

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 15, 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: Board members present were: Henry Minneboo (D1); Brian Hodgers (D2); Robert Sullivan (D2); Lorraine Koss (Alt. D2); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (Alt. D4); Bruce Moia (D5); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Melissa Wilbrandt, Associate Planner; Jane Hart, Planner III; Alex Esseesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Carla Theadora Reece

A change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential). The property is 7.21 acres, located on the north side of James Rd., approx. 0.4 mile west of Cox Rd. (4050 James Rd., Cocoa) (22Z00032) (Tax Account 2403816) (District 1)

Carla Reece, 4050 James Rd., Cocoa, stated she owns just over seven acres of property that is also her residence and she would like to rezone from RR-1 to AU.

No public comment.

Liz Alward stated the request is a down-zoning and it is consistent with the Future Land Use. She noted the staff comments state Ms. Reece will be doing offsite sales of commodities produced on the property, and asked staff if AU allows for sales on the property.

Jeffrey Ball replied the AU zoning classification allows for the sale of commodities that are grown or produced on the property.

Ms. Alward stated she would be able to sell from the property if not limited by a BDP (Binding Development Plan).

Mr. Ball stated if AU is approved she would be able to sell the commodities onsite unless the board felt there is an issue with that and requested a BDP to limit sales, or the board can recommend AU(L) (Agricultural Residential, Low Intensity), which allows for the same agricultural uses, but it doesn't allow for the selling of the commodities from the property.

Ms. Alward stated AU(L) will give Ms. Reece the same opportunities to do what she wants to do, but without the sale of the commodities from the property. She said the subject property is surrounded mostly by RR-1 zoning. She stated her concern is that it becomes an issue if the property is sold, someone else could have a use that produces a lot of traffic, and that can be disruptive to the neighborhood. She stated she would recommend either AU(L) or a BDP that does not allow sales from the property.

Mark Wadsworth asked Ms. Reece if she wants to have sales from the property. Ms. Reece replied it is not her intention to have a lot of traffic coming to the property. She said the primary things she wants to sell is game birds, such as quail and some chickens, in addition to honey. She noted quail is

not something that is sold directly to the public, and there is some additional licensing she has to get from the State, but there are restrictions that she can't sell directly to the public.

Mr. Wadsworth asked staff if AU(L) will allow her to do what she wants to do. Mr. Ball replied yes.

Ms. Reece stated she knew a BDP was a possibility, which she is okay with, but she would have to look into the AU(L).

Mr. Ball stated the only difference is that AU(L) does not allow for commercial activities, the buying and selling of commodities that are grown or produced on the property.

Ms. Alward explained that the AU(L) zoning classification came about because people were doing light agricultural uses, but agricultural uses under AU allow industrial-type uses, such as processing and packing plants, so the County created AU(L) to allow agricultural uses that are not as intense as AU uses. She said she doesn't have a preference on either the AU(L) or a BDP.

Mr. Ball stated if the board finds that AU(L) is a more appropriate zoning classification, then he would suggest that as a recommendation. He said BDP's are a recorded document that sometimes get hung up because of joinders or other legal issues. It is a legal document that gets recorded and sometimes they get lost in the mix, but by rezoning to AU(L) it will be on the map and not hidden in an Official Records Book of added restrictions.

Brian Hodgers asked if there are BDP's on the two AU properties that are close to the subject property. Mr. Ball replied the only thing identified in the staff comments is two properties that have a bona fide agricultural exemption from the Property Appraiser Office.

Bruce Moia asked if the property rezoned from AU to RR-1. Mr. Ball replied it was zoned from GU to RR-1 in 1974.

Mr. Moia stated he is not sure he shares Ms. Alward's concerns being that there is AU across the street, adjacent, and to the west.

Motion by Brian Hodgers, seconded by Henry Minneboo, to recommend approval of a change of zoning classification from RR-1 to AU. The motion passed unanimously.