

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 11, 2021**, 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; Brian Hodgers; Ben Glover; Joe Buchanan; and Peter Filiberto, Vice Chair.

Staff members present were: Tad Calkins, Planning and Development Director; George Ritchie, Planner III; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### Excerpt of Complete Minutes

#### **Thomas R. and Rachel Darnell (Kendall Moore)**

A change of zoning classification from SEU (Suburban Estate Use Residential) to AU (Agricultural Residential). The property is 5.45 acres, located on the south side of Lake Washington Rd., approx. 550 ft. west of McGraw Ave. (5685 Lake Washington Rd., Melbourne) (20Z00037) (Tax Account 2700779) (District 5)

Kendall Moore, 895 Barton Boulevard, Rockledge, stated his clients are requesting a zoning change from SEU to AU, because they would like to have more horses for personal use. Potentially, there was an option to get a CUP under SEU, but that would have only allowed six animals in total. The staff comments state that the current zoning proposal would be proper to consider under the existing Future Land Use. The use will remain residential, along with an ancillary use that many in the area already enjoy, which is a pole barn or other structure used in conjunction with an agricultural use. He noted the horses will be for personal use only; there is no business intent of any kind, so there will not be any changes in traffic generation, concurrency or other issues. He said he believes there has been some precedent that goes back to the late 1980's where a neighboring property was changed from SEU to AU for a similar purpose, and at that time there was also a limitation, or condition, that there not be any kind of agricultural commercial use at that time, so he would not have a problem stipulating to the same, because it is strictly intended for his clients to have additional horses for personal use.

Ben Glover asked if there a specific number of horses his clients would like to have and if they would be willing to cap the number of horses. Mr. Moore replied his clients would like to have the maximum number available to them. He noted on the property that was rezoned in the 1980's the number of horses was capped at 16, and that was on 12 acres. He said his clients would like to have as many as they can, and that number may be in the range of 10. He pointed out that the code is structured to include horses, mules, goats, and barns, so ultimately their goats would count toward the total number, so it would be a collective number of total animals. He said the horses would be for personal use, but he is hesitant to limit all commercial uses because they do have other businesses, some of which may be located at the property, but wholly unrelated to agriculture.

Mr. Bartcher asked if Mr. Moore's clients would be willing to enter into a BDP (Binding Development Plan) that stipulates there will be no packing, processing, or sales of commodities raised on the premises. Mr. Moore replied if it is limited to agriculture, yes. He elaborated that his clients own a food truck, so limiting the commercial components, anything that would be normally available to them today under that zoning category, he would want them to be able to do that, but he would agree to restrict anything that is agricultural, animal, or any related purposes.

Mr. Bartcher stated he is concerned if they have agricultural products that they are using and then selling at that location, it could create a traffic situation. Mr. Moore replied the horses and goats do not have anything to do with any their commercial operations, he just wants to be careful their other businesses are not impacted.

Mr. Bartcher stated he's also concerned that without a BDP to restrict it, if they sell the property in the future, there could be packing, processing, and sales of commodities that could create a problem. Mr. Moore stated his clients would agree to a BDP to limit those agricultural uses.

Mr. Hodgers asked if any of the business activities include riding lessons, or the boarding of horses. Mr. Moore replied there will be no horse-related business whatsoever.

No public comment.

Motion by Brian Hodgers, seconded by Joe Buchanan, to approve a change of zoning classification from SEU to AU, with a BDP (Binding Development Plan) prohibiting agritourism, and agricultural related packing, processing, and sales of commodities raised on the premises. The motion passed unanimously.