

From: [Patrick Stahl](#)
To: compliancesupport@sjrwmd.com; sbarican@sjrwmd.com
Cc: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Jones, Jennifer](#)
Subject: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)
Date: Monday, June 22, 2020 8:01:50 AM
Attachments: [Permitted Stormwater System with Noted Compliance Issues .pdf](#)
[10. 20PZ00027 2 Proposed Site Plan.pdf](#)

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

Ms. Barican and/or Compliance Support,

I am writing about the existing ERP (34127-2) located at a strip mall at 3345 North Courtenay Parkway, Merritt Island 32953 in Brevard County. I live in the residential subdivision (Sunset Groves) adjacent to the property. Currently, the permitted stormwater system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area. I have attached the survey of the permitted stormwater system with notes and highlighted areas of compliance issues. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed, they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. A proposed site plan for this new venture from the property owner is also attached. This recently went before the North Merritt Island Dependent Special District Board (Action Item #20PZ00027) with a great amount of opposition from the public and the board members. It is next up for review by the Brevard County Commissioners Board on 9 July 2020. There are many other issues with their plan including not getting a consent agreement for property use under an existing FP&L easement, but the stormwater issues associated with commercial overnight cruise parking lots along North Courtenay Parkway is a huge concern to residents of North Merritt Island, so the property owner's disregard for the existing permit is disturbing at the least.

I am asking for a review of the compliance issues associated with this existing permit and for the property owner to be held accountable.

v/r,

Patrick Stahl
3350 Biscayne Drive
Merritt Island, FL 32953

7

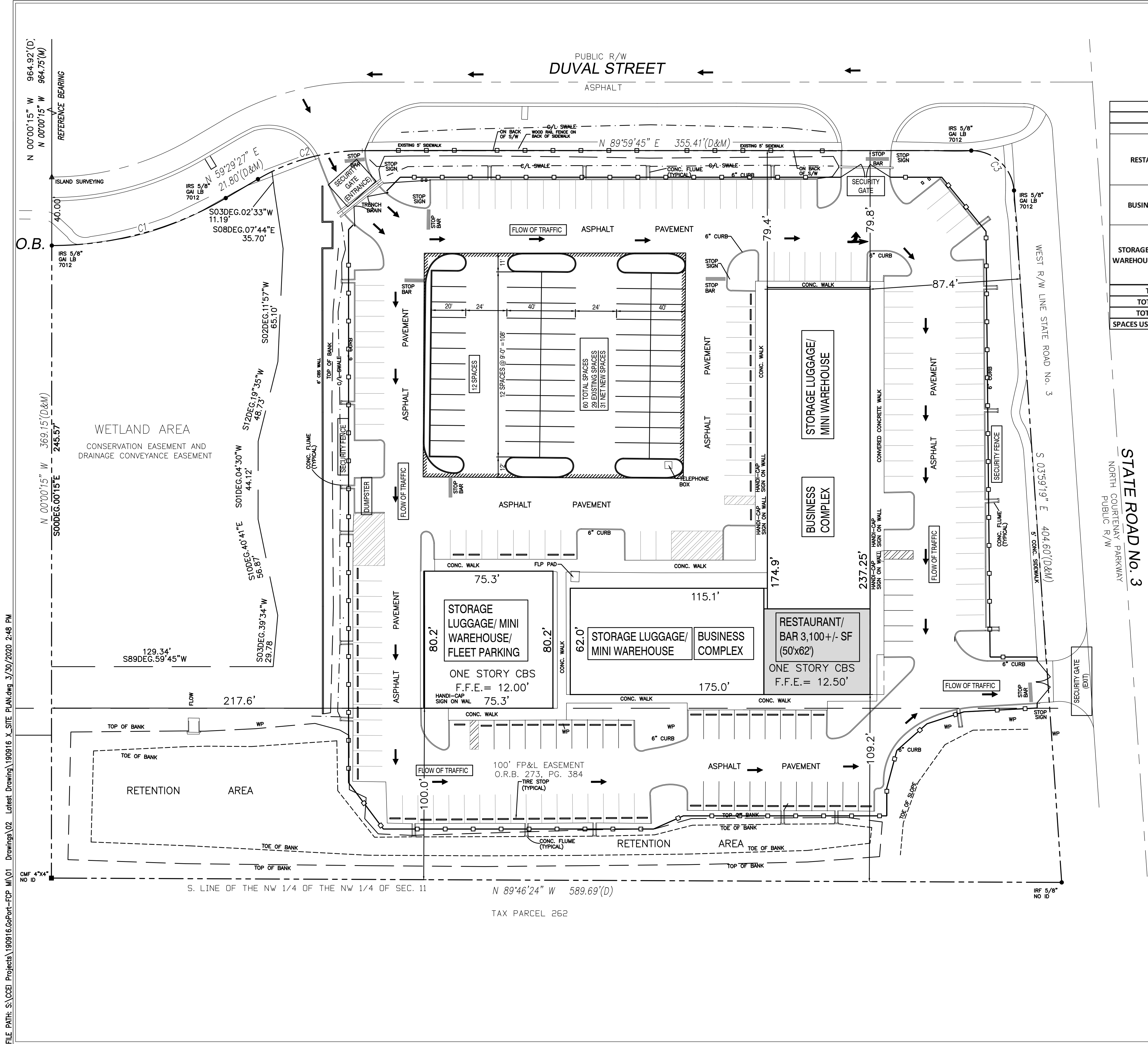
[illegible][illegible]

I hereby certify that the survey shown hereon is true and correct based on actual measurements taken in the field. This survey meets Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61 S 17-5, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

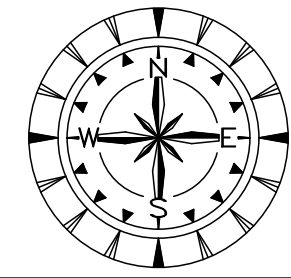
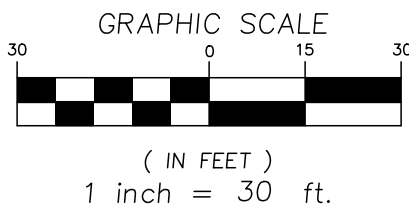
UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND JAPERS THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

John R. Campbell
John R. Campbell
Professional Surveyor No. 2351
State of Florida

[illegible]



MI PLAZA			
PARKING REQUIREMENTS FOR THE NEW SITE IMPROVEMENTS			
	AREA (SF)	REQUIRED SPACES	
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 BOBBY LANE SUITE 119
TUSSEVILLE, FLORIDA 32780
PH: (321) 289-9930 INFO@CCEI.COM
CERT. AUTH. NO. 00007522

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

ZOHER S. CHEVAYER, STATE OF FLORIDA
PROFESSIONAL ENGINEER, LICENSE NO. 38677

REVISION TABLE	
NO.	DATE
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DRAWN BY: SCS	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

From: [McClure, Bach](#)
To: patrickwstahl@gmail.com
Cc: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Denninghoff, John P](#); [Commissioner, D5](#); [Barker, Virginia H](#); [Brewer, Jad](#); [Bentley, Eden](#); [Calkins, Tad](#); [Jones, Jennifer](#); [Toro, Deanna](#); sbarican@sjrwmd.com; compliancesupport@sjrwmd.com
Subject: Re: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)
Date: Thursday, July 2, 2020 6:26:02 PM
Attachments: [Permitted Stormwater System with Noted Compliance Issues .pdf](#)
[10. 20PZ00027 2 Proposed Site Plan.pdf](#)
[IMG_0140.JPG](#)
[IMG_0141.JPG](#)
[IMG_0142.JPG](#)
[IMG_0144.JPG](#)
[IMG_0145.JPG](#)

Dear Mr. Stahl,

Thank you for bringing the status of the stormwater system for 3345 North Parkway to our attention. Our stormwater inspector visited the site on June 22nd and spoke to the owner.

The owner has since undertaken remedial action and corrected or is correcting the deficiencies you noted in your email. Additional debris removal is necessary. However, as of our last visit on June 29th, there remain only two significant deficiencies: The skimmer for the outfall of the stormwater retention area has been damaged and has not yet been repaired and the westward berm of the stormwater retention area has not yet been restored.

The owner has informed us, and visual inspection of the site appears to confirm, that the westward berm was removed by Florida Power and Light (F.P.L.) during work on their transmission lines within their easement. The owner states that he was told by F.P.L. that they would restore the berm. However, rather than depend on F.P.L., he has decided to restore the berm within the next couple of weeks at his expense.

I would like to note that overgrowth of the outfall and berm areas could be cause for concern, but most stormwater systems are not adversely affected unless the amount of vegetation causes restriction of flow or a substantial reduction in the retention volume of the stormwater system.

The plans and calculations permitted with Brevard County show that the area currently unpaved in the northwestern portion of the site was planned, included in the stormwater calculations, and permitted for an additional building. The use of that area for a building, parking, or any other impervious area would not be a violation of the existing permit and would not require additions or modifications to the existing stormwater system.

The proposed site plan included with your email does not appear to show any modifications which would add to the allowed impervious area of the site.

The Stormwater Program will continue to monitor the site and confirm that the stormwater system is restored to permitted functionality. The permitting of fencing of

the perimeter, paving requirements for the currently unpaved interior area, et cetera are beyond the scope of our program and as such will be reviewed and/or commented upon as appropriate by other departments.

Please call or email me if you have any questions or concerns about the stormwater system of this or other properties.

Sincerely,

Bach McClure, P.E.
Stormwater Program Administrator
Natural Resources Management Dept
Brevard County

(321) 633-2016 x58396

From: Patrick Stahl <patrickwstahl@gmail.com>

Sent: Monday, June 22, 2020 8:00 AM

To: compliancesupport@sjrwmd.com; sbarican@sjrwmd.com

Cc: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>

Subject: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)

Ms. Barican and/or Compliance Support,

I am writing about the existing ERP (34127-2) located at a strip mall at 3345 North Courtenay Parkway, Merritt Island 32953 in Brevard County. I live in the residential subdivision (Sunset Groves) adjacent to the property. Currently, the permitted stormwater system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area. I have attached the survey of the permitted stormwater system with notes and highlighted areas of compliance issues. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed, they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. A proposed site plan for this new venture from the property owner is also attached. This recently went before the North Merritt Island Dependent Special District Board (Action Item #20PZ00027) with a great amount of opposition from the public and the board members. It is next up for review by the Brevard County Commissioners Board on 9 July 2020. There are many other issues with their plan including not getting a consent agreement for property use under an existing FP&L easement, but the stormwater issues associated with commercial overnight cruise parking lots along North Courtenay Parkway is a huge concern to residents of North Merritt Island, so the

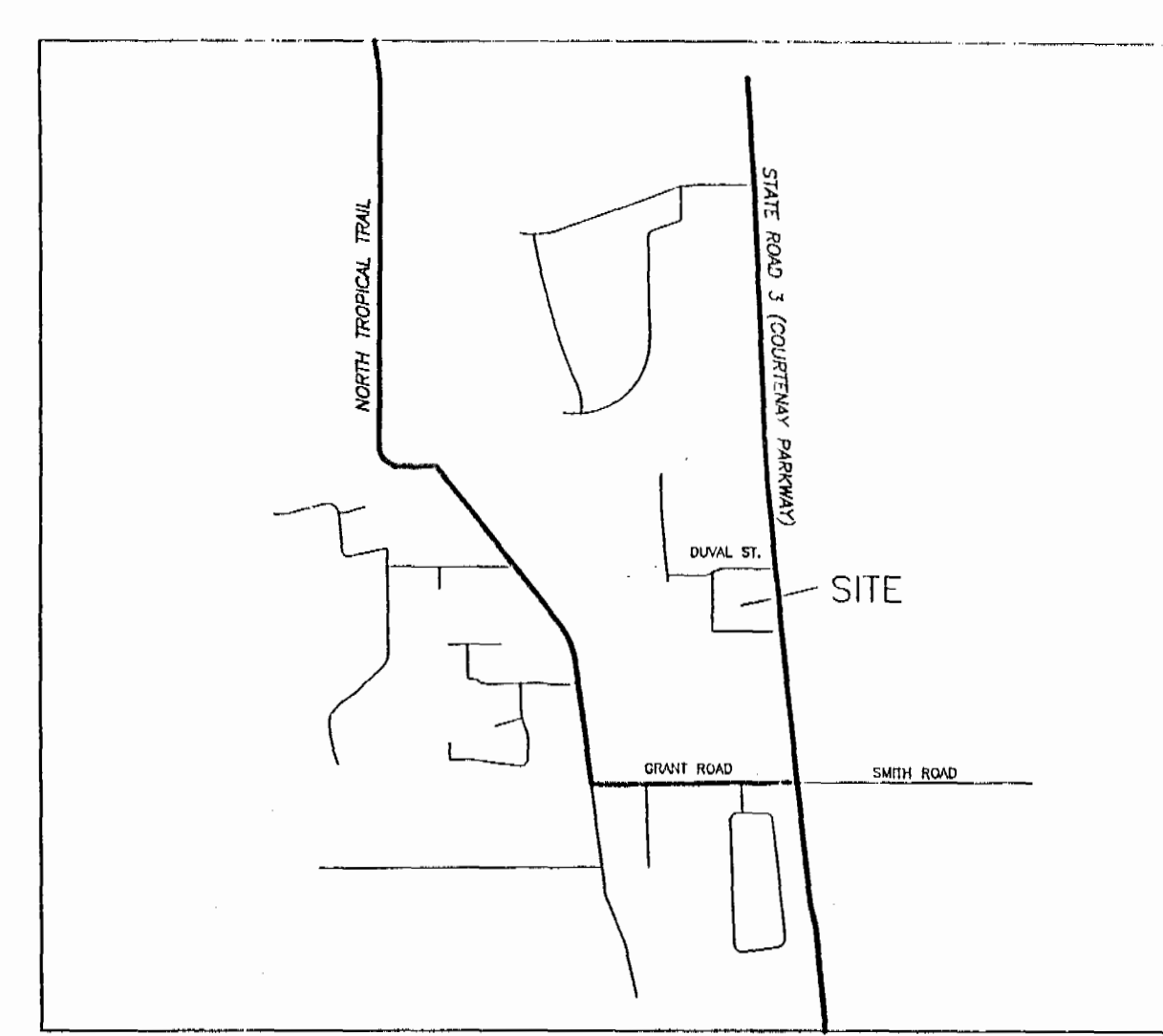
property owner's disregard for the existing permit is disturbing at the least.

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v/r,

Patrick Stahl
3350 Biscayne Drive
Merritt Island, FL 32953

7

[illegible]

A SURVEY PREPARED FOR:

THE SCALES COMPANY

IN SECTION 11, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

Campbell
SURVEYING & MAPPING
OF BREWARD, INC.
3525 NORTH COURTESY PARKWAY
MILWAUKEE, WI 53208
TEL: 414-762-8474 FAX: 414-762-8520
E-MAIL: CAMPBELL@CAMPBELL-SURVEYING.COM
WWW.CAMPBELL-SURVEYING.COM
PROJECT # 200
SHEET

(LEGAL DESCRIPTION: (AS FURNISHED))

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 11 AND RUN S00 DEGREES 00'15" E, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 964.92 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DUAL STREET, (AS PROPOSED) 80 FOOT WIDE RIGHT OF WAY), THE POINT OF BEGINNING; THENCE CONTINUE S 00 DEGREES 00'15" E, ALONG SAID WEST LINE A DISTANCE OF 369.15 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SAID NORTHWEST 1/4 OF SAID 80 FOOT WIDE RIGHT OF WAY), THE POINT OF BEGINNING; THENCE CONTINUE S 89 DEGREES 48'24" E, ALONG SAID SOUTH LINE A DISTANCE OF 79.60 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO.3 (A 125 FOOT WIDE RIGHT OF WAY ALSO KNOWN AS NORTH COURTEYAN PARKWAY); THENCE N 03 DEGREES 59'41" W, ALONG SAID WEST LINE A DISTANCE OF 104.60 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, SAID CURVE BEING A RIGHT OF WAY TRANSITION FOR AFORESAID DUAL STREET; THENCE NORTHERLY AND WEST ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY TRANSITION, THRU A CENTRAL ANGLE OF 88 DEGREES 00'58" A DISTANCE OF 37.53 FEET TO A POINT OF TANGENCY; THENCE S 89 DEGREES 59'41" W, ALONG THE AFORESAID SOUTH RIGHT OF WAY LINE OF DUAL STREET, A DISTANCE OF 305.41 FEET TO THE POINT OF CURVATURE OF A 120.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY TRANSITION, THRU A CENTRAL ANGLE OF 30 DEGREES 30'18", A DISTANCE OF 63.89 FEET TO A POINT OF TANGENCY; THENCE S 99 DEGREES 29'27" W, A DISTANCE OF 21.80 FEET TO THE POINT OF CURVATURE OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTH RIGHT OF WAY LINE, THRU A CENTRAL ANGLE OF 30 DEGREES 30'18", A DISTANCE OF 106.48 FEET TO THE POINT OF BEGINNING.

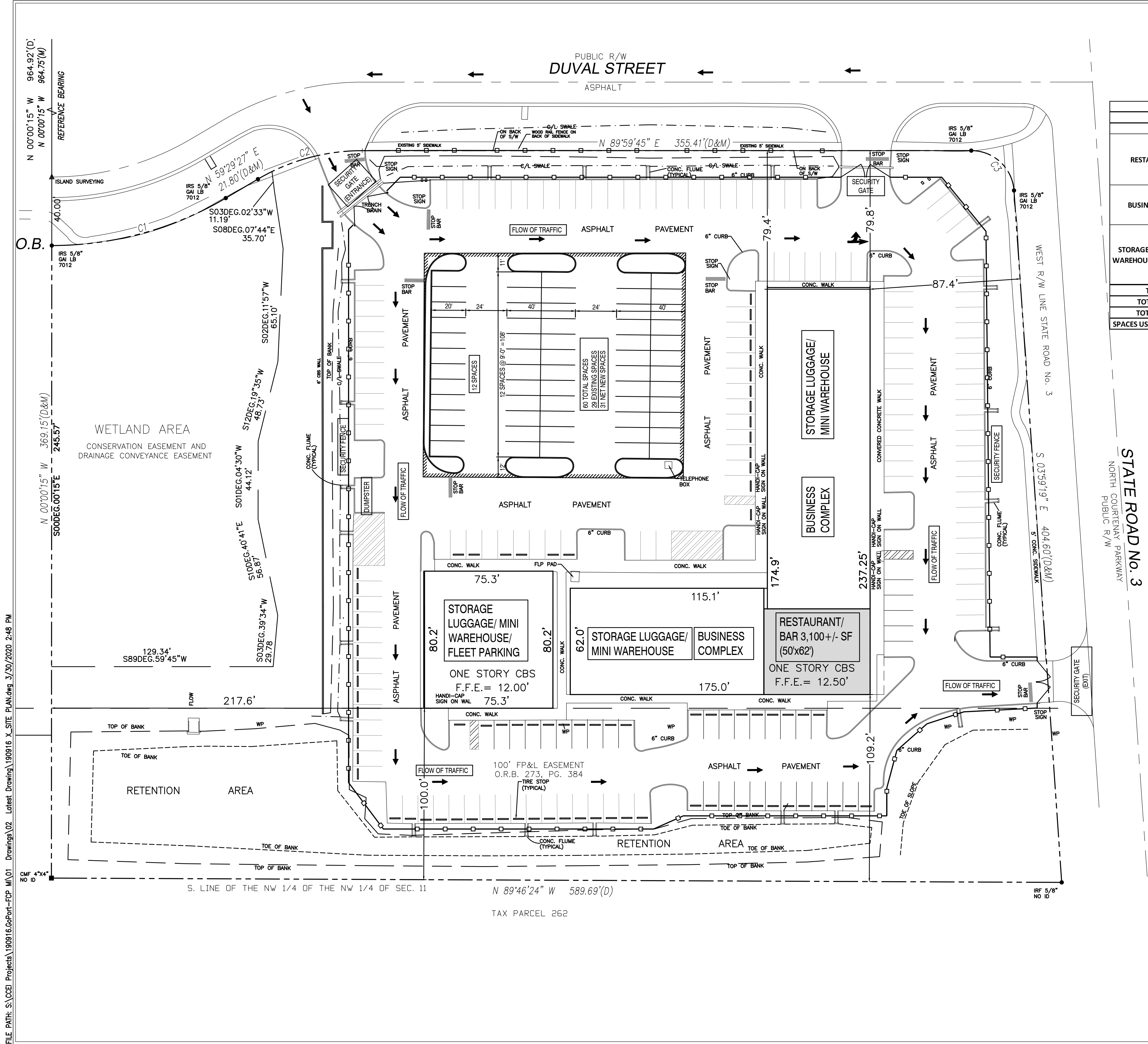
TOGETHER WITH ALL OF GRANITOR'S LAND, IF ANY, LYING NORTH OF THE ABOVE-DESCRIBED PROPERTY AND SOUTH OF DUAL STREET. THIS CONVEYANCE SPECIFICALLY EXCLUDES ANY PROPERTY LYING NORTH OF DUAL STREET.

SUBJECT TO A 100 FOOT WIDE FLORIDA POWER & LIGHT CO. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 273, PAGE 384; AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS OF WAY OF RECORD.

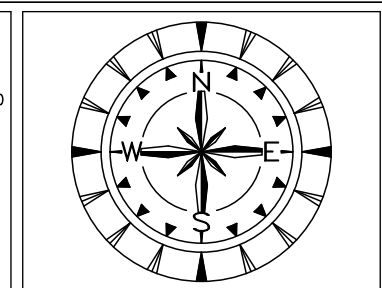
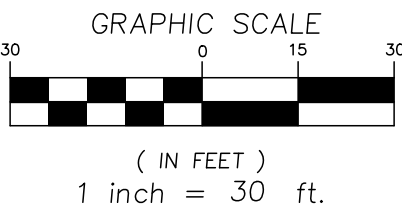
I hereby certify that the survey shown hereon is true and correct based on actual measurements taken in the field. This survey meets Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61 G 17-8, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND CARRY THE DRAWING SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

 John R. Conzatti
Professional Surveyor No. _____
State of Florida



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.
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TOTAL SPACES REQUIRED		47	
TOTAL SPACES AVAILABLE		237	
SPACES USED FOR OVERNIGHT PARKING		190	



CCEI
CONSULTING CIVIL
ENGINEERS, INC.
3650 ROBERT LANE SUITE 119
TITUSVILLE, FLORIDA 32780
PH: (321) 289-9930 INFO@CCEI.COM
CERT. AUTH. NO. 00007522

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

ZOHER S. CHEVAYER, STATE OF FLORIDA
PROFESSIONAL ENGINEER, LICENSE NO. 38677

REVISION TABLE			
NO.	DATE	DESCRIPTION	BY
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DRAWN BY: SCH	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

Jun 29, 2020 at 3:05:03 PM
3355 N Courtenay Pkwy
Merritt Island FL 32953
United States



Jun 29, 2020 at 3:05:12 PM
3355 N Courtenay Pkwy
Merritt Island FL 32953
United States



Jun 29, 2020 at 3:05:25 PM
3355 N Courtenay Pkwy
Merritt Island FL 32953
United States



Jun 29, 2020 at 3:08:09 PM

3311 Biscayne Dr

Merritt Island FL 32953

United States



Jun 29, 2020 at 3:08:14 PM
3311 Biscayne Dr
Merritt Island FL 32953
United States



From: [Patrick Stahl](#)
To: [McClure, Bach](#)
Cc: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Denninghoff, John P](#); [Commissioner, D5](#); [Barker, Virginia H](#); [Brewer, Jad](#); [Bentley, Eden](#); [Calkins, Tad](#); [Jones, Jennifer](#); [Toro, Deanna](#); sbarican@sjrwmd.com; compliancesupport@sjrwmd.com
Subject: Re: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)
Date: Thursday, July 2, 2020 7:56:29 PM

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

Mr. McClure,

I appreciate you and your department looking into this matter and taking action with the property owner. We have observed that he has taken actions to fix some of the stormwater issues which is great to see.

I agree with you that the stormwater system was sized correctly to allow for another building in the currently grassed area. However, the construction phase of the permit (34127-2) expired in 2009. Since it expired, the property owner would need to submit a minor modification to SJRWMD in order to add impervious over that grassed area.

The permit also requires the property owner to notify SJRWMD within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. They will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). According to the documents for this permit on the SJRWMD website, this has not been done yet.

Lastly, flooding and sedimentation from the subject property to the adjacent sidewalk and stormwater system along Duval Street is still occurring. The property owner placed a pile of dirt to try to stop it, but since the pile was not vegetated, it is eroding whenever it rains. See the attached photos.

For all of these reasons, plus the lack of the western berm of the stormwater pond and the stormwater outfall, it is my opinion that this stormwater system is still out of compliance. I have not received a reply from SJRWMD on this matter.

Again, thank you and your department for investigating and following up on this matter. It is much appreciated.

v/r,

Patrick Stahl
3350 Biscayne Drive
Merritt Island, FL 32953

On Thu, Jul 2, 2020 at 6:26 PM McClure, Bach <Bach.McClure@brevardfl.gov> wrote:

Dear Mr. Stahl,

Thank you for bringing the status of the stormwater system for 3345 North Parkway to our attention. Our stormwater inspector visited the site on June 22nd and spoke to the owner.

The owner has since undertaken remedial action and corrected or is correcting the deficiencies you noted in your email. Additional debris removal is necessary. However, as of our last visit on June 29th, there remain only two significant deficiencies: The skimmer for the outfall of the stormwater retention area has been damaged and has not yet been repaired and the westward berm of the stormwater retention area has not yet been restored.

The owner has informed us, and visual inspection of the site appears to confirm, that the westward berm was removed by Florida Power and Light (F.P.L.) during work on their transmission lines within their easement. The owner states that he was told by F.P.L. that they would restore the berm. However, rather than depend on F.P.L., he has decided to restore the berm within the next couple of weeks at his expense.

I would like to note that overgrowth of the outfall and berm areas could be cause for concern, but most stormwater systems are not adversely affected unless the amount of vegetation causes restriction of flow or a substantial reduction in the retention volume of the stormwater system.

The plans and calculations permitted with Brevard County show that the area currently unpaved in the northwestern portion of the site was planned, included in the stormwater calculations, and permitted for an additional building. The use of that area for a building, parking, or any other impervious area would not be a violation of the existing permit and would not require additions or modifications to the existing stormwater system.

The proposed site plan included with your email does not appear to show any modifications which would add to the allowed impervious area of the site.

The Stormwater Program will continue to monitor the site and confirm that the stormwater system is restored to permitted functionality. The permitting of fencing of the perimeter, paving requirements for the currently unpaved interior area, et cetera are beyond the scope of our program and as such will be reviewed and/or commented upon as appropriate by other departments.

Please call or email me if you have any questions or concerns about the stormwater

system of this or other properties.

Sincerely,

Bach McClure, P.E.
Stormwater Program Administrator
Natural Resources Management Dept
Brevard County

(321) 633-2016 x58396

From: Patrick Stahl <patrickwstahl@gmail.com>
Sent: Monday, June 22, 2020 8:00 AM
To: compliancesupport@sjrwmd.com; sbarican@sjrwmd.com
Cc: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)

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