



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.6.

10/2/2025

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### Subject:

5125 South LLC (Arduino Cacciotti, Daniel Wasserman) requests a CUP, for Alcoholic Beverages for on premises consumption accessory to a bar and game hall in Suite #3, in BU-1 zoning classification. (25Z00021) (Tax Account 2512007) (District 2)

### Fiscal Impact:

None

### Dept/Office:

Planning & Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a request for a CUP (Conditional Use Permit), for Alcoholic Beverages (beer and wine only) for on premises consumption accessory to a bar and game hall in Suite #3, in BU-1 (General Retail Commercial) zoning classification.

### Summary Explanation and Background:

The applicant's request is for a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption for a 2COP (beer and wine) license in Suite 3, containing an area of 3,000 square feet of the approximately 13,200 square foot commercial flex space building. This location is the southern suite within the building complex. The applicant is projecting 100 occupants maximum.

The other businesses in the building include Brevard Business Telephone (hours are Monday - Friday 8:00 am to 5:00 pm) and a used furniture sales office, which based on information from the applicant, is more storage than an actual office. The applicant's proposed operating hours are from 5:00 pm to 11:00 pm.

Section 62-1906 (3) expressly states: "Except for restaurants with more than 50 seats, no alcoholic beverages shall be sold or served for consumption on the premises from any building that is within 300 feet from the lot line of a school or church if the use of the property as a school or church was established prior to the commencement of the sale of such alcoholic beverages. For the purposes of this subsection, a school shall include only grades kindergarten through 12. For the purposes of establishing the distance between the proposed alcoholic beverage use and churches and schools, a certified survey shall be furnished from a registered engineer or surveyor. Such survey shall indicate the distance between the front door of the proposed place of business and all property lines of any church or school within 400 feet. Each survey shall indicate all such distances and routes." Staff analysis has determined the provided survey shows that there are no churches or schools within 300 feet from the bar to the lot line of a school or church and 400 feet between the front door of the proposed place of business and all property lines of any church or school within the area of this CUP request.

The Board may wish to consider if the request is consistent and compatible with the surrounding area. The Board may also wish to consider whether additional requirements are appropriate, consistent with Section 62-1906(5), Brevard County Code of Ordinances, which states “when deemed appropriate, as based upon circumstances revealed through the general and specific standards of review set forth in this division, the Board shall have the option of imposing operational requirements upon an establishment approved for a conditional use for on-premises consumption of alcoholic beverages. Requirements may include, but are not limited to, the following: maximum number of patrons; hours of operation; limitations upon outdoor seating and service of alcoholic beverages; limitations upon outside music and/or public address systems; additional buffering requirements; additional parking requirements; internal floor plan arrangement; or other specific restrictions based upon special neighborhood considerations.”

The Planning and Zoning Board first considered this item at its August 18, 2025, meeting and continued the item to its September 15, 2025, meeting because the applicant failed to appear.

On September 15, 2025, the Planning and Zoning Board considered the request and unanimously voted to recommend denial of the application because the applicant again failed to appear.

**Clerk to the Board Instructions:**

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

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

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

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

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

**Criteria:**

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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

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

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

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

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

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

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

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

(c) General Standards of Review.

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

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

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

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

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**25Z00021**

**5125 South LLC.**

**A Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption  
accessory to a bar and game hall in Suite # 3**

Tax Account Number: 2512007  
Parcel I.D.s: 25-36-35-00-1 (Suite 3)  
Location: 5125 South Highway 1. East side of South Highway 1, approximately 402  
feet North of Rockledge Dr. (District 2)  
Acreage: 1.64 acres

Planning & Zoning Board: 08/18/2025

Board of County Commissioners: 09/04/2025

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	BU-1	BU-1 with CUP for 2 COP for On-Premises Consumption in Suite 3
<b>Potential*</b>	FAR 1.0	FAR 1.0
<b>Can be Considered under the Future Land Use Map</b>	YES Community Commercial	YES Community Commercial

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

**Background and Purpose of Request**

The applicant's request is for a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption for a 2COP (beer and wine) license in Suite 3, containing an area of 3,000 square feet of the approximately 13,200 square foot commercial flex space building. This location is the southern suite within the building complex. The applicant is projecting 100 occupants maximum.

The other businesses in the building include Brevard Business Telephone (hours are Monday – Friday 8:00 am to 5:00 pm) and a used furniture sales office, which based on information from the applicant, is more storage than an actual office. The applicant's proposed operating hours are from 5:00 pm to 11:00 pm.

Section 62-1906 (3) expressly states: "Except for restaurants with more than 50 seats, no alcoholic beverages shall be sold or served for consumption on the premises from any building that is within 300 feet from the lot line of a school or church if the use of the property as a school or church was established prior to the commencement of the sale of such alcoholic beverages. For the purposes of this subsection, a school shall include only grades kindergarten through 12. For the purpose of establishing the distance between the proposed alcoholic beverage use and churches and schools, a certified survey shall be furnished from a registered engineer or surveyor. Such survey shall indicate the distance between the front door of the proposed place of business and all property lines of any church or school within 400 feet. Each survey shall indicate all such distances and routes." **Staff analysis has determined the provided survey shows that there are no churches or schools within 300 feet from the bar to the lot line of a school or church and 400 feet between the front door of the proposed place of business and all property lines of any church or school within the area of this CUP request.**

#### **ZONING HISTORY:**

Based on the best available data from the Brevard County Property Appraiser, the lot appears to have been created on September 1, 1974, with a zoning classification of Agricultural Residential (AU).

On May 21, 1990, the Board approved zoning action **Z-8599**, which changed the zoning classification from AU to BU-1. The property retains the original FLU designation of Community Commercial (CC). The property was site-planned under the name Brevard Business Telephone Inc. The site plan number was SP# 96-03-002. This property was developed in 1996, according to the Brevard County Property Appraiser's website.

The applicant states this a new establishment to the area to help meet the growing demand for interactive entertainment.

The site has access to Highway 1, a State Maintained Right-of-Way.

No code enforcement cases active on the subject property.

#### **Surrounding Area**

	<b>Existing Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Undeveloped land	BU-1	CC
<b>South</b>	Multi-family residential	RU-2-10(8)	NC
<b>East</b>	Undeveloped land	AU	NC
<b>West</b>	Highway 1	N/A	N/A

North of the subject property is a 1.77-acre parcel, undeveloped land, zoned BU-1 with CC FLU.

South of the subject property a 1.34-acre parcel, developed with 3 triplex multi-family residential buildings (approximately 9 units), zoned RU-2-10(8) with NC FLU.

East of the subject property is a 1.72-acre parcel, undeveloped land, zoned AU with NC FLU.

West of the subject property is Highway 1, a state-maintained roadway.

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

RU-2-10 classification medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

## **Land Use**

The existing BU-1 zoning can be considered consistent with the existing Community Commercial (CC) FLU designation.

## **Applicable Land Use Policies**

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

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

#### **Criteria:**

A. Permitted/prohibited uses;

***Billiard rooms and electronic game arcades (soundproofed) are a permitted use in BU-1. Alcoholic Beverages for On-Premises Consumption is a conditional use in the BU-1 zoning classification.***

***The Board should consider the compatibility of the proposed 2COP CUP with the surrounding area.***

B. Existing commercial zoning trends in the area;

**Staff analysis: The subject property was developed as a warehouse flex space in 1996.**

Located North of the subject property is an undeveloped BU-1 zoned commercial property. Other commercial zoning trends in the area include an air conditioning company taking over the Goodwill store and the Peddler's Village, which has been in existence for over 60 years. To the South, on the same side of the highway, is a convalescent home constructed in 2019 and a realtor's office constructed over 30 years ago. Commercial activity has progressed slowly in this area.

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

**Staff analysis:** The subject property needs to comply with the Brevard County Performance Standard defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, noise levels, traffic, and site activity to not cause any violations with the residential areas.

This CUP request, if approved, can be considered compatible based on the subject property being in a commercial area of character and not in a residential neighborhood.

The applicant proposes hours of operation to be 5 pm to 11 pm. These hours are outside the operating hours of the other business on site as the applicant has stated the telephone business operates 8 am to 5 pm, Monday through Friday, while the used furniture sales do not have any customers and have no business hours.

The establishment is proposed to be all indoors with no outdoor seating or patio.

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

**Staff analysis:** Based on a preliminary review, there is an increase for service, however, it is not anticipated to create a deficiency in LOS standards for road capacity, potable water service, sanitary sewer service, and solid waste disposal.

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

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

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

Criteria:

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

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

**Brevard County Code of Ordinances states within Chapter 6, Section 6-3. - Hours of sale: Unless otherwise prohibited, in the unincorporated area of the county, alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the division of alcoholic beverages and tobacco 24 hours a day, seven days a week.**

**The Board may consider additional conditions and/or limitations.**

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

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

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

1. historical land use patterns;

**There are six (6) FLU designations within a half-mile radius of the subject property. They include RES 4, RES 15, Recreation (REC), Community Commercial (CC), and Neighborhood Commercial (NC). Res 4 is the predominant FLU designation in the area on the same side of Highway 1. IND is the predominant FLU designation west of Highway 1.**

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

**There has been no new development within a half-mile radius of the subject property within the last three (3) years.**

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

**Staff Analysis: There have been no zoning approvals in the past three (3) years.**

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

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

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

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

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**Based on staff analysis, the requested CUP are not anticipated to materially or adversely impact the surrounding residential area. Appears to be a vegetative buffer of at least 25 feet separating the proposed area from the residential area to the south.**

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

**The area has well-established boundaries, roads, and open spaces. The subject property is not located in a residential neighborhood. However, there are residential areas to the south and east at a depth approximately 300 feet..**

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

**The proposed request is not considered a neighborhood commercial use, and it is not located in an existing residential neighborhood.**

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

**There have been no other commercial, industrial or other non-residential uses applied for and approved during the previous five (5) years. Staff analysis has determined the area is not primarily residential.**

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

The proposed CUP will access US 1 segment between Viera Blvd. and Barnes Blvd. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 0.31%. The US 1 corridor is anticipated to operate at 68.46% of capacity daily. The request is not anticipated to create a deficiency in LOS.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US 1 between Viera Blvd. and Barnes Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 68.15% of capacity daily. The maximum development

potential from the proposed CUP increases the percentage of MAV utilization by 0.31%. The US 1 corridor is anticipated to operate at 68.46% of capacity daily. The request is not anticipated to create a deficiency in LOS.

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

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

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

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

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

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

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

**Staff analysis: The owner/applicant has provided a survey, with a radius of 500 feet, which states that there are no churches or schools within 300 feet from the bar to the lot line of a school or church and 400 feet between the front door of the proposed place of business and all property lines of any church or school within the area of this CUP request.**

- 5) Imposition of additional operational requirements. When deemed appropriate, as based upon circumstances revealed through the general and specific standards of review set forth in this division, the Board shall have the option of imposing operational requirements upon an establishment approved for a conditional use for alcoholic beverages for on-premises consumption.

Requirements may include, but are not limited to, the following: maximum number of patrons; hours of operation; limitations upon outdoor seating and service of alcoholic beverages; limitations upon outside music and/or public address systems; additional buffering requirements; additional parking requirements; internal floor plan arrangement; or other specific restrictions based upon special neighborhood considerations. Additional requirements shall not exceed the limits of regulatory authority granted to local governments in the State Beverage Law, F.S. § 562.45.

**Staff analysis: Serving and consumption of food and beverages, alcohol or otherwise, shall be strictly prohibited outside of the existing buildings as no outdoor seating is proposed, pursuant to Section 62-1837.9 (Outdoor restaurant seating) of Brevard County Code.**

### **General Standards of Review**

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

*Applicant's Response: (1) The anticipated number of patrons, employees, and service personnel will be appropriately managed in accordance with local occupancy limits and fire code regulations. The space is designed to accommodate a moderate number of guests, ensuring safe and controlled operations without creating undue congestion or disruption to neighboring businesses or residents.*

*(2) The space will be sound-insulated to limit noise impact on adjacent units, and all entertainment equipment will operate within county-approved decibel levels. No offensive odors, smoke, or fumes will be produced, and proper ventilation will ensure a clean and compliant indoor environment.*

*(3) Traffic increase will be moderate and mainly during off-peak hours. On-site parking is adequate and will be monitored to ensure availability for all tenants and patrons.*

**Staff analysis: The proposed CUP must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The request is not anticipated to create a deficiency in Highway 1 traffic Level of Service (LOS) standard.**

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

*Applicant's Response: The proposed use is compatible with nearby properties in terms of use, function, hours, traffic, building size, setback, and parking availability.*

**Staff analysis: The subject property is located in an area of mixed commercial and residential uses. The proposed establishment is located indoors within a commercial building with no outdoor seating or outdoor patio proposed. There is vegetative buffering around the property to separate the commercial uses from residential uses. The applicant also states that he will be installing sound proofing to further limit any issues with the surrounding properties.**

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

*Applicant's Response: The proposed use will not reduce the value of adjacent residential properties.*

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

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

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

*Applicant's Response: Ingress and egress to the property and structures will be adequate for the proposed use, ensuring safe and convenient vehicular and pedestrian access, smooth traffic flow, and emergency response access, all built to applicable county standards without burdening nearby properties.*

**Staff analysis: This property has ingress and egress directly on Highway 1.**

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

*Applicant's Response: Noise, glare, odor, smoke, fumes, and other emissions from the proposed use will be controlled to prevent substantial interference with the use and enjoyment of adjacent and nearby properties.*

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

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

*Applicant's Response: Noise levels from the conditional use will comply with Section 62-2271 of the Code, ensuring all sound emissions meet the required standards.*

**Staff analysis: The proposed CUP does not include outdoor areas. The site must comply with the noise ordinance.**

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

*Applicant's Response: The proposed use will not exceed the approved solid waste disposal capacity for the property or surrounding area.*

**Staff analysis: The adopted level of service for solid waste disposal will increase but is not anticipated to affect the disposal capacity for the subject property or surrounding area.**

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

*Applicant's Response: The proposed use will not exceed the approved potable water or wastewater service capacity for the property, occupancy, or surrounding area.*

**Staff analysis: The CUP should not exceed the adopted level of service for potable water or wastewater. The establishment is connected to public sewer system.**

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

*Applicant's Response: The proposed use will include existing or planned screening and buffering designed to minimize nuisance, sight, and noise impacts on nearby properties with less intensive uses.*

**Staff analysis: The property was developed in 1996, according to the Brevard County Property Appraiser's website. This is a new establishment to the area and will need to ensure it meets the Brevard County Performance Standards.**

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

*Applicant's Response: Proposed signs and exterior lighting will be designed to prevent glare, traffic hazards, and interference with the use or enjoyment of nearby properties.*

**Staff analysis: Any new signage for the proposed establishment on the subject property would need to meet the current Brevard County Code.**

Section 62-1901(c)(2)(h): Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and

industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

*Applicant's Response: The proposed hours of operation will be set to ensure they do not negatively impact the use and enjoyment of nearby residential properties, maintaining the residential character of the area.*

**Staff analysis: After speaking with the applicant regarding hours of operation, it appears to be outside the hours of operation of the two other businesses on the subject property, with potential hours from 5pm to 11pm. The Board may determine that additional measures may be necessary, and the Board may require additional stipulations as part of the request.**

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

*Applicant's Response: The height of the proposed use is compatible with the area's character and will not exceed 35 feet above the tallest residence within 1,000 feet of the property line.*

**Staff analysis: The establishment is a single-story building and meets the height requirements.**

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

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

*Applicant's Response: Off-street parking and loading areas will be designed and maintained to avoid any negative impact on the use and enjoyment of nearby properties.*

**Staff analysis: The applicant states it will operate in accordance with all Brevard County Code regulations to enhance the overall appeal of the building with the surrounding area.**

#### **For Board Consideration**

The Board should consider the compatibility of the proposed Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption, a 2COP (beer and wine) license with the surrounding area.



This is to certify that on June 17, 2025, AAL Land Surveying Services, Inc. inspected the real property located at 5125 S Highway 1, Rockledge, Florida, 32955, and found in observation no churches, schools, or daycare buildings within 500 feet of the entrance door of the aforementioned location.



PREPARED FOR: 5125 SOUTH LLC

IMAGES © 2024 AAL

## AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO FLOOD  
INSURANCE RATE MAP  
#12008L-0000-X, DATED  
MARCH 17, 2014, THIS  
PROPERTY IS LOCATED  
WITHIN FLOOD ZONE X.  
(NAVD 88)

TYPE OF SURVEY:  
SPECIFIC PURPOSE  
SCALE: 1" = 100'

REVISION:  
REVISION:  
REVISION:  
REVISION:  
REVISION:  
REVISION:

FIELD DATE: 06-17-25

SECTION 35,  
TOWNSHIP 25 SOUTH,  
RANGE 36 EAST

PROJECT #51152

### GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
2. THIS SURVEY AND DRAWING IS FOR THE SOLE USE AND BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE AS NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON AN ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B. #6623  
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: [frontdesk@aalsurvey.com](mailto:frontdesk@aalsurvey.com)

ANDREW W. POWSHOK  
P.L.S. No. 5383

DANIEL D. GARNER  
P.L.S. No. 6189

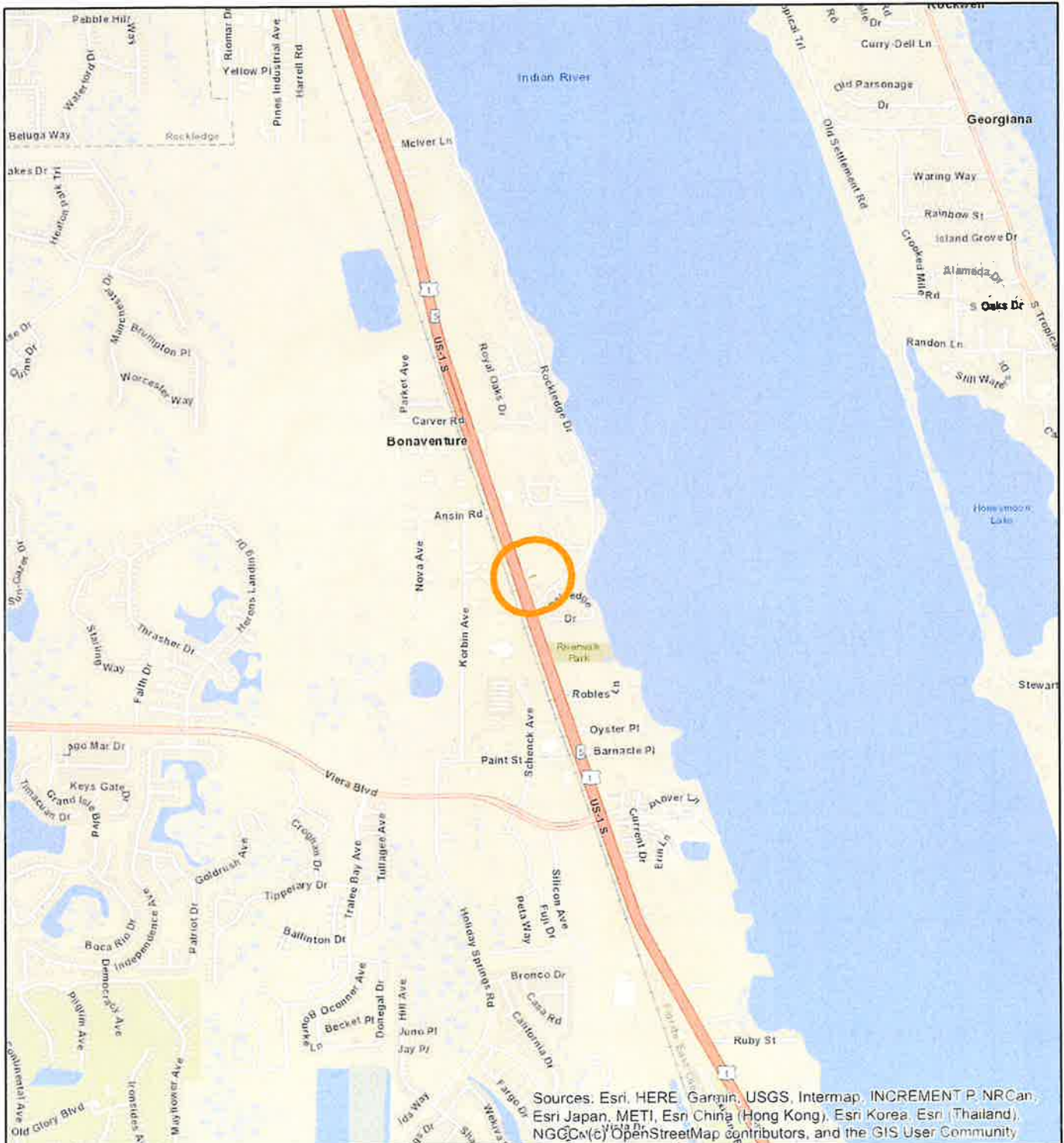
### LEGEND

(B.B.)	- BASIS OF BEARING
(M)	- MEASURED
(P)	- PLAT
(D)	- DEED
R	- IRON ROD
IP	- IRON PIPE
N&O	- NAIL AND DISC
N&TT	- NAIL AND TIN TAB
C.M.	- CONCRETE MONUMENT
PRM	- PERMANENT REFERENCE MARKER
PCP	- PERMANENT CONTROL POINT
TBM	- TEMPORARY BENCHMARK
D=	- DELTA
R=	- RADIUS
L=	- ARC LENGTH
FND.	- FOUND
CH	- CHORD LENGTH
F.P.L.	- FLORIDA POWER & LIGHT
T.B.D.	- TO BE DETERMINED
P.O.L.	- POINT ON LINE
R/W	- RIGHT OF WAY
B.S.L.	- BUILDING SETBACK LINE
DHW	- OVERHEAD WRES
PBCP	- PALM BAY CONTROL POINT
P.U.	- PUBLIC UTILITY EASEMENT
D.E.	- DRAINAGE EASEMENT
FF	- FINISHED FLOOR
EL	- ELEVATION
CONC.	- CONCRETE
R.C.P.	- REINFORCED CONCRETE PIPE
C.M.P.	- CORRUGATED METAL PIPE
G	- CENTERLINE
LB	- LICENSED BUSINESS
P.L.S.	- PROFESSIONAL LAND SURVEYOR
EL. XXXX	- EXISTING GRADES
XXXX	- PROPOSED GRADES

# LOCATION MAP

5125 SOUTH LLC

25Z00021



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



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

Buffer Distance: 500 feet

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

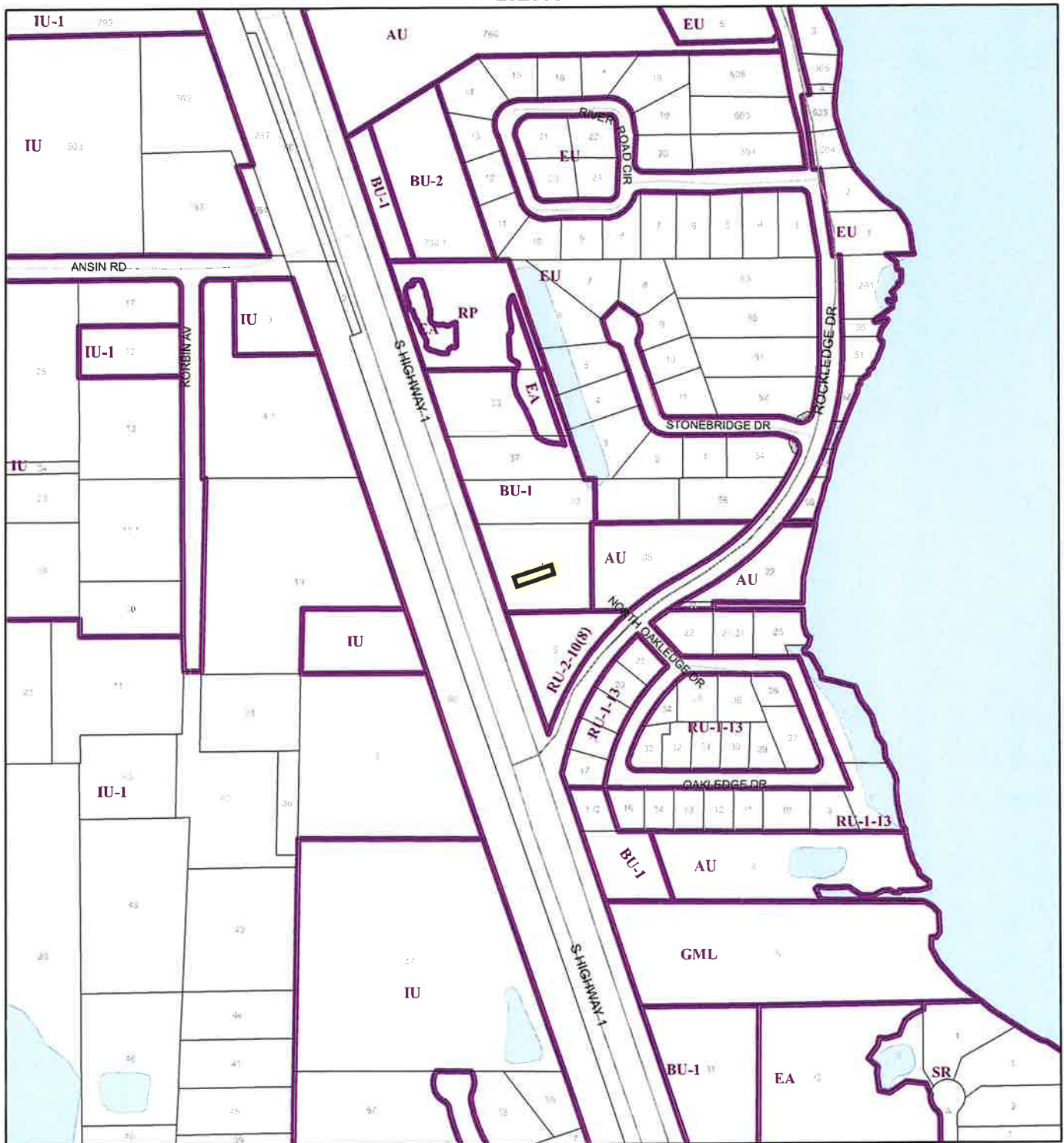
Produced by BoCC - GIS Date: 7/9/2025

— Buffer

— Subject Property

# ZONING MAP

5125 SOUTH LLC  
25Z00021



1:4,800 or 1 inch = 400 feet

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

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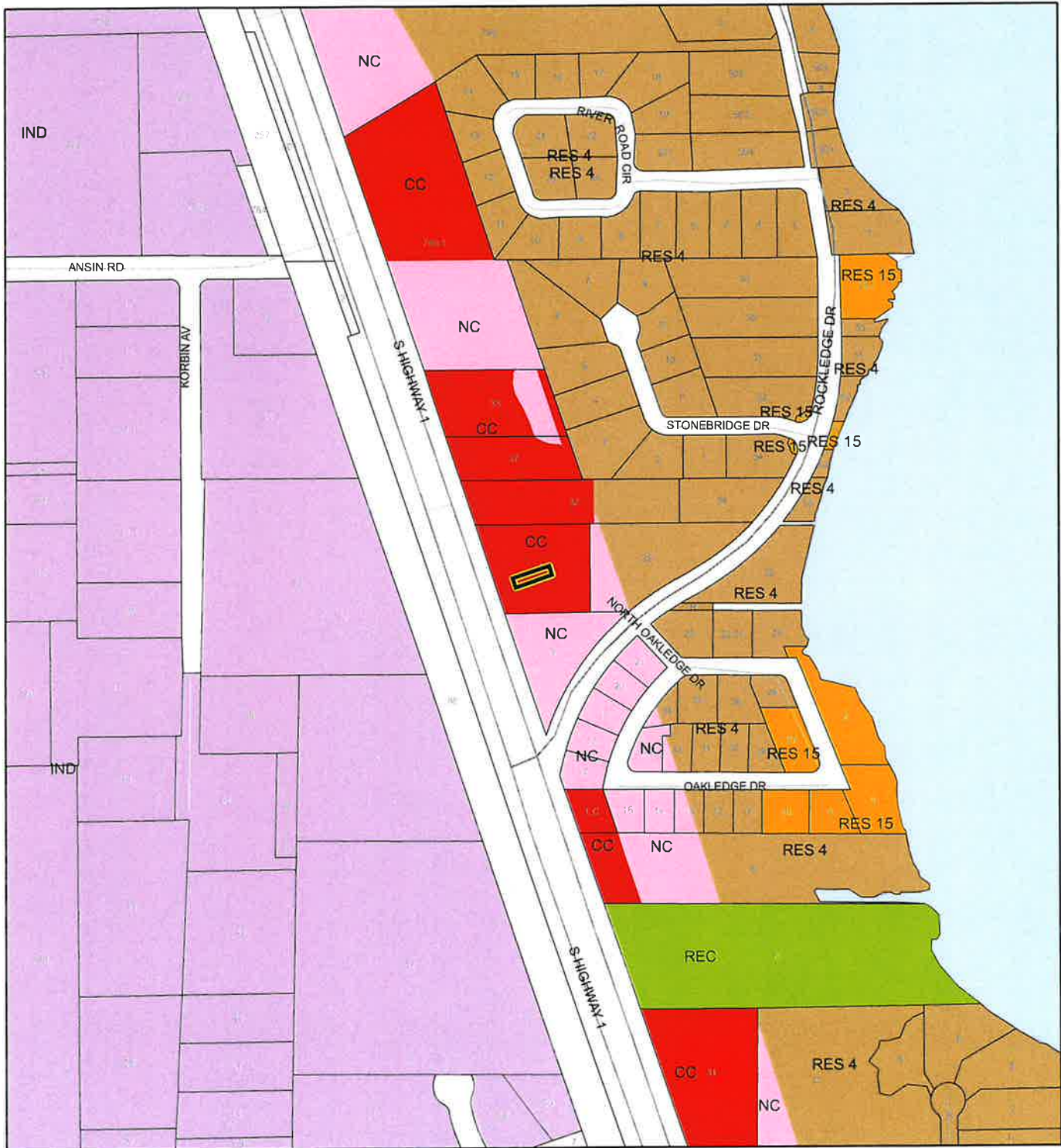
Subject Property

Parcels

Zoning

# FUTURE LAND USE MAP

5125 SOUTH LLC  
25Z00021



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

# AERIAL MAP

5125 SOUTH LLC

25Z00021



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

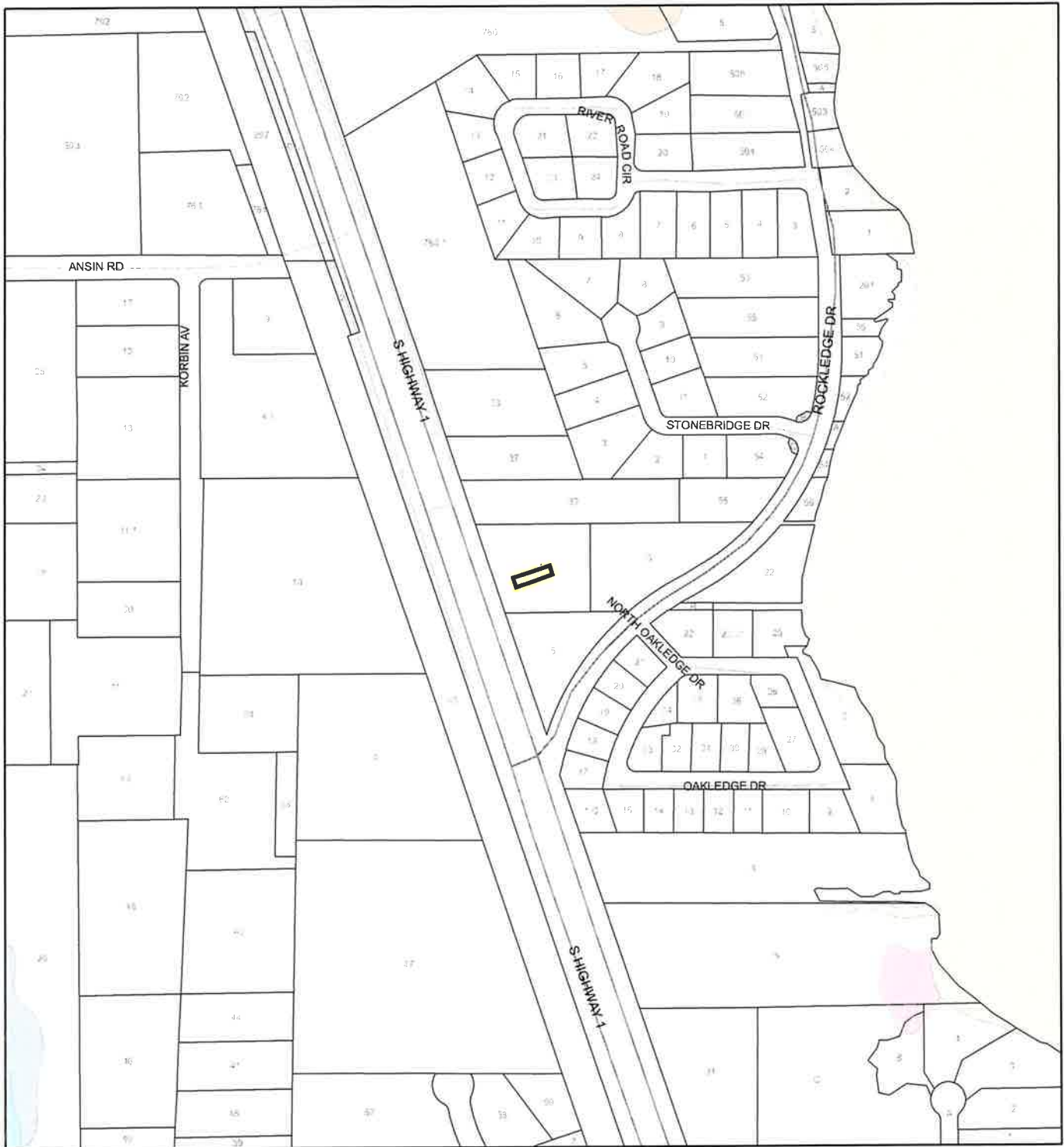
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— Subject Property  
□ Parcels

# NWI WETLANDS MAP

5125 SOUTH LLC  
25Z00021



1:4,800 or 1 inch = 400 feet

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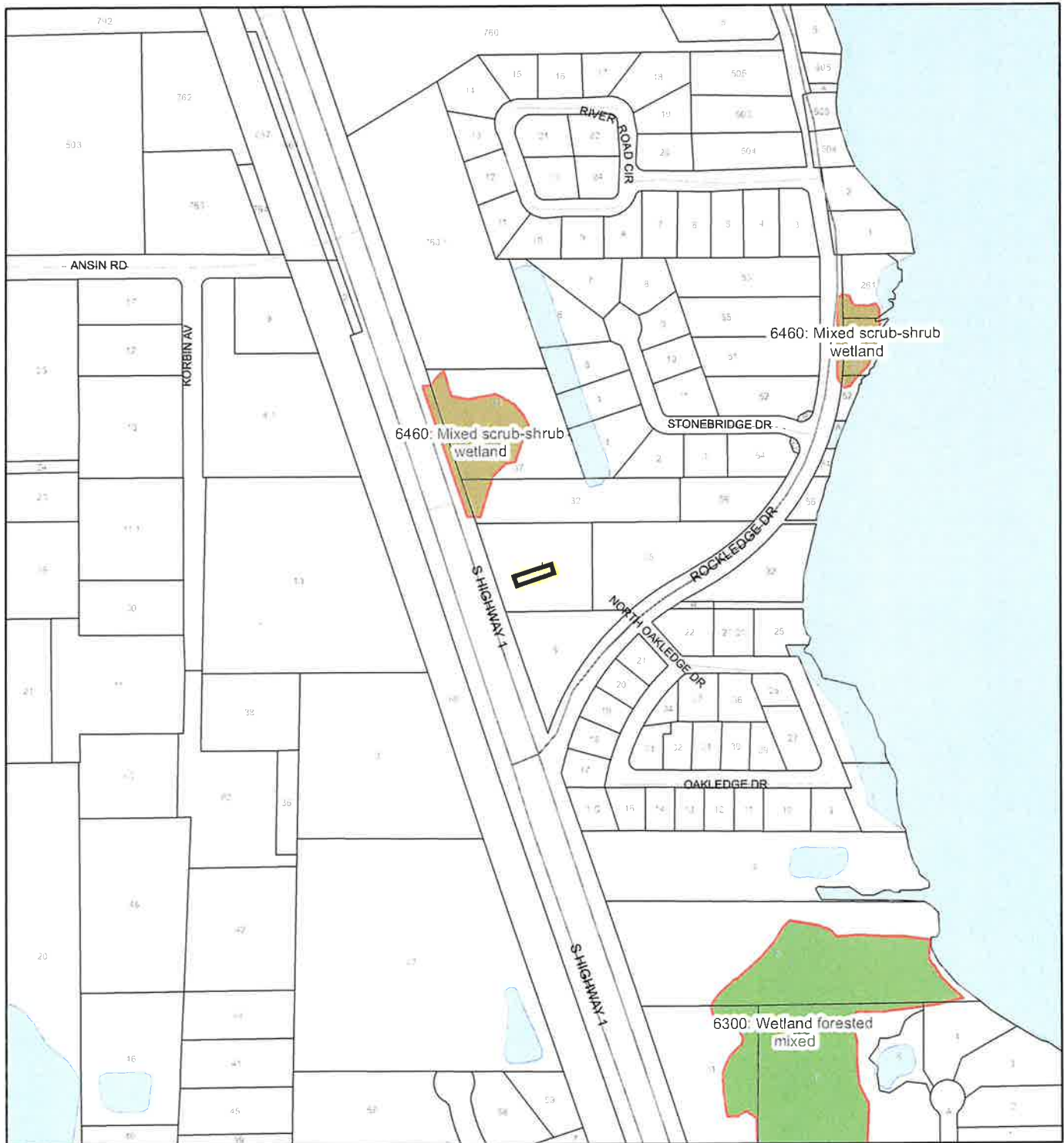
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## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

5125 SOUTH LLC  
25Z00021



1:4,800 or 1 inch = 400 feet

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## SJRWMD FLUCCS WETLANDS

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

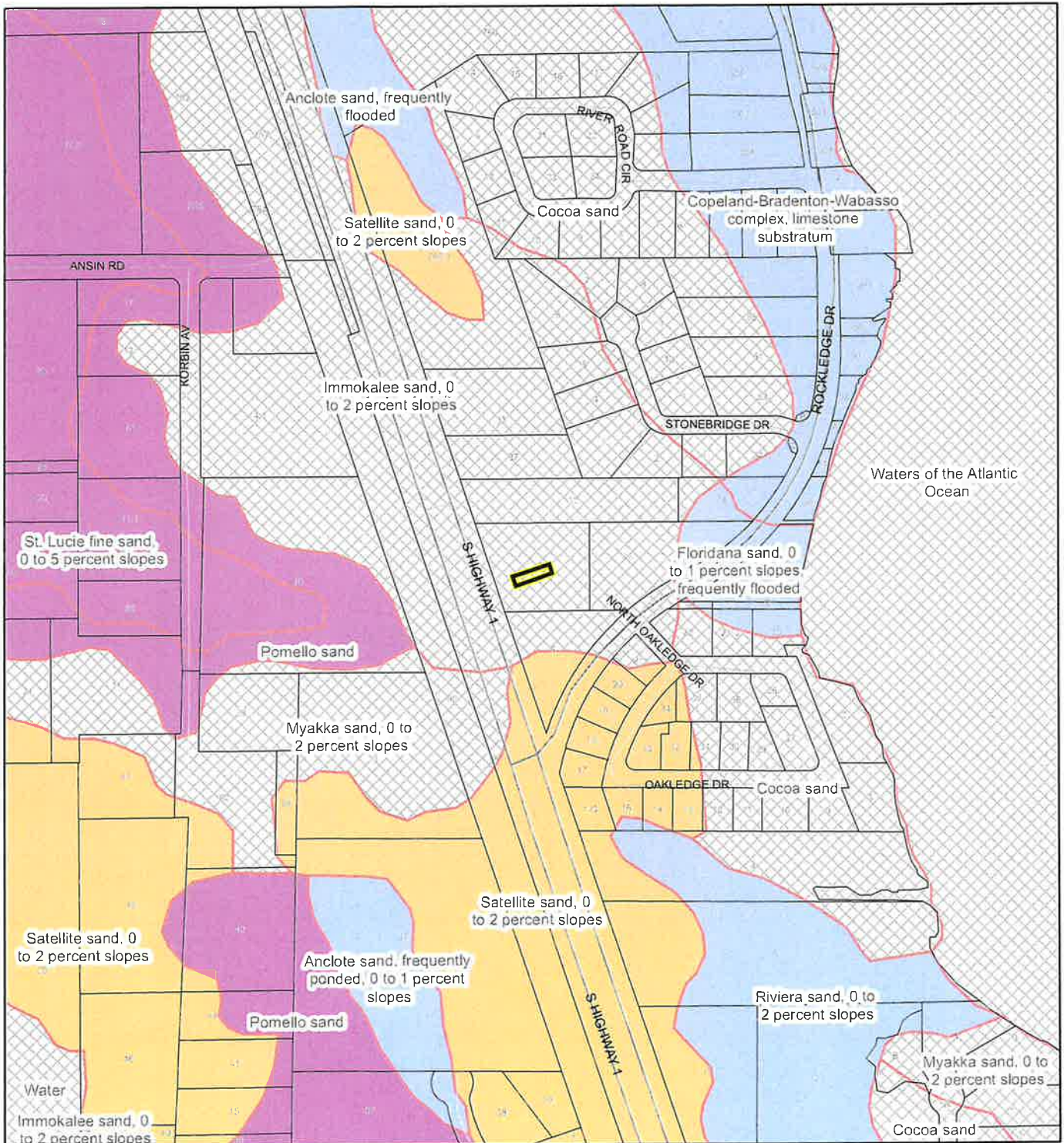
Subject Property

Parcels

# USDA SCSSS SOILS MAP

5125 SOUTH LLC

25Z00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/9/2025

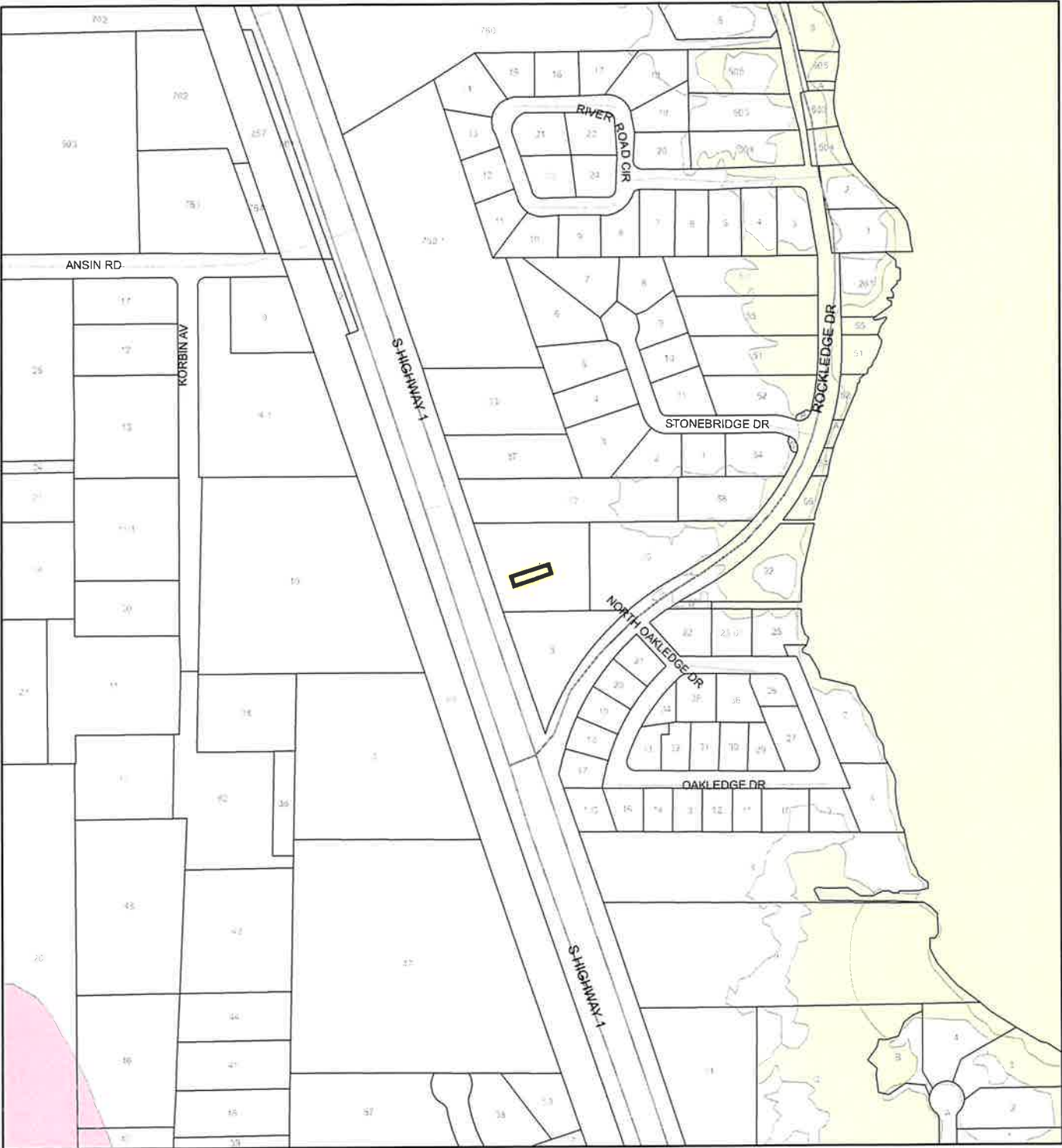
## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

5125 SOUTH LLC  
25Z00021



1:4,800 or 1 inch = 400 feet

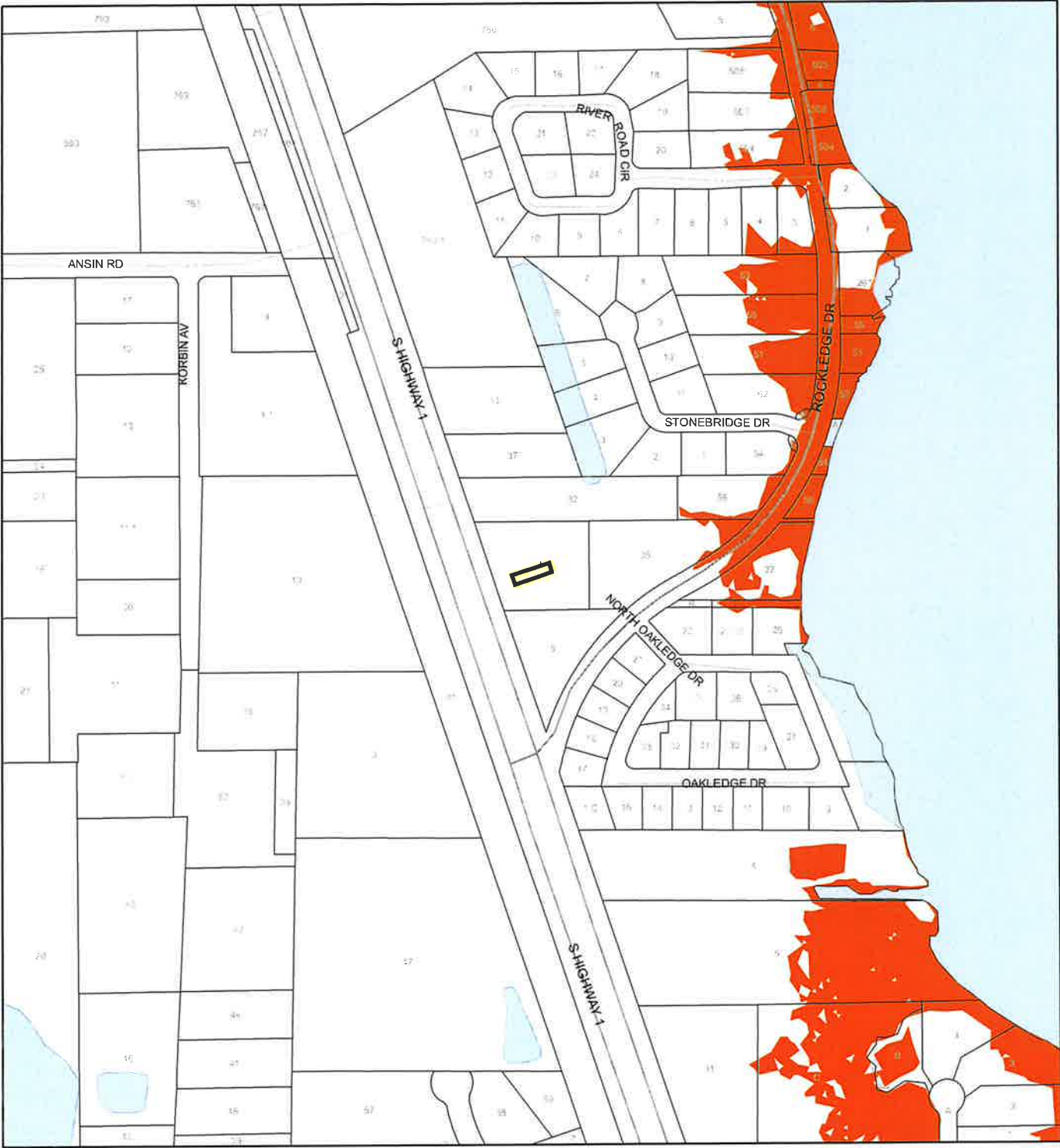
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FEMA Flood Zones		
A	AO	X
AE	Open Water	
AH	VE	
Subject Property		Parcels

COASTAL HIGH HAZARD AREA MAP

5125 SOUTH LLC  
25Z00021



1:4,800 or 1 inch = 400 feet

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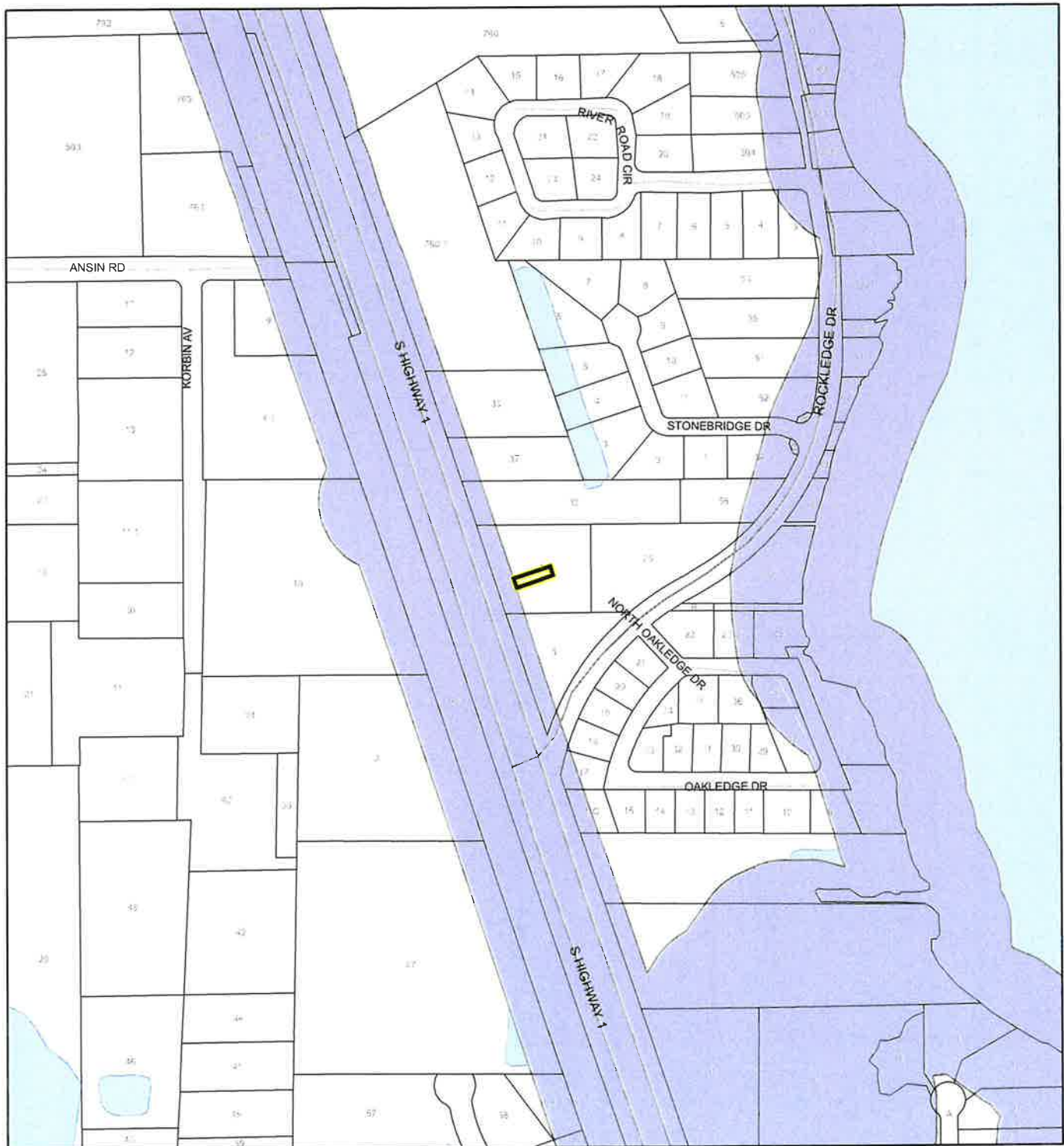
- Subject Property
- Parcels

Coastal High Hazard Area

- SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

5125 SOUTH LLC  
25Z00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/9/2025

Subject Property

Parcels

## Septic Overlay

40 Meters

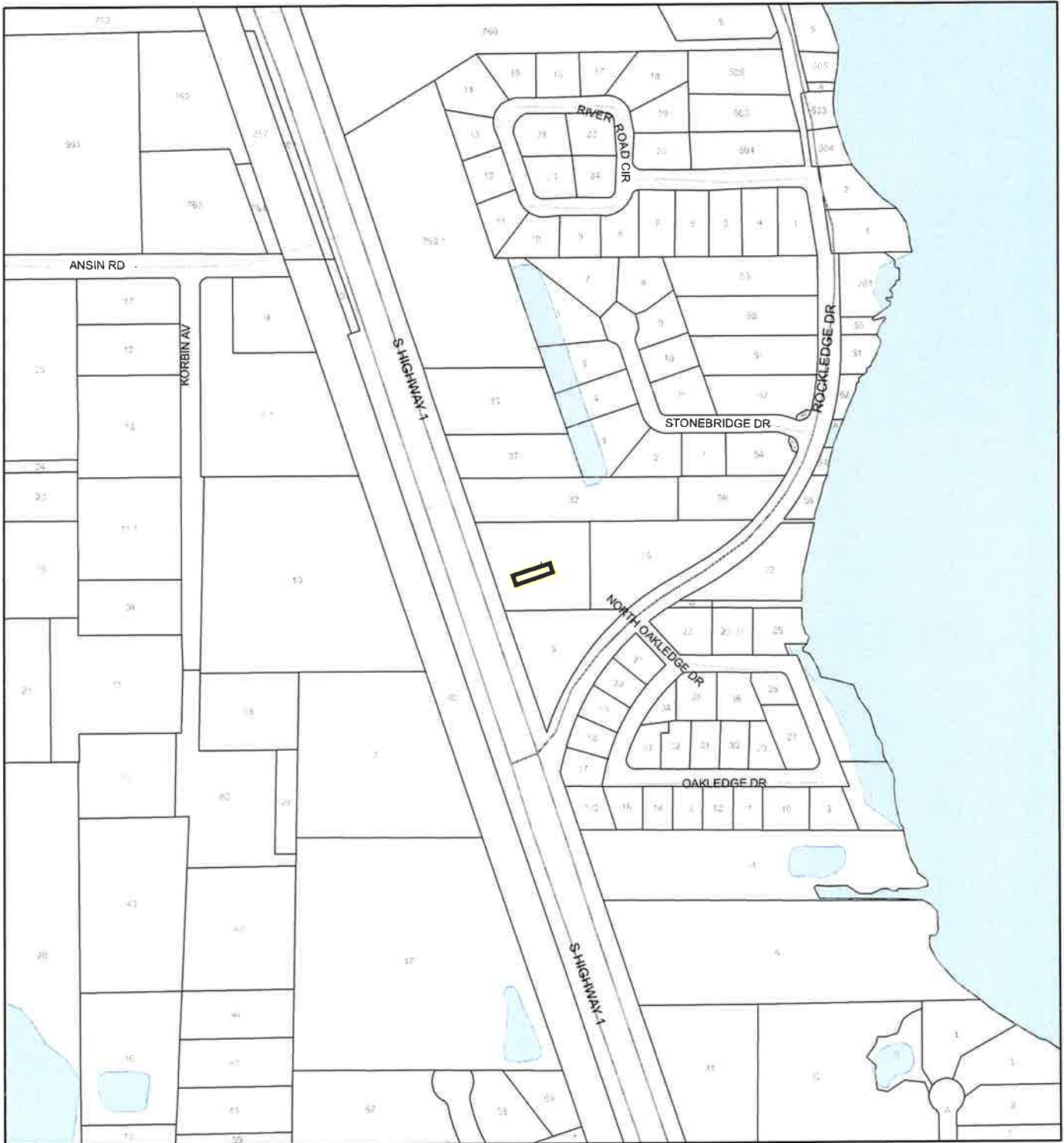
60 Meters

All Distances

# EAGLE NESTS MAP

5125 SOUTH LLC

25Z00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/9/2025

 Subject Property

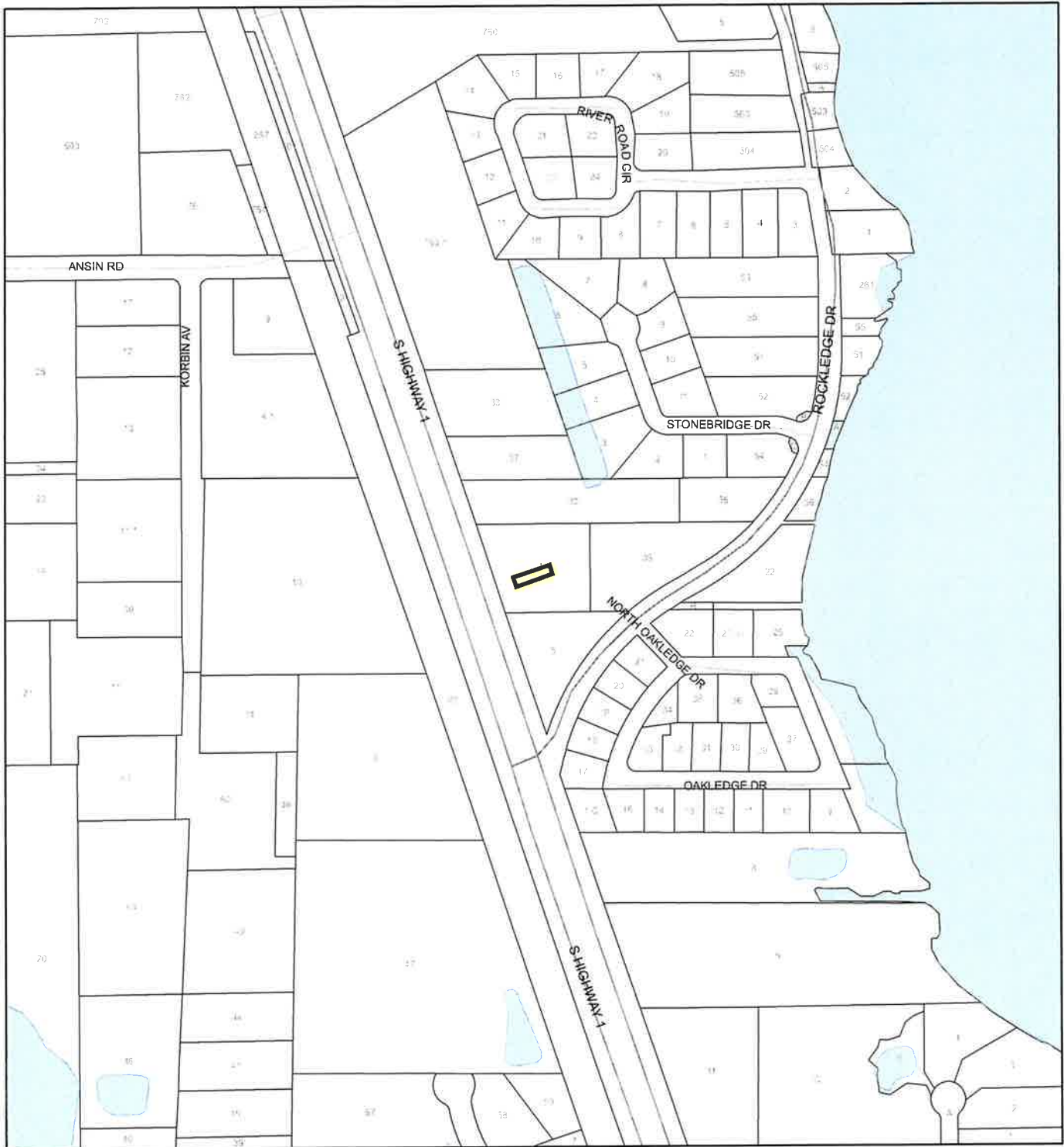
 Parcels



Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

5125 SOUTH LLC  
25Z00021




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/9/2025

 Subject Property

 Parcels

 Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

5125 SOUTH LLC  
25Z00021



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 7/9/2025

## SJRWMD FLUCCS Upland Forests

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

Subject Property  Parcels

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

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 18, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5) and Eric Michajlowicz (3).

Staff members present were Trina Gilliam, Zoning Manager; Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; and Jordan Sagosz, Operations Support Specialist.

### **Excerpt of complete agenda**

**Item H.9. 5125 South LLC (Arduino Cacciotti, Daniel Wasserman) requests a CUP for Alcoholic Beverages for on premises consumption accessory to a bar and game hall in Suite #3, in BU-1. (25Z00021) (Tax Account 2512007) (District 2)**

Trina Gilliam read item H.9. into the record.

The applicant was not present.

Mr. Hopengarten suggested continuing the item to the next meeting because he has questions about the parking.

Motion to continue the item to the September 15, 2025, meeting, by John Hopengarten, seconded by Eric Michajlowicz. Motion passed 12:1.

Meeting adjourned at 4:18 p.m.

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

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 15, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); Neal Johnson (D4); Robert Wise (D2); and Eric Michajlowicz (3).

Staff members present were Billy Prasad, Planning & Development Manager, Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### **EXCERPT OF COMPLETE AGENDA**

**H.5. 5125 South LLC (Arduino Cacciotti, Daniel Wasserman) requests a CUP for Alcoholic Beverages for on premises consumption accessory to a bar and game hall in Suite #3, in BU-1. (25Z00021) (Tax Account 2512007) (District 2) This application was continued at the August 18, 2025, P&Z meeting.**

Mr. Body read the application into the record.

The applicant was not present.

Mr. Prasad advised under our code; the P&Z board cannot continue it again. At this point we recommend the P&Z board does take some action. If you feel like the applicant's no presence would affect your decision, you may consider recommending denial of the application or however else the board may see fit.

Motion to recommend denial of item H.5. by Ron Bartcher, seconded by Eric Michajlowicz. Motion passed unanimously.

Meeting adjourned at 3:47 p.m.

### Board Meeting Date

10-2-25

Item Number: H-6 - Deny

Motion By: TG

Second By: KA

Nay By: \_\_\_\_\_

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
<del>Commissioner Altman</del>	<del>5</del>		
Chairman Feltner	4	✓	