

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 5, 2020**, 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: Ron Bartcher; Brian Woltz; Ian Golden; Brian Hodgers; Mark Wadsworth, Chair; and Peter Filiberto, Vice Chair.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Approval of the September 14, 2020, Minutes

Motion by Peter Filiberto, seconded by Brian Woltz, to approve the minutes of September 14, 2020. The motion passed unanimously.

Jennifer Robbins

A change of zoning classification from GU (General Use) to RR-1 (Rural Residential). The property is 2.02 acres, located on the north side of Simpson Place, approx. 833 feet west of Ocala Street. (5490 Simpson Place, Cocoa) (20Z00021) (Tax Account 2402990) (District 1)

Jennifer Robbins, 5490 Simpson Place, Cocoa, stated she would like to rezone so she can have a couple of horses and a barn.

No public comment.

Brian Hodgers stated the staff comments note that the rezoning is going from one family unit to two family units, and asked if she needs to change the number of units for livestock purposes.

Jeffrey Ball replied the current zoning is on a non-conforming lot, which is why she needs to change the zoning so that the lot meets the zoning classification standards. He stated RR-1 allows for a one-acre lot. Potentially, there could be two units because the lot is two acres, but there would be issues with getting access to a second lot.

Motion by Ron Bartcher, seconded by Peter Filiberto, to approve a change of classification from GU to RR-1. The motion passed unanimously.

Christine Ruggiero and Michael A. Sollecito

A change of zoning classification from RR-1 (Rural Residential) to RRMH-1 (Rural Residential Mobile Home). The property is 1.23 acres, located on the south side of Harrison Road, approximately 0.67 mile west of Hog Valley Road. (5365 Harrison Road, Mims. (20Z00022) (Tax Account 2002464) (District 1)

Christine Ruggiero, 1700 Macklin Street NW, Palm Bay, stated they would like to develop the property with a manufactured home to eventually be able to live there.

No public comment.

Peter Filiberto asked if Ms. Ruggiero plans on having farm animals on the property. Ms. Ruggiero replied no, not at this time.

Motion by Ron Bartcher, seconded by Brian Rodgers, to approve the change of classification from RR-1 to RRMH-1. The motion passed unanimously.

2354 Talmadge Drive, LLC (Aldon Bookhardt / Debbie Joyce)

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 (Residential 4) to NC (Neighborhood Commercial). The property is 0.98 acres, located on the southwest corner of East Main Street and Harry T. Moore Avenue. (No assigned address. In the Mims area) (20PZ00079) (Tax Account 2103831) (District 1)

2354 Talmadge Drive, LLC (Aldon Bookhardt / Debbie Joyce)

A change of zoning classification from RU-1-9 (Single-Family Residential) and BU-1 (General Retail Commercial) to BU-1-A (Restricted Neighborhood Commercial) on 0.98 acres; and a BDP (Binding Development Plan) limited to 4 units per acre on 2.29 acres. The property is located on the southwest corner of East Main Street and Harry T. Moore Avenue. (No assigned address. In the Mims area.) (20Z00023) (Tax Account 2103831) (District 1)

Debbie Joyce, 3231 Nottingham Lane, Cocoa, stated the first application is to make the Future Land Use consistent with the zoning. The current zoning is BU-1 and they would like to change it to BU-1-A, which is neighborhood community commercial, in order to develop a retail store. The parcel across the street is also BU-1 and BU-1-A. The second application is to change the zoning from RU-1-9 to BU-1-A, and the plan is to develop single-family homes at four units per acre. Both parcels are owned by the LLC and they would like to develop them, but before they can do that they need these changes made to the land use and zoning. She said they would like to bring some single-family home ownership opportunity to the Mims area.

No public comment.

Peter Filiberto asked if they plan on having commercial on the bottom and residential on top. Ms. Joyce replied the plan is for commercial on one floor only, on the .98 acres. The plan is for a retail store, as well as a community meeting facility adjacent to the retail store.

Ron Bartcher asked the type of retail store. Ms. Joyce replied a convenience store. Mr. Ball noted a convenience store in BU-1-A would require a conditional use permit; they can have retail, but if they call it a convenience store, that requires a conditional use, which is a public hearing process. Ms. Joyce replied it will be a retail store, because that was their understanding.

Brian Rodgers stated he sees mostly Residential 4 in the area, and no commercial.

Mr. Ball stated the property on the corner retains the BU-1 zoning classification and when that was done it established commercial uses. The Comprehensive Plan was never updated to recognize that, so this change to Neighborhood Commercial will recognize that and allow that corner to be developed. There is a small portion just to the north of that corner piece zoned BU-1 that is incorporated into the Neighborhood Commercial, so staff thought it would be appropriate and allow for more commercial area to be developed. The RU-1-9 will remain Residential 4, and that is the reason for the BDP to limit the four units per acre.

Motion by Ron Bartcher, seconded by Brian Rodgers, to approve the Small Scale Comprehensive Plan Amendment to change the Future Land Use from RES 4 to NC. The motion passed unanimously.

Motion by Ron Bartcher, seconded by Peter Filiberto, to approve the change of zoning classification from RU-1-9 and BU-1 to BU-1-A on 0.98 acres; and a BDP limited to 4 units per acre on 2.29 acres. The motion passed unanimously.

Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County.

Anthony Gubler, Environmental Specialist, Natural Resources Management, stated the ordinance is an existing ordinance and there is no change in the language. On October 8, 2019, the Board of County Commissioners adopted a temporary moratorium on any new applications of biosolids within Brevard County. Staff expected the State Legislature to pass new rules regarding how biosolids are applied to agricultural land, but it was not heard during the last session. The moratorium was grandfathered-in and allowed to continue the exemption of any new biosolids applications. The current ordinance has a 180-day timeframe, so every 180 days staff has to ask for an extension of the temporary moratorium. It is expected to return to the Legislature in March 2021.

No public comment.

Motion by Peter Filiberto, seconded by Ron Bartcher, to approve the extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County. The motion passed unanimously.

Upon consensus, the meeting adjourned at 3:30 p.m.