



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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G.6.

9/7/2023

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### **Subject:**

RNK Viera, Inc. (Cliff Repperger) requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Bar, in a PUD zoning classification. (23Z00050) (Tax Account 3024416) (District 4)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners consider a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Bar, in a PUD (Planned Unit Development) zoning classification.

### **Summary Explanation and Background:**

The applicant is seeking a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption on 1.32 acres in conjunction with a bar that the applicant describes as, "a wine bar that will serve wine, beer and food." The applicant states that the wine bar will not serve more than 51% of gross revenue from the sale of food to be administratively approved for Alcoholic Beverages for On-Premises Consumption accessory to a restaurant. Therefore, a CUP is required.

The site will consist of two buildings. Building 1 will be a two-story retail/wine bar, with a total of 6,664 square feet, and 600 square feet of outdoor seating area. Building 2 will be a 160 square-foot single-story storage building.

The PUD zoning encourages and permits variation in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial, and institutional land uses. The site is located within a commercial area, with no adjacent residential.

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

On August 14, 2023, the Planning and Zoning Board heard the request and unanimously recommended

approval.

**Clerk to the Board Instructions:**

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

**Resolution 23Z00044**

On motion by Commissioner Goodson, seconded by Commissioner Steele, the following resolution was adopted by a unanimous vote:

**WHEREAS, Thomas P. and Shannon Harmony** requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as a portion of the NW ¼ of **Section 6, Township 25S, Range 36E**, Brevard County, Florida, the same being a portion of that certain parcel of land described in ORB 724, Page 822, of the Public Records of Brevard County, Florida, described as follows: begin at the SE corner of land described in ORB 724, Page 822; thence run N89deg19'00"W along said south line thereof for 128 ft.; thence departing said south line, run N00deg20'00"E for 461.27 ft. to a point on the south line of the lands described in ORB 3363, Page 606; thence run along said south line S89deg44'30"E for 128 ft.; thence departing said south line, run S00deg20'00"W for 461.27 ft. to the point of beginning. (1.36 acres) Located on the south side of Pluckebaum Rd., approx. 0.25 mile east of S. Range Rd. (2235 Pluckebaum Rd., Cocoa); and

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

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

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from GU to AU, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of September 7, 2023.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

Rita Pritchett, Chair  
Brevard County Commission  
As approved by the Board on September 7, 2023.



ATTEST:

RACHEL SADOFF, CLERK

(SEAL)



P&Z Board Hearing – August 14, 2023

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

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

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

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

**Criteria:**

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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

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

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

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

#### **CONDITIONAL USE PERMITS (CUPs)**

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

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

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

(c) General Standards of Review.

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



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

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

### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**23Z00050**

**RNK Viera, Inc.**

**A CUP for Alcoholic Beverages for On-Premises Consumption accessory to a Wine Bar  
(Beer & Wine only) on 1.32 acres**

Tax Account Number: 3024416  
Parcel I.D.s: 25-36-33-50-B-1  
Location: Southeast corner of Lorkey Lane & Hennessy Place (District 4)  
Acreage: CUP request 1.32 acres

Planning & Zoning Board: 08/14/2023

Board of County Commissioners: 09/07/2023

**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)

|  | <b>CURRENT</b> | <b>PROPOSED</b>  |
|--|----------------|--|
| <b>Zoning</b>  | PUD            | PUD with CUP for Alcoholic Beverages for On-Premises Consumption |
| <b>Potential*</b>                                      | FAR 1.75       | FAR 1.75   |
| <b>Can be Considered under the Future Land Use Map</b> | YES<br>CC      | YES<br>CC  |

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

**Background and Purpose of Request**

The applicant is seeking a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption (Beer & Wine only) on 1.32 acres in conjunction with a bar that the applicant describes as "a wine bar that will serve wine, beer and food." The applicant states that the wine bar will not serve more than 51% of gross revenue from the sale of food to be Administratively Approved for Alcoholic Beverages for On-Premises Consumption accessory to a restaurant.

The request is for Lot 1, Block B, Viera Boulevard Commercial Center III as recorded in Plat Book 69, Page 44. The parcel is currently zoned PUD (Planned Unit Development) and is in the Viera DRI (Development of Regional Impact).

The site has access to Lorkey Lane a Tract/Right-of-Way which has access to Hennessy Place a County Maintained Right-of-Way.

Section 62-1906 requires an application for a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a bar.

Aspects of the request, the applicant included a site plan with the CUP application showing the overall developed site along with parking, ingress/egress on the parcel.

The site will consist of two (2) buildings. Building 1 will be a two (2) story retail/wine bar, with a total of 6,664 sq. ft., and 600 sq ft of outdoor seating areas. Building 1 will contain 2,196 sq. ft. of retail space and 4,468 sq. ft. of restaurant/wine bar space. Building 2 will be a single-story storage building, 160 sq. ft. The applicant states that the wine bar will not serve more than 51% of gross revenue from the sale of food to be Administratively Approved for Alcoholic Beverages for On-Premises Consumption accessory to a restaurant.

On December 15, 2009, zoning action **Z-11529** approved a change of zoning classification from PUD/DRI (Planned Unit Development/Development of Regional Impact) & AU (Agricultural Residential) to PUD-DRI (Planned Unit Development/Development of Regional Impact).

On November 03, 2015, zoning action **15PZ00073** approved a Minor Amendment of the Viera Central PUD's Preliminary Development Plan (PDP).

## **Land Use**

The subject property is currently designated Viera DRI (Development of Regional Impact). The PUD zoning classification can be considered consistent with the Viera DRI FLU designation.

## **Applicable Land Use Policies**

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

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

#### **Criteria:**

A. Permitted/prohibited uses;

***Staff analysis: The owner proposes a CUP for Alcoholic Beverages for On-Premises Consumption accessory to a Bar (Beer & Wine only). The parcel is Lot 1, Block B, Viera Boulevard Commercial Center III as recorded in Plat Book 69, Page 44.***

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

B. Existing commercial zoning trends in the area;

**Staff analysis: The subject property is currently under development as a commercial building. This parcel is located in the plat of "Viera Boulevard Commercial Center III" a commercial towncenter.**

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

**Staff analysis: This CUP request, if approved, could be considered compatible with the PUD zoning.**

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

**Staff analysis: Site plan application review shows no LOS will be exceeded for road capacity, potable water service, sanitary sewer service and solid waste disposal.**

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

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

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

Criteria:

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

**Staff analysis: Regarding the hours of operation, lighting, odor, noise levels, traffic or site activity, the proposed CUP will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.**

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

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

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

1. historical land use patterns;

**Staff analysis:** *The subject property is currently being developed as a commercial building in the plat of "Viera Boulevard Commercial Center III" along with other commercial developments within the platted area.*

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

**Staff analysis:** *The surrounding area with-in the plat of "Viera Boulevard Commercial Center III" has been under commercial development for the past three years.*

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

**Staff analysis:** *There is commercial development approved in this area 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.

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

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

The property is in the existing Viera PUD with commercial development surrounding the area.

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

*The proposed CUP will access Stadium Pkwy. segment between Viera Blvd. to Judge Fran Jamieson Way. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 2.21%. The corridor is anticipated to operate at 49.90% of capacity daily. The request is not anticipated to create a deficiency in LOS.*

**Administrative Policy #6 - 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.**

*The proposed CUP appears to meet Land Development policies noted above.*

#### **Surrounding Area**

|       | Existing Use | Zoning | Future Land Use |
|-------|--------------|--------|-----------------|
| North | Commercial   | PUD    | DRI 3           |
| South | Commercial   | PUD    | DRI 3           |

|             |            |     |       |
|-------------|------------|-----|-------|
| <b>East</b> | Commercial | PUD | DRI 3 |
| <b>West</b> | Commercial | PUD | DRI 3 |

The subject property is surrounded by PUD zoning with a commercial use.

The Planned Unit Development (PUD) zoning encourages and permits variation in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses.

There have been no changes to the PUD within a half-mile radius of the subject property within the last three years.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Stadium Pkwy., between Viera Blvd. to judge Fran Jamieson Way, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 47.69% of capacity daily. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 2.21%. The corridor is anticipated to operate at 49.90% of capacity daily. The request is not anticipated to create a deficiency in LOS.

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

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

### **Special Considerations for CUP (Conditional Use Permit)**

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

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



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

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

***Staff analysis: The owner/applicant has provided a survey which states that there are no churches or schools within 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.

***Staff analysis: The applicant is requesting a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption (Beer & Wine only) in conjunction with a two (2) story retail/wine bar, with 600 sq. ft. of outdoor seating areas.***

### **General Standards of Review**

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

*Applicant's Response: The proposed building and site development was previously approved via site plan 21SP00033. The proposed use is consistent with the plan of development for the Viera PUD and was approved by Viera Company's Plan Review Committee on or about November 16, 2022. The use is a permitted retail/service use for the Viera PUD at this location. The number of persons planned to be employed at and patronizing the place of business (and associated traffic) is consistent and compatible with the established pattern of development for the surrounding area. The proposed use will meet all performance criteria for noise, odor, particulates, smoke, fumes, or other emissions and will not create a nuisance.*

**Staff analysis:** The use will be located in a commercial building and will included 600 sq. ft. outdoor seating area. The proposed CUP will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The request is not anticipated to create a deficiency in Stadium Pkwy., traffic Level of Service (LOS).

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

*Applicant's Response:* The proposed building and site development was previously approved via site plan 21SP00033. The proposed use is consistent with the plan of development for the Viera PUD and was approved by Viera Company's Plan Review Committee on or about November 16, 2022. The proposed building meets all applicable regulations for size, setback, and required parking. The proposed use is subject to the performance criteria restrictions provided for in the Declaration of Restrictions for Borrows West site #4 Non-Residential District.

**Staff analysis:** The parcel is located in a Commercial Plat and the site plan 21SP00033 met all Land Development codes listed above.

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

*Applicant's Response:* The proposed use does not abut residential property. The proposed use will bring a desired and quality service establishment to the area and will improve the valuation of surrounding properties.

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

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

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

adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

*Applicant's Response: The proposed building and site development was previously approved via site plan 21SP00033. The vehicular and pedestrian safety and convenience, traffic flow and control, and emergency response access is (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, as previously approved.*

**Staff analysis: This property has ingress and egress from Lorkey Lane to Stadium Pkwy. and Viera Blvd.**

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

*Applicant's Response: The proposed use will not generate any adverse effects on adjacent or nearby properties. The proposed use is subject to the performance criteria restrictions provided for in the Declaration of Restrictions for Borrows West site #f4 Non-Residential District.*

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

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

*Applicant's Response: The proposed use will meet the applicable County Code requirements related to noise levels.*

**Staff analysis: Proposed CUP includes a 600 sq. ft. outdoor seating area and must comply with noise ordinance.**

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

*Applicant's Response: The proposed use will not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service, to be exceeded. The proposed use has been adequately planned for this location.*

**Staff analysis: The adopted level of service for solid waste disposal should not be affected by the CUP.**

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

*Applicant's Response: The proposed use will not cause adopted level of service for potable water or*

wastewater for the property or the area covered by such level of service, to be exceeded by the proposed use. The proposed use has been adequately planned for this location.

**Staff analysis:** *The CUP should not exceed the adopted level of service for potable water or wastewater. Potable water and sewer capacity were approved during building permit (22BC06171) review.*

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

*Applicant's Response: The proposed building and site development was previously approved via site plan 21SP00033. The proposed use is consistent with the plan of development for the Viera PUD and was approved by Viera Company's Plan Review Committee on or about November 16, 2022. The proposed use and site design meets all applicable buffering, lighting, and landscaping requirements to eliminate any adverse nuisance, sight, or noise impacts on adjacent and nearby properties.*

**Staff analysis:** *The proposed CUP is in an existing commercial platted lot with an approved site plan and building permit which includes a 600 sq. ft. outdoor seating area. The CUP will need to meet these requirements.*

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

*Applicant's Response: The proposed building and site development was previously approved via site plan 21SP00033. The proposed use is consistent with the plan of development for the Viera PUD and was approved by Viera Company's Plan Review Committee on or about November 16, 2022. The proposed use and site design has been developed such that it will not cause unreasonable glare or hazard to traffic safety, or interference with this use or enjoyment of adjacent and nearby properties.*

**Staff analysis:** *The parcel has an approved site plan, 21SP00033 to meet these requirements.*

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

*Applicant's Response: The hours of operation of the proposed use will be consistent with surrounding uses and any applicable restrictions or regulations. The proposed use is subject to the performance criteria restrictions provided for in the Declaration of Restrictions for Borrows West site #4 Non-Residential District.*

Wednesday, Thursday and Sunday: 4:00 p.m. to 11:00 p.m.

Friday and Saturday: 4:00 p.m. to 12:00 a.m.

**Staff analysis:** *The hours of operation have been addressed. Should the Board determine that additional measures become necessary, the Board may wish additional conditions as part of the request.*

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

*Applicant's Response: The proposed building and site development was previously approved via site plan 21SP00033 and meets all applicable height regulations.*

**Staff analysis:** *The commercial building will be constructed as a two-story structure and meets height requirements.*

Section 62-1901(c)(2)(j): Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

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

*Applicant's Response: The proposed building and site development was previously approved via site plan 21SP00033 and meets all applicable off-street parking and loading area requirements.*

**Staff analysis:** *The parcel has an approved site plan 22SP00033 and impacts to parking should not be affect.*

### **Environmental Constraints**

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

### **For Board Consideration**

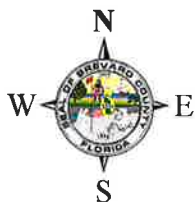
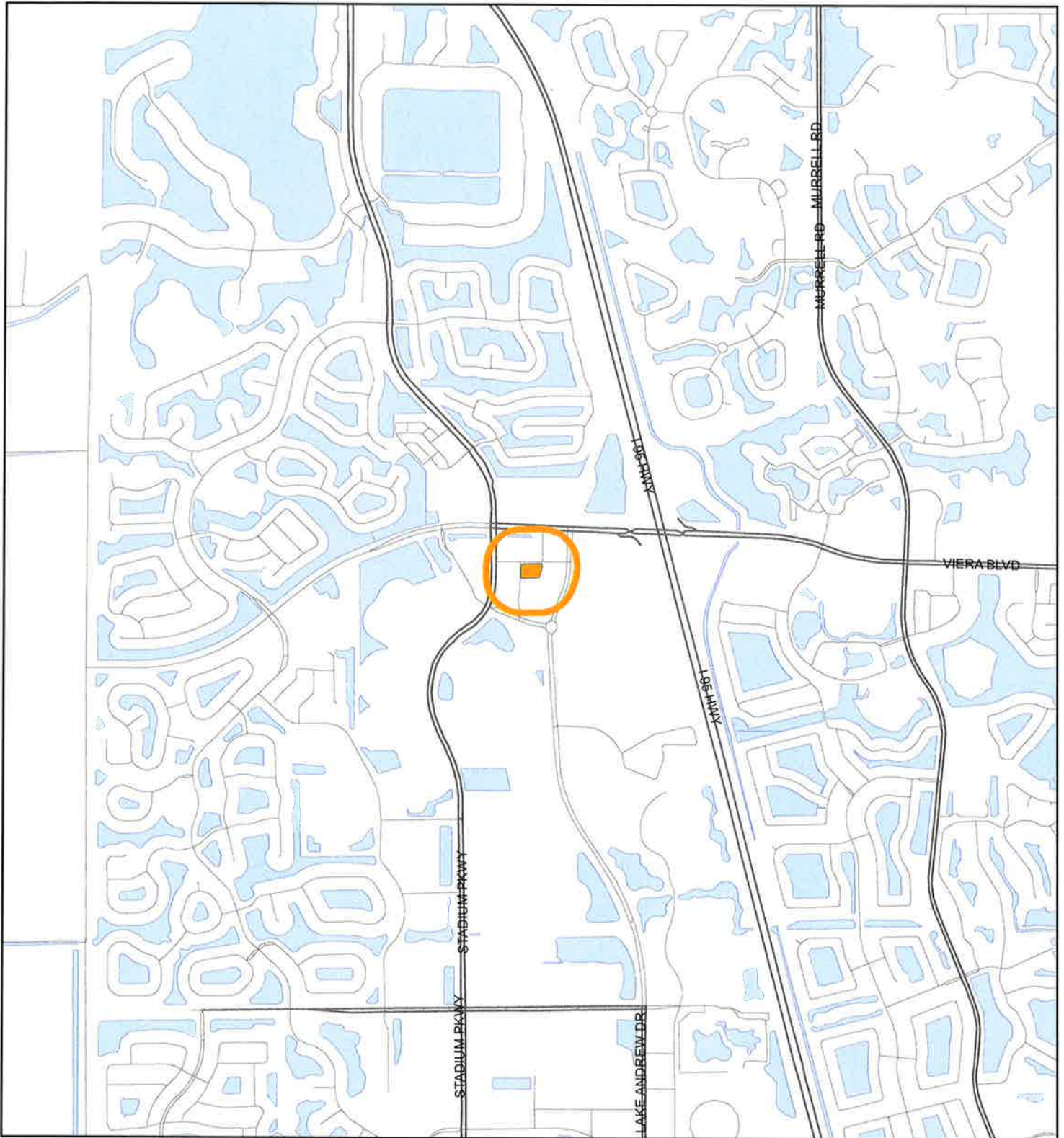
The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential offsite impacts to the abutting properties.



# LOCATION MAP

RNK VIERA INC

23Z00050



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.

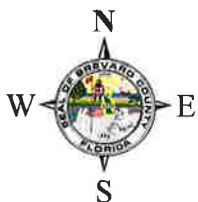
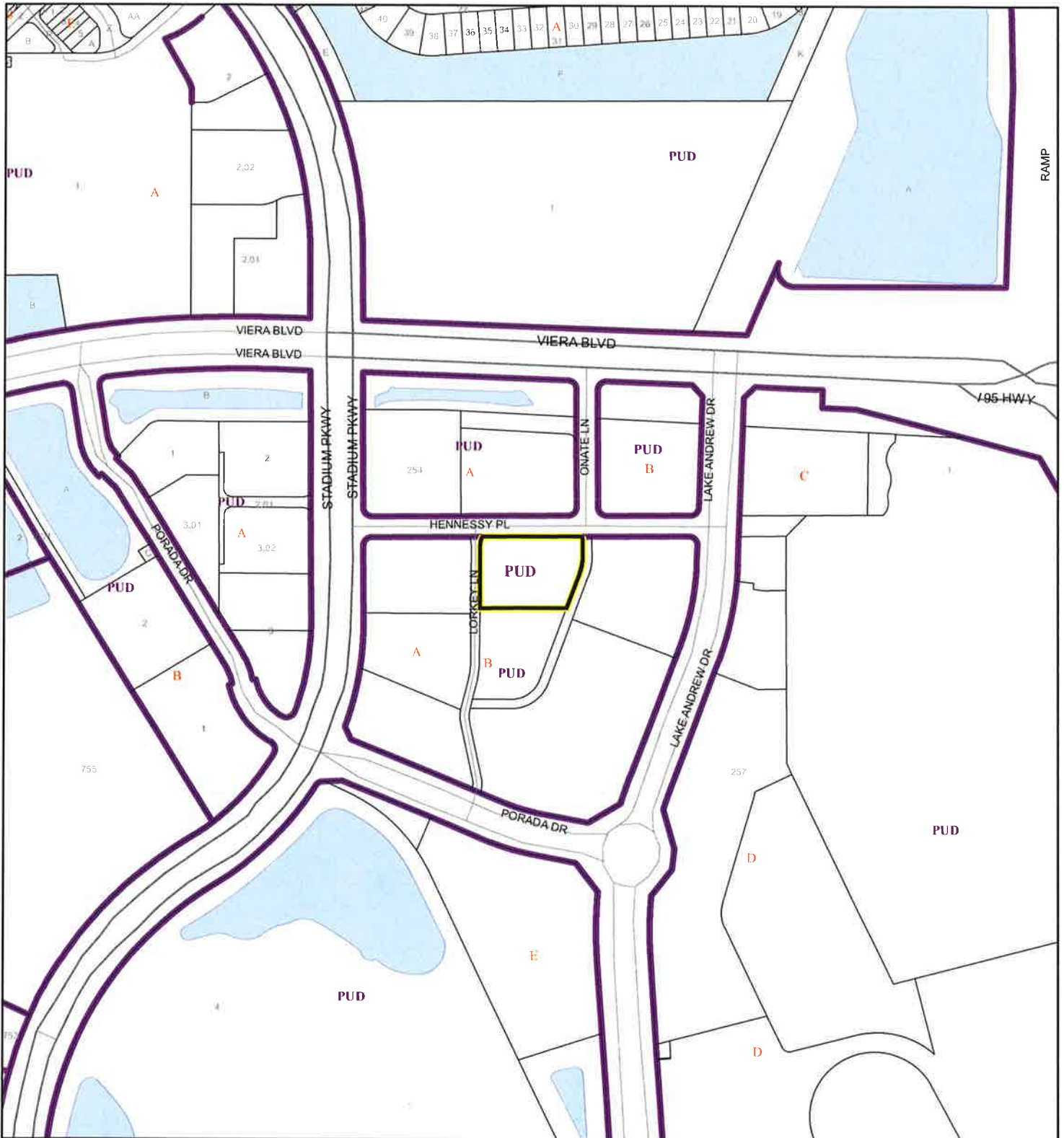
Produced by BoCC - GIS Date: 6/5/2023

— Buffer  
— Subject Property

# ZONING MAP

RNK VIERA INC

23Z00050



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/5/2023

 Subject Property

 Parcels

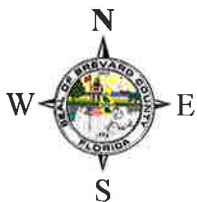
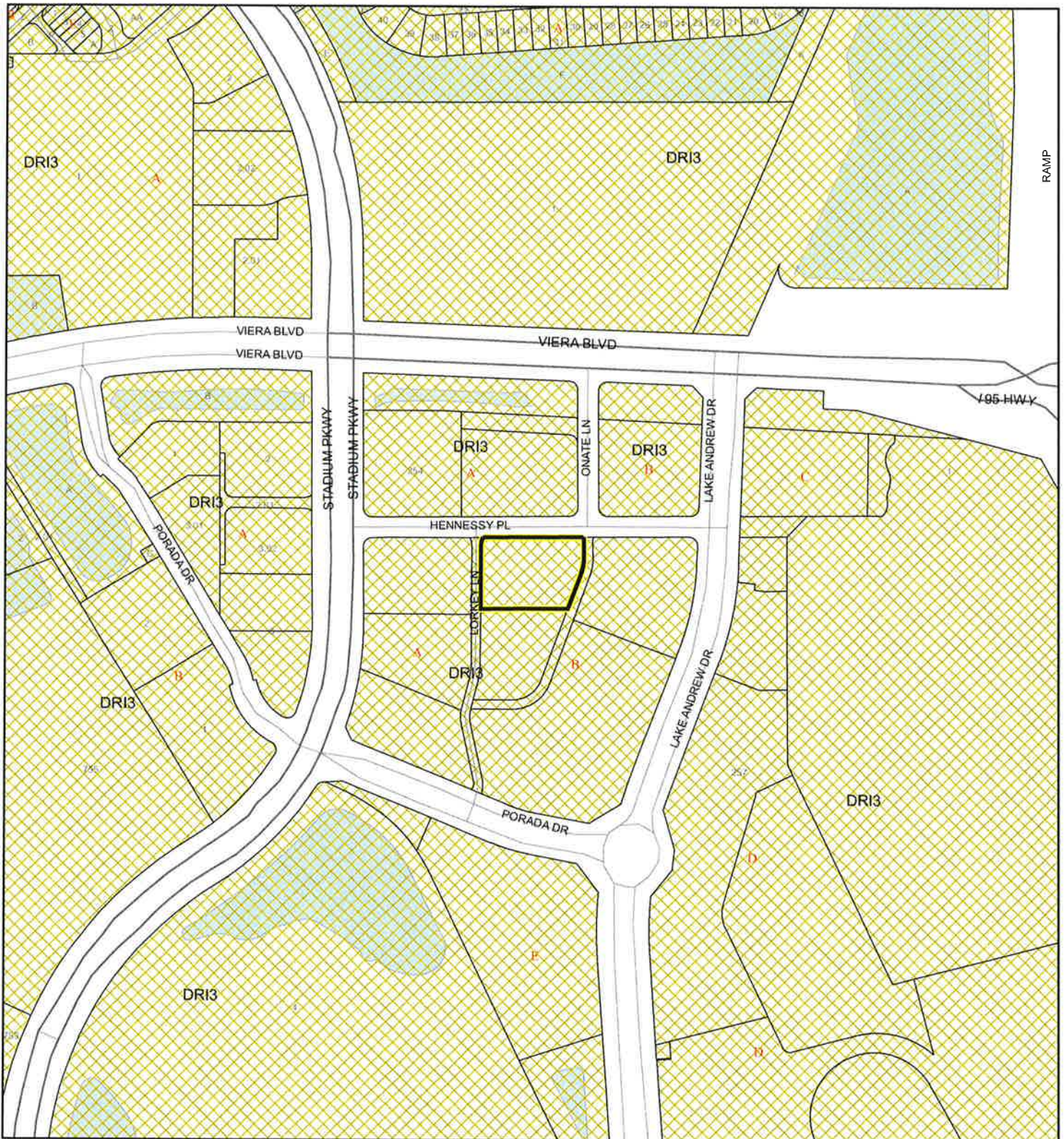
 Zoning



# FUTURE LAND USE MAP

RNK VIERA INC

23Z00050



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

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# AERIAL MAP

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23Z00050



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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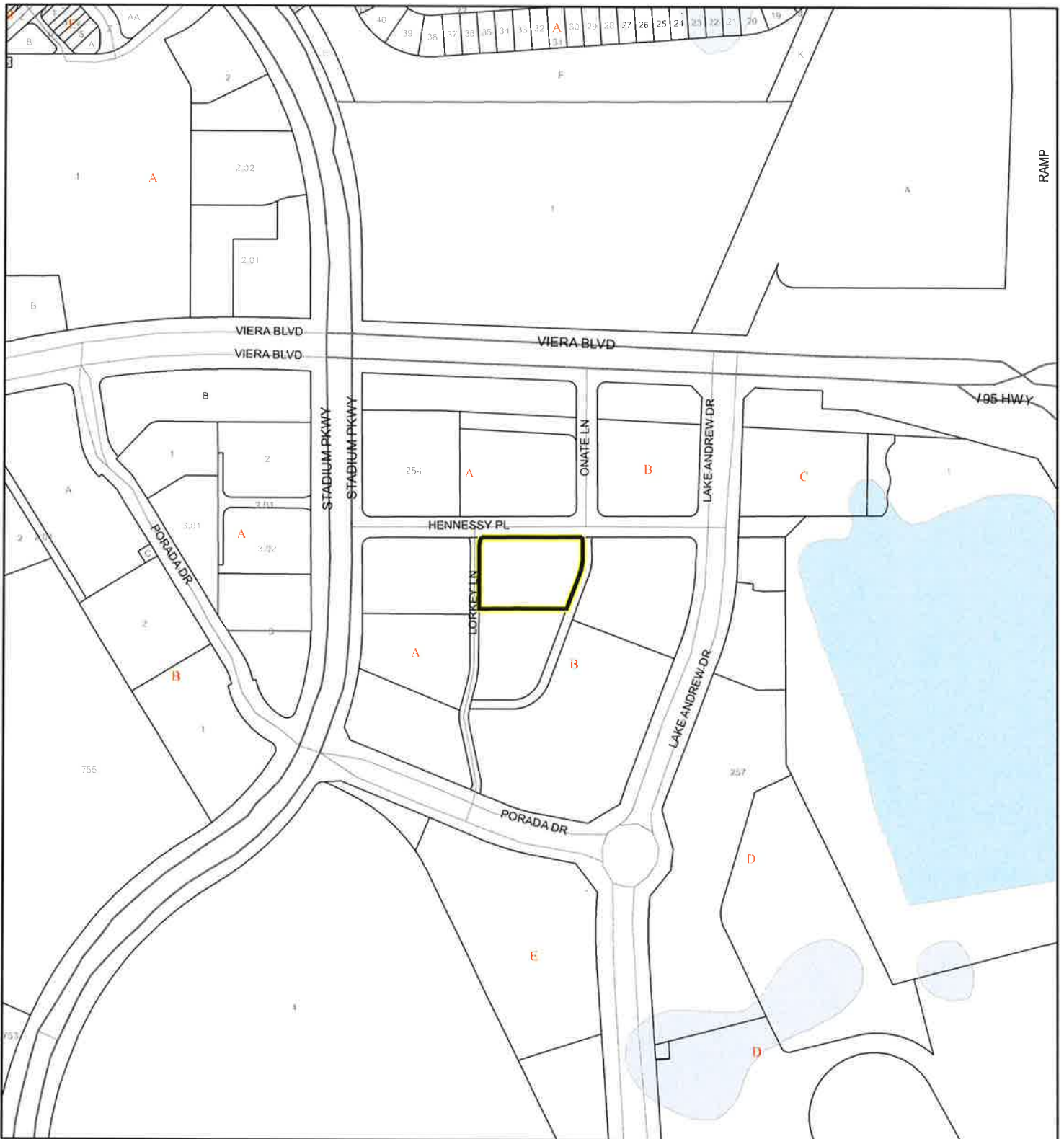
 Subject Property

 Parcels

# NWI WETLANDS MAP

RNK VIERA INC

23Z00050



1:4,800 or 1 inch = 400 feet

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## National Wetlands Inventory (NWI)

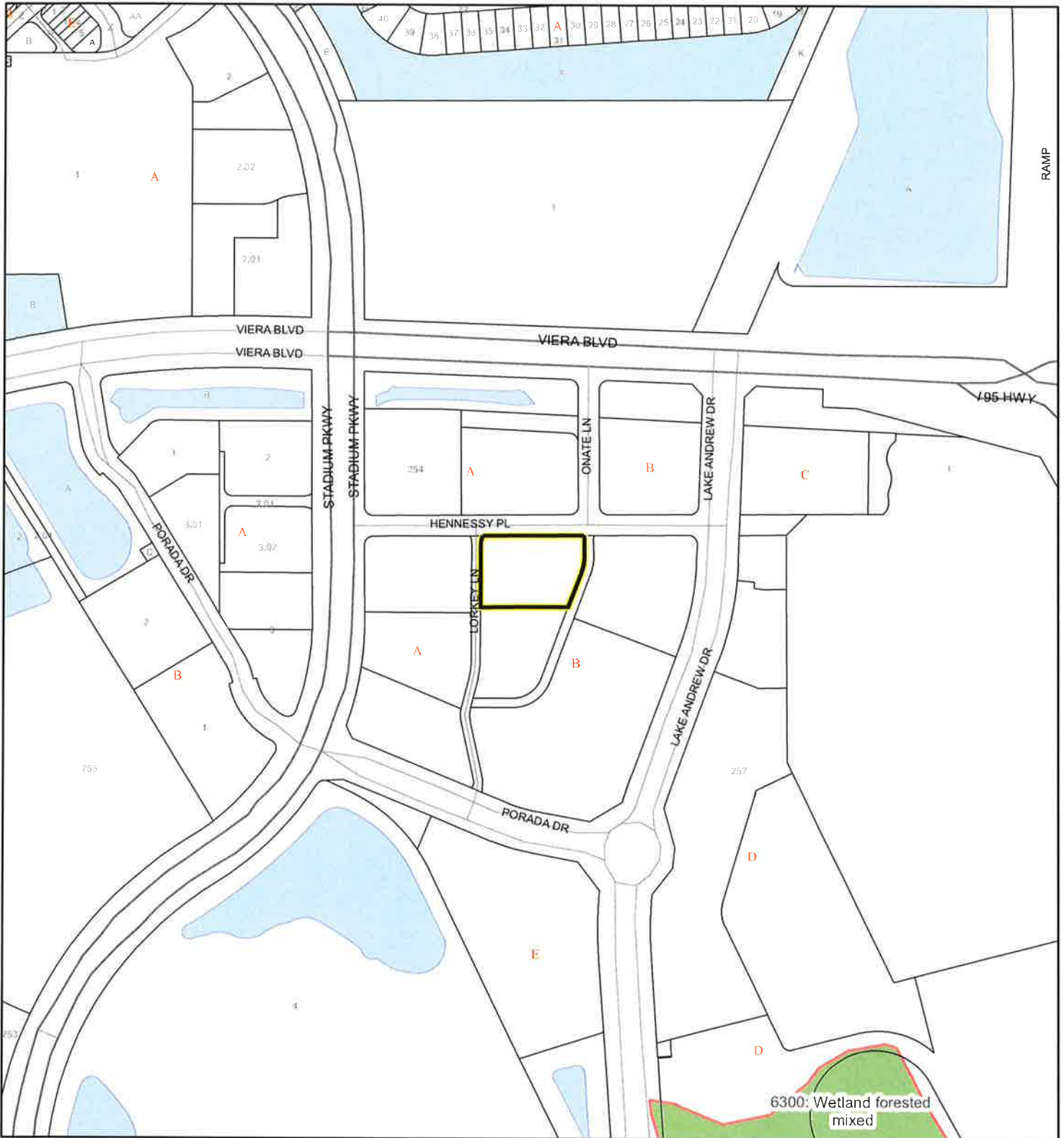
|                                   |                 |
|-----------------------------------|-----------------|
| Estuarine and Marine Deepwater    | Freshwater Pond |
| Estuarine and Marine Wetland      | Lake            |
| Freshwater Emergent Wetland       | Other           |
| Freshwater Forested/Shrub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



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

RNK VIERA INC

23Z00050



1:4,800 or 1 inch = 400 feet

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## SJRWMD FLUCCS WETLANDS

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

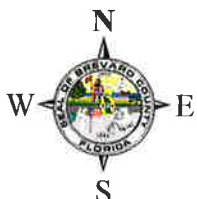
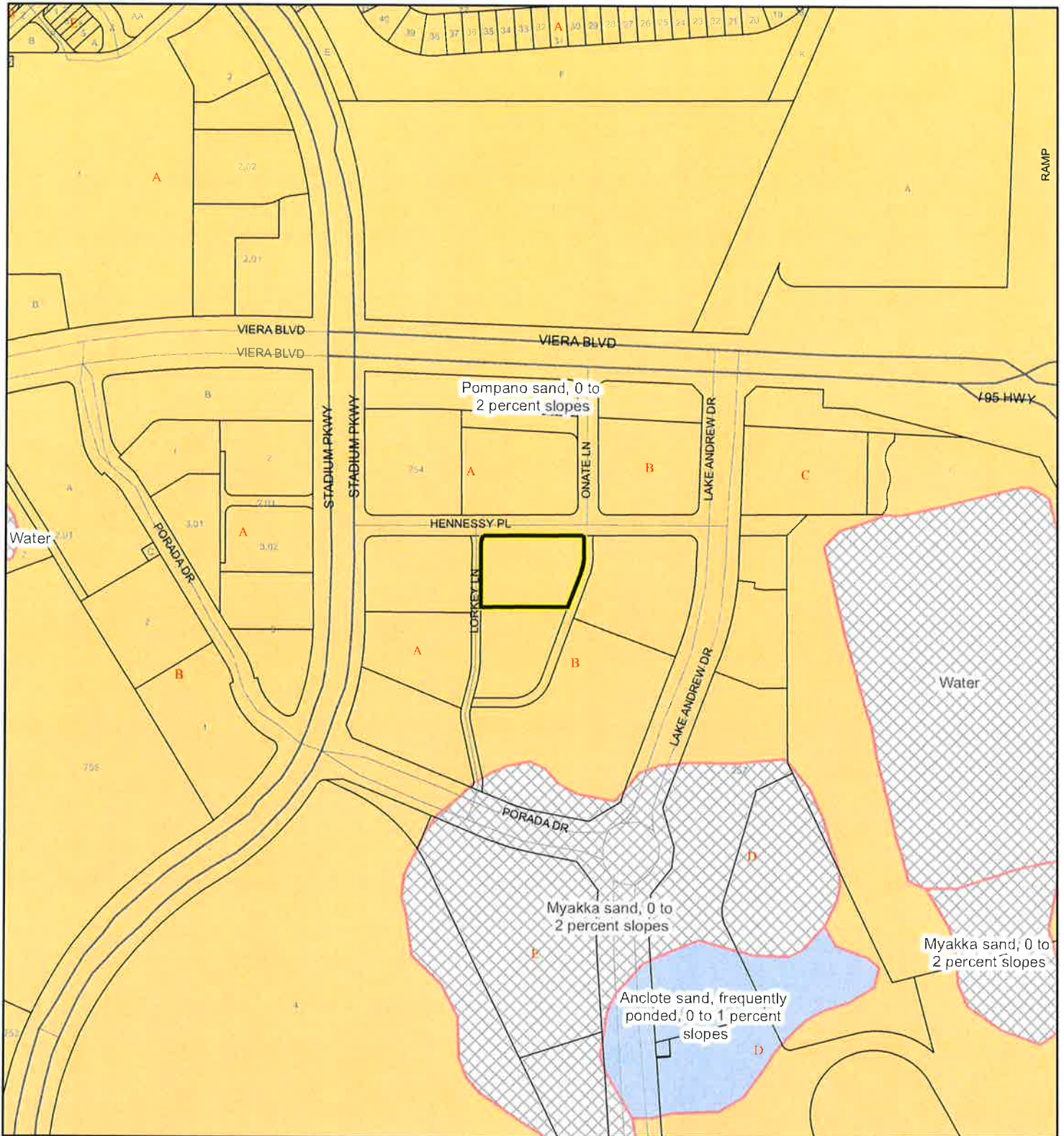
Subject Property

Parcels

# USDA SCSSS SOILS MAP

RNK VIERA INC

23Z00050



1:4,800 or 1 inch = 400 feet

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## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

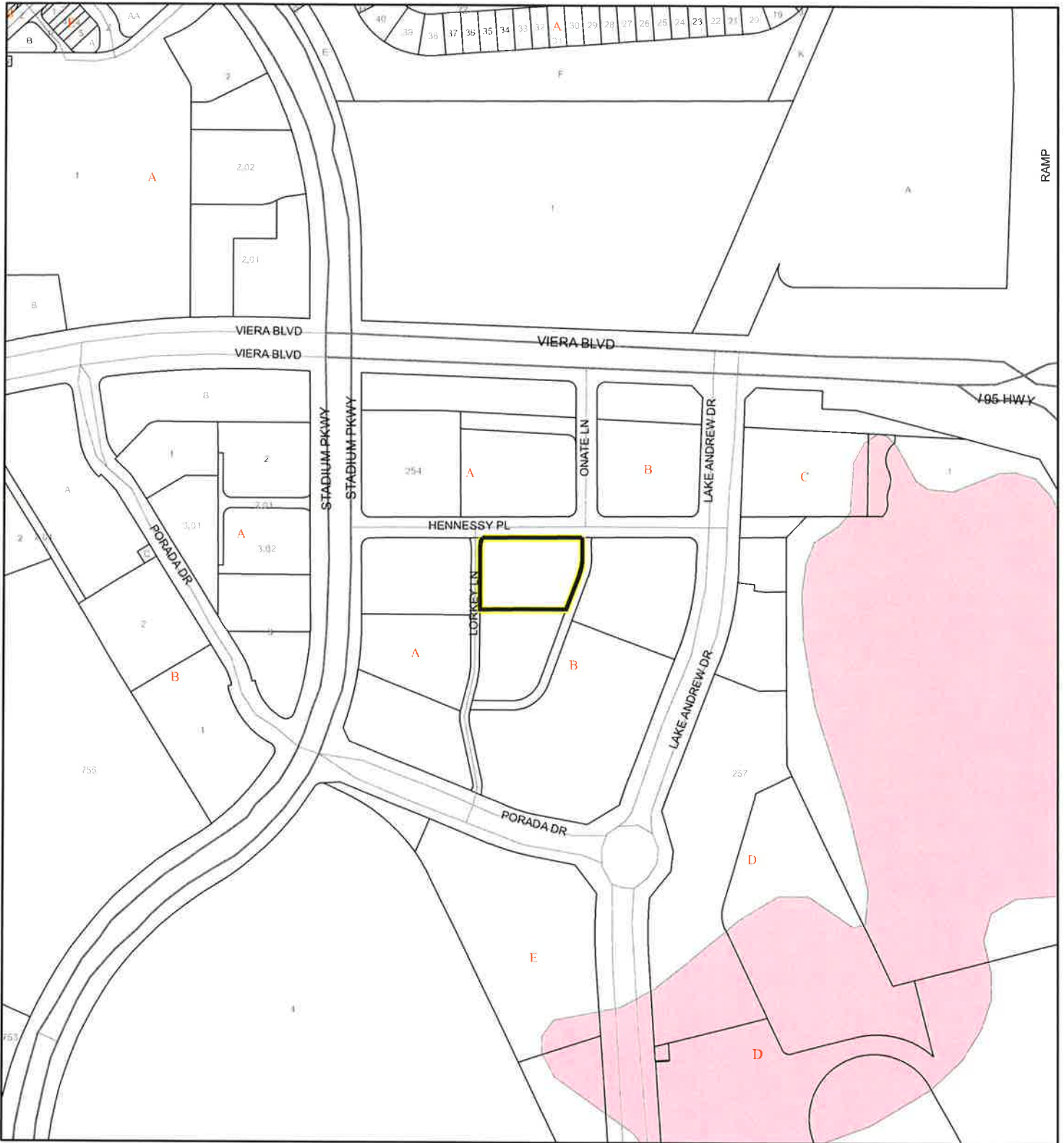
- Subject Property
- Parcels



# FEMA FLOOD ZONES MAP

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23Z00050







1:4,800 or 1 inch = 400 feet

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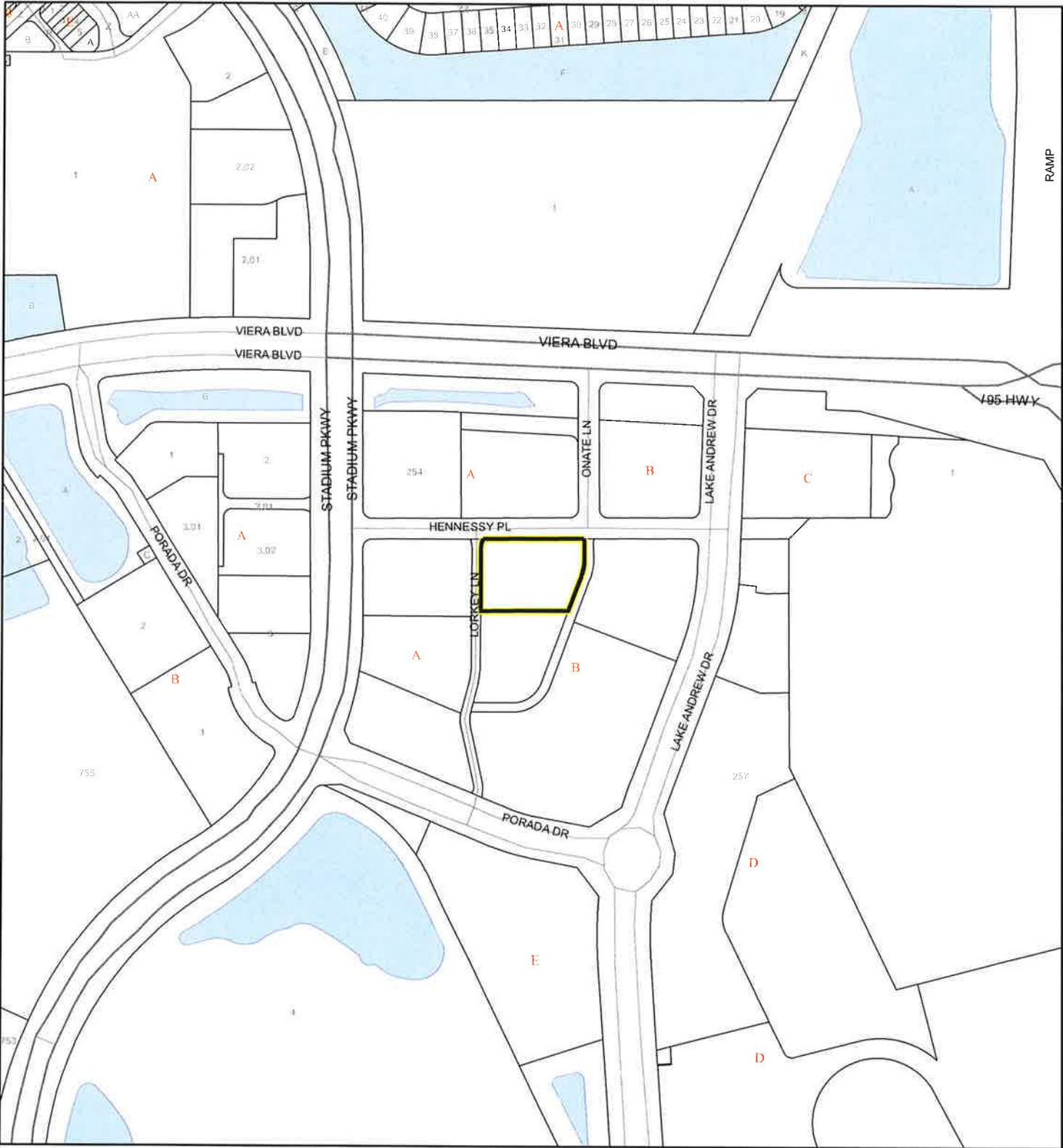
**FEMA Flood Zones**

|   |    |   |            |   |   |
|---|----|---|------------|---|---|
|  | A  |  | AO         |  | X |
|  | AE |  | Open Water |   |   |
|  | AH |  | VE         |   |   |

 Subject Property       Parcels

COASTAL HIGH HAZARD AREA MAP

RNK VIERA INC  
23Z00050



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/5/2023

Subject Property

Parcels

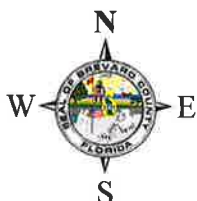
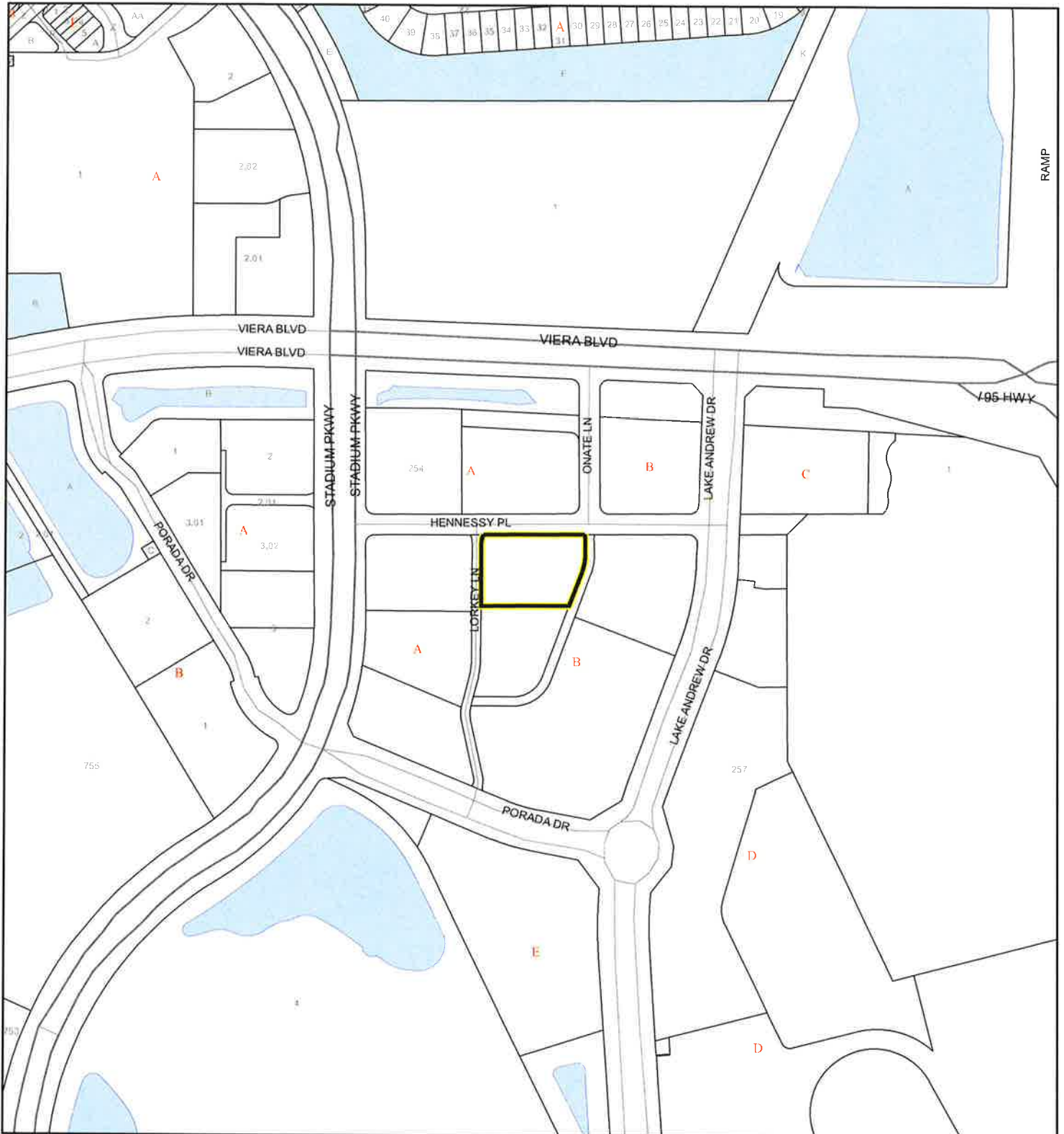
Coastal High Hazard Area

SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

RNK VIERA INC

23Z00050



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

## Septic Overlay

 40 Meters

 60 Meters

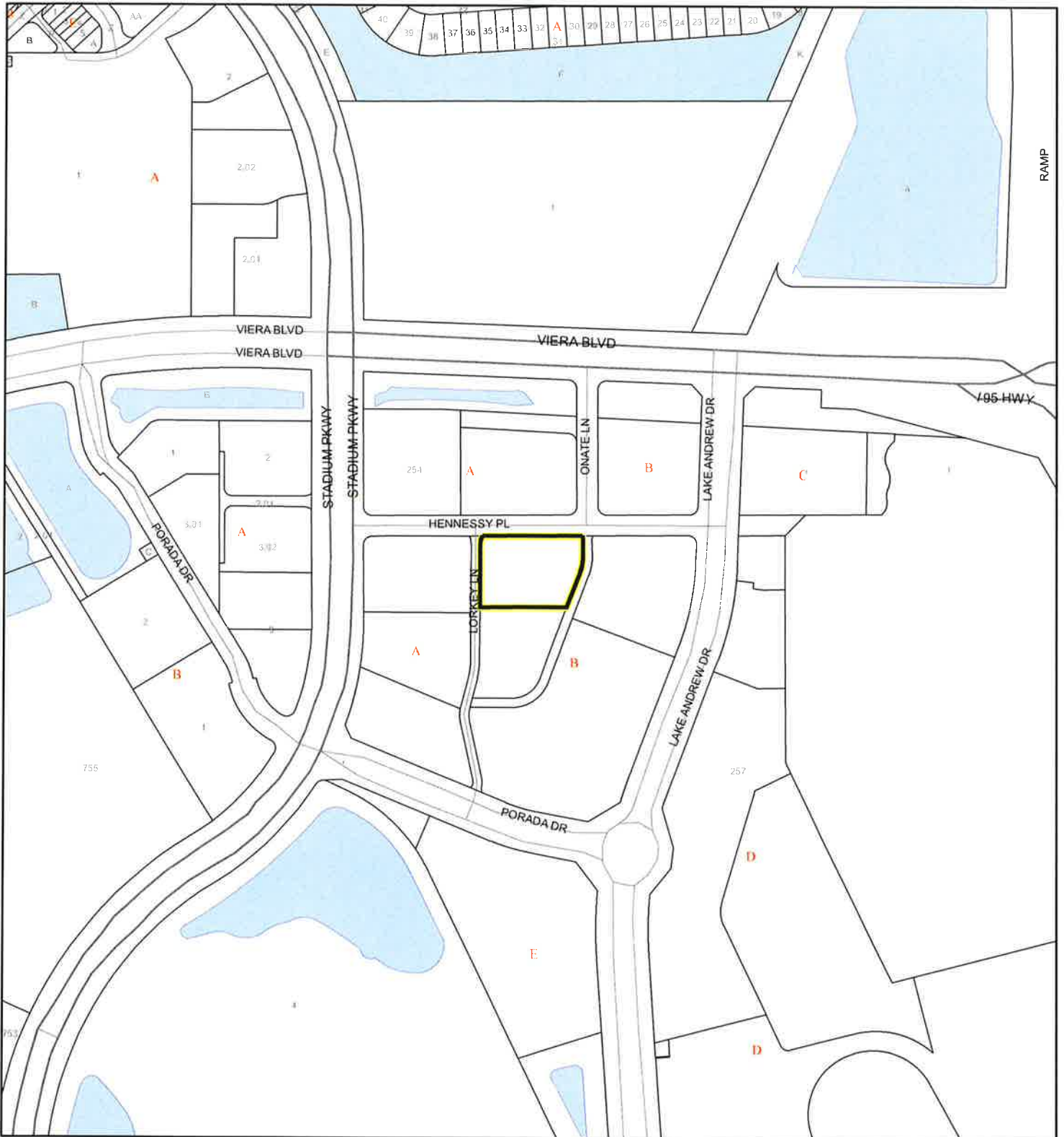
 All Distances



# EAGLE NESTS MAP

RNK VIERA INC

23Z00050



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

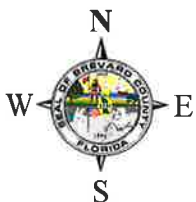
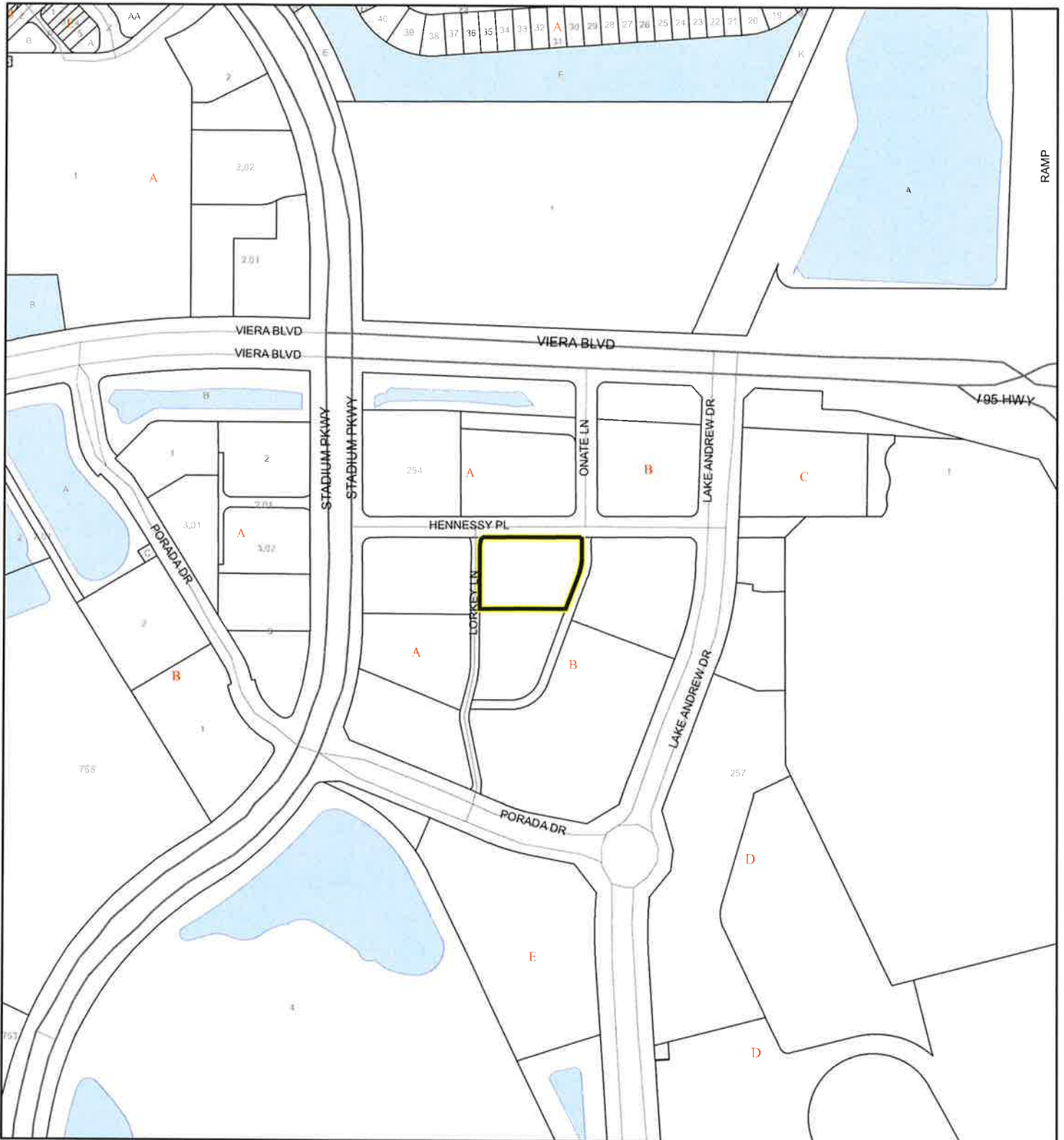
 Eagle Nests FWS



# SCRUB JAY OCCUPANCY MAP

RNK VIERA INC




23Z00050



1:4,800 or 1 inch = 400 feet

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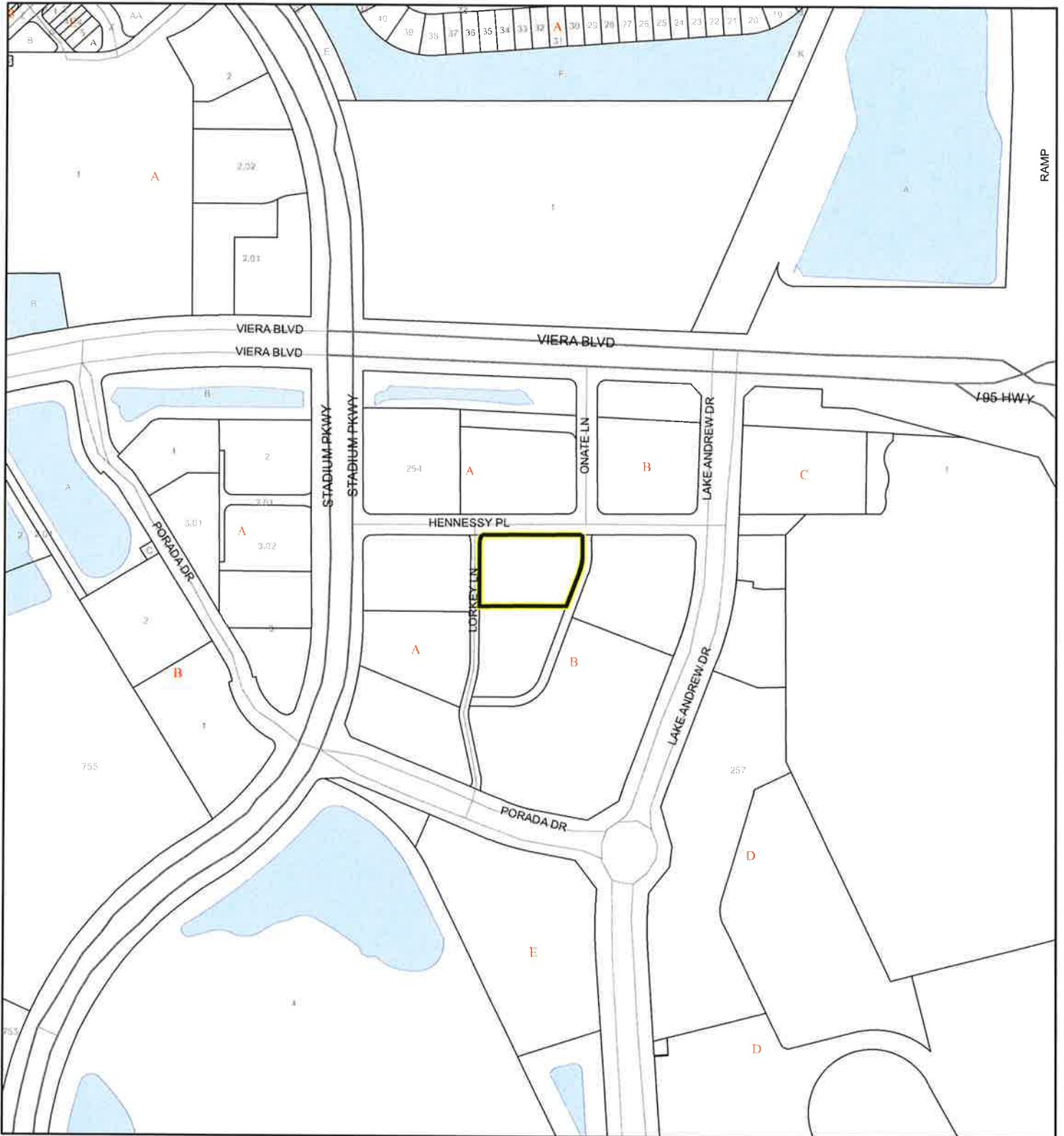
Produced by BoCC - GIS Date: 6/5/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

RNK VIERA INC

23Z00050



1:4,800 or 1 inch = 400 feet

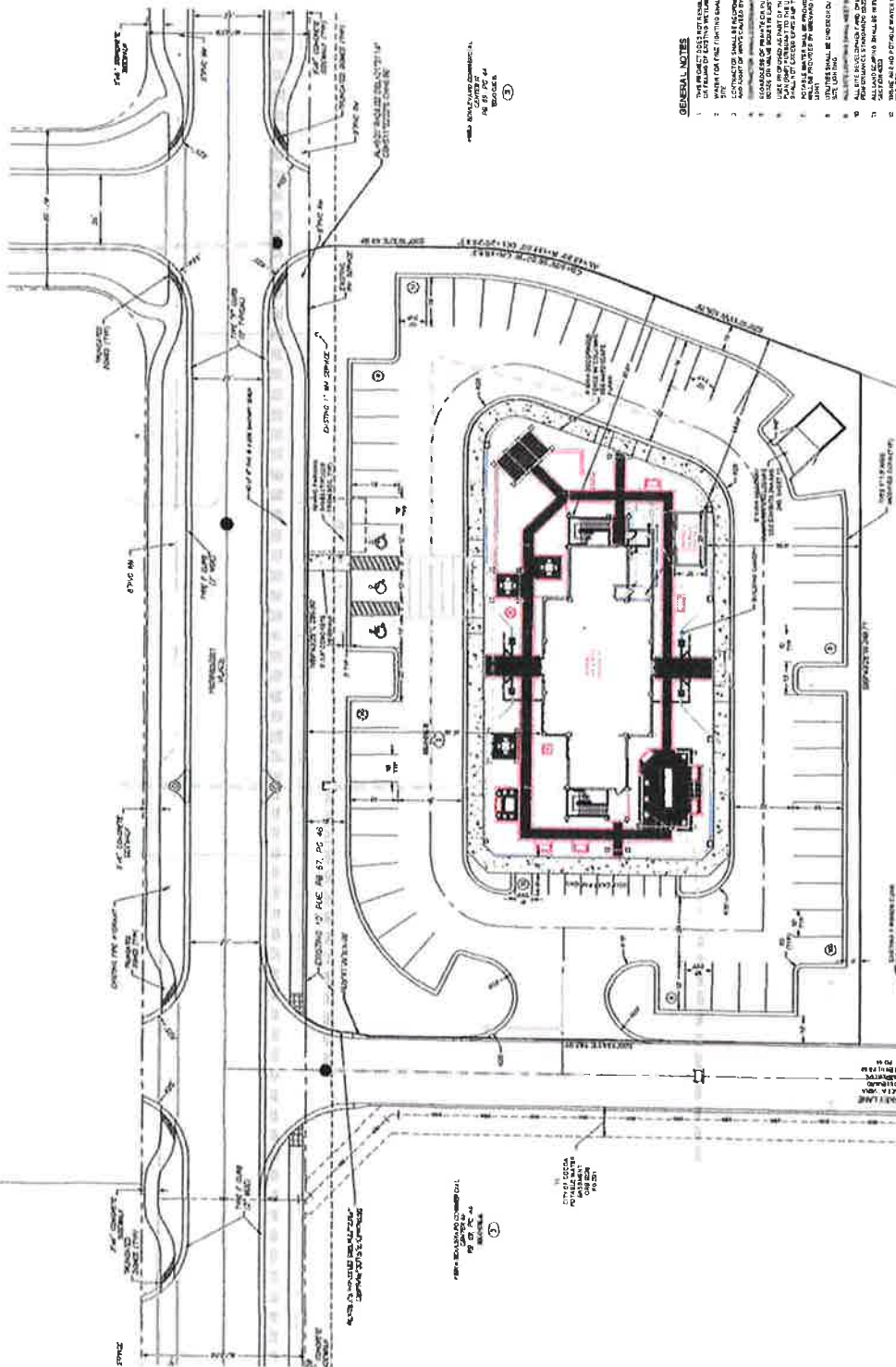
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/5/2023

## SJRWMD FLUCCS Upland Forests

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

Subject Property  Parcels



## GENERAL NOTES

- [illegible]

| ECAL DESCRIPTION | ECAL DATA |
|------------------|-----------|
| ECAL 1           | ECAL 1    |
| ECAL 2           | ECAL 2    |
| ECAL 3           | ECAL 3    |
| ECAL 4           | ECAL 4    |
| ECAL 5           | ECAL 5    |
| ECAL 6           | ECAL 6    |
| ECAL 7           | ECAL 7    |
| ECAL 8           | ECAL 8    |
| ECAL 9           | ECAL 9    |
| ECAL 10          | ECAL 10   |
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| ECAL 99          | ECAL 99   |
| ECAL 100         | ECAL 100  |

LOT 1, BLOCK 8, VERA BOULEVARD COMMERCIAL CENTER III, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 66, PAGE 41 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

## GENERAL STATEMENT

[illegible]

## ENGINEERING SURVEYOR

LEE CONSULTANTS INC  
10 E HARBOR CITY BLVD  
SARASOTA FL 34231  
PHONE (813) 725-3874  
FAX (813) 725-7789

### SITE DATA

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COUNTY, FLORIDA (SECTION 2A, FOW)  
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## BUILDING AND PARKING DATA

[illegible]

## STODOL WATERSHED MANAGEMENT FACILITIES

**WHITE LIGHTING**

## WHITE LIGHTNING

ADDITIONAL INFORMATION: For more information, contact the National Center for Human Resources Development at 1-800-368-5868 or visit our website at [www.nchrd.org](http://www.nchrd.org).

[illegible]

|                 |                  |
|-----------------|------------------|
| PROJECT TITLE   | VENEZIA WINE BAR |
| SHEET TITLE     | SITE PLAN        |
| PLOTTING CT NO. | 11652            |
| ISSUING NO.     | 11652-400-008    |
| SHEET           |                  |

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 14, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo, (D1); Ron Bartcher (D1); Brian Hodgers (D2); Lorriane Koss (D2 Alt); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Morris Richardson, County Attorney; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Agenda**

#### **RNK Viera, Inc. (Cliff Repperger)**

A CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Bar, in a PUD (Planned Unit Development) zoning classification. The property is 1.32 acres, located on the southeast corner of Lorkey Lane and Hennessy Place. (5475 Lorkey Ln., Melbourne) (23Z00050) (Tax Account 3024416) (District 4)

Cliff Repperger, 2101 Waverly Place, Suite 100, Melbourne, stated his clients are seeking a conditional use permit for alcohol for onsite consumption for Venezia Wine Bar. He noted the property has a site plan that was approved in 2022.

No public comment.

Motion by Henry Minneboo, seconded by Brian Hodgers, to recommend approval of a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Bar, in a PUD zoning classification. The motion passed unanimously.