

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

August 3, 2006

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 THREE MINUTES, AND TO MATTERS UNDER THE BOARD'S JURISDICTION.

IT IS THE RESPONSIBILITY OF THE CHAIRMAN TO DETERMINE THE AMOUNT OF TIME THAT WILL BE ALLOTTED TO SPEAKERS ON ANY AGENDA ITEM FOR WHICH A TIME LIMIT HAS NOT BEEN ESTABLISHED BY THE COUNTY COMMISSION, INCLUDING AGENDA ITEMS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION BY A MEMBER OF THE PUBLIC.

IT IS THE OBJECTIVE OF THE BOARD TO CONDUCT BUSINESS IN A MANNER THAT FACILITATES AND ENCOURAGES THE PRESENTATION OF DIVERSE VIEWS WHILE MAINTAINING CIVILITY DURING ALL BOARD PROCEEDINGS.

5:00 p.m. CALL TO ORDER

INVOCATION BY: Pastor LeRoy Eldridge, Temple Baptist Church, Titusville

PLEDGE OF ALLEGIANCE: Commissioner Susan Carlson, District 4

I. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section II.)

II. REPORTS / PRESENTATIONS

A. Peggy Busacca, County Manager

B. Scott Knox, County Attorney

II. REPORTS / PRESENTATIONS (CONTINUED)

- C. Truman Scarborough, District 1 Commissioner
- D. Ron Pritchard, D.P.A., District 2 Commissioner
- E. Susan Carlson, District 4 Commissioner, Vice Chair
 - *1. Presentation, Re: Sample of the Arts/Brevard Symphony Youth Orchestra
- F. Jackie Colon, District 5 Commissioner
- G. Helen Voltz, Chair of the Board
- H. Staff Recognition

III. RESOLUTIONS, AWARDS AND PRESENTATIONS

- *A. Resolution, Re: Recognizing Alisha Marie Crabtree (District 4)

IV. ITEMS REMOVED FROM CONSENT AGENDA

V. PUBLIC COMMENTS (Comments may not address subsequent Agenda items.)

VI. PUBLIC HEARINGS

- A. Tabled Items

DISTRICT 2

THE FOLLOWING ITEM WAS HEARD BY NMI (9/15/05) & TABLED BY BCC (10/6/05), (11/3/05) & (5/4/06)

1. (NMI50702) GEORGE A. AND BARBARA H. OGLE - (Cliff Singleton) request a change from AU to RR-1 on 21 acres, located on the northeast corner of N. Tropical Trail and Church Road.

NMI Recommendation: Huminski/McFarland – Denied. Vote was 4:1 with Harris voting nay.

DISTRICT 1

THE FOLLOWING ITEM WAS HEARD BY PSJ (2/8/06) AND TABLED BY BCC (3/2/02) (5/4/06) AT THE APPLICANT'S REQUEST; AND TABLED BY BCC (5/4/06)

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

2. (PSJ60102) MELVYN R. YUSEM, TRUSTEE – (Carmine Ferraro, Carmel Development, LLC) – request a Small Scale Plan Amendment (06S.2) that proposes to change the Future Land Use map designation from PLNIP to Residential 6, and a change from PIP to RU-2-6 on 9.69 acres, located approx. 180 ft. north of Curtis Blvd., & approx. 300 ft. west of the FECRR.
LPA Recommendation: Sokoloski/Wood – Denied. Vote was 10:1, with Daignault voting nay. (Selig abstained from voting, due to conflict of interest)
PSJ Recommendation: Yorston/Ainsworth – Denied Small Scale Plan Amendment. Vote was unanimous. Yorston/Ainsworth – Denied change of classification. Vote was unanimous.

DISTRICT 3

THE FOLLOWING ITEM WAS TABLED FROM P&Z (11/7/05) MTG. AND BCC (12/1/05), AT STAFF'S REQUEST AND HEARD BY P&Z (2/6/06) AND TABLED BY BCC (3/2/06, 4/6/06 & 5/4/06) AT THE APPLICANT'S REQUEST

3. (Z0511307) IRVING & BETTE BETROCK – (Richard E. Torpy, Esquire) – request a change from SR with an existing Binding Development Plan (Z-10898) to EU with an amendment to the existing Binding Development Plan limiting the density to one unit per acre on 4 acres located on the west side of Hwy. A1A, approx. 80 ft. north of Sea Dunes Dr.
P&Z Recommendation: Jagrowski/Wood – Denied. Vote was 6:5, with Daignault, McLellan, Morrison, Minneboo and Cannon voting nay.

THE FOLLOWING ITEM WAS HEARD BY P&Z (4/10/06) AND TABLED BY BCC (5/4/06)

4. (Z0604301) – MICHAEL LORNITIS CUSTOM HOMES, INC. – (Phillip F. Nohrr, Esq.) - requests a change from AU to RR-1 on 9.25 acres, located on the east side of Bobbi Lane, approx. 630 ft. south of Valkaria Road.
P&Z Recommendation: Morrison/Daignault – Approved. Vote was 8:2, with Ward and Thompson voting nay.
THIS ITEM WAS WITHDRAWN BY THE APPLICANT. LTR REC'D 7/26/06.

DISTRICT 1

THE FOLLOWING ITEM WAS TABLED FROM THE 4/10/06 & 5/8/06 (P&Z) & 5/4/06 & 5/24/05 (BCC) MTGS.

5. (Z0604101) DIANE TEAGUE – requests a change from RR-1 to RP on 2.98 acres, located immediately south of intersection of Windover Way and Columbia Boulevard.
P&Z Recommendation: Morrison/Daignault – Approved with BDP, including buffering, maintaining wildlife in a conservation easement, and that the entrance be on S.R. 405, and limiting to single-story building, doctor's office only, and that the necessary testing be done if marshlands exist. Vote was 5:3, with Thompson, Ward, and Carr voting nay.

DISTRICT 4

THE FOLLOWING ITEM WAS TABLED FROM THE 5/24/06 BCC MTG.

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

6. (Z0605402) SUN HARBOR INVESTMENT GROUP, LLC – (Tony and Mary Camara) – request a Small Scale Plan Amendment (06S.14) to change the Future Land Use Designation from Neighborhood Commercial to Community Commercial and a change of classification from GU to BU-2 on 2 acres. Located on the south side of Freeman Lane, approx. 500 ft. east of Waelti Dr.

LPA Recommendation: Selig/Frink – Approved. Vote was 9:1, with Carr voting nay.

P&Z Recommendation: Frink/Selig – Approved with a Binding Development Plan, limited to indoor and outdoor storage, and indoor repair. Vote was 8:2, with McLellan and Carr voting nay.

DISTRICT 1

7. (Z0605104) RICHARD W. AND HAZEL M. FOSTER, TRUSTEES – (Steve and Janice Hemmerle) – request a change from AU to SR on 8.22 acres. Located on the northwest corner of Lion Lane and Turpentine Road.

THIS ITEM WAS WITHDRAWN BY THE APPLICANT. LTR REC'D 5/31/06.

B. P&Z Board Recommendations of June 5, 2006 and July 10, 2006**DISTRICT 5**

1. (Z0606501) – WESLEY UNITED METHODIST CHURCH, INC. – (Carl McMillen) - requests a change from AU to IN(L) on 18 acres. Located on the west side of Minton Road, approx. 650 feet north of Fell Rd.

P&Z Recommendation: Frink/Morrison – Approved. Vote was unanimous.

THE FOLLOWING ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. LTR REC'D 5/12/06

2. (Z0606502) COMMUNITY TRAILER PARK, INC. – (Philip F. Nohr, Esq.) – requests a change from GU to RU-2-15 on 8.243 acres. Located on the south side of Eau Gallie Blvd., approx. 560 feet east of Unity Drive.

THIS ITEM WAS WITHDRAWN BY THE APPLICANT. LTR. REC'D 5/12/06.

DISTRICT 1

3. (Z0606101) TAMYA L. AND JEREMY M. BACKO – (Jon and Linda Benson) – requests a change from GU to AU on 2.22 acres. Located on the east side of Fishtail Palm Ave. approx. 300 ft. south of Cabbage Palm St.

P&Z Recommendation: Daignault/Thompson – Approved. Vote was unanimous.

4. (Z0606102) PAUL J. MARION AND DALE K. MARION, TRUSTEES, AND ROBERT CLAY AND ETHYLMAY KIRK – (Jeff or Terry Hagen) – request a change from AU to RU-1-11 with a Binding Development Plan on portion designated as Residential 2, limiting development to two units per acre, on 74.39 acres. Located on the south side of Brockett Road, approx. 0.59 mile east of US 1.

P&Z Recommendation: Selig/Frink – Approved. Vote was unanimous.

VI. PUBLIC HEARINGS (CONTINUED)

- B. P&Z Board Recommendations of June 5, 2006 and July 10, 2006 (continued)

5. (Z0606103) EUGENE AND LOIS KENT BROWN – (Cedric B. Jackson) – request a change from AU to RU-1-11 with a Binding Development Plan, on that portion designated as Residential 2, to two units per-acre. Total acreage: 74.52. Located on the south side of Main St., approx. 0.55 mile east of U.S. 1; also having frontage on the north side of Cuyler St., approx. 0.54 mile east of U.S. 1.

P&Z Recommendation: Morrison/Thompson – Approved. Vote was unanimous.

6. (Z0606104) SHIRLEY ALICE MOONEY – requests a change from AU to RR-1 on 2.51 acres. Located on the south side of Pennsylvania Ave. approx. 0.5 mile east of U.S. 1.

P&Z Recommendation: Thompson/Cannon – Denied. Vote was 8:3, with Goggin, Daignault and Frink voting nay.

DISTRICT 2

7. (Z0606201) – MICHAEL E. AND MICHELLE L. SHEPPARD – (Michelle Sheppard) request a change from AU to RR-1 on 2.45 acres. Located on the east side of Friday Rd. approx. 660 ft. south of Rector Rd.

P&Z Recommendation: Selig/Cannon – Approved. Vote was unanimous.

8. (Z0606202) DAVID J. AND DENISE McDONALD – (Paul J. Lyons) - request a change from GU to RU-2-8 on 19.82 acres. Located on the north side of Lake Dr., approx. 970 ft. west of Gray Rd.

P&Z Recommendation: Selig/Morrison – Approved. Vote was unanimous.

9. (Z0606203) FRIENDSHIP PRIMITIVE BAPTIST CHURCH, INC. – (Eugene Ford, Jr.) – requests a Small Scale Plan Amendment (06S.17) that proposes to change the Future Land Use Map from Residential 15, to Community Commercial and a change from TR-1 and AU to BU-1 on 10 acres. Located on the northeast corner of Burnett Rd., and Pluckebaum Rd.

LPA Recommendation: Minneboo/Frink – Approved. Vote was unanimous.

P&Z Recommendation: Minneboo/Frink – Approved. Vote was unanimous.

DISTRICT 3

10. (Z0606301) GARY AND RAQUEL KRONENGOLD – (Gary Kronengold) - request a change from AU to RR-1 on 2.68 acres. Located on the west side of Smugglers Cove, approx. 280 ft. south of Hideaway Lane.

P&Z Recommendation: Daignault/Cannon – Approved. Vote was unanimous.

DISTRICT 4

11. (Z0606401) BOARDWALK AT SUNTREE, LLC – (Rick Renfro) – requests a Conditional Use Permit for Alcoholic Beverages for On-Premises Consumption in a BU-1 zoning classification on 11.08 acres. Located on the north side of Wickham Rd. approx. 400 ft. east of Interlachen Rd.

P&Z Recommendation: Minneboo/Morrison – Approved. Vote was unanimous.

VI. PUBLIC HEARINGS (CONTINUED)

- B. P&Z Board Recommendations of June 5, 2006 and July 10, 2006 (continued)

DISTRICT 1

THE NEXT TWO ITEMS WERE TABLED FROM THE 4/10/06 (P&Z) & 5/4/06 (BCC) MTGS:

12. (Z0604104) HILLTOP HOLDINGS, LLC AND MOHAN AND SHEREEN RAMKISSOON – (Mohan Ramkissoon) – request a change from AU to RU-1-11 on 19.5 acres. Located on the north side of Main St. approx. one-half mile east of US 1.

P&Z Recommendation: Morrison/Daignault – Approved. Vote was 10:1, with Ward voting nay. Morrison/Daignault – Recommended that the applicant meet with the East Mims Progressive Civic League and the Mims Community Group before the 8/3/06 BCC meeting.

13. (Z0604105) WARM WIND HOMES, LLC. – (Peter Kroell, R.A.) – requests a change from AU to SR on 15 acres. Located on the west side of Hammock Rd. approx. one-half mile N. of Wiley Ave.

P&Z Recommendation: Frink/Daignault – Approved. Vote was 8:3, with Ward, Thompson and Minneboo voting nay.

DISTRICT 1

15. (Z0607101) DENNIS A. RONDEAU, JR. AND DAVID A. LEWIS – (Diane Rondeau) – request a change from GU to TR-2 with a BDP limiting development to one unit per acre on 1 acre. Located on the east side of Blounts Ridge Rd., approx. 740 ft. north of Patty Lane.

P&Z Recommendation: Selig/McLellan – Approved. Vote was unanimous.

16. (Z0607102) LARRY D. AND LYNN M. CLAYCOMB – (John Evans) - request a Small Scale Plan Amendment (06S.18) that proposes to change the Future Land Use Designation from Residential 4 to Community Commercial on 0.46 acres, and a change from AU and BU-1 to ALL BU-1 on 2.63 acres. Located on the east side of US 1, approx. 750 ft. north of Main St.

LPA Recommendation: Frink/Daignault – Approved, contingent upon pending litigation. Vote was 9:1, with Thompson voting nay.

P&Z Recommendation: Frink/Daignault – Approved, contingent upon pending litigation. Vote was 9:1, with Thompson voting nay.

17. (Z0607103) WATSON PAVING, INC. – (Patrick Healy) – requests a change from AU to RVP on 19.8 acres. Located on the west side of Tucker La., approx. .25 mile north of Pluckebaum Rd.

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

18. (Z0607104) MITCHELL M. TOWNSEND – requests a change from AU to TR-2 with a BDP, limiting development to one unit per acre, on 1 acre. Located on the west side of U.S. 1, approx. .36 mile south of County Line Road.

P&Z Recommendation: Cannon/McLellan – Approved, with Binding Development Plan, limiting development to one unit per acre. Vote was 6:4, with Frink, Thompson, Jagrowski & Ward voting nay.

VI. PUBLIC HEARINGS (CONTINUED)

- B. P&Z Board Recommendations of June 5, 2006 and July 10, 2006 (continued)

19. (Z0607105) WALKABOUT RESIDENTIAL COMPANY, LLC – (Marvin L. Sanders, Sanders Planning Group) – requests a change from PUD to PUD with an amendment to the PDP on 1,124.67 acres. Located approx. 300 ft. east of NE corner of S.R. 46 and Hwy. I-95.

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

20. (Z0607106) RANDY SWINDLE AND JACQUELINE MATTHEWS – (Jacqueline Matthews) request a change from AU to RRMH-1 on 1.18 acres. Located on the southeast corner of Barcelona Ave. and Satellite Blvd.

P&Z Recommendation: Selig/Frink – Approved. Vote was unanimous.

21. (Z0607107) JACK A. AND KIMBERLY MAGGARD – request a change from GU to AU on 2.23 acres. Located on the east side of Florida Palm Ave., approx. 800 ft. north of Cabbage Palm St.

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

22. (Z0607108) KATHLEEN MAURICE; JAMES MAURICE; AND MARGE CHAPMAN – (Eugene Maurice) - request a change from RU-1-11 to AU on 3.5 acres. Located on the west side of Glendale Blvd., approx. .16 mile north of Parrish Road.

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

DISTRICT 3

23. (Z0607301) HUBBS – SEA WORLD RESEARCH INSTITUTE – (Mel Scott) – requests a change from SR, BU-1, AU, RR-1, EA, and RP to GML(I) on 15.45 acres. Located on the Indian River and approx. 40 mile south of Ballyshannon St.; located on the west side of Hwy. A1A, approx. .92 mile south of River Oaks Rd.; located on the west side of Hwy. A1A, approx. .82 mile north of River Oaks Rd.; located on the west side of Hwy. A1A, approx. 1.03 miles north of River Oaks Rd.; located on the west side of Hwy. A1A, approx. 1 mile south of River Oaks Rd.

P&Z Recommendation: Saia/McLellan – Approved. Vote was unanimous.

24. (Z0607302) M.N.M. DEVELOPMENT, LLC – (Mojtaba Amin Yamini) – requests a change from GU to RU-2-6 on 4.78 acres. Located on the west side of U.S. 1, approx. 400 ft. south of Sand Point Rd.

P&Z Recommendation: Jagrowski/Thompson – Denied. Vote was 8:2, with Selig & Frink voting nay.

25. (Z0607303) QUATRARO ENTERPRISES, INC. – (Mario Nicolo) – requests a Conditional Use Permit for Alcoholic Beverages for On Premises Consumption (Beer & Wine only), in BU-1 and BU-2 zoning classifications, on 1.19 acres. Located on the west side of U.S. 1, approx. .27 mile north of Sand Point Rd.

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

DISTRICT 4

26. (Z0607401) BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, on its own motion on May 16, 2006, and pursuant to Brevard County Code Section 62-1152, authorized

VI. PUBLIC HEARINGS (CONTINUED)

- B. P&Z Board Recommendations of June 5, 2006 and July 10, 2006 (continued)

administrative rezoning on County-owned property from BU-1 to SEU on .51 acre. Located on both sides of S. Tropical Trail, immediately north of Mathers Bridge.

P&Z Recommendation: Minneboo/McLellan – Approved. Vote was unanimous.

DISTRICT 5

27. (Z0607501) ROY WAYNE YATES, TRUSTEE – requests a Conditional Use Permit for Land Alteration in AU and AGR zoning classifications, on 129.93 acres. Located on the west side of Babcock St., approx. 1.25 miles south of Micco Rd.

P&Z Recommendation: McLellan/Frink – Tabled to the 8/7/06 (P&Z) & 9/7/06 (BCC) hearings, at the request of the applicant. Vote was unanimous.

DISTRICT 1

THE FOLLOWING ITEM WAS TABLED FROM THE 4/10/06 (P&Z) AND 5/4/06 (BCC) MTGS:

28. (Z0604106) SUNLAKE, LLC. - (Richard Kern) – request a change from GU to SR on 19.048 +/- acres, located on the northwest corner of Parrish Road and N. Singleton Ave.

THIS ITEM WAS WITHDRAWN BY THE APPLICANT. LTR. REC'D 7/10/06.

- C. Ordinance, Re: Regulating Usage of Portable Temporary Storage Units (Final Hearing)

VII. UNFINISHED BUSINESS**VIII. NEW BUSINESS**

- *A. Approval of Special Meeting, Re: Charter Amendments

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

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