



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.7.

8/6/2020

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### Subject:

3101 Gannett Plaza, LLC (Kevin Saltman) requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with an Indoor Family Entertainment Center, in the BU-1 and BU-2 Zoning Classifications. (20Z00007) (Tax Accounts 2602422 & 2602423) (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 a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with an Indoor Family Entertainment Center, in the BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) Zoning Classifications.

### Summary Explanation and Background:

The applicant is seeking a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption of beer and wine accessory to an indoor family entertainment center. An outdoor patio for dining is also proposed. The property is 28.23 acres, located on the southwest corner of Gannett Plaza Avenue and U.S. Highway 1, and is the former Florida Today newspaper facility.

The character of the surrounding area is mostly residential. North of this property is a mixture of developed residential lots, with the easternmost lot providing commercial frontage to U.S. 1. To the east of U.S. 1 are single-family residential uses; to the south is a recreational vehicle park; and to the west remains several undeveloped tracts zoned BU-2 or PUD. Additionally, several commercial buildings have been developed within parcels zoned BU-2 or Light Industrial.

The Board should consider the compatibility of the proposed CUP with the surrounding development. Since this is a request for CUP, the Board may consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential impacts to the abutting properties.

On July 6, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

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

## Resolution 20Z00007

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

**WHEREAS, Gannett Plaza, LLC** has requested a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with an Indoor Family Entertainment Center, in the BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classifications, on property described as Lots 6 & 7, Block M, Subdivision DE, as recorded in ORB 8136, Pages 419 – 422, of the Public Records of Brevard County, Florida. **Section 13, Township 26, Range 36.** (28.23 acres) Located on the southwest corner of Gannett Plaza Avenue and U.S. Highway 1. (1 Aar Way, Rockledge); and

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

**WHEREAS,** the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; 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 an Indoor Family Entertainment Center, in the BU-1 and BU-2 zoning classifications be approved as recommended. 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 August 6, 2020.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

*Bryan Andrew Lober*

Bryan Lober, Chair

Brevard County Commission

As approved by the Board on August 6, 2020.

ATTEST

*Scott Ellis*  
SCOTTELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – July 6, 2020

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

development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.

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

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

### **Administrative Policy 1**

The Brevard County zoning official, planners and the director of the Planning and Development 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.



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**

**20Z00007**

**3101 GANNETT PLAZA AVE LLC**

**Conditional Use Permit (CUP) for Alcoholic beverages for on-premises consumption; beer and wine accessory to an indoor family entertainment center**

Tax Account Number: 2602422 & 2602423  
Parcel I.D.: 26-36-13-DE-M-6 & 7  
Location: SW corner of Gannett Plaza Avenue and US Highway 1 (District 4)  
Acreage: 28.23 acres

Planning and Zoning Board: 07/06/2020

Board of County Commissioners: 08/06/2020

**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>	BU-1 & BU-2	BU-1 & BU-2 with CUP for alcoholic beverages
<b>Potential*</b>	314,311 square feet	314,311 square feet
<b>Can be Considered under the Future Land Use Map</b>	YES Community Commercial	YES Community Commercial

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

**Background and Purpose of Request**

The applicant is seeking a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption; beer and wine accessory to an indoor family entertainment center. An outdoor patio is also proposed.

This site has been zoned BU-1 and BU-2 under Use on Review (UOR) for printing, engraving and related reproduction processes as well as publishing and distribution of newspapers and printed material since adoption of Zoning Resolution **Z-6913** on November 8, 1984. The BU-1 portion is the easterly 250-foot depth of the lot with BU-2 zoning over the remainder.

**Land Use**

The BU-1 and BU-2 zoning classifications are both consistent with the Community Commercial (CC) Future Land Use designation. The CUP request is also consistent with the CC FLU designation.

## **Environmental Constraints**

No formal review by the Natural Resources Management Department is required for a CUP for on-premises consumption of alcoholic beverages. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development, including any land alteration permits or landscape restoration plans.

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is U.S. Highway 1, between Pineda Causeway and Suntree Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 92.67% of capacity daily. The development potential from the proposed CUP request on the existing building mass of 170,000 square feet does increase the percentage of MAV utilization by 2.36%. The corridor is anticipated to operate at 95.03% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this site is a proposed commercial development.

The subject property is served by potable water by the City of Cocoa. Sewer is provided by the County.

## **Applicable Land Use Policies**

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

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

#### **Criteria:**

##### **A. Permitted/prohibited uses;**

*Staff analysis: The alcoholic beverage use is identified as a conditional use which means should the Board allow said use, it would be permitted on the property. If the Board denied the request, it would not be allowed on the property.*

##### **B. Existing commercial zoning trends in the area;**

*Staff analysis: There have been multiple commercial requests within the area which are further identified in the Surrounding Area analysis.*

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

*Staff analysis: This CUP request, if approved, is compatible with the proposed recreation activity. The outdoor patio area proposed will be used for dining.*

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

*Staff analysis: It appears no LOS has been exceeded for road capacity. Other LOS criteria will be reviewed at the site plan review stage.*

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.** This site is surrounded by right-of-way upon all four sides. To its north is Gannett Plaza Avenue. To its east is U.S. Highway 1. To its south is Aar Way. To the west is the F.E.C. railroad right-of-way. The neighboring area is under the FLUM designations of Community Commercial and Neighborhood Commercial. The commercial zoning is pre-existing; the applicant wishes to add alcoholic beverage use in conjunction to their proposed indoor recreation facility.

The applicant is proposing alcohol consumption on the northern 57,158 square feet of the existing 153,135 square foot building. The remaining area identified on the concept plan identifies a 75,858 square foot office component and a 20,119 square foot warehouse component. A use for the outbuilding has not been identified. The plan doesn't identify the size of the outdoor patio for patron use. It appears to be 1,744 square feet in area.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The character of the area is mostly residential. North of this property is a mixture of developed residential lots, with the eastern most lot zoned BU-1, providing commercial frontage to Highway 1. To the east of Highway 1 are single-family residential uses developed in the RU-1-7, BU-2 and RU-1-13 zoning districts. The GU and RU-2-10 zoned lots are currently unimproved. To the south is a recreational vehicle park under the zoning designation of RVP. To the west remains several undeveloped tracts zoned BU-2 or PUD; additionally, several commercial buildings have been developed within parcels zoned BU-2 or Light Industrial, IU.

### **Surrounding Area**

There have been numerous zoning actions within a half-mile radius around this site within the last 3 years. The three zoning changes include:

- Zoning item (**17PZ00109**) adopted on April 25, 2018, rezoned 30.7 acres from PIP to RU-2-15 to allow for a 450-unit multi-family development under a Binding Development Plan recorded in ORB 8148, Pages 974-982, dated April 25, 2018; This site is located on the east side of Wickham Road about 350 feet south of Jordan Blass Drive.
- Zoning Item (**18PZ00059**) adopted on January 9, 2019, rezoned 3.43 acres (western portion of 17PZ00109) from RU-2-15 to BU-1 to allow for commercial development under a Binding Development Plan recorded in ORB 8345, Pages 662-666, dated January 9, 2019; This site is also located on the east side of Wickham Road about 350 feet south of Jordan Blass Drive.
- Zoning item (**18PZ00104**) adopted on December 6, 2018, rezoned 3.33 acres from BU-1 and IU to BU-2; This site is located on the east side of Wickham Road at the NE corner of Waelti Drive and Wickham Road.

This area has also received multiple CUP requests under the following items:

- **17PZ00104** adopted on November 2, 2017, allowed beer/wine accessory to a restaurant.
- **18PZ00113** adopted on December 6, 2018, allowed beer/wine accessory to a vape store.
- **19PZ00004** adopted on April 4, 2019, allowed full liquor accessory to an assisted living facility – limited to the dining areas, lounge, courtyard and residences.
- **19PZ00064** adopted on August 1, 2019, allowed mitigation for a mobile home park to replace mobile home sites with recreational vehicles.

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

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

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

*Staff analysis: 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 analysis: Serving and consumption of food and beverages, alcohol or otherwise, shall be strictly prohibited outside of the existing buildings except as has been identified on the outdoor patio pursuant to Section 62-1837.9 (Outdoor restaurant seating) 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 within the vicinity caused by the proposed conditional use.

Applicant's Response: The premises is a family-oriented entertainment destination all under roof (i.e. arcades, video games and go-karts, ninja course and mini-bowling). The establishment will only be offering beer and wine for guests.

*Staff analysis: The concept plan identifies the location of the proposed amusement uses within the primary building, as well as noting that the remainder of the primary building is supporting warehouse and office uses. The site does not identify what is occurring within the small outbuilding.*

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 location lies within the BU-2/BU-1 Zoning district with the rear of the building facing US-1. Recreation is a prioritized use in these zoning districts. The conditional use to allow for onsite consumption of beer and wine with the permitted indoor recreational development is compatible with the character of adjacent and nearby properties.

*Staff analysis: The parcel is a developed commercial property that is bounded by right-of-way (not adjacent to residential development). Indoor recreation use should be compatible; however, the proposed activity has the potential for higher traffic generation than standard office or warehouse use drawing more of the public to this site. During site plan review, the proposed outdoor patio will need to comply with the noise ordinance.*

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 a MAI certified appraiser,

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

**Applicant's Response:** The proposed use as a family-oriented entertainment destination all under roof, is a permissible use in the current zoning district and will be operated out of an existing warehouse building. Only interior modifications to the existing building are proposed other than conforming signing and painting to the exterior. The conditional use for the onsite consumption of beer and wine only to these families patronizing the family-oriented entertainment destination.

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

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

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

**Applicant's Response:** The property is currently developed as a warehouse and office building which has ample parking and convenient flow as well as adequate ingress and egress. No new construction is being proposed. The indoor family entertainment destination will be using 57,158 square feet of an existing warehouse building. The on-site consumption of beer and wine will be limited to the same.

*Staff analysis: This project has two access points identified on the concept plan. The change of use will substantially increase parking and traffic needs for this site. If needed, additional improvements will be addressed at the site plan review stage.*

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:** No new construction is proposed. The entertainment facility will be using 57,158 square feet of existing WHH1 (northern 428 feet of main building). There will be no audible noise from the premises. The use is totally enclosed except for an outdoor patio to be used for eating by attendees. We will utilize an outdoor patio for eating. Beer and wine consumption are not the primary use of the proposed building.



*Staff analysis: This project must be compliance with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.*

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

Applicant's Response: Noise levels will be within the permissible ranges as set forth in the applicable county code.

*Staff analysis: The concept plan's "noise standards" will be reviewed as part of the site plan review process. Proposed outside seating must comply with noise ordinance.*

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

Applicant's Response: The proposed conditional use will not cause the level of solid waste service for the property or the area to be exceeded.

*Staff analysis: The adopted level of service for solid waste disposal will be reviewed as part of the site plan review process.*

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

Applicant's Response: The proposed conditional use will not cause the level of potable water service for the property or the area to be exceeded.

*Staff analysis: The adopted level of service for potable water or wastewater will be reviewed by utilities as part of the site plan review process.*

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

Applicant's Response: The conditional use being requested for on-site sales and consumption of beer and wine only for patrons coming to the fully enclosed family-oriented entertainment destination. An outdoor patio, as depicted on the sketch enclosed is located approximately 417 feet from the nearest neighboring property and is currently buffered/screened by trees and Aar Way then additional trees. All activities for the family-oriented entertainment destination with the exception of the patio, which due to distance (i.e. 417 feet) is adequately buffered from neighboring properties to prevent adverse nuisance, sight or noise impacts.

*Staff analysis: As the project is buffered by right-of-way, no screening or buffering has been identified on the concept plan. Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.*

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: Proposed signs and exterior lighting will not cause unreasonable glare, hazard to traffic safety or interference with the use or enjoyment of adjacent or nearby properties.

*Staff analysis: No signage or exterior lighting has been identified on the concept plan. Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.*

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

Applicant's Response: The proposed hours of operation are Monday – Thursday 11AM – 9PM; Friday – 10AM – 11PM; Saturday – 9AM – 11PM; Sunday – 10AM – 6PM, which is consistent with use and enjoyment of the properties in the surrounding areas.

*Staff analysis: The hours of operation of the commercial indoor recreational uses appear to be consistent with normal commercial operations. Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.*

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

Applicant's Response: The height of the building is within the stated limits.

*Staff analysis: The applicant states that no new buildings are proposed; existing buildings appear to be in compliance with county height standards which would allow up to a 60-foot tall building. No roof has been identified to cover the outside patio area.*

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

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

Applicant's Response: The CUP for the on-site sales and consumption of beer and wine is within the 57,158 square foot existing warehouse building. There are currently 200 on-site spaces provided on property for the current warehouse (331 spaces are provided for the overall business center). The

commercial use of 57,158 square feet requires a minimum of 149 on-site parking spaces. There is and will continue to be sufficient on-site parking with the requested CUP.

*Staff analysis: It appears the applicant has submitted different parking data in two different places within the application. Within the CUP worksheet in response to item (Section 62-1901 (c)(2)(j)), the applicant states there are 331 on-site parking spaces provided for the overall business center; however, the CUP concept plan identifies 358 existing parking spaces. Staff has reviewed the parking calculations and has ascertained that the number of parking spaces has not included the out-building and the exterior patio seating parking allotment. In order to be in compliance with county code, a total of 577 parking spaces will need to be provided. The applicant only proposes a total of 573 parking spaces (4-spaces short of what is required by Code).*

### **For Board Consideration**

The applicant is seeking a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption; beer and wine accessory to an indoor family entertainment center. An outdoor patio is also proposed.

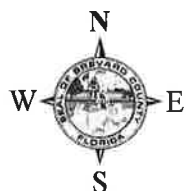
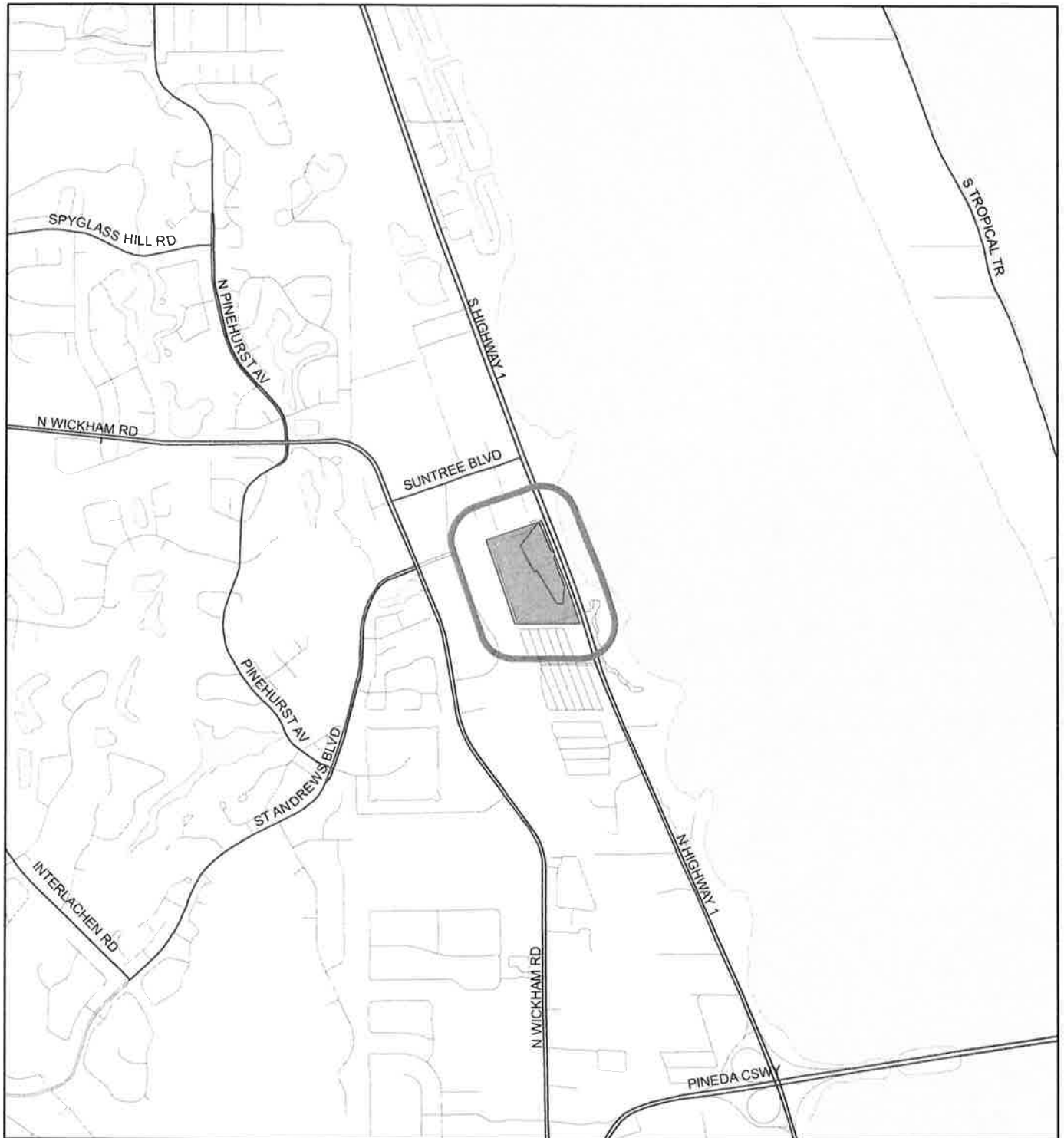
The Board may wish that the applicant visually buffer and/or acoustically screen the outdoor patio area from the nearby residential lots. The Board may also wish to limit alcoholic beverage to indoor areas only and/or require the applicant to increase the parking requirement to 577 total parking spaces; which is 4 additional spaces over the concept plans depicted 573 parking count. Applicant states that there are 358 existing parking spaces currently provided.

The Board should consider the compatibility of the proposed CUP with surrounding development. This is a request for CUP, the Board may consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential impacts to the abutting properties.

# LOCATION MAP

3101 GANNETT PLAZA AVE., LLC

20Z00007



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

Buffer Distance: 500 feet

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

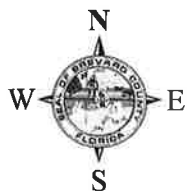
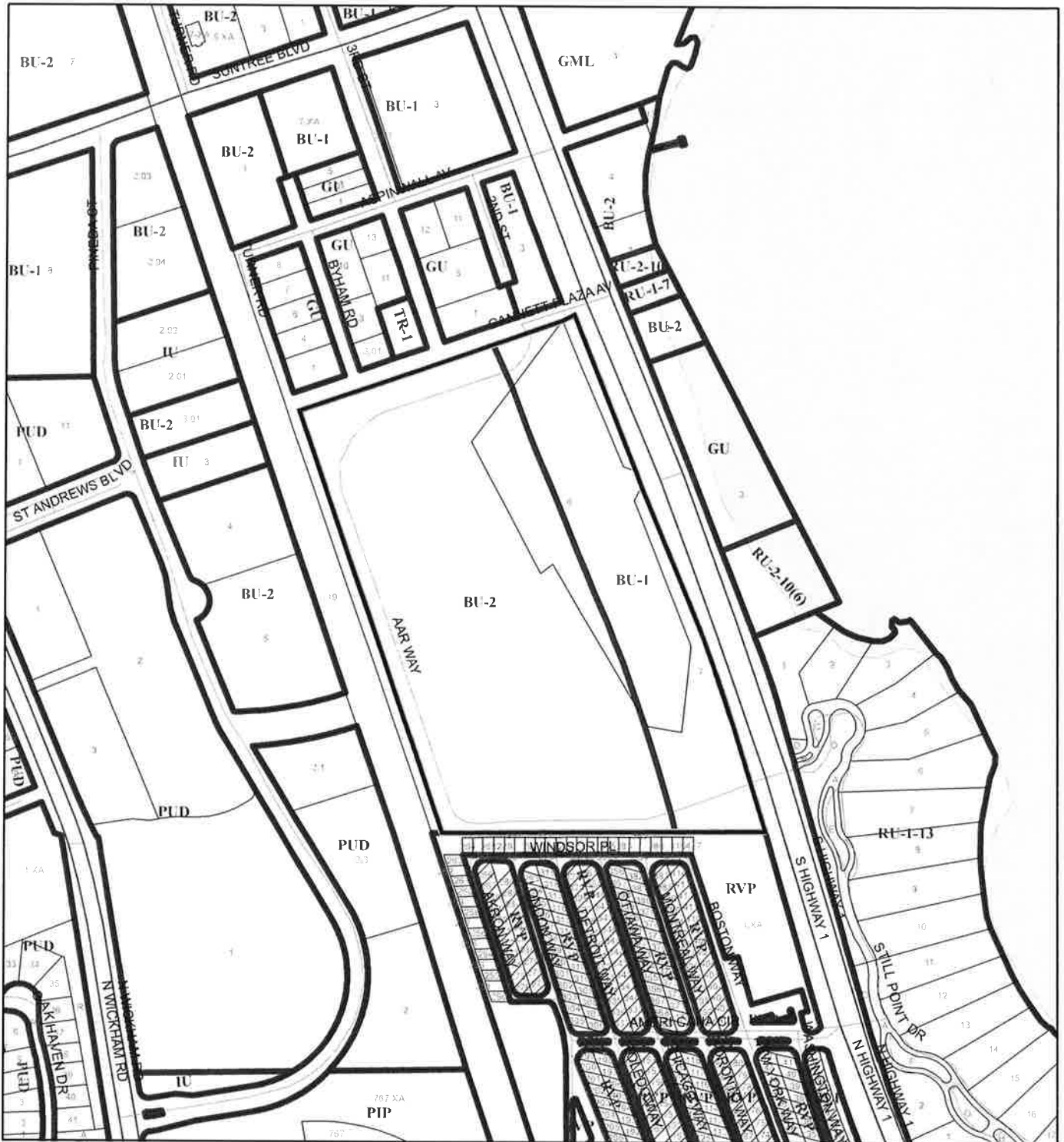
Produced by BoCC - GIS Date: 5/12/2020

Buffer

Subject Property

# ZONING MAP

3101 GANNETT PLAZA AVE., LLC  
20Z00007



1:4,800 or 1 inch = 400 feet

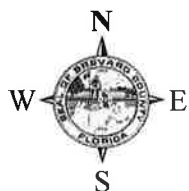
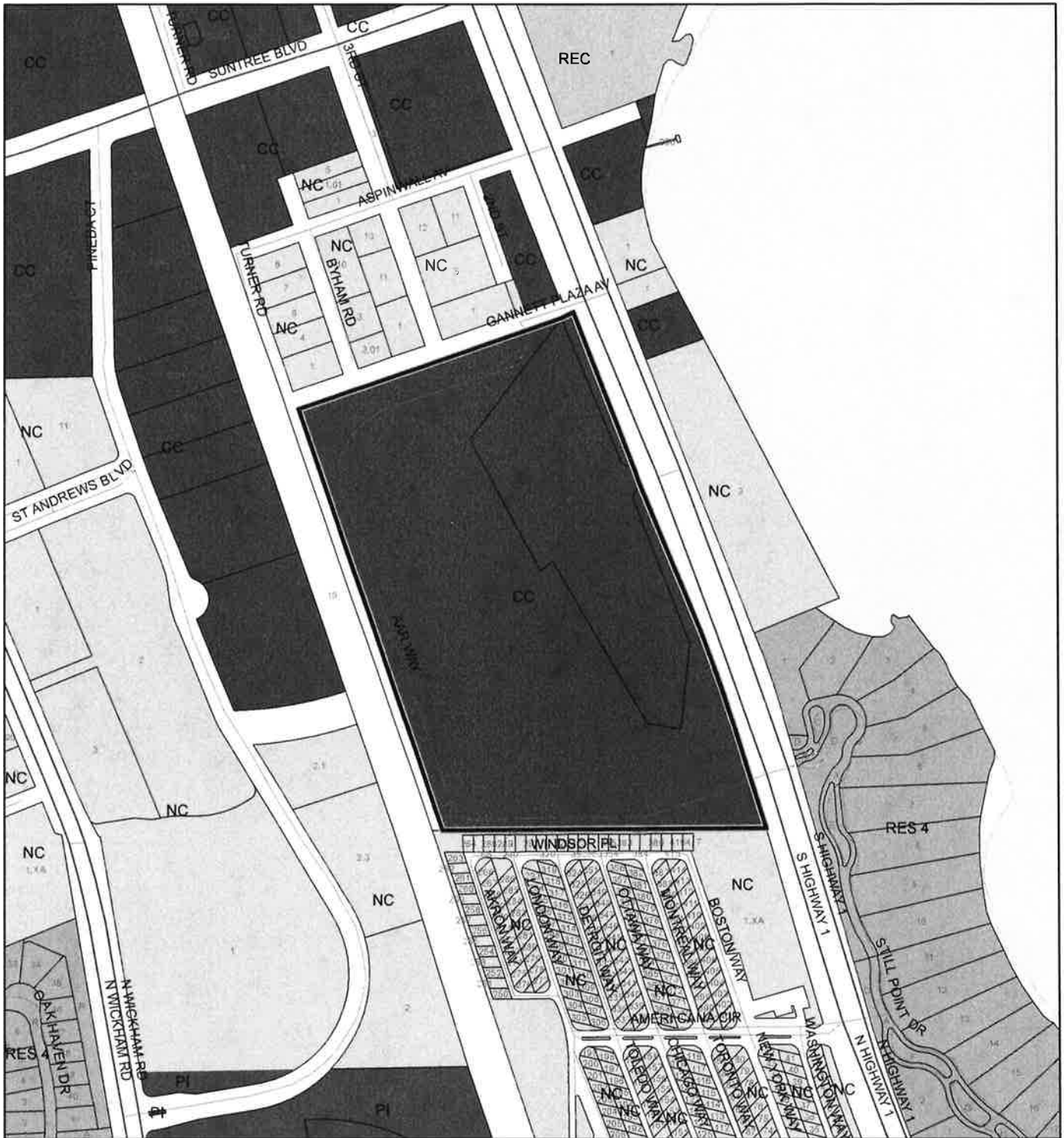
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

3101 GANNETT PLAZA AVE., LLC  
20Z00007



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

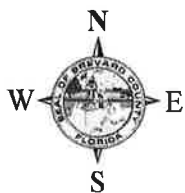
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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# AERIAL MAP

3101 GANNETT PLAZA AVE., LLC  
20Z00007



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

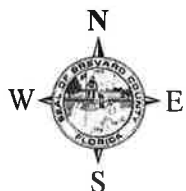
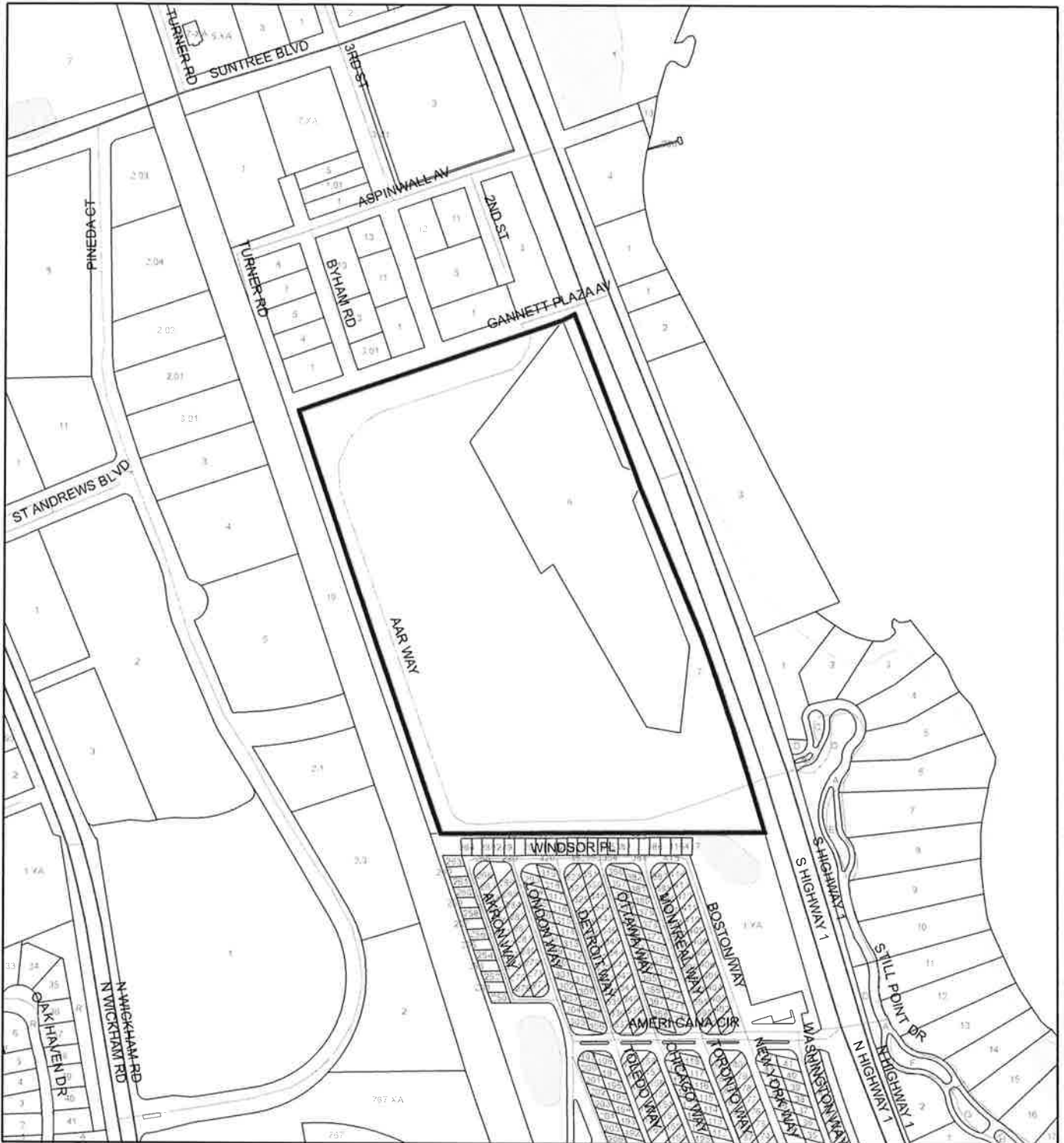
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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— Subject Property  
□ Parcels

# NWI WETLANDS MAP

3101 GANNETT PLAZA AVE., LLC  
20Z00007













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/12/2020

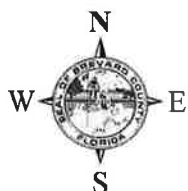
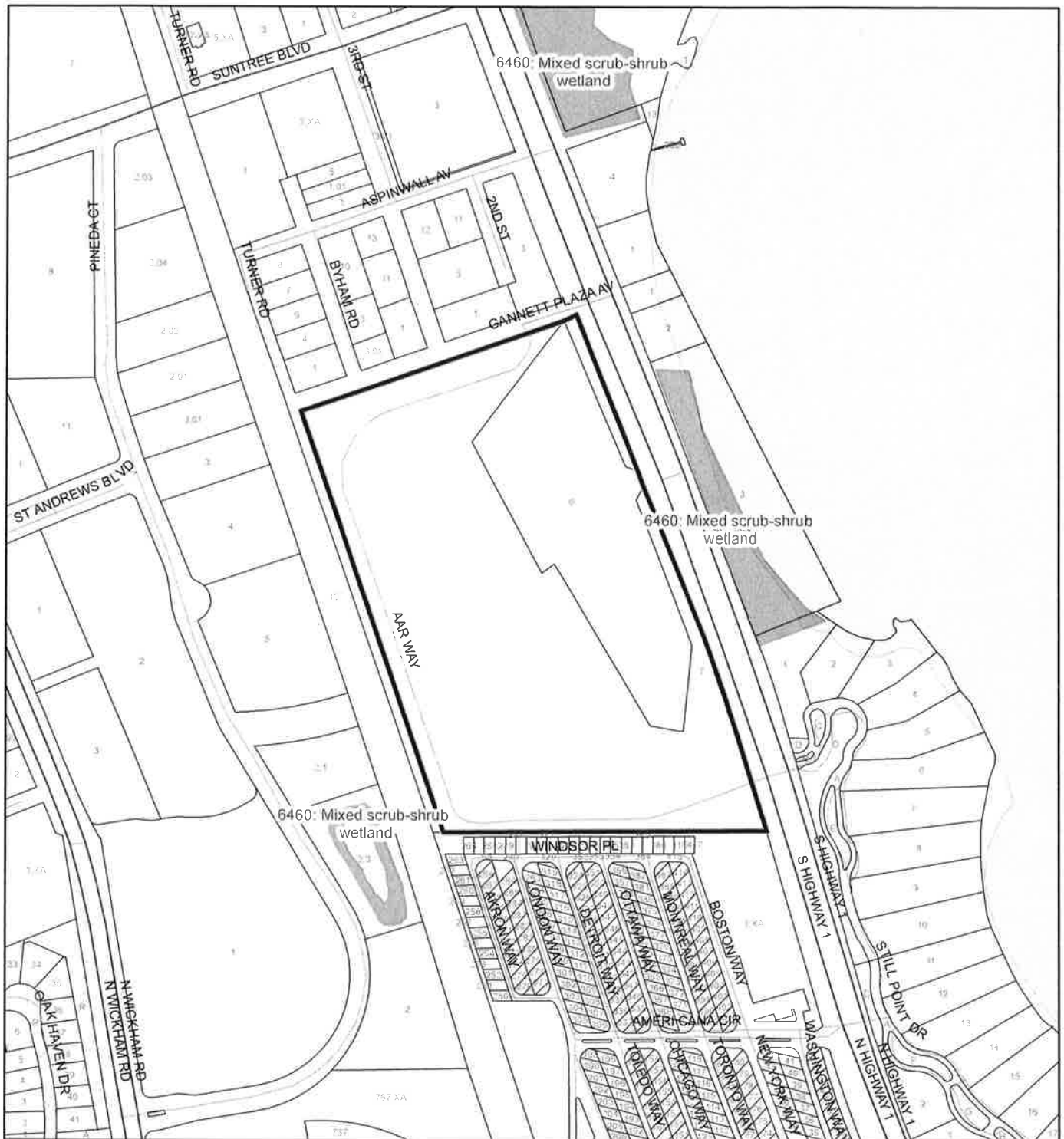
## National Wetlands Inventory (NWI)

 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

3101 GANNETT PLAZA AVE., LLC  
20Z00007



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

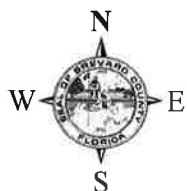
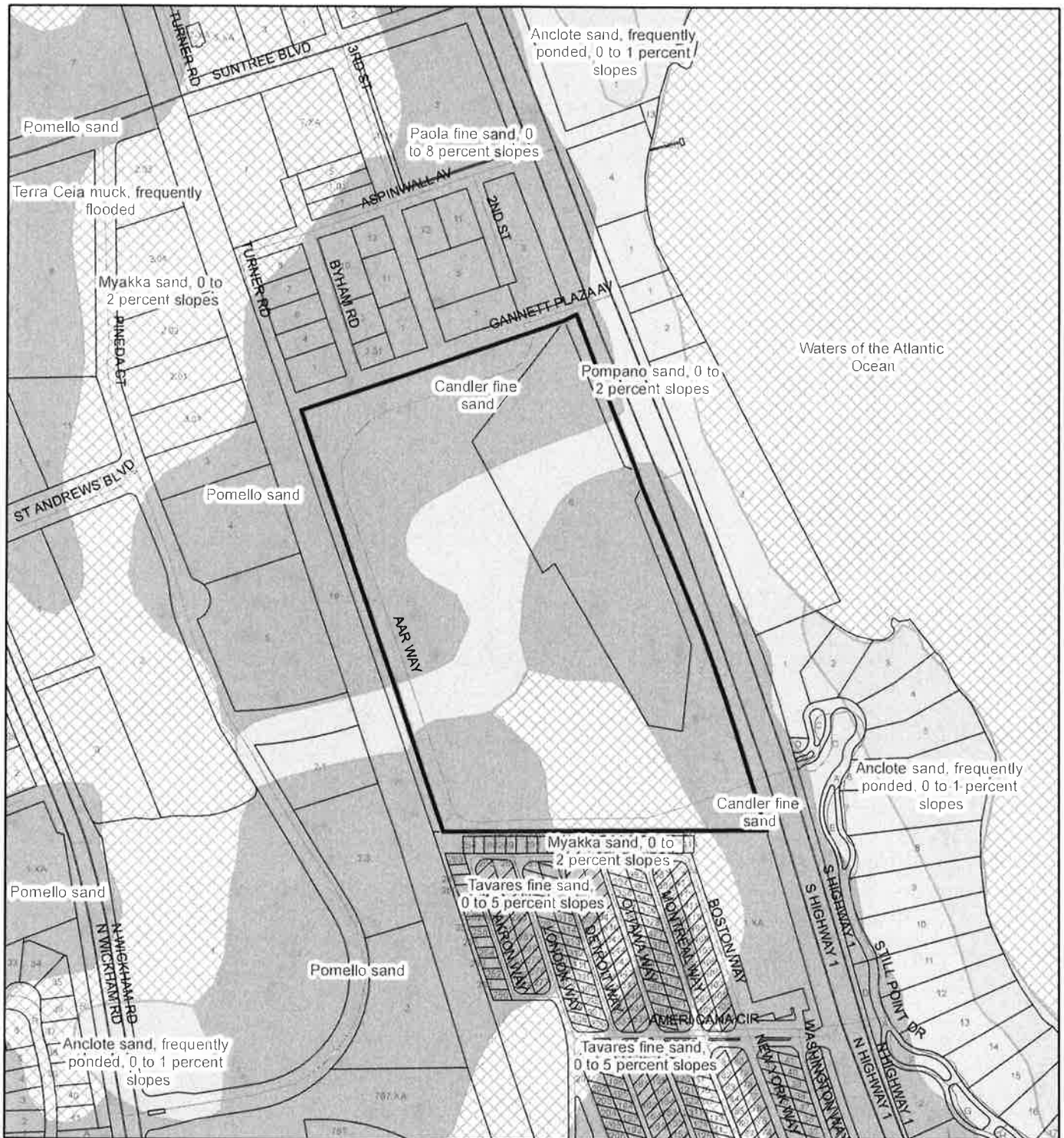
Subject Property

Parcels

# USDA SCSSS SOILS MAP

3101 GANNETT PLAZA AVE., LLC

20Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/12/2020

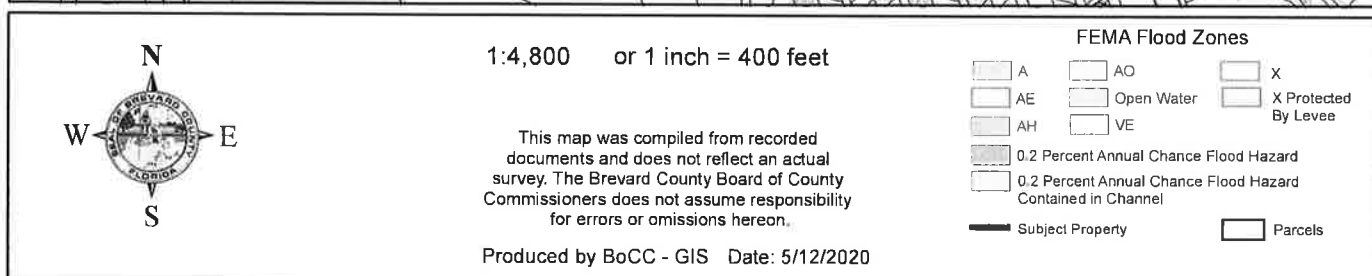
## USDA SCSSS Soils

	Aquifer and Hydric
	Aquifer
	Hydric
	None

	Subject Property
	Parcels

3101 GANNETT PLAZA AVE., LLC  
20Z00007

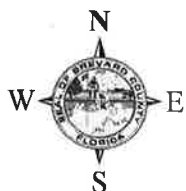
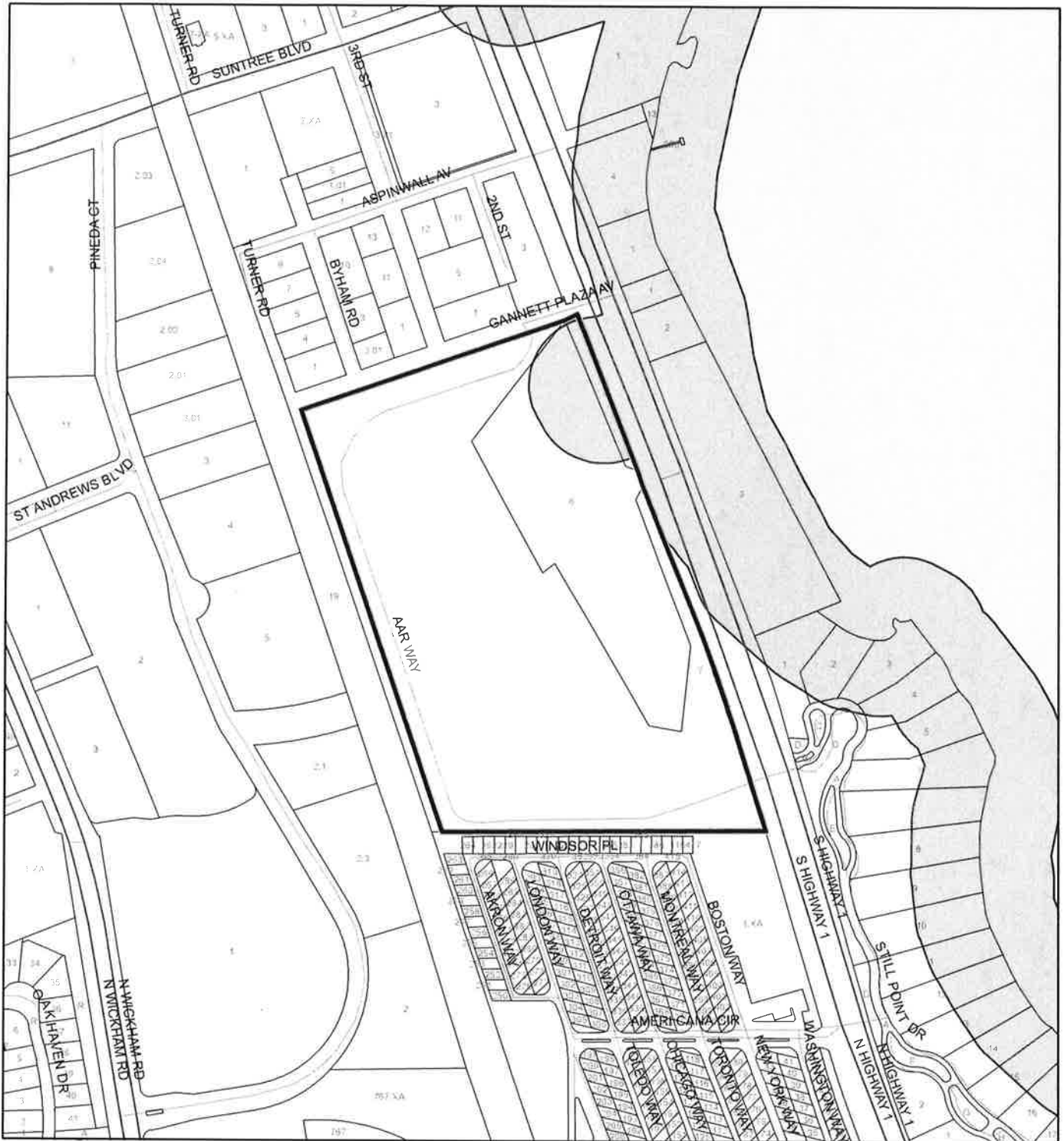
3101 GANNETT PLAZA AVE., LLC  
20Z00007





# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

3101 GANNETT PLAZA AVE., LLC  
20Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/12/2020

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

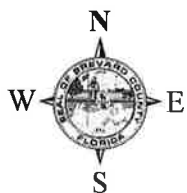
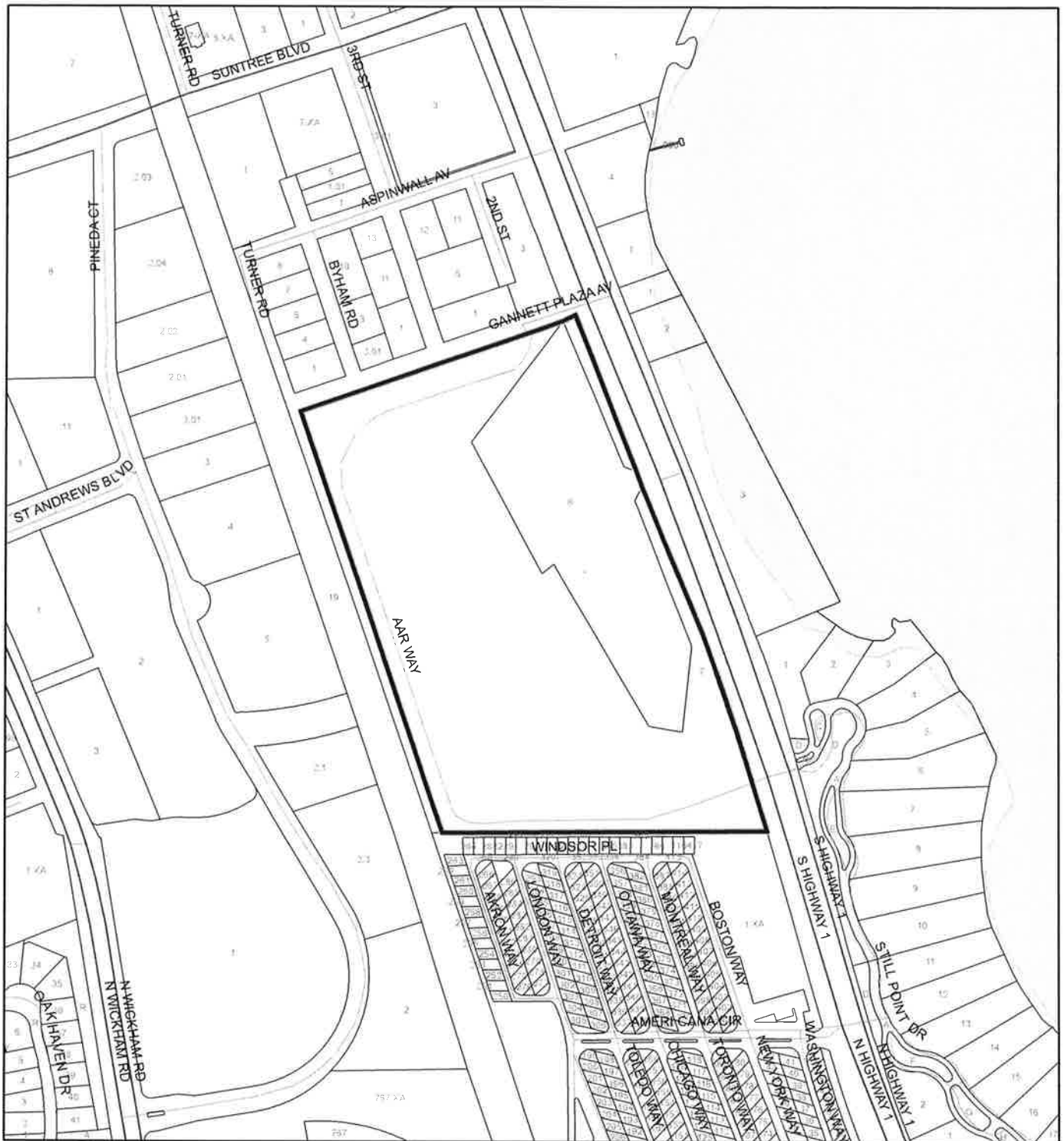
■ 60 Meters

■ All Distances



# EAGLE NESTS MAP

3101 GANNETT PLAZA AVE., LLC  
20Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/12/2020

 Subject Property

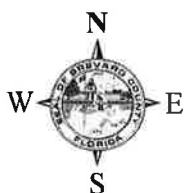
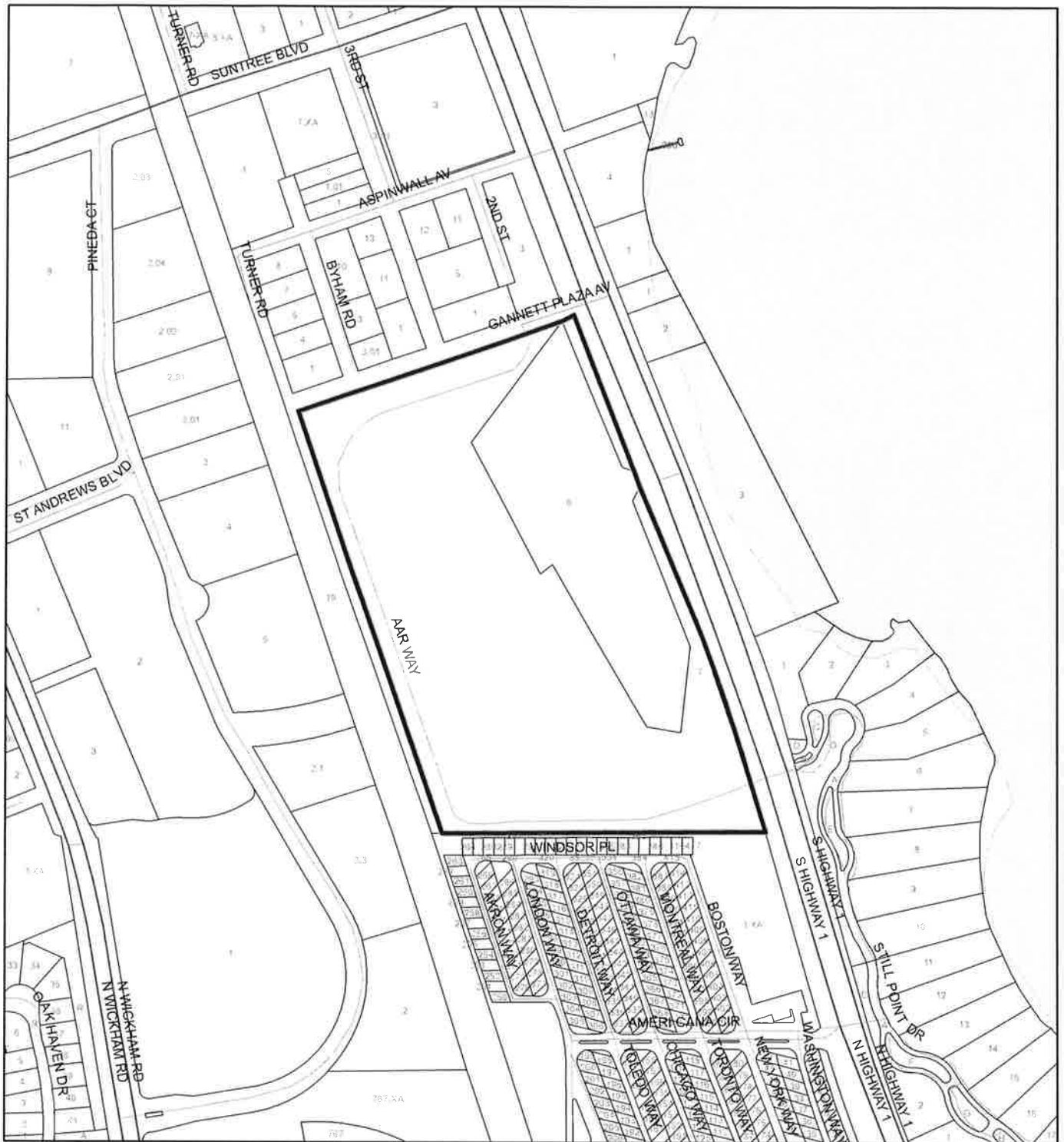
 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

3101 GANNETT PLAZA AVE., LLC




20Z00007



1:4,800 or 1 inch = 400 feet

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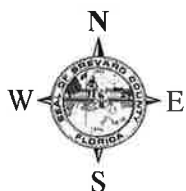
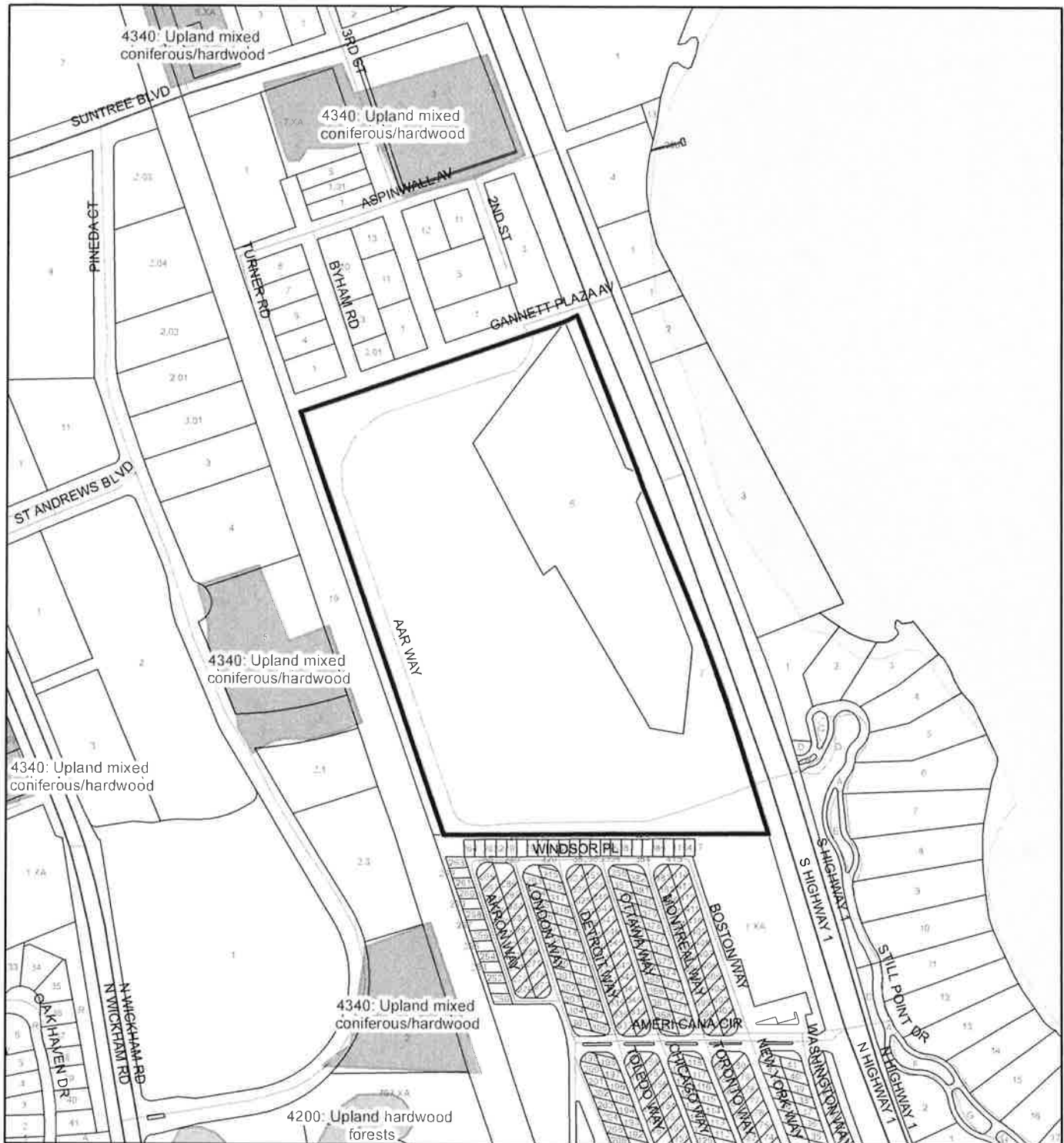
Produced by BoCC - GIS Date: 5/12/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

3101 GANNETT PLAZA AVE., LLC

20Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/12/2020

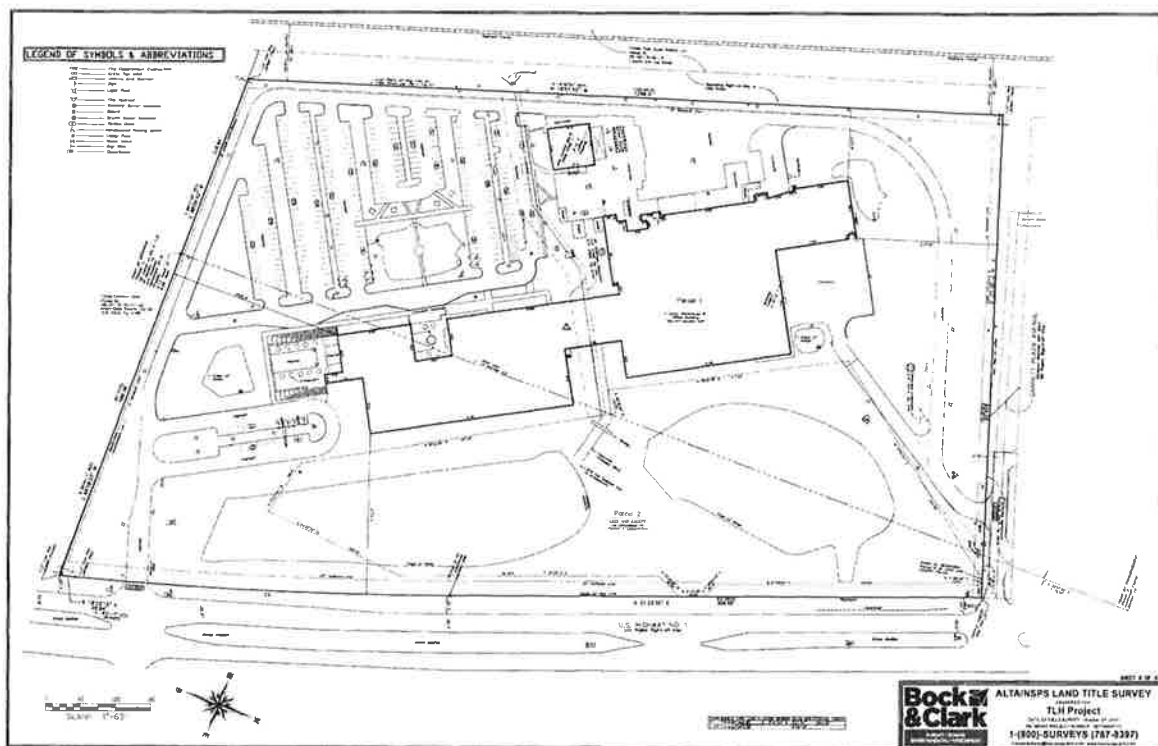
## SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels



FYI - Survey  
20Z00007  
3101 Gannett Plaza



413

BY:



FYT - Floor Plan  
20700007  
3101 Gannett Plaza

☒ primary  
☐ next database  
☐ locked journal  
☐ booting  
☐ error  
☐ construction  
☐ stopped

☐ **Get the book**  
☐ **Get the code**

FLOOR PLAN

ROCKLEDGE  
RECDYNAMIC  
DESIGNS

100	100	100
100	100	100

project no.	
sheet no.	

D-

**DESIGN DISCLAIMER**  
DRAWINGS ARE MEANT TO EXPRESS DESIGN  
INTENT ONLY. ARCHITECT AND ENGINEER  
ARE RESPONSIBLE FOR INSTALLING DESIGN  
INTENT AND WORKABLE CONSTRUCTION  
DOCUMENTS THAT WILL PROVIDE A SAFE  
AND EFFICIENT BUILDING.

FLOOR PLAN  
DATE 1/24/77

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 7, 2020**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Brian Woltz; Ron Bartcher; Ian Golden; Brian Hodgers; Joe Buchanan; Peter Filiberto, Vice Chair; and Bruce Moia.

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

### **Excerpt of Complete Minutes**

#### **3101 Gannett Plaza, LLC (Kevin Saltman)**

A CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with an Indoor Family Entertainment Center, in the BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classifications. The property is 28.23 acres, located on the southwest corner of Gannett Plaza Avenue and U.S. Highway 1. (1 Aar Way, Rockledge) (20Z00007) (Tax Accounts 2602422 & 2602423) (District 4)

Kevin Saltman, 1075 Tuckaway Drive, Rockledge, stated he plans to develop an indoor family entertainment center at 3101 Gannett Plaza Avenue, which is the the old Florida Today building, and in conjunction with that would like a CUP to serve beer and wine for on-premises consumption.

Ron Bartcher asked if the entire facility is indoors, including go-karts. Mr. Saltman replied yes, they are indoor electric go-karts. All of the attractions are indoors, and the only intent for any outdoor use is an existing patio of 1,700 square feet intended to be used by people who want to carry out their food and drink to be away from the noise inside, but it will not be a full-service sit-down area.

Ian Golden stated there are 358 existing spaces, but based on the application, staff calculated there might need to be as many as 577 spaces. Mr. Saltman replied he has a new site plan that shows a total of 589 spaces.

Public comment:

Linda Wencil, 376 Detroit Way, Rockledge, stated she lives next door to the property, and she and other neighbors have concerns about security, another business using the CUP if the proposed business doesn't work out, traffic along that portion of U.S. 1, and signage.

Mr. Saltman stated as to security, the tenant who is moving in to the office space is AAR, a government contractor, and there are a lot of specifications in their contract with the government, so he fully expects they will have outside security. He deferred to staff regarding whether or not the CUP would transfer to another tenant if his business fails a couple of years down the road.

Jeffrey Ball stated the CUP runs with the land, but if the applicant doesn't get a license from the State for beer and wine within three years the CUP would be void.

Peter Filiberto asked about the signage for the business. Mr. Saltman replied the landlord is to provide him a monument sign and he would like an LED sign inside it, but it has not been developed yet.

Motion by Joe Buchanan, seconded by Bruce Moia, to approve the requested CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with an Indoor Family Entertainment Center, in the BU-1 and BU-2 zoning classifications. The motion passed unanimously.