

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 February 6, 2014 at 5:03 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	Vice Chairman/Commissioner District 1	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 Dr. Jeffery D. Hoy, Faith Fellowship Church, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Andy Anderson led the assembly in the Pledge of Allegiance.

ITEM II.C., REPORT, RE: CHUCK NELSON, DISTRICT 2 COMMISSIONER

Commissioner Nelson stated staff has been working a culvert pipe issue for about one and one-half years on North Merritt Island at Black Oak Court; it started as a complaint from a neighbor and was dealt with by Public Works; at some point it became a Code issue and has been through the process; and the gentleman in question is Robert Scoville, who is a contractor in Afghanistan, and has not been able to be present during the entire process. He advised it is possible to get a permit to place the pipe there; it has been through the Special Magistrate; and he inquired if the Board will abate the Code part of this, let Mr. Scoville return from Afghanistan, and have staff work with him to create a new starting point with him present and figure out exactly whose pipe it is, why it is there, if he is going to get a permit or not, and if not to remove it. He stated he would not be discussing this if it were not a health and safety issue; it has been determined that it is not a drainage issue, and is an equalizing pipe so it does not have any flow impact or urgency. He went on to say that the reason he is bringing it to the Board's attention tonight is that the pipe was going to be removed because of the Special Magistrate's action, but he would like to have the Code Enforcement abated against Mr. Scoville; Mr. Scoville will be returning from Afghanistan in April; and he will facilitate the meeting with Public Works to get the issue resolved and get it back to the normal-round for this.

The Board approved abating the Special Magistrate's action against Robert Scoville until he returns from Afghanistan; and authorized Commissioner Nelson to facilitate a meeting with Mr. Scoville and Public Works to discuss a new starting point to figure out exactly whose culvert pipe it is, why it is there, if he is going to get a permit or not, and if not, to remove it.

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

ITEM IV., PUBLIC COMMENTS

Scott Ellis stated there are two shelter centers South Animal Care and Adoption Center (SACC) and North Animal Care and Adoption Center (NACC); 90 percent of adoptions come out of SACC; there has yet to be any functions of being one organization between the two shelter centers; there is an overflow of animals at NACC and there are numerous empty kennels at SACC; and he advised to bring animals from NACC to SACC for adoption opportunities. He advised there are still quarantine's at SACC; stated the quarantine's could go to NACC, because it does not really do adoptions there, and valuable space is being wasted; if SACC could be looked at as retail space, the space would not be wasted for quarantine's and no one can adopt; and he would like the Board to look at moving the quarantine's from SACC to NACC and to bring the adoptive animals from NACC to SACC. He mentioned Orange County is no longer putting breeds on animal's description; and he suggested not putting breeds on animals is something Brevard County should be moving away from as well.

Commissioner Infantini inquired if the Board is within its jurisdiction to be able to make these recommendations a rule, because she often wonders if she is overstepping her authority as a Commissioner to make a recommendation, or by asking staff to switch it so there is retail operations at SACC, and holding quarantine's at NACC.

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Mr. Ellis advised there could be a limited number of adoptions held at NACC; SACC is where the foot traffic is; and the numbers are showing that through the years at SACC is usually where most of the adoptions are done.

Christine Lepore, Assistant County Attorney, advised the Board it would be an administrative determination that the County Manager Office would need to make.

Commissioner Nelson suggested the County Manager do a staff report; stated in North Brevard County the Society for the Prevention of Cruelty to Animals (SPCA) is used as the front for the animals because of its location; and it is worthwhile looking into that.

Commissioner Anderson advised he met with Joe Ambrose, Brevard County Sheriff's Office, yesterday for a couple of hours; the inmates were at the shelter doing some work; some of the issues are beyond what the inmates can do; Mr. Ambrose requested that he check with South Road and Bridge to see if they can get some equipment in there for the weeds in the back; and he submitted that request, but he would like to get support from the Board to talk with management and encourage that because the inmates are willing to the work.

Commissioner Fisher stated he is concerned if no adoptions happen at NACC; he thinks it is not fair for the residents in North Brevard County to drive to Melbourne to adopt a pet; he understands there might not be as many adoptions at NACC as in SACC; and he is not supportive of the recommendation.

Mr. Ellis advised the kill-rate in NACC is higher and it has an off-the-track location; and even the people living in the City of Titusville go to the SPCA on State Road 50.

Commissioner Nelson advised to have staff look at it to give the pros and the cons, so he can see how much impact the SPCA has in that process, too, for Brevard County at NACC; he agreed with Commissioner Fisher that there needs to be some availability at NACC.

Mr. Ellis stated over the holidays 27 dogs were adopted at SACC; one dog was adopted at NACC; and it is nothing personal, but it is a tough location to work out of.

Commissioner Fisher understood NACC to be off-the-beaten-path; and stated that one dog is one dog that would not have been adopted if NACC was not located there.

Pam LaSalle stated she watches the listings and the main adoptions are at the SPCA; she is against privatization; she reviewed the Request for Information (RFI), it can make the animals vulnerable to poor care; she does not know what the end product is going to look like; and she would like to see specifics of what kinds of exercise and other care is given. She stated there is a need for a volunteer coordinator that can attract committed volunteers; there is an on-going problem with Brevard Animal Service Enforcement (BASE) deciding that four hours and six months qualifies as an active volunteer; and there are a core of volunteers that are committed. She added, the volunteer coordinator needs to work with the shelter demands by calling and finding those people who are willing to come in, because she is present six days a week; and the Chameleon System used does not tell who is present and who is going to be there to help figure how much walking can be done. She suggested all dogs on adoption row should be spayed or neutered; this has been an on-going argument for a long time; un-spayed or un-neutered dogs have hormones that can cause problems; and there is a veterinarian on staff and she sees no need for dogs on adoption-row not to be spayed or neutered. She advised standard operating procedures are still needed; she knows the Board does not have a favorable opinion of the Animal Advisory Board (AAB), but in June, she gave the Animal Services and Enforcement Department Director Karla Torphy, a generic stock-set where all she had to do was fill in the names, which gave Ms. Torphy something to work with. She advised there is still

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a problem with the website listing the dogs properly; the Fire Department has built a training facility, in the lot adjoining the Park and Ride, on the other side is a boys facility, and across the street is SACC; they regularly burn things that she considers toxic, because one time she had third-degree burns on her body where she did not have any clothing; she kept thinking it was going to be temporary because it was a parking lot; and the boys facility nurse told her that they have to keep the kids inside during the burns. She advised this all falls-back on the County's management; she thinks there are managers who do not know how to manage employees; she does not blame the front line people; and changing to no breed listing needs to have Director feedback before doing so, and she is for it.

ITEM V.B.1., (13PZ-00098) FLORIDA RIVER RAT, LLC - (JAY SCHENCK) - REQUESTS A CHANGE OF CLASSIFICATION FROM AU AND EU2, WITH A 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, APPROX. .23 MILE NORTH OF SILVER HILL LANE. (NO ASSIGNED ADDRESS. IN THE COCOA AREA).

Chairman Bolin Lewis called for a public hearing to consider Florida River Rat, LLC's request for a change of classification from AU and EU2, with removal of existing Binding Development Plan, to BU-1 on the west 400 feet (3.43 acres), with a new Binding Development Plan on 10.69 acres, located on the east side of U.S.1, approximately .23 mile north of Silver Hill Lane and AU on the remaining 7.26 acres.

Commissioner Fisher advised he is ready to make the motion.

Commissioner Nelson stated the property was originally zoned for Agriculture; it went to Residential and was built up with Residential around it, and now it's back to Agriculture, that he considers to be potentially green-industrial uses there; and it is his understanding that the applicant is looking to do some type of nursery operation on the AU portion.

Charles Schenck advised Commissioner Nelson is correct; and stated nursery operations and beekeeping will be done.

Commissioner Nelson stated it abuts to Residential, which is a good use; and he inquired if the Board would consider a Binding Development Plan (BDP) for the use so it does not turn into an egregious Conditional Use Permit request for a hog farm in the future, and because it is a large enough property to do that on. Mr. Schenck replied he would rather not do so because he would like to return the zoning to what it was before; the property continuous to this property is zoned AU-1; his parents have a permit for the property and they have palm trees, and various nursery activities going on there; and they are hoping to continue the same type of operations on this property along with beekeeping. He went on to say the BDP was setup by the previous owner before his parents purchased the property last year; and they want to switch it back to its original zoning.

Commissioner Nelson advised since that original agreement was made that is what he is trying to protect.

Chairman Bolin Lewis inquired if Commissioner Fisher will amend his motion to do a BDP. Commissioner Fisher responded yes; and he would like for staff to help Mr. Schenck with the BDP process.

Cindy Fox, Planning, Zoning, and Enforcement Manager, replied that she would do so.

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There being no further comments, the Board approved Florida River Rat, LLC's request for a change of classification from AU and EU2, with removal of existing Binding Development Plan, to BU-1 on the west 400 feet (3.43 acres), with a new Binding Development Plan on 10.69 acres, located on the east side of U.S.1, approximately .23 mile north of Silver Hill Lane and AU on the remaining 7.26 acres, and is limited to nursery operation and beekeeping.

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

ITEM V.B.2., (13PZ-00101) NOVA WAY INVESTMENTS, INC. - (RICHARD KERN) - REQUESTS A SMALL SCALE PLAN AMENDMENT (13S.15) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM NC AND RESIDENTIAL 4 TO PLNIP, AND A CHANGE OF CLASSIFICATION FROM PIP AND RU-2-4 TO ALL PIP ON 8.09 ACRES, LOCATED ON THE WEST SIDE OF U.S.1, APPROX. 735 FT. SOUTH OF RIDGEWOOD DR. (NO ASSIGNED ADDRESS. IN THE COCOA AREA)

Chairman Bolin Lewis called for a public hearing to consider Nova Way Investments, Inc's. request for a Small Scale Plan Amendment (13S.15) to change the Future Land Use designation from NC and Residential 4 to PLNIP, and a change of classification from PIP and RU-2-4 to all PIP on 8.09 acres, located on the west side of U.S. Highway 1, approximately 735 feet south of Ridgewood Drive.

There being no objections, the Board approved request as recommended; and adopted Ordinance No. 14-04, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the first Small Scale Plan Amendment of 2014, 13S.15, 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 approving an effective date.

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

ITEM V.B.3., (13PZ-00076) - CANAVERAL CROSSROADS LLC AND CANAVERAL PORT AUTHORITY - (MIKE MCPHILLIPS) - REQUESTS A SMALL SCALE PLAN AMENDMENT (13S.11) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM NC TO CC; A CHANGE OF CLASSIFICATION FROM NC TO CC; A CHANGE OF CLASSIFICATION FROM RU-2-10 TO BU-1; A CUP FOR ALCOHOLIC BEVERAGES (BEER, WINE, LIQUOR) FOR ON-PREMISES CONSUMPTION AS AN ACCESSORY TO A RESTAURANT; AND A CUP FOR A COMMERCIAL/RECREATIONAL MARINA, ON 8.75 ACRES, LOCATED ON THE NORTHWEST CORNER OF MARINE HARBOR DR., AND N. COURTENAY PARKWAY. (TAX PARCEL 503: 2 BARGE CANAL DR.; TAX PARCEL 505: 2750 TINGLEY DR.; AND TAX PARCEL 513: NO ASSIGNED ADDRESS/IN THE MERRITT ISLAND AREA.)

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Commissioner Bolin Lewis called for a public hearing to consider a request a Small Scale Plan Amendment (13S.11) change to the Future Land Use Map designation from NC to CC; a change of classification from RU-2-10 to BU-1; a Conditional Use Permit (CUP) for alcoholic beverages (beer, wine, and liquor) for on-premises consumption as an accessory to a restaurant; a CUP for a Commercial/Recreational Marina, on 8.75 acres, located on the northwest corner of Marine Harbor Dr., and North Courtenay Parkway

Marty Flinn, Canaveral Crossroads LLC and Canaveral Port Authority representative, stated to change classification from RU-2 to BU-1, reestablish the Tingley marina, and build some resort dwellings to serve the growing tourist business associated with the growth of cruise business at Port Canaveral; and for private businesses at Kennedy Space Center.

Kathryn Bird stated this will be a working waterfront; no where on the application did she see the words public/private partnership; and she inquired if it will become a public/private partnership. Christine Lepore, Assistant County Attorney, responded the property is owned by the Port Authority and the applicant; she is not aware of any discussions of agreement with the County. Ms. Bird stated she understood it as stormwater funds being used for significant upgrades for the owner on these lands to the benefit of the owner arrangements for public/private partnerships.

Commissioner Nelson advised there is no public money being used by Brevard County on this project.

Ms. Bird advised she understood the application to read that this would be going under State Road 520 to get rid of the septic fields; and inquired if grant money is being used. Commissioner Nelson responded if it were grant money being used, it would be between the applicant and the Port; and Brevard County is not involved in any way. She stated concurrency comes after the building stage for regulation as to what can fit on this land according to the Highway Capacity Manual of 2000; a hotel is mentioned a few pages within the report; she would like that type of specific information to be on the first page; and she inquired if Section 62-1901(c)(b) has been changed.

Cindy Fox, Planning, Zoning, and Enforcement Manager, responded when a staff report is done that includes a Comprehensive Plan change and a rezoning, the Comprehensive Plan change is the overriding layer, and that report is always the first few pages of the staff report; it is not until getting to the second part of the staff report that talks about the zoning and detailed information; a hotel was not listed in the front under the land use regulations, but is mentioned in the report; at this time the applicant is seeking BU-1 zoning; they are seeking mixed-uses, so hotel is a possible use, as well as resort dwellings or other types of commercial uses; and it is potential and concurrency will be reviewed during the site plan process at the beginning and at the end. She believed the size of the project is dictated that they work with Florida Department of Transportation (FDOT); and some of the provided trip counts may not be correct at this point because it is unknown what is going to be required as this moves through the process.

Commissioner Infantini stated she understands Ms. Bird's point of it not being on the first page, but all pages need to be read that are provided in reports; she is not overly concerned that the hotel information is not on the first page; and she is okay with where it was placed in the report.

Commissioner Nelson added, it had already been rezoned to multi-family uses, so it is not considerably different from what was done in 2006 originally.

There being no objections, the Board approved Canaveral Crossroads LLC and Canaveral Port Authority request for a Small Scale Plan Amendment (13S.11) change to the Future Land Use Map designation from NC to CC; a change of classification from RU-2-10 to BU-1; a Conditional

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Use Permit (CUP) for alcoholic beverages (beer, wine, and liquor) for on-premises consumption as an accessory to a restaurant; a CUP for a Commercial/Recreational Marina, on 8.75 acres, located on the northwest corner of Marine Harbor Dr., and North Courtenay Parkway; and adopted Ordinance No. 14-05, 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, 13S.11, 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 amendment; providing legal status; providing a severability clause; and providing an effective date.

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

ITEM V.B.4., (13PZ-00092) - WILLIE & NALANI HADLEY - REQUESTS A CHANGE OF CLASSIFICATION FROM GU TO RRMH-1 ON 2 ACRES, LOCATED ON THE SOUTH END OF WOODS TR., APPROX. .25 MILE SOUTH OF MICCO RD. (NO ASSIGNED ADDRESS. IN THE MICCO AREA.)

Chairman Bolin Lewis called for a public hearing to consider a request of a change of classification from FU to RRMH-1 on two acres, located on the south end of Woods Trail, approximately .25 mile south of Micco Road.

There being no objections, the Board approved Willie and Nalani Hadley's request of a change of classification from FU to RRMH-1 on two acres, located on the south end of Woods Trail, approximately .25 mile south of Micco Road.

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

ITEM V.B.5., (13PZ-00095) EQUAL ANGLES, LLC - REQUESTS A SMALL SCALE PLAN AMENDMENT (13S.13) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM NC TO CC, AND A CHANGE OF CLASSIFICATION FROM GU TO BU-2 ON 1.09 ACRES, LOCATED ON THE SOUTH SIDE OF FREEMAN LN., APPROX. 360 FT. EAST OF WAELTI DR. (NO ASSIGNED ADDRESS. IN THE MELBOURNE AREA.)

Chairman Bolin Lewis called for a public hearing to consider a request of a Small Scale Plan Amendment (13S.13) to change The Future Land Use Designation from NC to CC, and a change of classification from GU to BU-2 on 1.09 acres, located on the South side of Freeman Lane, approximately 360 feet east of Waelti Drive.

There being no objections, the Board approved Equal Angles, LLC's request of a Small Scale Plan Amendment (13S.13) to change The Future Land Use Designation from NC to CC, and a change of classification from GU to BU-2 on 1.09 acres, located on the South side of Freeman Lane, approximately 360 feet east of Waelti Drive; adopted Ordinance No. 14-06, amending

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Article III, Chapter 62, of The Code of Ordinance of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the third Small Scale Plan Amendment of 2014, 13S.13, 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; provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

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

ITEM V.B.6., (13PZ-00099) - DANIEL BANDISH - REQUESTS A CHANGE OF CLASSIFICATION FROM SEU TO RR-1 ON 3.48 ACRES, LOCATED ON THE NORTHWEST CORNER OF PERCHERON BLVD., AND CLYDESDALE BLVD. (NO ASSIGNED ADDRESS. IN THE MELBOURNE AREA.)

Chairman Bolin Lewis called for a public hearing to consider a change of classification from SEU to RR-1 on 3.48 acres, located on the northwest corner of Percheron Boulevard, and Clydesdale Boulevard.

There being no objections, the Board approved Daniel Bandish's request of a change of classification from SEU to RR-1 on 3.48 acres, located on the northwest corner of Percheron Boulevard, and Clydesdale Boulevard.

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

ITEM V.B.7., (13PZ-00102) - PARK PLACE AT SUNTREE, LP - (ROBERT GRASSMAN) - REQUESTS A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT, IN A BU-1 ZONING CLASSIFICATION, ON 1.81 ACRES, LOCATED ON THE NORTH SIDE OF WICKHAM RD. APPROX. .27 MILE EAST OF INTERLACHEN RD.

Chairman Bolin Lewis called for a public hearing to consider a request a Conditional Use Permit (CUP) for alcoholic beverage for on-premises consumption in conjunction with a restaurant, in a BU-1 zoning classification, on 1.81 acres, located on the north side of Wickham Road, approximately .27 mile east of Interlachen Road;

There being no objections, the Board approved Park Place at Suntree, LP's request of a Conditional Use Permit (CUP) for alcoholic beverage for on-premises consumption in conjunction with a restaurant, in a BU-1 zoning classification, on 1.81 acres, located on the north side of Wickham Road, approximately .27 mile east of Interlachen Road.

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

ITEM V.B.8., (13PZ-00096) ALLAMM MORALS - (MARK SCOTT SCIME) - REQUESTS A SMALL SCALE PLAN AMENDMENT (13S.14) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM CC AND NC TO ALL CC; A CHANGE OF CLASSIFICATION FROM BU-1 AND RP, WITH BSP TO ALL BU-1; A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT; AND REMOVAL OF EXISTING BSP, ON 1.72 ACRES, LOCATED ON THE SOUTHWEST CORNER OF W. NEW HAVEN AVE. AND NEW YORK ST., AND APPROX. 142 FEET EAST OF ALMA DR. (NO ASSIGNED ADDRESS. IN THE MELBOURNE AREA.)

Chairman Bolin Lewis called for a public hearing to consider a change of Small Scale Plan Amendment (13S.14) to change The Future Land Use designation from CC and NC to all CC; a change of classification from BU-1 and RP, with a restaurant; removal of existing BSP, on 1.71 acres, located on the southwest corner of West New Haven Avenue and New York Street, approximately 142 feet east of Alma Drive.

There being no objections, the Board approved Allamm Morals' request of a Small Scale Plan Amendment (13S.14) to change The Future Land Use designation from CC and NC to all CC; a change of classification from BU-1 and RP, with a restaurant; removal of existing BSP, on 1.71 acres, located on the southwest corner of West New Haven Avenue and New York Street, approximately 142 feet east of Alma Drive; adopted Ordinance No. 14-07, amending Article III, Chapter 62, of The Code of Ordinance of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the fourth Small Scale Plan Amendment of 2014, 13S.14, 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; provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

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

ITEM V.C., ORDINANCE, RE: AMENDING ZONING REGULATIONS SECTION 62-2117(C)(8) TO PROHIBIT THE PARKING OF STEP VANS IN RESIDENTIAL ZONING CLASSIFICATIONS (FIRST READING)

Commissioner Bolin Lewis called for a public hearing to consider amending Zoning Regulations Section 62-2117(c)(8) prohibiting the parking of step vans in residential zoning classifications

Cindy Fox, Planning, Zoning, and Enforcement Manager, stated on December 3rd staff was directed to prepare an ordinance that would amend Section 62-2117(c)(8) to prohibit the parking of step vans in residential Zoning Classifications; currently they are permitted; and discussions

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were held about box trucks being prohibited and the presence of a step van and a box truck had an inconsistency that the Board recognized, and directed staff to bring it forward.

Commissioner Nelson stated the Board may recall when it talked about the box trucks, it was also talking about step vans; he brought back with him the emails that he had received from folks who do not want either types of vehicles in their communities; but because it was only advertised as box trucks, the process had to be gone back through. He went on to say the desire to not have these box trucks in neighborhoods has not changed; he thinks there is still some confusion over what is being talked about; and these are not pick-up trucks being talked about.

Motion by Commissioner Infantini to leave the Ordinance the way it is. Motion died for the lack of a second.

Commissioner Fisher stated he has received several calls about this; tow trucks are not being addressed, but those could be moved behind a fence; inquired if Commissioner Nelson is willing to compromise and do what is allowed for the tow trucks; and if people are going to have them, they put them behind a six foot fence, that might help create less hardship.

Commissioner Nelson stated three Board members were not on the Board when recreational vehicles were dealt with; at one point those were prohibited; the Board actually came up with some changes to that to address it; recreational vehicles are different than a commercial vehicle; and right now a person can park as many commercial vehicles in their front yards as they want to, which is an issue. He stated commercial vehicles are fairly rare because they are so large and typically do not come home with the employee, but they are egregious in size; if they were behind a six foot fence, they would still stand above that; and he does not know if they could successfully be hidden. He believes that some of the commentary is interjecting commercial in neighborhoods that is much greater than what was there up until 2005; stated for years they were not permitted and some believe the rules are different in Brevard County; and they do not belong in neighborhoods. He advised recreational vehicles are more acceptable because everyone can do that; and most neighbors do not want to see a 24-foot United Parcel Services (UPS) truck parked in a neighbor's driveway. He added, while he was running for office this was an issue because it was happening; this will take two hearings and he can get everyone to come back to the Board; but he thinks it is a case of being expected to do the right thing, which is why there are not many people present tonight to talk about it, because they thought they had already dealt with it.

Commissioner Anderson advised he accepts where Commissioner Nelson's heart is for the residents; his unincorporated area is not like Merritt Island and setting a standard across-the board has always been an issue for him; this is going through Legislature for aesthetics, with no study being done as a health and safety issues by having these vehicles in a neighborhoods; and he is opposed to it.

Commissioner Infantini stated there are a less amount of regulations imposed on people in the unincorporated area, which is why they chose unincorporated; anybody wishing to live in a deed restricted community is more than willing to do so; the public at large does not want this extra layer of regulation; they do not want it reversed; and people are going to have a hard time trying to fabricate a place to put their truck because of a few homeowners not wanting it. She added, she has not received any complaints from her community on this; and stated she is not in favor of this.

Commissioner Fisher noted the Ordinance still has 180 days, which he does want because it would give time for people to make their parking arrangements; and he wants a little

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compromise to help get the trucks off the streets for neighbors not to see it and do what is similar done with the tow trucks.

Chairman Bolin Lewis advised not many people are going to be able to provide the space to hide the truck somewhere; it would be an added extra compromise for those to hide it; and she inquired if Commissioner Nelson would consider amending his motion. Commissioner Nelson replied the City of Malabar is the only city in the County that allows for this; stated he is at a loss and does not understand how Commissioner Infantini can say the rules are different; and for thirty years prior to this, that type of vehicle could not be parked there. He went on to say people suddenly started flocking to unincorporated to be able to park vehicles; he was assigned to sit in on a group of city and County representatives talking about the issues of annexation; the issue was the rules were more stringent in unincorporated Brevard County, which caused people to annex into cities; and Brevard County cannot say they are less stringent. He stated there are zoning categories that allow for a broader ranger of things, is the difference; it is not about the rules themselves; he assured that regulations for residential are very similar to every other city in Brevard County because it manages urbanized areas; he thinks a bigger issue is being made out of this particular vehicle because there are not that many of them; in reality, a lot of older subdivisions use to have deed restrictions that are no longer enforced; and it is unfortunate that some of the older communities are unenforceable. He added, he has read the minutes, and it appears that this is an upgrade; there was a compromise for recreational vehicles because everyone could end up with one; but not everyone will end up with a step van. He asked to the Board to reverse a decision that was a bad decision by a previous Board to not allow these large vehicles in neighborhoods because there is no way to hide them; and if there is enough room to hide it then the neighbors would not be complaining.

Chairman Bolin Lewis passed the gavel to Vice Chairman Fisher.

Commissioner Fisher stated one thing he has been fighting for in his District is a clean up; he recognized this is part of that clean up; and he will be supportive of the motion.

Vice Chairman Fisher passed the gavel back to Chairman Bolin Lewis.

There being no further comments, the Board moved consideration of permission to advertise ordinance amending Zoning Regulations Section 62-2117(c)(8) prohibiting the parking of step vans in residential zoning classifications to the second public hearing scheduled for the February 18th Board meeting.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Mary Bolin Lewis, Chairman/Commissioner District 4
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
NAYS:	Trudie Infantini, Andy Anderson

ITEM V.D., BOARD CONSIDERATION, RE: TIME EXTENSION FOR CFAR, INC. TO RELOCATE CAPTIVE WILDLIFE TO FOREVER FLORID

Commissioner Fisher disclosed he met with the applicant; and stated CFAR, Inc. has advised him that they can do the relocation quicker than in one year.

Commissioner Anderson disclosed that he spoke with Thomas Blue; and he advised getting the move done prior to the new Commission comes onboard.

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The Board granted a one-year time extension to CFAR, Inc. to relocate their captive wildlife from 5420 Date Palm Street, Canaveral Groves to Forever Florida Reserve in Osceola County; and authorized staff to continue stay of Code Enforcement proceedings.

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

ITEM VII.B. REAPPOINTMENT, RE: BOARD OF DIRECTORS FOR COMMUNITY BASED CARE OF BREVARD, INC. D/B/A BREVARD FAMILY PARTNERSHIP

The Board reappointed Eric Smith to the Board of Directors for Community Based Care of Brevard Inc. d/b/a Brevard Family Partnership.

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

By consensus of the Board, the meeting adjourned at 5:54 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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