

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

September 4, 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 Mathew Stallbaum, East Coast Christian Center, Merritt Island (District 2)

PLEDGE OF ALLEGIANCE: Commissioner Mary Bolin Lewis, District 4

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.)

*A. License Agreement Amendment with ValleyCrest Landscape Development, Re: Landscape Material Storage and Delivery Sites at County Owned Parcels (District 2)

III. PUBLIC HEARINGS

A. Tabled Items

THE FOLLOWING ITEM WAS HEARD BY P&Z ON 05/05/14 AND WAS AUTOMATICALLY TABLED BY THE APPLICANT TO THE 08/07/14 MEETING (Letter Received 05/15/14); AND TABLED BY THE BCC ON 08/07/14

DISTRICT 1

III.A.1. (14PZ-00033) – JOSEPH K. AND ANNETTE G. DITTMER – requests 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. PUBLIC HEARINGS (CONTINUED)**A. Tabled Items (continued)**

THE FOLLOWING TWO ITEMS WERE HEARD BY P&Z ON 05/05/14 AND TABLED BY THE BCC ON 05/29/14 AND 08/07/14

III.A.2. (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.

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

III.A.3. (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.

III. PUBLIC HEARINGS (CONTINUED)

A. Tabled Items (continued)

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 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.

B. P&Z and NMI Board Recommendations of August 11, August 14 (NMI), and August 25, 2014

DISTRICT 2

III.B.1. (14PZ-00056) – LOYAL ORDER OF THE MOOSE LODGE #2073 - (John Campbell) – requests a Small Scale Plan Amendment from Residential 2 to Residential 4, and an amendment to an existing BDP, in an RVP (Recreational Vehicle Park) zoning classification, on 5 acres, located on the east side of N. Courtenay Pkwy., approx. 300 ft. north of Smith Road. (3150 N. Courtenay Pkwy., Merritt Island)

NMI Recommendation:

LPA Recommendation:

III.B.2. (14PZ-00063) – SIRIPORN PESKOWITZ, TRUSTEE – (Phillip Finn) – requests a Small Scale Plan Amendment (14S.06) to change the Future Land Use from NC to CC; and a change of classification from RU-1-7 to BU-2 on 1.24 acres, located on the north side of Lake Dr., approx. 0.24 mile west of Clearlake Rd. (No assigned address. In the Cocoa area.)

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

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

III. PUBLIC HEARINGS (CONTINUED)**B. P&Z and NMI Board Recommendations of August 11, August 14 (NMI), and August 25, 2014 (continued)****DISTRICT 3**

III.B.3. (14PZ-00060) – HARBORVIEW MOTEL & EFFICIENCIES, INC. – (Jeffrey Patton) – requests a CUP for Alcoholic Beverages for On-Premises Consumption (full liquor) in a TU-1 zoning classification, on 0.43 acre, located on the northwest corner of U.S. Hwy 1 and 13th Street. (8820 U.S. Hwy 1, Micco)
P&Z Recommendation: McLellan/Cannon – Approved. Vote was unanimous.

III.B.4. (14PZ-00065) – JOHN TULLY PROPERTIES LLC – (Laura Minton Young) – requests a change of classification from RR-1 and GU to AU on 440.95 acres, located on the east side of Fleming Grant Rd., approx. 1.65 mile south of Micco Rd. (Lot 57: 9101 Fleming Grant Rd. All others located in the Micco area, no assigned addresses)
P&Z Recommendation: McLellan/Ott – Approved. Vote was unanimous.

DISTRICT 1

III.B.5. (14PZ-00057) – ANITA TRICOLI – requests a change of classification from GU to AU(L) on 1.08 acres, located on the north side of Areca Palm St., approx. .087 mile west of Florida Palm Ave. (5480 Areca Palm St., Cocoa)
P&Z Recommendation: Ott/Barber – Approved. Vote was unanimous.

III.B.6. (14PZ-00061) – BRIAN BURT AND LINDA GRZYBOWICZ – requests a change of classification from RR-1 to AU, and removal of existing BDP on 14.43 acres, located on the north side of Parrish Rd., approx. 0.20 mile east of U.S. Hwy 1 (No assigned address. In the Mims area)
P&Z Recommendation: Ott/Moia – Approved. Vote was unanimous.

III.B.7. (14PZ-00064) – MARY ELLEN R. WILLIAMS – requests a change of classification from RR-1 to AU on 2.75 acres, located on the southwest corner of Quail Path and Cox Rd, approx. 0.20 mile south of James Rd. (2520 Cox Rd., Cocoa)
P&Z Recommendation of 08/25/14: McLellan/Cannon – Approved. Vote was unanimous.

THE FOLLOWING ITEM WAS HEARD BY THE BCC ON 02-06-14 AND APPROVED WITH A BDP. THE BOARD AGREED TO REOPEN THE PUBLIC HEARING ON 04-15-14

III.B.8. (13PZ-00098) FLORIDA RIVER RAT, LLC – (Jay Schenck) – requests a change of classification from AU and EU-2, 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.)

P&Z Recommendation of 01-06-14: Cannon/Goggin – Approved. Vote was unanimous.

BCC ACTION of 02-06-14: Fisher/Anderson – Approved with a Binding Development Plan limited to nursery operations and beekeeping. Vote was unanimous.

BCC ACTION of 04-15-14: Anderson/Nelson – Moved to reopen the public hearing, to be continued at a later date, following re-advertisement and re-noticing at the applicant's expense; and the motion effectively stayed the 120-day period and re-set it once the hearing has been concluded.

P&Z Recommendation of 08/11/14: Thodey/Moia – Tabled to the 09/08/14 P&Z Meeting for applicant to post sign. Vote was unanimous.

III. PUBLIC HEARINGS (CONTINUED)**B. P&Z and NMI Board Recommendations of August 11, August 14 (NMI), and August 25, 2014 (continued)**

THE FOLLOWING ITEM WAS TABLED BY P&Z ON 07/07/14 AT THE REQUEST OF THE APPLICANT

***DISTRICT 2**

III.B.9. (14PZ-00047) – JOHN E. AND LAURAY AITCHESON – requests a change of classification from RU-1-13 to IN(L) on 0.29 acres, located on the southwest corner of Green Rd., and Fiske Blvd. (1003 Green Rd., Rockledge)

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

IV. UNFINISHED BUSINESS**V. NEW BUSINESS**

*A. (Deleted)

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
- D. Trudie Infantini, District 3 Commissioner
- E. Andy Anderson, District 5 Commissioner
- F. Robin Fisher, District 1 Commissioner, Vice Chairman
- G. Mary Bolin Lewis, District 4 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 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>.

Donna Scott

From: Jones, Jennifer <jennifer.jones@brevardcounty.us>
Sent: Friday, September 05, 2014 9:04 AM
To: Donna Scott; Kelly Fulton
Subject: LPA recommendation

Good morning! I know the LPA recommendation was left off (my bad) of the agenda for III.B.1 (Moose Lodge), so I wanted to send it to you this morning in case you need it for the action memo. ☺

LPA Recommendation: Thodey/LaMarr – Approved the Small Scale Plan Amendment, subject to the rezoning application to amend the BDP, stipulating a limitation on a time frame of guest stays from November 1st to April 30th, additional landscaping for screening purposes, and a site plan showing the configuration of the 20 recreational vehicle spaces. Vote was unanimous.

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