

**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.