



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson Way  
Viera, FL 32940

## Legislation Text

File #: 1750, Version: 1

### Subject:

MI Plaza Group, LLC (Matthew Phillips / Kim Rezanka) requests removal of an existing BDP; a CUP for an overnight commercial parking lot; and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant, in a PIP zoning classification. (20PZ00027) (Tax Account 2459292) (District 2)

### 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 the following requests: 1.) removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres); 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial Park) zoning classification.

### Summary Explanation and Background:

The applicant is seeking approval of the aforementioned requests to change the existing shopping center to an Overnight Commercial Parking Lot (cruise parking facility) with related services, including a restaurant with full liquor. The proposal is to utilize the 5.84-acre site, containing a 27,383 square-foot building complex and 237 parking spaces, as a park-and-ride lot where patrons are transported by bus to the cruise ships in Port Canaveral. The applicant's CUP site plan proposes the site will contain a 3,100 square-foot restaurant with on-premises consumption of alcohol, a 3,500 square-foot business complex, and 20,400 square feet of luggage storage/mini-warehouse/feet parking. The restaurant will be limited to only cruise parking patrons, and will only serve alcohol from 9:30 a.m. to 1:00 p.m. The property is located at 3345 North Courtenay Parkway.

The applicant stated at the North Merritt Island Special Dependent District Meeting that the primary use of the site will be an overnight commercial parking lot containing 232 parking spaces for customers plus 5 spaces for employees. They went on to say there are currently two tenants in the building and they would possibly be asking them to leave. The applicant's CUP site plan proposes a business complex and mini-warehouse as additional uses of the site. Section 62-3206 states all buildings, structures, or activities shall be provided with adequate off-street parking and off-street loading facilities for the use of occupants, employees, visitors and patrons associated with the site in accordance with the parking and loading requirements. According to the CUP site plan, 47 parking spaces are necessary for the uses occurring on site and 190 spaces would be available for cruise parking.

Also, the applicant is requesting to remove a BDP which was established with the approved CUP (**Z-11532**) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant, in January 2010. The BDP has nine restrictions that limits the use and hours of the restaurant. Since no alcoholic beverage license was obtained, the CUP expired on February 4, 2013. There were prior CUP applications for Alcoholic Beverages for On-Premises Consumption (**DNZ-11436 & DNZ-10949**) that were denied due to incompatibility with the surrounding neighborhood and access in August 2008 and February 2005.

The Board should consider whether the request for an Overnight Commercial Parking Lot and an Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with a Restaurant CUPs are compatible with the surrounding neighborhood, and the site activity does not significantly diminish or adversely impact the safety or welfare of residents in existing residential neighborhoods. In addition to conditions cited in Sections 62-1901, 62-1906, and 62-1941.3, the Board may find it necessary for additional stipulations to mitigate potential impacts to the abutting neighborhood. Such conditions may include:

- a. Additional landscaping buffer or block wall along the westerly and southerly boundaries.
- b. Turn lane analysis required with the site development plan, to be reviewed by Brevard County Traffic Engineering, reviewed and permitted by FDOT, and the applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for cruise parking.
- c. Queuing of vehicles are prohibited along all public ROW's. A queuing plan shall be submitted with the site plan demonstrating sufficient onsite queuing distance for both arriving and departing customers.
- d. Applicant shall install no parking signs along the north and south sides of Duval Street.
- e. Limiting hours of restaurant and bar, seats of the restaurant, and on-premises consumption to beer and wine only.
- f. No outside entertainment activities.
- g. Limit number of overnight commercial parking (pursuant to the parking code there are 190 parking spaces available for cruise parking).
- h. Restrict the use of the site to Overnight Commercial Parking Lot only, thus eliminating the business complex, mini-warehouse, and any other use of the site.

On June 11, 2020, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended denial.

Please note that the CUP site plan does not meet the minimum requirements of the County's Site Plan Code and cannot be used to satisfy that requirement. Also, interdepartmental reviews have not been conducted and the feasibility of layout cannot be confirmed without a formal site plan review.

**Clerk to the Board Instructions:**

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

Resolution 20PZ00027

Revised

On motion by Commissioner Isnardi, seconded by Commissioner Pritchett, the following resolution was adopted by a 3:2 vote, with Commissioners Lober and Tobia voting nay:

**WHEREAS, MI Plaza Group, LLC** has requested the following: 1.) removal of Existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres), in a PIP (Planned Industrial Park) on property described as follows: A parcel of land lying in the NW ¼ of the NW ¼ of Section 11, Township 24S, Range 36E, Brevard County, Florida. Being particularly described as follows: commence at the NW corner of said Section 11 and run S00deg00'15"E, along the west line of said Section, a distance of 964.92 ft. to a point on the south right-of-way line of Duval St. (a proposed 80-ft. wide right-of-way), the point of beginning; thence continue S00deg00'15"E, along said west line a distance of 369.15 ft. to a point on south line of the NW ¼ of said NW ¼ of Section 11, thence S89deg46'24"E, along said south line a distance of 589.69 ft. to a point on the west right-of-way line of S.R. 3 (a 125-ft. wide right-of-way also known as N. Courtenay Pkwy); thence N03deg59'19"W, along said west right-of-way line, a distance of 404.60 ft. to the point of curvature of a 25-ft. radius curve to the left, said curve being a right-of-way transition for aforesaid Duval St.; thence northerly and west along the arc of said curve and along said right-of-way transition, thru a central angle of 86deg00'56" a distance of 37.53 ft. to a point of tangency; thence S89deg59'45"W along the aforesaid south right-of-way line of Duval St., a distance of 355.41 ft. to the point of curvature of a 120-ft. radius curve to the left; thence southwesterly along the arc of said curve and along said south right-of-way line, thru a central angle of 30deg30'18", a distance of 63.89 ft. to a point of tangency; thence S59deg29'27"W, a distance of 21.80 ft. to the point of curvature of a 200-ft. radius curve to the right; thence continue southwesterly along the arc of said curve and said south right-of-way line, thru a central angle of 30deg30'18", a distance of 106.48 ft. to the point of beginning. Subject to a 100-ft. wide Florida Power & Light Co. easement recorded in ORB 273, Page 384; and subject to all other easements and rights of way of record. 3.) a CUP (Conditional Use Permit) for Alcoholic Beverages (full-liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 sq. ft.), in a PIP (Planned Industrial Park) zoning classification, on property described as Unit 102, as recorded in ORB 8618, Pages 1389 – 1390, of the Public Records of Brevard County, Florida. Located on the southwest corner of Duval St. and N. Courtenay Pkwy. (3345 N. Courtenay Pkwy., Merritt Island); and

**WHEREAS**, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be denied; and

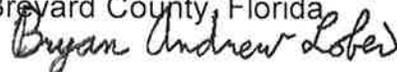
**WHEREAS**, the Board, after considering said application and North Merritt Island Dependent Special District Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as follows: Approved requests for removal of an existing BDP; a CUP for an overnight commercial parking lot on 5.48 acres; and a CUP for alcoholic beverages for on premises consumption in conjunction with a 3,100 square-foot restaurant in a PIP zoning classification; **the CUPs are approved** with conditions to include the following: the applicant shall provide a landscape buffer along the North, East, and South property lines in accordance with the Land Development Code; the applicant shall provide a turn land analysis required with the site development plan, to be reviewed by Brevard County Traffic Engineering, reviewed and permitted by FDOT, and shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for cruise parking; the applicant shall provide a queueing plan to be submitted with the site plan demonstrating sufficient onsite queueing distance for both arriving and departing customers; applicant

shall install no parking signs along the north and south sides of Duval Street prior to utilizing the site for cruise parking; the CUP limits **the use** of the restaurant and bar **to** cruise parking patrons only, limits the number of seats to 100, and limits the on premises consumption of **alcoholic beverages** from 9:00 A.M. to 1:00 P.M. only for those patrons who are arriving; with hours of operation limited to 6:30 A.M. to 1:00 P.M. **of the overnight commercial parking lot**; the CUP shall prohibit outside entertainment activities or outdoor entertainment, music, and the use of a PA system; the CUP shall limit the number of overnight commercial parking to 232 spaces; and the CUP shall restrict the use of the site to overnight commercial parking lot, luggage storage, and the restaurant lounge only, thus eliminating the business complex, mini-warehouse, and other uses on the site; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the following requests, 1.) removal of Existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres), in a PIP (Planned Industrial Park) zoning classification, be approved as follows: Approved requests for removal of an existing BDP; a CUP for an overnight commercial parking lot on 5.48 acres; and a CUP for alcoholic beverages for on premises consumption in conjunction with a 3,100 square-foot restaurant in a PIP zoning classification; **the CUPs are approved** with conditions to include the following: the applicant shall provide a landscape buffer along the North, East, and South property lines in accordance with the Land Development Code; the applicant shall provide a turn land analysis required with the site development plan, to be reviewed by Brevard County Traffic Engineering, reviewed and permitted by FDOT, and shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for cruise parking; the applicant shall provide a queueing plan to be submitted with the site plan demonstrating sufficient onsite queueing distance for both arriving and departing customers; applicant shall install no parking signs along the north and south sides of Duval Street prior to utilizing the site for cruise parking; the CUP limits **the use** of the restaurant and bar **to** cruise parking patrons only, limits the number of seats to 100, and limits the on premises consumption of **alcoholic beverages** from 9:00 A.M. to 1:00 P.M. only for those patrons who are arriving; with hours of operation limited to 6:30 A.M. to 1:00 P.M. **of the overnight commercial parking lot**; the CUP shall prohibit outside entertainment activities or outdoor entertainment, music, and the use of a PA system; the CUP shall limit the number of overnight commercial parking to 232 spaces; and the CUP shall restrict the use of the site to overnight commercial parking lot, luggage storage, and the restaurant lounge only, thus eliminating the business complex, mini-warehouse, and other uses on the site. 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 July 9, 2020.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



Bryan Lober, Chair

Brevard County Commission

As approved by the Board on July 9, 2020.

ATTEST



SCOTT ELLIS, CLERK

(SEAL)

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 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.**

On motion by Commissioner Isnardi, seconded by Commissioner Pritchett, the following resolution was adopted by a 3:2 vote, with Commissioners Lober and Tobia voting nay.

**WHEREAS, MI Plaza Group, LLC** has requested the following: 1.) removal of Existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres), in a PIP (Planned Industrial Park) on property described as follows: A parcel of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 11, Township 24S, Range 36E, Brevard County, Florida. Being particularly described as follows: commence at the NW corner of said Section 11 and run S00deg00'15"E, along the west line of said Section, a distance of 964.92 ft. to a point on the south right-of-way line of Duval St. (a proposed 80-ft. wide right-of-way), the point of beginning; thence continue S00deg00'15"E, along said west line a distance of 369.15 ft. to a point on south line of the NW  $\frac{1}{4}$  of said NW  $\frac{1}{4}$  of Section 11, thence S89deg46'24"E, along said south line a distance of 589.69 ft. to a point on the west right-of-way line of S.R. 3 (a 125-ft. wide right-of-way also known as N. Courtenay Pkwy); thence N03deg59'19"W, along said west right-of-way line, a distance of 404.60 ft. to the point of curvature of a 25-ft. radius curve to the left, said curve being a right-of-way transition for aforesaid Duval St.; thence northerly and west along the arc of said curve and along said right-of-way transition, thru a central angle of 86deg00'56" a distance of 37.53 ft. to a point of tangency; thence S89deg59'45"W along the aforesaid south right-of-way line of Duval St., a distance of 355.41 ft. to the point of curvature of a 120-ft. radius curve to the left; thence southwesterly along the arc of said curve and along said south right-of-way line, thru a central angle of 30deg30'18", a distance of 63.89 ft. to a point of tangency; thence S59deg29'27"W, a distance of 21.80 ft. to the point of curvature of a 200-ft. radius curve to the right; thence continue southwesterly along the arc of said curve and said south right-of-way line, thru a central angle of 30deg30'18", a distance of 106.48 ft. to the point of beginning. Subject to a 100-ft. wide Florida Power & Light Co. easement recorded in ORB 273, Page 384; and subject to all other easements and rights of way of record. 3.) a CUP (Conditional Use Permit) for Alcoholic Beverages (full-liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 sq. ft.), in a PIP (Planned Industrial Park) zoning classification, on property described as Unit 102, as recorded in ORB 8618, Pages 1389 – 1390, of the Public Records of Brevard County, Florida. Located on the southwest corner of Duval St. and N. Courtenay Pkwy. (3345 N. Courtenay Pkwy., Merritt Island); and

**WHEREAS**, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be denied; and

**WHEREAS**, the Board, after considering said application and North Merritt Island Dependent Special District 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 follows: Approved removal of an existing BDP; approved CUP's for Overnight Commercial Parking Lot (5.48 acres) and Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP zoning classification, with the following conditions: 1.) the applicant shall provide a landscape buffer along the north, east, and south property lines in accordance with the Land Development Code; 2.) the applicant shall provide a turn lane analysis with the site development plan, to be reviewed by Brevard County Traffic Engineering and FDOT, and shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for overnight commercial parking; 3.) the applicant shall provide a queueing plan to be submitted with the site plan demonstrating sufficient onsite queueing distance for both arriving and departing customers; 4.) the applicant shall install 'no parking' signs along the north and south sides of Duval Street prior to utilizing the site for overnight commercial

parking; 5.) the on-premises consumption of alcoholic beverages (full liquor) within the restaurant/bar is limited to arriving cruise parking patrons only; the number of seats in the restaurant/bar is limited to 100; and the hours of on-premises consumption of alcohol (full liquor) shall be from 9:00 a.m. to 1:00 p.m.; 6.) the hours of operation for the overnight commercial parking shall be limited to 6:30 a.m. to 1:00 p.m.; 7.) outdoor entertainment/activities and the use of a PA system shall be prohibited; 8.) the number of overnight commercial parking spaces shall be limited to 232 spaces; 9.) and the use of the property shall be limited to an Overnight Commercial Parking Lot only, thus eliminating the business complex, mini-warehouse, and any other uses on the property; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the following requests, 1.) removal of Existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres), in a PIP (Planned Industrial Park) zoning classification, be approved as follows: Approved removal of an existing BDP; approved CUP's for Overnight Commercial Parking Lot (5.48 acres) and Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP zoning classification, with the following conditions: 1.) the applicant shall provide a landscape buffer along the north, east, and south property lines in accordance with the Land Development Code; 2.) the applicant shall provide a turn lane analysis with the site development plan, to be reviewed by Brevard County Traffic Engineering and FDOT, and shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for overnight commercial parking; 3.) the applicant shall provide a queueing plan to be submitted with the site plan demonstrating sufficient onsite queueing distance for both arriving and departing customers; 4.) the applicant shall install 'no parking' signs along the north and south sides of Duval Street prior to utilizing the site for overnight commercial parking; 5.) the on-premises consumption of alcoholic beverages (full liquor) within the restaurant/bar is limited to arriving cruise parking patrons only; the number of seats in the restaurant/bar is limited to 100; and the hours of on-premises consumption of alcohol (full liquor) shall be from 9:00 a.m. to 1:00 p.m.; 6.) the hours of operation for the overnight commercial parking shall be limited to 6:30 a.m. to 1:00 p.m.; 7.) outdoor entertainment/activities and the use of a PA system shall be prohibited; 8.) the number of overnight commercial parking spaces shall be limited to 232 spaces; 9.) and the use of the property shall be limited to an Overnight Commercial Parking Lot only, thus eliminating the business complex, mini-warehouse, and any other uses on the property. 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 July 9, 2020.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

*Bryan Andrew Lober*  
Bryan Lober, Chair

Brevard County Commission

As approved by the Board on July 9, 2020.

ATTEST:

*Scott Ellis*

SCOTT ELLIS, CLERK

(SEAL)

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 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 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.

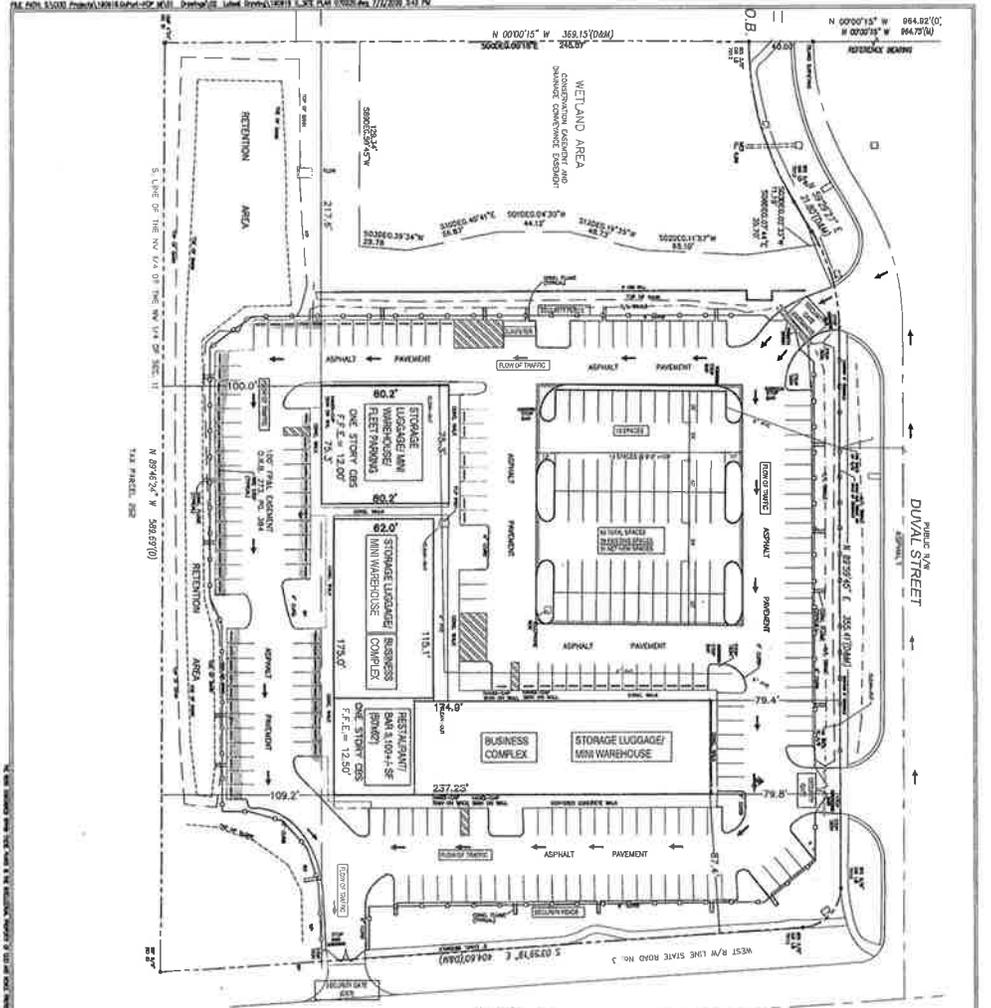
**Volume with Development (VOL W/DEV):** Equals Current Volume plus trip generation projected for the proposed development.

**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.



MI PLAZA

PARKING REQUIREMENTS FOR THE NEW SITE IMPROVEMENTS	
TOTAL SP	27,000
TOTAL SPACES FOR EMPLOYEES	5
TOTAL SPACES AVAILABLE	237
SPACES FOR COMMERCIAL OVERNIGHT PARKING	222

AREA WITHIN  
 FOLL ENSEMENT  
 PARKING SPACES  
 WITHIN EASEMENT  
 NOT TO BE USED FOR  
 COMMERCIAL OVERNIGHT  
 PARKING  
 (54 PARKING SPACES)

**CUP SITE PLAN**  
 NORTH COURTENAY SQUARE  
 3345 N. COURTENAY PARKWAY  
 MERRITT ISLAND, FL.

SHEET NO. CUP-1

DATE: 07/03/20

SCALE: 1" = 30'

DESIGNER: [Name]

PROJECT NO. [Number]



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 July 9, 2020  
MI Plaza Group, LLC - 20PZ00027

Commissioner Pritchett meet with Kimberly Rezanka regarding the above item on July 6, 2020.

MI Plaza Group is requesting removal of BDP, Shuttle Service as primary use and CUP for overnight commercial parking and Alcoholic Beverages. This property will be used for overnight cruise parking with a total of 237 (5 for employees) parking spaces with a cocktail/meal service for customers only. Alcohol will be served from 9:30 a.m. to 1:00 p.m.

Customers will not be allowed in the cocktail/food area when returning from a cruise. BDP to be removed as it was tied to CUP for restaurant which has expired. The proposed use would be less intense than the 27,000 square feet of retail space, which would generate 2,499 trips. This use will generate approximately 480 trips. 30 - 60 cars per day and not all at one time. Shuttle bus pickup will be staggered every ½ hour.

Sunset Groves residents (46 homes) object to the use of Duval Road for this property. There is a bus stop on Duval, however kids will be picked up by 8:55 in the morning and dropped off after closed.



**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 July 9, 2020  
MI Plaza Group, LLC - 20PZ00027

Commissioner Pritchett spoke to Mike Shah on the phone regarding the above item on July 6, 2020.

Mr. Shah, owner of property on S.R. 3, stated that he is not in favor of this proposed item being approved.

## **District 2 Disclosures**

### **07/09/2020 BOCC Planning & Zoning Meeting**

#### **H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)**

##### **Emails:**

- 03/26/2020 - Stephen Townsend, opposing the proposal as presented
- 03/30/2020 - Jessica Beal, PharmD; opposing Commercial Cruise Parking Lot
- 03/30/2020 - Rose DiLecce; opposing rezoning request for CUP
- 03/30/2020 - ??? (cannot open e-mail); opposing rezoning request for CUP
- 03/30/2020 - Kimberly Willey; opposes cruise ship parking lot
- 03/30/2020 - Donald VerWiebe; opposes the actions being proposed
- 03/30/2020 - ??? (cannot open e-mail); opposing rezoning request for CUP
- 03/31/2020 - Kevin Zari; opposes CUP & wants to delay meeting until COVID-19 conditions have abated
- 04/01/2020 - Deb Bannon; opposes cruise ship parking lot
- 04/03/2020 - Charles Philip (Phil) Bennardo; opposing rezoning request for CUP
- 04/03/2020 - Elizabeth J Anderson; opposed to addition of parking lot & bar/restaurant
- 04/06/2020 - Angie Baker; opposed to the new proposed lot off of Duval in N. Merritt Island
- 04/08/2020 - James Larson; opposes the actions being proposed
- 04/08/2020 - Steve Phillips; opposes the actions being proposed
- 04/10/2020 - John Schneider; opposes cruise parking lot
- 04/13/2020 - James H Robertson; supports CUP & states that "hours of operation and intent to serve is at the discretion of the provider"
- 04/13/2020 - Patrick Stahl; requested access to Proposed Site Plan for residents of Sunset Groves
- 04/14/2020 - Dave Woodington; opposes expanding the Cruise Parking business
- 06/02/2020 - Peggy Cotner; emphatically opposes this action
- 06/02/2020 - Troy Cochran; opposes proposed parking lot
- 06/03/2020 - Elizabeth Anderson & Patrick Churchville; oppose any additional cruise parking north of 528
- 06/12/2020 - Michael "Chris" Davis; opposes cruise parking proposal
- 06/22/2020 - Patrick Stahl; asked for a review of compliance issues associated with this existing permit
- 06/23/2020 - Lyndsay Snead; requested that the board upholds the NMI advisory board's decision.
- 06/23/2020 - Kimberly Rezanka; sent documents (GIS maps, Proposed site plan, Trip generation analysis, Summary of proposal) for reviewing before zoom call meeting scheduled for 06/24/2020.

- 07/02/2020 – Patrick Stahl; responded to Bach McClure's e-mail, thanking the county for investigating his complaint and informing of his opinion that the stormwater system is still out of compliance.
- 07/03/2020 – Kimberly Rezanka; sent documents (Revised site plans, FDOT traffic information).
- 07/03/2020 – Jerrold Perlet; requests the board denies this CUP application.
- 07/03/2020 – Karen Pardy; opposes cruise parking lot.
- 07/03/2020 – George Kraft; opposes cruise parking lot.
- 07/03/2020 - Lyndsay Snead; requested that the board upholds the NMI advisory board's decision.
- 07/05/2020 – Dolores Ryan; opposes cruise parking lot.
- 07/05/2020 – Arnold Dingman; opposes cruise parking lot.
- 07/05/2020 – Deb Bannon; opposes cruise parking lot.
- 07/06/2020 – Nicole Charara; opposes cruise parking lot.
- 07/06/2020 – Ivan Inmon; opposes cruise parking lot.
- 07/06/2020 – Nancy Thomas; opposes cruise parking lot.
- 07/07/2020 – B. Vernatter opposes the project.

**Meetings:**

- 06/24/2020 – Zoom meeting with Kim Rezanka and MI Plaza Group

July 8, 2020

To: Jennifer Jones  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Meeting Disclosure

Ms. Jones,

In regards to the upcoming agenda item H. 13 for the Planning & Zoning meeting on July 9<sup>th</sup>, 2020, please be advised in advance that Commissioner Tobia spoke with the following parties via telephone, separately, on July 6<sup>th</sup>, 2020.

Kim Rezanka, Esq.

Mike Shah

Hon. Mike Harridopolis

Each phone call lasted approximately ten minutes, during which the above individuals provided information regarding the above-referenced item.

Sincerely,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

From: Stephen Townsend  
To: James Hester, Commissioner, 02; Commissioners, 01; Commissioners, 01; Commissioner, 01; Commissioner, 03  
Cc: prince.kacy@gmail.com; "2121 - Fredrick Solomon"; yshah@fya.com; "2111 Ann Solomon"; "2200 Everette & Tracy Stephens"; "2110 Jerry & Carlie Hunt"; "2121 - Viki"; "2140 Ben Robertson"; "2141 Roland and April Purson"; "2221 Richard & Cheryl Palmer"; "2160 Stephen Townsend"; "2161 Shulamit Masubala"; "2120 Casey and Dana Fraubin"; "2271 George & Audrey Lewis"; "2120 Gordon Alden"; "2101 - Sarah VerWebb"; "2121 Don VerWebb"; "2190 - Robert Peterson"; "2100 Jim Lester"; "2104 (Brecht) John & Sandra Ann Jurek"; "2100 John & Cynthia Stephens"; "2111 Scotty Foxworth"; "2110 Philia & Shirley Hawk"; "2140 Pedro & Renee DiIocco"; "2141 Kevin Zaro"; "2150 Jessica Bell"; "2130 Pat Stolt"; "2160 Steve & Don Phillon"; "2161 Richard & Michele Robinson"; "2170 John A Dennis Ryke"; "2171 Steven & Colette Brown"; "2180 Eric & Pamela Martin"; "2181 Carla & Tracy Robinson"; "2190 Cliff & Norma Gaines"; "2191 Dave & Treva Woodruff"; "2110 Larry Quack"; "2111 Jennifer Camusell"; "2120 Bob Wilson and Heidi Bender"; "2120 Ray Scarva"; "2111 Bill Marantz"; "2140 Mike & Paula Bradley"; "2141 Robert & Corinna Reijn.  
Date: Thursday, March 26, 2020 9:09:59 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe

Hi I am Stephen Townsend I live behind the property that is on N Courtenay and is asking for a CUP for onsite alcohol consumption. The property is at the intersection of Duval Street and state rd 3 located on the South side of Duval Street, Duval is the only entrance to our neighborhood and is where the School bus stop is. We have established a long history of fighting these repeated attempts for businesses to obtain a CUP for this location. There are a ton of reasons why that is not a good idea and I will go over them later in this e-mail but let me first explain what has been established at least twice already at great expense and aggravation to our neighborhood. This property is non-compliant to code and has been since the day they built it and it cannot become compliant without costly modifications. These buildings were built right up to the FPL powerline easement to maximize utilization of the land and to provide added parking area under the FPL easement. Which if I remember correctly we established that the parking area on FPL's easement was not authorized by FPL. The reason I am pointing this out is simple when you think about it because FPL will not allow the 6 foot wall to be extended across their easement, I do not blame them I would not allow it either if I were them. What this does now is allow unabated foot traffic between our neighborhood and a property where a proposed CUP for onsite alcohol consumption is being asked for. See Fig 1 below the easement is marked in Red and the 100 foot long easement with no 6 foot wall is circled.

Here are a few facts directly related to just this one aspect of a long list of negative reasons for granting this CUP

1. Once issued the CUP goes with the property and owners can change business strategies and approaches to maximize financial returns on the CUP. There is a long history of attempts to get a CUP and turn this building into a bar.
2. Ultimately we will have a potential situation where drunks and others will have direct access to our neighborhood via the 100 foot opening on the FPL easement.
3. The county has denied the CUP twice before.
4. We have established that due to the configuration of the buildings and the FPL easement and the selfish decisions of the developer coupled with the County overlooking the non-compliance during construction and site plan review that there is no way to economically bring the property back into compliance.
5. Having irresponsible drinkers and drivers with direct foot access to your property is purely a Diminution of property value. While I respect Property rights fully I do not support lowering the value of other people's property.

This Cup should be denied flat out and myself and my neighbors should not have to repeatedly spend money to reestablish cause for not approving these repeated CUP attacks and even threats for slap suits and aggravation of having to continually go back over all the issues i.e. Traffic, safety, children's bus stop, poor road intersection designs and improper deceleration lanes, ingress egress into our community \_\_\_\_\_. Please do what is right and deny this application for a CUP for this property for the third time. Thank You!

Fig 1

**From:** [Melissa Lamond](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 15, 2020 2:44:37 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I'm writing to express our concerns with the above referenced rezoning action that will allow for ANOTHER commercial cruise parking lot on North Merritt Island. The traffic on North Merritt Island is getting worse as more jobs open up at KSC and there are multiple new housing developments being built.

The existing roadway infrastructure on North MI is not designed to handle the existing traffic volume. Additionally, the barge canal bridge cannot handle the existing traffic, let alone the additional traffic from these new neighborhoods and new cruise parking. Nothing seems to be being done to address these existing infrastructure issues.

In addition to the new parking lot, a bar is being proposed to be located within a short distance of a school bus stop and residential sidewalks. This is not safe and introduces great risk to our North Merritt Island community.

This request brings no value to the NMI community and as residents of North Merritt Island we are asking that you please take these concerns under advisement and deny this rezoning request.

Thank you,  
Todd and Melissa Lamond  
635 Chase Hammock Rd  
Merritt Island

**From:** [Jessica Schneider](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ0027  
**Date:** Friday, April 10, 2020 5:01:51 PM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please don't rezone that lot into a cruise parking lot for the following reasons:

First, traffic at the Courtenay/Beachline interchange is already snarled enough. Around quitting time for the Cape or any time the drawbridge is stuck up traffic is a nightmare in that area. A third parking lot in that area will just make it worse

Second, there are already 2 lots being built as overflow for cruises from Port Canaveral. A third one is total overkill.

Third, it's never a good idea to have too much of the area's economy tied to one industry. The Space Shuttle program is proof of this concept.

I'm all for growth in the area. Fix traffic on and off the Beachline and put up a store, a housing development, a Mini golf. Anything but another parking lot please.

Respectfully,. John Schneider

**From:** Patrick Stahl  
**To:** Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Abbate, Frank B; Ball, Jeffrey  
**Cc:** Jessica Beal  
**Subject:** Fwd: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**Date:** Friday, April 10, 2020 1:37:25 PM  
**Attachments:** Applicant's Response 4.8.20 (1).pdf

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners, NMI Development Special District Board, County Manager and Planning and Zoning Dept Manager,

In regards to Rezoning Notice #20PZ00027, our neighborhood just received the attached letter from MI Plaza Group, LLC that "addresses" all of the concerns from letters written by residents of the Sunset Groves Subdivision and the Staff of Brevard County. In the letter, they reference a Proposed Site Plan dated 3/30/20 that was submitted to the County for review. Our residents have not had the opportunity to see the proposed plan. I was wondering since they were citing the plan in their response to our residents, is it possible to get a copy of the plan for our residents to review?

I am not going to go into the particulars and inaccuracies that they present in their response, but I assure you, there will be forthcoming rebuttals to their "answers" or lack thereof.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

----- Forwarded message -----

**From:** David Leadbeater <david@goport.com>  
**Date:** Fri, Apr 10, 2020 at 12:02 PM  
**Subject:** MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**To:** <sverwiebe@aol.com>, <bettanderson@yahoo.com>, <p\_bennardo@yahoo.com>, <ja567m@att.com>, <deb.bannon@yahoo.com>, <jbealrx@gmail.com>, <prdicece@gmail.com>, <patrickwstahl@gmail.com>, <jimrobo50@hotmail.com>, <dwoodington@gmail.com>, <freddie321@gmail.com>, <annsolo212@gmail.com>, <tracystephens7@gmail.com>, <Jerry\_Murr@hotmail.com>, <kymvalk@gmail.com>, <mpalmer37@cfl.rr.com>, <STownsend3@cfl.rr.com>, <smassihnia@hotmail.com>, <c.l.franklin@hotmail.com>, <Audreyjo316@bellsouth.net>, <cozycafe5@gmail.com>, <dverwiebe@yahoo.com>, <larsonjim@yahoo.com>, <JUNAID@cadence.com>, <arch.s.jr@chempoolspa.com>, <kapers@sbcglobal.net>, <pmeade00@gmail.com>, <zarikj@cfl.rr.com>, <islander3360@gmail.com>, <rchbstrm@yahoo.com>, <jburke0234@bellsouth.net>, <sberes1@aol.com>, <pamanderic@earthlink.net>, <CD3MOM@aol.com>, <captgaines@msn.com>, <citruspit@gmail.com>, <cupac@aol.com>, <bill.matanis@gmail.com>, <vivianeq@gmail.com>, <wilc0@aol.com>,

<[rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)>, <[mbradley38@cfl.rr.com](mailto:mbradley38@cfl.rr.com)>, <[corienreijm@yahoo.com](mailto:corienreijm@yahoo.com)>  
Cc: Kimberly Rezanka <[kim@cflglawoffice.com](mailto:kim@cflglawoffice.com)>, Matt Phillips <[matt@goport.com](mailto:matt@goport.com)>, Sharon  
Galeano <[sharon@goport.com](mailto:sharon@goport.com)>

Good morning Ladies & Gentlemen,

I hope everyone is doing well and staying safe. Please find attached below, our response answering the letters to the people living in Sunset Groves that were sent to the county. I truly thank you for your time reading and your consideration.

Sincerely,

--

**David Leadbeater**

Executive Assistant

[david@goport.com](mailto:david@goport.com)

(321) 305-6969



273 Crockett Blvd  
Merritt Island, FL 32953  
[www.goport.com](http://www.goport.com)

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**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (April 8, 2020)**

**I. Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

**II. Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

**III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

“The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... .”

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:30 a.m. to 12:30 a.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

**IV. Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make “u-turns” on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 12:30).

These vehicles “in and out” are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dismiss'd, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 217' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:30 – 12:30.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

**From:** [rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)  
**To:** "[Jessica.Jones@BrevardFl.gov](mailto:Jessica.Jones@BrevardFl.gov)"  
**Cc:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Wednesday, April 8, 2020 7:31:03 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

*As an interested party in Rezoning Notice #20PZ00027 on the agenda for the North Merritt Island Dependent Special District Board meeting scheduled for Thursday at 6:00 pm, I would like to request the meeting be rescheduled due to the health concerns over COVID-19. With the health concerns, I will not be able to attend without seriously risking my exposure and potential illness.*

*There are a number of residents in our community that fall into the vulnerable age bracket of 60 years old or older that would be put at risk to attend this meeting. I, personally, do not feel that this CUP meeting warrants my risking my health and possibly my life to speak my mind to the county government representatives. I would hope that the county government representatives are like minded.*

*Please reconsider your decision to hold this meeting until the pandemic is over and we can all come and discuss the matter, safely, with the county representatives.*

*Sunset Groves Homeowner:*

*Mr. Raymond Scarpa  
3430 Biscayne Drive  
Merritt Island, Florida 32953*

**From:** [Elizabeth Anderson](#)  
**To:** [Commissioner, D3](#)  
**Subject:** another proposed cruise ship parking lot  
**Date:** Friday, April 3, 2020 10:16:16 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tobia

After the parking lot construction on Courtenay Parkway near 528 was approved, it was my understanding that no additional overnight parking facilities would be allowed on North Merritt Island. Now I see that MI Plaza Group wants to build another parking lot AND a bar and restaurant.

I am not in favor of either of these proposals. We chose to retire on Merritt Island and purchase a home north of 528 BECAUSE there was not a lot of traffic and we had easy access to shopping on Merritt Island and the Orlando Airport. Traffic is getting worse, yet you approved one parking lot and are considering another. PLEASE DO NOT DO THIS!

I strongly urge you to deny the actions proposed by MI Plaza Group.

Sincerely,  
Elizabeth J Anderson  
Taxpayer and Voter

**From:** [Phil Bennardo](#)  
**To:** [Jones, Jennifer](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](mailto:calkins@brevardfl.gov); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Jessica Beal](#); [Kim Smith](#); [Jack Ratterman](#); [Tamy Dabu](#); [Darleen Hunt](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Thursday, April 2, 2020 1:02:22 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a resident of North Merritt Island (NMI), I disagree with the proposed Conditional Use Permit (CUP) for a commercial cruise ship parking lot and associated bar to serve alcohol to tourists awaiting shuttles to the port (per rezoning action #20PZ00027). I am opposed to this for the following primary reasons: (1) it will result in an increase in already existing traffic concerns and associated safety issues, and (2) it is incompatible with existing and planned residential and commercial areas on NMI.

As mentioned above, we are already experiencing traffic and safety issues on NMI and this is due to a rapid increase in development and growth in our area. Several new housing developments are currently in work or planned, and a large cruise ship parking lot (northeast of the barge canal drawbridge) is nearing completion. There are only 2 ways on or off NMI: south, via the barge canal drawbridge, or north, through the Kennedy Space Center. As a resident, the vast majority of trips from NMI are south, across the drawbridge. This is where we all go for shopping, doctor visits, school, church, etc. Unless we are going to work at the space center or have a need to go to Titusville, we are not travelling north. So for all other purposes, there is really only one way on or off the island. As traffic and congestion have continued to increase, the drawbridge has become more of a bottleneck, and this will only get worse with additional cruise ship parking on NMI. There are safety concerns associated with this traffic across the barge canal, and there is no traffic light at the entrance to the proposed cruise parking lot. So cruise patrons will either have to make a U turn when entering the lot or share the entrance to an existing subdivision.

A cruise ship parking lot and bar/restaurant is not consistent with the existing businesses in the immediate area and will bring no benefit to the residents and businesses already located here.

Once again, I am opposed to the proposed rezoning. Our area is already experiencing a large growth in both commercial and residential development, which is expected to continue well into the future. The establishment of these commercial parking lots will only make matters worse. They will contribute to already existing traffic and safety problems, and are incompatible with our area, as they provide no goods or services to our residents.

Charles Philip (Phil) Bennardo  
321-266-5135

**From:** [Phil Bennardo](#)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Calkins, Tad](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [d4.commissioners@brevardfl.gov](mailto:d4.commissioners@brevardfl.gov); [Commissioner, D5](#)  
**Subject:** Schedule Delay for Upcoming Public Meetings  
**Date:** Thursday, April 2, 2020 11:16:18 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

At present, there are 2 upcoming rezoning requests, of interest to residents of North Merritt Island (NMI), that are scheduled to be discussed at public meetings in April, and early May. The first public meeting where they will be discussed is at a Dependent Special District Board on April 9, followed by an LPA Board meeting on April 20, with a final decision to be made at a commissioners' meeting planned for May 7.

As a resident of NMI and board member of the NMI HOA, I have concerns with both of the above mentioned zoning requests, especially since one of them is addressing additional cruise ship parking on NMI (the other request involves a zoning change from GU to SEU on 2.22 acres at 5305 Country Lane). Therefore I plan to be involved in these meetings, as do several other residents of NMI.

Many residents of NMI are considered to be "at risk" or living with those "at risk" with regards to the current pandemic. Therefore I respectfully request that these upcoming meetings be delayed until we are able to return more to "business as usual" and can expect full participation from the public.

Also, although I did not view the commissioners' meeting held on March 31, I was advised that there was a motion made, and passed, at this meeting, that required County advisory board meetings to meet security and social distancing rules with regards to the virus, and that if the meetings could not do this, they would be cancelled. So hopefully, my concerns noted above are being addressed. Nevertheless, I do not see an urgent need to finalize a decision on either zoning request, and still believe the best approach is to delay all public meetings completely until after we resume normal operations.

Charles Philip (Phil) Bennardo  
321-266-5135

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:33:41 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Smith ,  
Please help stop proposal of another parking lot in North Merritt. Please help residents to fight having the parking folks pave over our island for their profit. We do not need another lot here! They need to add adequate parking to the port so other communities are not impacted like this. Please help!

Deb Bannon  
5490 Broad Acres ST.  
Merritt Island, FL 32953

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20P200027  
**Date:** Wednesday, April 1, 2020 1:27:20 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe

Dear Mr. Tobia,  
Please stop the rezoning proposai to build another cruise parking lot!!! North Merritt should not be paved over for parking lots. The port needs to be able to provide parking for their cruise guests, not our little island. Please stop this proposed action!!! One parking lot is already too many! We have one way on/off in North Merritt and do not want another parking lot.

Deb Bannon  
5490 Broad Acres St  
Merritt Island, Fl 32953

**From:** [Kimberly Willey](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Project #20PZ00027  
**Date:** Monday, March 30, 2020 5:03:45 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I have heard of plans for another cruise ship parking lot proposing to be built in North Merritt Island. Please consider the impact this will have on residents of this area.

>

> We already have 2 new housing developments and a cruise ship parking lot. Adding another will only increase the traffic in an already poorly configured system, especially on Courtenay by 528. It is already over congested with the amount of traffic we have now, and that is before the second housing development and cruise parking lot is complete.

>

> Please consider what the impact of even more development will have on the residents of the county you represent.

>

> It's sad that developers won't be happy until all the land is gone. Please help keep North Merritt Island from being overrun with development like the rest of the MI.

>

> Thank you,

> Kimberly Willey

>

>

> Sent from my iPhone

**From:** [sverwiebe@aol.com](mailto:sverwiebe@aol.com)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D5](#)  
**Subject:** Re: Rezoning Notice #20PZ00027 - MI Plaza Group, LLC  
**Date:** Monday, March 30, 2020 2:19:21 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Board Members:

In response to the courtesy notice we received regarding a rezoning request by property owned by MI Plaza Group, LLC, located on the southwest corner of Duval St., and N. Courtenay Parkway, and the planned meetings to discuss, would you please reschedule. The first county public meeting when these changes will be addressed is Thursday, April 9 in Viera, the final one on Thursday, May 7, 2020.

My husband and I are in the "at risk" group as are many of our neighbors in this subdivision. If the county holds this/these meetings, even in larger rooms, in a time when the "at risk" group of people is being told to stay away from any public gatherings to avoid the risk of spreading COVID-19 to themselves and/or others, the county is taking away their rights to attend and speak at these public meetings.

Again, I request that you postpone these meetings to a safer time.

V/R

Donald VerWiebe  
3281 Biscayne Drive  
Merritt Island, Florida  
32953

**From:** [Jessica Beal](mailto:Jessica.Beal@bellsouth.net)  
**To:** [Kim Smith](mailto:Kim.Smith@brevardfl.gov); [Jones, Jennifer](mailto:Jones.Jennifer@brevardfl.gov); [fladerat@bellsouth.net](mailto:fladerat@bellsouth.net); [Abbate, Frank B](mailto:Abbate.Frank.B@brevardfl.gov); [Denninghoff, John P](mailto:Denninghoff.John.P@brevardfl.gov); [calkins@brevardfl.gov](mailto:calkins@brevardfl.gov); [Commissioner, D1](mailto:Commissioner.D1@brevardfl.gov); [Commissioner, D2](mailto:Commissioner.D2@brevardfl.gov); [Commissioner, D3](mailto:Commissioner.D3@brevardfl.gov); [D4.commissioners@brevardfl.gov](mailto:D4.commissioners@brevardfl.gov); [Commissioner, D5](mailto:Commissioner.D5@brevardfl.gov); [p\\_bennardo@yahoo.com](mailto:p_bennardo@yahoo.com); [t3ndabu@bellsouth.net](mailto:t3ndabu@bellsouth.net)  
**Subject:** Rezoning Notice Opposition #20PZ00027  
**Date:** Sunday, March 29, 2020 9:58:18 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a long time Merritt Island resident, I am not excited about yet another proposed Commercial Cruise Parking Lot in our area and all the additional traffic that it will bring to N. Courtney Parkway Corridor. Sadly as a resident of Sunset Groves, we were notified that's exactly what is being proposed at the Southwest corner of Duval Street and N. Courtenay Parkway, across from Buffkin Tile. MI Plaza Group, LLC is trying to get a Conditional Use Permit (CUP) for both a commercial cruise parking lot and a CUP for a bar to serve alcohol to tourists waiting to be shuttled to the Port (Rezoning Action #20PZ00027).

How does this benefit residents and businesses in our area? The answer is, it doesn't. Along with the cruise parking lot currently being built at the Southeast corner of Smith Road and N Courtenay Parkway, all it does is add to the already existing traffic congestion North of the Barge Canal and increase accidents and safety concerns from tourist drivers and shuttles. This currently being built parking lot's impact haven't even been felt yet. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work.

As our area grows with the influx of commercial spaceflight companies, workers and new residents, we need to keep in mind what kinds of businesses will best suit this growth and what will detract. A cruise parking lot and bar/restaurant is not consistent with the businesses in immediate area.

In addition, the current proposal adds safety concerns with a bar and cruise ship guests being located within a short distance of a school bus stop, residential sidewalks and the only entrance to our neighborhood. This plaza shares a common entrance (Duval St.) and only entrance to our neighborhood which would have a profound effect on compatibility. With the added traffic the overnight cruise ship parking and a bar/restaurant would add, there is NO traffic light. Visitors have two options to turn into Duval or a U turn is required the southern driveway entrance for the strip mall. This is not safe and many accidents have occurred here. These are all recipes for disasters for either other vehicles, kids walking home from school or neighbor walking the sidewalks.

According to your ordinances from 2019 (4) it talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, "Shuttle routes shall avoid residential areas." Duval Street is the entrance to our subdivision, our only entrance! So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one

off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction.

Lastly, the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot.

Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Regards,  
Jessica Beal, PharmD.

**From:** Peter Dilecce  
**To:** [Commissioner, D5](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)  
**Subject:** Fwd: Re-zoning request \*\*\*Please vote No\*\*\*\*  
**Date:** Sunday, March 29, 2020 4:08:53 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Begin forwarded message:

**From:** Peter Dilecce <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>  
**Subject:** Re-zoning request \*\*\*Please vote No\*\*\*\*  
**Date:** March 29, 2020 at 4:01:55 PM EDT  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov), [d2.commissioner@brevardfl.gov](mailto:d2.commissioner@brevardfl.gov)  
**Cc:** [hillberg@earthlink.net](mailto:hillberg@earthlink.net), [sgHOA@live.com](mailto:sgHOA@live.com)

Good Afternoon,

My name is Rose DiLecce and have been a resident of North Merritt Island for 21 years. I am writing to you today in regards to a notice I received in the mail yesterday afternoon referencing a rezoning request for the property located in the southwest corner of Duval Street and N Courtenay Parkway.  
(3345 N Courtenay Pkwy., Merritt Island)

I am concerned that there is an attempt again to change the current zoning on this property from a Planned Industrial Park to a Conditional Use Permit for Overnight Parking and Conditional Use for Alcoholic Beverages. This request does not in my opinion align with the mission of the North Merritt Island Homeowners Association. The mission as stated on the website says "it is the purpose of the association to protect the interests of the property owners and individuals who reside on North Merritt Island with particular emphasis on controlled growth, life style of the residents, ecology, area appearance, and property values. The association strives to maintain an overall density of one unit per acre, in order to preserve the rural character of the community".

Those of us that live in Sunset Groves (the neighborhood directly behind this plaza) have fought this request before as you may recall.

My concerns are as follows: the already congested traffic, the safety of our kids, and the devaluation of our properties.

Our neighborhood has only one way in and out and increasing the traffic from the proposed commercial parking lot will surely create more congestion and more potential accidents. Please keep in mind that there is one short turn lane onto Duval street while heading north on Courtenay and on any given day from 3pm to 6pm both south bound lanes are backed up from 528 to passed Sunset Lakes.

In addition, there is already a planned designated cruise parking that is currently under construction off of N. Courtenay and Smith Road. This cruise parking will hold approximately 100 plus cars. Plus the land just north of our neighborhood is another planned cruise parking lot.

Do we really want North Merritt Island to become only cruise parking?

In addition, please note that Brevard Public Schools use Duval Street as a bus stop for three schools and this bus stop is very close to the proposed building that will be used for the permit regarding alcohol. The bus stop used to be right on the corner of N. Courtney and Duval but due to the safety of our children and the bus stop was moved to Duval Street.

Please see the times below:

Lewis Carroll Elementary Pick up time 7:20AM Drop off time 3:02PM

Jefferson Middle School Pick up time 8:55AM Drop off time 5:18PM

Merritt Island High School Pick up time 8:15AM Drop off time 4:06PM

My last point is simply that of devaluation of our neighborhood and homes. Over the last 20 years the plaza in front of our neighborhood has changed owners many times and been left vacant for several years with only the personal trainer occupying one unit. if this request is granted there is no telling what the next owner will do with the property.

I thank you for your time and consideration.

Rose DiLecce

**From:** [Commissioner, D2](#)  
**To:** [jim robertson](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [Calkins, Tad](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Re: Seniors attendance of rezoning meeting scheduled 4-9-2020  
**Date:** Sunday, March 29, 2020 10:41:47 AM

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Mr. Robertson,

Thank you for reaching out.

I appreciate your concerns but the County has implemented policies to enable maintaining 6+ foot distances for public comment during noticed meetings.

So long as we're following CDC and FDOH guidelines, we have no basis to cancel. If we cannot maintain CDC guidelines, I will recommend cancellation.

Moreover, COVID-19 could be here for many months and we cannot simply stop all meetings with no end in sight.

If you are more comfortable emailing comments, that is another option which is certainly available should you still have lingering concern.

Kind regards,

Bryan

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**From:** jim robertson <jimrobo50@hotmail.com>  
**Sent:** Sunday, March 29, 2020 5:42 AM  
**To:** [Abbate, Frank B](#) <[Frank.Abbate@brevardfl.gov](mailto:Frank.Abbate@brevardfl.gov)>; [Denninghoff, John P](#) <[John.Denninghoff@brevardfl.gov](mailto:John.Denninghoff@brevardfl.gov)>; [Calkins, Tad](#) <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; [Commissioner, D1](#) <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; [Commissioner, D2](#) <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; [Commissioner, D3](#) <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; [Commissioner, D4](#) <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; [Commissioner, D5](#) <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>  
**Subject:** Seniors attendance of rezoning meeting scheduled 4-9-2020

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

We must delay this meeting and reschedule another date, I am James H. Robertson age 82, I am at risk for corona Virus COVID-19, and as per instructions from our Governor, Ron De Santis am told not to attend large gatherings for my own protection, and the protections of others. I am confining myself as are others in my predicament, Our lives are on the line here at Sunset groves subdivision, there are many many old persons living here who want to attend,

but would risk our lives by attending. My rights would be violated along with many others if we can not safely attend. I respectfully ask that we be considered and reschedule the meeting at a time when the virus isn't such a threat. Many seniors live here and want to attend the meeting, but can't chance contacting the Virus. Lives are more important than a bar rezoning, every time.

Sincerely;

James H. Robertson

3240 Biscayne Dr.

Merritt island, Fl. 32953

**From:** [jim robertson](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D1](#); [Commissioner, D5](#)  
**Subject:** Fw: NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)  
**Date:** Saturday, March 28, 2020 7:30:46 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

**From:**  
**Sent:** Saturday, March 28, 2020 6:44 AM  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov) <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>; [D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov) <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; [D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov) <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; [D3.Commissioner@brevardfl.gov](mailto:D3.Commissioner@brevardfl.gov) <[D3.Commissioner@brevardfl.gov](mailto:D3.Commissioner@brevardfl.gov)>; [D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov) <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; [D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov) <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>

**Cc:**

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved, we are talking millions. It surely would make the properties unsaleable to families with children. Where is the common good, our 47 homes are not included?

Before you make your final decision please consider the following: This is the third time applications have been made to establish sales of liquor on primacies, Two before have failed, the property was found not to meet community property guidelines of Florida statutes. How many times do we have to lay out the money to prove once again, this property is encroaching the FPL easement of major Power lines feeding our Grid. The Original developer decided to encroach when he constructed the property, FPL has said that A 6' wall would have to be erected at the north boundary of the easement which is on the doorsteps of the buildings there. It is costly to keep proving this over, over, and now once again.

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.

- To add an additional bar on North Courtney across from and adjacent to a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. What would the traffic congestion do to our one and only
- 
- entrance easement? If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.
- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed an environmental impact statement. What does High intensity lighting do to us, We are 100' away, what about car horn, alarm systems, engine noises, and other air pollution and wandering traffic at 2 AM.? If a study was completed, where can the property owners in Sunset Groves review the document. This property is too close and to dangerous for our subdivision to be considered for the CUP.

James H. Robertson  
 3240 Biscayne Drive  
 Merritt Island, FL 32953

**From:** [dave.woodington](mailto:dave.woodington)  
**To:** [Jones, Jennifer; Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5 prince.leacy@gmail.com](mailto:prince.leacy@gmail.com); 3211 – Frederick Solomon; SGHOA Officers; 3211 Ann Solomon; 3220 Everette & Tracy Stephens; 3230 Jerry & Kathie Murr; 3231 – Valk; 3240 Jim Robertson; 3241 Roland and April Burson; 3251 Michael & Chong Palmer; 3260 Stephen Townsend; 3261 Shahram Massihnia; 3270 Casey and Dana Franklin; 3271 George & Audrey Lewis; 3280 George Aiden; 3281 – Sarah VerWiebe; 3281 Don VerWiebe; 3291 – Robin Masetti; 3300 Jim Larson; 3301 (Rental) Alim & Syeda Ara Junaid; Jessica Beal; 3310 Arch & Cynthia Stanton; 3311 Kerry Peppers; 3330 Phillip & Shelby Meade; 3340 Peitro & Rose Dilecce; 3341 Kevin Zari; 3350 Jessica Beal; 3350 Pat Stahl; 3360 Steve & Roe Phillips; 3361 Richard & Michelle Bostrom; 3370 John & Dianne Burke; 3371 Steven & Kuang Beres; 3380 Eric & Pamela Martin; 3381 Carla & Tracy Dickinson; 3390 Cliff & Norma Gaines; 3391 Dave & Teresa Woodington; 3410 Larry Cupac; 3411 Jennifer Campbell; 3420 Bob Willcox and Heidi Beasley; 3430 Ray Scarpa; 3431 Bill Matanis; 3440 Mike & Maria Bradley; 3441 Robert & Cornelia Reim  
**Subject:** NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20P200027)  
**Date:** Saturday, March 28, 2020 6:44:58 AM

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved. It surely would make the properties unsaleable to families with children.

Before you make your final decision please consider the following:

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.
- To add an additional bar on North Courtney across from a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.

- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed and environmental impact statement. If so where can the property owners in Sunset Groves review the document.

Dave Woodington  
3391 Biscayne Drive  
Merritt Island, FL 32953

**From:** [Kimberly Rezanka](#)  
**To:** [Schmadeke, Adrienne](#)  
**Cc:** [Woodard, Patrick](#); [Bellak, Christine](#)  
**Subject:** RE: July 9th County Commission Agenda matter  
**Date:** Thursday, July 2, 2020 11:47:17 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you!

**Kimberly Bonder Rezanka, Esq.**

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**From:** Schmadeke, Adrienne <Adrienne.Schmadeke@brevardfl.gov>  
**Sent:** Thursday, July 2, 2020 11:41 AM  
**To:** Kimberly Rezanka <kim@cflawoffice.com>  
**Cc:** Woodard, Patrick <patrick.woodard@brevardfl.gov>; Bellak, Christine <Christine.Bellak@brevardfl.gov>  
**Subject:** RE: July 9th County Commission Agenda matter

Good afternoon Kim,

On behalf of Commissioner Smith, I want to acknowledge receipt of your request. It has been shared with the Commissioner and I will be in touch.

Regards,

*Adrienne Schmadeke*



**Adrienne Schmadeke**  
Executive Assistant to Commissioner Smith  
Brevard County, District 4  
[321-633-2044](tel:321-633-2044) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)

2725 Judge Fran Jamieson Way, Bldg. C - Suite 214  
Viera, FL 32940

**Please note:**

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**From:** Kimberly Rezanka <[kim@cflawoffice.com](mailto:kim@cflawoffice.com)>  
**Sent:** Thursday, July 2, 2020 10:32 AM  
**To:** Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>  
**Subject:** July 9th County Commission Agenda matter

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Smith,

This item is on the July 9<sup>th</sup> County Commission Agenda. I would like to schedule a 10 minute phone conference with you at your convenience to discuss.

Thank you for your consideration.

Sincerely,

Kimberly Bonder Rezanka, Esq.



*96 Willard Street, Suite 302  
Cocoa, FL 32922  
321-639-1320 ext. 123  
Fax 321-639-9950*

**[Kim@cflawoffice.com](mailto:Kim@cflawoffice.com)**  
**[www.cflawoffice.com](http://www.cflawoffice.com)**



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contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are, by this, on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to Cantwell & Goldman, PA., 96 Willard St., Ste. 302, Cocoa, FL. 32922. Thank you.

**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (July 2, 2020)**

- I. **Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

II. **Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

**III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

“The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... .”

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:00 a.m. to 1:00 p.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

**IV. Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make “u-turns” on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 1:00).

These vehicles “in and out” are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dismiss'd, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 160' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:00 a.m. – 1:00 p.m.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

**ADDITIONAL CONDITION:**

- k. Commercial Parking is primary use.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

**From:** [Woodard, Patrick](#)  
**To:** [Elizabeth Anderson](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** RE: cruise parking, North Merritt Island  
**Date:** Tuesday, June 9, 2020 6:48:00 PM

---

Ms. Anderson,

On behalf of Commissioner Smith, thank you for contacting our office with your concern about additional cruise parking north of 528. I will share your email with the Commissioner however, I wanted to acknowledge that our office received it.

Regards,

*Pat Woodard*

photo



Pat Woodard  
Chief Legislative Aide to Commissioner  
Smith  
Brevard County, District 4  
[321.633.2044](tel:321.633.2044) | [Patrick.Woodard@brevardfl.gov](mailto:Patrick.Woodard@brevardfl.gov)  
2726 Judge Fran Jamieson Way, Bldg. C - Suite  
214,  
Viera, FL 32940

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**From:** Elizabeth Anderson <[bettianderson@yahoo.com](mailto:bettianderson@yahoo.com)>  
**Sent:** Tuesday, June 09, 2020 8:53 AM  
**To:** Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>  
**Subject:** Fw: cruise parking, North Merritt Island

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioner,

I am writing to request that you DO NOT approve any additional cruise parking north of 528. Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,  
Elizabeth Anderson and Patrick Churchville  
Homeowners 3804 Sunbeam Court, Merritt Island

**From:** [Christopher Roche](#)  
**To:** [Woodard, Patrick](#)  
**Subject:** RE: Cruise Parking on North Merritt Island  
**Date:** Wednesday, June 3, 2020 5:36:43 PM  
**Attachments:** [1DD4C477D634C89A7790FF5F5559E70.png](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you!

Sent from [Mail](#) for Windows 10

**From:** [Woodard, Patrick](#)  
**Sent:** Tuesday, June 2, 2020 2:28 PM  
**To:** [Christopher Roche](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** RE: Cruise Parking on North Merritt Island

Mr. Roche,

On behalf of Commissioner Smith, thank you for contacting our office with your concern. I will share your email with the Commissioner however, I wanted to acknowledge that our office received it.

Regards,

*Pat Woodard*



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**From:** Christopher Roche <[cgroche@hotmail.com](mailto:cgroche@hotmail.com)>

**Sent:** Tuesday, June 2, 2020 2:00 PM

**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; D2.commissioner@brevardfl.gov; D3.commissioner@brevardfl.gov; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>

**Subject:** Cruise Parking on North Merritt Island

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi, as a resident of North Merritt Island I am vehemently opposed to allowing Cruise parking on SR-3 (Courtenay Parkway) for multiple reasons. First and foremost is that SR-3 is already a bottleneck with rush hour Cape traffic, a barge canal draw bridge that goes up for every sailboat and large boat trying to pass through the canal. SR-3 is the only road directly connecting North Merritt Island to the communities and cities South of us. All the planned Cruise parking on SR-3 is close to the barge canal bridge. Cruise parking will greatly exacerbate the problem with traffic on SR-3. Secondly, Cruise parking lots are ugly and unsightly and could have a negative impact on property values of property nearby. It will definitely have a negative impact on the natural beauty of North Merritt Island. We in North Merritt Island are in close proximity to the Merritt Island National Wildlife refuge and special attention should be made regarding commercial construction impacts to wildlife and the environment. If commercial companies want to put in Cruise parking let them put it in where the Cruise ships are located, namely Port Canaveral and Cape Canaveral. North Merritt Island resident shouldn't have to suffer because of the nearby Cruise industry.

Regards,  
Chris Roche

Sent from [Mail](#) for Windows 10

**From:** [Woodard, Patrick](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** Additional Public Comment on tonight's Zoning Meeting  
**Date:** Thursday, July 9, 2020 1:18:21 PM  
**Attachments:** [FW H.13. MI Plaza Group LLC \(20PZ00027\).msg](#)  
[Zoning Item #20PZ00027 - FPL letter of Objection to Proposed Use of Commercial Cruise Parking.msg](#)  
[ID # 20PZ00027 Overnight Cruise Parking Lot--meeting tonight.msg](#)  
[H.13. File #1750 MI Plaza Group LLC \(20PZ00027\).msg](#)  
[Mail Dicandio Zoning comments.msg](#)  
[2nd Parking Lot for N. Merritt Island.msg](#)  
[image001.png](#)

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Jennifer,

Here are some additional comment for tonight's Zoning Meeting.

Commissioner Smith has spoken to Kimberly Rezanka and Summit Shah on Agenda Item # H. 13 Zoning Item #20PZ00027.

Regards,

*Pat Woodard*



Pat Woodard  
Chief Legislative Aide to Commissioner Smith  
Brevard County District 4  
321.633.2044 | F 321.633.2421 [Patrick.Woodard@brevardfl.gov](mailto:Patrick.Woodard@brevardfl.gov)  
2725 Judge Fran Jameson Way, Bldg. C - Suite 214  
Miera, FL 32940  


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**BOARD OF COUNTY COMMISSIONERS**

---

**KRISTINE ISNARDI, COMMISSIONER, DISTRICT 5**

490 Centre Lake Dr. NE  
Suite 175  
Palm Bay, FL 32907  
Phone: 321.253.6611  
Fax: 321.253.6620  
D5.Commissioner@brevardfl.gov

Danielle Stern, Chief of Staff  
Vic Luebker, Community Affairs Director  
Janette Roig, Legislative Aide

To: Jennifer Jones  
From: Kristine Isnardi, Brevard County Commissioner, District 5

Mrs. Jones,

This letter is to advise you I have spoken with the following parties in regards to agenda item H.13 scheduled for the July 9<sup>th</sup> Planning and Zoning meeting.

Kim Rezenka, Esp (July 7, 2020)  
Mike Shah (July 6, 2020)  
Hon. Mike Haridopolis (July 6, 2020)

Each phone call lasted approximately 10 minutes, during which time the individuals provided information regarding the above-referenced item.

Sincerely,

Brevard County Commissioner, District 5

**From:** Calkins, Tad  
**To:** Jones, Jennifer; Bentley, Eden; Denninghoff, John P.  
**Subject:** FW: H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)  
**Date:** Thursday, July 9, 2020 10:40:13 AM  
**Attachments:** MI Plaza Group Parking.pdf

Front

⊕

Back

FYI

**From:** Jim Barfield <Jim.Barfield@lukeassoc.com>  
**Sent:** Thursday, July 9, 2020 10:38 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** FW: H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tad,  
I hope you are doing well. Looks like you are busy as usual.

I sent the following email to each individual commissioner and wanted to make sure you received it too. If you have any questions, you can reach me at 321 543-6200.

Jim Barfield  
President/CEO  
E: [Jim.Barfield@lukeassoc.com](mailto:Jim.Barfield@lukeassoc.com) | P: 321.452.4601

Luke & Associates, Inc.  
375 Commerce Pkwy | Suite 103 | Rockledge, FL 32955  
P: 321.452.4601 | F: 321.452.4671  
[www.lukeassoc.com](http://www.lukeassoc.com)

**From:** Jim Barfield  
**Sent:** Wednesday, July 8, 2020 5:19 PM  
**To:** 'D1.Commissioner@brevardfl.gov' <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>;  
'Rita.Pritchett@brevardfl.gov' <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>  
**Subject:** H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)

Commissioner Pritchett,  
Thank you for your service to Brevard County; it is greatly appreciated that you have stepped up to do what is right for our community.

My company, Luke Properties, LLC owns an office condominium located at 3401 Courtenay Parkway, Suite 101 which is directly across Duval Street from the MI Plaza Group property. We have owned

this property since December, 2010.

I am aware of the proposed commercial parking lot on the property owned by MI Plaza Group. You have received letters and email from concerned citizens on this proposal. From your experience, you understand that it is difficult (if not impossible) to hold the owner to promises made during this process. Even if there is a binding development plan (which does not apply in this case) it can be changed later. So I ask that when making your decision, question each promise and ask how will that promise be codified, documented and enforced.

In my opinion, this proposed project has many unresolved issues. Fundamentally, the premise for the number of vehicles in and out over a 5 day period does not align with the official Port Canaveral schedules. I have attached a graphic that is a map with an overlay of the issues. In addition, the impacts on the area from the 528/Courtenay Parkway interchange north are a major concern. The owner states there will be minimal queuing on Duval Street; this does not match up to factual data especially with this being the entrance road to a subdivision. The safety of school children at the school bus stop is another major concern.

I ask that you deny this proposal.

Jim Barfield

President/CEO

E: [Jim.Barfield@lukeassoc.com](mailto:Jim.Barfield@lukeassoc.com) | P: 321.452.4601

Luke & Associates, Inc.

375 Commerce Pkwy | Suite 103 | Rockledge, FL 32955

P: 321.452.4601 | F: 321.452.4671

[www.lukeassoc.com](http://www.lukeassoc.com)



- There are 2 additional commercial parking lots in the planning stages directly south of the MI Plaza Group property and 1 under construction across the street adjoining the Barge Canal. MI Group's attorney has inferred that she communicated with both property owners and that neither is pursuing a commercial parking lot at this time. This has to be taken in context since it is to MI Plaza Group's advantage to use this information to get Commissioners approval. Also, the property owners may well follow through with their original plans once the cruise industry rebounds or sell the property.
- As a result, this additional commercial parking lot could well result in a total of 4 lots for 1,300 vehicles within a ½ mile stretch of Courtenay Parkway which also includes a drawbridge that opens regularly. Courtenay Parkway is the only MI access to KSC, Blue Origin, SpaceX, etc. and the 528/Courtenay Parkway interchange is one of the busiest in central Brevard.
- The owner states that there are 5 cruise days so there are 30-40 cars leave and come in each day. This does not match the cruise ship schedule. Cruise ships unload arriving passengers and then board new passengers generally in a 4 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://crew-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>
- Once the passengers depart the ship and return to their car, they will leave the parking lot and their parking places will be replaced with new tourists to be shuttled to the ship.
- In the ½ mile stretch of Courtenay Parkway, over a 5 hour time period, a total of 1,300 automobiles will be leaving and 1,300 will be entering the 4 parking lots for a total of 2,600.
- The supporting information provided with this application does not match up with the facts.

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#)  
**Subject:** FW: H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)  
**Date:** Thursday, July 9, 2020 11:59:27 AM  
**Attachments:** [MI Plaza Group Parking.pdf](#)

---

Jennifer,

For tonight.

Thanks,

Marcia

**From:** Jim Barfield <Jim.Barfield@lukeassoc.com>  
**Sent:** Wednesday, July 8, 2020 5:19 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Pritchett, Rita <Rita.Pritchett@brevardfl.gov>  
**Subject:** H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Pritchett,

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My company, Luke Properties, LLC owns an office condominium located at 3401 Courtenay Parkway, Suite 101 which is directly across Duval Street from the MI Plaza Group property. We have owned this property since December, 2010.

I am aware of the proposed commercial parking lot on the property owned by MI Plaza Group. You have received letters and email from concerned citizens on this proposal. From your experience, you understand that it is difficult (if not impossible) to hold the owner to promises made during this process. Even if there is a binding development plan (which does not apply in this case) it can be changed later. So I ask that when making your decision, question each promise and ask how will that promise be codified, documented and enforced.

In my opinion, this proposed project has many unresolved issues. Fundamentally, the premise for the number of vehicles in and out over a 5 day period does not align with the official Port Canaveral schedules. I have attached a graphic that is a map with an overlay of the issues. In addition, the impacts on the area from the 528/Courtenay Parkway interchange north are a major concern. The owner states there will be minimal queuing on Duval Street; this does not match up to factual data especially with this being the entrance road to a subdivision. The safety of school children at

the school bus stop is another major concern.

I ask that you deny this proposal.

Jim Barfield

President/CEO

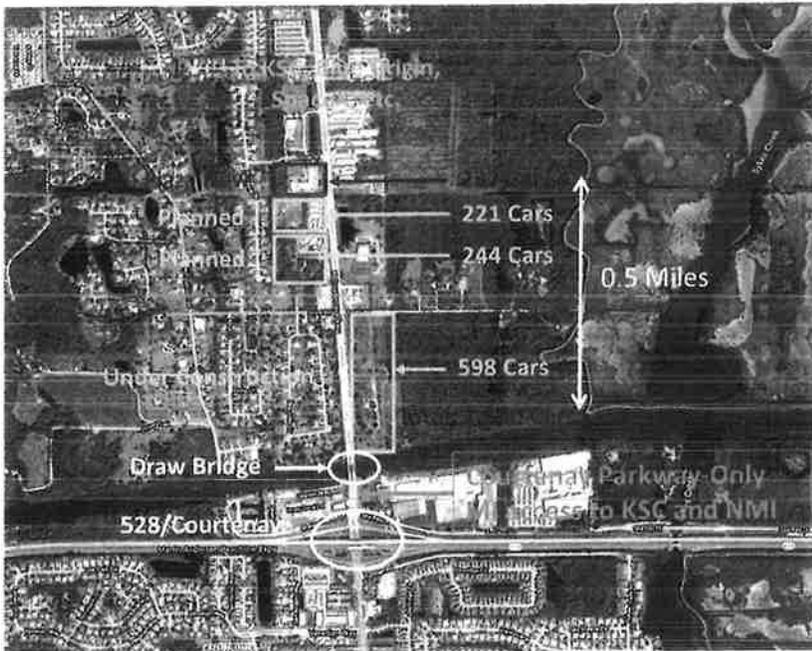
E: [Jim.Barfield@lukeassoc.com](mailto:Jim.Barfield@lukeassoc.com) | P: 321.452.4601

Luke & Associates, Inc.

375 Commerce Pkwy | Suite 103 | Rockledge, FL 32955

P: 321.452.4601 | F: 321.452.4671

[www.lukeassoc.com](http://www.lukeassoc.com)



- There are 2 additional commercial parking lots in the planning stages directly south of the MI Plaza Group property and 1 under construction across the street adjoining the Barge Canal. MI Group's attorney has inferred that she communicated with both property owners and that neither is pursuing a commercial parking lot at this time. This has to be taken in context since it is to MI Plaza Group's advantage to use this information to get Commissioners approval. Also, the property owners may well follow through with their original plans once the cruise industry rebounds or sell the property.
- As a result, this additional commercial parking lot could well result in a total of 4 lots for 1,300 vehicles within a ½ mile stretch of Courtenay Parkway which also includes a drawbridge that opens regularly. Courtenay Parkway is the only MI access to KSC, Blue Origin, SpaceX, etc. and the 528/Courtenay Parkway interchange is one of the busiest in central Brevard.
- The owner states that there are 5 cruise days so there are 30-40 cars leave and come in each day. This does not match the cruise ship schedule. Cruise ships unload arriving passengers and then board new passengers generally in a 4 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://cruze-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>
- Once the passengers depart the ship and return to their car, they will leave the parking lot and their parking places will be replaced with new tourists to be shuttled to the ship.
- In the ½ mile stretch of Courtenay Parkway, over a 5 hour time period, a total of 1,300 automobiles will be leaving and 1,300 will be entering the 4 parking lots for a total of 2,600.
- The supporting information provided with this application does not match up with the facts.

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Mascellino, Carol](#); [Smith, Nathan](#); [Pritchett, Rita](#)  
**Subject:** FW: ID # 20PZ00027 Overnight Cruise Parking Lot--meeting tonight  
**Date:** Thursday, July 9, 2020 11:59:51 AM

---

Jennifer,

Another one for tonight.

Marcia

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

From: Peter Dilecce <pdilecce@gmail.com>  
Sent: Thursday, July 9, 2020 11:07 AM  
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
Subject: ID # 20PZ00027 Overnight Cruise Parking Lot--meeting tonight

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

County Commissioners,

Due to my recent health issues we are unable to attend this evening's meeting in person but would like to voice our concerns.

We have lived in Sunset Groves for over 21 years (a resident of MI for over 45 years) and feel that this type of business is not conducive to our neighborhood nor North Merritt Island.

Please note there is already a cruise parking lot being constructed just blocks away from us on the corner of Smith Road and N. Courtenay which will hold hundreds of cars for cruise parking. In addition, there are two other lots being considered for cruise parking on North Merritt Island.

Our concern however is for 3345 N Courtenay. Approving this request will impact our already congested and at times dangerous entrance. Just yesterday while trying to turn left into our neighborhood a tractor trailer was attempting to make a U turn in front of me. This occurs multiple times a day in this area with recent construction going on and Buffkin Tile being right across from our neighborhood.

In addition, the entrance for our neighborhood (Duval Street) is a school bus stop for 3 Brevard County Schools—Lewis Carroll Elementary, Jefferson Middle School, and Merritt Island High School. Allowing a cruise parking lot with tourist unfamiliar with the area and added potential alcohol consumption will only risk the safety of our children and parents that walk to drop off or pick up their children from the school bus.

Lastly, I would like to bring up the fact of the devaluation of our property. Our neighborhood is a quiet and safe one and has maintained valuation; however, allowing a cruise parking lot with a full liquor bar just steps from our homes will be detrimental.

Please note this type of request has been brought up before regarding this property and has been denied over the years due to these concerns and many others.

We respectfully ask that you deny the request being brought before you tonight regarding 3345 N Courtenay Parkway Merritt Island.

Thank you,

Rose & Peter DiLece  
3340 Biscayne

**From:** [Patrick Stahl](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Jones, Jennifer](#); [Abbate, Frank B](#); [Calkins, Tad](#); [Denninghoff, John P](#)  
**Cc:** [SGHOA Officers](#)  
**Subject:** Zoning Item #20PZ00027 - FPL letter of Objection to Proposed Use of Commercial Cruise Parking  
**Date:** Thursday, July 9, 2020 1:06:12 PM  
**Attachments:** [FPL - 3345 N. Courtenay Parkway Merritt Island Letter.pdf](#)

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioners and Brevard County Management,

On behalf of FPL, I would like to submit the attached letter in objection to the proposed CUP for Overnight Commercial Parking for the zoning item referenced in the subject line. FPL has asked that this letter of objection be on the record.

I just received this letter this morning, so I apologize for the late submission. I plan to be in attendance of the County Commissioners meeting this evening and will present this during my turn to speak.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204 Cell



July 9, 2020

City Commission of  
Merritt Island, Florida

**TO WHOM IT MAY CONCERN:**

It has been brought to the attention of Florida Power & Light Company (FPL) that an application for cruise ship long term parking be allowed at 3345 N. Courtenay Parkway, Merritt Island, Florida. (FPL) has a 100-foot transmission easement for our facilities that would be encumbered if this use is allowed within our easement. In the event of an emergency or normal maintenance of our facilities, we would not be able to locate owners of the vehicles to have them moved so that we could proceed with the necessary activities. Furthermore, it would also be a liability in the event of unforeseen damage. Our easement expressly states that "no buildings or structures other than fences will be located or constructed by Grantor on said right-of-way. Grantor shall not excavate any portion of the right-of-way without written permission of Grantee"... With the proposed use of long term parking for cruise ship passengers this would not allow us 24/7 access to our facilities. Due to the fact that this is a transmission line, our service vehicles are very large and could include having to have cranes to be able to work on the line. In addition, we have a process that if the person or entity is requesting a use of our easements, a Consent Agreement must be reviewed and approved prior to any work being done in our corridors. The applicant has not inquired or made application for a Consent Agreement.

The FPL Consent Agreement has insurance requirements and indemnity provisions that include Licensee shall, during the period of this Agreement, maintain at its sole expense a liability policy with minimum limits of \$3,000,000 for bodily injury or death of person(s) and \$3,000,000 for property damage arising out of a single occurrence. Said policy shall be endorsed to insure against obligations assumed by Licensee in the indemnity. A certificate of insurance shall be furnished to Company evidencing that said policy of insurance is in force and will not be cancelled or materially changed so as to affect the interests of FPL Entities until ten (10) days written notice has been furnished to Company. Upon request, copies of policies will be furnished to Company. Licensee understands and agrees that the use of the Lands for the purposes described herein is expressly contingent upon acceptance and compliance with the provisions contained herein.

Licensee agrees it will exercise its privileges hereunder at its own sole risk and agrees to indemnify and save harmless Company, its parent, subsidiaries, affiliates, and their respective officers, directors, agents and employees (hereinafter referred to as FPL Entities), from all liability, loss, cost, and expense, including attorneys' fees, which may be sustained by FPL Entities to any person, natural or artificial; by reason of the death of or injury to any person or damage to any property whether or not due to or caused by the negligence of FPL Entities, arising out of or in connection with the herein described purposes by Licensee, its contractors, agents, or employees; and Licensee agrees to defend at its sole cost and expense and at no cost and expense to FPL Entities any and all suits or action instituted against FPL Entities, for the imposition of such liability, loss, cost and expense.

FPL would like to have its position be of record for this proposed project as it stands today and would object to the proposed use. If the applicant or the Commission has any questions, I would be glad to discuss same with you.

Thank you for your time and consideration.

Respectfully,

FLORIDA POWER & LIGHT

A handwritten signature in cursive script, appearing to read "Meier G. Wise".

Meier G. Wise  
Corporate Real Estate Manager

**From:** [Patrick Stahl](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Jones, Jennifer](#); [Abbate, Frank B](#); [Calkins, Tad](#); [Denninghoff, John P](#)  
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July 9, 2020

City Commission of  
Merritt Island, Florida

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Respectfully,

FLORIDA POWER & LIGHT

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Meier G. Wise  
Corporate Real Estate Manager

**From:** Peter Dilecce  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** ID # 20PZ00027 Overnight Cruise Parking Lot-meeting tonight  
**Date:** Thursday, July 9, 2020 11:06:38 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

County Commissioners,

Due to my recent health issues we are unable to attend this evening's meeting in person but would like to voice our concerns.

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Please note there is already a cruise parking lot being constructed just blocks away from us on the corner of Smith Road and N. Courtenay which will hold hundreds of cars for cruise parking. In addition, there are two other lots being considered for cruise parking on North Merritt Island.

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Rose & Peter DiLecce  
3340 Biscayne

Objection  
20PZ00027  
MI Plaza Group

**From:** [Jim Barfield](#)  
**To:** [Commissioner, D4; Smith, Curt](#)  
**Subject:** H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)  
**Date:** Wednesday, July 8, 2020 5:28:47 PM  
**Attachments:** [MI Plaza Group Parking.pdf](#)

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner,

Thank you for your service to Brevard County; it is greatly appreciated that you have stepped up to do what is right for our community.

My company, Luke Properties, LLC owns an office condominium located at 3401 Courtenay Parkway, Suite 101 which is directly across Duval Street from the MI Plaza Group property. We have owned this property since December, 2010.

I am aware of the proposed commercial parking lot on the property owned by MI Plaza Group. You have received letters and email from concerned citizens on this proposal. From your experience, you understand that it is difficult (if not impossible) to hold the owner to promises made during this process. Even if there is a binding development plan (which does not apply in this case) it can be changed later. So I ask that when making your decision, question each promise and ask how will that promise be codified, documented and enforced.

In my opinion, this proposed project has many unresolved issues. Fundamentally, the premise for the number of vehicles in and out over a 5 day period does not align with the official Port Canaveral schedules. I have attached a graphic that is a map with an overlay of the issues. In addition, the impacts on the area from the 528/Courtenay Parkway interchange north are a major concern.

The owner states there will be minimal queuing on Duval Street; this does not match up to factual data especially with this being the entrance road to a subdivision. The safety of school children at the school bus stop is another major concern.

I ask that you deny this proposal.

Jim Barfield  
President/CEO  
E: [Jim.Barfield@lukeassoc.com](mailto:Jim.Barfield@lukeassoc.com) | P: 321.452.4601

Luke & Associates, Inc.  
375 Commerce Pkwy | Suite 103 | Rockledge, FL 32955  
P: 321.452.4601 | F: 321.452.4671  
[www.lukeassoc.com](http://www.lukeassoc.com)



- There are 2 additional commercial parking lots in the planning stages directly south of the MI Plaza Group property and 1 under construction across the street adjoining the Barge Canal. MI Group's attorney has inferred that she communicated with both property owners and that neither is pursuing a commercial parking lot at this time. This has to be taken in context since it is to MI Plaza Group's advantage to use this information to get Commissioners approval. Also, the property owners may well follow through with their original plans once the cruise industry rebounds or sell the property.
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- Once the passengers depart the ship and return to their car, they will leave the parking lot and their parking places will be replaced with new tourists to be shuttled to the ship.
- In the ½ mile stretch of Courtenay Parkway, over a 5 hour time period, a total of 1,300 automobiles will be leaving and 1,300 will be entering the 4 parking lots for a total of 2,600.
- The supporting information provided with this application does not match up with the facts.

RECEIVED

JUL - 8 2020

DISTRICT 4  
COMMISSION OFFICE

Objection  
20PZ00027  
MI Plaza Group

Dear Commissioner .... **Smith**

I'm writing to address a concern that will affect many Canaveral Groves homeowners as well as a thriving natural wildlife eco system

The issue is a Low Income Trailer Park development project in the works here in Canaveral Groves. (Canaveral Landing)

Those of us that live near and about this property have grown to love and respect the vast wildlife and native vegetation that inhabit this little 34 acre parcel. On any given day neighbors can enjoy the scrub jays, gopher tortoise, screech owls, hawks, eagles, woodpeckers, seasonal birds and many more Florida game that reside on this little spot of land.

The Impact of a 100 unit trailer park to be located in the middle of our housing development would be devastating for so many reasons.

The majority of the properties surrounding this development are 1+ acre home sites.

While we all understand there may be a need for low income projects and that a developer has a right to make money, there are appropriate places for both. This Trailer Park of 100 homes crammed on to approximately twenty acres is not homogeneous with surrounding homesteads, nor is it the desires of surrounding homeowners.

This rural neighborhood is now on the mend and is attempting to make a comeback. Older homes are being refurbished and new homes are being brought in..... Why?? Because the residents like the peace and quiet and surrounding natural settings. They like the distance between homes. This is why people choose to live here. No one should have the right to take that from them.

This is what we know as of now

Application has been made for rezoning from TR-1 into TRC-1 with CUP Cluster Development Mobile homes and BDP to limit development to 100 units

There is a Planning and Zoning board meeting scheduled on 7/6/2020 @3:00 There is a Brevard County Board of County Commissioners meeting scheduled for 8/6/2020 @ 5:00 PM.

#### **Neighboring Impacts if this Trailer Park is developed**

A 4 unit per acre Trailer Park is NOT homogeneous with surrounding homesteads.

Each home averages 2 vehicles. (proposed 4 homes per acre) Then add friends coming and going, that is 200+ more cars per day commuting through an already busy rural neighborhood street.

Increased Danger to neighborhood family activity (no existing sidewalks for Family Walking, Bicycling, exercising, etc.)

Wear and tear on roadways

Greater use as a thoroughfare between Grissom Pkwy and Canaveral Groves Blvd.. (This is already an issue)

Noise levels will increase tremendously.

Trees and vegetation now blocking road noise from Grissom and I-95 will be removed, not to mention the everyday noise of 300-400 more people. (each home averaging 3-4 persons)

Wildlife/environmental habitat will be impacted.

The present land to be developed contains a thriving ecosystem with a variety of plants and animals that will be impacted. Protected native wetland plants, protected scrub jay habitat, protected gopher tortoise, wild boar, many year around and seasonal birds, rabbits, squirrels, hawks, owls, opossum, raccoons, turtles, etc..

More yard chemicals/fertilizers washed into the canals, rivers and ponds.

Low income housing brings higher crime rates.

Depreciation of existing neighboring property values. (Due to lower valued homes on rental lots)

#### **Other concerns**

**Sewage...** Will this require other Canaveral Groves residents to be forced to utilize the city sewer grid? Septic tanks can not be utilized at four homes per acre so will city sewage be imposed? (The county has attempted to implement this in the past at the homeowners expense.)

**Drainage....** How will this impact rainwater runoff during hurricanes and high rain downfall? (During heavy rains there is already flooding on the proposed entrance of the trailer park). Hess Ave.

We have started a petition among concerned neighbors asking if they approve or disapprove of this Trailer Park Development. As of now there are 180 signatures of neighbors that disapprove of this type of development in the middle of our neighborhood.

In conclusion... It would be nice to see the Hard Working; peace loving citizens get to keep what they have worked so hard for. Your consideration in stopping this boondoggle would be greatly appreciated.

Signed Nicholas J. DiCarlo

**From:** [DSTJEAN3@cfl.rr.com](mailto:DSTJEAN3@cfl.rr.com)  
**To:** [Commissioner\\_D2; \"D3.commissioner@brevardfl.gov\"; Commissioner\\_D4; Commissioner\\_D5](mailto:Commissioner_D2; \)  
**Subject:** 2nd Parking Lot for N. Merritt Island  
**Date:** Wednesday, July 8, 2020 1:06:09 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

We are Brevard County residents at 738 Mandalay Grove Court in North Merritt Island and strongly oppose the building of another parking facility in our area.

Traffic over the Barge Canal Bridge and the Intersections of SR3 and 528 is already horrendous and dangerous. Those of us who live north of the bridge are daily impacted by the amount of traffic already served. Even the first parking lot is a very bad idea. The Port has the resources to build parking lots at the Port or in Cape Canaveral. Using North Merritt Island as infrastructure would necessitate using the Barge Canal Bridge at least 4 times for every car parked. Does the Commission have immediate plans to alleviate the already burdened Bridge?

I'm sure the Commission is aware of the ongoing development of residences in North Merritt Island. Further impacting the roadways and bridge is the traffic that carries workers to and from the Kennedy Space Center. What is desperately needed are things like grocery stores, pharmacies, etc. Maybe it would be in our best interest to attract services that would benefit our residences rather than negatively impacting them.

We urgently request that the petition for additional Port parking be denied in order to preserve our way of life and help alleviate additional traffic and stress in our area.

Respectfully,

Michael and Dana St. Jean



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 C  
2000 South Washington  
Titusville, FL 32909

District 1 Commissioner

H13

Front

0

Back

Planning and Development  
Zoning Meeting July 9, 2020  
MI Plaza Group, LLC - 20PZ00027

Commissioner Pritchett meet with Kimberly Rezanka regarding the above item on July 6, 2020.

MI Plaza Group is requesting removal of BDP, Shuttle Service as primary use and CUP for overnight commercial parking and Alcoholic Beverages. This property will be used for overnight cruise parking with a total of 237 (5 for employees) parking spaces with a cocktail/meal service for customers only. Alcohol will be served from 9:30 a.m. to 1:00 p.m.

Customers will not be allowed in the cocktail/food area when returning from a cruise. BDP to be removed as it was tied to CUP for restaurant which has expired. The proposed use would be less intense than the 27,000 square feet of retail space, which would generate 2,499 trips. This use will generate approximately 480 trips. 30 - 60 cars per day and not all at one time. Shuttle bus pickup will be staggered every ½ hour.

Sunset Groves residents (46 homes) object to the use of Duval Road for this property. There is a bus stop on Duval, however kids will be picked up by 8:55 in the morning and dropped off after closed.



**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 July 9, 2020  
MI Plaza Group, LLC - 20PZ00027

Commissioner Pritchett spoke to Mike Shah on the phone regarding the above item on July 6, 2020.

Mr. Shah, owner of property on S.R. 3, stated that he is not in favor of this proposed item being approved.

## **District 2 Disclosures**

### **07/09/2020 BOCC Planning & Zoning Meeting**

#### **H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)**

##### **Emails:**

- 03/26/2020 - Stephen Townsend, opposing the proposal as presented
- 03/30/2020 - Jessica Beal, PharmD; opposing Commercial Cruise Parking Lot
- 03/30/2020 - Rose DiLecce; opposing rezoning request for CUP
- 03/30/2020 - ??? (cannot open e-mail); opposing rezoning request for CUP
- 03/30/2020 - Kimberly Willey; opposes cruise ship parking lot
- 03/30/2020 - Donald VerWiebe; opposes the actions being proposed
- 03/30/2020 - ??? (cannot open e-mail); opposing rezoning request for CUP
- 03/31/2020 - Kevin Zari; opposes CUP & wants to delay meeting until COVID-19 conditions have abated
- 04/01/2020 - Deb Bannon; opposes cruise ship parking lot
- 04/03/2020 - Charles Philip (Phil) Bennardo; opposing rezoning request for CUP
- 04/03/2020 - Elizabeth J Anderson; opposed to addition of parking lot & bar/restaurant
- 04/06/2020 - Angie Baker; opposed to the new proposed lot off of Duval in N. Merritt Island
- 04/08/2020 - James Larson; opposes the actions being proposed
- 04/08/2020 - Steve Phillips; opposes the actions being proposed
- 04/10/2020 - John Schneider; opposes cruise parking lot
- 04/13/2020 - James H Robertson; supports CUP & states that "hours of operation and intent to serve is at the discretion of the provider"
- 04/13/2020 - Patrick Stahl; requested access to Proposed Site Plan for residents of Sunset Groves
- 04/14/2020 - Dave Woodington; opposes expanding the Cruise Parking business
- 06/02/2020 - Peggy Cotner; emphatically opposes this action
- 06/02/2020 - Troy Cochran; opposes proposed parking lot
- 06/03/2020 - Elizabeth Anderson & Patrick Churchville; oppose any additional cruise parking north of 528
- 06/12/2020 - Michael "Chris" Davis; opposes cruise parking proposal
- 06/22/2020 - Patrick Stahl; asked for a review of compliance issues associated with this existing permit
- 06/23/2020 - Lyndsay Snead; requested that the board upholds the NMI advisory board's decision.
- 06/23/2020 - Kimberly Rezanka; sent documents (GIS maps, Proposed site plan, Trip generation analysis, Summary of proposal) for reviewing before zoom call meeting scheduled for 06/24/2020.

- 07/02/2020 – Patrick Stahl; responded to Bach McClure's e-mail, thanking the county for investigating his complaint and informing of his opinion that the stormwater system is still out of compliance.
- 07/03/2020 – Kimberly Rezanka; sent documents (Revised site plans, FDOT traffic information).
- 07/03/2020 – Jerrold Perlet; requests the board denies this CUP application.
- 07/03/2020 – Karen Pardy; opposes cruise parking lot.
- 07/03/2020 – George Kraft; opposes cruise parking lot.
- 07/03/2020 - Lyndsay Snead; requested that the board upholds the NMI advisory board's decision.
- 07/05/2020 – Dolores Ryan; opposes cruise parking lot.
- 07/05/2020 – Arnold Dingman; opposes cruise parking lot.
- 07/05/2020 – Deb Bannon; opposes cruise parking lot.
- 07/06/2020 – Nicole Charara; opposes cruise parking lot.
- 07/06/2020 – Ivan Inmon; opposes cruise parking lot.
- 07/06/2020 – Nancy Thomas; opposes cruise parking lot.
- 07/07/2020 – B. Vernatter opposes the project.

#### **Meetings:**

- 06/24/2020 – Zoom meeting with Kim Rezanka and MI Plaza Group

July 8, 2020

To: Jennifer Jones  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Meeting Disclosure

Ms. Jones,

In regards to the upcoming agenda item H. 13 for the Planning & Zoning meeting on July 9<sup>th</sup>, 2020, please be advised in advance that Commissioner Tobia spoke with the following parties via telephone, separately, on July 6<sup>th</sup>, 2020.

Kim Rezanka, Esq.

Mike Shah

Hon. Mike Harridopolis

Each phone call lasted approximately ten minutes, during which the above individuals provided information regarding the above-referenced item.

Sincerely,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

From: Stephen Townsend  
To: Jacki, Jennifer, Commissioner, D2, Commissioner, D1, Commissioner, D3, Commissioner, D4, Commissioner, D5  
Cc: princefracy@att.net; "1211 - Frederick Seaman" <sohp@live.com>; "1211 Ann Solomon"; "1220 Eusebia & Tracy Stephens"; "1210 Jerry & Kathie Hunt"; "1211 - Vick"; "1210 Jim Robertson"; "1211 Roland and Pearl Burton"; "1251 Michael & Chong Palmer"; "1269 Stephen Tennant"; "1261 Shubert Masdjani"; "1220 Corey and Dana Franklin"; "1221 George & Andrew Lewis"; "1250 George Alden"; "1211 - Sarah VanWinkle"; "1281 Doc VanWinkle"; "1291 - Russ Mason"; "1282 Jim Lopez"; "1261 Deborah Ann & Sandra Ann Jensen"; "Jessica Rose"; "1210 Arsh & Cynthia Stanton"; "1211 Korey Proctor"; "1210 Phillip & Shoby Meade"; "1210 Pedro & Rose DiStocco"; "1211 Kevin Zart"; "1250 Jessica Bear"; "1260 Dpt Stahl"; "1260 Steve & Rose Phillips"; "1261 Richard & Michelle Beckman"; "1220 John & Darlene Buckle"; "1211 Steven & Kourtia Berni"; "1250 Eric & Pamela Martin"; "1211 Carla & Tracy Dickinson"; "1260 Cliff & Norma Gaines"; "1211 Dave & Teresa Woodruff"; "1210 Larry Cude"; "1211 Jennifer Campbell"; "1240 Bob Wilton and Heidi Beasley"; "1210 Ray Searcy"; "1211 BM Myholic"; "1210 Mike & Maria Bradley"; "1211 Robert & Corinda Heim".  
Date: Thursday, March 26, 2020 9:09:55 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe

Hi I am Stephen Townsend I live behind the property that is on N Courtenay and is asking for a CUP for onsite alcohol consumption. The property is at the intersection of Duval Street and state rd 3 located on the South side of Duval Street, Duval is the only entrance to our neighborhood and is where the School bus stop is. We have established a long history of fighting these repeated attempts for businesses to obtain a CUP for this location. There are a ton of reason why that is not a good idea and I will go over them later in this e-mail but let me first explain what has been established at least twice already at great expense and aggravation to our neighborhood. This property is non-compliant to code and has been since the day they built it and it cannot become compliant without costly modifications. These buildings were built right up to the FPL powerline easement to maximize utilization of the land and to provide added parking area under the FPL easement. Which if I remember correctly we established that the parking area on FPL's easement was not authorized by FPL. The reason I am pointing this out is simple when you think about it because FPL will not allow the 6 foot wall to be extend across their easement, I do not blame them I would not allow it either if I were them. What this does now is allow unabated foot traffic between our neighborhood and a property where a proposed CUP for onsite alcohol consumption is being asked for. See Fig 1 below the easement is marked in Red and the 100 foot long easement with no 6 foot wall is circled.

Here are few facts directly related to just this one aspect of a long list of negative reason for granting this CUP

1. Once issued the CUP goes with the property and owners can change business strategies and approaches to maximize finical returns on the CUP. There is a long history of attempts to get a CUP and turn this building into a bar.
2. Ultimately we will have a potential situation where drunks and others will have direct access to our neighborhood via the 100 foot opening on the FPL easement.
3. The county has denied the CUP twice before
4. We have established that due to the configuration of the buildings and the FPL easement and the selfish decisions of the developer coupled with the County overlooking the non-compliance during construction and site plan review that there is no way to economically bring the property back into compliance
5. Having irresponsible drinkers and drivers with direct foot access to your property is purely a Diminution of property value. While I respect Property rights fully I do not support lowering the value of other people's property.

This Cup should be denied flat out and myself and my neighbors should not have to repeatedly spend money to reestablish cause for not approving these repeated CUP attacks and even threats for slap suites and aggravation of having to continually go back over all the issues i.e. Traffic, safety, children's bus stop, poor road intersection designs and improper deceleration lanes, ingress egress into our community. Please do what is right and deny this application for a CUP for this property for the third time. Thank You!

Fig 1

**From:** Melissa Lamond  
**To:** Jones, Jennifer; Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 15, 2020 2:44:37 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I'm writing to express our concerns with the above referenced rezoning action that will allow for ANOTHER commercial cruise parking lot on North Merritt Island. The traffic on North Merritt Island is getting worse as more jobs open up at KSC and there are multiple new housing developments being built.

The existing roadway infrastructure on North MI is not designed to handle the existing traffic volume. Additionally, the barge canal bridge cannot handle the existing traffic, let alone the additional traffic from these new neighborhoods and new cruise parking. Nothing seems to be being done to address these existing infrastructure issues.

In addition to the new parking lot, a bar is being proposed to be located within a short distance of a school bus stop and residential sidewalks. This is not safe and introduces great risk to our North Merritt Island community.

This request brings no value to the NMI community and as residents of North Merritt Island we are asking that you please take these concerns under advisement and deny this rezoning request.

Thank you,  
Todd and Melissa Lamond  
635 Chase Hammock Rd  
Merritt Island

**From:** [Jessica Schneider](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ0027  
**Date:** Friday, April 10, 2020 5:01:51 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please don't rezone that lot into a cruise parking lot for the following reasons:

First, traffic at the Courtenay/Beachline interchange is already snarled enough. Around quitting time for the Cape or any time the drawbridge is stuck up traffic is a nightmare in that area. A third parking lot in that area will just make it worse

Second, there are already 2 lots being built as overflow for cruises from Port Canaveral. A third one is total overkill.

Third, it's never a good idea to have too much of the area's economy tied to one industry. The Space Shuttle program is proof of this concept.

I'm all for growth in the area. Fix traffic on and off the Beachline and put up a store, a housing development, a Mini golf. Anything but another parking lot please.

Respectfully,. John Schneider

**From:** [Patrick Stahl](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Ball, Jeffrey](#)  
**Cc:** [Jessica Beal](#)  
**Subject:** Fwd: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**Date:** Friday, April 10, 2020 1:37:25 PM  
**Attachments:** [Applicant's Response 4.8.20 \(1\).pdf](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners, NMI Development Special District Board, County Manager and Planning and Zoning Dept Manager,

In regards to Rezoning Notice #20PZ00027, our neighborhood just received the attached letter from MI Plaza Group, LLC that "addresses" all of the concerns from letters written by residents of the Sunset Groves Subdivision and the Staff of Brevard County. In the letter, they reference a Proposed Site Plan dated 3/30/20 that was submitted to the County for review. Our residents have not had the opportunity to see the proposed plan. I was wondering since they were citing the plan in their response to our residents, is it possible to get a copy of the plan for our residents to review?

I am not going to go into the particulars and inaccuracies that they present in their response, but I assure you, there will be forthcoming rebuttals to their "answers" or lack thereof.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

----- Forwarded message -----

**From:** **David Leadbeater** <[david@goport.com](mailto:david@goport.com)>  
**Date:** Fri, Apr 10, 2020 at 12:02 PM  
**Subject:** MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**To:** <[sverwiebe@aol.com](mailto:sverwiebe@aol.com)>, <[bettanderson@yahoo.com](mailto:bettanderson@yahoo.com)>, <[p\\_bennardo@yahoo.com](mailto:p_bennardo@yahoo.com)>, <[ja567m@att.com](mailto:ja567m@att.com)>, <[deb.bannon@yahoo.com](mailto:deb.bannon@yahoo.com)>, <[jbealrx@gmail.com](mailto:jbealrx@gmail.com)>, <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>, <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>, <[jimrobo50@hotmail.com](mailto:jimrobo50@hotmail.com)>, <[dwoodington@gmail.com](mailto:dwoodington@gmail.com)>, <[freddie321@gmail.com](mailto:freddie321@gmail.com)>, <[annsolo212@gmail.com](mailto:annsolo212@gmail.com)>, <[tracystephens7@gmail.com](mailto:tracystephens7@gmail.com)>, <[Jerry\\_Murr@hotmail.com](mailto:Jerry_Murr@hotmail.com)>, <[kymvalk@gmail.com](mailto:kymvalk@gmail.com)>, <[mpalmer37@cfl.rr.com](mailto:mpalmer37@cfl.rr.com)>, <[STownsend3@cfl.rr.com](mailto:STownsend3@cfl.rr.com)>, <[smassihnia@hotmail.com](mailto:smassihnia@hotmail.com)>, <[c.l.franklin@hotmail.com](mailto:c.l.franklin@hotmail.com)>, <[Audreyjo316@bellsouth.net](mailto:Audreyjo316@bellsouth.net)>, <[cozycafe5@gmail.com](mailto:cozycafe5@gmail.com)>, <[dverwiebe@yahoo.com](mailto:dverwiebe@yahoo.com)>, <[larsonjim@yahoo.com](mailto:larsonjim@yahoo.com)>, <[JUNAID@cadence.com](mailto:JUNAID@cadence.com)>, <[arch.s.jr@chempoolspa.com](mailto:arch.s.jr@chempoolspa.com)>, <[kapers@sbcglobal.net](mailto:kapers@sbcglobal.net)>, <[pmeade00@gmail.com](mailto:pmeade00@gmail.com)>, <[zarikj@cfl.rr.com](mailto:zarikj@cfl.rr.com)>, <[islander3360@gmail.com](mailto:islander3360@gmail.com)>, <[rchbstrm@yahoo.com](mailto:rchbstrm@yahoo.com)>, <[jburke0234@bellsouth.net](mailto:jburke0234@bellsouth.net)>, <[sberesl@aol.com](mailto:sberesl@aol.com)>, <[pamanderic@earthlink.net](mailto:pamanderic@earthlink.net)>, <[CD3MOM@aol.com](mailto:CD3MOM@aol.com)>, <[captgaines@msn.com](mailto:captgaines@msn.com)>, <[citruspit@gmail.com](mailto:citruspit@gmail.com)>, <[cupac@aol.com](mailto:cupac@aol.com)>, <[bill.matanis@gmail.com](mailto:bill.matanis@gmail.com)>, <[vivianeq@gmail.com](mailto:vivianeq@gmail.com)>, <[wilc0@aol.com](mailto:wilc0@aol.com)>.

<[rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)>, <[mbradley38@cfl.rr.com](mailto:mbradley38@cfl.rr.com)>, <[corienreijm@yahoo.com](mailto:corienreijm@yahoo.com)>  
Cc: Kimberly Rezanka <[kim@cflglawoffice.com](mailto:kim@cflglawoffice.com)>, Matt Phillips <[matt@goport.com](mailto:matt@goport.com)>, Sharon  
Galeano <[sharon@goport.com](mailto:sharon@goport.com)>

Good morning Ladies & Gentlemen,

I hope everyone is doing well and staying safe. Please find attached below, our response answering the letters to the people living in Sunset Groves that were sent to the county. I truly thank you for your time reading and your consideration.

Sincerely,

--

**David Leadbeater**

Executive Assistant  
[david@goport.com](mailto:david@goport.com)  
(321) 305-6969



273 Crockett Blvd  
Merritt Island, FL 32953  
[www.goport.com](http://www.goport.com)

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**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (April 8, 2020)**

- I. **Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

II. **Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

**III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

“The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... .”

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:30 a.m. to 12:30 a.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

**IV. Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to [Trip Generation Analysis](#) submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make “u-turns” on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 12:30).

These vehicles “in and out” are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dismiss'd, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 217' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations.
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:30 – 12:30.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

**From:** [rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)  
**To:** "[Jessica.Jones@BrevardFl.gov](mailto:Jessica.Jones@BrevardFl.gov)"  
**Cc:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Wednesday, April 8, 2020 7:31:03 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

*As an interested party in Rezoning Notice #20PZ00027 on the agenda for the North Merritt Island Dependent Special District Board meeting scheduled for Thursday at 6:00 pm, I would like to request the meeting be rescheduled due to the health concerns over COVID-19. With the health concerns, I will not be able to attend without seriously risking my exposure and potential illness.*

*There are a number of residents in our community that fall into the vulnerable age bracket of 60 years old or older that would be put at risk to attend this meeting. I, personally, do not feel that this CUP meeting warrants my risking my health and possibly my life to speak my mind to the county government representatives. I would hope that the county government representatives are like minded.*

*Please reconsider your decision to hold this meeting until the pandemic is over and we can all come and discuss the matter, safely, with the county representatives.*

*Sunset Groves Homeowner:*

*Mr. Raymond Scarpa  
3430 Biscayne Drive  
Merritt Island, Florida 32953*

**From:** [Elizabeth Anderson](#)  
**To:** [Commissioner, D3](#)  
**Subject:** another proposed cruise ship parking lot  
**Date:** Friday, April 3, 2020 10:16:16 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Mr. Tobia

After the parking lot construction on Courtenay Parkway near 528 was approved, it was my understanding that no additional overnight parking facilities would be allowed on North Merritt Island. Now I see that MI Plaza Group wants to build another parking lot AND a bar and restaurant.

I am not in favor of either of these proposals. We chose to retire on Merritt Island and purchase a home north of 528 BECAUSE there was not a lot of traffic and we had easy access to shopping on Merritt Island and the Orlando Airport. Traffic is getting worse, yet you approved one parking lot and are considering another. PLEASE DO NOT DO THIS!

I strongly urge you to deny the actions proposed by MI Plaza Group.

Sincerely,  
Elizabeth J Anderson  
Taxpayer and Voter

**From:** [Phil Bennardo](#)  
**To:** [Jones, Jennifer](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](mailto:calkins@brevardfl.gov); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Jessica Beal](#); [Kim Smith](#); [Jack Ratterman](#); [Tamy Daby](#); [Darleen Hunt](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Thursday, April 2, 2020 1:02:22 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a resident of North Merritt Island (NMI), I disagree with the proposed Conditional Use Permit (CUP) for a commercial cruise ship parking lot and associated bar to serve alcohol to tourists awaiting shuttles to the port (per rezoning action #20PZ00027). I am opposed to this for the following primary reasons: (1) it will result in an increase in already existing traffic concerns and associated safety issues, and (2) it is incompatible with existing and planned residential and commercial areas on NMI.

As mentioned above, we are already experiencing traffic and safety issues on NMI and this is due to a rapid increase in development and growth in our area. Several new housing developments are currently in work or planned, and a large cruise ship parking lot (northeast of the barge canal drawbridge) is nearing completion. There are only 2 ways on or off NMI: south, via the barge canal drawbridge, or north, through the Kennedy Space Center. As a resident, the vast majority of trips from NMI are south, across the drawbridge. This is where we all go for shopping, doctor visits, school, church, etc. Unless we are going to work at the space center or have a need to go to Titusville, we are not travelling north. So for all other purposes, there is really only one way on or off the island. As traffic and congestion have continued to increase, the drawbridge has become more of a bottleneck, and this will only get worse with additional cruise ship parking on NMI. There are safety concerns associated with this traffic across the barge canal, and there is no traffic light at the entrance to the proposed cruise parking lot. So cruise patrons will either have to make a U turn when entering the lot or share the entrance to an existing subdivision.

A cruise ship parking lot and bar/restaurant is not consistent with the existing businesses in the immediate area and will bring no benefit to the residents and businesses already located here.

Once again, I am opposed to the proposed rezoning. Our area is already experiencing a large growth in both commercial and residential development, which is expected to continue well into the future. The establishment of these commercial parking lots will only make matters worse. They will contribute to already existing traffic and safety problems, and are incompatible with our area, as they provide no goods or services to our residents.

Charles Philip (Phil) Bennardo  
321-266-5135

**From:** [Phil Bennardo](#)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Calkins, Tad](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [d4.commissioners@brevardfl.gov](#); [Commissioner, D5](#)  
**Subject:** Schedule Delay for Upcoming Public Meetings  
**Date:** Thursday, April 2, 2020 11:16:18 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

At present, there are 2 upcoming rezoning requests, of interest to residents of North Merritt Island (NMI), that are scheduled to be discussed at public meetings in April, and early May. The first public meeting where they will be discussed is at a Dependent Special District Board on April 9, followed by an LPA Board meeting on April 20, with a final decision to be made at a commissioners' meeting planned for May 7.

As a resident of NMI and board member of the NMI HOA, I have concerns with both of the above mentioned zoning requests, especially since one of them is addressing additional cruise ship parking on NMI (the other request involves a zoning change from GU to SEU on 2.22 acres at 5305 Country Lane). Therefore I plan to be involved in these meetings, as do several other residents of NMI.

Many residents of NMI are considered to be "at risk" or living with those "at risk" with regards to the current pandemic. Therefore I respectfully request that these upcoming meetings be delayed until we are able to return more to "business as usual" and can expect full participation from the public.

Also, although I did not view the commissioners' meeting held on March 31, I was advised that there was a motion made, and passed, at this meeting, that required County advisory board meetings to meet security and social distancing rules with regards to the virus, and that if the meetings could not do this, they would be cancelled. So hopefully, my concerns noted above are being addressed. Nevertheless, I do not see an urgent need to finalize a decision on either zoning request, and still believe the best approach is to delay all public meetings completely until after we resume normal operations.

Charles Philip (Phil) Bennardo  
321-266-5135

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:33:41 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Smith ,  
Please help stop proposal of another parking lot in North Merritt. Please help residents to fight having the parking folks pave over our island for their profit. We do not need another lot here! They need to add adequate parking to the port so other communities are not impacted like this. Please help!

Deb Bannon  
5490 Broad Acres ST.  
Merritt Island, FL 32953

**From:** Deb Bannon  
**To:** Commissioner, D3  
**Subject:** Rezoning Action #20P200027  
**Date:** Wednesday, April 1, 2020 1:27:20 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe

Dear Mr. Tobia,  
Please stop the rezoning proposal to build another cruise parking lot!!! North Merritt should not be paved over for parking lots. The port needs to be able to provide parking for their cruise guests, not our little island. Please stop this proposed action!!! One parking lot is already too many! We have one way on/off in North Merritt and do not want another parking lot.

Deb Bannon  
5490 Broad Acres St  
Merritt Island, Fl 32953

**From:** [Kimberly Willey](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Project #20PZ00027  
**Date:** Monday, March 30, 2020 5:03:45 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I have heard of plans for another cruise ship parking lot proposing to be built in North Merritt Island. Please consider the impact this will have on residents of this area.

>

> We already have 2 new housing developments and a cruise ship parking lot. Adding another will only increase the traffic in an already poorly configured system, especially on Courtenay by 528. It is already over congested with the amount of traffic we have now, and that is before the second housing development and cruise parking lot is complete.

>

> Please consider what the impact of even more development will have on the residents of the county you represent.

>

> It's sad that developers won't be happy until all the land is gone. Please help keep North Merritt Island from being overrun with development like the rest of the MI.

>

> Thank you,

> Kimberly Willey

>

>

> Sent from my iPhone

**From:** [sverwiebe@aol.com](mailto:sverwiebe@aol.com)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D5](#)  
**Subject:** Re: Rezoning Notice #20PZ00027 - MI Plaza Group, LLC  
**Date:** Monday, March 30, 2020 2:19:21 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Board Members:

In response to the courtesy notice we received regarding a rezoning request by property owned by MI Plaza Group, LLC, located on the southwest corner of Duval St., and N. Courtenay Parkway, and the planned meetings to discuss, would you please reschedule. The first county public meeting when these changes will be addressed is Thursday, April 9 in Viera, the final one on Thursday, May 7, 2020.

My husband and I are in the "at risk" group as are many of our neighbors in this subdivision. If the county holds this/these meetings, even in larger rooms, in a time when the "at risk" group of people is being told to stay away from any public gatherings to avoid the risk of spreading COVID-19 to themselves and/or others, the county is taking away their rights to attend and speak at these public meetings.

Again, I request that you postpone these meetings to a safer time.

V/R

Donald VerWiebe  
3281 Biscayne Drive  
Merritt Island, Florida  
32953

**From:** [Jessica Beal](#)  
**To:** [Kim Smith](#); [Jones, Jennifer](#); [fladerat@bellsouth.net](mailto:fladerat@bellsouth.net); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](mailto:calkins@brevardfl.gov); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [D4.commissioners@brevardfl.gov](mailto:D4.commissioners@brevardfl.gov); [Commissioner, D5](#); [p\\_bennardo@yahoo.com](mailto:p_bennardo@yahoo.com); [t3ndabu@bellsouth.net](mailto:t3ndabu@bellsouth.net)  
**Subject:** Rezoning Notice Opposition #20PZ00027  
**Date:** Sunday, March 29, 2020 9:58:18 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a long time Merritt Island resident, I am not excited about yet another proposed Commercial Cruise Parking Lot in our area and all the additional traffic that it will bring to N. Courtney Parkway Corridor. Sadly as a resident of Sunset Groves, we were notified that's exactly what is being proposed at the Southwest corner of Duval Street and N. Courtenay Parkway, across from Buffkin Tile. MI Plaza Group, LLC is trying to get a Conditional Use Permit (CUP) for both a commercial cruise parking lot and a CUP for a bar to serve alcohol to tourists waiting to be shuttled to the Port (Rezoning Action #20PZ00027).

How does this benefit residents and businesses in our area? The answer is, it doesn't. Along with the cruise parking lot currently being built at the Southeast corner of Smith Road and N Courtenay Parkway, all it does is add to the already existing traffic congestion North of the Barge Canal and increase accidents and safety concerns from tourist drivers and shuttles. This currently being built parking lot's impact haven't even been felt yet. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work.

As our area grows with the influx of commercial spaceflight companies, workers and new residents, we need to keep in mind what kinds of businesses will best suit this growth and what will detract. A cruise parking lot and bar/restaurant is not consistent with the businesses in immediate area.

In addition, the current proposal adds safety concerns with a bar and cruise ship guests being located within a short distance of a school bus stop, residential sidewalks and the only entrance to our neighborhood. This plaza shares a common entrance (Duval St.) and only entrance to our neighborhood which would have a profound effect on compatibility. With the added traffic the overnight cruise ship parking and a bar/restaurant would add, there is NO traffic light. Visitors have two options to turn into Duval or a U turn is required the southern driveway entrance for the strip mall. This is not safe and many accidents have occurred here. These are all recipes for disasters for either other vehicles, kids walking home from school or neighbor walking the sidewalks.

According to your ordinances from 2019 (4) it talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, "Shuttle routes shall avoid residential areas." Duval Street is the entrance to our subdivision, our only entrance! So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one

off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction.

Lastly, the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot.

Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Regards,  
Jessica Beal, PharmD.

**From:** [Peter Dilecce](#)  
**To:** [Commissioner, D5](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)  
**Subject:** Fwd: Re-zoning request \*\*\*Please vote No\*\*\*  
**Date:** Sunday, March 29, 2020 4:08:53 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Begin forwarded message:

**From:** Peter Dilecce <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>  
**Subject:** Re-zoning request \*\*\*Please vote No\*\*\*  
**Date:** March 29, 2020 at 4:01:55 PM EDT  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov), [d2.commissioner@brevardfl.gov](mailto:d2.commissioner@brevardfl.gov)  
**Cc:** [hillberg@earthlink.net](mailto:hillberg@earthlink.net), [sgHOA@live.com](mailto:sgHOA@live.com)

Good Afternoon,

My name is Rose DiLecce and have been a resident of North Merritt Island for 21 years. I am writing to you today in regards to a notice I received in the mail yesterday afternoon referencing a rezoning request for the property located in the southwest corner of Duval Street and N Courtenay Parkway.  
(3345 N Courtenay Pkwy., Merritt Island)

I am concerned that there is an attempt again to change the current zoning on this property from a Planned Industrial Park to a Conditional Use Permit for Overnight Parking and Conditional Use for Alcoholic Beverages. This request does not in my opinion align with the mission of the North Merritt Island Homeowners Association. The mission as stated on the website says "it is the purpose of the association to protect the interests of the property owners and individuals who reside on North Merritt Island with particular emphasis on controlled growth, life style of the residents, ecology, area appearance, and property values. The association strives to maintain an overall density of one unit per acre, in order to preserve the rural character of the community".

Those of us that live in Sunset Groves (the neighborhood directly behind this plaza) have fought this request before as you may recall.

My concerns are as follows: the already congested traffic, the safety of our kids, and the devaluation of our properties.

Our neighborhood has only one way in and out and increasing the traffic from the proposed commercial parking lot will surely create more congestion and more potential accidents. Please keep in mind that there is one short turn lane onto Duval street while heading north on Courtenay and on any given day from 3pm to 6pm both south bound lanes are backed up from 528 to passed Sunset Lakes.

In addition, there is already a planned designated cruise parking that is currently under construction off of N. Courtenay and Smith Road. This cruise parking will hold approximately 100 plus cars. Plus the land just north of our neighborhood is another planned cruise parking lot.

Do we really want North Merritt Island to become only cruise parking?

In addition, please note that Brevard Public Schools use Duval Street as a bus stop for three schools and this bus stop is very close to the proposed building that will be used for the permit regarding alcohol. The bus stop used to be right on the corner of N. Courtney and Duval but due to the safety of our children and the bus stop was moved to Duval Street.

Please see the times below:

Lewis Carroll Elementary Pick up time 7:20AM Drop off time 3:02PM

Jefferson Middle School Pick up time 8:55AM Drop off time 5:18PM

Merritt Island High School Pick up time 8:15AM Drop off time 4:06PM

My last point is simply that of devaluation of our neighborhood and homes. Over the last 20 years the plaza in front of our neighborhood has changed owners many times and been left vacant for several years with only the personal trainer occupying one unit. if this request is granted there is no telling what the next owner will do with the property.

I thank you for your time and consideration.

Rose DiLecce

**From:** [Commissioner, D2](#)  
**To:** [jim robertson](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [Calkins, Tad](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Re: Seniors attendance of rezoning meeting scheduled 4-9-2020  
**Date:** Sunday, March 29, 2020 10:41:47 AM

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Mr. Robertson,

Thank you for reaching out.

I appreciate your concerns but the County has implemented policies to enable maintaining 6+ foot distances for public comment during noticed meetings.

So long as we're following CDC and FDOH guidelines, we have no basis to cancel. If we cannot maintain CDC guidelines, I will recommend cancellation.

Moreover, COVID-19 could be here for many months and we cannot simply stop all meetings with no end in sight.

If you are more comfortable emailing comments, that is another option which is certainly available should you still have lingering concern.

Kind regards,

Bryan

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**From:** jim robertson <jimrobo50@hotmail.com>  
**Sent:** Sunday, March 29, 2020 5:42 AM  
**To:** Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Denninghoff, John P <John.Denninghoff@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Seniors attendance of rezoning meeting scheduled 4-9-2020

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

We must delay this meeting and reschedule another date, I am James H. Robertson age 82, I am at risk for corona Virus COVID-19, and as per instructions from our Governor, Ron De Santis am told not to attend large gatherings for my own protection, and the protections of others. I am confining myself as are others in my predicament, Our lives are on the line here at Sunset groves subdivision, there are many many old persons living here who want to attend,

but would risk our lives by attending. My rights would be violated along with many others if we can not safely attend. I respectfully ask that we be considered and reschedule the meeting at a time when the virus isn't such a threat. Many seniors live here and want to attend the meeting, but can't chance contacting the Virus. Lives are more important than a bar rezoning, every time.

Sincerely;

James H. Robertson

3240 Biscayne Dr.

Merritt island, Fl. 32953

**From:** [jim.robertson](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D1](#); [Commissioner, D5](#)  
**Subject:** Fw: NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)  
**Date:** Saturday, March 28, 2020 7:30:46 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

**From:**  
**Sent:** Saturday, March 28, 2020 6:44 AM  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov) <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>; [D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov) <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; [D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov) <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; [D3.Commissioner@brevardfl.gov](mailto:D3.Commissioner@brevardfl.gov) <[D3.Commissioner@brevardfl.gov](mailto:D3.Commissioner@brevardfl.gov)>; [D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov) <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; [D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov) <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>

**Cc:**

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved, we are talking millions. It surely would make the properties unsaleable to families with children. Where is the common good, our 47 homes are not included?

Before you make your final decision please consider the following: This is the third time applications have been made to establish sales of liquor on primacies, Two before have failed, the property was found not to meet community property guidelines of Florida statutes. How many times do we have to lay out the money to prove once again, this property is encroaching the FPL easement of major Power lines feeding our Grid. The Original developer decided to encroach when he constructed the property, FPL has said that A 6' wall would have to be erected at the north boundary of the easement which is on the doorsteps of the buildings there. It is costly to keep proving this over, over, and now once again.

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.

- To add an additional bar on North Courtney across from and adjacent to a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. What would the traffic congestion do to our one and only
- entrance easement? If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.
- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed an environmental impact statement. What does High intensity lighting do to us, We are 100' away, what about car horn, alarm systems, engine noises, and other air pollution and wandering traffic at 2 AM.? If a study was completed, where can the property owners in Sunset Groves review the document. This property is too close and to dangerous for our subdivision to be considered for the CUP.

James H. Robertson  
 3240 Biscayne Drive  
 Merritt Island, FL 32953

**From:** [dave woodington](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [prince.leacy@gmail.com](#); [3211 -- Frederick Solomon](#); [SGHOA Officers](#); [3211 Ann Solomon](#); [3220 Everette & Tracy Stephens](#); [3230 Jerrv & Kathie Murr](#); [3231 -- Valk](#); [3240 Jim Robertson](#); [3241 Roland and April Burson](#); [3251 Michael & Chono Palmer](#); [3260 Stephen Townsend](#); [3261 Shahram Massihnia](#); [3270 Casey and Dana Franklin](#); [3271 George & Audrey Lewis](#); [3280 George Alden](#); [3281 -- Sarah VerWiebe](#); [3281 Don VerWiebe](#); [3291 -- Robin Massetti](#); [3300 Jim Larson](#); [3301 \(Rental\) Alim & Syeda Ara Junaid](#); [Jessica Beal](#); [3310 Arch & Cynthia Stanton](#); [3311 Kerry Peppers](#); [3330 Phillip & Shelby Meade](#); [3340 Peitro & Rose Dilecce](#); [3341 Kevin Zari](#); [3350 Jessica Beal](#); [3350 Pat Stahl](#); [3360 Steve & Roe Phillips](#); [3361 Richard & Michelle Bostrom](#); [3370 John & Dianne Burke](#); [3371 Steven & Kuang Beres](#); [3380 Eric & Pamela Martin](#); [3381 Carla & Tracy Dickinson](#); [3390 Cliff & Norma Gaines](#); [3391 Dave & Teresa Woodington](#); [3410 Larry Cupac](#); [3411 Jennifer Campbell](#); [3420 Bob Willcox and Heidi Beasley](#); [3430 Ray Scarpa](#); [3431 Bill Matanis](#); [3440 Mike & Maria Bradley](#); [3441 Robert & Cornelia Reijm](#)  
**Subject:** NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtneyay Parkway. (3345 North Courtneyay Parkway, Merritt Island) (20P200027)  
**Date:** Saturday, March 28, 2020 6:44:58 AM

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved. It surely would make the properties unsaleable to families with children.

Before you make your final decision please consider the following:

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.
- To add an additional bar on North Courtney across from a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.

- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed and environmental impact statement. If so where can the property owners in Sunset Groves review the document.

Dave Woodington  
3391 Biscayne Drive  
Merritt Island, FL 32953

**From:** [Kimberly Rezanka](#)  
**To:** [Schmadeke, Adrienne](#)  
**Cc:** [Woodard, Patrick](#); [Bellak, Christine](#)  
**Subject:** RE: July 9th County Commission Agenda matter  
**Date:** Thursday, July 2, 2020 11:47:17 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)

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Thank you!

Kimberly Bonder Rezanka, Esq.

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**From:** Schmadeke, Adrienne <Adrienne.Schmadeke@brevardfl.gov>  
**Sent:** Thursday, July 2, 2020 11:41 AM  
**To:** Kimberly Rezanka <kim@cfglawoffice.com>  
**Cc:** Woodard, Patrick <patrick.woodard@brevardfl.gov>; Bellak, Christine <Christine.Bellak@brevardfl.gov>  
**Subject:** RE: July 9th County Commission Agenda matter

Good afternoon Kim,

On behalf of Commissioner Smith, I want to acknowledge receipt of your request. It has been shared with the Commissioner and I will be in touch.

Regards,

*Adrienne Schmadeke*



Adrienne Schmadeke  
Executive Assistant to Commissioner Smith  
Brevard County, District 4  
[321 333 2044](tel:321-333-2044) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)

2725 Judge Fran Jamieson Way Bldg. C - Suite 214  
Viera, FL 32940

**Please note:**

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

**From:** Kimberly Rezanka <[kim@cflawoffice.com](mailto:kim@cflawoffice.com)>  
**Sent:** Thursday, July 2, 2020 10:32 AM  
**To:** Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>  
**Subject:** July 9th County Commission Agenda matter

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Commissioner Smith,

This item is on the July 9<sup>th</sup> County Commission Agenda. I would like to schedule a 10 minute phone conference with you at your convenience to discuss.

Thank you for your consideration.

Sincerely,

Kimberly Bonder Rezanka, Esq.



*96 Willard Street, Suite 302  
Cocoa, FL 32922  
321-639-1320 ext. 123  
Fax 321-639-9950*

**[Kim@cflawoffice.com](mailto:Kim@cflawoffice.com)**  
**[www.cflawoffice.com](http://www.cflawoffice.com)**



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**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (July 2, 2020)**

- I. **Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

- ii. **Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

**III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

"The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... ."

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:00 a.m. to 1:00 p.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

**IV. Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make "u-turns" on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 1:00).

These vehicles "in and out" are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dism'd, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 160' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:00 a.m. – 1:00 p.m.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

**ADDITIONAL CONDITION:**

- k. Commercial Parking is primary use.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

**From:** [Woodard, Patrick](#)  
**To:** [Elizabeth Anderson](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** RE: cruise parking, North Merritt Island  
**Date:** Tuesday, June 9, 2020 6:48:00 PM

---

Ms. Anderson,

On behalf of Commissioner Smith, thank you for contacting our office with your concern about additional cruise parking north of 528. I will share your email with the Commissioner however, I wanted to acknowledge that our office received it.

Regards,

*Pat Woodard*

photo



Pat Woodard  
Chief Legislative Aide to Commissioner  
Smith  
Brevard County, District 4  
[321.633.2044](tel:321.633.2044) | [Patrick.Woodard@brevardfl.gov](mailto:Patrick.Woodard@brevardfl.gov)  
2725 Judge Fran Jamieson Way, Bldg. C - Suite  
214  
Merritt Island, FL 32940

**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.*

**From:** Elizabeth Anderson <bettianderson@yahoo.com>  
**Sent:** Tuesday, June 09, 2020 8:53 AM  
**To:** Commissioner, D4 <D4.Commissioner@brevardfl.gov>  
**Subject:** Fw: cruise parking, North Merritt Island

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioner,

I am writing to request that you DO NOT approve any additional cruise parking north of 528. Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,  
Elizabeth Anderson and Patrick Churchville  
Homeowners 3804 Sunbeam Court, Merritt Island

**From:** [Christopher Roche](#)  
**To:** [Woodard, Patrick](#)  
**Subject:** RE: Cruise Parking on North Merritt Island  
**Date:** Wednesday, June 3, 2020 5:36:43 PM  
**Attachments:** [1DD4C4777D634C89A7790FF5F5559E70.png](#)

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you!

Sent from [Mail](#) for Windows 10

**From:** [Woodard, Patrick](#)  
**Sent:** Tuesday, June 2, 2020 2:28 PM  
**To:** [Christopher Roche](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** RE: Cruise Parking on North Merritt Island

Mr. Roche,

On behalf of Commissioner Smith, thank you for contacting our office with your concern. I will share your email with the Commissioner however, I wanted to acknowledge that our office received it.

Regards,

*Pat Woodard*



**Please note:**

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**From:** Christopher Roche <cgroche@hotmail.com>

**Sent:** Tuesday, June 2, 2020 2:00 PM

**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; D2.commissioner@brevardfl.gov;  
D3.commissioner@brevardfl.gov; Commissioner, D4 <D4.Commissioner@brevardfl.gov>;  
Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Jones, Jennifer  
<jennifer.jones@brevardfl.gov>

**Subject:** Cruise Parking on North Merritt Island

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi, as a resident of North Merritt Island I am vehemently opposed to allowing Cruise parking on SR-3 (Courtenay Parkway) for multiple reasons. First and foremost is that SR-3 is already a bottleneck with rush hour Cape traffic, a barge canal draw bridge that goes up for every sailboat and large boat trying to pass through the canal. SR-3 is the only road directly connecting North Merritt Island to the communities and cities South of us. All the planned Cruise parking on SR-3 is close to the barge canal bridge. Cruise parking will greatly exacerbate the problem with traffic on SR-3. Secondly, Cruise parking lots are ugly and unsightly and could have a negative impact on property values of property nearby. It will definitely have a negative impact on the natural beauty of North Merritt Island. We in North Merritt Island are in close proximity to the Merritt Island National Wildlife refuge and special attention should be made regarding commercial construction impacts to wildlife and the environment. If commercial companies want to put in Cruise parking let them put it in where the Cruise ships are located, namely Port Canaveral and Cape Canaveral. North Merritt Island resident shouldn't have to suffer because of the nearby Cruise industry.

Regards,  
Chris Roche

Sent from [Mail](#) for Windows 10

**From:** [Woodard, Patrick](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** Additional Public Comment on tonight's Zoning Meeting  
**Date:** Thursday, July 9, 2020 1:18:21 PM  
**Attachments:** [FW H.13. MI Plaza Group LLC \(20PZ00027\).msg](#)  
[Zoning Item #20PZ00027 - FPL letter of Objection to Proposed Use of Commercial Cruise Parking.msg](#)  
[ID # 20PZ00027 Overnight Cruise Parking Lot--meeting tonight.msg](#)  
[H.13. File #1750 MI Plaza Group LLC \(20PZ00027\).msg](#)  
[Mail Dicandio Zoning comments.msg](#)  
[2nd Parking Lot for N. Merritt Island.msg](#)  
[image001.png](#)

---

Jennifer,

Here are some additional comment for tonight's Zoning Meeting.

Commissioner Smith has spoken to Kimberly Rezanka and Summit Shah on Agenda Item # H. 13 Zoning Item #20PZ00027.

Regards,

*Pat Woodard*



Pat Woodard  
Chief Legislative Aide to Commissioner Smith  
Brevard County District 4  
321 633 2044 | F 321 633 2121 | [Patrick.Woodard@brevardfl.gov](mailto:Patrick.Woodard@brevardfl.gov)  
2795 Judge Fran Jamieson Way, Bldg. C - Suite 214  
Viera, FL 32940  


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**BOARD OF COUNTY COMMISSIONERS**

---

**KRISTINE ISNARDI, COMMISSIONER, DISTRICT 5**

490 Centre Lake Dr. NE

Suite 175

Palm Bay, FL 32907

Phone: 321.253.6611

Fax: 321.253.6620

D5.Commissioner@brevardfl.gov

Danielle Stern, Chief of Staff

Vic Luebker, Community Affairs Director

Janette Roig, Legislative Aide

To: Jennifer Jones

From: Kristine Isnardi, Brevard County Commissioner, District 5

Mrs. Jones,

This letter is to advise you I have spoken with the following parties in regards to agenda item H.13 scheduled for the July 9<sup>th</sup> Planning and Zoning meeting.

Kim Rezenka, Esp (July 7, 2020)

Mike Shah (July 6, 2020)

Hon. Mike Haridopolis (July 6, 2020)

Each phone call lasted approximately 10 minutes, during which time the individuals provided information regarding the above-referenced item.

Sincerely,

Brevard County Commissioner, District 5

H13

# SUNSET GROVES

*April Burson, Realtor - 3241 Biscayne Drive, Merritt Island*



## DENY

THE PROPOSED REZONING FOR PROPERTY OWNED BY  
MI PLAZA GROUP, LLC  
HEARING ID#20PZ00027



Division of Alcoholic Beverages and Tobacco  
Bureau of Licensing  
Damon Larry, Chief  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1021  
Phone: 850.488.8284 • Fax: 850.921.7800

Halsey Beshears, Secretary

Ron DeSantis, Governor

**NOTICE OF 2019 QUOTA BEVERAGE LICENSE DRAWING ENTRY PERIOD**

The Division of Alcoholic Beverages and Tobacco will accept Quota Beverage License Drawing Entry Forms for 45 days, beginning on the third Monday in August. Important information regarding the quota beverage license entry process is provided below. Interested entrants are encouraged to contact the Division at the address or phone number above for additional information or clarification if needed.

**ENTRY PERIOD** August 19, 2019 – October 2, 2019 (5:00 P.M.)  
Entry forms must be received by the Division prior to the entry deadline.

**ENTRY FORM** FORM DBPR ABT 6033 (only forms eff. 8/2019 will be accepted)  
Available Online or through any District Office of the Division

**ENTRY FEE** \$100 per entry (check / money order by mail or credit card by online payment)  
**(Non-Refundable)** Payable to: Division of Alcoholic Beverages and Tobacco

**ENTRY FILING** Mail or Hand Deliver to: Division of Alcoholic Beverages and Tobacco  
Attn: Quota Beverage License Drawing  
2601 Blair Stone Road  
Tallahassee, FL 32399-1019

**ONLINE ENTRY** Visit DBPR Online Services to Enter Online: [CLICK HERE FOR ONLINE ENTRY](#)

**LICENSES AVAILABLE** 51 Quota Beverage Licenses in 27 Counties

Quota Beverage Licenses are available in the next license drawing in the counties identified below. The parenthetical listed with each county indicates the number of licenses available in each county.

BAY	(1)	MANATEE	(1)
BREVARD	(1)	ORANGE	(5)
BROWARD	(3)	OSCEOLA	(2)
CHARLOTTE	(1)	PALM BEACH	(3)
COLLIER	(1)	PASCO	(2)
DADE	(6)	PINELLAS	(1)
DUVAL	(3)	POLK	(3)
ESCAMBIA	(1)	ST JOHNS	(1)
FLAGLER	(1)	ST LUCIE	(1)
HILLSBOROUGH	(4)	SANTA ROSA	(1)
INDIAN RIVER	(1)	SARASOTA	(1)
LAKE	(2)	SEMINOLE	(1)
LEE	(2)	VOLUSIA	(1)
LEON	(1)		

###

# **CAN YOU BUY A TEMPORARY LIQUOR LICENSE?**

**Buying a Temporary Liquor License for Your Business Has Gotten Easier**

**Is there a solution towards throwing an event without owning a liquor license?**

According to research done here at Liquor License Outlet, yes there is! Owning a license to sell alcohol comes with a lot of responsibility and is a lot of work. Borrowing or renting one is a very convenient way of getting the job done. A quick and simple solution is for you to rent a location that already has a valid liquor license. This in turn will give you the same privileges as an owner of a restaurant or bar. The amount it will cost you to rent out a location with a liquor license can be made back double if your event is in a good location. Buying a temporary liquor license is possible in this way and is a great approach. Our team here at liquor license outlet is also able to help you purchase your own in the future. Since buying a liquor license would allow you to sell to others the right term to use for your situation would be rental.

## **The Ideal Way to Purchase Your Liquor License**

Purchasing a Temporary liquor license is a great idea for those who don't want to shell out the time and money to own one. There are ways around having to go through the process that many others have to throughout the year. Choosing to work with a trusted source is important if you don't want to waste your time with trying to find a broker. Owning a liquor license comes with a load of responsibility and planning as well. Finding a reliable place to purchase your liquor license is a very important step before moving ahead. It is more of a possibility for you to rent a liquor license than it is to temporarily buy one. For example, if you are renting a location that holds a liquor license you will then be eligible to use it. You will need to discuss the terms with your landlord and come to an agreement. It is very easy for an owner of a liquor license to lose it due to breaking a law. Legally selling alcohol will require you to have the right liquor license. There are different options to choose from that will allow certain ways for you to serve alcohol. Here we can help you find what you're looking for and below you will find the types of license available.

Types of liquor licenses for you to choose from in Florida:

- 1APS – Beer (package Sales only)
- 2APS – Beer and Wine (Package Sales Only)
- 1COP – Beer (Package and Consumption)
- 2COP – Beer and Wine (Package and Consumption)
- 3PS – Beer, Wine and Spirits (Package Sales Only)
- 4COP – Beer, Wine, and Spirits (Package and Consumption)
- 11C – Beer, Wine, and Spirits (Consumption Only)
- SRX – Special Restaurant License (Limitations Apply)

FYI  
Adjacent Property Owners  
20PZ00027  
MI Plaza Group

**From:** [Kimberly Rezanka](#)  
**To:** [Ball, Jeffrey](#); [Jones, Jennifer](#)  
**Cc:** [Calkins, Tad](#)  
**Subject:** 20PZ-0027 (MI Plaza Group)  
**Date:** Friday, June 26, 2020 10:26:02 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[Frederick\\_Driver License.pdf](#)  
[Agreement.pdf](#)  
[Stewart Property \(south of MI Plaza Group, LLC\).pdf](#)  
[Ragona Enterprises, LLC.pdf](#)

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Jeffrey,

In staff comment #5 under Sec. 1941.3 (page 7 of P & Z staff report), the applicant was invited to submit a letter from the adjacent property owner regarding his intentions for a cruise parking lot. Please find attached Mr. Frederick's letter regarding his plans. He is selling the property but believes it will realistically will be a boat and rv storage.

As to the lot to the south of that, Animal Wellness World, the owner, Dr. Donna Ragona, has advised me directly that she is no longer interested in an overnight commercial parking facility and she is also attempting to sell the vacant land on her Property

Please include this information in the staff report, if possible, or at least in the agenda packet.

Thank you,

**Kimberly Bonder Rezanka, Esq.**



**96 Willard Street, Suite 302  
Cocoa, FL 32922  
321-639-1320 ext. 123  
Fax 321-639-9950**

**[Kim@cfglawoffice.com](mailto:Kim@cfglawoffice.com)**  
**[www.cfglawoffice.com](http://www.cfglawoffice.com)**



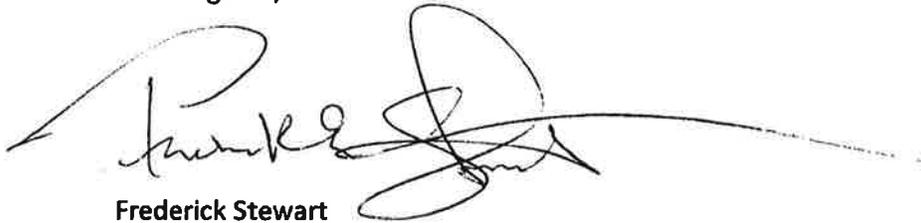
**IMPORTANT:** This message is intended only for the use of the individual or entity to which it is addressed and may

To Whom It May Concern

6-17-20

I, Frederick Stewart, am the owner of 3265 N Courtenay Pkwy, Merritt Island FL 32953, Brevard County parcel ID 24-36-11-00-262. My intentions/proposed usage for the property are to either sell it for \$600,000 or use the property for boat and RV storage.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Frederick Stewart', with a long horizontal flourish extending to the right.

Frederick Stewart





# Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

## PROPERTY DETAILS

Account 2411621  
 Owners Ragona Enterprises LLC  
 Mailing Address 4790 Yuma Trl Merritt Island FL 32953  
 Site Address 3149 N Courtenay Pkwy Merritt Island FL 32953  
 Parcel ID 24-36-11-00-258  
 Property Use 1940 - Professional/Office Complex  
 Exemptions None  
 Taxing District 2200 - Unincorp District 2  
 Total Acres 9.01  
 Subdivision --  
 Site Code 0370 - N Courtenay  
 Plat Book/Page 0000/0000  
 Land Description Part Of SW 1/4 Of NW 1/4 Lying W Of St Rd 3 As Des IN Orb 1589 Pg 182



## VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$954,330	\$853,720	\$825,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$939,090	\$853,720	\$825,000
Assessed Value School	\$954,330	\$853,720	\$825,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$939,090	\$853,720	\$825,000
Taxable Value School	\$954,330	\$853,720	\$825,000

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
11/30/2016	\$1,000,000	WD	Improved	7770/1248
11/17/2015	--	QC	Improved	7497/1456
04/02/2015	--	WD	Improved	7347/1218
11/14/2014	--	QC	Improved	7247/0790
04/07/2014	--	QC	Improved	7099/2850
12/04/2013	--	WD	Improved	7028/2213
10/09/2013	--	QC	Improved	6985/0124
09/26/2011	--	QC	Improved	6605/2899
09/26/2011	--	QC	Improved	6600/2253
11/05/2002	--	QC	Improved	5218/1964
01/30/1994	\$600,000	WD	Vacant	3357/0832
01/30/1992	--	WD	Improved	3177/3480
01/01/1976	--	--	--	1592/0329

## BUILDINGS

### PROPERTY DATA CARD #1

**Building Use:** 1900 - Professional Building - Single Tenant - 1 Story

Materials	Details	
Exterior Wall:	Stucco	Year Built 1996
Frame:	Masnryconc	Story Height 9
Roof:	Cem/Cly/Mtl Tile	Floors 1

**ELECTRONIC CODE OF FEDERAL REGULATIONS****e-CFR data is current as of June 9, 2020**

Title 33 → Chapter I → Subchapter J → Part 117 → Subpart B → §117.273

Title 33: Navigation and Navigable Waters  
PART 117—DRAWBRIDGE OPERATION REGULATIONS  
Subpart B—Specific Requirements

---

**§117.273 Canaveral Barge Canal.**

(a) The drawspan of the Christa McAuliffe Drawbridge, SR 3, mile 1.0, across the Canaveral Barge Canal need only open daily for vessel traffic on the hour and half-hour from 6 a.m. to 10 p.m.; except that from 6:15 a.m. to 8:15 a.m. and from 3:10 p.m. to 5:59 p.m., Monday through Friday, except Federal holidays, the drawspan need not open. From 10:01 p.m. to 5:59 a.m., everyday, the drawspan must open on signal if at least 3 hours notice is given to the drawtender. The drawspan must open as soon as possible for the passage of public vessels of the United States and tugs with tows.

(b) The drawspans of the SR401 Drawbridges, mile 5.5 at Port Canaveral, must open on signal; except that, from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday except Federal holidays and from 11 a.m. to 2 p.m. on Saturdays and Sundays, the drawspans need not be opened for the passage of vessels. From 10 p.m. to 6 a.m., the drawspans must open on signal if at least three hours notice is given. The drawspans must open as soon as possible for the passage of public vessels of the United States and tugs with tows.

[USCG-2001-10881, 71 FR 70310, Dec. 4, 2006, as amended by USCG-2017-0161, 83 FR 4430, Jan. 31, 2018]

Need assistance?



RETURN: Clerk to the Board #21

To Be Removed

PREPARED BY AND RETURNED TO:  
John H. Evans, Esquire  
John H. Evans, P.A.  
1702 S. Washington Ave  
Titusville, FL 32780

**BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 12 day of January, 2010, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and RISHI REAL ESTATE PROPERTIES, LLC, a Florida Limited Liability Company, (hereinafter referred to as "Owner").

**RECITALS**

WHEREAS, Owner owns all units located within the property known legally as NORTH COURTENAY SQUARE CONDOMINIUMS (hereinafter referred to as the "Property") in Brevard County, Florida, but for Unit 114, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Owner desires to have the ability to develop Units 115, 116 and 117 located within the Property as a Restaurant with a CUP for on premises consumption of alcoholic beverages (hereinafter referred to as "The Premises").

WHEREAS, as part of its plan for development of the Property, Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

RETURN: Clerk to the Board #27

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements on The Premises. It is the intent of the parties that the Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements on The Premises.

2. The CUP will be limited to the sale of beer and wine only. No distilled alcohol will be sold or served.

3. The CUP will be limited to a restaurant only where the primary business is the sale of food and the sale of beer and wine is ancillary to the restaurant.

4. The number of seats would be limited to 80.

5. The hours of operation would be limited to 11:00 a.m. to 10:00 p.m.

6. The premises would not be allowed to have a separate bar, but would be limited to restaurant style seating only.

7. At the Northwest corner of the Property along Duval Street, the Owner will install a "Not a Through Street" sign in accordance with applicable regulations.

8. All activities will be inside the structure. No outside entertainment events or food service will be allowed. No pool tables shall be allowed within The Premises. No gambling or gaming, included but not limited to digital or video slot or poker machines and the like shall be allowed within The Premises.

9. If alcoholic beverages are sold on The Premises, no more than three (3) televisions for patron viewing shall be allowed within The Premises. In addition, if alcoholic beverages are sold on The Premises no arcade games, including but not limited to digital or video slot or poker machines and the like shall be allowed within The Premises.

10. The Owner will not allow for application of any additional CUP for on premises consumption of alcoholic beverages on the subject Property, other than the CUP that is the subject matter of this Agreement.

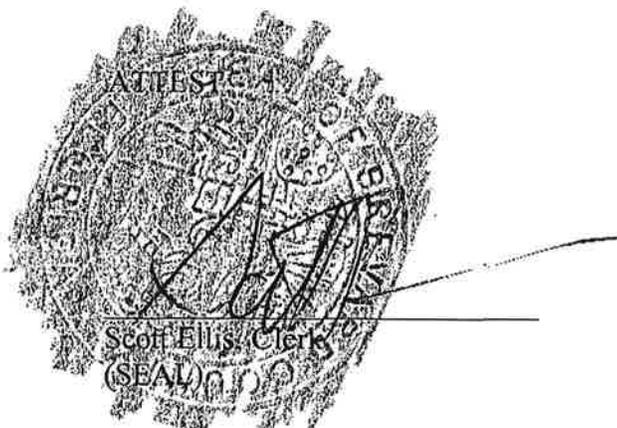
11. Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.

12. The Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

13. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on November 5, 2009. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

14. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Section 1.7 and 62-5, Code or Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed all as of the date and year first above written.



BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

Mary Bolin  
Mary Bolin, Chairman  
As approved by the Board on 1/12/10

STATE OF FLORIDA  
COUNTY OF BREVARD

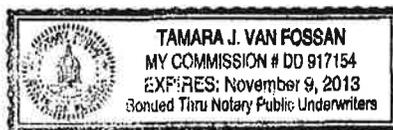
The foregoing instrument was acknowledged before me this 12 day of January, 2010 by Mary Bolin, Chairman of the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires:

Tamara J. Van Fossan  
Notary Public, State of Florida

SEAL  
Commission No.:

Tamara J. Van Fossan  
(Name typed, printed or stamped)



**From:** Rajeev Gohil  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** FOR proposal ID# 20PZ00027  
**Date:** Wednesday, July 8, 2020 6:48:12 AM

---

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello team,

I've been made aware that you will be voting on this proposal this week through the Facebook Neighborhoods website/app. I am unequivocally FOR the new cruise parking.

I have read the proposal written by the business and there are no novel or unaddressed concerns being brought forth by my neighbors of North Merritt Island. All the complaints and pseudo-logic are clearly refuted by the studies done by the corporation as well as common sense regarding two facts; the parking spaces have been approved there for years and by unfortunate economic downturns have NEVER been fully utilized and NASA employs far less people that commute across our neighborhood than when the original parking lot was approved and constructed. In other words, even with a new successful and thriving business the congestion concerns will still be exponentially smaller than a full thriving shopping complex and space program pre-2010-2012 layoffs.

The entire argument against a new parking lot can be surmised in two notions :

- 1) "who moved my cheese"
- 2) "our free-market capitalism is the best in the world and anyone can make it due to our freedoms, but don't you dare try that in my neighborhood"

I do believe in a free-market capitalist's society and would encourage you to give this business proposal a chance at success.

Thank you, North Merritt Island Resident since 1993  
Raj Gohil

H.13

# Brevard County Board of County Commissioners Meeting

July 9, 2020

- PRESENTED ON BEHALF OF -

## **MI PLAZA GROUP, LLC**

**H.13** – MI Plaza Group, LLC (Matthew Phillips/Kim Rezanka) requests removal of an existing BDP; a CUP for an overnight commercial parking lot; and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant, in a PIP zoning classification. (20PZ00027) (Tax Account 2459292) (District 2)

KIMBERLY BONDER REZANKA, ESQ.  
**Cantwell & Goldman, P.A.**  
96 Willard Street, Suite 302  
Cocoa, FL 32922

**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
CUP CRITERIA AND CONDITIONS FOR APPROVAL**

**I. Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned:

**PIP. 5.489 ACRES**

- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate .... it has sufficient parking.

**NOT SECONDARY OR ACCESSORY, BUT LIMITED TO 232**

- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved.

**ALL ARE PAVED.**

- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... . Shuttle routes shall avoid residential areas.

**PROVIDED. ROUTES DO NOT INCLUDE RESIDENTIAL AREAS.  
Duval Street and N. Courtenay Pkwy are in PLANNED INDUSTRIAL FLU**

- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. **PROVIDED.**

**CONDITIONS OF CUP - Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 160' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan on site – **not needed** – because there will be no queuing on ROW's or on site. Sufficient linear feet in drive aisles.
- d. No parking signs along Duval Street. **Agreed.**
- e. Increased queuing distances – see c. above.
- f. No outside entertainment activities. **Agreed.**
- g. Limiting number of overnight commercial parking to "surplus parking". Not any surplus parking, but agreed to limit overnight parking to 232, with 5 additional employee parking spaces.

**ADDITIONAL CONDITIONS:**

- h. Commercial Parking is primary use, with all uses limited to those using overnight commercial parking.
- i. Limit business hours to 6:30 a.m. to 1:00 p.m.

**II. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions:

(1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... ." **IT IS IN PIP, ALLOWING BU-1 and BU-2 USES**

(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. **PROVIDED.**

(5) Imposition of additional operational requirements. When deemed appropriate, the Board shall have the option of imposing operational 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. **SEE BELOW.**

**CONDITIONS OF CUP - Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed.** There exists 160' of natural wooded buffer on the west side of the property, and a block wall.
- b. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:00 a.m. – 1:00 p.m.
- c. Limiting seats in restaurant. **Agreed to 100.**
- d. Limiting to beer and wine only. **Not agreed.**
- e. No outside entertainment activities. **Agreed.**

**ADDITIONAL CONDITIONS:**

- f. The cocktail lounge/restaurant will not be open to the general public.
- g. Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

# Specific Purpose Survey



## Vicinity Map

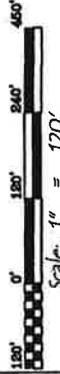
UNIT 5 AND 6

### SURVEY REPORT:

1. The intended purpose of this survey is for boundary information only, as shown herein.
2. The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible that there are documents of record unrecorded deeds, easements or other instruments that could affect the boundaries to the subject property.
3. This survey does not reflect or determine ownership.
4. This survey meets or exceeds the minimal horizontal control accuracy of 1/7500 for a suburban survey.
5. Measurements shown herein are expressed in feet and decimal parts thereof.
6. Dimensions shown are taken at the exposed areas of improvements, underground borders, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
7. This drawing is not valid unless both sheets are bearing an original signature and embossed land surveyors seal.



115 Alma Blvd, Suite 102  
Merritt Island, FL 32954  
Phone: (321) 507.4811  
LICENSED BUSINESS #7978



DRIVING SKETCH	CHECKED BY: J.R. Campbell	SECTION 11
PROJECT NO.	DRAWN BY: SGH	TOWNSHIP 24 SOUTH
DATE: 1-16-2020		RANGE 36 EAST
REVISIONS	DATE	EXPLANATION

### Specific Purpose Survey

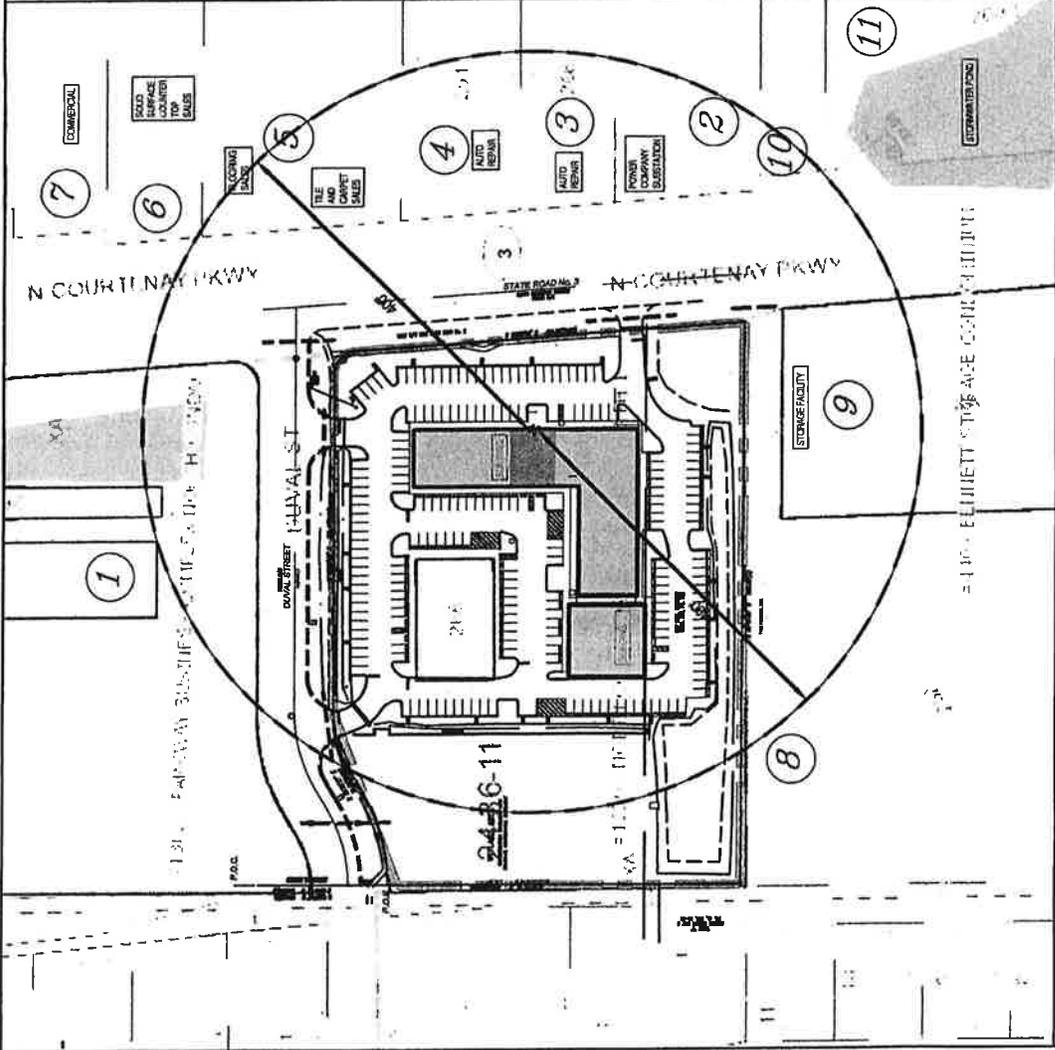
PREPARED FOR AND CERTIFIED TO:  
FCP GORPOT - MERRITT ISLAND

I hereby certify that the survey shown herein is true and correct based on actual measurements taken in the field. This survey meets the Standards of Practice set forth by the Florida Board of Professional Land Surveyors found in Chapter 25-17.005, Florida Administrative Code, pursuant to Section 472.002, Florida Statutes.

VALUES IT BEARS THE SIGNATURE AND LAND SURVEYOR SEAL OF A FLORIDA LICENSED SURVEYOR.

*John R. Campbell*  
John R. Campbell  
Professional Surveyor & Mapper #2871  
State of Florida

NOT VALID FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.



**FEMA FLOOD FOR INFORMATION ONLY:**  
The surveyor no longer certifies the F.E.M.A. Flood Zones. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor fields that the subject parcel appears to lie in F.I.L.N. Zone "X".

# Specific Purpose Survey

## Sheet 2 of 2

1 Courtenay Parkway Corp  
3401 N Courtenay Pkwy Unit 101-107 Merritt Island FL 32953  
Tax Account ID: 2411624  
2200 - Unincorp District 2

2 Florida Power & Light Co  
Not Assigned- Across the Street  
Tax Account ID: 2411615  
9120 - Utility Electric Company - Improved

3 Flejle Inc  
3350 N Courtenay Pkwy Merritt Island FL 32953  
Tax Account ID: 2411651  
2710 - Garage / Auto-Body / Auto Paint Shop

4 Gaydán, Martin M; Gaydán, Jeannie Co-Trustees  
3340 N Courtenay Pkwy Merritt Island FL 32953  
Tax Account ID: 2411614  
4800 - Warehousing, Distribution and Trucking Terminal

5 Buffkin, Robert Earl; Buffkin, Christina Lee Trustees  
3350, 3370 N Courtenay Pkwy Unit A, B Merritt Island FL 32953  
Tax Account ID: 2411635  
4800 - Warehousing, Distribution and Trucking Terminal- Tile/Flooring Store

6 Gaydán, Martin Michael; Gaydán, Jeannie Trustees  
3390 N Courtenay Pkwy Unit A, B, C, H, K, M, P Merritt Island FL 32953  
Tax Account ID: 2411634  
4800 - Warehousing, Distribution and Trucking Terminal,

7 Jerry W Davis Revocable Trust  
3400 N Courtenay Pkwy Merritt Island FL 32953  
Tax Account ID: 2411632  
5220 - Recreation Hall

8 Stewart, Frederick E  
3265 N Courtenay Pkwy Merritt Island FL 32953  
Tax Account ID: 2411625  
4000 - Vacant Industrial Land

9 Bennett Storage Condo- Owner not listed  
Not Assigned- South of property  
Tax Account ID: 2449790  
0949 - Non-Taxable Condominium Common Area

10 Loyal Order Of The Moose Lodge; No 2073 Inc  
Address: 3150 N Courtenay Pkwy Merritt Island FL 32953  
Account: 2411623 Parcel ID: 24-36-11-00-260

11 Florida, State Of Dot  
Account: 2441474 Parcel ID: 24-36-11-00-260.1

### SURVEYOR'S NOTE:

I HEREBY CERTIFY THAT I MADE A CAREFUL INSPECTION OF THE PROPERTIES LYING WITHIN THE 400 FOOT RADII OF THE SUBJECT PROPERTIES IN ACCORDANCE WITH THE REQUIREMENTS OF BREVARD COUNTY CHAPTER 82-1801 ALTHOUGH CONSUMPTION OF BEVERAGES AND FOUND THERE WERE NO CHURCHES OR SCHOOLS WITHIN THE AREA SURVEYED.

*John R Campbell*  
JOHN R. CAMPBELL  
PROFESSIONAL SURVEYOR & MAPPER #2351  
STATE OF FLORIDA



115 Alma Blvd, Suite 102  
Merritt Island, FL 32954  
Phone: (321) 507-4811

SECTION 11	TOWNSHIP 24-SOUTH
RANGE 36-EAST	
DATE 1-16-2020	
REVISIONS	DATE

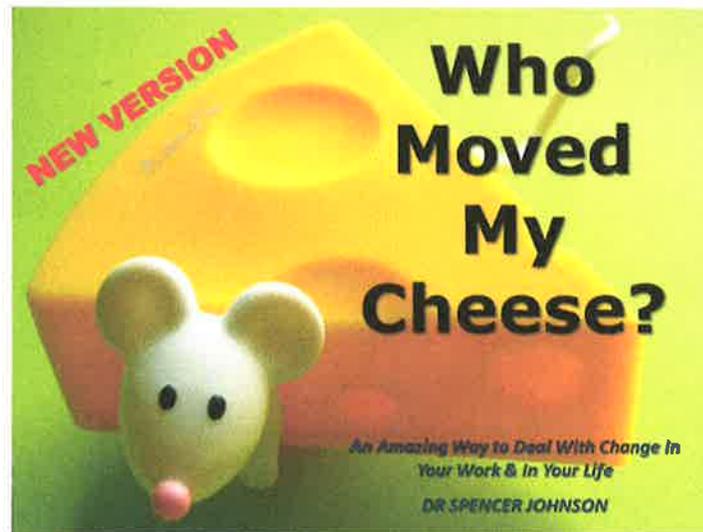
DRAWING SKETCH CHECKED BY: J.R. Campbell	
PROJECT NO.	3545 N COURTENAY PKWY UNIT 101, MERRITT ISLAND FL 32952 LICENSED BUSINESS #9978
DATE	1-16-2020
DESCRIPTION	Specific Purpose Survey
PREPARED FOR AND CERTIFIED TO: FCP G-PORT - MERRITT ISLAND	

### LEGAL DESCRIPTION:

LEGAL DESCRIPTION: (AS FURNISHED)  
A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 11 AND RUN S 00 DEGREES 00'15" E, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 964.92 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DUVAL STREET (A PROPOSED 80 FOOT WIDE RIGHT OF WAY, THE POINT OF BEGINNING); THENCE CONTINUE S 00 DEGREES 00'15" E, ALONG SAID WEST LINE, A DISTANCE OF 369.15 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID NORTHWEST 1/4 OF SECTION 11; THENCE S 89 DEGREES 46'24" E, ALONG SAID SOUTH LINE, A DISTANCE OF 589.59 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 3 (A 125 FOOT WIDE RIGHT OF WAY ALSO KNOWN AS NORTH COURTENAY PARKWAY); THENCE N 03 DEGREES 59'19" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 404.60 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, SAID CURVE BEING A RIGHT OF WAY TRANSITION FOR AFDRESAID DUVAL STREET; THENCE NORTHERLY AND WEST ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY TRANSITION, THRU A CENTRAL ANGLE OF 86 DEGREES 00'56" A DISTANCE OF 37.53 FEET TO A POINT OF TANGENCY; THENCE S 89 DEGREES 59'45" W, ALONG THE AFDRESAID SOUTH RIGHT OF WAY LINE OF DUVAL STREET, A DISTANCE OF 355.41 FEET TO THE POINT OF CURVATURE OF A 120.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTH RIGHT OF WAY LINE, THRU A CENTRAL ANGLE OF 30 DEGREES 30'18" A DISTANCE OF 63.89 FEET TO A POINT OF TANGENCY; THENCE S 59 DEGREES 29'27" W, A DISTANCE OF 21.80 FEET TO THE POINT OF CURVATURE OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTH RIGHT OF WAY LINE, THRU A CENTRAL ANGLE OF 30 DEGREES 30'18" A DISTANCE OF 106.48 FEET TO THE POINT OF BEGINNING.  
TOGETHER WITH ALL OF GRANTOR'S LAND, IF ANY, LYING NORTH OF THE ABOVE-DESCRIBED PROPERTY AND SOUTH OF DUVAL STREET. THIS CONVEYANCE SPECIFICALLY EXCLUDES ANY PROPERTY LYING NORTH OF DUVAL STREET. SUBJECT TO A 100 FOOT WIDE FLORIDA POWER & LIGHT CO. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 273, PAGE 384J AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS OF WAY OF RECORD.

I hereby certify that this survey shows because it has not been corrected based on actual measurements taken in the field. This survey meets the standards of practice as set forth by the Florida Board of Professional Surveyors, Chapter 3517.05, Florida Administrative Code, pursuant to Section 472.007, Florida Statute.  
UNLESS IT BEARS THE SIGNATURE AND ORIGINAL BOARD SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SPECIFICALLY, MAY BE USED FOR PROFESSIONAL PURPOSES ONLY AND IS NOT VALID.  
*John R Campbell*  
JOHN R. CAMPBELL  
Professional Surveyor & Mapper #2351  
State of Florida

Street Address: 3545 N COURTENAY PKWY UNIT 101, MERRITT ISLAND FL 32952 LICENSED BUSINESS #9978



## Who Moved My Cheese?

Who moved my cheese is a fable about four characters who live in a maze and they all love cheese. When the cheese disappears, Scurry and Sniff enthusiastically head out into the maze to find new cheese. On the other hand Hem and Hall feel betrayed and complain. They waste their time and energy hoping the old cheese will return. Hall realizes the old cheese won't return so he sets out into the maze in search for new cheese. He writes what he learns on the walls hoping that Him will follow him. Eventually he discovers new cheese and sees that Scurry and Sniff were already there. Haw learned how to deal with that change, but Hem remained stuck where he was. The very core message of the book is this: things constantly change so we must adapt. The quicker we adapt a change the more satisfied will be with.

**District 2 Disclosures**  
**07/09/2020 BOCC Planning & Zoning Meeting**

**H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)**

**ADDITIONAL DISCLOSURES**

**Emails:**

- 07/08/2020 – Michael and Dana St. Jean of Merritt Island oppose the project
- 07/08/2020 – Patricia Spangler of Merritt Island opposes the project
- 07/08/2020 – Jessica Beal of Merritt Island opposes the project
- 07/08/2020 – Beverly & Thomas Crowell of Merritt Island oppose the project
- 07/08/2020 – Raj Gohil of Merritt Island supports the project
- 07/08/2020 – Jim Barfield, whose company owns property nearby, opposes the project
- 07/08/2020 – Kate McCoy of Merritt Island opposes the project
- 07/08/2020 – Suzanne and Joseph Perucci of Merritt Island oppose the project
- 07/09/2020 – Rose & Peter DiLecce of Merritt Island oppose the project
- 07/09/2020 – Kim Rezanka, on behalf of applicant, addressed Jim Barfield's email above
- 07/09/2020 – Patrick Stahl of Merritt Island included a letter from FPL indicating FPL's opposition to the interference of its easement
- 07/09/2020 – Brinn Leach-Wilson of Merritt Island opposes the project
- 07/09/2020 – Kim Rezanka, on behalf of applicant, addressed Patrick Stahl's email above
- 07/09/2020 -- Karla Stevanus of Merritt Island opposes the project

**Phone:**

- 07/06/2020 – Mike Shah, owner of a lot in the vicinity, spoke with Commissioner Lober to express his concerns about the project.

Kim Rezanka – I'll address it. Ms. Lindhorst, that traffic study was based on historical FDOT numbers, not March 25<sup>th</sup> as someone stated. It was done on historical numbers and there's a queueing of 290 feet, which Mr. Cheyhayeb says is perfectly fine. The traffic study is confusing because it's taking something that's not really in the ITE Trip Generation Manual saying based upon our numbers of 3.88 per space, that's what you're going to get. You're going to get a possible of 920 trips, possible, if people are coming and going each day; they're not going to. The car illustration which was attached to the traffic study shows what the intent was, and I understand that I said 30, or 35, or 40, and I did mean coming in, I didn't even address going out. Regardless, they can only have 232 travelers parking here, and they're not there coming in and out, they're coming in for a three-day trip, a four-day trip, or a seven-day trip. So, it is a limited use, it is closed most of the time, it's not a billiard hall, it's not a restaurant that's open 10 hours a day, it's really a limited use and I'm frankly shocked there's so much opposition to this. I do understand the traffic concerns, but they're coming in, they're parking, they're getting on a bus and leaving. **The gates will be closed at the entrances when patrons are not onsite or not anticipated to arrive.** That is in the traffic study and that could be a condition if necessary.

Gina Lindhorst – Do you know what the dates are that they used for these traffic numbers?

Kim Rezanka – They are FDOT historical numbers from the FDOT website.

Gina Lindhorst – It's not listed, so we don't know.

Sid Chehayeb – FDOT has certain numbers that they use, they do traffic studies every once in a while and then that's part of their numbers.

Gina Lindhorst – It's not documented here.

Mary Hillberg – The applicant is intending to open up all these other businesses in the building, correct?

Matthew Phillips – No.

Mary Hillberg – Isn't that what you were saying?

Kim Rezanka – No, he was saying if this gets denied by the Commission, he's going to make it a full use facility for 2,500 trips a day for that facility.

Mary Hillberg – Also, we heard the other two businesses that are there are going to leave.

Kim Rezanka – Yes.

Mary Hillberg – It will be an empty building except for your bar/restaurant, and all parking spaces.

Kim Rezanka – The bar/lounge is just for people using the facility. It's a Park n Ride with a small restaurant/lounge.

Mary Hillberg – There's nothing else?

Matthew Phillips – That's a very valid point because there is a staging, or waiting, and during that time when cruisers are waiting before they get on a cruise ship they have the most amount of spendable money, and they are ready to start their day. Usually, when they get to the cruise ship, no matter what time it is, they do start drinking, so we're just allowing people to do it beforehand and being chauffeured down there so they're not touching the road with their vehicles, they're safe on the way down, and the point of how we're going to make sure people don't come back after running to get toothpaste or whatever, is a valid concern, I just don't think it's going to happen. I don't think somebody is going to have time to drink as many drinks.....they're really only going to have time for one drink. The bus pulls up, they get on it and off they go. This is a one of a kind, and this bar might not make any money, and if it doesn't make any money it's going to close as quick as it opened, but I'd like to give it a shot.

Jim Carbonneau – You mentioned you're only going to be open on cruises days, or four or five days a week. What happens to the guy who is from Connecticut who comes in and decides he wants to take a side trip someplace and leaves his vehicle, or if he goes into town to have dinner and comes back in to get his vehicle beyond the time that you're open?

Matthew Phillips – He can't. Plus, he needs his car to go to a restaurant.

Jim Carbonneau – Not necessarily, there's Uber's and taxi's.

Matthew Phillips – He will have to wait until the next day to get his car.

Gina Lindhorst – You're going to have gates, right?

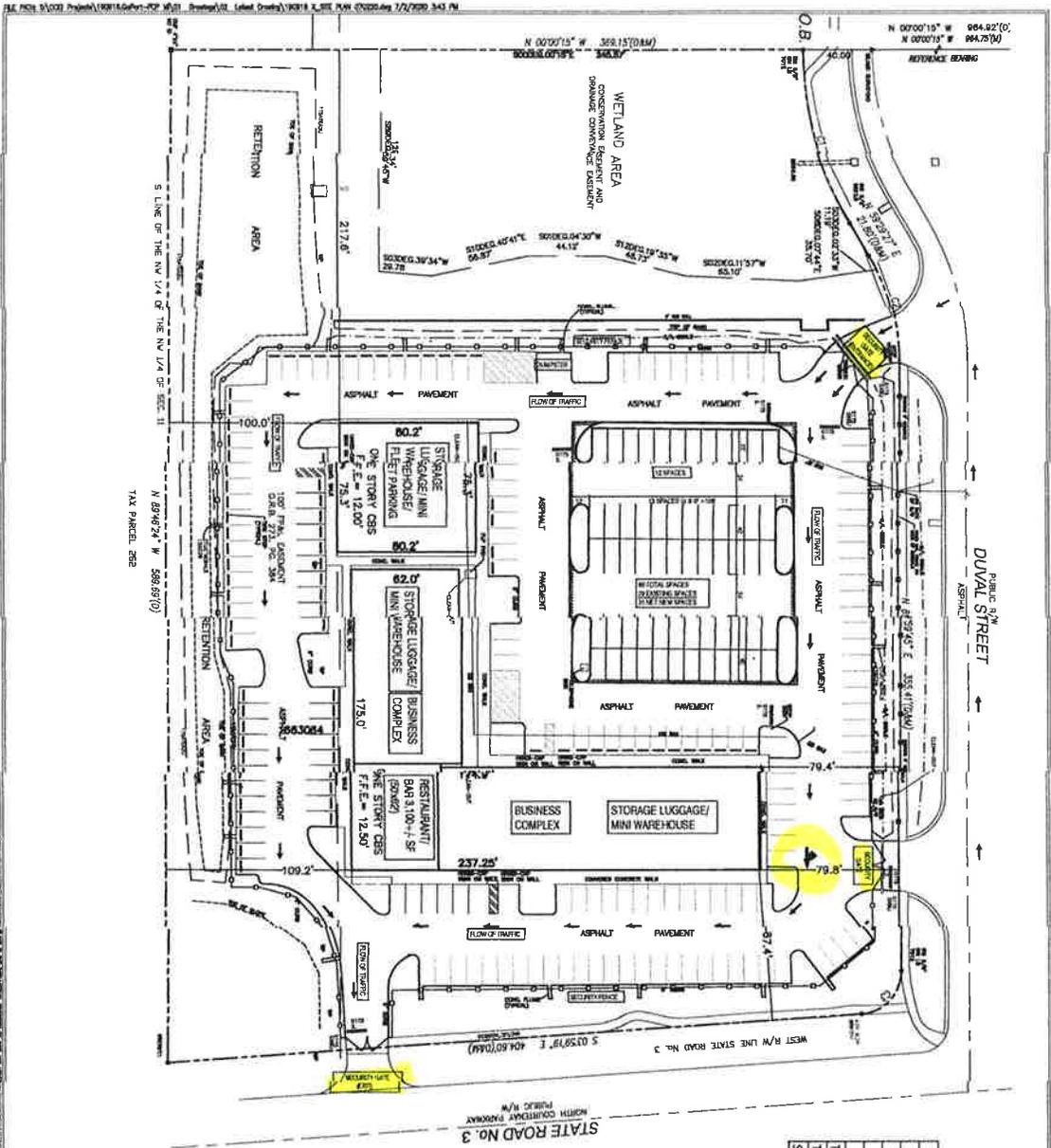
Matthew Phillips – Yes.

Gina Lindhorst – You said before you weren't sure if you were going to have gates or not.

Matthew Phillips – Gates or a chain, something to seal it off. Right now, there are concrete barriers there, and the only reason they are there is because that literally was being used as a turn lane for tractor trailers, big trucks, big companies constantly using that property as a turnaround, which is wear and tear on the property.

Gina Lindhorst – I have a concern about that questionable traffic study. It's questionable, according to how we're looking at it carefully. Location is really important for any business and you have to choose the right location for your business, and if this business is requiring a lot of timing issues and making sure you have spaces for long vehicles, short vehicles, or whatever variety you have, you need to *have traffic patterns well established. There's not a very long queueing area on State Road 3 for your property, according to having a lot of cars waiting in line, or big trucks with a few small trailers behind them for that matter, because that will happen, I'm certain. That's the only ingress/egress for that one housing development and location is important for them, especially since they are established there, they are not coming in when you're already working your business. I have a concern about that with your plan, so you need to think about the traffic study a little harder and have an appropriate traffic study done where there's plenty of traffic and not like people were saying, at a time when we were having diminished traffic everywhere in the county.*

Matthew Phillips – I'm going to let Sid address that.



MI PLAZA	
PARKING REQUIREMENTS FOR THE NEW SITE IMPROVEMENTS	
TOTAL SF	27,000
TOTAL SPACES FOR EMPLOYEES	5
TOTAL SPACES AVAILABLE	237
SPACES FOR COMMERCIAL OVERNIGHT PARKING	232



Revised Site Plan  
 20P Z00027  
 MI Plaza (Group)  
 (Submitted 07/03/20)

**NORTH COURTENAY SQUARE**  
 3345 N. COURTENAY PARKWAY  
 MERRITT ISLAND, FL.

STATE ROAD No. 3  
 WEST R/W LINE STATE ROAD No. 3  
 PUBLIC R/W  
 DUVAL STREET

CCRI CONSULTING GROUP  
 CONSULTING CIVIL ENGINEER  
 11111 BAYVIEW DRIVE  
 SUITE 100  
 MERRITT ISLAND, FL 32953  
 PHONE: 321-436-1111  
 FAX: 321-436-1112  
 WWW.CCRI-FL.COM

### Procedure for Taking in Customers

The following operational information is as provided by the Owner/Developer:

- The operational timeframe of the Go Port business model at this site will be allowing the cars to enter and exit the site between the hours of operation mostly from 6:30 AM and 12:30 PM, unless there are airline or cruise ship delays. (6 Hours of Operation time anticipated, except for staff).
- The maximum number of vehicles from patrons that will frequent the facility is 200, but these vehicles will enter the parking facility throughout the course of one week.
- The traffic will enter through the west entrance of Duval Street and continue to the parking without interruption. In addition, there will be attendants to assist and direct the cars to their parking spaces, if needed. After the cars park, then the passengers will walk into check in area. There is no queuing anticipated due to the limited numbers of cars entering per day.
- Please see attached the preferred plan with the directional arrows. The traffic will enter the site from the west entrance of off Duval Street and continue through the site with a right turn exit onto SR 3 and another exit via the easterly driveway along Duval Street.
- There is no additional signage added to the site with the exception of the Go Port Company Sign and arrows directing traffic as per the attached plan. This will ensure no congestion.
- All arriving patrons will already have reservations and parking passes upon arrival, and they will park their own cars in the available spots on the lot.
- The patrons will then be directed to the queuing area for transport to the port. The queuing area will be on the north corner of the plaza building. This will be a part of the informational package and also done through staff assistance.

I will ask our Planning and Development Department staff to research questions 3 and 4 and get back with me.

By separate email, I will send you Exhibit A.

Please let me know if the HOA will be able to attend the meeting scheduled for September 26<sup>th</sup> at 3:00 at the District 2 Commission Office.

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

Thanks,  
Liz

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*Liz Alward*, Special Assistant  
District 2 Commission Office  
2575 N. Courtenay Pkwy, Suite 200  
Merritt Island, FL 32953  
Phone (321) 454-6601  
Fax (321) 454-6602  
web: [www.brevardcounty.us/D2](http://www.brevardcounty.us/D2)  
email: [liz.alward@brevardcounty.us](mailto:liz.alward@brevardcounty.us)

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**From:** Richardson, Morris  
**Sent:** Tuesday, October 13, 2009 3:53 PM  
**To:** Alward, Elizabeth M  
**Cc:** Nelson, Chuck S  
**Subject:** RE: C.U.P. request by Mr. Rishi

Liz:

The most important thing for the HOA and concerned neighbors to keep in mind is that the circuit court has already stated that there was not competent, substantial evidence of record to support denial of the previous C.U.P. application (prior to the scaled-down BDP). Given that, it would be virtually impossible to uphold denial of the scaled-down application without compelling new evidence. In my assessment, it is in the HOA's best interest to work with the applicant towards an acceptable arrangement, such as that set forth in the latest proposed BDP. The HOA may not want any alcoholic beverages in the subject property under any conditions. However, the reality is that if the applicant returned to the Board of County Commissioners with a CUP for full liquor along the same lines as Mr. Grillo's previous proposed use, the Board would probably have to approve it unless there was compelling new evidence to support denial. If the HOA accepts a scaled-down use like the current proposed BDP, and for example a family Italian restaurant locates there and thrives, that will effectively preclude an operation such as the ones previously proposed by Mr. LaCourt and later Mr. Grillo from setting up shop there in the future.

Following are my answers to the specific questions posed by the HOA:

(1) Binding Development Plan: The applicant can only effectively bind property that he owns. A unit owned by another party would not be subject to the limitations set forth in the BDP. However, the BDP agreements would be valid and binding as to all of the units owned by the applicant.

(2) BDP Strength: BDPs and CUP restrictions and conditions do have "teeth" and are legally enforceable. Violations of a BDP and/or CUP can result in modification or revocation of the BDP and/or CUP and code enforcement proceedings. Any violation of the restrictions and conditions placed on a C.U.P. is also punishable by a fine not exceeding \$500.00, or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment. The Board also has the right to seek injunctive relief or any other appropriate legal remedy to enforce compliance with applicable land use regulations. Sec. 62-1901(d)(5), Brevard County Code of Ordinances. There is no ironclad guarantee that the applicant or tenants might not violate the BDP in the future. However, there is no record evidence to support the presumption that the applicant would violate the BDP and County code, and strong penalties to deter violations. \*

BDPs, like CUPs, may be modified from time to time by the Board of County Commissioners. Before amending a BDP, at least two public hearings must be held, including a public hearing held by the Board of County Commissioners. The notice requirements for rezoning of property contained in section 62-1151 apply. Sec. 62-1157, Brevard County Code of Ordinances. Also, any expansion of the CUP (e.g., expanding into other units, expanding to include liquor, or expanding to allow for a bar rather than sale accessory to the restaurant use) would require Board approval. Sec. 62-1906, Brevard County Code of Ordinances.

(3) & (4) I will defer to Ed Lyons and Rick Enos on these questions.

(5) C.U.P. Longevity: As pointed out in the question, a C.U.P. granted by the Board expires if not used within 3 years. Otherwise, the C.U.P runs with the property. The Board of County Commissioners may modify or revoke a previously granted C.U.P. if "the use of the conditional use permit has failed to comply with any of the conditions and restrictions imposed in the conditional use permit, has created an unforeseen negative impact such as emissions, particulates, noise, or other negative impact, or has otherwise caused substantial and adverse effects on the general health, safety or welfare of adjoining and nearby property owners and residents, and the owner has had adequate opportunity to correct the deficiency through code enforcement procedures or other avenues of due process." Sec. 62-1901(d).

Let me know if you have any questions or concerns. Thanks,  
Morris

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**From:** Alward, Elizabeth M  
**Sent:** Monday, October 12, 2009 10:30 AM  
**To:** Richardson, Morris  
**Cc:** Nelson, Chuck S  
**Subject:** FW: C.U.P. request by Mr. Rishi

Hi Morris,

Enclosed is the email I talked to you about.....could you provide a written response so we can get to the HOA prior to the meeting? Looks like the 26<sup>th</sup> at 3:00, John Evens could not make the 27<sup>th</sup>. Rick said he has a copy of Exhibit A as requested in the email. I never did receive a copy.

We had Ed Lyons look into the sound wall, and I don't remember a response back on the wall issue. Tad might have the particulars on that question.

I will send out the email to the HOA today.

Thomas C. Valk  
Kimberly A. Carlisle  
3231 Biscayne Drive  
Merritt Island, Florida 32953

July 9, 2020

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

**Subject:** Agenda Item H. 13. MI Plaza Group, LLC (Matthew Phillips / Kim Rezanka) requests removal of an existing BDP; a CUP for an overnight commercial parking lot; and a CUP for Alcoholic Beverages (full liquor) for on-premise consumption in conjunction with a restaurant, in a PIP-zoning classification. (20PZ00027) (Tax Account 2459292) (District 2)

Dear Brevard County Commissioners and Staff:

I am a homeowner within the Sunset Groves Subdivision and a member of the Sunset Groves Home Owners Association. Sunset Groves is a residential neighborhood located to the west of the property of the above noted agenda item.

I ask that you consider the information set forth in this document in making your decision. Within this document, I will present competent and substantial evidence that the applicant, MI Plaza Group, LLC, (hereinafter, MI Plaza) has failed to provide adequate proof in their documents they submitted to support their requests for the removal an existing BDP, the addition of a CUP for overnight commercial parking lot, and a CUP for alcoholic beverages (full liquor) for on-premises consumption in conjunction with a restaurant, which is to be included in the PIP zoning classification. As such, **I would respectfully ask you to deny these requests from the applicant, MI Plaza.**

**Traffic Issues**

While MI Plaza did indeed submit a traffic study, the determinations were very limited in scope and failed to meet the standards established.

1. *Administrative Policy 3 (A)* requires that “Compatibility shall be evaluated by considering the following factors, at a minimum: (A) Whether the proposed use(s) would have **hours of operation, lighting, odor, noise levels, traffic or site activities 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;**”
  - a. The Trip Generation Analysis fails to consider increased commercial mid-size, heavy duty, and tractor-trailer traffic on Duval Street from this business.
    - i. Freight Carriers for luggage storage
    - ii. Beer, wine and alcohol distributor trucks
    - iii. Restaurant supply trucks
    - iv. Food product trucks
    - v. Freight Carriers to support the estimated 26,630 SQ FT / 141,780 CU FT (CU FT based on 6’ minimum clearance) Storage, Warehouse, Mini Storage as noted on the site plan.

**NOTE: There is a blatant disregard for an appropriate QUE for these vehicles when attempting to enter facility at the only documented entry point, which is the west Duval Street entrance.**
  - b. The provided Trip Generation Analysis fails to consider alternative routes for commercial trucks (noted in point (a)) that turn onto Duval Street in an attempt to enter the facility on at the West Duval Street entrance. The facility has limited days of operation and limited hours of operation, and it is clearly noted that at times other than designated, **THERE WILL BE NO ACCESS TO THE FACILITY.** As such, commercial trucks including mid-size, heavy duty, and tractor-trailer trucks will not have access to turn around. Thus, commercial vehicles will be forced into the residential area, right of way, or block the **one** ingress / egress for the residents of Sunset Groves. Clearly, *Administrative Policy 4(A)* which states “***the proposed uses must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.)....***”
    - i. Limited Hours of Operation exacerbate this issue. As per the application, the letter provided to homeowners from Go Port, statements in the Merritt Island hearing from Matthew Phillips and Kim Rezanka, and the traffic study, there is **no agreement on hours of operation.** Based on the documents provided and testimony, **the days and hours of operation are limited.**
    - ii. In the Minutes from the North Merritt Island meeting, the board presented questions regarding access to the facility, specifically ingress and egress to the facility outside of the posted hours and specific cruise days. Matthew Phillips addressed the question and stated: “***.....and then there will be gates so you can’t come in unless during the hours of 6:30 a.m. and 1:00 p.m. during cruise days. Those are the only hours that this establishment is going to be open.***” (See NMI Minutes page 8)
    - iii. Later on in the North Merritt Island Minutes, Jim Carbonneau asked an additional question about access to the facility outside of designated cruise days and hours of operation, using an example of an out of town guest having access to his vehicle outside designated days and hours of operation. In this interaction, Matthew Phillips stated: “**He can’t...**” and “**He will have to wait until the next day to get his car.**” (See NMI Minutes page 21).

- c. Trip Generation Analysis does not support statement from MI Plaza that 50% of traffic will come from the North on Highway 3 thus it does not comply with Administrative Policies 3(A) safety and quality of life in existing neighborhood and 4(A) adversely impact with intensity of traffic.
  - i. *No factual evidence provided simply speculation.*
  - ii. Entrance to business is notated on site plan as West Entrance off Duval Street.
  - iii. Potential impact on traffic Duval Street.
- d. Traffic Routing in site plan regarding ingress, egress, que and loading and unloading.
  - i. Site Plan dated 7-3-20 indicates an **entrance** gate at the west entrance off Duval Street, an **exit** gate on to southbound Highway 3, and a **security gate** located on the east entrance off Duval Street.
  - ii. The site plan does not provide for any on-site queuing for cars or commercial trucks as requested by staff. Kim Rezenka notes in her response to staff comments, **"Queuing plan – not needed – because there will be no queuing on ROW's or on site."** (see Response to Staff Comments, VI(c), pg. 3)
  - iii. There is no space designated for loading and unloading commercial vehicles, freight haulers, or other supply vehicles.
  - iv. There has been no plan provided as to access and control of vehicles for ingress and egress. This Application fails to meet the burden of Administrative Policy 5 (G) for projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of the residents in existing residential neighborhood
    - 1. Traffic plan states that attendants are available
    - 2. In the NMI Minutes, Jack Ratterman asked, **"On the access, it says, "Access control/fence perimeter". How are you going to control the access? Are you going to have a gate there or a guard house when they come in and out?"** In response, Matthew Phillips stated, **"No, they're just going to come in. Let's say it was just a regular plaza, people would just come in and park;..."** (See NMI Minutes page 8). This point is important as it contradicts the site plan provided 7-3-20. Furthermore, this is not consistent with the notes in the Trip Generation Analysis which states, **"The traffic will enter through the west entrance of Duval Street and continue to the parking without interruption. In addition, there will be attendants to assist and direct the cars to their parking spaces, if needed. After the cars park, then the passengers will walk into check in area. There is no queuing anticipated due to the limited numbers of cars entering per day."**(Trip Analysis page 5)
    - 3. There is no comment in the Trip Generation Analysis as to how commercial vehicles will be handled, routed, or admitted entrance to the facility.
    - 4. In the Trip Generation Analysis, it states; **"Please see attached the preferred plan with the directional arrows. The traffic will enter the site from the west entrance of off Duval Street and continue through the site with a right turn exit onto SR 3 and another exit via the easterly driveway along Duval Street."** (page 5) So it can be concluded that this facility only has **one** entrance onto the property which is the west Duval Street entrance. The result is increased traffic to enter the facility all during a condensed time in the morning as customer cars are

coming in and shuttle buses are returning. Also commercial vehicles to drop off supplies and other freight.

Common Sense and Basic Logic

- *Enforcement of the CUP, should it be granted is at issue. As per Brevard County ordinances, 60-1901(d)(5) the fine not to exceed \$500 or imprisonment of no more than 60 days. Kim Rezanka referenced in her submission to the North Merritt Island board dated 6-11-2020 exhibit 13&24, that it was the opinion of then Assistant County Attorney Morris Richardson that BDPs and CUPs have "teeth". The problem in this case is that this establishment is not open to the public. It is basically a private club. The problem is that while the BDPs and CUP's have teeth, as per the Brevard County Website (<https://www.brevardfl.gov/PlanningDev/CodeEnforce/AboutCodeEnforcement>), it states that: "Brevard County Code Enforcement primarily responds to complaints from citizens." How then, since this is a private establishment which does not allow the public on the property, can a citizen report a code violation issue?*
- There was much talk and speculation that the people that park at this facility will potentially stay in Brevard County, spend money, buy gas and visit restaurants. (See statement from Kim Rezanka page 6, MNI Minutes). The applicant has provided no proof of this statement, thus it is at best speculation. I would opine that due to the location of this facility (close to 528), and the business plan of GO PORT to provide hotels in Titusville or Orlando for the night preceding the cruise, a majority of their customers will return from the cruise, get in their vehicle and begin to head back from where they originated with out purchasing fuel, using local restaurants, bars, or convenience stores. However, if this business was placed closer to the beach and the attractions of Cape Canaveral and Cocoa beach, the propensity of the customer to remain and enrich Brevard county would be much greater.

**Conclusion:** The applicant has not successfully met the burden placed upon them by Section 62-1091. Furthermore, the prima facie evidence provided to us is not sufficient to raise a presumption of fact. I would assert that the information provided by the applicant was not competent, material, or substantial, and as such the requests should be denied. I would assert that this application does not meet the standards provided in Administrative Policy 3 (A), Administrative Policy 4 (A), Administrative Policy 5 (G) and the criteria set forth in 62-1901 (b). **As such this application should be denied in its entirety.**

Thank you.

Mr. Raymond Scarpa  
3430 Biscayne Drive  
Merritt Island, Florida 32953  
321-459-1674

Reference: **Merritt Island Plaza Group, LLC.**  
Matthew Phillips / Kim Rezanka

**Administrative Policy 5 (Page 3)**

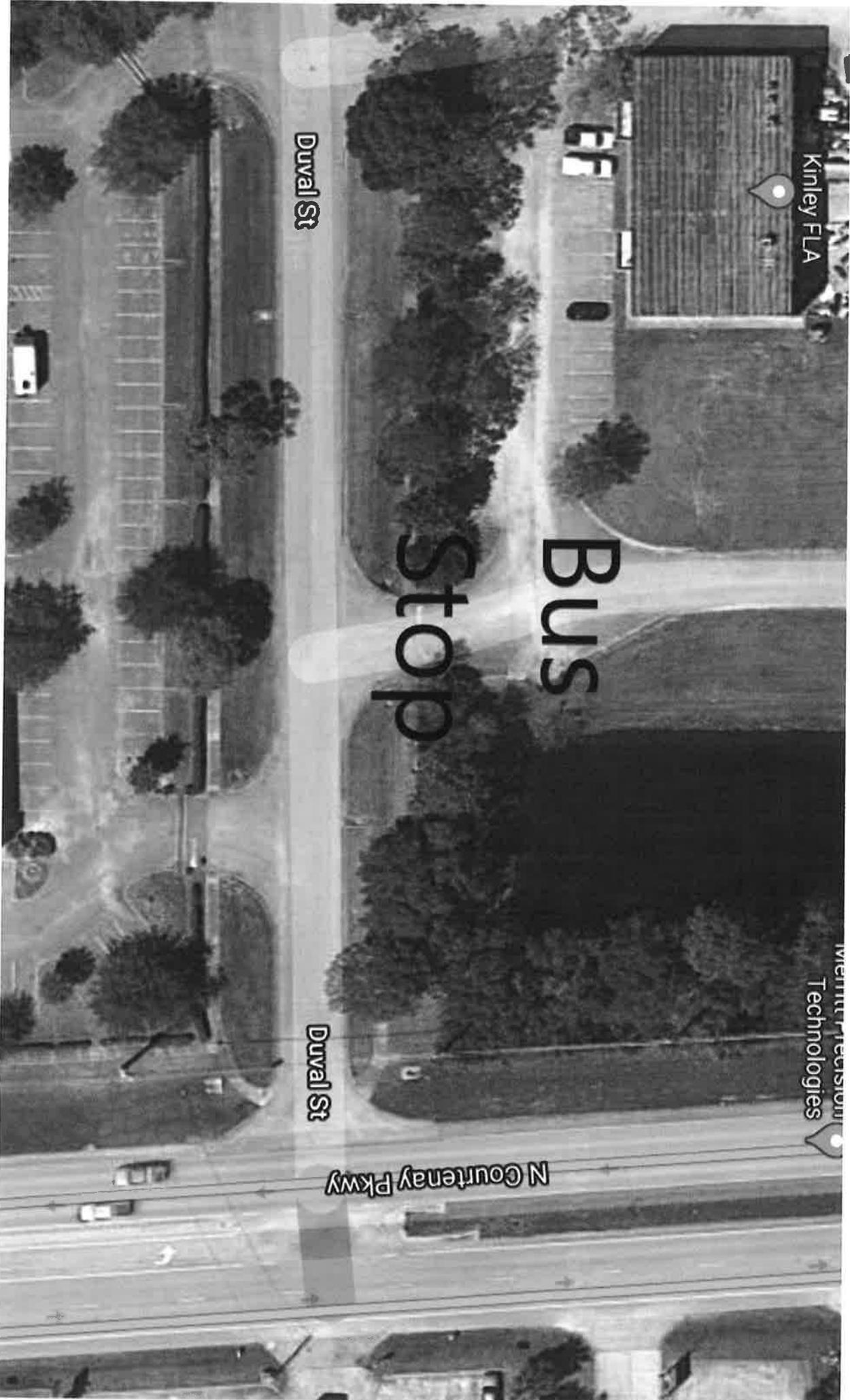
In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluation whether substantial and adverse transportation impacts are likely if an application is approved, the staff shall consider the following criteria.

**Criteria: 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.

Concerns of residents of Sunset Groves sub division:

- There is a school bus stop located on Duval Street directly across the street from the subject property.
- This school bus stop is used by all school aged children that live in Sunset Groves Subdivision.
- The school children walk to the bus stop from their homes in Sunset Groves.
- There are two driveways on the south side of Duval Street that service the subject property. This is shown on the attachment picture. The school bus stop is directly between these two driveways.
- Traffic accessing the subject property will most likely be using these two driveways on Duval Street.
- Since the intended use for the subject property is for cruise parking, this will result in a substantial number of vehicles traveling down Duval Street to park their cars. Currently, we have very little traffic on Duval Street.
- The traffic coming to park their cars, trucks making deliveries of food and beverages, various vehicles to deliver luggage for storage and the coming and going of shuttle buses to and from the parking lot will present a danger to the school children from our development.
- Duval Street is the only access to and from our neighborhood. If this street becomes blocked with traffic it will impede access to and from our homes.
- We, the residents of Sunset Groves, respectfully request that you deny the Conditional Use Permit because we feel it threatens the safety of our children. Thank you for your time.



H13

**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 service 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.

Matthew Phillips – Yes, sir.

Jack Ratterman – How many hours is the restaurant/bar going to be open?

Matthew Phillips – 9:30 a.m. to 1:00 p.m., so it will be three and a half hours, it's just a cocktail for somebody who's getting on a cruise ship.

Jack Ratterman – I called the State liquor license board today and asked them. First, I wanted to know how much a liquor license cost, and they said about \$265,000 for Brevard County. They also told me that it had to be open a minimum of eight hours, so you're not going to make that. Then they said it had to be opened up 110 days. Maybe somebody hasn't done their homework, because right now you won't make the liquor license. If you have the money, you're not making the hours.

Matthew Phillips – We can extend the hours, so that's not a problem, we can keep it open, but it's basically it's a private scenario just for the people coming there to park and then leave. It's not going to be open for the public, so we'll be happy to change it to eight hours a day if that's the rules; we want to follow the rules.

Jack Ratterman – On the access, it says, "Access control/fence perimeter". How are you going to control the access? Are you going to have a gate there, or a guard house when they come in and out?

Matthew Phillips – No, they're just going to come in. Let's say it was just a regular plaza, people would just come in and park, we're only going to offer as many reservations as we have parking spots, so everybody leaves between 6:30 a.m. and 9:00 a.m., that's when everybody comes off the ship and leaves. We're only going to have the max amount of the people that left. You run cruises five days a week, so you have about 30 – 40 cars coming in a day, max, because they are all staggered out between those five days. Some days may exceed a little bit more than that, but pretty much between the 40 and max of 60 cars a day is what we're talking about.

Jack Ratterman – You don't think you're going to have any problem with leaving cars there overnight? No security problems?

Matthew Phillips – No, it's Merritt Island, there's no crime in Merritt Island. I've been there a long time and I haven't witnessed any crime in Merritt Island. I'm sure there is crime in Merritt Island, but in that particular area there, I've been around that property quite a bit and between the police and the lighting we just had put up – we had two lights put up on the front, two more lights put up on the side, and the entire back lit, so the entire lot is now lit, and once this gets going there will also be video on there and then there will be gates so you can't come in unless during the hours of 6:30 a.m. and 1:00 p.m. during cruise days. Those are the only hours that this establishment is going to be open.

Jack Ratterman – How about the bus stop there? Your primary entry is going to be through Duval Street, correct?

Matthew Phillips – Correct. It's going to be part of it, we have three. We have one right off the main drag that you can come in, and we have the other two, but we have a flowchart on the best way to do it and that's what we're going to follow, which is whatever Sid suggested.

Jack Ratterman – Staff says they recommend that you avoid residential areas.

Hello Board Members and Residents of Brevard County thank you for allowing me time to speak.

My name is April Burson and I am a Licensed Real Estate agent with the State of Florida, a member of the National Association of Realtors and the Space Coast Association of Realtors as well as being a property owner and resident at 3241 Biscayne Drive, Merritt Island which is located in the Sunset Groves Subdivision. In my allotted time I wish to provide factual evidence as to why this proposal must be **DENIED** and is on **VIOLATION** of ...

**-Administrative Policy 3, Criteria A.** "hours of operation, lighting, odor, noise level, traffic, or site activity that would significantly diminish the enjoyment of, safety and quality of life in existing neighborhoods".

**-Administrative Policy 3, Criteria B.** "proposed use would cause material reduction in value of existing abutted lands or approved development".

**-Conditional Use Permit (CUP) (c) General Standards of Review Item 1.C** "the proposed use will not cause substantial diminution in value of abutting residential property."

As a real estate agent I would like to address the main points my buyers look for when shopping for a new residence and as home owner I can verify, I too used these factors to determine if Sunset Groves was the right community for me. I believe it would be safe for me to assume that you own or rent a home in Brevard County and when you shopped for the community and home you reside in, you looked into several factors that made you go with your current property. Things that my clients use to determine their choice in dwelling is location, quality of life, and resale value.

When selling a home for a client one of the first things I mention is "Curb Appeal" because you never get a second chance to make a first impression. Potential buyers will turn into Duvall Street towards Sunset Groves and the first thing they will see is the proposed business. Potential Buyers will ask me what type of business it is. They will also visually see a parking lot filled with cars and a continuous stream of vehicles, buses, and foot traffic from out of town patrons. As a licensed agent I am obligated by the Association of Realtors to inform my clients of every aspect of this business as it pertains to information they need to make a solid decision as to whether they would wish to purchase in Sunset Groves or not. I would ask you to reflect on your current residence and visualize your home behind a sea of parked cars, large busses and out of town strangers. Is a parking lot where you visualize your home? Where your family lives? Would you feel safe to have your children or grand children ride bikes in that neighborhood, walk to the school bus, play in your yard with the potential for lost out of strangers to drive through your cul de sac? Is this a neighborhood you would purchase in?

Quality of Life can be very different to every individual but I believe its safe to say that noise pollution in to form of a never ending car alarm at 3am in the morning on a Tuesday night, would probably be a big factor in your quality of life. How about the potential for crime to Sunset Groves due to the introduction of an unmanned car parking lot and luggage housing facility? How about the safety of your children walking to the bus stop across from a business that runs a full liquor bar at 9:30 in the morning? Sunset Groves is a established, quiet, off the beaten path, hidden community with minimal vehicle traffic. Potential Buyers to Sunset Groves would visit the subdivision at a variety of hours to see the neighborhood throughout the day and use their observations to determine the traffic for their daily commute, to see the noise levels as it pertains to the subject property of interest, the safety of the

neighborhood during different hours of the day and night, and an overall idea in the enjoyment of being a resident of Sunset Groves. As a consumer, I wouldn't want to buy here and as a professional Real Estate agent I can testify that a majority of my clients in the purchasing range associated with the current Comparative Market Analysis of Biscayne Drive, would buy a home elsewhere As a consumer would you choice between a quiet, safe, family neighborhood or would you choose one directly behind a Booze and Cruise parking facility?

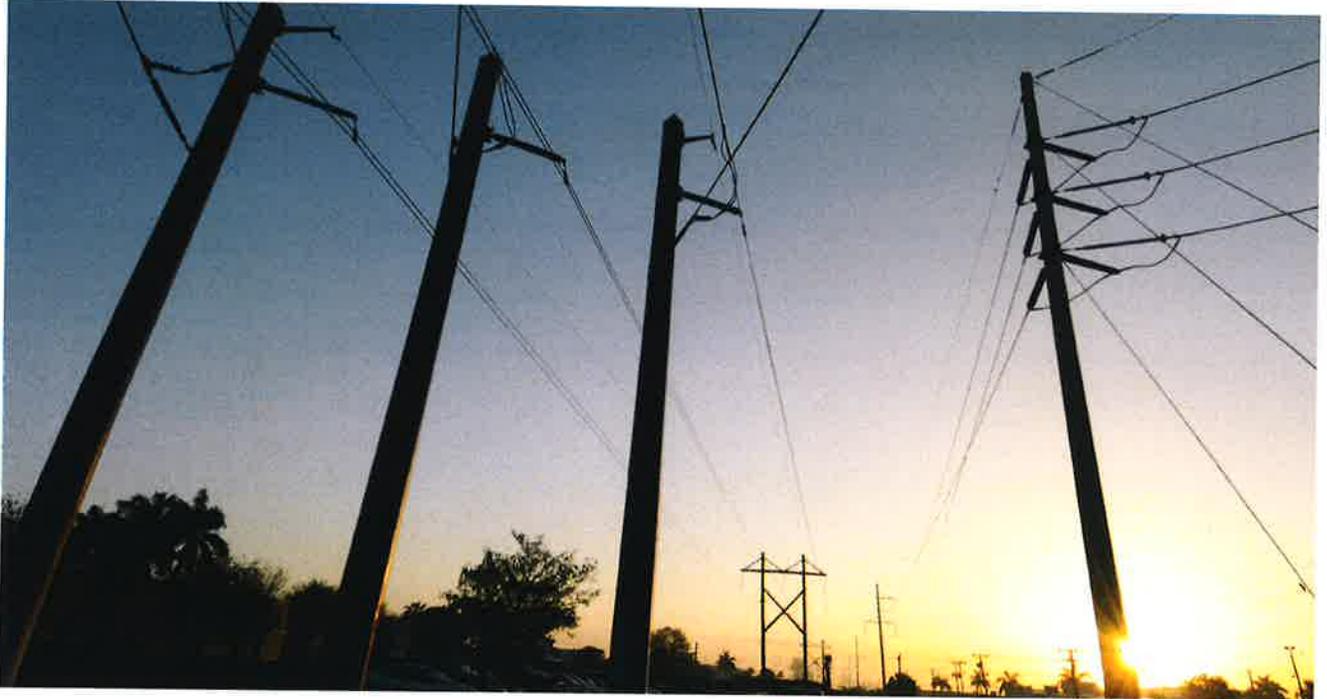
There are two factors that will guarantee the sale of any property in Brevard County. One is setting a competitive and realistic listing price that is supported by the local comparative market, and the other is what the neighborhood has to offer. Both those factors go hand in hand. If a neighborhood that was once desirable becomes less desirable by lets say, a Booze and Cruise type business, prices on homes in that neighborhood will depreciate over time resulting in loss of home equity and loss in the investment of the home owner. As I have illustrated in the two previous paragraphs, this proposal will have a severe impact on the desirability of the location and the quality of life. In order for making homes more sellable listing prices will eventually have to drop, bringing down comparable prices for the neighborhood and in turn, will be reflected in appraisal values for the entire subdivision and surrounding neighborhoods.

In closing I would like to thank the board for listening to my statement and again, ask you to **DENY** the request for the proposed rezoning of the subject property and **DENY** removal of the existing Binding Development Plan, **DENY** the Conditional Use Permit for overnight commercial cruise parking and **DENY** the Conditional Use Permit for full liquor on premises consumption in conjunction with a restaurant. Good evening, stay safe and health and I look forward to the justly decision made in the favor of the residents of North Merritt Island and Sunset Groves.



# Keep Easements Safe and Free From Obstructions

Access to designated land assists Florida Power & Light Company in delivering reliable power.



Florida Power & Light Company (FPL) is dedicated to delivering more than 99.98 percent electric service reliability and plans years in advance, anticipating growth within its 35-county service area. We ensure that the necessary pathways exist for tens of thousands of miles of power lines to carry electricity to customers at the lowest cost. To do this, FPL obtains easements on private and public lands for its equipment and facilities, including transmission poles and lines that carry high-voltage electricity.

## What is an easement?

An easement is a legal right to do something on another person's land. Easements provide FPL and other utilities a legal right to access public or private land for specific purposes such as:

- » the construction and installation of power lines, poles and other equipment
- » the right to access the property for purposes of maintaining, repairing, replacing or changing power lines and equipment
- » the right to enter the property to remove any obstructions and trim trees or other vegetation within the easement area that might interfere with operating or accessing FPL facilities

Often, FPL obtained these easement rights many years ago for current use or as part of the company's plan to serve the future needs of growing communities within the company's service territory. In many cases, these easements are shared with other utilities, such as telephone and cable companies.

## What Customers Can Do

To request a review of your proposed use of an FPL easement on your property, please visit [FPL.com/landuse](http://FPL.com/landuse) or call 1-800-FPL-4FPL (1-800-375-4375).

FPL promotes its Right Tree/Right Place program, which offers recommendations for planting foliage that will not interfere with the company's ability to provide safe and reliable power to its customers. Visit [FPL.com/trees](http://FPL.com/trees) for more information on this program and how to stay safe when trimming trees.

### **How do I know if there are easements on or near my property?**

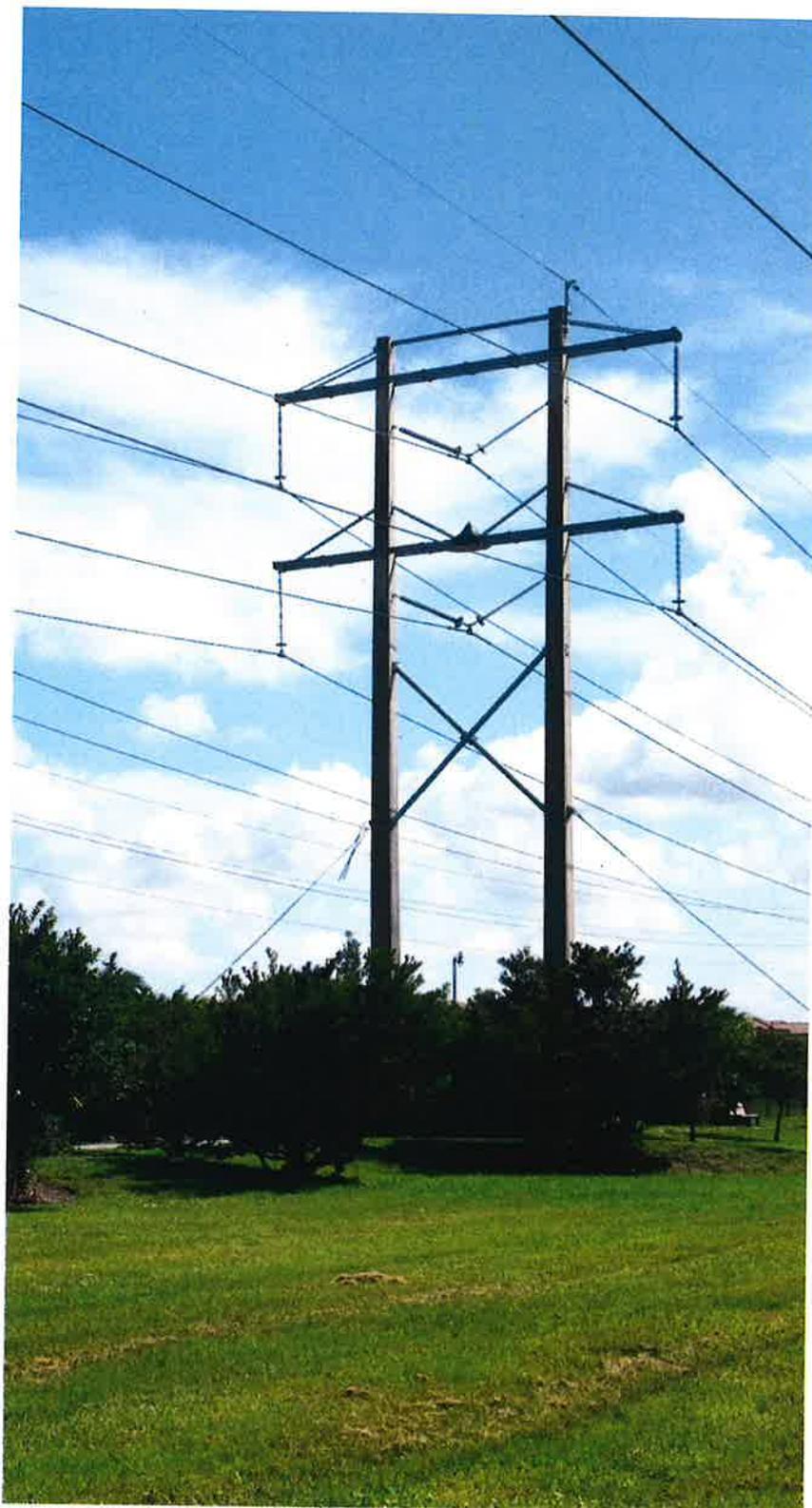
The county recorder's office, a surveyor or title company are good places to start. Easements are typically, but not always, a separate document that is recorded at the county courthouse. If you own your property, and purchased title insurance, your title insurance policy will list the easements that are on your property, generally for a period of 60 years. Some of FPL's older easements dating back to the 1920s may not appear on your title insurance policy. If you ordered an ALTA/ACSM land title survey of your property, the survey will show the location of easements on your property.

### **Can I use any part of the easement because it is on my property?**

Yes, with certain limitations. The proposed use cannot pose a safety risk to you or others, possibly interfere with the operation of FPL's power lines or other facilities, or prevent the company's access to its facilities. Items that may not be placed within FPL easements include temporary or permanent buildings, barns, storage sheds, swimming pools and enclosed patios because they prevent safe access. Overflow parking, fences, trees and other landscaping may be permitted within FPL easements subject to proper review and approval.

### **Why do easements need to be so wide?**

Part of the electrical system includes transmission power lines that carry high-voltage electricity that is reduced to levels that can be used in homes and businesses. These power lines are installed on poles that can be more than 100 feet high. As a result, easements may be up to several hundred feet wide based on national standards and codes regarding safety and reliability of electric service. In addition, the easement width ensures FPL has sufficient space to maneuver large trucks and equipment needed to install, maintain and repair these power lines, and install new power lines needed for future community growth.





July 9, 2020

City Commission of  
Merritt Island, Florida

TO WHOM IT MAY CONCERN:

It has been brought to the attention of Florida Power & Light Company (FPL) that an application for cruise ship long term parking be allowed at 3345 N. Courtenay Parkway, Merritt Island, Florida. (FPL) has a 100-foot transmission easement for our facilities that would be encumbered if this use is allowed within our easement. In the event of an emergency or normal maintenance of our facilities, we would not be able to locate owners of the vehicles to have them moved so that we could proceed with the necessary activities. Furthermore, it would also be a liability in the event of unforeseen damage. Our easement expressly states that "no buildings or structures other than fences will be located or constructed by Grantor on said right-of-way. Grantor shall not excavate any portion of the right-of-way without written permission of Grantee"... With the proposed use of long term parking for cruise ship passengers this would not allow us 24/7 access to our facilities. Due to the fact that this is a transmission line, our service vehicles are very large and could include having to have cranes to be able to work on the line. In addition, we have a process that if the person or entity is requesting a use of our easements, a Consent Agreement must be reviewed and approved prior to any work being done in our corridors. The applicant has not inquired or made application for a Consent Agreement.

The FPL Consent Agreement has insurance requirements and indemnity provisions that include Licensee shall, during the period of this Agreement, maintain at its sole expense a liability policy with minimum limits of \$3,000,000 for bodily injury or death of person(s) and \$3,000,000 for property damage arising out of a single occurrence. Said policy shall be endorsed to insure against obligations assumed by Licensee in the indemnity. A certificate of insurance shall be furnished to Company evidencing that said policy of insurance is in force and will not be cancelled or materially changed so as to affect the interests of FPL Entities until ten (10) days written notice has been furnished to Company. Upon request, copies of policies will be furnished to Company. Licensee understands and agrees that the use of the Lands for the purposes described herein is expressly contingent upon acceptance and compliance with the provisions contained herein.

Licensee agrees it will exercise its privileges hereunder at its own sole risk and agrees to indemnify and save harmless Company, its parent, subsidiaries, affiliates, and their respective officers, directors, agents and employees (hereinafter referred to as FPL Entities), from all liability, loss, cost, and expense, including attorneys' fees, which may be sustained by FPL Entities to any person, natural or artificial, by reason of the death of or injury to any person or damage to any property whether or not due to or caused by the negligence of FPL Entities, arising out of or in connection with the herein described purposes by Licensee, its contractors, agents, or employees; and Licensee agrees to defend at its sole cost and expense and at no cost and expense to FPL Entities any and all suits or action instituted against FPL Entities, for the imposition of such liability, loss, cost and expense.

FPL would like to have its position be of record for this proposed project as it stands today and would object to the proposed use. If the applicant or the Commission has any questions, I would be glad to discuss same with you.

Thank you for your time and consideration.

Respectfully,

FLORIDA POWER & LIGHT



Meier G. Wise  
Corporate Real Estate Manager



For Internal Use Only	
Tracking #:	_____
Date Received:	_____

**CONSENT AGREEMENT APPLICANT INFORMATION:**

Date of Application: \_\_\_\_\_

Individual	Company	Project
Address	Telephone Number	E-Mail

**THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH THIS APPLICATION**

1.  A letter requesting and describing the proposed use along with the estimated start and end date of construction.
2.  An application fee up to \$500 made in the form of a check made payable to Florida Power & Light Company. **The application fee is non-refundable.** The amount of the check is determined by the complexity of consent request. In no event shall the fee be more than \$500. Consult with the designated FPL real estate office to determine the appropriate application fee. (See Page 3 for Contact Information)
3. Three copies of a detailed scalable site plan that includes the following:
  - Accurate depiction of the proposed use for the site.
  - Accurate depiction of all transmission and distribution facilities (i.e. poles, guy wires and anchors, patrol road area) adjacent to or in the proposed use area including the limits of the FPL easement.
  - Transmission pole/structure numbers of all poles/structures within 600ft of the proposed use.  
**Note - Pole/structure #'s are generally in a number-letter- number sequence (243M4) located at eye level.**
  - Accurate distances of proposed use from the easement boundaries.
  - Locations of existing swales, ditches, ponds, rivers and/or canals located within the easement.
  - If available**, forward survey drawings in AutoCadd or MicroStation format to [Survey-User-Box@fpl.com](mailto:Survey-User-Box@fpl.com). Enclose a confirmation of the "sent" email in this package.
4.  Three copies of a grading plan including profiles, showing existing and proposed elevation changes within easement, and the height of the conductor at the insulator attachment point above existing grade. Clearly show the maximum elevation change proposed in the easement and the location.
5.  Three copies of landscaping plan with planting list, depicting maximum maturity height of all proposed vegetation.
6.  Three copies of lighting plan with material list, depicting fixture/pole heights from original grade and grounding specification.
7.  Three copies of the utility plan with material list and method of installation (directional bore or trench).
8.  Copy of the legal description of the subject parcel and the correct name of the person or persons or organization to which the Right of Way Consent Agreement is to be issued.
9.  The type of equipment, if any, that will be used during construction and/or stored after construction on the Florida Power & Light Right of Way (bulldozer, cranes, front-end loaders, etc.).

Simple right-of-way uses might not require all the documentation listed above. For simple uses, please contact the designated FPL real estate office. (See Page 3 for Contact Information)

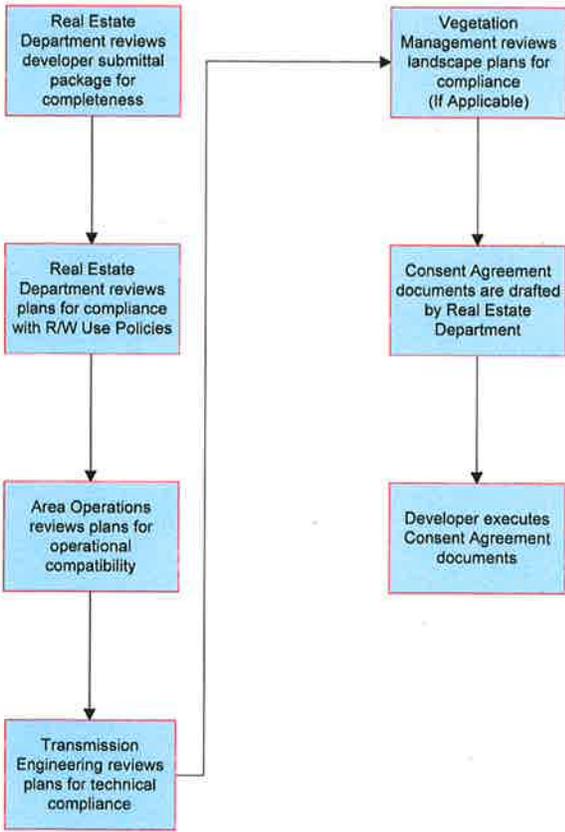
After the receipt of all needed information, Florida Power & Light Company typically requires a period of six (6) weeks for processing the request. (See Page 2 for Process Map)

By my signature below, I agree that I received the latest version of Florida Power & Light Company's Transmission Right-of-Way Use Policies and have read, understand and agree that my proposed use for the site will comply with same. Upon completion of the application process, the applicant or any representative thereof will have the sole responsibility for scheduling a safety meeting with an authorized FPL representative. I agree that the information provided in this application and the attachments submitted therewith are accurate and complete. I understand that any incomplete application may delay commencement of, processing of, or invalidate the application. I understand and agree that the application fee is non-refundable.

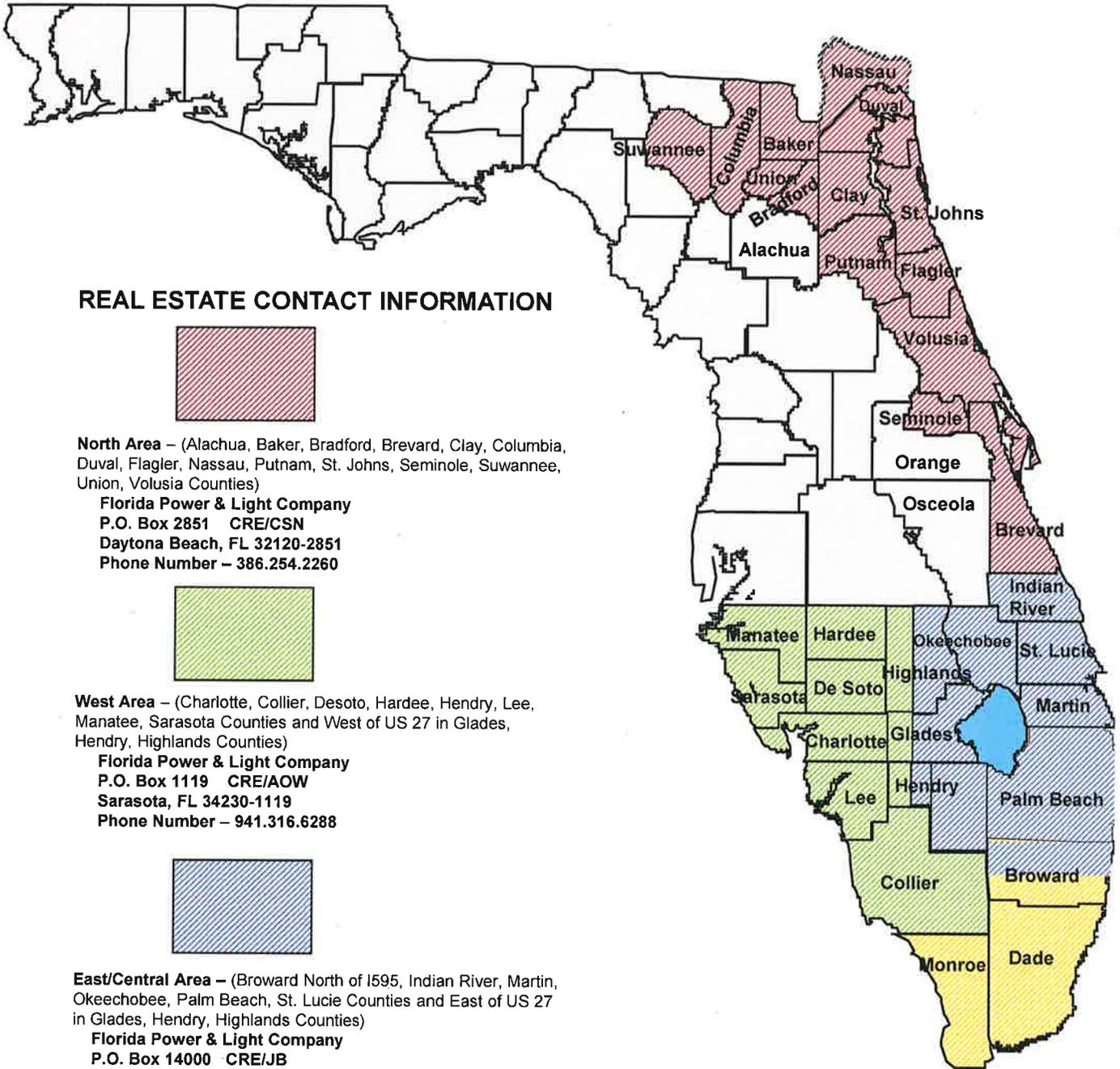
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

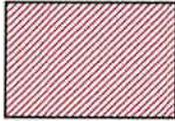
# Right of Way Consent Process



# FPL Transmission Service Territory



## REAL ESTATE CONTACT INFORMATION



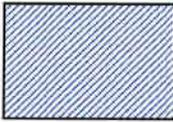
**North Area** – (Alachua, Baker, Bradford, Brevard, Clay, Columbia, Duval, Flagler, Nassau, Putnam, St. Johns, Seminole, Suwannee, Union, Volusia Counties)

**Florida Power & Light Company**  
 P.O. Box 2851 CRE/CSN  
 Daytona Beach, FL 32120-2851  
 Phone Number – 386.254.2260



**West Area** – (Charlotte, Collier, Desoto, Hardee, Hendry, Lee, Manatee, Sarasota Counties and West of US 27 in Glades, Hendry, Highlands Counties)

**Florida Power & Light Company**  
 P.O. Box 1119 CRE/AOW  
 Sarasota, FL 34230-1119  
 Phone Number – 941.316.6288



**East/Central Area** – (Broward North of I595, Indian River, Martin, Okeechobee, Palm Beach, St. Lucie Counties and East of US 27 in Glades, Hendry, Highlands Counties)

**Florida Power & Light Company**  
 P.O. Box 14000 CRE/JB  
 Juno Beach, FL 33408  
 Phone Number – 561.691.2157



**South Area** – (Broward South of I595, Dade, Monroe Counties)

**Florida Power & Light Company**  
 4200 W Flagler Street CRE/LFO  
 Miami, FL 33134  
 Phone Number – 305.442.5282

## CONCERNS

- ① PROPERTY THAT CAN BE USED IS LESS THAN THE REQUIRED 3 ACRES WHEN YOU FACTOR IN BUILDINGS, THE PARKING ASSOCIATED WITH THE BUILDINGS DUE TO THE PARKING CODE, THE CONSERVATION AREA ALONG THE WESTERN EDGE OF THE PROPERTY, THE POWER LINE EASEMENT ALONG THE SOUTH SIDE OF THE PROPERTY.
- ② DUVAL STREET IS THE ONLY ACCESS FOR SUNSET GROVES SUBDIVISION. THIS SHOULD NOT BE USED FOR CRUISE PARKING ACCESS AS CHILDREN USE THIS FOR THEIR BUS STOP.
- ③ ALCOHOLIC BEVERAGES BEING SERVED WITHIN 200 FT. OF A BUS STOP DURING SCHOOL TIMES
- ④ TRAFFIC CONGESTION WHICH IS ALREADY PROVEN DURING RUSH HOUR.
- ⑤ THE BRIDGE PROBLEMS WILL ONLY GET WORSE. SEVERAL YEARS AGO WE HAD A PROBLEM WHERE IT WAS HELD UP FOR OVER AN HOUR WHEN SOMEONE HAD A HEART ATTACK ON THE BRIDGE AND HAD TO BE AIRLIFTED. WHAT IF SOMEONE ELSE HAD AN EMERGENCY AT THE SAME TIME. THERE WAS ANOTHER INCIDENT WHERE THERE WAS A TRAGIC ACCIDENT WITH A FUEL TRUCK AND A YOUNG WOMAN THAT RAN INTO IT WHILE TEXTING. THE EXPLOSION TOOK DOWN THE 528 OVERPASS. EVERYONE HAD TO GO TO COCOA, TITUSVILLE OR SEARAY DRIVE TO GET AROUND THE CONSTRUCTION OF THE NEW 528 OVERPASS FOR MONTHS. THE CHRISTA McAULIFF / BARGE CANAL BRIDGE WILL NEED TO BE REPLACED IF WE KEEP ADDING TRAFFIC TO IT.

ID # 20PZ00027

H13

NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD

OBJECTION COMMENTS:

- ① GEORGE KRAFT
- ② PATRICK STAHL
- ③ DEE RYAN
- ④ DEB AND DAVID BANNON
- ⑤ APRIL BURSON
- ⑥ JAMES LARSON
- ⑦ PATRICIA ROWAN
- ⑧ RAY AND CLAUDETT BISH
- ⑨ STEPHEN TOWNSEND
- ⑩ JAMES H. ROBERTSON
- ⑪ SANDRA ROBERTSON
- ⑫ DAVE WOODINGTON
- ⑬ PETER DILECCE
- ⑭ JESSICA BEAL
- ⑮ DONALD VERWIEBE
- ⑯ JEFF ADRAIN
- ⑰ CHARLES (PHIL) BENNARDO
- ⑱ ELIZABETH ANDERSON
- ⑲ PATRICK CHURCHVILLE
- ⑳ DON MENNILLO
- ㉑ JERROLD AND MARIE PERLET
- ㉒ MR. AND MRS. STEVE PHILLIPS
- ㉓ JOHN SCHNEIDER
- ㉔ TODD AND MELISSA LAMOND
- ㉕ PEGGY COTNER
- ㉖ CHRIS ROCHE

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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), 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 service 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.

Matthew Phillips – 9:30 a.m. to 1:00 p.m., so it will be three and a half hours, it's just a cocktail for somebody who's getting on a cruise ship.

Jack Ratterman – I called the State liquor license board today and asked them. First, I wanted to know how much a liquor license cost, and they said about \$265,000 for Brevard County. They also told me that it had to be open a minimum of eight hours, so you're not going to make that. Then they said it had to be opened up 110 days. Maybe somebody hasn't done their homework, because right now you won't make the liquor license. If you have the money, you're not making the hours.

Matthew Phillips – We can extend the hours, so that's not a problem, we can keep it open, but it's basically it's a private scenario just for the people coming there to park and then leave. It's not going to be open for the public, so we'll be happy to change it to eight hours a day if that's the rules; we want to follow the rules.

Jack Ratterman – On the access, it says, "Access control/fence perimeter". How are you going to control the access? Are you going to have a gate there, or a guard house when they come in and out?

Matthew Phillips – No, they're just going to come in. Let's say it was just a regular plaza, people would just come in and park; we're only going to offer as many reservations as we have parking spots, so everybody leaves between 6:30 a.m. and 9:00 a.m., that's when everybody comes off the ship and leaves. We're only going to have the max amount of the people that left. You run cruises five days a week, so you have about 30 – 40 cars coming in a day, max, because they are all staggered out between those five days. Some days may exceed a little bit more than that, but pretty much between the 40 and max of 60 cars a day is what we're talking about.

Jack Ratterman – You don't think you're going to have any problem with leaving cars there overnight? No security problems?

Matthew Phillips – No, it's Merritt Island, there's no crime in Merritt Island. I've been there a long time and I haven't witnessed any crime in Merritt Island. I'm sure there is crime in Merritt Island, but in that particular area there, I've been around that property quite a bit and between the police and the lighting we just had put up – we had two lights put up on the front, two more lights put up on the side, and the entire back lit, so the entire lot is now lit, and once this gets going there will also be video on there and then there will be gates so you can't come in unless during the hours of 6:30 a.m. and 1:00 p.m. during cruise days. Those are the only hours that this establishment is going to be open.

Jack Ratterman – How about the bus stop there? Your primary entry is going to be through Duval Street, correct?

Matthew Phillips – Correct. It's going to be part of it, we have three. We have one right off the main drag that you can come in, and we have the other two, but we have a flowchart on the best way to do it and that's what we're going to follow, which is whatever Sid suggested.

Jack Ratterman – Staff says they recommend that you avoid residential areas.

Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli's construction company on the right when you pull in, you have us on the left and you have the bus stop there. I'm confused on why there is a bus stop in a commercial

area and why the pick up and drop off of these children isn't in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house.

Jack Ratterman – I'm glad you talked about that. There's elementary kids that get picked up there, there's middle school kids that get picked up there, and high school. So, that's from 7:00 in the morning until 5:00 p.m. I wondered about that, too, so I called Brevard County School Board and learned two things. Buses do not go into cul de sacs, and when you go into Sunset Groves, there is a cul de sac at each end. I asked about backing up, and they said buses do not back up because when buses back up they run over people. That's why that bus stop is there. The primary entrance will be past the bus stop and all of those kids are going to be standing out there. The School Board said they had issues with the bus stop being left there and that many cars going by there.

Matthew Phillips – Well, if you open it up as a regular plaza, there would be 70% more cars coming in than what we're allocating for right now. We're talking about 35 cars over a three-hour period in the beginning and leaving, and then another 30 – 40 cars coming in on another three-hour period coming in, so that's going to be 70% less. If you're addressing the concern of the amount of cars and the children there, that kind of answers itself.

Jack Ratterman – You're saying hypothetically there's going to be that many.

Matthew Phillips – Not hypothetically. There's only 200 parking spots. If you have five cruise days, and you have 30 cars on this day, 30 cars on this day, and 40 cars on that day, then when those cars leave, only that amount of cars can go out. So, it's not like a one spot, like a movie, like she was saying, where at one time everybody is coming in and everybody is going out. It doesn't work that way.

Jack Ratterman – No offense to any of our brothers and sisters throughout the United States, but I would not want people coming in, passing my kids, from who-knows-where in this country, and they come in and park there, and then they're going to leave, who-knows-where to go back to. To me, that's a real safety issue. If it's a local plaza, you're going to have local people there.

Matthew Phillips – I don't understand what you're trying to say. Obviously, it's very popular, but I don't know what you're saying. It's a use for people in an industry, whatever that may be. Our company started 12 years ago out of our house on Merritt Island with my partner, so we've worked extremely hard the last 10 years to do this. We have a very growing society here that has a lot to do with tourism, the space center, and all kinds of different things that come in here. This plaza has been there for over 15 years empty, so if there was this great need and want and desire for a local market to get in there and rent, it probably would have never been for sale, but it's been there for 15 years vacant, not doing anything, where you might have had some more crime if someone didn't come in and put up lights all over the place, and cut all the trees, which I personally did myself, cleaned up all the garbage and so on to make it look a little bit better. As we progress, we will keep doing that.

Jim Carbonneau – I would like to disclose that my daughter works for Sid Chehayeb's engineering company, but we have not discussed this project at all.

Mary Hillberg – We'll let the audience speak.

Bus stop with 6 stops per day  
 Pick up — 7am to 9am  
 Drop off — 1:30 to 5:00pm  
 \*Please take in consideration the new  
 COVID Bus schedule

- Bus Route
- MI Plaza Traffic in
- MI Plaza Traffic out
- Kids walking to and from bus stop

SUNSET GROVES  
 SUBDIVISION  
 NO OUTLET

BUS STOP

less than 100'

CRUISE PARKING EXIT

MI PLAZA  
 PARKING, FULL LIQUOR  
 BAR RESTAURANT

American Bensei  
 Tool & Supply Co.

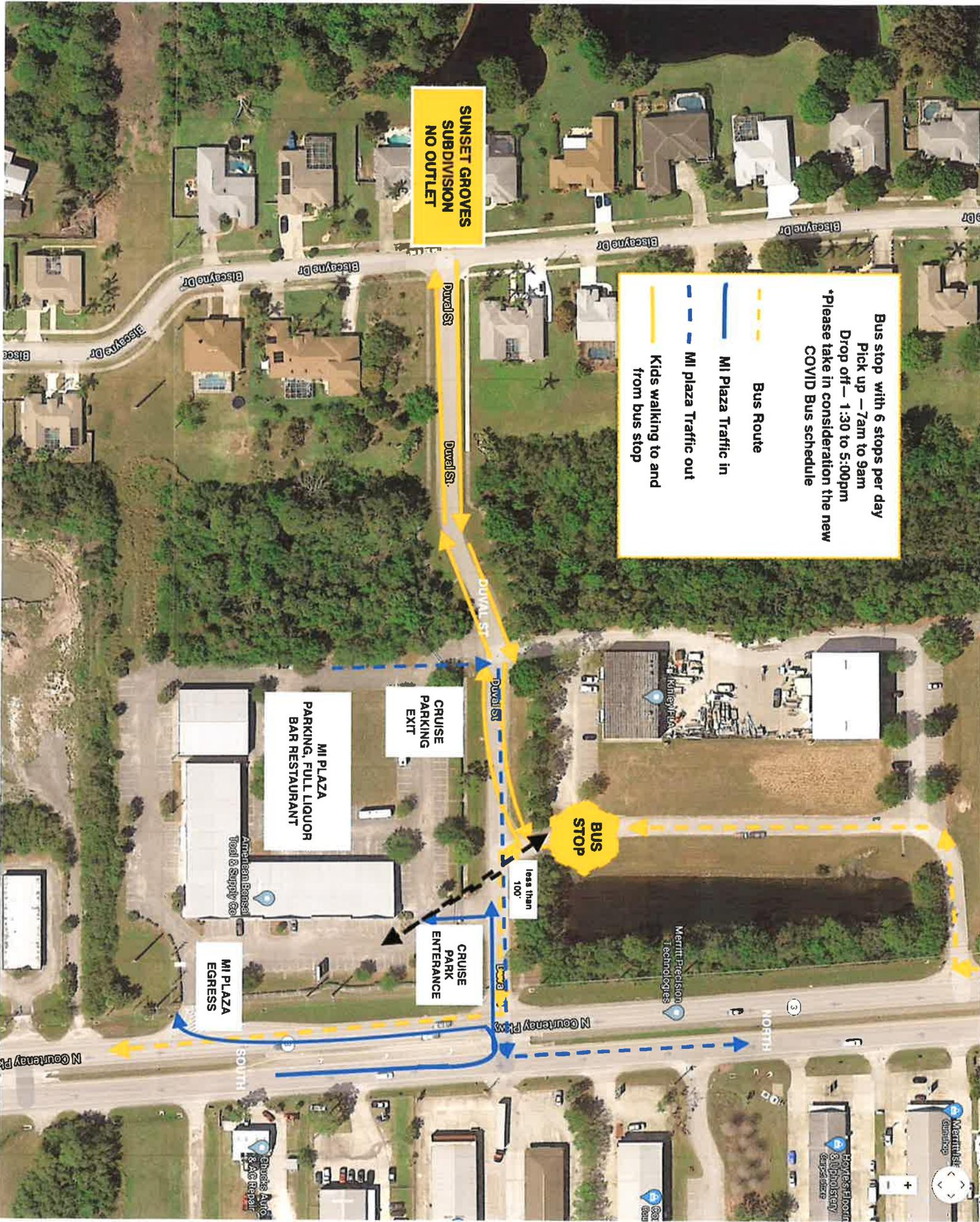
MI PLAZA  
 EGRESS

CRUISE PARK  
 ENTRANCE

Merritt Pension  
 Technologies

NORTH

SOUTH





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 July 9, 2020  
MI Plaza Group, LLC - 20PZ00027

Commissioner Pritchett meet with Kimberly Rezanka regarding the above item on July 6, 2020.

MI Plaza Group is requesting removal of BDP, Shuttle Service as primary use and CUP for overnight commercial parking and Alcoholic Beverages. This property will be used for overnight cruise parking with a total of 237 (5 for employees) parking spaces with a cocktail/meal service for customers only. Alcohol will be served from 9:30 a.m. to 1:00 p.m.

Customers will not be allowed in the cocktail/food area when returning from a cruise. BDP to be removed as it was tied to CUP for restaurant which has expired. The proposed use would be less intense than the 27,000 square feet of retail space, which would generate 2,499 trips. This use will generate approximately 480 trips. 30 - 60 cars per day and not all at one time. Shuttle bus pickup will be staggered every ½ hour.

Sunset Groves residents (46 homes) object to the use of Duval Road for this property. There is a bus stop on Duval, however kids will be picked up by 8:55 in the morning and dropped off after closed.



**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 July 9, 2020  
MI Plaza Group, LLC - 20PZ00027

Commissioner Pritchett spoke to Mike Shah on the phone regarding the above item on July 6, 2020.

Mr. Shah, owner of property on S.R. 3, stated that he is not in favor of this proposed item being approved.

## **District 2 Disclosures 07/09/2020 BOCC Planning & Zoning Meeting**

### **H.13. [File #1750] MI Plaza Group, LLC (20PZ00027)**

#### **Emails:**

- 03/26/2020 - Stephen Townsend, opposing the proposal as presented
- 03/30/2020 - Jessica Beal, PharmD; opposing Commercial Cruise Parking Lot
- 03/30/2020 - Rose DiLecce; opposing rezoning request for CUP
- 03/30/2020 - ??? (cannot open e-mail); opposing rezoning request for CUP
- 03/30/2020 - Kimberly Willey; opposes cruise ship parking lot
- 03/30/2020 - Donald VerWiebe; opposes the actions being proposed
- 03/30/2020 - ??? (cannot open e-mail); opposing rezoning request for CUP
- 03/31/2020 - Kevin Zari; opposes CUP & wants to delay meeting until COVID-19 conditions have abated
- 04/01/2020 - Deb Bannon; opposes cruise ship parking lot
- 04/03/2020 - Charles Philip (Phil) Bennardo; opposing rezoning request for CUP
- 04/03/2020 - Elizabeth J Anderson; opposed to addition of parking lot & bar/restaurant
- 04/06/2020 - Angie Baker; opposed to the new proposed lot off of Duval in N. Merritt Island
- 04/08/2020 - James Larson; opposes the actions being proposed
- 04/08/2020 - Steve Phillips; opposes the actions being proposed
- 04/10/2020 - John Schneider; opposes cruise parking lot
- 04/13/2020 - James H Robertson; supports CUP & states that "hours of operation and intent to serve is at the discretion of the provider"
- 04/13/2020 - Patrick Stahl; requested access to Proposed Site Plan for residents of Sunset Groves
- 04/14/2020 - Dave Woodington; opposes expanding the Cruise Parking business
- 06/02/2020 - Peggy Cotner; emphatically opposes this action
- 06/02/2020 - Troy Cochran; opposes proposed parking lot
- 06/03/2020 - Elizabeth Anderson & Patrick Churchville; oppose any additional cruise parking north of 528
- 06/12/2020 - Michael "Chris" Davis; opposes cruise parking proposal
- 06/22/2020 - Patrick Stahl; asked for a review of compliance issues associated with this existing permit
- 06/23/2020 - Lyndsay Snead; requested that the board upholds the NMI advisory board's decision.
- 06/23/2020 – Kimberly Rezanka; sent documents (GIS maps, Proposed site plan, Trip generation analysis, Summary of proposal) for reviewing before zoom call meeting scheduled for 06/24/2020.

- 07/02/2020 – Patrick Stahl; responded to Bach McClure's e-mail, thanking the county for investigating his complaint and informing of his opinion that the stormwater system is still out of compliance.
- 07/03/2020 – Kimberly Rezanka; sent documents (Revised site plans, FDOT traffic information).
- 07/03/2020 – Jerrold Perlet; requests the board denies this CUP application.
- 07/03/2020 – Karen Pardy; opposes cruise parking lot.
- 07/03/2020 – George Kraft; opposes cruise parking lot.
- 07/03/2020 - Lyndsay Snead; requested that the board upholds the NMI advisory board's decision.
- 07/05/2020 – Dolores Ryan; opposes cruise parking lot.
- 07/05/2020 – Arnold Dingman; opposes cruise parking lot.
- 07/05/2020 – Deb Bannon; opposes cruise parking lot.
- 07/06/2020 – Nicole Charara; opposes cruise parking lot.
- 07/06/2020 – Ivan Inmon; opposes cruise parking lot.
- 07/06/2020 – Nancy Thomas; opposes cruise parking lot.
- 07/07/2020 – B. Vernatter opposes the project.

**Meetings:**

- 06/24/2020 – Zoom meeting with Kim Rezanka and MI Plaza Group

**From:** Stephen Townsend  
**To:** Jones, Jennifer; Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Cc:** wuwei.keny@flcourts.com; "1211 - Frederick Goodwood; wuwei@flcourts.com"; "1211 Ann Salmons"; "1220 Everett & Tracy Stephens"; "1220 Jerry & Kathie Hunt"; "1221 - Volk"; "1240 Jim Robertson"; "1241 Roland and April Burton"; "1251 Michael & Cheryl  
Palmer"; "1260 Stephen Townsend"; "1261 Shabram Masahina"; "1270 Casey and Dana Frackin"; "1271 George & Audrey Lewis"; "1280 George Allen"; "1281 - Sarah VerWebe"; "1281 Don VerWebe"; "1291 - Bobb Massem"; "1300 Jim Larson"; "1301  
Michael Ann & Susie Ann Jones"; "Jessica Bear"; "1310 Aron & Cynthia Stanton"; "1311 Kerry Padover"; "1310 Heidi & Shelby Hinkle"; "1340 Pedro & Rose Oliveira"; "1341 Kevin Zan"; "1350 Jessica Bear"; "1350 Pat Stahl"; "1360 Steve & Rae Phillips";  
"1361 Richard & Sherrill Robinson"; "1370 John & Daina Buckle"; "1371 Steven & Karen Sereb"; "1380 Eric & Pamela Martin"; "1381 Cara & Tracy Dickenson"; "1390 Cliff & Joanna Gainer"; "1391 Dave & Teresa Woodington"; "1410 Larry Cooper"; "1411  
Jander Campbell"; "1420 Bob Wilson and Heidi Hensley"; "1430 Ray Sorens"; "1431 Bill Maloney"; "1440 Mike & Maria Bradley"; "1441 Robert & Corinda Reum".  
**Date:** Thursday, March 26, 2020 9:09:55 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

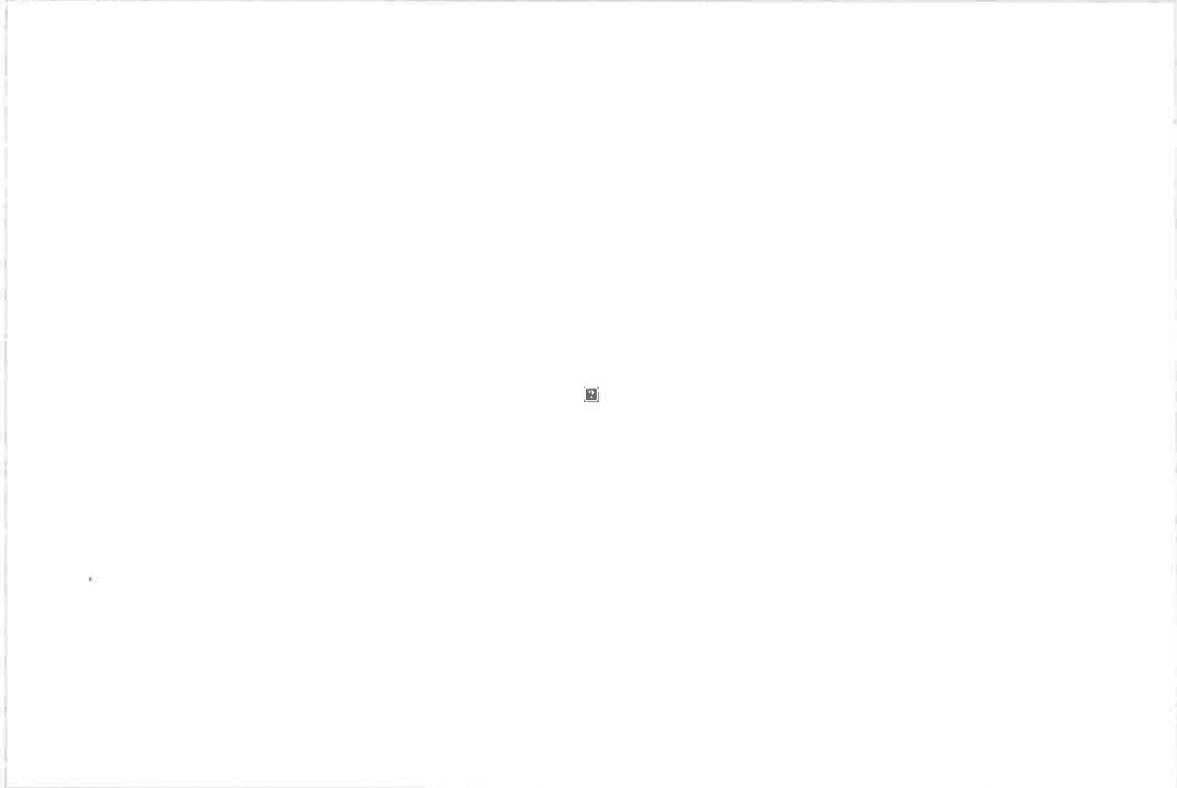
Hi I am Stephen Townsend I live behind the property that is on N Courtenay and is asking for a CUP for onsite alcohol consumption. The property is at the intersection of Duval Street and state rd 3 located on the South side of Duval Street. Duval is the only entrance to our neighborhood and is where the School bus stop is. We have established a long history of fighting these repeated attempts for businesses to obtain a CUP for this location. There are a ton of reason why that is not a good idea and I will go over them later in this e-mail but let me first explain what has been established at least twice already at great expense and aggravation to our neighborhood. This property is non-compliant to code and has been since the day they built it and it cannot become compliant without costly modifications. These buildings were built right up to the FPL powerline easement to maximize utilization of the land and to provide added parking area under the FPL easement. Which if I remember correctly we established that the parking area on FPL's easement was not authorized by FPL. The reason I am pointing this out is simple when you think about it because FPL will not allow the 6 foot wall to be extend across their easement. I do not blame them I would not allow it either if I were them. What this does now is allow unabated foot traffic between our neighborhood and a property where a proposed CUP for onsite alcohol consumption is being asked for. See Fig 1 below the easement is marked in Red and the 100 foot long easement with no 6 foot wall is circled.

Here are few facts directly related to just this one aspect of a long list of negative reason for granting this CUP

1. Once issued the CUP goes with the property and owners can change business strategies and approaches to maximize financial returns on the CUP. There is a long history of attempts to get a CUP and turn this building into a bar.
2. Ultimately we will have a potential situation where drunks and others will have direct access to our neighborhood via the 100 foot opening on the FPL easement.
3. The county has denied the CUP twice before
4. We have established that due to the configuration of the buildings and the FPL easement and the selfish decisions of the developer coupled with the County overlooking the non-compliance during construction and site plan review that there is no way to economically bring the property back into compliance
5. Having irresponsible drinkers and drivers with direct foot access to your property is purely a Diminution of property value. While I respect Property rights fully I do not support lowering the value of other people's property.

This Cup should be denied flat out and myself and my neighbors should not have to repeatedly spend money to reestablish cause for not approving these repeated CUP attacks and even threats for slap suits and aggravation of having to continually go back over all the issues i.e. Traffic, safety, children's bus stop, poor road intersection designs and improper deceleration lanes, ingress egress into our community. Please do what is right and deny this application for a CUP for this property for the third time. Thank You!

**Fig 1**



**From:** [Melissa Lamond](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 15, 2020 2:44:37 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I'm writing to express our concerns with the above referenced rezoning action that will allow for ANOTHER commercial cruise parking lot on North Merritt Island. The traffic on North Merritt Island is getting worse as more jobs open up at KSC and there are multiple new housing developments being built.

The existing roadway infrastructure on North MI is not designed to handle the existing traffic volume. Additionally, the barge canal bridge cannot handle the existing traffic, let alone the additional traffic from these new neighborhoods and new cruise parking. Nothing seems to be being done to address these existing infrastructure issues.

In addition to the new parking lot, a bar is being proposed to be located within a short distance of a school bus stop and residential sidewalks. This is not safe and introduces great risk to our North Merritt Island community.

This request brings no value to the NMI community and as residents of North Merritt Island we are asking that you please take these concerns under advisement and deny this rezoning request.

Thank you,  
Todd and Melissa Lamond  
635 Chase Hammock Rd  
Merritt Island

**From:** [Jessica Schneider](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ0027  
**Date:** Friday, April 10, 2020 5:01:51 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please don't rezone that lot into a cruise parking lot for the following reasons:

First, traffic at the Courtenay/Beachline interchange is already snarled enough. Around quitting time for the Cape or any time the drawbridge is stuck up traffic is a nightmare in that area. A third parking lot in that area will just make it worse

Second, there are already 2 lots being built as overflow for cruises from Port Canaveral. A third one is total overkill.

Third, it's never a good idea to have too much of the area's economy tied to one industry. The Space Shuttle program is proof of this concept.

I'm all for growth in the area. Fix traffic on and off the Beachline and put up a store, a housing development, a Mini golf. Anything but another parking lot please.

Respectfully,. John Schneider

**From:** [Patrick Stahl](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Ball, Jeffrey](#)  
**Cc:** [Jessica Beal](#)  
**Subject:** Fwd: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**Date:** Friday, April 10, 2020 1:37:25 PM  
**Attachments:** [Applicant's Response 4.8.20 \(1\).pdf](#)

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners, NMI Development Special District Board, County Manager and Planning and Zoning Dept Manager,

In regards to Rezoning Notice #20PZ00027, our neighborhood just received the attached letter from MI Plaza Group, LLC that "addresses" all of the concerns from letters written by residents of the Sunset Groves Subdivision and the Staff of Brevard County. In the letter, they reference a Proposed Site Plan dated 3/30/20 that was submitted to the County for review. Our residents have not had the opportunity to see the proposed plan. I was wondering since they were citing the plan in their response to our residents, is it possible to get a copy of the plan for our residents to review?

I am not going to go into the particulars and inaccuracies that they present in their response, but I assure you, there will be forthcoming rebuttals to their "answers" or lack thereof.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

----- Forwarded message -----

**From:** **David Leadbeater** <[david@goport.com](mailto:david@goport.com)>  
**Date:** Fri, Apr 10, 2020 at 12:02 PM  
**Subject:** MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**To:** <[sverwiebe@aol.com](mailto:sverwiebe@aol.com)>, <[bettianderson@yahoo.com](mailto:bettianderson@yahoo.com)>, <[p\\_bennardo@yahoo.com](mailto:p_bennardo@yahoo.com)>, <[ja567m@att.com](mailto:ja567m@att.com)>, <[deb.bannon@yahoo.com](mailto:deb.bannon@yahoo.com)>, <[jbealrx@gmail.com](mailto:jbealrx@gmail.com)>, <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>, <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>, <[jimrobo50@hotmail.com](mailto:jimrobo50@hotmail.com)>, <[dwoodington@gmail.com](mailto:dwoodington@gmail.com)>, <[freddie321@gmail.com](mailto:freddie321@gmail.com)>, <[annsolo212@gmail.com](mailto:annsolo212@gmail.com)>, <[tracystephens7@gmail.com](mailto:tracystephens7@gmail.com)>, <[Jerry\\_Murr@hotmail.com](mailto:Jerry_Murr@hotmail.com)>, <[kymvalk@gmail.com](mailto:kymvalk@gmail.com)>, <[mpalmer37@cfl.rr.com](mailto:mpalmer37@cfl.rr.com)>, <[STownsend3@cfl.rr.com](mailto:STownsend3@cfl.rr.com)>, <[smassihnia@hotmail.com](mailto:smassihnia@hotmail.com)>, <[c.l.franklin@hotmail.com](mailto:c.l.franklin@hotmail.com)>, <[Audreyjo316@bellsouth.net](mailto:Audreyjo316@bellsouth.net)>, <[cozycafe5@gmail.com](mailto:cozycafe5@gmail.com)>, <[dverwiebe@yahoo.com](mailto:dverwiebe@yahoo.com)>, <[larsonjim@yahoo.com](mailto:larsonjim@yahoo.com)>, <[JUNAID@cadence.com](mailto:JUNAID@cadence.com)>, <[arch.s.jr@chempoolspa.com](mailto:arch.s.jr@chempoolspa.com)>, <[kapers@sbcglobal.net](mailto:kapers@sbcglobal.net)>, <[pmeade00@gmail.com](mailto:pmeade00@gmail.com)>, <[zarikj@cfl.rr.com](mailto:zarikj@cfl.rr.com)>, <[islander3360@gmail.com](mailto:islander3360@gmail.com)>, <[rchbstrm@yahoo.com](mailto:rchbstrm@yahoo.com)>, <[jburke0234@bellsouth.net](mailto:jburke0234@bellsouth.net)>, <[sberes1@aol.com](mailto:sberes1@aol.com)>, <[pamanderic@earthlink.net](mailto:pamanderic@earthlink.net)>, <[CD3MOM@aol.com](mailto:CD3MOM@aol.com)>, <[captgaines@msn.com](mailto:captgaines@msn.com)>, <[citruspit@gmail.com](mailto:citruspit@gmail.com)>, <[cupac@aol.com](mailto:cupac@aol.com)>, <[bill.matanis@gmail.com](mailto:bill.matanis@gmail.com)>, <[vivianeq@gmail.com](mailto:vivianeq@gmail.com)>, <[wilc0@aol.com](mailto:wilc0@aol.com)>.

<[rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)>, <[mbradley38@cfl.rr.com](mailto:mbradley38@cfl.rr.com)>, <[corienreijm@yahoo.com](mailto:corienreijm@yahoo.com)>  
Cc: Kimberly Rezanka <[kim@cfglawoffice.com](mailto:kim@cfglawoffice.com)>, Matt Phillips <[matt@goport.com](mailto:matt@goport.com)>, Sharon  
Galeano <[sharon@goport.com](mailto:sharon@goport.com)>

Good morning Ladies & Gentlemen,

I hope everyone is doing well and staying safe. Please find attached below, our response answering the letters to the people living in Sunset Groves that were sent to the county. I truly thank you for your time reading and your consideration.

Sincerely,

--

**David Leadbeater**  
Executive Assistant  
[david@goport.com](mailto:david@goport.com)  
(321) 305-6969



273 Crockett Blvd  
Merritt Island, FL 32953  
[www.goport.com](http://www.goport.com)

**IMPORTANT:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are, by this, on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to Go Port, 273 Crockett Blvd, Merritt Island, FL. 32953. Thank you.

**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (April 8, 2020)**

**I. Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

**II. Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

**III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

"The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... ."

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:30 a.m. to 12:30 a.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

**IV. Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make "u-turns" on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 12:30).

These vehicles "in and out" are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dismiss'd, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 217' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:30 – 12:30.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

**From:** [rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)  
**To:** "[Jessica.Jones@BrevardFl.gov](mailto:Jessica.Jones@BrevardFl.gov)"  
**Cc:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Wednesday, April 8, 2020 7:31:03 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

***As an interested party in Rezoning Notice #20PZ00027 on the agenda for the North Merritt Island Dependent Special District Board meeting scheduled for Thursday at 6:00 pm, I would like to request the meeting be rescheduled due to the health concerns over COVID-19. With the health concerns, I will not be able to attend without seriously risking my exposure and potential illness.***

***There are a number of residents in our community that fall into the vulnerable age bracket of 60 years old or older that would be put at risk to attend this meeting. I, personally, do not feel that this CUP meeting warrants my risking my health and possibly my life to speak my mind to the county government representatives. I would hope that the county government representatives are like minded.***

***Please reconsider your decision to hold this meeting until the pandemic is over and we can all come and discuss the matter, safely, with the county representatives.***

***Sunset Groves Homeowner:***

***Mr. Raymond Scarpa  
3430 Biscayne Drive  
Merritt Island, Florida 32953***

**From:** [Elizabeth Anderson](#)  
**To:** [Commissioner, D3](#)  
**Subject:** another proposed cruise ship parking lot  
**Date:** Friday, April 3, 2020 10:16:16 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tobia

After the parking lot construction on Courtenay Parkway near 528 was approved, it was my understanding that no additional overnight parking facilities would be allowed on North Merritt Island. Now I see that MI Plaza Group wants to build another parking lot AND a bar and restaurant.

I am not in favor of either of these proposals. We chose to retire on Merritt Island and purchase a home north of 528 BECAUSE there was not a lot of traffic and we had easy access to shopping on Merritt Island and the Orlando Airport. Traffic is getting worse, yet you approved one parking lot and are considering another. PLEASE DO NOT DO THIS!

I strongly urge you to deny the actions proposed by MI Plaza Group.

Sincerely,  
Elizabeth J Anderson  
Taxpayer and Voter

**From:** [Phil Bennardo](#)  
**To:** [Jones, Jennifer](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](mailto:calkins@brevardfl.gov); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Jessica Beal](#); [Kim Smith](#); [Jack Ratterman](#); [Tamy Dabu](#); [Darleen Hunt](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Thursday, April 2, 2020 1:02:22 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a resident of North Merritt Island (NMI), I disagree with the proposed Conditional Use Permit (CUP) for a commercial cruise ship parking lot and associated bar to serve alcohol to tourists awaiting shuttles to the port (per rezoning action #20PZ00027). I am opposed to this for the following primary reasons: (1) it will result in an increase in already existing traffic concerns and associated safety issues, and (2) it is incompatible with existing and planned residential and commercial areas on NMI.

As mentioned above, we are already experiencing traffic and safety issues on NMI and this is due to a rapid increase in development and growth in our area. Several new housing developments are currently in work or planned, and a large cruise ship parking lot (northeast of the barge canal drawbridge) is nearing completion. There are only 2 ways on or off NMI: south, via the barge canal drawbridge, or north, through the Kennedy Space Center. As a resident, the vast majority of trips from NMI are south, across the drawbridge. This is where we all go for shopping, doctor visits, school, church, etc. Unless we are going to work at the space center or have a need to go to Titusville, we are not travelling north. So for all other purposes, there is really only one way on or off the island. As traffic and congestion have continued to increase, the drawbridge has become more of a bottleneck, and this will only get worse with additional cruise ship parking on NMI. There are safety concerns associated with this traffic across the barge canal, and there is no traffic light at the entrance to the proposed cruise parking lot. So cruise patrons will either have to make a U turn when entering the lot or share the entrance to an existing subdivision.

A cruise ship parking lot and bar/restaurant is not consistent with the existing businesses in the immediate area and will bring no benefit to the residents and businesses already located here.

Once again, I am opposed to the proposed rezoning. Our area is already experiencing a large growth in both commercial and residential development, which is expected to continue well into the future. The establishment of these commercial parking lots will only make matters worse. They will contribute to already existing traffic and safety problems, and are incompatible with our area, as they provide no goods or services to our residents.

Charles Philip (Phil) Bennardo  
321-266-5135

**From:** [Phil Bennardo](#)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Calkins, Tad](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [d4.commissioners@brevardfl.gov](#); [Commissioner, D5](#)  
**Subject:** Schedule Delay for Upcoming Public Meetings  
**Date:** Thursday, April 2, 2020 11:16:18 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

At present, there are 2 upcoming rezoning requests, of interest to residents of North Merritt Island (NMI), that are scheduled to be discussed at public meetings in April, and early May. The first public meeting where they will be discussed is at a Dependent Special District Board on April 9, followed by an LPA Board meeting on April 20, with a final decision to be made at a commissioners' meeting planned for May 7.

As a resident of NMI and board member of the NMI HOA, I have concerns with both of the above mentioned zoning requests, especially since one of them is addressing additional cruise ship parking on NMI (the other request involves a zoning change from GU to SEU on 2.22 acres at 5305 Country Lane). Therefore I plan to be involved in these meetings, as do several other residents of NMI.

Many residents of NMI are considered to be "at risk" or living with those "at risk" with regards to the current pandemic. Therefore I respectfully request that these upcoming meetings be delayed until we are able to return more to "business as usual" and can expect full participation from the public.

Also, although I did not view the commissioners' meeting held on March 31, I was advised that there was a motion made, and passed, at this meeting, that required County advisory board meetings to meet security and social distancing rules with regards to the virus, and that if the meetings could not do this, they would be cancelled. So hopefully, my concerns noted above are being addressed. Nevertheless, I do not see an urgent need to finalize a decision on either zoning request, and still believe the best approach is to delay all public meetings completely until after we resume normal operations.

Charles Philip (Phil) Bennardo  
321-266-5135

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:33:41 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Mr. Smith ,

Please help stop proposal of another parking lot in North Merritt. Please help residents to fight having the parking folks pave over our island for their profit. We do not need another lot here! They need to add adequate parking to the port so other communities are not impacted like this. Please help!

Deb Bannon  
5490 Broad Acres ST.  
Merritt Island, FL 32953

**From:** Deb Bannon  
**To:** Commissioner, D3  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:27:20 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tobia,  
Please stop the rezoning proposal to build another cruise parking lot!!! North Merritt should not be paved over for parking lots. The port needs to be able to provide parking for their cruise guests, not our little island. Please stop this proposed action!!! One parking lot is already too many! We have one way on/off in North Merritt and do not want another parking lot.

Deb Bannon  
5490 Broad Acres St  
Merritt Island, FL 32953

**From:** [Kimberly Willey](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Project #20PZ00027  
**Date:** Monday, March 30, 2020 5:03:45 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I have heard of plans for another cruise ship parking lot proposing to be built in North Merritt Island. Please consider the impact this will have on residents of this area.

>

> We already have 2 new housing developments and a cruise ship parking lot. Adding another will only increase the traffic in an already poorly configured system, especially on Courtenay by 528. It is already over congested with the amount of traffic we have now, and that is before the second housing development and cruise parking lot is complete.

>

> Please consider what the impact of even more development will have on the residents of the county you represent.

>

> It's sad that developers won't be happy until all the land is gone. Please help keep North Merritt Island from being overrun with development like the rest of the MI.

>

> Thank you,

> Kimberly Willey

>

>

> Sent from my iPhone

**From:** [sverwiebe@aol.com](mailto:sverwiebe@aol.com)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D5](#)  
**Subject:** Re: Rezoning Notice #20PZ00027 - MI Plaza Group, LLC  
**Date:** Monday, March 30, 2020 2:19:21 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Board Members:

In response to the courtesy notice we received regarding a rezoning request by property owned by MI Plaza Group, LLC, located on the southwest corner of Duval St., and N. Courtenay Parkway, and the planned meetings to discuss, would you please reschedule. The first county public meeting when these changes will be addressed is Thursday, April 9 in Viera, the final one on Thursday, May 7, 2020.

My husband and I are in the "at risk" group as are many of our neighbors in this subdivision. If the county holds this/these meetings, even in larger rooms, in a time when the "at risk" group of people is being told to stay away from any public gatherings to avoid the risk of spreading COVID-19 to themselves and/or others, the county is taking away their rights to attend and speak at these public meetings.

Again, I request that you postpone these meetings to a safer time.

V/R

Donald VerWiebe  
3281 Biscayne Drive  
Merritt Island, Florida  
32953

**From:** [Jessica Beal](#)  
**To:** [Kim Smith](#); [Jones, Jennifer](#); [fladerat@bellsouth.net](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [D4.commissioners@brevardfl.gov](#); [Commissioner, D5](#); [p\\_bennardo@yahoo.com](#); [t3ndabu@bellsouth.net](#)  
**Subject:** Rezoning Notice Opposition #20PZ00027  
**Date:** Sunday, March 29, 2020 9:58:18 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

As a long time Merritt Island resident, I am not excited about yet another proposed Commercial Cruise Parking Lot in our area and all the additional traffic that it will bring to N. Courtney Parkway Corridor. Sadly as a resident of Sunset Groves, we were notified that's exactly what is being proposed at the Southwest corner of Duval Street and N. Courtenay Parkway, across from Buffkin Tile. MI Plaza Group, LLC is trying to get a Conditional Use Permit (CUP) for both a commercial cruise parking lot and a CUP for a bar to serve alcohol to tourists waiting to be shuttled to the Port (Rezoning Action #20PZ00027).

How does this benefit residents and businesses in our area? The answer is, it doesn't. Along with the cruise parking lot currently being built at the Southeast corner of Smith Road and N Courtenay Parkway, all it does is add to the already existing traffic congestion North of the Barge Canal and increase accidents and safety concerns from tourist drivers and shuttles. This currently being built parking lot's impact haven't even been felt yet. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work.

As our area grows with the influx of commercial spaceflight companies, workers and new residents, we need to keep in mind what kinds of businesses will best suit this growth and what will detract. A cruise parking lot and bar/restaurant is not consistent with the businesses in immediate area.

In addition, the current proposal adds safety concerns with a bar and cruise ship guests being located within a short distance of a school bus stop, residential sidewalks and the only entrance to our neighborhood. This plaza shares a common entrance (Duval St.) and only entrance to our neighborhood which would have a profound effect on compatibility. With the added traffic the overnight cruise ship parking and a bar/restaurant would add, there is NO traffic light. Visitors have two options to turn into Duval or a U turn is required the southern driveway entrance for the strip mall. This is not safe and many accidents have occurred here. These are all recipes for disasters for either other vehicles, kids walking home from school or neighbor walking the sidewalks.

According to your ordinances from 2019 (4) it talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, "Shuttle routes shall avoid residential areas." Duval Street is the entrance to our subdivision, our only entrance! So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one

off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction.

Lastly, the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot.

Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Regards,  
Jessica Beal, PharmD.

**From:** [Peter Dilecce](#)  
**To:** [Commissioner, D5](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)  
**Subject:** Fwd: Re-zoning request \*\*\*Please vote No\*\*\*  
**Date:** Sunday, March 29, 2020 4:08:53 PM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Begin forwarded message:

**From:** Peter Dilecce <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>  
**Subject:** Re-zoning request \*\*\*Please vote No\*\*\*  
**Date:** March 29, 2020 at 4:01:55 PM EDT  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov), [d2.commissioner@brevardfl.gov](mailto:d2.commissioner@brevardfl.gov)  
**Cc:** [hillberg@earthlink.net](mailto:hillberg@earthlink.net), [sgHOA@live.com](mailto:sgHOA@live.com)

Good Afternoon,

My name is Rose DiLecce and have been a resident of North Merritt Island for 21 years. I am writing to you today in regards to a notice I received in the mail yesterday afternoon referencing a rezoning request for the property located in the southwest corner of Duval Street and N Courtenay Parkway.  
(3345 N Courtenay Pkwy., Merritt Island)

I am concerned that there is an attempt again to change the current zoning on this property from a Planned Industrial Park to a Conditional Use Permit for Overnight Parking and Conditional Use for Alcoholic Beverages. This request does not in my opinion align with the mission of the North Merritt Island Homeowners Association. The mission as stated on the website says "it is the purpose of the association to protect the interests of the property owners and individuals who reside on North Merritt Island with particular emphasis on controlled growth, life style of the residents, ecology, area appearance, and property values. The association strives to maintain an overall density of one unit per acre, in order to preserve the rural character of the community".

Those of us that live in Sunset Groves (the neighborhood directly behind this plaza) have fought this request before as you may recall.

My concerns are as follows: the already congested traffic, the safety of our kids, and the devaluation of our properties.

Our neighborhood has only one way in and out and increasing the traffic from the proposed commercial parking lot will surely create more congestion and more potential accidents. Please keep in mind that there is one short turn lane onto Duval street while heading north on Courtenay and on any given day from 3pm to 6pm both south bound lanes are backed up from 528 to passed Sunset Lakes.

In addition, there is already a planned designated cruise parking that is currently under construction off of N. Courtenay and Smith Road. This cruise parking will hold approximately 100 plus cars. Plus the land just north of our neighborhood is another planned cruise parking lot.

Do we really want North Merritt Island to become only cruise parking?

In addition, please note that Brevard Public Schools use Duval Street as a bus stop for three schools and this bus stop is very close to the proposed building that will be used for the permit regarding alcohol. The bus stop used to be right on the corner of N. Courtney and Duval but due to the safety of our children and the bus stop was moved to Duval Street.

Please see the times below:

Lewis Carroll Elementary Pick up time 7:20AM Drop off time 3:02PM

Jefferson Middle School Pick up time 8:55AM Drop off time 5:18PM

Merritt Island High School Pick up time 8:15AM Drop off time 4:06PM

My last point is simply that of devaluation of our neighborhood and homes. Over the last 20 years the plaza in front of our neighborhood has changed owners many times and been left vacant for several years with only the personal trainer occupying one unit. if this request is granted there is no telling what the next owner will do with the property.

I thank you for your time and consideration.

Rose DiLecce

**From:** [Commissioner, D2](#)  
**To:** [jim robertson](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [Calkins, Tad](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Re: Seniors attendance of rezoning meeting scheduled 4-9-2020  
**Date:** Sunday, March 29, 2020 10:41:47 AM

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Mr. Robertson,

Thank you for reaching out.

I appreciate your concerns but the County has implemented policies to enable maintaining 6+ foot distances for public comment during noticed meetings.

So long as we're following CDC and FDOH guidelines, we have no basis to cancel. If we cannot maintain CDC guidelines, I will recommend cancellation.

Moreover, COVID-19 could be here for many months and we cannot simply stop all meetings with no end in sight.

If you are more comfortable emailing comments, that is another option which is certainly available should you still have lingering concern.

Kind regards,

Bryan

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**From:** jim robertson <jimrobo50@hotmail.com>  
**Sent:** Sunday, March 29, 2020 5:42 AM  
**To:** Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Denninghoff, John P <John.Denninghoff@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Seniors attendance of rezoning meeting scheduled 4-9-2020

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

We must delay this meeting and reschedule another date, I am James H. Robertson age 82, I am at risk for corona Virus COVID-19, and as per instructions from our Governor, Ron De Santis am told not to attend large gatherings for my own protection, and the protections of others. I am confining myself as are others in my predicament, Our lives are on the line here at Sunset groves subdivision, there are many many old persons living here who want to attend,

but would risk our lives by attending. My rights would be violated along with many others if we can not safely attend. I respectfully ask that we be considered and reschedule the meeting at a time when the virus isn't such a threat. Many seniors live here and want to attend the meeting, but can't chance contacting the Virus. Lives are more important than a bar rezoning, every time.

Sincerely;

James H. Robertson

3240 Biscayne Dr.

Merritt island, Fl. 32953

**From:** [jim robertson](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D1](#); [Commissioner, D5](#)  
**Subject:** Fw: NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)  
**Date:** Saturday, March 28, 2020 7:30:46 AM

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**From:**  
**Sent:** Saturday, March 28, 2020 6:44 AM  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov) <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>; [D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov) <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; [D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov) <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; [D3.Commissioner@brevardfl.gov](mailto:D3.Commissioner@brevardfl.gov) <[D3.Commissioner@brevardfl.gov](mailto:D3.Commissioner@brevardfl.gov)>; [D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov) <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; [D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov) <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>

**Cc:**

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved, we are talking millions. It surely would make the properties unsaleable to families with children. Where is the common good, our 47 homes are not included?

Before you make your final decision please consider the following: This is the third time applications have been made to establish sales of liquor on primacies, Two before have failed, the property was found not to meet community property guidelines of Florida statutes. How many times do we have to lay out the money to prove once again, this property is encroaching the FPL easement of major Power lines feeding our Grid. The Original developer decided to encroach when he constructed the property, FPL has said that A 6' wall would have to be erected at the north boundary of the easement which is on the doorsteps of the buildings there. It is costly to keep proving this over, over, and now once again.

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.

- To add an additional bar on North Courtney across from and adjacent to a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. What would the traffic congestion do to our one and only
- 
- entrance easement? If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.
- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed an environmental impact statement. What does High intensity lighting do to us, We are 100' away, what about car horn, alarm systems, engine noises, and other air pollution and wandering traffic at 2 AM.? If a study was completed, where can the property owners in Sunset Groves review the document. This property is too close and to dangerous for our subdivision to be considered for the CUP.

James H. Robertson  
 3240 Biscayne Drive  
 Merritt Island, FL 32953

**From:** [dave woodington](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [prince.leacy@gmail.com](#); [3211 -- Frederick Solomon](#); [SGHOA Officers](#); [3211 Ann Solomon](#); [3220 Everette & Tracy Stephens](#); [3230 Jerry & Kathie Murr](#); [3231 -- Valk](#); [3240 Jim Robertson](#); [3241 Roland and April Burson](#); [3251 Michael & Chong Palmer](#); [3260 Stephen Townsend](#); [3261 Shahram Massihnia](#); [3270 Casey and Dana Franklin](#); [3271 George & Audrey Lewis](#); [3280 George Alden](#); [3281 -- Sarah VerWiebe](#); [3281 Don VerWiebe](#); [3291 -- Robin Massetti](#); [3300 Jim Larson](#); [3301 \(Rental\) Alim & Syeda Ara Junaid](#); [Jessica Beal](#); [3310 Arch & Cynthia Stanton](#); [3311 Kerry Peppers](#); [3330 Phillip & Shelby Meade](#); [3340 Peitro & Rose Dilecce](#); [3341 Kevin Zari](#); [3350 Jessica Beal](#); [3350 Pat Stahl](#); [3360 Steve & Roe Phillips](#); [3361 Richard & Michelle Bostrom](#); [3370 John & Dianne Burke](#); [3371 Steven & Kuang Beres](#); [3380 Eric & Pamela Martin](#); [3381 Carla & Tracy Dickinson](#); [3390 Cliff & Norma Gaines](#); [3391 Dave & Teresa Woodington](#); [3410 Larry Cupac](#); [3411 Jennifer Campbell](#); [3420 Bob Willcox and Heidi Beasley](#); [3430 Ray Scarpa](#); [3431 Bill Matanis](#); [3440 Mike & Maria Bradley](#); [3441 Robert & Cornelia Reijm](#)  
**Subject:** NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)  
**Date:** Saturday, March 28, 2020 6:44:58 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved. It surely would make the properties unsaleable to families with children.

Before you make your final decision please consider the following:

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.
- To add an additional bar on North Courtney across from a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.

- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making a re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed an environmental impact statement. If so where can the property owners in Sunset Groves review the document.

Dave Woodington  
3391 Biscayne Drive  
Merritt Island, FL 32953

July 8, 2020

To: Jennifer Jones  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Meeting Disclosure

Ms. Jones,

In regards to the upcoming agenda item H. 13 for the Planning & Zoning meeting on July 9<sup>th</sup>, 2020, please be advised in advance that Commissioner Tobia spoke with the following parties via telephone, separately, on July 6<sup>th</sup>, 2020.

Kim Rezanka, Esq.

Mike Shah

Hon. Mike Harridopolis

Each phone call lasted approximately ten minutes, during which the above individuals provided information regarding the above-referenced item.

Sincerely,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

**From:** [Kimberly Rezanka](#)  
**To:** [Schmadeke, Adrienne](#)  
**Cc:** [Woodard, Patrick](#); [Bellak, Christine](#)  
**Subject:** RE: July 9th County Commission Agenda matter  
**Date:** Thursday, July 2, 2020 11:47:17 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)

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Thank you!

**Kimberly Bonder Rezanka, Esq.**

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**From:** Schmadeke, Adrienne <Adrienne.Schmadeke@brevardfl.gov>  
**Sent:** Thursday, July 2, 2020 11:41 AM  
**To:** Kimberly Rezanka <kim@cflawoffice.com>  
**Cc:** Woodard, Patrick <patrick.woodard@brevardfl.gov>; Bellak, Christine <Christine.Bellak@brevardfl.gov>  
**Subject:** RE: July 9th County Commission Agenda matter

Good afternoon Kim,

On behalf of Commissioner Smith, I want to acknowledge receipt of your request. It has been shared with the Commissioner and I will be in touch.

Regards,

*Adrienne Schmadeke*



**Adrienne Schmadeke**  
Executive Assistant to Commissioner Smith  
Brevard County, District 4  
[321.633.2044](tel:321.633.2044) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)  
2725 Judge Fran Jamieson Way, Bldg. C - Suite 214,  
Viera, FL 32940

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**From:** Kimberly Rezanka <[kim@cflawoffice.com](mailto:kim@cflawoffice.com)>  
**Sent:** Thursday, July 2, 2020 10:32 AM  
**To:** Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>  
**Subject:** July 9th County Commission Agenda matter

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Smith,

This item is on the July 9<sup>th</sup> County Commission Agenda. I would like to schedule a 10 minute phone conference with you at your convenience to discuss.

Thank you for your consideration.

Sincerely,

**Kimberly Bonder Rezanka, Esq.**



*96 Willard Street, Suite 302  
Cocoa, FL 32922  
321-639-1320 ext. 123  
Fax 321-639-9950*

**[Kim@cflawoffice.com](mailto:Kim@cflawoffice.com)**  
**[www.cflawoffice.com](http://www.cflawoffice.com)**



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**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (July 2, 2020)**

- I. **Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

II. **Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

**III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

“The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... .”

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:00 a.m. to 1:00 p.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

**IV. Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make “u-turns” on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 1:00).

These vehicles “in and out” are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dismiss'd, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 160' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:00 a.m. – 1:00 p.m.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

**ADDITIONAL CONDITION:**

- k. Commercial Parking is primary use.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

**From:** [Woodard, Patrick](#)  
**To:** [Elizabeth Anderson](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** RE: cruise parking, North Merritt Island  
**Date:** Tuesday, June 9, 2020 6:48:00 PM

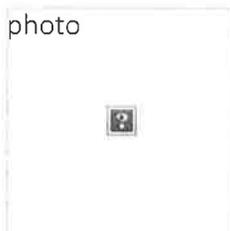
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Ms. Anderson,

On behalf of Commissioner Smith, thank you for contacting our office with your concern about additional cruise parking north of 528. I will share your email with the Commissioner however, I wanted to acknowledge that our office received it.

Regards,

*Pat Woodard*



**Pat Woodard**  
**Chief Legislative Aide to Commissioner Smith**  
Brevard County, District 4  
[321.633.2044](tel:321.633.2044) | [Patrick.Woodard@brevardfl.gov](mailto:Patrick.Woodard@brevardfl.gov)  
2725 Judge Fran Jamieson Way, Bldg. C - Suite 214,  
Viera, FL 32940

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**From:** Elizabeth Anderson <bettanderson@yahoo.com>  
**Sent:** Tuesday, June 09, 2020 8:53 AM  
**To:** Commissioner, D4 <D4.Commissioner@brevardfl.gov>  
**Subject:** Fw: cruise parking, North Merritt Island

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear County Commissioner,

I am writing to request that you DO NOT approve any additional cruise parking north of 528. Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,  
Elizabeth Anderson and Patrick Churchville  
Homeowners 3804 Sunbeam Court, Merritt Island

**From:** [Christopher Roche](#)  
**To:** [Woodard, Patrick](#)  
**Subject:** RE: Cruise Parking on North Merritt Island  
**Date:** Wednesday, June 3, 2020 5:36:43 PM  
**Attachments:** [1DD4C4777D634C89A7790FF5F5559E70.png](#)

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you!

Sent from [Mail](#) for Windows 10

**From:** [Woodard, Patrick](#)  
**Sent:** Tuesday, June 2, 2020 2:28 PM  
**To:** [Christopher Roche](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** RE: Cruise Parking on North Merritt Island

Mr. Roche,

On behalf of Commissioner Smith, thank you for contacting our office with your concern. I will share your email with the Commissioner however, I wanted to acknowledge that our office received it.

Regards,

*Pat Woodard*



**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.*

**From:** Christopher Roche <[cgroche@hotmail.com](mailto:cgroche@hotmail.com)>

**Sent:** Tuesday, June 2, 2020 2:00 PM

**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; D2.commissioner@brevardfl.gov;  
D3.commissioner@brevardfl.gov; Commissioner, D4 <D4.Commissioner@brevardfl.gov>;  
Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Jones, Jennifer  
<jennifer.jones@brevardfl.gov>

**Subject:** Cruise Parking on North Merritt Island

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Hi, as a resident of North Merritt Island I am vehemently opposed to allowing Cruise parking on SR-3 (Courtenay Parkway) for multiple reasons. First and foremost is that SR-3 is already a bottleneck with rush hour Cape traffic, a barge canal draw bridge that goes up for every sailboat and large boat trying to pass through the canal. SR-3 is the only road directly connecting North Merritt Island to the communities and cities South of us. All the planned Cruise parking on SR-3 is close to the barge canal bridge. Cruise parking will greatly exacerbate the problem with traffic on SR-3. Secondly, Cruise parking lots are ugly and unsightly and could have a negative impact on property values of property nearby. It will definitely have a negative impact on the natural beauty of North Merritt Island. We in North Merritt Island are in close proximity to the Merritt Island National Wildlife refuge and special attention should be made regarding commercial construction impacts to wildlife and the environment. If commercial companies want to put in Cruise parking let them put it in where the Cruise ships are located, namely Port Canaveral and Cape Canaveral. North Merritt Island resident shouldn't have to suffer because of the nearby Cruise industry.

Regards,  
Chris Roche

Sent from [Mail](#) for Windows 10

H.13

Objection  
20PZ00027  
MI Plaza Group

**From:** [Patrick Stahl](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Calkins, Tad](#); [Ball, Jeffrey](#)  
**Subject:** Re: NMI Dependent Special District Board Meeting - April 9, 2020  
**Date:** Tuesday, March 24, 2020 2:29:46 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Very good, thank you for your help!

On Tue, Mar 24, 2020, 2:11 PM Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)> wrote:

Yes, the location changed today. The Commission Room at the Government Center in Viera is larger than the conference room at the Merritt Island Complex and will allow people to be spaced apart appropriately. The courtesy cards that will be mailed tomorrow will reference the Commission Room.

Jennifer

**From:** Patrick Stahl <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>  
**Sent:** Tuesday, March 24, 2020 2:09 PM  
**To:** Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Subject:** Re: NMI Dependent Special District Board Meeting - April 9, 2020

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,

Thank you so much for the response. So the meeting is at the Brevard County Government Center in Viera? The notice we saw stated that the meeting was at the Brevard County Service Complex on Merritt Island. I just want to double-check so that I am disseminating

the correct information to our residents who want to attend.

v/r,

Patrick Stahl

3350 Biscayne Drive

Merritt Island, FL 32953

321-482-4204

On Tue, Mar 24, 2020 at 1:47 PM Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)> wrote:

Mr. Stahl, the meeting on the 9<sup>th</sup> is at 6:00 p.m.

**From:** Jones, Jennifer

**Sent:** Tuesday, March 24, 2020 1:44 PM

**To:** Patrick Stahl <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>

**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>

**Subject:** RE: NMI Dependent Special District Board Meeting - April 9, 2020

Mr. Stahl,

Yes, the April 9<sup>th</sup> meeting is still on schedule. It will be held in the Commission Room at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, First Floor.

Yes, any correspondence you would like the board(s) to see can be sent to my attention via email. If you prefer to mail it, the address is:

Brevard County Planning and Development

Attn: Jennifer Jones

2725 Judge Fran Jamieson Way Ste A114

Viera FL 32940

If the meeting should happen to be postponed, I'll contact you.

Thank you,

Jennifer

**From:** Patrick Stahl <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>

**Sent:** Tuesday, March 24, 2020 1:41 PM

**To:** Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>

**Subject:** NMI Dependent Special District Board Meeting - April 9, 2020

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,

My name is Patrick Stahl. I wanted to inquire if the April 9th meeting will still be held since Brevard County has closed operations to the public? Myself and others in my subdivision have concerns about Rezoning Notice #20PZ00027 and we would like to be present for the meeting. In that vein of thinking, I am formulating an email in opposition to this rezoning notice that outlines our concerns. Would this need to be addressed to you to distribute to the board members?

Thank you for your time and attention. I appreciate it!

v/r,

Patrick Stahl

3350 Biscayne Drive

Merritt Island, FL 32953

321-482-4204

Objection  
20PZ00027  
MI Plaza Group

**From:** [Patrick Stahl](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** In Re: Rezoning Notice #20PZ00027  
**Date:** Thursday, March 26, 2020 1:41:24 PM  
**Attachments:** [Letter to NMI Development Special District Board.docx](#)

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,

Per my email the other day, attached is a letter in opposition of Rezoning Notice #20PZ00027 that I would like to distribute for review by the NMI Dependent Special District Board before the April 9th Meeting.

Thank you so much for your help.

If you have any questions or need more information please feel free to contact me by phone or email.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

North Merritt Island Development Special District Board  
c/o Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way Ste 114  
Viera FL 32940

Dear Board Members:

My name is Patrick Stahl. I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves, the subdivision located directly West of the subject property, I have concerns on the proposed actions.

It appears the notice is to remove the Binding Development Plan, apply for a Conditional Use Permit for on-premises consumption of alcohol and apply for a Conditional Use Permit for overnight parking (aka. Overnight Cruise Parking). I would like to outline my concerns in three different areas...safety, traffic, and ordinance requirements. Some of my concerns may overlap.

I would like to start with the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot. Second, (4) of the ordinance talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, “Shuttle routes shall avoid residential areas.” Duval Street is the entrance to our subdivision. We have one way in and one way out. So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic

improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction. That's great, but that doesn't include the cost of review from the County, FLDOT, etc.

Next, I would like to address the CUP for alcoholic beverages for on-premises consumption. I believe this issue was brought up once before on this property and it was voted down due to the safety concerns of residents. The ordinance (Sec. 62-1906 – Alcoholic beverages for on-premises consumption) in brief says that no alcoholic beverages should be sold within 300 feet of church or school. While there are no churches or schools within this distance, I would like to argue that the "bar" would be within approximately 200 feet of the dedicated school bus stop, which in my opinion is an extension of a school. Many of our residents and children are very active and enjoy walking, running, walking their dogs and riding bikes along Duval Street, which is normally a quiet street. I fear with the addition of another cruise parking lot/bar, the safety of our residents and their children will be threatened by intoxicated/impaired tourists.

Lastly, the additional traffic from another cruise parking lot and the three other commercial cruise lots that were grandfathered in before the 2018 ordinance went into effect will have negative impacts on our roadways. Our roads are not adequately designed for these increases and will make traffic a nightmare for residents and workers North of the Barge Canal. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work. Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Thank you for your time and attention to this matter.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

Objection  
20PZ00027  
MI Plaza Group

From: Stephen Townsend  
To: James Jennifer, Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5  
Cc: [stephen.townsend@gmail.com](mailto:stephen.townsend@gmail.com); Frederick Solomon; [gsb2011@yahoo.com](mailto:gsb2011@yahoo.com); 3211 Ann Solomon; 3228 Kerette & Tracy Stephens; 3230 Jerry & Kathy May; 3231 - VAK; 3240 Jim Robertson; 3241 Roland & April Burson; 3241 Michael & Cheryl Wilson; 3260 Stephen Townsend; 3261 Stephen Mayhew; 3272 Cesar and Dana Franklin; 3271 George & Audrey Levy; 3289 George Alden; 3291 - Sarah VerWebe; 3291 - Don VerWebe; 3291 - Robb Masetti; 3300 Jim Larnan; 3301 (Bernd) Alm & Sylvia Ann Jordan; 3302 Jessica Beck; 3302 Andy & Cynthia Stephens; 3311 Steve Prappert; 3310 Philip & Shelby Meade; 3310 Petra & Rose Olcott; 3311 Steven Kent; 3310 Jessica Beck; 3310 Pat Stahl; 3310 Steve & Sue Phillips; 3311 Richard & Michele Bastron; 3320 John & Dorene Burke; 3321 Steven & Susan Benz; 3330 Eric & Patricia Smith; 3331 Carla & Tracy Dickerson; 3350 CUP & Sylvia Gaines; 3351 Dave & Teresa Woodington; 3352 Jerry Cooper; 3351 Jennifer Campbell; 3432 Bob Weber and Heidi Beasley; 3432 Ray Garcia; 3431 BB Matias; 3440 Anne & Hans Bradley; 3441 Robert & Corneia Reim.  
Date: Thursday, March 26, 2020 9:09:56 PM

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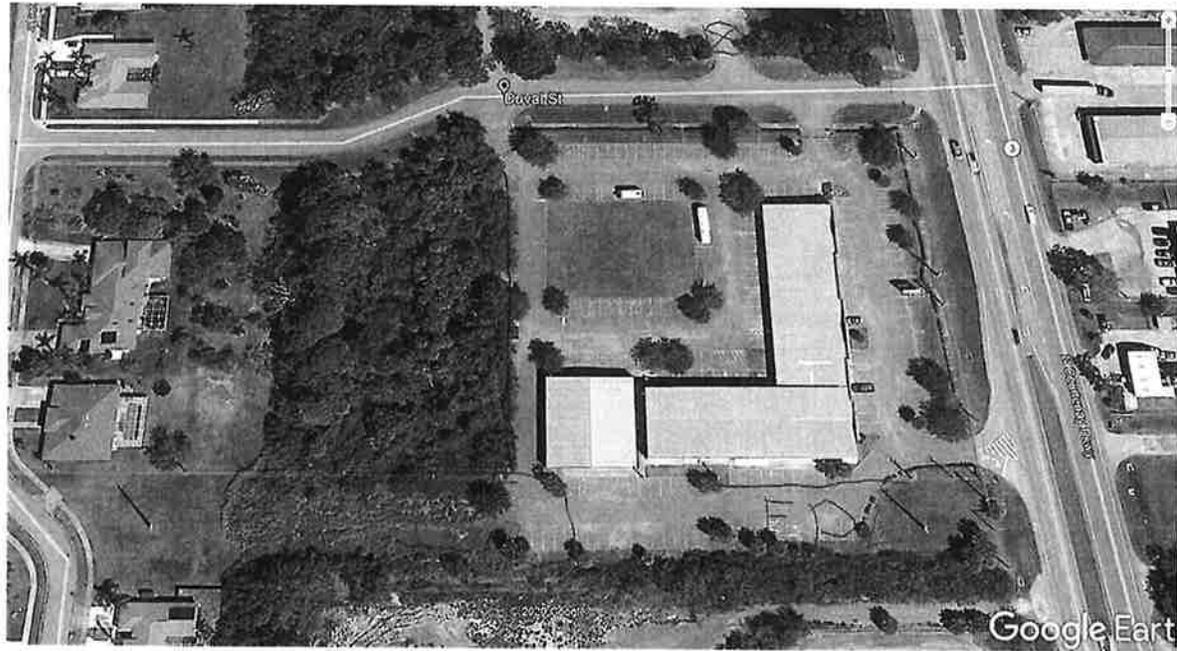
Hi I am Stephen Townsend I live behind the property that is on N Courtenay and is asking for a CUP for onsite alcohol consumption. The property is at the intersection of Duval Street and state rd 3 located on the South side of Duval Street. Duval is the only entrance to our neighborhood and is where the School bus stop is. We have established a long history of fighting these repeated attempts for businesses to obtain a CUP for this location. There are a ton of reason why that is not a good idea and I will go over them later in this e-mail but let me first explain what has been established at least twice already at great expense and aggravation to our neighborhood. This property is non-compliant to code and has been since the day they built it and it cannot become compliant without costly modifications. These buildings were built right up to the FPL powerline easement to maximize utilization of the land and to provide added parking area under the FPL easement. Which if I remember correctly we established that the parking area on FPL's easement was not authorized by FPL. The reason I am pointing this out is simple when you think about it because FPL will not allow the 6 foot wall to be extend across their easement. I do not blame them I would not allow it either if I were them. What this does now is allow unabated foot traffic between our neighborhood and a property where a proposed CUP for onsite alcohol consumption is being asked for. See Fig 1 below the easement is marked in Red and the 100 foot long easement with no 6 foot wall is circled.

Here are few facts directly related to just this one aspect of a long list of negative reason for granting this CUP

1. Once issued the CUP goes with the property and owners can change business strategies and approaches to maximize financial returns on the CUP. There is a long history of attempts to get a CUP and turn this building into a bar.
2. Ultimately we will have a potential situation where drunks and others will have direct access to our neighborhood via the 100 foot opening on the FPL easement.
3. The county has denied the CUP twice before
4. We have established that due to the configuration of the buildings and the FPL easement and the selfish decisions of the developer coupled with the County overlooking the non-compliance during construction and site plan review that there is no way to economically bring the property back into compliance
5. Having irresponsible drinkers and drivers with direct foot access to your property is purely a Diminution of property value. While I respect Property rights fully I do not support lowering the value of other people's property.

This Cup should be denied flat out and myself and my neighbors should not have to repeatedly spend money to reestablish cause for not approving these repeated CUP attacks and even threats for slap suits and aggravation of having to continually go back over all the issues i.e. Traffic, safety, children's bus stop, poor road intersection designs and improper deceleration lanes, ingress egress into our community. Please do what is right and deny this application for a CUP for this property for the third time. Thank You!

Fig 1



Objection  
20PZ00027  
MI Plaza Group

**From:** [jim robertson](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Rezoning notice #20PZ00027 being pursued by MI Plaza Group,LLC.  
**Date:** Thursday, March 26, 2020 10:59:33 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Hello,

I am James H. Robertson, I am writing in regards to rezoning notice #20PZ00027 being pursued by MI Plaza group, LLC. at the southwest corner of Duval Street and N. Courtenay parkway in Merritt Island.

As a resident of North Merritt island and sunset groves subdivision, I oppose the actions being proposed by this group.

Following are my list of concerns:

The Property does not meet the conditions laid out in sec. 62-1491.3 of Brevard county ordinances in regards to overnight commercial parking lots.

A conditional use permit for alcoholic beverages for on premises consumption/establishing a bar in close proximity to a county/school bus stop and neighborhood would endanger children and other safety issues from intoxicated/impaired drivers and patrons to their proposed bar. The property does not meet the specifications laid out in sec. 62-1906 of Brevard county ordinances.

The additional traffic from another commercial cruise parking lot would add to the already congested traffic issues with no egress/entrance lanes for protection on entry or exiting the property due to the said infrastructure on N Courtenay parkway. Also the property being presented has a FPL easement through this lot, and FPL requires fencing and no parking in that portion of the Lot. This easement creates another entrance to our secure neighborhood, and night lighting would be disturbing for sleeping and noise. An airborne photo of the property shows this encroachment when built.

This property is ill suited as a parking lot of any kind, and very poorly positioned as a bar, as it would create a dangerous environment for our children and neighborhood.

Adding another cruise parking lot, with on premises alcohol, long and short term parking, provides little or no benefit to and detracts from businesses and residents along the N. Courtenay Parkway.

The Cruise industry may not survive this downturn of the economy based on CORVID-19, and at least severely impacted. Another North courtenay parking lot is not needed, one is in the process of opening across the street form this one.

Thank you for your time and consideration of this matter.

James H Robertson 3240 Biscayne Dr. Merritt Island, Fl. 32953  
Sunset groves addition.

**From:** [dave.woodington](mailto:dave.woodington)  
**To:** [prince.leacy@gmail.com](mailto:prince.leacy@gmail.com); [3211 -- Frederick Solomon](#); [SGHOA Officers](#); [3211 Ann Solomon](#); [3220 Everette & Tracy Stephens](#); [3230 Jerry & Kathie Murr](#); [3231 -- Valk](#); [3240 Jim Robertson](#); [3241 Roland and April Burson](#); [3251 Michael & Chong Palmer](#); [3260 Stephen Townsend](#); [3261 Shahram Massihnia](#); [3270 Casey and Dana Franklin](#); [3271 George & Audrey Lewis](#); [3280 George Alden](#); [3281 -- Sarah VerWiebe](#); [3281 Don VerWiebe](#); [3291 -- Robin Massetti](#); [3300 Jim Larson](#); [3301 \(Rental\) Alim & Syeda Ara Junaid](#); [Jessica Beal](#); [3310 Arch & Cynthia Stanton](#); [3311 Kerry Peppers](#); [3330 Phillip & Shelby Meade](#); [3340 Peitro & Rose Dilecce](#); [3341 Kevin Zari](#); [3350 Jessica Beal](#); [3350 Pat Stahl](#); [3360 Steve & Roe Phillips](#); [3361 Richard & Michelle Bostrom](#); [3370 John & Dianne Burke](#); [3371 Steven & Kuang Beres](#); [3380 Eric & Pamela Martin](#); [3381 Carla & Tracy Dickinson](#); [3390 Cliff & Norma Gaines](#); [3391 Dave & Teresa Woodington](#); [3410 Larry Cupac](#); [3411 Jennifer Campbell](#); [3420 Bob Willcox and Heidi Beasley](#); [3430 Ray Scarpa](#); [3431 Bill Matanis](#); [3440 Mike & Maria Bradley](#); [3441 Robert & Cornelia Reim](#)  
**Subject:** NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)  
**Date:** Saturday, March 28, 2020 6:44:59 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved. It surely would make the properties unsaleable to families with children.

Before you make your final decision please consider the following:

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.
- To add an additional bar on North Courtney across from a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.

- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed and environmental impact statement. If so where can the property owners in Sunset Groves review the document.

Dave Woodington  
3391 Biscayne Drive  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [jim.robertson](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D1](#); [Commissioner, D5](#)  
**Subject:** Fw: NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)  
**Date:** Saturday, March 28, 2020 7:30:47 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

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**From:**  
**Sent:** Saturday, March 28, 2020 6:44 AM  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov) <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>; [D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov) <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; [D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov) <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; [D3.Commissioner@brevardfl.gov](mailto:D3.Commissioner@brevardfl.gov) <[D3.Commissioner@brevardfl.gov](mailto:D3.Commissioner@brevardfl.gov)>; [D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov) <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; [D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov) <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>

**Cc:**

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved, we are talking millions. It surely would make the properties unsaleable to families with children. Where is the common good, our 47 homes are not included?

Before you make your final decision please consider the following: This is the third time applications have been made to establish sales of liquor on primacies, Two before have failed, the property was found not to meet community property guidelines of Florida statutes. How many times do we have to lay out the money to prove once again, this property is encroaching the FPL easement of major Power lines feeding our Grid. The Original developer decided to encroach when he constructed the property, FPL has said that A 6' wall would have to be erected at the north boundary of the easement which is on the doorsteps of the buildings there. It is costly to keep proving this over, over, and now once again.

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.

- To add an additional bar on North Courtney across from and adjacent to a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. What would the traffic congestion do to our one and only
- entrance easement? If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.
- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone completed an environmental impact statement. What does High intensity lighting do to us, We are 100' away, what about car horn, alarm systems, engine noises, and other air pollution and wandering traffic at 2 AM.? If a study was completed, where can the property owners in Sunset Groves review the document. This property is too close and too dangerous for our subdivision to be considered for the CUP.

James H. Robertson  
 3240 Biscayne Drive  
 Merritt Island, FL 32953

**From:** Patrick Stahl  
**To:** Jones, Jennifer  
**Subject:** Fwd: NMIDSDB Mtg and County Commissioners Mtg - Postpone  
**Date:** Saturday, March 28, 2020 11:03:08 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Sorry, I accidentally put Jessica Jones instead of Jennifer...just passing this along.

V/r,

Patrick Stahl

----- Forwarded message -----

**From:** Patrick Stahl <patrickwstahl@gmail.com>  
**Date:** Sat, Mar 28, 2020, 10:56 PM  
**Subject:** NMIDSDB Mtg and County Commissioners Mtg - Postpone  
**To:** <frank.abbate@brevardfl.gov>, <john.denninghoff@brevardfl.gov>, <tad.calkins@brevardfl.gov>, <michelle.adams@brevardfl.gov>, <D1.Commissioner@brevardfl.gov>, <D2.Commissioner@brevardfl.gov>, <D3.Commissioner@brevardfl.gov>, <D4.Commissioner@brevardfl.gov>, <D5.Commissioner@brevardfl.gov>, <jessica.jones@brevardfl.gov>

All,

My name is Patrick Stahl. I would like to request that the meetings of the North Merritt Island Development Special District Board on April 9, 2020 and the County Commissioners mtg on May 7, 2020 be postponed due to the Covid-19 virus. Many who would have shown up at these meetings may not due to the susceptibility to exposure, which would not allow them to speak out on matters being voted on. I asked that these meetings be postponed in order to maximize participation from the public.

Thank you for your time and consideration.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

**From:** [Peter Dilecce](#)  
**To:** [t.square@prodigy.net](mailto:t.square@prodigy.net); [Jones, Jennifer](#); [fladerat@bellsouth.net](mailto:fladerat@bellsouth.net); [Abbate, Frank B](#); [john.denningoff@brevard.gov](mailto:john.denningoff@brevard.gov); [Calkins, Tad](#); [Adams, Michelle](#)  
**Subject:** Fwd: Re-zoning request \*\*\*Please vote No\*\*\*\*  
**Date:** Sunday, March 29, 2020 4:12:04 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

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>>>

>>> Good Afternoon,

>>>

>>> My name is Rose DiLecce and have been a resident of North Merritt Island for 21 years. I am writing to you today in regards to a notice I received in the mail yesterday afternoon referencing a rezoning request for the property located in the southwest corner of Duval Street and N Courtenay Parkway.

>>> (3345 N Courtenay Pkwy., Merritt Island)

>>>

>>> I am concerned that there is an attempt again to change the current zoning on this property from a Planned Industrial Park to a Conditional Use Permit for Overnight Parking and Conditional Use for Alcoholic Beverages. This request does not in my opinion align with the mission of the North Merritt Island Homeowners Association. The mission as stated on the website says "it is the purpose of the association to protect the interests of the property owners and individuals who reside on North Merritt Island with particular emphasis on controlled growth, life style of the residents, ecology, area appearance, and property values. The association strives to maintain an overall density of one unit per acre, in order to preserve the rural character of the community".

>>

>>>

>>> Those of us that live in Sunset Groves (the neighborhood directly behind this plaza) have fought this request before as you may recall.

>>>

>>> My concerns are as follows: the already congested traffic, the safety of our kids, and the devaluation of our properties.

>>>

>>> Our neighborhood has only one way in and out and increasing the traffic from the proposed commercial parking lot will surely create more congestion and more potential accidents. Please keep in mind that there is one short turn lane onto Duval street while heading north on Courtenay and on any given day from 3pm to 6pm both south bound lanes are backed up from 528 to passed Sunset Lakes.

>>>

>>> In addition, there is already a planned designated cruise parking that is currently under construction off of N. Courtenay and Smith Road.

>>> This cruise parking will hold approximately 100 plus cars. Plus the land just north of our neighborhood is another planned cruise parking lot.

>>>

>>> Do we really want North Merritt Island to become only cruise parking?

>>>

>>>

>>> In addition, please note that Brevard Public Schools use Duval Street as a bus stop for three schools and this bus stop is very close to the proposed building that will be used for the permit regarding alcohol. The bus stop used to be right on the corner of N. Courtney and Duval but due to the safety of our children and the bus stop was moved to Duval Street.

>>>

>>> Please see the times below:

>>>

>>> Lewis Carroll Elementary    Pick up time 7:20AM            Drop off time 3:02PM  
>>> Jefferson Middle School    Pick up time 8:55AM            Drop off time 5:18PM  
>>> Merritt Island High School    Pick up time 8:15AM            Drop off time 4:06PM

>>>  
>>>  
>>>

>>> My last point is simply that of devaluation of our neighborhood and homes. Over the last 20 years the plaza in front of our neighborhood has changed owners many times and been left vacant for several years with only the personal trainer occupying one unit. if this request is granted there is no telling what the next owner will do with the property.

>>>  
>>>

>>> I thank you for your time and consideration.

>>>

>>> Rose DiLecce

>>>  
>>>  
>>  
>

**From:** [Jessica Beal](#)  
**To:** [Kim Smith](#); [Jones, Jennifer](#); [fladerat@bellsouth.net](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [D4.commissioners@brevardfl.gov](#); [Commissioner, D5](#); [p\\_bennardo@yahoo.com](#); [t3ndabu@bellsouth.net](#)  
**Subject:** Rezoning Notice Opposition #20PZ00027  
**Date:** Sunday, March 29, 2020 9:58:18 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

As a long time Merritt Island resident, I am not excited about yet another proposed Commercial Cruise Parking Lot in our area and all the additional traffic that it will bring to N. Courtney Parkway Corridor. Sadly as a resident of Sunset Groves, we were notified that's exactly what is being proposed at the Southwest corner of Duval Street and N. Courtenay Parkway, across from Buffkin Tile. MI Plaza Group, LLC is trying to get a Conditional Use Permit (CUP) for both a commercial cruise parking lot and a CUP for a bar to serve alcohol to tourists waiting to be shuttled to the Port (Rezoning Action #20PZ00027).

How does this benefit residents and businesses in our area? The answer is, it doesn't. Along with the cruise parking lot currently being built at the Southeast corner of Smith Road and N Courtenay Parkway, all it does is add to the already existing traffic congestion North of the Barge Canal and increase accidents and safety concerns from tourist drivers and shuttles. This currently being built parking lot's impact haven't even been felt yet. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work.

As our area grows with the influx of commercial spaceflight companies, workers and new residents, we need to keep in mind what kinds of businesses will best suit this growth and what will detract. A cruise parking lot and bar/restaurant is not consistent with the businesses in immediate area.

In addition, the current proposal adds safety concerns with a bar and cruise ship guests being located within a short distance of a school bus stop, residential sidewalks and the only entrance to our neighborhood. This plaza shares a common entrance (Duval St.) and only entrance to our neighborhood which would have a profound effect on compatibility. With the added traffic the overnight cruise ship parking and a bar/restaurant would add, there is NO traffic light. Visitors have two options to turn into Duval or a U turn is required the southern driveway entrance for the strip mall. This is not safe and many accidents have occurred here. These are all recipes for disasters for either other vehicles, kids walking home from school or neighbor walking the sidewalks.

According to your ordinances from 2019 (4) it talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, "Shuttle routes shall avoid residential areas." Duval Street is the entrance to our subdivision, our only entrance! So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one

off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction.

Lastly, the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot.

Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Regards,  
Jessica Beal, PharmD.

**From:** [sverwiebe@aol.com](mailto:sverwiebe@aol.com)  
**To:** Jones, Jennifer  
**Subject:** Re: Rezoning Notice #20PZ00027 - MI Plaza Group, LLC  
**Date:** Monday, March 30, 2020 1:53:25 PM

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North Merritt Island Development Special District Board

c/o Brevard County Planning and Development Department

2725 Judge Fran Jamieson Way Ste 114  
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

Dear Board Members:

My name is Donald VerWiebe. I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway on Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed. The request does not fall in line with adjacent usage of property in this area.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regards to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.
- Since the cruise ship industry will doubtfully return to its pre-Coronavirus levels the extra parking will be unnecessary. However, IF the C.U.P. is changed, put up a removeable fence/wall in the FPL easement to prevent an alternate exit from the lot into the Sunset Groves development. It will also prevent intoxicated patrons from entering our neighborhood from that direction.

Additionally, how can an accurate traffic study be conducted since the traffic on N. Courtenay Parkway has been greatly reduced with the various contractors and KSC closed/minimally

staffed until further notice.

Thank you for your time and consideration of this matter.

V/R,

Donald VerWiebe

3281 Biscayne Drive

Merritt Island, Florida 32953

North Merritt Island Development Special District Board

c/o Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way Ste 114  
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

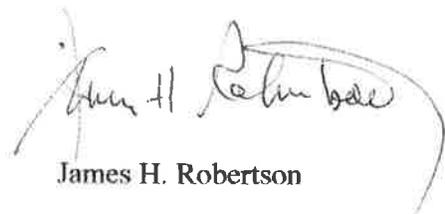
Dear Board Members:

My name is James H. Robertson, I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regards to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.

Thank you for your time and consideration of this matter.



James H. Robertson

3240 Biscayne Dr. Merritt Island, Fl. 32953

North Merritt Island Development Special District Board

c/o Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way Ste 114  
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

Dear Board Members:

My name is Sandra L. Robertson, I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regards to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.

Thank you for your time and consideration of this matter.



Sandra L. Robertson

3240 Biscayne Dr. Merritt Island, Fl. 32953

**From:** [Deb Bannon](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:17:15 PM

Objection  
20PZ00027  
MI Plaza

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please do not make North Merritt Island the cruise parking island for Port Canaveral! The Port needs to provide adequate parking for cruise passengers!!! Residents do not want an additional cruise lot in North Merritt! Please keep our little island from being paved over!!

Sincerely,  
Deb Bannon  
5490 Broad Acres ST  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza

**From:** [ADRIAN, JEFF](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** More parking destroys N Merritt Island  
**Date:** Wednesday, April 1, 2020 2:18:01 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

What's going on? Why are we seeing more traffic from new space activity and more businesses like cruise parking without expansion of roads. We will be TRAPPED here when hurricanes and other events result in mandatory evacuation!

**Jeff M Adrian**

Sr. Compliance Manager, Call Center Strategy & Planning  
Consumer, Customer Care

**AT&T Services**

m [321.684.2952](tel:321.684.2952) | o [321.631.8858](tel:321.631.8858) | [Jeff.Adrian@att.com](mailto:Jeff.Adrian@att.com)

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**From:** [Phil Bennardo](#)  
**To:** [Jones, Jennifer](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](mailto:calkins@brevardfl.gov); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Jessica Beal](#); [Kim Smith](#); [Jack Ratterman](#); [Tamy Dabu](#); [Darleen Hunt](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Thursday, April 2, 2020 1:02:22 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a resident of North Merritt Island (NMI), I disagree with the proposed Conditional Use Permit (CUP) for a commercial cruise ship parking lot and associated bar to serve alcohol to tourists awaiting shuttles to the port (per rezoning action #20PZ00027). I am opposed to this for the following primary reasons: (1) it will result in an increase in already existing traffic concerns and associated safety issues, and (2) it is incompatible with existing and planned residential and commercial areas on NMI.

As mentioned above, we are already experiencing traffic and safety issues on NMI and this is due to a rapid increase in development and growth in our area. Several new housing developments are currently in work or planned, and a large cruise ship parking lot (northeast of the barge canal drawbridge) is nearing completion. There are only 2 ways on or off NMI: south, via the barge canal drawbridge, or north, through the Kennedy Space Center. As a resident, the vast majority of trips from NMI are south, across the drawbridge. This is where we all go for shopping, doctor visits, school, church, etc. Unless we are going to work at the space center or have a need to go to Titusville, we are not travelling north. So for all other purposes, there is really only one way on or off the island. As traffic and congestion have continued to increase, the drawbridge has become more of a bottleneck, and this will only get worse with additional cruise ship parking on NMI. There are safety concerns associated with this traffic across the barge canal, and there is no traffic light at the entrance to the proposed cruise parking lot. So cruise patrons will either have to make a U turn when entering the lot or share the entrance to an existing subdivision.

A cruise ship parking lot and bar/restaurant is not consistent with the existing businesses in the immediate area and will bring no benefit to the residents and businesses already located here.

Once again, I am opposed to the proposed rezoning. Our area is already experiencing a large growth in both commercial and residential development, which is expected to continue well into the future. The establishment of these commercial parking lots will only make matters worse. They will contribute to already existing traffic and safety problems, and are incompatible with our area, as they provide no goods or services to our residents.

Charles Philip (Phil) Bennardo  
321-266-5135

Objection  
20PZ00027  
MI Plaza

**From:** [Elizabeth Anderson](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** another proposed cruise ship parking lot  
**Date:** Friday, April 3, 2020 9:53:19 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jones,

After the parking lot construction on Courtenay Parkway near 528 was approved, it was my understanding that no additional overnight parking facilities would be allowed on North Merritt Island. Now I see that MI Plaza Group wants to build another parking lot AND a bar and restaurant.

I am not in favor of either of these proposals. We chose to retire on Merritt Island and purchase a home north of 528 BECAUSE there was not a lot of traffic and we had easy access to shopping on Merritt Island and the Orlando Airport. Traffic is getting worse, yet you approved one parking lot and are considering another. PLEASE DO NOT DO THIS!

I am not going to attend the North Merritt Island Development Special District Board on Thursday, April 9, 2020 at 6 pm or the Board of County Commissioners Meeting on Thursday, May 7, 2020 due to the Corona Virus. Nevertheless, I strongly urge you to deny the actions proposed by MI Plaza Group.

Sincerely,  
Elizabeth J Anderson  
Taxpayer and Voter

Objection  
20PZ00027  
MI Plaza

**From:** [DON MENNILLO](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** North Merritt Island Zoning.  
**Date:** Monday, April 6, 2020 10:46:21 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I protest the zoning changes to the land by the Barge Canal. We have too much traffic now and with that parking lot it will only get worse. And alcohol sales won't help us on the Island. This is not right. We have lived on N Merritt Island since 1996 and want to keep everyone safe. Thank You Don Mennillo. 2305 Stone Lake Drive.  
Sent from my iPhone

**From:** [Jerry Perlet](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Marie](#)  
**Subject:** Re: 20PZ0027  
**Date:** Tuesday, April 7, 2020 6:58:03 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Re: 20PZ0027

From: Jerrold and Marie Perlet, 5127 Royal Paddock Way, Merritt Island, 32953

We are strongly opposed to the requested changes for the property on N. Courtenay as described in the email. We would attend the meeting if we were not required to stay home due to the pandemic. This hearing should be delayed until the fall so residents can attend and express their opinions for the record. We certainly aren't going to need any more cruise parking for quite some time.

We do not need more traffic crossing over an already clogged draw bridge. Please drive in this area during NASA shift changes, time for school, and other peak times for traffic which will also coincide with cruise traffic times. There is already too much, and adding more cruise parking on top of the huge cruise lot already under construction near the Shell station makes no logical land use planning sense. With the pandemic, the cruise industry will take a major hit and probably be reduced significantly. This lot will not be necessary, and even if things recover in two or three years, there is plenty of land near the cruise ships for parking. Save on pollution, traffic jams, and unnecessary danger to our citizens.

Land use planning is supposed to PLAN development so we can control pollution, traffic, crowds, commercial establishments. Why aren't these parking lots near the cruise ships, not miles away, adding to pollution and traffic? There is no land use planning occurring for North Merritt Island, just will-nilly projects here and there that will add up to a mess. Stick to the plan!

Allowing any kind of alcohol consumption for this project is also beyond belief. Folks are going to get plenty to drink on the ship and can wait a few hours. Drinking at 9 am? Unbelievable. And extending the time to 4 pm? That really means that passengers getting off the ship and picking up their cars to drive on Brevard roads will have the opportunity to get plastered before they leave the lot! This is dangerous for our school buses as well as our citizens. No alcohol, period!

There is no public benefit to this project, only money for the owners who purchased this property knowing it's zoning limits. Does Brevard County have a land use plan? Does it follow it? Is there no long range vision of what North Merritt Island will look like in ten years if you keep sneaking in one project here and there until we wake up one day to a total urban mess? I grew up in northern New Jersey and lived for forty years in suburban Washington. I know what urban sprawl looks like and that's where these constant zoning changes are taking NMI. Stop it!

Stop trying to destroy this area with development. Don't allow drunken cruisers to drive on our roads endangering our citizens. Refuse project #20PZ0027!

Sent from my iPad

April 7, 2020

North Merritt Island Development Special District Board  
c/o Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way Ste 114  
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

Dear Board Members:

My name is Steve Phillips. I am writing in regards to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regards to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from yet another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.

Thank you for your time and consideration of this matter.

v/r,

Mr. and Mrs. Steve Phillips  
3360 Biscayne Drive  
Merritt Island, FL. 32953

April 7, 2020

North Merritt Island Development Special District Board  
c/o Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way Ste 114  
Viera FL 32940

RE: Rezoning Notice #20PZ00027 – MI Plaza Group, LLC

Dear Board Members:

My name is James Larson. I am writing in regard to Rezoning Notice #20PZ00027 being pursued by MI Plaza Group, LLC. at the Southwest corner of Duval Street and N. Courtenay Parkway in Merritt Island. As a resident of North Merritt Island and Sunset Groves Subdivision, I oppose the actions being proposed.

Following are my list of concerns:

- The property does not meet the conditions laid out in Sec. 62-1491.3 of Brevard County Ordinances in regard to Overnight Commercial Parking Lots.
- A Conditional Use Permit for alcoholic beverages for on-premises consumption/establishing a bar in close proximity to a bus stop and neighborhood would bring unnecessary safety issues from intoxicated/impaired patrons/drivers and does not meet the conditions laid out in Sec. 62-1906 of the Brevard County Ordinances.
- The additional traffic from yet another commercial cruise parking lot would add to the already congested traffic issues/infrastructure issues of the N. Courtenay Parkway corridor.
- Adding another cruise parking lot provides little to no benefit to/detracts from businesses and residents along the N. Courtenay Parkway.

Thank you for your time and consideration of this matter.

v/r,

Mr. and Mrs. James Larson  
3300 Biscayne Drive  
Merritt Island, FL. 32953

**From:** [Jessica Schneider](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Friday, April 10, 2020 5:04:18 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please don't rezone that lot into a cruise parking lot for the following reasons:

First, traffic at the Courtenay/Beachline interchange is already snarled enough. Around quitting time for the Cape or any time the drawbridge is stuck up traffic is a nightmare in that area. A third parking lot in that area will just make it worse

Second, there are already 2 lots being built as overflow for cruises from Port Canaveral. A third one is total overkill.

Third, it's never a good idea to have too much of the area's economy tied to one industry. The Space Shuttle program is proof of this concept.

I'm all for growth in the area. Fix traffic on and off the Beachline and put up a store, a housing development, a Mini golf. Anything but another parking lot please.

Respectfully,. John Schneider

**From:** [jim robertson](#)  
**To:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [David Leadbeater](#)  
**Cc:** [Calkins, Tad](#); [Ball, Jeffrey](#); [Brewer, Jad](#); [Jones, Jennifer](#)  
**Subject:** Fw: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments - revision 4.10.20  
**Date:** Saturday, April 11, 2020 7:16:54 AM

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**From:** David Leadbeater <david@goport.com>  
**Sent:** Friday, April 10, 2020 4:52 PM  
**Subject:** Fwd: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments - revision 4.10.20

Good afternoon all,

Per our lawyer's response below herein, please also note the typographical error.

Regards,

David Leadbeater- David, it is sooo easy to change hours of operation, that will not be on your cop, It could be changed by a decision of MI Plaza Group, LLC by merely a vote by your board, with letter of intent to the county commission advising the Hours of operation be changed. The parking facility will be open and guarded 24-7, and the hours of alcohol service can be amended to 24-7 unless there are statutes against the hours of service in the florida, or county statutes. Then they can be amended to conform with the maximum allowed serving times for alcohol sales in house, What you do on the buses is not an issue unless distance of open containers from driver violations occur. So your company intends only to serve from 9:30 am to 12:30 pm? Then would the bar that seats 100 be closed? That doesn't make sense. I think not. I think that like all bars in Florida, there is a statute controlling hours, as long as those hours are adhered to, then you would be legal to be open. The commissioners only follow law. If no violations of existing statutes, hours of operation and intent to serve is at the discretion of the provider. It is a county blanket law that speaks of lawful hours of operation. I don't think those hours mentioned are binding intentions. Sunset Groves is way too close to the facility for liquor by the drink on premises sales. whether that enhances your parking facility business or not is not an issue. The issue is the location of that facility, the distance from Sunset Groves housing addition, (established first in Zoning) once determined that the facility can serve liquor by the drink on premises, then statutes controlling hours of operation is the determining factor because of Zoning changes. not a statement of intent and promise to us by MI Plaza Group, LLC. James H Robertson, 3240 Biscayne Dr. Merritt island, Fl.

----- Forwarded message -----

**From:** Kimberly Rezanka <[kim@cfglawoffice.com](mailto:kim@cfglawoffice.com)>  
**Date:** Fri, Apr 10, 2020 at 4:12 PM  
**Subject:** RE: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments - revision

4.10.20

To: [D2.Commissioner@brevardcounty.us](mailto:D2.Commissioner@brevardcounty.us) <[D2.Commissioner@brevardcounty.us](mailto:D2.Commissioner@brevardcounty.us)>, Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>, [D3.Commissioner@brevardcounty.us](mailto:D3.Commissioner@brevardcounty.us) <[D3.Commissioner@brevardcounty.us](mailto:D3.Commissioner@brevardcounty.us)>, Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>, [D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov) <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>  
Cc: Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>, Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>, Brewer, Jad <[Jad.Brewer@brevardfl.gov](mailto:Jad.Brewer@brevardfl.gov)>, Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>

Dear Commissioners:

I apologize, but we found a typographical error.

In Section III: Additional Conditions, it should read:

The alcohol service hours will be only from 9:30 a.m. to 12:30 ~~a.m.~~ p.m. (3 hours only).

I apologize for the error and any consternation this may have caused.

Sincerely,  
**Kimberly Bonder Rezanka, Esq.**

**David Leadbeater**  
Executive Assistant  
[david@goport.com](mailto:david@goport.com)  
(321) 305-6969



273 Crockett Blvd  
Merritt Island, FL 32953  
[www.goport.com](http://www.goport.com)

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**From:** [dave.woodington](#)  
**To:** [Jones, Jennifer; Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5; 3211 -- Frederick Solomon; SGHOA Officers; 3211 Ann Solomon; 3220 Everette & Tracy Stephens; 3230 Jerry & Kathie Murr; 3231 -- Valk; 3240 Jim Robertson; 3241 Roland and April Burson; 3251 Michael & Chong Palmer; 3260 Stephen Townsend; 3261 Shahram Massihnia; 3270 Casey and Dana Franklin; 3271 George & Audrey Lewis; 3280 George Alden; 3281 -- Sarah VerWiebe; 3281 Don VerWiebe; 3291 -- Robin Massetti; 3300 Jim Larson; 3301 \(Rental\) Alim & Syeda Ara Junaid; Jessica Beal; 3310 Arch & Cynthia Stanton; 3311 Kerry Peppers; 3330 Phillip & Shelby Meade; 3340 Paitro & Rose Dilecce; 3341 Kevin Zari; 3350 Jessica Beal; 3350 Pat Stahl; 3360 Steve & Roe Phillips; 3361 Richard & Michelle Bostrom; 3370 John & Dianne Burke; 3371 Steven & Kuang Beres; 3380 Eric & Pamela Martin; 3381 Carla & Tracy Dickinson; 3390 Cliff & Norma Gaines; 3391 Dave & Teresa Woodington; 3410 Larry Cupac; 3411 Jennifer Campbell; 3420 Bob Willcox and Heidi Beasley; 3430 Ray Scarpa; 3431 Bill Matanis; 3440 Mike & Maria Bradley; 3441 Robert & Cornelia Reijm](#)  
**Subject:** Cruise Parking Lot on N. Courtenay Pkwy  
**Date:** Tuesday, April 14, 2020 2:11:48 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jennifer,

I am not sure why I am receiving Emails form David Leadbeater of GOPORT? I did not contact him nor do I have any interest in talking to him. My issues were directed toward the County Commissioners not Mr. Leadbeater unless the commissioner's now have in place a certificate of "Non - Responsibility". I need the Brevard County Commissioner's to answer my questions. I would like to know who on the Board shared my and the email addresses of all the Sunset Grove HOA members with Mr. Leadbeater.

Please consider the following questions:

1. If the Cruise Business slows or dies a slow death for the next few years will this rezoning act be permanent and as a result we will have a bar and parking lot at our front door forever? Many reports have the Cruise Industry slowing to a snail pace over the next 5 to 10 years eliminating the need for this Bar and Parking Lot. The latest Stock Reports show that most cruise lines have dropped more than 75% in value since the 1st of the year.
2. How will "GOPORT" ensure that **ALL** of the incoming tourists do not have the dreaded COVID-19 Virus when they arrive or get off the ship? Most likely these folks are going to either stop to get gas when they come in or when they leave to get back to the airport or where-ever. Will that mean the two gas stations leaving North Courtney will be contaminated with the COVID-19 Virus when they fill up their gas tanks for a quick exit from our Island either

coming or leaving the ship.

3. The Commissioner's need to recognize that if they approve this rezoning request they will be establishing one of the earliest active Bars in the County. When we need to start drinking at 09:30 am to have fun we really have a problem.

What is missing here is those of us that live in Sunset Groves this is our Home! Merritt Island is our Island, we live here, play here and work here. Many of our residents work at the Cape and have for years, Rocket Launches mean something here, we pride ourselves as part of the Islands Business! Some of our residents have spent more than 40 years in the Rocket Business at the KSC, we have teachers, fishing boat Captains, Air Line Pilots, nurses and even a Bee Keeper among us. We know each other, both at work and in the neighborhood, and collectively we have no interest in expanding the Cruise Parking business or welcoming tourists from the Florida City Mall Days INN to our Island. We are more than happy for them to by-pass our Island on the way to the Port where ample parking is already available.

This action brings absolutely no value to Merritt Island or our neighborhood!

The first thing the new owner did when they bought the property was to trash talk the residents and Post the Property for no trespassing. His loss not ours. The previous tenants of this property left not because they wanted too but because like many other of the same type warehouse spaces it has become in serious dis-repair. The Dentist which was the last to leave said the roof leaked so badly he had to close during storms. There is an identical type vacant property in Rockledge off Rt 1 just south of the 520 light that would seem to make an ideal cruise parking facility. This property does not impact a housing development and would be more in line with this type of business operation. The only business operating in the entire complex is the Thrift Store.

We who live here know that the intersection of Duval and North Courtney is extremely dangerous with folks making a U turn to go the Bufkin Flooring, Causeway Diner and the other businesses on the east side of North Courtney. We have watched with deep concern the deaths at this intersection of unfamiliar drivers to the area. This action will just exacerbate the already dangerous serious intersection.

Respectively,  
dave woodington  
3391 Biscayne Drive  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza

**From:** [Melissa Lamond](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 15, 2020 2:44:37 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I'm writing to express our concerns with the above referenced rezoning action that will allow for ANOTHER commercial cruise parking lot on North Merritt Island. The traffic on North Merritt Island is getting worse as more jobs open up at KSC and there are multiple new housing developments being built.

The existing roadway infrastructure on North MI is not designed to handle the existing traffic volume. Additionally, the barge canal bridge cannot handle the existing traffic, let alone the additional traffic from these new neighborhoods and new cruise parking. Nothing seems to be being done to address these existing infrastructure issues.

In addition to the new parking lot, a bar is being proposed to be located within a short distance of a school bus stop and residential sidewalks. This is not safe and introduces great risk to our North Merritt Island community.

This request brings no value to the NMI community and as residents of North Merritt Island we are asking that you please take these concerns under advisement and deny this rezoning request.

Thank you,  
Todd and Melissa Lamond  
635 Chase Hammock Rd  
Merritt Island

Objection  
20PZ00027  
MI Plaza Group

**From:** [Peg Cotner](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [D1.commissioner@brevardfl.gov](mailto:D1.commissioner@brevardfl.gov); [Commissioner, D2](#)  
**Subject:** actionID# 20PZ00027  
**Date:** Tuesday, June 2, 2020 8:51:45 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you. Please note this is my emphatic "NO" to this action. Anyone who has traveled the 528 and Courtenay Pkwy interchange knows we need no more traffic. So many reasons, the barge bridge is probably foremost. I have lived through the repairs, and breakdowns, it is not pretty. Safety for our emergency crews and the people they serve, is concerning to me. The preservation of the limited nature reserves is unique, beautiful and necessary for the community. Please don't destroy the wonderful diversity we have in this area. It's not all about parking for people who only came to a place they are leaving. There are so many more reasons. I will leave a few for others to mention. Thank you, and please do the right thing.  
Peggy Cotner 4088 Judith Ave. MI 32953

**From:** [Christopher Roche](#)  
**To:** [Commissioner, D1](#); [D2.commissioner@brevardfl.gov](#); [D3.commissioner@brevardfl.gov](#); [Commissioner, D4](#);  
[Commissioner, D5](#); [Jones, Jennifer](#)  
**Subject:** Cruise Parking on North Merritt Island  
**Date:** Tuesday, June 2, 2020 2:00:32 PM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi, as a resident of North Merritt Island I am vehemently opposed to allowing Cruise parking on SR-3 (Courtenay Parkway) for multiple reasons. First and foremost is that SR-3 is already a bottleneck with rush hour Cape traffic, a barge canal draw bridge that goes up for every sailboat and large boat trying to pass through the canal. SR-3 is the only road directly connecting North Merritt Island to the communities and cities South of us. All the planned Cruise parking on SR-3 is close to the barge canal bridge. Cruise parking will greatly exacerbate the problem with traffic on SR-3. Secondly, Cruise parking lots are ugly and unsightly and could have a negative impact on property values of property nearby. It will definitely have a negative impact on the natural beauty of North Merritt Island. We in North Merritt Island are in close proximity to the Merritt Island National Wildlife refuge and special attention should be made regarding commercial construction impacts to wildlife and the environment. If commercial companies want to put in Cruise parking let them put it in where the Cruise ships are located, namely Port Canaveral and Cape Canaveral. North Merritt Island resident shouldn't have to suffer because of the nearby Cruise industry.

Regards,  
Chris Roche

Sent from [Mail](#) for Windows 10

Objection  
20PZ00027  
MI Plaza Group

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#)  
**Subject:** FW: Cruise Parking on North Merritt Island  
**Date:** Wednesday, June 3, 2020 11:19:21 AM  
**Attachments:** [image001.png](#)

---

Jennifer,

On behalf of Commissioner Pritchett, below is an email regarding cruise parking on Merritt Island.

Regards,

*Marcia Newell*

Chief Legislative Aide to Commissioner Rita Pritchett  
[Marcia.newell@brevardfl.gov](mailto:Marcia.newell@brevardfl.gov)



**District 1 Commission Office**

2000 S. Washington Avenue, Suite 2  
Titusville, Florida 32780  
321-607-6901

**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** Christopher Roche <cgroche@hotmail.com>  
**Sent:** Tuesday, June 2, 2020 2:00 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; D2.commissioner@brevardfl.gov;  
D3.commissioner@brevardfl.gov; Commissioner, D4 <D4.Commissioner@brevardfl.gov>;  
Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Jones, Jennifer  
<jennifer.jones@brevardfl.gov>  
**Subject:** Cruise Parking on North Merritt Island

---

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Hi, as a resident of North Merritt Island I am vehemently opposed to allowing Cruise parking on SR-3 (Courtenay Parkway) for multiple reasons. First and foremost is that SR-3 is already a bottleneck with rush hour Cape traffic, a barge canal draw bridge that goes up for every sailboat and large boat trying to pass through the canal. SR-3 is the only road directly connecting North Merritt Island to the communities and cities South of us. All the planned Cruise parking on SR-3 is close to the barge canal bridge. Cruise parking will greatly exacerbate the problem with traffic on SR-3. Secondly, Cruise parking lots are ugly and unsightly and could have a negative impact on property values of property nearby. It will definitely have a negative impact on the natural beauty of North Merritt Island. We in North Merritt Island are in close proximity to the Merritt Island National Wildlife refuge and special attention should be made regarding commercial construction impacts to wildlife and the environment. If commercial companies want to put in Cruise parking let them put it in where the Cruise ships are located, namely Port Canaveral and Cape Canaveral. North Merritt Island resident shouldn't have to suffer because of the nearby Cruise industry.

Regards,  
Chris Roche

Sent from [Mail](#) for Windows 10

Objection  
20PZ00027  
MI Plaza Group

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#)  
**Subject:** FW: actionID# 20PZ00027  
**Date:** Wednesday, June 3, 2020 11:20:25 AM  
**Attachments:** [image001.png](#)

---

Jennifer,

On behalf of Commissioner Pritchett, we are forwarding an email regarding cruise parking on Merritt Island.

Regards,

*Marcia Newell*

Chief Legislative Aide to Commissioner Rita Pritchett  
[Marcia.newell@brevardfl.gov](mailto:Marcia.newell@brevardfl.gov)



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**From:** Peg Cotner <pegcotner@gmail.com>  
**Sent:** Tuesday, June 2, 2020 11:54 AM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>  
**Subject:** Re: actionID# 20PZ00027

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

On Tue, Jun 2, 2020 at 8:51 AM Peg Cotner <[pegcotner@gmail.com](mailto:pegcotner@gmail.com)> wrote:

Thank you. Please note this is my emphatic "NO" to this action. Anyone who has traveled the 528 and Courtenay Pkwy interchange knows we need no more traffic. So many reasons, the barge bridge is probably foremost. I have lived through the repairs, and breakdowns, it is not pretty. Safety for our emergency crews and the people they serve, is concerning to me. The preservation of the limited nature reserves is unique, beautiful and necessary for the community. Please don't destroy the wonderful diversity we have in this area. It's not all about parking for people who only came to a place they are leaving. There are so many more reasons. I will leave a few for others to mention. Thank you, and please do the right thing. Peggy Cotner 4088 Judith Ave. MI 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Elizabeth Anderson](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Proposed cruise parking on North Courtenay  
**Date:** Wednesday, June 3, 2020 11:22:31 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jones,

I am writing to request that you DO NOT approve any additional cruise parking north of 528. Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,  
Elizabeth Anderson and Patrick Churchville  
Homeowners 3804 Sunbeam Court, Merritt Island

Objection  
20PZ00027  
MI Plaza Group

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Mascellino, Carol](#); [Smith, Nathan](#); [Pritchett, Rita](#)  
**Subject:** FW: cruise parking, North Merritt Island  
**Date:** Thursday, June 4, 2020 12:37:28 PM  
**Attachments:** [image001.png](#)

---

Jennifer,

On behalf of Commissioner Pritchett, we are forwarding the below email for the cruise parking item on the agenda.

Regards,

*Marcia Newell*

Chief Legislative Aide to Commissioner Rita Pritchett  
[Marcia.newell@brevardfl.gov](mailto:Marcia.newell@brevardfl.gov)



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2000 S. Washington Avenue, Suite 2  
Titusville, Florida 32780  
321-607-6901

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**From:** Elizabeth Anderson <[bettianderson@yahoo.com](mailto:bettianderson@yahoo.com)>  
**Sent:** Wednesday, June 3, 2020 11:26 AM  
**To:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>  
**Subject:** cruise parking, North Merritt Island

---

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear County Commissioner<

I am writing to request that you DO NOT approve any additional cruise parking north of 528. Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,  
Elizabeth Anderson and Patrick Churchville  
Homeowners 3804 Sunbeam Court, Merritt Island

BDP Removal and CUP Hearing – 6/11/2020

Homeowner Concerns

1. The CUP is inconsistent with the types of properties adjacent to the shopping center.
2. Liquor being served in the morning
  - We fail to understand how many drinks are they going to sell between 9:30 AM and 12:30 PM. Is this CUP really going to make-or-break their business plan? Certainly, the applicant can survive without it. Otherwise, they are already a zombie business.
  - The homeowners are genuinely concerned that this CUP is just the 'inch' that the applicant is taking now. It has the appearance that it will make it easier to expand the hours later, and expand it again after that, until there is finally late-night saloon located at this shopping center. A charming breakfast/brunch cafe doesn't have to have a beer and hard liquor license to be successful... as evidenced by several breakfast diners up and down Courtney Parkway. This has the appearance a ruse to eventually get a bar open in this location.
3. There is already a lot of cruise parking in the area
4. School bus stop
  - It is located on the north side of Duval directly across the street from the proposed parking and bar exacting with the applicant's customers will enter.
5. Traffic
  - The application indicated that 'most of their clients would be traveling south on SR-3 to the parking lot from Titusville', so they will be making a right turn into the parking lot. But if you google directions, the route you will get from Titusville will be south on US-1 to the SR-528 bridge and north across the barge canal to the parking area. Most people will be using that route just because that's the way Google and their GPS devices will take them. That puts them in the situation of making a dangerous U-turn at Courtney and Duval to get to the only entrance to the parking lot.
  - The homeowners have experience with a similar situation. The tile, granite business across the street plus the lumber business get tractor trailers blocking Duval Street turning left and turning right in the the their plaza.
  - There was a fatal accident that took place with a motorcycle that occurred in front of Bufkin Tile a few years back. The small "Memorial" that is attached to the sign post leaving Bufkin is for a motorcyclist who was killed INSTANTLY by an individual trying to make a U-turn or go to Bufkin Tile. The motorcyclist was traveling northbound in the right hand lane when the van pulled out in front of him.

6. It is unclear how the applicant's reservation plan will alleviate congestion. The daily trip rate cited is based on a fully rented shopping center with an in/out rate of 2,499 trips/day. This shopping center has never had anything approaching that kind of in/out traffic.
7. Entrances – The applicant indicated that the 2 entrances on Duval are blocked to prevent U-turns through the parking lot from Duval.
  - o If these roadblocks are removed, customer traffic will enter the shopping where our children cross the street to go to the school.
  - o The children will be going to the bus stop during the applicant's stated business hours
8. The application states that there will be shuttle service only in the 6:30 AM to 12:30 PM. What happens if a cruise ship departs or arrives outside of that time?

Objection  
20PZ.00027  
MI Plaza Group  
(submitted at 06/11/20 meeting)

SUNSET GROVES HOMEOWNERS ASSOCIATION  
A Corporation Not-for-Profit

PETITION AGAINST REMOVAL OF EXISTING BDP AND CUP FOR OVERNIGHT COMMERCIAL PARKING  
June 11, 2020  
NMI Dependent Special District Board Meeting

I stand unified with my neighbors in the Sunset Groves Homeowner Association in opposition to the proposed change to the current zoning PIP (Planned Industrial Park):

- 1. Removal of Existing BDP (Binding Development Plan)
- 2. CUP (Conditional Use Permit) for Overnight Commercial Parking Lot (5.48 acres)
- 3. CUP for Alcoholic Beverages (full-liquor) for On-Premises Consumption with a Restaurant (3,100 square feet/Unit 102)

I am unable to attend the hearing on June 11, 2020 due to my concerns over COVID 19.

My signature indicates my desire that the Board deny the CUP in its entirety.

Signature: James H Robertson  
 Date: 6-10-2020  
 Parcel Owner: 3240 James H. & Sandra L Robertson  
 Address: 3240 Biscayne Dr. Merritt IS. FL 32953

Objection  
20PZ00027  
MI Plaza Group  
(submitted at 06/11/20  
meeting)

SUNSET GROVES HOMEOWNERS ASSOCIATION  
A Corporation Not-for-Profit

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My signature indicates my desire that the Board deny the CUP in its entirety.

Signature:

DLK Woodington

Date:

6/10/2020

Parcel Owner:

D.K. & THERESA WOODINGTON

Address:

3391 BISCAYNE DRIVE  
MERRITT ISLAND

Objection  
20PZ00027  
MI Plaza Group  
(submitted at 06/11/20  
meeting)

SUNSET GROVES HOMEOWNERS ASSOCIATION  
A Corporation Not-for-Profit

PETITION AGAINST REMOVAL OF EXISTING BDP AND CUP FOR OVERNIGHT COMMERCIAL PARKING  
June 11, 2020  
NMI Dependent Special District Board Meeting

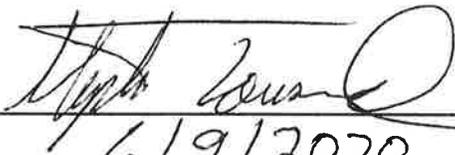
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My signature indicates my desire that the Board deny the CUP in its entirety.

Signature:

  
\_\_\_\_\_

Date:

6/9/2020  
\_\_\_\_\_

Parcel Owner:

Address:

3260 Biscayne Dr  
Merritt Island FL  
32953  
\_\_\_\_\_

Objection  
20PZ00027  
MI Plaza Group  
(submitted at 06/11/20  
meeting)

SUNSET GROVES HOMEOWNERS ASSOCIATION  
A Corporation Not-for-Profit

**PETITION AGAINST REMOVAL OF EXISTING BDP AND CUP FOR OVERNIGHT COMMERCIAL PARKING**  
**June 11, 2020**  
**NMI Dependent Special District Board Meeting**

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My signature indicates my desire that the Board deny the CUP in its entirety.

Signature:

Sarah L. VerWiebe

Date:

6/10/20

Parcel Owner:

Donald T. VerWiebe & Sarah L. VerWiebe

Address:

3281 Biscayne Drive

Objection  
20PZ00027  
MI Plaza Group  
(submitted at 06/11/20  
meeting)

SUNSET GROVES HOMEOWNERS ASSOCIATION  
A Corporation Not-for-Profit

PETITION AGAINST REMOVAL OF EXISTING BDP AND CUP FOR OVERNIGHT COMMERCIAL PARKING  
June 11, 2020  
NMI Dependent Special District Board Meeting

I stand unified with my neighbors in the Sunset Groves Homeowner Association in opposition to the proposed change to the current zoning PIP (Planned Industrial Park):

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Signature:

Donald T. VerWibe

Date:

6-10-20

Parcel Owner:

DONALD T. VERWIBE + SARAH L. VERWIBE

Address:

3281 BISCAYNE DR. MERRITT ISLAND FL 32953

Objection  
20PZ00027  
MI Plaza Group  
(submitted at 06/11/20  
meeting)

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A Corporation Not-for-Profit

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Signature:

  
\_\_\_\_\_

Date:

6/10/2020  
\_\_\_\_\_

Parcel Owner:

Pietro DiLecce  
\_\_\_\_\_

Address:

3340 BISCAYNE DRIVE  
\_\_\_\_\_

Objection  
20PZ00027  
MI Plaza Group  
(submitted at 06/11/20  
meeting)

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Signature: R. Dilecchio  
Date: 6/10/2020  
Parcel Owner: Rose A. Dilecchio  
Address: 3340 Biscayne Drive

Objection  
20PZ00027  
MI Plaza Group  
(submitted at 06/11/20  
meeting)

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Signature: Kari Peppers  
Date: 6/10/20  
Parcel Owner: KARI PEPPERS  
Address: 3311 BISCAYNE Dr.

Objection  
20PZ00027  
MI Plaza Group  
(submitted at 06/11/20  
meeting)

SUNSET GROVES HOMEOWNERS ASSOCIATION  
A Corporation Not-for-Profit

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Signature:

Phillip Meade

Date:

6/11/2020

Parcel Owner:

PHILIP MEADE

Address:

3330 BISCAYNE DR.

SUNSET GROVES HOMEOWNERS ASSOCIATION  
A Corporation Not-for-Profit

PETITION AGAINST REMOVAL OF EXISTING BDP AND CUP FOR OVERNIGHT COMMERCIAL PARKING  
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Signature:

Kathie Murr

Date:

6/11/2020

Parcel Owner:

~~3230~~ <sup>Kan</sup> Jerry and Kathie Murr

Address:

3230 Biscayne DR.

SUNSET GROVES HOMEOWNERS ASSOCIATION  
A Corporation Not-for-Profit

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Signature:

 Archie Stanton Jr

Date:

6/9/20

Parcel Owner:

2310 Biscayne DR

Address:

3310 Biscayne DR Merritt Island

Cynthia Stanton  
Cynthia Stanton

**LEGAL DESCRIPTION:**

Lot 11 Block A  
 SUNSET GROVES UNIT 2  
 according to the plat thereof  
 as recorded in Plat Book 41  
 at page(s) 34-35  
 of the Public Records of  
 Brevard County, Florida.

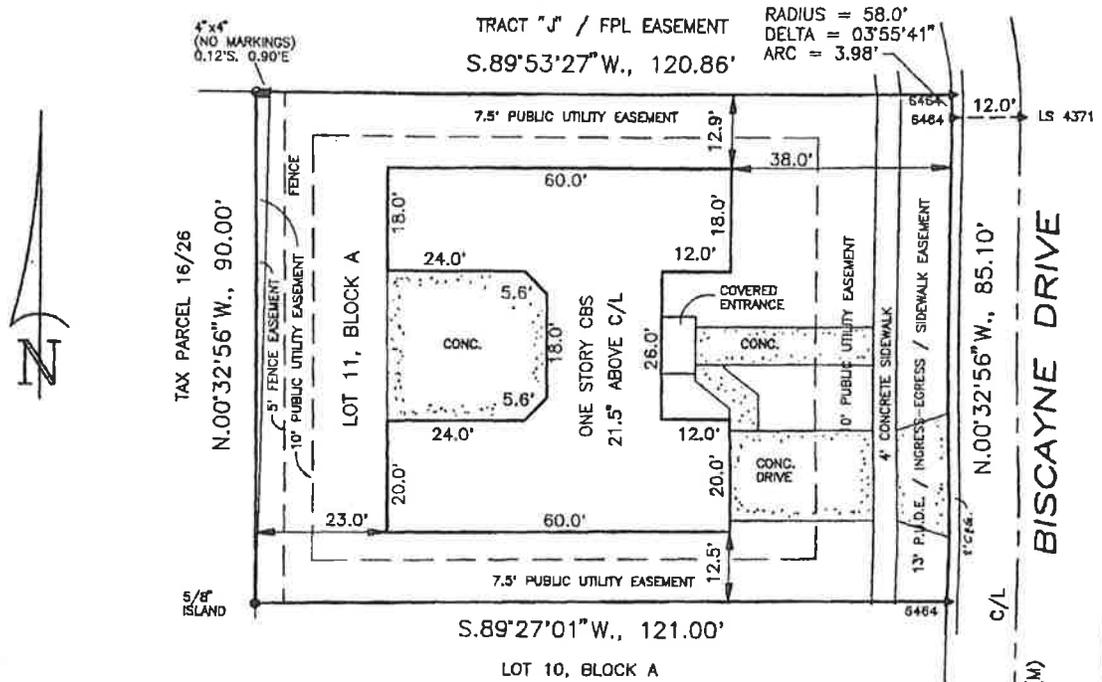
**LEGEND:**

- Set 5/8" iron rebar with cap # 6464
- Found iron rebar, size and cap #
- Set 4"x4" concrete monument with cap # 6464
- Found concrete monument, size and identification #
- ▲ Set nail and disk # 2351
- ▲ Found nail and disk, identification # as shown

**SURVEYOR'S NOTES:**

1. Unless otherwise noted, only platted easements are shown hereon.
  2. P.U.D.E. denotes Public Utilities and Drainage Easement.
  3. No underground utilities or improvements were located unless otherwise shown.
  4. Unless otherwise noted, any elevations shown are based on N.G.V. Datum of 1929, relative to B.M. #
  5. Bearings shown hereon are based on the centerline of BISCAYNE DRIVE being N.00°32'56"W.
- according to the plat described hereon, and may not be a True North Azimuth.

**SKETCH OF SURVEY**



**EXPLANATION OF ABBREVIATIONS**

PRM	PERMANENT REFERENCE MONUMENT	OHV	OVERHEAD WIRES
PCP	PERMANENT CONTROL POINT	PI	PIPE HYDRANT
CH	CONCRETE MONUMENT	SWR	SEWER
PC	POINT OF CURVE	CS&G	CLUB AND GUTTER
PT	POINT OF TANGENCY	EP	EDGE OF PAVEMENT
POB	POINT OF BEGINNING	WI	WATER METER
PRC	POINT OF REVERSE CURVATURE	PL	POINT ON LINE
POC	POINT OF COMPOUND CURVATURE	MSD	MEASURED DISTANCE
P	POINT OF INTERSECTION	MO	MEASUREMENT ON PLAT
RAJ	RADIUS	ELV	ELEVATION
DEL	DELTA OR CENTRAL ANGLE	FPE	FRESH FLOOR ELEVATION
ARC	LENGTH OF CURVE	FPR	FIXED POINT OF REFERENCE
C/L	CENTERLINE	NVD	NATIONAL GEODETIC VERTICAL DATUM
FO	FOUND	BM	BENCH MARK
R/W	RIGHT OF WAY	BP	BUILDING POINT
P/L	PROPERTY LINE	MAN	MANHOLE
CRS	CONCRETE BLOCK STRUCTURE	P.B.	PLAT BOOK
CONC	CONCRETE	SEE	SEE FLOOR ELEVATION
A/O	AS FOUND	LS	LICENSED BUSINESS
WP	WOOD POWER POLE	LS OR PLS	LICENSED SURVEYOR
CL.F.	CHAIN LINK FENCE	F.I.R.M.	FEDERAL INSURANCE RATE MAP
W.F.	WOOD FENCE		

This parcel lies in F.I.R.M. Zone "X"  
 per Community Panel 125092-0290 E  
 dated 1/5/96

Drawn by:  
 WJF  
 Scale:  
 1" = 20'  
 Date:  
 8/5/97  
 Project #  
 97-492

**Campbell** SURVEYING AND MAPPING  
 OF BREVARD, INC.  
 3525 N. COURTNEY PARKWAY - SUITE 1  
 MAILING ADDRESS: P.O. BOX 542148  
 MERRITT ISLAND, FL 32954 PHONE (407) 453-5820

**BOUNDARY SURVEY**

Certified to: ARCH H. STANTON JR. & CYNTHIA A. STANTON; SUNTRUST BANK CENTRAL FLORIDA N.A.; CHICAGO TITLE INSURANCE CO.; BREVARD TITLE AGENCY.

I hereby certify that the survey shown hereon is true and correct to the best of my knowledge and belief, based on actual measurements taken in the field. This survey meets the Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 81 G 17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

*John R. Campbell*  
 John R. Campbell  
 Professional Land Surveyor No. 2351  
 State of Florida

DATE	REVISIONS
9/10/97	FOUNDATION
10/31/97	FINAL

Objection  
20PZ00027  
MI Plaza Group

**From:** [Jessica Schneider](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Friday, April 10, 2020 5:02:26 PM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please don't rezone that lot into a cruise parking lot for the following reasons:

First, traffic at the Courtenay/Beachline interchange is already snarled enough. Around quitting time for the Cape or any time the drawbridge is stuck up traffic is a nightmare in that area. A third parking lot in that area will just make it worse

Second, there are already 2 lots being built as overflow for cruises from Port Canaveral. A third one is total overkill.

Third, it's never a good idea to have too much of the area's economy tied to one industry. The Space Shuttle program is proof of this concept.

I'm all for growth in the area. Fix traffic on and off the Beachline and put up a store, a housing development, a Mini golf. Anything but another parking lot please.

Respectfully,. John Schneider

Objection  
20PZ00027  
MI Plaza Group

**From:** [Kimberly Willey](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Project #20PZ00027  
**Date:** Monday, March 30, 2020 5:04:26 PM

---

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I have heard of plans for another cruise ship parking lot proposing to be built in North Merritt Island. Please consider the impact this will have on residents of this area.

>

> We already have 2 new housing developments and a cruise ship parking lot. Adding another will only increase the traffic in an already poorly configured system, especially on Courtenay by 528. It is already over congested with the amount of traffic we have now, and that is before the second housing development and cruise parking lot is complete.

>

> Please consider what the impact of even more development will have on the residents of the county you represent.

>

> It's sad that developers won't be happy until all the land is gone. Please help keep North Merritt Island from being overrun with development like the rest of the MI.

>

> Thank you,

> Kimberly Willey

>

>

> Sent from my iPhone

**From:** [Melissa Lamond](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 15, 2020 2:44:37 PM

---

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To Whom It May Concern,

I'm writing to express our concerns with the above referenced rezoning action that will allow for ANOTHER commercial cruise parking lot on North Merritt Island. The traffic on North Merritt Island is getting worse as more jobs open up at KSC and there are multiple new housing developments being built.

The existing roadway infrastructure on North MI is not designed to handle the existing traffic volume. Additionally, the barge canal bridge cannot handle the existing traffic, let alone the additional traffic from these new neighborhoods and new cruise parking. Nothing seems to be being done to address these existing infrastructure issues.

In addition to the new parking lot, a bar is being proposed to be located within a short distance of a school bus stop and residential sidewalks. This is not safe and introduces great risk to our North Merritt Island community.

This request brings no value to the NMI community and as residents of North Merritt Island we are asking that you please take these concerns under advisement and deny this rezoning request.

Thank you,  
Todd and Melissa Lamond  
635 Chase Hammock Rd  
Merritt Island

**From:** [George Kraft](#)  
**To:** [Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; D4.commissioner@brevardfl.gov; Commissioner, D4](#)  
**Cc:** [Dabu; Beth Matsoukis; slhoa@slhoa.info](#)  
**Subject:** Action ID # 20PZ00027  
**Date:** Friday, July 3, 2020 9:28:43 AM

---

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Commissioners,

I have lived on North Merritt Island, north of the barge canal, for 21-years. In that time, I've seen a lot of positive development. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

George

> This email has been sent using Bcc (blind carbon copy) to my recipients. This prevents email addresses from showing when forwarding to others. When forwarding emails to others, please remove all past sender information before sending.

**From:** [Karen Pardy](#)  
**Cc:** [Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; D4.commissioner@brebardfl.gov; Commissioner, D4; Dabu; Beth Matsoukis; silhoa@silhoa.info](#)  
**Subject:** Re: Action ID # 20PZ00027  
**Date:** Friday, July 3, 2020 10:14:51 AM

---

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I am a North Merritt Island resident and agree with the concerns in this matter. We appreciate your service to our community and hope you will take these concerns of the residents of North Merritt Island into consideration.  
Thank you,  
Karen

On Fri, Jul 3, 2020 at 9:28 AM George Kraft <[george-kraft@att.net](mailto:george-kraft@att.net)> wrote:  
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Objection  
20PZ00027  
MI Plaza Group

**From:** [Jessica Schneider](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Friday, April 10, 2020 5:02:26 PM

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Karen

On Fri, Jul 3, 2020 at 9:28 AM George Kraft <[george-kraft@att.net](mailto:george-kraft@att.net)> wrote:  
Commissioners,

I have lived on North Merritt Island, north of the barge canal, for 21-years. In that time, I've seen a lot of positive development. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

George

> This email has been sent using Bcc (blind carbon copy) to my recipients. This prevents email addresses from showing when forwarding to others. When forwarding emails to others, please remove all past sender information before sending.

**From:** [ivan inmon](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Fwd: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9  
**Date:** Monday, July 6, 2020 9:33:06 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am forwarding this message to my elected officials, as it states more elegantly my views on this very important issue.

Please do the right thing and vote against more of the parking lots

Sincerely

Ivan Inmon

----- Forwarded message -----

**From:** **Lyndsay Snead** <[lbi0926@hotmail.com](mailto:lbi0926@hotmail.com)>

**Date:** Mon, Jul 6, 2020 at 8:31 AM

**Subject:** Fw: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

**To:** Mom and Dad <[iinmon@aol.com](mailto:iinmon@aol.com)>, Sara Inmon, (S.) <[sinmon@ford.com](mailto:sinmon@ford.com)>, Terry Inmon <[tbinmon@aol.com](mailto:tbinmon@aol.com)>

use the below addresses to send an email to the commission about the parking lot issue. The vote is this thursday so emails need to be sent soon.

---

**From:** Lyndsay Snead

**Sent:** Monday, July 6, 2020 8:01 AM

**To:** [d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov) <[d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov)>;

[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov) <[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov)>;

[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov) <[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov)>;

[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov) <[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov)>

**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

Dear Brevard County Commissioners,

As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the

hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle necks on good days. This part of the community is mainly residential and rural with some service businesses along State Road 3. It is not, and never has been geared toward or set up to serve tourists.

Merritt Island has evolved a lot over the years and changed dramatically since the days when my family first homesteaded, but it has always been its own community with its own identity. To turn our precious paradise into a parking lot to feed the cruise industry and the port is an absolute travesty.

These parking lot businesses bring absolutely NOTHING of value to our island. They just suck up our precious resource of land (on an ISLAND no less), and give nothing of value to the community in return. They add to traffic over the already congested and questionable barge canal bridge. There were days last fall where on several occasions, for no apparent reason, traffic going over the canal was so backed up I had to take US1 home from the space center to get to my house in central Merritt Island.

I want to be clear- I am not anti-business. My family has run a small business on Merritt Island for 60 years, which my husband now runs. I can understand adding businesses that will provide value or services, but why would we add to the existing issues for something that is only using us and not giving anything back?

This issue has me concerned enough that- in a pandemic- I decided to attend the North Merritt Island Advisory Board (NMIAB) Meeting a few weeks ago. At this meeting I learned even more about the specifics as to why this specific location as well as the business plan of GoPort are terrible, but I will let the residents of the neighboring community, Sunset Groves, tell you about that because they have evidently been fighting this already for a while and they are passionate- and they are right.

I learned at the board meeting about the dangerous domino effect of continuing to approve these parking lots. The attorney for GoPort referenced the need to establish that a business must be in keeping with the surroundings. Well, at some point if you keep letting this happen, they will have a strong case to say just that. Now is the time to put our foot down. Now is the time to say this is not right for Merritt Island. This is not what North Merritt Island was intended to be, and is not in fitting with this community.

The NMIAB asked serious, thoughtful questions about the request and they clearly did their homework- and then they unanimously voted against GoPort's request for a conditional use permit to change the property's use to be able to be used for overnight cruise parking (as well as GoPort's other two requests). I am asking that you uphold the board's decision. I ask that you listen to the residents and respect our community. Please don't sell our island down the river for a few parking lots that give nothing and add nothing but headaches.

Respectfully,

Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

**From:** [Nicole Charara](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** ID 20PZ00027  
**Date:** Monday, July 6, 2020 8:32:34 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear commissioners,

Please consider allowing another cruise parking, specially one with a bar, to be built on NMI.

This raises a few concerns for us. The bar (if opened only in the am), could potentially create a problem with patrons drinking and then getting in their cars to drive, all at the same time that children are on their way to school.

Secondly, those of us who live in NMI have a longer commute already due to being on the outskirts of Merritt Island. We chose to buy our home here for that reason (in order to be on the outskirts), but traffic was and has never been an issue. But with having to cross the barge to get anywhere, a parking such as this one would greatly impact commute times. If we continue to allow cruise parking structures to pop up, eventually this will create a traffic burden for those of us who own homes here.

Lastly, we chose NMI because of the open land and open spaces aspect of it. If we continue to allow these types of projects, we are changing the charm and overall feel of what makes NMI so special.

Please consider listening to those of us who will be directly impacted by this decision.

Thank you for your time and consideration.

Kind regards,

Nicole Charara

**From:** [Lyndsay Snead](#)  
**To:** [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9  
**Date:** Monday, July 6, 2020 8:01:40 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Brevard County Commissioners,

As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle necks on good days. This part of the community is mainly residential and rural with some service businesses along State Road 3. It is not, and never has been geared toward or set up to serve tourists.

Merritt Island has evolved a lot over the years and changed dramatically since the days when my family first homesteaded, but it has always been its own community with its own identity. To turn our precious paradise into a parking lot to feed the cruise industry and the port is an absolute travesty.

These parking lot businesses bring absolutely NOTHING of value to our island. They just suck up our precious resource of land (on an ISLAND no less), and give nothing of value to the community in return. They add to traffic over the already congested and questionable barge canal bridge. There were days last fall where on several occasions, for no apparent reason, traffic going over the canal was so backed up I had to take US1 home from the space center to get to my house in central Merritt Island.

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for 60 years, which my husband now runs. I can understand adding businesses that will provide value or services, but why would we add to the existing issues for something that is only using us and not giving anything back?

This issue has me concerned enough that- in a pandemic- I decided to attend the North Merritt Island Advisory Board (NMIAB) Meeting a few weeks ago. At this meeting I learned even more about the specifics as to why this specific location as well as the business plan of GoPort are terrible, but I will let the residents of the neighboring community, Sunset Groves, tell you about that because they have evidently been fighting this already for a while and they are passionate- and they are right.

I learned at the board meeting about the dangerous domino effect of continuing to approve these parking lots. The attorney for GoPort referenced the need to establish that a business must be in keeping with the surroundings. Well, at some point if you keep letting this happen, they will have a strong case to say just that. Now is the time to put our foot down. Now is the time to say this is not right for Merritt Island. This is not what North Merritt Island was intended to be, and is not in fitting with this community.

The NMIAB asked serious, thoughtful questions about the request and they clearly did their homework- and then they unanimously voted against GoPort's request for a conditional use permit to change the property's use to be able to be used for overnight cruise parking (as well as GoPort's other two requests). I am asking that you uphold the board's decision. I ask that you listen to the residents and respect our community. Please don't sell our island down the river for a few parking lots that give nothing and add nothing but headaches.

Respectfully,

Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D4](#)  
**Subject:** action ID# 20PZ00027  
**Date:** Sunday, July 5, 2020 3:44:00 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon!

With the upcoming meeting to be held on July 9th, I wanted to restate that I am extremely concerned about another cruise parking lot on North Merritt, especially one that serves alcohol and will not serve the local community in any positive way. This proposal will have no benefit to our community at all. The Port should be the only location for cruise parking. We need carefully planned development that will enhance our community. Please do not let another cruise parking lot fill up our island!!! We would welcome businesses that will enhance our community and provide goods/services that would be beneficial to our quality of life here on North Merritt.

Please consider not approving this proposal.

Thank you,  
Deb Bannon

**From:** [Woodard, Patrick](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Schmadeke, Adrienne](#); [Bellak, Christine](#)  
**Subject:** Additional Public Comments for July 9th Zoning Meeting  
**Date:** Monday, July 6, 2020 11:04:56 AM  
**Attachments:** [Fwd Fw Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9.msg](#)  
[ID 20PZ00027.msg](#)  
[Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9.msg](#)  
[action ID# 20PZ00027.msg](#)  
[Parking For The Port on Merritt Island..msg](#)  
[Action #20PZ00027.msg](#)  
[Re Action ID # 20PZ00027.msg](#)  
[Hearing for 3345 Courtenay Parkway.msg](#)  
[Canaveral Landing Development Petition.msg](#)  
[Fwd Action ID # 20PZ00027.msg](#)  
[Action ID # 20PZ00027.msg](#)  
[image001.png](#)

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Jennifer,

Here are some additional communications for the Zoning Meeting July 9<sup>th</sup>.

Regards,

*Pat Woodard*



**Pat Woodard**  
**Chief Legislative Aide to Commissioner Smith**  
Brevard County, District 4  
321.633.2044 | F 321.633.2121 | [Patrick.Woodard@brevardfl.gov](mailto:Patrick.Woodard@brevardfl.gov)  
2725 Judge Fran Jamieson Way Bldg. C - Suite 214  
Viera, FL 32940



**Please note:**

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

**From:** [Dolores Ryan](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Action #20PZ00027  
**Date:** Sunday, July 5, 2020 9:54:47 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioner:

Please vote down the proposal of another parking lot and bar on N. Merritt Island. With traffic tripled at Space Center, 3 new large developments and a new 750 parking lot already, the two-lane bridge back and forth poses a safety hazard already. Many days traffic is backed up 2 miles. In case of an emergency, (wild fire, etc,) we cannot evacuate through the crowd. School buses over the bridge back and forth have been delayed already numerous times. Please consider these and other factors and turn down passing another parking area and bar. Thank you for your support.

Respectfully,  
Dolores Ryan

Sent from my iPhone

**From:** [Karen Pardy](#)  
**Cc:** [Jones, Jennifer](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [D4.commissioner@brebardfl.gov](mailto:D4.commissioner@brebardfl.gov); [Commissioner, D4](#); [Dabu](#); [Beth Matsoukis](#); [sihoa@sihoa.info](mailto:sihoa@sihoa.info)  
**Subject:** Re: Action ID # 20PZ00027  
**Date:** Friday, July 3, 2020 10:14:50 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am a North Merritt Island resident and agree with the concerns in this matter. We appreciate your service to our community and hope you will take these concerns of the residents of North Merritt Island into consideration.  
Thank you,  
Karen

On Fri, Jul 3, 2020 at 9:28 AM George Kraft <[george-kraft@att.net](mailto:george-kraft@att.net)> wrote:  
Commissioners,

I have lived on North Merritt Island, north of the barge canal, for 21-years. In that time, I've seen a lot of positive development. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

George

> This email has been sent using Bcc (blind carbon copy) to my recipients. This prevents email addresses from showing when forwarding to others. When forwarding emails to others, please remove all past sender information before sending.

**From:** [Jerry Perlet](#)  
**To:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Mary Hillberg](#); [Marie Perlet](#); [Jerry Perlet](#)  
**Subject:** Hearing for 3345 Courtenay Parkway  
**Date:** Friday, July 3, 2020 2:41:04 PM  
**Attachments:** [Hearing on MI Plaza Group LLC.docx](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Brevard County Commissioners:

I have attached my testimony for the hearing on Thursday, July 9th. I understand there is a time limit, so I will summarize my remarks at the hearing.

My wife and I are very hopeful that the Commissioners will deny this CUP application for the reasons outlined in our testimony,.

North Merritt Island receives no benefit from this project and we suffer many losses. It is an insult to allow a beautiful natural place like North Merritt Island become a parking lot.

Thank you for your consideration.

Jerrold Perlet  
5127 Royal Paddock Way  
Merritt island, FL 32953

**To: Brevard County Commissioners**

**Re: Hearing on MI Plaza Group LLC**

**3345 North Courtenay Parkway**

**#20PZ00027**

**From: Jerrold and Marie Perlet**

**5127 Royal Paddock Way, Merritt Island, 32953**

We are opposed to the requested CUP changes to the property at 3345 North Courtenay. The citizens living on North Merritt Island deserve better. We should not become the parking lot for the port. This project is an insult to the citizens of North Merritt Island.

- How does this project benefit the citizens of North Merritt Island?
  - Citizens living on North Merritt Island will not be using this facility for parking for a cruise. We aren't going to buy a hotel package when we already live here.
  - Citizens will not be permitted to use the restaurant/bar. Only people buying a package can do that.
  - Citizens will lose the gym that currently exists, the only business that seems to have survived there.

The new owner has described his project as a hotel package for out-of-towners. Visitors will stay in Titusville, drive to the parking lot, and then ride buses to the port. Why should Merritt Island become a lily pad for his project to bounce to? Bus the people from Titusville to the port, or set up a parking lot in the port, but don't use us as a depository. We gain nothing from this project.

At the North Merritt Island review meeting on June 11<sup>th</sup>, the owner threatened to open the shopping center as a shopping center if you would not approve his new plan. That's what it is zoned for and he should have to do what the zoning says. He bought the property knowing it was a shopping center. Some viable businesses that would benefit North Merritt Island, like a hardware store or an Urgent Care facility, would be much better than a parking lot. If he could create a viable shopping center, that might actually benefit us.

His proposed project is of no benefit to Merritt Island, only profits for himself and his company.

- How does this project impact the citizens of North Merritt Island?
  - The traffic on Courtenay will increase, the intersection of Smith and Courtenay will be overwhelmed, the congested bridge will become a barrier, the intersection with 528 will have even more traffic to contend with. The “traffic study” does not even begin to address these important issues.
  - The dangerous intersection at Duval will be even worse. An insufficient left turn lane coming north and no deceleration lane coming south on a 50 MPH roadway. How many people have been killed or injured at this intersection? The traffic study does not address this.
  - The danger to the preschool across Courtenay at the church hasn’t been addressed. Nobody seems to even know about those poor little ones traveling in cars to their school in all this dangerous mess. The traffic study does not even acknowledge the preschool.
  - The danger to the children from the Sunset Groves development who must walk out to Courtenay on Duval to ride their school buses. Cruise parking lot cars will cross the sidewalk the children use. Will there be a crossing guard as the cars line up? The owner says 2 to 4 cars every five minutes. What happens when they all arrive at once in a caravan from Titusville?
  - There will be increased air, noise, and water pollution from buses and cars and luggage delivery trucks that do not benefit the citizens of Merritt Island in any way.
  - There won’t be any increase in customers for our merchants except possibly some gas station stops. Local merchants gain nothing from this project.

The impact of the project to the area around Smith Road is severe, adding a hundred or more cars and buses with trailers and luggage delivery trucks to the already congested roadway. How will the cars in the lot on the canal even get out of Smith Road? Unless we change the traffic light timing and back up traffic on Courtenay even further. And this project adds a hundred vehicles to that traffic flow.

The left turn onto 528 to the port from Courtenay is long and difficult. There is nothing in the traffic study about the project’s impact on this intersection which is directly involved since it is the way to the port. There is nothing about the number of times the draw bridge breaks down and blocks traffic. These are important matters that need to be addressed.

The “Traffic Study” is based on data from 2017 and a traffic count during the COVID isolation time period. The reality of the traffic at Smith Road and Courtenay is:

----a 600-car cruise parking lot

----approved developments on North Merritt Island of over a thousand homes and cars

----the expanding spaceport to the north adding more traffic every week

The DOT numbers from three years ago do not recognize the current or future traffic burdens on Courtenay. Using old numbers just doesn't make sense. The study is flawed. There is no mention of the preschool at the church across Courtenay or the new development starting next to the church or the school bus stops and students who must cross the entranceway to this parking lot. Wouldn't you think a study would at least be based on current data from now, not data from pre-development three years before?

The owner has stated in his testimony to the NMIDSDB that there will be between 20 and 40 cars per day. His own traffic report says anywhere from 45 to 120 cars per day (chart on pages 6-7). The numbers in his testimony, his lawyer's testimony, and his own reports don't agree. The numbers are all over the place. The traffic study is flawed regardless of who prepared it. The report uses DOT data from 2017 to claim that the current shopping center generates 2400 trips per day and we should be grateful to the owner for reducing that number to 900. I'm not sure how 900 trips result from the 20 to 40 or 45 to 120 cars each day, but the owner himself says the current situation for the shopping center is "essentially vacant". It doesn't generate hardly any traffic, except for the gym. Whatever the real number is for the daily trips for this new project, it will definitely, significantly increase traffic at the dangerous intersection of Duval and Courtenay. If this project is approved, the left turn lane going north needs to accommodate at least 4 or 5 cars, and there needs to be a deceleration lane coming south from Titusville. This is a 50 MPH road, not some little side street. People have been killed at this intersection. That should be in the traffic report, too.

Then there is this idea that 20 to 40 to 90 to 120 cars will be coming from Titusville. I believe the bridge on the NASA Causeway has been approved. That bridge often goes down to one lane each way now. Won't these cruise parking lot cars add more traffic to the already overburdened parkway into the space center?

The fact is, the traffic report is flawed. The attorney has stated that they have addressed all five criteria for the exception and they have not. I would think that the traffic study would require accuracy and the application fails the traffic report requirement and at the very least, the county should require a real report based on real numbers and projected traffic from all the developments already approved.

- Finally, who will be responsible?
  - Who will bear the responsibility when someone is killed or injured at Duval and Courtenay?

- Who will bear the responsibility when someone needs emergency medical care and there is so much traffic the ambulance can't get there in time?
- Who will bear the responsibility when someone's house is on fire and the fire trucks can't get there in time because the traffic is all jammed up, or the old bridge just can't take any more cars and it decides to break again?
- Who will bear the responsibility when the old draw bridge fails and we are trapped on the island during a hurricane? Who will come to the rescue for the thousands who live there?
- Who will bear the responsibility when this whole operation fails and we have a vacant building with no businesses and a big parking lot sitting again for another fifteen years?

It is the responsibility of government to check out these things, to use current and future data to plan, to protect its citizens from commercial invasion. The citizens of North Merritt Island gain nothing from this project, we lose a lot, and if the inevitable bad things happen... I hope not, I pray not, but history has shown us over and over and over again, that rampant, uncontrolled development causes lots of problems and can lead to disasters.

We don't need another parking lot, we don't need a bar serving drinks in the middle of the day next to a pre-school and a school bus stop, we don't need a business that takes from us and gives us nothing in return.

Deny this project for the safety and dignity of the thousands of citizens living north of the barge canal.

**From:** [birdie3@cfl.rr.com](mailto:birdie3@cfl.rr.com)  
**To:** [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)  
**Subject:** Parking For The Port on Merritt Island.  
**Date:** Sunday, July 5, 2020 3:32:30 PM  
**Attachments:** [Proposed Parking Lot For The Port 7-5-20.pdf](#)

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

Please strike down the proposal for another Port parking lot on North Merritt Island. Let them put their ugly parking lots in Cape Canaveral. The north side of the barge canal is a very fragile area.

You have already approved more housing then our area can support. There are still two-three additional neighborhoods that are being reviewed and we are already flooding out of control. (See attached pictures)

The people who actually live North of the barge canal, do not want our area to look like the Orlando Airport parking areas. Make them stay at the area where they are taking all of the people. (Cape Canaveral-Port Area)

Thank you for considering our issues.

Arnold Dingman

6200 Crystal Lane

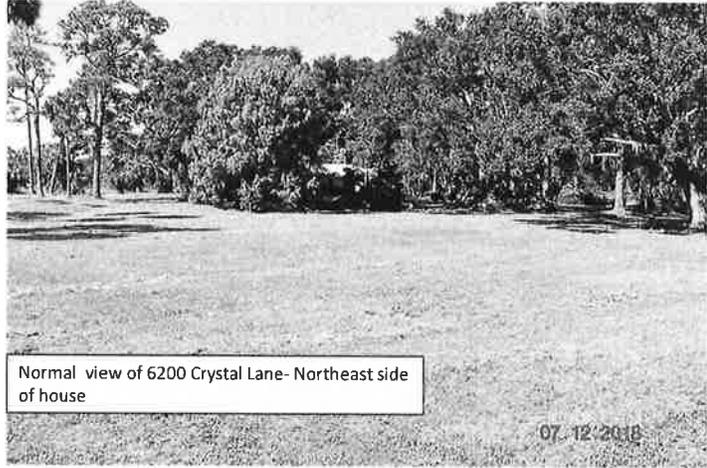
Merritt Island, Fl 32953

Our properties North of the Barge Canal, cannot support anymore large developments due to the current flooding concerns. Pleased review some of the attached pictures to see the issues.

Arnold & Terri Dingman  
6200 Crystal Lane  
Merritt Island, Fl 32953

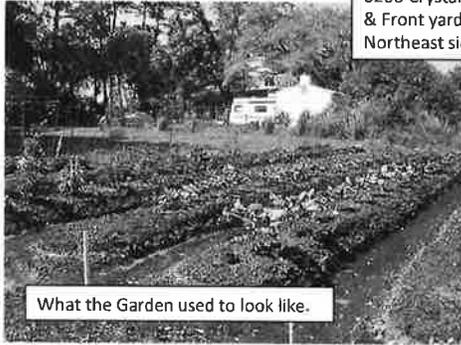


6200 Crystal Lane- Northeast side of house w/  
Garden underwater.



Normal view of 6200 Crystal Lane- Northeast side  
of house

07.12.2018

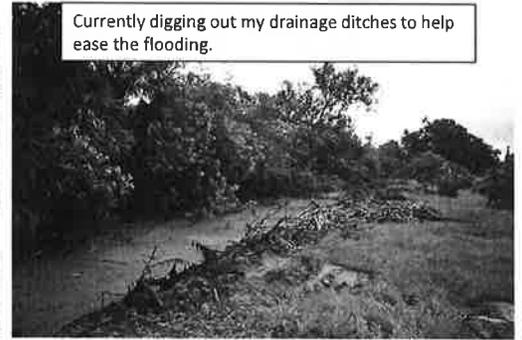


What the Garden used to look like.

6200 Crystal Lane- Grove, Garden  
& Front yard underwater.  
Northeast side of house



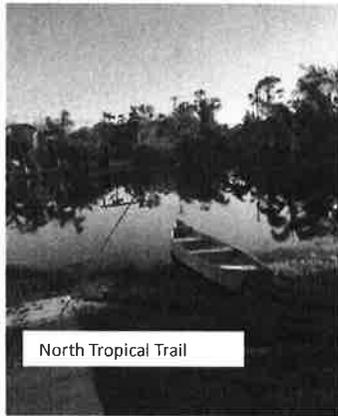
What the Garden looks like w/ typical 3" flooding.



Currently digging out my drainage ditches to help  
ease the flooding.



Solid water from North side of house on Crystal Lane to Crisafulli Rd. 3/8 mile. Please note the dates: 22 DAYS We stayed Flooded



North Tropical Trail

For a month, the only way in & out of the house was by canoe.





6370 North Tropical Trail  
& Kangaroo Lane

Looking South across the street from the proposed new development on North Tropical Trail. This is the last parcel of land sold to developers, and we were told no flooding would occur. This is on the West of the fire station, looking South, standing on North Tropical Trail

Normal 6370 North Tropical Trail & Kangaroo



Normal view of 6348 Boomerang Lane



Normal 6370 North Tropical Trail & Kangaroo 07.12.2018



6348 Boomerang drive- The South side of North Tropical Trail directly across from the proposed development w/ typical 3" flooding.

Slide-6

**To: Brevard County Commissioners**

**Re: Hearing on MI Plaza Group LLC**

**3345 North Courtenay Parkway**

**#20PZ00027**

**From: Jerrold and Marie Perlet**

**5127 Royal Paddock Way, Merritt Island, 32953**

We are opposed to the requested CUP changes to the property at 3345 North Courtenay. The citizens living on North Merritt Island deserve better. We should not become the parking lot for the port. This project is an insult to the citizens of North Merritt Island.

- How does this project benefit the citizens of North Merritt Island?
  - Citizens living on North Merritt Island will not be using this facility for parking for a cruise. We aren't going to buy a hotel package when we already live here.
  - Citizens will not be permitted to use the restaurant/bar. Only people buying a package can do that.
  - Citizens will lose the gym that currently exists, the only business that seems to have survived there.

The new owner has described his project as a hotel package for out-of-towners. Visitors will stay in Titusville, drive to the parking lot, and then ride buses to the port. Why should Merritt Island become a lily pad for his project to bounce to? Bus the people from Titusville to the port, or set up a parking lot in the port, but don't use us as a depository. We gain nothing from this project.

At the North Merritt Island review meeting on June 11<sup>th</sup>, the owner threatened to open the shopping center as a shopping center if you would not approve his new plan. That's what it is zoned for and he should have to do what the zoning says. He bought the property knowing it was a shopping center. Some viable businesses that would benefit North Merritt Island, like a hardware store or an Urgent Care facility, would be much better than a parking lot. If he could create a viable shopping center, that might actually benefit us.

His proposed project is of no benefit to Merritt Island, only profits for himself and his company.

----approved developments on North Merritt Island of over a thousand homes and cars

----the expanding spaceport to the north adding more traffic every week

The DOT numbers from three years ago do not recognize the current or future traffic burdens on Courtenay. Using old numbers just doesn't make sense. The study is flawed. There is no mention of the preschool at the church across Courtenay or the new development starting next to the church or the school bus stops and students who must cross the entranceway to this parking lot. Wouldn't you think a study would at least be based on current data from now, not data from pre-development three years before?

The owner has stated in his testimony to the NMIDSDB that there will be between 20 and 40 cars per day. His own traffic report says anywhere from 45 to 120 cars per day (chart on pages 6-7). The numbers in his testimony, his lawyer's testimony, and his own reports don't agree. The numbers are all over the place. The traffic study is flawed regardless of who prepared it. The report uses DOT data from 2017 to claim that the current shopping center generates 2400 trips per day and we should be grateful to the owner for reducing that number to 900. I'm not sure how 900 trips result from the 20 to 40 or 45 to 120 cars each day, but the owner himself says the current situation for the shopping center is "essentially vacant". It doesn't generate hardly any traffic, except for the gym. Whatever the real number is for the daily trips for this new project, it will definitely, significantly increase traffic at the dangerous intersection of Duval and Courtenay. If this project is approved, the left turn lane going north needs to accommodate at least 4 or 5 cars, and there needs to be a deceleration lane coming south from Titusville. This is a 50 MPH road, not some little side street. People have been killed at this intersection. That should be in the traffic report, too.

Then there is this idea that 20 to 40 to 90 to 120 cars will be coming from Titusville. I believe the bridge on the NASA Causeway has been approved. That bridge often goes down to one lane each way now. Won't these cruise parking lot cars add more traffic to the already overburdened parkway into the space center?

The fact is, the traffic report is flawed. The attorney has stated that they have addressed all five criteria for the exception and they have not. I would think that the traffic study would require accuracy and the application fails the traffic report requirement and at the very least, the county should require a real report based on real numbers and projected traffic from all the developments already approved.

- Finally, who will be responsible?
  - Who will bear the responsibility when someone is killed or injured at Duval and Courtenay?

Objection  
20PZ00027  
MI Plaza Group

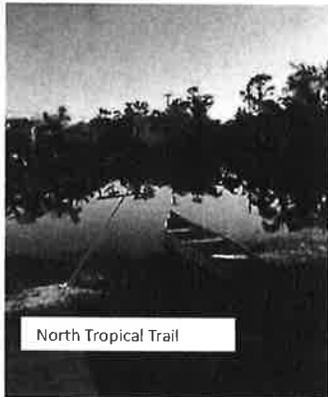
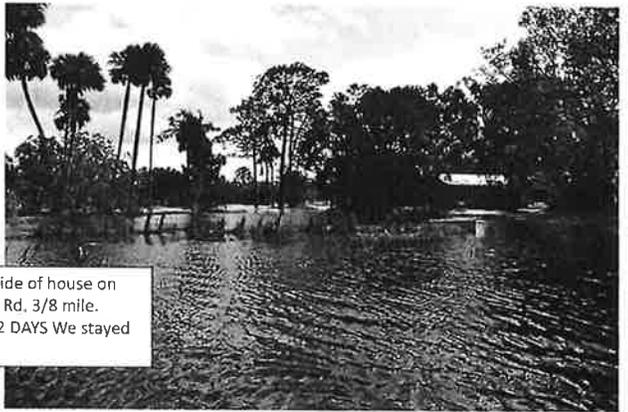
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Arnold & Terri Dingman  
6200 Crystal Lane  
Merritt Island, Fl 32953



Solid water from North side of house on Crystal Lane to Crisafulli Rd, 3/8 mile. Please note the dates: 22 DAYS We stayed Flooded

09.11.2017



North Tropical Trail

For a month, the only way in & out of the house was by canoe.



**Commissioner, D1**

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**From:** birdie3@cfl.rr.com  
**Sent:** Sunday, July 5, 2020 3:32 PM  
**To:** Commissioner, D5; Commissioner, D4; Commissioner, D3; Commissioner, D2;  
Commissioner, D1  
**Subject:** Parking For The Port on Merritt Island.  
**Attachments:** Proposed Parking Lot For The Port 7-5-20.pdf  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

Please strike down the proposal for another Port parking lot on North Merritt Island. Let them put their ugly parking lots in Cape Canaveral. The north side of the barge canal is a very fragile area.

You have already approved more housing than our area can support. There are still two- three additional neighborhoods that are being reviewed and we are already flooding out of control. (See attached pictures)

The people who actually live North of the barge canal, do not want our area to look like the Orlando Airport parking areas. Make them stay at the area where they are taking all of the people. (Cape Canaveral-Port Area)

Thank you for considering our issues.

Arnold Dingman  
6200 Crystal Lane  
Merritt Island, FL 32953

**Commissioner, D1**

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**From:** Lyndsay Snead <lbi0926@hotmail.com>  
**Sent:** Monday, July 6, 2020 8:02 AM  
**To:** Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Brevard County Commissioners,

As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle necks on good days. This part of the community is mainly residential and rural with some service businesses along State Road 3. It is not, and never has been geared toward or set up to serve tourists.

Merritt Island has evolved a lot over the years and changed dramatically since the days when my family first homesteaded, but it has always been its own community with its own identity. To turn our precious paradise into a parking lot to feed the cruise industry and the port is an absolute travesty.

These parking lot businesses bring absolutely NOTHING of value to our island. They just suck up our precious resource of land (on an ISLAND no less), and give nothing of value to the community in return. They add to traffic over the already congested and questionable barge canal bridge. There were days last fall where on several occasions, for no apparent reason, traffic going over the canal was so backed up I had to take US1 home from the space center to get to my house in central Merritt Island.

I want to be clear- I am not anti-business. My family has run a small business on Merritt Island for 60 years, which my husband now runs. I can understand adding businesses that will provide value or services, but why would we add to the existing issues for something that is only using us and not giving anything back?

This issue has me concerned enough that- in a pandemic- I decided to attend the North Merritt Island Advisory Board (NMIAB) Meeting a few weeks ago. At this meeting I learned even more about the specifics as to why

**Commissioner, D1**

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**From:** Nicole Charara <nicole.charara@gmail.com>  
**Sent:** Monday, July 6, 2020 8:32 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** ID 20PZ00027  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear commissioners,

Please consider allowing another cruise parking, specially one with a bar, to be built on NMI.

This raises a few concerns for us. The bar (if opened only in the am), could potentially create a problem with patrons drinking and then getting in their cars to drive, all at the same time that children are on their way to school.

Secondly, those of us who live in NMI have a longer commute already due to being on the outskirts of Merritt Island. We chose to buy our home here for that reason (in order to be on the outskirts), but traffic was and has never been an issue. But with having to cross the barge to get anywhere, a parking such as this one would greatly impact commute times. If we continue to allow cruise parking structures to pop up, eventually this will create a traffic burden for those of us who own homes here.

Lastly, we chose NMI because of the open land and open spaces aspect of it. If we continue to allow these types of projects, we are changing the charm and overall feel of what makes NMI so special.

Please consider listening to those of us who will be directly impacted by this decision.

Thank you for your time and consideration.

Kind regards,

Nicole Charara

**Commissioner, D1**

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**From:** Lyndsay Snead <lbi0926@hotmail.com>  
**Sent:** Monday, July 6, 2020 11:05 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** Fw: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9  
ID# 20PZ00027  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027

Thank you,  
Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

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**From:** Lyndsay Snead  
**Sent:** Monday, July 6, 2020 8:01 AM  
**To:** d1.commissioner@brevardfl.gov <d1.commissioner@brevardfl.gov>; D3.Commissioner@BrevardFL.gov <D3.Commissioner@BrevardFL.gov>; D4.Commissioner@BrevardFL.gov <D4.Commissioner@BrevardFL.gov>; D5.Commissioner@BrevardFL.gov <D5.Commissioner@BrevardFL.gov>  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

Dear Brevard County Commissioners,

As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle

**Commissioner, D1**

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**From:** Nancy Thomas <nltthomas@aol.com>  
**Sent:** Monday, July 6, 2020 11:31 AM  
**To:** Commissioner, D1  
**Subject:** Vote NO TO CRUISE PARKING

**Categories:** PENDING

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Vote NO to cruise parking on MI.  
ID#20pz00027  
Sent from my iPhone

Objection  
20PZ00027  
MI Plaza Group

**Commissioner, D1**

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**From:** ivan inmon <ivanbinmon@gmail.com>  
**Sent:** Monday, July 6, 2020 11:41 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** ID#20pz00027  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027 .

Ivan Inmon  
3485 Spartina ave.  
Merritt Island, Florida 32953

**Commissioner, D1**

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**From:** Wendi <wendisouthwick@gmail.com>  
**Sent:** Monday, July 6, 2020 3:53 PM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** Action ID# 20PZ00027/Request to Deny the upcoming Conditional Use Permits for  
Overnight Commercial Cruise Parking Lot and Liquor bar  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Brevard County Commissioners,

I am a resident of North Merritt Island and want to express my deep concern regarding the new overnight cruise parking lot at 3345 North Courtenay Parkway, Merritt Island. I strongly urge you to deny the requests for Conditional Use Permits (CUPs) for the overnight commercial cruise parking lot and full liquor bar/lounge for cruise patrons only.

Designating Merritt Island as a "parking lot" for cruise patrons truly devalues the intrinsic value of this beautiful island and its potential for further development and more sustainable, diverse economic growth as the space industry is greatly expanding in the area, hiring and also transferring employees to this immediate area within the next few years. Blue Origins, SpaceX, and NASA are just a few of those expanding employers who will be bringing more business and employees who will increase the demand for the further development of residential neighborhoods (which will bring in additional property tax income), restaurants, and other shopping. Limiting Merritt Island growth to the "cruise" industry is not only a risky maneuver (given the current COVID-19 pandemic and its in turn damaging effects on the cruising/tourism industry), but truly devalues the potential diverse growth Merritt Island's economy and in turn Brevard county's economy has in developing a county rich in residential growth, which will in turn increase a demand for additional construction of both residential and business, goods and services.

I urge you to deny the requests for Conditional Use Permits at this Thursday's Board Meeting for an overnight commercial cruise parking lot and cruise patrons only liquor bar and lounge, and truly help Merritt Island and in turn Brevard County to further diversify and develop a sustainable and diverse economic growth--rich in residential development and growth.

I am happy to provide additional information if you would like.

Sincerely,  
Wendi Southwick  
North Merritt Island Resident  
(703) 907-9790

**From:** [kathleen mccoy](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Rezoning on North Merritt Island action ID#20PZ00027  
**Date:** Tuesday, July 7, 2020 9:58:43 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jennifer Jones,

As a resident and homeowner on North Merritt Island I am writing to voice my concern about the request for more cruise parking on North Merritt Island.

I hope you will deny the rezoning request for a parking lot and bar on Courtenay Pkwy and Duval St. First of all, traffic in this area has been steadily growing due to new residential developments, Space Center traffic and the 3 other parking facilities already approved. Building another parking lot will make traffic even worse. The main problem with our traffic pattern is the barge canal drawbridge, which I hope you are taking into consideration.

This is a residential portion of Merritt Island. We are dependent on the barge canal bridge to go south on Courtenay to get to schools, the hospital, groceries and to access the major highways. Giving these tourists/cruise patrons alcohol will only make matters worse when they are put on our streets.

I can only hope that when you vote on this rezoning request you consider if you personally would want this parking lot/bar outside your neighborhood and vote no. These parking lots do not contribute to our community.

Could you please consider projects in the future that are a positive for the residents and, as a plus, may be aesthetically pleasing? My neighbors and I do not want to live in the middle of parking lots and storage areas for the Port.

Thank you,

Kate McCoy  
630 Wild Flower St.  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Suzanne Perucci](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Perucci Suzanne](#)  
**Subject:** parking facilities for the cruise lines  
**Date:** Wednesday, July 8, 2020 12:22:40 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

RE Action ID# 20PZ00027.

I currently live on North Merritt Island, north of the barge canal. I've seen a lot of positive development over the years. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

Suzanne and Joseph Perucci  
Cedar Creek Circle  
MI, FL 32953

**From:** [Jessica Beal](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Action ID #20PZ00027: Overnight Cruise Parking Lot and Alcohol Permit  
**Date:** Wednesday, July 8, 2020 10:38:19 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear County Commissioners:

Hello! My name is Jessica Beal, PharmD. I have been a Merritt Island resident since 1986 and also am a pharmacist at a local family owned pharmacy on Merritt Island. I love this community and am a huge supporter of local businesses. I would like to voice my opposition to the proposal (20PZ00027) (Tax Account 2459292) by MI Plaza Group, LLC requests for the following 1) Removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial parking Lot (5.48 acres) ; 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3.100 square feet) in a PIP (Planned Industrial park) zoning classification.

This proposal is not a good idea and you can see from the minutes and presentation of the MI plaza group that they don't have a cohesive business plan. The minutes of the prior meeting show their large number of inconsistencies, on the spot changes to a business plan and agreement that this is not a good idea for our community.

Please find my concerns and supporting documentation below and how they do not meet the Brevard County Administrative Policies of the Future Land Use Element -Under Conditional Use Permits (CUPs), (b) Approval Procedures, second paragraph, it states, "... 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, odor, glare and noise, particulate s, 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."

**School Bus Stop-** The primary entrance (West entrance off of Duval Street) will be past the bus stop (Across from the East entrance on Duval) and all of kids in elementary, middle, and higher schoolers are going to walking past high traffic areas. The bus cannot go into the Sunset Groves community because it is a dead end and unable to turn in the cul-de-sac and they don't back up (per Brevard County School Board). The only spot for this bus stop is where it is currently. Children (and parents) walking to the bus stop will be there during the prime hours for cruise patrons arriving (highest traffic time). These patrons will be from out of town and unfamiliar with the area, most likely using a gps or phones and less paying

attention to the road/sidewalks.

At the NMIDSDB (See meeting minutes, page 10 and 11) - Jack Ratterman (NMIDSDB member) asked the applicant about the proximity of the proposed uses to the bus stop on Duval Street?

“Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli’s construction company on the right when you pull in, you have us on the left and you have the bus stop there. I’m confused on why there is a bus stop in a commercial area and why the pickup and drop off of these children isn’t in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house.”

So basically, the applicant, who stated he has five children, says that because of safety, he would not let his kids use that as a bus stop. Thus agreeing with us that this is not a safe idea!

**No security** - GoPort has no overnight security plan. Although the business owner said at the NMI board meeting, “there is no crime on Merritt Island!” If there was no crime, then why do did the owner place a large number of cameras on his property immediately? Every owner of a nest cam in our community Facebook groups/ on Nextdoor app sure seem to know and have evidence otherwise! These parking lots, with no security, with cars parked overnight, where you know the vehicle owner/renter is nowhere around, are going to be prime targets for theft—and beacons to attract crime to a somewhat isolated area. What prevents someone from coming in and parking there, waiting for the right moment to commit a crime. With no security and children walking, could also turn into a prime areas for human trafficking! As this has been on the rise and all healthcare professional are now trained to recognize and watch for human trafficking.

Commissioners, those of you that have kids, would you want your kids standing at a bus stop in an area where a bunch of tourists who are not familiar with their surroundings are trying to find out where to go/where the entrance is and then on top of that, adding in a place that sells alcohol to said tourists/people drinking alcohol in the morning near the bus stop, whether they are driving or not? Or walking near a large parking area with no security or eyes watching. Just asking.

Again at the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 15) Matt Phillips was asked, “If this thing is just going to be open for people to come in and park, they have reservations or whatever, there’s nobody really directing them, how are you going to stop someone from having a few drinks and then realizing they forgot toothpaste and driving to the grocery store down the street. How is that going to stop?”

At the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 22) – Mr. Phillips agreed with me that it is a concern that someone could have a few drinks then drive to get something they forgot allowing drunk driving in the morning near our community, bus stop,

North Courtenay Parkway corridor businesses and residents -

"Usually, when they (cruise patrons) get to the cruise ship, no matter what time it is, they do start drinking, so we're just allowing people to do it beforehand and being chauffeured down there so they're not touching the road with their vehicles, they're safe on the way down, and the point of how we're going to make sure people don't come back after running to get toothpaste or whatever, is a valid concern, I just don't think it's going to happen."

The applicant agrees there is a potential for the proposed uses to adversely affect the safety of people in adjacent and nearby properties.

**Adjacent businesses** - Under Conditional Use Permits (CUPs), (b) Approval Procedures, the first paragraph on Page 5, it states, "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, odor, 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."

At the NMIDSDB (See meeting minutes, page 25) – Ms. Rezanka states -

Kim Rezanka – "The community doesn't like this because they don't think it's good for them, and it might not be, but it does bring people in here that will see Brevard County and go to other areas of Brevard County. It's not necessarily.... I can't imagine any PIP zoning that's going to benefit their community, essentially industrial, but that's not the criteria, the criteria is your Code."

Ms. Rezanka feels like the proposed uses would adversely affect adjacent and nearby properties.

Mr Phillips believes that their business model will actually result in less traffic than the originally approved intent of the property- a small shopping center. He believes that based on the initial approval of the shopping center, it would result in several thousand trips a day! Please take the time to review the traffic study riddled with inconsistencies, errors and assumptions. Not to mention this traffic study was completed during the complete shutdown/quarantine period of COVID (no schools were in session, NASA, SpaceX, KSC, Cruise Ship and Space Center had all gone to telework prior to the traffic study).

I think anyone who lives/works/travels on North Merritt Island knows this is a pipe dream. And honestly, an active shopping center with viable local businesses that benefited the local community would be welcome! These local businesses would bring more business and tax money to the area and keep it here. There are the businesses that support local events, teams, campaigns, and fundraisers. And not to mention, even if the pie dream of thousands of trips a day were to come true, those trips would be spread out throughout the day (vs. a very short window) and would mostly be made up of people who already are traveling/living on North Merritt Island. Most the traffic wouldn't be adding to the issue. Where cruise

parking is 100% additive.

**Traffic-** Their traffic studies don't take into consideration the new neighborhoods that have been built or the huge cruise parking lot that will hold 598 cars less than a ½ mile south, plus 2 additional lots with over 200 spots each. These too will add a great deal of traffic over the questionable bridge and during heavy hours. With our lack of affordable/any local housing, and growing space industry the housing is inevitable. However, why would we add UNNECESSARY traffic on top of what we already know is adding to an existing issue?

In the traffic study presented by Matt Philips, it uses old data from 2018, what about a traffic study that included the currently being built parking lot, new residential areas and when the businesses and school are actually in session and not teleworking. What can the barge canal bridge actually hold and the intersection just past.

The entrance to the parking lot is Duval Street. This is the only entrance into the Sunset Groves community and regular has traffic back-ups for residents coming and going. GoPort states that their customers will not cause any back up, however GoPort also owns the cruise parking at the closed DoubleTree in Cocoa Beach, and (in non COVID times when cruises are running) there are regularly backups on A1A while people wait to get into their lot. If the cruisers coming into town are waiting for spots, that haven't been vacated by cruisers on a boat that was running late, there is opportunity for major early morning congestion in this area.

Please tell me how you won't cause a back-up when cruise ships unload arriving passengers and then board new passengers generally in a 4-5 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://crew-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>. This also shows that they don't need their bar open longer than 4-5 hours, and Florida State Law states alcohol licenses the business needs to be open for at least 8 hours!

**Community Impact** -The restaurant/bar is only open to GoPorts clients. They plan to serve alcohol from 9:30am to 1:00 pm. However, as one of the NMIAB members pointed out after calling the state board, the state requires 8 hours of operation for businesses with liquor licenses (so will they really only stay open until 1:00 pm as stated?). And a new restaurant/bar on North Merritt Island might be cool! But why grant a CUP for a business that doesn't benefit the local community whatsoever? If you are thinking- well what if they change to let locals visit? That doesn't work because their business plan is to use all 237 parking spots for cruise clientele, aside from 5 for employees, which are contact and part-time. So not adding jobs to the community.

**Parking**-I believe this is already a developed site from their proposed site plan they showed various uses for the current buildings. If that is the case they need account for the parking code uses for the building, which cannot be used for the overnight parking use. If you take into account the uses they indicate, per Brevard County Planning and zoning, they say that the building accounts for 84 spots. Then take into account the 54 spots in the FLP easement,

which per FLP they are not allowed to use for overnight parking, only overflow parking. You now take that 237 down to a very small number for overnight parking.

At the NMIDSIB (See meeting minutes, page 10 and 11) – Chris Cook (NMIDSDB board member) asked the applicant, “Also, I see there’s an FPL easement across the property (meaning...there is a 100’ FPL Easement along the southern portion of the property). Do you have a permit from FPL to do long-term parking on it?”

Kim Rezanka, the applicant’s lawyer replied, “We don’t need one, because there’s a parking space there.” And once again, “We don’t need one.”

According to the “Keep Easements Safe and Free From Obstructions information flyer” available on the FPL website...“Items that may not be placed within FPL easements include temporary or permanent buildings, barns, storage sheds, swimming pools and enclosed patios because they prevent safe access. Overflow parking, fences, trees and other landscaping may be permitted within FPL easements subject to proper review and approval.”

We are here because the applicant is wanting to change the use of the property to Overnight Parking and add a fence around the property, including the area within the easement, according to the Proposed Site Plan. Therefore, it needs to be reviewed and approved by FPL.

we have been in contact the FPL Real Estate Officer in Daytona that deals with these matters Brevard County, Ms. Peany Schwahl. As the flyer states, Ms. Schwahl stated that easements could be used for temporary overflow parking, not commercial overnight parking. Temporary as in an hour or two. Overflow, as in you were having an event and ran out of parking elsewhere.

She also stated that...yes, the applicant would need to send it to FPL for review and approval. Also, when the property was built in 2005, the owner failed to get a consent agreement. So, it’s out of compliance.

According to the flyer, to request a review of your proposed use of an FPL easement on your property, please visit [FPL.com/land use](http://FPL.com/land%20use) or call 1-800-FPL-4FPL (1-800-375-4375). Or if you want I can give you the email for Ms. Schwahl.

**Environmental-** Their permitted storm water system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area, and SJWMD has already been out to address some the deficiencies, which some but not have been addressed. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed; they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. Lastly, their mortgage document state that their mortgage can be terminated if in environmental non-compliance if the mortgage company is not notified in 10 days. GoPort was notified by SJWMD to be deficient on June 19<sup>th</sup>, I am guessing their mortgage company doesn’t know this!

Thank you for taking your time to read by numerous reasons to oppose these change of removing

of an existing BDP, adding a CUP for an Overnight Commercial parking Lot and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial park) zoning classification.

You can see from the data provide that they do not have a clear business plan nor one that will benefit the community. They even show that this is not a safe idea and doesn't benefit the community. I charge you with challenging Mr. Phillips to do what he said; "fill the strip mall up with local businesses!"

Regards,

Jessica Beal

Objection  
20PZ00027  
MI Plaza Group

**From:** [Beverly Crowell](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Action ID#20PZ00027  
**Date:** Wednesday, July 8, 2020 10:21:02 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

As 21-year residents of North Merritt Island, FL, I am writing to respectfully ask that you deny Action ID #20PZ00027 for another overnight cruise parking area at 3345 N. Courtenay Pkwy. With the recent increase of housing developments and work at Kennedy Space Center, traffic is already becoming congested specifically at the barge canal bridge. We have one cruise parking area nearly complete by the barge bridge and as residents are already concerned about the additional traffic headaches it will create, not to mention safety concerns during inclement weather. Any additional cruise parking north of the canal bridge will only continue to add to our traffic congestion and add little value for the residents who live here. Please vote NO.

Thank you,  
Beverly & Thomas Crowell  
3719 Sunward Drive  
Merritt Island, FL 32953

**From:** [Rajeev Gohil](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** FOR proposal ID# 20PZ00027  
**Date:** Wednesday, July 8, 2020 6:48:12 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello team,

I've been made aware that you will be voting on this proposal this week through the Facebook Neighborhoods website/app. I am unequivocally FOR the new cruise parking.

I have read the proposal written by the business and there are no novel or unaddressed concerns being brought fourth by my neighbors of North Merritt Island. All the complaints and psuedo-logic are clearly refuted by the studies done by the corporation as well as common sense regarding two facts; the parking spaces have been approved there for years and by unfortunate economic downturns have NEVER been fully utilized and NASA employs far less people that commute across our neighborhood than when the original parking lot was approved and constructed. In other words, even with a new successful and thriving business the congestion concerns will still be exponentially smaller than a full thriving shopping complex and space program pre-2010-2012 layoffs.

The entire argument against a new parking lot can be surmised in two notions :

- 1) "who moved my cheese"
- 2) "our free-market capitalism is the best in the world and anyone can make it due to our freedoms, but don't you dare try that in my neighborhood"

I do believe in a free-market capitalist's society and would encourage you to give this business proposal a chance at success.

Thank you, North Merritt Island Resident since 1993  
Raj Gohil

Objection  
20PZ00027  
MI Plaza Group

**From:** [kathleen.mccoy](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Merritt Island Rezoning action ID#20PZ00027  
**Date:** Tuesday, July 7, 2020 10:10:48 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Curt Smith,

As a resident and homeowner on North Merritt Island I am writing to voice my concern about the request for more cruise parking on North Merritt Island.

I hope you will deny the rezoning request for a parking lot and bar on Courtenay Pkwy and Duval St. First of all, traffic in this area has been steadily growing due to new residential developments, Space Center traffic and the 3 other parking facilities already approved. Building another parking lot will make traffic even worse. The main problem with our traffic pattern is the barge canal drawbridge, which I hope you are taking into consideration.

This is a residential portion of Merritt Island. We are dependent on the barge canal bridge to go south on Courtenay to get to schools, the hospital, groceries and to access the major highways. Giving these tourists/cruise patrons alcohol will only make matters worse when they are put on our streets.

I can only hope that when you vote on this rezoning request you consider if you personally would want this parking lot/bar outside your neighborhood and vote no. These parking lots do not contribute to our community.

Could you please consider projects in the future that are a positive for the residents and, as a plus, may be aesthetically pleasing? My neighbors and I do not want to live in the middle of parking lots and storage areas for the Port.

Thank you,

Kate McCoy  
630 Wild Flower St.  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** BV  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** ID# 20PZ00027  
**Date:** Tuesday, July 7, 2020 8:31:07 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am opposed to the proposal to rezone the area in N. Merritt for Goport. As written, this is not a win/win for both.

Thank You,  
B. Vernatter

**From:** Wendi  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Action ID# 20PZ00027/Request to Deny the upcoming Conditional Use Permits for Overnight Commercial Cruise Parking Lot and Liquor bar  
**Date:** Monday, July 6, 2020 3:53:31 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Brevard County Commissioners,

I am a resident of North Merritt Island and want to express my deep concern regarding the new overnight cruise parking lot at 3345 North Courtenay Parkway, Merritt Island. I strongly urge you to deny the requests for Conditional Use Permits (CUPs) for the overnight commercial cruise parking lot and full liquor bar/lounge for cruise patrons only.

Designating Merritt Island as a "parking lot" for cruise patrons truly devalues the intrinsic value of this beautiful island and its potential for further development and more sustainable, diverse economic growth as the space industry is greatly expanding in the area, hiring and also transferring employees to this immediate area within the next few years. Blue Origins, SpaceX, and NASA are just a few of those expanding employers who will be bringing more business and employees who will increase the demand for the further development of residential neighborhoods (which will bring in additional property tax income), restaurants, and other shopping. Limiting Merritt Island growth to the "cruise" industry is not only a risky maneuver (given the current COVID-19 pandemic and its in turn damaging effects on the cruising/tourism industry), but truly devalues the potential diverse growth Merritt Island's economy and in turn Brevard county's economy has in developing a county rich in residential growth, which will in turn increase a demand for additional construction of both residential and business, goods and services.

I urge you to deny the requests for Conditional Use Permits at this Thursday's Board Meeting for an overnight commercial cruise parking lot and cruise patrons only liquor bar and lounge, and truly help Merritt Island and in turn Brevard County to further diversify and develop a sustainable and diverse economic growth--rich in residential development and growth.

I am happy to provide additional information if you would like.

Sincerely,  
Wendi Southwick  
North Merritt Island Resident  
(703) 907-9790

Objection  
20PZ00027  
MI Plaza Group

**From:** [ivan inmon](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** ID#20pz00027  
**Date:** Monday, July 6, 2020 11:40:53 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027 .

Ivan Inmon  
3485 Spartina ave.  
Merritt Island, Florida 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Nancy Thomas](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Vote NO on cruise parking  
**Date:** Monday, July 6, 2020 11:39:20 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please vote NO on cruise parking for North Merritt Island  
ID#20PZ00027

Sent from my iPhone

Objection  
20PZ00027  
MI Plaza Group

**From:** [Dolores Ryan](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Action #20PZ00027  
**Date:** Sunday, July 5, 2020 9:51:59 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioner:

Please vote down the proposal of another parking lot and bar on N. Merritt Island. With traffic tripled at Space Center, 3 new large developments and a new 750 parking lot already, the two-lane bridge back and forth poses a safety hazard already. Many days traffic is backed up 2 miles. In case of an emergency, (wild fire, etc,) we cannot evacuate through the crowd. School buses over the bridge back and forth have been delayed already numerous times. Please consider these and other factors and turn down passing another parking area. Thank you for your support.

Respectfully, Dolores Ryan  
Sent from my iPhone

Objection  
20PZ00027  
MI Plaza Group

**From:** [George Kraft](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [D4.commissioner@brebardfl.gov](#); [Commissioner, D4](#)  
**Cc:** [Dabu](#); [Beth Matsoukis](#); [slhoa@slhoa.info](#)  
**Subject:** Action ID # 20PZ00027  
**Date:** Friday, July 3, 2020 9:28:44 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

I have lived on North Merritt Island, north of the barge canal, for 21-years. In that time, I've seen a lot of positive development. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

George

> This email has been sent using Bcc (blind carbon copy) to my recipients. This prevents email addresses from showing when forwarding to others. When forwarding emails to others, please remove all past sender information before sending.

**From:** [Jessica Beal](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Action ID #20PZ00027: Overnight Cruise Parking Lot and Alcohol Permit  
**Date:** Wednesday, July 8, 2020 10:38:19 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear County Commissioners:

Hello! My name is Jessica Beal, PharmD. I have been a Merritt Island resident since 1986 and also am a pharmacist at a local family owned pharmacy on Merritt Island. I love this community and am a huge supporter of local businesses. I would like to voice my opposition to the proposal (20PZ00027) (Tax Account 2459292) by MI Plaza Group, LLC requests for the following 1) Removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial parking Lot (5.48 acres) ; 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3.100 square feet) in a PIP (Planned Industrial park) zoning classification.

This proposal is not a good idea and you can see from the minutes and presentation of the MI plaza group that they don't have a cohesive business plan. The minutes of the prior meeting show their large number of inconsistencies, on the spot changes to a business plan and agreement that this is not a good idea for our community.

Please find my concerns and supporting documentation below and how they do not meet the Brevard County Administrative Policies of the Future Land Use Element -Under Conditional Use Permits (CUPs), (b) Approval Procedures, second paragraph, it states, "... 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, odor, glare and noise, particulate s, 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."

**School Bus Stop-** The primary entrance (West entrance off of Duval Street) will be past the bus stop (Across from the East entrance on Duval) and all of kids in elementary, middle, and higher schoolers are going to walking past high traffic areas. The bus cannot go into the Sunset Groves community because it is a dead end and unable to turn in the cul-de-sac and they don't back up (per Brevard County School Board). The only spot for this bus stop is where it is currently. Children (and parents) walking to the bus stop will be there during the prime hours for cruise patrons arriving (highest traffic time). These patrons will be from out of town and unfamiliar with the area, most likely using a gps or phones and less paying

attention to the road/sidewalks.

At the NMIDSDB (See meeting minutes, page 10 and 11) - Jack Ratterman (NMIDSDB member) asked the applicant about the proximity of the proposed uses to the bus stop on Duval Street?

"Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli's construction company on the right when you pull in, you have us on the left and you have the bus stop there. I'm confused on why there is a bus stop in a commercial area and why the pickup and drop off of these children isn't in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house."

So basically, the applicant, who stated he has five children, says that because of safety, he would not let his kids use that as a bus stop. Thus agreeing with us that this is not a safe idea!

**No security** - GoPort has no overnight security plan. Although the business owner said at the NMI board meeting, "there is no crime on Merritt Island!" If there was no crime, then why did the owner place a large number of cameras on his property immediately? Every owner of a nest cam in our community Facebook groups/ on Nextdoor app sure seem to know and have evidence otherwise! These parking lots, with no security, with cars parked overnight, where you know the vehicle owner/renter is nowhere around, are going to be prime targets for theft—and beacons to attract crime to a somewhat isolated area. What prevents someone from coming in and parking there, waiting for the right moment to commit a crime. With no security and children walking, could also turn into a prime areas for human trafficking! As this has been on the rise and all healthcare professional are now trained to recognize and watch for human trafficking.

Commissioners, those of you that have kids, would you want your kids standing at a bus stop in an area where a bunch of tourists who are not familiar with their surroundings are trying to find out where to go/where the entrance is and then on top of that, adding in a place that sells alcohol to said tourists/people drinking alcohol in the morning near the bus stop, whether they are driving or not? Or walking near a large parking area with no security or eyes watching. Just asking.

Again at the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 15) Matt Phillips was asked, "If this thing is just going to be open for people to come in and park, they have reservations or whatever, there's nobody really directing them, how are you going to stop someone from having a few drinks and then realizing they forgot toothpaste and driving to the grocery store down the street. How is that going to stop?"

At the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 22) – Mr. Phillips agreed with me that it is a concern that someone could have a few drinks then drive to get something they forgot allowing drunk driving in the morning near our community, bus stop,

parking is 100% additive.

**Traffic**- Their traffic studies don't take into consideration the new neighborhoods that have been built or the huge cruise parking lot that will hold 598 cars less than a ½ mile south, plus 2 additional lots with over 200 spots each. These too will add a great deal of traffic over the questionable bridge and during heavy hours. With our lack of affordable/any local housing, and growing space industry the housing is inevitable. However, why would we add UNNECESSARY traffic on top of what we already know is adding to an existing issue?

In the traffic study presented by Matt Philips, it uses old data from 2018, what about a traffic study that included the currently being built parking lot, new residential areas and when the businesses and school are actually in session and not teleworking. What can the barge canal bridge actually hold and the intersection just past.

The entrance to the parking lot is Duval Street. This is the only entrance into the Sunset Groves community and regular has traffic back-ups for residents coming and going. GoPort states that their customers will not cause any back up, however GoPort also owns the cruise parking at the closed DoubleTree in Cocoa Beach, and (in non COVID times when cruises are running) there are regularly backups on A1A while people wait to get into their lot. If the cruisers coming into town are waiting for spots, that haven't been vacated by cruisers on a boat that was running late, there is opportunity for major early morning congestion in this area.

Please tell me how you won't cause a back-up when cruise ships unload arriving passengers and then board new passengers generally in a 4-5 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://crew-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>. This also shows that they don't need their bar open longer than 4-5 hours, and Florida State Law states alcohol licenses the business needs to be open for at least 8 hours!

**Community Impact** -The restaurant/bar is only open to GoPorts clients. They plan to serve alcohol from 9:30am to 1:00 pm. However, as one of the NMIAB members pointed out after calling the state board, the state requires 8 hours of operation for businesses with liquor licenses (so will they really only stay open until 1:00 pm as stated?). And a new restaurant/bar on North Merritt Island might be cool! But why grant a CUP for a business that doesn't benefit the local community whatsoever? If you are thinking- well what if they change to let locals visit? That doesn't work because their business plan is to use all 237 parking spots for cruise clientele, aside from 5 for employees, which are contact and part-time. So not adding jobs to the community.

**Parking**-I believe this is already a developed site from their proposed site plan they showed various uses for the current buildings. If that is the case they need account for the parking code uses for the building, which cannot be used for the overnight parking use. If you take into account the uses they indicate, per Brevard County Planning and zoning, they say that the building accounts for 84 spots. Then take into account the 54 spots in the FLP easement,

North Courtenay Parkway corridor businesses and residents -

"Usually, when they (cruise patrons) get to the cruise ship, no matter what time it is, they do start drinking, so we're just allowing people to do it beforehand and being chauffeured down there so they're not touching the road with their vehicles, they're safe on the way down, and the point of how we're going to make sure people don't come back after running to get toothpaste or whatever, is a valid concern, I just don't think it's going to happen."

The applicant agrees there is a potential for the proposed uses to adversely affect the safety of people in adjacent and nearby properties.

**Adjacent businesses** - Under Conditional Use Permits (CUPs), (b) Approval Procedures, the first paragraph on Page 5, it states, "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, odor, 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."

At the NMIDSDB (See meeting minutes, page 25) – Ms. Rezanka states -

Kim Rezanka – "The community doesn't like this because they don't think it's good for them, and it might not be, but it does bring people in here that will see Brevard County and go to other areas of Brevard County. It's not necessarily.... I can't imagine any PIP zoning that's going to benefit their community, essentially industrial, but that's not the criteria, the criteria is your Code."

Ms. Rezanka feels like the proposed uses would adversely affect adjacent and nearby properties.

Mr Phillips believes that their business model will actually result in less traffic than the originally approved intent of the property- a small shopping center. He believes that based on the initial approval of the shopping center, it would result in several thousand trips a day! Please take the time to review the traffic study riddled with inconsistencies, errors and assumptions. Not to mention this traffic study was completed during the complete shutdown/quarantine period of COVID (no schools were in session, NASA, SpaceX, KSC, Cruise Ship and Space Center had all gone to telework prior to the traffic study).

I think anyone who lives/works/travels on North Merritt Island knows this is a pipe dream. And honestly, an active shopping center with viable local businesses that benefited the local community would be welcome! These local businesses would bring more business and tax money to the area and keep it here. There are the businesses that support local events, teams, campaigns, and fundraisers. And not to mention, even if the pie dream of thousands of trips a day were to come true, those trips would be spread out throughout the day (vs. a very short window) and would mostly be made up of people who already are traveling/living on North Merritt Island. Most the traffic wouldn't be adding to the issue. Where cruise

which per FLP they are not allowed to use for overnight parking, only overflow parking. You now take that 237 down to a very small number for overnight parking.

At the NMIDSIB (See meeting minutes, page 10 and 11) – Chris Cook (NMIDSDB board member) asked the applicant, “Also, I see there’s an FPL easement across the property (meaning...there is a 100’ FPL Easement along the southern portion of the property). Do you have a permit from FPL to do long-term parking on it?”

Kim Rezanka, the applicant’s lawyer replied, “We don’t need one, because there’s a parking space there.” And once again, “We don’t need one.”

According to the “Keep Easements Safe and Free From Obstructions information flyer” available on the FPL website...“Items that may not be placed within FPL easements include temporary or permanent buildings, barns, storage sheds, swimming pools and enclosed patios because they prevent safe access. Overflow parking, fences, trees and other landscaping may be permitted within FPL easements subject to proper review and approval.”

We are here because the applicant is wanting to change the use of the property to Overnight Parking and add a fence around the property, including the area within the easement, according to the Proposed Site Plan. Therefore, it needs to be reviewed and approved by FPL.

we have been in contact the FPL Real Estate Officer in Daytona that deals with these matters Brevard County, Ms. Peany Schwahl. As the flyer states, Ms. Schwahl stated that easements could be used for temporary overflow parking, not commercial overnight parking. Temporary as in an hour or two. Overflow, as in you were having an event and ran out of parking elsewhere.

She also stated that...yes, the applicant would need to send it to FPL for review and approval. Also, when the property was built in 2005, the owner failed to get a consent agreement. So, it’s out of compliance.

According to the flyer, to request a review of your proposed use of an FPL easement on your property, please visit [FPL.com/land use](http://FPL.com/land%20use) or call 1-800-FPL-4FPL (1-800-375-4375). Or if you want I can give you the email for Ms. Schwahl.

**Environmental-** Their permitted storm water system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area, and SJWMD has already been out to address some the deficiencies, which some but not have been addressed. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed; they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. Lastly, their mortgage document state that their mortgage can be terminated if in environmental non-compliance if the mortgage company is not notified in 10 days. GoPort was notified by SJWMD to be deficient on June 19<sup>th</sup>, I am guessing their mortgage company doesn’t know this!

Thank you for taking your time to read by numerous reasons to oppose these change of removing

of an existing BDP, adding a CUP for an Overnight Commercial parking Lot and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial park) zoning classification.

You can see from the data provide that they do not have a clear business plan nor one that will benefit the community. They even show that this is not a safe idea and doesn't benefit the community. I charge you with challenging Mr. Phillips to do what he said; "fill the strip mall up with local businesses!"

Regards,

Jessica Beal

Objection  
20PZ00027  
MI Plaza Group

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D3](#)  
**Subject:** action ID# 20PZ00027  
**Date:** Sunday, July 5, 2020 3:43:09 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon!

With the upcoming meeting to be held on July 9th, I wanted to restate that I am extremely concerned about another cruise parking lot on North Merritt, especially one that serves alcohol and will not serve the local community in any positive way. This proposal will have no benefit to our community at all. The Port should be the only location for cruise parking. We need carefully planned development that will enhance our community. Please do not let another cruise parking lot fill up our island!!! We would welcome businesses that will enhance our community and provide goods/services that would be beneficial to our quality of life here on North Merritt.

Please consider not approving this proposal.

Thank you,  
Deb Bannon

Objection  
20PZ00027  
MI Plaza Group

**From:** Beverly Crowell  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Action ID#20PZ00027  
**Date:** Wednesday, July 8, 2020 10:21:03 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

As 21-year residents of North Merritt Island, FL, I am writing to respectfully ask that you deny Action ID #20PZ00027 for another overnight cruise parking area at 3345 N. Courtenay Pkwy. With the recent increase of housing developments and work at Kennedy Space Center, traffic is already becoming congested specifically at the barge canal bridge. We have one cruise parking area nearly complete by the barge bridge and as residents are already concerned about the additional traffic headaches it will create, not to mention safety concerns during inclement weather. Any additional cruise parking north of the canal bridge will only continue to add to our traffic congestion and add little value for the residents who live here. Please vote NO.

Thank you,  
Beverly & Thomas Crowell  
3719 Sunward Drive  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Elizabeth Anderson](#)  
**To:** [Commissioner, D3](#)  
**Subject:** another proposed cruise ship parking lot  
**Date:** Friday, April 3, 2020 10:16:16 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tobia

After the parking lot construction on Courtenay Parkway near 528 was approved, it was my understanding that no additional overnight parking facilities would be allowed on North Merritt Island. Now I see that MI Plaza Group wants to build another parking lot AND a bar and restaurant.

I am not in favor of either of these proposals. We chose to retire on Merritt Island and purchase a home north of 528 BECAUSE there was not a lot of traffic and we had easy access to shopping on Merritt Island and the Orlando Airport. Traffic is getting worse, yet you approved one parking lot and are considering another. PLEASE DO NOT DO THIS!

I strongly urge you to deny the actions proposed by MI Plaza Group.

Sincerely,  
Elizabeth J Anderson  
Taxpayer and Voter

**From:** [Lyndsay Snead](#)  
**To:** [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9  
**Date:** Monday, July 6, 2020 8:01:40 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Brevard County Commissioners,

As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle necks on good days. This part of the community is mainly residential and rural with some service businesses along State Road 3. It is not, and never has been geared toward or set up to serve tourists.

Merritt Island has evolved a lot over the years and changed dramatically since the days when my family first homesteaded, but it has always been its own community with its own identity. To turn our precious paradise into a parking lot to feed the cruise industry and the port is an absolute travesty.

These parking lot businesses bring absolutely NOTHING of value to our island. They just suck up our precious resource of land (on an ISLAND no less), and give nothing of value to the community in return. They add to traffic over the already congested and questionable barge canal bridge. There were days last fall where on several occasions, for no apparent reason, traffic going over the canal was so backed up I had to take US1 home from the space center to get to my house in central Merritt Island.

I want to be clear- I am not anti-business. My family has run a small business on Merritt Island

for 60 years, which my husband now runs. I can understand adding businesses that will provide value or services, but why would we add to the existing issues for something that is only using us and not giving anything back?

This issue has me concerned enough that- in a pandemic- I decided to attend the North Merritt Island Advisory Board (NMIAB) Meeting a few weeks ago. At this meeting I learned even more about the specifics as to why this specific location as well as the business plan of GoPort are terrible, but I will let the residents of the neighboring community, Sunset Groves, tell you about that because they have evidently been fighting this already for a while and they are passionate- and they are right.

I learned at the board meeting about the dangerous domino effect of continuing to approve these parking lots. The attorney for GoPort referenced the need to establish that a business must be in keeping with the surroundings. Well, at some point if you keep letting this happen, they will have a strong case to say just that. Now is the time to put our foot down. Now is the time to say this is not right for Merritt Island. This is not what North Merritt Island was intended to be, and is not in fitting with this community.

The NMIAB asked serious, thoughtful questions about the request and they clearly did their homework- and then they unanimously voted against GoPort's request for a conditional use permit to change the property's use to be able to be used for overnight cruise parking (as well as GoPort's other two requests). I am asking that you uphold the board's decision. I ask that you listen to the residents and respect our community. Please don't sell our island down the river for a few parking lots that give nothing and add nothing but headaches.

Respectfully,

Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Elizabeth Anderson](#)  
**To:** [Commissioner, D3](#)  
**Subject:** cruise parking, North Merritt Island  
**Date:** Tuesday, June 9, 2020 8:52:38 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioner,

I am writing to request that you DO NOT approve any additional cruise parking north of 528. Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,  
Elizabeth Anderson and Patrick Churchville  
Homeowners 3804 Sunbeam Court, Merritt Island

**From:** [Lyndsay Snead](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Fw: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9 ID# 20PZ00027  
**Date:** Monday, July 6, 2020 11:05:40 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027

Thank you,  
Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

---

**From:** Lyndsay Snead  
**Sent:** Monday, July 6, 2020 8:01 AM  
**To:** [d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov) <[d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov)>;  
[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov) <[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov)>;  
[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov) <[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov)>;  
[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov) <[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov)>  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

Dear Brevard County Commissioners,  
As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt

Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle necks on good days. This part of the community is mainly residential and rural with some service businesses along State Road 3. It is not, and never has been geared toward or set up to serve tourists.

Merritt Island has evolved a lot over the years and changed dramatically since the days when my family first homesteaded, but it has always been its own community with its own identity. To turn our precious paradise into a parking lot to feed the cruise industry and the port is an absolute travesty.

These parking lot businesses bring absolutely NOTHING of value to our island. They just suck up our precious resource of land (on an ISLAND no less), and give nothing of value to the community in return. They add to traffic over the already congested and questionable barge canal bridge. There were days last fall where on several occasions, for no apparent reason, traffic going over the canal was so backed up I had to take US1 home from the space center to get to my house in central Merritt Island.

I want to be clear- I am not anti-business. My family has run a small business on Merritt Island for 60 years, which my husband now runs. I can understand adding businesses that will provide value or services, but why would we add to the existing issues for something that is only using us and not giving anything back?

This issue has me concerned enough that- in a pandemic- I decided to attend the North Merritt Island Advisory Board (NMIAB) Meeting a few weeks ago. At this meeting I learned even more about the specifics as to why this specific location as well as the business plan of GoPort are terrible, but I will let the residents of the neighboring community, Sunset Groves, tell you about that because they have evidently been fighting this already for a while and they are passionate- and they are right.

I learned at the board meeting about the dangerous domino effect of continuing to approve these parking lots. The attorney for GoPort referenced the need to establish that a business must be in keeping with the surroundings. Well, at some point if you keep letting this happen, they will have a strong case to say just that. Now is the time to put our foot down. Now is the time to say this is not right for Merritt Island. This is not what North Merritt Island was intended to be, and is not in fitting with this community.

The NMIAB asked serious, thoughtful questions about the request and they clearly did their homework- and then they unanimously voted against GoPort's request for a conditional use permit to change the property's use to be able to be used for overnight cruise parking (as well as GoPort's other two requests). I am asking that you uphold the board's decision. I ask that you listen to the residents and respect our community. Please don't sell our island down the

river for a few parking lots that give nothing and add nothing but headaches.

Respectfully,

Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

**From:** [ivan.inmon](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Fwd: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9  
**Date:** Monday, July 6, 2020 9:33:05 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am forwarding this message to my elected officials, as it states more elegantly my views on this very important issue.

Please do the right thing and vote against more of the parking lots

Sincerely

Ivan Inmon

----- Forwarded message -----

**From:** Lyndsay Snead <[lbi0926@hotmail.com](mailto:lbi0926@hotmail.com)>

**Date:** Mon, Jul 6, 2020 at 8:31 AM

**Subject:** Fw: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

**To:** Mom and Dad <[iinmon@aol.com](mailto:iinmon@aol.com)>, Sara Inmon, (S.) <[sinmon@ford.com](mailto:sinmon@ford.com)>, Terry Inmon <[tbinmon@aol.com](mailto:tbinmon@aol.com)>

use the below addresses to send an email to the commission about the parking lot issue. The vote is this thursday so emails need to be sent soon.

---

**From:** Lyndsay Snead

**Sent:** Monday, July 6, 2020 8:01 AM

**To:** [d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov) <[d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov)>;

[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov) <[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov)>;

[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov) <[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov)>;

[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov) <[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov)>

**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

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hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

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Respectfully,

Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

**From:** Patrick Stahl  
**To:** Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Abbate, Frank B; Ball, Jeffrey  
**Cc:** Jessica Beal  
**Subject:** Fwd: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**Date:** Friday, April 10, 2020 1:37:25 PM  
**Attachments:** Applicant's Response 4.8.20 (1).pdf

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners, NMI Development Special District Board, County Manager and Planning and Zoning Dept Manager,

In regards to Rezoning Notice #20PZ00027, our neighborhood just received the attached letter from MI Plaza Group, LLC that "addresses" all of the concerns from letters written by residents of the Sunset Groves Subdivision and the Staff of Brevard County. In the letter, they reference a Proposed Site Plan dated 3/30/20 that was submitted to the County for review. Our residents have not had the opportunity to see the proposed plan. I was wondering since they were citing the plan in their response to our residents, is it possible to get a copy of the plan for our residents to review?

I am not going to go into the particulars and inaccuracies that they present in their response, but I assure you, there will be forthcoming rebuttals to their "answers" or lack thereof.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

----- Forwarded message -----

**From:** David Leadbeater <david@goport.com>  
**Date:** Fri, Apr 10, 2020 at 12:02 PM  
**Subject:** MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**To:** <sverwiebe@aol.com>, <bettianderson@yahoo.com>, <p\_bennardo@yahoo.com>, <ja567m@att.com>, <deb.bannon@yahoo.com>, <jbealrx@gmail.com>, <prdilecce@gmail.com>, <patrickwstahl@gmail.com>, <jimrobo50@hotmail.com>, <dwoodington@gmail.com>, <freddie321@gmail.com>, <annsolo212@gmail.com>, <tracystephens7@gmail.com>, <Jerry\_Murr@hotmail.com>, <kymvalk@gmail.com>, <mpalmer37@cfl.rr.com>, <STownsend3@cfl.rr.com>, <smassihnia@hotmail.com>, <c.l.franklin@hotmail.com>, <Audreyjo316@bellsouth.net>, <cozycafe5@gmail.com>, <dverwiebe@yahoo.com>, <larsenjim@yahoo.com>, <JUNAID@cadence.com>, <arch.s.jr@chempoolspa.com>, <kapers@sbcglobal.net>, <pmeade00@gmail.com>, <zarikj@cfl.rr.com>, <islander3360@gmail.com>, <rchbstrm@yahoo.com>, <jburke0234@bellsouth.net>, <sberes1@aol.com>, <pamanderic@earthlink.net>, <CD3MOM@aol.com>, <captgaines@msn.com>, <citruspit@gmail.com>, <cupac@aol.com>, <bill.matanis@gmail.com>, <vivianeq@gmail.com>, <wilc0@aol.com>,

<rscarpa@cfl.rr.com>, <mbradley38@cfl.rr.com>, <corienreijm@yahoo.com>  
Cc: Kimberly Rezanka <kim@cfglawoffice.com>, Matt Phillips <matt@goport.com>, Sharon  
Galeano <sharon@goport.com>

Good morning Ladies & Gentlemen,

I hope everyone is doing well and staying safe. Please find attached below, our response answering the letters to the people living in Sunset Groves that were sent to the county. I truly thank you for your time reading and your consideration.

Sincerely,

--

**David Leadbeater**  
Executive Assistant  
[david@goport.com](mailto:david@goport.com)  
(321) 305-6969



273 Crockett Blvd  
Merritt Island, FL 32953  
[www.goport.com](http://www.goport.com)

**IMPORTANT:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are, by this, on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to Go Port, 273 Crockett Blvd, Merritt Island, FL. 32953. Thank you.

**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (April 8, 2020)**

- I. **Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

II. **Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

### III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.

“The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... .”

#### Additional Conditions:

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:30 a.m. to 12:30 a.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

#### IV. Operation of Facility:

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make “u-turns” on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 12:30).

These vehicles “in and out” are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dismiss'd, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 217' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:30 – 12:30.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

Objection  
20PZ00027  
MI Plaza Group

**From:** [Peter Dilecce](#)  
**To:** [Commissioner, D5](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)  
**Subject:** Fwd: Re-zoning request \*\*\*Please vote No\*\*\*  
**Date:** Sunday, March 29, 2020 4:08:53 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Begin forwarded message:

**From:** Peter Dilecce <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>  
**Subject:** Re-zoning request \*\*\*Please vote No\*\*\*  
**Date:** March 29, 2020 at 4:01:55 PM EDT  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov), [d2.commissioner@brevardfl.gov](mailto:d2.commissioner@brevardfl.gov)  
**Cc:** [hillberg@earthlink.net](mailto:hillberg@earthlink.net), [sgHOA@live.com](mailto:sgHOA@live.com)

Good Afternoon,

My name is Rose DiLecce and have been a resident of North Merritt Island for 21 years. I am writing to you today in regards to a notice I received in the mail yesterday afternoon referencing a rezoning request for the property located in the southwest corner of Duval Street and N Courtenay Parkway.  
(3345 N Courtenay Pkwy., Merritt Island)

I am concerned that there is an attempt again to change the current zoning on this property from a Planned Industrial Park to a Conditional Use Permit for Overnight Parking and Conditional Use for Alcoholic Beverages. This request does not in my opinion align with the mission of the North Merritt Island Homeowners Association. The mission as stated on the website says "it is the purpose of the association to protect the interests of the property owners and individuals who reside on North Merritt Island with particular emphasis on controlled growth, life style of the residents, ecology, area appearance, and property values. The association strives to maintain an overall density of one unit per acre, in order to preserve the rural character of the community".

Those of us that live in Sunset Groves (the neighborhood directly behind this plaza) have fought this request before as you may recall.

My concerns are as follows: the already congested traffic, the safety of our kids, and the devaluation of our properties.

Our neighborhood has only one way in and out and increasing the traffic from the proposed commercial parking lot will surely create more congestion and more potential accidents. Please keep in mind that there is one short turn lane onto Duval street while heading north on Courtenay and on any given day from 3pm to 6pm both south bound lanes are backed up from 528 to passed Sunset Lakes.

In addition, there is already a planned designated cruise parking that is currently under construction off of N. Courtenay and Smith Road. This cruise parking will hold approximately 100 plus cars. Plus the land just north of our neighborhood is another planned cruise parking lot.

Do we really want North Merritt Island to become only cruise parking?

In addition, please note that Brevard Public Schools use Duval Street as a bus stop for three schools and this bus stop is very close to the proposed building that will be used for the permit regarding alcohol. The bus stop used to be right on the corner of N. Courtney and Duval but due to the safety of our children and the bus stop was moved to Duval Street.

Please see the times below:

Lewis Carroll Elementary Pick up time 7:20AM Drop off time 3:02PM

Jefferson Middle School Pick up time 8:55AM Drop off time 5:18PM

Merritt Island High School Pick up time 8:15AM Drop off time 4:06PM

My last point is simply that of devaluation of our neighborhood and homes. Over the last 20 years the plaza in front of our neighborhood has changed owners many times and been left vacant for several years with only the personal trainer occupying one unit. if this request is granted there is no telling what the next owner will do with the property.

I thank you for your time and consideration.

Rose DiLecce

**From:** [Jerry Perlet](#)  
**To:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Mary Hillberg](#); [Marie Perlet](#); [Jerry Perlet](#)  
**Subject:** Hearing for 3345 Courtenay Parkway  
**Date:** Friday, July 3, 2020 2:41:05 PM  
**Attachments:** [Hearing on MI Plaza Group LLC.docx](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Brevard County Commissioners:

I have attached my testimony for the hearing on Thursday, July 9th. I understand there is a time limit, so I will summarize my remarks at the hearing.

My wife and I are very hopeful that the Commissioners will deny this CUP application for the reasons outlined in our testimony,.

North Merritt Island receives no benefit from this project and we suffer many losses. It is an insult to allow a beautiful natural place like North Merritt Island become a parking lot.

Thank you for your consideration.

Jerrold Perlet  
5127 Royal Paddock Way  
Merritt island, FL 32953

**To: Brevard County Commissioners**

**Re: Hearing on MI Plaza Group LLC**

**3345 North Courtenay Parkway**

**#20PZ00027**

**From: Jerrold and Marie Perlet**

**5127 Royal Paddock Way, Merritt Island, 32953**

We are opposed to the requested CUP changes to the property at 3345 North Courtenay. The citizens living on North Merritt Island deserve better. We should not become the parking lot for the port. This project is an insult to the citizens of North Merritt Island.

- How does this project benefit the citizens of North Merritt Island?
  - Citizens living on North Merritt Island will not be using this facility for parking for a cruise. We aren't going to buy a hotel package when we already live here.
  - Citizens will not be permitted to use the restaurant/bar. Only people buying a package can do that.
  - Citizens will lose the gym that currently exists, the only business that seems to have survived there.

The new owner has described his project as a hotel package for out-of-towners. Visitors will stay in Titusville, drive to the parking lot, and then ride buses to the port. Why should Merritt Island become a lily pad for his project to bounce to? Bus the people from Titusville to the port, or set up a parking lot in the port, but don't use us as a depository. We gain nothing from this project.

At the North Merritt Island review meeting on June 11<sup>th</sup>, the owner threatened to open the shopping center as a shopping center if you would not approve his new plan. That's what it is zoned for and he should have to do what the zoning says. He bought the property knowing it was a shopping center. Some viable businesses that would benefit North Merritt Island, like a hardware store or an Urgent Care facility, would be much better than a parking lot. If he could create a viable shopping center, that might actually benefit us.

His proposed project is of no benefit to Merritt Island, only profits for himself and his company.

- How does this project impact the citizens of North Merritt Island?
  - The traffic on Courtenay will increase, the intersection of Smith and Courtenay will be overwhelmed, the congested bridge will become a barrier, the intersection with 528 will have even more traffic to contend with. The “traffic study” does not even begin to address these important issues.
  - The dangerous intersection at Duval will be even worse. An insufficient left turn lane coming north and no deceleration lane coming south on a 50 MPH roadway. How many people have been killed or injured at this intersection? The traffic study does not address this.
  - The danger to the preschool across Courtenay at the church hasn't been addressed. Nobody seems to even know about those poor little ones traveling in cars to their school in all this dangerous mess. The traffic study does not even acknowledge the preschool.
  - The danger to the children from the Sunset Groves development who must walk out to Courtenay on Duval to ride their school buses. Cruise parking lot cars will cross the sidewalk the children use. Will there be a crossing guard as the cars line up? The owner says 2 to 4 cars every five minutes. What happens when they all arrive at once in a caravan from Titusville?
  - There will be increased air, noise, and water pollution from buses and cars and luggage delivery trucks that do not benefit the citizens of Merritt Island in any way.
  - There won't be any increase in customers for our merchants except possibly some gas station stops. Local merchants gain nothing from this project.

The impact of the project to the area around Smith Road is severe, adding a hundred or more cars and buses with trailers and luggage delivery trucks to the already congested roadway. How will the cars in the lot on the canal even get out of Smith Road? Unless we change the traffic light timing and back up traffic on Courtenay even further. And this project adds a hundred vehicles to that traffic flow.

The left turn onto 528 to the port from Courtenay is long and difficult. There is nothing in the traffic study about the project's impact on this intersection which is directly involved since it is the way to the port. There is nothing about the number of times the draw bridge breaks down and blocks traffic. These are important matters that need to be addressed.

The “Traffic Study” is based on data from 2017 and a traffic count during the COVID isolation time period. The reality of the traffic at Smith Road and Courtenay is:

----a 600-car cruise parking lot

----approved developments on North Merritt Island of over a thousand homes and cars

----the expanding spaceport to the north adding more traffic every week

The DOT numbers from three years ago do not recognize the current or future traffic burdens on Courtenay. Using old numbers just doesn't make sense. The study is flawed. There is no mention of the preschool at the church across Courtenay or the new development starting next to the church or the school bus stops and students who must cross the entranceway to this parking lot. Wouldn't you think a study would at least be based on current data from now, not data from pre-development three years before?

The owner has stated in his testimony to the NMIDSDB that there will be between 20 and 40 cars per day. His own traffic report says anywhere from 45 to 120 cars per day (chart on pages 6-7). The numbers in his testimony, his lawyer's testimony, and his own reports don't agree. The numbers are all over the place. The traffic study is flawed regardless of who prepared it. The report uses DOT data from 2017 to claim that the current shopping center generates 2400 trips per day and we should be grateful to the owner for reducing that number to 900. I'm not sure how 900 trips result from the 20 to 40 or 45 to 120 cars each day, but the owner himself says the current situation for the shopping center is "essentially vacant". It doesn't generate hardly any traffic, except for the gym. Whatever the real number is for the daily trips for this new project, it will definitely, significantly increase traffic at the dangerous intersection of Duval and Courtenay. If this project is approved, the left turn lane going north needs to accommodate at least 4 or 5 cars, and there needs to be a deceleration lane coming south from Titusville. This is a 50 MPH road, not some little side street. People have been killed at this intersection. That should be in the traffic report, too.

Then there is this idea that 20 to 40 to 90 to 120 cars will be coming from Titusville. I believe the bridge on the NASA Causeway has been approved. That bridge often goes down to one lane each way now. Won't these cruise parking lot cars add more traffic to the already overburdened parkway into the space center?

The fact is, the traffic report is flawed. The attorney has stated that they have addressed all five criteria for the exception and they have not. I would think that the traffic study would require accuracy and the application fails the traffic report requirement and at the very least, the county should require a real report based on real numbers and projected traffic from all the developments already approved.

- Finally, who will be responsible?
  - Who will bear the responsibility when someone is killed or injured at Duval and Courtenay?

- Who will bear the responsibility when someone needs emergency medical care and there is so much traffic the ambulance can't get there in time?
- Who will bear the responsibility when someone's house is on fire and the fire trucks can't get there in time because the traffic is all jammed up, or the old bridge just can't take any more cars and it decides to break again?
- Who will bear the responsibility when the old draw bridge fails and we are trapped on the island during a hurricane? Who will come to the rescue for the thousands who live there?
- Who will bear the responsibility when this whole operation fails and we have a vacant building with no businesses and a big parking lot sitting again for another fifteen years?

It is the responsibility of government to check out these things, to use current and future data to plan, to protect its citizens from commercial invasion. The citizens of North Merritt Island gain nothing from this project, we lose a lot, and if the inevitable bad things happen... I hope not, I pray not, but history has shown us over and over and over again, that rampant, uncontrolled development causes lots of problems and can lead to disasters.

We don't need another parking lot, we don't need a bar serving drinks in the middle of the day next to a pre-school and a school bus stop, we don't need a business that takes from us and gives us nothing in return.

Deny this project for the safety and dignity of the thousands of citizens living north of the barge canal.

**From:** [Nicole Charara](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** ID 20PZ00027  
**Date:** Monday, July 6, 2020 8:32:34 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear commissioners,

Please consider allowing another cruise parking, specially one with a bar, to be built on NMI.

This raises a few concerns for us. The bar (if opened only in the am), could potentially create a problem with patrons drinking and then getting in their cars to drive, all at the same time that children are on their way to school.

Secondly, those of us who live in NMI have a longer commute already due to being on the outskirts of Merritt Island. We chose to buy our home here for that reason (in order to be on the outskirts), but traffic was and has never been an issue. But with having to cross the barge to get anywhere, a parking such as this one would greatly impact commute times. If we continue to allow cruise parking structures to pop up, eventually this will create a traffic burden for those of us who own homes here.

Lastly, we chose NMI because of the open land and open spaces aspect of it. If we continue to allow these types of projects, we are changing the charm and overall feel of what makes NMI so special.

Please consider listening to those of us who will be directly impacted by this decision.

Thank you for your time and consideration.

Kind regards,

Nicole Charara

Objection  
20PZ00027  
MI Plaza Group

**From:** [Peg Cotner](#)  
**To:** [Commissioner, D2](#)  
**Cc:** [Commissioner, D3](#)  
**Subject:** ID# 20PZ00027  
**Date:** Friday, June 5, 2020 2:51:16 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Just in case you did not receive my opinion, I am very against this proposal. Everyone I have conversed with is of the same opinion. I know some of you live near here, and for the life of me I can't understand how you think this is necessary, logical, advantageous or beneficial to our community. We can do better. Thank you, Peg Cotner

Objection  
20PZ00027  
MI Plaza Group

**From:** BV  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** ID# 20PZ00027  
**Date:** Tuesday, July 7, 2020 8:31:07 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am opposed to the proposal to rezone the area in N. Merritt for Goport. As written, this is not a win/win for both.

Thank You,  
B. Vernatter

Objection  
20PZ00027  
MI Plaza Group

**From:** [ivan inmon](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** ID#20pz00027  
**Date:** Monday, July 6, 2020 11:40:53 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027 .

Ivan Inmon  
3485 Spartina ave.  
Merritt Island, Florida 32953

**From:** [kathleen.mccoy](#)  
**To:** [Commissioner\\_D3](#)  
**Subject:** Merritt Island Rezoning action ID#20PZ00027  
**Date:** Tuesday, July 7, 2020 10:09:03 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear John Tobia,

As a resident and homeowner on North Merritt Island I am writing to voice my concern about the request for more cruise parking on North Merritt Island.

I hope you will deny the rezoning request for a parking lot and bar on Courtenay Pkwy and Duval St. First of all, traffic in this area has been steadily growing due to new residential developments, Space Center traffic and the 3 other parking facilities already approved. Building another parking lot will make traffic even worse. The main problem with our traffic pattern is the barge canal drawbridge, which I hope you are taking into consideration.

This is a residential portion of Merritt Island. We are dependent on the barge canal bridge to go south on Courtenay to get to schools, the hospital, groceries and to access the major highways. Giving these tourists/cruise patrons alcohol will only make matters worse when they are put on our streets.

I can only hope that when you vote on this rezoning request you consider if you personally would want this parking lot/bar outside your neighborhood and vote no. These parking lots do not contribute to our community.

Could you please consider projects in the future that are a positive for the residents and, as a plus, may be aesthetically pleasing? My neighbors and I do not want to live in the middle of parking lots and storage areas for the Port.

Thank you,

Kate McCoy  
630 Wild Flower St.  
Merritt Island, FL 32953

**From:** [Suzanne Perucci](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Perucci Suzanne](#)  
**Subject:** parking facilities for the cruise lines  
**Date:** Wednesday, July 8, 2020 12:22:40 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

RE Action ID# 20PZ00027.

I currently live on North Merritt Island, north of the barge canal. I've seen a lot of positive development over the years. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

Suzanne and Joseph Perucci  
Cedar Creek Circle  
MI, FL 32953

**From:** [birdie3@cfl.rr.com](mailto:birdie3@cfl.rr.com)  
**To:** [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)  
**Subject:** Parking For The Port on Merritt Island.  
**Date:** Sunday, July 5, 2020 3:32:30 PM  
**Attachments:** [Proposed Parking Lot For The Port 7-5-20.pdf](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

Please strike down the proposal for another Port parking lot on North Merritt Island. Let them put their ugly parking lots in Cape Canaveral. The north side of the barge canal is a very fragile area.

You have already approved more housing than our area can support. There are still two-three additional neighborhoods that are being reviewed and we are already flooding out of control. (See attached pictures)

The people who actually live North of the barge canal, do not want our area to look like the Orlando Airport parking areas. Make them stay at the area where they are taking all of the people. (Cape Canaveral-Port Area)

Thank you for considering our issues.

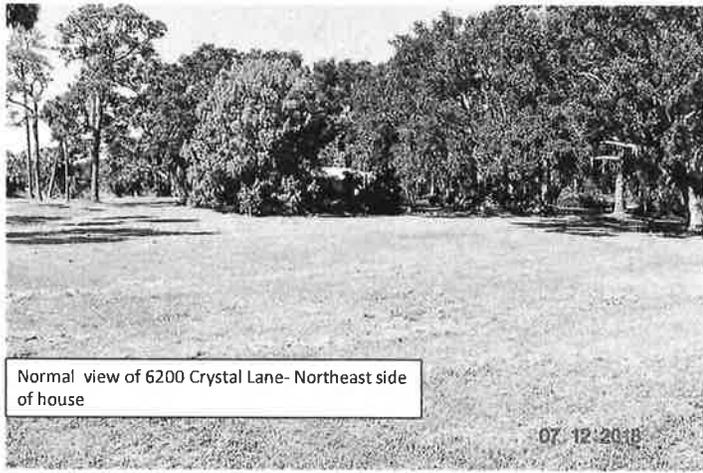
Arnold Dingman  
6200 Crystal Lane  
Merritt Island, FL 32953

Our properties North of the Barge Canal, cannot support anymore large developments due to the current flooding concerns. Pleased review some of the attached pictures to see the issues.

Arnold & Terri Dingman  
6200 Crystal Lane  
Merritt Island, FL 32953

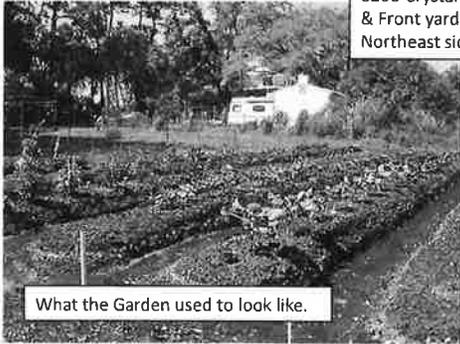


6200 Crystal Lane- Northeast side of house w/  
Garden underwater.



Normal view of 6200 Crystal Lane- Northeast side  
of house

07.12.2018

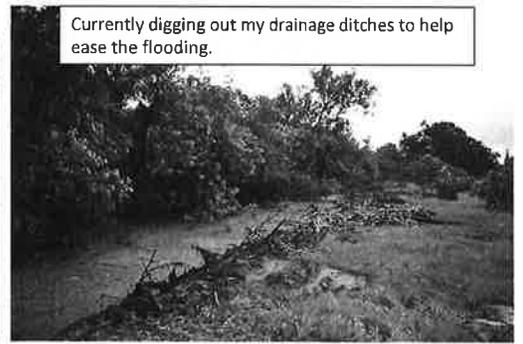


6200 Crystal Lane- Grove, Garden  
& Front yard underwater.  
Northeast side of house

What the Garden used to look like.



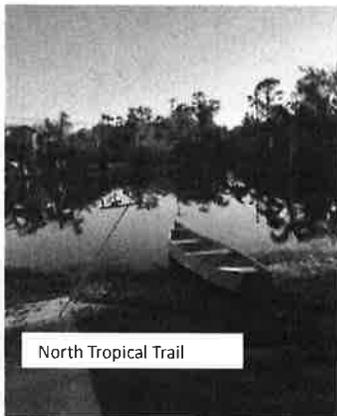
What the Garden looks like w/ typical 3" flooding.



Currently digging out my drainage ditches to help  
ease the flooding.



Solid water from North side of house on Crystal Lane to Crisafulli Rd. 3/8 mile. Please note the dates: 22 DAYS We stayed Flooded



North Tropical Trail

For a month, the only way in & out of the house was by canoe.





6370 North Tropical Trail  
& Kangaroo Lane

Looking South across the street from the proposed new development on North Tropical Trail. This is the last parcel of land sold to developers, and we were told no flooding would occur. This is on the West of the fire station, looking South, standing on North Tropical Trail

Normal 6370 North Tropical Trail & Kangaroo



Normal view of 6348 Boomerang Lane



Normal 6370 North Tropical Trail & Kangaroo 07.12.2018



6348 Boomerang drive- The South side of North Tropical Trail directly across from the proposed development w/ typical 3" flooding.

Slide-6

**From:** [Kimberly Willey](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Project #20PZ00027  
**Date:** Monday, March 30, 2020 5:03:45 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I have heard of plans for another cruise ship parking lot proposing to be built in North Merritt Island. Please consider the impact this will have on residents of this area.

>

> We already have 2 new housing developments and a cruise ship parking lot. Adding another will only increase the traffic in an already poorly configured system, especially on Courtenay by 528. It is already over congested with the amount of traffic we have now, and that is before the second housing development and cruise parking lot is complete.

>

> Please consider what the impact of even more development will have on the residents of the county you represent.

>

> It's sad that developers won't be happy until all the land is gone. Please help keep North Merritt Island from being overrun with development like the rest of the MI.

>

> Thank you,

> Kimberly Willey

>

>

> Sent from my iPhone

**From:** [Dolores Ryan](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Re: Action #20PZ00027  
**Date:** Tuesday, July 7, 2020 2:59:16 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you for responding. Very appreciative.

Sent from my iPhone

> On Jul 6, 2020, at 12:12 PM, Commissioner, D3 <d3.commissioner@brevardfl.gov> wrote:  
>  
> Ms. Ryan,  
>  
> Thank you for writing to Commissioner Tobia's office regarding cruise parking. I will make sure he is aware of your concerns before this comes before him for a vote on Thursday.  
> Thank you,  
>  
> Bethany Iliff  
> Special Projects Coordinator  
> County Commissioner John Tobia, District 3  
> PH: (321) 633-2075 \* Fax: (321) 633-2196  
> 2539 Palm Bay Road NE, Suite 4  
> Palm Bay, FL 32905  
>  
>  
> -----Original Message-----  
> From: Dolores Ryan <dryan79829@icloud.com>  
> Sent: Sunday, July 5, 2020 9:52 AM  
> To: Commissioner, D3 <d3.commissioner@brevardfl.gov>  
> Subject: Action #20PZ00027  
>  
> [EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.  
>  
> Dear County Commissioner:  
>  
> Please vote down the proposal of another parking lot and bar on N. Merritt Island. With traffic tripled at Space Center, 3 new large developments and a new 750 parking lot already, the two-lane bridge back and forth poses a safety hazard already. Many days traffic is backed up 2 miles. In case of an emergency, (wild fire, etc.) we cannot evacuate through the crowd. School buses over the bridge back and forth have been delayed already numerous times. Please consider these and other factors and turn down passing another parking area. Thank you for your support.  
> Respectfully, Dolores Ryan  
> Sent from my iPhone

**From:** [Karen Pardy](#)  
**Cc:** [Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; D4.commissioner@brebardfl.gov; Commissioner, D4; Dabu; Beth Matsoukis; silhoa@silhoa.info](#)  
**Subject:** Re: Action ID # 20PZ00027  
**Date:** Friday, July 3, 2020 10:14:51 AM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am a North Merritt Island resident and agree with the concerns in this matter. We appreciate your service to our community and hope you will take these concerns of the residents of North Merritt Island into consideration.  
Thank you,  
Karen

On Fri, Jul 3, 2020 at 9:28 AM George Kraft <[george-kraft@att.net](mailto:george-kraft@att.net)> wrote:  
Commissioners,

I have lived on North Merritt Island, north of the barge canal, for 21-years. In that time, I've seen a lot of positive development. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

George

> This email has been sent using Bcc (blind carbon copy) to my recipients. This prevents email addresses from showing when forwarding to others. When forwarding emails to others, please remove all past sender information before sending.

**From:** [Jones, Jennifer](#)  
**To:** [Patrick Stahl](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Ball, Jeffrey](#)  
**Cc:** [Jessica Beal](#)  
**Subject:** RE: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**Date:** Friday, April 10, 2020 4:02:54 PM  
**Attachments:** [10\\_20PZ00027\\_2\\_Proposed\\_Site\\_Plan.pdf](#)

---

Mr. Stahl,

Please see the attached proposed site plan.

Regards,

Jennifer Jones

**From:** Patrick Stahl <patrickwstahl@gmail.com>  
**Sent:** Friday, April 10, 2020 1:37 PM  
**To:** Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>  
**Cc:** Jessica Beal <jbealrx@gmail.com>  
**Subject:** Fwd: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners, NMI Development Special District Board, County Manager and Planning and Zoning Dept Manager,

In regards to Rezoning Notice #20PZ00027, our neighborhood just received the attached letter from MI Plaza Group, LLC that "addresses" all of the concerns from letters written by residents of the Sunset Groves Subdivision and the Staff of Brevard County. In the letter, they reference a Proposed Site Plan dated 3/30/20 that was submitted to the County for review. Our residents have not had the opportunity to see the proposed plan. I was wondering since they were citing the plan in their response to our residents, is it possible to get a copy of the plan for our residents to review?

I am not going to go into the particulars and inaccuracies that they present in their response, but I assure you, there will be forthcoming rebuttals to their "answers" or lack there of.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

----- Forwarded message -----

From: **David Leadbeater** <[david@goport.com](mailto:david@goport.com)>

Date: Fri, Apr 10, 2020 at 12:02 PM

Subject: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report

To: <[sverwiebe@aol.com](mailto:sverwiebe@aol.com)>, <[bettianderson@yahoo.com](mailto:bettianderson@yahoo.com)>, <[p\\_bennardo@yahoo.com](mailto:p_bennardo@yahoo.com)>, <[ja567m@att.com](mailto:ja567m@att.com)>, <[deb.bannon@yahoo.com](mailto:deb.bannon@yahoo.com)>, <[jbealrx@gmail.com](mailto:jbealrx@gmail.com)>, <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>, <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>, <[jimrobo50@hotmail.com](mailto:jimrobo50@hotmail.com)>, <[dwoodington@gmail.com](mailto:dwoodington@gmail.com)>, <[freddie321@gmail.com](mailto:freddie321@gmail.com)>, <[annsolo212@gmail.com](mailto:annsolo212@gmail.com)>, <[tracystephens7@gmail.com](mailto:tracystephens7@gmail.com)>, <[Jerry\\_Murr@hotmail.com](mailto:Jerry_Murr@hotmail.com)>, <[kymvalk@gmail.com](mailto:kymvalk@gmail.com)>, <[mpalmer37@cfl.rr.com](mailto:mpalmer37@cfl.rr.com)>, <[STownsend3@cfl.rr.com](mailto:STownsend3@cfl.rr.com)>, <[smassihnia@hotmail.com](mailto:smassihnia@hotmail.com)>, <[c.l.franklin@hotmail.com](mailto:c.l.franklin@hotmail.com)>, <[Audreyjo316@bellsouth.net](mailto:Audreyjo316@bellsouth.net)>, <[cozycafe5@gmail.com](mailto:cozycafe5@gmail.com)>, <[dverwiebe@yahoo.com](mailto:dverwiebe@yahoo.com)>, <[larsonjim@yahoo.com](mailto:larsonjim@yahoo.com)>, <[JUNAID@cadence.com](mailto:JUNAID@cadence.com)>, <[arch.s.jr@chempoolspa.com](mailto:arch.s.jr@chempoolspa.com)>, <[kapers@sbcglobal.net](mailto:kapers@sbcglobal.net)>, <[pmeade00@gmail.com](mailto:pmeade00@gmail.com)>, <[zarikj@cfl.rr.com](mailto:zarikj@cfl.rr.com)>, <[islander3360@gmail.com](mailto:islander3360@gmail.com)>, <[rchbstrm@yahoo.com](mailto:rchbstrm@yahoo.com)>, <[jburke0234@bellsouth.net](mailto:jburke0234@bellsouth.net)>, <[sberes1@aol.com](mailto:sberes1@aol.com)>, <[pamanderic@earthlink.net](mailto:pamanderic@earthlink.net)>, <[CD3MOM@aol.com](mailto:CD3MOM@aol.com)>, <[captgaines@msn.com](mailto:captgaines@msn.com)>, <[citruspit@gmail.com](mailto:citruspit@gmail.com)>, <[cupac@aol.com](mailto:cupac@aol.com)>, <[bill.matanis@gmail.com](mailto:bill.matanis@gmail.com)>, <[vivianeq@gmail.com](mailto:vivianeq@gmail.com)>, <[wilc0@aol.com](mailto:wilc0@aol.com)>, <[rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)>, <[mbradley38@cfl.rr.com](mailto:mbradley38@cfl.rr.com)>, <[corienreijm@yahoo.com](mailto:corienreijm@yahoo.com)>

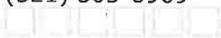
Cc: Kimberly Rezanka <[kim@cfglawoffice.com](mailto:kim@cfglawoffice.com)>, Matt Phillips <[matt@goport.com](mailto:matt@goport.com)>, Sharon Galeano <[sharon@goport.com](mailto:sharon@goport.com)>

Good morning Ladies & Gentlemen,

I hope everyone is doing well and staying safe. Please find attached below, our response answering the letters to the people living in Sunset Groves that were sent to the county. I truly thank you for your time reading and your consideration.

Sincerely,

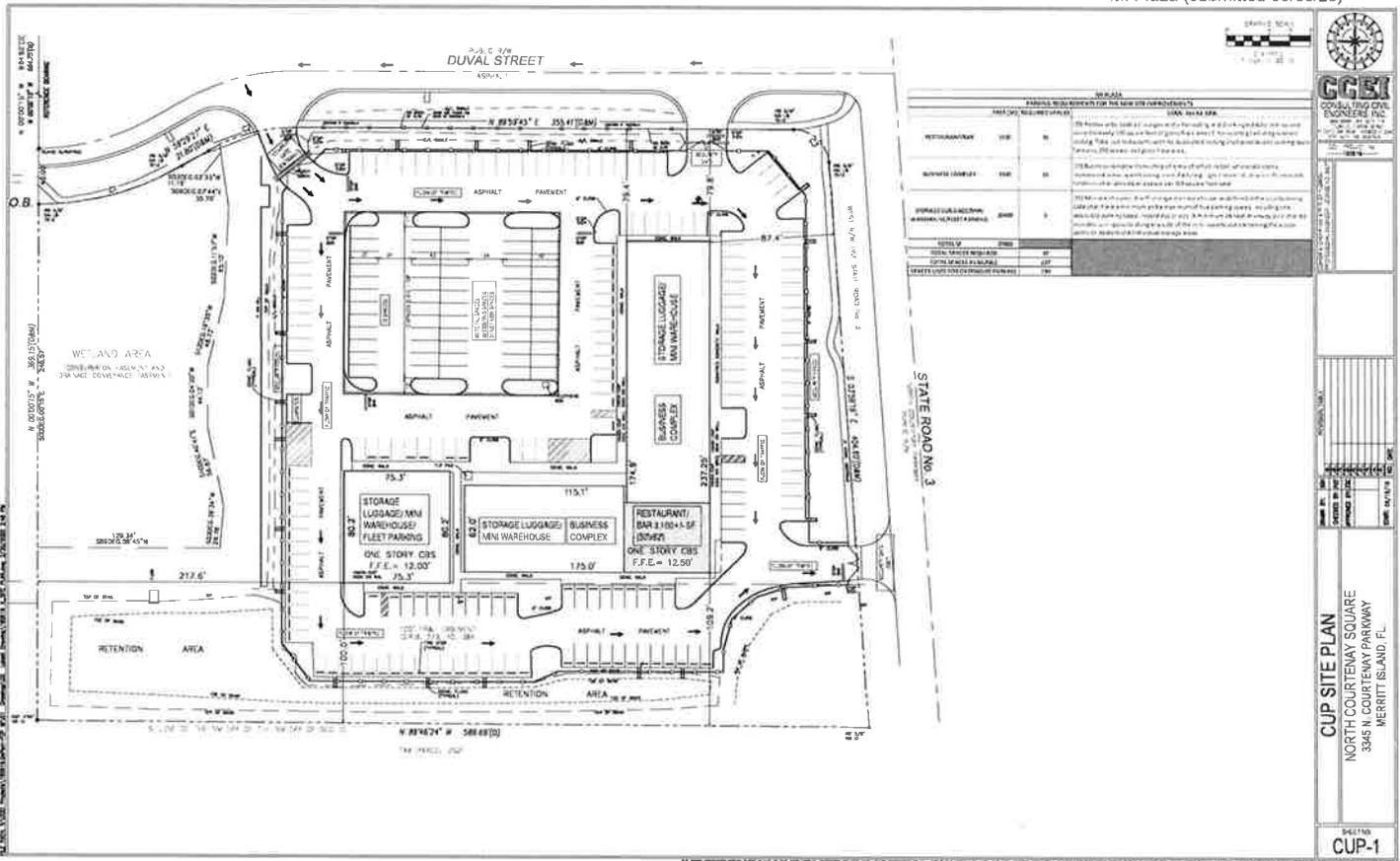
**David Leadbeater**  
Executive Assistant  
[david@goport.com](mailto:david@goport.com)  
(321) 305-6969



273 Crockett Blvd  
Merritt Island, FL 32953  
[www.goport.com](http://www.goport.com)

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Proposed Site Plan  
 20PZ00027  
 MI Plaza (submitted 03/30/20)



USE	AREA (SQ FT)	REQUIREMENTS
RESTAURANT/ BAR	3,100	1. Minimum floor area of 3,000 sq ft for a restaurant or bar. 2. Minimum floor area of 3,000 sq ft for a dining area. 3. Minimum floor area of 3,000 sq ft for a bar area. 4. Minimum floor area of 3,000 sq ft for a dining area. 5. Minimum floor area of 3,000 sq ft for a bar area.
STORAGE LUGGAGE WAREHOUSE	115,100	1. Minimum floor area of 100,000 sq ft for a storage warehouse. 2. Minimum floor area of 100,000 sq ft for a storage warehouse. 3. Minimum floor area of 100,000 sq ft for a storage warehouse. 4. Minimum floor area of 100,000 sq ft for a storage warehouse. 5. Minimum floor area of 100,000 sq ft for a storage warehouse.
STORAGE LUGGAGE MINI WAREHOUSE	115,100	1. Minimum floor area of 100,000 sq ft for a storage warehouse. 2. Minimum floor area of 100,000 sq ft for a storage warehouse. 3. Minimum floor area of 100,000 sq ft for a storage warehouse. 4. Minimum floor area of 100,000 sq ft for a storage warehouse. 5. Minimum floor area of 100,000 sq ft for a storage warehouse.
BUSINESS COMPLEX	115,100	1. Minimum floor area of 100,000 sq ft for a business complex. 2. Minimum floor area of 100,000 sq ft for a business complex. 3. Minimum floor area of 100,000 sq ft for a business complex. 4. Minimum floor area of 100,000 sq ft for a business complex. 5. Minimum floor area of 100,000 sq ft for a business complex.



**CFEI**  
 CONSULTING CIVIL ENGINEERS, INC.  
 3345 N. COURTNEY SQUARE  
 MERRITT ISLAND, FL 32953  
 TEL: 321-436-1111  
 FAX: 321-436-1112  
 WWW.CFEI.COM

NO.	DESCRIPTION	DATE
1	PRELIMINARY	03/30/20
2	REVISED	03/30/20
3	REVISED	03/30/20
4	REVISED	03/30/20
5	REVISED	03/30/20
6	REVISED	03/30/20
7	REVISED	03/30/20
8	REVISED	03/30/20
9	REVISED	03/30/20
10	REVISED	03/30/20

**CUP SITE PLAN**  
 NORTH COURTNEY SQUARE  
 3345 N. COURTNEY PARKWAY  
 MERRITT ISLAND, FL

SCALE: 1" = 40'  
 SHEET NO. CUP-1

Objection  
20PZ00027  
MI Plaza Group

**From:** [sverwiebe@aol.com](mailto:sverwiebe@aol.com)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D5](#)  
**Subject:** Re: Rezoning Notice #20PZ00027 - MI Plaza Group, LLC  
**Date:** Monday, March 30, 2020 2:19:21 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Board Members:

In response to the courtesy notice we received regarding a rezoning request by property owned by MI Plaza Group, LLC, located on the southwest corner of Duval St., and N. Courtenay Parkway, and the planned meetings to discuss, would you please reschedule. The first county public meeting when these changes will be addressed is Thursday, April 9 in Viera, the final one on Thursday, May 7, 2020.

My husband and I are in the "at risk" group as are many of our neighbors in this subdivision. If the county holds this/these meetings, even in larger rooms, in a time when the "at risk" group of people is being told to stay away from any public gatherings to avoid the risk of spreading COVID-19 to themselves and/or others, the county is taking away their rights to attend and speak at these public meetings.

Again, I request that you postpone these meetings to a safer time.

V/R

Donald VerWiebe  
3281 Biscayne Drive  
Merritt Island, Florida  
32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:33:41 PM

---

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Mr. Smith ,  
Please help stop proposal of another parking lot in North Merritt. Please help residents to fight having the parking folks pave over our island for their profit. We do not need another lot here! They need to add adequate parking to the port so other communities are not impacted like this. Please help!

Deb Bannon  
5490 Broad Acres ST.  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** Deb\_Bannon  
**To:** Commissioner\_D3  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:27:20 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tobia,

Please stop the rezoning proposal to build another cruise parking lot!!! North Merritt should not be paved over for parking lots. The port needs to be able to provide parking for their cruise guests, not our little island. Please stop this proposed action!!! One parking lot is already too many! We have one way on/off in North Merritt and do not want another parking lot.

Deb Bannon  
5490 Broad Acres St  
Merritt Island, Fl 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Melissa Lamond](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 15, 2020 2:44:37 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I'm writing to express our concerns with the above referenced rezoning action that will allow for ANOTHER commercial cruise parking lot on North Merritt Island. The traffic on North Merritt Island is getting worse as more jobs open-up at KSC and there are multiple new housing developments being built.

The existing roadway infrastructure on North MI is not designed to handle the existing traffic volume. Additionally, the barge canal bridge cannot handle the existing traffic, let alone the additional traffic from these new neighborhoods and new cruise parking. Nothing seems to be being done to address these existing infrastructure issues.

In addition to the new parking lot, a bar is being proposed to be located within a short distance of a school bus stop and residential sidewalks. This is not safe and introduces great risk to our North Merritt Island community.

This request brings no value to the NMI community and as residents of North Merritt Island we are asking that you please take these concerns under advisement and deny this rezoning request.

Thank you,  
Todd and Melissa Lamond  
635 Chase Hammock Rd  
Merritt Island

Objection  
20PZ00027  
MI Plaza Group

**From:** [Jessica Schneider](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ0027  
**Date:** Friday, April 10, 2020 5:01:51 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please don't rezone that lot into a cruise parking lot for the following reasons:

First, traffic at the Courtenay/Beachline interchange is already snarled enough. Around quitting time for the Cape or any time the drawbridge is stuck up traffic is a nightmare in that area. A third parking lot in that area will just make it worse

Second, there are already 2 lots being built as overflow for cruises from Port Canaveral. A third one is total overkill.

Third, it's never a good idea to have too much of the area's economy tied to one industry. The Space Shuttle program is proof of this concept.

I'm all for growth in the area. Fix traffic on and off the Beachline and put up a store, a housing development, a Mini golf. Anything but another parking lot please.

Respectfully,. John Schneider

Objection  
20PZ00027  
MI Plaza Group

**From:** [Phil Bennardo](#)  
**To:** [Jones, Jennifer](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](mailto:calkins@brevardfl.gov); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Jessica Beal](#); [Kim Smith](#); [Jack Ratterman](#); [Tamy Dabu](#); [Darleen Hunt](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Thursday, April 2, 2020 1:02:22 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a resident of North Merritt Island (NMI), I disagree with the proposed Conditional Use Permit (CUP) for a commercial cruise ship parking lot and associated bar to serve alcohol to tourists awaiting shuttles to the port (per rezoning action #20PZ00027). I am opposed to this for the following primary reasons: (1) it will result in an increase in already existing traffic concerns and associated safety issues, and (2) it is incompatible with existing and planned residential and commercial areas on NMI.

As mentioned above, we are already experiencing traffic and safety issues on NMI and this is due to a rapid increase in development and growth in our area. Several new housing developments are currently in work or planned, and a large cruise ship parking lot (northeast of the barge canal drawbridge) is nearing completion. There are only 2 ways on or off NMI: south, via the barge canal drawbridge, or north, through the Kennedy Space Center. As a resident, the vast majority of trips from NMI are south, across the drawbridge. This is where we all go for shopping, doctor visits, school, church, etc. Unless we are going to work at the space center or have a need to go to Titusville, we are not travelling north. So for all other purposes, there is really only one way on or off the island. As traffic and congestion have continued to increase, the drawbridge has become more of a bottleneck, and this will only get worse with additional cruise ship parking on NMI. There are safety concerns associated with this traffic across the barge canal, and there is no traffic light at the entrance to the proposed cruise parking lot. So cruise patrons will either have to make a U turn when entering the lot or share the entrance to an existing subdivision.

A cruise ship parking lot and bar/restaurant is not consistent with the existing businesses in the immediate area and will bring no benefit to the residents and businesses already located here.

Once again, I am opposed to the proposed rezoning. Our area is already experiencing a large growth in both commercial and residential development, which is expected to continue well into the future. The establishment of these commercial parking lots will only make matters worse. They will contribute to already existing traffic and safety problems, and are incompatible with our area, as they provide no goods or services to our residents.

Charles Philip (Phil) Bennardo  
321-266-5135

**From:** [rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)  
**To:** "[Jessica.Jones@BrevardFl.gov](mailto:Jessica.Jones@BrevardFl.gov)"  
**Cc:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Wednesday, April 8, 2020 7:31:03 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

***As an interested party in Rezoning Notice #20PZ00027 on the agenda for the North Merritt Island Dependent Special District Board meeting scheduled for Thursday at 6:00 pm, I would like to request the meeting be rescheduled due to the health concerns over COVID-19. With the health concerns, I will not be able to attend without seriously risking my exposure and potential illness.***

***There are a number of residents in our community that fall into the vulnerable age bracket of 60 years old or older that would be put at risk to attend this meeting. I, personally, do not feel that this CUP meeting warrants my risking my health and possibly my life to speak my mind to the county government representatives. I would hope that the county government representatives are like minded.***

***Please reconsider your decision to hold this meeting until the pandemic is over and we can all come and discuss the matter, safely, with the county representatives.***

***Sunset Groves Homeowner:***

***Mr. Raymond Scarpa  
3430 Biscayne Drive  
Merritt Island, Florida 32953***

Objection  
20PZ00027  
MI Plaza Group

**From:** [Jessica Beal](#)  
**To:** [Kim Smith](#); [Jones, Jennifer](#); [fladerat@bellsouth.net](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [D4.commissioners@brevardfl.gov](#); [Commissioner, D5](#); [p\\_bennardo@yahoo.com](#); [t3ndabu@bellsouth.net](#)  
**Subject:** Rezoning Notice Opposition #20PZ00027  
**Date:** Sunday, March 29, 2020 9:58:18 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

As a long time Merritt Island resident, I am not excited about yet another proposed Commercial Cruise Parking Lot in our area and all the additional traffic that it will bring to N. Courtney Parkway Corridor. Sadly as a resident of Sunset Groves, we were notified that's exactly what is being proposed at the Southwest corner of Duval Street and N. Courtenay Parkway, across from Buffkin Tile. MI Plaza Group, LLC is trying to get a Conditional Use Permit (CUP) for both a commercial cruise parking lot and a CUP for a bar to serve alcohol to tourists waiting to be shuttled to the Port (Rezoning Action #20PZ00027).

How does this benefit residents and businesses in our area? The answer is, it doesn't. Along with the cruise parking lot currently being built at the Southeast corner of Smith Road and N Courtenay Parkway, all it does is add to the already existing traffic congestion North of the Barge Canal and increase accidents and safety concerns from tourist drivers and shuttles. This currently being built parking lot's impact haven't even been felt yet. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work.

As our area grows with the influx of commercial spaceflight companies, workers and new residents, we need to keep in mind what kinds of businesses will best suit this growth and what will detract. A cruise parking lot and bar/restaurant is not consistent with the businesses in immediate area.

In addition, the current proposal adds safety concerns with a bar and cruise ship guests being located within a short distance of a school bus stop, residential sidewalks and the only entrance to our neighborhood. This plaza shares a common entrance (Duval St.) and only entrance to our neighborhood which would have a profound effect on compatibility. With the added traffic the overnight cruise ship parking and a bar/restaurant would add, there is NO traffic light. Visitors have two options to turn into Duval or a U turn is required the southern driveway entrance for the strip mall. This is not safe and many accidents have occurred here. These are all recipes for disasters for either other vehicles, kids walking home from school or neighbor walking the sidewalks.

According to your ordinances from 2019 (4) it talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, "Shuttle routes shall avoid residential areas." Duval Street is the entrance to our subdivision, our only entrance! So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one

off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction.

Lastly, the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot.

Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Regards,  
Jessica Beal, PharmD.

**From:** [Phil Bennardo](#)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Calkins, Tad](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [d4.commissioners@brevardfl.gov](mailto:d4.commissioners@brevardfl.gov); [Commissioner, D5](#)  
**Subject:** Schedule Delay for Upcoming Public Meetings  
**Date:** Thursday, April 2, 2020 11:16:18 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

At present, there are 2 upcoming rezoning requests, of interest to residents of North Merritt Island (NMI), that are scheduled to be discussed at public meetings in April, and early May. The first public meeting where they will be discussed is at a Dependent Special District Board on April 9, followed by an LPA Board meeting on April 20, with a final decision to be made at a commissioners' meeting planned for May 7.

As a resident of NMI and board member of the NMI HOA, I have concerns with both of the above mentioned zoning requests, especially since one of them is addressing additional cruise ship parking on NMI (the other request involves a zoning change from GU to SEU on 2.22 acres at 5305 Country Lane). Therefore I plan to be involved in these meetings, as do several other residents of NMI.

Many residents of NMI are considered to be "at risk" or living with those "at risk" with regards to the current pandemic. Therefore I respectfully request that these upcoming meetings be delayed until we are able to return more to "business as usual" and can expect full participation from the public.

Also, although I did not view the commissioners' meeting held on March 31, I was advised that there was a motion made, and passed, at this meeting, that required County advisory board meetings to meet security and social distancing rules with regards to the virus, and that if the meetings could not do this, they would be cancelled. So hopefully, my concerns noted above are being addressed. Nevertheless, I do not see an urgent need to finalize a decision on either zoning request, and still believe the best approach is to delay all public meetings completely until after we resume normal operations.

Charles Philip (Phil) Bennardo  
321-266-5135

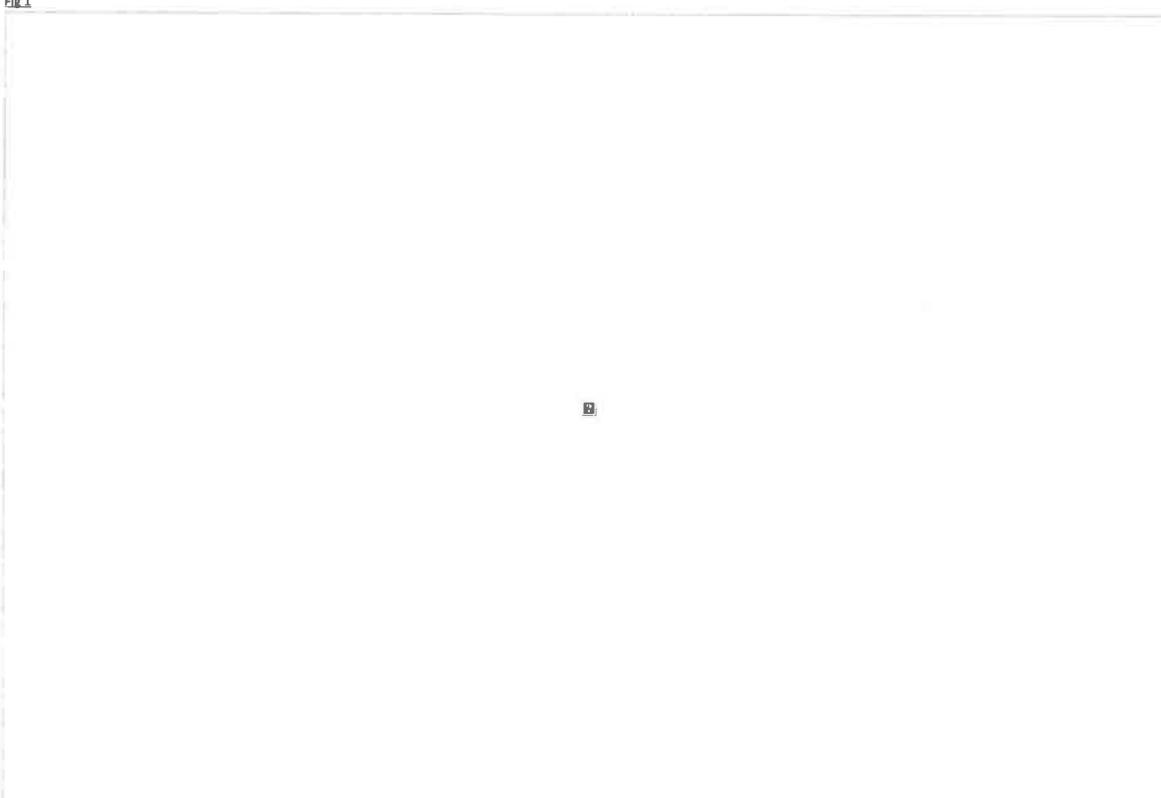
From: Stephen Townsend  
To: Joyce Jenifer, Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5  
Cc: vince.heck@fpl.com; "3111 - Frederick Solomon"; hal@hilt.com; "2111 Ann Solomon"; "1220 Lynette & Tracy Stephens"; "1230 Jerry & Kathie Hunt"; "1231 - Vax"; "1240 Jim Robertson"; "1251 Ronald and April Burton"; "1254 Michael & Cheryl Palmer"; "1160 Stephen Townsend"; "1181 Pauline Massimino"; "1220 Cathy and Dana Franson"; "1271 George & Audrey Lewis"; "1280 George Alders"; "1281 - Sarah VerMeulen"; "1281 One VerMeulen"; "1291 - Robin Hauxley"; "1299 Jim Larson"; "1311 (Renald) Alim & Sarah Ann James"; "Jessica Bear"; "1310 Arch & Cynthia Skerton"; "1311 Kerry Peppers"; "1330 Phila & Shelby Meade"; "1340 Pedro & Rose Orcece"; "1341 Kevin Fair"; "1350 Jessica Bear"; "1350 Pat Clark"; "1360 Steve & Sue Dwyer"; "1361 Richard & Nichole Boulton"; "1370 John & Chrissy Burke"; "1371 Steven & Sylvia Beres"; "1380 Eric & Pamela Martin"; "1381 Celia & Tracy Dickinson"; "1390 Cliff & Norma Gaites"; "1391 Dava & Theresa Woodington"; "1410 Larry Cooper"; "1411 Jennifer Campbell"; "1430 Bob Wilson and Heidi Reaker"; "1430 Ray Scarce"; "1431 Bill Matena"; "1440 Mike & Maria Bradley"; "1451 Robert & Corneia Stein"  
Date: Thursday, March 26, 2020 9:09:55 PM  
Attachments: image002.jpg

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi I am Stephen Townsend I live behind the property that is on N Courtenay and is asking for a CUP for onsite alcohol consumption. The property is at the intersection of Duval Street and state rd 3 located on the South side of Duval Street. Duval is the only entrance to our neighborhood and is where the School bus stop is. We have established a long history of fighting these repeated attempts for businesses to obtain a CUP for this location. There are a ton of reason why that is not a good idea and I will go over them later in this e-mail but let me first explain what has been established at least twice already at great expense and aggravation to our neighborhood. This property is non-compliant to code and has been since the day they built it and it cannot become compliant without costly modifications. These buildings were built right up to the FPL powerline easement to maximize utilization of the land and to provide added parking area under the FPL easement. Which if I remember correctly we established that the parking area on FPL's easement was not authorized by FPL. The reason I am pointing this out is simple when you think about it because FPL will not allow the 6 foot wall to be extend across their easement, I do not blame them I would not allow it either if I were them. What this does now is allow unabated foot traffic between our neighborhood and a property where a proposed CUP for onsite alcohol consumption is being asked for. See Fig 1 below the easement is marked in Red and the 100 foot long easement with no 6 foot wall is circled.

- Here are few facts directly related to just this one aspect of a long list of negative reason for granting this CUP
1. Once issued the CUP goes with the property and owners can change business strategies and approaches to maximize finical returns on the CUP. There is a long history of attempts to get a CUP and turn this building into a bar.
  2. Ultimately we will have a potential situation where drunks and others will have direct access to our neighborhood via the 100 foot opening on the FPL easement.
  3. The county has denied the CUP twice before
  4. We have established that due to the configuration of the buildings and the FPL easement and the selfish decisions of the developer coupled with the County overlooking the non-compliance during construction and site plan review that there is no way to economically bring the property back into compliance
  5. Having irresponsible drinkers and drivers with direct foot access to your property is purely a Diminution of property value. While I respect Property rights fully I do not support lowering the value of other people's property.

This Cup should be denied flat out and myself and my neighbors should not have to repeatedly spend money to reestablish cause for not approving these repeated CUP attacks and even threats for slap suites and aggravation of having to continually go back over all the issues i.e. Traffic, safety, children's bus stop, poor road intersection designs and improper deceleration lanes, ingress egress into our community. Please do what is right and deny this application for a CUP for this property for the third time. Thank You!



Objection  
20PZ00027  
MI Plaza Group

**From:** [Nancy Thomas](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Vote NO to cruise parking  
**Date:** Monday, July 6, 2020 11:37:16 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please vote NO to cruise parking on North Merritt a Island  
Id# 20PZ00027

Sent from my iPhone

**From:** [Commissioner, D3](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Action ID# 20PZ00027/Request to Deny the upcoming Conditional Use Permits for Overnight Commercial Cruise Parking Lot and Liquor bar  
**Date:** Wednesday, July 8, 2020 2:31:26 PM

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Additional Disclosure for D3

Thank you,

**Bethany Iliff**

*Special Projects Coordinator*

*County Commissioner John Tobia, District 3*

PH: (321) 633-2075 \* Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

**From:** Wendi <wendisouthwick@gmail.com>

**Sent:** Monday, July 6, 2020 3:53 PM

**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>

**Subject:** Action ID# 20PZ00027/Request to Deny the upcoming Conditional Use Permits for Overnight Commercial Cruise Parking Lot and Liquor bar

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Brevard County Commissioners,

I am a resident of North Merritt Island and want to express my deep concern regarding the new overnight cruise parking lot at 3345 North Courtenay Parkway, Merritt Island. I strongly urge you to deny the requests for Conditional Use Permits (CUPs) for the overnight commercial cruise parking lot and full liquor bar/lounge for cruise patrons only.

Designating Merritt Island as a "parking lot" for cruise patrons truly devalues the intrinsic value of this beautiful island and its potential for further development and more sustainable, diverse economic growth as the space industry is greatly expanding in the area, hiring and also transferring employees to this immediate area within the next few years. Blue Origins, SpaceX, and NASA are just a few of those expanding employers who will be bringing more business and employees who will increase the demand for the further development of residential neighborhoods (which will bring in additional property tax income), restaurants, and other shopping. Limiting Merritt Island growth to the "cruise" industry is not only a risky maneuver (given the current COVID-19 pandemic and its in turn damaging effects on the cruising/tourism industry), but truly devalues the potential diverse

growth Merritt Island's economy and in turn Brevard county's economy has in developing a county rich in residential growth, which will in turn increase a demand for additional construction of both residential and business, goods and services.

I urge you to deny the requests for Conditional Use Permits at this Thursday's Board Meeting for an overnight commercial cruise parking lot and cruise patrons only liquor bar and lounge, and truly help Merritt Island and in turn Brevard County to further diversify and develop a sustainable and diverse economic growth--rich in residential development and growth.

I am happy to provide additional information if you would like.

Sincerely,  
Wendi Southwick  
North Merritt Island Resident  
(703) 907-9790

**From:** [Commissioner, D3](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)  
**Date:** Wednesday, July 8, 2020 2:33:02 PM

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Additional disclosure for d3

Thank you,

**Bethany Iliff**

*Special Projects Coordinator*

*County Commissioner John Tobia, District 3*

PH: (321) 633-2075 \* Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

**From:** dave woodington <dwoodington@gmail.com>

**Sent:** Saturday, March 28, 2020 6:45 AM

**To:** Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>

**Cc:** prince.leacy@gmail.com; 3211 -- Frederick Solomon <freddie321@gmail.com>; SGHOA Officers <sghoa@live.com>; 3211 Ann Solomon <annsolo212@gmail.com>; 3220 Everette & Tracy Stephens <tracystephens7@gmail.com>; 3230 Jerry & Kathie Murr <Jerry\_Murr@hotmail.com>; 3231 -- Valk <kymvalk@gmail.com>; 3240 Jim Robertson <jimrobo50@hotmail.com>; 3241 Roland and April Burson <roland\_burson@yahoo.com>; 3251 Michael & Chong Palmer <mpalmer37@cfl.rr.com>; 3260 Stephen Townsend <STownsend3@cfl.rr.com>; 3261 Shahram Massihnia <smassihnia@hotmail.com>; 3270 Casey and Dana Franklin <c.l.franklin@hotmail.com>; 3271 George & Audrey Lewis <Audreyjo316@bellsouth.net>; 3280 George Alden <cozycafe5@gmail.com>; 3281 -- Sarah VerWiebe <sverwiebe@aol.com>; 3281 Don VerWiebe <dverwiebe@yahoo.com>; 3291 -- Robin Massetti <ctmass@aol.com>; 3300 Jim Larson <larsonjim@yahoo.com>; 3301 (Rental) Alim & Syeda Ara Junaid <JUNAID@cadence.com>; Jessica Beal <jbealrx@gmail.com>; 3310 Arch & Cynthia Stanton <arch.s.jr@chempoolspa.com>; 3311 Kerry Peppers <kapers@sbcglobal.net>; 3330 Phillip & Shelby Meade <pmeade00@gmail.com>; 3340 Peitro & Rose Dilecce <prdilecce@gmail.com>; 3341 Kevin Zari <zarikj@cfl.rr.com>; 3350 Jessica Beal <jessbeal@yahoo.com>; 3350 Pat Stahl <patrickwstahl@gmail.com>; 3360 Steve & Roe Phillips <islander3360@gmail.com>; 3361 Richard & Michelle Bostrom <rchbstrm@yahoo.com>; 3370 John & Dianne Burke <jburke0234@bellsouth.net>; 3371 Steven & Kuang Beres <sberes1@aol.com>; 3380 Eric & Pamela Martin <pamanderic@earthlink.net>; 3381 Carla & Tracy Dickinson <CD3MOM@aol.com>; 3390 Cliff & Norma Gaines <captgaines@msn.com>; 3391 Dave & Teresa Woodington <citruspit@gmail.com>; 3410 Larry Cupac <cupac@aol.com>; 3411 Jennifer Campbell <vivianeq@gmail.com>; 3420 Bob Willcox and Heidi Beasley <wilc0@aol.com>; 3430 Ray Scarpa <rscarpa@cfl.rr.com>; 3431 Bill Matanis <bill.matanis@gmail.com>; 3440 Mike & Maria Bradley

<mbradley38@cfl.rr.com>; 3441 Robert & Cornelia Reijm <corienreijm@yahoo.com>

**Subject:** NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved. It surely would make the properties unsaleable to families with children.

Before you make your final decision please consider the following:

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.
- To add an additional bar on North Courtney across from a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.
- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone

completed and environmental impact statement. If so where can the property owners in Sunset Groves review the document.

Dave Woodington  
3391 Biscayne Drive  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Commissioner, D3](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)  
**Date:** Wednesday, July 8, 2020 2:33:55 PM  
**Attachments:** [Permitted Stormwater System with Noted Compliance Issues .pdf](#)  
[10. 20PZ00027 2 Proposed Site Plan.pdf](#)

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Additional Zoning item for d3

Thank you,

**Bethany Iliff**

*Special Projects Coordinator*

*County Commissioner John Tobia, District 3*

PH: (321) 633-2075 \* Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

**From:** Patrick Stahl <patrickwstahl@gmail.com>  
**Sent:** Monday, June 22, 2020 8:00 AM  
**To:** [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com); [sbarican@sjrwmd.com](mailto:sbarican@sjrwmd.com)  
**Cc:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; Commissioner, D2 <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; Commissioner, D5 <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>; Abbate, Frank B <[Frank.Abbate@brevardfl.gov](mailto:Frank.Abbate@brevardfl.gov)>; Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>  
**Subject:** SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Ms. Barican and/or Compliance Support,

I am writing about the existing ERP (34127-2) located at a strip mall at 3345 North Courtenay Parkway, Merritt Island 32953 in Brevard County. I live in the residential subdivision (Sunset Groves) adjacent to the property. Currently, the permitted stormwater system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area. I have attached the survey of the permitted stormwater system with notes and highlighted areas of compliance issues. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed, they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar

for patrons. A proposed site plan for this new venture from the property owner is also attached. This recently went before the North Merritt Island Dependent Special District Board (Action Item #20PZ00027) with a great amount of opposition from the public and the board members. It is next up for review by the Brevard County Commissioners Board on 9 July 2020. There are many other issues with their plan including not getting a consent agreement for property use under an existing FP&L easement, but the stormwater issues associated with commercial overnight cruise parking lots along North Courtenay Parkway is a huge concern to residents of North Merritt Island, so the property owner's disregard for the existing permit is disturbing at the least.

I am asking for a review of the compliance issues associated with this existing permit and for the property owner to be held accountable.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953





**Commissioner, D1**

**From:** Jessica Beal <jbealrx@gmail.com>  
**Sent:** Wednesday, July 8, 2020 10:38 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Action ID #20PZ00027: Overnight Cruise Parking Lot and Alcohol Permit  
**Categories:** MARCIA

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners:

Hello! My name is Jessica Beal, PharmD. I have been a Merritt Island resident since 1986 and also am a pharmacist at a local family owned pharmacy on Merritt Island. I love this community and am a huge supporter of local businesses. I would like to voice my opposition to the proposal (20PZ00027) (Tax Account 2459292) by MI Plaza Group, LLC requests for the following 1) Removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial parking Lot (5.48 acres) ; 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3.100 square feet) in a PIP (Planned Industrial park) zoning classification.

This proposal is not a good idea and you can see from the minutes and presentation of the MI plaza group that they don't have a cohesive business plan. The minutes of the prior meeting show their large number of inconsistencies, on the spot changes to a business plan and agreement that this is not a good idea for our community.

Please find my concerns and supporting documentation below and how they do not meet the Brevard County Administrative Policies of the Future Land Use Element -Under Conditional Use Permits (CUPs), (b) Approval Procedures, second paragraph, it states, "... 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, odor, glare and noise, particulate s, 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."

**School Bus Stop**- The primary entrance (West entrance off of Duval Street) will be past the bus stop (Across from the East entrance on Duval) and all of kids in elementary, middle, and higher schoolers are going to walking past high traffic areas. The bus cannot go into the Sunset Groves community because it is a dead end and unable to turn in the cul-de-sac and they don't back up (per Brevard County School Board). The only spot for this bus stop is where it is currently. Children (and parents) walking to the bus stop will be there during the prime hours for cruise patrons arriving (highest traffic time). These patrons will be from out of town and unfamiliar with the area, most likely using a gps or phones and less paying attention to the road/sidewalks.

At the NMIDSDB (See meeting minutes, page 10 and 11) - Jack Ratterman (NMIDSDB member) asked the applicant about the proximity of the proposed uses to the bus stop on Duval Street?

"Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli's construction company on the right when you pull in, you have us on the left and you

have the bus stop there. I'm confused on why there is a bus stop in a commercial area and why the pickup and drop off of these children isn't in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house."

So basically, the applicant, who stated he has five children, says that because of safety, he would not let his kids use that as a bus stop. Thus agreeing with us that this is not a safe idea!

**No security** - GoPort has no overnight security plan. Although the business owner said at the NMI board meeting, "there is no crime on Merritt Island!" If there was no crime, then why did the owner place a large number of cameras on his property immediately? Every owner of a nest cam in our community Facebook groups/ on Nextdoor app sure seem to know and have evidence otherwise! These parking lots, with no security, with cars parked overnight, where you know the vehicle owner/renter is nowhere around, are going to be prime targets for theft—and beacons to attract crime to a somewhat isolated area. What prevents someone from coming in and parking there, waiting for the right moment to commit a crime.

With no security and children walking, could also turn into a prime area for human trafficking! As this has been on the rise and all healthcare professionals are now trained to recognize and watch for human trafficking.

Commissioners, those of you that have kids, would you want your kids standing at a bus stop in an area where a bunch of tourists who are not familiar with their surroundings are trying to find out where to go/where the entrance is and then on top of that, adding in a place that sells alcohol to said tourists/people drinking alcohol in the morning near the bus stop, whether they are driving or not? Or walking near a large parking area with no security or eyes watching. Just asking.

Again at the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 15) Matt Phillips was asked, "If this thing is just going to be open for people to come in and park, they have reservations or whatever, there's nobody really directing them, how are you going to stop someone from having a few drinks and then realizing they forgot toothpaste and driving to the grocery store down the street. How is that going to stop?"

At the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 22) – Mr. Phillips agreed with me that it is a concern that someone could have a few drinks then drive to get something they forgot allowing drunk driving in the morning near our community, bus stop, North Courtenay Parkway corridor businesses and residents -

"Usually, when they (cruise patrons) get to the cruise ship, no matter what time it is, they do start drinking, so we're just allowing people to do it beforehand and being chauffeured down there so they're not touching the road with their vehicles, they're safe on the way down, and the point of how we're going to make sure people don't come back after running to get toothpaste or whatever, is a valid concern, I just don't think it's going to happen."

The applicant agrees there is a potential for the proposed uses to adversely affect the safety of people in adjacent and nearby properties.

**Adjacent businesses** - Under Conditional Use Permits (CUPs), (b) Approval Procedures, the first paragraph on Page 5, it states, "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, odor, 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."

At the NMIDSDB (See meeting minutes, page 25) – Ms. Rezanka states - Kim Rezanka – "The community doesn't like this because they don't think it's good for them, and it might not be, but it does bring people in here that will see Brevard County and go to other areas of Brevard County. It's not

necessarily.... I can't imagine any PIP zoning that's going to benefit their community, essentially industrial, but that's not the criteria, the criteria is your Code."

Ms. Rezanka feels like the proposed uses would adversely affect adjacent and nearby properties.

Mr Phillips believes that their business model will actually result in less traffic than the originally approved intent of the property- a small shopping center. He believes that based on the initial approval of the shopping center, it would result in several thousand trips a day! Please take the time to review the traffic study riddled with inconsistencies, errors and assumptions. Not to mention this traffic study was completed during the complete shutdown/quarantine period of COVID (no schools were in session, NASA, SpaceX. KSC, Cruise Ship and Space Center had all gone to telework prior to the traffic study).

I think anyone who lives/works/travels on North Merritt Island knows this is a pipe dream. And honestly, an active shopping center with viable local businesses that benefited the local community would be welcome! These local businesses would bring more business and tax money to the area and keep it here. There are the businesses that support local events, teams, campaigns, and fundraisers. And not to mention, even if the pipe dream of thousands of trips a day were to come true, those trips would be spread out throughout the day (vs. a very short window) and would mostly be made up of people who already are traveling/living on North Merritt Island. Most the traffic wouldn't be adding to the issue. Where cruise parking is 100% additive.

**Traffic-** Their traffic studies don't take into consideration the new neighborhoods that have been built or the huge cruise parking lot that will hold 598 cars less than a 1/2 mile south, plus 2 additional lots with over 200 spots each. These too will add a great deal of traffic over the questionable bridge and during heavy hours. With our lack of affordable/any local housing, and growing space industry the housing is inevitable. However, why would we add UNNECESSARY traffic on top of what we already know is adding to an existing issue?

In the traffic study presented by Matt Philips, it uses old data from 2018, what about a traffic study that included the currently being built parking lot, new residential areas and when the businesses and school are actually in session and not teleworking. What can the barge canal bridge actually hold and the intersection just past.

The entrance to the parking lot is Duval Street. This is the only entrance into the Sunset Groves community and regular has traffic back-ups for residents coming and going. GoPort states that their customers will not cause any back up, however GoPort also owns the cruise parking at the closed DoubleTree in Cocoa Beach, and (in non COVID times when cruises are running) there are regularly backups on A1A while people wait to get into their lot. If the cruisers coming into town are waiting for spots, that haven't been vacated by cruisers on a boat that was running late, there is opportunity for major early morning congestion in this area.

Please tell me how you won't cause a back-up when cruise ships unload arriving passengers and then board new passengers generally in a 4-5 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://crew-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>. This also shows that they don't need their bar open longer than 4-5 hours, and Florida State Law states alcohol licenses the business needs to be open for at least 8 hours!

**Community Impact** -The restaurant/bar is only open to GoPorts clients. They plan to serve alcohol from 9:30am to 1:00 pm. However, as one of the NMIAB members pointed out after calling the state board, the state requires 8 hours of operation for businesses with liquor licenses (so will they really only stay open until 1:00 pm as stated?). And a new restaurant/bar on North Merritt Island might be cool! But why grant a CUP for a business that doesn't benefit the local community whatsoever? If you are thinking- well what if they change to let locals visit? That doesn't work because their business plan is to use all 237 parking spots for cruise clientele, aside from 5 for employees, which are contact and part-time. So not adding jobs to the community.

**Parking-** I believe this is already a developed site from their proposed site plan they showed various uses for the current buildings. If that is the case they need account for the parking code uses for the building, which cannot be used for the overnight parking use. If you take into account the uses they indicate, per Brevard County Planning and zoning, they say that the building accounts for 84 spots. Then take into account the 54 spots in the FLP easement, which per FLP they are not allowed to use for overnight parking, only overflow parking. You now take that 237 down to a very small number for overnight parking.

At the NMIDSIB (See meeting minutes, page 10 and 11) – Chris Cook (NMIDSDB board member) asked the applicant, “Also, I see there’s an FPL easement across the property (meaning...there is a 100’ FPL Easement along the southern portion of the property). Do you have a permit from FPL to do long-term parking on it?”

Kim Rezanka, the applicant’s lawyer replied, “We don’t need one, because there’s a parking space there.” And once again, “We don’t need one.”

According to the “Keep Easements Safe and Free From Obstructions information flyer” available on the FPL website...“Items that may not be placed within FPL easements include temporary or permanent buildings, barns, storage sheds, swimming pools and enclosed patios because they prevent safe access. Overflow parking, fences, trees and other landscaping may be permitted within FPL easements subject to proper review and approval.” We are here because the applicant is wanting to change the use of the property to Overnight Parking and add a fence around the property, including the area within the easement, according to the Proposed Site Plan. Therefore, it needs to be reviewed and approved by FPL.

we have been in contact the FPL Real Estate Officer in Daytona that deals with these matters Brevard County, Ms. Peany Schwahl. As the flyer states, Ms. Schwahl stated that easements could be used for temporary overflow parking, not commercial overnight parking. Temporary as in an hour or two. Overflow, as in you were having an event and ran out of parking elsewhere.

She also stated that...yes, the applicant would need to send it to FPL for review and approval. Also, when the property was built in 2005, the owner failed to get a consent agreement. So, it’s out of compliance.

According to the flyer, to request a review of your proposed use of an FPL easement on your property, please visit [FPL.com/land use](http://FPL.com/land%20use) or call 1-800-FPL-4FPL (1-800-375-4375). Or if you want I can give you the email for Ms. Schwahl.

**Environmental-** Their permitted storm water system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area, and SJWMD has already been out to address some the deficiencies, which some but not have been addressed. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed; they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. Lastly, their mortgage document state that their mortgage can be terminated if in environmental non-compliance if the mortgage company is not notified in 10 days. GoPort was notified by SJWMD to be deficient on June 19<sup>th</sup>, I am guessing their mortgage company doesn’t know this!

Thank you for taking your time to read by numerous reasons to oppose these change of removing of an existing BDP, adding a CUP for an Overnight Commercial parking Lot and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial park) zoning classification.

You can see from the data provide that they do not have a clear business plan nor one that will benefit the community. They even show that this is not a safe idea and doesn’t benefit the community. I charge you with challenging Mr. Phillips to do what he said; “fill the strip mall up with local businesses!”

Regards,

Jessica Beal

**Commissioner, D1**

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**From:** DSTJEAN3@cfl.rr.com  
**Sent:** Wednesday, July 8, 2020 1:03 PM  
**To:** Commissioner, D1  
**Subject:** 2nd Parking Garage for N. Merritt Island  
**Categories:** MARCIA

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

We are Brevard County residents at 738 Mandalay Grove Court in North Merritt Island and strongly oppose the building of another parking facility in our area.

Traffic over the Barge Canal Bridge and the Intersections of SR3 and 528 is already horrendous and dangerous. Those of us who live north of the bridge are daily impacted by the amount of traffic already served. Even the first parking lot is a very bad idea. The Port has the resources to build parking lots at the Port or in Cape Canaveral. Using North Merritt Island as infrastructure would necessitate using the Barge Canal Bridge at least 4 times for every car parked. Does the Commission have immediate plans to alleviate the already burdened Bridge?

I'm sure the Commission is aware of the ongoing development of residences in North Merritt Island. Further impacting the roadways and bridge is the traffic that carries workers to and from the Kennedy Space Center. What is desperately needed are things like grocery stores, pharmacies, etc. Maybe it would be in our best interest to attract services that would benefit our residences rather than negatively impacting them.

We urgently request that the petition for additional Port parking be denied in order to preserve our way of life and help alleviate additional traffic and stress in our area.

Respectfully,

Michael and Dana St. Jean

**Commissioner, D1**

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**From:** Suzanne Perucci <suzchefbiz@gmail.com>  
**Sent:** Wednesday, July 8, 2020 12:23 PM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Cc:** Perucci Suzanne  
**Subject:** parking facilities for the cruise lines  
**Categories:** MARCIA

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

RE Action ID# 20PZ00027.

I currently live on North Merritt Island, north of the barge canal. I've seen a lot of positive development over the years. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

Suzanne and Joseph Perucci  
Cedar Creek Circle  
MI, FL 32953

**Commissioner, D1**

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**From:** Beverly Crowell <beverly.crowell@gmail.com>  
**Sent:** Wednesday, July 8, 2020 10:21 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** Action ID#20PZ00027  
**Categories:** MARCIA

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As 21-year residents of North Merritt Island, FL, I am writing to respectfully ask that you deny Action ID #20PZ00027 for another overnight cruise parking area at 3345 N. Courtenay Pkwy. With the recent increase of housing developments and work at Kennedy Space Center, traffic is already becoming congested specifically at the barge canal bridge. We have one cruise parking area nearly complete by the barge bridge and as residents are already concerned about the additional traffic headaches it will create, not to mention safety concerns during inclement weather. Any additional cruise parking north of the canal bridge will only continue to add to our traffic congestion and add little value for the residents who live here. Please vote NO.

Thank you,  
Beverly & Thomas Crowell  
3719 Sunward Drive  
Merritt Island, FL 32953

**Commissioner, D1**

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**From:** Rajeev Gohil <rajeevx7@hotmail.com>  
**Sent:** Wednesday, July 8, 2020 6:48 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** FOR proposal ID# 20PZ00027  
**Categories:** MARCIA

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello team,

I've been made aware that you will be voting on this proposal this week through the Facebook Neighborhoods website/app. I am unequivocally FOR the new cruise parking.

I have read the proposal written by the business and there are no novel or unaddressed concerns being brought fourth by my neighbors of North Merritt Island. All the complaints and psuedo-logic are clearly refuted by the studies done by the corporation as well as common sense regarding two facts; the parking spaces have been approved there for years and by unfortunate economic downturns have NEVER been fully utilized and NASA employs far less people that commute across our neighborhood than when the original parking lot was approved and constructed. In other words, even with a new successful and thriving business the congestion concerns will still be exponentially smaller than a full thriving shopping complex and space program pre-2010-2012 layoffs.

The entire argument against a new parking lot can be surmised in two notions :

- 1) "who moved my cheese"
- 2) "our free-market capitalism is the best in the world and anyone can make it due to our freedoms, but don't you dare try that in my neighborhood"

I do believe in a free-market capitalist's society and would encourage you to give this business proposal a chance at success.

Thank you, North Merritt Island Resident since 1993 Raj Gohil

**Commissioner, D1**

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**From:** kathleen mccoy <k8.a.mccoy@gmail.com>  
**Sent:** Tuesday, July 7, 2020 10:06 PM  
**To:** Commissioner, D1  
**Subject:** Merritt Island Rezoning action ID#20PZ00027

**Categories:** MARCIA

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Rita Pritchett,

As a resident and homeowner on North Merritt Island I am writing to voice my concern about the request for more cruise parking on North Merritt Island.

I hope you will deny the rezoning request for a parking lot and bar on Courtenay Pkwy and Duval St. First of all, traffic in this area has been steadily growing due to new residential developments, Space Center traffic and the 3 other parking facilities already approved. Building another parking lot will make traffic even worse. The main problem with our traffic pattern is the barge canal drawbridge, which I hope you are taking into consideration.

This is a residential portion of Merritt Island. We are dependent on the barge canal bridge to go south on Courtenay to get to schools, the hospital, groceries and to access the major highways. Giving these tourists/cruise patrons alcohol will only make matters worse when they are put on our streets.

I can only hope that when you vote on this rezoning request you consider if you personally would want this parking lot/bar outside your neighborhood and vote no. These parking lots do not contribute to our community.

Could you please consider projects in the future that are a positive for the residents and, as a plus, may be aesthetically pleasing? My neighbors and I do not want to live in the middle of parking lots and storage areas for the Port.

Thank you,

Kate McCoy  
630 Wild Flower St.  
Merritt Island, FL 32953

**From:** [Rajeev Gohil](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** FOR proposal ID# 20PZ00027  
**Date:** Wednesday, July 8, 2020 6:48:12 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello team,

I've been made aware that you will be voting on this proposal this week through the Facebook Neighborhoods website/app. I am unequivocally FOR the new cruise parking. I have read the proposal written by the business and there are no novel or unaddressed concerns being brought fourth by my neighbors of North Merritt Island. All the complaints and psuedo-logic are clearly refuted by the studies done by the corporation as well as common sense regarding two facts; the parking spaces have been approved there for years and by unfortunate economic downturns have NEVER been fully utilized and NASA employs far less people that commute across our neighborhood than when the original parking lot was approved and constructed. In other words, even with a new successful and thriving business the congestion concerns will still be exponentially smaller than a full thriving shopping complex and space program pre-2010-2012 layoffs.

The entire argument against a new parking lot can be surmised in two notions :

- 1) "who moved my cheese"
- 2) "our free-market capitalism is the best in the world and anyone can make it due to our freedoms, but don't you dare try that in my neighborhood"

I do believe in a free-market capitalist's society and would encourage you to give this business proposal a chance at success.

Thank you, North Merritt Island Resident since 1993  
Raj Gohil

**From:** [Patrick Stahl](mailto:Patrick.Stahl@sjrwmd.com)  
**To:** [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com); [sbarican@sjrwmd.com](mailto:sbarican@sjrwmd.com)  
**Cc:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Jones, Jennifer](#)  
**Subject:** SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)  
**Date:** Monday, June 22, 2020 8:01:50 AM  
**Attachments:** [Permitted Stormwater System with Noted Compliance Issues .pdf](#)  
[10. 20PZ00027\\_2 Proposed Site Plan.pdf](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Barican and/or Compliance Support,

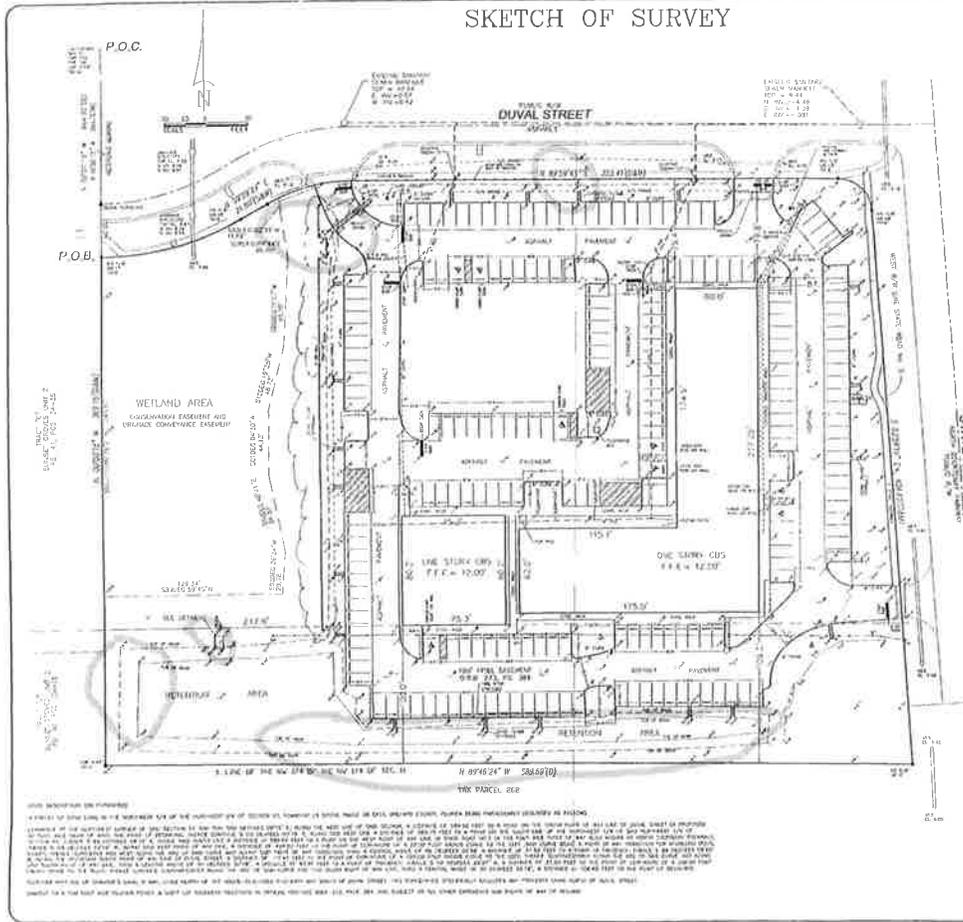
I am writing about the existing ERP (34127-2) located at a strip mall at 3345 North Courtenay Parkway, Merritt Island 32953 in Brevard County. I live in the residential subdivision (Sunset Groves) adjacent to the property. Currently, the permitted stormwater system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area. I have attached the survey of the permitted stormwater system with notes and highlighted areas of compliance issues. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed, they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. A proposed site plan for this new venture from the property owner is also attached. This recently went before the North Merritt Island Dependent Special District Board (Action Item #20PZ00027) with a great amount of opposition from the public and the board members. It is next up for review by the Brevard County Commissioners Board on 9 July 2020. There are many other issues with their plan including not getting a consent agreement for property use under an existing FP&L easement, but the stormwater issues associated with commercial overnight cruise parking lots along North Courtenay Parkway is a huge concern to residents of North Merritt Island, so the property owner's disregard for the existing permit is disturbing at the least.

I am asking for a review of the compliance issues associated with this existing permit and for the property owner to be held accountable.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953

# SKETCH OF SURVEY



**SURVEYOR'S NOTES**

- The surveyor did not perform a title search to determine if there are any encumbrances or rights of way that may affect this survey.
- The legal description shown hereon was furnished to the clients.
- The bearings shown hereon are relative to the meridian of Section 11, Township 24 South, Range 26 East, as being 110°00'00" West, and may not be a true North meridian.
- All underground utilities or improvements were located by first survey.
- This site is in F-1000 Zone "C" according to Community Plan No. 125242-0000, dated April 1, 1978.
- The elevations shown hereon are based on the 5th Four Corners datum, which is a mean sea level datum established by the U.S. Coast and Geodetic Survey, and is based on the mean sea level datum of 1929.

DESCRIPTION	AMOUNT
Survey Fee	\$1,000.00
Field Notes	\$500.00
Office Expenses	\$200.00
Travel Expenses	\$100.00
Printing Expenses	\$50.00
Photocopying Expenses	\$50.00
Telephone Expenses	\$50.00
Postage Expenses	\$50.00
Miscellaneous Expenses	\$50.00
<b>Total</b>	<b>\$2,000.00</b>

**STATE ROAD NO. 3**

**UPPER SIGNATURE**

**DATE**

**SCALE**

**THE SCALES COMPANY**

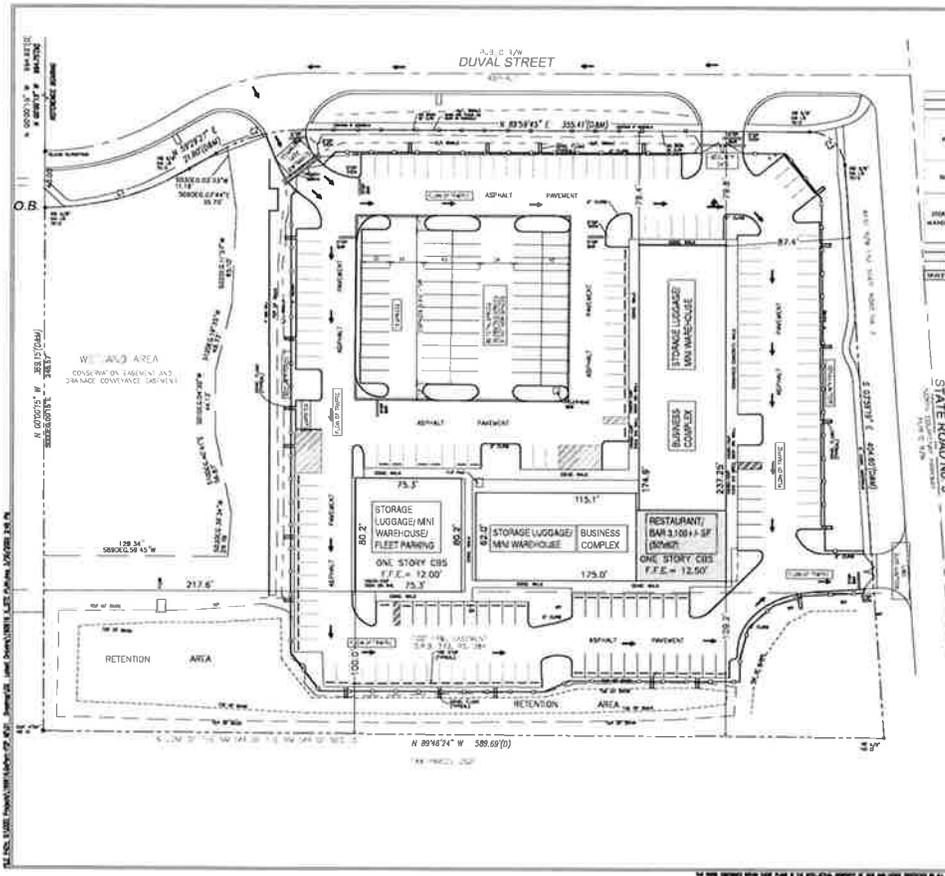
**PROJECT NO. 200**

**DATE**

**UPPER SIGNATURE**

**DATE**

Proposed Site Plan  
 20PZ00027  
 MI Plaza (submitted 03/30/20)



PROPOSED DEVELOPMENT FOR THE SITE WITH SUBSEQUENT USES		LOOK THE UP PLAN
AREA (SQ. FEET/ACRES)	TYPE	DESCRIPTION
100	RES	100 Residential
100	OFF	100 Office
100	IND	100 Industrial
100	STP	100 Stormwater Pond
100	RET	100 Retention Pond
100	WET	100 Wetland
100	ASPH	100 Asphalt
100	PAVE	100 Paved
100	GRASS	100 Grass
100	WOOD	100 Wood
100	WATER	100 Water
100	ROAD	100 Road
100	UTILITY	100 Utility
100	LANDSCAPE	100 Landscape
100	DRIVEWAY	100 Driveway
100	WALKWAY	100 Walkway
100	BIKEWAY	100 Bikeway
100	TRAIL	100 Trail
100	DECK	100 Deck
100	PORCH	100 Porch
100	PATIO	100 Patio
100	SCREENED	100 Screened
100	PERGOLA	100 Pergola
100	AWNING	100 Awning
100	SHED	100 Shed
100	POOL	100 Pool
100	SPA	100 Spa
100	SAUNA	100 Sauna
100	GYM	100 Gym
100	CLUB	100 Club
100	BAR	100 Bar
100	RESTAURANT	100 Restaurant
100	CAFETERIA	100 Cafeteria
100	OFFICE	100 Office
100	RETAIL	100 Retail
100	WAREHOUSE	100 Warehouse
100	STORAGE	100 Storage
100	MECHANICAL	100 Mechanical
100	ELECTRICAL	100 Electrical
100	PLUMBING	100 Plumbing
100	HVAC	100 HVAC
100	ROOFING	100 Roofing
100	PAINTING	100 Painting
100	LANDSCAPING	100 Landscaping
100	IRIGATION	100 Irrigation
100	SEWER	100 Sewer
100	WATER	100 Water
100	TELEPHONE	100 Telephone
100	INTERNET	100 Internet
100	SECURITY	100 Security
100	ACCESS	100 Access
100	EGRESS	100 Egress
100	EVACUATION	100 Evacuation
100	EMERGENCY	100 Emergency
100	DISASTER	100 Disaster
100	RECOVERY	100 Recovery
100	MAINTENANCE	100 Maintenance
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100	DEMOLISH	100 Demolish
100	RECONSTRUCT	100 Reconstruct
100	RENOVATE	100 Renovate
100	RESTORE	100 Restore
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100		

**From:** [McClure, Bach](mailto:McClure.Bach)  
**To:** [patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)  
**Cc:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Denninghoff, John P](#); [Commissioner, D5](#); [Barker, Virginia H](#); [Brewer, Jad](#); [Bentley, Eden](#); [Calkins, Tad](#); [Jones, Jennifer](#); [Toro, Deanna](#); [sbarican@sjrwmd.com](mailto:sbarican@sjrwmd.com); [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com)  
**Subject:** Re: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)  
**Date:** Thursday, July 2, 2020 6:26:02 PM  
**Attachments:** [Permitted Stormwater System with Noted Compliance Issues .pdf](#)  
[10\\_20PZ00027\\_2 Proposed Site Plan.pdf](#)  
[IMG\\_0140.JPG](#)  
[IMG\\_0141.JPG](#)  
[IMG\\_0142.JPG](#)  
[IMG\\_0144.JPG](#)  
[IMG\\_0145.JPG](#)

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Dear Mr. Stahl,

Thank you for bringing the status of the stormwater system for 3345 North Parkway to our attention. Our stormwater inspector visited the site on June 22nd and spoke to the owner.

The owner has since undertaken remedial action and corrected or is correcting the deficiencies you noted in your email. Additional debris removal is necessary. However, as of our last visit on June 29th, there remain only two significant deficiencies: The skimmer for the outfall of the stormwater retention area has been damaged and has not yet been repaired and the westward berm of the stormwater retention area has not yet been restored.

The owner has informed us, and visual inspection of the site appears to confirm, that the westward berm was removed by Florida Power and Light (F.P.L.) during work on their transmission lines within their easement. The owner states that he was told by F.P.L. that they would restore the berm. However, rather than depend on F.P.L., he has decided to restore the berm within the next couple of weeks at his expense.

I would like to note that overgrowth of the outfall and berm areas could be cause for concern, but most stormwater systems are not adversely affected unless the amount of vegetation causes restriction of flow or a substantial reduction in the retention volume of the stormwater system.

The plans and calculations permitted with Brevard County show that the area currently unpaved in the northwestern portion of the site was planned, included in the stormwater calculations, and permitted for an additional building. The use of that area for a building, parking, or any other impervious area would not be a violation of the existing permit and would not require additions or modifications to the existing stormwater system.

The proposed site plan included with your email does not appear to show any modifications which would add to the allowed impervious area of the site.

The Stormwater Program will continue to monitor the site and confirm that the stormwater system is restored to permitted functionality. The permitting of fencing of

the perimeter, paving requirements for the currently unpaved interior area, et cetera are beyond the scope of our program and as such will be reviewed and/or commented upon as appropriate by other departments.

Please call or email me if you have any questions or concerns about the stormwater system of this or other properties.

Sincerely,

Bach McClure, P.E.  
Stormwater Program Administrator  
Natural Resources Management Dept  
Brevard County

(321) 633-2016 x58396

**From:** Patrick Stahl <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>

**Sent:** Monday, June 22, 2020 8:00 AM

**To:** [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com); [sbarican@sjrwmd.com](mailto:sbarican@sjrwmd.com)

**Cc:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; Commissioner, D2 <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; Commissioner, D5 <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>; Abbate, Frank B <[Frank.Abbate@brevardfl.gov](mailto:Frank.Abbate@brevardfl.gov)>; Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>

**Subject:** SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)

Ms. Barican and/or Compliance Support,

I am writing about the existing ERP (34127-2) located at a strip mall at 3345 North Courtenay Parkway, Merritt Island 32953 in Brevard County. I live in the residential subdivision (Sunset Groves) adjacent to the property. Currently, the permitted stormwater system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area. I have attached the survey of the permitted stormwater system with notes and highlighted areas of compliance issues. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed, they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. A proposed site plan for this new venture from the property owner is also attached. This recently went before the North Merritt Island Dependent Special District Board (Action Item #20PZ00027) with a great amount of opposition from the public and the board members. It is next up for review by the Brevard County Commissioners Board on 9 July 2020. There are many other issues with their plan including not getting a consent agreement for property use under an existing FP&L easement, but the stormwater issues associated with commercial overnight cruise parking lots along North Courtenay Parkway is a huge concern to residents of North Merritt Island, so the

property owner's disregard for the existing permit is disturbing at the least.

I am asking for a review of the compliance issues associated with this existing permit and for the property owner to be held accountable.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953





Jun 29, 2020 at 3:05:03 PM  
3355 N Courtenay Pkwy  
Marina Island FL 32953  
United States



Jun 29, 2020 at 3:05:12 PM  
3355 N Courtenay Pkwy  
Merritt Island FL 32953  
United States



Jun 29, 2020 at 3:05:25 PM  
3355 N Courtenay Pkwy  
Merritt Island FL 32953  
United States



Jun 29, 2020 at 3:08:09 PM  
3311 Biscayne Dr  
Merritt Island FL 32953  
United States



Jun 29, 2020 at 3:08:14 PM  
3311 Biscayne Dr  
Merritt Island FL 32953  
United States



**From:** [Patrick Stahl](#)  
**To:** [McClure, Bach](#)  
**Cc:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Denninghoff, John P](#); [Commissioner, D5](#); [Barker, Virginia H](#); [Brewer, Jad](#); [Bentley, Eden](#); [Calkins, Tad](#); [Jones, Jennifer](#); [Toro, Deanna](#); [sbarican@sjrwmd.com](mailto:sbarican@sjrwmd.com); [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com)  
**Subject:** Re: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)  
**Date:** Thursday, July 2, 2020 7:56:29 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mr. McClure,

I appreciate you and your department looking into this matter and taking action with the property owner. We have observed that he has taken actions to fix some of the stormwater issues which is great to see.

I agree with you that the stormwater system was sized correctly to allow for another building in the currently grassed area. However, the construction phase of the permit (34127-2) expired in 2009. Since it expired, the property owner would need to submit a minor modification to SJRWMD in order to add impervious over that grassed area.

The permit also requires the property owner to notify SJRWMD within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. They will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). According to the documents for this permit on the SJRWMD website, this has not been done yet.

Lastly, flooding and sedimentation from the subject property to the adjacent sidewalk and stormwater system along Duval Street is still occurring. The property owner placed a pile of dirt to try to stop it, but since the pile was not vegetated, it is eroding whenever it rains. See the attached photos.

For all of these reasons, plus the lack of the western berm of the stormwater pond and the stormwater outfall, it is my opinion that this stormwater system is still out of compliance. I have not received a reply from SJRWMD on this matter.

Again, thank you and your department for investigating and following up on this matter. It is much appreciated.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953

On Thu, Jul 2, 2020 at 6:26 PM McClure, Bach <[Bach.McClure@brevardfl.gov](mailto:Bach.McClure@brevardfl.gov)> wrote:

Dear Mr. Stahl,

Thank you for bringing the status of the stormwater system for 3345 North Parkway to our attention. Our stormwater inspector visited the site on June 22nd and spoke to the owner.

The owner has since undertaken remedial action and corrected or is correcting the deficiencies you noted in your email. Additional debris removal is necessary. However, as of our last visit on June 29th, there remain only two significant deficiencies: The skimmer for the outfall of the stormwater retention area has been damaged and has not yet been repaired and the westward berm of the stormwater retention area has not yet been restored.

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The proposed site plan included with your email does not appear to show any modifications which would add to the allowed impervious area of the site.

The Stormwater Program will continue to monitor the site and confirm that the stormwater system is restored to permitted functionality. The permitting of fencing of the perimeter, paving requirements for the currently unpaved interior area, et cetera are beyond the scope of our program and as such will be reviewed and/or commented upon as appropriate by other departments.

Please call or email me if you have any questions or concerns about the stormwater

system of this or other properties.

Sincerely,

Bach McClure, P.E.  
Stormwater Program Administrator  
Natural Resources Management Dept  
Brevard County

(321) 633-2016 x58396

**From:** Patrick Stahl <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>

**Sent:** Monday, June 22, 2020 8:00 AM

**To:** [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com); [sbarican@sjrwmd.com](mailto:sbarican@sjrwmd.com)

**Cc:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; Commissioner, D2 <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; Commissioner, D5 <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>; Abbate, Frank B <[Frank.Abbate@brevardfl.gov](mailto:Frank.Abbate@brevardfl.gov)>; Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>

**Subject:** SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)

Ms. Barican and/or Compliance Support,

I am writing about the existing ERP (34127-2) located at a strip mall at 3345 North Courtenay Parkway, Merritt Island 32953 in Brevard County. I live in the residential subdivision (Sunset Groves) adjacent to the property. Currently, the permitted stormwater system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area. I have attached the survey of the permitted stormwater system with notes and highlighted areas of compliance issues. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed, they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. A proposed site plan for this new venture from the property owner is also attached. This recently went before the North Merritt Island Dependent Special District Board (Action Item #20PZ00027) with a great amount of opposition from the public and the board members. It is next up for review by the Brevard County Commissioners Board on 9 July 2020. There are many other issues with their plan including not getting a consent agreement for property use under an existing FP&L easement, but the stormwater issues associated with commercial overnight cruise parking lots along North Courtenay Parkway is a huge concern to residents of North Merritt Island, so the property owner's disregard for the existing permit is disturbing at the least.

I am asking for a review of the compliance issues associated with this existing permit and for the property owner to be held accountable.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953







FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2018 HISTORICAL AADT REPORT

FDOT Background Information  
 20PZ00027  
 MI Plaza Group  
 (submitted 07-03-20)

COUNTY: 70 - BREVARD

SITE: 0437 - ON SR-3, 0.147 MI. S OF SUNSET LAKE DR. (UVL)

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2018	23000 C	N 11500	\$ 11500	9.00	54.10	13.80
2017	23000 C	N 11500	\$ 11500	9.00	54.30	8.00
2016	22500 C	N 11500	\$ 11000	9.00	53.40	11.20
2015	23000 C	N 11500	\$ 11500	9.00	53.80	4.50
2014	22500 C	N 11500	\$ 11000	9.00	53.80	5.30
2013	22500 C	N 11500	\$ 11000	9.00	54.20	3.80
2012	21500 C	N 11000	\$ 10500	9.00	53.60	8.20
2011	23000 C	N 12000	\$ 11000	9.00	54.30	3.70
2010	26500 C	N 13500	\$ 13000	10.91	56.02	3.80
2009	27000 C	N 13500	\$ 13500	11.80	61.02	4.40
2008	29500 C	N 15000	\$ 14500	11.37	57.79	3.10
2007	29000 C	N 15000	\$ 14000	9.20	54.21	5.70
2006	29000 C	N 15000	\$ 14000	11.35	57.22	4.30
2005	30000 C	N 15500	\$ 14500	11.30	53.80	4.80
2004	25500 C	N 13000	\$ 12500	10.10	56.80	3.70
2003	25000 C	N 13000	\$ 12000	9.80	53.10	2.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

COUNTY: 70  
 STATION: 0437  
 DESCRIPTION: ON SR-3, 0.147 MI. S OF SUNSET LAKE DR. (UVL)  
 START DATE: 10/02/2018  
 START TIME: 0000

TIME	DIRECTION: N				DIRECTION: S				COMBINED TOTAL		
	1ST	2ND	3RD	4TH	TOTAL	1ST	2ND	3RD		4TH	TOTAL
0000	12	7	8	3	30	12	3	5	5	25	55
0100	7	4	7	3	21	15	3	5	3	26	47
0200	3	3	8	3	17	0	1	1	6	8	25
0300	1	5	3	4	13	3	4	3	8	18	31
0400	6	8	19	25	58	7	7	18	19	51	109
0500	39	83	158	137	417	22	20	32	44	118	535
0600	225	247	315	295	1082	58	92	126	157	433	1515
0700	269	286	263	313	1131	152	202	287	213	854	1985
0800	285	182	245	189	901	205	235	189	162	791	1692
0900	170	164	158	141	633	179	157	146	162	644	1277
1000	148	153	151	120	572	132	155	154	154	595	1167
1100	135	131	137	142	545	166	158	155	160	639	1184
1200	178	177	174	135	664	151	140	164	128	583	1247
1300	158	162	150	146	616	164	152	159	147	622	1238
1400	142	153	142	182	619	153	185	210	210	758	1377
1500	179	154	174	203	710	278	294	381	383	1336	2046
1600	208	180	219	225	832	322	329	312	327	1290	2122
1700	261	284	222	186	953	367	327	280	240	1214	2167
1800	201	165	135	140	641	228	221	204	163	816	1457
1900	141	127	127	127	522	121	104	118	83	426	948
2000	90	118	74	72	354	86	44	30	46	206	560
2100	62	74	54	39	229	24	23	24	15	86	315
2200	36	40	29	14	119	13	10	33	12	68	187
2300	24	23	17	21	85	10	14	18	12	54	139
24-HOUR TOTALS:					11764					11661	23425

A.M. P.M. DAILY	DIRECTION: N		DIRECTION: S		COMBINED DIRECTIONS	
	1147	1147	1415	1415	1630	2322
	715	940	715	940	1630	2322
	1645	1530	1630	1630	1630	2322
	630	1530	1630	1630	1630	2322



H/13

The suggested conditions the Board may consider in their findings:

1. The Applicant shall provide a landscape buffer along the North, East, and South property lines in accordance with the Land Development Code.
2. The Applicant shall provide a turn lane analysis required with the site development plan, to be reviewed by Brevard County Traffic Engineering, reviewed and permitted by FDOT, and the applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for cruise parking.
3. Applicant shall provide a queuing plan to be submitted with the site plan demonstrating sufficient onsite queuing distance for both arriving and departing customers.
4. Applicant shall install no parking signs along the north and south sides of Duval Street prior to utilizing the site for cruise parking.
5. The CUP limits the use of the restaurant and bar to cruise parking patrons only, limits the number of seats to 100, and limits the on-premises consumption of beer and wine only from 9:30am to 1:00pm.
6. The CUP shall prohibit outside entertainment activities or outdoor entertainment, music and the use of a PA system.
7. The CUP limits the number of overnight commercial parking to ~~190~~ spaces.
8. The CUP shall restrict the use of the site to Overnight Commercial Parking Lot only, thus eliminating the business complex, mini-warehouse, and any other uses on the site.

**Deborah Thomas**

A.13

**From:** Jones, Jennifer <jennifer.jones@brevardfl.gov>  
**Sent:** Thursday, July 9, 2020 2:46 PM  
**To:** Cheryl Duisberg; Deborah Thomas; Donna Scott; Kimberly Powell; Nicole Summers; Samantha McDaniel  
**Subject:** FW: H.13. MI Plaza Group, LLC (20PZ00027)  
**Attachments:** MI Plaza Group Parking.pdf

And this response to a public comment letter.

**From:** Kimberly Rezanka <kim@cfglawoffice.com>  
**Sent:** Thursday, July 9, 2020 1:08 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Cc:** Calkins, Tad <tad.calkins@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>; Denninghoff, John P <John.Denninghoff@brevardfl.gov>  
**Subject:** FW: H.13. MI Plaza Group, LLC (20PZ00027)

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Commissioners:

I just received this email sent by Jim Barfield. I have a great deal of respect for Mr. Barfield, but his information is outdated and incorrect. As we have already explained at the NMIDSDB and in documents provided to the County, the two lots south of MI Plaza Group's property are not built and will not be built by the current owners.

I do not understand his statement about the schedules "not matching up" – Mr. Phillips has been in the cruise transportation business for 12 years and knows the pre-COVID schedules. There has been testimony that an average 35-40 cars will enter each day into the Transportation Facility, and the same number will exit.

As seen in so many opposition letters, this email contains conclusions, but does not explain the conclusion.

Even if Mr. Barfield is correct in the number of total cruise passenger cars north of the Barge Canal, some of those cars WILL travel north. Not all will travel south. Furthermore, even with these cars, SR528 is not even near capacity.

Finally, as everyone knows, the average daily trips from the current retail center of 27,500 square feet is calculated at 2499 trips. The maximum these 237 parking spaces can generate – the absolute maximum in one day for this CUP use – is 474, plus bus trips of 10 maximum.

Thank you for your consideration of the facts.

Sincerely,

**Kimberly Bonder Rezanka, Esq.**



**96 Willard Street, Suite 302  
Cocoa, FL 32922  
321-639-1320 ext. 123  
Fax 321-639-9950**

**IMPORTANT:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are, by this, on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to Cantwell & Goldman, PA., 96 Willard St., Ste. 302, Cocoa, FL. 32922. Thank you.

Commissioner,

Thank you for your service to Brevard County; it is greatly appreciated that you have stepped up to do what is right for our community.

My company, Luke Properties, LLC owns an office condominium located at 3401 Courtenay Parkway, Suite 101 which is directly across Duval Street from the MI Plaza Group property. We have owned this property since December, 2010.

I am aware of the proposed commercial parking lot on the property owned by MI Plaza Group. You have received letters and email from concerned citizens on this proposal. From your experience, you understand that it is difficult (if not impossible) to hold the owner to promises made during this process. Even if there is a binding development plan (which does not apply in this case) it can be changed later. So I ask that when making your decision, question each promise and ask how will that promise be codified, documented and enforced.

In my opinion, this proposed project has many unresolved issues. Fundamentally, the premise for the number of vehicles in and out over a 5 day period does not align with the official Port Canaveral schedules. I have attached a graphic that is a map with an overlay of the issues. In addition, the impacts on the area from the 528/Courtenay Parkway interchange north are a major concern.

The owner states there will be minimal queuing on Duval Street; this does not match up to factual data especially with this being the entrance road to a subdivision. The safety of school children at the school bus stop is another major concern.

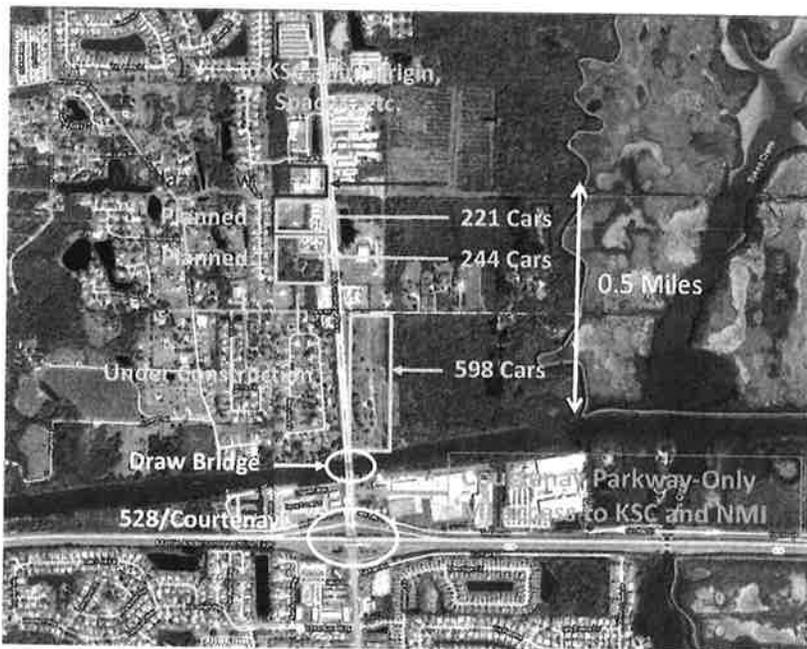
I ask that you deny this proposal.

Jim Barfield  
President/CEO  
E: [Jim.Barfield@lukeassoc.com](mailto:Jim.Barfield@lukeassoc.com) | P: 321.452.4601

Luke & Associates, Inc.  
375 Commerce Pkwy | Suite 103 | Rockledge, FL 32955  
P: 321.452.4601 | F: 321.452.4671  
[www.lukeassoc.com](http://www.lukeassoc.com)

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- There are 2 additional commercial parking lots in the planning stages directly south of the MI Plaza Group property and 1 under construction across the street adjoining the Barge Canal. MI Group's attorney has inferred that she communicated with both property owners and that neither is pursuing a commercial parking lot at this time. This has to be taken in context since it is to MI Plaza Group's advantage to use this information to get Commissioners approval. Also, the property owners may well follow through with their original plans once the cruise industry rebounds or sell the property.
- As a result, this additional commercial parking lot could well result in a total of 4 lots for 1,300 vehicles within a ¼ mile stretch of Courtenay Parkway which also includes a drawbridge that opens regularly. Courtenay Parkway is the only MI access to KSC, Blue Origin, SpaceX, etc. and the 528/Courtenay Parkway interchange is one of the busiest in central Brevard.
- The owner states that there are 5 cruise days so there are 30-40 cars leave and come in each day. This does not match the cruise ship schedule. Cruise ships unload arriving passengers and then board new passengers generally in a 4 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://crew-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>
- Once the passengers depart the ship and return to their car, they will leave the parking lot and their parking places will be replaced with new tourists to be shuttled to the ship.
- In the ¼ mile stretch of Courtenay Parkway, over a 5 hour time period, a total of 1,300 automobiles will be leaving and 1,300 will be entering the 4 parking lots for a total of 2,600.
- The supporting information provided with this application does not match up with the facts.

**To: Brevard County Commissioners**

**Re: Hearing on MI Plaza Group LLC**

**3345 North Courtenay Parkway**

**#20PZ00027**

**From: Jerrold and Marie Perlet**

**5127 Royal Paddock Way, Merritt Island, 32953**

*North  
Merritt  
Island*

We are opposed to the requested CUP changes to the property at 3345 North Courtenay. The citizens living on North Merritt Island deserve better. We should not become the parking lot for the port. This project is an insult to the citizens of North Merritt Island.

- How does this project benefit the citizens of North Merritt Island?
  - Citizens living on North Merritt Island will not be using this facility for parking for a cruise. We aren't going to buy a hotel package when we already live here.
  - Citizens will not be permitted to use the restaurant/bar. Only people buying a package can do that.
  - Citizens will lose the gym that currently exists, the only business that seems to have survived there.

The new owner has described his project as a hotel package for out-of-towners. Visitors will stay in Titusville, drive to the parking lot, and then ride buses to the port. Why should Merritt Island become a lily pad for his project to bounce to? Bus the people from Titusville to the port, or set up a parking lot in the port, but don't use us as a depository. We gain nothing from this project.

At the North Merritt Island review meeting on June 11<sup>th</sup>, the owner threatened to open the shopping center as a shopping center if you would not approve his new plan. That's what it is zoned for and he should have to do what the zoning says. He bought the property knowing it was a shopping center. Some viable businesses that would benefit North Merritt Island, like a hardware store or an Urgent Care facility, would be much better than a parking lot. If he could create a viable shopping center, that might actually benefit us.

His proposed project is of no benefit to Merritt Island, only profits for himself and his company.

----approved developments on North Merritt Island of over a thousand homes and cars

----the expanding spaceport to the north adding more traffic every week

The DOT numbers from three years ago do not recognize the current or future traffic burdens on Courtenay. Using old numbers just doesn't make sense. The study is flawed. There is no mention of the preschool at the church across Courtenay or the new development starting next to the church or the school bus stops and students who must cross the entranceway to this parking lot. Wouldn't you think a study would at least be based on current data from now, not data from pre-development three years before?

The owner has stated in his testimony to the NMIDSDB that there will be between 20 and 40 cars per day. His own traffic report says anywhere from 45 to 120 cars per day (chart on pages 6-7). The numbers in his testimony, his lawyer's testimony, and his own reports don't agree. The numbers are all over the place. The traffic study is flawed regardless of who prepared it. The report uses DOT data from 2017 to claim that the current shopping center generates 2400 trips per day and we should be grateful to the owner for reducing that number to 900. I'm not sure how 900 trips result from the 20 to 40 or 45 to 120 cars each day, but the owner himself says the current situation for the shopping center is "essentially vacant". It doesn't generate hardly any traffic, except for the gym. Whatever the real number is for the daily trips for this new project, it will definitely, significantly increase traffic at the dangerous intersection of Duval and Courtenay. If this project is approved, the left turn lane going north needs to accommodate at least 4 or 5 cars, and there needs to be a deceleration lane coming south from Titusville. This is a 50 MPH road, not some little side street. People have been killed at this intersection. That should be in the traffic report, too.

Then there is this idea that 20 to 40 to 90 to 120 cars will be coming from Titusville. I believe the bridge on the NASA Causeway has been approved. That bridge often goes down to one lane each way now. Won't these cruise parking lot cars add more traffic to the already overburdened parkway into the space center?

The fact is, the traffic report is flawed. The attorney has stated that they have addressed all five criteria for the exception and they have not. I would think that the traffic study would require accuracy and the application fails the traffic report requirement and at the very least, the county should require a real report based on real numbers and projected traffic from all the developments already approved.

- Finally, who will be responsible?
  - Who will bear the responsibility when someone is killed or injured at Duval and Courtenay?

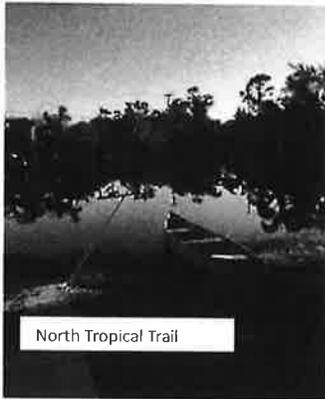
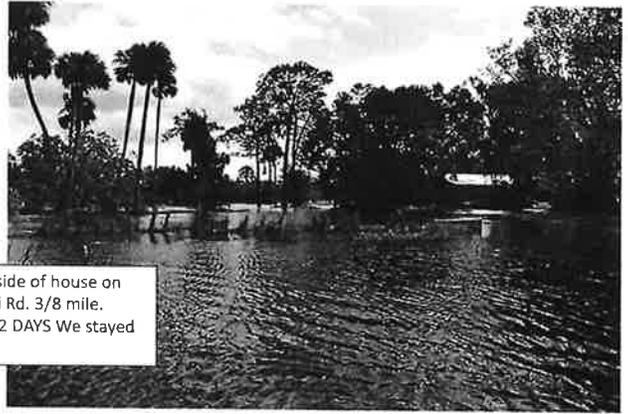
Objection  
20PZ00027  
MI Plaza Group

Our properties North of the Barge Canal, cannot support anymore large developments due to the current flooding concerns. Pleased review some of the attached pictures to see the issues.

Arnold & Terri Dingman  
6200 Crystal Lane  
Merritt Island, Fl 32953



Solid water from North side of house on Crystal Lane to Crisafulli Rd. 3/8 mile. Please note the dates: 22 DAYS We stayed Flooded



North Tropical Trail

For a month, the only way in & out of the house was by canoe.



**Commissioner, D1**

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**From:** birdie3@cfl.rr.com  
**Sent:** Sunday, July 5, 2020 3:32 PM  
**To:** Commissioner, D5; Commissioner, D4; Commissioner, D3; Commissioner, D2; Commissioner, D1  
**Subject:** Parking For The Port on Merritt Island.  
**Attachments:** Proposed Parking Lot For The Port 7-5-20.pdf  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

Please strike down the proposal for another Port parking lot on North Merritt Island. Let them put their ugly parking lots in Cape Canaveral. The north side of the barge canal is a very fragile area.

You have already approved more housing than our area can support. There are still two- three additional neighborhoods that are being reviewed and we are already flooding out of control. (See attached pictures)

The people who actually live North of the barge canal, do not want our area to look like the Orlando Airport parking areas. Make them stay at the area where they are taking all of the people. (Cape Canaveral-Port Area)

Thank you for considering our issues.

Arnold Dingman  
6200 Crystal Lane  
Merritt Island, FL 32953

**Commissioner, D1**

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**From:** Lyndsay Snead <lbi0926@hotmail.com>  
**Sent:** Monday, July 6, 2020 8:02 AM  
**To:** Commissioner, D1; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Brevard County Commissioners,

As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle necks on good days. This part of the community is mainly residential and rural with some service businesses along State Road 3. It is not, and never has been geared toward or set up to serve tourists.

Merritt Island has evolved a lot over the years and changed dramatically since the days when my family first homesteaded, but it has always been its own community with its own identity. To turn our precious paradise into a parking lot to feed the cruise industry and the port is an absolute travesty.

These parking lot businesses bring absolutely NOTHING of value to our island. They just suck up our precious resource of land (on an ISLAND no less), and give nothing of value to the community in return. They add to traffic over the already congested and questionable barge canal bridge. There were days last fall where on several occasions, for no apparent reason, traffic going over the canal was so backed up I had to take US1 home from the space center to get to my house in central Merritt Island.

I want to be clear- I am not anti-business. My family has run a small business on Merritt Island for 60 years, which my husband now runs. I can understand adding businesses that will provide value or services, but why would we add to the existing issues for something that is only using us and not giving anything back?

This issue has me concerned enough that- in a pandemic- I decided to attend the North Merritt Island Advisory Board (NMIAB) Meeting a few weeks ago. At this meeting I learned even more about the specifics as to why

**Commissioner, D1**

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**From:** Nicole Charara <nicole.charara@gmail.com>  
**Sent:** Monday, July 6, 2020 8:32 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** ID 20PZ00027  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear commissioners,

Please consider allowing another cruise parking, specially one with a bar, to be built on NMI.

This raises a few concerns for us. The bar (if opened only in the am), could potentially create a problem with patrons drinking and then getting in their cars to drive, all at the same time that children are on their way to school.

Secondly, those of us who live in NMI have a longer commute already due to being on the outskirts of Merritt Island. We chose to buy our home here for that reason (in order to be on the outskirts), but traffic was and has never been an issue. But with having to cross the barge to get anywhere, a parking such as this one would greatly impact commute times. If we continue to allow cruise parking structures to pop up, eventually this will create a traffic burden for those of us who own homes here.

Lastly, we chose NMI because of the open land and open spaces aspect of it. If we continue to allow these types of projects, we are changing the charm and overall feel of what makes NMI so special.

Please consider listening to those of us who will be directly impacted by this decision.

Thank you for your time and consideration.

Kind regards,

Nicole Charara

**Commissioner, D1**

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**From:** Lyndsay Snead <lbi0926@hotmail.com>  
**Sent:** Monday, July 6, 2020 11:05 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Fw: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9 ID# 20PZ00027  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027

Thank you,  
Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

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**From:** Lyndsay Snead  
**Sent:** Monday, July 6, 2020 8:01 AM  
**To:** d1.commissioner@brevardfl.gov <d1.commissioner@brevardfl.gov>; D3.Commissioner@BrevardFL.gov <D3.Commissioner@BrevardFL.gov>; D4.Commissioner@BrevardFL.gov <D4.Commissioner@BrevardFL.gov>; D5.Commissioner@BrevardFL.gov <D5.Commissioner@BrevardFL.gov>  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

Dear Brevard County Commissioners,

As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle

**Commissioner, D1**

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**From:** Nancy Thomas <nltthomas@aol.com>  
**Sent:** Monday, July 6, 2020 11:31 AM  
**To:** Commissioner, D1  
**Subject:** Vote NO TO CRUISE PARKING

**Categories:** PENDING

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Vote NO to cruise parking on MI.  
ID#20pz00027  
Sent from my iPhone

**Commissioner, D1**

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**From:** ivan inmon <ivanbinmon@gmail.com>  
**Sent:** Monday, July 6, 2020 11:41 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** ID#20pz00027  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027 .

Ivan Inmon  
3485 Spartina ave.  
Merritt Island, Florida 32953

**Commissioner, D1**

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**From:** Wendi <wendisouthwick@gmail.com>  
**Sent:** Monday, July 6, 2020 3:53 PM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Action ID# 20PZ00027/Request to Deny the upcoming Conditional Use Permits for Overnight Commercial Cruise Parking Lot and Liquor bar  
**Categories:** PENDING

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Brevard County Commissioners,

I am a resident of North Merritt Island and want to express my deep concern regarding the new overnight cruise parking lot at 3345 North Courtenay Parkway, Merritt Island. I strongly urge you to deny the requests for Conditional Use Permits (CUPs) for the overnight commercial cruise parking lot and full liquor bar/lounge for cruise patrons only.

Designating Merritt Island as a "parking lot" for cruise patrons truly devalues the intrinsic value of this beautiful island and its potential for further development and more sustainable, diverse economic growth as the space industry is greatly expanding in the area, hiring and also transferring employees to this immediate area within the next few years. Blue Origins, SpaceX, and NASA are just a few of those expanding employers who will be bringing more business and employees who will increase the demand for the further development of residential neighborhoods (which will bring in additional property tax income), restaurants, and other shopping. Limiting Merritt Island growth to the "cruise" industry is not only a risky maneuver (given the current COVID-19 pandemic and its in turn damaging effects on the cruising/tourism industry), but truly devalues the potential diverse growth Merritt Island's economy and in turn Brevard county's economy has in developing a county rich in residential growth, which will in turn increase a demand for additional construction of both residential and business, goods and services.

I urge you to deny the requests for Conditional Use Permits at this Thursday's Board Meeting for an overnight commercial cruise parking lot and cruise patrons only liquor bar and lounge, and truly help Merritt Island and in turn Brevard County to further diversify and develop a sustainable and diverse economic growth--rich in residential development and growth.

I am happy to provide additional information if you would like.

Sincerely,  
Wendi Southwick  
North Merritt Island Resident  
(703) 907-9790

**From:** [kathleen\\_mccoy](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Rezoning on North Merritt Island action ID#20PZ00027  
**Date:** Tuesday, July 7, 2020 9:58:43 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jennifer Jones,

As a resident and homeowner on North Merritt Island I am writing to voice my concern about the request for more cruise parking on North Merritt Island.

I hope you will deny the rezoning request for a parking lot and bar on Courtenay Pkwy and Duval St. First of all, traffic in this area has been steadily growing due to new residential developments, Space Center traffic and the 3 other parking facilities already approved. Building another parking lot will make traffic even worse. The main problem with our traffic pattern is the barge canal drawbridge, which I hope you are taking into consideration.

This is a residential portion of Merritt Island. We are dependent on the barge canal bridge to go south on Courtenay to get to schools, the hospital, groceries and to access the major highways. Giving these tourists/cruise patrons alcohol will only make matters worse when they are put on our streets.

I can only hope that when you vote on this rezoning request you consider if you personally would want this parking lot/bar outside your neighborhood and vote no. These parking lots do not contribute to our community.

Could you please consider projects in the future that are a positive for the residents and, as a plus, may be aesthetically pleasing? My neighbors and I do not want to live in the middle of parking lots and storage areas for the Port.

Thank you,

Kate McCoy  
630 Wild Flower St.  
Merritt Island, FL 32953

**From:** [Suzanne Perucci](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Perucci Suzanne](#)  
**Subject:** parking facilities for the cruise lines  
**Date:** Wednesday, July 8, 2020 12:22:40 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

RE Action ID# 20PZ00027.

I currently live on North Merritt Island, north of the barge canal. I've seen a lot of positive development over the years. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

Suzanne and Joseph Perucci  
Cedar Creek Circle  
MI, FL 32953

**From:** [Jessica Beal](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Action ID #20PZ00027: Overnight Cruise Parking Lot and Alcohol Permit  
**Date:** Wednesday, July 8, 2020 10:38:19 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear County Commissioners:

Hello! My name is Jessica Beal, PharmD. I have been a Merritt Island resident since 1986 and also am a pharmacist at a local family owned pharmacy on Merritt Island. I love this community and am a huge supporter of local businesses. I would like to voice my opposition to the proposal (20PZ00027) (Tax Account 2459292) by MI Plaza Group, LLC requests for the following 1) Removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial parking Lot (5.48 acres) ; 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3.100 square feet) in a PIP (Planned Industrial park) zoning classification.

This proposal is not a good idea and you can see from the minutes and presentation of the MI plaza group that they don't have a cohesive business plan. The minutes of the prior meeting show their large number of inconsistencies, on the spot changes to a business plan and agreement that this is not a good idea for our community.

Please find my concerns and supporting documentation below and how they do not meet the Brevard County Administrative Policies of the Future Land Use Element -Under Conditional Use Permits (CUPs), (b) Approval Procedures, second paragraph, it states, "... 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, odor, glare and noise, particulate s, 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."

**School Bus Stop-** The primary entrance (West entrance off of Duval Street) will be past the bus stop (Across from the East entrance on Duval) and all of kids in elementary, middle, and higher schoolers are going to walking past high traffic areas. The bus cannot go into the Sunset Groves community because it is a dead end and unable to turn in the cul-de-sac and they don't back up (per Brevard County School Board). The only spot for this bus stop is where it is currently. Children (and parents) walking to the bus stop will be there during the prime hours for cruise patrons arriving (highest traffic time). These patrons will be from out of town and unfamiliar with the area, most likely using a gps or phones and less paying

attention to the road/sidewalks.

At the NMIDSDB (See meeting minutes, page 10 and 11) - Jack Ratterman (NMIDSDB member) asked the applicant about the proximity of the proposed uses to the bus stop on Duval Street?

"Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli's construction company on the right when you pull in, you have us on the left and you have the bus stop there. I'm confused on why there is a bus stop in a commercial area and why the pickup and drop off of these children isn't in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house."

So basically, the applicant, who stated he has five children, says that because of safety, he would not let his kids use that as a bus stop. Thus agreeing with us that this is not a safe idea!

**No security** - GoPort has no overnight security plan. Although the business owner said at the NMI board meeting, "there is no crime on Merritt Island!" If there was no crime, then why do did the owner place a large number of cameras on his property immediately? Every owner of a nest cam in our community Facebook groups/ on Nextdoor app sure seem to know and have evidence otherwise! These parking lots, with no security, with cars parked overnight, where you know the vehicle owner/renter is nowhere around, are going to be prime targets for theft—and beacons to attract crime to a somewhat isolated area. What prevents someone from coming in and parking there, waiting for the right moment to commit a crime. With no security and children walking, could also turn into a prime areas for human trafficking! As this has been on the rise and all healthcare professional are now trained to recognize and watch for human trafficking.

Commissioners, those of you that have kids, would you want your kids standing at a bus stop in an area where a bunch of tourists who are not familiar with their surroundings are trying to find out where to go/where the entrance is and then on top of that, adding in a place that sells alcohol to said tourists/people drinking alcohol in the morning near the bus stop, whether they are driving or not? Or walking near a large parking area with no security or eyes watching. Just asking.

Again at the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 15) Matt Phillips was asked, "If this thing is just going to be open for people to come in and park, they have reservations or whatever, there's nobody really directing them, how are you going to stop someone from having a few drinks and then realizing they forgot toothpaste and driving to the grocery store down the street. How is that going to stop?"

At the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 22) – Mr. Phillips agreed with me that it is a concern that someone could have a few drinks then drive to get something they forgot allowing drunk driving in the morning near our community, bus stop,

North Courtenay Parkway corridor businesses and residents -

"Usually, when they (cruise patrons) get to the cruise ship, no matter what time it is, they do start drinking, so we're just allowing people to do it beforehand and being chauffeured down there so they're not touching the road with their vehicles, they're safe on the way down, and the point of how we're going to make sure people don't come back after running to get toothpaste or whatever, is a valid concern, I just don't think it's going to happen."

The applicant agrees there is a potential for the proposed uses to adversely affect the safety of people in adjacent and nearby properties.

**Adjacent businesses -** Under Conditional Use Permits (CUPs), (b) Approval Procedures, the first paragraph on Page 5, it states, "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, odor, 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."

At the NMIDSDB (See meeting minutes, page 25) – Ms. Rezanka states -

Kim Rezanka – "The community doesn't like this because they don't think it's good for them, and it might not be, but it does bring people in here that will see Brevard County and go to other areas of Brevard County. It's not necessarily.... I can't imagine any PIP zoning that's going to benefit their community, essentially industrial, but that's not the criteria, the criteria is your Code."

Ms. Rezanka feels like the proposed uses would adversely affect adjacent and nearby properties.

Mr Phillips believes that their business model will actually result in less traffic than the originally approved intent of the property- a small shopping center. He believes that based on the initial approval of the shopping center, it would result in several thousand trips a day! Please take the time to review the traffic study riddled with inconsistencies, errors and assumptions. Not to mention this traffic study was completed during the complete shutdown/quarantine period of COVID (no schools were in session, NASA, SpaceX, KSC, Cruise Ship and Space Center had all gone to telework prior to the traffic study).

I think anyone who lives/works/travels on North Merritt Island knows this is a pipe dream. And honestly, an active shopping center with viable local businesses that benefited the local community would be welcome! These local businesses would bring more business and tax money to the area and keep it here. There are the businesses that support local events, teams, campaigns, and fundraisers. And not to mention, even if the pie dream of thousands of trips a day were to come true, those trips would be spread out throughout the day (vs. a very short window) and would mostly be made up of people who already are traveling/living on North Merritt Island. Most the traffic wouldn't be adding to the issue. Where cruise

parking is 100% additive.

**Traffic-** Their traffic studies don't take into consideration the new neighborhoods that have been built or the huge cruise parking lot that will hold 598 cars less than a ½ mile south, plus 2 additional lots with over 200 spots each. These too will add a great deal of traffic over the questionable bridge and during heavy hours. With our lack of affordable/any local housing, and growing space industry the housing is inevitable. However, why would we add UNNECESSARY traffic on top of what we already know is adding to an existing issue?

In the traffic study presented by Matt Philips, it uses old data from 2018, what about a traffic study that included the currently being built parking lot, new residential areas and when the businesses and school are actually in session and not teleworking. What can the barge canal bridge actually hold and the intersection just past.

The entrance to the parking lot is Duval Street. This is the only entrance into the Sunset Groves community and regular has traffic back-ups for residents coming and going. GoPort states that their customers will not cause any back up, however GoPort also owns the cruise parking at the closed DoubleTree in Cocoa Beach, and (in non COVID times when cruises are running) there are regularly backups on A1A while people wait to get into their lot. If the cruisers coming into town are waiting for spots, that haven't been vacated by cruisers on a boat that was running late, there is opportunity for major early morning congestion in this area.

Please tell me how you won't cause a back-up when cruise ships unload arriving passengers and then board new passengers generally in a 4-5 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://crew-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>. This also shows that they don't need their bar open longer than 4-5 hours, and Florida State Law states alcohol licenses the business needs to be open for at least 8 hours!

**Community Impact** -The restaurant/bar is only open to GoPorts clients. They plan to serve alcohol from 9:30am to 1:00 pm. However, as one of the NMIAB members pointed out after calling the state board, the state requires 8 hours of operation for businesses with liquor licenses (so will they really only stay open until 1:00 pm as stated?). And a new restaurant/bar on North Merritt Island might be cool! But why grant a CUP for a business that doesn't benefit the local community whatsoever? If you are thinking- well what if they change to let locals visit? That doesn't work because their business plan is to use all 237 parking spots for cruise clientele, aside from 5 for employees, which are contact and part-time. So not adding jobs to the community.

**Parking**-I believe this is already a developed site from their proposed site plan they showed various uses for the current buildings. If that is the case they need account for the parking code uses for the building, which cannot be used for the overnight parking use. If you take into account the uses they indicate, per Brevard County Planning and zoning, they say that the building accounts for 84 spots. Then take into account the 54 spots in the FLP easement,

which per FPL they are not allowed to use for overnight parking, only overflow parking. You now take that 237 down to a very small number for overnight parking.

At the NMIDSIB (See meeting minutes, page 10 and 11) – Chris Cook (NMIDSDB board member) asked the applicant, “Also, I see there’s an FPL easement across the property (meaning...there is a 100’ FPL Easement along the southern portion of the property). Do you have a permit from FPL to do long-term parking on it?”

Kim Rezanka, the applicant’s lawyer replied, “We don’t need one, because there’s a parking space there.” And once again, “We don’t need one.”

According to the “Keep Easements Safe and Free From Obstructions information flyer” available on the FPL website...“Items that may not be placed within FPL easements include temporary or permanent buildings, barns, storage sheds, swimming pools and enclosed patios because they prevent safe access. Overflow parking, fences, trees and other landscaping may be permitted within FPL easements subject to proper review and approval.”

We are here because the applicant is wanting to change the use of the property to Overnight Parking and add a fence around the property, including the area within the easement, according to the Proposed Site Plan. Therefore, it needs to be reviewed and approved by FPL.

we have been in contact the FPL Real Estate Officer in Daytona that deals with these matters Brevard County, Ms. Peany Schwahl. As the flyer states, Ms. Schwahl stated that easements could be used for temporary overflow parking, not commercial overnight parking. Temporary as in an hour or two. Overflow, as in you were having an event and ran out of parking elsewhere.

She also stated that...yes, the applicant would need to send it to FPL for review and approval. Also, when the property was built in 2005, the owner failed to get a consent agreement. So, it’s out of compliance.

According to the flyer, to request a review of your proposed use of an FPL easement on your property, please visit [FPL.com/land use](http://FPL.com/land use) or call 1-800-FPL-4FPL (1-800-375-4375). Or if you want I can give you the email for Ms. Schwahl.

**Environmental-** Their permitted storm water system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area, and SJWMD has already been out to address some the deficiencies, which some but not have been addressed. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed; they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. Lastly, their mortgage document state that their mortgage can be terminated if in environmental non-compliance if the mortgage company is not notified in 10 days. GoPort was notified by SJWMD to be deficient on June 19<sup>th</sup>, I am guessing their mortgage company doesn’t know this!

Thank you for taking your time to read by numerous reasons to oppose these change of removing

of an existing BDP, adding a CUP for an Overnight Commercial parking Lot and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial park) zoning classification.

You can see from the data provide that they do not have a clear business plan nor one that will benefit the community. They even show that this is not a safe idea and doesn't benefit the community. I charge you with challenging Mr. Phillips to do what he said; "fill the strip mall up with local businesses!"

Regards,

Jessica Beal

**From:** [Beverly Crowell](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Action ID#20PZ00027  
**Date:** Wednesday, July 8, 2020 10:21:02 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As 21-year residents of North Merritt Island, FL, I am writing to respectfully ask that you deny Action ID #20PZ00027 for another overnight cruise parking area at 3345 N. Courtenay Pkwy. With the recent increase of housing developments and work at Kennedy Space Center, traffic is already becoming congested specifically at the barge canal bridge. We have one cruise parking area nearly complete by the barge bridge and as residents are already concerned about the additional traffic headaches it will create, not to mention safety concerns during inclement weather. Any additional cruise parking north of the canal bridge will only continue to add to our traffic congestion and add little value for the residents who live here. Please vote NO.

Thank you,  
Beverly & Thomas Crowell  
3719 Sunward Drive  
Merritt Island, FL 32953

**From:** [Rajeev Gohil](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** FOR proposal ID# 20PZ00027  
**Date:** Wednesday, July 8, 2020 6:48:12 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello team,

I've been made aware that you will be voting on this proposal this week through the Facebook Neighborhoods website/app. I am unequivocally FOR the new cruise parking.

I have read the proposal written by the business and there are no novel or unaddressed concerns being brought forth by my neighbors of North Merritt Island. All the complaints and pseudo-logic are clearly refuted by the studies done by the corporation as well as common sense regarding two facts; the parking spaces have been approved there for years and by unfortunate economic downturns have NEVER been fully utilized and NASA employs far less people that commute across our neighborhood than when the original parking lot was approved and constructed. In other words, even with a new successful and thriving business the congestion concerns will still be exponentially smaller than a full thriving shopping complex and space program pre-2010-2012 layoffs.

The entire argument against a new parking lot can be surmised in two notions :

- 1) "who moved my cheese"
- 2) "our free-market capitalism is the best in the world and anyone can make it due to our freedoms, but don't you dare try that in my neighborhood"

I do believe in a free-market capitalist's society and would encourage you to give this business proposal a chance at success.

Thank you, North Merritt Island Resident since 1993  
Raj Gohil

**From:** [kathleen mccoy](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Merritt Island Rezoning action ID#20PZ00027  
**Date:** Tuesday, July 7, 2020 10:10:48 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Curt Smith,

As a resident and homeowner on North Merritt Island I am writing to voice my concern about the request for more cruise parking on North Merritt Island.

I hope you will deny the rezoning request for a parking lot and bar on Courtenay Pkwy and Duval St. First of all, traffic in this area has been steadily growing due to new residential developments, Space Center traffic and the 3 other parking facilities already approved. Building another parking lot will make traffic even worse. The main problem with our traffic pattern is the barge canal drawbridge, which I hope you are taking into consideration.

This is a residential portion of Merritt Island. We are dependent on the barge canal bridge to go south on Courtenay to get to schools, the hospital, groceries and to access the major highways. Giving these tourists/cruise patrons alcohol will only make matters worse when they are put on our streets.

I can only hope that when you vote on this rezoning request you consider if you personally would want this parking lot/bar outside your neighborhood and vote no. These parking lots do not contribute to our community.

Could you please consider projects in the future that are a positive for the residents and, as a plus, may be aesthetically pleasing? My neighbors and I do not want to live in the middle of parking lots and storage areas for the Port.

Thank you,

Kate McCoy  
630 Wild Flower St.  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** BV  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** ID# 20PZ00027  
**Date:** Tuesday, July 7, 2020 8:31:07 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am opposed to the proposal to rezone the area in N. Merritt for Goport. As written, this is not a win/win for both.

Thank You,  
B. Vernatter

**From:** Wendi  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Action ID# 20PZ00027/Request to Deny the upcoming Conditional Use Permits for Overnight Commercial Cruise Parking Lot and Liquor bar  
**Date:** Monday, July 6, 2020 3:53:31 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Brevard County Commissioners,

I am a resident of North Merritt Island and want to express my deep concern regarding the new overnight cruise parking lot at 3345 North Courtenay Parkway, Merritt Island. I strongly urge you to deny the requests for Conditional Use Permits (CUPs) for the overnight commercial cruise parking lot and full liquor bar/lounge for cruise patrons only.

Designating Merritt Island as a "parking lot" for cruise patrons truly devalues the intrinsic value of this beautiful island and its potential for further development and more sustainable, diverse economic growth as the space industry is greatly expanding in the area, hiring and also transferring employees to this immediate area within the next few years. Blue Origins, SpaceX, and NASA are just a few of those expanding employers who will be bringing more business and employees who will increase the demand for the further development of residential neighborhoods (which will bring in additional property tax income), restaurants, and other shopping. Limiting Merritt Island growth to the "cruise" industry is not only a risky maneuver (given the current COVID-19 pandemic and its in turn damaging effects on the cruising/tourism industry), but truly devalues the potential diverse growth Merritt Island's economy and in turn Brevard county's economy has in developing a county rich in residential growth, which will in turn increase a demand for additional construction of both residential and business, goods and services.

I urge you to deny the requests for Conditional Use Permits at this Thursday's Board Meeting for an overnight commercial cruise parking lot and cruise patrons only liquor bar and lounge, and truly help Merritt Island and in turn Brevard County to further diversify and develop a sustainable and diverse economic growth--rich in residential development and growth.

I am happy to provide additional information if you would like.

Sincerely,  
Wendi Southwick  
North Merritt Island Resident  
(703) 907-9790

Objection  
20PZ00027  
MI Plaza Group

**From:** [ivan.inmon](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** ID# 20pz00027  
**Date:** Monday, July 6, 2020 11:40:53 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027 .

Ivan Inmon  
3485 Spartina ave.  
Merritt Island, Florida 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Nancy Thomas](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Vote NO on cruise parking  
**Date:** Monday, July 6, 2020 11:39:20 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please vote NO on cruise parking for North Merritt Island  
ID#20PZ00027

Sent from my iPhone

Objection  
20PZ00027  
MI Plaza Group

**From:** [Dolores Ryan](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Action #20PZ00027  
**Date:** Sunday, July 5, 2020 9:51:59 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioner:

Please vote down the proposal of another parking lot and bar on N. Merritt Island. With traffic tripled at Space Center, 3 new large developments and a new 750 parking lot already, the two-lane bridge back and forth poses a safety hazard already. Many days traffic is backed up 2 miles. In case of an emergency, (wild fire, etc,) we cannot evacuate through the crowd. School buses over the bridge back and forth have been delayed already numerous times. Please consider these and other factors and turn down passing another parking area. Thank you for your support.

Respectfully, Dolores Ryan  
Sent from my iPhone

**From:** [George Kraft](#)  
**To:** [Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; D4.commissioner@brebardfl.gov; Commissioner, D4](#)  
**Cc:** [Dabu; Beth Matsoukis; slhoa@slhoa.info](#)  
**Subject:** Action ID # 20PZ00027  
**Date:** Friday, July 3, 2020 9:28:44 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

I have lived on North Merritt Island, north of the barge canal, for 21-years. In that time, I've seen a lot of positive development. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

George

> This email has been sent using Bcc (blind carbon copy) to my recipients. This prevents email addresses from showing when forwarding to others. When forwarding emails to others, please remove all past sender information before sending.

**From:** [Jessica Beal](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Action ID #20PZ00027: Overnight Cruise Parking Lot and Alcohol Permit  
**Date:** Wednesday, July 8, 2020 10:38:19 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear County Commissioners:

Hello! My name is Jessica Beal, PharmD. I have been a Merritt Island resident since 1986 and also am a pharmacist at a local family owned pharmacy on Merritt Island. I love this community and am a huge supporter of local businesses. I would like to voice my opposition to the proposal (20PZ00027) (Tax Account 2459292) by MI Plaza Group, LLC requests for the following 1) Removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial parking Lot (5.48 acres) ; 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3.100 square feet) in a PIP (Planned Industrial park) zoning classification.

This proposal is not a good idea and you can see from the minutes and presentation of the MI plaza group that they don't have a cohesive business plan. The minutes of the prior meeting show their large number of inconsistencies, on the spot changes to a business plan and agreement that this is not a good idea for our community.

Please find my concerns and supporting documentation below and how they do not meet the Brevard County Administrative Policies of the Future Land Use Element -Under Conditional Use Permits (CUPs), (b) Approval Procedures, second paragraph, it states, "... 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, odor, glare and noise, particulate s, 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."

**School Bus Stop-** The primary entrance (West entrance off of Duval Street) will be past the bus stop (Across from the East entrance on Duval) and all of kids in elementary, middle, and higher schoolers are going to walking past high traffic areas. The bus cannot go into the Sunset Groves community because it is a dead end and unable to turn in the cul-de-sac and they don't back up (per Brevard County School Board). The only spot for this bus stop is where it is currently. Children (and parents) walking to the bus stop will be there during the prime hours for cruise patrons arriving (highest traffic time). These patrons will be from out of town and unfamiliar with the area, most likely using a gps or phones and less paying

attention to the road/sidewalks.

At the NMIDSDB (See meeting minutes, page 10 and 11) - Jack Ratterman (NMIDSDB member) asked the applicant about the proximity of the proposed uses to the bus stop on Duval Street?

“Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli’s construction company on the right when you pull in, you have us on the left and you have the bus stop there. I’m confused on why there is a bus stop in a commercial area and why the pickup and drop off of these children isn’t in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house.”

So basically, the applicant, who stated he has five children, says that because of safety, he would not let his kids use that as a bus stop. Thus agreeing with us that this is not a safe idea!

**No security -** GoPort has no overnight security plan. Although the business owner said at the NMI board meeting, “there is no crime on Merritt Island!” If there was no crime, then why did the owner place a large number of cameras on his property immediately? Every owner of a nest cam in our community Facebook groups/ on Nextdoor app sure seem to know and have evidence otherwise! These parking lots, with no security, with cars parked overnight, where you know the vehicle owner/renter is nowhere around, are going to be prime targets for theft—and beacons to attract crime to a somewhat isolated area. What prevents someone from coming in and parking there, waiting for the right moment to commit a crime. With no security and children walking, could also turn into a prime areas for human trafficking! As this has been on the rise and all healthcare professional are now trained to recognize and watch for human trafficking.

Commissioners, those of you that have kids, would you want your kids standing at a bus stop in an area where a bunch of tourists who are not familiar with their surroundings are trying to find out where to go/where the entrance is and then on top of that, adding in a place that sells alcohol to said tourists/people drinking alcohol in the morning near the bus stop, whether they are driving or not? Or walking near a large parking area with no security or eyes watching. Just asking.

Again at the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 15) Matt Phillips was asked, “If this thing is just going to be open for people to come in and park, they have reservations or whatever, there’s nobody really directing them, how are you going to stop someone from having a few drinks and then realizing they forgot toothpaste and driving to the grocery store down the street. How is that going to stop?”

At the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 22) – Mr. Phillips agreed with me that it is a concern that someone could have a few drinks then drive to get something they forgot allowing drunk driving in the morning near our community, bus stop,

North Courtenay Parkway corridor businesses and residents -

“Usually, when they (cruise patrons) get to the cruise ship, no matter what time it is, they do start drinking, so we’re just allowing people to do it beforehand and being chauffeured down there so they’re not touching the road with their vehicles, they’re safe on the way down, and the point of how we’re going to make sure people don’t come back after running to get toothpaste or whatever, is a valid concern, I just don’t think it’s going to happen.”

The applicant agrees there is a potential for the proposed uses to adversely affect the safety of people in adjacent and nearby properties.

**Adjacent businesses** - Under Conditional Use Permits (CUPs), (b) Approval Procedures, the first paragraph on Page 5, it states, “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, odor, 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.”

At the NMIDSDB (See meeting minutes, page 25) – Ms. Rezanka states -  
Kim Rezanka – “The community doesn’t like this because they don’t think it’s good for them, and it might not be, but it does bring people in here that will see Brevard County and go to other areas of Brevard County. It’s not necessarily.... I can’t imagine any PIP zoning that’s going to benefit their community, essentially industrial, but that’s not the criteria, the criteria is your Code.”

Ms. Rezanka feels like the proposed uses would adversely affect adjacent and nearby properties.

Mr Phillips believes that their business model will actually result in less traffic than the originally approved intent of the property- a small shopping center. He believes that based on the initial approval of the shopping center, it would result in several thousand trips a day! Please take the time to review the traffic study riddled with inconsistencies, errors and assumptions. Not to mention this traffic study was completed during the complete shutdown/quarantine period of COVID (no schools were in session, NASA, SpaceX, KSC, Cruise Ship and Space Center had all gone to telework prior to the traffic study).

I think anyone who lives/works/travels on North Merritt Island knows this is a pipe dream. And honestly, an active shopping center with viable local businesses that benefited the local community would be welcome! These local businesses would bring more business and tax money to the area and keep it here. There are the businesses that support local events, teams, campaigns, and fundraisers. And not to mention, even if the pie dream of thousands of trips a day were to come true, those trips would be spread out throughout the day (vs. a very short window) and would mostly be made up of people who already are traveling/living on North Merritt Island. Most the traffic wouldn’t be adding to the issue. Where cruise

parking is 100% additive.

**Traffic-** Their traffic studies don't take into consideration the new neighborhoods that have been built or the huge cruise parking lot that will hold 598 cars less than a ½ mile south, plus 2 additional lots with over 200 spots each. These too will add a great deal of traffic over the questionable bridge and during heavy hours. With our lack of affordable/any local housing, and growing space industry the housing is inevitable. However, why would we add UNNECESSARY traffic on top of what we already know is adding to an existing issue?

In the traffic study presented by Matt Philips, it uses old data from 2018, what about a traffic study that included the currently being built parking lot, new residential areas and when the businesses and school are actually in session and not teleworking. What can the barge canal bridge actually hold and the intersection just past.

The entrance to the parking lot is Duval Street. This is the only entrance into the Sunset Groves community and regular has traffic back-ups for residents coming and going. GoPort states that their customers will not cause any back up, however GoPort also owns the cruise parking at the closed DoubleTree in Cocoa Beach, and (in non COVID times when cruises are running) there are regularly backups on A1A while people wait to get into their lot. If the cruisers coming into town are waiting for spots, that haven't been vacated by cruisers on a boat that was running late, there is opportunity for major early morning congestion in this area.

Please tell me how you won't cause a back-up when cruise ships unload arriving passengers and then board new passengers generally in a 4-5 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://crew-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>. This also shows that they don't need their bar open longer than 4-5 hours, and Florida State Law states alcohol licenses the business needs to be open for at least 8 hours!

**Community Impact** -The restaurant/bar is only open to GoPorts clients. They plan to serve alcohol from 9:30am to 1:00 pm. However, as one of the NMIAB members pointed out after calling the state board, the state requires 8 hours of operation for businesses with liquor licenses (so will they really only stay open until 1:00 pm as stated?). And a new restaurant/bar on North Merritt Island might be cool! But why grant a CUP for a business that doesn't benefit the local community whatsoever? If you are thinking- well what if they change to let locals visit? That doesn't work because their business plan is to use all 237 parking spots for cruise clientele, aside from 5 for employees, which are contact and part-time. So not adding jobs to the community.

**Parking-** I believe this is already a developed site from their proposed site plan they showed various uses for the current buildings. If that is the case they need account for the parking code uses for the building, which cannot be used for the overnight parking use. If you take into account the uses they indicate, per Brevard County Planning and zoning, they say that the building accounts for 84 spots. Then take into account the 54 spots in the FLP easement,

which per FLP they are not allowed to use for overnight parking, only overflow parking. You now take that 237 down to a very small number for overnight parking.

At the NMIDSIB (See meeting minutes, page 10 and 11) – Chris Cook (NMIDSDB board member) asked the applicant, “Also, I see there’s an FPL easement across the property (meaning...there is a 100’ FPL Easement along the southern portion of the property). Do you have a permit from FPL to do long-term parking on it?”

Kim Rezanka, the applicant’s lawyer replied, “We don’t need one, because there’s a parking space there.” And once again, “We don’t need one.”

According to the “Keep Easements Safe and Free From Obstructions information flyer” available on the FPL website...“Items that may not be placed within FPL easements include temporary or permanent buildings, barns, storage sheds, swimming pools and enclosed patios because they prevent safe access. Overflow parking, fences, trees and other landscaping may be permitted within FPL easements subject to proper review and approval.”

We are here because the applicant is wanting to change the use of the property to Overnight Parking and add a fence around the property, including the area within the easement, according to the Proposed Site Plan. Therefore, it needs to be reviewed and approved by FPL.

we have been in contact the FPL Real Estate Officer in Daytona that deals with these matters Brevard County, Ms. Peany Schwahl. As the flyer states, Ms. Schwahl stated that easements could be used for temporary overflow parking, not commercial overnight parking. Temporary as in an hour or two. Overflow, as in you were having an event and ran out of parking elsewhere.

She also stated that...yes, the applicant would need to send it to FPL for review and approval. Also, when the property was built in 2005, the owner failed to get a consent agreement. So, it’s out of compliance.

According to the flyer, to request a review of your proposed use of an FPL easement on your property, please visit [FPL.com/land use](http://FPL.com/land use) or call 1-800-FPL-4FPL (1-800-375-4375). Or if you want I can give you the email for Ms. Schwahl.

**Environmental-** Their permitted storm water system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area, and SJWMD has already been out to address some the deficiencies, which some but not have been addressed. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed; they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. Lastly, their mortgage document state that their mortgage can be terminated if in environmental non-compliance if the mortgage company is not notified in 10 days. GoPort was notified by SJWMD to be deficient on June 19<sup>th</sup>, I am guessing their mortgage company doesn’t know this!

Thank you for taking your time to read by numerous reasons to oppose these change of removing

of an existing BDP, adding a CUP for an Overnight Commercial parking Lot and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial park) zoning classification.

You can see from the data provide that they do not have a clear business plan nor one that will benefit the community. They even show that this is not a safe idea and doesn't benefit the community. I charge you with challenging Mr. Phillips to do what he said; "fill the strip mall up with local businesses!"

Regards,

Jessica Beal

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D3](#)  
**Subject:** action ID# 20PZ00027  
**Date:** Sunday, July 5, 2020 3:43:09 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon!

With the upcoming meeting to be held on July 9th, I wanted to restate that I am extremely concerned about another cruise parking lot on North Merritt, especially one that serves alcohol and will not serve the local community in any positive way. This proposal will have no benefit to our community at all. The Port should be the only location for cruise parking. We need carefully planned development that will enhance our community. Please do not let another cruise parking lot fill up our island!!! We would welcome businesses that will enhance our community and provide goods/services that would be beneficial to our quality of life here on North Merritt.

Please consider not approving this proposal.

Thank you,  
Deb Bannon

**From:** [Beverly Crowell](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Action ID#20PZ00027  
**Date:** Wednesday, July 8, 2020 10:21:03 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As 21-year residents of North Merritt Island, FL, I am writing to respectfully ask that you deny Action ID #20PZ00027 for another overnight cruise parking area at 3345 N. Courtenay Pkwy. With the recent increase of housing developments and work at Kennedy Space Center, traffic is already becoming congested specifically at the barge canal bridge. We have one cruise parking area nearly complete by the barge bridge and as residents are already concerned about the additional traffic headaches it will create, not to mention safety concerns during inclement weather. Any additional cruise parking north of the canal bridge will only continue to add to our traffic congestion and add little value for the residents who live here. Please vote NO.

Thank you,  
Beverly & Thomas Crowell  
3719 Sunward Drive  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Elizabeth Anderson](#)  
**To:** [Commissioner, D3](#)  
**Subject:** another proposed cruise ship parking lot  
**Date:** Friday, April 3, 2020 10:16:16 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tobia

After the parking lot construction on Courtenay Parkway near 528 was approved, it was my understanding that no additional overnight parking facilities would be allowed on North Merritt Island. Now I see that MI Plaza Group wants to build another parking lot AND a bar and restaurant.

I am not in favor of either of these proposals. We chose to retire on Merritt Island and purchase a home north of 528 BECAUSE there was not a lot of traffic and we had easy access to shopping on Merritt Island and the Orlando Airport. Traffic is getting worse, yet you approved one parking lot and are considering another. PLEASE DO NOT DO THIS!

I strongly urge you to deny the actions proposed by MI Plaza Group.

Sincerely,  
Elizabeth J Anderson  
Taxpayer and Voter

**From:** [Lyndsay Snead](#)  
**To:** [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9  
**Date:** Monday, July 6, 2020 8:01:40 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Brevard County Commissioners,

As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle necks on good days. This part of the community is mainly residential and rural with some service businesses along State Road 3. It is not, and never has been geared toward or set up to serve tourists.

Merritt Island has evolved a lot over the years and changed dramatically since the days when my family first homesteaded, but it has always been its own community with its own identity. To turn our precious paradise into a parking lot to feed the cruise industry and the port is an absolute travesty.

These parking lot businesses bring absolutely NOTHING of value to our island. They just suck up our precious resource of land (on an ISLAND no less), and give nothing of value to the community in return. They add to traffic over the already congested and questionable barge canal bridge. There were days last fall where on several occasions, for no apparent reason, traffic going over the canal was so backed up I had to take US1 home from the space center to get to my house in central Merritt Island.

I want to be clear- I am not anti-business. My family has run a small business on Merritt Island

for 60 years, which my husband now runs. I can understand adding businesses that will provide value or services, but why would we add to the existing issues for something that is only using us and not giving anything back?

This issue has me concerned enough that- in a pandemic- I decided to attend the North Merritt Island Advisory Board (NMIAB) Meeting a few weeks ago. At this meeting I learned even more about the specifics as to why this specific location as well as the business plan of GoPort are terrible, but I will let the residents of the neighboring community, Sunset Groves, tell you about that because they have evidently been fighting this already for a while and they are passionate- and they are right.

I learned at the board meeting about the dangerous domino effect of continuing to approve these parking lots. The attorney for GoPort referenced the need to establish that a business must be in keeping with the surroundings. Well, at some point if you keep letting this happen, they will have a strong case to say just that. Now is the time to put our foot down. Now is the time to say this is not right for Merritt Island. This is not what North Merritt Island was intended to be, and is not in fitting with this community.

The NMIAB asked serious, thoughtful questions about the request and they clearly did their homework- and then they unanimously voted against GoPort's request for a conditional use permit to change the property's use to be able to be used for overnight cruise parking (as well as GoPort's other two requests). I am asking that you uphold the board's decision. I ask that you listen to the residents and respect our community. Please don't sell our island down the river for a few parking lots that give nothing and add nothing but headaches.

Respectfully,

Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

**From:** [Elizabeth Anderson](#)  
**To:** [Commissioner, D3](#)  
**Subject:** cruise parking, North Merritt Island  
**Date:** Tuesday, June 9, 2020 8:52:38 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioner,

I am writing to request that you DO NOT approve any additional cruise parking north of 528.

Traffic is already a problem, and we will soon have new subdivisions to deal with, along with Kennedy Space Center traffic and a draw bridge that goes up and down seemingly at whim. (if there is a schedule, those of us who live here have never seen it). Additionally, we are on low land here and have flooding problems. Allowing the construction of a lot more impermeable surfaces, such as huge parking lots, will impede drainage and imperil the lives and property of the taxpayers.

Please support the citizens and voters in North Merritt Island, rather than selling out to big business. If we wanted big business, we would live in Orlando. We chose to retire in Merritt Island but may eventually regret that decision.

Sincerely,  
Elizabeth Anderson and Patrick Churchville  
Homeowners 3804 Sunbeam Court, Merritt Island

**From:** [Rajeev Gohil](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** FOR proposal ID# 20PZ00027  
**Date:** Wednesday, July 8, 2020 6:48:12 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello team,

I've been made aware that you will be voting on this proposal this week through the Facebook Neighborhoods website/app. I am unequivocally FOR the new cruise parking.

I have read the proposal written by the business and there are no novel or unaddressed concerns being brought forth by my neighbors of North Merritt Island. All the complaints and pseudo-logic are clearly refuted by the studies done by the corporation as well as common sense regarding two facts; the parking spaces have been approved there for years and by unfortunate economic downturns have NEVER been fully utilized and NASA employs far less people that commute across our neighborhood than when the original parking lot was approved and constructed. In other words, even with a new successful and thriving business the congestion concerns will still be exponentially smaller than a full thriving shopping complex and space program pre-2010-2012 layoffs.

The entire argument against a new parking lot can be surmised in two notions :

- 1) "who moved my cheese"
- 2) "our free-market capitalism is the best in the world and anyone can make it due to our freedoms, but don't you dare try that in my neighborhood"

I do believe in a free-market capitalist's society and would encourage you to give this business proposal a chance at success.

Thank you, North Merritt Island Resident since 1993  
Raj Gohil

**From:** [Lyndsay Snead](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Fw: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9 ID# 20PZ00027  
**Date:** Monday, July 6, 2020 11:05:40 AM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027

Thank you,  
Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

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**From:** Lyndsay Snead  
**Sent:** Monday, July 6, 2020 8:01 AM  
**To:** [d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov) <[d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov)>;  
[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov) <[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov)>;  
[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov) <[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov)>;  
[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov) <[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov)>  
**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

Dear Brevard County Commissioners,  
As a constituent of District 2, I wrote a version of this letter to Commissioner Lober a couple weeks ago. I have been informed that it is best to write you all as well on this topic in the hopes that you will understand why our community is against the cruise lots that seem to be taking over the north part of Merritt Island. As a 6th generation Merritt Islander, raising the 7th generation, I take great pride in this Island, I am invested in this community and want to see it thrive. These parking lots add nothing to our community and only add to existing issues.

I, like many of us on the island, am employed at the Space Center, and have noticed on my (pre-covid) commutes an odd "random" parking lot on SR3 near Crisafulli Road, that seemed incredibly out of place. Then of course how could anyone miss the massive lot being built next to the barge canal bridge? This monstrosity seemed to have been signed, sealed, and delivered before any of the community was even aware. Now I come to find out that the "random" lot is also cruise parking, a third lot has already been approved, and now there is an effort to re-zone yet another property to put the FOURTH cruise parking lot on North Merritt Island. This is utter insanity. For those that may not be familiar with the area, North Merritt

Island can only be accessed from the rest of the island via a very old draw bridge with functionality issues that causes major traffic bottle necks on good days. This part of the community is mainly residential and rural with some service businesses along State Road 3. It is not, and never has been geared toward or set up to serve tourists.

Merritt Island has evolved a lot over the years and changed dramatically since the days when my family first homesteaded, but it has always been its own community with its own identity. To turn our precious paradise into a parking lot to feed the cruise industry and the port is an absolute travesty.

These parking lot businesses bring absolutely NOTHING of value to our island. They just suck up our precious resource of land (on an ISLAND no less), and give nothing of value to the community in return. They add to traffic over the already congested and questionable barge canal bridge. There were days last fall where on several occasions, for no apparent reason, traffic going over the canal was so backed up I had to take US1 home from the space center to get to my house in central Merritt Island.

I want to be clear- I am not anti-business. My family has run a small business on Merritt Island for 60 years, which my husband now runs. I can understand adding businesses that will provide value or services, but why would we add to the existing issues for something that is only using us and not giving anything back?

This issue has me concerned enough that- in a pandemic- I decided to attend the North Merritt Island Advisory Board (NMIAB) Meeting a few weeks ago. At this meeting I learned even more about the specifics as to why this specific location as well as the business plan of GoPort are terrible, but I will let the residents of the neighboring community, Sunset Groves, tell you about that because they have evidently been fighting this already for a while and they are passionate- and they are right.

I learned at the board meeting about the dangerous domino effect of continuing to approve these parking lots. The attorney for GoPort referenced the need to establish that a business must be in keeping with the surroundings. Well, at some point if you keep letting this happen, they will have a strong case to say just that. Now is the time to put our foot down. Now is the time to say this is not right for Merritt Island. This is not what North Merritt Island was intended to be, and is not in fitting with this community.

The NMIAB asked serious, thoughtful questions about the request and they clearly did their homework- and then they unanimously voted against GoPort's request for a conditional use permit to change the property's use to be able to be used for overnight cruise parking (as well as GoPort's other two requests). I am asking that you uphold the board's decision. I ask that you listen to the residents and respect our community. Please don't sell our island down the

river for a few parking lots that give nothing and add nothing but headaches.

Respectfully,

Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

**From:** [ivan.inmon](mailto:ivan.inmon)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Fwd: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9  
**Date:** Monday, July 6, 2020 9:33:05 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am forwarding this message to my elected officials, as it states more elegantly my views on this very important issue.

Please do the right thing and vote against more of the parking lots

Sincerely

Ivan Inmon

----- Forwarded message -----

**From:** Lyndsay Snead <[lbi0926@hotmail.com](mailto:lbi0926@hotmail.com)>

**Date:** Mon, Jul 6, 2020 at 8:31 AM

**Subject:** Fw: Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

**To:** Mom and Dad <[iinmon@aol.com](mailto:iinmon@aol.com)>, Sara Inmon, (S.) <[sinmon@ford.com](mailto:sinmon@ford.com)>, Terry Inmon <[tbinmon@aol.com](mailto:tbinmon@aol.com)>

use the below addresses to send an email to the commission about the parking lot issue. The vote is this thursday so emails need to be sent soon.

---

**From:** Lyndsay Snead

**Sent:** Monday, July 6, 2020 8:01 AM

**To:** [d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov) <[d1.commissioner@brevardfl.gov](mailto:d1.commissioner@brevardfl.gov)>;

[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov) <[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov)>;

[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov) <[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov)>;

[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov) <[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov)>

**Subject:** Cruise Parking Lots taking over North Merritt Island- Variance to be voted on July 9

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Respectfully,

Lyndsay Snead  
1645 Pluto Street  
Merritt Island, Florida 32953

**From:** Patrick Stahl  
**To:** Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Abbate, Frank B; Ball, Jeffrey  
**Cc:** Jessica Beal  
**Subject:** Fwd: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**Date:** Friday, April 10, 2020 1:37:25 PM  
**Attachments:** Applicant's Response 4.8.20 (1).pdf

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners, NMI Development Special District Board, County Manager and Planning and Zoning Dept Manager,

In regards to Rezoning Notice #20PZ00027, our neighborhood just received the attached letter from MI Plaza Group, LLC that "addresses" all of the concerns from letters written by residents of the Sunset Groves Subdivision and the Staff of Brevard County. In the letter, they reference a Proposed Site Plan dated 3/30/20 that was submitted to the County for review. Our residents have not had the opportunity to see the proposed plan. I was wondering since they were citing the plan in their response to our residents, is it possible to get a copy of the plan for our residents to review?

I am not going to go into the particulars and inaccuracies that they present in their response, but I assure you, there will be forthcoming rebuttals to their "answers" or lack there of.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

----- Forwarded message -----

From: **David Leadbeater** <david@goport.com>  
Date: Fri, Apr 10, 2020 at 12:02 PM  
Subject: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
To: <sverwiebe@aol.com>, <bettianderson@yahoo.com>, <p\_bennardo@yahoo.com>, <ja567m@att.com>, <deb.bannon@yahoo.com>, <jbealrx@gmail.com>, <prdilecce@gmail.com>, <patrickwstahl@gmail.com>, <jimrobo50@hotmail.com>, <dwoodington@gmail.com>, <freddie321@gmail.com>, <annsolo212@gmail.com>, <tracystephens7@gmail.com>, <Jerry\_Murr@hotmail.com>, <kymvalk@gmail.com>, <mpalmer37@cfl.rr.com>, <STownsend3@cfl.rr.com>, <smassihnia@hotmail.com>, <c.l.franklin@hotmail.com>, <Audreyjo316@bellsouth.net>, <cozycafe5@gmail.com>, <dverwiebe@yahoo.com>, <larsonjim@yahoo.com>, <JUNAID@cadence.com>, <arch.s.jr@chempoolspa.com>, <kapers@sbcglobal.net>, <pmeade00@gmail.com>, <zarikj@cfl.rr.com>, <islander3360@gmail.com>, <rchbstrm@yahoo.com>, <jburke0234@bellsouth.net>, <sberes1@aol.com>, <pamanderic@earthlink.net>, <CD3MOM@aol.com>, <captgaines@msn.com>, <citruspit@gmail.com>, <cupac@aol.com>, <bill.matanis@gmail.com>, <vivianeq@gmail.com>, <wilc0@aol.com>,

<[rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)>, <[mbradley38@cfl.rr.com](mailto:mbradley38@cfl.rr.com)>, <[corienreijm@yahoo.com](mailto:corienreijm@yahoo.com)>  
Cc: Kimberly Rezanka <[kim@cfglawoffice.com](mailto:kim@cfglawoffice.com)>, Matt Phillips <[matt@goport.com](mailto:matt@goport.com)>, Sharon  
Galeano <[sharon@goport.com](mailto:sharon@goport.com)>

Good morning Ladies & Gentlemen,

I hope everyone is doing well and staying safe. Please find attached below, our response answering the letters to the people living in Sunset Groves that were sent to the county. I truly thank you for your time reading and your consideration.

Sincerely,

--

**David Leadbeater**

Executive Assistant

[david@goport.com](mailto:david@goport.com)

(321) 305-6969



273 Crockett Blvd  
Merritt Island, FL 32953  
[www.goport.com](http://www.goport.com)

**IMPORTANT:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are, by this, on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to Go Port, 273 Crockett Blvd, Merritt Island, FL. 32953. Thank you.

**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (April 8, 2020)**

**I. Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

**II. Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

**III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

"The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... ."

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:30 a.m. to 12:30 a.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

**IV. Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make "u-turns" on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 12:30).

These vehicles "in and out" are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), cause dismiss'd, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 217' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:30 – 12:30.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

**From:** [Peter Dilecce](#)  
**To:** [Commissioner, D5](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)  
**Subject:** Fwd: Re-zoning request \*\*\*Please vote No\*\*\*\*  
**Date:** Sunday, March 29, 2020 4:08:53 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Begin forwarded message:

**From:** Peter Dilecce <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>  
**Subject:** Re-zoning request \*\*\*Please vote No\*\*\*\*  
**Date:** March 29, 2020 at 4:01:55 PM EDT  
**To:** [jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov), [d2.commissioner@brevardfl.gov](mailto:d2.commissioner@brevardfl.gov)  
**Cc:** [hillberg@earthlink.net](mailto:hillberg@earthlink.net), [sgHOA@live.com](mailto:sgHOA@live.com)

Good Afternoon,

My name is Rose DiLecce and have been a resident of North Merritt Island for 21 years. I am writing to you today in regards to a notice I received in the mail yesterday afternoon referencing a rezoning request for the property located in the southwest corner of Duval Street and N Courtenay Parkway.  
(3345 N Courtenay Pkwy., Merritt Island)

I am concerned that there is an attempt again to change the current zoning on this property from a Planned Industrial Park to a Conditional Use Permit for Overnight Parking and Conditional Use for Alcoholic Beverages. This request does not in my opinion align with the mission of the North Merritt Island Homeowners Association. The mission as stated on the website says "it is the purpose of the association to protect the interests of the property owners and individuals who reside on North Merritt Island with particular emphasis on controlled growth, life style of the residents, ecology, area appearance, and property values. The association strives to maintain an overall density of one unit per acre, in order to preserve the rural character of the community".

Those of us that live in Sunset Groves (the neighborhood directly behind this plaza) have fought this request before as you may recall.

My concerns are as follows: the already congested traffic, the safety of our kids, and the devaluation of our properties.

Our neighborhood has only one way in and out and increasing the traffic from the proposed commercial parking lot will surely create more congestion and more potential accidents. Please keep in mind that there is one short turn lane onto Duval street while heading north on Courtenay and on any given day from 3pm to 6pm both south bound lanes are backed up from 528 to passed Sunset Lakes.

In addition, there is already a planned designated cruise parking that is currently under construction off of N. Courtenay and Smith Road. This cruise parking will hold approximately 100 plus cars. Plus the land just north of our neighborhood is another planned cruise parking lot.

Do we really want North Merritt Island to become only cruise parking?

In addition, please note that Brevard Public Schools use Duval Street as a bus stop for three schools and this bus stop is very close to the proposed building that will be used for the permit regarding alcohol. The bus stop used to be right on the corner of N. Courtney and Duval but due to the safety of our children and the bus stop was moved to Duval Street.

Please see the times below:

Lewis Carroll Elementary Pick up time 7:20AM Drop off time 3:02PM

Jefferson Middle School Pick up time 8:55AM Drop off time 5:18PM

Merritt Island High School Pick up time 8:15AM Drop off time 4:06PM

My last point is simply that of devaluation of our neighborhood and homes. Over the last 20 years the plaza in front of our neighborhood has changed owners many times and been left vacant for several years with only the personal trainer occupying one unit. if this request is granted there is no telling what the next owner will do with the property.

I thank you for your time and consideration.

Rose DiLecce

**From:** [Jerry Perlet](#)  
**To:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Mary Hillberg](#); [Marie Perlet](#); [Jerry Perlet](#)  
**Subject:** Hearing for 3345 Courtenay Parkway  
**Date:** Friday, July 3, 2020 2:41:05 PM  
**Attachments:** [Hearing on MI Plaza Group LLC.docx](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Brevard County Commissioners:

I have attached my testimony for the hearing on Thursday, July 9th. I understand there is a time limit, so I will summarize my remarks at the hearing.

My wife and I are very hopeful that the Commissioners will deny this CUP application for the reasons outlined in our testimony,.

North Merritt Island receives no benefit from this project and we suffer many losses. It is an insult to allow a beautiful natural place like North Merritt Island become a parking lot.

Thank you for your consideration.

Jerrold Perlet  
5127 Royal Paddock Way  
Merritt island, FL 32953

**To: Brevard County Commissioners**

**Re: Hearing on MI Plaza Group LLC**

**3345 North Courtenay Parkway**

**#20PZ00027**

**From: Jerrold and Marie Perlet**

**5127 Royal Paddock Way, Merritt Island, 32953**

We are opposed to the requested CUP changes to the property at 3345 North Courtenay. The citizens living on North Merritt Island deserve better. We should not become the parking lot for the port. This project is an insult to the citizens of North Merritt Island.

- How does this project benefit the citizens of North Merritt Island?
  - Citizens living on North Merritt Island will not be using this facility for parking for a cruise. We aren't going to buy a hotel package when we already live here.
  - Citizens will not be permitted to use the restaurant/bar. Only people buying a package can do that.
  - Citizens will lose the gym that currently exists, the only business that seems to have survived there.

The new owner has described his project as a hotel package for out-of-towners. Visitors will stay in Titusville, drive to the parking lot, and then ride buses to the port. Why should Merritt Island become a lily pad for his project to bounce to? Bus the people from Titusville to the port, or set up a parking lot in the port, but don't use us as a depository. We gain nothing from this project.

At the North Merritt Island review meeting on June 11<sup>th</sup>, the owner threatened to open the shopping center as a shopping center if you would not approve his new plan. That's what it is zoned for and he should have to do what the zoning says. He bought the property knowing it was a shopping center. Some viable businesses that would benefit North Merritt Island, like a hardware store or an Urgent Care facility, would be much better than a parking lot. If he could create a viable shopping center, that might actually benefit us.

His proposed project is of no benefit to Merritt Island, only profits for himself and his company.

- How does this project impact the citizens of North Merritt Island?
  - The traffic on Courtenay will increase, the intersection of Smith and Courtenay will be overwhelmed, the congested bridge will become a barrier, the intersection with 528 will have even more traffic to contend with. The “traffic study” does not even begin to address these important issues.
  - The dangerous intersection at Duval will be even worse. An insufficient left turn lane coming north and no deceleration lane coming south on a 50 MPH roadway. How many people have been killed or injured at this intersection? The traffic study does not address this.
  - The danger to the preschool across Courtenay at the church hasn't been addressed. Nobody seems to even know about those poor little ones traveling in cars to their school in all this dangerous mess. The traffic study does not even acknowledge the preschool.
  - The danger to the children from the Sunset Groves development who must walk out to Courtenay on Duval to ride their school buses. Cruise parking lot cars will cross the sidewalk the children use. Will there be a crossing guard as the cars line up? The owner says 2 to 4 cars every five minutes. What happens when they all arrive at once in a caravan from Titusville?
  - There will be increased air, noise, and water pollution from buses and cars and luggage delivery trucks that do not benefit the citizens of Merritt Island in any way.
  - There won't be any increase in customers for our merchants except possibly some gas station stops. Local merchants gain nothing from this project.

The impact of the project to the area around Smith Road is severe, adding a hundred or more cars and buses with trailers and luggage delivery trucks to the already congested roadway. How will the cars in the lot on the canal even get out of Smith Road? Unless we change the traffic light timing and back up traffic on Courtenay even further. And this project adds a hundred vehicles to that traffic flow.

The left turn onto 528 to the port from Courtenay is long and difficult. There is nothing in the traffic study about the project's impact on this intersection which is directly involved since it is the way to the port. There is nothing about the number of times the draw bridge breaks down and blocks traffic. These are important matters that need to be addressed.

The “Traffic Study” is based on data from 2017 and a traffic count during the COVID isolation time period. The reality of the traffic at Smith Road and Courtenay is:

----a 600-car cruise parking lot

----approved developments on North Merritt Island of over a thousand homes and cars

----the expanding spaceport to the north adding more traffic every week

The DOT numbers from three years ago do not recognize the current or future traffic burdens on Courtenay. Using old numbers just doesn't make sense. The study is flawed. There is no mention of the preschool at the church across Courtenay or the new development starting next to the church or the school bus stops and students who must cross the entranceway to this parking lot. Wouldn't you think a study would at least be based on current data from now, not data from pre-development three years before?

The owner has stated in his testimony to the NMIDSDB that there will be between 20 and 40 cars per day. His own traffic report says anywhere from 45 to 120 cars per day (chart on pages 6-7). The numbers in his testimony, his lawyer's testimony, and his own reports don't agree. The numbers are all over the place. The traffic study is flawed regardless of who prepared it. The report uses DOT data from 2017 to claim that the current shopping center generates 2400 trips per day and we should be grateful to the owner for reducing that number to 900. I'm not sure how 900 trips result from the 20 to 40 or 45 to 120 cars each day, but the owner himself says the current situation for the shopping center is "essentially vacant". It doesn't generate hardly any traffic, except for the gym. Whatever the real number is for the daily trips for this new project, it will definitely, significantly increase traffic at the dangerous intersection of Duval and Courtenay. If this project is approved, the left turn lane going north needs to accommodate at least 4 or 5 cars, and there needs to be a deceleration lane coming south from Titusville. This is a 50 MPH road, not some little side street. People have been killed at this intersection. That should be in the traffic report, too.

Then there is this idea that 20 to 40 to 90 to 120 cars will be coming from Titusville. I believe the bridge on the NASA Causeway has been approved. That bridge often goes down to one lane each way now. Won't these cruise parking lot cars add more traffic to the already overburdened parkway into the space center?

The fact is, the traffic report is flawed. The attorney has stated that they have addressed all five criteria for the exception and they have not. I would think that the traffic study would require accuracy and the application fails the traffic report requirement and at the very least, the county should require a real report based on real numbers and projected traffic from all the developments already approved.

- Finally, who will be responsible?
  - Who will bear the responsibility when someone is killed or injured at Duval and Courtenay?

- Who will bear the responsibility when someone needs emergency medical care and there is so much traffic the ambulance can't get there in time?
- Who will bear the responsibility when someone's house is on fire and the fire trucks can't get there in time because the traffic is all jammed up, or the old bridge just can't take any more cars and it decides to break again?
- Who will bear the responsibility when the old draw bridge fails and we are trapped on the island during a hurricane? Who will come to the rescue for the thousands who live there?
- Who will bear the responsibility when this whole operation fails and we have a vacant building with no businesses and a big parking lot sitting again for another fifteen years?

It is the responsibility of government to check out these things, to use current and future data to plan, to protect its citizens from commercial invasion. The citizens of North Merritt Island gain nothing from this project, we lose a lot, and if the inevitable bad things happen... I hope not, I pray not, but history has shown us over and over and over again, that rampant, uncontrolled development causes lots of problems and can lead to disasters.

We don't need another parking lot, we don't need a bar serving drinks in the middle of the day next to a pre-school and a school bus stop, we don't need a business that takes from us and gives us nothing in return.

Deny this project for the safety and dignity of the thousands of citizens living north of the barge canal.

**From:** [Nicole Charara](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** ID 20PZ00027  
**Date:** Monday, July 6, 2020 8:32:34 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear commissioners,

Please consider allowing another cruise parking, specially one with a bar, to be built on NMI.

This raises a few concerns for us. The bar (if opened only in the am), could potentially create a problem with patrons drinking and then getting in their cars to drive, all at the same time that children are on their way to school.

Secondly, those of us who live in NMI have a longer commute already due to being on the outskirts of Merritt Island. We chose to buy our home here for that reason (in order to be on the outskirts), but traffic was and has never been an issue. But with having to cross the barge to get anywhere, a parking such as this one would greatly impact commute times. If we continue to allow cruise parking structures to pop up, eventually this will create a traffic burden for those of us who own homes here.

Lastly, we chose NMI because of the open land and open spaces aspect of it. If we continue to allow these types of projects, we are changing the charm and overall feel of what makes NMI so special.

Please consider listening to those of us who will be directly impacted by this decision.

Thank you for your time and consideration.

Kind regards,

Nicole Charara

Objection  
20PZ00027  
MI Plaza Group

**From:** [Peg Cotner](#)  
**To:** [Commissioner, D2](#)  
**Cc:** [Commissioner, D3](#)  
**Subject:** ID# 20PZ00027  
**Date:** Friday, June 5, 2020 2:51:16 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Just in case you did not receive my opinion, I am very against this proposal. Everyone I have conversed with is of the same opinion. I know some of you live near here, and for the life of me I can't understand how you think this is necessary, logical, advantageous or beneficial to our community. We can do better. Thank you, Peg Cotner

Objection  
20PZ00027  
MI Plaza Group

**From:** BV  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** ID# 20PZ00027  
**Date:** Tuesday, July 7, 2020 8:31:07 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am opposed to the proposal to rezone the area in N. Merritt for Goport. As written, this is not a win/win for both.

Thank You,  
B. Vernatter

Objection  
20PZ00027  
MI Plaza Group

**From:** [ivan.inmon](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** ID#20pz00027  
**Date:** Monday, July 6, 2020 11:40:53 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I wanted to be sure my concern is registered for the proper issue and have been told I need to reference the ID number to be sure. Please ensure my dissent is counted for ID# 20PZ00027 .

Ivan Inmon  
3485 Spartina ave.  
Merritt Island, Florida 32953

**From:** [kathleen.mccoy](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Merritt Island Rezoning action ID#20PZ00027  
**Date:** Tuesday, July 7, 2020 10:09:03 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear John Tobia,

As a resident and homeowner on North Merritt Island I am writing to voice my concern about the request for more cruise parking on North Merritt Island.

I hope you will deny the rezoning request for a parking lot and bar on Courtenay Pkwy and Duval St. First of all, traffic in this area has been steadily growing due to new residential developments, Space Center traffic and the 3 other parking facilities already approved. Building another parking lot will make traffic even worse. The main problem with our traffic pattern is the barge canal drawbridge, which I hope you are taking into consideration.

This is a residential portion of Merritt Island. We are dependent on the barge canal bridge to go south on Courtenay to get to schools, the hospital, groceries and to access the major highways. Giving these tourists/cruise patrons alcohol will only make matters worse when they are put on our streets.

I can only hope that when you vote on this rezoning request you consider if you personally would want this parking lot/bar outside your neighborhood and vote no. These parking lots do not contribute to our community.

Could you please consider projects in the future that are a positive for the residents and, as a plus, may be aesthetically pleasing? My neighbors and I do not want to live in the middle of parking lots and storage areas for the Port.

Thank you,

Kate McCoy  
630 Wild Flower St.  
Merritt Island, FL 32953

**From:** [Suzanne Perucci](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Perucci Suzanne](#)  
**Subject:** parking facilities for the cruise lines  
**Date:** Wednesday, July 8, 2020 12:22:40 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

RE Action ID# 20PZ00027.

I currently live on North Merritt Island, north of the barge canal. I've seen a lot of positive development over the years. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

Suzanne and Joseph Perucci  
Cedar Creek Circle  
MI, FL 32953

**From:** [birdie3@cfl.rr.com](mailto:birdie3@cfl.rr.com)  
**To:** [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)  
**Subject:** Parking For The Port on Merritt Island.  
**Date:** Sunday, July 5, 2020 3:32:30 PM  
**Attachments:** [Proposed Parking Lot For The Port 7-5-20.pdf](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

Please strike down the proposal for another Port parking lot on North Merritt Island. Let them put their ugly parking lots in Cape Canaveral. The north side of the barge canal is a very fragile area.

You have already approved more housing than our area can support. There are still two-three additional neighborhoods that are being reviewed and we are already flooding out of control. (See attached pictures)

The people who actually live North of the barge canal, do not want our area to look like the Orlando Airport parking areas. Make them stay at the area where they are taking all of the people. (Cape Canaveral-Port Area)

Thank you for considering our issues.

Arnold Dingman

6200 Crystal Lane

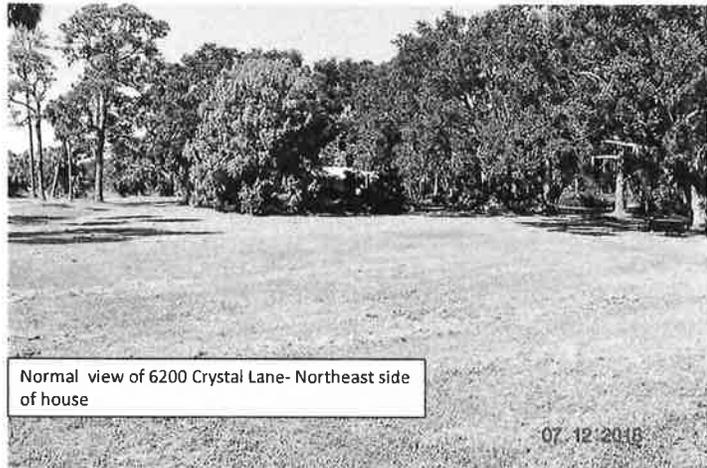
Merritt Island, FL 32953

Our properties North of the Barge Canal, cannot support anymore large developments due to the current flooding concerns. Pleased review some of the attached pictures to see the issues.

Arnold & Terri Dingman  
6200 Crystal Lane  
Merritt Island, FL 32953

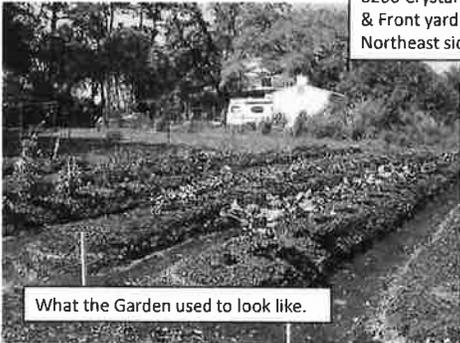


6200 Crystal Lane- Northeast side of house w/ Garden underwater.



Normal view of 6200 Crystal Lane- Northeast side of house

07.12.2018

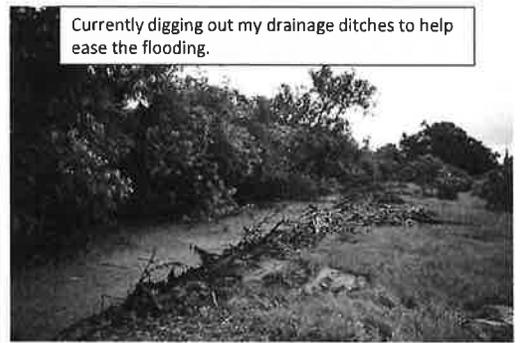


6200 Crystal Lane- Grove, Garden & Front yard underwater. Northeast side of house

What the Garden used to look like.



What the Garden looks like w/ typical 3" flooding.



Currently digging out my drainage ditches to help ease the flooding.



Solid water from North side of house on  
Crystal Lane to Crisafulli Rd. 3/8 mile.  
Please note the dates: 22 DAYS We stayed  
Flooded



For a month, the  
only way in & out  
of the house  
was by canoe.





Looking South across the street from the proposed new development on North Tropical Trail. This is the last parcel of land sold to developers, and we were told no flooding would occur. This is on the West of the fire station, looking South, standing on North Tropical Trail

Normal 6370 North Tropical Trail & Kangaroo



Normal view of 6348 Boomerang Lane



Normal 6370 North Tropical Trail & Kangaroo 07. 12. 2018



6348 Boomerang drive- The South side of North Tropical Trail directly across from the proposed development w/ typical 3" flooding.

Slide-6

**From:** [Kimberly Willey](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Project #20PZ00027  
**Date:** Monday, March 30, 2020 5:03:45 PM

---

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I have heard of plans for another cruise ship parking lot proposing to be built in North Merritt Island. Please consider the impact this will have on residents of this area.

>

> We already have 2 new housing developments and a cruise ship parking lot. Adding another will only increase the traffic in an already poorly configured system, especially on Courtenay by 528. It is already over congested with the amount of traffic we have now, and that is before the second housing development and cruise parking lot is complete.

>

> Please consider what the impact of even more development will have on the residents of the county you represent.

>

> It's sad that developers won't be happy until all the land is gone. Please help keep North Merritt Island from being overrun with development like the rest of the MI.

>

> Thank you,

> Kimberly Willey

>

>

> Sent from my iPhone

**From:** [Dolores Ryan](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Re: Action #20PZ00027  
**Date:** Tuesday, July 7, 2020 2:59:16 PM

---

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you for responding. Very appreciative.

Sent from my iPhone

> On Jul 6, 2020, at 12:12 PM, Commissioner, D3 <d3.commissioner@brevardfl.gov> wrote:  
>  
> Ms. Ryan,  
>  
> Thank you for writing to Commissioner Tobia's office regarding cruise parking. I will make sure he is aware of your concerns before this comes before him for a vote on Thursday.  
> Thank you,  
>  
> Bethany Iliff  
> Special Projects Coordinator  
> County Commissioner John Tobia, District 3  
> PH: (321) 633-2075 \* Fax: (321) 633-2196  
> 2539 Palm Bay Road NE, Suite 4  
> Palm Bay, FL 32905  
>  
>  
> -----Original Message-----  
> From: Dolores Ryan <dryan79829@icloud.com>  
> Sent: Sunday, July 5, 2020 9:52 AM  
> To: Commissioner, D3 <d3.commissioner@brevardfl.gov>  
> Subject: Action #20PZ00027  
>  
> [EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.  
>  
> Dear County Commissioner:  
>  
> Please vote down the proposal of another parking lot and bar on N. Merritt Island. With traffic tripled at Space Center, 3 new large developments and a new 750 parking lot already, the two-lane bridge back and forth poses a safety hazard already. Many days traffic is backed up 2 miles. In case of an emergency, (wild fire, etc,) we cannot evacuate through the crowd. School buses over the bridge back and forth have been delayed already numerous times. Please consider these and other factors and turn down passing another parking area. Thank you for your support.  
> Respectfully, Dolores Ryan  
> Sent from my iPhone

**From:** [Karen Pardy](#)  
**Cc:** [Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; D4.commissioner@brebardfl.gov; Commissioner, D4; Dabu; Beth Matsoukis; silhoa@silhoa.info](#)  
**Subject:** Re: Action ID # 20PZ00027  
**Date:** Friday, July 3, 2020 10:14:51 AM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am a North Merritt Island resident and agree with the concerns in this matter. We appreciate your service to our community and hope you will take these concerns of the residents of North Merritt Island into consideration.  
Thank you,  
Karen

On Fri, Jul 3, 2020 at 9:28 AM George Kraft <[george-kraft@att.net](mailto:george-kraft@att.net)> wrote:  
Commissioners,

I have lived on North Merritt Island, north of the barge canal, for 21-years. In that time, I've seen a lot of positive development. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

George

> This email has been sent using Bcc (blind carbon copy) to my recipients. This prevents email addresses from showing when forwarding to others. When forwarding emails to others, please remove all past sender information before sending.

**From:** [Jones, Jennifer](#)  
**To:** [Patrick Stahl](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Ball, Jeffrey](#)  
**Cc:** [Jessica Beal](#)  
**Subject:** RE: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report  
**Date:** Friday, April 10, 2020 4:02:54 PM  
**Attachments:** [10. 20PZ00027 2 Proposed Site Plan.pdf](#)

---

Mr. Stahl,

Please see the attached proposed site plan.

Regards,

Jennifer Jones

**From:** Patrick Stahl <patrickwstahl@gmail.com>  
**Sent:** Friday, April 10, 2020 1:37 PM  
**To:** Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>  
**Cc:** Jessica Beal <jbealrx@gmail.com>  
**Subject:** Fwd: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners, NMI Development Special District Board, County Manager and Planning and Zoning Dept Manager,

In regards to Rezoning Notice #20PZ00027, our neighborhood just received the attached letter from MI Plaza Group, LLC that "addresses" all of the concerns from letters written by residents of the Sunset Groves Subdivision and the Staff of Brevard County. In the letter, they reference a Proposed Site Plan dated 3/30/20 that was submitted to the County for review. Our residents have not had the opportunity to see the proposed plan. I was wondering since they were citing the plan in their response to our residents, is it possible to get a copy of the plan for our residents to review?

I am not going to go into the particulars and inaccuracies that they present in their response, but I assure you, there will be forthcoming rebuttals to their "answers" or lack thereof.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953  
321-482-4204

----- Forwarded message -----

From: **David Leadbeater** <[david@goport.com](mailto:david@goport.com)>

Date: Fri, Apr 10, 2020 at 12:02 PM

Subject: MI Plaza Group, LLC - Cruise Parking Lot on N. Courtenay Pkwy - Staff report

To: <[sverwiebe@aol.com](mailto:sverwiebe@aol.com)>, <[bettianderson@yahoo.com](mailto:bettianderson@yahoo.com)>, <[p\\_bennardo@yahoo.com](mailto:p_bennardo@yahoo.com)>, <[ja567m@att.com](mailto:ja567m@att.com)>, <[deb.bannon@yahoo.com](mailto:deb.bannon@yahoo.com)>, <[jbealrx@gmail.com](mailto:jbealrx@gmail.com)>, <[prdilecce@gmail.com](mailto:prdilecce@gmail.com)>, <[patrickwstahl@gmail.com](mailto:patrickwstahl@gmail.com)>, <[jimrobo50@hotmail.com](mailto:jimrobo50@hotmail.com)>, <[dwoodington@gmail.com](mailto:dwoodington@gmail.com)>, <[freddie321@gmail.com](mailto:freddie321@gmail.com)>, <[annsolo212@gmail.com](mailto:annsolo212@gmail.com)>, <[tracystephens7@gmail.com](mailto:tracystephens7@gmail.com)>, <[Jerry\\_Murr@hotmail.com](mailto:Jerry_Murr@hotmail.com)>, <[kymvalk@gmail.com](mailto:kymvalk@gmail.com)>, <[mpalmer37@cfl.rr.com](mailto:mpalmer37@cfl.rr.com)>, <[STownsend3@cfl.rr.com](mailto:STownsend3@cfl.rr.com)>, <[smassihnia@hotmail.com](mailto:smassihnia@hotmail.com)>, <[c.l.franklin@hotmail.com](mailto:c.l.franklin@hotmail.com)>, <[Audreyjo316@bellsouth.net](mailto:Audreyjo316@bellsouth.net)>, <[cozycafe5@gmail.com](mailto:cozycafe5@gmail.com)>, <[dverwiebe@yahoo.com](mailto:dverwiebe@yahoo.com)>, <[larrisonjim@yahoo.com](mailto:larrisonjim@yahoo.com)>, <[JUNAID@cadence.com](mailto:JUNAID@cadence.com)>, <[arch.s.jr@chempoolsipa.com](mailto:arch.s.jr@chempoolsipa.com)>, <[kapers@sbcglobal.net](mailto:kapers@sbcglobal.net)>, <[pmeade00@gmail.com](mailto:pmeade00@gmail.com)>, <[zarikj@cfl.rr.com](mailto:zarikj@cfl.rr.com)>, <[islander3360@gmail.com](mailto:islander3360@gmail.com)>, <[rchbstrm@yahoo.com](mailto:rchbstrm@yahoo.com)>, <[jburke0234@bellsouth.net](mailto:jburke0234@bellsouth.net)>, <[sberes1@aol.com](mailto:sberes1@aol.com)>, <[pamanderic@earthlink.net](mailto:pamanderic@earthlink.net)>, <[CD3MOM@aol.com](mailto:CD3MOM@aol.com)>, <[captgaines@msn.com](mailto:captgaines@msn.com)>, <[citruspit@gmail.com](mailto:citruspit@gmail.com)>, <[cupac@aol.com](mailto:cupac@aol.com)>, <[bill.matanis@gmail.com](mailto:bill.matanis@gmail.com)>, <[vivianeq@gmail.com](mailto:vivianeq@gmail.com)>, <[wilc0@aol.com](mailto:wilc0@aol.com)>, <[rscarpa@cfl.rr.com](mailto:rscarpa@cfl.rr.com)>, <[mbradley38@cfl.rr.com](mailto:mbradley38@cfl.rr.com)>, <[corienreijm@yahoo.com](mailto:corienreijm@yahoo.com)>

Cc: Kimberly Rezanka <[kim@cflglawoffice.com](mailto:kim@cflglawoffice.com)>, Matt Phillips <[matt@goport.com](mailto:matt@goport.com)>, Sharon Galeano <[sharon@goport.com](mailto:sharon@goport.com)>

Good morning Ladies & Gentlemen,

I hope everyone is doing well and staying safe. Please find attached below, our response answering the letters to the people living in Sunset Groves that were sent to the county. I truly thank you for your time reading and your consideration.

Sincerely,

--

**David Leadbeater**  
Executive Assistant  
[david@goport.com](mailto:david@goport.com)  
(321) 305-6969



273 Crockett Blvd  
Merritt Island, FL 32953  
[www.goport.com](http://www.goport.com)

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Objection  
20PZ00027  
MI Plaza Group

**From:** [sverwiebe@aol.com](mailto:sverwiebe@aol.com)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D5](#)  
**Subject:** Re: Rezoning Notice #20PZ00027 - MI Plaza Group, LLC  
**Date:** Monday, March 30, 2020 2:19:21 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Board Members:

In response to the courtesy notice we received regarding a rezoning request by property owned by MI Plaza Group, LLC, located on the southwest corner of Duval St., and N. Courtenay Parkway, and the planned meetings to discuss, would you please reschedule. The first county public meeting when these changes will be addressed is Thursday, April 9 in Viera, the final one on Thursday, May 7, 2020.

My husband and I are in the "at risk" group as are many of our neighbors in this subdivision. If the county holds this/these meetings, even in larger rooms, in a time when the "at risk" group of people is being told to stay away from any public gatherings to avoid the risk of spreading COVID-19 to themselves and/or others, the county is taking away their rights to attend and speak at these public meetings.

Again, I request that you postpone these meetings to a safer time.

V/R

Donald VerWiebe  
3281 Biscayne Drive  
Merritt Island, Florida  
32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Deb Bannon](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:33:41 PM

---

**[EXTERNAL EMAIL] DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Smith ,  
Please help stop proposal of another parking lot in North Merritt. Please help residents to fight having the parking folks pave over our island for their profit. We do not need another lot here! They need to add adequate parking to the port so other communities are not impacted like this. Please help!

Deb Bannon  
5490 Broad Acres ST.  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Deb Bannon](#)  
**To:** [Commissioner\\_D3](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 1, 2020 1:27:20 PM

---

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tobia,

Please stop the rezoning proposal to build another cruise parking lot!!! North Merritt should not be paved over for parking lots. The port needs to be able to provide parking for their cruise guests, not our little island. Please stop this proposed action!!! One parking lot is already too many! We have one way on/off in North Merritt and do not want another parking lot.

Deb Bannon  
5490 Broad Acres St  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**From:** [Melissa Lamond](#)  
**To:** [Jones, Jennifer](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Action #20PZ00027  
**Date:** Wednesday, April 15, 2020 2:44:37 PM

---

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I'm writing to express our concerns with the above referenced rezoning action that will allow for ANOTHER commercial cruise parking lot on North Merritt Island. The traffic on North Merritt Island is getting worse as more jobs open up at KSC and there are multiple new housing developments being built.

The existing roadway infrastructure on North MI is not designed to handle the existing traffic volume. Additionally, the barge canal bridge cannot handle the existing traffic, let alone the additional traffic from these new neighborhoods and new cruise parking. Nothing seems to be being done to address these existing infrastructure issues.

In addition to the new parking lot, a bar is being proposed to be located within a short distance of a school bus stop and residential sidewalks. This is not safe and introduces great risk to our North Merritt Island community.

This request brings no value to the NMI community and as residents of North Merritt Island we are asking that you please take these concerns under advisement and deny this rezoning request.

Thank you,  
Todd and Melissa Lamond  
635 Chase Hammock Rd  
Merritt Island

**From:** [Jessica Schneider](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Rezoning Action #20PZ0027  
**Date:** Friday, April 10, 2020 5:01:51 PM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please don't rezone that lot into a cruise parking lot for the following reasons:

First, traffic at the Courtenay/Beachline interchange is already snarled enough. Around quitting time for the Cape or any time the drawbridge is stuck up traffic is a nightmare in that area. A third parking lot in that area will just make it worse

Second, there are already 2 lots being built as overflow for cruises from Port Canaveral. A third one is total overkill.

Third, it's never a good idea to have too much of the area's economy tied to one industry. The Space Shuttle program is proof of this concept.

I'm all for growth in the area. Fix traffic on and off the Beachline and put up a store, a housing development, a Mini golf. Anything but another parking lot please.

Respectfully,. John Schneider

**From:** [Phil Bennardo](#)  
**To:** [Jones, Jennifer](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](mailto:calkins@brevardfl.gov); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Jessica Beal](#); [Kim Smith](#); [Jack Ratterman](#); [Tamy Dabu](#); [Darleen Hunt](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Thursday, April 2, 2020 1:02:22 PM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a resident of North Merritt Island (NMI), I disagree with the proposed Conditional Use Permit (CUP) for a commercial cruise ship parking lot and associated bar to serve alcohol to tourists awaiting shuttles to the port (per rezoning action #20PZ00027). I am opposed to this for the following primary reasons: (1) it will result in an increase in already existing traffic concerns and associated safety issues, and (2) it is incompatible with existing and planned residential and commercial areas on NMI.

As mentioned above, we are already experiencing traffic and safety issues on NMI and this is due to a rapid increase in development and growth in our area. Several new housing developments are currently in work or planned, and a large cruise ship parking lot (northeast of the barge canal drawbridge) is nearing completion. There are only 2 ways on or off NMI: south, via the barge canal drawbridge, or north, through the Kennedy Space Center. As a resident, the vast majority of trips from NMI are south, across the drawbridge. This is where we all go for shopping, doctor visits, school, church, etc. Unless we are going to work at the space center or have a need to go to Titusville, we are not travelling north. So for all other purposes, there is really only one way on or off the island. As traffic and congestion have continued to increase, the drawbridge has become more of a bottleneck, and this will only get worse with additional cruise ship parking on NMI. There are safety concerns associated with this traffic across the barge canal, and there is no traffic light at the entrance to the proposed cruise parking lot. So cruise patrons will either have to make a U turn when entering the lot or share the entrance to an existing subdivision.

A cruise ship parking lot and bar/restaurant is not consistent with the existing businesses in the immediate area and will bring no benefit to the residents and businesses already located here.

Once again, I am opposed to the proposed rezoning. Our area is already experiencing a large growth in both commercial and residential development, which is expected to continue well into the future. The establishment of these commercial parking lots will only make matters worse. They will contribute to already existing traffic and safety problems, and are incompatible with our area, as they provide no goods or services to our residents.

Charles Philip (Phil) Bennardo  
321-266-5135

**From:** [rscarpa@cfi.rr.com](mailto:rscarpa@cfi.rr.com)  
**To:** "[Jessica.Jones@BrevardFl.gov](mailto:Jessica.Jones@BrevardFl.gov)"  
**Cc:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Rezoning Notice #20PZ00027  
**Date:** Wednesday, April 8, 2020 7:31:03 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

***As an interested party in Rezoning Notice #20PZ00027 on the agenda for the North Merritt Island Dependent Special District Board meeting scheduled for Thursday at 6:00 pm, I would like to request the meeting be rescheduled due to the health concerns over COVID-19. With the health concerns, I will not be able to attend without seriously risking my exposure and potential illness.***

***There are a number of residents in our community that fall into the vulnerable age bracket of 60 years old or older that would be put at risk to attend this meeting. I, personally, do not feel that this CUP meeting warrants my risking my health and possibly my life to speak my mind to the county government representatives. I would hope that the county government representatives are like minded.***

***Please reconsider your decision to hold this meeting until the pandemic is over and we can all come and discuss the matter, safely, with the county representatives.***

***Sunset Groves Homeowner:***

***Mr. Raymond Scarpa  
3430 Biscayne Drive  
Merritt Island, Florida 32953***

Objection  
20PZ00027  
MI Plaza Group

**From:** [Jessica Beal](#)  
**To:** [Kim Smith](#); [Jones, Jennifer](#); [fladerat@bellsouth.net](#); [Abbate, Frank B](#); [Denninghoff, John P](#); [calkins@brevardfl.gov](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [D4.commissioners@brevardfl.gov](#); [Commissioner, D5](#); [p\\_bennardo@yahoo.com](#); [t3ndabu@bellsouth.net](#)  
**Subject:** Rezoning Notice Opposition #20PZ00027  
**Date:** Sunday, March 29, 2020 9:58:18 PM

---

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

As a long time Merritt Island resident, I am not excited about yet another proposed Commercial Cruise Parking Lot in our area and all the additional traffic that it will bring to N. Courtney Parkway Corridor. Sadly as a resident of Sunset Groves, we were notified that's exactly what is being proposed at the Southwest corner of Duval Street and N. Courtenay Parkway, across from Buffkin Tile. MI Plaza Group, LLC is trying to get a Conditional Use Permit (CUP) for both a commercial cruise parking lot and a CUP for a bar to serve alcohol to tourists waiting to be shuttled to the Port (Rezoning Action #20PZ00027).

How does this benefit residents and businesses in our area? The answer is, it doesn't. Along with the cruise parking lot currently being built at the Southeast corner of Smith Road and N Courtenay Parkway, all it does is add to the already existing traffic congestion North of the Barge Canal and increase accidents and safety concerns from tourist drivers and shuttles. This currently being built parking lot's impact haven't even been felt yet. Traffic is already congested and backs up from 528 to Duval Street at certain times of the day. The increased traffic will most likely mean more accidents as well. With the additional traffic from tourists that are focused on getting on a boat as opposed to watching for surrounding pedestrians and commuters and the increase of shuttles, I'm foreseeing extremely dangerous conditions for residents, businesses, commercial aerospace companies, NASA and the Air Force who use N. Courtenay Parkway to get to and from home and work.

As our area grows with the influx of commercial spaceflight companies, workers and new residents, we need to keep in mind what kinds of businesses will best suit this growth and what will detract. A cruise parking lot and bar/restaurant is not consistent with the businesses in immediate area.

In addition, the current proposal adds safety concerns with a bar and cruise ship guests being located within a short distance of a school bus stop, residential sidewalks and the only entrance to our neighborhood. This plaza shares a common entrance (Duval St.) and only entrance to our neighborhood which would have a profound effect on compatibility. With the added traffic the overnight cruise ship parking and a bar/restaurant would add, there is NO traffic light. Visitors have two options to turn into Duval or a U turn is required the southern driveway entrance for the strip mall. This is not safe and many accidents have occurred here. These are all recipes for disasters for either other vehicles, kids walking home from school or neighbor walking the sidewalks.

According to your ordinances from 2019 (4) it talks about shuttle routes for transporting passengers to and from the overnight commercial parking lot. It states, "Shuttle routes shall avoid residential areas." Duval Street is the entrance to our subdivision, our only entrance! So I would argue that no shuttle traffic should be able to use Duval Street for transporting passengers. The subject parcel has three ingress/egresses, the two off Duval Street and one

off of N. Courtenay Parkway. Without the use of the Duval Street access points, this leaves the one entrance/exit for the shuttles to come in and out off of N. Courtenay Parkway. Currently, the property owner has blocked off the entrances off Duval Street with concrete jersey barriers, so we can get an idea of how this will be a traffic issue if shuttles are only allowed to use the one entrance off N. Courtenay. Currently, there is no break in the median on N. Courtenay for this entrance, so either the shuttles will have to make a U-turn at the Duval Street median break or traffic improvements would need to be made for to make another break in the median. Currently, traffics backs up at the Duval Street turn lane numerous times a day and making a U-turns there would increasingly make this area accident prone. To make traffic improvements at the other entrance would be tough, as there is already a median break for the Storage Units just South of the parcel. The ordinance states that the applicant is responsible for all costs for a traffic study and roads improvements, including permitting, design and construction.

Lastly, the CUP for overnight parking ordinance (Sec. 62-1941.3 – Overnight commercial parking lot). Under (1) of the ordinance it states, the “minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP, PIP.” It goes on to say under (2), “An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.” At the present, the primary use of the site would be multiple retail units and a warehouse. The total acreage of the parcel is 5.48 acres per the notice. Subtracting the buildings, the parking associated with the buildings due to the parking code, the conservation area along the Western edge of the property, and the power line easement along the South side of the property, I don’t see where there would be a minimum of three acres that could be used for an overnight commercial parking lot.

Lastly, our district is set for large growth of both commercial and residential in the coming years with the expansion of commercial space flight. I feel that the establishment of these overnight parking lots and the increased traffic that it brings, will provide no benefit for these new residents and businesses. It provides no goods or services for these businesses and residents and detracts by increasing traffic for those trying to get to work or deliver goods.

Regards,  
Jessica Beal, PharmD.

**From:** [Phil Bennardo](#)  
**To:** [Abbate, Frank B](#); [Denninghoff, John P](#); [Calkins, Tad](#); [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [d4.commissioners@brevardfl.gov](#); [Commissioner, D5](#)  
**Subject:** Schedule Delay for Upcoming Public Meetings  
**Date:** Thursday, April 2, 2020 11:16:18 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

At present, there are 2 upcoming rezoning requests, of interest to residents of North Merritt Island (NMI), that are scheduled to be discussed at public meetings in April, and early May. The first public meeting where they will be discussed is at a Dependent Special District Board on April 9, followed by an LPA Board meeting on April 20, with a final decision to be made at a commissioners' meeting planned for May 7.

As a resident of NMI and board member of the NMI HOA, I have concerns with both of the above mentioned zoning requests, especially since one of them is addressing additional cruise ship parking on NMI (the other request involves a zoning change from GU to SEU on 2.22 acres at 5305 Country Lane). Therefore I plan to be involved in these meetings, as do several other residents of NMI.

Many residents of NMI are considered to be "at risk" or living with those "at risk" with regards to the current pandemic. Therefore I respectfully request that these upcoming meetings be delayed until we are able to return more to "business as usual" and can expect full participation from the public.

Also, although I did not view the commissioners' meeting held on March 31, I was advised that there was a motion made, and passed, at this meeting, that required County advisory board meetings to meet security and social distancing rules with regards to the virus, and that if the meetings could not do this, they would be cancelled. So hopefully, my concerns noted above are being addressed. Nevertheless, I do not see an urgent need to finalize a decision on either zoning request, and still believe the best approach is to delay all public meetings completely until after we resume normal operations.

Charles Philip (Phil) Bennardo  
321-266-5135

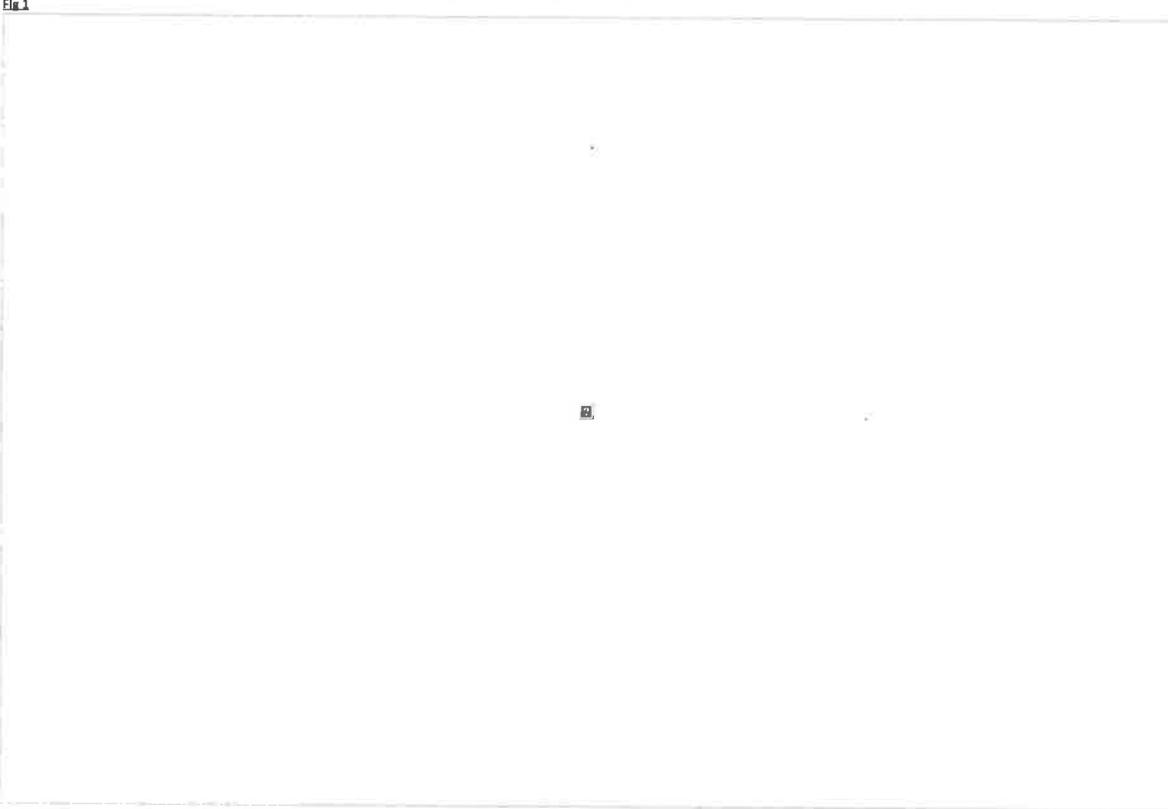
From: Stephen Townsend  
To: James Jennifer, Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
Cc: James Jennifer, Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
Date: Thursday, March 26, 2020 9:09:55 PM  
Attachments: image007.jpg

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi I am Stephen Townsend I live behind the property that is on N Courtenay and is asking for a CUP for onsite alcohol consumption. The property is at the intersection of Duval Street and state rd 3 located on the South side of Duval Street. Duval is the only entrance to our neighborhood and is where the School bus stop is. We have established a long history of fighting these repeated attempts for businesses to obtain a CUP for this location. There are a ton of reasons why that is not a good idea and I will go over them later in this e-mail but let me first explain what has been established at least twice already at great expense and aggravation to our neighborhood. This property is non-compliant to code and has been since the day they built it and it cannot become compliant without costly modifications. These buildings were built right up to the FPL powerline easement to maximize utilization of the land and to provide added parking area under the FPL easement. Which if I remember correctly we established that the parking area on FPL's easement was not authorized by FPL. The reason I am pointing this out is simple when you think about it because FPL will not allow the 6 foot wall to be extended across their easement. I do not blame them I would not allow it either if I were them. What this does now is allow unabated foot traffic between our neighborhood and a property where a proposed CUP for onsite alcohol consumption is being asked for. See Fig 1 below the easement is marked in Red and the 100 foot long easement with no 6 foot wall is circled.

- Here are few facts directly related to just this one aspect of a long list of negative reasons for granting this CUP
1. Once issued the CUP goes with the property and owners can change business strategies and approaches to maximize financial returns on the CUP. There is a long history of attempts to get a CUP and turn this building into a bar.
  2. Ultimately we will have a potential situation where drunks and others will have direct access to our neighborhood via the 100 foot opening on the FPL easement.
  3. The county has denied the CUP twice before.
  4. We have established that due to the configuration of the buildings and the FPL easement and the selfish decisions of the developer coupled with the County overlooking the non-compliance during construction and site plan review that there is no way to economically bring the property back into compliance.
  5. Having irresponsible drinkers and drivers with direct foot access to your property is purely a Diminution of property value. While I respect Property rights fully I do not support lowering the value of other people's property.

This Cup should be denied flat out and myself and my neighbors should not have to repeatedly spend money to reestablish cause for not approving these repeated CUP attacks and even threats for slap suits and aggravation of having to continually go back over all the issues i.e. Traffic, safety, children's bus stop, poor road intersection designs and improper deceleration lanes, ingress egress into our community. Please do what is right and deny this application for a CUP for this property for the third time. Thank You!



Objection  
20PZ00027  
MI Plaza Group

**From:** [Nancy Thomas](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Vote NO to cruise parking  
**Date:** Monday, July 6, 2020 11:37:16 AM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please vote NO to cruise parking on North Merritt a Island  
Id# 20PZ00027

Sent from my iPhone

**From:** [Commissioner, D3](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Action ID# 20PZ00027/Request to Deny the upcoming Conditional Use Permits for Overnight Commercial Cruise Parking Lot and Liquor bar  
**Date:** Wednesday, July 8, 2020 2:31:26 PM

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Additional Disclosure for D3

Thank you,

**Bethany Iliff**

*Special Projects Coordinator*

*County Commissioner John Tobia, District 3*

PH: (321) 633-2075 \* Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

**From:** Wendi <wendisouthwick@gmail.com>

**Sent:** Monday, July 6, 2020 3:53 PM

**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>

**Subject:** Action ID# 20PZ00027/Request to Deny the upcoming Conditional Use Permits for Overnight Commercial Cruise Parking Lot and Liquor bar

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Brevard County Commissioners,

I am a resident of North Merritt Island and want to express my deep concern regarding the new overnight cruise parking lot at 3345 North Courtenay Parkway, Merritt Island. I strongly urge you to deny the requests for Conditional Use Permits (CUPs) for the overnight commercial cruise parking lot and full liquor bar/lounge for cruise patrons only.

Designating Merritt Island as a "parking lot" for cruise patrons truly devalues the intrinsic value of this beautiful island and its potential for further development and more sustainable, diverse economic growth as the space industry is greatly expanding in the area, hiring and also transferring employees to this immediate area within the next few years. Blue Origins, SpaceX, and NASA are just a few of those expanding employers who will be bringing more business and employees who will increase the demand for the further development of residential neighborhoods (which will bring in additional property tax income), restaurants, and other shopping. Limiting Merritt Island growth to the "cruise" industry is not only a risky maneuver (given the current COVID-19 pandemic and its in turn damaging effects on the cruising/tourism industry), but truly devalues the potential diverse

growth Merritt Island's economy and in turn Brevard county's economy has in developing a county rich in residential growth, which will in turn increase a demand for additional construction of both residential and business, goods and services.

I urge you to deny the requests for Conditional Use Permits at this Thursday's Board Meeting for an overnight commercial cruise parking lot and cruise patrons only liquor bar and lounge, and truly help Merritt Island and in turn Brevard County to further diversify and develop a sustainable and diverse economic growth--rich in residential development and growth.

I am happy to provide additional information if you would like.

Sincerely,  
Wendi Southwick  
North Merritt Island Resident  
(703) 907-9790

**From:** [Commissioner, D3](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)  
**Date:** Wednesday, July 8, 2020 2:33:02 PM

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Additional disclosure for d3

Thank you,

**Bethany Iliff**

*Special Projects Coordinator*

*County Commissioner John Tobia, District 3*

PH: (321) 633-2075 \* Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

**From:** dave woodington <dwoodington@gmail.com>  
**Sent:** Saturday, March 28, 2020 6:45 AM  
**To:** Jones, Jennifer <jennifer.jones@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Cc:** prince.leacy@gmail.com; 3211 -- Frederick Solomon <freddie321@gmail.com>; SGHOA Officers <sghoa@live.com>; 3211 Ann Solomon <annsolo212@gmail.com>; 3220 Everette & Tracy Stephens <tracystephens7@gmail.com>; 3230 Jerry & Kathie Murr <Jerry\_Murr@hotmail.com>; 3231 -- Valk <kymvalk@gmail.com>; 3240 Jim Robertson <jimrobo50@hotmail.com>; 3241 Roland and April Burson <roland\_burson@yahoo.com>; 3251 Michael & Chong Palmer <mpalmer37@cfl.rr.com>; 3260 Stephen Townsend <STownsend3@cfl.rr.com>; 3261 Shahram Massihnia <smassihnia@hotmail.com>; 3270 Casey and Dana Franklin <c.l.franklin@hotmail.com>; 3271 George & Audrey Lewis <Audreyjo316@bellsouth.net>; 3280 George Alden <cozycafe5@gmail.com>; 3281 -- Sarah VerWiebe <sverwiebe@aol.com>; 3281 Don VerWiebe <dverwiebe@yahoo.com>; 3291 -- Robin Massetti <ctmass@aol.com>; 3300 Jim Larson <larsonjim@yahoo.com>; 3301 (Rental) Alim & Syeda Ara Junaid <JUNAID@cadence.com>; Jessica Beal <jbealrx@gmail.com>; 3310 Arch & Cynthia Stanton <arch.s.jr@chempoolspa.com>; 3311 Kerry Peppers <kapers@sbcglobal.net>; 3330 Phillip & Shelby Meade <pmeade00@gmail.com>; 3340 Peitro & Rose Dilecce <prdilecce@gmail.com>; 3341 Kevin Zari <zarikj@cfl.rr.com>; 3350 Jessica Beal <jessbeal@yahoo.com>; 3350 Pat Stahl <patrickwstahl@gmail.com>; 3360 Steve & Roe Phillips <islander3360@gmail.com>; 3361 Richard & Michelle Bostrom <rchbstrm@yahoo.com>; 3370 John & Dianne Burke <jburke0234@bellsouth.net>; 3371 Steven & Kuang Beres <sberes1@aol.com>; 3380 Eric & Pamela Martin <pamanderic@earthlink.net>; 3381 Carla & Tracy Dickinson <CD3MOM@aol.com>; 3390 Cliff & Norma Gaines <captgaines@msn.com>; 3391 Dave & Teresa Woodington <citruspit@gmail.com>; 3410 Larry Cupac <cupac@aol.com>; 3411 Jennifer Campbell <vivianeq@gmail.com>; 3420 Bob Willcox and Heidi Beasley <wilc0@aol.com>; 3430 Ray Scarpa <rscarpa@cfl.rr.com>; 3431 Bill Matanis <bill.matanis@gmail.com>; 3440 Mike & Maria Bradley

<mbradley38@cfl.rr.com>; 3441 Robert & Cornelia Reijm <corienreijm@yahoo.com>

**Subject:** NO Vote for MI Plaza Group's CUP FOR PROPERTY LOCATED ON southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027)

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Gentlemen,

I am a property owner in Sunset Groves the housing development located behind the subject property. To approve this CUP would surely de-value each property in Sunset Groves, and many like myself checked out the use permit for this property prior to purchasing my property. A conservative estimate is that each property selling value would be lowered by more than 20% should that action be approved. It surely would make the properties unsaleable to families with children.

Before you make your final decision please consider the following:

- There are currently over 20 "Cruise Parking Lots within 10 miles of the port with a new lot being constructed on Smith road adjacent to N. Courtney along with a new lot at the Port itself for Carnival Cruise lines. To add to this mix seems illogical at best.
- To add an additional bar on North Courtney across from a children's bus stop is a disaster waiting to happen. These are not just the high school children but also the little ones in Elementary School who use this bus stop. If the owners are set in operating a new Bar in the area they might look at the property just south of the 528 interchange which was a bar for years backing up to the county buildings and is now vacant.
- Currently there are well over 30 Drinking Establishments within 10 miles of the Cruise Port, which in my mind is more than enough to handle the thirst of any cruise passenger coming or leaving the county. Is it the owners intent to load Cruise Passengers up with booze before they board or after they return to send them home with a Snoot Full to drive on our County Roads.
- The access to this facility will require a "U-Turn" off of N. Courtney to enter the facility, exasperating an already crowded traffic pattern coming and going to KSC. Most will miss this "U - Turn" and end up in our development where small children routinely play on the sidewalks and streets. Since we have only one street in and out of our development with the addition of a Bar and Cruise Parking make our development the brunt of all the wrong turns, Drunk Drivers, etc. Has an "In - Depth " traffic study been completed for our review or your review prior to making an re-zoning decision.
- What is the environment impact of changing the use of this facility? Has anyone

completed and environmental impact statement. If so where can the property owners in Sunset Groves review the document.

Dave Woodington  
3391 Biscayne Drive  
Merritt Island, FL 32953

**From:** [Commissioner, D3](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)  
**Date:** Wednesday, July 8, 2020 2:33:55 PM  
**Attachments:** [Permitted Stormwater System with Noted Compliance Issues .pdf](#)  
[10. 20PZ00027 2 Proposed Site Plan.pdf](#)

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Additional Zoning item for d3

Thank you,

**Bethany Iliff**

*Special Projects Coordinator*

*County Commissioner John Tobia, District 3*

PH: (321) 633-2075 \* Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

**From:** Patrick Stahl <patrickwstahl@gmail.com>  
**Sent:** Monday, June 22, 2020 8:00 AM  
**To:** [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com); [sbarican@sjrwmd.com](mailto:sbarican@sjrwmd.com)  
**Cc:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; Commissioner, D2 <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; Commissioner, D5 <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>; Abbate, Frank B <[Frank.Abbate@brevardfl.gov](mailto:Frank.Abbate@brevardfl.gov)>; Jones, Jennifer <[jennifer.jones@brevardfl.gov](mailto:jennifer.jones@brevardfl.gov)>  
**Subject:** SJRWMD Environmental Resource Permit# 34127-2 - Out of Compliance - 3345 North Courtenay Parkway, Merritt Island, FL (#20PZ00027)

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Ms. Barican and/or Compliance Support,

I am writing about the existing ERP (34127-2) located at a strip mall at 3345 North Courtenay Parkway, Merritt Island 32953 in Brevard County. I live in the residential subdivision (Sunset Groves) adjacent to the property. Currently, the permitted stormwater system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area. I have attached the survey of the permitted stormwater system with notes and highlighted areas of compliance issues. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed, they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar

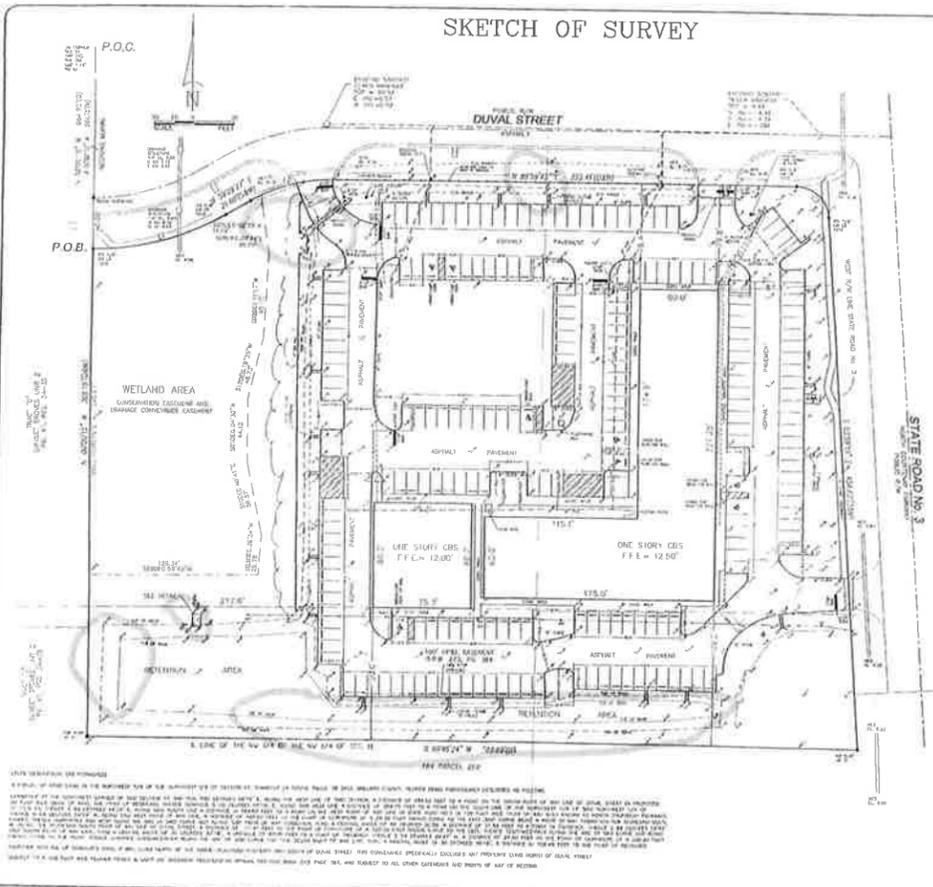
for patrons. A proposed site plan for this new venture from the property owner is also attached. This recently went before the North Merritt Island Dependent Special District Board (Action Item #20PZ00027) with a great amount of opposition from the public and the board members. It is next up for review by the Brevard County Commissioners Board on 9 July 2020. There are many other issues with their plan including not getting a consent agreement for property use under an existing FP&L easement, but the stormwater issues associated with commercial overnight cruise parking lots along North Courtenay Parkway is a huge concern to residents of North Merritt Island, so the property owner's disregard for the existing permit is disturbing at the least.

I am asking for a review of the compliance issues associated with this existing permit and for the property owner to be held accountable.

v/r,

Patrick Stahl  
3350 Biscayne Drive  
Merritt Island, FL 32953

# SKETCH OF SURVEY



**EXPLANATION**

1. The boundary of the portion of this sketch to be shown in the city plat is indicated by a solid line.

2. The right-of-way lines shown are indicated by a dashed line.

3. The building lines shown are indicated by a solid line.

4. The wetland area shown is indicated by a wavy line.

5. The city lot in Block 12, Lot 11, according to Community Plan No. 12-100-100-1, dated July 1, 1968.

6. The building lines shown are based on the 1/4" = 100' plan prepared by James H. Smith, P.E., Registered Professional Engineer in the State of Florida, dated July 1, 1968.

**CONSTRUCTION NOTES**

1. All dimensions are in feet and inches.

2. All bearings are in degrees, minutes and seconds.

3. All distances are in feet.

4. All angles are in degrees, minutes and seconds.

5. All bearings and distances are based on the 1983 datum.

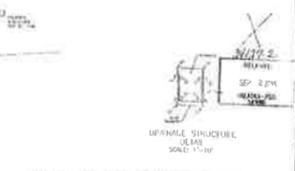
6. All bearings and distances are based on the 1983 datum.

7. All bearings and distances are based on the 1983 datum.

8. All bearings and distances are based on the 1983 datum.

9. All bearings and distances are based on the 1983 datum.

10. All bearings and distances are based on the 1983 datum.



**NOTICE TO CONTRACTOR**

1. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

2. The contractor shall be responsible for obtaining all necessary easements and rights-of-way from the appropriate authorities.

3. The contractor shall be responsible for obtaining all necessary utility easements and rights-of-way from the appropriate authorities.

4. The contractor shall be responsible for obtaining all necessary wetland permits and approvals from the appropriate authorities.

5. The contractor shall be responsible for obtaining all necessary zoning and land-use permits and approvals from the appropriate authorities.

6. The contractor shall be responsible for obtaining all necessary fire and safety permits and approvals from the appropriate authorities.

7. The contractor shall be responsible for obtaining all necessary environmental permits and approvals from the appropriate authorities.

8. The contractor shall be responsible for obtaining all necessary traffic and transportation permits and approvals from the appropriate authorities.

9. The contractor shall be responsible for obtaining all necessary public works permits and approvals from the appropriate authorities.

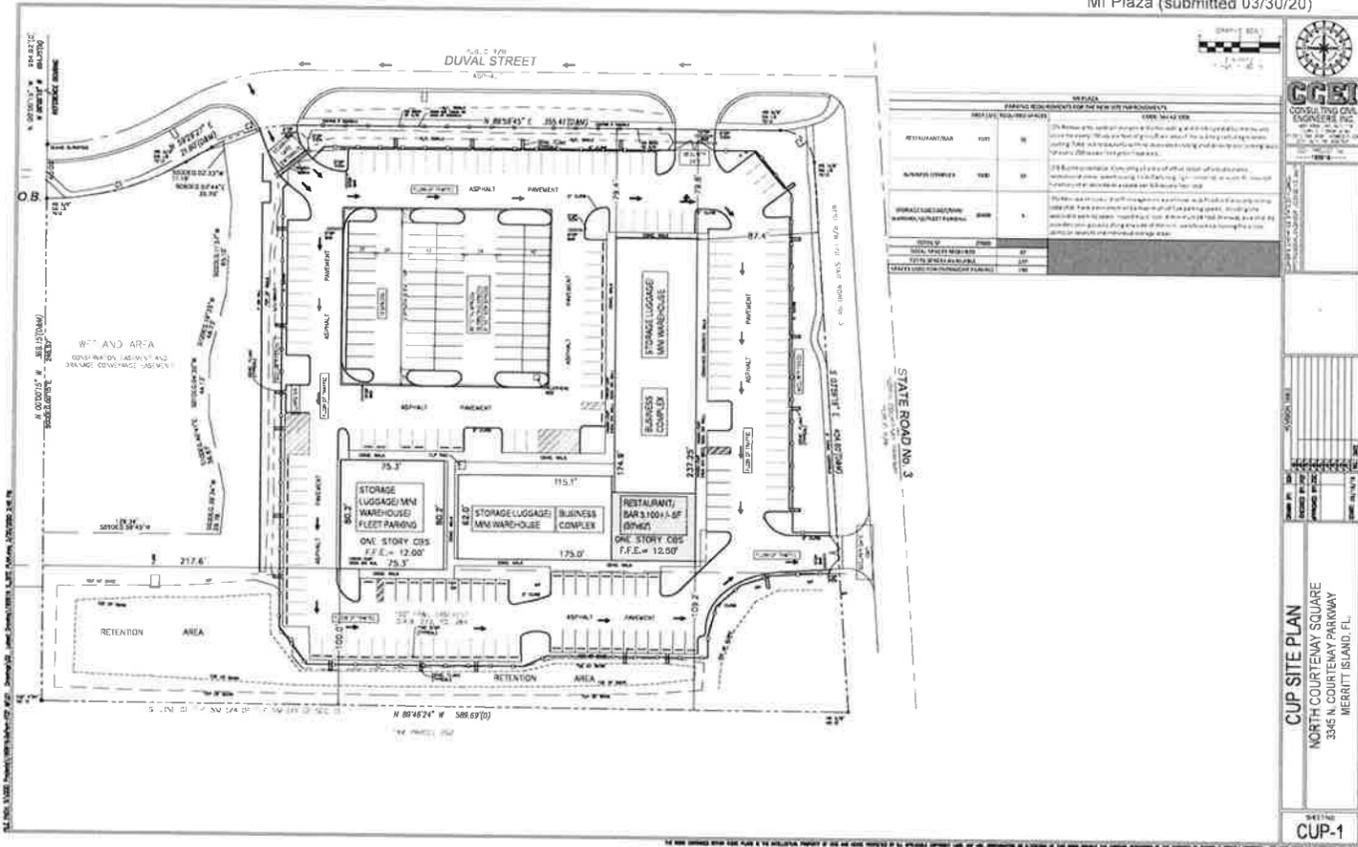
10. The contractor shall be responsible for obtaining all necessary other permits and approvals from the appropriate authorities.

A SURVEY PREPARED FOR:  
**THE SCALES COMPANY**

DATE: SEP 27, 1968  
SCALE: 1/4" = 1'-0"

**Cambell**  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF FLORIDA  
No. 12,345  
JAMES H. SMITH, P.E.  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF FLORIDA  
No. 12,345

Proposed Site Plan  
 20PZ00027  
 MI Plaza (submitted 03/30/20)



**Commissioner, D1**

**From:** Jessica Beal <jbealrx@gmail.com>  
**Sent:** Wednesday, July 8, 2020 10:38 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** Action ID #20PZ00027: Overnight Cruise Parking Lot and Alcohol Permit  
**Categories:** MARCIA

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear County Commissioners:

Hello! My name is Jessica Beal, PharmD. I have been a Merritt Island resident since 1986 and also am a pharmacist at a local family owned pharmacy on Merritt Island. I love this community and am a huge supporter of local businesses. I would like to voice my opposition to the proposal (20PZ00027) (Tax Account 2459292) by MI Plaza Group, LLC requests for the following 1) Removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial parking Lot (5.48 acres) ; 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3.100 square feet) in a PIP (Planned Industrial park) zoning classification.

This proposal is not a good idea and you can see from the minutes and presentation of the MI plaza group that they don't have a cohesive business plan. The minutes of the prior meeting show their large number of inconsistencies, on the spot changes to a business plan and agreement that this is not a good idea for our community.

Please find my concerns and supporting documentation below and how they do not meet the Brevard County Administrative Policies of the Future Land Use Element -Under Conditional Use Permits (CUPs), (b) Approval Procedures, second paragraph, it states, "... 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, odor, glare and noise, particulate s, 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."

**School Bus Stop-** The primary entrance (West entrance off of Duval Street) will be past the bus stop (Across from the East entrance on Duval) and all of kids in elementary, middle, and higher schoolers are going to walking past high traffic areas. The bus cannot go into the Sunset Groves community because it is a dead end and unable to turn in the cul-de-sac and they don't back up (per Brevard County School Board). The only spot for this bus stop is where it is currently. Children (and parents) walking to the bus stop will be there during the prime hours for cruise patrons arriving (highest traffic time). These patrons will be from out of town and unfamiliar with the area, most likely using a gps or phones and less paying attention to the road/sidewalks.  
At the NMIDSDB (See meeting minutes, page 10 and 11) - Jack Ratterman (NMIDSDB member) asked the applicant about the proximity of the proposed uses to the bus stop on Duval Street?

"Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli's construction company on the right when you pull in, you have us on the left and you

have the bus stop there. I'm confused on why there is a bus stop in a commercial area and why the pickup and drop off of these children isn't in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house." So basically, the applicant, who stated he has five children, says that because of safety, he would not let his kids use that as a bus stop. Thus agreeing with us that this is not a safe idea!

**No security** - GoPort has no overnight security plan. Although the business owner said at the NMI board meeting, "there is no crime on Merritt Island!" If there was no crime, then why did the owner place a large number of cameras on his property immediately? Every owner of a nest cam in our community Facebook groups/ on Nextdoor app sure seem to know and have evidence otherwise! These parking lots, with no security, with cars parked overnight, where you know the vehicle owner/renter is nowhere around, are going to be prime targets for theft—and beacons to attract crime to a somewhat isolated area. What prevents someone from coming in and parking there, waiting for the right moment to commit a crime. With no security and children walking, could also turn into a prime area for human trafficking! As this has been on the rise and all healthcare professionals are now trained to recognize and watch for human trafficking.

Commissioners, those of you that have kids, would you want your kids standing at a bus stop in an area where a bunch of tourists who are not familiar with their surroundings are trying to find out where to go/where the entrance is and then on top of that, adding in a place that sells alcohol to said tourists/people drinking alcohol in the morning near the bus stop, whether they are driving or not? Or walking near a large parking area with no security or eyes watching. Just asking.

Again at the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 15) Matt Phillips was asked, "If this thing is just going to be open for people to come in and park, they have reservations or whatever, there's nobody really directing them, how are you going to stop someone from having a few drinks and then realizing they forgot toothpaste and driving to the grocery store down the street. How is that going to stop?"

At the NMIDSDB meeting on 11 June 2020 (See meeting minutes, page 22) – Mr. Phillips agreed with me that it is a concern that someone could have a few drinks then drive to get something they forgot allowing drunk driving in the morning near our community, bus stop, North Courtenay Parkway corridor businesses and residents -

"Usually, when they (cruise patrons) get to the cruise ship, no matter what time it is, they do start drinking, so we're just allowing people to do it beforehand and being chauffeured down there so they're not touching the road with their vehicles, they're safe on the way down, and the point of how we're going to make sure people don't come back after running to get toothpaste or whatever, is a valid concern, I just don't think it's going to happen."

The applicant agrees there is a potential for the proposed uses to adversely affect the safety of people in adjacent and nearby properties.

**Adjacent businesses** - Under Conditional Use Permits (CUPs), (b) Approval Procedures, the first paragraph on Page 5, it states, "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, odor, 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."

At the NMIDSDB (See meeting minutes, page 25) – Ms. Rezanka states -  
Kim Rezanka – "The community doesn't like this because they don't think it's good for them, and it might not be, but it does bring people in here that will see Brevard County and go to other areas of Brevard County. It's not

necessarily.... I can't imagine any PIP zoning that's going to benefit their community, essentially industrial, but that's not the criteria, the criteria is your Code."

Ms. Rezanka feels like the proposed uses would adversely affect adjacent and nearby properties.

Mr Phillips believes that their business model will actually result in less traffic than the originally approved intent of the property- a small shopping center. He believes that based on the initial approval of the shopping center, it would result in several thousand trips a day! Please take the time to review the traffic study riddled with inconsistencies, errors and assumptions. Not to mention this traffic study was completed during the complete shutdown/quarantine period of COVID (no schools were in session, NASA, SpaceX, KSC, Cruise Ship and Space Center had all gone to telework prior to the traffic study).

I think anyone who lives/works/travels on North Merritt Island knows this is a pipe dream. And honestly, an active shopping center with viable local businesses that benefited the local community would be welcome! These local businesses would bring more business and tax money to the area and keep it here. There are the businesses that support local events, teams, campaigns, and fundraisers. And not to mention, even if the pipe dream of thousands of trips a day were to come true, those trips would be spread out throughout the day (vs. a very short window) and would mostly be made up of people who already are traveling/living on North Merritt Island. Most the traffic wouldn't be adding to the issue. Where cruise parking is 100% additive.

**Traffic-** Their traffic studies don't take into consideration the new neighborhoods that have been built or the huge cruise parking lot that will hold 598 cars less than a ½ mile south, plus 2 additional lots with over 200 spots each. These too will add a great deal of traffic over the questionable bridge and during heavy hours. With our lack of affordable/any local housing, and growing space industry the housing is inevitable. However, why would we add UNNECESSARY traffic on top of what we already know is adding to an existing issue?

In the traffic study presented by Matt Philips, it uses old data from 2018, what about a traffic study that included the currently being built parking lot, new residential areas and when the businesses and school are actually in session and not teleworking. What can the barge canal bridge actually hold and the intersection just past.

The entrance to the parking lot is Duval Street. This is the only entrance into the Sunset Groves community and regular has traffic back-ups for residents coming and going. GoPort states that their customers will not cause any back up, however GoPort also owns the cruise parking at the closed DoubleTree in Cocoa Beach, and (in non COVID times when cruises are running) there are regularly backups on A1A while people wait to get into their lot. If the cruisers coming into town are waiting for spots, that haven't been vacated by cruisers on a boat that was running late, there is opportunity for major early morning congestion in this area.

Please tell me how you won't cause a back-up when cruise ships unload arriving passengers and then board new passengers generally in a 4-5 hour time frame. On average, there are 2-4 ships arriving and departing each day. Ref: <http://crew-center.com/port-canaveral-florida-cruise-port-schedule-september-december-2020>. This also shows that they don't need their bar open longer than 4-5 hours, and Florida State Law states alcohol licenses the business needs to be open for at least 8 hours!

**Community Impact** -The restaurant/bar is only open to GoPorts clients. They plan to serve alcohol from 9:30am to 1:00 pm. However, as one of the NMIAB members pointed out after calling the state board, the state requires 8 hours of operation for businesses with liquor licenses (so will they really only stay open until 1:00 pm as stated?). And a new restaurant/bar on North Merritt Island might be cool! But why grant a CUP for a business that doesn't benefit the local community whatsoever? If you are thinking- well what if they change to let locals visit? That doesn't work because their business plan is to use all 237 parking spots for cruise clientele, aside from 5 for employees, which are contact and part-time. So not adding jobs to the community.

**Parking-**I believe this is already a developed site from their proposed site plan they showed various uses for the current buildings. If that is the case they need account for the parking code uses for the building, which cannot be used for the overnight parking use. If you take into account the uses they indicate, per Brevard County Planning and zoning, they say that the building accounts for 84 spots. Then take into account the 54 spots in the FLP easement, which per FLP they are not allowed to use for overnight parking, only overflow parking. You now take that 237 down to a very small number for overnight parking.

At the NMIDSIB (See meeting minutes, page 10 and 11) – Chris Cook (NMIDSDB board member) asked the applicant, “Also, I see there’s an FPL easement across the property (meaning...there is a 100’ FPL Easement along the southern portion of the property). Do you have a permit from FPL to do long-term parking on it?”

Kim Rezanka, the applicant’s lawyer replied, “We don’t need one, because there’s a parking space there.” And once again, “We don’t need one.”

According to the “Keep Easements Safe and Free From Obstructions information flyer” available on the FPL website...“Items that may not be placed within FPL easements include temporary or permanent buildings, barns, storage sheds, swimming pools and enclosed patios because they prevent safe access. Overflow parking, fences, trees and other landscaping may be permitted within FPL easements subject to proper review and approval.” We are here because the applicant is wanting to change the use of the property to Overnight Parking and add a fence around the property, including the area within the easement, according to the Proposed Site Plan. Therefore, it needs to be reviewed and approved by FPL.

we have been in contact the FPL Real Estate Officer in Daytona that deals with these matters Brevard County, Ms. Peany Schwahl. As the flyer states, Ms. Schwahl stated that easements could be used for temporary overflow parking, not commercial overnight parking. Temporary as in an hour or two. Overflow, as in you were having an event and ran out of parking elsewhere.

She also stated that...yes, the applicant would need to send it to FPL for review and approval. Also, when the property was built in 2005, the owner failed to get a consent agreement. So, it’s out of compliance.

According to the flyer, to request a review of your proposed use of an FPL easement on your property, please visit [FPL.com/land use](http://FPL.com/land use) or call 1-800-FPL-4FPL (1-800-375-4375). Or if you want I can give you the email for Ms. Schwahl.

**Environmental-** Their permitted storm water system is out of compliance in numerous areas and adding flooding to areas adjacent to the permitted area, and SJWMD has already been out to address some the deficiencies, which some but not have been addressed. In addition, the current owners of the property, MI Plaza Group, LLC, have not changed the permit into their name and from what I have observed; they propose to make alterations to the permit without getting a modification. The proposed plans include adding additional parking spaces/impervious area for a proposed commercial overnight cruise parking lot and restaurant/bar for patrons. Lastly, their mortgage document state that their mortgage can be terminated if in environmental non-compliance if the mortgage company is not notified in 10 days. GoPort was notified by SJWMD to be deficient on June 19<sup>th</sup>, I am guessing their mortgage company doesn’t know this!

Thank you for taking your time to read by numerous reasons to oppose these change of removing of an existing BDP, adding a CUP for an Overnight Commercial parking Lot and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial park) zoning classification.

You can see from the data provide that they do not have a clear business plan nor one that will benefit the community. They even show that this is not a safe idea and doesn’t benefit the community. I charge you with challenging Mr. Phillips to do what he said; “fill the strip mall up with local businesses!”

Regards,

Jessica Beal

**Commissioner, D1**

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**From:** DSTJEAN3@cfl.rr.com  
**Sent:** Wednesday, July 8, 2020 1:03 PM  
**To:** Commissioner, D1  
**Subject:** 2nd Parking Garage for N. Merritt Island  
**Categories:** MARCIA

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners,

We are Brevard County residents at 738 Mandalay Grove Court in North Merritt Island and strongly oppose the building of another parking facility in our area.

Traffic over the Barge Canal Bridge and the Intersections of SR3 and 528 is already horrendous and dangerous. Those of us who live north of the bridge are daily impacted by the amount of traffic already served. Even the first parking lot is a very bad idea. The Port has the resources to build parking lots at the Port or in Cape Canaveral. Using North Merritt Island as infrastructure would necessitate using the Barge Canal Bridge at least 4 times for every car parked. Does the Commission have immediate plans to alleviate the already burdened Bridge?

I'm sure the Commission is aware of the ongoing development of residences in North Merritt Island. Further impacting the roadways and bridge is the traffic that carries workers to and from the Kennedy Space Center. What is desperately needed are things like grocery stores, pharmacies, etc. Maybe it would be in our best interest to attract services that would benefit our residences rather than negatively impacting them.

We urgently request that the petition for additional Port parking be denied in order to preserve our way of life and help alleviate additional traffic and stress in our area.

Respectfully,

Michael and Dana St. Jean

**Commissioner, D1**

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**From:** Suzanne Perucci <suzchefbiz@gmail.com>  
**Sent:** Wednesday, July 8, 2020 12:23 PM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Cc:** Perucci Suzanne  
**Subject:** parking facilities for the cruise lines  
**Categories:** MARCIA

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

RE Action ID# 20PZ00027.

I currently live on North Merritt Island, north of the barge canal. I've seen a lot of positive development over the years. However, the current practice of turning North Merritt Island into a parking facility for the cruise lines concerns me for many reasons. The first concern is safety. The Florida Department of Transportation has already identified the intersection of SR528 and SR3 as one of the ten most dangerous in Brevard County. To add the volume of traffic that multiple parking facilities have the capacity to add to this already dangerous intersection doesn't seem wise and is certain to make this area even more dangerous!!! To compound the danger, they have added an entrance and exit for a multi-acre parking facility directly off SR3 and within a short distance from the bottom of the barge canal ramp. My second concern is for the Indian River Restoration, as these parking facilities all propose to have their storm-water runoff deposited into the barge canal. We all know that the automotive pollutants float on top of the water during a rain event, and that means acres and acres of vehicles will be adding all kinds of pollutants to a very fragile ecosystem. The IRL restoration is high enough on Governor DeSantis' list that he spared it in the recent \$1B budget cuts. My next concern is that that intersection is not designed to handle the volume of traffic that is now destined for that area, and FDOT has indicated that there is not sufficient real estate available to improve that intersection. Also, that particular intersection is a single point failure for the evacuation route for all of Merritt Island and surrounding areas. I have other concerns that are of equal importance for consideration, but I don't want to overwhelm you!!! Please do not continue the practice of turning every inch of our area into all kinds of parking facilities. By not approving parking facilities on Merritt Island you will keep our roads a little safer, work towards Governor DeSantis' IRL goal of restoration, and provide safe passage for any citizen using this evacuation route in a time of emergency, hurricane or other!!

Thank you for your time to read these concerns, I appreciate it.

Suzanne and Joseph Perucci  
Cedar Creek Circle  
MI, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**Commissioner, D1**

**From:** Beverly Crowell <beverly.crowell@gmail.com>  
**Sent:** Wednesday, July 8, 2020 10:21 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Action ID#20PZ00027  
**Categories:** MARCIA

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As 21-year residents of North Merritt Island, FL, I am writing to respectfully ask that you deny Action ID #20PZ00027 for another overnight cruise parking area at 3345 N. Courtenay Pkwy. With the recent increase of housing developments and work at Kennedy Space Center, traffic is already becoming congested specifically at the barge canal bridge. We have one cruise parking area nearly complete by the barge bridge and as residents are already concerned about the additional traffic headaches it will create, not to mention safety concerns during inclement weather. Any additional cruise parking north of the canal bridge will only continue to add to our traffic congestion and add little value for the residents who live here. Please vote NO.

Thank you,  
Beverly & Thomas Crowell  
3719 Sunward Drive  
Merritt Island, FL 32953

Objection  
20PZ00027  
MI Plaza Group

**Commissioner, D1**

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**From:** Rajeev Gohil <rajeevx7@hotmail.com>  
**Sent:** Wednesday, July 8, 2020 6:48 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** FOR proposal ID# 20PZ00027  
**Categories:** MARCIA

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello team,

I've been made aware that you will be voting on this proposal this week through the Facebook Neighborhoods website/app. I am unequivocally FOR the new cruise parking.

I have read the proposal written by the business and there are no novel or unaddressed concerns being brought fourth by my neighbors of North Merritt Island. All the complaints and psuedo-logic are clearly refuted by the studies done by the corporation as well as common sense regarding two facts; the parking spaces have been approved there for years and by unfortunate economic downturns have NEVER been fully utilized and NASA employs far less people that commute across our neighborhood than when the original parking lot was approved and constructed. In other words, even with a new successful and thriving business the congestion concerns will still be exponentially smaller than a full thriving shopping complex and space program pre-2010-2012 layoffs.

The entire argument against a new parking lot can be surmised in two notions :

- 1) "who moved my cheese"
- 2) "our free-market capitalism is the best in the world and anyone can make it due to our freedoms, but don't you dare try that in my neighborhood"

I do believe in a free-market capitalist's society and would encourage you to give this business proposal a chance at success.

Thank you, North Merritt Island Resident since 1993 Raj Gohil

**Commissioner, D1**

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**From:** kathleen mccoy <k8.a.mccoy@gmail.com>  
**Sent:** Tuesday, July 7, 2020 10:06 PM  
**To:** Commissioner, D1  
**Subject:** Merritt Island Rezoning action ID#20PZ00027

**Categories:** MARCIA

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Rita Pritchett,

As a resident and homeowner on North Merritt Island I am writing to voice my concern about the request for more cruise parking on North Merritt Island.

I hope you will deny the rezoning request for a parking lot and bar on Courtenay Pkwy and Duval St. First of all, traffic in this area has been steadily growing due to new residential developments, Space Center traffic and the 3 other parking facilities already approved. Building another parking lot will make traffic even worse. The main problem with our traffic pattern is the barge canal drawbridge, which I hope you are taking into consideration.

This is a residential portion of Merritt Island. We are dependent on the barge canal bridge to go south on Courtenay to get to schools, the hospital, groceries and to access the major highways. Giving these tourists/cruise patrons alcohol will only make matters worse when they are put on our streets.

I can only hope that when you vote on this rezoning request you consider if you personally would want this parking lot/bar outside your neighborhood and vote no. These parking lots do not contribute to our community.

Could you please consider projects in the future that are a positive for the residents and, as a plus, may be aesthetically pleasing? My neighbors and I do not want to live in the middle of parking lots and storage areas for the Port.

Thank you,

Kate McCoy  
630 Wild Flower St.  
Merritt Island, FL 32953

July 8, 2020

To: Jennifer Jones  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Meeting Disclosure

Ms. Jones,

In regards to the upcoming agenda item H. 13 for the Planning & Zoning meeting on July 9<sup>th</sup>, 2020, please be advised in advance that Commissioner Tobia spoke with the following parties via telephone, separately, on July 6<sup>th</sup>, 2020.

Kim Rezanka, Esq.

Mike Shah

Hon. Mike Harridopolis

Each phone call lasted approximately ten minutes, during which the above individuals provided information regarding the above-referenced item.

Sincerely,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS



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  
 20PZ00027  
 MI Plaza Group, LLC**

- 1.) CUP (Conditional Use Permit) for Overnight Commercial Parking Lot;
- 2.) CUP for Alcoholic Beverages (full-liquor) for On-Premises Consumption in Conjunction with a Restaurant in a PIP (Planned Industrial Park) Zoning Classification;
- 3.) Removal of Existing BDP (Binding Development Plan)

Tax Account Numbers: 2459306 and 2442552  
 Parcel I.D's.: 24-36-11-00-288.A-XA and 24-36-11-00-288  
 Location: 3345 North Courtenay Parkway, Merritt Island (District 2)  
 Acreage: 5.48 acres (Removal of Existing BDP and CUP for Overnight Commercial Parking Lot; 3,100 square feet (CUP for Alcoholic Beverages for On-Premises Consumption)

North Merritt Island Board: 04/09/20  
 Board of County Commissioners: 05/07/20

**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>	PIP, with BDP (Binding Development Plan)	Removal of Existing BDP and establish a CUP for Overnight Commercial Parking Lot and CUP for Alcoholic Beverages (full-liquor) for On-Premises Consumption in Conjunction with a Restaurant
<b>Potential*</b>	82,485 sq. ft.	82,485 sq. ft.
<b>Can be Considered under the Future Land Use Map</b>	YES PI (Planned Industrial)	YES PI (Planned Industrial)

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

## Background and Purpose of Request

The applicant is seeking three requests: 1) A CUP for Overnight Commercial Parking Lot; 2) A CUP for Alcoholic Beverages (full-liquor) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant. 3) The removal of existing BDP (Binding Development Plan) that placed conditions on a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant.

The applicant is proposing to change the existing use of a shopping center to cruise parking and overnight parking with related services, including a restaurant with full liquor. The proposal is for a park-and-ride lot with patrons transported by busses to the cruise ships in Port Canaveral. This is the first overnight commercial parking lot to submit a request for a Conditional Use Permit (CUP) since the code (Section 62-1941.3) was created in 2018. The specific criteria will be discussed later in this report.

The parcel is 5.48 acres and is currently developed with a 21,344 sq. ft. one story business complex and a 6,039 sq. ft. one story warehouse. The applicant states there are 207 existing parking spaces and that they will increase the parking to 237 spaces. Phase II of the development plan called for an additional 10,000 sq.ft. business complex space that was not built.

On August 16, 2019, staff prepared a zoning verification letter outlining what the current entitlements were on the property and process to re-start previous approval(s) that have since expired.

January 25, 2010, the parcel was approved for a CUP (**Z-11532**) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant along with a BDP limiting the CUP. The BDP had nine restrictions that limited the use and time of the restaurant. This CUP expired after three years on February 4, 2013, since no alcoholic beverage license was obtained.

August 2008, the parcel was denied a CUP (**DNZ-11436**) for of Alcoholic Beverages for On-Premises Consumption. The application was denied due to incompatibility with the surrounding neighborhood and access.

February 2005, the parcel was denied a CUP (**DNZ-10949**) for of Alcoholic Beverages for On-Premises Consumption. The application was denied based on incompatibility with the surrounding neighborhood and the diminutive property values.

September 1993, the parcel was Administratively Rezoned (**Z-9209**) from Light Industrial (IU) to Planned Industrial Park (PIP). Policy 10.2 from the 1988 Brevard County Comprehensive Plan states that, "*the Planning and Development Services Department may initiate administrative rezonings for those properties that are found to be inconsistent with the Future Land Use Map at the time of a development permit application.*" As a result of the North Merritt Island Study, the Board changed all IU to PIP and the FLUM from Industrial to PIP to reduce the blight from potential development on this corridor.

May 1976, the parcel was rezoned (**Z-4062**) from Agricultural Residential (AU) to Light Industrial (IU).

#### **Land Use**

The Future Land Use on the subject property is Planned Industrial (PI). The zoning classification is Planned Industrial Park (PIP) and can be considered in the PI (Planned Industrial) Future Land Use designation and is part of the North Merritt Island Special District.

#### **Environmental Constraints**

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

#### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is North Courtenay Parkway between North ramps of State Road 528 and Hall Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 49.87% of capacity daily. The maximum development potential from the proposed application does increase the percentage of MAV utilization by 0.60%. The corridor is anticipated to continue to operate at 50.47% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this is a planned industrial development. It is anticipated that no students will be generated by this proposed development.

The subject property is served by City of Cocoa potable water and Brevard County sewer. At site plan review, the applicant will be required to submit a capacity letter.

#### **Applicable Land Use Policies**

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.** The subject property is currently developed with commercial and warehouse buildings and lies within the PI Future Land Use designation. Abutting this parcel to the north is Duval Street; the parcel directly across Duval Street to the north is zoned PIP and is currently developed with commercial and warehouse buildings and lies within the PI Future Land Use designation. Abutting this parcel to the east is North Courtenay Parkway; the parcels directly across North Courtenay Parkway to the east are zoned PIP, BU-2 and IU are currently developed with commercial and warehouse buildings and they all lie within the PI Future Land Use designation. The parcel lies within the PI Future Land Use designation. The two parcels to the west are vacant utility and drainage Tracts "G" and "I" zoned Estate Use residential (EU-2) under a Binding Development Plan (BDP) recorded in ORB 3338 Pages

3748 thru 3754 dated November 8, 1993, for the Sunset Groves Unit 2 subdivision and they lie within the Residential 4 (RES 4) Future Land Use designation.

Proposed uses, the applicant states: Proposed property improvements will use the existing office/retail complex and the associated parking for services catered to bus tours and car travelers heading to and from Port Canaveral cruise ships. This business is not open to the public and will only be accessible to customers that make reservations ahead of time with the company. The number of patrons that have access to the business are further limited by the number of reservations available. The operating hours (6:00am-4:00pm) and time separation between departing and arriving guests have less of an impact on traffic in the area than the current building use does.

Proposed Improvements, the applicant states: The proposed development utilizes the buildings for retail, a restaurant, pool hall, and office space, within the existing allowable use with the exception of On-Premises Consumption of Alcohol. The CUP would allow for On-Premises Consumption of Alcohol during the business operating hours of 6:00am-4:00pm. The vacant land in the center of the property will be used as Commercial Overnight Parking for cruise terminal patrons. The area will add 30 parking spaces to the existing 207, for a total of 237 parking spaces on the property. Forty-seven parking spaces are required for the proposed new business (GoPort) per County code. Because the property will not be open to the public, the remaining parking spaces will be available to patrons with advance reservations for overnight parking as part of the service package offered by the business.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area along the west corridor of North Courtenay Parkway is PIP zoning and are developed with commercial and warehouse buildings and lies within the PI Future Land Use designation. The developed character of the property west of the subject property is residential, the Sunset Groves subdivision.

#### Policy 3.2 - Role of Zoning Regulations in the Designation of Industrial Lands

Zoning regulates the specific types and intensities of uses. Criteria which aid in assessing zoning compatibility shall consider the following standards:

Criteria:

- A. Permitted/prohibited uses;
- B. Existing industrial zoning trends in the area;
- C. Compatibility of proposed use with area;

Staff analysis:

The application can be considered under the current zoning classification. In 2018, the Code was changed to require a CUP for overnight parking of commercial vehicles in a PIP zoning classification due to the off-site impacts. The applicant must provide clear and convincing evidence that the application addresses any off-site impacts associated with the proposed use. Based on the existing development trends, the surrounding area is developing in accordance

with the established land use and zoning patterns. In two other previous applications on the property for alcoholic beverages, the Board denied both citing incompatibility with the surrounding area. The properties to the west of the subject property are residential while the properties to the north, south, and east are commercial and industrial. Duval St. which is directly north of the subject property provides the only access to the Sunset Groves subdivision to the west. The applicant intends on using this (two access points along Duval Street) for access together with the existing right-in right-out connection on N. Courtenay Parkway. (See page #9, applicant's response).

### **Surrounding Area**

The area surrounding the subject property is a mix of residential to the west and commercial and industrial along North Courtenay Parkway. The properties along North Courtenay Parkway have PIP zoning and are developed with commercial and warehousing buildings with a Future Land Use (FLU) designation of PI.

There has been one zoning action within a half-mile of the subject property within the last three years. On November 22, 2017, application **17PZ00005** changed the zoning from SEU (Suburban Estate Use) to EU-2 (Estate Use 2) on two parcels totaling 26.11 acres located approximately 730 feet in an easterly direction from the subject parcel.

The parcel directly across Duval Street to the north is zoned PIP. The parcels directly across North Courtenay Parkway to the east are zoned PIP, BU-2 (Retail, warehousing and wholesale commercial) and IU (Light industrial).

There have been three other Overnight Cruise Parking developments in the general vicinity of the subject property along North Courtenay Parkway which promulgated the additional Code requirements as outlined in 62-1941.3 requiring a CUP. They are as follows:

The abutting parcel to the south is zoned PIP and is a vacant parcel with a proposed site plan **(16SP00032)** for cruise parking with 221 parking spaces. PIP is the second lightest industrial classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements. The abutting parcels to the west are zoned EU-2.

Two parcels to the south is zoned PIP and is partially vacant (veterinarian office and pet boarding) parcel has a proposed site plan **(18AD00005)** for cruise parking with 244 parking spaces. The site plan has not been approved. The abutting parcels to the west are zoned EU-2 under a BDP.

The next closest cruise ship parking is approximately 1,385 feet south located on the southeast corner of North Courtenay Parkway and Smith Road. This site plan **(18SP00008)** was approved on February 28, 2019 with 598 spaces, and is currently under construction. Staff has received 26 calls citing concerns with traffic closures when the barge canal is open when construction began with 18SP00008.

### **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 6-9 of the administrative policies. 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, Section 1941.3 overnight commercial parking lot and Section 62-1906, on-premises consumption of alcohol.

#### **Sec. 62-1941.3 Overnight commercial parking lot.**

Overnight commercial parking lots are those commercial parking lots which offer 24-hour or longer extended parking for motorized vehicles. Overnight commercial parking lot use is a conditional use in the BU-1, BU-2, PBP and PIP zoning classifications; however, when an overnight commercial parking lot use is located within IU or IU-1 zoning, it shall be considered a permitted with conditions use. Both types of overnight commercial parking lots are subject to the provisions of this section. The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP or PIP. For sites zoned: IU or IU-1, the minimum lot size is two acres.

*Staff's Observation: The property is 5.48 acres in size. North Courtenay Parkway is designated as an Urban Principal Arterial roadway.*

- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.

*Staff's Observation: The site plan demonstrates adequate parking. There are 153 surplus parking spaces on-site.*

- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. Secondary or accessory parking facilities that have demonstrated compliance with condition (2) above shall only be performed from paved parking spaces.

*Staff's Observation: The site plan shows that all drive aisles and parking spaces will be paved.*

- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers to and from the overnight commercial parking lot. Shuttle routes shall avoid residential areas.

*Staff's Observation: A routing map has been provided. Of particular concern is that the route travels south across the Barge Canal bridge that opens when boats go through, thereby blocking traffic. The western entrance along Duval St. will be used as their primary entrance.*

- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review to assist in determining if additional roadway improvements are warranted.

*Staff's Observation: A traffic study has been prepared by the applicant. If the applicant from the adjacent cruise parking project wishes to submit a letter stating that they will not proceed with their project and acknowledging that any restart of development will require that they start a new application, then we will not be concerned with the combined project trips. In this case, you only need to look at whether the turn lane is adequate for the existing trips plus trips from your proposed project.*

- a. The applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements.

*Staff's Observation: with the publication of this report, the applicant will be made aware of this provision.*

- b. The site plan shall be designed and the site constructed to facilitate all peak hour trips on site so there is no queuing in any public right-of-way.

*Staff's Observation: The site plan does not demonstrate that the site can accommodate appropriate queuing on-site.*

- (6) Applicant shall submit a site plan consistent with chapter 62, article VIII after board approval of the CUP.

This second CUP 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's Observation: A survey has 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.

*Staff's Observation: 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. The applicant proposes to have 100 seats at this location. No outside expansion is proposed by the applicant. If an outdoor seating area is proposed in the future, the owner would be required to file for an updated CUP for the alcohol expansion area as required by Section 62-1906 (6) of Brevard County Code.*

#### **General Standards of Review**

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

Applicant's Response: The project is in compliance with all elements of the Comprehensive Plan. The On Premises Consumption of Alcohol proposed in the CUP application is in conjunction with a small restaurant and is consistent with the Commercial use of the property and the Future Land Use designation. (1) The number of persons using the facilities, to include Commercial Overnight Parking, on the property will be limited to patrons arriving and departing from the cruise terminal at Port Canaveral. (2) Though not expected to change with the CUPs requested in this application, noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities will not impact neighboring properties. The business operating hours are from 6:00am-4:00pm and in addition to the access control and fenced perimeter, there is a 130± sf. wetlands vegetation buffer between the businesses and the adjacent residential

property. (3) The site of the Conditional Use Permit is located with convenient and direct access at an arterial intersection.

*Staff's Observation: The restaurant is proposed to contain 100 seats within 3,100 square feet, exclusive of any outdoor seating area, with full liquor use is proposed. A CUP for on premises consumption of alcoholic beverages (beer and wine only) in conjunction with a restaurant was approved via zoning action CUP (Z-11532) in Conjunction with a Restaurant along with a BDP limiting the CUP. This CUP expired after three years since an alcoholic beverage license was not obtained. The applicant states there are 207 existing parking spaces. A restaurant requires one parking space per 100 sq. ft. of restaurant area which would require 31 spaces.*

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 use will be compatible with the character of adjacent and nearby properties with regard to use, function and operation. The hours of operation for the facilities will be limited, with patron access between 6:00am and 4:00pm only. The type and amount of traffic generated will be as modeled by the Traffic Engineer in the attached Traffic Study. The building size and setback will not be altered. Parking availability will be limited to cruise patrons utilizing the Commercial Overnight Parking. The existing site indicates three points of ingress and egress to the property, which will be common to all the uses of within the property.*

*Staff's Observation: Board may consider having a condition that the restaurant be limited to and only open to cruise patrons utilizing the Commercial Overnight Parking only and not open to the general public. The hours of operation will be 6am to 4pm. The calculated parking required as follows:*

- *31 parking spaces for 3,100 square feet of restaurant/bar use (one space per 100 sq.ft.)*
- *11 parking spaces for 3,500 square feet of business complex use. (one space per 325 sq.ft.)*
- *42 parking spaces for 20,818 square feet of warehouse/storage use. (one space per 500 sq.ft. of use).*

*84 required spaces based upon credited for 27,418.04 square foot buildings. Based on the proposed site plan, there is 153 surplus spaces available for overnight commercial parking.*

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.

Applicant's Response: The property will be owner operated and will be maintained with minimal to no impact to the neighborhood. It will be a specialty place that caters only to the cruise industry. The proposed improvements will not reduce property value.

*Staff's Observation: Parcel is in a PIP zoned corridor along the west side of North Courtenay Parkway, however the west property line abuts two parcels that are vacant utility and drainage Tracts "G" and "I" for the Sunset Groves Unit 2 subdivision and have EU-2 (Estate Use) zoning under a BDP.*

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.

Applicant's Response: The existing site indicates three points of ingress and egress (SR 3 and Duval St.) to the property and they are common to all the uses of within the property. This site has been approved as exists for Emergency ingress and egress from the property and there will not be any changes to the site that is built and approved by the County with the exception of adding security gates that will be addressed with the Fire Department for code requirement, location, and access.

*Staff's Observation: The subject parcel has two driveways to the north to Duval Street and one driveway to the east to North Courtenay Parkway. Duval Street is the road to ingress and egress the Sunset Groves subdivision to the west of the parcel and was platted in Sunset Groves Unit One. All traffic heading north on Courtenay Parkway needing to access the subject parcel has to turn on to Duval Street or do a U-Turn on North Courtenay Parkway to access the driveway on the east of the parcel.*

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 of the property as stated in the CUP is similar in intensity and hours of operation and is not likely to cause nuisances such as noise, odor, smoke, glare, electrical interference for the surrounding properties and/or the County as a whole. Please note that the hours of operation for this facility will be between 6 AM to 4 PM and the use is very much consistent with the allowable use today with the exception of On

Premises Consumption of Alcohol and Commercial Overnight Parking tailored to cruise patrons.

*Staff's Observation: Parcel being used for proposed Cruise Parking will have buses to carry passenger to port. Buses may create additional noise and exhaust odor.*

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271 of the Code, which includes the following:

Maximum Permissible Time Averaged (Leq)  
A-Weighted Sound Pressure Limits for Receiving Uses

Type of Use	Time Period	Maximum Allowable Sound Pressure Level
Residential	7:00 a.m. to 10:00 p.m.	60 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Commercial	7:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Industrial	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	65 dB(A)

**Note: Additional requirements may apply. Refer to Section 62-2271 for full noise specifications.**

Applicant's Response: Noise levels will not exceed limits listed above.

*Staff's Observation: Parcel being used for proposed Cruise Parking will use buses to carry passenger to port. Buses may create additional noise (back-up indicator) and exhaust odor.*

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: Solid waste disposal, potable water, or wastewater services are available to the site and shall not be exceeded. This property is located in the County Rural area service. Potable water is provided to the site by the City of Cocoa, Sanitary Sewer and Solid Waste services is provided by the County. The location of these facilities are existing and we do not anticipate any modifications. In addition, the property will be used by patrons frequenting the cruise lines that will limit the requirement for additional service outside what is provided for currently.

*Staff's Observation: The subject property is served by City of Cocoa potable water and Brevard County sewer and solid waste. A capacity letter will be required at site plan.*

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: Due to there being less traffic generated and the limited number of patrons, this property will not exceed potable water and wastewater limits.

*Staff's Observation: According to the applicant's traffic study, the proposed use will have less impact than the existing allowed uses.*

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: Screening and buffering with reference to type, dimensions and character are a part of the approved, existing system that will not be altered.

*Staff's Observation: Parcel appears to have natural screening along the west and south however, additional landscaping or a block wall may provide buffering to existing residential uses of the adjacent property.*

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: Signs and exterior lighting are existing and conform to county standards for with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the area. There are no anticipated changes to the existing development and the associated signage and there will be no changes to the existing structures without additional permitting. Changes can be accommodated within the parameters established in the Land Development Regulations and will not require waivers to accomplish. In addition, any changes in the lighting will be reviewed by the County Staff during the permit review processes and shall meet or exceed the County requirements.

*Staff's Observation: Any new signs will need a building permit and meet section 62-3316 for on-premises signs. Lighting will need to meet Lighting Standards in section 62-2257.*

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: Hours of service for this new establishment will be from 6 AM to 4 PM, which is less than the majority of the properties in the vicinity of the site (commercial uses, with several operating 24 hours a day).

*Staff's Observation: The noise ordinance has a higher standard from 6am to 7am which is 55 db(A). From 7am to 10pm it is 65db(A).*

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: There will be no additional building construction.

*Staff's Observation: There are existing commercial and warehouse building on parcel. A site plan will be required as for the overnight commercial parking lot. Any addition to the buildings will require site planning and building permit.*

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: Off street parking and loading areas, where required, will remain the same with particular attention to ingress and egress. The existing site has a total of 207 parking spaces, all of which are within the parcel. There was a surplus of parking in the existing site condition and there is additional parking proposed with the establishment of the CUP for Commercial Overnight Parking. A traffic study was generated to determine the impact of the new versus the existing use. Attached is a copy of the report. The traffic study concluded that the proposed use of the site can be accommodated on the subject property with less impact than what is existing (retail/office) and the Conditional Use Permit will further assert this specific use.

*Staff's Observation: All parking and loading should be located on parcel and not within the ROW.*

#### **For Board Consideration**

The applicant is seeking three requests: A CUP for Overnight Commercial Parking Lot; CUP for Alcoholic Beverages (full-liquor) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant; and the removal of existing BDP (Binding Development Plan) that placed conditions on a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant

The Board should consider the compatibility with the surrounding area of the proposed CUP for Overnight Commercial Parking Lot and the impacts with the three other cruise parking lots along North Courtenay Parkway and the traffic concerns when the barge canal is open. The Board should also consider removal of the existing BDP and the conditions it imposed together with the proposal of the new CUP request for full liquor.

If approved, subject to the conditions of Section 62-1906 and section 62-1941.3, the Board may wish to retain some of the existing BDP conditions or impose additional conditions to mitigate the impact on the surrounding area and neighborhoods. Such conditions could include:

- a. Additional landscaping buffer or block wall along the westerly and southerly boundaries.
- b. Turn lane analysis will be required with the site development plan, to be reviewed by Brevard County Traffic Engineering, reviewed and permitted by FDOT, and the applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements prior to utilizing the site for cruise parking.
- c. Queuing of vehicles are prohibited along all public ROW's. A queuing plan shall be submitted with site plan demonstrating sufficient queuing distance, on-site.
- d. No parking signs shall be installed along the north and south sides of Duval St.
- e. Increased queueing distances on-site
- f. Limiting hours of restaurant and bar
- g. Limiting the seats of the restaurant
- h. Limiting to beer and wine only
- i. No outside entertainment activities
- j. Limit number of overnight commercial parking, based on available surplus parking

The Board may wish to consider the approval of a portion of the request and only one of the CUP's or deny the entire request.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
CUP Review & Summary  
Item # 20PZ00027**

**Applicant:** Matthew Phillips

**Request:** Applicant wants to remove BDP, add a CUP for overnight commercial parking, & add CUP for consumption of alcohol – full liquor

**NMI Hearing Date:** 04/09/20; **BCC Hearing date:** 05/07/20

**Tax ID No:** 2459306

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Indian River Septic Overlay
- Protected Species
- Landscape Requirements

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**Wetlands/Hydric Soils**

The subject parcel contains mapped NWI wetlands and hydric soils (Basinger sand) as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps. A 0.776-acre wetland conservation easement exists on the western portion of the property as shown on plans and the survey submitted in the application under 20PZ00027. Impacts to wetlands in this conservation easement will not be permissible. Prior to any plan design or permit submittal, the applicant is encouraged to contact NRM at 321-633-2016.

**Aquifer Recharge Soils**

Basinger sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

**Indian River Lagoon Septic Overlay**

The entire property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

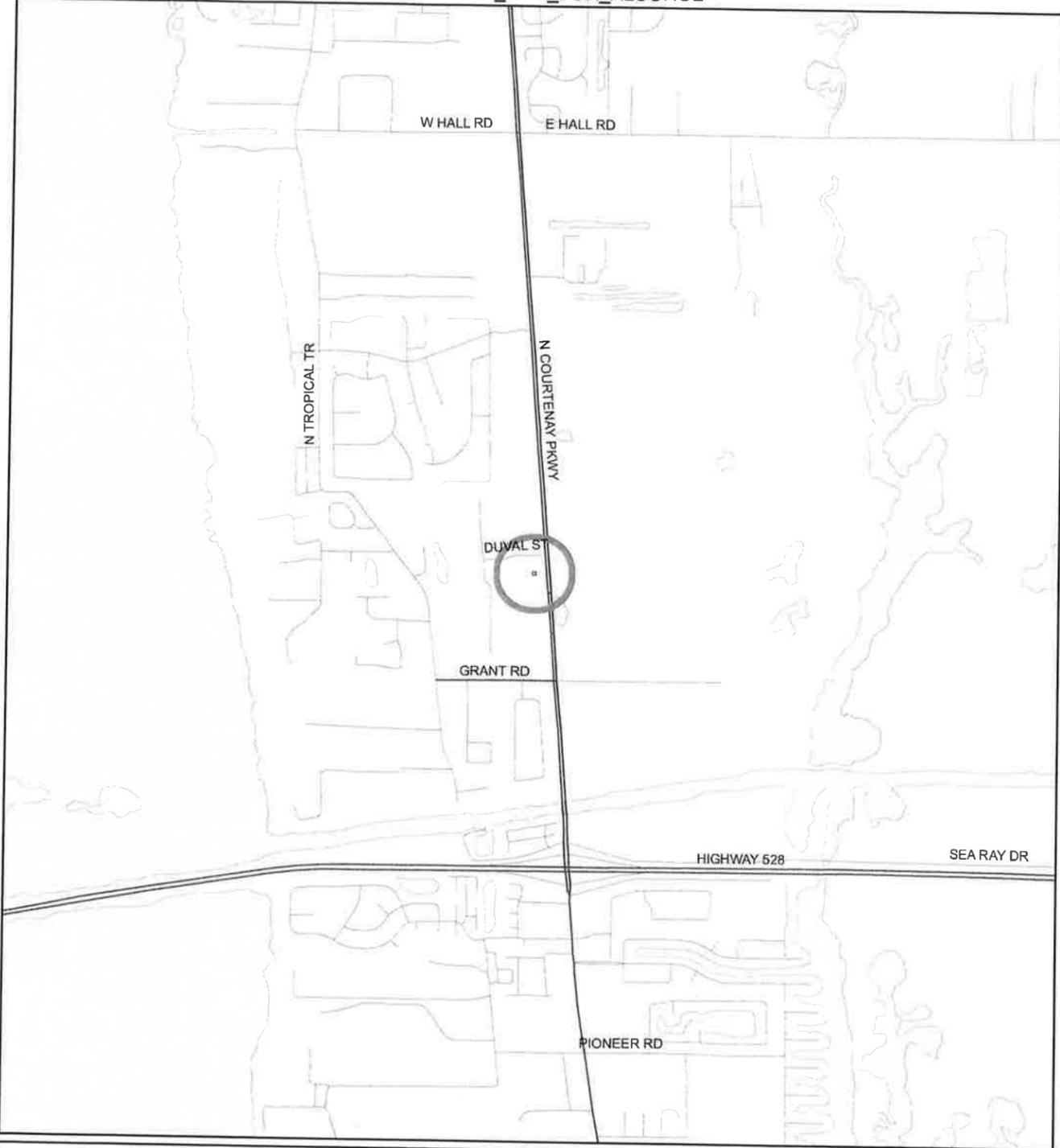
**Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

**Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

**LOCATION MAP**  
MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



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: 3/12/2020

-  Buffer
-  Subject Property

# ZONING MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



1:4,800 or 1 inch = 400 feet

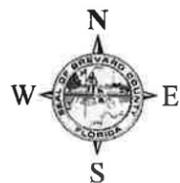
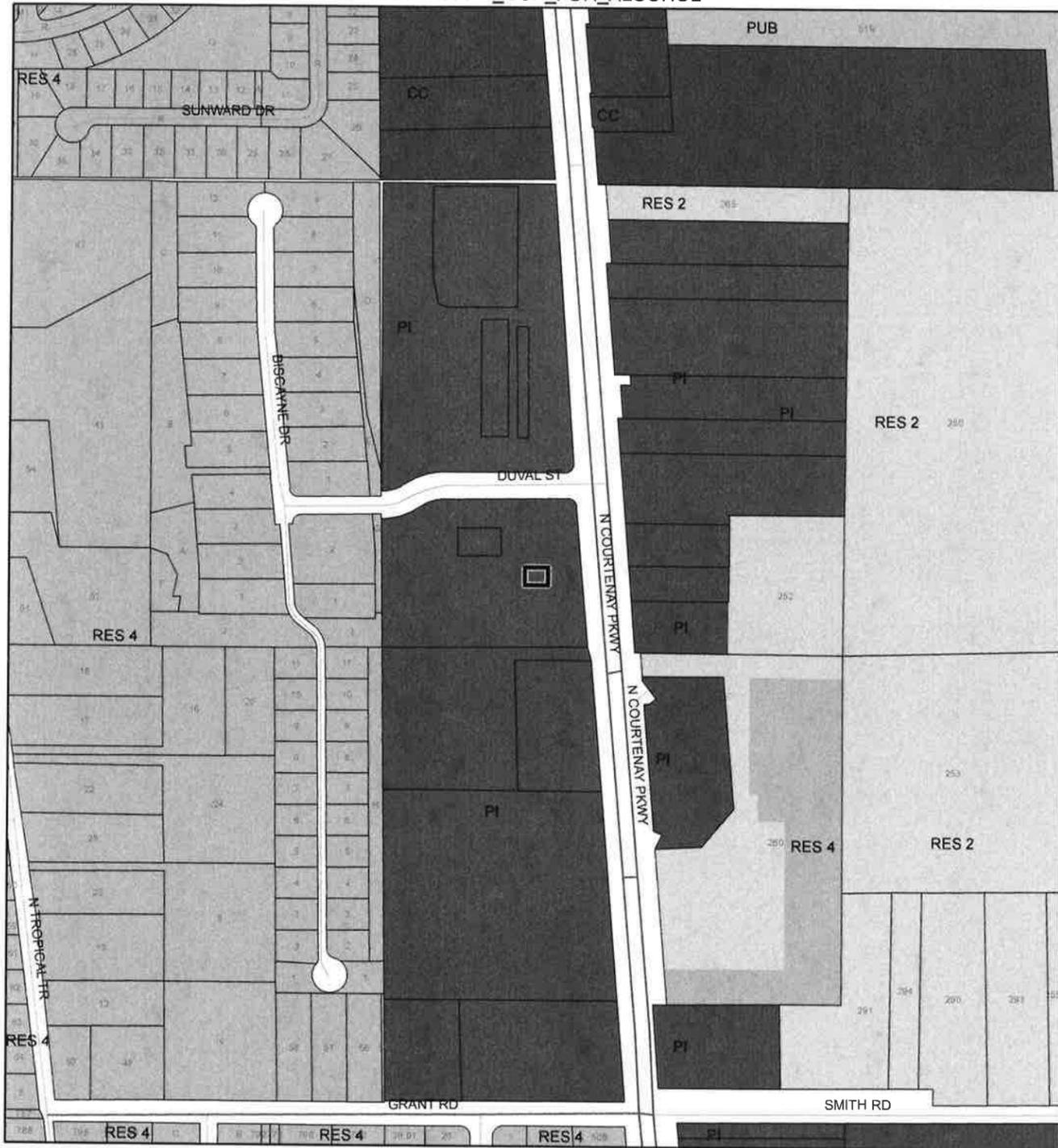
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



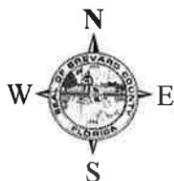
1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

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Produced by BoCC - GIS Date: 3/12/2020

AERIAL MAP  
MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2019

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: 3/12/2020

— Subject Property  
□ Parcels

# NWI WETLANDS MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL

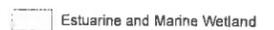


1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2020

### 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

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



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: 3/12/2020

## 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

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



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: 3/12/2020

### USDA SCSSS Soils

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

# FEMA FLOOD ZONES MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



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: 3/12/2020

### FEMA Flood Zones

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

# COASTAL HIGH HAZARD AREA MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



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: 3/12/2020

— Subject Property

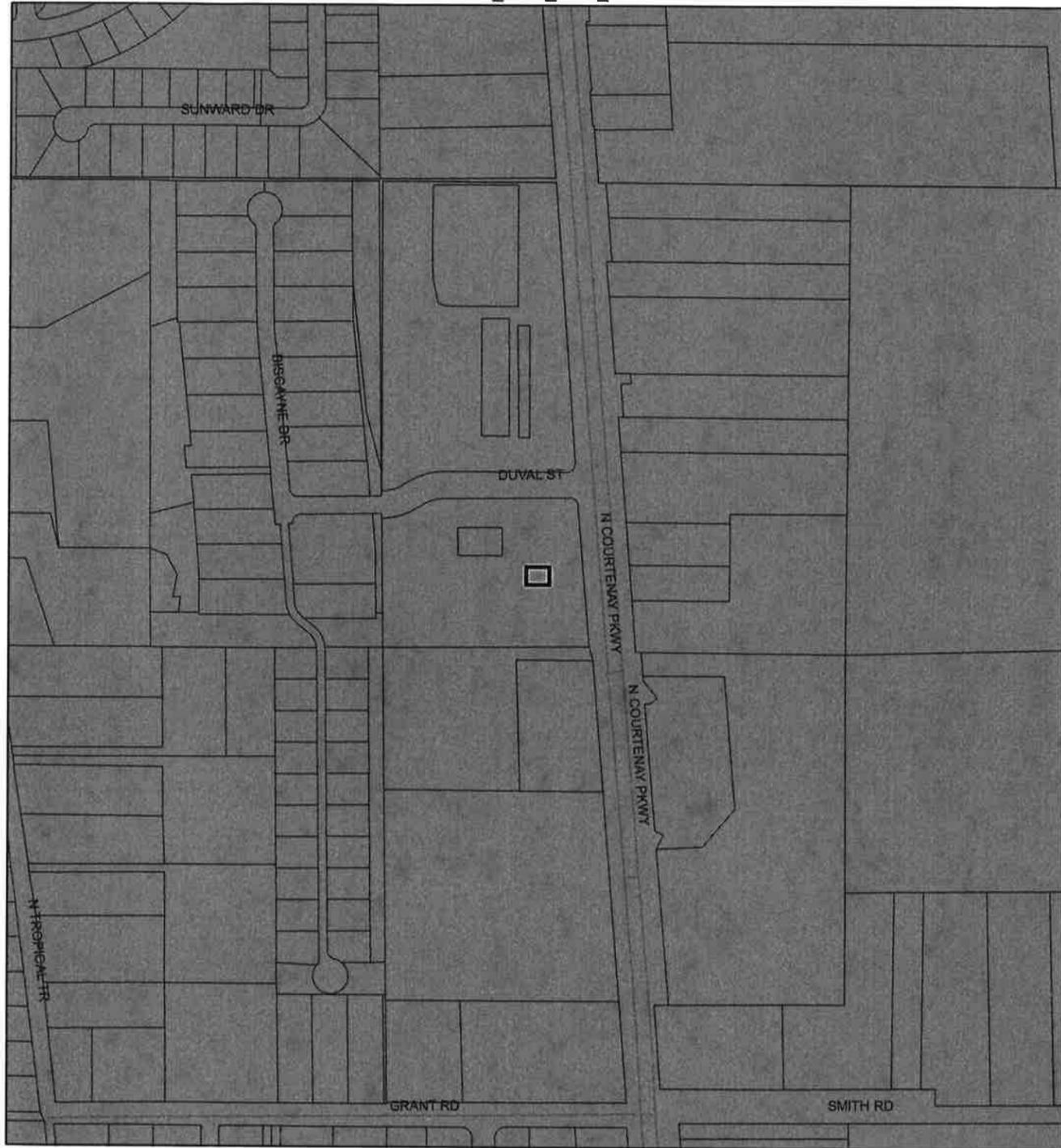
□ Parcels

**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2020

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



1:4,800 or 1 inch = 400 feet

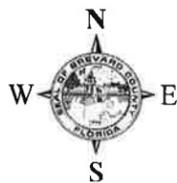
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

# SCRUB JAY OCCUPANCY MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



1:4,800 or 1 inch = 400 feet

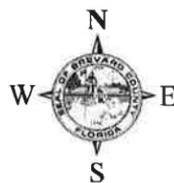
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MI PLAZA GROUP, LLC  
20PZ00027\_CUP\_FOR\_ALCOHOL



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: 3/12/2020

### 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

# LOCATION MAP

MI PLAZA GROUP, LLC  
20PZ00027



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: 3/12/2020

— Buffer

■ Subject Property

# ZONING MAP

MI PLAZA GROUP, LLC  
20PZ00027



1:4,800 or 1 inch = 400 feet

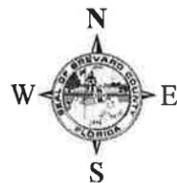
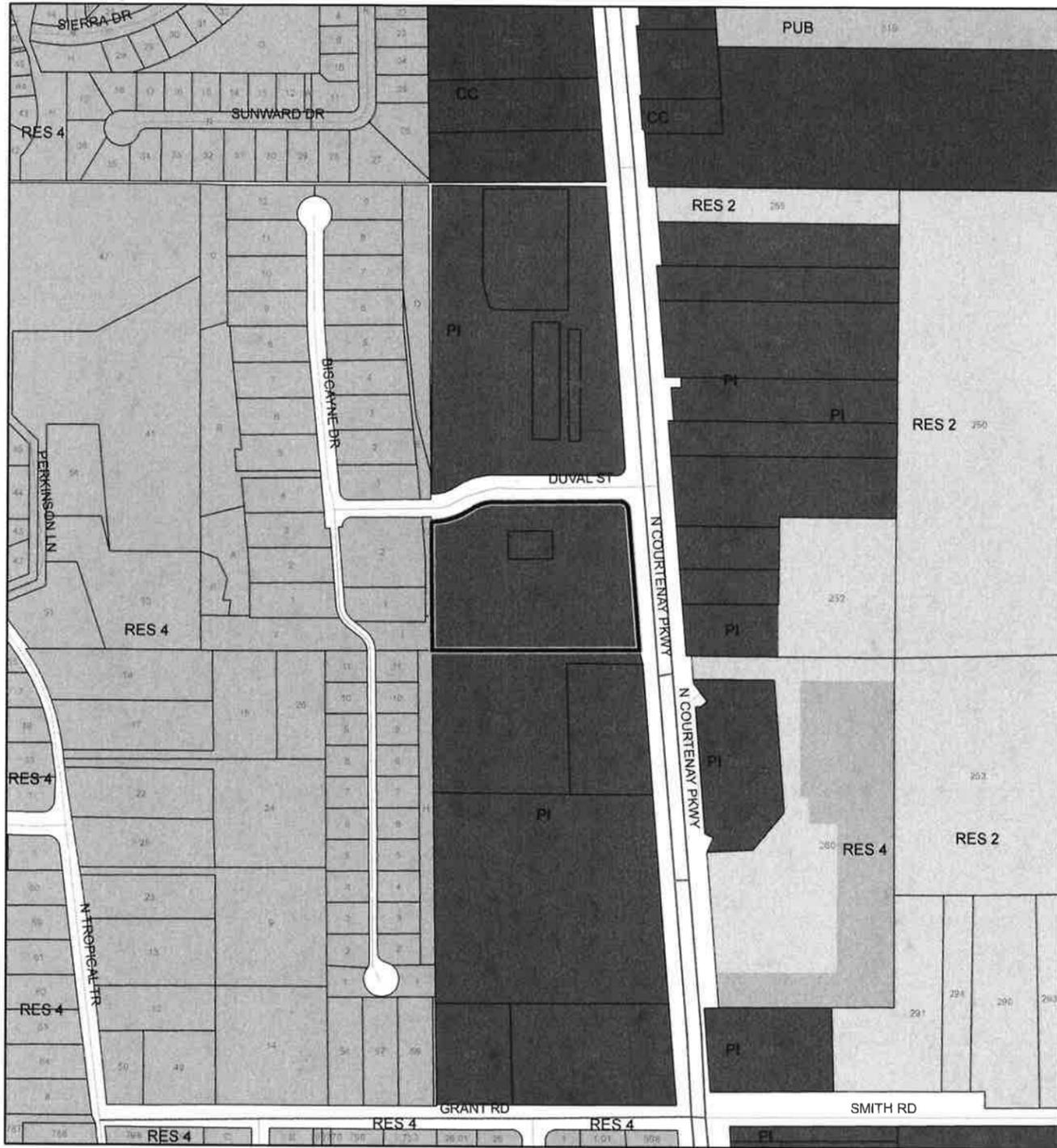
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

MI PLAZA GROUP, LLC  
20PZ00027



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: 3/12/2020

# AERIAL MAP

MI PLAZA GROUP, LLC  
20PZ00027



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2019

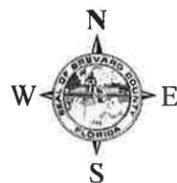
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2020

— Subject Property  
□ Parcels

# NWI WETLANDS MAP

MI PLAZA GROUP, LLC  
20PZ00027

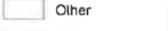
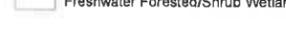
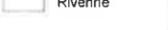
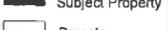


1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2020

### 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

MI PLAZA GROUP, LLC  
20PZ00027



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: 3/12/2020

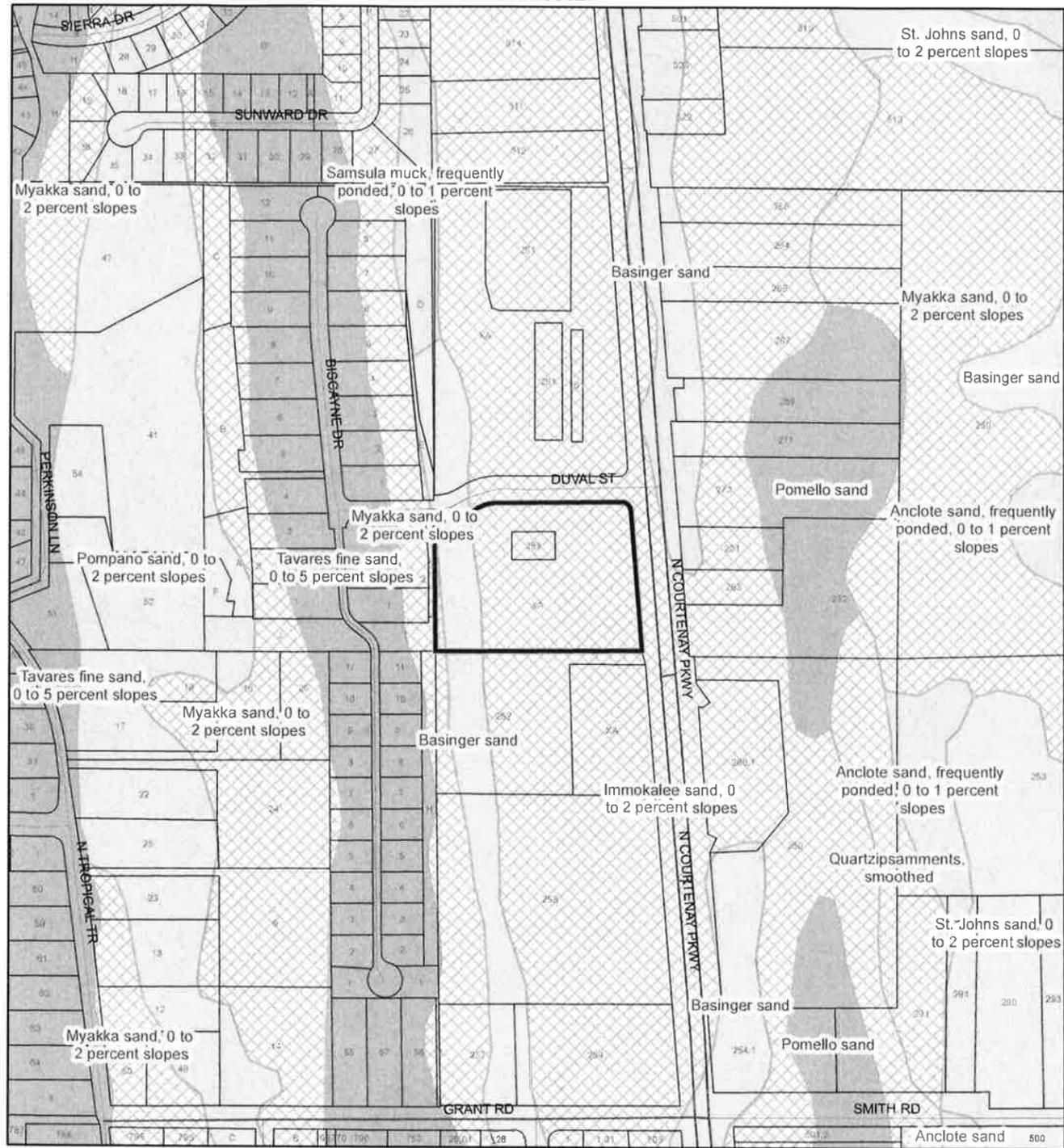
## SJRWMD FLUCCS WETLANDS

-  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

MI PLAZA GROUP, LLC  
20PZ00027



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: 3/12/2020

**USDA SCSSS Soils**

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

# FEMA FLOOD ZONES MAP

MI PLAZA GROUP, LLC  
20PZ00027



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: 3/12/2020

FEMA Flood Zones		

# COASTAL HIGH HAZARD AREA MAP

MI PLAZA GROUP, LLC  
20PZ00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2020

 Subject Property

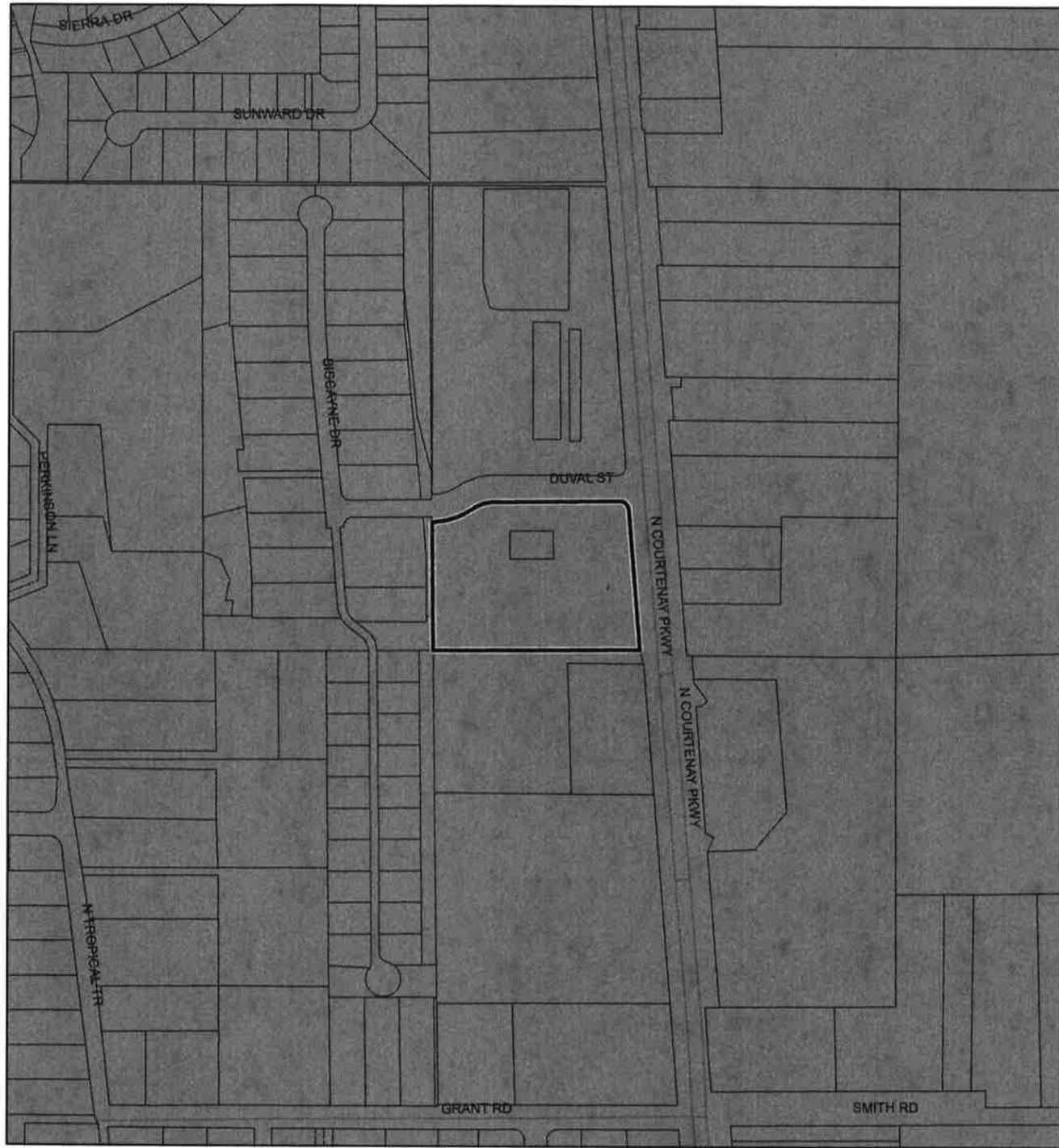
 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MI PLAZA GROUP, LLC  
20PZ00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2020

-  Subject Property
-  Parcels
- Septic Overlay**
-  40 Meters
-  60 Meters
-  All Distances

# EAGLE NESTS MAP

MI PLAZA GROUP, LLC  
20PZ00027



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: 3/12/2020

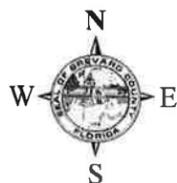
 Subject Property

 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

MI PLAZA GROUP, LLC  
20PZ00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MI PLAZA GROUP, LLC  
20PZ00027



4340: Upland mixed coniferous/hardwood



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: 3/12/2020

## 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



Trip Generation Analysis  
20PZ00027  
MI Plaza  
(submitted 03/30/20)

**TRIP GENERATION ANALYSIS  
3345 NORTH COURTENAY PARKWAY  
MERRITT ISLAND, BREVARD COUNTY**

Introduction

This analysis is prepared in support of a rezoning application to change the existing shopping center to specific use for services related to cruise parking and overnight parking. The site of the center is located in the southwest corner of SR 3 and Duval Street. **Figure 1** depicts the site location.

The existing shopping center consists of 27,500 square feet with 207 parking spaces. As a part of change in use, 30 additional parking spaces will be provided. In essence, the shopping center will become a park-and-ride lot with the patrons transported to cruise ships by buses. The lot will be secured and the existing/new uses at the shopping center will serve to provide services only for the patrons arriving to and departing from the cruise ships.

Trip Generation/Distribution

The trip generation of the existing use as well as the proposed was calculated with the use of data from the 10<sup>th</sup> Edition of the ITE Trip Generation Manual. The calculation is summarized in **Table 1** which shows that the existing use generates 2,499 daily driveway trips with 209 occurring during the P.M. peak hour. The proposed use is expected to generate 920 daily driveway trips with 130 P.M. peak hour trips. The ITE trip generation sheets are attached.

TPD No. 5316  
Revised  
March 30, 2020



3345 N. Courtenay Parkway  
Project No 5316  
Figure 1

**Site Location Map**



**Table 1**  
**Trip Generation Summary**

ITE Code	Land Use	Size	Daily		P.M. Peak Hour			
			Rate	Trips	Rate	Enter	Exit	Total
<b>Existing Use</b>								
820	Shopping Center	27.5 KSF*	90.87	2,499	7.60	100	109	209
<b>Total Driveway Trips</b>				2,499	--	100	109	209
<b>Proposed Use</b>								
090	Park-and-Ride with Bus Service	237 Spaces **	3.88	920	0.55	32	98	130
<b>Total Driveway Trips</b>				920	----	32	98	130

\*KSF=1,000 Square feet

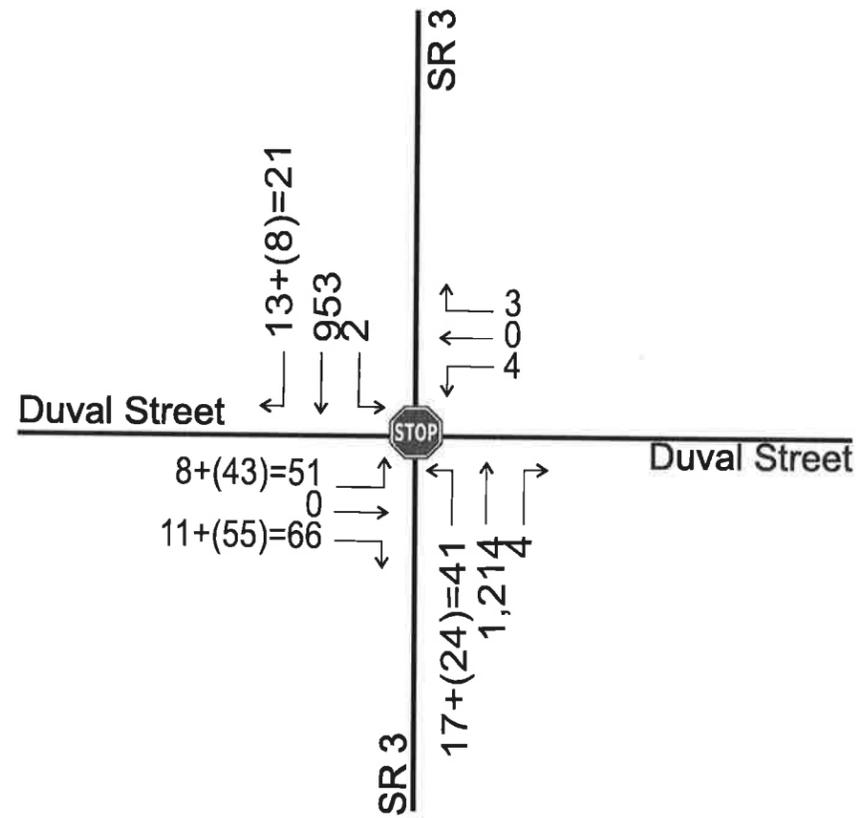
\*\*Occupied Parking Spaces

From above calculations, it can be seen that the existing shopping center generates far more driveway volumes than the proposed park-and-ride lot. It is proposed that the existing access configuration be maintained. Therefore, entering/existing queues would be reduced with the less intense use of the property. Additionally, no roadway/intersection improvements will be required due to less trips to be generated by the site

It is proposed that the existing shopping center at 3345 North Courtenay Parkway in Merritt Island, Brevard County be converted to a Park and Ride Lot. Whereas the existing buildings will be maintained for specific uses providing services to the patrons, the number of parking spaces will be increased from 207 to 237. Based upon ITE data, the proposed park and ride lot will generate a maximum of 920 daily trips and 130 P.M. peak hour trips. This will be less trips than the existing shopping center reducing the traffic impacts to the surrounding area.

Intersection Analysis

A P.M. peak hour analysis was conducted for the SR 3/Duval Street intersection. The P.M. peak hour volumes used in the analysis were developed from available FDOT traffic counts for SR 3. For Duval Street, existing development served by the intersection was used to estimate the turning movements as shown in **Figure 2**. Utilizing these turning movements and existing geometry, an intersection capacity analysis was conducted with HCS software. The results of the analysis are shown in the HCS printout included in the Attachment indicate satisfactory traffic operating conditions. Furthermore, the analysis shows a 95% queue length of 0.2 vehicles for the NB left turn lane on SR 3. With a speed of 50 mph on SR 3, a deceleration distance of 290 feet is required for the left turn lane. The existing length of the left turn lane is approximately 290 feet.



3345 N. Courtenay Parkway  
 Project No 5316  
 Figure 2

**P.M. Peak Hour**  
**Traffic Volumes**



Procedure for Taking in Customers

The following operational information is as provided by the Owner/Developer:

- The operational timeframe of the Go Port business model at this site will be allowing the cars to enter and exit the site between the hours of operation mostly from 6:30 AM and 12:30 PM, unless there are airline or cruise ship delays. (6 Hours of Operation time anticipated, except for staff).
- The maximum number of vehicles from patrons that will frequent the facility is 200, but these vehicles will enter the parking facility throughout the course of one week.
- The traffic will enter through the west entrance of Duval Street and continue to the parking without interruption. In addition, there will be attendants to assist and direct the cars to their parking spaces, if needed. After the cars park, then the passengers will walk into check in area. There is no queuing anticipated due to the limited numbers of cars entering per day.
- Please see attached the preferred plan with the directional arrows. The traffic will enter the site from the west entrance of off Duval Street and continue through the site with a right turn exit onto SR 3 and another exit via the easterly driveway along Duval Street.
- There is no additional signage added to the site with the exception of the Go Port Company Sign and arrows directing traffic as per the attached plan. This will ensure no congestion.
- All arriving patrons will already have reservations and parking passes upon arrival, and they will park their own cars in the available spots on the lot.
- The patrons will then be directed to the queuing area for transport to the port. The queuing area will be on the north corner of the plaza building. This will be a part of the informational package and also done through staff assistance.

- At the queuing area the patrons are given a number and as patrons numbers approach the amount that will fill a transport vehicle (25-33 maximum per vehicle), they will be loaded as people enter.
- When the patrons are back from their cruise, they will be dropped off at one location and walk to their cars and drive away.
- Gates will be closed at all entrances when patrons are not on site or not anticipated for arrival.

**Cars In and Out (FOR ILLUSTRATION PURPOSES ONLY)**

\*\*Lot never has more than 200 cars on the lot at a time.

\*\*Lot open 6:30 AM – 12:00 PM (5.5 hours)

\*\*50% coming from Titusville/Kennedy Space Center area and therefore would not be using the queuing lane.

**Sunday 1-2 Ship Day:**



Cars Arriving on the Lot – 15 cars per hour from **9:00 AM – 12:00 PM** (1 car every 4 minutes) – **45 total cars**

**Monday 3-4 Ship Day:**



Cars Arriving on the Lot – 30 cars per hour from **9:00 AM – 12:00 PM** (1 car every 2 minutes) – **90 total cars**

**Tuesday & Wednesday No Ships:**



Cars Arriving on the Lot – **0, no ships in Port**

**Thursday 1-2 Ship Day (Note, there are 26 weeks a year that there is a ship on Thursdays):**



Cars Arriving on the Lot – 15 cars per hour from **9:00 AM – 12:00 PM** (1 car every 4 minutes) - **45 total cars**

**Friday 3 Ship Day:**



Cars Arriving on the Lot – 30 cars per hour from **9:00 AM – 12:00 PM** (1 car every 2 minutes) - **90 total cars**

**Saturday 4-5 Ship Day:**



Cars Arriving on the Lot – 40 cars per hour from **9:00 AM – 12:00 PM** (1 car every 1.5 minutes) – **120 total cars**

**ATTACHMENTS**



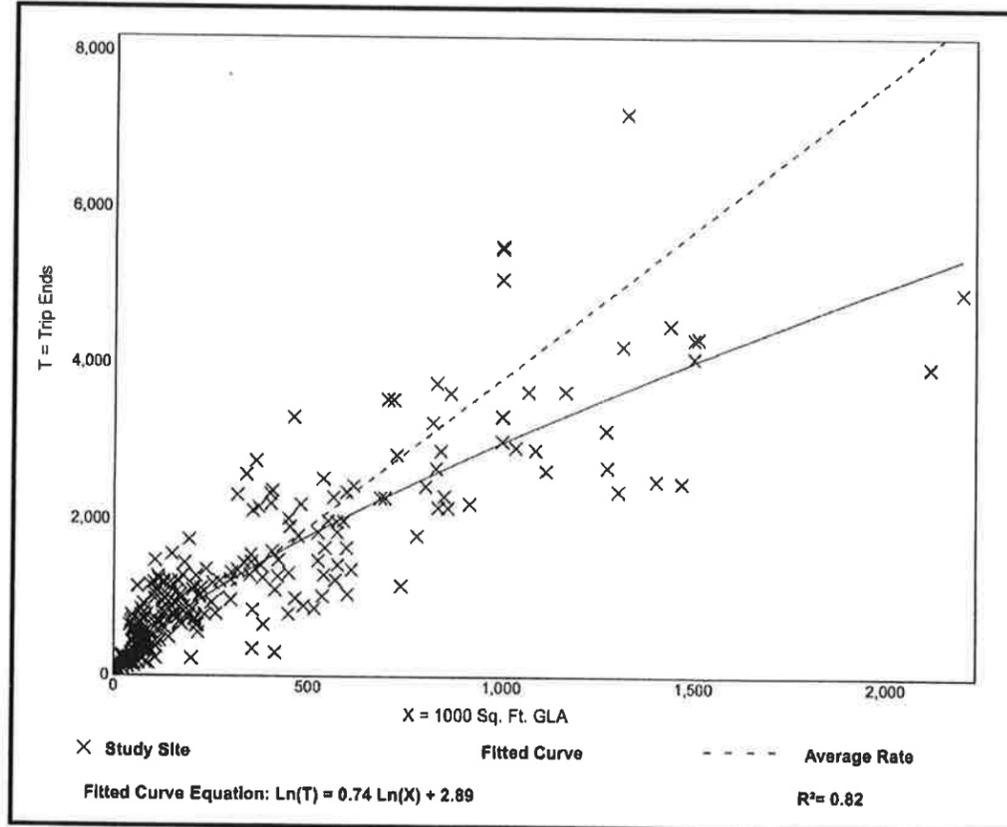
## Shopping Center (820)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GLA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 261  
 1000 Sq. Ft. GLA: 327  
 Directional Distribution: 48% entering, 52% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

### Data Plot and Equation



## Park-and-Ride Lot with Bus or Light Rail Service (090)

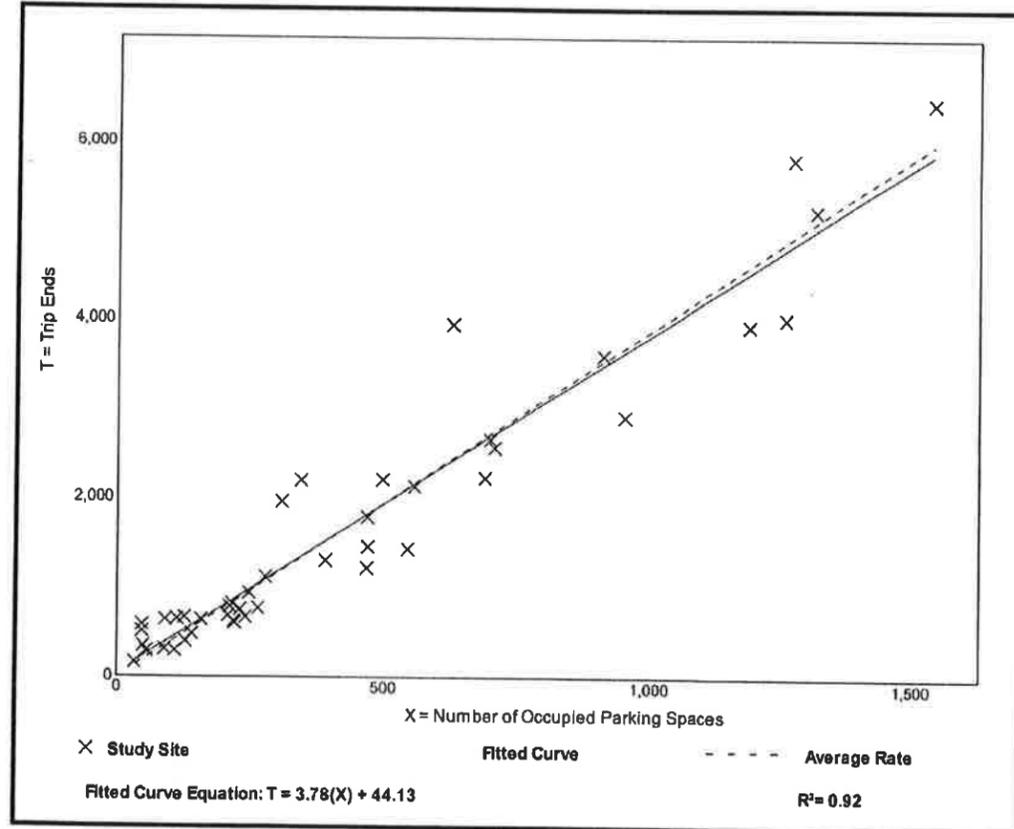
**Vehicle Trip Ends vs: Occupied Parking Spaces**  
On a: **Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 43  
Avg. Num. of Occupied Parking Spaces: 436  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per Occupied Parking Space

Average Rate	Range of Rates	Standard Deviation
3.88	2.60 - 12.15	1.09

### Data Plot and Equation



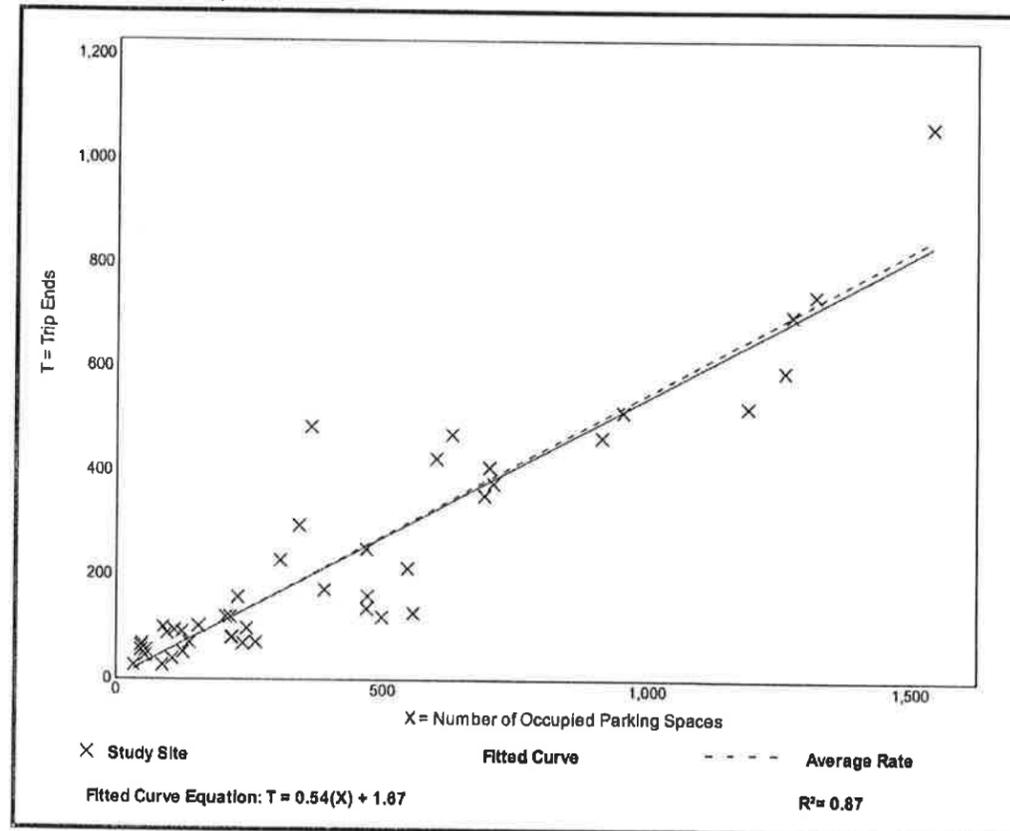
## Park-and-Ride Lot with Bus or Light Rail Service (090)

**Vehicle Trip Ends vs: Occupied Parking Spaces**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 45  
 Avg. Num. of Occupied Parking Spaces: 430  
 Directional Distribution: 25% entering, 75% exiting

### Vehicle Trip Generation per Occupied Parking Space

Average Rate	Range of Rates	Standard Deviation
0.55	0.23 - 1.36	0.20

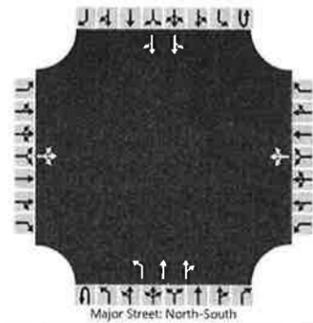
### Data Plot and Equation



## HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	BH	Intersection	SR 3 & Duval St
Agency/Co.	TPD, Inc.	Jurisdiction	Duval County
Date Performed	3/25/2020	East/West Street	Duval St
Analysis Year	2020	North/South Street	SR 3
Time Analyzed	P.M. Peak	Peak Hour Factor	0.92
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	Courtenay Parkway		

### Lanes



### Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound				
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R	
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6	
Number of Lanes		0	1	0		0	1	0	0	1	2	0	0	0	2	0	
Configuration			LTR				LTR			L	T	TR		LT		TR	
Volume (veh/h)		51	0	66		4	0	3	0	41	1214	4		2	953	21	
Percent Heavy Vehicles (%)		1	1	1		1	1	1	1	1				1			
Proportion Time Blocked																	
Percent Grade (%)		0				0											
Right Turn Channelized																	
Median Type   Storage		Left + Thru								1							

### Critical and Follow-up Headways

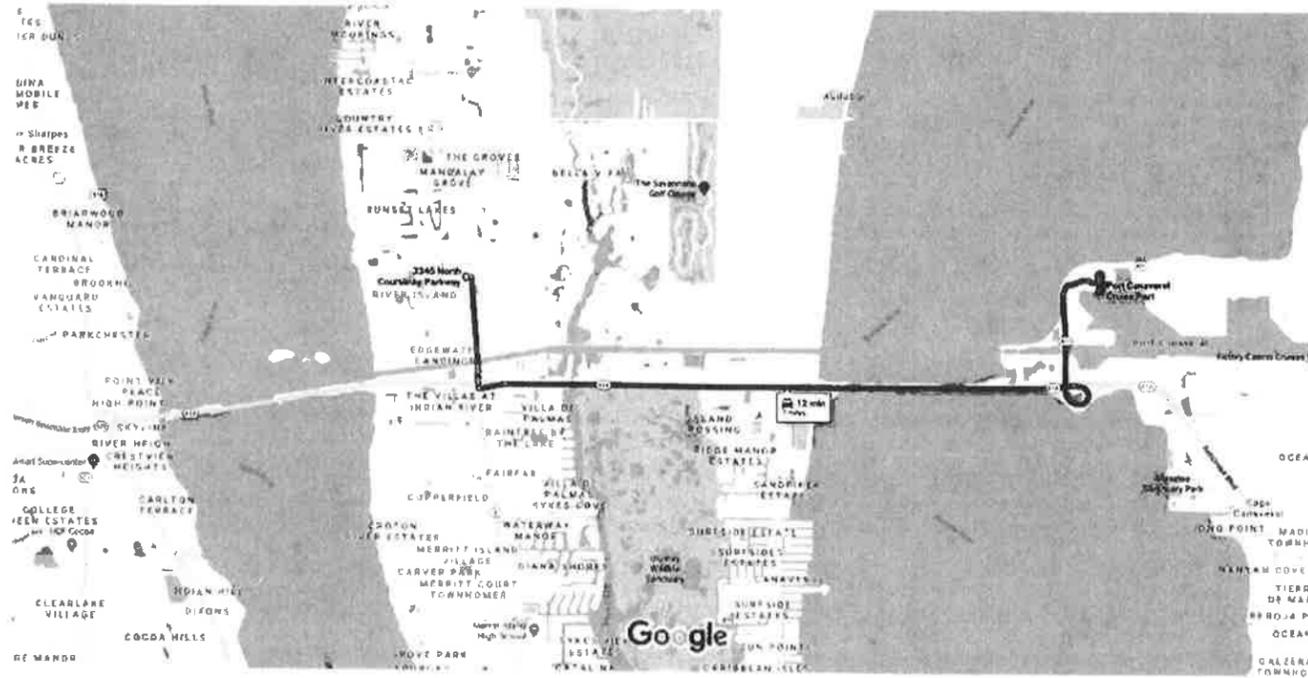
Base Critical Headway (sec)		7.5	6.5	6.9		7.5	6.5	6.9		4.1				4.1		
Critical Headway (sec)		7.52	6.52	6.92		7.52	6.52	6.92		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.51	4.01	3.31		3.51	4.01	3.31		2.21				2.21		

### Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			127				8			45				2			
Capacity, c (veh/h)			248				152			660				523			
v/c Ratio			0.51				0.05			0.07				0.00			
95% Queue Length, Q <sub>95</sub> (veh)			2.7				0.2			0.2				0.0			
Control Delay (s/veh)			34.0				30.0			10.9				11.9			
Level of Service (LOS)			D				D			B				B			
Approach Delay (s/veh)		34.0				30.0				0.4				0.1			
Approach LOS		D				D											

Route Map  
20PZ00027  
MI Plaza  
Drive 7.0 miles, 12 min

Google Maps 3345 N Courtenay Pkwy to Port Canaveral Cruise Port  
Transit Route for MI Plaza Transport



Map data ©2020 Google 2000 ft

 via FL-528 E/Florida A1A S 12 min  
Fastest route, the usual traffic 7.0 miles

### Explore Port Canaveral Cruise Port



Restaurants Hotels Gas stations Parking Lots More

124

RETURN: Clerk to the Board #27

Existing BDP  
20PZ00027  
MI Plaza

PREPARED BY AND RETURNED TO:  
John H. Evans, Esquire  
John H. Evans, P.A.  
1702 S. Washington Ave  
Titusville, FL 32780

CFN 2010012840, OR BK 6101 PAGE 976,  
Recorded 01/25/2010 at 09:04 AM, Scott Ellis, Clerk of  
Courts, Brevard County  
# Pgs:7

**BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 12 day of January, 2010,  
between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,  
FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County")  
and RISHI REAL ESTATE PROPERTIES, LLC, a Florida Limited Liability Company,  
(hereinafter referred to as "Owner").

**RECITALS**

WHEREAS, Owner owns all units located within the property known legally as NORTH  
COURTENAY SQUARE CONDOMINIUMS (hereinafter referred to as the "Property") in  
Brevard County, Florida, but for Unit 114, as more particularly described in Exhibit "A"  
attached hereto and incorporated herein by this reference; and

WHEREAS, Owner desires to have the ability to develop Units 115, 116 and 117 located  
within the Property as a Restaurant with a CUP for on premises consumption of alcoholic  
beverages (hereinafter referred to as "The Premises").

WHEREAS, as part of its plan for development of the Property, Owner wishes to  
mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

131  
Z11532

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements on The Premises. It is the intent of the parties that the Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements on The Premises.

2. The CUP will be limited to the sale of beer and wine only. No distilled alcohol will be sold or served.

3. The CUP will be limited to a restaurant only where the primary business is the sale of food and the sale of beer and wine is ancillary to the restaurant.

4. The number of seats would be limited to 80.

5. The hours of operation would be limited to 11:00 a.m. to 10:00 p.m.

6. The premises would not be allowed to have a separate bar, but would be limited to restaurant style seating only.

7. At the Northwest corner of the Property along Duval Street, the Owner will install a "Not a Through Street" sign in accordance with applicable regulations.

8. All activities will be inside the structure. No outside entertainment events or food service will be allowed. No pool tables shall be allowed within The Premises. No gambling or gaming, included but not limited to digital or video slot or poker machines and the like shall be allowed within The Premises.

9. If alcoholic beverages are sold on The Premises, no more than three (3) televisions for patron viewing shall be allowed within The Premises. In addition, if alcoholic beverages are sold on The Premises no arcade games, including but not limited to digital or video slot or poker machines and the like shall be allowed within The Premises.

Z11532  
1270

10. The Owner will not allow for application of any additional CUP for on premises consumption of alcoholic beverages on the subject Property, other than the CUP that is the subject matter of this Agreement.

11. Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.

12. The Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

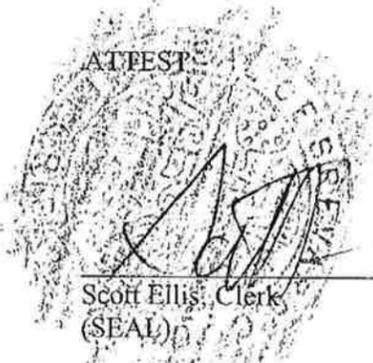
13. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on November 5, 2009. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

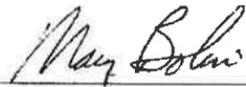
14. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Section 1.7 and 62-5, Code or Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed all as of the date and year first above written.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

  
Scott Ellis, Clerk  
(SEAL)

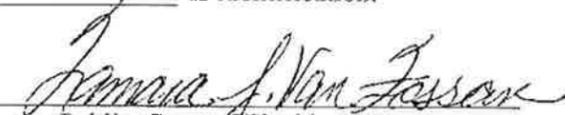


Mary Bolin, Chairman  
As approved by the Board on 1/12/10

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 12 day of January, 2010 by Mary Bolin, Chairman of the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires:

  
Notary Public, State of Florida

SEAL

Commission No.:

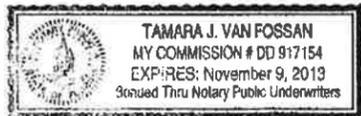
Tamara J. Van Fossan  
(Name typed, printed or stamped)

STATE OF FLORIDA  
COUNTY OF BREVARD

This is to certify that the foregoing is a true and current copy of BDP

witness my hand and official seal this 29 day of January, 2010

SCOTT ELLIS  
Clerk Circuit Court  
BY Clou D.C.



WITNESSES:

[Signature]  
NALIPI REDDY WASUDEVA  
Witness Name typed or printed

[Signature]  
Witness Name typed or printed  
ADINARAYANA M LACRUZ, MD

OWNER:

RISHI REAL ESTATE PROPERTIES, LLC, a  
Florida Limited Liability Company,  
[Signature] RAMACHANDRANI SRIKANTH  
(Name) as Manager  
PO BOX 560361  
(Address)  
ROCKLEDGE FL-32954-0361  
(Address)  
RAMACHANDRANI SRIKANTH  
(Name typed, printed or stamped)

STATE OF FLORIDA  
COUNTY OF BREVARD

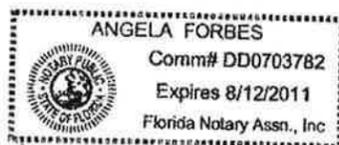
The foregoing instrument was acknowledged before me this 4 day December,  
2009 by Ramachandran Srikanth of RISHI REAL ESTATE PROPERTIES, LLC,  
a Florida Limited Liability Company, on behalf of the limited liability company, who is  
personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires: 8/12/2011

[Signature]  
Notary Public, State of Florida

SEAL  
Commission No.:

[Signature]  
(Name typed, printed or stamped)



Z11532

(143)

EXHIBIT "A"

All Units and Common Areas within NORTH COURTENAY SQUARE CONDOMINIUMS, a Condominium, as recorded in Official Records Book 5532, Page 1245, Public Records of Brevard County, Florida, as from time to time amended, less and except Unit 114 of said Condominium.

Z11532  
144

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated May 23, 2007, given by RISHI REAL ESTATE PROPERTIES, LLC, as mortgagor, in favor of the undersigned, Riverside National Bank of Florida whose address is 2211 Okeechobee Road, Fort Pierce, FL 34950, as mortgagee, recorded in Official Records Book 5781, page 2805, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

RIVERSIDE NATIONAL BANK  
OF FLORIDA

*Lisa A. Hutchison*

Lisa A. Hutchison  
Witness name typed or printed

*Sandra L. Bashak*

Sandra L. Bashak  
Witness name typed or printed

By: *Tony Holmes*  
Authorized Agent's Signature

By: TONY HOLMES, VP  
Authorized Agent

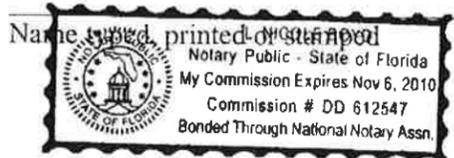
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of December, 2009 by Tony Holmes, who is personally known to me or who has produced personally known as identification.

My Commission Expires: NOV 6, 2010

*[Signature]*  
Notary Public

SEAL



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(145)

**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (April 8, 2020)**

**I. Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

This is a new use for this nearly vacant shopping center that was built in 2005. The shuttle service is only by reservation, most if not all will have a companion hotel package – all reserved by phone or internet prior to the customer arriving at the transportation facility.

The shuttle service is the primary use; the cocktail lounge/restaurant is an “accessory use” only for customers departing for Port Canaveral. Only those departing for Cape Canaveral will be permitted to purchase alcohol; customers arriving from Port Canaveral will not be allowed to purchase alcohol. There will be no other uses at this facility.

The maximum parking spaces for customers being shuttled to Port Canaveral is 232. Five additional spaces will be allocated to employees.

The shuttle buses are contractors to MI Plaza Group, LLC, and will not park on site. The buses are driven by licensed and insured professional drivers and will hold 25-35 passengers.

**II. Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size of not less than three acres for sites zoned: PIP. ✓
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate... **NOT SECONDARY OR ACCESSORY**
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

**III. Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

"The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... ."

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from 9:30 a.m. to 12:30 a.m.

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

**IV. Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to [Trip Generation Analysis](#) submitted March 30, 2020.

All three ingress/egress points on the Property will be open for use by customers, as depicted on the Proposed Site Plan dated 3/30/20 and described in the *Procedure for Taking in Customers*, referenced above. The current concrete barriers on Duval Street are to keep the uninvited commercial trucks that use the Property to make "u-turns" on Duval Street.

Not all customers will arrive or depart at the same time. This is not a Church Service or Movie Theatre. The vehicles will dribble in and out of the transportation facility over the six (6) hours the facility is open (6:30 to 12:30).

These vehicles "in and out" are **substantially less** than the daily trip rate for this current shopping center of **2,499 trips per day**. This is the actual number anticipated by the ITE Trip Manual if the 27,500 square foot shopping center was fully rented.

Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

**V. Legal Standard:** The Applicant must present a prima facie case that the requested use of its land is consistent with the County's Comprehensive Plan and complied with the procedural requirements of the zoning ordinance. The burden then shifts to the zoning authority or opponent to show, based on clear and convincing evidence, that a specifically stated public necessity requires a more restrictive use *ABG Real Estate Dev. Co. of Fla. v. St. Johns Cty.*, 608 So. 2d 59, 63 (Fla. 5th DCA 1992), *cause dismiss'd*, 613 So. 2d 8 (Fla. 1993).

**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 217' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:30 – 12:30.
- g. Limiting seats in restaurant. **Agreed** to 100.
- h. Limiting to beer and wine only. **Not agreed**.
- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

**From:** [Kimberly Rezanka](#)  
**To:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Calkins, Tad](#); [Ball, Jeffrey](#); [Brewer, Jad](#); [Jones, Jennifer](#)  
**Subject:** RE: MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments - revision 4.10.20  
**Date:** Friday, April 10, 2020 4:12:26 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Dear Commissioners:

I apologize, but we found a typographical error.

In Section III: Additional Conditions, it should read:

**The alcohol service hours will be only from 9:30 a.m. to 12:30 ~~a.m.~~ p.m. (3 hours only).**

I apologize for the error and any consternation this may have caused.

Sincerely,

**Kimberly Bonder Rezanka, Esq.**

**From:** Kimberly Rezanka  
**Sent:** Wednesday, April 8, 2020 5:13 PM  
**To:** D2.Commissioner@brevardcounty.us; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; 'D3.Commissioner@brevardcounty.us' <D3.Commissioner@brevardcounty.us>; 'Commissioner, D4' <D4.Commissioner@brevardfl.gov>; 'D5.Commissioner@brevardfl.gov' <D5.Commissioner@brevardfl.gov>  
**Cc:** Calkins, Tad <tad.calkins@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Brewer, Jad <Jad.Brewer@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>  
**Subject:** MI Plaza Group, LLC 20PZ-00027 - Response to Staff Comments

Dear Commissioners:

Attached please find Applicant's response to staff comments, for the matter referenced above. This is also being sent by MI Plaza Group, LLC to those neighbors that submitted letters to the County.

Thank you for your consideration.

Sincerely,

**Kimberly Bonder Rezanka, Esq.**



*96 Willard Street, Suite 302  
Cocoa, FL 32922  
321-639-1320 ext. 123  
Fax 321-639-9950*

***Kim@cglawoffice.com***  
***www.cglawoffice.com***

FYI  
20PZ00027  
MI Plaza Group  
(submitted by applicant at  
06/11/20 meeting)

## **North Merritt Island Dependent Special District Board**

June 11, 2020

- PRESENTED ON BEHALF OF -

### **MI Plaza Group**

**Item # H.12. MI Plaza Group, LLC (Matthew Phillips / Kim Rezanka)  
requests removal of an existing BDP; a CUP for an overnight commercial  
parking lot; and a CUP for Alcoholic Beverages (full liquor) for On-Premises  
Consumption in conjunction with a restaurant, in a PIP zoning classification.  
(20PZ00027)(Tax Account 2459292)(District 2)**

KIMBERLY BONDER REZANKA, ESQ.  
Cantwell & Goldman, P.A.  
96 Willard Street, Suite 302  
Cocoa, FL 32922

**20PZ00027 – MI Plaza Group, LLC – Transportation Facility & Shuttle Service  
Response to Staff Comments and Objections by Residents (April 8, 2020)**

**I. Proposed Use:** Primary Use of Shuttle Service, with overnight commercial parking and cocktail/meal service for customers only

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**II. Sec. 62-1941.3 - Overnight commercial parking lot.**

The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

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- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. ✓
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers ... Shuttle routes shall avoid residential areas. **Duval Street and N. Courtenay Pkwy are in commercial Future Land Use zones.** ✓
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review. ✓

III. **Sec. 62-1906. - Alcoholic beverages for on-premises consumption.**

"The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions: (1) a. A bar or cocktail lounge may be a conditional use in a general retail zoning classification... ."

**Additional Conditions:**

Only customers departing for Port Canaveral will be allowed to purchase alcohol. No customer shuttled to the transportation facility from Port Canaveral can purchase.

The alcohol service hours will be only from **9:30 a.m. to 12:30 p.m.**

The seating will be limited to 100.

The cocktail lounge will not be open to the general public.

No pool hall.

IV. **Operation of Facility:**

All customers will have reservations for the shuttle service prior to arriving at the transportation facility. Most if not all will have companion hotel package with the shuttle service. Fifty percent (50%) will be traveling from the North, coming from Titusville hotels. This is known because of MI Plaza Group, LLC's current business model for this same service.

The reservations and thus, the number of vehicles going to the transportation facility will be based on five cruising days, as shown in the *Procedure for Taking in Customers* and the *Cars In and Out (for Illustration Purposes Only)*, attached to Trip Generation Analysis submitted March 30, 2020.

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Also, because these vehicles are coming directly into the parking lot and parking in the available spaces (again, because of the reservation), there will be no queuing on Duval Street, North Courtenay Parkway or on the Property. There is a space for all that have reserved, and only those with reservations are accepted. As the site plan shows, there is a large drive area on site (close to 3000 feet of drive area) for drivers to select their space.

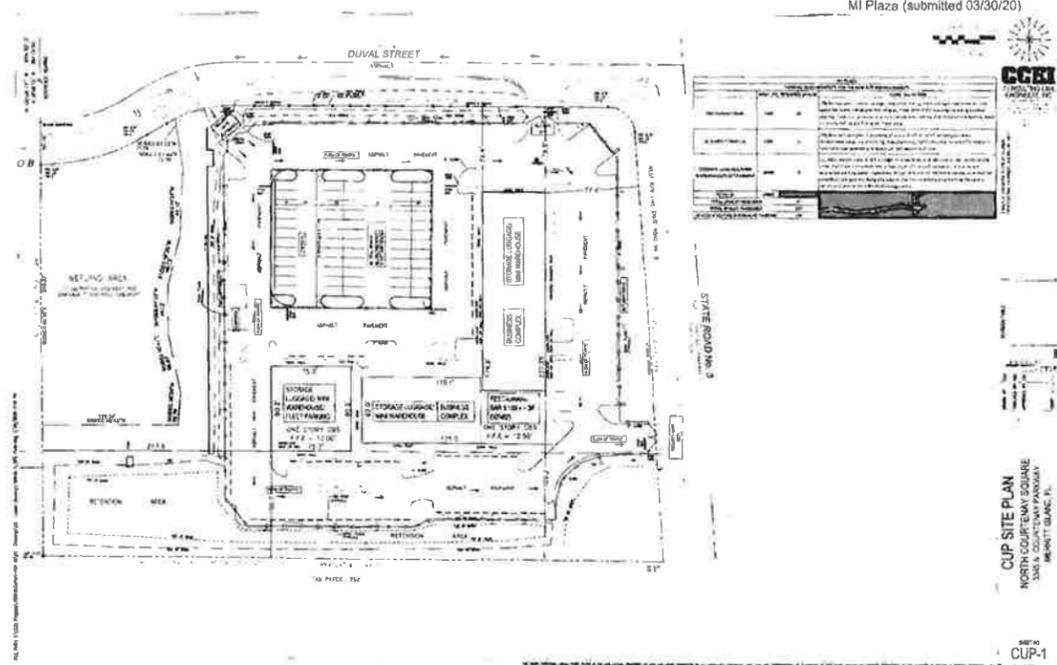
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**VI. Proposed Conditions by Staff:**

- a. Buffering and landscaping – **not needed**. There exists 217' of natural wooded buffer on the west side of the property, and a block wall.
- b. Turn lane analysis - **not needed** - because this use has less traffic than the approved use of a 27,500 sq. ft. shopping center.
- c. Queuing plan – **not needed** – because there will be no queuing on ROW's or on site.
- d. No parking signs – **not needed** – all customers have reservations,
- e. Increased queuing distances – see c. above.
- f. Limiting hours of cocktail lounge/restaurant. **Agreed** to limit alcohol service to 9:30 – 12:30.
- g. Limiting seats in restaurant. **Agreed** to 100.
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- i. No outside entertainment activities. **Agreed**.
- j. Limiting number of overnight commercial parking to "surplus parking". **Not agreed**. But will limit to 232, allowing for 5 employee parking spaces.

This is a completely new application that stands on its own. It is not bound by prior applications, testimony or decisions of the recommendation boards or County Commission.

Proposed Site Plan  
20PZ00027  
MI Plaza (submitted 03/30/20)



*Returns: Clerk to Board*

This Instrument Prepared by:  
JOHN H. EVANS, ESQUIRE  
750 Country Club Drive  
Titusville, FL 32780

*Lundy Crawford* Clark Circuit Court  
Recorded and Verified Brevard County, FL  
# Pgs. 7 # Pages 2  
Trust Fund 4.00 Rec Fee 29.00  
Mortgage \_\_\_\_\_  
Lending \_\_\_\_\_  
Service Charge \_\_\_\_\_

**BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 15<sup>th</sup> day of November, 1993, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and WILLIAM STRAND (hereinafter referred to as "Owner").

**RECITALS**

WHEREAS, Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, Owner desires to develop the property as Single Family Residential with EU-2 zoning classification and pursuant to the Brevard County Code, Section 14-20.23; and

WHEREAS, as part of its plan for development of the property, Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent

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of the parties that the Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. Developer agrees to construct and maintain a six foot wooden/block fence along the most westerly boundary line of the real property described in Exhibit "A". This will not apply to lands encumbered by the Florida Power and Light easement. The deed restrictions for the subdivision which is to be developed on the real property described in Exhibit "A" shall provide that the fence is owned by the Homeowners Association and it shall be the Homeowners Association's obligation to maintain the fence in good condition at all times. The deed restrictions shall provide that the Homeowners Association shall have the power to collect special assessments from all subdivision lots upon which the fence is constructed.

3. Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Owner's agreement to meet additional standards or restrictions in developing the property.

4. Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

NMI 40705

Conditional Use Permit (CUP) Application Worksheet

2005

1. Owner(s): Tony Lacourt  
Applicant(s): Linda J. Granger
2. Property Location: 3345 North Courtenay Parkway, Merritt Island, Florida
3. Type of CUP requested: Sec. 62-1906, Alcoholic beverages for on-prems consumption.
4. Type of Plan Required by Section 62-1901[b] (refer to attached CUP Checklist):

Section 62-1901 governing Conditional Use Permits (CUPs) requires that the standards listed below be upheld by the Board of County Commissioners when granting a CUP. Prepare responses to address how the requested CUP will meet these standards and submit this completed worksheet along with your application for public hearing for a CUP. You may attach additional pages or documentation, if needed.

**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.

(1) The conditional use will have a positive impact on adjacent properties (which are all commercial) by attracting additional employees and potential customers to frequent their respective businesses. The intended use is serving as the cornerstone attraction for restaurants and other businesses considering leasing space at this shopping center. (2) The intended use is an upscale billiards center for competitive sports. Noise will not be a concern as live or loud entertainment is not being planned nor considered and the structure is being insulated to provide a noise damper from outside noise. Although "smoking" will be permitted, state of the art air purification systems inclusive of "HEPA" and "ION" filtering and cleansing will be employed. No nuisance activities are anticipated. (3) Minimal to no impact to traffic. Definitely no adverse impact as the overall permitting for the shopping center has included deceleration and turning lane development for SR 3 (North Courtenay), paid for by the owner.

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.

Yes, this area is zoned BU-2, with all adjacent properties currently being commercial business. The hours of operation may be different (later hours) than most commercial retail businesses, however, these hours will actually support the evening hour business of several restaurants and possibly some retail business. Knowledge of proposed use is known by all adjoining businesses in the new shopping center.

Section 62-1901(c)(1)(c) The proposed use will not cause a substantial diminution in value of abutting residential property.

On the contrary, there should be no presumption that any diminution of value will occur. Commercial (vs. industrial) retail business development close to, or adjacent to, residential areas north of the barge Canal

Z10949,

## Diamond Zone Billiards

### *What will we offer?*

Diamond Zone is a planned indoor sports entertainment complex for sports enthusiasts. Located on main thorough-fare North Courtenay Parkway, MI. This establishment will be capable of hosting professional billiards tours as well as supporting local leagues, business and private parties, charitable events and community groups. We will offer a venue of fun activities for everyone to enjoy. We will have the finest equipment and amenities. We will offer a varied menu of Food and refreshment/ Beverage items.

10,850 square foot building, new construction on P.I.P. property.

Ample Parking

Building is part of North Courtenay Square Shopping center.

Security Systems both inside and out.

Employment:  
Projected Staff of 15-20

On-Site Management by owner, Lj Granger

### **HIGHLIGHTS OF AMMENITIES:**

A beautiful upscale, comfortable, environment.

Diamond Zone will house 24 Brunswick Gibson tables.

A Snooker Table will be made available during Peak Tourist traffic season

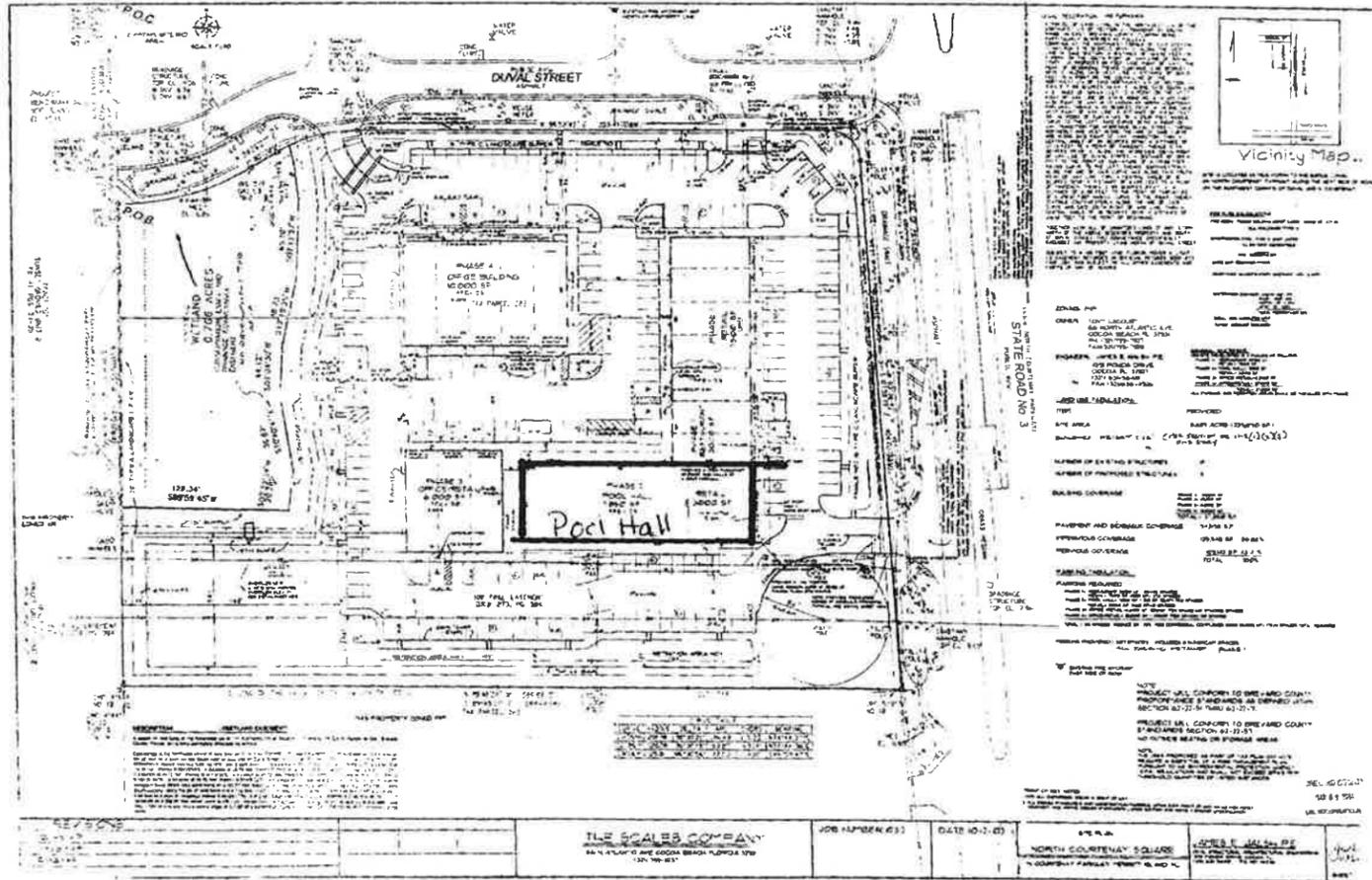
A Pro-Shop will provide repair and sales of related items.

A Boutique will offer clothing, custom embroidery, related jewelry and unique gifts.

State of the art electronic Games will be offered for example: Simulated NAASCAR racing, where you actually sit and drive, Tournament Golf, live via satellite so you play against others from all over the world! Virtual Bowling, which will also enable you to play others from all around the world! Controlled Hoops, and many other virtual games.

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**DESCRIPTION**  
 THIS PLAN SHOWS THE LAYOUT OF THE PROPOSED BUILDING AND THE SURROUNDING AREAS. THE BUILDING IS TO BE CONSTRUCTED ON A LOT OF 1.2 ACRES. THE PROPOSED BUILDING IS TO BE A TWO-STORY STRUCTURE WITH A TOTAL FLOOR AREA OF 10,000 SQ. FT. THE BUILDING IS TO BE USED AS AN OFFICE BUILDING AND A POOL HALL. THE SURROUNDING AREAS ARE TO BE USED FOR PARKING AND LANDSCAPING.

**PROPOSED BUILDING**  
 OFFICE BUILDING  
 POOL HALL

**PROPOSED AREAS**  
 PARKING  
 LANDSCAPING

**PROPOSED DRIVEWAYS**  
 DRIVEWAY FROM STATE ROAD NO. 3 TO OFFICE BUILDING  
 DRIVEWAY FROM STATE ROAD NO. 3 TO POOL HALL

**PROPOSED UTILITIES**  
 WATER MAIN  
 SEWER MAIN  
 GAS MAIN  
 ELECTRIC MAIN

**PROPOSED EROSION CONTROL**  
 SLOTTED CURB  
 SLOTTED CURB WITH CURB OPENINGS

**PROPOSED SIGNAGE**  
 SIGNAGE FOR OFFICE BUILDING  
 SIGNAGE FOR POOL HALL

**PROPOSED LIGHTING**  
 LIGHTING FOR OFFICE BUILDING  
 LIGHTING FOR POOL HALL

**PROPOSED FENCES**  
 FENCE AROUND PERIMETER OF OFFICE BUILDING  
 FENCE AROUND PERIMETER OF POOL HALL

**PROPOSED UTILITIES**  
 WATER MAIN  
 SEWER MAIN  
 GAS MAIN  
 ELECTRIC MAIN

**PROPOSED EROSION CONTROL**  
 SLOTTED CURB  
 SLOTTED CURB WITH CURB OPENINGS

**PROPOSED SIGNAGE**  
 SIGNAGE FOR OFFICE BUILDING  
 SIGNAGE FOR POOL HALL

**PROPOSED LIGHTING**  
 LIGHTING FOR OFFICE BUILDING  
 LIGHTING FOR POOL HALL

**PROPOSED FENCES**  
 FENCE AROUND PERIMETER OF OFFICE BUILDING  
 FENCE AROUND PERIMETER OF POOL HALL

THE SCALES COMPANY  
 100 N. W. 10th St.  
 MIAMI, FLORIDA 33136

JOB NUMBER 653 DATE 10-1-65

BY: [Signature] TITLE: [Title]

PROJECT: NORTH COURTESY SQUARE  
 1.00 ACRES ± (APPROXIMATE)  
 1.00 ACRES ± (APPROXIMATE)

210 49

RESOLUTION NO. Z-11532

On motion by Commissioner Nelson, seconded by Commissioner Infantini, the following resolution was adopted by a unanimous vote:

WHEREAS, RISHI REAL ESTATE PROPERTIES, LLC. has applied for a Conditional Use Permit for Alcoholic Beverages for On-Premises Consumption, with a Binding Development Plan, in a PIP (Planned Industrial Park) zoning classification on property described as Units 115, 116 & 117, Building 1, Phase 1, Unit 101, Building 3, Phase 1, North Courtenay Square Condominium, a condominium, according to the Declaration of Condominium thereof, as recorded in ORB 5532, Page 1246, and amended in ORB 5582, Page 2901, of the Public Records of Brevard County, Florida, Section 11, Township 24, Range 36. (0.37 acre) Located on the southwest corner of Duval St. & N. Courtenay Pkwy.; and

WHEREAS, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, on July 10, 2008, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be denied, and

WHEREAS, the Board, after considering said application and the North Merritt Island Dependent Special District Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, found that the application should be Denied, and

WHEREAS, the Board of County Commissioners was directed by the Circuit Court to reconsider Zoning Resolution Z-11436, as decided on August 7, 2008, and



WHEREAS, the Board, after reconsidering said application and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved, with a Binding Development Plan; now therefore

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Conditional Use Permit for Alcoholic Beverages for On-Premises Consumption in a PIP (Planned Industrial Park) zoning classification, be APPROVED, with a Binding Development Plan, recorded in ORB 6101, Pages 976 through 982, dated January 25, 2010, and that the zoning classification relating to the above described property remain unchanged, and the Planning & Development Department 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 January 25, 2010.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

by Mary Bolin, Chairman  
As approved by the Board on November 5, 2009.

ATTEST:

SCOTT ELLIS, CLERK

(SEAL)



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 (1) year of approval or if construction does not commence within two years of approval. A PUD 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.

1/2 2

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

APPELLATE CASE NO 05-2008-AP-009999

RISHI REAL ESTATE PROPERTIES, LLC

Petitioner,

v

BREVARD COUNTY, FLORIDA  
a political subdivision of the State of Florida

Respondent

FILED  
2009 APR 15 10 01 AM '09  
CLERK OF COURT  
BREVARD COUNTY FLORIDA

Decision filed

On Petition for Writ of Certiorari  
from a decision of the Brevard County Board of Commissioners

John Evans, Esq  
Attorney for Petitioner

Morris Richardson, Esq  
Attorney for Respondent

PER CURIAM

Petitioner Rishi Real Estate Properties sought certiorari review of a decision of the Brevard County Board of Commissioners denying it a conditional use permit (CUP) to serve alcohol at a restaurant it wanted to open on Merritt Island. At oral argument, the Respondent's attorney admitted the Commission had failed to disclose several ex parte communications that at least one commissioner had with members of the public, counsel argued that the mistake was harmless. While the Court does not impute any intended impropriety to the Commission, it finds that the failure to disclose the communications resulted in the appearance of impropriety and violated the due process rights of the Petitioner.

Case # 05-2008-AP-009999-XXXX-XX  
Document Page # 14



013654786

211532 14

11

2/2 3/3

The Petitioner's property is zoned PIP, planned industrial park, serving alcohol on the premises of a restaurant is a permitted use within that zoning if the criteria for a CUP are met

The allocation of burdens in a CUP application is as follows: the applicant must present a prima facie case that the application meets the statutory criteria for the CUP. The burden shifts to the opposing party or governmental agency to demonstrate by competent substantial evidence on the record that the CUP does not meet such standards and is, in fact, adverse to the public interest. Unless the agency carries its burden, the application must be granted. *Irving v Duval County Planning Commission*, 495 So. 2d 167 (Fla. 1986), *Dusseau v Metropolitan Dade County Bd. of County Com'rs*, 794 So. 2d 1270 (Fla. 2001), *Florida Power & Light Co. v City of Dania*, 761 So. 2d 1089 (Fla. 2000).

The Court finds that the Petitioner established a prima facie case that it met the requirements necessary for obtaining the CUP. The County failed to demonstrate that it had any competent substantial evidence rebutting that case or any competent substantial evidence demonstrating that the CUP would adversely affect the public interest.

Therefore, the Petition for Writ of Certiorari is **GRANTED**. The decision of the County Commission denying Petitioner a conditional use permit is **QUASHED**.

**MAXWELL, CRAWFORD and WOHN, JJ, concur**

J

Z11532 12

I will ask our Planning and Development Department staff to research questions 3 and 4 and get back with me.

By separate email, I will send you Exhibit A.

Please let me know if the HOA will be able to attend the meeting scheduled for September 26<sup>th</sup> at 3:00 at the District 2 Commission Office.

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

Thanks,  
Liz

---

*Liz Alward*, Special Assistant  
District 2 Commission Office  
2575 N. Courtenay Pkwy, Suite 200  
Merritt Island, FL 32953  
Phone (321) 454-6601  
Fax (321) 454-6602  
web: [www.brevardcounty.us/D2](http://www.brevardcounty.us/D2)  
email: [liz.alward@brevardcounty.us](mailto:liz.alward@brevardcounty.us)

---

**From:** Richardson, Morris  
**Sent:** Tuesday, October 13, 2009 3:53 PM  
**To:** Alward, Elizabeth M  
**Cc:** Nelson, Chuck S  
**Subject:** RE: C.U.P. request by Mr. Rishi

Liz:

The most important thing for the HOA and concerned neighbors to keep in mind is that the circuit court has already stated that there was not competent, substantial evidence of record to support denial of the previous C.U.P. application (prior to the scaled-down BDP). Given that, it would be virtually impossible to uphold denial of the scaled-down application without compelling new evidence. In my assessment, it is in the HOA's best interest to work with the applicant towards an acceptable arrangement, such as that set forth in the latest proposed BDP. The HOA may not want any alcoholic beverages in the subject property under any conditions. However, the reality is that if the applicant returned to the Board of County Commissioners with a CUP for full liquor along the same lines as Mr. Grillo's previous proposed use, the Board would probably have to approve it unless there was compelling new evidence to support denial. If the HOA accepts a scaled-down use like the current proposed BDP, and for example a family Italian restaurant locates there and thrives, that will effectively preclude an operation such as the ones previously proposed by Mr. LaCourt and later Mr. Grillo from setting up shop there in the future.

Following are my answers to the specific questions posed by the HOA:

(1) Binding Development Plan: The applicant can only effectively bind property that he owns. A unit owned by another party would not be subject to the limitations set forth in the BDP. However, the BDP agreements would be valid and binding as to all of the units owned by the applicant.

(2) BDP Strength: BDPs and CUP restrictions and conditions do have "teeth" and are legally enforceable. Violations of a BDP and/or CUP can result in modification or revocation of the BDP and/or CUP and code enforcement proceedings. Any violation of the restrictions and conditions placed on a C.U.P. is also punishable by a fine not exceeding \$500.00, or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment. The Board also has the right to seek injunctive relief or any other appropriate legal remedy to enforce compliance with applicable land use regulations. Sec. 62-1901(d)(5), Brevard County Code of Ordinances. There is no ironclad guarantee that the applicant or tenants might not violate the BDP in the future. However, there is no record evidence to support the presumption that the applicant would violate the BDP and County code, and strong penalties to deter violations. \*

BDPs, like CUPs, may be modified from time to time by the Board of County Commissioners. Before amending a BDP, at least two public hearings must be held, including a public hearing held by the Board of County Commissioners. The notice requirements for rezoning of property contained in section 62-1151 apply. Sec. 62-1157, Brevard County Code of Ordinances. Also, any expansion of the CUP (e.g., expanding into other units, expanding to include liquor, or expanding to allow for a bar rather than sale accessory to the restaurant use) would require Board approval. Sec. 62-1906, Brevard County Code of Ordinances.

(3) & (4) I will defer to Ed Lyons and Rick Enos on these questions.

(5) C.U.P. Longevity: As pointed out in the question, a C.U.P. granted by the Board expires if not used within 3 years. Otherwise, the C.U.P runs with the property. The Board of County Commissioners may modify or revoke a previously granted C.U.P. if "the use of the conditional use permit has failed to comply with any of the conditions and restrictions imposed in the conditional use permit, has created an unforeseen negative impact such as emissions, particulates, noise, or other negative impact, or has otherwise caused substantial and adverse effects on the general health, safety or welfare of adjoining and nearby property owners and residents, and the owner has had adequate opportunity to correct the deficiency through code enforcement procedures or other avenues of due process." Sec. 62-1901(d).

Let me know if you have any questions or concerns. Thanks,  
Morris

---

**From:** Alward, Elizabeth M  
**Sent:** Monday, October 12, 2009 10:30 AM  
**To:** Richardson, Morris  
**Cc:** Nelson, Chuck S  
**Subject:** FW: C.U.P. request by Mr. Rishi

Hi Morris,

Enclosed is the email I talked to you about.....could you provide a written response so we can get to the HOA prior to the meeting? Looks like the 26<sup>th</sup> at 3:00, John Evens could not make the 27<sup>th</sup>. Rick said he has a copy of Exhibit A as requested in the email. I never did receive a copy.

We had Ed Lyons look into the sound wall, and I don't remember a response back on the wall issue. Tad might have the particulars on that question.

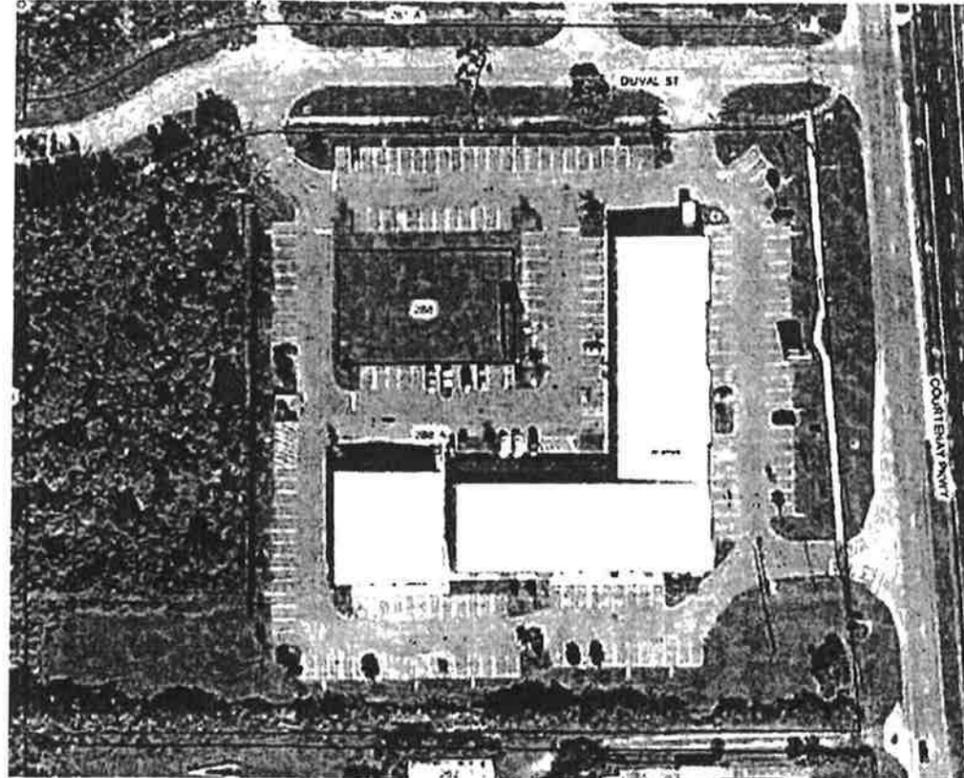
I will send out the email to the HOA today.

Z11532

14

BDP.

Rick



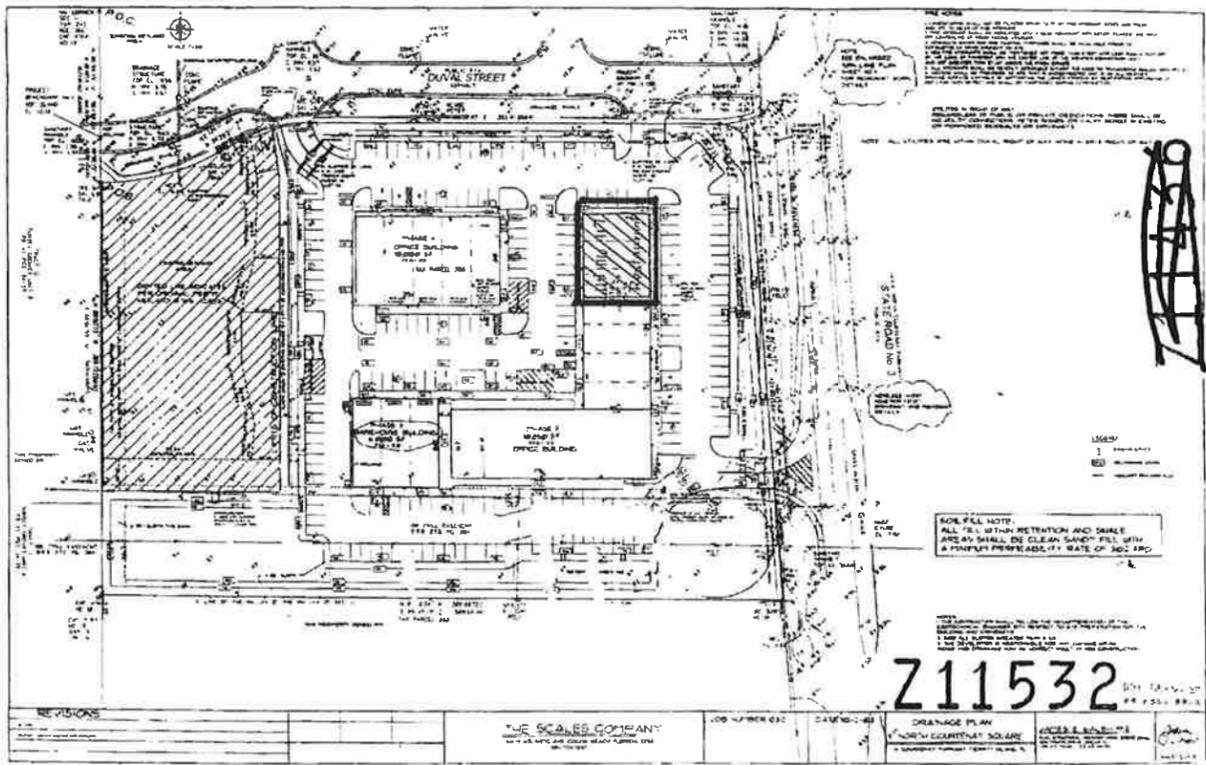
Wall to west of parking

RISHI REAL  
PROPERTIES  
FYI

W

N

16



E

S

RETURN: Clerk to the Board #27

PREPARED BY AND RETURNED TO:  
John H. Evans, Esquire  
John H. Evans, P.A.  
1702 S. Washington Ave  
Titusville, FL 32780

CFN 2010012840, OR BK 6101 PAGE 976,  
Recorded 01/25/2010 at 09:04 AM, Scott Ellis, Clerk of  
Courts, Brevard County  
# Pgs:7

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 12 day of January, 2010,  
between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,  
FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County")  
and RISHI REAL ESTATE PROPERTIES, LLC, a Florida Limited Liability Company,  
(hereinafter referred to as "Owner").

RECITALS

WHEREAS, Owner owns all units located within the property known legally as NORTH  
COURTENAY SQUARE CONDOMINIUMS (hereinafter referred to as the "Property") in  
Brevard County, Florida, but for Unit 114, as more particularly described in Exhibit "A"  
attached hereto and incorporated herein by this reference; and

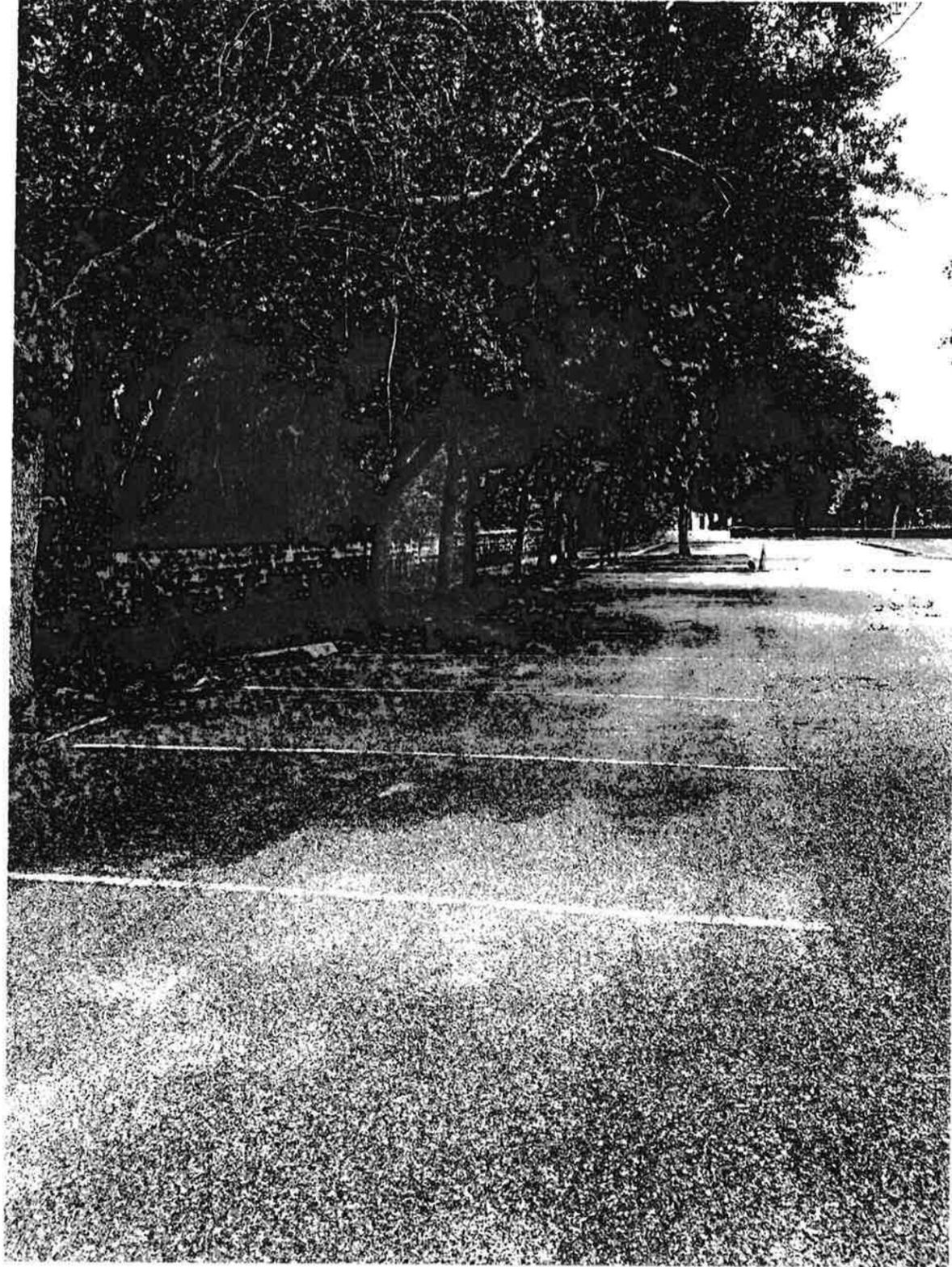
WHEREAS, Owner desires to have the ability to develop Units 115, 116 and 117 located  
within the Property as a Restaurant with a CUP for on premises consumption of alcoholic  
beverages (hereinafter referred to as "The Premises").

WHEREAS, as part of its plan for development of the Property, Owner wishes to  
mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

Z11532 17



STATE UNIFORM TRAFFIC CONTROL

**316.293 Motor vehicle noise.—**

(1) DEFINITIONS.—The following words and phrases, when used in this section, shall have the meanings respectively assigned to them in this subsection, except where the context otherwise requires:

(a) “dB A” means the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.

(b) “Gross combination weight rating” or “GCWR” means the value specified by the manufacturer as the loaded weight of a combination vehicle.

(c) “Gross vehicle weight rating” or “GVWR” means the value specified by the manufacturer as the loaded weight of a single vehicle.

(d) “Sound level” means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only A-weighting and fast dynamic response need be provided.

(e) “Department” means the Department of Highway Safety and Motor Vehicles.

(2) OPERATING NOISE LIMITS.—No person shall operate or be permitted to operate a vehicle at any time or under any condition of roadway grade, load, acceleration, or deceleration in such a manner as to generate a sound level in excess of the following limit for the category of motor vehicle and applicable speed limit at a distance of 50 feet from the center of the lane of travel under measurement procedures established under subsection (3).

(a) For motorcycles other than motor-driven cycles:

.....

(b) For any motor vehicle with a GVWR or GCWR of 10,000 pounds or more:

.....

January 1, 1975 86 dB A 90 dB A

(c) For motor-driven cycles and any other motor vehicle not included in paragraph (a) or paragraph (b):

.....

On or after January 1, 1979 72 dB A 79 dB A

(3) MEASUREMENT PROCEDURES.—The measurement procedures for determining compliance with this section shall be established by regulation of the Department of Environmental Protection as provided in s. 403.415(9), in cooperation with the department. Such regulations shall include the selection of measurement sites and measurement procedures and shall take into consideration accepted scientific and professional methods for the measurement of vehicular sound levels. The measurement procedures may include adjustment factors to be applied to the noise limit for measurement distances of other than 50 feet from the center of the lane of travel.

.....

**ELECTRONIC CODE OF FEDERAL REGULATIONS****e-CFR data is current as of June 9, 2020**

Title 33 → Chapter I → Subchapter J → Part 117 → Subpart B → §117.273

Title 33: Navigation and Navigable Waters  
PART 117—DRAWBRIDGE OPERATION REGULATIONS  
Subpart B—Specific Requirements

---

**§117.273 Canaveral Barge Canal.**

(a) The drawspan of the Christa McAuliffe Drawbridge, SR 3, mile 1.0, across the Canaveral Barge Canal need only open daily for vessel traffic on the hour and half-hour from 6 a.m. to 10 p.m.; except that from 6:15 a.m. to 8:15 a.m. and from 3:10 p.m. to 5:59 p.m., Monday through Friday, except Federal holidays, the drawspan need not open. From 10:01 p.m. to 5:59 a.m., everyday, the drawspan must open on signal if at least 3 hours notice is given to the drawtender. The drawspan must open as soon as possible for the passage of public vessels of the United States and tugs with tows.

(b) The drawspans of the SR401 Drawbridges, mile 5.5 at Port Canaveral, must open on signal; except that, from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday except Federal holidays and from 11 a.m. to 2 p.m. on Saturdays and Sundays, the drawspans need not be opened for the passage of vessels. From 10 p.m. to 6 a.m., the drawspans must open on signal if at least three hours notice is given. The drawspans must open as soon as possible for the passage of public vessels of the United States and tugs with tows.

[USCG-2001-10881, 71 FR 70310, Dec. 4, 2006, as amended by USCG-2017-0161, 83 FR 4430, Jan. 31, 2018]

Need assistance?



Space Coast Florida  
Nature | Beaches | Space  
the official website for Brevard County Government

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- Visitors
- e-Government
- Contact
- Thursday, June 11, 2020



Register for an Account Reports (1) Login

Search...

County facilities reopen to the public on May 18, 2020. The Planning & Development Department encourages customers to utilize its online permitting and inspection portal when possible. These and other services are also offered by email at [Inspectmail@brevardfl.gov](mailto:Inspectmail@brevardfl.gov) or by appointment at (321) 633-2069.

For the safety of staff and customers, plexiglass barriers, social distancing floor markings, limited office occupancy, drop box service, and staff facial coverings will be utilized. Permitting services are by appointment only, however, efforts will be made to schedule immediate appointments as necessary for walk-in customers.

- Home
- Building
- Development
- Enforcement

Search Applications

Application 16SP00032:

Major Site Plan

3265 N. Courtenay Pkwy

Record Status: Permit Issued

- Record Info
- Payments
- Custom Component

### Processing Status

A check mark indicates the task is complete, not approved. Click the expand button (triangle) next to the task name to view details, then plus sign to see comments if applicable. Do not reply to deficiency comments until all reviews are completed.

#### Pre-App Submittal

Due on 11/02/2016, assigned to TBD  
Marked as Accepted - PreApp Required on 11/02/2016 by Kinga Ataman

#### PR Address Assignment

Due on 11/15/2016, assigned to TBD  
Marked as Completed on 11/09/2016 by Regina R Mahaney

Address Assignment, Regina Mahaney, (321) 690-6946 Ext 1, [address.assign@brevardfl.gov](mailto:address.assign@brevardfl.gov), 16SP00032, 1. Approved - no additional comments at this time, as previous address indicated on application of 3265 N. Courtenay Parkway, Merritt Island, Florida 32953 can be retained for this site. All other addresses for prior project that never built are now null and void.

#### PR Engineering Design

Due on 11/15/2016, assigned to TBD

## Planning &amp; Development Citizen Access

**Comment:** Sewer service is available to this site. Please provide details showing how the mobile office will connect to the existing sanitary sewer.

✓ PR Zoning

Due on 11/15/2016, assigned to TBD

Marked as Completed on 11/09/2016 by George Ritchie

This parcel is zoned PIP under zoning action Z-10287. It is located in a Planned Industrial Park District designated by Brevard County's Future Land Use Map. The proposal is for short or long term parking on 3.83 acres. Total allowed site signage for walls and freestanding signs is 116 square feet. 1) Please add a general statement block describing the use of the property. Short term parking is parking for less than 96 hours. Parking lots are not required to be fenced or enclosed. Long term parking over 96 hours is considered a storage yard and is required to meet conditions of Section 62-1833.5 of Brevard County Code. 2) Storage yards and building footprints are further limited to 50% of the lot size; see Section 62-1542 (6) of Brevard County Code. 3) Storage yard criteria in Section 62-1542 (8) of Brevard County Code will require an opaque wall as seen from residential properties and public road right-of-way. 4) Please state compliance with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. 5) Please add the following statement to the proposed site plan, if exterior site lighting is proposed. Site lighting must conform to Brevard County Performance Standard 62-2257 and the Engineer of Record shall certify that it complies prior to the issuance of a certificate of occupancy of a building permit approved by Brevard County. Please demonstrate compliance with the lighting code by attaching a sealed certification statement from an electrical lighting engineer that the proposed lighting fixtures are consistent with the requirements as stated within Sections 62-2257 (a), (b), (b)(1), (b)(2), (b)(3), and (b)(4). Additionally, please incorporate a copy of the manufacturer's cut-sheet information for each proposed lighting fixture into the plan as well as submit a photometric plan within your next submittal. If no exterior lighting is proposed, please state the following statement: No new exterior lighting is proposed. 6) Please state whether this site plan is or is not required to submit a Risk Management Plan (RMP) pursuant to U.S. Environmental Protection Agency (EPA) regulations. If an RMP is required please return that information to this office. For those sites which do not require a RMP, please add the following note to your site plan which states: "The uses proposed as part of this site plan do not require a submittal of a Risk Management Plan pursuant to U.S. Environmental Protection Agency (EPA) regulations and shall not exceed EPA's RMP threshold quantities of listed substances." 7) A modular office would serve as a building where the use can be operated from, however, if the structure is actually a mobile home or security trailer, it can't function as an enclosed building for the purpose of running the business. Please verify that the existing use is as a modular building. Review Agency: Brevard County Planning & Zoning Division Reviewed By: George C. Ritchie, Planner II Review Date: November 9, 2016

**Comment:** certification statement from an electrical lighting engineer that the proposed lighting fixtures are consistent with the requirements as stated within Sections 62-2257 (a), (b), (b)(1), (b)(2), (b)(3), and (b)(4). Additionally, please incorporate a copy of the manufacturer's cut-sheet information for each proposed lighting fixture into the plan as well as submit a photometric plan within your next submittal. If no exterior lighting is proposed, please state the following statement: No new exterior lighting is proposed. 6) Please state whether this site plan is or is not required to submit a Risk Management Plan (RMP) pursuant to U.S. Environmental Protection Agency (EPA) regulations. If an RMP is required please return that information to this office. For those sites which do not require a RMP, please add the following note to your site plan which states: "The uses proposed as part of this site plan do not require a submittal of a Risk Management Plan pursuant to U.S. Environmental Protection Agency (EPA) regulations and shall not exceed EPA's RMP threshold quantities of listed substances." 7) A modular office would serve as a building where the use can be operated from, however, if the structure is actually a mobile home or security trailer, it can't function as an enclosed building for the purpose of running the business. Please verify that the existing use is as a modular building. Review Agency: Brevard County Planning & Zoning Division Reviewed By: George C. Ritchie, Planner II Review Date: November 9, 2016

PR Building Department

✓ PR Environmental Health

Due on 11/15/2016, assigned to TBD

Marked as Pending Pre-App Conference on 11/07/2016 by Christie A McNamara

**Comment:** Provide a septic system existing system permit or sewer connection plans for the existing mobile office trailer.

Due on 11/15/2016, assigned to TBD

Marked as Pending Pre-App Conference on 11/15/2016 by Christie A McNamara

**Comment:** Please provide the details for the septic system or sewer system used for the existing mobile office. Holding tanks and port-a-potties are not acceptable for a long term business. I asked about this location and was told there was no bathrooms. There was no mobile office mentioned in the Building Occupancy Septic Review from October.

✓ Format Site Plan Submittal

Due on 11/17/2016, assigned to TBD

Marked as Accepted on 02/14/2017 by Kinga Ataman

Due on 11/17/2016, assigned to TBD

Marked as Accepted on 03/13/2017 by Kinga Ataman

Due on 03/28/2017, assigned to TBD

Marked as Accepted on 04/24/2017 by Kinga Ataman

✓ RA Address Assignment

Due on 02/27/2017, assigned to TBD

Marked as Approved on 02/14/2017 by Regina R Mahaney

**Comment:** Address Assignment, Regina Mahaney, (321) 690-6846 Ext. 1, address.assign@brevardfl.gov, 16SP00032. 1. Approved - no additional comments.

Due on 03/27/2017, assigned to TBD

Marked as Approved on 03/22/2017 by Regina R Mahaney

**Comment:** Address Assignment, Regina Mahaney, (321) 690-6846 Ext. 1, address.assign@brevardfl.gov, 16SP00032. 1. Approved - no additional comments.

Due on 05/04/2017, assigned to TBD

Marked as Approved on 05/04/2017 by Regina R Mahaney

**Comment:** Address Assignment, Regina Mahaney, (321) 690-6846 Ext. 1, address.assign@brevardfl.gov, 16SP00032. 1. Approved - no additional comments.

✓ RA Engineering Design

Due on 03/27/2017, assigned to TBD

Marked as Deficiencies on 03/28/2017 by Rachel Gerena

1. As discussed at the Pre App Meeting, all parking areas/drive aisles must be paved. Any areas exceeding a total site impervious area of 60% are to be sodded grass parking. 2. Please provide a detail for the grass parking areas. Brevard County Ordinance Sec. 62-3206 (5) 3. Please add the latest Brevard County Public Works Engineering Standard Development Notes and applicable Brevard County Land Development (BCLD) exhibits to the plans. These are available at

22

Due on 03/28/2017, assigned to TBD  
Marked as **Approved** on 03/28/2017 by Christie A McNamara

**Comment:** Project will connect to sewer. Sewer is available.

Due on 05/04/2017, assigned to TBD  
Marked as **Approved** on 05/01/2017 by Christie A McNamara

**Comment:** Approved with connection to sanitary sewer as proposed.

Final Review

Due on 03/28/2017, assigned to TBD  
Marked as **Deficiencies** on 03/28/2017 by Tania Ramos-Mlner

Due on 05/04/2017, assigned to TBD  
Marked as **Approved** on 05/04/2017 by James Mann

Approved Plan Submittal

Due on 05/04/2017, assigned to TBD  
Marked as **Plans Received** on 05/30/2017 by James Mann

Due on 05/04/2017, assigned to TBD  
Marked as **Plans Distributed** on 06/13/2017 by James Mann

Pre-Const Conference and Permi

Due on 06/13/2017, assigned to TBD  
Marked as **Permit Issued** on 05/04/2017 by Debbie Lovell

Inspections and COC

Due on 06/21/2017, assigned to TBD  
Marked as **TBD** on TBD by TBD

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Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way, Viera, FL 32940  
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**Role of the Comprehensive Plan in the Designation of Industrial Lands**

**Policy 3.1**

The Comprehensive Plan shall impose broad criteria for consideration in evaluating proposals for new industrial designated lands within Brevard County. At a minimum, these criteria shall address the following:

**Criteria:**

- A. Compatibility with adjacent adopted Future Land Use designations and land uses;
- B. Existing industrial development trend in the area;
- C. Availability of required infrastructure at/ above adopted levels of service;
- D. Size of proposed industrial designation compared with current need for industrial lands;
- E. Accessibility to major transportation corridors, as well as air, water and rail transportation facilities;
- F. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems; and
- G. Accessibility to labor, raw materials and markets.

**Role of Zoning Regulations in the Designation of Industrial Lands**

**Policy 3.2**

Zoning regulates the specific types and intensities of uses. Criteria which aid in assessing zoning compatibility shall consider the following standards:

**Criteria:**

- A. Permitted/prohibited uses;
- B. Existing industrial zoning trends in the area;
- C. Compatibility of proposed use with area;
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal; and
- E. Impact upon natural resources, including air and water, wetlands, floodplains, and endangered species.
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.



**Role of Land Development Regulations in the Designation of Industrial Lands**

**Policy 3.3**

Once a proposed project is designed, site plan/land development regulations provide the final level of review for evaluating the acceptability of proposed industrial development activities. Criteria include:

**Criteria:**

- A. Accessibility of site for vehicular and non-vehicular modes;
- B. Buffering from adjacent existing/potential uses in terms of set backs, landscaping, and open space as well as the arrangement of access and parking for the site;

- C. Open space provisions and balance of proportion between gross floor area and site size;
- D. Adequacy of pervious surfaces in terms of drainage requirements;
- E. Safety of on site vehicular circulation patterns (patrons, employees, and delivery vehicles) including loading facilities, truck parking and points of conflict;
- F. Storage locations and buffering from the surrounding area;
- G. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
- H. Building placement/arrangement on the site;
- I. Provision of breezeway/visual corridor for riverfront properties;
- J. Placement of signage;
- K. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance.
- L. Performance based zoning requirements which may serve as a substitute for or accompany Land Development Regulations in attaining acceptable site design;
- M. Suitability of mixture of uses (if multiple uses proposed);
- N. Blending of the project with the character of the area; and
- O. Landscaping conforms with the policies of the Comprehensive Plan and land development code.

#### **Industrial Future Land Use Designations**

##### **Policy 3.4**

The two (2) industrial land use designations adopted as part of the Future Land Use Map are:

- Planned Industrial
- Heavy/Light Industrial

#### **Planned Industrial Land Use Designation**

##### **Policy 3.5**

The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below. Table 3.1 summarizes the specific development parameters listed

Sec. 62-1941.3 - Overnight commercial parking lot.

Overnight commercial parking lots are those commercial parking lots which offer 24-hour or longer extended parking for motorized vehicles. Overnight commercial parking lot use is a conditional use in the BU-1, BU-2, PBP and PIP zoning classifications; however, when an overnight commercial parking lot use is located within IU or IU-1 zoning, it shall be considered a permitted with conditions use. Both types of overnight commercial parking lots are subject to the provisions of this section. The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size shall be not less than three acres for sites zoned: BU-1, BU-2, PBP or PIP. For sites zoned: IU or IU-1, the minimum lot size is two acres.
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. Secondary or accessory parking facilities that have demonstrated compliance with condition (2) above shall only be performed from paved parking spaces.
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles used to transport passengers to and from the overnight commercial parking lot. Shuttle routes shall avoid residential areas.
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the board to review to assist in determining if additional roadway improvements are warranted.
  - a. The applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements.
  - b. The site plan shall be designed and the site constructed to facilitate all peak hour trips on site so there is no queuing in any public right-of-way.
- (6) Applicant shall submit a site plan consistent with chapter 62, article VIII after board approval of the CUP.

(Ord. No. 2018-10, § 9, 4-24-18)

## NORTH MERRITT ISLAND

### DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, June 11, 2020**, at 6:00 p.m., at the Brevard County Government Complex, 2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida.

**Board members present were:** Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Chris Cook; Jim Carbonneau; and Catherine Testa.

**Planning and Development staff present were:** Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

#### Excerpt of Complete Minutes

##### **MI Plaza Group, LLC (Matthew Phillips / Kim Rezanka)**

A request of the following: 1.) removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres); 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial Park) zoning classification. The property is 5.48 acres, located on the southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027) (Tax Account 2459292) (District 2)

Mary Hillberg – Do we take each of these one at a time when we vote, or do we take all three of them? Mary Hillberg – We could do one or the other, it looks like.

Jeffrey Ball – It's all one application, so you can have a discussion first on the BDP and then move on to the CUP for the overnight parking; it's really on how you want to, but your motion needs to incorporate those three requests.

Kim Rezanka – My name is Kim Rezanka, with Cantwell and Goldman, Cocoa Village, and I'm here representing MI Plaza Group. With me is Matt Phillips, he is the representative of the company; and Sid Chehayeb, who is the engineer of record. Sid actually prepared the application and did the engineering work, so he would be the one to answer your questions regarding those matters. Mr. Phillips can answer any questions about operations. This is not his first facility, he has another facility and has done these parking and transportation facilities in the past. We recognize this is an emotional and sensitive issue to North Merritt Island and to the owners in Sunset Groves. We are seeking a CUP for overnight commercial parking and onsite consumption of alcohol, and removal of an old BDP, which was never used, it went with a conditional use permit that expired for a restaurant. The maps you have in your packet show specifically where this area is; the aerial map shows the location of Courtenay with Duval Street to the north, and with Sunset Groves to the west. This has come before you two or three times before with something similar, but this is completely different than what you've seen before, as I will detail for you as we go through this. Again, you have a location, an existing building; there was one phase that was not built, it is an empty grass lot, which will be used for 37 additional parking spaces for a total of 237 parking spaces on the entire site. The CUP for onsite consumption is only for a small area, which is also located on your map and is on the site plan. The Future Land Use Map shows this is a Planned Industrial Future Land Use and the zoning shows PIP as is along a good portion of this property to the west of North Courtenay. The plan of MI Plaza Group is to have a GoPort transportation facility. It is re-purposing a vacant shopping center that was built in 2005. The primary use for the entire property will be a transportation center. There will be a maximum of 200 cars at any time and all will have reservations. You have in your packet the coming

and going of what they anticipate based on when the cruise ships come in, and you'll see it's not all 200 coming at once and not all 200 leaving at the same time, it's over the course of a week. The people who have reservations will drive in their cars, park, their luggage will be stored, and then they can use a waiting area or the restaurant/lounge. The restaurant/lounge is where we've asked for a conditional use for onsite consumption of alcohol. Only those using the parking facility and only those boarding the bus to the Port can use this facility. The lounge is only open to those who are getting on the bus to go to the Port; it's not for those coming back from the cruise ships and getting into their cars. In fact, they will come back and most likely get off the bus and go straight to their cars. They will come into the parking area from west Duval and they will leave the parking area from the east Duval entrance and Courtenay Parkway. There will be no traffic from customers after 1:00 p.m. (Information submitted by the applicant can be found in File 20PZ00027, located in the Planning and Development Department) Of the packet I handed out, the first three pages were in your agenda packet; this was done in response to the numerous letters of objection that were provided to us in April. This was to try to have the neighbors understand what was going to happen at this facility. The neighbors were concerned, some of them have gone through this before, and some of them thought this had been a dead issue. They raised issues, and an email was sent to all of them because their addresses were in the public record and we wanted them to know we heard what they were saying; we really couldn't have a community meeting because of COVID, there was no way to do it. They knew what was going on here and they were all very aware of it, and there must be approximately 20 objection letters, or more like 40 because some of them were duplicates because they came from Commissioners' offices. The primary use, again, is an overnight commercial parking lot; it's not an accessory, it's primary, so there are no surplus parking spaces. All the parking spaces will be used for the overnight parking, and a few for employees. We meet all of the criteria of [Section 62-]1941.3, as we will detail later on, but this is what was submitted to the neighbors and to staff. The alcoholic beverages for on-premises consumption, I cited in there what the language of 62-1906 states. Again, only customers departing for Port Canaveral will be allowed to purchase alcohol; the alcohol services will be from 9:30 a.m. to 1:00 p.m. I mis-stated that before, but that's what we're asking and will agree to as a condition, 9:30 a.m. to 1:00 p.m. Seating will be limited to 100, will not be open to the general public, and there will be no pool hall. The operation of the facility is detailed and is also detailed in the transportation analysis that was provided. Not all customers will arrive and depart at the same time, just like not everyone is going to a movie at 9:30 a.m., they're all coming and going at different times, and it depends on when their plane arrives and depending on where they're traveling from. The anticipated rate for the shopping center was almost 2,500 trips per day, and this will be substantially less than that, as you've seen in the analysis. There are proposed conditions by staff, but we do not believe they are needed; the buffering and landscapes exist with more than 217 feet of wooded area; it's really approximately 160 on this property, plus 30 feet on the Sunset Groves property, they have a drainage easement there, so there is 190 feet from the parking spaces to any lots in Sunset Groves. We do not believe the turn lane analysis is needed because the use has less traffic than the approved use of a 27,500 square-foot shopping center. They've asked for a queueing plan, but there is no queueing plan needed because this is a primary use – people come in and they park, they don't talk to an attendant, they don't get a ticket, they come in and they park. The hours of the lounge will be from 9:30 a.m. to 1:00 p.m.; seating in the restaurant is limited to 100; limiting alcohol to beer and wine is not agreed, as the service is only for people who are leaving on a cruise ship. There was a comment of why people need to drink at 9:00 a.m., but that is a personal preference, some people like mimosas, some people are coming from Italy where there is a six-hour time difference, so there is no telling why, but this is what we're asking for, and this is what GoPort believes will help the business be successful. We agree to limit the parking to 232 spots, along with five employee spaces.

These are conditions of the conditional uses we've asked for. No binding development plan is necessary because these are conditions that must be abided by without a binding development plan. The site plan shows where the restaurant/lounge will be, in the southeast corner of the property. Page 5 of the handout is some history of the area, beginning with a binding development plan that is referenced in the staff comments; it is a binding development plan that was given to the developer of Sunset Groves, the two separate plats that were done for Sunset Groves. This was to show you, on Page 6, the developer was to maintain a six-foot wooden/block fence along the westerly boundary line of the real property. I don't know that that's been done, but if it has been done, that's an extra buffer. We have this parking facility, then there's a concrete block wall, then there's 150 feet to 160 feet of natural wooded vegetation, then there's 30 feet of a drainage easement in Sunset Groves, and then you have homes. Page 7 is the conditional use permit application worksheet for Z-10949; this was the 2005 conditional use request related to an upscale billiards center for competitive sports, and was to be a 10,850 square-foot building for a pool hall where they were going to bring in ESPN and have competitive leagues. It was very disconcerting to the residents because it was going to be a non-stop sports bar with billiard hall. That's why the binding development plan from last time had no pool hall and that's why we've agreed to no pool tables, because this is what happened in 2005. Page 9 shows where the 10,800 square-foot pool hall was to be; it was closer to the residents as well. That was denied in 2005 for a variety of reasons. Page 10 is a conditional use permit for onsite consumption that was allowed in 2010; it was for units 115, 116, and 117, which is on the northeast portion of the property. If you look at the fourth Whereas of the resolution, it was approved because the Circuit Court overturned the County Commission's denial of the 2008 request for onsite consumption. Pages 11 & 12 shows the order of the Circuit Court, and at the top of Page 12 the order states, "The petitioner's property is zoned PIP, Planned Industrial Park, serving alcohol on the premises of a restaurant is a permitted use within that zoning if the criteria for the CUP are met". The court found the petitioner established a prima facie case for meeting the elements. Pages 13 & 14 is an email from then-Assistant County Attorney Morris Richardson, because residents have been concerned in the past and are concerned now that the conditional use criteria can't be enforced. Mr. Richardson opines in the email, "BDPs and CUP restrictions and conditions do have "teeth" and are legally enforceable. Violations of a BDP and/or CUP can result in modification or revocation of the BDP and/or CUP and code enforcement proceedings, or fined up to \$500 per day." Page 15 shows the concrete wall, but I don't know if that was a requirement of any activities or permits from the County, but there is a concrete block wall just to the west of the parking on MI Plaza's property before the wetland, retention, and wooded areas. Page 16 is the binding development plan area that was approved in 2010. The binding development plan that we're asking to be revoked/removed starts on Page 17 and shows the onsite consumption was only for units 115, 116, and 117. Page 18 is the wall I referenced, and the picture was taken this morning. Page 19 refers to concerns by the neighbors, and a reference by staff, that the buses could cause noise. These are smaller buses than normal, they are 25 – 30 people buses, and they'll be coming and going. Bus noise is actually governed by Florida Statute, not by County Code, so they will have to comply with that. There is some statement in County Code that warning calls, like back-up beeps from buses, are not subject to the noise ordinance. Again, they will be coming in and out, they're not going to be sitting for a long period of time, and they have to comply with Florida Statutes. There is another concern about the Barge Canal, and this issue has been raised with any development on North Merritt Island. This specifies, under the Federal regulations, when the Barge Canal bridge is supposed to be open. I don't know if they are complying with this or not, but it would be good to find out, because from 6:15 a.m. to 8:15 a.m. that bridge doesn't have to open at all, and then it only has to open twice an hour. We do not believe that the 35 – 40 cars coming and going per day are going to cause a major problem with the bridge, not

nearly as much as a shopping center with 2,700 trips would have caused. There is also an issue regarding an adjacent Park n Ride that put in for a permit in 2016, at 3265 North Courtenay Parkway. Staff has asked us to do some analysis based on that Park n Ride, and the site plan has expired, it expired as of May 4<sup>th</sup> of this year. Lots of Honor was the prior owner who was going to do the parking lot, but the ownership has changed hands since then and the site plan is expired, so that site plan is not going to be valid and there will not be a Park n Ride there. If they do come back with a new site plan, I believe they will have to come back to you for the CUP. Page 24 of the handout is the Comprehensive Plan policies, one of which was cited by staff, Policy 3.2, dealing with new industrial designated land, so if we were asking for PIP that would be applicable, but I do not believe it is applicable for a conditional use permit on industrial land. Policy 3.3 does appear to be relative to a CUP when evaluating the industrial development activities, and that's at the site plan stage, and that's accessibility, buffering, and a variety of other things. Again, this is an already-existing site that's already gone through site plan review, but we do have accessibility, there are three entrances and buffering. On Page 26 is the actual Code Section, 62-1941.3, Overnight Commercial Parking Lot. When you look at Criteria 1, the minimum lot size of not less than three acres, we have almost six acres. "An overnight commercial parking lot which is secondary or accessory", but this is not secondary or accessory, this is a primary use. Criteria 3 states all drive aisles and parking spaces shall be paved; they are paved, as shown in the pictures. Criteria 4 states a routing map with the routes of the shuttle service shall be provided, and that has also been included in your agenda packet. They will go down S.R. 528 to the Port, and back on S.R. 528 from the Port. Criteria 5 states a traffic study shall show if additional roadway improvements are warranted; that traffic study is in your packet, and Mr. Chehayeb can speak about that if necessary. Again, it is the opinion of the traffic engineer that none are warranted. Criteria 5(b) deals with queueing in any public right-of-way, but there will be no queueing in a public right-of-way; they are coming in and parking. Staff has actually asked for queueing internally on the site, and we suggest that's not required by your Code, and we do not believe there will be queueing because we have plenty of ample space for people to come in and park, especially if it's 35 – 40 cars per day. Criteria 6 states applicants shall submit a site plan consistent with Chapter 62 after Board approval of the CUP. There is a site plan in your packet that is still going to have to go through a site plan review at the County level through the Engineering staff. In summary, GoPort, which will be operating on MI Plaza Group's property, is planning an overnight parking for cruise customers. They will come in, they will have a reservation, most of them will be in combination with a hotel in the area, they will park there, maybe relax for a while, and then get on a cruise ship; they will then come back from the cruise ship, get in their car and leave. They likely may stay a while, all of them are booking with the hotels in Brevard County, so there are people who will be in the community and will be using gas stations, convenience stores, restaurants, and other things this county has to offer, and probably going to the beach. This is a business plan that has worked for GoPort; the neighbors may disagree that this is a good business plan, but this is MI Plaza Groups/GoPort's business plan. This is a use that has worked and MI Plaza Group believes it will work at this site, as it is a vacant, dilapidated plaza, and it will look nicer. There will be cars parked there and it won't look vacant. We understand this is sensitive to the neighbors and we do want to listen to the neighbors if they have suggestions. I haven't seen any other than 'don't come here, we don't want you', but if they do have suggestions we will hear them and certainly consider them. Thank you.

Jeffrey Ball – Ms. Rezanka, I just want a clarification. In your email you said the alcohol would be served from 9:30 to 12:30 p.m., but you just said 9:30 a.m. to 1:00 p.m.

Kim Rezanka – Yes, 9:30 a.m. to 1:00 p.m.

Jeffrey Ball – Just for the board's edification, they are requesting to have alcohol served from 9:30 a.m. to 1:00 p.m.

Kim Rezanka – And the facility to be open from 6:30 a.m. to 1:00 p.m., those are the hours of operation. I have clarified with all of the neighbors that an earlier statement was incorrect, and it is 1:00 p.m.

Jeffrey Ball – Madam Chair, before you bring up anyone else, I want to point some information out. Ms. Rezanka pointed out the adjacent Park n Ride that was approved in 2016, yes it does expire in May of this year; however, since we are in a State of Emergency, there is an automatic continuance for six months, so technically speaking, they are not expired. The other issue I wanted to point out is the parking issue. Our Code, Section 62-1941.3, talks about an overnight commercial parking lot that is secondary or accessory to a developed site, which this is what we're talking about. With that in mind, staff did an analysis of the parking, and if you look at Page 9 of the staff comments, staff points out what the required parking is, so based on that determination there is 153 surplus parking spaces, so that's where there is a difference of opinion as far as how much parking is available. If the board decides to have the overnight commercial parking as a primary use, staff's suggestion would be to have a condition that states that this facility will not be open to the public.

Kim Rezanka – Mr. Ball, why is this not a primary use? Why are you considering it surplus?

Jeffrey Ball – I'm sorry, say that again?

Kim Rezanka – Why are you not considering this commercial parking as a primary use?

Jeffrey Ball – Because it's a developed site.

Kim Rezanka – What is it accessory to? There's no other use there.

Jeffrey Ball – It's a developed site.

Kim Rezanka – But it's not accessory. There's nothing else there, there's no retail, there's nothing.

Jeffrey Ball – Staff's interpretation of the Code is that it is a developed site. Hypothetically speaking, if five years down the road, the commercial parking lot is over, done, and run its course of business, now this is opened back up, staff can't determine the parking that's available. So, in the end, we still have to verify there is enough parking for the buildings that are onsite. Granted, the uses will change over time, but the site plan shows those buildings the way that they are.

Mary Hillberg – So, the 273 is not correct, and it's 153?

Jeffrey Ball – No, let me clarify that. There are 207 parking spaces now, so in the middle area where there is a greenspace right now, that was supposed to be another building, so what the applicant is going to do is build another 30 parking spaces to increase the overall parking to 237. That's the overall parking that's available onsite based on staff's calculation of what the existing building is that's built onsite right now, those uses would require 84 parking spaces. So, if you take 237 minus 84, that's 153 surplus parking spaces. If you look back at our Code, it says that it's surplus and for the developed site.

Jack Ratterman – I added up the uses of the other place, and I got 84 from 207, and that gives me 123 spaces, right?

Jeffrey Ball – Yes.

Jack Ratterman – And then they are going to add 30 onto the 123, right?

Jeffrey Ball – There's 207 parking spaces.

Jack Ratterman – And you're going to subtract that, the 13, 11, the 42?

Jeffrey Ball – Correct.

Jack Ratterman – That's 84, and 84 from 207 is 123, correct?

Jeffrey Ball – No, they are building another 30.

Jack Ratterman – Ok, but without that 30, if you subtract that, you're going to have 123 spaces, and then you're going to add their 30...ok, I see where you got it.

Kim Rezanka – We would ask that you add a condition to the conditional use permit that there shall be no other uses but overnight parking.

Jeffrey Ball – That's agreeable.

Kim Rezanka – That would give us 237 spots, with five for employees.

Jeffrey Ball – I don't know if you all understood that, but what Ms. Rezanka is asking for is to place a condition that the commercial overnight parking is the primary use, and that way she would have the full use of the 237 parking spaces, five of which would be staff parking.

Jack Ratterman – The other businesses in the warehouse, are they going to go away? You have 11 spaces for business complex use. What's going to happen to them?

Matthew Phillips – Matthew Phillips, 540 Riverside Avenue, Merritt Island. To answer your question, we have two residents there on the property now that are there month-to-month and one of them in the back using that largest spot is building a warehouse right now, so he will be leaving probably whenever we start this. The workout area is a gentleman who has been there for about 10 years, and we would like to work it in with him; he's a very nice man and he likes being there, but by the same token I might just ask him to leave as far as that goes because of where his workout area is. Unfortunately, we will probably ask both tenants to leave.

Jack Ratterman – So, the 42 parking spaces for the warehouse, you're not going to have the warehouses anymore?

Matthew Phillips – No. The virtual deal for the whole plaza is to have that one spot for alcohol consumption for those three hours, and then the rest of it would be used for what we call luggage storage. Luggage storage is a new concept with traveling where people would be sending their luggage from where they are instead of bringing it on a plane, a train, or a car, they would ship it to

us, and when they go to the ship we will take their luggage over there. We will be using those individual bays for luggage storage. Basically, we just have to keep the rain off of it.

Jeffrey Ball – Ms. Rezanka, by adding that condition that the overnight commercial parking is the primary use, I would like to ask that a condition be placed on there that you would revise your site plan to show that that's the primary use.

Kim Rezanka – Ok.

Jack Ratterman – Can you show me where you are going to add the 30 parking spaces?

Mr. Phillips approached to board and indicated on a map where the additional parking spaces will be located. Any comments made were not audible.

Matthew Phillips – That's a green area right now, and that's where a 10,000 square-foot building was approved, but we're not going to build any more buildings.

Kim Rezanka – The greenspace on the aerial map is where the new parking spaces will go, as referenced in the site plan.

Chris Cook – I'm looking at the depiction on the greenspace and it shows about 60 spaces, and now you're saying there's only going to be 30?

Sid Chehayeb – My name is Sid Chehayeb, I'm with Consulting Civil Engineers, 3650 Bobbi Lane, Titusville. We have a plan for the 30 spaces. It has to go through site plan review with the County, so it hasn't been approved, the additional parking spaces, yet, but those are the spaces that are going to go where the 10,000 square-foot building was going to go. That was approved in early stages and it's in all County plans showing the 10,000 square feet.

Chris Cook – So, it's only going to be 30 spots and not the 60 shown?

Sid Chehayeb – Yes.

Chris Cook – Ok, that answers my question.

Kim Rezanka – Mr. Cook, I believe the site plan in the packet incorporates spaces that are to the south of there.

Chris Cook – I was just counting the spaces that were in the green area. For staff, since that is not paved, is that going to increase their surface water retention requirements?

Jeffrey Ball – That will all be discussed at their site plan review. Yes, they would be increasing their impervious surface area, so as part of the review process with their site plan, our engineers will take a look at that.

Mary Hillberg – Does anyone else on the board have a question for the applicant?

Jack Ratterman – I have a question about your liquor license. You're going to ask for a full bar, correct?

Matthew Phillips – Yes, sir.

Jack Ratterman – How many hours is the restaurant/bar going to be open?

Matthew Phillips – 9:30 a.m. to 1:00 p.m., so it will be three and a half hours, it's just a cocktail for somebody who's getting on a cruise ship.

Jack Ratterman – I called the State liquor license board today and asked them. First, I wanted to know how much a liquor license cost, and they said about \$265,000 for Brevard County. They also told me that it had to be open a minimum of eight hours, so you're not going to make that. Then they said it had to be opened up 110 days. Maybe somebody hasn't done their homework, because right now you won't make the liquor license. If you have the money, you're not making the hours.

Matthew Phillips – We can extend the hours, so that's not a problem, we can keep it open, but it's basically it's a private scenario just for the people coming there to park and then leave. It's not going to be open for the public, so we'll be happy to change it to eight hours a day if that's the rules; we want to follow the rules.

Jack Ratterman – On the access, it says, "Access control/fence perimeter". How are you going to control the access? Are you going to have a gate there, or a guard house when they come in and out?

Matthew Phillips – No, they're just going to come in. Let's say it was just a regular plaza, people would just come in and park; we're only going to offer as many reservations as we have parking spots, so everybody leaves between 6:30 a.m. and 9:00 a.m., that's when everybody comes off the ship and leaves. We're only going to have the max amount of the people that left. You run cruises five days a week, so you have about 30 – 40 cars coming in a day, max, because they are all staggered out between those five days. Some days may exceed a little bit more than that, but pretty much between the 40 and max of 60 cars a day is what we're talking about.

Jack Ratterman – You don't think you're going to have any problem with leaving cars there overnight? No security problems?

Matthew Phillips – No, it's Merritt Island, there's no crime in Merritt Island. I've been there a long time and I haven't witnessed any crime in Merritt Island. I'm sure there is crime in Merritt Island, but in that particular area there, I've been around that property quite a bit and between the police and the lighting we just had put up – we had two lights put up on the front, two more lights put up on the side, and the entire back lit, so the entire lot is now lit, and once this gets going there will also be video on there and then there will be gates so you can't come in unless during the hours of 6:30 a.m. and 1:00 p.m. during cruise days. Those are the only hours that this establishment is going to be open.

Jack Ratterman – How about the bus stop there? Your primary entry is going to be through Duval Street, correct?

Matthew Phillips – Correct. It's going to be part of it, we have three. We have one right off the main drag that you can come in, and we have the other two, but we have a flowchart on the best way to do it and that's what we're going to follow, which is whatever Sid suggested.

Jack Ratterman – Staff says they recommend that you avoid residential areas.

Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli's construction company on the right when you pull in, you have us on the left and you have the bus stop there. I'm confused on why there is a bus stop in a commercial area and why the pick up and drop off of these children isn't in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house.

Jack Ratterman – I'm glad you talked about that. There's elementary kids that get picked up there, there's middle school kids that get picked up there, and high school. So, that's from 7:00 in the morning until 5:00 p.m. I wondered about that, too, so I called Brevard County School Board and learned two things. Buses do not go into cul de sacs, and when you go into Sunset Groves, there is a cul de sac at each end. I asked about backing up, and they said buses do not back up because when buses back up they run over people. That's why that bus stop is there. The primary entrance will be past the bus stop and all of those kids are going to be standing out there. The School Board said they had issues with the bus stop being left there and that many cars going by there.

Matthew Phillips – Well, if you open it up as a regular plaza, there would be 70% more cars coming in than what we're allocating for right now. We're talking about 35 cars over a three-hour period in the beginning and leaving, and then another 30 – 40 cars coming in on another three-hour period coming in, so that's going to be 70% less. If you're addressing the concern of the amount of cars and the children there, that kind of answers itself.

Jack Ratterman – You're saying hypothetically there's going to be that many.

Matthew Phillips – Not hypothetically. There's only 200 parking spots. If you have five cruise days, and you have 30 cars on this day, 30 cars on this day, and 40 cars on that day, then when those cars leave, only that amount of cars can go out. So, it's not like a one spot, like a movie, like she was saying, where at one time everybody is coming in and everybody is going out. It doesn't work that way.

Jack Ratterman – No offense to any of our brothers and sisters throughout the United States, but I would not want people coming in, passing my kids, from who-knows-where in this country, and they come in and park there, and then they're going to leave, who-knows-where to go back to. To me, that's a real safety issue. If it's a local plaza, you're going to have local people there.

Matthew Phillips – I don't understand what you're trying to say. Obviously, it's very popular, but I don't know what you're saying. It's a use for people in an industry, whatever that may be. Our company started 12 years ago out of our house on Merritt Island with my partner, so we've worked extremely hard the last 10 years to do this. We have a very growing society here that has a lot to do with tourism, the space center, and all kinds of different things that come in here. This plaza has been there for over 15 years empty, so if there was this great need and want and desire for a local market to get in there and rent, it probably would have never been for sale, but it's been there for 15 years vacant, not doing anything, where you might have had some more crime if someone didn't come in and put up lights all over the place, and cut all the trees, which I personally did myself, cleaned up all the garbage and so on to make it look a little bit better. As we progress, we will keep doing that.

Jim Carbonneau – I would like to disclose that my daughter works for Sid Chehayeb's engineering company, but we have not discussed this project at all.

Mary Hillberg – We'll let the audience speak.

George Kraft – My name is George Kraft, I live at 852 Killarney in Sunset Lakes, Merritt Island, and I'm a 21-year resident there. In those 21 years I've seen a lot, and it's actually rewarding to see people come out now here and the number of people who have objected to this more than once. I know when I came to talk at North Merritt Island when Jack was there and we talked to the engineers who were talking about the stormwater drain system, the stormwater drain system in rain events really sparked my interest and I didn't hear anything at all about their mitigation plan. I did hear the fact that if they add more, the engineers would come back and talk about it. When those engineers get together they put on binoculars.....if they would put on binoculars then they wouldn't have a myopic view. They look at the Florida Statutes and say they are okay. This is the proposed fourth parking facility up there and other things that are going on. I have spoken to everybody that will listen; I've been to lots of boards and people have listened to what I have to say. When you have a rain event and you have runoff from automobiles that are parked, you have a lot of pollution, and that pollution right now goes into the Indian River Lagoon. When the politicians say they are serious about the Indian River Lagoon, and then they approve large parking facilities, acres and acres and acres, where in the proposal it says the runoff goes into the Indian River Lagoon. I appreciate the fact that safety was brought up here. In my 21 years living on Merritt Island, the Florida Department of Transportation has identified State Road 528 and State Road 3 as currently one of the 10 most dangerous intersections in Brevard County. I've personally witnessed accidents there, including with a school bus, and nobody was hurt that time. On our street behind us, on North Tropical Trail, I've seen death, so it's important to me, safety is so important, but when you take that intersection with the Shell station and the Marathon right there, it's never been designed for what is going on, and I have brought this to their attention over and over and they keep telling me, "Yes, we're going to, going to, going to". It's going to have to stop; this is where the rubber meets the road. You cannot allow thousands of cars at an intersection that's destined to be the evacuation route; that intersection floods, and when it floods, where do people go? Right now, the Barge Canal, the timing for it to open and close is questionable, I don't think they're on the Coast Guard standard. The department of transportation told me there's not enough real estate for a fly-over or anything else, so when 528 becomes six lanes it's going to be even more of a nightmare at that intersection. You guys are way above my pay grade, so you guys are going to make the decision, but I implore you to listen to people, take it to the heart for safety, and don't anybody ever need an emergency vehicle if they're coming from 528 one way or the other, because I don't think they'll make it.

Thomas Valk – My name is Thomas Valk and I'm a resident of Sunset Groves, 3231 Biscayne Drive, and I'm also speaking on behalf of my wife, Kimberly Carlisle. I'm here today to express my concerns about this change in zoning. If I use the wrong words, please forgive me, I'm not an attorney, and I'm not a board member. What I am is a citizen and I've been a citizen of Florida for 25 years and I've come to know and love Florida very well, and I appreciate our tourism, it gives me some benefits in life that I can't experience in some other states. I'm not here trying to ban tourism; I'm here as a resident. Specifically, I'd like to speak to the letter that I believe the attorney referred to about the business plan for this location. While nicely written and covers a number of topics, it lacked detail and has caused me great question in a number of areas, so I'd like to discuss a couple of those areas. The letter was penned by David Ledbetter of GoPort and it was dated April 8<sup>th</sup> of 2020. My first point on this subject is in section 4 of that letter. The letter states that all the customers have a reservation,

but it does not state if the reservation is for a specific time. This is highly important and a concern to me because the good folks from GoPort, try as they may to explain that there's not going to be much traffic, that it's going to be spread out, they didn't say anything about how they were going to control the traffic and the amount of traffic. They simply stated that they had a reservation system. There is a high potential to have high traffic loads at specific times. Furthermore, they stated in their business proposal that it was only going to be open for approximately six hours total, so I don't know where those traffic times are going to build up at, but that's a fairly short window for traffic. The MI Plaza Group continues on to state that 50% of the travel will be from the north. I would have to say that at best that's an assumption and there's no guarantee of the route. I'm assuming that was added into the statement to say that vehicles would be coming from the north, down Courtenay Parkway, and turning right into the facility; however, I haven't seen anything that substantiates that claim that's been provided to us as residents. The letter goes on to state that the traffic will only be limited to the five cruising days at the port. On paper, that seems nice; however, there's nothing in the letter that expresses to the residents about the future growth of the Port. We all know there's a push to expand the Port and bring in larger cruise ships, and there is to be more traffic with the cruise ships. That was glazed over in this letter and in the statement earlier. Also, I question the statement that was made by the attorney of 35 – 40 cars a day and then was changed right here before you of up to 60 cars per day; that's very concerning, that I don't feel I'm getting accurate information. Furthermore, it doesn't sound like the proposal is provided accurately. There was no notation in there for the Port expanding; they say it's a limit of five days, but by using the math they are using of 35 – 40 cars a day, that we have to basically split in half, so it would be 16, 17, 20 cars going in, and 20 cars going out, correct? That math doesn't add up over five days; that doesn't fill the spots; that doesn't make the business viable. Furthermore, they have stated there's no traffic after 1:00 p.m.; however, as Jack Ratterman stated, their liquor license can't be approved unless it's eight hours, and once again they changed their story from only operating three hours, but now they have to do it for eight, which changes the proposal substantially, in my opinion. The current traffic and strip mall was identified, as the attorney stated, as 2,499 vehicles at that intersection for that property to handle; however, I will remind you that they've been very open about only operating a limited number of hours at that facility. When traffic studies are performed, they are performed over a period of time of which the business is intended to be open; therefore, I believe that to be false information, in my opinion from the research I performed. It also does not adjust for sporadic bursts when the ships come in and as they go out. I would also ask the board to request of the MI Plaza Group and GoPort, if they're planning on only having 35 – 40 vehicles a day, or now their revision of up to 60, how many buses do they intend to have? By my math, that only requires one bus. If their plan is to have more buses, that means they are planning on having more vehicles. I'd like to conclude – we have many other people here who would like to speak and I don't want to take up everybody's time, but to you, the board, I would ask of you that you consider this letter that was provided to the residents, I would consider how factual it is in nature, and I would say that the letter from Mr. Ledbetter seems nice, but in reality it's vague and over-broad. Even here, they changed their story today. To you, the board, I would ask of you to please review this request, I would ask that you do it with common sense and basic logic. I'm not an engineer, but what I do know is we have a road on North Merritt Island that does not have a left-hand turn lane as it does south of 528. We have a limited left-hand turn lane turning in to Duval Street. Also, we are trapped in the subdivision in that there is only one road in and out of Sunset Groves; therefore, we are at the mercy of what happens at these businesses. We don't have an option; we don't have a back route; we have one route. Furthermore, I would ask that as you consider this, you consider what assurances the residents will have in enforcement of this change. I would like to have assurances for me and my friends in the neighborhood that the business won't go out of business and

the business plan change. I would like assurances that are enforceable, that their plan now is only to be open six hours, but they're talking about changing to eight for the liquor license. What assurances do I have as a resident, and my friends here today? For a small neighborhood, this is a bunch of us, right? So, in closing, I would like to also bring up one other point concerning traffic. I don't know whereabouts any of you live, but I would like to point out that I travel 528 towards Orlando every day to go to work, and every morning the exit ramp to go off of 528 to get onto Courtenay is full all the way onto the highway and stops traffic in the right lane on the highway of eastbound 528. Primarily, they are workers for the space program, and now we're going to add more parking that's going to back that up even further for people that are productive in the community. So, with my statement I ask that you please review and consider what I've said. I ask that you please consider what everybody else here tonight says in their statements, and I thank you for your time.

Mary Hillberg – As a tiny reminder, and so far it's been fine, but remember that we don't time people, we don't have a little buzzer when you have to stop talking and sit down, but remember there are a lot of people here and if we all talk we'll be here a bit too long.

Bill Mantanis – My name is Bill Mantanis, I live at 3431 Biscayne Drive, and I'll try to keep it short. This is all new to me. I bought my house nine years ago in this neighborhood; I live on a cul de sac and I have little girls, so it's emotional for me. Today, I got an Amber Alert that someone stole a 13-year-old girl. I've got people coming in and out of here and we don't know where they are coming from, and it's crazy, I get emotional seeing my girls be approached by evil people and I've got to protect them, and we can't protect them all the time. The bus is about safety and I've been at that bus stop and I've seen other things happen at that bus stop when there wasn't a so-called business. I'm all about business and people making money, but this review and \$265,000 for a liquor license, how do you back that up? It doesn't make sense. I'm sure this gentleman is a good businessman, and that doesn't make sense to me. How are you going to spend that kind of money and only sell liquor for three hours? But that's neither here nor there. There's no clear convincing case, or evidence, provided here to change what's going on and what they want to do here. There is no egress or acceleration lanes in and out of my neighborhood. The traffic is constantly to the space center. You can't get out, and you almost have to cut people off to get out of there. And adding the more traffic, I don't know if they're going to move the barricades or not, but there is a huge parking lot that you discussed already on Smith Road. I don't know how many acres that is or how many spots it's going to hold, but it's huge, and it's on hold for whatever reason. Maybe Mr. Phillips could pony up over there, because I bought in my neighborhood because it was safe, I live on a cul de sac and I can protect my children, and there's a lot of children in my neighborhood. If you open this up, you're opening up Pandora's Box and it's a slippery slope. You want to store luggage? Who brings that much luggage? The buildings are huge, you guys know the square footage. There's no clear, convincing case to change anything there. I'm all about people having business and making money, but not in front of my neighborhood, and it's going to decrease the value of our homes, and I value my home and I take care of my home, as all my neighbors do. When my property value drops \$50,000 because you've got a bar, the next thing is it will open a Pandora's Box, I know it's a slippery slope, I know exactly what it's going to do. Why don't you open up a youth center, a boys and girls club, something that will help our community, North Merritt Island, not the people who are coming in and out to drink and have a good time. There's plenty of property over on the other side of the Barge Canal and closer to Cape Canaveral. That's all I've got to say. I hope you understand where I'm coming from. There's nothing good about opening a part-time bar; there's no such thing as a part-time bar. It's a slippery slope, and don't let it happen. Thanks for listening.

Ray Scarpa – My name is Ray Scarpa and I live at 3430 Biscayne Drive, Sunset Groves, and I've lived there since 1997. Most of the points I was going to discuss have already been discussed rather eloquently. I just want to state that I do not see a clear, convincing case to support this, and for the record I oppose it.

Patrick Stahl – My name is Patrick Stahl and I live at 3350 Biscayne Drive in Sunset Groves. A lot of my questions were asked, thank you, Mr. Ratterman, and thanks to other neighbors. I will say, in my opinion I do not believe this is a great thing. We've talked about the traffic and the conglomeration of the traffic from all these other parking areas as well. I don't feel they've provided a clear, convincing case for these actions. I don't feel that the safety concerns have been addressed in looking at the materials that have been provided. You talked earlier before about different parking spaces as far as the Code for the building and you came up with 84; when I looked at it, I saw 104, I saw the rest of it should be the business complex instead of regular warehousing. If you have 104 parking spots that you needed for that building, then you only have 133 spots for the actual overnight parking. Has everybody looked at the traffic study? The traffic study was dated March 30<sup>th</sup>, and if you look at the actual field notes when they went out and looked at this, the person went out on the peak hours of the 25<sup>th</sup> of March. So, how is that representative of our corridor on March 25<sup>th</sup> when NASA was already teleworking, the schools were out, the Air Force had just gone to voluntary teleworking, and other businesses had been out. So, how did that traffic study actually represent the actual corridor? Other things I saw in the traffic study is it contradicts itself two or three different times. They are saying 200 cars per week, but there's another page in there that says 345 to 390, and then there's another page that says 920. So, what are we talking about here? I don't feel that traffic study was adequate. Also, they said 50% of the people would be coming from the north, from the KSC Visitor Center, so there was nothing in the traffic study to talk about possibly a deceleration lane for us coming into Duval Street, going south. There's nothing in there talking about that. If this thing is just going to be open for people to come in and park, they have reservations or whatever, there's nobody really directing them, how are you going to stop someone from having a few drinks and then realizing they forgot toothpaste and driving to the grocery store down the street. How is that going to stop? Who enforces that? Who enforces the people coming back from the cruise from not going back in and getting another drink before they drive? These are things I haven't seen in these plans. There are other issues there, but I'll wait. Thank you.

Kevin Zari – Thank you for hearing us and this very important topic. My name is Kevin Zari, I live at 3341 Biscayne Drive, Merritt Island, and I've lived there since 1998. My property is probably the closest in distance to the adjacent lot, with the buffer zone there between us. I want to start off by thanking Mr. Phillips this evening because this is the first time that I've been within 50 feet of him that he hasn't cursed us out or threatened one of us. He looks quite different and nice tonight. Thank you for restricting yourself and not threatening myself or my family and my children, my neighbors. You look nice when you're not in the pick-up truck. When we've been in front of the County Commissioners before, we always talk about the use and being consistent with the use of the adjacent properties. I understand a CUP is valid for PIP and you are able to get a CUP for many things like they are applying for. The Commissioners always look at the adjacent properties and the use of the adjacent properties and being consistent with the use of the adjacent properties. I want to just bring to the attention again, the sale of alcohol for on-premises consumption is my biggest problem right now. The closest one that you've got is KDI, and I know folks talk about the Moose Lodge, but that is a private club and is in a different category. The closest business that sells alcohol for on-premises consumption is not an adjacent property. I ask that you please consider that when

you make your recommendations to Planning and Development [sic] or Planning and Zoning [sic], and thank you for your time this evening.

Jack Ratterman – You have that property on the corner?

Kevin Zari – Yes, I'm 3341, right at the corner.

Jack Ratterman – With the sugar cane growing on the side?

Kevin Zari – Yes. It's actually 3341 and 3351, the easement was vacated and it was combined into a single lot as 3341 Biscayne Drive.

Susan Ponte – My name is Susan Ponte, I live at 570 East Hall Road, North Merritt Island. I didn't really prepare anything. I wanted to come to this meeting because it is a big concern. All of a sudden it went from one lot of parking to another one and another one. Right now, my biggest concern is the bridge, and there's a lot of elderly in Island Lakes, and I wonder what they're going to do for any kind of hospital service, emergency response, fires, et cetera. We all know the Barge Canal bridge on the southbound side is in disrepair and it gets stuck a lot and we're all lined up all the way up, and that's not even during any given hour because as far as I know, the sailboats going through that canal are in an on-demand situation, so they're not as they come up the bridge guy opens it, and I get it, but if they start doing a timed thing, for instance 45 minutes to open them all, that means all boats will be lined up for a very long way because they are all in the Harbortown Marina and in the new Cape Crossing area. So, either way, that bridge has to be lifted for a sailboat. That takes a long time if you have a whole line of them, so think about your emergency vehicles and any traffic trying to get over that bridge if they are all on a timed situation, which they will have to be, it will take forever, and there is nothing you can do, you're stuck. So, I appreciate everybody talking about all the safety issues; I don't have any children living with me, but I do appreciate all the concerns, and I appreciate what you've brought up, Jack, there's a lot of valid things people are talking about, so I just wanted to add that to the mix. Thank you.

George Alden – My name is George Alden, 3280 Biscayne Drive, Merritt Island. I'm also representing the Merritt Island Moose Lodge 2073, North Courtenay Parkway. I won't take up much of your time, everybody who has been up here has said everything that needs to be said and made good points, and I'm not going to continue on. We are against it, we oppose it, and that's all I will say. Anybody that starts a business and doesn't understand how much things cost, you have a problem. Thank you.

Jennifer Hartmeyer Campbell – I'm Jennifer Hartmeyer Campbell, I live at 3411 Biscayne Drive, Merritt Island, with my husband, Jeremiah Campbell. I'm a mother and I've lived in this house for seven years. I plan on retiring here, so this is home. Not to re-hash, but in general I don't see the value added to the community. There's a lot of entrepreneurs that live in our neighborhood, my husband is an entrepreneur, and several people who have spoken are entrepreneurs, we are not anti-business, but this is not a business that's providing value to the community. This is a business that is saying the neighbors are not even invited. So, I don't understand why the zoning needs to change for something that's not providing value.

Kim Smith – My name is Kim Smith, PO Box 542372, Merritt Island. The North Merritt Island Homeowners Association objected to this case based on Admin Policy 3 A., incompatible hours of operation, noise levels, traffic, and site activities diminishing safety and quality of life of the surrounding neighborhoods. Admin Policy 3 B., reduction in abutting development values. Admin

Policy 3 C., inconsistent with surrounding patterns of development exhibited by the previous CUP denials and its use. Admin Policy 4, uncharacteristic with neighborhoods. Admin Policy 4 A., intensity of traffic increase in neighborhood entries and over the drawbridge and the four very busy intersections where this business would be shuttling people. Admin Policy 5, the proposed use realistically posing material danger to public safety. Admin Policies E., F., and G., the adverse traffic changes and safety impacts. Admin Policy 6 and Admin Policy 7, the surface water elements would mean additional paving for the additional parking spaces. Admin Policy 8, and Factors to Consider, (1), the land use character changes. Factors to Consider (3), the negative traffic and established character impacts; and (5), therefore, it's an inappropriate request. With a more appropriate use perhaps, the owner may be renting the existing units or a restaurant, but something without the transportation aspect. Thank you.

Pietro DiLece – My name is Pietro DiLece, I live at 3340 Biscayne Drive, and we built our house there in 1998, so we've been there a long time. Everything I've heard, my neighbors brought up some very good points and I don't want to belabor the point. I think the presentation was very incorrect, a lot of mistakes, and I think you see how something that's trying to get pushed over on some of us. I ask that each one of you, on behalf of me and my wife, deny all three of these requests. Thank you.

Jerry Perlet – I'm Jerry Perlet, 5127 Royal Paddock Way, and I'm also speaking for my wife. I think you all have a very difficult problem here, because I've sat back there for the past hour and a half and listened to numbers flying all over the place. This is their own traffic report, which says there will be 45 to 90, to 120 total cars; that's their report. They've thrown a lot of other numbers out, a lot of other people have been throwing out numbers, and you must be confused. Then, nobody has talked about the church pre-school that's right across the road, and no one has mentioned the big housing development that's being built right next to the church and all the traffic that will come from that, and we can't even agree on the number of parking spaces. If I were sitting in your chair I would be telling these people to go back and start over and get it right, because nobody can understand what it is they want. I'm opposed to the whole thing. Thank you.

Vickie Bond – My name is Vickie Bond, I live at 4200 Savannah's Trail, Merritt Island. When I signed up, I thought it was to sign in, and I didn't really know I signed up to talk, but I will say I am opposed to it; I don't understand why the Port.....I think they own some of the property on North Merritt Island, but I don't understand why we have to have parking for the cruise ships in our area on North Merritt Island when you have Cape Canaveral and you have the Port area, and then there's also the parking when you get off to go down to Harbortown and they have the cruise parking there.....there's just so many other areas that are closer to the Port, and I just feel like our area shouldn't be a big parking lot for the cruise ships. Thank you.

James Larson – I'm James Larson, I'm at 3300 Biscayne Drive, and I'm here representing the Sunset Groves Homeowners Association as their Secretary/Treasurer. I have some handouts for you. (The handouts provided by Mr. Larson can be located in file 20PZ00027, located in the Planning and Development Department). You see many people here, and in addition to that, I have about one dozen petitions signed by residents who couldn't attend the meeting, but who are all opposed. I've also created a brief handout of a summary of our concerns regarding the CUP and BDP. Not to belabor, because these guys did great, and I almost don't need to talk, but I really don't understand the hours of operation at all, especially for the alcohol. I'm not sure how a guy flying in from Italy, arriving at Orlando International Airport is going to rent a car, drive it to Merritt Island and park it for five days and then go on a cruise. Why would you do that at all? I'm not following any of that. The

school bus is a big deal because that is exactly the time of day the children are going to cross the street right there. At first, I thought they were going put barricades up, but then there is that impossible U-turn at which there was a motorcycle accident not long ago where somebody was killed. I fail to understand most of it. I don't believe they provided clear and convincing evidence on any grounds to consider the change to the law. Thank you.

Claudia Morett – My name is Claudia Morett, I live at 3261 Biscayne Drive, and I'm here with my neighbors and as everybody expressed already, we are concerned about adding a new parking lot into our Island. There's already enough parking spaces at the Port that are not even being used, so they are still empty, and this is when the Port was in full use before the Coronavirus started. Why is it we have to add extra parking to an already so-trafficked area. We have so many new employees for the space center coming in. At 4:00 p.m., if I have to pick up my daughter at school because of a sports event, to make it into my neighborhood I'm waiting a half-hour before anybody has the mercy to let me make a left-hand turn into Duval and enter my neighborhood. Now, God forbid someone is trying to make a U-turn there like they are saying, they are not entering the parking lot they are planning to build off of Duval and they are going to make a U-turn to enter the parking lot through Courtenay.....you're looking at an accident there, prone to happen. I'm very concerned about the safety of my children and grandchildren that come that come to our neighborhood, and like a lot of my neighbors said, they have encountered terrible issues with the owner of the property, and I feel like this thing he's trying to build is not bringing enough money to make our neighborhood better, to benefit Merritt Island, and therefore, I feel like it should not go through. Yes, it's been vacant except for a few businesses in and out, but maybe with the economy getting better with all the new employees, and maybe if the restaurants open up they come over for lunch from the space center and we won't have all this traffic when kids are coming in and out of school. Thank you.

Seeing no additional public comment, Chair Mary Hillberg brought the item back to the board.

Mary Hillberg – May be have the applicant come up to rebut?

Kim Rezanka – I'm going to have Mr. Chehayeb explain the traffic study because I think there's some misunderstanding about what that says and when it was done.

Sid Chehayeb – I want to read the trip generation distribution to you, on page 109 of your packet. It says the trip generation for the existing use as well as the proposed was calculated with the use of data from the 10<sup>th</sup> Edition of the ITE Trip Generation Manual. The calculation is summarized in Table 1, which shows that the existing use generates 2,499 daily driveway trips, with 209 occurring during the PM peak hours. If this development is open to business today, that's what it would generate. The proposed use is expected to generate 920 compared to the 2,499 trips. So, 920 compared to 2,499. This report was done by Traffic Planning & Design, they've been doing this for 40 years and the person who did it is Mr. Durbish and he's 85 years old, and he has a huge firm that did this for us. On Page 111 you will see that the existing use is a shopping center and it tells you exactly how the 2,499 trips came in. The proposed use of a Park n Ride tells you 920 trips total that could be generated in one day. It was mentioned that the intersection analysis was made on those dates, but I want to say that the PM peak analysis we conducted for the State Road 3, Duval Street intersection, the PM peak hour volumes used in the analysis were developed from available FDOT traffic counts for SR 3 for Duval Street. In reality, we work back and forth with County staff, with the traffic engineers at the County. The report went back and forth a couple of times and then that was the final report that was generated and placed as part of your packet. There was one other question about the stormwater.

I've been dealing with stormwater for 40 years and this site has been designed to accommodate the stormwater from having impervious surface at 10,000 square feet actually completely paved; that's part of the stormwater permit that was approved by the County, by the water management district, and the Corps of Engineers because we left a huge area in the back of the property and to the west 160 feet from the wall to the back of the property was left natural. If there's any questions, I'd be more than happy to answer.

Chris Cook – I have a couple of questions on the study. These buses that you have, I see in the other parking lot operations, like the one on North Banana River Drive, they have a lot of trailers behind the buses, towing the luggage. Are you going to have trailers pulling the luggage, and was that accounted for in your study?

Sid Chehayeb – That's an operational question. They may have luggage behind the buses, but most buses have their own luggage racks inside of them.

Chris Cook – Today, they said there will be additional trips for luggage storage, bringing luggage in and taking luggage out. Was that accounted for in your study?

Sid Chehayeb – You can account for anything.

Chris Cook – Was it or not?

Sid Chehayeb – This study takes the amount of parking spaces, because if you look at the data for the parking spaces and the ITE manual, there isn't any specific data for the parking requirement. This was a model that was generated to fit this site for this business, and that's how it was generated.

Chris Cook – In our package there is an illustration of cars going in and out that was added up, and it shows six days a week of traffic as opposed to five days a week. I added it up and it has 390 in, in a week, but there's none showing going out, so I'm assuming there's 390 going out as well, so there would be 780 total a week.

Sid Chehayeb – Possibly.

Chris Cook – And that's based on the current schedules before COVID-19, correct?

Sid Chehayeb – Yes.

Matthew Phillips – To answer your question on luggage going back and forth, the vehicles that are coming there to pick up the people, there would be no more vehicles just to do luggage; the same vehicles would bring that luggage down also.

Chris Cook – Your buses can handle the luggage and the other guys have to use trailers?

Matthew Phillips – However we handle the luggage, we use independent contractors, we don't actually own the vehicles that bring back and forth, we subcontract it.

Chris Cook – My point is that the trailers are going to be longer than the buses and typically not as maneuverable when making turns with a trailer behind a bus.

Matthew Phillips – But the property like we have now, I've seen tractor trailers come in and out of that plaza all the time.

Chris Cook – I'm looking at queueing line distances as well. You'd have to add that onto your queueing lines as well, right?

Matthew Phillips – You have to add it for queueing lines?

Chris Cook – Yes, if you did queue lines for turning into the turn lane and also for exiting out.

Matthew Phillips – We're going to be just for the number of vehicles – because I know that was asked – we're looking at maybe one or two vehicles maximum that are going to be transporting people back and forth. We're only 10 minutes from the Port, so that one vehicle can go back and forth twice an hour, so it's not going to be five big buses, it's going to be like one smaller one going repetitiously all morning long.

Jim Carbonneau – Chris's question was regarding the delivery of staged luggage for people elsewhere that will be sending this new concept you mentioned to this location. What types of vehicles are they, FedEx?

Matthew Phillips – Yes, FedEx will be dropping it off and then enclosed vehicles will take it down there. Also, the amount of people that we have, it's not going to be a full vehicle every time, so there's always going to be room for luggage. We haven't even started that concept yet, so the full operational on exactly how the luggage is going to get down there.....

Jim Carbonneau – Suffice it to say, there's going to be additional vehicles, trucks, delivering luggage.

Matthew Phillips – No, it will be the same vehicles that are transporting the passengers.

Jim Carbonneau – You said earlier people are pre-shipping their luggage, so they're going to be delivered by .....

Matthew Phillips – FedEx or UPS, yes.

Jim Carbonneau – So there will be additional trucks in addition to the personal vehicles and your buses.

Matthew Phillips – Yes, dropping off luggage, yes.

Chris Cook – The traffic analysis was done based on the 27,000 square-foot shopping center, but in reality it's not 27,000 square feet, it's really only 20,000 square feet.

Matthew Phillips – No, it's 27,000 square feet. There is a detached garage in the back which is 6,000 square feet and 21,000 in the front.

Chris Cook – So, it should be a 21,000 square foot shopping center, not 27,000.

Matthew Phillips – The total building square footage on the property right now is 27,000 square feet.

Chris Cook – The traffic flow for a shopping center is different from a warehouse, right?

Matthew Phillips – Yes.

Chris Cook – It could be a little more accurate is what I'm saying. Also, the big problem I see with this intersection is people leaving, and I see a lot of stuff about people coming, but not about people leaving. You estimate that half your customers are going to be coming from the northbound SR 3 and turning into Duval Street. That means half of them are going to be leaving and heading north.

Matthew Phillips – No, they will be coming from the north, but when you leave the property and you go back to get to 528 and 95, you'll be taking a right. We have five hotels in Titusville, so when we sell what we call a Snooze Park n Cruise, it's somebody driving down here, staying the night in Titusville at one of our five hotel locations, and will leave in the morning and they are given directions to come down through Kennedy Space Center, the wildlife center, and SpaceX – this is all an attraction now, people want to see it coming down here – they will come down northbound and be making a right into the plaza, they will not be coming from the other way. That's where most of our Snooze Park n Cruise packages' clients come from, is from Titusville.

Chris Cook – You're saying when they're leaving they're not going to be going northbound.

Matthew Phillips – They might be northbound but it is easier and quicker for them to go out, make a right, and take 528 to 95, unless they want to enjoy the same scenery they saw the first time.

Jim Carbonneau – Would it not make more sense to have your parking lot near your five hotels in Titusville and bus them in?

Matthew Phillips – No, it doesn't make any sense to have it over there. Right now, we do parking up there at the five hotels, and for the clients trying to get up there and having the transportation, logistics is very difficult. So, taking all of our Snooze Park n Cruise packages and putting them in one location now makes it easier for the clients and for the company.

Chris Cook – The traffic study is based on a fully occupied 27,000 square foot center when in reality right now there's just a gym there, so the traffic is going to significantly increase over what is existing.

Matthew Phillips – But it's going to be one-third of what we're approved for. If we don't get it, it will go to a plaza. We are going to open it up, we will have 2,400 people coming in there, and their concerns – and I understand their concerns – will actually be worsened. I will rent all those out, I will make that plaza filled, I'm not going to leave it empty, but I would much rather use it and have a much smaller impact for the community and have a lot less cars going in and out and being closed most of the time so it's not being used at all, or creating traffic. If it's denied, which is no problem, then what's going to happen is, it's going to open up as a plaza and all your concerns that you're going over right now are going to come true and there are going to be that many people coming and going every day. It's a simple choice.

Jim Carbonneau – You're only going to be open on cruise days?

Matthew Phillips – Right, the cruise ships determine when they're coming. Sometimes we have four cruise days, sometimes we have six cruise days, and sometimes if there's a hurricane we have seven cruise days because we have other cruises coming in that have to come in, or everybody leaves. So, the amount of cruise ships is typically five days. When we're giving numbers – and I know there is a lot of concern about me saying 40 then 60, that's because we're not sure exactly how many

customers are coming that day. We're giving you a variation, it's not an exact science when people are coming in. Typically, your higher cruise days are Saturday and Sunday, that is when the most cruise ships are in, that's when you can see higher numbers of people leaving and coming. During the week, it's usually one or two cruise ships, so it's a much smaller amount of people that are coming during that time.

Chris Cook – The other thing I would like to see in the traffic study is.....the problems with traffic as we all know is at the intersections, it's not on the road, and that intersection at 528 and State Road 3 is.....and I think we have to take into account the 600 parking spots going in across the street as well. It's going to impact that significantly with the bridge going up. I know it says here it doesn't need to open, but the fact is that it does, so we have to face what it is, and it breaks down and it needs maintenance, it goes down to one lane and that whole area is going to be a big log jam, and for safety purposes and emergency services, for just everything, it's adding more and more traffic. It just needs to be taken into account so we understand what's going on, and that's also for the ones that are just permitted right now that are on the books.

Catherine Testa – I cruise quite frequently, I've probably been on about 75, if not more, cruises in my lifetime. Cruise ships tend to be late coming in. What provisions do you have for when a cruise ship is late and the people haven't left the parking and new people are showing up to get on the ship?

Matthew Phillips – That's something we're going to have to deal with while we're there.

Catherine Testa – You have to have a plan. If not, people will be in the streets waiting, blocking the entrance to the homes of all the people that are here, plus about 15 people who are not here. They will also be in the street blocking traffic going north and south on a road that's already crowded.

Matthew Phillips – I don't know, I've been dealing with late ships for the last 10 years down there, and I run another facility right at the Doubletree in Cocoa Beach, and we run 400 cars right there right now, and that's what we're limited to and we've never had a problem with queueing or parking when a ship is late. It may be detained, but it's not detained for five hours, it's very rare and few in between, so if you'd like to throw that in, yes, you have a valid point, but I've never experienced a problem with it in the 10 years that I've been in this business. We've always been able to handle the amount of cars that are coming and going. If it is a ship that's late, it's usually one ship, not all five ships at one time, so we have X amount of people off of each ship. This part of the business, with 200 cars, is not a huge part of a business. Like you said, you've got 600 cars being put around the corner over there, you have the Park n Cruise, the Raddisson, and the Port itself, so this is a very small amount of cars compared to the other businesses, but it is limited to the size of the lot, which is already approved for the other uses. All we are doing is using it the same way, but leaving the cars there and then cutting it off.

Catherine Testa – I've never thought of having a drink as I park my car before I get on the ship. My thought is I want to get on the ship. Usually, we rent a car and bring it to a car rental place and hop on a transfer, then pull into the ship. We have driven a few times to ports, and one of the reasons we moved here is we wanted to be close to the Port so we could be on a ship in two hours if we wanted to wake up one morning and be on a ship. I don't understand why you need alcohol; most people are just wanting to get on the ship.

Matthew Phillips – That's a very valid point because there is a staging, or waiting, and during that time when cruisers are waiting before they get on a cruise ship they have the most amount of spendable money, and they are ready to start their day. Usually, when they get to the cruise ship, no matter what time it is, they do start drinking, so we're just allowing people to do it beforehand and being chauffeured down there so they're not touching the road with their vehicles, they're safe on the way down, and the point of how we're going to make sure people don't come back after running to get toothpaste or whatever, is a valid concern, I just don't think it's going to happen. I don't think somebody is going to have time to drink as many drinks.....they're really only going to have time for one drink. The bus pulls up, they get on it and off they go. This is a one of a kind, and this bar might not make any money, and if it doesn't make any money it's going to close as quick as it opened, but I'd like to give it a shot.

Jim Carbonneau – You mentioned you're only going to be open on cruises days, or four or five days a week. What happens to the guy who is from Connecticut who comes in and decides he wants to take a side trip someplace and leaves his vehicle, or if he goes into town to have dinner and comes back in to get his vehicle beyond the time that you're open?

Matthew Phillips – He can't. Plus, he needs his car to go to a restaurant.

Jim Carbonneau – Not necessarily, there's Uber's and taxi's.

Matthew Phillips – He will have to wait until the next day to get his car.

Gina Lindhorst – You're going to have gates, right?

Matthew Phillips – Yes.

Gina Lindhorst – You said before you weren't sure if you were going to have gates or not.

Matthew Phillips – Gates or a chain, something to seal it off. Right now, there are concrete barriers there, and the only reason they are there is because that literally was being used as a turn lane for tractor trailers, big trucks, big companies constantly using that property as a turnaround, which is wear and tear on the property.

Gina Lindhorst – I have a concern about that questionable traffic study. It's questionable, according to how we're looking at it carefully. Location is really important for any business and you have to choose the right location for your business, and if this business is requiring a lot of timing issues and making sure you have spaces for long vehicles, short vehicles, or whatever variety you have, you need to have traffic patterns well established. There's not a very long queueing area on State Road 3 for your property, according to having a lot of cars waiting in line, or big trucks with a few small trailers behind them for that matter, because that will happen, I'm certain. That's the only ingress/egress for that one housing development and location is important for them, especially since they are established there, they are not coming in when you're already working your business. I have a concern about that with your plan, so you need to think about the traffic study a little harder and have an appropriate traffic study done where there's plenty of traffic and not like people were saying, at a time when we were having diminished traffic everywhere in the county.

Matthew Phillips – I'm going to let Sid address that.

Kim Rezanka – I'll address it. Ms. Lindhorst, that traffic study was based on historical FDOT numbers, not March 25<sup>th</sup> as someone stated. It was done on historical numbers and there's a queueing of 290 feet, which Mr. Cheyhayeb says is perfectly fine. The traffic study is confusing because it's taking something that's not really in the ITE Trip Generation Manual saying based upon our numbers of 3.88 per space, that's what you're going to get. You're going to get a possible of 920 trips, possible, if people are coming and going each day; they're not going to. The car illustration which was attached to the traffic study shows what the intent was, and I understand that I said 30, or 35, or 40, and I did mean coming in, I didn't even address going out. Regardless, they can only have 232 travelers parking here, and they're not there coming in and out, they're coming in for a three-day trip, a four-day trip, or a seven-day trip. So, it is a limited use, it is closed most of the time, it's not a billiard hall, it's not a restaurant that's open 10 hours a day, it's really a limited use and I'm frankly shocked there's so much opposition to this. I do understand the traffic concerns, but they're coming in, they're parking, they're getting on a bus and leaving. The gates will be closed at the entrances when patrons are not onsite or not anticipated to arrive. That is in the traffic study and that could be a condition if necessary.

Gina Lindhorst – Do you know what the dates are that they used for these traffic numbers?

Kim Rezanka – They are FDOT historical numbers from the FDOT website.

Gina Lindhorst – It's not listed, so we don't know.

Sid Chehayeb – FDOT has certain numbers that they use, they do traffic studies every once in a while and then that's part of their numbers.

Gina Lindhorst – It's not documented here.

Mary Hillberg – The applicant is intending to open up all these other businesses in the building, correct?

Matthew Phillips – No.

Mary Hillberg – Isn't that what you were saying?

Kim Rezanka – No, he was saying if this gets denied by the Commission, he's going to make it a full use facility for 2,500 trips a day for that facility.

Mary Hillberg – Also, we heard the other two businesses that are there are going to leave.

Kim Rezanka – Yes.

Mary Hillberg – It will be an empty building except for your bar/restaurant, and all parking spaces.

Kim Rezanka – The bar/lounge is just for people using the facility. It's a Park n Ride with a small restaurant/lounge.

Mary Hillberg – There's nothing else?

Kim Rezanka – There's probably going to be a break room for employees, and a telephone and a desk, but no, all the booking is done online. There is a 4,000 square-foot area where people can congregate and sit waiting for the bus.

Gina Lindhorst – In addition to the restaurant?

Kim Rezanka – Yes, but the sole use is parking. They come in and they're not doing anything else but waiting for a bus. I'd like to address some of the comments made by the community, and also Ms. Lindhorst. The site plan on Page 4 of what I provided you, and also in your packet, when you look at it, there is, on that site plan, the patterns of when they come in. They come in on the west entrance of Duval Street, and go out the east entrance of Duval Street, and they go out North State Road 3, so that is the traffic pattern and what is required by your Code to show. The most that could possibly come in per day is 232, to clarify, as a primary use. Part of the discrepancy is what staff has said and what we believe; they see it as accessory because it's a pre-built place; and we see it as a new use. The site plan review, the site has been platted and will have to go through site plan review. The community doesn't like this because they don't think it's good for them, and it might not be, but it does bring people in here that will see Brevard County and go to other areas of Brevard County. It's not necessarily.... I can't imagine any PIP zoning that's going to benefit their community, essentially industrial, but that's not the criteria, the criteria is your Code. A conditional use says this use is compatible with this zoning, and if it's in this zoning, it's compatible with the neighborhood if you meet the certain criteria. This is the same issue the County lost on in 2009, these are speculations and there's no evidence. All we have to prove is a prima facie case. It's a prima facie case when the burden shifts to show we haven't met the prima facie case. There's a lot of concern about his business model, but all the concern is what the use is, how many people are going to be there, how many cars are coming in there, and that the cars come in and out safely. This is still a more limited use than what was allowed to go in there with the building. As to the liquor license, the liquor hours, if he can get a license – and there's waiver provisions to that application, there's ways to get a liquor license for less than \$265,000, so the onsite consumption will be from 9:30 a.m. to 1:00 p.m., it's not going to be extended so he can get a liquor license. That would be a condition of the conditional use permit if that conditional use were granted. The number of buses, Mr. Phillips said it would be one or two, it's an outside vendor and they put people in there, they go, and then come back. There was comments about the Smith Road parking lot – I think they have 500 spots – that is a different clientele; those are not all reserved in advance, they are not snooze n cruise-type of parking that's here. Again, you have gas stations right across from each other, but no one says you can't go there because you might go out of business. There is a concern about the level of service on State Road 3. The level of service will not be a concurrency issue; it's a level D and will stay a level D with these anticipated trips. The issue of State Road 3 and 528, Mr. Cook, I think that's a staff issue. I know sometimes they have required that, but they are not requiring that on this, and I think it's because it's already a developed site, so they have not required that that analysis be done, and it is not required by your Code at this point. This is a commercial overnight parking CUP request, and as I have shown in detail on Page 26 of the packet, there are five conditions that must be met: 1.) not less than three acres; 2.) that if it is secondary or accessory it has adequate surplus parking. If it is secondary, it does have adequate surplus parking. If it's deemed primary, as we've asked for it to be and have agreed for it to be, it still has sufficient parking. Condition 3.) All of the drive aisles are paved; 4.), the routing map has been provided, and 5.), the traffic study has been provided. The traffic study was done by a traffic engineer who is an expert in his field and has testified before the Commission before as an expert, and there is nothing other than this traffic study is to show if additional roadway improvements are warranted, and there's no roadway improvements warranted based upon this traffic study. Also,

there will be no queueing in the public right-of-way because there's substantial space within the commercial parking for cars to come in and park. This is the criteria, and this is the criteria that's been met. There's been no contrary evidence in the traffic study; there's been no competent substantial evidence presented that we have not met the overnight commercial parking lot CUP. As to the consumption of onsite alcohol, that has been granted before; there is a full-liquor bar, KDI, up the road. This is like a private club, you have to have a reservation to come here. This is actually more exclusive than the Moose Lodge. It's not going to be that many people, and if he can't get a liquor license we can have a condition that if we can't get a liquor license he will come back and ask for that CUP to be removed if he can't get a liquor license, or if he chooses not to do it, or if it expires in three years as we know because the prior one did. The restaurant that was approved in 2010 never worked out. Again, we are asking for the removal of the BDP that references the CUP that has expired, we ask that that be removed. We ask for a conditional use permit for the commercial parking with the conditions we've agreed to because we have met the standards of the Code, we have shown a prima facie case, there's been no competent substantial evidence to the contrary regarding the prima facie case required for the CUP. As to the onsite consumption of alcohol, because it is so limited, because there are others in the area, and because he has to have a liquor license, and it's only for those making a reservation, we are not going to be adverse to the public interest and we've met the criteria for onsite consumption as well. Thank you.

Jack Ratterman – The parking spaces for that restaurant, I'm assuming you're going to have 30 parking spaces that won't be sold for overnight parking, right?

Kim Rezanka – That restaurant is only allowed to be used for those that are there, we don't need extra parking for them.

Jack Ratterman – All those spaces around there will be for overnight parking, too?

Kim Rezanka – Correct, 232 overnight parking, and five for employees.

Jack Ratterman – So, all of this will be for overnight parking except for five for employees?

Kim Rezanka – Yes.

Chris Cook – You said this going to be an exclusive club, is there going to be someone checking badges at the gate when they're driving in, to make sure they actually have a reservation?

Kim Rezanka – Yes, they're going to have a pass. With the materials they get, they will have something that shows they are allowed in.

Chris Cook – Will there be someone keeping people who don't have passes, out?

Matthew Phillips – Yes.

Chris Cook – So, there will be a queue outside for people waiting to come in, correct?

Matthew Phillips – Nobody's going to come into a place...why would they drive in?

Chris Cook – Because they're looking for a place to park.

Matthew Phillips – It's not going say "parking", it's just going to say "GoPort Plaza".

Chris Cook – It's going to say "GoPort Parking".

Matthew Phillips – No, it's going to say, "GoPort Plaza", not "parking". You're going to go down the road to the 500 if you want to go park down there. It's all pre-arranged people coming in. There's nobody that's just going to drive in and then want to get a parking spot. First of all, you're not going to know that we're there unless you made a reservation. It's not like the Port where you just drive in and park. It's not like the big parking lot over to the right with 500 that's going to be open to the public. We're only doing parking for people, mostly, with packages, and that's 99% of our business.

Chris Cook – It's the same thing with the CUP, how are you going to discriminate between people coming and going for the restaurant. Will you be checking them? How do you do that?

Kim Rezanka – It's not going to be advertised. Only those who make a reservation are going to know it's there.

Chris Cook – How do you discriminate if a passenger is coming back to pick up his car and he wants to go in there and have a drink, or someone who came there and is leaving?

Matthew Phillips – Yes, there will be. Whoever comes in before that period of time, it wouldn't start until 9:30 a.m. All of our people from the Port would have gotten their cars and left by 9:30 a.m. because they usually are out between 7:00 a.m. and 9:00 a.m. Let's suppose there were, there will be somebody there that will ask if they have their boarding pass, because you'll have to show a boarding pass at the bar. They will say they just came off the ship, and they will be told they can't be served.

Catherine Testa – But they can still have their boarding pass.

Matthew Phillips – Yes, but it shows where you came off the ship, so our people will know if you're coming or going.

Catherine Testa – Are they going to read it to make sure the date is accurate?

Matthew Phillips – Absolutely, we do it now.

Jack Ratterman – Who is the court reporter?

Kim Rezanka – Ryan Reporting.

Jack Ratterman – Your client hired?

Kim Rezanka – Yes.

Chris Cook – Also, I see there's an FPL easement across the property. Do you have a permit from FPL to do long-term parking on it?

Kim Rezanka – We don't need one, because there's a parking space there.

Chris Cook – I have an FPL easement across my front yard and if I want to put anything on there I have to get a permit.

Kim Rezanka – Do you already have parking spaces on it? Do you have pavement on it?

Chris Cook – No, I do not.

Kim Rezanka – We don't need one.

Jeffrey Ball – Madam Chair, parking will need to be accounted for each of the uses within the buildings unless conditioned otherwise. What that means is that if they're going to have just overnight parking, then that site plan needs to show overnight parking and there's no building, storage, and uses.

Mary Hillberg – That's what I was asking for.

Kim Rezanka – I don't understand your statement, there was no question, I just don't understand what you're saying, though.

Jeffrey Ball – We just need to count the uses that are on the property and that they're conditioned. So, if we're going to say that 232 parking spaces are for the primary use of an overnight parking facility, or a commercial parking facility, that would be a condition of approval.

Gina Lindhorst – Clearly, it's a mixed-use property now, according to the plan here.

Jeffrey Ball – Correct.

Mary Hillberg – Did you want me to respond to that? What did you want me to say?

Jeffrey Ball –No, I'm just saying if the board chooses to move forward with approval, that would be one of staff's suggestions, to add that as a condition of approval.

Mary Hillberg – I see. Can you repeat it again? I wasn't understanding what you were saying.

Jeffrey Ball – The counted uses on the property are overnight commercial parking, which allows up to 232 parking spaces, with five parking spaces designated for employees only.

Mary Hillberg – Thank you.

The board recessed at 8:27 p.m. and reconvened at 8:32 p.m.

Mary Hillberg – Do we have a motion from the board?

Chris Cook – I have a couple of more questions.

Mary Hillberg – We can have a motion and a second and then we can have more discussion from the board. I'd like to have a motion and then more discussion. Or does the board want to discuss?

Jack Ratterman – I think it ought to go to Chris.

Chris Cook – On Administrative Policy 3 B., it asks if it would cause a material reduction of 5% or more in the value of existing abutting lands or improved development. In the staff notes, they refer to

Section 62-1901(c), that refers to abutting properties suffers a 15% in reduction. What's the difference between the two?

Jeffrey Ball – We're representing what the Code states; we're not telling anybody whether there's a loss of property value, only a property appraiser that's licensed and certified would be able to provide that information, so staff is not saying there is going to be a reduction in property values.

Chris Cook – Is the threshold 5% or is it 15%?

Mary Hillberg – I noticed that too, and wondered which it was.

Jeffrey Ball – Let me find it in the staff comments. This is just referencing Section 62-1901c2a, burdening adjacent or nearby uses increasing existing traffic and the closest arterial or collector road by more than 20%.

Jim Carbonneau – We're talking about property value.

Jack Ratterman – It's 15%.

Chris Cook – It's 62-1901(c).

Jeffrey Ball – It's 15%, and it's on the bottom of Page 9.

Kim Rezanka – It's conflicting with the administrative policy and the comprehensive Plan that says 5%, if that's not a typo.

Jeffrey Ball – I will take a look at that.

Gina Lindhorst – It says 5%, 15%, and 10%.

George Ritchie – All three numbers are in the Code. When you look at the Comprehensive Plan there is that Policy 3 that talks about the 5%. In the CUP worksheet, it talks about 10% and 15% as potential losses that would need to be justified. So, there's a review criteria that we would start with, looking at potential depreciation versus what we further look at as part of the CUP application. All three numbers are listed and identified.

Mary Hillberg – If all three numbers are correct, which one would you use?

George Ritchie – If we were to think that there was an actual depreciation, then we would get an MAI appraiser to appraise that to see what that reduction would be. Then there is a 10% threshold and a 15% threshold that could potentially impact the property, so there's different numbers for different steps of review.

Catherine Testa – Regarding the decrease in the value of property, who hires the appraiser? Who would be responsible for that? The individual homeowners?

Mary Hillberg – For instance, Mr. Smith here, who lives in the neighborhood, if he wants to find out whether or not his property would be diminished in value, he would hire an appraiser and the appraiser would give him the appraisal and he would pay for that.

Jeffrey Ball – Let me interject, it would be the burden for the County to hire an appraiser, and then the applicant would have the opportunity to rebut that and hire their own appraiser.

Catherine Testa – So, the homeowners can request the County to have the appraisal done on their behalf?

George Ritchie – Not that I'm aware of. I think if the Commission decided they felt there was a reduction, they would hire somebody to review that and get an actual appraisal to show that this hurts the area. Then the applicant would hire their own appraiser to evaluate what the County had found.

Catherine Testa – So, only if the County Commissioners think there might be a reduction in value?

George Ritchie – Correct.

Mary Hillberg – Actually, there have been other instances where members of the community have gotten their own appraisal, and they can do that. It was off of Chase Hammock where people got their own appraisal of the changes that were possible.

Jeffrey Ball – There is nothing in our Code that would prevent the property owners from submitting that as evidence.

Mary Hillberg – The County could do it if they wanted to, I suppose, but I've never heard of the County doing it.

Gina Lindhorst – On Page 7 of the staff comments it says restaurants with more than 50 seats – which this is supposedly going to have at least 100, it says no alcoholic beverages shall be sold within 300 feet of the lot line of a school, but the bus stop, which is going to be open.....how long is the bus stop open? A half-hour at the most?

Jack Ratterman – 7:00 a.m. to 5:00 p.m.

Gina Lindhorst – No, it's not open that long, but there are several buses that will stop there within 300 feet and that seems like a contradictory issue.

Jeffrey Ball – If that bus stop serves elementary, middle, and high schools, then there are three different bus times in the morning, and three different bus times in the evening.

Mary Hillberg – There are also disability buses that stop as well.

Jeffrey Ball – I'm not aware of what the A.D.A. requirements are for a bus stop.

Gina Lindhorst – Per need, usually. I'm just concerned about that being an issue here in particular because of the one entrance to this neighborhood that has children that live there; it's not an adult-only neighborhood. There's only one in and out access to that neighborhood.

Jim Carbonneau – I'm confused on what the real numbers are that we're looking at with regard to parking spaces. Is it 230 that are going to be able to book?

Mary Hillberg – 232 parking spaces.

Jim Carbonneau – 232 plus the five for employees.

Gina Lindhorst – It doesn't say anything about extra long vehicles or anything like that.

Mary Hillberg – Those are the parking spaces, not the movement of people and the changing of cars.

Jim Carbonneau – In looking at the other three proposed parking lots, we're looking at a total potential of 1,300 parking spots between this property and the Barge Canal. We have to consider that the U-turn northbound, over the Barge Canal, and turning back into the new Crossings there on the canal, then we've got Egret's Landing to the north that's going full guns, and I noticed they've now cut the new entranceway into the Savannah Trace just about 400 feet north of this.

Jack Ratterman – Calvary Chapel.

Jim Carbonneau – Yes, that area. The density of the traffic coming off the space center in the afternoon is miserable. We're looking at the peak times here in the morning of the northbound traffic with the growth at the space center ever-increasing with Blue Origin now and SpaceX and the other major companies going in out there. I think we need to take into consideration the impact of that road and the traffic and the people.

Mary Hillberg – And also the aspect of the compatibility of the business with the surrounding area.

Jim Carbonneau – The traffic study we keep talking about has historical data, and how old is that data?

Gina Lindhorst – It's not taking into consideration all the growth that's been approved but hasn't happened yet.

Jim Carbonneau – Exactly. I'm very concerned about the density of the population and the traffic.

Mary Hillberg – And there's going to be growth at the space center as well.

Jim Carbonneau – I'm very concerned about the density and the population we're looking at, and the traffic.

Gina Lindhorst – It's a very congested area, it doesn't have a stop light so people can stop and turn.

Mary Hillberg – As far as the bridge is concerned, my impression is that the bridge doesn't open for a period of time early in the morning, and then it can open every half-hour throughout the rest of the day, and the boats have the right-of-way.

Jim Carbonneau – Whether they adhere strictly to that schedule is up for debate, but there are navigational regulations.

Mary Hillberg – Right, and they can open every 30 minutes.

Jack Ratterman – You have to remember that bridge has problems.

Jim Carbonneau – With regard to the school buses, I know people who work along State Road 3 who go to work early and bring their children to work, and they are also getting on the school buses. The

applicant questioned by children are not being picked up at their homes, but there is good reason why they are not.

Gina Lindhorst – The routes are done according to what the School Board says to do. I have a question about the traffic study again. We're proposing this one considerably small parking lot, but the cruise terminals, the Port, really wants to operate seven days a week, and bring in bigger and bigger boats, and they are clearing and dredging as fast as they can to have lots and lots of cruises, so we can't just expect five days a week. And I'm not in favor of a full-liquor bar at the front of a neighborhood, even for just a couple of hours a day, it just doesn't seem like a good thing.

Mary Hillberg – I agree with that and I'm concerned about the safety issues and compatibility with the surrounding area, and the traffic issues, as well as the Administrative Policies that North Merritt Island representative outlined. Those are designed to make our community compatible and to keep it together to build it correctly. If we don't pay attention to those anymore, I don't know if we're really serving the community well. I'm ready for a motion.

Gina Lindhorst – For the removal of the existing BDP, I recommend approving that. Then the CUP for alcoholic beverages, I recommend denying that on the basis of Administrative Policies 3 A. and B., and Administrative Policy 4 A. And I recommend denial for a CUP for overnight commercial parking according to Administrative Policy 5 B. and Policies 3 A., B., and 4 A. as well.

Mary Hillberg – We have a motion to approve #3 and deny #2 and deny #1, is that correct?

Jeffrey Ball – As far as I understand your motion, it would be approval of #1, which is the removal of the BDP, and then denial of the CUP for alcohol, and then denial for the commercial overnight parking lot.

Mary Hillberg – Right, I was asking if that was what she was saying, those three.

Jeffrey Ball – You had them....

Mary Hillberg – I had them all wrong. Do we need a motion for each one separately?

Jeffrey Ball – No, it can all be one motion.

Mary Hillberg – One motion to deny, deny, approve? Let's do it separately. For #1, CUP for overnight commercial parking lot. There's a motion to deny.

Jim Carbonneau – I second.

Chair Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Mary Hillberg - #2, CUP for alcoholic beverages, full-liquor for on-premises consumption in conjunction with a restaurant in a PIP zoning classification. The motion is to deny. Is there a second?

Jim Carbonneau – I second.

Chair Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Mary Hillberg – #3, removal of an existing BDP. There's a motion to approve that. Is that your motion?

Gina Lindhorst – Yes.

Motion died for lack of a second.

Jack Ratterman – I'll make a motion for denial.

Jim Carbonneau – I'll second it.

Chair Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Chris Cook – Is there any way the County can do their own traffic study? If not, then if the residents get their own traffic study done, would that be admissible to the Commission?

Jeffrey Ball – I'm not an attorney, but I wouldn't see any reason why, as long as the traffic study was done by a licensed professional.

Mary Hillberg – You mean the County could do one by a licensed professional? Wouldn't the Commission have to vote for that?

Jeffrey Ball – No, what I was saying was if the homeowners wanted to take that route and provide that as additional information, it could be presented to the Board. The only way the County, would prepare a traffic study would be if the Board directed staff to do that.

Mary Hillberg – The only way the County would do it would be if the County approved it, but the people who live there can do it if they want?

Jeffrey Ball – The only way the County would do a traffic study would be for the Board to direct it, but the homeowners can hire someone.

Mary Hillberg – And the same goes for an appraisal?

Jeffrey Ball – Correct.

Mary Hillberg – Thank you.

Upon consensus, the meeting adjourned at 8:57 p.m.

**From:** [Kimberly Rezanka](#)  
**To:** [Ball, Jeffrey](#); [Jones, Jennifer](#)  
**Cc:** [Calkins, Tad](#)  
**Subject:** 20PZ-0027 (MI Plaza Group)  
**Date:** Friday, June 26, 2020 10:26:02 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[Frederick\\_Driver\\_License.pdf](#)  
[Agreement.pdf](#)  
[Stewart\\_Property\\_\(south\\_of\\_MI\\_Plaza\\_Group,\\_LLC\).pdf](#)  
[Ragona\\_Enterprises,\\_LLC.pdf](#)

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Jeffrey,

In staff comment #5 under Sec. 1941.3 (page 7 of P & Z staff report), the applicant was invited to submit a letter from the adjacent property owner regarding his intentions for a cruise parking lot. Please find attached Mr. Frederick's letter regarding his plans. He is selling the property but believes it will realistically will be a boat and rv storage.

As to the lot to the south of that, Animal Wellness World, the owner, Dr. Donna Ragona, has advised me directly that she is no longer interested in an overnight commercial parking facility and she is also attempting to sell the vacant land on her Property

Please include this information in the staff report, if possible, or at least in the agenda packet.

Thank you,

**Kimberly Bonder Rezanka, Esq.**



*96 Willard Street, Suite 302  
Cocoa, FL 32922  
321-639-1320 ext. 123  
Fax 321-639-9950*

**[Kim@cflawoffice.com](mailto:Kim@cflawoffice.com)**  
**[www.cflawoffice.com](http://www.cflawoffice.com)**



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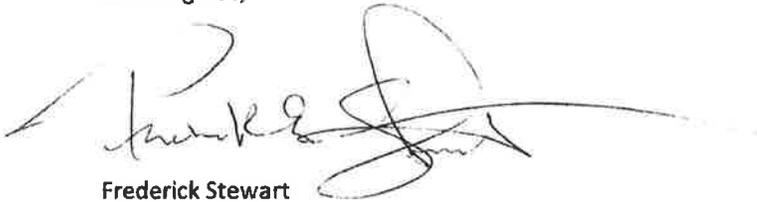
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To Whom It May Concern

6-17-20

I, Frederick Stewart, am the owner of 3265 N Courtenay Pkwy, Merritt Island FL 32953, Brevard County parcel ID 24-36-11-00-262. My intentions/proposed usage for the property are to either sell it for \$600,000 or use the property for boat and RV storage.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Frederick Stewart', with a long horizontal flourish extending to the right.

Frederick Stewart

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# Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

## PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2411625  
 Owners Stewart, Frederick E  
 Mailing Address 205 S Banana River Blvd, Apt 105 Cocoa Beach FL 32931  
 Site Address 3265 N Courtenay Pkwy Merritt Island FL 32953  
 Parcel ID 24-36-11-00-262  
 Property Use 4000 - Vacant Industrial Land  
 Exemptions None  
 Taxing District 2200 - Unincorp District 2  
 Total Acres 3.83  
 Subdivision --  
 Site Code 0370 - N Courtenay  
 Plat Book/Page 0000/0000  
 Land Description Part Of SW 1/4 Of NW 1/4 As Des IN Orb 1740 Pg 279

### VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$208,540	\$208,540	\$183,520
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$208,540	\$201,870	\$183,520
Assessed Value School	\$208,540	\$208,540	\$183,520
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$208,540	\$201,870	\$183,520
Taxable Value School	\$208,540	\$208,540	\$183,520

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
04/15/2019	\$280,000	WD	Vacant	8422/0161
04/16/2018	\$260,000	CT	Improved	8140/0308
07/19/2016	\$320,000	WD	Vacant	7670/0257
02/22/2005	--	QC	Vacant	5431/2566
09/23/2004	\$275,000	WD	Vacant	5365/5918
02/17/1989	\$65,000	WD	--	2983/0919
05/01/1977	\$22,500	--	--	1740/0279

No Data Found



# Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

## PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2411621  
 Owners Ragona Enterprises LLC  
 Mailing Address 4790 Yuma Trl Merritt Island FL 32953  
 Site Address 3149 N Courtenay Pkwy Merritt Island FL 32953  
 Parcel ID 24-36-11-00-258  
 Property Use 1940 - Professional/Office Complex  
 Exemptions None  
 Taxing District 2200 - Unincorp District 2  
 Total Acres 9.01  
 Subdivision --  
 Site Code 0370 - N Courtenay  
 Plat Book/Page 0000/0000  
 Land Description Part Of SW 1/4 Of NW 1/4 Lying W Of St Rd 3 As Des  
 IN Orb 1589 Pg 182



## VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$954,330	\$853,720	\$825,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$939,090	\$853,720	\$825,000
Assessed Value School	\$954,330	\$853,720	\$825,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$939,090	\$853,720	\$825,000
Taxable Value School	\$954,330	\$853,720	\$825,000

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
11/30/2016	\$1,000,000	WD	Improved	7770/1248
11/17/2015	--	QC	Improved	7497/1456
04/02/2015	--	WD	Improved	7347/1218
11/14/2014	--	QC	Improved	7247/0790
04/07/2014	--	QC	Improved	7099/2850
12/04/2013	--	WD	Improved	7028/2213
10/09/2013	--	QC	Improved	6985/0124
09/26/2011	--	QC	Improved	6605/2899
09/26/2011	--	QC	Improved	6600/2253
11/05/2002	--	QC	Improved	5218/1964
01/30/1994	\$600,000	WD	Vacant	3357/0832
01/30/1992	--	WD	Improved	3177/3480
01/01/1976	--	--	--	1592/0329

## BUILDINGS

### PROPERTY DATA CARD #1

**Building Use:** 1900 - Professional Building - Single Tenant - 1 Story

Materials	Details	
Exterior Wall:	Stucco	Year Built 1996
Frame:	Masnryconc	Story Height 9
Roof:	Cem/Cly/Mtl Tile	Floors 1

Roof Structure:	Wood Truss	Residential Units	1
		Commercial Units	0
<b>Sub-Areas</b>		<b>Extra Features</b>	
Base Area (1st)	1,088	Light Poles	2
Open Porch	760	Covered Patio	360
Open Porch	110	Paving - Concrete	5,505
Open Porch	75	Paving - Stone	590
Total Base Area	1,088	Wall - Concrete - Block	3,720
Total Sub Area	2,033	Paving - Asphalt	26,961

#### PROPERTY DATA CARD #2

**Building Use:** 1900 - Professional Building - Single Tenant - 1 Story

<b>Materials</b>		<b>Details</b>	
Exterior Wall:	Stucco	Year Built	1996
Frame:	Masnryconc	Story Height	9
Roof:	Cem/Cly/Mtl Tile	Floors	1
Roof Structure:	Wood Truss	Residential Units	1
		Commercial Units	0
<b>Sub-Areas</b>		<b>Extra Features</b>	
Base Area (1st)	1,088	No Data Found	
Open Porch	760		
Open Porch	75		
Total Base Area	1,088		
Total Sub Area	1,923		

#### PROPERTY DATA CARD #3

**Building Use:** 1900 - Professional Building - Single Tenant - 1 Story

<b>Materials</b>		<b>Details</b>	
Exterior Wall:	Stucco	Year Built	1996
Frame:	Masnryconc	Story Height	9
Roof:	Cem/Cly/Mtl Tile	Floors	1
Roof Structure:	Wood Truss	Residential Units	1
		Commercial Units	0
<b>Sub-Areas</b>		<b>Extra Features</b>	
Base Area (1st)	1,088	No Data Found	
Open Porch	760		
Open Porch	75		
Total Base Area	1,088		
Total Sub Area	1,923		

#### PROPERTY DATA CARD #4

**Building Use:** 1900 - Professional Building - Single Tenant - 1 Story

<b>Materials</b>		<b>Details</b>	
Exterior Wall:	Stucco	Year Built	1996
Frame:	Masnryconc	Story Height	9
Roof:	Cem/Cly/Mtl Tile	Floors	1
Roof Structure:	Wood Truss	Residential Units	1
		Commercial Units	0
<b>Sub-Areas</b>		<b>Extra Features</b>	

Base Area (1st)	1,088	No Data Found
Open Porch	760	
Open Porch	75	
Total Base Area	1,088	
Total Sub Area	1,923	

**PROPERTY DATA CARD #5**

**Building Use:** 1900 - Professional Building - Single Tenant - 1 Story

<b>Materials</b>		<b>Details</b>	
Exterior Wall:	Stucco	Year Built	1996
Frame:	Masnryconc	Story Height	9
Roof:	Cem/Cly/Mtl Tile	Floors	1
Roof Structure:	Wood Truss	Residential Units	1
		Commercial Units	0

<b>Sub-Areas</b>		<b>Extra Features</b>	
Base Area (1st)	1,088	No Data Found	
Open Porch	760		
Open Porch	75		
Total Base Area	1,088		
Total Sub Area	1,923		

**PROPERTY DATA CARD #6**

**Building Use:** 1900 - Professional Building - Single Tenant - 1 Story

<b>Materials</b>		<b>Details</b>	
Exterior Wall:	Stucco	Year Built	1996
Frame:	Masnryconc	Story Height	9
Roof:	Cem/Cly/Mtl Tile	Floors	1
Roof Structure:	Wood Truss	Residential Units	1
		Commercial Units	0

<b>Sub-Areas</b>		<b>Extra Features</b>	
Base Area (1st)	1,088	No Data Found	
Open Porch	75		
Open Porch	760		
Total Base Area	1,088		
Total Sub Area	1,923		