

## 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

February 5, 2015

**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 Ron Myer, Faith Viera Lutheran Church, Melbourne  
(District 3)

PLEDGE OF ALLEGIANCE: Commissioner Andy Anderson, District 5

- 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 HEARINGS
  - A. Tabled Items

### DISTRICT 5

**THE FOLLOWING ITEM WAS AUTOMATICALLY TABLED FROM THE 07/07/14 P&Z MEETING AND THE 08/07/14 BCC MEETING (Letter received 06/25/14); AND TABLED FROM THE 09/08/14 P&Z MEETING AND THE 10/02/14 AND 12/04/14 BCC MEETINGS**

**III. PUBLIC HEARINGS (CONTINUED)****A. Tabled Items (continued)**

**III.A.1. (14PZ-00055) – MORTGAGE INVESTMENT FUND I, LLC** – requests an amendment to an existing CUP for Commercial, Entertainment, and Amusement Enterprises, to include racing, swap meets, and vehicle shows for cars, air boats, tractors, trucks, riding lawn mowers, go carts, and ATV's, with spectator seating, concessions, and a grandstand for awards and live music, with a waiver of 50 ft. from the required 75 ft. setback for a building, mobile home, trailer, vehicle, or maintenance equipment, in an IU zoning classification, on 21.84 acres, located on the south side of Eau Gallie Boulevard, approximately 410 ft. west of Jones Road. (**Tax Parcel 751:** No assigned address. In the Melbourne area; **Tax Parcel 753:** 835 Paw Prints Avenue, Melbourne; **Tax Parcel 766:** No assigned address. In the Melbourne area)

**P&Z Recommendation: Ott/McLellan – Denied. Vote was 8:1, with Aydelotte voting nay.**

**B. P&Z Recommendations of January 5, 2015, and NMI Recommendations of January 8, 2015****DISTRICT 1**

**III.B.1. (14PZ-00111) – DEE SMITH** – (Polly Hall) - requests a change of classification from AU to RU-2-4 on 1.73 acres +/-, located on the south side of LaGrange Road, approximately 260 ft. west of U.S. 1. (2425 LaGrange Road, Titusville)

**P&Z Recommendation: Barber/LaMarr – Approved with a BDP limited to 4 units. Vote was unanimous.**

**III.B.2. (14PZ-00112) – SHANTI GOTAMI AND XEM THI NGUYEN** - requests a change of classification from GU to IN(L), on 3.48 acres, located on the north side of S.R. 524, approximately 390 ft. northeast of Friday Road. (4840 S.R. 524, Cocoa)

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

**DISTRICT 2**

**III.B.3. (14PZ-00098) – BRAD A. LANGE** – (Mark Gartley) – requests a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a bait and tackle shop, in a BU-1 (General Retail Commercial) zoning classification, 0.97 acres, located on the east side of N. Courtenay Parkway, approximately 0.20 mile south of Chase Hammock Road. (4920 N. Courtenay Parkway, Merritt Island)

**NMI Recommendation: Balke/Hillberg – Approved with the conditions that the retail component be maintained, and that alcoholic beverages are not to be served after 10:00 p.m. Vote was unanimous.**

**DISTRICT 4**

**III.B.4. (14PZ-00106) – JOHN D. HALEY** – (Hassan Kamal, P.E.) – requests a change of classification from RU-1-9 to RU-1-7, with a BDP limited to three (3) lots, on 1.45 acres, located on the east side of U.S. Hwy 1, approximately 700 ft. north of Post Road. (4131 N. Hwy 1, Melbourne)

**P&Z Recommendation: McLellan/Moia – Approved with a BDP limited to 3 lots. Vote was unanimous.**

### III. PUBLIC HEARINGS (CONTINUED)

#### B. P&Z Recommendations of January 5, 2015, and NMI Recommendations of January 8, 2015 (continued)

#### DISTRICT 5

**III.B.5. (14PZ-00107) – CHARLES F. POSESS** – (Philip Nohrr) – requests a Small Scale Plan Amendment (14S.08) to change the Future Land Use from CC, NC, and Residential 4, to all CC, and a change of classification from RU-1-7 and BU-1 to all BU-1 on the north 455 ft., on 3.44 acres, located on the south side of New Haven Avenue, approximately 315 ft. east of Commodore Street. (3535 W. New Haven Avenue, Melbourne)

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

**P&Z Recommendation: Lawandales/Moia – Approved with a BDP excluding adult entertainment uses. Vote was unanimous.**

**III.B.6. (14PZ-00108) – MOHAMMAD H. MALIK** – (Jose Cardoso) – requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Restaurant, in a TU-2 zoning classification, on the north 180 ft., on 1.1 acres, located on the south side of W. New Haven Avenue, approximately .13 mile east of Coastal Lane. (4455 W. New Haven Avenue, Melbourne)

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

#### DISTRICT 3

#### THE FOLLOWING ITEM WAS TABLED FROM THE 11/10/14 P&Z MEETING AND THE 12/04/14 BCC MEETING

**III.B.7. (14PZ-00092) – JASON A. AND STACI S. WALDEN** – requests a change of classification from GU (General Use) to AU (Agricultural Residential) on property described as Tax Parcel 761, as recorded in ORB 6940, Page 1101, Public Records, Brevard County, Florida. Section 17, Township 28, Range 37. (8.48 acres) Located on the south side of Eber Boulevard, approximately 0.23 mile west of Dairy Road. (No assigned address. In the W. Melbourne area.)

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

#### DISTRICT 4

#### THE FOLLOWING ITEM WAS TABLED FROM THE 11/24/14 LPA (P&Z) MEETING AND THE 12/04/14 BCC MEETING

**III.B.8. (14PZ-00082) – EAGLE PROPERTIES OF VIERA, LLC** – (Jake Wise, P.E.) – requests a change of classification from PIP to PUD and removal of existing BCP's, on 45.37 acres +/-, located on the south side of Viera Boulevard, approximately 0.15 mile west of U.S. Hwy 1. (No assigned address. In the Viera area)

**P&Z Recommendation: Lawandales/McLellan – Tabled to the 02/09/15 P&Z meeting. Vote was unanimous.**

- \*C. Public Hearing, Re: Ordinance Revising Chapter 62, Land Development Code Sections 62-2801, 62-2806, 62-2891, and Chapter 22, Section 22-48 of the Brevard County Code of Ordinances

**IV. UNFINISHED BUSINESS**

- \*A. Board Consideration, Re: Time Extension for CFAR to Relocate Captive Wildlife to Forever Florida Reserve in Osceola County (District 1)

**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. Trudie Infantini, District 3 Commissioner
- D. Curt Smith, District 4 Commissioner
- E. Andy Anderson, District 5 Commissioner
- F. Jim Barfield, District 2 Commissioner, Vice Chairman
- G. Robin Fisher, District 1 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>.**