



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

12/12/2024

Subject:

3101 Gannett Plaza Ave, LLC. is requesting a conditional use permit (CUP) for Alcoholic Beverages for On-Premises consumption. (24Z00045) (Tax Accounts 2602423 & 2602422) (District 4)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a conditional use permit to allow for alcoholic beverages for on-premises consumption accessory to an indoor family entertainment center with outdoor patio.

Summary Explanation and Background:

The applicant is seeking a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption (4COP full-liquor) limited to the 57,128 sq. ft. building of the indoor family entertainment venue with outdoor patio as an accessory use. Section 62-1906 requires an application for a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a bar. This CUP request exceeds the Administrative Approval authority by staff. On premises consumption of alcohol would be allowed on the entire property unless the Board stipulates any restrictions.

The property was previously approved for a CUP for Alcoholic Beverages for On-Premises Consumption of beer and wine only, per zoning application 20Z00007.

North of the subject property is developed as a wood flooring establishment, zoned BU-2. The second parcel is developed with a single-family residence, zoned GU. The third parcel is developed with a single-family residence, zoned TR-1. The fourth parcel is developed with a single-family residence, zoned GU. Lastly, the fifth parcel is developed with a single-family residence, zoned GU. South of the subject property is a parcel, developed with 417 RV sites, Recreational Vehicle Park, zoned RVP. East of the subject property is US Highway 1. West of the subject property is Florida East Coast (FEC) Railway.

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate any offsite impacts.

On November 18, 2024, the Planning and Zoning Board heard the request and unanimously recommended

approval with a condition stipulating that the applicant and staff work together on the easement language for the relocation of the lift station.

Clerk to the Board Instructions:

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

Resolution 24Z00045

On motion by Commissioner Delaney, seconded by Commissioner Altman, the following resolution was adopted by a unanimous vote:

WHEREAS, 3101 Gannett Plaza Ave, LLC. requests a CUP (Conditional Use Permit) for the on-premises consumption of alcohol in BU-2 (Retail, Warehousing and Wholesale Commercial) and BU-1 (General Retail Commercial) zoning classifications, on property described as Tax Parcels 6 and 7, as recorded in ORB 8136, Pages 419-422, of the Public Records of Brevard County, Florida. Section 13, Township 26, Range 36. (28.23 acres) Located on the southwest corner of Gannett Plaza Ave. and Highway US-1 (1 Aar Way, Rockledge). and


WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for the on-premises consumption of alcohol in a BU-2 and BU-1 zoning classification, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 12, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chair
Brevard County Commission

As approved by the Board on December 12, 2024.

ATTEST:


RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – November 18, 2024

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
24Z00045**

3101 Gannett Plaza AVE LLC

**A Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption
accessory to an indoor family entertainment center with outdoor patio.**

(4 COP, with full liquor) on 28.23 acres

Tax Account Number: 2602422 & 2602423
Parcel I.D.s: 26-36-13-DE-M-6 & 7
Location: SW corner of Gannett Plaza Avenue and US Highway 1 (District 4)
Acreage: 28.23 acres

Planning & Zoning Board: 11/18/2024
Board of County Commissioners: 12/12/2024

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1 & BU-2 with CUP for 2COP for On-Premises Consumption	BU-1 & BU-2 with CUP for 4 COP for On-Premises Consumption
Potential*	FAR 1.0	FAR 1.0
Can be Considered under the Future Land Use Map	YES Community Commercial	YES Community Commercial

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is seeking a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption (4COP) limited to the 57,128 sq. ft. building of the indoor family entertainment venue with outdoor patio as an accessory use. The plan doesn't identify the size of the outdoor patio for patron use but it does appear to be a 1,744 sq. ft. in area.

The indoor family entertainment center with outdoor patio has a Conditional Use Permit (CUP) Approved by the Board of County Commissioners (BoCC) for Alcoholic Beverages for On-Premises

Consumption of beer and wine only, per zoning application **20Z00007**. The CUP was unanimously approved with no formal recorded restrictions put in place.

Section 62-1906 requires an application for a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a bar. This CUP request exceeds the Administrative Approval authority by staff.

The request is for 57,128 sq. ft. of the building located in Pineda part of Moses Reserve West of US Highway 1, per ORB 2568 PG 704. The parcel is currently zoned BU-1 and BU-2 with Community Commercial (CC) FLU designation.

The site has access to Gannett Plaza Avenue, a County maintained Right-of-Way which has access to US Highway 1, a State Maintained Right-of-Way.

The applicant included the approved site plan, 20AD00017, with the CUP application showing the overall developed site along with parking, ingress/egress on the parcel. On premises consumption of alcohol would be allowed on the entire property unless the Board stipulates any restrictions.

There have been no Code Enforcement complaints, nor cases related to the use since its inception.

The site has been zoned BU-1 and BU-2 since adoption of Zoning Resolution **Z-6913** on November 8, 1984. The BU-1 portion is the Easterly 250 foot depth of the lot with BU-2 zoning over the remainder of the property.

Land Use

The subject property is currently designated CC (Community Commercial). The BU-1 and BU-2 zoning classification can be considered consistent with the CC FLU designation.

Applicable Land Use Policies

FLUE Policy 2.2 – Role of Zoning Regulations in the Designation of Commercial Lands

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

Staff analysis: The owner proposes a CUP for Alcoholic Beverages for On-Premises Consumption accessory (4COP) for the indoor family entertainment venue with outdoor patio. The alcoholic beverage use is identified as a conditional use which means should the Board allow said use; it would be permitted on the property. If the Board denied the request, it would not be allowed on the property.

B. Existing commercial zoning trends in the area;

Staff analysis: There have been multiple commercial requests within the area which are further identified in the surrounding area analysis.

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

Staff analysis: Located North of the subject property off Gannett Plaza Ave. is residential and Abutting South of the subject property is a Recreational Vehicle Park (RVP). The subject property needs to comply the Brevard County Performance Standard defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, noise levels, traffic, and site activity in order to not cause any violations with the residential areas.

This CUP request, if approved, can be considered compatible based on the subject property having an indoor recreational use with outdoor patio dining and beverage consumption along with the BU-1 and BU-2 zoning with the adjacent commercial uses. Based on Brevard County records, the premises has had no complaints, nuisance issues or code enforcement cases since the inception in 2020. Based on this analysis, the addition of a 4 COP (Full Liquor) conditional use could be considered compatible with the character of the adjacent properties.

D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

Staff analysis: The proposed CUP from a 2 COP (Beer and Wine) to a 4 COP (Full Liquor) is not anticipated to increase LOS of any of the above services.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

Staff analysis: Regarding the hours of operation, lighting, odor, noise levels, traffic or site activity, the proposed CUP will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The Board may require additional conditions and/or limitations.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Staff analysis: Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

Staff analysis: This property is currently developed as an indoor family entertainment venue with an outdoor patio area which has a 2COP for beer and wine only CUP(Conditional Use Permit) within the approved site planned area.

2. actual development over the immediately preceding three years; and

There have been numerous zoning actions within a half-mile radius of the subject property within the last three (3) years. The zoning actions include:

•**23Z00043-** a rezoning approved on September 7, 2023 from RU-2-10 (Medium Density Multi-Family Residential) and BU-2(Retail, Warehousing and Wholesale Commercial) to all BU-2; the change in zoning allows for the expansion of an existing restaurant with associated parking. The property is located on the East side of US Highway 1, immediately South of Rotary Park (Pineda Inn).

•**23SS00004-** Approved on August 3, 2023, for a Small Scale Comprehensive Plan Amendment changing the Future Land Use Designation from NC (Neighborhood Commercial) and CC (Community Commercial) to all CC and an accompanying zoning action **23Z00034**, changing the zoning classification from GU (General Use) and BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial) and a BDP with conditions. The property is located on the SW corner of US Highway 1 and Aspinwall Avenue.

•**23Z00008-** On May 4, 2023, Board of County Commissioners approved a zoning change from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing and Wholesale Commercial) to PUD (Planned Unit Development), to allow for the development of an additional lot within the Pineda Landings Development. The 11.48 acre property was developed with 4 commercial plazas along North Wickham Road (Fresh Market Plaza), allowing for access through the commercial development to the PUD through a 'shared access easement'.

3. development approved within the past three years but not yet constructed.

Staff Analysis: There are no development approvals in the past three (3) years that have not been developed.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Staff analysis: No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The proposed use of an indoor family entertainment venue with an outdoor patio was established in 2021 with an approved Site Plan under 20AD00017 approved on October 11, 2021. The requested intensification of the CUP is not anticipated to materially or adversely affect the surrounding developments.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The area has clear development patterns with well established boundaries, roads and open spaces. The subject property is located between US Highway 1, which is a commercial corridor, and FEC right-of-way.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

Staff analysis indicates that the area is not residential in character.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Staff analysis has determined the subject parcel is located directly on US Highway 1 in a predominantly commercial corridor.

Administrative Policy #5 - the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered.

The proposed CUP will access US Highway 1 segment between Pineda Causeway (S.R.404) to Suntree Blvd. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 0.19%. The Lake Andrew Drive corridor is anticipated to operate at 84.64% of capacity daily. The request is not anticipated to create a deficiency in LOS.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Mixed uses-Office & Residential	BU-2, GU,TR-1	NC
South	Recreational Vehicle Park	RVP	NC
East	US Highway 1	N/A	N/A
West	Florida East Coast (FEC) Railway	N/A	N/A

North of the subject property is 5 parcels, the first which is developed as Classic Wood Flooring, a commercial property, 1.03 acres and zoned BU-2 with NC FLU designation. The second parcel is 0.51 acres, developed with a single-family residence and zoned GU with NC FLU designation. The third parcel is 0.34 acres, developed with a single-family residence and zoned TR-1 with NC FLU designation. The fourth parcel is 0.19 acres, developed with a single-family residence and zoned GU with NC FLU designation. Lastly, the fifth parcel is 0.34 acres, developed with a single-family residence and zoned GU with NC FLU designation.

South of the subject property is a parcel, 24 acres in size, developed as 417 RV sites, Recreational Vehicle Park by Ameri-cana Resorts Co-Op and zoned RVP with NC FLU designation.

East of the subject property is US Highway 1, a State maintained Right of Way.

West of the subject property is Florida East Coast (FEC) Railway.

The subject property is has two zoning classifications: BU-1 and BU-2.

The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1 between Pineda Causeway (S.R.404) to Suntree Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 84.44% of capacity daily. The maximum development potential from the proposed CUP increases the percentage of

MAV utilization by 0.19%. The US Highway 1 corridor is anticipated to operate at 84.64% of capacity daily. The request is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The parcel is serviced by the City of Cocoa Utilities for public water. The property is serviced by Brevard County utilities for sewer.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1936, Land Alteration.

This request should be evaluated in the context of **Section 62-1906** which governs alcoholic beverages for on-premises consumption which states in, specifically 62-1906 (3) and (5):

- 3) Except for restaurants with more than 50 seats, no alcoholic beverages shall be sold or served for consumption on the premises from any building that is within 300 feet from the lot line of a school or church if the use of the property as a school or church was established prior to the commencement of the sale of such alcoholic beverages. For the purposes of this subsection, a school shall include only grades kindergarten through 12. For the purpose of establishing the distance between the proposed alcoholic beverage use and churches and schools, a certified survey shall be furnished from a registered engineer or surveyor. Such survey shall indicate the distance between the front door of the proposed place of business and all property lines of any church or school within 400 feet. Each survey shall indicate all such distances and routes.

Staff analysis: The owner/applicant has provided a survey which states that there are no churches or schools within 300 feet from the indoor family entertainment venue with outdoor patio to the lot line of a school or church and 400 feet between the front door of the proposed place of business and all property lines of any church or school within the area of this CUP request.

- 5) Imposition of additional operational requirements. When deemed appropriate, as based upon circumstances revealed through the general and specific standards of review set forth in this division, the Board shall have the option of imposing operational requirements upon an establishment approved for a conditional use for alcoholic beverages for on-premises

consumption. Requirements may include, but are not limited to, the following: maximum number of patrons; hours of operation; limitations upon outdoor seating and service of alcoholic beverages; limitations upon outside music and/or public address systems; additional buffering requirements; additional parking requirements; internal floor plan arrangement; or other specific restrictions based upon special neighborhood considerations. Additional requirements shall not exceed the limits of regulatory authority granted to local governments in the State Beverage Law, F.S. § 562.45.

Staff analysis: The applicant is requesting a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption (4COP) limited to the 57,128 sq. ft. indoor family entertainment venue with an outdoor patio with bar/restaurant. The applicant states, "they are seeking a CUP for Alcoholic Beverages for On-Premises Consumption (4COP) to the existing building and outdoor patio as depicted on the site plan submitted with the application".

Serving and consumption of food and beverages, alcohol or otherwise, shall be strictly prohibited outside of the existing building except as has been identified on the outdoor patio pursuant to Section 62-1837.9 (Outdoor restaurant seating) of Brevard County Code.

General Standards of Review

Section 62-1901(c)(1)(a): The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

Applicant's Response: The premises is a family-oriented entertainment destination all under roof (i.e. arcades, video games and go-karts, ninja course and mini-bowling). The establishment will be offering beer, wine, and liquor for guests.

Staff analysis: The concept plan identifies the location of the proposed amusement uses within the primary building, as well as noting that the remainder of the primary building is supporting warehouse and office uses. The site does not identify what is occurring within the small outbuilding.

The proposed CUP will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The request is not anticipated to create a deficiency in US Highway 1 traffic Level of Service (LOS).

Section 62-1901(c)(1)(b): The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

Applicant's Response: The location lies within the BU-2/BU-1 Zoning district with the rear of the building facing US Highway 1. Recreation is a prioritized use in these zoning districts. The conditional

use to allow for onsite consumption of beer, wine and liquor with the permitted indoor recreational development is compatible with the character of adjacent and nearby properties.

Staff analysis: The parcel is located in a Commercial area and has residential to the North across Gannett Plaza Ave. and South of the subject property across Aar Way is a Recreational Vehicle Park (RVP).

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: The proposed use as a family-oriented entertainment destination all under roof, is a permissible use in its current zoning district. The conditional use for on-site consumption of beer, wine and liquor to those patronizing the family-oriented entertainment destination. The subject property and the surrounding properties will not suffer a substantial diminution in property values with the approval.

Staff analysis: Competent and substantial evidence by a MAI certified appraiser has not been provided by the applicant.

Section 62-1901(c)(2)(a): Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

Applicant's Response: The property has ample parking and convenient flow as well as adequate ingress and egress. No new construction is being proposed. The indoor family entertainment destination is using 57,158 sq. ft. The on-site consumption of beer, wine and liquor will be limited to the same.

Staff analysis: This property has two access points identified on the concept plan. The change of use will not change substantially from the current use of the property as there is no

new construction and is only changing the CUP to serve beer, wine and liquor instead of beer and wine only.

Section 62-1901(c)(2)(b): The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

Applicant's Response: No new construction is being proposed. There will be no audible noise from the premises. The use is totally enclosed except for an outdoor patio which is used for eating by attendees. Beer, wine and liquor consumption is not the primary use of the building.

Staff analysis: The CUP must be in compliance with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. Any proposed outdoor lighting and noise standards should remain within code requirements, or a violation will be created.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

Applicant's Response: Noise levels will be within the permissible ranges set forth in the applicable county code.

Staff analysis: Proposed CUP includes outdoor areas and must comply with noise ordinance.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.

Applicant's Response: The proposed conditional use will not cause the level of solid waste service for the property, or the area, to be exceeded.

Staff analysis: The adopted level of service for solid waste disposal should not be affected by the change to CUP from a 2COP to a 4COP.

Section 62-1901(c)(2)(e): The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.

Applicant's Response: The proposed conditional use will not cause the level of potable water service for the property or the area, to be exceeded.

Staff analysis: The CUP should not exceed the adopted level of service for potable water or wastewater. Potable water and sewer capacity were approved during site plan (20AD00017) review.

Section 62-1901(c)(2)(f): The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

Applicant's Response: The conditional use being requested for on-site sale and consumption of beer, wine and liquor for patrons coming to the fully enclosed family-oriented entertainment destination. An outdoor patio, as depicted on the sketch enclosed is located approximately 417 feet from the nearest neighboring property and is currently buffered/ screened by trees and Aar Way, then additional trees. All activities for the family-oriented entertainment destination, with the exception of the patio, which, due to distance, is adequately buffered from neighboring properties to prevent adverse nuisance, sight or noise impacts.

Staff analysis: An approved site plan demonstrated compliance of county codes and regulations. The CUP will need to meet these requirements.

Section 62-1901(c)(2)(g): Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to, traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Applicant's Response: The signs and exterior lighting does not cause unreasonable glare, hazard to traffic safety or interference with the use or enjoyment of adjacent or nearby properties.

Staff analysis: The parcel has an approved site plan, 20AD00017 which meet current code.

Section 62-1901(c)(2)(h): Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Applicant's Response: The proposed hours of operation are Mon-Thurs 11am-9pm, Fri 11am-11pm, Sat 10am-11pm and Sun 11am-9pm, which is consistent with the use and enjoyment of the properties in the surrounding area.

Staff analysis: The hours of operation of the commercial indoor recreational uses appear to be consistent with normal commercial operations. The Board may determine that additional measures may be necessary, the Board may wish additional stipulations as part of the request.

Section 62-1901(c)(2)(i): The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

Applicant's Response: The height of the existing building is within the state limits.

Staff analysis: The applicant states that no new construction and no physical changes to the existing buildings are proposed; existing buildings appear to be in compliance with the county height standards which would allow up to a 60-foot-tall building. Current use of the property has an approved site plan under 20AD00017 from October 11, 2021.

Section 62-1901(c)(2)(j): Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence

to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Note: for existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Applicant's Response: The CUP for the on-site sale and consumption of beer, wine and liquor is within the 57,159 sq. ft of existing warehouse building. There are currently 200 on-site spaces provided on property for the current warehouse (331 spaces are provided for the overall business center). The commercial use of the 157,158 sq. ft. requires a minimum of 149 on-site parking spaces. There is and will continue to be sufficient on-site parking with the requested CUP.

Staff analysis: The parcel has an approved site plan 20AD00017 and impacts to parking should not be affected. At the time of the site plan approval, staff reviewed the parking calculations and determined that the number of parking spaces on site for the intended use was sufficient. No further parking analysis is required for the proposed change.

Environmental Constraints

No formal review by the Natural Resources Management Department is required for a CUP for on-premises consumption of alcoholic beverages. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate any offsite impacts.



Planning and Development Department

2725 Judge Fran Jamieson Way
Building A
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of County Commissioners

FROM: Tad Calkins, Director – Planning & Development *TC*

THRU: Edward Fontanin, Director Utility Services Department *ELF*

Cc: Frank Abbate, County Manager
John Denninghoff, P.E., Assistant County Manager

DATE: December 1, 2024

SUBJECT: Staff Report Addendum (24Z00045) for the December 12, 2024, Meeting Agenda

The Utility Services Department reached out to Planning and Development during the processing & review of the application and identified a need for a utility tract and easements to be located on the subject property to improve sewer service to the subject property and the surrounding area. The tract and easements are for the relocation of the Lift Station T-08 which is currently in the Ameri-Cana Resorts community. The station receives sanitary sewer flows from residential and commercial users (including the subject property), and from three additional public lift stations. In addition, the station is approximately 44 years old which is beyond its life expectancy and the County has received odor complaints from the adjacent residents.

The Utilities Department is seeking to obtain the following (see attachment).

- A 40' X 40' lift station tract
- A 40' x 15' +/- utility easement
- 20' utility easement along the southern property line for the existing force mains
- 100' x 40' +/- ingress/egress easement along AAR Way

The property owner benefits by enabling the existing lift station to be replaced, resulting in Brevard County's ability to continue providing sanitary sewer services to them. The existing lift station is beyond its life expectancy and needs replacement, but Brevard County cannot replace the lift station at its current location. Failure of the existing lift station may result in sewage spills and/or sewage backups in the 3101 Gannett Plaza Ave. building requiring the displacement of the building occupants until the lift station is replaced.

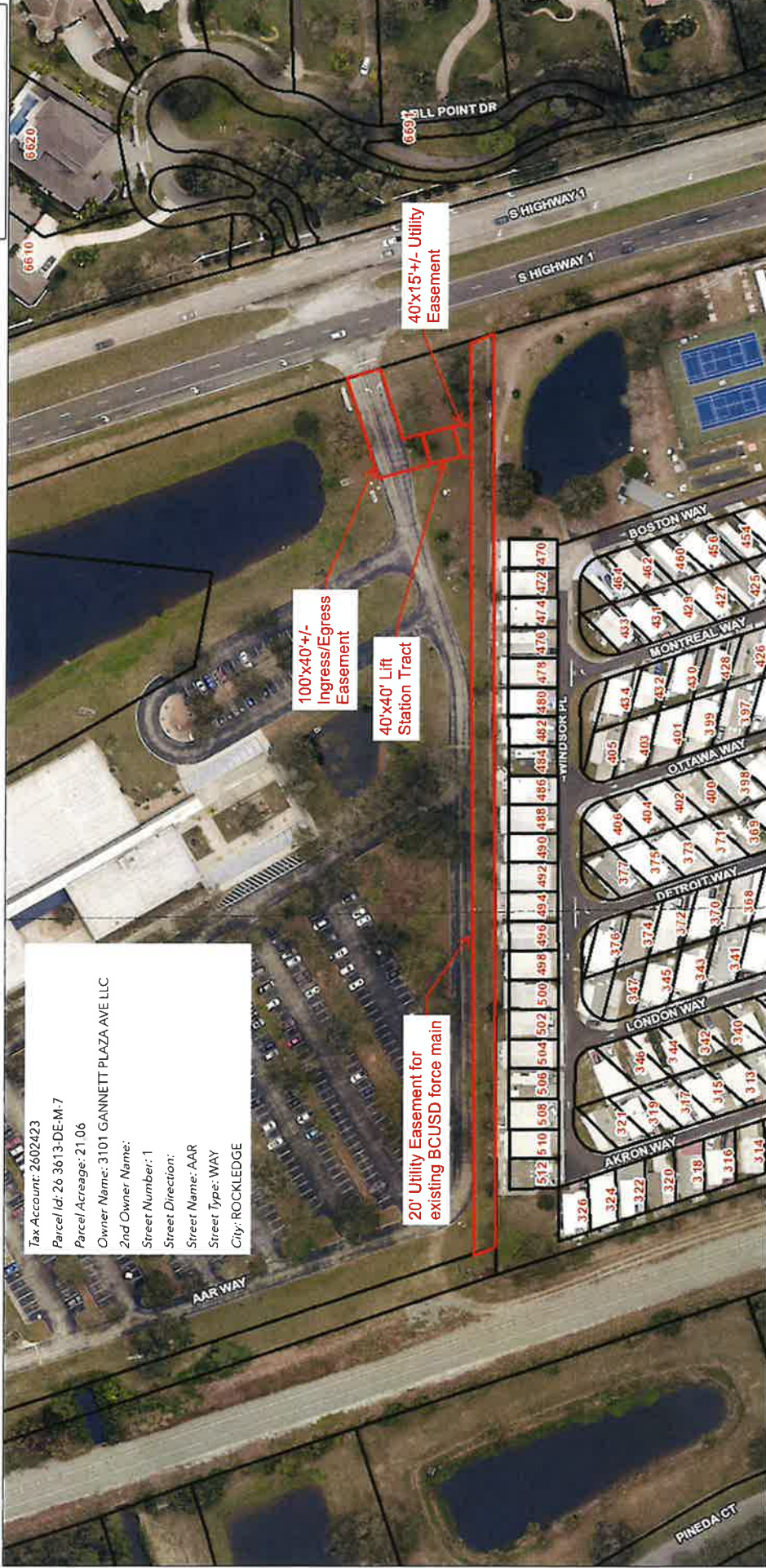
Staff is requesting the Board consider approval of a condition requiring the property owner and staff to work together with the acquisition of the necessary utility easements/land to relocate Lift Station T-08.

During the November 18, 2024, Planning and Zoning Board recommended approval of the application with a condition that the applicant would coordinate the discussions for said relocation and utility easement(s).

Attached, you find the preliminary alternative site plan showing the proposed relocated lift station and necessary easement(s).

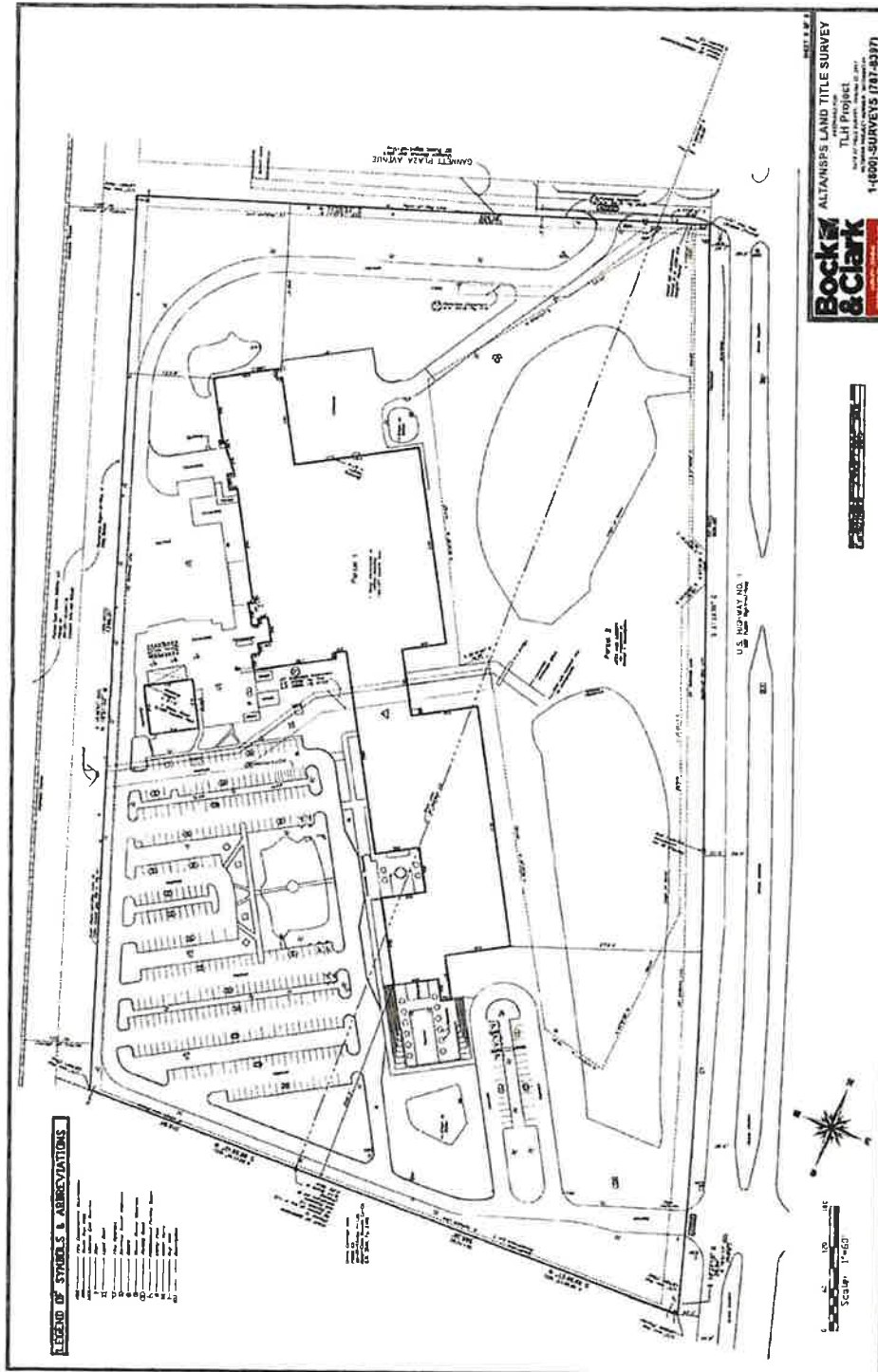
ArcGIS Web Map

Disclaimer
The Brevard County Information System (BCIS) is a web-based system. All data is subject to change without notice. The Brevard County Information System is not a legal document. For more information, please contact the Brevard County Information System Department.



Tax Account: 2602423
Parcel Id: 26 3613-DE-M-7
Parcel Acreage: 21.06
Owner Name: 3101 GANNETT PLAZA AVE LLC
2nd Owner Name:
Street Number: 1
Street Direction:
Street Name: AAR
Street Type: WAY
City: ROCKLEDGE





22

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 18, 2024, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5); Debbie Thomas (D4); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; Derrick Hughey, Planner; Sandra Collins, Planner; and Alice Webber, Operations Support Specialist.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Excerpt of complete agenda.

Item H.7. 3101 Gannett Plaza Ave, LLC. is requesting a conditional use permit (CUP) for Alcoholic Beverages for On-Premises consumption (24Z00045) (Tax Accounts 2602423 & 2602422) (District 4)

Jeffrey Ball read the application into the record. He added that staff is requesting that you add a condition to allow for the applicant and staff to work for language to come up with a condition for them to work on easement language. Utilities is looking to the property owner for an easement to maintain the lift station that's on property and Mr. Fontanin is in the audience if you have any questions.

Kevin Salzman spoke to this item. We had a conditional use permit for a 2 COP license unanimously approved by the board in August of 2020. We are simply looking to upgrade, that was for beer and wine only. We're simply looking to upgrade to a 4 COP at the same location to include liquor.

There was no public comment.

Ana Saunders asked Mr. Salzman to speak a little bit to what Mr. Ball said about the utility easement. Are you agreeable to that.

Kevin Salzman stated well I just learned of it when I came in here this evening. I'm here through an authorization to act on behalf of the owner. They're out of state. But I can provide some help. But what I would like to hear in your comment to the board is it going to be, will my approval for the CUP be tied to getting an easement or just starting a conversation, which sounds like you've been unsuccessful in being able to get a conversation even.

Jeffrey Ball stated moving forward all we're asking is to start the conversation with the framework that may lead to a condition that would allow the county to get an easement.

Kevin Salzman commented understood. So, with that to your point I can help with that. Sounds like they've been kind of a stale mate to get a good conversation going for that easement. And I can certainly help with that.

Motion to recommend approval with the condition that there be continued discussions for the utility easement of item H.7. by Brian Hodgers, seconded by Debbie Thomas. Motion passed unanimously.

Jeffrey Ball stated just to have it memorialized on the record, you're recommending approval and the ability for staff and the applicant to work on language for a possible easement.

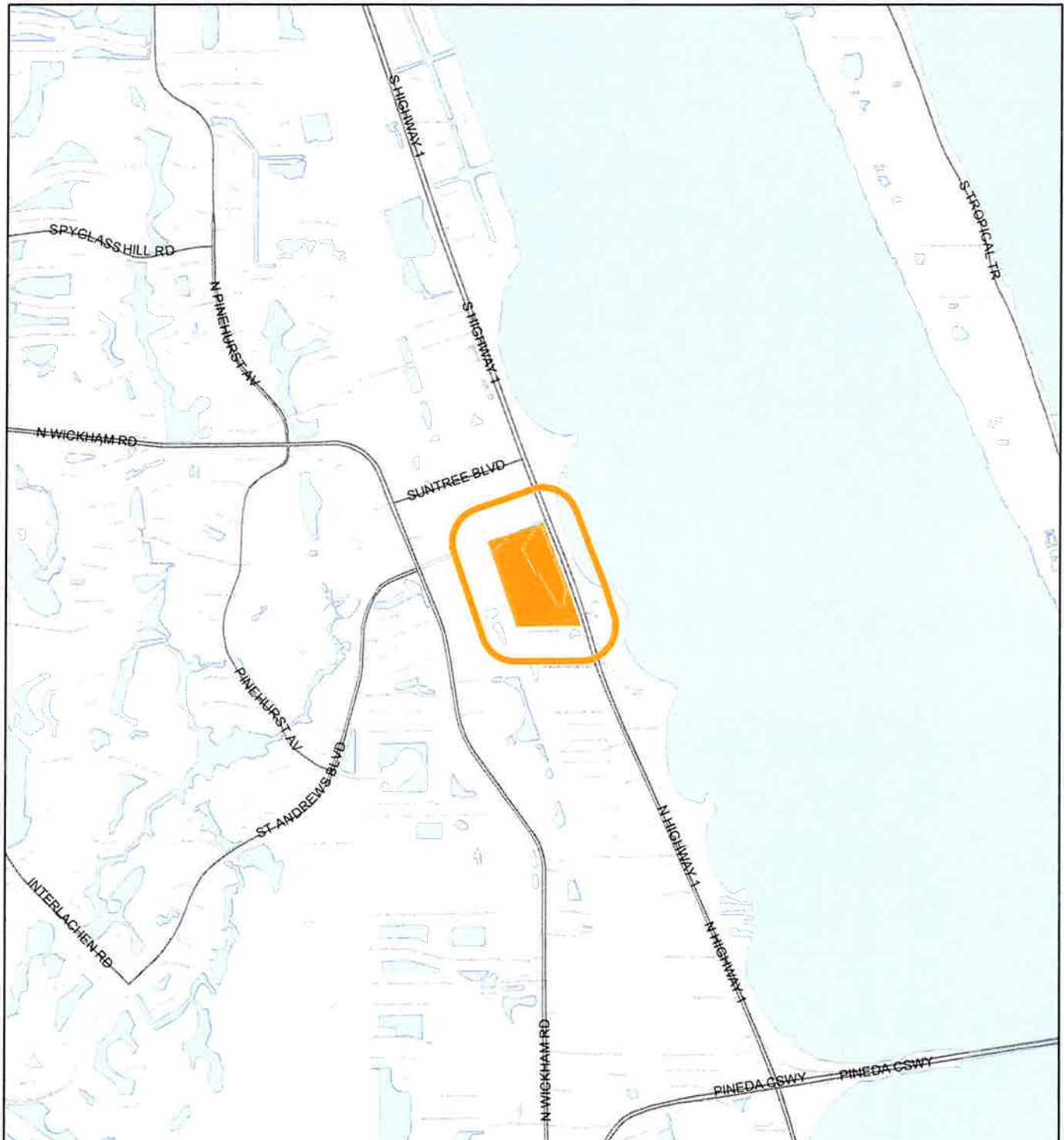
Kevin Salzman stated for point of clarification, I'm acting on behalf of the owner, but I'm also the operator of the family entertainment center looking for this upgraded license. The commission meeting is December 12th? So, my role now becomes to, what roadblocks am I going to run into with the commission meeting if between now and then this line of communication has not been established well enough to meet your satisfaction?

Jeffrey Ball stated we just direct the board of the conversation or lack thereof that it's come to that point.

Kevin Salzman commented very good. Thank you.

DRAFT

LOCATION MAP
3101 GANNETT PLAZA AVE LLC
24Z00045



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

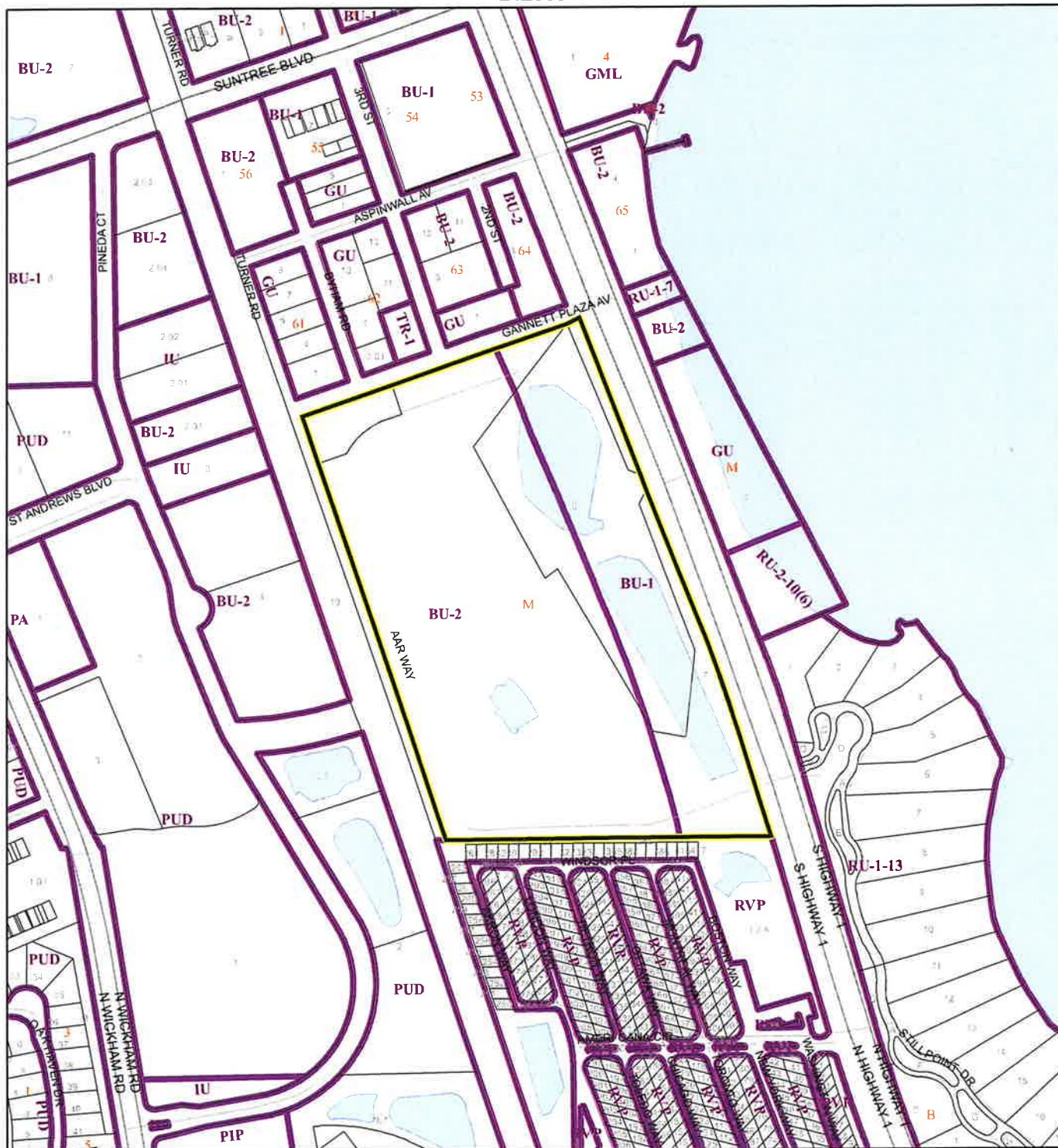
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/7/2024

— Buffer
— Subject Property

ZONING MAP

3101 GANNETT PLAZA AVE LLC
24Z00045



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

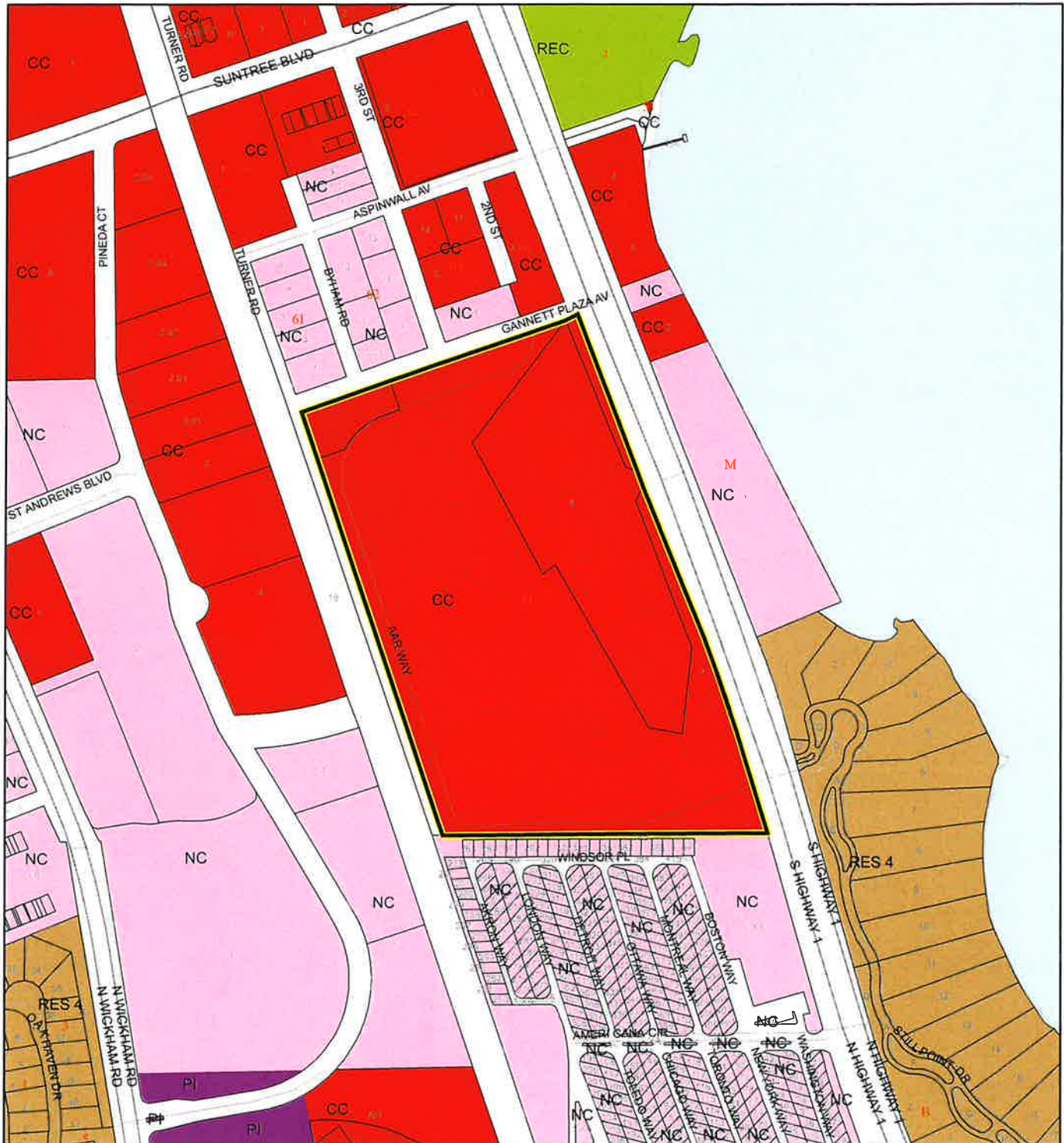
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- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

3101 GANNETT PLAZA AVE LLC

24Z00045



1:4,800 or 1 inch = 400 feet

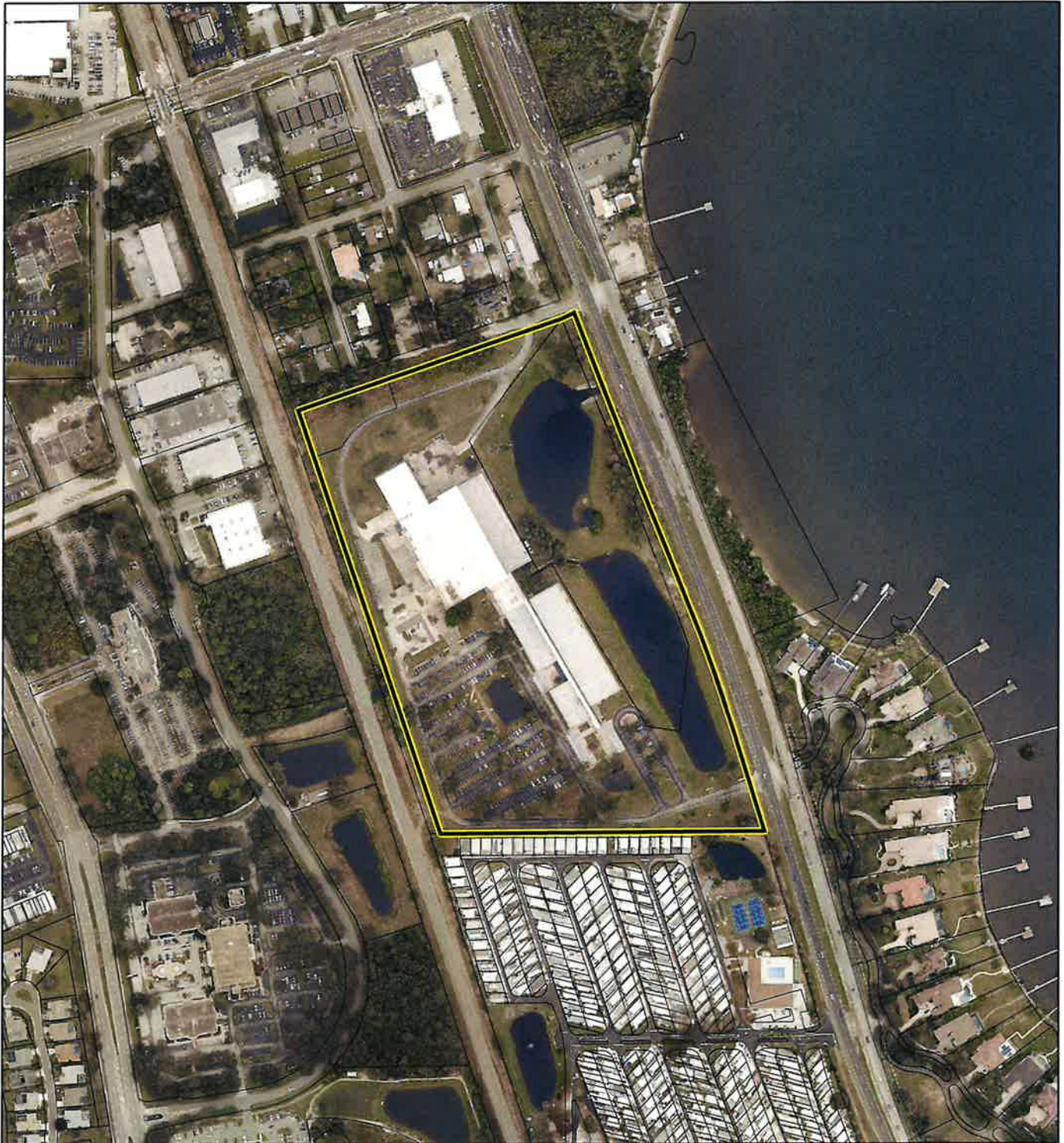
— Subject Property
 □ Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/7/2024

AERIAL MAP

3101 GANNETT PLAZA AVE LLC
24Z00045




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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Produced by BoCC - GIS Date: 8/7/2024

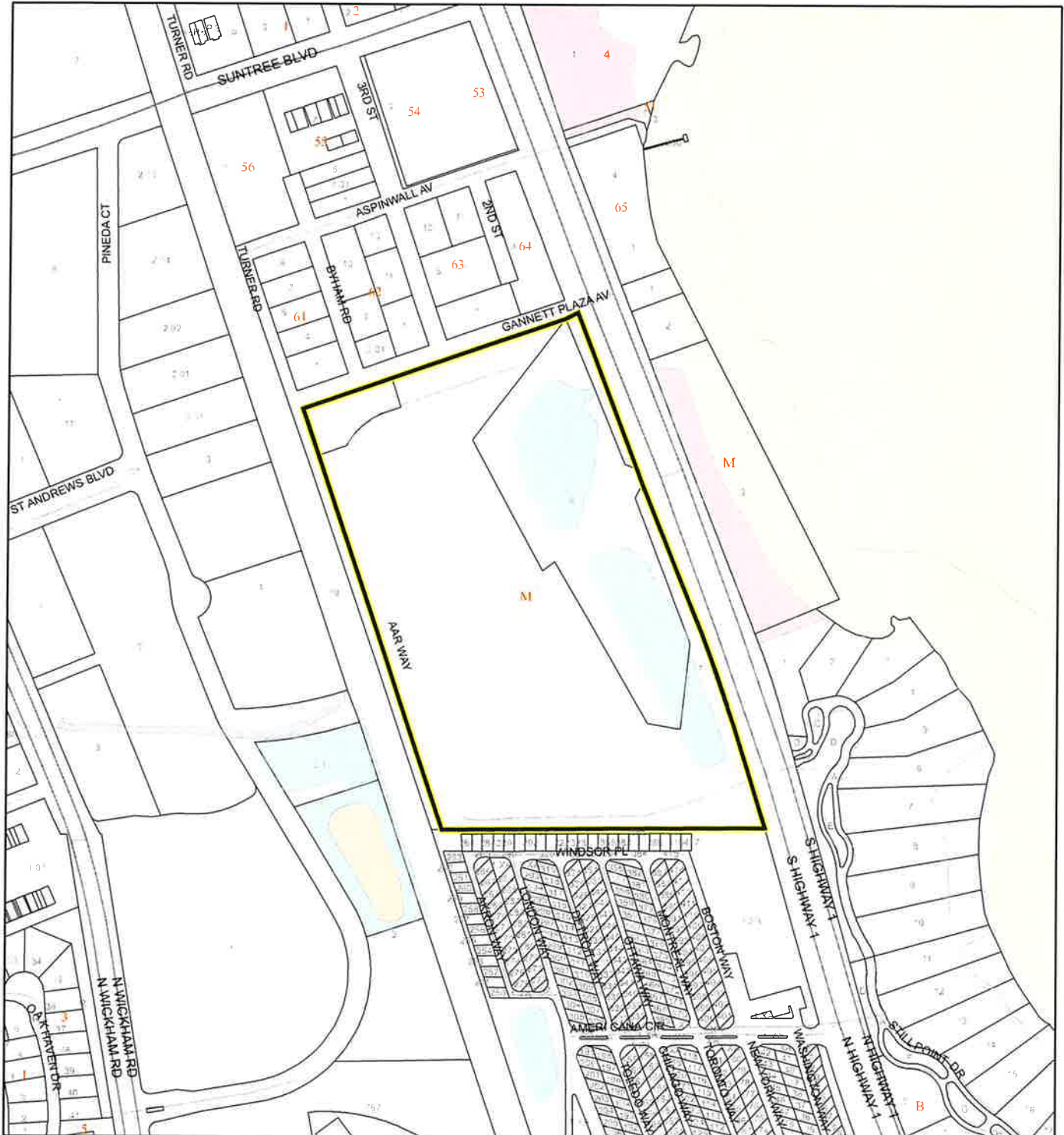
 Subject Property

 Parcels

NWI WETLANDS MAP

3101 GANNETT PLAZA AVE LLC

24Z00045



1:4,800 or 1 inch = 400 feet

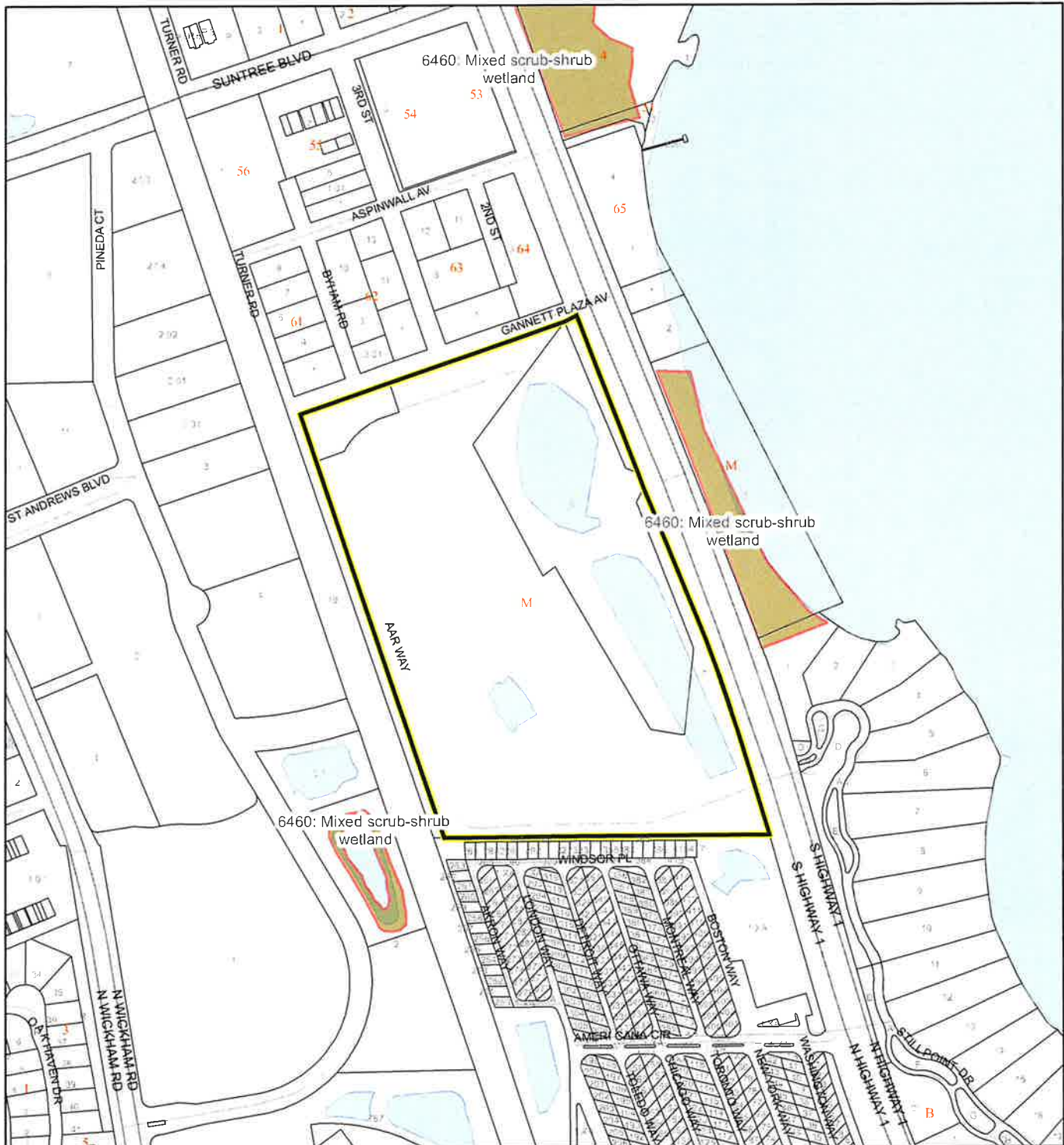
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

3101 GANNETT PLAZA AVE LLC
24Z00045



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

- | | |
|--|---|
|  | Wetland Hardwood Forests - Series 6100 |
|  | Wetland Coniferous Forest - Series 6200 |
|  | Wetland Forested Mixed - Series 6300 |
|  | Vegetated Non-Forested Wetlands - Series 6400 |
|  | Non-Vegetated Wetland - Series 6500 |

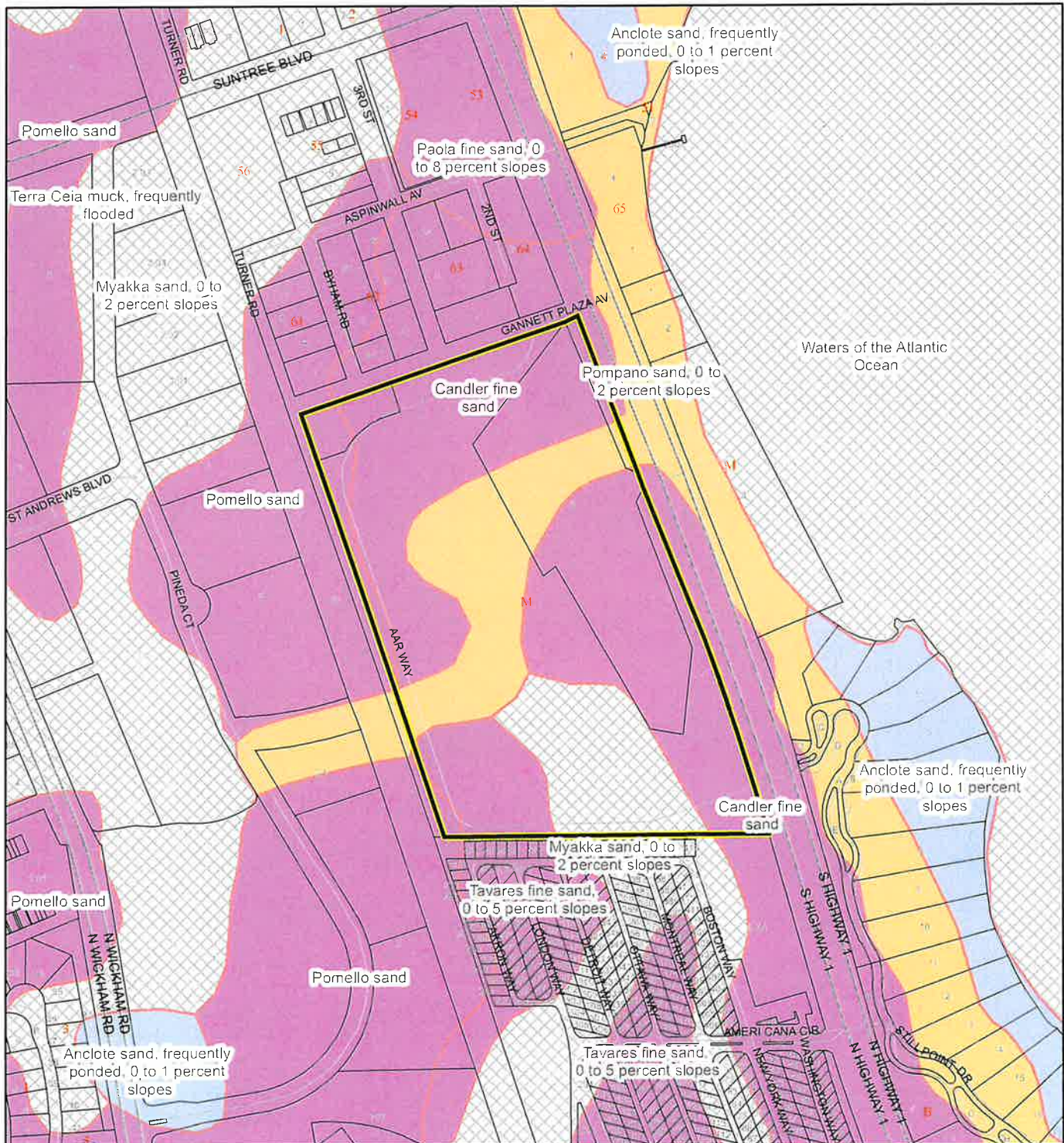
— Subject Property

☐ **Parcels**

USDA SCSSS SOILS MAP

3101 GANNETT PLAZA AVE LLC

24Z00045



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2024

USDA SCSSS Soils

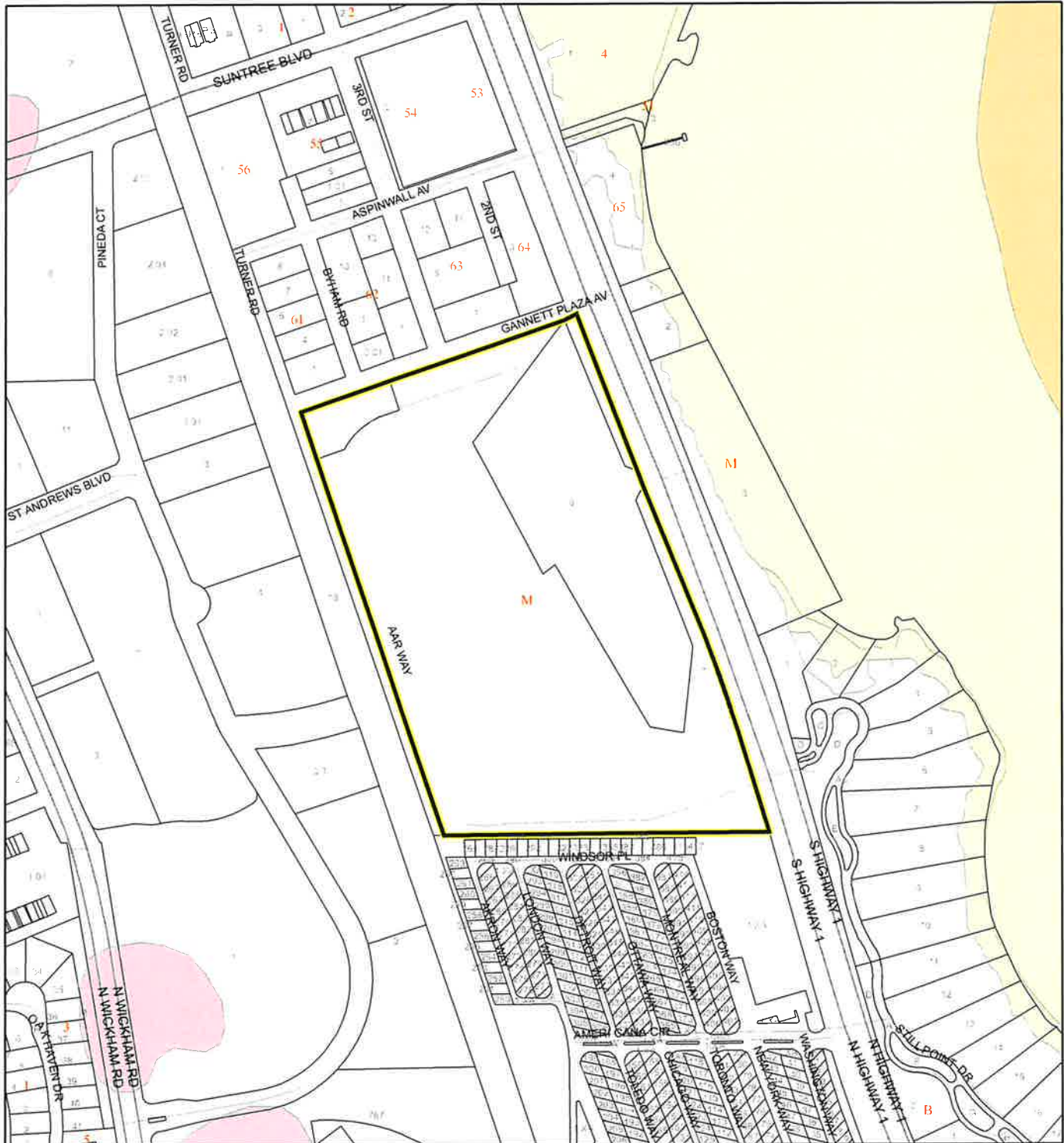
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

3101 GANNETT PLAZA AVE LLC

24Z00045



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2024

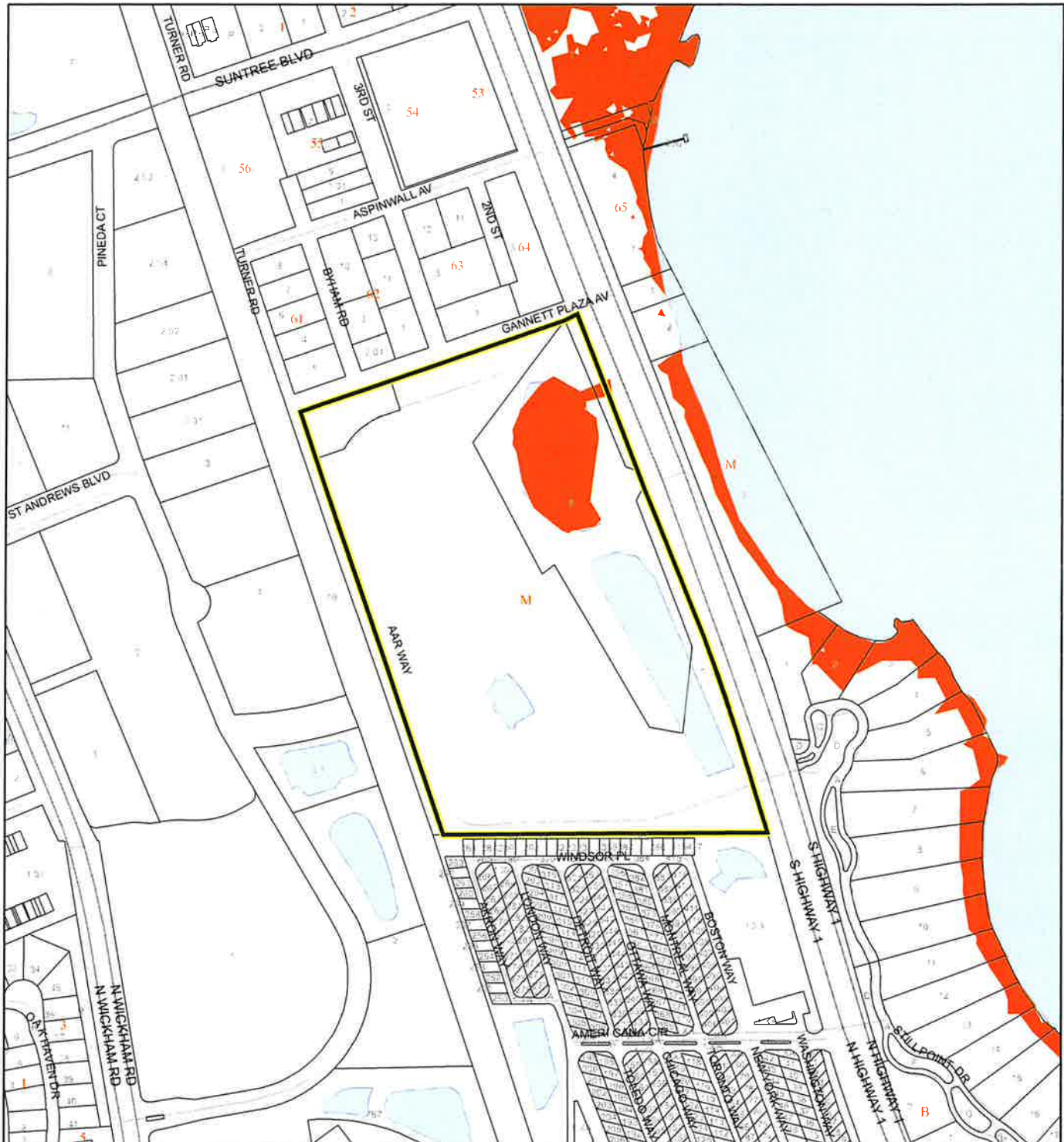
FEMA Flood Zones

AE	AO	X
Open Water	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

3101 GANNETT PLAZA AVE LLC

24Z00045



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2024

— Subject Property

□ Parcels

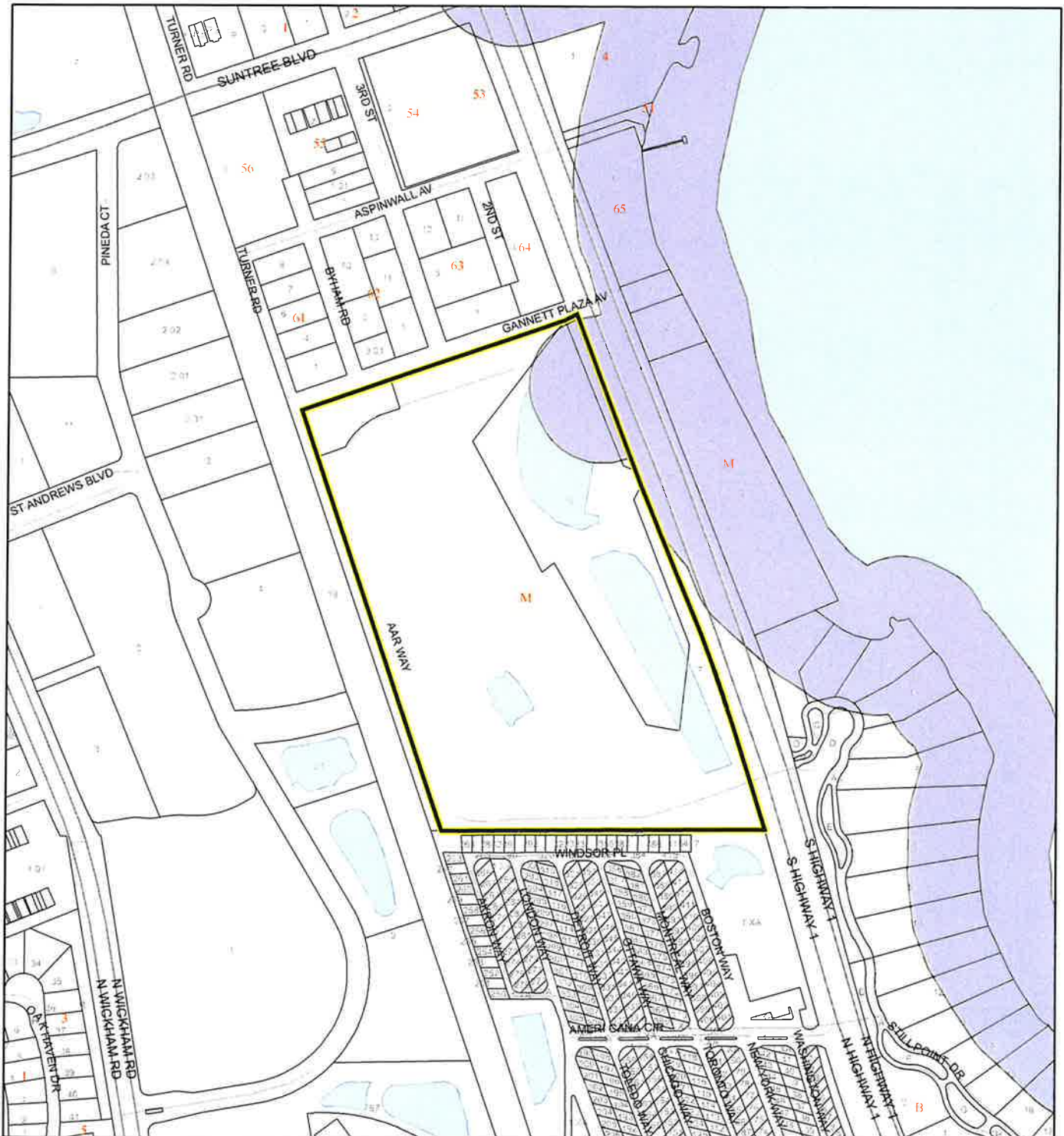
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

3101 GANNETT PLAZA AVE LLC

24Z00045



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/7/2024

— Subject Property

□ Parcels

Septic Overlay

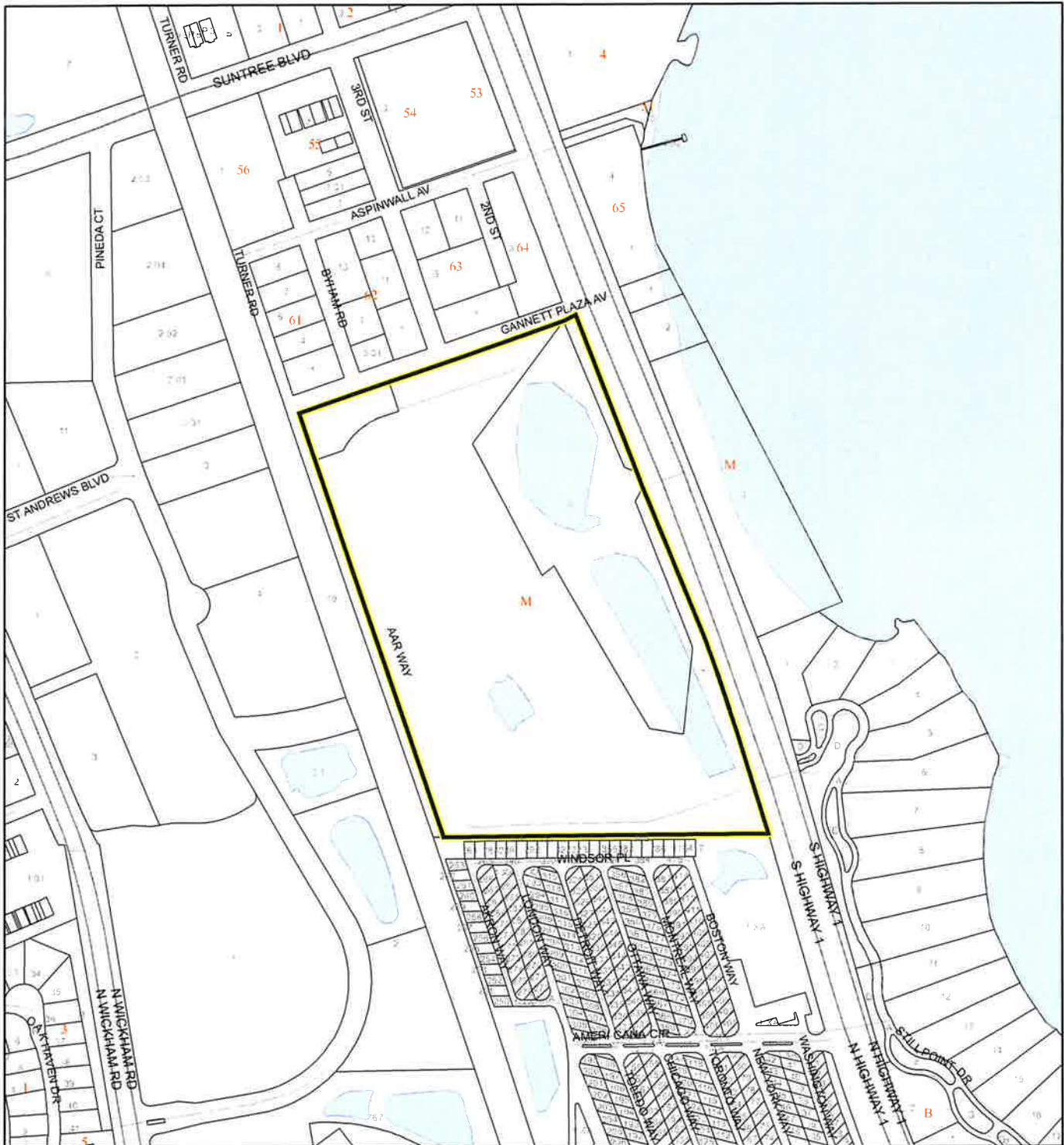
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

3101 GANNETT PLAZA AVE LLC
24Z00045



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by BoCC - GIS Date: 8/7/2024

— Subject Property

□ Parcels

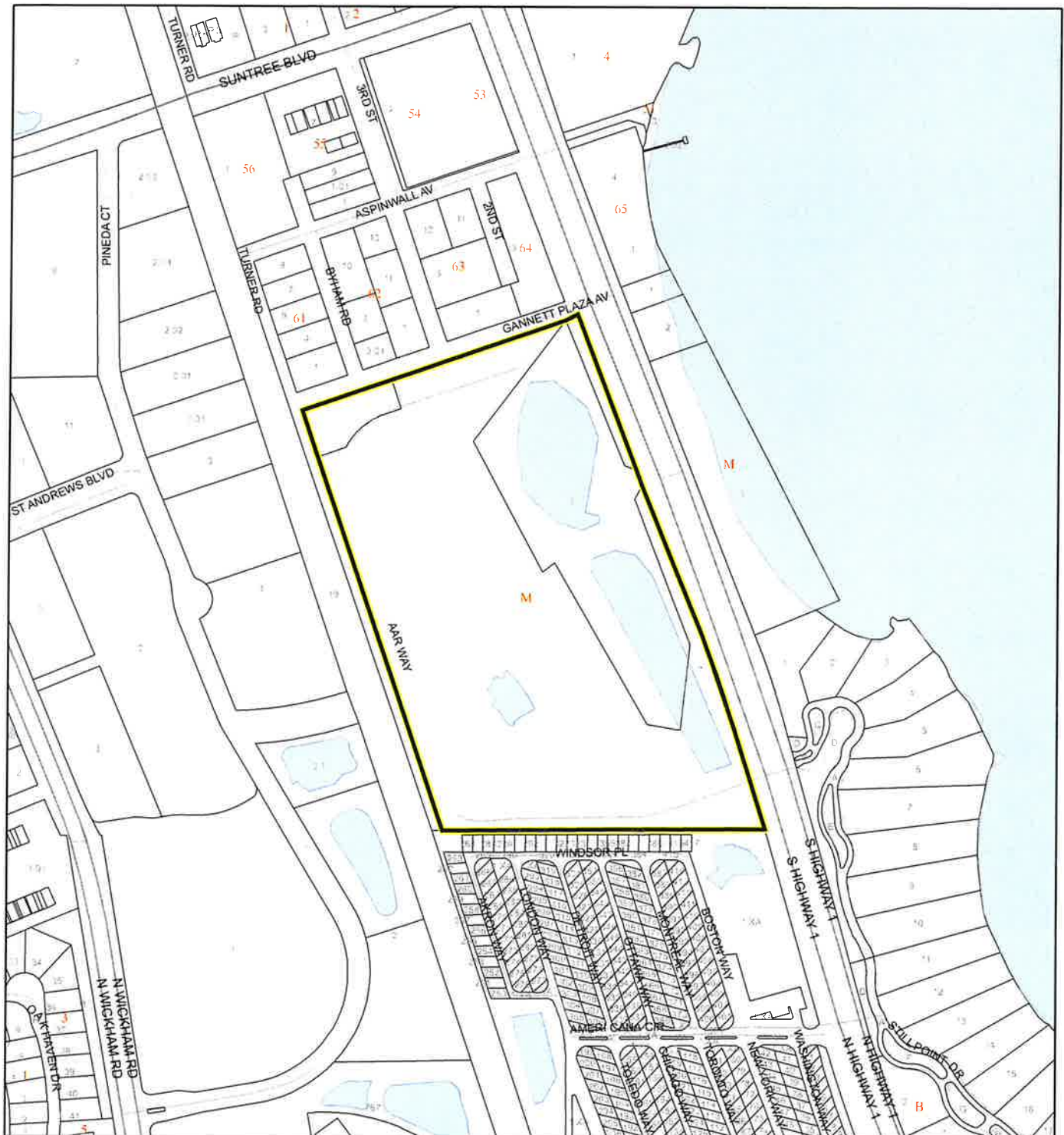


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

3101 GANNETT PLAZA AVE LLC

24Z00045



1:4,800 or 1 inch = 400 feet

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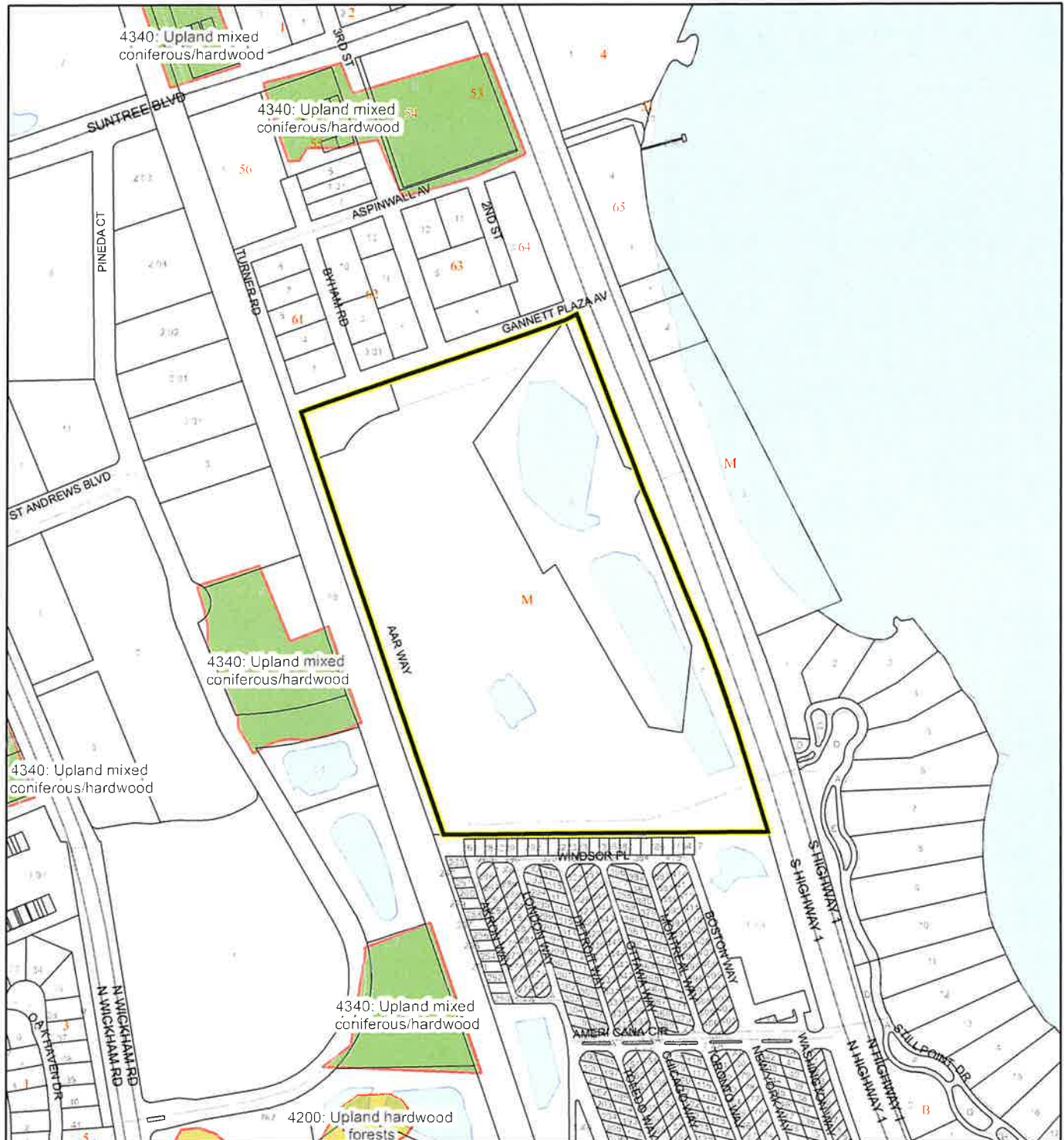
Produced by BoCC - GIS Date: 8/7/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

3101 GANNETT PLAZA AVE LLC

24Z00045



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels