

Brevard County Board of County Commissioners

*Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida*



Minutes

Monday, October 5, 2020

3:00 PM

Commission Room

Call To Order

Approval of Minutes - September 14, 2020

H. Public Hearings

- H.1.** Jennifer Robbins requests a change of zoning classification from GU to RR-1. (20Z00021) (Tax Account 2402990) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)

Jennifer Robbins, 5490 Simpson Place, Cocoa, stated she would like to rezone so she can have a couple of horses and a barn.

No public comment.

Brian Hodgers stated the staff comments note that the rezoning is going from one family unit to two family units, and asked if she needs to change the number of units for livestock purposes.

Jeffrey Ball replied the current zoning is on a non-conforming lot, which is why she needs to change the zoning so that the lot meets the zoning classification standards. Mr. Hodgers asked if the standard for the lot would be two units. Mr. Ball replied RR-1 allows for a one-acre lot. Potentially, there could be two units because the lot is two acres, but there would be issues with getting access to a second lot.

Motion by Ron Bartcher, seconded by Peter Filiberto, to approve a change of classification from GU to RR-1. The motion passed unanimously. (Bruce Moia absent)

Result: APPROVED

Mover: Ron Bartcher

Secunder: Peter Filiberto

- H.2.** Christine Ruggiero and Michael A. Sollecito request a change of zoning classification from RR-1 to RRMH-1. (20Z00022) (Tax Account 2002464) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)

Christine Ruggiero, 1700 Macklin Street NW, Palm Bay, stated they would like to develop the property with a manufactured home to eventually be able to live there.

No public comment.

Peter Filiberto asked if Ms. Ruggiero plans on having farm animals on the property. Ms. Ruggiero replied no, not at this time.

Motion by Ron Bartcher, seconded by Brian Hodgers, to approve the change of classification from RR-1 to RRMH-1. The motion passed unanimously. (Bruce Moia absent)

Result: APPROVED

Mover: Ron Bartcher

Secunder: Brian Hodgers

- H.3.** 2354 Talmadge Drive, LLC (Aldon Bookhardt) requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 to NC. (20PZ00079) (Tax Account 2103831) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)

See H.4. for minutes.

Result: APPROVED
Mover: Ron Bartcher
Second: Brian Hodgers

- H.4.** 2354 Talmadge Drive, LLC (Aldon Bookhardt) requests a change of zoning classification from RU-1-9 and BU-1 to BU-1-A on 0.98 acres; and a BDP limited to 4 units per acre on 2.29 acres on the RU-1-9 portion. (20Z00023) (Tax Account 2103831) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)
[School Concurrency](#)
[Draft BDP 08-07-20](#)
[Site Plan](#)

Debbie Joyce, 3231 Nottingham Lane, Cocoa, stated the first application is to make the Future Land Use consistent with the zoning. The current zoning is BU-1 and they would like to change it to BU-1-A, which is neighborhood community commercial, in order to develop a retail store. The parcel across the street is also BU-1 and BU-1-A. The second application is to change the zoning from RU-1-9 to BU-1-A, and the plan is to develop single-family homes at four units per acre. Both parcels are owned by the LLC and they would like to develop them, but before they can do that they need these changes made to the land use and zoning. She said they would like to bring some single-family home ownership opportunity to the Mims area.

No public comment.

Peter Filiberto asked if they plan on having commercial on the bottom and residential on top. Ms. Joyce replied the plan is for commercial on one floor only, on the .98 acres. The plan is for a retail store, as well as a community meeting facility adjacent to the retail store.

Ron Bartcher asked what kind of retail store. Ms. Joyce replied a convenience store.

Mr. Ball noted a convenience store in BU-1-A would require a conditional use permit; they can have retail, but if they call it a convenience store, that requires a conditional use, which is a public hearing process. Ms. Joyce replied it will be a retail store, because that was their understanding.

Brian Hodgers stated he sees mostly Residential 4 in the area, and not any commercial.

Mr. Ball stated the property on the corner retains the BU-1 zoning classification and when that was done it established commercial uses. The Comprehensive Plan was never updated to recognize that, so this change to Neighborhood Commercial will recognize that and allow that corner to be developed. There is a small portion just to the north of that corner piece zoned

BU-1 that is incorporated into the Neighborhood Commercial, so staff thought it would be appropriate and allow for more commercial area to be developed. The RU-1-9 will remain the Residential 4 land use, and that is the reason for the BDP to limit the four units per acre.

Motion by Ron Bartcher, seconded by Brian Hodgers, to approve the Small Scale Comprehensive Plan Amendment to change the Future Land Use from RES 4 to NC. The motion passed unanimously. (Bruce Moia absent)

Motion by Ron Bartcher, seconded by Peter Filiberto, to approve the change of zoning classification from RU-1-9 and BU-1 to BU-1-A on 0.98 acres; and a BDP limited to 4 units per acre on 2.29 acres. The motion passed unanimously. (Bruce Moia absent)

Result: APPROVED

Mover: Ron Bartcher

Secunder: Peter Filiberto

- H.5.** Public Hearing, Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County.

Attachments: [Ordinance](#)
[Brevard County Biosolids Report.pdf](#)
[Soil Sampling Results.xlsx](#)

Anthony Gubler, Environmental Specialist, Natural Resources Management, stated the ordinance is an existing ordinance and there is no change in the language. On October 8, 2019, the Board of County Commissioners adopted a temporary moratorium on any new applications of biosolids within Brevard County. Staff expected the State Legislature to pass new rules regarding how biosolids are applied to agricultural land, but it was not heard during the last session. The moratorium was grandfathered-in and allowed to continue the exemption of any new biosolids applications. The current ordinance has a 180-day timeframe, so every 180 days staff has to ask for an extension of the temporary moratorium. It is expected to return to the Legislature in March 2021.

No public comment.

Motion by Peter Filiberto, seconded by Ron Bartcher, to approve the extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County. The motion passed unanimously.

Result: APPROVED

Mover: Peter Filiberto

Secunder: Ron Bartcher

Public Comment

Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the Planning and Zoning Board is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>