

## AGENDA

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

August 4, 2016

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

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

5:00 p.m.      CALL TO ORDER

\*INVOCATION: Father Demetri Tsigas, St. Katharine Greek Orthodox Church, Melbourne (District 4)

PLEDGE OF ALLEGIANCE: Commissioner Robin Fisher, District 1

- I. RESOLUTIONS, AWARDS, AND PRESENTATIONS (LESS THAN 5 MINUTES)**
- II. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section II.)**
- III. PUBLIC COMMENTS (30 minutes)**

**IV. PUBLIC HEARINGS****A. Tabled Items**

THE FOLLOWING ITEM WAS TABLED FROM THE MAY 12, 2016, BCC MEETING

**DISTRICT 2**

**\*IV.A.1. (16PZ00032) – HARVEY'S INDIAN RIVER GROVES, INC.** – (Ken Fulmer/Titan Properties) – requests a Small Scale Plan Amendment (16S.04) to change the Future Land Use from Residential 2 and PLNIP to all Residential 2 on 1.57 acres; and a change of classification from SEU and PIP with BDP to EU-2 with amended BDP, on 40 acres, located on the east side of N. Courtenay Pkwy., approx. 0.47 mile north of Smith Rd. (Tax Parcel 265 = 3490 N. Courtenay Pkwy; Tax Parcel 250 = No assigned address. In the Merritt Island area.)

**NMI Recommendation: Hillberg/Testa - Denied**

**LPA Recommendation: Moia/Barber – Approved. Vote was 6:4, with Minneboo, Aydelotte, Thodey, McLellan voting nay.**

**P&Z Recommendation: Lawandales/McLellan – Approved with a BDP limited to 56 units. Vote was unanimous.**

**B. P&Z Recommendations of July 11, 2016; PSJ Recommendation of July 13, 2016; and NMI Recommendations of July 14, 2016**

**DISTRICT 1**

**IV.B.1. (16PZ00046) – EDWARD A. (III) & JENNIFER J. OSTOPOVICH** – requests a change of classification from GU to AU on 2.89 acres, located on the east side of International Ave., approx. 700 ft. north of Golden Shores Blvd. (5175 International Ave., Mims)

**P&Z Recommendation: Lawandales/Moia – Tabled to the 08/08/16 P&Z meeting. Vote was unanimous.**

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

**PSJ Recommendation: Porter/Rodriguez – Tabled to the 08/10/16 PSJ meeting. Vote was unanimous.**

THE FOLLOWING ITEM WAS WITHDRAWN BY THE APPLICANT (Letter Received 07/13/16)

**IV.B.3. (16PZ00025) – CARMINE FERRARO, TRUSTEE** – requests a Small Scale Plan Amendment (16S.02) to change the Future Land Use from NC to CC, and a change of classification from BU-1-A to BU-1, on 1.59 acres +/-, located on the south side of Fay Blvd., approx. 200 ft. east of Adams Place. (4735 Fay Blvd., Cocoa)

**IV. PUBLIC HEARINGS (CONTINUED)****B. P&Z Recommendations of July 11, 2016; PSJ Recommendation of July 13, 2016; and NMI Recommendations of July 14, 2016 (continued)****DISTRICT 2**

**IV.B.4. (16PZ00030) – GLENN C. BUTTS AND MARTHA BELINSKI** – requests a change of classification from RR-1 to AU on 9.46 acres, located on the south side of Dalbora Rd., approx. 0.38 mile east of N. Courtenay Pkwy. (No assigned address. In the Merritt Island area.)

**NMI Recommendation: Hillberg/Balke – Approved. Vote was unanimous.**

**IV.B.5. (16PZ00056) – APOLLO & FELICE CORAPI** – (Frank Plata) – requests a change of classification from BU-2 to AU on 3.68 acres, located on the east side of N. Courtenay Pkwy., approx. 0.6 mile north of Smith Rd. (No assigned address. In the Merritt Island area.)

**NMI Recommendation: Hillberg/Balke – Approved. Vote was unanimous.**

**IV.B.6. (16PZ00045) – MICHAEL J. & ELIZABETH H. WITKOWSKI** – requests the Removal of Stipulation for Child Care Use Only in a BU-1-A zoning classification, on 0.41 acres, located on the west side of S. Courtenay Pkwy, due west of Aztec Ave. (905 S. Courtenay Pkwy., Merritt Island)

**P&Z Recommendation: Lawandales/Stone – Approved. Vote was unanimous.**

**IV.B.7. (16PZ00051) – RUSSELL N. BROWN AND NANCY W. BROWN** – requests a change of classification from RU-1-9 to RU-2-10 on 0.26 acres, located on the north side of Roosevelt Ave., approx. 150 ft. east of N. Atlantic Ave. (104 Roosevelt Ave., Cocoa Beach)

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

**IV.B.8. (16PZ00053) – RALPH S. (SR.) & CYNTHIA L. PERRONE, CO-TRUSTEES** – (Jim Kiser) – request a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Restaurant, in a BU-1 zoning classification, on .033 acres, located on the southwest corner of N. Courtenay Pkwy., and Butler Ave. (2137 N. Courtenay Pkwy., Merritt Island)

**P&Z Recommendation: Lawandales/Moia – Approved. Vote was unanimous.**

**IV.B.9. (16PZ00055) – BANANA RIVERFRONT, LLC** – (Kim Rezanka) – requests a Small Scale Plan Amendment (16S.05) to change the Future Land Use from Residential 15 and CC to all CC; and a change of classification from RU-2-15 to BU-1 on 2.44 acres, located on the west side of Orlando Ave., approx. 415 ft. north of Crescent Beach Dr. (2200 S. Orlando Ave., Cocoa Beach)

**P&Z Recommendation: Moia/Lawandales – Tabled to the 08/08/16 P&Z meeting. Vote was unanimous.**

**LPA Recommendation: Moia/Lawandales – Tabled to the 08/08/16 P&Z meeting. Vote was unanimous.**

**IV. PUBLIC HEARINGS (CONTINUED)****B. P&Z Recommendations of July 11, 2016; PSJ Recommendation of July 13, 2016; and NMI Recommendations of July 14, 2016 (continued)**

**IV.B.10. (16PZ00061) – COCOA EXPO SPORTS CENTER, LLC - (Stephen Burch) – requests an amendment to an existing BDP in a BU-1 zoning classification, on 47.88 acres, located on the east side of Friday Rd., approx. 490 ft. north of S.R. 520. (500 Friday Rd., Cocoa)**

**P&Z Recommendation: Moia/Thodey – Applicant-requested revisions to the BDP were partially approved on a modified basis as follows: denial of Section 1 proposed changes to Paragraph 7 of the BDP; denial of Section 2 proposed changes to Paragraph 11 of the BDP; denial of the provision in Section 3 regarding issuance of final Certificates of Occupancy; changes in Section 4 are approved on a modified basis to allow that Phase 1a site work must be completed and a Certificate of Completion issued within nine (9) months or performance bonds for remaining site work be posted within nine (9) months. In the interim, Concert Day Events (a.k.a. Special Events) can be conducted provided applicant obtains Board of County Commission approval of a Traffic Management Plan prior to holding each event; denial of provision in Section 5 permitting other than Concert Day Events without prior County approval; approval of provision in Section 6. Vote was unanimous.**

**IV.B.11. (16PZ00062) – COCOA EXPO SPORTS CENTER, LLC, AND UPLAND INVESTMENTS, LLC – (Stephen Burch) – requests the following: Tax Parcels 758, 760, 762, 817 (15.41 acres), an amendment to an existing BDP (Binding Development Plan); Tax Parcel 780 (0.34 acres), a Small Scale Plan Amendment (16S.07) to change the Future Land Use designation from NC to CC, and a change of classification from TR-1 to BU-1, and the following CUP's: 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 an area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements as well as buildings, mobile homes, trailers, vehicles or mechanical equipment, on 15.75 acres total, located on the northwest corner of S.R. 520 and Friday Rd. (500 Friday Rd., Cocoa; Tax Parcel 780 = 345 Friday Rd., Cocoa)**

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

**P&Z Recommendation: Moia/Thodey – Applicant-requested revisions to the BDP were partially approved on a modified basis as follows: denial of Section 1 proposed changes to Paragraph 7 of the BDP; denial of Section 2 proposed changes to Paragraph 11 of the BDP; denial of the provision in Section 3 regarding issuance of final Certificates of Occupancy; changes in Section 4 are approved on a modified basis to allow that Phase 1a site work must be completed and a Certificate of Completion issued within nine (9) months or performance bonds for remaining site work be posted within nine (9) months. In the interim, Concert Day Events (a.k.a. Special Events) can be conducted provided applicant obtains Board of County Commission approval of a Traffic Management Plan prior to holding each event; denial of provision in Section 5 permitting other than Concert Day Events without prior County approval; approval of provision in Section 6. Vote was unanimous.**

**IV. PUBLIC HEARINGS (CONTINUED)****B. P&Z Recommendations of July 11, 2016; PSJ Recommendation of July 13, 2016; and NMI Recommendations of July 14, 2016 (continued)****DISTRICT 4**

**IV.B.12. (16PZ00057) – RIVERSIDE COMMONS, LLC** – requests a Small Scale Plan Amendment (16S.06) to change the Future Land Use from NC to CC; and a change of classification from RP to BU-1, on 2.52 acres +/-, located on the east side of Hwy. 1, approx. 780 ft. north of Rockledge Dr. (No assigned address. In the Rockledge area.)

**P&Z Recommendation: Moia/Lawandales – Tabled to the 08/16/16 P&Z meeting. Vote was unanimous.**

**LPA Recommendation: Moia/Lawandales – Tabled to the 08/16/16 P&Z meeting. Vote was unanimous.**

**DISTRICT 5**

**IV.B.13. (16PZ00050) – PALM CASUAL FURNITURE PRODUCTS OF COCOA, INC.** – (Vaheed Teimouri, P.E.) – requests removal of an existing BDP in a BU-1 zoning classification, on 1.10 acres +/-, located on the south side of W. New Haven Ave., approx. 1 mile east of the I-95 Interchange. (No assigned address. In the Melbourne area)

**P&Z Recommendation: Lawandales/Moia – Approved. Vote was unanimous.**

- \*C. Ordinance, Re: Adding Allowance for Temporary Parcel/Package Storage Units in the GML Zoning Classification
- \*D. Public Hearing Re: Transmittal of Comprehensive Plan Package 2016-2 Plan Amendments (Districts 1-5)

**V. UNFINISHED BUSINESS**

- \*A. Retainment of Legal Services, Re: Richard Pierce, an Individual, and the Brevard County Professional Firefighters, Local 5969, International Association of Firefighters, Inc., a Florida Non-Profit Corporation v. Board of County Commissioners, of Brevard County, a Home Rule Charter Company of the State of Florida, 05-2016-CA-032836-XXXX-XX

**VI. NEW BUSINESS**

- A. Development and Environmental Services Group
- B. Community Services Group
- C. Public Safety and Support Services Group

**VI. NEW BUSINESS (CONTINUED)**D. County AttorneyE. County ManagerF. Miscellaneous**VII. PUBLIC COMMENTS (Comments may not address subsequent Agenda items.)****VIII. BOARD REPORTS AND PRESENTATIONS (MORE THAN 5 MINUTES)**

- A. Stockton Whitten, County Manager
- B. Eden Bentley, Deputy County Attorney
- C. Robin Fisher, District 1 Commissioner
- D. Trudie Infantini, District 3 Commissioner
- E. Andy Anderson, District 5 Commissioner
- F. Curt Smith, District 4 Commissioner, Vice Chairman
- G. Jim Barfield, District 2 Commissioner, Chairman

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

**Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV Staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONES REMAIN OFF while the County Commission is in session. Thank you.**

**This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.scgtv.org>.**

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

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