



**AGENDA REPORT
December 6, 2018**

Public Hearing, Re: Suntree & Wickham Station, LLC, requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a vapor store, in BU-1 zoning classification (18PZ00113) (District 4)

SUBJECT:

Public Hearing, Re: Suntree & Wickham Station, LLC, requests a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a vapor store, in BU-1 (General Retail Commercial) zoning classification. The property is located on the southeast corner of North Wickham Road and Suntree Boulevard. (7025 North Wickham Road, Units 113A and 113B, Melbourne) (18PZ00113) (District 4)

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 request for a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a vapor store, in BU-1 zoning classification.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is requesting a Conditional Use Permit (CUP) for Alcoholic Beverages (beer and wine only) for on-premises consumption in conjunction with a Vapor (Vape) Shop. The request is limited to 1,385 square foot unit #113B) and the westerly 973 square feet of what was previously referred to as unit #112, now identified as unit #113A, for a total of 2,358 square feet out of a 17,767 square foot retail/office shopping center.

The vape shop is currently occupying unit #113B, however the property owner is also requesting that the CUP be applied to unit #113A in order to allow for a planned future expansion into that bay. While unit #112 (not included in the CUP request) and #113A are currently internally connected, a state alcohol license for beer and wine cannot be obtained if the unit is not remodeled to separate it from the portion of the adjacent unit which is not included within the CUP request.

The Board may wish to consider whether any level of service impacts will result from the CUP proposed.

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

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

On November 19, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval.

Staff Contact: Erin Sterk, Planning & Zoning Manager, erin.sterk@brevardfl.gov

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **FYI Sketch and Photos**
- ▢ **P&Z Minutes**

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 and 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 zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For 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 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.

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, 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. 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.

RESOLUTION NO. 18PZ00113

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

WHEREAS, SUNTREE & WICKHAM STATION, LLC, has applied for a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a vapor store, on property described as Tax Parcel 1, Units 113A, and 113B, as recorded in ORB 7753, Pages 1426 – 1427, of the Public Records of Brevard County, Florida. (2,358 square feet) Located on the southeast corner of N. Wickham Rd., and Suntree Blvd. (7025 N. Wickham Rd., Melbourne); and

Section 13, Township 26S, Range 36E, and,

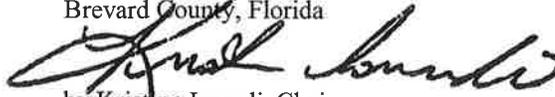
WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board’s recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a vapor store, be APPROVED, and that the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 6, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Kristine Isnardi, Chair
Brevard County Commission

As approved by Brevard County Commission on December 6, 2018.

ATTEST:


SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – November 19, 2018)

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.

REZONING REVIEW WORKSHEET

18PZ00113

Commission District # 4

Hearing Dates:

P&Z 11/19/18

BCC 12/06/18

Owner Name: **SUNTREE & WICKHAM STATION, LLC**

Request: **CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Vapor Shop, in BU-1**

Subject Property:

Parcel ID# 26-36-13-00-1

Tax Acct.# 2602732

Location: Southeast corner of N. Wickham Rd. and Suntree Blvd.

Address: 7025 N. Wickham Rd., Melbourne

Acreage: 1.87

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1	BU-1 with CUP for alcoholic beverage (beer & wine only)
Potential*	1,000 sq. ft. CUP in Conjunction with a Florist	2,358 sq. ft. for two units
Can be Considered under FLU MAP	YES CC	YES CC

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

	ADT	PM PEAK		
Trips from Existing Zoning	798	49	Segment Number	370F
Trips from Proposed Zoning	798	49	Segment Name	Wickham St. Andrews - Suntree
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	D
Current Volume	26,564	2,391	Directional Split	0.52
Volume With Proposed Development	26,564	2,391	ITE CODE	
Current Volume / MAV	66.74%	66.74%	820	
Volume / MAV with Proposal	66.74%	66.74%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is requesting a Conditional Use Permit (CUP) for Alcoholic Beverages (beer and wine only) for on-premises consumption in conjunction with a Vapor (Vape) Shop. The request is limited to 1,385 square foot unit #113B) and the westerly 973 square feet of what was previously referred to as unit #112, now identified as unit #113A, for a total of 2,358 square feet out of a 17,767 square foot retail/office shopping center.

The vape shop is currently occupying unit #113B, however the property owner is also requesting that the CUP be applied to unit #113A in order to allow for a planned future expansion into that bay. While unit #112 (not included in the CUP request) and #113A are currently internally connected, a state alcohol license for beer and wine cannot be obtained if the unit is not remodeled to separate it from the portion of the adjacent unit which is not included within the CUP request.

There is currently one other bay in the center that has a CUP for on premises consumption of alcoholic beverages. Unit # 110 has approval for this use accessory to a retail floral business via zoning action # **13PZ-00060** on 09/12/13. As that CUP was established with a 2COP license issued by the Division of Alcoholic Beverages and Tobacco and signed by Brevard County Planning & Zoning on 09/13/13, the CUP remains as a valid use within unit #110. If and when a florist shop returns to the site, the CUP can be reactivated. The current occupancy of unit # 110 has been changed to an accounting firm.

Land Use Compatibility

This site retains the Community Commercial (CC) Future Land Use designation. The existing zoning is consistent with the Future Land Use designation.

FLUE 2.1 outlines the role of the Comprehensive Plan in the designation of commercial land.

FLUE 2.7 outlines activities permitted in the CC FLU designation.

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

Environmental Constraints

Please refer to comments provided by the Natural Resource Management Department.

Applicable Land Use Policies

The subject property is classified as General Retail Commercial, (BU-1) Zoning. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The proposed business is located in the Suntree & Wickham Station commercial center. The center is "L" shaped and is located behind the 7-11 convenience store that is on the southeast corner of N. Wickham Road and Suntree Boulevard. The center has direct access to Wickham Road about 120 feet South of Suntree Boulevard and direct access to Suntree Boulevard about 170 feet east of N. Wickham Road. The abutting property to the south is developed with a building and parking lot owned and operated by Goodwill industries and like the subject property retains a BU-1 Zoning Classification. The abutting property to the east and southeast is developed and utilized as Pineda Court office building and also retains a Zoning Classification of BU-1. The properties to the west across N. Wickham Road are Suntrust Bank and to the south of that is Imperial Salon and Spa. Both of these businesses are located within the Suntree Planned Unit Development (PUD) and thereby

retain the PUD Zoning Classification and are limited to BU-1 uses per the amended Suntime PUD Preliminary Development Plan (PDP) per **Z-6806**, 07/30/1984.

There have been two zoning actions approximately one half mile of the subject property in the last six years. **18PZ00055**, 08/02/18. This site is located approximately 2,100 feet to the north of the subject property on the south side of Ernest Sands Boulevard between US 1 and Florida East Coast Railroad. This zoning action changed the Zoning Classification on 0.33 acres from General Use Residential (GU) to Single-Family Residential (RU-1-7). **15PZ00020**, 05/28/15, located approximately 2,800 feet on the north side of Bluefish Way approximately 420 feet east of Waelti Dr. changed the Zoning Classification on 0.55 acres from Light Industrial (IU) to Retail, Warehousing, and Wholesale Commercial (BU-2).

Special Considerations for Conditional Use Permit

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** The applicant's responses are indicated in **bold** and staff observations, if any, are provided in *italics*.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1906, on-premises consumption of alcohol.

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

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

A certified survey provided by the Applicant demonstrates that there are no schools, churches or daycares within 400' of the establishment.

- 5) Imposition of additional operational requirements. When deemed appropriate, as based upon circumstances revealed through the general and specific standards of review set forth in this division, the Board shall have the option of imposing operational requirements upon an establishment approved for a conditional use for alcoholic beverages for on-premises consumption. Requirements may include, but are not limited to, the following: maximum number of patrons; hours of operation; limitations upon outdoor seating and service of alcoholic beverages; limitations upon outside music and/or public address systems; additional buffering requirements; additional parking requirements; internal floor plan arrangement; or other specific restrictions based upon special neighborhood considerations. Additional requirements shall not exceed the limits of regulatory authority granted to local governments in the State Beverage Law, F.S. § 562.45.

Serving and consumption of food and beverages, alcohol or otherwise, including vaping, shall be strictly prohibited outside of the existing building. All operations are to be contained within a completely

enclosed building. The Board may wish to consider whether any additional operational requirements should be imposed as a part of this request.

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 number of persons anticipated to be using, residing or working under the conditional use permit will not exceed more than 2 employees per day. In the future, if we expand into the next space, that is a currently thriving title company, (unit 112 [113A]) our employees should not exceed 4 per day. That will not cause any impact on the adjacent or nearby properties. As a vape store, that will carry beer and wine, we are not looking to become a bar, but more so to have beer and wine as a complement to our store's customer base, it will not be the only reason why people come inside, therefore we will not have the need for additional staff. As a customer base, we generally do not have more than 5 customers in the shop at the same time, customers come and go as they do in other stores, offering beer and wine will be similar, with the exception they will stay a little longer if they have an drink, but I do not foresee any more than 10 people in the shop at the same time if we do have beer and wine. I have knowledge of this from a similar business in the City of Cocoa, Fast Eddie's Vape and Lounge, is a vape store in the city limits that serves beer and wine, they have a 3,300 SF space and never have more than 3 employee's per day. At Fast Eddie's the customers come in for vape supplies and stay a little longer than they normally would because they have beer and wine. It's not the main source of revenue for the business but is a nice complement. There will be no need for a clerk, security or "bartender" as our employee's will only be serving the beer or wine, as it's not a true bar, just a retail store that offers beer and wine. The Vape Florida vape shop is much nicer than most, we wanted to create an atmosphere that make people of all ages feel comfortable when they come in. There is also a pool table and 15 seats available for customer use.**
- 2. This is a retail location that would like to offer the purchase of beer and wine as a complement. There will be no increase of additional noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated due to the conditional use permit of on premise alcoholic beverage consumption.**
- 3. This plaza is located on the corner of Wickham and Suntree. This is already a busy-street. The approval of this CUP will not cause an additional increase traffic within the vicinity.**

Any noise generated in conjunction with the operation of the business would need to comply with the performance standards of Section 62-2251 through 62-2272, including the noise regulations of Section 62-2271.

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.

- 1. All nearby properties are businesses. There is a Goodwill donation center to the South of the plaza, a 7-11 convenient store to the North, Sun Nuclear Corporation to the East, and Imperial Salon and Spa and Marine Bank and Trust across Wickham Rd to the West of the property, all businesses nearby have their own entrance. The hours of operation for the surrounding businesses are as followed: 7-11 is 24 hours, Sun Nuclear Co is 8 am-8 pm Monday-Friday, Goodwill is 8 am-8 pm 7 days a week, Imperial Spa is 9 am – 6 pm Monday – Saturday, and Marine Bank is 8 am - 5 pm Monday – Friday. The hours we will operate will be 10 am – 9 pm**

Monday-Thursday, 10 am-12 am Friday-Saturday and 12 am - 6 pm on Sundays. [emphasis added] The use of the CUP will be in a retail shop, not as the main point of sales, but as a complement to the business. This will be compatible with the character of the adjacent and nearby properties and will not affect any other businesses parking availability, the parking area at this plaza has more than enough availability. (See attached Parking Map for property – Exhibit A & Exhibit B).

The applicant is volunteering to limit the operating hours to 10 am – 9 pm Monday-Thursday, 10 am-12 am Friday-Saturday and 12 pm - 6 pm on Sundays for the life of the CUP and for the entire CUP area, including the planned expansion into unit 113A. These hours and other conditions of the CUP apply to the CUP use and do not bind the hours of operation of other businesses not utilizing the CUP. Bella Title & Escrow that occupies unit # 112, the westerly 973 square feet of which is proposed to be in the future unit 113A, will not be authorized to serve alcohol and, therefore, will not be bound by the conditions of the CUP, including hours of operation. Per Section 62-1901(f) of Brevard County Zoning Regulations, the CUP will apply to future unit 113A, if and only if, an alcohol license is issued The Florida Department of Business & Professional Regulation's Division of Alcohol, Beverage, and Tobacco for a business occupying that bay within three (3) years of approval of the CUP, unless a two (2)-year extension is applied for and approved OR some other extension is granted by Board of County Commission action in accordance with 62-1901(f).

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 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 MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

This is mainly a commercial business area with several businesses that line Wickham and Suntree; there will be no effect to the residential properties.

The surrounding businesses are mostly professional offices, personal services and retail. This is generally not an entertainment oriented commercial district and it serves a large scale residential community. Even though it does not directly abut residential, it serves a well-established nearby, large scale, single-family residential community.

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.

1. **There are 3 separate entrances to the plaza's parking lot, one of which has a turning lane (off Wickham); there are 2 entrances of Suntree to the parking area. All units have at least 1 front door and 1 back door that meet egress. The parking lot is more than adequate and has not nor will it create any burden to adjacent and nearby properties. There are sidewalks**

surrounding the building itself and the sidewalks that line Wickham Rd and Suntree Blvd.
(See Exhibit A)

2. This plaza has been located here for 33 (+) years and has met requirements regarding ingress and egress for its location, along with meeting building regulations.

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.

There will be no additional emissions or any other problems that will occur here that will affect the enjoyment of adjacent and nearby properties.

The proposed use could introduce additional odor, particulates, smoke and fumes if measures are not taken to physically prevent vapors from exiting the establishment.

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

No additional raise in noise levels shall apply.

The applicant has not identified if there will be any music or noise generating activities? The use and hours indicate this will be a late night bar that may well generate additional noise. The operations will need to comply with the conditions of section 62-2271.

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.

There will not be a significant increase in solid waste, there will be a slight increase due to beer bottles and disposable cups but will not exceed the capacity of the on-premise disposal bin maintained by Waste Management. We will be using all disposable products therefore there will not be an increase of water needed to wash glasses.

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.

There will not be a significant increase in potable water or wastewater used at this area. We will be using disposable drinkware only, therefore there will be no need to wash glasses. There may be a slight increase in patrons using the facilities but well under the amount allowed. We are not attempting to have a bar, just a retail store with the ability to service our guest by offering beer and wine while they are inside out store.

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.

1. The visual and noise aspects of the building will not change and therefore will not create any nuisance, sight or noise impacts on adjacent and nearby properties. There are businesses stated in above Section 62-1901 (c)(1)(b) directly around this property.

The existing buffering and screening is not adequate to address adverse nuisance, sight, or noise impacts of the proposed use on adjacent development; however, all uses are to remain inside the existing structure.

Staff Comments: Page 7
(18PZ00113)
11/05/18 PZ // 12/06/18 BCC

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.

Light and signs on building and street sign are already existing and are not changing.

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.

Hours of operation are limited to: Monday-Thursday 10 am – 9 pm, Friday and Saturday 10 am – 12 am and Sunday 12 pm – 6 pm. This will not affect use and enjoyment to the surrounding property and are consistent to surrounding properties.

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.

Building is already existing and is not changing due to this CUP.

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.

There will be no off-street parking or loading areas. This is not needed. After 6 pm all other businesses in the plaza are closed opening up all parking spaces, more than enough for the retail location requesting CUP – See “Exhibit A”.

Parking – Brevard County land development regulations require that, for the use proposed, a minimum of 21 onsite parking spaces (one space for every 100 square feet of gross floor area of the building) be provided to meet the minimum spaces required by Section 62-3206(d)(29). Although the applicant's survey fails to indicate the amount of parking spaces on site, it appears from staff's calculations that sufficient parking exists for the entire center for both existing and proposed uses.

For Board Consideration

The applicant is requesting a Conditional Use Permit (CUP) for Alcoholic Beverages (beer and wine only) for on-premises consumption in conjunction with a Vapor (Vape) Shop. The request is limited to 1,385 square foot unit #113B) and the westerly 973 square feet of what was previously referred to as unit #112, now identified as unit #113A, for a total of 2,358 square feet out of a 17,767 square foot retail/office shopping center.

The vape shop is currently occupying unit #113B, however the property owner is also requesting that the CUP be applied to unit #113A in order to allow for a planned future expansion into that bay. While unit #112 (not included in the CUP request) and #113A are currently internally connected, a state alcohol license for beer and wine cannot be obtained if the unit is not remodeled to separate it from the portion of the adjacent unit which is not included within the CUP request.

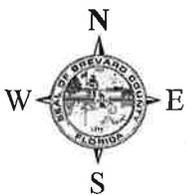
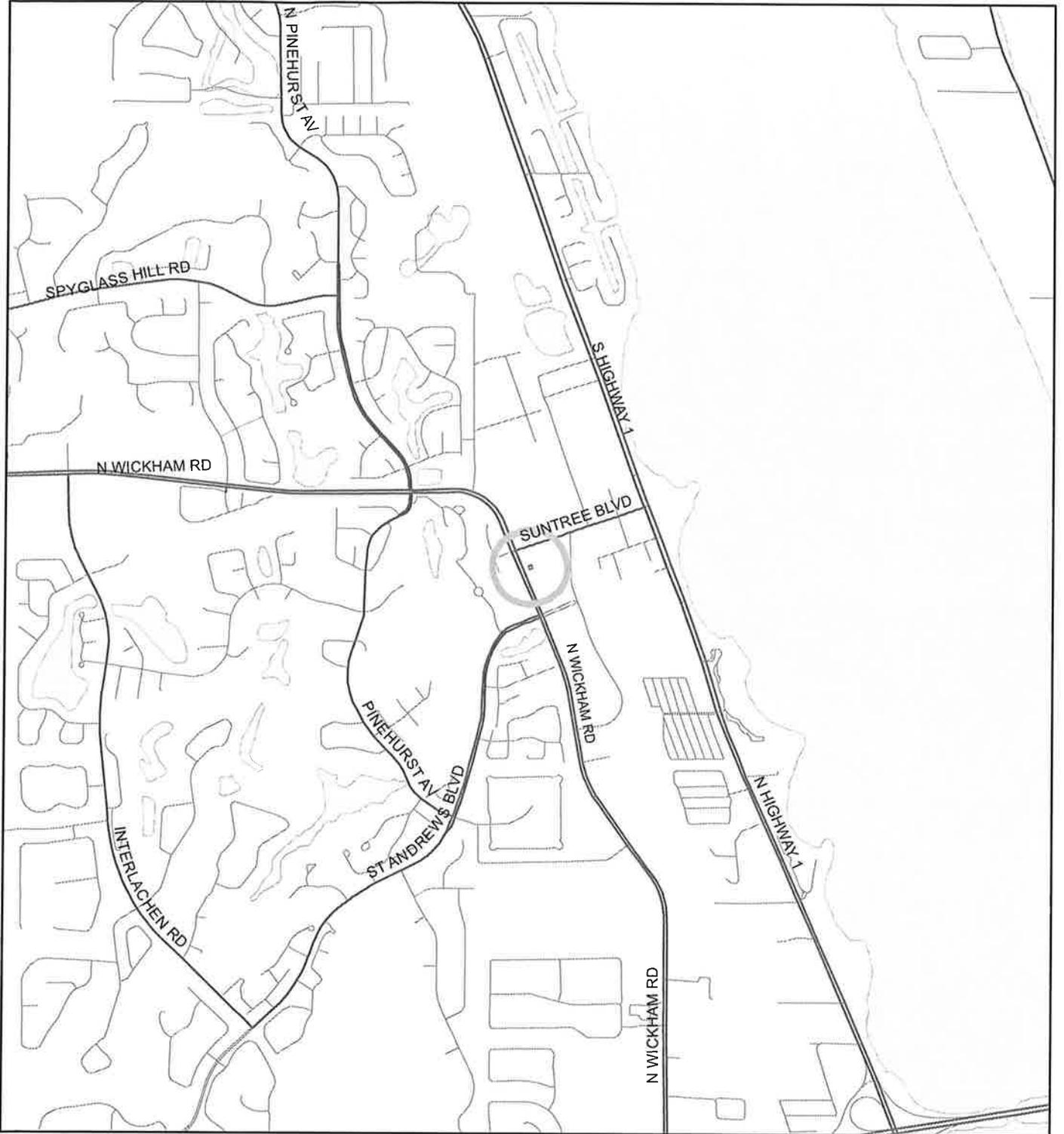
Staff Comments: Page 8
(18PZ00113)
11/05/18 PZ // 12/06/18 BCC

The Board may wish to consider whether any level of service impacts will result from the CUP proposed.

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

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

LOCATION MAP
SUNTREE & WICKHAM STATION, LLC
 18PZ00113



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

Buffer Distance: 500 feet

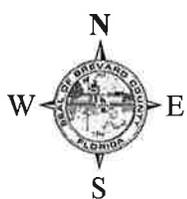
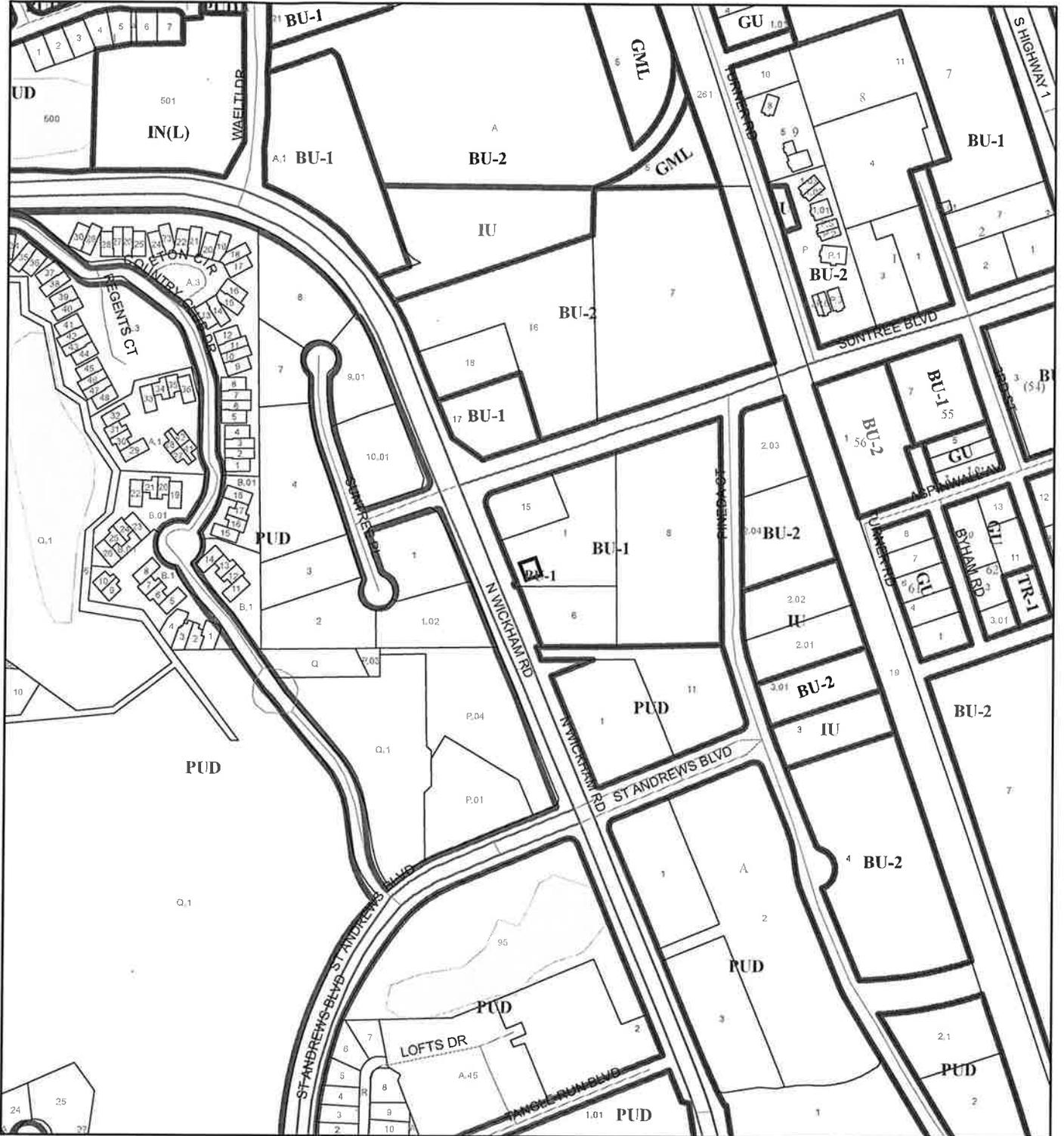
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/29/2018

-  Buffer
-  Subject Property

ZONING MAP

SUNTREE & WICKHAM STATION, LLC
18PZ00113



1:4,800 or 1 inch = 400 feet

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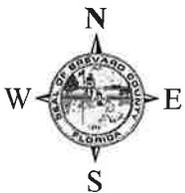
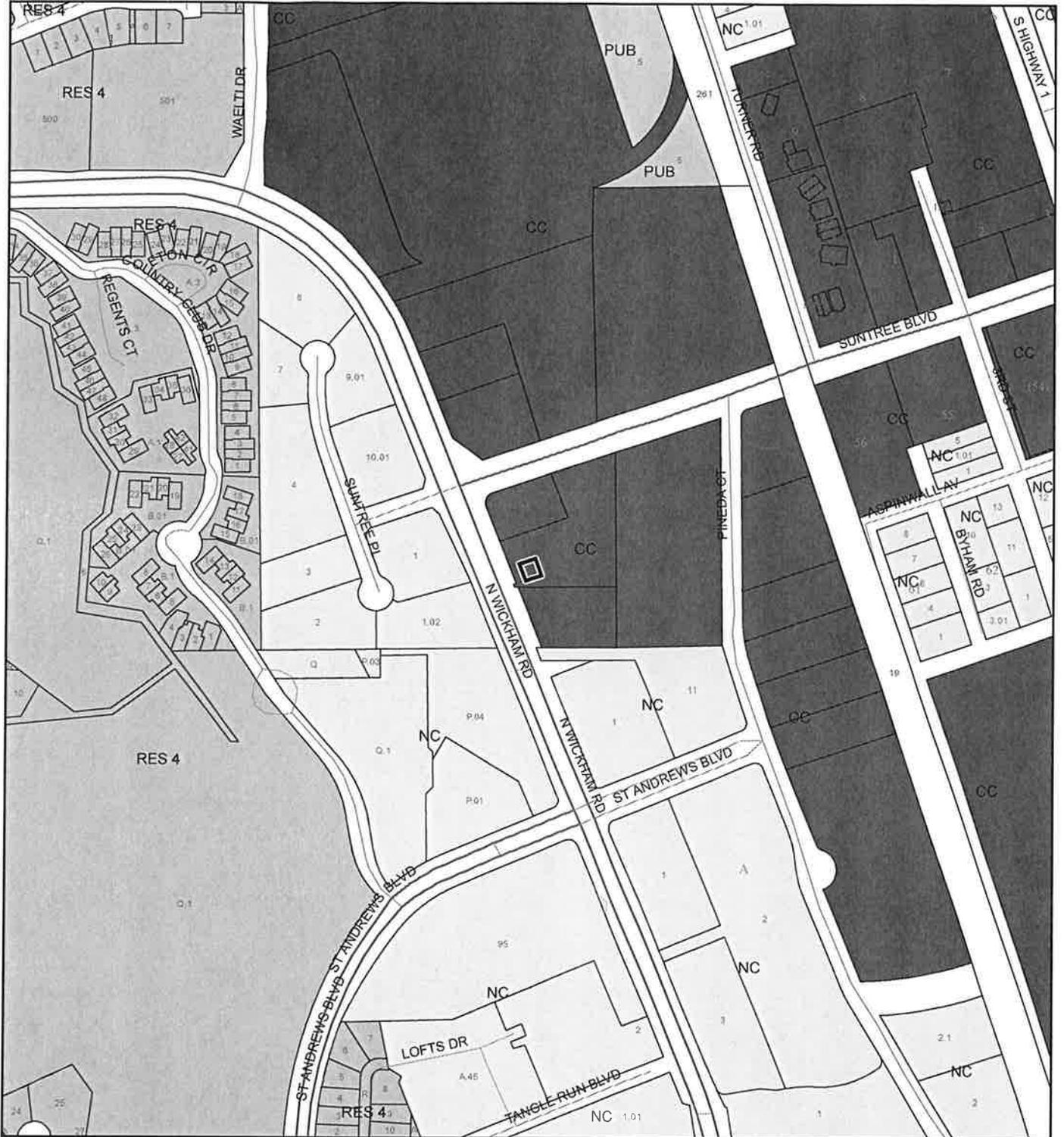
Produced by BoCC - GIS Date: 10/29/2018

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

SUNTREE & WICKHAM STATION, LLC

18PZ00113



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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AERIAL MAP
SUNTREE & WICKHAM STATION, LLC
18PZ00113



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2018

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Produced by BoCC - GIS Date: 10/29/2018

— Subject Property

□ Parcels

NWI WETLANDS MAP

SUNTREE & WICKHAM STATION, LLC

18PZ00113



1:4,800 or 1 inch = 400 feet

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National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

SUNTREE & WICKHAM STATION, LLC

18PZ00113



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

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

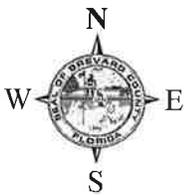
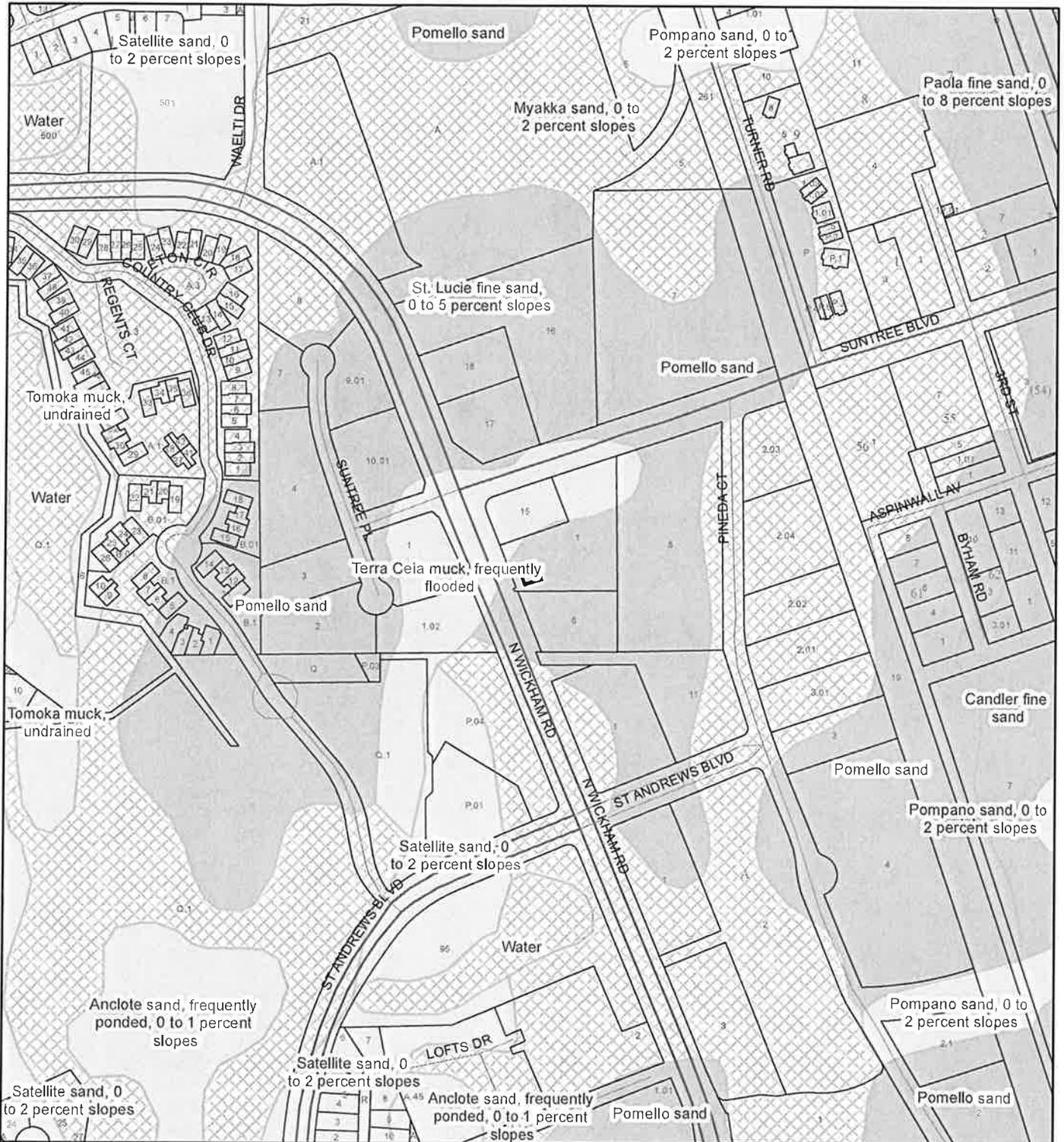
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

SUNTREE & WICKHAM STATION, LLC

18PZ00113



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

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

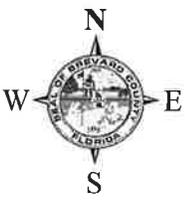
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/29/2018

FEMA FLOOD ZONES MAP

SUNTREE & WICKHAM STATION, LLC

18PZ00113



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.

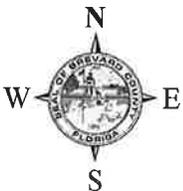
Produced by BoCC - GIS Date: 10/29/2018

FEMA Flood Zones			
	A		X
	AE		Open Water
	AH		VE
	0.2 Percent Annual Chance Flood Hazard		
	0.2 Percent Annual Chance Flood Hazard Contained in Channel		
	Subject Property		
	Parcels		

EAGLE NESTS MAP

SUNTREE & WICKHAM STATION, LLC

18PZ00113



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/29/2018

 Subject Property

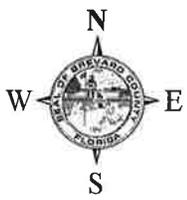
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

SUNTREE & WICKHAM STATION, LLC

18PZ00113



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.

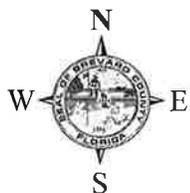
Produced by BoCC - GIS Date: 10/29/2018

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SUNTREE & WICKHAM STATION, LLC

18PZ00113



1:4,800 or 1 inch = 400 feet

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

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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

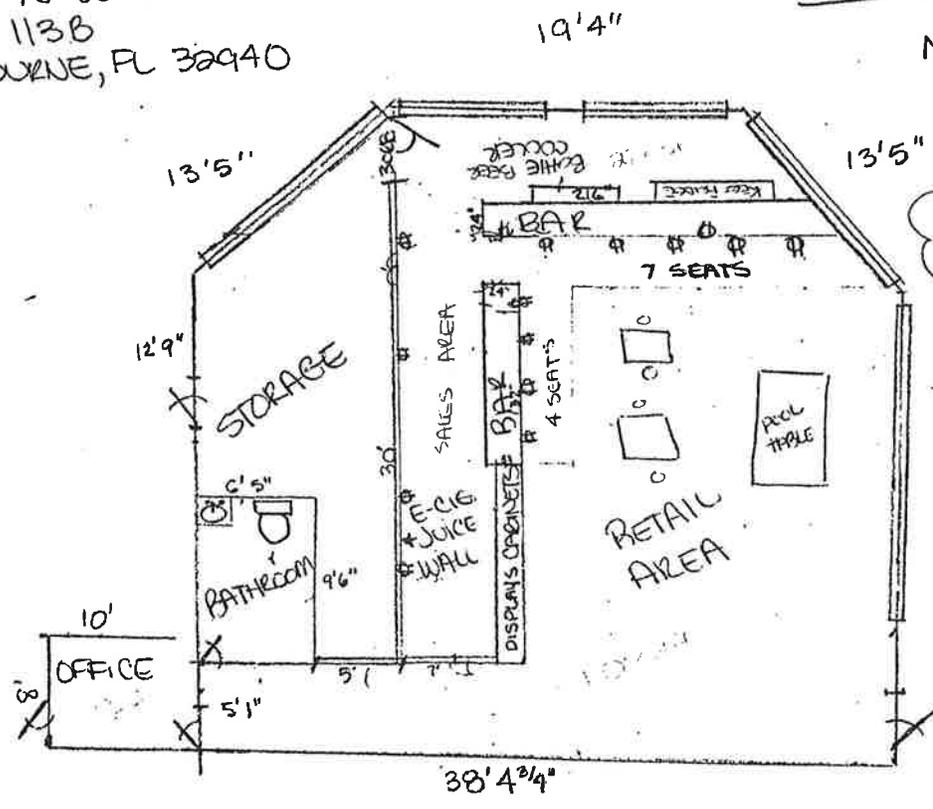


FYI Sketch and Photos
18PZ0113
Suntree & Wickham Station

SCALE = 1/8"

7025 N WICKHAM RD
UNIT 113B
MELBOURNE, FL 32940

VAPE FLORIDA



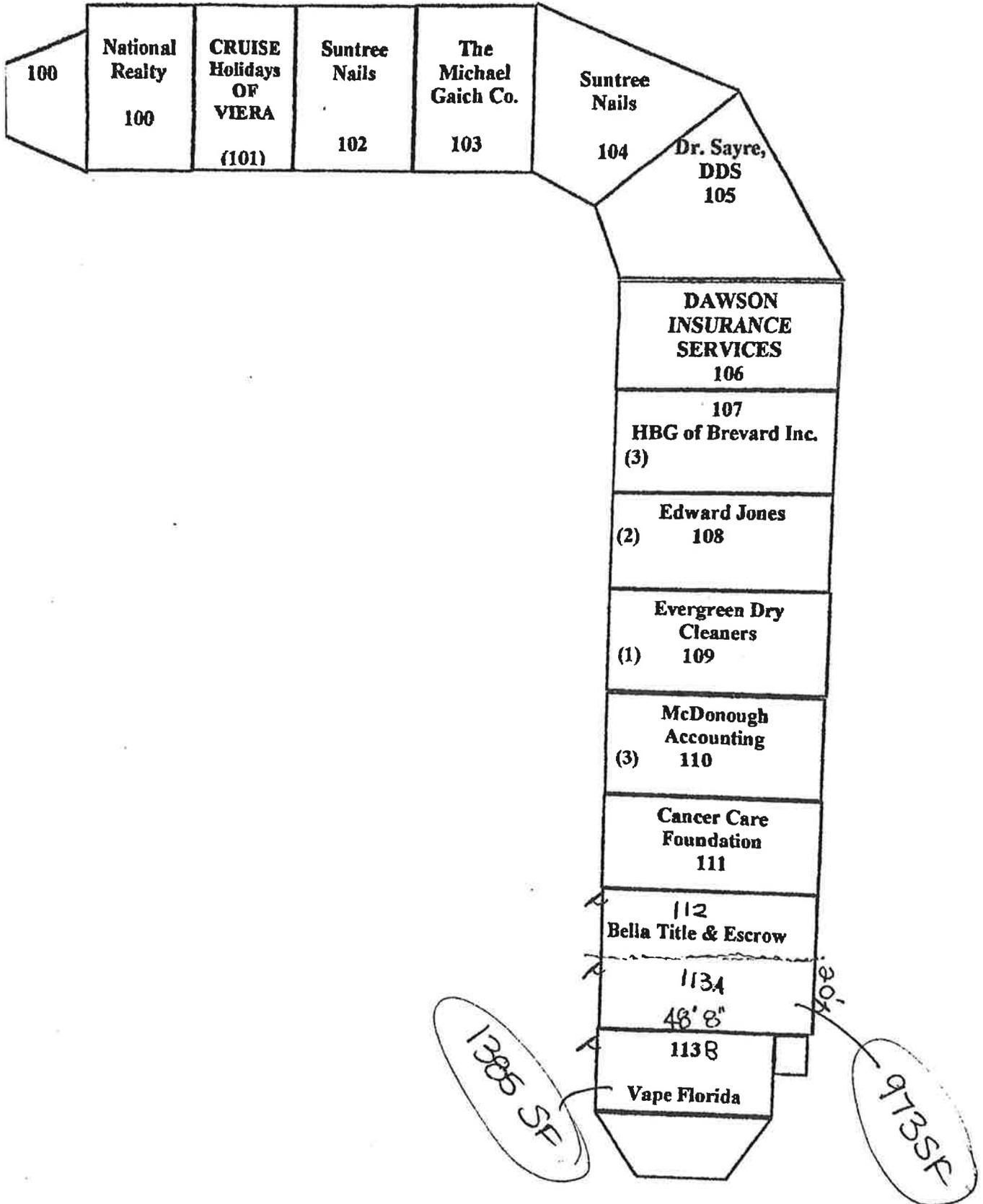
TOTAL SF =
1385

26' 7 1/2"

47' 1 1/2"

SITE PLAN OF PREMISES

Page 2



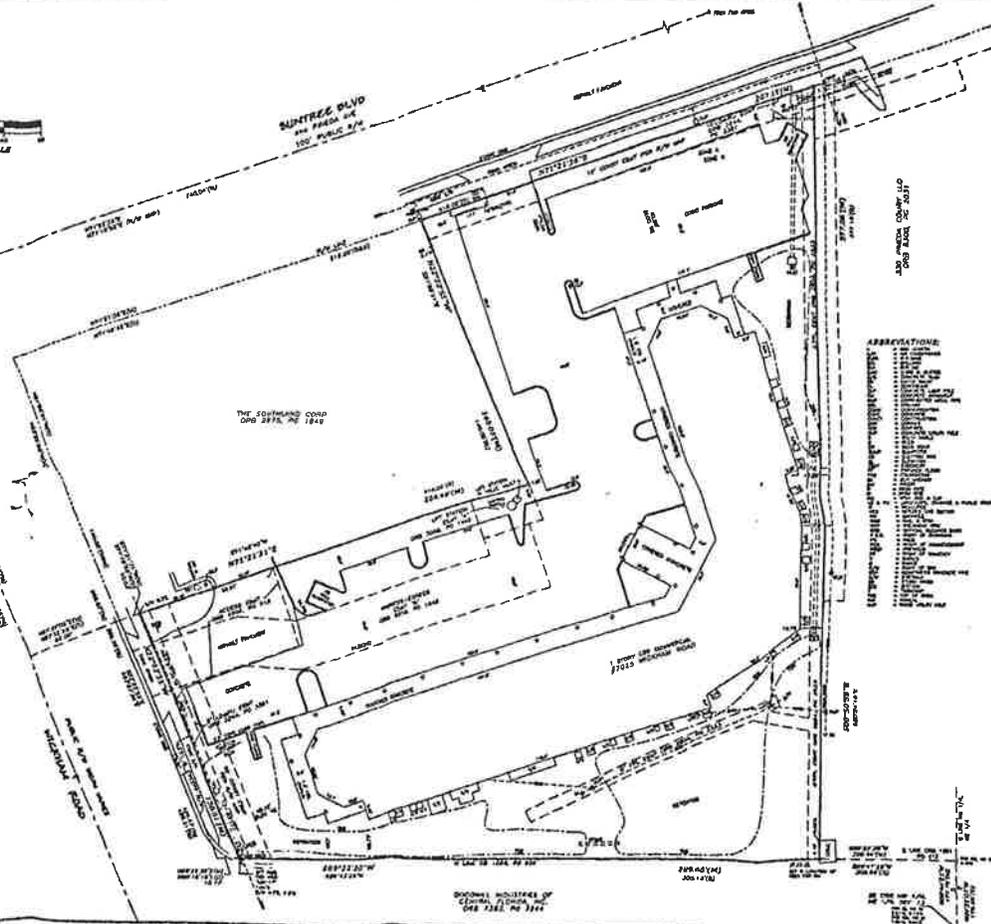
23

GRAPHIC SCALE
1" = 100'



THIS PLAN IS MADE BY ME AS A PROFESSIONAL LAND SURVEYOR AND I AM NOT PROVIDING ANY WARRANTY OR GUARANTEE OF ACCURACY FOR THIS PLAN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THIS PLAN. I AM NOT PROVIDING ANY WARRANTY OR GUARANTEE OF ACCURACY FOR THIS PLAN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THIS PLAN.

THE SURVEYING COOP
ORD 2878, 2879, 2880



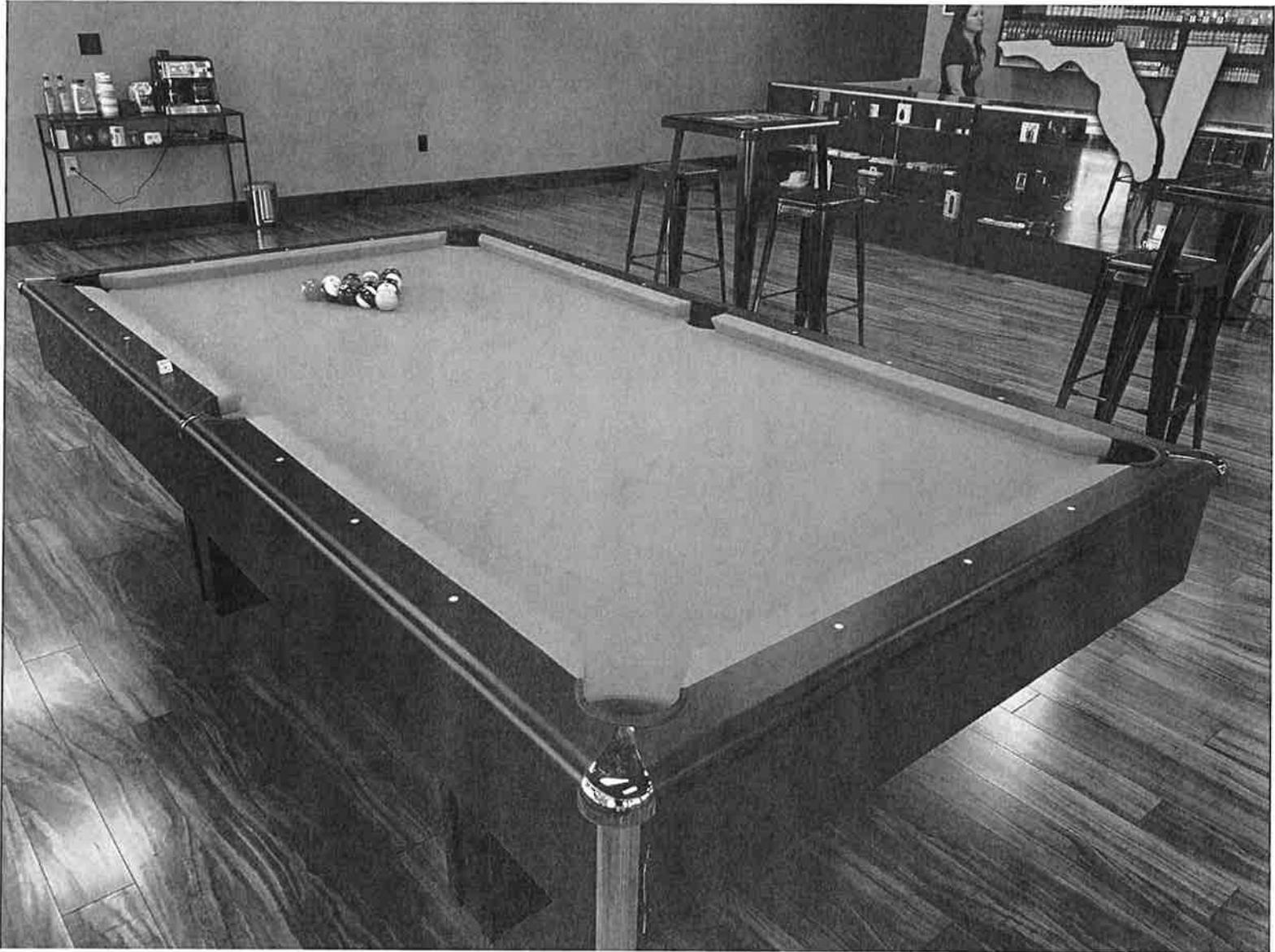
ASSOCIATIONS

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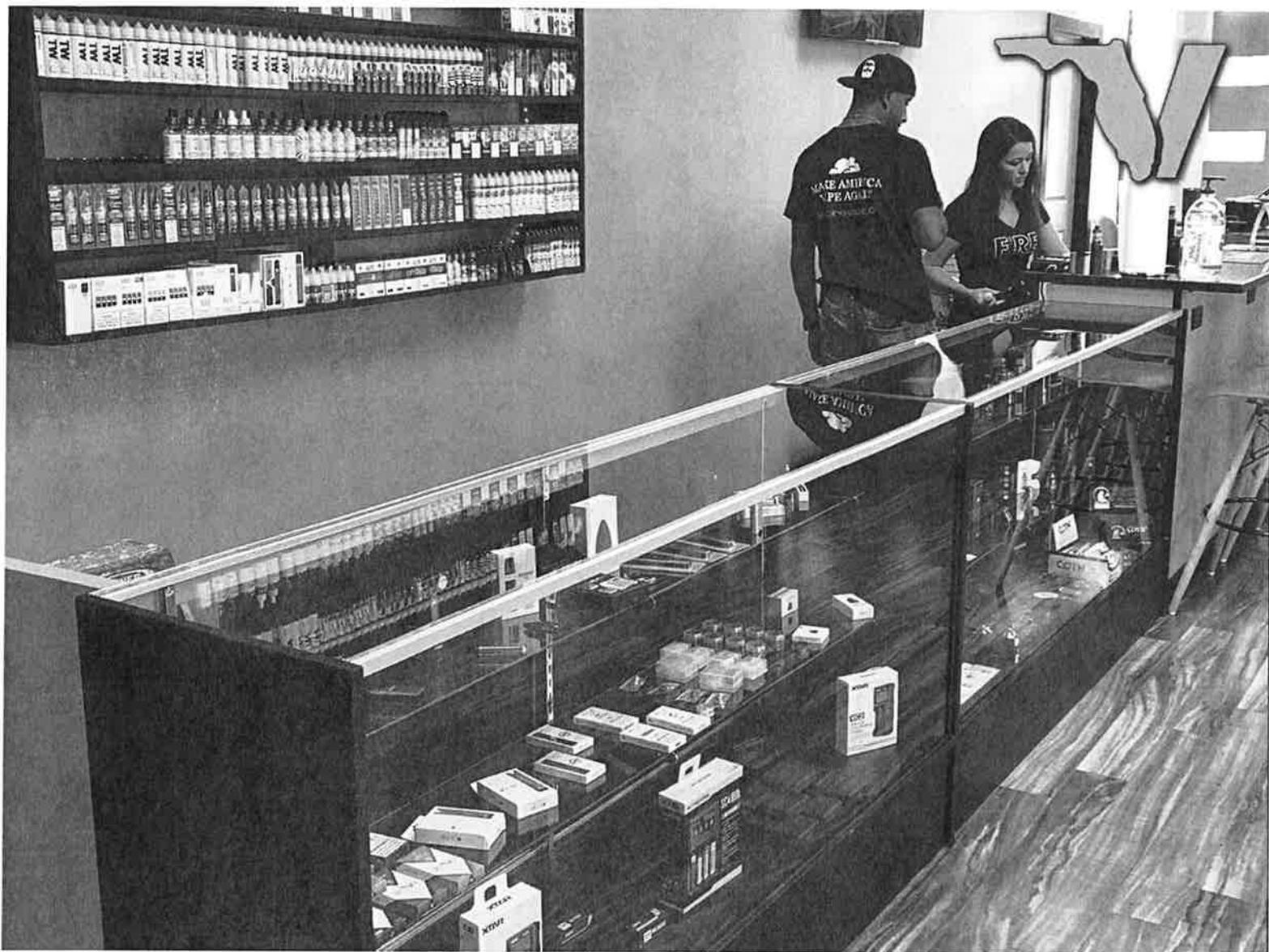
PLAT OF SURVEY FOR
7825 WICKHAM ROAD
ART-SWITZER & WICKHAM STATION LLC

BRIEL & ASSOCIATES
Land Surveyors, Inc.
1780 Hwy. 41A, Suite 308 • Marietta, Ga. Phone: 770.427.1211 Fax: 770.427.1212

DATE: 11/11/11
SCALE: AS SHOWN
PROJECT: 7825 WICKHAM ROAD
SHEET: 1 OF 1











LOCAL PLANNING AGENCY MINUTES

The Local Planning Agency/Planning and Zoning Board met in regular session on Monday, November 19, 2018, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Ron Bartcher; Rochelle Lawandales; Scott Langston; Mark Wadsworth (alternate); Bruce Moia; and Robert LaMarr (Vice Chair).

All members present voted throughout the meeting.

Staff members present were: Jad Brewer, Assistant County Attorney; Erin Sterk, Planning and Zoning Manager; Mike McCaughin, Building Official; and Jennifer Jones, Special Projects Coordinator II.

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Excerpt of complete agenda.

Suntree & Wickham Station, LLC requests a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a vapor store, in a BU-1 (General Retail Commercial) zoning classification. The property is 2,358 square feet, located on the southeast corner of North Wickham Road and Suntree Boulevard. (7025 North Wickham Road, Units 113A and 113B, Melbourne) (18PZ00113) (District 4)

Jeff Baker – I'm Jeff Baker, Suntree and Wickham Station, and the address of the property is 7025 North Wickham Road, in Melbourne; and I live down in Palm Beach, at 141 West Alexander Palm, Boca Raton, Florida.

Henry Minneboo – Anybody have any questions of this gentleman? Seeing none, I go out to the audience. Is there anybody in the audience who would like to speak for or against this? Seeing none, I bring it back to the board.

Rochelle Lawandales – Staff's comfortable they've met all the requirements of the Conditional Use?

Erin Sterk – Yes, we don't really disagree with anything of the conclusions. It is a pretty well established plaza that maintains the level of service. The one concern that staff has that would be captured at a later date is that the unit to the north of it is a larger unit; they have an existing unit and they're seeking the allowance of the CUP on a portion of the unit next to them. Clearly, if you're serving alcohol, you would need to close that off because we're not going to be in there regulating who walks across this imaginary line in the future, but when they go and get a State license for the liquor license, they will inspect the premises and ensure that that happens.

Henry Minneboo – Are you going to try to get a State license? Do you have to get the big one?

Jeff Baker – No, because they're only going to serve beer and wine, and the extra part that we're talking about is an adjacent part that I would subdivide and add to allow them to expand into the place next to it.

Henry Minneboo – Any other questions for this gentleman?

Rochelle Lawandales – I move approval, Mr. Chair.

Bruce Moia – Second.

Henry Minneboo called for the vote to approve the request and it passed unanimously.

Henry Minneboo – Everybody now has a beer and wine license in Viera. You were the last ones to get it. Don't do this, Erin, because it takes time, but if we haven't done 20 or 30 here, I'd be real surprised.

Erin Sterk – Originally, they came in and wanted it on the whole plaza just to save coming back, and I don't know how you guys would have felt about that, but they reined it in a little at our direction. We put them through a lot in whittling it done to just the one unit.