

ADVANCED  
AGENDA

MEETING OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
GOVERNING BOARD OF THE BREVARD MOSQUITO CONTROL DISTRICT  
GOVERNING BOARD OF THE BAREFOOT BAY WATER AND SEWER DISTRICT  
Government Center Commission Room, Building C  
2725 Judge Fran Jamieson Way  
Viera, Florida

August 6, 2009

**IF YOU WISH TO SPEAK TO ANY ITEM ON THE AGENDA, PLEASE FILL OUT A SPEAKER CARD. PERSONS ADDRESSING THE BOARD SHALL HAVE FIVE MINUTES TO COMPLETE HIS/HER COMMENTS ON EACH AGENDA ITEM FOR WHICH HE/SHE HAS FILLED OUT A CARD.**

**THE BOARD OF COUNTY COMMISSIONERS REQUESTS THAT SPEAKERS APPEARING UNDER THE PUBLIC COMMENT SECTION OF THE AGENDA LIMIT THEIR COMMENTS AND/OR PRESENTATIONS TO MATTERS UNDER THE BOARD'S JURISDICTION. IT IS THE RESPONSIBILITY OF THE CHAIRMAN TO DETERMINE THE TIME LIMIT ON COMMENTS UNDER PUBLIC COMMENT.**

5:00 p.m.      CALL TO ORDER

INVOCATION BY:      Sr. Pastor Richard Lord, Park Avenue Baptist Church,  
Titusville, Florida

PLEDGE OF ALLEGIANCE: Chairman Chuck Nelson, District 2

**I. RESOLUTIONS, AWARDS AND PRESENTATIONS (LESS THAN 5 MINUTES)**

**II. BOARD REPORTS AND PRESENTATIONS (MORE THAN 5 MINUTES)**

- A. Stockton Whitten, Interim County Manager
- B. Scott Knox, County Attorney
- C. Robin Fisher, District 1 Commissioner
- D. Trudie Infantini, District 3 Commissioner
- E. Mary Bolin, District 4 Commissioner, Vice Chairman
- F. Andy Anderson, District 5 Commissioner
- G. Chuck Nelson, District 2 Commissioner, Chairman

- III. **CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section III.)**
- IV. **PUBLIC COMMENTS (Comments may not address subsequent Agenda items.)**
- V. **PUBLIC HEARINGS**

Zoning Portion of BCC Agenda for Thursday, August 6, 2009:

**A. Tabled Items**

THE FOLLOWING ITEM WAS HEARD BY P&Z ON 5/11/09, AND TABLED BY BCC ON 5/28/09:

**V.A.1. (Z0905202) – CURTIS DEEM** – (Cheryl A. Stocks and/or Donna M. Davis) – requests a CUP for Alcoholic Beverages for On-Premises Consumption (beer & wine only) in a BU-2 zoning classification on 0.59 acre. Located on the northeast corner of Merritt Island Cswy. (SR 520), and Rose St. (440 Merritt Island Cswy., Merritt Island)

**P&Z Recommendation:** Thodey/Wise – Denied. Vote was 5:3 with Cannon, Jagrowski & Goggin voting nay.

**B. P&Z Board Recommendations of June 8, 2009, and July 6, 2009**

June 8, 2009

**DISTRICT 2**

**V.B.1. (Z0906201) – MICHAEL A. DiCHRISTOPHER, TRUSTEE OF THE MORNINGSIDE BEACH LAND TRUST; RUNAWAY INVESTMENTS, INC.; AND THE SASSO CORPORATION**

– (Michael A. DiChristopher) - request a change from GU to RU-1-13, with a BDP, on 3.02 acres. Located at the eastern terminus of Sun Pointe Pl., approx. 570 ft. east of N. Banana River Dr.

**P&Z Recommendation:** Ludwiczak/Tsamoutales – Motion to approve resulted in split vote (5:5). No recommendation. Those voting against the motion were Minneboo, Ott, Wise, Aydelotte & Jagrowski.

**DISTRICT 3**

**V.B.2. (Z0906301) – DARREN M. & SARAH MARKS** – request a CUP for a Skateboard Ramp in an RU-1-13 zoning classification on 0.82 acre. Located on the southwest corner of Cardinal Dr. and Hwy. A1A. (6000 Hwy. A1A, Melbourne Beach)

**P&Z Recommendation:** Ott/Jagrowski – Approved. Vote was unanimous.

**V.B.3. (Z0906302) – SUMMIT LANDINGS PROPERTIES, LLC** – (Steve Buska) – requests a CUP for Alcoholic Beverages (beer & wine) for On-Premises Consumption in a BU-1 zoning classification on 0.84 acre. Located on the west side of U.S. 1, approx. 915 ft. south of Garretts Rd. (8530 Hwy. 1, Micco)

**V. PUBLIC HEARINGS (CONTINUED)**

**P&Z Recommendation:** Jagrowski/Ludwiczak – Approved, as accessory to a restaurant, only. Vote was unanimous.

**V.B.4. (Z0906303) – ATLANTIC COAST PALADIN ESTATES, LLC** – (Richard J. Kern) – requests a change from AU to EU, with a BDP, limiting density to one unit per acre, on 13.01 acres. Located on the south side of Micco Rd., approx. 200 ft. west of Dottie Dr.

**P&Z Recommendation:** Jagrowski/Thodey – Approved, with a Binding Development Plan. Vote was unanimous.

**DISTRICT 4**

**V.B.5. (Z0906401) – DIAN OUTLAW** – (Richard J. Kern) – requests a change from AU to IN(L) on 2.50 acres. Located on the west side of Murrell Rd., approx. 165 ft. north of Winding Meadows Rd.

**P&Z Recommendation:** Ludwiczak/Ott – Approved. Vote was 6:4, with Thompson, Aydelotte, Thodey & Jagrowski voting nay.

**THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. LETTER RECEIVED 6/18/09.**

July 6, 2009

**DISTRICT 1**

**V.B.6. (Z0907101) – GARY L. & SUSAN D. SLOAN; AND ISAAC SLOAN** – (Susan D. Sloan) – request a change from GU to AU on 2.38 acres. Located on the west side of Pine St., approx. 950 ft. north of Cabbage Palm St. (5460 Pine St., Canaveral Groves)

**P&Z Recommendation:** Jagrowski/Ott – Approved. Vote was unanimous.

**V.B.7. (Z0907102) – KENNETH R. & ROBIN J. GREENSLADE** – request a CUP for a Pet Kennel in an AU zoning classification on 2.56 acres. Located on the north side of Burkholm Rd., approx. 870 ft. east of U.S. 1. (3660 Burkholm Rd., Mims)

**P&Z Recommendation:** Thompson/Jagrowski – Approved for non-commercial use only. Vote was unanimous.

**V.B.8. (Z0907103) – NAHID DEHESTANI** – requests a change from GU to AU on 12.01 acres. Located on the south side of Aurantia Rd., approx. 0.33 mile west of International Ave.

**P&Z Recommendation:** Ott/Jagrowski – Approved. Vote was unanimous.

**V.B.9. (Z0907104) – LUELLE ANNE GREENE AND MARGO G. ZAUNER, CO-TRUSTEES OF JOHN J. GREENE TRUST** – (John G. Greene) – request a Small Scale Plan Amendment (09S.03) to change the FLUE Designation from Res. 4 to NC; and a change from RU-2-10 to BU-1-A on 6.18 acres, +/- . Located on the east side of Carpenter Rd., approx. 0.33 mile south of SR 46.

**LPA Recommendation:** Ott/Wise – Approved Small Scale Plan Amendment. Vote was unanimous.

**P&Z Recommendation:** Ott/Wise – Approved, with a Binding Development Plan. Vote was unanimous.

**V. PUBLIC HEARINGS (CONTINUED)**

**V.B.10. (Z0907105) – PEPPERCORN & PEPPERCORN, INC.; TRAVIS & GAIL GIFFEY; KEITH MARLIN SKALET & BRENDA C. SKALET; AND JOHN W. MOORER, AS PARTNERS IN THE MIMS PROPERTY JOINT VENTURE PARTNERSHIP** – (Matt Boerger or Chris Keller/Miller Legg) – request a change from AU & RRMH-1 to RU-1-11 on 84.72 acres; AND a change from AU to RR-1 on 35.60 acres. (Total acreage = 120.32) Located on the south side of Irwin Ave., approx. 0.57 mile east of U.S. 1.

**P&Z Recommendation:** Ott/Thodey – Tabled to the LPA mtg. on 8/17/09 & the BCC mtg. on 9/3/09. Vote was unanimous.

**DISTRICT 2**

**V.B.11. (Z0907201) – JOEL S. & CHRISTINE A. BURRILL** – (Timothy F. Pickles, Esq.) – request a CUP for a Recreational/Residential Marina in EU and RU-1-9 zoning classifications on 10.99 acres. Located on the west side of N. Tropical Trail, approx. 440 ft. north of Timuquana Dr. (1275 Tropical Trail, M.I.)

**P&Z Recommendation:** Wise/Thodey – Approved with stipulations listed by the Office of Natural Resources Management, as follows: /1/ Each single-family parcel sharing a common pier shall have direct riparian access to the Indian River Lagoon system. /2/ Each single-family parcel sharing a common pier would otherwise have the ability to construct a dock according to local, State and Federal regulations (whether through exemption or permit). /3/ Each single-family parcel sharing a common pier shall have a legally-binding deed restriction that prohibits any future construction of an additional single-family dock. /4/ Each boat slip of a shared dock shall be linked to a single-family riparian parcel. No shared boat slip shall be rented, sold, or otherwise used by any entity other than a riparian parcel owner. /5/ While a shared dock will be exempt from a Brevard County MPP review, the dock shall comply with all other applicable County, State and Federal regulations. /6/ No fueling or repair facilities shall be associated with these docks. Vote was 6:1, with Ott voting nay.

**DISTRICT 3**

**V.B.12. (Z0907301) – ANTONIO G. & KAREN M. SANTOS** – request a CUP for a Private Boat Dock Accessory to Adjacent Single-Family Residential Lot in an RU-1-13 zoning classification on 0.05 acre. Located on the south side of Ross Ave., approx. 200 ft. west of Lakeview Drive. (391 Ross Ave., Melbourne Beach)

**P&Z Recommendation:** Ott/Jagrowski – Approved. Vote was unanimous.

**V.B.13. (Z0907302) – WILLIAM R. & MYLENE C. DALLY** – (William Dally) – request a CUP for a Private Boat Dock Accessory to Adjacent Single-Family Residential Lot in an RU-1-13 zoning classification on 0.02 acre. Located on the south side of Ross Ave., approx. 625 ft. west of Seiler St.

**P&Z Recommendation:** Ott/Jagrowski – Approved. Vote was unanimous.

**VI. UNFINISHED BUSINESS****VII. NEW BUSINESS**

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 County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010.

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 PHONES REMAIN OFF while the County Commission is in session. Thank you.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks Cable Channel 199, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 26, and simulcast on WBFT-LP 105.5 FM. 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.scgtv.org>.

The Advanced Agenda may be viewed at: <http://www.brevardclerk.us>.