

Brevard County Board of County Commissioners

*Merritt Island Service Complex
2575 N. Courtenay Pkwy.
Second Floor
Merritt Island, Florida 32953*



Minutes

Thursday, July 16, 2020

6:00 PM

**Merritt Island Service Complex, Second Floor, 2575 N. Courtenay Pkwy.,
Merritt Island**

Call To Order

Approval of Minutes - June 11, 2020

H. Public Hearings

- H.1. Daren T. Dempsey Revocable Trust requests a change of zoning classification from RR-1 to AU. (20Z00005) (Tax Account 2316704) (District 2)

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

The Daren T. Dempsey Revocable Trust
A change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential).
The property is 3.07 acres, located on the south side of Bishop Rd., approximately 935 ft. west of Broad Acres St. (1385 Bishop Rd., Merritt Island. (20Z00005) (Tax Account 2316704) (District 2)

Daren Dempsey – The reason why we want to rezone this is we have construction companies, and we build locally, and I do the landscaping. I want to create a nursery so I can landscape some of the newly constructed homes. Plus, I like gardening in my free time. I'm not sure if you want to know the number of plants, types of plants, things like that. I did some research on other things we are going to need, such as license and registration. I contacted the Florida Department of Agriculture, but they are currently closed and not issuing those now. There will not be any through traffic; it's for our company.

Jim Carbonneau – What kind of nursery are you going to have? Are you going to have greenhouses?

Daren Dempsey – We recently constructed a shed, and I may start a greenhouse, but I'm going to use part of the shed to start that. Most of it is going to be open. I'm going to do a lot of local plants, such as Date Palm, Crotons, Hibiscus, ornamental grasses and stuff like that where I wouldn't need a greenhouse. I'm not sure about a greenhouse, the size it would be, or if it's even needed.

Gina Lindhorst – What part of the property are you planning on having the nursery? I see there's a house in the middle of it, essentially, and you have some big heritage specimen trees on one corner.

Daren Dempsey – It's going to be on the west side of the property, behind the shed, to the south.

Ted Balke – If you go to the next map there's wetlands and you have 90% of that property that is wetlands.

Daren Dempsey – On this property?

Ted Balke – Yes.

Daren Dempsey – You might be thinking of another property.

Ted Balke – No, it's in that package, on the wetland map.

Mary Hillberg - Flood zone map?

Ted Balke – Flood zone.

Jeffrey Ball – Flood zone and wetlands are two different things.

Mary Hillberg – The flood zone map that I see has it just around the edges.

Ted Balke – No, that's not the right one. It shows that most of the properties in the area all have a little blue in them.

Jim Carbonneau – If you're on North Merritt Island you're going to have water.

Daren Dempsey – We've built swales and culverts.

Mary Hillberg – You won't be able to have plants that need to be dry.

Daren Dempsey – They are all going to be native. We know what goes here and what's low maintenance. I know my neighbor does some plumeria's, and I've done that in the past.

Jack Ratterman – You said you don't have a nursery license now?

Daren Dempsey – I do not, no.

Jack Ratterman – Because I called the State Agriculture department to see if you did, and they are open, there's a Linda and a Connie.

Daren Dempsey – Okay, but they're saying they are closed until further notice, so I didn't think they can issue them now.

Jack Ratterman – What kind of training do you have? Do you have agricultural experience? Have you taken a master gardener class? Do you have a degree in horticulture?

Daren Dempsey – No, sir, just in finance. I just like doing this for fun. I have books, but I've learned from friends, my aunt, and my grandparents who all had farms, I guess it's just growing up planting gardens and always doing that.

Regina Dempsey – If we get the zoning approved, we will....

Mary Hillberg – Only one person speaking at a time, please. You can come up after him.

Jack Ratterman – The County notes say, "applicant did not provide staff with proposed development plan". What I was wanting to know is what is the layout? What's the number of plants? How are you going to do this? Is it going to be open, or are you going to have a building? Who will you sell these to? How much money have you set aside to start the business? Why are you starting this business now? You said you have a constructions company, okay, but I also look at the tax part of it, too. What did you pay in taxes last year for 2019, property taxes?

Daren Dempsey – I believe it was.....

Jeffrey Ball – Let me interject. I think we're getting off topic here of what you guys should be looking for as far as.....this is a rezoning, so what you need to do is evaluate this request based on what the Land Development Code says and what the Comprehensive Plan says. We're not here to get into Mr. Dempsey's business plan, or whether he has a degree or not.

Jack Ratterman – But that has a bearing on whether or not he's going to have a nursery or not, wouldn't it?

Jeffrey Ball – No.

Mary Hillberg – Have you discussed your plans with your neighbors?

Daren Dempsey – Yes, Steve and Joyce Star, behind us, and they are aware of what we're doing.

Mary Hillberg – Are they pleased with it?

Daren Dempsey – They told me to let them know if I need seeds.

Mary Hillberg – Have you discussed it with anyone else around you?

Daren Dempsey – No, ma'am.

Mary Hillberg – Do you know anyone who is against having a nursery around?

Ted Balke – You're on a flag lot, so that means you have to drive past somebody else's property to get to your lot. Do you have commercial vehicles coming up there?

Daren Dempsey – Technically, the easement is our private driveway, which is Bishop Road, and we're right next to it.

Ted Balke – There's a property in front of you.

Daren Dempsey – Yes, Jenny Davis.

Ted Balke – Have you spoken to her about it? Does she know there's going to be truck traffic on that road?

Daren Dempsey – I don't know if there's going to be truck traffic on that road.

Ted Balke – You said you're going to have your company pick it up.

Daren Dempsey – I have a truck and a hauler. I already have a trailer for all my dirt bikes, and that's what I use to landscape our current home.

Gina Lindhorst – I wouldn't want the heritage specimen trees to be torn down just for a nursery to be placed in that one spot.

Daren Dempsey – Nothing will be cut down. There are cedars in there and we've built decks around some of them. Nothing will be removed; those cedars are beautiful.

Gina Lindhorst – You're not going to get rid of trees so you'll have more sunny areas?

Daren Dempsey – No.

Mary Hillberg – Chris, do you have any questions?

Chris Cook – No.

Mary Hillberg – I don't have any questions. You can have a seat, and Ms. Dempsey may speak.

Regina Dempsey – Regina Dempsey 1385 Bishop Road, Merritt Island. I've been a contractor in this town since 2006, and I just wanted to say that if we need any additional licensing, we will handle that if the rezoning is approved.

Mary Hillberg – There is no one in the audience, so I bring it back to the board. What's the pleasure of the board?

Jack Ratterman – I still have a problem with the County's notes. It says the applicant did not provide staff with a proposed development plan for the nursery.

Mary Hillberg – I don't think they need to give us a plan.

Jeffrey Ball – They don't need to do that, but if anybody wanted to know what the development plans were, such as where they would have the garden, or where they would have storage. They're not required to have that at this point.

Jack Ratterman – They could, but they didn't? If another applicant comes along and they want to change from RR to Ag, whether they have a nursery license or any plan at all, they can do the same thing?

Jeffrey Ball – In the zoning code there are permitted uses, uses that are with conditions, and then there are uses that require conditional use permits. Typically, conditional uses require a site plan, and that's when you would need to have a development plan. In this case, in AU zoning, having a nursery is a permitted use without providing a plan.

Jack Ratterman – So, you can just switch over?

Jeffrey Ball – Correct.

Mary Hillberg – I notice there are a couple of RR-1 lots next to it, but only two. The rest of it is AU.

Jeffrey Ball – From a compatibility standpoint, with AU zoning, it's already out there and established.

Jack Ratterman – So, later down the line, if they don't put in a nursery, or they do put in a nursery, that has no bearing on if they keep their AU?

Jeffrey Ball – No. If the board grants the AU zoning, they have that by right, and according to the zoning code they can do any of those uses as permitted within the AU zoning classification. Or they can do another use that has specific conditions, or they can have a use that requires a conditional use, and at that point they would have to come back to the County and apply for that application with a site plan.

Mary Hillberg – Any other questions? Is there a motion?

Jim Carbonneau – I move to approve.

Gina Lindhorst – I second it.

Mary Hillberg – Any more discussion?

Jack Ratterman – I'm going to abstain.

Ted Balke – I'd like to abstain because I haven't been able to visit the property.

Chris Cook – If you're abstaining, you're abstaining because of a financial reason.

Mary Hillberg – I think you have to vote no.

Jack Ratterman – Okay, I'll vote no.

Ted Balke – I guess that puts me as a no.

Mary Hillberg called for a vote on the motion as stated, and it passed 4:2 with Ratterman and Balke voting nay.

Result: APPROVED

Mover: Jim Carbonneau

Secunder: Gina Lindhorst

Public Comment

Adjournment