

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 10.88 acres times four units per acre results in a potential of 44 units on this land, his PUD calls out for only 23 units. And 23 units happens to be more than three times the number of units he is currently allowed to build under his BDP. Changing to a greater allowed density will necessarily exacerbate our ongoing flooding problems which is illustrated here in this uh little picture. This land that you see the green part is the green part on your map that was just handed out to you. That is the Indian River Drive directly east of his wetlands boundary. So, you can see that it's not just like a little bit of flooding between the Indian River itself rising and the water coming off the hills. Even with the fact that most of that land is permeable right now, it still runs off and it meets right there at the river. And this flooding goes on all up and down the road. His PUD shows a drainage plan that collects all this runoff and directs it eastward.

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

End Public Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Unintelligible comment from the audience.

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Saunders replied, "so amended."

Meeting adjourned at 4:18 p.m.