



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.8.

2/5/2026

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### Subject:

100 Flug Ave LLC. (Bruce Moia) requests a zoning classification change from BU-1 to RU-2-15. (25Z00050) (Tax Account 2730890) (District 5)

### 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 change of zoning from BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multiple-Family Residential).

### Summary Explanation and Background:

The applicant is requesting to change the zoning from BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multi-Family Residential) on 0.29 acres, so the applicant can develop a multi-family triplex. The property is currently zoned BU-1, General Retail Commercial, which would allow for a single-family residence but not a multi-family residential use.

Situated north of the subject property is a 0.5-acre parcel, developed as a retail store with BU-1 zoning and CC FLU designation. South of the subject property across Flug Ave. is a 0.47-acre parcel developed as a restaurant, with BU-1 zoning classification and CC FLU designation. A second parcel is 0.18 acres, developed with a duplex, RU-2-15 zoning, and RES 15 FLU designation. East of the subject property, across N. Highway A1A, are two (2) parcels. The first is 0.7 acres of vacant land that has GML with PUB-CONS FLU designation. The second parcel is 0.96 acres, developed with a motel, Ocean Front Paradise, which was built in 1954, and has RU-2-15 zoning and NC FLU designation. West of the subject property is a parcel 0.17 acres, developed with a duplex which has RU-2-15 zoning and RES 15 FLU designation.

The Board may Consider if the request is consistent and compatible with the surrounding area.

On January 12, 2026, the Planning and Zoning Board heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

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

**Resolution 25Z00050**

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

**WHEREAS, 100 Flug Ave LLC.** (Bruce Moia) requests a zoning classification change from BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multiple-Family Residential), on property described as Tax Parcel 1, as recorded in OR Book 10457, Page 2189 of the Public Records of Brevard County, Florida. **Section 30, Township 27, Range 38.** (0.29 acres) Located on the northwest corner of N. Highway A1A and Flug Ave. (100 Flug Ave., Indialantic); 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 change of zoning classification from BU-1 to RU-2-15, 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 February 05, 2026.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

*Thad Altman*  
Thad Altman, Chair

Brevard County Commission

As approved by the Board on February 05, 2026.

ATTEST:

*Rachel M. Sadoff*  
RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – January 12, 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**

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

**STAFF COMMENTS**

**25Z00050**

**100 Flug Ave LLC.**

**BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multiple-Family Residential)**

Tax Account Number: 2730890  
 Parcel I.D.s: 27-38-30-51-1-1  
 Location: 100 Flug Ave. Indialantic 32903 (District 5)  
 Acreage: 0.29 acres

Planning & Zoning Board: 01/12/2026  
 Board of County Commissioners: 02/5/2026

**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>  | BU-1**                 | RU-2-15                            |
| <b>Potential*</b>                                      | 8 Multi-family Units** | 1 Multi-Family Residence (Triplex) |
| <b>Can be Considered under the Future Land Use Map</b> | YES<br>CC              | YES<br>CC                          |

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

\*\* Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act)

**Background and Purpose of Request**

The applicant is requesting to change the zoning from BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multi-Family Residential) on 0.29 acres, so the applicant can develop a multi-family triplex. The property is currently zoned BU-1, General Retail Commercial, which would allow for a single-family residence but not a multi-family residential use.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Florida Statute 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development rental units that, for a period of at least 30 years, are affordable as defined in Florida Statute 420.0004. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 0.69 acres with approximately 0.60 acres zoned BU-1 commercial, would currently allow for the development of 18 multi-family units as stipulated by the Live Local Act.

Comments from NRM may impact development on the subject property:

- This property contains Canaveral-Palm Beach-Urban land complex, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

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

RU-2-15 medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots. Resort dwellings are a permitted use in the classification (it is also permitted in the current BU-1 classification).

The subject property's current configuration was recorded in PB 14, PG 29, as Green Field Subdivision on October 10, 1960.

### **Zoning History Actions:**

RU-1 was the original established zoning classification on the subject property upon the adoption of the Brevard County Zoning Regulations on May 22, 1958.

On April 7, 1960, zoning action **Z-0332**, the subject parcel was part of a mass administrative rezoning for properties with RU-1 & RU-2 zoning to BU-1.

The subject property retains the original FLU, Community Commercial (CC), from when Brevard County Comprehensive Plan was established in 1988.

The subject property has direct access to N. Highway A1A, which is an FDOT-maintained right-of-way.

There are currently no open Code Enforcement cases noted on the property.

**Surrounding Area**

|              | <b>Existing Land Use</b> | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|--------------------------|---------------|------------------------|
| <b>North</b> | Retail Store             | BU-1          | CC                     |
| <b>South</b> | Restaurant, Duplex       | BU-1, RU-2-15 | CC, RES 15             |
| <b>East</b>  | Vacant, motel            | GML, RU-2-15  | PUB-CONS, NC           |
| <b>West</b>  | Duplex                   | RU-2-15       | RES 15                 |

North of the subject property is a 0.5-acre parcel, developed as a retail store with BU-1 zoning and CC FLU designation.

South of the subject property across Flug Ave. is a 0.47-acre parcel developed as a restaurant, with BU-1 zoning classification and CC FLU designation. A second parcel is 0.18 acres, developed with a duplex, RU-2-15 zoning, and RES 15 FLU designation.

East of the subject property, across N. Highway A1A, are two (2) parcels. The first is 0.7 acres of vacant land that has GML with PUB-CONS FLU designation. The second parcel is 0.96 acres, developed with a motel, Ocean Front Paradise, which was built in 1954, and has RU-2-15 zoning and NC FLU designation.

West of the subject property is a parcel 0.17 acres, developed with a duplex which has RU-2-15 zoning and RES 15 FLU designation.

The 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.

The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

RU-2-15 medium-density multiple-family residential zoning classification encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

### **Land Use**

The subject property's BU-1 zoning classification can be considered consistent with the CC Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The subject property's RU-2-15 zoning classification can be considered consistent with CC if permitted by Policy 2.10 of the Future Land Use (FLU) Element.

### **Applicable Land Use Policies**

#### **FLUE Policy 2.10- Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations**

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. In this case, RES 15 is present on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

#### **Criteria:**

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

**The owner proposes to develop a vacant, undeveloped parcel with a single-family attached triplex. The zoning request abuts other multi-family residential zoning, which abuts the subject property to the west. There are also multi-family properties situated south of Flug Ave.**

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

**With the subject property, 0.29 acres, located in the CC FLU designation, the applicant wishes to utilize the RU-2-15 medium-density multi-family zoning. RU-2-15 zoning classification can be considered consistent with the CC FLU designation. The applicant's request proposes a 3-unit triplex on the subject property. The property is located adjacent to N. Highway A1A, classified as an urban principal arterial road by the SCTPO.**

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

**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;

**The applicant proposes to develop a triplex on the property. The proposed development would need to meet Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity. A preliminary concurrency analysis does not indicate that the proposed request would impact the surrounding established residential area.**

**Additionally, RU-2-15 zoning classification has a maximum lot coverage of 40 percent, as noted in Section 62-1372 (4)(e). During site plan review, the applicant will need to demonstrate that the proposed development will meet this criterion, along with all of the RU-2-15 requirements.**

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

**Only a certified MAI (Master Appraisal Institute) 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;

**The existing pattern is a mixture of single-family residential, multi-family residential, and commercial properties. Commercial uses in the area include restaurants and a motel, which was developed in 1954.**

**There are five (5) FLUM designations within a 0.5-mile radius of the subject property. They include RES 15, Community Commercial (CC), Neighborhood Commercial (NC), PUB-CONS (Public Conservation), and PUB (Public Facilities). The RES 15 is the predominant FLU designation in the area.**

**There are fourteen (14) zoning classifications within the 0.5-mile radius of the subject property: BU-1, RU-2-15, IN(L), GML, GU, RU-1-9, EU-2, RU-2-10, RU-1-11, RU-2-10(7), RU-2-10(9), RU-2-30(18.5), RU-2-12, and EU. RU-1-11 and RU-1-9 are the predominant zoning classifications in the area.**

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

**There has been no actual development over the immediately preceding three years.**

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

**Staff analysis has determined there are two (2) developments approved but not yet constructed:**

- **21Z00033: Approved on 1/27/2022 to rezone from RU-1-11 to RU-2-12 with a BDP to limit development to one duplex with two (2) units.**
- **22Z00046: Approved on 11/3/2022 to rezone from BU-1-A to RU-2-12 to construct six (6) multi-family residential units as three (3) duplexes.**

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

**No material violation of relevant policies of the Comprehensive Plan 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 (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**Staff analysis of a preliminary traffic concurrency indicates the proposed use will not materially and adversely impact the established single-family residential areas, multi-family residential, and commercial properties by introducing types or intensity of traffic, parking, or trip generation. This is not an introduction of commercial activity within the identified boundaries of a 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.

**The subject property is located on the west side of N. Highway A1A and north side of Flug Ave., which is an existing mixed residential and commercial area. There are clearly established roads, open spaces, and residential lot boundaries.**

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 request is not for commercial use. It is located within an existing multi-family residential 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 not requesting to be rezoned for commercial, industrial, or other non-residential uses.**

## **Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

**This property contains Canaveral-Palm Beach-Urban land complex, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay District. Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils.**

**Please refer to all comments provided by the Natural Resource Management Department at the end of this report.**

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N. Highway A1A, between U.S. 192 and Paradise Blvd., which has a Maximum Acceptable Volume (MAV) of 37,910 trips per day, a Level of Service (LOS) of D, and currently operates at 55.10% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.06%. The corridor is anticipated to operate at 55.16% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject property has access to centralized sewer from Brevard County Utilities and centralized water service from Melbourne Water Utility.

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

### **For Board Consideration**

The Board may wish to consider whether the proposed request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 25Z00050**

**Applicant:** Bruce Moia (Owner: 100 FLUG AVE LLC)

**Zoning Request:** BU-1 to RU-2-15

**Note:** for the construction of a single-family triplex (one building with 3 two-story units)

**Zoning Hearing:** 01/12/2026; **BCC Hearing:** 02/05/2026

**Tax ID No.:** 2730890

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

**Land Use Comments:**

**Aquifer Recharge Soils**

This property contains Canaveral-Palm Beach-Urban land complex, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

**Indian River Lagoon Nitrogen Reduction Septic Overlay**

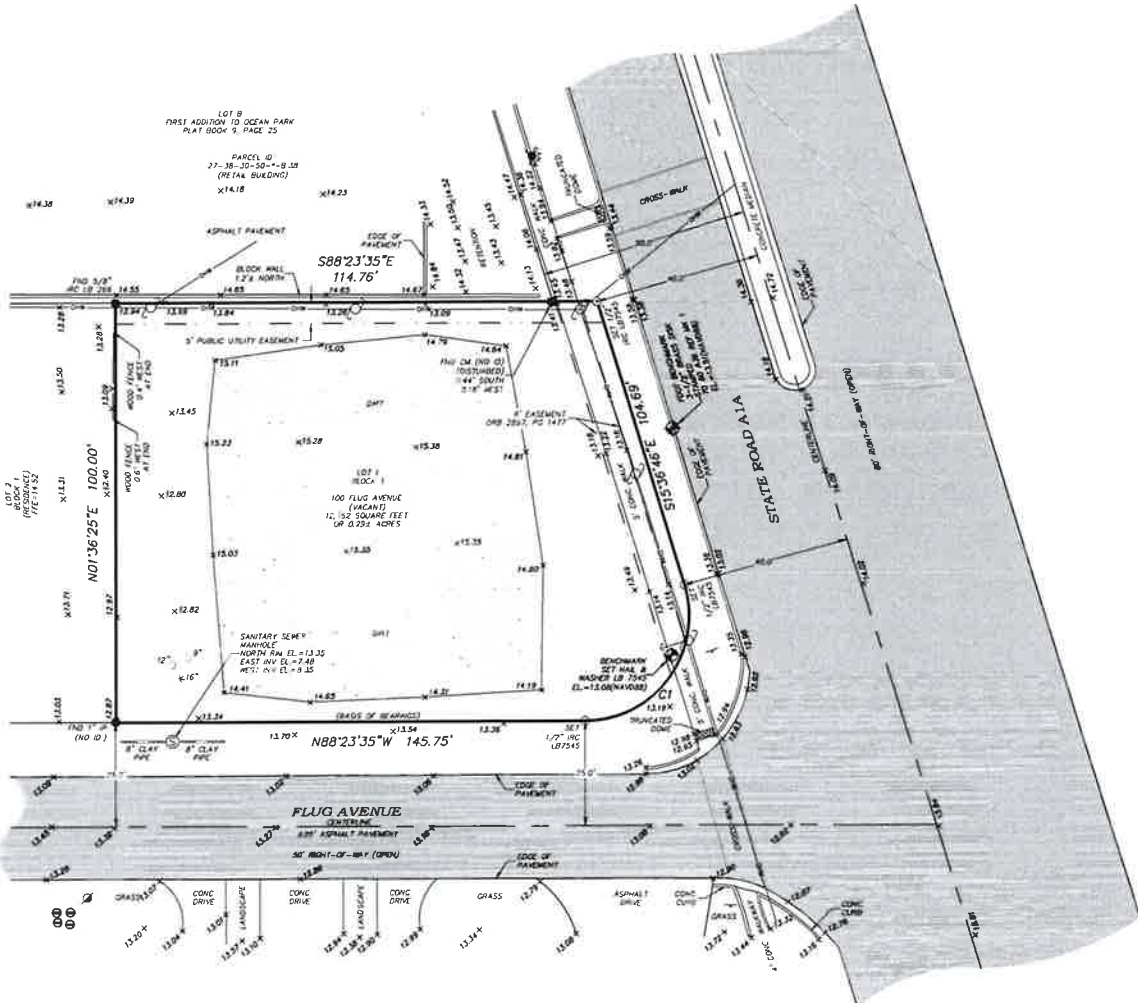
The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

**Land Clearing and Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

**Protected Species**

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.



| CURVE TABLE |        |            |        |
|-------------|--------|------------|--------|
| CURVE #     | RADIUS | ANGLE      | LENGTH |
| C1          | 25.00' | 107°13'11" | 46.78' |

**TREE LEGEND**

- = PALM TREE (1 TREE)
- \* = TUCKERNO - (2 TREES)
- = OTHER TREE

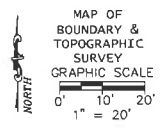
**LEGAL DESCRIPTION:**

LOT 1, BLOCK 1, GREEN FIELD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 29, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

**SURVEYOR'S NOTES**

- THIS SURVEY DOES NOT DETERMINE OR INDICATE LAND OWNERSHIP.
- THE SURVEYOR DID NOT RESEARCH OR ABSTRACT THE LAND RECORDS FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, DEED RESTRICTIONS, ZONING REGULATIONS, LAND USE PLAN DESIGNATIONS, LIENS, MURPHY ACT RIGHTS-OF-WAY, AREAS OF LOCAL CONCERN, OR OTHER SIMILAR JURISDICTIONAL DETERMINATIONS. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF INFORMATION PROVIDED BY THE CLIENT AS DISCLOSED IN THE FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT, COMMITMENT NUMBER: 2879-00001, DATED SEPTEMBER 10, 2025 OR INFORMATION OTHERWISE KNOWN TO THE SURVEYOR AND MAY NOT BE COMPLETE.
- UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE. ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED PRIOR TO EXCAVATION OR CONSTRUCTION.
- JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
- THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
- BEARINGS BASED ON THE ASSUMPTION THAT THE NORTH RIGHT OF WAY LINE OF FLUG AVENUE BEARS N88°23'35"W PER PLAT OF GREEN FIELD.
- LOT DIMENSIONS ARE AS PLATTED UNLESS OTHERWISE NOTED.
- ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 REFERENCING BREVARD COUNTY BENCHMARK "7080A36RM1" AT AN ELEVATION OF 13.51 FEET (NAVD88).

| LEGEND   | FLOOD ZONE "X", FLOOD INSURANCE RATE MAP NUMBER 12009C0602H, DATED JANUARY 29, 2021. | REVISIONS | DATE | FIELD BOOK 101           | DRAWN PH          |
|--|--|-----------|------|--------------------------|-------------------|
| <ul style="list-style-type: none"> <li>CM = CONCRETE MONUMENT</li> <li>CONC = CONCRETE</li> <li>EL = ELEVATION</li> <li>FFE = FINISHED FLOOR ELEVATION</li> <li>FND. = FOUND.</li> <li>ID = IDENTIFICATION</li> <li>IP = IRON PIPE</li> <li>IRC = IRON ROD WITH CAP</li> <li>LB = LICENSED BUSINESS</li> <li>LS = LICENSED SURVEYOR</li> <li>ORB = OFFICIAL RECORDS BOOK</li> <li>PC = PAGE</li> <li>○ = SANITARY SEWER</li> <li>○ = SIGN</li> <li>○ = SPOT ELEVATION</li> <li>○ = TELEPHONE RISER</li> <li>○ = UTILITY POLE</li> <li>○ = WATER METER</li> <li>○ = FIRE HYDRANT</li> <li>○ = GUY ANCHOR</li> </ul> | <p>CERTIFIED TO:<br/>JAMIE DEROSA<br/>DEROSA HOLDINGS, LLC.</p>                      |           |      | PAGE(S)<br>71            | SCALE<br>1" = 20' |
|  |  |           |      | FIELD DATE<br>12/03/2025 | JOB #<br>25-585   |



**INDIAN RIVER SURVEY, INC.**  
 PROFESSIONAL SURVEYING AND MAPPING  
 CERTIFICATE OF AUTHORIZATION No. LB 7545  
 1835 20TH STREET, VERO BEACH, FLORIDA 32960  
 PHONE (772) 569-7880 FAX (772) 778-3617

NOT VALID WITHOUT THE ORIGINAL OR DIGITAL SIGNATURE AND THE SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**Stephen P. Cartechine**  
 STEVE CARTECHINE, LS4895  
 FLORIDA REGISTERED LAND SURVEYOR

12/04/2025  
 DATE

October 9, 2025

Mr. Jamie DeRosa  
DeRosa Design + Build  
8625 NE 10th Avenue  
Miami, FL 33138  
Via Email: Jamie@derosaholdings.com

Re: Environmental Assessment  
100 Flug Avenue, Indialantic, Florida  
Tax Account No. 2730890  
Atlantic Environmental File No. 25574

Dear Mr. DeRosa:

Atlantic Environmental of Florida, LLC (Atlantic Environmental) has completed an environmental assessment on the above-referenced  $\pm 0.30$ -acre parcel located at 100 Flug Avenue in Indialantic, unincorporated Brevard County, Florida (Figure 1). These services were completed on October 8, 2025. Following is a summary of our findings.

To determine the extent of Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE) jurisdictional wetlands supported by this site, Atlantic Environmental utilized the protocol outlined in Chapter 62-340.300 in the *SJRWMD Management and Storage of Surface Waters Applicant's Handbook*, and the *Corps of Engineers Wetland Delineation Manual*. These methodologies allow the designation of wetland boundaries through the examination of certain physical indicators that may be apparent in current on-site conditions. Specifically, these indicators are: predominantly hydrophytic vegetation, hydric soil characteristics, and hydrology (signs of surface saturation or inundation for a significant length of time). In addition to the analysis of these indicators, the utilized protocols recognize the value of sound scientific judgment when determining the actual extent of state and federally jurisdictional wetlands.

Based on our findings, we determined that no FDEP or USACE jurisdictional wetlands exist on the Property and that the site consists solely of uplands (Figure 1). Vegetation is dominated by pokeweed, bermudagrass, morning glory, Florida snow, dune sunflower, sandspur, Brazilian pepper, and cabbage palm. No hydric soils were located on the property.

Lastly, Atlantic Environmental completed a listed species determination while on the subject site and determined that no listed species were located on the property. For this reason, no further action should be needed with regards to listed wildlife species.

Should you desire further services or have any questions, please do not hesitate to contact our office.

Sincerely,



David G. Purkerson, MS, PWS  
Vice President/Biologist



Jon H. Shepherd, MS, PWS  
President/Ecologist



**Project: 100 Flug Avenue**

**Figure 1: Aerial Map**

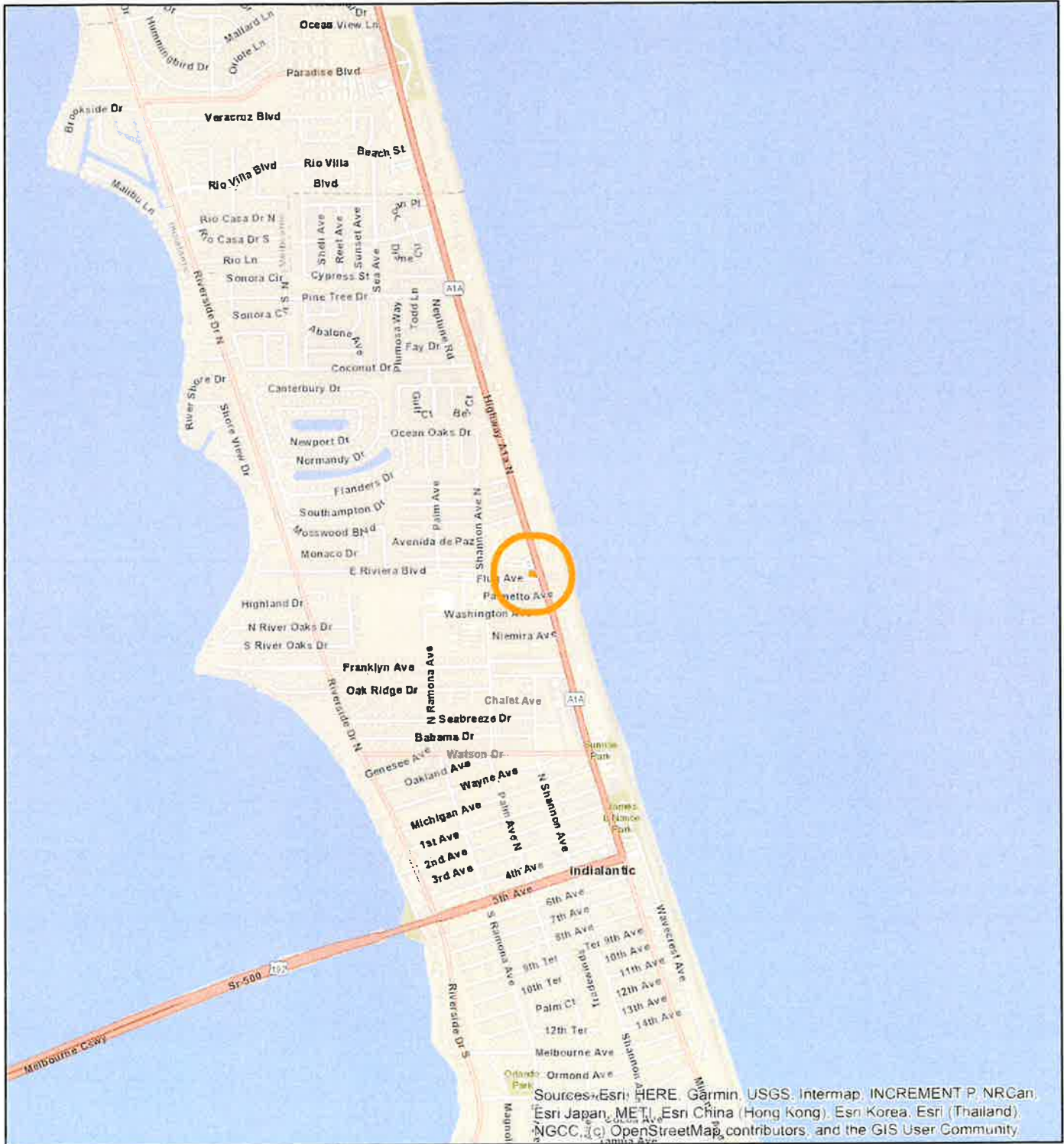


2025 Aerial, Brevard County, Florida



# LOCATION MAP

OSPREY FIVE INC  
25Z00050





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: 11/3/2025

-  Buffer
-  Subject Property

# ZONING MAP

OSPREY FIVE INC  
25Z00050



1:4,800 or 1 inch = 400 feet

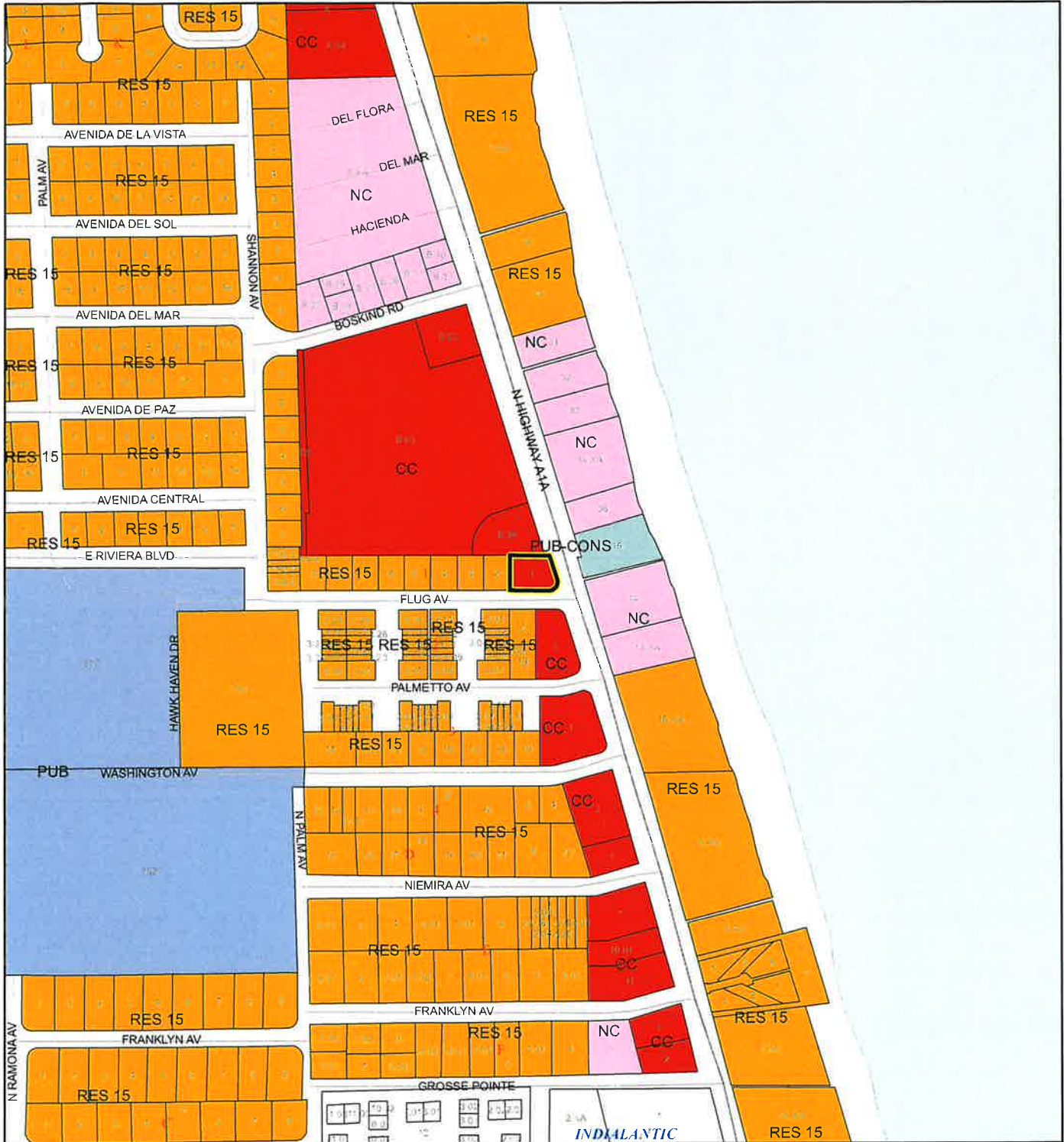
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/3/2025



-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

OSPREY FIVE INC  
25Z00050



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

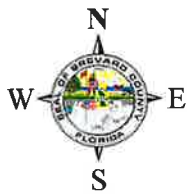
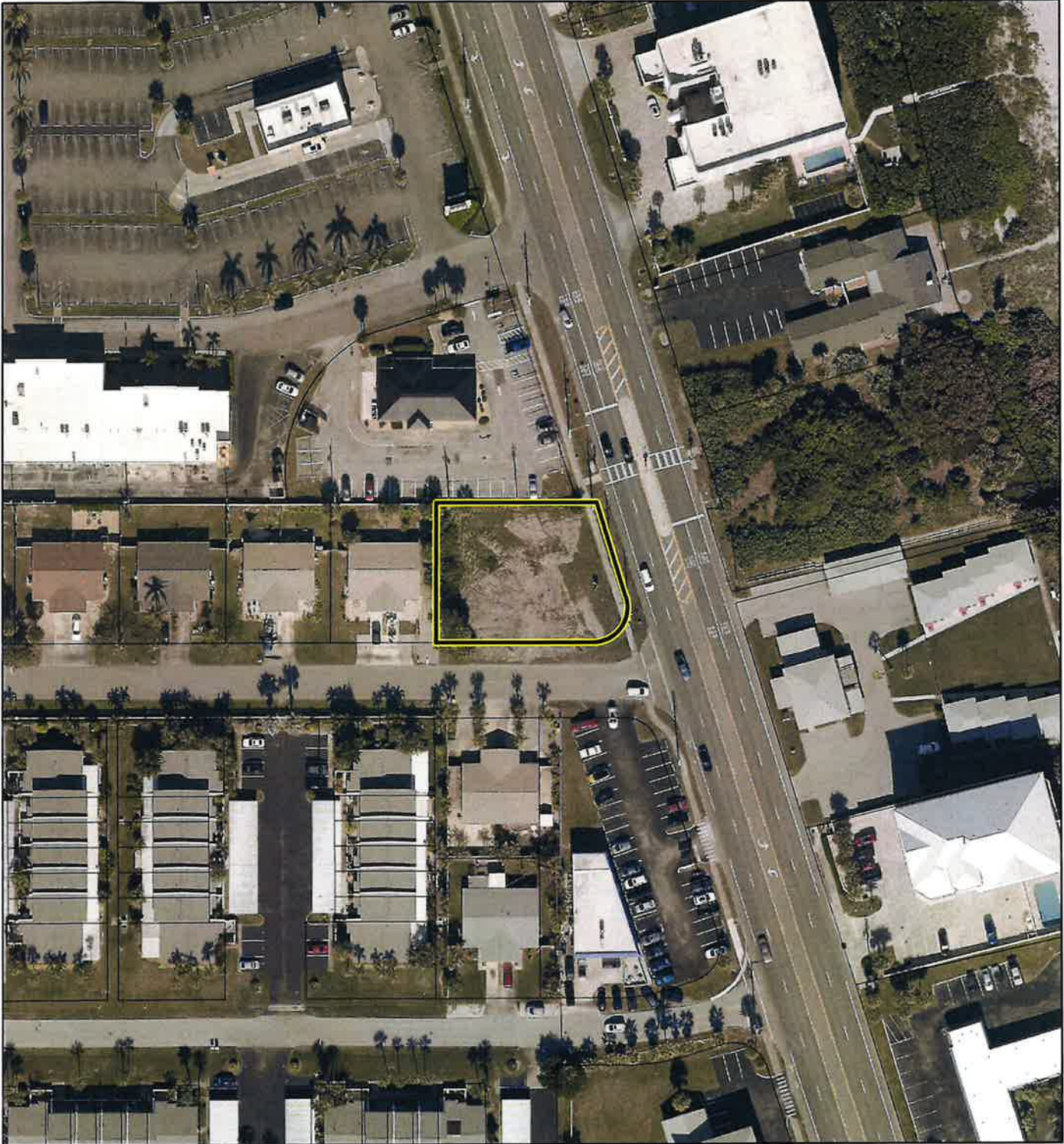
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/3/2025

# AERIAL MAP

OSPREY FIVE INC

25Z00050



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2025

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: 11/3/2025

 Subject Property

 Parcels

# NWI WETLANDS MAP

OSPREY FIVE INC

25Z00050



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: 11/3/2025

## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

OSPREY FIVE INC

25Z00050



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

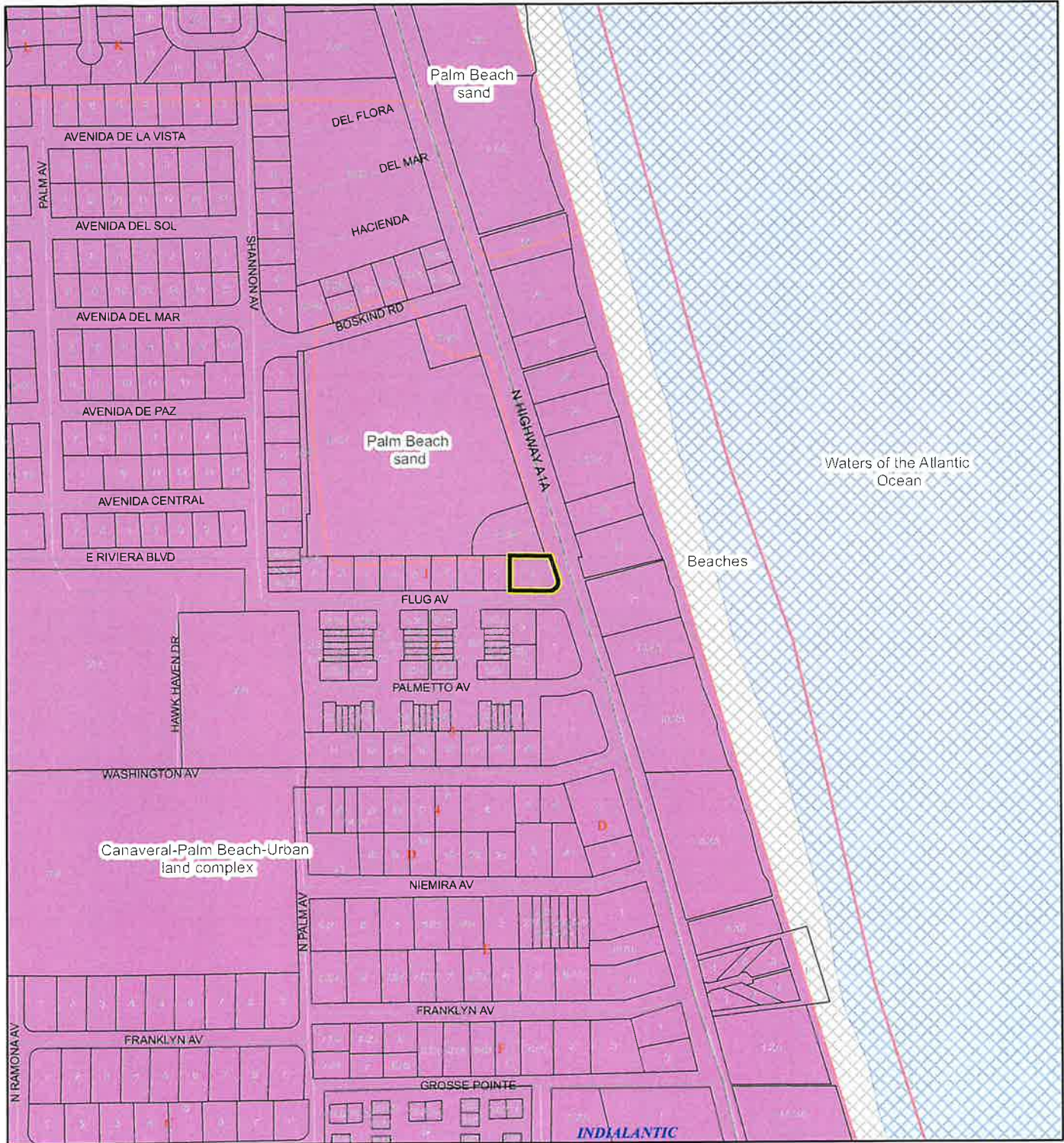
Subject Property

Parcels

# USDA SCSSS SOILS MAP

OSPREY FIVE INC

25Z00050



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: 11/3/2025

### USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

OSPREY FIVE INC

25Z00050



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: 11/3/2025

### FEMA Flood Zones

- AO
- AE
- AH
- VE
- Subject Property
- Parcels
- x

# COASTAL HIGH HAZARD AREA MAP


OSPREY FIVE INC  
25Z00050



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/3/2025

 Subject Property

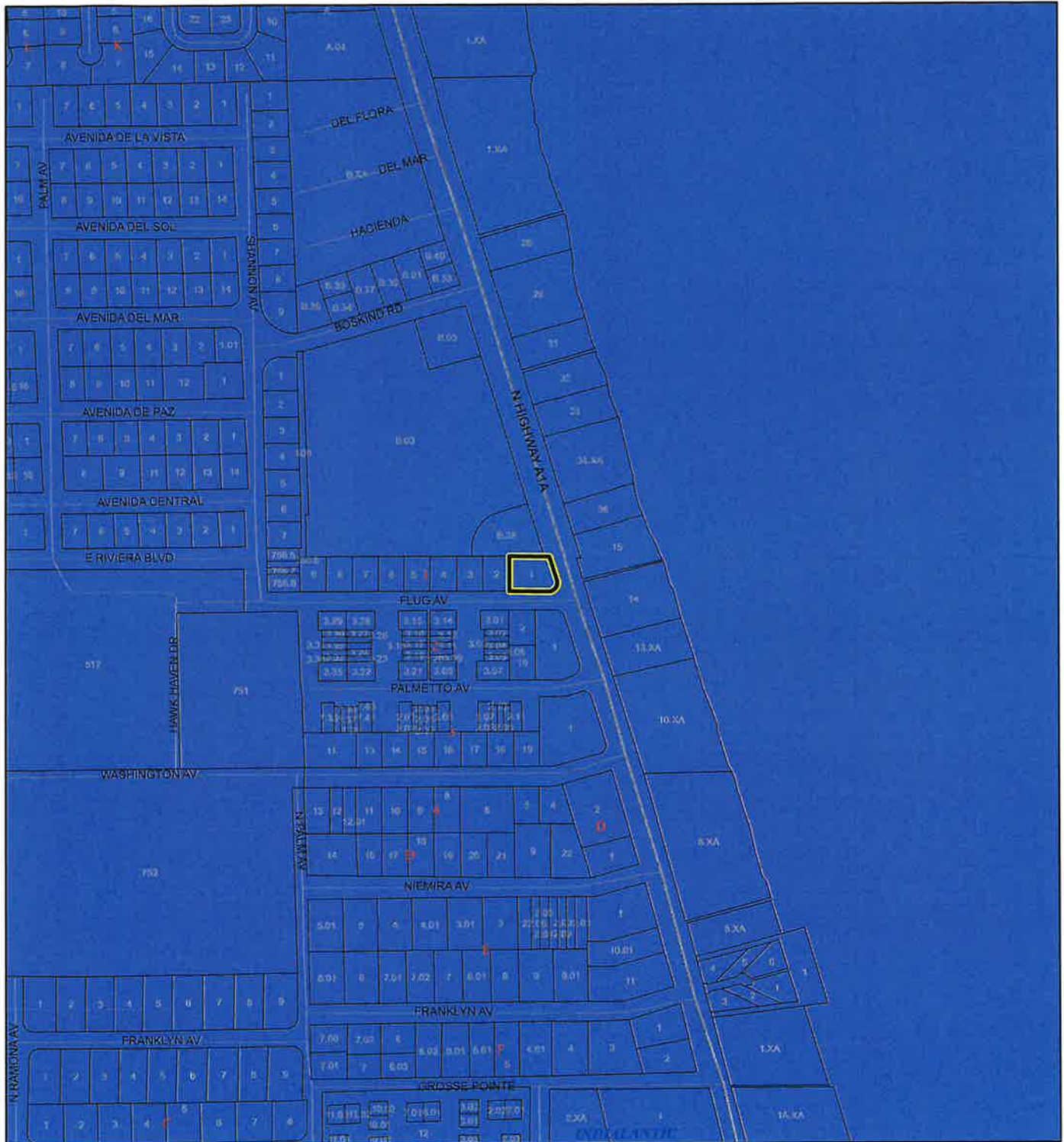
 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

OSPREY FIVE INC  
25Z00050



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/3/2025

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

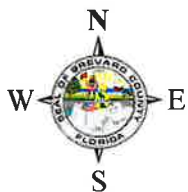
 60 Meters

 All Distances

# EAGLE NESTS MAP

OSPREY FIVE INC

25Z00050



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/3/2025

 Subject Property

 Parcels




 Eagle Nests FWS

# SCRUB JAY OCCUPANCY MAP

OSPREY FIVE INC  
25Z00050



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

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: 11/3/2025

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

OSPREY FIVE INC  
25Z00050



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: 11/3/2025

## 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, January 12, 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 (D1); 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); Robert Brothers (D5); Ana Saunders (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### EXCERPT OF COMPLETE MINUTES

#### **H.8. 100 Flug Ave LLC. (Bruce Moia) requests a zoning classification change from BU-1 to RU-2-15. (25Z00050) (Tax Account 2730890) (District 5)**

Paul Body read the item into the record.

Bruce Moia spoke to the application. He stated this is kind of interesting. This is the area I grew up in. This is a piece of property that's right on A1A that's never been developed. It's kind of odd for that stretch of property because it's very busy. I believe it's zoned existing commercial and the rest of the surrounding area is zoned multi-family. The plan is to go ahead and rezone it to multi-family zoning and put a triplex on it. Luxury triplex.

Kim Rezanka stated I'm here on behalf of 100 Flug. Also with us is a representative Jamie DeRosa. If you have any questions of him. This is a .29-acre piece of property. As Mr. Moia said, it's not been developed. The idea is to put one triplex on there. What I've provided to you is a larger aerial map, showing that there's lots of multifamily, duplexes, town homes in this area. And, if you look at page three of the staff report, there is RU-2-15 to the south, RU-2-15 to the east, and RU-2-15 to the west. And that is what we're see seeking. It is compatible with community commercial by the FLU table at 62.12-1255. I wanted to give you that overall picture because they don't give you a very large picture in your staff report. I know many of you do go ahead and look. But it's going to be a triplex as shown on the double-sided page provided and it is consistent with what's in the area. So, we're asking for zoning from BU1 to RU-2-15 because multi-family is not allowed in BU1 only single family.

### PUBLIC COMMENT

Ann Lamothe stated she is one of the owners of the duplexes that run along the Flug Avenue, and I have a concern about the location of this proposed triplex. Just for the record, did I hear correctly that this is an area that is 0.29? That's a tiny piece of land to put three homes on, whether they're condos or multilevel housing. My concern is not just density, but it's based on some issues that we on Flug have had as homeowners in the past and how this might impact Flug Avenue. The biggest thing is the building specifics as far as allowing for enough parking. How large these units are going to be, how many stories these are going to be, because that's a lot to put on that tiny area. The duplexes that are currently on Flug are on bigger lots, but they are small units. They are 800 square feet, two-bedroom, one bath. They have garages. They have driveways that could accommodate a second car. It's my understanding that the address of these triplexes would be not A1A, but it would be Flug Avenue. And

that brings to mind a few concerns in terms of infrastructure that would support three more units on that street. The biggest one would be sewer concerns. I happen to be an owner that had problems in 2021 regarding how these units are added to Melbourne sewer system. The two units that I have connect with the units that are next to me before going under a set of driveways and finally hooking up with the main Melbourne sewer system. That's one issue. Currently, there's no curbs on Flug and no rainwater sewers to empty rainwater into. And it doesn't take much flood wise, hurricane wise, just a good storm that Flug is underwater with just regular rainwater. The plus factor of Flug Avenue is that it is the entrance way that people can make it through to Riverside Drive and at the end of Flug is basically three schools. There's a lot of traffic on there. You got school buses. The plus factor for new homes going in that area is that because it's on a main circuit way to those schools, we have electricity returned immediately after storms because of the kids. So, it's great if you're in a hurricane and you know that your set of buildings on Flug are going to have their power return quickly. It would be nice to have taken these other considerations. I don't know the structure of these buildings and I think it would be a negative impact considering the size and the plot of that land and how it might impact the area.

END PUBLIC COMMENT

Mr. Moia stated I think kind of like the last item you heard, this is a down zoning. Putting three units on this where this potentially could be a commercial endeavor facility on a corner of a busy street. I think you would see more traffic. You would see potentially existing. You could have a 35-foot existing commercial building put on there. So, changing it to RU-215- would, I think, generate less traffic. All our parking would be required to be on our property because it's multi-family. As far as the sewer, it is county sewer on the beach side, not city sewer. A lot less sewer generated by three units than a large commercial facility. So, I think in all aspects you're going to see this will be a downzoning of the property and a lot less intense use.

Ms. Orriss stated she had a question. She brought up the height and I took a drive by, and I was really thrilled to see it right next to Dunkin Donuts and it's all commercial. So, I think it'd be nice to see a triplex or something right in that area. It's a nice lot, but is there going to be a height, are you going to build them up high or what are you looking at?

Mr. Moia responded to get the size because it is a smaller lot, that we would have to go two, three stories which would be allowed. I think you see that going up and down A1A as it's being developed now, very similar to what Mr. DeRosa is doing on Cocoa Beach, very similar to that.

Mr. Hopengarten asked will there be a garage and what the circular stair is doing? Is that inside the building or outside?

Mr. Moia responded yes there will be a garage. The stair, it looks like it's inside.

Mr. Hopengarten replied I don't know. It looks like it's outside to me. It looks like the low wall is shielding it.

Mr. Moia responded outside.

Mr. Hopengarten stated so, for the resident to get to the third floor, they must go outside or is there an internal? I'm just questioning the architecture.

Mr. Moia replied I'll let Mr. DeRosa come up and talk about architectural. Architectural features don't come up in zoning questions. I'll let him go ahead and answer.

Jamie DeRosa stated my wife, and I do the design. We bought the property. We love that area. We're from Merritt Island, Cocoa Beach area. We do develop some residential. We only do residential. They're small units. They're 2,000 square feet. Really the spiral staircase outside is to get from the third floor to the rooftop. The rooftop's going to have an observation deck and that's so the third floor would have access, exit the balcony and go to the rooftop like an observation deck, watch the SpaceX launch, watch the sunset. Across the street is a natural preserve. It's a park. There's no building there. The county owns it. It's governed by the state. You would have clear views second and third floors of the ocean. They are facing east and west. The potential there is for a family at 2,000 square feet, single car garage does have radius to turn back and have a second vehicle as well.

Mr. Hopengarten replied I'm seeing a spiral staircase on two levels, not just one. That's why I was asking the question. So, you're putting a flat roof on this thing.

Mr. DeRosa responded yes.

Mr. Hopengarten inquired it does have sewer, right? This is sewer. But this will be the high point on that street. It's flowing west.

Mr. Moia responded we couldn't build it on septic, so it must go on sewer.

Mr. Hopengarten continued I understand that. The last speaker stated that they were having sewer issues. I'm not talking about drainage; I'm talking about sewer. It says this would be the high point of that of that sewer system because it runs westwardly.

Mr. Moia responded I can't verify that. It would make sense.

Mr. Hopengarten replied I know, from what she said, I was a little concerned about that. So single car garage.

Mr. Moia responded yes. I just want to say something on just so you know; even if we're at the high point of the sewer, the sewer line in the roadway is an 8-inch main. It should have plenty of capacity.

Mr. Hopengarten asked in that road.

Mr. Moia responded in any road. All mains are 8 in. So, to tie in, I think we would have plenty of capacity if the capacity were the issue. I don't think elevation would be an issue because every manhole must be at least 4 feet deep. So, we could tie in because it would have to end with a manhole if it ran west. Even if we're at the highest point, we'd still be 4 feet in the ground. So, would give us plenty of elevation to get the sewer connection made without a problem.

Mr. Hopengarten stated I was just looking at that because I was wondering if you had any livable space on the first floor.

Mr. DeRosa responded yes, there's a bedroom on the first floor.

Motion to recommend approval of Item H.8. by Debbie Thomas, seconded by Neal Johnson. Motion

passed unanimously.

Meeting adjourned at 6:28 p.m.

DRAFT

11.1 FLUG

Account (1234567)

Go!






Account: 2730890 Parcel ID: 77 38 30 51 1 1  
 Sale: 10/10/2025 4780.000  
 BCPAO Market Value: \$371,250  
 Owners: 100 FLUG AVE LLC  
 Address: 100 FLUG AVE NE PALM BEACH FL 33403


NO  
 PHOTO

Zoom | Clear | Details | EagleView | Hide Info

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| <p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">NO.</td><td style="width: 15%;">DATE</td><td style="width: 80%;">DESCRIPTION</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table> | NO.  | DATE        | DESCRIPTION |  |  |  |  |  |  |  |  |  |  <p>PROFESSIONAL ENGINEER<br/>STATE OF FLORIDA<br/>NO. 12345<br/>DATE 12/31/2015</p> |  <p>PROFESSIONAL ARCHITECT<br/>STATE OF FLORIDA<br/>NO. 67890<br/>DATE 12/31/2015</p> | <p><b>DISCREPANCIES</b></p> <p>1. DISCREPANCY NO. 1: [Description]</p> <p>2. DISCREPANCY NO. 2: [Description]</p> <p>3. DISCREPANCY NO. 3: [Description]</p> <p>4. DISCREPANCY NO. 4: [Description]</p> <p>5. DISCREPANCY NO. 5: [Description]</p> |  <p><b>M&amp;D</b><br/>MEJIA &amp; DONADO<br/>ARCHITECTS, P.A.<br/>100 FLUG AVE, SUITE 200<br/>INDIALANTIC, FLORIDA 32903<br/>TEL: (888) 888-8888<br/>WWW.M&amp;DARCHITECTS.COM</p> | <p>INDIALANTI VILLAS<br/>100 FLUG AVE INDIALANTIC,<br/>FLORIDA 32903</p> <p>FIRST FLOOR PLANS</p> | <p>DESIGNED BY: DM</p> <p>DATE: 12/31/2015</p> <p>AS NOTED</p> <p>PROJECT NO: 08-23-15</p> <p>SCALE: 1/8" = 1'-0"</p> | <p>sheet<br/>A-402</p> |
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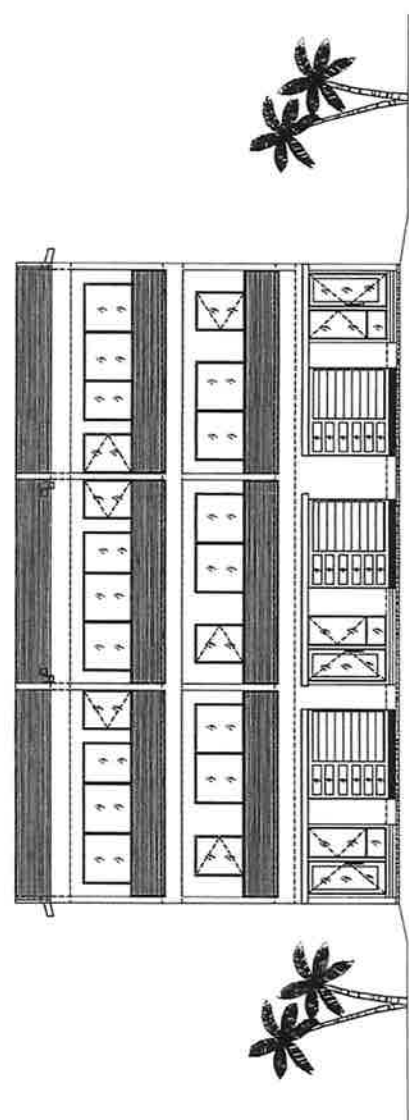
  



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Sheet Title FIRST FLOOR PLANS







**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**  
**COMMISSIONER KIM ADKINSON, DISTRICT 3**

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01/30/2026

Commissioner Kim Adkinson met with Kim Rezanka on January 29, 2026 at the District 3 Commission Office. The meeting lasted approximately 1 hour and included discussion related to zoning applications 25Z00050, 25Z00054, and 25Z00039.

Respectfully,

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Commissioner Kim Adkinson  
District 3

**District 3 Includes:**

Palm Bay, Melbourne Beach, Melbourne, Malabar, Grant-Valkaria, West Melbourne, Micco