

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on September 4, 2014 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Commissioner District 1/Vice Chairman	Present	
Chuck Nelson	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**ZONING STATEMENT**

The Board of County Commissioners acts as a Quasi Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

**INVOCATION**

The invocation was given by Pastor Mathew Stallbaum, East Coast Christian Center, Merritt Island.

**PLEDGE OF ALLEGIANCE**

Commissioner Mary Bolin Lewis let the assembly in the Pledge of Allegiance.

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**ITEM II.A., LICENSE AGREEMENT AMENDMENT WITH VALLYCREST LANDSCAPE DEVELOPMENT, RE: LANDSCAPE MATERIAL STORAGE AND DELIVERY SITES AT COUNTY OWNED PARCELS**

The Board executed License Agreement Amendment with ValleyCrest Landscape Development for landscape material storage and delivery sites at County owned parcels.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.1. (14PZ-00033) – JOSEPH K. AND ANNETTE G. DITTMER – REQUESTS A CHANGE OF CLASSIFICATION FROM GU TO AU(L) ON 1.01 ACRES, LOCATED ON THE NORTH SIDE OF CARAWAY STREET, APPROX. 154 FEET WEST OF CHEROKEE AVE. (3222 CARAWAY ST., COCOA)**

Chairman Bolin Lewis called for a public hearing to consider request of a change from GU to AU(L) on 1.01 acres, located on the north side of Caraway Street.

Joseph Dittmer stated he is before the Board to get his property rezoned to AU(L).

Cynthia Fox, Planning and Zoning Enforcement Manager, stated the request is to the AU(L) zoning classification, primarily for the purpose of having more than the four dogs that one is allowed to have in any zoning classification in the County; the AU(L) would prohibit the establishment of any type of dog kennel without a Conditional Use Permit; and these would be Mr. Dittmer dogs and he would not be able to commercially breed or run a kennel housing other peoples dogs without additional approval in front of the Board.

Jessica Thomas stated she lives with Mr. Dittmer and from day one they have just tried to live a normal, happy life; they do not intend to breed dogs; they do not own a female dog; and they just want to have the dogs that they have and live a happy life. She added, they have been harassed since the first day; and she believes they should have the equal rights that every single other person does in the neighbor.

Nancy Flowers stated her concern is what they say, want to do, and what they do maybe two different things; four dogs she thinks is enough for quality care for anyone to own that has only an acre; she owned four acres in the state of Mississippi and had a boarding, breeding, and grooming kennel; and even that was not as much land as she should of had. She added, dogs are very noisy; inquired if the neighbors have to put up with four dogs, why would they want to put up with six dogs; and she stated she is concerned about the neighborhood and the property she owns next door.

Susan Martin stated she is an immediate neighbor to Mr. Dittmer; she has lived in her house for 22 years, they have had many neighbors with dogs, horses, chickens, and roosters; and the issue is not the dogs it is the noise. She added, she went before the Planning and Zoning Board and explained that at no point in time could they leave their house or come back to their home that the dogs did not bark; she cannot go into the back yard without the dogs barking continually; and when inside the house she can hear the dogs barking because the barking comes through the ventilation in the roof. She stated that from in May the noise has dropped in volume; she does not know the reason for it, but several months back there was the black and

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beige dog that was right on the property line, and he was the main source of the noise; and because he was located so close to the back of the home, one could not get away from it. She went on to say after the Planning and Zoning meeting there was a valid point that whether he has four dogs or seven dogs, the point is the noise; and she came to the realization that if the noise is going to be there and Mr. Dittmer cannot contain it, that there had to be something she and her husband can do. She explained they bought and installed a system that would recognize the dogs barking and put out a high frequency to stop the dogs from barking; a week after they did that, Mr. Dittmer did move the dog away from the fence; they still heard the barking but not as much; and she is questioning whether he has made the effort or because they have the system installed along the property line that emits the higher frequency when the dogs bark. She stated at this point in time she does not have any personal animosity toward Mr. Dittmer; she owns her own animals; she owns a small business and is not home very often, but when she is, she would like peace and quiet; and she is asking for a reasonable resolution for the problem.

Harry Bissinger stated he is before the Board on behalf of his father who owns the property directly behind Mr. Dittmer; he is concerned about his property value; there have been a lot of problems with the animals; and there have been citations from Animal Control. He added, the property is not taken care of and his father is concerned that there might be more dogs and less control of the animals, who is going to want to build a house and have a nice family life.

Bruce Johnson stated he is catty-corner and across the street from Mr. Dittmer; one of his concerns is the fact of the dogs getting out and running loose in the neighborhood; he has not had to deal with that in quite a while; and reiterated the concern of the dogs getting out, and of the aggression of the dogs if they were to get out again.

Mr. Dittmer stated the only people who think the dogs are a nuisance are people who do not like him and people who tell him he is neglecting and abusing the dogs; he has gone through it all; it been one thing after another; and he has had Animal Control out there. He noted, nobody has found a problem with it other than the three neighbors. He added, Mr. Johnson did talk to him about the dog getting out; he fixed the problem; he has not told him the dog got out again; and he is not trying to run a kennel. He stated his yard gets maintained every Friday by a professional landscape company; and he thinks the Commissioners need to be the ones saying his dogs are a nuisance because the people who spoke do not care for him.

Commissioner Anderson asked if the dogs were hunting dogs; with Mr. Dittmer responding yes, they are cure dogs. Commissioner asked if he trained other people's dogs. Mr. Dittmer stated no.

Commissioner Fisher stated he saw one citation issued in April 2014. Mr. Dittmer advised yes, that was a nuisance complaint; he was told by Animal Control that once two people signed an affidavit stating they are a nuisance, no matter what, the ticket was getting issued; and he would have his day in court to dispute it, but that never happened. He went on to say that two weeks ago a collector called him to say he owed \$140; he stated it is not supposed to be like that, he wants to dispute it in court; and this is the one citation that has been issued to him. Commissioner Fisher stated, for the record, he got a call from Attorney Kim Rezanka and he has also talked to Mr. Dittmer; there was some conversation about him being willing to put on some collars for the barking; and if the dogs are driving the neighbors crazy barking, they have to be driving Mr. Dittmer crazy also. Mr. Dittmer stated it is not what it is made out to be.

Chairman Bolin Lewis asked if he would consider putting the collars on the dogs; with Mr. Dittmer responding if the Board will pay for them, he will put them on the dogs.

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Commissioner Nelson stated some of the correspondence said he had six dogs and now he is down to four. Mr. Dittmer stated yes, he only has four; and from the whole get go he only had three puppies when he first moved into the house. Commissioner Nelson stated if he has four then he does not need the rezoning. Mr. Dittmer stated no, the only reason he did this is because he was trying to play by the rules; he just moved into the neighborhood; the worst mistake of his life for starters, wish he never did it; and he had none of these problems in Merritt Island. Commissioner Nelson asked if planned on getting more dogs; with Mr. Dittmer responding no. Mr. Dittmer stated he was just trying to play by the rules; and the Animal Control officer said by law he is not allow to have more than four dogs and he got the problem taken care of. Commissioner Nelson stated this does not resolve the issue of the noise that is going to be an issue to be taken care of with four even if the request is denied.

Commissioner Fisher asked if he still wanted the zoning change. Mr. Dittmer stated affirmatively.

Commissioner Infantini stated she does not think the question that the Board is supposed to be considering is about the dogs; he wants his property to be rezoned; it is consist with the neighborhood and to be zoned AU is completely consistent with the neighborhood; and almost every property around is zoned AU. She added, she sees no legal reason to deny the request.

There being no further objections heard, the Board approved Joseph K. And Annette G. Dittmer's request change of classification from GU to AU(L) on 1.01 acres, located on the north side of Caraway Street, approximately 154 feet west of Cherokee Ave. (3222 Caraway St., Cocoa).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.2. (14PZ-00021) – COCOA EXPO SPORTS CENTER, LLC – (SCOTT GLAUBITZ) - TAX PARCEL 516 (.53 ACRES) AND TAX PARCEL 502 (47.87 ACRES)**

Chairman Bolin Lewis called for a public hearing to consider a change of classification from TR-1 to BU-1, with a Small Scale Plan Amendment (14S.02) to change the Future Land Use from NC to CC; 2.) CUP for Alcoholic Beverages for On-Premises Consumption; 3.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a) the required 300-foot minimum setback to an existing residential development of area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. required perimeter setback for athletic fields and ancillary improvements; 4.) CUP for a light source to exceed 50 footcandles; and 5.) Acceptance of a modified Binding Development Plan (BDP) to include this property.

Hassan Kamal, Vice President of B.S.E Consultants, LLC, stated he would like to establish a little bit of history where this project started; it has been around since the 1960's; it started out as a spring training facility for a Houston major league baseball club; and since that time through 1984 it has been used for a variety of uses, soccer, softball, there have been fairs there, dormitories, there has been a gym there, swimming pool, and a lot of other activities. He added, a new owner came around in 2011, and he started working with the County and it went though and developed the Binding Development Plan (BDP); got site plan approvals for the development of the property; and in that process, it went through some very extensive traffic

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modeling with the County and developed as part of the BDP some detailed requirements for how the project was going to be developed, how buffers were going to be established, how traffic would be dealt with, specific improvements, specific traffic management plans. He noted, he will talk about modifications as they pertain to the east side of the parcel and the west side of the parcel. He stated the modification on the east side is the additional of approximately a half acre piece of property adjacent to Friday Road; his client has purchased the property and wants to incorporate it into the development; site plans have been submitted to the County to show the incorporation of the property; and basically to just use it as a dry retention area. He talked about the zoning action that they are requesting is basically taking the same set of rules that were granted as part of the larger plan and extending it to this piece of property, with some minor variation; the CUP for commercial and Amusement Enterprises that covers the entire piece, they would like to extend to this piece of property; the setback requires 300 feet for Residential Development to Commercial Uses; the 75-foot perimeter setback for athletic fields and improvements; and also they are requesting a CUP for a light source to exceed 50 footcandles. He stated this area has had lit facilities for a long time; one cannot run a baseball complex without having foot candles less than 50 feet; what it does not do is change the foot candle and lighting requirements of the perimeter of the property; and they still have to meet all the shielding requirements and the maximum footcandles requirements at the perimeter of the property, but it allows them to exceed the footcandles in the actual athletics facilities within the site, otherwise they could not play night baseball there. He noted that is the just of their request on the east parcel. He went on to say the west parcel, as part of the original BDP, was approximately 10 acres; his client has purchased an additional five acres directly west of the property and they have incorporated that five acres into a site plan that has been submitted to the County, that shows additional parking in the area and four additional softball fields. He noted they have added over 100 parking spaces in the modification, there are a concession stand and a bathroom facility. He stated as part of the application and previous zoning hearing, there was some question raised about the lighting in that location would affect adjacent residents; they met with one of the residents who had some concern, he lived on Pearl Street; he went out on the site and prepared an exhibit for him; it showed that the property line is 650 feet for his property line; and the footcandles on the property line met Code right now and they will be shielded.

Commissioner Fisher asked Mr. Kamal to identify the half-acre parcel. Cynthia Fox, Planning and Zoning Enforcement Manager, responded it is Tax Parcel 516.

Mr. Kamal talked out the west parcel; stated as he mentioned earlier the addition of the five acres was taken advantage to add additional parking and four additional ball fields; and there have been some comments and some of the staff reports questions about whether these additional uses increased intensity that was looked at under the BDP, so he would like to talk about the process of how it went before. He stated the BDP had a traffic study that identified four different events; there was an average day, a minor day, a design day, and a concert event; the traffic study which again, they spent months working on, identified that the average day and the minor day there was no traffic improvements required, and no traffic management plan required to operate at those facilities. He continued to explain there was a design day event which also identified that there was no infrastructure improvements to operate at that level, but a Traffic Management Plan would need to be implemented, which is basically utilizing Sheriff Officers and onsite personnel to manage traffic in and out of the facility; and those requirements are documented in the BDP, detailed exactly what is required. He went on to say the concert day is the major event that requires improvements on Friday Road and implementation of a Traffic Management Plan; and it is documented very well within the traffic and site plan conditions regarding exactly what the infrastructure improvements had to be and what kind of Traffic Management had to be implemented; and the addition of those four ball fields does not increase the concert day event because those operations do not occur at once. He stated the other component of the BDP requirement was a request to extend the time frames for the completion

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of those improvements from 18 months to 30 months; the condition stays that the applicant cannot have a concert day event until those improvements are in place; the condition stays in the BDP that he will post a bond prior to the first certificate of occupancy for 125 percent of the cost of those improvements; and those improvements are only required to facilitate a concert day event, that cannot happen until those improvements are in. He added, those improvements are not required for the three lower events.

Commissioner Fisher stated on the half acre there was some references to there will not be any change to the property, just a change in zoning bringing it into compliance with everything else. Mr. Kamal stated there used to be a mobile home on the site that will be removed and it gets incorporated into the site plan; and the site plan that he has submitted basically shows as a stormwater area.

Susan Young stated she lives at 400 Friday Road and also owns 410 Friday Road; she has a few concerns regarding the rezoning of the .53 acre on the east side of Friday Road, Tax Parcel 516; on the northeast corner of 410 Friday Road there is a new ball field and fence 13 feet from her property line, which was shifted to the west according to Cocoa Expo; and this was constructed in the latter part of 2013. She continued to say a Code case 13CE02242 brings her today for this rezoning and the case stated un-permitted uses within single-family mobile home uses TR-1 and TR-1A zoning classification is stated to remove the ball field fence and light pole from the property or apply and obtain applicable zoning classification; and if the Board approves the zoning as submitted today then Cocoa Expo will be able to keep the ball field and fence inside the Type A 20-foot landscaping buffer. She asked that the Type A buffer on the north side of her property be the same that was approved to the east and south sides of her property, which is an eight-foot white PVC fence, along with a 20-foot Type A landscaping buffer with trees and scrubs, with no ball field fence allowed to extend into the buffering area. She continued to say she does not understand if one receives a buffer to separate the privacy between commercial and residential property how could a commercial ball field be included in this buffering area; her property is surrounded by ball fields and this extra privacy is needed to separate personal property from commercial property; and the County land use states a commercial ball field must be 75-feet from residential property. She asked the Board not to approve the light source to exceed 50-foot candles; when they were installing the light poles at night the one light pole lit up to install the other poles, and this light source lit up her properties in the backyard; and there are three ball fields surrounding her properties with six light poles per field, and anywhere from six and 18 lights per pole. She thanks the Board for time and consideration to these matters that will affect her properties.

Skip Parrish stated he lives at 5250 King Street, he is on the block with the western expansion of the Cocoa Expo. He talked about Mr. Kamal's comments about the improvements to traffic on Friday Road, but spoke nothing about SR 520 itself; when the road expansion on SR 520 took place years ago when it went from two lanes to four lanes, the north side of SR 520, west of Friday Road, expect for the culvert and driveways going over into the various properties, there are metal guard rails and not much of a shoulder and there is no sidewalk on that block; and any traffic coming into the four new ball fields that are coming to the west side of Friday Road, is going to affect traffic out there. He continued to say part of it is a whole number of changes that are being proposed to various parcels; overall one is talking about 32 changes between the two items on the Agenda; and it seems this is going to change the structure of not just of Cocoa Expo, but it is going to change how this neighborhood functions for everyone within it. He asked the Board if it could approve or not approve the plans to get some kind of guarantee that it is going to exceed 50-foot candles that it will not be 100-foot candles; he asked about something in the plan about time limits during weekdays; there are retired people in the neighborhood and small children; and are there going to be baseball games going on until midnight on a Thursday night. He stated he understands the Board has to keep working to make Brevard a better County, but would like it to consider those who have been established in the neighborhoods.

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He questioned Tax Parcel 516; he inquired if all it is becoming is a dry retention; and why does it need an Alcohol Conditional Use Permit as part of what is listed.

Lindsay Blair stated she lives at 5250 King Street, and is a recent transplant to Brevard from Orlando and she understands traffic very well. She added, when she heard about the Cocoa Expo expanding into the west side, she pulled up the website with all the parcels and took a look at what it will do to where she lives; the petitioner spoke with someone on Pearl Street about how the light would not reach him; and she lives unfortunately before Pearl Street, so if it does not reach Pearl Street there is a strong possibility that it will reach her. She talked about her concerns with the lighting, the noise, and also the alcohol; and she understands there is currently a bar on the side of 520, however having all the parcels with alcohol use permits, setback in residential areas does present a problem with two very small children. She stated she has no issues with the County and Cocoa Expo trying to expand and create a better Brevard; and her issue is the Conditional Use Permits (CUP) where it states in the Planning and Zoning Board that one of the major concerns for a CUP is how it impacts the use of the property around it. She talked about there being no other exits except for SR 520, if traffic backs up on SR 520 he or she cannot leave the house, and the traffic plan may say it is not an impact on engineering charts but it will certainly impact in her day to day life. She went on to express her concern for the lighting; and she stated she understands there is to be shielding to prevent as much light spillage as possible, however she has not seen that her backyard will not be lit up so late at night.

Mr. Kamal advised he would like to address some of the questions raised by the residents; Ms. Young asked about the northeast corner and the Type A buffer; the plan submitted to the County shows a Type A buffer and they are continuing the same buffer that is along her property, an eight-foot high solid fence and dense landscaping; and this is something referenced in the Planning and Zoning meeting, and is condition of approval. He clarified the 50-foot candles for the CUP does not allow them to shed additional light on Ms. Young property; they are still bound by the performance standard's which say they have to limit it to 5 foot candles when adjacent to commercial and .20 when adjacent to residential; and that is done by the shielding and the placement of the lights. He added, the 50-foot candles is on the athletic fields in other portions of the complex, but it still has to comply with the County performance standards at the perimeter of the property. He went on to say Mr. Parrish asked about SR 520 improvements; they are putting in turn lanes in at both entrances; and there is some discussion with DOT about the eastbound turn lane onto Friday Road. He stated the general question about applying the CUP for alcohol in this piece of property just for consistency throughout the site, he thinks it makes sense if he or she is going to have one use as forced to be governed by the same set of regulations. He addressed Ms. Blair's concern; he explained her property is approximately the same distance of what he showed before; he reiterated they are bound by the requirements to have the footcandles at the low level at the property line; and this does not change that.

Ms. Fox advised if there are motions going to be made and differ the Board needs to be very clear on which items; Item III.A.2 is the east side; and Item III.A.3. is the west side. Chairman Bolin Lewis stated the Board will vote on them separately.

Commissioner Fisher asked on Item III.A.2. if it is addressing a timeline. Ms. Fox replied both items do encompass a modification to the BDP, and it includes this property in legal description for the BDP; and the improvements themselves on that lot are not going to be kicking off a delay in the improvement to Friday Road. Commissioner Fisher confirmed it was just a straight zoning request. Ms. Fox explained to include in with the rest of the property, yes. Commissioner Fisher added, as far as Ms. Young's concerns, they may have to about Code address setbacks and all the things it may represent. Ms. Fox stated what they have

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represented is accurate and they still have to go through an engineering change do include this piece and final of that approval of that through the County.

Mel Scott, Assistant County Manager, inquired if the BDP on both Items III.A.2. and III.A.3. show the underline strike through language for the delays and vestment to SR 520 and Friday Road; he stated he does not know if the Board was to approve Item III.A.2. and not talk about the potential improvements to the State Road infrastructure and Friday Road; and if would preclude them from addressing in a different manner those very same improvement delays in Item III.A.3.

Christine Lepore, Assistant County Attorney, responded they have not separated the changes to the BDP for the east side and the west side, they are all contained in one document; the Board could choose to separate it if it wanted to, but the way it presented all the changes are included in the BDP that is attached to the east side and the west side.

Mr. Scott suggested, if it is the pleasure of the Board, to have that discussion up front and then that would be taken care of and addressed in both III.A.2 and III.A.3.

Commissioner Fisher stated the zoning request on the .53 acres, there could be a motion and if that motion is approved the zoning happens with the CUP; and that does not have anything to do with at that point in time with the BDP. Mr. Scott stated if the Board says it does not, then it will not; he wanted to make sure the application itself includes the underline strike through in III.A.2.; and if the Board just wanted to address the .53 acres receiving the zoning change and put the BDP language discussion off until III.A.3., the Board just needs to make that clear for the record. Commissioner Fisher asked if the Board approves the zoning is it approving a delay in the improvements on Friday Road. Ms. Fox replied that is part of the request in the BDP; it will be encompassed on all this property. Mr. Scott stated if the Board did not exclude that out in the motion to potentially to approve III.A.2., if the Board does exclude that subject, it is part of the application in III.A.2.

Commissioner Fisher suggested to the Board to approve the zoning, but pull out the discussion on what it is going to do with the improvements on Friday Road

There being no objections heard, the Board approved Tax Parcel 516 (.53 acres) 1.) A change of classification from TR-1 to BU-1, with a Small Scale Plan Amendment (14S.02) to change the Future Land Use from NC to CC; 2.) CUP for Alcoholic Beverages for On-Premises Consumption; 3.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a) the required 300-foot minimum setback to an existing residential development of area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. Required perimeter setback for athletic fields and ancillary improvements; 4.) CUP for a light source to exceed 50 footcandles, but without modifications to the Binding Development Plan; and Tax Parcel 502 (47.87 acres) 1.) CUP for a light source to exceed 50 footcandles; and without modifications to the BDP. (48.4) acres total) Located on the east side of Friday Rd., approx. 490 feet north of S.R. 520 (Tax Parcel 516: 420 Friday Rd., Cocoa; Tax Parcel 502: 500 Friday Rd., Cocoa); and adopted Ordinance No. 14-23, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the second Small Scale Plan Amendment of 2014, 14S.02, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.



<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1/Vice Chairman
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.3. (14PZ-00022) – COCOA EXPO SPORTS CENTER, LLC – (SCOTT GLAUBITZ) – TAX PARCEL 758 (2.36), TAX PARCEL 762 (.86 ACRES), REMAINDER OF TAX PARCEL 762 (4.5 ACRES), TAX PARCEL 817 (.48 ACRES), REMAINDER OF TAX PARCEL 817 (1.76 ACRES), TAX PARCEL 760 (5.45)**

Chairman Bolin Lewis called for a public hearing to consider the request for **Tax Parcel 758** (2.36) 1.) A CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to a.) the required 300-foot minimum setback to an existing residential development of area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; and acceptance of a modified BDP to include this property; **Tax Parcel 762** (.86 acres), 1.) A change of classification from TR-1 to BU-1 and a Small Scale Plan Amendment (14S.03) to change the Future Land Use from NC to CC; 2.) CUP for Alcoholic Beverages for On-Premises Consumption; 3.) CUP for commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 4.) CUP for a light source to exceed 50 footcandles; and 5.) Acceptance of a modified BDP to include this property; **Remainder of Tax Parcel 762** (4.5 acres) 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; and 4.) Acceptance of a modified BDP to include this property; **Tax Parcel 817** (.48 acres) 1.) A change of classification from AU to BU-1 and a Small Scale Plan Amendment (14S.03) to change the Future Land Use on that portion with an NC designation to CC; 2.) CUP for Alcoholic Beverages for On-Premises Consumption; 3.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or an area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. Perimeter setback for athletic fields, parking, and ancillary improvements; 4.) CUP for a light source to exceed 50 footcandles; and 5.) Acceptance of a modified BDP to include this property; **Remainder to Tax Parcel 817** (1.76 acres) 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; and 4.) Acceptance of a modified BDP to include this property; and **Tax Parcel 760** (5.45 acres) 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; and without

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modifications to the BDP, (15.5 acres total) located on the northwest corner of S.R. 520 and Friday Rd., Cocoa. (**Tax Parcel 758**: 5120 Highway 520, Cocoa. **Tax Parcel 762**: No assigned address. **Tax Parcel 817**: No assigned address. **Tax Parcel 760**: 335 Friday Rd., Cocoa).

Commissioner Fisher stated approving the changes on the west side zoning still have to meet all the setbacks, but the Board is not addressing the improvements on Friday Road other than what the current Binding Development Plan says today. Cynthia Fox, Planning and Enforcement Manager, stated that is correct.

Christine Lepore, Assistant County Attorney, stated on the east side there was some recommendations from the Planning and Zoning Board to require the buffering along Tax Parcels 515 and 524, specifically the Type A buffer; and asked it was intended to be part of the motion. Commissioner Fisher stated he was assuming they have a certain buffer requirement that they have to meet and the County is going to hold them that buffer requirement. Ms. Lepore stated the Type A buffer was an additional requirement above and beyond what they were required to provide at a minimum. Chairman Bolin Lewis stated the Board is going to have to decide if it is going to intensify the buffer. Commissioner Fisher asked what the requirement on buffers by Code is. Ms. Fox responded it is the depth of the buffer; and she thinks they are required to do a 10 or 15-foot, and Type A would be 20-foot.

There being no objections, the Board approved **Tax Parcel 758** (2.36 acres) 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; 4.) without modifications to the BDP; **Tax Parcel 762** (.86 acres) 1.) a change of classification from TR-1 to BU-1 and a Small Scale Plan Amendment (14S.03) to change the Future Land Use from NC to CC; 2.) CUP for Alcoholic Beverages for On-Premises Consumption; 3.) CUP for commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; b.) to the required 75 ft. Perimeter setback for athletic fields, parking, and ancillary improvements; 4.) CUP for a light source to exceed 50 footcandles; 5.) without modifications to the BDP; **Remainder of Tax Parcel 762** (4.5 acres) 1.) CUP for Alcoholic Beverages for on-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; b.) to the required 75 ft. Perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; 4.) without modifications to the BDP; **Tax Parcel 817** (.48 acres) 1.) A change of classification from AU to BU-1 and a Small Scale Plan Amendment (14S.03) to change the Future Land Use on that portion with an NC designation to CC; 2.) CUP for Alcoholic Beverages for On-Premises Consumption; 3.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or an area designated by the County Comprehensive Land Use Plan for Residential Development; b.) to the required 75 ft. Perimeter setback for athletic fields, parking, and ancillary improvements; 4.) CUP for a light source to exceed 50 footcandles; 5.) without modifications to the BDP; **Remainder to Tax Parcel 817** (1.76 acres) 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; b.) to the required 75 ft. Perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; 4.) without modifications to the BDP; **Tax Parcel 760** (5.45 acres) 1.) CUP for Alcoholic Beverages

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for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; and 4.) without modifications to the BDP; and adopted Ordinance No. 14-24, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the third Small Scale Plan Amendment of 2014, 14S.03, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1/Vice Chairman
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Commissioner Nelson stated he has looked at the lighting scans provided and he thinks lighting is a big issue; there are fields in places that they did not exist before; and questioned staff as to how it is allowed to build a field in a location where it has never had a field that does not meet the standards for setbacks. Ms. Fox stated through the approval of the Conditional Use Permit (CUP) for Commercial Entertainment and Amusement Enterprises, that is where the setbacks and the waivers have been applied for under that CUP; and lighting is something that any commercial site can have on the property. Commissioner Nelson advised he was talking about actual distances from property lines, so the Board is just waving everything. Ms. Fox stated this is the second time the petitioner has been before the Board to request this. Commissioner Nelson stated he looking at some lighting levels, and there are hot spots of 269-footcandles just off of third base; he has never seen a lighting level that high as part of an athletic field, because athletic fields is one not only looking for the footcandles but also for uniformity of the footcandles; and he is uncomfortable looking at the light scan information provided. He suggested the light scan reviewed by an independent lighting expert to make sure it is achievable.

Commissioner Nelson made a motion that staff provides the information to an independent lighting consultant to verify that the levels can be met.

Mr. Kamal asked if the concern of the light levels at the property line. Commissioner Nelson stated the lighting levels on the field become the petitioners problem; it is not something the County can control; NCAA standards for a class one field is 125-footcandles in field, 100 outfield; and some of the infield numbers he is popping are over 200-footcandles, and he never seen that on any uniformity scan. He noted, he is worried the petitioner is manipulating the lighting uniformity to try to achieve the performance standard on the edge of the field, and questions whether one can actually do that; and he would like more information on if it is achievable or desirable. Mr. Kamal stated one of the difficult things about this particular configuration, one of the reasons it sees the higher numbers, is the amount of fields it has in relationship with the lights to each other; there is overlapping in the lighting. He went on to say the fixtures that they were using were old fixtures, he has put them on new poles; they are confident they can be shielded and meet the light levels at those locations; and they have even installed additional landscape lighting and an eight-foot fence that cuts the light levels at the ground. He stated if the County is going to analyze this it is their prerogative; they are

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comfortable that they are shielding; what happens when one puts up these lights they actually have to tweak them and point them as each individual one; and modeling the light fixture is not exact science. He noted, the burden is going to be on the applicant to make sure the light levels do not exceed the allowable levels at the property.

Commissioner Nelson stated the problem is if the Board approves this, it gets to that point and then asked to waive it; that is a concern because the Board has heard testimony tonight that there is a concern; he thinks there is the earlier the Board identify any potential problem along that line the earlier it can be addressed; and the question is can it meet the performance standard. He reiterated the motion.

Commissioner Fisher asked if there was an engineer on the lighting that was submitted. Mr. Kamal responded there is a program that they utilized; and basically he or she models the light fixtures based upon the height and the information on the fixture itself and it generates the footcandles and ground level based upon the location of the poles. Commissioner Nelson stated it has a 5.7-foot candles at the outfield fence; when one goes to over 200-foot candles in the infield and at the outfield fence in 5.7-foot that tells him there is an issue going on that needs to be addressed. Mr. Kamal asked which outfield fence. Commissioner Nelson stated the field that is in the southwest corner of Friday Road and S.R. 520; and there was no field there before. Mr. Kamal stated those are the challenges that this property has because of the existing configuration and the fields where they were; those facilities are the perimeter of the project, they have to be at that low level at the property line.

Chairman Bolin Lewis stated she is going to support Commissioner Nelson motion because this is an area that the Board has any expertise on and it is a concern of the community.

Commissioner Fisher asked if lighting technology LED that changed the candle in footprint that it would typically have. Mr. Kamal responded he will not answer that because it is out of his area of expertise. Mr. Kamal asked if the motion being considered is it an evaluation of the lighting as part of the sight plan process because part of the motion that the Board took today, he want to make sure it is approval of the Conditional Use Permit for the 50-foot candles; and is this an approval of that and an evaluation of the site lighting part of the site planning process. Commissioner Nelson stated he thinks he is at risk that at some point he may have expended money that he could then not turn the lights on; and what the Board is say it could approve this but if it does not make performance standards the lights cannot be turned on or he has to come up with a way to meeting the performance standard.

Commissioner Infantini stated she is a little concerned that the Board is going to be overstepping; they cannot turn on the field if they do not meet the standards; and she is not sure what the analysis is going to achieve. She believes Commissioner Nelson is lacking some specifics in his motion as to what his going to actual have the analyses encompass; and she would like clarification as to what the motion is.

Commissioner Anderson stated they are limited to the amount of light they can put out they extrudes upon their neighbors; if they do that, they are in violation of the site plan and the CUP and they are in trouble. He added, he does not know why the Board needs to go to an analysis; the Board is over analyzing this; and if the Cocoa Expo fails to meet the standards the County has set forth and the neighbors complain, then it can analyze that if it is done. He reiterated it is going way too far on analyzing.

Commission Nelson stated he thinks it is being proactive to assure the neighbors that one of the criteria that it needs to evaluate with compatibility is being met.

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Commissioner Anderson asked who would pay for the analysis. Commissioner Nelson replied he thinks it should be the Board's responsibility; he wants to make sure it is independent of the developer and to ensure good information; and it should not be over \$10,000 to take this information and look at it.

Commissioner Nelson stated this is a big project and everything has been waived; fields are being put where fields never existed; it is incredible what the Board has given up, in terms of compatibility to the community; and the community deserves better because it relies on the Board to make sure that it is compatible with the neighborhood.

Commissioner Infantini stated Commissioner Anderson is right; it is up the individual to know what the rules are when building; if the lighting is made too bright, it will need to be toned down; if encroachment happens they will be stopped dead-in-their-tracks; at some point this project needs to get moving towards completion; she appreciates the desire to protect everybody and everything; but the Board's job is to enforce the rules. She added, there is no need for another survey because the last survey cost \$30,000.

Commissioner Fisher inquired if the engineer is saying this lighting and design meets County Code. Mr. Kamal explained the way that the light plans are done is they are limited to how effective they are in modeling the shielding, that is why the County has performance requirements for every project; those requirements have to be met regardless if shielding has to be added; without the study they cannot turn the lights on unless it meets the current Code requirement criteria; most models do a decent job of modeling shielding; they do not always pick it up because light levels are measured either at the ground or above the ground; and putting up a fence may block the light. He went on to say there is already a mechanism in the Certificate of Occupancy process; if they cannot meet the maximum light levels at the property, they are not in compliance; and he thinks the Board has made it clear that it is not going to entertain a waiver of those requirements if they come back and they cannot get in compliance; and they would have to come back after figuring it out.

Commissioner Fisher inquired if staff verifies the light level is meeting compliance. Ms. Fox responded it is in the field; there are performance standards that would be seen on an arranged day when the lights are set up, by measuring the footcandles at the adjacent property lines, and to ensure that they met it; she thinks one proactive thing that the County does as part of this process is asking questions about lighting during the site plan process; the applicant has been very accommodating; but there is still a lot of work to do on the lighting, especially when going into adding the scoreboards with the LED lights, and there will be additional field verification that is going to happen at his site. Commissioner Fisher stated the burden is totally on them to provide the lighting to meet Code; and the County has authority to tell them to not turn the scoreboard on. Ms. Fox advised once the site plan is approved and the CO is issued the Code process does not stop; at any time that this site were to go over those footcandles limits they could be subject to a Code violation; and specifically, the CUP being approved allows them to exceed 50 footcandles anywhere on the site, there is a revocation process for that, that if they are continuing to have that issue and the Board is not comfortable with that anymore, that came back to the Board and be revoked. Commissioner Fisher advised his concerns are there has been talk out in the community that everything holding this project up is the Board's fault; if the lighting does not work out when operations begin, then it is the County's fault for not allowing the lights to be turned on, or the scoreboard to be turned on because it is too bright; the other side is having an independent study done showing the setup does work; and it just causes a lot of back and forth of who is to blame. He felt this could box the Board in because it paid for an independent study and put the lights where the study said to, and then the County still says the footcandles are not totally right; he is kind of backing up a little bit on this; it is the applicants burden to prove the footcandles and meet the requirements; if those are not met, the lights cannot be turned on; and the Commission is not to blame.

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Commissioner Nelson stated this Board does not have the guts to do that; he counted the different waivers associated with Agenda Items tonight, and everything in site has been waived; when they put \$20 million into a site and the lights exceed the levels, the Board will waive it because it will be forced to; he thinks being proactive is not a bad thing; and he wants to move on.

Commissioner Infantini clarified that some Commissioners do not waive everything; she stated at a Zoning meeting there was a zoning that came up about consistency; she thinks she has proven a track record that she is not afraid to buck-the-trend of the Board; and if the lighting is too bright, she would not approve that waiver because she had a similarity at Gemini Fluty Field; she was the first to start complaining saying reflective lighting is needed; she is very consistent in her voting and feels confident in the Commission moving forward; and she called for the question.

Commissioner Anderson inquired if Commissioner Fisher is withdrawing his second. Commissioner Fisher responded affirmatively; he clarified his reason for withdrawing is he does not want the County to be in a position to hire independent study, lights are installed per the study, they do not meet the requirement, and the applicant says it was built to study; he wants to keep the burden on the applicant, if the requirements are not met it will have to be dealt with by not being able to turn the scoreboard on; and he does not want to give any ammunition to the study not being totally right.

Motion failed due to the lack of a second.

Ms. Fox advised the Board it needs to discuss the timing and the BDP.

Mel Scott, Assistant County Manager, stated number 11 on page 36 of the BDP speaks to the improvements being sought to be potentially delayed for concert day events, that would involve intersection improvements of S.R. 520 and Friday Road, the intersection of Friday Road and S.R. 524, and the improvements to Friday Road; Mr. Kamal makes a good point that speaks to the fact that these improvements of the traffic study would be required for concert day events; he recalled conversations in the past that have been in the spirit of hoping the Cocoa Expo Sports Center is wildly successful in having its minor and average day events, which the Traffic Management Study Plan on page five on that Plan speaks to 50 teams being bused in, and the Plan working on the premise that the traffic and the trips are being shuttled and bused, and with that caveat minor and average day events can have up to 200 teams participating in some events, that the neighbors and the infrastructure would only be without widening improvements, deco lane improvements, and pedestrian safety improvements for a maximum of two years in some cases, or 18 months in other cases; and this is a point of consideration for the Board if it wants to hold the applicant the 24 months that those improvements would be made, that the County would be able to six months into the Expo being build and able to share with the community that the traffic improvements are coming; and the applicant wants it to be placed at 18 to 24 months as opposed to what is being proposed at 36 months, which is three years.

Commissioner Fisher stated a lot of exceptions have been made to accommodate this site to make it work; part of the exception was those improvements being done at build time; the Board was being kind going to 18 to 24 months; now he is seeing it as since the Board had made so many exceptions could it make more; it was known that Friday Road was going to be an issue; it was an issue in the old setup; and he thinks the BDP is fine and should stick to the timeline of when improvements are to be made.

Mr. Kamal explained to the Board that is why he is requesting a change in the BDP; if the Board looked back at the original agreement, those improvements were triggered by the concert day

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events; the original BDP says that there cannot be concert day events until improvements are in place; typically, when doing a project there is a requirement to make the improvements when needed; all he is trying to do is time those improvements consistent with the needed for them being in place; this is a difficult project; and they are still working on the development approvals for the parcel on the west side. He went on to say once that gets in place it allows time to continue the site plan and an approval process for the parcel on the west side, which provides over 650 parking spaces, and to coincide with the need for that; and there will be no concert day events until those improvements are in place. He added, a bond is being put in place for those improvements prior to pulling to first CO; if that does not perform, the County has ability to go after that bond, and construct those improvements; they are still living up to their commitments; but the Board has to realize the timing does not work the way it was originally anticipated.

Commissioner Fisher opined Friday Road needs improvement; it is a tough road of two lanes; he thinks some of the improvements, before doing all others, should have been to first improve Friday Road; delaying that is going to put more of a burden on the residents that live in the area; and he is not sure if improvements will solve all the issues, but they will make it better.

Mr. Kamal advised he understood Commissioner Fisher's point; he pointed out the traffic study done and approved by staff indicated that those levels of improvements are not necessary, unless there is a concert day event; and that Friday Road functions now at all three levels.

Commissioner Fisher inquired what staff's position is; and he stated he remembers John Denninghoff, Public Works Director, having some concern. Mr. Scott responded the Traffic Management Study has a lot of assumptions spoken to the enforceability of these provisions; at the end of the day. They were able to say they assume that enforceability meaning being able to stop a concert day event when it found through advertisement, which is a difficult undertaking; but assuming not to deal with enforcement challenges for more than two years. He reminded the Board that the ask now is to push that out to three years and in some cases improvements shall commence within 18 months are being pushed to two and one-half years; the Traffic Management Study was approved by staff, but it assumed a lot of things that will have enforceability issues with them; it is hopeful those improvements will be made in a shorter time due to success of events; and not approving a longer time.

Commissioner Fisher inquired if the 18 months starts when the last CO is issued. Ms. Scott responded the first CO sets a clock, which none has been issued, and that clock has not yet been started; but when it does start it will be 18 months that those improvements must commence. He stated what is being proposed tonight is those improvements would not commence until two and one-half years from the first CO.

Commissioner Anderson stated he supported most of waivers asked for; it would be best to stick to the current timeline; congestion of traffic is a concern, but if the improvements were in place it makes the venue more attractive; he agrees with Commissioner Fisher to stick to it; and they can come back later and ask for 24 months, but not two and one-half years. He stated he does not want to get into a situation of passing up economic development by not having the improvements done.

Commissioner Infantini agreed with Commissioner Anderson; she stated at this point there should be no waiver beyond 18 months; the 18 months after the first CO would add a lot to the property; she does not want to make the congestion worse; and she wants to leave it the same.

Ms. Lepore stated the request was made and there needs to be a motion denying the request to extend the deadlines.

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Motion by Commissioner Infantini, seconded by Commissioner Fisher, to deny the request to extend the deadline.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1/Vice Chairman
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.1. (14PZ-00056) – LOYAL ORDER OF THE MOOSE LODGE #2073 - (JOHN CAMPBELL) – REQUESTS A SMALL SCALE PLAN AMENDMENT FROM RESIDENTIAL 2 TO RESIDENTIAL 4, AND AN AMENDMENT TO AN EXISTING BDP, IN AN RECREATIONAL VEHICLE PARK ZONING CLASSIFICATION, ON 5 ACRES, LOCATED ON THE EAST SIDE OF N. COURTENAY PARKWAY, APPROXIMATELY 300FT. NORTH OF SMITH ROAD (3150 N. COURTENAY PARKWAY, MERRITT ISLAND**

Chairman Bolin Lewis called for the public hearing to consider request of a Small Scale Plan Amendment from Residential 2 to Residential 4, and an amendment to an existing BDP, in an Recreational Vehicle Park (RVP) zoning classification, on 5 acres, located on the east side of N. Courtenay Parkway, approximately 300 foot north of Smith Road.

John Campbell, Surveying LLC, provided the Board with a handout of a drawing and a survey of the Recreational Vehicle Park (RVP) zoning; he stated he is representing the Merritt Island Loyal Order of the Moose Lodge #2073; he disclosed that he is Member of Lodge #2073; Lodge #2073 entered into a Binding Development Plan (BDP) that the trailer facilities were limited to only Members of the Moose, restriction of parking spaces must be behind the large building, no parking spaces could be within the north 439 foot, or the south 89 foot that is shown on the drawing handout; and there was a drawing that was attached to the BDP showing 10 parking spaces. He went on to say over the years the leadership of the Lodge has changed and the State allowed them to have 20 dump stations; there were times of having 14 quests and allowed them to stay more than two weeks; and he is trying to rectify the error by requesting that the BDP be amended to allow 20 parking spaces, that the designation is changed from RES 2 to RES 4, and they be allowed RES 2. He added, he met with the Merritt Island Independent board on August 14th; they were not very receptive to any changing of density; he explained to them that the request had nothing to do with building homes; and they were trying to come into compliance with its requirements. He advised he also requested the BDP be changed from guests staying two weeks to guests staying six months; he is prepared to change the guests staying time at its request; there was a lot of discussion at the meeting; he received a 3:1 denied vote; and he could of had approval if he had changed a few more things in the BDP. He went on to say he proceeded on to the Planning and Zoning Board; he corrected the problems in the proposed BDP; he received an unanimous approval; but it was suggested the guests that come in the winter be limited to 30 days; the Lodge agreed to that change; and the balance of the year would be a two week stay. He pointed out the Future Land Use for this area is Industrial Use, but the Lodge is Institutional Use; there is a mini-market facility immediately located to the south, a Florida Power and Light substation is located immediately north, across the street there is a storage facility with a large garage, and further up the road are some industrial uses. He stated he amended the BDP to add addition landscaping; his plan shows existing red cedar trees that are part of the 2004 BDP; 11 more red cedar trees are being planted to allow for more landscaping and screening; he feels the Lodge has complied with most of the concerns; and the Lodge is a good neighbor for North Merritt Island, plus having an economic benefits. He added, RES 2 to RES 4 has nothing to do with the Lodge's travel spaces; he amended the BDP to no more than 30 days for the months of April through



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November; the balance of the time is only 14 days, or two weeks; and all of the other requirements in the original BDP are still in place; and this is considered to be an amendment of the original BDP. He added, the Lodge has authorized him to make additional concessions the Board feels necessary; he advised the property to the east is a 30-acre parcel zoned Residential owned by Newel Durr, who gave him permission to tell the Board that Mr. Durr has no objects and could not be present tonight.

Commissioner Infantini stated she makes a Motion to approve; and there are no cards of objections.

Chairman Bolin Lewis advised Commissioner Nelson was to speak before Commissioner Infantini; she wished that Commissioner Infantini would be identified by the Chairman before speaking; and she inquired if Commissioner Infantini understood. Commissioner Infantini responded she does not understand; and stated she was just letting Mr. Campbell know that she is giving her approval for his request. Chairman Bolin Lewis apologized to Mr. Campbell for Commissioner Infantini interrupting him during his presentation.

Commissioner Nelson inquired if there is consistency with Local Planning Agency (LPA) recommendation. Ms. Fox responded affirmatively; she apologized to the Board for the Agenda not reflecting the LPA recommendation; and LPA did approve the item with some of the additional things that Mr. Campbell has talked about tonight. Commissioner Nelson stated because of the nature of it being a travel trailer, he thinks it does not set a precedent for a higher Future Land Use next door which is RES 2, which was a North Merritt Island concern. Ms. Fox stated this is more compatible compared to if the entire Lodge site were being developed versus an RVP, where the density could be as many as 10 units per acre. Commissioner Nelson inquired if there will be a Small Area Study addressing any adjacent property in North Merritt Island. Ms. Fox responded certainly; she stated this can be considered a property that has frontage on North Courtenay Parkway even though the trailers will be behind the building; and the commercialized corridor has long accepted it being commercial.

Mr. Campbell added, the Lodge has 10 acres and five of those 10 acres are zoned RVP; and it is in a very industrialized area.

There being no objections, the Board approved the Loyal Order of the Moose Lodge #2073 requests of a Small Scale Plan Amendment from Residential 2 to Residential 4, and an amendment to an existing Binding Development Plan, in an Recreational Vehicle Park (RVP) zoning classification, on five acres, located on the east side of N. Courtenay Parkway, approximately 300 foot north of Smith Road; and adopted Ordinance No. 14-25, amending Article III, Chapter 62, of the Code or Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the fifth Small Scale Plan Amendment 14S.06, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1/Vice Chairman
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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**ITEM III.B.2. (14PZ-00063) – SIRIPORN PESKOWITZ, TRUSTEE – (PHILLIP FIN) – REQUESTS A SMALL SCALE PLAN AMENDMENT (14S.06) TO CHANGE THE FUTURE LAND USE FROM NC TO CC; AND A CHANGE OF CLASSIFICATION FROM RU-1-7 TO BU-2 ON 1.24 ACRES, LOCATED ON THE NORTH SIDE OF LAKE DRIVE, APPROXIMATELY 0.24 MILE WEST OF CLEARLAKE ROAD**

Chairman Bolin Lewis called for a public hearing to consider a request of a Small Scale Plan Amendment (14S.06) to change the Future Land Use from NC to CC; and a change of classification from RU-1-7 to BU-2 on 1.24 acres, located on the north side of Lake Drive, approximately 0.24 mile west of Clearlake Road.

Commissioner Nelson stated from a compatibility standpoint there is no BU-2 adjacent to the applicant; and he inquired what the purpose is. Phillip Finn responded for manufacturing use of gun components; he explained he spoke to the guy east of him who wants to build a church on his property, but his congregation does not have the money right now; the other guy that owns 100 acres is not planning on any development; and the County just bought 17 acres right beside those acres.

Cindy Fox, Planning and Zoning Enforcement Manager, stated in discussions earlier today Mr. Finn stated he will be the only tenant in the building; and the majority of the work will be a machine shop.

Mr. Finn advised it will not be a row of warehouses it will be only one warehouse; and he will be discussing with Natural Resources Management Department how to fit the warehouse in.

There being no objections, the Board approved Phillip Finn's request of a Small Scale Plan Amendment (14S.06) to change the Future Land Use from NC to CC; and a change of classification from RU-1-7 to BU-2 on 1.24 acres, located on the north side of Lake Drive, approximately 0.24 mile west of Clearlake Road; and adopted Ordinance No. 14-26, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Sixth Small Scale Plan Amendment of 2014, 14S.06, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provision which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.3. (14PZ-00060) – HARBORVIEW MOTEL & EFFICIENCIES, INC. – (JEFFREY PATTON) – REQUESTS A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION (FULL LIQUOR) IN A TU-1 ZONING CLASSIFICATION, ON 0.43 ACRE, LOCATED ON THE NORTHWEST CORNER OF U.S. HIGHWAY 1 and 13th Street (8820 U.S. HIGHWAY, MICCO)**

Chairman Bolin Lewis called for a public hearing to consider a request of a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption (full liquor) in a TU-1 zoning

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classification, on 0.43 acre, located on the northwest corner of U.S. Highway 1 and 13<sup>th</sup> Street, Micco.

There being no objections heard, the Board approved Jeffrey Patton's request of a CUP for Alcoholic Beverages for On-Premises Consumption (full liquor) in a TU-1 zoning classification, on 0.43 acre, located on the northwest corner of U.S. Highway 1 and 13<sup>th</sup> Street, Micco.

Jeffrey Patton clarified even though application says the Harborview Motel & Efficiencies, Inc., he is representing the Fraternal Order of Eagles; the liquor license being applied for is for the FOE; and if the FOE moves out the license goes with the FOE.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.4. (14PZ-00065) – JOHN TULLY PROPERTIES LLC – (LAURA MINTON YOUNG) – REQUESTS A CHANGE OF CLASSIFICATION FROM RR-1 AND GU TO AU ON 440.95 ACRES, LOCATED ON THE EAST SIDE OF FLEMING GRANT ROAD, APPROXIMATELY 1.65 MILE SOUTH OF MICCO ROAD**

Chairman Bolin Lewis called for a public hearing to request a change of classification from RR-1 and GU to AU on 440.95 acres, located on the east side of Fleming Grant Road, approximately 1.65 mile south of Micco Road.

Laura Young, Dean Mead Law Firm, stated she is representing John Tully Properties LLC and he has acquired about 441 acres in the Micco area, and he owns some additional properties adjacent to that that are zoned AU; and he is asking for the current zoning of GU and RR-1 to be rezoned to AU to have a small scale cattle operation on the property.

Meredith Dodge stated she is an abutting on Wagon Master Trail; the property in question is northeast and south of her property; Wagon Master Trail goes through the middle the property to be rezoned; the property directly east of hers is also owned by the applicant on both sides of Wagon Master Trail; the intention is to have a cattle ranch there; and she inquired how it impacts the usage of Wagon Master Trail. She stated right now it is a dirt road with three buildable properties along it, which all three have been built; she understands that without the road there can be no additional properties building; and she is concerned how the rezoning and potential usage of the property affects those who use Wagon Master Trail to access his or her property.

Ms. Young explained she is aware there are a couple of properties that access property through a road; it is her understanding that each has their own separate legal access; the only impact that she can think of is there might be less impact because the applicants property is going to be fenced off, and will not be using Wagon Master Trail; and it should not impact the current use of Wagon Master Trail, because she thinks it is a separate legal access that is not impeding on the terms of rezoning and operating the cattle operation.

Commission Infantini inquired if there is a deeded right-of-way restricting use to that road. Ms. Dodge replied it is a road that is kind of quasi belonging to the County because it is an actual road; part of the concern is will they be accessing with trucks that will degrade a road that is

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already subject to a lot of water and erosion; and she inquired if there is going to be a lot of traffic accessing the property.

Commissioner Anderson inquired if Ms. Young's client plans to use Wagon Master Trail for his cattle operation. Ms. Young responded it has not been a part of her discussion; she stated they only talked about fencing off that area; and she thinks her client is currently not intending to use that road.

Commissioner Anderson inquired what the status of Wagon Master Trail is; and if using a Binding Development Plan (BDP) is feasible to utilize and maintain that cattle operation to keep it to standard. Cindy Fox, Planning and Zoning Enforcement Manager, responded when Wagon Master Trail was granted the ability to have those three building permits off of it it was partly because it is an easement; she stated they probably do not own that property and had to do a cross access maintenance agreement; and if there is not one, she can ask the applicant to become part of that, and that they facilitate some sort of agreement about maintenance for the road and each individual who abuts that easement.

Commissioner Anderson inquired if the applicant would be okay with that. Ms. Young responded she does not believe that they intend on using the road and it would not be a problem.

Commissioner Fisher stated to be able to pull a building permit one has to have legal access.

Ms. Fox reiterated in the history that that is why she believes there has been only three limited because it was not a legal County maintained road per say, but was something granted for an easement which is why they limited the building permit; usually as part of that process in the past, there were cross access maintenance agreements; and the applicant can join into it.

Ms. Young stated she will need to look at the title work done; and she does not remember seeing the applicant having any rights to an easement over Wagon Master Trail, but she could be mistaken.

Commissioner Fisher advised he is not seeing a title; he stated the real question is does the applicant have rights over the easement through Wagon Master Trail that continues them using and operating it; and he inquired who owns Wagon Master Trail. Ms. Fox responded deed reach would need to be done; and she stated it is included in the applicant's property, as ownership, and otherwise the County has cut around it. Commissioner Fisher stated he does not see that; and he inquired if that is true. Ms. Young replied she is not aware if it is part of the applicant's property or not.

Ms. Dodge stated the property line for the property directly east abutting hers crosses through Wagon Master Trail; her concern is would they try and use it in the future to bring cattle across that road, since that one piece of property seems to drawn crossing over Wagon Master Trail.

Commissioner Infantini stated she has some concerns because she knows of one road in Melbourne Beach that is a privately maintained road, that has numerous residences on it, and it floods; she has concerns about how that road is going to go, but it does not impact this decision; and she is hopeful Mr. Tully will be a good neighbor and work on that road without the Board putting it into BDP.

Ms. Young remarked she is sure that Mr. Tully would not prevent residents from using the road.

Commissioner Infantini stated she knows Mr. Tully is doing an awful lot of work on this big piece of property, because she hears about it all the time when the trucks are out there.

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There being no further comments, the Board approved John Tully Properties LLC's request of a change of classification from RR-1 and GU to AU on 440.95 acres, located on the east side of Fleming Grant Road, approximately 1.65 mile south of Micco Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.5. (14PZ-00057) – ANITA TRICOLI – REQUESTS A CHANGE OF CLASSIFICATION FROM GU TO AU(L) ON 1.08 ACRES, LOCATED ON THE NORTH SIDE OF ARECA PALM STREET, APPROXIMATELY .087 MILE WEST OF FLORIDA PALM AVENUE**

Chairman Bolin Lewis called for the public hearing to consider a request to change a classification from GU to AU(L) on 1.08 acres, located on the north side of Areca Palm Street, approximately .087 mile west of Florida Palm Avenue.

Ralph Hagans stated he is representing Anita Tricolo in changing classification for GU to AU(L) zoning in order to conform to the zoning considerations concerning her dogs; there are currently four dogs there; three are in ill health; she wants to replace those with three other dogs, so that they can be assisted in their training by the alpha male, who is still healthy; there is no Binding Development Plan (BDP) at this point; and Ms. Tricolo's request is compatible with her surrounding area. He added, Ms. Tricolo is present should there be any questions for her.

Commissioner Anderson inquired if there are any complaints on record. Cindy Fox, Planning and Zoning Enforcement Manager, responded no.

There being no further comments heard, the Board approved Anita Tricolo's request of change of classification from GU to AU(L) on 1.08 acres, located on the north side of Areca Palm Street, approximately .087 mile west of Florida Palm Avenue.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.6. (14PZ-00061) – BRIAN BURT AND LINDA GRZYBOWICZ – REQUESTS A CHANGE OF CLASSIFICATION FROM RR-1 TO AU, AND REMOVAL OF EXISTING BINDING DEVELOPMENT PLAN ON 14.43 ACRES, LOCATED ON THE NORTH SIDE OF PARRISH ROAD, APPROXIMATELY 0.20 MILE EAST OF U.S. HIGHWAY 1**

Chairman Bolin Lewis called for a public hearing to consider a request of a change of classification from RR-1 to AU, and removal of existing Binding Development Plan (BDP) on 14.43 acres, located on the north side of Parrish Road, approximately 0.20 mile east of U.S. Highway 1.

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There being no objections, the Board approved Brian Burt and Linda Grzybowicz's request of a change of classification from RR-1 to AU, and removal of existing BDP on 14.43 acres, located on the north side of Parrish Road, approximately 0.20 mile east of U.S. Highway 1.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1/Vice Chairman
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.7. (14PZ-00064) – MARY ELLEN R. WILLIAMS – REQUESTS A CHANGE OF CLASSIFICATION FROM RR-1 TO AU ON 2.75 ACRES, LOCATED ON THE SOUTHWEST CORNER OF QUAIL PATH AND COX ROAD, APPROXIMATELY 0.20 MILE SOUTH OF JAMES ROAD**

Chairman Bolin Lewis called for the public hearing to consider a request of a change of classification from RR-1 to AU on 2.75 acres, located on the southwest corner of Quail Path and Cox Road, approximately 0.20 mile south of James Road.

Mary Ellen Williams stated she would like to have her zoning changed to AU from RR-1.

Commissioner Fisher inquired why Ms. Williams wants to change her zoning. Ms. Williams responded initially she was inspired to change her zoning because she has bees; and she stated she would like to bottle her honey, but it is considered animal processing.

Commissioner Nelson stated he does not have a problem with what is being proposed to do; he inquired if Ms. Williams would mind doing a Binding Development Plan (BDP) and being limited to honey production and sales of honey, because there are egregious kinds of things one can do on agricultural properties that neighbors would not be enthusiastic about; and it does not give rights to have a hog or a chicken farm, or a slaughter house which all those could be done in AU. Ms. Williams responded affirmatively; and inquired if there is a way she could have some animals, but not have a hog farm.

Cindy Fox, Planning and Zoning Enforcement Manager, responded since she is asking for AU to do honey production and packaging on the property, perhaps the Board could limit her to that being her only commercial use; and stated any other animals that she has would be for personal and noncommercial nature.

Commissioner Infantini inquired what animals are permitted under RR-1. Ms. Fox responded RR-1 would only be for horses. Commissioner Infantini stated it is not consistent with everything around Ms. Williams' property.

Ms. Williams inquired if the people across from her are zoned AU. Ms. Fox responded the east side is zoned AU.

Commissioner Infantini stated if the people around her do not understand what she is proposing to do, not everybody would like having a bee farm right next to them, even limiting it to that.

Ms. Williams clarified that she has enough bees there for her fruit trees and no more than any residential person would have; and the masses of her bees are out in the groves and are not anywhere near her home.

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Commissioner Infantini stated she will not vote for it because it is inconsistent.

Commissioner Fisher advised that he will make the motion, contingent upon it being just for commercial use for bees and bottling hone; there is still ability to have other animals like chickens; but the BDP will state the only commercial use on that property is for bees.

There being no further comments heard, the Board approved Mary Ellen R. Williams request a change of classification from RR-1 to AU on 2.75 acres, located on the southwest corner of Quail Path and Cox Road approximately 0.20 mile south of James Road, subject to a BDP limited to commercial honey and beekeeping only.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1/Vice Chairman
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM III.B.8. (13PZ-00098) FLORIDA RIVER RAT, LLC – (JAY SCHENCK) – REQUESTS A CHANGE OF CLASSIFICATION FROM AU AND EU-2, WITH A BINDING DEVELOPMENT PLAN (BDP), TO BU-1 ON THE WEST 400 FEET (3.43 ACRES); AND AU ON THE REMAINING 7.26 ACRES, WITH REMOVAL OF EXISTING BDP, ON 10.69 ACRES, LOCATED ON THE EAST SIDE OF U.S.1, APPROXIMATELY .23 MILE SOUTH OF SILVER HILL LANE**

Chairman Bolin Lewis called for a public hearing to consider a request of a change of classification from AU and EU-2, with a Binding Development Plan (BDP), to BU-1 on the west 400 feet (3.43 acres); and AU on the remaining 7.26 acres, with removal of existing BDP, on 10.69 acres, located on the east side of U.S.1, approximately .23 mile north of Silver Hill Lane.

Cindy Fox, Planning and Zoning Enforcement Manager, advised that this Item needs to be tabled to the October 2, 2014, Board meeting for renoticing purposes.

The Board tabled consideration of Jay Schenck's request for a change of classification from AU and EU-2, with a Binding Development Plan (BDP), to BU-1 on the west 400 feet (3.43 acres); and AU on the remaining 7.26 acres, with removal of existing BDP, on 10.69 acres, located on the east side of U.S.1, approximately .23 mile north of Silver Hill Lane.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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**ITEM III.B.9. (14PZ-00047) – JOHN E. AND LAURAY AITCHESON – REQUESTS A CHANGE OF CLASSIFICATION FROM RU-1-13 TO IN(L) ON 0.29 ACRES, LOCATED ON THE SOUTHWEST CORNER OF GREEN ROAD, AND FISKE BOULEVARD**

Chairman Bolin Lewis called for a public hearing to consider a request for a change of classification from RU-1-13 to IN(L) on 0.29 acres, located on the southwest corner of Green Road and Fiske Boulevard.

Cindy Fox, Planning and Zoning Enforcement Manager, advised due to a late development this Item needs tabling to October 2, 2014, Board meeting; and it needs to be properly noticed.

Lauray Aitcheson stated she owns the property at 1003 Green Road, Rockledge; she had submitted a request for a rezoning for an eight bed facility; she provided the Board with the needed special accommodation listing of what is needed at the facility for the disabled through the Americans with Disabilities Act (ADA); she would like to move forward because she cannot submit anymore paperwork for the sprinkler system; and she drove from Miami to Viera this morning.

Christine Lepore, Assistant County Attorney, advised it is unfortunate that this Item cannot be heard tonight; information was just received today; and it has to be publicly noticed in order to consider the reasonable accommodation request.

Ms. Aitcheson stated she thought that was done.

Commissioner Infantini agreed; and she thought it was in the Agenda packet that it was publicized.

Ms. Lepore stated no; she explained the request was just received this morning for the reasonable accommodation request; and it has to be advertised in advance of the meeting.

Ms. Fox indicated it was in staff's report that it was anticipated to be coming.

Ms. Lepore went on to say staff was trying to get the request but it was not received until today; and that did not leave time to advertise, which is required by law.

Ms. Aitcheson stated she thought the request had to be submitted at the meeting, which is what she was told in her last meeting.

Ms. Fox explained the noticed requirement was one that was being wrestled with; and staff decided that it had to be advertised.

Ms. Aitcheson stated she is not familiar with what is being said.

Chairman Bolin Lewis stated staff needs to have the Item advertised that this is coming before the Board, with the latest versus.

Ms. Aitcheson inquired where and to whom is it advertised for. Ms. Lepore responded a public notice for your request of reasonable accommodation; that request was not made in writing until today, so it could not be advertised; and the day following the Planning and Zoning meeting Ms. Aitcheson said she was getting an attorney. Ms. Aitcheson advised she was not able to retain an attorney, but did speak to someone who was familiar with it; and they helped her address it. Ms. Lepore stated she understands, but the County needed to receive the request in time to advertise it to the public for this meeting.



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Commissioner Fisher stated Ms. Aitcheson may not familiar with the law.

Ms. Aitcheson inquired if advertising is putting a sign out in the front yard for the neighbors. Commissioner Infantini responded no; and stated it has to be advertised in the newspaper.

Ms. Lepore added, both the zoning request and the reasonable accommodation request have to be advertised; at since the reasonable accommodation request was not received until this morning that was not advertised.

Commissioner Fisher stated the reason it has to be done is if there are any people who are opposed or in opposition to it, they are fully notified legally, and where the change is going on.

Ms. Aitcheson stated she had thought they had addressed that at the first meeting when it was opened up to the public and neighbors for open house; and no one was in disagreement with it.

Ms. Lepore clarified that she did speak about it at the meeting, but it was not advertised for the Planning and Zoning meeting agenda; and she did discuss it with the people who showed up.

Commissioner Fisher stated legally it has to put in the newspaper.

Ms. Aitcheson agreed.

Ms. Fox stated she already has a group home with signed paperwork for up to six residents; and she can continue with her planning.

Ms. Aitcheson advised she cannot send in her paperwork until she receives approval for the eight residents, because once she reaches a level two, she has to put in a sprinkler system, and do the environmental; and she is trying to get everything done all at one time.

Commissioner Fisher inquired if the Item can be heard at a Regular Board meeting, since Ms. Aitcheson is on a timeline.

Ms. Fox stated 15 days is needed; and she is not sure if there is enough time and depends on the Board's September Agenda.

Ms. Aitcheson stated the sprinkler system needs to get approved; this has been dragging out; she was unaware of the Board not having any meetings in June; and she has been getting the facility ready in the meantime.

Ms. Lepore advised it could come before the Board on September 23rd.

Stockton Whitten, County Manager, advised the first substance of issue has to be the budget.

Commissioner Nelson stated this has to be the last Item on September 23rd.

There being no further comments heard, the Board tabled consideration of John E. And Lauray Aitcheson's request for a change of classification from RU-1-13 to IN(L) on 0.29 acres, located on the southwest corner of Green Road and Fiske Boulevard, to the September 23, 2014, Board meeting.

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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1/Vice Chairman
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

By consensus of the Board, the meeting adjourned at 7:34 p.m.

ATTEST:

\_\_\_\_\_  
SCOTT ELLIS, CLERK

\_\_\_\_\_  
MARY BOLIN LEWIS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA