

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

November 3, 2005

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.

5:30 p.m. CALL TO ORDER

INVOCATION BY: Father Bill Zamborsky, Holy Spirit Catholic Church, Mims

PLEDGE OF ALLEGIANCE: Commissioner Helen Voltz, District 3

I. REPORTS

- A. Peggy Busacca, County Manager
- B. Scott Knox, County Attorney
- C. Truman Scarborough, District 1 Commissioner
- D. Helen Voltz, District 3 Commissioner
- E. Susan Carlson, District 4 Commissioner
- F. Jackie Colon, District 5 Commissioner
- G. Ron Pritchard, D.P.A., Chairman of the Board

II. RESOLUTIONS, AWARDS, AND PRESENTATIONS

- *A. Resolution, Re: Commending Eagle Scout Nicholas Bryan Zehr (District 2)
- *B. Resolution, Re: Life Choices (District 5)

III. PUBLIC COMMENTS (Comments may not address subsequent Agenda items.)**IV. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section IV.)****V. PUBLIC HEARINGS**A. Tabled Items**District 1**

1. **(Z0508109) Forest Village Florida Group, L.C. (Michael Montgomery)**'s request for change from TR-3 to RU-2-15 on 32.75 acres located on the west side of Tucker Lane, south of SR 520.
P&Z Recommendation: Approve with Binding Development Plan limiting density to 266 units by 10 to 1 vote.

District 3

- *2. **(Z0410303) Micco Farm and Grove, Inc. (Rochelle Lawandales and/or Philip Nohrr, Esquire)**'s request for change from GU and AU to RR-1 on 760± acres located on the south side of Micco Road, west of Bird Drive.
P&Z Recommendation: Approve by 7 to 4 vote.
*Withdrawn by applicant.

District 1

3. **(Z0505104) Real Estate Investment Depot, LLC (William Mayo Stinson, Manager/Member)**'s request for change from AU to RU-1-11 on 7.68 acres located on the north side of Main Street, west of Hammock Road.
P&Z Recommendation: Deny by 7 to 4 vote.

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

4. **(Z0507111) Robert J. and Carol A. Robertson's** request for change from AU to RR-1 on 4.6 acres located on the southeast corner of Dixie Way and Burkholm Road.
P&Z Recommendation: Deny by 8 to 3 vote.

5. **(Z0507113) Parrish Development, LLC (Loys Ward)'s** request for change from AU to RR-1 on 19.34 acres located on the north side of Parrish Road, east of U.S. 1.
P&Z Recommendation: Approve by vote of 10 to 1.

District 3

6. **(Z0507301) Rushing Wind, LLC (Steve Austin and/or Bill Buchman)'s** request for change from AU to RR-1 on 28.9± acres located south of Micco Road and west of Dottie Drive.
P&Z Recommendation: Approve by 9 to 1 vote.

District 1

7. **(Z0508111) Forest Lakes Partners, LLC (Richard Kern and/or Rochelle Lawandales)'** request for change from GU to TR-3 on 76 acres on the north side of Pluckebaum Road, west of I-95.
P&Z Recommendation: Approve with Binding Development Plan limiting density to less than 80 units, and applicant agreeing to share in the cost to maintain the existing road and gated entry in perpetuity, by 10 to 1 vote.

District 4

8. **(Z0508402) Diamonte Sands, LLC (Jack Spira, Esquire)'s** request for change from BU-1 to RU-2-15 on 0.362 acre located on the east side of Highway A1A at the eastern terminus of Berkeley Street.
P&Z Recommendation: Approve unanimously.

District 2

- *9. **(NMI50901) Unity Church of Central Brevard, Inc. (Michael Bates)'** request for change from BU-1 to BU-2 on the west 250 feet of 3.4± acres located west of North Courtenay Parkway, north of the Barge Canal.
***NMI Recommendation:** Deny by 4 to 1 vote.

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

- *10. **(NMI50702) George A. and Barbara H. Ogle (Cliff Singleton)**'s request for change from AU to RR-1 on 21 acres located on the northeast corner of North Tropical Trailer and Church Road.
***NMI Recommendation:** Deny 4 to 1.

District 1

11. **(Z0509107) Barbara A. Roach**'s request for change from AU to RR-1 on 2.13 acres located on the northeast corner of Panther Lane and Tomato Farm Road.
P&Z Recommendation: Approve unanimously.

B. P&Z Board Recommendations of October 10, 2005**District 3**

1. **(Z0510301) Item withdrawn from Agenda.**
2. **(Z0510302) North Cypress Reserve, Inc. (Henry Andrew Fischer and/or Bruce A. Moia, MBV Engineering)**'s request for CUP for land alteration in GU and AU zoning classifications on 353.28 acres located in the north side of Micco Road, east of I-95.
P&Z Recommendation: Table to 11-7-05 P&Z Meeting and 12-01-05 Board of County Commissioners meeting unanimously.

District 4

3. **(Z0510401) Michael K. Vaden (Pamela Lande)**'s request for change from RU-1-9 and BU-1-A to RP on 0.71 acre located on the east side of U.S. 1, north of Post Road.
P&Z Recommendation: Approve unanimously.

District 5

4. **(Z0510501) WD Webb Realty, Inc. (John T. Oglesby)**'s request for Small Scale Plan Amendment (05S.14) that proposes to change the Future Land Use Map designation from Neighborhood Commercial to Community Commercial; AND change from RU-1-7 to BU-2 on 0.88 acre located on the south side of W. New Haven Avenue, west of Elm Street and east of Wood Street.
LPA Recommendation: Approve unanimously.
P&Z Recommendation: Approve unanimously.

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of October 10, 2005 (continued)**

4. (continued)
Commercial to Community Commercial; AND change from RU-1-7 to BU-2 on 0.88 acre located on the south side of W. New Haven Avenue, west of Elm Street and east of Wood Street.
LPA Recommendation: Approve unanimously.
P&Z Recommendation: Approve unanimously.

District 1

5. **(Z0510101) Ricky E. and Dorothy L. Davis'** request for change from RR-1 to AU on 3.28 acres located on the south side of Sorrel Drive, east of Adamson Road.
P&Z Recommendation: Approve unanimously with Binding Development Plan limiting horse boarding operation to eight horses to take effect within 90 days of the recording of the Binding Development Plan.
6. **(Z0510102) Thomas K. and Imogene A. Mullins and George R. Chaney (Thomas K. Mullins and/or Robert A. Somers)'** request for Small Scale Plan Amendment (05S.13) that proposes to change the Future Land Use Map designation from Residential 1 and Neighborhood Commercial to Community Commercial; AND change from AU to BU-1 on 8.226 acres located on the northeast corner of Maebert Road and U.S. 1.
LPA Recommendation: Approve unanimously.
P&Z Recommendation: Approve unanimously.
7. **(Z0510103) Christopher J. and Cindy-Lou Blach's** request for change from GU to AU on 2.23 acres located on the east side of Pine Street, south of Date Palm Street.
P&Z Recommendation: Approve unanimously.
8. **(Z0510104) Charles B. Gatlin and Dwayne White (Bill Powell)'s** request for change from AU to RR-1 on 3.4 acres located on the northeast corner of Lionel Road and Hammock Road.
P&Z Recommendation: Approve unanimously.

District 2

- *9. **(Z0510201) Arthur P. and Janice L. Eide (Winifred Stout and/or Sarah Chatfield)'s** request for change from RR-1 to AGR

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of October 10, 2005 (continued)**

- *9. (continued)
on 7.59 acres located on the east side of Cox Road, north of Lake Drive.
***P&Z Recommendation:** Approve unanimously.
- *10. **(Z0510202) Brevard Ventures, Inc. (Rochelle W. Lawandales)**' request for change from BU-1 with BSP to BU-2 with removal of the BSP on 3.9 acres located on the south side of Fortenberry Road, east of Plumosa Street.
***P&Z Recommendation:** Approve by 7 to 1 vote.
11. **(Z0510203) David J. and Denise McDonald (Paul J. Lyons)**' request for change from GU to RU-2-15 on 19.82 acres located on the north side of Lake Drive, east of N. Burnett Road.
P&Z Recommendation: Approve unanimously.
12. **(Z0510204) M. Sue Cody, Trustee (Doug Robertson, Robertson & Associates)**' request for change from BU-1 to RU-2-30 with cap of 18.75 units per acre on 2.4 acres located on the west side of North Tropical Trail, north of Myrtice Avenue.
P&Z Recommendation: Table unanimously to 11-7-05 P&Z Meeting and 12-1-05 Board of County Commissioners meeting.
13. **(Z0510205) Wasim Niazi (Doug Robertson, Robertson & Associates)**' request for change from IU to PUD on 13.03 acres located on the south side of Cone Road, east of Plumosa Street.
P&Z Recommendation: Table unanimously to 11-7-05 P&Z meeting and 12-1-05 Board of County Commissioners meeting.
14. **(NMI51001) Matpenco, LLC (Todd Peetz/Miller Legg Associates)**' request for change from AU to RR-1 on 40± acres located on the north side of Chase Hammock Road, east of Winding Way.
NMI Recommendation: Table unanimously to 11-10-05 NMI meeting and 12-1-05 Board of County Commissioners meeting.
15. **(NMI15002) Nancy J. Bell (Philip Nohrr, Esquire)**'s request for Small Scale Plan Amendment (05S.15) that proposes to change the Future Land Use Map from NC to CC and change classification from AU and BU-1 to BU-2 with Binding

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of October 10, 2005 (continued)**

15. (continued)
Development Plan on 5.865± acres located on the west side of SR 3, north of Crisafulli Road.
LPA Recommendation: Approve unanimously.
NMI Recommendation: Approve Small Scale Plan Amendment to Community Commercial, and table unanimously to 11-10-05 NMI meeting and 12-01-05 Board of County Commissioners meeting.
16. **(NMI51003) James H. and Patricia Ann Black (James H. Black)**'s request for change from PUD and AU to all AU on 40 acres located south of Pine Island Road, west of Garrett Lane.
NMI Recommendation: Approve unanimously.
17. **(Z0509205) Wing & Mary Ngo**'s request for change from RU-1-11 to RU-2-15 on 1.68 acres located on the southeast corner of Worley Avenue and Banana River Drive.
P&Z Recommendation: Table unanimously to 11-7-05 P&Z meeting and 12-1-05 Board of County Commissioners meeting with no reprocessing fee required.

District 1

18. **(Z0509101) Peppercorn and Peppercorn, Inc. (Chad Genoni, Gen Development, Inc.)**'s request for change from AU and RRMH-1 to SR with Binding Development Plan limiting development to one unit per acre on 60 acres located on the south side of Irwin Avenue, west of Hammock Road.
Item withdrawn. Letter received 10-7-05.
19. **(Z0509102) Peppercorn and Peppercorn, Inc. (Chad Genoni, Gen Development, Inc.)**'s request for change from AU to SR with Binding Development Plan limiting development to one unit per acre on 10 acres located on the south side of Irwin Avenue, west of Hammock Road.
Item withdrawn. Letter received 10-7-05.
20. **(Z0509103) Harold Lee Woodall, Robert D. Hollingsworth and Ursula C. Hollingsworth, as Trustees, Travis and Gail Giffey, and Keith Merlin and Brenda C. Skalet (Chad Genoni, Gen Development, Inc.)**'s request for change from AU to SR with Binding Development Plan limiting density to one unit per acre on

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of October 10, 2005 (continued)**

20. (continued)
85 acres located on the south side of Irwin Avenue, west of Hammock Road.
Item withdrawn. Letter received 10-7-05.
21. **(Z0509104) Marshall W. Hafemeister, Arthur Eberhart and James Tikal (John Genoni and/or Chad Genoni, Gen Development, Inc.)**'s request for change from AU to SR with Binding Development Plan limiting density to one unit per acre on 24.39 acres located on the north side of Brockett Road, west of Hammock Road.
Item withdrawn. Letter received 10-7-05.
22. **(Z0509105) Bernard Hersch, Michael Block, Roper Harding Titusville Partnership and Debra Buchalter (Chad Genoni, Gen Development, Inc.)**'s request for change from GU, AU, and RU-1-9 to all RU-1-9 with Binding Development Plan on 148.17 acres located on both sides of Parrish Road and east of Holder Road.
P&Z Recommendation: Table by 6 to 3 vote until November 7, 2005 P&Z Board meeting, and 12-1-05 Board of County Commissioners meeting.

C. Administrative Rezoning**VI. UNFINISHED BUSINESS (5 minutes per speaker)****VII. NEW BUSINESS (5 minutes per speaker)**

- *A. Deleted.

VIII. ITEMS REMOVED FROM CONSENT AGENDA

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