

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 14, 2022**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (D4-Alt); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Cheryl Campbell, Comprehensive Planner; George Ritchie, Planner III; Kyle Harris, Associate Planner; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

John Louis Freeman (Pamela McCarty)

removal of a BDP (Binding Development Plan), in an RU-2-12 (Medium Density Multi-Family Residential) zoning classification. The property is 0.19 acres, located on the southwest corner of S. Orlando Ave. and Summer Street. (2031 S. Orlando Ave., Cocoa Beach) (21PZ00090) (Tax Account 2520101) (District 2)

Pamela McCarty, Merritt Island, Florida, representing John Louis Freeman and Michael and Malena Stewart. She said Mr. Freeman purchased the lot with the intention of building a home. Initially, the binding development plan called for multi-family density. Mr. Freeman contacted the seller, who tried to assist him in getting the BDP removed so he can build a house on his lot.

Henry Minneboo asked when the BDP was recorded. Ms. McCarty replied 2005.

Bruce Moia stated he was before the board with the property to the east and north; someone had a contract on all six parcels and came up with a plan that had the BDP but it all fell apart and now there are six individual parcels again and each one of them has to come back to this board to get the BDP removed before anything can be built on them.

Peter Filiberto asked if the applicant would agree to a new BDP stipulating that only one unit will be built on the property. Ms. McCarty replied yes, plans are in place to build one home, and there would not be room for a second unit.

John Louis Freeman, 2021 Julep Drive, stated he only wants to build one unit, and he would agree to a BDP.

Motion by Peter Filiberto, seconded by John Hopengarten to recommend removal of the existing BDP, and adding a new BDP restricting development of one unit on the property.

Public Comment

Denise Stanton, 425 4th Street, Merritt Island, asked how a BDP affects the property in the future if he were to sell.

Mark Wadsworth replied it would remain the same, and this board is only making a recommendation to the County Commission.

Mark Wadsworth called for a vote on the motion as stated, and it passed 9:1, with Bruce Moia voting nay.

Bruce Moia stated everyone else is going to get two units and if he decides in the future he wants two units, he'll have to come back to get it because he's limiting himself to one, and the zoning won't allow for more than two units anyway. To have a BDP to limit it to one when everybody else is going to ask for two, he doesn't see why he should be restricted more than them.

Motion by Liz Alward, seconded by Peter Filiberto, to reconsider the previous motion and vote. The motion was unanimous.

Mr. Filiberto stated he wasn't aware of what Mr. Moia said, and two units is lower density than 13, so he has no objection. He asked why the staff comments recommend the board limit the parcel to one structure. Mr. Ball replied it is up to the board to determine whether it wants a BDP or not, but based on land use and zoning, up to two units are allowed on the property.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend approval of removal of an existing BDP in a RU-2-12 zoning classification. The motion passed unanimously.