

A G E N D A

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

August 5, 2004

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: (District 1)

PLEDGE OF ALLEGIANCE: Commissioner Nancy Higgs, District 3

I. REPORTS

- A. Tom Jenkins, County Manager
- B. Scott Knox, County Attorney
- C. Truman Scarborough, District 1 Commissioner
- D. Ron Pritchard, Vice Chairman/District 2 Commissioner
- E. Nancy Higgs, Chair/District 3 Commissioner
- F. Susan Carlson, District 4 Commissioner
- G. Jackie Colon, District 5 Commissioner

*Changes to Agenda

II. RESOLUTIONS AND AWARDS

- *A. Resolution, Re: Congratulating Cocoa Expo Under 18 Boys Soccer Team (Commissioner Scarborough)

III. CONSENT AGENDA**IV. PUBLIC HEARINGS**

- A. TABLED ITEMS OF PLANNING AND ZONING BOARD MEETINGS OF APRIL 12, 2004 AND MAY 10, 2004

District 5

- 1. **(Z0404501) Carol I. Flack, Guy Hendricks, III, Barbara Lee Hendricks, Mary Carter (f/k/a Mary Beth Hendricks), Teresa Irene Hendricks and Christine Anne Hendricks (Robert Bruce and William Lemley)**'s request for change from AU and RU-1-7 to RU-1-13 on 17.33 acres located on the northwest corner of Indiana Avenue and Seminole Boulevard.
P&Z Recommendation: Approve with Binding Development Plan limiting development to 39 lots.

District 1

- 2. **(Z0405101) Lawrence W. Lucas, Lloyd and Jacqueline Louise Lucas, James and Linda S. Lucas, and Housing Authority of Brevard County (Chad and/or John Genoni, Gen Development, Inc.)**'s request for change from AU and RU-1-7 to RU-1-11 with Binding Development Plan on 105.71 acres located on the northeast corner of Wiley Avenue and U.S. 1.
P&Z Recommendation: Deny.
*Applicant request tabling to 9/2/04 BCC meeting.

District 2

- 3. **(Z0405201) Bruce A. and Lynda L. Gutoski (Mike McPhillips or Rochelle Lawandales)**'s request for change from BU-1 to RU-2-15 on 1.18 acres located on the east side of S. Banana River Drive, north of Worley Avenue.
P&Z Recommendation: Approve with Binding Development Plan limiting development to over-55 community.

IV. PUBLIC HEARINGS (CONTINUED)**B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF JULY 12, 2004****District 5**

1. **(Z0407501) Brevard County Board of County Commissioners** authorized administrative rezoning of property owned by **Michael C. and Mireille E. Smith** to change from AU to IU on 9.93 acres located on the west side of John Rodes Boulevard, south of Fortune Place.
P&Z Recommendation: Deny and direct staff to initiate Comprehensive Plan amendment to residential designation.
2. **(Z0407502) Gary E. Lane (Shirley Orton)**'s request for change from GU to AU on 3.65 acres located on the north side of Willowbrook Street, west of Babcock Street.
P&Z Recommendation: Approve.

District 1

3. **(Z0407101) Jerry D. Ball and Marla B. Hawes (Jerry D. Ball)**'s request for change from GU to AU on 2.38 acres located on the west side of Pine Street, north of Cabbage Palm Street.
P&Z Recommendation: Approve.
4. **(Z0407102) Randy P. and Mary E. Swenor (Randy P. Swenor)**'s request for change from GU to RRMH-1 on 1 acre located on the west side of Satellite Boulevard, south of Suntee Avenue.
P&Z Recommendation: Approve.
5. **(Z0407103) Ben H. Sims, Darlyne S. Smith, and Carolyn I. Henderson (Chad Genoni, Gen Development, Inc.)**'s request for change from AU to SR with Binding Development Plan on 66 acres located on the north side of Jay Jay Road, east of US. 1.
P&Z Recommendation: Deny.
*Applicant request tabling to 9-02-04 BCC meeting.
6. **(Z0407104) James L. and Sylvia L. Lewis'** request for change from GU to AU on 2.38 acres located on the west side of Florida Palm Avenue, south of Date Palm Street.
P&Z Recommendation: Approve.

IV. PUBLIC HEARINGS (CONTINUED)**B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF JULY 12, 2004 (CONTINUED)**

7. **(Z0407105) David C. and Cynthia R. Ramage (Chad Genoni, Gen Development, Inc.)**'s request for change from IU to RU-1-11 with Binding Development Plan on 40.067± acres located on the west side of Harry T. Moore Avenue, north of Wiley Road.
P&Z Recommendation: Approve as GU.
*Applicant request tabling to 9-02-04 BCC meeting.
8. **(Z0407106) Gerald A. and Donna L. Ingleton (Gerald A. Ingleton)**'s request for change from GU to AU on 2.23 acres located on the west side of Fishtail Palm Avenue, south of Date Palm Street.
P&Z Recommendation: Approve.
9. **(Z0407107) Esther Tietelbaum, Trustee (Clay Henderson)**'s request for change from AU and BU-1 to EU-2 with Binding Development Plan on 10.69 acres located on the east side of U.S. 1, south of Canaveral Groves Boulevard.
P&Z Recommendation: Approve with Binding Development Plan stipulating no driveway access to U.S. 1.
10. **(Z0407108) Lawrence S. and Linda M. Ross (Lawrence S. Ross)**'s request for change from GU to RR-1 on 2.46 acres located on the southeast corner of Cangro Street and Osprey Avenue.
P&Z Recommendation: Approve.

District 2

11. **(Z0407201) Sherry J. Ashby, Trustee**'s request for Small Scale Plan Amendment (04S.8) to change the Future Land Use Map designation from Neighborhood Commercial to Community Commercial; and zoning from RU-2-15 and BU-2 to all BU-2 on 0.26 acre located on the north side of Lake Drive, north of Peachtree Street, and fronting on the south side of Fern Street.
LPA Recommendation: Approve Community Commercial.
P&Z Recommendation: Approve BU-2 with Binding Development Plan stipulating no access to Fern Street.
12. **(Z0407202) Carla B. Dieterich (Anthony LaCourt)**'s request for change from RU-1-11 to RU-1-7 on 0.24 acre located on the north side of Angel Avenue, west of Newfound Harbor Drive.
P&Z Recommendation: Deny.

IV. PUBLIC HEARINGS (CONTINUED)**B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF JULY 12, 2004 (CONTINUED)**

- 13. (Z0407203) Steven J. and Beth M. Hoskins, Jason Carmine Uvaro, Michael Francis Duffield and Carl F. Uvaro (Jason Carmine Uvaro)**'s request for change from BU-1 to RU-2-15 with Binding Development Plan on 1.41 acres located on the southeast corner of 20th Street and S. Orlando Avenue and having frontage on the west side of S. Atlantic Avenue and the north side of Summer Street.

P&Z Recommendation: Deny.

- 14. (Z0407204) Sixty Banana River, Inc. (Richard Biery)**'s request for change from BU-2 to RU-2-15 on 1.6± acres located on the east side of S. Banana River Drive, south of SR 520.

P&Z Recommendation: Approve with Binding Development Plan limiting development to over-55 community until a school impact fee is adopted.

- 15. (Z0407205) Lavina H. and Alfred B. Humphrys, as Trustees (Philip Nohrr, Esquire)**'s request for change from EU and RU-1-9 to RU-2-8 on 27.4± acres located on the west side of N. Tropical Trail, south of Crockett Boulevard.

P&Z Recommendation: Deny.

*Applicant requested tabling to 9-2-04, but not automatic.

- 16. (Z0407206) Fraternal Order of Eagles Aerie #4257, Inc. (Rochelle Lawandales)**'s request for CUP for alcoholic beverages for on-premises consumption in BU-1 zone on 0.58 acre located on the north side of Hibiscus Avenue, west of Parnell Street.

P&Z Recommendation: Deny.

District 3

- 17. (Z0407301) Barefoot Bay Water and Sewer District (Richard H. Martens)**'s request for Small Scale Plan Amendment (04S.10) that proposes to change the Future Land Use Map designation from Residential 4 to Public Facilities; and change from TRC-1 to GML-H with CUP for water treatment plant on 1.64 acres located on the east side of W. Egret Circle, and having frontage on the north side of Royal Fern Drive.

LPA Recommendation: Approve Public Facilities.

P&Z Recommendation: Approve GML-H and CUP.

IV. PUBLIC HEARINGS (CONTINUED)**B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF JULY 12, 2004 (CONTINUED)**

18. (Z0407302) C. Steven Douglas and Debra K. Douglas, Co-Trustees (Jim Domineau)'s request for change from AU to RR-1 on 17.35± acres located on the south side of Micco Road, west of Fleming Grant Road.
P&Z Recommendation: Approve.

19. (Z0407303) Steven E. and Marilyn J. Nagel (Steve Nagel)'s request for change from AU to RR-1 on 3.93 acres located on the northeast corner of Valkaria Road and Toby Avenue.
P&Z Recommendation: Approve with Binding Development Plan to include a \$4,400 school contribution per unit.

20. (Z0407304) Fedd Investment Corp. (Edward Gerhardt)'s request for Small Scale Plan Amendment (04S.9) that proposes to change the Future Land Use Map from Residential 1 to Community Commercial; and change from GU to BU-2 on 6.2 acres, and from GU to SR with Binding Development Plan on 29.3 acres located on the south side of Valkaria Road, west of U.S. 1.
LPA Recommendation: Approve Community Commercial.
P&Z Recommendation: Approve BU-2 on 6.2 acres with BDP stipulating keeping all outside storage behind the buildings, and excluding convenience stores and strip shopping centers; and approve SR on 29.3 acres with Binding Development Plan limiting development to one unit per acre maximum density.
*Applicant requested tabling to 9-2-04, but not automatic.

District 4

21. (Z0407401) Fred Boozer (Fred Boozer, Jr.)'s request for change from EU to RU-2-6 on six acres located on the east side of U.S. 1, north of Ruby Street.
P&Z Recommendation: Deny.

22. (Z0407402) Antonio Z. Camara, Jr. and Mary A. Camara, Co-Trustees (Charles R. Boyd)'s request for Small Scale Plan Amendment (04S.7) that proposes to change the Future Land Use Map designation from Community Commercial to Residential 10; and change from BU-1 to RU-2-10 with CUP for residential/recreational marina on four acres located on the east side of U.S. 1, north of Otter Creek Lane.
LPA Recommendation: Deny Small Scale Plan Amendment.
P&Z Recommendation: Deny RU-2-10 and CUP.
*Attorney Nohrr requested tabling to 9-2-04, but it is not automatic.

IV. PUBLIC HEARINGS (CONTINUED)**B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF JULY 12, 2004 (CONTINUED)**

- 23. (Z0407403) Fred D. Boozer, Jr., Trustee's** request for change from RU-1-7 and BU-1 with existing Binding Development Plan to RU-2-6 with removal of existing Binding Development Plan on 3.38 acres located on the east side of U.S. 1, north of Ruby Street.
P&Z Recommendation: Approve.
- 24. (Z0407404) Fred D. Boozer, Jr., Trustee's** request for change from BU-1 to BU-2 on 1.71 acres located on the west side of U.S. 1 and opposite of the west end of Ruby Street.
P&Z Recommendation: Approve with Binding Development Plan for mini-warehouses only and all BU-1 uses, and approve EA on the wetland portion in the northeast corner of the property.
- 25. (Z0407405) Willis Slade Bubier and Betty Ann Bubier (Abdel-Allah and Lori Zidal)'s** request for CUP for alcoholic beverages for on-premises consumption (beer and wine) in BU-1 zone on 0.14 acre located on the north side of Ocean Boulevard, west of Highway A1A.
P&Z Recommendation: Approve accessory to restaurant use only.
- 26. (Z0407406) Cousins Properties, Inc. (Patricia Adams for Brinker Florida, Inc.)'s** request for CUP for alcoholic beverages for on-premises consumption in a PUD-DRI zone on 1.711± acres located on the east side of Lake Andrew Drive, south of Judge Fran Jamieson Way.
P&Z Recommendation: Approve accessory to restaurant use only.

District 1

- 27. (Z0405102) Barry R. and Susan L. Bostwick (Susan Bostwick)'s** request for change from AU to RR-1 on 1.88 acres located on the southeast corner of Grand Perrin Road and Dixie Way.
P&Z Recommendation: Deny.

IV. PUBLIC HEARINGS (CONTINUED)**B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF JULY 12, 2004 (CONTINUED)****District 5**

- 28. (Z0405501) Tanner and Kanazeh Development, Inc. (J. Brooks Watson)**'s request for change from AU to RU-1-13 on 4.31 acres located on the north side of Trimble Road, west of Wickham Road.
P&Z Recommendation: Deny. Recommend Board of County Commissioners direct staff to stop taking residential applications in areas where schools are over capacity.

District 1

- 29. (Z0405103) Seasons In The Sun, LLC (Heather Calligan)**'s request for amendment to existing Binding Development Plan in RVP zone on 38.10 acres; and change from RVP with Binding Development Plan to RU-1-7 with amendment to existing Binding Development Plan on 79.13 acres located on the south side of SR 46 and the east side of Turpentine Road.
P&Z Recommendation: Table to 8/9/04 P&Z and 9/2/04 Board of County Commissioners meetings.

C. PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD RECOMMENDATIONS**D. NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD RECOMMENDATIONS**

- 1. (NMI40701) Chauncey Patrick Dunn and Carol Anne Dunn (Chauncey Dunn)**'s request for change from SR to RR-1 on one acre located on the east side of Patti Drive, north of Fay Drive.
NMI Recommendation: Table to 8/12/04 NMI and 9/2/04 Board of County Commissioners meetings.

IV. PUBLIC HEARINGS (CONTINUED)**D. NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD RECOMMENDATIONS (CONTINUED)**

- 2. (NMI 40702) Intracoastal Group, Inc. and Charles D. and Beverly A. Crisafulli (John R. Campbell)**'s request for change from GU to AU on 40 acres located on the south side of Chase Hammock Road, east of Winding Way.
NMI Recommendation: Table to 8/12/04 NMI and 9/2/04 Board of County Commissioners meetings.
- 3. (NMI40703) Thanh D. Ngo and Lien K. Pham**'s request for change from AU and RU-2-10(4) to SR with Binding Development Plan limiting development to four homesites, with each lot being a minimum of one acre on 4.951 acres located on the southwest corner of Jones Trail and N. Tropical Trail.
NMI Recommendation: Deny.
- 4. (NMI40704) Alan F. Moros and Linda L. Moros (Linda Moros)**'s request for change fom AU to RR-1 on 2.97 acres located on the south side of Porcher Road, east of N. Tropical Trail.
NMI Recommendation: Motion for denial resulted in 3:3 tie vote. Item forwarded to Board of County Commissioners without recommendation.
- 5. (NMI40705) Anthony La Court (Joseph R. and Linda L. Granger)**'s request for CUP for alcoholic beverages for on-premises consumption in PIP zone on 5.94 acres located on the southwest corner of N. Courtenay Parkway and Duval Street.
NMI Recommendation: Deny.
- 6. (NMI40706) John R. Bunkley, Trustee (Richard L. Thompson)**'s request for change from GU and RU-1-13 to all RU-1-13 on 5.35 acres located on the west side of N. Tropical Trail, north and opposite of the western terminus of Grant Road.
NMI Recommendation: Deny.

IV. PUBLIC HEARINGS (CONTINUED)**E. ADMINISTRATIVE REZONINGS****District 4**

- *1. Section 36, Township 25, Range 36, Parcel 535 owned by Kew LLC.** Change from IU to PBP on 0.72 acre located on the north side of Viera Boulevard, west of U.S. 1.
P&Z Recommendation: Approve.
BCC Recommendation: First approval.
- *2. Section 35, Township 25, Range 36, Parcel 757 owned by Viera Boulevard Joint Venture, Inc.** Change from IU to PIP on 2.11 acres located on the south side of Viera Boulevard, east of Holiday Springs Road.
P&Z Recommendation: Approve.
BCC Recommendation: First approval.
- *3. Section 02, Township 26, Range 36, Sub. TG, Lot 4 owned by Carroll Distributing Company.** Change from IU subject to BCP to PIP subject to BCP except those portions of the BCP which are inconsistent with current regulations.
P&Z Recommendation: Approve.
BCC Recommendation: First Approval with additional language "to the extent possible, where not mandated by drainage or retention requirements, the 51-foot swale area will remain in a vegetated state."

District 1

- *4. Section 20, Township 21, Range 34, Parcels 751 and 754 owned by Neil and Rose St. Pierre.** Change from GU to AGR on 21.52 acres located on the east side of Hatbill Road, south of SR 46.
P&Z Recommendation: Approve.
BCC Action: First approval.

District 4

- *5. Section 12, Township 26, Range 36, Parcel 259 owned by Rick Waelti, Jr.** Change from GU to REU on 3.41 acres located west of Waelti Drive, north of Wickham Road.
P&Z Recommendation: Approve.

IV. PUBLIC HEARINGS (CONTINUED)**E. ADMINISTRATIVE REZONINGS (CONTINUED)**

- 6. Section 17, Township 28, Range 37, Parcel 764 owned by Bentley House, Inc.** Removal of CUP Z-9798 for Adult Congregate Living Facility.

P&Z Recommendation: Deny, and direct staff to bring the item back to the Board in six months.

- F. Ordinance, Re: Establishing Institutional Zoning Classification (Final Hearing)**

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

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>.