



North Merritt Island Dependent Special District Board

Brevard County Government Center
2725 Judge Fran Jamieson Way
Building C, Commission Room
Veira, Florida 32940

Agenda

Thursday, June 11, 2020

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

Call To Order

Approval of Minutes

H. Public Hearings

- H.10.** Bud and Mary Carol Crisafulli request a change of zoning classification from GU to SEU. (20PZ00017) (Tax Account 2316832) (District 2)
- H.11.** William Clarke (Kim Rezanka) requests a change of zoning classification form BU-1-A and BU-1 to BU-2. (20PZ00038) (Tax Account 2410519) (District 2)
- H.12.** MI Plaza Group, LLC (Matthew Phillips / Kim Rezanka) requests removal of an existing BDP; a CUP for an overnight commercial parking lot; and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant, in a PIP zoning classification. (20PZ00027) (Tax Account 2459292) (District 2)

Public Comment

Adjournment

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 Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

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 PHONE REMAIN OFF while the Planning and Zoning Board is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. 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.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.10.

6/11/2020

Subject:

Bud and Mary Carol Crisafulli request a change of zoning classification from GU to SEU. (20PZ00017) (Tax Account 2316832) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the North Merritt Island Dependent Special District Board conduct a public hearing to consider a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use Residential).

Summary Explanation and Background:

The applicants are seeking a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use Residential) on the north 485 feet of their parcel for the purpose of bringing the parcel into conformity with the surrounding area and for future single-family development. The remainder of the parcel to the south is zoned SR (Suburban Residential) and is developed with a single-family home that is the applicants' homestead. The SEU zoning classification permits residential uses on lots of a minimum of one acre, having a width of 125 feet, a depth of 200 feet, and a minimum living area of 2,000 square feet.

The developed character of the area is single-family residential. The subject parcel and the surrounding area along Country Lane have a Future Land Use designation of Residential 1, which is not compatible with the EU and SR zonings, but is compatible with the proposed SEU zoning classification.

The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is located directly across North Courtenay Parkway along the west side of North Courtenay Parkway. The parcel is not serviced by City of Cocoa water; however, the surrounding parcels are all serviced by the City of Cocoa.

The Board may wish to consider whether the request is consistent and compatible with the surrounding single-family residences along Country Lane and Kings Way.

The Planning and Zoning Board will hear the request on Monday, June 15, 2020, at 3:00 p.m. The final Public Hearing will be held by the Board of County Commissioners on JULY 9, 2020, at 5:00 p.m. Both meetings will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Building C, Viera, Florida.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20PZ00017

Bud and Mary Carol Crisafulli

GU (General Use) to SEU (Suburban Estate Use Residential)

Tax Account Number: 2316832 (North 485 feet)
Parcel I.D.: 23-36-26-00-502.1 (North 485 feet)
Location: West side of Country Lane, approximately 162 feet south of Kings Way
(District 2)
Acreage: 2.23 acres

North Merritt Island Board: 06/11/20

Planning and Zoning Board: 06/15/20

Board of County Commissioners: 07/09/20

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	GU	SEU
Potential*	One single-family unit	Two single family units
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 1

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicants are seeking a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use) on the north 485 feet of their parcel for the purpose of bring the parcel into conformity with surrounding area and for future single-family home development. The remainder of the parcel to the south is zoned SR (Suburban Residential) and is developed with a single-family home that is the applicants' homestead.

The subject parcel was rezoned from AU to RU-1 (single-family residential zoning) per zoning action **Z-636** on February 8, 1962. This zoning action was reverted back to AU for not meeting the requirements of the zoning action. Zoning action **Z-2326** on August 29, 1968 rezoned the parcel from AU to EU (Estate Use). Zoning action **Z-2511** on October 2, 1969 rezoned the north 485 feet of the parcel from EU to RU-2 (Two Family Residential Zone). Ordinance **73-13** adopted on August 7, 1973 changed the zoning from RU-2 to GU.

The remainder of the parcel south of the north 485 feet was administratively rezoned per zoning action **Z-10198J** on January 28, 1999 from EU to SR.

Land Use

The subject property retains the RES 1 (Residential 1) Future Land Use designation. The existing zoning classification GU and the proposed SEU are consistent with the RES 1 Future Land Use designation.

FLUE Policy 1.9 – The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Septic Overlay
- Floodplain
- Protected Species
- Land Alteration
- Landscape/Land Clearing

The property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

The parcel is subject to compensatory storage for fill required for single family parcels. Delineation of floodplain shall be determined using best available data and pre-alteration ground elevation data. The engineer shall provide a report including the hydraulic and hydrologic modelling and analysis. A topographic survey or engineered site plan delineating floodplain limits on the property is required. Please see floodplain section below for more information.

A Minor Land Alteration Permit will be required for any pre-approved land alteration activities, including excavation, filling and grading less than $\frac{3}{4}$ acre on the subject property. If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to any design of plans and land clearing/filling activities.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is North Courtenay Parkway, between Hall Road and North Tropical Trail, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 35.64% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 00.04%. The corridor is anticipated to continue to operate at 35.68% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is located directly across North Courtenay Parkway along the west side of North Courtenay Parkway.

The parcel is not serviced by City of Cocoa water however the surrounding parcels are all serviced by City of Cocoa.

Applicable Land Use Policies

The developed character of the surrounding area along Country Lane South of Kings Way is EU, SR (Suburban Residential) and RR-1 (Rural Residential) and developed with single-family houses. The subject parcel and the surrounding area along Country Lane have a Future Land Use (FLU) designation of RES 1 which is not compatible with the EU and SR zonings. Although the EU and SR zoning classifications are not consistent with the Future Land Use designation RES 1 these lots are nonconforming to the Comprehensive Plan and are subject to Section 62-1188 (Nonconforming lots of record). The proposed SEU zoning is consistent with the Future Land Use designation RES 1. Although there are different zonings for the abutting and surrounding parcels they are all single-family zonings.

The proposed SEU zoning permits suburban estate residential uses on lots of one acre (minimum) with a width of 125 feet and a depth of 200 feet. Minimum floor area is 2,000 square feet of living area.

The current GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The RR-1 classification permits single-family residential land uses on minimum one acre lots, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet.

The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

The abutting parcels to the north are zoned GU and EU and are developed with single-family homes on 0.41 acre and 0.34 acre. The east 50 feet of the parcel is Country Lane a private road maintained by the applicants and has no zoning classification. The abutting parcels along the east of Country Lane are zoned SR and RR-1 and are developed with single-family homes. The abutting parcels south of the parcel are zoned RR-1. The abutting parcel to the west is North Courtenay Parkway and has no zoning classification.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. This portion of property (North 485 feet of site) is currently undeveloped and lies within the Residential 1 Future Land Use designation. The parcel abuts GU and EU zoning along its northern boundary and against an existing private road (Country Lane) along the east of the parcel. The abutting parcels along the east of Country Lane are zoned SR and RR-1. The applicant is proposing a future single-family home. This portion of property is also bounded by North Courtenay Parkway along the west side. The proposed SEU zoning is compatible with the Residential 1 Future Land Use designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area along Country Lane South of Kings Way is EU, SR (Suburban Residential) and RR-1 (Rural Residential) and developed with single-family houses. The subject parcel and the surrounding area along Country Lane have a Future Land Use (FLU) designation of RES 1 which is not compatible with the EU and SR zonings. The proposed SEU zoning is consistent with the Future Land Use designation RES 1. Although there are different zonings for the abutting and surrounding parcels they are all single-family zonings.

For Board Consideration

The applicants are seeking a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use) on the north 485 feet of their parcel for the purpose of bring the parcel into conformity with surrounding area and for future single-family home development.

The Board may wish to consider whether the request is consistent and compatible with the surrounding EU, SR and RR-1 single-family residences along Country Lane and Kings Way.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item # 20PZ00017

Applicant: Crisafulli

Zoning Request: GU to SEU

Note: Applicant wants to rezone portion of parcel to make it conform with rest of parcel

LPA Hearing Date: 06/15/20; **BCC Hearing Date:** 07/09/20

Tax ID No: 2316832 (north portion)

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Septic Overlay
- Floodplain
- Protected Species
- Land Alteration
- Landscape/Land Clearing

The property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

The parcel is subject to compensatory storage for fill required for single family parcels. Delineation of floodplain shall be determined using best available data and pre-alteration ground elevation data. The engineer shall provide a report including the hydraulic and hydrologic modelling and analysis. A topographic survey or engineered site plan delineating floodplain limits on the property is required. Please see floodplain section below for more information.

A Minor Land Alteration Permit will be required for any pre-approved land alteration activities, including excavation, filling and grading less than $\frac{3}{4}$ acre on the subject property. If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to any design of plans and land clearing/filling activities.

Land Use Comments:

Hydric Soils

The subject parcel contains a small portion of mapped hydric soils (St. Johns sand, depressional), as shown on the USDA SCSSs soils map; an indicator that wetlands may be present on the property. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Sec. 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

Aquifer Recharge Soils

St. Johns sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Septic Overlay

The entire property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

Floodplain

Per Section 62-3724(4), any development, land alteration, or grading on North Merritt Island in the area from Hall Road, north to State Road 405, herein after referred to as "Area," is subject to compensatory storage, and written certification from the engineer of record that there will be no adverse flooding impacts upon properties within the Area resulting from the proposed development. Delineation of floodplain shall be determined using best available data. The engineer shall provide a report that includes full engineering data and analysis, including the hydraulic and hydrologic modelling and analysis demonstrating that there is no impact. A topographic survey or engineered site plan delineating floodplain limits on the property. Delineation of floodplains shall use best available pre-alteration ground elevation data.

Compensatory storage for fill in the Area shall be required for single family parcels created prior to the effective date of this ordinance. However, written certification in shall not be required. If compensatory storage is not available as a result of insufficient depth to groundwater, a compensatory storage waiver must be obtained from the county manager or designee by property

owner or designee. The amount of fill for which a waiver may be granted shall be limited to the volume necessary to construct no more than the minimum floor area designated by the applicable zoning classification, plus on-site disposal system and necessary ingress and egress. Accessory structures requiring fill within the floodplain are not permitted. Any engineered compensatory storage shall be maintained by the owner in perpetuity. Any modifications to the system require approval under Section 62-3724.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Land Alteration

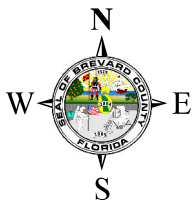
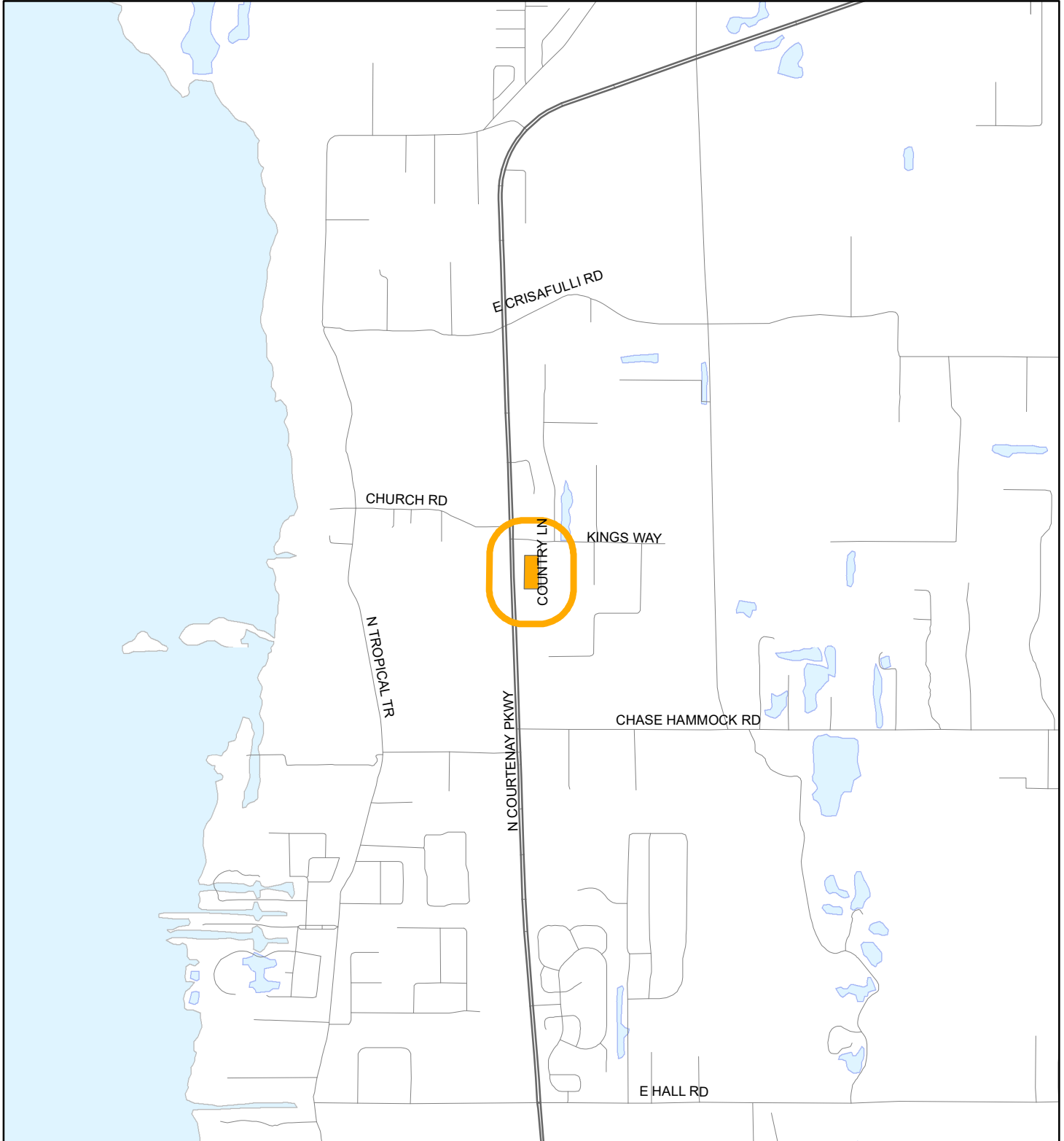
Per Sec. 62-4421 (5), a Minor Land Alteration Permit is required for any land alteration activities, including excavation, filling and grading less than $\frac{3}{4}$ acre on North Merritt Island in the area from Hall Road, north to State Road 405.

Landscape/Land Clearing

Aerials indicate the subject property may contain Heritage Specimen trees (greater than or equal to 24 inches in diameter), or Protected trees (greater than or equal to 10 inches in diameter). Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen and Protected trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas.

LOCATION MAP

CRISAFULLI, BUD AND MARY CAROL
20PZ00017



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

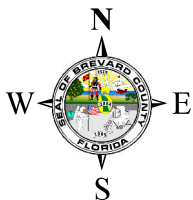
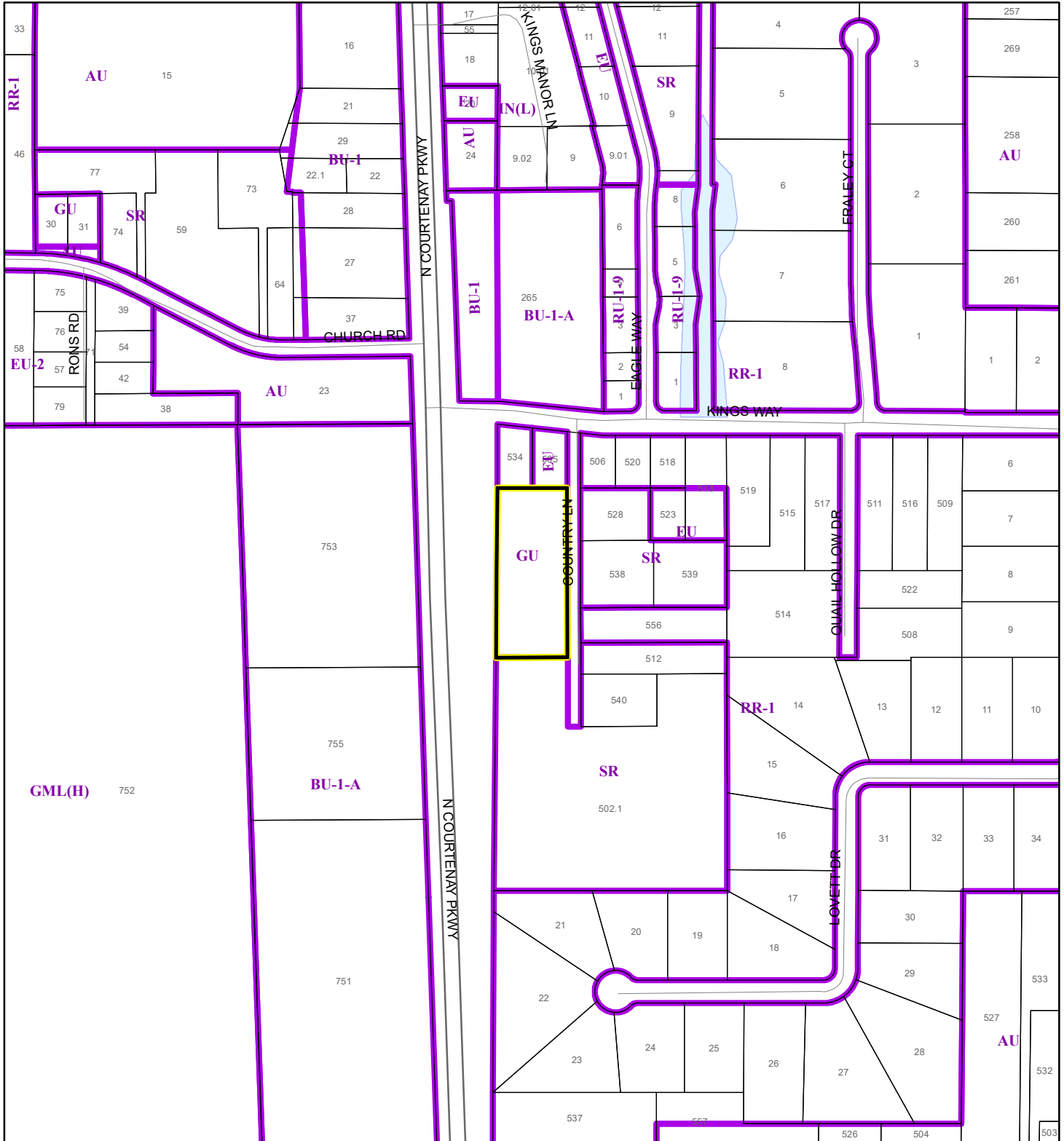
Produced by BoCC - GIS Date: 2/3/2020

Buffer
Subject Property

ZONING MAP

CRISAFULLI, BUD AND MARY CAROL


20PZ00017



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

 Subject Property

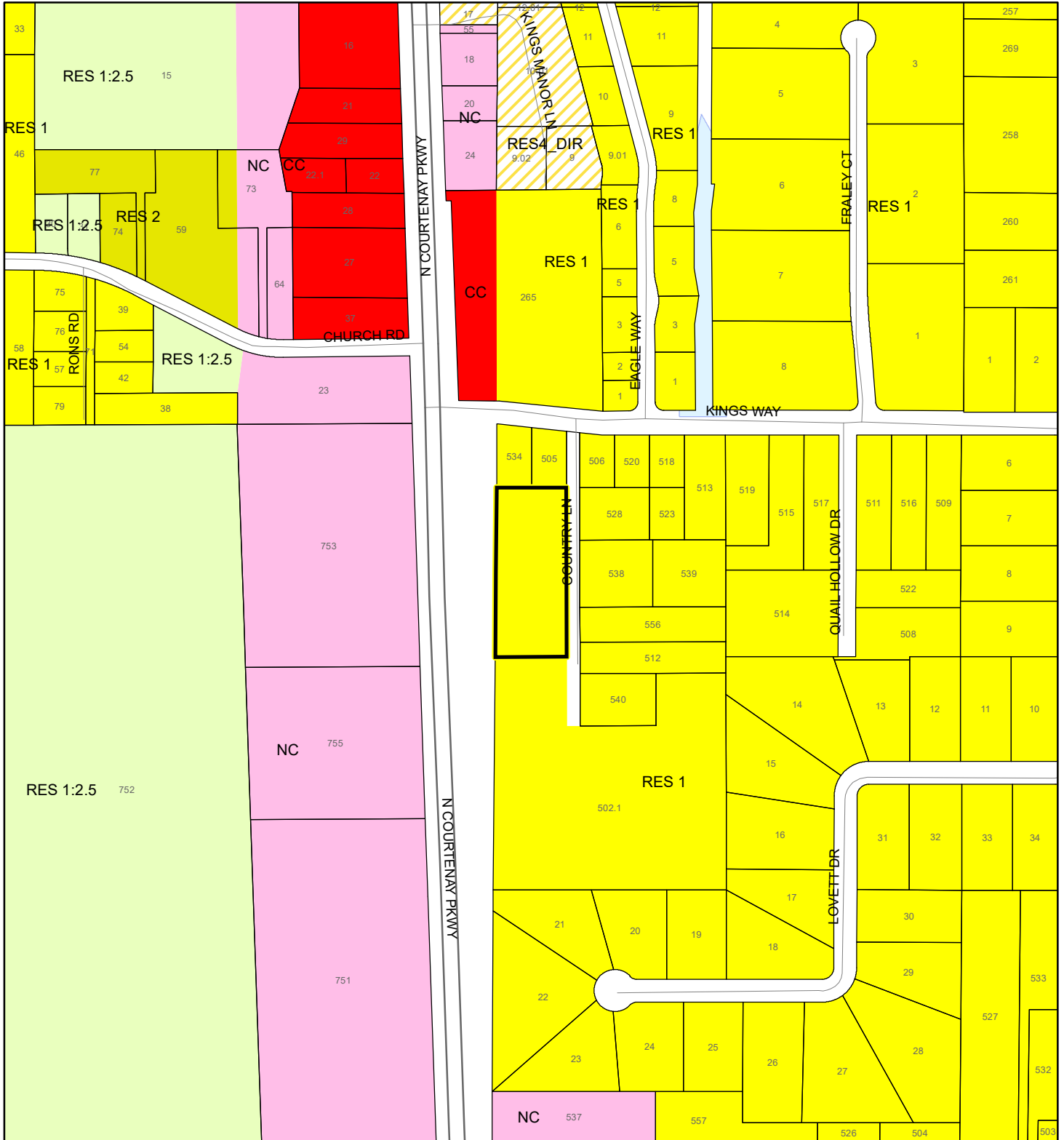
 Parcels

 Zoning

FUTURE LAND USE MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



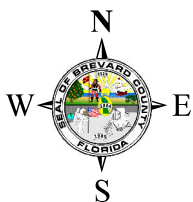
1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

AERIAL MAP
CRISAFULLI, BUD AND MARY CAROL
20PZ00017





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

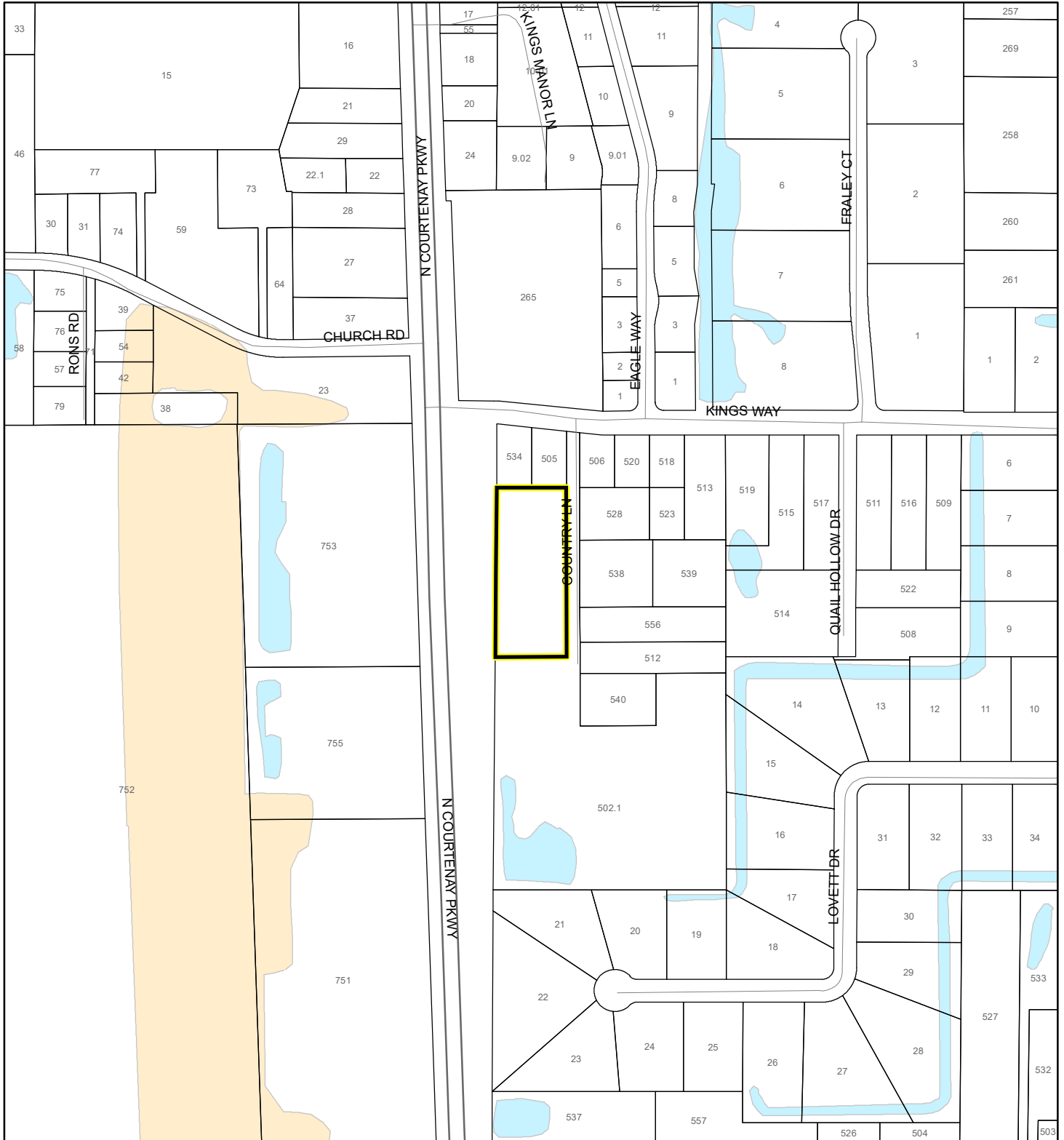
Produced by BoCC - GIS Date: 2/3/2020

 Subject Property
 Parcels

NWI WETLANDS MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017













1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

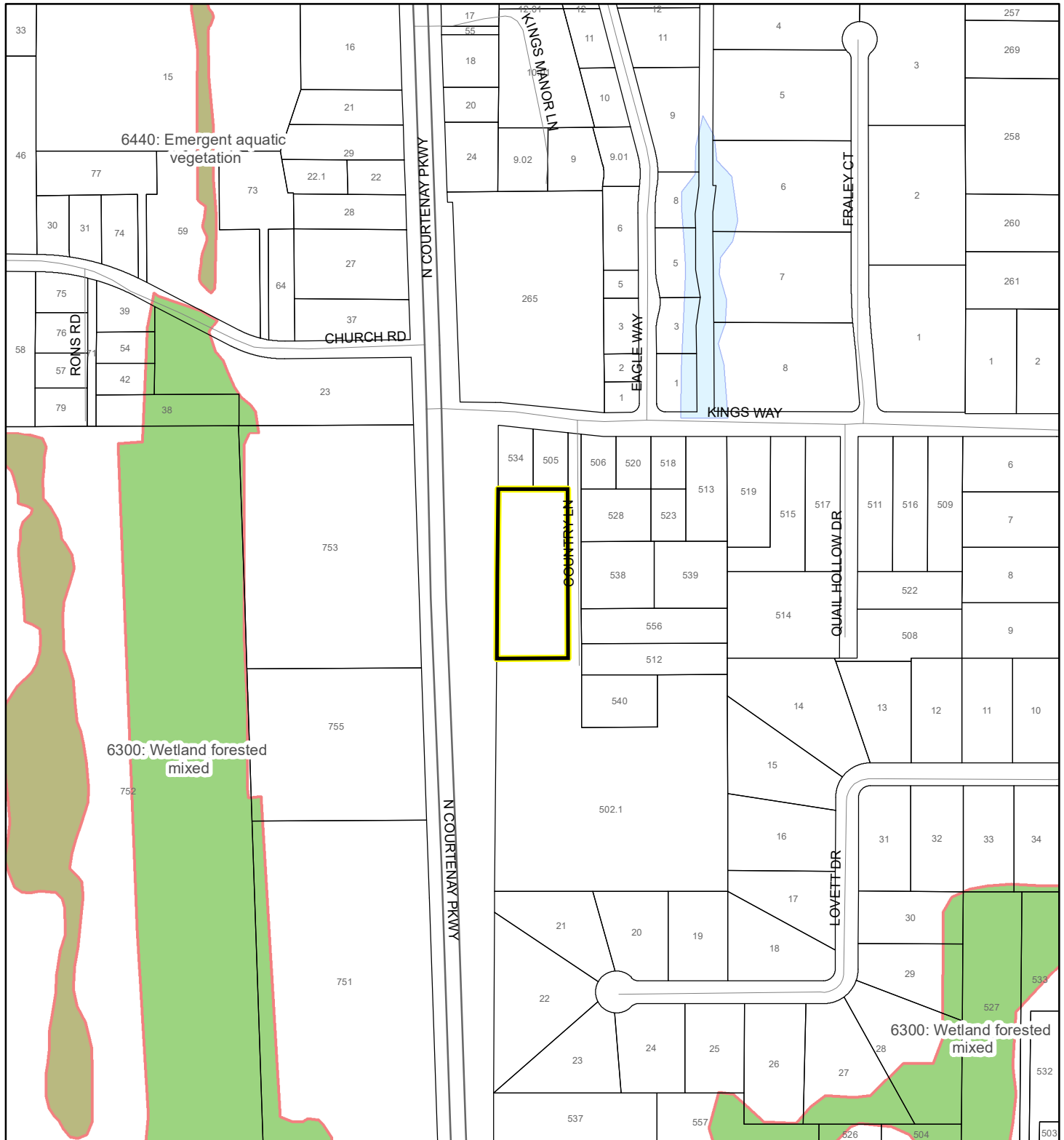
National Wetlands Inventory (NWI)

 Estuarine and Marine Deepwater	 Freshwater Pond
 Estuarine and Marine Wetland	 Lake
 Freshwater Emergent Wetland	 Other
 Freshwater Forested/Shrub Wetland	 Riverine
	 Subject Property
	 Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

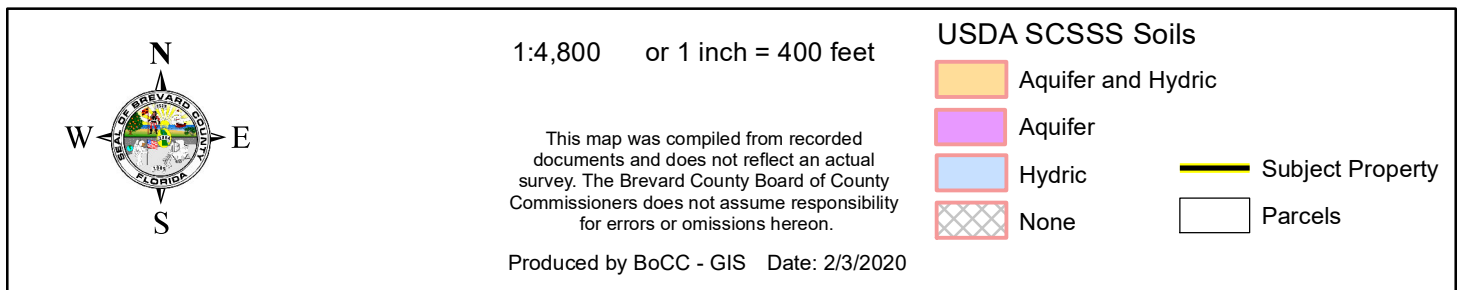
SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

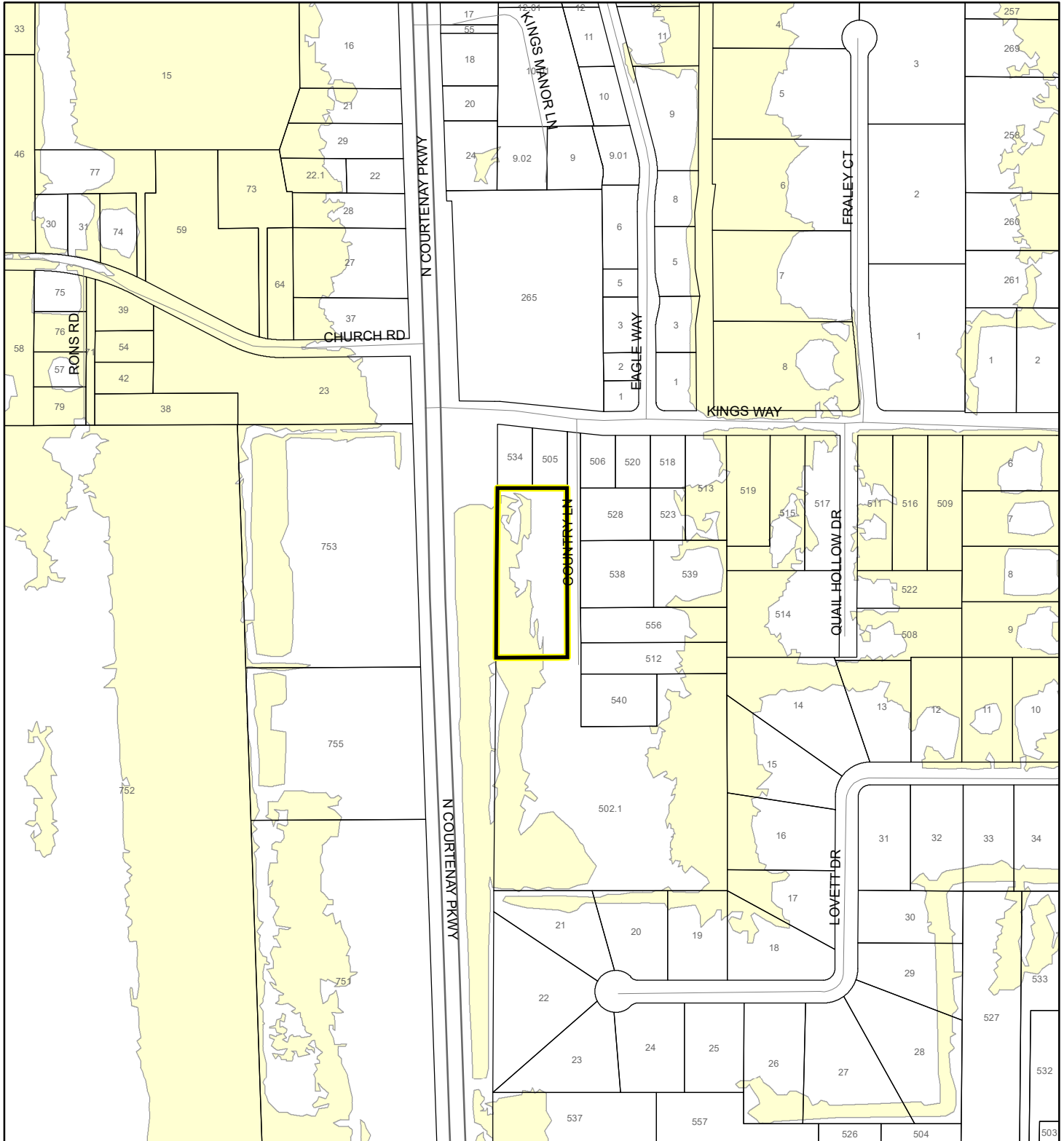
20PZ00017



FEMA FLOOD ZONES MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

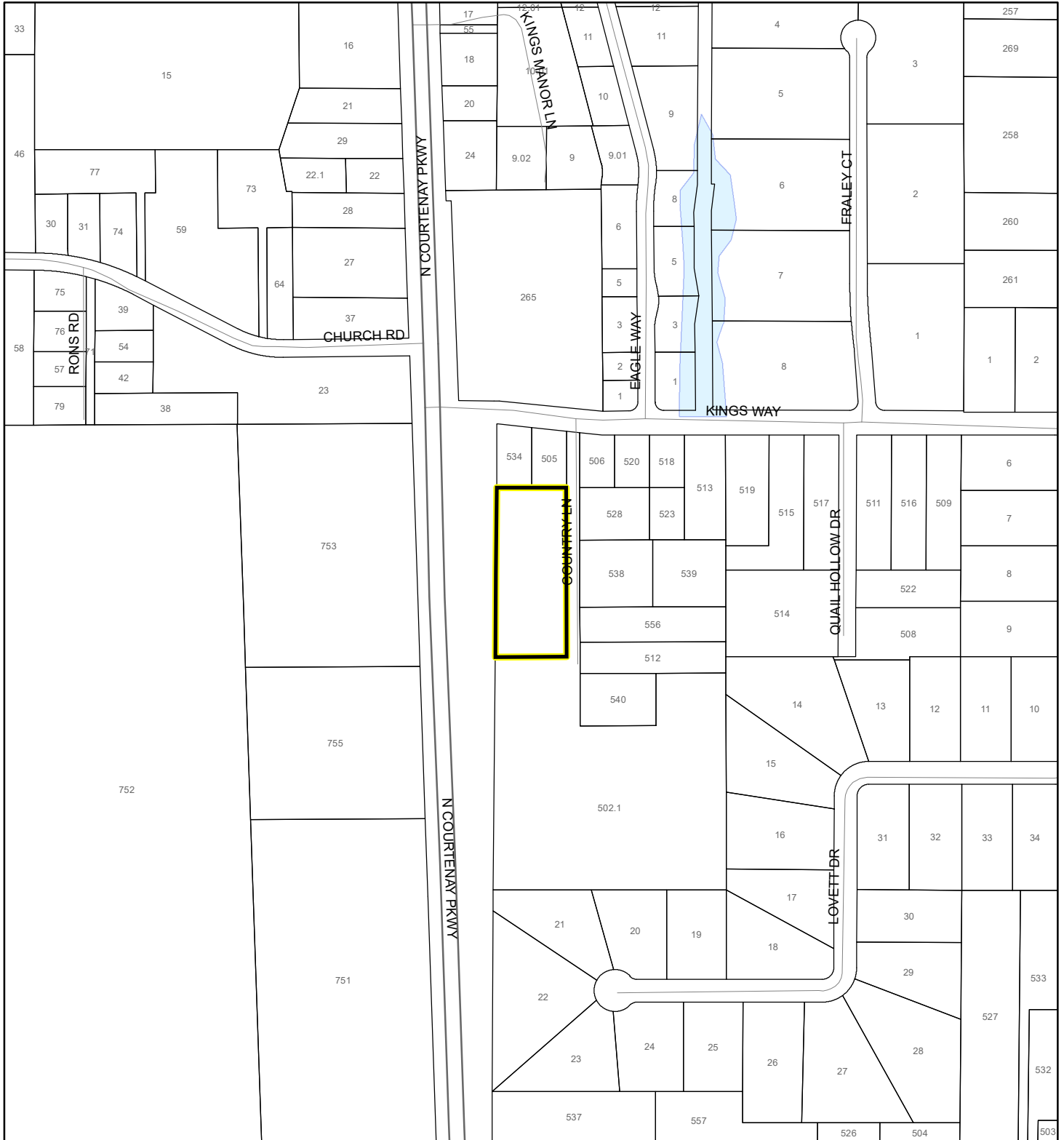
FEMA Flood Zones

- | | | |
|---|------------|----------------------|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | Parcels | |

COASTAL HIGH HAZARD AREA MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet


This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

 Subject Property

 Parcels

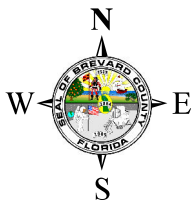
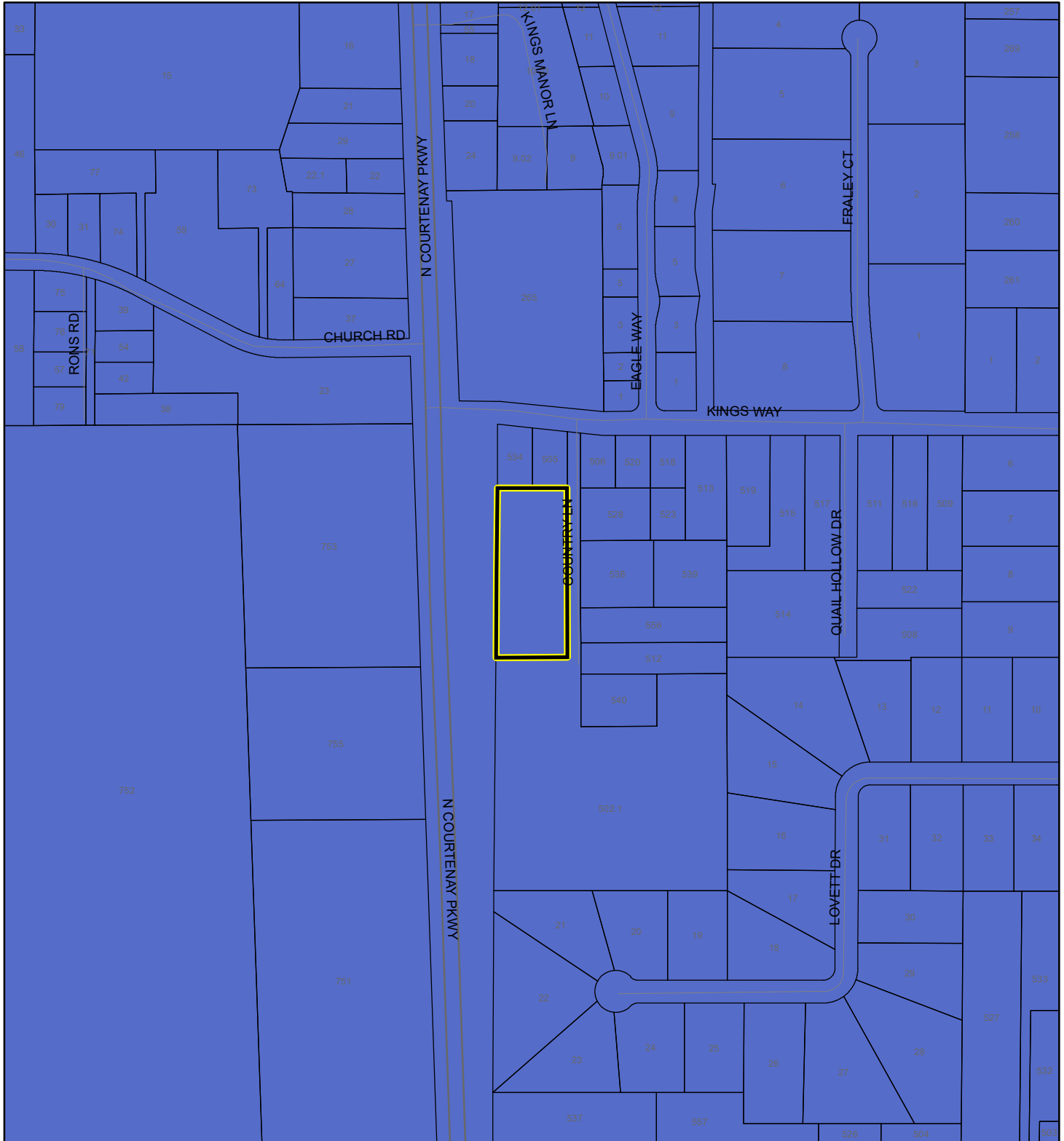
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

 Subject Property

 Parcels

Septic Overlay

 40 Meters

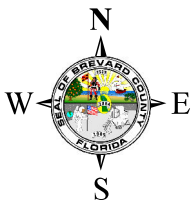
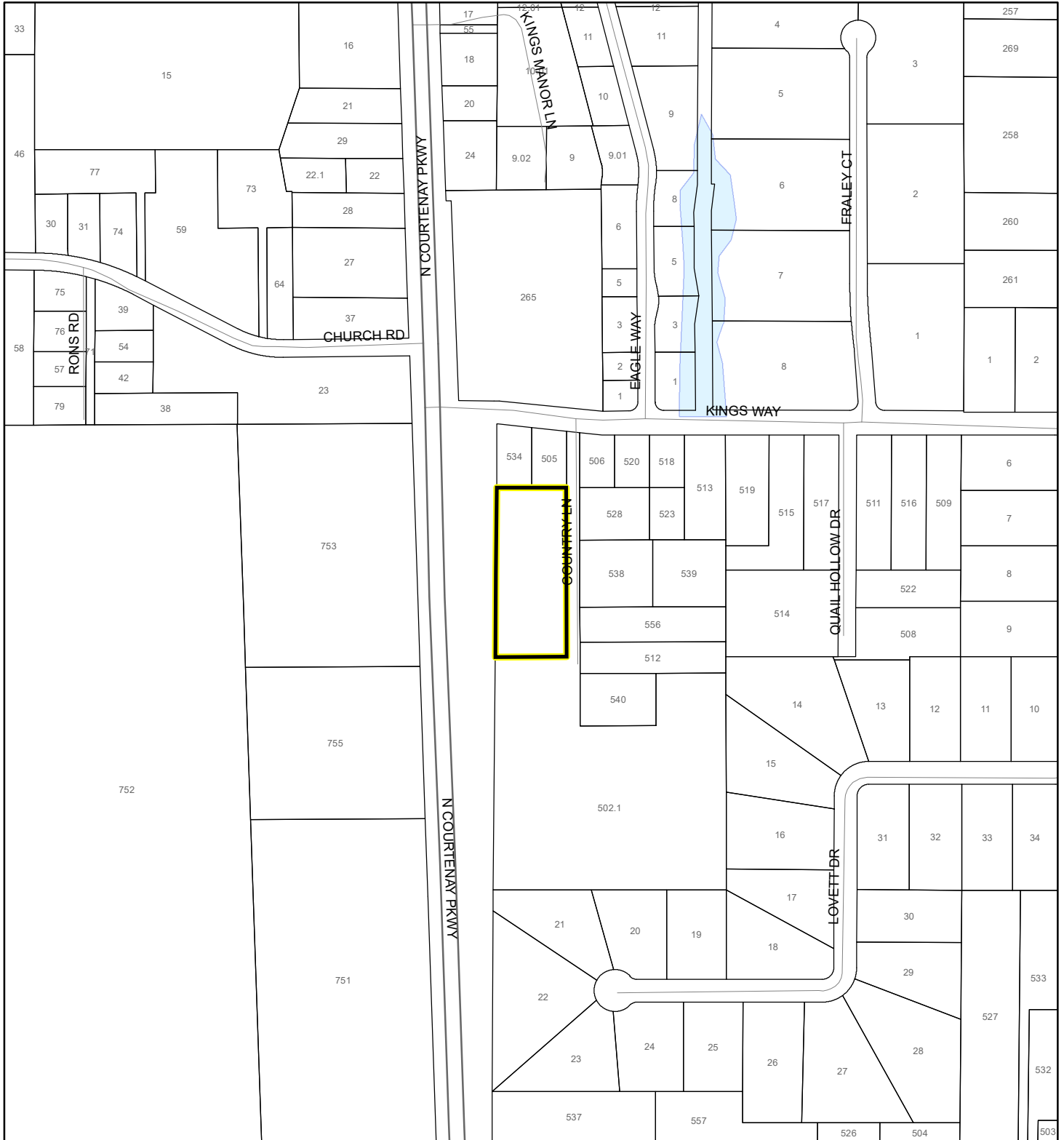
 60 Meters

 All Distances

EAGLE NESTS MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

 Subject Property

 Parcels

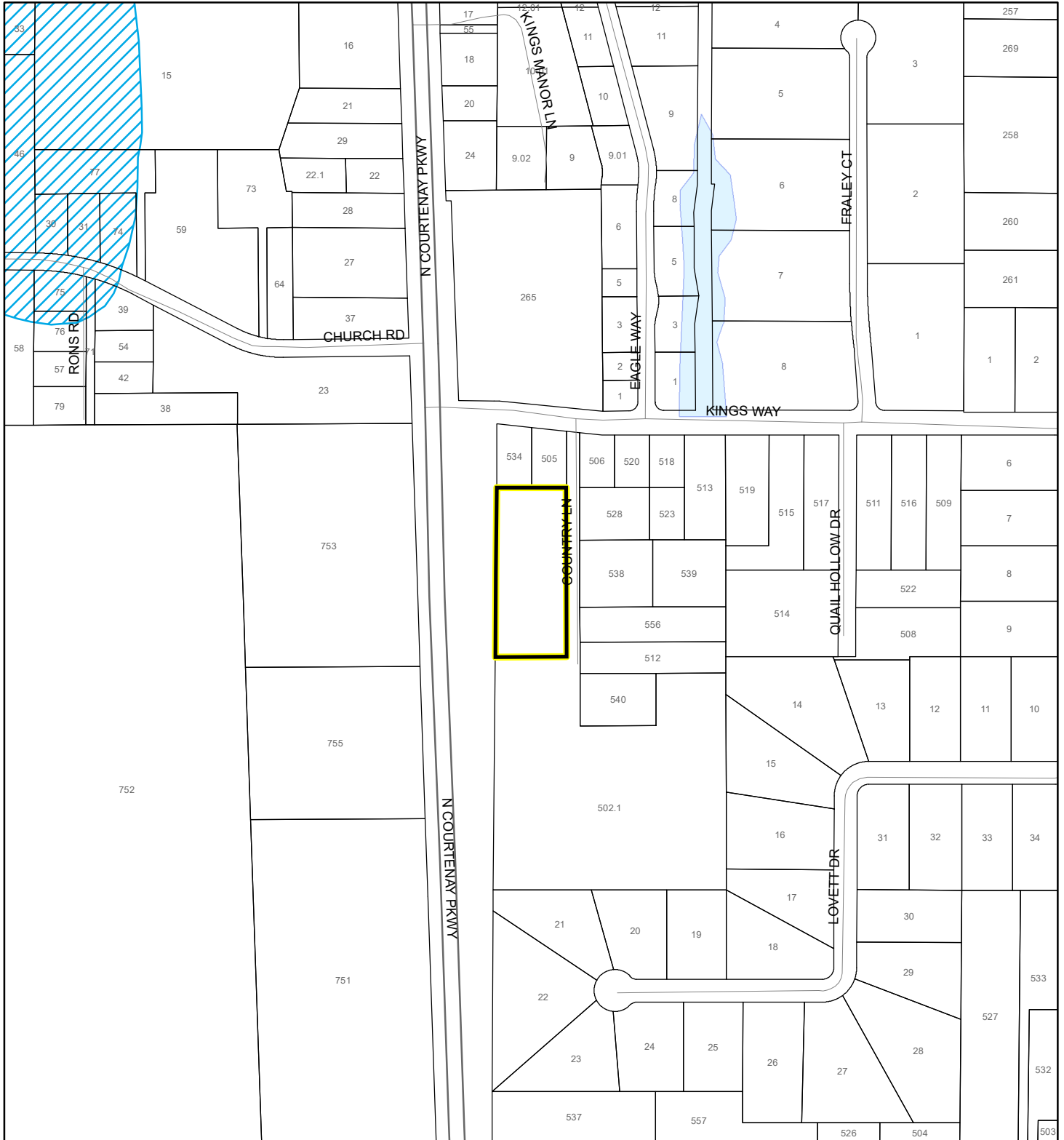


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

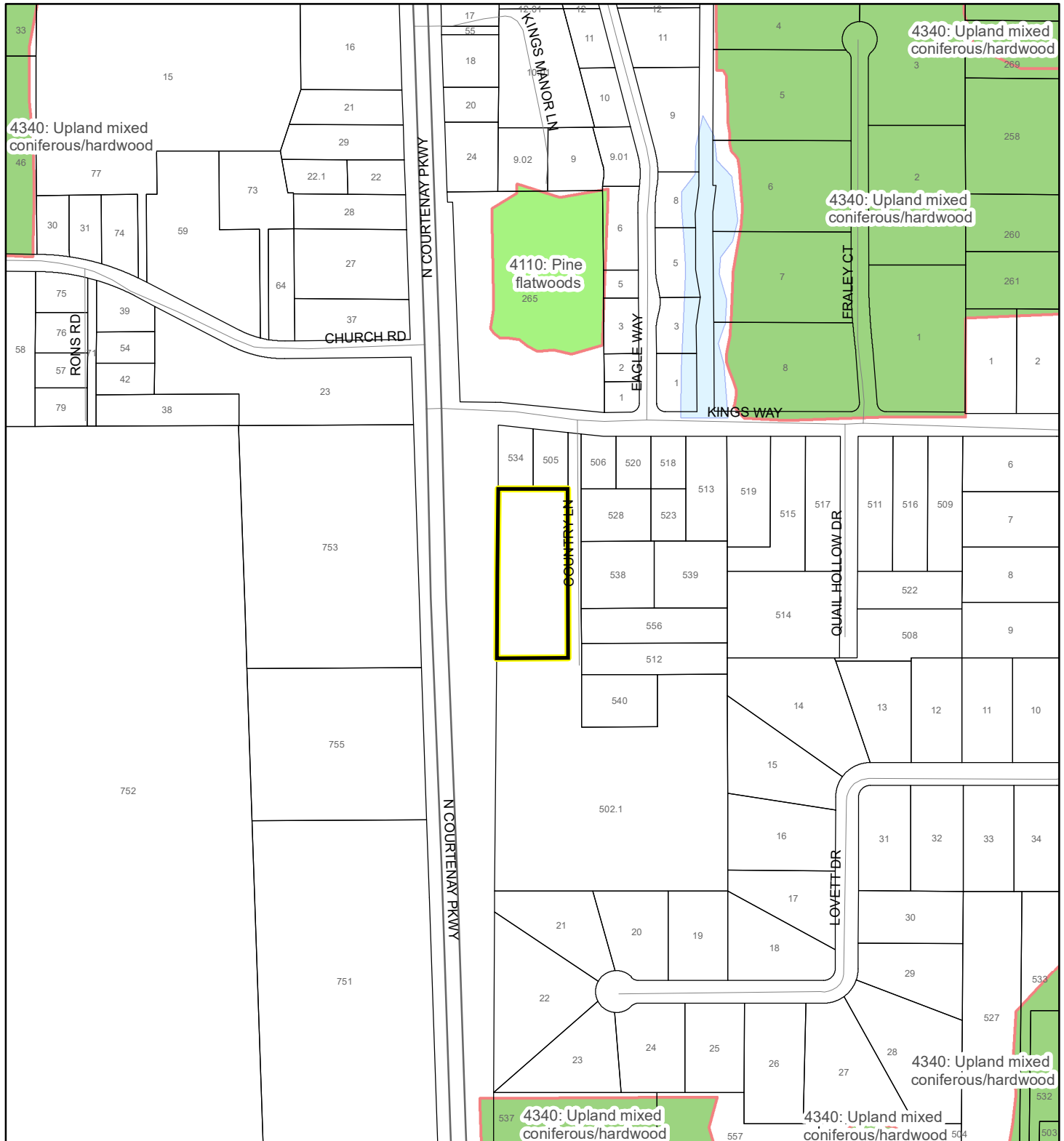
Produced by BoCC - GIS Date: 2/3/2020

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/3/2020

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.11.

6/11/2020

Subject:

William Clarke (Kim Rezanka) requests a change of zoning classification from BU-1-A and BU-1 to BU-2. (20PZ00038) (Tax Account 2410519) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the North Merritt Island Dependent Special District Board conduct a public hearing to consider a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial), BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial), BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial) for the purpose of using the existing 4,012 square-foot building for wholesale distribution of marine fasteners, and storage of fasteners in shipping containers to the rear of the building. The property is 0.80 acres, located at 4140 North Courtenay Parkway.

The developed character of the surrounding area along both sides of North Courtenay Parkway is a mixture of BU-1-A, BU-1 and BU-2, developed with various commercial uses. The parcel to the north, south, and to the west have a Community Commercial Future Land Use designation; the parcel to the east has a Residential 2 Future Land Use designation. The subject property is serviced by Brevard County water and has an existing septic system.

The Board may wish to consider whether the intensity and types of uses proposed are consistent and compatible with surrounding development.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20PZ00038

William Clarke

**BU-1 (General Retail Commercial) and BU-1-A (Restricted Neighborhood Commercial) to
BU-2 (Retail, Warehousing, and Wholesale Commercial)**

Tax Account Number: 2410519

Parcel I.D.: 24-36-02-00-283

Location: East side of North Courtenay Parkway, approximately 950 feet south of
Hall Road (4140 North Courtenay Parkway, Merritt Island) (District 2)

Acreage: 0.80 acres

North Merritt Island Board: 06/11/20

Board of County Commissioners: 07/09/20

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1 and BU-1-A	BU-2
Potential*	4,012 sq. ft.	10,611 sq. ft.
Can be Considered under the Future Land Use Map	YES Community Commercial	YES Community Commercial

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from General Retail Commercial (BU-1) and Restricted Neighborhood Retail Commercial (BU-1-A) to all Retail, Warehousing, and Wholesale Commercial (BU-2) for the purpose of using the existing building for wholesale distribution of marine fasteners and to allow for storage of fasteners in shipping containers to the rear of the building. The parcel is currently developed with a 4,012 sq. ft. warehouse building. The structure received a building permit (12BC01731) for a single-family residence. Wholesale salesroom and storage rooms are a permitted use in BU-2.

The applicant plans to use shipping containers for additional storage. Per Sec. 62-2100, these must meet all setback requirements for a principal structure and maintain a minimum spacing distance of 15 feet between structures.

BU-1 is the original zoning classification of the western section of the parcel. **Z-3226**, a zoning action to rezone this part of the property from BU-1 to BU-2 was denied on March 26, 1973. The eastern section of the parcel was rezoned administratively rezoned from BU-1 to BU-1-A by **Z-10241F** on April 5, 1999.

Land Use

The subject property retains the CC (Community Commercial) FLU (Future Land Use) designation. The existing zoning classifications, BU-1 and BU-1-A, and the proposed BU-2 zoning classification are all consistent with the Future Land Use designation.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Septic Overlay
- Protected Species
- Landscaping and Tree Preservation Requirements

Information available to NRM indicates that wetlands may be present on the property, and that that impacts to previously existing wetlands may have occurred around the year 2000 fill was brought onto the site. A wetland determination/delineation will be required prior to any plan design or permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action.

Preliminary Concurrency

The closest concurrency management segment to the subject property is North Courtenay Pkwy, between SR 528 and the KSC Gate, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 49.87% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.06%. The corridor is anticipated to continue to operate at 49.96% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

The proposed request is anticipated to have no school impacts because it is commercial.

This parcel is serviced by Brevard County water. The site contains an existing septic system.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. The subject property is currently developed with a structure containing warehousing and a single-family residence and lies within the Community Commercial

Future Land Use designation. The parcel abuts BU-1-A and BU-1 zoning to the north, BU-1 and BU-2 zoning to the south, RR-1 zoning to the east, and North Courtenay Parkway to the west. The parcels west across North Courtenay Parkway are zoned BU-1 and BU-2. The proposed BU-2 zoning may be considered to be consistent with the Community Commercial Land Use designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area along North Courtenay Parkway is developed with retail, single-tenant office buildings, and storage/distribution terminals. The subject parcel and the surrounding area along North Courtenay Parkway have a Future Land Use (FLU) designation of CC which may be considered to be consistent with the BU-1-A, BU-1, and BU-2 zonings. The proposed BU-2 zoning may be considered to be consistent with the Future Land Use designation CC.

Surrounding Area

The developed character of the surrounding area along both sides of North Courtenay Parkway is a mix of BU-1-A, BU-1, and BU-2 zoning developed with various commercial uses. To the south of the subject property is a parcel zoned BU-1 and BU-2 containing a repair service shop on the BU-2 section. To the north is an undeveloped parcel zoned BU-1-A. To the east is an undeveloped parcel zoned Rural Residential (RR-1). To the west is North Courtenay Parkway. The parcels to the north, south, and across the street to the west have a CC FLU designation while the parcel to the east has a Residential 2 FLU designation.

There has been one zoning action within a half-mile of the property within the last five years. On July 26, 2018, **18PZ00018** rezoned a 70.46 acre parcel located approximately 2,148 feet northeast of the property from Agricultural Residential (AU) to Estate Use Residential (EU) with a Binding Development Plan limiting the development to 34 units.

For Board Consideration

The applicant is seeking a change of zoning classification from General Retail Commercial (BU-1) and Restricted Neighborhood Retail Commercial (BU-1-A) to all Retail, Warehousing, and Wholesale Commercial (BU-2) for the purpose of using the existing building for wholesale distribution of marine fasteners and to allow for storage of fasteners in shipping containers to the rear of the building. The parcel is currently developed with a 4,012 sq. ft. building being used as a single-family residence. Wholesale salesroom and storage rooms are a permitted use in BU-2.

The Board may wish to consider whether the intensity and types of uses proposed are consistent and compatible with surrounding development.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item # 20PZ00038

Applicant: Rezanka for Clarke

Zoning Request: BU-1 and BU-1-A to BU-2

Note: Applicant wants warehouse for distribution of marine fasteners, and to have storage in shipping containers.

NMI Hearing Date: 06/11/20; **BCC Hearing date:** 07/09/20

Tax ID No: 2410519

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Septic Overlay
- Protected Species
- Landscaping and Tree Preservation Requirements

Information available to NRM indicates that wetlands may be present on the property, and that that impacts to previously existing wetlands may have occurred around the year 2000 fill was brought onto the site. A wetland determination/delineation will be required prior to any plan design or permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped Basinger sand as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that hydric soils and wetlands may be present on the property. Other information available to NRM indicates that wetlands may be present on the property, and that that impacts to previously existing wetlands may have occurred around the year 2000 when fill was brought onto the site. A wetland determination/delineation will be required prior to any plan design or permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). North Courtenay Parkway is an MQR at this location. The applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet wetland impact avoidance, minimization and mitigation requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016.

Aquifer Recharge Soils

Basinger sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Septic Overlay

The site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The change in use may require septic system upgrade to the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. The Applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

Protected Species

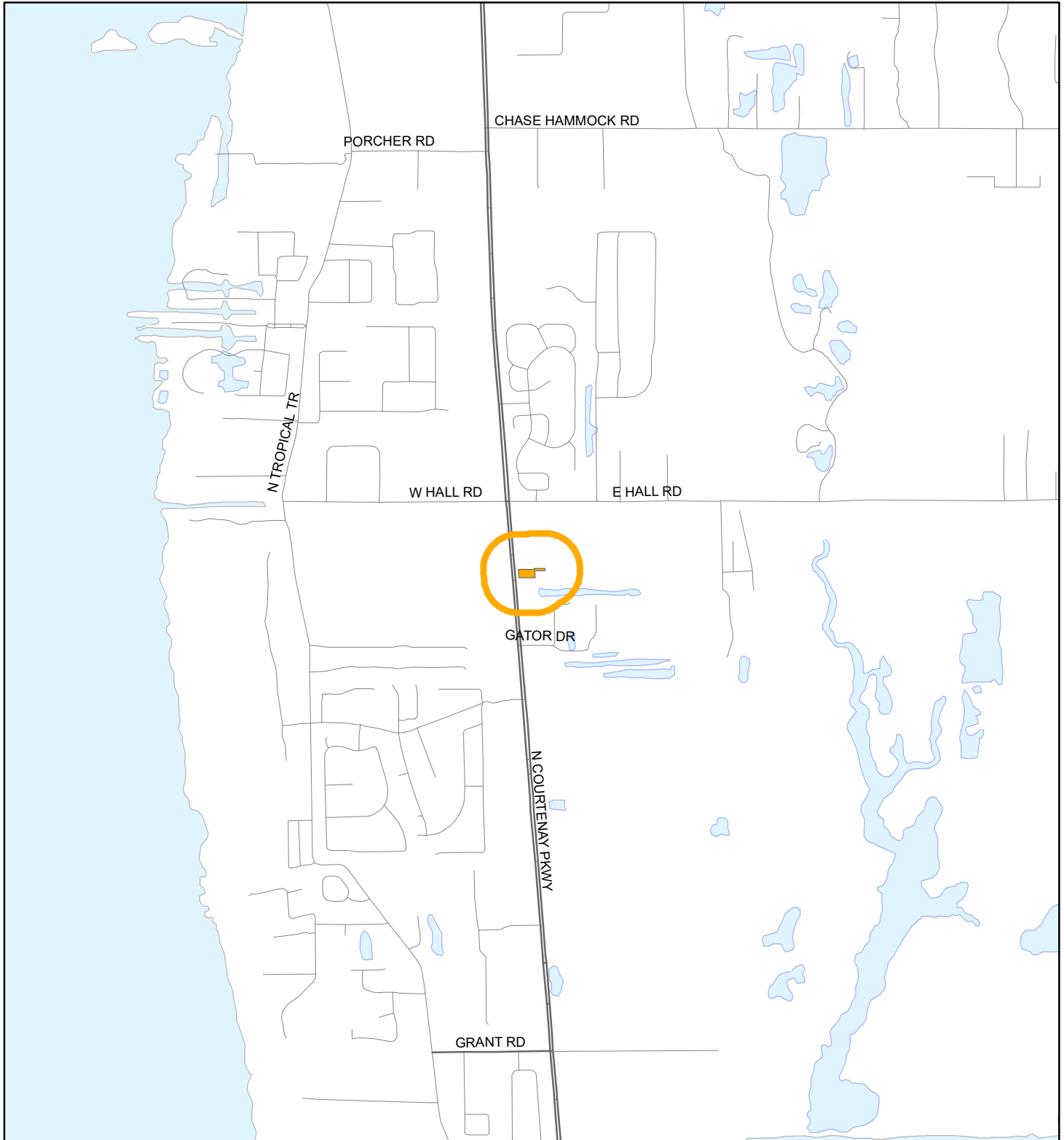
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Landscaping and Tree Preservation Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

CLARKE, WILLIAM
20PZ00038





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

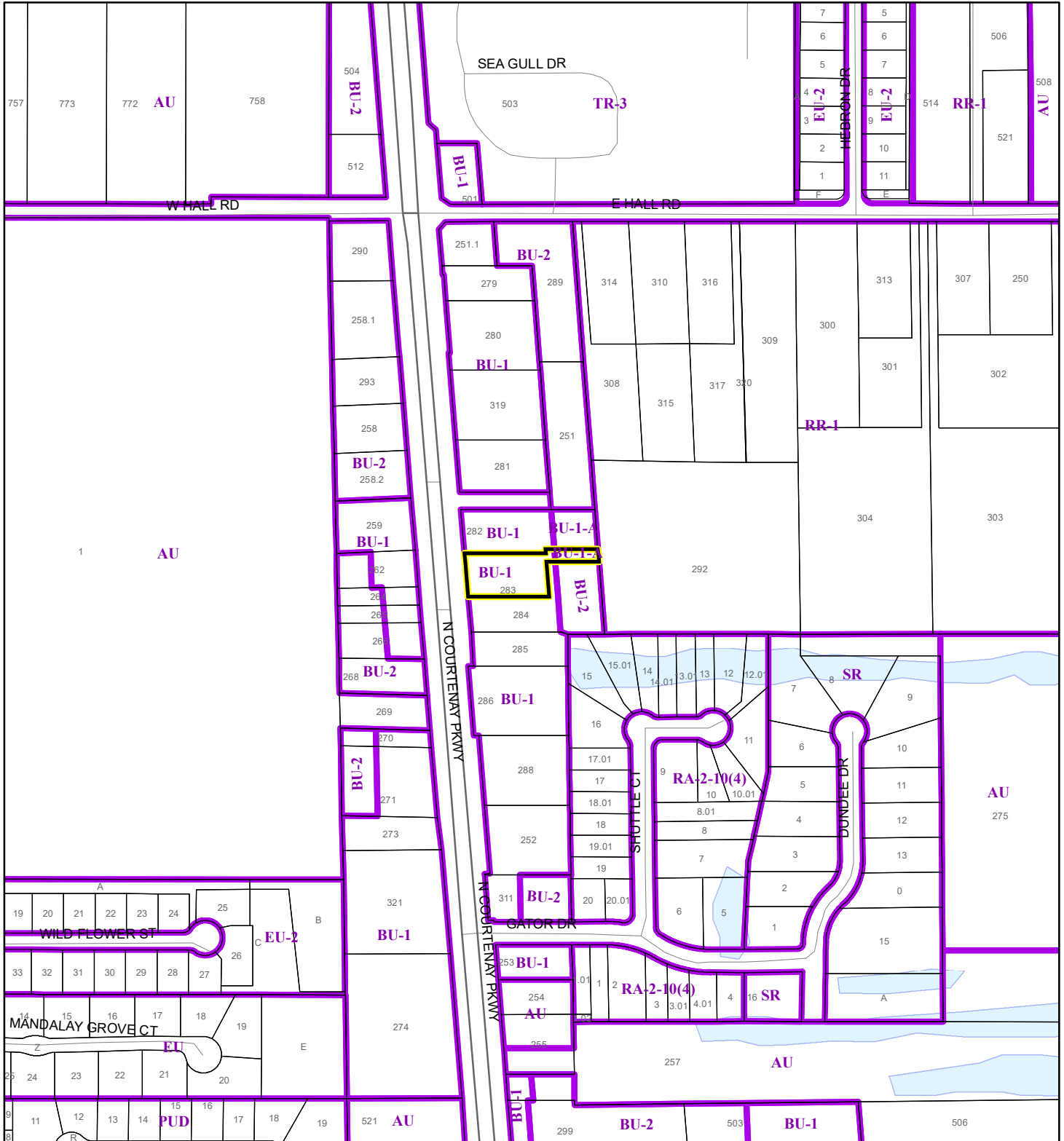
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

 Buffer
 Subject Property

ZONING MAP

CLARKE, WILLIAM
20PZ00038



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

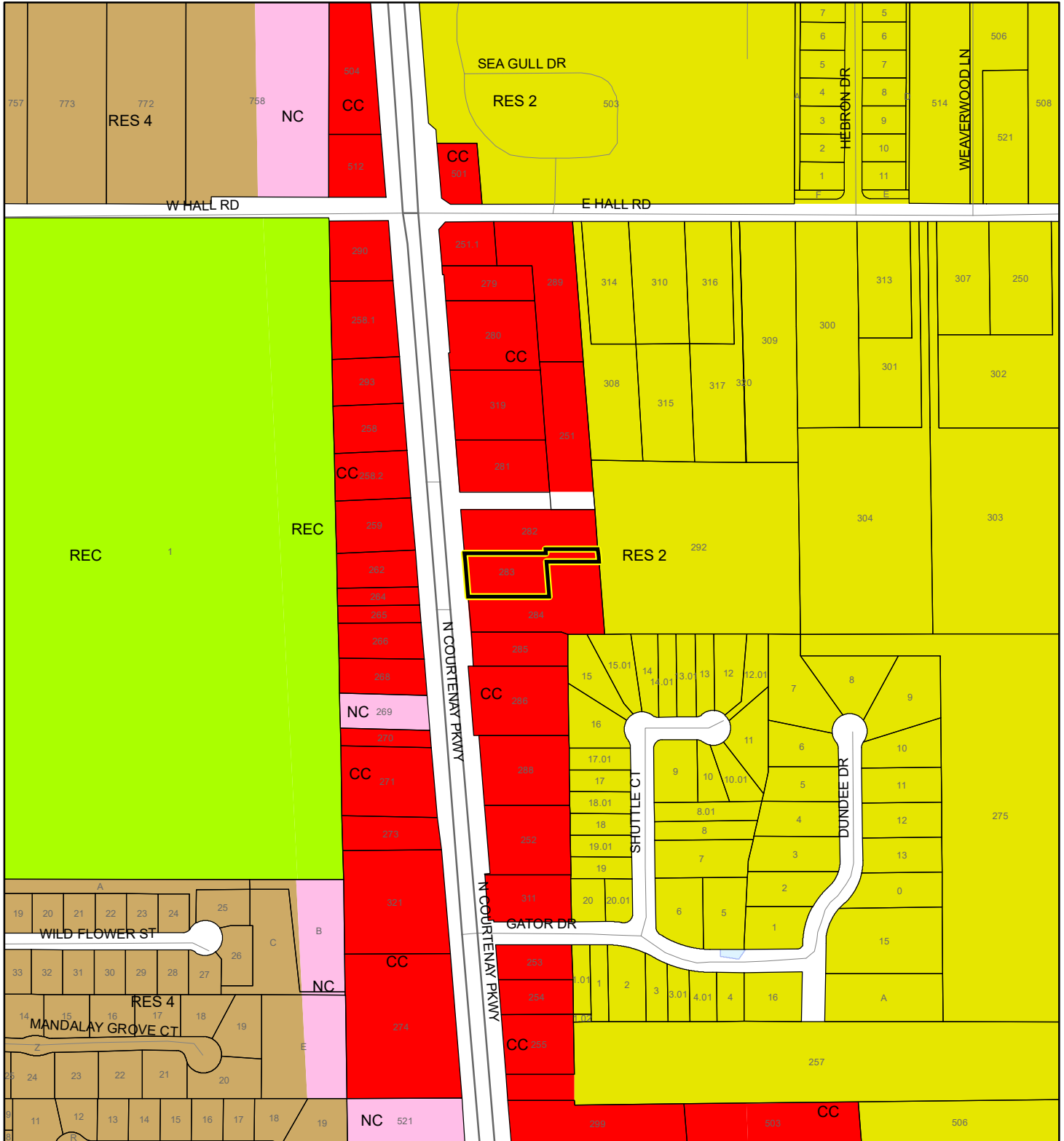
Produced by BoCC - GIS Date: 3/11/2020

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

CLARKE, WILLIAM

20PZ00038



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

AERIAL MAP

CLARKE, WILLIAM

20PZ00038




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2019

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

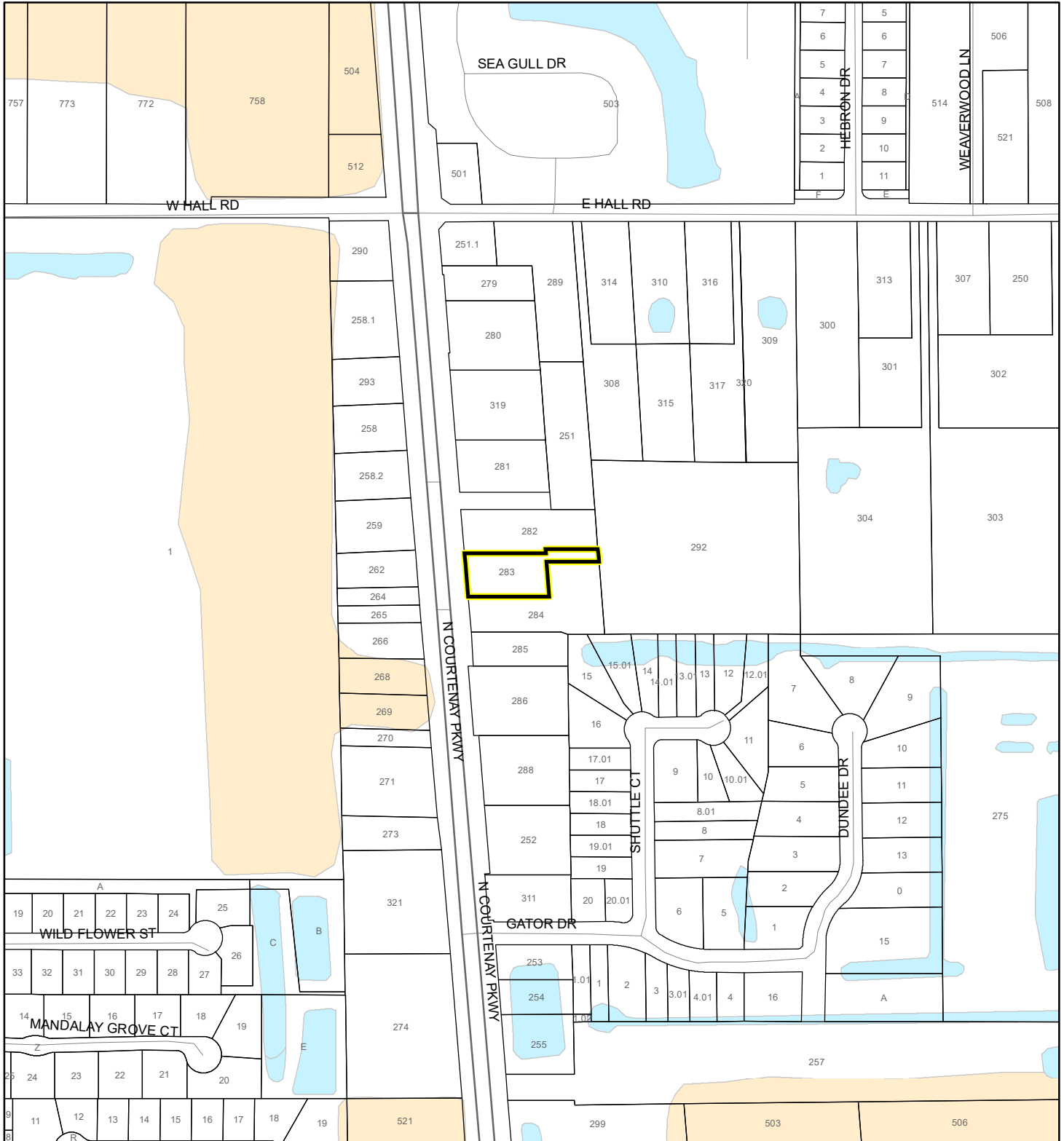
 Subject Property

 Parcels

NWI WETLANDS MAP

CLARKE, WILLIAM

20PZ00038



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

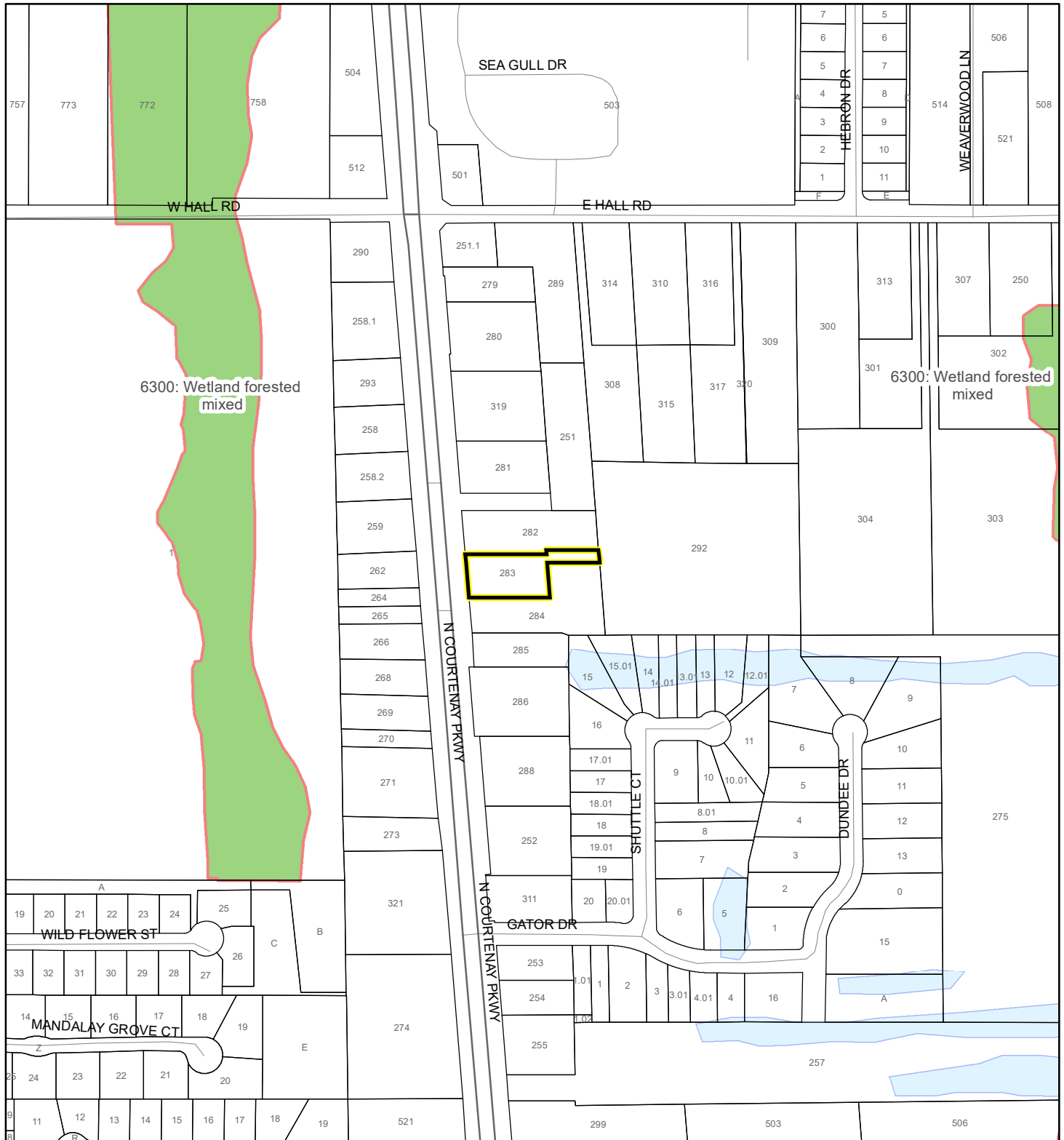
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| Estuarine and Marine Deepwater | Freshwater Pond |
| Estuarine and Marine Wetland | Lake |
| Freshwater Emergent Wetland | Other |
| Freshwater Forested/Shrub Wetland | Riverine |
| Subject Property | |
| Parcels | |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

CLARKE, WILLIAM

20PZ00038



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

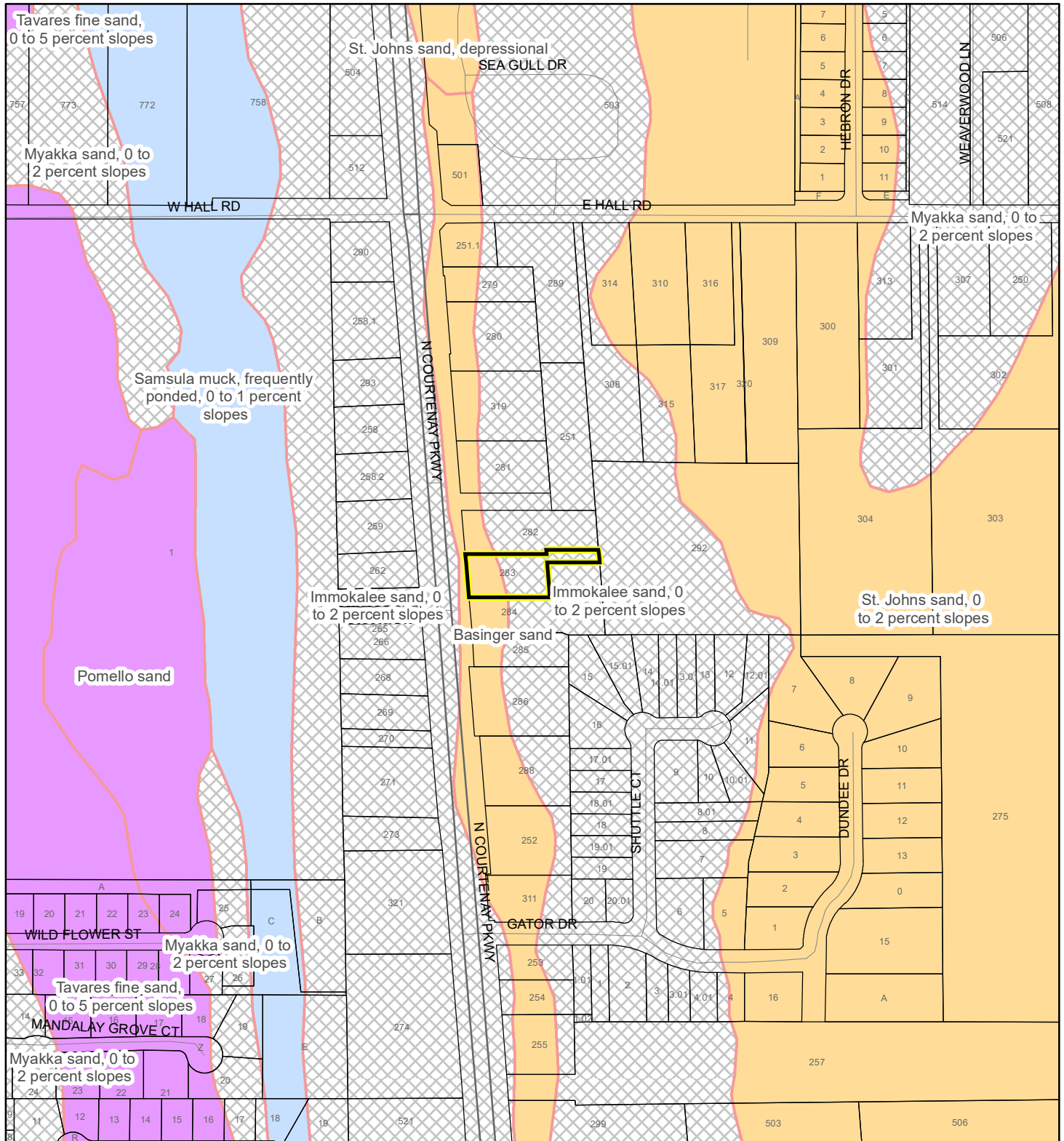
Subject Property

Parcels

USDA SCSSS SOILS MAP

CLARKE, WILLIAM

20PZ00038



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

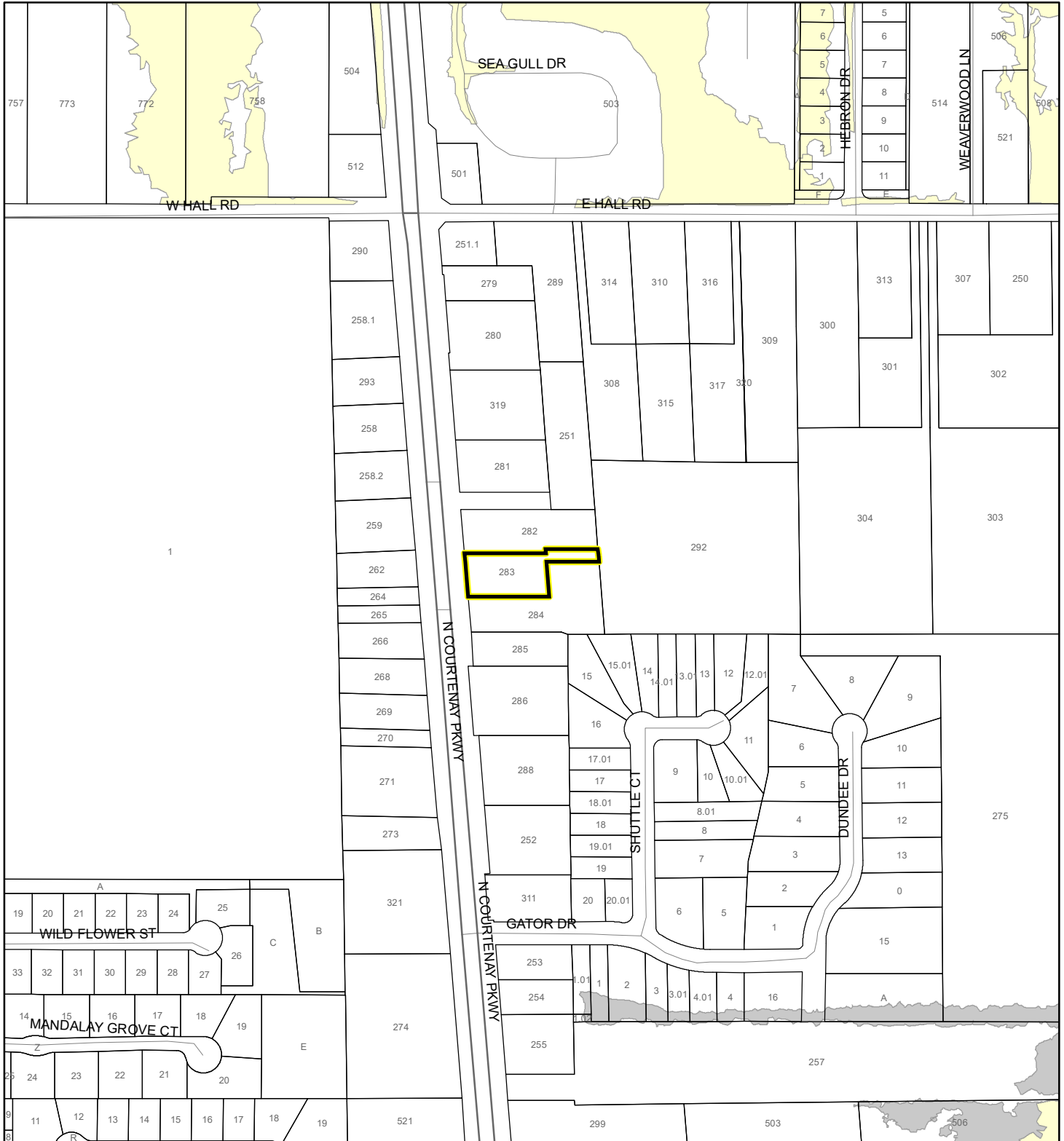
Subject Property

Parcels

FEMA FLOOD ZONES MAP

CLARKE, WILLIAM

20PZ00038



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

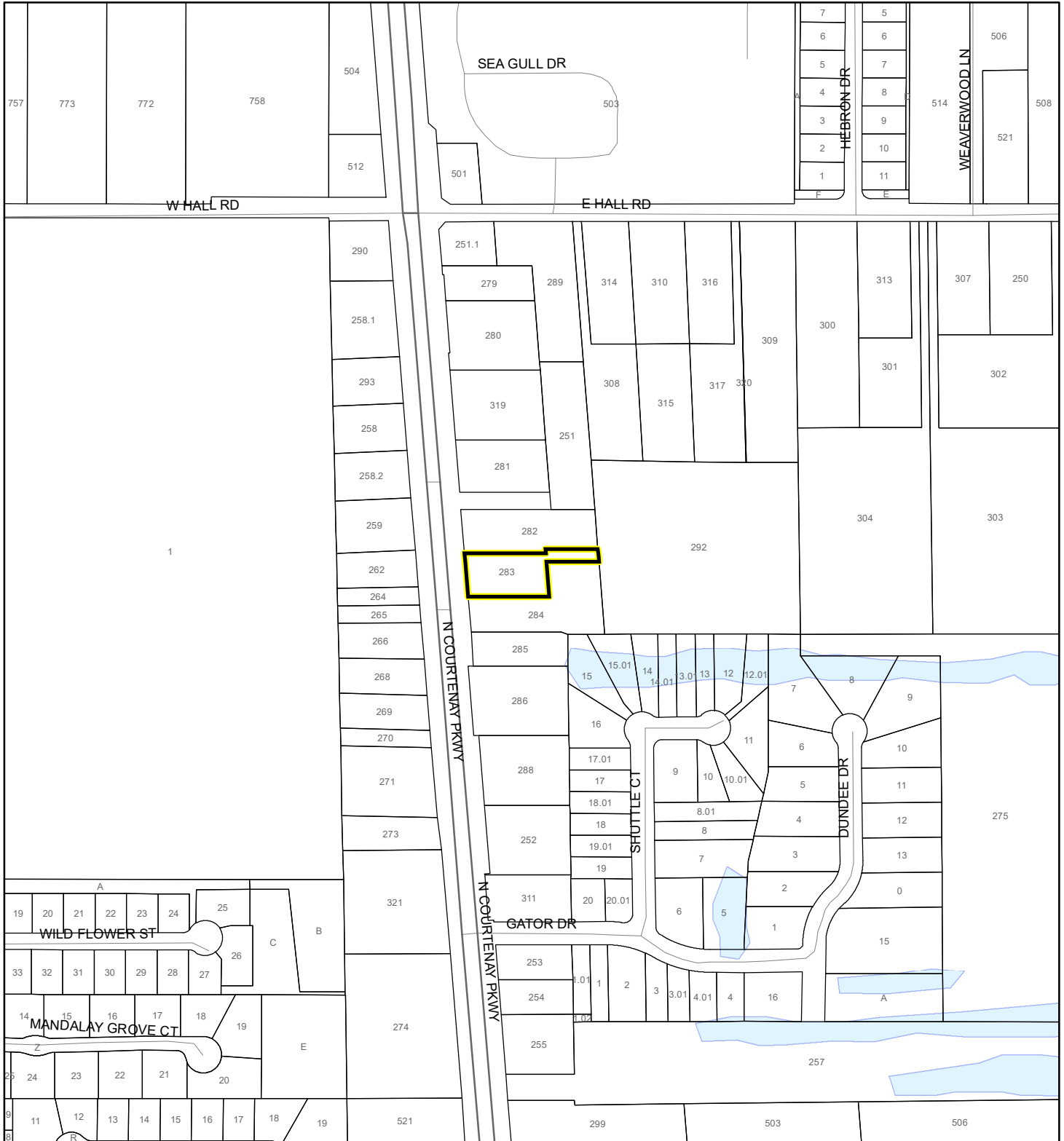
Produced by BoCC - GIS Date: 3/11/2020

- FEMA Flood Zones**
- | | | |
|---|---|---|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | | Parcels |

COASTAL HIGH HAZARD AREA MAP

CLARKE, WILLIAM

20PZ00038



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

 Subject Property

 Parcels

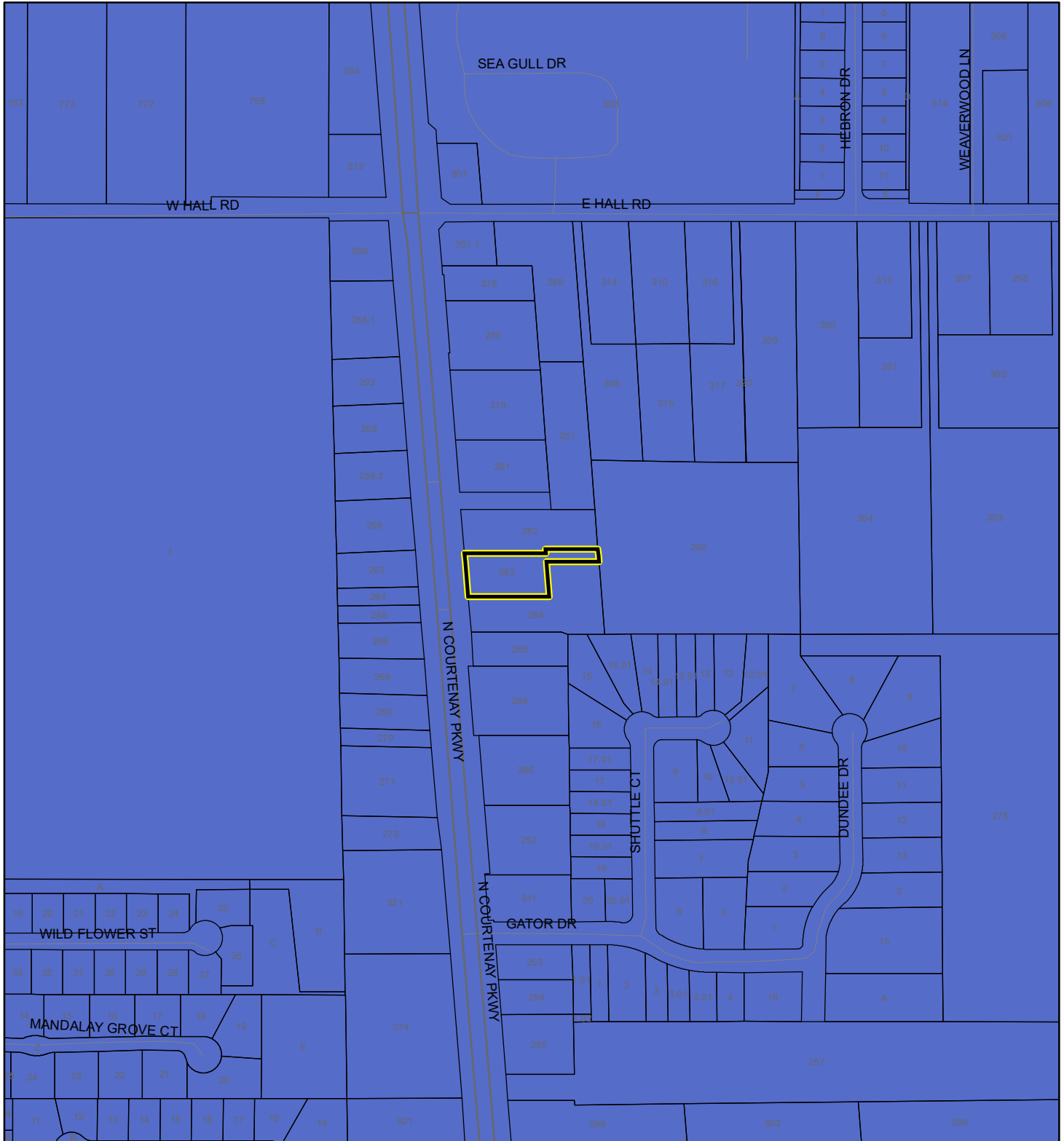
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CLARKE, WILLIAM

20PZ00038



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

 Subject Property

 Parcels

Septic Overlay

 40 Meters

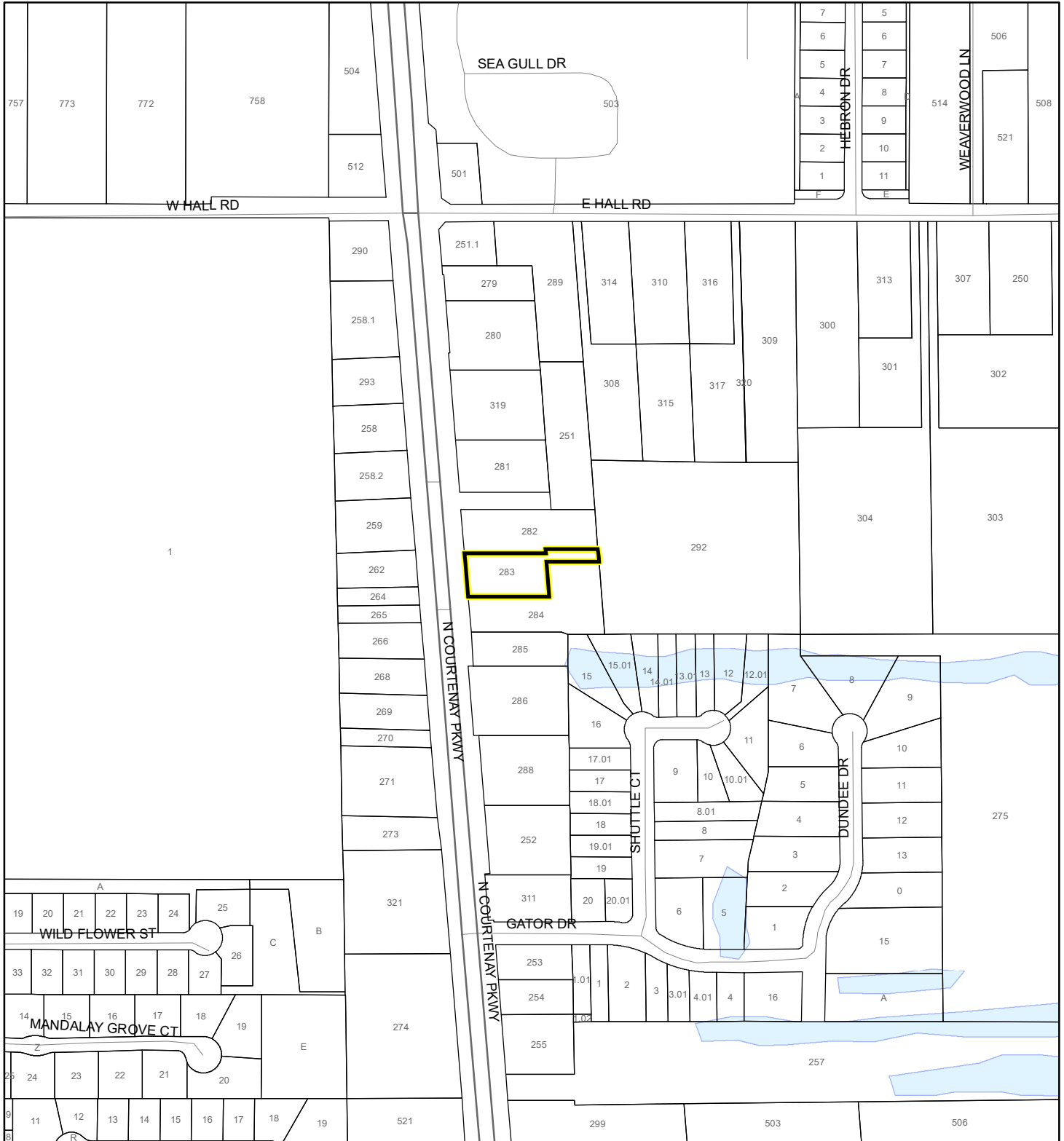
 60 Meters

 All Distances

EAGLE NESTS MAP

CLARKE, WILLIAM

20PZ00038



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

 Subject Property

 Parcels

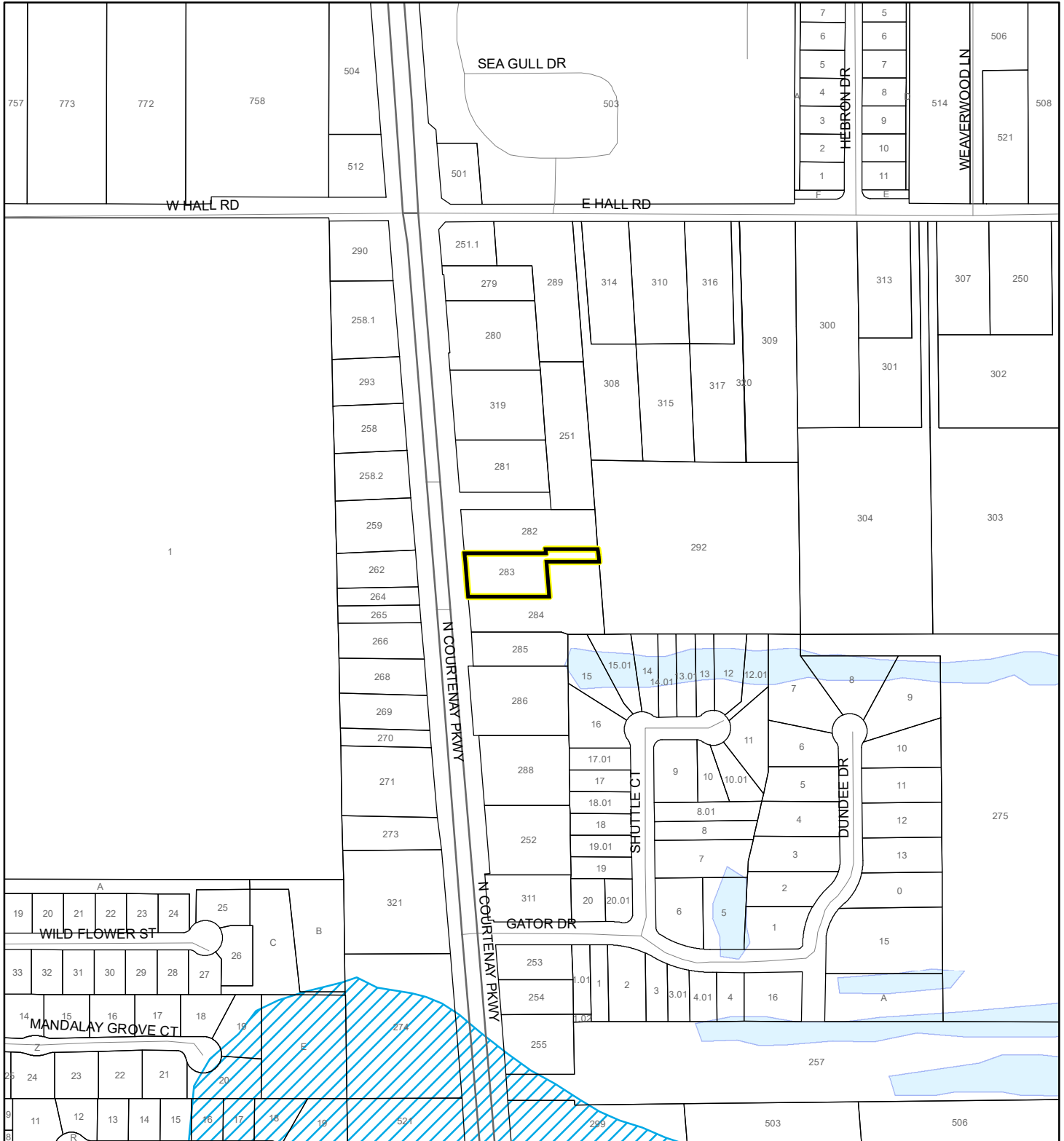


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

CLARKE, WILLIAM

20PZ00038



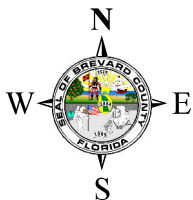
1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

- Subject Property
- Parcels
- Scrub Jay Occupancy

CLARKE, WILLIAM
20PZ00038







1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/11/2020

SJRWMD FLUCCS Upland Forests

-  Upland Coniferous Forest - 4100 Series
-  Upland Hardwood Forest - 4200 Series
-  Upland Mixed Forest - 4300 Series
-  Tree Plantations - 4400 Series

 Subject Property  Parcels



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.12.

6/11/2020

Subject:

MI Plaza Group, LLC (Matthew Phillips / Kim Rezanka) requests removal of an existing BDP; a CUP for an overnight commercial parking lot; and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant, in a PIP zoning classification. (20PZ00027) (Tax Account 2459292) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the North Merritt Island Dependent Special District Board conduct a public hearing to consider the following requests: 1.) removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres); 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial Park) zoning classification.

Summary Explanation and Background:

The applicant is seeking three requests: 1.) removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres); 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial Park) zoning classification. The property is located at 3345 North Courtenay Parkway.

The applicant is proposing to change the existing shopping center to cruise parking and overnight parking with related services, including a restaurant with full liquor. The proposal is for a park-and-ride lot with patrons transported by busses to cruise ships in Port Canaveral. This is the first overnight commercial parking lot to submit a request for a CUP since the code was created in 2018.

In January 2010, the parcel was approved for a CUP (**Z-11532**) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant along with a BDP limiting the CUP. The BDP had nine restrictions that limited the use and time of the restaurant. This CUP expired after three years on February 4, 2013, since no alcoholic beverage license was obtained.

In August 2008, the parcel was denied a CUP (**DNZ-11436**) for Alcoholic Beverages for On-Premises Consumption due to incompatibility with the surrounding neighborhood and access.

In February 2005, the parcel was denied a CUP (**DNZ-10949**) for of Alcoholic Beverages for On-Premises Consumption due to incompatibility with the surrounding neighborhood and the diminutive property values.

The Board should consider the compatibility with the surrounding area of the proposed CUP for Overnight Commercial Parking Lot and the impacts with the three other cruise parking lots along North Courtenay Parkway and the traffic concerns when the barge canal is open. The Board should also consider removal of the existing BDP and the conditions it imposes together with the proposal of the new CUP request for full liquor.

The Board should consider the compatibility of the proposed CUP with the surrounding area, and if any additional conditions beyond those cited in Sections 62-1901 and 62-1906 are necessary to mitigate potential impacts to the abutting community. Such conditions could include:

- a. Additional landscaping buffer or block wall along the westerly and southerly boundaries.
- b. Turn lane analysis will be required with the site development plan, to be reviewed by Brevard County Traffic Engineering, reviewed and permitted by FDOT, and the applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for cruise parking.
- c. Queuing of vehicles are prohibited along all public ROW's. A queuing plan shall be submitted with site plan demonstrating sufficient queuing distance, on-site.
- d. No parking signs shall be installed along the north and south sides of Duval St.
- e. Increased queueing distances on-site
- f. Limiting hours of restaurant and bar
- g. Limiting the seats of the restaurant
- h. Limiting to beer and wine only
- i. No outside entertainment activities
- j. Limit number of overnight commercial parking (pursuant to the parking code there are 153 surplus parking available for cruise parking)

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
2. actual development over the immediately preceding three years; and
3. development approved within the past three years but not yet constructed.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20PZ00027

MI Plaza Group, LLC

- 1.) CUP (Conditional Use Permit) for Overnight Commercial Parking Lot;**
- 2.) CUP for Alcoholic Beverages (full-liquor) for On-Premises Consumption in Conjunction with a Restaurant in a PIP (Planned Industrial Park) Zoning Classification;**
- 3.) Removal of Existing BDP (Binding Development Plan)**

Tax Account Numbers: 2459306 and 2442552
Parcel I.D's.: 24-36-11-00-288.A-XA and 24-36-11-00-288
Location: 3345 North Courtenay Parkway, Merritt Island (District 2)
Acreage: 5.48 acres (Removal of Existing BDP and CUP for Overnight Commercial Parking Lot; 3,100 square feet (CUP for Alcoholic Beverages for On-Premises Consumption)

North Merritt Island Board: 04/09/20

Board of County Commissioners: 05/07/20

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	PIP, with BDP (Binding Development Plan)	Removal of Existing BDP and establish a CUP for Overnight Commercial Parking Lot and CUP for Alcoholic Beverages (full-liquor) for On-Premises Consumption in Conjunction with a Restaurant
Potential*	82,485 sq. ft.	82,485 sq. ft.
Can be Considered under the Future Land Use Map	YES PI (Planned Industrial)	YES PI (Planned Industrial)

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is seeking three requests: 1) A CUP for Overnight Commercial Parking Lot; 2) A CUP for Alcoholic Beverages (full-liquor) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant. 3) The removal of existing BDP (Binding Development Plan) that placed conditions on a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant.

The applicant is proposing to change the existing use of a shopping center to cruise parking and overnight parking with related services, including a restaurant with full liquor. The proposal is for a park-and-ride lot with patrons transported by busses to the cruise ships in Port Canaveral. This is the first overnight commercial parking lot to submit a request for a Conditional Use Permit (CUP) since the code (Section 62-1941.3) was created in 2018. The specific criteria will be discussed later in this report.

The parcel is 5.48 acres and is currently developed with a 21,344 sq. ft. one story business complex and a 6,039 sq. ft. one story warehouse. The applicant states there are 207 existing parking spaces and that they will increase the parking to 237 spaces. Phase II of the development plan called for an additional 10,000 sq.ft. business complex space that was not built.

On August 16, 2019, staff prepared a zoning verification letter outlining what the current entitlements were on the property and process to re-start previous approval(s) that have since expired.

January 25, 2010, the parcel was approved for a CUP (**Z-11532**) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant along with a BDP limiting the CUP. The BDP had nine restrictions that limited the use and time of the restaurant. This CUP expired after three years on February 4, 2013, since no alcoholic beverage license was obtained.

August 2008, the parcel was denied a CUP (**DNZ-11436**) for of Alcoholic Beverages for On-Premises Consumption. The application was denied due to incompatibility with the surrounding neighborhood and access.

February 2005, the parcel was denied a CUP (**DNZ-10949**) for of Alcoholic Beverages for On-Premises Consumption. The application was denied based on incompatibility with the surrounding neighborhood and the diminutive property values.

September 1993, the parcel was Administratively Rezoned (**Z-9209**) from Light Industrial (IU) to Planned Industrial Park (PIP). Policy 10.2 from the 1988 Brevard County Comprehensive Plan states that, *"the Planning and Development Services Department may initiate administrative rezonings for those properties that are found to be inconsistent with the Future Land Use Map at the time of a development permit application."* As a result of the North Merritt Island Study, the Board changed all IU to PIP and the FLUM from Industrial to PIP to reduce the blight from potential development on this corridor.

May 1976, the parcel was rezoned (**Z-4062**) from Agricultural Residential (AU) to Light Industrial (IU).

Land Use

The Future Land Use on the subject property is Planned Industrial (PI). The zoning classification is Planned Industrial Park (PIP) and can be considered in the PI (Planned Industrial) Future Land Use designation and is part of the North Merritt Island Special District.

Environmental Constraints

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Preliminary Concurrency

The closest concurrency management segment to the subject property is North Courtenay Parkway between North ramps of State Road 528 and Hall Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 49.87% of capacity daily. The maximum development potential from the proposed application does increase the percentage of MAV utilization by 0.60%. The corridor is anticipated to continue to operate at 50.47% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this is a planned industrial development. It is anticipated that no students will be generated by this proposed development.

The subject property is served by City of Cocoa potable water and Brevard County sewer. At site plan review, the applicant will be required to submit a capacity letter.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. The subject property is currently developed with commercial and warehouse buildings and lies within the PI Future Land Use designation. Abutting this parcel to the north is Duval Street; the parcel directly across Duval Street to the north is zoned PIP and is currently developed with commercial and warehouse buildings and lies within the PI Future Land Use designation. Abutting this parcel to the east is North Courtenay Parkway; the parcels directly across North Courtenay Parkway to the east are zoned PIP, BU-2 and IU are currently developed with commercial and warehouse buildings and they all lie within the PI Future Land Use designation. The parcel lies within the PI Future Land Use designation. The two parcels to the west are vacant utility and drainage Tracts "G" and "I" zoned Estate Use residential (EU-2) under a Binding Development Plan (BDP) recorded in ORB 3338 Pages

3748 thru 3754 dated November 8, 1993, for the Sunset Groves Unit 2 subdivision and they lie within the Residential 4 (RES 4) Future Land Use designation.

Proposed uses, the applicant states: Proposed property improvements will use the existing office/retail complex and the associated parking for services catered to bus tours and car travelers heading to and from Port Canaveral cruise ships. This business is not open to the public and will only be accessible to customers that make reservations ahead of time with the company. The number of patrons that have access to the business are further limited by the number of reservations available. The operating hours (6:00am-4:00pm) and time separation between departing and arriving guests have less of an impact on traffic in the area than the current building use does.

Proposed Improvements, the applicant states: The proposed development utilizes the buildings for retail, a restaurant, pool hall, and office space, within the existing allowable use with the exception of On-Premises Consumption of Alcohol. The CUP would allow for On-Premises Consumption of Alcohol during the business operating hours of 6:00am-4:00pm. The vacant land in the center of the property will be used as Commercial Overnight Parking for cruise terminal patrons. The area will add 30 parking spaces to the existing 207, for a total of 237 parking spaces on the property. Forty-seven parking spaces are required for the proposed new business (GoPort) per County code. Because the property will not be open to the public, the remaining parking spaces will be available to patrons with advance reservations for overnight parking as part of the service package offered by the business.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area along the west corridor of North Courtenay Parkway is PIP zoning and are developed with commercial and warehouse buildings and lies within the PI Future Land Use designation. The developed character of the property west of the subject property is residential, the Sunset Groves subdivision.

Policy 3.2 - Role of Zoning Regulations in the Designation of Industrial Lands

Zoning regulates the specific types and intensities of uses. Criteria which aid in assessing zoning compatibility shall consider the following standards:

Criteria:

- A. Permitted/prohibited uses;
- B. Existing industrial zoning trends in the area;
- C. Compatibility of proposed use with area;

Staff analysis:

The application can be considered under the current zoning classification. In 2018, the Code was changed to require a CUP for overnight parking of commercial vehicles in a PIP zoning classification due to the off-site impacts. The applicant must provide clear and convincing evidence that the application addresses any off-site impacts associated with the proposed use. Based on the existing development trends, the surrounding area is developing in accordance

Page 4

with the established land use and zoning patterns. In two other previous applications on the property for alcoholic beverages, the Board denied both citing incompatibility with the surrounding area. The properties to the west of the subject property are residential while the properties to the north, south, and east are commercial and industrial. Duval St. which is directly north of the subject property provides the only access to the Sunset Groves subdivision to the west. The applicant intends on using this (two access points along Duval Street) for access together with the existing right-in right-out connection on N. Courtenay Parkway. (See page #9, applicant's response).

Surrounding Area

The area surrounding the subject property is a mix of residential to the west and commercial and industrial along North Courtenay Parkway. The properties along North Courtenay Parkway have PIP zoning and are developed with commercial and warehousing buildings with a Future Land Use (FLU) designation of PI.

There has been one zoning action within a half-mile of the subject property within the last three years. On November 22, 2017, application **17PZ00005** changed the zoning from SEU (Suburban Estate Use) to EU-2 (Estate Use 2) on two parcels totaling 26.11 acres located approximately 730 feet in an easterly direction from the subject parcel.

The parcel directly across Duval Street to the north is zoned PIP. The parcels directly across North Courtenay Parkway to the east are zoned PIP, BU-2 (Retail, warehousing and wholesale commercial) and IU (Light industrial).

There have been three other Overnight Cruise Parking developments in the general vicinity of the subject property along North Courtenay Parkway which promulgated the additional Code requirements as outlined in 62-1941.3 requiring a CUP. They are as follows:

The abutting parcel to the south is zoned PIP and is a vacant parcel with a proposed site plan (**16SP00032**) for cruise parking with 221 parking spaces. PIP is the second lightest industrial classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements. The abutting parcels to the west are zoned EU-2.

Two parcels to the south is zoned PIP and is partially vacant (veterinarian office and pet boarding) parcel has a proposed site plan (**18AD00005**) for cruise parking with 244 parking spaces. The site plan has not been approved. The abutting parcels to the west are zoned EU-2 under a BDP.

The next closest cruise ship parking is approximately 1,385 feet south located on the southeast corner of North Courtenay Parkway and Smith Road. This site plan (**18SP00008**) was approved on February 28, 2019 with 598 spaces, and is currently under construction. Staff has received 26 calls citing concerns with traffic closures when the barge canal is open when construction began with 18SP00008.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of the administrative policies. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare.

The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901, Section 1941.3 overnight commercial parking lot and Section 62-1906, on-premises consumption of alcohol.

Sec. 62-1941.3 Overnight commercial parking lot.

Overnight commercial parking lots are those commercial parking lots which offer 24-hour or longer extended parking for motorized vehicles. Overnight commercial parking lot use is a conditional use in the BU-1, BU-2, PBP and PIP zoning classifications; however, when an overnight commercial parking lot use is located within IU or IU-1 zoning, it shall be considered a permitted with conditions use. Both types of overnight commercial parking lots are subject to the provisions of this section. The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP or PIP. For sites zoned: IU or IU-1, the minimum lot size is two acres.

Staff's Observation: The property is 5.48 acres in size. North Courtenay Parkway is designated as an Urban Principal Arterial roadway.

- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.

Staff's Observation: The site plan demonstrates adequate parking. There are 153 surplus parking spaces on-site.

- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. Secondary or accessory parking facilities that have demonstrated compliance with condition (2) above shall only be performed from paved parking spaces.

Staff's Observation: The site plan shows that all drive aisles and parking spaces will be paved.

- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers to and from the overnight commercial parking lot. Shuttle routes shall avoid residential areas.

Staff's Observation: A routing map has been provided. Of particular concern is that the route travels south across the Barge Canal bridge that opens when boats go through, thereby blocking traffic. The western entrance along Duval St. will be used as their primary entrance.

- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review to assist in determining if additional roadway improvements are warranted.

Staff's Observation: A traffic study has been prepared by the applicant. If the applicant from the adjacent cruise parking project wishes to submit a letter stating that they will not proceed with their project and acknowledging that any restart of development will require that they start a new application, then we will not be concerned with the combined project trips. In this case, you only need to look at whether the turn lane is adequate for the existing trips plus trips from your proposed project.

- a. The applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements.

Staff's Observation: with the publication of this report, the applicant will be made aware of this provision.

- b. The site plan shall be designed and the site constructed to facilitate all peak hour trips on site so there is no queuing in any public right-of-way.

Staff's Observation: The site plan does not demonstrate that the site can accommodate appropriate queuing on-site.

- (6) Applicant shall submit a site plan consistent with chapter 62, article VIII after board approval of the CUP.

This second CUP request should be evaluated in the context of Section 62-1906 which governs alcoholic beverages for on-premises consumption which states in, specifically 62-1906 (3) and (5):

- 3) Except for restaurants with more than 50 seats, no alcoholic beverages shall be sold or served for consumption on the premises from any building that is within 300 feet from the lot line of a school or church if the use of the property as a school or church was established prior to the commencement of the sale of such alcoholic beverages. For the purposes of this subsection, a school shall include only grades kindergarten through 12. For the purpose of

establishing the distance between the proposed alcoholic beverage use and churches and schools, a certified survey shall be furnished from a registered engineer or surveyor. Such survey shall indicate the distance between the front door of the proposed place of business and all property lines of any church or school within 400 feet. Each survey shall indicate all such distances and routes.

Staff's Observation: A survey has been provided which states that there are no churches or schools within 400 feet of the area within this CUP request.

5) Imposition of additional operational requirements. When deemed appropriate, as based upon circumstances revealed through the general and specific standards of review set forth in this division, the Board shall have the option of imposing operational requirements upon an establishment approved for a conditional use for alcoholic beverages for on-premises consumption. Requirements may include, but are not limited to, the following: maximum number of patrons; hours of operation; limitations upon outdoor seating and service of alcoholic beverages; limitations upon outside music and/or public address systems; additional buffering requirements; additional parking requirements; internal floor plan arrangement; or other specific restrictions based upon special neighborhood considerations. Additional requirements shall not exceed the limits of regulatory authority granted to local governments in the State Beverage Law, F.S. § 562.45.

Staff's Observation: Serving and consumption of food and beverages, alcohol or otherwise, shall be strictly prohibited outside of the existing buildings unless such areas have been designated as outdoor seating areas pursuant to Section 62-1837.9 (Outdoor restaurant seating) of Brevard County Code. The applicant proposes to have 100 seats at this location. No outside expansion is proposed by the applicant. If an outdoor seating area is proposed in the future, the owner would be required to file for an updated CUP for the alcohol expansion area as required by Section 62-1906 (6) of Brevard County Code.

General Standards of Review

Section 62-1901(c)(1)(a): The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic on Duval Street caused by the proposed conditional use.

Applicant's Response: The project is in compliance with all elements of the Comprehensive Plan. The On Premises Consumption of Alcohol proposed in the CUP application is in conjunction with a small restaurant and is consistent with the Commercial use of the property and the Future Land Use designation. (1) The number of persons using the facilities, to include Commercial Overnight Parking, on the property will be limited to patrons arriving and departing from the cruise terminal at Port Canaveral. (2) Though not expected to change with the CUPs requested in this application, noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities will not impact neighboring properties. The business operating hours are from 6:00am-4:00pm and in addition to the access control and fenced perimeter, there is a 130± sf. wetlands vegetation buffer between the businesses and the adjacent residential

property. (3) The site of the Conditional Use Permit is located with convenient and direct access at an arterial intersection.

Staff's Observation: The restaurant is proposed to contain 100 seats within 3,100 square feet, exclusive of any outdoor seating area, with full liquor use is proposed. A CUP for on premises consumption of alcoholic beverages (beer and wine only) in conjunction with a restaurant was approved via zoning action CUP (Z-11532) in Conjunction with a Restaurant along with a BDP limiting the CUP. This CUP expired after three years since an alcoholic beverage license was not obtained. The applicant states there are 207 existing parking spaces. A restaurant requires one parking space per 100 sq. ft. of restaurant area which would require 31 spaces.

Section 62-1901(c)(1)(b): The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

Applicant's Response: The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function and operation. The hours of operation for the facilities will be limited, with patron access between 6:00am and 4:00pm only. The type and amount of traffic generated will be as modeled by the Traffic Engineer in the attached Traffic Study. The building size and setback will not be altered. Parking availability will be limited to cruise patrons utilizing the Commercial Overnight Parking. The existing site indicates three points of ingress and egress to the property, which will be common to all the uses of within the property.

Staff's Observation: Board may consider having a condition that the restaurant be limited to and only open to cruise patrons utilizing the Commercial Overnight Parking only and not open to the general public. The hours of operation will be 6am to 4pm. The calculated parking required as follows:

- *31 parking spaces for 3,100 square feet of restaurant/bar use (one space per 100 sq.ft.)*
- *11 parking spaces for 3,500 square feet of business complex use. (one space per 325 sq.ft.)*
- *42 parking spaces for 20,818 square feet of warehouse/storage use. (one space per 500 sq.ft. of use).*

84 required spaces based upon credited for 27,418.04 square foot buildings. Based on the proposed site plan, there is 153 surplus spaces available for overnight commercial parking.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: The property will be owner operated and will be maintained with minimal to no impact to the neighborhood. It will be a specialty place that caters only to the cruise industry. The proposed improvements will not reduce property value.

Staff's Observation: Parcel is in a PIP zoned corridor along the west side of North Courtenay Parkway, however the west property line abuts two parcels that are vacant utility and drainage Tracts "G" and "I" for the Sunset Groves Unit 2 subdivision and have EU-2 (Estate Use) zoning under a BDP.

Section 62-1901(c)(2)(a): Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

Applicant's Response: The existing site indicates three points of ingress and egress (SR 3 and Duval St.) to the property and they are be common to all the uses of within the property. This site has been approved as exists for Emergency ingress and egress from the property and there will not be any changes to the site that is built and approve by the County with the exception of adding security gates that will be addressed with the Fire Department for code requirement, location, and access.

Staff's Observation: The subject parcel has two driveways to the north to Duval Street and one driveway to the east to North Courtenay Parkway. Duval Street is the road to ingress and egress the Sunset Groves subdivision to the west of the parcel and was platted in Sunset Groves Unit One. All traffic heading north on Courtenay Parkway needing to access the subject parcel has to turn on to Duval Street or do a U-Turn on North Courtenay Parkway to access the driveway on the east of the parcel.

Section 62-1901(c)(2)(b): The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

Applicant's Response: The proposed use of the property as stated in the CUP is similar in intensity and hours of operation and is not likely to cause nuisances such as noise, odor, smoke, glare, electrical interference for the surrounding properties and/or the County as a whole. Please note that the hours of operation for this facility will be between 6 AM to 4 PM and the use is very much consistent with the allowable use today with the exception of On

Premises Consumption of Alcohol and Commercial Overnight Parking tailored to cruise patrons.

Staff's Observation: Parcel being used for proposed Cruise Parking will have buses to carry passenger to port. Buses may create additional noise and exhaust odor.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271 of the Code, which includes the following:

Maximum Permissible Time Averaged (Leq)
A-Weighted Sound Pressure Limits for Receiving Uses

Type of Use	Time Period	Maximum Allowable Sound Pressure Level
Residential	7:00 a.m. to 10:00 p.m.	60 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Commercial	7:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Industrial	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	65 dB(A)

Note: Additional requirements may apply. Refer to Section 62-2271 for full noise specifications.

Applicant's Response: Noise levels will not exceed limits listed above.

Staff's Observation: Parcel being used for proposed Cruise Parking will use buses to carry passenger to port. Buses may create additional noise (back-up indicator) and exhaust odor.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.

Applicant's Response: Solid waste disposal, potable water, or wastewater services are available to the site and shall not be exceeded. This property is located in the County Rural area service. Potable water is provided to the site by the City of Cocoa, Sanitary Sewer and Solid Waste services is provided by the County. The location of these facilities are existing and we do not anticipate any modifications. In addition, the property will be used by patrons frequenting the cruise lines that will limit the requirement for additional service outside what is provided for currently.

Staff's Observation: The subject property is served by City of Cocoa potable water and Brevard County sewer and solid waste. A capacity letter will be required at site plan.

Section 62-1901(c)(2)(e): The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.

Applicant's Response: Due to there being less traffic generated and the limited number of patrons, this property will not exceed potable water and wastewater limits.

Staff's Observation: According to the applicant's traffic study, the proposed use will have less impact than the existing allowed uses.

Section 62-1901(c)(2)(f): The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

Applicant's Response: Screening and buffering with reference to type, dimensions and character are a part of the approved, existing system that will not be altered.

Staff's Observation: Parcel appears to have natural screening along the west and south however, additional landscaping or a block wall may provide buffering to existing residential uses of the adjacent property.

Section 62-1901(c)(2)(g): Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to, traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Applicant's Response: Signs and exterior lighting are existing and conform to county standards for with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the area. There are no anticipated changes to the existing development and the associated signage and there will be no changes to the existing structures without additional permitting. Changes can be accommodated within the parameters established in the Land Development Regulations and will not require waivers to accomplish. In addition, any changes in the lighting will be reviewed by the County Staff during the permit review processes and shall meet or exceed the County requirements.

Staff's Observation: Any new signs will need a building permit and meet section 62-3316 for on-premises signs. Lighting will need to meet Lighting Standards in section 62-2257.

Section 62-1901(c)(2)(h): Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Applicant's Response: Hours of service for this new establishment will be from 6 AM to 4 PM, which is less than the majority of the properties in the vicinity of the site (commercial uses, with several operating 24 hours a day).

Staff's Observation: The noise ordinance has a higher standard from 6am to 7am which is 55 db(A). From 7am to 10pm it is 65db(A).

Section 62-1901(c)(2)(i): The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

Applicant's Response: There will be no additional building construction.

Staff's Observation: There are existing commercial and warehouse building on parcel. A site plan will be required as for the overnight commercial parking lot. Any addition to the buildings will require site planning and building permit.

Section 62-1901(c)(2)(j): Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Note: for existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Applicant's Response: Off street parking and loading areas, where required, will remain the same with particular attention to ingress and egress. The existing site has a total of 207 parking spaces, all of which are within the parcel. There was a surplus of parking in the existing site condition and there is additional parking proposed with the establishment of the CUP for Commercial Overnight Parking. A traffic study was generated to determine the impact of the new versus the existing use. Attached is a copy of the report. The traffic study concluded that the proposed use of the site can be accommodated on the subject property with less impact than what is existing (retail/office) and the Conditional Use Permit will further assert this specific use.

Staff's Observation: All parking and loading should be located on parcel and not within the ROW.

For Board Consideration

The applicant is seeking three requests: A CUP for Overnight Commercial Parking Lot; CUP for Alcoholic Beverages (full-liquor) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant; and the removal of existing BDP (Binding Development Plan) that placed conditions on a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant

The Board should consider the compatibility with the surrounding area of the proposed CUP for Overnight Commercial Parking Lot and the impacts with the three other cruise parking lots along North Courtenay Parkway and the traffic concerns when the barge canal is open. The Board should also consider removal of the existing BDP and the conditions it imposed together with the proposal of the new CUP request for full liquor.

If approved, subject to the conditions of Section 62-1906 and section 62-1941.3, the Board may wish to retain some of the existing BDP conditions or impose additional conditions to mitigate the impact on the surrounding area and neighborhoods. Such conditions could include:

- a. Additional landscaping buffer or block wall along the westerly and southerly boundaries.
- b. Turn lane analysis will be required with the site development plan, to be reviewed by Brevard County Traffic Engineering, reviewed and permitted by FDOT, and the applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for cruise parking.
- c. Queuing of vehicles are prohibited along all public ROW's. A queuing plan shall be submitted with site plan demonstrating sufficient queuing distance, on-site.
- d. No parking signs shall be installed along the north and south sides of Duval St.
- e. Increased queueing distances on-site
- f. Limiting hours of restaurant and bar
- g. Limiting the seats of the restaurant
- h. Limiting to beer and wine only
- i. No outside entertainment activities
- j. Limit number of overnight commercial parking, based on available surplus parking

The Board may wish to consider the approval of a portion of the request and only one of the CUP's or deny the entire request.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
CUP Review & Summary
Item # 20PZ00027**

Applicant: Matthew Phillips

Request: Applicant wants to remove BDP, add a CUP for overnight commercial parking, & add CUP for consumption of alcohol – full liquor

NMI Hearing Date: 04/09/20; **BCC Hearing date:** 05/07/20

Tax ID No: 2459306

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Indian River Septic Overlay
 - Protected Species
 - Landscape Requirements

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped NWI wetlands and hydric soils (Basinger sand) as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps. A 0.776-acres wetland conservation easement exists on the western portion of the property as shown on plans and the survey submitted in the application under 20PZ00027. Impacts to wetlands in this conservation easement will not be permissible. Prior to any plan design or permit submittal, the applicant is encouraged to contact NRM at 321-633-2016.

Aquifer Recharge Soils

Basinger sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Septic Overlay

The entire property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

Protected Species

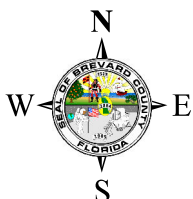
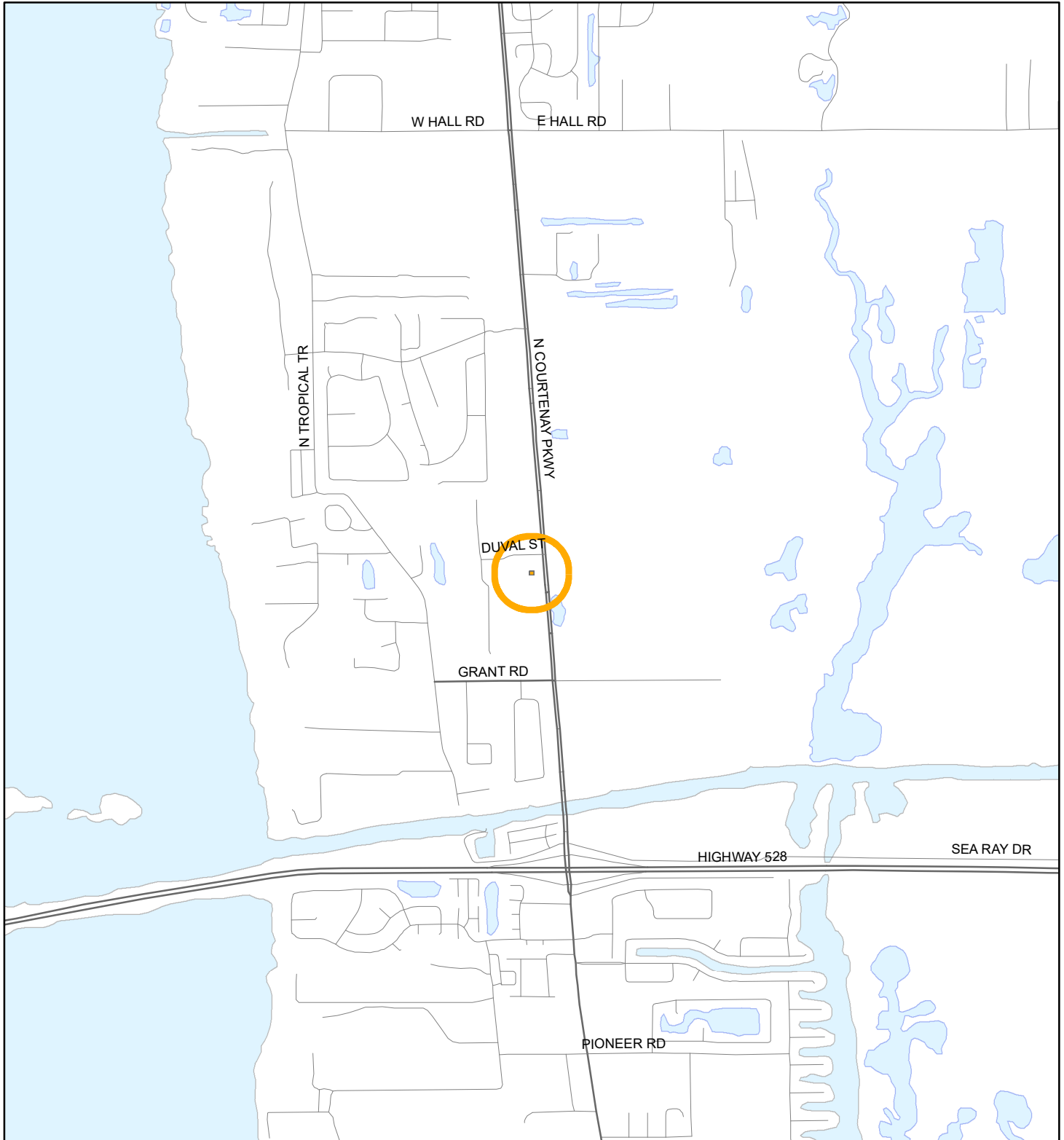
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

LOCATION MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

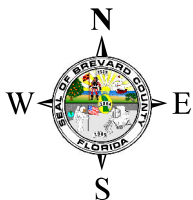
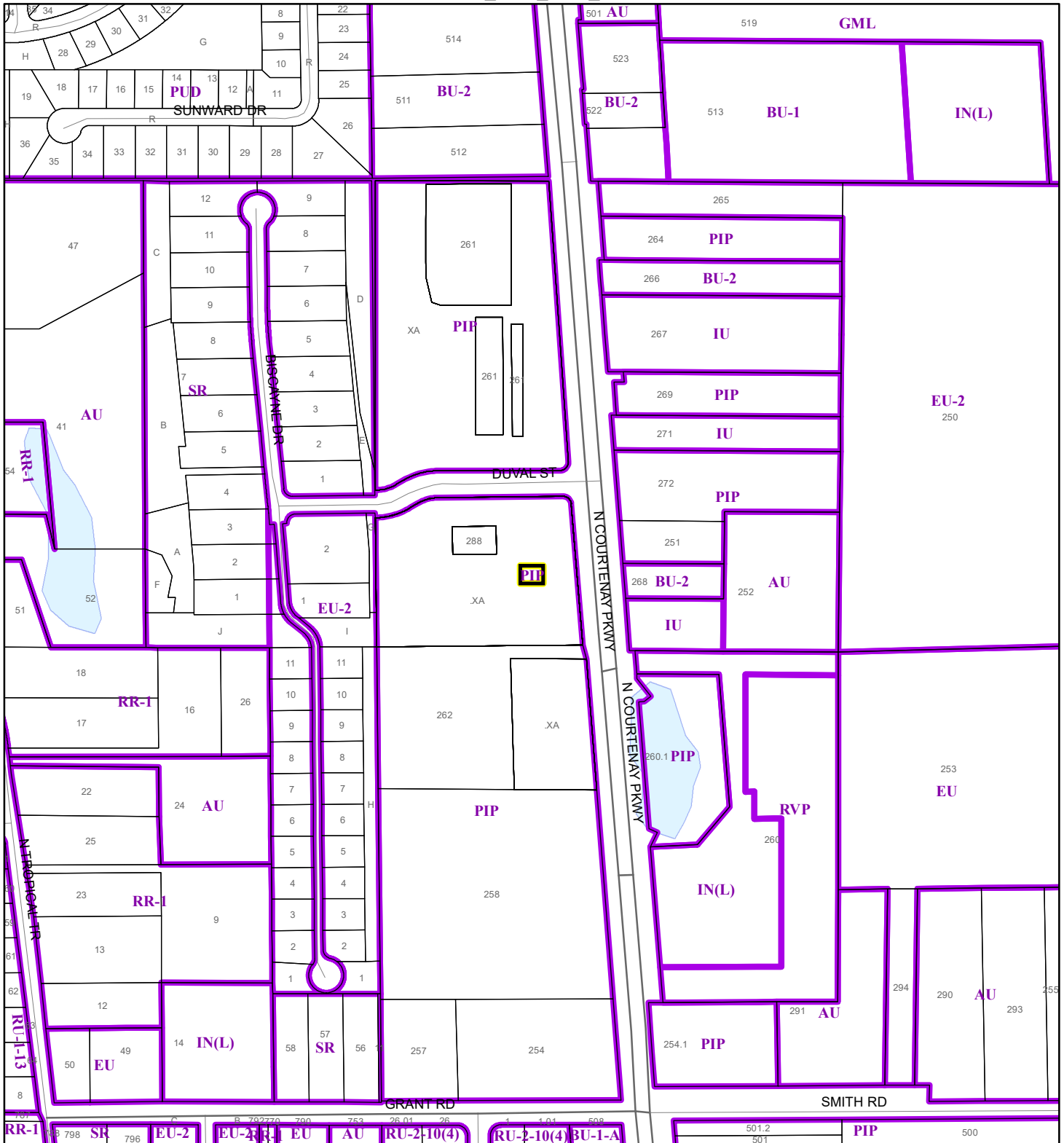
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

 Buffer
 Subject Property

ZONING MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

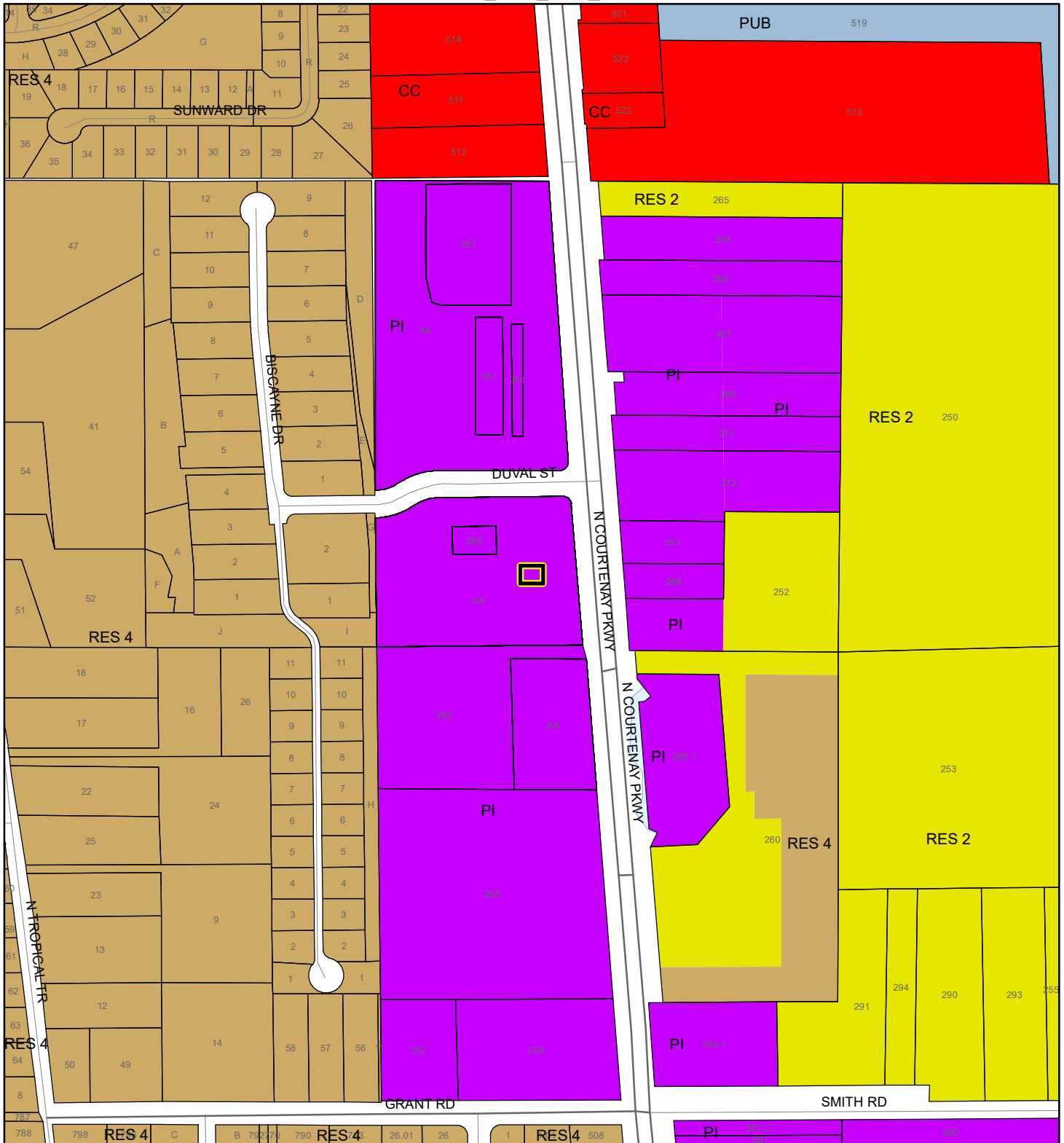
Subject Property

Parcels

Zoning

FUTURE LAND USE MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



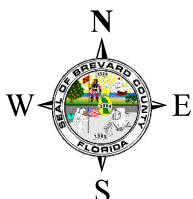
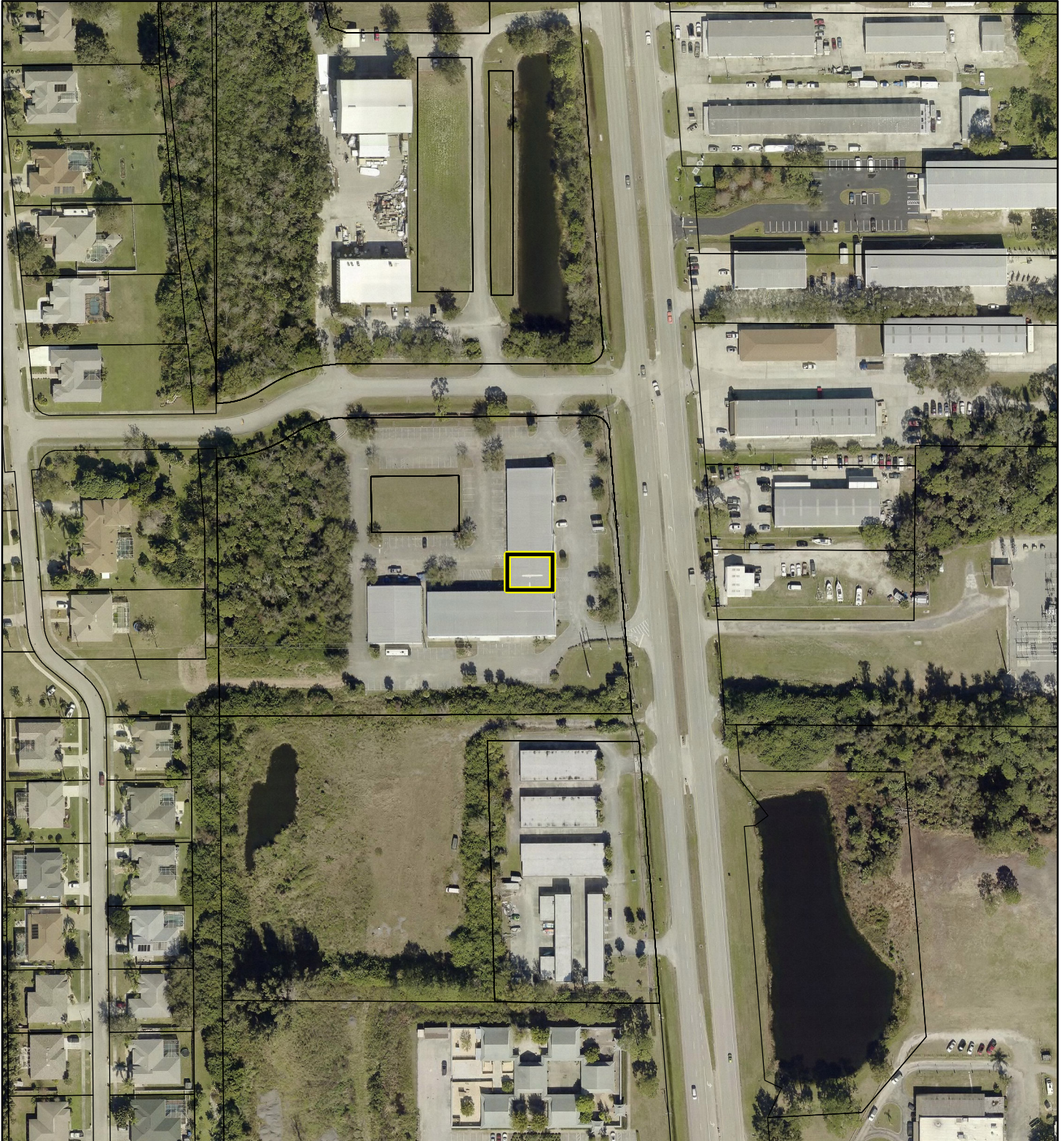
1:4,800 or 1 inch = 400 feet

Subject Property
 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

AERIAL MAP
MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2019

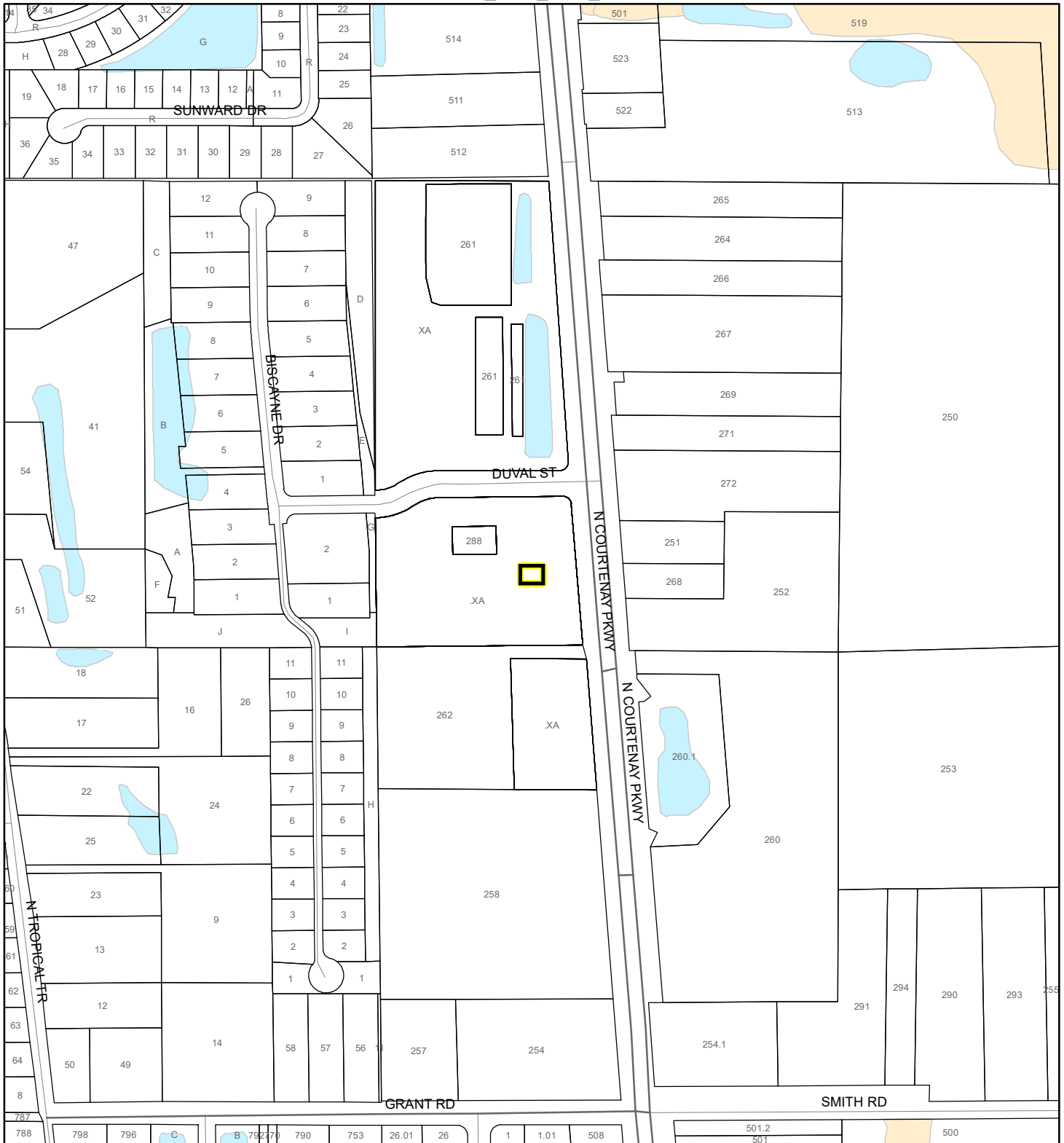
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

 Subject Property
 Parcels

NWI WETLANDS MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

SJRWMD FLUCCS WETLANDS

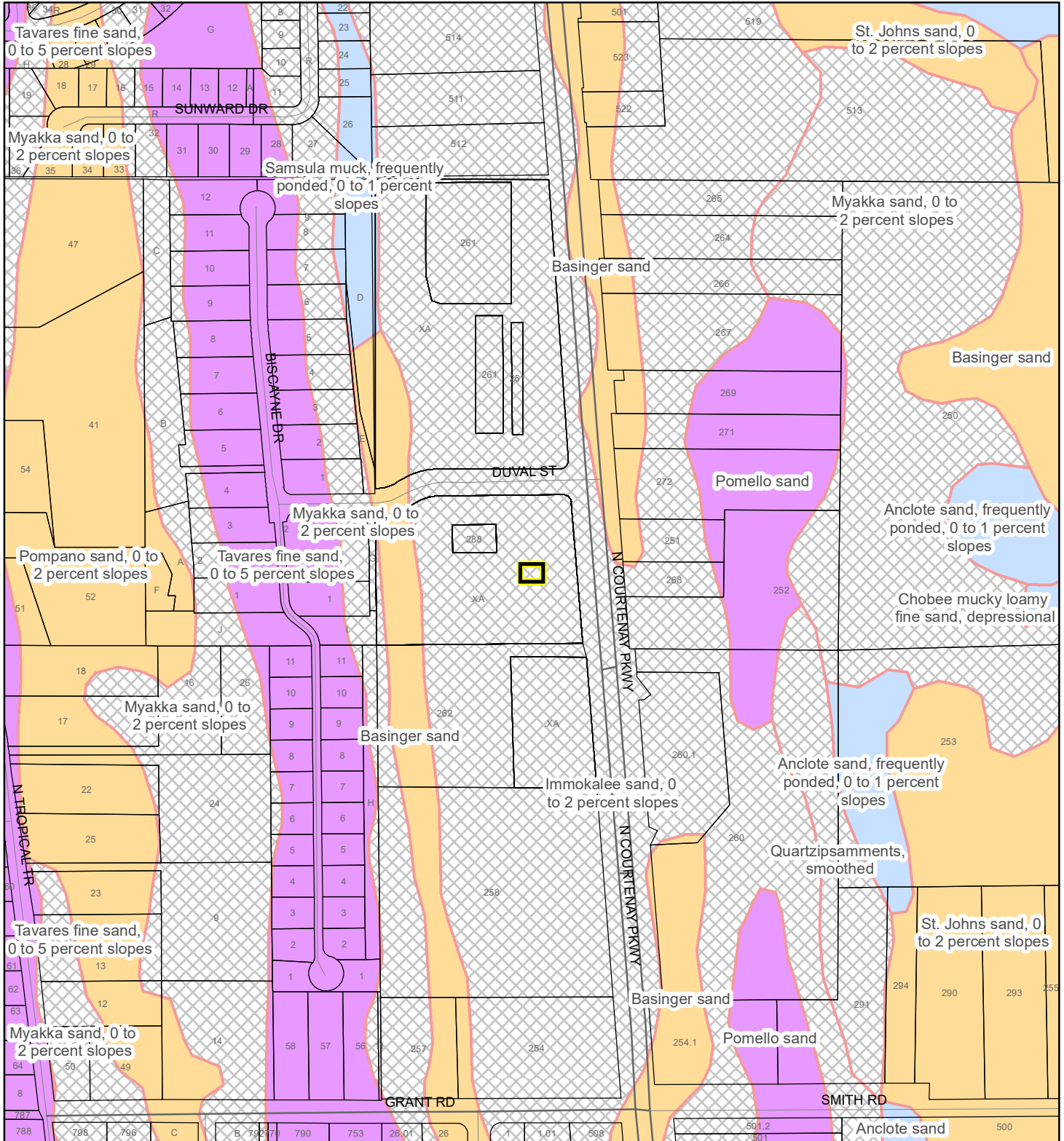
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

Parcels

FEMA FLOOD ZONES MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

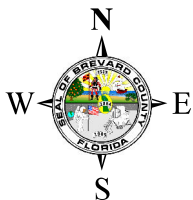
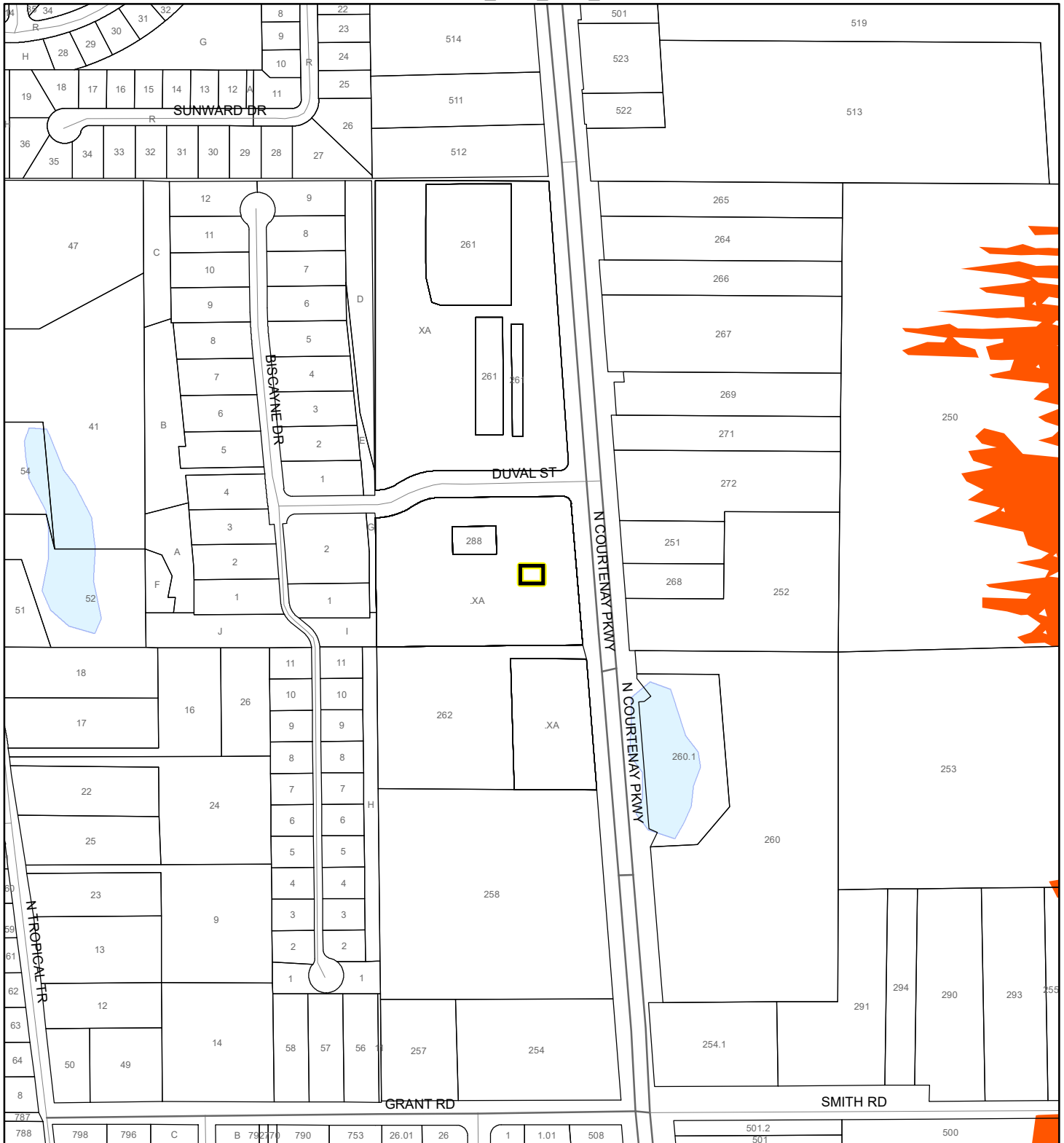
Produced by BoCC - GIS Date: 3/12/2020

FEMA Flood Zones

- | | | |
|---|--|--|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | Parcels | |

COASTAL HIGH HAZARD AREA MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet


This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

 Subject Property

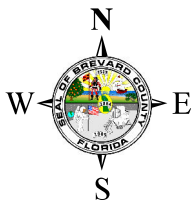
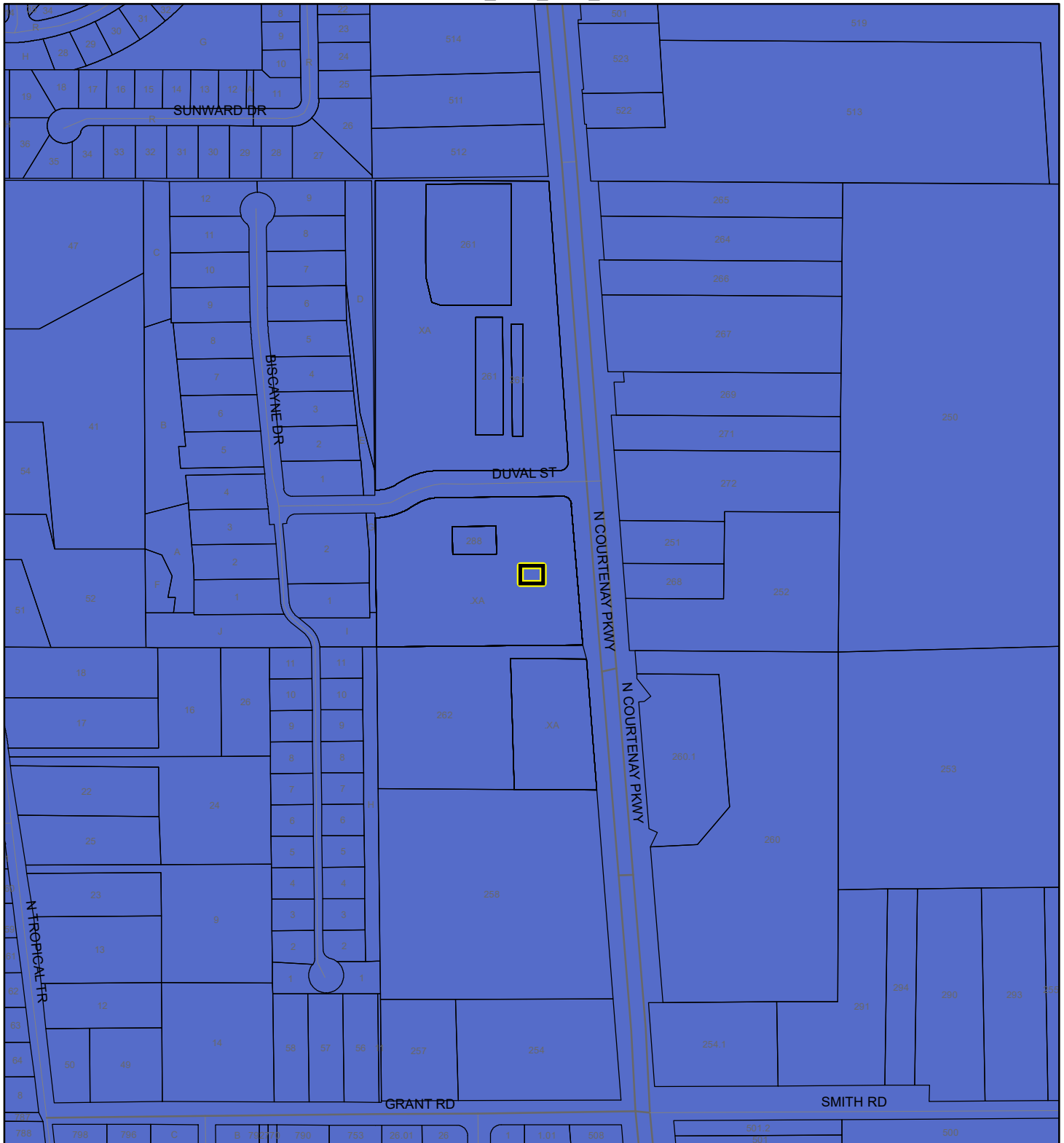
 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

 Subject Property

 Parcels

Septic Overlay

 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

 Subject Property

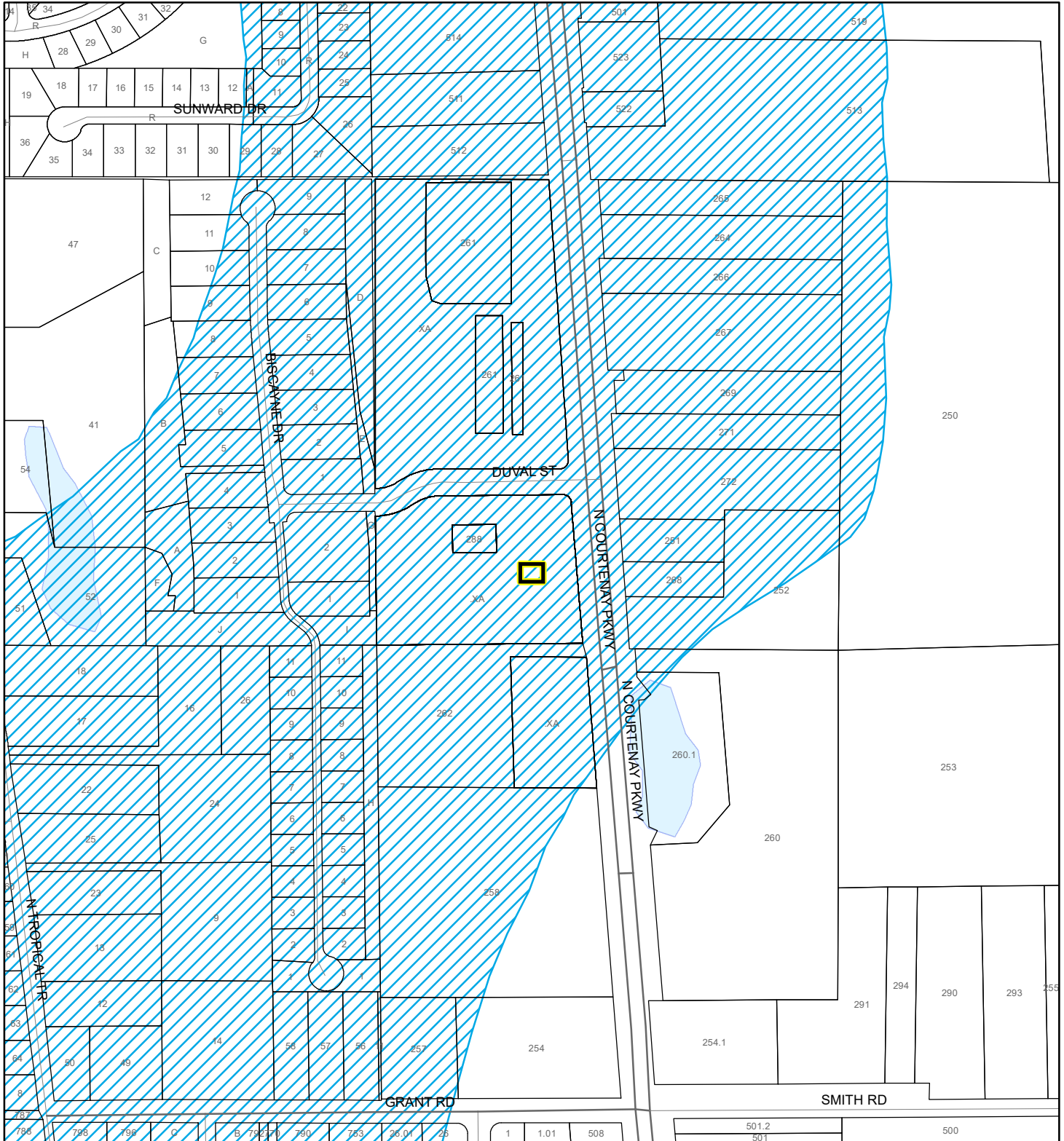
 Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MI PLAZA GROUP, LLC
20PZ00027_CUP_FOR_ALCOHOL



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

SJRWMD FLUCCS Upland Forests

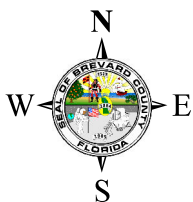
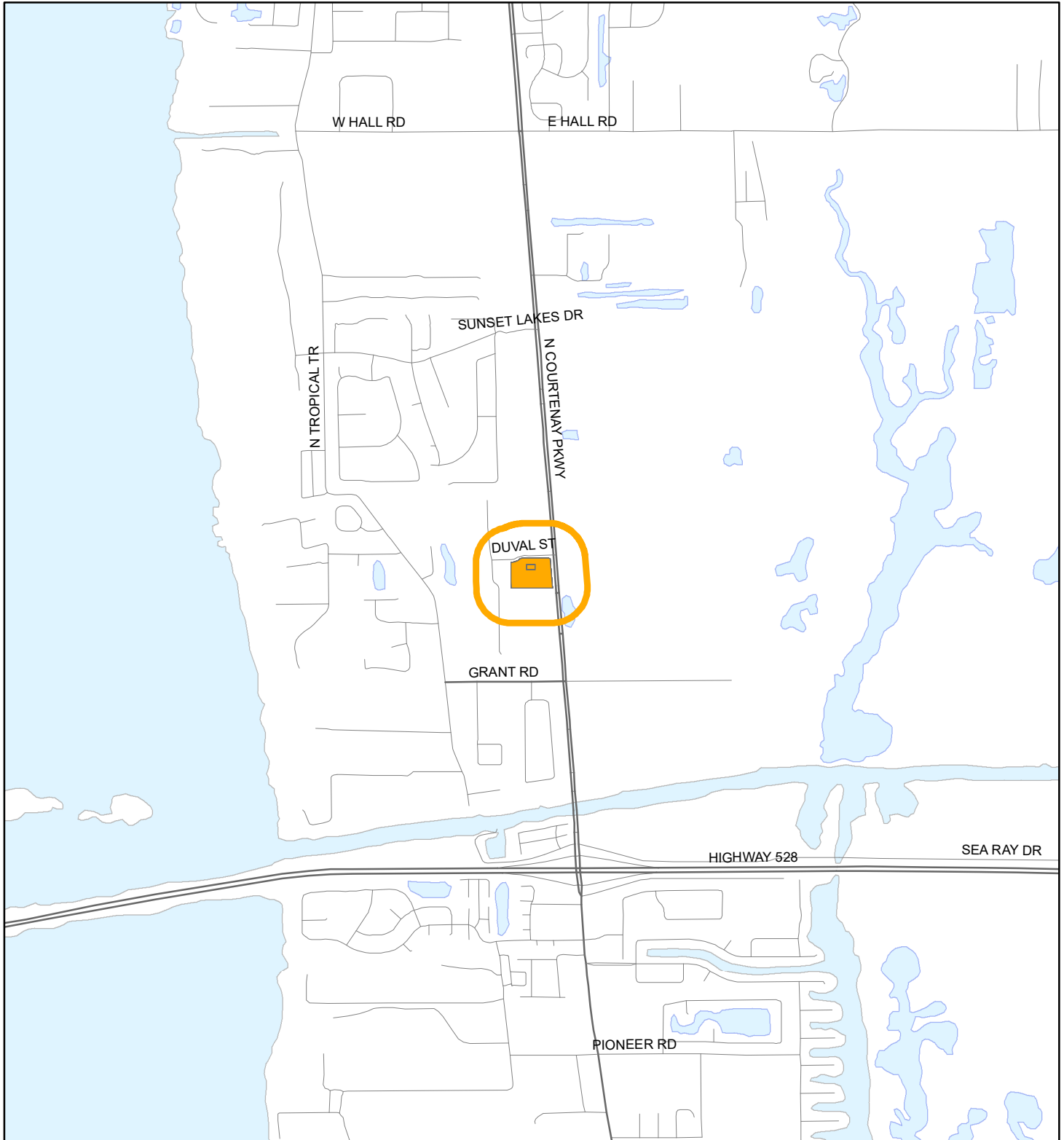
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

LOCATION MAP

MI PLAZA GROUP, LLC

20PZ00027



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

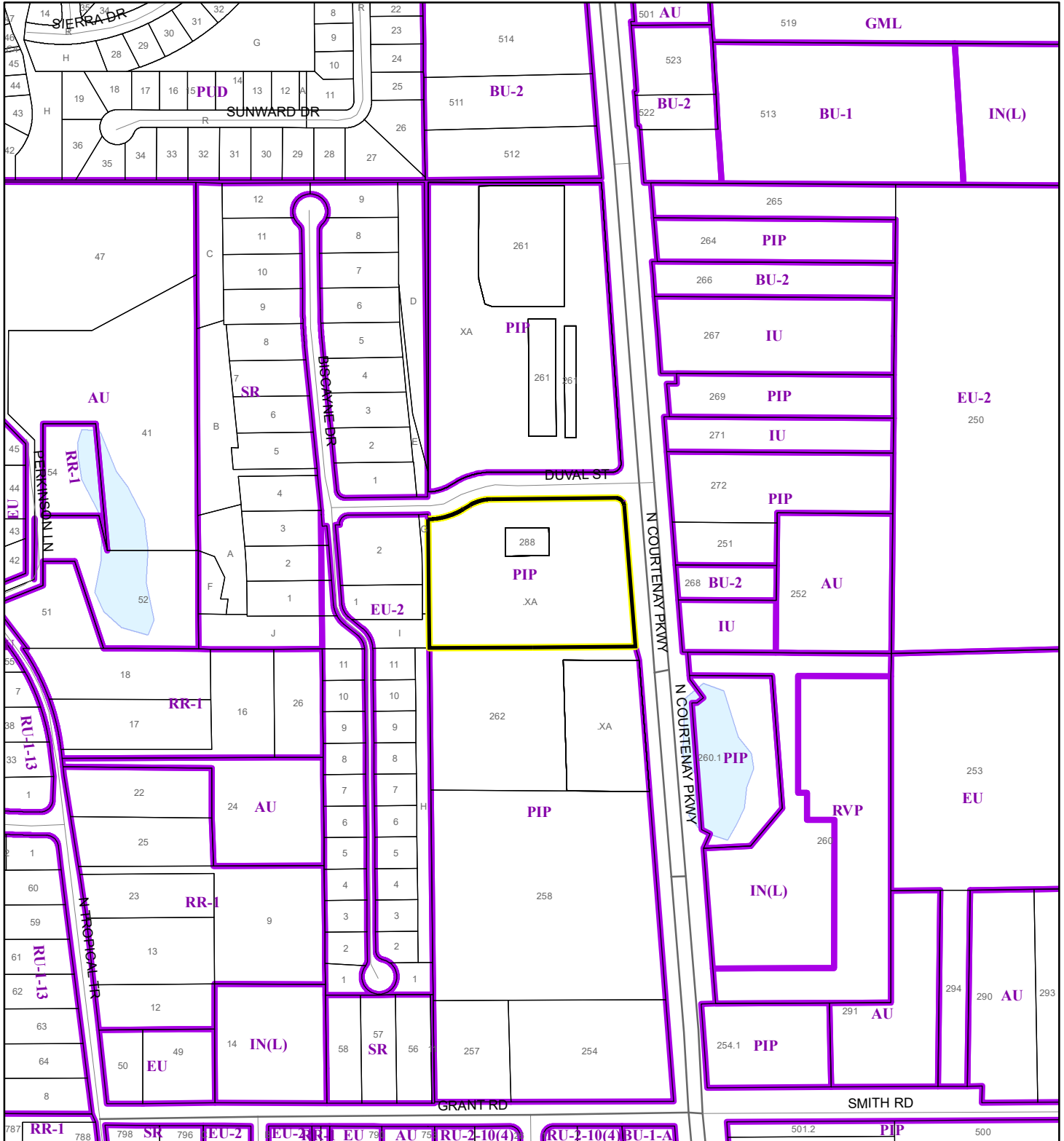
Produced by BoCC - GIS Date: 3/12/2020

Buffer
Subject Property

ZONING MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

Subject Property

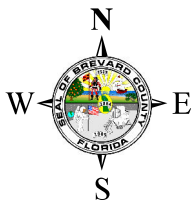
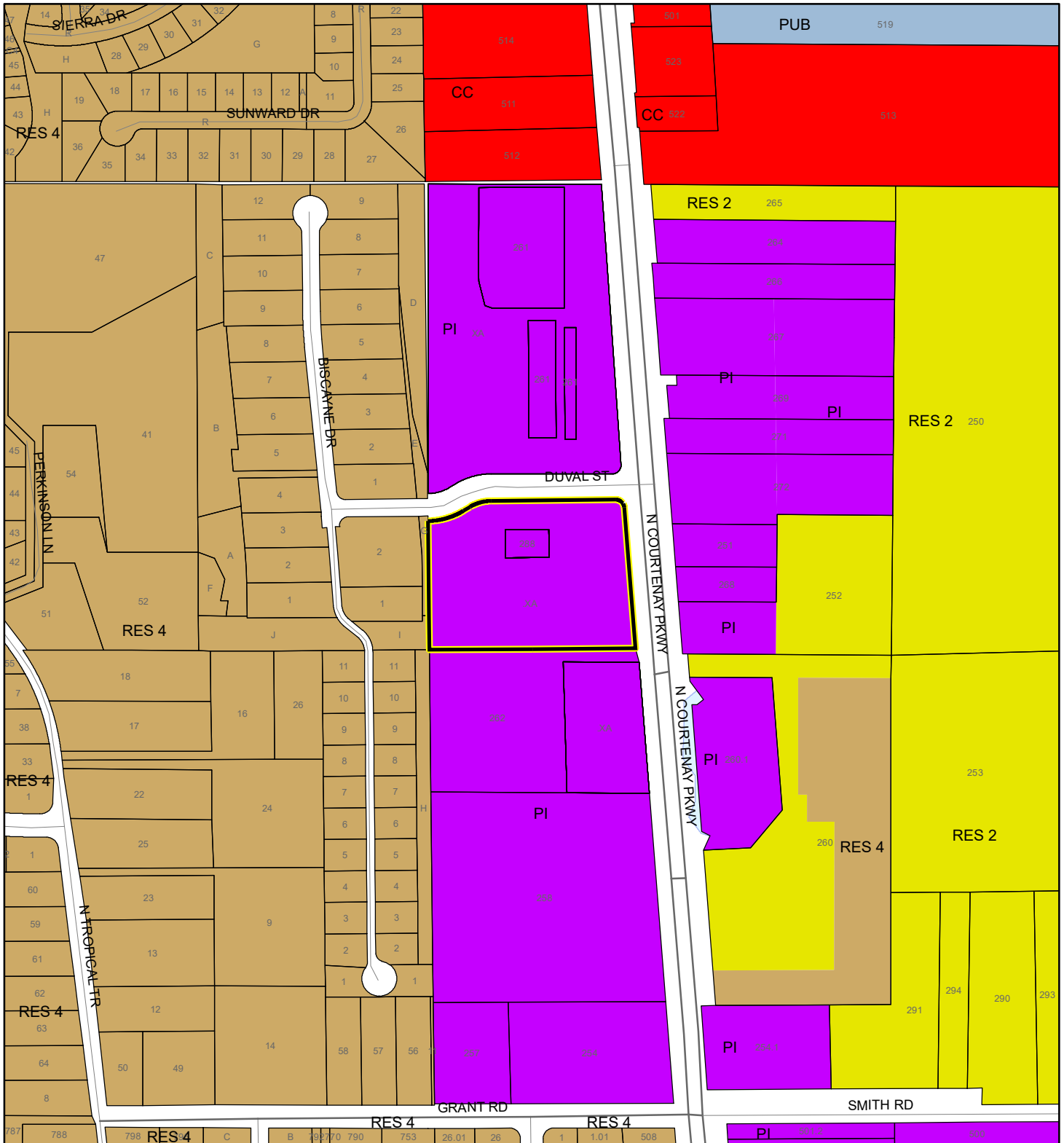
Parcels

Zoning



FUTURE LAND USE MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

AERIAL MAP

MI PLAZA GROUP, LLC

20PZ00027





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2019

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

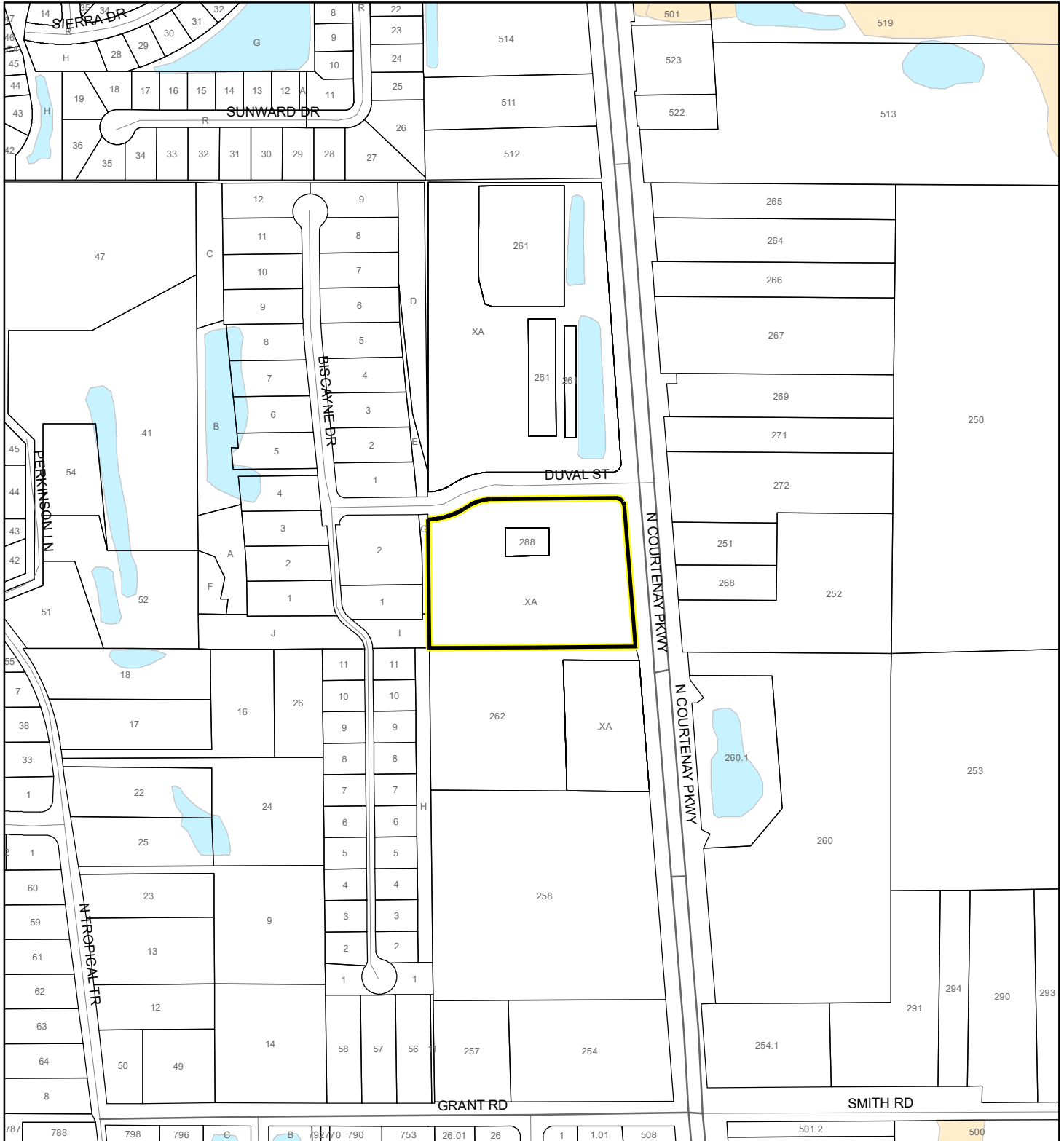
Produced by BoCC - GIS Date: 3/12/2020

 Subject Property
 Parcels

NWI WETLANDS MAP

MI PLAZA GROUP, LLC

20PZ00027













1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

National Wetlands Inventory (NWI)

 Estuarine and Marine Deepwater	 Freshwater Pond
 Estuarine and Marine Wetland	 Lake
 Freshwater Emergent Wetland	 Other
 Freshwater Forested/Shrub Wetland	 Riverine
	 Subject Property
	 Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

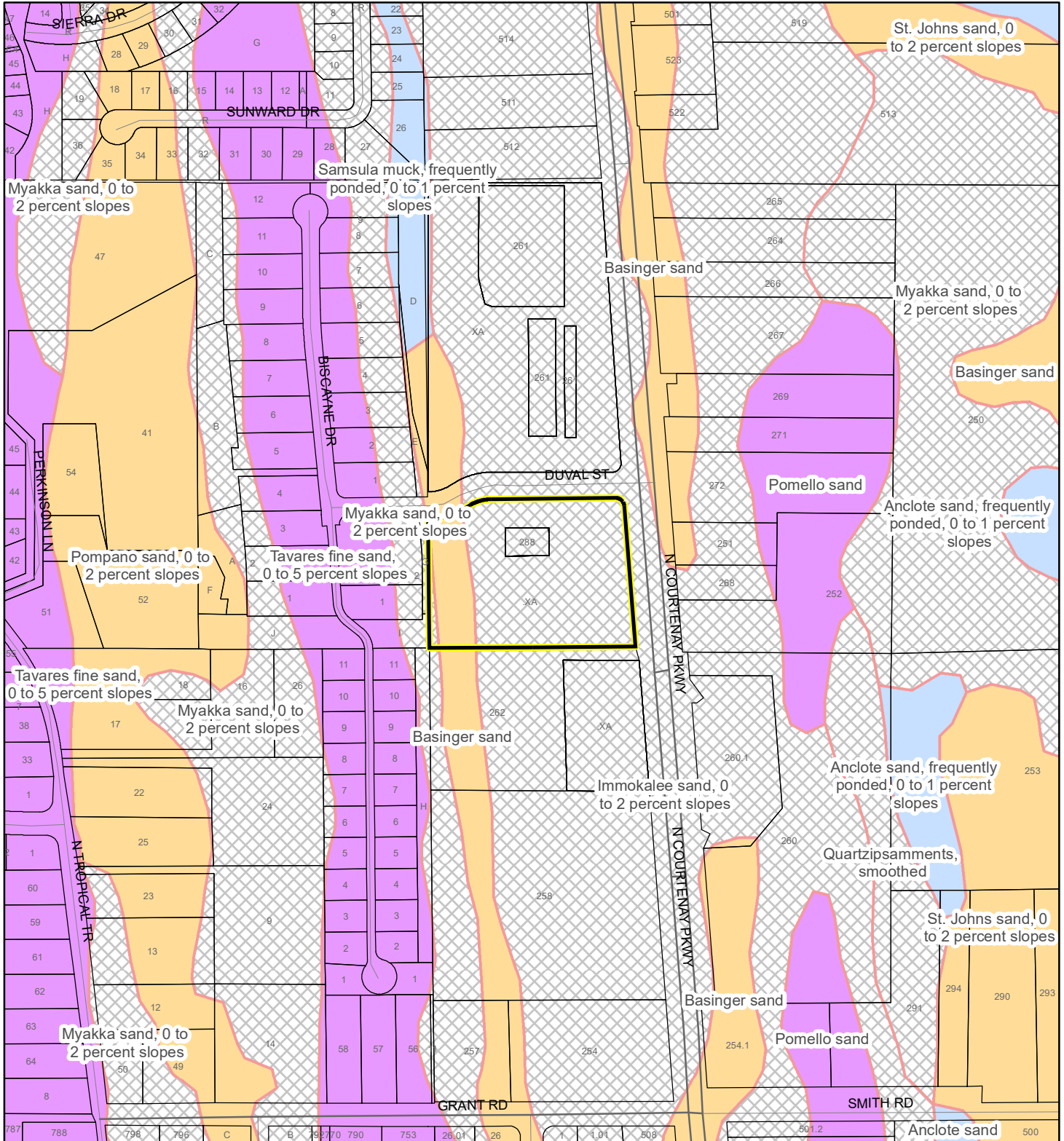
Subject Property

Parcels

USDA SCSSS SOILS MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

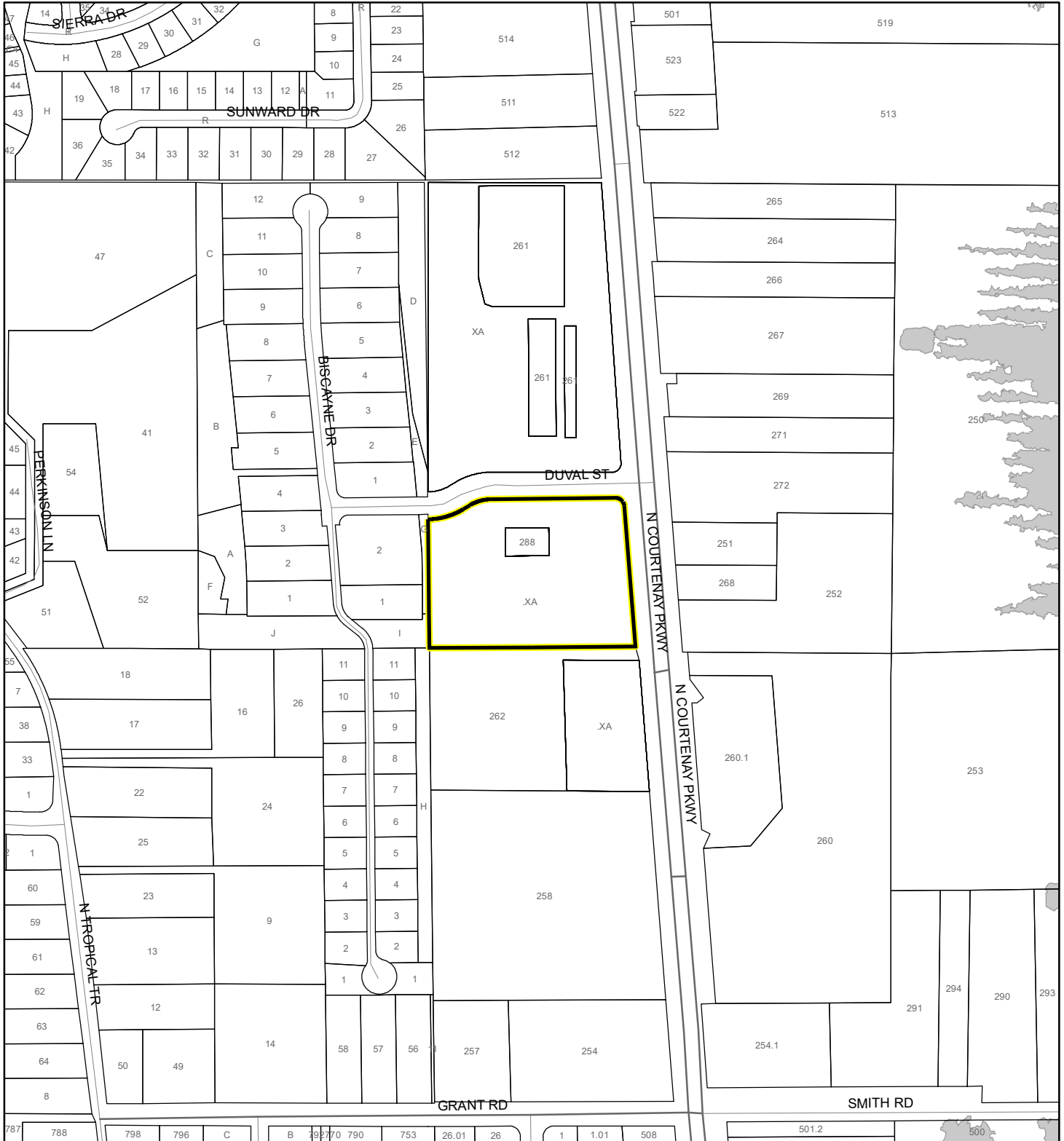
Subject Property

Parcels

FEMA FLOOD ZONES MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

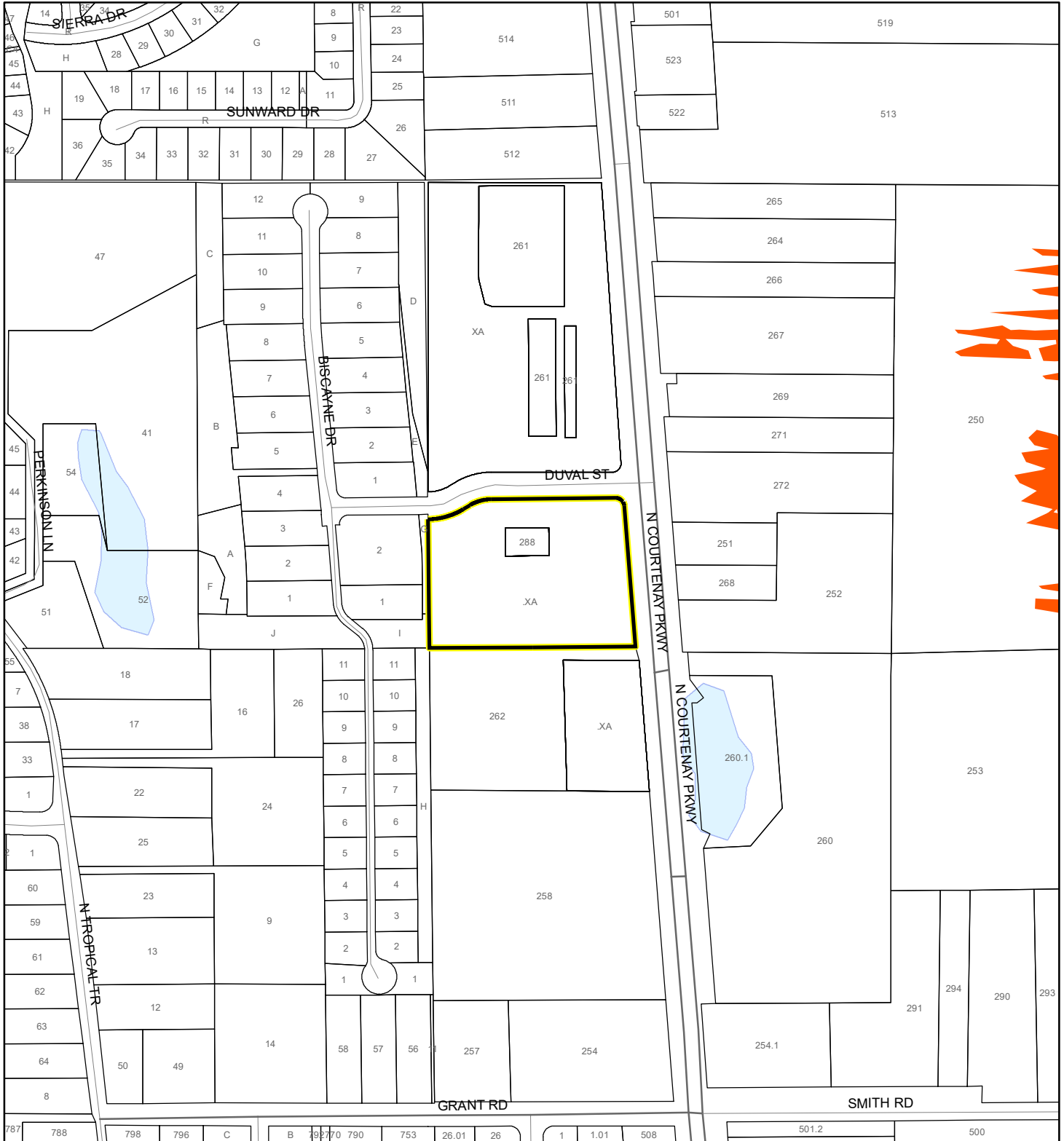
FEMA Flood Zones

- | | | |
|---|------------|----------------------|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | | Parcels |

COASTAL HIGH HAZARD AREA MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet


This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

 Subject Property

 Parcels

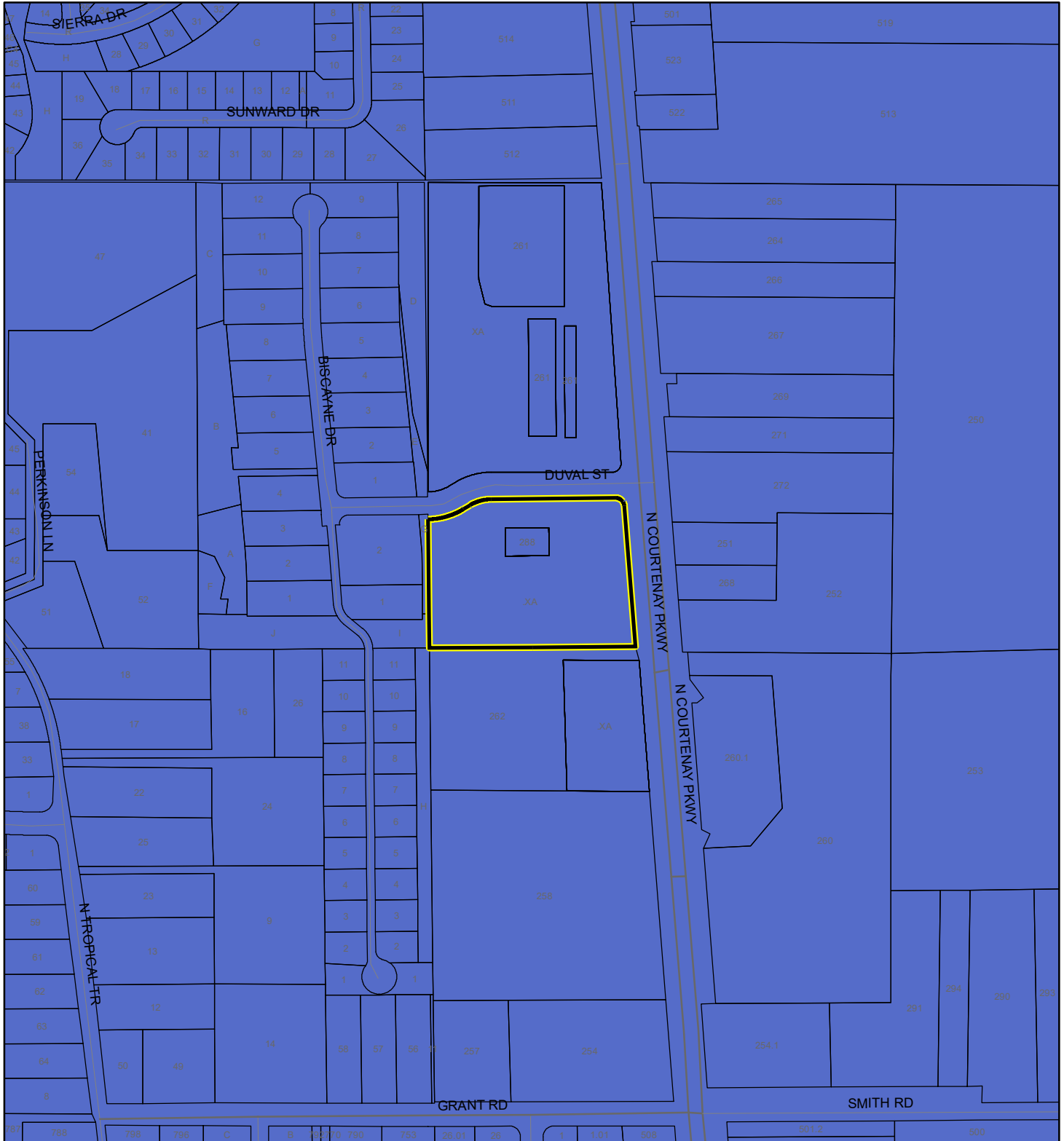
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

Subject Property

Parcels

Septic Overlay

40 Meters

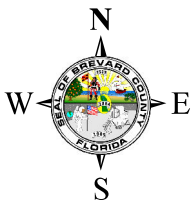
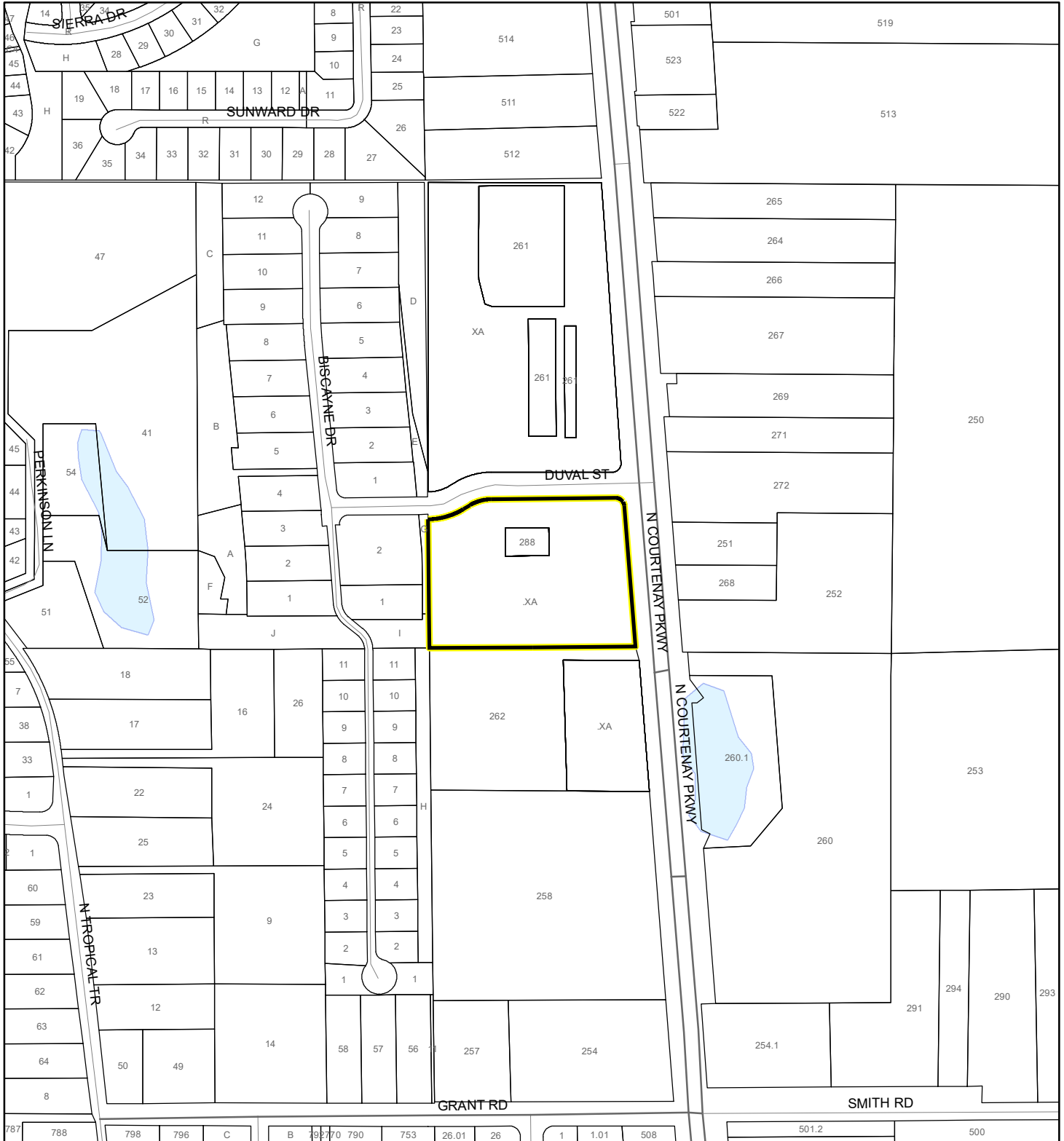
60 Meters

All Distances

EAGLE NESTS MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

 Subject Property

 Parcels

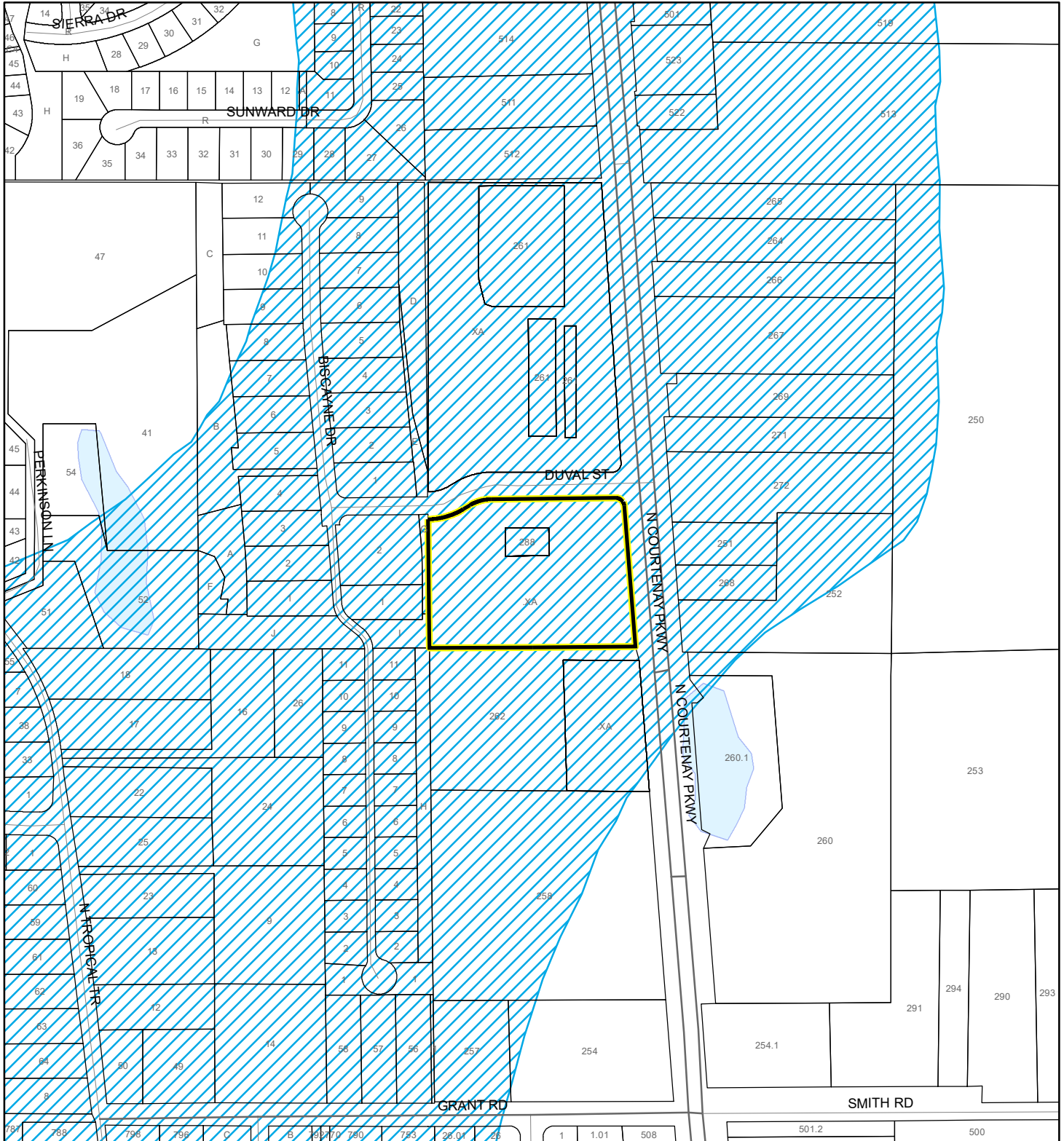


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

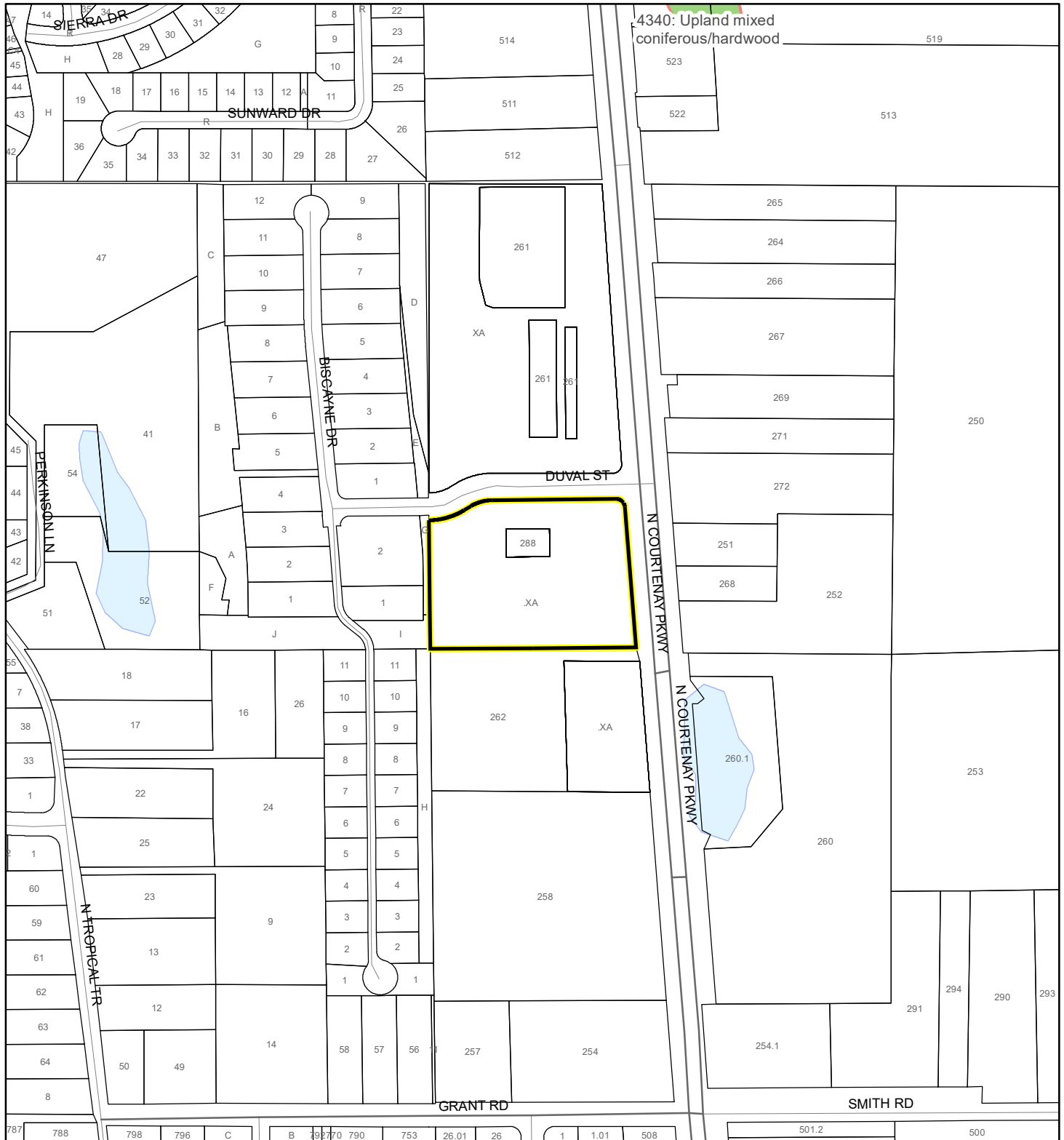
Produced by BoCC - GIS Date: 3/12/2020

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MI PLAZA GROUP, LLC

20PZ00027



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels



**TRIP GENERATION ANALYSIS
3345 NORTH COURTENAY PARKWAY
MERRITT ISLAND, BREVARD COUNTY**

Introduction

This analysis is prepared in support of a rezoning application to change the existing shopping center to specific use for services related to cruise parking and overnight parking. The site of the center is located in the southwest corner of SR 3 and Duval Street. **Figure 1** depicts the site location.

The existing shopping center consists of 27,500 square feet with 207 parking spaces. As a part of change in use, 30 additional parking spaces will be provided. In essence, the shopping center will become a park-and-ride lot with the patrons transported to cruise ships by buses. The lot will be secured and the existing/new uses at the shopping center will serve to provide services only for the patrons arriving to and departing from the cruise ships.

Trip Generation/Distribution

The trip generation of the existing use as well as the proposed was calculated with the use of data from the 10th Edition of the ITE Trip Generation Manual. The calculation is summarized in **Table 1** which shows that the existing use generates 2,499 daily driveway trips with 209 occurring during the P.M. peak hour. The proposed use is expected to generate 920 daily driveway trips with 130 P.M. peak hour trips. The ITE trip generation sheets are attached.

TPD No. 5316
Revised
March 30, 2020



3345 N. Courtenay Parkway
Project № 5316
Figure 1

Site Location Map



Table 1
Trip Generation Summary

ITE Code	Land Use	Size	Daily		P.M. Peak Hour			
			Rate	Trips	Rate	Enter	Exit	Total
Existing Use								
820	Shopping Center	27.5 KSF*	90.87	2,499	7.60	100	109	209
Total Driveway Trips				2,499	--	100	109	209
Proposed Use								
090	Park-and-Ride with Bus Service	237 Spaces **	3.88	920	0.55	32	98	130
Total Driveway Trips				920	----	32	98	130

*KSF=1,000 Square feet

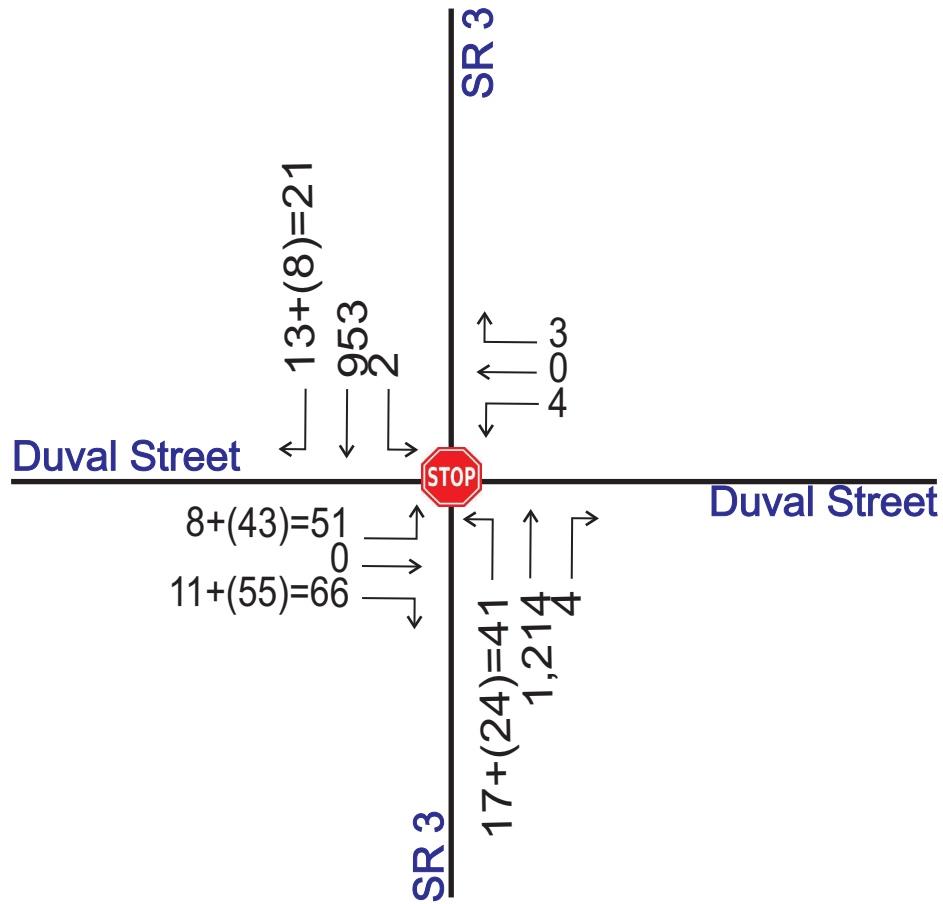
**Occupied Parking Spaces

From above calculations, it can be seen that the existing shopping center generates far more driveway volumes than the proposed park-and-ride lot. It is proposed that the existing access configuration be maintained. Therefore, entering/existing queues would be reduced with the less intense use of the property. Additionally, no roadway/intersection improvements will be required due to less trips to be generated by the site

It is proposed that the existing shopping center at 3345 North Courtenay Parkway in Merritt Island, Brevard County be converted to a Park and Ride Lot. Whereas the existing buildings will be maintained for specific uses providing services to the patrons, the number of parking spaces will be increased from 207 to 237. Based upon ITE data, the proposed park and ride lot will generate a maximum of 920 daily trips and 130 P.M. peak hour trips. This will be less trips than the existing shopping center reducing the traffic impacts to the surrounding area.

Intersection Analysis

A P.M. peak hour analysis was conducted for the SR 3/Duval Street intersection. The P.M. peak hour volumes used in the analysis were developed from available FDOT traffic counts for SR 3. For Duval Street, existing development served by the intersection was used to estimate the turning movements as shown in **Figure 2**. Utilizing these turning movements and existing geometry, an intersection capacity analysis was conducted with HCS software. The results of the analysis are shown in the HCS printout included in the Attachment indicate satisfactory traffic operating conditions. Furthermore, the analysis shows a 95% queue length of 0.2 vehicles for the NB left turn lane on SR 3. With a speed of 50 mph on SR 3, a deceleration distance of 290 feet is required for the left turn lane. The existing length of the left turn lane is approximately 290 feet.



Procedure for Taking in Customers

The following operational information is as provided by the Owner/Developer:

- The operational timeframe of the Go Port business model at this site will be allowing the cars to enter and exit the site between the hours of operation mostly from 6:30 AM and 12:30 PM, unless there are airline or cruise ship delays. (6 Hours of Operation time anticipated, except for staff).
- The maximum number of vehicles from patrons that will frequent the facility is 200, but these vehicles will enter the parking facility throughout the course of one week.
- The traffic will enter through the west entrance of Duval Street and continue to the parking without interruption. In addition, there will be attendants to assist and direct the cars to their parking spaces, if needed. After the cars park, then the passengers will walk into check in area. There is no queuing anticipated due to the limited numbers of cars entering per day.
- Please see attached the preferred plan with the directional arrows. The traffic will enter the site from the west entrance of off Duval Street and continue through the site with a right turn exit onto SR 3 and another exit via the easterly driveway along Duval Street.
- There is no additional signage added to the site with the exception of the Go Port Company Sign and arrows directing traffic as per the attached plan. This will ensure no congestion.
- All arriving patrons will already have reservations and parking passes upon arrival, and they will park their own cars in the available spots on the lot.
- The patrons will then be directed to the queuing area for transport to the port. The queuing area will be on the north corner of the plaza building. This will be a part of the informational package and also done through staff assistance.

- At the queuing area the patrons are given a number and as patrons numbers approach the amount that will fill a transport vehicle (25-33 maximum per vehicle), they will be loaded as people enter.
- When the patrons are back from their cruise, they will be dropped off at one location and walk to their cars and drive away.
- Gates will be closed at all entrances when patrons are not on site or not anticipated for arrival.

Cars In and Out (FOR ILLUSTRATION PURPOSES ONLY)

**Lot never has more than 200 cars on the lot at a time.

**Lot open 6:30 AM – 12:00 PM (5.5 hours)

**50% coming from Titusville/Kennedy Space Center area and therefore would not be using the queuing lane.

Sunday 1-2 Ship Day:



Cars Arriving on the Lot – 15 cars per hour from **9:00 AM – 12:00 PM** (1 car every 4 minutes) – **45 total cars**

Monday 3 -4 Ship Day:



Cars Arriving on the Lot – 30 cars per hour from **9:00 AM – 12:00 PM** (1 car every 2 minutes) – **90 total cars**

Tuesday & Wednesday No Ships:



Cars Arriving on the Lot – **0, no ships in Port**

Thursday 1-2 Ship Day (Note, there are 26 weeks a year that there is a ship on Thursdays):



Cars Arriving on the Lot – 15 cars per hour from **9:00 AM – 12:00 PM** (1 car every 4 minutes) – **45 total cars**

Friday 3 Ship Day:



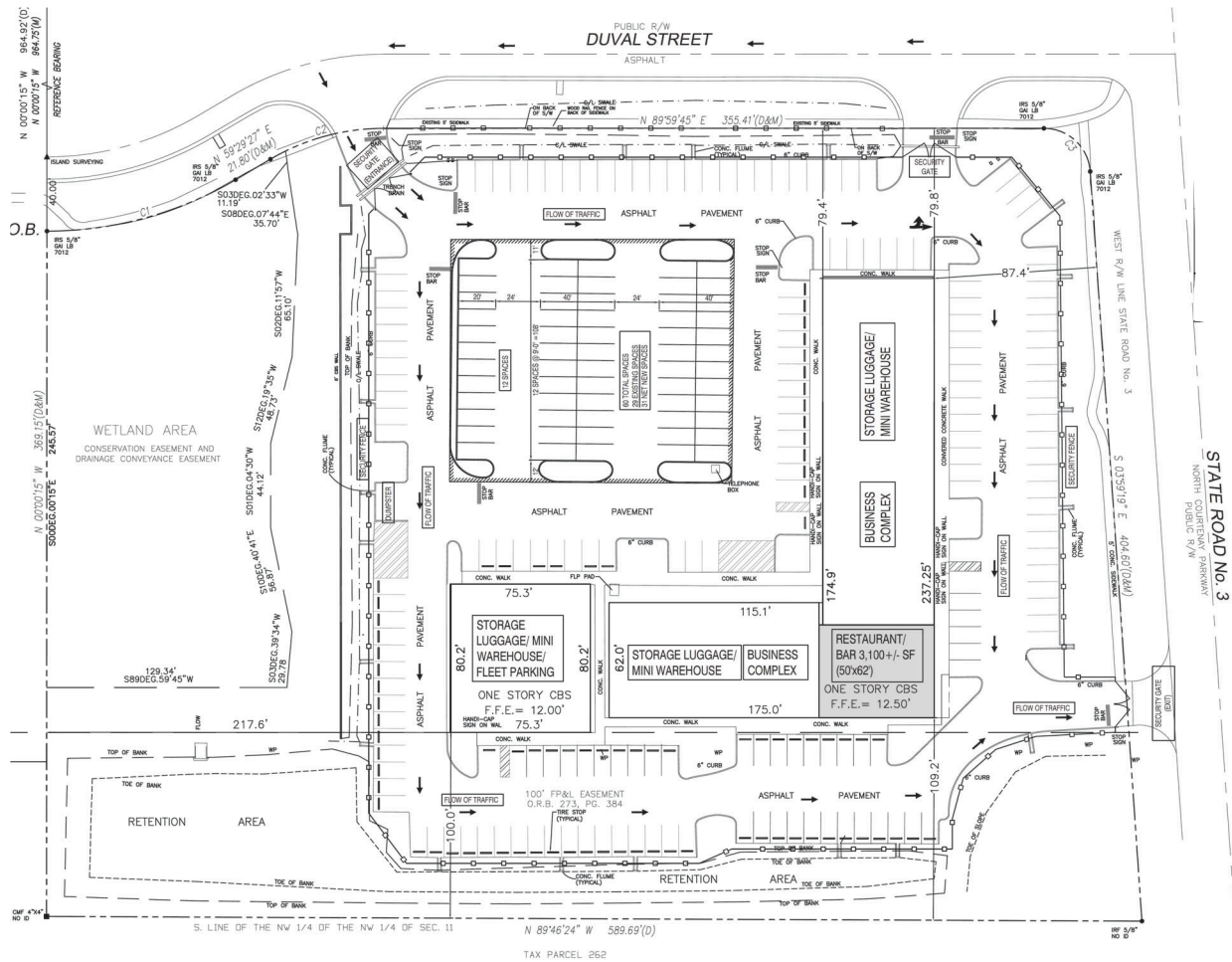
Cars Arriving on the Lot – 30 cars per hour from **9:00 AM – 12:00 PM** (1 car every 2 minutes) – **90 total cars**

Saturday 4-5 Ship Day:



Cars Arriving on the Lot – 40 cars per hour from **9:00 AM – 12:00 PM** (1 car every 1.5 minutes) – **120 total cars**

ATTACHMENTS



3345 N. Courtenay Parkway
Project No. 5316

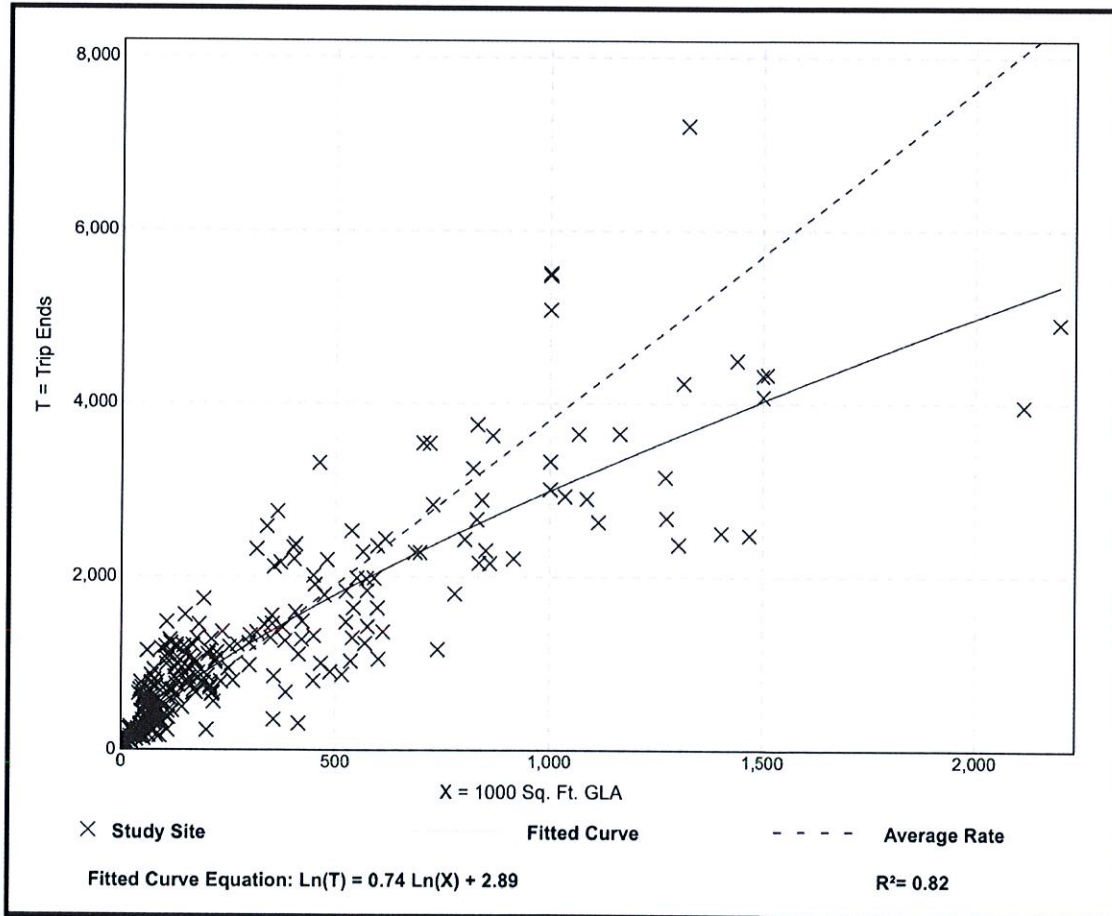
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 261
 1000 Sq. Ft. GLA: 327
 Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

Data Plot and Equation



Park-and-Ride Lot with Bus or Light Rail Service (090)

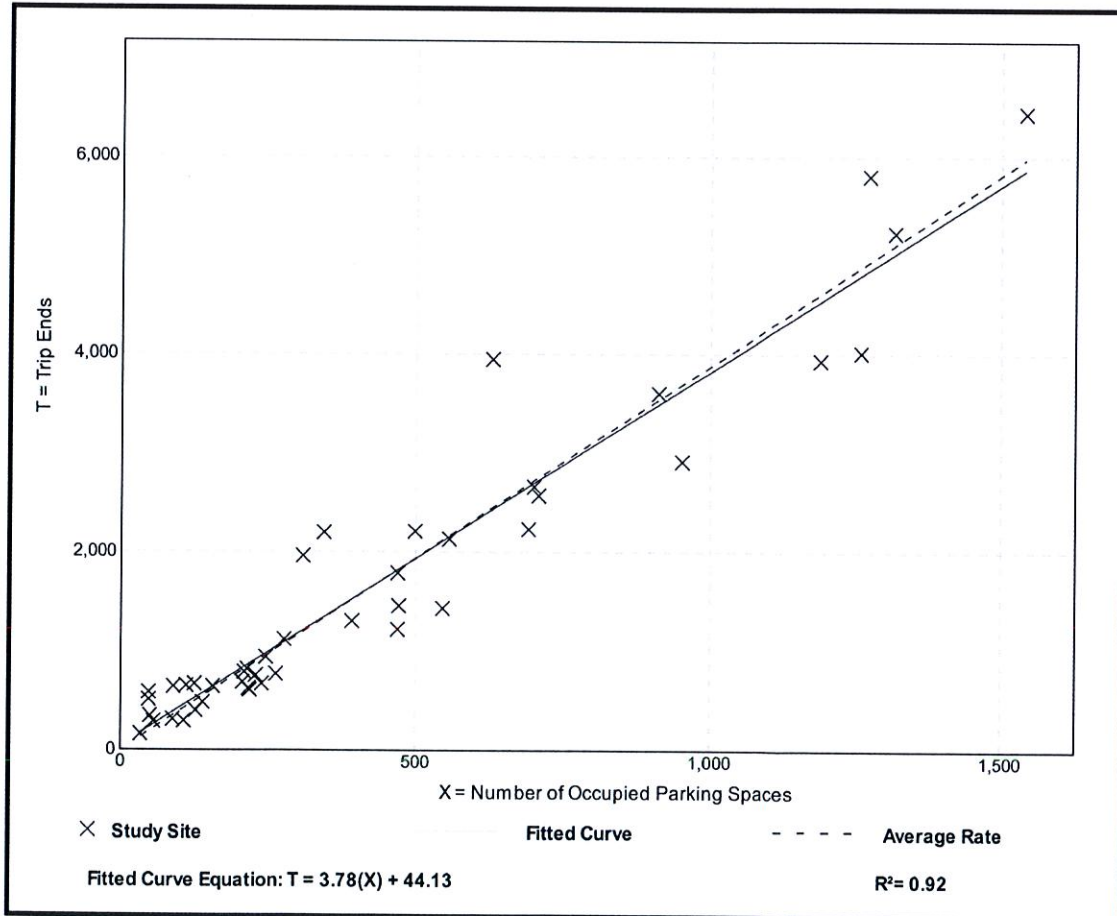
Vehicle Trip Ends vs: Occupied Parking Spaces
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 43
Avg. Num. of Occupied Parking Spaces: 436
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Occupied Parking Space

Average Rate	Range of Rates	Standard Deviation
3.88	2.60 - 12.15	1.09

Data Plot and Equation



Park-and-Ride Lot with Bus or Light Rail Service (090)

Vehicle Trip Ends vs: Occupied Parking Spaces

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 45

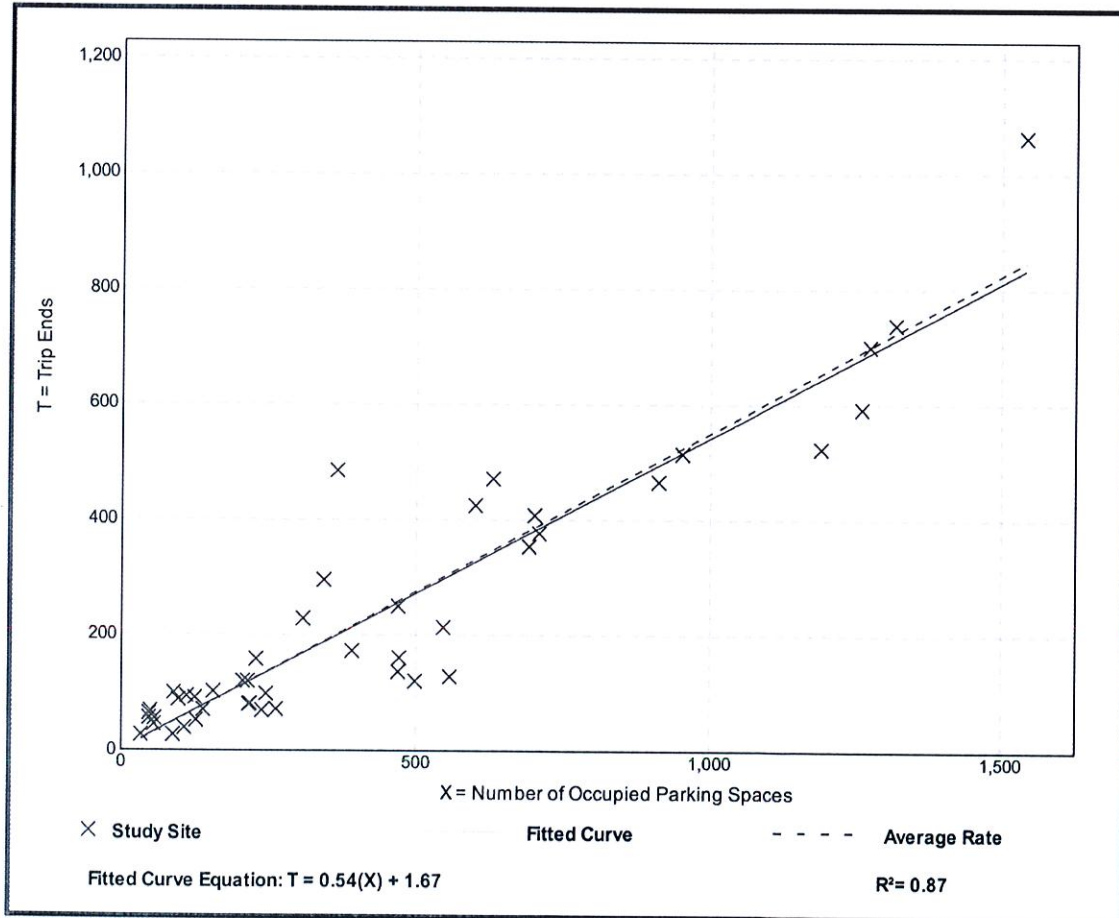
Avg. Num. of Occupied Parking Spaces: 430

Directional Distribution: 25% entering, 75% exiting

Vehicle Trip Generation per Occupied Parking Space

Average Rate	Range of Rates	Standard Deviation
0.55	0.23 - 1.36	0.20

Data Plot and Equation

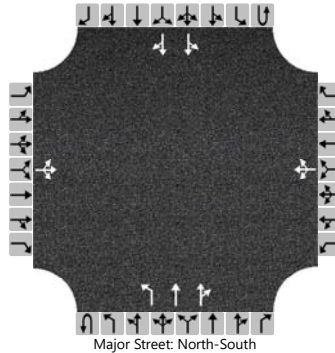


HCS7 Two-Way Stop-Control Report

General Information

Analyst	BH	Intersection	SR 3 & Duval St
Agency/Co.	TPD, Inc.	Jurisdiction	Duval County
Date Performed	3/25/2020	East/West Street	Duval St
Analysis Year	2020	North/South Street	SR 3
Time Analyzed	P.M. Peak	Peak Hour Factor	0.92
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	Courtenay Parkway		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	1	0	0	1	2	0	0	0	2	0
Configuration			LTR				LTR			L	T	TR		LT		TR
Volume (veh/h)		51	0	66		4	0	3	0	41	1214	4		2	953	21
Percent Heavy Vehicles (%)		1	1	1		1	1	1	1	1				1		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type Storage	Left + Thru								1							

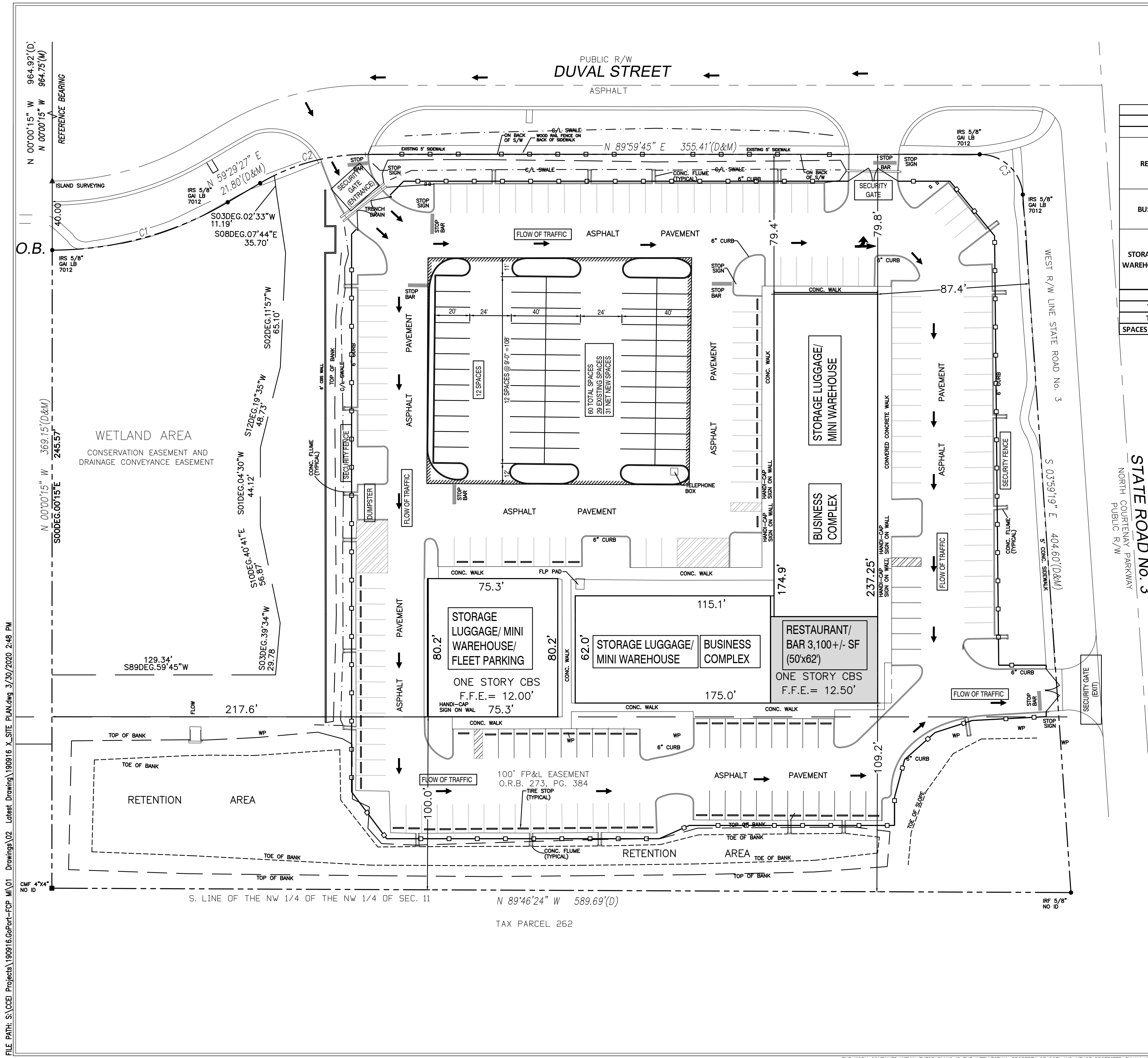
Critical and Follow-up Headways

Base Critical Headway (sec)		7.5	6.5	6.9		7.5	6.5	6.9		4.1				4.1		
Critical Headway (sec)		7.52	6.52	6.92		7.52	6.52	6.92		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.51	4.01	3.31		3.51	4.01	3.31		2.21				2.21		

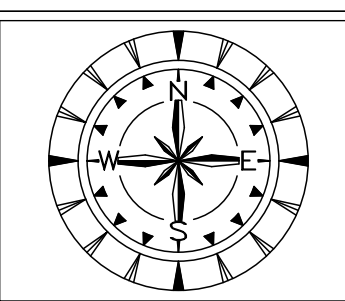
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			127				8			45				2		
Capacity, c (veh/h)			248				152			660				523		
v/c Ratio			0.51				0.05			0.07				0.00		
95% Queue Length, Q ₉₅ (veh)			2.7				0.2			0.2				0.0		
Control Delay (s/veh)			34.0				30.0			10.9				11.9		
Level of Service (LOS)			D				D			B				B		
Approach Delay (s/veh)	34.0				30.0				0.4				0.1			
Approach LOS	D				D											

121



MI PLAZA			
PARKING REQUIREMENTS FOR THE NEW SITE IMPROVEMENTS			
	AREA (SF)	REQUIRED SPACES	CODE: Sec 62-3206
RESTAURANT/BAR	3100	31	(29) Restaurants, cocktail lounges and other eating and drinking establishments: one space for every 100 square feet of gross floor area of the building including outdoor seating. Take-out restaurants with no associated seating shall provide one parking space for every 250 square feet gross floor area.
BUSINESS COMPLEX	3500	11	(29) Business complex: Consisting of a mix of office, retail, wholesale stores, recreational areas, warehousing, manufacturing, light industrial, or scientific research functions shall provide one space per 325 square foot total.
STORAGE LUGGAGE/MINI WAREHOUSE/FLEET PARKING	20400	5	(21) Mini warehouses: A self-storage mini warehouse as defined in the county zoning code shall have a minimum and a maximum of five parking spaces, including one accessible parking space, regardless of size. A minimum 24-foot driveway aisle shall be provided contiguously along any side of the mini-warehouse containing the access points or doors to the individual storage areas.
TOTAL SF	27000		
TOTAL SPACES REQUIRED		47	
TOTAL SPACES AVAILABLE		237	
SPACES USED FOR OVERNIGHT PARKING		190	



CCEI
CONSULTING CIVIL
ENGINEERS, INC.

3650 BOBBI LANE SUITE 119
TITUSVILLE, FLORIDA 32780
PH.(321) 269-9930 INFO@CCEIFL.COM
CERT. AUTH. NO. 00007522

CCEI PROJECT No.
----190916----

ORIDA, E NO. 38577	
-----------------------	--

BEHAYEB, STATE OF FL
AL ENGINEER, LICENS

ZOHEIR S. CH PROFESSIONAL	
------------------------------	--

NO.	DATE
9	
8	
7	
6	
5	
4	
3	
2	
1	

DRAWN BY:	SGH
CHECKED BY:	POT
APPROVED BY:	ZSC
START: 09/19/19	

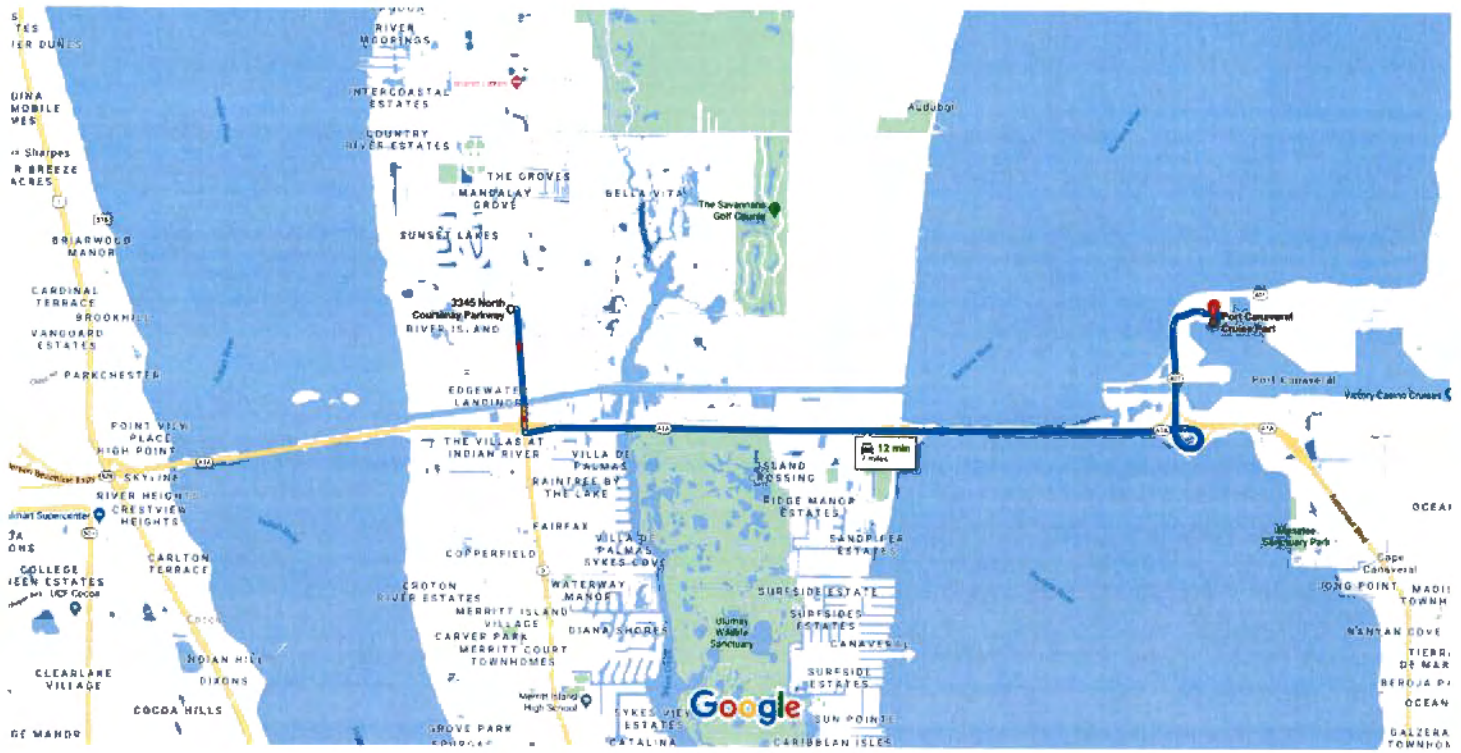
CUP SITE PLAN
NORTH COURTENAY SQUARE
3345 N. COURTENAY PARKWAY
MERRITT ISLAND, FL.

SHEET NO.
CUP-1



3345 N Courtenay Pkwy to Port Canaveral Cruise Port

Transit Route for MI Plaza Transport



Map data ©2020 Google 2000 ft



via FL-528 E/Florida A1A S

12 min

Fastest route, the usual traffic

7.0 miles

Explore Port Canaveral Cruise Port



Restaurants



Hotels



Gas stations



Parking Lots



More

PREPARED BY AND RETURNED TO:
John H. Evans, Esquire
John H. Evans, P.A.
1702 S. Washington Ave
Titusville, FL 32780

CFN 2010012840, OR BK 6101 PAGE 976,
Recorded 01/25/2010 at 09:04 AM, Scott Ellis, Clerk of
Courts, Brevard County
Pgs:7

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 12 day of January, 2010,
between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,
FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County")
and RISHI REAL ESTATE PROPERTIES, LLC, a Florida Limited Liability Company,
(hereinafter referred to as "Owner").

RECITALS

WHEREAS, Owner owns all units located within the property known legally as NORTH
COURTENAY SQUARE CONDOMINIUMS (hereinafter referred to as the "Property") in
Brevard County, Florida, but for Unit 114, as more particularly described in Exhibit "A"
attached hereto and incorporated herein by this reference; and

WHEREAS, Owner desires to have the ability to develop Units 115, 116 and 117 located
within the Property as a Restaurant with a CUP for on premises consumption of alcoholic
beverages (hereinafter referred to as "The Premises").

WHEREAS, as part of its plan for development of the Property, Owner wishes to
mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements on The Premises. It is the intent of the parties that the Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements on The Premises.

2. The CUP will be limited to the sale of beer and wine only. No distilled alcohol will be sold or served.

3. The CUP will be limited to a restaurant only where the primary business is the sale of food and the sale of beer and wine is ancillary to the restaurant.

4. The number of seats would be limited to 80.

5. The hours of operation would be limited to 11:00 a.m. to 10:00 p.m.

6. The premises would not be allowed to have a separate bar, but would be limited to restaurant style seating only.

7. At the Northwest corner of the Property along Duval Street, the Owner will install a "Not a Through Street" sign in accordance with applicable regulations.

8. All activities will be inside the structure. No outside entertainment events or food service will be allowed. No pool tables shall be allowed within The Premises. No gambling or gaming, included but not limited to digital or video slot or poker machines and the like shall be allowed within The Premises.

9. If alcoholic beverages are sold on The Premises, no more than three (3) televisions for patron viewing shall be allowed within The Premises. In addition, if alcoholic beverages are sold on The Premises no arcade games, including but not limited to digital or video slot or poker machines and the like shall be allowed within The Premises.

10. The Owner will not allow for application of any additional CUP for on premises consumption of alcoholic beverages on the subject Property, other than the CUP that is the subject matter of this Agreement.

11. Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.

12. The Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

13. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on November 5, 2009. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

14. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Section 1.7 and 62-5, Code or Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed all
as of the date and year first above written.

ATTEST

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Mary Bolin
Mary Bolin, Chairman
As approved by the Board on 1/12/10

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 12 day of
January, 2010 by Mary Bolin, Chairman of the BOARD OF
COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA who is personally known
to me or who has produced _____ as identification.

My commission expires:

Tamara J. Van Fossan
Notary Public, State of Florida

SEAL

Commission No.:

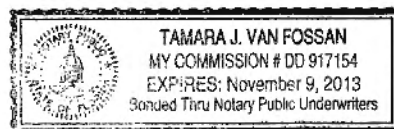
Tamara J. Van Fossan
(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the foregoing is a
true and current copy of BDP

witness my hand
and official seal this 29 day of
January, 2010

SCOTT ELLIS
Clerk Circuit Court
BY Clara D.C.



WITNESSES:

X N. Lasly.

NALIP REDDY WASUDEVA

Witness Name typed or printed

~~N. Lasly~~

Witness Name typed or printed

ADINARAYANA M. LACRUZ, MD

OWNER:

RISHI REAL ESTATE PROPERTIES, LLC, a
Florida Limited Liability Company,

X RAMACHANDRANI SRIKANTH
(Name) as Manager

PO BOX 560361
(Address)

ROCKLEDGE FL-32956-0361
(Address)

RAMACHANDRANI SRIKANTH
(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 4 day December,
2009 by Ramachandran SRIKANTH of RISHI REAL ESTATE PROPERTIES, LLC,
a Florida Limited Liability Company, on behalf of the limited liability company, who is
personally known to me or who has produced _____ as identification.

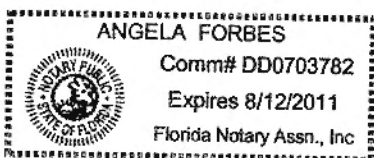
My commission expires: 8/12/2011

Angela Forbes
Notary Public, State of Florida

SEAL

Commission No.:

Angela Forbes
(Name typed, printed or stamped)



\\stacie\Rishi\9907\Binding Plan 11-4-09-k.doc

EXHIBIT "A"

All Units and Common Areas within NORTH COURTENAY SQUARE CONDOMINIUMS, a Condominium, as recorded in Official Records Book 5532, Page 1245, Public Records of Brevard County, Florida, as from time to time amended, less and except Unit 114 of said Condominium.

Z11532

144

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated May 23, 2007, given by RISHI REAL ESTATE PROPERTIES, LLC, as mortgagor, in favor of the undersigned, Riverside National Bank of Florida whose address is 2211 Okeechobee Road, Fort Pierce, FL 34950, as mortgagee, recorded in Official Records Book 5781, page 2805, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

RIVERSIDE NATIONAL BANK
OF FLORIDA

Lisa A. Hutchinson

Lisa A. Hutchinson

Witness name typed or printed

Sandra L. Bashak

Sandra L. Bashak
Witness name typed or printed

By: Tony Holmes
Authorized Agent's Signature

By: TONY HOLMES, VP
Authorized Agent

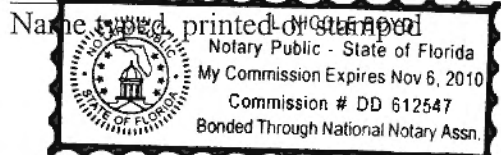
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 9th day of December, 2009 by Tony Holmes, who is personally known to me or who has produced Personally Known as identification.

My Commission Expires: NOV 6, 2010

[Signature]
Notary Public

SEAL



Staciedocs/RishiReal Est/9907/Joinder/11-9-09-k

211532

(145)

**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service
Response to Staff Comments and Objections by Residents (April 8, 2020)**

- I. **Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

II. **Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... . **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.

“The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... .”

Additional Conditions:

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:30 a.m. to 12:30 a.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

IV. Operation of Facility:

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make “u-turns” on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 12:30).

These vehicles “in and out” are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

V. Legal Standard: The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dismiss'd, 613 So. 2d 8 (Fla. 1993).

VI. Proposed Conditions by Staff:

- a. Buffering and landscaping – **not needed**. There exists 217' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:30 – 12:30.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

From: [Kimberly Rezanka](#)
To: [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [Calkins, Tad](#); [Ball, Jeffrey](#); [Brewer, Jad](#); [Jones, Jennifer](#)
Subject: RE: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments - revision 4.10.20
Date: Friday, April 10, 2020 4:12:26 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioners:

I apologize, but we found a typographical error.

In Section III: Additional Conditions, it should read:

The alcohol service hours will be only from 9:30 a.m. to 12:30 ~~a.m.~~ **p.m. (3 hours only).**

I apologize for the error and any consternation this may have caused.

Sincerely,
Kimberly Bonder Rezanka, Esq.

From: Kimberly Rezanka
Sent: Wednesday, April 8, 2020 5:13 PM
To: D2.Commissioner@brevardcounty.us; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; 'D3.Commissioner@brevardcounty.us' <D3.Commissioner@brevardcounty.us>; 'Commissioner, D4' <D4.Commissioner@brevardfl.gov>; 'D5.Commissioner@brevardfl.gov' <D5.Commissioner@brevardfl.gov>
Cc: Calkins, Tad <tad.calkins@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Brewer, Jad <Jad.Brewer@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments

Dear Commissioners:

Attached please find Applicant's response to staff comments, for the matter referenced above. This is also being sent by MI Plaza Group, LLC to those neighbors that submitted letters to the County.

Thank you for your consideration.

Sincerely,
Kimberly Bonder Rezanka, Esq.



*96 Willard Street, Suite 302
Cocoa, FL 32922
321-639-1320 ext. 123
Fax 321-639-9950*

Kim@caglawoffice.com
www.caglawoffice.com

From: [Patrick Stahl](#)
To: [Jones, Jennifer](#)
Cc: [Calkins, Tad](#); [Ball, Jeffrey](#)
Subject: Re: NMI Dependent Special District Board Meeting - April 9, 2020
Date: Tuesday, March 24, 2020 2:29:46 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Very good, thank you for your help!

On Tue, Mar 24, 2020, 2:11 PM Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Yes, the location changed today. The Commission Room at the Government Center in Viera is larger than the conference room at the Merritt Island Complex and will allow people to be spaced apart appropriately. The courtesy cards that will be mailed tomorrow will reference the Commission Room.

Jennifer

From: Patrick Stahl <patrickwstahl@gmail.com>
Sent: Tuesday, March 24, 2020 2:09 PM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Cc: Calkins, Tad <tad.calkins@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: Re: NMI Dependent Special District Board Meeting - April 9, 2020

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,

Thank you so much for the response. So the meeting is at the Brevard County Government Center in Viera? The notice we saw stated that the meeting was at the Brevard County Service Complex on Merritt Island. I just want to double-check so that I am disseminating

the correct information to our residents who want to attend.

v/r,

Patrick Stahl

3350 Biscayne Drive

Merritt Island, FL 32953

321-482-4204

On Tue, Mar 24, 2020 at 1:47 PM Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mr. Stahl, the meeting on the 9th is at 6:00 p.m.

From: Jones, Jennifer

Sent: Tuesday, March 24, 2020 1:44 PM

To: Patrick Stahl <patrickwstahl@gmail.com>

Cc: Calkins, Tad <tad.calkins@brevardfl.gov>; Ball, Jeffrey

<Jeffrey.Ball@brevardfl.gov>

Subject: RE: NMI Dependent Special District Board Meeting - April 9, 2020

Mr. Stahl,

Yes, the April 9th meeting is still on schedule. It will be held in the Commission Room at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, First Floor.

Yes, any correspondence you would like the board(s) to see can be sent to my attention via email. If you prefer to mail it, the address is:

Brevard County Planning and Development

Attn: Jennifer Jones

2725 Judge Fran Jamieson Way Ste A114

Viera FL 32940

If the meeting should happen to be postponed, I'll contact you.

Thank you,

Jennifer

From: Patrick Stahl <patrickwstahl@gmail.com>

Sent: Tuesday, March 24, 2020 1:41 PM

To: Jones, Jennifer <jennifer.jones@brevardfl.gov>

Subject: NMI Dependent Special District Board Meeting - April 9, 2020

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,

My name is Patrick Stahl. I wanted to inquire if the April 9th meeting will still be held since Brevard County has closed operations to the public? Myself and others in my subdivision have concerns about Rezoning Notice #20PZ00027 and we would like to be present for the meeting. In that vein of thinking, I am formulating an email in opposition to this rezoning notice that outlines our concerns. Would this need to be addressed to you to distribute to the board members?

Thank you for your time and attention. I appreciate it!

v/r,

Patrick Stahl

3350 Biscayne Drive

Merritt Island, FL 32953

321-482-4204

From: [Patrick Stahl](#)
To: [Jones, Jennifer](#)
Subject: In Re: Rezoning Notice #20PZ00027
Date: Thursday, March 26, 2020 1:41:24 PM
Attachments: [Letter to NMI Development Special District Board.docx](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,

Per my email the other day, attached is a letter in opposition of Rezoning Notice #20PZ00027 that I would like to distribute for review by the NMI Dependent Special District Board before the April 9th Meeting.

Thank you so much for your help.

If you have any questions or need more information please feel free to contact me by phone or email.

v/r,

Patrick Stahl
3350 Biscayne Drive
Merritt Island, FL 32953
321-482-4204

North Merritt Island Development Special District Board
c/o Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way Ste 114
Viera FL 32940

Dear Board Members:

My name is Patrick Stahl. I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves, the subdivision located directly West of the subject property, I have concerns on the proposed actions.

It appears the notice is to remove the Binding Development Plan, apply for a Conditional Use Permit for on-premises consumption of alcohol and apply for a Conditional Use Permit for overnight parking (aka. Overnight Cruise Parking). I would like to outline my concerns in three different areas...safety, traffic, and ordinance requirements. Some of my concerns may overlap.

I would like to start with the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot. Second, (4) of the ordinance talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, “Shuttle routes shall avoid residential areas.” Duval Street is the entrance to our subdivision. We have one way in and one way out. So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic

improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction. That's great, but that doesn't include the cost of review from the County, FLDOT, etc.

Next, I would like to address the CUP for alcoholic beverages for on-premises consumption. I believe this issue was brought up once before on this property and it was voted down due to the safety concerns of residents. The ordinance (Sec. 62-1906 – Alcoholic beverages for on-premises consumption) in brief says that no alcoholic beverages should be sold within 300 feet of church or school. While there are no churches or schools within this distance, I would like to argue that the "bar" would be within approximately 200 feet of the dedicated school bus stop, which in my opinion is an extension of a school. Many of our residents and children are very active and enjoy walking, running, walking their dogs and riding bikes along Duval Street, which is normally a quiet street. I fear with the addition of another cruise parking lot/bar, the safety of our residents and their children will be threatened by intoxicated/impaired tourists.

Lastly, the additional traffic from another cruise parking lot and the three other commercial cruise lots that were grandfathered in before the 2018 ordinance went into effect will have negative impacts on our roadways. Our roads are not adequately designed for these increases and will make traffic a nightmare for residents and workers North of the Barge Canal. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work. Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Thank you for your time and attention to this matter.

v/r,

Patrick Stahl
3350 Biscayne Drive
Merritt Island, FL 32953
321-482-4204

From: Stephen Townsend
To: Jones, Jennifer; Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5
Cc: prince.legacy@gmail.com; "3211 -- Frederick Solomon"; sghoa@live.com; "3211 Ann Solomon"; "3220 Everette & Tracy Stephens"; "3230 Jerry & Kathie Murr"; "3231 -- Valk"; "3240 Jim Robertson"; "3241 Roland and April Burson"; "3251 Michael & Chong Palmer"; "3260 Stephen Townsend"; "3261 Shahram Massihnia"; "3270 Casey and Dana Franklin"; "3271 George & Audrey Lewis"; "3280 George Alden"; "3281 -- Sarah VerWiebe"; "3281 Don VerWiebe"; "3291 -- Robin Massetti"; "3300 Jim Larson"; "3301 (Rental) Alim & Syeda Ara Junaid"; "Jessica Beal"; "3310 Arch & Cynthia Stanton"; "3311 Kerry Peppers"; "3330 Phillip & Shelby Meade"; "3340 Pietro & Rose Dilcece"; "3341 Kevin Zart"; "3350 Jessica Beal"; "3360 Steve & Roe Phillips"; "3361 Richard & Michelle Boston"; "3370 John & Dianne Burke"; "3371 Steven & Kwang Bernet"; "3380 Erik & Pamela Martin"; "3381 Carla & Tracy Dickinson"; "3390 Cliff & Norma Gaines"; "3391 Dave & Teresa Woodington"; "3410 Larry Cupac"; "3411 Jennifer Campbell"; "3420 Bob Wilcox and Heidi Beasley"; "3430 Ray Scarpa"; "3431 Bill Matane"; "3440 Mike & Maria Bradley"; "3441 Robert & Cornelia Reijn".
Date: Thursday, March 26, 2020 9:09:56 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi I am Stephen Townsend I live behind the property that is on N Courtenay and is asking for a CUP for onsite alcohol consumption. The property is at the intersection of Duval Street and state rd 3 located on the South side of Duval Street. Duval is the only entrance to our neighborhood and is where the School bus stop is. We have established a long history of fighting these repeated attempts for businesses to obtain a CUP for this location. There are a ton of reasons why that is not a good idea and I will go over them later in this e-mail but let me first explain what has been established at least twice already at great expense and aggravation to our neighborhood. This property is non-compliant to code and has been since the day they built it and it cannot become compliant without costly modifications. These buildings were built right up to the FPL powerline easement to maximize utilization of the land and to provide added parking area under the FPL easement. Which if I remember correctly we established that the parking area on FPL's easement was not authorized by FPL. The reason I am pointing this out is simple when you think about it because FPL will not allow the 6 foot wall to be extended across their easement. I do not blame them I would not allow it either if I were them. What this does now is allow unabated foot traffic between our neighborhood and a property where a proposed CUP for onsite alcohol consumption is being asked for. See Fig 1 below the easement is marked in Red and the 100 foot long easement with no 6 foot wall is circled.

Here are few facts directly related to just this one aspect of a long list of negative reasons for granting this CUP

1. Once issued the CUP goes with the property and owners can change business strategies and approaches to maximize financial returns on the CUP. There is a long history of attempts to get a CUP and turn this building into a bar.
2. Ultimately we will have a potential situation where drunks and others will have direct access to our neighborhood via the 100 foot opening on the FPL easement.
3. The county has denied the CUP twice before
4. We have established that due to the configuration of the buildings and the FPL easement and the selfish decisions of the developer coupled with the County overlooking the non-compliance during construction and site plan review that there is no way to economically bring the property back into compliance
5. Having irresponsible drinkers and drivers with direct foot access to your property is purely a Diminution of property value. While I respect Property rights fully I do not support lowering the value of other people's property.

This Cup should be denied flat out and myself and my neighbors should not have to repeatedly spend money to reestablish cause for not approving these repeated CUP attacks and even threats for slap suits and aggravation of having to continually go back over all the issues i.e. Traffic, safety, children's bus stop, poor road intersection designs and improper deceleration lanes, ingress egress into our community Please do what is right and deny this application for a CUP for this property for the third time. Thank You !

Fig 1



From: [jim.robertson](#)
To: [Jones, Jennifer](#)
Subject: Rezoning notice #20PZ00027 being pursued by MI Plaza Group,LLC.
Date: Thursday, March 26, 2020 10:59:33 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

I am James H. Robertson, I am writing in regards to rezoning notice #20PZ00027 being pursued by MI Plaza group, LLC. at the southwest corner of Duval Street and N. Courtenay parkway in Merritt Island.

As a resident of North Merritt island and sunset groves subdivision, I oppose the actions being proposed by this group.

Following are my list of concerns:

The Property does not meet the conditions laid out in sec. 62-1491.3 of Brevard county ordinances in regards to overnight commercial parking lots.

A conditional use permit for alcoholic beverages for on premises consumption/establishing a bar in close proximity to a county/school bus stop and neighborhood would endanger children and other safety issues from intoxicated/impaired drivers and patrons to their proposed bar. The property does not meet the specifications laid out in sec. 62-1906 of Brevard county ordinances.

The additional traffic from another commercial cruise parking lot would add to the already congested traffic issues with no egress/entrance lanes for protection on entry or exiting the property due to the said infrastructure on N Courtenay parkway. Also the property being presented has a FPL easement through this lot, and FPL requires fencing and no parking in that portion of the Lot. This easement creates another entrance to our secure neighborhood, and night lighting would be disturbing for sleeping and noise. An airborne photo of the property shows this encroachment when built.

This property is ill suited as a parking lot of any kind, and very poorly positioned as a bar, as it would create a dangerous environment for our children and neighborhood.

Adding another cruise parking lot, with on premises alcohol, long and short term parking, provides little or no benefit to and detracts from businesses and residents along the N. Courtenay Parkway.

The Cruise industry may not survive this downturn of the economy based on CORVID-19, and at least severely impacted. Another North courtenay parking lot is not needed, one is in the process of opening across the street form this one.

Thank you for your time and consideration of this matter.

James H Robertson 3240 Biscayne Dr. Merritt Island, Fl. 32953
Sunset groves addition.

From: [dave woodington](#)
To: [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [prince.leacy@gmail.com](#); 3211 -- Frederick Solomon; SGHOA Officers; 3211 Ann Solomon; 3220 Everett & Tracy Stephens; 3230 Jerry & Kathie Murr; 3231 -- Valk; 3240 Jim Robertson; 3241 Roland and April Burson; 3251 Michael & Chong Palmer; 3260 Stephen Townsend; 3261 Shahram Massihnia; 3270 Casey and Dana Franklin; 3271 George & Audrey Lewis; 3280 George Alden; 3281 -- Sarah VerWiebe; 3281 Don VerWiebe; 3291 -- Robin Massetti; 3300 Jim Larson; 3301 (Rental) Alim & Syeda Ara Junaid; Jessica Beal; 3310 Arch & Cynthia Stanton; 3311 Kerry Peppers; 3330 Phillip & Shelby Meade; 3340 Peitro & Rose Dilecce; 3341 Kevin Zari; 3350 Jessica Beal; 3350 Pat Stahl; 3360 Steve & Roe Phillips; 3361 Richard & Michelle Bostrom; 3370 John & Dianne Burke; 3371 Steven & Kuang Beres; 3380 Eric & Pamela Martin; 3381 Carla & Tracy Dickinson; 3390 Cliff & Norma Gaines; 3391 Dave & Teresa Woodington; 3410 Larry Cupac; 3411 Jennifer Campbell; 3420 Bob Willcox and Heidi Beasley; 3430 Ray Scarpa; 3431 Bill Matanis; 3440 Mike & Maria Bradley; 3441 Robert & Cornelia Reijm
Subject: NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)
Date: Saturday, March 28, 2020 6:44:59 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved. It surely would make the properties unsaleable to families with children.

Before you make your final decision please consider the following:

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.
- To add an additional bar on North Courtney across from a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.

- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed an environmental impact statement. If so where can the property owners in Sunset Groves review the document.

Dave Woodington
3391 Biscayne Drive
Merritt Island, FL 32953

From: [jim.robertson](#)
To: [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D1](#); [Commissioner, D5](#)
Subject: Fw: NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)
Date: Saturday, March 28, 2020 7:30:47 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

From:
Sent: Saturday, March 28, 2020 6:44 AM
To: jennifer.jones@brevardfl.gov <jennifer.jones@brevardfl.gov>; D2.Commissioner@brevardfl.gov <D2.Commissioner@brevardfl.gov>; D1.Commissioner@brevardfl.gov <D1.Commissioner@brevardfl.gov>; D3.Commissioner@brevardfl.gov <D3.Commissioner@brevardfl.gov>; D4.Commissioner@brevardfl.gov <D4.Commissioner@brevardfl.gov>; D5.Commissioner@brevardfl.gov <D5.Commissioner@brevardfl.gov>

Cc:

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved, we are talking millions. It surely would make the properties unsaleable to families with children. Where is the common good, our 47 homes are not included?

Before you make your final decision please consider the following: This is the third time applications have been made to establish sales of liquor on primacies, Two before have failed, the property was found not to meet community property guidelines of Florida statutes. How many times do we have to lay out the money to prove once again, this property is encroaching the FPL easement of major Power lines feeding our Grid. The Original developer decided to encroach when he constructed the property, FPL has said that A 6' wall would have to be erected at the north boundary of the easement which is on the doorsteps of the buildings there. It is costly to keep proving this over, over, and now once again.

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.

- To add an additional bar on North Courtney across from and adjacent to a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. What would the traffic congestion do to our one and only
-
- entrance easement? If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.
- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed an environmental impact statement. What does High intensity lighting do to us, We are 100' away, what about car horn, alarm systems, engine noises, and other air pollution and wandering traffic at 2 AM.? If a study was completed, where can the property owners in Sunset Groves review the document. This property is too close and to dangerous for our subdivision to be considered for the CUP.

James H. Robertson
 3240 Biscayne Drive
 Merritt Island, FL 32953

From: [Patrick Stahl](#)
To: [Jones, Jennifer](#)
Subject: Fwd: NMIDSDB Mtg and County Commissioners Mtg - Postpone
Date: Saturday, March 28, 2020 11:03:08 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Sorry, I accidentally put Jessica Jones instead of Jennifer...just passing this along.

V/r,

Patrick Stahl

----- Forwarded message -----

From: Patrick Stahl <patrickwstahl@gmail.com>
Date: Sat, Mar 28, 2020, 10:56 PM
Subject: NMIDSDB Mtg and County Commissioners Mtg - Postpone
To: <frank.abbate@brevardfl.gov>, <john.denninghoff@brevardfl.gov>, <tad.calkins@brevardfl.gov>, <michelle.adams@brevardfl.gov>, <D1.Commissioner@brevardfl.gov>, <D2.Commissioner@brevardfl.gov>, <D3.Commissioner@brevardfl.gov>, <D4.Commissioner@brevardfl.gov>, <D5.Commissioner@brevardfl.gov>, <jessica.jones@brevardfl.gov>

All,

My name is Patrick Stahl. I would like to request that the meetings of the North Merritt Island Development Special District Board on April 9, 2020 and the County Commissioners mtg on May 7, 2020 be postponed due to the Covid-19 virus. Many who would have shown up at these meetings may not due to the susceptibility to exposure, which would not allow them to speak out on matters being voted on. I asked that these meetings be postponed in order to maximize participation from the public.

Thank you for your time and consideration.

v/r,

Patrick Stahl
3350 Biscayne Drive
Merritt Island, FL 32953
321-482-4204

From: [Peter Dilecce](#)
To: t.square@prodigy.net; [Jones, Jennifer](#); fladerat@bellsouth.net; [Abbate, Frank B](#); john.denningoff@brevard.gov; [Calkins, Tad](#); [Adams, Michelle](#)
Subject: Fwd: Re-zoning request ***Please vote No****
Date: Sunday, March 29, 2020 4:12:04 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

>>
>>
>>
>>>

>>> Good Afternoon,

>>>

>>> My name is Rose DiLecce and have been a resident of North Merritt Island for 21 years. I am writing to you today in regards to a notice I received in the mail yesterday afternoon referencing a rezoning request for the property located in the southwest corner of Duval Street and N Courtenay Parkway.

>>> (3345 N Courtenay Pkwy., Merritt Island)

>>>

>>> I am concerned that there is an attempt again to change the current zoning on this property from a Planned Industrial Park to a Conditional Use Permit for Overnight Parking and Conditional Use for Alcoholic Beverages. This request does not in my opinion align with the mission of the North Merritt Island Homeowners Association. The mission as stated on the website says "it is the purpose of the association to protect the interests of the property owners and individuals who reside on North Merritt Island with particular emphasis on controlled growth, life style of the residents, ecology, area appearance, and property values. The association strives to maintain an overall density of one unit per acre, in order to preserve the rural character of the community".

>>

>>>

>>> Those of us that live in Sunset Groves (the neighborhood directly behind this plaza) have fought this request before as you may recall.

>>>

>>> My concerns are as follows: the already congested traffic, the safety of our kids, and the devaluation of our properties.

>>>

>>> Our neighborhood has only one way in and out and increasing the traffic from the proposed commercial parking lot will surely create more congestion and more potential accidents. Please keep in mind that there is one short turn lane onto Duval street while heading north on Courtenay and on any given day from 3pm to 6pm both south bound lanes are backed up from 528 to passed Sunset Lakes.

>>>

>>> In addition, there is already a planned designated cruise parking that is currently under construction off of N. Courtenay and Smith Road.

>>> This cruise parking will hold approximately 100 plus cars. Plus the land just north of our neighborhood is another planned cruise parking lot.

>>>

>>> Do we really want North Merritt Island to become only cruise parking?

>>>

>>>

>>> In addition, please note that Brevard Public Schools use Duval Street as a bus stop for three schools and this bus stop is very close to the proposed building that will be used for the permit regarding alcohol. The bus stop used to be right on the corner of N. Courtney and Duval but due to the safety of our children and the bus stop was moved to Duval Street.

>>>

>>> Please see the times below:

>>>

>>> Lewis Carroll Elementary	Pick up time	7:20AM	Drop off time	3:02PM
>>> Jefferson Middle School	Pick up time	8:55AM	Drop off time	5:18PM
>>> Merritt Island High School	Pick up time	8:15AM	Drop off time	4:06PM

>>>

>>>

>>>

>>> My last point is simply that of devaluation of our neighborhood and homes. Over the last 20 years the plaza in front of our neighborhood has changed owners many times and been left vacant for several years with only the personal trainer occupying one unit. if this request is granted there is no telling what the next owner will do with the property.

>>>

>>>

>>> I thank you for your time and consideration.

>>>

>>> Rose DiLecce

>>>

>>>

>>

>

From: [Jessica Beal](#)
To: [Kim Smith](#); [Jones, Jennifer](#); fladerat@bellsouth.net; [Abbate, Frank B](#); [Denninghoff, John P](#); calkins@brevardfl.gov; [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); D4.commissioners@brevardfl.gov; [Commissioner, D5](#); p_bennardo@yahoo.com; t3ndabu@bellsouth.net
Subject: Rezoning Notice Opposition #20PZ00027
Date: Sunday, March 29, 2020 9:58:18 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a long time Merritt Island resident, I am not excited about yet another proposed Commercial Cruise Parking Lot in our area and all the additional traffic that it will bring to N. Courtney Parkway Corridor. Sadly as a resident of Sunset Groves, we were notified that's exactly what is being proposed at the Southwest corner of Duval Street and N. Courtenay Parkway, across from Buffkin Tile. MI Plaza Group, LLC is trying to get a Conditional Use Permit (CUP) for both a commercial cruise parking lot and a CUP for a bar to serve alcohol to tourists waiting to be shuttled to the Port (Rezoning Action #20PZ00027).

How does this benefit residents and businesses in our area? The answer is, it doesn't. Along with the cruise parking lot currently being built at the Southeast corner of Smith Road and N Courtenay Parkway, all it does is add to the already existing traffic congestion North of the Barge Canal and increase accidents and safety concerns from tourist drivers and shuttles. This currently being built parking lot's impact haven't even been felt yet. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work.

As our area grows with the influx of commercial spaceflight companies, workers and new residents, we need to keep in mind what kinds of businesses will best suit this growth and what will detract. A cruise parking lot and bar/restaurant is not consistent with the businesses in immediate area.

In addition, the current proposal adds safety concerns with a bar and cruise ship guests being located within a short distance of a school bus stop, residential sidewalks and the only entrance to our neighborhood. This plaza shares a common entrance (Duval St.) and only entrance to our neighborhood which would have a profound effect on compatibility. With the added traffic the overnight cruise ship parking and a bar/restaurant would add, there is NO traffic light. Visitors have two options to turn into Duval or a U turn is required the southern driveway entrance for the strip mall. This is not safe and many accidents have occurred here. These are all recipes for disasters for either other vehicles, kids walking home from school or neighbor walking the sidewalks.

According to your ordinances from 2019 (4) it talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, "Shuttle routes shall avoid residential areas." Duval Street is the entrance to our subdivision, our only entrance! So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one

off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction.

Lastly, the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot.

Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Regards,
Jessica Beal, PharmD.

From: sverwiebe@aol.com
To: [Jones, Jennifer](#)
Subject: Re: Rezoning Notice #20PZ00027 - MI Plaza Group, LLC
Date: Monday, March 30, 2020 1:53:25 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

North Merritt Island Development Special District Board

c/o Brevard County Planning and Development Department

2725 Judge Fran Jamieson Way Ste 114
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

Dear Board Members:

My name is Donald VerWiebe. I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway on Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed. The request does not fall in line with adjacent usage of property in this area.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regards to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.
- Since the cruise ship industry will doubtfully return to its pre-Coronavirus levels the extra parking will be unnecessary. However, IF the C.U.P. is changed, put up a removeable fence/wall in the FPL easement to prevent an alternate exit from the lot into the Sunset Groves development. It will also prevent intoxicated patrons from entering our neighborhood from that direction.

Additionally, how can an accurate traffic study be conducted since the traffic on N. Courtenay Parkway has been greatly reduced with the various contractors and KSC closed/minimally

staffed until further notice.

Thank you for your time and consideration of this matter.

V/R,

Donald VerWiebe

3281 Biscayne Drive

Merritt Island, Florida 32953

North Merritt Island Development Special District Board

c/o Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way Ste 114
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

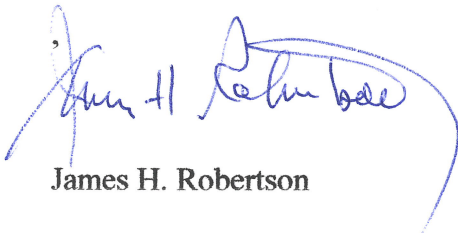
Dear Board Members:

My name is James H. Robertson, I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regards to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.

Thank you for your time and consideration of this matter.



James H. Robertson

3240 Biscayne Dr. Merritt Island, Fl. 32953

North Merritt Island Development Special District Board

c/o Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way Ste 114
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

Dear Board Members:

My name is Sandra L. Robertson, I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regards to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.

Thank you for your time and consideration of this matter.



Sandra L Robertson

3240 Biscayne Dr. Merritt Island, Fl. 32953

From: [Deb Bannon](#)
To: [Jones, Jennifer](#)
Subject: Rezoning Action #20PZ00027
Date: Wednesday, April 1, 2020 1:17:15 PM

Objection
20PZ00027
MI Plaza

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please do not make North Merritt Island the cruise parking island for Port Canaveral! The Port needs to provide adequate parking for cruise passengers!!! Residents do not want an additional cruise lot in North Merritt! Please keep our little island from being paved over!!

Sincerely,
Deb Bannon
5490 Broad Acres ST
Merritt Island, FL 32953

From: [ADRIAN, JEFF](#)
To: [Jones, Jennifer](#)
Subject: More parking destroys N Merritt Island
Date: Wednesday, April 1, 2020 2:18:01 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

What's going on? Why are we seeing more traffic from new space activity and more businesses like cruise parking without expansion of roads. We will be TRAPPED here when hurricanes and other events result in mandatory evacuation!

Jeff M Adrian

Sr. Compliance Manager, Call Center Strategy & Planning
Consumer, Customer Care

AT&T Services

m [321.684.2952](tel:321.684.2952) | o [321.631.8858](tel:321.631.8858) | Jeff.Adrian@att.com

AT&T Proprietary (Restricted)

This email, and any attachments, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. It is the property of AT&T Mobility and its Affiliates. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, any attachments thereto, and any use of the information contained is strictly prohibited. If you have received this email in error, please notify me at [786-521-5722](tel:786-521-5722) and permanently delete the original and any copy thereof.

From: [Phil Bennardo](#)
To: [Jones, Jennifer](#); [Abbate, Frank B](#); [Denninghoff, John P](#); calkins@brevardfl.gov; [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [Jessica Beal](#); [Kim Smith](#); [Jack Ratterman](#); [Tamy Dabu](#); [Darleen Hunt](#)
Subject: Rezoning Notice #20PZ00027
Date: Thursday, April 2, 2020 1:02:22 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a resident of North Merritt Island (NMI), I disagree with the proposed Conditional Use Permit (CUP) for a commercial cruise ship parking lot and associated bar to serve alcohol to tourists awaiting shuttles to the port (per rezoning action #20PZ00027). I am opposed to this for the following primary reasons: (1) it will result in an increase in already existing traffic concerns and associated safety issues, and (2) it is incompatible with existing and planned residential and commercial areas on NMI.

As mentioned above, we are already experiencing traffic and safety issues on NMI and this is due to a rapid increase in development and growth in our area. Several new housing developments are currently in work or planned, and a large cruise ship parking lot (northeast of the barge canal drawbridge) is nearing completion. There are only 2 ways on or off NMI: south, via the barge canal drawbridge, or north, through the Kennedy Space Center. As a resident, the vast majority of trips from NMI are south, across the drawbridge. This is where we all go for shopping, doctor visits, school, church, etc. Unless we are going to work at the space center or have a need to go to Titusville, we are not travelling north. So for all other purposes, there is really only one way on or off the island. As traffic and congestion have continued to increase, the drawbridge has become more of a bottleneck, and this will only get worse with additional cruise ship parking on NMI. There are safety concerns associated with this traffic across the barge canal, and there is no traffic light at the entrance to the proposed cruise parking lot. So cruise patrons will either have to make a U turn when entering the lot or share the entrance to an existing subdivision.

A cruise ship parking lot and bar/restaurant is not consistent with the existing businesses in the immediate area and will bring no benefit to the residents and businesses already located here.

Once again, I am opposed to the proposed rezoning. Our area is already experiencing a large growth in both commercial and residential development, which is expected to continue well into the future. The establishment of these commercial parking lots will only make matters worse. They will contribute to already existing traffic and safety problems, and are incompatible with our area, as they provide no goods or services to our residents.

Charles Philip (Phil) Bennardo
321-266-5135

From: [Elizabeth Anderson](#)
To: [Jones, Jennifer](#)
Subject: another proposed cruise ship parking lot
Date: Friday, April 3, 2020 9:53:19 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jones,

After the parking lot construction on Courtenay Parkway near 528 was approved, it was my understanding that no additional overnight parking facilities would be allowed on North Merritt Island. Now I see that MI Plaza Group wants to build another parking lot AND a bar and restaurant.

I am not in favor of either of these proposals. We chose to retire on Merritt Island and purchase a home north of 528 BECAUSE there was not a lot of traffic and we had easy access to shopping on Merritt Island and the Orlando Airport. Traffic is getting worse, yet you approved one parking lot and are considering another. PLEASE DO NOT DO THIS!

I am not going to attend the North Merritt Island Development Special District Board on Thursday, April 9, 2020 at 6 pm or the Board of County Commissioners Meeting on Thursday, May 7, 2020 due to the Corona Virus. Nevertheless, I strongly urge you to deny the actions proposed by MI Plaza Group.

Sincerely,
Elizabeth J Anderson
Taxpayer and Voter

From: [DON MENNILLO](#)
To: [Jones, Jennifer](#)
Subject: North Merritt Island Zoning.
Date: Monday, April 6, 2020 10:46:21 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I protest the zoning changes to the land by the Barge Canal. We have too much traffic now and with that parking lot it will only get worse. And alcohol sales won't help us on the Island. This is not right. We have lived on N Merritt Island since 1996 and want to keep everyone safe. Thank You Don Mennillo. 2305 Stone Lake Drive.
Sent from my iPhone

From: [Jerry Perlet](#)
To: [Jones, Jennifer](#)
Cc: [Marie](#)
Subject: Re: 20PZ0027
Date: Tuesday, April 7, 2020 6:58:03 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Re: 20PZ0027

From: Jerrold and Marie Perlet, 5127 Royal Paddock Way, Merritt Island, 32953

We are strongly opposed to the requested changes for the property on N. Courtenay as described in the email. We would attend the meeting if we were not required to stay home due to the pandemic. This hearing should be delayed until the fall so residents can attend and express their opinions for the record. We certainly aren't going to need any more cruise parking for quite some time.

We do not need more traffic crossing over an already clogged draw bridge. Please drive in this area during NASA shift changes, time for school, and other peak times for traffic which will also coincide with cruise traffic times. There is already too much, and adding more cruise parking on top of the huge cruise lot already under construction near the Shell station makes no logical land use planning sense. With the pandemic, the cruise industry will take a major hit and probably be reduced significantly. This lot will not be necessary, and even if things recover in two or three years, there is plenty of land near the cruise ships for parking. Save on pollution, traffic jams, and unnecessary danger to our citizens.

Land use planning is supposed to PLAN development so we can control pollution, traffic, crowds, commercial establishments. Why aren't these parking lots near the cruise ships, not miles away, adding to pollution and traffic? There is no land use planning occurring for North Merritt Island, just will-nilly projects here and there that will add up to a mess. Stick to the plan!

Allowing any kind of alcohol consumption for this project is also beyond belief. Folks are going to get plenty to drink on the ship and can wait a few hours. Drinking at 9 am? Unbelievable. And extending the time to 4 pm? That really means that passengers getting off the ship and picking up their cars to drive on Brevard roads will have the opportunity to get plastered before they leave the lot! This is dangerous for our school buses as well as our citizens. No alcohol, period!

There is no public benefit to this project, only money for the owners who purchased this property knowing it's zoning limits. Does Brevard County have a land use plan? Does it follow it? Is there no long range vision of what North Merritt Island will look like in ten years if you keep sneaking in one project here and there until we wake up one day to a total urban mess? I grew up in northern New Jersey and lived for forty years in suburban Washington. I know what urban sprawl looks like and that's where these constant zoning changes are taking NMI. Stop it!

Stop trying to destroy this area with development. Don't allow drunken cruisers to drive on our roads endangering our citizens. Refuse project #20PZ0027!

Sent from my iPad

April 7, 2020

North Merritt Island Development Special District Board
c/o Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way Ste 114
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

Dear Board Members:

My name is Steve Phillips. I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regards to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from yet another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.

Thank you for your time and consideration of this matter.

v/r,

Mr. and Mrs. Steve Phillips
3360 Biscayne Drive
Merritt Island, FL. 32953

April 7, 2020

North Merritt Island Development Special District Board
c/o Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way Ste 114
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

Dear Board Members:

My name is James Larson. I am writing in regard to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regard to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from yet another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.

Thank you for your time and consideration of this matter.

v/r,

Mr. and Mrs. James Larson
3300 Biscayne Drive
Merritt Island, FL. 32953

From: [Jessica Schneider](#)
To: [Jones, Jennifer](#)
Subject: Rezoning Action #20PZ00027
Date: Friday, April 10, 2020 5:04:18 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please don't rezone that lot into a cruise parking lot for the following reasons:

First, traffic at the Courtenay/Beachline interchange is already snarled enough. Around quitting time for the Cape or any time the drawbridge is stuck up traffic is a nightmare in that area. A third parking lot in that area will just make it worse

Second, there are already 2 lots being built as overflow for cruises from Port Canaveral. A third one is total overkill.

Third, it's never a good idea to have too much of the area's economy tied to one industry. The Space Shuttle program is proof of this concept.

I'm all for growth in the area. Fix traffic on and off the Beachline and put up a store, a housing development, a Mini golf. Anything but another parking lot please.

Respectfully,. John Schneider

From: [jim.robertson](#)
To: [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [David Leadbeater](#)
Cc: [Calkins, Tad](#); [Ball, Jeffrey](#); [Brewer, Jad](#); [Jones, Jennifer](#)
Subject: Fw: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments - revision 4.10.20
Date: Saturday, April 11, 2020 7:16:54 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

From: David Leadbeater <david@goport.com>
Sent: Friday, April 10, 2020 4:52 PM
Subject: Fwd: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments - revision 4.10.20

Good afternoon all,

Per our lawyer's response below herein, please also note the typographical error.

Regards,

David Leadbeater- David, it is sooo easy to change hours of operation, that will not be on your cop, It could be changed by a decision of MI Plaza Group, LLC by merely a vote by your board, with letter of intent to the county commission advising the Hours of operation be changed. The parking facility will be open and guarded 24-7, and the hours of alcohol service can be amended to 24-7 unless there are statutes against the hours of service in the florida, or county statutes. Then they can be amended to conform with the maximum allowed serving times for alcohol sales in house, What you do on the buses is not an issue unless distance of open containers from driver violations occur. So your company intends only to serve from 9:30 am to 12:30 pm? Then would the bar that seats 100 be closed? That doesn't make sense. I think not. I think that like all bars in Florida, there is a statute controlling hours, as long as those hours are adhered to, then you would be legal to be open. The commissioners only follow law. If no violations of existing statutes, hours of operation and intent to serve is at the discretion of the provider. It is a county blanket law that speaks of lawful hours of operation. I don't think those hours mentioned are binding intentions. Sunset Groves is way too close to the facility for liquor by the drink on premises sales. whether that enhances your parking facility business or not is not an issue. The issue is the location of that facility, the distance from Sunset Groves housing addition, (established first in Zoning) once determined that the facility can serve liquor by the drink on premises, then statutes controlling hours of operation is the determining factor because of Zoning changes. not a statement of intent and promise to us by MI Plaza Group, LLC. James H Robertson, 3240 Biscayne Dr. Merritt island, Fl.

----- Forwarded message -----

From: Kimberly Rezanka <kim@cflawoffice.com>
Date: Fri, Apr 10, 2020 at 4:12 PM
Subject: RE: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments - revision

4.10.20

To: D2.Commissioner@brevardcounty.us <D2.Commissioner@brevardcounty.us>, Commissioner, D1 <D1.Commissioner@brevardfl.gov>, D3.Commissioner@brevardcounty.us <D3.Commissioner@brevardcounty.us>, Commissioner, D4 <D4.Commissioner@brevardfl.gov>, D5.Commissioner@brevardfl.gov <D5.Commissioner@brevardfl.gov>
Cc: Calkins, Tad <tad.calkins@brevardfl.gov>, Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>, Brewer, Jad <Jad.Brewer@brevardfl.gov>, Jones, Jennifer <jennifer.jones@brevardfl.gov>

Dear Commissioners:

I apologize, but we found a typographical error.

In Section III: Additional Conditions, it should read:

The alcohol service hours will be only from 9:30 a.m. to 12:30 ~~a.m.~~ **p.m. (3 hours only).**

I apologize for the error and any consternation this may have caused.

Sincerely,
Kimberly Bonder Rezanka, Esq.

David Leadbeater

Executive Assistant
david@goport.com
(321) 305-6969



273 Crockett Blvd
Merritt Island, FL 32953
www.goport.com

IMPORTANT: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are, by this, on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to Go Port, 273 Crockett Blvd, Merritt Island, FL 32953. Thank you.

From: [dave woodington](#)
To: [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [3211 -- Frederick Solomon](#); [SGHOA Officers](#); [3211 Ann Solomon](#); [3220 Everette & Tracy Stephens](#); [3230 Jerry & Kathie Murr](#); [3231 -- Valk](#); [3240 Jim Robertson](#); [3241 Roland and April Burson](#); [3251 Michael & Chong Palmer](#); [3260 Stephen Townsend](#); [3261 Shahram Massihnia](#); [3270 Casey and Dana Franklin](#); [3271 George & Audrey Lewis](#); [3280 George Alden](#); [3281 -- Sarah VerWiebe](#); [3281 Don VerWiebe](#); [3291 -- Robin Massetti](#); [3300 Jim Larson](#); [3301 \(Rental\) Alim & Syeda Ara Junaid](#); [Jessica Beal](#); [3310 Arch & Cynthia Stanton](#); [3311 Kerry Peppers](#); [3330 Phillip & Shelby Meade](#); [3340 Peitro & Rose Dilecce](#); [3341 Kevin Zari](#); [3350 Jessica Beal](#); [3350 Pat Stahl](#); [3360 Steve & Roe Phillips](#); [3361 Richard & Michelle Bostrom](#); [3370 John & Dianne Burke](#); [3371 Steven & Kuang Beres](#); [3380 Eric & Pamela Martin](#); [3381 Carla & Tracy Dickinson](#); [3390 Cliff & Norma Gaines](#); [3391 Dave & Teresa Woodington](#); [3410 Larry Cupac](#); [3411 Jennifer Campbell](#); [3420 Bob Willcox and Heidi Beasley](#); [3430 Ray Scarpa](#); [3431 Bill Matanis](#); [3440 Mike & Maria Bradley](#); [3441 Robert & Cornelia Reijm](#)
Subject: Cruise Parking Lot on N. Courtenay Pkwy
Date: Tuesday, April 14, 2020 2:11:48 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jennifer,

I am not sure why I am receiving Emails form David Leadbeater of GOPORT? I did not contact him nor do I have any interest in talking to him. My issues were directed toward the County Commissioners not Mr. Leadbeater unless the commissioner's now have in place a certificate of "Non - Responsibility". I need the Brevard County Commissioner's to answer my questions. I would like to know who on the Board shared my and the email addresses of all the Sunset Grove HOA members with Mr. Leadbeater.

Please consider the following questions:

1. If the Cruise Business slows or dies a slow death for the next few years will this rezoning act be permanent and as a result we will have a bar and parking lot at our front door forever? Many reports have the Cruise Industry slowing to a snail pace over the next 5 to 10 years eliminating the need for this Bar and Parking Lot. The latest Stock Reports show that most cruise lines have dropped more than 75% in value since the 1st of the year.
2. How will "GOPORT" ensure that **ALL** of the incoming tourists do not have the dreaded COVID-19 Virus when they arrive or get off the ship? Most likely these folks are going to either stop to get gas when they come in or when they leave to get back to the airport or where-ever. Will that mean the two gas stations leaving North Courtney will be contaminated with the COVID-19 Virus when they fill up their gas tanks for a quick exit from our Island either

coming or leaving the ship.

3. The Commissioner's need to recognize that if they approve this rezoning request they will be establishing one of the earliest active Bars in the County. When we need to start drinking at 09:30 am to have fun we really have a problem.

What is missing here is those of us that live in Sunset Groves this is our Home! Merritt Island is our Island, we live here, play here and work here. Many of our residents work at the Cape and have for years, Rocket Launches mean something here, we pride ourselves as part of the Islands Business! Some of our residents have spent more than 40 years in the Rocket Business at the KSC, we have teachers, fishing boat Captains, Air Line Pilots, nurses and even a Bee Keeper among us. We know each other, both at work and in the neighborhood, and collectively we have no interest in expanding the Cruise Parking business or welcoming tourists from the Florida City Mall Days INN to our Island. We are more than happy for them to by-pass our Island on the way to the Port where ample parking is already available.

This action brings absolutely no value to Merritt Island or our neighborhood!

The first thing the new owner did when they bought the property was to trash talk the residents and Post the Property for no trespassing. His loss not ours. The previous tenants of this property left not because they wanted too but because like many other of the same type warehouse spaces it has become in serious dis-repair. The Dentist which was the last to leave said the roof leaked so badly he had to close during storms. There is an identical type vacant property in Rockledge off Rt 1 just south of the 520 light that would seem to make an ideal cruise parking facility. This property does not impact a housing development and would be more in line with this type of business operation. The only business operating in the entire complex is the Thrift Store.

We who live here know that the intersection of Duval and North Courtney is extremely dangerous with folks making a U turn to go the Bufkin Flooring, Causeway Diner and the other businesses on the east side of North Courtney. We have watched with deep concern the deaths at this intersection of unfamiliar drivers to the area. This action will just exacerbate the already dangerous serious intersection.

Respectively,
dave woodington
3391 Biscayne Drive
Merritt Island, FL 32953

From: [Melissa Lamond](#)
To: [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Rezoning Action #20PZ00027
Date: Wednesday, April 15, 2020 2:44:37 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I'm writing to express our concerns with the above referenced rezoning action that will allow for ANOTHER commercial cruise parking lot on North Merritt Island. The traffic on North Merritt Island is getting worse as more jobs open up at KSC and there are multiple new housing developments being built.

The existing roadway infrastructure on North MI is not designed to handle the existing traffic volume. Additionally, the barge canal bridge cannot handle the existing traffic, let alone the additional traffic from these new neighborhoods and new cruise parking. Nothing seems to be being done to address these existing infrastructure issues.

In addition to the new parking lot, a bar is being proposed to be located within a short distance of a school bus stop and residential sidewalks. This is not safe and introduces great risk to our North Merritt Island community.

This request brings no value to the NMI community and as residents of North Merritt Island we are asking that you please take these concerns under advisement and deny this rezoning request.

Thank you,
Todd and Melissa Lamond
635 Chase Hammock Rd
Merritt Island

From: [Peg Cotner](#)
To: [Jones, Jennifer](#)
Cc: D1.commissioner@brevardfl.gov; [Commissioner, D2](#)
Subject: actionID# 20PZ00027
Date: Tuesday, June 2, 2020 8:51:45 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you. Please note this is my emphatic" NO" to this action. Anyone who has traveled the 528 and Courtenay Pkwy interchange knows we need no more traffic. So many reasons, the barge bridge is probably foremost. I have lived through the repairs, and breakdowns, it is not pretty. Safety for our emergency crews and the people they serve, is concerning to me. The preservation of the limited nature reserves is unique, beautiful and necessary for the community. Please don't destroy the wonderful diversity we have in this area. It's not all about parking for people who only came to a place they are leaving. There are so many more reasons. I will leave a few for others to mention. Thank you, and please do the right thing. Peggy Cotner 4088 Judith Ave. MI 32953

From: [Christopher Roche](#)
To: [Commissioner, D1](#); D2.commissioner@brevardfl.gov; D3.commissioner@brevardfl.gov; [Commissioner, D4](#); [Commissioner, D5](#); [Jones, Jennifer](#)
Subject: Cruise Parking on North Merritt Island
Date: Tuesday, June 2, 2020 2:00:32 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi, as a resident of North Merritt Island I am vehemently opposed to allowing Cruise parking on SR-3 (Courtenay Parkway) for multiple reasons. First and foremost is that SR-3 is already a bottleneck with rush hour Cape traffic, a barge canal draw bridge that goes up for every sailboat and large boat trying to pass through the canal. SR-3 is the only road directly connecting North Merritt Island to the communities and cities South of us. All the planned Cruise parking on SR-3 is close to the barge canal bridge. Cruise parking will greatly exacerbate the problem with traffic on SR-3. Secondly, Cruise parking lots are ugly and unsightly and could have a negative impact on property values of property nearby. It will definitely have a negative impact on the natural beauty of North Merritt Island. We in North Merritt Island are in close proximity to the Merritt Island National Wildlife refuge and special attention should be made regarding commercial construction impacts to wildlife and the environment. If commercial companies want to put in Cruise parking let them put it in where the Cruise ships are located, namely Port Canaveral and Cape Canaveral. North Merritt Island resident shouldn't have to suffer because of the nearby Cruise industry.

Regards,
Chris Roche

Sent from [Mail](#) for Windows 10

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#)
Subject: FW: Cruise Parking on North Merritt Island
Date: Wednesday, June 3, 2020 11:19:21 AM
Attachments: [image001.png](#)

Jennifer,

On behalf of Commissioner Pritchett, below is an email regarding cruise parking on Merritt Island.

Regards,

Marcia Newell

Chief Legislative Aide to Commissioner Rita Pritchett
Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Christopher Roche <cgroche@hotmail.com>
Sent: Tuesday, June 2, 2020 2:00 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; D2.commissioner@brevardfl.gov; D3.commissioner@brevardfl.gov; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: Cruise Parking on North Merritt Island

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi, as a resident of North Merritt Island I am vehemently opposed to allowing Cruise parking on SR-3 (Courtenay Parkway) for multiple reasons. First and foremost is that SR-3 is already a bottleneck with rush hour Cape traffic, a barge canal draw bridge that goes up for every sailboat and large boat trying to pass through the canal. SR-3 is the only road directly connecting North Merritt Island to the communities and cities South of us. All the planned Cruise parking on SR-3 is close to the barge canal bridge. Cruise parking will greatly exacerbate the problem with traffic on SR-3. Secondly, Cruise parking lots are ugly and unsightly and could have a negative impact on property values of property nearby. It will definitely have a negative impact on the natural beauty of North Merritt Island. We in North Merritt Island are in close proximity to the Merritt Island National Wildlife refuge and special attention should be made regarding commercial construction impacts to wildlife and the environment. If commercial companies want to put in Cruise parking let them put it in where the Cruise ships are located, namely Port Canaveral and Cape Canaveral. North Merritt Island resident shouldn't have to suffer because of the nearby Cruise industry.

Regards,
Chris Roche

Sent from [Mail](#) for Windows 10

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#)
Subject: FW: actionID# 20PZ00027
Date: Wednesday, June 3, 2020 11:20:25 AM
Attachments: [image001.png](#)

Jennifer,

On behalf of Commissioner Pritchett, we are forwarding an email regarding cruise parking on Merritt Island.

Regards,

Marcia Newell

Chief Legislative Aide to Commissioner Rita Pritchett

Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Peg Cotner <pegcotner@gmail.com>
Sent: Tuesday, June 2, 2020 11:54 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: Re: actionID# 20PZ00027

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

On Tue, Jun 2, 2020 at 8:51 AM Peg Cotner <pegcotner@gmail.com> wrote:

Thank you. Please note this is my emphatic" NO" to this action. Anyone who has traveled the 528 and Courtenay Pkwy interchange knows we need no more traffic. So many reasons, the barge bridge is probably foremost. I have lived through the repairs, and breakdowns, it is not pretty. Safety for our emergency crews and the people they serve, is concerning to me. The preservation of the limited nature reserves is unique, beautiful and necessary for the community. Please don't destroy the wonderful diversity we have in this area. It's not all about parking for people who only came to a place they are leaving. There are so many more reasons. I will leave a few for others to mention. Thank you, and please do the right thing. Peggy Cotner 4088 Judith Ave. MI 32953

From: [Elizabeth Anderson](#)
To: [Jones, Jennifer](#)
Subject: Proposed cruise parking on North Courtenay
Date: Wednesday, June 3, 2020 11:22:31 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jones,

I am writing to request that you DO NOT approve any additional cruise parking north of 528. Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,
Elizabeth Anderson and Patrick Churchville
Homeowners 3804 Sunbeam Court, Merritt Island

From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Smith, Nathan](#); [Pritchett, Rita](#)
Subject: FW: cruise parking, North Merritt Island
Date: Thursday, June 4, 2020 12:37:28 PM
Attachments: [image001.png](#)

Jennifer,

On behalf of Commissioner Pritchett, we are forwarding the below email for the cruise parking item on the agenda.

Regards,

Marcia Newell

Chief Legislative Aide to Commissioner Rita Pritchett

Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Elizabeth Anderson <bettianderson@yahoo.com>
Sent: Wednesday, June 3, 2020 11:26 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>
Subject: cruise parking, North Merritt Island

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioner<

I am writing to request that you DO NOT approve any additional cruise parking north of 528. Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,
Elizabeth Anderson and Patrick Churchville
Homeowners 3804 Sunbeam Court, Merritt Island