

## A G E N D A

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

August 4, 2005

**IF YOU WISH TO SPEAK TO ANY ITEM ON THE AGENDA, PLEASE FILL OUT A SPEAKER CARD. PERSONS ADDRESSING THE BOARD SHALL HAVE FIVE MINUTES TO COMPLETE HIS/HER COMMENTS ON EACH AGENDA ITEM FOR WHICH HE/SHE HAS FILLED OUT A CARD.**

**THE BOARD OF COUNTY COMMISSIONERS REQUESTS THAT SPEAKERS APPEARING UNDER THE PUBLIC COMMENT SECTION OF THE AGENDA LIMIT THEIR COMMENTS AND/OR PRESENTATIONS TO MATTERS UNDER THE BOARD'S JURISDICTION.**

5:30 p.m.      CALL TO ORDER

INVOCATION BY:      Pastor Calvin Gittner, Pineda Presbyterian Church,  
Melbourne, Florida

PLEDGE OF ALLEGIANCE: Commissioner Truman Scarborough, District 1

### **I.      REPORTS**

- A.      Peggy Busacca, County Manager
- B.      Scott Knox, County Attorney
- C.      Truman Scarborough, District 1 Commissioner
- D.      Helen Voltz, District 3 Commissioner
- E.      Susan Carlson, District 4 Commissioner
- F.      Jackie Colon, District 5 Commissioner
- G.      Ron Pritchard, D.P.A., Chairman of the Board

\*Changes to Advanced Agenda

- II. RESOLUTIONS, AWARDS, AND PRESENTATIONS
  
- III. PUBLIC COMMENTS (Comments may not address subsequent Agenda items.)
  
- IV. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section IV.)
  
- V. PUBLIC HEARINGS

A. Tabled Items

**District 3**

- 1. **(Z0410303) Micco Farm and Grove, Inc. - (Rochelle Lawandales and/or Philip Nohrr, Esquire)**'s request for change from GU and AU to RR-1 on 760± acres, located on the south side of Micco Road, west of Bird Drive.  
**P&Z Recommendation:** Approve.
  
- 2. **Section 11, Township 30, Range 38, Parcels 500 and 501** on 5.22 acres owned by **Frangar, LLC**. Change from RU-2-4 with CUP Z-10275 for Independent Living Facility to IN(L) and removal of CUP Z-10275.  
**P&Z Recommendation:** Approve.

**District 1**

- 3. **(Z0505104) Real Estate Investment Depot, LLC – (William Mayo Stinson, Manager/Member)**'s request for change from AU to RU-1-11 on 7.68 acres, located on the north side of Main Street, west of Hammock Road.  
**P&Z Recommendation:** Deny.  
\*(Applicant requested tabling, no date specified.)

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

4. **(Z0505105) Pytha Development, LLC – (Danny A. Hatoum, Manager)**'s request for change from AU to RU-2-10 with a BDP limiting development to 96 units on 11.2 acres, located west of Carpenter Road, at the northeast terminus of Birdie Eagle Avenue.

**P&Z Recommendation:** Approve with a BDP, limiting development to 72 units, as amended by the applicant. Applicant amended request to ask for EU-2 zoning, and approximately 20 homesites.

**B. Planning and Zoning Board Recommendations of July 11, 2005****District 5**

1. **(Z0507501) Brevard County Board of County Commissioners**, on its own motion, authorized administrative rezoning on property owned by **Brian Young** from BU-2 to IU on 0.21 acre, located on the west side of John Rodes Boulevard, south of Woodland Park Drive.  
**P&Z Recommendation:** Approve.
2. **(Z0507502) David and Chanda Hollingshead - (Chanda Hollingshead)**'s request for change from RU-1-7 to RR-1 on 1.5 acres located on the west side of John Rodes Boulevard, south of Aurora Road.  
**P&Z Recommendation:** Approve with BDP, limited to one horse.
3. **(Z0507503) Mattress Barn, Inc. - (Mason Blake, Esquire, on behalf of Acorn Mini-Storage of Brevard, Inc.)**'s request for Small Scale Plan Amendment (05S.8) to change the Future Land Use Map designation from Residential 15 and Community Commercial to all Community Commercial; and change from RU-1-9 and BU-1 to BU-2 on 3.23± acres, located north of US 192, and west of Katherine Boulevard.  
**LPA Recommendation:** Approve Community Commercial.  
**P&Z Recommendation:** Approve with BDP, as offered by applicant.

**District 1**

4. **(Z0507101) Edward P. (III) & Susan E. Hall – (Susan E. Hall)**'s request for change from GU to AU on 1.4 acres, located on the southwest corner of Areca Palm Street and Florida Palm Avenue.  
**P&Z Recommendation:** Approve.

**V. PUBLIC HEARINGS (CONTINUED)****B. Planning and Zoning Board Recommendations of July 11, 2005  
(continued)**

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5. **(Z0507102) This item has been removed from the Agenda.**
6. **(Z0507103) This item has been removed from the Agenda.**
7. **(Z0507104) Jack L. (Jr.) and Renee L. Angel - (Jack L. Angel, Jr.)'s request for change from GU to ARR on 1.01 acres, located on the south side of Terri Lee Lane, west of Satellite Boulevard.  
P&Z Recommendation: Approve.**
8. **(Z0507105) This item has been removed from the Agenda.**
9. **(Z0507106) D&E Pump Sales & Service, Inc. - (John H. Evans, Esquire)'s request for Small Scale Plan Amendment (05S.7) to change the Future Land Use designation from Residential 4 to Community Commercial; and change from RU-1-13 and BU-1 to all BU-1 on 2.75 acres, located on the west side of US 1, the south side of Dunn Street, also having frontage on the north side of Roberts Street.  
LPA Recommendation: Approve Community Commercial.  
P&Z Recommendation: Approve with a BDP, with no access to Dunn Street and Econ Avenue.**
10. **(Z0507107) William R. & Barbara B. Johnson – (William R. Johnson)'s request for change from GU to AU on 2.02 acres, located on the southwest corner of Caraway Street and Cherokee Avenue.  
P&Z Recommendation: Table to August 8, 2005 Planning and Zoning and September 1, 2005 Board of County Commissioners meetings, with reprocessing fee required.**
11. **(Z0507108) Billy & Dawn Nobles – (Billy Nobles)'s request for change from GU to RR-1 on 1.65 acres, located on the southwest corner of Citrus Boulevard and Osprey Avenue.  
P&Z Recommendation: Table to August 8, 2005 Planning and Zoning and September 1, 2005 Board of County Commissioners meetings, for readvertisement of the AU zoning classification, with no reprocessing fee.**
12. **(Z0507109) Brian E. Luther's request for change from AU to RR-1 on 2.5 acres, located on the west side of War Eagle Boulevard, south of Dairy Road.  
P&Z Recommendation: Approve.**

**V. PUBLIC HEARINGS (CONTINUED)****B. Planning and Zoning Board Recommendations of July 11, 2005  
(continued)**

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13. **(Z0507110) Brevard County Board of County Commissioners**, on its own motion, authorized administrative rezoning on property owned by **James O. Baker and Robyn C. Williams** from GU to ARR on 315 acres, located on the southwest corner of Doug Williams Avenue and Stephanie Way.  
**P&Z Recommendation:** Approve.
14. **(Z0507111) Robert J. & Carol A. Robertson's** request for change from AU to RR-1 on 4.6 acres, located on the southeast corner of Dixie Way and Burkholm Road.  
**P&Z Recommendation:** Deny.
15. **(Z0507112) Emerson Bissinger & Martha Jane Brinkley Bissinger – (Harry Bissinger)'s** request for change from GU to AU on 2.02 acres, located on the southwest corner of Tarragon Street and Cherokee Avenue.  
**P&Z Recommendation:** Approve.
16. **(Z0507113) Parrish Development, LLC - (Loys Ward)'s** request for change from AU to RR-1 on 19.34 acres, located on the north side of Parrish Road, east of US 1.  
**P&Z Recommendation:** Approve.
17. **(Z0507114) Lloyd A. & Marian D. Stecklein – (Robert Knuutila)'s** request for change from GU to SR on 1.67 acres, located on the west side of Adamson Road, north of SR 524.  
**P&Z Recommendation:** Approve.
18. **(Z0507115) Charles C. Faulkner - (Robert W. Knuutila, II)'s** request for change from GU to SR on 0.79 acre, located on the west side of Adamson Road, north of SR 524.  
**P&Z Recommendation:** Approve.

**District 2**

19. **(Z0507201) John T. McFarlane's** request for change from AU to RR-1 on 9.82 acres, located on the south side of Rayburn Road, west of Cox Road.  
**P&Z Recommendation:** Approve.

**V. PUBLIC HEARINGS (CONTINUED)****B. Planning and Zoning Board Recommendations of July 11, 2005  
(continued)**

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- 20. (Z0507202) Ray's Tire Center of Merritt Island, Inc. - (Danny Wong)'s request for change from BU-1 to BU-2 on 0.05 acre, located on the south side of Palmetto Avenue, east of North Courtenay Parkway.  
P&Z Recommendation: Approve with a BDP, limited to one semi-trailer which is licensed and tagged, and ask owner to work with MIRA on proper landscaping.**
- 21. (Z0507203) William R. Willhite and Mary E. Magle - (William R. Willhite)'s request for Small Scale Plan Amendment (05S.6) to change the Future Land Use Map designation from Residential 15 to Community Commercial; and change from GU to BU-1 on 0.38 acre, located on the east side of Cox Road, north of Lake Drive.  
LPA Recommendation: Approve Community Commercial.  
P&Z Recommendation: Approve.**
- 22. (Z0507204) William P. and Antonia M. Pastermack - (Toni Pastermack)'s request for CUP for Horses in an SEU zone on 3.69 acres, located on the west side of South Tropical Trail, south of Hacienda Drive.  
P&Z Recommendation: Approve, limited to two horses.**
- 23. (Z0507205) Emerald Plaza Development, Inc. - (Kevin Duclos, Cheese Steak Factory)'s request for CUP for Alcoholic Beverages (beer and wine only) for On-Premises Consumption in a BU-1 zone on 0.05 acre, located on the west side of North Courtenay Parkway, north of Barony Drive.  
P&Z Recommendation: Approve.**
- 24. (Z0507206) Calvin D. and Debra D. Baldwin - (Diane Massey)'s request for change from GU and BU-2 to AU with a BDP, limiting development to three residential homesites and no farm animals on 17.551 acres, located on the south side of Lake Drive, east of Burnett Road.  
P&Z Recommendation: Deny.**
- 25. (Z0507207) Gregory L. and Kimberly D. Grantham - (Gregory L. Grantham)'s request for change from GU to SEU on 1.53 acres located on the east side of South Courtenay Parkway, south of Curry Street.  
P&Z Recommendation: Approve.**

**V. PUBLIC HEARINGS (CONTINUED)****B. Planning and Zoning Board Recommendations of July 11, 2005  
(continued)**

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26. **(Z0507208) Jay Humphreys and Frank Priest, Jr.'s** request for change from RU-1-9 to BU-1-A on 0.21 acre located on the north side of Tennessee Avenue, east of North Courtenay Parkway.  
**P&Z Recommendation:** Deny.
27. **(Z0507209) Steven R. Kendrick Life Estate - (Sabrina Taliento, Michael Taliento and/or Vincent DiFranzo, Jr.)'s** request for change from RU-2-10 and BU-1 to RU-2-15 on 0.22 acre, located on the south side of Barlow Avenue, east of North Atlantic Avenue.  
**P&Z Recommendation:** Approve RU-2-10, as amended by the applicant.

**District 2**

28. **(NMI50701) MJB Investments LLC - (John Campbell)'s** request for change from AU to RR-1 on 2.65 acres located on the west side of North Tropical Trail, north of Church Road.  
**NMI Recommendation:** Table to February 9, 2006 NMI meeting (date subject to change) and BCC meeting, date to be determined.
29. **(NMI50702) George A. and Barbara H. Ogle - (Cliff Singleton)'s** request for change from AU to RR-1 on 21 acres, located on the northeast corner of North Tropical Trail and Church Road.  
**NMI Recommendation:** Table to February 9, 2006 NMI meeting (date subject to change) and BCC meeting, date to be determined.

**District 3**

30. **(Z0507301) Rushing Wind, LLC - (Steve Austin and/or Bill Buchman)'s** request for change from AU to RR-1 on 28.9± acres, located south of Micco Road and west of Dottie Drive.  
**P&Z Recommendation:** Approve.  
\*(Applicant requested tabling to October 6, 2005 BCC meeting.)
31. **(Z0507302) Duane LaBeur and David LaBeur - (Shirley or David LaBeur)'s** request for change from AU to RR-1 on 4.82 acres, located on the south side of Mount Pleasant Road, west of Main Street.  
**P&Z Recommendation:** Approve with a BDP, limited to two homesites.

**V. PUBLIC HEARINGS (CONTINUED)****B. Planning and Zoning Board Recommendations of July 11, 2005  
(continued)**

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- 32. (Z0507303) Hampden Ridge Corporation - (Julia Shewchuk, AICP, Jordan Jones & Goulding)**'s request for change from GU and AU to RR-1 on 161.87 acres, located on the east side of Fleming Grant Road, south of Tamarind Circle.  
**P&Z Recommendation:** Table to the September 12, 2005 Planning and Zoning and October 6, 2005 Board of County Commissioners meetings, with reprocessing fee due.
- 33. (Z0507304) Harborview Motel and Efficiencies, Inc. - (Marcus Sphatt)**'s request for change from TU-1(25) to BU-1 and TU-1, removing the existing density cap of 25 units per acre on .89 acre, located on the west side of US 1, between 13th Street and 14th Street.  
**P&Z Recommendation:** Table to August 8, 2005 Planning and Zoning and September 1, 2005 Board of County Commissioners meetings, with reprocessing fee due.

**District 4**

- 34. (Z0507401) Harry Durham Pritchett, Trustee - (John H. Evans, Esquire)**'s request for change from GU to AU on 100 acres, located on the west side of Washingtonia Drive, north of Chesterfield Lane.  
**P&Z Recommendation:** Approve.
- 35. (Z0507402) Michael D. Hester's** request for change from RR-1 to SR on 0.53 acre, located on the south side of White Road, east of Marywood Road.  
**P&Z Recommendation:** Approve.

**C. Administrative Rezonings**

- 1. Section 07, Township 26, Range 37, Sub. DQ, Lot 2.06**, owned by **Thomas J. Palumbo**, removal of Conditional Use Permits Z-9175 for four horses, Z-9263 for Barn, Z-9838 for Private Heliport, and Z-10217 for two goats.  
**P&Z Recommendation:** Approve.

**V. PUBLIC HEARINGS (CONTINUED)**C. Administrative Rezonings (continued)

2. **Section 19, Township 26, Range 37, Sub. DS, Lot 14.01** on **5.33 acres**, owned by **Happy Landings Homes, Inc.**, change from AU and Conditional Use Permit Z-7430 for Residential Social Service Facility (ACLF) and School to IN(L) with a Binding Development Plan and Removal of Conditional Use Permit Z 9349.

**P&Z Recommendation:** Table to the August 8, 2005 Planning and Zoning and September 1, 2005 Board of County Commissioners meetings.

- \*D. Ordinance, Re: Setting Forth Eleventh Small Scale Plan Amendment of 2005, 05S.11
- \*E. Ordinance, Re: Imposing Six-month Moratorium on Issuance of Driveway Permits on Wickham Road (Second Hearing) (District 4)

**VI. UNFINISHED BUSINESS (5 minutes per speaker)**

- \*A. Binding Development Plan Agreement with Jessica and Graham McLeary, Re: Property Located on West Side of Minton Road, South of Ellis Drive (District 5)

**VII. NEW BUSINESS (5 minutes per speaker)****VIII. ITEMS REMOVED FROM CONSENT AGENDA**

**In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010.**

**Assisted listening system receivers are available for the hearing impaired and can be obtained from the Sound Technician at the meeting.**

**We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONES REMAIN OFF while the County Commission is in session. Thank you.**

**This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks Cable Channel 1 or 99, Adelphia Cable Channel 51, and Comcast Cable Channel 26. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.scgtv.org>.**

**The Advanced Agenda may be viewed at: [www.brevardclerk.us/PAGES/agendalist.htm](http://www.brevardclerk.us/PAGES/agendalist.htm)**