



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

4/20/2021

Subject:

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

Fiscal Impact:

None

Dept/Office:

Natural Resources Management Department (NRM)

Requested Action:

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

Summary Explanation and Background:

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

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

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

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

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

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

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

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

Option 1: Approve PID as presented.

Option 2: Deny PID.

Option 3: Provide other direction.

Clerk to the Board Instructions:

None.



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

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April 21, 2021

MEMORANDUM

TO: Virginia Barker, Natural Resources Management Director

RE: Item H.1., Request for Public Interest Determination (PID) for Grills Riverside Seafood Deck and Tiki Bar to Allow for Impervious Areas Exceeding 30 Percent of the Required Buffer Area

The Board of County Commissioners, in regular session on April 20, 2021, approved the PID as requested by Joe Penovich, on behalf of EPH320, LLC, for Grills located at 6075 N. Highway 1, Melbourne to allow impervious areas exceeding 30 percent of the required buffer.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

cc: Planning and Development



June 10, 2021

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item H.1., Re: Examine Code Limiting the Requirement for Public Interest Determination (PID)

The Board of County Commissioners, in regular session on April 20, 2021, directed you to examine Code and present options to the Board in regards to limiting the requirement for the Board to make a PID where staff has determined that there will be no deleterious impact on the Indian River Lagoon or stormwater, including whether this can be accomplished through amending Brevard County Policy (BCC)-96.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, appearing to read "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/cld

cc: Planning and Development
Commissioner Tobia

Grills Riverside
505 Glen Cheek Drive, Cape Canaveral FL 32920

March 10, 2021

Brevard County Board of Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

RE: Grills Riverside 6075 N US Hwy 1 Melbourne, FL 32940
PID request as per Sec. 62-3668 (3)

Dear Commissioners,

We are requesting to construct additional outside decking on the North East side of our restaurant as per enclosed plans. Covid has greatly impacted our restaurant operations in many ways. Like everyone we have spent this past year, trying to adapt to the constantly changing rules and information pertaining to this virus. While we are presently allowed by law to operate at full capacity, we have intentionally limited our inside seating because it seems to be in the public interest to do so. Many people are still extremely nervous to dine indoors and that continues to impact our revenues.

The public is very "hungry" for outside seating. At present CDC also backs the position that outside is better. I believe this posture and public sentiment will exist for many years. We are fortunate to have a good amount of outside space that has always been part of the Grills design. The area we are proposing to deck will provide the public with access to additional outdoor space without any environmental impacts or reduction in the efficacy of our existing stormwater treatment retention.

We have been operational since May of 2010 and currently employ 130 persons. Serving positions comprise the majority of our personnel. There have been many days since covid shutdown and reopening that our indoor sections stay vacant while individuals and groups congregate outside waiting for those coveted seats to open. This occurred even in the heat of last summer. This is a frustrating reality and challenge to our business revenues and affects the income potential of these serving positions. This new deck space will allow us to shift and decommission inside seating to the outdoors when weather is favorable. This will be a significant benefit to our business, positively affect employee retention and potentially increase safety for the dining public at large.

Your timely consideration of this proposal is greatly appreciated. Maximizing optimal weather and the seasonal surge that occurs between now and July is very advantages to the ongoing health of our business.

Sincerely,


Joe Penovich





