

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 5, 2012 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

Attendee Name	Title	Status	Arrived
Robin Fisher	Commissioner District 1	Absent	
Chuck Nelson	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Absent	
Mary Bolin Lewis	Commissioner District 4	Present	
Andy Anderson	Vice Chairman/Commissioner District 5	Present	

INTRODUCTION TO ZONING PROCEDURE

The Board of County Commissioners acts as a Quasi Judicial body when it hears requests for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Likewise, if a Commissioner has made a site visit, inspection, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes for rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

INVOCATION

The Board observed a moment of silence.

PLEDGE OF ALLEGIANCE

Chairman Nelson led the assembly in the Pledge of Allegiance.

April 5, 2012

ITEM V., PUBLIC COMMENTS

Richard Brooks expressed his feelings to the Board relating to the issue that was taken off the Agenda by Lennar and The Viera Company. He stated he cannot understand why this corporation decided to attack a senior community; the applicants waited until the 30th day before they pulled it the first time, and waited 30 days before pulling the item this time; and it wasted the homeowners, staff, and the Board's time.

PUBLIC HEARING, RE: PLANNING AND ZONING BOARD RECOMMENDATION OF MARCH 5, 2012, AND PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD RECOMMENDATION OF MARCH 7, 2012

Chairman Nelson called for a public hearing to consider Planning and Zoning Board recommendations of March 5, 2012, and Port St. John Dependent Special District Board recommendations of March 7, 2012, as follows:

ITEM V.B.2., (11PZ-00109) - THE VIERA COMPANY AND HERITAGE ISLE DISTRICT ASSOCIATION - (HASSAN KAMAL, P.E./BSE CONSULTANTS, INC.) - REQUESTS A CHANGE FROM PUD TO RU-1-7, WITH A BDP ON 48.44 ACRES ± FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF JUDGE FRAN JAMIESON WAY AND LEGACY BOULEVARD (IN THE WEST VIERA AREA)

Cindy Fox, Planning and Zoning Enforcement Manager, advised the Board the item was withdrawn by the applicant.

ITEM V.B.1., (11PZ-00106) - CCN INVESTMENTS INC - (ANGEL INGHAM) - REQUESTS A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION (BEER & WINE ONLY), IN CONJUNCTION WITH A RESTURANT IN A BU-1 ZONING CLASSIFICATION (1.44 TOTAL SITE ACREAGE), LOCATED ON THE NORTHWEST CORNER OF LA FAIR STREET AND U.S. 1 (6725 HIGHWAY 1, COCOA)

Cindy Fox, Planning and Zoning Enforcement Manager, advised the Board the request is a Conditional Use Permit (CUP) for CCN Investments Inc. for on-premises consumption, beer and wine only) in conjunction with a restaurant.

There being no comments or objections, the Board approved CCN Investments Inc. request for a CUP for Alcoholic Beverages for On-Premises Consumption (beer & wine only), in conjunction with a restaurant in a BU-1 zoning classification, as recommended by the Port St. John Dependent Special District Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Vice Chairman/Commissioner District 5
SECONDER:	Mary Bolin Lewis, Commissioner District 4
AYES:	Chuck Nelson, Mary Bolin Lewis, Andy Anderson
ABSENT:	Robin Fisher, Trudie Infantini

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Upon consensus of the Board, the meeting adjourned at 5:10 p.m.

ATTEST:

MITCH NEEDELMAN, CLERK

CHUCK NELSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA