

Meeting Date
<b>October 6, 2016</b>



AGENDA	
Section	Public Hearing
Item No.	<b>IV D</b>

**AGENDA REPORT**  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	<b>Banana Riverfront, LLC:</b> Request for Public Interest Determination (PID) for Squid Lips restaurant to allow (1) placement of primary structures within the surface water protection buffer, and (2) impervious areas exceeding 30 percent of the required buffer area. (District 2).
DEPT/OFFICE:	Natural Resources Management Department (NRM)

Requested Action:

Staff requests the Board of County Commissioners consider options for a PID as requested by Kimberly B. Rezanka, on behalf of Banana Riverfront, LLC (Applicant) for Squid Lips restaurant, 2200 S. Orlando Ave., Cocoa Beach.

Summary Explanation & Background:

The Applicant's submittal (Attachment A) presents the request for a Public Interest Determination (PID) for the Board's consideration for Squid Lips restaurant in Cocoa Beach to allow (1) placement of primary structures within the surface water protection buffer, and (2) impervious areas exceeding 30 percent of the required buffer area.

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. The project promotes and preserves a historic recreational waterfront, enhances water use availability, increases water access for residents and visitors, improves the experience of residents and customers, improves environmental conditions, increases jobs, and increases tax revenue to the County.

The Applicant's letter commits to provide an engineered stormwater system capable of capturing the first one-inch of runoff from a 25-year, 24-hour storm, from all impervious surfaces that drain to the property's shoreline. However, in order to ensure no adverse impact to the Banana River, and demonstrate environmental benefits as required for a PID, the Board may want to require sufficient engineered stormwater management to capture and treat the full volume of runoff from the 24-hour, 25-year storm event for the entire site.

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: Approve PID with enhanced stormwater management commitment.
- Option 3: Deny PID.

**Fiscal Impact:** FY 15-16 – No Net Impact  
FY 16-17 – No Net Impact

**Name:** Virginia Barker or Darcie McGee, Natural Resources Management Department  
**Phone:** (321) 633-2016

Clerk to the Board Instructions:

Exhibits Attached:

**Attachment A – Applicant Submittal**

Contract /Agreement (If attached): Reviewed by County Attorney Yes  No  PR

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten		 Virginia Barker /x52435



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

October 14, 2016

**M E M O R A N D U M**

**TO:** Cindy Fox, Planning and Zoning Manager

**RE:** Item IV.D., Request for Public Interest Determination (PID) for Squid Lips Restaurant to Allow Placement of Primary Structures Within the Surface Water Protection Buffer, and Impervious Areas Exceeding 30 Percent of the Required Buffer Area

The Board of County Commissioners, in regular session on October 13, 2016, tabled consideration of the request for PID for Squid Lips Restaurant to allow placement of primary structures within the surface water protection buffer, and impervious areas exceeding 30 percent of the required buffer area to the November 3, 2016, Zoning meeting.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

cc: County Manager

ATTACHMENT A

Law Offices of

**CANTWELL & GOLDMAN, P.A.**

www.cfglawoffice.com

**Bradly Roger Bettin, Sr.**  
**William H. Cantwell, II**<sup>1, 2</sup>  
**Mitchell S. Goldman**  
**J. Wesley Howze**  
**Matthew J. Monaghan**  
**Paul T. O'Quinn**  
**Nina V. Rawal**  
**Kimberly Bonder Rezanka**  
**Michael Sjuggerud**<sup>3</sup>  
**Jay R. Thakkar**

<sup>1</sup> Board Certified Construction Lawyer and  
Board Certified Business Litigation Lawyer  
<sup>2</sup> Also Member of West Virginia Bar  
<sup>3</sup> Also Member of District of Columbia  
Bar, New York Bar, and Washington Bar

96 Willard Street, Suite # 302  
Cocoa, FL 32922-7947  
Telephone: (321) 639-1320  
Facsimile: (321) 639-9950

474 N. Harbor City Blvd., Suite # 1  
Melbourne, FL 32935  
(by appointment only)

August 18, 2016

Ms. Virginia Barker, Director  
Natural Resources Management Office  
2725 Judge Fran Jamieson Way, A-219  
Viera, FL 32940

RE: Public Interest Determinations Request – Banana Riverfront, LLC  
2200 S. Orlando Avenue, Cocoa Beach, Florida

Dear Ms. Barker:

On behalf of Banana Riverfront, LLC (“Riverfront”), we are submitting a Request for Public Interest Determination for the above-reference Property. The Request is to allow the placement of primary and minor structures within the Surface Water Protection Buffer (Buffer) of the Indian River Lagoon Estuary/Banana River Aquatic Preserve and to allow exceedance of the 30 percent (30%) of impervious coverage in the Buffer. We believe the proposed use of the Property meets the goals of the County’s Comprehensive Plan, allows for increased enjoyment and enhanced use of the Banana River/Indian River Lagoon and provides a net economic benefit to the County.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*Kim Rezanka*

Kimberly B. Rezanka

KBR: bms  
enclosures

cc: Chairman Jim Barfield  
Darcie McGee

**Request for Public Interest Determination**

**For**

**Enhancement of Property located at**

**2200 S. Orlando Avenue, Cocoa Beach, Florida**

**Prepared by Owner: Banana Riverfront, LLC**

**Submitted: August 16, 2016**

## **Introduction:**

Banana Riverfront, LLC requests two Public Interests Determinations (PIDs) for the enhancement and enlargement of the restaurant known as Squid Lips in Cocoa Beach. PID No. 1 is to allow the placement of primary and minor structures within the Surface Water Protection Buffer (Buffer) of the Indian River Lagoon Estuary/Banana River Aquatic Preserve. PID No. 2 is to allow exceedance of the 30 percent (30%) of impervious coverage in the Buffer.

### **I. Description of Property:**

The Property consists of 2.44 acres located in south Cocoa Beach between S. Orange Avenue (Highway A1A) and the Banana River. There are three buildings on the Property: a 10,286 square foot restaurant; a small one-story building previously used as a residence and now utilized for storage of restaurant equipment and furniture; and a 492 square foot maintenance shed.

The Property is adjacent to Class II Waters/Aquatic Preserve/Florida Outstanding Waters, all of which require a 50-foot Buffer. Brevard County Code, Sec. 62-3668(1).

### **Legal Description:**

All of the Replat of Avon Court (Plat of Avon Court being recorded in Plat Book 10, Page 39) according to Plat Recorded in Plat Book 10, Page 61, Public Records of Brevard County, Florida, (said property being also described as the South 200 feet of Tract 2 of Titcomb's resubd. of part of Burchfiel's and Bruner's Addition to Crescent Beach, according to plat recorded in Plat Book 8, Page 46) and is further described as follows.

Commence at the Southwest corner of Tract 3 of Titcomb's resubd. according to plat recorded in Plat Book 8, Page 46, thence run West on the prolongation of the South line of said Tract 3 to the center line of State Road A1A for the point of beginning of the land herein described, thence for a first course Continue West on the same course to and into the waters of Banana River thence for a second course run the waters of Banana River Northwesterly to a point which is 200 feet North by right angle measurement from the first course projected; thence for a third course run East and parallel to the first course and 200 feet distant North therefrom to the center line of State Road A1A, thence for a fourth course run the center line of said State Road A1A Southerly to the point of beginning, together with riparian rights in and to the Banana River. Less and Except right of way for A1A as recorded in C.C.M. Book 29, Page 100, Public Records of Brevard County, Florida.

## **II. History of Property and Use:**

The Property has been used as a restaurant since at least 1952, with an outdoor deck for seating in existence since at least 1988. There is a long-existing eight foot (8') boardwalk that abuts the shoreline along most of the Property. The restaurant has been permitted to sell liquor, beer & wine, by approval of the County Commission, since July 11, 1974. However, the River's Edge Restaurant that existed on the Property in the 1950's and 1960's did sell alcoholic beverages. The restaurant use on the Property has historically drawn residents and visitors to the Property because of its proximity to the Banana River.

The Property also boasts a 152 foot pier that allows even further viewing opportunities of the Banana River, fish, porpoises, birds and other wildlife. At the end of the pier, boat travelers are allowed to dock and tie up to enjoy the restaurant, by virtue of submerged land lease with the State of Florida. Additionally, the Property has 367' of Lagoon observation rail along the Banana River, plus another 294' on both sides of the dock for a total of 661' of Lagoon observation rail on the property.

The current restaurant, Squid Lips, opened in February 2016 and provides public access to and viewing of the Aquatic Preserve.

## **III. Planned Improvements:**

In order to provide an enhanced experience for its customers, Squid Lips added infill to the outdoor deck (approximately 1970 square feet) located between the existing deck and the building and installed a hard cover canopy over much of the outdoor seating area. The deck is to provide additional seating to allow enjoyment of the Banana River and the outdoor environment. The anticipated expansion of outdoor seating is 50 seats. (However, the overall seating at the restaurant has been reduced by 79 seats from the total number of seats utilized by the previous occupant, The Lobster Shanty, due to a substantial reduction to the number of interior seats.)

*Exhibit "A"* reveals the expanded elevated deck and walkway; *Exhibit "B"* shows the extent of the deck and walkway before expansion. The old and the new decking are constructed on 2" by 8" stringers placed on the ground, with 2" x 8" decking over the stringers. The eight foot (8') walkway along the bulkhead was pre-existing, is also elevated approximately eight inches (8") off the ground. During the construction of the

infill of the deck area, some of the old decking and walkway areas was damaged and replaced with new boards.

The hard cover canopy, is considered a “structure” under Sec. 62-3661, County Code, because it is “constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground.” However, it should be considered a “minor structure”, akin to a gazebo, as defined in Sec. 62-3661.

Banana Riverfront, LLC intends to construct a kayak and paddleboard ramp and rack on the northern edge of the Property, for access by people on the Lagoon. There have numerous requests from folks wanting to come to the restaurant by standup paddleboard and kayaks. This would provide even more opportunities for enjoyment by the public of the Lagoon.

#### **IV. Public Interest Determination Request:**

Banana Riverfront, LLC is seeking two PIDs: to be allowed to construct primary structures in the Buffer [Sec. 62-3668(3)]; and to exceed 30% impervious surfaces in Buffer [Sec. 62-3668(b)(3)]. Alteration or construction within the Buffer is prohibited unless it is “shown to be in the public interest and does not adversely impact water quality and natural habitat.” [Sec. 62-3668(3)]. The structures that violate the Buffer and the impervious percentage are the elevated deck and the canopy, both of which are accessory structures. The elevated walkway and previously existing portions of the deck have always been in the Buffer.

As apparent from *Exhibit “A”*, the elevated deck was infill from the existing deck and walkway. Much of the pre-existing elevated deck for outdoor seating extended all the way to the bulkhead. *See photo of southern end of outdoor deck, Exhibit “C”*. The walkway includes the observation rail abutting the Banana River, along which the prior owner placed chairs and tables for dining. Squid Lips has removed the chairs and tables along the observation rail to allow for better viewing of the River.

Banana Riverfront, LLC has reduced and will further reduce the stormwater runoff into the Lagoon. Drains were installed underneath the elevated deck to draw stormwater away from the Banana River and to the east, to allow for percolation. A complete stormwater plan will be submitted to the County to conform to Sec. 62-3666.

The enhanced stormwater plan will enhance the water quality as it prevents the runoff that occurred from the Property that was not engineered to prevent the flow of water into the Banana River.

The canopy is designed to keep sun, heat and rain from the customers in outdoor seating. *See photo, Exhibit "D"*. The canopy is designed so that the water runs east from the canopy via a gutter and drain system, rather than discharging into the Lagoon. The canopy will not "adversely impact water quality".

The construction of the infill for the deck and the covering of the deck by the canopy will enhance the overall experience of visitors to the restaurant. Because of the improved stormwater system, neither PID will "adversely impact water quality and natural habitat".

#### **V. Public Benefits and Public Use of Property**

This Property provides water access for recreation (active and passive) and restaurant uses. Waterfront restaurants are one of very few waterfront uses that provide a "window to the lagoon" for the general public. There are very few restaurants in this portion of the County jurisdictional lands that allow for the public to enjoy the Banana River/Indian River Lagoon Estuary. Residents and tourists both can partake of the natural beauty of the River and its wildlife, or watch the sunset over the River. This restaurant will create a substantial number of jobs for residents, will increase the taxable value of the Property and will provide substantial sales tax revenue to the County.

The improvements to the Property will correct some deficiencies with the pre-Squid Lips' environmental status of the Property. The engineered stormwater plan will reduce the storm water that previously drained into the Banana River. There was no "natural habitat" on the Property due to its commercial use, so there is no impact to natural habitat by this request. However, additional shrubs will be planted along the western edge of the sandy beach, adjacent to the Banana River, to stabilize the sandy beach located in that area.

The requested PIDs would help the public with the following benefits:

- promoting and preserving a historic recreational waterfront
- enhanced water use availability

- increased water access for residents and visitors
- improving experience of residents and customers
- improved environmental conditions
- increased jobs
- increased tax revenue to the County

The restaurant use on this Property is valuable to Brevard County. It has existed for over 64 years. The renovations to the restaurant will ensure that the Property's use can continue to prosper and create opportunities for residents and visitors alike.

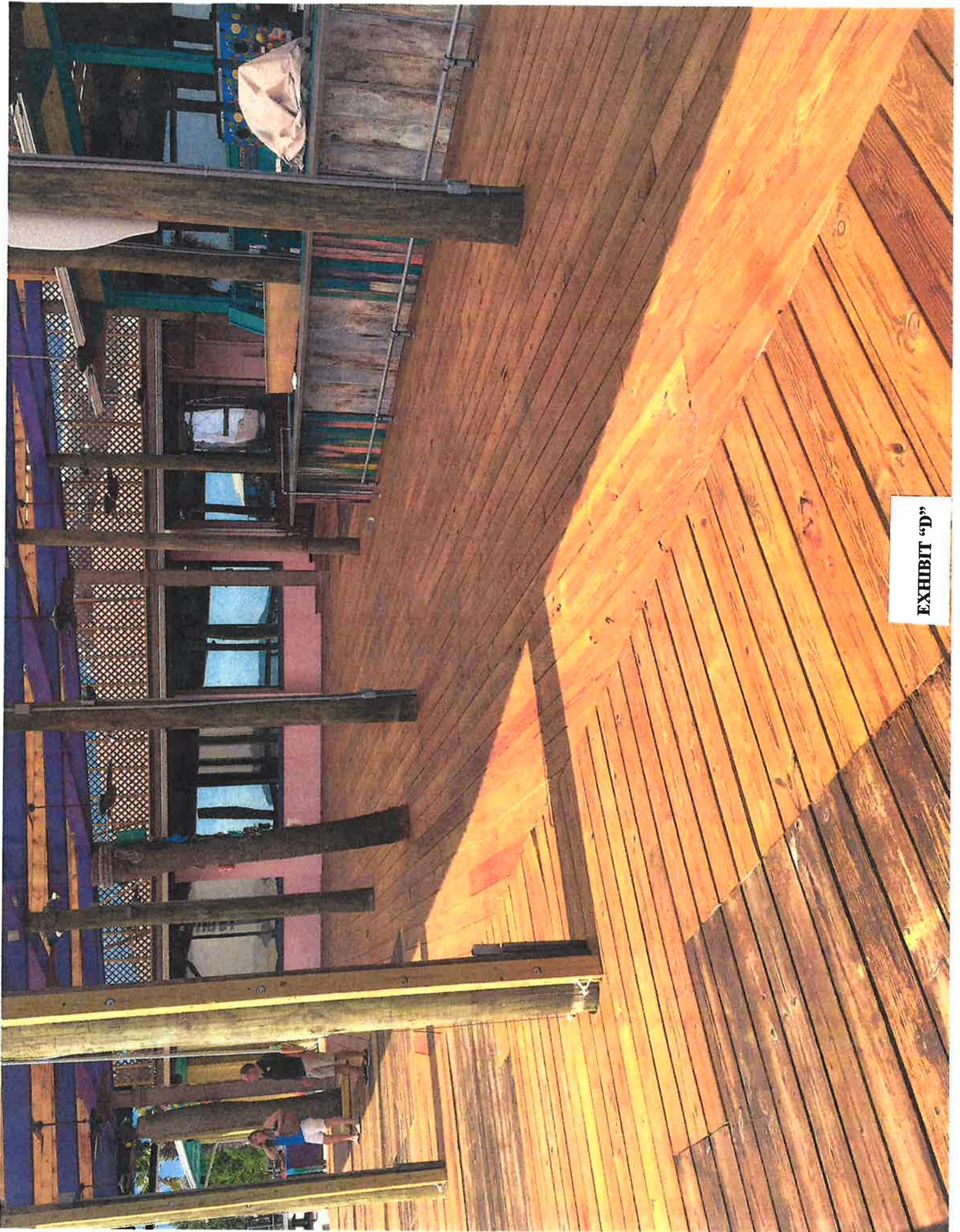
Banana Riverfront, LLC respectfully requests that the County Commission find that it is in the public interest to grant these two PID requests, to allow the placement of primary and minor structures within the Surface Water Protection Buffer of the Indian River Lagoon Estuary/Banana River Aquatic Preserve and to allow exceedance of the 30 percent (30%) of impervious coverage in the Buffer.







**EXHIBIT "C"**



**EXHIBIT "D"**

*copy*

Meeting Date
<b>October 6, 2016</b>



AGENDA	
Section	Public Hearing
Item No.	<b>IV D</b>

**AGENDA REPORT**  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	<b>Banana Riverfront, LLC:</b> Request for Public Interest Determination (PID) for Squid Lips restaurant to allow (1) placement of primary structures within the surface water protection buffer, and (2) impervious areas exceeding 30 percent of the required buffer area. (District 2).
DEPT/OFFICE:	Natural Resources Management Department (NRM)

Requested Action:

Staff requests the Board of County Commissioners consider options for a PID as requested by Kimberly B. Rezanka, on behalf of Banana Riverfront, LLC (Applicant) for Squid Lips restaurant, 2200 S. Orlando Ave., Cocoa Beach.

Summary Explanation & Background:

The Applicant's submittal (Attachment A) presents the request for a Public Interest Determination (PID) for the Board's consideration for Squid Lips restaurant in Cocoa Beach to allow (1) placement of primary structures within the surface water protection buffer, and (2) impervious areas exceeding 30 percent of the required buffer area.

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...*"

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The Applicant's letter commits to provide an engineered stormwater system capable of capturing the first one-inch of runoff from a 25-year, 24-hour storm, from all impervious surfaces that drain to the property's shoreline. However, in order to ensure no adverse impact to the Banana River, and demonstrate environmental benefits as required for a PID, the Board may want to require sufficient engineered stormwater management to capture and treat the full volume of runoff from the 24-hour, 25-year storm event for the entire site.

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: Approve PID with enhanced stormwater management commitment.
- Option 3: Deny PID.

**Fiscal Impact:** FY 15-16 – No Net Impact  
FY 16-17 – No Net Impact

**Name:** Virginia Barker or Darcie McGee, Natural Resources Management Department  
**Phone:** (321) 633-2016

Clerk to the Board Instructions:

Exhibits Attached:

**Attachment A – Applicant Submittal**

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension		 Virginia Barker /x52435				
Stockton Whitten								

copy

ATTACHMENT A

Law Offices of

CANTWELL & GOLDMAN, P.A.

www.cfglawoffice.com

Bradly Roger Bettin, Sr.  
William H. Cantwell, II<sup>1,2</sup>  
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474 N. Harbor City Blvd., Suite # 1  
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August 18, 2016

<sup>1</sup> Board Certified Construction Lawyer and  
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<sup>3</sup> Also Member of District of Columbia  
Bar, New York Bar, and Washington Bar

Ms. Virginia Barker, Director  
Natural Resources Management Office  
2725 Judge Fran Jamieson Way, A-219  
Viera, FL 32940

RE: Public Interest Determinations Request – Banana Riverfront, LLC  
2200 S. Orlando Avenue, Cocoa Beach, Florida

Dear Ms. Barker:

On behalf of Banana Riverfront, LLC (“Riverfront”), we are submitting a Request for Public Interest Determination for the above-reference Property. The Request is to allow the placement of primary and minor structures within the Surface Water Protection Buffer (Buffer) of the Indian River Lagoon Estuary/Banana River Aquatic Preserve and to allow exceedance of the 30 percent (30%) of impervious coverage in the Buffer. We believe the proposed use of the Property meets the goals of the County’s Comprehensive Plan, allows for increased enjoyment and enhanced use of the Banana River/Indian River Lagoon and provides a net economic benefit to the County.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*Kim Rezanka*

Kimberly B. Rezanka

KBR: bms  
enclosures

cc: Chairman Jim Barfield  
Darcie McGee

**Request for Public Interest Determination**

**For**

**Enhancement of Property located at**

**2200 S. Orlando Avenue, Cocoa Beach, Florida**

**Prepared by Owner: Banana Riverfront, LLC**

**Submitted: August 16, 2016**

**Introduction:**

Banana Riverfront, LLC requests two Public Interests Determinations (PIDs) for the enhancement and enlargement of the restaurant known as Squid Lips in Cocoa Beach. PID No. 1 is to allow the placement of primary and minor structures within the Surface Water Protection Buffer (Buffer) of the Indian River Lagoon Estuary/Banana River Aquatic Preserve. PID No. 2 is to allow exceedance of the 30 percent (30%) of impervious coverage in the Buffer.

**I. Description of Property:**

The Property consists of 2.44 acres located in south Cocoa Beach between S. Orange Avenue (Highway A1A) and the Banana River. There are three buildings on the Property: a 10,286 square foot restaurant; a small one-story building previously used as a residence and now utilized for storage of restaurant equipment and furniture; and a 492 square foot maintenance shed.

The Property is adjacent to Class II Waters/Aquatic Preserve/Florida Outstanding Waters, all of which require a 50-foot Buffer. Brevard County Code, Sec. 62-3668(1).

**Legal Description:**

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## **II. History of Property and Use:**

The Property has been used as a restaurant since at least 1952, with an outdoor deck for seating in existence since at least 1988. There is a long-existing eight foot (8') boardwalk that abuts the shoreline along most of the Property. The restaurant has been permitted to sell liquor, beer & wine, by approval of the County Commission, since July 11, 1974. However, the River's Edge Restaurant that existed on the Property in the 1950's and 1960's did sell alcoholic beverages. The restaurant use on the Property has historically drawn residents and visitors to the Property because of its proximity to the Banana River.

The Property also boasts a 152 foot pier that allows even further viewing opportunities of the Banana River, fish, porpoises, birds and other wildlife. At the end the pier, boat travelers are allowed to dock and tie up to enjoy the restaurant, by virtue of submerged land lease with the State of Florida. Additionally, the Property has 367' of Lagoon observation rail along the Banana River, plus another 294' on both sides of the dock for a total of 661' of Lagoon observation rail on the property.

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*Exhibit "A"* reveals the expanded elevated deck and walkway; *Exhibit "B"* shows the extent of the deck and walkway before expansion. The old and the new decking are constructed on 2" by 8" stringers placed on the ground, with 2" x 8" decking over the stringers. The eight foot (8') walkway along the bulkhead was pre-existing, is also elevated approximately eight inches (8") off the ground. During the construction of the

infill of the deck area, some of the old decking and walkway areas was damaged and replaced with new boards.

The hard cover canopy, is considered a “structure” under Sec. 62-3661, County Code, because it is “constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground.” However, it should be considered a “minor structure”, akin to a gazebo, as defined in Sec. 62-3661.

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#### **IV. Public Interest Determination Request:**

Banana Riverfront, LLC is seeking two PIDs: to be allowed to construct primary structures in the Buffer [Sec. 62-3668(3)]; and to exceed 30% impervious surfaces in Buffer [Sec. 62-3668(b)(3)]. Alteration or construction within the Buffer is prohibited unless it is “shown to be in the public interest and does not adversely impact water quality and natural habitat.” [Sec. 62-3668(3)]. The structures that violate the Buffer and the impervious percentage are the elevated deck and the canopy, both of which are accessory structures. The elevated walkway and previously existing portions of the deck have always been in the Buffer.

As apparent from *Exhibit “A”*, the elevated deck was infill from the existing deck and walkway. Much of the pre-existing elevated deck for outdoor seating extended all the way to the bulkhead. *See photo of southern end of outdoor deck, Exhibit “C”*. The walkway includes the observation rail abutting the Banana River, along which the prior owner placed chairs and tables for dining. Squid Lips has removed the chairs and tables along the observation rail to allow for better viewing of the River.

Banana Riverfront, LLC has reduced and will further reduce the stormwater runoff into the Lagoon. Drains were installed underneath the elevated deck to draw stormwater away from the Banana River and to the east, to allow for percolation. A complete stormwater plan will be submitted to the County to conform to Sec. 62-3666.

The enhanced stormwater plan will enhance the water quality as it prevents the runoff that occurred from the Property that was not engineered to prevent the flow of water into the Banana River.

The canopy is designed to keep sun, heat and rain from the customers in outdoor seating. *See photo, Exhibit "D"*. The canopy is designed so that the water runs east from the canopy via a gutter and drain system, rather than discharging into the Lagoon. The canopy will not "adversely impact water quality".

The construction of the infill for the deck and the covering of the deck by the canopy will enhance the overall experience of visitors to the restaurant. Because of the improved stormwater system, neither PID will "adversely impact water quality and natural habitat".

#### **V. Public Benefits and Public Use of Property**

This Property provides water access for recreation (active and passive) and restaurant uses. Waterfront restaurants are one of very few waterfront uses that provide a "window to the lagoon" for the general public. There are very few restaurants in this portion of the County jurisdictional lands that allow for the public to enjoy the Banana River/Indian River Lagoon Estuary. Residents and tourists both can partake of the natural beauty of the River and its wildlife, or watch the sunset over the River. This restaurant will create a substantial number of jobs for residents, will increase the taxable value of the Property and will provide substantial sales tax revenue to the County.

The improvements to the Property will correct some deficiencies with the pre-Squid Lips' environmental status of the Property. The engineered stormwater plan will reduce the storm water that previously drained into the Banana River. There was no "natural habitat" on the Property due to its commercial use, so there is no impact to natural habitat by this request. However, additional shrubs will be planted along the western edge of the sandy beach, adjacent to the Banana River, to stabilize the sandy beach located in that area.

The requested PIDs would help the public with the following benefits:

- promoting and preserving a historic recreational waterfront
- enhanced water use availability

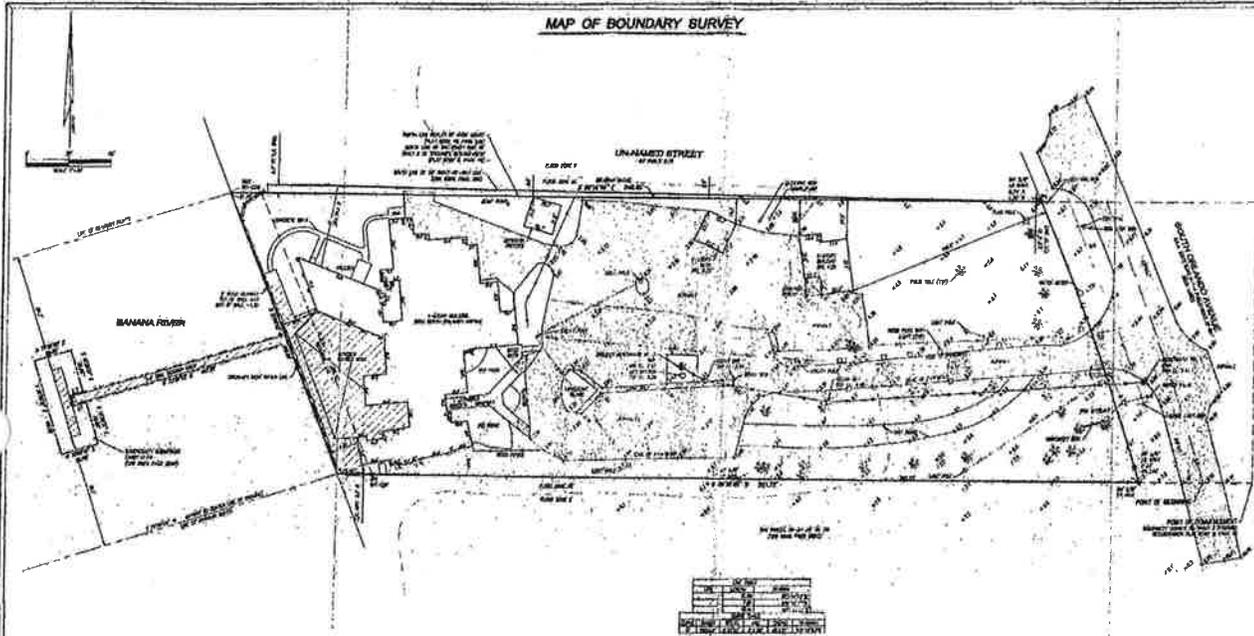
- increased water access for residents and visitors
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- improved environmental conditions
- increased jobs
- increased tax revenue to the County

The restaurant use on this Property is valuable to Brevard County. It has existed for over 64 years. The renovations to the restaurant will ensure that the Property's use can continue to prosper and create opportunities for residents and visitors alike.

Banana Riverfront, LLC respectfully requests that the County Commission find that it is in the public interest to grant these two PID requests, to allow the placement of primary and minor structures within the Surface Water Protection Buffer of the Indian River Lagoon Estuary/Banana River Aquatic Preserve and to allow exceedance of the 30 percent (30%) of impervious coverage in the Buffer.

EXHIBIT "A"

MAP OF BOUNDARY SURVEY



LEGEND

- 1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
- 2. ALL BEARINGS ARE TRUE BEARINGS.
- 3. ALL CORNERS ARE MARKED WITH IRON PIPES OR IRON NAILS.
- 4. ALL EASEMENTS ARE SHOWN BY DOTTED LINES.
- 5. ALL STRUCTURES ARE SHOWN BY SOLID LINES.
- 6. ALL UNNAMED STREETS ARE SHOWN BY DASHED LINES.
- 7. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 8. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 9. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 10. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 11. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 12. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 13. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
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- 15. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 16. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 17. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 18. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 19. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.
- 20. ALL ADJACENT PARCELS ARE SHOWN BY DOTTED LINES.

THIS MAP WAS MADE BY THE SURVEYOR FROM A FIELD SURVEY MADE ON THE 15th DAY OF JANUARY, 1950, AT THE PLACE SHOWN ON THE MAP.

THE SURVEYOR HAS BEEN ADVISED THAT THE PARCELS SHOWN ON THIS MAP ARE THE SAME AS THOSE SHOWN ON THE MAP OF THE 15th DAY OF JANUARY, 1950, AND THAT THE SURVEY WAS MADE FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF THE PARCELS SHOWN ON THIS MAP.

THE SURVEYOR HAS BEEN ADVISED THAT THE PARCELS SHOWN ON THIS MAP ARE THE SAME AS THOSE SHOWN ON THE MAP OF THE 15th DAY OF JANUARY, 1950, AND THAT THE SURVEY WAS MADE FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF THE PARCELS SHOWN ON THIS MAP.

**CERTIFICATION:**  
I, the undersigned, being a duly qualified and licensed Surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original survey map as the same appears on file in my office.

**W. H. HALL**  
Surveyor  
1500 N. W. 10th Street, Ft. Lauderdale, Florida

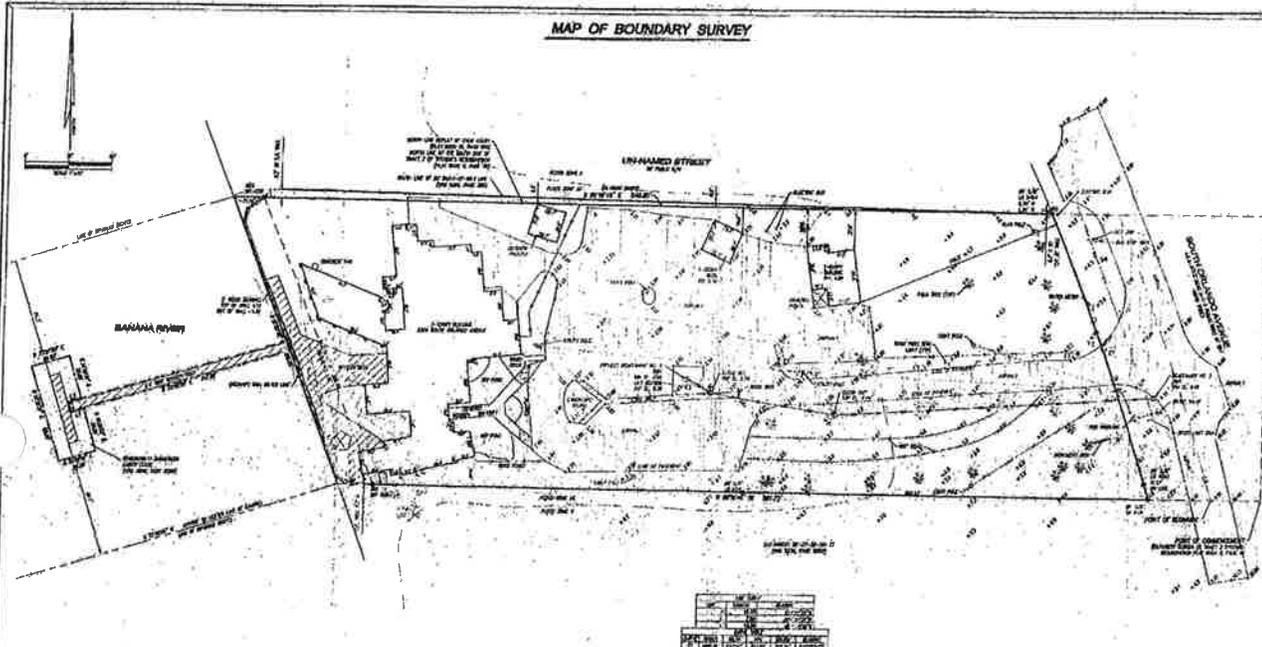
**NOTE:**  
This map is a reproduction of the original survey map as the same appears on file in my office. It is not intended to be used as a substitute for the original survey map.

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**W. H. HALL**  
Surveyor  
1500 N. W. 10th Street, Ft. Lauderdale, Florida  
Phone 523-1111

EXHIBIT "B"

MAP OF BOUNDARY SURVEY



**LEGEND**

- 1. 1/4" = 100'
- 2. 1/8" = 200'
- 3. 1/16" = 400'
- 4. 1/32" = 800'
- 5. 1/64" = 1600'
- 6. 1/128" = 3200'
- 7. 1/256" = 6400'
- 8. 1/512" = 12800'
- 9. 1/1024" = 25600'
- 10. 1/2048" = 51200'
- 11. 1/4096" = 102400'
- 12. 1/8192" = 204800'
- 13. 1/16384" = 409600'
- 14. 1/32768" = 819200'
- 15. 1/65536" = 1638400'
- 16. 1/131072" = 3276800'
- 17. 1/262144" = 6553600'
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- 19. 1/1048576" = 26214400'
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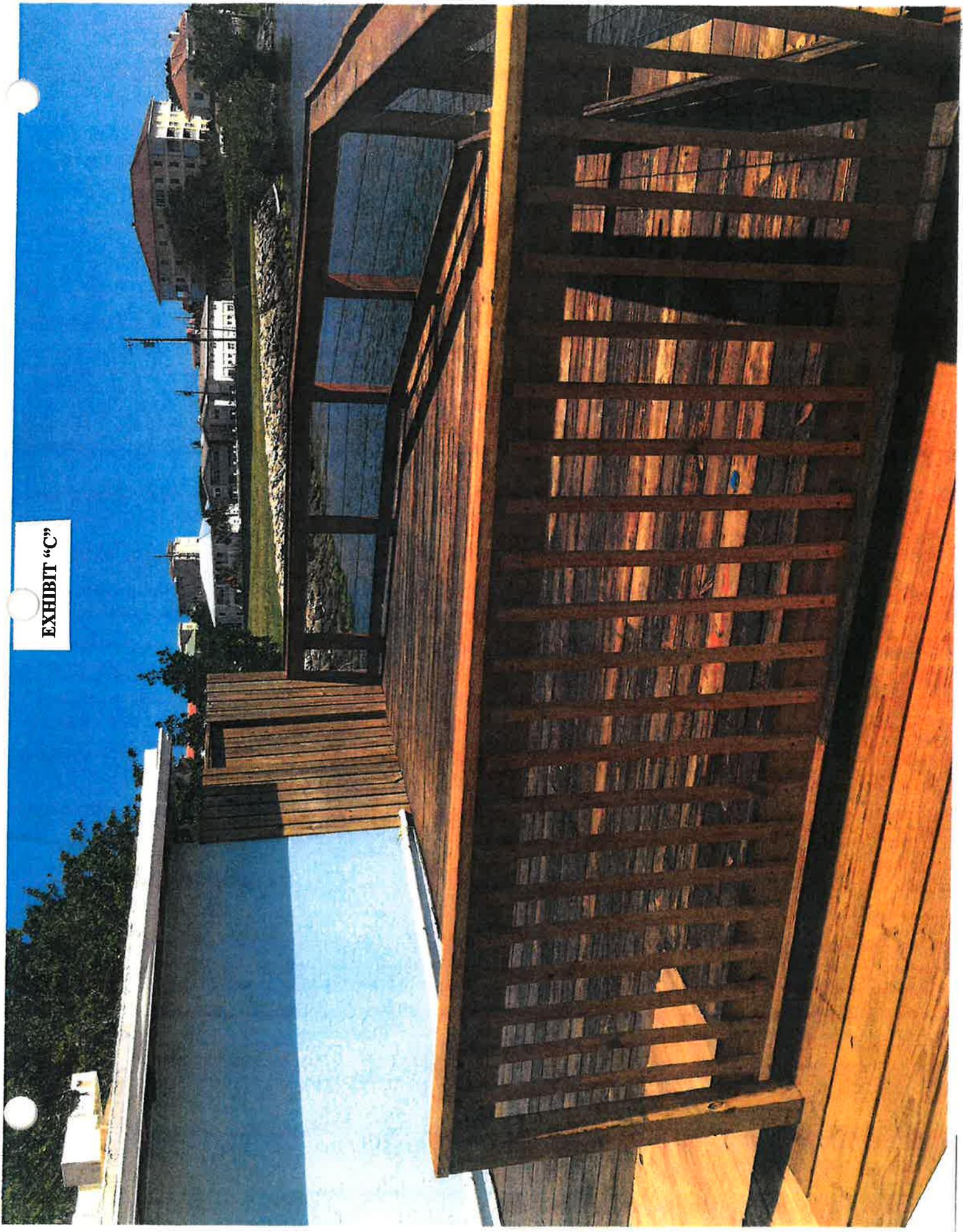


EXHIBIT "C"

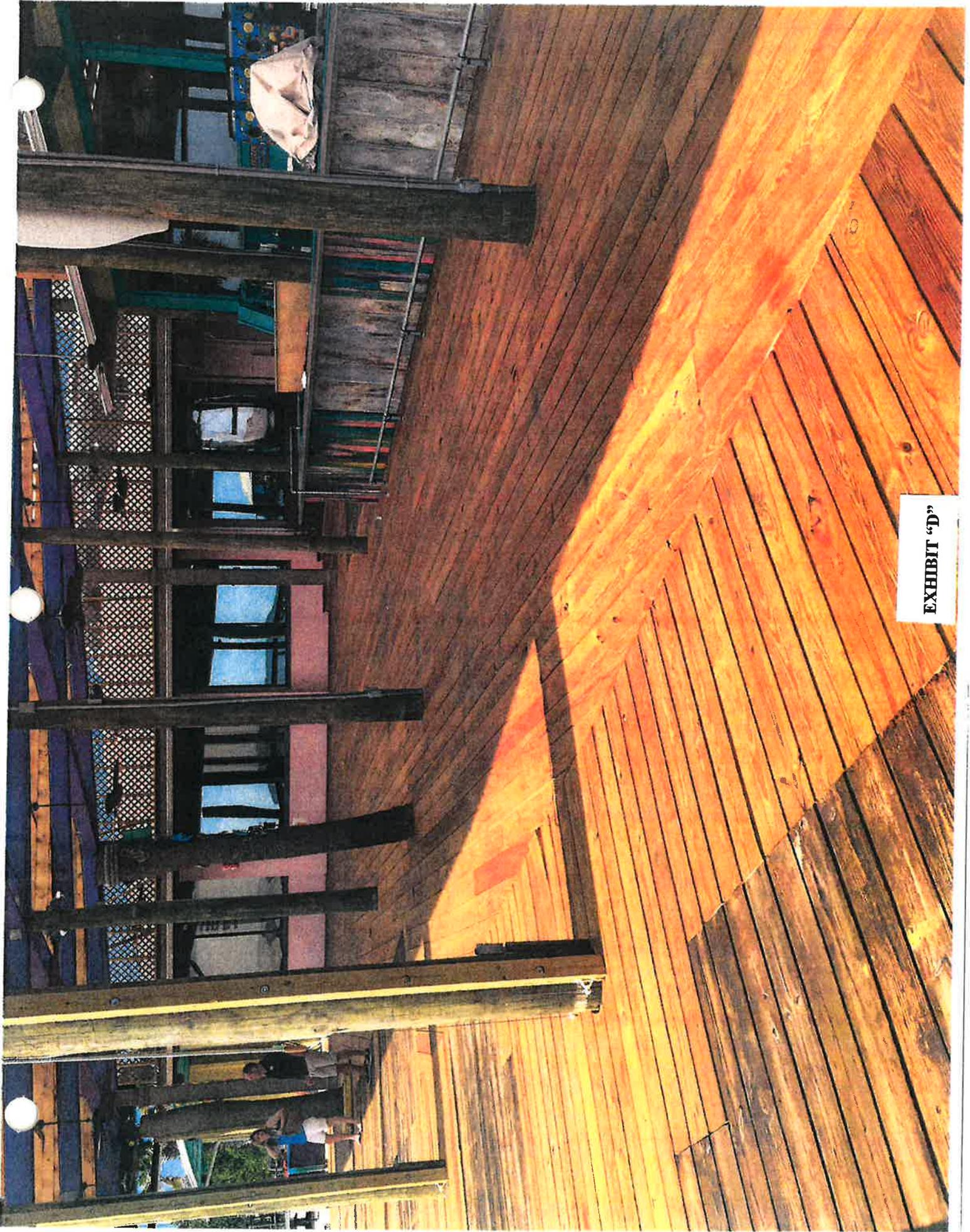


EXHIBIT "D"