

## A G E N D A

MEETING OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
GOVERNING BOARD OF THE BREVARD MOSQUITO CONTROL DISTRICT  
GOVERNING BOARD OF THE BAREFOOT BAY WATER AND SEWER DISTRICT  
Government Center Commission Room, Building C  
2725 Judge Fran Jamieson Way  
Viera, Florida

May 29, 2008

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

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

4:30 p.m. \*Executive Session: DiChristopher v. Brevard County

5:00 p.m. CALL TO ORDER

INVOCATION BY: Pastor Stan Wickett, Concordia Lutheran Church, Micco, Florida

PLEDGE OF ALLEGIANCE: Vice Chairman Mary Bolin, District 4

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

- A. Staff Recognition
- B. Resolution, Re: Management Week (District 1)

### **II. BOARD REPORTS AND PRESENTATIONS (MORE THAN 5 MINUTES)**

- A. Peggy Busacca, County Manager
- B. Scott Knox, County Attorney
- C. Chuck Nelson, District 2 Commissioner

\*Revised 05-28-08

**II. BOARD REPORTS AND PRESENTATIONS (CONTINUED)**

- D. Helen Voltz, District 3 Commissioner
- E. Mary Bolin, District 4 Commissioner, Vice Chairman
- F. Jackie Colon, District 5 Commissioner
- G. Truman Scarborough, District 1 Commissioner, Chairman

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

- \*A. New Lease Agreement with Brevard County Mosquito Control District, Re: Valkaria Airport
- \*B. Construction Contract Modification #5, Re: Micco Road Sidewalk and Intersection Improvement Project (District 3)
- \*C. Contract with Masci Corporation, Re: Upper Eau Gallie (Lake Washington Road) Stormwater Improvements (Districts 4 and 5)

**IV. ITEMS REMOVED FROM CONSENT AGENDA BY CITIZENS**

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

**VI. PUBLIC HEARINGS**

Zoning Portion of BCC Agenda for Thursday, May 29, 2008:

**A. Tabled Items**

THE FOLLOWING ITEM WAS HEARD BY P&Z (11/5/07) & TABLED BY BCC (12/6/07, 2/7/08 & 3/6/08):

**DISTRICT 1**

**VI.A.1. – (Z0711101) – LAHINCH LAND PARTNERS, LLC –** (John H. Evans) - requests a change from AU to RA-2-4 on 8.94 acres. Located on the north side of London Town Rd., approx. 500 ft. west of Carpenter Rd.

**P&Z Recommendation:** Ott/Cannon – Approved. Vote was 7:2, with Jagrowski and McLellan voting nay.

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

THE FOLLOWING ITEM WAS HEARD BY P&Z (12/10/07)& TABLED BY BCC (2/7/08 & 3/6/08):

**DISTRICT 2**

**VI.A.2. (Z0712201) – ROBERT DEAN STRANEY** – requests a change from RU-1-9 to RP on 0.48 acre. Located on the northwest corner of Tennessee Ave. & Warner Way.

**P&Z Recommendation:** Ott/Ward – Denied. Vote was 7:1, with Morrison voting nay.

THE FOLLOWING ITEM WAS HEARD BY P&Z (3/10/08) AND TABLED BY BCC (4/3/08):

**VI.A.3. (Z0803202) – CARL W. LOGGINS** – (Phillip F. Nohrr, Esquire) – requests a Small Scale Plan Amendment (08S.6) to change the Future Land Use designation from NC to CC, and a change of classification from GU to BU-2 on 1.718 acres. Located on the west side of Clearlake Rd., approx. 400 ft. north of King St. (SR 520).

**LPA Recommendation:** Ward/Frink – Approved. Vote was unanimous.

**P&Z Recommendation:** Ward/Frink – Approved, with the stipulation that the current use continues. Vote was unanimous.

THE FOLLOWING ITEM WAS HEARD BY P&Z (2/11/08) AND TABLED BY BCC (3/6/08, 4/3/08 & 5/1/08):

**DISTRICT 5**

**VI.A.4. (Z0711502) – JOHN M. GAYDEN, JR.** – (Stephen J. Lacey, Esquire) - requests a Small Scale Plan Amendment (08S.5) to change the Future Land Use designation from Res. 15 to NC, and a change from RU-1-11 to RP on 0.84 acre. Located on the east side of Hwy. A1A, 300 ft. south of Poinsetta St.

**LPA Recommendation:** Ward/Cannon – Denied. Vote was 7:4 with Frink, Morrison, Jagrowski, and Minneboo voting nay.

**P&Z Recommendation:** Ward/Cannon – Denied. Vote was 7:4 with Frink, Morrison, Jagrowski, and Minneboo voting nay.

THE FOLLOWING ITEM WAS HEARD BY P&Z (1/7/08) AND TABLED BY BCC (2/21/08, 4/3/08 & 5/1/08):

**DISTRICT 4**

**VI.A.5. (Z0801401) – TIMOTHY STRICKRATH DEVELOPER, INC.** – (Jack Crisafulli) – requests a Small Scale Plan Amendment (08S.02) to change the Future Land Use from NC to CC, and a change from AGR to BU-2, with removal of a BDP on 5.99 acres, +/- . Located on the west side of U.S. 1, 775 ft. north of Friendship Pl.

**LPA Recommendation:** Frink/McLellan – Approved. Vote was unanimous.

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

**VI. PUBLIC HEARINGS (CONTINUED)****B. P&Z Board Recommendations of May 5, 2008:****DISTRICT 5**

**VI.B.1. (Z0805501) – BREVARD TRUSS, INC. AND CHARLES F. & EDWINA WITT GRIFFIN** – (Charles Griffin) – request a change from IU to IU-1 on 6.80 acres. Located on the south side of West Eau Gallie Blvd., approx. 900 ft. west of Jones Road.  
**P&Z Recommendation:** McLellan/Jagrowski – Approved. Vote was unanimous.

**DISTRICT 1**

**VI.B.2. (Z0805101) – M&J ENTERPRISES OF BREVARD, INC.** - (John Campbell) – requests a change from BU-1 and BU-2 to all BU-2 on 1.544 acres +/- . Located on the northwest corner Roosevelt Rd. and Old Dixie Hwy.  
**P&Z Recommendation:** Morrison/Wise – Approved, with a Binding Development Plan. Vote was unanimous. Laura Ward not voting.

**VI.B.3. (Z0805102) – DAVID O. HOLLAND** – (John H. Evans, Esquire) – requests a CUP for Alcoholic Beverages for On-Premises Consumption (beer & wine only) in a BU-1 zoning classification on 1.02 acres. Located on the west side of U.S. 1, approx. 750 ft. south of Aurantia Rd.  
**P&Z Recommendation:** Ott/Morrison – Approved. Vote was unanimous.

**VI.B.4. (Z0805103) – JOHN J. GREENE, TRUST, U/A/D, AND LUELLA ANN GREENE, AND MARGO G. ZAUNER, TRUSTEES** – (John G. Greene) – request a Small Scale Plan Amendment (08S.10) to change the Future Land Use designation from NC to CC and a change of classification from RU-2-10 to TU-2. Containing 6.118 acres, +/- . Located on the east side of Carpenter Rd., approx. 0.18 mile south of Hwy. 46.  
**LPA Recommendation:** *Ott/Jagrowski – Tabled to the 7/7/08 P&Z mtg. Vote was unanimous.*  
**P&Z Recommendation:** Ott/Jagrowski – Tabled to the 7/7/08 P&Z mtg. Vote was unanimous.

**VI.B.5. (Z0805104) - BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**, pursuant to Chapter 62, Article VI, Brevard County Code, Section 62-1152, and Brevard County Comprehensive Plan Policy 15.2, the following is being considered for administrative rezoning: Property owned by Donald Scott Minnick to change from RU-1-9 to RU-1-11 on 1.02 acres. Located on the south side of Joel Ave., running from the east side of Brevard Ave. to the west side of Turnbull Rd.  
**P&Z Recommendation:** Wise/McLellan – Approved. Vote was unanimous.

**DISTRICT 2**

**VI.B.6. (Z0805201) – MJ&B BUILDERS, LLC** – (Regina Schwantz) – requests a change of classification from EU to RU-1-11 , and removal of the existing BDP on 0.57 acre. Located on the south side of Lucas Rd., approx. 510 ft. east of N. Tropical Trail.  
**P&Z Recommendation:** McLellan/Jagrowski – Approved. Vote was unanimous.

**VI. PUBLIC HEARINGS (CONTINUED)****B. P&Z Board Recommendations of May 5, 2008: (Continued)**

**VI.B.7. (Z0805202) – JAMES L. COSTIGAN, TRUSTEE** – requests a change of classification from BU-1 to RR-1, with removal of existing BDP, on 2.25 acres. Located on the south side of Lake Dr., approx. 0.3 mile east of Range Rd.

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

**VI.B.8. (Z0805203) – DP RENTAL GROUP, LLC** – (Cathy Dixon) – requests a Small Scale Plan Amendment (08S.9) to change the Future Land Use designation from NC to CC on 0.143 acre; and a change of classification from BU-1-A & BU-1 to all BU-1 with removal of the CUP for Alcoholic Beverages for On-Premises Consumption on 0.22 acre. (Total acreage = 0.44) Located on the east side of Parnell St., 100 ft. south of Merritt Ave.

**LPA Recommendation:** Ott/McLellan – Approved. Vote was unanimous.

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

**VI.B.9. (Z0805204) – ISLAND OAKS OF BREVARD, LLC** – (Fred C. Malik) – requests a change from RU-2-12 to RU-2-15 with a BDP on 3.95 acres. Located on the west side of N. Courtenay Pkwy., approx. 0.6 mile south of Hwy. 528.

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

**C. Continuation of Denied Request from May 24, 2007:**

THE FOLLOWING ITEM IS A CONTINUATION OF A DENIED REQUEST (Z-11348) FROM MAY 24, 2007:

**DISTRICT 2**

**VI.C.1. (Z0704201) ANTHONY G. LACOURT** – requests a Conditional Use Permit for Alcoholic Beverages for On-Premises Consumption in a BU-1 zoning classification, on 0.15 acre. Located on the northwest corner of Fortenberry Rd. and Plumosa Dr.

**P&Z Recommendation:** Ott/McLellan – Denied. Vote was 8:3, with Cannon, Morrison & Frink voting nay.

**BCC ACTION of 5/24/07: Nelson/Voltz - DENIED. Vote was unanimous. Z-11348.**

- \*D. Resolution, Developer's Agreement, and Local Funding Reimbursement Agreement, Re: Intersection Improvements at U.S. 192 and John Rodes Boulevard (District 5)

**VII. UNFINISHED BUSINESS**

- \*A. Resolution Delegating Authority, Re: City of Cocoa Beach Community Redevelopment Agency (05-20-08)

**VIII. NEW BUSINESS (CONTINUED)**

- \*A. Resolution of Support, Re: Accepting the Decision of U. S. Air Force to Award Tanker Contract to Northrop Grumman Corporation and EADS North America
- \*B. Legislative Intent and Permission to Advertise, Re: Ordinance Amending GML Zoning Classification to Include Private, PSC-Regulated Utilities
- \*C. Approval, Re: Aerospace Workforce Transition Program Funding

**IX. ITEMS REMOVED FROM CONSENT AGENDA BY COMMISSION**

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 199, Adelphia Cable Channel 51, and Comcast Cable Channel 26, and simulcast on WBFT-LP 105.5 FM. 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.scqtv.org>.

The Advanced Agenda may be viewed at: <http://www.brevardclerk.us>.