

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

December 1, 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 Eric Wright, Zion Christian Church, Palm Bay, Florida

PLEDGE OF ALLEGIANCE: Commissioner Jackie Colon, District 5

I. REPORTS

- A. Peggy Busacca, County Manager
- B. Scott Knox, County Attorney
- C. Truman Scarborough, District 1 Commissioner
- D. Ron Pritchard, District 2 Commissioner
- E. Susan Carlson, District 4 Commissioner
- F. Jackie Colon, District 5 Commissioner
- G. Helen Voltz, Chair of the Board

*Changes to Agenda

- II. RESOLUTIONS, AWARDS, AND PRESENTATIONS

- 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.
*Applicant requested tabling to 2-2-06. Not automatic.
 - 2. **(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 10 to 1 vote.

- District 2

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

V. PUBLIC HEARINGS (CONTINUED)**A. Tabled Items (continued)****District 1**

4. **(Z0510102) Thomas K. and Imogene A. Mullins and George R. Chaney (Thomas Mullins and/or Robert 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 zoning 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.

District 2

5. **(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 North Burnett Road.
P&Z Recommendation: Approve unanimously.

B. P&Z Board Recommendations of November 7, 2005**District 4**

1. **(Z0511401) Sawgrass Land Development Company (Philip Nohrr, Esquire)**'s request for change from GU, RU-1-13 with existing Binding Development Plan, and PUD, to all RU-1-13 and removal of existing Binding Development Plan on 101± acres located adjacent to and north of Brisbane and Grand Haven Boulevards.
P&Z Recommendation: Approve with Binding Development Plan (with attached concept plan) as submitted by the applicant, unanimously.
2. **(Z0511402) Patrick H. Harrick, Sr. (Jose A. Fuenmayor, JF Development, Corp.)**'s request for change from GU to IU on 1.395± acres located on the east side of Harrell Road, south of Barnes Boulevard.
P&Z Recommendation: Approve unanimously.

B. P&Z Board Recommendations of November 7, 2005 (continued)

3. **(Z0511403) Tuckaway Lake Estates, Inc. (Richard E. Torpy, Esquire)**'s request for change from AU to RU-2-15 on 19.69± acres located on the northwest corner of Barnes and Fiske Boulevards.
P&Z Recommendation: Approve unanimously.

District 5

4. **(Z0511501) William P. Turnbaugh, Trustee (Richard Kern)**'s request for change from AU to RR-1 on 81.09 acres located on the east side of Simon Road, south of SR 192.
P&Z Recommendation: Approve unanimously.

District 1

5. **(Z0511101) David T. Albury (Eleanor E. Glover)**'s request for change from GU to RR-1 on 2.61 acres located on the south side of Golden Shores Boulevard, east of International Avenue.
P&Z Recommendation: Approve unanimously.
- *6. **(Z0511102) Darroll W. and Paula Rae Higginbotham (Darroll W. Higginbotham)**'s request for change from AU and RR-1 to RU-1-11 on 9 acres located north of the western terminus of Eola Avenue and west of its intersection with N. Carpenter Road.
P&Z Recommendation: Deny unanimously.
*Applicant changed request to RR-1
7. **(Z0511103) Hamid Hafizi (John Campbell)**'s request for change from GU to SR on 0.078 acre located on the north side of Camp Road, west of U.S. 1.
P&Z Recommendation: Approve unanimously.
8. **(Z0511104) Marcel and Susan Rust (Marcel Rust)**'s request for change from AU to EU on 13.52 acres located on the west side of Folsom Road, south of Latimer Street and north of Glenn Road.
P&Z Recommendation: Deny unanimously.
9. **(Z0511105) Gerald R. Wyles, Sr. and Carolyn S. Wyles, Trustees (Gerald R. Wyles, Sr.)**'s request for change from GU to PIP on 2.79 acres located on the south side of Broadway Boulevard, adjacent to the east side of the FEC Railroad.
P&Z Recommendation: Approve unanimously with Binding Development Plan for an office only, and no truck parking or onsite holding tank.

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of November 7, 2005 (continued)**

10. **(Z0511106) Vero-Pittsburgh Partners, LLC (Todd Peetz, Miller Legg)**'s request for change from GU to RU-1-11 on 6.36 acres located on the south side of Hammock Trail, west of Carpenter Road.
P&Z Recommendation: Approve RU-1-11 on northern portion per applicant's legal description, and remainder to remain GU, unanimously.
11. **(Z0511107) Vero-Pittsburgh Partners, LLC (Todd Peetz, Miller Legg)**'s request for change from AU to RU-2-10 with Binding Development Plan limiting development to 75 units on 10.48 acres located on the north side of Londontown Road, west of Carpenter Road.
P&Z Recommendation: Deny by 10 to 1 vote.
12. **(Z0511108) Vero-Pittsburgh Partners, LLC (Todd Peetz, Miller Legg)**'s request for change from AU to EU-2 on 4.38 acres located on the west side of Arnold Palmer Drive, southeast of Ben Hogan Way.
P&Z Recommendation: Approve unanimously with Binding Development Plan limiting development to six lots.
13. **(Z0511109) Laurel Valley Development, LLC (Todd Peetz, Miller Legg)**'s request for change from AU to EU-2 with Binding Development Plan limiting development to 12 units on 9.08 acres located on the north side of SR 46, west of Fawn Lake Boulevard.
P&Z Recommendation: Table to 1-9-06 P&Z and 2-2-06 Board of County Commissioners meetings at request of applicant.
14. **(PSJ51101) Raymond R. and Indialyne Pinto**'s request for change from RR-1 to EU-2 on 1.35± acres located on the south side of Kings Highway, west of Capron Road.
PSJ Recommendation: Approve unanimously.
- *15. **(PSJ51102) Thong Dee Godinet (Rochelle W. Lawandales)**' request for Small Scale Plan Amendment 05S.16 that proposes to change the Future Land Use Map from Residential 8 units per acre to Neighborhood Commercial; and change zoning from RU-1-9 to RP on .25 acre located on the south side of LaFair Street, west of U.S. 1.
PSJ Recommendation: Automatically tabled to 1-23-06 LPA meeting and 2/2/06 Board of County Commissioners meeting.

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of November 7, 2005 (continued)****District 2**

16. **(Z0511201) Laurel C. Lightowler, Trustee (Iris Morley)**'s request for change from AU to SR on 0.50± acre located on the east side of Gray Road, south of Oak Haven Lane.
P&Z Recommendation: Approve unanimously.
17. **(Z0511202) Andrew E. and Angeline L. Powers (Andrew E. Powers)**' request for change from AU to RR-1 on 4.77 acres located on the east side of Burnett Road, south of Fenner Road.
P&Z Recommendation: Approve unanimously.
18. **(Z0511203) John E. and Doreen K. Harrison (John E. Harrison)**'s request for change from RR-1 to AU on 17.88 acres located on the south side of James Road, west of Cox Road.
P&Z Recommendation: Approve with Binding Development Plan limiting use to 10 cows and 15 horses by 10 to one vote.
- *19. **(Z0511204) Carl W. Loggins (Theodore R. Rubbo)**'s request for change from AU to RU-2-15 on 20.17 acres located on the north side of Pluckebaum Road, west of S. Range Road.
P&Z Recommendation: Deny unanimously.
*Applicant changed request to RU-2-10.
20. **(Z0511205) Panorama Mobile Home Park, Inc. (Dan Barber, RE/MAX Service Team)**'s request for Small Scale Plan Amendment 05S.17 that proposes to change the Future Land Use Map designation from Neighborhood Commercial to Community Commercial on 5.93 acres; and change zoning from RA-2-10 and BU-1 to all BU-1 on 8.58 acres located on the west side of S. Courtenay Parkway, opposite and immediately south of the western terminus of Fortenberry Road.
Item withdrawn by applicant. Letter received 11-7-05.
21. **(Z0511206) Douglas P. and Ethel P. Jaren; Ethel L. Jaren; Frederick E. Tredway; Bobby and Melissa Martin; Carla Martin Loggins; William and Yolanda DeCosta; Douglas P. Jaren, II; Kathy L. Jaren; and Banana River Marine Service, Inc. (Richard E. Torpy, Esquire)**'s request for change from RU-1-11 and BU-2 to PUD with CUP for residential marina (73 boat slips) on 17.25 acres located on both sides of S. Banana River Drive, north of Orris Avenue.

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of November 7, 2005 (continued)**

21. (continued)
P&Z Recommendation: Table to 1-9-06 P&Z and 2-2-06 Board of County Commissioners meetings at request of applicant.

District 3

22. **(NMI51101) Gregory A. and Tonya L. Williams'** request for change from AU to RR-1 on 2.51± acres located on the north side of Tropical Trail, west of N. Courtenay Parkway.
NMI Recommendation: Deny by 4 to 2 vote.
- *23. **(NMI51102) Norman R. Stephens and Theodore Bentley (Jane Glusing Verner)**'s request for change from AU to SR on 1.01 acres located on the south side of N. Tropical Trail, west of Littleton Lane.
NMI Recommendation: Approve with Binding Development Plan limiting development to one unit by 3 to 2 vote.
24. **(Z0511301) Scott Lockhart's** request for change from GU to RR-1 on 2.40 acres located on the north side of Mt. Pleasant Avenue, west of Main Street.
P&Z Recommendation: Approve unanimously.
25. **(Z0511302) Michael S. and Mary L. Williams (Daniel Herman)**'s request for change from GU to SR on 1.04 acres located on the west side of U.S. 1, south of Valkaria Road.
P&Z Recommendation: Approve unanimously with Binding Development Plan limiting development to one home site.
26. **(Z0511303) Elizabeth Lanier's** request for change from GU and AU to RU-2-4 on 2.24 acres located on both sides of U.S. 1, north of Snug Harbor Way.
P&Z Recommendation: Approve unanimously with Binding Development Plan limiting development to one duplex in addition to the existing single-family residence.
27. **(Z0511304) Algo Investments, Inc. (Philip F. Nohrr, Esquire)**'s request for change from GU and AU to RR-1 on 44.99 acres located south of Micco and east of Fleming Grant Roads.
P&Z Recommendation: Table to 1-9-06 P&Z and 2-2-06 Board of County Commissioners meetings at request of applicant.

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of November 7, 2005 (continued)**

28. **(Z0511305) Paul R. Gardner and Nancy F. Gardner, as Trustees (Paul R. Gardner)**'s request for change from AU to RR-1 on 2.6 acres located on the east side of Babcock Street, south of Valkaria Road.
P&Z Recommendation: Approve unanimously.
29. **(Z0511306) Frangar, LLC (Zon Reed)**'s request for change from IN(L) to RU-2-6 on 5.22 acres; and change from BU-1 to RU-2-15 on 14.58 acres total located on the west side of U.S. 1, north of Barefoot Boulevard.
P&Z Recommendation: Table to 1-9-06 P&Z and 2-2-06 Board of County Commissioners meeting.
30. **(Z0511307) Irving and Bette Betrock (Richard Torpy, Esquire)**'s request for change from SR with existing Binding Development Plan Z-10898 to EU with amendment to existing Binding Development Plan limiting density to one unit per acre on 4 acres located on the west side of Highway A1A, north of Sea Dunes Drive.
P&Z Recommendation: Automatic table to 1-9-06 P&Z and 2-2-06 Board of County Commissioners meetings, with reprocessing fee due.
31. **(Z0511308) Brevard County Board of County Commissioners**, on its own motion on September 13, 2005, and pursuant to Section 62-1152, authorized administrative rezoning of 10,836.5± acres owned by **St. Johns River Water Management District and State of Florida IITF**, from GU and AU to GML(P) located east of Babcock Street, south of Micco Road to the County line.
P&Z Recommendation: Approve unanimously.

District 2

32. **(Z0509205) Wing and 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 to 2-6-06 P&Z and 3-2-06 Board of County Commissioners meetings at request of applicant.

District 1

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of November 7, 2005 (continued)**

33. **(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, east of Holder Road.
P&Z Recommendation: Table portion lying south of Parrish Road to 2-6-06 P&Z and 3-2-06 Board of County Commissioners meetings unanimously. Deny portion lying north of Parrish Road by 10 to one vote.

District 3

34. **(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 zonings on 353.28 acres located on the north side of Micco Road, east of I-95.
P&Z Recommendation: Table to 1-9-06 P&Z and 2-2-06 Board of County Commissioners meetings at request of applicant with reprocessing fee due.

District 2

35. **(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.
Applicant amended request to RU-2-15.
P&Z Recommendation: Approve RU-2-15 unanimously.

36. **(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: Approve unanimously.

District 3

37. **(Z0507303) Hampden Ridge Corp. (Julia Shewchuck, AICP, Jordan Jones & Goulding)**'s request for change from GU and AU to RR-1 on 161.87 acres located on the east side of Fleming Grant Road, south of Tamarind Circle.
P&Z Recommendation: Table to 1-9-06 P&Z and 2-2-06 Board of County Commissioners meetings at request of applicant.

V. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of November 7, 2005 (continued)**

38. **(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: Approve with Binding Development Plan to include a cap of 24 lots by 5 to 1 vote.
39. **(NMI51002) 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 Neighborhood Commercial to Community Commercial; and change zoning from AU and BU-1 to BU-2 with Binding 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 unanimously; and approve Binding Development Plan to include a 100-foot fence setback by 5 to 1 vote.

C. Administrative Rezoning

(None)

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