

A G E N D A

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

October 1, 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: District 3

PLEDGE OF ALLEGIANCE: Commissioner Mary Bolin, District 4

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

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

- A. Howard Tipton, County Manager
- B. Scott Knox, County Attorney
- C. Robin Fisher, District 1 Commissioner
 - *1. Cancellation, Re: Crime Prevention Workshop
- 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

*Revised 10/01/2009

- 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, October 1, 2009:

- A. Tabled Items
- B. P&Z Board Recommendation of August 17, 2009, and Recommendations of September 14, 2009

August 17, 2009

THE FOLLOWING ITEM WAS TABLED BY P&Z ON 7/8/09; BY BCC ON 8/6/09, AND HEARD BY P&Z ON 8/17/09:

DISTRICT 1

***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 & RRMH-2.5 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.
P&Z Recommendation: Jagrowski/McLellan – Denied. Vote was unanimous.
THIS ITEM HAS BEEN “AUTOMATICALLY TABLED”, BY THE APPLICANT, BACK TO THE P&Z BOARD ON 11/9/09. LETTER RECEIVED 9/24/09.

September 14, 2009

DISTRICT 2

V.B.1. (Z0909201) – MICHAEL F. & SANDRA L. FAHEY – (John Campbell/Campbell Surveying) – request a change from AU to SEU on property described on 1.94 acres. Located approx. 300 ft. south of Pioneer Rd., approx. 550 ft. west of N. Courtenay Pkwy. & approx. 140 ft. north of Butler Ave.

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

V.B.2. (Z0909202) – KEVIN LONDO, PERSONALLY, AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ELAINE F. LONDO – requests a change from RU-1-11 to BU-1-A on property described on 0.39 acre, +/- . Located on the south side of Merritt Ave., approx. 415 ft. west of Plumosa St. (355 Merritt Ave., Merritt Island)

P&Z Recommendation: Wise/Thodey – Approved. Vote was 7:1, with Ott voting nay.

V. PUBLIC HEARINGS (CONTINUED)

DISTRICT 4

V.B.3. (Z0909401) – DAMRON AUTO PARTS EAST, INC. – (Ray Hammock) – requests a change from GU to PIP on property described on 0.694 acre. Located at the north end of Waelti Dr., approx. 0.55 mile north of Wickham Rd. (7299 Waelti Dr., Melbourne)

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

V.B.4. (Z0909402) – HAPPY LANDINGS HOMES, INC. – (Lila Buescher, Pres., or Nicholas Lewis) – requests a Small Scale Plan Amendment (09S.04) to change the FLU Designation from NC to CC; and a change from IN(L), with an existing BDP, to IN(H), with removal of the existing BDP, and with a new BDP. The property is described on 5.33 acres. Located on the east side of Old Dixie Hwy., approx. 134 ft. south of Otter Creek Lane. (5925 Old Dixie Hwy., Melbourne)

LPA Recommendation: Aydelotte/Wise – Approved. Vote was 7:1, with Thodey voting nay.

P&Z Recommendation: Aydelotte/Wise – Approved, with addition to Binding Development Plan to limit the residents to women and children, and recommendation that the institution work with the neighbors to place someone on the board. Vote was 7:1, with Thodey voting nay.

DISTRICT 1

V.B.5. (Z0909101) – AMALGAMATED ARMADILLO HOLDINGS, LLC – (Doug Robertson) – requests a change from BU-1 & BU-2 to all BU-2, with a CUP for a Flea Market. The property is described on 9.43 acres. Located on the west side of U.S. 1, approx. 0.2 mile north of Spring St. (5601 N. Hwy. 1, and 5795 N. Hwy. 1, Cocoa)

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

C. Continuation of Denied Request from August 7, 2008:

THE FOLLOWING ITEM IS A CONTINUATION OF A DENIED REQUEST (Z-11436) FROM AUGUST 7, 2008:

V.C.1. (NMI80701) – RISHI REAL ESTATE PROPERTIES, LLC – (John Evans, P.A.) – requests a CUP for Alcoholic Beverages for On-Premises Consumption, with a Binding Development Plan, in a PIP zoning classification on 0.37 acre. Located on the southwest corner of Duval St. and N. Courtenay Pkwy.

BCC ACTION of 8/7/08: Nelson/Voltz – DENIED. Vote was unanimous.

VI. UNFINISHED BUSINESS

- *A. Completion of Infrastructure Pursuant to Claim for Payment, Re: Waters Mark Subdivision (District 2)

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>.