

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

October 19, 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: Pastor Bernard Wright, Bethlehem Missionary Baptist Church, Titusville, Florida

PLEDGE OF ALLEGIANCE: Commissioner Nancy Higgs, District 3

I. REPORTS

- A. Tom Jenkins, County Manager
 - *1. Approval, Re: Partial Zoning Meeting Schedule for 2005
- B. Scott Knox, County Attorney
 - *1. Permission to Advertise and Schedule Executive Session, Re: Brevard County v. City of Titusville
- 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 Advanced Agenda

II. RESOLUTIONS AND AWARDS

- *A. Resolution, Re: Congratulating Spacecoast FIRST Robotics Team (ROCCO-BOTS) (Commissioner Pritchard)
- *B. Resolution, Re: Recognizing Domestic Violence Awareness Month (Commissioner Carlson)

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

- A. TABLED ITEMS OF ZONING BOARD MEETINGS OF MAY 10, 2004 AND JULY 12, 2004 AND NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD MEETING OF JULY 15, 2004

District 1

- 1. **(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 (BDP) on 105.71 acres located on the northeast corner of Wiley Avenue and U.S. 1.
P&Z Recommendation: Deny.

District 2

- 2. **(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.

District 1

- 3. **(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 U.S. 1.
P&Z Recommendation: Deny.
*Request by applicant to table to February 3, 2005 BCC Meeting.
(Letter received 10/14/04.)

IV. PUBLIC HEARINGS (CONTINUED)

- A. TABLED ITEMS OF ZONING BOARD MEETINGS OF MAY 10, 2004 AND JULY 12, 2004 AND NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD MEETING OF JULY 15, 2004 (CONTINUED)

District 1

4. **(Z0407105) David C. & Cynthia Ramage (Chad Genoni, V.P./Gen Development, Inc.)**'s request for change from IU to RU-1-11 with a BDP on 40.067± acres on the west side of Harry T. Moore Avenue, north of Wiley Road.
P&Z Recommendation: Approve as GU.

District 2

5. **(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 BDP 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.
6. **(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 BDP limiting development to over-55 community until a school impact fee is adopted.
7. **(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.
*Withdrawn by applicant. (Letter received 10/15/04)

District 3

8. **(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.

IV. PUBLIC HEARINGS (CONTINUED)**A. TABLED ITEMS OF ZONING BOARD MEETINGS OF MAY 10, 2004 AND JULY 12, 2004 AND NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD MEETING OF JULY 15, 2004 (CONTINUED)**

9. (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.

10. (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.

District 4

11. (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.

*Request by applicant to table to February 3, 2005 BCC meeting.
(Letter received 02/28/04.)

IV. PUBLIC HEARINGS (CONTINUED)

- A. TABLED ITEMS OF ZONING BOARD MEETINGS OF MAY 10, 2004 AND JULY 12, 2004 AND NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD MEETING OF JULY 15, 2004 (CONTINUED)

District 5

12. **(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 2

13. **(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.
14. **(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.

- B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF AUGUST 9, 2004

District 1

1. **(Z0408101) Robi Roberts, Trustee (W. Roger Smith)**'s request for change from AU to RU-1-11 on 23.31 acres located on the south side of Latimer Street, west of U.S. 1.
P&Z Recommendation: Deny.
*Applicant amended rezoning request to ask for EU-2.
(Letter received 09/15/04.)

IV. PUBLIC HEARINGS (CONTINUED)**B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF AUGUST 9, 2004 (CONTINUED)**

2. **(Z0408102) Nine Lives, Inc. (Harish Gadhai, President)**'s request for Small Scale Plan Amendment (04S.11) that proposes to change the Future land Use Map from Neighborhood Commercial to Community Commercial; and change from BU-1-A to BU-1 and removal of an existing CUP for a Convenience Store on 0.46 acre located on the east side of North Singleton Avenue, south of Dairy Road.
LPA Recommendation: Deny Community Commercial.
P&Z Recommendation: Deny BU-1.
3. **(Z0408103) Donald L. and Dawn A. Ackerman**'s request for change from SEU to RR-1 on 2.66 acres located on the east side of South Carpenter Road, north of Thal Road.
P&Z Recommendation: Deny.
4. **The item has been withdrawn from the Agenda.**

District 2

5. **(Z0408201) Gloria Cathey, as Trustee (Kohn Bennett, Towne Realty, Inc.)**'s request for change from RU-1-7 to RU-2-15 on 0.1 acre located on the southwest corner of McKinley Avenue and Azure Lane.
P&Z Recommendation: Table to 11/8/04 P&Z and 12/2/04 Board of County Commissioners meetings, at the request of the applicant. A reprocessing fee is required.
6. **(Z0408202) Kyong Sum and Micha Kim (Rochelle W. Lawandales)**'s request for change from BU-2 to RU-2-15 on 0.25 acre located on the east side of South Banana River Drive, north of Worley Avenue.
P&Z Recommendation: Approve with a Binding Development Plan, that also amends an existing BDP (Z-10696) for the adjacent Marina Village project that will limit the development to an "over 55" community.

IV. PUBLIC HEARINGS (CONTINUED)**B. PLANNING AND ZONING BOARD RECOMMENDATIONS OF AUGUST 9, 2004 (CONTINUED)**

- 7. (Z0408203) First Baptist Church of Merritt Island, Florida (Cindy G. Hardy and/or Chris Harmon)**'s request for Small Scale Plan Amendment (04S.12) that proposes to change the Future Land Use Map from Neighborhood Commercial to Community Commercial; and change from RU-1-9 to BU-1 with a CUP for a Church and Related Facilities to IN-Heavy with removal of the existing CUP on 2.7 acres located on the south side of Magnolia Avenue and west of Grove Street, also having frontage on the north side of South Tropical Trail.
LPA Recommendation: Approve Community Commercial.
P&Z Recommendation: Approve IN-H.

District 4

- 8. This item has been removed from this agenda.**
- 9. (Z0408402) A. Duda & Sons, Inc. (Peter L. Coultas)**'s request for change from GU to AGR on 9.17± acres located 0.33 mile west of the western terminus of Wickham Road.
P&Z Recommendation: Approve.
- 10. (Z0408403) Malinda K. Boren, Trustee and Mark Chaffiot, Trustee (Michael S. Minot, Esquire)**'s request for change from AU to RU-2-12 on 10.3 acres located on the east side of U.S. 1, north of Ruby Street.
P&Z Recommendation: Deny applicant's amended request of RU-2-10.

District 1

- 11. This item has been removed from this agenda.**

C. PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD RECOMMENDATIONS

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

1. **(NMI40801) William B. and Denise G. Christopher's** request for change from AU to RR-1 on 2.705 acres located on the north side of North Tropical Trail, north of Church Road.
NMI Recommendation: Deny.
2. **(NMI40802) Andrew and Melissa Banyai's** request for change from GU to SR on 6.22 acres located on the west side of Spartina Avenue, south of Oak Lake Place.
NMI Recommendation: Approve with a Binding Development Plan limiting development to four homesites, each with a minimum of one acre lot and each home to have a minimum of 2,000 square feet of living area and a \$4,445.00 per unit school contribution.
3. **(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.
Item was withdrawn by applicant.
4. **This item has been removed from this agenda.**

E. ADMINISTRATIVE REZONINGS**District 4**

1. **Sections 35.01, Townships 25 and 26, Range 36, Sub. TG, Lot 1 owned by Viera Boulevard Joint Venture, Inc.** 24.6 acres located on the south side of Viera Boulevard, east of Holiday Springs Road.

Current Zoning: IU subject to BCP
Proposed Zoning: PIP

P&Z Recommendation: Approve.
BCC Action: Approve.

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

- 2. Section 36, Township 25, Range 36, Parcels 505, 513, 751, and 795, owned by Viera Boulevard Joint Venture, Inc.** 10.42 acres located adjacent to the south side of Viera Boulevard, west of U.S. 1.

Current Zoning: IU subject to BCP
Proposed Zoning: PIP

P&Z Recommendation: Approve.
BCC Action: Approve.

- 3. Section 01, Township 26, Range 36, Sub. TG, Lot 2, owned by Viera Boulevard Joint Venture, Inc.** 24.48 acres located south of Viera Boulevard, west of U.S. 1.

Current Zoning: IU subject to BCP
Proposed Zoning: PIP subject to Binding Development Plan requiring maintaining of a 71-foot buffer on the southern boundary of the property adjacent to Holiday Springs at Suntree Subdivision.

P&Z Recommendation: Approve.
BCC Action: Approve.

- 4. Sections 01 and 02, Township 26, Range 36, Sub. TG, Lot 3, owned by Viera Boulevard Joint Venture, Inc.** 14.19 acres located south of Viera Boulevard and west of U.S. 1.

Current Zoning: IU subject to BCP
Proposed Zoning: PIP

P&Z Recommendation: Approve.
BCC Action: Approve.

- 5. Section 02, Township 26, Range 36, Sub. TG, Lot B, owned by Viera Boulevard Commerce Park.** 6.08 acres located south of Viera Boulevard and west of U.S. 1.

Current Zoning: IU subject to BCP
Proposed Zoning: PIP

P&Z Recommendation: Approve.
BCC Action: Approve.

IV. PUBLIC HEARINGS (CONTINUED)

- F. Ordinance, Re: Amending Chapter 62, Sections 62-1541 and 62-1542, Removing Single-family Homes from PIP and PBP Zones (Second 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>.