

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 9, 2020**, 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: Ron Bartcher; Harry Carswell; Ben Glover; Mark Wadsworth, Chair; Ron McLellan; Joe Buchanan; and Peter Filiberto.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Lazy River Investments (Laura Young)

A change of zoning classification from RU-1-13 (Single-Family Residential) to AU(L) (Agricultural Residential, Low-Intensity). The property is 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane. (No assigned address. In the Micco area.) (20Z00030) (Tax Account 3008729) (District 3)

Laura Young, with the law firm of Dean Mead, 7380 Murrell Rd., Melbourne, stated she knows the board is familiar with the property, as this is the third time the applicant has been before the board in the last 18 months seeking to zone the property properly to be consistent with the current Future Land Use. Currently, the property is zoned RU-1-13, along with most of the properties in the area that were zoned prior to the 1988 Comprehensive Plan adoption, and is now inconsistent with the current Future Land Use, which is one unit per 2.5 acres. The requested AU(L) would make the property consistent with the Future Land Use, and it would be a down-zoning of the property from RU-1-13. She said in an effort to develop the property consistent with the surrounding residential properties, the applicant came before the board on two other prior occasions with zoning applications, both of which the Planning and Zoning Board approved. The first request was for a large scale comprehensive plan amendment to amend the Future Land Use from RES 1:2.5 to RES 1, with a BDP to preserve the development to be consistent with RES 1. She said the request was denied by the Board of County Commissioners, but if it had been approved it would have yielded approximately 20 lots on the property. She stated the second application was for a BDP to limit the property to eight units, and that was in an effort to address some of the concerns from the neighbors of the number of units on the property. That request for a BDP was also denied by the Board of County Commissioners. She said in working with staff, her clients are now seeking a zoning designation compatible with the current Future Land Use that would limit the site to eight lots, or 1 per 2.5 acres. The request is the first step in the process for development. Staff recommended either AU or AU(L), as they are compatible with the Future Land Use and consistent with the surrounding residential area. She said her clients chose the AU(L) zoning classification because it limits the type of agricultural uses by permitting only those that are of a personal, non-commercial, nature, which is more consistent with the residential uses in the area. The AU(L) zoning requires a minimum of 2.5 acres per lot, which is larger than many of the lot sizes that have been developed in that area because they were developed consistent with the RU-1-13 zoning classification. The site faces other development challenges and it may be difficult to engineer the site to be able to yield eight lots, and AU(L) affords some flexibility for lot configurations.

Public comment.

Bruce Moia, MBV Engineering, 1250 W. Eau Gallie Blvd., stated he represented the property owners the last two times in front of the board. He said there are three ways to make the property buildable:

one is to change the zoning; one is to change the Future Land Use; and one is a BDP. He said they tried all three and they did not get approved. He said this request is similar to the Item H.1. on the agenda. In 1988, the County adopted a Comprehensive Plan, and whatever the existing zoning was on property, whether it was consistent or not, the Comp Plan got adopted and the County said it was going to make everybody who owns property that is not consistent come in and ask for it to be consistent. The request to AU(L) will make the zoning consistent with the Comp Plan. He said this is the last way the property can be brought into conformance and it's the simplest.

Ben Glover clarified that this request is the least-dense option for the property that the board has heard.

Motion by Ben Glover, seconded by Joe Buchanan, to approve the change of zoning classification from RU-1-13 to AU(L). The motion passed unanimously.