

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, 2014

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 BY: Pastor Dan Gish, Eau Gallie First Baptist Church (District 5)

PLEDGE OF ALLEGIANCE: Commissioner Chuck Nelson, District 2

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

- *A. Resolution, Re: Recognizing Gregory Paul Doxey for Attaining the Rank of Eagle Scout (District 2)
- *B. Resolution, Re: Management Week in Brevard County (District 4)
- *C. Resolution, Re: Congratulating Melbourne Municipal Band on their Golden Anniversary (District 3)

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

III. PUBLIC HEARINGS

A. Tabled Items

THE FOLLOWING ITEM WAS TABLED BY STAFF PENDING ADOPTION OF COMPREHENSIVE PLAN 2014-1.2

III. PUBLIC HEARINGS (CONTINUED)

A. Tabled Items (continued)

DISTRICT 1

III.A.1 (13PZ-00110) Section 22, Township 20G, Range 34, Sub. #A1, Block 7, Lot 1, on 20.57 acres; and Section 35, Township 20, Range 34, Parcel 3, owned by the State of Florida (DOT) - 18.3 acres, located on the west side of I-95, between Gandy Road and Hidden Lakes (In the Mims area. No assigned address)

CURRENT ZONING: GU (General Use)

PROPOSED ZONING: (GML(I) (Government Managed Lands - Institutional). OWNER: State of Florida (DOT).

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

THE FOLLOWING ITEM WAS AUTOMATICALLY TABLED BY THE APPLICANT (LETTER RECEIVED 01/09/14)

DISTRICT 2

III.A.2. (14PZ-00008) – LGH GROVE, LLC AND HARVEY’S INDIAN RIVER GROVES, INC. – (Ken Fulmer/Del Avery) – request a change of classification from AU and BU-1 to EU-2 with a BDP on 111.03 acres, located on the north side of Hall Rd., approx. 1,020 ft. east of N. Courtenay Pkwy. (Tax Parcel 505: 320 E. Hall Rd., Merritt Island; Tax Parcel 264: No assigned address. In the N. Merritt Island area; Tax Parcel 270: 4870 N. Courtenay Pkwy., Merritt Island; Tax Parcel 274: No assigned address. In the N. Merritt Island area; Tax Parcel 275: No assigned address. In the N. Merritt Island area)

NMI Recommendation: McFarland/Hillberg – Approved as RR-1, with a BDP limiting ingress and egress to one access at North Courtenay Parkway, and one access at Hall Road. Vote was unanimous.

B. P&Z Board Recommendations of May 5, 2014

DISTRICT 1

III.B.1. (14PZ-00021) – COCOA EXPO SPORTS CENTER, LLC – (Scott Glaubitz) – requests the following: 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 or area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to 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 BDP to include this property.

Tax Parcel 502 (47.87 acres) 1.) CUP for a light source to exceed 50 footcandles; and 2.) Amendment to existing BDP (Binding Development Plan). (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)

LPA Recommendation: Moia/McLellan – Approved. Vote was unanimous.

III. PUBLIC HEARINGS (CONTINUED)

B. P&Z Board Recommendations of May 5, 2014 (continued)

P&Z Recommendation: Moia/McLellan – Approved with the condition that Tax Parcels 515 and 524 have a Type A buffer. Vote was unanimous.

III.B.2. (14PZ-00022) – COCOA EXPO SPORTS CENTER, LLC – (Scott Glaubitz) – requests the following: **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; and 4.) 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 of 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.

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 4.) Amendment to an existing BDP. (15.5 acres total) Located on the northwest

III. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of May 5, 2014 (continued)**

corner of S.R. 520 and Friday Rd., Cocoa. (Tax Parcel 758: 5120 Highway 520, Cocoa. Parcel 762: No assigned address. Parcel 817: No assigned address. Parcel 760: 335 Friday Rd., Cocoa)

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

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

***THE FOLLOWING ITEM HAS BEEN AUTOMATICALLY TABLED BY THE APPLICANT TO THE 08/07/14 MEETING (Letter Received 05/15/14)**

III.B.3. (14PZ-00033) – JOSEPH K. AND ANNETTE G. DITTMER – request 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)

P&Z Recommendation: Ott/Barber – Denied. Vote was unanimous.

III.B.4. (14PZ-00034) – MAJESTIC OAK ESTATES, LTD – (Rodney Honeycutt) – requests a change of classification from TR-1 to TR-3, with a BDP limiting density to 185 units, (46.54 acres); and TR-1 and BU-1 to All BU-1 (5.04 acres), on 51.47 acres total, located on the north side of S.R. 46, approx. 0.20 mile west of Cambridge Dr. (No assigned address. In the Mims area.)

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

DISTRICT 2

III.B.5. (14PZ-00030) – RIVER FLY-IN LLC – (Wasim Niazi) – requests an amendment to existing BDP in a PUD zoning classification on 13.03 acres, located on the south side of Cone Rd., approx. 0.25 mile east of Plumosa St. (No assigned address. In the Merritt Island)

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

III.B.6. (14PZ-00031) – CHARLES C. CHANDLER, SR., TRUSTEE – requests a Small Scale Plan Amendment (14S.04) to change the Future Land Use from NC to CC; and a change of classification from GU to BU-2 on 0.23 acre, located on the southeast corner of N. Banana River Dr. and Dover Ave. (2775 N. Banana River Dr., Merritt Island)

LPA Recommendation: Moia/Thodey – Approved. Vote was 8:2, with Ott and Barber voting nay.

P&Z Recommendation: Moia/Thodey – Approved. Vote was 8:2, with Ott and Barber voting nay.

DISTRICT 4

III.B.7. (14PZ-00027) – ROBERT A. SCHEPPERLE – requests a change of classification from GU to RP on 0.45 acre, located on the east side of U.S. Hwy 1, approx. .36 mile south of Pineda Cswy. (5525 N. Hwy 1, Melbourne)

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

III.B.8. (14PZ-00029) – EPT MELBOURNE, INC. – (Cecelia Bonifay) – requests a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a movie theater, in a PUD zoning classification, on 2.66 acres, located on the south side of Town Center Ave., approx. .26 mile east of Lake Andrew Dr. (2241 Town Center Ave, Melbourne)

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

III. PUBLIC HEARINGS (CONTINUED)**B. P&Z Board Recommendations of May 5, 2014 (continued)**

III.B.9. (14PZ-00032) – CP VENTURE FIVE – AV LLC – (Michael Kastrinakis) – requests a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a restaurant, in a PUD zoning classification, on 0.039 acre, located approx. 0.18 mile east of Lake Andrew Dr., and approx. 400 ft. north of Town Center Ave. (2270 Town Center Ave, Ste 113, Melbourne)

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

III.B.10. (14PZ-00043) – THE VIERA COMPANY – (Hassan Kamal) – requests an amendment to Alternative Development Standards for Zero Lot Line Development, and waive 4 ft. height limitation for wing walls encroaching into the side setback area, in a PUD (Planned Unit Development) DRI (Development of Regional Impact) zoning classification, on 169.72 acres, located on the west side of Lake Andrew Dr., approx. .17 mile south of Judge Fran Jamieson Way. (No assigned address. In the Viera area)

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

DISTRICT 5

III.B.11. (14PZ-00042) – UNIVEST PARTNERS OF BREVARD, INC. – (Stephen Miley) – requests a change of classification from BU-2 (Retail, Warehousing, and Wholesale Commercial) to AU (Agricultural Residential) on 2.75 acres, located on the west side of John Rodes Blvd., approx. .35 mile south of Ellis Rd. (No assigned address. In the Melbourne area)

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

*C. Public Hearing, Re: Adoption of Comprehensive Plan Package 2014 – 1 Plan Amendments (Districts 1- 5)

*D. Board Approval, Re: Six Month Extension to The City of Rockledge Joint Planning Agreement (JPA) (Districts 2 & 4)

IV. UNFINISHED BUSINESS

*A. Approval, Re: Tourist Tax Educational Program for Short Term Rental Property Owners

V. NEW BUSINESS**VI. PUBLIC COMMENTS (Comments may not address subsequent Agenda items.)****VII. BOARD REPORTS AND PRESENTATIONS (MORE THAN 5 MINUTES)**

A. Stockton Whitten, County Manager

B. Christine Lepore, Assistant County Attorney

C. Chuck Nelson, District 2 Commissioner

VII. BOARD REPORTS AND PRESENTATIONS (CONTINUED)

- D. Trudie Infantini, District 3 Commissioner
 - *1. Letter of Support, Re: All Aboard Florida
- E. Andy Anderson, District 5 Commissioner
- F. Robin Fisher, District 1 Commissioner, Vice Chairman
- G. Mary Bolin Lewis, District 4 Commissioner, Chairman
 - *1. Approval, Re: \$50,000 Tourist Development Council (TDC) Grant for the Henegar Center

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 199, 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>.