



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2720, **Version:** 1

Subject:

Grills Riverside Restaurant: Request for Public Interest Determination (PID) for Grills Riverside Seafood Deck & Tiki Bar (Grills) to allow impervious areas exceeding 30 percent of the required buffer area. (District 4).

Fiscal Impact:

None

Dept/Office:

Natural Resources Management Department (NRM)

Requested Action:

Staff requests the Board of County Commissioners consider options for a PID as requested by Mr. Joe Penovich, on behalf of EPH320, LLC (Applicant) for Grills, 6075 N. Highway 1, Melbourne.

Summary Explanation and Background:

The Applicant's submittal (Attachment A) presents the request for a PID for the Board's consideration for Grills restaurant in Melbourne to allow impervious areas exceeding 30 percent of the required buffer area. The applicant proposes to expand outside decking on the north side of the restaurant (see Attachment A).

The COVID-19 pandemic has greatly impacted Grills' restaurant operations. Grills employs 130 persons, with the majority of the personnel in server positions. While allowed by law to operate at full capacity, Grills intentionally limits inside seating as it seems to be in the public interest to do so. Even with reduced indoor seating capacity, the applicant notes that many people are still extremely nervous to dine indoors, congregating outside waiting for outdoor seats, while indoor sections stay vacant. This is a challenge to business revenues, and affects the income potential of the employees. When weather is favorable, inside seating will be correspondingly decommissioned in favor of outdoor seating. The applicant affirmed that there shall be no increase in total number of seats unless reviewed and approved by the County.

Sec. 62-3668(3) states, "Alteration or construction other than that which is allowed under this division shall be prohibited, unless it is shown to be in the public interest and does not adversely impact water quality and natural habitat." Section 62-3661 defines Public Interest as, "demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action..."

The Applicant requests that the Board consider the following factors in determining public interest for the request to increase their ability to accommodate outdoor dining. The area proposed for deck expansion will

provide the public with access to additional outdoor dining space. This will be a significant benefit to the business in general, and will positively affect employee income and retention. Additionally, the Center for Disease Control maintains that outside gatherings are less likely to promote the spread of COVID-19. Thus, increased outdoor seating will potentially increase safety for the dining public at large.

There is an existing engineered stormwater management system, constructed in 2010 under the Grills site plan. However, when the applicant seeks permitting of the additional decking, the system will be reassessed to ensure sufficient stormwater runoff storage capacity is available for the increased development in the surface water protection buffer. The stormwater system must be capable of preventing the first one-inch of runoff from a 25-year, 24-hour storm, from all impervious surfaces that drain to the property's shoreline from entering surface waters.

Additionally, the Applicant proposes to install mulch media beneath the existing stormwater management pond in the area under the proposed deck addition. This will reduce nitrogen in stormwater infiltrating from the pond towards the Indian River Lagoon, and in migrating groundwater when pond is dry. During deck construction, that portion of the stormwater pond will be excavated to allow the placement of two feet of mulch; with the top of the media being six inches below the dry season water table. The area will be backfilled over the mulch to the design depth of dry pond, and re-stabilized with vegetation. Site specific engineering shall be provided at the time of permitting.

Should the Board find the proposal to be in public interest, the Applicant shall be required to comply with all other applicable land development regulations at the time of Brevard County permitting.

Option 1: Approve PID as presented.

Option 2: Deny PID.

Option 3: Provide other direction.

Clerk to the Board Instructions:

None.