



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

9/4/2025

Subject:

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) The applicant has requested this item to be continued to the October 2, 2025, Board of County Commissioners Meeting.

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small-Scale Comprehensive Plan Amendment (24S.11) to change the Future Land Use designation from RES-1 (Residential 1), RES- 2 (Residential 2), RES-4 (Residential 4), and NC (Neighborhood Commercial) to CC (Community Commercial) and RES-4 (Residential 4). The applicant has requested this item to be continued to the October 2, 2025, Board of County Commissioners Meeting.

Summary Explanation and Background:

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 1 (RES 1), Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC) to Community Commercial (CC) and Residential 4 (RES 4) on a 12.86 acre parcel for the purpose of developing 23 single-family residential homes and a commercial portion for indoor RV storage. The applicant has a companion rezoning application, **24PUD00003**, requesting a change from Estate Use (EU) and Residential Professional (RP) to Planned Unit Development (PUD). The subject parcel is currently undeveloped and is located on the east side of N. Highway 1 and west side of N. Indian River Drive, approximately 200 feet south of Roundtree Drive. N. Indian River Drive bifurcates a small portion of the subject property.

The subject property retains three original FLU designations established in 1988 by the Brevard County Comprehensive Plan: RES 2, RES 4, and NC. The RES 1 FLU designation was established after April 13, 2004, Board Directive, under Comprehensive Plan Amendment **2004A.5** which is found in the March 2005 Small Area Study Examining Policy 1.12 Protection of Riverside Residential Lands. With the amendment being approved, it changed the FLU from RES 4 to RES 1.

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. Additionally, there is 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 which has AU zoning and RES 1 FLU. There is another parcel which is 0.56 acres, developed with a single-family residence, EU zoning and RES 2 FLU. The final 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. 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 first came before the 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 associated with the companion rezoning request. 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 Local Planning Agency considered the revised request and voted 10:3 to recommend approval.

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

Clerk to the Board Instructions:

Please return a copy of the filed ordinance 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.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 24S.11 (24SS00009)
Township 24, Range 36, Section 08

Property Information

Owner / Applicant: City Pointe Landfall LLC/ MBV Engineering, Inc.

Adopted Future Land Use Map Designation: Residential 1 (RES 1), Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC)

Requested Future Land Use Map Designation: Community Commercial (CC) and Residential 4 (RES 4)

Acreage: 12.88 acres

Tax Account # 2411252

Site Location: 3477 N Indian River Dr, Cocoa, FL 32926, East side of Highway 1, approximately 210 feet south of Roundtree Drive

Commission District: 1

Current Zoning: EU (Estate Use) and Residential Professional (RP)

Requested Zoning: PUD (Planned Unit Development) (24PUD00003)

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 1 (RES 1), Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC) to Community Commercial (CC) and Residential 4 (RES 4) on a 12.88 acre parcel to develop 23 single-family residential homes with a commercial component to include an indoor RV storage. The applicant has a companion rezoning application, **24PUD00003**, requesting a change from Estate Use (EU) and Residential Professional (RP) to Planned Unit Development (PUD).

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

The subject property's current configuration was recorded on November 5, 2021.

The subject property retains three original FLU designations established in 1988 by the Brevard County Comprehensive Plan: RES 2, RES 4, and NC. The RES 1 FLU designation was established after April 13, 2004 Board Directive, under Comprehensive Plan Amendment **2004A.5** which is found in the March 2005 Small Area Study Examining Policy 1.12 Protection of Riverside Residential Lands. With the amendment being approved, it changed the FLU from RES 4 to RES 1.

The RES 1 FLU designation permits low density residential development with a maximum density of up to one (1) unit per acre, RES 2 FLU designation permits a maximum density of up to two (2) units per acre, and RES 4 FLU designation permits a maximum density of up to four (4) units per acre.

The requested RES 4 designation would allow up to 43 residential units. The applicant has proposed a project consisting of 23 single-family residential units with an overall gross density of approximately 2.09 dwelling units per acre on 10.96 acres that are proposed for residential development.

A portion of the property totaling 1.92 acres is proposed for commercial development with a potential for a FAR of 1. NC is the current FLU designation on this portion of the subject property. The NC FLU embodies activities that are intended to be low impact in nature and serve the needs of the immediate residential area. The requested CC FLU designation embodies activities which are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

There are no current code enforcement complaints on the property.

Surrounding Land Use Analysis

	Existing Land 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 residence	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. Additionally, there is 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 which has AU zoning and RES 1 FLU. There is another parcel which is 0.56 acres, developed with a single-family residence, EU zoning

and RES 2 FLU. The final 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.

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.

RES 1 FLU designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element.

RES 2 FLU designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within the Future Land Use Element.

RES 4 FLU designation affords an additional step down in density from more highly urbanized areas and serves as a transition between areas of higher and lower density. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within the Future Land Use Element.

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited.

Future 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.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Residential Land Use Designations

FLUE Policy 1.1

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

Criteria:

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines site;

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.

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. Per Section 62 3694(c)(1), 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 10.85 acres. Therefore, the maximum allowable area of wetland impacts is 0.195 acres. This may limit development potential of the property.

Mapped topographic elevations indicate the soils may consist of Type 2 and/or Type 3 Aquifer Recharge soils that have impervious area restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

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 parcel may be susceptible to nuisance flooding.

- B. Land use compatibility pursuant to Administrative Policy 3;

The RES 4 land use can be considered consistent with the existing larger lot patterns of surrounding development. The RES 4 designation would allow up to 43 residential units. Additionally, the requested companion PUD zoning could result in a density bonuses, should Policy 1.2 be met, that would allow 54 residential units with a density of 5 units to the acre on 10.96 acres.

- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element;

Centralized potable water and sanitary sewer service are currently available to the subject property. The applicant has represented that these services will be provided by the City of Cocoa and they have the capacity available.

The Brevard County School Board staff projects there will be sufficient school capacity at the elementary and Jr./ Sr. high school levels to accommodate the projected demand in the school concurrency area.

- D. Character of the general area, pursuant to Administrative Policy 4;

The Parkchester subdivision (FLU of RES 2 and RU-1-11 zoning) platted in 1964, abuts north of the subject property and is one of two established residential subdivisions in the general area. The other subdivision was platted in 1963 as Indian River Estates. It currently has RU-1-13 zoning classification with RES 2 FLU. Other properties developed with single family residences surrounding the subject property are developed as larger single-family lots and vacant lots.

- E. Hurricane evacuation capabilities; and;

The subject property is not located on a barrier island. The subject property abuts Highway 1 and is approximately a half mile north of S.R. 528.

- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

In 2004, the middle portion of the subject property had AU classification with

RES 4 FLU. Comprehensive Plan Amendment 2004A.5 comprised of the March 2005 Small Area Study Examining Policy 1.12 Protection of Riverside Residential Lands. The amendment changed the FLUM designation from RES 4 to RES 1 FLUM designation on properties zoned AU. Additionally, the amendment also ensured that properties' FLUM designation matched actual densities developed in the area. A portion of the subject property was zoned AU in 2004.

Public Facilities and Services Requirements

FLUE Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS). Specific concurrency issues will be addressed during site plan review. This is only a preliminary review and is subject to change.

The applicant has submitted acknowledgement letters from the City of Cocoa showing they have availability for water and sewer services to serve the proposed development.

The applicant has illustrated a proposed stormwater system outfall location on the PDP. Drainage plans will be reviewed at the site plan review stage.

Based on the PDP, it appears there is an adequate amount of space dedicated for recreational facilities to serve the needs of the associated development. There is a walking trail depicted on the PDP, but other recreational facilities are not specified.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

Brevard County Fire Rescue reviewed the Preliminary Development Plan (PDP) and approved the proposed development with no issues noted.

- C. In the Residential 30 Directive, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater

treatment shall be available concurrent with the impact of the development.

Centralized potable water and sanitary sewer are available to the proposed development as the applicant has submitted acknowledgement letters from the City of Cocoa which state they have the capacity to provide service.

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

Public water service is currently available, and the applicant's request equals a density of 2.09 units per acre. The applicant has provided acknowledgement letters from the City of Cocoa which state they have the capacity and availability to provide potable water and sanitary sewer to the proposed development.

Residential 4 (maximum of 4 dwelling units per acre)

FLUE Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 4 land use designation; or

The subject property is adjacent to existing Residential 4 on the portion located west of N. Indian River Drive, approximately 300 feet inward from the road.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

The subject property does not serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre. RES 1, RES 2 and RES 4 are abutting to the subject property. The applicant is requesting to amend the subject property's NC FLU designation, located east of Hwy US 1, to CC. The Board may consider limiting the density with the PUD zoning under a separate application.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

The subject property and adjacent properties are located within the unincorporated county jurisdiction.

- D. Up to a 25% density bonus to permit up to five (5) dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The subject property has requested PUD zoning classification under application (24PUD00003). The eastern portion of the subject property is within the CHHA. The RES 4 designation would allow up to 46 residential units. Additionally, the requested companion PUD zoning could result in a density bonuses, should Policy 1.2 be met, that would allow 58 residential units with a density of 5 units to the acre on 11.71 acres. The PDP does not illustrate enhancement of blending with adjacent areas with the development to promote inter-connectivity with the proposed commercial use. The Board may consider whether the proposed is consistent.

FLUE 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 per cent 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 use.

- 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 includes 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 is 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 pursuit, 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 ice house constructed within the preceding three (3) years west of the subject property across Highway 1. There has 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.

FLUE 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.

Natural Resources has noted the subject parcel contains mapped wetlands, hydric soils, and within the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees; and protected species may also be present on the subject property.

The applicant's submittal indicates the presence of wetlands on the property. 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 10.85 acres. Therefore, the maximum allowable area of wetland impacts is 0.195 acres.

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.

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 parcel may be susceptible to nuisance flooding.

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 development potential maybe limited by these constraints.

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

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
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters
- 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.

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 10.85 acres. Therefore, the maximum allowable area of wetland impacts is 0.195 acres.

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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 parcel may be susceptible to nuisance flooding.

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).

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

Historic Resources

There are no recorded historical or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

For Board Consideration

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

**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.

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.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

April 4, 2025

M E M O R A N D U M

TO: Billy Prasad, Interim Planning and Development Director Attn: Trina Gilliam

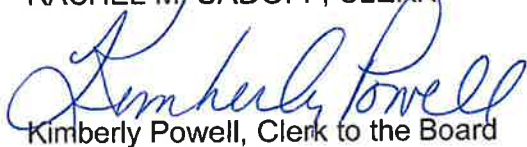
RE: Board Actions on Planning and Zoning Board Recommendations

The Board of County Commissioners, in regular session on April 3, 2025, took action on Planning and Zoning Board Recommendations.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Alice Randall, Zoning
County Attorney

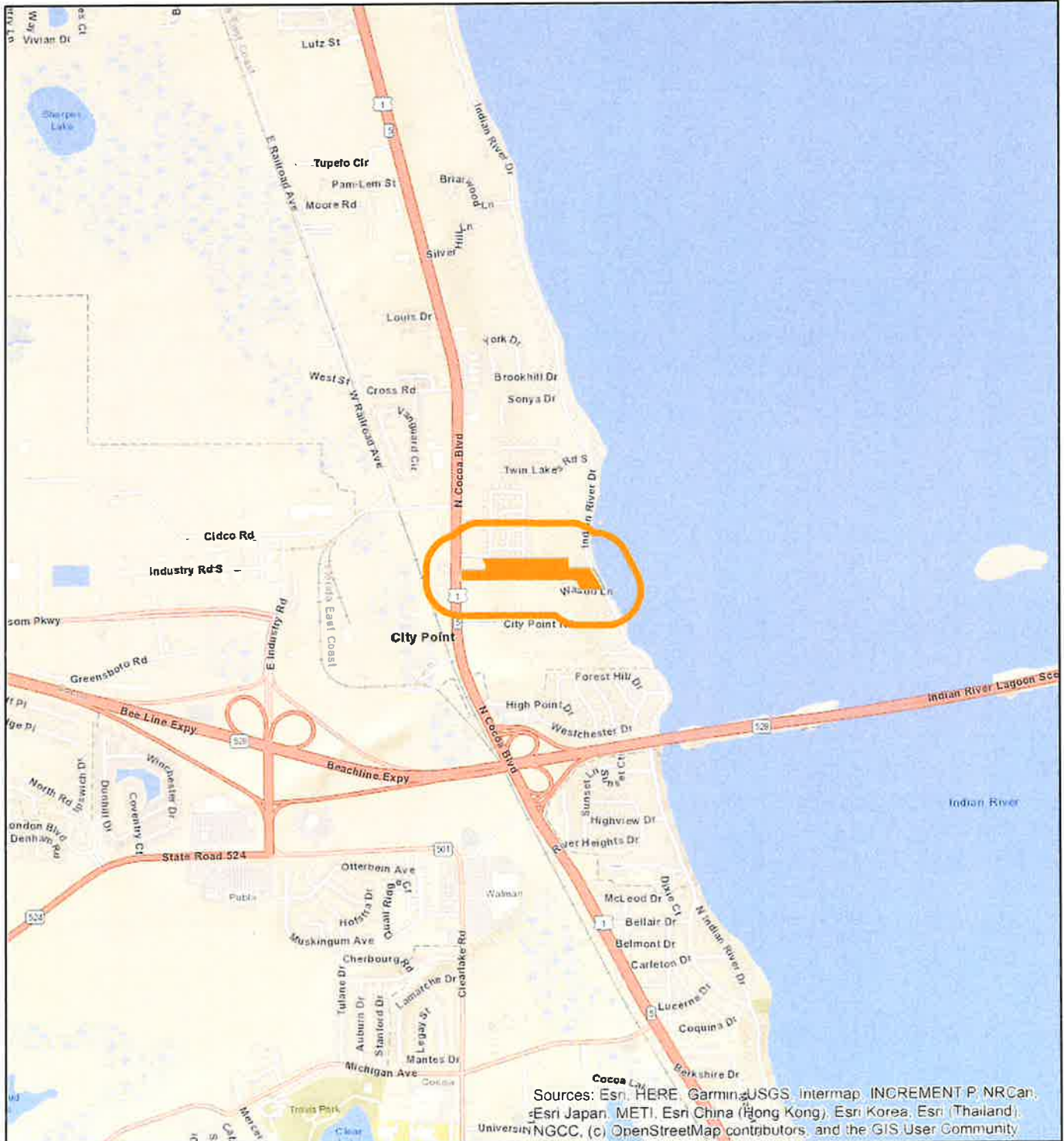
PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. **City Pointe Landfall LLC.** Altman/Delaney. Continued to the July 3, 2025, Zoning Meeting. (24SS00009)
- Item H.2. **City Pointe Landfall LLC.** Delaney/Altman. Continued to the July 3, 2025, Zoning Meeting. (24PUD00003)
- Item H.3. **Jay Sriambe LLC.** Withdrawn by the applicant. Email received April 1, 2025. (24SS00015)
- Item H.4. **Jay Sriambe LLC.** Goodson/Adkinson. Approved the request for a change of zoning classification from BU-1 and BU-2 to RU-2-30. (24Z00066)
- Item H.5. **Isabela Zimmerman and Mikke Seppala.** Delaney/Altman. Approved the request for a change of zoning classification from GU to AGR. (24Z00065)
- Item H.6. **Nicholas Duffy.** Adkinson/Delaney. Approved the request for a change of zoning classification from BU-1 to BU-2. with an existing Binding Development Plan (BDP), retaining all BU-1 uses and restricting the BU-2 use to outdoor boat and RV storage. (24Z00071)
- Item H.7. **The Lila Songer Trust.** Adkinson/Goodson. With Delaney voting Nay. Adopted Ordinance No. 25-04, setting forth the sixth Small Scale Plan Amendment of 2025, (24S.20), to change the Future Land Use Designation from Agric to RES 1. (24SS00020)
- Item H.8. **The Lila Songer Trust.** Adkinson/Goodson. With Delaney voting Nay. Approved the request for a change of zoning classification from AU and RRMH-1 to RRMH-1. (24Z00070)

LOCATION MAP

CITY POINT LANDFALL LLC

24SS00009



1:24,000 or 1 inch = 2,000 feet

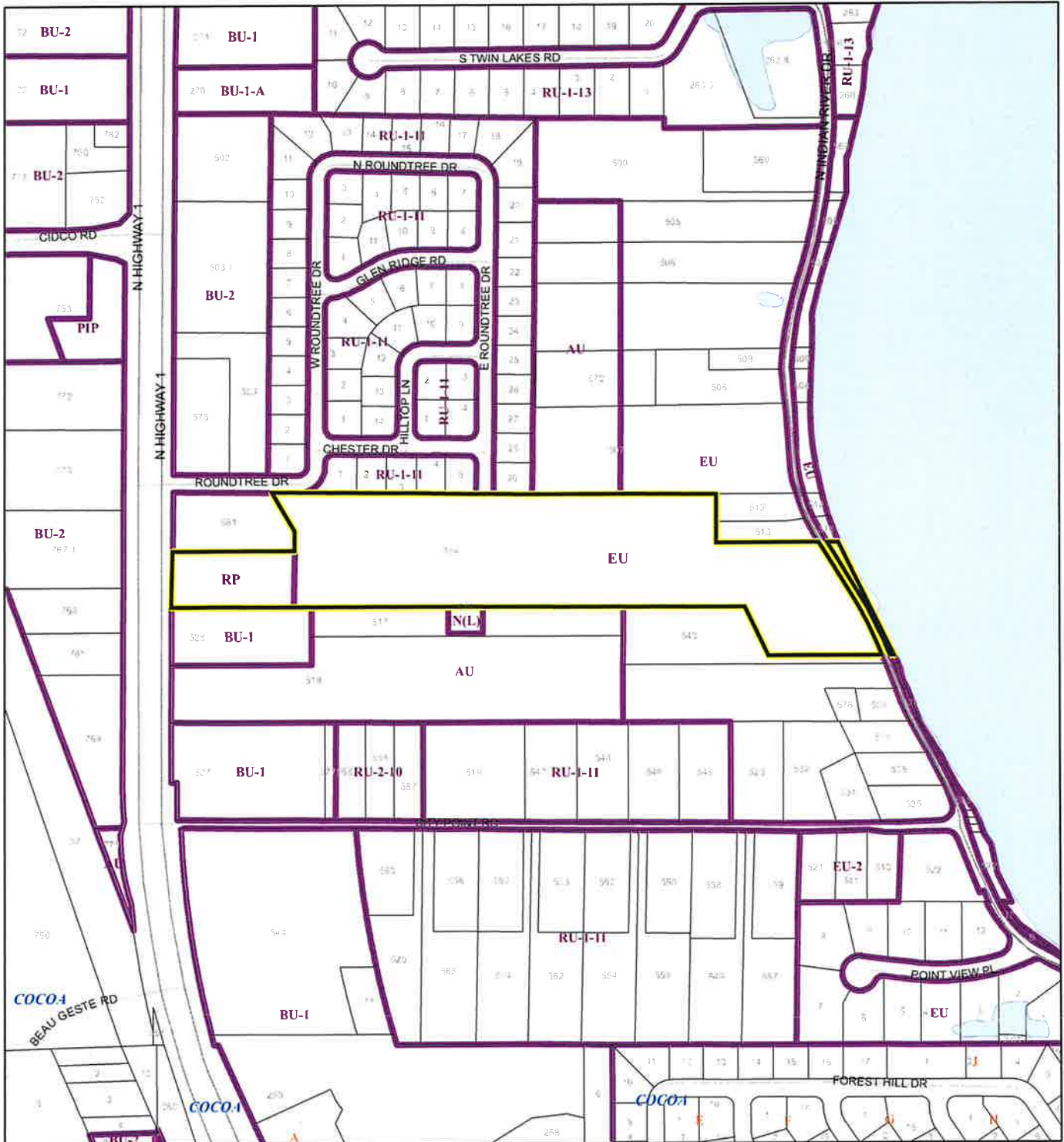
Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 6/18/2025

Buffer
Subject Property

24SS00009



1:4,800 or 1 inch = 400 feet

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Subject Property

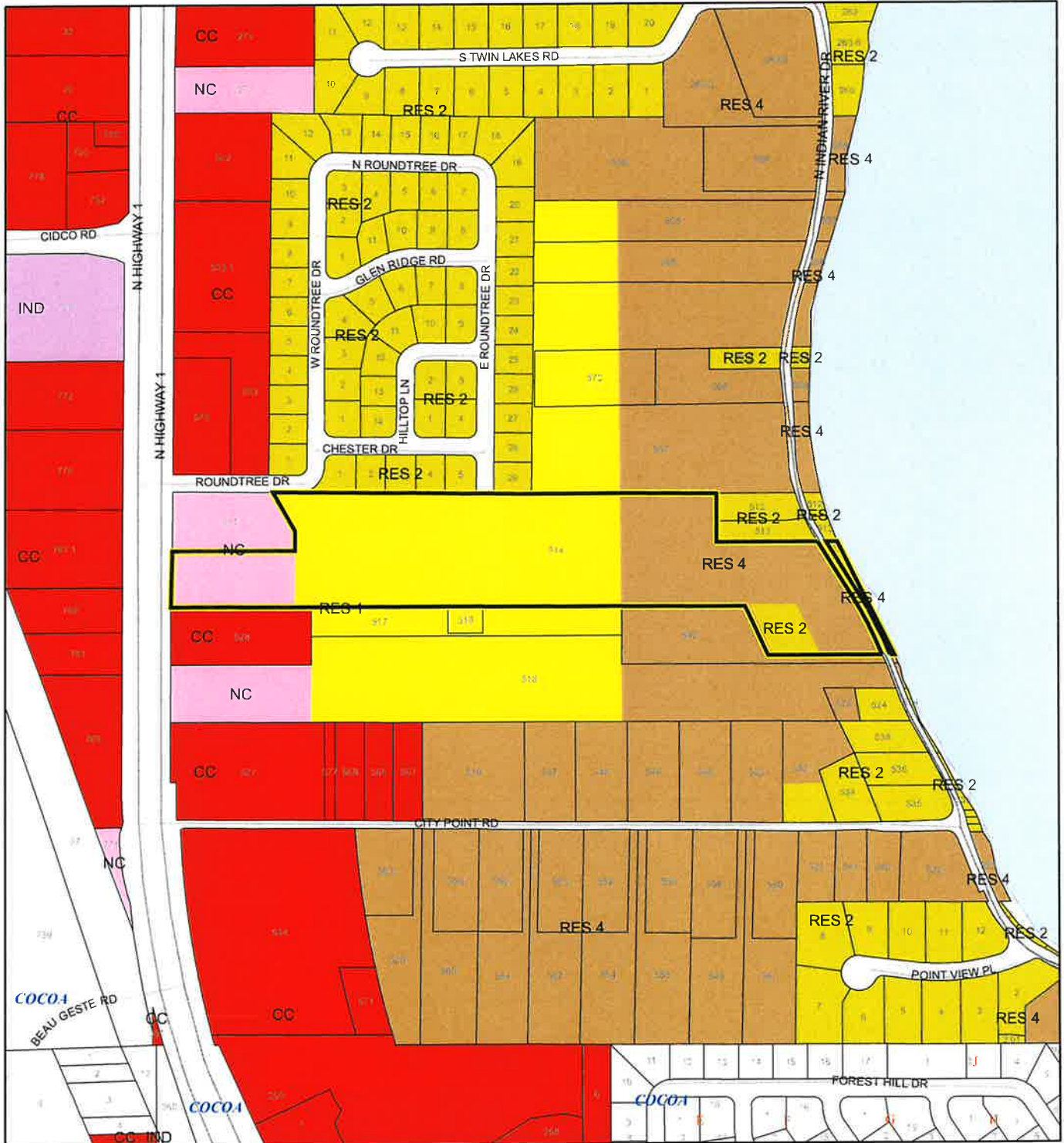
Parcels

Zoning

FUTURE LAND USE MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

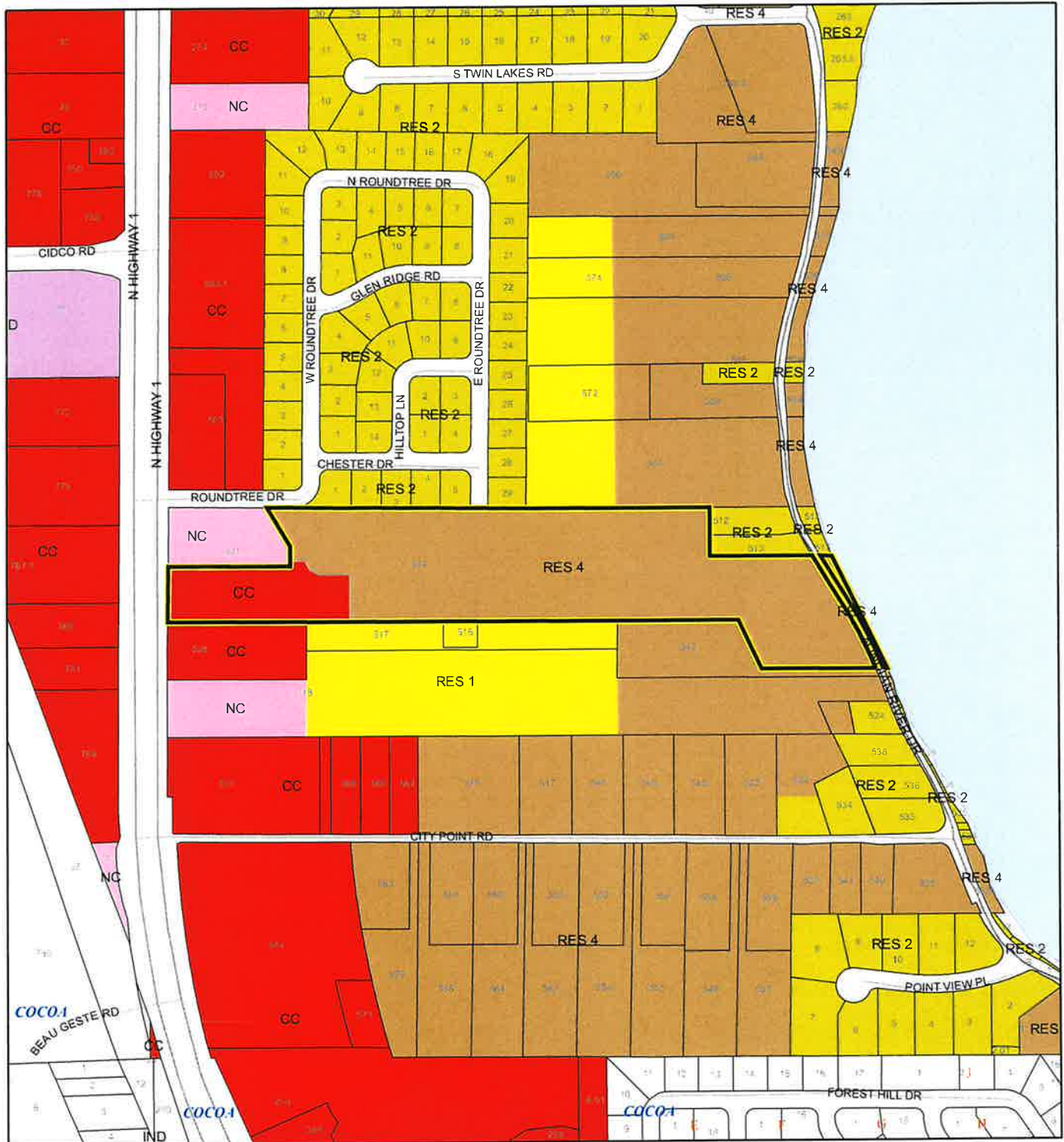
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PROPOSED FUTURE LAND USE MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

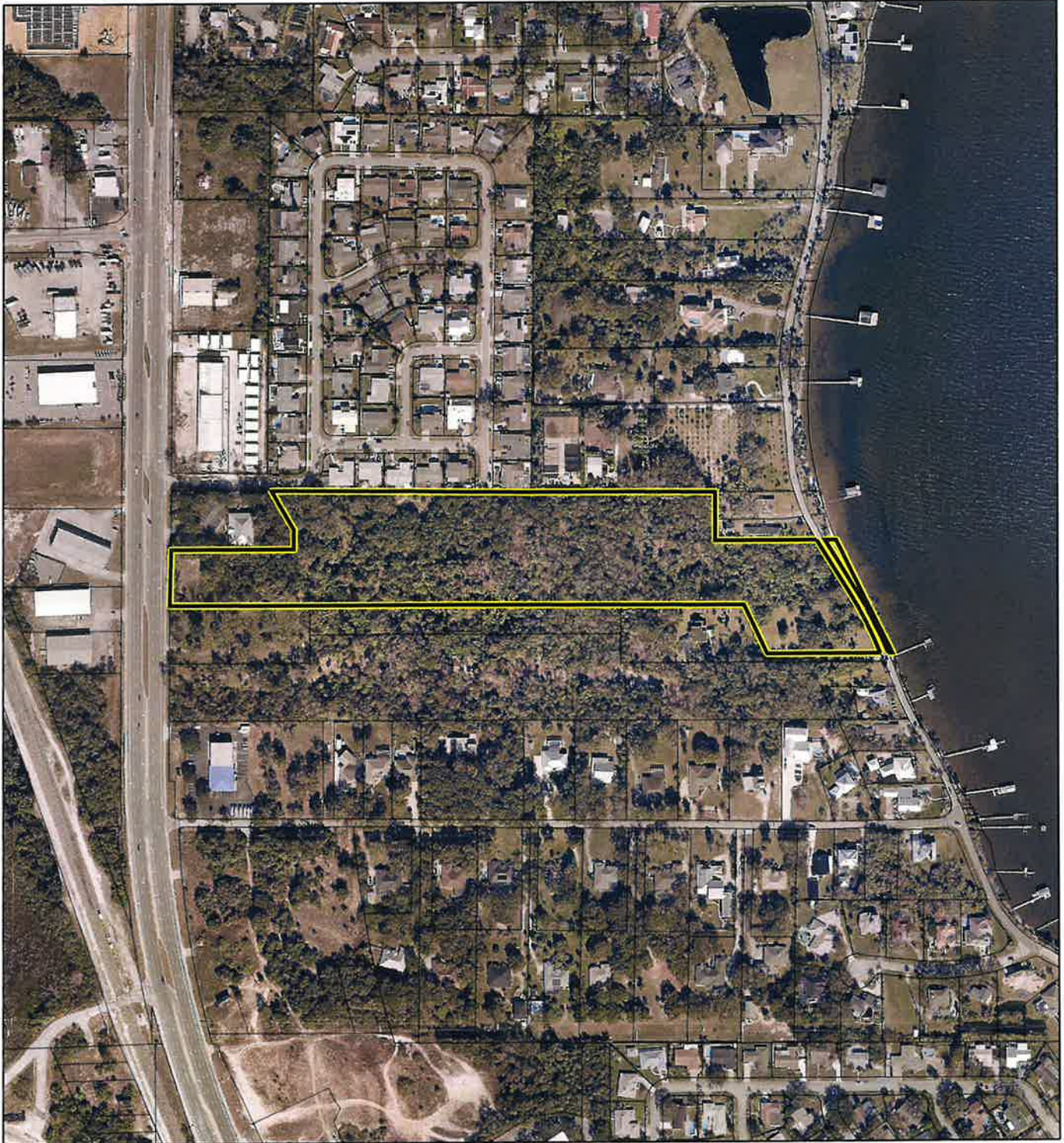
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AERIAL MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2025

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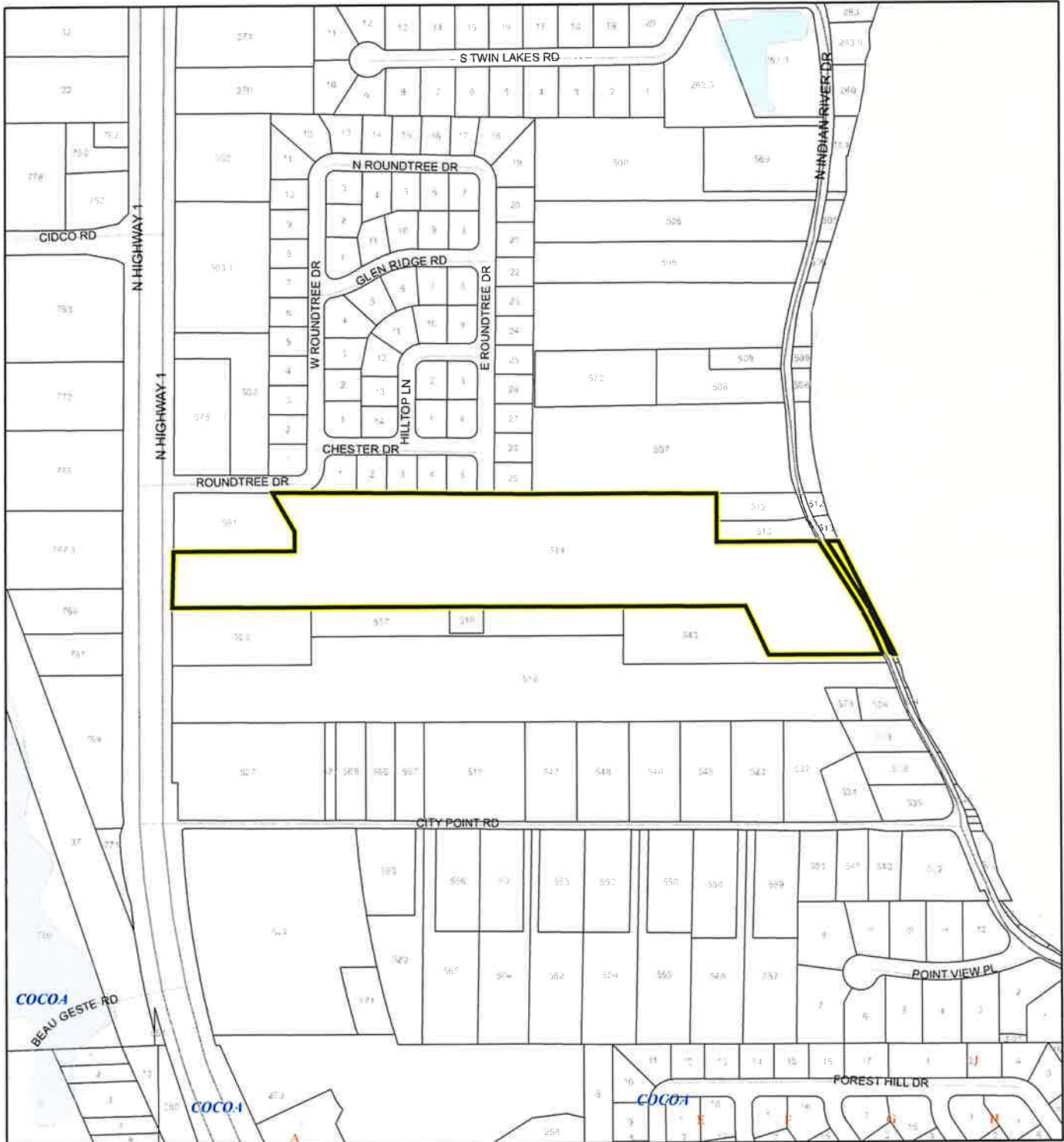
Subject Property

Parcels

NWI WETLANDS MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

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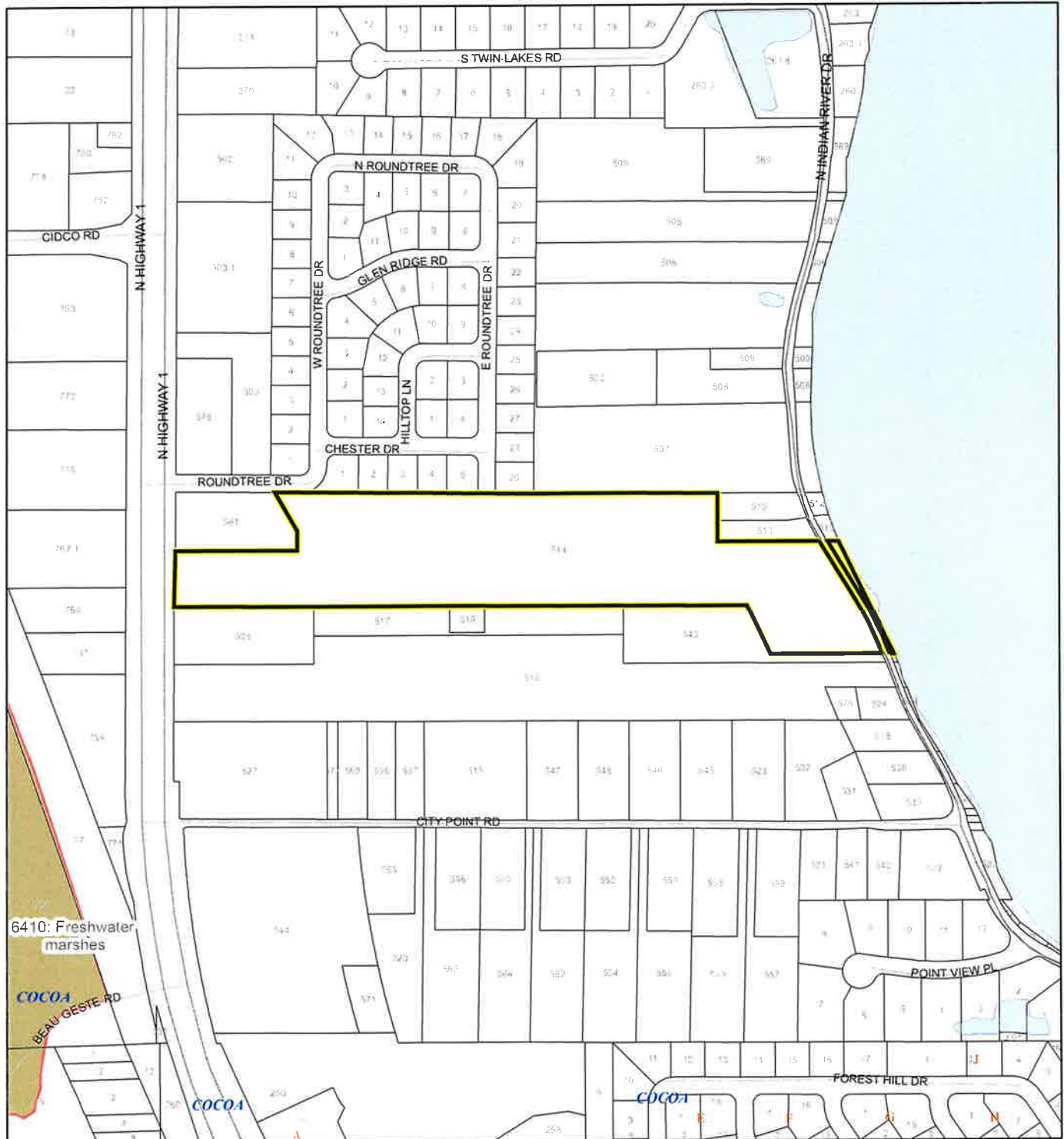
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|------------------|
| 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

24SS00009



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

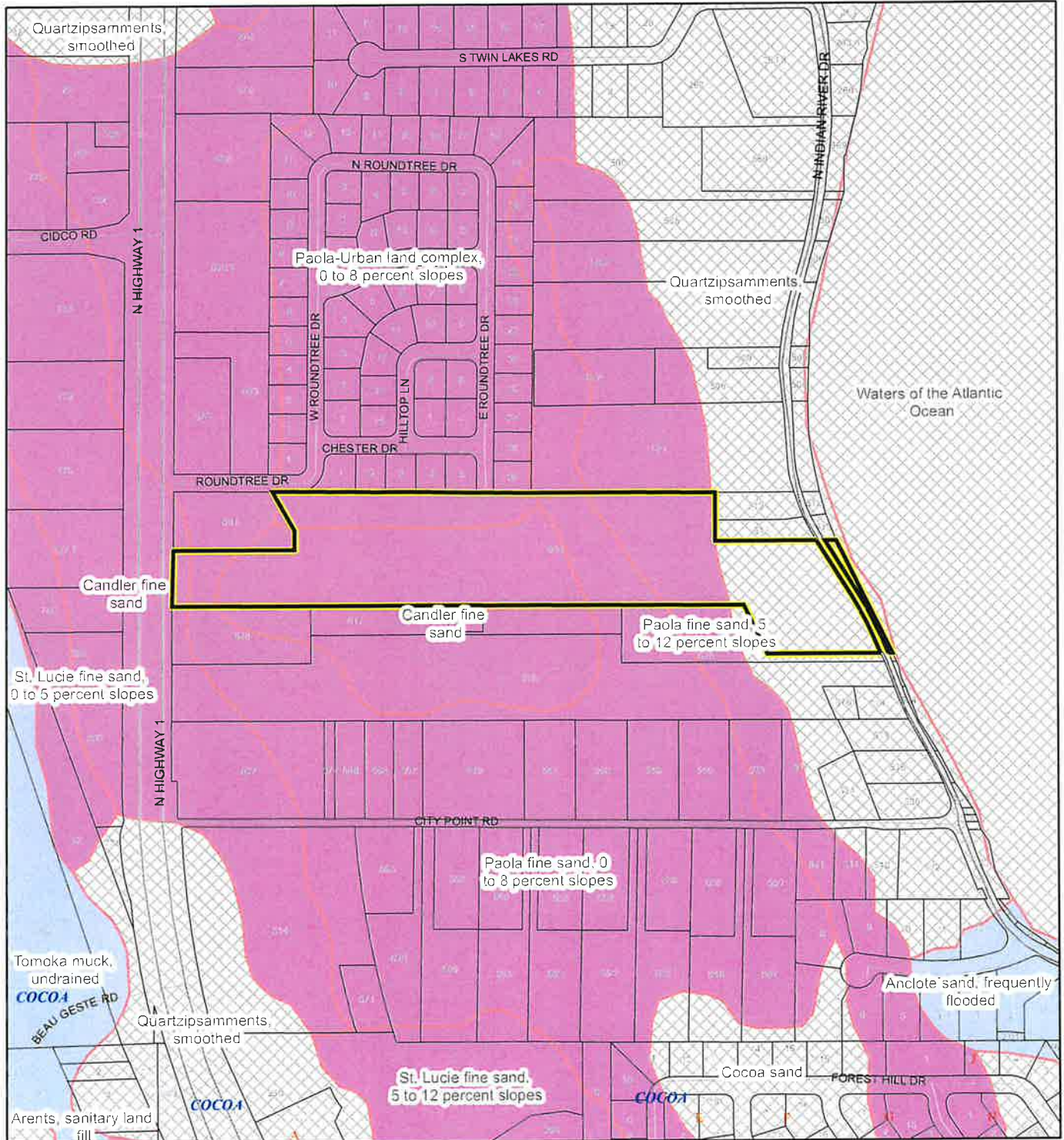
Subject Property

Parcels

USDA SCSSS SOILS MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

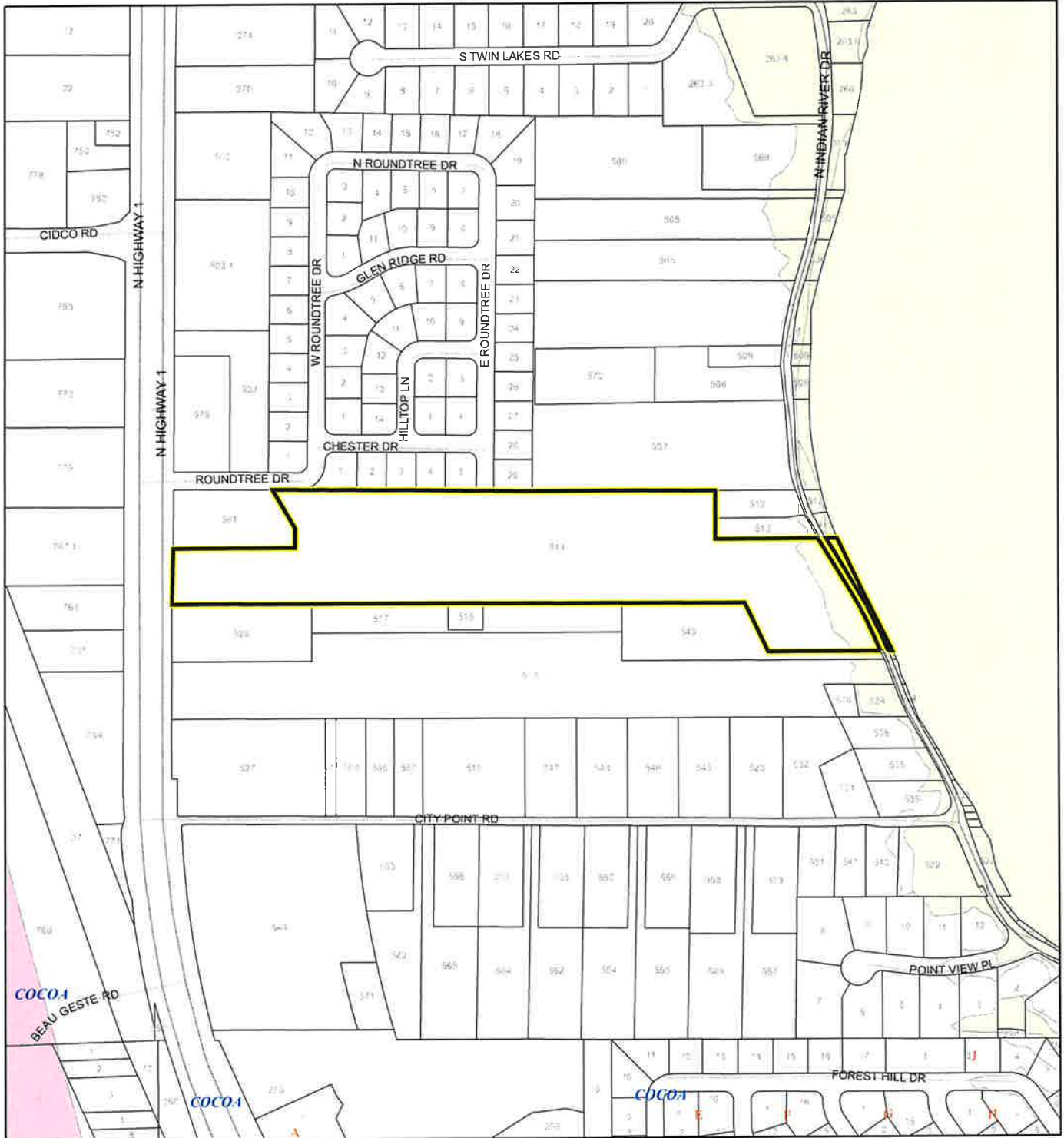
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

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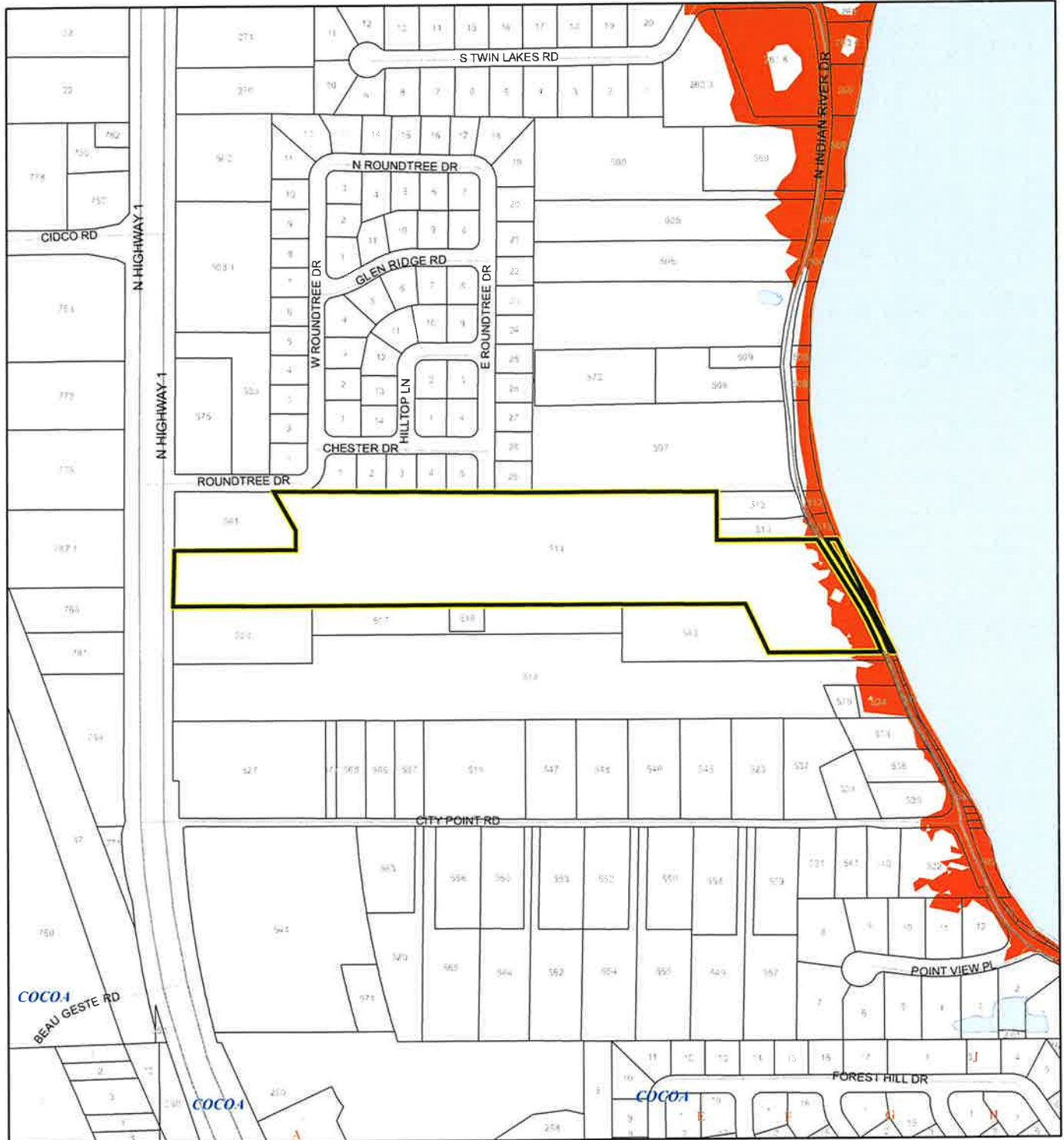
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

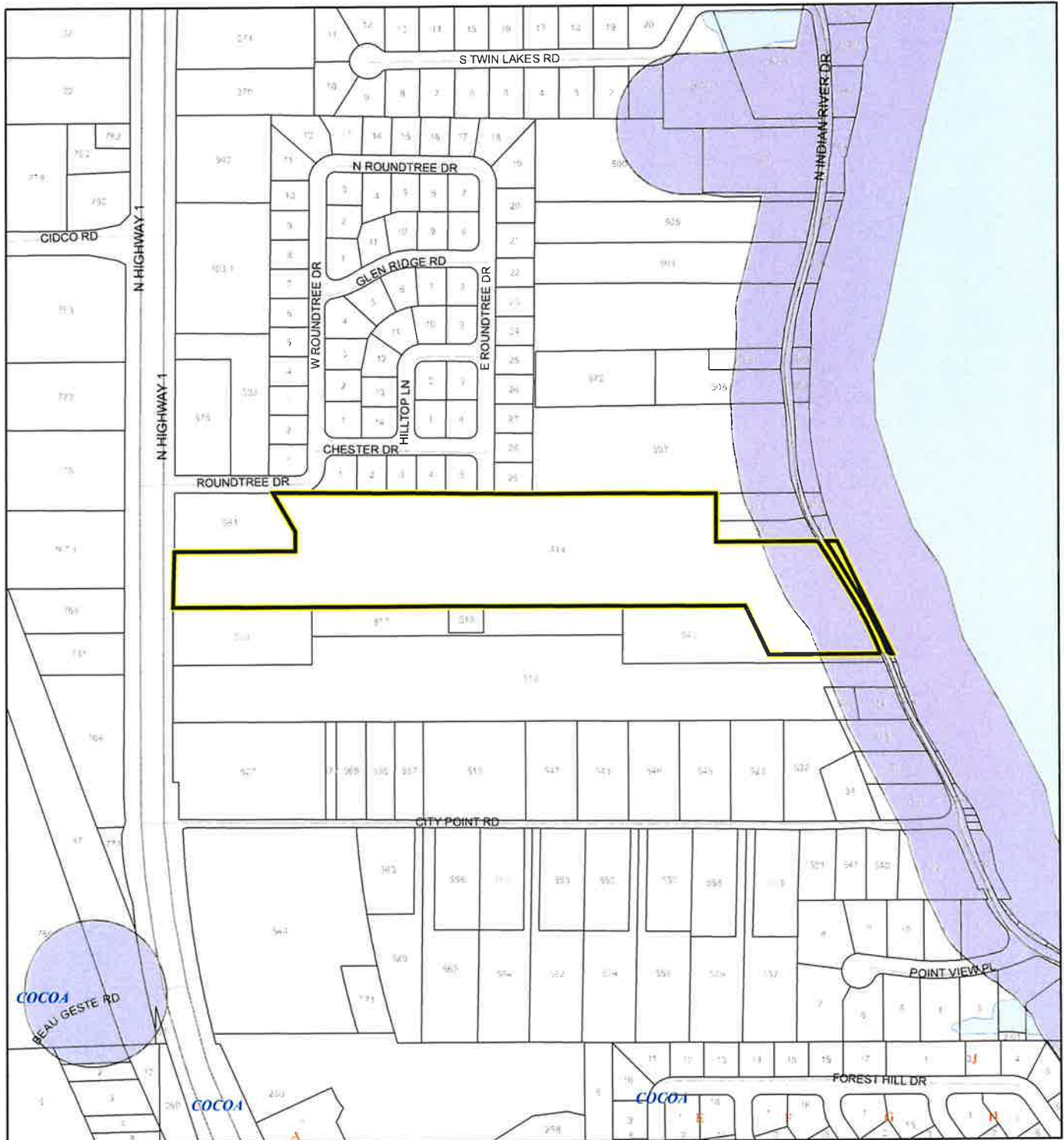
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

40 Meters

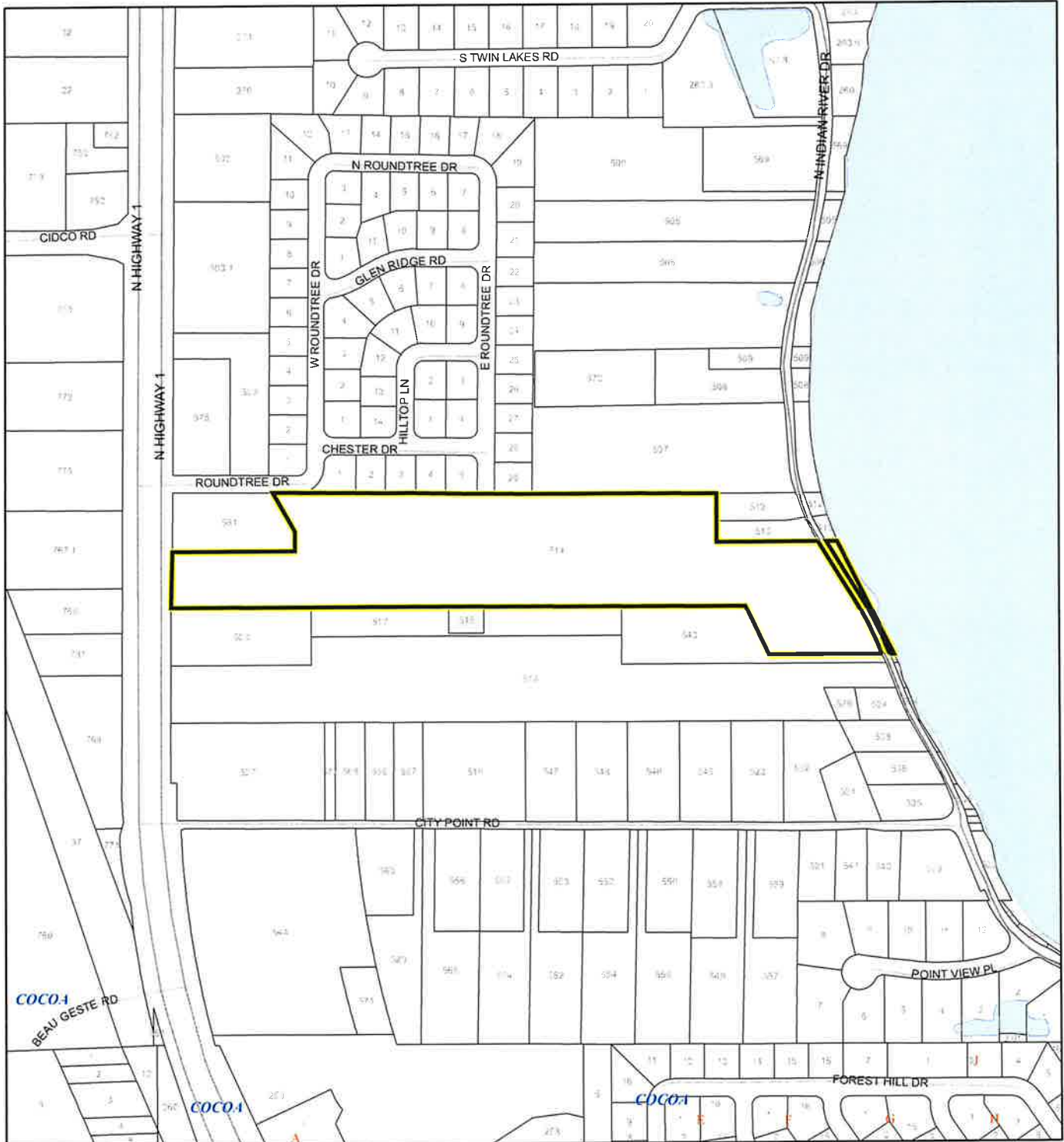
60 Meters

All Distances

EAGLE NESTS MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/18/2025

 Subject Property

 Parcels

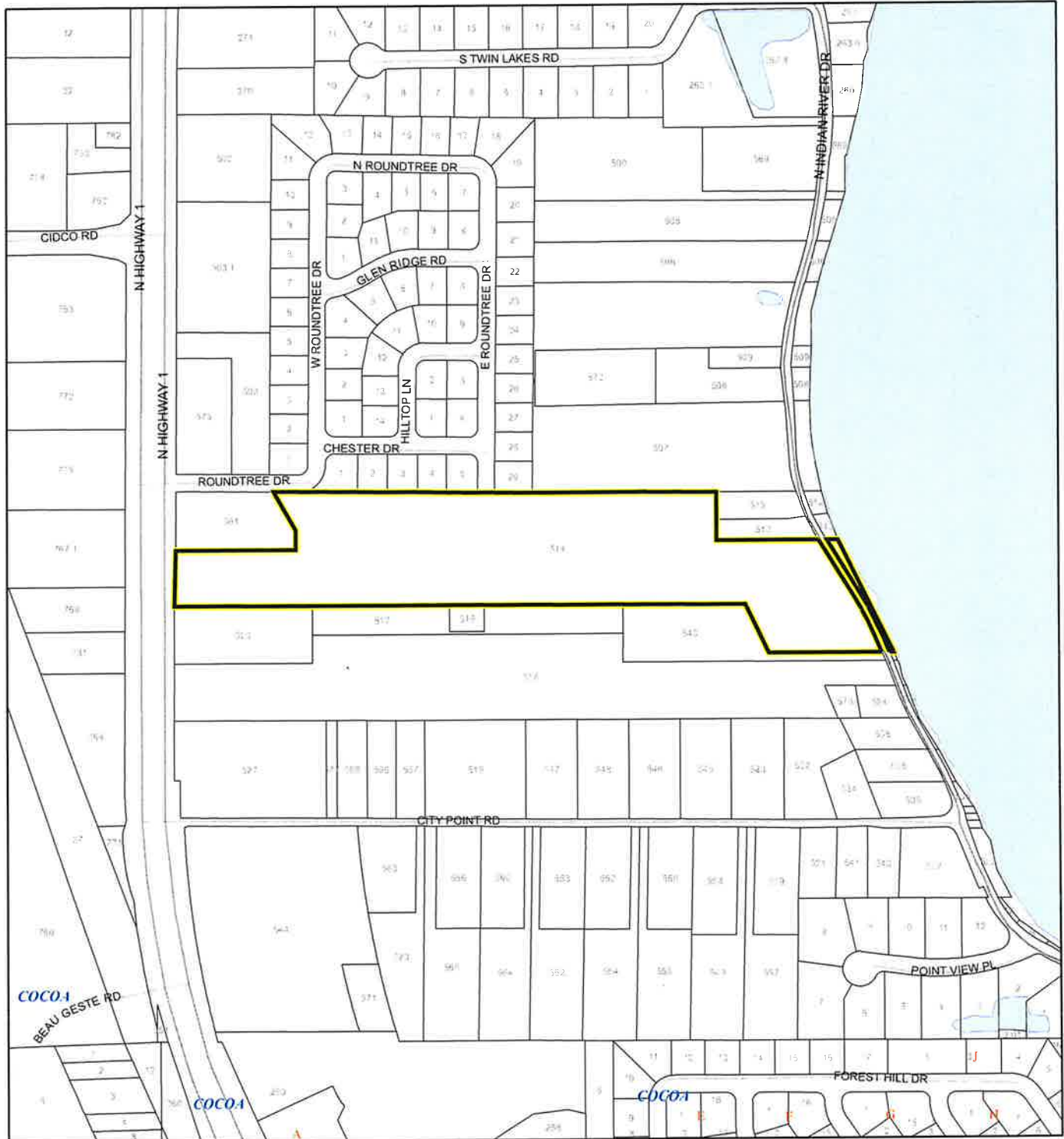


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/18/2025

— Subject Property

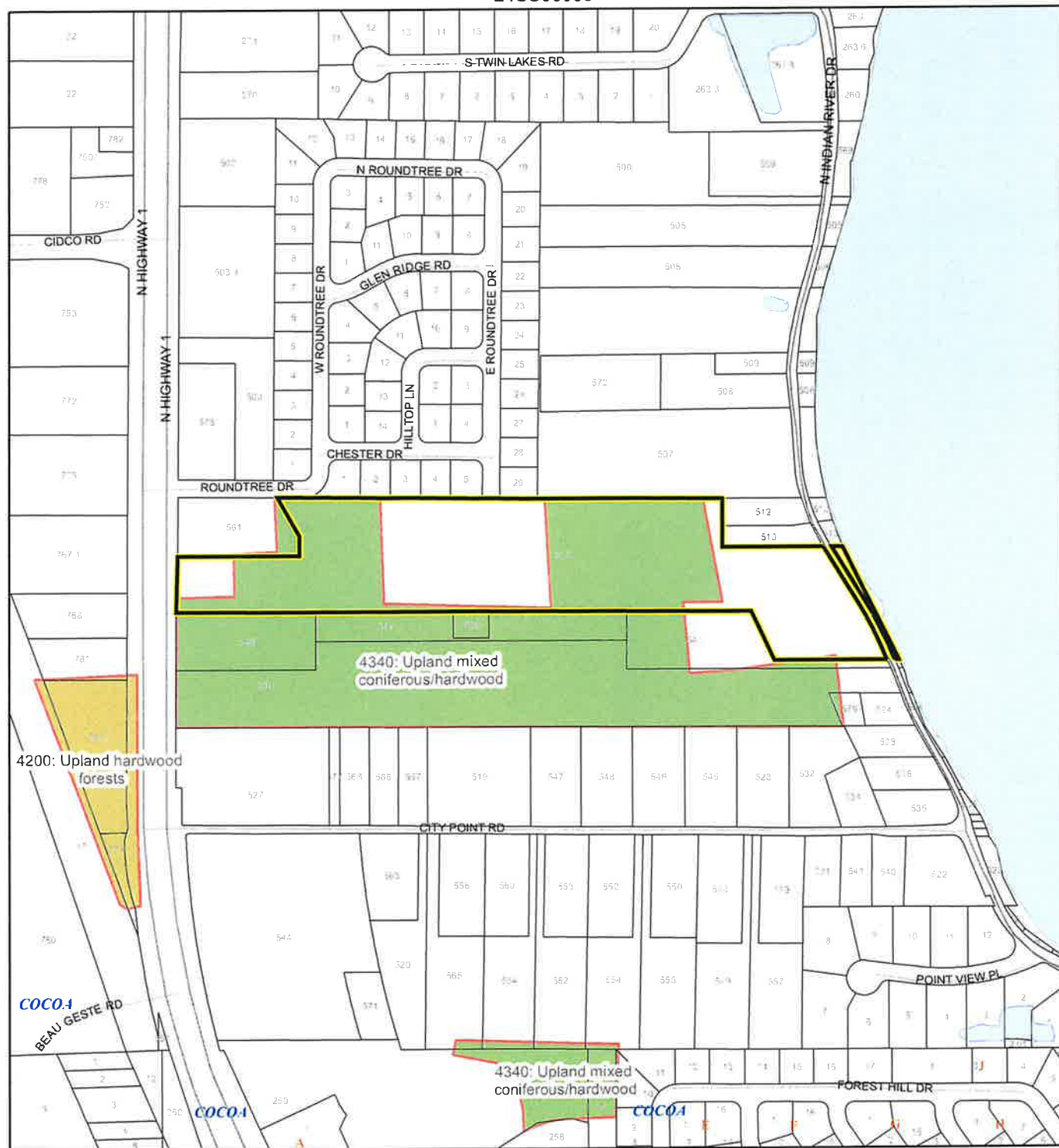
— Parcels

▨ Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CITY POINT LANDFALL LLC

24SS00009



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: 6/18/2025

SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

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

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

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

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

Excerpt of complete agenda

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Moia responded they did not want that entrance.

Public Comment

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

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

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

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

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

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

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

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

End Public Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Unintelligible comment from the audience.

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Saunders replied, "so amended."

Meeting adjourned at 4:18 p.m.

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

FYI

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

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

Tad,

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

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

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

Thank you.

Sincerely,
Kim Rezanka

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



KRezanka@LLR.Law

6013 Farcenda Place, Suite 101
Melbourne, FL 32940

LLR.Law



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ORDINANCE 25-__

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTH SMALL SCALE PLAN AMENDMENT OF 2025, 24S.11 TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI(E), THE FUTURE LAND USE APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2024 as Small Scale Plan Amendment 24S.11; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these

Technical Advisory Groups have provided technical expertise for the Amendment 24S.11; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on August 18, 2025, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 24S.11, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on October 2, 2025, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 24S.11; and

WHEREAS, Small Scale Plan Amendment 24S.11 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 24S.11 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 24S.11 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 24S.11, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged

pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this day of , 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: _____
Rob Feltner, Chair

As approved by the Board on _____, 2025.

EXHIBIT A
24S.11 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

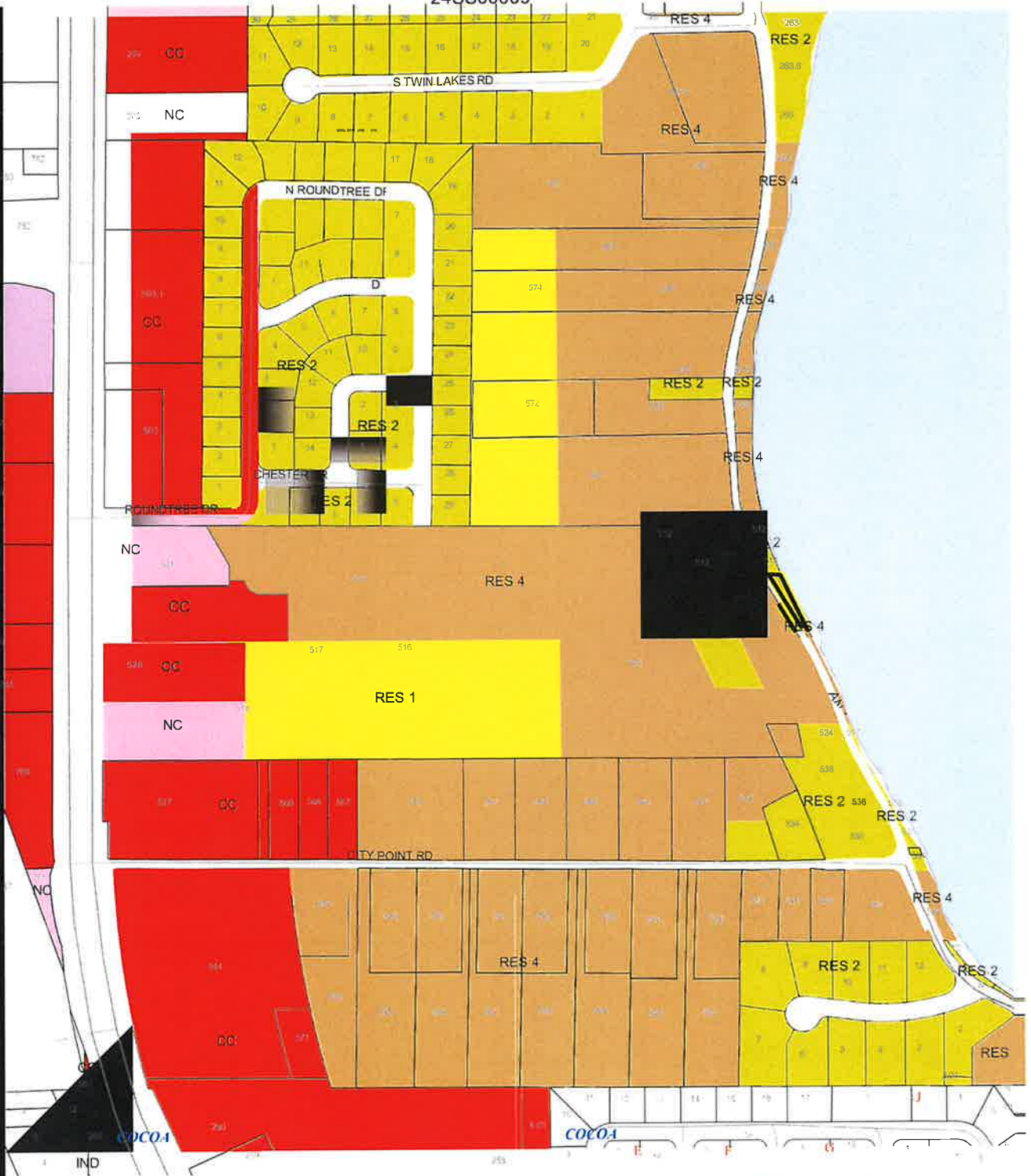
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

CITY POINT LANDFALL LLC

24SS00009



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels



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

Produced by BoCC - GIS Date: 7/16/2024

EXHIBIT B

Contents

1. 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" EVU+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.

Board Meeting Date

9-4-25

Item Number: H.5 cont'd 10-2-25

Motion By: KD

Second By: TA

Nay By: _____

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