

## NORTH MERRITT ISLAND

### DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, June 11, 2020**, at 6:00 p.m., at the Brevard County Government Complex, 2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida.

**Board members present were:** Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Chris Cook; Jim Carbonneau; and Catherine Testa.

**Planning and Development staff present were:** Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

#### **Approval of July 11, 2019, Minutes**

Motion by Gina Lindhorst, seconded by Jack Ratterman, to approve the minutes from July 11, 2019. The motion passed unanimously.

#### **Bud and Mary Carol Crisafulli**

A change of zoning classification from GU (General Use) to SEU (Suburban Estate Use Residential). The property is 2.23 acres, located on the west side of Country Lane, approximately 162 feet south of Kings Way. (5305 Country Lane, Merritt Island) (20PZ00017) (Tax Account 2316832) (District 2)

Bud Crisafulli – Bud Crisafulli, 5525 North Courtenay Parkway, Merritt Island. The property has belonged to my family since the early '60's. This is our experimental nursery that's about two or so acres and has a different variety of citrus trees and various root stalks trying to combat the viruses that are affecting the agricultural industry. Being GU in the middle of the large area doesn't work, so I'm here to ask you to make it consistent with the other properties that are there.

Kim Smith – Kim Smith, North Merritt Island Homeowners Association, PO Box 542372, Merritt Island. Regarding his request, the North Merritt Island Homeowners Association really has no objection to your request, but the one question for the applicant would be why SEU and not RR-1.

Bud Crisafulli – I believe the compatible lots in the area are SEU. On one side it's EU, and on the other side there might be a couple of RR-1 lots, but it's mostly SEU, and that's the reason.

Mary Hillberg - Any further public comment? Seeing none, I bring it back to the board. What's the pleasure of the board?

Jim Carbonneau – I have no questions. I think the request is appropriate.

Mary Hillberg – Is there a motion?

Jim Carbonneau – I'll make a motion to approve.

Jack Ratterman – I second.

Mary Hillberg – Motion by Jim, and a second by Jack.

Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

**William Clarke (Kim Rezanka)**

A change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) and BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 0.80 acres, located on the east side of North Courtenay Parkway, approximately 0.18 mile south of Hall Road. (4140 North Courtenay Parkway, Merritt Island) (20PZ00038) (Tax Account 2410519) (District 2)

Kim Rezanka – My name is Kim Rezanka, with Cantwell and Goldman, and I'm here on behalf of Mr. Clarke. This is a rezoning of an existing building that was built in 2012. It's in an area that has BU-1, BU-2, and BU-1-A; the reason for the change of zoning to BU-2 is because Mr. Clarke wishes to do wholesale, a sales room, and storage rooms for marine fabricated materials. I have some information for you so you know exactly what that is. (The information submitted by the applicant can be found in File 20PZ00038, located in the Planning and Development Department). He owns a company called Transworld Distributing International, Inc., and I have pictures of the building and what he's planning to distribute. What I've provided to you is the property detail card for Mr. Clarke's property that shows this was built in 2012; also, his company's Sunbiz Transworld Distributing International, Inc. record, and pictures of his building currently zoned BU-1. This area, I know you're all familiar with, to the north of this is vacant property; to the south of it is Standard Marine, and they do fabricating and shift repair; to the south of that is Ivey's Construction; on the other side is an electrical company, a pest control company, warehousing, KDI, and Santa Cruz Construction. The reason this is requested is so he can distribute wholesale his fasteners, and that's only allowed in BU-2. With that, I would request that you approve the rezoning from BU-1 to BU-2.

Mary Hillberg – Does anyone have any questions of the applicant?

Jim Carbonneau – This is just for storing and distributing, no manufacturing?

Kim Rezanka – Correct.

Mary Hillberg – It says here there are wetlands and it says in the outline there are wetlands, hydric soils, aquifer recharge, protected species, and landscaping and tree preservations reservations. I don't think all of those are applicable, but the aquifer recharge, the wetlands, and the hydric soils, are they a lot?

Kim Rezanka – This is already a built building, so there's nothing new going on the property. He is not putting in new warehouses or containers; it's an existing building and he's just using what's there, and trying to zone it appropriately to do what he would like to do.

Kim Smith – Kim Smith, North Merritt Island Homeowners Association, PO Box 542372, Merritt Island. If, as specified, all storage is in the back, to the east of the property, then there is no objection.

Mary Hillberg – Is there anyone else who would like to speak to this item? Seeing none, I bring it back to the board.

Jim Carbonneau – Motion to approve. I don't think there is anything strange about this, it meets the uses in the area.

Catherine Testa – I second.

Mary Hillberg – Open to discussion from the board.

Gina Lindhorst – I have no issues.

Chair Mary Hillberg called for a vote on the motion as stated, and it passed unanimously.

**MI Plaza Group, LLC (Matthew Phillips / Kim Rezanka)**

A request of the following: 1.) removal of an existing BDP (Binding Development Plan); 2.) a CUP (Conditional Use Permit) for an Overnight Commercial Parking Lot (5.48 acres); 3.) a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant (3,100 square feet) in a PIP (Planned Industrial Park) zoning classification. The property is 5.48 acres, located on the southwest corner of Duval Street and North Courtenay Parkway. (3345 North Courtenay Parkway, Merritt Island) (20PZ00027) (Tax Account 2459292) (District 2)

Mary Hillberg – Do we take each of these one at a time when we vote, or do we take all three of them? Mary Hillberg – We could do one or the other, it looks like.

Jeffrey Ball – It's all one application, so you can have a discussion first on the BDP and then move on to the CUP for the overnight parking; it's really on how you want to, but your motion needs to incorporate those three requests.

Kim Rezanka – My name is Kim Rezanka, with Cantwell and Goldman, Cocoa Village, and I'm here representing MI Plaza Group. With me is Matt Phillips, he is the representative of the company; and Sid Chehayeb, who is the engineer of record. Sid actually prepared the application and did the engineering work, so he would be the one to answer your questions regarding those matters. Mr. Phillips can answer any questions about operations. This is not his first facility, he has another facility and has done these parking and transportation facilities in the past. We recognize this is an emotional and sensitive issue to North Merritt Island and to the owners in Sunset Groves. We are seeking a CUP for overnight commercial parking and onsite consumption of alcohol, and removal of an old BDP, which was never used, it went with a conditional use permit that expired for a restaurant. The maps you have in your packet show specifically where this area is; the aerial map shows the location of Courtenay with Duval Street to the north, and with Sunset Groves to the west. This has come before you two or three times before with something similar, but this is completely different than what you've seen before, as I will detail for you as we go through this. Again, you have a location, an existing building; there was one phase that was not built, it is an empty grass lot, which will be used for 37 additional parking spaces for a total of 237 parking spaces on the entire site. The CUP for onsite consumption is only for a small area, which is also located on your map and is on the site plan. The Future Land Use Map shows this is a Planned Industrial Future Land Use and the zoning shows PIP as is along a good portion of this property to the west of North Courtenay. The plan of MI Plaza Group is to have a GoPort transportation facility. It is re-purposing a vacant shopping center that was built in 2005. The primary use for the entire property will be a transportation center. There will be a maximum of 200 cars at any time and all will have reservations. You have in your packet the coming and going of what they anticipate based on when the cruise ships come in, and you'll see it's not all 200 coming at once and not all 200 leaving at the same time, it's over the course of a week. The people who have reservations will drive in their cars, park, their luggage will be stored, and then they can use a waiting area or the restaurant/lounge. The restaurant/lounge is where we've asked for a conditional use for onsite consumption of alcohol. Only those using the parking facility and only those boarding the bus to the Port can use this facility. The lounge is only open to those who are getting on

the bus to go to the Port; it's not for those coming back from the cruise ships and getting into their cars. In fact, they will come back and most likely get off the bus and go straight to their cars. They will come into the parking area from west Duval and they will leave the parking area from the east Duval entrance and Courtenay Parkway. There will be no traffic from customers after 1:00 p.m. (Information submitted by the applicant can be found in File 20PZ00027, located in the Planning and Development Department) Of the packet I handed out, the first three pages were in your agenda packet; this was done in response to the numerous letters of objection that were provided to us in April. This was to try to have the neighbors understand what was going to happen at this facility. The neighbors were concerned, some of them have gone through this before, and some of them thought this had been a dead issue. They raised issues, and an email was sent to all of them because their addresses were in the public record and we wanted them to know we heard what they were saying; we really couldn't have a community meeting because of COVID, there was no way to do it. They knew what was going on here and they were all very aware of it, and there must be approximately 20 objection letters, or more like 40 because some of them were duplicates because they came from Commissioners' offices. The primary use, again, is an overnight commercial parking lot; it's not an accessory, it's primary, so there are no surplus parking spaces. All the parking spaces will be used for the overnight parking, and a few for employees. We meet all of the criteria of [Section 62-]1941.3, as we will detail later on, but this is what was submitted to the neighbors and to staff. The alcoholic beverages for on-premises consumption, I cited in there what the language of 62-1906 states. Again, only customers departing for Port Canaveral will be allowed to purchase alcohol; the alcohol services will be from 9:30 a.m. to 1:00 p.m. I mis-stated that before, but that's what we're asking and will agree to as a condition, 9:30 a.m. to 1:00 p.m. Seating will be limited to 100, will not be open to the general public, and there will be no pool hall. The operation of the facility is detailed and is also detailed in the transportation analysis that was provided. Not all customers will arrive and depart at the same time, just like not everyone is going to a movie at 9:30 a.m., they're all coming and going at different times, and it depends on when their plane arrives and depending on where they're traveling from. The anticipated rate for the shopping center was almost 2,500 trips per day, and this will be substantially less than that, as you've seen in the analysis. There are proposed conditions by staff, but we do not believe they are needed; the buffering and landscapes exist with more than 217 feet of wooded area; it's really approximately 160 on this property, plus 30 feet on the Sunset Groves property, they have a drainage easement there, so there is 190 feet from the parking spaces to any lots in Sunset Groves. We do not believe the turn lane analysis is needed because the use has less traffic than the approved use of a 27,500 square-foot shopping center. They've asked for a queueing plan, but there is no queueing plan needed because this is a primary use – people come in and they park, they don't talk to an attendant, they don't get a ticket, they come in and they park. The hours of the lounge will be from 9:30 a.m. to 1:00 p.m.; seating in the restaurant is limited to 100; limiting alcohol to beer and wine is not agreed, as the service is only for people who are leaving on a cruise ship. There was a comment of why people need to drink at 9:00 a.m., but that is a personal preference, some people like mimosas, some people are coming from Italy where there is a six-hour time difference, so there is no telling why, but this is what we're asking for, and this is what GoPort believes will help the business be successful. We agree to limit the parking to 232 spots, along with five employee spaces. These are conditions of the conditional uses we've asked for. No binding development plan is necessary because these are conditions that must be abided by without a binding development plan. The site plan shows where the restaurant/lounge will be, in the southeast corner of the property. Page 5 of the handout is some history of the area, beginning with a binding development plan that is referenced in the staff comments; it is a binding development plan that was given to the developer of Sunset Groves, the two separate plats that were done for Sunset Groves. This was to show you, on

Page 6, the developer was to maintain a six-foot wooden/block fence along the westerly boundary line of the real property. I don't know that that's been done, but if it has been done, that's an extra buffer. We have this parking facility, then there's a concrete block wall, then there's 150 feet to 160 feet of natural wooded vegetation, then there's 30 feet of a drainage easement in Sunset Groves, and then you have homes. Page 7 is the conditional use permit application worksheet for Z-10949; this was the 2005 conditional use request related to an upscale billiards center for competitive sports, and was to be a 10,850 square-foot building for a pool hall where they were going to bring in ESPN and have competitive leagues. It was very disconcerting to the residents because it was going to be a non-stop sports bar with billiard hall. That's why the binding development plan from last time had no pool hall and that's why we've agreed to no pool tables, because this is what happened in 2005. Page 9 shows where the 10,800 square-foot pool hall was to be; it was closer to the residents as well. That was denied in 2005 for a variety of reasons. Page 10 is a conditional use permit for onsite consumption that was allowed in 2010; it was for units 115, 116, and 117, which is on the northeast portion of the property. If you look at the fourth Whereas of the resolution, it was approved because the Circuit Court overturned the County Commission's denial of the 2008 request for onsite consumption. Pages 11 & 12 shows the order of the Circuit Court, and at the top of Page 12 the order states, "The petitioner's property is zoned PIP, Planned Industrial Park, serving alcohol on the premises of a restaurant is a permitted use within that zoning if the criteria for the CUP are met". The court found the petitioner established a prima facie case for meeting the elements. Pages 13 & 14 is an email from then-Assistant County Attorney Morris Richardson, because residents have been concerned in the past and are concerned now that the conditional use criteria can't be enforced. Mr. Richardson opines in the email, "BDPs and CUP restrictions and conditions do have "teeth" and are legally enforceable. Violations of a BDP and/or CUP can result in modification or revocation of the BDP and/or CUP and code enforcement proceedings, or fined up to \$500 per day." Page 15 shows the concrete wall, but I don't know if that was a requirement of any activities or permits from the County, but there is a concrete block wall just to the west of the parking on MI Plaza's property before the wetland, retention, and wooded areas. Page 16 is the binding development plan area that was approved in 2010. The binding development plan that we're asking to be revoked/removed starts on Page 17 and shows the onsite consumption was only for units 115, 116, and 117. Page 18 is the wall I referenced, and the picture was taken this morning. Page 19 refers to concerns by the neighbors, and a reference by staff, that the buses could cause noise. These are smaller buses than normal, they are 25 – 30 people buses, and they'll be coming and going. Bus noise is actually governed by Florida Statute, not by County Code, so they will have to comply with that. There is some statement in County Code that warning calls, like back-up beeps from buses, are not subject to the noise ordinance. Again, they will be coming in and out, they're not going to be sitting for a long period of time, and they have to comply with Florida Statutes. There is another concern about the Barge Canal, and this issue has been raised with any development on North Merritt Island. This specifies, under the Federal regulations, when the Barge Canal bridge is supposed to be open. I don't know if they are complying with this or not, but it would be good to find out, because from 6:15 a.m. to 8:15 a.m. that bridge doesn't have to open at all, and then it only has to open twice an hour. We do not believe that the 35 – 40 cars coming and going per day are going to cause a major problem with the bridge, not nearly as much as a shopping center with 2,700 trips would have caused. There is also an issue regarding an adjacent Park n Ride that put in for a permit in 2016, at 3265 North Courtenay Parkway. Staff has asked us to do some analysis based on that Park n Ride, and the site plan has expired, it expired as of May 4<sup>th</sup> of this year. Lots of Honor was the prior owner who was going to do the parking lot, but the ownership has changed hands since then and the site plan is expired, so that site plan is not going to be valid and there will not be a Park n Ride there. If they do come back with a new site

plan, I believe they will have to come back to you for the CUP. Page 24 of the handout is the Comprehensive Plan policies, one of which was cited by staff, Policy 3.2, dealing with new industrial designated land, so if we were asking for PIP that would be applicable, but I do not believe it is applicable for a conditional use permit on industrial land. Policy 3.3 does appear to be relative to a CUP when evaluating the industrial development activities, and that's at the site plan stage, and that's accessibility, buffering, and a variety of other things. Again, this is an already-existing site that's already gone through site plan review, but we do have accessibility, there are three entrances and buffering. On Page 26 is the actual Code Section, 62-1941.3, Overnight Commercial Parking Lot. When you look at Criteria 1, the minimum lot size of not less than three acres, we have almost six acres. "An overnight commercial parking lot which is secondary or accessory", but this is not secondary or accessory, this is a primary use. Criteria 3 states all drive aisles and parking spaces shall be paved; they are paved, as shown in the pictures. Criteria 4 states a routing map with the routes of the shuttle service shall be provided, and that has also been included in your agenda packet. They will go down S.R. 528 to the Port, and back on S.R. 528 from the Port. Criteria 5 states a traffic study shall show if additional roadway improvements are warranted; that traffic study is in your packet, and Mr. Chehayeb can speak about that if necessary. Again, it is the opinion of the traffic engineer that none are warranted. Criteria 5(b) deals with queueing in any public right-of-way, but there will be no queueing in a public right-of-way; they are coming in and parking. Staff has actually asked for queueing internally on the site, and we suggest that's not required by your Code, and we do not believe there will be queueing because we have plenty of ample space for people to come in and park, especially if it's 35 – 40 cars per day. Criteria 6 states applicants shall submit a site plan consistent with Chapter 62 after Board approval of the CUP. There is a site plan in your packet that is still going to have to go through a site plan review at the County level through the Engineering staff. In summary, GoPort, which will be operating on MI Plaza Group's property, is planning an overnight parking for cruise customers. They will come in, they will have a reservation, most of them will be in combination with a hotel in the area, they will park there, maybe relax for a while, and then get on a cruise ship; they will then come back from the cruise ship, get in their car and leave. They likely may stay a while, all of them are booking with the hotels in Brevard County, so there are people who will be in the community and will be using gas stations, convenience stores, restaurants, and other things this county has to offer, and probably going to the beach. This is a business plan that has worked for GoPort; the neighbors may disagree that this is a good business plan, but this is MI Plaza Groups/GoPort's business plan. This is a use that has worked and MI Plaza Group believes it will work at this site, as it is a vacant, dilapidated plaza, and it will look nicer. There will be cars parked there and it won't look vacant. We understand this is sensitive to the neighbors and we do want to listen to the neighbors if they have suggestions. I haven't seen any other than 'don't come here, we don't want you', but if they do have suggestions we will hear them and certainly consider them. Thank you.

Jeffrey Ball – Ms. Rezanka, I just want a clarification. In your email you said the alcohol would be served from 9:30 to 12:30 p.m., but you just said 9:30 a.m. to 1:00 p.m.

Kim Rezanka – Yes, 9:30 a.m. to 1:00 p.m.

Jeffrey Ball – Just for the board's edification, they are requesting to have alcohol served from 9:30 a.m. to 1:00 p.m.

Kim Rezanka – And the facility to be open from 6:30 a.m. to 1:00 p.m., those are the hours of operation. I have clarified with all of the neighbors that an earlier statement was incorrect, and it is 1:00 p.m.

Jeffrey Ball – Madam Chair, before you bring up anyone else, I want to point some information out. Ms. Rezanka pointed out the adjacent Park n Ride that was approved in 2016, yes it does expire in May of this year; however, since we are in a State of Emergency, there is an automatic continuance for six months, so technically speaking, they are not expired. The other issue I wanted to point out is the parking issue. Our Code, Section 62-1941.3, talks about an overnight commercial parking lot that is secondary or accessory to a developed site, which this is what we're talking about. With that in mind, staff did an analysis of the parking, and if you look at Page 9 of the staff comments, staff points out what the required parking is, so based on that determination there is 153 surplus parking spaces, so that's where there is a difference of opinion as far as how much parking is available. If the board decides to have the overnight commercial parking as a primary use, staff's suggestion would be to have a condition that states that this facility will not be open to the public.

Kim Rezanka – Mr. Ball, why is this not a primary use? Why are you considering it surplus?

Jeffrey Ball – I'm sorry, say that again?

Kim Rezanka – Why are you not considering this commercial parking as a primary use?

Jeffrey Ball – Because it's a developed site.

Kim Rezanka – What is it accessory to? There's no other use there.

Jeffrey Ball – It's a developed site.

Kim Rezanka – But it's not accessory. There's nothing else there, there's no retail, there's nothing.

Jeffrey Ball – Staff's interpretation of the Code is that it is a developed site. Hypothetically speaking, if five years down the road, the commercial parking lot is over, done, and run its course of business, now this is opened back up, staff can't determine the parking that's available. So, in the end, we still have to verify there is enough parking for the buildings that are onsite. Granted, the uses will change over time, but the site plan shows those buildings the way that they are.

Mary Hillberg – So, the 273 is not correct, and it's 153?

Jeffrey Ball – No, let me clarify that. There are 207 parking spaces now, so in the middle area where there is a greenspace right now, that was supposed to be another building, so what the applicant is going to do is build another 30 parking spaces to increase the overall parking to 237. That's the overall parking that's available onsite based on staff's calculation of what the existing building is that's built onsite right now, those uses would require 84 parking spaces. So, if you take 237 minus 84, that's 153 surplus parking spaces. If you look back at our Code, it says that it's surplus and for the developed site.

Jack Ratterman – I added up the uses of the other place, and I got 84 from 207, and that gives me 123 spaces, right?

Jeffrey Ball – Yes.

Jack Ratterman – And then they are going to add 30 onto the 123, right?

Jeffrey Ball – There's 207 parking spaces.

Jack Ratterman – And you're going to subtract that, the 13, 11, the 42?

Jeffrey Ball – Correct.

Jack Ratterman – That's 84, and 84 from 207 is 123, correct?

Jeffrey Ball – No, they are building another 30.

Jack Ratterman – Ok, but without that 30, if you subtract that, you're going to have 123 spaces, and then you're going to add their 30....ok, I see where you got it.

Kim Rezanka – We would ask that you add a condition to the conditional use permit that there shall be no other uses but overnight parking.

Jeffrey Ball – That's agreeable.

Kim Rezanka – That would give us 237 spots, with five for employees.

Jeffrey Ball – I don't know if you all understood that, but what Ms. Rezanka is asking for is to place a condition that the commercial overnight parking is the primary use, and that way she would have the full use of the 237 parking spaces, five of which would be staff parking.

Jack Ratterman – The other businesses in the warehouse, are they going to go away? You have 11 spaces for business complex use. What's going to happen to them?

Matthew Phillips – Matthew Phillips, 540 Riverside Avenue, Merritt Island. To answer your question, we have two residents there on the property now that are there month-to-month and one of them in the back using that largest spot is building a warehouse right now, so he will be leaving probably whenever we start this. The workout area is a gentleman who has been there for about 10 years, and we would like to work it in with him; he's a very nice man and he likes being there, but by the same token I might just ask him to leave as far as that goes because of where his workout area is. Unfortunately, we will probably ask both tenants to leave.

Jack Ratterman – So, the 42 parking spaces for the warehouse, you're not going to have the warehouses anymore?

Matthew Phillips – No. The virtual deal for the whole plaza is to have that one spot for alcohol consumption for those three hours, and then the rest of it would be used for what we call luggage storage. Luggage storage is a new concept with traveling where people would be sending their luggage from where they are instead of bringing it on a plane, a train, or a car, they would ship it to us, and when they go to the ship we will take their luggage over there. We will be using those individual bays for luggage storage. Basically, we just have to keep the rain off of it.

Jeffrey Ball – Ms. Rezanka, by adding that condition that the overnight commercial parking is the primary use, I would like to ask that a condition be placed on there that you would revise your site plan to show that that's the primary use.

Kim Rezanka – Ok.

Jack Ratterman – Can you show me where you are going to add the 30 parking spaces?

Mr. Phillips approached to board and indicated on a map where the additional parking spaces will be located. Any comments made were not audible.

Matthew Phillips – That's a green area right now, and that's where a 10,000 square-foot building was approved, but we're not going to build any more buildings.

Kim Rezanka – The greenspace on the aerial map is where the new parking spaces will go, as referenced in the site plan.

Chris Cook – I'm looking at the depiction on the greenspace and it shows about 60 spaces, and now you're saying there's only going to be 30?

Sid Chehayeb – My name is Sid Chehayeb, I'm with Consulting Civil Engineers, 3650 Bobbi Lane, Titusville. We have a plan for the 30 spaces. It has to go through site plan review with the County, so it hasn't been approved, the additional parking spaces, yet, but those are the spaces that are going to go where the 10,000 square-foot building was going to go. That was approved in early stages and it's in all County plans showing the 10,000 square feet.

Chris Cook – So, it's only going to be 30 spots and not the 60 shown?

Sid Chehayeb – Yes.

Chris Cook – Ok, that answers my question.

Kim Rezanka – Mr. Cook, I believe the site plan in the packet incorporates spaces that are to the south of there.

Chris Cook – I was just counting the spaces that were in the green area. For staff, since that is not paved, is that going to increase their surface water retention requirements?

Jeffrey Ball – That will all be discussed at their site plan review. Yes, they would be increasing their impervious surface area, so as part of the review process with their site plan, our engineers will take a look at that.

Mary Hillberg – Does anyone else on the board have a question for the applicant?

Jack Ratterman – I have a question about your liquor license. You're going to ask for a full bar, correct?

Matthew Phillips – Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

Matthew Phillips – Correct. The bus stop is being picked up in a commercial area, which is a little beyond me. You have Mr. Crisafulli's construction company on the right when you pull in, you have us on the left and you have the bus stop there. I'm confused on why there is a bus stop in a commercial

area and why the pick up and drop off of these children isn't in the residential area where the children live; they actually walk out of where they are now and go to a commercial area to be picked up by a bus. I would make a suggestion that you might want to look at that because for safety, whether this goes through or not, I have five children and I would probably want them picked up closer to my house and not further away from my house.

Jack Ratterman – I'm glad you talked about that. There's elementary kids that get picked up there, there's middle school kids that get picked up there, and high school. So, that's from 7:00 in the morning until 5:00 p.m. I wondered about that, too, so I called Brevard County School Board and learned two things. Buses do not go into cul de sacs, and when you go into Sunset Groves, there is a cul de sac at each end. I asked about backing up, and they said buses do not back up because when buses back up they run over people. That's why that bus stop is there. The primary entrance will be past the bus stop and all of those kids are going to be standing out there. The School Board said they had issues with the bus stop being left there and that many cars going by there.

Matthew Phillips – Well, if you open it up as a regular plaza, there would be 70% more cars coming in than what we're allocating for right now. We're talking about 35 cars over a three-hour period in the beginning and leaving, and then another 30 – 40 cars coming in on another three-hour period coming in, so that's going to be 70% less. If you're addressing the concern of the amount of cars and the children there, that kind of answers itself.

Jack Ratterman – You're saying hypothetically there's going to be that many.

Matthew Phillips – Not hypothetically. There's only 200 parking spots. If you have five cruise days, and you have 30 cars on this day, 30 cars on this day, and 40 cars on that day, then when those cars leave, only that amount of cars can go out. So, it's not like a one spot, like a movie, like she was saying, where at one time everybody is coming in and everybody is going out. It doesn't work that way.

Jack Ratterman – No offense to any of our brothers and sisters throughout the United States, but I would not want people coming in, passing my kids, from who-knows-where in this country, and they come in and park there, and then they're going to leave, who-knows-where to go back to. To me, that's a real safety issue. If it's a local plaza, you're going to have local people there.

Matthew Phillips – I don't understand what you're trying to say. Obviously, it's very popular, but I don't know what you're saying. It's a use for people in an industry, whatever that may be. Our company started 12 years ago out of our house on Merritt Island with my partner, so we've worked extremely hard the last 10 years to do this. We have a very growing society here that has a lot to do with tourism, the space center, and all kinds of different things that come in here. This plaza has been there for over 15 years empty, so if there was this great need and want and desire for a local market to get in there and rent, it probably would have never been for sale, but it's been there for 15 years vacant, not doing anything, where you might have had some more crime if someone didn't come in and put up lights all over the place, and cut all the trees, which I personally did myself, cleaned up all the garbage and so on to make it look a little bit better. As we progress, we will keep doing that.

Jim Carbonneau – I would like to disclose that my daughter works for Sid Chehayeb's engineering company, but we have not discussed this project at all.

Mary Hillberg – We'll let the audience speak.

George Kraft – My name is George Kraft, I live at 852 Killarney in Sunset Lakes, Merritt Island, and I'm a 21-year resident there. In those 21 years I've seen a lot, and it's actually rewarding to see people come out now here and the number of people who have objected to this more than once. I know when I came to talk at North Merritt Island when Jack was there and we talked to the engineers who were talking about the stormwater drain system, the stormwater drain system in rain events really sparked my interest and I didn't hear anything at all about their mitigation plan. I did hear the fact that if they add more, the engineers would come back and talk about it. When those engineers get together they put on binoculars.....if they would put on binoculars then they wouldn't have a myopic view. They look at the Florida Statutes and say they are okay. This is the proposed fourth parking facility up there and other things that are going on. I have spoken to everybody that will listen; I've been to lots of boards and people have listened to what I have to say. When you have a rain event and you have runoff from automobiles that are parked, you have a lot of pollution, and that pollution right now goes into the Indian River Lagoon. When the politicians say they are serious about the Indian River Lagoon, and then they approve large parking facilities, acres and acres and acres, where in the proposal it says the runoff goes into the Indian River Lagoon. I appreciate the fact that safety was brought up here. In my 21 years living on Merritt Island, the Florida Department of Transportation has identified State Road 528 and State Road 3 as currently one of the 10 most dangerous intersections in Brevard County. I've personally witnessed accidents there, including with a school bus, and nobody was hurt that time. On our street behind us, on North Tropical Trail, I've seen death, so it's important to me, safety is so important, but when you take that intersection with the Shell station and the Marathon right there, it's never been designed for what is going on, and I have brought this to their attention over and over and they keep telling me, "Yes, we're going to, going to, going to". It's going to have to stop; this is where the rubber meets the road. You cannot allow thousands of cars at an intersection that's destined to be the evacuation route; that intersection floods, and when it floods, where do people go? Right now, the Barge Canal, the timing for it to open and close is questionable, I don't think they're on the Coast Guard standard. The department of transportation told me there's not enough real estate for a fly-over or anything else, so when 528 becomes six lanes it's going to be even more of a nightmare at that intersection. You guys are way above my pay grade, so you guys are going to make the decision, but I implore you to listen to people, take it to the heart for safety, and don't anybody ever need an emergency vehicle if they're coming from 528 one way or the other, because I don't think they'll make it.

Thomas Valk – My name is Thomas Valk and I'm a resident of Sunset Groves, 3231 Biscayne Drive, and I'm also speaking on behalf of my wife, Kimberly Carlisle. I'm here today to express my concerns about this change in zoning. If I use the wrong words, please forgive me, I'm not an attorney, and I'm not a board member. What I am is a citizen and I've been a citizen of Florida for 25 years and I've come to know and love Florida very well, and I appreciate our tourism, it gives me some benefits in life that I can't experience in some other states. I'm not here trying to ban tourism; I'm here as a resident. Specifically, I'd like to speak to the letter that I believe the attorney referred to about the business plan for this location. While nicely written and covers a number of topics, it lacked detail and has caused me great question in a number of areas, so I'd like to discuss a couple of those areas. The letter was penned by David Ledbetter of GoPort and it was dated April 8<sup>th</sup> of 2020. My first point on this subject is in section 4 of that letter. The letter states that all the customers have a reservation, but it does not state if the reservation is for a specific time. This is highly important and a concern to me because the good folks from GoPort, try as they may to explain that there's not going to be much traffic, that it's going to be spread out, they didn't say anything about how they were going to control the traffic and the amount of traffic. They simply stated that they had a reservation system. There is a high potential to have high traffic loads at specific times. Furthermore, they stated in their business

proposal that it was only going to be open for approximately six hours total, so I don't know where those traffic times are going to build up at, but that's a fairly short window for traffic. The MI Plaza Group continues on to state that 50% of the travel will be from the north. I would have to say that at best that's an assumption and there's no guarantee of the route. I'm assuming that was added into the statement to say that vehicles would be coming from the north, down Courtenay Parkway, and turning right into the facility; however, I haven't seen anything that substantiates that claim that's been provided to us as residents. The letter goes on to state that the traffic will only be limited to the five cruising days at the port. On paper, that seems nice; however, there's nothing in the letter that expresses to the residents about the future growth of the Port. We all know there's a push to expand the Port and bring in larger cruise ships, and there is to be more traffic with the cruise ships. That was glazed over in this letter and in the statement earlier. Also, I question the statement that was made by the attorney of 35 – 40 cars a day and then was changed right here before you of up to 60 cars per day; that's very concerning, that I don't feel I'm getting accurate information. Furthermore, it doesn't sound like the proposal is provided accurately. There was no notation in there for the Port expanding; they say it's a limit of five days, but by using the math they are using of 35 – 40 cars a day, that we have to basically split in half, so it would be 16, 17, 20 cars going in, and 20 cars going out, correct? That math doesn't add up over five days; that doesn't fill the spots; that doesn't make the business viable. Furthermore, they have stated there's no traffic after 1:00 p.m.; however, as Jack Ratterman stated, their liquor license can't be approved unless it's eight hours, and once again they changed their story from only operating three hours, but now they have to do it for eight, which changes the proposal substantially, in my opinion. The current traffic and strip mall was identified, as the attorney stated, as 2,499 vehicles at that intersection for that property to handle; however, I will remind you that they've been very open about only operating a limited number of hours at that facility. When traffic studies are performed, they are performed over a period of time of which the business is intended to be open; therefore, I believe that to be false information, in my opinion from the research I performed. It also does not adjust for sporadic bursts when the ships come in and as they go out. I would also ask the board to request of the MI Plaza Group and GoPort, if they're planning on only having 35 – 40 vehicles a day, or now their revision of up to 60, how many buses do they intend to have? By my math, that only requires one bus. If their plan is to have more buses, that means they are planning on having more vehicles. I'd like to conclude – we have many other people here who would like to speak and I don't want to take up everybody's time, but to you, the board, I would ask of you that you consider this letter that was provided to the residents, I would consider how factual it is in nature, and I would say that the letter from Mr. Ledbetter seems nice, but in reality it's vague and over-broad. Even here, they changed their story today. To you, the board, I would ask of you to please review this request, I would ask that you do it with common sense and basic logic. I'm not an engineer, but what I do know is we have a road on North Merritt Island that does not have a left-hand turn lane as it does south of 528. We have a limited left-hand turn lane turning in to Duval Street. Also, we are trapped in the subdivision in that there is only one road in and out of Sunset Groves; therefore, we are at the mercy of what happens at these businesses. We don't have an option; we don't have a back route; we have one route. Furthermore, I would ask that as you consider this, you consider what assurances the residents will have in enforcement of this change. I would like to have assurances for me and my friends in the neighborhood that the business won't go out of business and the business plan change. I would like assurances that are enforceable, that their plan now is only to be open six hours, but they're talking about changing to eight for the liquor license. What assurances do I have as a resident, and my friends here today? For a small neighborhood, this is a bunch of us, right? So, in closing, I would like to also bring up one other point concerning traffic. I don't know whereabouts any of you live, but I would like to point out that I travel 528 towards Orlando every day

to go to work, and every morning the exit ramp to go off of 528 to get onto Courtenay is full all the way onto the highway and stops traffic in the right lane on the highway of eastbound 528. Primarily, they are workers for the space program, and now we're going to add more parking that's going to back that up even further for people that are productive in the community. So, with my statement I ask that you please review and consider what I've said. I ask that you please consider what everybody else here tonight says in their statements, and I thank you for your time.

Mary Hillberg – As a tiny reminder, and so far it's been fine, but remember that we don't time people, we don't have a little buzzer when you have to stop talking and sit down, but remember there are a lot of people here and if we all talk we'll be here a bit too long.

Bill Mantanis – My name is Bill Mantanis, I live at 3431 Biscayne Drive, and I'll try to keep it short. This is all new to me. I bought my house nine years ago in this neighborhood; I live on a cul de sac and I have little girls, so it's emotional for me. Today, I got an Amber Alert that someone stole a 13-year-old girl. I've got people coming in and out of here and we don't know where they are coming from, and it's crazy, I get emotional seeing my girls be approached by evil people and I've got to protect them, and we can't protect them all the time. The bus is about safety and I've been at that bus stop and I've seen other things happen at that bus stop when there wasn't a so-called business. I'm all about business and people making money, but this review and \$265,000 for a liquor license, how do you back that up? It doesn't make sense. I'm sure this gentleman is a good businessman, and that doesn't make sense to me. How are you going to spend that kind of money and only sell liquor for three hours? But that's neither here nor there. There's no clear convincing case, or evidence, provided here to change what's going on and what they want to do here. There is no egress or acceleration lanes in and out of my neighborhood. The traffic is constantly to the space center. You can't get out, and you almost have to cut people off to get out of there. And adding the more traffic, I don't know if they're going to move the barricades or not, but there is a huge parking lot that you discussed already on Smith Road. I don't know how many acres that is or how many spots it's going to hold, but it's huge, and it's on hold for whatever reason. Maybe Mr. Phillips could pony up over there, because I bought in my neighborhood because it was safe, I live on a cul de sac and I can protect my children, and there's a lot of children in my neighborhood. If you open this up, you're opening up Pandora's Box and it's a slippery slope. You want to store luggage? Who brings that much luggage? The buildings are huge, you guys know the square footage. There's no clear, convincing case to change anything there. I'm all about people having business and making money, but not in front of my neighborhood, and it's going to decrease the value of our homes, and I value my home and I take care of my home, as all my neighbors do. When my property value drops \$50,000 because you've got a bar, the next thing is it will open a Pandora's Box, I know it's a slippery slope, I know exactly what it's going to do. Why don't you open up a youth center, a boys and girls club, something that will help our community, North Merritt Island, not the people who are coming in and out to drink and have a good time. There's plenty of property over on the other side of the Barge Canal and closer to Cape Canaveral. That's all I've got to say. I hope you understand where I'm coming from. There's nothing good about opening a part-time bar; there's no such thing as a part-time bar. It's a slippery slope, and don't let it happen. Thanks for listening.

Ray Scarpa – My name is Ray Scarpa and I live at 3430 Biscayne Drive, Sunset Groves, and I've lived there since 1997. Most of the points I was going to discuss have already been discussed rather eloquently. I just want to state that I do not see a clear, convincing case to support this, and for the record I oppose it.

Patrick Stahl – My name is Patrick Stahl and I live at 3350 Biscayne Drive in Sunset Groves. A lot of my questions were asked, thank you, Mr. Ratterman, and thanks to other neighbors. I will say, in my opinion I do not believe this is a great thing. We've talked about the traffic and the conglomeration of the traffic from all these other parking areas as well. I don't feel they've provided a clear, convincing case for these actions. I don't feel that the safety concerns have been addressed in looking at the materials that have been provided. You talked earlier before about different parking spaces as far as the Code for the building and you came up with 84; when I looked at it, I saw 104, I saw the rest of it should be the business complex instead of regular warehousing. If you have 104 parking spots that you needed for that building, then you only have 133 spots for the actual overnight parking. Has everybody looked at the traffic study? The traffic study was dated March 30<sup>th</sup>, and if you look at the actual field notes when they went out and looked at this, the person went out on the peak hours of the 25<sup>th</sup> of March. So, how is that representative of our corridor on March 25<sup>th</sup> when NASA was already teleworking, the schools were out, the Air Force had just gone to voluntary teleworking, and other businesses had been out. So, how did that traffic study actually represent the actual corridor? Other things I saw in the traffic study is it contradicts itself two or three different times. They are saying 200 cars per week, but there's another page in there that says 345 to 390, and then there's another page that says 920. So, what are we talking about here? I don't feel that traffic study was adequate. Also, they said 50% of the people would be coming from the north, from the KSC Visitor Center, so there was nothing in the traffic study to talk about possibly a deceleration lane for us coming into Duval Street, going south. There's nothing in there talking about that. If this thing is just going to be open for people to come in and park, they have reservations or whatever, there's nobody really directing them, how are you going to stop someone from having a few drinks and then realizing they forgot toothpaste and driving to the grocery store down the street. How is that going to stop? Who enforces that? Who enforces the people coming back from the cruise from not going back in and getting another drink before they drive? These are things I haven't seen in these plans. There are other issues there, but I'll wait. Thank you.

Kevin Zari – Thank you for hearing us and this very important topic. My name is Kevin Zari, I live at 3341 Biscayne Drive, Merritt Island, and I've lived there since 1998. My property is probably the closest in distance to the adjacent lot, with the buffer zone there between us. I want to start off by thanking Mr. Phillips this evening because this is the first time that I've been within 50 feet of him that he hasn't cursed us out or threatened one of us. He looks quite different and nice tonight. Thank you for restricting yourself and not threatening myself or my family and my children, my neighbors. You look nice when you're not in the pick-up truck. When we've been in front of the County Commissioners before, we always talk about the use and being consistent with the use of the adjacent properties. I understand a CUP is valid for PIP and you are able to get a CUP for many things like they are applying for. The Commissioners always look at the adjacent properties and the use of the adjacent properties and being consistent with the use of the adjacent properties. I want to just bring to the attention again, the sale of alcohol for on-premises consumption is my biggest problem right now. The closest one that you've got is KDI, and I know folks talk about the Moose Lodge, but that is a private club and is in a different category. The closest business that sells alcohol for on-premises consumption is not an adjacent property. I ask that you please consider that when you make your recommendations to Planning and Development [sic] or Planning and Zoning [sic], and thank you for your time this evening.

Jack Ratterman – You have that property on the corner?

Kevin Zari – Yes, I'm 3341, right at the corner.

Jack Ratterman – With the sugar cane growing on the side?

Kevin Zari – Yes. It's actually 3341 and 3351, the easement was vacated and it was combined into a single lot as 3341 Biscayne Drive.

Susan Ponte – My name is Susan Ponte, I live at 570 East Hall Road, North Merritt Island. I didn't really prepare anything. I wanted to come to this meeting because it is a big concern. All of a sudden it went from one lot of parking to another one and another one. Right now, my biggest concern is the bridge, and there's a lot of elderly in Island Lakes, and I wonder what they're going to do for any kind of hospital service, emergency response, fires, et cetera. We all know the Barge Canal bridge on the southbound side is in disrepair and it gets stuck a lot and we're all lined up all the way up, and that's not even during any given hour because as far as I know, the sailboats going through that canal are in an on-demand situation, so they're not as they come up the bridge guy opens it, and I get it, but if they start doing a timed thing, for instance 45 minutes to open them all, that means all boats will be lined up for a very long way because they are all in the Harbortown Marina and in the new Cape Crossing area. So, either way, that bridge has to be lifted for a sailboat. That takes a long time if you have a whole line of them, so think about your emergency vehicles and any traffic trying to get over that bridge if they are all on a timed situation, which they will have to be, it will take forever, and there is nothing you can do, you're stuck. So, I appreciate everybody talking about all the safety issues; I don't have any children living with me, but I do appreciate all the concerns, and I appreciate what you've brought up, Jack, there's a lot of valid things people are talking about, so I just wanted to add that to the mix. Thank you.

George Alden – My name is George Alden, 3280 Biscayne Drive, Merritt Island. I'm also representing the Merritt Island Moose Lodge 2073, North Courtenay Parkway. I won't take up much of your time, everybody who has been up here has said everything that needs to be said and made good points, and I'm not going to continue on. We are against it, we oppose it, and that's all I will say. Anybody that starts a business and doesn't understand how much things cost, you have a problem. Thank you.

Jennifer Hartmeyer Campbell – I'm Jennifer Hartmeyer Campbell, I live at 3411 Biscayne Drive, Merritt Island, with my husband, Jeremiah Campbell. I'm a mother and I've lived in this house for seven years. I plan on retiring here, so this is home. Not to re-hash, but in general I don't see the value added to the community. There's a lot of entrepreneurs that live in our neighborhood, my husband is an entrepreneur, and several people who have spoken are entrepreneurs, we are not anti-business, but this is not a business that's providing value to the community. This is a business that is saying the neighbors are not even invited. So, I don't understand why the zoning needs to change for something that's not providing value.

Kim Smith – My name is Kim Smith, PO Box 542372, Merritt Island. The North Merritt Island Homeowners Association objected to this case based on Admin Policy 3 A., incompatible hours of operation, noise levels, traffic, and site activities diminishing safety and quality of life of the surrounding neighborhoods. Admin Policy 3 B., reduction in abutting development values. Admin Policy 3 C., inconsistent with surrounding patterns of development exhibited by the previous CUP denials and its use. Admin Policy 4, uncharacteristic with neighborhoods. Admin Policy 4 A., intensity of traffic increase in neighborhood entries and over the drawbridge and the four very busy intersections where this business would be shuttling people. Admin Policy 5, the proposed use realistically posing material danger to public safety. Admin Policies E., F., and G., the adverse traffic changes and safety impacts. Admin Policy 6 and Admin Policy 7, the surface water elements would

mean additional paving for the additional parking spaces. Admin Policy 8, and Factors to Consider, (1), the land use character changes. Factors to Consider (3), the negative traffic and established character impacts; and (5), therefore, it's an inappropriate request. With a more appropriate use perhaps, the owner may be renting the existing units or a restaurant, but something without the transportation aspect. Thank you.

Pietro DiLece – My name is Pietro DiLece, I live at 3340 Biscayne Drive, and we built our house there in 1998, so we've been there a long time. Everything I've heard, my neighbors brought up some very good points and I don't want to belabor the point. I think the presentation was very incorrect, a lot of mistakes, and I think you see how something that's trying to get pushed over on some of us. I ask that each one of you, on behalf of me and my wife, deny all three of these requests. Thank you.

Jerry Perlet – I'm Jerry Perlet, 5127 Royal Paddock Way, and I'm also speaking for my wife. I think you all have a very difficult problem here, because I've sat back there for the past hour and a half and listened to numbers flying all over the place. This is their own traffic report, which says there will be 45 to 90, to 120 total cars; that's their report. They've thrown a lot of other numbers out, a lot of other people have been throwing out numbers, and you must be confused. Then, nobody has talked about the church pre-school that's right across the road, and no one has mentioned the big housing development that's being built right next to the church and all the traffic that will come from that, and we can't even agree on the number of parking spaces. If I were sitting in your chair I would be telling these people to go back and start over and get it right, because nobody can understand what it is they want. I'm opposed to the whole thing. Thank you.

Vickie Bond – My name is Vickie Bond, I live at 4200 Savannah's Trail, Merritt Island. When I signed up, I thought it was to sign in, and I didn't really know I signed up to talk, but I will say I am opposed to it; I don't understand why the Port.....I think they own some of the property on North Merritt Island, but I don't understand why we have to have parking for the cruise ships in our area on North Merritt Island when you have Cape Canaveral and you have the Port area, and then there's also the parking when you get off to go down to Harbortown and they have the cruise parking there.....there's just so many other areas that are closer to the Port, and I just feel like our area shouldn't be a big parking lot for the cruise ships. Thank you.

James Larson – I'm James Larson, I'm at 3300 Biscayne Drive, and I'm here representing the Sunset Groves Homeowners Association as their Secretary/Treasurer. I have some handouts for you. (The handouts provided by Mr. Larson can be located in file 20PZ00027, located in the Planning and Development Department). You see many people here, and in addition to that, I have about one dozen petitions signed by residents who couldn't attend the meeting, but who are all opposed. I've also created a brief handout of a summary of our concerns regarding the CUP and BDP. Not to belabor, because these guys did great, and I almost don't need to talk, but I really don't understand the hours of operation at all, especially for the alcohol. I'm not sure how a guy flying in from Italy, arriving at Orlando International Airport is going to rent a car, drive it to Merritt Island and park it for five days and then go on a cruise. Why would you do that at all? I'm not following any of that. The school bus is a big deal because that is exactly the time of day the children are going to cross the street right there. At first, I thought they were going put barricades up, but then there is that impossible U-turn at which there was a motorcycle accident not long ago where somebody was killed. I fail to understand most of it. I don't believe they provided clear and convincing evidence on any grounds to consider the change to the law. Thank you.

Claudia Morett – My name is Claudia Morett, I live at 3261 Biscayne Drive, and I'm here with my neighbors and as everybody expressed already, we are concerned about adding a new parking lot into our Island. There's already enough parking spaces at the Port that are not even being used, so they are still empty, and this is when the Port was in full use before the Coronavirus started. Why is it we have to add extra parking to an already so-trafficked area. We have so many new employees for the space center coming in. At 4:00 p.m., if I have to pick up my daughter at school because of a sports event, to make it into my neighborhood I'm waiting a half-hour before anybody has the mercy to let me make a left-hand turn into Duval and enter my neighborhood. Now, God forbid someone is trying to make a U-turn there like they are saying, they are not entering the parking lot they are planning to build off of Duval and they are going to make a U-turn to enter the parking lot through Courtenay.....you're looking at an accident there, prone to happen. I'm very concerned about the safety of my children and grandchildren that come that come to our neighborhood, and like a lot of my neighbors said, they have encountered terrible issues with the owner of the property, and I feel like this thing he's trying to build is not bringing enough money to make our neighborhood better, to benefit Merritt Island, and therefore, I feel like it should not go through. Yes, it's been vacant except for a few businesses in and out, but maybe with the economy getting better with all the new employees, and maybe if the restaurants open up they come over for lunch from the space center and we won't have all this traffic when kids are coming in and out of school. Thank you.

Seeing no additional public comment, Chair Mary Hillberg brought the item back to the board.

Mary Hillberg – May be have the applicant come up to rebut?

Kim Rezanka – I'm going to have Mr. Chehayeb explain the traffic study because I think there's some misunderstanding about what that says and when it was done.

Sid Chehayeb – I want to read the trip generation distribution to you, on page 109 of your packet. It says the trip generation for the existing use as well as the proposed was calculated with the use of data from the 10<sup>th</sup> Edition of the ITE Trip Generation Manual. The calculation is summarized in Table 1, which shows that the existing use generates 2,499 daily driveway trips, with 209 occurring during the PM peak hours. If this development is open to business today, that's what it would generate. The proposed use is expected to generate 920 compared to the 2,499 trips. So, 920 compared to 2,499. This report was done by Traffic Planning & Design, they've been doing this for 40 years and the person who did it is Mr. Durbish and he's 85 years old, and he has a huge firm that did this for us. On Page 111 you will see that the existing use is a shopping center and it tells you exactly how the 2,499 trips came in. The proposed use of a Park n Ride tells you 920 trips total that could be generated in one day. It was mentioned that the intersection analysis was made on those dates, but I want to say that the PM peak analysis we conducted for the State Road 3, Duval Street intersection, the PM peak hour volumes used in the analysis were developed from available FDOT traffic counts for SR 3 for Duval Street. In reality, we work back and forth with County staff, with the traffic engineers at the County. The report went back and forth a couple of times and then that was the final report that was generated and placed as part of your packet. There was one other question about the stormwater. I've been dealing with stormwater for 40 years and this site has been designed to accommodate the stormwater from having impervious surface at 10,000 square feet actually completely paved; that's part of the stormwater permit that was approved by the County, by the water management district, and the Corps of Engineers because we left a huge area in the back of the property and to the west 160 feet from the wall to the back of the property was left natural. If there's any questions, I'd be more than happy to answer.

Chris Cook – I have a couple of questions on the study. These buses that you have, I see in the other parking lot operations, like the one on North Banana River Drive, they have a lot of trailers behind the buses, towing the luggage. Are you going to have trailers pulling the luggage, and was that accounted for in your study?

Sid Chehayeb – That's an operational question. They may have luggage behind the buses, but most buses have their own luggage racks inside of them.

Chris Cook – Today, they said there will be additional trips for luggage storage, bringing luggage in and taking luggage out. Was that accounted for in your study?

Sid Chehayeb – You can account for anything.

Chris Cook – Was it or not?

Sid Chehayeb – This study takes the amount of parking spaces, because if you look at the data for the parking spaces and the ITE manual, there isn't any specific data for the parking requirement. This was a model that was generated to fit this site for this business, and that's how it was generated.

Chris Cook – In our package there is an illustration of cars going in and out that was added up, and it shows six days a week of traffic as opposed to five days a week. I added it up and it has 390 in, in a week, but there's none showing going out, so I'm assuming there's 390 going out as well, so there would be 780 total a week.

Sid Chehayeb – Possibly.

Chris Cook – And that's based on the current schedules before COVID-19, correct?

Sid Chehayeb – Yes.

Matthew Phillips – To answer your question on luggage going back and forth, the vehicles that are coming there to pick up the people, there would be no more vehicles just to do luggage; the same vehicles would bring that luggage down also.

Chris Cook – Your buses can handle the luggage and the other guys have to use trailers?

Matthew Phillips – However we handle the luggage, we use independent contractors, we don't actually own the vehicles that bring back and forth, we subcontract it.

Chris Cook – My point is that the trailers are going to be longer than the buses and typically not as maneuverable when making turns with a trailer behind a bus.

Matthew Phillips – But the property like we have now, I've seen tractor trailers come in and out of that plaza all the time.

Chris Cook – I'm looking at queueing line distances as well. You'd have to add that onto your queueing lines as well, right?

Matthew Phillips – You have to add it for queueing lines?

Chris Cook – Yes, if you did queue lines for turning into the turn lane and also for exiting out.

Matthew Phillips – We're going to be just for the number of vehicles – because I know that was asked – we're looking at maybe one or two vehicles maximum that are going to be transporting people back and forth. We're only 10 minutes from the Port, so that one vehicle can go back and forth twice an hour, so it's not going to be five big buses, it's going to be like one smaller one going repetitiously all morning long.

Jim Carbonneau – Chris's question was regarding the delivery of staged luggage for people elsewhere that will be sending this new concept you mentioned to this location. What types of vehicles are they, FedEx?

Matthew Phillips – Yes, FedEx will be dropping it off and then enclosed vehicles will take it down there. Also, the amount of people that we have, it's not going to be a full vehicle every time, so there's always going to be room for luggage. We haven't even started that concept yet, so the full operational on exactly how the luggage is going to get down there.....

Jim Carbonneau – Suffice it to say, there's going to be additional vehicles, trucks, delivering luggage.

Matthew Phillips – No, it will be the same vehicles that are transporting the passengers.

Jim Carbonneau – You said earlier people are pre-shipping their luggage, so they're going to be delivered by .....

Matthew Phillips – FedEx or UPS, yes.

Jim Carbonneau – So there will be additional trucks in addition to the personal vehicles and your buses.

Matthew Phillips – Yes, dropping off luggage, yes.

Chris Cook – The traffic analysis was done based on the 27,000 square-foot shopping center, but in reality it's not 27,000 square feet, it's really only 20,000 square feet.

Matthew Phillips – No, it's 27,000 square feet. There is a detached garage in the back which is 6,000 square feet and 21,000 in the front.

Chris Cook – So, it should be a 21,000 square foot shopping center, not 27,000.

Matthew Phillips – The total building square footage on the property right now is 27,000 square feet.

Chris Cook – The traffic flow for a shopping center is different from a warehouse, right?

Matthew Phillips – Yes.

Chris Cook – It could be a little more accurate is what I'm saying. Also, the big problem I see with this intersection is people leaving, and I see a lot of stuff about people coming, but not about people leaving. You estimate that half your customers are going to be coming from the northbound SR 3 and turning into Duval Street. That means half of them are going to be leaving and heading north.

Matthew Phillips – No, they will be coming from the north, but when you leave the property and you go back to get to 528 and 95, you'll be taking a right. We have five hotels in Titusville, so when we sell what we call a Snooze Park n Cruise, it's somebody driving down here, staying the night in Titusville at one of our five hotel locations, and will leave in the morning and they are given directions to come down through Kennedy Space Center, the wildlife center, and SpaceX – this is all an attraction now, people want to see it coming down here – they will come down northbound and be making a right into the plaza, they will not be coming from the other way. That's where most of our Snooze Park n Cruise packages' clients come from, is from Titusville.

Chris Cook – You're saying when they're leaving they're not going to be going northbound.

Matthew Phillips – They might be northbound but it is easier and quicker for them to go out, make a right, and take 528 to 95, unless they want to enjoy the same scenery they saw the first time.

Jim Carbonneau – Would it not make more sense to have your parking lot near your five hotels in Titusville and bus them in?

Matthew Phillips – No, it doesn't make any sense to have it over there. Right now, we do parking up there at the five hotels, and for the clients trying to get up there and having the transportation, logistics is very difficult. So, taking all of our Snooze Park n Cruise packages and putting them in one location now makes it easier for the clients and for the company.

Chris Cook – The traffic study is based on a fully occupied 27,000 square foot center when in reality right now there's just a gym there, so the traffic is going to significantly increase over what is existing.

Matthew Phillips – But it's going to be one-third of what we're approved for. If we don't get it, it will go to a plaza. We are going to open it up, we will have 2,400 people coming in there, and their concerns – and I understand their concerns – will actually be worsened. I will rent all those out, I will make that plaza filled, I'm not going to leave it empty, but I would much rather use it and have a much smaller impact for the community and have a lot less cars going in and out and being closed most of the time so it's not being used at all, or creating traffic. If it's denied, which is no problem, then what's going to happen is, it's going to open up as a plaza and all your concerns that you're going over right now are going to come true and there are going to be that many people coming and going every day. It's a simple choice.

Jim Carbonneau – You're only going to be open on cruise days?

Matthew Phillips – Right, the cruise ships determine when they're coming. Sometimes we have four cruise days, sometimes we have six cruise days, and sometimes if there's a hurricane we have seven cruise days because we have other cruises coming in that have to come in, or everybody leaves. So, the amount of cruise ships is typically five days. When we're giving numbers – and I know there is a lot of concern about me saying 40 then 60, that's because we're not sure exactly how many customers are coming that day. We're giving you a variation, it's not an exact science when people are coming in. Typically, your higher cruise days are Saturday and Sunday, that is when the most cruise ships are in, that's when you can see higher numbers of people leaving and coming. During the week, it's usually one or two cruise ships, so it's a much smaller amount of people that are coming during that time.

Chris Cook – The other thing I would like to see in the traffic study is.....the problems with traffic as we all know is at the intersections, it's not on the road, and that intersection at 528 and State Road 3 is.....and I think we have to take into account the 600 parking spots going in across the street as well. It's going to impact that significantly with the bridge going up. I know it says here it doesn't need to open, but the fact is that it does, so we have to face what it is, and it breaks down and it needs maintenance, it goes down to one lane and that whole area is going to be a big log jam, and for safety purposes and emergency services, for just everything, it's adding more and more traffic. It just needs to be taken into account so we understand what's going on, and that's also for the ones that are just permitted right now that are on the books.

Catherine Testa – I cruise quite frequently, I've probably been on about 75, if not more, cruises in my lifetime. Cruise ships tend to be late coming in. What provisions do you have for when a cruise ship is late and the people haven't left the parking and new people are showing up to get on the ship?

Matthew Phillips – That's something we're going to have to deal with while we're there.

Catherine Testa – You have to have a plan. If not, people will be in the streets waiting, blocking the entrance to the homes of all the people that are here, plus about 15 people who are not here. They will also be in the street blocking traffic going north and south on a road that's already crowded.

Matthew Phillips – I don't know, I've been dealing with late ships for the last 10 years down there, and I run another facility right at the Doubletree in Cocoa Beach, and we run 400 cars right there right now, and that's what we're limited to and we've never had a problem with queueing or parking when a ship is late. It may be detained, but it's not detained for five hours, it's very rare and few in between, so if you'd like to throw that in, yes, you have a valid point, but I've never experienced a problem with it in the 10 years that I've been in this business. We've always been able to handle the amount of cars that are coming and going. If it is a ship that's late, it's usually one ship, not all five ships at one time, so we have X amount of people off of each ship. This part of the business, with 200 cars, is not a huge part of a business. Like you said, you've got 600 cars being put around the corner over there, you have the Park n Cruise, the Raddisson, and the Port itself, so this is a very small amount of cars compared to the other businesses, but it is limited to the size of the lot, which is already approved for the other uses. All we are doing is using it the same way, but leaving the cars there and then cutting it off.

Catherine Testa – I've never thought of having a drink as I park my car before I get on the ship. My thought is I want to get on the ship. Usually, we rent a car and bring it to a car rental place and hop on a transfer, then pull into the ship. We have driven a few times to ports, and one of the reasons we moved here is we wanted to be close to the Port so we could be on a ship in two hours if we wanted to wake up one morning and be on a ship. I don't understand why you need alcohol; most people are just wanting to get on the ship.

Matthew Phillips – That's a very valid point because there is a staging, or waiting, and during that time when cruisers are waiting before they get on a cruise ship they have the most amount of spendable money, and they are ready to start their day. Usually, when they get to the cruise ship, no matter what time it is, they do start drinking, so we're just allowing people to do it beforehand and being chauffeured down there so they're not touching the road with their vehicles, they're safe on the way down, and the point of how we're going to make sure people don't come back after running to get toothpaste or whatever, is a valid concern, I just don't think it's going to happen. I don't think

somebody is going to have time to drink as many drinks.....they're really only going to have time for one drink. The bus pulls up, they get on it and off they go. This is a one of a kind, and this bar might not make any money, and if it doesn't make any money it's going to close as quick as it opened, but I'd like to give it a shot.

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

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

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

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

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

Matthew Phillips – Yes.

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

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

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

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

Kim Rezanka – I'll address it. Ms. Lindhorst, that traffic study was based on historical FDOT numbers, not March 25<sup>th</sup> as someone stated. It was done on historical numbers and there's a queueing of 290 feet, which Mr. Cheyhayeb says is perfectly fine. The traffic study is confusing because it's taking something that's not really in the ITE Trip Generation Manual saying based upon our numbers of 3.88 per space, that's what you're going to get. You're going to get a possible of 920 trips, possible, if people are coming and going each day; they're not going to. The car illustration which was attached to the traffic study shows what the intent was, and I understand that I said 30, or 35, or 40, and I did

mean coming in, I didn't even address going out. Regardless, they can only have 232 travelers parking here, and they're not there coming in and out, they're coming in for a three-day trip, a four-day trip, or a seven-day trip. So, it is a limited use, it is closed most of the time, it's not a billiard hall, it's not a restaurant that's open 10 hours a day, it's really a limited use and I'm frankly shocked there's so much opposition to this. I do understand the traffic concerns, but they're coming in, they're parking, they're getting on a bus and leaving. The gates will be closed at the entrances when patrons are not onsite or not anticipated to arrive. That is in the traffic study and that could be a condition if necessary.

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

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

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

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

Gina Lindhorst – It's not documented here.

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

Matthew Phillips – No.

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

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

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

Kim Rezanka – Yes.

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

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

Mary Hillberg – There's nothing else?

Kim Rezanka – There's probably going to be a break room for employees, and a telephone and a desk, but no, all the booking is done online. There is a 4,000 square-foot area where people can congregate and sit waiting for the bus.

Gina Lindhorst – In addition to the restaurant?

Kim Rezanka – Yes, but the sole use is parking. They come in and they're not doing anything else but waiting for a bus. I'd like to address some of the comments made by the community, and also Ms. Lindhorst. The site plan on Page 4 of what I provided you, and also in your packet, when you look at

it, there is, on that site plan, the patterns of when they come in. They come in on the west entrance of Duval Street, and go out the east entrance of Duval Street, and they go out North State Road 3, so that is the traffic pattern and what is required by your Code to show. The most that could possibly come in per day is 232, to clarify, as a primary use. Part of the discrepancy is what staff has said and what we believe; they see it as accessory because it's a pre-built place; and we see it as a new use. The site plan review, the site has been platted and will have to go through site plan review. The community doesn't like this because they don't think it's good for them, and it might not be, but it does bring people in here that will see Brevard County and go to other areas of Brevard County. It's not necessarily.... I can't imagine any PIP zoning that's going to benefit their community, essentially industrial, but that's not the criteria, the criteria is your Code. A conditional use says this use is compatible with this zoning, and if it's in this zoning, it's compatible with the neighborhood if you meet the certain criteria. This is the same issue the County lost on in 2009, these are speculations and there's no evidence. All we have to prove is a prima facie case. It's a prima facie case when the burden shifts to show we haven't met the prima facie case. There's a lot of concern about his business model, but all the concern is what the use is, how many people are going to be there, how many cars are coming in there, and that the cars come in and out safely. This is still a more limited use than what was allowed to go in there with the building. As to the liquor license, the liquor hours, if he can get a license – and there's waiver provisions to that application, there's ways to get a liquor license for less than \$265,000, so the onsite consumption will be from 9:30 a.m. to 1:00 p.m., it's not going to be extended so he can get a liquor license. That would be a condition of the conditional use permit if that conditional use were granted. The number of buses, Mr. Phillips said it would be one or two, it's an outside vendor and they put people in there, they go, and then come back. There was comments about the Smith Road parking lot – I think they have 500 spots – that is a different clientele; those are not all reserved in advance, they are not snooze n cruise-type of parking that's here. Again, you have gas stations right across from each other, but no one says you can't go there because you might go out of business. There is a concern about the level of service on State Road 3. The level of service will not be a concurrency issue; it's a level D and will stay a level D with these anticipated trips. The issue of State Road 3 and 528, Mr. Cook, I think that's a staff issue. I know sometimes they have required that, but they are not requiring that on this, and I think it's because it's already a developed site, so they have not required that that analysis be done, and it is not required by your Code at this point. This is a commercial overnight parking CUP request, and as I have shown in detail on Page 26 of the packet, there are five conditions that must be met: 1.) not less than three acres; 2.) that if it is secondary or accessory it has adequate surplus parking. If it is secondary, it does have adequate surplus parking. If it's deemed primary, as we've asked for it to be and have agreed for it to be, it still has sufficient parking. Condition 3.) All of the drive aisles are paved; 4.), the routing map has been provided, and 5.), the traffic study has been provided. The traffic study was done by a traffic engineer who is an expert in his field and has testified before the Commission before as an expert, and there is nothing other than this traffic study is to show if additional roadway improvements are warranted, and there's no roadway improvements warranted based upon this traffic study. Also, there will be no queueing in the public right-of-way because there's substantial space within the commercial parking for cars to come in and park. This is the criteria, and this is the criteria that's been met. There's been no contrary evidence in the traffic study; there's been no competent substantial evidence presented that we have not met the overnight commercial parking lot CUP. As to the consumption of onsite alcohol, that has been granted before; there is a full-liquor bar, KDI, up the road. This is like a private club, you have to have a reservation to come here. This is actually more exclusive than the Moose Lodge. It's not going to be that many people, and if he can't get a liquor license we can have a condition that if we can't get a liquor license he will come back and ask for that

CUP to be removed if he can't get a liquor license, or if he chooses not to do it, or if it expires in three years as we know because the prior one did. The restaurant that was approved in 2010 never worked out. Again, we are asking for the removal of the BDP that references the CUP that has expired, we ask that that be removed. We ask for a conditional use permit for the commercial parking with the conditions we've agreed to because we have met the standards of the Code, we have shown a prima facie case, there's been no competent substantial evidence to the contrary regarding the prima facie case required for the CUP. As to the onsite consumption of alcohol, because it is so limited, because there are others in the area, and because he has to have a liquor license, and it's only for those making a reservation, we are not going to be adverse to the public interest and we've met the criteria for onsite consumption as well. Thank you.

Jack Ratterman – The parking spaces for that restaurant, I'm assuming you're going to have 30 parking spaces that won't be sold for overnight parking, right?

Kim Rezanka – That restaurant is only allowed to be used for those that are there, we don't need extra parking for them.

Jack Ratterman – All those spaces around there will be for overnight parking, too?

Kim Rezanka – Correct, 232 overnight parking, and five for employees.

Jack Ratterman – So, all of this will be for overnight parking except for five for employees?

Kim Rezanka – Yes.

Chris Cook – You said this going to be an exclusive club, is there going to be someone checking badges at the gate when they're driving in, to make sure they actually have a reservation?

Kim Rezanka – Yes, they're going to have a pass. With the materials they get, they will have something that shows they are allowed in.

Chris Cook – Will there be someone keeping people who don't have passes, out?

Matthew Phillips – Yes.

Chris Cook – So, there will be a queue outside for people waiting to come in, correct?

Matthew Phillips – Nobody's going to come into a place....why would they drive in?

Chris Cook – Because they're looking for a place to park.

Matthew Phillips – It's not going say "parking", it's just going to say "GoPort Plaza".

Chris Cook – It's going to say "GoPort Parking".

Matthew Phillips – No, it's going to say, "GoPort Plaza", not "parking". You're going to go down the road to the 500 if you want to go park down there. It's all pre-arranged people coming in. There's nobody that's just going to drive in and then want to get a parking spot. First of all, you're not going to know that we're there unless you made a reservation. It's not like the Port where you just drive in and

park. It's not like the big parking lot over to the right with 500 that's going to be open to the public. We're only doing parking for people, mostly, with packages, and that's 99% of our business.

Chris Cook – It's the same thing with the CUP, how are you going to discriminate between people coming and going for the restaurant. Will you be checking them? How do you do that?

Kim Rezanka – It's not going to be advertised. Only those who make a reservation are going to know it's there.

Chris Cook – How do you discriminate if a passenger is coming back to pick up his car and he wants to go in there and have a drink, or someone who came there and is leaving?

Matthew Phillips – Yes, there will be. Whoever comes in before that period of time, it wouldn't start until 9:30 a.m. All of our people from the Port would have gotten their cars and left by 9:30 a.m. because they usually are out between 7:00 a.m. and 9:00 a.m. Let's suppose there were, there will be somebody there that will ask if they have their boarding pass, because you'll have to show a boarding pass at the bar. They will say they just came off the ship, and they will be told they can't be served.

Catherine Testa – But they can still have their boarding pass.

Matthew Phillips – Yes, but it shows where you came off the ship, so our people will know if you're coming or going.

Catherine Testa – Are they going to read it to make sure the date is accurate?

Matthew Phillips – Absolutely, we do it now.

Jack Ratterman – Who is the court reporter?

Kim Rezanka – Ryan Reporting.

Jack Ratterman – Your client hired?

Kim Rezanka – Yes.

Chris Cook – Also, I see there's an FPL easement across the property. Do you have a permit from FPL to do long-term parking on it?

Kim Rezanka – We don't need one, because there's a parking space there.

Chris Cook – I have an FPL easement across my front yard and if I want to put anything on there I have to get a permit.

Kim Rezanka – Do you already have parking spaces on it? Do you have pavement on it?

Chris Cook – No, I do not.

Kim Rezanka – We don't need one.

Jeffrey Ball – Madam Chair, parking will need to be accounted for each of the uses within the buildings unless conditioned otherwise. What that means is that if they're going to have just overnight parking, then that site plan needs to show overnight parking and there's no building, storage, and uses.

Mary Hillberg – That's what I was asking for.

Kim Rezanka – I don't understand your statement, there was no question, I just don't understand what you're saying, though.

Jeffrey Ball – We just need to count the uses that are on the property and that they're conditioned. So, if we're going to say that 232 parking spaces are for the primary use of an overnight parking facility, or a commercial parking facility, that would be a condition of approval.

Gina Lindhorst – Clearly, it's a mixed-use property now, according to the plan here.

Jeffrey Ball – Correct.

Mary Hillberg – Did you want me to respond to that? What did you want me to say?

Jeffrey Ball – No, I'm just saying if the board chooses to move forward with approval, that would be one of staff's suggestions, to add that as a condition of approval.

Mary Hillberg – I see. Can you repeat it again? I wasn't understanding what you were saying.

Jeffrey Ball – The counted uses on the property are overnight commercial parking, which allows up to 232 parking spaces, with five parking spaces designated for employees only.

Mary Hillberg – Thank you.

The board recessed at 8:27 p.m. and reconvened at 8:32 p.m.

Mary Hillberg – Do we have a motion from the board?

Chris Cook – I have a couple of more questions.

Mary Hillberg – We can have a motion and a second and then we can have more discussion from the board. I'd like to have a motion and then more discussion. Or does the board want to discuss?

Jack Ratterman – I think it ought to go to Chris.

Chris Cook – On Administrative Policy 3 B., it asks if it would cause a material reduction of 5% or more in the value of existing abutting lands or improved development. In the staff notes, they refer to Section 62-1901(c), that refers to abutting properties suffers a 15% in reduction. What's the difference between the two?

Jeffrey Ball – We're representing what the Code states; we're not telling anybody whether there's a loss of property value, only a property appraiser that's licensed and certified would be able to provide that information, so staff is not saying there is going to be a reduction in property values.

Chris Cook – Is the threshold 5% or is it 15%?

Mary Hillberg – I noticed that too, and wondered which it was.

Jeffrey Ball – Let me find it in the staff comments. This is just referencing Section 62-1901c2a, burdening adjacent or nearby uses increasing existing traffic and the closest arterial or collector road by more than 20%.

Jim Carbonneau – We're talking about property value.

Jack Ratterman – It's 15%.

Chris Cook – It's 62-1901(c).

Jeffrey Ball – It's 15%, and it's on the bottom of Page 9.

Kim Rezanka – It's conflicting with the administrative policy and the comprehensive Plan that says 5%, if that's not a typo.

Jeffrey Ball – I will take a look at that.

Gina Lindhorst – It says 5%, 15%, and 10%.

George Ritchie – All three numbers are in the Code. When you look at the Comprehensive Plan there is that Policy 3 that talks about the 5%. In the CUP worksheet, it talks about 10% and 15% as potential losses that would need to be justified. So, there's a review criteria that we would start with, looking at potential depreciation versus what we further look at as part of the CUP application. All three numbers are listed and identified.

Mary Hillberg – If all three numbers are correct, which one would you use?

George Ritchie – If we were to think that there was an actual depreciation, then we would get an MAI appraiser to appraise that to see what that reduction would be. Then there is a 10% threshold and a 15% threshold that could potentially impact the property, so there's different numbers for different steps of review.

Catherine Testa – Regarding the decrease in the value of property, who hires the appraiser? Who would be responsible for that? The individual homeowners?

Mary Hillberg – For instance, Mr. Smith here, who lives in the neighborhood, if he wants to find out whether or not his property would be diminished in value, he would hire an appraiser and the appraiser would give him the appraisal and he would pay for that.

Jeffrey Ball – Let me interject, it would be the burden for the County to hire an appraiser, and then the applicant would have the opportunity to rebut that and hire their own appraiser.

Catherine Testa – So, the homeowners can request the County to have the appraisal done on their behalf?

George Ritchie – Not that I'm aware of. I think if the Commission decided they felt there was a reduction, they would hire somebody to review that and get an actual appraisal to show that this hurts the area. Then the applicant would hire their own appraiser to evaluate what the County had found.

Catherine Testa – So, only if the County Commissioners think there might be a reduction in value?

George Ritchie – Correct.

Mary Hillberg – Actually, there have been other instances where members of the community have gotten their own appraisal, and they can do that. It was off of Chase Hammock where people got their own appraisal of the changes that were possible.

Jeffrey Ball – There is nothing in our Code that would prevent the property owners from submitting that as evidence.

Mary Hillberg – The County could do it if they wanted to, I suppose, but I've never heard of the County doing it.

Gina Lindhorst – On Page 7 of the staff comments it says restaurants with more than 50 seats – which this is supposedly going to have at least 100, it says no alcoholic beverages shall be sold within 300 feet of the lot line of a school, but the bus stop, which is going to be open.....how long is the bus stop open? A half-hour at the most?

Jack Ratterman – 7:00 a.m. to 5:00 p.m.

Gina Lindhorst – No, it's not open that long, but there are several buses that will stop there within 300 feet and that seems like a contradictory issue.

Jeffrey Ball – If that bus stop serves elementary, middle, and high schools, then there are three different bus times in the morning, and three different bus times in the evening.

Mary Hillberg – There are also disability buses that stop as well.

Jeffrey Ball – I'm not aware of what the A.D.A. requirements are for a bus stop.

Gina Lindhorst – Per need, usually. I'm just concerned about that being an issue here in particular because of the one entrance to this neighborhood that has children that live there; it's not an adult-only neighborhood. There's only one in and out access to that neighborhood.

Jim Carbonneau – I'm confused on what the real numbers are that we're looking at with regard to parking spaces. Is it 230 that are going to be able to book?

Mary Hillberg – 232 parking spaces.

Jim Carbonneau – 232 plus the five for employees.

Gina Lindhorst – It doesn't say anything about extra long vehicles or anything like that.

Mary Hillberg – Those are the parking spaces, not the movement of people and the changing of cars.

Jim Carbonneau – In looking at the other three proposed parking lots, we're looking at a total potential of 1,300 parking spots between this property and the Barge Canal. We have to consider that the U-turn northbound, over the Barge Canal, and turning back into the new Crossings there on the canal, then we've got Egret's Landing to the north that's going full guns, and I noticed they've now cut the new entranceway into the Savannah Trace just about 400 feet north of this.

Jack Ratterman – Calvary Chapel.

Jim Carbonneau – Yes, that area. The density of the traffic coming off the space center in the afternoon is miserable. We're looking at the peak times here in the morning of the northbound traffic with the growth at the space center ever-increasing with Blue Origin now and SpaceX and the other major companies going in out there. I think we need to take into consideration the impact of that road and the traffic and the people.

Mary Hillberg – And also the aspect of the compatibility of the business with the surrounding area.

Jim Carbonneau – The traffic study we keep talking about has historical data, and how old is that data?

Gina Lindhorst – It's not taking into consideration all the growth that's been approved but hasn't happened yet.

Jim Carbonneau – Exactly. I'm very concerned about the density of the population and the traffic.

Mary Hillberg – And there's going to be growth at the space center as well.

Jim Carbonneau – I'm very concerned about the density and the population we're looking at, and the traffic.

Gina Lindhorst – It's a very congested area, it doesn't have a stop light so people can stop and turn.

Mary Hillberg – As far as the bridge is concerned, my impression is that the bridge doesn't open for a period of time early in the morning, and then it can open every half-hour throughout the rest of the day, and the boats have the right-of-way.

Jim Carbonneau – Whether they adhere strictly to that schedule is up for debate, but there are navigational regulations.

Mary Hillberg – Right, and they can open every 30 minutes.

Jack Ratterman – You have to remember that bridge has problems.

Jim Carbonneau – With regard to the school buses, I know people who work along State Road 3 who go to work early and bring their children to work, and they are also getting on the school buses. The applicant questioned by children are not being picked up at their homes, but there is good reason why they are not.

Gina Lindhorst – The routes are done according to what the School Board says to do. I have a question about the traffic study again. We're proposing this one considerably small parking lot, but the

cruise terminals, the Port, really wants to operate seven days a week, and bring in bigger and bigger boats, and they are clearing and dredging as fast as they can to have lots and lots of cruises, so we can't just expect five days a week. And I'm not in favor of a full-liquor bar at the front of a neighborhood, even for just a couple of hours a day, it just doesn't seem like a good thing.

Mary Hillberg – I agree with that and I'm concerned about the safety issues and compatibility with the surrounding area, and the traffic issues, as well as the Administrative Policies that North Merritt Island representative outlined. Those are designed to make our community compatible and to keep it together to build it correctly. If we don't pay attention to those anymore, I don't know if we're really serving the community well. I'm ready for a motion.

Gina Lindhorst – For the removal of the existing BDP, I recommend approving that. Then the CUP for alcoholic beverages, I recommend denying that on the basis of Administrative Policies 3 A. and B., and Administrative Policy 4 A. And I recommend denial for a CUP for overnight commercial parking according to Administrative Policy 5 B. and Policies 3 A., B., and 4 A. as well.

Mary Hillberg – We have a motion to approve #3 and deny #2 and deny #1, is that correct?

Jeffrey Ball – As far as I understand your motion, it would be approval of #1, which is the removal of the BDP, and then denial of the CUP for alcohol, and then denial for the commercial overnight parking lot.

Mary Hillberg – Right, I was asking if that was what she was saying, those three.

Jeffrey Ball – You had them....

Mary Hillberg – I had them all wrong. Do we need a motion for each one separately?

Jeffrey Ball – No, it can all be one motion.

Mary Hillberg – One motion to deny, deny, approve? Let's do it separately. For #1, CUP for overnight commercial parking lot. There's a motion to deny.

Jim Carbonneau – I second.

Chair Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Mary Hillberg - #2, CUP for alcoholic beverages, full-liquor for on-premises consumption in conjunction with a restaurant in a PIP zoning classification. The motion is to deny. Is there a second?

Jim Carbonneau – I second.

Chair Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Mary Hillberg – #3, removal of an existing BDP. There's a motion to approve that. Is that your motion?

Gina Lindhorst – Yes.

Motion died for lack of a second.

Jack Ratterman – I'll make a motion for denial.

Jim Carbonneau – I'll second it.

Chair Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Chris Cook – Is there any way the County can do their own traffic study? If not, then if the residents get their own traffic study done, would that be admissible to the Commission?

Jeffrey Ball – I'm not an attorney, but I wouldn't see any reason why, as long as the traffic study was done by a licensed professional.

Mary Hillberg – You mean the County could do one by a licensed professional? Wouldn't the Commission have to vote for that?

Jeffrey Ball – No, what I was saying was if the homeowners wanted to take that route and provide that as additional information, it could be presented to the Board. The only way the County, would prepare a traffic study would be if the Board directed staff to do that.

Mary Hillberg – The only way the County would do it would be if the County approved it, but the people who live there can do it if they want?

Jeffrey Ball – The only way the County would do a traffic study would be for the Board to direct it, but the homeowners can hire someone.

Mary Hillberg – And the same goes for an appraisal?

Jeffrey Ball – Correct.

Mary Hillberg – Thank you.

Upon consensus, the meeting adjourned at 8:57 p.m.