

## 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 13, 2016

**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: Pastor Eric Ward, Calvary Chapel, Viera (District 3)

PLEDGE OF ALLEGIANCE: Commissioner Andy Anderson, District 5

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

\*A. Resolution, Re: Proclaiming October 15, 2016, as "White Cane Safety Day" in Brevard County (District 3)

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

**III. PUBLIC COMMENTS (30 minutes)**

**IV. PUBLIC HEARINGS**

\*Revised 10/3/16  
12:40 p.m.

- A. Tabled Items
- B. P&Z Recommendations of September 12, 2016; and PSJ Recommendation of September 14, 2016

#### DISTRICT 4

**IV.B.1. (16PZ00073) – MIKE ERDMAN MOTORS, INC.** – (Mike Williams) – requests a change of classification from PIP and PBP to BU-2; and removal of existing BCP, with a BDP, on 4.13 acres, located on the north side of Viera Blvd., approx. 100 ft. west of U.S. 1 (No assigned address. In the Viera area.)

**P&Z Recommendation: Aydelotte/McLellan – Approved with a BDP limiting ingress and egress to one (1) access at Viera Blvd.; limiting maximum building height to 45 ft.; and maintaining a minimum 15-ft. side setback, a minimum 40-ft. rear setback, and a minimum 40-ft. front setback for all building structures. Vote was unanimous.**

#### DISTRICT 1

**IV.B.2. (16PZ00070) – JONATHAN AMICK** – requests a change of classification from AU to SR, on 0.55 acre, located on the west side of Folsom Rd., approx. .25 mile south of Kelly Rd. (2612 Folsom Rd., Mims)

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

**IV.B.3. (16PZ00074) – K&T ENTERPRISES OF BREVARD COUNTY, LLC** – (John W. Maloy, Jr.) – requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Restaurant, in a BU-1 zoning classification, on 0.79 acre, located on the southeast corner of U.S. 1 and Brockett Rd. (3121 N. U.S. 1, Mims)

**P&Z Recommendation: Barber/Thodey – Approved with the conditions that the lighting is restricted, fencing and landscaping be installed as a buffer for the grassy area east of the property, the parking lot be striped, and the hours of operation be limited to 10:00 a.m. to midnight, with the exception of a couple of holidays per year. Vote was 6:3, with Minneboo, McLellan, and Holleran voting nay.**

**IV.B.4. (16PZ00072) – EARL & STEPHANIE CANNON** – requests a change of classification from GU to AU(L), on property described as Lot 22, Block 16, Canaveral Groves Unrecorded Subdivision. Section 20, Township 24, Range 35. (1 acre) Located on the north side of Burning Tree Ave., approx. 0.16 mile east of Satellite Blvd. (6736 Burning Tree Ave., Cocoa)

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

**IV.B.5. (16PZ00077) – VIOLETA V. WELSH** – (Diane Nagel) – requests a change of classification from RU-1-9 to AGR, on 9.68 acres, located on the south side of Parrish Rd., approx. 0.42 mile west of Burnett Rd. At terminus of Robeson Rd. on south end. (No assigned address. In the Cocoa area.)

**P&Z Recommendation: Thodey/McLellan – Tabled to the 10/10/16 P&Z meeting. Vote was unanimous.**

#### IV. PUBLIC HEARINGS (CONTINUED)

B. P&Z Recommendations of September 12, 2016; and PSJ Recommendation of September 14, 2016 (continued)

THE FOLLOWING ITEM WAS TABLED FROM THE 08/08/16 P&Z AND 09/01/16 BCC MEETINGS

DISTRICT 2

**IV.B.6. (16PZ00064) – JANICE RENK –** (Robert Potter) – requests a change in classification from AU to RU-2-8, on 1.89 acres, located on the east side of S. Tropical Trail, approx. 102 ft. south of River Cliff Lane (892 S. Tropical Trail, Merritt Island.)

**P&Z Recommendation: LaMarr/McLellan – Denied. Vote was unanimous.**

THE FOLLOWING ITEM WAS TABLED FROM THE 07/11/16 P&Z AND 08/04/16 BCC MEETINGS; AND FROM THE 08/08/16 P&Z AND 09/01/16 BCC MEETINGS

DISTRICT 2

**IV.B.7. (16PZ00055) – BANANA RIVERFRONT, LLC –** (Kim Rezanka) – requests a Small Scale Plan Amendment (16S.05) to change the Future Land Use from Residential 15 and CC to all CC; and a change of classification from RU-2-15 to BU-1 on 2.44 acres, located on the west side of Orlando Ave., approx. 415 ft. north of Crescent Beach Dr. (2200 S. Orlando Ave., Cocoa Beach)

**LPA Recommendation: Barber/Thodey – Approved. Vote was unanimous.**

**P&Z Recommendation: Barber/Cannon – Approved with a Binding Development Plan limiting use of the property to a restaurant, along with the following conditions on the Conditional Use Permit: 1.) Install a sound barrier curtain on the north side of the canopy, from the top of the canopy down to the existing roof level within 60 days of issuance of permit by Brevard County for the curtain installation. There will be no live music on the deck until the sound barrier curtain is installed. If the sound barrier curtain does not mitigate the noise to within County Code requirements, a mass loaded vinyl covering will be installed on the canopy ceiling over the bandstand area; 2.) Limit outside live music to 10:00 p.m. on Fridays and Saturdays, Sundays until 8:30 p.m. unless Sunday falls on a night prior to a Monday holiday, then until 10:00 p.m. Outside live music on Mondays-Thursdays will be limited to solo, duo, or acoustical acts, except if weekday is a holiday or a night prior to a holiday, then may have a full live band until 10:00 p.m.; 3.) Install and pay for signage indicating ‘No Left Turn’ onto Orlando Avenue/A1A within 60 days of approval of CUP; 4.) Contract with Waste Management to install a large trash compactor to handle waste concerns within 15 days of issuance of permit by Brevard County for pouring a concrete slab on which to locate compactor; 5.) Strict adherence to Brevard County Performance Standards regarding smell and sound; and 5.), Establish a stormwater management plan to control runoff from the property to the Indian River Lagoon. Vote was 8:1, with Minneboo voting nay.**

IV. PUBLIC HEARINGS (CONTINUED)

**B. P&Z Recommendations of September 12, 2016; and PSJ Recommendation of September 14, 2016 (continued)**

**DISTRICT 1**

**THE FOLLOWING ITEM WAS TABLED FROM THE 07/13/16 PSJ AND 08/04/16 BCC MEETINGS; AND FROM THE 08/10/16 PSJ AND 09/01/16 BCC MEETINGS**

**IV.B.8. (16PZ00058) – RJM MERCO, LLC** – (Kendall Moore, Esq.) requests a change of classification from RU-1-9 to BU-1-A, on 0.37 acre, located on the northeast corner of Elkcam Blvd. and Manth Ave., approx. 470 ft. west of U.S. Hwy. 1. (Lot 1 = No assigned address. In the Cocoa area. Lot 2 = 1070 Elkcam Blvd., Cocoa)

**PSJ Recommendation: Porter/Musselman – Approved with a BDP limited to an age 65 and over Assisted Living Facility. Vote was unanimous.**

**C. P&Z Administrative Rezoning Recommendations of September 12, 2016**

**DISTRICT 1**

**IV.C.1 (16PZ00067) Section 31, Township 23, Range 36, Tax Parcel 260; and Section 31, Township 23, Range 36, Tax Parcel 2, owned by State of Florida, ITTF** – 28.19 acres, located on the southwest corner of Camp Rd. and the F.E.C. Railroad. (Tax Parcel = No assigned address. In the Cocoa area; Tax Parcel 2 = 555 Camp Rd., Cocoa)

Current Zoning: GU (General Use) and RU-1-7 (Single-Family Residential)

Proposed Zoning: GML(I) (Government Managed Lands – Institutional)

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

**DISTRICT 4**

**IV.C.2. (16PZ00071) Section 19, Township 26, Range 37, a portion of Tax Parcel 521, owned by Brevard County** – 1.10 acres, located on the southwest corner of Holy Trinity Dr. and Pineda Cswy. (No assigned address. In the Melbourne area.)

Current Future Land Use and Zoning: Public, and GML(H) (Government Managed Lands – High Intensity)

Proposed Future Land Use and Zoning: CC (Community Commercial) and BU-1 (General Retail Commercial)

**LPA Recommendation: Barber/Thodey – Approved. Vote was unanimous.**

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

- \*D. Request for Public Interest Determination (PID) for Squid Lips, Re: Restaurant to Allow Placement of Primary Structures Within the Surface Water Protection Buffer, and Impervious Areas Exceeding 30 Percent of the Required Buffer Area (District 2)

**V. UNFINISHED BUSINESS**

**VI. NEW BUSINESS**

- A. Development and Environmental Services Group
  - B. Community Services Group
  - C. Public Safety and Support Services Group
  - D. County Attorney
  - E. County Manager
  - F. Miscellaneous
- VII. PUBLIC COMMENTS (Comments may not address subsequent Agenda items.)**
- VIII. BOARD REPORTS AND PRESENTATIONS (MORE THAN 5 MINUTES)**
- A. Stockton Whitten, County Manager
  - B. Eden Bentley, Deputy County Attorney
  - C. Robin Fisher, District 1 Commissioner
  - D. Trudie Infantini, District 3 Commissioner
  - E. Andy Anderson, District 5 Commissioner
  - F. Curt Smith, District 4 Commissioner, Vice Chairman
  - G. Jim Barfield, District 2 Commissioner, Chairman

**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 499, Comcast (North Brevard) Cable Channel 51,**

and Comcast (South Brevard) Cable Channel 13. 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.brevardcounty.us>.

In accordance with Resolution 2014-219 Section VIII (8.1) The agenda shall provide a section for public comment limited to thirty (30) minutes following approval of the consent agenda during each regular County Commission meeting. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. During this thirty (30) minute segment of public comment, speakers will be heard in the order in which they turned in a speaker card asking to be heard. Any speaker not heard during the first thirty (30) minute segment will be heard during a second public comment segment held at the conclusion of business specified on the regular Commission agenda. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda.