

## A G E N D A

MEETING OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
Government Center Commission Room, Building C  
2725 Judge Fran Jamieson Way  
Viera, Florida

May 4, 2006

**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.**

5:00 p.m.      CALL TO ORDER

INVOCATION BY:      Tomas Lares, Assistant Director for Links of Hope, Palm Bay/Melbourne

PLEDGE OF ALLEGIANCE: Commissioner Truman Scarborough, District 1

- I.      **CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section II.)**
  
- II.     **REPORTS / PRESENTATIONS**
  - A.      Peggy Busacca, County Manager
  - B.      Scott Knox, County Attorney
  - C.      Truman Scarborough, District 1 Commissioner
  - D.      Ron Pritchard, D.P.A., District 2 Commissioner
  - E.      Susan Carlson, District 4 Commissioner, Vice Chair
    1.      Hugh Parrish and Joe Christ, Re: Space Coast Pops, Inc.
  - F.      Jackie Colon, District 5 Commissioner

\*Changes to Advanced Agenda  
Revision 2 – 05-02-06

**II. REPORTS / PRESENTATIONS (CONTINUED)**

- G. Helen Voltz, Chair of the Board
- H. Staff Recognition

**III. RESOLUTIONS, AWARDS AND PRESENTATIONS**

- A. Resolution, Re: Proclaiming Motorcycle Safety and Awareness Month (District 2)

**IV. ITEMS REMOVED FROM CONSENT AGENDA****V. PUBLIC COMMENTS (Comments may not address subsequent Agenda items.)****VI. PUBLIC HEARINGS**

- A. Tabled Items

**DISTRICT 2**

THE FOLLOWING ITEM WAS HEARD BY NMI (9/15/05) & TABLED BY BCC (10/6/05 & 11/3/05)

**1. (NMI50702) GEORGE A. AND BARBARA H. OGLE** - (Cliff Singleton) request a change from AU to RR-1 on 21 acres, located on the northeast corner of N. Tropical Trail and Church Road.

***NMI Recommendation:*** Huminski/McFarland – Denied. Vote was 4:1 with Harris voting nay.

**DISTRICT 1**

THE FOLLOWING ITEM WAS HEARD BY PSJ (2/8/06) AND TABLED BY BCC (3/2/02) AT THE APPLICANT'S REQUEST

**2. (PSJ60102) - MELVYN R. YUSEM, TRUSTEE** – (Carmine Ferraro, Carmel Development, LLC) – requests a Small Scale Plan Amendment (06S.2) that proposes to change the Future Land Use map designation from PLNIP to Residential 6, and a change from PIP to RU-2-6 on 9.69 acres, located approx. 180 ft. north of Curtis Blvd., & approx. 300 ft. west of the FECRR.

***LPA Recommendation:*** Sokoloski/Wood – Denied. Vote was 10:1, with Daignault voting nay. (Selig abstained from voting, due to conflict of interest)

**VI. PUBLIC HEARINGS (CONTINUED)**A. Tabled Items (continued)

**PSJ Recommendation:** Yorston/Ainsworth – Denied Small Scale Plan Amendment. Vote was unanimous. Yorston/Ainsworth – Denied change of classification. Vote was unanimous.

**DISTRICT 3**

THE FOLLOWING ITEM WAS TABLED FROM P&Z (11/7/05) MTG. AND BCC (12/1/05), AT STAFF'S REQUEST AND HEARD BY P&Z (2/6/06) AND TABLED BY BCC (3/2/06 & 4/6/06) AT THE APPLICANT'S REQUEST

**VI. A. 3. (Z0511307) IRVING & BETTE BETROCK** – (Richard E. Torpy, Esquire) – request a change from SR with an existing Binding Development Plan (Z-10898) to EU with an amendment to the existing Binding Development Plan limiting the density to one unit per acre on 4 acres located on the west side of Hwy. A1A, approx. 80 ft. north of Sea Dunes Dr.

**P&Z Recommendation:** Jagrowski/Wood – Denied. Vote was 6:5, with Daignault, McLellan, Morrison, Minneboo and Cannon voting nay.

THE FOLLOWING ITEM WAS HEARD BY P&Z (3/6/06) AND TABLED BY BCC (4/6/06)

**VI. A. 4. (Z0603301) – JOSEPH TINTERA** - requests a Small Scale Plan Amendment (O6S.7) that proposes to change the Future Land Use designation from Neighborhood Commercial to Community Commercial AND a change from GU to BU-2 on 3.02 acres, located on the west side of US 1, approx. 700 ft. south of Micco Road.

**LPA Recommendation:** Selig/Wood – *Approved Small Scale Plan Amendment. Vote was unanimous.*

**P&Z Recommendation:** Selig/Frink – Approved as BU-1. Vote was unanimous.

**DISTRICT 4**

THE FOLLOWING ITEM WAS HEARD BY P&Z (3/6/06) AND TABLED BY BCC (4/6/06) ON TRACT "C" ONLY.

**VI. A. 5. (Z0603401) – BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**, pursuant to Policy 15.3 of the Future Land Use Element of the Brevard County Comprehensive Plan, which states, "County staff may initiate administrative rezonings for those properties that are found to be inconsistent with the Future Land Use Map at the time of a development permit application," the following property is being considered for Administrative Rezoning: Property owned by **Bobby Abraham and Faiaz M. Rasul, Etal; Shakti D. and Gabi Bakshi; Bobby Ray and Linda Carol Varker; Ross and Diahn Clark; and Jo Ann C. Eubank**, to change the classification from RU-2-10(8) with BCP, to SR and removal of BCP, on 9.68 acres, located on the east side of US 1, approx. 0.33 mile north of Viera Blvd.

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

**DISTRICT 1**

THE FOLLOWING ITEM WAS HEARD BY PSJ (3/8/06) AND TABLED BY BCC (4/6/06)

**VI. PUBLIC HEARINGS (CONTINUED)**A. Tabled Items (continued)

**VI. A. 6. (PSJ60301) – COASTAL PROPERTIES, INC. AND COASTAL PROPERTIES –** (Richard Kern) – request an amendment to an existing Binding Development Plan (BDP) in an RU-1-11 zoning classification on 50.64 acres, located west of the western terminus of Clear View Drive.

**PSJ Recommendation:** Yorston/Calvert – Approved amendment regarding aquifer recharge; Approved amendment regarding connection to Clearview Drive; and added a provision to state that there will be no additional access to Vineland Street. Vote was unanimous. Amendment regarding transfer of units was withdrawn by the applicant. Amendment regarding change to disposition of remainder of Lot 12 was also withdrawn by the applicant.

**DISTRICT 2**

THE FOLLOWING ITEM WAS HEARD BY P&Z (3/20/06) AND TABLED BY BCC (4/6/06)

**VI. A. 7. (SPE60301) – CARL W. LOGGINS -** (Theodore R. Rubbo) – requests a change from AU to RU-2-8 with a Binding Development Plan limiting development to seven units per acre on 20.17 acres, located 200 ft. north of Pluckebaum Road, approx. 200 ft. west of Range Road.

**P&Z Recommendation:** Ward/McLellan – Deny. Vote passed 8:3, with Daignault, Morrison, and Jagrowski voting nay.

B. P&Z Board Recommendations of March 6, 2006**DISTRICT 3**

**1. (Z0604301) – MICHAEL LORNITIS CUSTOM HOMES, INC. –** (Phillip F. Nohrr, Esq) - requests a change from AU to RR-1 on 9.25 acres, located on the east side of Bobbi Lane, approx. 630 ft. south of Valkaria Road.

**P&Z Recommendation:** Morrison/Daignault – Approved. Vote was 8:2, with Ward and Thompson voting nay.

**2. (Z0604302) BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS,** on its own motion pursuant to Policy 15.1 of the Future Land Use Element of the Brevard County Comprehensive Plan, which states, “Brevard County retains the authority to initiate appropriate administrative action, such as administrative rezonings.” and pursuant to Chapter 62, Article VI, Brevard County Code Section 62-1152, authorized administrative rezoning on property owned by **LKC CORPORATION; INDIAN RIVER NO. 1 DEVELOPERS, LLC; INDIAN RIVER NO. 2 DEVELOPERS, LLC;** from PUD to PUD with prior PDP, on 20.07 acres, more or less, located on both sides of Hwy. A1A, and north and south of Aquarina Blvd.; also containing property located along the river’s edge.

**P&Z Recommendation:** Selig/Frink – Approved Option Three of the Staff Comments and made a recommendation to the Board of County Commissioners to hold all approvals of projects until a new PDP is agreed upon. Vote was 9:1, with Morrison voting nay.

**VI. PUBLIC HEARINGS (CONTINUED)****B. P&Z Board Recommendations of March 6, 2006 (continued)****DISTRICT 5**

**3. (Z0604501) WALLACE A. SMITH AND FRED MATTHEW KENDALL** – (Jeff Kendall) – request a change from GU to RU-1-11 on .55 acre, located on the south side of Evinrude Road, approx. .43 mile west of Jones Road.

\*P&Z Recommendation: Ward/Jagrowski – Approved as SR. Vote was unanimous.

**4. (Z0604502) – DANIEL J. WILDER** – requests a change from BU-1 with a BDP to BU-2 and removal of BDP on 0.73 acre, located on the southeast corner of W. New Haven Ave. and City Acres Rd.

**P&Z Recommendation:** Jagrowski/McLellan – Approved with Binding Development Plan, limited to cargo trailer sales and all BU-1 uses. Vote was unanimous.

**DISTRICT 1**

**5. (Z0604101) DIANE TEAGUE** – requests a change from RR-1 to RP on 2.98 acres, located immediately south of intersection of Windover Way and Columbia Boulevard.

**P&Z Recommendation:** Selig/McLellan – Tabled to 5/8/06 (P&Z) and 5/24/06 (BCC) mtgs. Vote was unanimous.

**6. (Z0604102) DANIEL K. AND LYNN K. FOSS** – (Lynn Foss) – request a change from GU to AU on 1.08 acres, located on the south side of Areca Palm St. approx. 0.21 mile east of Pine Street.

**P&Z Recommendation:** Daignault/McLellan – Approved. Vote was unanimous.

**7. (Z0604103) DANIEL K. AND LYNN K. FOSS** – (Lynn Foss) – request a change from GU to AU on 1.08 acres, located on the south side of Areca Palm St. approx. 775 ft. east of Pine St.

**P&Z Recommendation:** Daignault/McLellan – Approved. Vote was unanimous.

**8. (Z0604104) HILLTOP HOLDINGS, LLC AND MOHAN AND SHEREEN RAMKISSOON** – (Mohan Ramkissoon) – request a change from AU to RU-1-11 on 19.5 acres, located on the north side of Main St. approx. one-half mile east of US 1.

**P&Z Recommendation:** Thompson/Ward – Tabled to 6/5/06 (P&Z) and 8/3/06 (BCC) mtgs. Vote was unanimous.

**9. (Z0604105) WARM WIND HOMES, LLC.** – (Peter Kroell, R.A.) – requests a change from AU to SR on 15 acres, located on the west side of Hammock Road, approx. one-half mile north of Wiley Avenue.

**P&Z Recommendation:** Thompson/Ward – Tabled to 6/5/06 (P&Z) and 8/3/06 (BCC) mtgs. Vote was 5:3 with Eddie Carr, Cleave Frink, and Mike Selig voting nay.

**10. (Z0604106) SUNLAKE, LLC.** - (Richard Kern) – requests a change from GU to SR on 19.048 +/- acres, located on the northwest corner of Parrish Road and N. Singleton Ave.

**VI. PUBLIC HEARINGS (CONTINUED)****B. P&Z Board Recommendations of March 6, 2006 (continued)**

**P&Z Recommendation:** McLellan/Jagrowski – Tabled to the 7/10/06 (P&Z) & 8/3/06 (BCC) mtgs. Vote was unanimous.

**11. (PSJ60401) – RICK A. & KIM R. McCRARY** – request a change from AU to RU-1-9 on 2.60 acres, located on the northeast corner of Fay Blvd. & Alderwood Ave.

**PSJ Recommendation:** Calvert/Chinaris – Approved as RU-1-11. Vote was unanimous.

**12. (Z0604107) BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS** – (Brevard County Solid Waste Department) – requests a Small Scale Plan Amendment (06S.11) to change the Future Land Use designation from Residential 1:2.5 to Public Facilities and a change from GU to GML(H) with a Conditional Use Permit for a Solid Waste Management Facility on 9.97 acres +/-, located approx. 0.36 mile west of Adamson Rd. and approx. 1.9 miles north of S.R. 524

**LPA Recommendation:** McLellan/Thompson – Approved. Vote was unanimous.

**P&Z Recommendation:** McLellan/Thompson – Approved. Vote was unanimous.

**13. (Z0601108) - RICHARD M. AND VALERIA D. PITONI** – request change from AU to RU-2-15 on 4.3 acres located on the south side of Dairy Road, approx. 630 feet west of Old Dixie Highway.

**THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. LTR. REC'D 4/3/06.**

**DISTRICT 2**

THE FOLLOWING ITEM WAS TABLED FROM THE 3/9/06 (NMI) & 4/6/06 (BCC) MTGS.

**14. (NMI60301) UNITED ACCESS, INC.** – (John Campbell) - requests a change from AU to RR-1 on 3.878 acres, more or less, located on the south side of Hall Rd., approx. 770 ft. east of Savannahs Trail.

**NMI Recommendation:** McFarland/Campbell – Approved, with submitted Binding Development Plan, as amended, to remove the requirement that any changes to the BDP must be agreed to in writing by the Savannahs Homeowners Association Board of Directors and a 75% majority of the current owners of specific listed property. Vote was unanimous.

C. Ordinance, Re: Amending Chapter 62, Sections 62-1102 and 1572, to Add Non-governmental Organizations to GML Zoning Classification (Second Hearing)

D. Ordinance, Re: Amending Chapter 62, Sections 62-1102, 62-1837.5, and 62-1482, to Add Self Storage Mini-warehouses to BU-1 Zoning Classification (Second Hearing)

**VII. UNFINISHED BUSINESS****VIII. NEW BUSINESS**

\*A. (Deleted)

**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 the Sound Technician 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 1 or 99, Adelphia Cable Channel 51, and Comcast Cable Channel 26. 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: [www.brevardclerk.us/PAGES/agendalist.htm](http://www.brevardclerk.us/PAGES/agendalist.htm)**





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