

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 8, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Brian Hodggers, Ron McLellan; Peter Filiberto; Mark Wadsworth; and Dane Theodore.

Staff members present were: Rebecca Ragain, Planning and Development Assistant Director; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, May 2, 2019, at 5:00 p.m.

Approval of the March 11, 2019, Minutes

Motion by Mark Wadsworth, seconded by Brian Hodggers, to approve the minutes of March 11, 2019. The motion passed unanimously.

Anthony Ray and Joy J. Grove

A change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to AGR (Agricultural). The property is 15 acres, located on the south side of Hammock Road, approximately .25 mile south of Irwin Avenue. (3410 Hammock Road, Mims) (19PZ00010) (District 1)

Anthony Grove, 3410 Hammock Road, Mims, stated after he bought the property he found out it was zoned for a mobile home, but he had bought cows to get an agricultural exemption, and now he needs to change the zoning.

No public comment.

Motion by Ron McLellan, seconded by Mark Wadsworth, to approve the change of zoning classification from RRMH-2.5 to AGR. The motion passed unanimously.

James R. Dillingham

A change of zoning classification from GU (General Use) to AU(L) (Agricultural, Low-Intensity). The property is 1.01 acres, located on south side of Bryce Street, approximately 200 feet west of Alan Shepard Avenue. (3535 Bryce Street, Cocoa) (19PZ00014) (District 1)

James Dillingham, 3535 Bryce Street, Cocoa, stated he is asking for the rezoning in order to build a detached garage.

No public comment.

Motion by Ron McLellan, seconded by Mark Wadsworth to approve the change of zoning classification from GU to AU(L). The Motion passed unanimously.

Christopher Channell (Bruce Moia)

Requests a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential). The property is 9.5 acres, located on the south side of Junedale Drive, approximately 0.15 mile west of Dalehurst Drive. (5050 Junedale Drive, Cocoa) (19PZ00019) (District 1)

Bruce Moia, MBV Engineering, 1250 W. Eau Gallie Boulevard, Melbourne, stated his client would like to down-zone from residential to agricultural in order to build a house and have horses and other animals on the property.

Lynn Hansel, 50 Plantation Drive, Titusville, stated he represents an adjacent property owner who did not want to speak publicly, but has questions. He said Ms. Fleckinger is not opposed to horses and agricultural uses, but she would like to know if the applicant would accept AU(L), which is somewhat restrictive in the animals that would be allowed on the property, because AU would allow bees, fowl, and hogs.

Henry Minneboo asked if pigs are allowed in AU(L).

George Ritchie stated a CUP (Conditional Use Permit) and 10 acres is required for more than three pigs or hogs. The AU(L) zoning allows agricultural pursuits of a personal, non-commercial, nature, it still allows the same range of animals that could be on a farm.

Mr. Minneboo asked if it is the number of animals the neighbor objects to, or a specific animal.

Mr. Hansel stated horses are not a problem; there are already horses in the neighborhood. He said the staff comments indicated the applicant wishes to expand the permitted uses under the AU zoning, and without knowing exactly the character and nature of that expansion, that's why he's asking the questions.

Rebecca Ragain stated one of the major differences between the AU and AU(L) is that AU allows commercial activities, and AU(L) does not.

Mr. Moia stated there are no limitations on the 4.5 acres of AU property to the north, nor on the AU property to the south, and to put a limitation on the subject property would be out of character. The intent is for the owner to build a house such as would normally be on an agricultural property, as well as a couple of horses and chickens, which is what the typical person would have on a property with agricultural uses. He said it would be inconsistent to place such a limitation on the subject property.

Mr. Minneboo asked if there are access issues with the property. Mr. Moia replied yes, but access is not part of the request. Rebecca Ragain stated staff is working with the applicant to resolve the access issues.

Ron McLellan stated it sounds like Ms. Fleckinger doesn't want hogs on the property.

Mr. Moia noted his client owner cannot have hogs and is not going to ask for a CUP.

Motion by Mark Wadsworth, seconded by Ron McLellan, to approve the change of zoning classification from RR-1 to AU.

Mr. Hansel stated Mr. Moia has indicated that the zoning of the property to the north is AU, and that part is correct, but the property to the north of the subject property is owned by the applicant. The only other property to the north, west, and east, is zoned RR-1. He said the Fleckinger's and Mr. Channell have been good neighbors for 10 or more years, but no one knows who might acquire the property in the future. He asked the board to consider the AU(L) zoning instead of AU.

Mr. Moia stated when zoning is changed, no one knows what will actually happen because it opens it up to every permitted use in that zoning category, but he believes AU would be consistent.

Ron Bartcher asked if Mr. Channell plans to do commercial activities. Mr. Moia replied no.

Mr. Bartcher stated it seems the ability for commercial activities is the primary difference between AU and AU(L).

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Discussion

Henry Minneboo stated the LPA will be considering an item regarding its term limits at the end of the month, and asked if anyone has any information to share.

Rebecca Ragain stated the item will go to the BCAC (Building and Construction Advisory Committee) on Wednesday, and the LPA will consider it on April 22nd.

Mr. Minneboo asked what the BCAC will discuss. Ms. Ragain replied the BCAC will make a recommendation. She said the LPA can recommend changes or recommend adoption as presented.

Brian Hodgers asked if there have been any changes since the last time it was discussed. Ms. Ragain replied it was legislative intent by the Board on February 12th and staff drafted an agenda item as directed.

Mr. Minneboo asked if the LPA is statutorily required.

Jad Brewer replied yes, in some form. He stated Orange County's LPA is more of the final decision and the County Commission is the appeals process. He said some municipalities use magistrates, but there is supposed to be some sort of recommending body.

Mr. Minneboo stated the board does a great job and has a good cross section of members with good technical expertise.

Mark Wadsworth asked what is being proposed. Ms. Ragain suggested not discussing the item because the public hearing will be held later in the month. Mr. Brewer pointed out the item has not been advertised, and discussion today may sway peoples' opinions on the board without public input.

Brian Hodgers asked when the County Commission will make the final decision. Ms. Ragain replied the Board will tentatively hear the item at its second meeting in May.

Upon consensus of the board, the meeting adjourned at 3:22 p.m.