



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

12/5/2019

Subject:

Think Green Brevard, LLC (Stuart Buchanan) requests a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant and wedding venue, in the IU zoning classification. (19PZ0066) (Tax Account 2104639) (District 1)

Should be 19PZ 00066

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant and wedding venue, in the IU (Light Industrial) zoning classification.

Summary Explanation and Background:

The applicant is requesting a CUP for Alcoholic Beverages (full liquor) for on-premises consumption in the IU zoning classification. The applicant proposes to revitalize the eastern portion of the site which was originally developed in 1955 as a citrus packing house for the Nevins Fruit Company. This site is located at the northwest corner of the Parrish Road and U.S. Highway 1 intersection. This request represents the eastern 7.86-acre portion of the greater 13.58-acre parcel and does not include the western part zoned AU (Agricultural Residential).

The applicant proposes to add a 4,000 square-foot reception hall, a 3,965 square-foot chapel, a 2,400 square-foot covered patio bar and an uncovered 1,600 square-foot outdoor dining area with the addition of 101 new parking spaces. The proposed concept plan also identifies several new uses within the existing packing plant building (micro-brewery, tasting bar, agriculture production; in a separate building an aquaponics use; and, in an external building closest to the south property line, an arts studio). The applicant is requesting that the tasting bar and arts studio be allowed to utilize the proposed CUP for alcoholic beverage consumption.

The applicant has submitted a waiver request to Section 62-3202(h)(10) of the requirement to construct a six foot high wall or solid wall along the northern property line abutting residentially zoned and developed property. They would like to utilize the existing land scaping.

The Board may wish to consider the compatibility of the proposed CUP and uses with the surrounding RU-1-11, RU-2-10, AU, RU-2-6, and BU-2 zoning classifications. In accordance with Section 62-1906, the Board may consider imposing a special condition stipulating:

The Developer/Owner shall provide documentation as to the site meeting County parking standards per Section 62-3206 of the Code prior to the approval of the Alcoholic Beverage License for on-premises consumption.

On November 4, 2019, the Planning and Zoning Board heard the request and unanimously recommended approval with the condition that the developer/owner provide documentation as to the site meeting County parking standards, per Section 62-3206, of the Brevard County Code, prior to the approval of the Alcoholic Beverage License for on-premises consumption.

Clerk to the Board Instructions:

Once resolution is received, please execute and return to Planning and Development.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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.

Resolution 19PZ00066

On motion by Commissioner Pritchett, seconded by Commissioner Isnardi, the following resolution was adopted by a unanimous vote:

WHEREAS, Think Green Brevard, LLC has requested a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant and wedding venue, in an IU (Industrial Use) zoning classification, on property described as: SEE ATTACHED; 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 with the condition that the developer/owner provide documentation as to the site meeting County parking standards, per Section 62-3206 of the Brevard County Code, prior to the approval of the Alcoholic Beverage License; and

WHEREAS, the Board, after considering said application and Brevard County 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, with the additional conditions that alcoholic beverage consumption be limited to the chapel, reception hall, patio bar, and tasting bar; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant and wedding venue, in an IU (Industrial Use) zoning classification, be approved as recommended, with the additional conditions that alcoholic beverage consumption be limited to the chapel, reception hall, patio bar, and tasting bar. 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 5, 2019.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida
Bryan Andrew Lober
Bryan Lober, Chair
Brevard County Commission
As approved by the Board on December 5, 2019.

ATTEST:

Scott Ellis
SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – November 4, 2019

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits 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

Resolution 19PZ00066

(Continued)

Part of lands described in ORB 7442, Page 1803, of the Public Records of Brevard County, Florida, currently zoned IU; being more particularly described as follows: Commencing at the center of Section 20, Township 21S, Range 35E, Brevard County, Florida, run thence N0deg48'28"W, 20 ft. to the point of beginning of the lands herein described; thence run N89deg11'32"E parallel with the south line of the NE ¼ of said Section 20, a distance of 260 ft. to a point on the westerly right-of-way line of the former Florida East Coast Railway; thence N27deg57'54"W along said right-of-way line, a distance of 717.42 ft. to a point on the south line as now located, of Nicholson's Groves Section 2, recorded in Plat Book 12, at Page 125 of the Public Records of Brevard County, Florida; thence S89deg24'24"W along said south line, a distance of 372.54 ft.; thence S0deg48'28"E, a distance of 639.73 ft. to a point lying 20 ft. north of the south line of the NW ¼ of said Section 10; thence N89deg11'32"E along a line 20 ft. north of and parallel with said south line of the NW ¼, a distance of 440 ft. to the point of beginning. (7.86 acres) Located on the northwest corner of Parrish Rd., and U.S. Highway 1. (2030 U.S. Highway 1; 2900 Parrish Rd.; and 2920 Parrish Rd., Titusville)

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.**



Alcohol Consumption
Areas
19PZ00066
Think Green Brevard

From: [Calkins, Tad](#)
To: [Ball, Jeffrey](#); [Jones, Jennifer](#); [Bentley, Eden](#); [Brewer, Jad](#)
Subject: FW: Think Green Brevard CUP- alcohol consumption areas
Date: Thursday, December 5, 2019 10:14:54 AM

FYI

-----Original Message-----

From: jason reichman <jasonr2@yahoo.com>
Sent: Sunday, December 1, 2019 4:32 PM
To: Pritchett, Rita <Rita.Pritchett@brevardfl.gov>
Cc: Stuart Buchanan <titusvillenative@gmail.com>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Think Green Brevard CUP- alcohol consumption areas

Dear Commissioner,

As we previously submitted to staff and is reflected in the current agenda item, the alcohol consumption is limited to the following areas:

- Chapel
- Reception hall
- Patio bar
- Tasting bar

Staff calculates that we are 4 parking spaces short based upon the structures listed above, but has agreed to move forward with the public hearings of the CUP, requiring our submittal of the final CUP site plan reflecting an additional 4 spaces prior to staff signing off on our liquor license.

This is reflected in the planning and zoning board minutes and motion for approval.

There is to be no consumption within parking lots or any areas not listed above. We understand that any change or addition of other buildings will require us to apply for an amendment to the CUP and appear before the county commission.

Thank you,

Jason Reichman

Sent from my iPad

99 (3)

Plans for my Vegetable Farm....

You have asked me for a "plan" on what I plan to do with my 9 acres. I love this place and hope I never have to sell.

First, there is one big goal associated with my plan.....agriculture. I have a long-standing goal to build my own agricultural operation. I have always loved working with plants, and am in the process of setting up an organic, hydroponic farm that produces herbs, microgreens, and green-leaf vegetables. This will be a wholesale, hydroponic, organic growing operation that does not involve the use of machinery, pesticides, fungicides or heavy water use. Everything is planted without soil into poly tubes. Water is circulated from a holding tank through the tubes across the plant roots back to the tank. Additional water is added to the tank only as the plants use it. All nutrients and pest control is organic only.

The herbs, microgreens, and gourmet lettuces produced will be delivered to restaurants, stores and Farmers Markets.

1). My first effort was to find a piece of property suited for what I want to accomplish. Friends knew of this place and the exceptional agricultural successes enjoyed here over a 30 year period.

I want to emphasize I do not represent a group or company.....this is just me, and have invested a good bit of my life savings to obtain this beautiful piece of property. Additionally, I have been investing an average of \$1500 per month (over \$10,000 in 2019) on existing horticultural clean-up, repair and plant experimenting since taking over ownership this past April.

This property was previously owned by a local person for 40 years (zoned AU). He built and operated a successful wholesale, interior palm and orchid nursery here for 30 years. He had palm customers all over the country, and shipped all 1800 Flowers orchids, and potted plants from here for 15 years. There are several plant-growing structures still standing that we are sprucing up and repairing to be used in my business. Also has a single family residence that is my home that also serves as my office.

So, that was the first hurdle in my plan, to find and obtain property to build my business.

2). Next was to obtain AU zoning needed to operate a producing farm. This seemed possible since the entire West side of the place (1,677 ft.) interfaces South Lake and AU ranch lands clear to the St Johns River and beyond. The East boundary is 1332 ft. long. (Two hundred feet of that is an Eola Ave residence, and my good neighbor Faith Baptist Church). The rest of the East side of the 1332 ft borders on 27 acres zoned AU, and divided into an average of 3 acres each with single family residences. I felt confident we could obtain the AU zoning, which did pass the Public Zoning Board Hearing held in October.

3). Planning and education. I have attended lectures at the Brevard County Ag Extension office, a national conference on Heirloom plants in California, visited successful Florida hydroponic vegetable farms & Farmers Markets, and met and talked with local chefs to understand their needs. I have met with Mayor Walt Johnson and City Manager Scott Larese and was briefed on their plans to develop a first class Farmers Market in Titusville. They were enthusiastic over my plan to produce locally grown,

organic farm products using hydroponic technology. I told them that I had brought into my employ the previous owner of the property to guide me in my farming pursuits. He not only built and ran the successful agricultural enterprise here for 30 years, he has a lifetime of agricultural experience. He is managing the conversion of existing structures on my place to accommodate hydroponic growing. Also building hydroponic prototypes and running tests with the many different products I plan to grow. He has farming experience, a graduate engineer, success oriented, and is already producing delicious greens for our salads.

4). Also want to emphasize my goal to maintain the historical and environmental beauty of this place. The entire 1677 feet (1/3 mile) on the West side of the property is on the shoreline of South Lake. It is a 10 foot high ridge covered with a hardwood forest of oaks, hickory, and magnolia trees.....a natural Florida Hammock. Several months ago I learned Brevard County owned South Lake, part of the Environmentally Endangered Lands (EEL) of Brevard County. And to enhance this program, they have cut a nature trail through the hammock along my 1677 ft. interface with the lake, and on around the North end of South Lake. The State discovered two Ancient Indian encampments along a neighboring trail on the West side of the lake. Brevard EEL has gotten approval to connect their trail with the neighboring Salt Lake Wildlife Management Area trails. As owner, I am determined to maintain this little gem of Florida as it has been for centuries. If it remains under RR1 zoning, a developer can subdivide into 1 acre lots and build houses. The lots would be right down the middle of this beautiful hammock. It would be very disappointing, and a loss to all that appreciate the unchanged natural beauty of a site like this. Reverting it back to the proper zoning of Agriculture will help insure that it remains a place of historical and natural beauty in which Brevard County can be proud to have.

Unfortunately, if I cannot develop an income from my vegetable farm I will not be the owner very much longer. The thought of not obtaining the AU zoning would devastate my hopes and plans, and thoughts of conserving the hammock.

RR-1 is definitely not the way I want to go. This place and this plan are my future.

One last thing....I have made it a point to talk with neighbors of my plans to zone back to AU and have found a lot of support. I have 20 letters of support for AU zoning from my neighbors. Some enjoy the wildlife that hangs out in the wooded hammock & lake environment. All of the supporters like keeping the natural status and the idea of a vegetable farm rather than dividing into several lots and building houses. Neighbors all along Eola Ave like the lesser traffic rather than adding several houses to the end of their street.

That completes my plan.

99 ①



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner
2000 South Washington Avenue, Ste. 2
Titusville, FL 32780
(321) 607-6901
D1.commissioner@brevardfl.gov

Planning and Development
Zoning Meeting November 7, 2019
Kimberly Miller 19PZ00099

Commissioner Pritchett meet with Kimberly Miller regarding the above item on November 7, 2019.

Ms. Miller is requesting to rezone the property from RR1 with a BDP to AU and removal of the BDP for purpose of reinstating agricultural uses. There is a pending code violation case on the property. Ms. Miller stated that she has removed the tent and has applied for a permit. She is waiting for a final inspection by the Code Enforcement. Commissioner Pritchett discussed with Ms. Miller that she was not comfortable allowing camping on the property. Ms. Miller mentioned that she may want to table this item to the December 5, 2019 zoning meeting.

13

From: [Kimi Miller](#)
To: [Commissioner, D4](#)
Subject: Re: Regarding New Statement Rezoning Miller 19PZ00099
Date: Wednesday, December 4, 2019 10:45:23 AM
Attachments: [letters of support 4-20191203113155.pdf](#)

Planning and Development Department
Board of County Commissioners
2825 Judge Fran Jamieson Way
Viera, Fl. 32940

RE; Rezoning Item # 19PZ00099
Laura Kimberley Miller (Kimi Miller)

Dear Commissioner Smith,

I have four more letters of support which I am attaching to this email for my hearing on December 5th.

Thank you kindly,
Kimi Miller
Misty Farms
321 294-9477

On Fri, Nov 29, 2019 at 11:20 AM Kimi Miller <mistyfarmshydroponics@gmail.com> wrote:

Planning and Development Department
Board of County Commissioners
2825 Judge Fran Jamieson Way
Viera, Fl. 32940

RE; Rezoning Item # 19PZ00099
Laura Kimberley Miller (Kimi Miller)

To Whom It Concerns,

It came to my attention that I had made an error in my opening statement upon review. I am submitting a new statement to replace the previous one. In my 4th point, I mention Mike Knight of the Brevard County EEL Program and how supportive he is to my rezoning and I would like to retract this statement. Mr. Knight has not endorsed me or my business and any statement he may or may not have said should not have been included. I did not intend to submit any hearsay, thoughts or ideas from third parties in my plan.

Please use my new statement- attached- as your guide.

Thank You Kindly,
Ms. Kimi Miller
321 294-9477

Roan and Karrie Poulter

The Wayward Traveler's Inn
2398 N Singleton Ave
Mims, FL 32754

September 10, 2019

To whom it may concern,

This letter is in support of Kimi Miller and Misty Farms. We had the pleasure to host Kimi at our Bed and Breakfast when she first came to the Titusville area looking at properties to purchase. Her enthusiasm was contagious and we have followed her adventures closely.

Her desire to produce fresh vegetables and micro greens for the Titusville community will fill a much needed niche in our community. Growing fresh ingredients locally is a hallmark of communities where people want to live. Titusville is an absolute desert of such luxuries.

If you were smart people, you would fall on your knees and beg her to keep working this operation. It is exactly businesses like hers that make a community attractive to younger families, which in turn leads to commercial growth.

I cannot for the life of me imagine who would oppose this, but I assure you it wouldn't be any local businesses and I scarcely believe that any neighbor wouldn't want to be next to an organic vegetable farm.

Do the right thing, because in this instance it also happens to be in everyone's best interest.

Roan and Karrie Poulter

Owners of The Wayward Traveler's Inn

Re: Recommendation for L. Kimi Miller

Case Number: 19PZ00099

To Whom It May Concern:

I strongly recommend my friend and potential colleague, L. Kimi Miller, for her application for Agricultural zoning. I have also had the opportunity to observe Kimi's work skills as well as interpersonal style. She is consistently pleasant, and takes on all endeavors with enthusiasm and dedication. Her attitude, diligence, intellect and commitment to her work are unmatched. She is smart, a high achiever, and eager to learn. She is highly committed to finding a solution to any challenges that come her way. I work in Plant Space Biology at KSC, and look forward to comparing notes and challenges for hydroponic plant growth both on the ground and in space as Kimi's business grows.

Please do not hesitate to contact me if I can shed any more light on Kimi, including her stellar character and prospects for a bright future in Brevard County.

Sincerely,

John A. Carver

Plant Space Biology

Payload Integration Engineer

Kennedy Space Center, FL

321-362-8611

Molecule13@aol.com

Brevard County Commissioners,

I understand Ms Miller's plan is to zone back to Agriculture from Residential on the acreage down below me to grow green produce. Her sale of the greenhouse products would be delivery from her place rather than pickup. It sounds like a good-neighbor plan....no housing development, no noise, and especially like the less traffic past my house. I fully support her plan to maintain the stability of the neighborhood and hope she is able to obtain the rezoning.

James L. Linton

*4120 EOLA AVE
TITUSVILLE, FL 32780*

Dear Commissioner,

I'm writing this letter in support for Kimi Miller in her effort to rezone her residence, 4200 Eola Ave, Titusville, for her farming needs. I have informed myself of the zoning plan and spoke to Kimi of her plan and objective for her property. With that noted I welcome the idea for the rezoning of her property.

Sincerely,

Cesar Sanchez

4130 Eola Ave

Titusville FL 32796

Email: csanchez01234@yahoo.com

Cell: 510-423-8321

A handwritten signature in black ink, appearing to read 'Cesar Sanchez', with a large, sweeping flourish underneath.

11-27-2019

David and Joyce Craig
1310 N. Carpenter Rd.
Titusville, FL 32796

November 26, 2019

Brevard County Commissioner, District 4
Commissioner Curt Smith
2725 Judge Fran Jamieson Way
Building C Suite 214
Viera, Florida 32940

RECEIVED

DEC - 2 2019

RE: Planning and Zoning - October 7 Agenda, Item ID # 19PZ00099

DISTRICT 4
COMMISSION OFFICE

We have received notice of Laura Kimberley Miller's request for a change in zoning and for removal of an existing Binding Development Plan (BDP) for property located at 4200 Eola Ave. Titusville, FL.

It is our understanding that this item will be on the agenda for your December 5th meeting. Unfortunately, we have preexisting plans that would be very costly to change, so our being present at your meeting is not possible.

We own property (our residence) which immediately adjoins a very large sector of Ms. Miller's property.

We were out of state at the time of the October 7th public hearing and, therefore, provided our comments and concerns by letter (copy attached).

On November 25, 2019, Miss Miller came to our home to explain her plans for the use of her property and the reason for the rezoning request.

After hearing her plans and giving them considerable thought, we wish to reiterate our concerns regarding this rezoning. We wish to see the zoning remain as it is (RR-1) and have the existing Binding Development Plan (BDP) left in place.

This Binding Plan was in place when Ms. Miller and her former husband purchased the property.

Following the hurricanes of 2004, the owner of that property requested a rezoning for higher density housing. This request resulted in a series of meetings involving several of the neighboring property owners. The meetings were facilitated by former Commissioner Truman Scarborough (who was then and is still a highly respected lawyer) and culminated in an agreement to allow RR-1 zoning plus also culminated in the development of the existing Binding Development Plan. Considerable discussion, negotiation, and research went into the development of that agreement and binding plan.

Our position remains the same as stated in our letter of October 1, 2019 to the Planning and Zoning Board. We would not wish to see the Binding Development Plan and zoning agreement made during these meetings overturned. We believe that "binding" means just that!

It is our understanding that there were others at the planning meeting in October regarding this request who were not given time to share their concerns. Further, after reviewing the minutes of the October planning board meeting, we observed that our previous letter was not noted in the final minutes of that meeting. Hopefully, though, you did receive this letter. These omissions are a concern and seem inconsistent with the purpose for the meeting and the recording of the meeting contents.

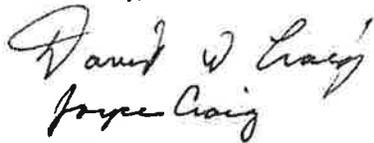
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We still have our own additional concerns which include those related to the environment, the potential impact to the water aquifers, and now, the potential of water and fertilizer run off from a commercial gardening facility. Other concerns pertain, once again, to the possibility of majorly increased traffic and heavy truck and/or machinery traffic as well – this ongoing traffic would also be going through a residential neighborhood that houses many children.

We are wondering, too, as to how Ms. Miller's request impacts/comes into compliance with the existing and updated land use plans.

We ask you to NOT grant this requested change.

Sincerely,

Handwritten signatures of David W. Craig and Joyce Craig. The signature of David W. Craig is written in a cursive style, and the signature of Joyce Craig is written in a simpler, more legible cursive style below it.

David and Joyce Craig

Cc: Commissioner Rita Pritchett (Vice Chair)
Commissioner Bryan Lober (Chair)
Commissioner John Tobia
Commissioner Kristine Isnardi

David and Joyce Craig
1310 N. Carpenter Rd.
Titusville, FL 32796

October 1, 2019

Planning & Development Department
Board of County Commissioners
Brevard County
2725 Judge Fran Jamieson Way
Building A
Viera, FL 32940

RE: October 7 Agenda, Item ID # 19PZ00099

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We own property (our residence) which immediately adjoins Mrs. Miller's property.

We will be traveling out of state at the time of the October 7th public hearing and, therefore, wish to provide our comments and concerns at this time.

While Mrs. Miller is requesting a rezoning which would decrease the residential density for this parcel of land, her intended use of the land is, at this time, unknown to us or to the other surrounding property owners.

Following the hurricanes of 2004, Mr. Darroll Higginbotham, who owned the property at that time, requested a rezoning which would have greatly increased the density on the property in question. This increased population density would have significantly increased the automobile traffic in this area and, placed a greater demand on the water aquifers beneath this land. Because of this, several of the neighboring property owners met multiple times with Mr. Higginbotham and Commissioner Truman Scarborough to address our concerns and to arrive at a mutually agreeable resolution. That series of meetings resulted in the existing zoning and in the creation of the existing Binding Development Plan.

Since that overall plan and solution was accepted by ourselves and the other property owners, we contend that the existing conditions (zoning and BDP) should remain in effect and not be altered. We are certain that Mrs. Miller was made aware of the BDP at the time of purchase of her property.

Our position on this matter might only change if and when a superseding BDP could be reviewed by ourselves and the neighboring property owners and found to be suitable. At this time, such a plan has not been made available for us to review.

Sincerely,

David and Joyce Craig

From: [David and Joyce](#)
To: [Commissioner, D4](#)
Subject: Response to L. Kimberly Miller Rezoning Request (Dec 5 meeting)
Date: Thursday, November 28, 2019 9:24:48 AM
Attachments: [Rezoning Response Item ID 1PZ00099.docx](#)
[Rezoning Response District-4 Commissioner.docx](#)

Dear Commissioner Smith,

Attached are two letters detailing our response to a rezoning request for 4200 Eola Ave. Titusville. The first is a copy of the letter we sent in October to the Planning and Zoning Board. The second is a follow up which we are sending to each of the Brevard County Commissioners for your consideration.

We will not be able to attend the Commissioners' meeting on December 5th when, as we understand, this request will be presented.

A hard copy of this letter is also being sent to you through the US Postal Service.

Thank you for your consideration of our position on this matter.

David and Joyce Craig
1310 N. Carpenter Rd.
Titusville, FL 32796

David and Joyce Craig
1310 N. Carpenter Rd.
Titusville, FL 32796

October 1, 2019

Planning & Development Department
Board of County Commissioners
Brevard County
2725 Judge Fran Jamieson Way
Building A
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David and Joyce Craig
1310 N. Carpenter Rd.
Titusville, FL 32796

November 26, 2019

Brevard County Commissioner, District 4
Commissioner Curt Smith
2725 Judge Fran Jamieson Way
Building C Suite 214
Viera, Florida 32940

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David and Joyce Craig

Cc: Commissioner Rita Pritchett (Vice Chair)
Commissioner Bryan Lober (Chair)
Commissioner John Tobia
Commissioner Kristine Isnardi

From: Bruce M
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: RE: Micco item and CHHA
Date: Wednesday, December 4, 2019 6:18:50 PM

Thank you for the information.

I find it ironic coming from a self-claimed environmentalist that lives on a 0.27 acre lot, on the SJ river, in a subdivision of 3.2 units/acre, with minimum drainage facilities (1983), that was created by filling in the water limits of the river, where the houses yards drain directly into the river and most lots are still in the flood plain.

Bruce A. Moia, P.E.

President, MBV Engineering, Inc.
1250 W. Eau Gallie Blvd., Unit H, Melbourne, FL 32935
P: 321.253.1510 C: 321.243.0583 F: 321.253.0911
Conference:218.895.1236 Passcode:723343
BruceM@mbveng.com www.mbveng.com

From: Tobia, John
Sent: Wednesday, December 4, 2019 9:54 AM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: FW: Micco item and CHHA

Please include the email below in the packet for H.7 on the 12/5 agenda.

From: Douglas and Mary Sphar <canoe2@digital.net>
Sent: Wednesday, December 4, 2019 9:50 AM
To: Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Cc: Newell, Marcia <marcia.newell@brevardfl.gov>; Woodard, Patrick <patrick.woodard@brevardfl.gov>; Prasad, Billy <Billy.Prasad@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; Mcgee, Darcie A <Darcie.Mcgee@brevardfl.gov>; Barker, Virginia H <Virginia.Barker@brevardfl.gov>
Subject: Micco item and CHHA

Dear Commissioners,

Tomorrow night, you will be deciding what to do about the BDP proposed for the property on Fleming Grant Rd in Micco. This is the property on the St. Sebastian River that you have looked at 3 times in the past.

Some of us have been suggesting that residences be kept out of the Coastal High Hazard Area (CHHA). The applicant actually agreed in a May 30th BDP to only place one house in the CHHA. That was the BDP for a 16-home development.

The most recent BDP does not place any restrictions on how many of the 8 residences will be in the approximately 5-acre CHHA.

I believe that a stipulation in the BDP for no houses in the CHHA is reasonable and prudent, considering hurricane and flood vulnerability, in addition to sea level rise.

In fact, the nearest municipality to the subject property, Palm Bay, would allow neither houses nor septic systems in the CHHA. According to Palm Bay's updated Comprehensive Plan:

CZM-1.6C The City shall not permit any new septic tanks to locate within high hazard areas of the coastal zone nor permit habitable structures within any high hazard zone.

I am sending you this information for you to consider as context for your decision tomorrow evening.

Thank you,

Mary Sphar

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

From: [Kimi Miller](#)
To: [Commissioner, D4](#)
Subject: Regarding New Statement Rezoning Miller 19PZ00099
Date: Friday, November 29, 2019 11:20:16 AM
Attachments: [Meeting with Rita Pritchett.docx](#)

Planning and Development Department
Board of County Commissioners
2825 Judge Fran Jamieson Way
Viera, Fl. 32940

RE; Rezoning Item # 19PZ00099
Laura Kimberley Miller (Kimi Miller)

To Whom It Concerns,

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Thank You Kindly,
Ms. Kimi Miller
321 294-9477

From: Douglas and Mary Sphar
To: Commissioner, D3; Commissioner, D1; Commissioner, D2; Commissioner, D4; Commissioner, D5
Cc: Newell, Marcia; Woodard, Patrick; Prasad, Billy; Ball, Jeffrey; Calkins, Tad; Mcgee, Darcie A; Barker, Virginia H
Subject: Micco item and CHHA
Date: Wednesday, December 4, 2019 9:50:34 AM

Dear Commissioners,

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Thank you,

Mary Sphar



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department
 2725 Judge Fran Jamieson Way
 Building A, Room 114
 Viera, Florida 32940
 (321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS
19PZ00066
Think Green Brevard, LLC
CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption

Tax Account Number: 2104639
 Parcel I.D.: 21-35-20-00-26
 Location: Northwest corner of Parrish Road and U.S. Highway 1
 Acreage: 7.86 acres

Planning and Zoning Board: 11/04/19
 Board of County Commissioners: 12/05/19

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	IU	IU with CUP for full liquor
Potential*	136,953 sq. ft.	136,953 sq. ft.
Can be Considered under FLU MAP	YES Industrial	YES Industrial

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

Background & Purpose of Request

The applicant is requesting a Conditional Use Permit (CUP) for Alcoholic Beverages (full liquor) for on-premises consumption in the Light Industrial (IU) Zoning classification. The applicant proposes to revitalize the eastern portion of the site which was originally developed in 1955 as a citrus packing house for the Nevins Fruit Company. This site is located at the

NW corner of the Parrish Road / U.S. Highway 1 intersection. This request represents the eastern 7.86 acre portion of the greater 13.58 acre parcel and does not include the western part zoned Agricultural Residential (AU). The Coast to Coast Trail, locally known as the East Central Florida Regional Rail Trail, abuts the eastern boundary of this property along U.S. Highway 1.

The applicant proposes to add a 4,000 square foot reception hall, a 3,965 square foot chapel, a 2,400 square foot covered patio bar and an uncovered 1,600 square foot outdoor dining area with the addition of 101 new parking spaces.

The proposed concept plan also identifies several new uses within the existing packing plant building (micro-brewery, tasting bar, agriculture production; in a separate building an aquaponics use; and, in an external building closest to the south property line, an arts studio). The applicant is requesting that the tasting bar and arts studio be allowed to utilize the proposed CUP for alcoholic beverage consumption.

The current development upon this site totals 49,618 square feet of office building, prior citrus packing plant, warehousing and distribution building, covered patio, barn and other concrete pads and decking.

The parcel retains the original Agricultural Residential, AU and Light Industrial, IU zonings adopted in 1958.

Land Use Compatibility

This site retains the Heavy/Light Industrial (IND) Future Land Use (FLU) designation. The IU zoning classification is consistent with **Policies 3.6 & 3.7** of the Future Land Use Element.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

This CUP application for Alcoholic Beverages (full liquor) for On-Premises Consumption has been exempted from review. Natural Resources Management reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Preliminary Concurrency Analysis

The closest concurrency management segment to the subject property is U.S. Highway 1, between Dairy Road and SR Highway 46, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 37.30% of capacity daily. The maximum development potential from the proposed CUP does not affect the proposed trip generation. The corridor is anticipated to continue to operate at 37.30% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site does not include residential development.

The subject property phase #1 is served by potable water provided by the county (Mims Water). Applicant states in site plan review (**18SP00037**) that future water needs will be met by use of the existing onsite well. The subject property is not served by sewer.

Applicable Land Use Policies

The applicant is requesting a Conditional Use Permit (CUP) for Alcoholic Beverages (full liquor) for on-premises consumption in the Light Industrial (IU) Zoning classification. The applicant proposes to revitalize the eastern portion of the site which was originally developed in 1955 as a citrus packing house for the Nevins Fruit Company. This site is located at the northwest corner of the Parrish Road / U.S. Highway 1 intersection. This request represents the eastern 7.86 acre portion of the greater 13.58 acre parcel and does not include the western part zoned Agricultural Residential (AU). The Coast to Coast Trail, locally known as the East Central Florida Regional Rail Trail, abuts the eastern boundary of this property along U.S. Highway 1.

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This site contains both the Light Industrial (IU) as well as the Agricultural Residential (AU) zoning classifications. All existing and proposed uses are located within the IU zoning classification. The IU zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

The parcel's east property line abuts the abandoned FEC railroad right-of-way which has been repurposed to the Coast to Coast Trail; a second tract lies east of it towards the west right-of-way line of U.S. Highway 1. That portion of property is zoned AU and has a FLU of Neighborhood Commercial. This parcel has U.S. Highway 1 to its east and Parrish Road to the south.

The zoning to the west is AU and is under the control of the property owner. The abutting developed parcels to the north are zoned a mixture of Single-family Residential (RU-1-11) and Medium-density Multi-family Residential (RU-2-10). The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture. The RU-2-10 classification permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

The half-mile radius around this site has seen only one zoning change within the last 3 years.

October 5, 2017, **17PZ00087** changed the zoning classification from AU and Suburban Residential (SR) to all SR on a 0.5 acre site located on the west side of Old Dixie Hwy. approximately 1,216 feet southerly of the subject parcel. The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

Special Considerations for Conditional Use Permit

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901. 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 are indicated in **bold** and staff observations, if any, are provided in *italics*.

The latest concept plan submittal, updated September 24, 2019, contains access notes which limit CUP related activities to only utilize the US Highway 1 connection and that the existing Parrish Road connections shall only be used for non-CUP related activities. Additionally, this plan fails to supply the full amount of required parking for the CUP – 105 parking spaces; only 101 potential parking spaces has been added via the northern access for this alcoholic beverage use. The Access notes hinder site development and should either be modified or removed from the plan.

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 62-1906, on-premises consumption of alcohol.

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.

The applicant's original proposal of up to 270 seats within the existing buildings or structures for wedding venue and indoor restaurant use has been modified to 150 seats within the venue area while no seating has been identified for the patio or tasting bars designated in the latest CUP concept plan (parking for square footage calculations was provided). A survey has also been provided which states that there are no churches or schools within 400 feet of the area within 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.

Serving and consumption of food and beverages, alcohol or otherwise, shall be strictly prohibited outside of the existing buildings unless such areas have been designated as outdoor seating areas pursuant to Section 62-1837.9 (Outdoor restaurant seating) of Brevard County Code. Section 62-1543 (1) (a) of Brevard County Code requires that permitted uses are to take place within an enclosed building. Hours of operation for internal or external use of the CUP are to comply with 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.

The proposed CUP will not result in adverse impacts on surrounding properties. The existing Industrial land uses have a substantially greater adverse impacts than the proposed wedding venue and associated CUP.

Any noise generated in conjunction with the operation of the business would need to comply with the performance standards of Section 62-2251 through 62-2272, including the noise regulations of Section 62-2271. The parcel is not in a commercial subdivision, but abuts Highway US-1.

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.

The proposed CUP includes construction of parking. There is no change to existing building setbacks. The proposed wedding venue with CUP is compatible with surrounding land uses.

Hours of operation stated from 8AM to 2AM comply with county code.

Section 62-1901(c)(1)(c) The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebutably 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 an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

The proposed use will not cause a substantial diminution in value of abutting residential property.

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. 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.

Ingress and egress are within existing FDOT permitted driveway access to U.S. Highway 1. The proposed CUP does cause sufficient trip generation to exceed U.S. 1 level of service.

The preliminary traffic concurrency evaluation performed by staff shows U.S. Highway 1 at acceptable levels of service for the roadway. This site also has three access points to Parrish Road.

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.

No noise, glare, odor, particulates, smoke, fumes, or other emissions from the proposed CUP will interfere with neighboring property enjoyment.

The abutting parcel to the north is a mixture of single-family and multi-family uses. The portion to the west is buffered by a portion of the site being zoned AU.

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

The proposed CUP will comply with all noise code regulations.

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.

The proposed CUP will not exceed solid waste level of service.

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.

The proposed CUP will not cause the potable water or wastewater level of services to be exceeded.

Phase 1 will utilize County (Mims water) system. The remainder of the project will utilize on-site wells. OSTD provides on-site sewerage disposal (not connected to sewer).

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.

The proposed CUP has both existing buffering to the west and new buffering and screening on the site plan.

Applicant states they will provide a type A landscape buffer for up to 100 feet along that western portion of the north property line which currently is devoid of trees and shrubs and that the remainder of the north property line will be preserved/enhanced to comply with a type A buffer in lieu of developing a wall.

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.

No proposed signs or exterior lighting will cause unreasonable glare or traffic hazards.

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.

The proposed hours are consistent with the surrounding area (8AM – 2AM).

The hours of operation are consistent with Section 6-3 Hours of Sale of Brevard County's Code of Ordinances.

Section 62-1901(c)(2)(l) 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.

No structure exceeds 35 feet in height.

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.

Parking is demonstrated to meet LDR's as demonstrated on the attached site plan.

Parking – Brevard County land development regulations require that, for restaurants, cocktail lounges and other eating and drinking establishments, one space for every 100 square feet of gross floor area of the building be provided to meet the minimum spaces required by Section 62-3206(d)(29). The updated concept plan needs to identify an additional four new parking spaces to the northern access to meet the CUP conditions. The Board may wish to require that additional parking is to be provided to meet this code provision or that a portion of the existing building not be converted to allow the proposed alcohol use. Reducing the plan by four spaces would equate to a reduction of 400 square feet of floor area for CUP alcoholic beverage use.

For Board Consideration

The applicant is requesting a Conditional Use Permit (CUP) for Alcoholic Beverages (full liquor) for on-premises consumption in the Light Industrial (IU) Zoning classification. The applicant proposes to revitalize the eastern portion of the site which was originally developed in 1955 as a citrus packing house for the Nevins Fruit Company. This site is located at the NW corner of the Parrish Road / U.S. Highway 1 intersection. This request represents the eastern 7.86 acre portion of the greater 13.58 acre parcel and does not include the western part zoned Agricultural Residential (AU). The Coast to Coast Trail, locally known as the East Central Florida Regional Rail Trail, abuts the eastern boundary of this property along U.S. Highway 1.

The applicant proposes to add a 4,000 square foot reception hall, a 3,965 square foot chapel, a 2,400 square foot covered patio bar and an uncovered 1,600 square foot outdoor dining area with the addition of 101 new parking spaces.

The proposed concept plan also identifies several new uses within the existing packing plant building (micro-brewery, tasting bar, agriculture production; in a separate building an aquaponics use; and, in an external building closest to the south property line, an arts

studio). The applicant is requesting that the tasting bar and arts studio be allowed to utilize the proposed CUP for alcoholic beverage consumption.

Parking continues as an issue in this CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption.

The Board should consider the compatibility of the proposed CUP with surrounding development.

Such CUP may be: 1) approved subject to the conditions of Section 62-1906; 2) approved subject to the conditions of 62-1906 and conditions imposed by the Board above and beyond the requirements of Section 62-1906; or 3) denied.

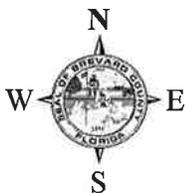
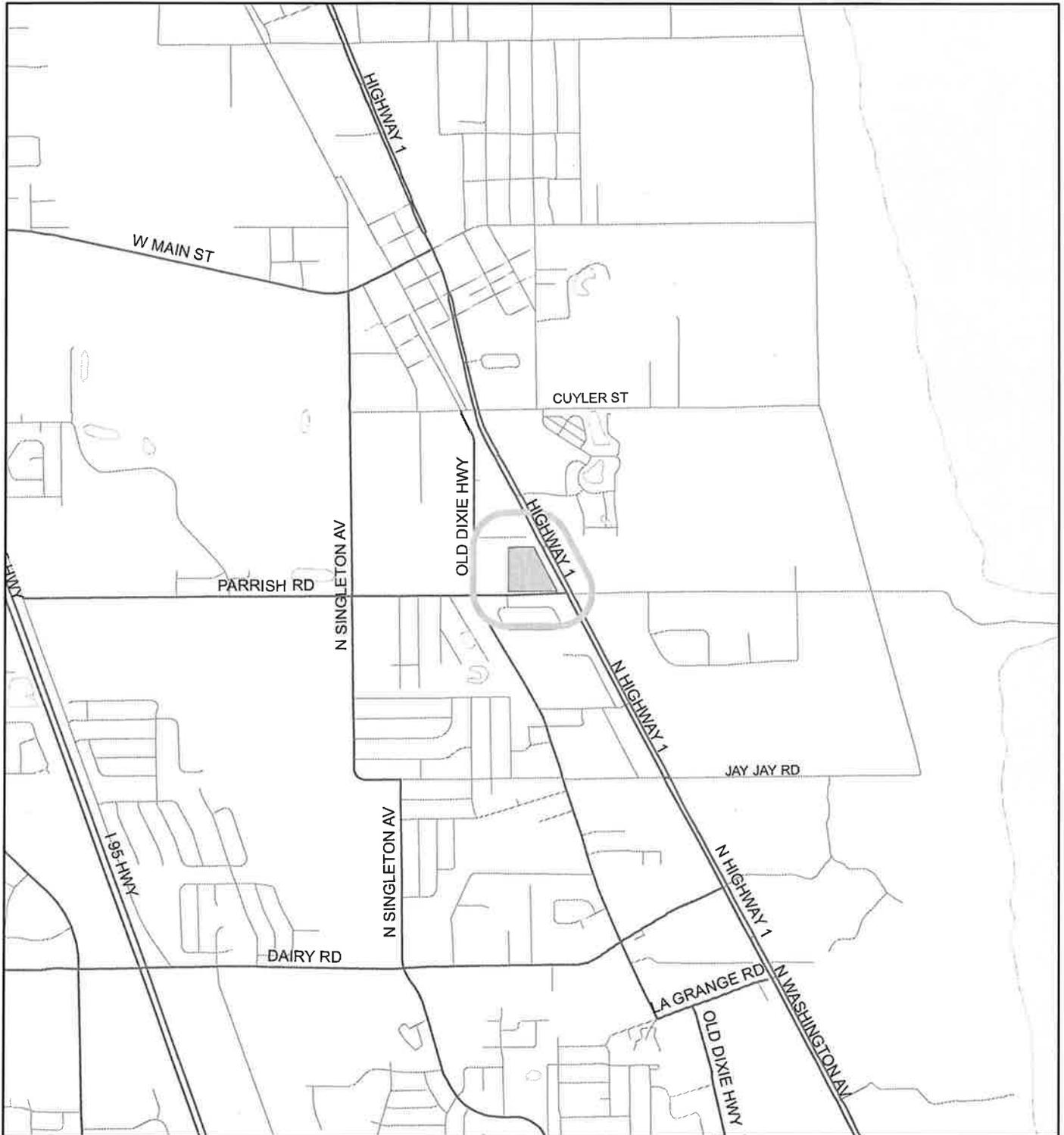
Special condition:

1. Provide documentation as to the site meeting county parking per Section 62-3206 of the Code prior to the approval of the Alcoholic Beverage License.

LOCATION MAP

THINK GREEN BREVARD, LLC

19PZ00066



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.

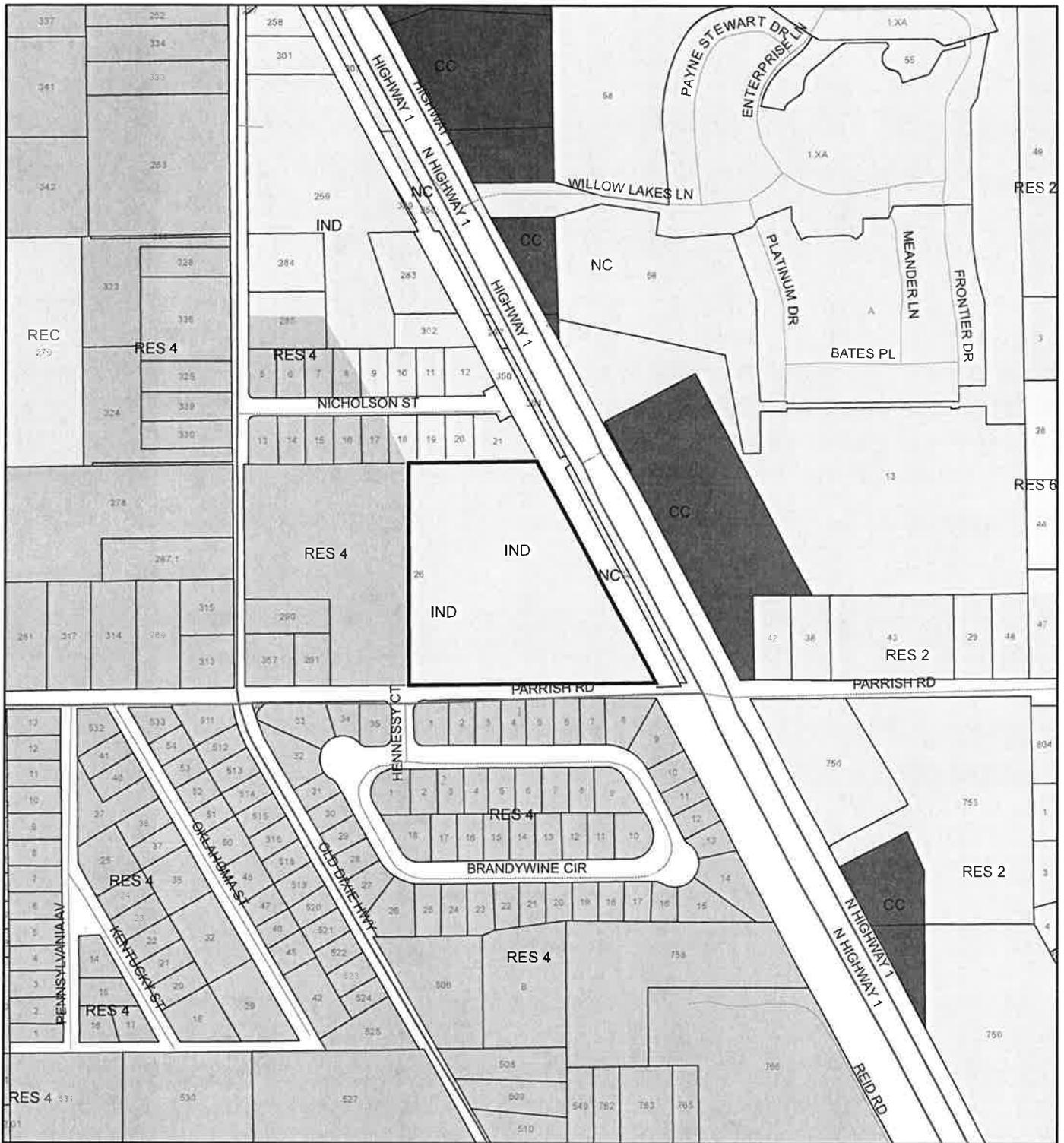
Produced by BoCC - GIS Date: 5/29/2019

-  Buffer
-  Subject Property

FUTURE LAND USE MAP

THINK GREEN BREVARD, LLC

19PZ00066



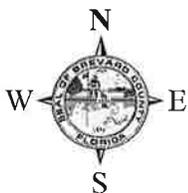
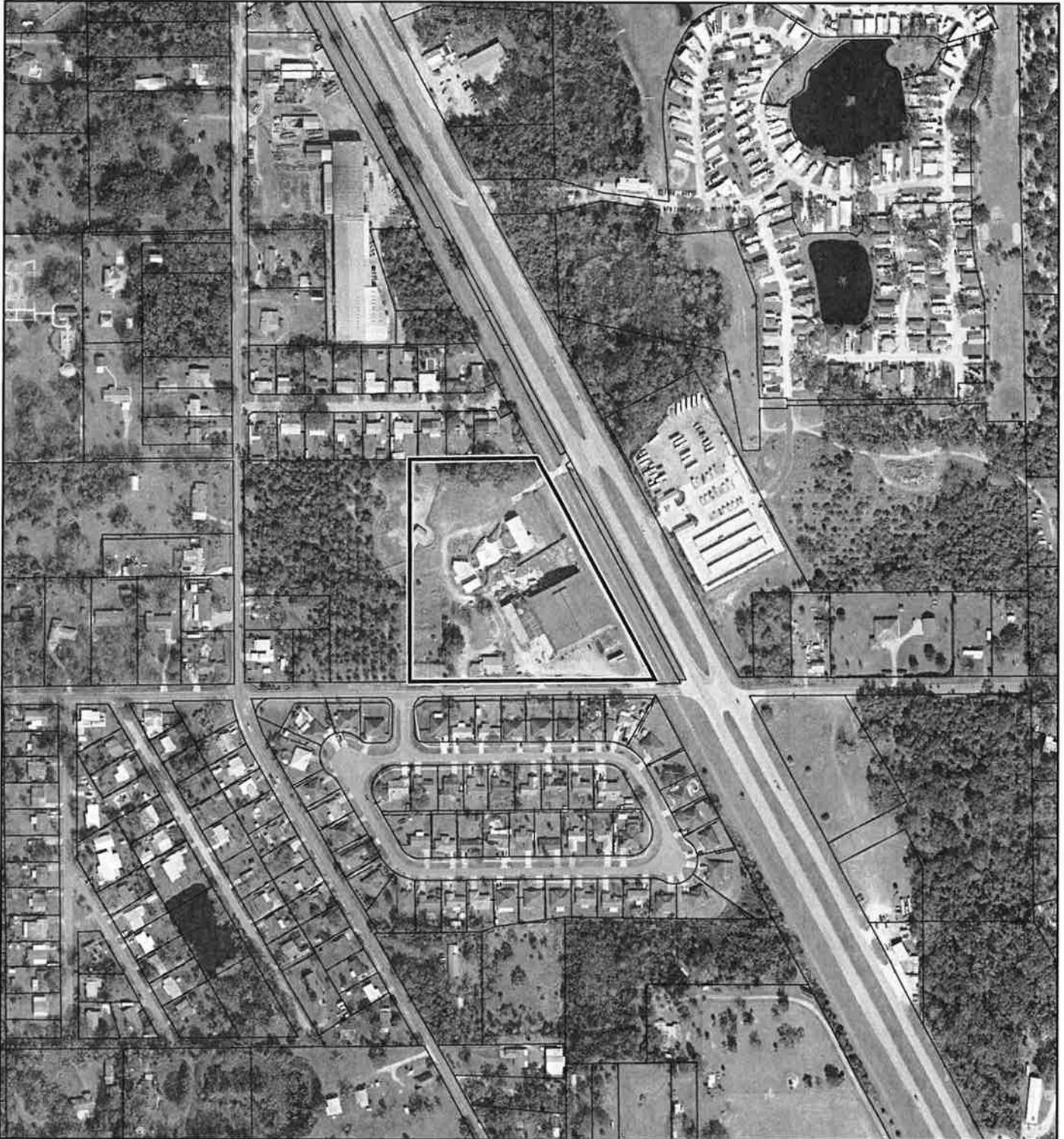
1:4,800 or 1 inch = 400 feet

- 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: 5/29/2019

AERIAL MAP
THINK GREEN BREVARD, LLC
19PZ00066



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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Produced by BoCC - GIS Date: 5/29/2019

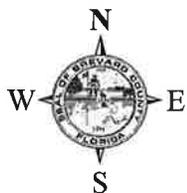
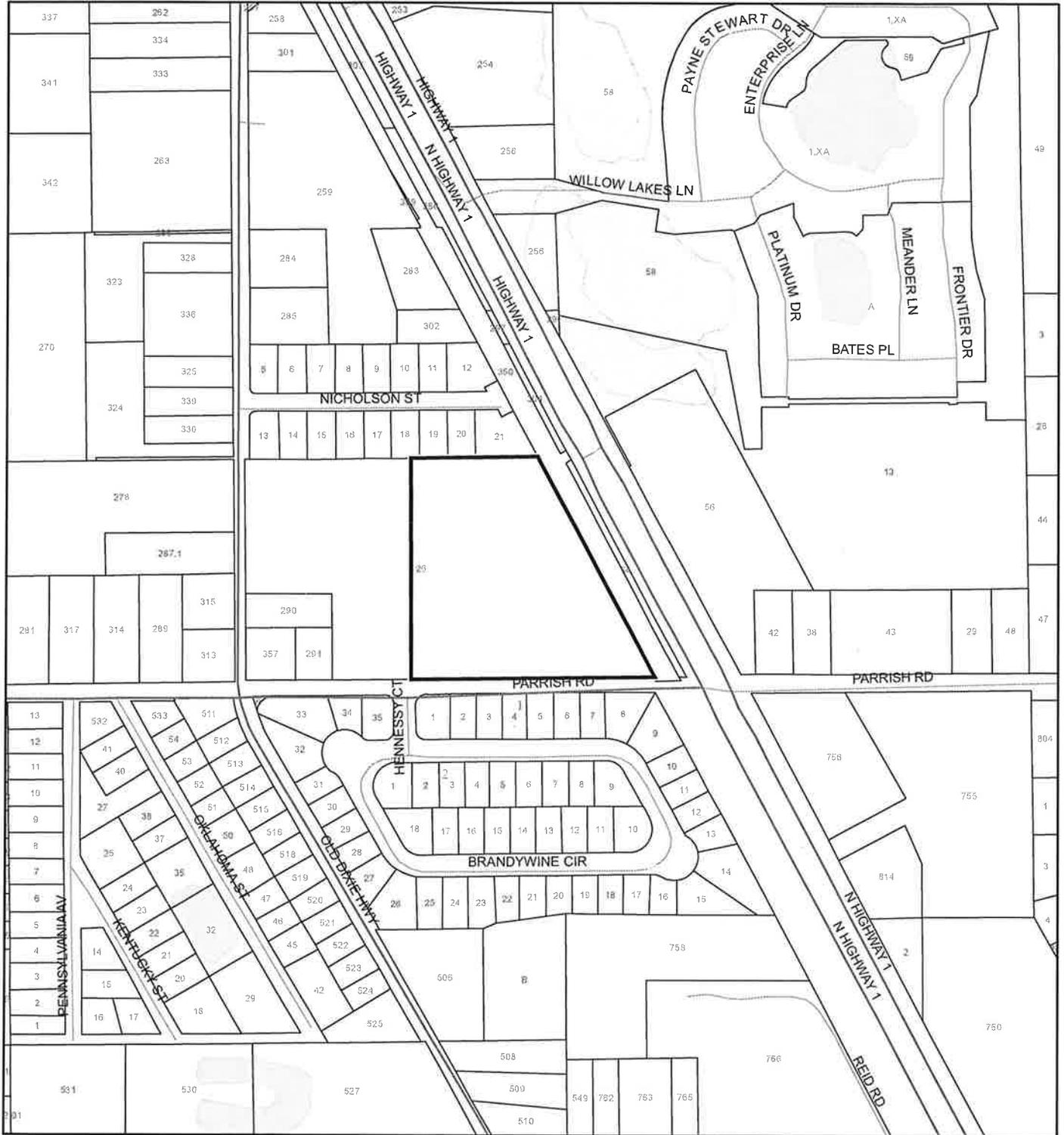
— Subject Property

▭ Parcels

NWI WETLANDS MAP

THINK GREEN BREVARD, LLC

19PZ00066



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/29/2019

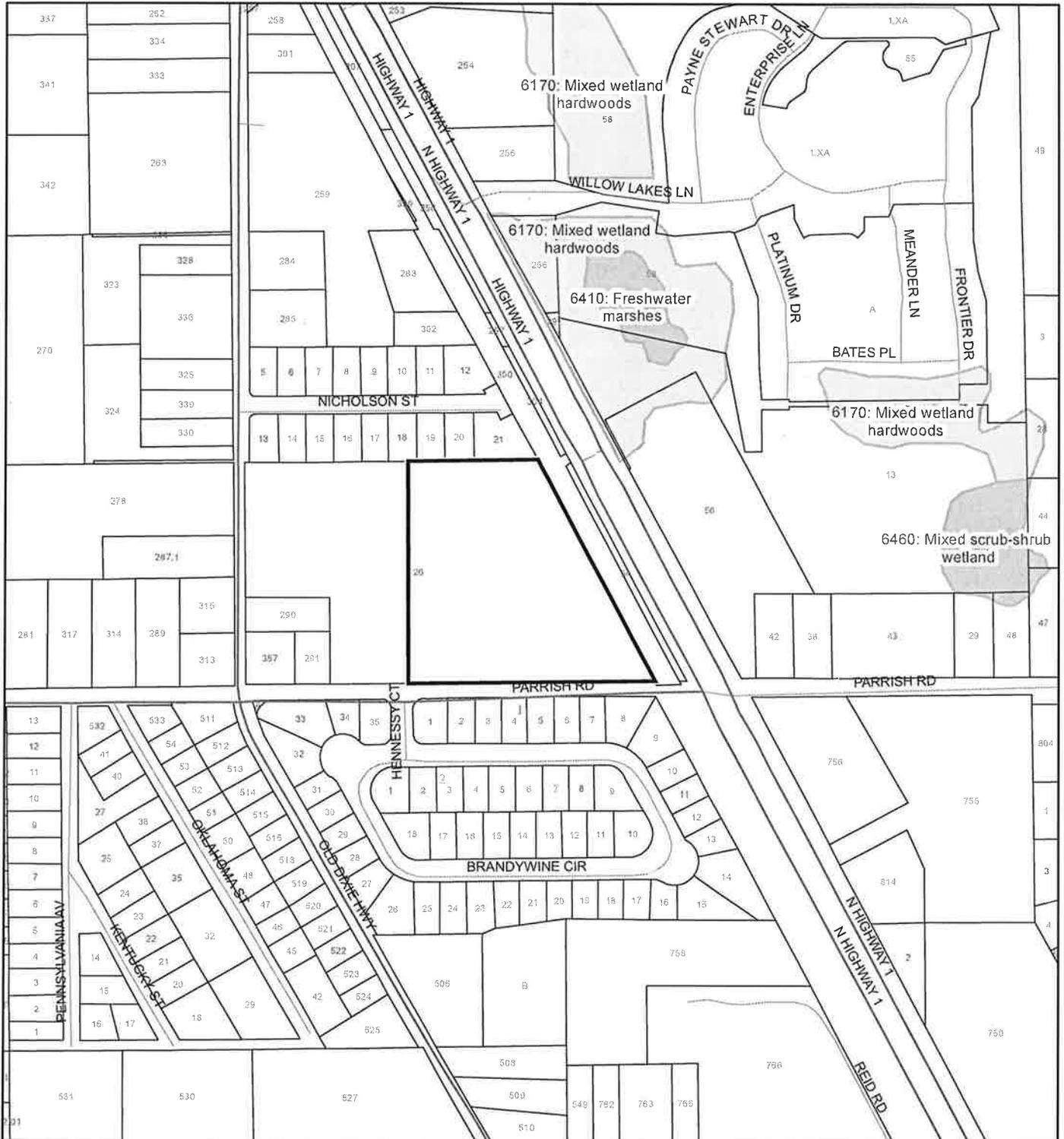
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

THINK GREEN BREVARD, LLC

19PZ00066



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: 5/29/2019

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

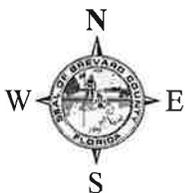
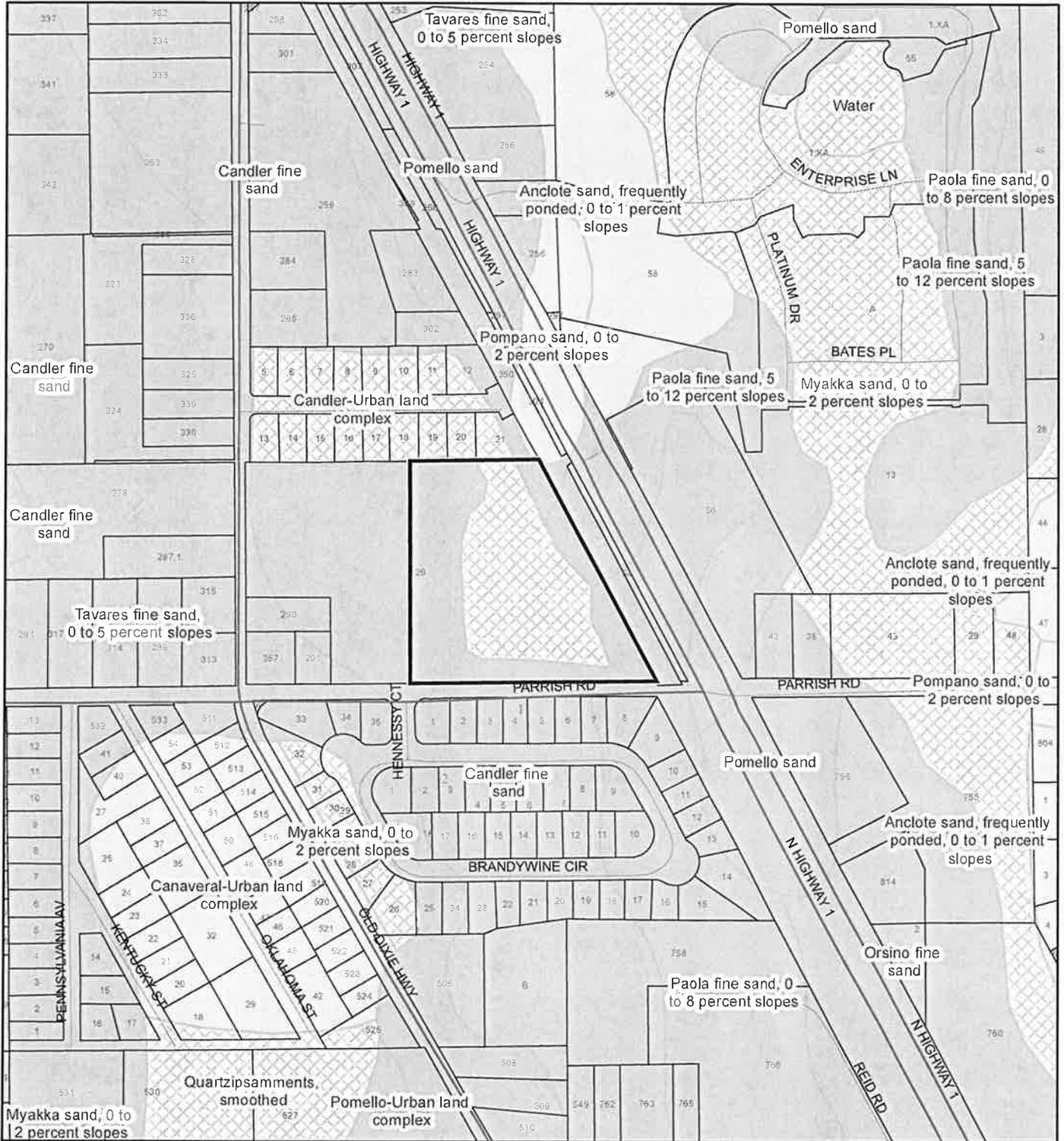
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

THINK GREEN BREVARD, LLC

19PZ00066



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  Subject Property
-  Parcels

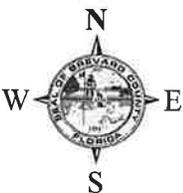
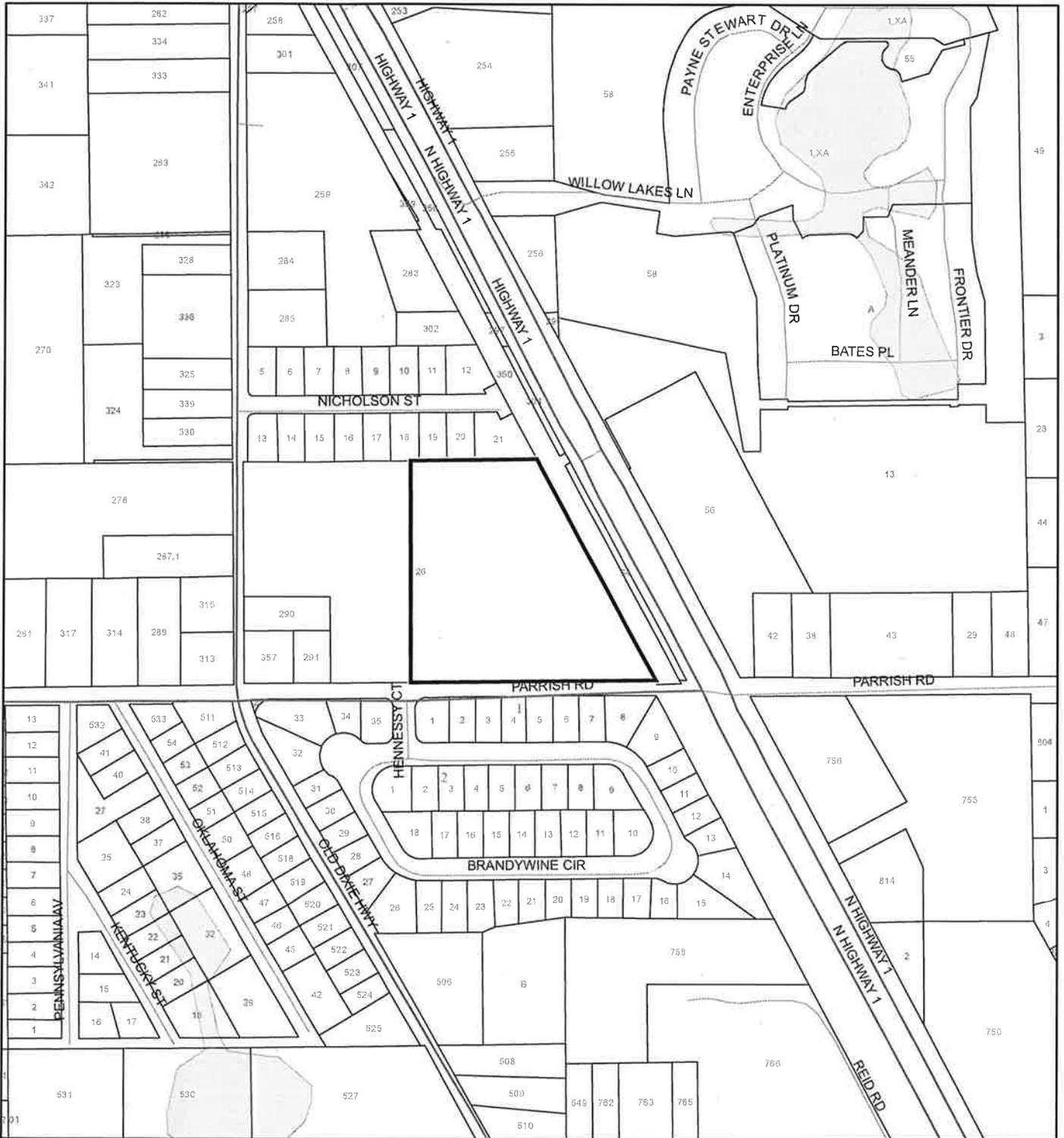
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/29/2019

FEMA FLOOD ZONES MAP

THINK GREEN BREVARD, LLC

19PZ00066



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/29/2019

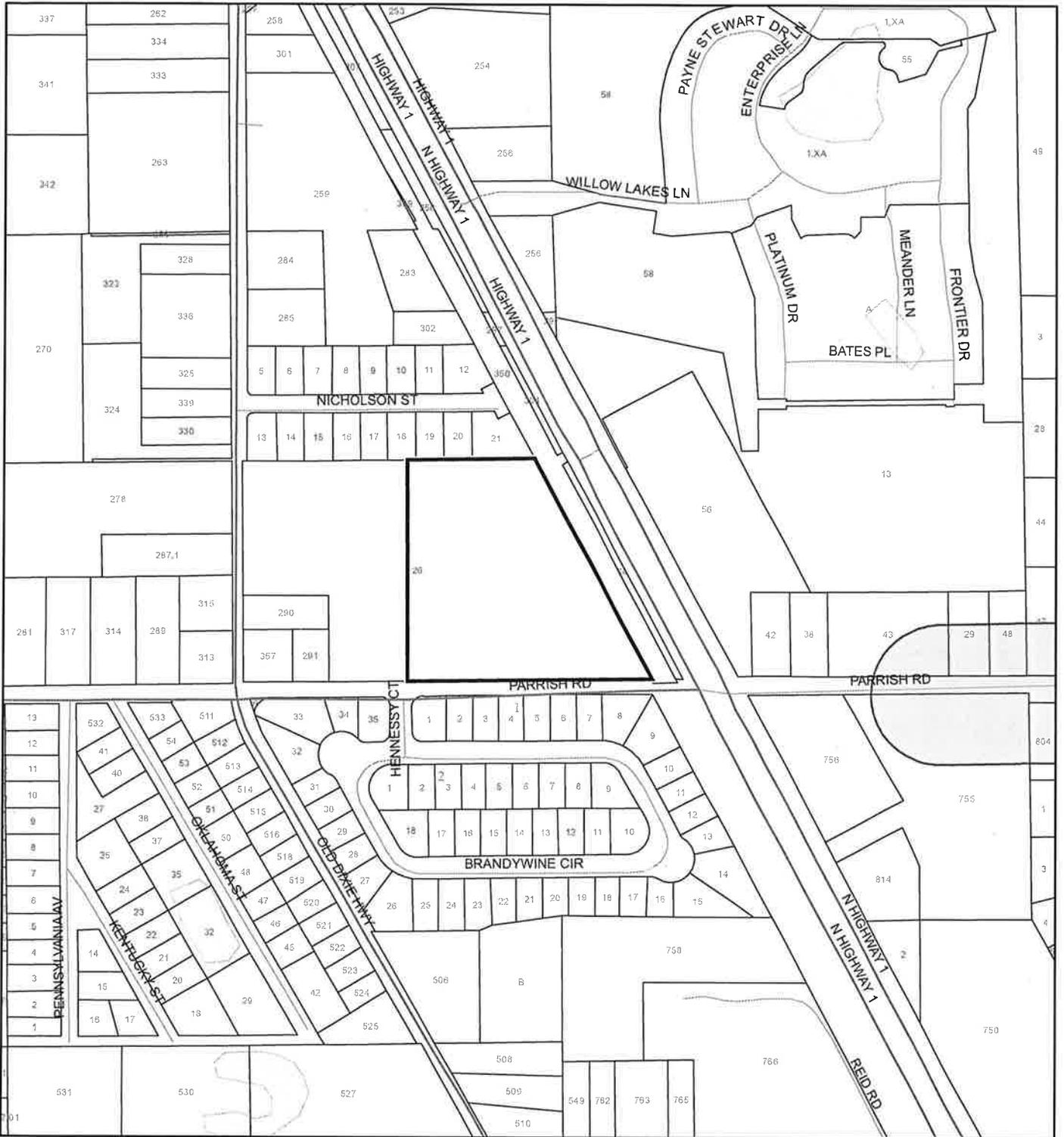
FEMA Flood Zones

- | | | |
|--|---|----------------------|
| A | AO | X Protected By Levee |
| AE | Open Water | |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | 0.2 Percent Annual Chance Flood Hazard Contained in Channel | |
| Subject Property | Parcels | |

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

THINK GREEN BREVARD, LLC

19PZ00066



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: 5/29/2019

 Subject Property

 Parcels

Septic Overlay

 40 Meters

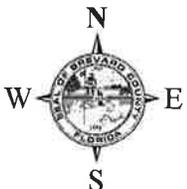
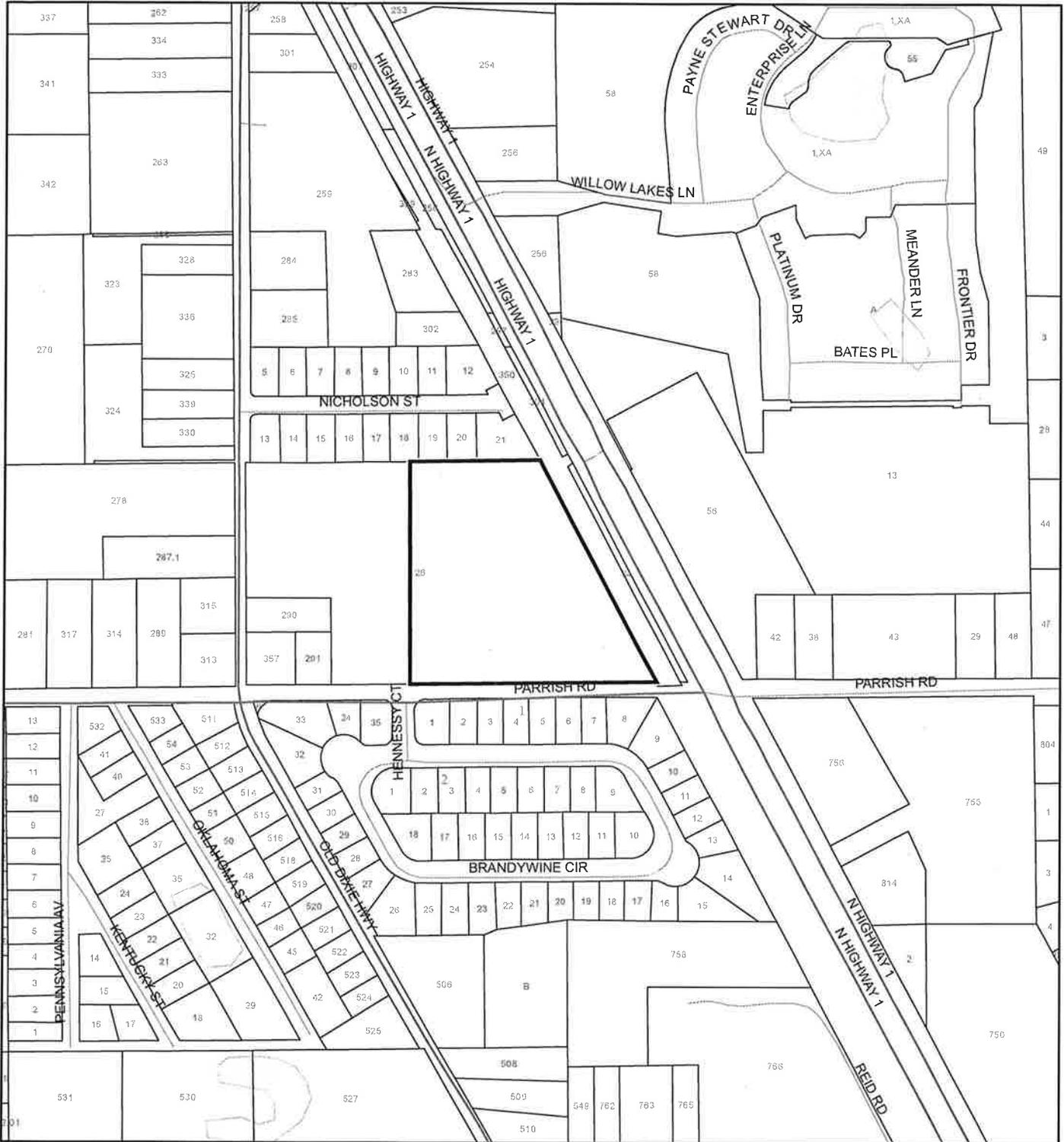
 60 Meters

 All Distances

EAGLE NESTS MAP

THINK GREEN BREVARD, LLC

19PZ00066



1:4,800 or 1 inch = 400 feet

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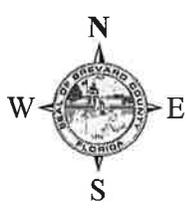
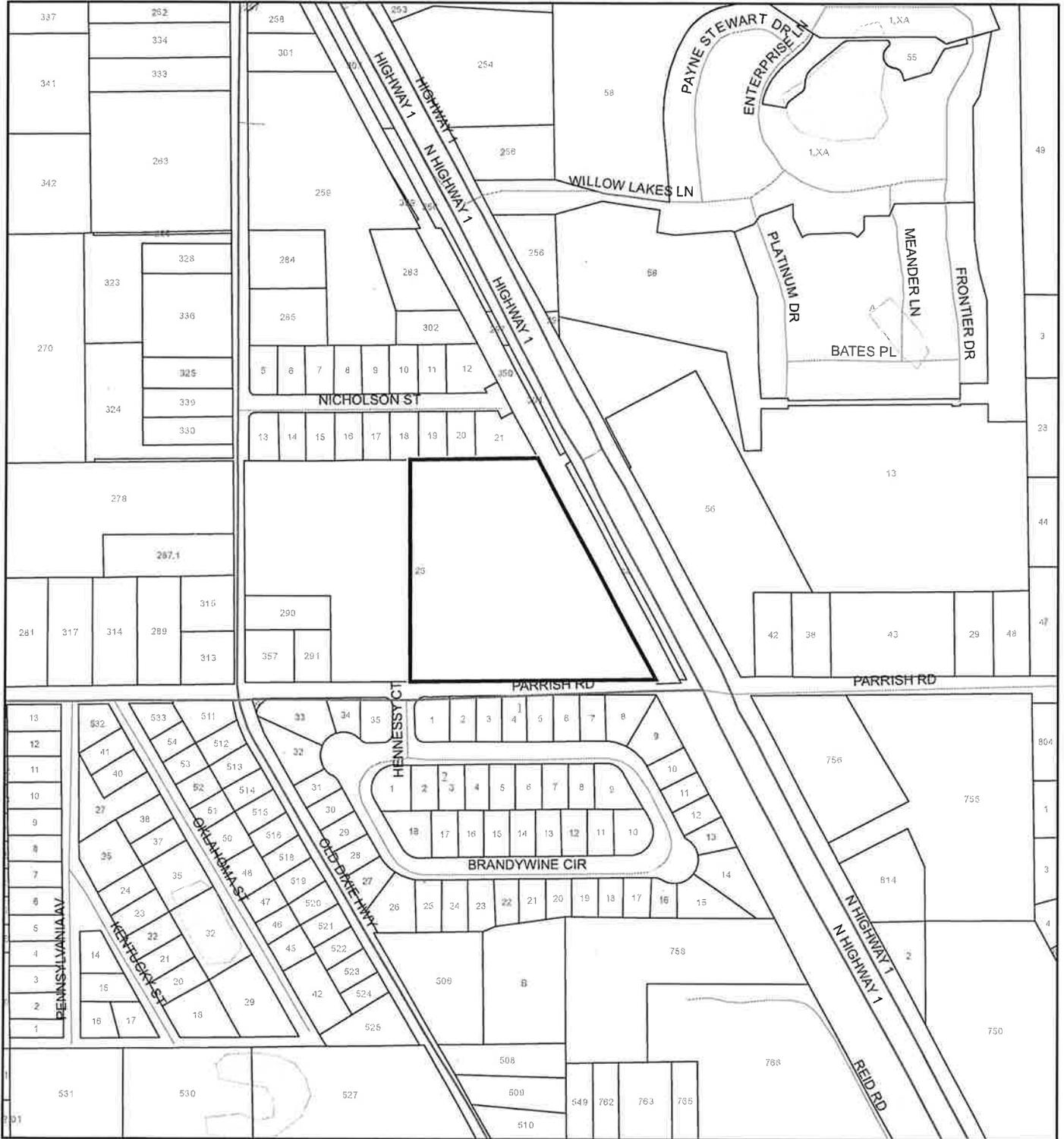
Produced by BoCC - GIS Date: 5/29/2019

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

THINK GREEN BREVARD, LLC

19PZ0066



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: 5/29/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy



TITUSVILLE POLICE

PROMOTING
TEAMWORK
WITHIN *Our* COMMUNITY.

1100 John Glenn Blvd. • Titusville, FL 32780 • PH 321-264-7800

September 11, 2019

Commissioner Rita Pritchett
Brevard County Board of County Commissioners
2000 South Washington Avenue
2nd Floor
Titusville, Florida 32780

RE: Think Green Brevard LLC
19PZ-00066

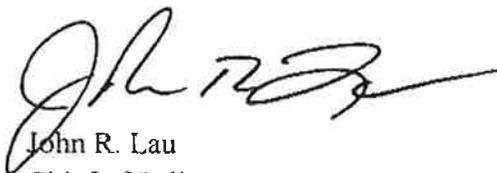
Dear Commissioner Pritchett,

Please accept this letter of support for the proposed Conditional Use Permit (CUP) for Think Green Brevard LLC located at the former Nevins Citrus Plant. Think Green Brevard has supported the Titusville Police Department in the past by hosting our annual awards banquet at their facility. The event was professionally staffed and well managed by their team. I am not aware of any noise issues with the surrounding community and it provided a service greatly appreciated by our department.

I have had the privilege of sitting down with Jason Reichman to hear his vision for this property. He and his staff have always been a community supporters and we are excited at the opportunity Titusville will have with his new venture.

Thank you for your time and consideration. Should you have any further questions, please feel free to contact me at 321-567-3937 or by email at john.lau@titusville.com

Sincerely,



John R. Lau
Chief of Police

Cc: Jason Reichman, Owner



NORTH GUILD

June 12, 2019

Commissioner Rita Pritchett
Brevard County Board of County Commissioners
2000 South Washington Avenue
2nd Floor
Titusville, Florida 32780

RE: Think Green Brevard LLC
19PZ-00066

Dear Commissioner Pritchett,

Please accept this letter of support for the proposed Conditional Use Permit (CUP) for Think Green Brevard LLC located at the former Nevins Citrus Plant.

Known to the community and the Women's Center North Guild as Donovan Productions, Think Green Brevard LLC provides invaluable service to help us get our fund raisers to be polished, organized and fun. Thanks to the team and all of their shared talents, we have been able to raise hundreds of thousands of dollars going to support The Women's Center of Brevard, helping victims of domestic violence, sexual assault and human trafficking here in Titusville.

To date, we have held our most successful event at Think Green Brevard LLC located at the former Nevins Citrus Plant. This was not our first event using Donovan Productions, but it was the first event held at the old Nevins Citrus Plant. We were allowed to use the venue 'Old Nevins Citrus Plant' to host the *Cleopatra Toga Party* starring Herman Cole as Cleopatra, and is our most successful to date! Plus all of our other events, we count on and consider Think Green Brevard LLC, aka Donovan Productions as part of our guild. Without their help, support and assistance in every way we would not be able to raise the money to support those in our community who need it most.

Sincerely,

Mary Ann McClain
President

Cheryl Olsen
Fund Development

Executive Director
Angie Friers
Chief Financial Officer
Patrick Fox
Operations Support Mgr
Angela Dean
Medical Director
Nermin Massoud, DVM
Veterinarians
Julia El-Gendi, DVM
Anik Chavez, DVM
Megan Larive, DVM



**SPCA
OF BREVARD**

455 Cheney Highway, Titusville, FL 32780
Adoption Center: 321-567-3615 Clinic 321-267-8221
www.spcabrevard.com

Board of Directors
Nancy Eberlin - President
Kris O'Keefe - Vice President
Jill Craig - Treasurer
Renee Smart - Secretary
Carole Sime
L J Granger
Cheryl Olsen
Christina Davignon

September 11, 2019

Commissioner Rita Pritchett
Brevard County Board of County Commissioners
2000 South Washington Avenue
2nd Floor
Titusville, Florida 32780

RE: Think Green Brevard LLC

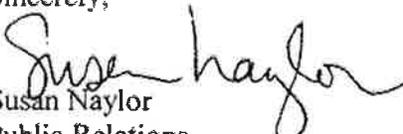
19PZ-00066

Dear Commissioner Pritchett,

Please accept this letter of support for the proposed Conditional Use Permit (CUP) for Think Green Brevard LLC located at the former Nevins Citrus Plant. Think Green Brevard has supported the SPCA of Brevard in the past by holding several fundraisers to the great benefit of animals in our community. The events were always professionally staffed and well managed.

Thank you for your consideration.

Sincerely,


Susan Naylor
Public Relations

Cc: Jason Reichman, Owner



NVHS

A Proud Partner of



September 11, 2019

Commissioner Rita Pritchett
Brevard County Board of County Commissioners
2000 South Washington Avenue
2nd Floor
Titusville, Florida 32780

RE: Think Green Brevard LLC
19PZ-00066

Dear Commissioner Pritchett,

Please accept this letter of support for the proposed Conditional Use Permit (CUP) for Think Green Brevard LLC located at the former Nevins Citrus Plant. Think Green Brevard has supported the NVHS of Brevard in the past by holding several fund raisers to the great benefit of homeless veterans in our community. The events were always well run and provided great assistance to our homeless veterans

Thank you for your consideration.

Sincerely,

Cc: Jason Reichman, Owner

Afternoon
on the **Lagoon**

SATURDAY
NOV.
1ST

A
CANCER BENEFIT
for FIRE LIEUTENANT
STEPHEN
WHITNEY

As a career fire fighter at Kennedy Space Center, Steve serves as a guardian of our community.

Now it is our time to help him!

Please make a point to join us for a good time and to support Steve and his family, so that together we may ease some of their financial burdens.

Where - CRACKERJACKS ISLAND
2A Max Brewer Memorial Pier, Titusville, FL 32796

When - 4pm - 10pm, Saturday November 3, 2014

How Much - \$10 Per Person for the Buffet

Dress in Your Island Attire!

PLEASE JOIN US RAIN OR SHINE, OR SEND A DONATION!

FOR MORE INFORMATION CONTACT:
Tom Van Horn 407-416-1187 mosquitocoast@cfl.rr.com

CONTRIBUTIONS are welcomed at Launch Federal Credit Union: "Stephen Whitney Donation Account" ACCT# 3244912

Steve is currently battling Stage Four Cancer with an inoperable tumor in his left lung. Having undergone chemotherapy, surgery and several rounds of radiation, Steve has made it difficult to come to work every shift and do the extra things of which he is so proud and a real challenge for him to take these on without any

CRACKERJACKS

HALLOWEEN PARTY

MONDAY - OCT 31st

TRUNK OR TREAT 4PM
(BRING YOUR TRUNKS & TREATS)

PUMPKIN CARVING CONTEST
\$100 GIFT CERTIFICATE!

KID'S COSTUME CONTEST 5PM

PET COSTUME CONTEST 6PM

KID'S AREA 4PM-7PM

ADULT COSTUME CONTEST 10PM
\$250 CASH GRAND PRIZE!

SPCA OF PEVARD

BEFORE CRACKERJACK ISLAND'S PARTY
STOP IN AT **THE IRISH PUB & EATERY'S ANNUAL COSTUME CONTEST**
AT MIDNIGHT! \$250 CASH PRIZE!

70's MYSTERY DISCO EXTRAVAGANZA

An Original Production

DINNER THEATER

MUSIC & DANCING

AUDIENCE PARTICIPATION

SATURDAY
SEPT. 13TH
3:PM & 8:PM

- Pasta Dinner with Gourmet Deserts -

2 SHOWS
at PLANTATION HOUSE



\$50.00 per ticket

- AVAILABLE AT -

The Irish Pub Titusville
125 Harrison St
Titusville, FL
(321) 264-0311

Crockerjack's Island
2A Max Brewer Parkway
Titusville, FL
(321)-264-5065

The Plantation House
at The Great Outdoors
137 Plantation Dr
Titusville, FL
(321) 385-9100

[Facebook.com/DownWithCancer](https://www.facebook.com/DownWithCancer)

CancerYouSuck.com



RAFFLE TO WIN
THIS CUSTOM GUITAR

\$10
per ticket

Women's Center

DONOVAN
PRODUCTIONS
bluelit

CancerYouSuck.com

Candace Tate's Family and friends unite to raise money to help her with her battle against a very aggressive form of breast cancer!



A Special
TRIVIA NIGHT
at Michelle

MONDAY AUGUST 11TH @ 7:30PM

**CRACKERJACKS
ISLAND**

★ 50/50 RAFFLE!

★ CrackerJack's Gives 10%
of The Proceeds to
The Candace Tate Fund

★ Round Winning Team
Get FREE DRINKS!

★ Wear PINK
and Team Gets 2 Points!

All To
Benefit The

Candace Tate
cancer fund

Candace Tate's Family and friends unite to raise money to help
her with her battle against a very aggressive form of breast cancer!



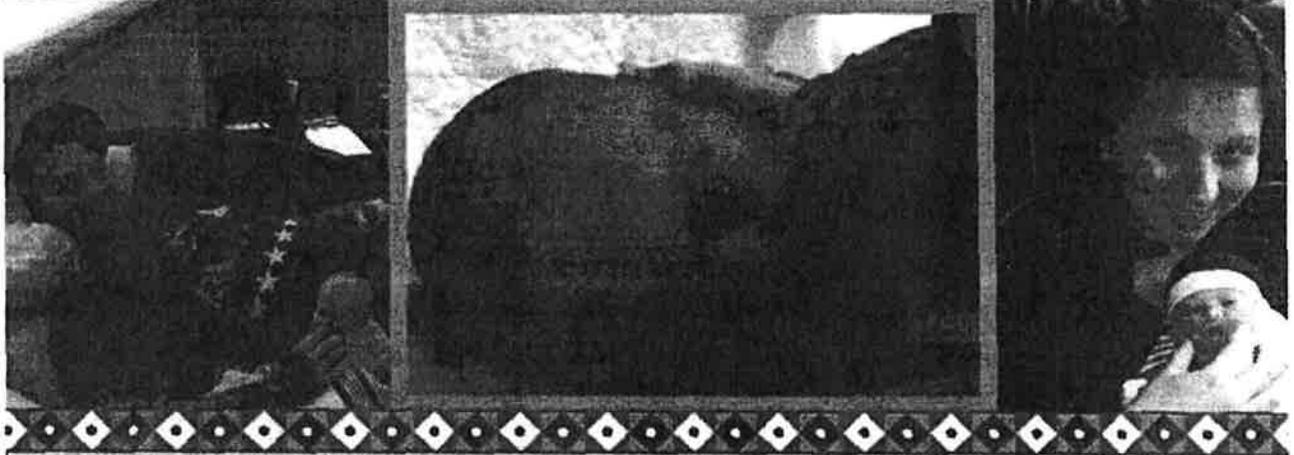
CancerYouSuck.com





MARINES TOYS FOR TOTS
4TH ANNUAL
Birthday Bash
Nov. 9 6:00pm

WELCOME HOME KRISTALYN BENEFIT JULY 12TH 7:00PM



Kristalyn Timberlake was born on March 27, 2013. Due to several complications, Kristalyn has not been able to leave Florida Hospital in Orlando and be with her family, like most healthy babies. The medical expenses plus the cost of driving back and forth from Orlando have been tremendous! While Kristalyn has another operation scheduled in a few months, she is coming home soon! We would love to invite you to come celebrate this courageous baby's homecoming and help contribute to her well-being.

50/50 Drawing
Silent Auction
\$10 BBQ



The Irish Pub will Donate 10% of the whole night to Kristalyn!
Contact Jessica for More information: 321-749-4064
Or Donovan 321-987-5682

All Dogs Go to **Broadway**

an SPCA of North Brevard Benefit



a one night engagement

at Titusville Playhouse, Inc. in Historic Downtown Titusville

June 8, 2013 at 7:30pm

Dinner and a show \$40

Show main level \$25

Show balcony \$15

www.broadwaydogs.webs.com

to purchase tickets online



For more information, contact Doreen at 321-987-5682

ROCK FOR SONNY

A BENEFIT CONCERT FUNDRAISER

TO HELP SONNY FIGHT CANCER
7 YEAR OLD SONNY IS IN THE FIGHT FOR HIS LIFE.



SONNY IS A SWEET, FUNNY, CARING, LOVABLE LITTLE GUY WHO WAS RECENTLY DIAGNOSED WITH EWING SARCOMA. THIS NASTY FORM OF CANCER IS ONE OF THE MOST AGGRESSIVE BONE CANCERS IN CHILDREN. SONNY IS CURRENTLY UNDERGOING 6 AGGRESSIVE ROUNDS OF CHEMOTHERAPY, FOLLOWED BY SURGERY, ANOTHER 8 ROUNDS OF CHEMO, AND FINALLY RADIATION.

**FREE
CONCERT**

DAVE MCGOUGH AND THE IRISH PUB HAVE JOINED UP TO HELP RAISE MONEY TO OFFSET THE MOUNTING MEDICAL EXPENSES. DAVE IS A DEVERSE ACOUSTIC PERFORMER AND NO DOUBT THERE WILL BE A LITTLE SOMETHING FOR EVERYONE! IN ADDITION TO THE UNCREDIBLE ENTERTAINMENT, FOOD & DRINKS, THERE WILL BE A SILENT AUCTION, \$0/\$50 RAFFLES, & DOOR PRIZES!

ALL PROCEEDS WILL GO DIRECTLY TO THE SUNSHINE FOR SONNY MEDICAL FUND!

FEATURING DIVERSE ACOUSTIC ARTIST **DAVE MCGOUGH**

SATURDAY, 12/14 FROM 1-6

AT THE IRISH PUB, 125 HARRISON STREET, TITUSVILLE, FL

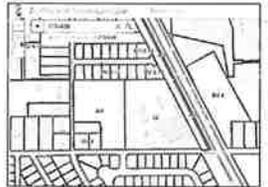


FOR MORE INFORMATION CHECK OUT
WWW.SUNSHINEFORSONNY.COM

& **ROCK** YELLOW FOR SONNY!



Conceptual Site Plan 09/24/19
19PZ00066
Think Green Brevard



LEGAL DESCRIPTION
The currently zoned "AU" portion of lands described as Official Record's Book 1842, Page 1843 of the Public Records of Brevard County, Florida.

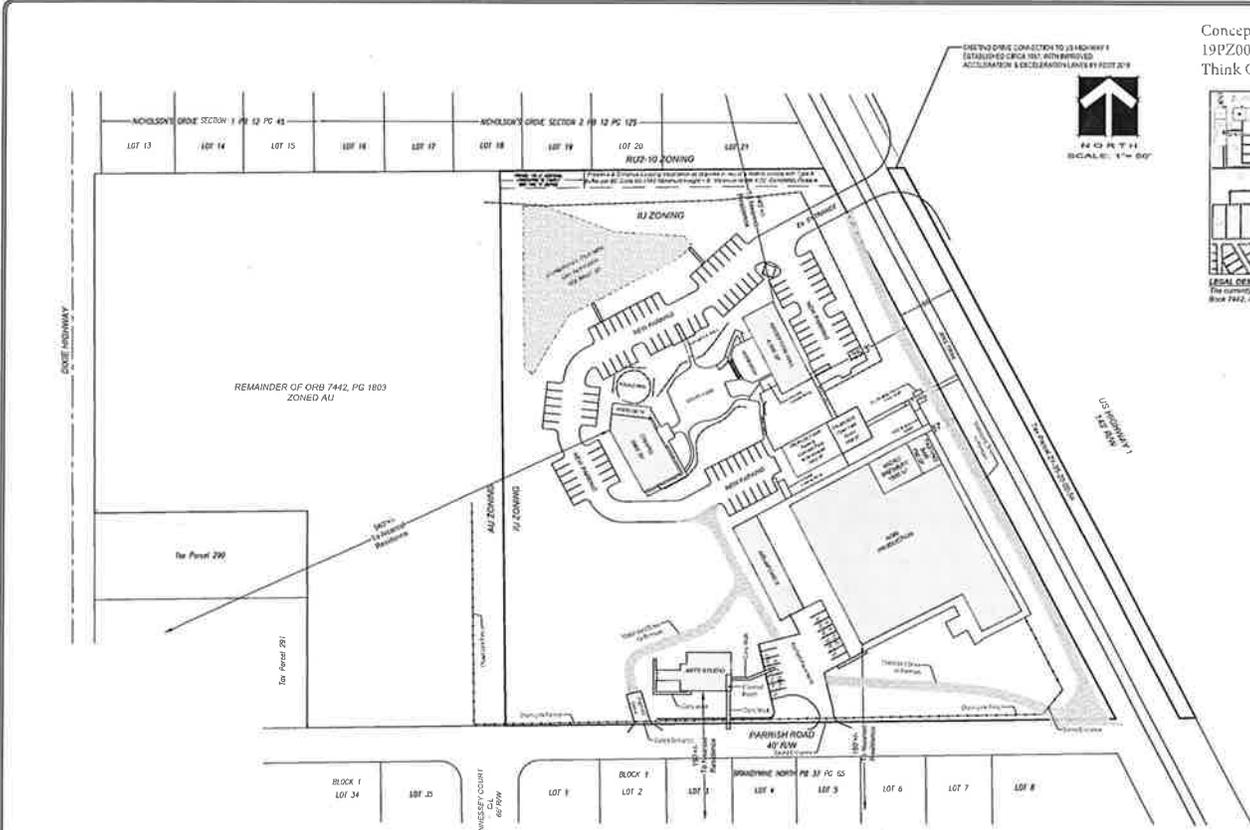
NO.	AREA	ACRES	AREA	ACRES
1	LOT 1	1.00	1.00	1.00
2	LOT 2	1.00	1.00	1.00
3	LOT 3	1.00	1.00	1.00
4	LOT 4	1.00	1.00	1.00
5	LOT 5	1.00	1.00	1.00
6	LOT 6	1.00	1.00	1.00
7	LOT 7	1.00	1.00	1.00
8	LOT 8	1.00	1.00	1.00
9	LOT 9	1.00	1.00	1.00
10	LOT 10	1.00	1.00	1.00
11	LOT 11	1.00	1.00	1.00
12	LOT 12	1.00	1.00	1.00
13	LOT 13	1.00	1.00	1.00
14	LOT 14	1.00	1.00	1.00
15	LOT 15	1.00	1.00	1.00
16	LOT 16	1.00	1.00	1.00
17	LOT 17	1.00	1.00	1.00
18	LOT 18	1.00	1.00	1.00
19	LOT 19	1.00	1.00	1.00
20	LOT 20	1.00	1.00	1.00
21	LOT 21	1.00	1.00	1.00
22	LOT 22	1.00	1.00	1.00
23	LOT 23	1.00	1.00	1.00
24	LOT 24	1.00	1.00	1.00
25	LOT 25	1.00	1.00	1.00
26	LOT 26	1.00	1.00	1.00
27	LOT 27	1.00	1.00	1.00
28	LOT 28	1.00	1.00	1.00
29	LOT 29	1.00	1.00	1.00
30	LOT 30	1.00	1.00	1.00

NOTES

1. **NOTES:** - existing vegetation within 10' of wetlands, except for the existing 100' x 100' asphalt parking lot, shall be preserved to the maximum extent practicable. The wetlands shall be delineated by a registered professional surveyor. The wetlands shall be delineated by a registered professional surveyor. The wetlands shall be delineated by a registered professional surveyor.
2. **NOTES:** - The site is located within the 100' x 100' asphalt parking lot. The site is located within the 100' x 100' asphalt parking lot. The site is located within the 100' x 100' asphalt parking lot.
3. **NOTES:** - The site is located within the 100' x 100' asphalt parking lot. The site is located within the 100' x 100' asphalt parking lot. The site is located within the 100' x 100' asphalt parking lot.
4. **NOTES:** - The site is located within the 100' x 100' asphalt parking lot. The site is located within the 100' x 100' asphalt parking lot. The site is located within the 100' x 100' asphalt parking lot.

NOTES

1. All work shall be done in accordance with the applicable codes and regulations.
2. The existing site conditions shall be preserved to the maximum extent practicable.



CONCEPTUAL SITE PLAN
Think Green Brevard, LLC

Drawn By: B.L.W. Date: April 23, 2019 File: 19-03-00066-26

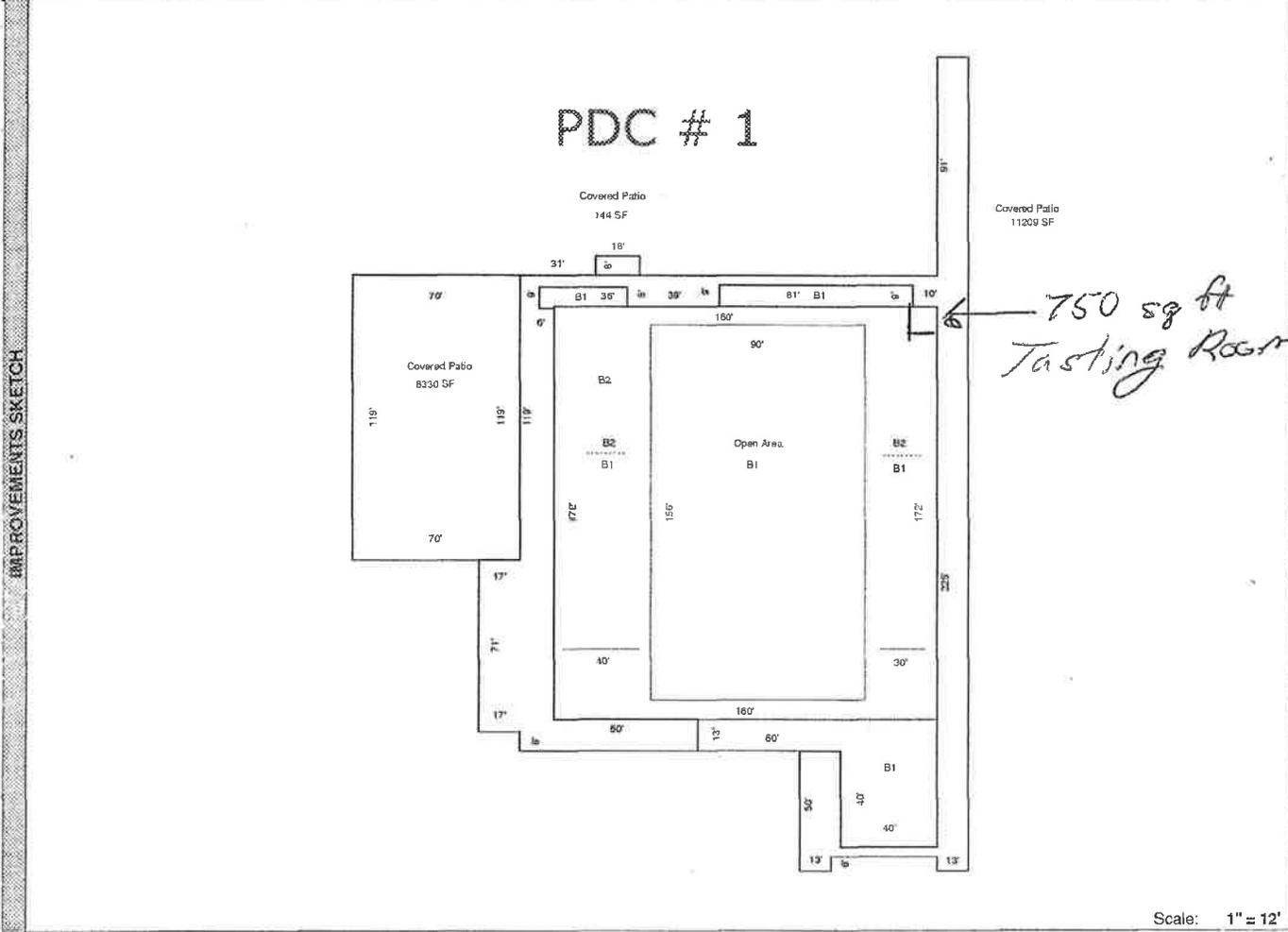
<p>prepared by: B. L. WARD, PLS Surveying, Mapping, Land Planning and Site Design 2523 Premier Drive Titusville, Florida 32756 321-271-0717 email: bward@bpl.com</p>	<p>03/24/18 Admin Access Drive for Client Use</p> <p>03/24/18 Modified plan, updated parking & added setbacks for staff townhome</p> <p>07/26/18 Site plan, site parking, setbacks & buffer zones</p> <p>05/18/18 CONCEPTUAL SITE PLAN</p> <p>Date: Revision:</p>	<p>Drawn By: B.L.W. Date: April 23, 2019 File: 19-03-00066-26</p>
---	---	---

CSP

SKETCH/AREA TABLE ADDENDUM

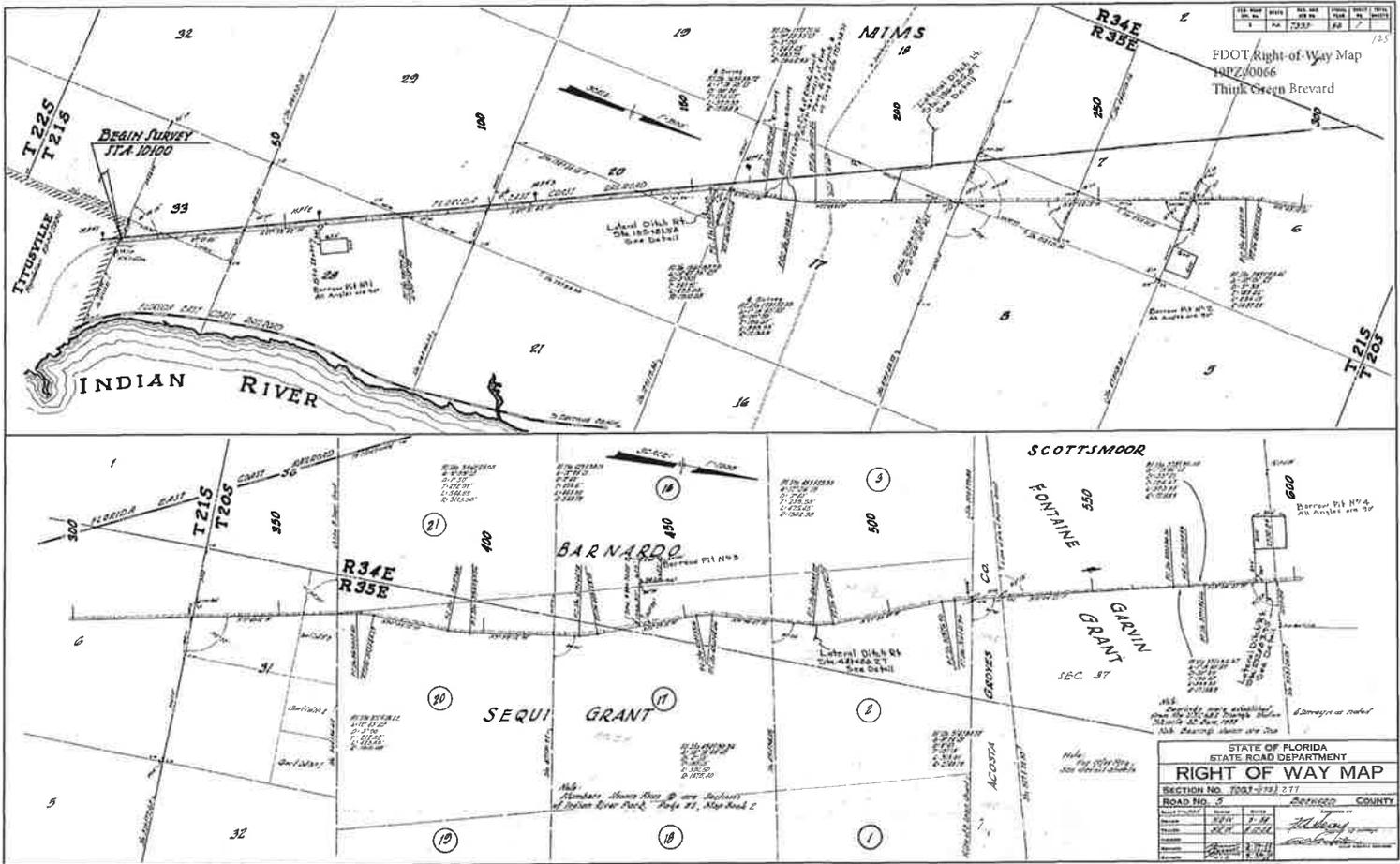
Sketch Table
19PZ00066
Think Green Brevard

SUBJECT	PARCEL ID 2104639		
	CITY	STATE	ZIP
	PERMIT # 8-17-11		
	MARKET AREA		
APPRaiser NAME SXJ			



Scale: 1" = 12'

AREA CALCULATIONS SUMMARY						Comment Table 1	
Code	Description	Factor	Net Size	Perimeter	Net Totals		
B1	B1	1.00	31443	816	31443		
B2	B2	1.00	13480	664	13480		
OPEN AREA	Open Area	1.00	14040	492	14040		
CVPRT	Covered Patio	1.00	11209	1828			
	Covered Patio	1.00	8330	378			
	Covered Patio	1.00	144	52	19683		
						Comment Table 2	Comment Table 3

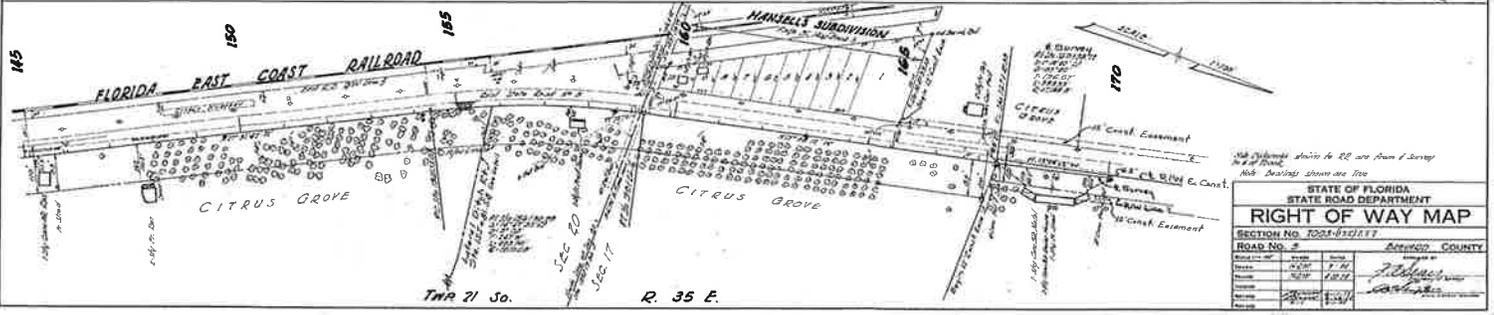
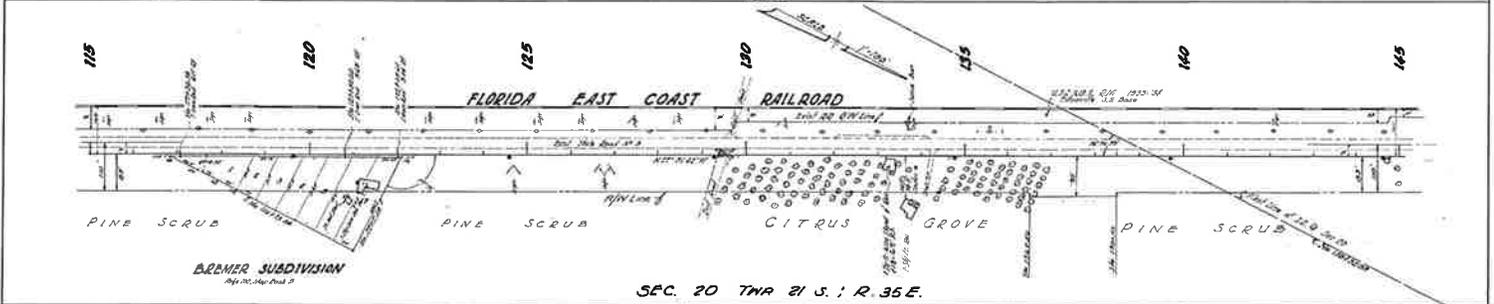
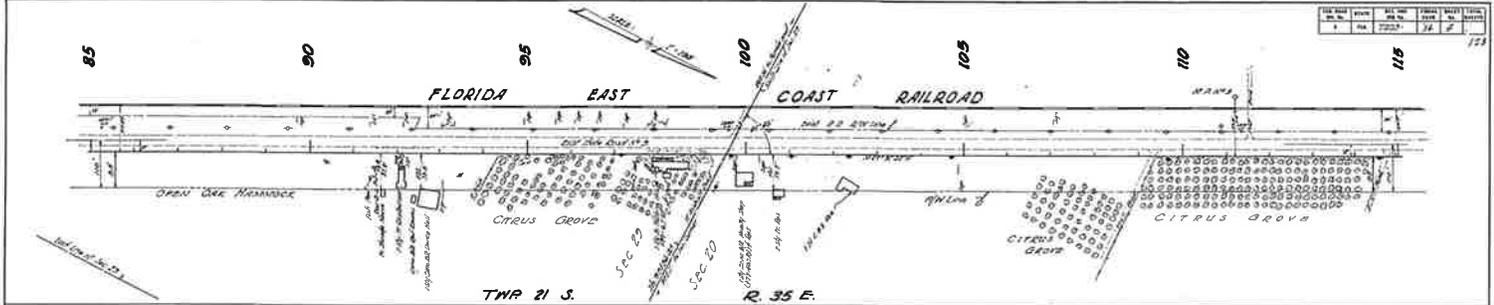


FDOT Right-of-Way Map
 10PZ/0066
 Think Green Brevard

STATE OF FLORIDA STATE ROAD DEPARTMENT			
RIGHT OF WAY MAP			
SECTION No. 2707-272 / 271			
ROAD No.	271	272	271
SECTION	2707	272	271
COUNTY	BREVARD	BREVARD	BREVARD
DATE	12/11/07	12/11/07	12/11/07
BY	[Signature]	[Signature]	[Signature]
CHECKED BY	[Signature]	[Signature]	[Signature]

100
 200
 300
 400
 500
 600
 700
 800
 900
 1000

DATE	BY	SCALE	PROJECT	DATE



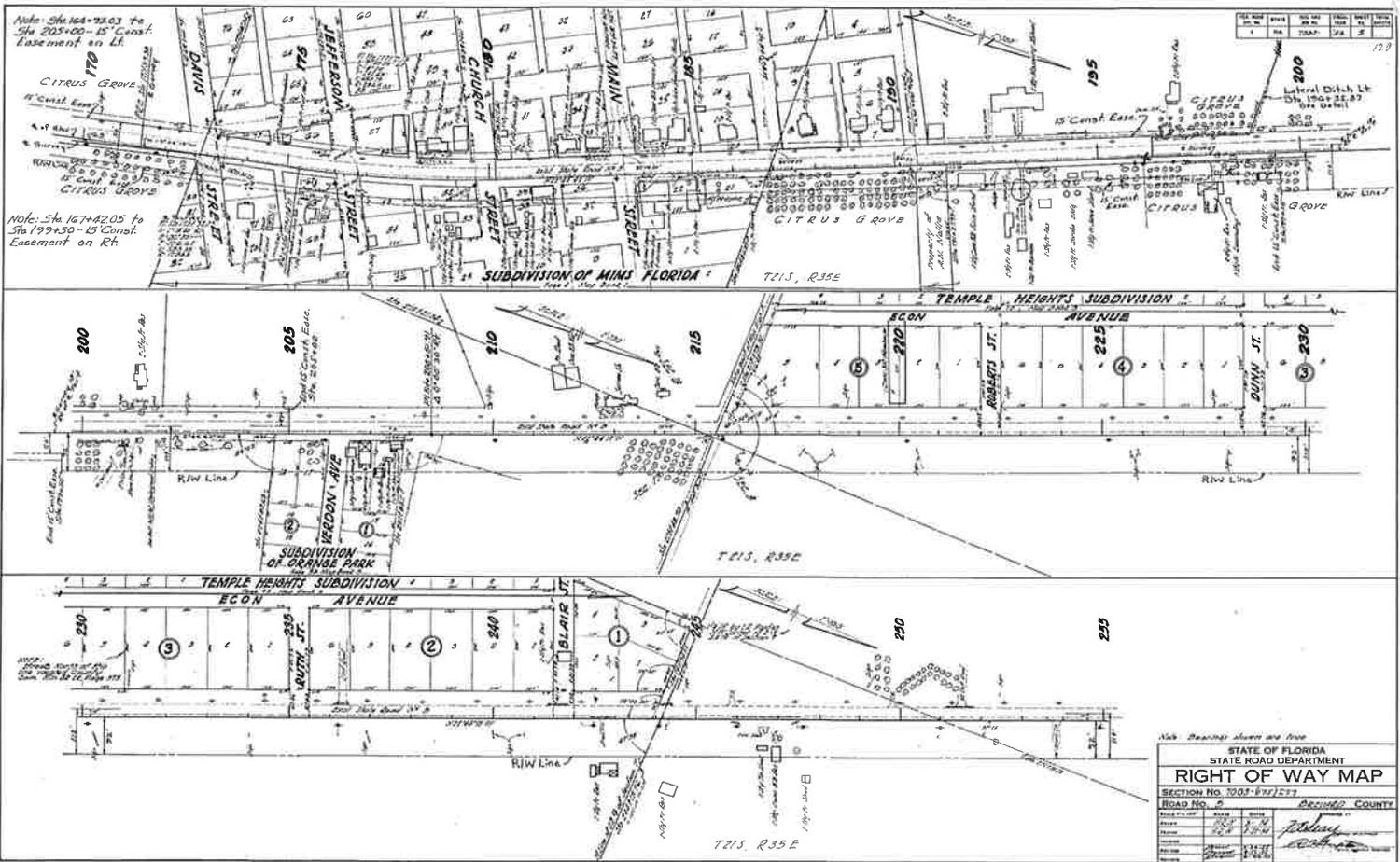
STATE OF FLORIDA
STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
SECTION No. 2001-830111
ROAD No. 2
SARASOTA COUNTY

DATE	BY
1/1/11	J. J. [Signature]
1/1/11	[Signature]
1/1/11	[Signature]

ASS. BOUND. 1/11 2001-830111 2/1/11

Note: Sh. 164-22.03 to Sh. 205+00 - 15' Const. Easement on Lt.

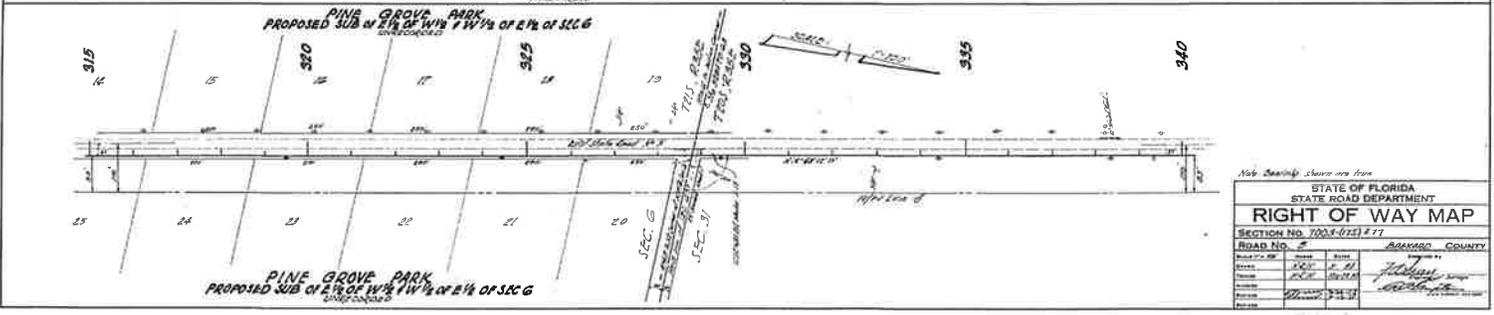
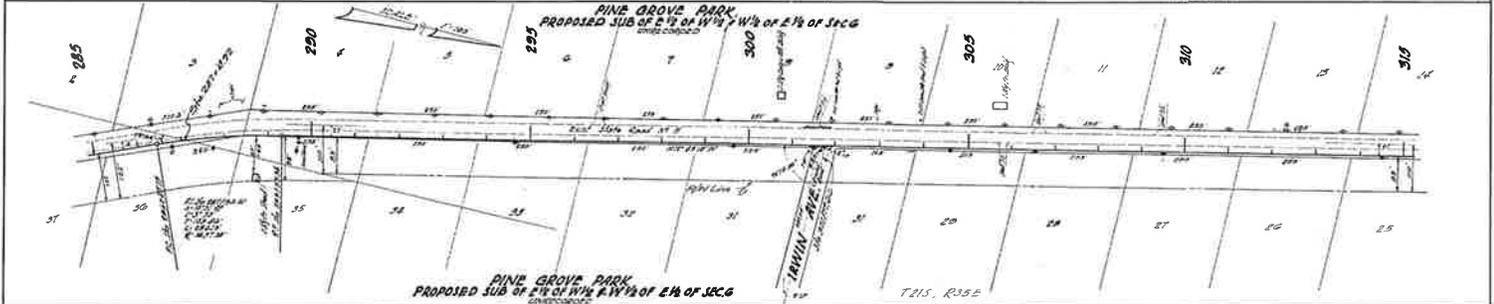
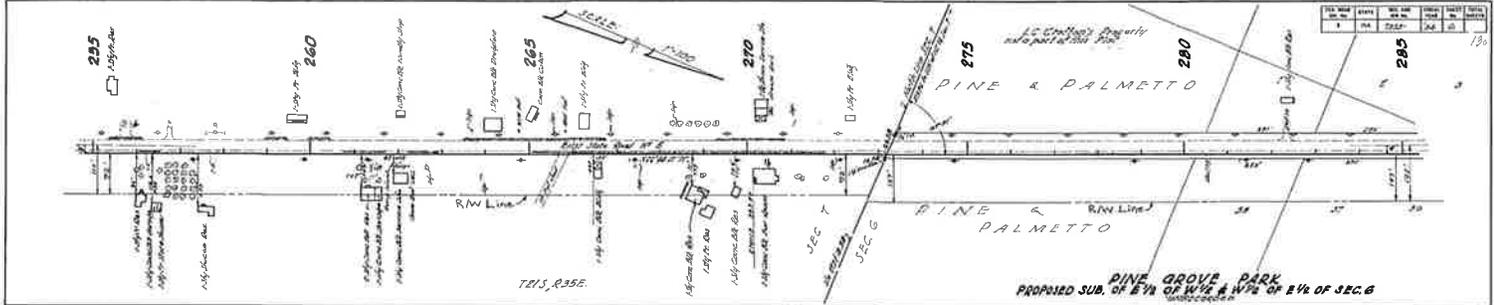
Note: Sh. 167-42.05 to Sh. 199+50 - 15' Const. Easement on Rt.



STATE OF FLORIDA			
STATE ROAD DEPARTMENT			
RIGHT OF WAY MAP			
SECTION No. 2005-691513			
ROAD No. 2			
ORANGE COUNTY			
DATE	APPROVED	DESIGNED	
12/1/51	[Signature]	[Signature]	
SCALE	1" = 100'	DRAWN	
		[Signature]	

Map Sheet No. 2005-691513

FILE NO.	STATE	SECTION	DATE	SCALE	BY	DATE

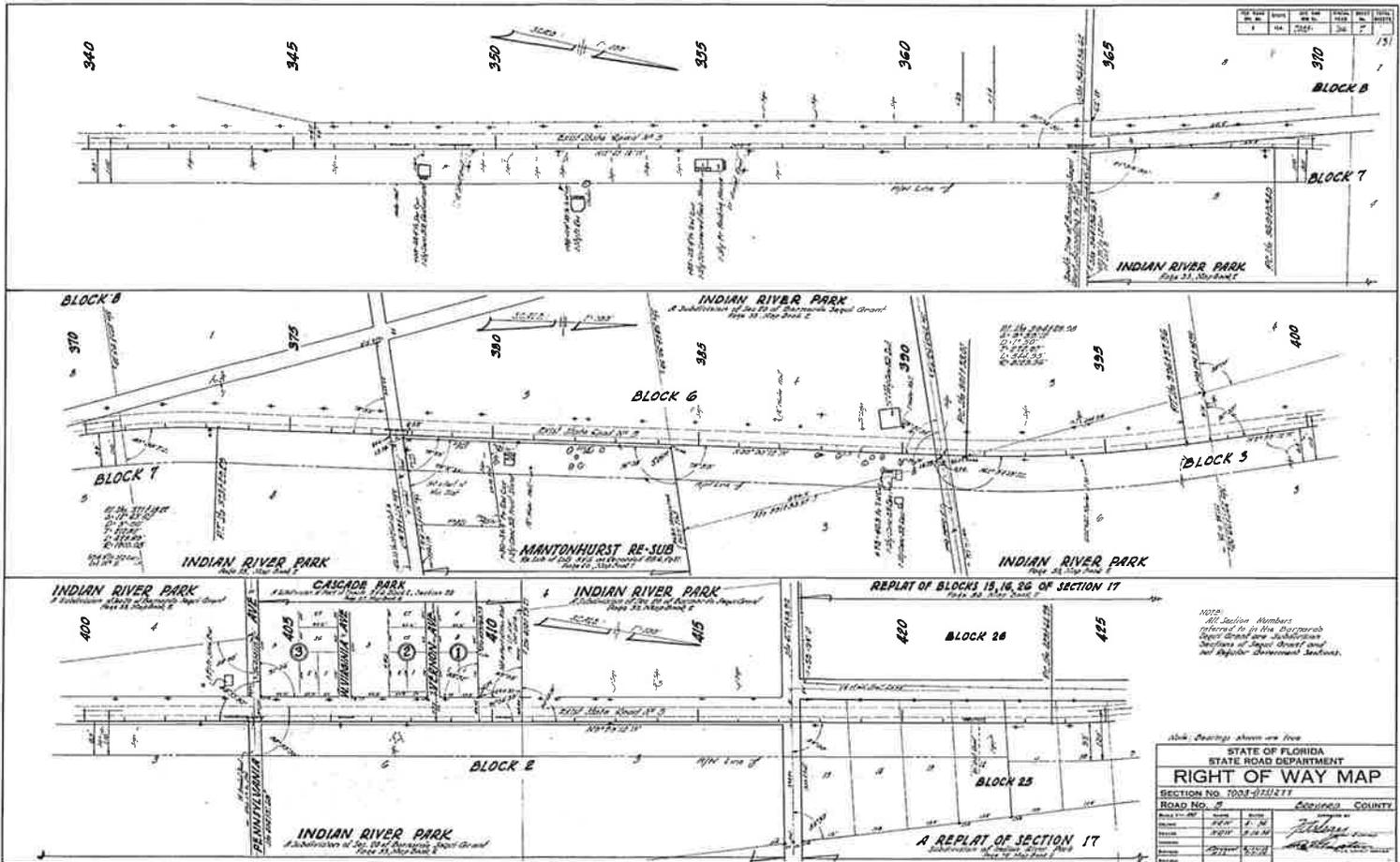


Note: Bearings, shown on form

STATE OF FLORIDA	
STATE ROAD DEPARTMENT	
RIGHT OF WAY MAP	
SECTION NO. 7008-0213 & 17	
ROAD NO. 5	
ADAMSON COUNTY	
Scale	1" = 40'
Date	12-11-19
By	[Signature]
Check	[Signature]

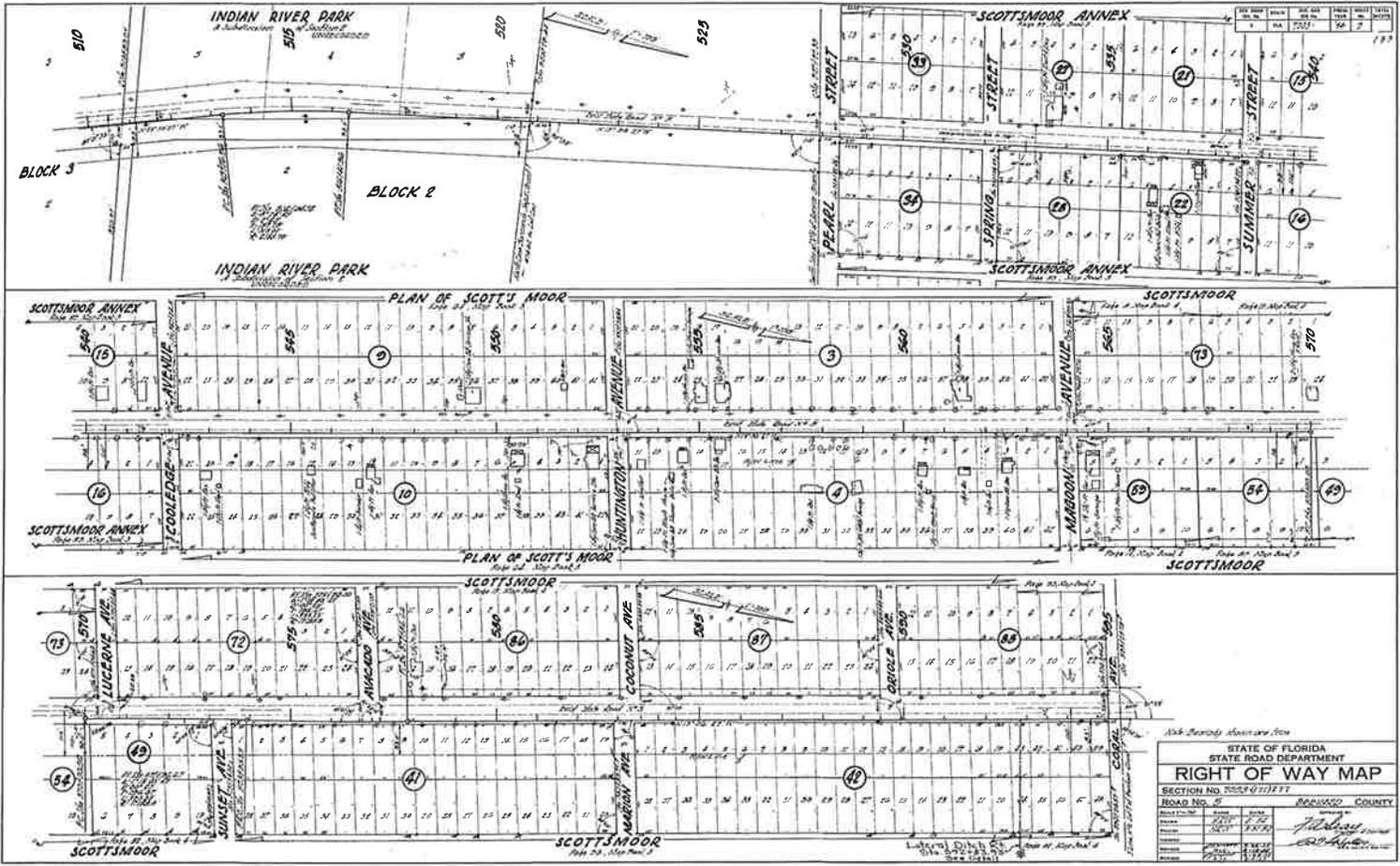
MAP SHOWS ADAMSON COUNTY
 SECTION 7008-0213 & 17
 12/11/19

Note: Sheet No. 200000 205100
 205107



NOTE:
 All Section Numbers
 referred to in the Department
 Order Plans are Subdivisions
 Sections of Major Street and
 not Regular Development Sections.

All Bearings shown are True
 STATE OF FLORIDA
 STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
 SECTION No. 2000-210217
 ROAD No. 2 Osceola COUNTY
 DATE: 1951
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

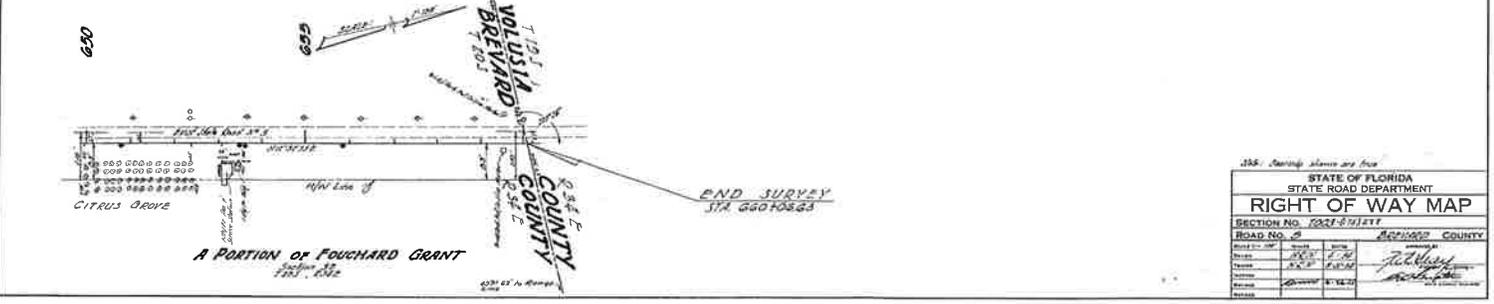
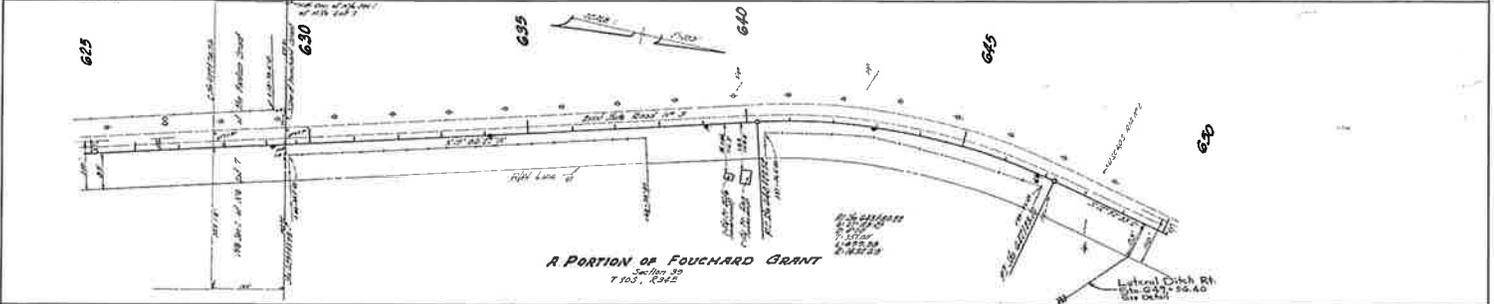
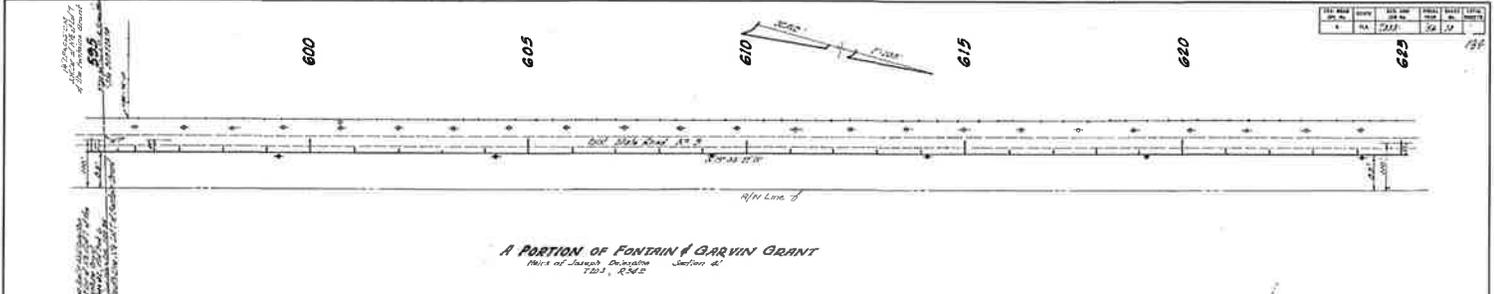


1558-Scott, M. 1935-1936
 1558-Scott, M. 1935-1936

STATE OF FLORIDA
 STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
 SECTION NO. 1004-1111
 ROAD NO. 6
 BREVARD COUNTY

Project No.	1004-1111
Date	12/1/35
Scale	1" = 100'
Author	J. H. ...
Checker	...
Engineer	...

FILE NO.	DATE	BY	SCALE	SHEET NO.	TOTAL SHEETS
100-100000	1932	J. H. ...	1" = 400'	12	12



355 - Roadway shown are from

STATE OF FLORIDA
STATE ROAD DEPARTMENT

RIGHT OF WAY MAP

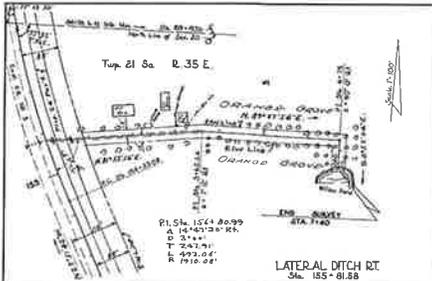
SECTION No. 2321-011211

ROAD No. 2021-011211

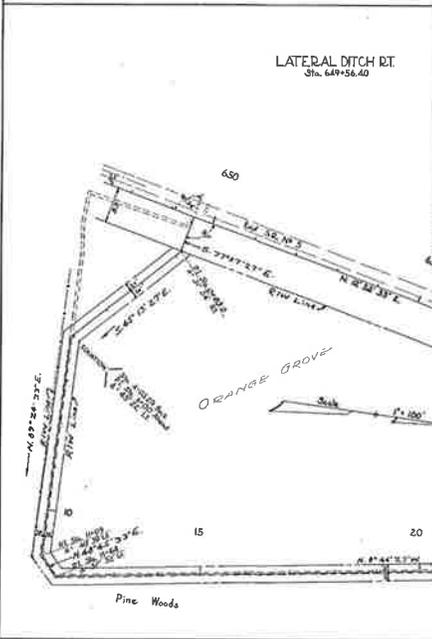
DATE	1932	BY	J. H. ...
SCALE	1" = 400'	CHECKED	J. H. ...
APPROVED		SUPERVISOR	J. H. ...

4231 ST. A. ROAD

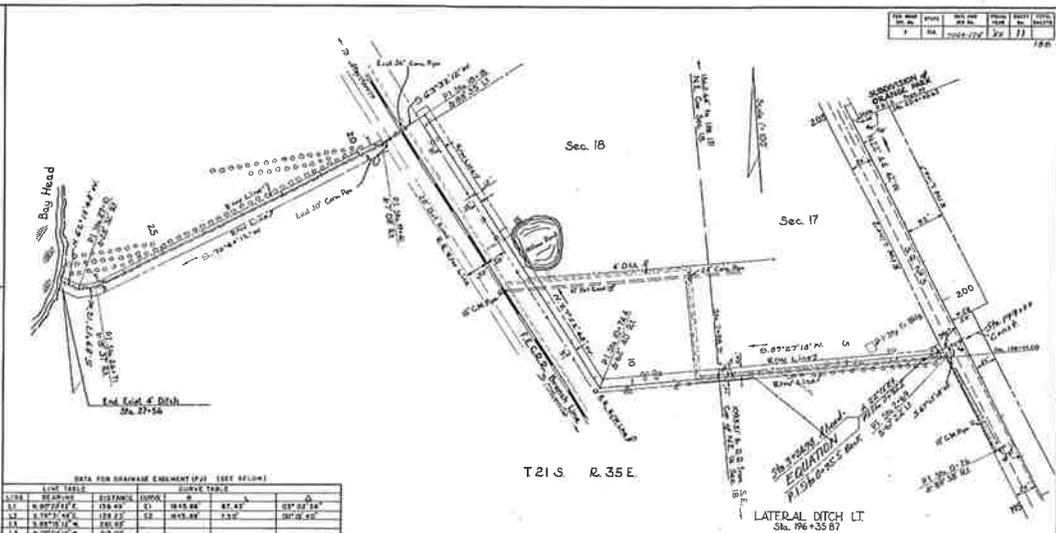
100-100000
1932
J. H. ...



LATERAL DITCH RT
Sta. 155+81.88



LATERAL DITCH RT
Sta. 649+56.40

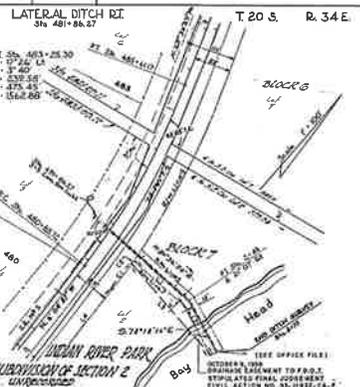


T. 21 S. R. 35 E.

LATERAL DITCH LT
Sta. 96+35.87

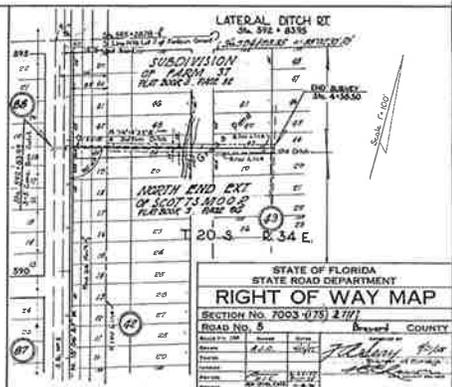
DATA FOR DRAINAGE ENLARGEMENT (SEE BELOW)

LINE	BEARING	DISTANCE	COORD.	CURVE TABLE
11	N 07° 14' 12" E	158.88	41	1845.88 87.43 08° 23' 54"
12	S 71° 12' 18" W	139.27	52	813.88 1.17 30° 02' 52"
13	S 28° 10' 18" W	261.87		
14	N 88° 02' 18" W	83.07		



LATERAL DITCH RT
Sta. 481+86.27

T. 20 S. R. 34 E.

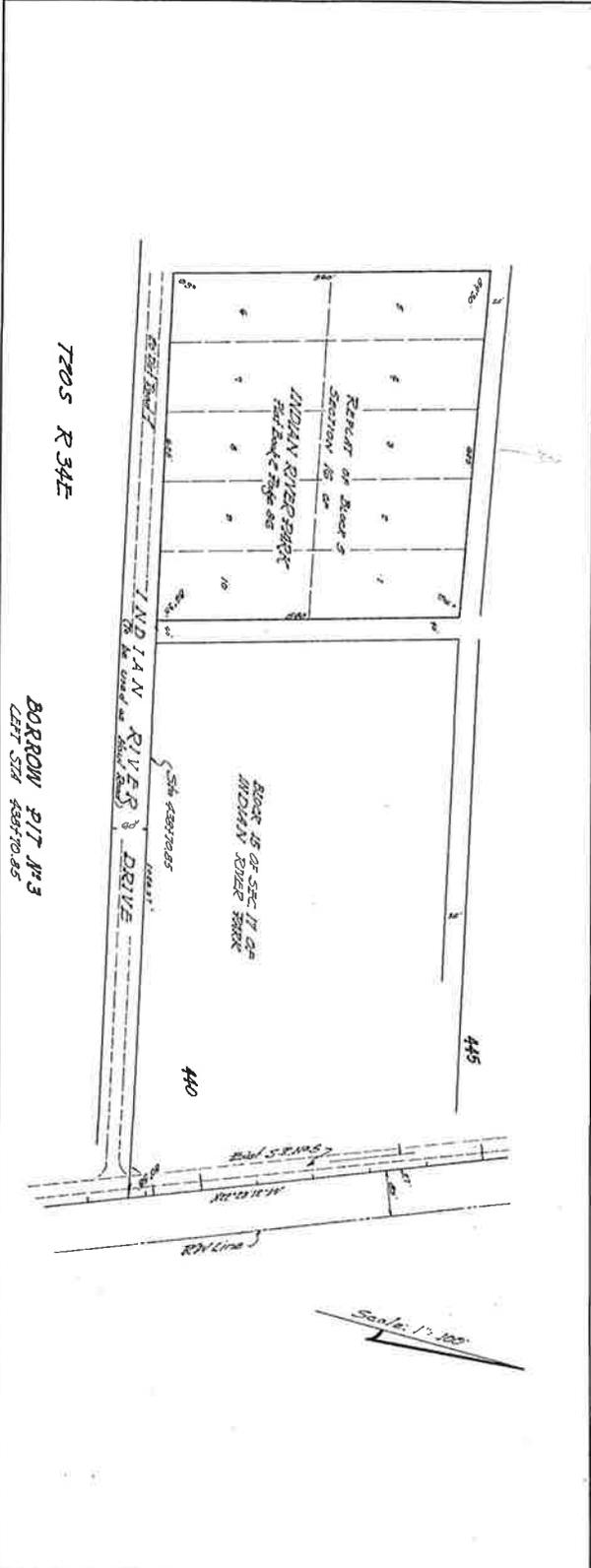
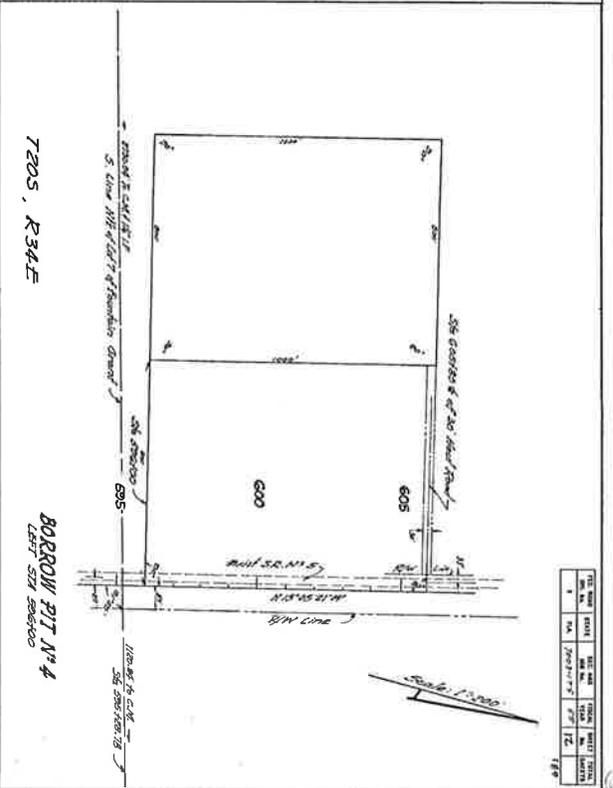
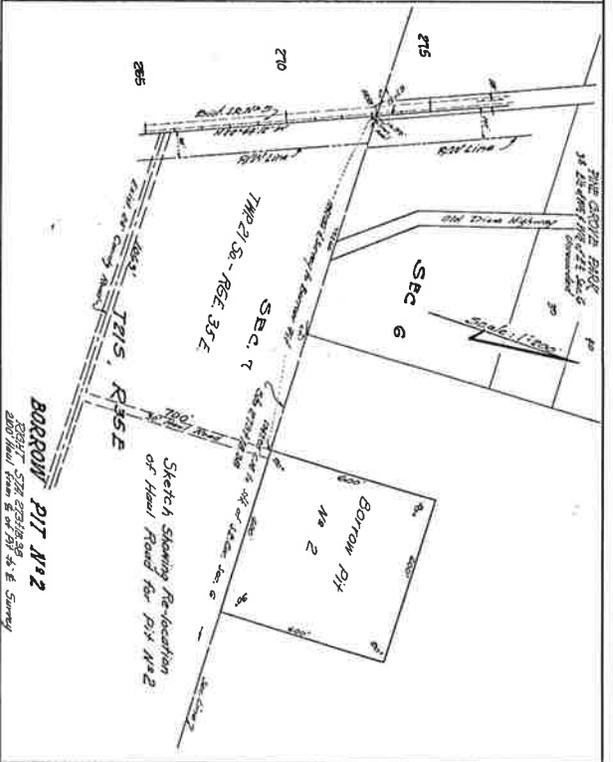
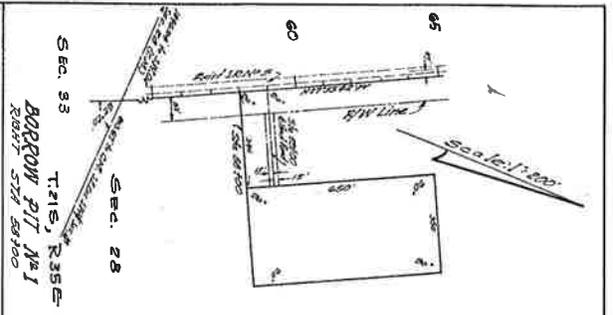


LATERAL DITCH RT
Sta. 916+8315

STATE OF FLORIDA
STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
SECTION No. 7003-0751-2771
ROAD No. 5
BREVARD COUNTY

DATE: 11/17/77
BY: [Signature]
CHECKED: [Signature]

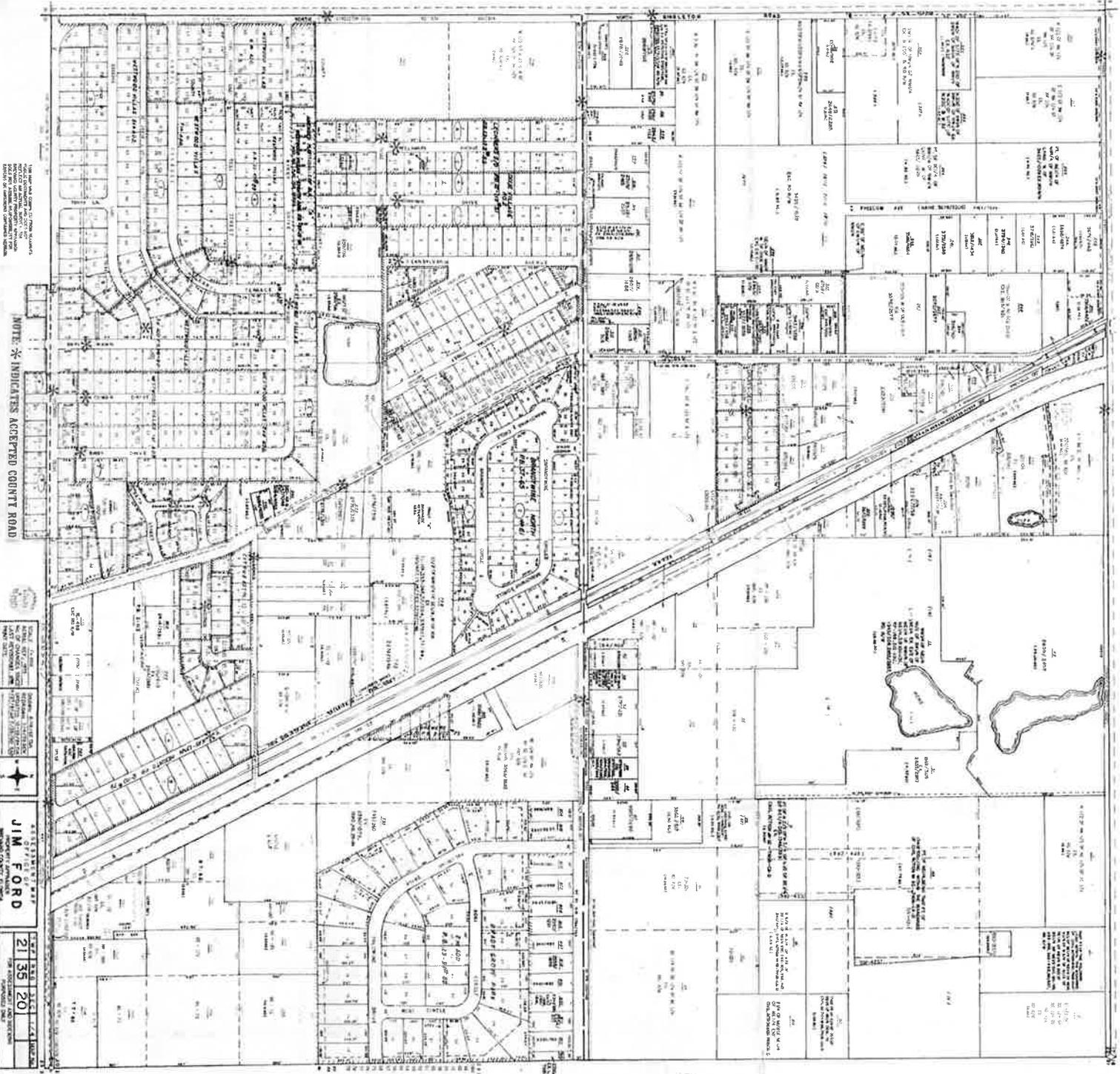
129



SECTION	ACRES	AREA	PERCENT	REMARKS
28	360	360	100	
33	360	360	100	
6	360	360	100	
7	360	360	100	
34E	360	360	100	

STATE OF FLORIDA
STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
SECTION NO. 7002-1 (720) 211
ROAD NO. 2
SHERMAN COUNTY
DATE: 11/15/1965
BY: [Signature]
CHECKED: [Signature]

130



1/24/2014 10:00 AM
 COUNTY OF JIM FORD
 PLAT NO. 213520
 SECTION 20 TOWNSHIP 21S RANGE 35E

HOTEL X INDICATES ACCEPTED COUNTY ROAD


 COUNTY OF JIM FORD
 PLAT NO. 213520
 SECTION 20 TOWNSHIP 21S RANGE 35E

JIM FORD
 COUNTY OF JIM FORD
 PLAT NO. 213520

21	35	20
----	----	----

131

From: [Stuart Buchanan](#)
To: [Ball, Jeffrey](#); [Edriva, George C](#)
Cc: [Collins, Tadi](#); [Jones, Jennifer](#); [Egan, Reflexus](#); [Elmore, Amanda T](#)
Subject: Thank Green Brevard LLC, CUP Application
Date: Monday, September 30, 2019 3:14:24 PM
Attachments: [CSPCUPWithAnswers.pdf](#)

Dear Mr. Ball,

Please find below responses from our surveyor and engineer to your questions from your 9/23/19 email and George's 9/25/19 email to staff which we received a hardcopy on 9/27/19. After meeting with George on 9/27/19 I have incorporated his suggestions and request for additional information to our prior submittal. Specifically:

- (1) Identifying the single western most driveway from Parrish Road that will be utilized as an entrance for the Arts building at the SW area of the property.
- (2) Clarifying that the main parking lot is in fact connected by an existing interior driveway to the Arts building parking lot.
- (3) Providing an interior building sketch showing the 750 sq. ft. area of the tasting room in the northeast corner of the main building.

I have also attached the revised CUP conceptual site plan with new parking calculations. Please note that the design professionals have assured me they will modify the development site plan to match the attached CUP conceptual site plan so that both are consistent. I am responding by email for ease of staff to transfer responses into staff report.

Please contact me if I may provide any additional information.

Stuart

1. Access. Please provide documentation that the Owner has legal access to US 1. Additionally, how many access points to Parrish Road are being provided? It appears that there are three existing connections. Is only one access going to be utilized? Please clarify.

The existing driveway connection to US Highway 1 constitutes legal access by virtue of a prescriptive easement by common and Florida law in that has been open, hostile, and notorious for over 50 years. Also, FDOT this year repaved the drive connection and repaved and extended the deceleration and acceleration lanes which is prima facie evidence that FDOT recognizes this as a legal access. The single western most driveway from Parrish Road that will be utilized as an entrance for the Arts Studio building at the SW area of the property.

Please note that the main parking lot is in fact connected by an existing interior driveway to the Arts Studio building parking lot as clearly shown by site visit or aerial review.

2. Parking. Please provide documentation that all uses have the required parking required by Code and provide a breakdown by use. Note, all areas indicated within the CUP application

Ritchie, George C

From: Ritchie, George C
Sent: Wednesday, September 25, 2019 1:50 PM
To: Bak, Jeffrey; Ragain, Rebecca; Calkins, Tad
Subject: Think Green Brevard LLC, CUP Application

Below is my synopsis of the current application issues. Please review and advise what should be sent back to Stuart to be addressed.

Remaining outstanding issues for the Think Green Brevard LLC, CUP for alcoholic beverages on-premises consumption application:

- Access

- The northern access easement providing connection to U.S. Highway 1 has not been verified. Please provide a copy of the recorded easement (Book/Page) providing access and describing what type of access has been allowed (trucking, general vehicle and/or pedestrian access).
- Within your 9/24/2019 conceptual site plan submittal, Access Notes (Note #1) limits all CUP related activities to the northern easement access to U.S. Highway 1. Should you fail to provide proof that a recorded access easement exists, this site will not meet the (ingress/egress) access requirements identified in Section 62-1901 of Brevard County's Code of Ordinances. You may wish to remove this note or amend the conceptual site plan submittal to provide additional access (ingress/egress) points. If access (ingress/egress) has not been established, this application will be tabled until new access has been identified and provided.
- Access Note #2 states the existing drive connection to Parrish Road shall be used only for Non-CUP related activities. This creates a problem for use of the Arts Studio for CUP use. Therefore amend this note or remove the arts studio from the list of structures requesting the CUP use.

- Parking

- Within your 9/24/2019 conceptual site plan submittal, Parking for the CUP has been identified as follows: for the Venue (Reception Hall) - 50 parking spaces, Patio Bar - 40 parking spaces, Tasting Bar 7.5 (rounded to 8 parking spaces) and Arts Studio - 6.7 (rounded to 7 parking spaces). Total for the CUP parking tallies 105 parking spaces.
- Parking for the Chapel structure is not addressed, although concurrent use in conjunction with the Reception Hall has been purported to utilize shared parking (single event) it is not to be utilized for multi-concurrent events.
- Parking for the remaining identified uses: Micro-brewery, Agri-production, and Aquaponics areas only address staff parking and therefore should not be counted for within the CUP approvable area. Additionally, no outside areas have been identified for the CUP use; therefore, the CUP request for alcoholic beverages on-premises consumption application should be limited to those areas identified above as the Venue.

133

- (Reception Hall), Patio Bar, Tasting Bar and Arts Studio. Should you desire to include additional areas, please account for the amount of seating and parking spaces to be allocated into the plan.
- Please provide the dimensions of the tasting bar for limited use within the large Agri-Production building. If the area is not identified, the CUP should be removed from that portion of the building. Please remember if the area of use or the type of license is expanded, a new CUP will need to be applied for and approved in order to utilize the "new/added area."
 - Parking tallied above for the CUP use requires 105 spaces; only 99 parking spaces have been accounted for within this area of the plan lying north of the main Agri-Production building (see graphic below). Additional parking must be provided within this area with access to the northern U.S. Highway 1 connection.
- Buffering - Within your 9/24/2019 conceptual site plan submittal, Buffer Notes 2 and 3 provide information regarding how this plan proposes to buffer the CUP area.
 - Note #2 doesn't provide an existing or proposed buffer for screening the proposed CUP from U.S. Highway 1.
 - Note #3 doesn't provide an existing or proposed buffer for screening the proposed CUP from Parrish Road.

Previous issues now in compliance with Code.

- Hours of operation – Although not answering Erin's comment regarding outside usage of the CUP or comparable businesses hours of operation, the applicant has stated the desire to default to county code requirements. Code identified in Section 6-3 Hours of Sale, Brevard County Code of Ordinances, lists within subsection (a):
 - In all unincorporated areas of the county, no commercial establishment, bottle club, person holding any type of license from the division of beverage, state department of business regulation or membership association in which a fee, cover charge or admission fee is collected, shall be allowed to sell, dispense or serve alcoholic beverages for consumption in or on their licensed premises before or after the following hours, which are the only hours of operation at such licensed premises that are permitted under this chapter:
 - (1) Every day: beginning at 7:00 a.m. and ending at 2:00 a.m. on the following day.
 - (2) Extended hours for New Year's Eve: beginning at 7:00 a.m. and ending at 4:00 a.m. on January 1.
- Buffering - Within your 9/24/2019 conceptual site plan submittal, Buffer Notes # 1 and 4 provide information regarding how this plan proposes to buffer the CUP area.
 - Note #1 provides that existing vegetation along the northern CUP boundary will be maintained and that in the western 100 feet of this perimeter buffer will be established as a Type "A" landscaped buffer to meet county code.
 - Note #4 provides existing vegetation (woods) as a buffer from properties located to the west of this site.

- IU perimeter fencing – applicant states in their 9/24/2019 email that there is an existing fence along the north property line.

Previous issues - Erin identified 4 areas of concern in her review of this CUP application. They are:

1. Missing landscaping/buffering information from the residential neighbor to the north of this site.
2. Parking calculations values. Which number is correct 95 or 133 parking spaces. Different numbers on various pages.
3. Missing parking information on the existing (large) Agri building. No parking accounted for.
4. Hours of operation. Hours seem excessive and not consistent with the character of the area.

PROVIDE 100 LF ADDITIONAL
LANDSCAPING TO COMPLY
WITH TYPE "A" BUFFER

Preserve & Enhance Exist.
Buffer per BC Code 62-434;

IU Z

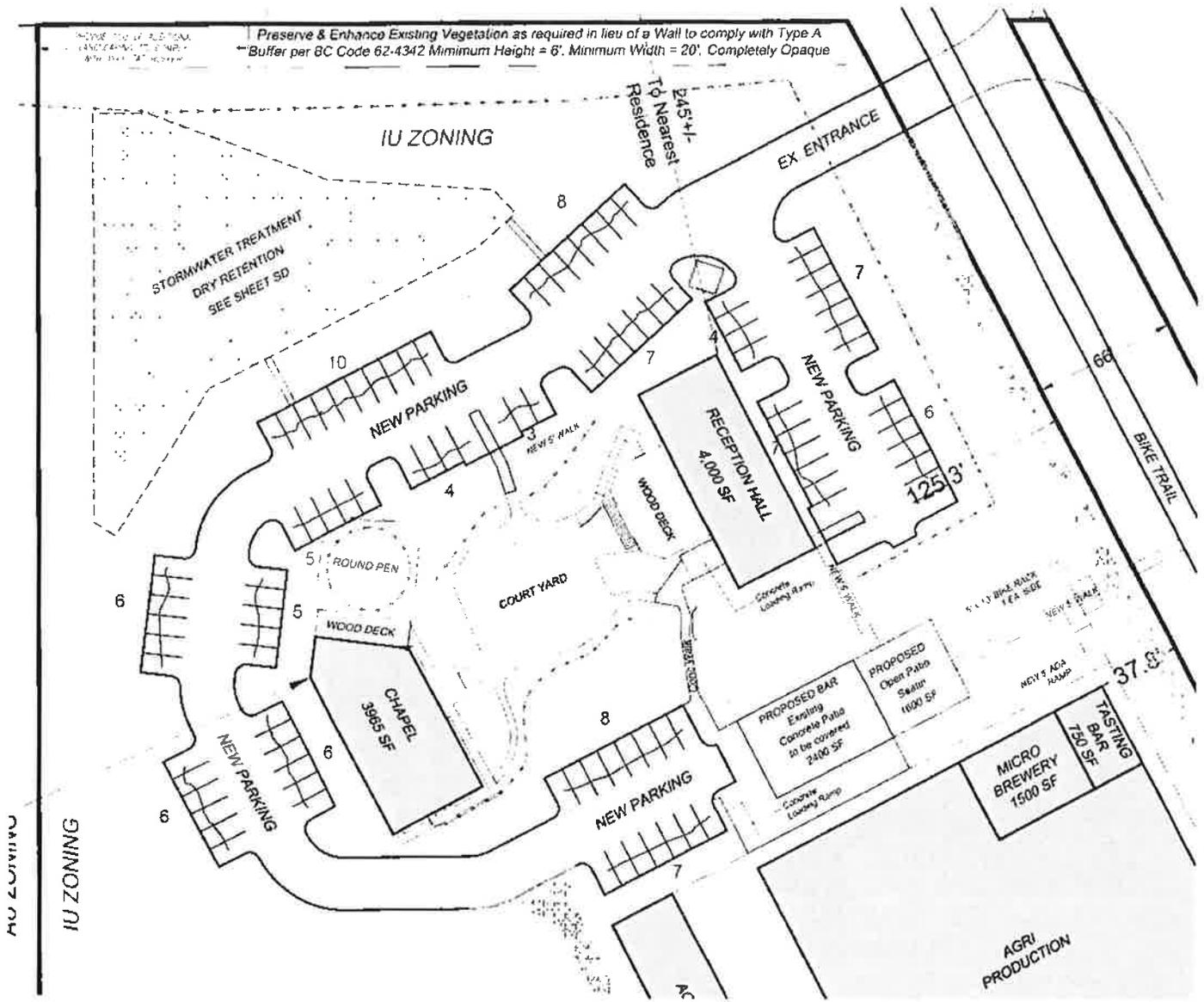
STORMWATER TREATMENT
DRY RETENTION
SEE SHEET SD

10

NEW P/

REVISE THE FOLLOWING
LANDSCAPE TO COMPLY
WITH THE 2012 IUCZ

Preserve & Enhance Existing Vegetation as required in lieu of a Wall to comply with Type A
Buffer per BC Code 62-4342 Minimum Height = 6'. Minimum Width = 20'. Completely Opaque



From: Sterk, Erin
To: Stuart Buchanan
Cc: Ritchie, George C; Ragain, Rebecca; Elmore, Amanda T
Subject: CUP request for information
Sent: Fri, July 5, 2019 5:02 PM

Stuart,

In review of your CUP request, I have questions on several of the responses provided:

There was reference to new buffering and screening shown on the site plan. In the application materials we received, page 25 is labeled "Conceptual Site Plan," but I don't see either any existing or new buffering/screening on that plan. Can you clarify where this buffering/screening is noted or would you care to provide an alternative response to the following code provision:

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.

Response: The proposed CUP has both existing buffering to the west and new buffering and screening on the site plan.

When reviewing both the PAO aerials and Google earth images, it does not appear that there is any buffering along the eastern property line, only a few cabbage palms along the southern property line, and no buffering along the part of the parcel that separates this from the AU portion of the lot. It does appear that there is natural vegetation along the northern boundary, with the exception of between your parcel and 2925 Nicholson St. to the north where, although your survey does not show this, it appears that that property owner has cleared some of this property and put his rear fence about 40' further south than it should be.

Additionally, there is also another "plan" included in the application on page 27, but it is not labeled and does not appear to match the Conceptual Site Plan on page 25. Can you clarify what the purpose of this second plan is, aside from quantification of parking spaces? On that plan, a proposed total of 133 (149 parking spaces - my accounting of the spaces on page # 27) parking spaces are indicated, but the plan on page 25 depicts only 95. Can you clarify which is correct and should be utilized for the purpose of depicting the parking proposed to be constructed to support the existing square footage within the CUP request?

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.

Response: The proposed CUP includes construction of parking. There is no change to existing building setbacks. The proposed wedding venue with CUP is compatible with surrounding land uses.

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

138

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.

Response: Parking is demonstrated to meet LDR's as demonstrated on the attached site plan.

In our review thus far, we evaluated that there is a 4,000 sq. ft./160 seat dining hall, 1,678 sq. ft. chapel, 3,000 sq. ft. garden bar and 31,485 sq. ft. building D area – accounting for a total of 40,163 sq. ft. This amount of area included within the CUP request necessitates 401 parking spaces. Neither the Conceptual Site Plan on pg. 25 or other plan on pg. 27 indicates an intent to provide that much parking. Can you clarify why that plan on pg. 27 left off the 31,485 sq. ft. building from the calculations if it is included within the CUP request?

And lastly, I see that the hours of operation are proposed to go until 2:00 AM. Because the CUP is requested on the entire property and not just within the building itself, could you clarify whether there might be any limitation on the hours of operation on the activities outdoors?

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.

Response: The proposed hours are consistent with the surrounding area (8AM – 2AM). In review of your response provided below, I'm not finding any information on businesses nearby that operate until 2:00 AM. Certainly the feed and seed store isn't open that late... Could you clarify which businesses nearby operate with similar hours until 2:00 AM?

Also, if you believe that demonstrating any of these things necessitates submitting in a revised Conceptual Site Plan (and some of it certainly may), our office staff may need time to review that submittal. Please let me know how you propose to document meeting any of the criteria above, so that we can plan accordingly for staff review.

Thanks for clarifying,

Erin Sterk
Planning & Zoning Manager
Brevard County
(321) 633-2070 ext. 52640

From: Ritchie, George C
Sent: Tuesday, September 24, 2019 5:06 PM
To: Stuart Buchanan; Ball, Jeffrey; Ragain, Rebecca; Calkins, Tad; Elmore, Amanda T; Jones, Jennifer
Subject: RE: Thank Green Brevard LLC. CUP Application

I've found some inconsistencies in the plan illustration and the responses. Stuart, I will try to digest this more tomorrow. Do you have a good phone number you can give me? I tried to call you the other day and the number didn't seem to work. Have a good evening.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321-350-8272)

From: Stuart Buchanan [mailto:titusvillenative@gmail.com]
Sent: Tuesday, September 24, 2019 1:57 PM
To: Ball, Jeffrey; Ragain, Rebecca; Calkins, Tad; Ritchie, George C; Elmore, Amanda T; Jones, Jennifer
Subject: Thank Green Brevard LLC. CUP Application

Dear Mr. Ball,

Please find below responses from our surveyor and engineer to your questions from your 9/23/19 email. I have also attached the revised CUP conceptual site plan with new parking calculations. Please note that the design professionals have assured me they will modify the development site plan to match the attached CUP conceptual site plan so that both are consistent. I am responding by email for ease of staff to transfer responses into staff report. Please contact me if I may provide any additional information.

Stuart

1. Access. Please provide documentation that the Owner has legal access to US 1. Additionally, how many access points to Parrish Road are being provided? It appears that there are three existing connections. Is only one access going to be utilized? Please clarify.

The existing driveway connection to US Highway 1 constitutes legal access by virtue of a prescriptive easement by common and Florida law in that has been open, hostile, and notorious for over 50 years. Also, FDOT this year repaved the drive connection and repaved and extended the deceleration and acceleration lanes which is prima facia evidence that FDOT recognizes this as a legal access.

For all CUP related uses, only the US Highway 1 access point will be utilized. No customers nor wedding venue traffic will be allowed access from Parrish Road.

2.Parking. Please provide documentation that all uses have the required parking required by Code and provide a breakdown by use. Note, all areas indicated within the CUP application need to be addressed. Are you proposing a limitation/reduction in area for the CUP submittal by submitting partial data?

See updated parking tabulation with use break down addressing all areas within the CUP. The microbrewery and tasting room areas have been reduced and the existing parking has been shown. There is no limitation/reduction in area proposed.

3.Hours of operation. Please provide a statement of the intended hours of operation or that they will be "Per Code".

The intended hours of operation will be limited as per Code.

4.IU zoning requires a fence along the north property line adjacent to the residential neighbors. The fence height is required to be at least 6' high.

See revised Buffer Note 2 - The existing vegetation will be preserved and enhanced to provide adequate buffer in lieu of a wall - waiver will be applied for and if denied a wall will be provided as per Code.

Please note that there is an existing fence along the north property line abutting those residential houses along the IU zoning district portion of the parcel.

5.Warehouse use. Please identify all intended use(s) for the warehouse building within the CUP concept plan. The recent Business Tax Receipt for the Think Green of Brevard LLC. BTR states the entire building square footage is to be used.

All intended uses are shown. The entire building will be used for agricultural production except for the microbrewery and the tasting room.

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 4, 2019, at 3:00 p.m.**, in the Commission 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: Ron Bartcher; Ian Golden; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; Bruce Moia; Peter Filiberto, Vice Chair; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

1. Think Green Brevard, LLC (Stuart Buchanan)

A request for a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant and wedding venue, in an IU (Light Industrial) zoning classification. The property is 7.86 acres, located on the northwest corner of Parrish Road and U.S. Highway 1. (2030 U.S. Highway 1; 2900 Parrish Road; and 2920 Parrish Road, Titusville) (Tax Account 2104639) (19PZ00066) (District 1)

Jeffrey Ball, Planning and Zoning Manager, advised the board staff is requesting that if approved, a special condition be added to the motion that the applicant provide documentation as to the site meeting the County's parking standards, per Section 62-3206, prior to approval of the alcoholic beverage license.

Stuart Buchanan, PO Box 1545, Titusville, Florida, stated the site subject property is 7.86 acres and is part of a larger 14-acre parcel, which contains approximately six acres of vegetative trees that act as a buffer to the neighborhood to the west. The property is located on U.S. 1, which is an established commercial corridor. For many years, the subject property was not used and it fell into neglect; it was originally a citrus packing plant. One of the North Brevard Economic Development Zone's (NBEDZ) goals of its strategic plan is the redevelopment and re-use of citrus plant buildings. On October 11th, the NBEDZ awarded a grant of \$250,000 to support the redevelopment of this project. He stated there is an existing fence on the north property line between the subject property and the four residential houses, and that is not included in the staff comments because it cannot be seen on an aerial, but he will provide photos prior to the Commission meeting.

Ian Golden stated he noticed sewer not yet to the site, but limited portions of the property that are in the Indian River Lagoon capture, and asked how that will be addressed. Mr. Buchanan replied the City of Titusville will be the sewer provider. Ron Bartcher asked when sewer will be available on the property. Mr. Buchanan replied the pipes are currently being installed, but he's not sure when hook-up will be required.

Mr. Bartcher stated he sees the plan is to have the main access off of U.S. 1 through the north end of the property, and the driveway goes across the rail trail, but the trail was not made for vehicular traffic, and asked if there will be improvements to that portion of the trail. Mr. Buchanan replied that particular portion of the trail was designed for vehicle access, and those plans were submitted to staff. He said not only did FDOT (Florida Department of Transportation) install all of the signage to account for vehicle access, but they also put in a deceleration lane for cars coming off of U.S. 1. Mr. Bartcher clarified he is talking about the trail itself. Mr. Buchanan stated that was fully incorporated in the plans when FDOT did the construction, and a copy of those plans were provided by the Space Coast

Transportation Planning Organization and submitted to Planning and Development staff. Mr. Bartcher asked if the road base has been improved beyond what was put in for the trail. Mr. Buchanan replied yes, and signage was installed by FDOT so it could continue being used for vehicle access.

Bruce Moia asked if the project is in the site plan process. Mr. Buchanan replied yes, and stated for CUP's there is a conceptual site plan that gets submitted, and for a CUP site plan, the code requires it be prepared by an engineer or surveyor, and the site plan itself has to be signed and sealed by an engineer. Mr. Moia asked who the engineer is for the project. Mr. Buchanan replied it is Ralph Brown. Mr. Moia asked if he works for a local firm. Mr. Buchanan replied Mr. Brown works for St. Johns River Water Management District. Mr. Moia asked if he is performing the engineering work on his own. Mr. Buchanan replied the site plan is being handled by the engineer and the surveyor, and Ralph Brown is the engineer and Loys Ward is the surveyor.

Mr. Golden stated page five of the staff comments mentions the number of seats associated with on-premises consumption of alcoholic beverages, and he noticed the applicant wants the CUP to include the covered patio area, but did not specify any seating for that area or for the tasting bar. Mr. Buchanan replied there will only be one wedding held at the property at a time, so it's the same patrons going from one area to the next; the only exception is the tasting bar, which is associated with the uses inside the building. Mr. Golden asked if it is concurrent seating. Mr. Buchanan replied yes, because there will not be multiple weddings held at the same time. Mr. Golden noted there is concurrent parking because there is no parking set aside for the chapel versus the other facilities. Mr. Buchanan replied yes, it will be the same patrons. Mr. Golden asked if that is specified in the CUP. George Ritchie, Planner III, stated the updated plan submitted by the applicant shows 101 new parking spaces being provided through the access off of U.S. 1, and staff has determined, based on the building size and the number of seats in several of the buildings, that 105 spaces would be needed for the CUP, so staff has identified the site is four spaces less than required by code.

Mr. Buchanan noted that is the consideration Mr. Ball mentioned at the beginning of the meeting, that the applicant has agreed to meet those conditions before an alcoholic beverage license would be issued. Mr. Golden stated that is something he would be in support of as part of the approval of the request. He said if there are 105 spaces, there could conceptually be 210 individuals, and there are 150 seats to be covered by the CUP for alcoholic beverages, and there could be more people than seats. Mr. Buchanan clarified that Mr. Golden is asking that staff add a maximum seating occupancy, as well as saying they have to comply with 105 parking spaces.

Mr. Ball stated yes, over all they are limited based on the CUP they've applied for, as well as parking, and that's to try to minimize the impacts of offsite parking.

Mr. Bartcher asked if fruit will be grown on the property for the tasting room. Mr. Buchanan replied no, the owner would like to see the industrial building returned to industrial uses, such as a microbrewery, which is why the NBEDZ granted money to the project.

Mark Wadsworth called for public comment.

Bob Shayler, 3285 Westwood Drive, Titusville, stated he has known the owners of Think Green of Brevard for years and has never had a bad experience at their establishment.

Patricia Brinker, 2912 Brandywine Circle, Titusville, stated the back of her house faces old citrus plant and she is concerned with loud music and traffic. She said she has not yet seen an entrance from U.S. 1, only from Parrish Road. She stated she is concerned about the owners not moving the trash and trailers off of the north part of the property, and noted there is not enough room to park, even if they take the trash off of the property.

Oleta White, 2912 Brandywine Circle, Titusville, stated she is the daughter of Ms. Brinker, so the proposed project also affects her directly, and she is concerned about the project having a direct impact her property value. She said her biggest concern is the ingress and egress; the applicant has stated traffic will come from the north side, but on the north side of the building, people have to drive around an outbuilding, and then go around the warehoused building. She stated on the empty acreage is garbage, cars, and commercial travel trailers, and that is the entrance to the front of the facility. She pointed out that the applicant refers to a covered patio, but there is not one on the property. She asked, if the intention is to use the north side as the ingress and egress, then why isn't it being used now, instead of coming across Parrish Road. She said the applicant mentioned foliage and trees protecting the site from the residential area, but there are only trees on the west side, and no trees on the south side, and the chain link fence has not been maintained. She stated noise is a major issue; there have already been a few celebration parties at the facility with approximately 30 people who used the Parrish Road entrance. She said the packing plant doesn't have insulation and the noise from the music inside has been very loud and there hasn't been an end time.

Mr. Buchanan stated the buildings referred to on the conceptual plan have not been constructed, but they will be on the north side of the existing building, which is why U.S. 1 will be the entrance. He said the wedding venue will be on the north side of the building and there is a small portion of the building being used as a tasting room. He noted all junk has to be removed, including the security trailer. He further stated the County has a noise ordinance, and if someone makes a complaint, either the Sheriff's Office or Code Enforcement will visit the site with noise meters and enforce the ordinance.

Mr. Moia stated the County requires a 15-foot Type A landscape buffer along the right-of-way, so there will be a buffer provided where there isn't one now. Mr. Buchanan stated the right-of-way was originally a railroad track and purchased by FDOT as part of the trail system, so it is a situation of what used to be a railroad track flush against a private industrial site, and then U.S. 1 is 20 feet away.

Mr. Moia pointed out there will have also have to be a 15-foot Type A buffer along Parrish Road for the residents across the street. Mr. Buchanan agreed, and stated that is part of the process.

Mr. Moia referenced the four letters of support for the request from the Titusville Police Department, the Women's Center, the SPCA, and a veterans organization.

Brian Hodgers asked about the ingress and egress, and stated one of the pages in the agenda packet says, "EX entrance", which is the one off of U.S. 1, and asked if that is an exit only. Mr. Buchanan replied it was designed and is functioning as an entrance and exit, and it is directly aligned with a full median break on U.S. 1. Mr. Hodgers noted another concern from the speakers was traffic to the site off of Parrish Road, and asked if there will be only one entrance coming off of Parrish Road. Mr. Buchanan replied U.S. 1 is the primary entrance and exit, and there would be no reason to have guests coming off of Parrish Road because they would have to walk 900 feet to the venue.

Peter Filiberto asked if the applicant is willing to comply with the parking requirements suggested by staff. Mr. Buchanan replied yes. Mr. Filiberto stated he will make a motion to approve because it is consistent with the land use and there are no churches or schools within 400 feet of the building.

Motion by Peter Filiberto, seconded by Brian Hodgers, to approve the request for a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant and wedding venue, in an IU zoning classification.

Ben Glover asked if the property could be a concert hall or amphitheater if the applicants decide not to move forward with the wedding venue. Mr. Ritchie replied no, the request is for alcohol in conjunction with a restaurant and wedding venue only.

Mark Wadsworth called for a vote on the motion as stated, and it passed unanimously.



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner
2000 South Washington Avenue, Ste. 2
Titusville, FL 32780
(321) 607-6901
D1.commissioner@brevardfl.gov

Planning and Development
Zoning Meeting December 5, 2019
Jason Reichman 19PZ00066

Commissioner Pritchett meet with Jason Reichman and Audrey Hunter regarding the above item on November 4, 2019. Tad Calkins, Planning and Development Director was also present.

Mr. Reichman is requesting a CUP for alcohol on the former Nevins Citrus Plant in Mims. He stated that they are waiting for the site plan approval which will satisfy the outstanding code violations on the property. Commissioner Pritchett asked that they define where alcohol will be sold. Tad Calkins said they may have to add some additional parking to satisfy all buildings or request a waiver.



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner
2000 South Washington Avenue, Ste. 2
Titusville, FL 32780
(321) 607-6901
D1.commissioner@brevardfl.gov