

## 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

**Lynda L. Lyles** (Nita Salmon)

Removal of an existing BDP (Binding Development Plan), in an AU (Agricultural Residential) zoning classification. The property is 20.25 acres, located on the northeast corner of Fleming Grant Rd. and Hitchin Post Lane. (9385 Fleming Grant Rd., Micco) (Tax Account 3010233) (District 3)

Nita Salmon, 888 U.S. Highway 441 SE, Okeechobee, Florida, stated she represents Lynda Lyles, whose request is only to remove the existing binding development plan that was placed on the property 19 years ago. The original property was a little over 20 acres, and Ms. Lyles agreed to a BDP restricting her to one residence on the 20 acres. Since then, the Future Land Use has evolved, and accordingly, if it went as far as it could, it would be able to have 2.5 acres and have residences on them and still be AU. She said there is a pending flag lot application, but all they are trying to do is subdivide the 20 acres into two parcels, with one residence on each 10 acres. She stated in order to do any further subdividing, it would have to go before the board once the flag lot is approved.

Public comment.

Pamela Hughes, 5050 Hitchin Post Lane, Micco, stated in the documentation, her property is cited as being undeveloped, but it has recently been developed with a three-bedroom house, and it also has a BDP. She said it was implied that the subject property would be split into two pieces, and asked if a BDP could be placed on those two pieces, as many of the surrounding neighbors also have BDP's.

Lorraine Demontigny, 5005 Hitchin Post Lane, Micco, stated she is also adjacent to the subject property, on 10.91 acres, and her property is also under a BDP. She said originally, her property was zoned RR-1 and they wanted to be able to start clearing and digging a pond property before they applied for a building permit, but they could not do that as RR-1, so they rezoned to AU with a BDP because there were concerns of hog farms and other things that can be done with AU zoning. She said she's not sure why the Lyles' had to have a BDP, but she is in favor of the BDP being removed, although she has some concerns about what they are going to do. She said she tried to speak to the purchaser who wants to build on the 10 acres and he wasn't very forthcoming, and she would like more open communication about what is planned.

Liz Alward asked Ms. Demontigny what her BDP is limited to. Ms. Demontigny replied her BDP has a lot of the RR-1 components because she wanted to be able to have horses and chickens, but none of the heavy industrial things that can be done under AU zoning. Ms. Alward asked if the BDP limits the number of homes she can build on her property. Ms. Demontigny replied she does not remember.

Robert Sullivan asked Ms. Salmon if she is opposed to having a BDP for subdividing the property. Ms. Salmon replied not necessarily, but it wouldn't be necessary because the flag lot would be the 10.73 acres. She said to further subdivide it or do anything different, or even limit the houses, would not have any change, it would just be another obstacle for no reason. She said the buyer can't subdivide it any further and the intent is just to have an additional residence, which would give him one residence on 10 acres.

Bruce Moia stated Hitchin Post Lane is a driveway owned by Marlene and Steven Hughes, it serves three properties already, and it would serve a fourth. He asked if driveways need to be a certain distance from the existing one, and if they can have another residence off of Hitchin Post Lane.

Jeffrey Ball replied in 2011 the code was changed, so this was probably done prior to that, and the code has been updated to not allow that anymore.

Mr. Moia stated if she created a new lot she couldn't use the road, she would have to create a new one. Mr. Ball replied that is correct. Mr. Moia stated she would also have to meet the separation requirements. Mr. Ball replied that is correct.

Ms. Alward asked if she can only have one driveway off of the flag stem lot. Mr. Ball replied the flag lot is the legal access to Fleming Grant Road, so the driveway is the stem of the flag.

Mr. Moia stated a BDP is not necessary because she can only get one lot anyway, unless she decided to do a subdivision.

Ms. Salmon stated it would have to go before the County to do any further subdividing, because the 20 acres is being subdivided one time, and according to the County, if he decided to develop it into smaller parcels he would have to come back for another rezoning.

Mr. Moia stated there wouldn't need to be a rezoning to get a subdivision.

Mr. Ball stated the property has RES 1 land use, which is a one-acre lot, and AU zoning, which requires 2.5 acres, so there is a potential for eight lots and that would require a subdivision that would be reviewed by staff, but it would not go through a public hearing.

Mr. Moia stated the area has drainage and wetland issues. He said he understands the intent, but that is not what the zoning would open it up to, and he doesn't know if that is a concern of anyone's or not. Ms. Alward stated it is a concern of the neighbors and they said it is not compatible.

Motion by Bruce Moia, seconded by Liz Alward, to recommend approval of the removal of an existing BDP, and adding a new BDP limiting development to two lots. The motion passed unanimously.