



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.1.

4/2/2026

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### **Subject:**

SFT IV, LLC. and MOS 18, LLC. (Stephanie Harris) requests a CUP for Alcoholic Beverages for on-premises consumption in conjunction with a Tiki Bar, in an SR zoning classification. (25Z00060) (Tax Account 2862142) (District 3)

### **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 CUP (Conditional Use Permit) for Alcoholic Beverages for On- Premises Consumption in conjunction with a Tiki Bar, in an SR (Suburban Residential) zoning classification.

### **Summary Explanation and Background:**

The applicant's request is to receive approval for a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption for 4COP (full liquor, beer, and wine) as they would like to be authorized to provide alcoholic beverages along with food (for their resort hotel guests only) at the on-site tiki bar deck located on the east side of the property adjacent to the ocean. The subject property has been operating as a hotel since it was developed in 1958.

The previous owners of the subject property applied for and were granted administrative approval for the Pre-Existing Use of a resort hotel on May 2, 1995, under P-0025, as the hotel use is non-conforming to the SR single-family residential zoning.

North of the subject property is a 0.56-acre parcel, developed with a quad-plex, zoned SR with RES 2 FLU. South of the subject property is one parcel, 1.01 acres, undeveloped Federal property, zoned SR with PUB-CONS FLU. East of the subject property is the Atlantic Ocean. West of the subject property is Highway A1A, a state-maintained right-of-way. Two (2) SR zoned properties are located across Highway A1A within a platted subdivision with a RES 2 FLU on 0.22 acre and 0.25 acres in size and developed with single-family residences. There is a 0.04-acre parcel designated as Sandy Shoes West HOA common area that is also zoned SR with RES 2 FLU.

The Board may wish to consider if the request is consistent and compatible with the surrounding area, recognizing existing development trends. The Board may also consider whether additional operational requirements are appropriate. Pursuant to Section 62-1906, Brevard County Code of Ordinances, such

requirements include, but are not limited to, "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."

As the parcel is located with an Area of Critical State Concern, final approval of this application is subject to review by Florida Commerce, pursuant to Section 380.05, Florida Statutes.

On March 16, 2026, the Planning and Zoning Board considered the request and unanimously recommended approval with a BDP limiting the hours of operation to 1:00 p.m. to 6:00 p.m. The Board may wish to adopt this limitation and/or additional operational requirements of the CUP as allowed under Section 62-1906(5), Brevard County Code of Ordinances with the recordation of a Binding Development Plan.

**Clerk to the Board Instructions:**

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

**Resolution 25Z00060**

On motion by Commissioner Adkinson, seconded by Commissioner Feltner, the following resolution was adopted by a unanimous vote:

**WHEREAS, SFT IV, LLC., MOS 18, LLC., & Castle Hill Realty III Florida, LLC** requests a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption, accessory to a bar, on property described as Tax Parcel A.XA, as recorded in OR Book 10436, Page(s) 2816, of the Public Records of Brevard County, Florida. **Section 28, Township 28, Range 38.** (0.88 acres) Located on the east side of Highway A1A across from Sandy Shoes Dr (3455 Highway A1A, Melbourne Beach); and

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

**WHEREAS,** the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for the on-premises consumption of alcohol in conjunction with a Tiki Bar, in an SR zoning classification, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of April 02, 2026.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Thad Altman, Chair

Brevard County Commission

As approved by the Board on April 02, 2026.

ATTEST:

  
RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – March 16, 2026.

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

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

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

### **Administrative Policy 1**

The Brevard County zoning official, planners and the Director of the Planning and Development, 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**

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Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**25Z00060**

**SFT IV, LLC, Castle Hill Realty III Florida, LLC & MOS 18, LLC**

**A Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption,  
Accessory to a Bar**

Tax Account Number: 2862142  
Parcel I.D.s: 28-38-28-04-\*-A.XA  
Location: 3455 Highway A1A, Melbourne Beach, FL 32951 (District 3)  
Acreage: 0.88 acres

Planning & Zoning Board: 03/16/2026  
Board of County Commissioners: 04/02/2026

**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>                                              | SR with Pre Existing Use<br>(PEU) 25 for Resort Hotel | SR with PEU 25 for Resort<br>Hotel with CUP for 4COP On-<br>Premises Consumption |
| <b>Potential*</b>                                          | 16 units                                              | 16 units                                                                         |
| <b>Can be Considered under the<br/>Future Land Use Map</b> | Yes<br>Residential 2                                  | Yes<br>Residential 2                                                             |

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

**Background and Purpose of Request**

The applicant's request is to receive approval for a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption for 4COP (full liquor, beer, and wine) as they would like to be authorized to provide alcoholic beverages for their resort hotel guests only at the on-site tiki bar deck located on the east side of the property adjacent to the ocean. The subject property, located on the east side of Highway A1A, has been operating as a hotel since it was developed in 1958. The parcel is currently zoned SR with a RES 2 FLU designation.

The site has access to Highway A1A, a State-Maintained Right-of-Way.

The current configuration of the subject property was established with the recordation of the Plat of Resubdivision of Lot A of Clayton's Subdivision No. 1 in PB10, PG 23 of the Brevard County Official Records on April 6, 1950. The Declaration of Condominium of Sandy Shoes of Melbourne Beach is dated August 12, 2004, and recorded in ORB 5347, PG 6184.

The previous owners of the subject property applied for and were granted administrative approval for a Pre-Existing Use of a Resort Hotel on May 2, 1995, under **P-0025**, as the hotel use is non-conforming to the SR single-family residential zoning. SR zoning does not permit resort hotel uses.

A letter signed by the Planning and Zoning Director on November 3, 2003, stipulates that the conversion of the Sandy Shoes of Melbourne Beach, Inc. to a Resort Hotel Condominium is not consistent with the Zoning Code provisions, which identify this use as a motel that is zoned TU-1 (Tourist Use). However, the letter goes on to explain that the following conditions will result in the aforementioned ownership conversion remaining consistent with the Zoning Code; namely, the resort hotel shall remain licensed by the State as a hotel. Additionally, the sixteen (16) owners (one per unit) shall recognize that their unit (share in the condominium) shall not become a primary residence nor be occupied by one family or individual for more than three (3) months. Also, the motel's existing office shall be maintained as part of the function of the motel. Lastly, these terms should be established in the condominium documents and bylaws.

Pursuant to the "Brevard Barrier Island Area Protection Act," Chapter 2023-272, Section 383.0553, Florida Statutes, this parcel is located in the "Area of Critical State Concern". While the Legislation creating the Area of Critical State Concern does not affect existing zoning or use of land, the County is obligated to provide a copy of the application development approvals and/or Building Permits to Florida Commerce (formally known as the Florida Department of Economic Opportunity) to review for consistency with the adopted legislation. Any applications will be forwarded to the State for their 45-day review period.

As of February 6, 2026, there are no open code enforcement actions on the property.

### **Zoning History:**

General Use (GU) was the original zoning classification on the property when the zoning code was established in May 1958.

On April 3, 1969, the property had an approved rezoning under **Z-2412**, from GU to RU-3.

On August 02, 1973, the property had an administrative reclassification under **Ord. 73-13** from RU-3 to RU-2-10 zoning classification.

On February 7, 1974, the property had an approved rezoning under **Z-3551**, from RU-2-10 to TU-1 w/ cap of 20 units.

On February 27, 1995, under **Z-9470C**, the property was administratively rezoned from TU-1 (20) to SR.

## Surrounding Area

|              | Existing Use                                                           | Zoning  | Future Land Use |
|--------------|------------------------------------------------------------------------|---------|-----------------|
| <b>North</b> | Duplex                                                                 | SR      | RES 2           |
| <b>South</b> | Undeveloped Federal property                                           | SR      | PUB-CONS        |
| <b>East</b>  | Atlantic Ocean                                                         | N/A     | N/A             |
| <b>West</b>  | Highway A1A, single-family residence, Sandy Shoes West HOA common area | SR, ROW | RES 2, ROW      |

North of the subject property is a 0.56-acre parcel, developed with a duplex, zoned SR with RES 2 FLU.

South of the subject property is one parcel, 1.01 acres, undeveloped Federal property, zoned SR with PUB-CONS FLU.

East of the subject property is the Atlantic Ocean.

West of the subject property is Highway A1A, a state-maintained right-of-way. Two (2) SR zoned properties are located across Highway A1A within a platted subdivision with a RES 2 FLU on 0.22 acre and 0.25 acres in size and developed with single-family residences. There is a 0.04-acre parcel designated as Sandy Shoes West HOA common area that is also zoned SR with RES 2 FLU.

The SR zoning classification encompasses lands devoted to single-family residential development of relatively spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

## Land Use

The subject property currently has a RES 2 (Residential 2) Future Land Use designation as provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The SR zoning classification can be considered consistent with the RES 2 FLU designation.

## Applicable Land Use 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;

**Traffic from the proposed development will not have an impact on the surrounding area, and the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The corridor is anticipated to operate at 62% of capacity daily. The maximum development potential from the proposed CUP does not increase the percentage of MAV utilization since the proposed use is intended for the use of the hotel guests only.**

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

**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."**

- 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 three (3) FLU designations within a half-mile radius of the subject property. They include Residential 2 (RES 2), Public Conservation (PUB-CONS), and Recreation (REC). Res 2 is the predominant FLU designation in the area.**

**The existing pattern is a mixture of single-family residential, multi-family, and public conservation properties. Properties on the east side of Highway A1A are adjacent to the ocean. The hotel use on the subject property was developed in 1958, and the adjacent duplex residential property to the north was developed in 1950. A single-family residential subdivision is located on the west side of Highway A1A directly across from the subject property that was platted in 1949, developed with 22 properties ranging in size from approximately 0.14 acres to 0.25 acres. There are two (2) large parcels on the west side of Highway A1A south of the aforementioned residential subdivision, each approximately 1.75 acres in size and zoned for single-family residential uses. There is a large public-conservation property to the south of the subject property on both sides of Highway A1A, totaling approximately 50 acres.**

**There are five (5) zoning classifications: SR, GML, EU-2, RU-1-9, and PUD within the 0.5-mile radius of the subject property, with the predominant zoning classification being GML.**

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.

**There has been no 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.

**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.

**The Sandy Shoes Resort hotel condominium has been operating at this location since 1958 according to the BCPAO. The requested CUP is for guests of the property only and is not anticipated to create a deficiency in LOS.**

- 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 or subdivision but is located directly on Highway A1A between Marlen Dr. and Fifth St.**

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 use of the property is non-conforming and predates surrounding development, but it will not preclude the existence of adjacent properties multi-family and single-family residential uses in the area.**

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.

**The subject parcel is located directly on Highway A1A, which has a mixture of public conservation, single-family residential, and multi-family residential uses abutting the roadway. There have been no commercial, industrial or non-residential uses approved in the area in the previous five (5) years.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Highway A1A (S.R. A1A) between Marlen Rd. and Fifth St., which has a Maximum Acceptable Volume (MAV) of 14,000 trips per day, a Level of Service (LOS) of D, and currently operates at 62.0% of capacity daily. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 0.0%. The Highway A1A (S.R. A1A) corridor is anticipated to operate at 62.0% 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 Brevard County Utilities for centralized sewer and the City of Melbourne for potable water.

### **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) of the Brevard County Code of Ordinances 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 to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1906.

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 which states that there are no churches or schools within 400 feet of the front door of the resort hotel to the lot line of a school or church.**

- 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: The Sandy Shoes Resort Hotel Condominium has operated since approximately 1958, based on data from the BCPAO, and now seeks a CUP for a full liquor, beer, and wine (4COP) license for Alcoholic Beverages for On-Premises Consumption to provide beverages for registered short term rental guests and only operate between 2 pm and sunset.**

### **General Standards of Review**

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

*Applicant's Response: The proposed conditional use will not result in a substantial or adverse impact on adjacent or nearby properties. The use is limited exclusively to registered short term rental guests. All activities take place on existing deck between 2pm-sunset.*

**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 A1A traffic Level of Service (LOS).**

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

*Applicant's Response: The proposed use will be compatible with the character of the surrounding residential properties because it is limited exclusively to guests already staying on property and does not introduce additional outside traffic, noise, or activity. The use is restricted to existing deck during 2pm to sunset minimal impact on neighbors. No changes to building size, setback, or parking proposed.*

**Staff analysis: North of the subject property is a parcel developed with a duplex and single-family residential properties across Highway A1A to the west. The proposed use is not anticipated to generate additional traffic. The proposed CUP must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. Brevard County Code of Ordinances within Chapter 6, Section 6-3, allows for the sale of alcohol to potentially be 24 hours a day, 7 days a week.**

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 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 cause a substantial diminution in the value of abutting residential property. Activity is limited to registered guests only during 2pm to sunset.*

**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 are fully adequate to serve the proposed use without burdening adjacent or nearby properties because the use is limited to guests already staying at the short-term rental. No new or additional traffic will be generated.*

**Staff analysis: This property has ingress and egress directly on Highway A1A. The property already has the tiki bar and is only serving guests of the property. There is no anticipated increase in traffic or deficiency in LOS.**

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

*Applicant's Response: The proposed use will not generate noise, glare, odors, smoke, fumes, or other emissions that would interfere with the use or enjoyment of adjacent or nearby properties. The activity is limited to normal residential behavior by registered guests only.*

**Staff analysis: The proposed use 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. Brevard County Code of Ordinances within Chapter 6, Section 6-3, allows for the sale of alcohol to potentially be 24 hours a day, 7 days a week.**

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

*Applicant's Response: The proposed use will comply with all applicable noise regulations described in Section 62-2271.*

**Staff analysis: The proposed CUP does include an outdoor deck abutting the ocean. The applicant has stated that they will comply with all noise levels within Section 62-2271 of Brevard County Code.**

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

*Applicant's Response: The proposed conditional use will not cause the adopted level of service for solid waste disposal to be exceeded.*

**Staff analysis: The adopted level of service for solid waste disposal is not anticipated to be affected.**

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

service, to be exceeded by the proposed use.

*Applicant's Response: The proposed conditional use will not cause the adopted level of service for potable water or wastewater to be exceeded. All activity is limited to registered guests.*

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

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 is fully compatible with residential surroundings and will not create substantial adverse impacts requiring additional buffering. The activity is confined to the existing deck and property layout.*

**Staff analysis: The property must continue to meet the Brevard County Performance Standards. The adjacent north property has vegetation already in place along the property boundary that can be perceived as a vegetative buffer. The property is bordered by the Atlantic Ocean to the east and vacant land owned by the Federal Government to the south.**

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: No exterior signage is proposed, and no new lighting will be installed as part of the conditional use. Existing residential lighting on property will be sufficient and remain shielded downward.*

**Staff analysis: Any new signage or lighting 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 hours of operation will be fully consistent with the residential character of the surrounding neighborhood. Use of the deck area between 2pm-sunset.*

**Staff analysis: The hours of operation appear to be in line with the Brevard County Code requirements. However, Brevard County Code of Ordinances within Chapter 6, Section 6-3, allows for the sale of alcohol to potentially be 24 hours a day, 7 days a week.**

**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 proposed use does not include any new structures or modifications to building height.*

**Staff analysis: The establishment is a two-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.

*Applicants' Response: No additional parking or loading areas are required or proposed.*

**Staff analysis: It is not anticipated to have any new additions or alterations to increase patronage. At the time of establishment in 1958, the subject property met the parking requirements of 1 space per room based on the 1958 zoning code. Any changes to the property in the future requiring a site plan would require the site to meet the requirements of today's standards.**

### **Environmental Constraints**

No formal review by the Natural Resources Management Department is required for a CUP for on-premises consumption of alcoholic beverages. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **For Board Consideration**

The Board should consider (1) the compatibility of the proposal to for a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption for a 4COP (full liquor, beer, and wine) license, and (2) the Board may consider whether any additional operational requirements should be placed upon the subject property are appropriate, as outlined in Section 62-1906(5).

SPECIFIC PURPOSE SURVEY  
**LIQUOR STORE**  
3455 HIGHWAY A1A, MELBOURNE, FL 32951  
BREVARD COUNTY, FLORIDA

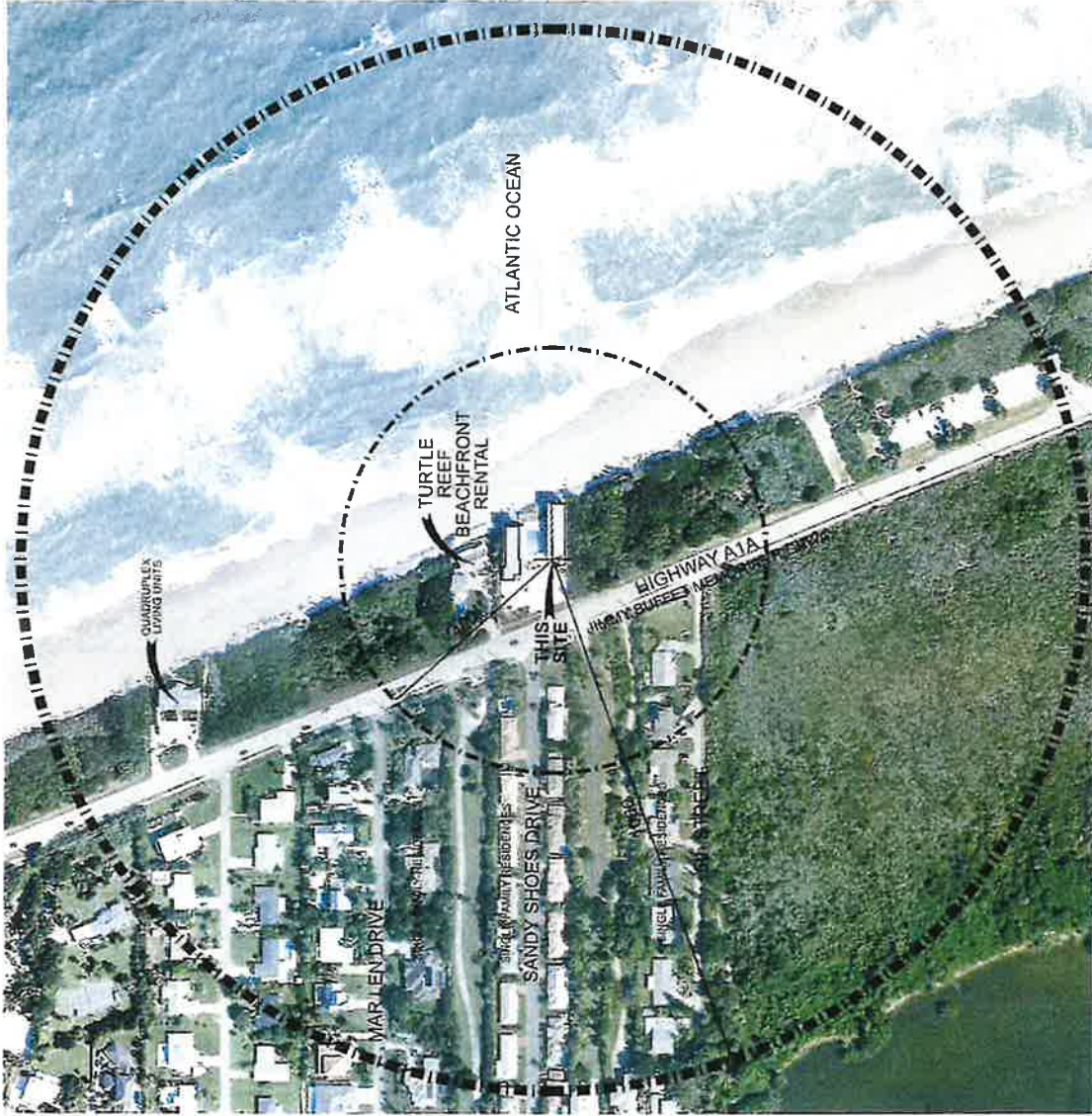
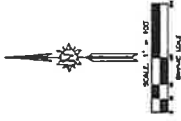


PROJECT  
**ECS2535**  
TASK 2

12/04/2025

JOHN B. JLC

SCALE 1" = 200'



SPECIAL NOTE:  
THERE ARE NO EXISTING PLANS OF RECORD OR RECORDS OF THE PLACE OF BUSINESS INTENDED TO BE SURVEYED.

SURVEY NOTES:  
NO SURVEYING OR SURVEYING EQUIPMENT WAS USED FOR THIS SURVEY. THE SURVEY WAS CONDUCTED BY THE SURVEYOR AND THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.

1. THE SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SIGNED SEAL OF A LICENSED SURVEYOR AND A NOTARY.

2. THE SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SIGNED SEAL OF A LICENSED SURVEYOR AND A NOTARY.

CERTIFICATE:  
I, THE SURVEYOR, CERTIFY THAT THE SURVEY WAS CONDUCTED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA.



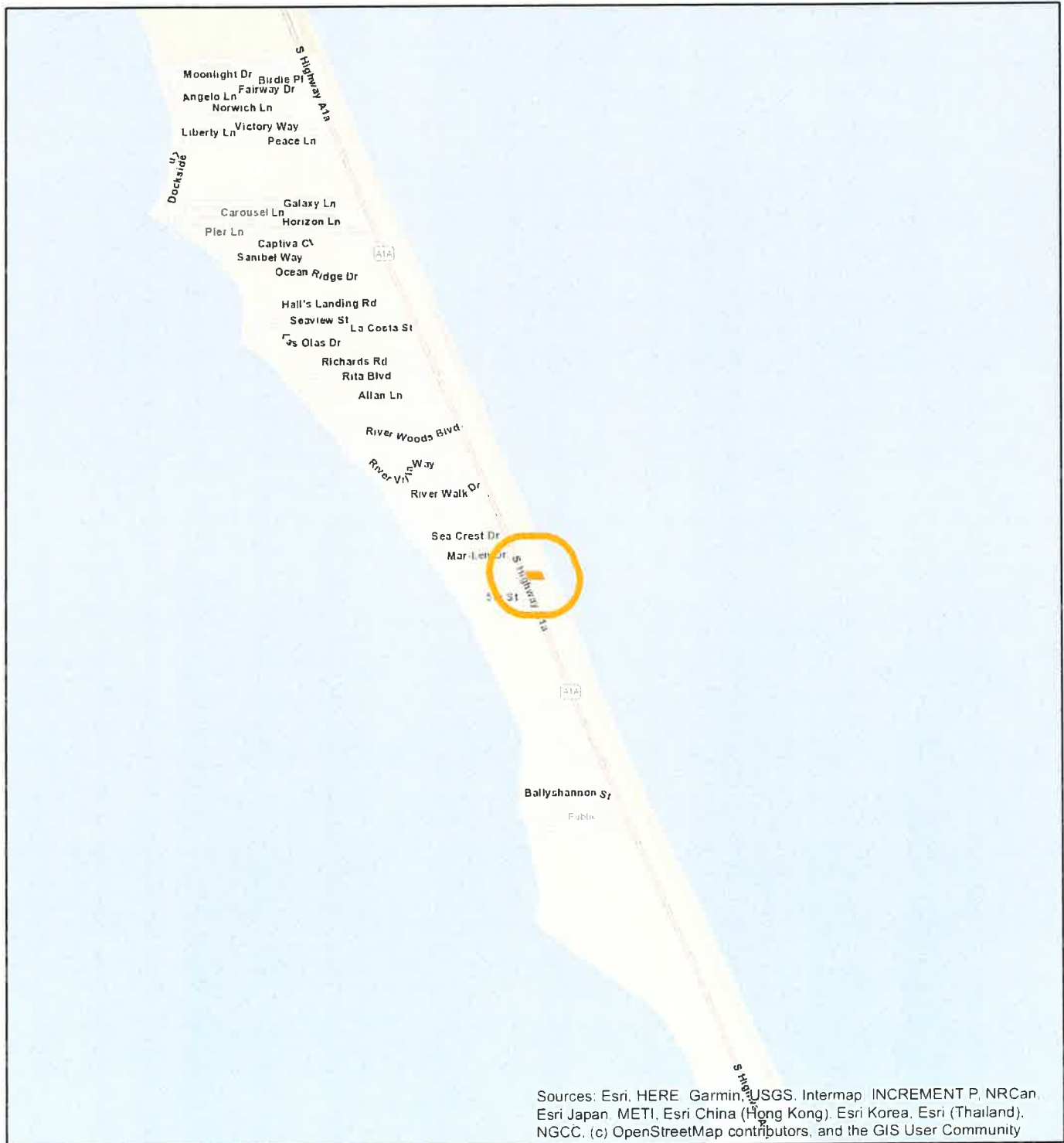
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ROCHA  
Date: 2025.12.04 10:01:46  
0500  
Public Key Infrastructure  
2025.001.20337

JAVIER DE LA ROCHA  
REGISTERED SURVEYOR AND MEASURER NO. 8880  
FLORIDA SURVEYING BOARD, INC. (FLSB)  
STATE SURVEYING BOARD OF FLORIDA

# LOCATION MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



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

Buffer Distance: 500 feet

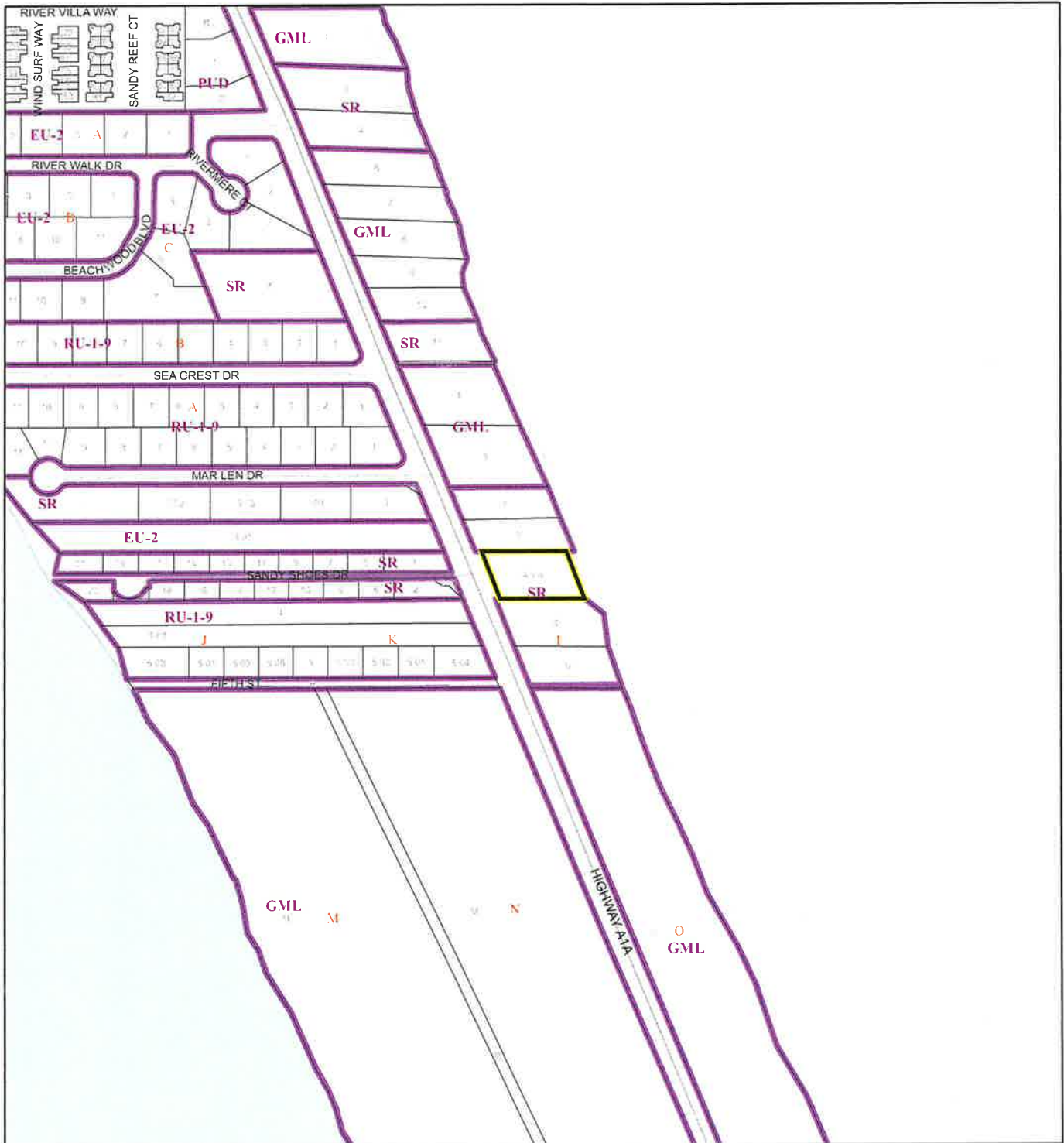
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/15/2025

- Buffer
- Subject Property

# ZONING MAP

SFT IV, LLC & MOS 18, LLC  
25Z00060



1:4,800 or 1 inch = 400 feet

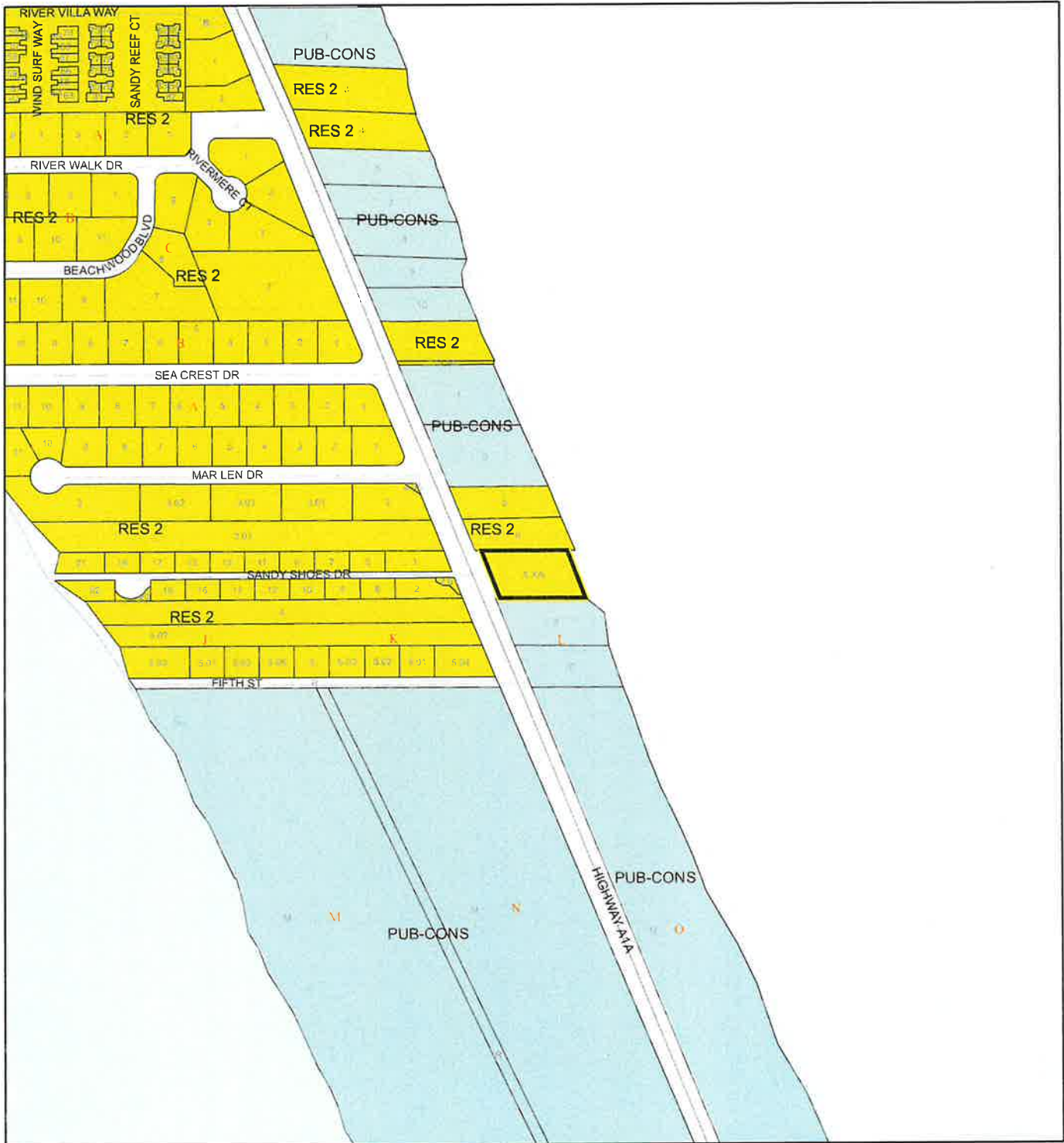
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Produced by BoCC - GIS Date: 12/15/2025

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

SFT IV, LLC & MOS 18, LLC  
25Z00060



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

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AERIAL MAP  
SFT IV, LLC & MOS 18, LLC  
25Z00060



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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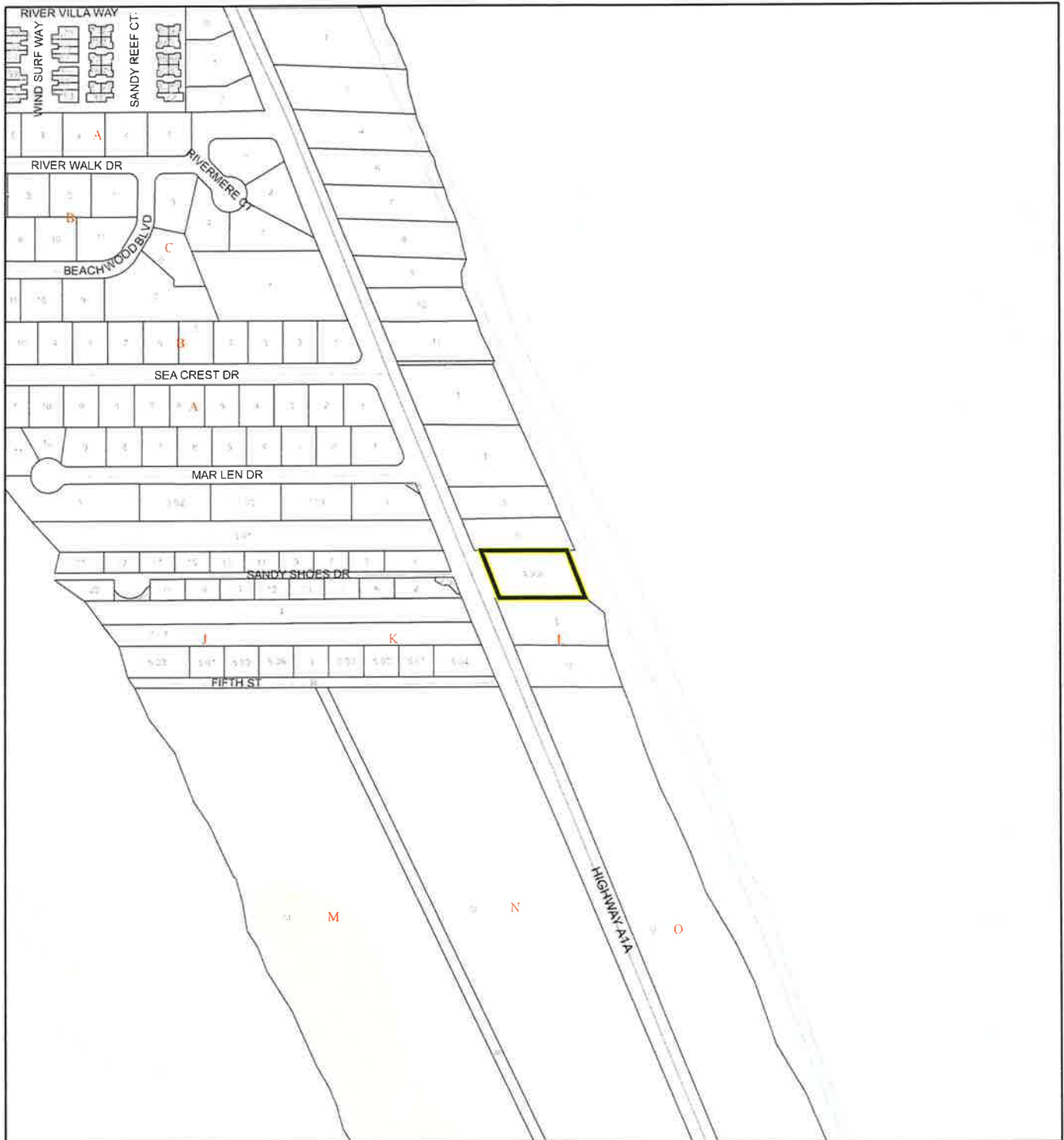
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 Subject Property  
 Parcels

# NWI WETLANDS MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



1:4,800 or 1 inch = 400 feet

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## National Wetlands Inventory (NWI)

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

# SJPWMD FLUCCS WETLANDS - 6000 Series MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



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

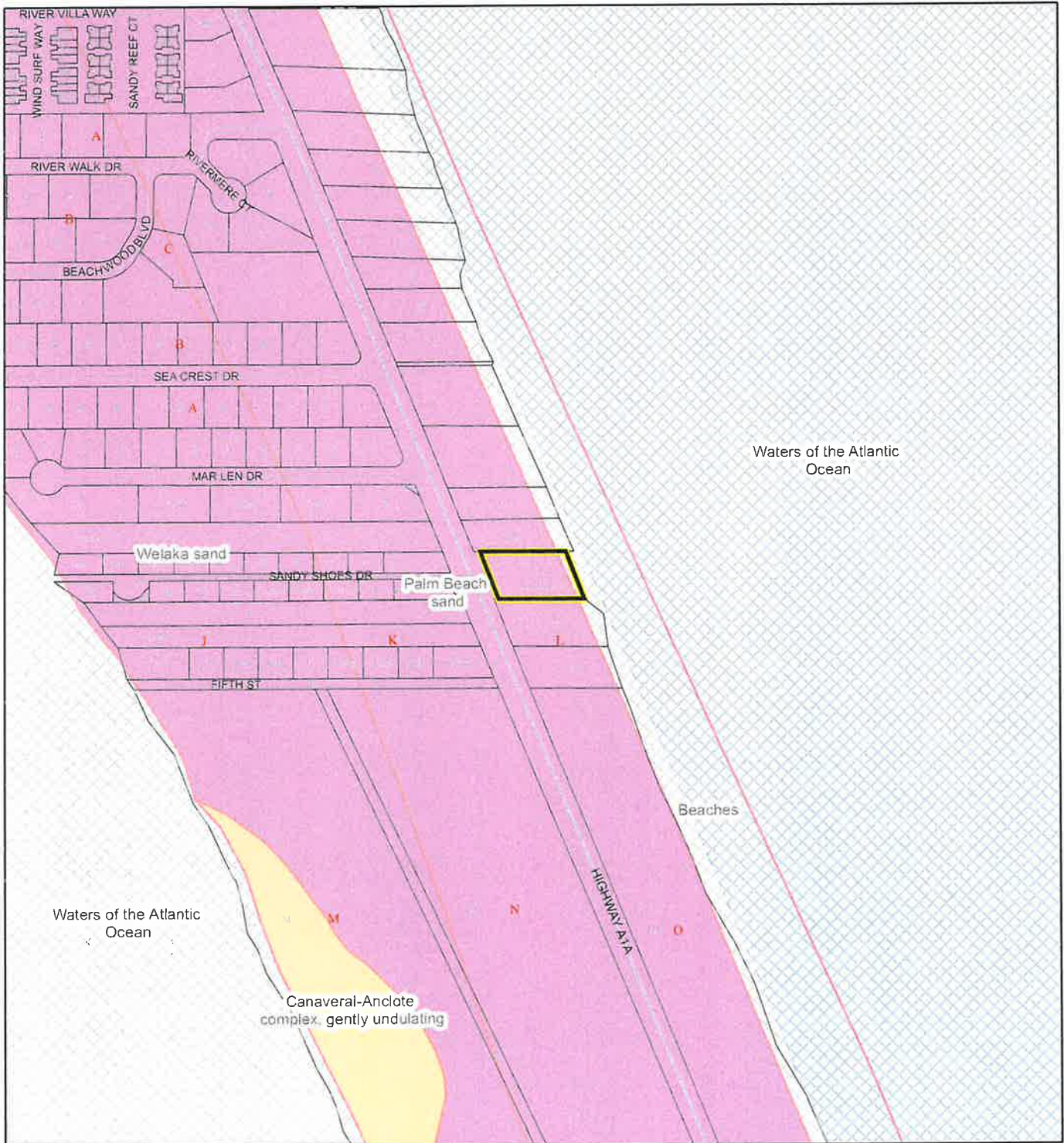
Subject Property

Parcels

# USDA SCSSS SOILS MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



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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## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

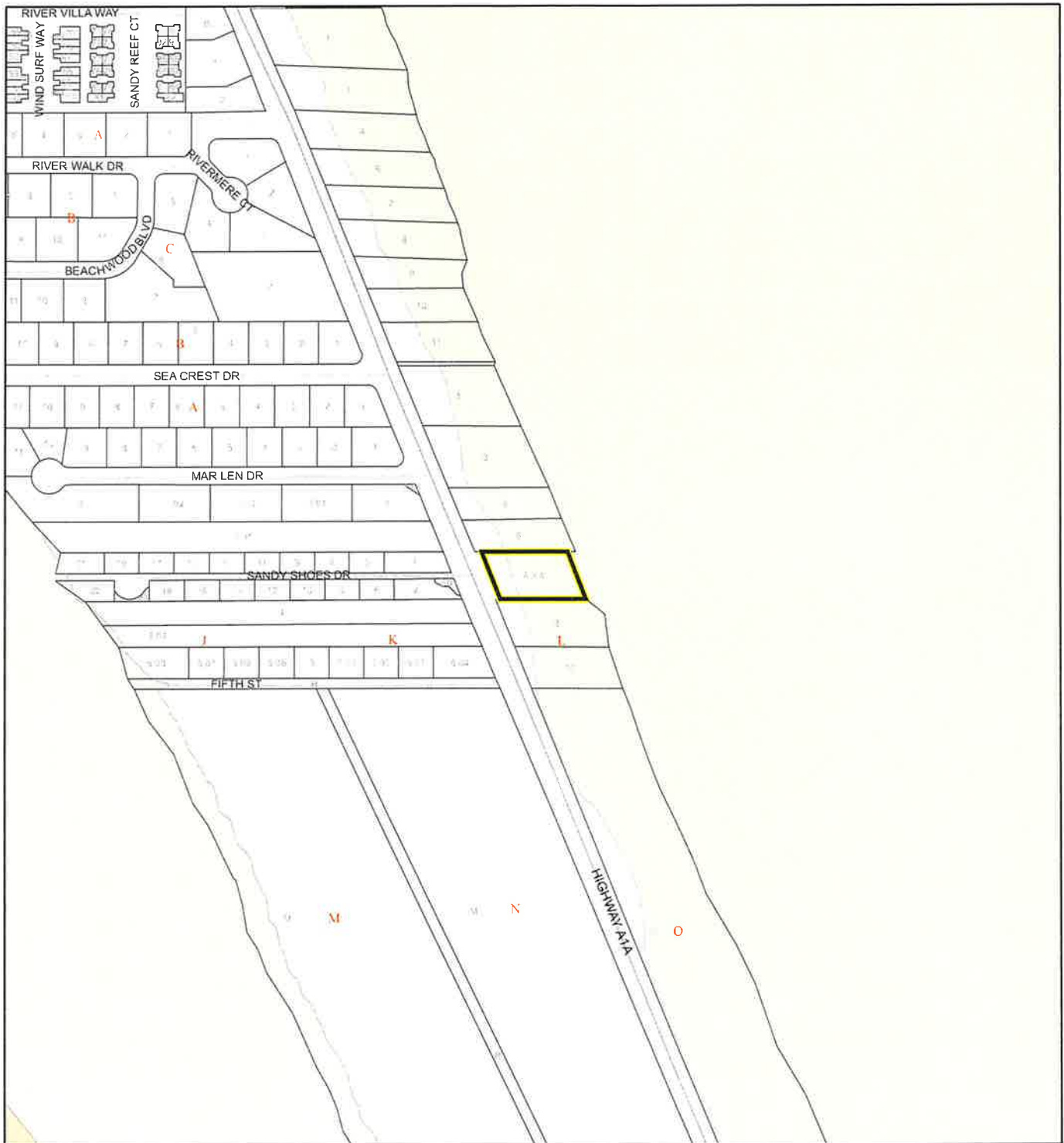
Subject Property

Parcels

# FEMA FLOOD ZONES MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/15/2025

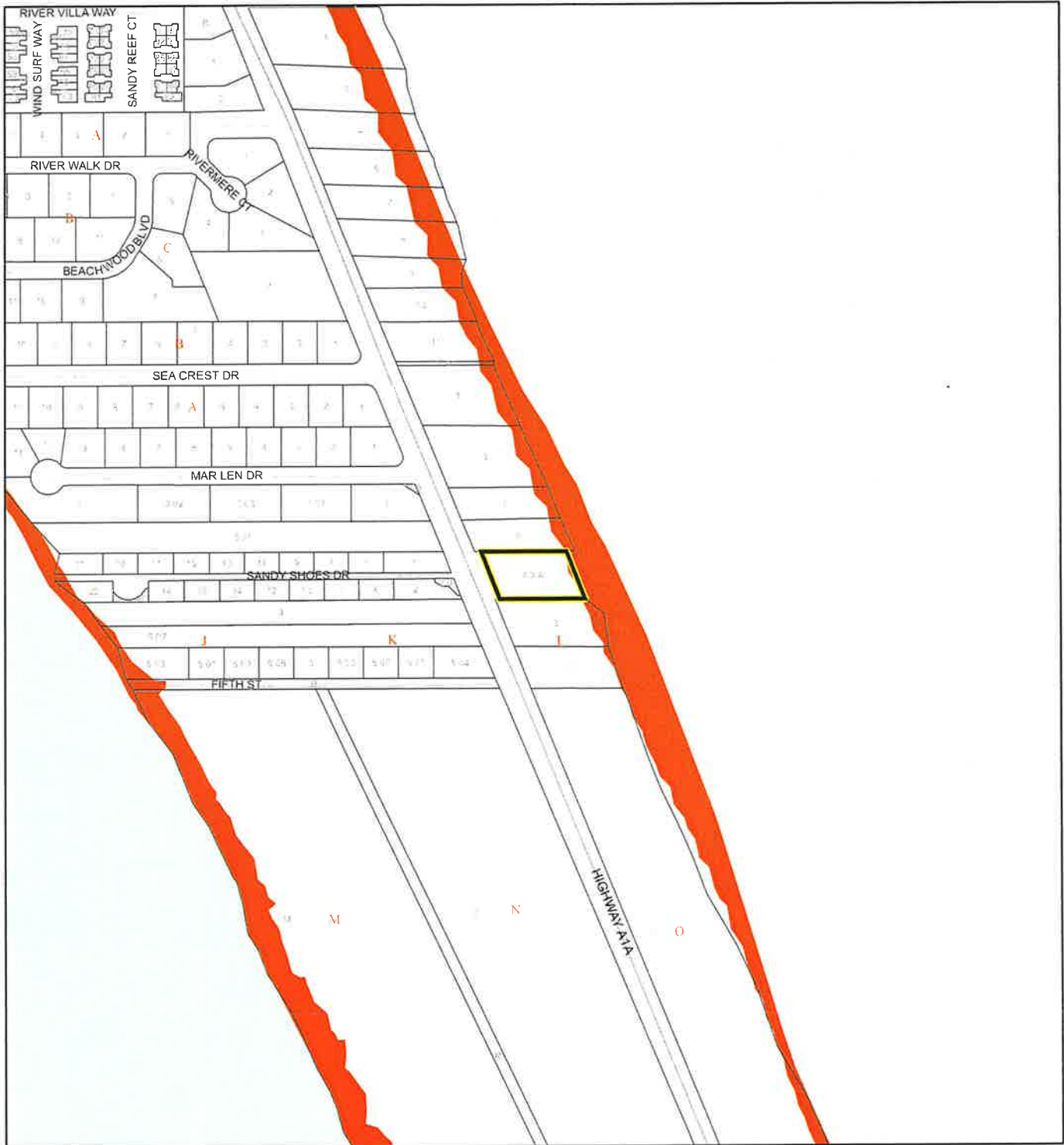
## FEMA Flood Zones

|                  |            |   |
|------------------|------------|---|
| A                | AO         | x |
| AE               | Open Water |   |
| AH               | VE         |   |
| Subject Property | Parcels    |   |

# COASTAL HIGH HAZARD AREA MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

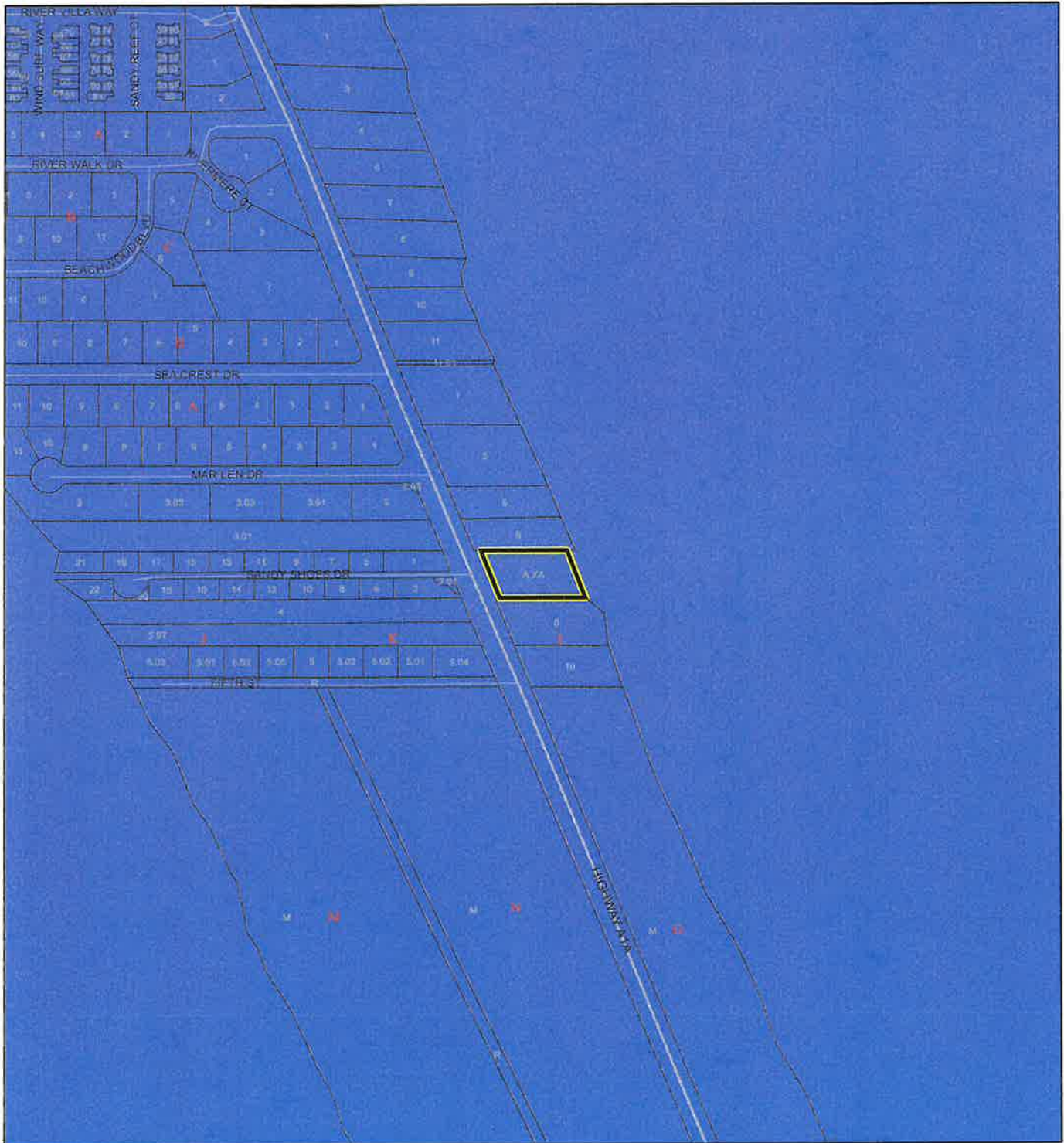
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

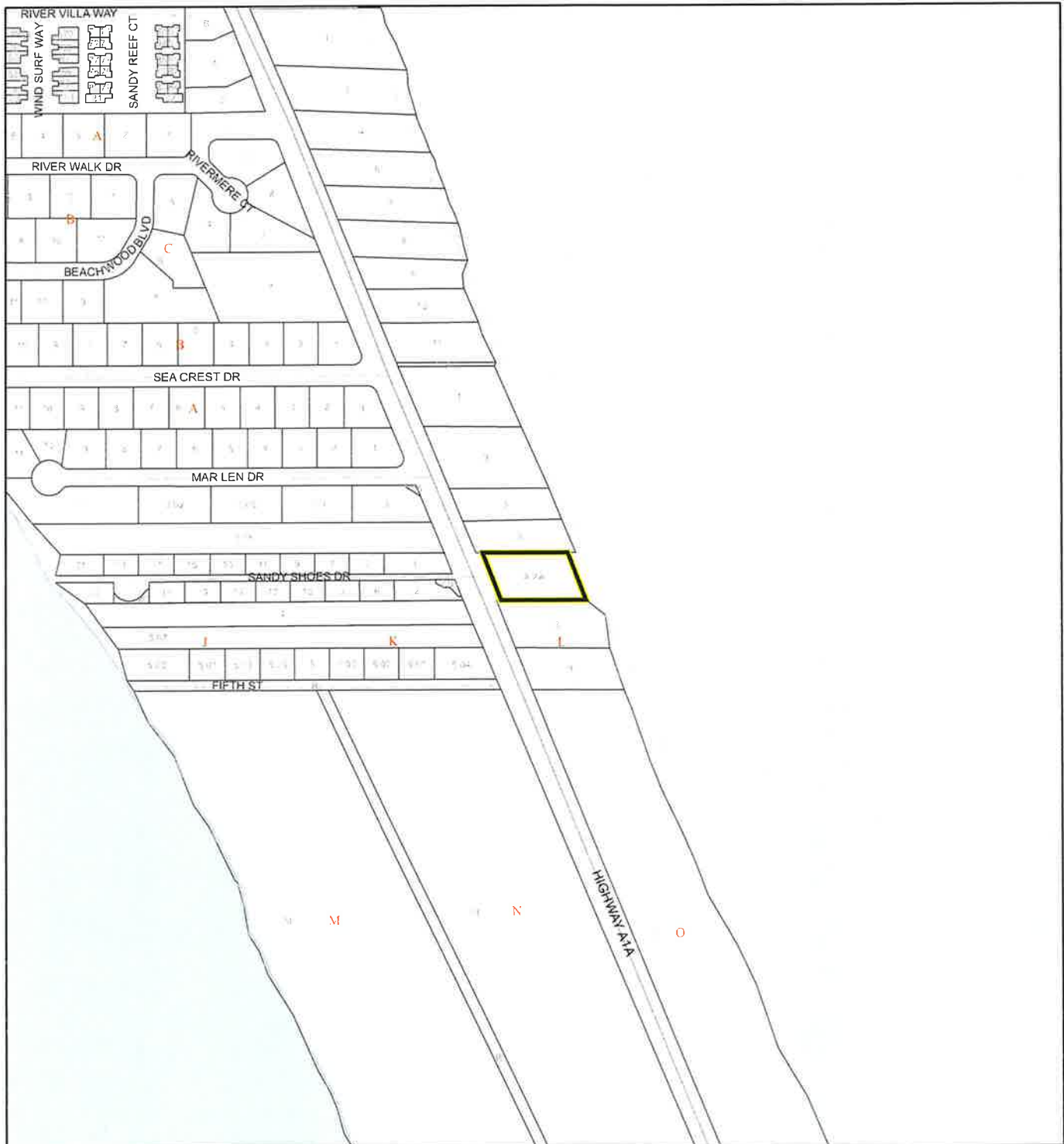
□ 60 Meters

■ All Distances

# EAGLE NESTS MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

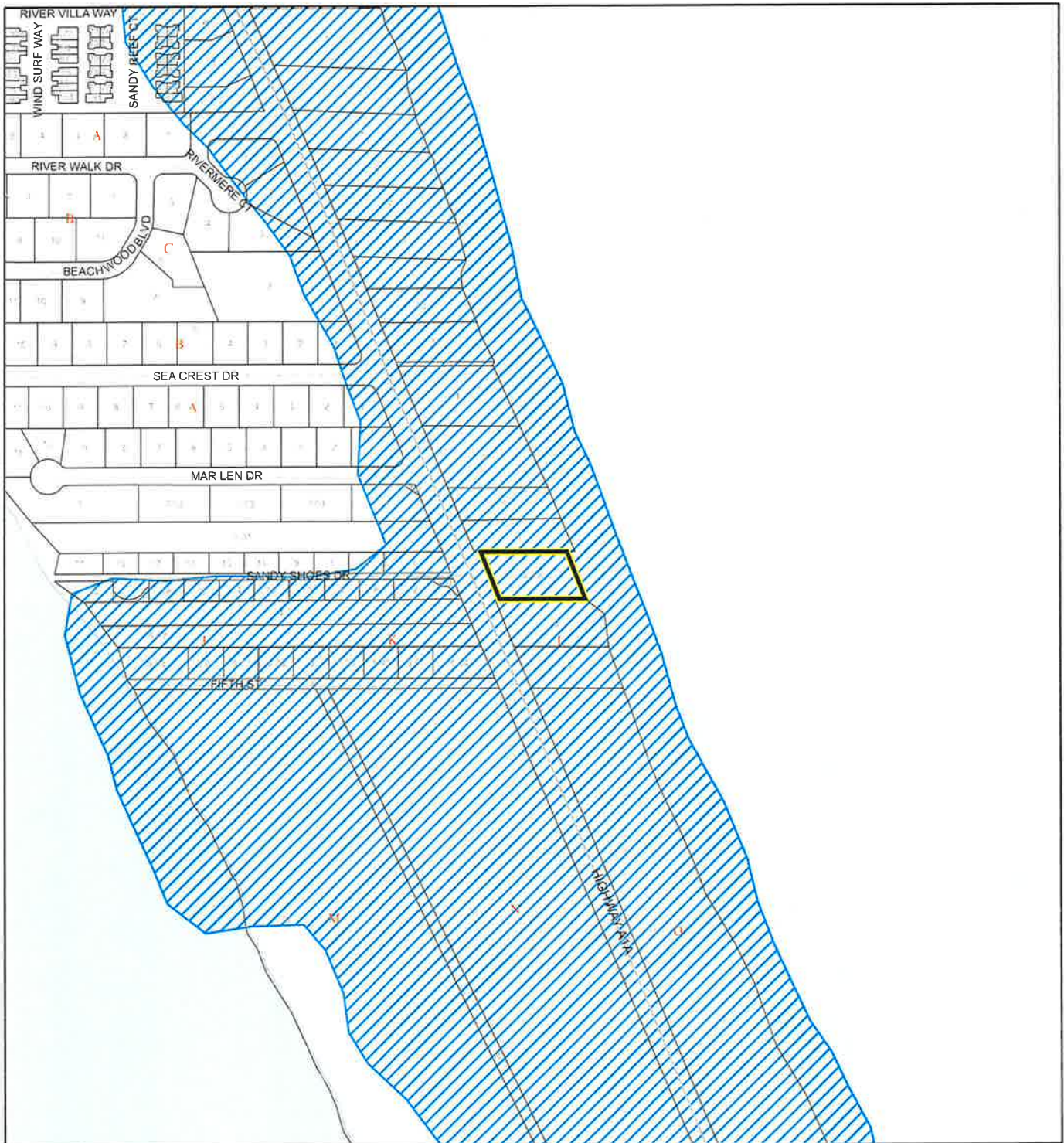


Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



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.

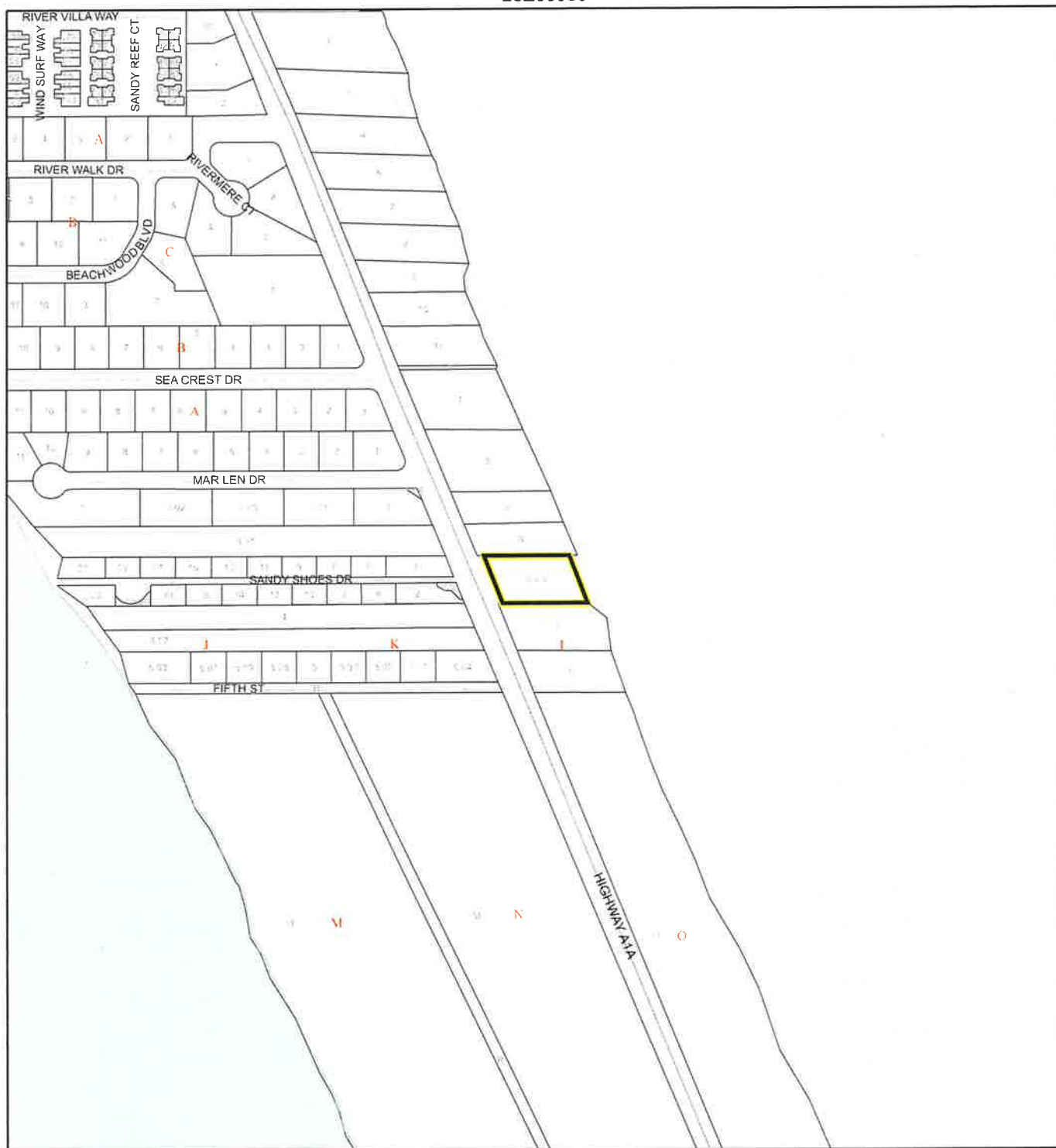
Produced by BoCC - GIS Date: 12/15/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SFT IV, LLC & MOS 18, LLC

25Z00060



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: 12/15/2025

## 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, March 16, 2026**, 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 (D2); Jerrad Atkins (D1); John Hopengarten (D1); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Eric Michajlowicz (D3); Debbie Thomas (D4); Neal Johnson (D4); Ana Saunders (D5); Robert Brothers (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Billy Prasad, Planning and Development Director; Derrick Hughey, Planner; Jane Hart, Natural Resources Management; Peter Nguyen, Public Works; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### **EXCERPT OF COMPLETE MINUTES**

**H.1. SFT IV, LLC. and MOS 18, LLC. (Stephanie Harris) requests a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption, accessory to a bar. (25Z00060) (Tax Account 2862142) (District 3)**

Trina Gilliam read item H.1. into the record.

Stephanie Harris stated they're looking to serve beer and wine at the hotel to guests that are staying there.

### **PUBLIC COMMENT**

Suzanne Marszal stated she has two houses there, 130 and 205. 130 is part of the homeowners association. 205 is not. It's a dead-end street. It's a residential development of maybe 13 houses, 14 houses. The homeowners association sent in a bunch of denials for this request. I did not have the time unfortunately to get my email into your board ahead of time to say that we're denying it. We want to keep it residential, quiet. We're worried about the traffic. There's nowhere to park. The hotel is very small. The resort that they're calling it is very small. We have people coming up and down the block now. There's also a bus stop in front of the subdivision which is right across the street from the hotel. We're worried about people coming back and forth, the litter. Once it's zoned to have this then we don't know if they ever decide to sell it what's going to happen next. Also, they're saying that it's only for consumption of the people that are staying there. How do you prove that that's the person that's going up to that bar or tiki bar to have a drink there? Are they going to get back on the road, get back on A1A, which we've had many head-on collisions due to drunk driving on A1A down south of 192. I don't know how many people are familiar with that area, but it's only one way both ways. It's just the residents and I am very concerned about what's going to happen if it

gets approved.

#### END PUBLIC COMMENT

Ms. Orriss inquired if it's only the people staying there that are going to be able to make use of this.

Ms. Harris replied it is a very small hotel. It only has 16 rooms. I pretty much greet every single person. I would most likely be the one serving it. That's how I can control it. And, parking is limited.

Ms. Orriss responded I live in that area and to be quite honest with you, I wish you would maybe open it up to the public but thank you.

Ruth Amato inquired about whether with the tiki bar they are going to have live music.

Ms. Harris responded not at this time. No.

Ms. Amato asked staff if it's approved, would it have to have something saying that they can't have live music or is that automatically not going to be allowed? How does that work? I'm worried about the noise at night in a residential neighborhood.

Ms. Gilliam responded they would need to meet our performance standards, which include noise.

Ms. Amato continued but that could be what, what's a late night, 11?

Ms. Gilliam replied I would have to check the noise ordinance to see what the time frame is to limit the noise.

Ms. Amato stated there's a bar who has a tiki bar in another place and it complies with its noise ordinances and what not, and the neighbors still don't get any sleep. So again, that would be my major concern in a residential neighborhood.

Ms. Gilliam responded there is residential to the north and where the tiki bar is proposed to be located on the deck, there's quite a bit of distance away from that single family property that's located there. There also is some vegetation that's already on the property to the north and the single family and that would buffer some of the noise as well. However, on the application, they proposed that they would only be serving from 2:00 p.m. to dusk, which is typically probably about 9:00 p.m. in the summer. Again, with no outdoor music right now.

Ms. Orriss stated she was okay with it because her concern is the turtles and things like that, but because of the hours of operation, I felt more comfortable with it.

Ms. Harris stated it would probably close by six to be honest. We want to go home.

Ms. Amato asked if that was something that could be put in a BDP or something with

the CUP to memorialize it so that's not a concern.

Ms. Esseeesse responded the board could put conditions on the approval with certain restrictions including time considerations with music.

Mr. Hopengarten asked where's your tiki bar going to go.

Ms. Harris replied on the deck, underneath a cabana.

Motion to recommend approval of Item H.1. with a BDP limiting the hours of operation to 1:00 p.m. to 6:00 p.m. by Erika Orriss, seconded by Jerrad Atkins. Motion passed unanimously.

DRAFT

25Z00060

**From:** [Samara](#)  
**To:** [AdministrativeServices](#)  
**Subject:** Sandy Shoes Resort Zoning Request  
**Date:** Sunday, March 15, 2026 3:56:10 PM

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

Dear Zoning Board Members,

As residents of the small community of Sandy Shoes West, located on Sandy Shoes Drive directly west across the A1A (Jimmy Buffet Memorial Highway) from Sandy Shoes Resort, we strongly oppose the idea of a bar at the resort. The resort guests have many local resources for food and beverages including alcohol. It is a quick walk to Driftwood Plaza where there is a restaurant serving alcohol and a Publix and Publix liquor store. Three miles north they can access Melbourne Beach amenities such as Melbourne Beach Market, Cafe 302 and other small businesses which could use their business.

There are mostly senior retired residents in our little neighborhood. We do not allow residential parking on the street because it is a narrow street and we understand the need for emergency vehicles is of utmost concern to the residents here. It could be a matter of life and death if an emergency vehicle was impeded by parked cars from the resort.

Please reject the proposal for the alcohol license for the benefit of local businesses and the peace and comfort of the surrounding residents.

Thank You,

Captain John Zitnik and Samara Zitnik

**From:** [Jenny and Lars Bock](#)  
**To:** [AdministrativeServices](#)  
**Subject:** Comments for ID# 25Z00060  
**Date:** Sunday, March 15, 2026 10:19:59 AM

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

Dear Members of the Zoning Board,

I am writing to respectfully express my opposition to the zoning request that would allow Melbourne Beach Resort to serve alcohol. While I appreciate the desire for local businesses to expand their services, I am concerned about the negative impacts this change could have on the surrounding residential neighborhood, particularly along Sandy Shoes Drive.

Sandy Shoes Drive is a small, dead-end residential road with limited capacity for parking and traffic. If alcohol service is approved, it is likely to attract larger gatherings and events at the resort. Based on experiences in similar situations, this could lead to resort guests and event attendees parking along Sandy Shoes Drive when the resort's on-site parking reaches capacity. This would significantly reduce available parking for residents and could impede access for emergency or service vehicles.

In addition to parking concerns, there is also the likelihood of increased noise from late-night gatherings and parties associated with alcohol service. Residents in this quiet neighborhood already face challenges when visitors park on residential streets, and the addition of alcohol service may further increase late-night disturbances that affect the quality of life for those living nearby.

Another concern is the potential for additional trash left behind by visitors who park in the neighborhood or walk through residential areas. Residents already take pride in maintaining the cleanliness of Sandy Shoes Drive, and increased foot traffic from resort events may lead to litter and other maintenance issues for homeowners.

Because Sandy Shoes Drive is a dead-end road primarily intended to serve the residents who live there, it is not well suited to handle overflow traffic, parking, or noise from nearby commercial activities.

For these reasons, I respectfully ask the board to consider the impacts on the surrounding residential community and to deny the request to allow alcohol service at Melbourne Beach Resort.

Thank you for your time and consideration.

Sincerely,

Lars Bock

150 Sandy Shoes Drive

Melbourne Beach

**From:** [Robert Keimer](#)  
**To:** [AdministrativeServices](#)  
**Subject:** Comments for ID# 25Z00060  
**Date:** Sunday, March 15, 2026 7:00:35 PM

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

Dear Members of the Zoning Board,

By way of this email, we respectfully express our opposition to the zoning request that would allow Melbourne Beach Resort to serve alcohol. We are concerned about the negative impacts this allowance could have on the surrounding neighborhood, but especially on Sandy Shoes Drive.

Our major concern is the impact that this new business service will likely have on parking and traffic. Melbourne Beach Resort already has a parking space constraint — when the resort is at full capacity guests are challenged with maneuvering to find a space to park, and traffic on Highway A1A often becomes backed up as guests attempt to turn into the resort. This problem will be magnified with the addition of non-rental guests seeking to visit the resort for food and beverages. Patrons will likely park along A1A, as well as down our street — Sandy Shoes Drive. This would significantly reduce available parking for Sandy Shoes residents, as well as present potential safety concerns for the many neighborhood walkers and bicyclists.

In addition to parking concerns, we (Sandy Shoes residents) will be impacted by the likely increase in noise from the additional patrons to the resort. My wife and I live in one of the corner homes directly on A1A. We already experience occasions of late night music playing from a home rental property right next to Melbourne Beach Resort — so this is likely to increase with a new alcohol service offered by the resort. With the increased patronage, we can also likely expect an increase in garbage and debris that will litter Highway A1A and our Sandy Shoes Street.

Sandy Shoes Drive is a dead-end road primarily intended to serve the residents who live there. Our small neighborhood is not suited to handle overflow traffic, parking, and noise from the expansion of services at Melbourne Beach Resort.

We ask the board to consider the above impacts when considering Melbourne Beach Resort's request to offer expanded services.

Thank-you for your time and consideration.

Regards,

Bob & Liz Keimer

105 Sandy Shoes Drive  
Melbourne Beach, FL 32951

(321) 729 - 9729

**From:** [Paul Merlino](#)  
**To:** [AdministrativeServices](#)  
**Subject:** Comments for ID25Z00060  
**Date:** Sunday, March 15, 2026 1:35:20 PM

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

Ladies and Gentlemen,

My name is Paul Merlino and am a resident of 170 Sandy Shoes Drive, Melbourne Beach, Florida. I am writing to voice my opinion against allowing the Melbourne Beach Resort to supply alcohol and music for their guests.

Our street is directly opposite the resort across A1A and would be affected negatively by this decision. Of the 18 homes in this neighborhood, all but 3 are owned by senior citizens. When moving here, we certainly didn't ask for this.

Our Sandy Shoes West HOA has a common area walk through to our "very quiet" beach directly to the north of the hotel and do not wish to see or hear a "happy hour" each and every day.

The other concern for us as a community, is if this is successful, and down the road outsiders are allowed in, those outsiders choose to park on our street which is "very definitely" going to cause major issues for everyone involved including the sheriffs office. The parking area for that resort is extremely small and the overflow will no doubt wind up on our street.

Please "look ahead" on this and do not allow this to pass. It will only cause problems for us all. I appreciate your time and attention to this concerning matter.

Sincerely,  
Paul Merlino

**From:** [Helayne Ray](#)  
**To:** [AdministrativeServices](#)  
**Subject:** Comments for ID# 25Z00060  
**Date:** Sunday, March 15, 2026 7:58:56 AM

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

Dear Members of the Zoning Board,

I am writing to respectfully express my opposition to the zoning request that would allow Melbourne Beach Resort to serve alcohol. While I appreciate the desire for local businesses to expand their services, I am concerned about the negative impacts this change could have on the surrounding residential neighborhood, particularly along Sandy Shoes Drive.

Sandy Shoes Drive is a small, dead-end residential road with limited capacity for parking and traffic. If alcohol service is approved, it is likely to attract larger gatherings and events at the resort. Based on experiences in similar situations, this could lead to resort guests and event attendees parking along Sandy Shoes Drive when the resort's on-site parking reaches capacity. This would significantly reduce available parking for residents and could impede access for emergency or service vehicles.

In addition to parking concerns, there is also the likelihood of increased noise from late-night gatherings and parties associated with alcohol service. Residents in this quiet neighborhood already face challenges when visitors park on residential streets, and the addition of alcohol service may further increase late-night disturbances that affect the quality of life for those living nearby.

Another concern is the potential for additional trash left behind by visitors who park in the neighborhood or walk through residential areas. Residents already take pride in maintaining the cleanliness of Sandy Shoes Drive, and increased foot traffic from resort events may lead to litter and other maintenance issues for homeowners.

Because Sandy Shoes Drive is a dead-end road primarily intended to serve the residents who live there, it is not well suited to handle overflow traffic, parking, or noise from nearby commercial activities.

For these reasons, I respectfully ask the board to consider the impacts on the surrounding residential community and to deny the request to allow alcohol service at Melbourne Beach Resort.

Thank you for your time and consideration.

Sincerely,

Helayne Ray

200 Sandy Shoes Drive

Melbourne Beach

**From:** [David Swanson](#)  
**To:** [AdministrativeServices](#)  
**Subject:** bar application for zoning change ID #25z00060  
**Date:** Monday, March 16, 2026 8:00:55 AM

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

My name is David Swanson. My wife and I reside at 100/110 Sandy Shoes Dr directly across from the Resort. In the past, without a designated bar, we have found it necessary to call law enforcement to make bands stop before midnight. A tiki bar would create an ongoing problem. In addition, their parking lot is full when the motel is full. There does not seem to be any place for bar customers to park except on our street or A!A.

Than you for proving a means for us to voice our concerns.

Davd M Swanson

**From:** [Linda](#)  
**To:** [AdministrativeServices](#)  
**Subject:** Castle Hill Realty - Melbourne Beach Motel bar request  
**Date:** Monday, March 16, 2026 10:32:35 AM

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25Z00060

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

All ,

As a resident / homeowner of 180 Sandy Shoes Melbourne Beach which is located in Sandy Shoes West I strongly OPPOSE the request to add a bar / tiki hut including music to the motel property.

The additional traffic, parking and noise level w live music will adversely affect all of our street owners. Presently there are 4 bars very close- Cheers , the Oasis, 302 bar and Dijons. All are very nice well run places for drinking with good off street parking.

The music request is extremely opposed due to the close proximity of full time residents. Literally across the road from this requested bar.

This is a residential area with a bus stop for school directly across AIA from this hotel.

Please vote against this change request.

Linda Lindenberg  
180 Sandy Shoes Drive  
Melbourne Beach 32951  
321-544-8873

**From:** [Barry Birdwell](#)  
**To:** [AdministrativeServices](#)  
**Subject:** ID# 25Z00060 Meeting today - Opposition to Zoning Change – 3455 Highway A1A, Melbourne Beach  
**Date:** Monday, March 16, 2026 11:01:37 AM

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

Dear Members of the Board,

I am writing to express my opposition to the proposed zoning change for the property located at **3455 Highway A1A, Melbourne Beach**, which would modify the current **Suburban Residential zoning** to allow a **conditional use permit for alcoholic beverages for on-premises consumption, accessory to a bar**.

My wife and I live nearby at **120 Sandy Shoes Drive in Melbourne Beach**, within 500 feet of the property.

One of the qualities that makes this area so special is its **quiet, “Real Florida” character and strong neighborhood feel**. The property in question has long operated as a **resort that attracts multi-generational visitors**, and that use has been generally compatible with the nature of our **bedroom beach community**.

My concern is that introducing a bar-related use with on-premises alcohol consumption could significantly change the character of the area and potentially impact the peaceful environment that residents and visitors alike value.

We appreciate the long history of the property as a welcoming destination for families and hope that any future use will continue to respect and preserve the unique character of Melbourne Beach.

Thank you for your consideration.

Sincerely,

Barry & Michele Birdwell  
120 Sandy Shoes Drive  
Melbourne Beach, FL

**From:** [S.M](#)  
**To:** [AdministrativeServices](#)  
**Subject:** Subject: ID#25Z00060  
**Date:** Monday, March 16, 2026 2:05:20 PM

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

Dear Members of the Zoning Board,

I am writing to respectfully express that I strongly oppose to the zoning request that would allow Melbourne Beach Resort to serve alcohol. I am concerned about the negative impacts this change could have on the residential neighborhood, particularly Sandy Shoes Drive.

In addition to parking concerns, there is also the likelihood of increased noise from late-night gatherings and parties associated with alcohol service.

Once this property gets rezoned to serve alcohol it will open the doors for additional changes to this once quiet neighborhood.

Thank you for your time and consideration.

Sincerely,  
Suzanne Marszal