



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1750, **Version:** 1

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 Board of County Commissioners 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 approval of the aforementioned requests to change the existing shopping center to an Overnight Commercial Parking Lot (cruise parking facility) with related services, including a restaurant with full liquor. The proposal is to utilize the 5.84-acre site, containing a 27,383 square-foot building complex and 237 parking spaces, as a park-and-ride lot where patrons are transported by bus to the cruise ships in Port Canaveral. The applicant's CUP site plan proposes the site will contain a 3,100 square-foot restaurant with on-premises consumption of alcohol, a 3,500 square-foot business complex, and 20,400 square feet of luggage storage/mini-warehouse/feet parking. The restaurant will be limited to only cruise parking patrons, and will only serve alcohol from 9:30 a.m. to 1:00 p.m. The property is located at 3345 North Courtenay Parkway.

The applicant stated at the North Merritt Island Special Dependent District Meeting that the primary use of the site will be an overnight commercial parking lot containing 232 parking spaces for customers plus 5 spaces for employees. They went on to say there are currently two tenants in the building and they would possibly be asking them to leave. The applicant's CUP site plan proposes a business complex and mini-warehouse as additional uses of the site. Section 62-3206 states all buildings, structures, or activities shall be provided with adequate off-street parking and off-street loading facilities for the use of occupants, employees, visitors and patrons associated with the site in accordance with the parking and loading requirements. According to the CUP site plan, 47 parking spaces are necessary for the uses occurring on site and 190 spaces would be available for cruise parking.

Also, the applicant is requesting to remove a BDP which was established with the approved CUP (**Z-11532**) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant, in January 2010. The BDP has nine restrictions that limits the use and hours of the restaurant. Since no alcoholic beverage license was obtained, the CUP expired on February 4, 2013. There were prior CUP applications for Alcoholic Beverages for On-Premises Consumption (**DNZ-11436 & DNZ-10949**) that were denied due to incompatibility with the surrounding neighborhood and access in August 2008 and February 2005.

The Board should consider whether the request for an Overnight Commercial Parking Lot and an Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with a Restaurant CUPs are compatible with the surrounding neighborhood, and the site activity does not significantly diminish or adversely impact the safety or welfare of residents in existing residential neighborhoods. In addition to conditions cited in Sections 62-1901, 62-1906, and 62-1941.3, the Board may find it necessary for additional stipulations to mitigate potential impacts to the abutting neighborhood. Such conditions may include:

- a. Additional landscaping buffer or block wall along the westerly and southerly boundaries.
- b. Turn lane analysis 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 the site plan demonstrating sufficient onsite queuing distance for both arriving and departing customers.
- d. Applicant shall install no parking signs along the north and south sides of Duval Street.
- e. Limiting hours of restaurant and bar, seats of the restaurant, and on-premises consumption to beer and wine only.
- f. No outside entertainment activities.
- g. Limit number of overnight commercial parking (pursuant to the parking code there are 190 parking spaces available for cruise parking).
- h. Restrict the use of the site to Overnight Commercial Parking Lot only, thus eliminating the business complex, mini-warehouse, and any other use of the site.

On June 11, 2020, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended denial.

Please note that the CUP site plan does not meet the minimum requirements of the County's Site Plan Code and cannot be used to satisfy that requirement. Also, interdepartmental reviews have not been conducted and the feasibility of layout cannot be confirmed without a formal site plan review.

Clerk to the Board Instructions:

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