

From: [Martin, Peter](#)
To: [Rick Bertel](#)
Cc: [Ragain, Rebecca](#); [Ball, Jeffrey](#); [Ritchie, George C](#); [Jones, Jennifer](#)
Subject: RE: Bed and Breakfast CUP
Date: Monday, December 16, 2019 12:14:52 PM
Attachments: [BDP MODEL.pdf](#)

Rick,

Your voluntary submittal of a Binding Development Plan limiting the rezoning to seven lots can allow the rezoning request to proceed without being delayed due to School Concurrency Review.

Thank you for sending this email and please respond to this response with an email confirming your decision. My recollection was that you indicated you would send me an email between Friday night and Monday morning (this morning). I understood you were going to submit your email based on our phone call and that you were not waiting for anything from me, which is the action you took. I was just getting ready to send you an email, since I had not heard from you and the deadline was first thing this morning, when I received your below email choosing option 2 below.

The options outlined to you on the phone on Friday, December 13, 2019 are:

1. Submit application for concurrency review along with \$400 fee and table the request in order to give enough time for the School Concurrency review to be completed;
2. **Send an email requesting a voluntary Binding Development Plan (BDP) limiting the request to seven lots, one lot below the threshold that would trigger School Concurrency Review;**
3. Not request a voluntary BDP limiting to seven lots, request the item be tabled and the CUP be added back to the request, and work out the site plan issues to ensure the site plan meets all code requirements/staff issues for a bed and breakfast since the item is being tabled anyway in order to complete School Concurrency.

You chose option 2 above with your email below by the deadline I gave you of this morning. The ad for the first public hearing is being, or has been, transmitted to the paper today for a rezoning without a CUP. Staff is redrafting the staff comments excluding the CUP and that draft is due to second level management (Assistant Director) by COB today.

I will send you a model BDP. There may be other BDP stipulations you may wish to voluntarily add due to public hearing feedback. The BDP has to be submitted not later than sixty (60) days and recorded no later than one-hundred twenty (120) days of the Board of County Commissioner approval of the rezoning or the rezoning reverts back to the previous zoning, making the rezoning void (Section 62-1157).

Let me know if you have any questions or I may be of further assistance.

Sincerely,

Peter J. Martin

Peter J. "Pete" Martin, AICP

Board of County Commissioners
Planning & Development Department
Planning & Zoning Division
2725 Judge Fran Jamieson Way
Building A-114
Viera, Florida 32940
321-350-8268

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Rick Bertel <rickbertel@gmail.com>
Sent: Monday, December 16, 2019 9:24 AM
To: Martin, Peter <Peter.Martin@brevardfl.gov>
Subject: Bed and Breakfast CUP

Good morning Peter,

I thought you had mentioned that you were going to send me an email that would be easy for me to respond to regarding wanting to continue with the rezoning to agricultural without the conditional use permit.

I didn't see anything come in, but we are good with going ahead with the agricultural zoning with a limit of seven Lots at this time.

If you need any other request from me let me know and I will get it to you.

Thanks
Rick Berter
321-961-1559