



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

5/1/2025

Subject:

Bhawani 2023 LLC. requests a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption (4COP) in conjunction with a 3,719 sq. ft. bar with a restaurant and outdoor patio. (25Z00004) (Tax Account 2410497) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a conditional use permit to allow for On-Premises Consumption (4COP) in conjunction with a 3,719 sq. ft. bar with a restaurant and outdoor patio.

Summary Explanation and Background:

The applicant is seeking a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption (4COP) on 0.78 acres in conjunction with a 3,719 sq. ft. bar with a restaurant and outdoor patio. The applicant states, "They are seeking a CUP for Alcoholic Beverages for On-Premises Consumption (4COP) for the establishment to operate as it has been for the last at least 30 years as a bar with restaurant and outdoor patio." The establishment previously had a Special Use Permit (SUP) for Alcoholic Beverages On-Premises Consumption (4COP), under zoning action Z-2734, which has expired.

Section 62-1906 requires an application for a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a bar. This CUP request exceeds the Administrative Approval authority by staff due to the restaurant not having 51% or more food sales. The request is for a bar and restaurant with an outdoor patio on the subject property located on the west side of N. Courtenay Pkwy. The parcel is currently zoned BU-1 with Community Commercial (CC) FLU designation. The site has access to N. Courtenay Pkwy, a State Maintained Right-of-Way.

On-premises consumption of alcohol would be allowed on the entire property unless the Board stipulates any restrictions. The subject property was established with AU (Agricultural Residential) zoning classification with the adoption of the Brevard County Zoning Code on May 22, 1958. On October 4, 1962, the property had an approved rezoning under Z-0838, from AU to BU-1 zoning classification. On May 7, 1964, under Z-1345, the establishment was approved for a SUP (Special Use Permit) for On-Premises Consumption of Beer and Wine. On January 28, 1971, under Z-2734, the establishment was approved for a permit to add for On-Premises Consumption of Liquor to an existing permit for on-premises consumption of Beer and Wine.

North of the subject property is 1 parcel, 0.68 acres, commercial property developed with an autobody shop, zoned BU-2 with CC FLU; South of the subject property is 1 parcel, 0.53 acres, commercial property developed with a lawn care and pest control services with BU-1 and BU-2 zoning classifications and CC FLU; East of the subject property is N. Courtenay Pkwy., a State maintained Right of Way; and West of the subject property is 1 parcel, 113.85 acres, recreational property developed as a Brevard County Park, zoned AU with REC FLU.

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may consider additional conditions, including but not limited to those identified in 62-1901(5), to help mitigate potential site impacts.

On April 14, 2025, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 25Z00004

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

WHEREAS, Bhawani 2023 LLC. requests a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption (4COP) in conjunction with a 3,719 sq. ft. bar with a restaurant and outdoor patio, on property described as Tax Parcel 259, as recorded in OR Book 9888, Pages 0407 and 0408 of the Public Records of Brevard County, Florida. **Section 02, Township 24, Range 36.** (0.78 acres) Located on the west side of N. Courtenay Pkwy., 800 feet south of Hall Rd. (4155 N. Courtenay Pkwy., Merritt Island); 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 Alcoholic Beverages for On-Premises Consumption (4COP), 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 May 02, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Rob Feltner, Chair 
Brevard County Commission
As approved by the Board on May 01, 2024.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL) 

P&Z Board Hearing – April 14, 2025

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

**STAFF COMMENTS
25Z00004**

BHAWANI 2023 LLC.

**A Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption
accessory to a bar and restaurant with an outdoor patio.**

Tax Account Number: 2410497
Parcel I.D.s: 24-36-02-00-259
Location: West side of N. Courtenay Pkwy. 800ft. south of W. Hall Rd. (District 2)
Acreage: 0.78 acres

NMI Special District Board: 04/10/2025
Planning & Zoning Board: 04/14/2025
Board of County Commissioners: 05/01/2025

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)

	CURRENT	PROPOSED
Zoning	BU-1	BU-1 with CUP for 4 COP for On-Premises Consumption
Potential*	FAR 1.0	FAR 1.0
Can be Considered under the Future Land Use Map	YES Community Commercial	YES Community Commercial

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

Background and Purpose of Request

The applicant is seeking a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premises Consumption (4COP) on 0.78 acres in conjunction with a 3,719 sq. ft. bar with a restaurant and outdoor patio. The applicant states, "They are seeking a CUP for Alcoholic Beverages for On-Premises Consumption (4COP) for the establishment to operate as it has been for the last at least 30 years as a bar with restaurant and outdoor patio." The establishment previously had a Special Use Permit (SUP) for Alcoholic Beverages On-Premises Consumption (4COP), under zoning action **Z-2734**, which has expired.

Section 62-1906 requires an application for a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a bar. This CUP request exceeds the Administrative Approval authority by staff due to the restaurant not having 51% or more food sales.

The request is for a bar and restaurant with an outdoor patio on the subject property located on the west side of N. Courtenay Pkwy. The parcel is currently zoned BU-1 with Community Commercial (CC) FLU designation.

The site has access to N. Courtenay Pkwy, a State Maintained Right-of-Way.

On-premises consumption of alcohol would be allowed on the entire property unless the Board stipulates any restrictions.

The subject property was established with AU (Agricultural Residential) zoning classification with the adoption of the Brevard County Zoning Code on May 22, 1958.

On October 4, 1962, the property had an approved rezoning under **Z-0838**, from AU to BU-1 zoning classification.

On May 7, 1964, under **Z-1345**, the establishment was approved for a SUP (Special Use Permit) for On-Premises Consumption of Beer and Wine.

On January 28, 1971, under **Z-2734**, the establishment was approved for a permit to add for On-Premises Consumption of Liquor to an existing permit for on-premises consumption of Beer and Wine.

There is one active code enforcement case under **24CT-00050** on the subject property that is related to permitting renovation work and not related to the use of the establishment.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Autobody Shop	BU-2	CC
South	Lawn care and pest control	BU-1, BU-2	CC
East	N. Courtenay Pkwy.	N/A	N/A
West	Brevard County owned Park	AU	REC

North of the subject property is 1 parcel, 0.68 acres, commercial property developed with an autobody shop, zoned BU-2 with CC FLU.

South of the subject property is 1 parcel, 0.53 acres, commercial property developed with a lawn care and pest control services with BU-1 and BU-2 zoning classifications and CC FLU.

East of the subject property is N. Courtenay Pkwy., a State maintained Right of Way.

West of the subject property is 1 parcel, 113.85 acres, recreational property developed as a Brevard County Park, zoned AU with REC FLU.

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.

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.

BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

Land Use

The subject property is currently designated CC (Community Commercial). The BU-1 zoning classification can be considered consistent with the 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;

Staff analysis: The owner proposes a CUP for Alcoholic Beverages (4COP) for On-Premises Consumption for the bar and restaurant with an outdoor patio.

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

B. Existing commercial zoning trends in the area;

Staff analysis: The subject property was developed as a bar in 1958 and is located in North Merritt Island area of N. Courtenay Pkwy. Located North of the subject property is a commercial property, an autobody shop and abutting South of the subject property is a commercial property, a pest control company. East of the subject property is N. Courtenay Pkwy. and to the west, is a park owned by Brevard County.

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 subject property had a previous Special Use Permit for a 4COP that was approved in 1971 and became void when the establishment's liquor license expired recently. Based on staff analysis, the addition of a 4 COP (Full Liquor) conditional use could be considered compatible with the character of the adjacent properties.

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 no anticipated increase in LOS 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. The Board may require 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;

Staff analysis: The subject property is currently developed as a bar and restaurant with an outdoor patio which has an expired 4 COP Special Use Permit (SUP).

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

There has been one zoning action within a half-mile radius of the subject property within the last three (3) years. The zoning action includes:

21Z00006- a rezoning was approved on May 27, 2021, from AU (Agricultural Residential) to BU-1 (General Retail Commercial) on eastern 130ft. and BU-2 on the remaining western portion of the property. The property is located 420 ft. south of the subject property on the west side of N. Courtenay Pkwy.

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

Staff Analysis: There have been no development approvals in the past three (3) years that have not been developed.

- 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 establishment was developed as a bar was in 1958. Prior to their 4 COP SUP expiring, the 4COP had been approved since 1971. Based on staff analysis, the requested CUP is not anticipated to materially or adversely affect the surrounding developments as this establishment has been operating in the same manner for at least the last 30 years per statements from the applicant.

- 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 between N. Courtenay Pkwy., which is a commercial corridor, and a park owned by Brevard County.

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.

Staff analysis indicates that the area is not residential in character. The westside of N. Courtenay Pkwy. surrounding the subject property has a commercial nature as there is an autobody shop and lawn care business with a Brevard County park.

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.

Staff analysis has determined the subject parcel is located directly on N. Courtenay Pkwy. which primarily has commercial uses abutting the roadway.

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 N. Courtenay Pkwy. (S.R.3) segment between N. Ramps and Hall Rd. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 0.0%. The N. Courtenay Pkwy. (S.R.3) corridor is anticipated to operate at 52% 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 N. Courtenay Pkwy. (S.R.3) between N. Ramps and Hall Rd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 52% of capacity daily. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 0.0%. The N. Courtenay Pkwy. (S.R.3) corridor is anticipated to operate at 52% 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 which states that there are no churches or schools within 300 feet from the bar and restaurant with an outdoor patio 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: The applicant states, "They are seeking a CUP for Alcoholic Beverages for On-Premises Consumption (4COP) for the establishment to operate as it has been for the last at least 30 years as a bar with restaurant and outdoor patio."

Serving and consumption of food and beverages, alcohol or otherwise, shall be strictly prohibited outside of the existing building except as has been identified on the outdoor patio pursuant to Section 62-1837.9 (Outdoor restaurant seating) of Brevard County Code.

General Standards of Review

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

Applicant's Response: The premises is a 50 seat restaurant and bar that will operate as it has been for at least the last 30 years. Food and liquor is also intended to be served by owner on the patio. Premises will operate using a 4 COP license. The east side of the property is bound by N. Courtenay Pkwy and the west side an undeveloped wooded area that abuts a public park. To the north is a car repair shop and to the south is a landscaping business.

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 N. Courtenay Pkwy. 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 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: Premises has adequate parking with 44 parking spots. The area has a commercial zoning of BU-2 and is abutting an auto repair shop to the north and a landscaping business to the south. Business hours are intended to be 10:00am to Midnight 7days a week. Premises will be operated as a restaurant with bar.

Staff analysis: The parcel is located in a commercial area and is not adjacent to any residential development.

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: There will be no diminution in value of abutting residential property. Property is located in a commercially zoned area that does not abut any residential neighborhoods.

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: Premises has two access points to N. Courtenay Pkwy. and does not burden the adjacent businesses. Premises will be operated in a manner consistent with historical use.

Staff analysis: This property has ingress and egress directly on N. Courtenay Pkwy.

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: Premises will not have noise, glare, odor, particulates, smoke, fumes or other emissions that will substantially interfere with the surrounding businesses.

Staff analysis: The CUP must be in compliance 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: Restaurant and bar intend to operate from 10:00am to 12:00am seven days a week. Business operation will not exceed maximum permissible sound levels for commercial use at any point for my operation.

Staff analysis: The proposed CUP includes outdoor areas that 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: Premises will have waste disposal service consistent with historical use and the adopted level of service will not 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: Premises will utilize potable water and wastewater consistently with historical use and the adopted level of service will not be exceeded. The property is on public sewer system.

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: Premises has been substantially improved by the current owner including landscaping, painting, installation of new privacy fence, including fencing the vicinity of the dumpster. Property is not visible to the west due to heavily wooded area.

Staff analysis: The establishment was built in 1958 per the Brevard County Property Appraiser. The site had a SUP previously approved in 1971 for on-premises consumption of liquor, beer, and wine (4COP), under Z-2734 which is now expired. The property has 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: All signage is consistent with historical use and does not pose any hazard to traffic safety nor does it interfere with the use or enjoyment of adjacent properties.

Staff analysis: The establishment was built in 1958 per the Brevard County Property Appraiser. Any new signage 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: Premises will have business hours of 10am to 12:00am, 7days a week. Such business hours shall not adversely affect any residential property as the property is not in close proximity to any residential neighborhood.

Staff analysis: The hours of operation appear to be in line with the historical use of the property. 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: Premises was built in 1958 and is a single-story building. There have been no significant alterations, and no additions planned.

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: The submitted survey shows there are 44 parking spots. Premises does not share parking with any other business and loading and unloading will not impact another property.

Staff analysis: The establishment was developed in 1958. The applicant states it will operate in the same historical manner. Any new additions and alterations to increase patronage will have to meet current Brevard County Code.

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 the compatibility of the proposed CUP with the surrounding area. The Board may consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate any offsite impacts.

North Merritt Island Dependent Special District Board

The North Merritt Island Dependent Special District Board met on Thursday, April 10, 2025, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., Second Floor, Merritt Island, Florida.

The meeting was called to order at 6:00 p.m.

Board members present were Mary E. Hillberg, Chris Cook, Gina Lindhorst, Jack Ratterman, and John Speck.

Staff members present were Trina Gilliam, Interim Planning and Zoning Manager; Derrick Hughey, Associate Planner; and Alice Randall, Operations Support Specialist.

Approval of the November 14, 2024, NMI Minutes

Motion by Gina Lindhorst, seconded by Chris Cook, to approve the NMI Dependent Special District Board minutes of November 14, 2024. The motion passed unanimously.

Item H.1. Bhawani 2023 LLC. requests a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption (4COP) in conjunction with a 3,719 sq. ft. bar with a restaurant and outdoor patio. (25Z00004) (District 2)

Derrick Hughey read the application into the record.

Monica Pritchard stated she represents the Patels. The King's Duck Inn has been a restaurant and bar since the 1950's. It was a well-loved local establishment, owned by a local family until, unfortunately during COVID went out of business. When it went out of business the liquor license that went with it also went in active. Now Mr. Patel has bought it and made significant efforts to revitalize it in terms of renovations internally and improvements externally. There's brand new fencing, brand new paint, brand new roofing. He has done quite a bit to improve the property and would like to see it open again as a restaurant and bar. The operating hours would be from 10:00 a.m. to midnight 7 days a week. It's going to be a family establishment during the day with a full menu being served. The menu includes things like grouper with risotto, short rib egg rolls, caponata bruschetta, schnitzel and a kids menu. There will be steaks, sandwiches, burgers and pizza as well. He'll have chicken tenders and things like that for the kids, and a fancier menu for the adults. He intends after 8:00 p.m. for the atmosphere to change a more towards a bar. From what I understand in the past it was popular for a lot of the baseball players from the park that's nearby to frequent the King's Duck Inn after the game to grab a beer, grab some burgers, things like that. He wants to keep that same spirit going. There are not churches, schools, anything within the required footage, and he doesn't intend to make any alterations to the premises other than what's already been done. He is improving the back patio and will have seating on the back patio. We would like to at least open the inside while we're waiting on the back patio approval. We do have to do a minor site plan. He intends to be a fifty-seat restaurant on the inside. There are 44 parking spots, that are not shared, and no other businesses will be affected. He has two access point right from there. He has all his ducks in a row to get this business going and get it reopened. We just need everybody's approval and blessing, and he's doing a really nice job finishing out the inside. All the furniture is new. Everything's been gutted and beautifully redone.

Mary Hilberg asked if it is on sewer.

Ms. Pritchard stated yes, it is.

Gina Lindhorst asked if there would be lighting for the parking lot area.

Ms. Pritchard answered yes.

Ms. Hilberg asked what the signage is looking like. I don't know for sure, but you can keep the same sign. But if you're changing it, I think on State Road 3 it's supposed to be a monument type.

Ms. Pritchard stated it's the same as it was. It's the same small sign that's up front. I don't think he intends to do anything different with it, at least not for now. We're keeping the sign as is.

John Speck asked if they are keeping the name.

Ms. Pritchard said yes. Everybody loves KDI. Kings Duck Inn.

Chris Cook asked if there will be restrooms out on the deck, like they used to.

Mr. Dharmendrakumar Patel responded there will be no restroom on the deck.

Mr. Cook then inquired on the 2 entrances.

Ms. Pritchard responded it's a circle. So, there are 2 entrances and 2 points out.

Ms. Hilberg asked if there would be a pool table.

Mr. Patel stated they will decide when they open and see what people request.

Ms. Lindhorst asked if there would be music broadcast on the back patio.

Mr. Patel answered not yet.

Ms. Pritchard stated she doesn't know that he is planning on having any live music on the back patio or anything like that. The back patio is kind of in development right now. So, we know that we'd like to put an additional 25 seats on the back patio. He would like some kind of shade coverings and we're working on that with our minor site plan, but all his activities intend to be within the sound ordinances.

Public Comment

Kim Smith stated she is here to present the opinion of the North Merritt Island Homeowners Association. The board discussed the request, and they have no objections.

End public comment.

Motion by Jack Ratterman, seconded by Gina Lindhorst to recommend approval of the request. The motion passed unanimously.

The meeting adjourned at 6:15 p.m.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 14, 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); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Justin Caron, Assistant County Attorney; Alice Randall, Operations Support Specialist; and Jordan Sagosz, Operations Support Specialist.

Excerpt of complete agenda

H.3. Bhawani 2023, LLC requests a CUP for Alcoholic Beverages for On-premises Consumption accessory to a bar and restaurant with an outdoor patio. (25Z00004) (Tax Account 2410497) (District 2)

Trina Gilliam read Item H.3. into the record. She added it went before the North Merritt Island Dependent Special District Board and they approved it unanimously.

Monica Pritchard spoke to the application.

Public Comment

Rose Plummer spoke on behalf of the North Merritt Homeowners Association and stated they have no objections.

End Public Comment

Ms. Pritchard stated it was approved in 1971 and unfortunately it was a COVID victim, and it went out of business and the CUP expired. Mr. Patel has put in a lot of work into the property, upgrading it, new fences, completely gutting the inside, making it beautiful again. The community is excited and everybody's excited for Kings Duck Inn to come back.

Mr. Wadsworth stated it's a landmark.

Ms. Pritchard stated he has a wonderful menu planned and is intending to return it to its former glory.

Mr. Minneboo stated it's North Merritt Islands historical location, adding I understand it's now Kings Duck not Kings Duck Inn.

Motion to recommend approval of Item H.3. by Henry Minneboo, seconded by Logan Luse. Motion passed unanimously.

The meeting was adjourned at 4:03 p.m.

LOCATION MAP

BHAWANI 2023 LLC

25Z00004



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: 2/7/2025

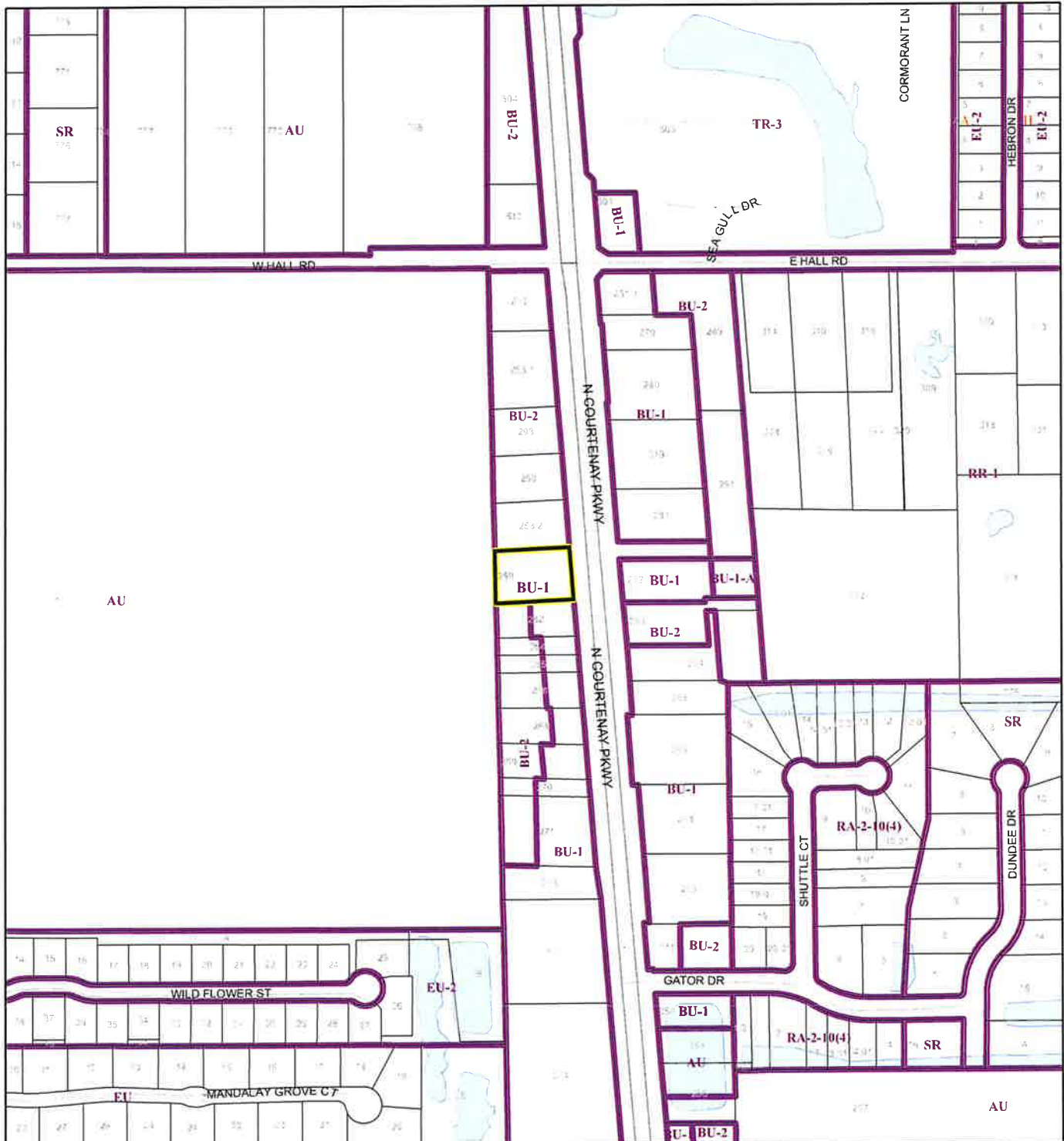
— Buffer

— Subject Property

ZONING MAP

BHAWANI 2023 LLC

25Z00004



1:4,800 or 1 inch = 400 feet

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Subject Property

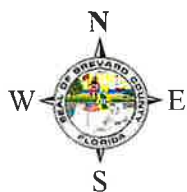
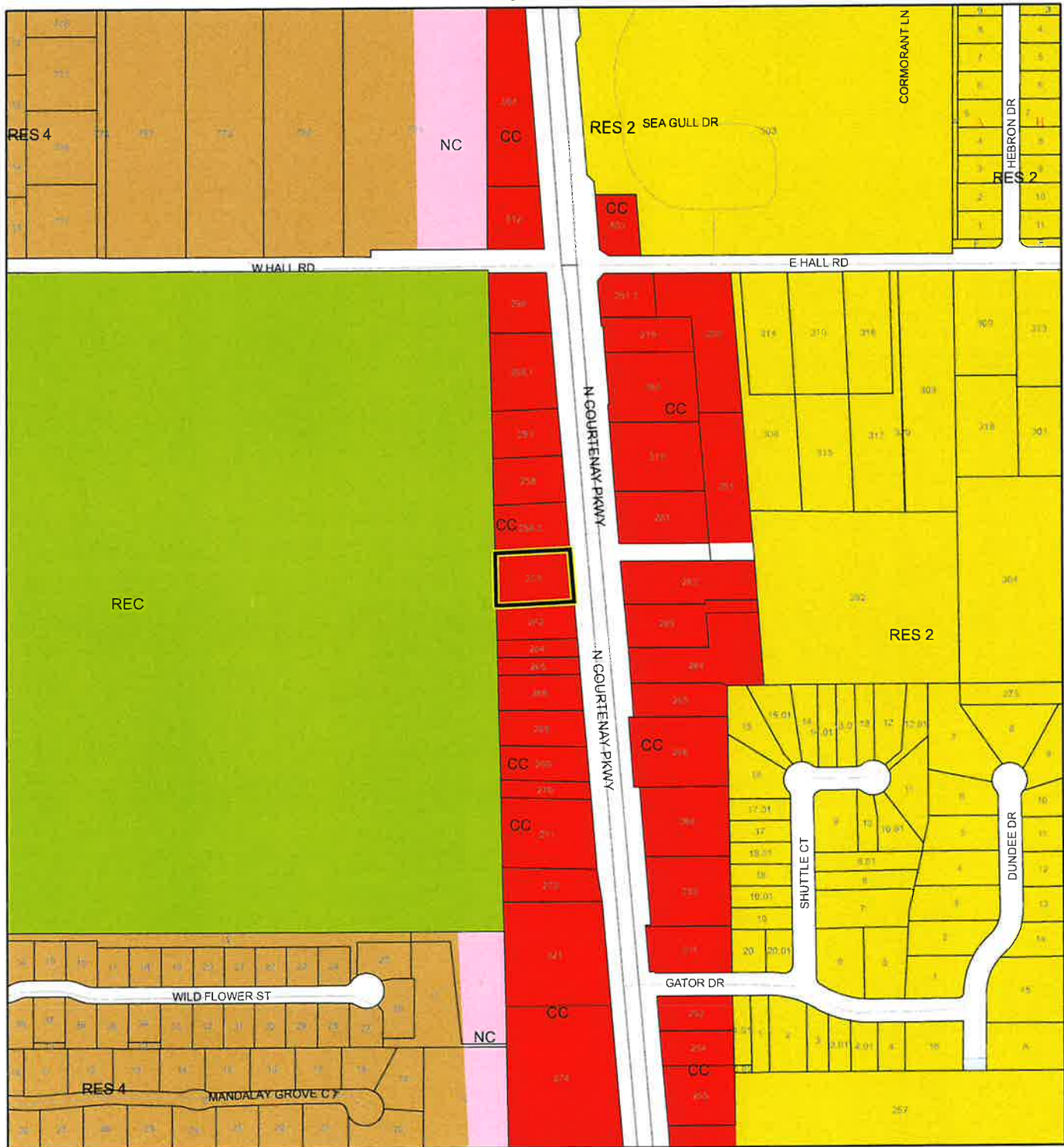
Parcels

Zoning

FUTURE LAND USE MAP

BHAWANI 2023 LLC

25Z00004



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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AERIAL MAP

BHAWANI 2023 LLC

25Z00004



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

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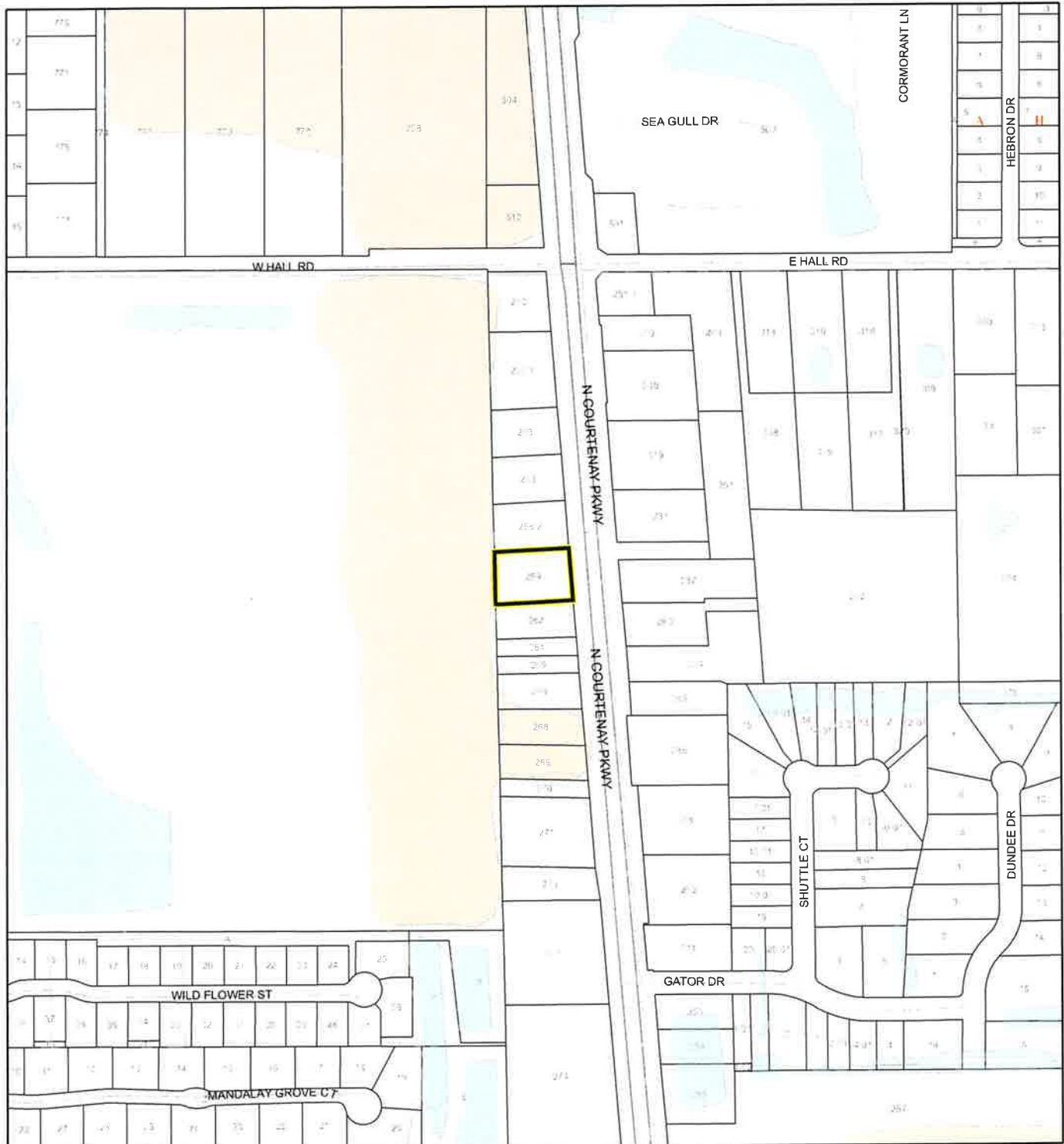
 Subject Property

 Parcels

NWI WETLANDS MAP

BHAWANI 2023 LLC

25Z00004



1:4,800 or 1 inch = 400 feet

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National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

Lake

Other

Riverine

Subject Property

Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

BHAWANI 2023 LLC

25Z00004



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

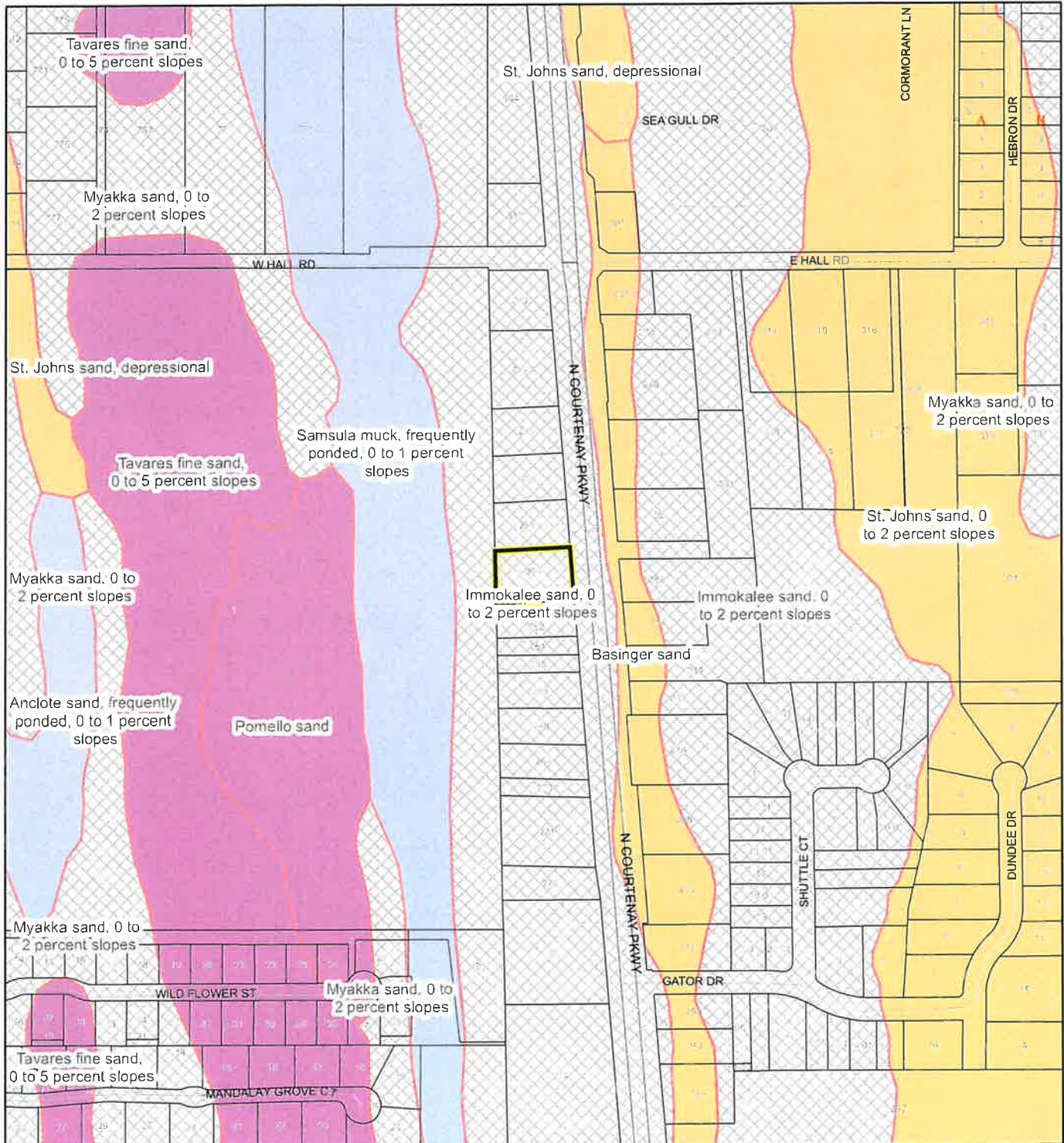
Subject Property

Parcels

USDA SCSSS SOILS MAP

BHAWANI 2023 LLC

25Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/7/2025

USDA SCSSS Soils

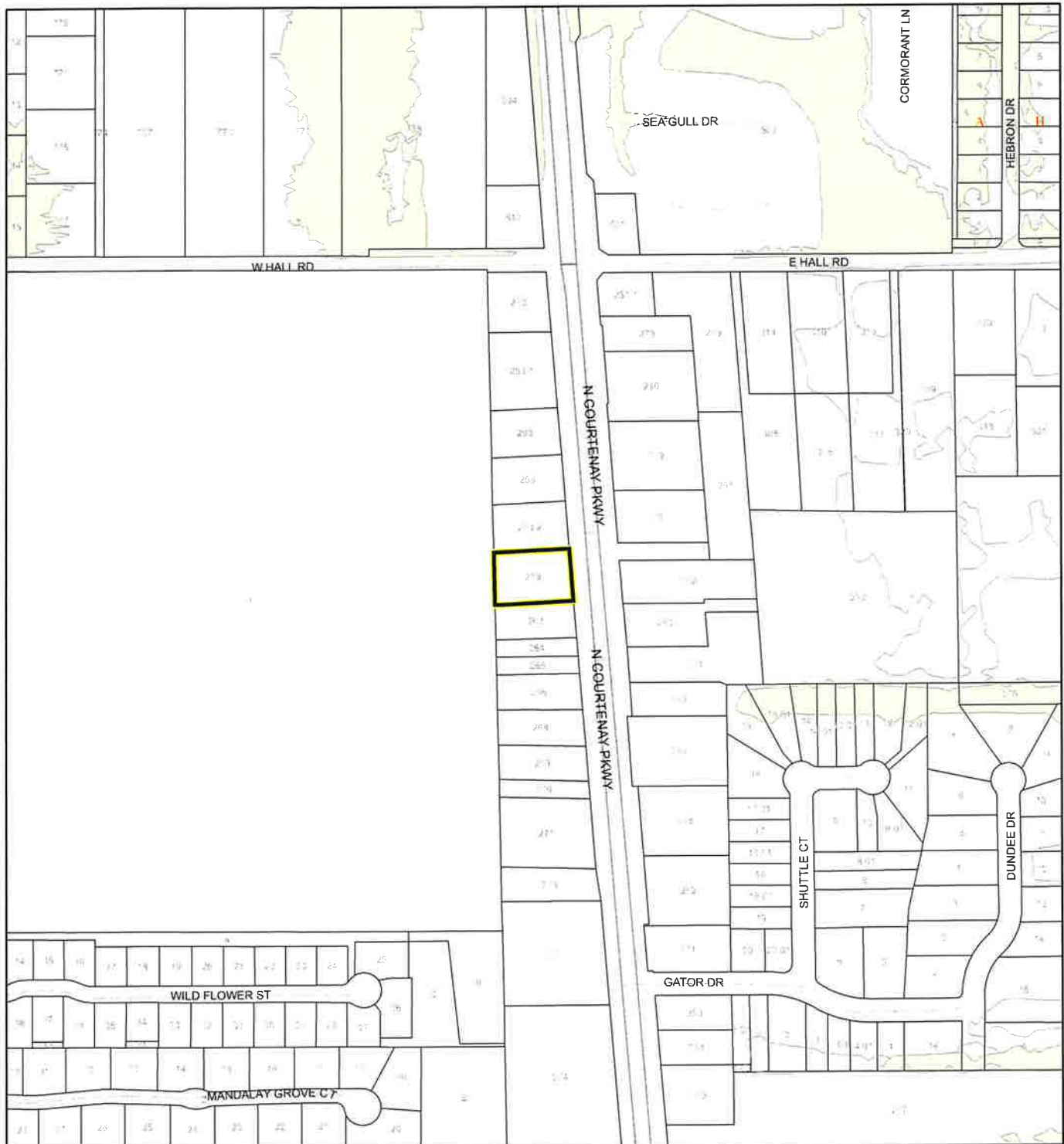
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

BHAWANI 2023 LLC

25Z00004



1:4,800 or 1 inch = 400 feet

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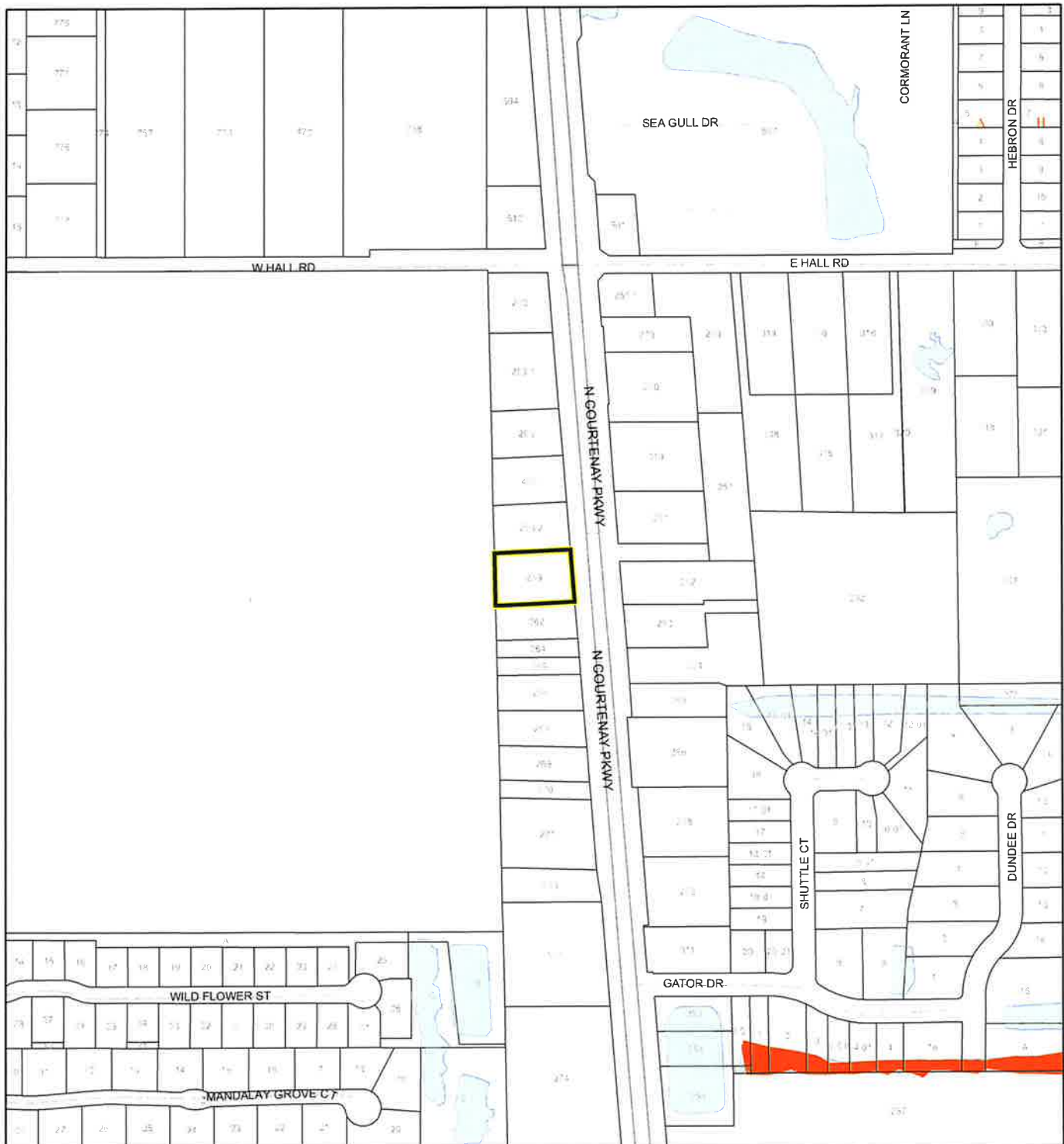
FEMA Flood Zones

A	AO	x
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

BHAWANI 2023 LLC

25Z00004



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

BHAWANI 2023 LLC

25Z00004



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

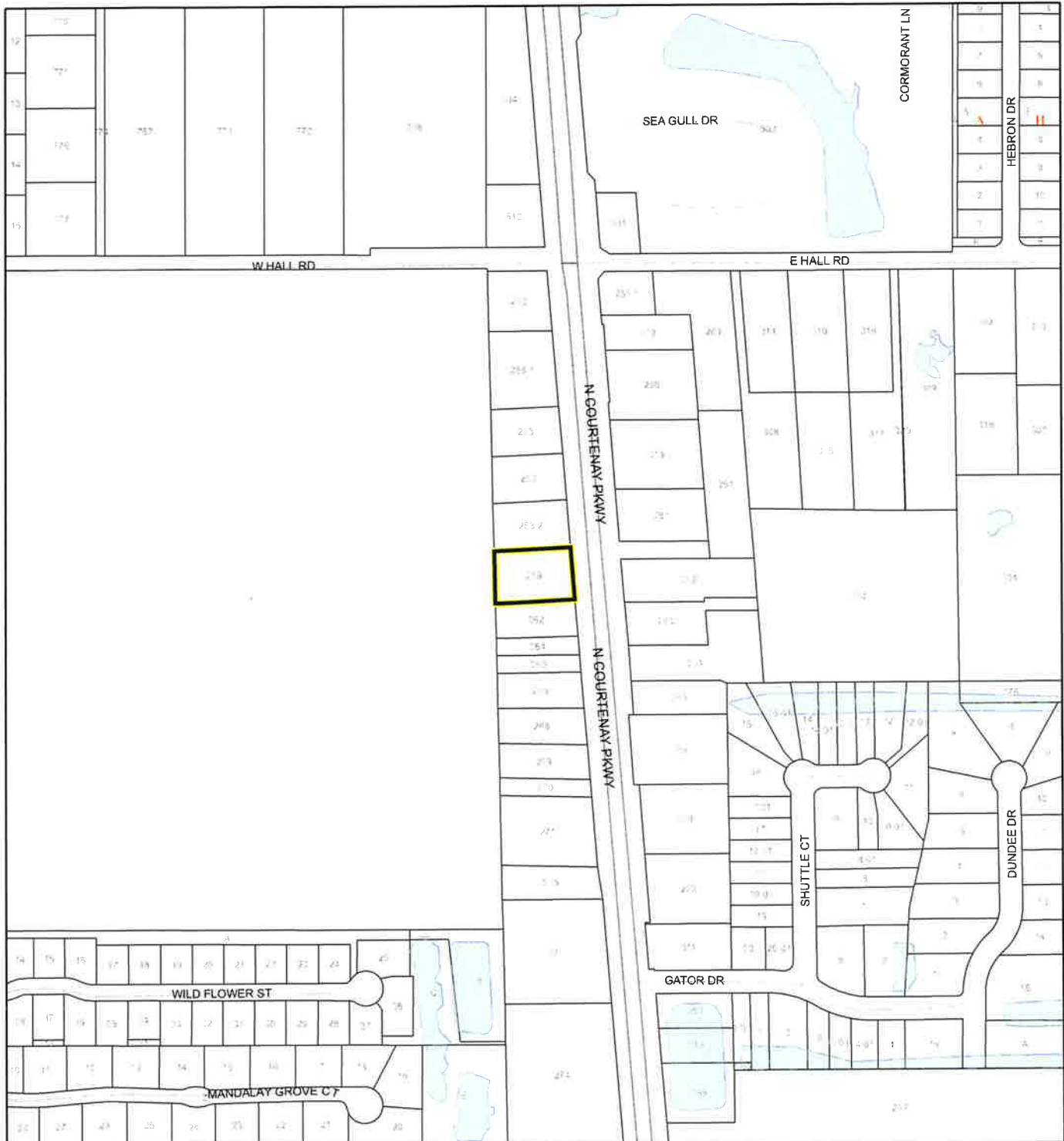
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

BHAWANI 2023 LLC

25Z00004



1:4,800 or 1 inch = 400 feet

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 Subject Property

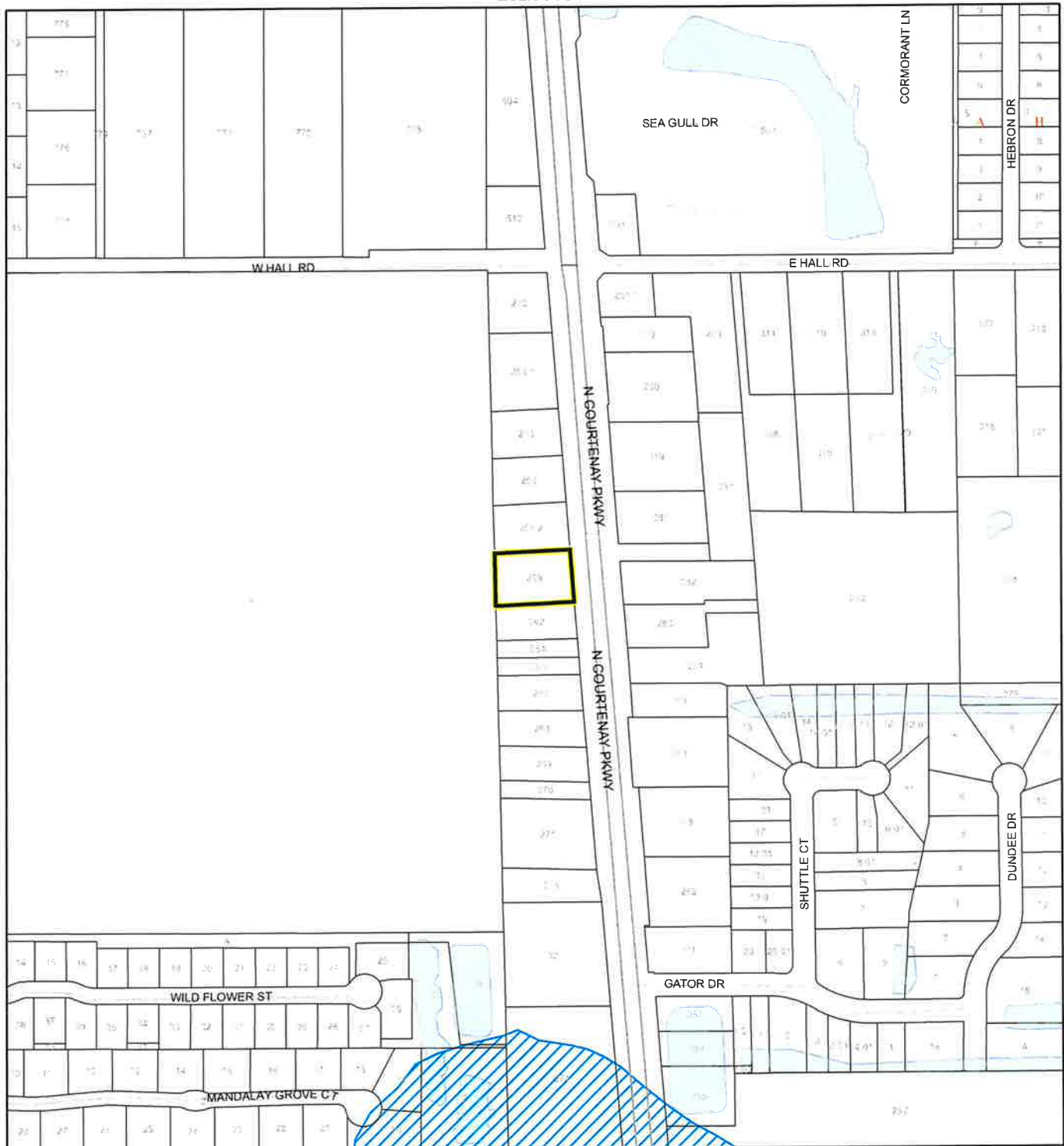
 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

BHAWANI 2023 LLC

25Z00004




1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BHAWANI 2023 LLC

25Z00004



1:4,800 or 1 inch = 400 feet

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

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SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

Board Meeting Date

5-1-25

Item Number: H. 6

Motion By: Goodson

Second By: Feltner

Nay By: _____

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