#)
To: [Commissioner, D2](#)
Subject: Zoning Change Request for 3477 North Indian River Drive, Cocoa, FL
Date: Monday, March 31, 2025 4:54:39 PM
Attachments: [image001.png](#)

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

To: Tom Goodson

From: Michael C Futch, Homeowner of 3620 North Indian River Drive, Cocoa, FL 32926

I am sending this email to express my and my family's concerns over the zoning change request for the property at 3477 North Indian River Drive, Cocoa, FL. This zoning change is on the slate for your April 3, 2025 meeting date. I am adamantly opposed to any change that allows townhomes or parking lots on our street and in our neighborhood. I am organizing neighbors to attend this meeting and protest this zoning change.

Please deny this zoning change and maintain the prior, binding development plan.
Thank you.

Mike Futch

President & CEO



O: 919.855.5505

M: 919.523.8803

E: mfutch@tompkinsrobotics.com

www.tompkinsrobotics.com

From: [Robert Baumann](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Robert Baumann](#)
Subject: Zoning change: 3477 Indian River Drive Cocoa, FL
Date: Tuesday, April 1, 2025 9:09:01 AM

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

Commissioners,

I live on point view place, just south of City Point RD, I want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before

the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Robert A Baumann
Point View Place, Cocoa
443 221 0925

--
Robert A Baumann
443 221 0925

From: [patti deuchler](#)
To: [Commissioner, D2](#)
Subject: Zoning Changes
Date: Tuesday, April 1, 2025 12:09:37 PM

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we

have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards

Patricia Deuchler
High Point Community

From: [Dave Andrews](#)
To: [Commissioner, D2](#)
Subject: Zoning change request by City Point Landfall, LLC at the April 3rd meeting
Date: Monday, March 31, 2025 5:23:08 PM

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

To Tom Goodson (Commissioner District 2)-Vice Chairman

As President representing the Point View Place HOA, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

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currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Sincerely,
David A. Andrews
President
Point View Place HOA
(321) 693-0657

From: [Dave Andrews](#)
To: [Commissioner, D3](#)
Subject: Re: Zoning change request by City Point Landfall, LCC at the April 3rd meeting
Date: Monday, March 31, 2025 5:51:18 PM

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

Sorry, my mistake! I sent you this e-mail meant for Rob! I sent it to him again after I learned of my mistake. I did send a similar e-mail to Kim!

Dave Andrews

On Mon, Mar 31, 2025 at 5:32 PM Dave Andrews <andrewda29@gmail.com> wrote:
To Rob Feltner (Commissioner District 4)-Chairman

As President representing the Point View Place HOA, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

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So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Sincerely,
David A. Andrews
President
Point View Place HOA
(321) 693-0657

From: [Kevin Jackson](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Zoning Action 24Z00025 - Proposed City Point Rezoning/Development
Date: Monday, March 31, 2025 2:52:20 PM

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

Commissioners,

I am writing to object to the proposed residential development and rezoning just north of City Point Rd. north of Cocoa. Indian River Drive is a special place that we have been fortunate enough to live near in the Twin Lakes subdivision for 4 years. I contend the character of this road and surrounding area will be negatively affected by this rezoning and proposed development for the following reasons.

1. The natural beauty of the area along with the unique scenery of the many one-of-a-kind homes will be ruined by a modern, zero lot line, cinder block and stucco, generic subdivision plopped right in the middle of it.
2. Indian River Drive is incredibly narrow along the northern section but especially so at the exact point of this proposed development. Traffic is stop and go thru this area already after any significant rainfall. In addition, many walkers, runners and bicyclists add to existing congestion. That area already has blind curves that present a hazard for any recreational use of the road. A new subdivision will make this situation worse by orders of magnitude.
3. Indian River Drive at the site of the proposed development is at its lowest point (in relation to the river level) along its entire length. The road is literally inches above the normal river level. During periods of strong NE winds, the road is completely covered by water. During hurricanes, that area is impassable by a normal car. A subdivision in this area would only make this problem worse due to the addition of a large amount of impervious area created by the new roadways, driveways and sidewalks. You are potentially creating a disastrous situation during hurricane season by this road being inundated by onshore winds and then having large amounts of rainfall runoff pouring out of this subdivision into the exact same spot. Any civil engineer could instantly spot the potential large scale flooding of the road and potentially existing houses from the addition of this proposed development.

Please consider these points carefully when making a final ruling on this proposed rezoning/development. Thank you for your time.

Sincerely & respectfully,
Kevin Jackson
118 S Twin Lakes Rd.
Sent from my iPhone

From: [Dave Andrews](#)
To: [Commissioner, D3](#)
Subject: Zoning change request by City Point Landfall, LCC at the April 3rd meeting
Date: Monday, March 31, 2025 5:32:44 PM

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

To Rob Feltner (Commissioner District 4)-Chairman

As President representing the Point View Place HOA, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

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currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Sincerely,
David A. Andrews
President
Point View Place HOA
(321) 693-0657

123 Briarwood Ct.

Cocoa, FL32926-5938

March 31, 2025

Kim Adkinson

Commissioner District 3

Dear Commissioner:

Because I am recovering from major spinal surgery, I cannot attend the April 3, 2025, meeting. But I would like to voice my **opposition** to the proposed zoning change adjacent to Parkchester subdivision. NO way should you allow 8 Townhomes and 11 single family residences. The area is a critical water recharge area that drains into Indian River Lagoon. Right now, with every heavy rain, Indian River Drive floods in multiple places. With sea levels rising, this is already a serious issue which will only get worse. The more we pave over land, the more flooding we will have. The water has to go somewhere! I'm sure you don't want it flooding homes.

The tract of land already has a binding development plan in place that limits the property to larger lots, NO townhomes, NO access to Indian River Drive (IRD). Plus the applicant wants to construct a PARKING lot on Indian River Drive! Indian River Drive is in constant need of patching. Allowing a parking lot will destroy the road surface, cause increased traffic and constant problems for IRD residents and the several subdivisions affected by the proposed zoning changes. Constructing townhomes means rental properties, sewage issues, water usage, fertilizer run-off, and other potentially hazardous chemicals spilling into Indian River Lagoon. The lagoon already needs clean-up; do we really want to add to the problem?

Please DO NOT allow the proposed changes to occur, especially townhomes but instead maintain the current binding development plan. Please consider the wishes of the adjacent property owners, not to mention the wishes of those neighborhoods along IRD which would be negatively affected!

Sincerely



Lynne Hill

321-632-7297

From: [Hernandez, Sonja D. \(KSC-AEGIS-4000\)\[AEGIS\]](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: suderma@bellsouth.net; [FRYE, ERIN L. \(KSC-COMET-6000\)\[COMET Primary\]](#); [Schneider, Jennifer CIV USARMY PEO STRI \(USA\)](#)
Subject: Zoning action: 24Z00025 PUD AMENDMENT: 24PUD0003 COMP PLAN: 24SS0009
Date: Sunday, March 30, 2025 10:23:11 AM
Importance: High

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

Honorable Commissioner Kathryn Delaney
Honorable Commissioner Kim Adkinson
Honorable Commissioner Vice Chair Tom Goodson
Honorable Commissioner Thad Altman
Honorable Commissioner Chair Rob Feltner

We are 23-year residents of the Indian River Drive North Community and I am asking for you to Vote Against this change and protect Conservative values. The City Point Landfall change in zoning request was recklessly approved by the Planning and Zoning Board. There is already a binding agreement in place that aligns with sustainable growth management and infrastructure; decorum; preserves our natural resources; and maintains our quality of life. I believe you can agree that the Indian River is already struggling under the immense amount of residential and commercial development impacting the natural coquina shelf; increased sewage runoff and other issues contaminating this natural resource. Please be considerate of the residents of this community who have been residents and stewards of this community and protect our future and property values. This is a highly visible issue within our community and there are many residents who would be extremely upset if this change in zoning is passed. I appreciate your support in advance!

Sonja & Michael Hernandez
185 Sonya Drive
Cocoa, FL 32926
321-289-6331

From: [Michele Meyer-Arendt](#)
To: [Commissioner, D3](#)
Subject: zoning change
Date: Sunday, March 30, 2025 3:30:40 PM

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

Hello Commissioner Adkinson,

Please vote NO to the requests for a zoning and land use change for a planned urban development for the property at 3477 North Indian River Dr., Cocoa. (Zoning action: 24Z00025)

This acreage has a binding comprehensive land use plan from 2004 that limits the property to no townhomes, and no access to Indian River Drive. This Amendment 2004 A.5 set land use densities that cannot be exceeded by rezoning.

Sincerely, Michele Meyer-Arendt

From: kathy mardirosian <kathymardirosian@gmail.com>
Sent: Tuesday, April 1, 2025 6:58 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Zoning change- 3477 N. Indian River Dr. Cocoa FL

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

I am writing to request that you **vote to NOT approve the request for zoning changes for the above-noted address**. I am a resident and homeowner in Brookhill subdivision (3702 Windsor Dr. Cocoa).

I am deeply concerned about the impact a zoning change would have on this road, which is the only access to my neighborhood. A coquina rock shelf lies just beneath the subject property and would be subject to any potential septic systems and its sewage discharges that may occur from development. Plus there is already an issue with flooding on this area of Indian River Dr. Each time we have a hurricane come through, this part of the road floods significantly. There is also a section of the road that is under water after each hurricane north of Brookhill subdivision. Repeatedly we have had no access to our neighborhood because of this flooding and have had to park our cars at businesses on Hwy 1 and walk through private property and down a steep incline to get into our neighborhood. While this is still a significant problem, we do not need to deal with the potential impact of more development on this road.

Also, this tract already has a current binding development plan in place that limits the property to larger lots and NO townhomes and NO access to Indian River Dr. Those of us who live in this area chose it for multiple reasons-- including the limits on development that are currently in place. There are good reasons for these current restrictions and there is no good reason to change them.

Thank you for serving the residents of Brevard County, -Kathy Mardirosian

Zoning Action: 24Z00025

PUD Amendment: 24PUD00003

Comp Plan: 24SS00009

Please vote not to approve.

As a homeowner on Indian River Drive - This will further contaminate the Indian River Lagoon and will lower everyone's property values.

Thank you -

Thomas Wallander

Debra Green<Debra.Green@hilton.com>

To:Commissioner, D1

Wed 4/2/2025 4:35 PM

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

Good afternoon Katie. I respectfully ask you to vote against a request by City Pointe Landfall LLC to change the zoning and land use for property at 3477 North Indian River Dr. This track of land already has a current binding development plan that PROHIBITS townhomes. This area is also being sought for a large parking lot. These projects are not compatible with the neighborhood and will be unfavorable to current single homes values. In this parcel is also a proposal for 11 single family homes and should be of upscale standards.

Thank you for your valuable time

Debra Green | General Manager

Home address: 221 City Point



Sabal Ch...plan.pdf

HD

Hernandez, Sonja D. (KSC-AEGIS-4000)[AEGIS]<sonja.d.hernandez@nasa.gov>

To:Commissioner, D1;Commissioner, D2;Commissioner, D3;+2 others

Cc:suderma@bellsouth.net;+2 others

Wed 4/2/2025 5:13 PM

Sabal Chase Petition Against change to binding development plan.pdf

Downloaded

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

Commissioners,

I wanted to provide you with a petition of residents in Sabal Chase on Sonya Drive, Cocoa FL who feel we will be negatively impacted by proposed change in zoning mentioned below. Please vote against this zoning change. I will have the original signed document with me for the meeting tomorrow.

Many thanks!

Sonja Hernandez

185 Sonya Drive

Cocoa, FL 32926

321-289-6331

From: Hernandez, Sonja D. (KSC-AEGIS-4000)[AEGIS]

Sent: Sunday, March 30, 2025 10:23 AM

To: D1.Commissioner@BrevardFL.gov; D2.Commissioner@BrevardFL.gov;
d3.commissioner@BrevardFL.gov; d4.commissioner@BrevardFL.gov;
d5.commissioner@BrevardFL.gov

Cc: suderma@bellsouth.net; FRYE, ERIN L. (KSC-COMET-6000)[COMET Primary]
<erin.l.frye@nasa.gov>; Schneider, Jennifer CIV USARMY PEO STRI (USA)
<jennifer.schneider7.civ@army.mil>

Subject: Zoning action: 24Z00025 PUD AMENDMENT: 24PUD0003 COMP PLAN: 24SS0009
Importance: High

Honorable Commissioner Kathryn Delaney

Honorable Commissioner Kim Adkinson

Honorable Commissioner Vice Chair Tom Goodson

Honorable Commissioner Thad Altman

Honorable Commissioner Chair Rob Feltner

We are 23-year residents of the Indian River Drive North Community and I am asking for you to Vote Against this change and protect Conservative values. The City Point Landfall change in zoning request was recklessly approved by the Planning and Zoning Board. There is already a binding agreement in place that aligns with sustainable growth management and infrastructure; decorum; preserves our natural resources; and maintains our quality of life. I believe you can agree that the Indian River is already struggling under the immense amount of residential and commercial development impacting the natural coquina shelf; increased sewage runoff and other issues contaminating this natural resource. Please be considerate of the residents of this community who have been residents and stewards of this community and protect our future and property values. This is a highly visible issue within our community and there are many residents who would be extremely upset if this change in zoning is passed. I appreciate your support in advance!

Sonja & Michael Hernandez

185 Sonya Drive

Cocoa, FL 32926

Loren Price<loren.price621@gmail.com>

To:Commissioner, D1

Wed 4/2/2025 7:05 PM

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

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Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards,

Loren Price & Douglas Webber

PARKCHESTER NEIGHBORHOOD
UNINCORPORATED BREVARD COUNTY, DISTRICT 1

Via e-mail delivery

April 3, 2025

Parkchester Neighborhood
c/o Mark W. Ward
382 Chester Drive
Cocoa, FL 32926

District 1 Commissioner Katie Delaney
District 2 Commissioner Tom Goodson (Vice Chair)
District 3 Commissioner Kim Adkinson
District 4 Commissioner Rob Feltner (Chair)
District 5 Commissioner Thad Altman
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

RE: CITY POINT LANDFALL LLC 24PUB00003 & 24SS00009

Dear Commissioners Delaney, Goodson, Adkinson, Feltner and Altman,

I am honored to be asked by the owners and residents of Parkchester to represent them in our collective opposition to the Brevard Planning and Zoning Board's approval of the above project recommendations. We ask that you, Commissioners, vote NO against the P&Z recommendation and require the developers to return to the design phase to operate within the confines of the existing land use and binding development agreement which all surrounding communities fought for in 2008.

Mr. Henry Minneboo, who was on the Planning and Zoning Board in 2008 (and still serves on the Planning and Zoning board today) indicated at the recent P&Z Hearing held on March 17, 2025, that he remembers the 2008 case very vividly and he opined that the binding development plan should remain in force. He recalled that, in 2008, it was one of the few times that residents, developers, owners.. just about everyone left happy when that agreement was reached. Yet, on March 17, 2025, Mr. Minneboo was, sadly, one of just three members who voted against the removal of that very Binding Development Plan agreement. Before the vote, Mr. Minneboo even cautioned his fellow board members that "we should not terrorize these people like we did those out on 524." We, in Parkchester, could not agree more. Now, it's your

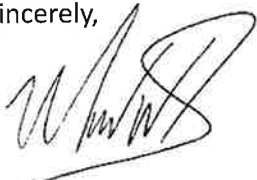
turn, to do the right thing, Commissioners; Please, Commissioners, do the right thing and vote NO. A binding agreement hashed out by owners, developers and surrounding communities should remain binding, especially when so many neighboring residents still oppose the changes being suggested.

To that end, Parkchester is a community of 63 properties. In short order, we have been able to obtain signatures from 59 out of the 63 owners requesting a "NO: vote from you. That's 94% in just three days. I failed to obtain four signatures: One is a corporate land leasing owner out of Chicago with limited contact information (HPA Borrower II LLC); Claude Blake passed away in late December and I have had trouble locating his sons for signature, but I am certain they will gladly sign when I finally locate them, especially given the proposed development will be just 15' behind their residence; Brenda Whidden's husband recently passed away and she has been spending time with family in Georgia, according to neighbors. Further, given her house is on the corner, directly across them the proposed drive entrance to the development, I am sure she would oppose having additional traffic right outside her bedroom window;; and, Bob and Betty Everette left for their 2nd home in Texas and repeated calls have gone unanswered; Both are elderly and we certainly hope nothing ill has befallen either of them. To that end, both Bob and Betty were instrumental in the neighborhood's fight against the development in 2008 and I know of no reason that they would have changed their minds now.

In addition to the 59 owners, 46 additional spouses or voting age, immediate family members residing within the owner's homes have signed the petition, giving us a total of 107 people within Parkchester, alone, opposing the change in zoning on the parcel in question.

Please vote NO.




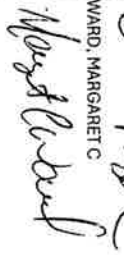




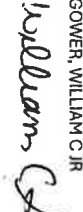


Sincerely,

A handwritten signature in black ink, appearing to read 'Mark W. Ward', with a stylized, cursive script.

Mark. W. Ward

On Behalf of Myself the Other 106 Undersigned Owners & Residents
Of Parkchester, Unincorporated Brevard County

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

381 CHESTER	BURROUGHS, GREG 	BURROUGHS, DIANE M 	Haley McInnes Darryl McInnes
382 CHESTER	WARD, MARK W 	WARD, MARGARET C 	Haley McInnes Darryl McInnes
383 CHESTER	DOWNNEY, BENJAMIN 	SE Collector, Sierra 	
384 CHESTER	WARMUS, JAMES W 	WARMUS, REBEKAH 	
385 CHESTER	GOWER, WILLIAM C JR 	Charlotte Carson William C. Gower Charlotte Carson	
387 CHESTER	YNGSENIO, DIANE 	ROSS, STEPHEN B 	

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

388 CHESTER	SOUTH, LYNNELLEN <i>Lynnellen South</i>	SOUTH, ERIC CHRISTOPHER <i>Eric Christopher South</i>	HODELL, JACOB COLBERT <i>Jacob B. Hodel</i>
389 CHESTER	BLAKE, MICHAEL CAINE	BLAKE, MATTHEW RYAN	
390 CHESTER	ARMSTRONG, JEFFREY <i>Jeffrey Armstrong</i>	ARMSTRONG, HEATHER	
3504 E ROUNDTREE	FERGUSON, JAMES M <i>James M. Ferguson</i>	FERGUSON, SUSAN LEE <i>Susan Lee Ferguson</i>	
3506 E ROUNDTREE	CABRERA, JOHN, JR <i>John Jr. Cabrera</i>	CABRERA, JESSICA <i>Jessica Cabrera</i>	
3508 E ROUNDTREE	DE CRISTOFARO, ESTHER S <i>Esther S. DeCristofaro</i>		

*David
1/12*

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

3510 E ROUNDTREE	JONES, SARAH ILEENE	<i>Sarah Jones (Everett)</i>	
3512 E ROUNDTREE	EVERETTE, ROBERT B		
3514 E ROUNDTREE	713-553-7922 Be the CAMPANELLA BRAND <i>[Signature]</i>	<i>Lisa Stovick Aiden Alexia Lynn Paneli, Sherry Paneli</i>	
3516 E ROUNDTREE	HPA II BORROWER 2020-1 ML LLC		
3518 E ROUNDTREE	MC GRATH, CHARLES A JR <i>Charles A Jr McGrath</i>	MC GRATH, JO ELLEN <i>Jo Ellen McGrath</i>	
3520 E ROUNDTREE	MILLER, SHIRLEEN V	<i>Shirleen Miller Homer Piercy</i>	

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✓	3522 E ROUNDTREE	BAYER, CHERYL E	WHEAT, Edward L.
✓	VACANT LOT E ROUNDTREE	DENSMORE, MARGARET S <i>Dee G. Sied</i>	DENSMORE, DELAND T TRUSTEES <i>Dee G. Sied</i>
✗	301 GLEN RIDGE	IMRE, WILLIAM F	Debach, Trustee. Signed below: <i>Lana Enck</i>
✓	302 GLEN RIDGE	FOLLETTE, CHRISTOPHER ANTHONY	WESTGARD, CASSIAH M
✓	303 GLEN RIDGE	NICHOLAS, ROY A <i>Roy A. Nicholas</i>	NICHOLAS, CYNTHIA D <i>Cynthia D. Nicholas</i>
✓	304 GLEN RIDGE	MC KINLEY, BRUCE T <i>deceased</i>	MC KINLEY, LINDA S <i>Paul S. McKinley</i>

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

305 GLEN RIDGE	HILDEBRAND, MONICA	WILLARD		
306 GLEN RIDGE	SMITH, RAYMOND B. Raymond B. Smith	SMITH, LINDA C. Linda C. Smith		
307 GLEN RIDGE	FAVUZZA, VINCENT W, SR Akisha Favuzza	Valerie Giammarco	Cherise Giammarco	
308 GLEN RIDGE	ROUTHIER, ANN J TRUSTEE Ann Routhier Trustee	Donna Routhier Trustee	Mitchell Routhier	
310 GLEN RIDGE	WOLFGANG, SUSAN KATHALEEN Susan Wolfgang	WAYNE S WHITE Wayne S White		
3509 HILLTOP	BEADLE, JAMES P	SCANLAN, ELIZABETH B	BEADLE, CHRISTINE M Christine Beadle	RAY, MARY B BELECKAS, MARGARET F

Moved
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We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

3511 HILLTOP	MICHAELS, ALAN	MICHAELS, DONNA
3512 HILLTOP	ROCCO, MICHAEL	ROCCO, APRIL
3513 HILLTOP	CARROLL, HEIDI R	
3514 HILLTOP	NICKELL, TIMOTHY LEE	KEMBLE, STACI
3515 HILLTOP	CONFIDENTIAL OWNER	
3516 HILLTOP	SCOTT & APRIL GOLD REVOCABLE TRUST	

Alan Michaels
 Donna Michaels
 Heidi Carroll
 Timothy Lee Nickell
 Staci Kemble
 Kevin Faulk
 Scott & April Gold
 Heidi Michaels
 Victoria Faulk
 Scott & April Gold
 Heidi Michaels

✓✓

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3507 W ROUNDTREE ✓	MARSHALL, CONSTANCE S	Charles Marshall	Janeen Andrews
3508 W ROUNDTREE ✓	BOWMAN, JUDY C	Constance Marshall	John Marshall
3509 W ROUNDTREE ✓	JACKSON, WALTER C Deceased	Judy Bowman	David M. Jackson
3510 W ROUNDTREE ✓	MALONEY, MICHELLE K	Michelle Jackson	Deidre D Jackson
3511 W ROUNDTREE ✓	ELIZABETH LYONS HAIR REVOCABLE TRUST	Michelle Maloney	Scott M Berry
3512 W ROUNDTREE ✓	TREE A CONCANNON TRUST	Elizabeth Lyons	

✓✓

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

✓ 3513 W ROUNDTREE

DIAGUINO, DIANA M

Diana M. Diaguino

✓ 3515 W ROUNDTREE

STARR, MICHAEL D

STARR, ELIZABETH M

✓ 3516 W ROUNDTREE

BUNTING, MICHAEL P

FISHER-BUNTING, SUSAN MARIE

Susan Marie Fisher-Bunting

✓ 3517 W ROUNDTREE

BEYER, CURT R

BEYER, PAUL F

Paula F. Beyer

✓ 3518 W ROUNDTREE

SMITH, ARLENE L

SMITH, LARRY L

Arleene L. Smith

✓ 3519 W ROUNDTREE

FOSS, LINDA

Linda Foss

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

✓ 3521 W ROUNDTREE

EARLE, FRANK E

EARLE, BARBARA D

Frank & Barb

✓ 3523 W ROUNDTREE

CHAMBERS, JOHN STEPHEN

CHAMBERS, DEBORAH B

John & Deborah

Deborah Chambers

✓ 3525 W ROUNDTREE

STILLWAGON, RICHARD C

STILLWAGON, MARGARET W

Richard & Margaret

✓ 390 Chester Dr. Jacksonville, FL 32209

Heather Stenstrom

Heather Stenstrom

✓

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

302 N ROUNDTREE

DENSMORE, DEBORAH DELL

Deborah Densmore

303 N ROUNDTREE

NOVAK, TRACI D

Traci Novak

NOVAK, THERESA L

Theresa Novak

304 N ROUNDTREE

EVARD, JOHN

John Evard

DUNCAN, MARYANE

Maryane Duncan

305 N ROUNDTREE

BARBARA ANN HENSLEY TRUST

Barbara Hensley

306 N ROUNDTREE

DUROCHER, BRIAN

Brian Durocher

PEOPLES, CHELSEA

Chelsea Peoples

307 N ROUNDTREE

CRAFT, ALLEN MICHAEL

Allen Craft

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

308 N ROUNDTREE ✓	OSBERDICK, DONALD P <i>Donald Osberdick</i>	REID, Nancy <i>Nancy E. Reid</i>
309 N ROUNDTREE ✓	PRELOW, DONALD M <i>Donald M. Prelow</i>	
310 N ROUNDTREE ✓	RUEB, BRENDA L <i>Brenda Rueb</i>	PAT 0015- <i>Pat 0015-10000000</i>
312 N ROUNDTREE ✓	JAGENT, JESSICA LYNN <i>Jessica Lynn Jagent</i>	
314 N ROUNDTREE ✓ ✓	GLENN, ANNA MAE <i>Anna Mae Glenn</i>	HODGE, JASON ANDREW <i>Jason Andrew Hodge</i>
3505 W ROUNDTREE ✓	WHIDDEN, MICHAEL K <i>Michael K. Whidden</i>	WHIDDEN, BRENDA M <i>Brenda M. Whidden</i>

Mascellino, Carol

From: ruth euler <euler52000@gmail.com>
Sent: Wednesday, April 2, 2025 4:31 PM
To: Commissioner, D4
Subject: Rezoning and Land Use Change, 3477 N Indian River Drive

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

Good Afternoon Commissioner Feltner,

We write to you today as we are not in support of the proposed rezoning and land use change at 3477 N Indian River Dr in Cocoa.

We believe the developer must abide by the binding development plan of 11 single family residences, zero townhomes, and no storage facility construction.

Additionally, the proposed parking lot on Indian River Dr should be denied. Presently there are large groups of vagrants in this area that pose safety and health concerns. It stands to reason a parking lot on Indian River Drive would become another spot for them to loiter.

The development and beautification of US Hwy 1 will not be made better by the construction of the proposed Storage facility. We also firmly believe this should be denied.

In closing, we do not support the development of townhomes, construction of a storage facility, nor a parking lot on Indian River Drive.

We would support 11 single family residences if they were constructed on larger lots using high end design features and beautification at the community entrance thus increasing the price point per home and property values throughout the area.

Thank you for your consideration,

Tom and Ruth Euler

From: [Mark W. Ward](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: ["Diane Burroughs"](#)
Subject: RE: CITY POINT LANDFALL LLC 24PUB00003 & 24SS00009
Date: Thursday, April 3, 2025 10:33:39 AM
Attachments: [PARKCHESTER NEIGHBORHOOD.pdf](#)
Importance: High

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

District 1 Commissioner Kae Delaney
District 2 Commissioner Tom Goodson (Vice Chair)
District 3 Commissioner Kim Adkinson
District 4 Commissioner Rob Feltner (Chair)
District 5 Commissioner Thad Altman
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Dear Commissioners Delaney, Goodson, Adkinson, Feltner and Altman,

As the appointed community representative asked to represent the Parkchester Community, please see the attached letter containing signatures of 59 owners out of the 63 properties, 4 Owners cannot be contacted at this time. To that end, I am certain that 100% of all residents oppose the removal of the Binding Development Plan agreement that was approved by the Planning & Zoning Board on March 17.

Tonight, I understand that agents for City Point Landfall LLC will be asking to table the vote on the zoning board's recommendation until May 1. We ask that, in lieu of tabling the recommendation, that you simply vote NO on the recommendations of the P&Z Board and return the entire process back to the developer to re-work the plans to conform within the bounds of the existing BDP.

Please see our attached letter urging a NO vote against approval of the Planning & Zoning Board's recommendation.

Sincerely,
Mark Ward
(On behalf of the other 106 residents of Parkchester)

Mark W. Ward
Ward & Lawless LLC

2410 Armadillo Court
Cocoa, Florida 32926
TEL: 888-658-8484 x1
FAX: 877-658-8484
www.wardlawless.com



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THE INFORMATION CONTAINED IN THIS COMMUNICATION AND ANY ATTACHMENTS HERETO IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, AND IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE(S). IF THE READER OF THIS MESSAGE IS NOT AN INTENDED RECIPIENT, OR AN AGENT THEREOF, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION OR ANY ATTACHMENT HERETO IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY E-MAIL, AND DELETE THE ORIGINAL MESSAGE.

Petition Objecting to City Point Landfall, LLC requests for a New Comprehensive Plan Amendment, Zoning Reclassification and Removal of Existing Binding Development Plan.

Pertinent Documents are:

Planned Unit Development 24PUD00003

Small-Scale Comprehensive Plan Amendment (3rd of 2025, 24S.11)

Preliminary Development Plan, City Point PUD (MBV # 23-1071, August 19, 2024)

We the undersigned would like to register the following objections to the City Point Landfall, LLC requests;

1. We object to the request to change our community's existing Florida Land Use Map designations from their current configuration.
2. We object to the request to change our community's existing Brevard County Zoning from its current configuration.
3. We object to the removal of the current Binding Development Plan and the replacement of it with the proposed PUD.

Our community has been well protected from inappropriate development projects by this combination of Florida Land Use Map, Zoning and Binding Development Plan provisions since they were enacted in 2004 after a very lengthy review and negotiation process between Brevard County, the State of Florida, Indian River homeowner's associations, individual homeowners and the previous owners of the tract of land now owned by City Point Landfall, LLC. City Point Landfall, LLC purchased this tract with all of the provisions in force and we have always expected any new project to adhere to them.

We want the Commissioners to leave the Florida Land Use Map, Zoning and Binding Development Plan in place unchanged.

Name Address
HOA (if any).

Sabaz Chase	
Sonja Mike Hernandez	185 Sonya Dr. Cocoa 32926
Jennifer Schneider	184 Sonya Dr. Cocoa, 32926
Plisner Donata	195 Sonya Dr. Cocoa, 32926
Linda & Tom Gubins	104 Sonya Dr. Cocoa 32926
ERIN FEYE	114 SONYA DR COCOA 32926
STEPHEN SAKO	124 SONYA DR COCOA 32926
Christopher Bond	134 Sonya Dr Cocoa 32926
Helena Wilkas	165 Sonya Dr. Cocoa 32926
Angel Downing	154 Sonya Dr. Cocoa 32926
Ronald Brown	164 SONYA DR COCOA 32926

From: [Debra Green](#)
To: [Commissioner, D2](#)
Subject: FW: Concerned Brevard resident and Apr 3 meeting
Date: Wednesday, April 2, 2025 4:38:07 PM
Attachments: [image002.png](#)

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

Good afternoon Tom . I respectfully ask you to vote against a request by City Pointe Landfall LLC to change the zoning and land use for property at 3477 North Indian River Dr. This track of land already has a current binding development plan that PROHIBITS townhomes. This area is also being sought for a large parking lot. These projects are not compatible with the neighborhood and will be unfavorable to current single homes values. In this parcel is also a proposal for 11 single family homes and should be of upscale standards.

Thank you for your valuable time.

Debra Green | General Manager

HILTON COCOA BEACH OCEANFRONT
t: 321-613-9044 | f: 321-799-0344
1550 N. Atlantic Avenue | Cocoa Beach, FL 32931 | USA
[Instagram](#) | [Hilton Cocoa Beach](#) | [Facebook](#) | [Twitter](#)



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From: [Commissioner, D2](#)
To: [AdministrativeServices](#)
Cc: [Commissioner, D2](#)
Subject: FW: H7 on zoning meeting tonight
Date: Thursday, April 3, 2025 2:07:01 PM
Attachments: [image001.png](#)

Good afternoon,
Please see the below public comment our office received.

Thank you,



Susan Smith
Legislative Aide
Brevard County Commissioner Tom Goodson District 2
2575 North Courtenay Parkway Suite 200
Merritt Island, FL 32953
Ph: (321) 454-6601
E-mail: Susan.Smith@brevardfl.gov

From: Ken Harrison <searay215h@msn.com>
Sent: Thursday, April 3, 2025 1:26 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Subject: H7 on zoning meeting tonight

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

Good Afternoon,

We would like to ask that you NOT change the future land use from agricultural to RES-1 on item H7 (24SS00020) on tonight's agenda.

Changing the future land use will affect the character of the area. The absolute majority of all parcels in this area are agricultural and we would like this character to remain. There have been six new block homes built in the last 3 yrs nearby with zoning changes but the future land use was kept as agricultural. We have no objection to the zoning change, but do not want the future land use change, forever changing the character of this area.

Thank You,

Ken Harrison, and concerned neighbors.

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

Get [Outlook for Android](#)

PARKCHESTER NEIGHBORHOOD
UNINCORPORATED BREVARD COUNTY, DISTRICT 1

Via e-mail delivery

April 3, 2025

Parkchester Neighborhood
c/o Mark W. Ward
382 Chester Drive
Cocoa, FL 32926

District 1 Commissioner Katie Delaney
District 2 Commissioner Tom Goodson (Vice Chair)
District 3 Commissioner Kim Adkinson
District 4 Commissioner Rob Feltner (Chair)
District 5 Commissioner Thad Altman
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

RE: CITY POINT LANDFALL LLC 24PUB00003 & 24SS00009

Dear Commissioners Delaney, Goodson, Adkinson, Feltner and Altman,

I am honored to be asked by the owners and residents of Parkchester to represent them in our collective opposition to the Brevard Planning and Zoning Board's approval of the above project recommendations. We ask that you, Commissioners, vote NO against the P&Z recommendation and require the developers to return to the design phase to operate within the confines of the existing land use and binding development agreement which all surrounding communities fought for in 2008.

Mr. Henry Minneboo, who was on the Planning and Zoning Board in 2008 (and still serves on the Planning and Zoning board today) indicated at the recent P&Z Hearing held on March 17, 2025, that he remembers the 2008 case very vividly and he opined that the binding development plan should remain in force. He recalled that, in 2008, it was one of the few times that residents, developers, owners.. just about everyone left happy when that agreement was reached. Yet, on March 17, 2025, Mr. Minneboo was, sadly, one of just three members who voted against the removal of that very Binding Development Plan agreement. Before the vote, Mr. Minneboo even cautioned his fellow board members that "we should not terrorize these people like we did those out on 524." We, in Parkchester, could not agree more. Now, it's your

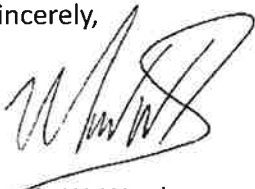
turn, to do the right thing, Commissioners; Please, Commissioners, do the right thing and vote NO. A binding agreement hashed out by owners, developers and surrounding communities should remain binding, especially when so many neighboring residents still oppose the changes being suggested.

To that end, Parkchester is a community of 63 properties. In short order, we have been able to obtain signatures from 59 out of the 63 owners requesting a "NO: vote from you. That's 94% in just three days. I failed to obtain four signatures: One is a corporate land leasing owner out of Chicago with limited contact information (HPA Borrower II LLC); Claude Blake passed away in late December and I have had trouble locating his sons for signature, but I am certain they will gladly sign when I finally locate them, especially given the proposed development will be just 15' behind their residence; Brenda Whidden's husband recently passed away and she has been spending time with family in Georgia, according to neighbors. Further, given her house is on the corner, directly across them the proposed drive entrance to the development, I am sure she would oppose having additional traffic right outside her bedroom window;; and, Bob and Betty Everette left for their 2nd home in Texas and repeated calls have gone unanswered; Both are elderly and we certainly hope nothing ill has befallen either of them. To that end, both Bob and Betty were instrumental in the neighborhood's fight against the development in 2008 and I know of no reason that they would have changed their minds now.

In addition to the 59 owners, 46 additional spouses or voting age, immediate family members residing within the owner's homes have signed the petition, giving us a total of 107 people within Parkchester, alone, opposing the change in zoning on the parcel in question.

Please vote NO.



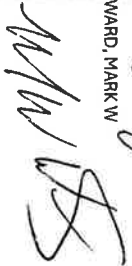






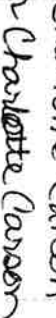


Sincerely,

A handwritten signature in black ink, appearing to read 'Mark W. Ward', with a stylized, cursive script.

Mark. W. Ward

On Behalf of Myself the Other 106 Undersigned Owners & Residents
Of Parkchester, Unincorporated Brevard County

We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

381 CHESTER	BURROUGHS, GREG 	BURROUGHS, DIANE M 	Haley McInnes Darril McInnes
382 CHESTER	WARD, MARK W 	WARD, MARGARET C 	Haley McInnes Darril McInnes
383 CHESTER	DOWNNEY, BENJAMIN 	SEE Collector, Sierra 	
384 CHESTER	WARMUS, JAMES W 	WARMUS, REBEKAH 	
385 CHESTER	GOWER, WILLIAM C JR 	Charlotte Carson 	
387 CHESTER	YNOSENCIO, DIANE 	ROSS, STEPHEN A 	

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388 CHESTER	SOUTH, LYNNELLEN <i>Lynnell South</i>	SOUTH, ERIC CHRISTOPHER <i>Eric Christopher South</i>	HODELL, JACOB COLBERT <i>Jacob Colbert</i>
389 CHESTER	BLAKE, MICHAEL CAINE	BLAKE, MATTHEW RYAN	
390 CHESTER	ARMSTRONG, JEFFREY <i>Jeffrey Armstrong</i>	ARMSTRONG, HEATHER	
3504 E ROUNDTREE	FERGUSON, JAMES M <i>James M Ferguson</i>	FERGUSON, SUSAN LEE <i>Susan Lee Ferguson</i>	
3506 E ROUNDTREE	CABRERA, JOHN, JR <i>John Jr Cabrer</i>	CABRERA, JESSICAE <i>Jessica Cabrer</i>	
3508 E ROUNDTREE	DE CRISTOFARO, ESTHER S <i>Esther S DeCristofaro</i>		

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3510 E ROUNDTREE	JONES, SARAH ILEENE	<i>Sarah Jones (Emerson)</i>	
3512 E ROUNDTREE	EVERETTE, ROBERT B		
3514 E ROUNDTREE	713-553-7922 CAMPANELLA BRAND <i>[Signature]</i>	<i>Used to know Aiden Alexia Lynn Pamela; Anna Pamela</i>	
3516 E ROUNDTREE	HPA II BORROWER 2020-1 ML LLC		
3518 E ROUNDTREE	MC GRATH, CHARLES A JR <i>Charles A Jr McGrath</i>	<i>MC GRATH, JO ELLEN Jo Ellen McGrath</i>	
3520 E ROUNDTREE	MILLER, SHIRLEEN V	<i>Shirleen Miller Homer Piercy</i>	

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3522 E ROUNDTREE	BAYER, CHERYL E	WHEAT, Edward L.
VACANT LOT E ROUNDTREE	DENSMORE, MARGARET S <i>Deceased</i>	DENSMORE, DELANO TRUSTEES <i>Deceased</i>
301 GLEN RIDGE	IMRE, WILLIAM F	<i>Liana Imre</i>
302 GLEN RIDGE	FOLLETTE, CHRISTOPHER ANTHONY	WESTGARD, CASSIAH M
303 GLEN RIDGE	NICHOLAS, ROY A <i>Deceased</i>	NICHOLAS, CYNTHIA D <i>Cynthia D. Nicholas</i>
304 GLEN RIDGE	MC KINLEY, BRUCE T <i>deceased</i>	MC KINLEY, LINDA S <i>Linda S. McKinley</i>

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305 GLEN RIDGE	HILDEBRAND, MONICA	WILLIAMS		
306 GLEN RIDGE	SMITH, RAYMOND B. Raymond B. Smith	SMITH, LINDA C. Linda C. Smith		
307 GLEN RIDGE	FAVUZZA, VINCENT W. SR. Akisha Favuzza	Valerie Giammarco	classic Giammarco	
308 GLEN RIDGE	ROUTIER, ANN J. TRUSTEE Ann J. Routier Trustee	Christina Routier	Mitchell Routier	
310 GLEN RIDGE	WOLFGANG, SUSAN KATHALEEN Susan Wolfgang	WAYNE S. WHITE Wayne S. White		
3509 HILLTOP	BEADLE, JAMES P.	SCANLAN, ELIZABETH B.	BEADLE, CHRISTINE M. Christine Beadle	RAY, MARY B. · BELECKAS, MARGARET F.

Moved
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We, the undersigned HOMEOWNERS of the PARKCHESTER community in Unincorporated Brevard County, District 1, Respectfully OPPOSE the removal of the 2008 Binding Development Plan and Request the Brevard County Board Of Commissioners to vote NO on the Recommendations of the Planning & Zoning Board allowing the proposed Planned Unit Development ("PUD") WITH REMOVAL of Binding Development Plan (BDP).

3511 HILLTOP	MICHAELS, ALAN	MICHAELS, DONNA
3512 HILLTOP	ROCCO, MICHAEL	ROCCO, APRIL
3513 HILLTOP	CARROLL, HEIDI R	
3514 HILLTOP	NICKELL, TIMOTHY LEE	KEMBLE, STACI
3515 HILLTOP	CONFIDENTIAL OWNER	
3516 HILLTOP	SCOTT & APRIL GOLD REVOCABLE TRUST	

1

✓✓

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3507 W ROUNDTREE ✓	MARSHALL, CONSTANCE S	Doyle Marshall	Janeen Aradas
3508 W ROUNDTREE ✓	BOWMAN, JUDY C	Constance Marshall	Debbie Willy Jane Hader
3509 W ROUNDTREE ✓	JACKSON, WALTER C Deceased	Judy Bowman	
3510 W ROUNDTREE ✓	MALONEY, MICHELLE K	JACKSON, DAVID W	JACKSON, DEIDRE D
3511 W ROUNDTREE ✓	ELIZABETH LYONS HAIR REVOCABLE TRUST	Berry Scott M	
3512 W ROUNDTREE ✓	TREE A CONCANNON TRUST		

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3513 W ROUNDTREE

DAGUINO, DIANA M

3515 W ROUNDTREE

STARR, MICHAEL D

STARR, ELIZABETH M

3516 W ROUNDTREE

BUNTING, MICHAEL P

FISHER-BUNTING, SUSAN MARIE

3517 W ROUNDTREE

BEYER, CURT R

BEYER, PAULA F

3518 W ROUNDTREE

SMITH, ARLENE L

SMITH, LARRY L

3519 W ROUNDTREE

FOSS, LINDA

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3521 W ROUNDTREE	EARLE, FRANK E	EARLE, BARBARA D	
3523 W ROUNDTREE	CHAMBERS, JOHN STEPHEN	CHAMBERS, DEBORAH B	
3525 W ROUNDTREE	STILLWAGON, RICHARD C	STILLWAGON, MARGARET W	

✓ 390 Chester Dr. Jolene T. Armitage
 Heather Stenstrom
 Jolene T. Armitage

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302 N ROUNDTREE	DENSMORE, DEBORAH DELL <i>Deborah Densmore</i>			
303 N ROUNDTREE	NOVAK, TRISH D <i>Trish Novak</i>	NOVAK, THERESA L <i>Theresa Novak</i>		
304 N ROUNDTREE	EVARD, JOHN <i>John Evard</i>	DUNCAN, MARYJANE <i>MaryJane Duncan</i>		
305 N ROUNDTREE	BARBARA ANN HENSLEY TRUST <i>Barbara Hensley</i>			
306 N ROUNDTREE	DUROCHER, BRIAN <i>Brian Durocher</i>	PEOPLES, CHELSEA <i>Chelsea Peoples</i>		
307 N ROUNDTREE	CRAFT, ALLEN MICHAEL <i>Allen Craft</i>			

From: [Loren Price](#)
To: [Commissioner, D2](#)
Subject: OBJECT ZONING TO DISTRICT ONE
Date: Wednesday, April 2, 2025 7:06:13 PM

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

As a resident of the High Point Civic Association, we want to formally object to any zoning changes in District 1 at the listed address of 3477 North Indian River Drive. Our dead end street with 11 single family homes is about two blocks south of the listed address and is part of the larger community between the Indian River and the eastside of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that many in the community have worked hard over the years to protect against high density development.

Now the community is facing another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for those in the community to challenge future inappropriate development.

I have been told that some years ago, in response to a proposed massive condominium project in the middle of our community (about two miles south of our street), all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, they worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities set were guided by and compatible with the current zoning and existing land uses in our area.

Nevertheless, the current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we

have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, some from the area community came before the Planning and Zoning Board and then the County Commissioners defending the density limits and the Comprehensive Land Use Plan.

So again, please deny this Zoning and Land Use Plan at the April 3rd meeting and do not allow multi family townhouses and density increases for this area.

Regards,
Loren Price & Douglas Webber

From: [Mark W. Ward](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: ["Diane Burroughs"](#)
Subject: RE: CITY POINT LANDFALL LLC 24PUB00003 & 24SS00009
Date: Thursday, April 3, 2025 10:33:39 AM
Attachments: [PARKCHESTER NEIGHBORHOOD.pdf](#)
Importance: High

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District 1 Commissioner Kae Delaney
District 2 Commissioner Tom Goodson (Vice Chair)
District 3 Commissioner Kim Adkinson
District 4 Commissioner Rob Feltner (Chair)
District 5 Commissioner Thad Altman
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Dear Commissioners Delaney, Goodson, Adkinson, Feltner and Altman,

As the appointed community representative asked to represent the Parkchester Community, please see the attached letter containing signatures of 59 owners out of the 63 properties, 4 Owners cannot be contacted at this time. To that end, I am certain that 100% of all residents oppose the removal of the Binding Development Plan agreement that was approved by the Planning & Zoning Board on March 17.

Tonight, I understand that agents for City Point Landfall LLC will be asking to table the vote on the zoning board's recommendation until May 1. We ask that, in lieu of tabling the recommendation, that you simply vote NO on the recommendations of the P&Z Board and return the entire process back to the developer to re-work the plans to conform within the bounds of the existing BDP.

Please see our attached letter urging a NO vote against approval of the Planning & Zoning Board's recommendation.

Sincerely,
Mark Ward
(On behalf of the other 106 residents of Parkchester)

Mark W. Ward
Ward & Lawless LLC
2410 Armadillo Court
Cocoa, Florida 32926
TEL: 888-658-8484 x1
FAX: 877-658-8484
www.wardlawless.com



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From: [Hernandez, Sonja D. \(KSC-AEGIS-4000\)\[AEGIS\]](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: suderma@bellsouth.net; [FRYE, ERIN L. \(KSC-COMET-6000\)\[COMET Primary\]](#); [Schneider, Jennifer CIV USARMY PEO STRI \(USA\)](#)
Subject: RE: Zoning action: 24Z00025 PUD AMENDMENT: 24PUD0003 COMP PLAN: 24SS0009
Date: Wednesday, April 2, 2025 5:13:03 PM
Attachments: [Sabal Chase Petition Against change to binding development plan.pdf](#)

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Commissioners,

I wanted to provide you with a petition of residents in Sabal Chase on Sonya Drive, Cocoa FL who feel we will be negatively impacted by proposed change in zoning mentioned below. Please vote against this zoning change. I will have the original signed document with me for the meeting tomorrow.

Many thanks!
Sonja Hernandez
185 Sonya Drive
Cocoa, FL 32926
321-289-6331

From: Hernandez, Sonja D. (KSC-AEGIS-4000)[AEGIS]
Sent: Sunday, March 30, 2025 10:23 AM
To: D1.Commissioner@BrevardFL.gov; D2.Commissioner@BrevardFL.gov; d3.commissioner@BrevardFL.gov; d4.commissioner@BrevardFL.gov; d5.commissioner@BrevardFL.gov
Cc: suderma@bellsouth.net; [FRYE, ERIN L. \(KSC-COMET-6000\)\[COMET Primary\]](#)
<erin.l.frye@nasa.gov>; [Schneider, Jennifer CIV USARMY PEO STRI \(USA\)](#)
<jennifer.schneider7.civ@army.mil>
Subject: Zoning action: 24Z00025 PUD AMENDMENT: 24PUD0003 COMP PLAN: 24SS0009
Importance: High

Honorable Commissioner Kathryn Delaney
Honorable Commissioner Kim Adkinson
Honorable Commissioner Vice Chair Tom Goodson
Honorable Commissioner Thad Altman
Honorable Commissioner Chair Rob Feltner

We are 23-year residents of the Indian River Drive North Community and I am asking for you to Vote Against this change and protect Conservative values. The City Point Landfall change in zoning request was recklessly approved by the Planning and Zoning Board. There is already a binding agreement in place that aligns with sustainable growth management and infrastructure; decorum;

preserves our natural resources; and maintains our quality of life. I believe you can agree that the Indian River is already struggling under the immense amount of residential and commercial development impacting the natural coquina shelf; increased sewage runoff and other issues contaminating this natural resource. Please be considerate of the residents of this community who have been residents and stewards of this community and protect our future and property values. This is a highly visible issue within our community and there are many residents who would be extremely upset if this change in zoning is passed. I appreciate your support in advance!

Sonja & Michael Hernandez
185 Sonya Drive
Cocoa, FL 32926
321-289-6331

From: lintomw@aol.com
To: [Commissioner, D3](#); [Commissioner, D1](#); [Commissioner, D4](#); [Commissioner, D5](#); [Commissioner, D2](#)
Subject: Vote NOT to approve
Date: Wednesday, April 2, 2025 3:48:48 PM

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Zoning Action: 24Z00025
PUD Amendment: 24PUD00003
Comp Plan: 24SS00009

Please vote not to approve.

As a homeowner on Indian River Drive - This will further contaminate the Indian River Lagoon and will lower everyone's property values.

Thank you -
Thomas Wallander

From: [Commissioner, D2](#)
To: [AdministrativeServices](#)
Cc: [Commissioner, D2](#)
Subject: FW: Commissioner's speech April 3rd
Date: Thursday, April 3, 2025 3:22:02 PM
Attachments: [image001.png](#)

Good afternoon,
Please see the below public comment our office received.

Thank you,



Susan Smith
Legislative Aide
Brevard County Commissioner Tom Goodson District 2
2575 North Courtenay Parkway Suite 200
Merriitt Island, FL 32953
Ph: (321) 454-6601
E-mail: Susan.Smith@brevardfl.gov

From: Beverly Sudermann <sudermab@bellsouth.net>
Sent: Thursday, April 3, 2025 3:19 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Subject: Commissioner's speech April 3rd

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

April 3, 2024

Brevard County Board of Commissioners,

Re: City Point Landfall, LLC
County Parcel #: 24-36-08-00-514
Application Request: Rezoning and Future Land Use Amendment 24-PUD00003 & 24-SS00009

This is a request to deny City Point Landfall's PUD, Rezoning and Future Land Use Amendment request, 24PUD00003 & 24-SS00009

A wonderful former commissioner, Truman Scarborough, once told me "Your community is the only community that has been able to stand as one to protect yourselves from overdevelopment, all others have failed." It is up to all of us to continue to protect our way of life in our small but beautiful community. I am asking you to please stand strong to help us protect our way of life.

Development is inevitable. However, our area is a historic gem in a concrete jungle. We have a historic scenic drive lined with historic spacious homes and nature all around. Visitors to our area enjoy the leisurely drive and the slower pace. People enjoy biking, running and walking events throughout the year. It is not a cookie cutter neighborhood. There are no condos or townhomes. It is a unique community style that those of us who live here wish to protect and out of state visitors love to enjoy.

Commissioners before you have worked hard to put in place a plan to protect our area. Is it perfect? No. We were all grandfathered in and right sized when the commissioners before you created a plan that worked for everyone. They spent years working with our community to achieve an agreeable plan that worked and continues to work for our historic area. Why have a Binding Development Plan (BDP) if it is not binding? Why make it binding if it has no meaning? We just ask that you continue to protect our uniques and historic community now and in the future.

Thank you all very much for your time and continued support. I respectfully request that you deny City Point Landfall, LLC requests.

Sincerely
Beverly Sudermann
3469 Indian River Dr.
Cocoa, FL 32926
321-536-3851

P&Z Planning Board Testimony 3/17/2025 Board Members, Here is a bit of history regarding our neighborhood and the ongoing efforts to preserve our community's essential character. Our community is between the Indian River and the east side of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that we as a community have worked hard over the years to protect against high density development. We are facing yet another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for us to challenge future inappropriate development. Some years ago, in response to a proposed massive condominium project in the middle of our community, all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, we worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities we set were guided by and compatible with the current zoning and existing land uses in our area, but were somewhat simpler and in many cases more generous. Nevertheless, our current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, we find ourselves before the Planning and Zoning Board and then the County Commissioners defending our density limits and our Comprehensive Land Use Plan. In the past, once the developers became aware of community concerns, either on their own or by advisement from county officials, community/developer meetings were scheduled where the developers presented their plans to solicit community input and address concerns. These type of meetings can be very helpful and may result in a mutually satisfactory outcome. With the rather short notification time we have been given this time, our first opportunity to voice our community concerns are these County Planning and Zoning Board and Commission meetings scheduled in the coming weeks. Our time to prepare and respond has been considerably shortened this time around. We have not heard of any outreach efforts on the part of City Point Landfall regarding this project. The first substantive notification of a planned effort on their part to change zoning, FLUM and remove the Binding Development Plan came by way of signs planted on Indian River Drive and at the entrance to Parkchester two weeks ago. Hardly an indication of concern for community involvement. A big area of our concern is in setting a precedence. Since we fought so hard to establish safeguards to our community at the local, county and state levels, we are keen to continue keeping them in place so that future developers cannot cite exceptions given to other developers as a defense for whatever changes they would desire for future projects. We want to stick to our guns and defend our community's character and environment. The existing Binding Development Plan was executed October 28, 2008, signed by the owner of the property at that time and became permanently attached to the property as a safeguard to our community. The following restrictions were placed on the interior 7 acres of the property (referred to in the BDP as the "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; E. The Property shall have EU zoning. These restrictions and all of the provisions of the Binding Development Plan are present on the property today and were present when City Point Landfall purchased the property. We assume City Point Landfall knew what they were buying. We assume they also knew what the zoning and FLUM designations were when they made the purchase. We agree with all of the provisions and restrictions called out in the Binding Development Plan and desire that it remain in force. Irregardless of the PUD outlined in City Point Landfall's Proposed Development Plan, by changing the FLUM to RES4 for the entire property, City Point Landfall will end up with the potential for 14.86 acres times 4 housing units each acre. This would be about 59 units if it was zoned to the maximum extent possible. While we appreciate the thought and some of the features of the PUD in City Point Landfall's Proposed Development Plan, we worry that there is the possibility that the PUD may never be built, but the FLUM and Zoning changes, if enacted, will then be permanently attached to the property. It seems possible that funding could fall through, the economics of the project could change for the worse, the desire on the part of developers could wane - any number of things could conspire to make the PUD not come to fruition. City Point Landfall might be compelled to redesign and go with a completely different PUD or they might have to sell the property to a new buyer who would then have the opportunity to build a completely different project with greatly increased density. We believe that the current Future Land Use Map, Zoning and Existing Binding Development Plan are adequate for development of a profitable and appropriate subdivision within our community. We therefore ask that Planning and Zoning Board recommend that the Board of Commissioners reject the changes requested by City Point Landfall LLC at the earliest opportunity. Thank You for your attention and consideration,

James and Beverly Sudermann 3469 Indian River Drive

Re: H.1. 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)

H.2. 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)

Attachment - P&Z Planning Board Testimony 3/17/2025

Commissioners,

My name is James Sudermann and I live at 3469 Indian River Drive. We share a property line with City Point Landfall's proposed project.

After the City Point Landfall, LLC community presentation on Tuesday night (4/1/2025) in which the MBV Engineering representative suggested we not bother coming to the Board meeting today, we were worried that perhaps we would not be given a chance to express our opposition to their proposal.

I am against any changes to the current Florida Land Use Map designations and County Zoning classifications and I am against the removal of the current Binding Development Plan.

Approximately 50 homeowners showed up at the Community Presentation on Tuesday. Almost to a person, they were there to let the City Point Landfall representatives know of their opposition to the company's development plan in its current form. While the MBV representative promised to pass our concerns on to the owner of City Point Landfall, Mr. Brian McKee, nothing was said that would make us believe that any substantive changes would be made to the City Point Landfall plans. Most importantly, our desire to keep our community's Future Land Use Map designations, County Zoning and the existing Binding Development Plan in place and unchanged was challenged over and over again. We are left feeling that the City Point Landfall plan going forward is to simply wear down our community until we accept their revisions to the current Future Land Use Map and Zoning and the removal of the current Binding Development Plan.

This current request has been, from our point of view, rather rushed and hurried. We became aware of their current plans on February 26 by the presence of a sign posted on Indian River Drive. The developer did not present any of their plans to the community prior to the April 1 Community meeting. This was after the Planning and Zoning Board meeting on March 17.

A big area of our concern is in setting a precedence. Since we fought so hard in 2004 to establish safeguards to our community at the local, county and state levels, we are keen to continue keeping

them in place so that future developers cannot cite exceptions given to City Point Landfall as a defense for whatever new variances they would desire for future projects in our community. We want to continue to defend our community's character and environment.

By asking the Commissioners to approve a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Designation to RES4 (H.1) for the entire property independently and separately from the request to change zoning and remove the BDP in favor of their proposed PUD (H.2), City Point Landfall will end up with the potential for 4 housing units on each acre times 14.86 acres. This would be about 59 units if it was zoned to the maximum extent possible. We worry that there is the possibility that this PUD may never be built or even approved, but the Florida Land Use Map changes, if enacted, will already be permanently attached to the property. By enacting the Florida Land Use Map changes first and separately, City Point Landfall could decide to sell the property to a new buyer who would then have the opportunity to build a completely different project with greatly increased density.

One very good thing in City Point Landfall's proposal is the declaration of the 2.4 acres fronting the Indian River as Wetlands. It is an important recognition of the Environmental sensitivity of this boggy, swampy, flood prone area. There is an active spring on this property right across property line from our house that keeps these wetlands continually wet. We would like to see the wetlands designation made permanent and official. And we would like to see it done NOW. Designate it a conservation area like the one south of Sabal Chase.

We believe that the current Future Land Use Map, Zoning and Existing Binding Development Plan are adequate for development of a profitable and appropriate subdivision within our community. We therefore ask that the Board of Commissioners deny the changes requested by City Point Landfall LLC.

Sincerely,

James E. Sudermann
3469 Indian River Drive
Cocoa, Florida 32926
321-536-3850

P&Z Planning Board Testimony 3/17/2025

Board Members,

Here is a bit of history regarding our neighborhood and the ongoing efforts to preserve our community's essential character.

Our community is between the Indian River and the east side of US 1 and stretches north from SR 528 (the Beachline) to where Indian River Drive rejoins US 1 at the Five Points fire station. It is a rather large area that we as a community have worked hard over the years to protect against high density development.

We are facing yet another development proposal which aims to change the underlying zoning and land use restrictions currently in place. City Point Landfall LLC is proposing a Planned Unit Development (PUD) with changes to Zoning, the state Future Land Use (FLU) map and the removal of an existing Binding Development Plan (BDP) which puts limits on what can be built in our community. These changes could also set a precedent for future land development in our area which would make it harder for us to challenge future inappropriate development.

Some years ago, in response to a proposed massive condominium project in the middle of our community, all of the existing neighborhood homeowners associations and the individual homeowners in the area joined together to protect our community's character and desirability. As a united group, we worked very hard for a year and a half with the Board of Commissioners, the Planning and Zoning Board and staff to put forward and pass an amendment to the Comprehensive Land Use Plan (Future Land Use Map) for our area. This amendment (2004A.5) sets overall land use densities that cannot be exceeded by rezoning. The densities we set were guided by and compatible with the current zoning and existing land uses in our area, but were somewhat simpler and in many cases more generous.

Nevertheless, our current Comprehensive Land Use Plan has been challenged by at least three different developers since 2004 and while we have always worked with the developers to understand their desires, we have always held to our plan as it currently exists. On these occasions, we find ourselves before the Planning and Zoning Board and then the County Commissioners defending our density limits and our Comprehensive Land Use Plan.

In the past, once the developers became aware of community concerns, either on their own or by advisement from county officials, community/developer meetings were scheduled where the developers presented their plans to solicit community input and address concerns. These type of meetings can be very helpful and may result in a mutually satisfactory outcome. With the rather short notification time we have been given this time, our first opportunity to voice our community concerns are these County Planning and Zoning Board and Commission meetings scheduled in the coming weeks. Our time to prepare and respond has been considerably shortened this time around. We have not heard of any outreach efforts on the part of City Point Landfall regarding this project. The first substantive notification of a planned effort on their part to change zoning, FLUM and remove the Binding Development Plan came by way of signs planted on Indian River Drive and at the entrance to Parkchester two weeks ago. Hardly an indication of concern for community involvement.

A big area of our concern is in setting a precedence. Since we fought so hard to establish

safeguards to our community at the local, county and state levels, we are keen to continue keeping them in place so that future developers cannot cite exceptions given to other developers as a defense for whatever changes they would desire for future projects. We want to stick to our guns and defend our community's character and environment.

The existing Binding Development Plan was executed October 28, 2008, signed by the owner of the property at that time and became permanently attached to the property as a safeguard to our community. The following restrictions were placed on the interior 7 acres of the property (referred to in the BDP as the "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;
- E. The Property shall have EU zoning.

These restrictions and all of the provisions of the Binding Development Plan are present on the property today and were present when City Point Landfall purchased the property. We assume City Point Landfall knew what they were buying. We assume they also knew what the zoning and FLUM designations were when they made the purchase.

We agree with all of the provisions and restrictions called out in the Binding Development Plan and desire that it remain in force.

Irregardless of the PUD outlined in City Point Landfall's Proposed Development Plan, by changing the FLUM to RES4 for the entire property, City Point Landfall will end up with the potential for 14.86 acres times 4 housing units each acre. This would be about 59 units if it was zoned to the maximum extent possible. While we appreciate the thought and some of the features of the PUD in City Point Landfall's Proposed Development Plan, we worry that there is the possibility that the PUD may never be built, but the FLUM and Zoning changes, if enacted, will then be permanently attached to the property. It seems possible that funding could fall through, the economics of the project could change for the worse, the desire on the part of developers could wane - any number of things could conspire to make the PUD not come to fruition. City Point Landfall might be compelled to redesign and go with a completely different PUD or they might have to sell the property to a new buyer who would then have the opportunity to build a completely different project with greatly increased density.

We believe that the current Future Land Use Map, Zoning and Existing Binding Development Plan are adequate for development of a profitable and appropriate subdivision within our community. We therefore ask that Planning and Zoning Board recommend that the Board of Commissioners reject the changes requested by City Point Landfall LLC at the earliest opportunity.

Thank You for your attention and consideration,

James and Beverly Sudermann
3469 Indian River Drive

Cocoa, FL

To:Commissioner, D1;Commissioner, D2;Commissioner, D3;+2 others

Thu 4/3/2025 3:19 PM

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

April 3, 2024

Brevard County Board of Commissioners,

Re: City Point Landfall, LLC

County Parcel #: 24-36-08-00-514

Application Request: Rezoning and Future Land Use Amendment 24-PUD00003 & 24-SS00009

This is a request to deny City Point Landfall's PUD, Rezoning and Future Land Use Amendment request, 24PUD00003 & 24-SS00009

A wonderful former commissioner, Truman Scarborough, once told me "Your community is the only community that has been able to stand as one to protect yourselves from overdevelopment, all others have failed." It is up to all of us to continue to protect our way of life in our small but beautiful community. I am asking you to please stand strong to help us protect our way of life.

Development is inevitable. However, our area is a historic gem in a concrete jungle. We have a historic scenic drive lined with historic spacious homes and nature all around. Visitors to our area enjoy the leisurely drive and the slower pace. People enjoy biking, running and walking events throughout the year. It is not a cookie cutter neighborhood. There are no condos or townhomes. It is a unique community style that those of us who live here wish to protect and out of state visitors love to enjoy.

Commissioners before you have worked hard to put in place a plan to protect our area. Is is perfect? No. We were all grandfathered in and right sized when the commissioners before you created a plan that worked for everyone. They spent years working with our community to achieve an agreeable plan that worked and continues to work for our historic area. Why have a Binding Development Plan (BDP) if it is not binding? Why make it binding if it has no meaning? We just ask that you continue to protect our uniques and historic community now and in the future.

Thank you all very much for your time and continued support. I respectfully request that you deny City Point Landfall, LLC requests.

Sincerely

Beverly Sudermann

3469 Indian River Dr.

Cocoa, FL 32926 321-536-3851

From: James Suderhann
To: [REDACTED]
Subject: Re: P&Z Speech on City Port Landfill PUD 2025-36-19
Date: Tuesday, August 19, 2025 10:12:18 AM

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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 Suderhann



On Aug 18, 2025, a



At 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 <sudermaj@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

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Text of speech concerning 23Z00038 & 24SS00009

Sent from my iPhone

Begin forwarded message:

From: James Sudermann <sudermaj@bellsouth.net>

Date: August 18, 2025 at 13:04:34 EDT

To: James Sudermann <sudermaj@bellsouth.net>, Beverly Sudermann <sudermab@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 it's 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: Beverly Sudermann <sudermab@bellsouth.net>
Sent: Wednesday, October 1, 2025 11:59 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Cc: Beverly Sudermann <sudermab@bellsouth.net>; James Sudermann <sudermaj@bellsouth.net>
Subject: October 2, at 5:00 pm City Point Landfall Commissioners Meeting

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

Hello Commissioner Delaney,

This is the message we are sending out to our Indian River Community.

There will be a Brevard County Commissioners Zoning Meeting tomorrow Thursday October 2, at 5:00 pm.

City Point Landfall is first on the agenda with the same two items they have been presenting for months. H1 to change the Future Land Use Map (FLUM), and H2 to change zoning and remove our existing Binding Development Plan (BDP) replacing it with their own Planned Unit Development (PUD). Please attend if you possibly can. The way we have been able to get results in the past has always been to show up. If the Commissioners see a large crowd, they know that the neighbors are concerned and engaged. If you want to speak, to voice your opinion, please, please do so. The Commissioners have been giving concerned individuals three minutes each for public comments.

Here are some points to consider based on how the situation has evolved since City Point Landfall first came forward last year. Through the combined efforts of our community, City Point Landfall has modified some of their proposed PUD to incorporate several of our community's concerns. They eliminated the eight high density townhouses, they removed their proposal to use Parkchester's Roundtree Drive as the primary entrance to the PUD, they eliminated the boat parking lot/marina from the design, they shrunk the RV storage garage from two buildings to one and they have designated the 2.44 acres closest to the river as a "Wetlands Conservation" area.

So presently, City Point Landfall is proposing a Planned Unit Development (PUD) with 23 new houses, a single RV parking garage, a new stormwater drainage scheme, a bike path and a substantial Wetlands Conservation area.

In order to accomplish this they are asking the Commission to re-classify the basic Florida State Future Land Use Map (FLUM) into two new designations - Community Commercial (CC) for the 1.92 acre RV parking garage and Residential 4 units per acre (RES4) for the remaining 10.96 acres of the property. Any new local Zoning will sit on top of the FLUM designations and must be compatible with them - so the FLUM is an important driver in any future development. It is key to remember that designating 10.96 acres as RES4 results in the potential of 10.96 times 4 or 44 units possibly being built on this property in the future.

They are also asking for the removal of our existing Binding Development Plan (BDP) that, among other things, limits the number of houses on the western half of the property to seven units total. In 2004, our community worked diligently and conscientiously with a previous County Commission to fashion his

BDP into an instrument that protected the interests, desires and character of our Indian River community. At the time it was implemented, there were successive proposals to build multi-story condominiums in our neighborhood. The BDP has been our protection from developer pressure to build at these high densities. We hate to see it discarded summarily without regard to all of the thought, effort and purpose our neighborhood put into it.

In their proposed PUD, City Point Landfall is self-declaring 2.44 acres as a "Wetland Conservation" area.

The wetlands are on the east side and are the lowest elevation area of the property. They are located adjacent to the Indian River Lagoon.

Using these wetlands as the final runoff area for their proposed stormwater drainage system is a key component of City Point Landfall's stormwater system design.

At this point, our primary concern is that there is a fundamental mis-match between the underlying, basic Future Land Use Map designation of RES4 and the proposed use of the 2.44 acre wetland tract as a Wetland Conservation stormwater drainage repository. As a family that has lived right next to this land for 30 years, we totally agree that this is a wetland. It is low, swampy, boggy, mucky, frequently flooded and would be a real problem to build on. In order to use it to construct four houses per acre, it would have to have several feet of muck removed and then several more feet of fill dirt brought in to raise the land to an elevation high enough to build on. Raising the land elevation to this extent would be extremely disruptive to the neighbors on both sides (Zhang, Huang, Mest, and Wessner) as whatever water was draining into the City Point Landfall wetlands would now be flooding onto their land and into the Indian River Drive roadway.

We totally agree that this land is basically unbuildable and is best left as is.

As such, its current designation of RES4 is totally inappropriate. It should have a Future Land Use Map designation appropriate to its character and its most appropriate use. "Private Conservation" or PRCON, would seem to be the right choice.

We plan to ask the Commission to change the underlying FLUM to encompass the three designations that are appropriate to the actual character and intended uses of the property - 1.92 acres of Community Commercial (CC) on US1, 2.44 acres of PRCON on the east side, and the remaining 8.52 acres in the middle as RES4. This gives the developer a housing unit budget for his PUD of 8.52 acres times 4 for a total of a 34 units, easily covering the 23 units proposed in the PDP.

It also, most importantly, ensures that the wetlands remain wetlands. No matter what transpires in the future. We are extremely worried about the absolute fact that a 44 unit housing budget is the result of changing the FLUM to RES4 for the entire 10.96 acres. Just as our perceived certainty of the permanence of the existing Binding Development Plan has turned out to be an illusion, many things could happen to prevent the City Point Landfall's PUD from being built as proposed. The property already has a history of being sold and resold. New owners could decide to scrap this PUD and start all over again with something totally different. Markets and the economy may change, prompting City Point Landfall or new owners to revise their plans.

We think it is a fair deal for the Commission to allow City Point Landfall to remove the existing Binding Development Plan and to increase the density on the western 8.52 acres of the property to RES4 in exchange for a legal, binding assurance of Wetland Conservation protection anchored in a proper FLUM

designation of PRCON on the eastern 2.44 acres adjacent to our beautiful Indian River Lagoon. In other words, put the RES4 where City Point Landfall needs it in exchange for creating a true Wetlands Conservation area on the river.