

Brevard County Board of County Commissioners

2725 Judge Fran Jamieson Way
Viera, FL 32940



Minutes

Thursday, November 6, 2025

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:03 PM

Present: Commissioner District 1 Katie Delaney , Commissioner District 3 Kim Adkinson, Commissioner District 4 Rob Feltner, and Commissioner District 5 Thad Altman

Absent: Commissioner District 2 Tom Goodson

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears request for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness opinion testimony showing that the request meets the Zoning Code and Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes for rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

C. PLEDGE OF ALLEGIANCE

Chairman Feltner led the assembly in the Pledge of Allegiance.

H.4. Housing Authority of Brevard County (Michael Bean) Requests a CUP for Mitigating a Non-Conforming Use, in RU-2-30 Zoning Classification (25Z00022) (Tax Account 2702810)

Chairman Feltner called for a public hearing to consider a request by the Housing Authority of Brevard County for a Conditional Use Permit (CUP) for mitigating a non-conforming use in RU-2-30 zoning classification.

Billy Prasad, Planning and Development Director, stated H.4., is for the Housing Authority of Brevard County, represented by Michael Bean, requesting a CUP for mitigating and non-conforming use in RU-2-30 zoning classification under application 25Z00022, located in District 5.

There being no comments or objections, the Board approved the request by the Housing Authority of Brevard County for a CUP for mitigating a non-conforming use, in RU-2-30 zoning classification (25Z00022).

Result: Approved

Mover: Thad Altman

Second: Katie Delaney

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.5. Lawrence Crumley Requests a Change of Zoning Classification from AU to RU-1-13 (25Z00023) (Tax Account 2501503)

Chairman Feltner called for a public hearing to consider a request by Lawrence Crumley for a change of zoning classification from AU to RU-1-13.

Billy Prasad, Planning and Development Director, stated Item H.5., is Lawrence Crumley requesting a change of zoning classification from AU to RU-1-13, under application 25Z00023, and located in District 2.

There being no comments or objections, the Board approved the request by Lawrence Crumley for a change of zoning classification from AU to RU-1-13 (25Z00023) (Tax Account 2501503).

Result: Approved

Mover: Kim Adkinson

Seconder: Katie Delaney

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.6. Richard Brandon Requests a Change of Zoning Classification from GU to AU (25Z00030) (Tax Account 2314034)

Chairman Feltner called for a public hearing to consider a request by Richard Brandon for a change of zoning classification from GU to AU.

Billy Prasad, Planning and Development Director, stated Item H.6., is Richard Brandon requesting a change of zoning classification from GU to AU, under application 25Z00030, and located in District 1.

There being no comments or objections, the Board approved the request by Richard Brandon for a change of zoning classification from GU to AU (25Z00030) (Tax Account 2314034).

Result: Approved

Mover: Katie Delaney

Seconder: Thad Altman

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.7. John McLeod Requests a Change of Zoning Classification from GU to SR (25Z00031) (Tax Account 2802679)

Chairman Feltner called for a public hearing to consider a request by John McLeod for a change of zoning classification from GU to SR.

Billy Prasad, Planning and Development Director, stated Item H.7., is John McLeod requesting a change of zoning classification from GU to SR, under application 25Z00031, and located in District 5.

There being no comments or objections, the Board approved the request by John McLeod for a change of zoning classification from GU to SR (25Z00031) (Tax Account 2802679).

Result: Approved
Mover: Thad Altman
Second: Katie Delaney
Ayes: Delaney, Adkinson, Feltner, and Altman
Absent: Goodson

**H.1. Adoption of Petition to Establish Sun Terra Lakes Community Development
District Developer: Jen Florida 48, LLC**

Chairman Feltner called for a public hearing to consider adoption of petition to establish Sun Terra Lakes CDD – Developer: Jen Florida 48, LLC.

Billy Prasad, Planning and Development Director, stated Item H.1., is a request for the adoption of a petition to establish the Sun Terra Lakes CDD, the developer is Jen Florida 48, LLC, and it is located in District 5.

Tucker Mackie stated she is with Kutak Rock and represents the petitioner.

Chairman Feltner stated he would not have guessed Ms. Mackie was a Tucker.

Ms. Mackie remarked she gets that a lot.

Commissioner Adkinson stated she does not know if this is the appropriate place for this question, but when she was going over this with staff, she is learning, and they were talking about spine roads; she knows that is not exactly what is being talked about in this; but she asked with the spine roads, is that something that the County may be asked at some point to take care of and be its responsibility in the future.

Ms. Mackie responded to the extent of familiarizing with the Commissioners with CDD, it is asking the Commission today for the establishment of a CDD for the provision of public infrastructure, including roadways within the district boundaries that would include both the internal roadways and the spine roadways themselves. She stated this is not a zoning approval for a land use approval; she thinks there was a Binding Development Plan that provided for the County to own, operate, and maintain those spine roads once they were developed and the district may be the financing tool that delivers that infrastructure; and, however, if that is a continuing conversation between the petitioner and the County, that is something that the district, as a local government could own, operate, and maintain as well.

Commissioner Adkinson remarked that would be talked about later.

Ms. Mackie stated she thinks it could be talked about further; representatives of the petitioner are present today; but this does not bind the County to any one determination here today, by approval of the district.

Chairman Feltner inquired if that is something staff wants stipulated tonight going forward.

Mr. Prasad responded it certainly is something that the Board can consider making clear, as part of its motion, that the exhibits indicating that the County does have responsibility to maintain spine roads are not binding going forward, and are subject to future discussions and negotiations.

Ms. Mackie advised the petitioner is fine with that.

Chairman Feltner stated he would feel more comfortable with that. He stated he does not have any other cards, except the folks working on the project.

Commissioner Altman mentioned he met with the staff and he has no problem with the CDD to help provide the infrastructure, but the Board would like to put some language in the CDD, that would just make things more clear; he would love to have the staff read that into the record; the Board could fold that into a motion; and it does not address the spine road, but if Chairman Feltner felt that should be included in that, staff could probably move that in.

Mr. Prasad stated he does think that the potential language would include discussion on the spine roads.

Commissioner Altman asked if he thought it would.

Mr. Prasad replied yes; he stated a potential motion would be to find that the petition meets all statutory requirements for the establishment of a CDD and to adopt the ordinance, establishing the Sun Terra Lakes CDD, with the specific understanding that any language contained in the petition, which designates ownership or maintenance responsibilities are non-binding, and shall not be used as a basis to argue that the Board has consented to any obligations to construct or maintain any infrastructure identified in the petition, including, but not limited to roadways.

Commissioner Altman asked if that would include the spine roads.

Ms. Mackie stated absolutely.

There being no comments or objections, the Board approved the request by Jen Florida 48, LLC, approved finding that the petition meets all statutory requirements for the establishment of a Community Development District; adopted Ordinance No. 25-20, establishing the Sun Terra Lakes Community Development District located in unincorporated Brevard County and containing approximately 1,082.242 acres, with the specific understanding that any language contained in the petition, which designates ownership or maintenance responsibilities are non-binding, and shall not be used as a basis to argue that the Board has consented to any obligations to construct or maintain any infrastructure identified in the petition, including, but not limited roadways; providing for the authority of the district; providing for the establishment of the boundaries for the Sun Terra Lakes Community Development District; providing for the designation of the initial Board Members; providing for the District name; providing for statutory provisions governing the district; providing for conflict and severability; and providing an effective date.

Result: Adopted

Mover: Thad Altman

Second: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.2. 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)

Chairman Feltner called for a public hearing to consider a request by City Pointe Landfall LLC for 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.

Billy Prasad, Planning and Development Director, stated Items H.2. and H.3., are companion applications; he will read them together, but will require separate motions; Item H.2., City Pointe Landfall LLC, represented by David Bassford and Kim Rezanka, requests a Small-Scale Comprehensive Plan Amendment (24S.11) to change the Future Land Use (FLU) designation from RES-1, RES-2, RES-4, and NC to CC and RES-4 under application 24SS00009 in District 1; and Item H.3., is City Pointe Landfall LLC, represented by Ms. Rezanka, requesting a change in zoning classification from EU and RP with an existing Binding Development Plan (BDP) to PUD, with the removal of an existing BDP, under application (24PUD00003), and located in District 1.

Kim Rezanka, Lacey/Rezanka Attorneys at Law, stated she is present on behalf of City Pointe Landing, who is the owner of the property; and she asked for clarification if Commissioner Goodson is on the line or is not here.

Chairman Feltner responded he is not here.

Ms. Rezanka advised they have been here before; they went to Planning and Zoning twice; she believes the Board is very familiar with this area; it had many, many emails, and probably meetings with members of the community; this is a slight change in density to an area that had a BDP put on it in 2008; this is an increase in FLU, but is really only a tiny increase in density from 19 units to 13 units; while the FLU is changing to different density, the map she provided the Board in the first document shows that RES-1 does not really make sense where it is; and she suggested to the Board that was done back in 2008, because of the economy at the time, that was a difficult time, the bankruptcy of the Lehman Brothers, the crash of 2008, and it happened in September of 2008. She stated she suspects the developer took whatever it could get back then, because they were trying for more and they took less; this is a troubled property, it has been through foreclosure a couple of times, certificate of titles were issued, and it has not been developed because the zoning for it is not consistent with what is in the area or what is needed to develop; this is an interesting piece of property, it goes from a higher elevation to a lower elevation; the neighbors have concerns about that because Indian River Drive has flooded; she drove it this weekend and there was still some flooding from last weekend from the rain the weekend before; but that road is a maintenance road by the County, it is not maintained by the developers, the owners, or anything else. She added if there are improvements or right-of-way dedication that has to be done that will be done during the platting time; this is a troubled property, it is 17 years of non-development; she does want to address the Sudermann's, they have been the most vocal, and they live nearby; when she says everyone thought the concerns were addressed, she meant about the zoning Preliminary Development Plan (PDP); she knows they have had concerns about the FLU, but what is not recognized is that FLU is limited by the PDP; and the PDP is binding, both the narrative and document before the Board. She mentioned when she says that they have tried to meet all of their requirements at both of the community meetings; the first community meeting, they were dead set against townhomes; the first large page she provided the Board with was the first PDP, that is the single one that had the townhomes and the two buildings of Recreational Vehicle (RV) storage, and they have come way down from that development proposal, way down, and they have no townhomes; they have no access on Parkchester; they have no access on Indian River Drive; they have a walkway for the community to go to the dock, which is able to be built on the other side of Indian River Drive; all of that was changed based upon community input, so that is what she meant when they thought they had satisfied the neighbors; and everything she had read is they are concerned about the FLU. She went on to say the FLU is already four units to the acre on four acres of the property on Indian River Drive, where it does not belong, and they could move that to FLUM to RES-2, but it takes a legal description; this is the most convenient way to do it; to transfer the density that they should be able to have on the wetlands to the center area; what they are putting in that center area and with that four acres of RES-4 already there, is two units to the acre which is what Parkchester to the north already has;

and this is consistent, it is made consistent by the PDP, the PUD zoning. She noted for the record, RES-4 is not high density, it has never been considered high density by anyone in this County or anyone in land development; in fact, if looking at the FLU Code, it starts with RES-30, goes down to RES-10 which is a transition; RES-6 is a transition between higher and lower intensity uses; RES-4 is an additional stepdown in density from the more urbanized; it is not a high density, it is a misconception; she also wanted to explain that the PUD cannot just be changed willy-nilly; she knows there has been some comments that a BDP can be changed; the PUD zoning starts with the PDP and receives tentative zoning, if a final development plan is not approved in three years, the zoning reverts back; that is in the Land Development Code, starting at Section 62-1448; and if there is no final development plan, the PUD zoning is terminated. She advised that does raise the issue with the RES-4, but the RES-4 of the wetlands is never going to be able to be developed; they would have to come back to do anything else for zoning; as mentioned with the PDP, there is a preliminary development plan, and a 10-page document that is binding on this property that tells exactly what they are going to do and when they are going to do it; the large set of documents that she provided to the Board is the entire PUD drawing; that explains what the zoning is going to be; the one waiver request, which is on the tracks and the open space exhibit, there is waiver information, a waiver from the undisturbed 15-foot buffer shall apply to the project, and back belt shall be landscaped to provide a vegetative buffer and shall be a minimum of 15 feet in width, because of the change in elevation from US 1 to Indian River Drive; that is why that waiver is being requested; and there will still be a 15-foot vegetative buffer, it just may not be in its natural state because of what they are going to have to do to the property to account for stormwater, to account for the building pads, and to maintain the wetland. She went on to say it does show the Board the changes that were made; it can be seen on that tract and open space exhibit, they have cut the commercial use in half, and there is only one RV storage; they have gotten rid of the townhomes; they have made the amenities through some of these stormwater tracks and some of that open space, but the staff report still says they are asking for a waiver from open space, and they are not; and the boardwalk is going to be the bike path, which is part of the open space where there is no stormwater ponds, and they do not need that. She stated what they are seeking is 23 homes on 10.94 acres; currently, there is a RES-1 of 6.44 acres, there is RES-2 of .47 acres, and there is RES-4 of 4.2 acres; to make that consistent, they went to RES-4, and the intent is not to put 54 units on there, it is to do exactly what the PDP says; currently, the EU zoning is inconsistent with RES-1 and RES-4; the Administrative Policies and the staff report says that this is consistent with the character of the area that is proposed, which is the size of the lots next to Parkchester that are nearly identical, and the staff report does say it is consistent; the PUD is to encourage planned range of residential types, as well as industrial, commercial, and institutional uses; it is commercial on US 1 and transitioning to single-family homes; there are no concurrency issues in traffic or schools with the PDP because the lot sizes are compatible; the proposed uses are compatible; the proposed open common space is compatible; and the staff report does support the FLU and the change in zoning to PUD. She reiterated that BDP is only for the seven acres in the middle of the property, not over the entire property as many people seem to believe; and Bruce Moia, the engineer of record, has spoken to the Public Works, and there are some concessions that have been made, regarding dedication of right-of-way and other conditions that Public Works has asked, and Mr. Moia will discuss that. She concluded by saying they request the Board to change the FLU as requested and approve the PDP, with the one waiver; this is not a dramatic increase, it is going from 19 potential units to 23 units, and they have reduced the commercial that is also reducing the intensity of the development; currently it is in the RES-4, but for the wetlands they could have 16 homes there; this is not an increase of a dramatic increase, but this does provide consistency with the PDP for the Board to know exactly what is planned; and if there are other conditions, this is the time to do it because right now, is the PDP stage. She asked if at this time Mr. Moia would come up.

Mr. Moia stated he is with MBV Engineering, Inc. and he is the engineer of record for the project; there has been several conversations with the Public Works staff and mostly because of drainage; he understands drainage is a huge concern of this area; what he would like to offer is kind of a way to make a difference and make it better, because if they do not do anything, then nothing really changes; if the Board is familiar with that roadway, it is low, it only has rights to maintain it based on a maintenance map, that he does not think has been recorded yet; he would like to go ahead and provide property to allow the County to maintain it, and do any future road projects that it might have in the works; he thinks that might be happening since he understands there is a survey that has been done of that roadway from SR528, all the way up to where it turns into US1; one thing that he can and will do is, not only just meet the reduced discharge rate of the designed stormwater; but also reduces the volume that is discharged off of the property and into the outfall. He stated beyond the County's Code as well as the St. Johns River Management District (SJRMD) code to ensure that no more water goes to that roadway than goes there, they would reduce it as much as they possibly can; another thing they will do, because he knows there was concern about groundwater, they will do a groundwater modeling analysis to make sure that they address any groundwater issues that might be contributing to that runoff; and if they can, dedicate up to 50-foot of right-of-way to the County, to give it a lot of room to do any kind of drainage improvements, that might need to happen in the future. He added, he thinks between all of that they can definitely make a difference and make it better that it is now, and having an improvement of what they are seeing now; even though he will be developing it, but the way it drains now is a really high gradient from US 1 down to Indian River Drive; it is uncontrolled right now, the water just goes straight through there, flushes through the wetland, and goes right over the road; and if that can be controlled, they can slow down the rate, reduce the volume, and make the drainage, in that area better than it is now. He advised one other thing that done was, they were intentional when they did the PUD design; and the lots that abut Parkchester to the north, they are all the same size lots as those lots are, and the smaller lots are on the other side of the road.

Commissioner Delaney inquired for clarity if the new plan has swales behind the houses to the north or if they were filling that in; and she stated that she felt when she met with them they had talked about the possibility of swales.

Mr. Moia responded that is one of the reasons they are asking for the waiver of the 15-foot buffer, because Code was written that it is not supposed to be touched; but those houses, because they were built so long ago, the houses were built high in the middle, and it just drain away from it, so there is actually runoff coming onto this property; he does not want to block them, he wants to make sure its conveyed for that water to go down to the stormwater...

Commissioner Delaney interrupted by saying the stormwater box to the river.

Mr. Moia went on to say as it ends up now, but instead of going into the system, it will just bypass.

Commissioner Adkinson inquired about the 15-foot buffer; she stated she is not a fan of pulling out stuff that has been there forever; she inquired if he is talking about pulling out invasive species or is he talking about ripping out everything; and if so, what is he going to be put back.

Mr. Moia responded that is a good question, it really is going to depend on what they need to do to make the drainage work, because they last thing they want to do is block the neighbor's drainage; even though it is coming on this property, they want to build a system that will handle it, and not back it up; if they have to clear it and replant it, that can definitely be done and cleared very limitedly if that is what they have to do; obviously, they have to fill their lots, others will have their lots filled, and there is going to be a low spot in the middle; they have to make sure that water flows, because there are a lot of subdivisions where there is subdivisions

budding against subdivisions, and if the water does not get out from in between the two subdivisions, a lot of complaints come in; and he wants to make sure that they handle that and the only way they can, is to allow them to be able to disturb that buffer. He advised they will only disturb as much as they have to and keep the trees, or replant, if they can; and they have to do landscaping anyway and they will definitely reestablish any vegetation that is there.

Commissioner Adkinson stated she is asking Mr. Prasad as well, that she would like to know for sure that if big, huge, deciduous trees, or something are being taken out, that they are going to put back something similar; and she appreciates Mr. Moia's intention to want to put it back close, but intentions sometimes are changeable. She added she thinks somewhere it said similar; and she asked if she is correct in remembering that.

Mr. Prasad responded the language included in the PDP says in lieu of the undisturbed buffer, they would include something similar to a Type B buffer.

Commissioner Adkinson inquired if there is a way for the County to tighten that language up; and she advised that she would feel more comfortable with not just a couple of palm trees being thrown in, and they would be done.

Mr. Moia advised Mr. Prasad could explain what a Type B buffer is; it is a combination of trees and shrubs every so often; the trees have to meet the minimum tree size criteria, not just throw in palm trees; and the canopy trees have to be thrown in.

Commissioner Adkinson remarked similar means something, right.

Mr. Moia stated if there were canopy trees out there now, they would put the canopy trees back.

Mr. Prasad asked if Mr. Moia is committing to meeting all of the Type B buffer requirements, because it says similar to Type B buffer requirements; and he asked if he is committing to meeting all of those requirements.

Mr. Moia responded sure.

Commissioner Adkinson advised she would be happy with that.

Mr. Moia remarked anything that does not interfere with the drainage.

Sandra Kennedy stated she is an attorney with 30 years' experience; she is a construction lawyer who litigates what happens to projects like this when they go south and it is what has kept her making a living for 30 years; she resides in this area and she is opposed to the change in zoning; this zoning was not set because of the economy, it was set because of the many efforts of her neighbors to protect their area from flooding; they are being flooded out; and she thinks the Board is not familiar with what they are going through. She mentioned this being in the news lately; it has been on the television and it has been in the *Florida TODAY*; she did not have the benefit of seeing it, although she heard about it, and the Board may have missed it, too; they had no wake zones on their roads; the roads have not been repaired or anything in the past seven years that she has lived there; it floods over from the Indian River Lagoon; it floods down from US1; they are being flooded out by Florida Department of Transportation (FDOT); the ponds at SR528, people do not understand that in Florida, the elevation goes from south to north; what is south of them comes north and it gets into that ridge, that coquina ridge fills up and it charges, and it just pours down the ridge which is at least 75 feet, if not more; and every pond that the County puts at a high elevation daylights at the low elevation. She added it is not like it goes into some magic hole to the core of the earth, it daylights on Indian River

Drive; these problems need to be solved before considering another development in their area; as building a single house has not as much impact as talking about increasing the density to Parkchester, that is a 1960's subdivision, and that is part of what is causing their problem; that coupled with FDOT, recently saying that they are trying to restore the historical flow of the water from the west side of US1 down to the Lagoon; and to her, it sounds like it is a violation of Federal law, but it is also flooding out people with existing property rights. She stated if the Board wants people to sue, they are the ones who will sue, and there is a lot more residents than there is them; there is only one of them; she really disputes what they are saying because she attended those public meetings; it was either Mr. Moia or someone with grayer hair acting like him who said, and she asked him all they really want is to be assured that the flooding is not going to be increased by them, in their area, he said, he cannot do that, because it would be \$100,000 for them to do that engineering, and they are not going to do that engineering to find out about the flooding until receiving approval to go forward; that is what they are telling the residents; and then they come in here and they say something different. She stated she is going to call out people who have come before the zoning board, attorneys and said, oh, this project does not abut any residential land; this was a different project, same law firm, and it abuts her property; they came and they raised every single thing and by that, she means flattened everything; now she has absolutely no buffer from the commercial zoning at all; it is all gone, because of the misrepresentations of this law firm; so that is the laws firm and the engineer making misrepresentations; and Vic Watson, another attorney in this firm, also acted like a member of the public, spoke before the public hearing on zoning, and said, oh, he has basically no problem with this. She remarked well sure he does not, because his law firm is the one representing the developer, trying to get this done; they have also said that they have no responsibility for addressing hurricane conditions; she gathers that they are going to say that anytime there is a flood on US 1, it was just caused by a hurricane; the king tide happens twice a year and it does not go away, because there is not one day where it is king tide, and it is still king tide out there; she has seen weeks with the hills flowing with water; something needs to be done about it, before starting; and she asked why change the Future Land Use Map, that was designed to prevent against this, what is the reason for expanding it, and right now they are at the worst of a crisis on Indian River Drive. She continued to say they have City Pointe Road to get out or they have to go north to Blacks Road and that area is usually flooded; she could go on and one; and she wished she would get more time; there is a lot of reasons for the Board to deny this; and she is begging the Board to deny them.

Ms. Rezanka inquired if she may cross-examine.

Morris Richardson, County Attorney, advised the Board that in a quasi-judicial hearing, that is being heard right now, Items H.2. and H.3., is quasi-judicial; and the applicant does have a right of cross-examination that should be reasonable and within the boundaries of what she testified to as to factual testimony.

Ms. Kennedy stated she guesses she would stay here.

Ms. Rezanka asked if she lived in Parkchester.

Ms. Kennedy responded no; and she stated she lives off of Indian River Drive.

Ms. Rezanka inquired if she lives about a half a mile from here.

Ms. Kennedy asked a half a mile from here.

Ms. Rezanka advised half a mile from the project.

Ms. Kennedy advised she does not know exactly, but here only way of ingress and egress is City Pointe Road; she lives down the road north; and this whole land use Ms. Rezanka is talking about changing is the same, consistent from her whole area; she is in Brookhill Subdivision, and this whole thing, once one gets a toe hold and starts chipping away at this Future Land Use (FLU), then everybody's is going to be like oh, well, that project warrants another one; then pretty soon they are going to be flooded all over the place; and Ms. Rezanka does not have to live with ramifications, but they do.

Ms. Rezanka inquired if Ms. Kennedy was adjacent to a Florida Department of Transportation (FDOT) easement that was between her and the property that was Recreational Vehicle (RV) storage.

Ms. Kennedy responded that was her property; if one looks at their plat, it is not identified as FDOT; it is not even identified as an easement; but notwithstanding that, that whole thing is her property on the plat, she paid for it, and she does not appreciate attorney's coming along and misrepresenting that that is not her land.

Ms. Rezanka advised the Property Appraiser's website does show it as FDOT land.

Ms. Kennedy stated Ms. Rezanka, being an attorney, knows well enough that the Property Appraiser's Office, it says right there, 'disclaimer, do not trust what we say because it may not be correct'; when she calls the County and talks about what is going on around her, she says do not look at the Property Appraiser's Office, and they said, do not worry, they do not, they look at her plat; she owns what the plat has defined as a lot; she cannot say, oh, they do not think she owns this or that; Ms. Rezanka's partner, Vic Watson, dared to say he represented her; and he actually did represent her and took her money, and told her things that Ms. Rezanka's firm asserted . . .

Ms. Rezanka interjected by saying she has never been a partner with Vic Watson ever in her life.

Ms. Kennedy commented she apologizes, but he has been involved in this; that is definitely her lot; and Ms. Rezanka can look at that, her being a lawyer, she knows that, especially a real estate lawyer.

Ms. Rezanka stated she has it pulled up, it is an FDOT easement she pulled it up.

Ms. Kennedy pointed out there is a strip of land that goes right through the middle of her property and it is an easement, and it goes right through the middle of her backyard; but that does not mean she does not own the land.

Chairman Feltner advised Ms. Kennedy that part of the problem are things are not picked up in the microphone and what happens.

Ms. Kennedy stated she is sorry; Ms. Rezanka is talking about a ditch; she had a drainage ditch through her backyard; it is not marked on her plat as belonging to FDOT; in fact, the actual FDOT easement was north of the plat, and they put the pipe through her backyard; but that does not mean she does not own the backyard; Ms. Rezanka actually did misrepresent that that project did not abut a residential property; when she got up and said it did, she accepted it, she believed what Ms. Rezanka said; and she gas lighted her.

Attorney Richardson commented for the record, to be clear, he is sure there is a misunderstanding for whatever reason; Victor Watson is not affiliated with Ms. Rezanka's firm;

however, his law firm is located within the office that is just to the north of the commercial portion of the subject property.

Ms. Kennedy expressed her apology, as she thought they were in the same law firm.

Chairman Feltner stated he is glad that was clarified.

Mary Jane Duncan stated this is definitely such a heated issue, and she thinks one of the things that people just need to be mindful of is what the big goal is being looked at here, what is trying to be achieved in the community for the best of their environmental issues, as well as the population growth; there are no simple answers, but it takes all of the Commissioners doing his or her due diligence and considering all of the different options and possibilities from both sides to find the happy compromise that will meet everybody's needs in this situation because it is not an isolated situation; if this one sets a precedence for moving forward without all of the due diligence being done, then it does open up the can of worms that other things could happen as well; her request is just that everybody do his or her due diligence, really dig deep, and please consider all of the big options that are being looked at here; it is not just the importance of allowing another development to happen, and they do appreciate all that has been done by the developers; however, it is a little like negotiations; and they aim high and then they make it look like they have sacrificed a lot when really they were just taking away what they already had established.

Bill Gower commented his property backs up to that property; he has known the people that have owned it for years, back to when it was Sullivan's Groves; by the way, when one talks about trees, right down the center of that property is what their tree line used to be, and still is, rows of trees, when talking about how many trees one would have to take out from over there; that property was owned by Sullivan's Groves back way before him; he lost the property due to property taxes, which his friend, who took over the property, died; and that is part of the reason why that property has changed hands so many times. He asked why there is a binding agreement if it is not going to be held to; this gentleman said at that the first meeting there were like 100 residents, the second one maybe 20, and even tonight they are a little thin, because people cannot continue to take off to come here from work, they do not get paid to come here; but a lot of them do come in for their reasons; his property happens to be, according to the surveyors, the lowest part of Parkchester Estates to that property behind him; he does get flooded out at times, quite a bit; again, this individual bought this property knowing very well what the original plan was; he asked what makes them think that they can have it changed, this is ridiculous; how many meetings have there been over this; and he noted it does not seem like anything has changed.

Sierra Collector stated she objects to this proposal, she does not think changing the zoning classification and removing the BDP is a good idea, mostly because of the flooding; she does not know what Mr. Moia thinks he can do to stop the flooding, but any development on that land is going to make it worse, because it is wetlands and soaks up water like a sponge, more development, more flooding; at the very least, the wetland that they proposed could be zoned as a private conservation, she thinks; and she does not want to see more flooding, so she is opposed.

Benjamin Downey advised his property butts up against the proposed land; he does not agree with the proposal; the main part of the proposal that he does not agree with is that they are changing the BDP; it was put in place for a reason; he does not think it should be changed; they were talking about a difference of 23 homes and 19 homes, that is only four homes difference that they are really talking about; and he asked why what is already in place should be changed. He pointed it he does not think it should be changed; it is already in place; and he does not care to see that being changed.

Tom Kennelly stated before he gets started, since it is a quasi-judicial, and he actually listened to the promo at the beginning, he is not an expert witness; and he asked if he can actually talk.

Attorney Richardson replied he can talk; he can talk about things that he knows, facts he knows, and his familiarity with the neighborhood; and he cannot just render something that would require an expert opinion, like an engineering opinion, appraisal opinion, or something like that.

Mr. Kennelly asked if maybe in that intro that the County change that to say if he or she is a public speaker, a commenter, one is not held to that . . .

Attorney Richardson advised Mr. Kennelly is on the clock, he probably would want to . . .

Mr. Kennelly stated he has time; he saw the Commissioners received copies of the plan, but he did not get one; and he would like to object right away and say the public hearing should be stopped now because there is a plan out there, the public needs to look at it. He continued by saying he is really puzzled, he had other notes, but they want to move this to a RES-4, but they are building in RES 1 and RES 2; there is something he does not get here; just make it all RES 4; he asked why; he stated maybe an expert understands it, he does not; another thing he heard up here was Parkchester drains under that property; that property is probably just like it is up in Brookhill, full of coquina; the coquina takes the water and filters it before it gets to Indian River Drive, as opposed to putting a culvert down and running it right down the Indian River Lagoon and take everything with it; and the County needs to be very careful in how the water is taken off of that property. He noted in general, in terms of just general Brevard development, one talks about just how bad their road is on Indian River Drive, it is a third-world road right now; Public Works is good to come out and patch it, so do not blame Public Works; he thinks there is a funding issue, they have one asphalt truck for the whole County; Public Works is going to take their asphalt truck when it dries out in Indian River Drive and spend three days on their road; North Brevard probably needs it as well; he reiterated that Public Works actually needs some funding; and a County cannot grow when it does not fund Public Works. He explained what happens to a deal is a deal; the property was bought with a certain zoning; what can happen with developers, and he is not saying this is going to happen as this is wild speculation, he gets a great new zoning, now that property is worth more money, and he can go sell it to somebody else; he asked guess what; he advised they go through this one more time; he asked if there is a commitment that when these people get a new zoning that they are actually going to be the developers; he reiterated a deal is a deal and not to change anything; and he disagrees with any change that might occur.

Diane Burroughs stated City Pointe Landfall is asking for the removal of the existing BDP that, among other things, limits the number of houses on the western half of the property to seven units total; it is key to remember that designating that 10.96, as the gentleman just mentioned, as RES-4 results in a potential of many more units on that entire property; in their proposed PUD, City Pointe Landfall, self-declaring, at least at one of the last meetings they had to utilize that 2.44 acres as wetland conservation area; they do acknowledge and appreciate the fact that the developer made some concessions to address their concerns and redesign the project; however, their primary concern is that there is a fundamental mismatch between the underlying basic Future Land Use Map (FLUM) designation of RES-4; and the proposed use of the 2.44-acre wetland tract as wetland conservation stormwater drainage repository, as well as the fact that the existing BDP for this land has not been honored by the Planning and Zoning board. She went on to say they totally agree that this is a wetland and it is low and swampy and readily floods as they have seen many times over, especially after these horrific rains these last couple of weeks; as such, its current designation of RES-4 is totally inappropriate; it should have a FLUM if nothing else of private conservation; but it is also most important to remember that they maintain this wetland as wetland, no matter what transpires in the future; they are

extremely worried about the absolute fact that a much higher housing development could go into this property, such as utilizing that entire 10.96 acres and is resulting from any change; and just as perceived certainty of the permanence of the existing BDP has turned out to be an illusion, they need the Commission to review the existing BDP and keep it the way it is.

Greg Burrows commented it means a lot to them as residents that the Board does this, and they appreciate it; there were a couple of things that were mentioned earlier on that he would basically like to touch on; the Commissioners have heard about the flooding, and the Board is probably over it with that; when the roads are put in, instead of having grass and sand to percolate water that now becomes a water slide, so all of that water is going to shoot straight down Indian River Road; it would not be a terrible thing if it could be controlled; but what is going to be had in that water that is not in there now are all of the pesticides, fertilizers, and everything else that is going to go in with all of that grass, all of that landscaping for all of the houses that is going to go right down that hill into Indian River Drive. He noted they are now asking the Board to foot the bill to dig out of a bunch of trees, grass, native plants, and put stuff in that also has to be fertilized and pest controls; that is not being done now; all that is going to go straight into the Indian River; they have only been residents here just under six years; they have done a couple of the river cleanups and that is the biggest thing he hears from everybody is all the runoff that comes into it; and a lot of the complaints are from the fertilizers, pest controls, and that kind of thing. He stated all he sees is that just being, again, a water slide straight into the Indian River with the Board footing the bill to figure out a way to move the water off of that road, and not have it go straight in; the other thing was they used to have, when they moved into that neighborhood in Parkchester, they used to have a turn lane so they could get into their neighborhood, now they do not, as the City has engineered it; now it is a merge lane from three lanes down into two, with a stoplight right there; if the County polled their neighborhood, it would probably find that almost everybody in that residence has almost been rear-ended from a high-speed driver coming off of that stoplight by State Road (SR) 520, and trying to beat the traffic to cut into the other two lanes; he asked if one is pulling campers and Recreational Vehicles (RVs) in and out of that area, what is going to happen then; what happens when a camper and RV pulls out in front of three cars flying to beat the light, and now there is a fatality right there on that road; and he advised it happens. He went on to say they have a new stoplight just passed or just north of their subdivision; he asked unless they put a stoplight right at that entrance, what is going to stop that from being a fatality; and he expressed his appreciation to the Board for its time and service.

Beverly Sudermann stated she is a resident right next to this property; the neighborhood objects to changing the FLUM; their neighborhood includes homeowners next to City Pointe Landfalls property, residents on Indian River Drive, residents' on City Pointe Road, and the following subdivisions: High Point, Point Place, Parkchester, Twin Lakes, Brook Hill, and Briarwood Manor; and their letters and petitions have been sent to all of the Commissioners objecting to this project. She continued by saying a wonderful former Commissioner, Truman Scarborough, once told her that her community is the only community that has been able to stand as one to protect themselves from overdevelopment, all others have failed; it is up to all of them to continue to protect their way of life in their small but beautiful community; she is asking the Board to please stand strong to protect their way of life; development is inevitable, however, their area is a historic gem in a concrete jungle; they have a historic, scenic drive lined with historic spacious homes and nature all around; visiting visitors to the area enjoy the leisurely drive and the slower pace; and people enjoy biking, running, walking events throughout the year. She pointed out it is not a cookie-cutter neighborhood; there are no condos or townhomes; it is a unique community style that those of them who live there wish to protect and out of State visitors love to enjoy; the Commissioners before have worked hard to put in place a plan to protect their area; she asked if it is perfect, and she stated no; they were all grandfathered in and rightsized when the Commissioners before this Board created a plan that worked for everyone; and the previous Commissioners spent years working on the

community to achieve an agreeable plan that worked and continues to work for their historic area. She asked why have a BDP if it is not binding; why make it binding if it has no meaning; and she asked the Board continue to protect their unique and historic community now and in the future, and she respectfully requests that the Board deny City Pointe Landfalls request to change the FLUM.

James Sudermann remarked he lives south of this proposed development, they have lived there for 30 years; they continue to object to City Pointe Landfall's request to amend the underlying FLUM to RES-4 over this entire 10.966 acres; the Board's own County staff comments state, and he will quote, "The RES-4 designation would allow up to 43 residential units;" additionally, the requested companion Planned Unit Development (PUD) zoning could also result in a density bonus that would allow 54 residential units with a density of five units an acre on the 10.96 acres; time and time again, Ms. Rezanka has gotten up before the Board and said she believes they have addressed all of the community's concerns; and this is categorically not true. He went on to say since the very first presentation at the first Planning and Zoning board meeting in March, all through every subsequent presentation before the Commissioners, their community has been consistently opposing City Pointe Landfall's proposed FLUM amendment on the basis of inappropriately high density; there have been a total of 211 pages of community opposition recorded under the various public comment files that is on the County's website; all of the spoken comments have included concerns arising basically from high housing density, from flooding to everything else that people have concerns about, have as a basis just this idea of a lot more housing on this one piece of property; and they feel that this very significant display of community opposition has been pretty consistently ignored. He advised all through this process, City Pointe Landfall has been resolute in their demand for RES-4 on the entire non-commercial property; they have become increasingly disturbed by this insistence and have begun to suspect that there is more to it than just building the proposed PUD; what bothers them the most is if City Pointe Landfall is allowed to walk away from this meeting with a new FLUM designation of RES-4 on the entire 10.96 acres, they, or any future owner, will have the possibility of constructing up to 54 housing units on it; City Pointe Landfall could simply sell the property to a new owner who could start the PUD rezoning process all over again, this time with a starting FLUM of RES-4 on the property, or once the FLUM is changed, once they get through this meeting, City Point Landfall themselves could come back at a later date, due to economic, business decisions, or whatever, they could come back at a later date and restart with a new or amended BDP; 54 housing units is way too many, and RES-4 is way too much to ask for; he asked the Board to please reject City Pointe Landfall's request for this FLUM change.

Ms. Rezanka commented she apologizes for her outburst earlier, she did not mean to offend the Commissioners or Ms. Kennedy; she does disagree with Ms. Kennedy's interpretation of her land and what that is; it is a drainage tract on her plat; she lives 3,100 miles to the north of here; there is indeed a right-of-way owned by someone; she thought it was FDOT and a triangle piece to the north of her; and there is more to what she says than it is on her property. She mentioned regardless, she asks the Board to go back to this FLUM; she wants to address the Sudermann's again; she showed the Board on her map where the Sudermann's are, next to the little RES 2; she stated they are currently RES-4, they could put four units to the acre there; they have one home, they do not intend to do that; to the north is the property at issue, it is already RES-4; they are only asking for seven acres of FLU change; part of it is that little RES 2; and the reason they have to do that, and she is sorry they are disturbed by it, but that is what the Board's Comprehensive Plan requires. She stated they do not have a choice because this RES 1 only allows one unit to the acre no matter what the zoning is, so in order to spread their density to get 23 units instead of the 19 they could now, they have to change that RES 1; in theory they could change that to RES-4 and change the RES-4 to RES 2, and they can agree to do that; they cannot put it into a public conservation easement because it is not large enough; County staff has looked at that, they have discussed it, so they cannot; they have

agreed to put in a conservation tract, that is what is on the PDP; and they are bound to that PDP unless they come back to the Board. She pointed out there is no subterfuge here, it is the law, and they have to do it; they have talked to Mr. Prasad many times about how they might be able to do it, but they cannot put more density on the FLU than the FLU allows; the RES 1 can only have one unit to the acre even if it is EU zoning, which it currently is; she showed the Board on her map this is all RES 1, this is Community Commercial, this is RES-4, this is all RES-4, this is more commercial; she advised there is a very big mix here; they are not next to other RES 1 to much extent, except just to the south of them; again, to be clear, the RES-4 is limited by the PDP and the PUD zoning; they would be willing, if they could work it out with Attorney Richardson, a way to do an agreement that should this PDP zoning ever be approved as presented to the Board now, they would agree to go back to RES 1; they would do that in a binding agreement of some sort and record it; and they could be sure that there was no subterfuge here. She explained she just came up with this, because this is what they intend to do; they are not intending to put 54 homes there, one could not put 54 homes there; if there is a way to make the Board sure that they are going to do this PDP by an agreement, they are willing to do that; again, the homes on the PDP to the north are the same size as the Parkchester homes; all of this slide off water has to be treated, it is not treated now; it will be treated once they go through this engineering process; the County's engineering staff will review everything; the engineering staff will review the tree removal plan and the landscape plan; and everything will go through County staff. She stated regarding the new plan, that plan has been in the Agenda record for a long time; she apologizes, but it is on Legistar; that plan has been in the County's records, and there is nothing new that is not already in the County records in Legistar; regarding the camper and RV turning concerns, that again is a site plan issue; and if safety warrants it, it will be required by the County's engineering staff or FDOT most likely. She noted again, 4.2 acres of this 10.94 acres is already RES-4; regarding the permanency of the BDP permanent, a BDP is a zoning; they are asking for it to be removed, so they are asking for a new zoning to go with the PDP and the PUD; they have explained their reasons for the change; there has been no competent, substantial evidence to explain why those reasons are not good; the reasons are because what they have now does not work; it does not allow for the stormwater treatment; and it does not allow for everything that has to be developed to development standards today, which are even increasing in January through the State. She went on to say the regulations for stormwater treatment are even greater; they are changing this plan to protect the wetlands; they do not want to build in the wetlands; they are not supposed to build in the wetlands, so in order to protect the wetlands, they have to have greater density towards US 1; to repeat, there is no access from this project to Indian River Drive; if the Board has any questions, they are happy to answer them; and the only engineer that has testified is Mr. Moia, who has testified that it meets stormwater, or will meet stormwater requirements.

Commissioner Altman stated he noticed on the map of this area that there is a title City Pointe Cemetery; he knows the cemetery has not been talked about; he would like to hear about that; and he noticed on their site plan, they show it.

Ms. Rezanka responded it is not on their property, they do not know anything about it; they do not know how they access it; she believes it is accessed by the property owner to the south who spoke at one of these meetings; she reiterated they do not know anything about it; but she presumes they are going to have to do a special survey to make sure there are not any bodies on their property; and she apologizes, as that was rude, but that is what they have had to do on others near cemeteries.

Commissioner Altman noted he noticed they have the City Pointe Cemetery point and it looks like it is a little bit south of them, but he noticed on their site plan there is a little square area that is basically called a landscape, titled Tract C, landscape tract; it looks like it is in real close proximity to the cemetery; and he wondered if that is what it is there for.

Ms. Rezanka advised that is a required subdivision buffer of 15 feet around the entire subdivision, and that is what that is for.

Commissioner Altman remarked no, it is just a square right near the cul-de-sac that is titled . . .

Ms. Rezanka interjected by saying she thinks that is where the lift station is going.

Commissioner Altman stated oh, that is for the lift station.

Ms. Rezanka stated where it would go if it is approved.

Commissioner Altman advised he was just curious if it was related to the cemetery; and it looked to him like the cemetery was off of their property.

Ms. Rezanka mentioned it is, yes, sir.

Commissioner Altman commented he knows there has been a lot of talk about the RU-2-4; they are basically a little over 14 acres, but she is talking about 23 units; and he asked what would be the effective density of the project.

Ms. Rezanka replied two units to the acre.

An audience member asked if he could cross-examine, he has a question.

Attorney Richardson responded cannot cross-examine counsel, if he puts on a witness, an interested party could, but not Ms. Rezanka.

An audience member asked if Attorney Richardson is saying he cannot ask Ms. Rezanka a question.

Attorney Richardson replied no.

An audience member asked if he could ask the Board a question.

Attorney Richardson replied no, sorry, he got to speak.

Commissioner Delaney stated she appreciates Mr. Moia going through and listening to the residents, having two meetings, and making some changes, but the thing she keeps coming back to is the person who purchased this piece of land, they bought it knowing that there was restrictions on the land; the research that she has done regarding how that came about is basically the Commissioner who was sitting in her seat back then, worked extremely hard with County staff, property owner, and the community at the time and this was a compromise; and this was a strong compromise that everybody agreed to at that point. She went on to say she does not think it is right or fair to the residents to go back on the County's word, especially when there are severe issues going on in the community; this community has come out over and over again; there are 211 pages of emails, 54 emails in total, and countless public comments; so many people showed up to the first community meeting, the second community meeting, and even though there was less people, it was still the same sentiments, it was kind of heated; and while people were glad that some changes were made, they still were extremely uncomfortable with the whole situation. She mentioned County staff, in the staff report, talked about that there are a lot of environmental constraints, wetlands, aquifer recharge soils, the high coastal hazard area is on this property, flood plain protection, Indian River Lagoon nitrogen reduction, septic overlay was a portion of the property, and surface waters of the State protected in specimen trees and protected species; in addition to that, Florida State Statute talks about the

coastal high hazard area and how the County should not be increasing density; while she understands it is only a small portion of the property that is actually in the coastal high hazard area, it is very close to it; it says the parcel may be susceptible to nuisance flooding; when she had her briefing, Natural Resources Management staff was talking about the seepage that comes from the property; and some of the residents were talking about it as far as the way that the water drains off of US 1, it goes through the property, and ends up on the other side towards the Lagoon. She asked if somebody wanted to develop a piece of property, and they knew what they were buying, why everybody else should suffer when this person made a conscious decision; she noted nobody pulled the wool over their eyes, they knew what they were buying, and they knew the restraints of the property; they could build seven big, beautiful homes on this property and make it make sense for them, which she is sure the neighbors would love because all of their property values would go up; she is hoping, especially after everything her District, she knows there are other Districts that dealt with flooding last week, but she spends a lot of time with her constituents, she spends a lot of time researching; she does not have another job, this is everything she does, and she takes it really seriously; she knows her constituency, her community, and she is hoping that, just as she respects the other Commissioners and his or her knowledge of their community, she is hoping she will get that same respect; she cannot support this today; and she is hoping to get support on that.

Commissioner Altman commented he knows there has been discussion of the prior BDP, he did not see it in the packet, and he did not ask for it earlier; and he asked if the Commission has a copy of that to see what it looks like.

Mr. Prasad explained attached to the zoning H.3., he is looking at it now, there is an attachment six, which is an existing BDP; he can certainly get Commissioner Altman a copy of that; but it is attached to the Item.

Commissioner Altman asked if it is on the public web.

Mr. Prasad replied affirmatively.

Ms. Rezanka provided a copy of the BDP to Commissioner Altman.

*The Board recessed at 6:20 p.m. and reconvened at 6:31 p.m.

Chairman Feltner stated the Board is still in discussion, and Commissioner Altman had some time to look at the prior BDP; and he asked if Commissioner Altman had further questions on that.

Commissioner Altman responded he does not. He stated he knows the Board is quasi-judicial, and it crosses that bridge when it comes, but if there is a tie vote since the Board is four, does it mean it continues.

Attorney Richardson advised there are a few things; first of all, the Board is quasi-judicial and it is not, so for the FLUM request, it is really legislative, that is a legislative action; for the second Item, the zoning Item, the Board is quasi-judicial; but in these circumstances, because either way there would be an application for a development permit, Statutes require the County to act on applications for development permits; he has always been concerned that if the Board just had a deadlock, Robert's Rules says if the Board is required to make an affirmative vote on something and if it does not pass affirmatively, it fails; to him, in a land use or zoning request, he thinks the Board needs a majority denial to move forward; and the Board needs to either approve it or deny it, so if there is a deadlock, his suggestion would be to continue it until there is a full Board.

Commissioner Feltner asked what if there was a motion to deny tonight and that was 2:2.

Attorney Richardson responded then that motion would fail, the Board would have to entertain another motion, and eventually either approve, deny, or continue it until there is a full Board.

Commissioner Delaney stated she would like to make a motion to deny the Future Land Use change.

Commissioner Altman stated he would second the motion.

Chairman Feltner called for a vote on the motion, and the motion failed, with Commissioners Adkinson and Feltner voting nay.

Result: Denied

Mover: Katie Delaney

Second: Thad Altman

Ayes: Delaney and Altman

Nay: Adkinson and Feltner

Absent: Goodson

There being no further comments or objections, the Board continued City Pointe Landfall, LLC's request for 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, to the December 11, 2025, Zoning meeting.

Result: Continued

Mover: Katie Delaney

Second: Thad Altman

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

H.3. 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)

Chairman Feltner called for a public hearing to consider 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).

There being no further comments or objections, the Board continued City Pointe Landfall, LLC's request for a change in zoning classification from EU and RP with an existing BDP to PUD with the removal of existing BDP, to the December 11, 2025, Zoning meeting.

Result: Continued

Mover: Katie Delaney

Second: Kim Adkinson

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

Attorney Richardson stated if one came out and spoke tonight, their comments and input are going to be part of the record on this Item for the future hearing; obviously, he or she is welcome to come to the future hearing, but if they are unable to, he does not want them to be concerned that it does not count that they came out tonight; and that will be part of the record and made available to the Commissioner who could not be here tonight as well.

H.8. First Public Hearing, Re: Adoption of Amendments to Chapter 62, Article IX, Section 62-3316, "On-Premises Signs" and Chapter 62, Article IV, Table 1, "Signs by Type and Zoning Classification," in Order to Allow Community Development Districts to have Specified Signage for Parks within Certain Zoning Classifications

Chairman Feltner called for a first public hearing to consider adoption of amendments to Chapter 62, Article IX, Section 62-3316, "On-Premises Signs" and Chapter 62, Article IV, Table 1, "Signs by Type and Zoning Classification," in order to allow community development districts to have specified signage for parks within certain zoning classifications.

Billy Prasad, Planning and Development Director, stated H.8. is the first of two public hearings regarding the adoption of amendments to Chapter 62, Article IX, Section 62-3316, titled "On-Premises Signs," and Chapter 62, Article IV, Table 1, "Signs by Type and Zoning Classification;" this is done in order to allow Community Development Districts to have specified signage for parks within certain zoning classifications; legislative intent and permission to advertise for this ordinance was issued by the Board on May 20; the Building and Construction Advisory Committee (BCAC) heard this on October 8, and unanimously recommended approval; and Planning and Zoning heard this on October 13 and also unanimously recommended approval.

There being no further comments or objections, the Board approved and conducted the first of two public hearings to adopt an ordinance amending Chapter 62, Article IX, Section 62-3316, "On-Premises Signs" and Chapter 62, Article IV, Table 1, "Signs by Type and Zoning Classifications."

Result: Approved

Mover: Kim Adkinson

Second: Thad Altman

Ayes: Delaney, Adkinson, Feltner, and Altman

Absent: Goodson

L.3. Reports, Re: Katie Delaney, Commissioner District 1

Commissioner Delaney stated she is not sure if the Board is allowed to talk about this or not, but she was wondering what concerns there are that Commissioners Feltner and Adkinson they have regarding that item.

Morris Richardson, County Attorney, advised he would not discuss that after the public hearing being closed.

Commissioner Delaney noted she will share her thoughts, not even regarding that, but just in general; she is wondering about all of the Commissioners are elected to represent his or her constituency and community; she spends a lot of time in her community and talking to residents

...

Attorney Richardson interjected by saying he is just going to advise against this; and she can do what she is going to do, but he would not want her to do something unintentionally and inadvertently that might create an issue if there is ever a challenge to an action or anything like that because she is not speaking to the other Commissioner that was outside of the public hearing, the parties have left the room, and they cannot respond.

Commissioner Delaney pointed out she is not talking about this property in particular; and she asked if that would matter that she is speaking in general about how the Commissioners represent his or her Districts.

Commissioner Altman stated he respects what Commissioner Delaney is saying, but maybe it should be talked about at another meeting, not just after this zoning because it just might hurt her case, it might be misconstrued because of the proximity of time; and he would agree with Attorney Richardson as he thinks he is trying to protect the Board.

Commissioner Delaney stated she will say to her District 1 constituents out there that she will do her best to always represent their thoughts and desires for the community; that is what they elected her to do and is what she is going to do; she wanted to give a shout out to the Road and Bridge team in the north end; they have been working like one would not believe, and she cannot thank them enough for all of the work they are putting in to clean up the community after those horrible floods; to all of the constituents out there who are still dealing with issues, to feel free to reach out to her office, reach out to the County; she believes that the portal closed yesterday for requesting assistance, but if they need clean up assistance in their homes, help removing carpets, drywall, mopping, or anything, to continue to reach out to her because she can try to help them connect with resources; and she again expressed her appreciation to Public Works that have been working really hard.

L.7. Reports, Re: Rob Feltner, Commissioner District 4, Chairman

Chairman Feltner advised he sent someone to Commissioner Altman for the Astronaut Hall of Fame advice.

Commissioner Altman stated he will look for them and give them special attention.

Chairman Feltner stated they are looking to bring a group up there, a big group; and everyone is excited about Artemis and all of those things.

Upon consensus of the Board, the meeting adjourned at 6:41 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

THAD ALTMAN, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA