

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 19, 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: Pastor Ken Delgado, House of Prayer, Palm Bay

PLEDGE OF ALLEGIANCE: Chairman Ron Pritchard, District 2

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
 - *1. Resolution, Re: Recognizing Cocoa Beach Library on its 50th Anniversary

*Changes to Agenda

II. RESOLUTIONS, AWARDS, AND PRESENTATIONS

- A. Resolution, Re: Commemorating Memorial Day (Commissioner Pritchard)
- B. Resolution, Re: Recognizing Fathers Day (Commissioner Pritchard)
- *C. Resolution, Re: Commending Eagle Scout Stuart Foxhall Hemmenway (District 4)

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.)**

- *A. Appointments/Reappointments, Re: Citizen Advisory Boards

V. PUBLIC HEARINGS

- A. Tabled Items

District 1

- 1. **(Z0503105) CARLOS L. & SANDRA J. SPRINGFIELD – (Carlos L. Springfield)’s** request for change from AU to RR-1 on 4.9 acres located on the south side of Carter Road, west of Hammock Road.
P&Z Recommendation: Approved.

District 3

- 2. **(SPE50301) INDIAN RIVER NO. 1 DEVELOPERS, LLC, LKC CORPORATION & INDIAN RIVER NO. 2 DEVELOPERS, LLC - (Edwin R. Krug, P.E., PBS&J)’s** request for amendment to the PDP in a PUD on 26± acres located on both sides of Highway A1A, north and south of Aquarina Boulevard.
P&Z Recommendation: Approved change to Stage 3, Tract 1, Unit 2, to 1 acre commercial designation with a 10,000 square foot building; and 2.22 acres to transfer 25 low-rise residential units;

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

approved change to Stage 3, Tract 1, Unit 1, to 3 acres of open space designation on golf clubhouse; approved transfer to Stage 5, Tract 1, on 5.93 acres of 60 residential units with a maximum height of 35 feet; denied change to Stage 4, Tracts V and VIII, to remove 2 acres of open space designation. Denied change to Stage 2, Tract A, to go from 3.02 acres of active recreation to 2.31 acres of active recreation and 0.71 acre to transfer (5) low-rise single-family residential units.

District 4

3. **(Z0504401) NORMAN F. & CARMEN M. WAGNER – (Jason & Caroline Hitte)**'s request for change from AU to SR on 0.5 acre located on the south side of Rose Drive, west of Murrell Road.
P&Z Recommendation: Approved.
4. **(Z0504104) CLIFFORD L. & JAMIE L. McKNIGHT – (Jamie McKnight)**'s request for change from AU to RR-1 on 1.32 acres located on the north side of Palm Avenue, west of U.S. 1.
P&Z Recommendation: Approved.

B. Planning and Zoning Board Recommendations of May 2, 2005**District 4**

1. **(Z0505401) SCORPION PROPERTIES, LLC – (Jim Hagan)**'s request for a CUP for Alcoholic Beverages (beer and wine) for On-Premises Consumption in a BU-1 zone on 1.04 acres, located on the west side of South Patrick Drive, south of Tortoise View Drive.
P&Z Recommendation: Approved with stipulation that the concurrency issue is worked out.
2. **(Z0505402) LINDA MUELLER**'s request for a Community Commercial Boundary Expansion; and a change from RU-1-7 and BU-1 to RP on 0.20 acre, located on the southwest corner of Albert Avenue and Martindale Lane.
LPA Recommendation: Approved Boundary Expansion.
P&Z Recommendation: Approved zoning change.

V. PUBLIC HEARINGS (CONTINUED)**B. Planning and Zoning Board Recommendations of May 2, 2005
(continued)****District 5**

3. **(Z0505501) INDIALANTIC BEACH PLAZA, INC. AS TRUSTEE – (Philip F. Nohrr, Esquire)**'s request for change from BU-1 to RU-2-8, removing the existing CUP for Alcoholic Beverages (Z-7224) on 7.84 acres located on the west side of Hwy. A1A, north of Flug Ave.
P&Z Recommendation: Approved with a BDP, limited to 54 townhouse units, and two-story buildings.

District 1

4. **(Z0505502) NIEMAN INVESTMENTS COMPANY, LLC, CAROLYN J. CLARK, AS TRUSTEE, PLATINUM INVESTMENTS OF BREVARD, INC., THOMAS DOWNS & DOWNS INVESTMENT PROPERTIES, INC. – (Philip F. Nohrr, Esquire)**'s request for change from RU-2-15 and BU-1-A to all RU-2-15 with removal of the existing BDP (Z-10925) on 2.52 acres, located on the east side of Hwy. A1A, north of Watson Ave.
P&Z Recommendation: Approved.
5. **(Z0505101) MICHAEL D. & LAURA K. CUMMINGS'** request for change from GU to AU on 1.2 acres, located on the south side of Genoa St., west of Grissom Pkwy.
P&Z Recommendation: Approved.
6. **(Z0505102) THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.**
7. **(Z0505103) THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.**
8. **(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: Denied.

V. PUBLIC HEARINGS (CONTINUED)**B. Planning and Zoning Board Recommendations of May 2, 2005
(continued)**

9. **(Z0505105) PYTHA DEVELOPMENT, LLC – (Danny A. Hatoum, Manager)**'s request for change from AU to RU-2-10 with a BDP limiting development to 96 units on 11.2 acres, located west of Carpenter Road, at the northeast terminus of Birdie Eagle Avenue.
P&Z Recommendation: Approved with a BDP, limiting development to 72 units, as amended by the applicant.
10. **(Z0505106) FOSTER M. (II) & SUSAN S. LYTTLE – (Joel Wells & Lee Blair)**'s request for change from AU to RR-1 on 2.50± acres located on the south side of Grantline Road, east of US 1.
P&Z Recommendation: Approved.

District 2

11. **(Z0505201) DONALD W. RENFROE, JR. – (Donald W. Renfroe, Sr.)**'s request for change from GU to SR on 0.64 acre located on the west side of North Range Road, south of South Stratford Drive.
P&Z Recommendation: Approved.
12. **(Z0505202) HOWARD J. K. FICHTL – (Yane Zana, Managing Member, Carlyle Development of Crescent Beach, LLC)**'s request for change from TU-1 to RU-2-15 on 0.67 acre, located on the east side of Highway A1A, south of Crescent Beach Drive.
P&Z Recommendation: Approved.

District 3

13. **(Z0505301) SEA GRAPE MANOR ASSOCIATES, LLC – (Robert L. Beals, Esquire)**'s request for change from TU-1(6) to RU-1-9 with a BDP limiting development to three residential units on 1.61 acres, located on the east side of Highway A1A, north of Turtle Bay Place.
P&Z Recommendation: Approved with a BDP, limiting development to three residential units.

V. PUBLIC HEARINGS (CONTINUED)**B. Planning and Zoning Board Recommendations of May 2, 2005
(continued)**

- 14. (Z0505302) BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**, on its own motion, in regular session on February 22, 2005, authorized initiating a Small Scale Plan Amendment (05S.4) and an administrative rezoning on property owned by **GRANT VOLUNTEER FIRE DEPARTMENT OF BREVARD COUNTY, INC.**, from Residential 4 to Community Commercial; and GML(I) to BU-1 on 0.94 acre, located on the southeast corner of First Street and Old Dixie Highway.
LPA Recommendation: Approved Community Commercial.
P&Z Recommendation: Approved zoning change.

C. Port St. John Dependent Special District Board Recommendations**D. North Merritt Island Dependent Special District Board Recommendations****E. Administrative Rezoning****District 4**

1. Section 19, Township 26, Range 37, Sub. DS, Lot 14.01 on 5.33 acres owned by Happy Landings Homes, Inc. change from AU and CUP Z-7430 for Residential Social Service Facility and School to IN(L) with a BDP and Removal of CUP Z-9349.
P&Z Recommendation: Tabled to July 11, 2005 P&Z meeting.

V. PUBLIC HEARINGS (CONTINUED)

- F. Ordinance, Re: Amending Captive Wildlife Zoning Regulations (Second Hearing)
- G. Ordinance, Re: Extending Moratorium on Short-term Rentals, Resort Dwellings, and Resort Condominiums
- *6:30 p.m. *H. Ordinance, Re: Regulation of Resort Dwellings (Second Hearing)

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

- *7:30 p.m. *A. Citizen Request - Dan Faden, Re: Incorporation Feasibility Study for Grant/Valkaria Area

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